



The Yukon Legislative Assembly

Number 14

3rd Session

26th Legislature

HANSARD

Wednesday, April 9, 1986 — 1:30 p.m.

Speaker: The Honourable Sam Johnston

Yukon Legislative Assembly

SPEAKER — Honourable Sam Johnston, MLA, Campbell

DEPUTY SPEAKER — Art Webster, MLA, Klondike

CABINET MINISTERS

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

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
Alan Nordling	Whitehorse Porter Creek West
Doug Phillips	Whitehorse Riverdale North

Liberal

Roger Coles	Liberal Leader Tatchun
James McLachlan	Faro

LEGISLATIVE STAFF

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

ADDENDUM

Hansard, April 2, 1986, page 174, right column, under Committee of the Whole, immediately preceding "On Clause 2", insert:
"Clause 1 agreed to"

01 Whitehorse, Yukon
Wednesday, April 9, 1986 — 1:30 p.m.

Speaker: I will now call the House to order. We will proceed at this time with prayers.

Prayers

DAILY ROUTINE

Speaker: Introduction of Visitors?
 Are there any Returns or Documents for Tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. McDonald: I have for tabling the program guidelines of the Roads to Resources Program announced last fall in the Legislature.

Speaker: Reports of Committees?
 Petitions?
 Introduction of Bills?
 Notices of Motion for the Production of Papers?
 Notices of Motion?
 Statements by Ministers?

MINISTERIAL STATEMENTS

Joint Alaska-B.C.-Yukon Promotion

Hon. Mr. Porter: I am pleased to announce a new tourism marketing initiative, which will take place during the summer of 1986. The tourism departments of British Columbia and Alaska have joined with the Yukon in the development and implementation of a major promotion to increase visitation to northern British Columbia, to the Yukon and Alaska, using Expo 86 as a focal point of the promotion.

The program offers tangible evidence of three jurisdictions working together towards the attainment of a common goal, with the promotion aimed at a common target audience, the individual automobile vacationer. The promotion will centre on the production of a half a million 16-panel brochures, which will visually describe a variety of alternate routings and itineraries with the program entitled "Journey to the Top of the World".

Each government is contributing \$25,000 U.S. towards the cost of the promotion. It will be featured in the B.C. Travelling Companion (Vacation Guide), with 2,000,000 copies to be produced for distribution at the B.C. Pavilion at Expo 86.

02 A promotional brochure will be distributed at both the Yukon and B.C. pavilions at Expo 86, together with Tourism B.C. offices in Washington, Oregon, California and will also receive wide distribution through automobile club offices and key markets in the Western United States.

With British Columbia's need to more competitively position the northern portion of the province, and our continuing need to capitalize on flow-through traffic enroute to Alaska, this promotion offers an opportunity to work cooperatively with the other two jurisdictions in attaining common goals and objectives. It complements our cooperative effort with the State of Alaska and also offers an opportunity to undertake a very specific promotion during Expo 86 aimed at our core markets.

Yukon's contribution was funded from the 1985-86 marketing budget for Expo 86.

Mr. Lang: This side greets this particular statement in a positive light. We know a lot of work has gone on in the past two years, since initiated, for the purpose of looking at prospects of promotion in light of the significance of Expo and what it could do for the tourism industry vis-a-vis Yukon and Alaska. We are very pleased to see the follow through the Department of Tourism has taken with respect to this particular initiative.

The Minister is also aware in correspondence of our concern, as

far as our direct relationship with Alaska is concerned, in the cooperative marketing process. I have to stress to him the importance of our relationship with our neighbours, although they are an American state. This is very fundamental to the success of our tourism industry and our ability to market, since they are the leader in marketing, not only as far as the United States is concerned, but also internationally, in selling the State of Alaska, their people, as well as Yukon and our people and what we have to provide to our visitors. We greet this positively and see it as a significant contribution for this forthcoming year and look forward to seeing what the results will be.

Speaker: This brings us to the Question Period. Are there any questions?

03 QUESTION PERIOD

Question re: Faro housing mortgage

Mr. Phelps: The government received a mortgage in return for \$3.4 million which was paid by this government to Curragh Resources. It was the subject matter of my questions yesterday. I must say that this has to be one of the poorest looking documents I have ever seen registered in this or any other land titles office in Canada. Does the Minister of Justice have replies to the questions I raised yesterday?

Hon. Mr. Kimmerly: It is unfortunate that the Leader of the Official Opposition has characterized that document as one of the poorest looking documents that he has seen when he does not know the facts of the matter.

That document was prepared by George Asquith, who was at the time acting for Curragh Resources. The reason it came into being is explained simply. It is important to note that the Leader of the Official Opposition mentioned, in his preamble, that this mortgage is what the government received for \$3.4 million. That was not the reason for or the intent of that document.

That document was filed in the Registry Office on November 22, 1985, which was the information he gave yesterday.

04 That was registered on the closing day. The closing took place in Toronto and I was physically present in Toronto to sign for the government as acting Minister of Economic Development at the time. The Commissioner, Mr. Douglas Bell was also there. The document was not required by the government. The government's security is contained elsewhere in other agreements. That document was required by the Toronto Dominion Bank as the mortgage proceeds form a part of the Toronto Dominion Bank's security on their credit facility to Curragh.

The document was a satisfactory credit security for the Toronto Dominion Bank and that was the reason for it. The Leader of the Official Opposition also asked if it was scrutinized by the Department of Justice. It was scrutinized by Robert Grant, Florian Lemphers and Eric Woodhouse. Eric Woodhouse was with the Department of Justice. It was determined, ultimately by me, as all of those officials were in Toronto at the time along with myself, that that form of mortgage was acceptable to the government, for what it was worth, in the context of the closing.

The bank insisted on it. Without it, we would have jeopardized the closing procedures. In the context of the entire arrangement, the Yukon government's security can be found elsewhere.

In addition, the government has obtained written covenants for all of the traditional terms of the mortgage, and I will speak more about that if I am asked.

05 Mr. Phelps: You can count on it. In the first place, I was not asking for people's names to be used with regard to this mortgage. I wanted to know what role the Department of Justice, acting on behalf of all Yukoners, played with regard to a document filed as security for a mortgage. I think it is unfortunate that people's names be brought forward. I would certainly say a lawyer acting for Curragh does not have the same responsibility as somebody acting on behalf of the government. After all, it is the people of the Yukon who have to be protected by somebody through some kind of skillful negotiation and perusal of documentation. That is my first comment.

This document was apparently signed on the 22nd day of November, 1985, but it was registered long after that, at 2:00 p.m. on the 13th day of February, 1986. I would like to know why the Department of Justice did not see fit, at the time the documentation was registered in the Land Titles Office, to try to ensure that there was documentation that would protect the Commissioner of the Yukon on behalf of all tax-paying Yukoners.

Hon. Mr. Kimmerly: In response to the preamble, I would quote from the Blues. The Leader of the Official Opposition asked yesterday, "I would like to know who is responsible for drawing up those documents."

In an effort to be a completely open and responsive government, we gave him precisely that information.

As to the signing date and the registration date, I would answer this way: it obviously flows that that document was drafted and executed for the purpose of the security of the bank, that is the Toronto-Dominion Bank, and the interest of the government in registering it in a timely fashion is the same as the interest of the government in obtaining it at all. The government did not ask for that specific document. The bank did. The protection for the Yukon taxpayers is ultimately not in that particular document.

Mr. Phelps: The Minister of Justice is quite right. I did ask. It is in the Blues. I would like to know who was responsible for drawing up the documents and who examined them. That does not mean that we had to drag individual's names out in the Legislature. I think that is unfortunate.

Does the Minister himself not believe in ministerial responsibility? Does he not take responsibility for this document?

Hon. Mr. Kimmerly: That is an argumentative question. I am responsible for the actions of my department. They were involved in this whole process, and I am responsible. I thank the Member opposite for drawing attention to that.

Speaker: At this time I would like to remind the House again, please keep your questions and answers short as we are using up quite a bit of Question Period time.

Question re: Faro housing mortgage

Mr. Phelps: I will heed your words. I feel this is fairly important and time well spent.

I would like to ask the Minister of Justice some questions about Schedule II of this mortgage. On October 28, when the news release was presented to the people of Yukon, on page 2 it was described to the taxpayer just exactly what was supposed to happen with regard to the \$3.4 million. It makes the bold statement that the mortgage will be amortized at 10 percent over 11 years. It does discuss the two-year holiday, which is fine.

I would like to ask the Minister firstly, on clause 2 in particular, in conjunction with clause 5, whether the effect of these clauses in Schedule II is this: that if there is not enough money to pay interest in the given year it is due, that Curragh Resources will be entirely forgiven any interest payments that are not made. For example if \$340,000 is owed in the third year and they are unable to pay, according to this schedule, which puts the payment of interest at the bottom rung of any ladder, that means they are off the hook? My colleagues and I have a hard time understanding what this Schedule II means.

Hon. Mr. Kimmerly: The Leader of the Official Opposition is a lawyer, and I am a lawyer, and we could engage here in an argument among lawyers about what the various clauses mean but, in my view, that is an abuse of Question Period.

First of all, the Leader of the Official Opposition is asking for a legal opinion of the meaning of those clauses and I am going to answer it this way: this government negotiated constantly for months in order to close that deal. We went to Toronto with one central thing in our minds: we wanted the deal to close. We were successful; it closed. That particular document is for the comfort of the Toronto-Dominion Bank. The bank insisted on it before giving the credit facility to Curragh that was a requirement for closing the deal. The specific mortgage protection, with such legal clauses as the acceleration on default, payment of costs on a solicitor-client basis, right to enter into possession upon default, right to appoint a

receiver-manager upon default, right to maintain an action of foreclosure and the question of the default under the prior charge are all legal questions that the government does not view as contained in that particular document for the protection of Yukon.

Now the Leader of the Official Opposition, being a lawyer, knows full well that those specific protections are not in that document. We have explained why.

Mr. Phelps: I wish that the Minister of Justice would try to answer the question posed. Let us just forget about the legal interpretation of clauses, and so on. What was the intention of the Government of Yukon? Was it to place the taxpayers of Yukon in a situation where, aside from being bottom rung on the ladder in terms of payment of interest at any time, if the company was unable to make any interest payments in a given year as contemplated in the security documents, that they would be off the hook for those payments? Was that the intention of the government, because that appears to be what is contained in this piece of paper.

Hon. Mr. Kimmerly: That is not the intention of the government. That is not the fact of the matter. However, it may appear from that piece of paper that that may occur. That piece of paper was not intended as a security document to protect the government and ultimately the taxpayers. It is interesting that that piece of paper was acceptable to the Toronto Dominion Bank.

Mr. Phelps: Well, yes. I guess the Toronto Dominion Bank probably learned many many years ago not to look a gift horse in the mouth. Was it the intention of the government to put the Toronto Dominion Bank's claim on this mortgage ahead of property taxes, as seems to be contemplated in this document?

Hon. Mr. Kimmerly: I believe the Toronto Dominion Bank has the first mortgage in any event. The question of the priority of property taxes is a matter of law. The Leader of the Official Opposition knows full well that any contract would not supersede property law in this area.

Question re: Gasoline prices

Mr. McLachlan: I have a question for the Government Leader in his dual role of Minister of Finance. I ask the question on behalf of myself and eight others present in this Assembly, many of whom are Members of his caucus. The recent fall in gas prices that we have heard announced is great if you live in Whitehorse, but the decrease in the gasoline prices is not getting out to the rural communities. I wonder if the Government Leader, in any capacity through his office, can exert any pressure on the particular retailers of gasoline in the territory to get the gas price decreased universally throughout this territory so that it may be of benefit to all Yukoners, not just the Whitehorse residents.

Hon. Mr. Penikett: Indeed, if the facts are as indicated by the Member for Faro that gas price reductions that have been taking place elsewhere as a result of falling world oil prices are not being passed on to consumers in this territory, I am prepared to use whatever moral persuasion may be available to this government to try and bring that proper benefit to the consumers.

If the Member will indicate to me the specific businesses where he believes the customers are not being done fairly by, I will certainly have the matter investigated, communicate with the persons responsible and report back to the House.

Mr. McLachlan: I do not understand if when the gas prices fall suddenly, as they do like this, whether the oil companies pick up the loss, keeping their dealers solvent, or whether it is entirely up to the small business to absorb the loss. That is not clear at all.

When the Government Leader is checking this item, could he also find out the situation regarding the fall in heating oil prices. The first gasoline price was accompanied by a fall in heating oil prices, and there have been no subsequent decreases in the price of heating oil. If you use the same analysis, as it all comes off the refinery, then heating oil prices also should fall. They are not.

Hon. Mr. Penikett: I will accept the Member's representation and look into it. There are many things that confuse consumers and make them curious about the rise and fall of gasoline prices over the years. We have recently heard explanations that for gas that had been in inventory — old gas that was bought at high prices — until it is sold that the price will not fall. We have seen some reductions

in Whitehorse recently that the Member indicates.

There are consumers who remember that the last time we had massive gas price increases, we noticed that those were reflected at the pumps almost immediately. Some consumers are entitled to feel a little skeptical about some of the rationale for both the increases and the decreases in recent years.

I will be pleased to accept the representation from the Member and see what we can do, and report back.

Question re: Faro housing mortgage

Mr. Phelps: Back to this mortgage, I was told by the Government Leader that it was no problem, that the security that the government had was registered and a public document. As everyone knows, that is so that there is a caveat effective so that any person who may want to purchase the documentation has a warning as to the lien that the Government of Yukon has against real property.

I would like to know from the Minister of Justice just where the other public documents can be viewed that do such an excellent job of protecting the Government of Yukon and the taxpayer here. Are they filed in the Land Registry Office? If not, where are they filed?

Hon. Mr. Kimmerly: The question is an intriguing one, because the Leader of the Official Opposition asks: where are the rest of the public documents? There are many public documents affecting that agreement. One of them is *Hansard*, and the Leader of the Official Opposition knows where that is.

There are some public documents and, as he well knows, some other documents that are not public, that are privileged. The security of the government, in essence, is in the continuing relationship between the government and the mine and the federal government. Practically, specifically and legally there is a registered document on the title. The security is substantially identified to any member of the public interested in those properties. We are confident that this part of the entire arrangement is very safe.

Mr. Phelps: So, now we get to the situation where the government has not done its homework, has not done its paperwork, has not even apparently bothered to review very carefully the mortgage to see if it contains standard clauses. What is the protection to the taxpayer? "Well we get along well with the businessmen, and we do not have to do that kind of thing." Let me tell you, there are an awful lot of lawyers and business people across the country who would not stay employed very long if that was the attitude they took on behalf of private enterprise or on behalf of most governments of the free western world.

I want to know where the legally enforceable document is that gives notice to the public and states to potential purchasers what this government's rights are? I want to know where a potential buyer can find that document, look it up and know exactly where this government stands? This is not the paper that does it.

Hon. Mr. Kimmerly: It is absolutely clear that any potential buyer of those properties, seeing that mortgage, would know that there is \$3.4 million secured against those properties. That is elementary law.

Concerning the dealings with the private enterprise or businessmen, as the Leader of the Official Opposition refers, there are specific agreements. We do not do business on a handshake, we do business by signed documents, as all governments do and the government is adequately and substantially protected. It is registered in the Land Registry Office.

Mr. Phelps: The government could have hired a lawyer to look after its interests I suppose or got somebody, a notary public, to simply sit down and put together a piece of paper that was worthwhile. I submit and I ask the Minister does he not feel a little foolish, blindly signing this one piece of security that is going to be registered against the property at the behest of the Toronto Dominion Bank who got everything and gave nothing in this agreement.

Hon. Mr. Kimmerly: Absolutely not. I should have mentioned also that the government's interests were represented, as well, by private counsel residing in Toronto, a very large and well-established commercial firm. I will not mention the name, but I could. We are adequately protected by all of the rules of lawyers'

liability that the Member is obviously aware of.

This whole line of questioning is about legal technical arguments. In Question Period, that is a total abuse; this is nonsense. The question of the legal protection of the government, if it ever practically arises, is a matter for a court.

10

Question re: Faro housing mortgage

Mr. Phelps: I was not going to carry this on this long but the Minister of Justice seems to invite it. The public was told on October 28 that there was going to be a mortgage. The mortgage was going to be there to protect a security for \$3.4 million and that the mortgage would be at 10 percent over seven years. At that time was it the intention of the government to draw up a mortgage document that would forgive any yearly interest wherein Curragh was unable to pay the interest? Was that the intention when they made this deal last October?

Hon. Mr. Kimmerly: No.

Mr. Phelps: Was it the intention when they made this deal public last October to have the mortgage of the Toronto Dominion Bank and CMHC paid ahead of any property taxes owing on the subject property?

Hon. Mr. Kimmerly: I was not the person actually negotiating it. I do not know the specific answer to that question. I will take it as notice.

Mr. Phelps: Can the Minister of Justice tell us then whether or not this second mortgage between Curragh Mining Properties and the Commissioner of the Yukon Territory sets out in concrete terms the intentions of the government with regard to securing real property for the \$3.4 million advance? Was that the intention of the government either on October 28 or on November 22?

Hon. Mr. Kimmerly: There are numerous relevant documents and the specific question was about that specific document. I will have to take that as notice. For public information, the signing process involved about 800 documents.

Response re: Whitehorse Assessment Centre

Hon. Mrs. Joe: In response to the question on staff ratios by the Member for Riverdale North, there are 12 young people in the Youth Assessment Centre today. Staff ratios varying depending on the needs of the centre. There are three staff on duty this morning. There are four this afternoon and there will be two tonight. Therefore, this morning the ratio was 1-4, this afternoon 1-3 and tonight it will be 1-6, an acceptable level for the sleeping period from midnight to 6:00 a.m.

When necessary, ratios drop as low as 1-1 and if there is a need for increase of staff to handle immediate problems, staff is increased for the period that it is necessary.

11 If there is a need to increase or decrease staff, then we will do it. With the current level of staffing and the change of the designation of the facility, the staff ratio will be one supervisor per two young people as the maximum intended occupancy is for six. For the secure facility with difficult cases, the ratio could be one supervisor for one young person. It will depend on the need at the time.

Question re: Faro housing mortgage

Mr. Nordling: In the mortgage itself in the second paragraph, there appears to be a personal promise to pay, where it says, "Firstly, that the mortgagor will pay to the mortgagee the above sum of \$3,400,000 in accordance with the terms of Schedule II annexed hereto." In Schedule II, the terms of payment are laid out. Then, in paragraph six of Schedule II, it states, "The lender shall accept the real property as their sole security of the second mortgage obligations, and there shall be no recourse to the borrower or its assignee." To me, this would do away with the personal promise to pay. Was the promise to pay intended?

Hon. Mr. Kimmerly: I noted earlier that the Conservative caucus is now 17 percent lawyers. We are seeing the results of that.

I have said twice, and the two lawyers opposite know perfectly well what I am talking about, that you are asking questions of legal opinion, of legal interpretation, and that is totally inappropriate for this House.

Mr. Nordling: Was it the intention of the government that

Curragh Mining Properties give a personal promise to pay this mortgage?

Hon. Mr. Kimmerly: The intention of the government was to get the mine operating again. Part of the deal was that we would obtain property interest in the housing in Faro, and we would pay \$3.4 million and be secured by a mortgage interest. That was the intention of the government.

Question re: Health Services devolution

Mrs. Firth: Has the Minister of Health and Human Resources had correspondence, in writing, with the federal Minister of Health and Welfare, the hon. Jake Epp, and requested the transfer of health services to the Government of Yukon to proceed?

Hon. Mrs. Joe: I have not corresponded with him and asked him to proceed with the transfer. I have had meetings with him, and meetings with other individuals with regard to the transfer.

Mrs. Firth: What is the government's position regarding the health care transfer?

Hon. Mrs. Joe: We know there is going to be a transfer in the future and I think that we have to go about it in a proper manner, and we are talking about devolution. We have talked about the seriousness of some of the layoffs that we kept hearing about, which was the reason why there was the urgent need to get some clarification from the Minister. I think that there are certain things that have to be decided before we come to a definite decision how we are going to do it. There is a committee in existence right now that is discussing the transfer and there are certain things that are being dealt with at the federal government level and our level as well.

Mrs. Firth: Has the Minister had any written correspondence with the federal Minister of Health and Welfare, the hon. Jake Epp, regarding the health transfer, and is she prepared to table that written correspondence in the House?

Hon. Mrs. Joe: I would have to take that question as notice.

Question re: Faro Administrator

Mr. McLachlan: I have a question for the Minister of Community Services. The appointment of an administrator for the Town of Faro is beginning to wear a little bit thin on some of those residents and the advisory council. At first I was prepared to give my unqualified support, but things have happened since to make me question that. How does the Minister really expect the administrator, who is a senior official of this government, to serve both masters and get the best deal for both parties in the taxation negotiations?

Hon. Mr. McDonald: I was not aware that there were any significant conflicts between the town administrator and the town advisory council. I knew there was some discontent among people who wanted elections and wanted a full town council from the beginning. Unfortunately, the population of the town was significantly small and the unfortunate decision had to be made to place an administrator in the town.

Placing an administrator in the town obviously proves to be difficult for any government and we are interested in instituting elections as soon as we possibly can. The town administrator, to my knowledge, is acutely aware of the town's views on the matter and, as far as I am aware, has so far, at least, followed the advice of the town advisory council with respect to all major matters in that community.

If the Member has some meaningful information with respect to any falling out between the town advisory council and the town administrator I would be interested in hearing about it.

Mr. McLachlan: Perhaps that can be borne out in the answers to the supplemental questions. The first administrator wrote a report to the Minister advising certain steps be taken in February, March and April. Has the Minister read the report and accepted the recommendations of that first-appointed administrator?

Hon. Mr. McDonald: I have read the first formal report and the minutes of the monthly meetings between the town administrator, the town staff and the Faro Advisory Council. I am not familiar with any falling out between the advisory council and the town administrator. If there is, I would like to hear about it.

Mr. McLachlan: If the Minister is prepared to accept the recommendations of the first administrator appointed by this government, then will he not proceed to implement the taxation measures and reduction in water, sewer and garbage charges that were recommended so that that community would be in line with the City of Whitehorse as per negotiated schedules for other municipalities outside of Whitehorse?

Hon. Mr. McDonald: It is a difficult and complicated issue to resolve. I am sure the administration and the people of Faro would like as low a tax rate as possible. I think the determination has to be the fairest tax rate that the people can afford. There is an obligation that this government has to all communities and we have to bear in mind.

We cannot be perceived to be giving Faro a deal that we would not give other communities. That has to be a guiding principle. It is a difficult position for the government to be in. I do not relish the situation where we have an administrator in that town and as soon as we can practically remove that administrator, we will.

Speaker: The time for Question Period has now lapsed. We will now proceed with Orders of the Day. Motions other than Government Motions.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Mr. McLachlan: I request unanimous consent to waive the provisions of Standing Order No. 12 to call the items under Motions Other than Government Motions in the order agreed to by House Leaders and since communicated to the clerk.

Speaker: Is there unanimous consent?

Some Members: Agreed.

Speaker: There is unanimous consent.

Motion No. 18

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

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

Mr. Phelps: Yes.

Speaker: It has been moved by the Leader of the Official Opposition that it is the opinion of this House that the Government of Yukon should immediately take a lead role in developing and implementing a policies that will be designed to ensure the maximum degree of safety on the use of the Carcross-Skagway Road by all vehicles using that road and that in developing these policies the Government of Yukon should:

1. Consult with the tourism industry in Yukon;
2. Consult with all tour companies that will be using the Carcross-Skagway road in the forthcoming year;
3. Consult with the travel agents for the cruise ships that will be docking at Skagway in Alaska during the forthcoming year;
4. Consult with Curragh Resources and the trucking company that will be hauling ore on behalf of Curragh Resources;
5. Consult with the residents of Carcross and with the Carcross-Tagish Indian Band;
6. Consult with the construction industry, in particular the firms that will be bidding on the contract for improvements on the Carcross-Skagway Road during the forthcoming year; and

That the Yukon Government should table its policies in the House on or before the 2nd day of May, 1986.

Mr. Phelps: As most people in Yukon know, the public was first made aware that there was a deal being closed with Curragh for the opening of the Cyprus Anvil mine back on October 28, 1985. At that time, and even prior to such a welcome press release, there were a lot of concerns being expressed by Yukon residents, particularly those who live along the Carcross-Skagway Road, and even the Klondike Highway to Carcross, as well.

That concern had to do with safety. That concern had to do with the possible and extremely negative impact that utilizing that road for hauling ore might have on the fledgling tourism industry in Carcross, and the long-standing and growing tourism industry in other parts of Yukon, including Whitehorse, Dawson City, and the Alaska Highway, particularly from Whitehorse west and north to

Beaver Creek and beyond.

It is interesting that, in the press release that was made public and available that day, October 28, there are several references to the issue of safety. I would refer to a document headed "News Release for Release October 28, 1985 — Faro Mine Reopens", page 2. The Government Leader stated: "Curragh has made a number of other commitments. Crucial amongst these are:" — page 3 — "cooperate in the development of a safety program, with respect to the control of heavy truck traffic during the tourist season".

Again, in the same documents that were released, under Background Information on page 5, "Curragh Resources and the Government of Yukon will cooperate in the development of a traffic safety program to minimize the negative effect on tourism for the highway routes between Faro and Skagway. Details of the traffic safety program are being developed and will be released when they are finalized."

In the euphoria of the day, the government wanted to rush this measure through, and we accommodated them. We asked a lot of questions, we raised our concerns, at the time, because there was not adequate information. I think all Members of the House share a concern for the future of the Yukon and Yukoners, and we did not want to hinder the prospects of Cyprus Anvil going ahead, as long as we are assured that certain concerns were being met, or were already met. There was some debate that very day, October 28. Unfortunately the key witness had very important commitments, more important, it seems, than those of the people of the Yukon, particularly in the Legislative Assembly, and had to catch a plane at 4:50. We accommodated him.

¹⁵ Later on, we summarized our concerns, and it is on page 304 of *Hansard* for October 28, 1985. I just want to read a couple of sentences: "I think we all understand the urgency of the matter before us on the one hand; on the other hand I think it is appropriate that we, particularly as the Opposition, point out our concerns about the manner in which public monies are being expended by this government. I think it is useful to summarize the concerns. After having done that, I can say we will be prepared to go rapidly through the bill and see it passed." And then I reiterated the concerns and I just want to read one: "Secondly, there is a very deep concern on the part of many people in the tourism industry and among many residents of Carcross and that area as to the safety of the road. There are questions that remain to be answered and we understand that some of this is necessarily so but we would urge the government to take whatever steps it can to ensure the people who will be travelling on the road as to the relatively safety of the vehicles, and the plan that is eventually put in place. We would urge the government, as soon as it is appropriate to do so, to convey this message in such a way that they will lessen any negative impact on tourism, particularly the portion from Skagway into Carcross and into Whitehorse."

The impact on tourism is the third thing. Clear notice was given and on the debate that day and from the news release prepared by that government, it was the understanding of anyone who shared such a concern about safety on the road that the government was already developing safety plans. I think anybody who reads the quote from the news release, page 5, would have been of the opinion, and rightly so, that there was an active program underway already to develop a safety program and to ensure that the end result would minimize the negative impact on tourism.

But, what has happened? What has happened is that months went by, months and months and months. Finally, the House once again sat and we again on this side asked them instant questions to get some information for Yukoners generally, and particularly constituents in the Whitehorse and Carcross area, to reassure them that this government was doing its job on something. There surely had done a lot already to prepare a safety plan, one would have thought, and the overwhelming impression from the questions and answers — I will not take the time to read them all back here — was that virtually nothing had been done.

I think that the most that had been claimed by the government was that they had made it very clear that there would not necessarily be traffic 24 hours of the day on the road. That would depend on safety considerations, none of which were really spelled

out or jointly examined.

¹⁶ The Member for Riverdale South asked the Minister of Tourism about any consultations that the Minister had on behalf of the government with the tourism industry through the Yukon Visitors Association. Nothing had been done.

November, December, January, February, March — April is rolling along, and we have no information about the consultation or the work or the efforts or even the concern that this government has had about safety.

The road from Carcross to Skagway is a dangerous road. I have driven it many times. It is narrow. It was built in a very difficult place to build roads, between a mountain with a very steep slope, on the one hand, and Windy Arm of Tagish Lake on the other. Fixing the road, developing it to its present standards, was expensive, and involved a lot of rock work, blasting rocks. In places the road goes through cliffs of rock with rock on both sides of the road and no place to get out of the way of an oncoming vehicle if it happens to be out of control or over too far on the centre of the road. Blind corners, areas that even I, with my limited experience in road building and road surveying, — I have some experience in that, incidentally; I worked several years in my youth on some of the roads in Yukon — know that building, straightening, widening the road in those places where it is critically necessary for safety is going to cause a lot of hardship to the travelling public, to the tourists, to the operators on the road. There is no place you can route the traffic around those tight spots in the road.

There is a very real concern. I, speaking on behalf of all my colleagues on this side of the House, would like to see the mine opening go smoothly. We did not delay the passage of the necessary legislation back in October for that very reason. We want to see jobs created in the Yukon, but we do not want to see unnecessary hardship imposed upon the tourist operators in Carcross, upon the tour companies. It is now being rumoured that the thing is such a mess, because nothing has been put in place, and that we might have a situation where a lot of the tourists and tour companies will, rather than go over the Skagway Road this year to Carcross and on to Whitehorse and Dawson, be forced to go the alternate route, from Haines to Haines Junction and on up, missing many of the communities where they normally stop and spend money.

¹⁷ I know that this may be a small boon to one or two of the operators on the highway at Haines Junction and north from there. I certainly know that my good friend, the Member for Kluane, is the man whose heart is in the right place and who would like to see fairness done, and see that everybody gets their fair share of the tourist dollar, including his very good constituents and very active business community.

We have, in addition, the serious problem of the residents of Carcross, particularly those who reside on the Indian Band Reserve. If there is going to be 24 hour traffic over the road, I am sure we are going to have fairly vocal negative things said by some of the people who suffer the consequences of being kept up all night by heavy traffic.

I think, more than anything, it is important that the government understands that it has a responsibility to take the lead role, with the time in which planning for safety programs can be developed, if not implemented, is drawing to a close. We are saying that this government should have started long ago, but should move as quickly as possible to consult with the tourism industry in Yukon, the Yukon Visitors Association and any businesses that have a direct concern and can be readily identified with the potential for disaster on that road, with regard to the tour buses and all the recreational vehicles that will be travelling that road this year.

The government should consult with the tour bus companies that will be using the Carcross-Skagway Road in the forthcoming year. There is a huge amount of traffic that goes only as far as Carcross, spends money there, creates jobs there, and those people go right back to the ships. This year, there is going to be a lot more cruise ships docking at Skagway. A lot more business is anticipated if this Carcross-Skagway Road fiasco does not ruin that business for the residents of Carcross.

The government should consult with the travel agents for the

cruise ships that will be docking at Skagway and Alaska during the year. Surely these people should be advised as to the potential discomforts and hazards, and assured that this government actually does have a plan and these hazards in safety and inconvenience will be kept to a minimum because "the plans are in place; do not worry".

The government should consult with Curragh Resources and the trucking company that will be hauling ore on behalf of Curragh. Just a couple of weeks ago, we had the public statements of the companies involved that they expect to be running 24 hours a day, no problem, yet Curragh and the Government of Yukon were supposed to be developing, according to the news release back in October, a traffic safety program. Perhaps this government should, again, shoulder its responsibilities and do something for the people of Yukon.

They should consult with the residents of Carcross and with the Carcross-Tagish Indian Band and assure those people that some safety measures have been thought up and developed and agreed upon by the parties, and will be put in place.

¹⁸ They should also consult with the construction industry, with the firms that are likely to be bidding on the huge amount of construction work that is anticipated south of Carcross for the next season because elements of the safety program, aside from restricting the hours of traffic, could prove to be quite costly. Spots are going to have to be created to get the equipment out of the way of the passenger vehicles. There are going to be delays and the need for experienced flag people. All of these things can add up to significant increases in costs to the bidding company or consortium with regard to the work.

One should not forget consultations with the tour bus companies, and the consultations with the tour boats ought to also be taking into account such things as the timing of buses, when they ought to be running, whether the business period in Carcross can be spread out. What arrangements can be made with hotels at the Whitehorse end, and so on.

Finally, because of the urgency of the matter and the apparent inability and insensitivity of the side opposite to the problem, the huge problem both economic and potentially injurious in human terms, that insensitivity thus far has created, it would be the wish of myself and the wish of our members that the Yukon government move quickly and table these policies in the House on or before the second day of May this year.

Hon. Mr. Porter: In response to the motion that is before us, I thought about why the Member for Hootalinqua was bringing the motion forward. There were three areas I thought of. Number one, I thought he was bringing it forward to embarrass the government, and that may have held some water had the government not been doing something, but obviously we are here to state for the record that we have been busy and have been doing our job on this issue. Or, it could be that he does not want the road open so he can have an nice leisurely, unimpeded drive every time he goes back to Carcross, but throughout his statement he has referred to that but has said also that he is positively inclined toward the opening of the mine and the jobs. So, we can only assume that his approach to the motion is one of a constituency nature in that he is representing the interests of the people of Carcross.

I thought his speech was well done, but the part I would like to rebut is the notion he is laying for the future that there is going to be a disaster that will occur on that road and that we have been insensitive in our dealings with that road, and that somehow in the future he will stand here and lay the blame on this side of the House for any potential disaster.

¹⁹ In government, no matter which government it is, there are many conflicting issues that have to be dealt with and decisions have to be made. When it concerns something like a public highway, tremendous risks exist on the use of those highways each and every day. Disaster may occur in the future on that highway or on any other highway in the Yukon, so I would caution the Member that, hopefully, that is not an argument that he is attempting to build, because that is a reality that we have to live with.

We have to do the best job possible, to take into consideration all

the positions of the various organizations, people involved, and try to come up with a compromise that will recognize, overall, the safety of individuals, as the most predominant factor to consider in any policy decision with respect to regulation as it pertains to the use of that road.

In the Leader of the Official Opposition's speech, he asked the rhetorical question: what has happened with respect to the Carcross-Skagway road? Then he concludes and answers his own question with a statement that virtually nothing has been done. He has accused the Department of Tourism of having done nothing on the issue over the few months.

He refers to a question asked by the Member for Riverdale South. As the record will indicate, when she did ask that question, I provided the answer that the Deputy Minister of Tourism did suggest to the YVA Board of Directors, as early as last summer, that they pursue a meeting with the Department of Community and Transportation Services to start asking some of the questions. Furthermore, the YVA was again reminded in the fall of 1985 that they should begin to look at a position regarding this issue.

I have additional information regarding the role of the Department of Tourism. It has to be recognized that the Department of Community and Transportation Services has been designated by this government as the lead department with respect to negotiations with Curragh, with the ore companies, the companies that will be charged with the responsibility of hauling the ore. That is their role in it. My department and the other departments of government have been working in conjunction with Community and Transportation Services.

In terms of background, as it relates to our efforts on the question, officials in the Department of Tourism and Community and Transportation Services have been in consultation with members of the insurance industry and the tourism industry within the Yukon, in Seattle and Vancouver. They have suggested names to Community and Transportation Services' officials to be passed on to Curragh Resources for further consultation.

The industry members referred to include the Yukon Visitors Association, Atlas Tours, Westours, CanNor Tours, Royal Highway Tours, Go Vacations, Tilden Rent-a-Car and Kluane Wilderness Village. Tourism officials have also met with officials of Curragh Resources and of Lynden Transport. A suggestion was made to Curragh that a pamphlet might be produced by them to hand out to bus passengers and private motorists explaining their operations. In this way, they will have an input into the tourism industry.

²⁰ It is interesting to note that a further suggestion was made by Atlas Tours Company that the bus drivers and truck drivers travel the road as passengers in each other's vehicles. That is being suggested as a reasonable approach to create some awareness on both the operators of the bus companies and the drivers for the company, and some degree of appreciation for the jobs that each of them are doing with respect to their role in life. I support that suggestion. I think that it is a good suggestion and the company should be commended for that initiative.

The Department of Community and Transportation Services continues, as I stated earlier, to be the lead agency. They are continuing their dealings with Curragh Resources. I believe that there has been a recent meeting on April 2 that has taken place between the Department of Highways, Curragh Resources and the principals of the trucking firm that has been retained to act as the ore haulers for the mine operators.

I think that we, in the tourism department, have done our job and have sought to consult with all the people who will be affected. We will continue those consultations.

With respect to specific responses to the questions raised in the motion, I would like to take some time in the House to focus on those particular areas of concern and to add a brief comment to them.

The first question that Motion No. 18 raises is to consult with the tourism industry in the Yukon. Again, I refer to earlier remarks. We have talked to the Yukon Visitors Association, Atlas Tours, Go Vacations, Tilden Rent-a-Car, and other organizations — Kluane Wilderness Village is one of them.

In terms of the second point of the motion, it talks about consulting with the tour companies that will be using the Carcross-Skagway Road in the forthcoming year. We have done that. We have talked to companies like Atlas Tours, Holland American, Westours, Rural Highway Tours, Canol Tours and the Universal Funfinders Tours, which represent the major tour operators whose motorcoaches have been, or will be, using the route that is under discussion by way of the motion from the Leader of the Official Opposition.

The third point is to consult with the travel agents for the cruise ships that would be docking at Skagway and Alaska during the forthcoming year. This is a bit confusing. If the intent of this particular point is that we should be consulting with the travel or tour companies that make their business to book passage on the cruise ships, then we state we have had consultations. If there are people who we have missed, we will pick up those organizations and make sure that they are consulted with as well.

On point number 4, to consult with Curragh Resources and the trucking company that will be hauling ore on behalf of Curragh Resources, again, our response is that consultations have taken place between the government and Curragh Resources and the trucking company on numerous occasions, the most recent one being on April 2.

With respect to consulting with the residents of Carcross and the Carcross-Tagish Indian Band, my information is that this consultation is being undertaken by the Department of Community and Transportation Services.

The sixth point is consultation with the construction industry, in particular the firms that will be bidding on the contract for improvements on the Carcross-Skagway Road during the forthcoming year.

²¹ Once again, this is a direct responsibility of the Department of Community and Transportation Services and I am informed by the Minister that those consultations are intended to take place between department officials, that they have taken place and that they will continue to take place, on an as-needed basis.

As we go through the motion we find there is very little difference of opinion between the opposition's intent in the motion, and this government's actions to date in response to the motion. We are both in agreement that the safety of the residents of Carcross and the people who travel the highway are the prime importance and that all the individuals concerned should be consulted, their advice sought and eventually a decision made with respect to this government's responsibility by way of regulation of the highway activities.

We find ourselves in agreement with the motion save and except for one minor point of the motion and it is only, in this case, one number. The motion calls for the government to have a decision to table its policies before this Legislature by May 2. It may be that all of the consultations and the decisions may be concluded by May 2. We hope that is the situation, but to allow the process the ample amount of time to give us some leeway on the question, we would argue that it would be in the best interest of all parties if the government and industry be given a little more time, and we are going to suggest a minor amendment to that effect.

Amendment proposed

With that, I would like to move an amendment to Motion No. 18 and the amendment I would like to table with the Clerk reads as follows: THAT Motion No. 18 be amended by deleting the phrase "the 2nd day of May, 1986" and substituting for it the following: "the 15th day of May, 1986."

Speaker: It has been moved by the Minister of Renewable Resources THAT Motion No. 18 be amended by deleting the phrase "the 2nd day of May, 1986", and substituting it with the following: "the 15th day of May, 1986".

Mr. Phelps: I will be very brief. I am always a little uncomfortable when the Members on the other side, as they always seem to want to do, impune motives for people on this side for motions that seem to me to be put forward with the best interests of all Yukoners in mind. To try to say we are trying to set them up to blame them for a tragic accident is just not the case. If we get down

to work and get some comprehensive safety policies in place then, of course, there is no culpability at all for anybody, once they have done their job.

²² Tragic accidents happen. When there are accidents that could not be helped, I would be the last to ever attach blame where people have attempted to put into effect anything that was a policy or program of safety with good intentions. We will have no problem supporting this amendment.

Amendment agreed to

Mr. McLachlan: Just as the Member for Hootalinqua is concerned about the traffic on the Carcross-Skagway road, I have some equal concerns about traffic patterns from Faro, Carmacks and Whitehorse. It seems that people over the past four years have been lulled into a sense of complacency with not having to drive against truck traffic that they normally had experienced up to 1982. I am anticipating some problems when heavy trucks get moving on the road again.

It is a natural reflection of the developments to date that have taken place for the trucking of the concentrate between Carcross and Skagway. I fully understand the problems that people are concerned with. We are using trucks that are now more powerful, longer and heavier than were ever used before for that type of truck transport. I am fully in concert with some of the concerns that the Leader of the Official Opposition has brought forward.

I would like to relate a personal experience that I went through in Faro in 1969, when the truck transport of the first concentrate coming out of the Cyprus Anvil Mine took place. When those trucks first started in 1969, there was concern over the hauling of 30 tons of concentrate, at that time, over a road that had been carved out of the Yukon wilderness in much the same way that the Leader of the Official Opposition has described. The road was narrow, often the wrong grade, not wide enough in places, had the wrong drainage and there were people who were very concerned about the potential for an accident.

The greatest concern seemed to come at the time from Cyprus Anvil Mining Corporation, which was worried about an accident between trucks and passenger buses carrying their employees between the mine and the townsite. They often raised a horrible picture of a truck-bus accident that would, in their minds, perhaps demolish a whole shift.

The solution at that time was to say not to have any trucks on the road when shift changes were being made. That cut out any truck traffic for one-and-three-quarters hours for three shift changes a day. It left the trucking company having to deal with 13 or 14 miles at the end of the road that they could only travel on for 18 hours a day.

This continued for about one-and-a-half months before White Pass, at that time the hauler, went to Cyprus Anvil and said that they could not do it anymore, that there was no way that they could schedule the trucks to be completed their journey before the buses attempted a shift change. They wanted to talk to the people who were hauling and driving to set up some sort of compromise that they could deal with.

As I recollect, in 1969, after about four to five weeks of the truck drivers and the bus drivers being used to each other on the road at the same time, the experiment turned out to be a success.

²³ I can think of only two minor brushes with buses and trucks. In each one of those cases, it was because the truck was broken down or had stalled on the road, and took more than their fair share. There were no moving accidents.

I firmly believe that any trucking company would have a hard time trying to complete that job in anything less than a 24 hour a day haul operation. If you accept that argument and that premise, it then follows logically that you must do exactly as the first three items of the motion delineate. You must consult with the tourism industry; you must consult with the travel agents; and you must consult with tour companies using the docks in Skagway.

Anything that happens to adversely affect the movement of concentrate out of Faro, that would tip the balance against the company, would be one strike against all Yukoners; therefore, we will be supporting this motion on the grounds that it will be of

benefit to all the Yukon and to all the tourists and tourism industry people whose interests in this matter must be protected, and in whom we still place a great deal of faith when our number one industry becomes number two by default.

Hon. Mr. McDonald: As the Minister responsible for Community and Transportation Services, I can tell the House that I and the department have no trouble whatsoever supporting the motion as amended. As the Minister responsible for Tourism said, the motion conforms to many of the actions taken by the department and by me already. A change to the life on the Carcross-Skagway Road, a change to the activity on the Faro to Skagway corridor will take place as a result of heavy trucking activity on that corridor. I do not believe there is any doubt about that. This government, and presumably the government previously, when negotiations were opened for the opening of the Carcross-Skagway Road, bore in mind the fact that the activity on the road would entail some changes to the lives of the travelling public on those roads.

The truism is that this is not going to be a wilderness trail. It will be a transportation corridor that will have on it, besides the tourism operators, some heavy truck traffic. Safety will have to be a concern, as it is with all highways in the territory, and especially those highways where there is a high traffic frequency.

The Leader of the Official Opposition states that they had put on the record last October their concerns with respect to the safety of the travelling public on the Carcross-Skagway Road, and presumably on the corridor, that would be shared with truck traffic.

24 I was not going to speak on this motion associated with the ore haul, but the government at the time and the government right now stated that safety was a concern for us certainly, that we had stated our concern in a letter to Curragh as early as August and had told Curragh Resources that whomever was to be the carrier for the ore between Faro and tidewater would have to be mindful of safety measures that would have to be taken and that road designation may be an option we would enforce.

The government has, since that time, in conformity with the statements we made in the House at that time, discussed the matter with the transport operator, the trucking company and with Curragh Resources. Admittedly, for a period of a couple of months, the certainty of the road deal was shaken by having the deal unilaterally withdrawn by a party to it, and that caused everyone in the government some concern.

The efforts to ensure that proper measures are taken to ensure the safety of the travelling public have not diminished since the time the government was more certain that the road would be a reality for Yukon. We have consulted with Curragh Resources; we have consulted with the Carcross-Tagish Indian Band. I have consulted personally with them and will continue to do so. There is an agreement between the federal government, YTG and the Carcross-Tagish Indian Band that any changes to activity on the road would necessitate formal negotiations or discussions with that particular Indian band and we fully intend to live up to that commitment.

There have been discussions with various tour operators; there have been discussions with Lynden Transport. My department has an ongoing good communicative relationship with the Departments of Tourism and Economic Development. We have discussed the issue with the insurance industry, and we have told Curragh Resources that safety is our primary concern. We have encouraged that particular company to do essentially two things by urging them to contact the major tourism operators who would indirectly use that corridor by providing a marine service between southern points and Skagway.

The two things I mentioned are essentially to help demystify the nature of the ore haul, provide a clearer picture of the proposed trucking operation and to acquire a better understanding of other operators who would be sharing the road with them.

There will come a point, I hope, within the next few weeks when we will bring the parties together, including the Alaskan state government, to establish a consensus as to what is necessary and to establish the rules of the road to ensure the safety of the travelling public. If, of course, a consensus is not reached the Yukon government will reserve the right to establish the rules of operation

that it feels are necessary to ensure the safety of the travelling public.

25 There are a number of items that can be discussed with the tourism operator to ensure the safety of the travelling public and to control the noise levels on the road for the people of Carcross and the people of Skagway. Those items that can be discussed, apart from limiting the hours of operation which, as I have mentioned, we have reserved the right to do during the tourism months, include setting the speed limits, which may vary depending on the road conditions, establishing new rules of the road for this particular road, insisting that, for example, trucks would pull off the road at designated turnouts to allow the passing of vehicles. There could be a no-passing restriction except at designated points. Driver training programs have been suggested for truckers not familiar with this particular road.

There is, as well, the issue of the technical specifications of the truck itself. We have reserved the right, and stipulated such in a letter to Curragh Resources, that we will want to see the tractor when it comes off the assembly line to ensure that the braking safety is incorporated into the design to the satisfaction of our engineers.

The trucks themselves will have onboard computers to ensure that the rules of the road, the speed limits that we may impose, will be adhered to by each individual trucker. I have been told that the new trucks will be equipped with braking systems that are different from the traditional Jake-brake system, which would reduce the noise level.

There could be, in a community like Carcross, a no-gearing stipulation while trucks pass through the community to ensure that noise is kept to an absolute minimum. There have been suggestions that courtesy cars and a driver complaint hotline could be established to encourage good relations on the highway itself.

One of the aspects that the Member has mentioned is that the government should consult with the construction industry to impose special safety measures on the road to ensure the safety of the travelling public through construction zones. There is an established procedure during the tendering process for consultation of that sort to take place. It is our position that the construction contractors will be acting in accordance with the government's wishes. There will be special tender specifications in the construction contracts beyond what is normally in place on road contracts, in order to enhance traffic safety. They include 24 hour a day pilot car service through the construction zones, with a minimum waiting period. There will also be the assurance that the construction zone is passable any time by any normal class recreational vehicle. There will also be the assurance that there will be no prolonged road closures as a result of blasting.

26 Blasting blankets will be used on construction sites, which is not a normal requirement in Yukon road building.

I think the items that I have mentioned demonstrate that the government fully intends to show good faith in trying to ensure the safety of the travelling public. We have not in any way tried to encourage fear-mongering with respect to the operation of heavy trucking on the road. We have attempted to bring the necessary parties together so that proper consultation between the main operators takes place so that both industries know, in detail, the trucking and tourism operations associated with the ore haul so that there are no mystifying factors between those parties.

We have demonstrated all along, both in Question Period and in debates in the House, that the safety of the travelling public is our number one priority. We understand the operational requirements of Curragh Resources. Notwithstanding some public statements by Curragh, that they would like 24 hour operations 365 days a year, we have reserved the right to designate the route to 12 hour trucking per day during the tourist season if we feel it is necessary.

We will table our policies in the Legislature. We have been consistent all along. We have verbally stated our policies. I could do a cut and paste job of *Hansard* to be able to table our policies in the House, but I think that the Leader of the Official Opposition has a fairly specific rules of the road policy in mind. We will undergo the consultative process. We will ensure the safety of the travelling public and we will try to do it by May 15.

Mrs. Firth: This motion was brought forward with all of the most constructive intentions. The government has just presented to us their reasons why they feel that they have done a good job. I do not think that we can agree with them totally. We are pleased to see that the government is going to support the motion with a minor amendment.

However, I think there are some points that have to be brought forward and our case has to be presented on behalf of the public.

This motion has come forward for two reasons. One is to show that we do not feel that the government has done their job well. Secondly, we would like to present to the government an alternative or some recommendations and some advice.

I would like to go back to October 28, 1985. When we questioned the Government Leader regarding the analysis and impact study that they were going to do on truck traffic, or whether the Yukon Visitors Association was going to be consulted, and where they were going to get the information regarding the traffic on the road, and so on, the Government Leader, at that time, told us that they had not yet involved the Yukon Visitors Association. That led me to believe that they were going to. He also said that he would be getting the information from the responsible department. He also attached a point or two about confidentiality on the whole proposal and how we had to abide by that confidentiality.

We raised those concerns five months ago. We do not feel that we had any reason to doubt the government's intention. We feel that their intentions were good.

²⁷ They told us they were going to do something. They were going to set about with a plan; they were going to consult people. We had no reason to think that they were not going to do that.

We came back five months later and found ourselves in the position, as an Opposition, of having to, again, raise the same questions about consulting with the Yukon Visitors Association. We found that the Minister of Tourism had not done that. I got every indication from his answer that he had no intention of doing it, and that the Minister of Community and Transportation Services and his departmental officials would be taking a lead role. Also, the Minister of Community and Transportation Services was very clear in his comments in the Legislature on March 18, 1986, "In response to the question as to when we will provide the safe standards to the travelling public, the answer is clearly that we will provide safe standards for the travelling public prior to the transportation of the ore. That is our commitment."

We had no reason to doubt that the Minister would be providing those safe standards and that the government would be making those decisions. We find now that, although the government has presented some things that have just been done — I know they have been done very recently — the government had not done a lot of consultation. It had not consulted, or, if they had, there was no evidence of it presented to us, and no evidence or rationale in the answers to the questions we asked.

My understanding, now that a trucking company has taken on the contract to do the trucking of the ore, is that they are the ones who are doing the consulting and taking the lead role, and that CBC has even taken it upon themselves to do some public consultation through a morning phone-in poll as to the safety of the Skagway Road.

The lead department was to be the Department of Community and Transportation Services, under the direction of their Minister. If he has not taken that lead role and given that direction to his department, then the blame lies with him, as well as with the Minister of Tourism and the Government Leader. The Minister of Tourism does have a responsibility to the people he represents in his portfolio. He has a responsibility to represent their interests to the Minister of Community and Transportation Services, if he does not feel that he is moving quickly enough, and that information is being presented on their behalf.

The Government Leader should ensure that Yukoners are not left open for political issues being raised, particularly on matters of such importance and issues that have the potential of becoming so controversial.

The second reason we brought the motion forward was to show

what we would have done if we would have been the government, and what we had done in the past as government, when this kind of issue presented itself. We would have consulted with the Yukon Visitors Association, and asked for their input and for a plan. We would not have just had a department official go over and ask them. We would have recommended that the Minister follow through on that, so that the input was being sought, and so that the efforts were being coordinated through government. We could have asked the Yukon Visitors Association if there were any particular letters we could write on their behalf to travel agents or tour companies. The government could have identified specific issues or concerns, and taken steps to get information out to the tourism interests about those special interests.

²⁸ The government has, at its fingertips, all the information and the infrastructure it needs to take the lead role in assembling people and coordinating this kind of effort. The Minister of Community and Transportation Services and the Minister of Tourism could have gone on the local radio programs, on *Insight* or on *Talkback*, and had some public input, had people phone in and raise their concerns. They could have issued a special information *Yukon Info*, identifying the opening of the road, identifying some of the concerns that may be raised, some of the safety factors and some of the government's positions.

Most importantly, they could have passed information on that the government had regarding weight restrictions, the 24 hour traffic, and any traffic statistics they had. They could have passed that on to the tourism industry, and they could have arrived at some cooperative, consistent conclusions.

When that was all done and the government took the lead role in coordinating the efforts, they would have had to make some decisions. We, as the opposition, and myself as a legislator, expected some of those decisions to be presented in the Legislature when we sat this time. I am not telling the government we expected them to have all the answers, but we expected them to have some of the answers. I think Curragh Resources and the trucking company expected them to have some of the answers.

We do not get the feeling that they do have any of the answers yet. They do not have an answer on weight restrictions; they do not have an answer on 24 hour operating restrictions. The government is simply reserving its rights to make decisions on some of those questions at some point in time. Time is running out; we have about a month-and-a-half left before the government has to state exactly what its policies and positions are. With the amendment, we now have until May 15.

The trucking company has been meeting with everyone. The information that the hon. Member for Watson Lake, and the Minister for Community and Transportation Services brought forward is information that I think the trucking company has probably been compiling in their consultation with the Visitors Association and the Highways department and the various travel agencies and so on.

It was always my impression, as a government Member and as an Opposition Member, that one of the government's best functions would be to assist the private sector. To assist the private sector means them taking the lead role in controversial issues, coordinating the efforts of all groups, coming to some decisions and presenting the options to the trucking company they are dealing with. I believe that when the Government Leader campaigned, he campaigned on the basis that his party would be assisting the private sector in every way they could.

I have not found that to be so, since it seems to have been the trucking company who has taken the lead role and done all the coordinating, accumulating and compiling of all the information.

We presented our reasons. We have less than two months left to solve this issue and to come forward with some policies. As an Opposition, we have raised some valid concerns and some valid constructive comments and we have presented some good recommendations and alternatives and presented how we would have done it. We are pleased to see that the government is going to support this motion and that they are going to report back with their policies by May 15. We are looking forward to analyzing those policies.

Mr. Lang: I had no intentions of rising until I heard a couple of comments from the Minister of Community Affairs with respect to the responsibility of that department and how it is going to affect the safety of the road.

I would like to raise the question of the safety of the new truck that will be used for hauling 160,000 GVW. That is 15 tonnes more than we have allowed prior to such dispensation being given to Curragh Resources. This is a concern that I have stated in Committee of the Whole and in Question Period. Has the decision been made? I was told, after two weeks, that the decision had been made, that those weights were going to be permitted. I also questioned whether our roads would stand up to that amount of weight.

In the past, the Department of Highways has had some problems with 134,000 GVW, depending on the time of year and the place, of course. There has been a problem of inconvenience to the travelling public and also to the taxpayer because major repairs are required. That in itself is a decision.

The other element that I think is important, from the truck driver's point of view, is the capability of these tractors to pull those loads, not necessarily just from Whitehorse to Skagway but from Faro to Whitehorse. There are a number of major hills between here and Faro. It is very important that the Minister and his officials look very carefully at the ability of that tractor to perform in any kind of weather. That is a major safety element in permitting those weights on the highway.

I think that highway pullouts be seriously considered on the route between here and Skagway. The Minister had indicated that he was not sure if that was part of the highway policy of building and reconstruction. Well, it is not part of the policy. That is a political decision that would have to be made. It is an area that should be seriously looked at. It would allow the truck driver to pull off the narrow parts of the highway, if necessary.

It is a very scenic drive and if a tourist or anyone in the travelling public wishes to pull off onto the side of the road, they would be able to do so. The present situation has vehicles on the side of the road that could cause a problem when there is that much traffic on that corridor.

The reason for the motion is to bring out the reality of the fact that if work had been done in the past five months, we would be seeing, in the newspapers, the tenders being let for the contracts for reconstruction on the Skagway Road. That is of concern with regard to the trucking that is supposed to start in June, and it is also a concern to the people who will be looking for work. The earlier the tender, the earlier the job is let and the earlier the job starts.

³⁰ I think that that is an important aspect with respect to the motion at hand. I should also point out, to echo what the Member for Riverdale South has said, that we were very surprised to come back here and see how little had been done. The Minister took great care to say he had done various things, as far as a safety program was concerned. Some of the things he raised today he had never brought forward to the House before, contrary to what was said before and the questions that were asked.

The only thing that I can say about the amendment that was agreed to is that it is another two weeks. We are dealing with time. The Member for Riverdale South is correct: the longer the time goes by, the shorter the timeframe is to make a decision. On top of that, then we get into a position where it becomes the question of the longevity of the mine versus the safety of the public. We should not be put into the position where one is held off in abeyance to the other.

Speaker: I would like to warn the House that the hon. Member is about to exercise his right to close debate, and all Members thereafter will be precluded from speaking to the question. Therefore, any Members wishing to speak should do so now.

Mr. Phelps: I will be very brief. I am very pleased to sense that this motion will be passed by all parties. The reason for bringing it forward was a genuine concern for the safety of the travelling public and for the tourism industry. Also, we had not received satisfactory answers in this House when we returned after the break

that followed the October 28 sitting. That is why this was brought forward. It seems that the government is now finally moving and doing some of the things that we specified in this motion. Accordingly, I urge all Members to vote in favour of this motion.

Motion No. 18 agreed to as amended

Motion No. 19

Clerk: Item number 7, standing in the name of Mr. Lang.

Speaker: Is the hon. Member prepared to deal with this item?

Mr. Lang: Yes, Mr. Speaker.

Speaker: It has been moved by the Member for Porter Creek East THAT it is the opinion of this House that the decision made by the Minister of Government Services regarding janitorial services for the Yukon Government Administration building shows total contempt and disregard for the system of free enterprise;

THAT the Minister of Government Services should offer every Yukoner a profound apology for his actions in this regard; and

THAT the Government of Yukon should retender the janitorial contract for the Yukon Government Administration building to the private sector.

Mr. Lang: I think the motion before us is fairly straightforward, with respect to the intent of the principle that I would like the Members to discuss here today. It has to do with a decision that the Minister of Government Services chose to make back in November of this past year.

³¹ There are a number of elements to it. First of all, the question of cost. The question of cost was raised out of a sense of our responsibility to the taxpayer. There are estimates ranging from the additional cost of the government now redoing the territorial service in-house as opposed to contracting out, in the neighbourhood of \$100,000 to \$300,000, depending on the estimates. I think that is an important element of the discussion here today. I believe that we have a responsibility to take the public purse seriously and, at the same time, make decisions that are in the best interest of the public we represent.

The decision that was taken quite some time ago for janitorial services to be tendered by the private sector was a decision that was made primarily from the point of view of assisting small business. A contract in this building or any other government building does not necessarily provide all the work for a company but would provide at least the basis of being able to provide a service to the people of the territory and the Government of Yukon and, at the same time, allow an entrepreneur to provide services where feasible and where possible to the private sector. That was the basic thrust and basic principle behind that decision.

At the same time, it was felt that if we tendered out that particular area of government service that it could perhaps be done more inexpensively than it was costing the government of the day. That proved to be the case. It proved to be the case significantly.

The government chose, after we left this House in November, to make a decision — which is a coincidence — to go to in-house staff. My understanding is that we went from a total of nine staff at that time to twelve, which was an increase in the number of people who were involved in doing the job that is necessary to do this building. The question then was put to the Minister of Government Services as to why he did not retender the contract. The reply and public statement that was received by us, the public, was that retendering the contract might result in the government having to go with the low bidder and ending up with similar problems. I find that particular statement totally and absolutely unacceptable.

³² To say that the low tenderer on a project cannot do the job and it should not go out to tender, as a basic basis of principle, really brings into question the motives of the government.

I am surprised that anybody on the government side would make that type of statement, let alone think it. Nevertheless, it was said. That type of an attitude brings forward the end-all and objective of the government toward business, small and medium-size. Decisions of this kind really do make people sit back and take a look and start to observe what the action of the government is.

The argument that has been put forward by the Minister was that the people who were employed by the contractor were not being paid enough. I am not going to argue that. If the government felt

that way, then the government could have gone out for a new tendering procedure with a schedule of minimum wages that would be paid. We do that now on government construction contracts. A minimum hourly rate must be paid in order for a contractor to get certain jobs. It is not as if it is a new initiative, or a new idea that I am bringing forward. It would be consistent with past government policy. I say to the Minister of Government Services and the Minister of Justice: why did he not do that?

The Minister has come forward and said that he has more control. He would have more control over the direction and supervision of an employee as opposed to a contractor. I cannot buy that argument from a practical point of view. The realities of that is that the government chose to discontinue the service of a contractor. They did it with an hour's notice, or a day's notice. Very little notice was formally given that the service was to be discontinued.

If you have employees with the Government of the Yukon Territory and they become permanent employees, it is very difficult to take certain actions in order to rid yourself of them as employees. That is a reality. That just does not apply here. It applies everywhere else in government.

Why would the Minister put that argument forward when he knows that that is not reality? That particular argument does not hold water. You do have staff who are hired to supervise a contractual arrangement, and if it does not meet the standards that you have set out, then you can discontinue it, and you can set it out in that contract, very clearly and apolitically.

³³ I defend the government's right to discontinue a service if it is inadequate. If a contractor is not meeting the contractual obligations that were made, then the government, like any other employer, should have the right to discontinue that service. I defend their right to do it.

In that particular case, that principle could be written into any contract just like it has in the past. It was written into the one that the Minister severed — similar to the Native Courtworkers — and that right is there.

I think that the Minister has taken a decision that is not in the best interest of the public. I believe that he has a responsibility to the public and that is why this forum is here. He has the responsibility to tender to see if there is a contractor there who is prepared to deliver that service here in this building. If he is to do that, perhaps he could tender two contracts, one for this building and one for the justice building. Then, perhaps, there would be that many more individuals or companies prepared to bid on those contracts.

It would seem to me that the argument that the Minister has put forward about the quality of work done in the past, to some degree, is very questionable. How many people who own stores or apartment blocks do their own janitorial service? In many cases, if not most, I am sure the work is contracted out if the job is big enough and it has to be done. I think that it can be done more economically to the satisfaction of the Minister as well as to the employees.

I would like to see the government reverse its position on this matter and place the business in the hands of the small businessman.

Hon. Mr. Kimmerly: It appears that every Wednesday afternoon we will be entertained by one of these purely political motions by the Member for Porter Creek East who is full of empty rhetoric and has his facts clearly wrong. This is going to take a bit of time and I apologize to everyone here but I am going to put the facts of the matter on the record.

³⁴ The custodial services were done by in-house personnel, government personnel, for years under the Conservative administration. It was in October, 1984 that they changed the policy and they contracted out the janitorial services in this building and the Medical Clinic at 211 Hawkins Street.

At that time, I was in the House, and so was the Member for Porter Creek East, and we heard the Government Leader expressly say that this was an experiment and we would see how it would work. They had no study done, no preparation; they made a policy decision that they said was to assist small business. They contracted out the service, and they laid off 10 government employees shortly

before Christmas, and he has the gall to suggest I should apologize to those 10 people who were laid off at that time.

The experiment has run its course, and I will now put on the record the results of Mr. Pearson's experiment. Firstly, let me go through the record of the performance of the work from October 1984 to January 1986. First of all, there was a complaint in writing dated October 2, from the Internal Audit Branch, complaining that the offices were not cleaned and the garbage was not picked up.

October 2 again, the Department of Education. The ashtrays were not cleaned and the office not dusted.

October 10 from Tourism. A civil servant complains that her work table has not been washed for several days.

From Government Services on October 10. "The table tops and counters in the mail room are not washed properly. There is garbage and broken glass left behind and the garbage is hazardous in the loading bay near the mail room."

³⁵ We then start the notice to the contractor that was spoken of in the media. I welcome the Member's motion, because it gives us the opportunity, as a government, to set the record straight and to document the notices and the complaints that occurred.

October 16, 1984, a letter from our property manager to Yukon Floor Service: "While touring the building this morning, I noticed a number of problems with the level of cleaning. They are as follows:....", and there is a list here about floor marks, gum, tar and coffee spills, the stairwells not cleaned, no vacuuming under the desks. "Items 3 and 4 have been mentioned a number of times. Please ensure that the cleaning level is returned to first class immediately."

October 17, a follow-up letter about the cleaning: That is letter 1A on October 16 and the 17th I will call as one letter. October 18, a letter from the same person to the contractor, letter number 2, "I again draw a number of problems to your attention. 1. Entrance lobbies not clean; 2. Main stairs dirty; 3. Foyer floor dirty;" and it goes on to nine. Then, "A number of these items have been brought to your attention several times."

Another complaint, October 26, from a civil servant about cleanliness. Again, on November 4, from 211 Hawkins, a civil servant complains, "In general terms, it appears to not be to a standard that was previously held prior to privatization. Please advise the contractor of our dissatisfaction."

November 13, the same civil servant, who is a supervisor, "Once again I pass on to you the sad state of affairs re our cleaning." It mentions vacuuming, et cetera.

³⁶ On November 8, a civil servant complained that in his area they have "seen some considerable disimprovement in the cleaning of late". Disimprovement is obviously a civil service word.

From the Department of Education, there is an interesting letter about the changing of her garbage and the collection of the garbage. It is an interesting litany that I will not quote, but it went on for five weeks in order to get the garbage properly taken away.

On November 16, another civil servant from finance talked about the very abusive characteristics of one of the private janitors that I will not detail specifically.

On November 22, there was a complaint from Finance, "The janitors are not changing garbage; the ladies have complained that their washroom is dirty", and it goes on about the ladies washroom at some length.

On November 26, "the attached notes are self explanatory". This is from the library and it is a daily log. "No sweeping or mopping. The napkin depository in the ladies washroom not dumped for a couple of weeks. Garbage in the meeting room not dumped for a couple of days. No mopping or sweeping". This is over the course of a week. "Carpet not vacuumed. Tables not cleaned. Messy in the washrooms." over the next week.

November 27, 1984, from the Department of Health from a supervisor, "Apparently the problem with the women's washroom is particularly acute", and it goes on. There is an accounting about the vacuuming, dusting and the washing of desks, and the floors in the stalls in the washroom are disgraceful.

From a civil servant on December 11, 1984, "My work area is often not vacuumed. The women's washroom on the main floor is unclean and the basins have a strong odor. Toilets have gone up to

three days without cleaning, which is quite evident."

³⁷ In December, 1984, a staff member in the library worked in the evening and said that the janitors were in for about one-half hour, did no vacuuming at all and the tables and the counters were not cleaned.

On December 12, 1984, from the Department of Education, "There is often soiled paper laying around on the floor. The toilets are dirty. Stains remain on the counters for weeks on end. The handsoap is so watered down that it will not lather."

On December 12, 1984, the government sent a third letter of complaint. It goes through the complaints and it mentions that the lobby floor was not cleaned, the stairwells were not cleaned, the washrooms, vestibules, loading dock, the cafeteria tables had not been cleaned under the pedestal and it specifically warns the contractor that they were in danger of the contract being revoked.

From Archives on December 7, 1984, "The floors are very dirty."

On December 19, 1984, the Department of Health wrote a long letter giving specific points about the cleaning, and it says this: "I am not ordinarily perceived as a fussy person. However, in this case, I do have the expectation that basic housecleaning or custodial services be provided. We are dealing with the public on a daily basis and we would appreciate a relatively clean office at the start of the day".

From the library, again, we have washrooms and hallways being filthy.

Then, on December 13, 1984, there was a letter to the cafeteria contractor by the Federal Environmental Health Officer: "The situation as it exists presently is unacceptable. You must make arrangements to have the floors properly cleaned daily, et cetera. The problem appears to be one of the responsibility for cleaning rather than a lack of care on your part, as my previous inspections have always found your operation to have very high sanitary standards. I hope that some arrangements can be made to have this problem rectified in the very near future." That was from the Environmental Health Officer.

³⁸ From the Department of Education, a long letter with seven points about the toilets, the floor, the sinks, the desks and the garbage and the vacuuming, and it is signed by 13 government civil servants, complaining about the filth of the building.

January 7, 1985, a without-prejudice letter is delivered to the cleaning contractor. It says, "Further to our recent discussions and previous letters, I again note that the standard of cleaning has dropped below the acceptable level" and it goes on. It threatens to bring the contract to a close.

January 18, 1985, from the Department of Education, "The same as everyone else, we have been experiencing serious problems with the janitorial services", and it includes a diary of the problems, which is six pages long, and is dated as to various issues. "December 21: no sign of cleaning of any kind upstairs in the hallways or the bathrooms. December 24: some sweeping in the worst areas, but most areas downstairs were not swept, et cetera", and it goes on and on. It is signed by a civil servant.

On January 31, 1985, the fifth letter, a without-prejudice letter, to both the principals of the company in Vancouver, and the local authorities, "I again note problems with the level of cleaning. I have attached for your information a record that is being kept by the library staff in regards to the quality of the cleaning", et cetera.

January 31, from the computer room, serious concerns about the dirt interfering with the computers in that area.

February 5, 1985 a letter from a senior civil servant to the property manager, listing complaints and saying, "Surely there have been enough reports about the quality of service provided that something concrete can and should be done about it."

³⁹ March 13, 1985, another very senior civil servant, a senior supervisor, "The toilets go weeks between cleanings and are what we consider pathetic — a public health issue."

I will mention the name, on the 27 of March, Patrick Dixon, the Expo Coordinator, and a supporter, obviously of free enterprise. "The entry, stairs and floors are frequently not vacuumed for days at a time. The Expo project has a lot of contact with the public and one of the main goals of the project is to project a first-class

competent image of Yukon to the world. It is hard to do this when we cannot even get the janitorial system to work properly."

I will skip a few, Mr. Speaker.

On 23rd of April, 1985, the government sent the sixth letter — the sixth letter — to the company with nine points. They delivered it by hand locally and by certified mail to the principals in Vancouver. It talks about the dirt, grime and dust build-up and vacuuming, et cetera.

I will skip that one. On May 27, 1985 the seventh letter: "When we turned the building over to your firm, the building had a shine to it, and I am sure you will agree that this is no longer the case. I find it very disheartening to have to make an inspection tour of the building at least three times a week ... On every tour there is something improperly cleaned."

Then, this is an interesting one. On May 15, 1985, what we have is a public service union grievance form. I will read it. "We grieve that the staff washroom is being continually left in an untidy and unhealthy state." This grievance is signed by 40 individual civil servants. The Member for Porter Creek East is suggesting I should apologize to those 40 people. I will do no such thing.

In August 1985 from the Department of Health. Cigarette butts and ashes were found in the water jugs.

August 8, a letter complaining about the odour in the public library.

The eighth letter simply again complaining to the contractor.

⁴⁰ On August 30, a washroom cleanliness complaint was received from a civil servant. On October 28, 1985, another one was received about vacuuming and the women's public washroom was extremely bad. On November 25, an acting Deputy Minister complained about the janitorial services and the contracted-out services. On November 25, which is the last letter, "We wish to confirm our agreement to amend the termination date of the contract to January 19."

The Member for Porter Creek East has specifically said that we did not give notice. He mentioned hours. He then, after I motioned to him, said "very little notice". It is in *Hansard*. There were discussions that occurred in all the letters, and we confirmed the discussions on November 25 to terminate on January 19, 1986. Those are the facts.

I go through all of those because any sensible person would ask why it was not terminated sooner. The answer is that it was a political issue and the political arm of the government closed their ears to those legitimate complaints of civil servants who are in this building. The Government Leader had called the process an experiment. That is the result of the quality of work of that experiment.

The Member opposite talks about the motive of the previous government. The thrust was to "assist small business". Every single Member of this House frequently says that our ambition is to assist small business. The proof of the pudding is in the eating. Did this assist small business? It was a Vancouver firm. It was one firm that came here and left. What is the assistance to local business? What is the assistance to small business? It did not do that.

There is another factor. The Member for Porter Creek East talks about costs.

⁴¹ He waved his arms, and he said, "There are various estimates, from \$100,000 to \$300,000, depending on the estimates." He said that, after he knows full well what the facts are. He is conveniently forgetting them. I have specifically written to him and have explained what the facts are. The bringing of the work in-house, the hiring of what turns out to be one additional person and, most importantly, the pay to those people of a decent living wage all amounts to approximately \$11,000 a month, or, from January 10 to March 31, \$29,000. We can defend all of those figures in the Supplementaries. I am expecting a debate about it, and relishing it. I am looking forward to it.

It is interesting that the contractor had seven staff, after 10 people were laid off. We have hired eight. The contractor paid various amounts during the life of the contract, however, it ended with \$7.00 an hour, and we pay \$11.32 an hour. If you add up the hours and the people, that is where the lion's share of the cost goes.

I am proud, as the Minister for Government Services, to be able

to say that our janitors are paid at least \$11.32 an hour, whereas the previous Minister paid them \$7.00 an hour. The Member for Porter Creek East is asking me to apologize to those people: I do no such thing.

Another issue is security. Here it is interesting that the Member who moved the motion refused to allow a private contractor to clean his office because of security reasons. The executive offices were always cleaned by two people who were kept on when the previous government contracted out the services. What is good enough for the executive council is good enough for all the civil servants in this building. He asks me to apologize to those people? What cheek. ⁴² In arriving at this decision, and incidently putting it before the Cabinet, as it was a decision of the government, I consider another very important consideration and that is the morale of the civil servants working for the Yukon people. When we took over in May, I walked into work through the south door. There was a pile of construction materials that had been there since the weekend after Mr. Phelps took office. It had stayed there. It had not been cleaned. It was there as a pile of dirty materials that were there for the civil servants and the public to walk around on their way to and from work. The building was filthy.

On my first morning of work as a Minister, the janitors who were here spoke to me about the filth of the building and I looked at it personally. It is in the public's interest that the civil servants work in a clean and healthy environment. We have healthy, happy people looking after the public's interest. We have considered the cleanliness of the building. We have considered the air quality now and the space and I apologise to no one for all of those measures.

Mr. McLachlan: It is not my intention to speak for as long as the Member for Porter Creek East can, nor as the Member for Whitehorse South Centre did, but I do have some distinct points to make on this matter. It was certainly true that within this Party we did want to see this contract kept in the private sector, and I have a great deal of faith in the private sector of Whitehorse for building maintenance and cleaning. We have seen their work in other private and public buildings around town. The Minister has detailed a litany of complaints that, I must admit, the Member for Tatchun and I were not aware of, but I thought perhaps being new to the building we were perhaps not quite as used to the standard of cleanliness that others around here had begun to appreciate and become accustomed to. We were a little surprised at the speed at which the contract appeared to be changed but, be that as it may, as the Member for Porter Creek East has pointed out, the Minister fully has that right to move on that direction.

The message we want to ask the Assembly to consider is that we really do not think that the experiment, as outlined, is totally over and should be totally abandoned. To that end we are going to present an amendment to this motion which I believe will satisfy the concerns of the Member for Porter Creek East and hopefully the government side.

⁴³
Amendment proposed

I move That Motion No. 19 be amended by deleting all the words following the word "that" and substituting for them the following: "It is the opinion of this House that the Minister of Government Services study the re-tendering of the janitorial services in the Government Administration Building to the private sector, giving due regard and consideration to the inclusion of a fair wage schedule and adequate performance guarantees in the tender documents; and THAT the Minister table this study in the House."

Speaker: It has been moved by the Member for Faro THAT Motion No. 19 be amended by deleting all the words following the word "that" and substituting for them the following: "It is the opinion of this House that the Minister of Government Services study the re-tendering of the janitorial services in the Government Administration Building to the private sector, giving due regard and consideration to the inclusion of a fair wage schedule and adequate performance guarantees in the tender documents; and THAT the Minister table this study in the House."

Mr. McLachlan: I want to draw the attention of both parties in

the House that the inclusion of contract stipulations specifying inclusions of a fair wage schedule and performance guarantees in the tender documents will address the concerns that the Member for Porter Creek East and the Minister for Government Services have raised.

The message is simple and short. It is saying to the Minister of Government Services to go back one more time, if you like, and try again. Do not abandon the project totally and remember that one bad apple does not taint the whole basket. Perhaps the problem lies in supervision. There is something drastically wrong when the complaints that were detailed by the Minister this afternoon can go on and on without direction being taken at a higher level to improve that problem.

Hon. Mr. Kimmerly: We support this amendment. The government presently tenders janitorial services in many buildings around the territory. We do that because it is efficient and cost effective for those buildings. They are primarily in the communities but also in some of the government buildings in Whitehorse where there are government personnel. There is no intention to change those private contracts.

We are interested in what is cost-effective and efficient. I have been a small businessman in Whitehorse. I have contracted for janitorial services and I have also done them in-house. There are scales of economy for different buildings and for different offices. ⁴⁴ This motion allows for the consideration of exactly those kinds of appropriate measures. The previous government indicated that the contracting out of the janitorial service was an experiment. It was an experiment that ended miserably. One of the reasons why it ended miserably was that there was not the proper analysis and, I would suggest, no consultation with the employees and the unions involved that should have been done. We have no problem at all with studying the situation as it exists now, and looking constantly at the cost-effectiveness of this kind of work.

Speaker: The Member for Porter Creek East on the amendment.

Mr. Lang: I rise with some surprise. What I mean by some surprise, is the position taken by the Liberal Party. I was under the impression from public announcements or statements that had been made, that they felt very strongly about the decision that had been taken by the Minister, and quite rightfully so. They came out publicly and stated that they were very much opposed to the action taken by the Minister.

I want to refer to December 5, 1985. I have no reason to doubt that this is accurate. It is from the *Yukon News*. The caption is, "Liberals Condemn Janitor Decision", and the Leader of the Liberal party's picture is on the page as well.

"The Liberal party has joined the Whitehorse business community and the Progressive Conservatives in condemning the New Democrats for dumping a private custodial firm from the government building. Like other critics of the move, they say if the government was dissatisfied with the work being done by Yukon Floor Services, they should have gone to another bidder in the private sector, rather than rehiring government employees to clean the building.

" 'Mr. Kimmerly owes every Yukoner a profound apology and a retraction of his position on this matter. His decision expresses total contempt and disregard for the system of free enterprise,' Coles stated yesterday in a press release."

That is one of the principles expressed in the motion that is before you. It is taken totally from the position of the Liberal party. I quote in Motion No. 19,

"THAT it is the opinion of this House that the decision made by the Minister of Government Services regarding janitorial services for the Yukon Government Administration building shows total contempt and disregard for the system of free enterprise;"

I have to say to this House, I plagiarized the words of the Liberal leader.

⁴⁵ The statement goes on to say, "Coles suggested the government had its mind made up in May about the janitorial service and their claims to be looking into the janitorial were just a way of

prewarning the public of an announcement. 'Any reasonable individual would not deliberately spend \$400.00 for a job he could get done for half of that. If Mr. Kimmerly knew he could get his house cleaned for \$10.00 do you think he would pay \$12.00 an hour, especially if it was his own money? You can bet he would not.' Coles said the NDP are being 'free' with taxpayers' money, at the same time saying none of the firms here are good enough to do the work. 'This is a direct insult to the business community.' "

I brought this motion thinking that my colleague to my left here, in view of his public statements, would be supporting the reintroduction of the principle of going back to contracting out the services required for this particular building and, just as importantly, looking ahead to the justice building that we are going to have to be dealing with in the near future.

I think it is important that public statements that are made do see the light of day, and I want to quote the Liberal Leader again, and in deference I wanted to go to the other reporter here, the *Whitehorse Star*, to give them free and equal play. Mr. Butler's article on the subject — I do not have the date here — quotes the Liberal leader, Roger Coles, by saying, "Liberal leader Roger Coles meanwhile calls the extra cost of the decision ridiculous. 'If Mr. Kimmerly was not satisfied with the contractor, he should have gone out and gotten another one. It is a big chunk of taxpayers money to wax floors.' "

I think you can understand why the motion before you was drafted in perhaps stronger language than what I would have. I brought it forward thinking we could get some support from the Liberal party with respect to an issue that they said publicly, they said on the airwaves, not just in print, that they felt very strongly about it.

We have an amendment before us that waters it right down. In fact we have an amendment that calls for a study. The public is not stupid, there was obviously a deal made. That is the way the House operates and I understand the numbers game. I am not stupid either, contrary to what some Members across the floor may think. The fact and the reality was that we saw the Members gesturing to each other and the body language spoke for itself.

We put the main motion forward feeling that there was a principle at stake here that should be discussed. We have looked at your amendment, this is the first we have seen it, as we are not privy to the discussions that go on elsewhere, other than in this room. At least we have gone a quarter of the way back from a major policy deviation by the government. We are not going to stand up here and actively oppose the amendment. I would have liked to have seen it, but I am not going to even bother, because I am sure it has been worked out between the two parties in any event, in some closed room somewhere.

"I see that that was conveniently left out. We will perhaps have some questions in Question Period to the Government Leader through to the Leader of the Liberal party to see what kind of arrangement had been made.

With those few comments, I just want to again express my disappointment with respect to the position taken by my colleagues to the far, far left. Hopefully, the next time they make a public statement, they will be prepared to back it up.

Amendment agreed to

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: I was thinking that perhaps the Member for Tatchun would be rising to speak on the motion. He obviously felt very strongly about this particular issue.

I just want to make a point. This side has been accused of filibustering. I think we witnessed that particular type of action from the Minister of Government Services. I am surprised he did not read all the correspondence from his office during the course of debate. I should point out that we did not ask for it. Being typical Canadians, we were terminally nice and we all listened to his dissertation.

I just want to clear up a point that was put on the record regarding permitting certain people to clean certain offices. That was never brought to my attention. My understanding is that it was done because of logistics. Perhaps I was wrong, but that was my impression.

As far as discontinuing the contract, there is no question that the Minister took unilateral action, and took it very quickly, with what I felt was not sufficient evidence to not be able to go out to tender. As far as the financial facts are concerned, they are substantial. He has quoted figures of \$290,000 a month. We are talking \$300,000 in ballpark figures, by the time you figure benefits.

With the study and the results that, hopefully, will be tabled in this House next week, perhaps we can make a definitive decision.

Motion No. 19 agreed to as amended

Motion No. 10

Clerk: Item number 1, standing in the name of Mr. McLachlan.

Speaker: Is the hon. Member prepared to proceed with item number 1?

Mr. McLachlan: I am, Mr. Speaker.

Speaker: It has been moved by the Member for Faro

THAT it is the opinion of this House that the Yukon government should establish emission standards for all new installations of solid wood burning appliances.

Mr. McLachlan: Woodburning stoves are a way of life to most Yukoners. Woodburning represents much more than just an energy saving. Burning of wood is in keeping with the character and the independent nature of the people whom we call Yukoners. It represents freedom from a dependency on others to ensure their living standards. Woodburning has a flavour and a warmth not to be found in any other energy contributor.

It is precisely because of the great outdoors, mountains and forests and the abundance of water and the availability of wood as a source of energy that many choose to stay and raise families in the Yukon. In short, Yukoners have a very great desire to maintain the above imagery, but in a pollution free environment.

Woodburning can and should remain a very large part of the Yukoner lifestyle. It is only in recent years that public and government alike have become aware that not all of the present woodburning techniques are contributing to a pollution free environment.

If we, as a government, choose to do nothing, the proliferation of pollution-causing woodburners will continue unabated. The very freedom and independence that we cherish so dearly will be threatened as it will sometimes be necessary to order the shutdown of some woodburning appliances.

Without decisive government action, the problem will only get worse, as evidenced by the growth of the Riverdale problem. Voluntarily programs and education have fallen short of a desired solution. Over the last several years, all three levels of Yukon government have been aware of the growing pollution problem caused primarily by residential woodburning, but each, for their own reasons, have been frozen in their ability to take the necessary remedial action.

Part of the problem stems from the historical roles that the federal and the territorial governments played in encouraging the homeowner to install woodburners as an alternative source of energy. The oil prices of the 1970s was one of the prime motivators leading to government involvement. In their rush to solve the problem of the day, both neglected to take the long-term view, or effect, of installing numerous woodburners in our communities.

Yes, we did consider the energy savings and the safety of the woodburners, but little or no attention was paid to the airborne pollutants and the quality of the air that we breathe. No one made the calculation of what the saturation point would be before woodburners would create a health problem.

It should be obvious to all that, where large communities are concerned, we have almost reached that point. We are here, and we need not have been. Had we the foresight, we would also have established acceptable emission standards for the woodburners that are sold in the Yukon Territory.

Lacking a government standard on acceptable smoke emissions, manufacturers have flooded the market with all kinds of woodburning appliances. I have looked at eight different models that can be purchased locally. Not one of them includes any emission standards with the literature.

This is not to suggest that all are bad. It is quite the contrary. Some that are sold locally have received first place status in other countries where acceptable emission standards are compulsory. But our problem lies in the fact that we have no emission standards whatsoever and no yardstick, therefore, with which to judge the good ones from the polluters.

The Canadian Standards Association is almost ready to release a long-awaited policy with regard to acceptable emission standards for woodburning appliances. This government would do well to investigate and incorporate portions of their work. As a government, we should also investigate the State of Oregon's work regarding emission standards. The Canadian Standards Association people feel that they are the foremost group in the world for establishing woodburning standards for pollution-free appliances. ⁴⁸ In municipalities with large populations in close proximity to one another, the pollution problem is most acute. Municipal governments, lacking the yardstick for measurable emission standards, are loath to introduce by-laws that will please some and displease others. If the various levels of government are to have any hope of coming together, each must take a measure of responsibility in combatting a problem that will not go away.

Accordingly, I have a number of recommendations that I feel this House must implement to facilitate a satisfactory solution, and one that I believe will gain widespread approval from all concerned.

1. The Territorial Government should begin work immediately to establish a Yukon Emission Standard governing all new woodburning appliances sold and installed in the Yukon. This may not alleviate all existing and past problems but it will certainly prevent the future from getting any worse.

2. Adopt and incorporate a wood stove certification program. This will accomplish two things: it will provide municipalities with a measurable yardstick which will allow them to develop by-laws in those municipalities that might feel the need for a mandatory control; two, residential wood burners who choose wood appliances that meet acceptable emission standards will not have to worry about shutting down in a peak inversion period.

The territorial government should express, in writing, a commitment to the municipality of Whitehorse to financially support the first two-year start-up costs associated with by-law enforcement and control of the wood smoke emissions. This amount of dollars, \$65,000, should not exceed the Environmental Protection Service's report of January, 1986.

The territorial government should request the Environmental Protection Services Branch to continue with their program of monitoring the pollution instrumentation for a period of an additional two years. The territorial government, using the *Energy Conservation Assistance Act*, should consider expanding it to provide inducements or incentives for those who will purchase new wood burning appliances that meet acceptable emission standards and wood appliances that meet the certification program. The above recommendation is critical, for its net effect will not only address new purchasers but will allow many present burners of wood to either upgrade or purchase new equipment. Under the present program it only allows for a catalytic combustor, which is still a far cry from the desired result.

In order for the expanded energy assistance program to work in a way that will produce immediate and short-term action incentives, this government would do well to provide for a two year cut-off date. This should stimulate any present owners of inadequate wood burners to either upgrade or purchase new ones.

There are three methods of incentives or inducements that this government could consider regarding the purchase and installation of acceptable wood burning appliances: grants, interest-free loans or tax rebates. I am in favour of the latter two, for I feel that outright grants have had their day.

I urge all Members to support the motion and the recommendations of this report. If we do not, history may someday not forgive

us.

⁴⁹ **Hon. Mr. Kimmerly:** I commend the Member opposite for his initiative in this area. This has obviously been in the nature of a political football, in that the federal government is involved because of their program of promoting the use of wood and paying under COSP, as well as CHIP, for renovations and the use of wood. Yukoners, especially in the suburban areas, have taken advantage of that, and that is one of the reasons for the woodsmoke problem that sometimes exists here.

The territorial government is involved, as we are extremely interested in both energy conservation and pollution issues. The previous government had meetings in Riverdale, especially, and we have no intention to shirk our duty to be involved in this issue.

The municipal governments, also, must have a very important role and, I would suggest, the primary role in combatting this issue. I was extremely interested in reading accounts of the Whitehorse City Council as they dealt with this issue, and especially with the efforts and the initiative of one councilor, who is doing more work than all the rest.

I enter this debate as a Whitehorse MLA. Although the downtown is a relatively clean area for woodsmoke, it is susceptible to woodsmoke pollution. It is an issue in my riding, as it is in all Whitehorse ridings.

It is quite appropriate for the Yukon government to speak about and to assist research in standards in emission standards. We note, with great interest, the Canadian Standards Association report, which, we note, is almost ready, according to the Member for Faro. I would suggest that the motion should contemplate efforts like the Canadian Standards Association, because their capability and their access to the total market is greater than that of the Yukon government.

⁵⁰ I intend to propose an amendment to Motion No. 10. I will read it out, and explain it briefly. I gave notice of this amendment and gave a copy to all the Members on April 1, so Members have considered it.

Amendment proposed

I move that Motion No. 10 be amended by adding after the expression "solid wood burning appliances" the following:

"and encourage municipal governments to apply such standards where woodsmoke is a problem."

Speaker: It has been moved by the Minister of Justice that Motion No. 10 be amended by adding after the expression "solid wood burning appliances" the following: "and encourage municipal governments to apply such standards where woodsmoke is a problem".

Hon. Mr. Kimmerly: Very briefly on the amendment, the purpose is that although the original motion is very general, it clearly implies that the Yukon government should apply these standards, or enforce these standards. The Member for Faro, in his speech, talked about the application of these standards to new appliances in the Yukon.

I would encourage all Members to support this motion. It is moved in order to indicate to all other governments that we are very interested in facilitating this problem that we recognize, and that it is our position that the application of these standards ought to be, and is, a municipal issue.

Mr. McLachlan: I would not be so remiss in our party's consideration of the motion to be so adamantly insistent that the concept of the motion be presented and applied blanket without any other considerations across the territory. I acknowledge that there are situations in the Member for Tatchun's riding at Pelly Crossing, and also in the riding of the Member for Old Crow, where energy sources are almost exclusively wood. In Old Crow, where the use of heating fuel is considered more of a luxury than anything else, the application of a law that you would not particularly be in agreement with just to clean up the atmosphere where there was not a problem would cause hardship in some communities.

We will be agreeing with, and voting for, the amendment to this motion, which has the effect of putting an additional rider on the

motion.

⁵¹ **Mr. Webster:** I rise to support the amendment as well because it is a very sensible and practical one. One thing that we are not considering here is that the problem with the motion as it is presented in its original form is that it will require everyone in the Yukon, not just the people in Riverdale or in the small communities, but people in the bush to comply with the new installations of stoves, et cetera, to meet certain standards. This certainly is not very necessary or practical.

I concur with the Minister in proposing the amendment that where woodsmoke is perceived as a problem compliance is then necessary to protect our environment and our health. That responsibility, though, should be left with municipal politicians.

Mr. Phillips: I represent a riding that sometimes in the winter is very hard to find because of the issue that we are addressing here today. I think it is important that it has reached the floor of the House. I think it is important that the Members of this House do what they can, and I will be supporting the amended motion.

Amendment agreed to

Motion No. 10 agreed to as amended

Clerk: Item No. 3 standing in the name of Mr. Brewster.

Speaker: Is the hon. Member prepared to proceed.

Mr. Brewster: Next sitting day, Mr. Speaker.

Speaker: So ordered.

Motion No. 17

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

Speaker: Is the hon. Member prepared to proceed with Item No. 5?

Mr. Coles: Yes.

Speaker: It has been moved by the Member for Tatchun THAT it is the opinion of this Assembly that there should be a more comprehensive range of health care services available in the Yukon;

THAT this Assembly urges the Government to introduce legislation to establish a Yukon Health Services Board which would have the authority to recommend the additional types and kinds of health care services appropriate for incorporation into the health care delivery system; and

THAT standards and regulations covering the inclusion of these services under the *Yukon Medical Care Act* be defined.

Mr. Coles: We live in a time of rapid change. The health care and medical model has not been exempt from these changes. A recent paper published by the Science Council of Canada points out that health care costs since 1950 have increased by 30 times. The life expectancy of the average Canadian has changed very little.

This paper goes on to say that the average age of our population is on the increase and that our disease pattern has shifted from infectious diseases to expensive and hard to cure chronic diseases, such as rheumatoid arthritis.

⁵² The paper's main conclusion is that we can expect our health care costs to rise at an ever-increasing rate unless we change our focus and put more emphasis on prevention. The paper mentioned that many people are leaving the traditional medical model and are searching for answers from alternative health care practitioners. This tells us that the present medical model is not meeting the needs of the people and this phenomena is world wide. In Holland, for example, about five years ago so many people opted for the health care services outside of the system that the medical doctors asked the government that the alternative health care system be closed. When the Dutch government assessed the situation, they felt the doctors were out of step with the people and opened up their health care system to include a more holistic approach to treatment of the patient. To their surprise, health care costs in Holland have been substantially reduced.

England, on the other hand, has legalized healers for many years, and now these healers work in medical clinics and hospitals alongside the traditional practitioners.

In times of rapid change it is difficult for the conservative institutions, like the medical fraternity, to keep up with the needs of the people and that is probably why our present medical system, with all its advances and sophistication, is not in step with the public at large.

In fact the medical fraternity has, rather than responding to the marketplace demands, opted to prevent needed changes in its system by setting itself up as the only model to be paid for from our health care premiums.

It is always the role of legislators to keep their finger on the public pulse and bring about changes in the laws that respond to the needs and will of the people, and to always put the needs of the people ahead of any institution that becomes focussed upon itself rather than on the common good of all people.

The Science Council Paper goes on to say that people are changing and that they no longer want to play a passive role with the doctor administering to them, but instead they want to understand their problem and play an active role in making changes that would assist in bringing back their health.

In fact, the paper implies that it is only through education and people accepting responsibility for their lifestyle, like giving up destructive health habits, that we stand a chance for reduction of health care costs.

The bold conclusion of the paper is that the final control of what should be included in the health care package, and who pays for what services, should be put in the hands of the people, like any other product in the marketplace. After all, who can better judge the quality and value of a service than the people receiving the service.

The existing legislation on the subject of Yukon health and insurance coverage is old and long overdue for major revisions. We believe that in order that providers of non-conventional health care to be legally entitled to practice their professions in the Yukon, three things will be necessary. One is to create enabling legislation to the *Yukon Medical Profession Act*. Because many forms of health care do not come within, nor are considered to be a part of, the generally-accepted standards of the *Medical Profession Act*, it would be necessary to pass a separate enactment which would: a) confirm legal status on particular health care professions; and b) prescribe the conditions pursuant to which the profession can operate in the Yukon.

Such legislation should contain the following provisions: a definition of the health discipline in question; the educational requirements of the profession; the registration requirements for the practice of the profession within the territory; the establishment of a governing body whose function is to prescribe and enforce the standards of practice within the profession; the powers of such a governing body; an enumeration of what kind of treatment the profession can or cannot provide or perform; and, the penalty for a violation of the act.

Two, we would also like to see the *Medical Profession Act* extend the existing exemptions to include the practice of several other forms, such as private physiotherapy, natural therapy, homoeotherapy, reflexology and orthomolecular medicine.

⁵³ The existing *Health Care Insurance Plan Act* recently underwent changes that extended to all manner of health services rather than those provided only by medical practitioners. We believe, for greater certainty, the act should be amended to read:

"Health care practitioner means a person lawfully entitled to provide health care services in the Yukon, and without limiting the meaning of the foregoing, shall include naturopaths, reflexologists, homoeopaths, orthomolecular practitioners, acupuncture and physiotherapy."

It is understood that eligibility under the plan is different from being compensated out of the plan. The act itself does not prescribe what health services are insured benefits. This is done by regulation pursuant to Section 9 of the act, which vests in the Commissioner in Executive Council the power, among others, to specify what services are insured, health services for the purpose of the plan, prescribing what persons may render such services, under what conditions such services are insured services, and prescribing the amount of payment for such services.

In short, unless the regulations provide that a human health

service is an insured benefit, the service will not be covered by the plan, regardless of whether it is prescribed by a medical practitioner or health care provided.

Hon. Mr. Kimmerly: I thank the Leader of the Liberal Party for bringing this matter to our attention. It is something that is particularly sensitive and in the public eye at the moment. That is a sensitive and a particular issue. As he has kept to the general and the legitimate public interest in the debate about medical policy, or medical services, it is a timely motion to debate in the Legislature today.

I welcome the opportunity to explain, and I will be fairly brief, but I want to do justice to the topic, the policy of this party and, ultimately, the government, in the health field. The spirit of our health policy coincides with the spirit of the motion brought forward from the Opposition benches.

The policy of our party is about democracy. We speak about democracy in a political sense. To many it means freedom, the right to vote, to choose the government. It means other things. We can talk about democracy in the medical profession. We can talk about economic democracy. We can talk about all sorts of democracies.

The crux of the question is: who controls the delivery of health services? Is it the medical profession, being the experts, or is it the people? Is it a democratic control of what happens ultimately to people's bodies?

The policy of our party was passed some years ago, and I am proud to be here espousing this policy where we can, within the limits of the financial constraints that the government is under, actually implement it.

I will read various parts of it. "The goal of the Yukon NDP concerning health is that all Yukoners should develop their full human potential, physically, mentally and emotionally. Yukon government programs should deliver, to all persons in all segments of the society, maximum opportunity to the extent made available by medical science to develop their human potential. Prevention is the first priority. Government should fund public education and community programs concerning diet, hygiene, fitness, stress and family planning."

As I understand the concept of holistic medicine, that is a substantial part of that principle. "Home care should be an integral part of the health care system, offering a range of medical and social services." We talk about the rights of patients to refuse treatment and to be informed, to be active.

The next point is the one I wish to emphasize most strongly. "Community clinics should form the basis of the health care system. Clinics should be directed by locally elected boards and provide a range of culturally relevant medical and social services directed to the prevention and care of the mentally and physically ill." We continue on about the medicare program and the inclusion of many of the things mentioned by the Member opposite.

We also talk about environmental pollution and occupational safety, which is a health concern. There is also tobacco, alcohol and drug abuse and the rights of the mentally ill people.

"Racial, religious, cultural diversity. The goal of health, the definition of illness and treatment methods for illness are culturally defined as well as being scientifically defined."

"Adult individuals have the right to have the health care system recognize cultural and religious practices and diversities."

We also talk specifically about a woman's perspective in another section.

I have mentioned those in order to clearly put on the record that we, in a democracy, demand not only political democracy in the context of the right to vote and free speech, but in the right of individuals to control their own bodies, to control what happens to them, and what the medical profession should be doing in the context of their delivery of service. The medical profession is a helping profession. It, on occasion and in some segments, is extremely progressive. On occasion and in some segments, it is regrettably out of step with the public at large. There is obviously a debate going on among medical professionals, and among citizens generally. We accept the general concept of the motion.

We believe that the motion is problematic, in that there is

mention of a Yukon Health Services Board, which was not explained by the mover. I would propose an amendment to that motion, which we do not believe changes the spirit of the motion but which expresses, in general terms, the concepts and the policies that we are probably all interested in.

Amendment proposed

I move that Motion No. 17 be amended by deleting paragraph two in its entirety and replacing it with the words, "THAT this Assembly urges the government to examine mechanisms for public input into additional health care services."

Speaker: It has been moved that Motion No. 17 be amended by deleting paragraph two in its entirety and replacing it with the words, "THAT this Assembly urges the government to examine the mechanisms for public input into additional health care services."

Amendment agreed to

Mrs. Firth: I rise today just to talk a bit about the concept of soliciting public input into additional health care services. We, too, wondered about the Yukon Health Services Board, and what its direction or membership would be. The mover of the motion had not been clear as to exactly what he meant by a Yukon Health Services Board.

However, we did find the concept an interesting one, because we recognize that the present system is probably not the best. That system is one where the public, who is the body who determines what kind of delivery of health care they are going to get, simply approach the Minister of Health and Human Resources and ask for some additional health service to be considered. It was a decision that was made by Cabinet.

Therefore, we thought that the Board, or some other kind of public input process, could serve a very useful function, particularly to review services that are provided and options for additional services.

We will be supporting the motion as amended. We do thank the Member for Tatchun for raising it.

Hon. Mrs. Joe: I speak on the last paragraph in the motion, where it mentions a Yukon medical care act. I wonder, because we do not have such an act, if he was referring to the *Health Care Insurance Plan Act*.

Mr. Lang: Point of order. If the Member for Tatchun speaks, unless he is prepared to entertain a question, I believe he would be speaking out of order to close debate, and there would be no further debate on the amendment or the motion.

Hon. Mr. Penikett: On the same point of order. The Member opposite is correct. He cannot respond to the question, otherwise, if he is concluding debate, there should be the normal Speaker warning.

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

Mr. Coles: I think that the Minister of Human Resources is correct, and that the act that she referred to is the one that was meant.

In closing debate on this motion I would like to ask the Members of this House to consider the questions that have been enumerated here today. Is the public at large satisfied with the present level of Yukon health care available? Has experience shown that the public is demanding an even greater expansion of the health care practices be made available and, obviously, the status quo is not meeting the needs of the Yukon people.

Even though health care costs are skyrocketing there has been no noticeable improvement in the overall life expectancy of our people.

We must put more emphasis on preventative medicine and if this can reduce our dependency upon drug related cures through more natural methods, then so much the better. Present medical models are just not meeting the needs and under the present rules I must once again ask the question: who checks the checkers, and who best

is in the position to judge the quality and value of our own medical services than the people who are receiving the services?

Motion No. 17 agreed to as amended

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

Speaker: Is the hon. Member prepared to proceed with Item No. 4?

Mr. Brewster: Next sitting day, Mr. Speaker.

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

Speaker: It has been moved by the Member for Porter Creek East that the 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 now call Committee of the Whole to order.

We are on Bill No. 17, *Fourth Appropriation Act, 1985-86*, Community and Transportation Services, Capital Expenditures, Land Development/Public Acquisition, continued.

Bill No. 17 — Fourth Appropriation Act, 1985-86 — continued

Mrs. Firth: Could the Minister explain what line you are discussing?

Hon. Mr. McDonald: I could take that question on notice for two hours and five minutes but, if Members insist, I could probably find more to say. I managed to find twenty minutes worth of something to say yesterday.

I suggest we recess until 7:30 p.m.

Chairman: If it is the wish of Committee, we will adjourn until 7:30 p.m.

Recess

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

Mr. Lang: For the record, I was chastised for not following the rules at 5:30 and moving the motion to go into Committee prior to it being asked if the resolutions will stand. I humbly submit that I made a mistake and it will not happen again.

Mrs. Firth: We were discussing the issue of land yesterday when the Committee of the Whole adjourned. I read over *Hansard* and read the Minister's comments he made about the land availability process. He sounded like he had some set order that was followed when reviewing land applications, such as a set of guidelines.

If he does have a set of guidelines for a land availability process, could he table that for the Members of the Legislature, please?

Hon. Mr. McDonald: If the Member wishes, I could work it out, write it down and have it typed up and tabled.

Mrs. Firth: We would appreciate that if it is the government's policy to follow a certain process and if there are certain steps the Minister has told his officials to follow when they are reviewing the land applications. I think it is to the benefit of all the Members of the Legislature to have that tabled.

Mr. Phelps: The agricultural industry gave a brief to the Select Committee about three weeks ago. In that brief, which was quite lengthy and comprehensive, they asked that the responsibility for reviewing land applications and making applications to the federal government for federal land be turned over from the Department of Renewable Resources to the Department of Community and Transportation Services. Has that policy been considered during the course of last year by your department?

Hon. Mr. McDonald: The move back to Community Services has not been contemplated by the department. The original decision to move it to Renewable Resources was largely because it was considered to be a renewable resource issue in the classic sense. It was considered to be so much more than the reviewing of land applications, which was the fundamental underlying reason for

moving to Renewable Resources. The Department of Agriculture would broaden its perspective, so to speak, to a variety of areas within the realm of the rubric of agriculture. I believe that is the reason why it was moved to Renewable Resources in the first place.

The relationship between Renewable Resources and Community and Transportation Services is reasonably good, as it stands. I can understand the Member's concern with respect to wanting the land review process to be as coordinated as possible. I would suspect that the Land Acquisition Review Committee review process would be maintained, as it has been in the past, with respect to reviewing territorial land for agricultural purposes. If the Member has good arguments to make as to why we should move back to the Department of Community and Transportation Services, I would be interested in hearing them.

Mr. Phelps: I am sure that brief was under study by the government and by the Minister's department. One of the concerns that was raised in support of the move, in order to try to assure that all applications were under one system, was that there was a danger that somebody could make an application for agriculture, and that application could be sat on in one department up the hill. In the meantime, someone else could come along and make an application for land for an entirely different purpose, and there would be no caveat or any indication of the prior application. It was felt, by the Yukon Agriculture Association, that in fairness, the first person there with a viable application ought to have his or her application dealt with, whether it be for a commercial purpose or an agricultural purpose, and so on.

⁰³ In the same brief, they raised the same issue with regard to territorial versus federal applications and gave an example, if I recall correctly, of situations where applications had been made a year or more ago to this government and there was no way that the federal government was put on notice. In the interim, because the original application had not been dealt with in any way and no answer had come back, someone else had applied for all or part of the same land for a different purpose, such as commercial. They were hoping for a one-window approach, firstly, and some kind of a caveat system so that kind of inequity would not occur.

Hon. Mr. McDonald: The Member is quite right in one respect, I believe, that, in the absence of land-use plans, each application has to be determined on its own merits and special efforts have to be made to determine whether or not there are conflicting land uses that might put that land to better use. Not that what he is planning is the be-all and end-all of the process but, certainly, it would help facilitate matters.

My understanding is that there may still be problems within the government with respect to communications among the departments and between the federal and the Yukon government with respect to the review of land applications. The Federal Land Acquisition Committee and Land Acquisition Review Committee are meant to review land applications and conflicts of the sort the Member mentioned. I am sure anyone would be able to discover examples where the committee has been in error, so to speak, and turned up conflicting land uses and I can think of one myself right now. The example I mentioned the other day was in Dawson where application for a particular agricultural parcel was made, approved, had proceeded through FEDLAC and had eventually turned up with a conflict when the City of Dawson had registered objections to that particular transfer.

⁰⁴ There may be a better reporting system that could be developed so that all land applications could be registered at a central location and date-stamped, so that if first-come, first-served is at all at issue in allocating parcels, that registry could determine who was there first.

I will undertake to review that problem to see whether or not a better reporting system can be put into place. I am convinced that they would not want to upset the workings of the existing process with respect to federal lands, but the central registry may not be something that they feel strongly about and may promote it themselves. We witnessed the situation with respect to the Alaska Highway west lot enlargements, where there was some considerable trouble as to who had made application to which government for which land. There had to be special efforts made to resolve the

perceived overlaps. I will check into that.

Mr. Phelps: I thank the Minister for that. It would seem, from the Minister's answer, that one criterion would be that all things being equal, if two people are applying for the same land, certainly one test would be who applied first. Without saying that that is the only criterion, that is one of the elements that needs protecting and that kind of notification system is one that we would fully support. ⁶⁶ It seems to me that the second issue that was of grave concern to the agricultural industry, in their brief to the select committee, and in private conversations I have had with members of the executive, is that they hear governments talk about consultation being necessary with Indian bands before land does go forward, and they hear everyone saying there is no veto. On the face of it, that is what the record will show people saying.

One of their recommendations is that the consultation process should only take a specified and reasonable period of time. After that, if there was no good reason for a band withholding its approval, the matter ought to be dealt with one way or another. They suggested a timeframe in their brief, but whether it is six weeks or a month or two months, there should be a finite period of time that is reasonable for consultation, after which the application should move on to the next step or be dismissed because there are actual verifiable, identifiable conflicts with something like grave sites, or a hunting camp, or whatever.

Would the Minister agree with that kind of timeframe being placed on the consultation period for a small spot land transfer for farming land or any other third party land applications?

Hon. Mr. McDonald: We have certainly wrestled with the definition of consultation. I believe we wrestled with it on the floor of this Legislature only last fall, to a certain extent. The federal Minister made it absolutely and explicitly clear to me that consultation was necessary, but it could not, in his words, jeopardize the land claims process.

That, too, is a definition worth defining. We can look at the history of applications and determine what has happened in the past and what our success rate would be if we tried to force an application through against the wishes of a particular band. The record has been lousy, not only by the previous government, but by this government.

The situation, as it stands today, is that we are attempting to resolve the issue by meeting a variety of needs. We believe we have an agreement that land can be transferred to all concerned prior to an agreement-in-principle. That is the major change of principle, which has at least been agreed to at the land claims table.

In May, 1983, the Minister of the day and the Government Leader of the day signed an agreement that said that following the agreement in principle, agricultural lands would be transferred as quickly as possible.

⁶⁷ The principle tacitly accepted there was that land claims came first. Now, here we have a situation where we believe we can have land transferred to Yukon prior to the agreement-in-principle, prior to a marvelous signing ceremony, which would have to encompass a full range of subjects. We believe we could have the lands transferred in the immediate future, and that is the route we would like to go.

We are going to continue to operate in the way we have in the past. We will seek consultation and, if it is not good enough for the federal government, then they will simply say no. But, with respect to this process, we will identify immediate needs for the next few years. It does not resolve all the large constitutional problems, it simply tries to get land into the hands of Yukon people soon — now, this summer. If it does not work, it does not work. We believe that because the principle has been accepted by the parties of the land claims talks that — and there is a large measure of good faith as a result of that — we can see land transferred.

We have been given an absolutely green light by the federal Minister that if that process kicks out land applications with no problems, then he will transfer it as expeditiously as he can. That is the principle I was referring to before, that we hope would move land more quickly than in the past. The government recognizes that the desire for land in the territory, especially agricultural land, is extremely acute, and there has been a bottleneck far too long.

People want to get on with their lives and develop the land, to live on it, drop roots, et cetera. We believe that this process will do it and the acceptance of those principles will allow it to happen. We, as a government, have given an indication that if it can happen, if it is possible, we will put enough resources behind it to make it happen. We will ensure that the immediate land complexities that may exist in a particular location will be resolved.

If it is resources that are a problem, we will provide the resources. We believe that we have a principle that will allow it to happen. We will commit the resources to ensure that it happens, if it can happen, and we hope we can have a success rate this summer.

I am perfectly prepared to come back here and defend whatever has happened in the fall, because if it is not successful we will have at least put in better than the good college try. If it is successful, then land will be in the hands of the Yukon people.

Mr. Phelps: What I am trying to explore with the Minister at this time is the distinction between a veto, on the one hand, and thorough, thoughtful consultation on the other. There are a number of elements it seems, at least to this Member, that go to explain the difference. One of those elements is some kind of time limit. If you say it is consultation, that so long as the band does not agree to this person having land, no matter whether or not there is a good reason, we will do nothing, there is no time limit for a decision to be made. ⁶⁸ I think a reasonable time limit to talk about 160 acres or 200 acres or even two square miles would be a matter of a month, six weeks or two months. If we do not have some kind of time limit and some kind of adjudication by the parties consulted — either there is a good reason for not going, aside from just blanket no — then that is not good enough. If there is no decision to be taken without a Band Council resolution in favour and if there is no time limit imposed, then surely the Minister can understand my concern that the net effect of that to be saying it is not just consultation, it is a veto. Does the Minister understand the concern?

Hon. Mr. McDonald: I understand clearly the concern that the Member mentions. I understand clearly the concept that the Member is putting forward. I have wrestled with that problem of definition for many months, given that there is a lot of political rhetoric involved in this process. The approach that I have taken in the past is, rather than to step through the political rhetoric, I have tried to achieve some results.

We have put forward land applications that have been rejected by the federal government because of Indian band concerns. That has occurred already. If, for example, under the agricultural land program, we put forward five applications and had 100 percent success then that would be one thing. We have not received 100 percent success in many of the land transfers that we have placed or in the ones that we have promoted that we inherited. Many of them still sit on the books. Many are still waiting.

I can only guess that the federal government is nervous that unless something is resolved in the Yukon between the parties, an attempt to transfer lands will be prevented. That is the picture that I have received with increasing clarity over the last four or five months. We tried to address that problem. I would be hesitant to say that consultation will last six weeks because mainly what you are saying is that after six weeks, come hell or high water — pardon the language, Mr. Chairman — we are going to do what we were going to do in the first place anyway.

I understand the concerns of the Member. I do not have a good solid definition of what not extending the land claims process means or of what consultation means. I have tried to have them defined for us. We have tried to get consensus from the native people in the territory as to what they would consider to be an offense to the land claims process. It is a very nebulous exercise. It is very difficult to achieve that clarity at any time.

⁶⁹ That is the reason why we, as a government, opted for this different approach. We are fortunate that the parties are going to accept the principle of transferring land prior to an agreement-in-principle. I am hoping that that will work.

Mr. Phelps: First of all, it is not a new approach, but let us not get into a partisan debate about what was brought forward long before the election of last year. It is in writing; we will present it to

you.

Let us get back to this veto in consultation. I am very concerned with what the Minister seems to be saying. I have been concerned about the issue of getting land transferred to Yukon, to the government, and to meet the legitimate needs and aspirations of individuals throughout Yukon. I have worked on it fairly tirelessly myself. I have had conversations and correspondence with the federal government. It seems to me that the position of the federal government is clear: consultation has not been the veto, first of all; that a time limit, I suspect, could be negotiated for these applications; that to say no, and to have the governments agree that no is the answer to a specific transfer, there must be a good reason. A good reason has to be something like a legitimate third party kind of interest on the part of the Band or beneficiaries claiming such interest.

If there is no good reason, anybody could say "no" forever, with no time limit and no adjudication, then that is a veto. That is the problem.

The brief from the agricultural industry to the select committee expressed the very deep concern that when the application of the people who want to farm in an area that they had been testing, working on, living on, or wanted to utilize is made public, the band in the area will claim that, because it is attractive land. How are those people protected? How do you protect those people, where the Indian band can say, "No, and by the way, we want that land, even though we do not have any kind of specific use that we can identify over the past."

Hon. Mr. McDonald: I think we are getting very deeply into the land claims process itself, which is not strictly my responsibility. For the record, my understanding about the agreement by parties to transfer land, prior to an agreement-in-principle, is brand new. We have been working on a previous letter that said "No land until an agreement-in-principle". We now have an agreement that that will not be the case.

We could search our files, but the officials of my department have given me no indication whatsoever that this is anything but a new process, and they are treating it as such. If there is something on file that the Member has a copy of, I would be happy to see it. It would be relevant to the discussions that we are having with the parties. If there is something that says that that principle is something that had been agreed to some time ago, prior to last May, I think that that would be very important in helping this government deal with the parties at the talks.

⁹⁹ The Member's assumption that the federal government has a view that consultation is simply that, no veto, no concurrence necessary, that negotiating a time limit is possible, is an interesting concept, although it does not jibe with my discussions with the federal Minister, and certainly does not jibe with our past practice or success rate in terms of applying for land and getting transfers. The 71 agricultural leases that the Member was proud to report to the public and to the House a number of times, were one of a parcel of 92, I believe, some of which were rejected because of concerns expressed by Indian bands. Of the agricultural lands applications under the agricultural land program that the previous government had applied for, four were rejected because of problems suggested by Indian bands. The one that was rejected by this government was because of problems suggested by an Indian band.

Our experience with this seems to suggest very clearly that where there is a problem with an Indian band, it is interpreted as offending the land claims process, and thereby preventing the land from being transferred. That is the practice and that is very clearly the message I was receiving from the federal Minister on two occasions.

There is no need to belabour the point, but that very clearly is our understanding of the federal position, not simply in the last five months, but over a lengthy period of time. The proposition that no time limit is a veto is one, intellectually, I just cannot accept. It just simply is not that simple. If the Member wants to explain it or try to force an intellectual argument to get me to understand and to accept then I invite him to do so, but I simply do not accept that no time limit means that one person is accorded a veto. I cannot understand that concept.

The question the Member, I believe, raised at the end of his

remarks is the question about protection in the land claims process for applications being made now that are not identified as third-party interests to be protected in the land claims process. Perhaps the Member can explain it a little further.

Mr. Phelps: I hope we are not getting into a situation where questions and answers take forever. We cover too many issues at once, but I am forced to go over a lot of things raised by the Minister in his response to me, perhaps working a bit backwards.

It seems to me if there is not a time limit and you are not going to go ahead unless you have a band council resolution of approval, then the effect of that, with no cut-off, is that you can consult forever. Any rational person will tell you that one can consult quite thoroughly on a specific and small parcel of land, be it several square miles or an agricultural piece, and there is a limited amount of time that such consultation ought to take.

¹⁰ You can only discuss that issue for a finite period of time. There is a fair time limit on spot land transfer applications. After that, if people are not agreeing, then somebody has to decide whether or not the refusal is a fair one. That is so logical and so simple. After my explanation, surely the good Minister understands my point.

With regard to the 71 agricultural leases that we applied for back in early April last year, you mentioned there were some that were not requested. We did ask for some leases, and we asked them not to proceed with any but the 71 that we got. We did not pursue the other ones because they were tied up in specific land claims agreements. There was an agreement that there would be a right of first refusal. Upon a specific period of time, the band would be able to acquire that land. It was a simple situation where there were several leases in the middle of a block of land that a band had agreed to take under an agreement-in-principle, and we had said that they would have the right of first refusal to acquire that piece in the middle. We did that in conjunction with giving some rights to the third party affected in a different place, or by remedying the equities involved. That is all that happened there.

That should not come as any surprise. I believe the Minister was there when we were briefed about the Memorandum of Understanding by the land claims officials. At that time, and since and before, they made it very clear that this concept of consultation and getting some of the immediate-need lands ahead of land claims was one that was a direct result of my proposal to the Minister over a year ago. That was one of the concepts that was carried forward in the letter of understanding. They freely said that publicly, both the Minister and the negotiator — at that time the assistant negotiator — for the federal government.

The same proposal, in various forms, has been put forward by this government as a proposal, and agreed to by CYI, but not the federal government, at various times since 1982. I can give you all the documentation on that and some of the correspondence that was made public. That ought not to come as any surprise. No agreement had been ratified by each of the three parties, and there still is not. Nonetheless, there was a time that both the CYI and us had agreed, in the interim provision of lands, but the federal government had turned it down under the federal Liberals.

¹¹ The sympathy for that approach was first evidenced by remarks made by the present Minister in discussions over a year ago. It was in his office that the whole idea of this LOU and MOU took shape and got started. I am not saying that I am agreeing with everything that is in the results, but certainly the issue of interim land being made available to the Indian bands, as well as to the Government of Yukon, is something that has been discussed for a long time. It has been put into concrete form; it is in writing and has been made public as long ago as 1982.

I come back to this because it is so critical. It seems to me that fairness and the responsibility of this government dictate that steps be taken to ensure that there is not a veto, particularly when steps can be taken to ensure that the valid interests, in terms of special use as well as land selections already made, are and can be protected.

It seems that there is going to be a time coming soon when people are going to become more and more outraged by the fact that, for no good reason, they not being allowed to acquire and satisfy their legitimate aspirations for land. It is happening now, and it concerns

me very deeply.

It seems that the stated federal principle is consultational veto. That means thoroughly consult and it takes whatever time but there should be a time limit, then give an answer. If there is a good reason that some land should not be forthcoming, such as a gravesite, or a campsite, or whatever identifiable interest on the part of the band members or beneficiary members, then, fine. But, the blanket statement, "No, because land claims are not settled", or, "No, because we just do not like the idea", or, "No, because it will jeopardize land claims. Why? Just because it will". That is not good enough.

With respect, it seems to me that any government that says otherwise and grants that kind of veto is simply delegating away a part of what democracy is all about. It is not the democratic way. People have a right to expect decisions. People have a right and a sympathy for thorough consultation, but that is not what we are getting.

It may be the fault of the federal government. I can say that many discussions and many letters and I am told that that is not the case, that they believe in consultation but no veto. A time limit, it seems to me, is one of the keys for thoroughly consulting.

Hon. Mr. McDonald: I think there are a number of points to take note of once again. The process by which I believe the government can see land transferred soon under the immediate needs process can complement the process that we have already. There is no sense that the new process will, in any way, prejudice the process already operating. The process that is already operating has not proven to be successful.

¹² We have engaged in consultation and we have not got what the Member calls concurrence for the veto. We have made application and we have not got the land. That seems to be pretty much of a theme we have had to deal with. It seems to be a fact of life, and one of those things.

The Member says that government is somehow waiting for land claims to be settled. The whole principle by which we are talking about land transfers on the basis of immediate need prior to an agreement-in-principle is directly contrary to that accusation. It is not our intention whatsoever to try to wait for an agreement-in-principle. It is not the intention of the Council for Yukon Indians or the federal government to wait for an agreement-in-principle.

The Member spent some time stating this had been an idea that he had expressed to his political bosses of the day and at one time it was entertained by the federal Minister and perhaps it may have been maintained by the Council of Yukon Indians. I am sure that when this government came forward with that idea, we were not operating on the basis of original thought, but what had happened was that there was not only agreement at the land claim table, by the negotiators, as a good idea — not only was it championed by one or more of the parties to the talks — but now we have a situation where it is supported at the land claims table and supported by all three political components of that process. That is the fundamental difference.

There is a sense by all the parties that this is new. The fact that there is agreement that it should all happen now is, in fact, new to them.

The Member makes mention of the issue that if you do not set a specific time limit on consultation, you are according a veto to whomever you are attempting to consult with. This government consults regularly with many people in our constituency over a whole range of issues. I am trying to determine how many cases we had insisted, in terms of consultation with our electorate, where a specified set time was put on the consultation, and I cannot think of any. There may be one or two, but the point is that the government consults with many people over a wide range of issues beyond land and beyond land claims. We do not set with our constituents, with the people we represent, including native people, as a matter of course, a time limit on consultations. It is not a principle we have adopted as a government and I do not believe the previous government adopted it. At no time was there ever the suggestion that because we had not set a time limit on consultation that we were going to have with the public, that somehow the public had a veto; if we consulted with the Chamber of Mines, it had a veto, or

that the tourism association had a veto when we consulted with it. ¹³ It is not consistent with the way this government operates. It is not one of the democratic principles under which this government has traditionally operated, nor does it operate today. We are talking about the broad range of democratic principles. It is not one of those. Intellectually, I cannot accept the Member's proposition.

I have stated that we have made application for land. We have requested land transfers that were turned down because of perceived problems with land claims talks.

I cannot help that the federal Minister has stated one thing and perhaps his action is perceived to be different. That is the reality that this government is facing now. That was the reality the previous government faced by all accounts with respect to the achievements in respect to agricultural land. That is one of the things we have to deal with.

The federal Minister and I have both discussed the definition of consultation. There is no question about that. The political difficulty is not something that is missed or has gone over the head of the federal Minister, by any means. He understands that issue. We both say there is no veto accorded to the Indian bands, and we believe it. We have made application for land. It has been turned down because the concurrence was not there. Our actions speak for our words. I cannot speak for all my colleagues. I cannot understand why we would accord a specific consultation period where we do not do it anywhere else with our electorate. It offends my sense of democratic fairness, democratic principles and the fair play that governments are supposed to embody.

We can agree to disagree on that point, because I think we are going to disagree on that point.

Mr. Phelps: I am delighted to respond. I would be amused by the simple sophistry that the Member opposite provides us with, except that this is serious stuff. We are dealing with people's lives. We have a situation where the Minister stands up and goes on and on about consultation, democracy and no time limits. That is not right.

We have, for example, a judicial investigation or a body of people who are going out to consult with the people and report back by a date, the end of October. We have select committees. They go out and consult and report back by a date. Sometimes the date is extended, but if you consult forever and never make a decision, you will do nothing. You have to have some time frame. To stand up and say it is not the democratic way to ever stop consulting, I guess the Member wants to sit over there and never do anything, except sit back and get all these wonderful vibes from people, and maybe in a year, whenever — when everybody stops wanting to talk to him — with no time limit how are you ever going to make a decision?

¹⁴ That is sophistry of the first order, and the worst order. You have to, eventually, hear everything there is to hear and make a decision. When it comes to a specific identifiable piece of land like 160 acres, how long does it take to hear everything there is to hear about that piece of land. It may not be six weeks; I just drew that out of a hat. How about four hours and fourteen minutes? Or four months? There has to be some time period within which it is fair to expect to hear everything there is to hear about that little piece of land from claiming the title through land claims in the area.

I just do not understand the point that the Member is trying to make. "You always consult". Of course, you always consult. Motherhood is great, too. No problem. You listen. Everybody listens. Everybody breathes; everybody obeys stop lights. It is so sad, for a person to stand up and say, "Well, you never, ever, ever have a time period". Surely, there is a reasonable time within which people can be expected to have their say about an issue, particularly when it is a small identifiable piece of land.

Perhaps when you get instructions, you can answer.

Hon. Mr. McDonald: I would like to respond to this in a number of ways. First of all, the Member seems to suggest that his caucus, under his leadership, somehow has a monopoly on caring about the problems of Yukon people.

I sat up where the Member for Faro sits now, for three years trying to encourage the Minister responsible for agriculture, who sat where I sit now, to care two hoots about an agriculturalist in this

territory. I would ask sometimes three questions a day, every single day of a session, session after session. During that period, even while the agricultural land program was in operation, not one single application was made under that program for a federal land transfer — not one time.

I can find the exact date when the first agricultural land application was made. April, 1985. Agricultural land under that agricultural land program. That is a fact of life.

After spending three years of my life trying to get the government interested in agricultural activity, never once did I suggest that the government somehow had no feeling for the farmer. Here we have a situation where this government has made as many applications for agricultural land under that program as did the previous government with a better success rate. We are trying to get real land transferred to real Yukoners without engaging in the artificial debates that the Member talks about: the veto debate, the fairness debate. Let us pick a fight with a beneficiary, because that is what life is all about.

¹⁵ We are trying to find real results for the person out there who wants to have agricultural land transferred to him. That is what we are trying to do. That is the situation as it stands today. There is no Member in this House who has spent more time on agricultural issues than I. There is no Member. When it comes to having sensitivity towards the problems that agricultural has placed in this territory, I do not believe that anyone has more sensitivity than I.

We have a question of land. Consultation caused us a dead stop. We have requested land. Some of it, luckily, was transferred to us. Some of it was not. When you put an artificial time period on a situation like this for all agricultural land, no matter what the complications are, no matter what the situation is, you are sending out a clear signal.

The Member may think that the federal Minister of Indian and Northern Affairs would accept us negotiating a time limit on consultation. I can almost guarantee that the federal Minister will not because his overriding principle is that it should not offend the land claims process. That is the reason why we are opting for the cooperative approach.

What we can do and what the previous governments did do is rant and rave about the artificial issues, talk about provincehood, talk about ownership of the mountaintops, and the rights of residents to own those mountaintops. We can concentrate, focus and fix on the questions of vetos and we can get nowhere. We can accept the cooperative approach. We can try it under the new operating principles and we, hopefully, can show real results.

Mr. Phelps: There are virtually no results. Nothing. The Member opposite has the timidity to stand up and say that nobody else has done anything. They did not apply for land. You have applied for a couple of tiny little pieces of land for individuals. That is what you have done. You applied for five and you got four. Some of those are beneficiaries. That is fine. Some of them I supported with letters and you know it.

The former government worked hard and fought for and struggled to get large blocks of land in Whitehorse North and Whitehorse South, for example. I just cannot believe that I am standing here listening to a Member of this Legislature who would play with words to such an extent that he would say that the only application was in April, 1985. At that time there was an application made — I was the leader — for a couple of very small parcels of land. ¹⁶ We had just got some and we got some before that. That was the third shot at it and we were going to keep going. It was a priority of ours. It is not a priority of this government.

In Question Period after Question Period, in July, in October, it became very evident that there were no priorities put on obtaining land by this government. It might not be the political right thing to do, never mind the rights and wrongs and the legitimate aspirations of people.

To stand there and say the only application that was made by the previous government were the ones in April, that is almost sad, sad, sad. Applications for Whitehorse North and Whitehorse South went in. Applications for other blocks of land went in. We got all kinds of land, and we were continuing to do so, particularly after we had a Progressive Conservative government in Ottawa, one that stands for the proposition that land development will go ahead, whether or

not land claims are settled right away.

They are in the record as saying that. Yet, this government will not stand up and take a lead role in trying to get land for people, and there are 300 applications in there. I just cannot accept this playing with words when you are dealing with people's lives. It does not matter what happened before, except that all these applications were made and it was a priority of mine. I had officials meeting, and set up to meet, on a bi-weekly basis at the very least, to push forward applications. We intended to fight for applications where there was not a legitimate reason for them not going ahead.

I have given you example after example of legitimate reasons. I suggested that one of the distinctions between consultation and veto is the timeframe, but, oh no, you consult forever and never make decisions. There has to be a time at which a government makes a decision. There has to be a time during which a court makes a decision. There has to be a time during which every human being makes a decision. You cannot just sit there forever, like a blob, saying: oh, maybe something else will come along.

I am saying this is not fair. It is not fair to all to the families who are waiting and wondering what they are going to do with their lives. I have tried, in a very dispassionate way, to point out some of the processes that this government might consider. I have been forthright in saying to the Member opposite that the Conservative government in Ottawa has said no veto, they have agreed with me in my definition of what consultation is about, and what a valid reason for rejecting an application by an Indian band would be. I am suggesting that they have accepted these principles as espoused by myself because they are fair. That is all we are looking for, some fairness here, to get out and away from partisan politics and try to get some land for some people.

We are not treading on anybody's toes, but there is right and there is wrong. Because a chief or a person said oh, nobody can have any land because we have land claims going, that will not do. That is not good enough, unless there is a good reason.

¹⁷ That is the position. I am urging the Minister to look into these things and try to get a process that makes sense underway.

Hon. Mr. McDonald: The Member says that he is encouraging the government to try to get a process under way that shows results. That is exactly what we have done. It is difficult to sit here and maintain cool when you are slowing starting to get fed up with the sanctimonious attitude that so and so cares about families who are wondering what to do with their lives, et cetera.

I do not mind, I really do not mind the opposition's attempts to promote the land issue by developing a strategy to manipulate the media. That is fair enough but they should try to make their lines...

Chairman: Order please.

Hon. Mr. McDonald: There is plenty of time for the Member for Porter Creek East to stand up. There is all kinds of time and I am waiting for his comments. The media is not here but it is a theme.

They should try to make their line consistent. Is the federal Conservative government the great provider or the great stumbling block? We have got, on our list, land transfer requests, the Callison Industrial Expansion, expanded block land transfers — a whole string of them — Kusawa Park, land for the Stewart Crossing grader station, Carcross country and residential lots, recreation cottage areas on Little Salmon Lake, recreation cottage areas on Morley Bay, various agricultural leases under the program, Whitehorse West lot enlargements and Dawson City waterfront.

The Member knows the dates of the Whitehorse West lot enlargement. He should know them by heart. The situation is that if the federal government is as great a provider as the Member mentions, this land would be in our hands today. It cleared FEDLAC. They both cleared FEDLAC. This land is not in our hands.

Is the principle that the federal Conservative government is a great provider or is it a stumbling block? I have tried to explain clearly how I perceive the federal government's position. I tried genuinely to explain my understanding of the federal government's position. Somehow, the Member is trying to get this situation both ways. The federal Conservative government is a great provider and somehow the Yukon government is a stumbling block. I do not

understand that. It makes no sense.

We have applied for land. We have not got it. It is their land. They should just give it to us if we have apply for it, if it has cleared FEDLAC. But they do not. That is the rub. They do not. Why not? They say it because it stands in the way of the lands claims process. We have got to wrestle with that. That was a problem for previous government administration and it is a problem for this administration.

We have chosen to opt for this new approach. I will defend the government's actions. I will stand here and defend our record next fall if it does not work. This government does care about people who have made application for agricultural land. That is exactly the reason we do not want to get into artificial debates. That is exactly the reason why we want to find real results for those people.

18 Many people have had their eye on a particular plot of land for years. They made application in 1982 or 1983 and they have been waiting. They have made application in 1955. They made application in 1965 and they made application in 1975 and they have been waiting and they have not received the land. We know that.

The Member says this government is taking the position no land claims, no land, that is not good enough, and says it in a very sanctimonious tone of voice. I take real objection to that because this whole process has evaded that particular problem that was put down in writing, while the Member was the Land Claims Negotiator, by the previous government in 1983 which said agricultural lands after an agreement-in-principle. If the Member wants me to table the letter, I will find it and table it. I will do it. That is a fact of life.

When I was speaking of agricultural land applications and agricultural land transfers, the previous government still did not make application for block land transfers. We have made applications for block land transfers. We have encouraged that standing applications for block land transfers be pursued. We have requested that existing applications for block land transfers be pursued.

They may include some agricultural land, but under that agricultural land program, which was to identify virgin federal Crown land and make application for it, the record is clear and stands for itself.

This government cares for those people out there and will try to resolve their problems and resist any kind of artificial debate. I cannot allow myself to be drawn into the kinds of debates that the Member mentions in a sanctimonious tone of voice, as though the Member has some monopoly on goodwill, good friendship, fairness, fair play, democracy and that sort of thing. It is bunk. It is simply not the case.

This time next fall let us see what has happened, let us see if the cooperative approach works.

Mr. Phelps: Perhaps before the coffee break, I can have one last question. I have a sensitive question for the very sensitive Minister about a very delicate and sensitive issue. I am sure the sensitivity the Minister displays in most of his sensitive speeches, when he is looking with a great degree of sensitivity at the sensitive department that he manages, that perhaps he would show some sensitivity and listen to himself and some of his fellow Ministers speak when it comes to sanctimonious voice and preaching from a pulpit, because "my God" is all I can say, that is the silliest thing that I have heard yet.

I would like to simply have a list of the applications that the Minister has made for land from the federal government since he assumed responsibility for the Department of Community and Transportation Services.

19
Point of Order

Hon. Mr. Porter: I would like to rise on a point of order, and, in the point of order, speak to the idea of a coffee break.

The point of order that I would like to raise with respect to the debates that have gone on for the last 14 days is, are we permitted to allow for a full-scale budget debate when the piece of legislation that is before us concerns supplementary estimates, which is essentially the dollar figures that are allocated here by program.

There is no accommodation in our Standing Rules and Orders in terms of how we decide debates, and how much time we spend on

debates. Clearly, Parliaments are structured and function on convention, as well as the rules that are clearly spelled out. The convention in this case, and I have researched the question for the information of the House, in 1980 the Supplementary Estimates were introduced March 26, second reading was March 27. The Committee of the Whole was March 31, third reading was April 14. Assent was April 14. That was in 1980.

I did not get the figures for 1981.

In 1982, introduction and first reading, March 25; second reading, March 29; Committee of the Whole, March 31; third reading, April 20; assent, April 21.

In the year 1983, introduction and first reading, March 23; second reading, March 24; Committee of the Whole, March 29; third reading, March 30; assent, March 31.

In 1984 there were two supplementary estimates tabled before the House. The first was introduced on March 26, and was given assent on March 29. The second was introduced on April 2 and given assent on April 18, with the second reading being on April 4; Committee of the Whole, April 5; third reading, April 9.

On the argument of convention, there is a clear, established convention of this Legislature that supplementary estimates are dealt with expeditiously by the House. The debate has always been confined to the matters that the legislation that is before the House speaks to. If the Members want to filibuster, and that is their right, then I think that they should respect the conventions as has been laid out by practice in the House. I would submit that we are having a debate of a budget nature in this instance, on supplementary estimates and, after the coffee break, I would like a ruling from the Chair as to whether or not this kind of debate is permitted.

Mr. Phelps: On a point of order. It is interesting that the Minister was so proud of the filibustering yesterday on this very issue. The entire discussion emanates from answers and from the line item and the explanation given by the hon. Minister yesterday, page 238 in *Hansard*. "There was \$150,000 worth of agricultural development that was not undertaken due to the lack of major block land transfers, which would have hopefully been developed had we had the land. There was a desire to budget in case we should receive large areas of agricultural land, and the soil analysis and site selection were considered worth funding, should we receive it. Unfortunately we did not receive it, to no Member's surprise, major amounts of agricultural land, and the \$150,000 was dropped there."

20 The problem is that the rural residential development design could not proceed until the federal land transfer was received. Further to that, the Carcross land reselection process under land claims has apparently delayed transfers of land in the Carcross area. That was \$60,000, and so on. That is what started this discussion, and I would invite the Minister opposite to show how he could possibly say that the debate has not been relevant to that line item and to the explanation given by the Minister who so proudly, and so very shortly after making that statement, and mentioned it again, filibustered for 20-odd minutes.

Mr. Lang: On a point of order, the Member opposite talks about convention. There was never at any time, to myself as a past Minister, an indication given that the freedom of expression and the right to discuss topics under discussion here, as far as supplementaries and O&M Main Budget, would not be permitted. I want to say further to this, it has been very difficult for this side of the House, when we do ask questions we do not get the full answers.

For an example, under airports, I asked exactly what new programs what new particular installations were taking place as far as airports, emergency or otherwise? I did not get a reply from the Minister and finally asked him, because I had heard on the street that perhaps Pelly Crossing was getting an airport, and then he humbly stood up in front of this House and said, "I guess I should announce it" — \$279,000.

So I say to the point of order that it is relevant to the discussion we are having here. We have every right to explore with the government what their policy is or their lack of policy is and explore it accordingly. I suggest to the Minister that he is totally out of line as far as the topic in discussion, at this point in debate,

because it is relevant specifically to the line item we are discussing here. In fact, the Minister has said to this House he is giving money back because he could not do certain things when we voted that money for certain things for the government to do.

Mrs. Firth: On the same point of order, surely the government must realize that circumstances in this Legislature are different then they were when the opposition Members were on that side of the House and the government Members were on this side of the House. The circumstances are different in the point that the opposition did not have any government experience, and because the opposition at that time did not question the government in any detail about the supplementary estimates, that does not mean that they set any traditions or conventions or any parliamentary rules or laws. Surely, the Government Leader would not agree that the opposition does not have the democratic right to question the government about pertinent issues. We have found out in the last few weeks of questioning that each of the front bench has in some way made some error, minor or major. Each one of them has had to become accountable to the public through the opposition because of things we have uncovered through this Legislature, and some of them through the budget, through the supplementary estimates.

²¹ If the front bench in the government is not prepared to deal with the supplementary estimates, how on earth are they ever going to deal with the O&M Budget? They are going to get the same line of questioning in a more thorough manner in that budget. I want to emphasize, no traditions have been set. Because they operated one way, does not mean that we, as an opposition, have to operate that way also.

Chairman: Anyone else on the point of order? We will recess for 15 minutes.

Recess

²² **Chairman:** I will call Committee of the Whole back to order.

Chairman's Ruling

The Chairman will now do his best to create a filibuster here, to run out the time before voting.

Seriously, though, on the ruling of the point of order, I am sure that every Member here is aware of the principle of grievance before supply. That is what we have at this time. The grievance before supply knows no conventions. It is not my intention to interfere with the general debate unless I am of the opinion that it is off topic or may be better addressed in a line item.

A couple of times I have mentioned that perhaps debate should be reserved for a line item as opposed to general debate. One example that was used was on the topic of the Pelly Crossing airport. It was raised in general debate. If the question had been raised during the specific line item of airports, perhaps a thorough answer would be given at that time.

I want to ask Members again to leave their specific questions to the specific line items as they arise. There is no point of order. We will continue debate.

Mr. Lang: Can the Minister tell us when he applied, under his signature, for block land transfers and what and where those transfers were that he applied for?

Hon. Mr. McDonald: That is essentially the question put by the Leader of the Official Opposition and I will attempt to answer it with some sensitivity.

I will attempt to get back to the Member with detailed information. I would like to remind Members, too, that outstanding land transfer requests have been put forward to the federal government. Those should be considered as still outstanding, as far as we are concerned, as well.

While I am on my feet, I have some items here and rather than carrying them forward, I will present them. I said I would like to get back to the Members with that information and I would like to take the opportunity to do that.

²³ **Mr. Lang:** Could I ask the Minister if I could get this clearly identified prior to getting into other information, so that we can leave this issue and not come back to it.

Further to that question, is the Minister prepared to table the correspondence that he has had directly with the Minister for spot land transfers, block land transfers and various other things that he has directly corresponded with the Minister of Indian Affairs and Northern Development on?

Hon. Mr. McDonald: Not all land transfer requests from the federal government are done under my signature. We have made requests. I do not know how the previous Minister handled all land transfer requests, but there is a procedure. It does not always necessarily have to be a personal letter between Ministers.

I will indicate to the opposition what land transfer requests have been made from the time that we took office to the present day, and those that we consider to still be outstanding prior to our tenure of office. I will make that information available in writing. I will table it.

Mr. Lang: The point I am making is that back two or three or four years ago, maybe applications were made. Things change, and I recognize that. My concern is that I would like to know, and have identified by the Minister's signature or that of the Government Leader's signature, those particular areas transferred. I should remind the Minister that if he goes back in the file, there are letters under the Government Leader's signature applying for land, because it was such a priority. If I recall correctly, there are some under my signature, if you go further back in the files. The previous Member for Tatchun, when he was a Minister, I am sure there are letters under his signature. That is how important the issue was. I feel it is important enough, in concert with the outstanding policy issues or differences, depending on your point of view, that those particular documents should be tabled.

If there are some outstanding block land transfers that were requested prior to his assuming office, did they put anything in writing to say that those were priorities as well for a land transfer, and if he did I would like to see that as well.

²⁴ That is important because I do not think he can have it both ways. The point I am making to the Minister is if you want something you have a responsibility to write a letter, to follow it up because that is the way government works and that is the way government churns, and I know it does not go overnight. I would like to see that information, and I would like to hear his comments.

Hon. Mr. McDonald: I have given the Member an indication that I would seek a list of formal requests we made for land transfers of all classes. If there is information that is in writing that is not of a confidential nature, and if there is something of a confidential nature, we will explain why it is of a confidential nature. If it is in writing, I will give it to him. I have indicated to the federal Minister, on a number of occasions, what our position is. I will put into writing what I can, but no more than that.

Mr. Lang: Would he point out to the House which areas were turned down by the federal Minister or the federal government, and the correspondence thereto and the reasons why? Because he said continuously throughout this debate that the federal government was not providing this land. If that is the case, I accept that as the principle. I would like to see the correspondence and I would like to see the reasons why.

Hon. Mr. McDonald: I will undertake to review the situation, understanding the frame of mind — and sometimes it is difficult to understand that — of the Member for Porter Creek East, and try to provide the information in a form he will understand. That is my commitment.

Mr. Lang: I take the offer the way it was given and then perhaps we could debate that further in the Main Estimates when we get to this particular subject again.

Hon. Mr. McDonald: I am looking forward to it. I would like to get some information on the record. Today is the window I am going to try to take for getting the information I promised him previously and get it back for the record today.

There was a question with respect to the Faro bridge and whether any money was spent on it over the last three years. No money has been spent on the bridge over the Pelly River in the last three years. None. No capital money. None. There are no planned expenditures on the Pelly River bridge in the 1986-87 either.

²⁵ There was a question with respect to Blanchard River camp. The

total project is \$2.5 million. Klondike Enterprises holds the contract for it. In 1985-86, \$500,000 was allocated for it; \$103,000 was spent. We expect the completion date for that project to be October 1, 1986.

There was a question with respect to the use of the Faro Rec Centre. We have not as yet come to an agreement with respect to the use of that facility or the levels of user pay. Negotiations are ongoing.

The Member for Porter Creek East wanted a copy of the agreement among the Government of Yukon, the Old Crow Indian Band and the federal government with respect to the water and sewer. I have copies here. I also recall offering to provide a letter to the mayor of Watson Lake on the unconditional operating grant. That is here as well. I will table those two items with the clerk.

Mr. Brewster: I see that the Blanchard River Camp will be completed on October 1, 1986. I would presume that possibly the crew could be moved in there around Christmas?

Hon. Mr. McDonald: Yes. I discussed that with departmental officials and there seems to be no reason why, if the completion date can be met on October 1, that the transfer of crews cannot take place at that time.

Chairman: Is there any further debate? Is this line item clear?
²⁶ *Land Development/Public Land Acquisition in the amount of a reduction of \$1,297,000 agreed to*

On Housing Construction and Renovation

Mrs. Firth: The Minister had said earlier that there was going to be some money unexpended in that line item, and he was anticipating something like \$600,000. Why did he not put in \$600,000 in a bracket and identify it in this Supplementary as such?

Hon. Mr. McDonald: At the beginning of the estimates, I indicated why that was the case. This budget was prepared at a certain time. The funding was sought for the budget in terms of looking for offsets in the Supplements afterwards. It showed up under line item Land Development/Public Land Acquisition, the one that we just left, in the final Supps for this year, which will be tabled in the fall session.

The \$600,000 was found largely as a result of very low bids in highway construction.

Mrs. Firth: The Minister did explain it. All I wanted to know was why they did not identify it with the brackets as well as the \$700,000 in the Local Employment Opportunities Program, and he has just said it is because it is going to be in the other Supps under other items, then we will just have to wait for the other supplementary estimates.

The only concern I have is that that money could be spent, and the Supps could be rather larger than we would have expected if it had not been identified here.

Hon. Mr. McDonald: The total amount will, if anything, be reduced. For 1985-86, for example, in the Local Employment Opportunities Program, rather than \$2 million, as you see now, it will read \$1.3 million and \$700,000 of that will be in the line item Land Development/Public Land Acquisition, which will increase by \$1.6 million.

²⁷ I wish to move that you report progress on Bill No. 17.

Motion agreed to

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

Chairman: It has been moved by Mr. Porter that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Mr. Webster: The Committee of the Whole has considered Bill No. 17, *Fourth Appropriation Act, 1985-86*, and directed me to report progress on same.

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

Some Members: Agreed.

Speaker: I declare the report carried.

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 p.m. tomorrow.

The House adjourned at 9:29 p.m.

The following Sessional Paper was tabled on April 9, 1986:

86-3-22

Roads to Resources Program (McDonald)

