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HANSARD

Wednesday, November 26, 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

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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.

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Bill Brewster	Kluane
Bea Firth	Whitehorse Riverdale South
Dan Lang	Whitehorse Porter Creek East
Alan Nordling	Whitehorse Porter Creek West
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James McLachlan Faro

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01 Whitehorse, Yukon

Wednesday, November 26, 1986 — 1:30 p.m.

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

*Prayers***INTRODUCTION OF PAGES**

Speaker: At this time, I have the great pleasure to introduce two of our pages. They are Teresa Shewchuk and Sophie Tamas, and I would welcome them to attend on behalf of the Assembly.

*Applause***DAILY ROUTINE**

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

Are there any Returns or Documents for Tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. McDonald: I have for tabling the Annual Report of the Libraries and Archives Branch, Department of Education, for the year 1985-86.

Speaker: Are there any Reports of Committees?

Are there any Petitions?

Introduction of Bills?

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

Are there any Notices of Motion?

Are there any Statements by Ministers?

MINISTERIAL STATEMENT**Lands Initiatives**

Hon. Mr. McDonald: It gives me great pleasure to advise you of the Yukon government's recent accomplishments respecting the management, development and availability of land.

First, in August of this year, we announced the orderly development of land policy. This process will help ensure the delivery of quality lots when and where they are needed. This coordinated and consultative process is aimed to reduce the number of land development problems that have been created in the past.

Subdivisions, involving over 100 lots in total, have been completed across the Yukon and will be going to market soon.

Also, major lands in the Hillcrest/McIntyre subdivision have been made available for use by the Kwanlin Dun Band under the relocation agreement.

Further, a program of comprehensive sewage system engineering, testing, and education is underway. This program will help meet difficult land development challenges unique to the Yukon and resolve current land development problems such as those in Willow Acres. It is hoped that by the summer of 1987 alternative systems will have been fully analysed and ready for implementation.

Second is the Yukon's long awaited squatter and homesteader policy. I am happy to inform you that after extensive public consultation, the Yukon government has established its position — its squatter policy. This has been forwarded to the hon. Bill McKnight and upon his approval will be publicly released as a joint federal/territorial policy.

It has been made very clear to me that the squatter policy must be fair and equitable to all Yukon people.

⁰² It must also be applied consistently whether federal or Yukon land is involved. We, therefore, await the federal government's agreement with our Yukon-based solution to a long-standing Yukon land problem.

Third, land availability. As part of the cooperative approach of this government, a process to meet immediate land needs for all Yukon people has been established. Besides the more than 11,700

acres already transferred to this government, the land availability process has identified agriculture parcels and a recreation/cottage site in the Haines Junction area along with a low cost residential or homesteader area for development between Whitehorse and Haines Junction. Orders-in-Council transferring over 1,500 acres are anticipated soon. Also, further lands for the immediate needs of the Champagne/Aishihik Indian Band will be made available for its social and economic initiatives.

Areas for homesteaders, rural residential and agricultural development in the Whitehorse area have been identified and will be requested for transfer soon. As well, other areas are being reviewed to meet immediate land needs, be they needs of the local community, band, government, or the agriculture sector.

Mr. Speaker, these major land transfers to the Yukon government will go a long way in meeting various land needs and in particular the demand for both low cost rural residential land and agricultural land. Included in these transfer requests is provision for over 70 homesteader lots, in time for implementation of the squatter/homesteader policy, and well over 30 new agricultural land dispositions for both intensive and extensive operations.

Fourth is sound, cooperative land use planning. Steering committees have been struck and plans are beginning in the critical areas of Whitehorse West and Klondike Valley. Many of the land management problems we have experienced will be avoided in the future if we plan now.

Fifth, agricultural land. The Yukon government has been working with the agricultural industry to resolve various longstanding agricultural land management issues. Recommendations made by the Yukon Livestock and Agricultural Association respecting land availability are being dealt with as expeditiously as possible. Agricultural land is being made available. These efforts will continue.

Besides the many initiatives noted above, overall lot pricing is being reviewed to follow up on the affordable lands policy announced earlier this year.

In order to maintain these major and aggressive efforts the Lands Branch has been restructured. Over the next few months, staff will be added, streamlined work procedures put in place and computerized information systems designed and implemented. The Lands Branch will become more customer oriented, more lean, and more effective in its mission to plan, develop and dispose of land in all classes in all communities to all Yukon people.

Mr. Speaker, better land management, sound land policy and the aggressive pursuit of land for all Yukon people has been and will continue to be a priority of this government. I trust the accomplishments to date are proof of this.

Thank you.

Mr. Lang: I read the Ministerial Statement with a great deal of amazement. I want to begin by saying I am a little dismayed of the announcement of a squatter policy that cannot be publicly released because it does not have the Minister of Indian Affairs and Northern Development's concurrence. I would have thought, out of courtesy, that government to government there would have been a concurrence and then a joint release of whatever the policy might be.

It puts the Minister in a difficult position when you release a policy like this and if you are treated in the same manner in some other policy area, I would not be surprised.

There are a number of areas in the Ministerial Statement, like the Kwanlin Dun land transfer that was done a number of years ago that the Minister now is taking credit for, which I am finding surprising.

The other area that I find interesting is that staff will be increased but the department will stay lean and mean.

⁰³ That in itself is an interesting development. The other area of observation where I want to express concern is the government again is planning the Whitehorse West area that was planned about five years ago and had been applied for for a land transfer. Now the Minister is going to plan again and is happy about being able to set up some organization to once again go out as a task force and inspect everybody and hopefully get people out to a public meeting. We find this discomforting for the people involved.

Another area I want to touch on is the homesteader's policy. I

think the Minister had better proceed very carefully in this area because there is a major concern by those people who already have land that you could be bringing the value of their properties down in your rush to provide property. Their observations have to be taken into account in any policy that comes forth.

I want to talk about the success to date. The Minister has used a number of figures in the Ministerial Statement and he talks about 11,700 acres. That is 18.2 square miles to date and he is expecting another 1,500 acres, which is 2.3 square miles in the next couple of months. That totals 20.5 square miles. This is quite an accomplishment, and I agree. If I had done that I would have stood up in this House and said to the people of the territory that I had made a major accomplishment, because at this rate the Minister, within 14,666 years, should have all the land in the Yukon transferred to the jurisdiction of the YTG. I think the Minister should be taken to task, because they have been in office for well over a year-and-a-half and they still measure their accomplishments in acres and not in square miles. We had a Deputy Prime Minister who was prepared to fight for the Yukon and what did this government do, they let that window in time go by and now the Minister is standing up saying he is so proud to announce to this House that we can stock acreage subdivisions.

All I can say is the Minister should be ashamed of himself.

Hon. Mr. McDonald: There is a basic misunderstanding on the part of the Member and it is not surprising that the squatter policy is not going to be released. It will be submitted to the Government of Canada because I think it would certainly be the worst kind of political gamesmanship to release the policy prior to its approval since it will be a joint policy. I am sure that political gamesmanship is something the Member is well practiced at.

With respect to the Kwanlin Dun Agreement, it was not signed by the previous government, it was signed by this government on the efforts of this government, and the Ministers of this government. We did the work.

With respect to the staff increase the Member mentioned, I will be prepared to defend those estimates. Clearly anybody who has come into contact with the Lands Branch in the past knows the people there have been overworked and we intend to rectify the situation.

⁰⁴ The Northwest planning area is not the same one that was planned recently. It is another demonstration of the Member's incredible ignorance in the area.

With respect to the Homesteader Policy, I can tell the Member is opposed to low cost land. We will stand toe-to-toe in rural Yukon and he will explain his opposition to low cost land, and I will state our support for low cost land. In the 30 months prior to my domain in 1985, the previous Yukon government managed to transfer 5,572 hectares plus Herschel Island. In the 19 months to December, 1986, with the land in Ottawa, we will surpass that considerably, at 6,088 hectares. We win, if there ever was a contest.

Speaker: This then brings us to the Question Period.

QUESTION PERIOD

Question re: Human rights, CBC advertising

Mr. Phelps: I would like to ask some questions of the Minister of Justice because of his use of the interesting argument that CBC ads, the ads that were aired in all three media by the Justice department, were controversial because I made them so. I would like to explore that with him a little.

Did the Justice Minister approve these ads before they were submitted to the radio stations?

Hon. Mr. Kimmerly: Some of the early ones, yes; the later ones, no.

Mr. Phelps: Could the Minister tell us what the policy of CBC was with regard to airing the ads that his department took over to the station?

Hon. Mr. Kimmerly: No. The CBC can explain its own policy, I am sure.

Mr. Phelps: Can the Minister then please confirm that the CBC refused to air certain ads that were presented to it by the

Department of Justice because they were too controversial prior to any policy statement coming from Ottawa?

Hon. Mr. Kimmerly: I do not believe that that is the case at all.

Question re: Human rights, CBC advertising

Mr. Phelps: Is the Minister standing in his place and saying that that is not the case, that he is sure that there were not ads that were too controversial for airing on CBC prior to the policy decision being made after the controversy? If he is saying categorically that that is the case, I would like to know.

⁰⁵ **Hon. Mr. Kimmerly:** I do not have personal knowledge of the specific communications. I had no communications at all with CBC. It is my understanding of the facts that the CBC decided not to air certain ads after the Conservative Leader complained of them.

Mr. Phelps: I am sure the Minister knows about ministerial responsibility, and I would ask, in view of what the Minister has said, that he check into this and confirm for the House that the CBC did not refuse to air certain ads because they were controversial prior to the decision emanating from Ottawa after letters had been exchanged.

Hon. Mr. Kimmerly: I will not do that. The Conservative Leader is perfectly capable of doing that himself, and I invite him to. It is not something that I will spend any time on. The major issue here is: what advertisements are suitable as non-partisan advertisements to promote understanding about human rights. Their opinion is different from ours, obviously, and it is the CBC's decision or the decision of the manager of the newspapers or radio or television stations to decide those things. In a free country, that is exactly what should happen.

Mr. Phelps: Even the arrogant Minister can surely get the simple point. It was his department that took the ads to CBC. It is his department that knows whether or not some of them were turned down for free time on the publicly-owned broadcasting station because they were too controversial. I submit that he has a duty to report to the House whether or not that occurred.

Will the Minister re-examine his thinking, such as it is in this regard, and come back to the House and tell us what happened?

Hon. Mr. Kimmerly: No, Mr. Speaker.

⁰⁶ Question re: Social workers, Faro

Mr. McLachlan: I have a question for the Minister of Health and Human Resources with regard to the social worker situation in Faro. Yesterday, the Minister further muddied the water, in response to the questions about this worker, by introducing a new, untried, unadvertised, unrequested entity called a social development worker. Then she appeared to be uncertain about the department's policy as to when the social development worker was approved for the area, or that this was just another idea with no place to light. I would like to ask the Minister now: has a social development worker at 30 hours per week been approved and advertised for either Faro or Ross River?

Hon. Mrs. Joe: That was approved in last year's budget, and I am not sure whether or not it has been advertised yet, but I can bring that information back.

Mr. McLachlan: Is the Minister saying that even though this position was approved in last year's budget it has not yet been filled, or if it is going to be filled before the funds approved expire by March 31, 1987, and, if so, where is the worker going to be posted?

Hon. Mrs. Joe: The worker will be posted to Faro and will be working out of the Faro office. It is my understanding that all of the social development workers have been hired. I would have to come back to the Member with that information.

Mr. McLachlan: On Tuesday, the Minister indicated that Ross River had a number of problems to deal with that represented more of a workload than Faro with 1,000 people. Will she produce the study that documents the figures that there is a greater workload for a social worker in Ross River than Faro?

Hon. Mrs. Joe: I am attempting to get those figures right now.

Question re: Human rights, advertising

Mr. Phelps: Back in May of this year, May 21, we had an occasion during budget debate in Committee of the Whole to stand a portion of the Justice budget. At that time, the Minister said that the total cost of what he euphemistically called the educational program, which we call the propaganda campaign, was the total sum of \$75,000. He also said that the ads that were to be developed were to be developed entirely within House. Is it not true that within two months — or a month-and-a-half, rather — of that debate taking place his department entered into a production contract with CHON-FM to produce ads and programming?

Hon. Mr. Kimmerly: Yes, that is the case. I believe there was an intention to do the program entirely in-House. Some parts of it, specifically the production of radio ads, were contracted out.

Mr. Phelps: The thing that interests me is that here we have a situation where one publicly-owned radio station refused certain ads because of the controversial nature, another publicly-owned...

Speaker: Order please. Would the Member please get to the supplementary question.

Mr. Phelps: Another publicly-owned station aired them all. Was this contract placed in order to entice the airing of all the materials that the Department of Justice wished to air?

Hon. Mr. Kimmerly: Absolutely not. That is an irresponsible accusation. I would call on the Member opposite to present a shred of evidence to support that. That is totally irresponsible for a man in his position.

Mr. Phelps: Why did the Minister not come clean in the House in May about his propaganda program?

Hon. Mr. Kimmerly: There was no propaganda program at all. The plans in May were exactly as I stated.

Question re: Human rights, advertising

Mr. Lang: The Minister of Justice has the ability, with the use of the English language, to give the impression and to give the distinct direction of his government on any given issue and then two months later refutes it and tells us that that was not what he had said.

When the Minister approved the ads that were put on CBC, would he not call that political partisanship?

Hon. Mr. Kimmerly: Absolutely not. All of the ads that I approved were aired, and I changed at least one of them because it had a hint of partisanship in it, and I wished to avoid that problem, which generally was done extremely well by the civil servants.

Mr. Lang: The Minister is saying to us that he approved every ad, he even changed them, and he is now asking us and the general public to believe him when he says that there was no partisanship involved. Is he actually telling the people of the territory that he was involved in the approving of these ads and there was no attempt by the NDP government to put their point of view across in these ads?

Hon. Mr. Kimmerly: The Member opposite is guilty of exactly what he is accusing me of. The specific direction was given and repeated in this House to the civil servants who prepared and assisted in the production of that public information campaign to make it non-partisan.

I have received compliments from commissions around the country, and compliments especially from rural Yukon. That campaign was well done; it is not a partisan campaign at all.

Mr. Lang: I will try to phrase the question in a different manner. Is the Minister of Justice telling us that he approved the ads and that he had made a totally non-partisan observation with respect to the Bill he was trying to sell? Is he trying to tell the public that his political involvement was not really political involvement; it was just strictly proof-reading?

Hon. Mr. Kimmerly: This campaign of public education was asked for by Yukoners after the irresponsible partisanship display on the first Bill, and it was very successful. No apology, whatsoever, is due to that excellent public education campaign.

Question re: Human rights, CBC advertising

Mr. Lang: This is absolutely amazing; absolutely amazing, where this Minister will meddle and then come up and pontificate the man of virtue.

I have a further question with respect to the educational campaign that the Minister is so proud of that is non-biased and brings forward every point of view. I want to refer to the sexual orientation paper dated September 19, 1986. He stated yesterday that he was attempting to find out exactly why the document was prepared without his supervision. Does he have an answer to that question?

Hon. Mr. Kimmerly: Yes, and it is interesting that the article quoted from is an excerpt of another article prepared for the Canadian Commission, which is clearly stated on page 15 of that package. Also, in the introduction of that package, it is clearly stated that this is a collection of materials, and the opinions expressed are not necessarily those of the government.

Mr. Lang: In that article, there is an opinion expressed which, in my view, is inaccurate. The view of the church on sexual orientation is not unanimous. It is divided. The view of the majority of churches is favourable.

Mr. Lang: In view of the carefully selected words of the Minister when he refers to it as being inaccurate, has the Minister withdrawn this from the public for disbursing to them and is he going to retain all the copies so that people are not left with the false impressions that have been put forward by this particular document?

Hon. Mr. Kimmerly: No. There are many expressions of opinion in that document and others that are quotes from other writers. It is fair to display those views. This document is not intended for general public consumption. It is only for serious, concerned readers, as it is approximately 45 pages.

Mr. Lang: That is an insult to the public. The Minister just told me that if it was over 44 pages, the general public would not be interested in reading it, or they might not be capable of reading it.

How many copies of this particular document were printed?

Hon. Mr. Kimmerly: I do not know precisely. I would expect in the neighbourhood of 100.

Question re: Human rights, public input

Mr. Nordling: Has the final form of the new human rights act been drafted at this time?

Hon. Mr. Kimmerly: There is a draft of the bill to go before Cabinet this week.

Mr. Nordling: My concern is with whether or not public input will have any effect at all on the bill. Has the Minister reviewed all of the public input in preparation of this draft?

Hon. Mr. Kimmerly: Yes, I read every word of every letter, with the exception of one series of 55 letters, which were word-for-word the same, but I personally read the letters and submissions and I may say that everyone who has expressed a view has been conscientiously listened to, absolutely everyone.

Mr. Nordling: When the final draft goes to Cabinet, will that material be available for them or will Cabinet be deciding solely on the Minister's recommendation?

Hon. Mr. Kimmerly: That is entirely up to Cabinet.

Question re: Human rights, re equal pay for work of equal value

Mrs. Firth: I have a question for the Minister regarding human rights. Since the Government Leader is committed to implementing equal pay for equal value in the private sector could the Minister tell me why he is meeting with individual groups and telling them he is prepared to look at compromising the issue?

Hon. Mr. Kimmerly: I did more than that. I spoke on the public radio and said I was prepared to compromise. I am sorry that the Conservatives to date have absolutely no constructive suggestion about any compromise.

Mrs. Firth: The Minister again is making comments on which I would caution he should have his facts more accurate. I have the First Ministers Conference presentation that the Government Leader made in which he very clearly said that pay equity had been implemented in the government and that he was looking at it with the view of extending the principle to the private sector. The Minister of Justice is saying that there is some potential that they will not be doing that. All we are trying to find out, in a

constructive way, is: what is this government's position? Are they going to implement pay equity in the private sector or not, and I would like the Minister of Justice to answer.

Hon. Mr. Penikett: Let me just say what a rare treat it is to hear the Member for Riverdale South quoting me accurately. The statement that I made at the First Ministers Conference is a statement of the position of this government. We are looking to extend the principle of pay equity to the private sector. As we have made clear from the beginning in our method and manner of consultation on this question, we are looking at how we do it, not only what we do, and that has been the subject of discussions by the Minister of Justice, excellent discussions all over the territory with many interested groups, and that is the issue that Cabinet will be faced with in deciding how we proceed with the Human Rights Bill.

Mrs. Firth: We have made a very constructive suggestion regarding the pay equity issue, and the government seems to be inconsistent on exactly what its issue is. Perhaps I could phrase the question in another way as a final supplementary to the Minister of Justice.

I think it is fair to say that the majority of small businesses in the Yukon are what are referred to as the traditional ma and pa businesses. Could the Minister of Justice tell us where he sees the need for this extreme action, if that is the case?

Hon. Mr. Kimmerly: The issue here is that we, on the government side, believe in, and are promoting, equal pay for women, be they Conservatives or not. It is as simple as that in the final analysis.

Question re: Human rights, sexual orientation

Mr. Lang: There we go again. The Minister of Justice, the man everyone is supposed to trust, the only man in the territory who likes women and is prepared to pay women. I find it totally and absolutely ludicrous. Since we have the inaccurate paper called Sexual Orientation, dated September, 1986, could the Minister inform the House how many documents like this have been prepared to explain human rights in the past two or three months or in the past couple of days?

Hon. Mr. Kimmerly: None in the past couple of days, and none in the past two or three months. In the past six months, there is one on sexual orientation, one on pay equity — an extremely interesting one on pay equity that I would recommend to all Members — one on aboriginal rights and one on the rights of the handicapped. Those are the ones I remember, although there may be one or two others. I will send the Member opposite a copy of all of them today.

Mr. Lang: I appreciate the largess of the government. As one of the legislators who had to vote for money for the educational program, are there any possibilities of any other brochures being written by this government to propagate their principles on human rights?

Hon. Mr. Kimmerly: Yes, there is a bill that will be introduced on Monday.

Mr. Lang: Were the documents that the Minister referred to on pay equity, on aboriginal rights, and on rights for the handicapped given final approval by the Minister prior to being exposed to the general public for consumption?

Hon. Mr. Kimmerly: No, none of them were, but I have subsequently read all of them. I would commend all of them to the Member opposite and the serious reader. It is a total of literally hundreds of pages, but it is good reading.

Question re: Human rights, CBC advertising

Mr. Lang: In view of the answer to my last supplementary on this new question, since the Minister of Justice stated specifically here today that he did not approve those particular documents, which he just referred to, why did he say yesterday, "I am attempting to find out exactly why the document was prepared without my supervision, specifically the sexual orientation."

Why is he now checking that out? Obviously, the intent was that he approve some documents. Why now is he saying that he did not have anything to do with it?

Hon. Mr. Kimmerly: Because the Member opposite was being

intellectually dishonest, he was trying to imply that he was quoting from a document of the position of the government, and he was not at all, of course. I wished to check into the facts before I was positive about my answer.

Mr. Lang: Did the Minister give direction to prepare these documents without his supervision and without his political stamp of approval that he gave to the ads on CBC?

Hon. Mr. Kimmerly: I gave the direction that packages be prepared, the 30, 40 pages or so or a maximum of that, meant as background information for the serious reader about specific issues in human rights. That was done. It was not necessary that I supervise that personally, and I did not. I did not need to. It was all extremely well done.

Mr. Lang: These were supposed to be totally nonpolitical documents. Why is not both sides of the argument presented in these particular documents? Why is only the government's position, supporting their political ideology, supported in these documents if it is supposed to be nonpolitical and give both sides of the argument so the serious reader, all 100 of us in the territory, can make up our own minds whether or not it is right or it is wrong?

Hon. Mr. Kimmerly: The purpose was to speak about and to present information specifically about issues on human rights. The literature against human rights is relatively scant, although it is beginning to be written here in Yukon, which is a shameful fact.

Question re: Faro social worker

Mr. McLachlan: I have a question for the Minister of Health and Human Resources. The Minister may be unaware of the situation, but some of the workers in Faro are what is referred to in the system as dysfunctional, that is they have been unemployed or on social assistance at some point over the last twelve months. I have some concerns about the ability of the social development worker to be able to assist or help them. Correct me if I am wrong, but is it true that the social development worker cannot approve social assistance at as high a level as a qualified social worker, which we now have?

Hon. Mrs. Joe: Yes, I believe that information is correct but, as I mentioned before, the social worker will be in Ross River and that is not too many miles away.

Mr. McLachlan: I would also ask the Minister about people in Faro who are under a probation order for A & D counselling. We used to have an alcohol and drug counsellor years ago, but it was subsequently cancelled and removed from the community. It is impossible for some of these people to complete the terms of their probation order. Will the Minister consider the hiring of at least one-half person-year, someone on a part-time basis, to do alcohol and drug counselling in Faro?

Hon. Mrs. Joe: That is a problem we have in many communities. I will definitely look at the problem and find out if we can enhance the program we already have.

Question re: Human rights, CBC advertising

Mr. Phelps: I share the exasperation of my friend from Porter Creek East with regard to trying to get a straight answer from the Minister of Justice. As I understand it, the Minister is contending that he did not supervise the preparation of many of the ads and most of the other printed material. That is what he said today.

Yesterday, I quote from *Hansard*, after being asked about a mistake, an obvious error in one of those documents his response was this, "I am attempting to find out exactly why this document was prepared without my supervision." Now the Minister cannot have it both ways: was he supervising or was he not most of the time?

Hon. Mr. Kimmerly: I was referring to that one statement that was quoted, quoted out of context of course, and quoted from someone else's article. That clearly answers the question.

Mr. Phelps: That does not answer the question at all. He cannot have it both ways. Was the Minister supervising all the documents? If so, then why yesterday was he saying "I am attempting to find out exactly why this document was prepared without my supervision". Which is it: was he supervising them all or not?

Hon. Mr. Kimmerly: I did not supervise the production of any of the ads or the documents. I saw, before the release, the fact sheets, the two papers and some of the early ads. The other ones I did not see before the release, but I did not require that. The education campaign was conducted within the civil service, and extremely competently conducted.

Mr. Phelps: If we accept that, and, as honourable gentlemen, we have to, could the Minister then explain why he said these words yesterday: "I am attempting to find out exactly why that document was prepared without my supervision." Why was he attempting to find that out?

Hon. Mr. Kimmerly: I have already answered that question, but I will explain it to at greater length. I was asked a question about a specific statement in a 45-page document that I did not have in front of me. I said that I would look into the preparation of the statement.

I have looked into the statement. The statement was made by somebody else, and I have explained that, in my opinion, it is an error.

Question re: Human rights, document preparations

Mr. Phelps: I will try once more. On the one hand, the Minister said that he did not supervise the preparing of all these documents, and yesterday he said "I am attempting to find out exactly why that document was prepared without my supervision". Why would it be something he would have to find out? Why would the Minister have to find out why a document was prepared without his supervision if the normal practice was not to supervise the preparation?

Hon. Mr. Kimmerly: I have explained it the best I am able to explain. I will not explain again. The point is that I was asked about a specific statement. I checked into it, and I have explained it. The real issue here, of course, is the position of churches on sexual orientation, which I have explained as well.

15

Question re: Human rights, advertising

Mr. Lang: The issue here is the question of conflicting statements.

The Minister said that he just approved a number of the earlier ads that were aired by CBC and, I am assuming, the other print media as well as on CHON-FM. Two statements ago, he said he approved all the ads prior to them going out. Did he approve all the ads that were developed by the department, or whomever, prior to them airing on either CBC or being distributed to the newspapers for the purposes of being paid advertising in the newspapers?

Hon. Mr. Kimmerly: I said I approved all the fact sheets before they went out, which are different from the ads. There is no inconsistency whatsoever.

Mr. Lang: This is absolutely ludicrous. The Minister who is approving everything says there is no political involvement. It does not add up.

How many documents, for the purpose of pay equity, aboriginal rights, rights for the handicapped and sexual orientation were printed in total?

Hon. Mr. Kimmerly: I have already answered that. I will send the Member today a copy of all the issue papers. Of the number printed, I do not know, but it was in the neighbourhood of 100; I would expect less than that. I can find out. It is an easy thing to find out and I will find out.

Mr. Lang: Because of the political partisanship that has been exhibited here, our position that we paid for cost \$840 just to print. That was approximately four pages. These are 45 or 50 pages apiece. He says it is not partisan.

Who has copies of these particular documents? Who were the select people who got copies of these documents?

Hon. Mr. Kimmerly: We put them on a display table at all of the public meetings that occurred and made them available to Chambers of Commerce and community groups. We distributed, on average, three or four per community around the Yukon.

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

ORDERS OF THE DAY

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 57

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

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

Mr. Nordling: Yes, Mr. Speaker.

Speaker: It has been moved by the hon. Member for Porter Creek West: THAT it is the opinion of this House that the Government of Yukon should accept the recommendations made in the Report of the Task Force on Placer Mining and that a Steering Committee be established to begin implementing the recommendations at the earliest possible opportunity.

Mr. Nordling: The placer mining industry is very important to the economy of the Yukon. It helped, along with tourism, to pull us through the recession when most of the major mines were shut down. My understanding is that placer mining contributes in the neighbourhood of \$40 million a year to the Yukon's economy. This does not include tourism benefits. I know that many tourists are amazed to see that after almost 90 years there is still actually placer mining going on in the Klondike. This in itself is an attraction.

It is our industry and we should show a little leadership and let the federal government know that we can form an opinion and make a policy on our own and do this without being confrontational. The recommendations made by the Task Force on Placer Mining are very beneficial to the industry while at the same time taking environmental concerns into account. There are, in my opinion, some very good recommendations with respect to creating legal certainty for the benefit of all concerned — one recommendation being to develop a Yukon Territory Water Act. The recommendations also outline an administrative regime and speak of a valley classification system, also incentives for environmental protection such as amendments to the *Income Tax Act*.

The Yukon Chamber of Commerce passed a very similar motion to the one that we are debating today at its annual meeting in Dawson City. We do not have to wait for the federal government before this House can have an opinion on any given subject and certainly not on something as important to us as the placer mining industry.

The Task Force held discussions with the Department of Economic Development, Mines and Small Business, and the Department of Renewable Resources made a written submission to the Task Force. It is now months after the Task Force has made recommendations, and the Government Leader is waiting for a Water Board reaction to the recommendations. Yesterday, the Minister of Renewable Resources said that he would have to check with his department to see if the department has reviewed the recommendations. I do not know what interest the Member for Klondike takes in all this, but time is passing and many of his constituents, and I must say a couple of my own, are hoping for some certainty prior to the next mining season. This House may not be able to put virtually any of the recommendations into place or appoint the steering committee, but surely we can express an opinion and at the same time be acting responsibly.

Hon. Mr. Penikett: I thank the Member for moving the motion and providing us with an opportunity to speak to this question. Even though I think we would have preferred to respond publicly to the Water Board's recommendations to the Minister, unfortunately those recommendations, as the Member has indicated, are not yet public.

The Yukon government has received and reviewed the report of the Federal Task Force on Placer Mining, and our government is supportive of many of the recommendations to improve the legal framework under which the industry operates. Perhaps the most important of these is the need to establish legal certainty for placer operators so that they cannot be licensed under one act, the *Northern Inland Waters Act*, and potentially prosecuted under another Act, the *Fisheries Act*.

We agree with and support the intent of the task force recommendation to resolve this contradictory situation. We will be asking the federal government to involve the Yukon government in their deliberations in resolving this conflict. We may have some questions about some of the recommendations on legal certainty, as they may have some impacts that we are not fully able to ascertain on the possibilities for effective water resource planning and management.

We also agree with and support the recommendation of the task force with respect to the utilization of federal employees. We think that they should be used as technical advisors rather than as members of the Water Board, and we support both the need to provide the necessary technical advice for the Water Board to ensure that their decisions are made on the basis of as full and complete information as possible. We do think though that it is necessary to make sure that we avoid setting up duplicate bureaucracies, and we think that it is necessary that we have clearer, less redundant enforcement and reporting by the several agencies involved in water use.

We support the undertaking of a comprehensive study to assess conclusively the relative impact of placer mining activities on Yukon's fishery resources, and most importantly, we support the proposal that the federal government, which is responsible for the legal framework for the placer mining industry, act expeditiously.

We are in general agreement with the concept of two classes of water licenses. We agree with the intent of the task force recommendations on water licenses, although we might have some concerns about the recommendation that class B licenses contain water quality standards in accordance with the proposed placer mining water quality standards regulations. We think there may be some further study warranted in this area.

We agree that it would be helpful to have fewer agencies involved in the inspection process, and we think that more training may be required there to make sure that we have quality work in that area.

¹⁸ I think it is important to say that, while we are generally supportive, the government is a little bit uneasy about recommendations that would essentially remove any water quality standards, perhaps at the expense of other water users. We will be seeking to have our officials review, along with the federal officials, the recommendations that are going forward to the federal Minister with respect to this area, including the issues of the value classification system, environmental controls, incentive programs, and so forth, and the question of implementation.

As the Member who initiated this motion well knows, our government has taken leadership with respect to this industry and its importance to our economy. We have, through our Regional Resource Roads Program, our Mineral Exploration Incentives Program, our Prospectors Assistance Program, our support for such things as the Dawson Gold Show and the remote sensing station run by the Yukon Prospectors Association, I think demonstrated our commitment and support for the industry.

We also have established our clear intention of working cooperatively with the mining industry. I think we have demonstrated that, in the last year-and-half, we have shown our interest in increasing mining activity and mining exploration and providing the jobs and business benefits that come from it. I think that the response of the industry is proof that they take us seriously.

It is important to say that our government is also committed to the diversification of the Yukon economy. We want to broaden and strengthen our economic base, and that is why we are taking so many initiatives in the import substitution area and in increasing the proper utilization of renewable resources, especially to build up the economies of many of our rural communities. We want to see more in manufacturing and processing of those local resources, and we expect much of the diversification in creating new industries in our communities. Many of these will be based on renewable resources.

For that reason, it is probably unwise to commit, absolutely, resources such as water to only one user, when we can broaden our economic base by making multiple use of that resource.

I think it is also a concern for us that premature commitments now could disrupt other processes, such as land claims negotiations, with the potential of a very undesirable result of putting all land use

in Yukon under a legal cloud; therefore, our government is committed to working cooperatively with all interests, industries and communities in the Yukon, as we have shown in our consultative processes.

With this consultative and cooperative mood in mind, I would like to offer a friendly amendment to Motion No. 57.

Amendment proposed

Hon. Mr. Penikett: I would like to move that Motion No. 57 be amended by deleting all words after the word "and", and substituting for them the following:

"to the recommendations of the Water Board to the federal Minister of Indian and Northern Affairs; and THAT this House encourages the federal government, in close consultation with the Government of Yukon, to establish a steering committee to implement measures based on these recommendations to ensure the continued health and viability of the placer mining industry in the Yukon."

¹⁹ **Speaker:** It has been moved by the hon. Government Leader that Motion 57 be amended by deleting all words after the word "and" and substituting for them the following:

"to the recommendations of the Yukon Water Board to the federal Minister of Indian Affairs and Northern Development; and THAT this House encourages the federal government, in close consultation with the Government of the Yukon, to establish a steering committee to implement measures based on these recommendations to ensure the continued health and viability of the placer mining industry in the Yukon."

Hon. Mr. Penikett: If I may speak briefly to the amendment, I had some textual concern with the amendment as proposed by the Member for Porter Creek West particularly with regard to the phrase on the steering committee, which I feared seemed to imply that the Yukon Legislature should set up such a steering committee when what is clearly contemplated in the Task Force recommendations is that the federal government set up such a steering committee.

I also think it is very important in discussing this matter to remind all concerned that of course the legislative jurisdiction in this field is exclusively in the hands of the federal government, and it is the federal government on whom we must call to take the expeditious action in this area.

Mr. Nordling: With respect to the amendment, it is not exactly clear to me what the Minister of Economic Development, Mines and Small Businesses is getting at. I am going to read the motion as it would read amended and then make a couple of comments on it.

The motion will now read: "THAT it is the opinion of this House that the Government of Yukon should accept the recommendations made in the Report of the Task Force on Placer Mining to the recommendations of the Yukon Water Board to the Federal Minister of Indian Affairs and Northern Development; and THAT this House encourages the federal government, in close consultation with the Government of Yukon, to establish a steering committee to implement measures based on these recommendations to ensure the continued health and viability of the placer mining industry in the Yukon."

I would ask if the Minister of Economic Development would clarify what is meant by the recommendations in the Report of the Task Force on Placer Mining to the recommendations of the Yukon Water Board to the Federal Minister of Indian and Northern Development? We do not know what the recommendations of the Yukon Water Board were to the federal Minister. On the basis of the fact that I cannot understand exactly what the Minister is getting at, nor do I wish to support recommendations of which we are not aware, I will not be supporting the amendment as it is.

²⁰ **Speaker:** Honourable Government Leader, would you kindly clarify further?

Hon. Mr. Penikett: It appears that there may be a typo here with respect to the word "to", which I think may be redundant at the outset of the motion. If I could correct the amendment on my feet, I will do so. The reason that the recommendations of the Water Board are included in the motion is, of course, that that is what is going to the federal Minister, not the task force recom-

mendations.

Speaker: Is it agreed that we delete the word 'to' in the amendment?

Some Members: Agreed.

Speaker: We are agreed.

Mr. Lang: I am a little dismayed with the form in which the motion has been brought forward, in view of the fact that the government has advisors who can obviously become involved in drafting these things and who take the time and effort from the Minister of Economic Development.

The alarming aspect of this is the efforts of having it both ways. We know of one public document, and that is the Task Force Report that was made available as of June, 1986. That document was sent to the Water Board, and it has also been directed to the Minister of Indian Affairs and Northern Development as well.

What the Water Board has done is really the Water Board's business. The question that is asked in the House very clearly and very specifically is whether or not we concur with the Task Force Report with respect to the principles that should be accepted by government and implemented by governments.

The Minister of Economic Development has gone through and stated a number of areas that he supports, but he has also said that he would not support the principles for the purposes of sedimentation. That is the key. That is the crucial aspect of whether or not the placer mining industry in the Klondike, in the Mayo area, in the Burwash area, in the Haines Highway area, down by Watson Lake, up by Livingstone or by Lebarge and in other areas in the territory, is going to survive.

The government has had this report for five months — five months. We have a statement by the Minister of Economic Development talking about a \$60 million to \$70 million industry that he is not too sure about which recommendations he would support because he does not have the ones from the Water Board. At the same time, he brings a motion forward to accept the recommendation of the Water Board.

²¹ This is one of the key elements to the territory, to look for investment in the mining community. Part of that is to have a valid placer mining industry. You have people such as the president, Norm Ross, and his executive, who have not taken hours off work but have taken days off work when they should have been out mining and earning whatever money they could for their season, which is short to begin with, 70 to 90 days.

The Minister of Economic Development looks at this side and seems kind of surprised that it is an issue. This has been going on since 1978: hearing after hearing; task force after task force. Do you know what the effect has been? The effect has been that people will not be prepared to invest in the territory because of the uncertainty, because of the power of the bureaucracy to set their own rules and directly tell the investor how to live.

We have an amendment that has been brought forward with little thought other than to be able to speak on both sides of the issue. The Member for Porter Creek West stated the importance of those recommendations, the importance of the area when he talks about sediment and how it would be treated and the fact that there is a strong recommendation that a steering committee should be implemented as soon as possible. Yet we have had five months go by.

We have seen newspaper articles where the government says that they are sympathetic to the placer mining industry yet, at the same time, the Minister of Economic Development stands up and says he cannot take a firm position on the Task Force Report. If he does not like a number of the recommendations, come out and say it. Do not pretend on one side that you are going to support the placer mining industry, and you will have to make a decision as far as how the sediment is going to be silted out after they mine. Oh no, what our government does is come in with a position that there is multi-use of the water and all these things will have to be considered.

Speaker: Order. I would like to remind the Member that he has one minute to conclude his remarks.

Mr. Lang: On the point of order, I think you better check these rules. I am allowed 30 minutes. Excuse me, 40 minutes, Mr.

Speaker.

Speaker: Excuse me. Continue.

Mr. Lang: Mr. Speaker, I am getting tired of getting cut off. Does the Minister of Economic Development has something to say?

²² Here we have a motion that we thought was unanimous. It was primarily brought forward to ensure that the position of the people of the territory was clearly, decisively expressed through these chambers. What do we have now? We have an amendment brought forward by the other side that waters it down to the point that we are talking about recommendations we know nothing about or have never seen.

Yet, the Minister of Economic Development says that this side is irresponsible. We thought that this motion would be non-controversial. We thought that our motion would go through unanimously; we, the NDP and the Conservatives holding hands, closely locked with the one and only Liberal in the House walking down as a team and saying to the Government of Canada that this is where we stand. But no, what do we have? We have a basic difference in philosophy, ideology and implementation.

How can the Member for Mayo, who sits there looking quite content, not support the Task Force Report for the placer miners who he has in his area, a report that practically speaks to the environmental problems and to the economics of the industry. But, the Minister will stand up and pontificate and say, well we have to study this and we have to look at this, and whatever. He is the one who went to one of the public meetings and expressed the view of the NDP and said that they were in full support of the placer miners. Now it is not election time, so where is he now? He is back with his friends on the environmental side.

I say to the other side, shame. Shame on you for not having the will, or the political guts, to take a position on something that is as important to the territory. There is \$60 million worth of industry, and the Minister of Economic Development would sooner stand up here and talk about how he got three tables built for the justice system.

I say shame. I say you should be embarrassed; you should be looking down. Every one in this House, including the Members on that side, are people who have made a major investment in the mining industry, primarily the placer industry. We then have the Member for Klondike who is not even on the speaking list because it is so irrelevant. At the same time, he well knows that if placer mining stops tomorrow, Dawson City is in a lot of trouble. There will be a lot of make-work programs for the next ten years if it shuts down.

The placer mining in the territory is in trouble right now. We just saw the price of gold drop by \$25. That is no big deal to the side opposite as they look at increasing their pay. That is no big deal, no big deal at all. It is going to make or break that industry, make or break it. And what are we doing? We are playing games, political one-upmanship is what is happening, as opposed to going united to Ottawa and giving them the position of the people of the territory.

The Minister of Economic Development has the audacity to stand up in this House and talk about leadership in the mining industry, specifically in the placer mining industry. I was going to stand up on the main motion and give this government its due. I believe in the regional road to resources. Perhaps there should be more money there.

²³ We believe in the prospectors program. The Leader of the Official Opposition has said clearly and decisively that we support those programs. If anything they should be enhanced. Yet on the crucial issue that is going to make or break the placer mining industry, the people of the territory's voice, the Government of the Yukon Territory, will not take a position. Their answer to the position is we will strike a committee and we will have membership. Another committee to go with how many committees do we have travelling around this territory now bumping into each other: eight, nine or ten? Twenty? Consultants galore. The consultants of Toronto and Vancouver, the place to come is the Yukon. Now, of course, because it will not be made public it will really entice people here so they can get onto the public trough and milk it for everything they can. I find the position taken by the

Member for Klondike, who appears to be finding my dissertation very entertaining, that he should be taking it very, very seriously, very seriously. The only thing that the Member for Klondike has taken seriously in this House is the cruise missile, which we can do so little about and I am sure he is on a daily communication with the premier of Russia.

I want to say to the Members opposite that they should rescind this amendment. They will have the unanimous support of this side, and I am sure Mr. McLachlan will do what you tell him. Take the amendment back and vote on the main motion.

I want to conclude by saying the motion was brought in with good intentions. It was brought in thinking that the government, as Yukoners, would be prepared to unite on an issue as important as this and I think it is time that the side opposite make a definitive decision, stand up and support that industry that is so vital and so crucial to the territory, so that they can have, in conjunction with their own support, some political support from this House to get on with the business at hand and get back placer mining as opposed to going into the main business in the Yukon, which seems to be committees.

Hon. Mr. McDonald: I will admit from the start that I had expected that the friendly amendment put forward by the Member for Whitehorse West would be treated as a positive amendment, given that we wanted to identify the real authority for regulation of the placer mining industry of the territory, but I think we smoked them out. What we received in place was a spirited defence of the Conservative Members in Yukon's friends in Ottawa for whose responsibility this matter really is. The Federal Conservative Government, with an MP who has been Deputy Prime Minister of this country and acting Minister of Fisheries, has been in office for over two years and the most recent initiative was to ask for another report from interested individuals to report to the Minister through the Water Board, as requested by the federal Conservatives, on matters relating to the placer mining industry.

²⁴ What we got was a spirited defence of the several Canadians who are running this territory with respect to the placer mining regulations. I think that that is disgusting.

I had the privilege of sitting at a meeting of one of the many review processes in Dawson for a couple of hours, making a presentation to the Interdepartmental Placer Mining Review Committee, explaining this party's position, which is now the government's position, in support of the viability of the placer mining industry. I had the dubious pleasure of being cross-examined by both the lawyers of the KPMA and the lawyers for the Conservation Society, in public, on the record, and indicating, without any degree of doubt, where this party stood in support of the placer mining industry, and I will explain in detail where that support lies.

Meanwhile, the Conservative Members, and they can all stand up and give their own little speech, apart from the Government Leader of the day, and I must admit he took a thoughtful, statesman-like approach. Almost without exception, the Conservative Members of the government of the day stood up and gave the same sleazy, rhetorical speech that only hyped up emotions and did absolutely nothing for the placer mining industry.

I have a number of placer miners who live and make a living in my riding. Many of them live there throughout the year. They have been living under the gun for a number of years now, living in the climate of uncertainty because they were never really sure when there would be some resolution at the federal level on the regulation of their industry, either through Fisheries or through Water Management, both federal responsibilities.

They legitimately thought that, given all the rhetorical statements and all the fed-bashing that the Conservatives were practising, that when they elected an MP to the government of the Conservative persuasion to the federal government there would be action now. What they got, even with our MP being Minister of Fisheries, was inaction — then, now — and still no promise of any solidity of the system, security of the system. How are placer miners supposed to invest in an operation and be in a situation where there is no legal certainty.

I find it difficult to understand why it would be beyond the realm

of possibility for this House to tell the federal government, which has not offered to turn Fisheries management over to us, which has not offered to turn water resources over to us, why we would not tell the federal government: listen, this territory has spoken many times on the placer industry. Do something about the recommendations that have been put forward, both the recommendations of the previous committee, this recent task force, the Water Board, and previous committees.

I do not have to defend my position to anybody. My position has been on the record, this government's position has been on the record, and all the Conservative opposition are trying to do is to try to defend a do-nothing federal government that is exacerbating the problem through inaction.

²⁵ We have our MP — one person called him "Horatio at the Bridge" — who is protecting the interests of the placer mining industry. Now, the man is over-worked. I admit, the man has a lot on his mind and has some weighty responsibilities. Clearly, this has to have been one of the most severe federal issues that affects the territory today. We have been waiting two years and we are still waiting. We are actually waiting for the most recent response to the most recent task force, and the Member for Porter Creek East has the gall to stand up and say that they know where they stand and they are getting things done. It is hogwash. Pure fiction. It is absolutely ridiculous that Members such as that stand up in this Legislature, spewing venom, pure rhetoric, demanding action, and will not even turn the tables to direct our statements at the real responsible body: the federal government. They are responsible for this. I stated our position three years ago.

The Member for Riverdale South does not know what our position is; she is not familiar with the debate, clearly, because our position is on the record. It has been stated on the record, and I will repeat it now. I think that if the Members really want action, and do not mind doing a little damage to their friends in central Canada, they will support this amendment that will turn the tables and make sure that the people who are the responsible agents get the job done for Yukon.

This government recognizes the right of the placer industry to survive and to prosper. It is not only with the regulatory situation, as I will explain in a minute, but it is the whole environment under which placer operations try to survive in this territory, whether it is support for roads, which the Conservative Opposition has expressed support for as well — that, incidentally, was an NDP government initiative; it was not a Conservative government initiative — whether it is individual or community conflicts such as that which might exist between Bear Creek residents and Hunker Creek people. What did the previous government do? What did the previous Minister do? He allowed the situation to fester. It was not his problem. Why would he want to get involved?

This government took a different approach. We wanted the placer industry to survive; we wanted individual placer operators to survive, and we recognize that there were competing resources, and we went in to mediate; we went in to help. We took a full, active approach. Not this hands off "look, it is not my responsibility" approach, typical of the previous Minister. That is not the NDP government's approach. They are trying to resolve community conflicts, and I think they are doing a fine job.

²⁶ Now that the high pitch rhetoric that I thought had evaporated has worked its way out of the system, has been shaken down at last, now that the placer mining industry and all other interests agree that their respective interests can be served in a new regulatory regime in any environment, now that there is a mutual respect for competing resource users, I think the territory can now come to some reasonable conclusions about the future of the industry and what is essentially an important part of the mining industry in this territory.

The Task Force Report speaks of the need for legal certainty, and we concur 100 percent. Legal certainty is essential. If placer mining is to survive, it needs a stable investment climate, and the regulatory regime has to be established so that people know where they stand. The enforcement procedures ought to be clarified. There ought to be fewer agencies involved in enforcement. I think one of the major concerns that placer miners have had have been that there

are a number of regulatory agents on the creeks, sometimes issuing conflicting directions. I think it is time that we start talking about such things as one-stop enforcement shops, if that is a palatable expression.

The Water Board itself, I think, should be comprised of members who are not placed in a position of conflict of interest. The Board should have its own budget, and it should have sufficient technical expertise on which to base its decisions and should not be entirely dependent upon the regulatory agents, the federal departments, in this case, for technical advice. I think that is a fine recommendation.

The two class licensing system, of course, means that small users of water should get some reprieve. It should not be a complex regulatory administrative process. I think that in recognition of the amount of water that they use, the size of their operation, and their administrative ability, that that too is a fine recommendation and worth pursuing.

The valley classification system is an interesting concept and was recommended by a number of agents, but certainly first by us during the NDP interdepartmental Placer Mining Review Committee meetings.

²⁷ The proposal to establish a comprehensive study to assess conclusively the relative impact on placer mining sediment loading on fish resources is by any stretch of the imagination long overdue. From the very beginning, it was obviously clear that that was the crux of the whole debate, that we had to have some understanding, some clear understanding, not based on the B.C. experience, not based on the California experience, but some clear understanding of what impact sediment has on fish habitat and the growth of fish. It is about time that we undertook a study of this. A study was called for years ago. Perhaps it should have been undertaken years ago. It is clearly the hub of the issue.

We know that the water quality standards are something that have to be not only enforceable, but they have to be attainable. We know that it is possible to provide a good regulatory regime with both attainable and enforceable standards. We should consider the idea of the Fisheries Impact Board, and adopting an environmental code of practice for miners is something they would like to see happen. The concept of incentive programs, although they will be requiring some number crunching, should be considered seriously too.

This government and the Members for Klondike and Mayo have repeatedly stated their support for the placer mining industry both from the regulatory side and on the general economic environment side. We do recognize that there are competing interests. I remember sitting in this House, and I was the one asking questions three years ago, hearing statesman-like speeches coming from the Government Leader saying that there are competing resources; there is the fisheries resource and there is the placer mining resource, and we do have to consider such things as habitat restoration and stream stabilization.

It was a very statesman-like speech, recognizing that any government has to balance off resources. We are well beyond that now, because we know that we can balance resources, and the placer industry can still survive. I hope that the debate has reached a point where we are problem solving and we are not treated to too much more high-pitched rhetoric that has been emitted by the Member for Porter Creek East.

The man is a dinosaur. We are still living in a situation that existed three years ago. I could only imagine

Point of Order

Speaker: A point of order has been raised.

Mr. Lang: The specific rule states that "A statement must not contain any inferences, impute motives or cast aspersions upon persons within the House". I would assume that the Chair would be calling those kinds of comments into question, because two can play the game, and I am very good at it, as all Members on the other side will admit.

²⁸ **Speaker:** The Minister of Education, on a point of order.

Hon. Mr. McDonald: Presumably one would have thought that if a Member can dish out criticism, he can take it himself. Let me tell you this, the Member may bear some resemblance to dinosaurs,

but he is not a dinosaur. I apologize to the Member.

Mr. Lang: On the point of order, I accept the observation made by the Member opposite in the intent that it is meant. I am sure we can hear some constructive comments from the Minister in view of the display that has gone on so far.

Speaker: Order. I would like to rule on the point of order. I would like to remind Members to please try to keep their remarks in parliamentary language.

Would the Member wish to continue on the amendment?

Hon. Mr. McDonald: I must admit, sometimes in the flood of rhetoric, one can easily mistake Conservatives for dinosaurs, but we should not be calling the Conservatives dinosaurs.

Point of Order

Mr. Lang: Mr. Speaker, you just ruled on a point of order, and for him to carry on makes a whole mockery of the Chair.

Hon. Mr. McDonald: I do not think this one particular item is a point of order, but that is for you to rule on if you wish.

Speaker: I would like to remind Members to keep their language parliamentary if they wish to continue.

Hon. Mr. McDonald: Clearly, the point of the matter is that I thought we were prepared to support the recommendation, support the position, it was supposed to be all-party support. I thought that we could also identify the truly responsible agent, the responsible government who would be charged with performing positive actions in this matter, with all-party support, but it appears that partisan support for friends in central Canada is going to prevent the Conservative Opposition from identifying a truly responsible agent in this matter, trying to protect a government that has done nothing in two years. I find that truly unfortunate, but perhaps I will have more to say during the body of the debate. We support this amendment.

Mr. Phelps: It is wonderful to observe hypocrisy at its most lively.

Point of Order

Hon. Mr. Penikett: On a point of order.

To make an accusation of hypocrisy is unparliamentary language. I cannot cite *Beauchesne* chapter and verse, but it is, Mr. Speaker.

²⁹ **Mr. Phelps:** On the point of order, I will certainly withdraw that in the same spirit that the Minister of Education withdrew his remarks.

Speaker: Would the hon. Member wish to continue?

Mr. Phelps: We witnessed the most amazing thing. We listened to the Minister of Education accusing this side of fed-bashing in the past. The first 10 minutes of the rhetoric that we were subjected to by the Minister had at least five minutes of unmitigated fed-bashing, and he ended up on the same note. When they are in trouble, fed-bashing is the refuge that they have.

It was a very simple issue here. I am sure it is one that will be understood by the industry in particular, by most fair-minded Yukoners that have a chance to read or hear these words.

The issue, very simply, is that the side opposite, the NDP, talk about their support for the placer industry, but the problem is that they cannot bring themselves to say that they support the standards that were set and recommended by the task force.

To do that, I suppose, would be for them to lose all the support groups upon which they so heavily depend, and they are simply running scared.

I submit that they have had this report in their hands for five months, that they have had ample time to make up their minds about the standards set with respect to the settling ponds, and they simply do not have the intestinal fortitude to come down in support of the recommendations of the task force, in support of the industry, in support of the Chamber of Commerce, in support of business in this territory. Why, Mr. Speaker? It could only be because they are afraid of losing some of their marginal votes.

We are opposing this amendment. We feel that the original

motion was clear. Playing with words simply will not do. It is incredible that people would want to support recommendations of the Yukon Water Board, for example, when they have not even read them. So, I hope that I have clarified, to some extent, the real issue. The verbiage from the other side has made me once or twice want to leave these Chambers for a short spell but, in any event, I thank you for this opportunity.

³⁰ **Mr. Webster:** I want to assure the honourable Member for Porter Creek East that although I do not take seriously the content of his speech, and I may laugh at his theatrics, I do indeed treat this as a very serious matter. We are talking about the placer mining industry in the Yukon, \$40 million directly injected into the economy of the Klondike.

We have been recognizing that for a long time, since this party took government in May, 1985. We have supported the industry in a number of ways, far more ways than I think the Government Leader alluded to in his speech. I think he is perhaps a little too modest, although he did mention a few.

The first thing we did was to eliminate the local tax on fuels for off-road use. We have done a lot more than that. We have improved local mining roads that miners have been complaining about for years and years. Major reconstruction of roads like Bonanza and Hunker are in process, and improvements to a lot of smaller roads are underway. We have given a lot of attention to opening up some areas a lot earlier in the season, especially in the 60 mile area.

We have not only funded the Dawson City Gold Show, we have participated to a great extent in that show, and through our trade show participation program we, in effect, enabled a great many organizations and businesses to participate as well. We recognize the contributions that the individual miners have made on the Board of Directors of the Klondike Placer Miners Association. This government has recognized that, and it appreciates their efforts. We have assisted them by providing \$20,000 for an administration grant so that they could hire an executive director to assist them.

I personally have attended all placer mining meetings, the most recent one in September. I have been on hand to answer questions, which I did, as I say, at the past meeting.

The placer mining industry recognizes that we have been helpful to the industry. Therefore, I take some exception to the remarks made by the Leader of the Official Opposition when he says that we are afraid to take a stand on some points of these recommendations because it may offend some of the groups that support us.

I would like to bring to the attention to the Leader of the Official Opposition that many, many members, the majority of the Placer Mining Association, personally supported me in the 1985 election. I think that a lot of the so called facts presented by both the Member for Porter Creek East and the Leader of the Official Opposition are quite out of line. I look forward to speaking on the main motion as amended.

³¹ **Mr. Brewster:** I am not going to speak very long on this, but I have listened to these remarks going back and forth and the loyalty of the government towards the placer miners. I would like to report that for the Renewable Resources Select Committee there was no chance or terms of reference where they could have their say on it, although a number of them asked. On the Public Standing Committee on Fisheries I think that I was probably the only person who defended the placer miners and said the Fisheries had to split with placer miners. Another thing they talked about was opening up roads early. I have not been in this Legislature very long but I assure you that the former government started that, not this government, this is just a carry-on program. They talked about all the money that they have brought in to give to the placer miners. I have no problem with that, but what good is the money if they are closed down because of these regulations?

Hon. Mr. Porter: With respect to the amendment that is before you, unfortunately I think that for the most part we have engaged in a debate that is not necessary to engage in. The government's record with respect to support for the importance of the placer mining industry in our economy is very clear. We have been on

record. The capital budget that we produced very clearly states the intentions of government with respect to the expenditure of dollars in the area to assist mining generally, and particularly the placer industry. I would concede that the remarks made by the Leader of the Official Opposition do produce some concerns with the question of the amendment itself. Fortunately, the amendment does in fact convey to the reader the understanding that the House would support a report that it has not seen. I think that in technical terms that that says where we should be now focussing our attention and to rectify that situation, and, to that end, I would propose the following sub-amendment to the amendment.

Sub-amendment proposed

That amendment would read: THAT the amendment to Motion No. 57 be amended by deleting the following expression: "the recommendations of the Yukon Water Board to the Federal Minister of Indian and Northern Development; and".

³² **Speaker:** It has been moved by the Minister of Renewable Resources: THAT the amendment to Motion 57 be amended by deleting the following expression: "the recommendations of the Yukon Water Board to the federal Minister of Indian Affairs and Northern Development.

Hon. Mr. Porter: In speaking to the subamendment, I think the intent is very clear. The intent is to remove that section of the amendment that speaks to the report that Members of the Legislature have not seen and therefore cannot be expected to give voice to their criticisms for the recommendations in one form or another. Should we adopt this subamendment, the intent of the amendment would be very focused, inasmuch as the amendment would read that generally there is support for the recommendations of the Placer Mining Task Force and that the House would encourage the federal government, in close consultation with the Government of Yukon, to establish a steering committee to implement measures respecting that industry.

Hon. Mr. Penikett: Very briefly on the subamendment, I apologize for my sloppy drafting on the amendment itself, but it was — I say with apologies to the Member for Porter Creek East — provoked by a concern I had about the text in his motion because I believe strongly that the opinion of the House in this matter should be directed towards the federal government, who has the power in this area. I thought it was important to make reference to the Water Board report, which is what the Minister will have before him. The Task Force Report should provide the basis for that Water Board report, but I concede — as the Leader of the Official Opposition probably put it most succinctly — that it would not be fitting for us to comment on a report that is not in the public domain. We can, of course, express an opinion about the Task Force Report.

We should understand two things about it, though. One is that it may have been substantially amended by the Water Board, in terms of the recommendations that go forward to the Minister, and that the Minister, himself, will not be looking at the particulars of the Task Force Report, but the recommendations of the Water Board.

If we can be just helpful by clarifying that in the subamendment, then I believe that the Members opposite should have no reason to find the amendment controversial at all.

Mrs. Firth: I doubt that we will have difficulty supporting the subamendment; however, I am quite concerned about what the amendment does to the intention of the whole motion.

³³ We received, as the Members of this Legislature, a letter from the Klondike Placer Miners Association. In that letter the KPA made a plea for support for the recommendations of the Task Force. I would like to read into the record the letter we received. It is addressed to the hon. Bill McKnight, Minister of the Department of Indian Affairs and Northern Development.

"Dear Mr. McKnight:

"Further to our discussion in Whitehorse and our subsequent correspondence of September 22nd in which we again emphasized the importance to our industry of the Report of the Task Force on Placer Mining, we enclose herewith a copy of a resolution passed by the Yukon Chamber of Commerce in Dawson City on October

18, 1986.

"You will note the Chamber of Commerce joins us in supporting the recommendations of the Task Force in urging implementation of its recommendations. This is a strong endorsement. The Yukon Chamber of Commerce is the umbrella organization of all the community-based Chambers of Commerce in the territory and speaks for a very large constituency. This resolution will help you to appreciate the widespread support for the placer industry in the Yukon and the great respect here for the Task Force members and their report.

"The Task Force, comprised of professional and respected Yukon people, has offered a Yukon solution to a Yukon problem, and we look forward to further consultation with you toward implementation of the Task Force recommendations.

"Yours very truly, Norman A. Ross, President, Klondike Placer Miners Association."

This letter was sent to the hon. Tony Penikett, Minister of Economic Development, hon. Erik Nielsen, hon. Willard Phelps, Alan Nordling, MLA, the Opposition critic.

We have entered into a lot of debate today, about who is at fault and who did what and did not, which I think was unnecessary — particularly the Minister of Education who went on a huge fed-bashing rampage, and committed a sin that he always accused us of doing. I really do not think it was necessary. The issue is not who did what and when they did it or whether they did it or not, the issue here is that the placer miners are asking us, as legislators, who are responsible for the legislation in the Yukon Territory and are responsible as law makers and elected MLAs to represent their point of view to a senior level of government no matter what political party is in charge in that senior level of government. It is a force of Yukoners representing Yukoners' interests.

My concern with the sub-amendment is that our motion very clearly states that we are looking for acceptance of the recommendations in the Task Force Report as was asked by the Placer Mining Association. We are not getting that with the sub-amendment. We are simply getting lip service saying that they be forwarded to the Minister and that the measures based on the recommendations are looked at to ensure the continued health. Otherwise why could the Members not support the motion as it stands? It is very clearly asking for a show of support for the recommendations of the Task Force.

³⁴ There seems to be a flurry of confusion on the other side. I am simply asking that it be very clear in the motion that the Task Force recommendations are accepted. If the Members can reassure me that they are accepting the Task Force recommendations, then we would have no difficulty in supporting that.

Mr. Nordling: Yesterday and the day before, neither the Minister of Economic Development nor the Minister of Renewable Resources had very much to say about the Task Force recommendations. Today not only does the Minister of Economic Development have opinions on the recommendations, but the Minister of Education finds it in himself to rant on for over 20 minutes, criticizing the previous Conservative government, Members of this House, the Yukon's federal Member of Parliament and the federal government. Now, thankfully, the Minister of Renewable Resources has come alive and saved his government a lot of embarrassment.

I am pleased that we are starting with something that is concrete: that is, the recommendations of the Task Force on Placer Mining that we have had for several months. It would have been irresponsible of this House to accept something we have never seen. By that I mean the recommendations of the Water Board.

I think the Government Leader was irresponsible in even suggesting that we should do something like that.

At this time, with the amendment to the amendment, I believe that the government has, in essence, returned to virtually the same intent of my original motion. I am pleased, and I will be supporting the amendment to the amendment and the motion as amended.

Hon. Mr. McDonald: I think we should hear from another Member of the Conservative Opposition. We have two different

opinions as to what the situation is and, perhaps, a third one might balance it out. They might want to take a vote as to what their position actually is.

The MP for Porter Creek West suggested that the — oh, is that a mistake?

The MP-in-waiting, the MP-aspirant from Porter Creek West suggested that the Minister of Education, being myself, was somehow wrong to have criticized the activity of the previous government, the activity of the federal MP, the federal government, all, interestingly enough, responsible agents in their day for the decision-making process, that would have led to a solution to this matter.

I will not be argumentative. I will not be mean-spirited about this, but I think it is important to identify responsible agents in this matter, and to give them credit or criticism where it is due.

³⁵ In all fairness, I do take some exception to the remark that my remarks were fed-bashing, and that is interesting coming from a Member of the previous Cabinet who was as practiced an individual at that art as I think could exist in this Legislature. It is incredibly important that we do identify where the responsibility lies for resolving this matter.

My initial thoughts were that we were to show respect or have faith in the Water Board. I presumed we all did, because this was primarily a Yukon citizens' committee charged with the responsibility of expressing the Yukon's position to the Minister. I thought that there was not much danger in supporting the Water Board's recommendations. Clearly, the Opposition does not have quite so much faith. I am going to personally support the amendment to the amendment.

I think it is important now to identify not only government's and Legislature's support for the placer industry, but also to identify the responsible agent for resolving the issue. I am hoping that political alliances between the Members of this House and the federal government will not get in the way of expressing a true and honest position on behalf of the people of the territory. I am hoping that this now twice-amended motion will truly hit the mark, and we will certainly be expressing ourselves honestly, without prejudice, to the federal government on such an important matter.

Mr. Lang: I will support the sub-amendment, but I want it clear in my mind. If I am wrong, I would like that cleared by the side opposite. I understand now that they are supporting the Task Force in its totality, and the requirement for the sedimentation and the method that should be employed is in the recommendation.

As long as that is clearly understood, because that is the important principle contained in that report along with the regulatory process, I have no problem supporting the sub-amendment. That was the crucial aspect of the report, and we all know it.

Hon. Mr. Penikett: I do wish the Member for Porter Creek East were not so petty and small-minded. I made our position fairly clear in my statement. The particulars that he is asking for —

Speaker: Order, please. I would like to remind the Member that he has spoken to the sub-amendment.

Are you prepared for the question on the sub-amendment?

³⁶ *Amendment to amendment agreed to*
Amendment as amended agreed to

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

Mr. Nordling: I think we have virtually unanimous approval in the House at this time for the motion. I would like to explain the difference between my original motion and the twice-amended motion to the Minister of Education, who did not seem to be able to get it straight.

My motion, before being amended, called for a committee to be established to begin implementing the recommendations at the earliest possible opportunity. The motion, as it now reads, calls on the steering committee to implement measures based on these

recommendations. So, the motion has been softened so that measures based on the recommendations will be implemented, as opposed to the recommendations themselves.

In a sense, I think the government has had its way in that we are halfway back onto the fence. However, I think our side is prepared to accept even that much from the present government. We are looking forward to the unanimous approval of this motion.

³⁷ *Motion No. 57 agreed to as amended*

Motion No. 58

Clerk: Item number 2, standing in the name of Mrs. Firth.

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

Mrs. Firth: Yes, Mr. Speaker.

Speaker: It has been moved by the hon. Member for Riverdale South: THAT it is the opinion of this House that the Minister of Justice should hold public meetings in Whitehorse to allow Whitehorse residents the opportunity to express their opinions about the principles in the White and Green Papers on Human Rights released by the government.

Mrs. Firth: This issue has been ongoing for some time now. I would like to briefly outline just the sequence of events that led up to the bringing forward of this motion in the Legislature.

We were awaiting the announcement by the Minister of Justice as to whether or not there are going to be meetings held in Whitehorse to discuss the principles, first of all, in the government's White Paper on Human Rights and then the government's paper on the implementation of the commission, and the regulatory matters regarding human rights, and that was in the form of their green paper.

Sometime early in October, the Minister made an announcement that he would be telling us soon whether or not there were going to be meetings in Whitehorse, and we waited and waited and had heard nothing by the middle of the month. On October 16, I wrote a letter to the Minister asking if we could have meetings in Riverdale South, that I had had several phone calls from concerned constituents and I wanted to know when a public meeting would be held so that they would have an opportunity to express their opinions and so that I could give adequate notice to the constituency.

Then, on October 22, I wrote a letter to the Minister of Justice, after the options for the implementation of human rights legislation paper had been released, asking again if we would have a meeting so that the constituents that I represent in Riverdale South would have an opportunity to discuss it with the Minister.

I received no reply from the Minister. On October 22, I wrote a Conservative Comment registering a concern that it did not appear that the NDP government was going to have any public meetings in Whitehorse. I also registered some concern about the various activities of the Minister backing down and changing his mind and altering his positions and, occasionally, contradicting himself, which put the public rather at a disadvantage knowing exactly what the Minister's position was and that there were constituents here who wished to meet with him and clarify some of the government's positions on the human rights issues.

³⁸ I have not received any correspondence for a month. It was a month since I started writing regarding public meetings. On November 14, the Minister issued a press statement, and there was an article in the paper saying that there would be no meetings in Whitehorse and that he was not going to have meetings because they would be organized to play to media coverage and other allegations.

He said that he had met with groups in Whitehorse, but the meetings were never to discuss the principles in the White Paper. We again pressed for some meetings in Question Period. Finally, the Minister, after he had his press conference, must have realized that some of the other Members of the Conservative Caucus had requested meetings. We got quite a lengthy response from the Minister expressing some surprise, I believe he called it, because he has always had an open door policy in his Whitehorse office, and if residents wanted to express their views they could just jolly well go

to his open-door, Whitehorse office.

I can recall the Minister criticizing the Members in the opposition when they were the government about that kind of an attitude. I was frankly quite surprised to see him get up and express exactly the same attitude. Whether it be right or wrong, the fact is that two wrongs do not make a right, if he did feel that it was wrong.

I would appeal again to the Minister of Justice to hold meetings in Whitehorse. I know he wants an opportunity to stand up and tell us all about all the meetings he has had and all the people he has met with and all the various opinions he has expressed at those meetings. I look forward to what he has to say and carrying on with debate this afternoon.

Hon. Mr. Kimmerly: Contrary to the invitation of the mover of this motion, I am going to be relatively brief. I see by the speaking list that all of the Conservatives are going to have a bash at this one, so we will hear all their views, I am sure, after mine.

I am going to explain what was left unmentioned by the mover of the motion in my letter to her and to all of her colleagues. All of the Whitehorse members wrote asking for meetings in their ridings and in the case of Porter Creek East asking for me to attend a meeting that he organized.

I wrote the same answer back, which referred to the practice of obtaining input and the use of public meetings on these kinds of measures.

³⁹ Let me explain that the reason for the public meetings in rural Yukon is that it is obviously impractical and inefficient to make oneself available in the various communities over long periods of time because that is simply impossible, and it must be recognized that people in rural Yukon do not have the same access to Ministers as do Whitehorse residents. I explained that the public meetings were necessary in the rural communities because of time pressures. These meetings are not the best way to get public input. I remember, in fact, after two meetings, one where the meeting appeared to go all one way on two or three of the controversial issues, I think two of them, and a person spoke to me afterwards in private and this person was completely silent in the whole meeting and said 'I was afraid of speaking out, however I disagree with the comments made in the public meeting'. Indeed, at another meeting I made comments in the media about the meeting's opposition to the principle of including sexual orientation and I got a call from a person who said 'you were wrong in your comment to the media, I was present and I support the concept of including sexual orientation although I did not say so at the meeting'.

Those are two examples of the kind of thing that occurred. In my view, it was unfortunate that the media followed these meetings so closely. They were first interested in any hints about the second paper and they blew up any kinds of hints about that, and the reports in the media were clearly about whether the meeting, or individuals at the meeting, supported the bill or not. The real intention of conducting the meetings was to discuss and to provide information.

⁴⁰ That kind of dialogue occurred more frequently than did the statements of either support or non-support. I am confident in expressing the opinion that more people left the meetings thinking about and considering the points raised than left the meetings with the thought in their minds, 'I'm opposed', or 'I'm supportive' of a particular measure or the package in its entirety.

The meetings in rural Yukon occurred around a largish table and were extremely informal. The intent was to provide opportunities to speak and discuss to as many people as possible. That approach is only possible in a relatively small meeting, of course.

The consultations that have occurred about the White Paper and the green paper have been approaching excessive. There has been massive consultation about this issue, starting with the Bill 58 last year and continuing to today. I am most encouraged by that. The Conservatives are inconsistent. They criticize our consultative approach when it suits them and, if they feel they have a partisan point to make, they ask us for more consultation. It is clearly an inconsistency.

I would also like to speak about the issue of the fear and, I will even say, of the hate that has been generated in the past here in the

Yukon at some public meetings, most particularly and most specifically about including sexual orientation as a ground and a measure about human rights.

On several occasions, there have been inflammatory, emotive spewings of hate for a group in society, expressed at these meetings. It is the intention of the government to not provide a forum for such hate. It is our intention to provide vehicles for expressing legitimate opinions.

On the issue of sexual orientation, which most people, but not all, consider a moral issue, most people have strong opinions. It is entirely legitimate, no matter what the opinion is, to express it. That has occurred very well at most of the meetings that occurred in the last three months or so, and it occurs in almost all of the letters that I have received and phone calls and private meetings that I have had with individuals.

1 The intention of the government is to encourage that expression of opinion, but to discourage the spewing of hate in large gatherings.

I would like to say a word about courage primarily because I do not get an opportunity to rebut the remaining five Conservatives who will be speaking, and they will say I am afraid or that the government is afraid. They will undoubtedly use shorter, more colourful language than that as well.

However, it is the responsibility of the government to show some leadership on controversial questions. It is a courageous government that does that. It is a fearful government who avoids controversy simply for a partisan gain.

I am proud of this government. I am proud of my colleagues here. We have exhibited substantial courage and have shown leadership on these extremely controversial questions. That remains as a fact. We have brought human rights from nowhere, where it was under the Conservatives, into the forefront of the political arena. In a time of beginning prosperity and international peace, that is entirely appropriate. This is the time to discuss human rights.

We have shown substantial leadership on this question, and we will continue to do so in the debate that that will follow in the next few weeks or a month or so. It is not exhibiting courage to simply allow oneself to be a target for the spewing of hate. The position of the government is that every citizen who wishes to be heard should be heard and seriously considered. The government must balance on this difficult issue the will of the majority in a democracy and the necessary protections for minority groups. That is a balancing decision that we must make, and ultimately every citizen will judge the government on the wisdom of our choices.

2 We will debate that fully in the Legislature obviously. It is not our intention to pass an act or to use the principle of party discipline to outvote the opposition on any particular issue. We will be judging all of these difficult issues on their merits, as the sense we have of the political will here, and the will of the majority, balances with the dictates of conscience about the sections for minority groups in a free society.

Let me say again, it is the responsibility of the government to show leadership and I am proud that is exactly what we are doing.

Mr. Phillips: I rise today to speak in favour of this motion. It has been interesting to watch, rather surprisingly, the rapid change that has taken place in the philosophy or ideals of the Members across the floor. I suppose that this is proof that power can easily corrupt. Mr. Penikett's NDP government has time and time again claimed to be the government that consults and the government that listens. Unfortunately, it is very clear now that this consultation takes place only when it suits them. I listened closely yesterday when the Minister of Justice told this House that rural and Whitehorse communities are different. People in the rural communities are capable of meaningful dialogue and people of Whitehorse are not. I am sure that statement will come back to haunt every member on the other side who represents a Whitehorse riding in the next election.

The Minister of Justice and the NDP's open government, for the chosen few I might add, is afraid to face any opposition. The message is coming across loud and clear. If they feel you are not going to agree with their position, they are just not interested in

hearing from you. Real democratic. I would bet that if the situation were reversed the Members from the rural ridings would be screaming loudly, and justifiably so. I see absolutely no difference in affording the people from the outlying ridings or the people in the Whitehorse ridings the same right you gave the people in the outlying ridings.

Yesterday I was rather embarrassed for all Members of this Legislature when, after a very legitimate concern that was raised by the Member for Riverdale South about the appearance of urban discrimination, the actions of the Government Leader were very disgusting, to say the least, and extremely childish. The cackling and laughing from the Minister of Transportation, Mr. McDonald, I am sure will make the people of Whitehorse happy to know how he thinks this whole thing about meetings in Whitehorse is a joke. 3 Over 50 percent of the population of this territory lives in Whitehorse. Not all of them can get into the Minister's office. Not all of them can call us. They can go to public meetings. They can listen to both sides of the story. I went to all the public meetings when they were held in Whitehorse, and I found that some of them were for and some of them were against. At the one in Takhini, there was considerable support for the Minister's proposal. The one at the Sheffield was the other way. I think a lot of people went to the meetings and weighed both sides of the story. I think that they should have been afforded the opportunity again.

I know that the Minister is probably going to read off a list, and I guess he did not, but I thought he would read off a long list of all the people he met in Whitehorse. I have spoken to many of the people myself whom the Minister has spoken to. A lot of them have not come away, as the Minister has led Yukon to believe, thinking that he has consulted with them and they are happy. Many of these people are unhappy with what the Minister has said. They are very confused about the contradictions the Minister has stated in these meetings.

The people of Yukon are giving me a very clear message about the Minister of Justice and the intentions of this NDP government. Trust is gone from that Minister, and the Government Leader should start to look at that trust.

There are some very serious questions that we should address before he proceeds with this bill. The people of the Yukon should be on guard when they see a government denying an opportunity to speak out, only because the Minister, himself, feels he might get some negative criticism.

I am going to ask all Members of this House to look at this question very seriously, from both sides of the House. I ask the rural Members to look at it extremely seriously. If the situation were reversed — if the Minister had said, I am not going to hold public meetings in the rural ridings — they would be just as irate as we are in Whitehorse. People have the right to speak out. The Minister said he is fair and he is going to be equal. This is the worst case possible of being unequal before the bill is even here.

Mr. Brewster: I am not going to speak very long on this. I have been in this Legislature for just four years. There were many times when I sat on that side of the House when I was very upset with actions that my party did. What happened yesterday was absolutely disgraceful. When my colleague simply asked if you were going to a meeting, there was cackling and there were gestures. It was so bad that I went back and sat and watched television to see if I really saw what I was seeing.

Fifty percent or more of the people are in the Whitehorse area, but they have never been consulted. You turn around and then say they come to your place and consulted you. Maybe, for your information, you should know that most of these people work all day. His office is not open 10, 11 or 12:00 at night for these people. Are they supposed to line up and come there? Come on, let us grow up about these things.

You have not faced these people. You keep telling me of all the people that you met out there who told you these things. There is a letter laying on my desk today that you have a copy of. In fact, it was sent to you and I have a copy of it. You have never told about these letters.

Speaker: Order, please. Would you please direct all your

questions through the Chair.

Mr. Brewster: I am sorry, Mr. Speaker.

It has never been told that the Minister is simply taking his side. He is not telling the other side of this issue in any way. I never thought that I would sit here and have to defend seven MLAs in the City of Whitehorse because we, in the outlying ridings, got something that they did not get in Whitehorse. I think that is absolutely ridiculous.

Seven MLAs. That is almost half of this House, and they do not get a chance to hear what is going on.

The Minister says that he puts pamphlets out at these meetings. How did the 50 or 60 percent of the people of Whitehorse get these pamphlets because there was no meeting? How did they get to see these things? Do these people, as taxpayers, as voters, ever get a chance to have their say, or are they going to turn around and just say they do not understand.

That is what they try to do. They try to educate you and then they will not give you meetings so you can get educated. It does not make a lot of sense.

« It is a ridiculous situation when the majority of our people cannot get a hearing like everybody else in the place. What happened yesterday was the most disgraceful thing I have ever seen in this Legislature in my short term here.

Hon. Mr. Penikett: I would have preferred to sit and listen to all the interventions of the Members opposite, but I am slated in the order to speak now. The Member for Kluane has spoken of disgraceful things in this House. He must have had hands over his ears and his eyes shut for much of the time that he has been here, because I would say that the authors of the most outrageous behaviour have not been on this side of the House. We have just witnessed some this afternoon. It would probably embarrass mature students in a kindergarten.

The issue, or the alleged issue, before us is the question of public meetings on human rights in the City of Whitehorse. It is, I think, useful to remind ourselves of the reasons for the meeting in the rural communities. I believe that the Minister of Justice did an excellent job explaining why he felt it necessary to go out to those rural communities and give those people an explanation of the principles and an opportunity to offer their response to some of the ideas that were contained both initially in the Bill and latterly in the White Paper.

It has been suggested that somehow it is a great offence against freedom, equality and accessibility of the government that there has not been a public meeting in Whitehorse on the principles of human rights. Of course, there has been a meeting in Whitehorse on the question of human rights. It was quite a circus by all accounts.

I was not present, but certainly the media coverage of it made the national media. The positions taken by some people were an embarrassment to the people of the Yukon. It made us seem like a reactionary little backwater, which is something I think is a lie. I do not believe that this territory is a reactionary backwater. I believe this is a progressive, modern, small community that is, in many ways, quite enlightened and as open-minded as any other community in Canada.

However, there are people in this community who would want to, by their public performances, indicate otherwise. As a purely practical matter, of course, you could not have 18,000 people in Whitehorse in a single meeting. You could not communicate with 18,000 people by way of a meeting. This is a city. It is a media centre. It is a town that, until recently, had only one daily newspaper and a newspaper that came out three times a week and now comes out once a week. It is a town with three radio outlets. It is a town with television coverage — even of this Legislature. It is unique in that respect. The citizens of this town are uniquely well-informed on the debates, discussions and government initiatives that emanate from here.

« At this moment, this Legislature is open and accessible as we debate this motion. For those people who have jobs, it may be difficult to catch it, for those people after work or who are unfortunately without jobs, or seniors or others, they may avail themselves of the opportunity to attend these deliberations.

I suspect that the truth of the matter is, while this is an issue of some controversy and is an issue that has interested a great number of people, that it is nonetheless an issue that does not interest 18,000 people in Whitehorse. I doubt very much if there are 18,000 people who get up every morning and say, "What am I going to do about human rights today?" I doubt if there are even 10,000 people who say, "Damn that Mr. Kimmerly, he is going to force those human rights and make me treat people equally today." I doubt very much if there are even 8,000 people who get up every morning and say, "God bless the Minister of Justice for what he is doing to improve human rights in this territory."

There has been controversy about particulars in human rights, but it is my belief that the vast majority of the people in the Yukon Territory are supportive of the idea that human beings have rights, that minority citizens need those rights protected, that the history of our civilization has been the history of minorities and some cases even majorities obtaining rights. The majority of people understand the progress of our civilization and they understand, whether it is getting children out of the coal mines, or blacks free from slavery, or women the vote, or working people the vote, throughout history there have been people who have tried to make those changes and there have been conservative forces who have opposed those changes. They understand that in any society there are people who want to make change to improve the lives of people and there are people who resist change.

They understand that almost as a fact of life, they understand that the people who resist change, as it is the nature of our society, tend to be the establishments. They tend to be people who have power, who have wealth, who have privilege and they are trying to prevent access to those powers, those privileges and wealth by new contenders, whether they be aboriginal people in this community, or poor people in this community or young people, or rural people, or whatever.

Or, in the case, to deal directly with the human rights matter, whether it is women who want to be paid equally to men, it is an idea we support and the Members opposite oppose. There may be people in the Chambers of Commerce who are frightened of it, who are concerned about it, we concede that. There are also many women who do not believe we should have economic development built on the backs of underpaid women workers and that is something we want to change.

The essential point of who has voice, who has power, who can articulate their views in society has always been the dominant voices. It has always been the loud voices who get their way.

Now it has been implied somehow that there has been no public discussion, no accessibility for citizens for this discussion to the community. That, of course, is not true. The Minister has been open to meet with any group that wanted to meet with him. He has spoken to many organizations. There have been all of us who are MLAs in Whitehorse, and the three of us in the government side who are, who have heard from many citizens on the subject. During the time that we were having this alleged dispute about whether there was a public meeting, I had a public meeting in my own constituency.

I find it interesting that the principle topic of conversation at that public meeting in my constituency, which was quite well attended, was the subject of human rights. In fact, the particular principle of the human rights measure was the subject of sexual orientation. « Having had, as I have, the opportunity to travel widely in the Yukon Territory in the last few months and to be in many communities and hear many people express concerns, opposition, negativity about the subject of sexual orientation, fear, alarm, offense, what have you, it was an interesting thing to go to my own constituency and find not one, not two, but three, four and then five people speak out and say to me: whatever you do, do not back away on this. Show courage. Do not listen to the noisy people. Do not listen to the reactionaries. Or, as one person did privately, afterwards, beg me not to listen to the hatemongers, not to listen to the thugs, but to show the compassion and to recognize that just because a person's sexual orientation is one way that they should not suffer, they should not enjoy less civil rights than other citizens.

That was the point of view that I concede that I had not heard

until I went to my own constituency. There had been no lack of willingness and no lack of ability by citizens in this town to communicate to the government, there has been no failure on the part of the government to communicate on the subject to the citizens of this town.

I want to say a couple of things about the two meetings that did take place. The one that happened to be in my constituency when the committee met there was, I understand, interesting in that there was a fair amount of support expressed for the proposal. The one at the Sheffield was, by some accounts, a horror show; by other accounts quite an entertaining evening. I guess it depends on your point of view.

It was interesting that in the days following that meeting at the Sheffield, I had a number of encounters with citizens that were quite remarkable in that the people who spoke to me privately had been profoundly affected by that debate at the Sheffield. They had been affected in ways that I do not think were entirely salutary.

I had one gentleman, not an individual I would guess by a member of any identifiable minority, not someone who has any reason to be fearful about his standing or his status or his economic position, who was so intimidated, so cowed, so horrified by what went on in that public meeting in the Sheffield that he wanted to express his opinion to me out of sight, if you like. He made sure when encountering me in a public place that as he rushed up to me and said, begged me, not to back down on the human rights, to stand firm and to be solid and to push forward, that nobody saw him saying it, that nobody heard him saying it.

He believes it privately, as people will, as many minorities will, that their rights do need protection, but they will not stand up in a public meeting, where there are various people like the Member for Porter Creek East who are very loud and aggressive and tend to dominate any discussion they are in, people who forget that they were given two ears by God, and only one mouth, and they will not, in the face of that kind of energy, that kind of aggression and that kind of volume, stand up because they are cowed, they are intimidated, they are frightened. The kind of people who need the protection of human rights are, by their very nature, the powerless, the voiceless, in society. They are going to feel much more comfortable making a private representation to the Minister, or a representation to the government in a group of people, like-minded of their own kind, than they are going to a public meeting and standing the wrath of the majority.

Let us concede right away that we are talking about, in human rights legislation, the protection of minority rights. The majority can be very loud and they may be very forceful and they may even be violent in expressing their opinion. When it comes to a moral ground, they may not be right, they may not be correct, they may do an offense against justice. It is conceivable the majority can do offense against justice when it comes to the rights of the minority. History is full of examples of the same.

The Member for Riverdale North points out that history is full of examples of minorities doing injustices to majorities. I agree. Look at South Africa today. It is a perfect example of what the Member for Riverdale North says. If ever there were a case for human rights, South Africa is the case today.

Obviously, we do not have a South African situation. We do not have a racial majority that is oppressed here. We have many minorities who have concerns about their rights and who need protection of their rights.

Those people need to be heard more than anybody else in this debate; the majority will always be heard. The majority has been heard, loud and clear. The minorities who need to be heard, are not likely to be heard in the kind of public meeting that the Members opposite propose. They will be shouted down. They will be intimidated. They will be frightened.

If we wish to hear from those people, we will not hear from them in a grand mass rally. We will hear from them in the individual representation. This is a small enough community that they can meet in groups or as individuals with the Minister. They can be heard. The majority has had lots of means of expressing itself on this question, as it has done for many months now. We had two meetings in Whitehorse before the excellent information campaign

carried on by the Department of Justice began.

I believe that the quality and quantity of the debate has improved since then, certainly as I hear it as a Whitehorse citizen, as a Whitehorse legislator. I think that the argument that is being made in Motion No. 58 is unproved. I think the need for government to hear, both from minorities whose rights need protection and from citizens who are concerned about the cost or the expediency of providing that protection, has been achieved to date. I think the government is now ready to legislate in this area. I do not believe any case has been made that yet another meeting in this city is needed to conclude the debate.

Mr. Nordling: I am supporting this motion because my constituents have asked me to press for a meeting, and I think they deserve one. They deserve the same opportunity that those in the rural communities had and the same opportunity that those in Whitehorse West had to express their opinions to the government through the Government Leader.

I read carefully the Government Leader's invitation to this meeting, and it was for his constituents. They, in Whitehorse, have had an opportunity to meet in public with the government. Other constituencies have not.

I think the Minister of Justice should be honest. I think it is the Minister of Justice who has stirred the fear and hate in Whitehorse. It was the Minister of Justice who introduced his Human Rights Bill last year that threw the Yukon into the greatest turmoil that it has ever seen. It was a radical Bill with no information.

Then, he throws White Papers, green papers, fact sheets, newspaper ads, radio ads, pamphlets and brochures at the people of Whitehorse, some of which a few of us have never seen. Now the Minister stands up in the House and talks about leadership and courage and that they are going to solve all the problems.

Leadership and courage were words that were used numerous times in his little lecture to us on how to solve this great problem. Human rights were not "no where" when the Minister of Justice arrived on his white steed. The *Fair Practices Act* protects the vast majority of Yukoners from discrimination. The *Labour Standards Act* provides for equal pay for similar work.

« This did not have to be a huge show. The Minister made it that way and, along with the Government Leader, they know what is best for Yukoners, and the will of the majority will be the will of the Minister. Of that, I have no doubt.

Mr. Lang: I rise to discuss the question of a public meeting from a number of points of view. First of all, I do it from the point of view that I am an MLA, elected in a Whitehorse riding, and I represent a significant number of people. I have been asked at my constituency meeting, as well as by people approaching me on the street, that they feel there should be some public forum for discussing the principles espoused by the present Minister of Justice.

The question is: why are we here? Why are we to this point where Members on this side of the House have to request a public meeting, and the government-side denying the general public the right to go to a public forum to express their views. Where have we come from a year ago?

I think the Member for Porter Creek West has touched on the total and absolute inept handling of the legislation put forward by the present Minister of Justice. I think he can take full responsibility for where he finds himself and his government at the present time. I think it is a tragedy that there are a number of areas in that legislation that are going to be debated, in my judgment, for no just cause. When the Minister of Justice wrote the initial draft of the legislation, he took everything from every part of Canada, North America and western civilization so that he would be the author of the most "progressive legislation that has ever been tabled in the history of mankind".

The Member opposite says, "I never said that." The intent is there. No one on this side can argue with the fact that the general public honestly believes that the Minister of Justice is going to do something that is not going to be in the best interest of the general public that we serve.

I think the exhibition we saw in Question Period today was a fine exhibition. We asked some very basic questions; we never got one answer. We finally get to the nub of the problem where the Minister was asked whether or not he has been involved politically in the ad campaign and the documents we now have before us. Finally, towards the end of Question Period, he admitted that he had approved most of the ads and the fact sheets, which he had initially denied.

I raise this because of the difficulty of getting a straight answer from the Minister of Justice on any given issue. I am using this as an example since it happened today. I am sure there will be another one tomorrow.

Those kinds of answers to the Opposition's questions leads to a general mistrust of what government is going to do. I listened to the Government Leader's speech. He made some valid observations, but I do disagree with him referring to anybody who disagrees with his philosophy or ideology as "thugs, hatemongers", or whatever the case may be.

⁴⁹ I think it is totally and absolutely inappropriate. It is as if Mr. Penikett and his government have the only stand on virtue and on what is right. There are some very legitimate concerns out there in the public.

We have heard why there will not be a public meeting in Whitehorse. It is because there are 18,000 people. Then, the Government Leader said there are maybe not even 10,000 people interested in the human rights debate. There may be only 200 people out there, but why should they be denied the right that was presented and given to the people in Dawson City, the people in Mayo, the people in Watson Lake, the people in Faro. Why should they be denied the right to address their opinion directly to the Minister responsible. His reply is: you have to belong to an organization. There are a lot of people who do not belong to organizations, and I think the Member for Kluane handled it quite properly when he said there are a lot of people who cannot get into the government's offices because they happen to work for a living. That is an observation that has a lot of validity.

With respect to the point of equal pay for work of equal value, it disturbs me that the side opposite is totally making it a woman's issue, saying it is just strictly for women. The fact is that this House has supported equal pay for equal work. The fact is that if a woman is a catskinner and a man is a catskinner, the principle that has been brought forward from this House is that they should get paid the same, no matter what sex, no matter what background.

The concern from this side of the House on that particular issue is clear. We are concerned that there is no relationship to the marketplace, no relationship to the economy with respect to the value of a job in the work market. No value. What we have coming indirectly from the side opposite is what in some quarters would be described as Marxism, a general tenet of Karl Marx, if you read any of his writings.

If you take a look at what the Minister has brought forward, he is distorting the real reasons and the very reasons for arguments on the question for his own political purposes. The division of people into minorities, the divisions of people, and why they should be different and the encouragement of people to be different, encouragements to the point that it becomes a them and an us.

The Government Leader spoke very eloquently with respect to the establishment, those who have achieved and the fear that someone is going to take something away from someone. There is some validity to that statement. The balance is not being exhibited by the side opposite. The will to achieve, the will to progress of the individual, in our opinion, is being taken away with the legislation that has been proposed and the discussion papers proposed.

It is being taken away because big government is going to intercede, big government is going to file the complaint for you. In other words, the responsibility of the individual, who will be directly affected, who will be paying for the great social experiment of the Minister of Justice, is going to be subjected to more and more and more government.

⁵⁰ We are getting so much government that we do not have any space to put the people. That would be a matter for further debate at another time.

I want to make one other point. I do not understand why you would allow and permit a public meeting at Dawson City and not have a public meeting in Whitehorse. I do not understand why Mr. Webster, the Member for Klondike, thinks the people there should have more right than any person within Whitehorse, even from a constituent of Whitehorse South Center. The Minister of Justice very seldom mentions Whitehorse South Center, maybe once every three or four years. He does represent a Whitehorse riding. I feel that the Member for Riverdale South is totally correct, that the Minister who says that he is going to practice equal opportunity, equal access on the same day turns around and denies a fair segment of the population, over 50 percent of the population, the same rights as people within the territory. It speaks well for the future of human rights in the territory.

Mr. Phelps: Believe it or not, I was going to make a short speech before I heard some of the comments that emanated from the other side. I was going to make a plea on behalf of the residents of Hootalinqua, who did have the benefit of the chance of one meeting with the Minister in Carcross. But Carcross is one corner of a very large riding. In fact, the rural distances around the riding are somewhat overwhelming when one rides those bumpy roads as often as I do. I wrote the Minister and asked that there be at least one meeting for the people who live at the north end of the riding, some of them as far as 50 miles away. I suggested another meeting at the Marsh Lake Marina, which itself is some 45 miles from Whitehorse, and would serve as a place for people even further away — Johnson's Crossing, Jakes Corner, the Atlin Road and Tagish — who could have made their way to the meeting because they do have a long way to go. Believe it or not, they are rural people and most of them have strong views on many of the issues that are raised by the whole topic of human rights as has been put forward by this government. I will be getting to that in a minute.

I raised this afternoon or yesterday afternoon in Question Period some concerns I had about reading the message that was coming back to the other people in the Yukon about what was happening at the meetings because, there is no question in my mind that, if it is at all relevant — and sometimes when I listen to the stuff that comes across the floor I wonder about the relevancy of any kind of argument — that the vast majority of people in the rural ridings and certainly in my own, I am convinced, are against many of the principles contained in the original bill and in the watered down papers that were subsequently issued by the Minister of Justice.

That is an issue that is interesting and I will be getting to it in a minute. If my thesis is correct, the vast majority of Yukoners do not want some of those principles and did not like the original bill, which I must say is one of the most poorly drafted pieces of legislation I ever laid my eyes on. It scared the wits out of me as a lawyer, and I would be ashamed to be a person of any kind of legal training to bring that kind of slop forward and call it human rights legislation. I am convinced.

⁵¹ The Members opposite had been in Opposition so long that they just cannot accept the concept, the doctrine of ministerial responsibility. Was it the Minister of Renewable Resources that we heard? It was, and it scared the daylights out of most people who read it and read it on their own.

I can tell you about some of the meetings back then. Before I do, I want to make a comment about why I feel particularly incensed at this point in time. That is because of what we get from the other side. What we get is the most sleazy kind of righteous indignation, the sleazy kind of argument that one puts forward if he or she believes that they are right by definition, and anybody who dares to question the views of that god-like deity is obviously of a lower moral standard and to be an object of ridicule because he or she does not understand - sniff, sniff, snort snort. It is the kind of pseudo-intellectual argument that just disgusts me and always has.

I do not think that people in the Yukon are concerned about Bill No. 58, or are concerned about the kind of approach that has been taken by the Minister of Justice, or are concerned about the manipulation or the different answers they get at every turn, because they are animals, are less enlightened or less morally right than the pompous people who preach at us from the other side. It is

quite the contrary, quite the contrary.

It is wonderful to say that there are terrible problems, and we are the only ones who see the right path. It is a wonderful thing indeed. I spent a lot of time in my life — and I am older than many of the Members opposite — working, for free, on civil rights issues. In the 1970s I worked with Indian women and the Skookum Jim Hall people trying to find ways of making the protections that are available under the *Fair Practices Act* more public and ensuring that people had access to the legislation as it was and as it remains on the books.

During all that time, and in speaking to citizens of the Yukon, in travelling, as a lawyer, in working for underprivileged people as I did with much of my time back then, I became more and more convinced that people in the Yukon are amongst the most tolerant of any in the world. This was reinforced many, many, many fold.

During the intensive hearings that we held throughout the Yukon in every town and every village — we went back many many times to some places — we ended up with some 7,000 pages of court-type transcripts of evidence from the Alaska Pipeline hearings.

⁵² Much of the focus, almost 80 percent of the focus, of the discussion had to do with the rights of Indian people back then, and the impact that the pipeline would have on aboriginal rights and on the lifestyles of the little guy who makes his living and resides throughout this great Yukon.

I was overwhelmed by the sensitivity and the understanding of the vast majority of every Yukoner that we heard from at that time. The tolerance level was great, and I was proud because when we had those hearings we had all kinds of people from outside, from back east, and the chairman, a very understanding person for whom I have a great respect, was somewhat overwhelmed as well by the attitudes displayed by people from every walk of life in the Yukon, as was, I must add, the other person on the committee, Ms. Bohmer.

So when I stand here and give vent to my displeasure about some things that I consider to be radical, and therefore having the potential and effect of reducing tolerance levels in the Yukon, I am not standing here so I can be sneered at by pseudo-intellectuals who feel that simply to disagree with them is to be somehow less morally right or less intelligent or something. I want to say again, for the benefit of all, I find that to be nothing short of sleazy.

What has happened in Yukon? Just consider it. We had an election. The issue of human rights, gay rights, all these things, were simply not debated and not polled upon. There is no mandate from the people to come forward with radical legislation out of the blue. Leadership? Surely the people of the Yukon have a right to know when they vote for people the kind of legislation they can expect. This caught a hell of a lot of people by surprise, Liberals, Rhinoceros Party Members, Conservatives, NDP Members, NDP voters, the great undecided: so many of them were just stunned, stunned and shocked when they read this bill, absolutely appalled and upset, because what happened is that in came a government that marched forward with a document that was completely unpalatable to most of the people who reside in the Yukon, and it scared the daylight out of them. It was not just the sexual orientation clause, and it was not just the problems they had with equal pay for work of equal value, nor was it just the fact that there was a commission and investigators with sweeping powers that could intrude upon their lives in all kinds of ways with only the assurance that they must act reasonably. It was not just that. It was an imposition, an imposition of some high falutin' moral beliefs by a few, a heavy-handed imposition of those beliefs on the many people who reside here.

You know, most of the people who spoke out angrily at the meetings in Mayo — I remember Mayo quite well because the people were terribly upset when we got there and it was a huge meeting — and I do not for a moment think that the Chief, Chief Hager, is less tolerant of others than I am or anybody on the committee was. I do not for a moment believe that any person there got up to spew hatred, in the words of the Minister of Justice. They are all people who live in a small town and most of them have lived there most of their lives, some of them second, third, fourth, or how many generations. They get along with others.

⁵³ Is there a need for this radical legislation is to ask a question that

is deserving scorn and ridicule, and yet if you look at what we have in place right now, and if you look at the actual complaints that go forward to the officer whom we have now under the *Fair Practices Act*, there is no demonstrated need. There is one case one year, three cases the next year and maybe three this year, — estimate, of course — provided that we keep similar legislation.

It was like hitting these people over the head with a hammer. They were stunned. When people read that legislation, they were sickened. These people do not want more people bothering them, more people intruding upon them, people running around telling them they are terrible and they are discriminating. These people are used to, especially in the small towns, getting along with other people.

So what has this Don Quixote-like Minister of Justice and his government done to people in the Yukon? They are running around tilting at imagined problems. We are not saying that there are not a few, and we are not saying that there are not practical steps to be taken, corrective measures that can be taken in legislation. What has the effect been of the Bill? People did not rent halls and have meetings just to spew out hate. People were terribly upset with this intrusion into their lifestyles, this heavy-handed, iron-fisted, velvet-glove approach.

The people I have talked to who have been terribly upset are amongst the most understanding, generous, tolerant people I have ever had the pleasure of knowing, here, or in other parts of Canada or in any other place that I have ever been.

I submit that the people on the other side should not point the finger at people who are upset and have an outburst at a meeting as causing the problem. The problem is caused by this radical Bill, this radical approach that has simply lowered — and it has — the tolerance level in the Yukon dramatically. I find it somewhat discouraging when I am accused of being a bigot, when I feel that now is not the time to be talking about some of the things in the Bill. I do not consider myself to be a bigot, and I do not consider most of the people at the meetings, anyone on this side or anyone in this House to be a bigot. I may be wrong, but that is the position that I take.

I get sick and tired of being preached at. I am sick and tired of a vocal minority raising their voice to such a level that it hurts their own people. I think that what is required in this matter is for us to step back and have a look at the Yukon as it is, or at least as it was before this legislation was introduced last fall, and have a careful, calm and rational look at the needs, and explain what kinds of problems, in real terms not in imagined ones, are facing people. Then let us see what kind of simple legislation we can come up with to meet the real, not imagined, needs of the day.

That is the position, certainly of our party. I am sure that that is the position of the vast majority of Yukoners who are tolerant, who are not simply trying to hang onto power. I think those were the words of the Government Leader. They are not simply trying to use the jackboot and step on people's rights. That is not the Yukon. ⁵⁴ To use the examples of what occurred in England in the Industrial Revolution, and on and on and on, great stuff. Let us be realistic about the Yukon, and let us give credit to the people of the Yukon, and let us recognize the degree of tolerance, and let us not do radical things that put us back about 10 steps in the area of human rights in the Yukon.

Hon. Mrs. Joe: I felt that I should speak on this motion. I represent an urban riding, as do Members on the other side of the House. I did not have the same kind of lobbying on behalf of my constituents with respect to a public meeting. Not one single person from my riding said to me, "We want a public meeting." They may have to Members on the other side of the House.

A number of people did approach me with respect to the human rights bill, with respect to the human rights issue. A number of those individuals were very decisive in what they wanted to tell me. Some were opposed to parts of it. Some were in favour of it. I can tell you right now that there was a lot of indication from the people whom I spoke to — unlike what the Leader of the Official Opposition says — that our human rights legislation is so outdated that we are the laughingstock of other jurisdictions across Canada.

He goes on to say that we do not really have a problem because those individuals are not complaining about instances where they have been discriminated against. He says there are only about one or two a year. Maybe there are one or two complaints a year, but there are many individuals who have been discriminated against who do not lay a complaint anywhere.

He also talks about helping individuals over the past years in his capacity as a lawyer. I have done the same thing in my own capacity as a person who believes in civil liberties and human rights. I have done it in a limited way, and I have had a lot of complaints with respect to discrimination because people are Indians, with respect to discrimination because they are in trouble with the law, with respect to discrimination for a number of other things.

I have a hard time sitting here and listening to people who are opposed to human rights. They deny being opposed to human rights, but every time they speak they speak against human rights. It does not really matter whether it is sexual orientation, whether it is discrimination against Indian people, whether it is equal pay for work of equal value. There is a big difference between equal pay for similar work and equal pay for work of equal value.

There has been a lot of opposition from Members who are very vocal, who have come out. I did not attend any of those meetings, but I have spoken to a number of other people who did not attend those meetings either, who have asked me, "Why do they hate so much?" That is the kind of attitude, the kind of reporting that is coming out in the press. Why do they hate so much?

I did not think that a public meeting was called for so that you could go through that whole thing again. They were being approached by people who were opposed to what was in the Bill. They were not being approached by people who wanted certain things in the Bill. As the Government Leader said, there were many individuals at those meetings who did not speak up, the people who really need legislation to protect them.

I believe that we have a sound bill here. I know the Minister of Justice, and I have known him for a number of years, and he is not afraid to meet the public.

Mr. Webster: I was not intending to speak to this motion, but I think it is incumbent upon myself as a rural member of the government side to say a few words to reflect some comments that my constituents have relayed to me in the last few days.

I would like to start off by referring to a few comments made by the rural Member opposite, the Member for Kluane. Quoting him, "Whitehorse residents have never been consulted. Residents in rural ridings got something that has been deprived of Whitehorse residents." This same comment was made by the Member for Porter Creek East who asked why the residents of Dawson City should be privileged to something that has been denied the people of Whitehorse, a public meeting.

The view of my constituents is that Whitehorse has had public meetings. In fact, in his speech, the Member for Riverdale North alluded to the fact that he had attended every public meeting on human rights. He mentioned two specifically, Takhini and Sheffield. This, as I say, is the same view of my Klondike constituents. There has been two down here, possibly more and the people in Dawson City had one opportunity; they had their chance to attend a meeting; it was a good meeting. They are pleased with that. Whitehorse has had at least two more than residents in Haines Junction or Dawson City.

They also point out to me that it is convenient for Whitehorse people to come in and speak to the Minister directly, either as individuals or as groups, on this matter of human rights. The Minister has made it quite clear that over the past few months he has made his door open to receive people who want to speak on this Bill. I also grant you that not everybody is unemployed or has the free time and liberty to see the Minister anytime.

So my constituents, anyway, see that the people of Whitehorse have already had an opportunity. They somehow feel it ironic for the Conservative Party, who has never believed in public consultation and criticizes this government for embarking on a program of public consultation, is asking for more meetings in Whitehorse. It is

not only just another meeting in Whitehorse, the Member of Hootalinqua just stood up and said the meeting in Carcross was fine and well-attended; but that does not represent his whole riding, which is quite true. He would like to see some more meetings, more consultations. So as I say, some of my constituents find that quite ironic.

I would briefly like to address the issues raised by the Member for Porter Creek East, that being equal pay for work of equal value. He gave us a lecture on the fact that this is not a problem or an issue concerning just women. I think he lectured us as well that equal pay for work of similar value is a superior principle. He even wondered aloud if this principle or concept of equal pay for work of equal value was Marxist philosophy.

If I may, I would like to quote from the latest correspondence from our Member of Parliament, Erik Nielsen, in his Fall Ottawa Report, from my personalized copy that I received in the mail two weeks ago. I read everything that Erik Nielsen sends me, and I say that sincerely. On the second last page here he refers to "First for Woman in Canadian History 1977" — now remember that is a decade ago — "Canadian Human Rights Act passes and forbids discrimination on the basis of sex, and ensures equal pay for work of equal value for women."

Now I know that Erik Nielsen holds this principle dear to his heart, as does Brian Mulroney. He has repeated that many times since taking government. I just wonder if the Member for Porter Creek East would also consider this a Marxist philosophy being so embraced by Erik Nielsen and Brian Mulroney.

The point is of course not, but this is an example that if the debate on this motion is any indication of what is to come on debate on the Bill, I can tell all the Members of this House — and I mean all Members of this House — to be a bit more reasonable and a lot more sensible.

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

Mrs. Firth: I would like to read some comments from the *Hansard* from October 24, 1985. They were comments that were made by the Minister of Justice, I believe, when he was just introducing his new human rights legislation.

The Minister goes on to say that "it is our intention to provide the Legislature and, indeed, the public in Yukon, with the policy of the government so that a responsible, free and democratic legislative discussion can take place as to exactly what the people want".

He goes on and on about expressing rights, and then he ends up the second paragraph or so talking about "increased protection for individual freedoms, which is part of the Yukon dream I know".

He carries on to say that, "indeed, every submission in response to it, I believe, focused on the need to respond to a proposal that the discussion in the Yukon public domain should be a rounded proposal and people should be invited to react to the proposal. That is exactly what we are doing. We are not presenting a White Paper to the public. Because of the long delays in the past, we perceive that the public mood is that we have waited long enough and it is time to act".

That was the Minister's perception. Then he carried on to talk about the Yukon's dream: "We strongly believe that there is a Yukoner's dream. Part of that dream is about individualism, about the spirit of the raven, if you will, about the independence of the sourdough or of the individual. This Bill is designed to serve, protect and promote individual freedom. Where it does that, which I believe it does in its entirety, we believe it will be supported by the Yukon public. There may, and probably will, be problems pointed out in the legislative process, and the government will be listening intently and most seriously to the amendments that may solve those problems".

From the progress that has been made, whether you want to call it progression or regression, since the Minister made those comments, I would respectfully submit that the Minister was either very naive when he made those comments, or totally out of touch with the Yukon electorate. I think both instances apply to the Minister.

I have listened with a great deal of interest to the comments from all Members today. I want to talk a little bit about what has

happened since the Minister first made those comments in the Legislative Assembly.

First of all, when there was some controversy at the public meetings — the Government Leader describes it in a rather unkind way; I would have expected him to be a little more generous in his comments about individuals or people who demonstrate their feelings in a different way than he does, perhaps not as sophisticated a way as the Government Leader would in his divine capacity — when he makes references to people expressing themselves and giving us an image of backwater town behaviour, frankly, I have seen the Government Leader demonstrate some kinds of that backwater town behaviour, and I believe this is one of those demonstrations.

I am circling my ear like the Government Leader did yesterday, just for the benefit of *Hansard*, so they know what I am making reference to.

I find that the Government Leader is very lacking in tolerance and generosity when it comes to the expression of other individuals. For one who is espousing the individual and freedom of that individual, I think he is going to have to be quite a bit more tolerant before he criticizes this side of the House or people in the public for that kind of behaviour.

⁵⁷ I have heard a lot of talk this afternoon about how Whitehorse residents had an opportunity to go to meetings. That was when the Bill was originally presented, and there were two meetings held in Whitehorse, and that is all the opportunity that the Whitehorse residents had. Since then, that Bill has been withdrawn. There have been two discussion papers published. There has been another Bill written, and it looks like Whitehorse residents are not going to have an opportunity for discussions about those Bills or the discussion papers.

I find it very interesting to listen to the Minister of Justice, because he always has another excuse for why his endeavours are not succeeding. The first excuse he used was that it was the Conservatives' fault, that we created the controversy. Now, today, he has added the media to that list; it is the media's fault for following around and reporting all the events that took place at all the meetings. He would rather not have them report.

Those things happened, and the media fulfilled their responsibility in reporting what had happened at the meetings. The Minister of Justice came forward with one of the new phrases today called "intellectual honesty". I find it quite amazing that the Minister of Justice can talk about intellectual honesty. I want him to listen very closely to this progression of events.

As a Member of this Legislature, I would never make comments to the media or in this House that were not accurate. The Minister of Justice has no hesitation and very boldly accuses the Leader of the Opposition of having interfered with his meetings in Watson Lake and in Old Crow. In particular, the interference in Watson Lake, as the Minister likes to say. Not a shred of evidence did he have. He accused the Leader of the Opposition of interfering solely on the basis that the people from that community opposed his Human Rights Bill. That is pretty small, and he talks about intellectual honesty.

He also extended that accusation to Old Crow. This is what happened with the Old Crow situation. I was called, as a Member of the Conservative Caucus, by a former MLA from Old Crow who expressed to me some concerns about the human rights legislation. I told her that if she had concerns that she should go to the meeting in Old Crow and express those concerns to the Minister. He is the Member responsible for the legislation.

What do we get in the media the next day? We get the Minister of Justice, in all of his intellectual honesty, implying to the media that it is the long arm of the Leader of the Opposition in Old Crow telling people not to go to meetings. And the Member talks about intellectual honesty. He expects the people to trust him when he says things like that.

I have heard that the Minister of Justice wants to take the claim in this territory for being the most controversial Minister in the Yukon. I have had people tell me that this is what his claim to fame is going to be. After his comments today, I suppose he feels that he is going to be the most courageous because of that.

There has been a courageous Minister of Justice in this territory and it was Andrew Philipson. I will tell this Legislature that this Minister of Justice will never fill the boots of that Minister.

⁵⁸ When these kinds of actions are carried on by politicians, particularly Ministers of the government, they are not only an embarrassment to the government, they are also an embarrassment to this Legislative Assembly. They call into question the integrity of the Assembly and the trust that the general public is going to have in us as politicians.

I have watched the behavior of Members opposite. It is somewhat infantile; however, I do not want to get into a name-calling contest. I was rather concerned yesterday when I asked the question and made the comment about urban discrimination that the Members laughed. The Member for Mayo laughed — giggled as the media reported it. I have heard that Member, at a public meeting in Whitehorse, tell the people who attended that meeting that as a Member of this government, their priority was the communities and not the Whitehorse ridings. The people went away from the meeting with that impression.

I have a great concern about the divisiveness that is being caused by this government: the urban-rural split. The government constantly seems to be reinforcing that kind of an attitude.

The Leader of the Opposition in Saskatchewan has expressed a great deal of concern about urban-rural splits and what is happening with people in provinces and in territories when that happens. It is not healthy. It becomes very competitive and does nothing to have us working together as Yukoners.

I listened to the Government Leader go on again about fear and about leadership and all these wonderful things that the Leader talks about so freely. I remember the Government Leader in the Legislature in July of 1985, saying, "My purpose, my hope and my intention is to have a government of integrity, honesty and openness." Well, I do not believe that the Government Leader is fulfilling that intention. I do not feel that the Members of his Cabinet are either. There is going to have to be a lot of pulling-up-of-socks before the Government Leader can stand up and say that his government is fulfilling his purpose and his hope and his intention to have a government of integrity, honesty and openness.

I get the message, loud and clear, from the Government Leader that it is the people with the voice who are heard. I would just like the Government Leader — when he has a free moment; he will say he never has; his research staff can do it for him — to check back and look at the articles in the newspapers and the letters and the lobbying that has been done. It has not been done by the silent majority, who are in Opposition. It has been done by the groups, the Status of Women, who cannot get a position from the Minister on issues that they are concerned about. They are one of the select few groups who had an opportunity to meet in the Minister's office. They came to see me to see what our position was.

I was up front with them. I told them what our position was. They could not get a position from the Minister on issues in the human rights legislation. Those are the people who are speaking out and who are the noisy ones: the so-called non-partisan coalition who, on occasion, has a spokesperson who was a former NDP candidate. Those are the noisy people, not the silent majority who are concerned about the human rights legislation.

The Minister of Health is true to form. She gets up and gives an impassioned speech about how poorly people have been treated, and I agree with her in some contexts and in some I do not.

⁵⁹ I guess the Minister of Health and Human Resources and I will continue to agree to disagree on certain issues.

One thing that particularly concerns me is the casual way that the members of the government jump up and talk about fear and hatred like it was something nonchalantly discussed in an afternoon in the Legislature. They point fingers and make accusations.

The style of this government is that when a stranger comes to the Yukon and asks people on the street questions about human rights, people on the street are afraid to express their opinions to an objective individual, because they are afraid of this government. The style of this government, with its own civil service, civil servants who have to put up with the stress every day of accusations

and paranoia from the government, or that we have some funnel that comes down to the Opposition offices through which civil servants are regularly leaking top secret documents, that calls the RCMP in to interview people, and the Government Leader talks about fear. If the shoe fits, wear it. And the shoe fits, the shoe fits.

The Government Leader is muttering something, and I cannot quite hear what it is, something about us being against something. All he ever says is that we are against something. He would never recognize that we are ever for anything. That is consistent with the comments that the Leader of the Opposition has made.

I would again ask the Minister of Justice to reconsider. I know that it has been a Cabinet decision that the Minister of Justice is not allowed to hold public meetings so no doubt he is being pressured by his colleagues to zip his lip and not get out and have public meetings. I have a certain amount of sympathy for the Minister of Justice because I know what it can be like to be under the pressure of your Cabinet colleagues.

I would ask him to show some courage with his Cabinet colleagues, not with other things he talks about. If he really is courageous, show some courage with his Cabinet colleagues, reverse his decision not to have meetings in Whitehorse and announce as soon as he can that he will be holding public meetings in Whitehorse so that all residents of the Yukon Territory can have an equal opportunity to express their opinions and to hear from the Minister about the human rights legislation that is coming forward in their territory.

Speaker: Division has been called.
Mr Clerk, will you kindly poll the House.

⁶⁰ **Hon. Mr. Penikett:** Disagree.
Hon. Mr. McDonald: Disagree.
Hon. Mr. Porter: Disagree.
Hon. Mrs. Joe: Disagree.
Hon. Mr. Kimmerly: Disagree.
Mr. Webster: Disagree.
Ms. Kassi: Disagree.
Mr. Phelps: Agree.
Mr. Brewster: Agree.
Mr. Lang: Agree.
Mr. Nordling: Agree
Mrs. Firth: Agreed
Mr. Phillips: Agreed
Mr. McLachlan: Disagreed

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

Speaker: I declare the motion defeated.

Motion No. 59 defeated

Speaker: The time is now 5:30 p.m. I will leave the chair until 7:30 p.m.

Speaker leaves the Chair

Speaker: I will call the House back to order. Government Bills.

GOVERNMENT BILLS

Bill No. 54: Second Reading

Clerk: Second reading, Bill No. 54, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: I move that Bill No. 54, entitled *Fifth Appropriation Act, 1985-86*, be now read a second time.

Speaker: It has been moved by the hon. Government Leader that Bill No. 54, entitled *Fifth Appropriation Act, 1985-86*, be now read a second time.

Hon. Mr. Penikett: The purpose of this Bill is to vote operation and maintenance expenditure requirements for 1985-86 in excess of those previously voted. The additional funds amount to \$32,000 and are required by the Department of Finance. This requirement results from the annual provision for doubtful accounts receivable that is set up each year end. Two formulas are used in this calculation: one for ordinary accounts receivables, excluding receivables from the federal government; and one for property tax

receivables. Basically, both of these formulas apply percentage factors to the accounts that are overdue at year end, the assumption being that some portion of such accounts will ultimately prove to be uncollectable. The result of the above calculation is compared to the provision that was on the books at the beginning of the year and if it is different the variance must be booked as an expense or a credit, as the case may be.

For 1985-86, the formula results in an increase to the provision of approximately \$115,000. I would refer, if I were permitted in second reading, to Schedule 4, page 25, of the 1985-86 Public Accounts for a detail of this calculation. This particular item has never been budgetted in the estimates due to its uncontrollable and unpredictable nature. In past years, when increased funds were required, the Department of Finance was able to absorb these dollars within their existing budget, but this was not the case in 1985-86. The Department of Finance had a favourable variance for the year of approximately \$83,000 before the \$115,000 provision required for doubtful accounts. Again, I would refer Members to page 52 of the 1985-86 Public Accounts for this breakdown. The difference between the \$115,000 provision and the favourable variance of \$83,000 is \$32,000 being requested by this Bill. In view of the requirement for this Supplementary it is proposed to vote an annual provision for this item in future Main Estimates.

Thank you.

Mr. Lang: We will not have a lot of questions on the *Fifth Appropriation Act, 1985-86*. I think there will be some very basic questions in the breakdown, because I do not think that the explanation given by the Government Leader was totally complete. I think there have to be reasons why there was a \$19,000 increase in grants, the change to your contingency fund, your \$40,000 utilized in its totality; questions of that kind that I think the Minister should be able to handle fairly quickly and expeditiously. I understand what he is trying to say, but there is one element that I want to put to the Member opposite. It is a concern that we expressed last time with the Appropriation Acts and it was all the contingency money that has been set aside for the various departments.

⁶² That includes the Department of Finance. The concern on this side is that if we continue to increase the amounts of money without relying on our contingencies for other elements, there is going to be less and less control by the legislators of this House and less and less accountability. I see the Minister nodding his head at my comments. We expressed our concerns quite clearly last Session. I know the *Financial Administration Act* is relatively new. I do not think anybody recognized the relationship to the contingency funds and how, knowing the civil service, and knowing the expenditures can be made within the civil service, money can be hidden from the general public, unintentionally or intentionally, I think it is the responsibility of this House to pore over the invoices to ensure that the expenditures, dollar by dollar, made by this House are done in the manner that it has been appropriated for.

Motion agreed to

Bill No. 18: Second Reading

Clerk: Second reading, Bill No. 18, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: I move that Bill No. 18, entitled *Fourth Appropriation Act, 1986-87*, be now read a second time.

Speaker: It has been moved by the hon. Government Leader that Bill No. 18, entitled *Fourth Appropriation Act, 1986-87*, be now read a second time.

Hon. Mr. Penikett: This second supplementary for 1986-87 proposes expenditures of \$1,718,000 for operation and maintenance and \$5,529,000 for capital projects, for a total of \$7,247,000.

These supplementary estimates will increase total gross spending for the 1986-87 fiscal year to \$280,606,000. Revenues and recoveries are estimated to be \$263,419,000. The difference of \$17,187,000 will be financed by drawing upon the accumulated surplus that currently totals \$62,323,000.

I would like to take this opportunity to briefly review some of the more important initiatives contained in the supplementary. The O&M expenditures include \$403,000 for the establishment and

operation of the Indian Education Commission; \$205,000 for the renovation of Yukon Hall, so that students from outside Whitehorse have adequate accommodation; \$182,000 for the community learning centres; and \$552,000 for implementation required by the Committee for Aboriginal Peoples Entitlement Agreement.

Included in capital expenditures is \$3 million for the Local Employment Opportunities Program. This highly popular program will provide much needed employment throughout the Yukon during this coming winter.

Also contained in these supplementary estimates are a variety of winter works projects to help our citizens over the winter months and, at the same time, improve our capital infrastructure. Included among these are \$548,000 for rural court facilities renovations; \$480,000 for school renovations and upgrading, and \$250,000 for COPE implementation funding. These projects will provide employment opportunities throughout the Yukon and further strengthen the economy, goals to which I know all Members of this House subscribe.

As is customary, we expect there will be substantial particular questions on the lines in the Capital Supplementary, but I would, at this point, recommend the Bill to the Committee.

Mr. Lang: This Bill, as the Minister stated towards the end of his explanation, is going to carry a fair amount of debate. There is a substantial increase in dollars along with new programs. The expenditure of dollars is going towards relocation and renovations. For example, in Government Services, there is \$281,000 with no explanation. There seems to be very little explanation at all for the new areas that the government is going into. I understand where there is an increase of \$20,000 in expenditures in one element that has already been voted on. I can see the reason for not making a major statement other than there is an increase, because the project has exceeded costs.

When we get into areas where we can see there are totally new projects, for example, rural court facilities, I would think that the open government would have explained that, in part in writing, so that we could go through it and have some means of questioning in Committee. It makes it very very difficult for this side. We have expressed the concern that the terms of reference of contracts are no longer going to be made available to us, other than the way the Minister of Justice administers justice, which is the way he wants you to see it and perhaps not the way it is. Subsequently, we are going to be in the situation of asking questions, and the Government Leader will say that we are holding up progress. At the same time, he is prepared to be open and accountable.

The government cannot have it both ways. We will be expecting to find out how much has been expended on contracts in the various programs, where the service contracts are going and how the money is being expended. I would like to put the other side on notice that if there is \$12 million to \$20 million worth of service contracts for government projects that have not gone out to public tenders, that these are strictly service contracts and in many cases are negotiated. There is no public tender process, so nobody knows how the money is being expended.

I think we have every right to know, and we will be asking questions so that we can assure ourselves that the government is acting in a proper manner. I am sure that all Members of this House, including the government side, hope that they are.

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

Hon. Mr. Penikett: Just let me say that with respect to the major particulars that constitute this supplementary, I believe there was, with respect to the items that I had announced, no great mystery that required a policy statement at the outset. If the Members, of course, wish a great detail about such initiatives of the Indian Education Commission, the Yukon Hall renovations and the Community Learning Centres, we will, of course, be more than happy to provide them to the Committee of the Whole in great detail, and let me assure the Member that any questions he asks that we can answer, we will answer.

Speaker: Are you prepared for the question? Are you agreed? Motion agreed to

GOVERNMENT MOTIONS

Motion No. 56

Clerk: Item No. 1, standing in the name of the hon. Mrs. Joe.

Speaker: Is the hon. Member prepared to proceed with Motion No. 56?

Hon. Mrs. Joe: Yes, Mr. Speaker.

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

THAT the Speaker forward the following address to the Prime Minister of Canada:

WHEREAS it is fundamental to the health and welfare of all Yukon people that safe and affordable therapeutic pharmaceuticals be available; and

WHEREAS Section 41(4) of the *Canada Patient Act 1969* has created a situation where Canadian licensees can produce low-priced generic substitutions to brand name pharmaceuticals to be marketed in Canada; and

WHEREAS these generic substitutes have saved Canadians approximately \$200 million per year; and

WHEREAS these generic substitutes have resulted in lower Yukon hospital pharmacare and prescription costs; and

WHEREAS the proposed changes to the Act will result in higher costs for publicly funded health and hospital programs and higher prescription costs for individual Yukoners while providing no benefits to Yukoners; and

WHEREAS the Federal Government in the face of constant pressure from the multinational drug companies and the United States administration has tabled a Bill to amend the *Patent Act*; ^{as} THEREFORE, BE IT RESOLVED, THAT this House urges the federal government to abandon amendments to the *Patent Act* which would result in higher costs for all Yukoners.

Hon. Mrs. Joe: This motion before us today involves a very complex issue, the proposed amendments to the *Patent Act* by the federal government. As stated in the motion, the *Canada Patent Act, 1969* has, through allowing generic substitution, saved Canadians approximately \$200 million per year. Generic substitutes have also resulted in lower drug costs for hospitals, for prescriptions and for pharmacare programs.

These amendments have the potential to cost Canadians, including Yukoners, vast amounts of money, which, at this point in time, cannot be fully calculated. We can get a feeling for the possible cost from the offer of the federal government to subsidize jurisdictions to the extent of \$25 million a year for four years, to a total of \$100 million; \$100 million to offset some of the costs incurred by lack of access to generic equivalents, which could have become available to Canadians over a period of time if the Act had not been amended. Ontario alone expects to incur added costs of \$100 million over the four year period.

I can give three examples of drug prices quoted in Whitehorse yesterday for drugs and their generic equivalents. These prices I am about to quote are for the same volume of the two counterparts. Valium is \$100, the generic counterpart \$54.73; Motrin \$100, generic \$44.14; Tagamet \$100, generic \$39.69.

Under this change in legislation, not only will the drugs produced be protected for 10 years, but also any new technology will not be allowed to be duplicated. This is an equally significant concern, as now drug companies are developing biological engineering capabilities. They are reproducing substances that are produced in our own bodies, for which they cannot claim patent, but they can patent the technology that allows them to produce the drug.

It is difficult to understand the ramifications of this, but one example I can give you is of a substance now being biologically engineered: the human growth hormone. Due to bad side effects, we can no longer use human donors for human growth hormone. There are two companies that produce the necessary drug to prevent dwarfism. This treatment is required from birth to puberty for

affected children. The drug costs \$16,000 per year. If the process for making this hormone is patented under this bill, parents or governments will be paying \$16,000 per year per child for the 10 year period, whereas a substitute could be produced and sold at a much lower price.

In the Yukon, our pharmacare program and chronic disease program could be considerably affected by the maintenance of high drug prices. These programs cost a combined total of \$202,000 in 1984-85. If new and improved drugs are developed without generic counterparts, there will be large increases in costs to this government.

Looking into the future, which is imperative in this case, if new drugs are produced to combat today's diseases and future diseases, we will be paying dearly. There is a possibility that a new therapeutic agent for AIDS could be on the market soon. The estimated cost for a course of treatment, and each individual would need multiple treatments, is approximately \$4,000. This disease is now in epidemic proportions, affecting children, women and families. If this drug is patented by a small drug company, who is unwilling to share the patent, then even supply may become an issue, not just the horrendous cost.

These proposed amendments to the *Patent Act* will have an effect on many individuals and the public purse. I look forward to hearing comments and concerns on this serious matter.

Thank you.

Mrs. Firth: I am at a distinct disadvantage because I have not had an opportunity to read the federal legislation. I trust the Minister of Health and Human Resources has read the legislation, understands it and comprehends it completely. Perhaps, if we had some detailed questions about clauses in the Bill, she could get up and tell us which ones are going to create certain causes and effects.

I am at a disadvantage, as I said, because I have not read the bill; however, I do have some information about it. If the well-informed Minister will bear with me in my lack of information, I would like to put forward our position.

The Bill, as I understand it, and the intention of the government, is very complicated, as the Minister said. It involves many different things. The concerns have been expressed by drug companies and by doctors and, of course, by the general public and by the Minister and tend to get somewhat involved in a rather emotional discussion and debate. Often, the real issues are lost. The way I understand it is the intention of the government was to give companies who develop new products some protection, and it was to act as kind of an incentive to generic companies to make it more attractive for research and development for the creation of new drugs in Canada and to aid in the development of new drugs. The Canadians have shown that they have been leaders in drug research and development. I believe Insulin is probably the most common example of that.

The intention of that was to give the new product a ten-year protection. There are various concerns about that because of the perception of some portions of the medical profession seeing that as being too heavy-handed and being too long. Some are saying that two to three years was too short a time to give them protection, because it took two or three years for some drugs to be in widespread use.

And that five years seems to be unrealistic, however a five-to-seven-year term seems to be more reasonable, and ten years seems to be a bit too long and the point was made also that some drugs become obsolete anyway, unless they are old standbys like aspirin and penicillin and so on.

There was a concern raised that drugs would be withdrawn, but the Medical Association reassures me that that would only happen if all the generics were removed and no drugs would be withdrawn as a result of the act, but if a new drug was introduced the drug company would have the monopoly for a ten-year period of time. The discussion about the new drugs costing more — and I am not familiar with the new statistics the Minister is reciting, as to various comments made about how much more the new drugs are going to cost — that is considered by some not to be a valid comment because the new drugs, even though they may cost more, would not

affect the cost of the present generic and brand-name drugs, and with the generic drugs that are available now companies would not be putting the costs up. I am not sure where the Minister is getting her statistics from about the costs of Valium and Tagamet, and whatever the other medication was that she mentioned.

In some ways I see this as a very positive initiative and encourage research and development. Yet I have some qualms about supporting the motion in its present stage as I think it is probably rather lengthy and could be poorly worded. Our caucus can see worthwhile benefits but we have certain reservations about supporting it. Therefore, for that reason, we will not be agreeing with this motion.

Hon. Mr. Kimmerly: I am amazed and disappointed. These Conservatives over there on the opposition benches have broken with their federal counterparts on many issues and we are giving them an opportunity tonight to break with the federal Tories on an issue of extreme importance to Yukon, especially affecting the most vulnerable citizens, the senior citizens, and they refuse to take it.

It is absolutely clear that they have broken with the federal Tories on pay equity — the federal Tories are for it, these Tories are against it — on sexual orientation, as well as the position of the federal government ...

Speaker: On a point of order.

Point of Order

Mrs. Firth: I believe that we are dealing with a motion that talks about the amendments to the *Patent Act*, not about human rights and sexual orientation. Could the Minister please stick to the topic of the motion?

Speaker: A point of order has been raised. There is a point of order. Could the Minister stick to the motion on the floor.

Hon. Mr. Kimmerly: I am finished anyway. I was illustrating that these Tories break with the federal Tories on several issues. Here is one where they should break ranks with Mr. Nielsen and Mr. Mulroney.

The federal *Patent Act* presently provides for a 10-year protection for pharmaceuticals, but it also provides for a mandatory royalty provision about generic drugs. The reason for that is so that powerful and wealthy individuals or companies do not control the distribution of lifesaving pharmaceuticals and medicine. That is the reason.

The generic companies who manufacture pharmaceuticals engender into the market a little competition, a little of the spirit of free enterprise. Those Tories are against competition on the market in pharmaceuticals.

The federal Minister has described this Act as a return to patent protection for those who discover and develop new drugs. He attempts to manipulate the public perception of the effect of this measure. He says that this measure will not raise the price of drugs now on the market.

He emphasizes not raising the price. That is what he constantly says. That is technically true; however, out of the other side of his mouth, he recognizes that the cost of drugs will increase very, very substantially. He offers a \$100 million program to offset the extra expense to the provincial price tag under provincial pharmaceutical care programs and for the bill that the provinces pay for pharmaceuticals.

It is obvious he clearly recognizes that the price of the drugs is going to go up, and go up very substantially. Provincial Ministers across the country have all said this fund is not enough. It does not cover the expected increase in cost.

What is happening here is the federal government is pandering to the American-based multinational drug companies, and they are going to stick the provinces and Canadian citizens with the bill. We are opposed to it. The Liberal Party, federally, are clearly opposed, and the Conservatives are ignoring that opposition and pushing forward to increase the profits of American multinational drug companies.

They say that there may be more research and development conducted in Canada. I ask, what will be conducted in the Yukon?

how many jobs in the Yukon? These Conservatives here are not sticking up for the Yukon's interest at all. That is a terrible shame. For our part, the government has verbally expressed our opposition at federal, provincial and territorial meetings and has written our opposition in June, 1985 and in July, 1986. We are substantially opposed to these American multinationals controlling the pharmaceuticals that are necessary to the health of our citizens and sticking us for exorbitant costs. I am sorry that the territorial Conservatives are on the side of the American multinationals and not the citizens of the Yukon.

Mr. Lang: I assure you, I did not intend to rise to speak on this Bill. I will say that I would sooner be on the side of the Americans than to send correspondence and resolutions to the Premier of Russia.

I find this totally and absolutely ludicrous. Within three days of coming into Session, we are faced with a motion that fundamentally addresses federal legislation, which to my knowledge very few, if any Members have actual copies of the legislation. I must admit that my limited exposure has been via the CBC national news and one article I watched on *The Journal*. I heard the pros and the cons, and quite frankly, I, as a listener, cannot say who is right or who is wrong until I get into it further to find out exactly what the situation is.

I find it amazing. Earlier today, we were dealing with a federal problem that has been addressing the Yukon for the past eight years, placer mining. There is a Task Force Report that has been tabled for four months, and the government could not come to a decision or what its position was until we got into debate, and they realized that they were on very unsound ground and had better agree with the Tories on it. We had some very legitimate, well-researched background to the reasons why we put the resolution forward.

We have a Minister sponsoring the motion who, I do not think, has never stood up in this House and told us that she has ever read the legislation. All she has done is read a prepared script by somebody else, probably a phone call from Ed Broadbent or Jim Fulton or Jim and Ed, to tell her the position that the NDP government should take.

Obviously, this idea is the sleaziest kind of politics to say which side of the fence we are on regarding the patenting of drugs. I happen to have been part of the government, along with the Opposition, when we agreed with the principle of Pharmacare. Yet, the Minister of Justice continuously misrepresents, and at times unintentionally, I am sure it is perceived misleading to people with respect to what their positions are. He says that senior citizens are going to suffer.

With regard to pharmacare, that is not the point. The people who will be affected if the price goes up are going to be, in good part, family people. Those are realities. I do not know if the drugs are going to go up. I know there is very much of a balancing act that is going to have to be made by the legislation, weighing off jobs, research, all those things that we want to see happen in our country, vis-a-vis the cost.

The Minister talks about all the new research and development that is coming in. Some of the favourites are for AIDS, the other drug that they are talking about, researching into it, seeing if it can work. How else are you going to get it done? Who else is going to do it? The question the federal MPs are going to have to address is if it all come from the United States of America and is copied, or in some cases do we lead? Do we provide jobs and do we keep the people who have the ability, the people who graduate from our universities, and encourage them to stay here and set up and do research and development?

From CBC's *The Journal* — this is Dan Lang reporting — this is what I got out of what the message was and what the pros and the cons were with respect to the decision that had to be made. I resent the Minister of Justice saying, well, you love American multinationals. I would say that I think that everyone in this room has the best interest of the Yukon at heart. At the same time, here we are discussing a resolution where very few of the Members have a copy of the legislation. You have a major discussion going on in Canada today where now, I gather, it is going to committee, so there could

be a very detailed study, a very close examination of what the effects will be. Maybe there will be some changes. I do not know.

I resent the Minister of Justice imputing motives on any Members, or all Members, on this side of the House just to serve his own political ambitions.

Mr. McLachlan: I, too, find myself somewhat at a bit of a disadvantage in not having ready access to the printed legislation. I heard the clips on the television and heard the clips on the radio. However, there is no question that the increased monies needed to fund the research and development have to come from somewhere.

The federal government has the power to pass legislation that can respect the needs for the research and development money through income tax incentives, which is one way. The present federal Conservative government dumped on and threw out one of the research and development incentives that were put in by the previous Liberal government, quibbled about it and said it was no good.

Now the need has come about for it. The mechanism seems to be to have the customer pay more. I would have preferred to have heard from the Minister of Health and Human Resources some figures as to the effect it would have on YHCIP.

Where some of the consumption we have of the new drugs we have at the newer costs. However, I realize it is more of a detailed study than she is able to produce at this time because we do not have the total effect of all of this. However, unlike the Member for Riverdale South's indignancy and the Member for Porter Creek East's indignancy at the statement "pharmacare fees for all senior citizens", somebody has to pay for the pharmacare costs, and inevitably that is the government. Just guess which party is running around screaming about increased costs in these documents. That will do it. That will do it. The Federal Liberal Party definitely is opposed to the increased drug costs. We will be giving support to this motion.

Hon. Mr. Porter: The Member for Porter Creek East requested some inside dope on the particular question that is before the House and I think it is incumbent upon the Members here when they are faced with a particular measure in the House to do the necessary research in order to make up their minds in terms of how they are going to vote. For example, today was a day in which we discussed various measures brought forward by the Members opposite and those measures were only introduced to the House Monday night, but yet we had to do all the research, we had to make up our minds how we were going to vote.

Some Member: (*Indistinguishable*).

Speaker: Order, please.

Hon. Mr. Porter: Mr. Speaker, where are the TV cameras when you need them to show this kind of childish behaviour that comes from the other side of the House.

With respect to the action we are talking about, we are talking about amendments to the *Patent Act*, specifically Section 41(4) of the *Patent Act*, and that Act was passed in Parliament in 1969, and basically it allows companies to manufacture and sell generic versions of a new drug while paying a four percent royalty to the original manufacturer. What happens is that with that law Canadians enjoyed some of the lowest drug prices in the world and some of the savings that we enjoyed with respect to drug purchases were as much as \$200 million on an annual basis. If you look at the price, for example, across the border in the United States, Valium sells in some instances for as much as \$345.93, and in Canada the same amount of the generic version of Valium under the old Act would have sold for as little as \$2.31.

I suggest that when we talk about the numbers, maybe that would be an extreme example of what can happen with the passage of amendments to the *Patent Act*. That is one example.

The measure of the amendment, now that it is adopted by Parliament, is that there is now a situation where the multinational drug companies will enjoy a ten year freedom on the patent. This proposed legislation, or the legislation that has gone before parliament, would give drug patents to the multinationals for 10 years of exclusivity.

What that means is that the multinationals will have a 10 year....

Speaker: Order please. Is there a point of order?

Mrs. Firth: I see the Minister of Renewable Resources quoting from what looks like a document in his hand. Is he prepared to table that document so that we can all share it?

Speaker: A point of order has been raised. There is no point of order. Does the Member wish to continue?

Hon. Mr. Porter: To conclude, concern has been raised throughout Canada. Concern has been raised in these legislative chambers tonight on a particular measure that has been brought in by the federal government in Ottawa that will affect all Canadians. In many instances, it will affect Canadians who are not most able to afford the costs that will be associated by the impact of this legislation.

We have made a clear distinction as to the policy and the position of this party, and I think it is incumbent upon the others to do the same, and also to be able to accept the consequences. Just a few weeks ago, I received a letter from a constituent about one family that is paying as much as \$400 a month out of their income, and there is only one working member of that family, towards the costs of drugs.

This issue affects Yukon people as well. It is an issue that should have been taken seriously by the side opposite. It should have been given the time and consideration that it deserved. This debate will be recorded in *Hansard* and the people of the Yukon will find out the results as to how the different parties in the Legislature tonight feel about this very important issue.

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

Mr. Phelps: I would like to reiterate some of my personal feelings about this. Here we have a motion, a very long motion, that was tabled Monday night. I know of no one who has a copy of the Bill in question in the Yukon. I know the Medical Association was contacted by our party, and they do not have a copy of the Bill. I doubt very much that the people on the side opposite have the faintest idea what they are talking about. I am not going to vote for a motion such as this until I have the arguments and understand the arguments of both sides. To simply stand up and prattle on about something that they think is a vote-getter because the big leader in Ottawa is asking them to does not wash with me.

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

Hon. Mrs. Joe: Despite some of the comments from the other side, we were not prompted by any national federal politicians to go ahead with this motion. We have had a copy of the bill in the offices for about two weeks. The Ministers of Health have dealt with it at the last two meetings that I have gone to. My department has written a letter to the federal government, opposing the bill. It is not as if it is something that has come up in the last three days. It is something that is very important to us because, for the next 10 years, the money that is given to those multi-national corporations to do research and to develop and to make new drugs is going to be a benefit to them, but the individuals who are not going to be able to buy those drugs a generic equivalent are going to suffer because those prices are very different.

Some of those people who are going to be suffering are Yukoners. We are all familiar with individuals, as the Minister of Renewable Resources has just pointed out, who have contacted us, either by phone or by personal visit or by letter, complaining about the high cost of drugs as they are right now. I think it is a very serious matter. It is not a new matter. It is a matter that we have been concerned about for a long time and have already opposed the proposed changes to the federal government. If necessary, I will table that letter in this House tomorrow.

The information that the Member had with respect to what he was reading is from a magazine. It is available.

Speaker: Division has been called.

¹⁵ **Mr. Clerk,** would you poll the House, please?

Hon. Mr. Penikett: Agreed.

Hon. Mr. McDonald: Agreed.

Hon. Mr. Porter: Agreed.

Hon. Mrs. Joe: Agreed.

Hon. Mr. Kimmerly: Agreed.

Mr. Webster: Agreed.

Ms. Kassi: Agreed.

Mr. Phelps: Disagreed.

Mr. Brewster: Disagreed.

Mr. Lang: Disagreed.

Mr. Nordling: Disagreed.

Mrs. Firth: Disagreed.

Mr. McLachlan: Agreed.

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

Motion No. 56 agreed to

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: Committee of the Whole will now come to order. We will have a 15 minute break.

Recess

¹⁶ **Chairman:** I will call Committee of the Whole back to order. We will proceed with Bill No. 54, *Fifth Appropriation Act, 1985-86*, Clause 1, general debate.

Bill No. 54 — *Fifth Appropriation Act, 1985-86*

On Clause 1

Hon. Mr. Penikett: I gave an explanation in second reading of the reason for this supplementary. Mr. Lang indicated that he had some detailed questions about the grants and the allowance for doubtful accounts. If it is the wish of the Committee, I would be quite happy to move to those specifics unless there is some great general debate about the principle involved.

On Department of Finance

Mr. Lang: Is it safe to say now that this wipes off forever for 1985/86?

Hon. Mr. Penikett: Yes.

On Treasury

Mr. Lang: Why is the Treasury down by \$62,000 as per the breakdown that has been presented to us?

Hon. Mr. Penikett: It is an underexpenditure on salaries and travel.

Mr. Lang: What is the rest?

Hon. Mr. Penikett: Salaries and travel are the two main things. There may be some small amounts on materials and supplies spent, less than was budgeted.

Treasury in the amount of a reduction of \$62,000 agreed to
On Grants

Mr. Lang: Does this apply to the Home Owner's grants?

Hon. Mr. Penikett: \$19,000 is the entire amount by which Home Owner's grants exceeded our budget expectations.

Mr. Lang: How is this going to affect this forthcoming year, the 1986-87 Mains; \$873,000 was projected, and now we have a revised amount for \$866,000. Are we going to see a significant supplementary coming for grants?

Hon. Mr. Penikett: We cannot tell at this moment. I am advised by the Deputy Minister that it looks like we are right on, but we may be up or down, or we may be shy again.

¹⁷ **Mr. Lang:** Is any consideration being given to increasing the Home Owner's Grant in view of the financing of the government

maybe giving some money back to the property owners within the Yukon?

Hon. Mr. Penikett: I have not had reason to consider that heretofore, but I would happily take that suggestion under advisement.

Mr. McLachlan: In deference to the Member for Porter Creek East's question for giving more, I would like to know if it would not be more appropriate to give it to the new home owners in Faro, rather than giving else some more money?

Hon. Mr. Penikett: Of course, for people who are home owners in Faro who met the qualification of 185 days occupancy they will, of course, apply. The difficulty is that there are a number of people in Faro who are in limbo, as the Member knows and has communicated with us about, who do not have anything resembling title to a property yet and, therefore, under our rules do not qualify.

Mr. McLachlan: That is not their fault. That is a glitch within the Government of the Yukon Territory's second mortgage holding.

Mr. Lang: Could the Member explain to me what a glitch is?

Hon. Mr. Penikett: That is not a problem the Government of the Yukon has because there is not a closed agreement yet between Faro realty and Curragh Resources.

Grants in the amount of \$19,000 agreed to On Allowance for Doubtful Accounts

Mr. Lang: Perhaps we could have an explanation?

Hon. Mr. Penikett: I tried to do the accounting at the second reading, but this is, if you like, the meat of this supplementary. Let me go through the calculations again. We have in total, of course, the supplementary for \$32,000 and that comes from calculations as follows. For the annual provision for doubtful accounts receivable that is set up for each year-end there are two formulas, as I said, used in this calculation: one is for ordinary accounts receivable excluding the receivables from the federal government; and one for property accounts receivables. Now basically both of the formulas use percentage factors to accounts that are overdue at year-end, the assumption being that some portion of such accounts will ultimately prove to be uncollectable.

¹⁸ The result of that calculation is compared to the provision that was on the books at the beginning of the year. If it is different, the variance must be booked as an expense or as a credit, as the case may be.

For the year under question, the formula results in an increase of \$116,000. As I said, there is a calculation on Schedule IV, page 25, 1985-86 Public Accounts. That is how we get the \$116,000 figure. The particular item has never been budgeted in the estimates due to its uncontrollable and unpredictable nature. In past years, when the increased funds were required, the department was able to absorb the dollars within their existing budget. This was not the case for this year. We are, therefore, starting with the next Main Estimates, putting in an annual provision for this item.

If you do the calculations here, the overall with the other items, the department had a favourable variance of \$83,000, before the \$116,000 provision required for the doubtful accounts. The difference, then, is the \$32,000.

Mr. Lang: In deference to the Members here, plus the \$19,000, which is an over-expenditure as well.

How much is allocated to projection for property taxes not going to be paid? Are we advancing on all outstanding taxes, through the *Assessment Taxation Ordinance* to either collect or take the land in lieu of collection?

Hon. Mr. Penikett: Let me try and answer that Irish question. The actual write-off under section 111(1) of the *Assessment Taxation Act* was \$47,637.41. The accounts receivable 1986 allowance was \$92,297.48; less the 1985 allowance, which was \$38,719.48. For the property tax 1986 allowance, there was \$202,239.52, less the 1985 allowance, which was \$188,204.15. That totals out to the \$115,000.

What I could do for Members, if it would be useful for them, would be to provide them with a typed version of the calculations.

¹⁹ **Mr. Lang:** I would appreciate it if it could be made available within the next day or two.

I have a question, and I did not get it answered. My understanding is that this is a write-off against property taxes that

are not paid under 1(11) of the *Assessment Taxation Act*. If you do not pay your taxes, the Crown has a recourse, and that is to take your land or your improvements in a tax sale, however that procedure works. On all outstanding taxes on property, is the government pursuing every outstanding claim through the court process as it is set up through the Act?

Hon. Mr. Penikett: Where we can, but there are cases where the department has deemed it not prudent to pursue. For example, a lease where the people who were occupying it have just gone. I think some squatter properties have proved to be difficult to collect on. Yes, where there is a claim, we go through the normal tax lien and collection procedures.

Mr. Lang: Do I take it then that the grazing lease has expired and nobody is living there, and that is the reason why Finance, in its wisdom, does not pursue it? For example, we do not pursue it if it is a squatter who does not pay?

Hon. Mr. Penikett: I was not necessarily talking about a grazing lease — any kind of lease where the person who was occupying it has just disappeared and we cannot pursue them. There may be a number of cases. If the Member is looking for particular examples, I am sure we could, without identifying the property, provide those kinds of examples to the House if we were called upon to do so.

Mr. Lang: What happens to the lease? The land is still there.

Hon. Mr. Penikett: If it is a lease, and the lease, for example, lapses, we cannot take lien procedures against land that is not titled. There is nothing we can claim.

Mr. Lang: What about if there are improvements on the property? Do you just say, "Good-bye", and have someone else move in and then forget about it? Because then I would submit to this House that it would be very advantageous for all of us to move outside the city limits and proceed to live in a lifestyle that we would like to pursue.

Hon. Mr. Penikett: If there is an improvement on the property that we can claim, then we can go after that, but there not be much of value on the lease.

Mr. Lang: My point is that I do not know how the conscious decision is made whether or not to pursue it, whether or not somebody is living there or is not living there. Does it actually go through the court procedure to the point where somebody goes out and says, "There is nobody there; the facility is gone; there is no point in pursuing it," or do we sit in our ivory tower here and toss a coin?

How do we decide at what point we are not going to pursue somebody, because you can sure bet on it that if it was Tony Penikett or Danny Lang, they would pursue it to the nth degree.

²⁰ **Hon. Mr. Penikett:** That is exactly correct. If the Member wishes, I will come back with some particular cases. We go through all the normal collection procedures right down to going after the property itself. There may be cases where the person has just disappeared, and there is no way we can locate them. They have left the territory. At some point, a judgment has to be made that the expense of chasing that person and going after their personal assets is not a useful expenditure.

Mr. Brewster: I have been trying to find out for years for an answer to a question, and I think the Minister will have to look for it. About seven years ago the refinery at Haines Junction owed the Yukon government about \$80,000, and nobody ever did anything. Our hon. friend from Porter Creek said that if it belonged to you or me, they would seize it immediately, but it being a big company they were left alone.

Could anyone possibly find out who owns that now?

Hon. Mr. Penikett: This is the refinery in Haines Junction? Yes, we will check into that. I will give a report to the Member.

Mr. Lang: I am comparing the O&M Budget and the revenue on the property tax side. We bring in revenues, on the 1985/86 property tax, of \$3,400,000. We are writing off \$47,000 this year, and you are saying that this coming year the government intends to have a further amount written off every year.

It does cause some concern that there seems to be those who pay and those who do not.

Hon. Mr. Penikett: I understand the concern, and it has

been with us for a long time. There are people who do not pay their taxes. The \$47,000 that we are writing off this year are taxes that we have been trying to collect for quite a few years. Even though it seems like a significant percentage relative to the revenue side, and it is, you, of course, cannot get any absolute commitment from people to pay taxes before they move onto properties or build. You have to assess them, tax them and if they do not pay, you have to pursue them to the point where you can collect it.

Mr. McLachlan: I would like some clarification on what the Government Leader said. If a contract of sale is executed, it cannot be completed until usually the back tax bill is paid. Surely, there must be cases like that where we can collect on a sale. A person does not get it until he pays up.

²¹ **Hon. Mr. Penikett:** In the case described by the Member for Faro, we collect taxes. Every year, we do recover a certain amount of taxes that are bad, or old, or past-due. There also comes a point where there are some that you have to write off. That is also the experience in any business that has receivables. They will have, inevitably, a certain amount of receivables that will have to be written off that cannot be collected.

Mr. Lang: I think there has to be some method. I am sure there are people on this list who are still around who have not paid their taxes. I sympathize with Finance when you have a situation where somebody has left the territory. Maybe it would be advantageous if such a list were tabled every budget of people who have got to the final list, and it is tabled here and it is a public document. In a municipality, it is tabled if you do not pay your taxes. To my knowledge, YTG does not, and perhaps we should amend the *Assessment Taxation Ordinance* so that when it gets to that point, it is duly noted and publicized. I know that, at times, that is an incentive for people to pay their taxes.

Hon. Mr. Penikett: I know that municipalities routinely do that. Let me take under advisement the suggestion that perhaps under Public Accounts we might consider tabling such a list of people who do owe us back taxes. I want to assure you that we do pursue the collection of them. If the Members of the House would like a memo on the procedures we go through to pursue collections and the kind of cases where we do have to write off taxes, I would be happy to provide Members with that information.

Without getting into names, Members would be surprised at some of the names that are on our list of people who do not pay.

Mr. Lang: I think that is the point I am making. I think that people have a responsibility to pay their taxes if they are getting services from this government or the municipal government. Maybe it would be very surprising how much money you would collect if it became a public document.

As far as the procedure is concerned, I do not want to put Finance to that work. I know it is all laid out in the *Assessment Taxation Ordinance*: the steps that have to be taken and the time period. It is all very clearly and concisely set out. What we are recommending is that when we are here at the last gasp, we are having some other taxpayers picking up the amount of money that had been budgeted for those properties that were supposed to be paid, and I think that those names, properties and amounts should be published.

I believe that perhaps there should be an amendment to the legislation, clearly and decisively instructing those names to be published at a certain time, once they have not met their obligations.

²² **Hon. Mr. Penikett:** I have said that I will take the suggestion under advisement and discuss it with my colleague, the Minister of Community and Transportation Services. It is possible, if we decide to do it, that it may not require an amendment.

Mr. Lang: How much further into the Session before we get a definitive answer on it?

Allowance for Doubtful Account in the amount of \$116,000 agreed to

On Accounting Adjustments

Accounting Adjustments in the amount of a reduction of \$1,000 agreed to

On Contingency

Contingency in the amount of a reduction of \$40,000 agreed to
On Total

Total in the amount of \$32,000 agreed to

On Schedule A

Schedule A agreed to

On Clause 2

Clause 2 agreed to

Clause 1 agreed to

On Title

Title agreed to

Hon. Mr. Penikett: I move that you report Bill No. 54, *Fifth Appropriation Act, 1985-86*, out of Committee without amendment.

Motion agreed to

Bill No. 18 - Fourth Appropriation Act, 1986-87

On Clause 1

Chairman: General debate.

Hon. Mr. Penikett: At second reading, the Member for Porter Creek East, Mr. Lang, indicated a desire to hear some explanation of the major expenditures contemplated by this measure. I wonder if I might expedite the debate and meet the wishes of the Member opposite by, perhaps, asking the Minister of Community and Transportation Services and Education, since those are the first two items to be dealt with, to give some information, in general debate, about the programs that are contemplated in this Supplementary. We might ask other Ministers, in general debate, to give some general information of the same kind that may enable Members to focus the questions on their particular line of inquiry better as we get into the line-by-line later.

Hon. Mr. McDonald: Of course the Department of Community and Transportation Services has one line item for Members' consideration, and that is a continuation, this year, of the Local Employment Opportunities Program. I felt that it was important last spring, of course, to be in a position to provide a written report to the Legislature on the successes and the weaknesses of the program, so a report was drawn up and was tabled in the House already, which, I believe, is a very frank report. It spoke to the issue of funding and the administrative aspects of funding the program.

²³ There were many good things associated with this program, and I am sure all Members know, there were some administrative glitches — that is the new word this evening — to the program that we identified throughout the year in our post-program analysis, which was undertaken following the final expenditures for the amount that was committed for last year. The report itself is fairly explicit and improvements that have been suggested and hopefully will be made to the program again this year. When we get into the program itself, if Members want to discuss last year's funding in any detail, then I would be prepared to do that.

The government has made a number over the course of last year. I believe they are significant ones, and they ought not to be news to anyone. There was the expenditure for the Commission on Native Education for which I send a copy of budget to the critic of the Official Opposition, along with the terms of reference for the Commission. Also, there was the funding for Yukon Hall, and I can explain that in more detail if Members wish, for a period of two years under an agreement with the Indian Affairs program.

There was some effort made to improve the situation at Yukon College generally with respect to the regularization of employees from contract to permanent employees. They had long-time contracts. Also, the community learning centre staff was bolstered somewhat and the associated costs that would be borne by a conversion exercise. I can give the Members more information when we get into that particular budget.

The capital program essentially deals with the Del Van Gorder School rebuilding. It was a reduction. There were a myriad of small capital items. Primarily the winter works that was mentioned in the opening statement are works that were drawn forward in order to do the necessary planning for works that are identified in the capital program itself, and I can go through and list those when my departments come up for discussion.

Essentially the three major projects from my two departments were the commission on Native Education and improvements to the system at the Community College, both with respect to the conversion exercise and the renting of Yukon Hall.

24 Mrs. Firth: I noticed that there were three Ministers and four deputy Ministers who made the final decision as to rejection or acceptance of the application for the Selection Committee for the Local Employment Opportunities Program. Why would Ministers be on this committee? I would have thought that the Ministers would want to keep a distance from the selection process to avoid any accusations of political interference, political bias, or whatever.

Hon. Mr. McDonald: When any kind of budget comes forward to this House on any number of projects, if they are within my Ministry, they will be a reflection of not only this government's position, but also my own. I stand accountable for the projects that are selected in the general budget, whether it be a community hall in Pelly Crossing or whether it is highway construction on the South Klondike Highway. I will stand accountable for those projects.

With respect to the Local Employment Opportunities Program, it was felt that in its initial stages it was going to be very difficult to develop criteria that were ironclad, which left essentially no leeway open for misinterpretation so that they could be undertaken by civil servants without making it so cumbersome and complex, and so incredibly bureaucratic as to make the program an unpopular venture.

As the Member knows, through the Manpower program, the program guidelines and criteria are the size of a telephone book. We attempted to turn projects around very quickly, and that required more than simple administrative scrutiny. We prided ourselves on the ability to turn over a project within a week, should the technical committee have all the information required in order to make recommendations to the Selection Committee.

We did that. The Selection Committee does report to Management Board, which gives the final approval for project totals. In any case, we made public last spring any projects that were funded — to the Member, because she had asked for them — to the Legislature. We are also making public the expenditures here, in total, in a very detailed way.

I like to think that the funding for this program was quite fair. I have heard no accusations from the public about the funding that was provided under the program.

25 Communities that made applications, with the exception of Destruction Bay, got some project of some sort. The problem with the application from Destruction Bay was that it was very equipment-oriented. It was the building of a breakwater, a worthwhile project, but it did not fit the criteria of the program. It was practically all equipment rental, very little labour and no materials, but was, for all intents and purposes, a capital works project.

Apart from that, every community benefitted to an extent from this program. I would hope that every community in the future would benefit from the program, as well.

Mrs. Firth: I do not mean to give the Minister the impression that I am being confrontational or investigative or anything. I just find it rather unusual that Ministers would want to be on a committee that was responsible for selecting and identifying people who were to get money, as opposed to people who were not.

I would have thought that maybe the Minister would review the last submission of the list of applicants who the technical committee was recommending getting funding, in case the Minister saw some irregularity or something, as happens with the Lotteries Commission. There is a body there that hands out funding and gives the Minister some protection from any accusations of political interference. This is kind of a departure from that sort of approval system.

Who are the three Ministers and four deputies on it?

Hon. Mr. McDonald: Firstly, it is always advantageous for the government to try to disassociate itself from controversial subjects if it can. This involves an expenditure of a fair sum of money. We are probably the most accountable people in the territory. We are directly elected to this Legislature and account to all Members of the Legislature and to the public in a very direct sort of way. We are not separating ourselves from a decision-making process in this case. We are accepting it entirely.

Those of us who are on this committee include the Government Leader, the Minister of Renewable Resources and me. I am the Chairperson of the committee. The deputy ministers include the

deputy ministers of Economic Development, Education, Community and Transportation Services and Renewable Resources.

Mrs. Firth: I do not deny that the Minister is prepared to accept full responsibility for the expenditure of funds, and so on. However, I feel that it may be better to have a selection committee that had some representation on it from the private sector, the communities, the Indian Bands; a committee of Yukoners who could evaluate the projects, and there are certainly lots of Yukoners capable of doing that. In that way, if it is called a Local Employment Opportunity Program, I feel that there should be some input from the private sector and from the communities, so that they can see what other communities are doing and judge. I think you would find that you have a very effective committee.

I am not saying that the government has to change its ways. I am just making a suggestion and indicating that I find it rather an unusual structure for approving applications for financial assistance.

26 Hon. Mr. Penikett: I should emphasize to the Member there is not another program quite like this. The program was designed to meet a particular circumstance. The Member may have a suggestion, and the suggestion such as the Member has made may be worthy, upon reflection. I think she should understand though that we are dealing with budgetary decisions that ultimately, in any case, will be made by Management Board and that is, if you like, the authority for the final decisions.

It has been our experience, if I may say so, that we will have applications far in excess of the amount of money that will be available. Those applications will not be spread evenly around the territory even though we will try to achieve a fair distribution. There will be well organized groups who will be much more ready with their applications than groups who do not have as many members or do not have as many skills.

There are some judgments that have to be made about the funding, which are difficult judgments and are, in the best sense of the word, political judgments that cannot be made by public servants. If, for example, in a community in which we think there may be an approximately fair allocation of \$100,000 out of the total share of the program, and we have four groups each coming in with an application all for \$100,000, which happens to be the maximum, there are going to be some very tough decisions for us to make. We will obviously want to look at who will create the most employment and the best spin-offs in terms of jobs locally, but in the end no public servant will be content or satisfied to make that decision. and because there is a fast turnaround in this program, we will be meeting weekly to discuss these matters as the winter goes on, will have to make the accountable decisions and take whatever flack we will get from groups who do not get approval and presumably get whatever modest accolades you get from groups that do.

It may well be that there is some appropriate role for some private citizen advisory group, but I am not sure, given the kind of schedule on which we operate and given that we are ultimately accountable, that I see, off the top of my head, an easy way to fold in the advice of such a group. We have tried to set the rules simply enough and clearly enough and the criteria fairly enough that the judgments will be fairly straightforward. In the end, though, there will be some fairly tough decisions to make about how we allocate the scarce resources, especially those applications that come from communities where there is much competition for the funds. I say, with respect, I doubt very much that even the most senior public servants in the government will not, in the end, feel comfortable making those judgments.

Hon. Mr. Porter: Mr. Chairman, I move that you report progress on Bill No. 18.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

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

Mr. Webster: The Committee of the Whole has considered Bill No. 54, entitled *Fifth Appropriation Act, 1985/86* and has directed me to report same without amendment.

Further, Committee has considered Bill No. 18, *Fourth Appropriation Act, 1986/87*, and directed me to report progress on same.

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

Some Members: Agreed.

Mrs. Firth: I move that the House do now adjourn.

Speaker: It has been moved by the hon. Member for Riverdale South that the House do now adjourn.

Motion agreed to

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

The House adjourned at 9:30 p.m.

» **The following Sessional Paper was tabled November 26, 1986:**

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