



# The Yukon Legislative Assembly

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Number 22

3rd Session

26th Legislature

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## **HANSARD**

Wednesday, April 23, 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

01 **Whitehorse, Yukon**  
**Wednesday, April 23, 1986 — 1:30 p.m.**

**Speaker:** I will now call the House to order.  
 We will proceed with prayers.

*Prayers*

## DAILY ROUTINE

**Speaker:** We will now proceed to the Order Paper.  
 Introduction of Visitors?

## INTRODUCTION OF VISITORS

**Hon. Mr. McDonald:** I have the pleasure of introducing to the Legislature and to all Members the grade five class of Jack Hulland School and their teacher, Mrs. Irene Brekke.

**Mr. McLachlan:** I wish to take a brief few seconds with the consent of the Members on this side of the House, and I hope all Members of this House, in congratulating the Premier Elect of the Province of Prince Edward Island, Mr. Joe Ghiz on his resounding election victory Monday night.

**Speaker:** Are there any Returns or Documents for Tabling?

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Kimmerly:** I have a detailed breakout of the legal aid expenses, including disbursements, travel costs and the circuit costs.

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

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

## QUESTION PERIOD

### Question re: North Slope advisory boards

**Mr. Phelps:** I was very pleased to learn that we are finally seeing the implementation of part of the COPE land claims agreement, that part that is very dear to our hearts on this side of the House, namely the establishment of the environmental screening and review board.

We further understand, from the media, that the board expects to deal with the port applications in Yukon's North Slope area in a very speedy manner. It has been said in 30 days, but we will believe that when we see it.

Will the Government of Yukon be placing its position before the review board?

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

**Mr. Phelps:** The Yukon is supposed to play a lead role in the establishment and implementation of that other part of the COPE agreement, the establishment of the Yukon North Slope Wildlife Advisory Board. Can the Government Leader advise whether or not that advisory board will be placing any kind of submission before the screening review board?

**Hon. Mr. Porter:** The appointments to the wildlife management advisory council have been accomplished by this government. As to whether or not the Wildlife Advisory Board would be tabling a specific submission with respect to the North Slope proposals, my understanding is that the Review Committee would be responsible for calling for the submissions, and it would be the Wildlife Management Advisory Council that would make a determination. The members of that council would make a determination as to

whether or not they would submit a position.

**Mr. Phelps:** With respect to the particular Wildlife Management Council for the Yukon North Slope, can the Minister advise us whether the board has been formed and is operational, and who the members from Yukon are?

03 **Hon. Mr. Porter:** I am not sure whether or not the Cabinet announcement from Ottawa agreed with the appointments made by us. My information is that the announcement we heard from Ottawa is that the federal Cabinet has reviewed our nominations and those from the other groups with respect to the Environmental Screening Committee as well as the Environmental Impact Review Board. Our nomination for the Environmental Screening Committee was Mr. Tim McTiernan from the policy branch of the Department of Renewable Resources. Our nomination for the Environmental Impact Review Board was Mr. Mike Stutter of Whitehorse. Both of those nominations have been accepted by the federal Cabinet. As to whether or not the federal Cabinet has accepted our nominations to the other boards, and there are three others in addition, the Wildlife Management Advisory Council, the Arbitration Board and the Research Advisory Council, and until the federal Cabinet has considered those nominations I think it would be improper for me to divulge the names of those individuals.

### Question re: North Slope advisory boards

**Mr. Phelps:** I am rather concerned with answers received to the first main question. Wildlife management is one of the few full province-like powers that this area has jurisdiction over under the *Yukon Act* and I think, along with the people on this side of the House, that this government must continue to take a lead role in this important area of jurisdiction for Yukon. I would like to know whether or not this government has been asserting a lead role in requesting, on an urgent basis, that the Wildlife Management Board be set up under COPE to deal with wildlife management on the North Slope.

**Hon. Mr. Porter:** There has to be some clarification with respect to these issues. The Member asked if the government is going to put a position forward. The Government Leader responded yes we would. In the position paper that will be delivered as the position of the Yukon government, clearly we as the Department of Renewable Resources have responsibility to incorporate the views of the Department with respect to wildlife management in the overall government position.

With respect to the issue of whether or not we have been doing our homework in appointments to these board, we were one of the first jurisdictions to make our appointments and have been pushing to have the board set up. Part of the problem was lack of funding. That was solved when the federal budget came into effect this year. The funds have been allocated and processed. The next question is Cabinet approval, the Order-in-Council approval from the federal Cabinet. That has been done.

As to whether or not we have the power to dictate to those boards what they should or should not do and the positions they should take, I would suggest that we, as a government, do not have the luxury of telling the boards that this is what they are going to do on particular issues. That is the nature of the boards. They are set up to review that and there is a certain autonomy for the boards to decide among themselves.

04 **Mr. Phelps:** There is quite a difference between taking a lead role and ensuring that it is well-known that we have the jurisdiction in this area with regard to all of Yukon, including the North Slope, between that and dictating to any board. That is not what the question said; that is not what the question contemplated. It was never even intended that this Yukon government act as a dictatorial body with regard to advisory boards, never.

Along the same lines of concern, can the Minister tell us what kind of lead role this government has been taking with regard to ensuring that the Porcupine Caribou Management Boards will be set up?

**Hon. Mr. Porter:** With respect to the Inuvialuit boards, we have demonstrated leadership. We have appointed our members as quickly as we could. We have enquired of other groups as to when they would make their appointments. We have kept up our dialogue

with respect to our discussions with Ottawa.

With respect to game management, I agree with the Member that we are responsible for game management in the Yukon. We are going to ensure that our concerns with respect to wildlife issues on the North Slope are presented in the government's overall position.

The last part of the question escapes me at the moment. If the Member could repeat that without losing his supplementary, I would appreciate that.

**Mr. Phelps:** I will just roll it into my final supplementary. Because renewable resources and game management are so important to Yukon and so central to our jurisdiction and so important to all peoples of the territory, would the Minister kindly table all documentation, letters and communications that would show the kind of lead role and urgent basis that this government has viewed the formation of environmental screening board under COPE, the Wildlife Management Board under the COPE Agreement, and the Porcupine Caribou Management Board.

**Mr. Porter:** Yes. I will obtain the necessary relevant information on the question of nominations. I would still put a caveat on that, that it would be subject to the federal government's consideration by the federal Cabinet OIC for concurrence.

In terms of the Porcupine caribou herd management agreement, it is a well known fact that we have established that agreement. We have made our nominations to that Board. We have requested the other jurisdictions to do likewise, and I will table the correspondence regarding our request to other jurisdictions on nominations for the Member.

#### Question re: Willingdon Correctional Institute

**Mr. Coles:** In Question Period on April 10, when I asked the Minister if other places were being considered besides Willingdon, the Minister said "I will attempt to look at other alternatives". I wonder if the Minister could advise the House today what other alternatives the Department of Health and Human Resources is looking at?

**Hon. Mrs. Joe:** I have a response to the question asked yesterday by the Member for Tatchun with regard to the Willingdon Correctional Centre. Our department has been in contact with Alberta in the past. We have talked about sending some of our youth to an institution out there. I am not sure exactly which one it was, but there has been some correspondence and consulting back and forth.

To bring you up to date on what is happening with our youths in Willingdon right now, we have six out there at this time. Three of them are out at a wilderness camp. They normally send our youths out to the wilderness camp. The other three are not there because one is taking treatment and counseling, one is awaiting trial in June, and the other one is on a 28-day sentence so there was not time to send him out.

We are looking at alternatives. There is a possibility that we will be able to keep our young offenders up here, but in the case that we cannot do that we will seek other alternatives. The reason why we were not pursuing it is because of the controversy surrounding the opening of certain facilities in Whitehorse.

**Mr. Coles:** The Minister also said yesterday that she would get back to me on whether or not we had sent any young offenders any place besides Willingdon for secure custody since the implementation of the *Young Offenders Act*?

**Hon. Mrs. Joe:** As far as I know, since the implementation of the *Young Offenders Act*, we have not sent any of our young offenders anywhere else except Willingdon. We have an agreement with them right now. If we are going to be sending them to any other jurisdictions, we are going to have to come up with some kind of agreement between ourselves and that province. Up until now we only have an agreement with BC.

**Mr. Coles:** Since I started asking questions on Willingdon, apparently some information has gotten into the Vancouver Sun and I have received a few letters from people in Vancouver who seem to agree with me and the Minister on the state of Willingdon. I wonder if the Minister can set some sort of timetable for us to get those children out of Willingdon into another institution somewhere else, whether it be Alberta, Manitoba, or Quebec, someplace where those

children are going to be treated properly and with the respect as they should be?

**Hon. Mrs. Joe:** I will make that commitment. As I mentioned before, it is still our intention to keep those young people here in the Yukon, at home where the parents want them. If that does not happen in the next little while, we will be looking for other places to send them.

#### Question re: Trade advisory committees

**Mr. Nordling:** On April 14, in response to a question on the subject of trade advisory committees, the Government Leader said that the government had nominated individuals to sit on various subcommittees. Did the government consult with the Klondike Placer Miners Association prior to suggesting persons to sit on the mining and metals subcommittee?

**Hon. Mr. Penikett:** In this case, we did not. We did not have the time. If I remember the circumstances correctly, the gap between the time when we were invited to submit nominees for various sector groups and the time that we had to get them in was fairly short. Our nominations were solicited from as many as a dozen different sectoral groups. It was made clear to us that it was not anything like 100 percent certain that our nominees would find their way onto any of these committees.

The names that we put forward were from our existing sources of names and our knowledge of people in those various sectors.

**Mr. Nordling:** In answer to a supplementary on the same question, the Government Leader said that the government was developing a position on free trade. I understand there was a contract with the DPA Group in Vancouver for \$17,000 to do a free trade impact study, which was to be completed by March 31, 1986. Has the study been completed? If it has, will the Government Leader table it?

**Hon. Mr. Penikett:** The study has been completed. Before it is tabled, I would like to have an assessment of it by my department officials, and have it received formally by Cabinet and studied by them before it is made public. I have no problem, in principle, with tabling it after it has been subjected to examination and study by officials in this government.

Because I have read the report, and because, in my view, it has a number of significant gaps in it, it would not surprise me if we are going to have to do further work in this field.

**Mr. Nordling:** I think the Government Leader answered my final supplementary almost completely. When can we expect the government to have studied it and have it tabled?

**Hon. Mr. Penikett:** I cannot say for certain. I was hoping to have heard before I came into the House today the results on the vote in the US Senate Finance Committee, which was expected at 11:15 a.m. Washington time this morning. That would have had some bearing on how quickly we may have had to decide for ourselves on a certain number of these questions. I was not given that information before I came into the House, and so do not know how urgent it is that we conclude our work in this area.

#### Response re: Free Trade

**Hon. Mr. Penikett:** While I am on my feet, I will answer another question that was put to me by the Member for Tatchun the other day, on the related question of trade. The Member was curious about the role of the provinces and the territories in multilateral trade negotiations. I would like to report that the federal government has indicated to the provinces and the territories that we will be consulted on these multilateral trade negotiations, that the Yukon is participating on the intergovernmental committee that has been established for Canada-US negotiations, and that this group will be used to consult on the multilateral trade negotiations as well.

The multilateral trade negotiations are tentatively scheduled to commence mid-September, and these issues will be discussed at the Tokyo summit this spring, which should create a greater public awareness of the multilateral trade negotiations. However, it should be advised that those multilateral negotiations are anticipated to be a very lengthy process, taking several years, because of the large number of participants in the negotiations and the number of issues

they are facing.

<sup>or</sup> It is worth pointing out that the number of nations participating in the GATT Negotiations has increased considerably from the last round.

**Question re: Watson Lake taxation**

**Mr. Lang:** Since we have had a government that has done some extensive travelling — Germany, Nairobi, Japan, Korea — why did the Minister of Community Affairs not accompany his official who, late yesterday afternoon, flew down to Watson Lake to attend a very important meeting? Perhaps he could have gone, in conjunction with the MLA for Watson Lake, to answer questions on behalf of the Government of Yukon's inaction.

**Hon. Mr. McDonald:** The difference between other travel by Ministers and this travel is that this travel takes place during Session. The problem is that this government wants to ensure that all Members are present during the sitting of the Legislature and does not want to take any chances with respect to having Members absent from the Legislature. It is for that reason that I sent a member of the department to Watson Lake to review the situation there. I was on the phone most of yesterday with the mayor, councilors, and residents of Watson Lake, both last night and this morning, to try to review the situation by long distance.

**Mr. Lang:** Pretty soon they are going to be telling us that they are sleeping in the building. The Minister of Tourism stated, through the news media, that the reason he did not attend the meeting in Watson Lake was because he felt the minority government may fall on some given vote.

The government has control of the Order Paper and can direct us to deal with other business. In view of the fact that an airplane went down late yesterday afternoon, could he explain to the House why he did not attend the meeting in Watson Lake, since they were returning this morning?

**Hon. Mr. Porter:** The structure of the House is entirely different from previous years. The reality is that we are a minority government. The reality is that we obviously do not trust Members opposite with respect to the votes as they occur in this House. If they really want us to do business outside of the House, they should get on with the job of legislating in this House and passing legislation instead of sitting here for 22 days doing nothing but filibuster. In the future, if he supports Ministerial travel with respect to important meetings, I would assume that he would agree to an adjournment of the House.

**Mr. Lang:** For the edification of the Members opposite who obviously cannot count, there are 10 Members supporting the government, and there are six of us. If one leaves, that leaves nine to six. If two leave, it leaves eight to six.

It should also be pointed out that that happened last evening after the House had sat. They could have gone to Watson Lake and came back this morning.

I would ask the Government Leader, have the Liberal Members of this House told the government that they will not support the government if Members leave on junkets to Nairobi or Watson Lake if the House is sitting?

<sup>os</sup> **Hon. Mr. Penikett:** I am fascinated to hear the Member opposite describe a trip to Watson Lake, pleasant as it might be, as a junket. Of course, trips in connection with Ministerial business, were not unknown to the previous government. I believe the Member opposite went to London and some other exotic places during his time.

The point is that there is a Cabinet decision taken by this government that Ministers will not travel while the House is in Session because I require, and Cabinet requires, that Ministers be present for the Session. We have also made a decision that we should not put at risk our attendance in the House by being in places where, should there be a problem with weather, or some other problem, it becomes impossible for them to return to their posts.

I will remind the Member opposite that there are eight government Members, and there are eight opposition Members. It is necessary for all Members of the government Caucus to be present here when the House is sitting.

**Question re: Justice review**

**Mr. Phillips:** I have a question for the Minister of Justice with respect to the Justice Review. I am very concerned about the guidelines and rules established for the current justice review. Will any of the meetings held by the review committee be public?

**Hon. Mr. Kimmerly:** Yes. The guidelines were contained in the Ministerial Statement. That is the sum total of the guidelines.

**Mr. Phillips:** Could the Minister clarify that there will be public meetings, and will the public be able to respond spontaneously, the way they did in human rights, or will you have to write a submission in or get permission to attend the meeting to speak?

**Hon. Mr. Kimmerly:** I will not be conducting the public meetings. The person who conducts the meetings will be making decisions of that sort at the meetings.

**Mr. Phillips:** Could the Justice Minister explain? Will they make the decision at the meeting that night, the public will come to the meeting and they may or may not be able to speak? Do the committee members have the right to make that decision? Is it not already laid out in the guidelines and, in fact, you can write in? Is there no set of guidelines anywhere for the public? I have had some concerns from members in my riding as to how they appear. I have seen nothing on how they appear, and that is why I ask the question.

**Hon. Mr. Kimmerly:** I give this assurance that any individual, privately or publicly or group, who wants to make a submission, will have that submission considered. If anyone has any single complaint, please bring it to me and I will personally see that the review panel considers that public input. The whole purpose of this exercise is to get public input in a responsible way. No one will be denied an opportunity to express their point of view. Rowdy groups, of course, are obviously inappropriate, and it would only be responsible for the review panel to lessen the chances of a mob scene rather than informed discussion.

<sup>os</sup>

**Question re: Curragh financing**

**Mr. McLachlan:** On Monday and Tuesday of this week officials from the Toronto Dominion Bank were in Faro, unfortunately not to open a branch but, to do an inspection and a progress report on their investment in Faro. Can the Minister of Mines and Small Business advise this House if, by the terms of the master agreement between Curragh and the Government of Yukon, government officials have access to the material that the Toronto Dominion Bank writes on the progress of the negotiations of the mining operation at Faro?

**Hon. Mr. Penikett:** I doubt very much that the report written by Mr. Martin to his superiors in the Toronto Dominion Bank would be provided to us. I believe, however, that the Toronto Dominion Bank officials have given a confidential briefing to officials of this government on their findings.

**Mr. McLachlan:** One of the programs that I do not want to restructure, revitalize or redraft is the Yukon Mineral Recovery Program. Previous reference in *Hansard* by the Minister said that payment of monies under this program were due at the end of April, seven days from now.

The amount of money involved in that transfer is significant for either side. Can the Minister tell the House if a cheque for \$3 million will be paid to Curragh seven days from today as per the master agreement?

**Hon. Mr. Penikett:** As required by the federal government and by this government, the cheque will be paid on the due date if a contribution agreement is concluded between the company and the federal government and the Yukon government by that point.

**Mr. McLachlan:** Can the Government Leader explain what he means by the term "contribution agreement"? I was under the impression that only 100 jobs had to be created and a certain amount of money spent on the project to date. What is meant by that expression?

**Hon. Mr. Penikett:** Every such program where there is a contribution made from a government to a non-government organization will come in the form of a grant or a contribution or a loan.

A grant is a gift, if you like. A loan has to be paid back according to certain terms. A contribution is tied to certain performance or certain requirements.

The requirements that come under this contribution agreement flow from the master agreement and the requirement of the company to maximize local employment, create local business opportunities, have a positive action program and so forth. It is specifics about the company's compliance with these principles in the master agreement that will be contained in the contribution agreement.

**Question re: Ministerial travel**

**Mr. Lang:** The count right now of the the Members in this House is eight to seven if the Liberal Party were to choose to vote against the side opposite at any time, so the question of whether the minority government stands or falls does not really lie with the side opposite.

Is it the policy of this government that when there is a major controversy in one of the MLA's ridings outside of Whitehorse, they will not attend but will send civil servants to explain government policy?

**Hon. Mr. Penikett:** As the Member well knows there is a great deal of government business that requires Ministers to travel to other parts of Canada to meetings, for negotiations and conferences here and elsewhere. There are also responsibilities to constituents, as constituency MLAs. As constituency MLAs, we travel to our ridings when the House is not sitting. The House Rules require that we be here when the House is sitting. Also, when the House is sitting, Ministers cannot do their other work. We have had now 23 days of Conservative filibustering on a Supplementary Bill, which has taken two days, on average, to pass in the last ten years. I checked the record.

It is quite clear what the Members opposite are trying to do. They are trying to obstruct the workings of the government and trying to slow things down so we cannot take the many necessary steps, negotiations, conferences, meetings that are necessary, not only to conduct the normal business of government and to deal with such crises as may emerge, but also very important negotiations we all have to conduct on behalf of the development of the territory and the development of our economy. It is only the obstruction of the Members of the other side that keeps us here, and prevents us from doing that work.

**Question re: Length of Session**

**Mr. Phelps:** I am getting just a little tired of the snivelling that keeps emanating from the other side of the House. Here we have a party who insisted that the House would sit until after Christmas last year, and boy they hoped it would because they had so much work to do. Here we have a party that complained and complained and complained at the short sessions they said were undergone by the previous administration over the course of the last few years. Yet now, because they do not wish to do any work, they use the lame excuse that no one from that party can leave during the sittings of the House. Let me ask the Government Leader whether or not he is capable of adding and subtracting. Is it not true that right now, if a vote were called, they would have to rely on the Liberal support in order to win the vote?

**Hon. Mr. Penikett:** As is often the case, the Leader of the Opposition is talking nonsense. Let us talk about the record of what happened last fall. Last fall we went through an average of two bills a day. That was twice the average rate of production, if you want to look at it in those terms, of the House since 1978, since I have been a Member.

But in this session, after speaking for 23 days we have passed one bill. It is quite clear what is going on; it is a Tory filibuster. They plan to slow down the government and prevent us from doing what we have to do as Ministers. We understand the game they are playing; we just do not want to play it with them.

**Mr. Phelps:** Surely the Government Leader knows that the public expects this to be a full-time job. The public is aware that Parliament sits most days of the year, that most Legislatures sit most days of the year, and surely the Government Leader would be quite content to do his job and be in the Legislature for as many

days as possible, is that not the case?

**Hon. Mr. Penikett:** What the Member says is bunk. Most Legislatures do not sit all year. The only Legislature which sits most of the year in this country happens to be the federal Parliament, and at that Parliament when Ministers have work to do elsewhere, they leave. Ministers are not required to be in Parliament every day in the federal Parliament. I know that; I worked there.

We are required to be here. We are a small Legislature. This Legislature does not only work when the House is sitting. Since the last session, there have been Select Committees and Special Committees of this House holding hearings throughout the territory, continuing the work, including the Public Accounts Committee. That happens because this Legislature is too small to permit that work to go on while the House is sitting. Ministers cannot do other important work when they are sitting here in this House. I cannot be holding meetings, which I am required to hold this month, while I am in this House. I will have to postpone them until I can have those meetings.

The Member opposite knows that. Even after his 54 days experience as Government Leader, he ought to know that.

**Mr. Phelps:** I wonder if the poor woebegotten Government Leader will tell us exactly how many days he expects the House to sit before he calls it a session? Will he do that in the future?

**Hon. Mr. Penikett:** Based on the production to date, and based on the fact that, as of this Thursday, we will be entering the seventh week of the Session, and after seven weeks we have not passed a supplementary bill, which normally, in the record of this House, has taken two days to pass, and based on the performance of the Members opposite — if they filibuster at the rate they have been — we estimate it will be sometime in late summer before we continue with the Mains. In that case, we may as well be sitting full-time, but it will change the nature of our jobs and the nature of the Legislature in the territory.

**Question re: Willingdon Correctional Institute**

**Mr. Coles:** I am a little more concerned with the children we have in Willingdon than I am with the childish behaviour that is going on on the floor of this House right now, and for the last seven weeks.

The Minister said, in one of her replies to me yesterday, that there are certain programs available to Yukon young offenders sent out to Willingdon. Can the Minister elaborate as to what those programs might be?

**Hon. Mrs. Joe:** I was speaking about the counselling and the treatment that goes along with some of the orders that are required by those young offenders who are sentenced by the courts. That kind of treatment is available out there. When I talked about programs, I was also talking about the wilderness camp that Willingdon sends our young offenders out to. That is the kind of thing I was talking about.

**Mr. Coles:** Is Boulder Bay the wilderness camp the Minister is referring to, or is there another one that the children are being sent to from Willingdon?

**Hon. Mrs. Joe:** I think that that was the name that was given to me.

**Mr. Coles:** The Minister also said to me on April 10 that, "I believe very firmly and strongly that Willingdon does not provide any kind of rehabilitation for our youths who go out there." Is that still the case?

**Hon. Mrs. Joe:** My ideas and statements that I have made with respect to Willingdon still stand. I do not think it is a good place to send our young people.

**Question re: Carcross-Skagway Road**

**Mrs. Firth:** Yesterday, I asked the Minister of Community and Transportation Services a question about the Carcross-Skagway Road construction. I asked the Minister whether or not Treasury Board had approved the funding for the construction. His reply was that Treasury Board had delayed the review of the application a number of times. I believe that for one reason or another, there have been bureaucratic delays.

Is the real reason for the delay the fact that everyone had to wait

for the Minister to conclude an agreement with the State of Alaska for year-round opening of the Skagway Road?

**Hon. Mr. McDonald:** No.

**Mrs. Firth:** Is the Minister saying that there are no other reasons that the funding has not been granted? That there are no clauses in the master agreement that impinge on whether the government is given Treasury Board approval for the funding?

**Hon. Mr. McDonald:** I have been given no indication whatsoever that there were any clauses in the master agreement that would delay the funding. I have been given no indication by officials from federal Treasury Board that that is the case. They simply had delayed it. I understand now that the next date for consideration will be May 1 or 2.

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

## ORDERS OF THE DAY

### MOTIONS OTHER THAN GOVERNMENT MOTIONS

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

**Speaker:** Is there unanimous consent?

**Some Members:** Agreed.

**Speaker:** There is unanimous consent.

#### Motion No. 25

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

**Speaker:** Is the hon. Member prepared to proceed with Motion No. 25?

**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 take immediate steps to negotiate a written commitment from the Government of Canada that Yukon consumers of electrical energy will not be asked to subsidize the cost to NCPG of purchasing the turbine from Curragh Resources Inc. or for the cost of subsidizing the cost of electrical energy supplied by NCPG to Curragh Resources Inc.

**Mr. Phelps:** I would like to say at the outset that once again we take a great deal of pleasure in putting forward motions and alternatives to the shoddy manner in which the government has been doing a lot of business. We did not think that it would be really appropriate for us to simply criticize the government for not having already done this job without suggesting the House encourage them to do a good job and finish this part of the Curragh Resources opening in the best way possible so that the greatest good can come and fall upon citizens of Yukon.

On April 15, we asked questions in the House. We realized that the issue of the purchase of the gas generator by NCPG from Curragh Resources, which is situated at and has been installed at the mine, has become public knowledge. The total cost would be some \$7 million and, of course, the turbine itself is simply not worth a very great fraction of that amount. I think that every Yukoner knows that.

During Question Period it was admitted by the Government Leader, quite properly, that they had made, through the course of the negotiations, the suggestion to the federal government that as part of the federal government's financial contribution, one vehicle might be to purchase this turbine from Curragh, using NCPG.

The government seemed cognizant back on April 15, and probably well before that, that Yukon consumers ought not to be burdened with this cost. On April 15, I asked the government whether or not they had received assurances and an undertaking in writing from the federal government that the cost of this very expensive turbine would not be passed on to consumers of electricity in the Yukon.

<sup>12</sup> It was revealed that we had nothing in writing.

Now, I would like to say that another part of the package, as Yukoners know, is that NCPG is receiving a very attractive price on the electrical energy being purchased from them to run the mine at Faro. Once again I raised our concern at least that Yukon consumers not be stuck to pay for this subsidy; it should be the obligation of the federal government, not consumers in the Yukon. Once again it was revealed that this government shared a similar concern, but again revealed that they had nothing in writing that would give consumers of the Yukon Territory any comfort in ensuring that we, the consumers, will not be saddled with the cost on our electrical bills for these two subsidy moves made by the federal government.

So, we put forward this motion. We feel it is a positive motion, just as we put forward the motion that the government come up with a safety program for the Carcross-Skagway Road, and I must say that we are very pleased the side opposite gave us full support in that, and we look forward to seeing the results tabled in this House on or before May 15 of this year.

Likewise, we revealed that the document that was filed in the Land Titles Office was a very shoddy document that left a lot to be desired, but again we not only revealed this bit of incompetence in the House, but on a positive note, put forward a motion last week to try to encourage the government to ensure that the document would be amended so as to correct the shortcomings. Unfortunately, the government came from all directions on that issue and in a very negative, pig-headed, and stubborn fashion, refused to go along with that motion.

This party, for the good of all Yukoners, cannot let that attitude discourage us because we feel that the Legislative Assembly is the place where we put forward positive ideas and a positive viewpoint for the benefit of all Yukoners and we will not allow simple vanity from the other side to discourage us when it appears, and it appears all too often, it seems to us.

Therefore, we would urge the side opposite to view this motion in the spirit in which it was put forward. We would urge the side opposite to get something in writing to ensure that consumers will be protected. It is not good enough for them to say, "well, we are negotiating the acquisition of NCPG assets in the Yukon from the federal government", because that is a different issue. We feel that this issue should not be left. It should be clear from the outset, in writing, that under no circumstances will Yukon consumers be burdened by the purchase of this expensive gas turbine. If you recall the statement of Mr. Sultan on CBC Radio, they viewed this as a jewel that they could not let go, a real bonanza in the package.

<sup>14</sup> We hope that all Members in this House will vote with their consciences and not along party lines, as was urged by the Government Leader on the first Wednesday that we debated private Members' bills. We would urge each MLA to vote with his or her conscience. If they do that, there is absolutely no doubt in my mind that we will get unanimous support for this motion.

**Hon. Mr. Penikett:** I want to say at the outset how pleased I am with the announcement today from the Leader of the Official Opposition that his party is going to be ending its negative approach to the House and to the debates in this House. The decision of the Conservative Party to become a positive, constructive opposition is a very welcome change. I do not know whether that is a message they got from their convention in their closed and secret sessions last weekend, but it is certainly our experience, in opposition, going from a one member in opposition to government in two elections, is evidence that the positive and constructive approach is the way to go. The kind of negativism and destructive approach that has been demonstrated heretofore is clearly not.

Consistent with the new positive Conservative Party, I am pleased to tell the Members opposite that since we have been pursuing, in broad terms, the objective of this motion since last summer, the government will be pleased to support it. As I explained the other day in Question Period, the government position has always been, with respect to the NCPG transfer, that any transfer, including NCPG, must have benefits for Yukoners. In the case of NCPG, the benefits must be local control, better rate structure and we are also looking at equalization and decreases for home and industrial use, if

that is what we can achieve.

The government position was reflected in the Curragh agreement, which, as we all know, brings considerable benefits to the Yukon — 1,000 jobs as well as business and training opportunities — and creates a precedent that we think is useful for special power rates for industrial users, a rate that is based on the recommendations of the National Energy Board report and, as the Curragh agreement made clear, a federal commitment, not a territorial commitment, to purchase the turbine from Curragh to settle the Anvil-NCPC legal dispute.

The NCPC transfer negotiations will also bring benefits to Yukoners, including rate equalization and possible decreases, including local control, and including the aforementioned special industrial rates that we believe could be used to encourage regional development. These industrial rates, based on the National Energy Board's method of setting rate values, i.e. the federal debt write-off, will be a real improvement.

I remind Members also that the NEB report argued that Yukoners were already paying too much for power, and that the NEB emphasized that Yukoners should not bear the cost of surplus or superfluous assets, and that the rate should only be based on the used and useful assets.

The territory is protecting our position in the NCPC transfer process. Our position, from the beginning, has been that there will be no rate increases before the transfer is completed, and no rate increases without Yukon regulatory review. That regulatory review, as I emphasized the other day, from all information we have — except the Faro turbine as an NCPC asset for the Yukon rate base — is not needed.

<sup>15</sup> Let me just review in rough terms some of the chronology of the issue before us. All Members on the other side and on this side will recall that there was a government motion presented on July 15, 1985, which was not debated. That motion on NCPC stated our position, that the transfer includes conditions for federal energy subsidies without extra charge to Yukon residents as required to facilitate special industrial projects. That was a reference to the anticipated Anvil reopening costs and other such ventures that may come before us.

Last fall, as I had advised the House previously, I corresponded and had discussions with federal officials, including the Minister. We discussed the National Energy Board method for setting the Yukon rate base. The principle, and if I may quote the National Energy Board Report, "of depreciated cost of used and useful fixed assets", and emphasized again that that particularly would not include the Faro turbine in a rate base; that the National Energy Board would not, by their standards, include it in the rate base. I believe that the federal officials were generally agreeable.

On October 28, 1985, the Curragh master agreement was announced, which included the federal commitments to have NCPC purchase the Faro turbine for \$7 million and provide power at 4.5 cents per kilowatt hour, based on the NEB rate of calculating rates. Now, of course, neither the turbine sale nor the Curragh power rate is linked to the other NCPC rates or activities, including the transfer negotiations, directly. Notwithstanding that, we have continued to reiterate our view, just as a reminder, that none of the costs associated with the reopening of the mine should be borne by Yukon electrical consumers.

I remind Members that on November 5, 1985, the Canada-Yukon Memorandum of Understanding on the NCPC transfer includes the principles of protecting the interests of northern consumers and the objective for providing power at a reasonable and standard rate.

Again, later in November, YTG presented a position to DIAND at the NCPC transfer work group negotiations. I believe I reported this previously, but included in the NCPC agreement with Curragh: that the turbine matter was a federal financial commitment; that the federal government has fiscal responsibility for the transfer, including the write-off of the NCPC debt for assets, including the turbine, and the calculation of rate bases by the NEB method; that rate equalization and, if possible decreases, can and should be achieved in the Yukon; that any rate increases proposed by the federal government should be subject to Yukon regulatory review; and, that no rate increases should be forthcoming before the transfer

of NCPC is completed.

Again in December, and again in February, Yukon's position on these matters was reiterated to federal officials in correspondence and discussions that went on concerning the NCPC transfer.

In January of this year, Members will recall that I made a public statement on behalf of the territory on the NCPC transfer and reiterated, again, that the transfer price be based on the depreciated cost for used and useful NCPC assets, as recently determined by the NEB and federal financing for consumer and commercial rate equalization, and that industrial rates be at the Curragh level, and that there be consumer protection from costs not directly related to generation of power being used.

<sup>16</sup> In April of this year, the NCPC working group reported to both governments. I know the federal officials accepted as reasonable the Government of Yukon's proposal to use the NEB method to value NCPC's assets.

Also, in April, 1986, we had further correspondence and discussions with Mr. Crombie on the NCPC transfer, repeating our needs for rate equalization — no rate increases related to Faro mine reopening and no rate increases before the transfer is completed, among others.

I have to emphasize, as I was asked the other day in Question Period about documents to be tabled, that I am not in a position to table documents concerning the negotiations at this point. I hope, as a result of recent conversations with the federal Minister, that I may be able to provide, or table, or make public, documents that will give the kind of comfort that Members opposite are seeking for the people of the Yukon.

I accept the concern as legitimate and the representation of the Members opposite in the best of spirits. Our party will be supporting this motion.

**Mr. McLachlan:** The controversial subject of the turbine is one that is unpleasant and unfortunate for anyone who has been connected with the Cyprus Anvil Mine and the situation in Faro. It was a situation inherited through circumstance rather than by design. When NCPC said that it could only supply additional power for the Cyprus Mine after about five or six years lead time, Cyprus Anvil said that they needed it immediately. They went ahead with the purchase and made some arrangement whereby NCPC was to repurchase it upon it no longer being needed at the mine once the fourth wheel was on line.

No one predicted the bottom falling out of the base metal market and the circumstances that happened after that. The situation got progressively worse. I do not believe in doing business in a situation in which the turbine has found its way off Curragh Resources property back into the hands of NCPC. Be that as it may, that was decreed by higher authority.

The Leader of the Official Opposition is adamant in insisting that Yukon customers not pay the cost of the turbine purchased. I would appreciate his getting in touch with the MP for the Western Arctic who is very obviously of a different opinion. He believes that people of the Yukon should pay. If those two people cannot agree, then there is but one recourse, and that is to the federal authority who has decreed that such shall be the case.

As the Government Leader has indicated it would appear that the only solution to the whole thing is the federal government should pick up the whole price tag.

The part of the motion that we have a little trouble with on this side of the House is the second part. We do not entirely view the purchase agreement between Curragh Resources and NCPC as a subsidy. The Leader of the Official Opposition has not made mention in the motion, or in his speech, that without Curragh Resources purchasing power at the rate of 4.56 cents per kilowatt hour, some \$9.5 million would not accrue to the territory.

Without this revenue, it probably would have made the difference between NCPC being thrown into a loss position again and not losing money in the year ending March 31, 1987.

<sup>17</sup> The concept of a decreased rate of power is not new. It was used in BC to bring two new copper mines onstream and, as in that case, this one also has a sunset provision in the clause. The clause will see a rise, notwithstanding what will happen in the transfer, in the



power rates in the third year of that agreement.

In conclusion, we will give this motion support, but it is a cautious, guarded support.

**Mr. Nordling:** I was pleased to hear the Government Leader say that his government would be supporting the motion and, therefore, I will be very brief. I rise to support the motion for several reasons. Firstly, the vice-chairman of Curragh stated that, "they did not want the turbine, but they saw an opportunity to make some money." Apparently, the value is approximately \$1.2 million and was sold for \$7 million. As the Member for Hootalinqua said, CBC quoted the vice-chairman of Curragh as saying that he saw this as a jewel on the table so he reached out and took it. I do not know who else was at the table when the vice-chairman reached out and took the jewel, but it obviously was not the Yukon taxpayer, and they should not be responsible.

Secondly, my understanding is that the federal Minister ordered NCPC to pay the \$7 million for the turbine and agreed to lend NCPC the money. If the Minister of Indian Affairs and Northern Development ordered NCPC to pay this \$7 million at the request of the territorial government, it appears that the Government Leader did not intend to saddle the taxpayer with the \$7 million debt, to be paid through an increase in power rates.

If this was the case, and the \$7 million was part of an agreement between the Yukon government and Curragh to get the mine open, then I am sure the Government Leader would have come clean and told us at the time.

Thirdly, there was a suggestion that the reason for the sale was that there was a lawsuit pending. Apparently NCPC won the first round of that lawsuit, but there was potential exposure of up to \$15 million. Certainly, the Yukon taxpayer should be protected from this sort of exposure.

With the problems that this government has experienced lately with not having agreements in writing, I would strongly suggest that the government take immediate action to obtain an agreement in writing. It seems to me that Yukoners are up to their neck at the present time, and should be protected.

The failure of the government to get an agreement over the Skagway Road will cost the Yukon taxpayers almost \$1 million extra over the life of the agreement. I do not want this to happen to the taxpayer to the tune of \$7 million, so I am supporting the motion and would stress to the government the importance of getting an agreement in writing.

<sup>18</sup> **Hon. Mr. Kimmerly:** I will be very brief. The Opposition have quoted the impolitic remark of Mr. Sultan that is interesting, but it is much more important to emphasize the two major factors here. One, which the Leader of the Official Opposition neglected to mention, but the Member for Porter Creek West did, is that part of that arrangement was all about closing off the lawsuit. As was properly pointed out, there was a possible exposure of some \$15 million and it was indeed a condition precedent to the sale to end that exposure, that uncertainty and that very unproductive lawsuit. Viewed in that light, this is quite a reasonable business deal, despite Mr. Sultan's gloating.

I should also mention that what we have here is a federal contribution, which is far more important, and when we deal from government to government, even if we have an iron-clad agreement in writing, there are so many other variables that can come into play that I would caution the Members opposite from thinking in terms of legally binding contracts and written documents. The picture is much larger than that when dealing government to government.

Governments go on and on, and the inter-relationships of, for example, formula financing and the federal contributions on many other agreements are all relevant in a government to government negotiation. Here it is clear, and is the best protection we can all recognize, and the federal government recognizes that this is part of the federal contribution. That being as clear as it is, the Yukon electrical users need have nothing to fear.

The motion asks for additional comfort. As was already stated, the government has absolutely no problem with that principle.

<sup>19</sup> Motion No. 25 agreed to

**Clerk:** Item number 4, standing in the name of Mr. Coles.

**Speaker:** Is the hon. Member prepared to proceed with item four?

#### Point of Order

**Mr. Lang:** On a point of order, is it not the understanding that the enumeration would go to Motion No. 26 and then No. 24? That was agreed to by the House Leaders.

**Hon. Mr. Penikett:** In the written information I have before me, which is supposedly a conclusion of the House Leaders, Motion 25 would be followed by Motion 24.

**Mr. McLachlan:** The confusion is that the wording is to read across on the speaking order rather than down.

#### Motion No. 26

**Clerk:** Correction. Item number 6, standing in the name of Mr. Lang.

**Speaker:** Is the hon. Member prepared to proceed with item 6?

**Mr. Lang:** Yes.

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

THAT it is the opinion of this House that the Government of Yukon should introduce legislation which would amend the *Municipal Finance Act* to rectify the financial inequities in the transfer of grants to the communities.

**Mr. Lang:** This is an issue that is obviously not new to the House. It has to do, as all Members know, with the financing of the communities and the method by which this senior level of government contributes operating grant money to the communities throughout the territory. The concern I have raised for quite some time with the Minister of Community Affairs is that I believe there is a very major inequity, in fact I would say a glaring inequity, in the present disposition of the operating grants under the *Municipal Finance Act*.

You might ask why I would say "glaring inequities". I refer to my letter of February 6, 1986 that I wrote to the Minister with the full understanding that it would not necessitate a partisan debate in this House on the question of financing to municipalities, but would do the commonsense thing by bringing in the necessary amendments and proceed with the business of this House. I have to report to the House that I have not, in my judgment, been answered properly by the present Minister of Community Affairs. In fact, I think I could say, to some degree, I have been ignored by the Minister because of my representation to him of February 6.

I not only pointed out that there was a glaring problem in the situation with the community of Watson Lake but, because of my past experience, I also, at least in part, said there was an area that could be looked at: the question of apartment units, which is a technical side of the bill.

I also, at that time, guaranteed, on behalf of our party, quick and speedy passage of any amendments to the Act. What I have received to date is a representation by the Minister saying that it is Mr. Lang's formula of 1984, and I like it.

Well, Mr. Lang, the Member for Porter Creek East, is saying it should be changed. The government, quite properly and correctly, came forward to this House and said to the people of the territory, to the property taxpayers within the communities of Yukon, that they were going to increase the operating transfer payments to the communities by over seven percent this coming year.

<sup>20</sup> I applaud the government for it. I think the government should rightly take credit for continuing, as we did in the past, to ensure that municipalities have an adequate supply of dollars to run their communities with the idea of keeping the property tax base to a minimum where possible.

The inequity became apparent in December when it was shown to the Association for Yukon Communities that the total grant structure was going to put a situation into effect where the community of Faro got an increase of just under \$80,000. Yet, at the same time, that community has had fewer facilities to run because of its present situation, which is a special situation. It has

fewer municipal responsibilities for at least a portion of this year, yet they got an increase of \$80,000.

At the same time, the community of Whitehorse got an increase of \$143,000. As an MLA for Whitehorse, that is fine. That is good for the community of Whitehorse. The Minister tells me that the reason for the formula — and in part he is correct — is to try to correct problems as they emerge in the communities that are having tough times.

We are very fortunate in Whitehorse to be able to keep the taxes at the present rate. At the same time, an expansion took place in Watson Lake and the people who have just been incorporated into the community are paying lower taxes, but we see a major increase of up to 85 percent in property taxes. I do not think that is fair.

I know that there had to be some tax adjustments. I do not think that the Town Council of Watson Lake felt that there should not be any tax adjustments. I think the people in the area thought that there would be some tax adjustments, but not to this extent. The Legislature has taken away \$35,000 of transfer payments and given it to someone else. That is the inequity.

We should have amended the *Municipal Finance Act* and at least permitted, in part, a continuance of the transfer of dollars to that community. I find it difficult to believe that we would leave a community such as Watson Lake in a break-even situation, even with the tax increase that they have. I know the Minister will probably stand up and say I am wrong on that.

The Town Council is spending \$30,000 less on wages this year than they did last year. They are trimming in a number of areas. They now have to operate the swimming pool longer and that extended service is going to cost more. With that in mind, why did we not amend the *Municipal Finance Act* and help the community, recognizing that they have a responsibility, instead of trying to foist all the responsibility on the Town Council. That is what the Minister has unintentionally done. I really do not think that is fair.

I look at those small communities, and I can speak from experience, and see these few people who are prepared to serve in public office go night after night to meetings on behalf of those communities that they represent. Here we have a situation where, effectively, the senior government has deserted them.

<sup>21</sup> Who wants to run for public office if you are going to get that kind of help? The Member opposite is going to say, well, they have a great surplus, and they have a revolving fund for the replacement of equipment. Yes, they have a revolving fund in reserve for equipment. That was part of the incorporation. That was a reserve fund for the replacement of equipment so that it would not be taken directly out of the tax source of the community. All Members in this House, including the present Minister, voted for that approximately two years ago.

With that in mind, it seems to me that we should not be encroaching on an area that the Minister of Highways will be defending in this House later — the equipment replacement fund. You have to have that in such a position so that you can operate as a community, so you can purchase your grader when it is necessary and it is worn out, and you can purchase your dump truck if it is worn out. That is good business sense.

In light of what has happened here, we should be taking the proper steps in this House to amend the inequities that have been identified within the *Municipal Finance Act*.

I attempted at one time, in the course of this sitting, to point out to the Members opposite that they could take the money from the liquor warehouse that is not needed. We have a difference of opinion, but it came in \$600,000 light. The Minister of liquor was very pleased to announce that to us. There was \$400,000 there. I said, why do we not grant an extraordinary grant, if he is not prepared to amend the *Municipal Finance Act*, under the same piece of legislation, to help assist the people in the community of Watson Lake? The Minister of Community Affairs said, well, we cannot make any exceptions. Yet, his memory is so foggy and so short, that it was two or three years ago that, under that particular section, \$20,000 to \$25,000 was transferred to the community of Teslin, in part at the request of the opposition of the day, recognizing that there was a problem in that particular community.

Also, under that particular section, there was money made

available to Dawson City one year. So it is not unknown. It is not out of the realm of possibility. It was there and it was possible and it was feasible. Also, there was money there. It was not a case of where we could sit here and cry poverty. Look at the budget that has been presented. Look at the money that is being discussed every day in this House — millions of dollars.

On this side, we say, look, one of the communities in the Yukon is having financial problems, and it has been proven that they have some financial problems, and what do we get? We get stonewalled. I cannot accept that. I think that the government has been remiss in its responsibilities to meet the real needs of that particular town council within Yukon, especially in view of the fact that two other communities are getting such major increases, as opposed to the year previous.

In one particular case, they have less municipal facilities to run. Yet, Watson Lake is being asked to run more facilities in an expanded area. Is that fair? There is a glaring inequity.

I still think there is time, in view of the fact that regulations have not been passed for that particular bylaw coming into effect, that the *Municipal Finance Act* could be amended. I hope the government side and my colleagues to the far left can see fit to support us in this particular endeavour. I think it is in everybody's best interest that we come up with a solution to the problem.

I say to the Members of the House that I am looking forward to your support on this issue. I think it is justified, and I think the government should see the light, come forward with the necessary amendments and rectify the situation.

<sup>22</sup> **Hon. Mr. McDonald:** With respect to the intent of this motion, this government's position has been consistent and has been quite clear. We, as a government, have shown a strong commitment to the health of Yukon's communities and we would be more than prepared, at any time, to change the municipal operating grant formula once we have seen a clear commitment from the communities that they want it changed.

Some communities have expressed a desire for more funding. They have tied that desire for more funding to the municipal operating grant formula. The formula will not give municipal governments more funding. It is the increase voted by this Legislature that will give communities more funding. We have given a very strong commitment of \$189,000 towards the increase of municipal operating grants in this territory.

Communities such as Mayo have expressed a desire for more funding because they would like to increase the level of services that people enjoy in that community. I have some sympathy with that. We will engage in discussions with respect to increases in funding, perhaps not a discussion of a change in the formula, but certainly pertaining to increasing funding levels in the communities.

We will discuss that. We have discussed it with respect to capital block funding and the kinds of advantages that it can have for communities in the territory. Some people, including the Member for Porter Creek East, have wrongfully blamed the municipal financial woes of some communities on the municipal operating grant formula. We saw only a few weeks ago the Member suggest that Dawson, Mayo and Watson Lake, all had such serious financial woes that the Government of Yukon reallocate approximately \$900,000 towards their operations, or at least a portion of it.

Dawson has never requested funding of that sort because they had a balanced budget and they had substantial reserves as a result of the fact that they had not paid the Government of Yukon over the years a large amount of what was owing. The community of Mayo had increased its operating budget by approximately \$150,000 because they wanted to hire a number of people in the community. They wanted to do new things and they were hoping that the government would pick up the tab.

The government cannot unilaterally pick up the tab in that manner. We have to deal with the funding of communities in a clear, coherent manner, treating communities in a fair way. That is the reason we have formula financing rather than financing communities with an ad hoc approach, giving one community \$25,000, another community \$50,000 and another community \$100,000, whatever the request may be. The intent is to ensure that

communities should bear a measure of self-discipline in their operations the way all governments must, and that communities should balance the revenues they receive versus the services they can offer.

<sup>23</sup> It should be a consideration to the taxpayers in their jurisdiction. The situation, as the Member expressed it — at least in the last motion debate — was that Watson Lake, too, was facing a severe financial crisis and should essentially be bailed out of that crisis through, perhaps, a special grant. Now the Member is suggesting that the community of Watson Lake can be bailed out with a change to the municipal operating grant formula. It is a puzzle to me, largely because the deficit that the community is expressing it will have is much larger than the drop in the grants that the government has paid that community.

I suppose that my opinion of the Member's assessment of municipal finance and the financial problems expressed by some communities has not increased as a result of this motion.

The Member for Porter Creek East is quite right, this has been brought before the Legislature a number of times. I have expressed numerous times that we have approached the Association of Yukon Communities, and we have approached Mayo, to discuss the issue of the operating grant formula. We have heard nothing from them expressing a desire to change the formula. Rather, they have indicated a desire, so far, not to change the formula. I understand that they may be meeting in the near future to review the decision. Clearly, as of this date, we have received no clear picture from the AYC or Mayo that there is good reason to change the formula.

In Watson Lake's position, the situation has occurred in the past in 1984. The Member for Porter Creek East was quite correct that there was a surplus of \$208,000 generated in that period. It is important to note, in taking that into account, that this \$208,000 was not a budgeted surplus. This was an unbudgeted surplus. It almost happened by accident. In the period of 1985, Watson Lake has said that it has used part of that surplus to offset unpaid taxes, which it is Watson Lake's responsibility to do, of course, and to pay for their portion of the swimming pool. If a surplus can be generated in 1984, and the budget essentially remains unchanged between 1984 and 1985, with only a six percent increase in wages for employees — an amount of \$14,000 — then one would assume, and certainly we assume, that the surplus should be generated in 1985, as well.

About the situation respecting equipment replacement accounts, as the Member mentions, he is quite right that every good government, including this one, does budget reserve funds to maintain equipment replacement accounts.

<sup>24</sup> In Watson Lake's case, they have a reserve account in the neighbourhood of \$290,000 to replace equipment. I am not speaking of that reserve account. I am speaking of the \$150,000 term deposit that they have, which is not part of the equipment reserve account.

The Member for Porter Creek East is shaking his head. This is something that is not only true, but is acknowledged by the Town of Watson Lake.

The Member for Porter Creek East stated that he felt the formula under review here has major glaring inequities associated with it. I believe that if the Member can prove that there are major and glaring inequities associated with this grant, I do not believe he can prove it by the fact that Watson Lake has either increased their taxes, or that Watson Lake has expressed some difficulty with respect to the financial operations of that community.

The Member suggested that he has not been answered properly by me, that he has been ignored by me on this issue, and that is not the case. The Member has been given, upon request, all copies of information, all copies of letters that I have sent to the community, and copies of letters that were received by me from the community. Even after years of sitting in opposition, when I had requested information myself, I seldom ever got it. Actually, I do not think I ever did get copies of correspondence with the community in my own riding, the community of Mayo, even upon request.

I would say that the interest and the respect shown by this Minister to that Member is a good deal greater than was reciprocated in previous years.

The Member stated that he wants to pass speedy changes to this formula, because he agrees with some people in Watson Lake and suggests that the tax increase is a direct result from a reduction in the grants from this government.

I will further explain the situation as it exists in Watson Lake, and exists in all communities. For all Members' information, this government provides two municipal operating grants. One is the Assessment Equalization Grant, and one is a Dwelling Unit Grant. The Member for Porter Creek East sometimes fudges these two, and suggests that Whitehorse has received a great increase in the Assessment Equalization Grant. That is not the case. They received an increase in the Dwelling Unit Grant. They received no money from the Assessment Equalization Grant, because that grant uses Whitehorse as a base to rectify any inequities between communities. It also attempts to address the problems associated with attempting to generate revenue in communities with low assessments.

When the municipal boundaries were changed in Watson Lake, the community received an increased assessment of approximately \$9 million.

<sup>25</sup> They have increased their revenue-generating potential, at the existing tax rate of .51, by \$47,000. During that period as well, the assessment in Watson Lake proper also increased by \$7.6 million, which increased their revenue-generating potential at the .82 rate to \$62,000. That is a total of an extra \$109,000 that they received in 1984 as a result of increased assessments. That year, the Assessment Equalization Grant did not drop. The revenue-generating potential climbed, and Watson Lake took advantage of that, but the Assessment Equalization Grant did not drop. It did not drop until the following year, 1985.

In speaking with people in Watson Lake, I have expressed the concern that the funding they received as a result of increased assessments should more than offset any increase in services they provide in that community. It is interesting to note that, with the .9 tax rate, they will receive an additional \$108,000, which is well beyond the anticipated deficit of \$50,000 it. Yet, they still do insist that a .9 tax rate is necessary to cover their concerns. That is approximately twice the projected deficit.

Now, we have consistently taken the position that we do not believe that the formula can result, or should in any way be blamed for the tax increase in Watson Lake. It should not. In fact the people in Watson Lake stated clearly at the meeting that they felt that there were certainly other major factors that they felt were contributing to the problem, and one of them included management. Pure and simple.

The people wanted to know if it was really necessary to raise the taxes. I suppose the jury is out on that particular score, but it was made clear that one of the principles that the Council wanted to promote was the equalization of the tax rate throughout the community, including area 69, the area incorporated through the boundary expansion.

The tax increase in the town proper was to rise from .82, I believe, to .9, — a tax increase of .08. In the interest of equalizing the tax rate throughout the community, the Council took the position, in the name of equal and fair treatment, to raise its taxes 85 percent, from .51 to .9. That was an internal decision by the Town of Watson Lake. It remains one. It is their business and not our business.

I think both today and in previous discussion in this Legislature, I have attempted to explain to the Member the situation with respect to the Assessment Equalization Grant and the Dwelling Unit Grants. I explained the reasons for the existence of those grants.

<sup>26</sup> The Yukon government has not deserted the communities. It has done exactly the opposite. It has paid close attention to the problems associated with the financing arrangements in communities. It has expressed a desire and a willingness to discuss, at any time, the operating grant formulas for communities. The Government of Yukon has shown its commitment to municipal finance by raising the total operating grants by \$189,000, the maximum allowed under legislation. The government had introduced legislation for capital block funding — and I am anticipating support from all Members in the House in that respect — which will ease the load

with respect to O&M budgets in the communities by allowing those communities to spend those budgets strictly for O&M purposes, and not having to find capital funding to cost-share capital projects out of their O&M budgets.

We have indicated to communities that we are willing to review the methodology by which assessments are made on property assessments. We have indicated to the communities, as I have said, a willingness to discuss the individual operating grants. Even weeks ago, before the Member for Porter Creek East decided to make this an issue he thought worth promoting, I stated to Barry Ravenhill, the mayor of Watson Lake, in a letter dated April 9, the following:

"As I had mentioned in my previous correspondence on this matter, I will be more than happy to discuss with the Association of Yukon Communities possible changes to the formula if, in fact, it is perceived to be unfair or insufficient to meet the community's needs.

"I have already mentioned some remedial steps which could, perhaps, be taken in this regard; however, if this is not considered to be enough, I would look at any specific suggestions that the Association may have to offer.

In the meantime, I thank you for your comments..." et cetera, et cetera.

The position of this government is consistent and clear on this matter. We have stated our position clearly to the community of Watson Lake. We have indicated a desire to maintain the integrity of formula financing, both in the O&M grant formulas and in the capital grant formula. We recognize the inherent dangers in the ad hoc funding of communities, and the severe problems that can result from the ad hoc funding. We have assisted those communities that have felt that they are in financial trouble: assisted them in trying to balance budgets, should they feel that necessary.

We have municipal advisors who do have considerable knowledge of the territory's municipalities. They travel to the communities. They have immeasurable support for all the communities in terms of providing the technical expertise that they require to operate smoothly. The municipal advisors have been instrumental in assisting communities to balance their budgets, when the communities have failed to come to terms with some problems they have faced in those communities, and have allowed them to balance their budgets.

The Government of Yukon will be prepared to discuss not only the formulas, but increased O&M funding for communities. If perceived to be the case, we will discuss the assessment equalization grant at any time.

<sup>27</sup> The equalization grant plays a purpose, of course. It is designed to compensate those municipalities with relatively small tax bases. It does use Whitehorse as a standard for equalization. In the case of Watson Lake, of course, to sum up, the ability for the municipality to generate revenue from its tax base was increased as a result of the boundary expansion. In that case, the revenue potential increased dramatically. The operating grant increased far less dramatically. For that reason, Watson Lake should be more than solvent. I do not believe anybody who has studied the situation thinks that Watson Lake is, by any means, a community without resources.

Having said that, we simply cannot support this motion because we have to receive a clear indication from the communities that they wish it changed. We have not received that communication in any coherent form.

**Mr. McLachlan:** We, on this side of the House, find that this government, having obtained a consensus on municipality financing — one that the AYC has agreed to, I might add — should be very careful before they start make exceptions to any agreed-upon formula on the basis of one municipality. If the formula itself requires changes, then it should be done on the basis of applicability to all municipalities, including Whitehorse, Faro, Dawson City, Mayo, and Teslin. Were we, as a government, to begin making exceptions for one community after another, we would soon be making individual representations. Before long, there would not be much left of the *Municipal Act*.

We believe that the lowest form of a political situation is being

employed by some Members of the House with regard to the present shortfall in Watson Lake. The Member for Porter Creek East has referred, on previous occasions, that it is cruel to pit one community against another. Putting one against the other by comparing apples and oranges is an injustice. We have been unable to determine the inequities that the mover of the motion alludes to. We have looked at all his words, and found generalities and unfounded accusations. The Member's bombast does a disservice to this House and those who he has pledged to serve. If the Member was generally concerned with the problem in Watson Lake, he would have made a strong case to show precisely how the present formula was the villain in this case. He did not, and we are left to wonder what his real motivation is.

The government, on the other hand, has yet to show totally their case for alluding to budgetary and administration problems as the villain. They would do well to explain to this House why they feel that no increase in taxes is warranted.

I am tired of having the Member for Porter Creek East point out an apparent inequity in Faro, which he continually lambastes against. We pay higher taxes than Whitehorse. We have a higher debt per dwelling unit than anyone else. This morning, the case was quoted of a \$20,000 assessment having its taxes raised from \$200 to \$350. We, in Faro, have been in that situation for years.

<sup>28</sup> Raising taxes is always a tough decision to make whether it is liquor, property taxes, gasoline or even cigars. The Member for Porter Creek East has referred to fewer and fewer municipal services in the municipality of Faro. We are starting the April 1, 1986 year. Those municipal services are required again.

I have seen no cause as to why the House should be amending the existing *Municipal Act*. Should the Member who proposed the motion bring forward real inequities, we would be prepared to consider another motion, but I resent the way the issue has been explored and bombasted for purely political motivation.

We were elected to do better. In closing, I would tell the Member again, make the case and prove your point.

**Mr. Nordling:** This motion expresses the concern of this side for all Yukon communities, not just Watson Lake. The financing formula was introduced two years ago and, at that time, the present Government Leader warned that the formula may not be perfect. It now appears that the Government Leader may have been right.

From what we have seen and heard from Watson Lake and Faro, it certainly appears that there are inequities. The government was warned months ago that there may be a problem in Watson Lake, and it took no steps to sort out the problem or assist until April 9 when the Minister wrote a letter to the Mayor of Watson Lake. Now, months later, the Minister says nothing is his fault.

The motion does not deal specifically with how the *Municipal Finance Act* should be changed to rectify the problem. We do not have the perfect solution. If the government can treat communities fairly and equitably without amending the formula, that is fine with me, and I would be pleased to support the government in that endeavour.

**Mr. Webster:** Having been involved with city councils as recently as last year, I am aware, too, that certain inequities do exist. I would advise this government, as a former Director of the AYC that they consult the AYC for any proposed changes.

I think that this has been done. The AYC said that they were, at this time, happy with the financing formula. As a result of some recent representation, particularly from Watson Lake, I understand that this will be reviewed again at a meeting of the Board of Directors on May 3, at which time, if a recommendation comes forth, I am sure that the Minister will consider it.

I think that every once in a while all of us have to dip into our pockets, into our reserves. This is the case of Watson Lake right now. They do have a choice.

<sup>29</sup> They can increase taxes or they can reach into their reserves and, according to the Minister, these reserves amount to \$150,000 in term deposits. I must say that Dawson City also has substantial reserves — over half a million dollars as a matter of fact — and I make it clear that these reserves are not for the purposes of

equipment replacement. They are also in the form of term deposits.

They have been saving for a rainy day for quite some time now, and I am quite sure that when they face a similar situation that Watson Lake has gotten itself into, they will dip into the reserves as well, instead of increasing taxes. As you may be aware, Dawson City has the highest taxes of any community in the Yukon. I was pleased to see that come out in the news report today.

So, I would have to agree with the Member for Faro who said that tinkering with the existing Act for the purposes of making an exception for one community or another would just create havoc with the existing Act and pit communities against other communities.

I think the best forum for resolving these differences is for all these communities to get together at the Association of Yukon Communities, and this is why it exists. I think we should wait for their word, take their advice and act accordingly.

**Speaker:** The hon. Member will close debate. Does any other Member wish to be heard?

**Mr. Lang:** I rise with some disappointment actually. I think partially I am to blame with respect to the discussion of the *Municipal Finance Act*. A lot of the discussion has centered on Watson Lake. The point I was trying to make was the inequity of the formula itself, why one community would get a \$80,000 increase another \$140,000 and another get a \$35,000 decrease. That was the point I felt should be discussed. To some degree, we have deviated from the major principle we are talking about.

I want, at the outset, to say to the Member for Klondike and the Member for Mayo that I recognize the importance of the Association of Yukon Communities, but I also recognize that, at times, there is a minority position taken by perhaps one, two or three communities within that organization. They might be right. Did that ever occur to the MLA for Klondike? I am talking about this year, not next year. You have to consult. I am surprised the Minister did not come forward and announce another study for \$50,000, like my two colleagues to the left and across the way who are going to have a study on the janitorial service in this building for how much? Talk about irresponsible.

Then I hear the MLA for Faro stand up and make a personal attack on me. I can say to the side opposite that you can all take off for India for three years and the Member beside me will never change his votes, so you will never have to worry about the government going down. I have never seen the like of it. The last time the Member for Faro heard about a principle was when he was at school.

There are some problems here. The Minister of Community and Transportation sent out a press release on April 16, 1986. It stated in part, "McDonald said the government took specific steps towards ensuring that an undue tax burden was not placed upon Yukon property owners." This is a quote from the Minister.

<sup>30</sup> This is particularly important, given the fragile needs of the Yukon's economy, and the fact that we have only just recently started to experience an upward swing from the previous years' recession.

I suppose Watson Lake did not experience the recession, or was totally out of the recession, one or the other. You cannot have it both ways. The side opposite sits there and they say we cannot do anything because the AYC did not tell us we could.

In deference to the Association of Yukon Communities, they are not the ministry of Community and Transportation. The government is. The government has a responsibility. What do we get? We get the Minister all of a sudden turning into a mathematician, quoting figures given to him by his administration, trying to justify why he did not do anything. I have been in contact with the municipality of Watson Lake. I happen to believe those people who have put their time and effort in as municipal councilors. They are saying, look, things are tough here, we are going to have to make more major changes than what we had estimated because of this \$35,000 loss of revenue.

Take \$35,000 out of Carmacks and see what happens. I will tell you, they would have a tax revolt. Is that fair? I notice the MLA for

Watson Lake sure participated in the debate. He can go down in the middle of the year and offer them a bunch of money for a chalet.

The council that the Minister of Community Affairs said was mismanaging the affairs of Watson Lake turned down that money because they knew they could not afford the O&M of such a structure. That is how responsible they were. To stand up in this House and accuse the Town Council of Watson Lake of mismanagement is irresponsible. I think it is totally irresponsible of the Minister to say that. I can speak from experience, as a Minister of this government for 11 to 12 years, and in good part responsible for municipal affairs throughout the territory, Watson Lake was always, consistently, one of the best communities to deal with, and one of the most responsible.

To stand up, 10 months after he has taken office, and become the municipal guru and sit there and say to the people of Watson Lake that they are mismanaging your affairs is totally irresponsible. No wonder his head is down. My head would be down too, if I had said that.

I want to say to the MLA for Faro, the left prop of the NDP, that I want to refer to a letter sent by the city council of Dawson City, which maybe the Member for Klondike — who may still be a member of the council — was part of the signature of this letter. It has to do with capital infrastructure block funding.

The council of the day states very clearly and specifically, "Our council is having problems dealing with Faro in the same manner as all other Yukon communities. The financing of Faro is peculiar and it is virtually debt financed. Unlike all other Yukon communities, Faro has been using capital monies from the Yukon territorial government to maintain a low tax rate and service the debenture requirements for the past several years.

"No one denies that Anvil impacts extremely favourably upon Faro when it is in operation. When it shuts down, the situation is reversed. The Yukon has learned to cope with the loss of Faro. It is the opinion of our council that Faro should be singled out for special treatment and identified separately from other communities. In this manner, the direct and indirect costs could be constantly identified for a community which may or may not exist."

I think that was given in good faith, with respect to a situation that was brought down in the territory, where a community effectively shut down and is effectively now again starting up. <sup>31</sup> The point I am bringing to this House is that I do not understand why we are transferring an increase of \$80,000 in view of the fact that the municipal infrastructure in the community is not being utilized to its maximum as it was three or four years ago. I think that it is a very common sense and logical approach. Why are we increasing the transfer of dollars so significantly, by 25 percent?

The MLA for Faro could not understand that. I scratch my head. I think I will give Dave a call and see if it is okay. I recognize Faro is a special situation. I also know that it is actively under consideration to defer the debt for another year and that is making a special exception for a community, is it not? Yet you say that you cannot make a special exception in Watson Lake. That makes sense? That makes real sense. What is good for the goose is good for the gander.

You do not think it is inequitable? Well, I tell you you had better give your head a shake, Mr. Speaker. You had better give your head a shake. I think it has been made very clear by the MLA for Dawson City. When he started out, his comments on this motion were that "there are inequities". That is what this side is saying and we are asking for the government to take the proper steps. Inactivity will not be accepted.

<sup>32</sup> **Speaker:** Are you ready for the motion?

**Some Members:** Division.

**Chairman:** Division has been called.

It has been moved by the Member for Whitehorse Porter Creek East

THAT it is the opinion of this House that the Government of Yukon should introduce legislation which would amend the *Municipal Finance Act* to rectify the financial inequities in the transfer of grants to the communities.

Mr. Clerk, would you please poll the House.

Hon. Mr. Penikett: Disagree.  
 Hon. Mr. McDonald: Disagree.  
 Hon. Mr. Porter: Disagree.  
 Hon. Mrs. Joe: Disagree.  
 Hon. Mr. Kimmerly: Disagree.  
 Mr. Webster: Disagree.  
 Ms. Kassi: Disagree.  
 Mr. Phelps: Agree.  
 Mr. Brewster: Agree.  
 Mr. Lang: Agree.  
 Mr. Nordling: Agree.  
 Mrs. Firth: Agree.  
 Mr. Phillips: Agree.  
 Mr. Coles: Disagree.  
 Mr. McLachlan: Disagree.  
 Clerk: Mr. Speaker, the results are six yea, nine nay.  
 Motion No. 26 negatived

#### Motion No. 24

Clerk: Item number four, standing in the name of the hon. Mr. Coles.

Chairman: Is the hon. Member prepared to deal with item number four?

Mr. Coles: Yes.

Chairman: It has been moved by the hon. Member for Tatchun THAT this House urges the Government to introduce legislation to amend the Public Service Commission Act for the purpose of giving civil servants wider scope in terms of political activity as expressed and defined under the *Charter of Human Rights*.

Mr. Coles: More than one-third of our working labour force falls under the *Public Service Act* in one form or another. They have long felt that the act's restrictions under degree of political activity or participation is discriminatory under the *Charter of Rights and Freedoms*.

I have spoken with government employees from one end of the territory to the other. Everywhere they have spoken of their dissatisfaction with the present political restrictions. One person even told me that he was sick and tired of hearing certain Members of this House sneering and running down the bureaucracy as if they were less than human beings. He went on to say that there was no way he, or anyone else, could speak out or assist in elections if the present level of political intimidation is continued.

There was a general consensus that the act, as it presently stands, is politically self-serving towards the party in power, but repressive towards the large segment of the public whom we are elected to serve as legislators.

Intimidation is not a pleasant word, nor are the connotations that it may conjure up. I must tell this House that this word is mentioned all too frequently when it comes to the subject of Yukon politics. Government employees, from all walks of life, derive or lack benefits from the decisions of politicians. They raise families and pay taxes just like the rest of us. The act, as it now stands, limits the political rights of government employees, contradicts the *Charter of Rights and Freedoms*, and cannot be defended on the basis of any real or imagined bias.

Here in the Yukon, we are a very small population. Many families have one or more working under the restrictions of the present act. Like it or not, all the present act ensures is the creation of underground political activity by many public employees. What is really unfair is the fact that political parties can only choose to selectively enforce restrictions when it is in their own interests. What you do for one political party today can be used against you by another tomorrow. This is totally unfair and is also extremely intimidating.

<sup>33</sup> The Liberal Party urges all Members of this House to reconsider the present act in terms of political rights of over one-third of the Yukon labour force. We owe it to them to reduce the present political cat and mouse game that is all too prevalent among the civil service.

We understand that the present Government Leader laid down the law to Deputy Ministers regarding their own political involvements.

We must say that it is also our opinion that where they are concerned a certain amount of restriction is in the best interest.

Notwithstanding this, I would caution the government that they too have rights that are being denied under the present charter. Managerial or confidential exclusions are a very large part of the public service who is prohibited in engaging in political activity, although many still do.

We would urge the government to reconsider and modify Section 168 of the Act. Subsection 2(a) would make it an offense for a civil servant to reveal information of wrong-doing, thereby placing public servants in a very awkward position. Subsection 2(b) is the kind of restriction, if taken literally, that would produce the Hitlers of this world. As a responsible and taxpaying citizen it may sometimes be necessary, no matter how high the price, for a public servant to publicly criticize government policy.

We do not believe that the present Act could stand the test of a court case. It appears that much of it is at variance with the *Constitution* and *Charter of Rights and Freedoms*. Therefore, we urge all Members of this House to vote for the motion.

Hon. Mr. Penikett: I am very pleased to be debating this subject today, since it is a matter of great interest to me and has been for all of my political life. As all Members know, there are a couple of court cases in Ottawa right now that have to do with the political rights of public servants. The court cases there are dealing with the quite restrictive rules that were imposed on federal public servants by the last Liberal government.

The situation is somewhat different in the Yukon. Until I heard the Member specify certain clauses today, I was not sure about his concern. I would like to take a moment to review the situation here, at least its legal framework, just to ensure that I am on the same wavelength as the Member for Tatchun.

The *Public Service Act* now apparently permits employees, other than managerial or confidential employees, to engage in political activity in a territorial election or by-election. That right was enshrined in the Legislature in 1974 and 1978 as a result of some amendments introduced by the NDP Members of the Legislature: the Member for Faro of the day and the Member for Klondike of the day. It won support, I think, from all Members on all sides.

The rules are that all employees other than Deputy Ministers may engage in political activity in a federal election, by-election or territorial election. Political activity means, for the purpose of this act, speaking, writing or working on behalf of or against a candidate or a person seeking nomination as a candidate, or on behalf of the political party in the election or by-election.

In Yukon law, there are really only two prohibitions for employees other than Deputy Ministers. They are that no employee shall solicit funds for a political party or a candidate for election as a Member of the House of Commons or the Legislature of the Yukon Territory. No employee may engage in political activity if, in so doing, he or she reveals any information he or she has obtained or which comes to his knowledge totally by virtue of his employment or position in the public service. That is the breach of trust clause that most civil servants of any government anywhere in the world are obliged to observe.

<sup>34</sup> The second one is a practical one. I submit it is a sensible, practical measure. They are not allowed to publicly criticize or oppose any government policy that they have been instrumental in forming as an employee. That is also a very important and practical restriction, especially in Cabinet government. In a Cabinet form of government, what is known in law as the candid rule, is that public servants have to be free to advise Ministers and provide them with the benefit of their advice in confidence, so that the Cabinet can hear and weigh that advice in confidence and then make their decisions in confidence. For the sake of Cabinet solidarity, because there may be differences of opinion in Cabinet, and there may be differences of opinion between the Cabinet and the bureaucracy, the Cabinet can then make its decision.

As all of us who support democracy know, the views of a public servant are, in this case, not what is important, but the views of the public servant are valued and appreciated and sought, but, in the end, they are not the views of government. They are not



government policy.

There is also, in our situation, a requirement for any employee who is seeking nomination as a candidate for election to obtain a leave of absence without pay. That is a fairly standard provision. In some parts of this country, employees in those situations have had difficulty getting leave. In this government, it has been a matter of course, when someone sought it.

A Deputy Minister is prohibited from seeking nomination or being a candidate, or working on behalf of any candidate or political party in any federal, territorial or municipal election or by-election, or contribute funds to a candidate or political party. That is laid down in law. A Deputy Minister who does that is doing something illegal. I made it very clear, when we were sworn into office, that any Deputy Minister, whether on behalf of my party, the Liberal Party, or the Conservative Party would suffer the penalty provided for under the Act. They would be dismissed.

I make no apology for that. If you are going to have a Cabinet government, you are going to have Ministers and Deputy Ministers having privileged access to Ministers to represent their own views. They cannot also have the opportunity to make their views known publicly.

Reference is made in the motion to the *Charter of Rights and Freedoms*. I want to just outline a little bit about what I understand to be the relevant sections. We have democratic rights. The *Charter* guarantees the right of citizens to vote in elections for Members of the House of Commons or the Legislative Assembly, and to seek election to either of those Houses. There is nothing in our law that prevents people from doing that, except Deputy Ministers, who would have to leave their position in order to do that.

The *Public Service Commission Act* does not offend the democratic rights under the *Charter*, except with respect to deputy heads. I think that is what people would call a reasonable prohibition.

Fundamental freedoms, which is the other part of the *Charter*, guarantees freedom of thought, belief, opinion and expression. I suppose it could be argued that the prohibition on deputy heads, managerial and confidential exclusions offends the freedom of opinion expression. There is a practical matter in government. People who are developing policy for the government are really not at liberty to go out and promote that policy in the public. The people they have to persuade are the Ministers, who have been elected and are accountable for that policy.

I do not believe there is a severe problem with our legislation on that score, but I am willing to look at it and to hear representations on that score.

As the Members know, there were charges in the newspaper during the Conservative leadership campaign that some employees were being encouraged, including some who were being encouraged even on government time, to engage in partisan political activity on behalf of or against one candidate or another. There were also, simultaneously, charges that other employees, who were of a different political stripe, were being intimidated from engaging in their own political expression.

<sup>35</sup> I cannot speak from any kind of evidentiary base as to the facts in those circumstances as clearly the Member for Tatchun can. We were not in government at the time, nor were we members of the public service. We heard the complaints, but I do not know if they were justified or not. I do know now that there were a large number of people, some of them holding very senior and very sensitive positions within this government, who had been active members of the Conservative Party and do not doubt they still are. I have no problem with that. There are people who are no doubt active in the Liberal Party. There are no doubt people who are active in the New Democratic Party. I have no problem with that. But the minute they fall afoul of their Oath of Office and they have a breach of trust or they start acting on the job as partisans of some other party, or even as partisans of our own party, rather than doing their job as a public servant, then we will have a very serious problem with them, because I think they would be in violation of all the oaths and all the undertakings of public officials.

I make that point because the Member has referred in his motion to providing wider scope in terms of political activity for public employees and I am not sure, and not clear, even with specific

clause references given by the Member, what exactly it is he is contemplating. Nor am I clear when he talks about political activities expressed and defined under the *Charter of Rights* because, as I just explained, there really is not anything defined under the *Charter of Rights* about what political activity may or may not be.

I believe that the legal framework right now for Yukon public servants is pretty good. It is far better than the federal situation, where not only is there a tough act, but that act has been interpreted very rigidly and very restrictively by senior management of the federal public service. In terms of the legal restrictions, we have no intention of tightening the restrictions on our employees. Our legislation is much more progressive than the federal legislation, which is severely restrictive and overly vague. Our restrictions are essentially limited to deputy heads and confidential exclusions and the prohibitions on government employees are limited, as I said before, to the public use of information or criticism of government policy to which the employee has had access or has been instrumental in developing as an employee. Also there is, I think, a quite sensible restriction against them raising money while in the service of the government because that could be clearly misunderstood by any citizen who is the subject of such solicitation.

For this reason, while I sympathize with the sentiments of the Member for Tatchun, and I agree with him if it is implied in his motion that the federal law is very tough and restrictive and unfair — I think that is the case and has been the case in the federal situation for a long time, that people who are of a certain rank and are of a certain political stripe are able to do things that people of other ranks and other political stripes are not able to do — it may be, and I would appreciate hearing more on the debate on this, that the concerns that are out there referred to by the Member opposite are not with the law as it is written, but are the perceptions about what one can and cannot do while working for government. It may be that someone in a time of high unemployment does not feel confident or secure enough to adopt a political position contrary to that of the government, because they may feel it may put their job or promotion prospects in jeopardy.

On the basis of the evidence, I do not know. On the basis of experience in this government, that may or may not be a reasonable fear. I think the law is fairly clear. There is plenty of evidence recently. I think during *The Childrens Act* some of the people who expressed themselves most violently were people who actually worked for this government. The only time I would have had a problem with that is if they had actually been involved in writing the darned thing. I would have thought that that would have been a little too much like having one's cake and eating it, too. I would not have been enthusiastic about public employees who did that.

<sup>36</sup> I seem to recall a certain member of Community and Transportation Services expressing himself forcefully on the subject. That person is still here doing his job, and I do not expect it will be otherwise.

There are senior people in my departments who were active in campaigns of Members opposite. Some may even have been very prominent in those campaigns. That does not concern me. This is not an oppressive regime; this is a democratic regime. I respect the rights of people who have their own political views. The only requirement we have is that they do their jobs honestly and properly. If they start confusing their political loyalties and their loyalties to the public service, they will have problems and so will we.

Unfortunately, there is a tradition, particularly in provincial legislation of this country, of very bitter partisan politics. There has been a tendency, in many jurisdictions in Canada, to go from a sort of neutral public service to one that has been coloured by the party of the day. In many ways, I think that is regrettable. I would prefer to keep a strict separation between the political appointees, the political aides, who are assumed to be partisans of the cause of either the opposition party in respect to their researchers, or the people who are political aides to Ministers, as opposed to public servants who should be prepared to serve any government, whatever its political stripe. If they are not prepared to do that, they should resign.

There are political cultures where things are different. In the Scandinavian countries where, in some ways, they have reached a level of maturity that I suspect is a little past us, people understand that human beings can play different roles and have different responsibilities. They would not, I suppose, find some of the rules we have today acceptable.

I will recount an interesting story that I heard recently from someone who had been in Finland, which is a multi-party democracy. They were having a meeting with a senior public government official in the official's office in the Capital. The conversation was going very well. It was an important meeting. The telephone rang. The official picked up the telephone and said, "I am sorry I have to leave you for 15 minutes. Do you mind waiting? I will be right back".

This person said, "I hope there is nothing wrong; I hope no one in your family is sick or anything like that".

The official said, "No, I just have to go vote."

"What do you mean, go vote?"

"I should have explained. I am also a Member of Parliament".

"You are a Member of Parliament. You mean on the government side"?

"No, as a matter of fact, I am an Opposition Member of Parliament".

In that country, clearly the House situation, they are mature enough, and unthreatened enough by freedom of speech, that someone could be both a public servant and an Opposition Member of Parliament. I suspect that we are some way away from that, and if that is the ideal to which the Member for Tatchun aspires, I respect that ideal, but I think we will have to grow and develop a little bit before we get to that point.

**Hon. Mr. Kimmerly:** I will be very brief. As the Minister of Justice, I have investigated this general question and have considered it. Indeed, we have passed an Act in the last session concerning amendments to our laws as a consequence of the *Canadian Charter*.

<sup>37</sup> We had considered this question. As a point of information, the wording of the motion talks about the Charter of Human Rights; this is a misprint, and it should be the *Charter of Rights and Freedoms*. I should also mention that the phraseology in the motion where it says "as expressed and defined under the Charter" is perhaps ill-advised. The Charter expresses a general principle, but it does not define the rights at all.

With reference to federal legislation, there are now two court cases in existence specifically dealing with the *Charter*. One of them was brought by a federal MP, incidentally. Those cases have been argued in the court, but the decision is pending. It will be very interesting to follow those cases.

The Province of Ontario currently has a proposal concerning the Ontario law that is before the Ontario Law Reform Commission at the moment. It is at that stage and is not at the stage of a government bill today.

I was particularly interested in the specifics of the speech by the Leader of the Liberal Party. He centered on two things really. One was, he called intimidation and the selectivity of enforcement or selectively enforcing restrictions. That is a matter that, as Minister of Justice, I have little to do with. The Government Leader has already expressed the necessary position of the government on the point. That is not in the wording of the motion, so I will address myself to the restrictions as they apply in the law.

As I had not heard, before this debate, the specific concerns of the Leader of the Liberal Party, I will propose, in a moment, to adjourn the debate. The reason for that is that the government considers all these issues as extremely important. We wish to consult fully, and investigate and research especially the particular sections mentioned by the Leader of the Liberal Party.

I, therefore, move that debate be adjourned.

<sup>38</sup> *Motion agreed to*

#### **Motion No. 27**

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

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

number 7?

**Mr. Phillips:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the Member for Riverdale North THAT it is the opinion of this House that the Government of Yukon should give due consideration to building an open custody and a secure custody facility (or facilities) for young offenders within the city limits of Whitehorse but outside established residential areas.

**Mr. Phillips:** I rise today to address what I feel, and I am sure a lot of Yukoners feel, is a very serious issue. In 1982, the Canadian government passed the current *Young Offenders Act*, and with the passage of that legislation more responsibility for youths was passed on to the territories and provinces.

Far too much time has passed. Many plans were made by both the past government and the present government and, yet, due to all kinds of complications, we still do not have a proper young offenders facility, open or closed.

That is extremely unfortunate, for several reasons. The Member for Tatchun and the Minister of Health and Human Resources have echoed that the present situation, where we send all our youth to Willingdon, is disgraceful, to say the least.

We need to keep the youths at home in Yukon where, in most people's minds, it would facilitate a much better chance of rehabilitation, and these youths would be closer to their families. This has to be our goal. I suppose the issue then becomes where to build or buy, and exactly what type of facility is needed.

I feel that, with respect to the latter question, we have studied the situation quite extensively, and we have enough information now to know what kinds of facilities we need. I would like to assure all Members of this House that, on this side of the House, there is a real concern for the immediate need of a young offenders facilities. That concern will be reflected in the motion we present here today.

I would like to take a few minutes to talk about the chain of events that has led us up to today. The government of the day was obviously not very pleased with the plan of the previous government and consequently decided to split the facilities with respect to young offender open custody and closed custody. That was their decision, but that is when the trouble started.

When we talk about open custody facility, I feel that the whole approach turned into a complete disaster. I understand the Minister's intent, but the Minister should be reminded, in carrying out the responsibilities of her job, that it must be done upfront, be accurate, and certainly not be misleading, as the Minister has been accused.

The petition taken around to the homeowners contained all of these faults, and it should have been no surprise to anyone, and especially the Minister, that the citizens of that area raised their concerns in a second petition. Since then, they have been successful in overturning the decision of the planning board.

I am not sure now that the people in that area will ever trust this government again on an issue such as this. I have the feeling that, just maybe, if the whole process had not been so badly handled, that we might now have an open custody group home in that area.

Yukon people are very reasonable and tolerant, but demand, and rightfully so, to be told all the facts. In this case, they obviously were not that. It is the fault of the Minister responsible for that department.

<sup>39</sup> I understand that the government is planning to appeal the decision to the Municipal Board. If this is the case, it would be very unfortunate. Very clearly, the residents — and I mean the majority of the property owners — do not now want an open custody facility located at 501 Taylor Street. It would be a shame, in fact, undemocratic, to proceed under the views that are very clearly known by the residents in that area. I feel that the government, because of its bungling, has to now look for another location.

I would also like to talk, for a few moments, about the proposed plans for the Assessment Centre being changed to a closed custody facility. This, too, shows a complete lack of planning. It looked, I suppose, to be a quick fix. I would like to point out a few problems that I have seen myself with this proposal and express some concerns that residents in the area have also brought to me.



First of all, I do not believe the building in question is an adequate facility. I do not believe that for \$15,000 to \$20,000 the Minister can renovate that facility to bring it up to the status that we need. The building is over 15 years old. It is a stick-built building. If, as the Minister says, the doors will be unlocked, I have some difficulties with that, and I will get to that in a minute. If the doors are locked, it will not meet the fire code. It would have to be then made of noncombustible material. This would be concrete and the government would have to change the whole plan to renovate the building. For instance, fire separation between floors would have to be changed just for the safety and security of the youths in the building and also the staff who would be required to work there.

I have to ask the question as the question has been asked of me by many people, how can any building be considered secure as a closed custody facility if the doors and windows are not locked? We had evidence of that recently when a secure custody young offender just walked away from the facility and, in one case, caused extensive damage to someone else's property in doing so.

The building, in my view, — and this is also extremely important — is too small to put the young offenders in for an extended period of time. There is very little room for training areas, rehabilitation areas and recreation that these youths will be required to do. This will not lend itself to a good rehabilitation environment.

The grounds surrounding the area are not in any way secure. I do not think they can be made secure in any way. Certainly they are not large enough for any outdoor activity that we would like to have the youths take part in as a part of the rehabilitation process.

Another issue that is very important, and that the Minister has just become more aware of, is the issue of the future and the peace of mind of the seniors in Greenwood Place, right across the road from the Assessment Centre. Many questions have to be asked. Why was the announcement made that it would be a closed custody facility prior to the Greenwood residents being consulted? We, in Yukon, do care about our seniors and have gone to a great deal of effort to locate them in downtown Whitehorse, close to facilities and to accommodate their special needs. We should not do anything that would destroy their peace of mind.

They have certainly earned the right to enjoy remaining life in peace and tranquility. I am not trying to strike fear in anyone's heart. I am telling this House that the fear is already there. I think that, after the meeting the Minister had there recently, she will agree that these senior citizens do have legitimate concerns, and we should all respect those concerns.

I received many calls lately from people in the Yukon who are just as concerned. For this reason, I put forth this motion today. I would like to say that I do, in some cases, agree with the Minister of Health and Human Resources. First and most importantly, a point I do agree with the Minister on is that the facility, whatever facility, has to be in the Yukon. We have to house our young offenders in the Yukon.

I would like to make a suggestion to some Members of the House, as we are sometimes accused of not having alternatives. I have thought a great deal about this. I am concerned about the youth. I am also concerned about the residents of Whitehorse and other communities. For this reason, I would like to present to the House today an alternative. It needs some more work, but I think it is a start in the right direction.

I feel that if the territorial government sat down with the City of Whitehorse officials, and looked at areas within the city — and we all know that we have a very large city in area — there are several areas that could be identified as potential sites for a young offenders facility.

What I am suggesting is an area within the city, but away from the main residential areas. This could be a facility where we could even incorporate the concept of a wilderness camp in the same area, for instance, 30 or 40 acres somewhere within the city limits, or whatever size it has to be.

This could not only reduce costs by combining the closed custody concept and the wilderness custody concept together, it could even possibly, in the same area, in a smaller section of the same area, have an open custody facility, keeping the two separate, if government wishes to do so. I do not have a problem with that.

We would, with this proposal, do several things. First and foremost, the facility would be here in the Yukon. The youths would be here in the Yukon. We would no longer have to send them to Willingdon, or any other facility such as that. I think another very important point is that it would be close enough for the families of the youths who are involved in the facility, who are charged, convicted and sentenced to stay in the facility. It would be a very good opportunity for the families of those youths to work, almost on a daily basis, on rehabilitation with the youths.

It would be more expensive for sewer and water and other services, but this could be offset by not having to build three separate sets of training and rehabilitation facilities. It could be close enough to the city that the youths could be bused to and from school from the open custody facility. It would be close enough that other supply services, such as the day-to-day supplies, would be easily accessible.

It would also be close enough that we would not have to provide accommodation for staff members in the outlying area. They, too, could live where they live now in Whitehorse and work in that facility.

The wilderness camp aspect could be used by both open and closed custody youths, at alternating times, or having them there in different areas, or going out on different field trips, or whatever they do, within the compound that we have there.

I am sure that there will be arguments both for and against this proposal, but that is the reason why I have put the proposal on the table here today. I think we have a different style of city than cities in southern Canada. We have the room, we have the area. I think that we should look at a proposal such as this, and I would hope that all Members in the House support this motion today.

**Hon. Mrs. Joe:** It is interesting to sit here and listen to Members from the other side as we go along and talk about young offenders in the territory. I was very interested in some of the things the Member opposite said and did agree with him in certain circumstances. Some of the proposals he made to us were things said by people who spoke to us at our hearings. There were individuals who came up with some of the same ideas. There were individuals who said the very same thing, that we have to keep these young offenders close to us, we have to keep them near their families. There were other people who said put them 30 miles out of town.

I continue to sit here, as I have the last few weeks, and I have answered questions in the House with regard to the young offenders facilities. We felt that, as a result of the consultation process in the communities of the Yukon, except possibly Beaver Creek, we were able to gather a lot of information from Yukoners. We put all those ideas into place and came up with the plans we tried to implement.

I came to the House and listened to the Member for Riverdale North. I feel that he does genuinely care about these young offenders, but would like to see them separated from the rest of society. That is not the thing that came across in all of my meetings. The majority of people said keep our young people here, keep them at home, keep them in the communities. As a matter of fact, some people in the communities wanted them in their homes, they did not want them in the bush somewhere. They were willing to open up their house to these young offenders and I thought that was great; it was a good plan.

I get very concerned when they talk about going ahead and implementing the plan they had in place that was going to cost us higher than the document I tabled in this House said. The figure on that was \$5 million. We had a further one that indicated it was going to cost up to \$7 million with an operating budget of \$2.5 million a year, just for the facility. That kind of a plan is very irresponsible. As a matter of fact, when we were negotiating for money for the young offenders facility, the Solicitor General recently said that the ministry cannot support the development of expensive custodial resources that will potentially serve to encourage unnecessary incarceration, which means that it would have been almost impossible to get that kind of money to build that kind of facility. It was a big plan and we knew we could not justify spending taxpayers' money if we went ahead with it.

Besides, we do not want to build a jail. I will not build a jail. I will have some kind of a secure facility without bars, cells and electric fences.

The Members on the opposite side of the House may not agree with this, but I am not going to build a jail and I say that very firmly today. I am not going to build a jail for those kids. I will have something there where they can be housed that will be secure. <sup>42</sup> I do not live in the dark ages. I change with the times. We are getting rid of all sorts of archaic buildings that have been around for years. I do not intend to have that here in the Yukon for young offenders.

We have listened to the people. They have told us what they want. Unfortunately, Members on the other side of the House from the Tory Caucus did not feel that it was important enough to attend those meetings with me. They refused to do it. I do not know what their reasons were, but they did not want to consult with the people. I care about what the people think. That is why I did it.

We cared about what the people thought when we looked at purchasing 501 Taylor Street. We did not lie to those people. I went around and talked to a number of people. The information that was on the form that I took around stated that we were looking at opening a group home for young offenders. The Member for Riverdale South did not have the same kind of a document. It was one that was approved by the City. The City knew very well what it was for. We have documentation to prove that. They knew exactly what it was for because there had been conversations and correspondence saying that it was for a group home for young offenders.

I am not sure why, in the end, they denied that. The previous government felt that a group home for young offenders was a good thing. They went ahead, by Order-In-Council, to designate nine group homes to house young offenders. They must have felt that it was a good idea to have these houses in place.

We have another group home in town that is probably a couple of blocks from 501 Taylor Street that has been there since the seventies. That was done by the previous government as well and it was also done by consultation with people in the neighborhood. As a matter of fact, the people in the neighborhood at that time encouraged it. It has been there for years and has been successful.

There is no question about it. I have been there and have talked to people in the neighborhood. I find it hard to believe that we have to continually fight to try to do something for these young people that is good for them. I think that they belong in neighborhoods. There are young offender facilities all over Canada that are in residential areas.

The Member for Riverdale North talks about building these homes outside residential areas. I must tell him right now that the Assessment Centre is not in a residential area. It is in a commercial area as is Greenwood Manor.

He also mentions that he is really concerned about residents and he has received a lot of phone calls from people. So have I. So have we on this side of the House. We have heard objections to what we are trying to do, but, in this day and age, you do not expect everybody to agree with you. If there is opposition to something then you have to accept that.

Whatever it is that we try to do in trying to develop and improve a plan for young offenders in the Yukon, we have done it with consultation. We have made a point of doing that. I was surprised to find out that no other Minister or government had ever gone to the senior citizens to ask them about the Assessment Centre to find out anything about it.

<sup>43</sup> I was shocked that that had never happened. A very important thing like opening up a home to house juvenile delinquents, as they were called in those days, misguided children, and senior citizens living across the street had not been informed of that, or even asked about it.

I was glad that I went there. It was a good exercise. There are many reasons why I cannot support this motion. I cannot support it because it would restrict us in doing a lot of things that we would like to do with respect to improving our program.

*Amendment proposed*

It is for that reason that I move that Motion No. 27 be amended by deleting the word "building", and by deleting the expression "but outside established residential areas".

**Speaker:** It has been moved by the Minister of Health and Human Resources

THAT Motion No. 27 be amended by deleting the word "building" and by deleting the expression "but outside established residential areas".

**Hon. Mrs. Joe:** By deleting "building" from this motion, we are not forcing this, or any, government into one option only. We are being flexible enough to tailor a program for young offenders to suit their needs. The Solicitor General, Perrin Beatty, has been very supportive in changes to the *Young Offenders Act*, and changes to improving programs that we have already. He has already made a statement, and I agree with what he said. He said, "Young people have special needs because they are at various stages of development and maturity. Adolescence is a process of rapid personal growth and sometimes turbulent change. In its own best interest, society cannot afford to condemn, for all time, most young people who come into conflict with the law, or deny them opportunities for change and growth".

This amendment allows for us to be flexible, to accommodate those young offenders according to their needs, and offer them opportunities for change and growth. I do not think that one way of doing that is by hiding them way out in the boondocks somewhere. They have to be a part of society. They have to be able to live with society. If they are 10 miles out of town, I do not think that they can accomplish that. We only have to look at the Wolf Creek situation, where we had kids running away all the time. There were more kids running away from Wolf Creek, than there were from our Assessment Centre in town. They were running all over the place. They were sneaking out in the middle of the night. It was not a very good situation.

I feel that many changes have to be made, that Yukoners have to look at with respect to how we treat our young offenders. They are human beings. They have feelings, and they are usually in our care because they have problems.

<sup>44</sup> Some of them need counselling, treatment and maybe care, attention and discipline, but most of all they have to find a reason to change their attitude towards society. We want to help them to do that through training and education, through the development and improvement of any programs we might have, and make sure those kind of things are made available to them.

We have to look at all of those programs because we believe that for those young offenders to become part of society again they have to try to go through a rehabilitation process. I think if you start sending them out of town, out of sight, it would make it a little bit more difficult for them to accomplish that, and it would make it harder for us to do our job.

In order to have a more successful juvenile justice program, we will need more space and maybe sometime in the future we will have to build a facility. If we do, maybe there is a chance we may have to build one out of town, but that is down the road. We have to be able to be flexible and to be able to look at our needs as we see them at the time. Right now the problem is immediate. We have a group home for young offenders now that is an open custody facility. It is crowded. We have an assessment center right now that is crowded. We realize that there is an immediate problem we have to deal with.

We had plans to relieve that situation. We did all the right things when we proposed that we open a home for young offenders in open custody at 501 Taylor Street. It was a good plan. It was coming along just fine until somebody started the uproar in that area and decided it was not something they wanted, that they wanted something a little different. We still get support today from a lot of people in that area who would like to be able to help those young offenders. We get calls from people in the neighbourhood who become friends with some of the young offenders who are living at the 5030 Fifth Avenue Group Home. I think that kind of an awareness of what those young offenders are like, that they are

human beings like you and I, are giving them a better understanding of what those young offenders are, and what they would like to do and what they would like to see happen in this town.

I think that Yukoners generally are willing and able to accept the fact that we do have problems with our young people. People are ready and willing to help in the process of change so that someday they will grow up to be decent human beings.

I feel that because we do have some successes in our young offenders program that it would be difficult to have to go out and build separate facilities for these people and to have to haul them from, say, 5030 Fifth Avenue, and take them out of town and take them away from something that is successful. I cannot see that happening.

That is the reason why I have amended this motion. There are different ways of doing things in this government. We have chosen a way we believe in, and I will continue to maintain that we will look after those young offenders and try to keep them in a facility that is more secure.

Very soon, we hope that we might be able to open another young offender facility for open custody, so that we can relieve the pressure at the Assessment Centre, and also, at the same time, relieve some of the fears of those senior citizens who live across the street. That could have happened by now, but it has not happened. Things are taking a lot longer because of the opposition, and the lobbying of some Members who believe that they should all be out in the country somewhere. Maybe someday down the road, we will have a young offenders facility, hopefully not too far out, but maybe there will be another place that we may build, or rent, or whatever, that is not right in a residential area.

In the meantime, we do have an emergency. We have to be able to deal with what we have now. We do not have time to build a couple of facilities for these young offenders, but we do have certain things that are in place right now that could be successful. We are looking toward that kind of success. We are looking toward trying to do something with these young offenders and, at the same, relieve the fears that have been created in the last little while.

It seems that some people know how to create fear. They have done it in the past, in elections. They have done it with the young offenders facilities. That scares me, too, because I know what I felt like in the 1982 election.

I have amended that motion for this reason. We have to be able to be flexible. We have to be able to go ahead with what we are planning. I think it is a good plan. We will continue to consult with residents in those areas, and keep them informed, ask their opinions, and whatever else is necessary to go ahead with this program.

**Mr. Coles:** I am still not quite sure that I understand the difference between a jail and a secure custody facility. I am not too sure I understand the difference between a young offender and a juvenile delinquent. What I do understand is that there are children out there in trouble who need help, from ages 12 to 18. That is the age that it has been proven, time and time again, by statistics and government studies, when we can most help these kids when they are in trouble, when we can teach them, and when we can influence them.

There are people here who do not even seem to be concerned with these juvenile delinquents, young offenders, or whatever you want to call them. I am. I think it is a real shame that we are in here debating where we are going to put a building, how big that building is going to be, and how much it is going to cost, when there are kids of ours in Willingdon right now, today, whose lives could be ruined because we do not have a place to put them.

I do not care whether the amendment passes. I will vote on the motion. I will vote on the amendment. I just want to get it through the House so that this government can take some action, construct a facility, buy a facility, put a facility in place where Yukon children can go, get some rehabilitation, some Yukon programs designed to help Yukon children, not sent out to Willingdon where they are going to learn to shove needles in their arms, and all the other good things they can learn from the criminals who are coming off the streets of Vancouver into that facility.

Let us build a place, let us buy a place, let us get a place in Whitehorse, outside Whitehorse, I do not care where it is, where we can put our young offenders, teach them some responsibility, and hopefully teach them to be good citizens of this territory.

**Mr. Lang:** Unlike the Member for Tatchun, who I seem to differ a lot with, I do know the difference between open and secure. I understand it. I understand what the definition of a young offender is.

I understand that we are dealing with the situation of what type of accommodation should be provided to house those adolescents who, in many cases, have caused problems in society.

I find it very very difficult to comprehend that the Minister of Health and Human Resources almost makes it sound like we are setting up a daycare. In many cases we are dealing with children and young adults, since the age has changed, who have committed, at times, some very grievous crimes against society and individuals.

I appreciate the Minister of Health and Human Resources' comments about rehabilitation. I felt the Member for Riverdale North put our position on the floor very well. He outlined perhaps a different policy direction, a different type of program that would accommodate the situation as it exists today in the Yukon and for looking to the future.

I think it is safe to say that the majority of people in the City of Whitehorse would concur that such a facility should be removed somewhat from the residential areas. Now I am told that the Assessment Centre is in a commercial zone so that justifies that end. I cannot concur with that. How, in good conscience, can we say that that facility, which is 30 years old, and, as the Member for Riverdale North has pointed out, requires major upgrading to meet the definition of secure and is situated straight across from the senior citizen's home, is justified because it is in a commercial zone.

That does not make sense. The Minister said that she consults. Sure she consults. Then she goes right ahead and does what she wants. The information I was given is that a lot of the residents in the area did not want anything to do with that type of facility being located there.

That is consultation. You listen and then you do what you want. I recall the consultation that took place that the Member opposite outlined to the House. They were private meetings. The media could not attend. Who else could not attend? They were by invitation. I should correct the record that when it did go into the ridings of Hootalinqua and Kluane, those two Members appeared to hear what was taking place. They took the time out to go because they felt it was important. But it was closed to the media.

Here we have a situation where she said she was right. She said the government was right. We have a facility for \$200,000 that we cannot use. But she was right. They had three studies done to the tune of about \$120,000 or \$150,000. What do we have? We have a swimming pool with a crack in it and a house we cannot use. The building is questionable according to the building code as to whether or not we can utilize it for an assessment centre.

The Minister says we have to do something. This side says, yes, we have to do something. That was stated three years ago in this House. In all good intentions on both sides of the House, various steps were taken, in large part, in conjunction with the Government of Canada because it is federal legislation that we are working under.

The Minister of Health and Human Resources stands around as if all of the sudden the lights just went on. We have wasted a year. We have wasted a year. We had a zoning study done that has not been tabled in this House. Where are we? We could not even get the petition right.

The government has to take responsibility for that, nobody else. She blames somebody else because she talks about fear. If I was in Greenwood Place, I would not be too happy if the Minister had come to see us and asked our views, and then turned around and said she is going to make it, as the Member for Tatchun says, a young offenders jail. But, of course, the Member is going to vote for the amendment.

Let us look at this in a rational manner, not just for today but ten

years down the road. We have heard the optimistic economic forecast by the side opposite, some of it justified, I might add. One can question who should take the credit, but that is neither here nor there.

Are we going to have an increase in population, which, unfortunately, translates itself into an increase of crimes minor or major with young offenders. If that is the case, we will obviously need a bigger facility. I am not going to argue with the Minister whether it should be a \$5 or \$7 million facility. Maybe we can do it for \$2 or \$1 million. But what is wrong with building a facility with the principles enumerated by the Member for Riverdale North? We have one of the largest cities in land mass in Canada, 160 square miles. The Minister of Health and Human Resources makes it sound like we are taking them to Mayo. That was not the point the Member was making to the Minister. It could be four miles out of town.

I recognize and appreciate the problem the Minister has about running the facility. How do you justify it for six or eight kids, three shifts, seven days a week? That is effectively what it is. If you like you can compare it to the correctional institute. There are costs.

The Member opposite seems to think that, if she houses them down at 501 Taylor Street or at the Assessment Center, she will not have similar costs associated with a new facility. I do not agree with it, if it is going to be run properly. Her idea and mine are ideologically quite a ways apart. My understanding of the court system is that if they put a young offender, sentenced by the court, into a secure facility, it has to be secure. When I say secure, I feel it has to have some bars and a lock. I feel it has to be a facility that those who are living nearby can feel that those young citizens, who have unfortunately gone beyond the law, are being kept in a premise that is secure.

But no, what do we hear from the side opposite? We have to be flexible. How can you be flexible when you question making a decision? What is in the best interest of society and what is in the best interest of those particular young people we are speaking of? That is the question.

I have not been to Willingdon. But it does not sound like a nice place and nobody is going to argue that.

«I think there is consensus in this House, and I think that is why this debate is important. I think there is a consensus here that, if we can, we should be attempting to rehabilitate these people here in Yukon. I do not understand how you are going to do that in that facility beside the Liquor Store. I do not understand how you are going to have rehabilitation for these young people in a building that the Minister herself admits is too small.

I look at this thing and say to myself, "Let us be reasonable. Let us not just think of today; let us think of 10 years down the road." What do we do? Look at another type of accommodation. She spoke of Wolf Creek. She knows Wolf Creek was not built for the purposes that she talked about. It was built, unfortunately, under some wrong assumptions, for whatever reasons, back in the late 1960s for housing men and women in the same facilities. It was found that it could not be done, and slowly it was turned into a group home for a period of time.

I do not think there is any question that the *Young Offenders Act* is here to stay. There perhaps may be minor amendments coming as the years go on, but it is here, and we should be accommodating the legislation. I find it difficult to understand how we are going to justify 501 Taylor, which was very well planned and executed, as well as this assessment centre right in the middle of town. Surely, there has to be some thought and rationale given to it.

What are you going to do when the City of Whitehorse says, "Look, we do not want it there". This is the government that listens and cooperates. What are you going to do? It has gone to the Board of Variance. I suppose the Minister will say that they were not right. I say to the Minister that sometimes people other than government are right.

She kind of dismisses the people's concerns in the area about the number of public facilities that are going into one particular area of the community. It is not just one; it is a congestion of four or five different types of facilities, and this is the one that finally pushed

them over. Rightly or wrongly, are we just going to dismiss that out-of-hand? Is this the government that consults? The government that listens? I say to the side opposite, "You have a responsibility".

What would be wrong with saying, "I think we have made a mistake. I think we have made a mistake and we are going to do something different". It could maybe be along the lines of incorporating 60 percent of the ideas enumerated by the Member for Riverdale North. What would be wrong with that?

Obviously the Member for Riverdale North is very well versed on this subject. He came forward with what I felt was a very well thought out and reasonable package. What do we get? We got stonewalled by the Minister. If we carry on in the direction we are going, we are not going to be able to recover. For years to come, we are going to be stuck with the planning, the well-executed consultation plan that the Minister is putting together. In whose best interest is that?

I say to you, Mr. Speaker, from our perspective, we cannot support the amendment.

«In fairness to this side, I think we have given what I deem to be a very responsible alternative to the present mess that we are confronted with. I think the Minister should take at least part of the credit for it, and we should see what we can do to get out of it.

**Ms. Kassi:** I have been listening to the debates with respect to the so-called young offenders and a facility for them for the past 10 months here. I felt that today would be a good time to share with the Members of this House the opinions and hopes of the people of Old Crow as well, the people in the rural communities.

We have approximately 300 of our people left in our community. The future survival of the G'wichin nation has become more important to us than ever before. I might add here that we are all related either by blood or our clan system and, therefore, one people as a whole.

We care about each other and what happens to us and to our young people, who are our future. If something happens to one of us, man, woman or child, we are all affected as a whole. The ways in which our youth are directed is a big concern to all people of the Yukon. During the 1970s and the early 1980s, alcoholism had taken its toll in my village. Today we are faced with dealing with those social problems. The village, as a whole, is getting together and getting involved in dealing with this.

One of these problems is our so-called young offenders. We are talking about one particular young man, for instance, who has tremendous respect for elders. One, who in the evenings and early fall, put warm blankets in a toboggan behind his skidoo and pulled these ladies up to the head of the Crow River, cuts holes in the ice that is three feet thick for them so that they could get fish for the winter. These are the kinds of kids whom we are talking about.

As well, these kids in my village have good hunting and trapping skills. We are proud of our young people. We care about them. The problem we see is the lack of self-confidence to survive in this fast-moving society. They lack confidence, which leads to chemical abuse that contributes to crimes that are created from that. My village alone has five or six young men who constantly get into trouble at this time and are regular residents of the local facilities here. I go there quite often. They are my cousins. I take them home to visit and have meals in my home.

We see a great need, as everybody else in here, for rehabilitation for them here in the Yukon. Most of the rural communities would like to see our young people educated so that they will be able to function in today's society, not separate them from society. We would like to see educational programs established where they are given the chance to be able to explore their cultural history, to then build pride in who they are, to learn to communicate with others to build a strong personal image of themselves.

«We need to find out what is inside those people that created the problems in the first place and then deal with it by educational group sessions such as personal skill development, anger management, drug and alcohol awareness programs, as well as life-skills training programs which, I might add, have a huge success rate in Alberta.

For prevention purposes the communities need to have such programs ongoing as well. Our young people need this kind of attention. We feel that the worst that can happen to them is to have them locked up or to have them put into jails. We do not want our young people in jails. From such experiences we have learned that incarceration and institutions have made many people worse and, as a result, we are faced with our young offenders today, because of a lot of that in the past. Then it becomes a continuous cycle.

In the future, when the communities have become stronger we would like to see the young people who have gotten into trouble dealt with here at home.

I realize we are speaking of a facility and the location of a facility. Wherever it may be and whatever happens in there, the most important things are the training programs that go on within such facilities. Through the progress of debate with respect to the young people, I keep hearing the Conservative Party advocate a jail. I think, as well as many other Yukoners, that is the wrong way to go. I commend Margaret Joe, the Minister of Health and Human Resources, for hearing out the people of the Yukon before making such a big decision on young people.

I believe that as leaders and legislators, who play a huge part in molding the lives of the youth in the Yukon, we should work together in building a stable foundation for them and not work against them.

Therefore I support the amendment to the motion.

**Hon. Mr. Kimmerly:** I wish I could be as eloquent and perhaps as passionate as the Member for Old Crow. I am sorry that I cannot. I can give the Assembly the benefit of some experience I have had in this area. I was a Juvenile Court Judge from 1978 to 1981 and I have received, I think, some significant experience because of that work I did. I think even more importantly, or significantly, I started my professional life as a psychologist in a kids' jail in Ontario. It was that experience that motivated me personally to get out of the business of being associated with the jails and to go into law and eventually politics.

I am not going to respond to the remarks made by the Member for Porter Creek East, because they were purely political, purely attitudinal and added nothing to the debate.

<sup>51</sup> However, it is important to respond to the remarks made by the Member for Riverdale North. That Member has demonstrated an ability to learn something in the course of debates. I know that, in his heart, he wants to do the right thing for all people in the Yukon.

It is important that that particular Member understands what is happening. It is important that he realizes the implications of what he is doing. It is unfortunate that he does not fully realize that now. He has led the political resistance to an additional group home in the downtown area in my riding. He has stimulated and has assisted in the unrest about sentencing in the courts, which is a related issue.

I know that he believes that he is doing the right thing, but I do not believe that he understands the significance of what he is doing. He is raising fear in people's minds. It is a very easy thing to do. That Member should realize that Yukon incarcerates six-and-a-half times the number of people incarcerated in Canada, on a national average. On a per capita basis, we incarcerate six-and-a-half times more people than Canadians do generally.

Also, what he does not realize, although the Member for Old Crow does, is that native people are in our jails three times more than they should be, considering the population ratio. It is scientifically proven that native people in the Yukon, on average, receive longer sentences in the courts than do non-native people.

Another very important consideration is as follows, and I will tie it in. I was a judge here for just under three years. I sentenced impaired drivers. The number was just over 800. That is 800 impaired drivers. When you consider that that was for a period of just under three years, and the population of the Yukon at the time was 23,000 to 24,000 — it fluctuated — that is a fair hunk of the population. That is a politically significant number.

<sup>52</sup> We have had debates in this House over the last five years about driving and drinking while driving. It is all related to the general issue of crime and criminality. I do not believe that the Member for Riverdale North understands the significance of the things that he is

saying. It is disguised in a way. The Member for Porter Creek West spoke symbolically, and it is illustrative of the attitudes that are being expressed here, and the underlying social attitudes that we are really talking about.

We are talking about, on the one side, a jail and bars, and, on the other side, as succinctly and aptly put by the Liberals, our children, ourselves, and a part of our society. I wish I could be as eloquent as the Member for Old Crow. It is as if there are two kinds of children. There are children and then there are bad children. There are the criminals.

It just *ain't* so. That is not what happens. The bad children, or the criminals, are people just like you and I are people. They are part of our society. They are part of our community. We have frequently spoken of "them". We can house "them" outside of the established residential areas, sweep them under the rug. They do not sweep under the rug. They come back again, again and again if we ignore them.

I can promise you, in the Yukon here, on a docket day in the criminal courts, I can recognize two or three names every single week as the past residents of Wolf Creek from 10 years ago, or thereabouts. When I was practising law, I knew a third to one-half of the names every single week. It was the people whom we had swept under the rug.

Another very, very significant issue is where these children go to school. They are all of school age. Every one of them is of school age.

<sup>53</sup> There is the same kind of issue here about where they live in a residential area along with other children, or out hidden somewhere. There is the same kind of issue in the schools. Perhaps it is a more important issue there, because the consequences are even greater.

You can have two philosophies, or perhaps it is more appropriate to say two attitudes, because it is more a question of attitude than philosophy. The attitude expressed by the Member for Porter Creek East is that if they do not get along in school, get rid of them, expel them, put them in an institution with bars, and get them away from everyone else.

The surest way to make a young person into an adult criminal is to put him in a jail-like institution. That is the surest possible way. The figures for young people are that in excess of 80 percent of them who enter an institution like that for the first time, go back.

If we want to ensure a jail population for Yukon, at an expense, incidentally, in today's dollars of approximately \$6 million a year, then we should continue our present policies of taking the young people who are first in trouble with the law, and identified as trouble-makers, and put them behind bars, attempt to sweep them under the rug. That is the surest way to make them into adult criminals. That is the surest way to continue the present mess that the correctional system is in in Yukon and in Canada generally. It is virtually guaranteed.

What we have here is a debate essentially about a municipal issue — the location of a building — however, what we are doing is expressing symbolically attitudes that have a tremendous importance to a large number of Yukon people.

<sup>54</sup> The importance is not only to the young people involved, it is to all of us, and how we relate to those young people, how we either accept them or do not accept them. The surest way to give a message to a child that he is unwanted and unloved is to house him away from everyone else, and do not let him participate in our schools or the other social activities that occur among young people. That is a very strong message and it is a message that they are different, they are bad, they are wayward, and if you give them that message in their formative years, they live with it throughout their lives. We then have the situation of a class of people, if you will, who become revolving door criminals as adults.

The surest way to ensure that it continues is to give our children, and most especially, our children at risk, the message that they are unwanted, that nobody cares and that nobody will take the effort to bring them along into society and treat them with some dignity.

The Member for Riverdale North obviously has assumed that there are many of these children who are needing to be locked up, to be put away outside of the residential areas of other children. It is

interesting to hear the comments of people who have visited places like Willingdon. They ask why we are sending these children there for these kind of offences, for these children should not be there. It is because our perspective is different here. When we look at the worst of our young offenders, they are nowhere near the worst of the young offenders in southern Canada.

The percentage of children who are charged in the courts is increasing annually across the country. It is increasing faster in the Yukon than elsewhere. I forget the exact comparison, but the likelihood of Yukon children appearing in the young offenders court is substantially greater than the national average on a per capita basis. It is very substantially greater.

It is not because our children are worse behaved than other children. That is simply not the case. The children in the ghettos of the large cities are the ones at most risk and the ones most criminally inclined. The children here who are irritants to us are considered to be mild offenders, if you will, by the big city standards. It is important that the facility we choose for our children is appropriate to the kind of children we have here. It is significantly different from the norm in southern Canada.

I have gone on at some length. I do not apologize for that. It is an extremely important philosophical issue, an attitudinal issue that we are talking about here. There is obviously a fundamental point of departure between the regressive conservatives and ourselves. It is unfortunate, in my view, that expressions of regret will do little. It is important that we consider the real facts and the real implications of what we are doing to the public attitudes towards crime generally and about young offenders specifically.

It is important that the government policies do not simply follow the pattern of the past of housing our young offenders, in essence, our unwanted children, in cages and trying to forget about them. They are part of our society. They are children, like all of our children. When one associates with the individuals involved, it is almost universally the case that one's attitudes change, and that one develops a respect for the individual, despite the criminal activity that may have occurred in the past.

**Mr. McLachlan:** I have some concerns, too, about the amendment and the main motion. Part of my concerns come not so much from association with the problem as some of the other Members who have spoken on it. But, it is true that when Faro was at its peak of population, around 2,100, there were a number of children in our community who got into trouble and were on the wrong side of the law.

Surely the issue is not the problem of whether they should be allowed to go for a dip in the swimming pool that does or does not have a crack in it. Surely the issue is giving them a chance to assimilate their lives back into the mainstream of other lives, at this time between the ages of 12 and 18, when they go astray and go awry.

When my compatriot from Tatchun was unable to make one part of the trip on the *Young Offenders Act*, I had the opportunity to go with the Minister to the communities of Haines Junction and Destruction Bay. I heard the passionate pleas of the band in Destruction Bay, who admitted that they knew they did not have a perfect recreational scheme in town, and that the idle time on the hands of the young people often led them to get into mischief, in some cases much more mischief than they should have.

They expressed the concern that when those kids went away to Whitehorse to be "corrected", that they return and not be worse than they were when they went away. That plea, that expression, was very forthright and very straight. They had a concern that this was going to be the situation in many cases.

"Outside residential areas" has merits in some cases. It has merits in cases where the young offenders are able to get a wilderness-type training. It cannot work in all cases. They should be given a chance to be with the rest of society.

We have heard the Member for Tatchun remonstrate many cases on the Willingdon debate. We have seen that that is not the solution. We have seen that, in many cases, they get into a worse situation than they had when they got there. That is not what we want. Surely the issue involved here is how to bring these people

back into the mainstream. I am not sure that disassociating them from the rest of society in a municipality is the way to do it.

**Hon. Mr. Penikett:** I want to say a few words about the amendment. I want to speak not as someone who claims any expertise in the area, because I have no experience as a young offender or as a lawyer or as a judge or as someone who has been offended against, other than the normal victimizing that I expect everybody in society encounters as a result of a loss of property or whatever.

The Member for Riverdale North said something about the swimming pool. I do not own a swimming pool, of course. The problem does seem to be approached from two different directions, from two sides in the House. We have what is essentially the Conservative position, which is that these young offenders are young criminals who should be incarcerated and should be put out of sight and out of mind.

I think the kind of fear mongering that has been done, led by the Member for Riverdale North in his efforts to prevent the plans of the government in Whitehorse South Centre, was obviously successful, but it is always very easy to stir up fears. I do not believe that you can solve society's problems simply by institutionalizing them.

I do not believe that you can deal with the problem of young offenders by locking them up and hiding them away, any more than you can deal with the problems of senior citizens by putting them in senior citizens homes or keeping mentally ill people in mental hospitals, or what-have-you.

*Adjourned debate on the amendment*

**Speaker:** Order, please. The time is 5:30. This House stands adjourned until 7:30 p.m.

*Recess*

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

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

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

### Bill No. 17 — Fourth Appropriation Act, 1985-86 — continued On Coal River Springs Planning/Construction

**Mr. Brewster:** Yesterday, the Minister indicated that of 119 thermal springs in Canada, Coal River ranked number four. Is the Minister telling us that the Coal River Springs are in fact thermal springs?

**Hon. Mr. Porter:** Yes, I believe they are, but they are cool springs as opposed to hot springs.

**Mr. Brewster:** I have a problem. I thought a thermal spring was a hot spring. It was indicated to us it was the fourth in Canada. Now we find it is a cold spring. I was a little curious about how beavers, quite frankly, could be swimming around in a thermal spring.

**Chairman:** Would you repeat the question, please?

**Mr. Brewster:** I am a little concerned about your statement in *Hansard* that this is fourth out of 119 thermal springs. My understanding is that thermal springs are hot water.

**Hon. Mr. Porter:** That statement came from memory. If the Member wants to make a big issue out of it, that is his prerogative. With respect to the accuracy as to whether or not it is indeed classified as a thermal springs, I will research in detail the question and ascertain its correctness. It was a situation of recall on my part with regard to the information provided by the department. We do not have the specific



information on hand about the reference to which I was referring. If the Member wants more information, I will obtain it.

**Mr. Brewster:** No. I am not trying to make an issue out of it; however, it was stated. It was in *Hansard*. We have to follow *Hansard* when we want information. It was there. I do not think he should be making statements that it is the fourth in the world or in Canada when it certainly is not.

Was there any damage done to the mineral pools when the beaver went in and drained some of them?

**Hon. Mr. Porter:** Other than restricting and obstructing the flow of water, there was no other damage that I am aware of.

**Mr. Brewster:** Are the pools back to normal now? What happened to the beaver in the area?

**Hon. Mr. Porter:** As far as I know, the beaver are still in the area.

<sup>03</sup> *Coal River Springs Planning/Construction in the amount of \$50,000 agreed to*

**Chairman:** Any comments on Kusawa Lake Planning?

**Mr. Brewster:** I want to get back to the situation of roads, and what designation Kusawa will have under territorial parks.

**Hon. Mr. Porter:** None.

**Mr. Brewster:** Who looks after the roads into the Kusawa area?

**Hon. Mr. Porter:** Highways.

**Mr. Brewster:** We seem to have Highways look after some roads, and Parks looks after some roads. Are the roads in these areas between these two departments, or does Tourism sometimes put roads into some of these areas?

**Hon. Mr. Porter:** I think the question was, does Tourism have anything to do with the road? Tourism has no responsibility for the road. It is strictly and totally a Highways responsibility.

**Mr. Lang:** How come he did not do anything with it this past year?

**Hon. Mr. Porter:** We did. It is just that there is no vote. The money that was appropriated was spent.

**Mr. Lang:** I notice we have another \$28,000 in the Supplementary. How much is this park management plan going to cost us? Is it going to be incorporated under the *Parks Act*?

**Hon. Mr. Porter:** There is no expenditure called for with respect to Kusawa in the bill that is before us. Fifty thousand dollars had been voted, and we have spent \$50,000. As to the future designation of the Kusawa area as a park, that decision has not been made. The next step in the process, under Section 10 of the *Parks Act*, is to invite public discussion with respect to its designation.

<sup>04</sup> **Mr. Lang:** Is that going to happen this year? What are you going to do with the area that had the major slide? Is it your intention to fix up that area?

**Hon. Mr. Porter:** With respect to whether or not we are going to involve the public process, yes we are. Our understanding is that there is some work being done by the federal Forestry Department in cleaning up of the burn area.

**Mr. Lang:** Perhaps he could be a little more specific. Some work was done, and I wanted to know if more work was going to be done in the area where the actual campground itself is, whether or not there is going to be anymore work done, and if it is under this line item?

**Hon. Mr. Porter:** Apparently, because of the high susceptibility to future slides, it was decided that due to the possibility of another slide after we rebuild, we are not going to work on that specific site.

**Mr. Brewster:** Would that mean that you are putting a new campground in there, or not one at all?

**Hon. Mr. Porter:** Apparently the original campground was quite a large campground and the slide did not damage all of the camping sites. There are still useable sites and we do not see the necessity to construct a new campground, but will simply allow the people to continue to use the existing sites during the summer season.

**Mr. Brewster:** That whole hill is much the same material is it? Has it been checked to see if it will slide into the existing campground?

<sup>05</sup> **Hon. Mr. Porter:** Apparently the department is continuously monitoring the site to ensure that we do not have a similar situation.

If the possibility is there that we will have a slide occur, then the action will be taken to warn citizens and close the campground.

*On Fort Selkirk Planning*

**Hon. Mr. Porter:** This was talked about earlier. Initially we had intended to do work in Fort Selkirk similar to the interpretation study that was done with the Band in the Carmacks area, but because we had the vacant park staff position, we did not get around to doing the study, and it was not done.

**Mr. Coles:** Are there plans to have it done this year?

**Hon. Mr. Porter:** Yes.

**Mr. Coles:** Have you picked the personnel to do it already?

**Hon. Mr. Porter:** We are in the process of recruiting for the position. It has not yet been filled.

**Mr. Coles:** Is the department trying to recruit someone from the Pelly Band to do the study?

**Hon. Mr. Porter:** I was referring to the Park Planner position, which is not yet filled. We are recruiting to fill that position within government. We have not yet made a decision as to who will do the study to be conducted in the area. Hopefully, we will negotiate with the Fort Selkirk Band and have them undertake the study. We will do that by way of a contract between ourselves and the Band.

**Mr. Brewster:** You have \$50,000 for planning. You may call me out of order on this, Mr. Chairman. Tourism spent \$237,000 on the same Fort Selkirk. Do you want to keep that until Tourism, or would the Minister care to answer that now?

**Hon. Mr. Porter:** To a large extent, as the Member is probably aware, the tourism dollars allocated are for stabilization of the site itself. This particular fund that we are looking at is strictly for research.

**Mr. Brewster:** Five hundred and sixty building logs were moved down from the Pelly Farm to Fort Selkirk. What were you planning to use them for?

**Hon. Mr. Porter:** That is in connection with the Tourism Department, and we will provide the information when we discuss Tourism.

**Mr. Coles:** I hope that there are plans within the department to, at some time, have Fort Selkirk accessible by road as well as by river.

<sup>06</sup> **Hon. Mr. Porter:** At this particular moment, this is a Tourism area, in terms of the planning process, but because Renewable Resources is to be involved in the planning process, it would be fitting that it be discussed to some degree here.

In terms of the planning process, that has not yet been in full operation. We are talking about a park planning process with respect to Selkirk. We are not prepared, at this point, to make a decision to construct a road into Fort Selkirk. That is a decision that is a bit beyond us. I would assume that, with respect to access to the site, that would be one of the agenda items that the planning group would have to look at.

**Mr. Coles:** Perhaps I will ask for a little more detail when we get to Tourism. For the Minister's information, the trail is already there. With a little help from the Minister of Transportation Services and a little upgrading, we would probably have a road there in no time.

**Mr. Brewster:** I do not want to get argumentative here, but the contract for those logs is signed by the Department of Renewable Resources.

**Hon. Mr. Porter:** Apparently Renewable Resources undertook the work on behalf of the Department of Tourism.

*Fort Selkirk Planning in the amount of a reduction of \$30,000 agreed to*

*On Dempster Planning/Construction*

**Mr. Brewster:** Could the Minister tell me what the reduction is for?

**Hon. Mr. Porter:** This is very similar to the Fort Selkirk question. We were attempting to do a similar study in the Dempster area, in terms of a cultural interpretive study. Again, the same reason applied: because the park planner position was vacant, this project could not proceed.

**Mr. Lang:** Just out of curiosity, we have O&M money for park planners. Where would the \$30,000 be spent on the capital side?

**Hon. Mr. Porter:** The money went into the construction of

facilities, including outhouses, tables, kitchens. These were constructed in our shop down in the Marwell area.

**Mr. Lang:** That is \$30,000 for materials? It seems to me that the first response you gave had to do with somebody going to do the study and we did not even get to do the study. I understand that we already voted O&M money. Whether the position was there or not is immaterial. The point is, the money was on the O&M side. Was the \$30,000 strictly for capital assets? If so, where?

**Hon. Mr. Porter:** What we voted to date on this measure previously was \$60,000. We did not spend \$30,000. That \$30,000 was earmarked to do the cultural interpretive study. The remaining \$30,000 of that was spent on the planning for the completion of the Cornwall River campground site that we are going to be putting in.

**Mr. Lang:** Maybe I am not making myself clear. We have money voted on the O&M side of the budget for a parks planner who, I understand, you have as staff, and who does put through the layouts. Of the \$30,000 we did spend, who did we contract with to do the work for that? In my judgement, the chief planner should have been doing it.

**Hon. Mr. Porter:** I think the Member is getting mixed up. We spent \$30,000. That is for materials and the work in the shop. The \$30,000 is not necessarily going to be spent on the parks planners. The reason why the programs did not proceed is because we did not have a parks planner in place to do the necessary supervision of the plans.

The money would have been spent either by contract to a group of individuals or a company or the band to do the work under the study.

**Mr. Brewster:** Now I am a little mixed up. If the money for the planning is in O&M, and we did not use it because we did not have someone to do it, yet we put \$30,000 worth of material in the shop, how can we put the material there when we did not know what the plan was, or am I all wet?

**Hon. Mr. Porter:** The planning for a campground is not very sophisticated. We have a lot of the people there so that a lot of the \$30,000 was spent specifically for the infrastructure related to the campground, tables and those kinds of things. With respect to the study aspect of it, we have the park planner supervise those studies.

**Mr. Lang:** We are a little bit concerned about all the studies that are going on so we are starting to ask some questions. I would like to know what your plans are? I noticed in the forthcoming budget for 1986-87 that there is some more money for the campground. Is that going to go at Cornwall River and not the Richardson Mountains?

**Hon. Mr. Porter:** Yes, the Member is correct.

*Dempster Planning/Construction in the amount of a reduction of \$30,000 agreed to*

*On Nahanni Planning/Construction*

**Hon. Mr. Porter:** Basically, this relates to the planning and construction for a campground on the Nahanni Range Road. We underspent \$5,000 according to the vote on that campground site. We are going to proceed with construction of the campground this year in the area.

**Mr. Brewster:** Where is this Nahanni Range Road? I always thought that was in Whitehorse.

**Hon. Mr. Porter:** The Nahanni Range Road has been referred to also as the Cantung Road. It links the community of Cantung to the Campbell Highway.

**Mr. Brewster:** You learn something new every day here.

Will that campground possibly be kept open later in the fall due to the fact that a lot of local hunters use that area and would probably camp there?

**Hon. Mr. Porter:** Primarily, the reason for moving to include this as a site for another campground has been the heavy flow of hunter traffic as well as for the individuals leaving the community of Cantung. There are two sites that have been selected for their locations. One is by the highland and the other is at Moose Creek. There has not been a final determination of sites. We are going to inspect both of those and make a decision very shortly.

*On Nahanni Planning/Construction in the amount of a reduction of \$5,000 agreed to*

*On Watson Lake - Campground Addition*

**Mr. Lang:** I want to make some representation to the Minister. In some cases, I think we are getting carried away with expansions to our campgrounds. I know there is, hopefully, actively under scrutiny by the government an application to put a recreational vehicle campground right in the center of Watson Lake. At the same time here we are looking at an extension to the public campground. I recognize the dilemma the government is in, but I would caution the government about putting more money in when people who are prepared to put their own money forward, at least in part, in conjunction with a loan from the government, to supply a service and provide a small business an opportunity to flourish. The track record speaks for itself when you come to Whitehorse and see what took place down here by the Mall when there was a fully-serviced recreational vehicle park put in. It has been very good for the businesses because these people are now spending another day or two within the community and spending more money, which provides more jobs, and snowballs from there.

Would the Minister put this on hold until we see whether some private entrepreneur would be prepared to go ahead?

**Hon. Mr. Porter:** The expansion of the campground came about as a request from the citizens of the community. Apparently the campground was built with no access to the lake and there is an awful lot of use by the local citizens. What happens with lots of these campgrounds constructed near the communities is that, in many instances, particularly in the case of this campground, very few tourists use them. They end up becoming a recreational site for the community. This campground is a bit out of the way. Residents complained because there was no access to the lake. The expenditure is designed to redo the campground to give local people access to the lake so that when they come out on a hot weekend they can bring their kids out and they can swim in the lake and be near the lake.

**Mr. Lang:** I see what the Minister is getting at. I have been to the campground and can see the problem. I can see maybe a few thousand dollars going in to provide a man-made beach and maybe a couple more stalls close to the lake. I agree with the citizens that it was not built properly; it should have been built by the lake.

My point is that \$33,000 is a lot of money, but for \$5,000 or \$6,000 maybe there is some justification. My concern is we keep expanding what we have and it is going to affect the viability of some other operator getting into business now that recreational vehicles are becoming so popular. That is only an observation but perhaps you can take it back to the department.

**Mr. Brewster:** I have suggested possibly the Minister talk with you. As Chairman of the Select Committee I think we have a mixed review on that and maybe he should try to help the government out and not always fight with them, I might be able, through you, head him off and getting him in trouble down there.

**Mr. Lang:** Does silence mean concurrence with what I just asked?

**Hon. Mr. Porter:** If the question is are we going to delay the campground expansion, no, we are going to go ahead and complete it as we intended.

**Mr. Lang:** What I put forward here is not really of much value, so we might as well shut it down. I resent that. I thought I put a fairly good idea out, thinking I might be able to save them \$20,000 to pay for the deficit that is in the newspaper.

I put that forward seriously and am asking if you could have another look at the plan and, instead of spending \$33,000, curtail the costs at \$6,000 or \$7,000. That is all I asked.

**Hon. Mr. Porter:** A decision had been made to proceed with the campground expansion. We have decided, and I thank the Member for his advice, to do it. It is in our plans for the summer. The residents in the area have said that they would like to see the work go ahead. I think we should proceed. Obviously, the Member feels differently, and that is his prerogative.

**Mr. Lang:** I just want to put on the record the arrogance of the Member. All I did was make representation to ask him to go back to the community once again. My knowledge was that there was an application put in this fall, about the same time this was budgetted, for an RV park in the centre of the town. All I am asking is for him to go back to the community that he has forgotten he is



representing, and ask them again. If they say to go ahead and spend the \$33,000, go blow \$250,000 if he wants. It is a point of view that I feel has justification in view of the experience we have had in the community of Whitehorse, in Wolf Creek and the RV park in town. That is all I am asking him to do.

**Hon. Mr. Porter:** I thank him for his views.

**Mr. Lang:** What are we doing here throwing ideas up? One minute you say we are uncooperative, and the next minute we say something, and he says no, we are going to go ahead and do it anyway.

**Hon. Mr. Porter:** He cannot even be cooperative when he tries to be. He does it in an uncooperative fashion.

**Mr. Lang:** I will remember this.

**Mr. Nordling:** My understanding of the line item is that the \$35,000 has already been spent. Were we told that it had not been spent yet, and I missed it?

**Hon. Mr. Porter:** The \$33,000 that has been referred to is in the capital for 1986-87.

#### *On Campground Rehabilitation*

**Mr. Brewster:** I would like to know just what area in the Yukon this money was spent on, or is it scattered over a number of areas?

**Hon. Mr. Porter:** The list is quite extensive. The campground projects completed in 1985-86 were Carmacks, Five Fingers, Wolf Creek and Kusawa, Ethel Lake, Marsh Lake. Minor rehabilitation projects were carried out at Little Salmon, Squanga, Simpson, Aishihik, Pine, Deep Creek. There was some tree removal done at Horseshoe Bay. A parking lot, outhouses and fire pits were placed at Dalton Post. Facilities were repainted at Takhini, Tagish and the Dempster Highway campgrounds, in the Tarfu-Snafu area.

**Mr. Brewster:** I believe one of those was Otter Falls, and the one above that. Would the Minister know if they plan on reconstructing that road so that you can get into those camps without tearing your trailers all apart, which is how it has been for about six years?

**Hon. Mr. Porter:** We do not have any particular plans to work in that area. I believe there is some question of responsibility as far as that highway is concerned.

**Mr. Lang:** I think it is safe to say that the staff in the department should be given some accolades for the work that they do. There are always a lot of compliments cast towards the Government of Yukon and the work they have done over the years by anybody we bring in from outside to visit or who see our campgrounds. I do not think this section should go by without that being said.

**Hon. Mr. Porter:** For the brief tenure that I have been here, Yukon campgrounds are known throughout North America for their class.

*Campground Rehabilitation in the amount of a reduction of \$7,000 agreed to*

#### *On Recreation Access, Trails/Scenic Viewpoints*

**Hon. Mr. Porter:** There are a number of trail areas that we are talking about. There is the Francis Lake area and the Dawson Ridge Road Trail. The Atlin-Whitehorse Telegraph Trail was targeted as an area for research, as was the Haines Junction Bear Creek Trail. Work was done on natural features and recreational access in Rancheria, Five Finger, Moose Creek, Cat Trail and the Klondike River Trail.

We are also in the process of beginning research on the Squanga Creek Falls Trail, False Canyon on the Francis Lake and Middle Canyon on Francis and Lucky Lake. A trail research methodology was completed on the expenditure item that we are dealing with in connection with the outdoor work strategy. Funds allocated for this project were not expended due to the vacancy for the recreation park planner.

**Mr. Lang:** Again we are talking about planning and that is fine. How much actual hard money was spent? Did we get a trail or did we just get a bunch of plans? You ran through your list fairly quickly and it sounded to me like you got a lot of research done but there is a pretty good chance of still getting lost.

**Hon. Mr. Porter:** In many areas at this stage, it is necessary to do an awful lot of compiling of research on the trails. For

example, we have been trying to develop a trail between Atlin and Teslin. We think it has a lot of potential for tourism. It is not that long of a trail and it is a historical trail because of the telegraph route. There was a lot of inter-settlement trade and commerce between those two communities.

To date, we have not clearly received an answer from the British Columbia government regarding participating on that effort. We have sent representation directly to the Minister concerned on that question. There has been other historical research and feasibility studies for trail development for the other trails. The research work is near complete on almost all of the trails except for the Haines Junction Bear Creek Trail. Construction of the feasible historic trail projects would commence in this year 1986-87.

**Mr. Lang:** We spent \$156,000, and did I hear correctly that we did not get any trails?

**Hon. Mr. Porter:** No, we have not constructed nor reconstructed any trails. There has been a lot of research done on almost all of the trails that we have mentioned, except for the Haines Junction Bear Creek Trail. Planning with respect to those projects has also, to a large degree, been completed.

**Mr. Brewster:** Would the money for the Dalton Trail come out of that money? Did the department do any planning on that trail before it was contracted out?

**Hon. Mr. Porter:** That is a tourism item. That was done under the tourism program. There was an application made to the management committee set up under the EDA subsidiary agreement with tourism, and they were funded under that particular program. They were not directly funded from renewable resources.

**Mr. Brewster:** That is one of the problems I have. We are putting out money for trails, scenic trails, and scenic viewpoints, which I agree with completely. Then, all of a sudden, I ask for one that has been done and we jump into tourism. Is there a fine line where you stay in either parks or renewable resources or tourism, or do we just jump around and do what we want to do?

**Hon. Mr. Porter:** We did not solicit that application. People in Yukon businesses, and individuals, have the right to come up with ideas and go before these public committees, which are charged with the responsibility of disbursing public funds, and put their ideas before those committees. Those committees then make a decision in terms of rejecting or funding their efforts. In this case, that is what has occurred.

**Mr. Brewster:** I have no problem with what we are doing. I believe in the concept completely. However, we do not seem to have a master plan. You keep putting this money out planning and, yet, the private individual then turns around — which I agree with 100 percent — and goes and gets money from another department. You are not coordinating these things.

**Hon. Mr. Porter:** There is a great deal of cooperation that exists between the Department of Renewable Resources and Tourism. Many meetings are held to coordinate our efforts. The Member should understand, and his colleague will probably attest to this, that we do not control those committees. Those committees are a joint effort between the territorial government and the federal government. Members on those committees make decisions. We, as politicians, have the right and the ability to appeal decisions. If there is a decision made, and an individual says it was not fair, we can appeal to the committee and say to the committee that we would like you to re-examine this at a favorable time, when your agenda permits, for the following reasons we have listed. We do not actually sit on the committees and exercise control on those committees.

**Mr. Brewster:** I fully realize that. Let us go a little further on that one. Now that that trail is in, who is going to be responsible for the maintenance of it?

**Hon. Mr. Porter:** If it is a community project, the community would have the responsibility.

**Mr. Brewster:** I am having a real problem here. This is the Department of Renewable Resources, and I have no problem with these trails, but there is apparently no control. A community can put in their own trails. Will Renewable Resources have any control over what goes on on those trails, or will they be private property?

**Hon. Mr. Porter:** A technical committee peruses these propos-

als, and they give their advice with respect to each of the proposals.

**Mr. Brewster:** I guess I come from a world of private business. If I had two businesses going out, throwing money in every direction, and nobody knew what the other man was doing, I would certainly set up a coordinating group that would have some control. There is apparently no control. If this committee wants to hand out money, apparently they can do it and Renewable Resources is going to be stuck with what is left.

**Hon. Mr. Porter:** Some would interpret that the Member does not believe in the kinds of programs that exist under the Economic Development Agreement, but he nods his head. I would take that as a negative response. Clearly, that is the case, because when his party was in power, they were responsible for the negotiation of those programs.

The issue of control between departments is a continuing government problem in terms of trying to coordinate everything. There is a vast amount of internal committees in the government that are always meeting in an effort to coordinate efforts of government.

The Member is arguing that there is no control under the EDA, and we are allowing the EDA funds to be expended on trail development when we are developing trails. As I pointed out earlier in the discussion, that is the right of individuals in communities and associations. They see that as a tourism venture. If they want to proceed with them, they can go ahead. If that is their idea, they can pursue it.

Clearly, the Government Leader's office has recognized that there should be control with respect to funding for the EDA and coordination of departments and has made a decision to set up the One Stop Business Shop to bring all of the people together. It has also spoken about a coordinating committee with respect to the EDA program. Meetings do occur regularly between Tourism and the Department of Renewable Resources to try to coordinate our efforts.

**Mr. Brewster:** The Minister had only to get up and say that there are problems with sorting this out, and I would understand that, but he has to put words into my mouth, saying that I am against something. I am not against anything. All of this money being spent is taxpayers' money, whether it is from here or from the government in Ottawa. Surely, we can coordinate this thing so that at least the Department of Renewable Resources has control of what is going on the Yukon?

**Hon. Mr. Porter:** I agree with him that it is an effort that we are doing. We are coordinating our events; we are meeting with Tourism officials on a continuous basis to ensure that coordination is there.

**Mr. Lang:** Is the Minister happy with the fact that we spent \$156,000 and never got any trails? Was that his policy direction, to make sure that we did not get any trails, just a bunch of studies?

**Hon. Mr. Porter:** I do not believe the bill speaks to my happiness or lack thereof.

**Mr. Lang:** I am very concerned about this. We voted money in good faith for the purposes of recreational trails. I did not realize I was voting \$196,000 to put somebody through university, or wherever you got the help from. I thought it was going to supply jobs to people here who normally might not be employed. I want to know what happened. Why did we not get any trails?

**Hon. Mr. Porter:** As I explained earlier in the debate, prior to actual construction of trails, there is a need to do the necessary planning, and there is the need to do the necessary research. For example, let us take the Francis Lake Trail. That trail can be traced from the community of Dease Lake in northern BC, through Lower Post, up through to Francis Lake, and then on to the Pelly Banks area, the headwaters of the Pelly River.

To a large extent, a lot of the information is scattered in various institutions: Hudson Bay archives, old journals of the traders who were in the area, old prospectors. As well, the citizens have a lot of information, particularly the aboriginal people who are still alive in the area, like John Dickson and Little Jimmy, who, when they were young, marked those trails. There is a need to pull that research, the community knowledge that is available and the history of the trail together. That is part of the process of developing recreational

trails. That has to be done prior to actual construction or reconstruction of the trails themselves.

**Mr. Lang:** Could you tell me who did the research for \$156,000?

**Hon. Mr. Porter:** There were various people. One I remember immediately is Mr. Dick North. He was one of the individuals who helped.

**Mr. Lang:** Can the Minister provide a list for me of the people who did the research, and the amounts that were paid?

**Hon. Mr. Porter:** Sure, we can provide a list of those people who were contracted to do the work on various trails, and the amounts specified in the contracts with those individuals.

**Mr. Lang:** He can provide that for me in the Mains.

It seems kind of funny that we are spending \$156,000 on research on trails that you, yourself, say, in some places could identify, that myself as a Yukoner could identify, and my good colleague from Klucane could. Could I have a comment why we are only voting \$50,000 this coming year? Is that going for more research, or are we actually going to build a trail? I am going to get this line cutter to work some year, I will tell you that.

**Hon. Mr. Porter:** We are moving now into debate of the 1986-87 Capitals, in terms of the breakdown. There will be \$25,000 with respect to rehabilitation of certain trails and interpretive signs built. A trail clearing will take place with that \$25,000. There will be \$5,000 for the clearing of trails during the winter, specifically, the Ibez, which is noted for that particular expenditure.

There will be \$10,000 spent on field work itself, going out into the areas. Another \$10,000 will be spent for trail clearing and parking facilities. A majority of these funds will be spent directly on the physical aspects of the trail reconstruction or construction.

**Mr. Brewster:** I am just going to save the government a whole bunch of money. This is ridiculous. You have \$40,000 to rebuild the Dalton Trail. Now two elders should go down and mark those trails and find those trails and probably cut them for the \$156,000 we are spending to study them. We keep talking about getting our elders to work and I agree 100 percent.

**Hon. Mr. Porter:** The Dalton Trail is not an area considered under this vote.

**Mr. Nordling:** Perhaps the Minister could tell us where we are going to find the Dalton Trail in this document? The Minister said that it was in tourism; I do not see the line item.

**Hon. Mr. Porter:** For clarification, the Dalton Trail was an EDA-initiated project.

**Mrs. Firth:** I have a follow-up question because I have all the EDA information that I have received and I cannot find the Dalton Trail either. Is it under the EDA for renewable resources or for tourism?

**Hon. Mr. Porter:** It is under the tourism sub-agreement.

**Mr. Lang:** Maybe this is the one trail we built that we do not have any files or tapes on. Maybe we can just go with the Member for Klucane and not spend a lot of money on studies.

**Mr. Phillips:** The government is spending a great deal of money in identifying these trails. Once they go in and mark the trails out what kind of access will be allowed in the trails? Will Yukoners be able to go in and go to their favourite fishing hole that happens to be off the trail? Will they be allowed to take their ATV and drive down the trail, or their 4 X 4 or will it just be for tourism purposes?

**Hon. Mr. Porter:** Those particular questions have not all been answered. We are spending public money so there has to be access for the public to the areas. In many instances there are an awful lot of conflicts that do occur. We only have to look to Whitehorse where ski trails are designated as ski trails. We have people with snowmobiles ignoring the designation and tearing up those trails. There are definitely going to be conflicts. The philosophy of their use is from a recreational point of view. There are people who like to take long jaunts, some people walk to the North Pole, some people ski from the Annie Lake area right over to Kusawa, so that there is that aspect, where local people want to use them for recreation. As well, they are also designed as an attraction for tourists who come into our area. The trails will be advertised, and if they want to have a wilderness experience by using those trails then

philosophically those are the reasons for moving on recreational trail development in the Yukon.

**Mr. Phillips:** I am surprised that the government, before developing these trails, has not developed a philosophy or some idea of the type of use of the trail. I am concerned that you may be developing a trail that runs right through the middle of an outfitter's area. It may be a tourist, and you may have to shut down the hunting in the area.

It may even go into, heaven forbid, the hon. Member's favourite hunting area, and he may find that he cannot go there anymore, or he cannot go to his favourite fishing hole because of restrictions that may be put on.

If there are blanket restrictions on all of these trails, are they going to be individual restrictions on separate trails? How is it going to work? There must be some kind of philosophy in place before you start this program.

**Hon. Mr. Porter:** I have laid out the philosophy for the Member. The planning process would fall into place. It would be logical, prior to the implementation of the trail guidelines, that you would consult with the users in the area and with the communities that are concerned.

For example, should we move, hypothetically, to reconstruct the trail between Atlin and Teslin, you would speak to the community groups in the area, to the trappers who are involved in the area, outfitters and gain some consensus regarding the use of the trail. We would also consult with these groups with respect to guidelines as to what the trails should be used for.

**Mr. Brewster:** I did not mean to get back into this, but I am. This just points out what I am trying to say. This has to be under the control of one department. For instance, this Dalton Trail has gone right through trapping areas. It has gone right through outfitters' areas. I do not believe these people were ever consulted. They had no say in this thing.

**Hon. Mr. Porter:** What was the question? I understood that the Member made a representation. What specifically is the question he would like me to answer?

**Mr. Brewster:** Do you not think that things would be much better if the Department of Renewable Resources had a final say in all of this? I do not care where the money comes from. I have no problem with the trails, but we talk about a government that is open and free, yet, some other department, not yours, — I am sorry that the Minister has to be blamed for this — but the trail is put in and the outfitters and trappers were not consulted.

I feel that this should all be under one branch so that one branch can say that everyone has to talk about it.

**Hon. Mr. Porter:** As in most cases, the Member makes good sense. I have agreed with him in the past that there has to be coordination. We are attempting to do that on the basis of meetings between ourselves and the Department of Tourism. We have brought the EDA under the One Stop Business Shop. We are talking about a planning secretariat for the EDA to coordinate those efforts.

We have review clauses for the EDA, as the Member for Porter Creek East knows, which allow us the opportunity to review those Economic Development Agreements. Right now, we have an interdepartmental committee working on pulling the review together. Obviously, the sensible representation made by the Member for Kluane would be addressed in that review process to try to have, for example, trail developments and allotments under the EDA as managed by the Department of Renewable Resources.

**Mr. Phillips:** I wonder if the Minister could tell us whether the Dalton Trail went under that review process.

**Hon. Mr. Porter:** Yes. What we are talking about now are some things that are happening or are going to happen in the future with respect to whether or not the Department of Renewable Resources technical committee had an ability to review them. The answer is yes.

**Mr. Phillips:** What kind of access will be allowed on the Dalton Trail, for instance? Will someone be able to go along that trail and hunt and fish, or whatever?

**Hon. Mr. Porter:** There was public money used to build the trail and to assist in the development of the trail. Where public money is used for roads or trails, the public has the right of access.

**Mrs. Firth:** The Minister mentioned this review process and the review committee. Can he tell us what that review process is, exactly? Say a small businessman comes in and wants to make an application to have some nature trail at point *x* in the Yukon. What process does he go through before he gets approval to get funding for that project?

**Hon. Mr. Porter:** If the individual was going to proceed and if that individual was applying under the EDA, he would make application to the One Stop Business Shop.

**Mrs. Firth:** Does the One Stop Business Shop sort of have all the answers? How do they know whether they are not going across someone's trapline, or going into somebody's outfitting area, or across someone's farm, or in some area that is designated for some other reason, for land claims or something? I cannot imagine that the two individuals in the One Stop Business Shop have all the answers to everything.

**Hon. Mr. Porter:** That is where they would apply, if they were to proceed. Then the application would be sent to the technical committee, which would review the application and make recommendations to the management committee. The management committee would take the application and render a decision on the application.

**Mrs. Firth:** I would like the Minister to provide for us the structure of the committee process. From my understanding of it, there is quite a complex committee process, with policy committees and management committees and advisory committees. I have an organizational chart that the Government Leader provided me for the Renewable Resources subagreement EDA, but it does not have the committee structure and the final approval processes. We have had some concerns raised by businesspeople about the lengthy delay and the red tape and so on, with this whole approval process. I would like the Minister to table for the Members of the Legislature what the committee structure is and what the review process is and how all of the potential conflicts are met and solved.

**Hon. Mr. Porter:** Yes, I will undertake to provide for the Member the information as requested.

**Mr. Phillips:** The Minister did not answer my last question completely. He talked about any road built with public money having public access. I was concerned about limitations or restrictions with respect to hunting, fishing, trapping or any other activity on the road. Can a mining company go down the Dalton Trail for instance, and go off the trail and look for another mine in the area? Can someone have a trapline and run his snowmobile down there in the wintertime? Can the Minister tell me if there will be restrictions on the use of that trail for Yukoners?

**Hon. Mr. Porter:** The trail is basically a foot trail that would also accommodate horses. With respect to a mining company using it to carry on mining activities, they would have to make a land use application. In that application they would have to state for what reasons they are going to use the trail.

**Mr. Phillips:** So I take it if I use the trail to hunt, fish or trap or just to hike on there will be absolutely no problem. They will be multiple use trails.

**Hon. Mr. Porter:** If the Member has a trapline and is entitled to trap an area, yes. That is the answer, sure. If you want to carry out those activities and are authorized to do so with the necessary licenses or permits you can undertake that activity.

**Mr. Phillips:** Can you hunt on the trail?

**Hon. Mr. Porter:** It depends on where the trail is. If it is in an area that is a non-hunting area you cannot, but if it is a hunting area, the season is open and you have the license, yes.

**Mr. Phillips:** What trails are now in non-hunting areas, other than Kluane Park.

**Hon. Mr. Porter:** There are a number of trails throughout the Wheaton and Watson areas that are all permit-hunt areas. Other than the Kluane area, the corridor restriction on the Dempster and the game sanctuary would be the areas of non-hunting.

**Mr. Phillips:** Will the Minister be putting in any regulations restricting the hunting on any new trails?

**Hon. Mr. Porter:** It would speak to the larger issue of the regulation with respect to game management. If, for example, in a particular area we are concerned with a depletion in sheep

population and it is a serious problem, and if there are trails in the area, we may make the decision to exclude hunting in that particular area to enhance the sheep population. This would have the effect of not utilizing that trail for hunting purposes.

**Chairman:** Is it the wish of the Members to continue or to take a recess at this time?

**Some Members:** Recess.

**Chairman:** We will take a fifteen-minute recess.

#### *Recess*

**Chairman:** I will now call Committee of the Whole to order. We will continue with the Interpretive Centre - Dempster.

**Hon. Mr. Porter:** The money that is not called upon to be revoted was to complete construction of a small mobile unit to house the Dempster Corridor Interpretive Centre on the Dempster.

**Mr. Nordling:** Is it all done?

**Hon. Mr. Porter:** The Interpretive Centre has been completed. The purpose of it is to provide travellers along the Dempster Highway an opportunity to observe and learn more about the fauna, flora and natural features of the area through displays, audio-visuals, brochures and guided nature tours and wildlife viewing opportunities.

**Mr. Lang:** Does the department have any plans to do anything right at the Arctic Circle? I know there was nothing there when I travelled there a couple of years ago. There was some thought at one time to put something in place as a pull-off, and something that was unique for people to take some pictures and going home and saying they had been to the Arctic Circle.

**Hon. Mr. Porter:** I understand that there is a marker there indicating the Arctic Circle. That is a good suggestion. We have no plans on the books to do anything at the Arctic Circle, but it is something that we should be thinking about. I understand that there is a keeper of the Arctic Circle who brings a rocking chair out and a bottle of champagne and a glass. You can find him there on weekends. He entertains tourists by spinning yarns and telling Robert Service stories. This is a guy who works for the Department of Highways and does this out of interest.

**Hon. Mr. Porter:** This is equipment the department uses such as film machines, boats, traps, chain saws, bed rolls, shotguns and that type of equipment. The department uses this type of equipment in carrying out field work.

**Mrs. Firth:** Just noting the equipment, who determines what brand of equipment is bought, for example, chain saws. I note the department is becoming very fond of Stihl chain saws and they are very expensive. Who makes that decision? Is it made internally or does the deputy minister make the final decision?

**Hon. Mr. Porter:** The decisions are made internally by the managers of the department.

The conservation officer facilities expenditure was to drill wells in Dawson and Watson Lake.

There were also upgrades to the lab at 10 Burns Road.

*On Economic Development Agreement - Expenditure*

**Hon. Mr. Porter:** What would you like me to say?

**Mr. McLachlan:** Why have you entered it in this manner? Is it simply an accounting adjustment to show it in and out?

**Hon. Mr. Porter:** It is an accounting procedure.

**Mr. Lang:** I have not got my degree in accounting but there is \$457,000 here. If you spent it, where did you spend it?

**Hon. Mr. Porter:** Does the Member want me to give a list of the projects that were approved? There was Hyland Farms, Chick-a-Bee Farms, Aurora Fresh Herbs. The Hyland Farms was for hydroponics production of sprouts. Chickadee was for ...

**Mr. Lang:** Perhaps the Minister could table the document that he was going to recite.

At least in one particular case there was a grant that went out for the purposes of eggs. There was another application to get some land and they wanted to do the exact same thing. They had the financing behind them to go ahead. Is it correct that there was an application to the Department of Renewable Resources for a plot of land to put into effect an egg farm? On the other hand, the

department gave some money to another company to go into business.

**Hon. Mr. Porter:** We do not have the details of the case that is being cited by the Member. If the Member would like to speak to me privately, I will give him the specific details.

**Mr. Lang:** Since I probably will not get a chance in the Mains, could the Minister explain this study regarding herbs and spices? It was approved apparently under the EDA. Exactly what kind of sage are we going to get into?

**Hon. Mr. Porter:** My understanding of what the Member is talking about is a feasibility and market study on producing fresh herbs and spices in the Yukon.

**Mr. Lang:** Can we discuss this in the Main Estimates? This press release is the first I have heard of producing herbs and spices in the Yukon. What kind of herbs and spices are we getting into here? There has to be some justification for it. Surely we are not just giving out thousands of dollars on a whim.

**Hon. Mr. Porter:** The funding was to look at the feasibility of production. The objective is to collect, collate and submit a cohesive report determining the soil, seed and nutrient requirement costs, production yields of specific plants, market acceptability of certain plants, optimum production numbers, market quantities by location, specific background information on successful herb and spice greenhouse operations elsewhere, market prices, packaging costs, transportation costs, and so on, hydroponic design, construction and operating costs, greenhouse material costs.

**Mr. Lang:** Have there been any successful herb and spice greenhouses in Alaska, or the Northwest Territories to give some indication of what we are getting into here?

**Hon. Mr. Porter:** I do not personally know of any successful herb and spice operations in Alaska and the Northwest Territories. This is done in the broad area of agricultural development.

**Mr. Lang:** I have to agree. I would term it "very broad". Did someone just submit this study and people approved it, hoping that we would come across a case study where perhaps it was done successfully in Mongolia?

I find this press release very strange. I am not trying to be funny here. I read this press release on herbs and spices and I thought maybe I had gone to Grenada.

Have there been herb and spice greenhouses proven to be viable somewhere in the north, Russia? Alaska? The Yukon or Northwest Territories?

**Hon. Mr. Porter:** With respect to that particular question, I have answered the Member. I told him that I do not know, personally, of any operation in the northern countries. I would ask for that information to see if any such operation exists. The key with respect to this particular item is that what is being funded is a feasibility study to see if it is possible to undertake that kind of operation in the Yukon.

**Mr. Lang:** We could do a feasibility study to see if we could grow bananas here. Is not the method for approving these particular grants that they come to your desk for your signature, in order to authorize the actual allocation of money?

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

**Mrs. Firth:** Does the Minister have any knowledge of amounts of money spent under the EDA, or amounts of money that have been committed to certain projects? Does he have the information for us to ask questions about regarding this?

**Hon. Mr. Porter:** The committed amount under the EDA is \$509,320.

**Mrs. Firth:** According to the chart I have, which is a detailed chart of funds committed to date, there are quite a few allotments of money for feasibility studies; resource utilization education, design studies, feasibility and resource inventory studies, resource studies, some interpretive studies. I cannot tell if there has been only \$73,794 committed to that, or if there is further information. Could the Minister bring back the information that tells us how much money has been committed to date for studies of one nature or another, either for feasibility or resource or design studies? I am talking about all the five programs or subcommittees that come under the Renewable Resources EDA subagreement, which are wildlife, agriculture, forestry, fisheries and wilderness recreation

ventures.

**Hon. Mr. Porter:** The number that I have given the Member represents the total committed under the Renewable Resource EDA, covering all the sub-areas; that is \$509,320.

**Mrs. Firth:** Will the Minister bring back the information that I have requested, the specific breakdown for the studies? I have total funds available under the program of \$520,000. The Minister is telling me that \$509,000 has been committed. Does that mean that there is still some to be committed, or some projects that have not been approved yet?

**Hon. Mr. Porter:** That is correct. Anticipated expenditures are in the neighbourhood of \$300,000, \$260,000 and the outstanding funds available are \$289,127. It would be appropriate to table this, and maybe that would be sufficient for the Member.

**Mrs. Firth:** I doubt that it shows the breakdown of the study. My concern is that, according to the chart I have and according to the information the Minister has given me, there is a total of \$520,190 committed. Another square on the chart tells me that the dollars spent are \$73,794.07. That adds up to considerably more than what the Minister said was committed to the program. Perhaps he could clarify those.

**Hon. Mr. Porter:** The document you have in your hand indicates that the information is up to April 30. That is the latest information that we have available on the expenditure under the Department of Renewable Resources.

**Mr. McLachlan:** When the Government Leader came back from the Provincial Premiers Conference in Banff in February, he indicated that a number of the EDA programs were on hold or were stuck until the completion of the budget year. I believe that some of the ones that you were about to enumerate, when Mr. Lang asked for tabling of the documents, such as Chjck-a-Bee Farms and Hyland Farms, were some of the projects that were stopped. Am I incorrect?

**Hon. Mr. Porter:** The question relates to the particular items that were covered under the document. My understanding is that when the freeze was instituted, any projects that were in the process were not affected.

**Mrs. Firth:** I have two levels of programs on my chart. Program 2 funds have been committed. Under that program, in the wilderness recreation ventures, there is a recreational trail construction for \$19,250. Could the Minister tell us what recreational trail that was for?

**Hon. Mr. Porter:** I have difficulty in responding to that question. The information that we have tabled has the summary of it. The document I have does not refer specifically to the trail that the Member is speaking about. I will research that and find out the answer to that question and bring it back.

**Mrs. Firth:** That is why I would like the breakdown I asked the Minister for. I have the document that he has tabled, which gives some project numbers and titles. Just to clarify what this document is, does this represent all the projects approved to date and the funds that have been committed to them?

**Hon. Mr. Porter:** The Member is correct, yes.

**Mrs. Firth:** "EDA Renewable Resources Sub-Agreement Management Committee — Overview of Financial Status of Agreement" is the title of the chart I have. I have some further projects on here and an indication of an amount of money. Could I have the Minister check and see if there has been some trail project approved recently for \$19,250, and what that could be?

**Hon. Mr. Porter:** Yes, I will give the undertaking to the Member to research that specific question.

**Mrs. Firth:** Also, under that Program 2 - Funds Committed to Date, there is a very large amount of money under the agriculture section for a technology transfer and development for \$323,891. Can the Minister tell us what that is for?

**Hon. Mr. Porter:** My understanding is that it is an application that has not been approved.

**Mrs. Firth:** The game ranch development comes under wildlife on this, and I notice it is an item on the document that the Minister tabled. The Yukon Game Farm purchased breeding herd of elk. I notice that there is going to be a further application for \$168,000 coming forward on that. Has that gone through the review process

yet?

**Hon. Mr. Porter:** No, it has not.

**Mr. Lang:** To enlighten a few of us, what is the \$323,891 going for? What is the technology transfer and development for?

**Hon. Mr. Porter:** Apparently it is an application that we have received, but it has not been approved. I am not aware of the details of that application. If the Member is interested in knowing the details, I can ask the department to bring the details forward.

**Mr. Lang:** I would like to know when you get briefed on these applications? Just prior to sending out the press release?

**Hon. Mr. Porter:** The applications do arrive in the system, and I am not given those applications specifically to comment on. Those decisions are internal, and there is a technical committee to review them. The Management Committee essentially makes the decisions. To a large extent, we, as politicians, do not make the decisions on the applications.

**Mr. Lang:** Just for the record, he does not get involved at all until it is time to send out the press release and take all the credit, is that correct?

I do not understand this, and I find it incredible.

**Hon. Mr. Porter:** The Member is correct inasmuch as the politicians do not make the decisions on the projects. There is an internal process. Basically, the Management Committee makes the decisions and then, once a decision has been made and a program is given the green light, it is turned over to us, the federal Minister and me, to announce. In terms of the response, as I mentioned earlier, there is an access to appeal to the Ministers.

**Mr. Lang:** I appreciate the access to appeal process, and understand why it is there. When you actually approved that herb and spice application, you really had not been briefed on it, the Minister had just sent out the press release, is that correct? Quite frankly, I find this rather alarming.

**Hon. Mr. Porter:** These agreements were negotiated by the previous governments, and these structures were set in place. That is how it operates. The Management Committees make the decisions. It is totally devoid of any political input in terms of making a determination on those applications. It is totally non-political and non-partisan.

**Mr. Lang:** Then you are not involved at all until the press release is issued?

**Hon. Mr. Porter:** In terms of the process, the Member is absolutely correct. The structure calls for review of the committee decisions by the Management Committee, and the decisions are announced by the respective Ministers on behalf of the governments.

**Mrs. Firth:** I think I understand how the process works. I have a couple of questions about the committee. For example, the Policy Committee has federal representation and YTG representation on it. Does it have CYI representation also?

**Hon. Mr. Porter:** Yes.

**Mrs. Firth:** Who exactly is on that committee representing the federal government, YTG and CYI?

**Hon. Mr. Porter:** It is co-chaired by the regional director of Northern Affairs, the Deputy Minister of Economic Development, and also representatives of the various departments that have a responsibility for economic development agreements.

**Mrs. Firth:** Who is the CYI representative?

**Hon. Mr. Porter:** I do not know who the individual is.

**Mrs. Firth:** When the application goes through the review process, I gather they refer to an administering agency. Is that what you call the One Stop Shop, or is that one of the levels of the Management Committee?

**Hon. Mr. Porter:** The One Stop Business Shop.

**Mrs. Firth:** Therefore, is it the contribution agreement the contract that is signed with the applicant? Does someone in the One Stop Business Shop sign that, or does the Minister sign the final contract with the applicant?

**Hon. Mr. Porter:** The agreement is signed by the representative on the Management Committee for the department that is concerned.

**Mrs. Firth:** Would that be with someone at the Deputy Minister level, or is it upper management? Does one individual

have that responsibility?

**Hon. Mr. Porter:** Yes, at the director level.

**Mrs. Firth:** Just to see if I have the process correct, the Minister was going to bring back the organizational structure and reporting levels. I know there is a coordinator who reviews the applications, and the applications go to the Management Committee after they have been reviewed by the five advisory committees, which are fisheries, wildlife, forestry, agriculture and parks?

**Hon. Mr. Porter:** Yes.

**Mrs. Firth:** Who is on the Management Committee that approves or rejects the applications?

**Hon. Mr. Porter:** Representatives from Renewable Resources, Economic Development and Tourism.

**Mrs. Firth:** I understand that there are 10 people on that committee and that they are all bureaucrats and that they are all men. Is that correct?

**Hon. Mr. Porter:** Northern Affairs. As to the gender of each, I would have to check that information.

**Mrs. Firth:** I would like the Minister to check on it, please, because I would like to make some constructive suggestions about that level of approval and rejection, particularly in light of the fact that they might all be civil servants, and there is no private industry representation. I think the gender make up of the committee should be reviewed.

**Hon. Mr. Porter:** Private industry is represented. When we get to the tourism area, that will be reflected. With respect to the offer by the Member to participate in constructive criticism about how the process works, I appreciate that. Internally, now, we are gearing up to review the agreements. We structured an interdepartmental committee to begin the work to put forward the review of all the EDA agreements and then suggest changes to the federal government. I appreciate anything she has to offer.

**Mrs. Firth:** Are we going to have an opportunity to discuss this further in the O&M budget debate?

**Hon. Mr. Porter:** Yes. I will give the commitment to the Member. If she would like to discuss the issue in the O&M Mains, we will gather the necessary material that she has requested and make that available to her.

**Mrs. Firth:** I appreciate that. It makes for a much more constructive debate if we have the information.

*Economic Development Agreement - Expenditure in the amount of \$457,000 agreed to*

*On Contingency*

*Contingency in the amount of \$50,000 agreed to*

*Department of Renewable Resources Capital in the amount of a reduction of \$137,000 agreed to*

**Hon. Mr. Porter:** I move that we report progress on Bill No. 17.

*Motion agreed to*

**Hon. Mr. Porter:** I move that the Speaker do not resume the Chair.

*Motion agreed to*

<sup>28</sup> *Speaker resumes the Chair*

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

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

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

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

**Some Members:** Agreed.

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

**Mr. McLachlan:** At the continual and insistent urging from the Member for Riverdale South I move the House do now adjourn.

**Speaker:** It has been moved by the Member for Faro 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 9:30 p.m.*

**The following Sessional Paper was tabled April 23, 1986:**

86-3-30

Legal Aid Expenses, 1985-86 (Kimmerly)