



# The Yukon Legislative Assembly

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26th Legislature

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## **HANSARD**

**Wednesday, May 21, 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, May 21, 1986 — 1:30 p.m.**

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

*Prayers*

## DAILY ROUTINE

**Speaker:** We will proceed at this time with the Order Paper.  
 Introduction of Visitors?

## INTRODUCTION OF VISITORS

**Mr. Phillips:** I would like to draw to the attention of the House the presence today of Miss Sue Langevin and a Grade 11 class from F.H. Collins and ask all Members of the Legislature to welcome them to the House.

*Applause*

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

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Kimmerly:** I have for tabling two proposed amendments to the *Foreign Arbitral Awards Act*.

**Hon. Mr. Porter:** I have for tabling the Departmental presentation to the Task Force on Placer Mining.

**Hon. Mr. Penikett:** I have an answer to a question asked by Mr. Phillips.

**Mr. Brewster:** I have for tabling some information related to Motion No. 45 standing on the Order Paper.

**02 Speaker:** Reports of Committees?  
 Petitions?  
 Introduction of Bills?  
 Notices of Motion for the Production of Papers?  
 Notices of Motion?  
 Statements by Ministers?  
 This, then, brings us to the Question Period.

## QUESTION PERIOD

### Question re: Human rights legislation

**Mr. Phelps:** I have a question arising from questions asked yesterday about the issue of human rights legislation and the White Paper. Yesterday, in response to a question, the Minister of Justice stated that the select committee could sit on either the White Paper or a bill, or there would be two select committees, one for each. How would the process work with respect to two select committees?

**Hon. Mr. Kimmerly:** Fairly obviously, the Legislature could establish a select committee to receive input on the White Paper, which has occurred on White Papers in the past. Subsequent to the report of that committee, there could be a bill introduced and a second select committee established.

That process is possible, but it is not my first choice in light of the select committee on the past Bill No. 58.

**Mr. Phelps:** Would the Minister, in any event, agree that he has undertaken to move that either the bill or the White Paper be handled by a select committee that would travel to the communities? I would like to read to him his answer from yesterday. I asked: "Will the Minister give an undertaking that the government will move this bill through a process that will involve a select committee from all parties of the House?"

The Minister's answer was: "The undertaking that I can give is that as the sponsoring Minister that is my intention. I had originally

hoped to establish a select committee this spring to sit over the summer and tour the Yukon in the fall. That plan is delayed."

Can we take it that he is going to ask for a select committee to be struck?

**03 Hon. Mr. Kimmerly:** It is certainly my intention, as the sponsoring Minister for human rights legislation, to have the legislation studied by a committee composed of representatives of all parties in this House. The conduct of the committee hearings, that is if they tour or not, may be the decision of the committee or of the whole House in referring the matter to the committee. As the sponsoring Minister, it is my intention to ask either the House, or a committee of the House, to study the next draft of legislation concerning human rights.

**Mr. Phelps:** From yesterday's question and answer, it was obvious we were talking in terms of a select committee as opposed to the normal course of legislation procedure, namely Committee of the Whole. Is the Minister speaking in terms of something distinct from Committee of the Whole when he speaks of a select committee, because that was obviously the understanding yesterday.

**Hon. Mr. Kimmerly:** It is not for me as the sponsoring Minister of a bill to determine the way the House will conduct itself, either by Committee of the Whole or a select committee or reference to a standing committee; all of those are conceivable. As the sponsoring Minister, all I can do is announce my intentions and my intentions will be known after the response to the White Paper; however, I can say it has always been my intention that the legislation be studied by a committee composed of Members of all parties. That has always been the consistent position of the government, and that remains the government's position today.

### 04 Question re: Human rights legislation

**Mr. Phelps:** I am trying to pin this issue down as best I can, for obvious reasons, because of the games that the Minister has been playing.

I would like to know whether or not, when he speaks of his intentions and the intentions of the government now about the committee, it is the select committee and the committee other than Committee of the Whole?

**Hon. Mr. Kimmerly:** I recognize that the questioner is trying to pin me down. He will recognize that I am refusing to be pinned down. I do not know.

**Mr. Phelps:** I would like to know why the Minister would play these silly games and talk in terms of committees, select committees and all-party committees when all he has to say is yes, that is what he is thinking of. Otherwise, what he should be saying is no, there will be no special process other than that process that is utilized in the normal course of House business.

Once again, will the Minister clarify his position? When he talks about the present intention, when he was speaking yesterday, when he was leading this House on, was he talking about a select committee, a committee that is all party and separate from Committee of the Whole?

**Hon. Mr. Kimmerly:** The Member talks about leading this House on. I am trying to be as fair as I can be and as complete as it is possible for me to be.

The Member well knows that what occurs in the content of the bill and in the presentation and process is a Cabinet decision, which will be proposed to the House. The House will decide how ever it decides. I cannot predict precisely the result of the decision of the House or the decision of the Cabinet.

I can say that my intentions, as the sponsoring Minister, about process are the same in principle as they always were. There is no change in the intention to have the maximum consultation —

**Speaker:** Order please. Would the Minister please conclude his answer.

**Hon. Mr. Kimmerly:** — possible, Mr. Speaker.

**Mr. Phelps:** The Minister has said they believe in the select committee process as distinct from the Committee of the Whole process. He has said that he has no intention of backing off that process.

In January, he said that he was going to go back to that process

and table a White Paper in the spring. Is he going to maintain his position with regard to using select committees to examine the policies that are going to be coming forward with regard to human rights legislation?

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

**Question re: Carcross-Skagway Road**

**Mr. McLachlan:** On Thursday, May 15, the Minister of Community and Transportation Services tabled a document in this House regarding the safety measures and operating conditions in relation to the concentrate ore haul from Faro to Skagway.

I have a few questions as follow-up on that tabled report. The report refers specifically, in connection with the part of the journey between Carcross and the US—BC border, about a public education program.

Is it the intention of the government to conduct a public education program, or is reference in that particular part of the safety rules to Yukon-Alaska Transport's responsibility? Who is conducting the public education program?

**Hon. Mr. McDonald:** Specifically, with respect to familiarizing the public with the ore transportation haul itself, the government has taken the position that that should be the responsibility of Yukon-Alaska Transport, and they have undertaken to engage in that public education campaign.

**Mr. McLachlan:** The same report refers to increased enforcement. Is it also the intention of the government, since Yukon-Alaska Transport has indicated that it will have two vehicles on the road between Faro and Skagway, that they will also be doing increased enforcement, or is the intent of this portion meaning enforcement of the rules of the road from a legal standpoint, that is, enforcement by the RCMP or by the Department of Community and Transportation Services?

**Hon. Mr. McDonald:** The enforcement that is detailed in the operating plan specifies only that which would be the government's responsibility, one way or another. It would be to ensure that the rules of the road are being followed by Yukon-Alaska Transport and by others.

**Mr. McLachlan:** The same report also refers to daily maintenance inspections on a 21-kilometre section of the road. Can we assume from this that the Government of the Yukon is conducting daily maintenance inspections on the trucks, or is that also a responsibility of Yukon-Alaska Transport, and why only the 21-kilometre section?

**Hon. Mr. McDonald:** The daily maintenance inspections are not for inspecting the trucks on a specific distance of the road, but the inspection of the road itself. There is a fear that the road could breakup or there could be potholes that could develop. It is our intention to ensure that those are addressed immediately by highways maintenance personnel.

**Question re: Human rights legislation**

**Mr. Phelps:** Again, of the Minister of Justice, I would like to know when the policy paper on human rights, the White Paper, will be made public? Will it be the day after this sitting of the Legislature, within a week, or in a month?

**Hon. Mr. Kimmerly:** I cannot predict precisely the date the session will end; that is more up to him than to me. The paper will probably be ready in the month of June, towards the end of the month.

**Mr. Phelps:** Perhaps if he could give him an exact date in June we could accommodate him and continue to sit that long. Will the Minister advise us as to exactly how this paper is to be made public?

**Hon. Mr. Kimmerly:** I will give a copy to the media, to all Members opposite, and invite the public to pick up a copy, and table it in the House at the first opportunity.

**Mr. Phelps:** What steps will be taken, given particularly that it is going to be tabled in the summertime, a busy time for Yukoners, a time at which it will be difficult for many Yukoners to devote any attention or time to the perusal of this bill and writing down their thoughts to send into the new curator of thoughts in the Yukon, the Minister of Justice. Given the season, what steps are going to be

taken to consult with the public during the summer and fall?

**Hon. Mr. Kimmerly:** Those steps I cannot precisely report on because the decisions as to exactly what will happen have not been made, however, let me say that it is probably most appropriate to predict that those persons or groups who have expressed an interest in the past should get a copy of the paper delivered individually. I am very conscious of the fact that the summer months are poor months for public consultation, and I would expect that the major consultation would occur either in the fall or the winter — preferably the fall, meaning September or October.

**Question re: Grey Mountain Primary School**

**Mrs. Firth:** I have a question for the Minister of Education regarding the Grey Mountain Primary activity room. I raised a question almost six weeks ago in the Legislature regarding the tendering date of construction of the activity room, and last evening I attended the Annual General Meeting of the Grey Mountain Primary School Committee and a concern was raised that the government was stalling and the activity room was not going to be built. Can the Minister tell me what the tendering date is?

**Hon. Mr. McDonald:** The suggestion that the government is stalling is ill-founded. Clearly, the government is committed to constructing the activity room. There have been discussions, as recently as the time period the Member mentions, where the government personnel and the School Committee were discussing the change orders to the design. It is our hope, given the press of events, that a tender call or notice in the newspaper will be issued early in June. The specific date is not possible to provide at this time, nor was it possible to provide the date when the Member first asked the question. The government is committed to building the activity room. It understands the necessity for the activity room as expressed in the considerable expenditures that the government is going to put forward to ensure its construction. We would like to see its construction prior to the beginning of the school year. That is our hope and that is our desire.

**Mrs. Firth:** Can the Minister tell us why it has taken so long after I raised the question six weeks ago. It is not unreasonable that people would get the feeling that something was not happening on schedule. Early in June is going to delay the construction of the activity room, and I believe the Deputy Minister was issued with a warning of the feelings of the parents in that area. Can the Minister not be more specific and tell me what the date will be and what the hold-up is? What is the problem?

**Hon. Mr. McDonald:** I just stated that it is not possible for me to give a specific date. The concerns that the room might not be constructed are ill-founded. The government has repeated its intention to construct the activity room. The department has been working with the school committee with respect to design specifications and alterations to the specifications from the design originally proposed some time ago.

It is partly for those reasons that the tender date cannot be issued. It has not been established, at this time. It is our hope that early in June we can have the tender notice in the paper so that construction can be underway, so that hopefully the activity room can be built prior to the new school season.

That is our hope. I cannot state our intentions more clearly than that. We will be constructing the activity room.

**Question re: Canyon Creek Bridge**

**Mr. Brewster:** Now that the Minister of Renewable Resources and Tourism knows where Canyon Creek Bridge is, can he advise this House when the logs will be brought in and the bridge constructed and let out to public tender?

**Hon. Mr. Porter:** I recall that the Member asked the question last week with respect to public tender. I would like to inform the Member that the project is not slated for public tender, but rather the project will be supervised and managed in-house.

**Mr. Brewster:** The question was asked on May 5. I would appreciate if we could get replies back. It would help us very much, when I am trying to look after my contractors and such things.

Would the Minister give a reason as to why this is being done in-house instead of being put out to public tender, considering so

many small contractors who could handle this job are out of work?

**Hon. Mr. Porter:** The reason for the route of public tender is the need for direct architectural supervision on the particular project. Just the other day, I looked at a bunch of pictures of this particular project. Initially we thought we could do a renovation job on the Canyon Creek Bridge, but it looks like we are going to have to do a reconstruction job this summer.

That means a tear-down operation and rebuild. Those are our plans with respect to that particular project. We will go ahead and finish the project. If it means rebuilding, we will do that. The other alternative would be that if we cannot proceed this summer, then we would have to leave it for the next season.

#### Question re: Montague House

**Mr. Coles:** Yesterday, when I questioned the Minister of Tourism on the possible restoration of Montague House on the Klondike Highway, he told the House that he was presently in the process of letting a contract under Phase I of the program. Could the Minister explain what that contract entails?

**Hon. Mr. Porter:** I hope the Member did not take it to mean that we were letting Phase I of the contract specifically on Montague House. What I was referring to is that the department is undertaking a historical sites inventory of the Yukon. We are going to go through the Yukon and look at all the historical sites we have, make an inventory of them, and then develop a policy as to how they should be developed in the future.

Phase I of the contract is to design the study. That is the part of the contract that has been let.

**Mr. Coles:** Does the Minister have a completion date for that contract? When does he expect the design to be completed?

**Hon. Mr. Porter:** We are shooting for mid-June for the design work to be completed, and then we plan to move on with phase two at the end of June. Basically, we are talking about a major undertaking here.

I will take the question regarding the finalization of the contract for all phases under advisement and get that answer back to the Member.

**Mr. Coles:** The lack of attention that has been paid to many of the historical sites around Carmacks has led many people to say that they are now hysterical sites.

I would really appreciate it if the Minsiter would talk to his department and just make sure that they realize that there are many historical sites in and around the Village of Carmacks, as well as in Pelly Crossing and Fort Selkirk, that need some attention, including the Old Telegraph cabin and another roadhouse in Carmacks.

Could the Minister give me the undertaking to make sure that his contractors and his department know of those buildings and will seriously look at all of them?

**Hon. Mr. Porter:** The best thing for me to do would be to underline the representation that the Member has put into *Hansard* and send it to the department.

#### Question re: Wolf studies

**Mr. Brewster:** On April 14, the Minister of Renewable Resources described a number of ongoing studies with wolves, particularly the Donjek wolves, that are being conducted by a student from the Michigan Technological University.

Considering the Department of Renewable Resources is funding part of this study, what specific benefits and information could come to the Yukon from this?

**Hon. Mr. Porter:** We are intending to get a better understanding of the relationship between the predator, in this case wolves, and the dall sheep.

**Mr. Brewster:** Can the Minister tell us if the student is studying the same Kluane Park and game sanctuary wolves that were studied for many years on the Burwash Upland Flats by Dr. Theberge and his students from the University of Ontario?

**Hon. Mr. Porter:** This question was asked by the Member previously. I do not know if the study is being conducted on the same wolf population. We will probably be in O&M debates this evening and tomorrow, if everything goes well. When we get to those debates, I will make sure that that information is available.

**Mr. Brewster:** I might add that it would help if we had these answers before we got into O&M debate.

On April 21, 1986, the Minsiter said "If the Member is worried about it, I will check with the department again to make sure that they are going to do the things that they should and report the findings of that investigation to the Member".

Due to the fact that it has been one month since that statement, when will I receive the information?

**Hon. Mr. Porter:** The question, as I recall it, was whether or not we had obtained the necessary permits from the park officials to be able to go out to the park to do the necessary work.

He shakes his head. I will look at that issue. At the time of that question, I am sure that I replied that the department people got the necessary permits to do the work they were undertaking.

If there is any further information contrary to that, I will undertake to have it available when we get to the O&M Mains.

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#### Question re: Land claims

**Mrs. Firth:** I have a question for the Government Leader regarding the Land Claims Community Liaison person. Three weeks ago the Government Leader committed himself to bring back a description of the job that that person was going to be doing. Can he give us that job description now, please?

**Hon. Mr. Penikett:** I will see if it is in here. No it is not, but I will table it when I get it.

**Mrs. Firth:** That is very cute and comical, but I am asking a serious question. He committed himself three weeks ago to bring a copy of the job description. The individual has given an interview in the newspaper, and he is unclear as to what he is going to be doing. I would like to know when we will have a copy of the job description and if it is even written up yet?

**Hon. Mr. Penikett:** I am sure it is written, and I will have it tabled in the House.

**Mrs. Firth:** I would like to know if the Minister will table it tomorrow?

**Hon. Mr. Penikett:** If I can.

#### Question re: Carcross-Skagway Road

**Mr. McLachlan:** My question is for the Government Leader. There is a great deal of interest in my riding about the so-called ceremonial first truck of concentrate that is coming out of Faro on its route to Skagway, and I want to ask the Government Leader if it is true he will attempt to resign his government position for a period of twelve hours and consider driving this truck, or swamp it, all the way from Whitehorse to Skagway in a so-called, I-had-a-dream attitude and see, I told you so, it could be done. Is there any truth to this story?

**Hon. Mr. Penikett:** It sounds like a wonderful fantasy. I believe, much as I would like to drive a truck from Faro to Whitehorse, they are looking for qualified drivers and my skills are a little rusty. I have heard rumours about various ceremonies to do with the first truck going over the road, but as yet I have not been provided with any information for definite plans for that date. I know the Member for Faro has previously made mention to me in private representation that it is quite a momentous occasion because it is almost to the day — or two days — short of four years since the last truck went over that road so it is a very important event for the Yukon economy, and, without going to great public expense, I would like to see it celebrated properly.

**Mr. McLachlan:** If the Government Leader was not sure of that, the other certain story in Faro was that the Minister of Community and Transportation Services would also use his air brake ticket and his expert driving abilities over that road, since he does travel it a number of times. Is it the plan of the Minister of Community and Transportation Services to also pilot that truck for the remaining journey?

**Hon. Mr. Penikett:** I should explain that I am the one with open-pit experience in this Cabinet, and the Member for Elsa is, of course, an underground miner. If the Member is seriously asking about arrangements for a ceremony, I am sure it would involve both the Department of Community and Transportation Services and — more principally — the Executive Council Office, and I am sure we

can both report to the House when we have some information.

**Mr. McLachlan:** If we do put some sort of ceremony on, could the Minister extend an invitation to the Member for Riverdale South to accompany that first load from Whitehorse to Skagway, since she has always professed an interest in seeing Japan and the blast furnaces in that country.

**Hon. Mr. Penikett:** I am not clear if the Member is suggesting that the Member for Riverdale South travel as a swamper or part of the ore. I am sure the Member for Faro will probably take that up with the Member for Riverdale South. It is not something I want to get involved in.

#### Question re: Crestview gravel pit

**Mr. Nordling:** On May 13 I asked the Minister if the safety aspects of the truck terminal in the Crestview gravel pit would be considered in the overall safety plan. The Minister said yes. The overall safety plan contains one sentence: "construction of acceleration/deceleration lanes as required at truck terminal".

As the government took the lead role in the development of this plan, can the Minister tell us if any investigation was done into the necessity of acceleration and deceleration lanes?

**Hon. Mr. McDonald:** Initially, given the existing access to the gravel pit, there was the informed suggestion by Highways engineers that acceleration/deceleration lanes would be necessary and should be paid for by the operating company because they would be single-user lanes.

Subsequently, Highways engineers and Yukon Alaska Transport have viewed the site and have determined that site lines could be changed somewhat to allow for access to the gravel pit, without having to construct acceleration/deceleration lanes. This is a move that has taken place in the last two days.

Once the engineering analysis of the site lines and the access itself is complete, a decision will be made with respect to what specifically is necessary, either in the construction of lanes, or in the modification of the site itself, to allow for better site lines for the travelling public on the road. Once that decision is made, the safety of the travelling public will be ensured.

**Mr. Nordling:** Who is doing the engineering analysis, and who will make the final decision as to what will be done: whether there is acceleration/deceleration lanes or modification of site lines? Who makes the final decision?

**Hon. Mr. McDonald:** Highways engineers have been providing information to me, and the Government of Yukon will be making decisions with respect to highway safety.

**Mr. Nordling:** My understanding from the Minister's answer to the first question was that the company would be paying for any modifications to the road in that area?

**Hon. Mr. McDonald:** As long as the acceleration/deceleration lanes would be single-user lanes, it is our position that the company would be paying, whether on a local improvement tax or some other method. With respect to the need, that will be determined, hopefully, within the next few days.

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#### Question re: YTG Annual Report

**Mr. Lang:** I have a question on commitments made to us some weeks ago and it has to do with the YTG Annual Report. The question put to the Government Leader in his capacity of President of the Executive Council is as follows: "Is it true that the government bypassed the lowest tender for the purpose of printing the Annual Report?" Does he have an answer to that question?

**Hon. Mr. Penikett:** I recall that an answer may have been given by my colleague the Minister of Government Services. The question being put by the Member is: was the low bidder bypassed? Technically, the low bidder was not bypassed. Bids were accepted in the range of \$16,000 to \$18,000. One bid of \$9,000 was submitted, but did not meet the specifications tendered by the department, therefore, it was not accepted. The contract went to the lowest of the accepted bids.

**Mr. Lang:** In view of the fact that there was less than a 10 percent differential between the two bids, was there any consideration given for invoking northern preference to see whether or not the local company could do the work?

**Hon. Mr. Penikett:** I do not understand what the Member is saying: less than 10 percent. One bid of \$9,000 was submitted, but did not meet the specifications tendered by the department, therefore, it was not accepted. Of the other two bids, the \$16,000 and \$18,000, the contract went to the lowest of those two bids.

If the Member is asking why did it go to the lower of those two bids and not the highest bid, I cannot recall the circumstances of whether there was local preference given. As you know, following the Auditor General's decision, I do not believe that, in terms of purchasing, there has been any preference policy in effect, but if I remember the details in both cases, the substantial printing work would have been done outside the territory in either case because it involved colour printing.

**Mr. Lang:** I take it then there is no local purchase preference policy in place for the Government of the Yukon Territory?

**Hon. Mr. Penikett:** As I believe the Minister for Government Services said, there is a new policy in the process of being developed now. The policy, which I believe can only be described as being ad hoc before, the one which I think gave a range of up to 15 percent, was not done with any proper authority under the previous government, nor was it done consistently.

#### Question re: Carmacks lots

**Mr. Coles:** I have a question for the Minister of Community and Transportation Affairs. I must say that I am a little surprised that even the grade 11 class has left the gallery before Question Period, and perhaps I can use a quote that the Government Leader used a couple of weeks ago when we were on a break, that maybe the bores are beginning to bore the bores in this House a little.

This question is not too exciting, but it is of great importance to some of my constituents and when I asked the Minister last week I believe, about the adding of telephone lines into the new subdivision in Carmacks, he said he would check on it and perhaps it would increase the price of the lots up for sale now. By a quick calculation in my head, there are already five businesses and twelve families in that area, and I do not believe it would be very fair to pin the price of telephone lines for all of those lots onto the five new lots that have been developed. I wonder if the Minister has done any checking on that up to now?

**Hon. Mr. McDonald:** Yes, I have. The current policy, as established, is that development costs will be worked into the purchase price for lots. The development costs will include the telephone service that is in the neighbourhood of \$24,000.

Clearly, \$24,000 over five lots is extremely expensive for the purchasers of those lots. Unfortunately, the policy has not changed with respect to applying development costs to the sale price of the lots.

To do so, for Carmacks, would mean a change in the policy territory-wide. The implications of that would be tremendous.

**Mr. Coles:** I would assume that if Carmacks is having these problems, that many other communities in the territory are having the same problems. Would the Minister consider taking a look at some of the other communities to see if that is the case?

**Hon. Mr. McDonald:** Other communities and people have expressed concern that they are unable and unwilling to bear the costs of certain types of developed land. If we were to provide highly developed land on the basis of the ability to pay, the cost to the taxpayer would be tremendous.

We are trying to work the land development policies to better accommodate Yukon people in rural areas and in the Whitehorse district. The principle of development costs in situations such as this is that will have to pay heed to, largely because it has been the practice in the past —

**Speaker:** Order, please. Would the Member conclude his answer?

**Hon. Mr. McDonald:** There will be some impact to changing it.

**Mr. Coles:** Would the Minister also check to see why the department does not put three phase power into industrial subdivisions? It seems that if you are going to encourage small business and big business, for that matter, outside of Whitehorse, that some of these facilities are going to have to be made available.

It is a lot cheaper and easier for businesses to move into Whitehorse and open up rather than to do it in the small communities without these extras that should be included.

**Hon. Mr. McDonald:** I will not pontificate on the matter. Yes, I will check for the Member.

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

## ORDERS OF THE DAY

**Speaker:** Are there any motions other than government motions?

## MOTIONS OTHER THAN GOVERNMENT MOTIONS

**Mr. McLachlan:** Mr. Speaker, I would request unanimous consent to waive Standing Order No. 27 regarding notice in order to deal with Motion No. 50, which is standing on the Notice Paper.

Further, I request unanimous consent to waive Standing Order No. 12, calling the items under Motions Other than Government Motions in the order agreed to by the House Leaders and communicated to the Clerk.

**Speaker:** Is there unanimous consent?

**All Members:** Agreed.

### Motion No. 50

**Clerk:** Item number 1, standing in the name of Mr. Brewster on the Order Paper.

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

**Mr. Brewster:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the Member for Kluane

THAT it is the opinion of this House that CBC be condemned for not making the Stanley Cup playoff games available to outlying rural communities in Yukon.

**Mr. Brewster:** I would like to thank every Member of this Legislature for unanimous consent to debate this motion. I am sure the rural MLA's are very pleased to see the cooperation from other Members of this House.

I might also point out that, by this unanimous consent, you have saved the CBC from getting more egg on their face. The CBC reporters do not even understand the rules of this House. They stated on the radio this morning that this motion would be debated when, in fact, until unanimous consent was given, it could not be debated. The CBC should give a vote of thanks for this unanimous consent, as they already have enough egg on their face.

Let us get down to this motion, which is very straightforward and pulls no punches. This is the only language that these bureaucratic organizations can understand. Every Canadian citizen helps pay for the CBC and should expect reasonable service. The Stanley Cup playoffs are a tradition in Canada, long before my time. People who never watch hockey during the winter become fans during the playoffs, especially the final series.

That a large number of Yukoners who are widely dispersed could not see the first two games is unacceptable. It is understandable that a blackout, caused by the good Lord, is reason for some faltering in the system, although, by the ruckus it has caused I might suggest to the good Lord that he is treading on very dangerous ground.

The CBC continually argues that it wants Canadian content, so here we go. For the first time in years, two Canadian clubs meet in the finals. All Canadian content. What do rural Yukoners get? Murder She Wrote and Dallas — two all-American programs. There is nothing wrong with these two programs, but the CBC cannot have it both ways: cry Canadian content-no American content, and then turn around and bounce pure Canadian content for American programs. That is much like what bureaucrats do.

The public rating for playoff hockey is very large. After all the phone calls, I think even CBC will agree.

I do not buy the argument that the NHL split the series between the two networks. It is a simple fact of private business against a

Crown corporation, and the private business won the bidding. This was not the first time this has happened. It used to happen in the CFL football finals. Also, I find it very strange that Whitehorse gets these programs, yet rural Yukon cannot.

It is a continual battle to get justice for rural Yukoners. Four years ago I started fighting over the TV dishes paid for by the Yukon government but handled by CBC. Thanks to the Member for Porter Creek East, we finally stabilized these dishes and people were getting better service. There are still a number of areas where we do not even have radio, let alone television, for the residents. "A motion was passed with regard to this in this House a short while ago. Let us face facts, now the CBC is blaming the breweries and the CTV. That should have been done when the contracts were drawn up, not on the long holiday when no one could be reached for complaints. These contracts were drawn up a number of months ago. The CBC North advertised these games days ahead, but they did not say rural Yukon was excluded. If we let the Friday game go, that was understandable. Why was the Sunday game not brought to the people after all the phone calls. What did we get, a rerun of Bruno Gerussi on the show, very interesting compared to a hockey game.

I would like to suggest that the management of the CBC just travel the Yukon and look at the private television dishes going up in the back yards. After this fiasco there will be many more going up. It is too bad that a person has to raise this type of ruckus just to get attention, but that is what I am paid for, to see that the rural Yukoners get a fair shake.

I remind you about a story of a mule. The farmer had a mule that he liked very much but could do nothing with. He was told to take it down the road to a old trainer who was good at breaking mules. The farmer did this, but made the trainer promise not to hurt the mule. The old trainer agreed, however, as the farmer left he looked back and the old trainer had a 2 X 4 and was beating the mule between the ears. The farmer hurried back to protest, but the old trainer explained, "Sir, you have to get their attention before you can carry on any progress."

I think we have their attention; I urge everybody to agree with this motion.

**Hon. Mr. McDonald:** I do not know what I can say to add to the Member's comments. I do not add any details into what is already a very colourful discussion on the matter. The government was very concerned about the fact that many rural Yukon communities could not receive the signal and could not see the last two hockey games. I have been brought up-to-date as to the technical difficulties and the sensitivity that went into the decision to ignore certain communities within provision of the signal.

I have sent a letter to Mr. Juneau, which I will be more than happy to table, that expressed our disappointment. We will try our very best to ensure that the signal for CTV game 6, at least, is received by the communities as well as all the other games. It is certainly our intention that services to rural communities should be increased. Services provided to other Canadians should be received by all communities, including the ones in rural Yukon, and the CBC, as the delivery agent, should respect that. That is our position; we agree with the sentiments expressed by the Member for Kluane.

I could not put it anywhere near so colourfully, in such a down-home fashion, but perhaps that is what is going to carry the day in the decision-making halls in Ottawa and not the bureaucratic response of a Minister.

**Mr. Coles:** I would like to thank the Member for Kluane for putting the motion forward. There is absolutely nothing that I have to add. He expressed the sentiments of every rural MLA in this House, and we will support this motion 100 percent.

**Mr. Lang:** I would like to reinforce what the Member for Kluane has said. It was in 1976 when the dishes were initially installed in the communities. The Government of the Yukon, in conjunction with the community of Ross River, took the initiative to see if we could get television to the communities. At that time we

were told by various technocrats that it was not possible to get television to the communities.

That was overcome because of the communities involved and because, after the initial start-up by the community of Ross River, television did take a lead role with the Government of Yukon, and it was installed successfully.

I cannot buy the argument of Molson versus Carling beer, and the taste of beer is going to determine who is going to see the Stanley Cup. That does not make sense to us in the north. There is no question about that it is neither CTV's nor CBC's fault. The reality of the situation is that they are the two national networks that we work with.

They do have a responsibility to work out their differences. I want to reinforce that these decisions should have been made a number of months ago. They must have been aware that there were certain areas of Canada that were not going to see the Stanley Cup, and I think that they have been remiss in their responsibilities.

Hopefully, with the eloquent speech given by the MLA for Klane, we will get the desired results and Calgary and Montreal will be seen in Haines Junction on the weekend. Mr. Brewster can then eat his pizza in peace and quiet.

**Mr. Webster:** I rise to support the motion, but I would like to add to the words of the Member for Porter Creek East.

He is right. This should have been done three months ago. It should have been looked into. I am afraid this is becoming an annual event that appears to be continuing.

It is very obvious now with the cutbacks facing CBC at the federal level that CTV will always be outbidding CBC. They will always be acquiring the rights to broadcast these games, and I think that we should be making some representation to CTV now in time for next year, in time for them to guarantee the broadcast of all NHL hockey playoff games over the northern services of CBC.

I would also like to thank the Member for bringing forth the motion, and we will all be supporting it.

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

**Mr. Brewster:** I am very pleased to hear that the Minister has written a letter. I assure him that there are some letters coming from this side of the House too, to him and to a few other people.

I also would like, in closing this debate, to make it very plain that I do not put all the blame on the CBC in Whitehorse. The people in the big ivory towers in Ottawa, Toronto and Montreal sit there as they have done since the goldrush. They make the decisions down there, and they could not care less what happens to us in the Yukon.

It is not very pleasant when people have to introduce a tax like we have, that hits people whom I see every day. However, as with the mule, you have to hit someone between the eyes to wake them up. I certainly hope that this has awakened them. I assure you that there are going to be some very strong letters going out. I, quite frankly, have had it.

<sup>16</sup> In closing, I would just make one suggestion to the CBC. They always say that their criteria for television is 500 people. I wonder if they looked at the statistics in Haines Junction lately, because there are 530 living there now. I presume we have plans for a television set out there pretty soon so they will be off and the Yukon territorial government will not have to pay for them any more.

The CBC, who should be paying for the whole works, will be paying for it. We have gone over the 500, so this should be no problem. I think CBC will run out there tomorrow. They say they are a little short of money. I would suggest that the 50 games of soccer that they are going to broadcast from Mexico — the best Canada can do is three games there, and they will be getting countries that we do not even know where they are — maybe they should put a little of that money into Canada and look after Canadians.

We are Yukoners. We expect the same treatment as other Yukoners. We do not want anything more, and we do not want anything less. We certainly expect it. I would like to thank everybody in this House for his support. It shows that when things

get rough, and maybe when we look at the votes, what we give to this one, you will be sure it has full support.

*Motion No. 50 agreed to unanimously*

#### **Motion No. 43**

**Clerk:** Item number 3, standing in the name of Mrs. Firth.

**Speaker:** Is the hon. Member prepared to proceed with item number 3?

**Mrs. Firth:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the Member for Riverdale South THAT it is the opinion of this House that the Yukon Government should write to the federal Minister responsible for Health and Welfare, the Honourable Jake Epp, and request the immediate commencement on devolution of federally administered health services and a phased transfer.

**Mrs. Firth:** I bring this motion forward today with all good intentions and, hopefully, good direction to the government. I know they will be receiving it in that spirit.

The issue of the health care transfer is a long-standing, and an outstanding, issue. It is really not as complicated as the bureaucrats in Ottawa would have us believe, as well as some of the bureaucratic structures here.

The transfer of the health care services is an issue that our party has stood for and that we have raised previously. It is a decision that I feel all of us, as legislators, must make. The government must take the lead role in pursuing the direction and, eventually, pursuing the transfer of the health care services.

Because of the long-standing time of this issue, I could go on at some length about the past history and when it all started. I could go back as far as 1977, when the Executive Council in those days had such individuals as Flo Whyard working very hard and diligently on this issue. It was those individuals who did all the heavy slogging, the footwork and all the discussions and negotiations that had to be entered into.

We must not lose sight of the fact that they did a lot of preparatory work. We must recognize that and take advantage of it.

When I raised a question in the Legislature about the transfer of the health care services to the Minister of Health, and finally received an answer regarding the government's position, I listened very carefully to what the Government Leader said regarding the transfer and how it was not the number one priority of this government, however, he would be letting us know later on where the transfer stood in the government's hierarchy of priorities, and when the Government Leader announces those intentions, we would be able to discuss it.

<sup>17</sup> I want to be brief but I do not want to leave anything out and in order not to complicate the matter I want to raise this as a concern as an issue in essentially two main points.

The first one is the aspect of devolution and the demonstration that the government is ready to assume more responsibilities, and rightfully so; more responsibilities for governing the people to whom the government is responsible.

The second issue, and most importantly, is that the Yukon territorial government has virtually no independent capability in the health field, and by that I am saying we are paying the costs, but we are not making the decisions and not running our own affairs when it comes to health care services and determining our own destiny in health care services.

It gives me a lot of dissatisfaction and objection, as I know it does a lot of Yukoners, to think that federal public servants have authority over approval of funding for services in the health field and that they are also determining our destiny in the health field and the direction that we are going. They are determining our priorities some 3,000 miles away at the Ottawa level, not at a local level, and then simply submitting the bill to us and saying we are going to pay for all of this.

I have to make a comparison, although simple as it may be, of the transfer of the highways department to the Yukon territorial government. At that time there were concerns the employees had expressed regarding some of the same concerns that have been raised with the health care transfer, but the concerns were worked

out and worked out successfully. It can be done again, and it can be done again for the health care transfer.

When the highways went from federal to Yukon territorial government control, it was the Yukoners who benefited from a better service, and I have not personally heard anyone say that the delivery of highway services were better under the federal government than they are under the Yukon territorial government. The result of those efforts were that the time to make decisions was greatly reduced and the decision-making happened at a local level with local input from all Yukoners. We saved the government money in the long run and established and created a stable and permanent workforce of Yukon territorial government employees within the territory as opposed to federal government employees.

I recognize the concern that has been raised by the Members opposite about the protection and guarantees of the Indian people, and we too have the same concerns as the government, and as a result of that a three-party agreement-in-principle had been reached so that we could move ahead. In that agreement-in-principle there were guarantees and protections for the Indian people, and it is my feeling that the services could only be improved with local control and local input, particularly by the Indian people, and it would be to their advantage to deal with the government on a local level as opposed to dealing with the federal government in Ottawa.

I would like to stress that the same benefits can come to Yukoners with the transfer of the health care services, and I would urge all Members of the Legislature to support the motion so we can get on with the business of governing ourselves.

Also, it is so that we can release ourselves from the overbearing scrutiny of the federal bureaucracy and the overbearing decisions that the federal bureaucracy can make on our behalf.

**Hon. Mrs. Joe:** In response to the motion made by the Member for Riverdale South, I would like to begin by outlining actions I have taken as Minister of Health and Human Resources.

First, I contacted the hon. Jake Epp in October, 1985, to discuss my concern with respect to the rumours of major personnel and program cuts. At that time, Mr. Epp assured me that there would be no action on cutbacks, privatization or devolution without consultation with the Government of Yukon.

In November, I wrote to the federal Minister to emphasize to him the highly integrated and mutually interdependent nature of the Yukon health sector. I also argued that the transfer would require extensive planning, which must be undertaken cooperatively in conjunction with affected clientele, the health professions and the staff of the federal health service.

As a follow-up to that letter, on October 16 I met with Mr. Epp. In that meeting, Mr. Epp said he had an understanding with the previous Yukon government, which he described as being anxious to pursue an early transfer of health services. Mr. Epp also indicated that there was an understanding that the health transfer would be conducted in three phases, the first phase involving extensive privatization and contracting out of services. I can find no record of this understanding, nor are officials in the department aware of it.

Such a plan is obviously unacceptable to this government. We have informed Mr. Epp that there will be no health care transfer without consultation with CYI. We have also informed the federal authorities that we would oppose major service and program cuts, whether through privatization or other means.

Thirdly, while we have blocked the 56 person-year cut in hospital and community health services, the federal government has continued to reduce the resources available to the Yukon health care sector. The hospital and community health services have been subjected to a staffing freeze since last autumn. Local federal officials have recently been instructed to eliminate six full-time positions, and to reduce the O&M expenditures by a minimum of three percent. The effect is to try and force the transfer of an under-resourced health service, in which morale is low, without regard for the long-term consequences for the health services available to Yukoners.

We are not prepared to proceed on these terms. There must be assurances from the federal government that resourcing will be

maintained at satisfactory levels. Levels of funding and the funding of O&M capital expenditures must be set down. Unilateral attempts at cutbacks, contracting out and program devolution must stop. A commitment must be made to involve Yukon Indian people in consultations on Indian health care-related issues.

There must be a clear commitment to careful and cooperative planning between the federal and territorial health officials. The issues surrounding the health care transfer are complex, and the program and financial implications are enormous. In our view, pursuing a health transfer in the absence of proper planning and a federal commitment to adequate resourcing would be irresponsible.

The health care transfer is a priority of this government. We believe that it needs proper planning and those commitments that we have asked for by the federal government. Until that proper planning and those commitments are met, we will continue to plan a health care transfer, but we are not prepared to do it immediately without this proper planning and those commitments.

19

**Mr. McLachlan:** As the Member for Riverdale South has indicated, this discussion went around the horn in 1977 when the former mayor of Whitehorse, who was an elected territorial councilor at that time, was spearheading the drive.

As the Minister for Health and Human Resources has indicated, it fell on hard times and rocky waves involving CYI who must, by the very nature of their involvement in Yukon politics, be involved in major transfer issues like this.

I would also like to point out to the Legislative Assembly that the Northwest Territories and the federal government in Ottawa are at the moment negotiating very strongly on the transfer of health services to the Northwest Territories.

Those arrangements are not, by any means, complete. They are moving along swiftly, but we are unable to see at this time what some of the federal negotiating positions are on that transfer.

It would also give us some more time to see how the Northwest Territories is able to work out some of the problems that it is experiencing with the transfer of these powers.

The Member for Riverdale South referred to a cost saving. At the moment, we cannot see where money can be saved without the provision of a distinct formula in place for the transfer. We do not believe that it is enough to simply say that money is there on the table to be saved. Until you see the upper hand of the federal government in this matter, it is extremely difficult to assess.

We, on this side of the House, are not happy with the proceeding devolution that we see with the transfer of power of the Northern Canada Power Commission. Some on the government side may remain convinced that all is well, but we are not. Until we see the full impact of the devolution of this largest of the transfers to date, we are reluctant to proceed directly to the devolution of federally administered health services and a phased-in transfer.

#### *Amendment proposed*

To that end, we would like to propose an amendment to Motion No. 43, by adding immediately after the word "commencement" the following words: "of discussions". The motion should then read: "will request the immediate commencement of discussions on devolution of federally administered health services and a phased transfer".

**Speaker:** It has been moved by the Member for Faro that Motion No. 43 be amended by adding immediately after the word "commencement" the following words: "of discussions". The motion should then read: "will request the immediate commencement of discussions on devolution of federally administered health services and a phased transfer".

**Mr. McLachlan:** The intent of the amendment is to simply open up the avenues for discussions and future talks on the transfer without binding the government or anyone else in the Legislative Assembly to immediate commencement of the devolution plans.

I believe that this is the type of discussion that is necessary until we can find out exactly what is in the cards and in the federal bag of money transfers to the territory.

That is the method in which the amendment has been proposed.

20

**Mr. Phelps:** I am not sure why this proposed amendment has been put forward. I would assume that the original motion contemplated the necessary commencement of negotiations, planning, commitments and the financial plan, but if it was unclear in any Member's minds, we would assume that one discusses and negotiates prior to the actual physical signing of the end result. If it is necessary to be so careful and so concerned, we will have no problem supporting this picayune amendment.

**Mrs. Firth:** I, too, was rather surprised at the amendment, because it would not enter my mind to bring forward a motion asking for the commencement of devolution without the previous discussions taking place, as the Leader of the Official Opposition has said. Planning has to be done, as the Minister has said; however, the obvious intention of the amendment is because the Member for Faro does not possibly have an understanding of the process, and in order to get our motion passed we will be supporting it.

*Amendment agreed to*

**Mr. Phelps:** I would like to say a few words to the motion as amended. I think that the issue of devolution of responsibilities is one that most Yukoners have supported for some considerable time, and there has been mention made, prior to 1978, of the strenuous work done by the then Minister responsible in what was known as the Executive Council, Flo Whyard, to achieve the transfer that was very close; then, at the last minute, it fell through for various reasons.

I think there are a couple of points that are extremely important. First of all, we pay for a huge amount of the health care in Yukon — that is a fact — yet decisions are made by bureaucrats in Ottawa and often without adequate or even any consultation. We pay for it, and that is an extremely important issue for us all. I am convinced that we can perform many of the functions more cheaply because in many respects smaller government is better government, smaller government is government that responds more quickly and responsibly to the real aims, aspirations and needs of diverse communities in a particular region of Canada. I think that is an extremely important principle as well.

<sup>21</sup> I think it is important to really come to grips with the kinds of problems and difficulties faced in the day-to-day running of health services in Yukon. I want to relate a story regarding a situation where there was a car accident; an operation was to be performed on a broken arm, which involved opening the arm, placing two metal plates against the bones that were broken and then screwing the metal plates into place — a fairly common operation, one performed many times, and very well, by surgeons in the Yukon Territory.

In this particular case, when the operation was to be performed, and this happened just a few years ago, the patient was prepared for surgery and taken down. Then, just before the operation commenced, the cutting of tissue, opening of the arm and so on, it was discovered, luckily, that the package of metal plates and stainless steel screws was not complete. The reason was that the Whitehorse General Hospital had run out of stainless steel screws, so the patient was taken back up to the hospital room. It was discovered that the surgeon in question, who was very upset by this almost very serious mishap, had written on two occasions, and as much as three months before the actual operation, advising that they were getting very low on these surgical necessities. Yet three months later, the materials had not been acquired, and it was because of some bureaucratic mumbo jumbo and requirements placed on the hospital by the system, which was a federal system.

I relate this story because the patient in question was myself, and I then went out to Vancouver and had the operation performed, but it was that close. There was a fair amount of running around and agonizing at the hospital, but it was the system — largely because of the red tape that is in place in the Yukon.

At that time, I had discussions with a lot of administrators involved in health care across the north, and I heard all kinds of similar stories. In fact, some of the people in charge of the federal system have been people I have known through previous land claim

negotiations and so on. So it is not an uncommon experience, but it serves to show the kind of neglect we face up here and the kind of problems one has ensuring that a service is full and complete and responsive to the needs when one deals with the cumbersome machinery of the federal government. Heaven knows that this small government, YTG, has been blamed for a lot of red tape and delay. It is far, far worse when one deals with Ottawa.

As the Member for Riverdale South has already related, the experience of Yukon with regard to the transfer of the responsibility for highways has been extremely positive and a learning experience for this government. It is a situation in which we saved a lot of money for the taxpayers of Canada by taking it over.

<sup>22</sup> Before the responsibility was turned over, changing the methodology of grading and surfacing the various roads to meet local needs was terribly inconvenient and slow. In many cases, a change in federal regulations was required by the federal Department of Public Works. It took almost forever to get those kinds of changes: amendments to regulations and federal Orders-in-Council, and so on.

The end result of the transfer has been a tremendous saving. It has been done with fewer positions that were formerly in Ottawa. The Highways department in Yukon, despite all the complaints that one hears from time to time, and the ones that are often fielded by my good friend on the side opposite, the Minister of Community and Transportation Services, our Department of Highways has done a really good job. It does have to bear the heat. People know who to go and complain to, either the Member for Kluane or the Member for Mayo.

The Highways example is an important precedent, as the Member for Riverdale South has said. It involved far greater monetary risks, O&M and so on, by Yukon than the transfer of health. It is a bigger program, by far.

There is no question that we have to be very careful with our planning, that the deal has to be a sound deal, and that we cannot sit back and negotiate in good faith if we are not going to get the kind of funding necessary to maintain the present high standards of service here.

One other aspect that is a concern is the manner in which buildings are being planned and built by the federal government. We have a situation where, in a community such as Carcross, we have these huge nursing stations, grandiose buildings, that are far greater than are needed by such a community. They cost a lot in terms of O&M, and we are paying most of that because we pay for most of our health services, one way or another.

There has been some talk about the proper role of the Indian people with respect to consultation and involvement in the discussions surrounding such a transfer. There is no argument about that from this side. It is an important area in which consultation must be thorough and participation must be active by the Indian people, particularly because of the special guarantees and constitutional position of status Indian people under Section 91(24) of the *Constitution and the Charter of Rights*.

All these things are important. All these issues must be dealt with. We have no quarrel with all these comments. We would think that they are so elementary as to not be necessary to bring up in this august body.

<sup>23</sup> That is what negotiations are all about. The reason why the Member for Riverdale South is putting this motion forward is because we are concerned about the lack of progress and the apparent lack of commitment to the appropriate negotiations, the planning and so on of this government, in striving for devolution.

A year has gone by, and we are seeing a situation where, for the first time in the history of the Yukon, the Government of the Northwest Territories is taking a lead role in moving towards responsible government; they are always way behind us.

Our first wholly elected Council, as Members opposite know, was in 1909. Theirs was in 1968, I believe. It was 60 years later. There was a similar experience with the evolution of the Cabinet of the Yukon, the Executive Council and the transfer of the authority and powers of the Commissioner.

Now, all of sudden, we are the ones who are sitting back. Are we afraid to enter into meaningful negotiations, or are we afraid to

assign the appropriate priority to these things?

Are we going to sit back and simply watch, as the Member for Faro was advising, and allow the precedents to be set by the Government of the Northwest Territories? Is that what we want, for them to set the precedents, to get bogged down by problems created by another jurisdiction? Is that really what the people of the Yukon Territory deserve?

There is no question that caution must be exercised. There is no question that prudence is important. There is no question that nobody wants to walk into something where we are stuck for money, where the federal government is not living up to its responsibilities, where the people of the Yukon might suffer because the level of service might deteriorate.

For goodness sake, everybody in this House is on agreement on those simple points.

I urge every Member to vote for the motion as amended. I urge the Government of Yukon to get on with the job, and I urge them not to use feeble excuses.

They have to get into the negotiations in a meaningful way before they will really know the answers to the problems. If they find that the deal is not attainable, that is fine. We will understand that.

**Hon. Mr. Penikett:** I appreciate an opportunity to say a couple of words on this subject although I will not have a lot to say that is new and has not been said in the House before, but obviously it is worth reiterating. Had it not been necessary to do so, we would not have had the motion before us today.

I emphasized right from the start that while I did not find much to disagree with in the speeches of the Leader of the Official Opposition or the Member for Riverdale South, I could not find it in myself to agree with the motion until it was amended by the Member for Faro.

For a number of reasons that I hope to make clear, having obviously failed to make them clear in the past, the Government of Yukon is working on the transfer of the federally-administered health services and these discussions are going on and will continue until such time as the federal and territorial governments come to an mutually satisfactory agreement — and I must stress those words “mutually satisfactory agreement” — on the methodology, timing and funding of such a transfer.

I say this, and I re-emphasize it: we are not interested in the privatization of health service, we are not interested in cutbacks, we are not interested in layoffs, nor are we going to agree to a transfer formula that involves those things.

I told the House on April 15 that the position of our government has been that no health program transfer will take place without the consultation with Yukon's Indian people. I also told the House, and would like to remind the Member for Riverdale South, that the hon. David Crombie, the Minister of Northern and Indian Affairs, has clearly indicated to this government that he sees himself as the gatekeeper on the devolution issue for the federal Cabinet. As we see this as necessary for the federal government's coordination of devolution discussions, I am reluctant to propose a change of that arrangement at this time.

Mr. Crombie has made it perfectly clear to me in discussions that while there are two federal policies involved in a matter like the health transfer, one is the policy of devolution and the other is the policy of deficit cutting. We understand the federal position on both these questions, but it would clearly be folly to help the federal government cut the deficit in a way that would hurt Yukoners by cutting back health services.

It is quite clear from what has emerged in our discussions with the federal government that Mr. Epp saw a way to help the federal government cut the deficit by lopping off the Northern Health Services and offloading them on the territorial governments, and he saw that being done by one fell swoop as an expeditious way to help the deficit-cutting measures but, in a way, on terms that would be totally unattractive to this territory.

I may as well emphasize now that this government is not prepared to accept a health transfer on those terms. During the past year, relations with Health and Welfare Canada have been productive. Formal memoranda between the departments in Whitehorse and

Ottawa have enhanced Yukon's role in the planning and decision-making associated with the provision of Yukon's health services, and that is good. However, this government is concerned that unilateral federal cuts and the contracting out of programs could have the effect of diminishing the level of health services to Yukoners, especially rural Yukoners, in advance of any transfer. That is something we have opposed and we shall remain opposed to.

Again, as I have stated in this House on previous occasions, the transfer of health services is not the number one priority of this government for devolution; the NCPC transfer is, and negotiations are still underway on that major transfer.

Let me update the House slightly. The last time I think we discussed this matter at some length, I indicated that the Yukon Cabinet was adopting a negotiating position with the federal government with respect to coming to an agreement with Mr. Crombie on a common three-year timetable for devolution on the federal programs that are under discussion for transfer.

I can advise the House that our Cabinet has adopted a negotiating position and that, following a conversation I had with Mr. Crombie yesterday, I will be meeting him on June 11, if the House has risen by that time, to attempt to conclude negotiations on an agreement for a timetable.

That timetable will, hopefully, make it clear to both governments when we hope to conclude a transfer, not only for the health program, but also a large number of other programs that are currently under discussion.

I will not go on at length. It is clear now that all three parties will be supporting the motion as it has been amended.

Let me make it clear that to accept the transfer on the terms originally proposed to us, the quick and dirty transfer as was proposed to us at the officials level recently and appeared, by the motion, to be supported by the Member for Riverdale South, would not have done a service to Yukoners. It would have done a disservice. It may have helped the federal government with their deficit-cutting plans, but it would have done a great deal of harm here. It may have been good for the federal government, but a bad deal for Yukoners.

To suggest that we would consider a transfer under any terms would be foolhardy. I agree, and I am glad that the Leader of the Official Opposition agrees, that negotiations are necessary. I am glad that it is understood on all sides of the House that to accept a transfer on the terms that we would accept the first offer from the federal government on this question, would not be in our best interests.

It is clear that the negotiations will go on. They will be concluded only when there is a mutually satisfactory agreement. I hope that agreement can be reached in fairly short order, but it is not something that we should be in a mad rush to achieve.

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

**Mrs. Firth:** The Government Leader has done it again. He continues to do this kind of thing in the Legislature. Frankly, I am getting a bit tired of it, and I am sure other Members are.

As the Government Leader so quickly rises and says about other Members — the Member for Riverdale South, or whatever, is talking absolute nonsense — it is now the Government Leader's turn to talk absolute nonsense.

This motion is very clear. All the motion is saying is, “Do something.” As the Leader of the Official Opposition has said, we do not get the feeling that this government is acting on devolution. We want you to do something. The points that the Government Leader raises about the federal cuts, and about how he is opposed to the privatization and so on, is exact fuel for the motion and for the point that they should be doing something now.

As a Yukoner, I object to some bureaucrat in Ottawa determining what programs are going to be cut in our health services, what programs are going to be privatized, what kind of health services the Yukon Territory is going to have, what kind of nursing facilities we are going to have in the rural areas. It is Yukoners who should be determining that.

<sup>26</sup> This government has been in office for a year now, and the Minister of Health and Human Resources is still talking about proper planning and things that have to be done. Then the Government Leader stands up and says that on June 11, when he meets with Mr. Crombie, he is going to have a timetable, and everything is going to be fine and tries to give the impression that all the homework has been done and everything is going to proceed normally because of their efforts. That is just not acceptable.

We did not advocate a quick and dirty transfer with this motion. For the Government Leader to say something like that is absolutely false and, in a way, it is misleading to people. As we know, CBC will quote the Government Leader and people will think we have brought in something nasty and evil and something Yukoners do not want. I know that Yukoners want this because they know the service they will get will be better. They want to determine their own destiny; they do not want somebody in Ottawa doing it for them.

To say we were trying to slip some curious transfer by without the proper consultations is absolutely incorrect. That is not the intention of the motion. The intention is simply to tell the government to get moving, to stop sitting around talking about it and get up on their feet and do something about it.

They say they have been doing it for four months, yet when I ask the Minister of Health and Human Resources for their position on the transfer of health care services, she had to take it under advisement, and I had to come back and ask it again. We had to have the Government Leader stand up and give us half-baked position on the transfer of health care services. We have asked about the transfer of NCPC; we have asked about the transfer of fisheries; we have asked about all kinds of things, and they are working on everything. Nothing is ever getting done.

The Member for Kluane raises issues constantly about the nursing staff in the rural areas and brings forward motions for the House. I believe there are other Members bringing forth motions for nurses in the rural communities. Those are things we should be deciding; we should not be going to the federal government on bended knee asking for a nurse in Teslin and providing 50 reasons why we need that nurse. Those are things we should be determining. We have the ability to do that. We know the circumstances in the Yukon Territory, not somebody in Ottawa.

I want to raise again a concern I have about the comments of the Government Leader. We too, are concerned about layoffs and the plans the federal government has to control their deficit, but the longer this government waits for transfers to take place in devolution, the longer Yukoners are going to have to wait for transfers to come. We all recognize that the federal government has a tremendous deficit and a burden all Canadians are going to have to bear. I say it is time we get some things for the Yukon now, not after everything has been pared down and someone else has determined where the cuts are going to be and how much money we are eventually going to get. The time to act is now, not when it is too late.

<sup>27</sup> Motion No. 43 agreed to as amended

#### Motion No. 40

**Clerk:** Motion No. 40, standing in the name of Mr. McLachlan.

**Speaker:** Is the hon. Member prepared to proceed with Motion No. 40?

**Mr. McLachlan:** Yes.

**Speaker:** It has been moved by the Member for Faro

THAT it is the opinion of this House that the Government of Yukon should obtain a back-up insurance policy to cover any authorized volunteer drivers of school children during approved extra curricular or inter-school activities while driving private vehicles.

**Mr. McLachlan:** In former years, the government and governments all over the world expected that the bubble would not burst. Each year the spending seemed to know no limit. Expectations were high, and little thought was given to the actual costs of services demanded.

As a people, we demanded and received any service we required from successive governments. As some deficits compounded annually, we kept putting off the inevitable even though we knew that eventually there would have to be a day of reckoning.

That day has arrived. Many services that we have come to expect as a birthright from government simply are no more. Although successive annual cutbacks have been hard to swallow, they have not been without merit.

Both government and people alike are beginning to lower expectations. If there is one thing that will bring people together, it is hard times. In times of crisis, people do pull together, work together and solve things together. This has already happened even though we do not always see it.

The rise of volunteerism is already an accomplished fact. Many citizens have rushed in to fill this void, and they, at times, are the community's unsung heroes. They give of themselves, their time and their money, and in most cases, they are not recognized, nor do they wish recognition. Helping others and working towards the betterment of their community is thanks enough.

I believe the time has arrived where governments must not only recognize volunteerism, but it must actually encourage and promote it. Volunteers provide, among other things, free transportation for our school children. They drive countless groups of children to group class and recreation activities.

Many of these could be considered extra curricular even though they are a very real part of the school activity. Inter-school competition and cultural exchanges make up a very large part of volunteer activity. In short, these volunteers help to develop a real and profound sense of the community both within and without our school system.

As a government, and as a community, we are all well aware of the developing prices, in terms of the high cost of a liability insurance policy. Today, the implications of the cost involved in court awards is enormous. The holders of private insurance come nowhere near the amounts involved should a tragedy occur, and they may be left out in the cold.

These volunteer drivers are way out on a limb, and all this, simply because they are meeting needs that a government used to fulfill and now cannot. As the government, it is incumbent upon us to take a small step in recognizing their accomplishments and the work they do on behalf of developing the community.

To this end, I believe that this Assembly should vote for providing a backup or blanket insurance policy to cover these extra curricular and school-related activities. It goes without saying that the insurance backup that I speak of only relates to those activities that are school approved and authorized.

<sup>28</sup> I would encourage all Members to support this now, rather than waiting for something to happen before we act. Our volunteers deserve our support, and without them there is no community. Given the Government Leader's speech at the recent graduation ceremony, I feel confident that he, too, recognizes the need to show them that governments recognize that need for action.

**Hon. Mr. Kimmerly:** The motion is obviously from a well-founded intent, and I enjoyed the comments about volunteerism. I could also make general comments about insurance or the tendency of modern society to insure about as many things as possible and about things which 20 years ago, or indeed five years ago, we would not have dreamed of insuring, which is one of the many reasons for the present crisis in the insurance industry.

Briefly, the intention of the government is to follow the spirit of this motion and we are pleased to vote for the motion. There are some technical difficulties in that insurance is, I am informed, not available — although the search undertaken to date is not completely exhausted — to cover this circumstance. It is generally not possible to insure other drivers of other vehicles who have their own insurance, or who may have different levels of insurance. However, it may be possible, and we are continuing to look into it; to either, as a matter of contract or as a matter of policy, for the government to cover the uninsured losses of private individuals. We may be able to, under a general liability policy, reinsure the government, if I can use that term. We are looking into the

principle; the principle is a good one although there are some practical difficulties in achieving it. Where there is a will, there is a way, and we will achieve the necessary protection somehow even if it is not specifically a back-up insurance policy for the government itself.

29

**Mr. Brewster:** I can assure that this side will be voting for this motion, too.

One time we used to have playgrounds, and such things, in Destruction Bay. People from Beaver Creek and everywhere else arrived there. This was a chance for all the families to get together. When you wanted to take a hockey team somewhere, you had more cars than you knew what to do with.

Nowadays, you cannot get anybody. Everybody is told by the school that you cannot take children unless you are insured specially. One example of what happened this year, because young ladies — 17 and 18 years of age — were very irritated. They had a young boy who was 19 years old, who drives a semi-trailer and is qualified for air brakes and everything else — who quite often brought loads of them in here to picture shows and that. When they wanted to come in to a basketball game in town, the principals forbid the children to go because they were not covered by insurance. That is a bunch of red tape.

He has qualified himself. They can come into a picture show, do what they want, but they cannot go where they are under strict supervision, to a volleyball game. That is an example of what this world is getting into with all these fancy computers and everything. We forget the people. We have so many laws and so many rules that it is not sensible. Our children are suffering.

Going between the communities, we no longer have sports days in Destruction Bay, which took the whole north highway. I suspect that Faro had those. I suspect that Teslin had those. We do not have these anymore because of our computers and our big, fancy world that we have grown into. We have forgotten the young people. We just put more blocks in their way.

I think it is about time that we stopped some of this stuff. We certainly will support this motion.

*Motion No. 40 agreed to*

#### Motion No. 45

**Clerk:** Item number 5, standing in the name of Mr. Brewster.

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

**Mr. Brewster:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the Member for Kluane:

THAT it is the opinion of this House that the Government of Yukon working in cooperation with the Government of Canada should make land immediately available for agricultural purposes by adopting the eight recommendations presented by the Yukon Livestock and Agricultural Association on pages 37 to 39 of its brief, entitled "The Future of Yukon's Agriculture", presented to the Select Committee on Renewable Resources.

**Mr. Brewster:** I have been informed that I have to read out the eight recommendations so as to get them into *Hansard*. I am not very happy about that. I guess sometimes you have to do things you do not really like to do.

The first recommendation is: We recommend that all agricultural applications be transferred to the Lands Branch of Community and Transportation Services immediately. This program has all the skills required to review the application at the preliminary level upon request for such things as meets and bounds, overlaps with other requests, et cetera.

Secondly: That the government advise DIAND immediately of all applications currently on hand and subsequent receipt of new applications so that a priority request list may be established to avoid other later requests for land taking precedent, such as a request for commercial leases, which fall under the responsibility of the federal government.

30 Three: That the proposed Agricultural Branch of Renewable Resources be the unit responsible for addressing the merits from a professional perspective as to the agricultural capability of the

application dealing with such matters as soil, et cetera.

Four: We propose that a time limit be established to process applications from date of submission to final disposition and we believe this time limit should not exceed 60 days. This is ample time for whatever consultive process takes place within the government.

Five: Throughout this process we recommend that the applicant be kept informed at all times as to the disposition of his application and that the contents of the application remain confidential unless the applicant consents otherwise.

Six: That the applicant be allowed to meet with whatever government committee or individuals to explain his application should questions arise.

Seven: During any consultive process with an Indian band in the area concerned that the applicant be present during the consultative process and that this is not more than one week in total, and finality.

Eight: If it is the decision of the government not to proceed with the application that a process be put into place to allow for an appeal to be heard within 21 days of notification of such intent.

I am very pleased to introduce this motion. As I am a man of few words, I shall not delay this House with a long speech on the agricultural industry needs for land in order to fulfill the objectives of replacing the share of those commodities now being imported into the Yukon. I believe that on this point we all agree.

Nor do I think it is necessary to alert this House to the number of applicants for land whose aspiration it is to become farmers. Again, on numerous occasions during this session and the last session, these figures have arisen.

As a Member of the Select Committee on the green paper for Renewable Resources along with the Members for Klondike and Tatchun, we were impressed with the comprehensive submission given by the Yukon Livestock and Agriculture Association and the recommendations they put before us. I mention this only to draw your attention that the motion here today is an extract of that submission.

The Minister responsible for Agriculture may object to this motion in that it should be dealt with only by the Select Committee and a subsequent recommendation to the House. However, I would point out that the Minister of Renewable Resources has already established a precedent by moving on other issues that were similarly not before the Select Committee.

On hearing and subsequently re-reading the submission by the Agriculture Association, I had to ask myself why it was so necessary for them to have to highlight a process for applications when what they state is so logical. I also had to ask myself why they felt as strongly as they did to make a point of outlining eight points in their green paper submission.

The conclusion that I reached is that obviously the current structure is in need of overhaul to the point where a more streamlined and simplistic approach is necessary. With the establishment of the limits and a one-window approach, along with the other recommendations set before here, it is my feeling that the government will be doing the job that the people of the Yukon expected that it could do. That of serving the interests of all Yukoners, whether they be rural or urban.

It is my hope that this motion's spirit forwarded by the agricultural industry will transcend political parties and in a cooperative effort here in this House, we as Legislators can unite ourselves in showing the industry our support for their desires to obtain the resources they so valuably need: land.

31 Some of the finer points may be open to debate, but I believe the overall principles outlined should be adopted.

**Hon. Mr. Porter:** Likewise, I also pride myself on having a sense of brevity with respect to the issues.

We are going to support this motion. We think that many of the ideas contained within the motion are good ones. For example, if we look at the question of transfer responsibility regarding agriculture land applications from the Department of Renewable Resources to the Department of Community and Transportation Services, the Minister and I have reached an agreement. Hopefully,

by late fall, we can see such a transfer take place within the government.

It makes sense to have a one window approach with respect to dealing with land related issues. We are pleased to tell the House that we are moving in that direction.

Many of the other points that are raised in the submission by the Agricultural Association to the Select Committee are issues that we are currently dealing with. Another example is the question of speeding up the application process.

To that end, we have announced the Land Availability Program with the Minister of Community and Transportation Services. The Department of Renewable Resources has secured a position for a Land Availability Officer to assist in the speeding up of the process.

We have also set up an inter-branch committee within the overall department to have four individuals from the other branches to key in on agricultural applications so that we can speed up the process and try to get the applications through the government system more quickly.

The government has stated, no more forcefully than in the budget that we have laid before this house in terms of supporting agriculture, that it intends to set up a separate branch of government to deal with agricultural issues. We are looking at three full person-years on a permanent basis to fill that branch.

I think the record will indicate that we are serious about the agriculture industry. We are serious about supporting it.

One area that we would question at this point is the need for the 60-day turn-around time.

Under the current and previous circumstances, if we simply implemented that at the present time, I would suggest that we could possibly see a lot of people being turned down for reasons of simply trying to meet a deadline. I do not think that that is to the benefit of all the parties.

I think we will reserve our commitment with respect to the question of 60 days. It is an issue that we will discuss with the Department of Community and Transportation Services, the Agricultural Association and the federal government. We may come up with a different timeframe or a different timetable for turnaround.

Overall, we support this motion. I would like to extend my sincere thanks to the Departments of Renewable Resources and Community and Transportation Services. Both departments are taking a very new and fresh approach to agricultural applications, and both I and the Minister for Community and Transportation Services hope that we can come back in the fall and have some success stories to tell about land transfers. We think it is time that we moved, and we are pushing it.

<sup>32</sup> **Mr. Coles:** I want to thank the Member for Kluane for another motion he has brought forward to the House today. It is a very sensible motion. Being a member of the Select Committee on Renewable Resources, travelling around the territory and listening to presentations from people in the agricultural industry all around the territory, this motion is timely, if not late. We will be giving it our full support.

**Mr. Phelps:** We, on this side, support the motion. It has to do with an issue that ought to be the top priority of this government: land for all Yukoners. It is an issue that this government has really dragged its feet on. I am glad to see that they are finally, very belatedly, seeing the issue as a priority and taking some necessary steps to bring it to the forefront.

The position with respect to agricultural land and the recommendations of the agricultural industry is overdue. They were brought forward by that industry. The industry brought forward a brief that took some three hours to read into the record of the select committee hearings. I went and listened to their brief and knew they were feeling a great deal of frustration.

That frustration is largely because, despite the promises, there has been very little done with respect to processing applications and answering the requests of Yukoners who see the success or failure of their application for agricultural land as a pivotal point in their lives.

In July, I asked questions of the Members opposite about this

issue, and they did not even know what areas I was talking about. In October, it was the same thing. I have made speeches, written letters, pushed and shoved. I am pleased to see that they are finally responding, although we have lost 12 months.

People come to my office almost daily; they phone me; they want to build a house; they want to know if they can get the land that they are squatting on for agricultural purposes, or they have been offered land by bureaucrats within the government; the promise has fallen through the cracks between the two departments. People call me who have had, for a long period of time, an application in one branch of government, only to find that the federal government, being unaware of the application, has given most of the land away to somebody who has been making application for land for commercial purposes.

There are situations where people do not know whether to move outside to get land because they want to bring their children up on land; there are situations where people do not know whether to build a house, whether to order the materials for a house, whether to take a job in a different jurisdiction and move outside, whether to buy a house in town. All these kinds of decisions are so critical, particularly to young families and young married couples. All these decisions are decisions that have been put off and put off. Now the government is starting to move, but we have lost another growing season.

<sup>33</sup> I can tell the Members of this House — and I can get the files — all these tragic situations have occurred in the lives of real people because of the lack of action of the government.

Because they are supporting the motion, because they are taking some belated steps, I am not going to belabour the point. I feel that each of the eight points are important. I listened with great interest to the Minister of Renewable Resources speaking with respect to the point regarding 60-day turn-around time period. Perhaps that is too short. I took it from his comments that the government would be consulting with the industry, and with the CYI, and with the federal government, and that there would be a realistic, but very critical, time period imposed, that there would be a limitation period, that if it is not 60 days, it would not be much more.

The main frustration of all these people — and many of them are constituents of mine — is that they cannot get an answer, that nothing gets processed, that after two years they have not even checked the soils. The list goes on and on.

I take it that we will have a realistic timeframe imposed on the process. I would like to be corrected, and soon, by the Minister if I have misinterpreted what his remarks were in that regard. We will be supporting this motion.

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

**Mr. Brewster:** I have not much more to say on this. It is rather an apple and pie situation. Land has been one of the things that we have been crying for for 35 or 36 years, in my time up here. I have still got applications that go back to 1962. There are some that go back a lot further than that and we have not gotten anywhere. What happens in things like this is you get people like myself who just move in and take over the land.

I will not start telling of my experiences of people who have tried to move on, or the government people that my dog and I have had battles with. We are there, and we are going to stay there until we die. If the government does not come up with these things, then they are going to have to put up with this fight. We are getting more frustrated all the time.

*Motion No. 45 agreed to*

**Motion No. 47**

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

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

**Mr. Phelps:** I am.

**Speaker:** It has been moved by the Leader of the Official Opposi-

tion THAT it is the opinion of this House that the 141st meridian forms the offshore boundary between Yukon and the State of Alaska in the Beaufort Sea; and THAT the Government of Yukon should urge the Government of Canada to initiate additional measures to assert Canadian sovereignty in Arctic waters including giving consideration to basing its proposed new Polar Class 8 icebreaker at a deep water port at King Point on Yukon's North coast should such a port be constructed.

**Mr. Phelps:** The motion speaks to a dispute between the two countries, the United States and Canada, with regard to the offshore boundary on the Beaufort Sea from the west and north extremity of the Yukon and Canadian land mass. In technical terms, most people assume — those who look at an Atlas or know anything about Canada or Yukon — that the land that separates Yukon from Alaska would simply be continued north as far as the Canadian jurisdiction and sovereignty extends. Yet, we are finding out that there is a contrary point of view based on some legal international law precedent, certainly not conclusive ones, that the line should not be that straight line but should be a line that would go at a 90 degree angle from baseline along the Yukon coast, which would indent the line somewhat and move it in a pie-shape to the east as one goes north along that proposed boundary, and thus deprive Canada and Yukon of the rich resources of a very important part of the Beaufort Sea integral to the oil play and commerce related thereto; an area that is becoming increasingly important, as witness the move by American and international oil companies in their exploration activity towards the Canadian Beaufort offshore area.

It is a critically important issue and one which our party was very pleased to place recommendations about before the Joint Committee from the House of Commons and the Senate on international affairs when they came to Yukon a month or so ago. We were of course rather alarmed that the issue was not of sufficient importance to our government to place such position before that important Joint Committee, but so be it.

<sup>35</sup> The issue of sovereignty then for Canada is important. Negotiating with regard to that boundary line is key, and we see it in two parts. One is that we make our position very clear to Canada so that they can negotiate on behalf of Canada and Yukon, understanding the issue and the importance of the area under dispute.

The second part of the motion speaks to a very key aspect of our assertion of sovereignty over the Beaufort Sea, an issue that has had a lot of play in the press and the media throughout Canada because of the recent travels of a US ship through the Arctic waters of Canada from east to west to Alaska.

It is important that Canadians assert their sovereignty over Arctic waters, over the islands up there, over the iceflows in the ocean and over the riches beneath the Beaufort shelf. The old saying goes in International Law: use it or lose it.

Everyone knows that Canadians have been terribly lax. There are those people who believe that the only peoples who have really saved us in our claims to sovereignty in large parts of the Arctic archipelago are the Inuit people and their actual exercise of sovereignty.

The Minister of Renewable Resources wants to give the land back to the aboriginal peoples. Of course, land claims are important, but I do not think we could go quite as far as he has with that remark.

The Government of Yukon can participate very actively in making sure that our interests are protected. They could belatedly indicate their interest on this to the Joint Committee on International Affairs. They can actively support commerce off our coastal waters, the exploration play in the Beaufort Sea and the use of the sea by commercial vessels and commercial enterprise.

The Government of Yukon can take a high profile role in supporting the establishment of a port at King Point. There are a lot of things that this government can do in taking that high profile role. It can support the proponents and tell them that it is doing everything it can to see that the proposals are being reviewed in a timely manner by the various bodies before which such proposals must go.

<sup>36</sup> The government could indicate its interest in these proposals. It could actively push for the establishment of the screening commit-

tee of the environmental review committee under the COPE land claim. It could push for the creation of the other advisory bodies under that constitutional document to ensure that we are ready to deal with commercial ventures and activities in northern Yukon and off the north coast in a timely fashion. It can actively lobby industry, as well as the Department of Northern Affairs, with respect to getting things moving up there.

As the motion states, we would urge this government to encourage and support the use of the Polar Class 8 ice breaker, and make a case that that ice breaker could be stationed at King Point, which would enhance the development of such a port facility in Yukon's north. It could take a more active role in fulfilling its obligations under the COPE agreement with respect to the establishment of a territorial park on Herschel Island.

We fought long and hard to obtain that island under the COPE land claims agreement. Once established, that park could be not only the flagship of Canadian jurisdiction and Yukon jurisdiction in the Beaufort Sea, but it would also, fittingly, be the first territorial park ever created under our territorial park legislation.

We have spoken at some great length in the House about other issues that relate to activities in north Yukon and off the coast. We have asked question after question about what is happening with respect to the establishment of the national park in the northwest corner of Yukon. We have asked that the Minister of Renewable Resources work actively with the people of Old Crow to ensure that they are going to have the chance to participate on an equal footing with the COPE beneficiaries who live in the Northwest Territories.

We have asked them to move as quickly as they can to examine what they can do to assist the people of Old Crow, Yukon residents in northern Yukon who have so much to bestow upon Yukon in terms of their assertion of sovereignty over northwestern parts of Canada since time immemorial.

As I stated to the Committee on International Affairs, this party and most Yukoners certainly do support the use of Canada's military in the offshore, on the islands, because, once again, as the saying goes: use it or lose it.

Therefore, I would hope and urge each and every Member of this Legislature to support this motion and to take every step that he or she can to ensure that boundary issues to our north will be resolved to Canada's satisfaction and to Yukon's satisfaction, because we owe it to those people whom we serve and to future generations.

<sup>37</sup> **Hon. Mr. Kimmerly:** I will be relatively brief. This is a record, I believe. This is the fifth motion this Wednesday, and all sides are agreeing on all of them. I have not seen that before in the House.

There were a few of the comments made by the Leader of the Conservative Party that we do not agree with; however, the wording of the motion is obviously carefully crafted and we support the motion as it is worded.

Concerning the Joint Committee that the Leader of the Conservative Party spoke of, it is true that that party made a formal submission in public to the committee, but it is also true that there was an informal discussion about exactly this issue with that committee initiated by myself, and it is much more important to mention that that joint committee was set up specifically to listen to citizens, not governments. Indeed no government made a presentation to that committee.

The federal government has recently moved in the House of Commons to assert sovereignty and the sponsoring Minister is the federal Minister of Justice. He and I have discussed the issue of sovereignty, and we agree. I want to put it clearly on the record, as I did in a Ministerial Statement, that during those discussions I made the position of the Yukon government clear: on a government-to-government basis, our position about the offshore boundary is exactly as it is stated in the motion here. That was not the only conversation about that but the most recent. I also mailed a copy of the statement I made here about the offshore boundary to the federal government.

This motion will further document that position and I am glad to see, but not surprised in any way, that it has the support of all Members of the House.

The question of the port at King Point, of course, is also a complex one as it relates to sovereignty and this motion, we agree.

<sup>38</sup> **Speaker:** The hon. Member will close debate if he now speaks. Does any other Member wish to be heard?

**Mr. Phelps:** I am very pleased that this motion does appear to have the unanimous support of the Members of the House, and that it might be used to further the issue in the eyes of our government and the Government of the United States, in some small way.

When the Minister of Justice stands up and supports a motion of mine, I am always rather surprised and perplexed. When the same Minister stands up and accuses me of bringing forward a motion that has been very carefully crafted, for the first time in my life I wanted to be apologetic about careful craftsmanship. There was a time in my professional career that that was something I strove for. Apparently in the world of politics, one should not be careful about his craftsmanship or the questions he asks.

I was a little amused by part of the Minister's speech. I would like to share the moment with you. He said that one of the reasons the government did not have a formal presentation to the International Committee, the joint committee from the House of Commons and Senate, was that the committee was set up to listen to citizens and not government. I had always assumed that the individuals across the way were citizens of Canada and proud of it. Be that as it may.

I look forward to the unanimous support of all Members in this House, and thank them for it.

*Motion No. 47 agreed to*

**Clerk:** Item number 2, standing in the name of Mr. Nordling.

**Speaker:** Is the hon. Member prepared to proceed with item number 2?

**Mr. Nordling:** Next sitting day, Mr. Speaker.

**Speaker:** So ordered.

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

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

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

**Speaker:** So ordered.

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

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

**Mr. Phillips:** Next sitting day, Mr. Speaker.

**Speaker:** So ordered.

**Clerk:** Item number 8, standing in the name of Mr. Phelps.

**Speaker:** Is the hon. Member prepared to proceed with item number 8?

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

**Speaker:** So ordered.

**Clerk:** Item number 9, standing in the name of Mr. Nordling.

**Speaker:** Is the hon. Member prepared to proceed with item number 9?

**Mr. Nordling:** Next sitting day, Mr. Speaker.

**Speaker:** So ordered.

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

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

We will now recess for 15 minutes.

## Recess

<sup>39</sup> **Chairman:** I will now call the Committee of the Whole to order.

## Bill No. 5 — Second Appropriation Act, 1986-87 — continued On Health Services

**Hon. Mrs. Joe:** The Health Services Program consists of six supporting activities including program management, health care, hospital services, community health, extended health care and vital statistics. The majority of the personnel employed by the department are in the main Administration Building and the Communications Disorders Clinic, located in the Royal Centre in downtown Whitehorse.

Approval in the budget for the establishment of Chronic Disease and Homecare Programs are part of the highlights of this program. The redesign and computerization of the last of the three major health systems involving registration premiums and claims will be completed by the fall of 1986. This will include the project first initiated in 1983 to completely overhaul health care insurance systems.

The improved relationships with federal National Health and Welfare have also been documented through formal memoranda of understanding with federal authorities, which have increased Yukon's role of planning and decision making associated with health care services in the Yukon. Yukon's involvement in planning for a new hospital and the Communications Disorders Clinic has been fully staffed for the first time. Program services have been expanded and improved.

The budget highlights for 1986-87 are: health services program expenditures represent 56 percent of the total budget for Health and Human Resources with no increase provided in the area for 1986-87 rather than actual decrease of \$26,000.

The budget for health insurance payments of physicians has been held essentially at current levels pending conclusion of negotiations for an agreement on fees with the Yukon Medical Association. As well it is anticipated that federal restraints will reduce the Yukon's cost-sharing obligations. The person-years allocated to these health services represent 13.6 percent of the total person-years for the department with an increase overall of five person-years or 25 percent. In general terms the expenditure level for 1986-87 have been held to 1985-86 levels and some reallocation has been achieved in order to finance new home care and chronic disease initiatives.

<sup>40</sup> The increase in the personnel allotment for 1986-87 represents the five new positions established in connection with the chronic disease and home care program initiatives as well as implementation in JES.

The decrease in the other O&M allotment is due to the transfer of resources to the personnel and transfer allotments in order to achieve higher priority initiatives.

The increase in the transfer allotment is due primarily to provision for Yukon participation in the new hospital planning project.

**Mrs. Firth:** Could the Minister tell me if hospital services and extended health are new programs? Does the home care program come under extended health? Is that, therefore, considered a new program?

**Hon. Mrs. Joe:** The home care program comes under the extended health activity.

**Mrs. Firth:** Is hospital services a new program? I would assume that extended health is a new program because it is the home care program. Is hospital services also a new program?

**Hon. Mrs. Joe:** The reason this activity is established is to give the Government of Yukon a greater presence in the health sector. It is a new program. The territorial government is legally responsible for hospital services, yet have undertaken very little activity in developing hospital standards, becoming involved in hospital planning or ensuring that the operation of hospitals meshes appropriately with other health services.

<sup>41</sup> **Mrs. Firth:** So they are both new programs then. With respect

to the \$58,000 for the planning of hospital services, what exactly is the hospital planning project and how many person-years does it involve?

I am on general debate, and I just want to ask some general questions about the direction the government is going in this particular area. I can get the details, like the person-years, from the Minister when we come to the line item. Perhaps we will just stick with the general concept of the hospital services planning and the hospital planning project. What is the government's intention in this area?

**Hon. Mrs. Joe:** The study commissioned in 1983 recommended the complete replacement of the Whitehorse General Hospital. This recommendation was accepted in principle by the federal and territorial governments. A related study, the Rehabilitation and Geriatrics Services Review, recommended the establishment of a long-term care facility in Whitehorse. That need was validated in the summer of 1985 by a study undertaken on Yukon's behalf by the Alberta Ministry of Institutional Medical Services.

Both projects are now moving ahead under a steering committee made up of the federal, territorial and CYI representatives. A technical advisory committee has completed the terms of reference for consultants to undertake the next phase of planning, namely functional programming.

The functional programming, the stage prior to design and engineering, involves determining what programs and what functional and spatial relationships needing how much space are required to be accommodated in the proposed new facilities. Tenders have been let and bids reviewed. The contract should be awarded very shortly.

**Mrs. Firth:** Is that consultation being done by a consulting firm outside the Yukon, or is it being done locally?

**Hon. Mrs. Joe:** It has not been awarded yet.

**Mrs. Firth:** Would the Minister be prepared to table the consultant's report that was done by the Alberta people she mentioned?

**Hon. Mrs. Joe:** We could undertake to review it and decide whether or not we can table it.

**Mrs. Firth:** In view of the fact there are two new programs, can the Minister tell me in a general sense which of the objectives reflect the two new programs and give me some indication of the projection of long-term costs?

**Hon. Mrs. Joe:** As I mentioned before, because those are two new activities we have them in an order here that is listed under the budget, and I would prefer it if we could go ahead activity-by-activity and when we get to that area I can answer a little more extensively the questions the Member is asking.

**Mrs. Firth:** That is fine. I had a couple questions I wanted to follow up on and now is as good a time as any.

I had asked the Minister yesterday about funding in a previous area for the rehab services and the Minister said funding had been identified there. I was talking specifically about the Yukon Special Needs Association. I have some concern that the Minister may have misinterpreted and I would like to ask her now if there is funding for the Special Needs Association and could she tell me the allotment please.

**Hon. Mrs. Joe:** The funding for that organization comes under Human Resources and we did allot them money to enable them to finish the year and we have given them a one-time grant, as the Member is aware, because it was announced in the paper, to continue for six months, and we are now in receipt of a studies group report and further discussions will be held with the Association very shortly. I believe the funding runs out possibly in June, which is next month, and at the time that we have our meetings with them we will have a better idea of the needs they have, other funding they may have and whether or not we can continue to fund them. I have not made a definite decision.

**Mrs. Firth:** That was my concern. I know the funding was extended to June and I cannot quite remember the amount, but it was relatively small. There has been some question as to whether they are going to be able to get funding to carry on services for the remainder of the year. When is the Minister going to have a decision on that and does she have funding identified in this budget

for them?

**Hon. Mrs. Joe:** I was not sure what the Member was asking me at the time. I apologize for that because I was in conversation with the people on the right of me. I wonder if the Member might repeat the question.

**Mrs. Firth:** Yesterday, when I asked a question, the Minister said that there was money identified in here, and I was concerned that she might have been unclear as to what I was getting at. I am clarifying that now.

The money that I was asking about was in regards to the Yukon Special Needs Association. I know that funding has been given up until June. Is there any money in this budget for the Yukon Special Needs Association?

**Hon. Mrs. Joe:** We were not able to allot any money for the Special Needs Association at this point, but we did meet with them and talked about funding for the future.

We did not have the proper information or the proper submissions from them to tell us exactly what those needs were. We have not met with them for a while, but it is our intention to do that.

**Mrs. Firth:** The Minister's response does not sound very positive for the Yukon Special Needs Association. If the government is committed to giving them funding, where are they going to find the funds?

**Hon. Mrs. Joe:** When we granted them the \$15,000, there was the understanding that that was one last bit of funding that we would provide until we were able to review their needs with them.

That has not taken place. We did meet with them once and got the application from them. They lobbied for some funding, and we did grant them the \$15,000. We will be meeting with them. We will be reviewing their needs, and it may or may not be a positive response.

As this budget stands, we do not have any provision in here to fund them further. If they can indicate in some way that they do have needs and that they require further funding, we will look at that. We would certainly need the proper information before we can make a decision.

**Mrs. Firth:** I will be following that rather closely, because I think there are certain expectations from the Yukon Special Needs Association for some further commitment for funding.

Yesterday, the Minister mentioned, in regards to the question that the Leader of the Official Opposition raised about the Mayo Group Home, that a letter was to be sent to the federal Minister. Has the Minister sent a letter?

**Hon. Mrs. Joe:** We are going back to Community and Family Services. We are going backwards in the budget, but I will answer the Member's question.

I did write a letter, and the letter has been sent. If the Member wants a copy of it, I will let her have it.

**Mrs. Firth:** Yes, I would like that. I am not trying to deviate, I just have a couple of things I wanted to follow up on.

The other follow-up question I had was with respect to the petition. I had asked the Minister if she was prepared to respond to the petition regarding 7 Bates in some form. She said she was. Could the Minister tell me when that response would be coming?

**Hon. Mrs. Joe:** Tomorrow.

**Mr. McLachlan:** During the Throne Speech, or the Budget Speech, the Minister said that she would be extending the list of chronic diseases for which eligibility is allowed. The question was asked during Question Period. I was asked to wait until debate. Could the Minister provide that list of diseases for which costs will now be extended?

**Hon. Mrs. Joe:** The answer is here. I just have to find the list.

The list of chronic diseases included would be drug benefits for children and adults with conditions such as diabetes, chronic heart and lung disease, severe allergies and a range of other long-term health conditions.

There would be provision for: medical equipment and appliances, such as wheelchairs, walkers and home oxygen equipment; provision for prostheses and aids, such as braces and artificial limbs; and provision of medical supplies such as ostomy supplies and syringes. We would also enhance the benefits currently available to cancer patients. We would include various drugs, medical appliances and services that would accommodate some of the chronic diseases.

That is a list of some of the things that we will be included in our chronic disease program.

**Mr. McLachlan:** If I have further questions on those. I will bring them up on the line-by-line.

Certain specialized physicians, who used to make regular visits to Whitehorse General Hospital, sometime recently have been dropped from that schedule of visits to the hospital. To assist the Minister in her answer, I am thinking specifically of a Dr. Bell, who used to do orthopedic surgery. Clients are now required to go to Vancouver.

Why was were some of the specialists dropped from their regular visits to the Whitehorse General Hospital? Is it cost effective for our territory clients to travel out of the territory rather than have the doctors come here?

**Hon. Mrs. Joe:** My information is that that is the case: it is cheaper for them to go out rather than to bring the services up here.

**Mrs. Firth:** Whenever I see a department establishing new programs, I like to know what kind of analysis has been done with respect to the projection of costs down the road, and not necessarily five or 10 years, but at least some evidence that it has been costed out for a couple of years.

The two-year programs in this area are the Hospital Services and Extended Health. I am particularly interested in the planning of Hospital Services, what the government's projection is as to how long that may go on. Is there some potential that this may eventually become somewhat of a policy activity and therefore an ongoing activity?

« In the extended health with the Home Care Program, how long have the projected costs been projected?

**Hon. Mrs. Joe:** We are looking at certain offsets for the Extended Care and Home Care Programs. For instance, rather than having those individuals in the hospitals at a lot more money per day, with Home Care, we would be able to bring them home. If somebody required bandages be changed or whatever, and they were not able to do them, and if there was nobody there to do them, they would have to have them done in the hospital. With Home Care, you could bring them home and have somebody come in for a certain period of time. Those are the offsets we are looking at when we look at extending some of the health care programs.

**Mrs. Firth:** Maybe the Minister could elaborate on how extensive an analysis they have done. Have they done a cost analysis regarding savings, and do they have any projected costs?

**Hon. Mrs. Joe:** A lot of planning had gone into the initiatives in terms of these new programs. I do not think we have, in dollars and cents, the savings we would make on one program when we implement another one. We are looking at, in most cases, the offsets, as I mentioned before. When we looked at introducing these new programs, we were looking at a cost-saving from somewhere else and the amount of money we anticipated it was going to cost to implement these new programs and where that money would come from. That was always done every time we did look at a new idea. We felt we had to research and review all areas of programs and ways of saving money. I cannot give the Member specific numbers from different programs, but that is generally the way we looked at implementing the programs.

**Mrs. Firth:** We have established a new program, and there is a very powerful argument that this program is going to save money in the long run. I understood from the Minister's explanation that that was what the intention was. Perhaps that was the justification she gave to her Cabinet colleagues: we want to establish these programs because in the long run it is going to save us money, and here is an example of where it can save and how much we can save. I would like to know if there is any evidence of that, and if we could have access to that?

**Hon. Mrs. Joe:** I do not have any information I can give to the Member specifically. Sometimes when you are looking at improving and enhancing health care services, you are looking at saving money and offsetting another program. Also, when you are enhancing services that are the basic rights of those individuals who need them, sometimes you have to look at spending more money.

For instance, in helping individuals in need to purchase their medication or other services, you have to look at what that individual has the right to. If a person cannot afford to pay \$200 per

month, for instance, then you have to look at getting that money somewhere else. I have no problem defending those kind of services needed by those individuals, but in all the cases where we looked at establishing new programs, we were looking at savings somewhere else.

« In some cases, there may very well have been a place where we have had to increase the spending to make somebody's life a little more comfortable.

**Mrs. Firth:** We are opening up a whole new area of discussion now. I am trying to find out upon what justification the new program was established. I got the distinct message from the Minister that it was because we were going to save money in other areas, that because of the extended health and home care programs we would save costs in the hospital with the example she used of changing bandages.

Now, the Minister is talking about the quality of life of certain individuals and their rights. That is a different argument to present in this case. If the government chooses to establish a new program because they feel that the quality of life could be enhanced, that is fine. That is their position.

However, I have a responsibility to ask questions about whether or not the government has done an analysis and has looked down the road at what the long term implications, financially, could be of a new program that is established. That is what I am trying to ascertain here.

I simply want to know whether or not it could be that in three or four years down the road this could become a very expensive program. I feel that it could. I am not arguing the government's decision to go ahead or not to go ahead with it. It is the government's decision to make.

I want some evidence that there has been some projection of costs and some future look at what the program may save or what it could end up costing Yukon taxpayers. Although we all agree with the principles of enhancing the quality of life for Yukoners, we have to also look at the responsibility of the dollars that are affixed to it.

**Hon. Mrs. Joe:** I appreciate the Member's concern with regard to spending more money. I think it is a concern of every taxpayer in the Yukon.

I do not know how often I can say it, but I went to Cabinet with certain new initiatives for which I was looking for support. There was always evidence that a program was either badly needed, how much it was going to cost and the possibility of how much was going to be saved doing something else.

I understand the Member's concern, and I am concerned. I do not like spending money any more than anyone else does, especially when it belongs to the taxpayer.

The Member is looking for some kind of evidence. I cannot give it to her. I can only try to justify what I have under this department in terms of health care. When you are looking at health care — the Member knows, she is a nurse and is very aware of the needs of those individuals who require that kind of assistance — sometimes you have to look somewhere else. You have to be ready to change things to improve the quality of life for Yukoners. I think we have done that in this program.

If she wants me to justify that, I have talked to many individuals who have benefited by some of the improvements that we have made. I am very willing to get evidence from them on how they feel about the improvements that have been made to lives as a result of us spending a few hundred extra dollars.

« **Mrs. Firth:** I do not think we are talking about a few hundred extra dollars here. Just let me make my point. I am trying, as a Member of the opposition, to figure out how the government sets its priorities, how they make their decisions and what kind of analysis and thought is given to establishing new programs. It is a very serious decision when the government decides to establish new programs. As we are all aware, once a program is offered to the public, and they are allowed to utilize it, and have the enhancement to their life of that program, it is very difficult to take it away or to pull back on it.

I would like to find out how the government makes these decisions, and whether they are making them in a responsible fashion. Along with just saying that it is going to enhance the

quality of life of Yukoners, we have to know whether it is within our means to pay for that. The point I am getting at is: has there been some serious consideration given to what this program costs this year, because there has been an amount of money identified in the budget? What about the next year? What about the year after? How many people is it projected are going to utilize this service? How far can we increase it before we can no longer afford the service? What kind of long-term impact analysis has been done when it comes to establishing these new programs?

**Hon. Mrs. Joe:** The total increase for this program is only \$28,000. When we are looking at health services, we do have continued evidence that those services are needed. I have had the responsibility of this department for a year. You cannot be in that position very long before you realize that those needs are there.

The Member mentioned the special needs group. We have to look at something like that and look at their needs, and find out whether we can continue to support them financially. That is how we look at most programs. We have to look at what the needs are.

The Member spoke not too long ago about her concern that the special needs group required further funding. She is concerned about that. I am concerned about that as well. As I mentioned, we are looking at it; we are reviewing it. That is what we do in most cases when we are looking at enhancing programs.

We do not go to Management Board on a whim. We do have all the information. The people who have been in the department for a number of years are very aware of the services that are needed. I have been there in that position for a year, and I have had many people come to me who do require extended services.

If we can include them in our budget we make those services available. There are many other things, such as physiotherapy and chiropractic, and all those other services, that we continue to be lobbied about. We can only enhance our programs and increase our budget if the money is there to do it with.

**« Mrs. Firth:** I take very seriously the establishment of a brand new program within a budget. It is different from enhancing services, because you are embarking on a new goal and a new objective. It creates new costs for the government. I do not see any point in carrying on the debate. I am prepared to move to the line items, but I want to register, for the record, that I am very concerned that the department has not done its homework and looked at some long-term costs. Time will tell, and we will have an opportunity to follow up on this. I want to emphasize again, this department has been under scrutiny with the Public Accounts Committee. The budget is increasing and new programs are being established, and it is something that the Public Accounts Committee will have to keep an eye on it.

#### *On Program Management*

**Hon. Mrs. Joe:** This activity consists of the Director of Health Services and a Secretary. The budget is \$117,000. That includes the salary and benefits for those two positions, together with other O&M expenditures such as telephone, travel, supplies, postage and freight and that kind of thing.

The highlights of this activity are the planning and implementation of the new Chronic Disease and Disability and Home Care Program, contribution to health transfer planning undertaken by this government and involvement in the planning of the new hospital, including the potential extended health care component.

#### *Program Management in the amount of \$117,000 agreed to On Health Care*

**Hon. Mrs. Joe:** This activity provides a wide range of medical and hospital service benefits including the cost of physician bills, the cost of hospital and diagnostic services and the cost associated with mental health institutional care, cancer treatment, medical travel and chronic disease drugs in addition to the pharmacare and extended health care benefits for seniors.

The Health Care Insurance Service consists of a Manager, a Secretary, a Registration and Premiums Unit of four, a Medical Claims Unit of four and a Health Benefits Unit of three. The budget includes salary and benefits for the various personnel as well as the usual operating expenditures for telephone supplies and includes the major program expenditures for in-territory and out-of-territory doctors' billings; for in-patient and out-patient hospital services and

for the health benefits such as subsidized medical travel, VD control, chronic diseases and Pharmacare.

The Administration of that activity includes the general management of registration and premiums, medical claims, health benefits functions, which make up the elements of health care insurance and administrative office aided by a clerk-typist; provides administrative, financial and computer assistance direction to the supervisors of the Health Care Insurance Unit.

**Registration and Premiums:** this four-person unit is responsible for insuring that all Yukon residents are enrolled for health care coverage. Additionally this unit collects health care premiums.

**Under Medical Claims,** this four-person unit is responsible for assessing and processing for payment all in- and out-of-territory doctors' bills. This unit also arranges for reimbursements to residents who have paid their own medical bills.

**Under Hospital Claims,** this one-person function which reports to the Supervisor of Health Benefits, provides for the assessment and payment of in- and outpatient hospital accounts.

« Initially, the position processes recoveries against other provinces and against Canada, the status Indian hospital accounts. The Health Benefits Administration comprises a supervisor and operating expenses for the Health Benefits unit, which administers the following programs and services: in VD Control, this function is the payment pursuant to the *Public Health Act* of drugs used to treat and to control the spread of sexually transmitted diseases; in Medical Travel, this function, which is part of the Health Benefits unit, involves the arrangement of, and payment for, medically necessary travel pursuant to the *Travel for Medical Treatment Act*; under Chronic Diseases, this function, also performed by the Health Benefits unit staff, is the assessment of claims for drugs, medical-surgical supplies and other medically necessary items for persons suffering from one of the scheduled chronic diseases. The schedule for chronic diseases and the benefits for which the sufferers of these diseases will be eligible for are both being expanded by new regulations, which should be in force by September, 1986.

The Pharmacare Program is also delivered by the Health Benefits unit and is a provision of prescription drugs for Yukon senior citizens. The Extended Health benefits area is for the provision of items such as appliances, prostheses, certain medical and surgical supplies, some dental services and some optometric services to senior citizens. Under Subsistence and Maintenance, payments are to persons such as payments to escorts on medical evacuations for expenses, cancer, lodge fees and like expenses.

**Mrs. Firth:** On the chronic disease list, the Minister mentioned various treatments and services that would be added to the list. Are there any diseases added to the chronic disease list?

**Hon. Mrs. Joe:** As far as I know, it does not include any new diseases, but it just expands the service for those diseases.

**Mrs. Firth:** The Minister mentioned enhancements for cancer patients. Does that simply include drugs and some medical appliances, such as dressings and prostheses that were not included before?

**Hon. Mrs. Joe:** That is exactly what it does.

**Mrs. Firth:** I notice the fluctuation in this health care activity, from the Actual of 1984-85 to an increase of 1985-86 and then a decrease again. Can the Minister explain why there is that particular fluctuation?

**Hon. Mrs. Joe:** The budget for Health Care Insurance has been reduced by \$429,000. This reflects the following factors: it is anticipated that the federal restraints will reduce Yukon government's cost-sharing obligations respecting hospital claims. Funding for the Home Care Program initiative has been secured through internal reallocation from the Health Care Insurance component of the budget.

**Mrs. Firth:** Could the Minister elaborate on that reallocation? Where did the money get reallocated from?

« **Hon. Mrs. Joe:** Some of that reallocation was from the costs that would be saved from using the home care programs and allowing some of these citizens to go home. That would be one of the savings.

**Mrs. Firth:** How much money are we talking about?

**Hon. Mrs. Joe:** The home care money is \$201,000. That would be from the in-hospital expenditures to home care.

**Mrs. Firth:** Was that money reallocated as an anticipated savings on people who would be receiving home care as opposed to hospitalized care? Where has it been reallocated to?

**Hon. Mrs. Joe:** It has been reallocated to extended health.

**Mrs. Firth:** I will wait until we get to the extended health line to ask more questions about that. My figures do not add up with what I see here.

Since this is the area that deals with health care premiums, I would like to know if the Minister's department officials did any analysis on the savings that would be derived from health costs because of the increase in alcohol and tobacco taxes?

**Hon. Mrs. Joe:** The financial and administration implications would come under the Minister of Finance's department. I am sure he will be able to elaborate a little more on that.

**Mrs. Firth:** I do not want to speak to the Minister of Finance today. I want to speak to the Minister of Health.

Did her officials do any analysis within the department regarding potential savings as a result of increased taxation?

**Hon. Mrs. Joe:** That kind of information does not come under this department at all. As a matter of fact, the Minister of Finance did table some documents with some of those figures on them during the debate on Finance.

**Mrs. Firth:** Therefore, the Department of Health and Human Resources had nothing to do with the increase of the taxation and possible predictions of health cost savings because of the increase taxation?

**Hon. Mrs. Joe:** That comes under the Department of Finance. This is the Department of Health and Human Resources.

**Mrs. Firth:** How do I put this?

<sup>51</sup> I think that since there were savings projected, it should be reflected in this department that pays the health care costs. I want to know if there are savings and how much it is.

**Hon. Mrs. Joe:** The department, of course, supports the initiative by this government to do certain things. I do not have any figures in front of me to indicate any kind of losses or savings or how long it is going to take to do that. I just cannot give the Member that information at this time.

**Mr. McLachlan:** In the expansion of the chronic disease list, and the drug benefits, can the Minister advise if any of the expansion of that program is recoverable from the federal government? I believe the 13 diseases that are already on the list are fully recoverable from the federal government, so is expansion of this program simply on our own hook?

**Hon. Mrs. Joe:** Yes, apparently there is not 100 percent refund with regard to any of these. They differ.

**Mr. McLachlan:** A question was asked previously during Question Period about expansion of benefits to private physiotherapy clinics and the Minister's answer was, "We are trying to find some money to include that in the program." Has anything been found, for example in this line item that would allow that for 1986-87?

**Hon. Mrs. Joe:** We looked at a number of new initiatives and of course that was included in it. We did have a figure of how much it was going to cost to implement it. As I said before, we have to have the money there before we can establish another program. There was not funding this year.

**Mr. McLachlan:** Can the Minister advise what the impact of that move would have been?

**Hon. Mrs. Joe:** I do not have a figure before me, but when we talked about including physiotherapy and chiropractry under our health care plan, we also had to look at those other programs we were necessary right now, and one of those is Home Care. Sometimes you have to make a choice between what it is you are going to spend the money on and we chose to do it in Home Care this year.

**Mr. McLachlan:** That is fine, but the question was how much. Do I take it then that the amount of money that is gone for the Home Care program is possibly the amount of money that would have gone for the physiotherapy or chiropractry clinics then? Because the question was: how much money would it have been

were you to include private physiotherapy clinics in the program?

<sup>52</sup> **Hon. Mrs. Joe:** I do not have the amount that it would have cost us to pay for each person who took advantage of the service. If the Member wants me to, I can give him that information.

**Mr. McLachlan:** I would appreciate that information.

**Mr. Nordling:** Would the budget for this line item have been higher if the tax on tobacco and alcohol had not been raised?

**Hon. Mrs. Joe:** I am sorry, I cannot answer that question. That would be an answer that could be given much more intelligently by the Minister of Finance.

*Health Care in the amount of \$17,773 agreed to*

*On Hospital Services*

**Hon. Mrs. Joe:** Hospital services: the new activity is intended to begin the process of establishing a hospital planning and evaluation capability within the Government of Yukon. The objective is to move towards the establishment of Yukon standards with respect to hospital design, and construction maintenance and operations.

During 1986-87, the focus of this area will be in the Whitehorse General Hospital Planning Project, although provision has also been made for site visits to all hospitals and health centres around the territory. There are no personnel indicated to this function apart from services to the Director of Health Services.

The budget includes travel, program material and a contribution to the Whitehorse General Hospital Planning Project.

*Hospital Services in the amount of \$58,000 agreed to*

*On Community Health*

**Hon. Mrs. Joe:** The majority of community health activities, with two exceptions, is administered by the Yukon region of National Health and Welfare, and it is cost-shared by the Government of Yukon through the Department of Health and Human Resources.

The Communications Disorder Clinic and the Family Life Program are administered by the Health Services Branch. The community health activity is responsible for public health, disease prevention and health promotion services to Yukon residents.

This service includes community health nursing, community mental health services, community dental health services, environmental health, communicable disease control, health promotion and speech audiology services.

Community health centres are located in 10 communities including Beaver Creek, Destruction Bay, Haines Junction, Whitehorse, Carmacks, Pelly Crossing, Ross River, Watson Lake, Teslin and Carcross.

Nursing stations are located in three communities including Old Crow, Dawson and Faro. Health stations are located in two communities including Burwash and Upper Liard.

Apart from the expenditures for the Communications Disorders Clinic, the budget primarily contains cost-sharing dollars to support federally-administered community health services.

*Community Health in the amount of \$2,453,000 agreed to*

*On Extended Health*

**Mrs. Firth:** Can the Minister tell us where this \$215,000 came from? I have \$201,000 that was for internal cost savings and \$28,000 that the Minister is talking about the program costing. I suppose my figures are not correct, because they do not add up to \$215,000. Can I have a breakdown?

<sup>53</sup> **Hon. Mrs. Joe:** The budget is broken down to bursaries of \$14,000; and \$201,000 for Home Care - that is \$215,000.

**Mrs. Firth:** How many people is \$201,000 going to take care of?

**Hon. Mrs. Joe:** We did not come up with that figure in anticipation of numbers. It would be in terms of the services that are required.

**Mrs. Firth:** Would the Minister provide some information about the government's Home Care Program, perhaps an overview of it, their long-term goals and objectives for the program, how they arrived at the decision, just some further information. I do not need it immediately. If she could provide it in writing at some time.

**Hon. Mrs. Joe:** The objectives of the Home Care Program are to enable the elderly and disabled to remain in their own home and community for as long as possible; to promote and maintain

independence for the provision of home health and home nursing; and to support and assist the families of frail, elderly and disabled individuals to continue to maintain them at home; to reduce or prevent institutionalization through the coordinated delivery of nursing care, geriatrics surveillance, family teaching, treatment planning, provision of aids, homemaking services such as light housekeeping and personal care, handyman services and friendly visitation.

Apart from developing actual program implementation guidelines for assessment, intake and discharge from the program, necessary home nursing and homemaking training modules and services, the coordinator will identify and coordinate utilization of agencies, community organizations and individual services on a contract basis to meet the individualized needs of persons accepted for Home Care services. Example: handyman services, personal care, housekeeping, installation of special aids for independent living.

If the Member would like further information on the organization of that, I can provide her with that as well after today.

#### On Extended Health

*Extended Health in the amount \$215,000 agreed to*

*On Vital Statistics*

*Vital Statistics in the amount of \$44,000 agreed to*

*Health Services in the amount of \$20,660,000 agreed to*

**Mrs. Firth:** Just before we move from Health and Human Resources budget, I would again like to register my concern about the good economic times we are experiencing in Yukon and yet the tremendous increases in the social services budget that has been presented to this Legislature in the last two days.

**Hon. Mrs. Joe:** I would like to thank the Member for a refreshing debate and while standing I would also like to praise my department for the time and effort they have put into preparing this budget and these budget notes. I do appreciate this. They did work a lot of hours. They did a fine job, and I have certainly been able to learn a lot more about the programs as we went through the process.

#### Department of Justice

**Chairman:** Before we enter general debate, would you like to proceed with a statement?

**Hon. Mr. Kimmerly:** If I may, I would like the last few minutes before recess to give some factual information that will assist debate at 7:30 p.m. There are some mistakes in the numbering on some pages and I will identify all of them now. They are not in the budget numbers but in the 1985-86 forecasts and are due to errors in communication between Finance and the department.

<sup>55</sup> On page 180, under Program Director, the 1985-86 Forecast is \$58,000. That is wrong. It should be \$6,000. The percentage changes from 52 to 1,367 percent. I will explain that as we go along.

Under Solicitors, the forecast number of \$284,000; it should be \$336,000. The total is exactly the same under that line.

On page 192, under Solicitor General, there are similar changes. Under Institutional Corrections, the number \$2,616,000 appears; that should be \$2,716,000 and the percentage increase changes to 11 percent.

Under Policing, the number is \$5,893,000; it should be \$5,793,000. The percentage change becomes 8 and the total is the same under that column.

Those are the changes. I will answer a question or two in a moment. I received a question from the Member for Faro about the charges for undercover RCMP operations. There are no additional charges to Yukon.

<sup>56</sup> The budgeting occurs on the basis of the home base of the operators. We are a net beneficiary of those services.

I was asked about the forecast for fines. It is interesting that the 1985-86 budget Estimate was \$147,000; the Actual is approximately \$163,000. It was projected at \$160,000 at period 9. We have estimated \$154,000 as a net projection over previous years. The increase this last year, in 1985-86, is not explainable by a particular policy, but merely by a fluctuation in one year. This is due to the sentencing practices of the courts and the nature of the cases in the courts.

The Fine Option Program will have little, if any, impact, although that program will impact on the attendance at the jail. It is interesting to note that if we obtain jurisdiction over federal Crown prosecutions, our income will increase substantially because the *Criminal Code* fines that now go to the federal treasury will come to us.

**Chairman:** The time now being 5:30, we will recess until 7:30 p.m.

#### Recess

**Chairman:** I will call Committee of the Whole back to order. We will continue with general debate on the Department of Justice.

**Hon. Mr. Kimmerly:** I will make a few more brief introductory comments. I will explain the changes in this budget over last year's, primarily because that was the focus of the questioning for the last budget.

The person-year changes are relatively simple. The overall person-year allotment has decreased by two. The moves have been as follows. We have lost 3½ person-years, which are an Assistant Deputy Minister, a secretary, a Director of Corrections and a part-time psychiatric nurse at the Correctional Centre. We have added 1½ by way of three casual term positions in Haines Junction, for a net loss of two.

I should explain the way the budget was constructed, in a global sense, concerning the overall dollars. The political direction has been that the department has increased over the last 8 or 10 years in terms of dollars and person-years. In terms of the percentage of the overall territorial budget, it has increased over the past 8 or 10 years very substantially.

The intention of this Minister is to reverse that. In the long run, the overall percentage of dollars for Justice as compared to the overall territorial budget should decrease.

<sup>52</sup> That is the long-term goal. We will achieve more next year than we did this year.

The way we crafted this particular budget is to look at the salary dollars for the previous year and leave them alone, with the exception of the person-year changes that I have indicated. We looked at out-of-territory travel and reduced the budget there by 50 percent. We looked at all of the rest and reduced the budget by five percent, and we reallocated the savings to service to the victims of crime and to witnesses and to crime prevention, so the overall focus and the general direction is to reduce the expenditures on housing criminals — and ultimately on policing, I hope — and increase attention to victims and people who the system is designed to serve. That is the way we went at it.

There are savings on almost all of the lines and we have used that for new programming that I will identify in due course.

There are some changes in the program structure, although not in the person-years. These changes are in line with the government's Financial Management Information System and also follow the recommendations of the Internal Audit Directorate. The nine programs in 1985-86 are now reduced to six.

<sup>53</sup> The following adjustments to the structure were made: the old Native Courtworkers was absorbed into Court Services and is listed now at the activity level. The old Policing Program is absorbed into the Solicitor General Program and is listed at the activity level. The old Legal Aid Program is absorbed into the Attorney General Program and is listed at the activity level. The old Compensation for Victims of Crime is absorbed into Administration and is now at the activity level.

The Administration Program now contains a Judicial Recruitment activity. We are voting \$1.00 for that. The Policy and Planning Branch was previously an activity in the Administration Program and is now listed as a separate program.

Those are the changes. I will identify the dollar changes in the programs and the movements as we go through it. I was put on notice about the Haines Junction experiment. The cost there is \$140,000. It is under Institutional Corrections.

I was asked about human rights. The cost there is budgeted at the same as last year's budget. Although the 1985-86 Forecast was

\$75,000 at period 13, or the end of the year, which we now know, the figure is very different. Last year we spent 25.7, for a variance of about \$49,000.

Because the information program is in this year, we are projecting about the same as was projected for last year.

With those comments, I will wait for the lines of questioning that will come, I am sure.

**Mr. Phillips:** First of all, I would like to thank the Minister for the information that I asked for with respect to the breakdown of the departments and the reorganization. I think it has been very helpful.

I would also like to commend the Minister on being very forthcoming with the information that he has provided us with tonight in his introduction. As a new Member, it has been appreciated by me. I would hope that in the future some of the other colleagues would do the same. It would certainly help all of us in speeding up the budget process.

I am wondering if the Minister has any plans. We now have a new chief judge. Are there any plans within the department to hire more judges? There is a backlog in the court system.

**Hon. Mr. Kimmerly:** The short answer is no. There is pressure from the Supreme Court to increase the judicial personnel from one to two. That pressure has existed for the past 10 years or so. There is no plan to increase that from one to two.

There is no initiative from the territorial court to increase the personnel from three to four. They achieved the third judge only last year. The problem of the vacancy that is temporarily created by one of the three judges being on leave of absence to be the Lands Claims Negotiator will be filled by Deputy Judges as needed.

We are budgeting here for three judges, and there are two judges who are actually present, or they will be as of July. The third position will be filled by Deputies as needed.

**Mr. Phillips:** The Minister mentioned, in his opening remarks, that he is planning to reduce the size of the budget. How does he plan to do that? Will that involve layoffs down the road?

**Hon. Mr. Kimmerly:** There is no plan for any layoffs whatsoever. This year, in the budgeting exercise, all departments reduce their base budget by five percent. That is a bit of struggle, as the previous Ministers will recognize. It has effects on the morale of the civil service, I am sure; however, we are going to prove that it can be done.

Now, the places where there can be further down-sizing, I will call it, or reductions are frankly in the jail staff. There is some duplication of the jail treatment staff and the probation officers. There is a possibility of, through attrition, reducing the person-years in those areas.

**Mr. Phillips:** What does the Minister see as a reasonable budget for Yukoners in the justice system? Does he have any figure in mind?

**Hon. Mr. Kimmerly:** Not being a radical person, I am interested in a gradual reduction of, say, five percent or so until we reduce the budget in percentage terms by 10 to 15 percent.

**Mr. Phillips:** It is a rather significant cut, and it will be interesting to see. Where does the Minister feel there is fat to trim in the budget right now, if he feels he can trim it? What areas, other than legal aid?

**Hon. Mr. Kimmerly:** In the correctional centre and the police services agreement.

**Mr. McLachlan:** One of the problems a lot of the small communities often face is securing good, qualified JPs. It is not much of an encouragement for five or ten dollars, or whatever it is, a case to put your friends in jail. Has the Minister any thoughts, after one year on the job, on how to make the job of JP in the outlying rural areas more attractive, or perhaps have some more appeal, so that there might be more interest?

**Hon. Mr. Kimmerly:** I thank the Member for that question. I am, frankly, not proud of the progress that the JP program has had in the last year; increasing attention is due to it. I think that the JP program is unique in the country in that as the provinces are reducing the use of JPs, we are increasing the use here. It has always been said that the reason is because of the rural nature of the population. In fact, what has occurred is that the use of JPs has expanded in the last five years or so in Whitehorse and has

remained static in the communities.

I am particularly interested in the increased use of JPs in the communities and not as interested in the use of JPs in Whitehorse, as the territorial court can do that work very easily, especially with three judges.

The problem of acquiring JPs in the communities is only partially money. It is primarily in finding the good dedicated candidates — and there certainly are some who are giving excellent service — and in the training for JPs. The fees paid to JPs were increased a few years ago and are generally about \$25 an hour now, which includes their training time and is an approximately correct wage I think. The training program is absolutely crucial and we should be doing more in that area. I sincerely hope we can arrange to conduct training in the communities rather than exclusively in Whitehorse. There is a constitutional argument between the department and the judiciary as to who should control the training; however, if we ignore the fact of control and concentrate on the fact that we have a common goal, the training should occur, and I hope it is for a maximum number of rural people for use in the communities.

**Mr. McLachlan:** I forget the exact date — if it is not this year, it may be next year — but when the Kwanlin Dun Policing Agreement is finished do I anticipate correctly that the RCMP will resume policing in that area, and, if so, does the Minister anticipate an increase in the cost of policing at that time due to that?

**Hon. Mr. Kimmerly:** The answer I believe is 1990, and under the present agreement the Kwanlin Dun Police Force will cease to exist and the RCMP will look after the policing themselves. That is if there is no change to the present agreements. That will involve no change in the RCMP funding. The Kwanlin Dun Police are funded from DIAND under a separate arrangement and the policing dollars in personnel did not decrease when the Kwanlin Dun Forces started and it will not increase when it ends, if I am Minister.

**Mr. McLachlan:** Not wishing to prejudge the results of the Justice Review, one of the common complaints we have heard in the communities is the amount of time court circuits are able to spend in town and the amount of time defence lawyers are able to spend with clients. I would like the Minister to try to explain his way out of what appears to be an apparent conflict in cutting costs, which is commendable; cutting the Legal Aid because a lot of the cases on the road are legal aid by restricting the hours in which the lawyers can work yet spending more time in the communities to do the job better. How can those all mesh together to come out with a better justice system?

**Hon. Mr. Kimmerly:** I have no intention of decreasing the number of hours lawyers work in the communities. I only have an intention of decreasing the bills that they put in for. The Legal Aid lawyers who are away from their offices for a day on a circuit should get a day's pay. If they work nine hours or 10 hours or 11, they should still get a day's pay, in my view.

The question of circuits is a very interesting one. I think, in general principle, the answer is that the personnel on the circuit should consider that when there is a case to deal with, they should deal with it on that circuit and not adjourn it over to the next circuit. That is primarily an attitude, or a principle, on behalf of the court personnel, primarily the judge.

The circuits should have the flexibility so that they are not working to a deadline; that is, if it will take an extra day in a community they should stay there and finish up the cases and not adjourn them over for two or three months. If they have that flexibility in the court schedule, that should help substantially. There should be funding available for the proper preparation work in the community. That should help the backlog situation.

If the cases are dealt with in the courts expeditiously, it takes less court time and fewer dollars. The dollars build up substantially on the continued appearances and adjournments that occur. If the system is constructed so there are the absolute minimum of adjournments, there are savings to be had there.

**Mr. McLachlan:** It sounds like a very ideal world working in the justice system. Realistically, the Minister must admit that there are going to be cases that are going to result in a layover. All you need is one postponement, one missed appearance and one other problem dealing with it on a three-month circuit, and it takes

sometimes a full year — in one case that I know of — before it can be completed.

Does the Minister realistically expect a lawyer to work 11 hours for eight hours of pay? From my experience with them, the briefcase closes at 5:30 and the day ends. I cannot see very many of them working after supper. How is he going to handle it?

**Hon. Mr. Kimmerly:** I have been on northern circuits for 10 years or so, and circuit work is a little different from work in town. You interview in the evenings, and things like that. It certainly can be done. Lawyers are professional people who think of themselves as professional people.

The traditional concepts of overtime ought to be abandoned. If they are paid on the basis of \$550 a day, surely that is enough for a day's work.

**Mr. Phelps:** I have a couple of questions before leaving the last answer by the Minister untouched. I agree with him wholeheartedly. I do not want to bore the Members here, but I remember, for many years, lawyers in this town and territory getting \$75 a day, and nothing for preparation, nothing at all. Yet, they did the work. Some would say justice was better served than it is now. I would, but then I am biased.

I am rather interested in a couple of aspects of the organizational changes, and the first question I have relates to the new nomenclature, Attorney General's Department. I wonder whether or not this signals the commencement of negotiations with regard to devolution of programs from the federal government.

That would certainly be the fond wish of the previous Minister of Justice and of the previous government to start in that direction on the Attorney General's side. The office of the Crown Prosecutor, and the Solicitor General nomenclature were under review. Does that signal any transfer of jurisdiction or program?

**Hon. Mr. Kimmerly:** Yes, absolutely. The intention is to negotiate, in coordination with the government's plans overall, the devolution of the full attorney general function to the Yukon. That is one of my ambitions during this term of this government.

I know that that ambition has the support of our Member of Parliament, the honourable Erik Nielsen. I am guaranteed that it has his wholehearted support.

There are two additional benefits to that. One of them is financial, and that is that the fines for criminal code offences are now paid to the federal Treasury. The tradition in the provinces is that they are paid to the provincial Treasury. That should occur when the Crown Attorney Office is devolved.

The Crown Attorneys, who are generally very good people of the federal civil service, do a term here of two, three or sometimes four years. It is our hope that under territorial jurisdiction the hiring will be local hire and that the personnel will be more permanent. As a consequence, they will be more sensitive to the real Yukon.

**Mr. Phelps:** Under the Solicitor General functions, there is no present plan to abandon the Police Services Agreement with the RCMP. The territory is probably too small, and probably will be in 1990, to have a territorial police force. The RCMP are an extremely competent force, and it is my estimation that they are extremely well thought of by the public and are a comfort to the general citizens. There is no plan to change the delivery — that is by an agreement with the RCMP although the expense is, in my view, out of line and should be a reduced percentage of the overall territorial budget.

**Mr. Phelps:** Can I take it then that there will be a very careful review as to the person-years assigned here by the RCMP which we share? Is that the issue? Or is the issue simply the cost-sharing arrangement with the federal Solicitor General?

**Hon. Mr. Kimmerly:** The cost-sharing arrangement is uniform across the provinces who use the RCMP, and our bargaining position is very weak in that area. The fruitful area to find savings is in the administration of the force in my view. The force has a division status here and a substantial number of administrative people and on a percentage of the population basis that is probably too high — I would suggest unjustifiably high.

**Mr. Phelps:** The Minister has spoken of the generally good reputation that the force enjoys in Yukon. Of course, there are a few things now and then that are of concern, such as alleged

assaults and things of that nature, which I think even the allegations are of concern to some citizens. Another area where their confidence in the force has not been 100 percent is in certain native communities, and we have the example of the Kwanlin Dun issue and similar requests are starting to emanate from some of the bands. I think I read recently the Chief of the Kluane Band was interested in a separate force. Are there any negotiations taking place at this time with any of the bands to parallel the Kwanlin Dun situation?

**Hon. Mr. Kimmerly:** Yes, but there are not negotiations that are between the territory and the RCMP, or even the territory and the various Indian Bands. There is a committee composed of four chiefs within CYI. Those chiefs are particularly concerned about what they perceive to be lack of native policing.

The RCMP has a contrary view, of course. The issue is a sensitive one. It is a topical issue and it is a legitimate political issue. It is my hope that that concern, among especially those four chiefs, can be addressed in the land claims forum or a land claims-like forum to discuss the long-term future of policing, especially for native communities.

The view I take is that the RCMP are performing the job now. Although I do hear native complaints, I would be eager to defend the record of the RCMP as being an efficient police force in the territory. Indeed, it has a long and honourable history in the territory. The future delivery of policing services in native communities is in the nature of almost a self-government, or a local government, issue and should be addressed very thoroughly before any changes are made.

**Mr. Phelps:** With respect to the issue of discipline within the force itself, it has been often stated that there is a perceived problem that the public does not have any window onto such proceedings. Even the people who sit as judges within the force are members.

Does the Minister have any views on that practice, particularly in the Yukon, given the concerns of the native population with respect to the allegations of abuse?

**Hon. Mr. Kimmerly:** There is a concern that I spoke of while in opposition, especially on some specific incidents. I remember being very vocal. It is our party position that there should be a police commission to look into alleged police wrongdoing, and that that commission should be independent of the RCMP itself.

The federal *Royal Canadian Mounted Police Act* has recently undergone changes at the federal level to give a greater independence to the internal investigations that occur from time to time within the RCMP.

**Mr. Phelps:** That act has gone some way to correcting the problem of the lack of independence of the RCMP internal investigations. It does not go all the way.

In my view, the issue is primarily a federal one. The situation in B.C., as I understand it, is that there is a B.C. Police Commission that acts independently. It, by statute, looks after provincial and municipal forces. The RCMP voluntarily submit to that process, although legislatively the act does not cover the federal force. That, of course, would be a possibility for the territory, that is, to establish a territorial police commission.

The priority that I give to that at the moment is not high. The number of cases per year would be very low. My view is that there is enough concern about administrative support to a commission over human rights that I would not attempt a commission over a smaller issue like a police commission, at the moment.

**Mr. Phelps:** I occasionally marvel at the judgement, not supported by statistics, as to the number of incidents, on the one hand, of wrongdoing with regard to human rights generally, and the alleged wrongdoing and abuse of powers by the police force. I really do not know what a thorough analysis would reveal, but I certainly know that the complaints of police assaults has been on the increase in recent months in the Whitehorse area.

Has there been any kind of timetable proposed regarding the devolution of the Attorney General programs over to this government?

**Hon. Mr. Kimmerly:** Yes. It has been in the context of the overall devolution plan, and I would refer further particulars to the Government Leader about that. The position of the department is

well known. It is clear that, in the context of the devolution plans generally, we are eager, as a department, to move in this area.

I have raised the topic in conversation with the federal Minister of Justice and the timetable will be coordinated through the Executive Council office here and through the office of the Minister of Indian and Northern Affairs in Ottawa, David Crombie.

**Mr. Phelps:** That was a partial answer to my next question, which had to do with whether or not Mr. Crombie was going to take a high profile role with regard to these talks on devolution and those programs relating to the respective Departments of Justice.

**Hon. Mr. Kimmerly:** I would answer that it will probably not be a high profile role, but he certainly will be involved. It was stated I believe very recently by the Government Leader, it was this afternoon in connection with Health, that the hon. David Crombie sees himself as the keeper of the gatepost, so to speak, and that the coordination will be done through that office. It is my expectation that the coordination will be done through Mr. Crombie's office, but the negotiations and the real work will be done through Mr. Crombie's office.

**Mr. Phelps:** I just have one more question with regard to the reorganization questions and that really has to do with the human rights figures that you gave us, which, I take it, show under Administration. My question has to do with whether or not there has been a reorganization, because I notice on page 174 you show for 1984-85 the figure of \$51,000 relating to the human rights issue, whereas in the last budget on page 204 it showed \$75,000 as estimates for 1985-86 and nothing for the year before. Is that because of the reorganization?

**Hon. Mr. Kimmerly:** Yes it is. There was, in terms of the department's bookkeeping, nothing for this line prior to 1985-86; however, honestly, the Women's Directorate was performing this work and that \$51,000 for 1984-85 represents an estimate of the expense attributable to human rights, which was called the Women's Bureau in 1984-1985. The expenditures last year were almost entirely salary for two people, both of whom were part-time. This next year, there will be salary plus the public education campaign and money to develop the new legislation. The development of the legislation also substantially used the Solicitors Branch as well as the staff people specifically identified for human rights.

**Mr. Phelps:** For the \$51,000 that is shown in this year's budget for the year 1984-85, there would be a corresponding decrease under the same year under Women's Directorate? Does that balance out?

**Hon. Mr. Kimmerly:** There would be for 1984-85 under this method of reporting it, yes.

**Mr. Phelps:** I have not cross-referenced that, but I take it that the Minister is saying that that is what he has done.

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

**Mr. Phillips:** The Minister mentioned earlier about budget savings and reductions in the future plans. He clarified how he was going to reduce the policing cost through administration. That was one of the ideas. Can he clarify what he is going to do with Corrections? How is he going to reduce the budgetary cost of Corrections? Where is he going to cut it?

**Hon. Mr. Kimmerly:** There are many person-years in that particular program. We do not intend to identify a specific job title, because that would create needless uncertainty for the people in the prison jobs. I would reiterate that there is no plan to lay off anybody at all. No one will be laid off. That institution was built in the mid-1960s. The population has increased over the years, but not very substantially. The person-years have increased over the years faster than the population has increased. That trend should be reversed.

I would say we are looking at reducing the population through several methods. One is the experiment of the work camp presently in Haines Junction. The cost per inmate day of that program is very substantially less. The personnel to inmate ratio is substantially less. If those experiments work, that may be a way to reduce expenditures, that is, by smaller work camps, as opposed to any expansion, or even the continuation of the jail on the hill in Whitehorse.

<sup>14</sup> I forget the precise number, but there were 14 to 15 person-years

for people who used to be Classification Officers and Councilors, and the like. That unit consists of approximately 15 people in the jail now to service a population of between 60 and 70, most of whom are well known to the jail staff.

Those people duplicate, to some degree, the work performed by the Probation Officers. There should be a greater coordination between the counselling personnel at the jail and the Probation Officers. There is a saving of a person-year or two in that area.

**Mr. Phillips:** Is the current correctional facility accredited now, or are there plans to have it accredited?

**Hon. Mr. Kimmerly:** No. There was a lot of money spent over the last five years to upgrade the facility to get accreditation. The view of the present Minister is that that is not as important as reducing the budget.

**Mr. Phillips:** The Minister talked a little about JPs. How many do we now have in the Yukon? Are we short, and where are we short of JP's?

**Hon. Mr. Kimmerly:** I will get the number of JPs, since I do not have it with me. There is an abundance of JP's in Whitehorse. Most of them do not sit habitually.

There are always gaps. Every community should have at least two and preferably three. There are significant gaps in Mayo and Old Crow. We need more in Dawson, and virtually every community should have one or two more.

**Mr. Phillips:** The Minister mentioned that he was thinking of a training program in the communities for the JPs as opposed to the way they do it now, bringing them to Whitehorse for a three- or four-day seminar to train them.

Can the Minister explain how that could be cheaper? Maybe I am missing something, but it seems to me that it would be more convenient for the people to go to the community.

My feeling is that it would be a lot more expensive to take the staff you need for training and go to each community, as opposed to having all the people from the communities who want to become JPs coming to Whitehorse. Is that the Minister's intention?

**Hon. Mr. Kimmerly:** No, it is no cheaper to hold courses in the communities, but it is more in keeping with the atmosphere that will exist when the JPs are eventually presiding over the courts. It is two things. It is an effort to bring the training closer to home or to make it more practical and more appropriate to the communities so it is not Whitehorse biased or urban biased, and it is also an effort to circulate the wealth a little bit. The dollars involved in staying at hotels and renting the facilities and meals should be spread out among the communities a bit. I think that is a worthwhile goal in its own right.

**Mr. Phillips:** I know from my experience on the Judicial Council that we were always short, in a lot of the communities, of Justices of the Peace. Most of the time, when we had recommendations come before us, there were one, two or three, at the most, names from communities such as Old Crow or Haines Junction. Does the Minister plan in a course like this then to train six or eight people from a community and pick the best of them? I mean, would he bring more people into the system and train them to see whether they will fit the job?

**Hon. Mr. Kimmerly:** That is ideal. I support that principle, yes.

**Mr. Phillips:** I think it is probably a good idea, but I am just wondering about the cost. If the Minister is really concerned about reducing costs it seems to me that it could be quite expensive to go to all these communities. I know how it is with travel in the Yukon. There is no way you can go to all the communities in the Yukon without doing it over probably a month or two months with the travel arrangements you would have to make. Has the Minister got an idea as to what the difference in cost will be with a program such as that?

**Hon. Mr. Kimmerly:** No, not specifically, but the cost of JP training is not an area where I would foresee finding savings. I would be quite content to increase the budget for JP training. The use of JPs is very, very cost-effective in the long run. If by using rural JPs we can bring down the cost of court circuits and of territorial judges, that is money well spent and the quality of local justice is better accepted in the communities than is circuit justice.

**16 Mr. Phillips:** Currently, Barry Stuart was involved a lot with the training of the JPs. I heard the Minister say that there is a constitutional conflict between the judiciary and the administration as to who can carry out the program. Can the Minister elaborate on that? What is the conflict?

**Hon. Mr. Kimmerly:** I suspect the Member knows very well. The judges want to control JP training and not be accountable for the budgets. I am loathe to increase the budget under those conditions.

*On Administration*

**Chairman:** General debate?

**Mr. Phelps:** What is the projected cost of the education program, as the Minister calls it, on human rights?

**Hon. Mr. Kimmerly:** The budget for this year is composed as follows: regular pay for a permanent person, \$44,000; for a casual person, \$10,000; some benefits for a total salary of \$59,000; for employee travel, primarily inside the Yukon — we offered the old select committee and employee to travel around, which was not accepted, but there will be travel involved in the Yukon and outside — for \$10,000; supplies, \$1,500; postage and freight, \$500; advertising, \$700; materials and communication, \$2,200; for a total of almost \$14,000; other advertising costs for a total of \$75,000.

**17 Mr. Phelps:** The advertising cost you have at \$700 and then you added another \$1,000 or so; I just wondered whether or not these ads that we see in the paper are being paid out of this budget.

**Hon. Mr. Kimmerly:** Yes, they are, on page 174 under Human Rights, for \$73,000 total.

**Mr. Phelps:** How many ads are you contemplating in local newspapers, and what is the cost charged by the newspaper for the space you intend to use, roughly?

**Hon. Mr. Kimmerly:** I will have to get that. It is a detail I do not have, but we are planning, I believe, as many as a dozen ads in total and the cost I do not know precisely, but that is obtainable of course.

**Mr. Phelps:** Are there going to be any ads on TV, and, if so, how many and what is the anticipated cost?

**Hon. Mr. Kimmerly:** There may be and there may also be ads on the radio, and the cost is not a figure that I now have, but I can get that.

**Mr. Phelps:** With regard to radio and TV, is it the intention of the government to contract out for a firm to design and produce these ads on behalf of the government, and, if so, what is the cost and what arrangements have been made?

**Hon. Mr. Kimmerly:** No, and no arrangements have been made and no intention to do so that I am aware of is presently considered. The ads are developed entirely in-house.

**Mr. Phelps:** Does that hold true with regard to the newspaper ads?

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

**Mr. Phelps:** I note that the travel for employees — the budget for travel in and out of Yukon combined — is estimated to be \$10,000. What part of that is for outside of Yukon, and why?

**Hon. Mr. Kimmerly:** It is \$4,000 for outside of Yukon. That was the original budget and the reason was attendance at conferences that occur. However, we probably are not going to spend that and the plan has been changed to reallocate that for advertising as much as possible. The practice of the previous government was to send a representative to the national meetings and they were on average about four a year, in fact. The practice of the present government is to attend only sporadically when the agenda is of particular interest to the Yukon.

**18 Mr. Phelps:** Yukoners were blessed with an influx of employees of the Canadian Human Rights Commission recently. Did the Department of Justice have anything to do with the planning or encouragement of their trip?

**Hon. Mr. Kimmerly:** We did for the planning, but not for the encouragement. There was no budgetary expense to the territory. The federal commission is eager to assist us in the development and implementation of our legislation.

There certainly were phone calls back and forth about the advisability of the trips and the planning of them in the general sense. However, they were truly the initiative of the federal

commission.

**Mr. Phelps:** That is interesting, because I was advised by one of those people that the trip was really on federal business and they had no intention of sticking their noses into Yukoner's business.

Is it intended that you will be using the Canada Human Rights Commission people in the forthcoming year?

**Hon. Mr. Kimmerly:** No. What I said is not inconsistent with information given to the Leader of the Official Opposition. Those officials of the federal commission came on federal business. However, they do telephone us and discuss the general state of the issues, territorially as well as federally. We welcome such discussion.

**Mr. Phelps:** Is it the intention of the department to use these employees from outside to assist the government Minister in his education campaign in the rural communities?

**Hon. Mr. Kimmerly:** No.

**Mr. Phelps:** I must say that at least that part of the program certainly shows some wisdom. It is unexpected. Is the Department responsible for designing the ads in the newspapers?

**Hon. Mr. Kimmerly:** Yes. I believe there was consultation for that particular ad with Jan Harvey and Associates, but that was not about the copy, at all. I believe that occurred, and I will find the cost and send it over. The design and the copy was done through various versions in-house.

**Mr. Phelps:** Is that a fair summary of achieving the anticipated cost of the newspaper ads and the number of newspapers ads, the anticipated cost of the radio and television campaigns and the volume of the ads?

**Hon. Mr. Kimmerly:** Yes, it is, and as the government advertises the issues, I will expect that the opposition will advertise the cost.

**Mr. Phelps:** I could not let it go at that. I assure the Minister that we would be delighted to advertise the cost. Does the undertaking mean that we can expect this information forthwith and prior to the advertising blitz on the radio and television portion of the media?

**Hon. Mr. Kimmerly:** I am not sure. I can obtain that information this week.

**Mr. McLachlan:** Is the justice review a particular item out of which it is coming? If the answer is in the affirmative, what is the budgeted amount for the justice review?

**Hon. Mr. Kimmerly:** No. The justice review will be an extraordinary expenditure — a one-time expenditure. It will appear in the Supp. The amount is something in excess of \$100,000, probably approaching \$120,000 total.

**Mr. Phillips:** I see in the first line of program objectives is the Recruitment of Judiciary, could the Minister explain who is going to do that recruitment?

**Hon. Mr. Kimmerly:** There is no plan to change the policy as has existed in the past, although there may be some minor changes to the Judicial Council. I think that is probably justified. The reason for that is because, over the past many years, the expense for Judicial Recruitment was borne by the Public Service Commission. The Judicial Council and PSC do not get along. They never have. PSC refused to pay this last time around. We found money within Justice.

There is a concern about the legislative authority to spend money on Judicial Recruitment so, in order to be safe, we have put it in here as \$1.00. The expense will be supervised by the judicial council, but the budgetary controls will be maintained by the government. There is absolutely no intention of simply giving a budget to the Judicial Council.

**Mr. Phillips:** What changes is the Minister contemplating making in the Judicial Council? Is it its makeup or its terms of reference? Could he be specific?

**Hon. Mr. Kimmerly:** Both of those, and I cannot be specific. I would like to discuss it with the Judicial Council. It would require legislative changes, and I would suggest that the time to discuss that is when, and if, a bill is produced. There is no money allocated to changes in the Judicial Council at all.

**22 Mr. Phillips:** I would be very interested in knowing generally what concerns the Minister has and what changes he contemplates to the Judicial Council. Can he not elaborate a little bit on what he

plans to do with the council?

**Hon. Mr. Kimmerly:** The number of women on the council has historically been deficient. The last two appointments I made were women and that helps a bit, but the makeup of the council virtually guarantees a gender imbalance. There should be more lay people on the council. The lay representation should be larger than 50 percent, and that will be a significant change and the chairperson of the council should not be established by the Statute in my view.

**Mr. Phillips:** I agree with the Minister that there is a legal imbalance of judges versus lay people on the council, and I encourage him to move in that direction. You will get a view that is much more reflective of the general public when it moves in that direction. When will the Minister be bringing legislation forth in the House? Will it be next fall? Which sitting?

**Hon. Mr. Kimmerly:** I hope in the fall sitting of the present session, but it may be in the spring sitting of the next session. I could also answer as soon as possible, possibly in the fall, but I hope by next spring at the latest.

**Mr. Phillips:** I thank the Minister for his very clear but murky answer. Who will appoint the chairperson of the Judicial Council?

**Hon. Mr. Kimmerly:** My hope is that the chairperson will be elected from the sitting members of the council.

**Mr. Phillips:** How extensively will the Judicial council be consulted with respect to the legislative changes? Will they be involved all through or will the Minister tell them what the changes will be?

**Hon. Mr. Kimmerly:** I expect I will make a proposal to them and receive their objections and then the debate should occur in the House in my view. The present council should be consulted as to the plans and their views are received and I would commit to doing that much. Anything further would be foolhardy as the changes would probably be resisted by the old order.

**Mr. Phillips:** How many members are there on the Judicial Council now? Are there any vacancies? Does Barry Stuart still sit on the Judicial Council?

**Hon. Mr. Kimmerly:** There are no changes since the Member was last a member. There are no vacancies. Barry Stuart's position was as the Chief Judge of the Territorial Court. That position was vacant for several months, but is now filled by Geoff Bladon.

#### *On General*

**Hon. Mr. Kimmerly:** I should mention that the activity is reduced by 35 percent due to the removal of the Assistant Deputy Minister and the secretary.

*General in the amount of \$187,000 agreed to*

#### *On Financial and Administration*

*Financial and Administration in the amount of \$374,000 agreed to*

#### *On Human Rights*

*Human Rights in the amount of \$73,000 agreed to*

#### *On Compensation for Victims of Crime*

**Hon. Mr. Kimmerly:** Just a note of caution. We have traditionally estimated in the neighbourhood of \$30,000. This year's forecast is approximately \$90,000 due primarily to various awards to victims of wife battering and sexual abuse. The number here is only an estimate. If the board continues to give awards at its present level, which I seriously hope it does, it will probably be higher than that. The expenditure will probably go over that.

*Compensation for Victims of Crime in the amount of \$41,000 agreed to*

#### *On Judicial Recruitment*

*Judicial Recruitment in the amount of \$1.00 agreed to*

*Administration in the amount of \$676,000 agreed to*

#### *On Court Services*

**Chairman:** General debate?

**Mr. Nordling:** Could the Minister tell me if the courthouse library is included under Court Services in one of these lines?

**Hon. Mr. Kimmerly:** Yes, it is. I was going to explain it, and I thank the Member for the question. The library used to be under the Supreme Court. They characteristically went over budget there, and I have told them they are to live within the budget. In order to ensure that, I moved the money to the Program Director. The budget for the library is \$30,000, which is in keeping with previous

years, although in previous years the committee has ignored the budget. That will not occur this year.

**Mr. Nordling:** I will wait until we get to that line item and ask a question on it after general debate.

**Mr. Phillips:** Could the Minister explain the effects of the bill that we have in the House that will change the civil limits from \$1,500 to \$3,000?

**Hon. Mr. Kimmerly:** It will have virtually no effect. It will have a negligible effect on the Supreme Court budgeting. It may mean that a case or two fewer is brought in the Supreme Court; however, the increased activity in the Territorial Court should not involve an increased expenditure as the clerks, the registry and the judges are all paid for out of the fixed budgets.

**Mr. Phillips:** Could the Minister explain the rather large increase in the personnel costs, since there is no person-year increase?

**Hon. Mr. Kimmerly:** This is almost entirely the funding for the third territorial court judge and the support staff involved. It is also an increase due to JES that was only partial in the previous year.

In this program, the JES increase is \$26,000, and the increase for the judge and the support staff is in excess of \$100,000. I will find the more appropriate figure in a moment.

**Mr. Phillips:** That, I believe, is over \$100,000. Can the Minister tell us what that increase is for?

**Hon. Mr. Kimmerly:** The Director of Court Services was budgeted for a part year last year and for a full year this year. That is an increase of \$30,000. The increase on the Territorial Court salaries is \$172,000 in total. That reflects the third Territorial Court judge, a Deputy Clerk and a Clerk Typist. Those positions were all authorized over a year ago, but were only budgeted fully in this budget year.

I was going to identify, under a later line item, Territorial Court. The Victim Witness Coordinator activity, which is new, is budgeted at \$60,000. The part-time support for the circuits in Watson Lake and Dawson City is a total of \$25,000. Those are salary dollars that are increased in the line, Territorial Court.

#### *On Program Director*

**Mr. Nordling:** With respect to the library, it accounts for approximately \$30,000 of the increase. After my question, perhaps the Minister can tell us what the other increase is in that line item. With respect to the library budget my understanding is that to maintain the subscriptions they have at the library would cost \$42,000 and that is without any new texts or statutes. With new texts and statutes the requirement would be closer to \$50,000. Was the Minister aware of that when the budget was set?

**Hon. Mr. Kimmerly:** Yes, I was. I would say that some of the subscriptions certainly do not appear to me to be wise expenditures, and I would ask the Member to look at the list himself and make his own judgment on those things. I should advise the Assembly that we made an offer to the Law Society for the Law Society to take over the law library. The Law Society rejected that and wished the government to continue to maintain the library. We will do that and we will emphasize public legal education materials as opposed to items of exclusive interest to the legal community. It is our hope, especially in the new building, that the library is more accessible to the general public and contains materials of interest to the general public. I am very much interested in developing a good library in that new building but not a library containing the materials of some esoteric interest.

**Mr. Nordling:** Will we find the Yukon Public Legal Education Budget in the line items somewhere?

**Hon. Mr. Kimmerly:** Yes, it is under Policy Planning. When we get there I will explain that we do not actually fund that program directly. It is a federal demonstration grant for a three-year program. We deliver services in kind, such as free rent, a photocopier and furniture expenses. I can identify those and I will. That arrangement was made approximately two years ago and is being properly identified in this budget.

**Mr. Nordling:** I am assuming that the library budget of \$30,000 was a number chosen and set by the Minister. Is that correct?

**Hon. Mr. Kimmerly:** Not really. It was set by the department, administratively. However, it was set in the overall context of the direction that I gave them.

**Mr. Nordling:** Does the Minister know whether or not the Law Society was consulted, and the Library Board, with respect to the budget?

**Hon. Mr. Kimmerly:** No, they were not. They were not for a good reason. The intention here is to change some of those library policies. I can speculate as to who has been lobbying the Member for Porter Creek West. It is a matter of some amusement, almost. I say advisably that it is our intention that the library in the new building become more of a public library than a lawyers' library, that it be under the control of the government, not the court or the Law Society, and that the libraries in the building should all be coordinated and centralized into that law library on the ground floor of the Philipsen Building.

**Mr. Phillips:** Can the Minister tell me where I would find the Victim Witness Coordinator in the person-years? I do not see any position there.

**Hon. Mr. Kimmerly:** The Member will not find it. The reason is, it is a contract position and it will not be incorporated into the person-year complement, as it is in the nature of an experimental program.

It will involve a contract with an individual, probably for a year but possibly less than that. I would suggest it would be eight or ten months now. That person will work in conjunction with the courts and the police, especially the police, to notify the victims of court dates and adjournments, and the results of the cases, to inform the victims of the progress of cases through the court. It will also involve some advice to victims, although not legal advice and the same kind of program for witnesses.

I would state that the courts are very autocratic about summoning witnesses. They do not take into consideration the itinerary of the witnesses, and perhaps they should. This person will be able to coordinate the attendance of the witness and the court to be a little more sensitive than it has been in the past.

<sup>27</sup> The budgeted amount is \$60,000, and there is no person-year attached, although there will be a term contract. The salary is budgeted at \$37,000.

**Mr. Phillips:** What are all the other costs?

**Hon. Mr. Kimmerly:** Communications is \$7,400; supplies, \$2,000; contract services, \$10,000; and travel, \$3,500. The contract services is for the design and the preparation of informational materials for victims and witnesses; that is, a pamphlet explaining their rights and the conditions they may expect in the future.

**Mr. Phillips:** It seems like a lot of money for a short period of time to inform people when they have to be to court, or to coordinate it. Who asked for this position? Is it a common position in other jurisdictions?

**Hon. Mr. Kimmerly:** No, it is not common. It was identified in the report on victims done by the federal Solicitor General. There was a Yukon chapter of that, and it was identified there. The police have identified it as a need.

The intent here is to develop the materials and to conduct an experimental program to aid witnesses and victims. It has been recognized as a lack, I believe, of some seriousness and of long standing, that the courts appear to be treating the accused persons with more concern than they treat the victims and the witnesses appearing before the courts.

This is in the nature of an experimental program to reverse that, and it is intended as a service to victims and witnesses. We have purposely not been frugal in the budget. We will probably not spend the entire budget on this one program, as we are now almost two months late, anyway.

We will see if it is justifiable to continue a person in the next year, or more probably, have the service integrated into the existing person-years in the police and the court registry, which I hope will be the case.

<sup>28</sup> **Mr. Phillips:** Will this person be local and when will they be advertising for it? I have not seen any ads yet. Are they planning on doing that in the near future?

**Hon. Mr. Kimmerly:** I will guarantee to the Member that the person will be local and the ads will appear after the budget is approved — I would expect in the next couple of weeks.

**Mr. Phillips:** Who does the Minister have in mind? It sounds like the Minister has someone in mind for the job.

**Hon. Mr. Kimmerly:** No, I have absolutely no one in mind, but I refuse to authorize an outside hire for this position.

**Mr. Phillips:** What are the qualifications for the job? Can the Minister elaborate on that now?

**Hon. Mr. Kimmerly:** The first one is to be local. The qualifications are not fixed in my mind as a university degree or anything like that. I would expect high school graduation or comparable experience and some familiarity with the police and court system. The ability to get along with the police and the court clerks and to communicate effectively with lay people is the most important criteria here.

**Mr. Phillips:** Did the judges come under the JES?

**Hon. Mr. Kimmerly:** No. Judges salaries are fixed by Order-in-Council. They were recently fixed \$76,000 each, and the Chief Judge gets \$5,000 extra.

*Program Director in the amount of \$394,000 agreed to  
On Supreme Court*

**Hon. Mr. Kimmerly:** The decrease here is because the library was taken out of this line.

*Supreme Court in the amount of \$214,000 agreed to  
On Territorial Court*

**Hon. Mr. Kimmerly:** I have explained the increases here under personnel. They are \$172,000 for the third judge and related person-years. The Victim-Witness Coordinator for \$60,000 and the part-time local support for the court in Watson Lake and Dawson. That is a total of \$25,000.

*Territorial Court in the amount of \$1,005,000 agreed to  
On Sheriff*

*Sheriff in the amount of \$188,000 agreed to  
On Courtworkers*

*Courtworkers in the amount of \$130,000 agreed to*

<sup>29</sup> **Mr. Nordling:** For the budgeted item here, the \$130,000, does the Minister expect to have courtworker services in the rural areas?

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

*Court Services in the amount of \$1,931,000 agreed to*

*On Attorney General*

**Chairman:** General debate?

**Hon. Mr. Kimmerly:** The Program Director here was a person-year established previously, but was not filled and the dollars were not allocated. It is now not filled, because of the Minister's requirement for local hire. The intention is to fill it. The dollars appear to pay the salary. That is the reason for the large increase for Program Director.

As well, there is \$10,000 for contracting with private law firms. There is always a bit of business that requires private lawyers. The Solicitors branch has increased by \$82,000, due to the four year budgeting for a clerk typist and an articling law student.

The Solicitors Program could easily expand. The three solicitors are substantially overworked. I have a fond hope of increasing the number to four, but only after we find an offset within the department.

<sup>30</sup> The Public Administrator is increased by \$22,000 due to the JES conversion, and the Legislative Council is decreased because the revised statutes project is complete. That inflated the numbers in the previous years.

Under Land Titles there was an unfilled position in past years, and we have increased the salaries here by \$55,000. We are hoping to take over the jurisdiction for Land Titles, which is presently federal law. We are estimating \$10,000 for development of amendments to the *Land Titles Act*, which I hope will occur in this budget year.

Legal Aid is a story all its own. The negotiations are progressing well.

**Mr. Phelps:** With regard to Legal Aid, I was rather anticipating that the reduction would be greater than is shown here. Is the reason the Legal Aid remains so high because the changes will not come

into effect until we are about one-quarter through this fiscal year?

**Hon. Mr. Kimmerly:** That is probably accurate to say, but the number was calculated at a three percent increase over last year's budgeted number — not the actual forecast, but last year's budgeted number that appears in our base budget. There is really no magic at all to the estimate here, but I would hope that the changed tariff would come into affect in June. There will be a substantial saving from June on. We will see if we can bring the number below \$600,000.

<sup>31</sup> **Hon. Mr. Porter:** I move that the Chair report progress on Bill No. 5.

*Motion agreed to*

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

*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. 5, *Second Appropriation Act, 1986-87*, and directed me to report progress on same.

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

**Some Members:** Agreed.

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

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

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

*Motion agreed to*

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

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

**The following Sessional Papers were tabled May 21, 1986:**

86-3-40

Two Proposed Amendments to Bill No. 32, *Foreign Arbitral Awards Act* (Kimmerly)

86-3-41

Department of Renewable Resources — Department Presentation to the Task Force on Placer Mining (Porter)

86-34-42

The Future of Yukon's Agriculture (Brewster)

**The following Legislative Return was tabled May 21, 1986:**

86-3-11

Travel by Cabinet Ministers (Penikett) W.Q No. 2