



# The Yukon Legislative Assembly

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## **HANSARD**

**Monday, December 8, 1986 — 1:30 p.m.**

Speaker: The Honourable Sam Johnston

# Yukon Legislative Assembly

SPEAKER — Honourable Sam Johnston, MLA, Campbell

DEPUTY SPEAKER — Art Webster, MLA, Klondike

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### New Democratic Party

Sam Johnston	Campbell
Norma Kassi	Old Crow
Art Webster	Klondike

## OPPOSITION MEMBERS

### Progressive Conservative

Willard Phelps	Leader of the Official Opposition Hootalinqua
Bill Brewster	Kluane
Bea Firth	Whitehorse Riverdale South
Dan Lang	Whitehorse Porter Creek East
Alan Nordling	Whitehorse Porter Creek West
Doug Phillips	Whitehorse Riverdale North

### Liberal

James McLachlan Faro

## LEGISLATIVE STAFF

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Clerk Assistant (Administrative)	Jane Steele
Sergeant-at-Arms	G.I. Cameron
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o1 **Whitehorse, Yukon**  
**Monday, December 8, 1986 — 1:30 p.m.**

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

*Prayers*

#### DAILY ROUTINE

**Speaker:** We will now turn to the Order Paper.  
 Are there any Introduction of Visitors?  
 Are there any Returns or Documents for Tabling?

#### TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Penikett:** I have for tabling, for the information of all Members, a copy of the Northern Mineral Policy announced last week by the federal Minister of Indian and Northern Affairs.

I have, as well, for tabling a copy of a telegram sent by myself to the Right Honourable Joe Clark, Minister of State for External Affairs concerning the Alaska/Yukon Offshore boundary.

**Speaker:** Are there any Reports of Committees?  
 Are there any Petitions?

#### PETITIONS

##### Petition No. 4

**Hon. Mr. Kimmerly:** On November 24, the Legislature accepted for filing Petition No. 4, which concerns the actions of the Yukon Medical Council as they relate to an inquiry into the medical practice of Dr. D.W. Branigan. The *Medical Profession Act* establishes the appointment of the Yukon Medical Council. The Council is a quasi-judicial body with the authority to investigate, inquire into and, when necessary, discipline members of the medical profession. The question of peer review and discipline is common in all self or partially self-regulating professions; however, we recognize that in our jurisdiction there is a limited membership in the profession and occasionally allegations of bias will be raised. In order to avoid future concerns in this area, I will be introducing a Bill to amend the *Medical Profession Act*, which will permit the Yukon Medical Council to delegate its judicial functions to a provincial College of Physicians and Surgeons.

I am informed that the complaints against Dr. Branigan are still before the Yukon Medical Council. As the Council is a quasi-judicial body involved in an investigation process, it would be improper for me to comment further.

o2 **Speaker:** Introduction of Bills?  
 Are there any Notices of Motion for the Production of Papers?  
 Are there any Notices of Motion

#### NOTICES OF MOTION

**Hon. Mr. Penikett:** I rise to give notice of a motion with respect to Arctic Sovereignty in the Alaska/Yukon offshore boundary.

**Speaker:** Are there any Statements by Ministers?

#### MINISTERIAL STATEMENTS

##### The Home Care Program

**Hon. Mrs. Joe:** I am pleased to inform you of the progress that has been made towards developing what will be one of the most important social program initiatives of this government: The Home Care Program.

This program represents a significant departure from past practice as it is being designed from the outset as a carefully targeted service to meet real needs not currently being addressed and provide a coordinated approach to service delivery by existing public health,

geriatric and other social and health services.

The program will capitalize on the hard work of committed community organizations such as the Hospice Society and the Yukon Council on Aging, and build on unique services already administered by the Department through Macaulay Lodge in Whitehorse and MacDonald Home in Dawson for seniors, including such essential services as meals on wheels and friendly visitation.

I have been encouraged by the overwhelming public and professional support for this initiative. Recent surveys of service providers conducted by the department have clearly highlighted the dramatic need for a comprehensive Home Care Program.

We are aware from national studies that home care programs impact significantly on the health care institutions by delaying the need for an individual to be placed in an institutional setting, allowing earlier discharge from hospitals and by reducing the number of admissions and re-admissions.

Perhaps more importantly, a comprehensive home care program will allow Yukoners with a range of physical and health related needs to enjoy the maximum independence possible and contribute to their psychological and social well being.

While the Home Care Program is still in the developmental state, we are meeting the needs of those Yukoners requiring a home care service. Referrals are accepted from both social and health services personnel, assessments are completed by public health and reimbursement is made by the department to individuals who contract with homemakers from the private sector. We have been able to identify and respond to needs in Whitehorse and some rural communities. To date 13 individuals have accessed this service, nine in Whitehorse and four in the rural communities, with the need being primarily for personal support services.

We are proceeding, with the newly recruited Home Care Coordinator, to work with all interested parties to establish a comprehensive Home Care Program in the Yukon.

o3 Staffing of the Coordinator's position was delayed for several months as the implementation model for the Home Care Program was altered to reflect the decision to place home care services under the Human Resources Branch rather than the Health Services Branch. This decision reflects the department's commitment to offer a comprehensive program that will address both health and social needs.

The Coordinator is currently working on the development and implementation of the home nursing component and the personal support component.

I look forward to reporting to you in the spring on further developments in the Yukon Home Care Program.

**Mrs. Firth:** We are particularly pleased to hear of this initiative by the government. I remember all too well the former Minister of Health, Mr. Philipsen, talking about a home care program and, no doubt, wherever he may be, he will be very pleased to see that this is coming to fruition.

I particularly would like to make mention of associations such as the Hospice Society and the Yukon Council on Aging and the support services that the Home Care Program can give them. The Hospice Association is relatively new in its organization and its efforts, and it needs this kind of program to support those efforts. I think it will do a lot in getting community involvement back under the direction and leadership of the Health Department of the Yukon government that is there to provide the support services.

We look forward to watching the progress of the program and are looking forward to the benefits that the associations like the Hospice Society can get from the program.

**Mr. McLachlan:** This party is well in favour of this Home Care Program to which the Minister refers. It has been previously been a plank in elections and by-elections. We very much respect the rights of senior citizens to be able to stay at home and enjoy a greater degree of self-reliance and self-importance, if they can do that rather than be institutionalized, as long as they have that minimum level of back up support to be provided by this program.

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

any questions?

### QUESTION PERIOD

#### 04 Question re: Alaska-Yukon boundary

**Mr. Phelps:** I am pleased that a telex has been sent to the hon. Joe Clark with respect to the dispute on the boundary area between Alaska and Canada in the Beaufort Sea. Can the Government Leader advise whether there has been any previous communication from this government to the federal government expressing its concern about the problem?

**Hon. Mr. Penikett:** Yes, I am sure there has but, off the top of my head, I cannot document the times and occasions. I know that it has been the subject of both formal and informal discussions between our governments. Now that there is a crisis, or critical situation, pending I would hope that there would be more urgent and immediate communications between us on the subject.

**Mr. Phelps:** Has the government communicated its concern with respect to the proposal for granting leases in the disputed area to the US Department of the Interior?

**Hon. Mr. Penikett:** I am not sure that we have communicated directly to the US Department of the Interior. I expect that the Canadian government may have some views on that. A few minutes ago, I was advised that there is a possibility of some hearing in Alaska next month on this question. Our government will be looking at the possibility of finding a way to make an intervention in that hearing.

**Mr. Phelps:** Has this government discussed the problem with Alaska state authorities?

**Hon. Mr. Penikett:** If the Member is asking if I have communicated with the new governor, no, I have not. I do agree with what was implied in his question that that would be a useful thing to do. I do not think there is any mystery in Alaska about what our position is on this question. With a new administration, it would be at least prudent for me to send a copy of our telex to Mr. Clark to them. I will certainly do that and seek further communications on the question.

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#### 05 Question re: Porcupine caribou herd, agreement

**Mr. Phelps:** We are further advised that there has been a tentative agreement, or an agreement reached between the respective parties with regard to the Porcupine caribou herd and the habitat on the North Slope area directly south of the Beaufort Sea problem area. I understand that there is something of a problem making this agreement public. Can we be advised as to why there is a problem, and when could we expect to see the agreement?

**Hon. Mr. Penikett:** As is normal with such negotiated agreements, they have to go to the responsible executives first. Our Cabinet, of course, has not seen the agreement or considered it yet, and I would think that would be a normal process before we make a public statement on it and, in fact, make it public.

**Mr. Phelps:** Can we be advised as to who is the negotiator who is handling the negotiators on behalf of the Government of Yukon?

**Hon. Mr. Porter:** The person who is representing the government on those negotiations is the Director of Wildlife, and there is also a representative from the Department of Justice.

**Mr. Phelps:** Another concern in the north Yukon has to do with the recently public claim by the Dene people in the Northwest Territories for an overlap of land claims in the Yukon Territory. Has this government conveyed its position on the overlapping claim to the Dene negotiators?

**Hon. Mr. Penikett:** We remain convinced that the federal government has principle jurisdiction or responsibility for resolving the overlap issue by non-resident claimants. We have, of course, been pressing the federal government in its new federal policy to deal with that matter. We have been hoping to arrange a meeting with non-resident overlapping claimants to determine whether and how their interests can be satisfactorily resolved, because we would prefer to see if we can have a negotiated solution than become embroiled in litigation.

#### Question re: Access to Capital Program

**Mr. McLachlan:** My question is to the Minister responsible for economic development. On November 24, the government announced that it would proceed with one of the major recommendations in the Access to Capital Program, and that is the creation of a venture capital corporation. My question to the Minister is: will this be in place in time to allow the full program to be taken advantage of for the upcoming building season, as this could be seen as another continued investment for Yukon businesses this summer?

**Hon. Mr. Penikett:** We are talking about an initiative that is contained in the Capital Budget, which we have not yet debated in Committee, and which will not take effect — even upon its passage — until April 1, 1987.

As to what I take to be the Member's question, whether all the administrative matters in connection with implementing the program can be ready by the new year, at this point I do not know of any reason why they cannot be, but it will depend on the point at which they get budget approval.

**Mr. McLachlan:** Can the Minister explain why incentive payments to invest here were looked at as the carrot for investment rather than a tax credit incentive, which is a normal procedure in matters like this?

**Hon. Mr. Penikett:** Normally, questions about a particular program contained in the Capital Budget would be dealt with in the Committee of the Whole when we are dealing with that budget, since that is an easier opportunity to respond to those questions. I think the best way for me to respond is to explain to the Member that in developing this program and responding to this need, we surveyed the programs that were available elsewhere in the country. Our situation, we discovered time and time again, really is unique. We do not have a situation like Alberta's. We do not have a situation like British Columbia's, and the Member will know they have very particular programs there. Our program may be more like the Northwest Territories', but not exactly.

The program that we developed here, which we think is fairly modest and simple in terms of its structure and application, is designed to deal with the particular problems of access to capital, which are felt more keenly in rural Yukon even than in Whitehorse — although they are difficult here — in a way that we hoped would provide not only capital to certain needy businesses, but also management skills and the experience of other companies.

**Mr. McLachlan:** In order to give a tax credit incentive to a Yukon-based company, can the Minister advise if that requires amending the tax legislation here in the territory in order to be able to do that?

**Hon. Mr. Penikett:** I apologize to the Member, but I believe he is asking me a legal opinion. I am not equipped to give an answer, but I will take the question under notice.

#### Question re: Land Claims, overlapping policy

**Mr. Phelps:** To follow up on my previous question about overlapping claims and, particularly, the impact right now in the north Yukon — although these claims have an impact all along the west and southern boundaries of Yukon — can the Government Leader advise exactly what position his government is taking with respect to overlap policy? Is it to remain the same as it was in the past, or are they asking for changes? If so, what changes?

**Hon. Mr. Penikett:** I think it is not so much that we are asking for changes as we are trying to deal with the situation as it evolved. Now let me see if I can describe my understanding of the situation and the gentleman opposite, who is more knowledgeable based on his many years of experience, may correct me.

As I understand it the Agreement-in-Principle position was that overlapping claims by different bands within Yukon were to be resolved among the Yukon bands. Effected claims extending beyond the Yukon boundaries held by Yukon Indians were to be extinguished in the 1984 AIP. The non-resident overlapping claimants were to seek their interests from the benefits accorded to the Yukon bands. That approach has been essentially rejected by the non-resident claimants.

The Memorandum of Understanding, which we signed to restart the claim, recognizes that there is a problem with these non-resident

claims and calls for, essentially, a conference or meetings with all the parties involved to explore methods of resolving the overlapping claims. There was a meeting held in February of 1986 with non-resident claimants, and we were hoping to have another meeting in May, but that did not happen.

We have, of course, been aware of what Mr. Coolican said on the subject, and we are waiting to see what the federal government says on the subject because if we can, as I said before, resolve the matter by negotiations in the context of a new federal policy, we would definitely prefer that to having litigation, which might tie up the situation in Yukon and prevent us settling claims here.

**Mr. Phelps:** There are a number of concerns I have that flow from the answer and, of course, they have a bearing on finality and what exactly Yukoners will be giving up in the total package for land claims, both for groups within and, in addition, for groups that live outside the territorial boundaries.

What I would ask the Government Leader is whether or not the Government of Yukon has actually conveyed its position with regard to what the federal policy ought to be regarding overlapping claims from groups that are not living in the Yukon?

**Hon. Mr. Penikett:** I believe I have, on previous occasions, responded to questions about what positions we took with respect to Coolican. I am quite prepared to respond in more detail if that is what the Member wishes.

We have said essentially that we cannot, as a Government of Yukon, resolve this question by ourselves. We can only deal with the question satisfactorily of claims which emanate from British Columbia or from the Northwest Territories on the basis of a federal policy which allows us to deal with it. The federal government, as you know, is presently reviewing the Coolican recommendations on non-resident overlapping claims, and, as the Member opposite knows, I am sure, there are legal opinions that have been obtained concerning the overlapping claims of non-resident claimants. We think it is principally, in terms of policy, a federal responsibility; we have been pushing the federal government to come up with a framework that will allow us to address this question. We are attempting to meet with the overlap groups not only to understand the basis of their claim, but also to know how we can deal with them satisfactorily, and, again, I would reiterate that we would prefer a negotiated solution rather than one which is litigated.

**Mr. Phelps:** When the Coolican Task Force Report was released, the Government Leader expressed concern at that time about the provisions in the report dealing with overlapping claims. I think the people of the Yukon deserve to know whether or not this government has a policy, any policy, that it is putting forward at this time to try to assist the federal government in what we want with regard to an overlapping claims policy.

**Hon. Mr. Penikett:** To respond, I can recall one particular point about Coolican that caused me some concern and that was Mr. Coolican's suggestion that there should be no restriction placed on the rights claimed by overlapping groups. I think he even seems to imply by that no restriction on political rights, which is something that we obviously would have some concern about.

We are trying to resolve the matter. We obviously would like to build on the basis, wherever we can, of the old AIP. As the Member opposite knows, the non-resident claim groups have essentially rejected that as a basis for an understanding. We are still at the stage where we are going to have to sit down with the claimant groups and establish with the federal government what their policy is so that we can work it out.

#### Question re: Land claims, overlapping policy

**Mr. Phelps:** I am compelled to follow this up because, in the past, the previous government did take a position with regard to what the federal policy ought to be on overlapping claims and dealing particularly with overlapping claims of people who live outside of the Yukon Territory. The previous government also consulted and...

**Speaker:** Order please, would the Member please get to the question.

**Mr. Phelps:** The previous government also consulted and worked very hard with the previous federal government in order to

establish that policy. Why has this government not taken a position and negotiated in order to try and influence what the policy is going to be when it does come down from the federal Cabinet?

**Hon. Mr. Penikett:** We have communicated with the federal government extensively, and we will be communicating with them again on an ongoing basis about the federal claims policy. We did while the Coolican Report was being drafted. We did so when it came out. We have had discussions subsequently on the subject. We have expressed, as the Leader of the Official Opposition pointed out, concerns about Coolican's recommendation on overlap. We have not, at this point, been given a clear indication from the federal government as to how they intend to deal with this question, particularly as it related to the Yukon Territory.

I have, however, been given an undertaking by the federal Minister that before the Yukon-specific policy goes into Cabinet, we will have a chance to look at that policy and to provide further comment on it. That may be the next best opportunity for us to address the federal policy in this area.

**Mr. Phelps:** The problem is a very clear and very serious one. It becomes impossible to settle land claims unless the government has some policy. It would seem to me that that policy ought to have been conveyed to the federal government long before this stage.

Is it the Government of Yukon's position that it would stand by and allow non-resident groups to obtain land in the Yukon in addition to the land that is going to be given to those groups represented by CYI resident in the Yukon?

**Hon. Mr. Penikett:** The Leader of the Official Opposition is putting it in confrontational terms. We are in negotiations; we are not yet in negotiations with non-resident groups. It is our intention to convene another meeting with those groups to further define their positions.

I understand very well the position that the Leader of the Official Opposition articulated on behalf of the previous government. I understand very well the position that was embodied in the AIP. I also understand very well that the non-resident groups have rejected that as a basis for negotiations by them.

We tried to deal with the matter in the Memorandum of Understanding with CYI, and we were not able to get beyond the point where we would make an effort to resolve — in negotiations with the federal government and the CYI — a satisfactory method of addressing this difficult question.

**Mr. Phelps:** Is it the government's position that it must resolve the overlapping claims before it can have a final resolution of claims within Yukon?

**Hon. Mr. Penikett:** I would like to be able to resolve the question of overlapping claims by negotiation and by agreement on policy with the federal government. Our major effort is to settle the claims here and to do that expeditiously.

If we set ourselves on a confrontational footing with those groups at the outset, I submit that the consequence will surely be court actions by some of those groups, which may set the Yukon claim back a long way. That is something that I want to avoid.

#### Question re: Land claims, overlapping policy

**Mr. Phelps:** I share the Government Leader's concern. Everybody wants to see a speedy and satisfactory resolution of land claims. Is the government's position, then, that they are prepared to go ahead and have a final settlement for land and resource sharing and all the rest in Yukon and have that achieve a degree of finality, and only then face the prospect of huge claims from outside Yukon by non-resident groups, which may add on considerable benefits to outside residents, in addition to what is already achieved here?

**Hon. Mr. Penikett:** No. We do not want to see a series of land claims, or a series of settlements, one after the other. Our principle purpose is to try and address and settle the claim of the aboriginal people of the Yukon Territory. We are, in that process, attempting, through a model of cooperative negotiations with the federal government and the CYI, to resolve that question.

We recognize that one of the complicating factors in negotiations is the claims of non-resident groups. We will be attempting to work out, with the federal government, CYI and the non-resident groups, some acceptable formula for addressing those claims in a way that

does not hamper progress towards a resolution of the principle claim that we are addressing, which is that of the CYI.

**Mr. Phelps:** Does the Government of Yukon not recognize that it needs an overlap policy in order to ever hope to settle the Yukon claim?

**Hon. Mr. Penikett:** We recognize the need for us to be developing negotiating positions on all sorts of questions, but I am not negotiating the claim in the Yukon Legislative Assembly, as the Member opposite well knows.

The principle agent required to develop a policy in this area is the federal government. The Yukon government cannot resolve the question of overlapping claims here or anywhere else in isolation. We are in a situation where the policy promoted by the Leader of the Official Opposition has been proved to be unacceptable to claimant groups; it was not something which the claimant groups were prepared to live with. We recognize that if they are not prepared to bargain on the basis of that old policy we have to at least be prepared to sit down with them and discuss what it is that they are after.

At the same time we have to recognize that we cannot have a continuing series of claims on the resources of the Yukon Territory, and we have to find a method of resolving the question of the whole settlement process for the Yukon Territory.

**Mr. Phelps:** My final question on this important matter is this: has this government sat idly by and expected the federal government to develop its policy with regard to this key area of land claims — overlap — without advising them where exactly this government stands on that issue, and giving them any guidance whatsoever, because in the last public statement that we heard this government was waffling completely on the issue of overlap in the Coolican Report.

**Hon. Mr. Penikett:** This government has not sat idly by on this or any other question. This has been a subject of continuing negotiation. It has been a subject of continuing discussion with the federal government. I wish the tone of the Member opposite were different. I know very well that he was lobbying in Ottawa to try and prevent the Memorandum of Understanding that we signed with CYI, trying to prevent, therefore, the lands claims negotiations restarting here. I understand that, and that is just one of the many difficulties we face in trying to bring people together to resolve this question.

If the Member wishes to have more information about the land claims process, the Land Claims Negotiator is also ready to meet with him, although I understand he has declined the offer to meet, to talk about these questions. We would benefit, I am sure, from his advice. This is a difficult question, and we are trying to work it out very carefully.

#### **Question re: Land Claims, overlap policy**

**Mr. Phelps:** This gives rise to a number of questions. We will set aside the overlapping claims issue, which is less, by a huge degree, than satisfactory. The representation of the Government Leader that I have declined to meet secretly with the negotiator so we can keep all these things secret, as they were not in the past, because we had weekly press consultations. I am prepared to table everything in the House, and it would be quite a pile. It would take a day, if the Justice Minister insists in giggling inanely on the side opposite. I am wondering why a position such as overlap cannot be made public?

**Hon. Mr. Penikett:** On the question of secrecy, I remember I was a Member of the Opposition for seven years before I got a briefing, and it was a secret briefing, on land claims. I was sworn never to ask a question about any matter on which I had been given a briefing.

With respect to providing a briefing or access to information to the Member opposite, he has my encouragement to meet with the Land Claims Negotiator at any time, in secret or in public. He can meet with him in any public restaurant if he likes. I would be more than happy to have the benefit of his advice in these questions.

The overlap question, as I have said again, is an extremely difficult one. We have heard very clearly from the overlap claimants that the policy that was embedded in the 1984 AIP is not

acceptable. We are in a situation where we do not know, although we have continued to speak to and make representations on, to the federal government about all that policy ...

**Speaker:** Will the Member please conclude his answer.

**Hon. Mr. Penikett:** I apologize, but, in my enthusiasm to provide new information to a question that has been asked several times, I have gone on too much. I have tried to answer the question for the Member. The resolution to this problem will be done in consultation and in negotiations with the other parties.

**Mr. Phelps:** The second misrepresentation made by the Government Leader, and I am sure it was a negligent one, was to insist that we have been lobbying actively against the Memorandum of Understanding. The fact is that we have been insisting that Clause 6 of the Memorandum of Understanding, the one that confers a veto to CYI and the bands over land transfers and program transfers, be cleared up, because this government and CYI said that no veto was intended.

**Speaker:** Order please, would the Member please get to the supplementary question.

**Mr. Phelps:** They said that no veto was intended. When are they going to clear up that one sentence by either deleting it or changing it so that that matter is cleared up? They have not addressed it yet.

**Hon. Mr. Penikett:** We have addressed it. We were asked, in this House, if it meant a veto. We said no. CYI was asked if it meant a veto and said no. The people we talked to in the federal government said that it does not mean a veto. It is only a veto in the mind of the Leader of the Official Opposition.

**Mr. Phelps:** Once again, this is misrepresentation. They went further than that. They came out with rather a ridiculous document called A Statement of Understanding that purported to amend the situation, but it actually got them into a deeper morass. The Minister of Northern Affairs, at the time, admitted that they had to clear up this problem. When are they going to sit down and make sure that the veto does not exist legally?

**Hon. Mr. Penikett:** Our legal advisors say that the veto does not exist legally. The Member talks about a letter of understanding following the memo of understanding. I am sorry the Member thinks this is ridiculous, because the model we followed is the model he used in 1979 when there was a subsequent letter of understanding to his memo of understanding to clarify things that were not clear.

#### **Question re: Human Rights, booklets**

**Mrs. Firth:** Over the weekend, I had many phone calls from constituents and also some representation from the communities. Suggestions were made that every Yukoner be mailed one of the booklets that the government has published. Will the Minister of Justice respond to the suggestion by mailing a copy of the booklet to all Yukoners?

**Hon. Mr. Kimmerly:** No. That would be excessive in my view. The Bill is available, in fact, more widely than any previous legislation has been available. We will be placing ads in the newspapers explaining where the booklets are available.

**Mrs. Firth:** I have here a contract for the printing of the booklets that reveals that 4,000 booklets cost \$3,280. I would like some explanation about the excessiveness. Does the Minister of Justice not think that every Yukoner is worth less than one dollar to be given some information about the human rights legislation?

**Hon. Mr. Kimmerly:** Every single Yukoner is worth considerably more than one dollar.

**Mrs. Firth:** I, of course, differ with the Minister, and I think that all Yukoners are going to differ with him. It is not at all excessive, and it was an extremely good suggestion that came from many Yukoners, that they would like to receive this as a householder.

The order date on the contract is the 2nd day of the 12th month 1986, which was Tuesday, and the date delivered was the 2nd day of the 12th month 1986. Can the Minister tell us where the copies of the booklet came from that were available at the front desk and that some people were reading in this House on December 1, which was the Monday, when his bill was tabled?

**12 Hon. Mr. Kimmerly:** The booklets were arranged by the Queen's Printer. They went to the printers on Friday and were received on Monday, December 1. A purchase order may have been signed on some other date, but it was arranged about two weeks before they were actually sent over for printing.

**Question re: Task Force on Placer Mining Report**

**Mr. Nordling:** Last week, I asked the Minister of Economic Development: Mines and Small Business if the government would be taking its position on the report of the Task Force on Placer Mining to Mr. Bill McKnight. The Minister replied that he could not recall if he was intending to provide Mr. McKnight with the document on the government's position. Did the Minister provide Bill McKnight with a document on the government's position?

**Hon. Mr. Penikett:** No. It is our intention to provide Mr. McKnight with a response, not to the task force but to the Water Board report, as that is the subject on which the discussions about the new policy are being based. If the Member will permit me a few days, I might be prepared to make a Ministerial Statement on that subject.

**Mr. Nordling:** I was concerned that the government may not have a position. When will the Ministerial Statement be given?

**Hon. Mr. Penikett:** I said in the next few days. I cannot give an exact date at this point.

**Question re: Yukon Development Corporation/NCPC**

**Mr. McLachlan:** My question is for the Minister responsible for Economic Development. If you will only bear with me, the reasons for asking the access to capital questions are that I have some concern as to whether we are going to get to the Capital Budget.

So far, the Yukon Development Corporation has been created solely for what appears to be one purpose: a parent for receiving the assets of the Power Commission. There is some concern about how fast or how far that is going. Has the government given any further thought to the use of a corporation as a direct investment vehicle here in the territory?

**Hon. Mr. Penikett:** If the Member is asking the question on the basis of venture capital, no, we have not at this point, although I should tell the Member that we have received a proposal to use the development corporation to facilitate the creation of community venture capital corporations.

At this point, we have not formally responded to that suggestion at all.

**Mr. McLachlan:** Legislation to create the corporation was in place before the final Curragh-Dome deal was signed. At least, it was in this Assembly. Can the Government Leader advise if government was ever approached to invest in the mine at Faro?

**Hon. Mr. Penikett:** Not only were we not invited to, but I have some reason to believe, if you will permit me a moment of levity, that the other investors might have taken a dim view of our taking equity in the proposition.

**Mr. McLachlan:** I cannot understand why. It was jobs for the territory.

I just want to clarify one point: other than the example quoted by the Government Leader, there is no thought to use the Development Corporation for anything other than the Power Commission; that is, there is no active consideration for direct investment or any other thing, such as investments in railroads, for example?

**13 Hon. Mr. Penikett:** Oh no, that is not accurate. There have been, from time to time, all sorts of suggestions about the Development Corporation, including one, I believe, emanating from the Leader of the Official Opposition. I hope that I am not misquoting him with respect to the railway right-of-way. I believe there have been a number of other suggestions that we have had before us.

**Question re: Travel by government employees**

**Mr. Phillips:** I have a question to the Government Leader. Approximately seven months ago, on May 5, I submitted a written question to the Government Leader. I would like to read that written question into the record. It was addressed to the Govern-

ment Leader with reference to travel for Deputy Ministers and assistant Deputy Ministers since June 1, 1985. The questions were:

"1. What were the dates of all trips made by each Deputy Minister and assistant Deputy Minister travelling outside of Yukon on government business?

"2. What was the purpose of each trip?

"3. What was the cost of each trip?

"4. What were the specific dates of each conference or meeting attended and the date at which each Deputy Minister and assistant Deputy Minister returned to the Yukon?"

Can the Government Leader tell me why, after seven months, we have still not received a reply to a question? I suppose that since Deputy Ministers are still travelling, this document is going to be very thick if we do not get it soon.

**Hon. Mr. Penikett:** I do apologize, and I do not want to burden the Member for Riverdale North with an excessive amount of paper. I do apologize for not getting it before. I will give an undertaking to the Member that he will have the answer this week.

**Question re: Commission on Indian Education and Training**

**Mrs. Firth:** I have a question for the Minister of Education regarding the Indian Commission on Education. Can the Minister tell us why he did not meet with Mary Jane Jim today since this is such a critical and important issue?

**Hon. Mr. McDonald:** For the Member's information, it is not the Indian Commission on Education, it is the Commission on Indian Education and Training. I did meet with the Vice-Chairman for Social Programs today.

**Mrs. Firth:** I did not hear what the Minister said. He did meet with her, or he did not meet with her. He is nodding yes that he did meet with her; however, the news report at 12:30 p.m. reported that he was meeting with her tomorrow and that he did not meet with her today.

Since the Minister said on the news report that he is not going to fire anyone from the Commission and that he is hoping that they will resign, does that mean that if the Chairperson is fired from the Commission that we will have to pay his full salary?

**Hon. Mr. McDonald:** I believe that I did say in an interview that I would be meeting with the Vice-Chairman for Social Programs tomorrow, it does not preclude the fact that I may have met with her today, which in fact I did. With respect to the question of an indication of not wanting to fire people, that is our preferred option. We have not made any definitive decisions in that respect yet. That was what I was communicating to the reporter. That is as far as we have gone to this date with respect to determining the futures of the existing Commissioners.

**Speaker:** The time for Question Period is now over.

**Mrs. Firth:** I have a final supplementary.

**Speaker:** Excuse me. Final supplementary.

**Mrs. Firth:** Thank you, Mr. Speaker. Can the Minister answer the question I asked about paying the full salary? Could he also tell us what the outcome was of the meeting today with the Vice-Chairman of Social Programs?

**14 Hon. Mr. McDonald:** The question of paying the full salary still has to be determined and what jobs people will be asked to perform following a meeting tomorrow night when we resolve what it is that we want to do with the Commission.

We discussed the problem in some detail at today's meeting, and we arranged to meet tomorrow night to provide ourselves with sufficient time to review the options that we had discussed. I hope that we will be able to resolve the situation tomorrow night so that the status of the Commissioners and the Commission itself can be clarified.

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

**ORDERS OF THE DAY**

**Points of Order**

**Speaker:** Under Orders of the Day, the Chair would like to provide the House with a ruling on two points of order, which were

raised on December 4, 1986.

The first was raised by the Member for Porter Creek East following remarks made by the Government Leader during Question Period. During the reply to a question from the Member for Whitehorse Riverdale South, the Government Leader said, "The Member has asked questions about that contract and every question has been answered. Nonetheless, she has made accusations publicly, which are unfounded. I am waiting for her to make them in the House. If she does that, I will challenge her to put her seat on the line and defend them because they are false."

Following discussion on the point of order, the Government Leader, in response to a supplementary question from the Member for Whitehorse Riverdale South said, "Let me apologize to the Member opposite if I gave her offence. I am perfectly willing to discuss the matter privately."

When an apology or words are withdrawn, it is not necessary for the Chair to deal with the matter any further. I would ask that Members be careful in making remarks which may be interpreted as being threatening. As annotation 326 in Beaulieu states, "threatening language is also unparliamentary".

The second point of order was raised by the Member for Porter Creek East in response to remarks made by the Minister of Renewable Resources in which he said, "If they do otherwise, I think, they are making the statement that they have committed themselves to a form of legislative terrorism, to put it in terms that are best understood".

I said at that time that this might be a case of unparliamentary language, but that I would like to review the matter. Both our Standing Orders and Beaulieu state that it is unparliamentary to impute to any Member or Members unworthy or bad motives for their action in a particular case. Annotation 320 in Beaulieu states that remarks accusing Members of obstructing the House have been ruled both unparliamentary and parliamentary. Although, this would seem to leave some room for an argument as to proper parliamentary language, the Chair feels that the term "legislative terrorism" leaves little doubt as to the meaning and should be ruled as being unparliamentary. The Chair would, therefore, ask the Minister of Renewable Resources now to withdraw that remark.

**Hon. Mr. Porter:** In accordance with your ruling, I withdraw the remarks.

**Speaker:** Are there any Government Motions?

## GOVERNMENT MOTIONS

### Motion No. 64

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

**Speaker:** It has been moved by the Minister of Health and Human Resources: THAT it is the opinion of this House that health care premiums constitute an unfair tax on Yukoners; and THAT this House supports the passage of an Order in Council pursuant to the *Health Care Insurance Plan Act* which would have the effect, on April, 1987, of abolishing the requirement for Yukoners to pay health care premiums.

**Hon. Mrs. Joe:** As all Members know, elimination of the Health Care Insurance Plan premium has been a goal of this government for some time. What, in effect, the motion before you today will do is reduce health care premiums to zero and abolish the requirement for Yukoners to pay health care premiums.

I feel that there are several good reasons for taking this action and, by this government abandoning the premium mechanism, both Yukon businesses and individuals will benefit.

A major reason in support of this motion is that this government wishes to ensure that all Yukoners have equal access to health care insurance services. We have found that access to services can be impeded by the requirement to register and pay premiums. For example, some eligible persons will fail to register for health care benefits for which they are eligible solely because they believe that they cannot afford the premium payment.

Eliminating the Health Care Insurance Plan premium will benefit

Yukon businesses. It will mean less payroll administration. The premium collection system is, in large part, administered by Yukon businesses, since employers are responsible, under the Health Care Insurance Plan Regulations, for the collection and remittance of premiums deducted from their employees.

This government believes that impositions on the private sector should be eliminated, where possible, and we know that Yukon businesses will welcome the reduction of payroll administration resulting from this motion.

I also believe that the health care insurance premium presents Yukoners with an unfair mode of taxation.

The health care premium is, in reality, a poll tax; a tax that does not differentiate on the basis of an individual's ability to pay. It is, therefore, inequitable and discriminates against wage earners in the low income brackets.

It also makes little sense to require partial payments towards medical care costs while recognizing that hospital and emergency medical travel costs are fully prepaid through general taxation. As Members know, there are no premiums or other charges in Yukon's Hospital Insurance Program, Travel for Medical Treatment Program, Chronic Disease Program, nor in Pharmacare for Extended Health Benefits for Seniors. All of these programs are, quite appropriately, supported by general revenues.

In closing, I would like to point out that the main argument usually put forward in support of retaining health care premiums relies on the belief that premiums serve as user participation, which keeps the cost of medicare before the public eye. The main idea behind this belief is that premiums are a form of user fee, which makes the public aware of the cost of medical services. Further, the belief is that this association of cost with services somehow moderates the use of health services.

This line of argument is completely misleading. First, premiums are not a user fee anyway connected with the provision of medical services. Secondly, for many members of the plan, their involvement is only indirectly, as it is an employer, rather than an individual, who is making the payment remittance. Thirdly, there is no evidence to suggest that the rate of use of medical services is in any way different in non-premium versus premium paying provinces by health care plan members.

This government feels that the health care premium has no redeeming characteristics in terms of health care service delivery. Furthermore, Yukon businesses are unfairly saddled with premium collection administration, and some individual Yukoners are unfairly saddled with an inequitable tax.

In conclusion, I wish to point out that I believe that the time is long overdue for the abolition of health care premium payments.

**Mr. Nordling:** This is a very significant motion that the government is asking this House to support. It must be because, as indicated in the motion, the abolishment of Health Care Premiums can be done simply through an Order-in-Council. Normally Orders-in-Council do not come before this House to be debated. This is different; it is a very important motion that will have a profound effect on all Yukoners, and I know it is important because the government wishes to debate it today despite other very important business on the Order Paper, unless the government is just using this motion to play politics. I know that that could not be the reason. The fact that we are debating it today must be because there has been no commitment to go ahead with this before there is a full and complete debate in the House and the issue has been fully aired. With the issue being fully aired, we will be able to discuss the implications for the future and the impact on Yukoners, prior to the commitment to abolish premiums being made.

The abolishment of health care premiums will mean a loss in revenue of \$3 million annually. It will affect my constituents in Porter Creek West and every Yukoner. The Medical Association has expressed an opinion on it. There are many questions that can be raised and discussed on this issue. I am not sure of the effect that it will have on all those people coming into the Yukon, those Yukoners leaving; I am not sure what effect it will have on employers and how businesses will be affected.

I know that the government has looked into all these things and



knows the answer to all those questions. No doubt a consultant has been hired and done a study on the effect of abolishing health care premiums in the Yukon, and no doubt there has been careful consideration given to the \$3 million losses in revenue, and no doubt there have been sources identified to replace this lost revenue.

If we continue this debate now, Members of the Opposition will be asked to vote on this very important issue without access to a free debate and an opportunity to question and discuss with the government its findings to date.

To my knowledge, the previous government did not delve deeply into the issue of abolishing premiums and, at the present time, as Opposition, our resources are much more limited than those of the government.

#### *Motion proposed*

I would, therefore, like to propose the following motion: THAT it is the opinion of this House that Motion No. 64 be referred to the Committee of the Whole.

<sup>17</sup> **Speaker:** It has been moved by the hon. Member for Whitehorse Porter Creek West that Motion No. 64 be referred to the Committee of the Whole.

**Mr. Nordling:** I know that the government is genuinely interested in a free and open discussion on this important issue and have not brought the motion forward just to make political mileage.

I realize, as Mr. Penikett so clearly stated when we asked for information, that the Conservatives are no longer running the government; however, if the government genuinely wants to hear our opinions, as Opposition, and wants our input into this major decision, then I am sure that all government Members will support my motion.

In Committee of the Whole, we can debate freely and come to a well-informed decision on whether or not the abolishment of medical premiums should have the support of this House.

**Mr. Lang:** I just want to add a little bit to the substance of debate here. One of the confining factors for the purposes of debate on such a major measure brought forward by the government is that Members only get one opportunity to speak to the principle of the subject at hand. In this particular case, the question of abolishing medicare, which has been an ongoing subject with respect to what the government was going to propose, or what they were not going to propose.

Obviously, a lot of work must have been done by the government to substantiate this type of a major financial measure for the Government of the Yukon Territory and, directly, the taxpayer of the territory. The Committee of the Whole would provide a much better forum for give and take with respect to the discussion and the debate that will ensue on such a major change.

I want to assure all Members, especially the Members opposite, that the motion that has been brought forward has been done so in good faith and in the spirit of parliamentary debate that is necessary in order that all the facts and figures and various responsibilities attached to such a measure will ensure the accountability of all Members of the House. At the same time, I think that the Member for Porter Creek West said it well when he indicated to the Members opposite the fact that, in some cases, we lack some information, and one does not have to wonder why we do not have direct access to government departments and the finances of government to review, in totality, an issue of this kind.

I want to conclude by saying that I believe the measure before us warrants a Committee of the Whole discussion. We recognize the government has the authority when the final vote is called. The majority is evident. We recognize that but, at the same time, we believe the measure that we have before us deserves close scrutiny. The Committee of the Whole permits us to ask questions of the sponsoring Minister on a measure of this kind and a give and take with respect to debate.

I do not think that a couple of hours debate on a measure of this kind is too much to ask, on behalf of the public that we all

represent, in order that all the facts can be divulged to the public for such an important measure.

<sup>18</sup> **Speaker:** Are you prepared for the question? Are you agreed?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** Disagreed.

**Mr. Lang:** Division.

**Speaker:** Division has been called. Mr. Clerk would you poll the House, please.

**Hon. Mr. Penikett:** Disagreed.

**Hon. Mr. McDonald:** Disagreed.

**Hon. Mr. Porter:** Disagreed.

**Hon. Mrs. Joe:** Disagreed.

**Hon. Mr. Kimmerly:** Disagreed.

**Mr. Webster:** Disagreed.

**Ms. Kassi:** Disagreed.

**Mr. Phelps:** Agreed.

**Mr. Brewster:** Agreed.

**Mr. Lang:** Agreed.

**Mr. Nordling:** Agreed.

**Mrs. Firth:** Agreed.

**Mr. Phillips:** Agreed.

**Mr. McLachlan:** Disagreed.

**Clerk:** The results are six yea, eight nay.

**Speaker:** I declare the motion defeated.

*Motion to refer to Committee negatived*

**Speaker:** Is there further debate on the main motion.

**Mr. Lang:** I rise from a couple of points of view. First of all I want to express my disappointment once again that debate has been intentionally limited by the side opposite exercising an ill-gotten majority and, at the same time, of course, in conjunction with my colleague to the left, who to my knowledge since he has entered these Chambers has never, ever disagreed with the side opposite, brings into question why he is on this side of the floor, and it also brings into question whether or not there is any difference of opinion or convictions between the party to my left and the political party that now represents government.

One can only come to the conclusion that there is no difference. The only difference is that the chair has been misplaced through an obvious, shall I say, mistake by the electorate whom we all serve. I recognize and I would defend anybody's right to stand in this House or stand in a public forum anywhere and express their views to ensure that their point-of-view is put forward and duly considered.

<sup>19</sup> I ask the MLA for Faro: what would be wrong in addressing such a major, major, major measure in the context of a thorough legislative debate in Committee of the Whole? What would have been wrong for all Members of this House to contribute to enter into debate on why we are doing away with medicare premiums that are going to have a major implication on the financial capabilities of this government in years to come.

Here we are in one of the latest sittings ever called by the Legislative Assembly with some of the most controversial legislation that has been discussed in this House for quite some time with the largest Capital Budget that the people of the Yukon have ever had the good fortune to have debated in this Chambers. We are approximately two weeks away from a time that I am sure all Members would like to enjoy, Christmas.

I have to question the motives of the government. I have no choice. When they bring forward a measure of this kind without any information of the implications to next years budget or the one after, which they have full access to on financial projections through the Department of Finance. That information is available. It is no secret. The Department of Finance and all departments project revenues. They also project the amount of money that the Government of Canada will make available to the people of the territory. But, none of that information has been provided.

The Minister of Health and Human Resources does not even discuss it, does not even raise it as a point of interest. It is only \$3 million. We have our answer to C.D. Howe, and his "What's a million?"

It troubles me a great deal. The amendment brought forward by

the Member for Porter Creek West was not brought forward as a legislative tactic, it was brought forward to ensure a full debate on a measure that is going to have a major effect on the territory. Think back to when we discussed the tobacco tax. That was not a motion. That was not a one shot deal where we spoke on second reading, and the issue was eliminated and dealt with. We did have the opportunity to debate it during the session. The tobacco and liquor taxation bill went through three stages, and it gave everybody full opportunity to debate the measure that was before us. We found some very major problems with the legislation the way it had been written, which was our duty as legislators.

It would seem to me that the side opposite would at least have the courtesy, instead of trying to bulldoze things through so that they can get home for Christmas, to say that they would debate that motion in the Committee of the Whole. But no. The MLA for Klondike looks confused. He has not gotten his marching orders. Maybe we could have the vote again. Does the side opposite realize what it did? There is no doubt, no question that debate has been limited. As soon as I am finished speaking, that is all I can speak on this subject according to the rules.

20 I recognize the MLA for Klondike would just prefer that I not be here, I am not going to argue that. You will get your chance to speak; you will get your one chance.

The other thing that this particular motion does is to leave us trying to pull out answers to questions perhaps, over the course of the session on this particular question, perhaps in Question Period. I know what will happen. We will be flippantly ignored again. They will say that is a question for the budget or that is a question for April 1, 1987. Well that was the exact response that the Minister of Finance gave to this House with respect to the elimination of medicare premiums. But no, no, we want to do it over the course of this Session and try to get it through so we do not have to debate that in the essence of the new budget 1987.

The argument that will come back is this: we had so much business to do and we had to get the budget down by April 1st, 1987, implement a new program and all these kinds of arguments are going to come back, and they do not hold water. Generally, mind you, parliamentary tradition here is changing so rapidly that maybe the rules are changing, we generally go into Session either late February or March. We could debate this particular resolution at that time in context with the budget that the Government Leader is going to bring down because it is a major legislative change; a major change to the whole financial framework of the government.

I do not understand how any Minister of the Crown could stand up in this House and talk about the elimination of a \$3 million medicare premium plan and not even discuss — not even bring forward in this House — how those particular funds are going to be made up one way or another.

The MLA for Faro does not care, but this side cares because we believe that the financing of the government is very, very important. We believe there is a responsibility, not only as Legislators but as managers, that the financial capability of the government must be taken care of, and it concerns us when a Minister of Health and Human Resources, who also has some management responsibility, stands up and says that the only reason that she is going to eliminate medicare is that some people do not pay it. That, in essence, was the whole theme of her discussion. She never once said to anyone in this House or the public how she was going to make up that shortfall of revenue. It was never discussed. In fact her quotation in the paper was, "It is only \$3 million".

Now the Member opposite is smiling, and I do not think she should be. I think she should take a second look at what she is doing.

The side opposite talked about the business community; it talked of how this was going to benefit the business community. I have never heard any organization within the business community come out and promote the elimination of medicare premiums. Has anybody seen a resolution by the Yukon Chamber or Whitehorse Chamber of Commerce or any other business that is saying eliminate medicare premiums? Yet she has the audacity to stand up and say she is doing it for the business community.

21 She did not even go up to consult with them. She did not even say that she had gone out to talk with anyone about this. I recognize that the power is there. We have seen the power of the side opposite. Any time that there is anything requested from this side, it is flatly denied. We recognize the utilization of power for power's sake. It must be a great feeling to deny this side a full conversant, back-and-forth legislative financial debate on what is a major public expenditure.

They have talked about the previous administration being arrogant. It was never like this, to the extent that we have Members refusing to debate bills, refusing to answer questions, refusing to delay the discussion on any given issue for even a short period of time, no matter how controversial — we have just been refused, *carte blanche*.

We have a government that has stood up in this House and consistently flatly refused information on public expenditures, has refused the public the right to information. They do not call that arrogance; it is called open and accountable government. I beg to differ.

It is incredible how it has changed. It is incredible that the *Globe and Mail* would have such an interest such a documentation. It is open season on the taxpayer. "Bitter, costly forest strike ends in British Columbia".

The disdain and the disrespect that is coming to these Chambers is becoming more and more evident as the days go on. Perhaps it is the reflection of the authority vested with the side opposite, as I said at the outset, of the authority that has not been duly granted them. We have a situation where the side opposite stands up and asks a question. There are three alternatives from the side opposite: they challenge your seat; they charge you with obstructing, or they read a newspaper.

That is not good for the people's business, nor is it healthy. When we do have a measure that has the implications that are so inherent and apparent in the motion before us, there is no question that it deserves some scrutiny.

We are being asked to vote on a measure on the following points put forward by the Minister of Health and Human Resources for the purposes of explaining why this measure should be taken: a) she indicated at the outset of her speech that some people would not apply for medicare. b) There is less payroll responsibility for the private sector. c) It is similar to a poll tax, and premiums unfairly saddled.

22 That is the essence of her speech on a major, major measure, a major move by this government to change collection of monies from the people we represent. We recognize that this was part of an agreement between the side to my left that now has one Member, not two, and the side opposite.

No one has requested the abolition of medicare premiums. There has been no public outcry. I have not heard the Klondike Visitors Association ask for it. I have not heard the Dawson City Chamber of Commerce ask for it. Have you? We have never seen any formal resolution of any organization from the Yukon Visitors Association, the Downtown Business Association or the Watson Lake Chamber of Commerce demanding that the government remove medicare premiums. There have not been any major moves of that kind.

So why are we doing this, other than for the clandestine deal that was struck a year and a half ago, and that has obviously fallen apart to some degree? Why? If the government is going to come into this House and discuss such a major undertaking from the point of view that those dollars will be made up somewhere else, then the responsibility of the government is to tell us and, in turn, the people of the territory, where those dollars are going to be found.

Has consideration been given to when the financial formula comes up for renegotiations after 1988? If so, to what extent? Do we have commitments? How does it affect our ability to negotiate with the Government of Canada when we make such a major elimination of taxation. How does it affect those negotiations? If we had debated it in Committee of the Whole, the Minister of Health and Human Resources could have told us. The Minister does not have the answers to the questions, otherwise, she would have suggested that we go into Committee of the Whole. Let us discuss it; let us debate it.

The initiative that we have here is tied in, in good part, with an initiative that is going to happen next spring, and that is the 1987/88 Main Budget. It is going to have a major implication, maybe not next year because of the present financial formula. It is going to have effects one or two years down the road. I think that the side opposite had a duty and a responsibility to tell us what the implications would be.

We talk about a revenue of \$3 million. The revenue is going to be more, obviously, next year with more people working. There is going to be more money. Are we talking \$3.5 million with the payroll projections that we have now?

<sup>23</sup> That is significant; very significant.

Did we get an explanation from the Minister of Health and Human Resources bringing forward this measure? No. We got a philosophical, ideological discussion of how she figures it is unfair. Let us examine how unfair medicare premiums really are.

The cost to a family of six, for the purpose of medicare premiums to ensure that every child and adult of that family has access to medical facilities and medical treatment, costs less annually than it costs to insure your car. That is the expense to a family, taken in relative terms with respect to the budget that one faces at home.

To think that a family can get and afford the top medical treatment and facilities in the country for approximately less than \$300. Is that too much to ask, as far as yours or my direct contribution to a system that is on par or exceeds almost every system there is in the world. In many cases, I think we could be the forerunners.

Is that too much to ask? Instead, we are abolishing a revenue of \$3 million to \$3.5 million for the political purposes of going out to say: Dan Lang, you are getting it free. That is exactly the impression that is going to be left with the public, to say you are getting this free. There is no cost to you. There is always a cost. There is always a major cost when it comes to government, and rightly so.

The elimination of a measure of this kind is definitely going to have some implications. I do not know to what extent, or how, but it is going to have some implications with respect to our ability to negotiate responsibly with the Government of Canada. I can see the Government of Canada saying to our negotiating team: you do not need any more money; you just eliminated \$3 million.

Let us play devil's advocate. I am the Government of Canada, and YTG comes and says: we need more money; we need a five percent increase or a 10 percent increase. They look at you and they say: what do you mean you need an increase; this is the government that did away with fuel tax last year, medicare this year. YTG says, our costs are going up. The federal government says, you have eliminated all your taxes. You must have taken into consideration that it is going to have a financial implication to the overall financing of the government.

<sup>24</sup> Surely you thought that you were going to provide less services if you are going to negate these finances going into general revenue?

What is YTG's comeback? What is your argument? What is the argument on behalf of the people of the territory when you go there stumbling and bumbling and say: well, that was not really our intention because we wanted to let the people of the territory know that this is free. What comeback do you have? I would be embarrassed because from a responsible and accountable position what position can the Government of Yukon take; what really can they take?

Here you have the side opposite saying to you that for its political wellbeing we should be eliminating everything. If we were an irresponsible opposition, we could say it was in our best interest. The only people in this House that talk about the responsibility of the government to manage our affairs and manage them well from the financial view are the Members on this side.

When have we heard the words accountability and responsibility? We heard today at Question Period when asked about the question of overlapping claims the Government Leader say it is the Government of Canada's responsibility. Surely the Government of Yukon has to take a position somewhere down the road. Surely the Government of Yukon has to say to the general public on financial matters: we do have a responsibility. But no, what response do we

get? We get the response that it is unfair.

Now let us examine that further when they talk about the unfairness. So a family of six or eight or a family of four pays under \$300 a year under the present terms and conditions. Now let us have a look at senior citizens. They are not required to pay, they are exempt. Now let us take a look at those who you say you are trying to help: the poor and the impoverished. I challenge anybody in this House to stand up and bring up a case where an individual has been denied medical help. There has been not one reason given, not one example brought forward by the side opposite, or my Member to the left — that said that there was major problems and somebody had been denied adequate medical attention.

So what are we doing? Why are we doing it? Why are we taking this measure at this time? I guess because some Members think it is a vote getter to say we abolished medicare premiums.

I spoke earlier of the fact that the business community, to my knowledge, has not passed any major resolutions. Neither has there been any major public uproar from the business community with respect to the question of medicare premiums.

<sup>25</sup> I have had people, in the last week, who are business people, asking why the government is doing this. Why is the government eliminating this? As business people, as taxpayers, as residents, someone has got to pay for the service. Why are they eliminating it?

The measure that is before us has not been that well publicized. That is no one's fault. It was put on the Order Paper with other issues that have been prevailing these Chambers. I recognize that, but there are not all that many people who actually know that this is taking place. I recall one article on the fourth page of one of the local newspapers. That is all the coverage that it has had. Yet, we are denied the right, the privilege and the responsibility to debate this measure in Committee of the Whole. We must pass it today. We have to get it through today. It is absolutely essential government business, but it does not come into effect until April 1, 1987. It is absolutely essential that today we have to ramrod it through. We have got to push it through. Why?

What is the hurry? What is the push? What is wrong with debating it in Committee of the Whole? What is wrong with the Minister of Health and Human Resources, in concert with the Minister of Finance, answering legitimate questions from this side and also putting their side forward. The debate may be a lot quicker in Committee of the Whole if some of the questions were answered?

Was there a study done? If so, what was the extent of the study? Surely, we are not just going to eliminate \$3 million and not have someone look at what the implications are. Surely, we are not just going to sit here and strictly on the whim of the Minister of Health and Human Resources eliminate this revenue without fully understanding the consequences. There are other facets that have not been adequately explained except for one public statement that talks about the staff involved and the administration of the health care program and the billing. They say that there is reorganization going on and no one will lose their jobs. What is the government going to do? Is that not a legitimate question? I would say it is.

The Minister of Health and Human Resources did not even address that in her second reading speech. She did not even say what these people would be doing in view of the major changes and the major implications to the administration of the Government of Yukon. The only comment that we can go on is an offhand one that was reported in the media. What is going to happen to all the computer work that was done that was authorized by this House three years ago, that was voted unanimously by all three sides of this House. Some work had to be done to update and upgrade the information that was required for billing. What happens to that information? There were tens of thousands of dollars that went into that. What happens to that information? Is all that information of no value if we do away with billing? I would like to know. I would like to know how we are going to use the information now.

<sup>26</sup> There was a very fundamental reason for the study. There was a very fundamental reason for the amount of money that was put into the system to upgrade the computer programming. We will not get an answer to that. We are too busy pushing it through. We do not want fair legislative debate. We just want to get all the work done before Christmas, so the MLA for Faro can have a good time.

I have never seen where the attempt and the effort is so blatant with respect to trying to ramrod things through this House. We, on this side, have a duty to point that out. We have a duty to say that there are measures, there are important elements of the legislative package and the financial package that has to be debated in its totality in the House.

What do we get? We get a no. We get a negative. On the request to go into Committee of the Whole, there was not one reason given by the side opposite. That was a fully debatable motion, and did the side opposite stand up and give a reason why we could not go into Committee of the Whole to put it on the Order Paper, which the government has full authority to do? Was there one reason given? Not one.

These are the people who believe in the parliamentary system, standing up and telling the public where they stand. Yet, we have a motion of that kind and nobody bothers standing up to inform the public why the urgency, why we could not put it in Committee of the Whole, even put it on the first order of business this afternoon. Why not? Why was it impossible for the side opposite to meet that request? It reminds me of when we were talking about some changes and some other options with respect to the *Human Rights Act* that is now before this House. The Government Leader said, "Oh, well then it would be a PC act." That is not the point. This is legislation for the people of the territory.

When we get down to the elements of detail and the elements of discussing major initiatives that we could look at the consequences of them and get a straight answer, but no, that is not going to happen. We have a measure before us where the Minister of Health and Human Resources has not even discussed the financial implications, and we are supposed to sit back, as six duly elected officials of this House, and accept that as given as a fact. She will stand up and say that we are obstructing.

Why would the side opposite not stand up and give us some rational arguments for the measure they have before us? You heard from this side. We have expressed our view, the reasons for the business community — which there is really no merit at all — the question of the poor and the needy is taken care of by the present system that is in place, and senior citizens are exempt and have full access to our medicare facility through medicare, as well as Pharmacare.

<sup>27</sup> I do not understand how the side opposite can fundamentally dismiss \$3 million to \$3.5 million out-of-hand. Is that responsibility? Is that managing the people's money? They sit there quietly and are not even prepared to debate a motion that is asking to go into committee? To say we do not have any accountability, we do not have to stand up to the people of the territory and say why we do not want to put it into Committee. Surely the side opposite has more responsibility than what they have exhibited today. Surely they have a responsibility to the fundamental rights and privileges inherent in this Chamber. Forget Tony Penikett, Dan Lang and Bill Brewster, forget the personalities. Surely you have a responsibility to the people of the territory to ensure fair, equal opportunity for legislative debate and to ensure that there is a full access to information. Surely you have that responsibility, you are not above it.

Does the side opposite think they are just going to walk in here and arbitrarily do whatever they want? Now they may have come into that false impression after talking with the MLA for Faro. Surely they would have thought that there would have been some very straightforward questions asked. We would expect in turn some straight answers. What have we got? A measure before us that actually exemplifies the actual proceedings in this House. Ever since we started, we have asked questions and we have gotten double talk. We asked for information on public expenditures on contracts, and we are told that if we get the information in the alley, we can bring it to the House and ask a question. That is government policy now.

We are told that we cannot have three days before bringing the *Human Rights Act* into the House. We asked for three days, and we have been in touch with the outlying communities and they have not got any information. They still have not got any information. This government will stand up and tell us how open and accountable they

are and what a responsibility they have to the electorate of Yukon.

At the same time, they will stand in this House and deny the public, not me, not the MLA for Faro, but they deny the public the right to know, because obviously they are above it all.

They talk about being out of touch. Surely you have a responsibility to make time available in these Chambers that is necessary to go through measures of just eliminating \$3 million. Surely you do not just think that a half-hour in here is enough, and we should just push it through and get it out of the way? I would think the side opposite would say to us, "We do have a responsibility, and we are more than prepared to go into Committee of the Whole, and we would look forward to the parliamentary debate that ensues." But no, we are going to get into a situation where the side opposite is going to stand there and say, "This is unfair, this has always been unfair," statements of this kind and at the same time they failed to bring this out as a major plank during the last election.

<sup>28</sup> They failed to tell the electorate that they were going to make some major fundamental changes to the medicare program. If I recall, when the major debate was to take place, the Government Leader was not available. Maybe the writing was on the wall then. Check the track record. Surely, the side opposite does not believe they are above it.

There is one element of the principle before us that I think has to be expressed. I go on the history of the question of medicare, the implementation and the very real battle that took place within the then known Council of the territory to put medicare into effect. It was not an easy task for those involved, neither at times was it a pleasant one for the politicians who carried the cudgel and said that this is what they were going to do.

One of the major principles of the debates of those days was that the individual had a responsibility. There was not only an inherent responsibility, but there was a financial responsibility. The reason for that was clear, so that people knew — whether they paid it directly or . . .

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

**Mr. Lang:** The inherent responsibility was that the individual should pay a portion so they knew that medicare costs something. This is the very major principle we are eliminating, other than the fact that it is a source of revenue. That is a principle that the Yukon Medical Association brought forward, a principle that is of the utmost importance that I, or you, or a family realizes that there is a cost associated with the fine product that he or she is receiving.

To infer that there is a free lunch out there is not only devious, but disrespectful of the public we serve.

**Mr. Webster:** I rise to speak to this motion and also to reply to some of the questions raised by the Member for Porter Creek East.

First he asked where this notion came from to abolish premium payments. I can advise the Member that it did not come out of thin air. It has been a party policy for a good number of years — a great number of years prior to the election in 1985 and the so-called "clandestine arrangement" that was made with the Liberals. That may be of some surprise to the Member of Porter Creek East that some parties do have policies with respect to social issues.

The second question he asked was why the hurry? The Opposition claims they have not had proper time to fully research this motion for debate. It has been on the Order Paper now for more than a week. It has been referred to a number of times. If Members opposite were not so intent on filibustering and thinking up ways of filibustering, they would have some time to do some research on some very important motions, such as this one before us, such as the one on the *Patent Act* with respect to generic drugs. We saw that Thursday afternoon, when they introduced first a motion, then an amendment to the motion to delay second debate on the *Human Rights Bill*.

<sup>29</sup> Another answer I would like to give the Member in response to one of his questions is with respect to the timing of the House. Why are we discussing it today. Last week, we clearly made a decision that this government would try and debate it in the evening so that no one would be aware of it. We would try and push it through.

How can this government win? We either do it in the afternoon or we do it in the evening. Either way, we get criticized.

The final thing I would like to talk about is a real concern of mine. I have heard a number of whiners on the opposite side talk about Christmastime and we should not be in this House. We should all be with our friends enjoying Christmastime. I am not a Scrooge. I enjoy celebrating Christmas as much as everyone else. The fact of the matter is that we are here to do business. We are paid to do this. I do not like to admit it all the time that this is how we take up some of our time in this House, but that is a fact.

I raise this concern because very often we hear from the side opposite about this whole notion of ramming everything down peoples' throats, pushing legislation through, ramrodding it through the House before Christmas, the Capital Budget, the Human Rights Bill and other pieces of legislation. It is not the intent of this side to deal with all of this business before Christmas. This side is perfectly willing to deal with the business as it comes up, take a recess for two weeks at Christmas, if it is agreeable to everyone in this House, and come back here in January, February and March, as long as it takes, to get the business of the House done. A two-week recess at Christmas is very reasonable. It is far more time than most people get from their jobs.

I think that from the comments made by the side opposite they are giving a wrong impression that we are trying to ramrod through the House. That is the furthest things from the truth, and I am prepared to be here until next March to deal with it.

**Mr. McLachlan:** When the Member for Porter Creek West introduced the amendment, he referred to the fact that it did not have to go to debate in the Legislature. It could have been done by an Order-in-Council. I want to suggest to the Members to my right that were it done by an Order-In-Council, and the Members to my right did not get a chance to air their complaints, we would hear even more screams from each one of them. I invite them all to take their 40 minutes to discuss the motion today. Without Soapbox Sam's help, they are quite able to do it on their own.

I would like to say to the Member for Porter Creek East that I have been approached by a number of people in small business. They are concerned. It is true that there has not been a general resolution through the Whitehorse Chamber of Commerce and some of the other groups, but there are a lot of individual businesses that do tediously make out the monthly report forms, they add the new hires, they delete the ones who have terminated, they balance the books and send it in. They find that a pain, along with all the other paperwork that they have to do monthly.

They are out there, unknown to the Member for Porter Creek East — or perhaps if unknown, at least uncaring to him. There are many lower income families, people who are sick, disabled, seasonally employed and some seniors who have not reached the age of 65 yet who have to pay the health care premiums on their own. From time to time, as the Minister of Health and Human Resources has referred to, they fall into arrears. That is not a pleasant experience.

Some people have unions to negotiate the payment of health care premiums for them, some do not. The Member for Porter Creek East had the benefit of the operating engineers swinging the hammer for him, he did not have to pay his own before he got politically involved. Many do not.

There is a cost to this motion; there is no doubt. I feel the advantage to the lower-income Yukoner is well worth the loss of revenue. The Yukon Territory is one of the few jurisdictions left in Canada to abolish the health care premiums. I believe, if this motion is successful, and it is eliminated here in the territory for April 1st, 1987, we are the fourth or third last to do it.

When Liberal governments first introduced the health care plans in the 1960's that formed the basis of the negotiation between Canada, provinces and territories, we began at that time to take the first steps to increase the quality of life and health care of the average Canadian. We were able to provide quality health care for those middle or lower income Canadians who would otherwise not be able to afford this measure.

We are moving now into a time and era where we can provide just as good health care and probably better at more of a reduced

cost, and I am proud that we now as Yukoners will be able to lessen this cost more and I would urge all Members of the House to support the motion and to put aside their politics.

**Hon. Mr. Penikett:** I welcome the opportunity to join this debate. Forgive me for beginning by saying that in a perverse sort of way I rather enjoy the tantrums and outbursts of the newly-minted champion of parliamentary freedom and fairness. I must compliment him on his convenient memory.

Unfortunately, history will show that our experience, those of us who have been in the House for awhile, is vastly at odds with his version of his philosophy on these questions. I can remember, speaking of parliamentary fairness and refusing discussion, a marvelous occasion where I, as a new, young Member of this House sitting where the Liberal leader is now as a sole representative of this party, was overjoyed to be appointed to the Rules Committee of this House. We met in the Rules Committee and discussed some of the rules and, as the Member for Porter Creek East mentioned the other day, I had a chance to have a voice in saying how those should be made. Then, having given notice to the Chairman of my absence, I went off and took a short holiday. The Chairman, of course, was a Member of the Conservative Party.

When I came back from my holidays, I discovered that the committee, at the call of the Conservative Chair, had met and changed the rules that we had proposed and agreed to before I left in my absence and, not coincidentally, to a considerable disadvantage to myself as that sole Member, including a new rule, which was quite interesting and we had proposed changing, but a rule that required me to have a seconder for any motions. As a one-member caucus, it made it quite an interesting effort to get any proposals before the House.

I remember those experiences. They are not fresh in my mind, because I happen to be a fairly kind-hearted and decent soul and do not bear grudges forever, but I would be a fool if I forgot them entirely.

We have been listening to the insults and the accusations, and, interestingly enough, the insults and accusations and innuendos are mixed in with calls to order whenever we make the mistake of being sucked into a similar kind of debate, but that is not the point. I was even more amazed today, as someone who has been waiting for a chance to speak on human rights, to listen to the complaint about fair and equal opportunity to debate. When the Member opposite, who has already given three speeches at the second reading of the human rights debate in an effort to prevent me giving one, is now telling us we are denying him fair and equal opportunity to debate.

A filibuster that takes place on Thursday is no different than a filibuster that takes place on Monday or Tuesday. We know what the tactic is. The tactic is to obstruct and delay and to oppose. Fair enough.

I think it should be pointed out, before we pass up this point, that as my colleague, the Member for Mayo, has reminded me of the literally dozens and dozens of times when we, as opposition Members, were required to debate issues in this House with little notice and a lot less research than the Opposition has now. We had to do that very, very often.

I also heard a sort of niggling comment about reading newspapers. I can remember very well sitting on that side of the House watching the entire front bench reading newspapers. All of a sudden, it is something to cause comment by the Members opposite.

I remember well recent debates on all these kinds of questions. When we have had measures with proposed increasing taxes, the Members opposite have opposed them. When we have a measure like this, which proposes cutting taxes, the Members have opposed them.

We are now hearing comments about cooperation. Cooperation is a two-way street. I am as cooperative as any person who has probably ever sat in this Legislative Assembly, but to believe that cooperation can be won from me by beating me around the head, by making accusations about my colleagues, by making innuendos about my friends, by imputing motives to Members on this side, I happen to think that is the worst way in the world to get

cooperation.

When we see the kind of procedural gambits that are being used for the first time in this House to oppose the human rights measure, not just to oppose it and vote on it, but procedural gambits used to delay and oppose, and we see the same kind of thing happening today on this measure.

This is not the first time we have discussed this. The first time — in my time in this House — we discussed the question of medicare premiums, I believe it was in a motion brought by the Opposition. We debated it for some time in a number of ways this spring, and we are debating it again this day.

Let us also say right away, because this is important, that it was not necessary for us to come to the House to do this. It was not necessary for us to bring a motion before the House. We could have simply done it by Order-in-Council. The Member for Faro is quite correct that, had we not done so, we would have heard all sorts of straying about that.

<sup>22</sup> There were no consultants hired on this question. The fact that we were going to be debating this matter was announced in the spring. We are doing it now. The principle before us is a very straightforward principle.

As it has been said by the Liberal Leader, the only other jurisdictions that still collect medicare premiums are British Columbia, Alberta and Ontario. It may be that, given the financial condition of both Alberta and British Columbia these days, that will continue to be the case, but it would not surprise me at all if Ontario joins the majority of the Canadian provinces that long ago did away with this unfair tax.

Collection of premiums do amount to a form of regressive taxation. In particular, low income working people pay the same as high income wage earners. There is no differentiation between the ability to pay and the amount of payment, except for single parents with taxable income of \$4,000 or less per year who are eligible for a 50 percent subsidy on premium payments. Four thousand dollars a year is way below the poverty line, way below the poverty line. Families with a combined taxable income of \$5,000 or less a year are eligible for a 50 percent subsidy on premium payments. Five thousand dollars a year is way below the poverty line in this territory. Individuals who are 65 or over or persons who have no taxable income are premium exempt.

To modify the system further to reduce the inequity for the working poor in order to exempt a larger group of people would result in the requirement to apply needs testing to larger numbers of people. In addition, since premium assistance is based on taxable income in the previous taxation year, it means that you can have situations where an individual has a significant loss of income in the current year and still has to pay premiums. It could be argued that premium assistance should not be based upon taxable income but on current income, and as such, people who need assistance at any point in time should apply for it. Although this may sound simple, it would require increased means testing of the low income poor than currently exists. We believe it is far more efficient, far more practical and far more humane to abolish premiums outright rather than to require more of the working poor, particularly, to disclose income information to the government.

The *Health Care Insurance Plan Act* requires employers to collect and remit premiums to the government. This is an administrative burden that many businesses, small and large, will be glad to get rid of.

Questions have been raised about the financial implications. Again, notwithstanding the interventions today — I do not agree that there is a great deal of mystery on this point — let me provide the House with some information.

<sup>23</sup> Based on the last complete year, 1985/86, of revenue figures, the elimination of health care premiums would amount to a revenue loss to the government of \$2,735,597 per year. \$1,313,835 of the 1985/86 revenue was the amount paid by individuals and families. \$1,421,762 was the amount collected and remitted by employers, including the Yukon government. Out of this latter figure, \$431,250 was the amount that the Yukon government paid to itself as a result of cost-sharing premium costs for employees.

In actual terms, therefore, the revenue lost to the government

based on the 1985/86 full year figures would have been \$2,304,347 if the premiums had been eliminated April 1, 1985. Based on the estimates for revenue for 1986/87, the estimated loss for this year if premiums had been eliminated April 1, 1986 would be approximately \$3 million. \$500,000 of the estimated \$3 million would be the amount the government pays to itself.

One should note, therefore, that the major portion of the net \$2,500,000 loss of revenue from premiums for the government would effectively constitute a cash injection into the Yukon economy if premiums had been eliminated in April 1986. It is, in short, a tax reduction.

Last spring when the opposition was screaming at us deficit, deficit, and the books showed we had a \$41 million surplus, we also heard from another source, or another voice, perhaps a more moderate voice on the opposition side: cut taxes, cut taxes, cut taxes, that is what we should be doing in our financial situation.

The financial position of the government most recently reported on is, of course, that we have a surplus of \$62 million and this is a tax cut and it is a tax cut which we think is sustainable.

Let me finally say one more thing because there is a fundamental, philosophical difference in respect to not only tax policy, but also the question, clearly, of health care policy here. This government, today, is making this decision, bringing this proposal to the House for a vote to take effect April 1st, 1987; not in March, but now so that businesses and employees and self-employed people may know now what our position is.

It will be done, should the House approve; by Order-in-Council. There will be a change in regulation. It is our policy that this is an unfair tax, therefore, we will not be charging premiums for the Yukon Health Care Insurance System.

Let me make this perfectly clear. If and when the side opposite, the Conservative Party, returns to power, if and when they come back to office, if and when they are committed to the view that health care premiums are a necessary evil, if they are persuaded that it is necessary to collect from all and sundry — rich and poor, overemployed, underemployed, whomever — medicare premiums, the legislative means for them to do so will continue to exist.

<sup>24</sup> A subsequent government, with a different view toward this question and a different view toward a medicare system, will have the right and the ability, whether they come to the House for a vote first or not, by way of budget policy, to reintroduce those premiums if they like and set them at whatever level they think appropriate.

That is not our proposal. That is not our philosophy. That is not our principle. That is not our policy on this question. The choices will remain open for future administrations.

**Mr. Phillips:** I found it rather interesting today that it was very easy for the Government Leader to expound upon figure after figure after figure while for the past two weeks we have been trying to get some kind of figures out of the government with respect to contracts and other issues in the House. It is interesting to note that when the Government Leader feels these figures that he releases are a benefit to him, he is willing to give them, but if he wants to hide something from the Yukon taxpayer, he is a little more reluctant to hand out these figures.

Why the change? Is this a simple combination of a deal between the government's Liberal friends in exchange for their Liberal support on anything. It brings to mind an article in the paper that I read a little while ago where the Liberal Leader said it is up to government to bring it in and we will vote for it, but let us let him bring it in, let us have a look at it first, but then we will support it anyway.

Why the rush in such an important measure as this? It is \$3 million. The Member for Faro has an added responsibility now, as he is the only Liberal Member in the House, to express the views of many Liberals throughout the Yukon. I wonder if the Member for Faro feels that it is not important that all Yukoners have an opportunity to see what the major implications of this bill will be.

The Member for Klondike mentioned something about Christmas. I found it remarkable that the Member for Klondike was so eager to take two weeks off at Christmas, but his agenda last week was so tight that he could not give us three days on the human rights

legislation, or three hours to discuss and talk about a \$3 million loss of revenue to the Government of Yukon.

For the Member for Klondike it is more important to take the time and be home at Christmas for two weeks. That is more important than the revenues of this government.

Does the Member for Faro know what the loss of this revenue will mean to the Government of Yukon, long-range? Does he care? Does the Member for Klondike or the Member for Old Crow, or the Member for Mayo know what it will do to the people of the Yukon?

What does it mean? Is it the beginning of a sales tax? Maybe not this year, maybe not next year, but what about the future? The Minister of Health gave us several reasons why she has proposed this motion here today. One is that the businesses have found that the effort they have to put forth to pay the medicare premiums was a problem. I would like to know what businesses complained to the Member for Faro?

<sup>35</sup> I had been in business for 10 years in the Yukon before I got elected to this Legislature. I never found it a problem. I suppose if things like this are a problem, the next thing we will hear from the side opposite is that we can do away with federal income tax or payroll deductions. That is a problem. It is a part of doing business.

What we seem to have here is a government on an unbelievable spending spree. It seems that it is not enough that they cannot spend this money fast enough. They now want to eliminate some of the major revenues that the government has. I guess a question that we all have to ask ourselves is: who is going to pick up the tab? Who is going to pay for all this in the future? Our children? What is the cost? What is the cost to Yukoners down the road? I have not heard that from the Minister of Health and Human Resources. I have just heard some reasons that it is too cumbersome to do it. It is unfair. What is the cost? Is what is coming down the road going to be more fair? I will not be supporting this motion.

**Mr. Brewster:** Well, I heard on the radio where there are 4,000 human rights pamphlets to go out to people. I sent someone to get some so that I could take them home. There were none at the desk. I was at a meeting with the people of Haines Junction, the village Councillors, and the only two that they had were the two that my wife had sent out. Then the government tells us that they are not trying to ram things down our throats. They have not sent these pamphlets out to anybody. People in Beaver Creek have phoned for them.

Now we are going to get \$3 million through an Order-In-Council because the side opposite will not allow us to talk about it in here. They will not let us question them. For instance, where is the \$3 million going to come from? I hear glowing terms that we do not need it. We got \$62 million. No, they do not have \$62 million because they have already got rid of \$17 in the budget, so there is only \$45 million. The government is not saying who is going to look after the transient workers or who is going to pay for them. The taxpayers of the Yukon. We cannot get rid of money and not have to get it back. Maybe this government can. They seem to be very good at this.

They say that we may have to come back to power and raise taxes. Yes, we will because we will have to get them out of debt, like the government in B.C. had to get the NDP government out of debt. There is no question about it. They ram things down peoples' throats. They never give us a chance when we ask for a lousy three hours. We could not have three hours. We could not even have the papers on the weekend. This is the type of government we have along with their little turkey at the end who keeps them in power.

**Speaker:** Order, please. Would the Member refrain from unparliamentary language? I ask you at this time to withdraw that remark.

**Mr. Brewster:** I apologize. We put in a large organization to collect medicare. Every party in this House voted for that, but no one is saying where that money is going to go or where that staff is going to go. We cannot talk about those things because of the position we are in with the Speaker in the Chair instead of it being debated in Committee of the Whole. The whole thing is absolutely disgraceful.

36

**Mrs. Firth:** I am really quite surprised that we are not hearing more Members on the government side stand up and speak to this motion as it effects their constituents as well as all of ours over here. If the Member for Klondike is prepared to rubber-stamp whatever his government does and get up and give big speeches about research and Christmastime and be very defensive about people doing their homework and infer that we on this side should also stand back and also rubber stamp something is the kind of a pompous little attitude I find a bit unacceptable.

I have been listening with a great deal of interest to the comments that have been brought forward today, and I would like to present some facts to the Legislature because I would like to feel I am fair and constructive in my criticisms of the government and that I do my job responsibly and that I fulfill my duties as an Opposition Member. I am getting a little bit tired and fed up with the Members opposite saying we are filibustering because we ask questions and oppose, that we are using legislative tactics because we ask questions and we oppose.

That is just not true and it might be a nice smokescreen for the government Members to use, and they will continue to use it. I recognize how long this motion has been on the Motion Paper. That is fair, it has been there. We have our research done. But I would like to say that when the Minister of Health and Human Resources comes into this Legislative Assembly with this filmy little speech that she brings forward from her department — these little excuses, not one minute bit of detail, not one bit of detail, not one figure or statistic of what the impact of this measure is going to have either tomorrow or a few years down the road on Yukoners, and no indication of her having done her research or homework — I know what would have happened if the former Minister of Justice, Clarke Ashley, had come into this House with this kind of measure when the Minister of Health and Human Resources was in opposition. You know what she would have done? She would have said he was totally incompetent and asked for his resignation the next day. That is what she would have done. She would have come in and said the Minister does not know what he is doing, he has not given us any information, and we want his resignation. I saw her do that three times in this Legislature; two, maybe; more than once, as the Minister is indicating. The members of the media who are here and who were there then, the other Members of the Legislature who were there then, know that that was a fact.

Now really, let us have some debate. That is all we are looking for, an opportunity to debate. I have many outstanding questions about the issue of the abolishing of the medicare premiums that I would like addressed. We started this debate in the House back in October of 1985, which initiated the whole debate about the abolishing of the medicare premiums. At that time the Government Leader talked about potential tax increases and the consequence of them and who was going to have to bear that tax fairly. He talked about the problems of getting returns. He talked about the problems of transient people coming to the Yukon and benefitting from our medicare premiums.

<sup>37</sup> He said he was going to have to look into that and made a comment that it would be a great injustice to Yukoners to have to pay for them. We have never had answers to the questions of how the government has identified that concern. We do not have an opportunity to ask in any formal debate now, because we get to speak only once, because the Minister has not brought any information about it.

We do not even know if the Minister's department has done any research, or whether it was simply a decision that was made and we are going to go with it, no matter what the impact. The feeling I get as an Opposition Member is that a decision has been made and they are going to do it, and regardless what the impact is, they will just go with the flow. It would be irresponsible of me to stand here and say: fine, I accept that, go ahead and do it.

For the Government Leader to stand up in this Legislature and demonstrate an attitude — this is what he said — the choices remain open, there is a philosophical difference. We recognize that. We still have a duty to ask the government questions about the financial implications of the philosophical differences. For the Government Leader to stand up and say that they can do this by

Order-in-Council and then, if and when a Conservative government gets in again it can change it, what a terrible attitude for him to have. That is totally unacceptable. That is not what the whole process of democracy and legislative debate is all about. Why do we even sit in here? Why does the Government Leader and his Cabinet not just keep making Orders-in-Council. When there is a change at the polls next time, that government can sit in there and make Orders-in-Council changes. That is absolutely pitiful.

I can remember the Government Leader as an opposition Member talking on and on with his holier-than-thou attitude about the Cabinet making decisions without going through due legislative process. The Members in this House will remember him saying these things. He has the nerve to stand up in this House and say we are doing you a big favour; we could have done it with an Order-in-Council and, if and when you should form the next government, the Conservatives can reverse the Order-in-Council. That is a deplorable disrespect for the whole parliamentary process. I do not think there would be any Yukoner who would be impressed with that kind of an attitude from the Government Leader of this Yukon Territory.

The Member for Faro, as usual, said nothing so I will not make any comments about what he said. We have a great deal of concern about the impact of the abolishing of the medicare premiums. We have unanswered questions and outstanding questions. The Government Leader reassured us when we stated this some time ago in October, 1985 and on April 24, 1986, before the change was made that we would have an opportunity to stand up in this House and have our questions answered. He gave us the commitment that he would come back and we would have a full debate on it and we would be able to see if the government had done its analysis and if they had worked to see what the impact was going to be with respect to the potential loss in revenue.

For example, I know that the population has grown somewhat in the Yukon. I would like to know what effect that is going to have on the medicare premiums because of the increase in population. Does that mean that the revenues that we would be getting from medicare are going to go up considerably?

» What is the potential impact of abolishing medicare premiums at this time with the population statistics that the government is going to have in the O&M Budget for 1987/88? I do not even know if the department officials have started working on the O&M Estimates for 1987/88. I sure hope they have, but I have heard contrary.

I get the feeling that this has been brought in at this time, for some reason, and that a lot of the homework and research has not been done on behalf of the government to know what the implications are, to have the Government Leader say that this will become effective April 1, 1987, and this is what the financial implications on this government are going to be. He has given us a lot of figures on potential declines in revenues. I cannot find them right now, but I wrote them all down, about money that was paid out by the Government of Yukon. He gave us figures up until April 1, 1986, and the previous O&M Budget was based on population figures for 1985/86. What are the population figures projected for 1987/88? What impact are those going to have?

The Government Leader always refers to the great surplus. That is fine. Surpluses go on, but they do not go on forever. I guess I have to be like the back benchers, the private Members on the government side, just trust the government and rubberstamp whatever they are saying. They are doing this, and it is going to be great. Everything is fine. I do not do that as an Opposition Member. It is fine for the Member for Old Crow and the Member for Klondike to be pompous with their comments about the government and what a wonderful job they are doing, even though they do not have all the answers to all the questions all the time.

I have a concern about the money that was allocated and spent on the computerized system. I believe that the outcome of the whole exercise was that it was even more successful than what department officials, politicians and medical personnel had expected. It was a very successful program. I would like to know what is going to happen to the personnel now. I recognize that in December, 1986, the Minister of Health and Human Resources, along with her comments about the relatively insignificant \$3 million that was

going to be lost in revenue, talked about the fact that the department would no longer have to be concerned about the cost of administrative complications of collecting the premiums. Staff reorganizations have been or will be made in the department, and there will not likely be any layoffs because of the department's reduced duties.

I would like to know if that is so? Just because she has said that, does not mean that that is absolute fact. I would like to ask some questions about that. I do not have an opportunity to do that. Maybe the Member for Klondike was asked and was satisfied with the answer, but I have my doubts. I really do.

One of the things that concerns me the most about this whole idea of abolishing medicare premiums was a question I had asked the Government Leader in April, 1986 regarding consulting the people whom this was going to affect, consulting the Yukon Medical Association. At that time, the Yukon Medical Association wrote an extensive letter to the Minister expressing their concern about this government's intention to abolish medicare premiums.

» In the first paragraph of that letter, the president indicated that we had no occasion to comment on the proposal. When I asked the Government Leader if he had consulted with the Yukon Medical Association or the Yukon Nurses Association, he said, no, he had not. That was on April 24, 1986.

He received the letter and said that it would certainly be interesting to talk to these people and to get their opinions and to hear their concerns. He left the impression with the House that he was going to do that. When this motion first appeared on the Order Paper, I phoned the Yukon Medical Association, and not only had they not been notified that it was coming up now, they still have not been consulted by the Government Leader as to their position. The Government Leader is indicating that he has spoken to them. I know what he has spoken to them about. He has written a letter saying that he had received their letter and "Thank you very much. We will have to get together at some other time and discuss it." There was a phone conversation, and that is not consultation — a 10 or 15 minute phone call to the President of the Yukon Medical Association. Where is the opportunity for the medical staff who work at the hospital, for the doctors and the nurses to have their input into this change that the government is going to pursue? I guess, like the us in Opposition, they have to just accept it, because it is a philosophical difference, and this government is going to do it. When this government gets in, then they can go to them and say, "Are you going to change it back now. We realize there was a philosophical difference."

This is the government that talks about consultation. This is a Government Leader who leaves this House with the distinct impression that he is going to consult, and he is going to get further opinions from the Medical Association, and he did not do it. Then this motion appears on the Order Paper, and as of today at noon, he still had not contacted the Yukon Medical Association. That is totally unacceptable.

I have often talked about this government saying things, yet, when it comes down to the doing of it, it is not done.

In that letter, the Medical Association raised the concern about eliminating the medicare premiums. They raised several concerns. They were upset about the large figure of \$2.9 million that was going to be a loss of revenue. They raised a concern that they thought that dropping the premiums would increase utilization of physicians' services and increase the number of people registered under the health care plan without increasing the take home pay of Yukoners. They made a comparison to the plan being like an insurance plan and that the payment did not limit the access to health care, but it helped to make people aware of the health costs. They, therefore, felt that it would prevent abuses.

The Government Leader did not even have the decency to listen to them or to respond to their concerns with all his reassuring information that this is not going to happen. How did he address this concern? We still do not have an answer to this.

The Medical Association said, "I am sure that many of these people..." talking about residents from BC and Alberta, "...will apply for Yukon coverage rather than pay premiums in their home provinces."



« This will mean that Yukon taxpayers will be subsidizing out-of-territory residents without receiving any territorial income tax benefits in return. He has not addressed that for the Medical Association. He has not presented his argument to us as to why that is not valid.

The Medical Association was very pleased with the comprehensive review of the health insurance registration. They thought it was a system that was working well. One of the biggest concerns of the Medical Association was that the association did not want the government to use them as a scapegoat when health care costs increased substantially with the elimination of health care premiums. They appealed to this government and said, "We have prided ourselves on being able to work with the government to provide Yukoners with an excellent level of health care." We do have an excellent level of health care, unlike a lot of provinces in this country who are facing terrible conflicts between those who deliver the service and those who receive the service.

What is really sad is that it is usually the government who is in the middle and not helping the situation at all, as I see in this instance.

There was also an appeal from the Medical Association — and this letter was sent to all parties — that health care issues be discussed in a non-partisan fashion. I came in here as an Opposition Member wanting to debate the motion that the Minister of Health brought forward, wanting some answers to my questions. I have a great deal of concern about what is going on in Quebec right now, a province that, for a long time now, has not had medicare premiums, that is starting to de-insure medical services. I have a big concern about that because they always de-insure in the area of preventative medicine. Now, there are issues coming up in provinces like Alberta, dealing with abortion.

The provinces that have abolished medicare premiums are going through difficult times. Some who have not abolished them yet are experiencing difficulties. I want to know what reassurances this government can give me, and particularly the Minister of Health and Human Resources, that these issues have been examined so that Yukoners can continue to benefit from the high quality of medical care that they are presently receiving. I am not getting any of that. I get some flimsy little comments about failure to register, and what an imposition it is on the private sector. We hear conflicting reports here that the private sector is going to benefit from this; they have come and told me that it is a big burden to them, their administrative duties are going to be less. The Yukon Economic Council, which advises the Minister of Economic Development, which I would expect has representation on it from the private sector, preferred the user-pay aspect. That was the advice they gave to the Government Leader. Is the Economic Council not supposed to represent the views of the businessman? So where are the businessmen who are asking to have this premium abolished because of the cumbersome administrative details and tasks they have to do?

I would submit to this Legislature that it is all a big smokescreen by the Government Leader and by the Member for Faro and by the Member for Klondike.

« I recall very vividly a concern that I have raised about the impression that could be left with the public. The impression about the Liberal support that this measure was initiated by, I believe, the former Member for this Legislature for the riding of Tatchun who went on a great length in the media about how he had forced this government, had backed them into a corner for support, and one of those favours was going to be the abolishment of medicare premiums.

When I raised the concern with the Government Leader that that impression would be left with the public, he said that no doubt I would try to create that impression. I did not. I did not, as the Member tried to allude that I would. I was not the one who got up in the House and said, as the Government Leader did, that when we asked questions in April about the medicare premiums, questions we were supposed to have lots of time to debate, I was not the one who got up like the Government Leader did and said if the Member opposite is opposed I would be pleased to fight the next election against him on that question.

Well the Government Leader is quite prepared to make it a partisan issue, even though there is an appeal from the Medical Association not to do that. I am not making it a partisan issue because I get up in this Legislature and expect the government to justify and be accountable, not only to the opposition but to the public, to have researched their policy decision, that there is some justification for doing it. It is fine to stand up and say we are going to do this and if you do not like it you can lump it and you can maybe do something about it the next time you are in office. You do not tell the public that. It is not fair to tell the public that, particularly when it is brought in at a time like this.

On the Order Paper now we have only three or four highly controversial things. We have the human rights bill, we have livestock control, we have Public Service Commission amendments coming in, and then the Minister for Health and Human Resources puts this motion on the paper and this is a major issue in the Yukon Territory, a major issue which a lot of people have concerns and comments to make about it.

Then they say, well, it has been here for a week. The Member for Klondike says it has been here for a week so therefore all the public is supposed to know is that it is there? Really, really, again I say, what a pompous little attitude to have. For once he is in on the discussion and is knowing what the front bench is doing, which I am sure is a rare moment. For once he is in on what they are doing and he gets up and gives a speech about how great it is. He cannot answer any of our questions. He cannot answer them for us.

I have a great deal of concern about this issue. I want to know why it is being done now. The President of the Medical Association shrugged and wanted to know the same thing. They were expecting it to be debated in the Spring. They thought that was the time it would come forward. We thought that was the time it would come forward, and the Government Leader assured us in the debate on the estimates, that we would have plenty of time to debate the implications that abolishing the medicare premiums would have in the estimates for 1987-88.

« It looks like there has been a change of heart. There must be an election coming up since the Government Leader wants to fight on the issue. Maybe he has an I.O.U. out to a former Liberal Member. We might find the reason. We might find it.

I hope that in her comments, when she speaks to the motion, which I know the Minister of Health and Human Resources will be doing, that she can respond to some of my concerns about what the Province of Quebec is doing in de-insuring their services and if she anticipates something like that happening here. How can she reassure me when the government makes its decision — and it will be the government who makes the decision about services that will not be considered medical treatments anymore when they have universal medicare — as to whether or not something is a medical procedure and whether or not it is necessary. It usually starts with things like preventative medicine and birth control. I believe that is happening in Quebec now, so that the doctors are becoming the bad guys because the government is making the decision not to insure these services anymore. The doctors are having to bear the brunt of that.

Preventative medicine includes a lot of things like Pap smears for women for the detection of cervical cancer. It includes blood pressure checks for people who are potential hypertensives and stroke victims. It includes preventative medicine for people who smoke cigarettes, and that brings up another point. The Government Leader went on about his analysis of the increased revenues and all the money he was going to get from the increased liquor and tobacco tax. He has never told us whether or not that materialized, whether or not there is any more revenue from that.

Here we have a government that is going to be making decisions about preventative medicine. Thirty-five thousand people die from cigarette-related diseases. They die at the peak of their earning capacity, and that is a preventable disease, preventative medicine, educational medicine. I am concerned. I want to know if the government has taken that into account with their sweeping move of abolishing medicare premiums based on a philosophical difference.

I do not care about the philosophical difference. I want some facts. I want some accountability from this government. I want

some financial justification for doing this. I do not want some little piece of fluff from the Minister who says that people cannot get this. It is an imposition. I want it backed up by some data. I want to know if the Minister of Health and Human Resources has done her research and her homework. I want to know if she has these concerns on behalf of Yukoners.

People recognized the responsibility they had, and it was just in part for health services. When I asked people about abolishing medicare premiums, they said that they recognized that they have a small responsibility for paying these premiums and that they did not mind doing it.

« I have a feeling that is what the business community said, too, because that was the word that the Yukon Medical Association got. That was the advice that the Government Leader got from the Yukon Economic Council, yet we come in with this smokescreen about businesses benefiting, how there has been some big hue and cry from the business people who the interim Liberal Leader talked to.

I have a great deal of concern about the money that was spent to register people, the money that was spent to do that comprehensive review of health insurance. I want to know what is going to happen to the employees in the department. I would like the Minister to address that for me today.

I would like to know what they are going to do to prevent any abuses, concerns that we raised to the Government Leader and he agreed were legitimate. What is going to be done to prevent any abuses by the some thousand or so seasonal workers who come to the Yukon and have the potential of free medicare if they are from the province of BC or Alberta, where they still have to pay medicare premiums. I want to know why it is happening right now. I want to know why we were not offered that opportunity for full-blown debate in the Capital Estimates or in the O&M Estimates, as we were promised.

I want to know why the government is so reluctant and so eager to jump up and cry filibuster when all we want is some responsible answers. I know when they were Opposition Members, that was what they wanted. I could feel that. I do not feel that I am unreasonable or that I am intentionally trying to stifle something or oppose it. I am simply asking for some justification, so that when I go out to the public and to my constituents, and when I phone the president of the Medical Association to say to him this is what has happened, and the president of the Yukon Nurses Association and the directors of nursing at the hospital and people who work with medical services everyday, I want to be able to give them some answers as to what the government's intentions are and how they are justifying this measure.

How are they going to justify it to the Auditor General? They are not. They are just going to say we felt this was a good thing, philosophically. It was going to help a lot of people and the tax was unfair and it was cumbersome to businesses and so we are doing everybody a big favour.

What kind of research has gone into the impact on the finances of the government? What population growths are they predicting for 1987-88? What revenues and revenue loss are they predicting to do with the medicare premiums? We do not have answers to those questions.

Is the \$3 million figure still going to stand, although now the Government Leader is saying it is \$2.5 million? With all due respect, I beg to differ. If the population is increasing, that number may fluctuate somewhat.

I hope that all this debate we got into about how great it was that they brought it forward as a motion in the House, that it could have been an Order-in-Council, and one said that it could have been an Order-in-Council, we did not have to bring it forward so we are doing you a big favour.

« I hope that the intention of the government is more sincere than just some kind of devious vote-recording matter within this Legislature, because I have a feeling that is exactly what it is, because it has caught everybody off-guard — everybody. Even the Department of Health and Human Resources. Nobody has heard of this great measure coming in right now, at a time in this Legislature when we have many controversial things on the paper to be

discussed, many issues that we are trying to get back to our constituents and ask their opinions about, all of a sudden up pops this measure. Well I hope that that is not the government's intention, that this government would not intentionally do something that manipulative and that devious to the public of the Yukon Territory, particularly to the constituents who are required to make decisions based on some little piece of literature that the principal secretary or the party is going to send out when the next election is going to be fought.

I maintain that that is the only reason that is being done right now, and I hope that the Minister of Health and Human Resources can address that concern, not only of the Opposition Members of this Legislature, but also the Members of the Yukon Medical Association, the Nurses Association, the people in her department of Health and Human Resources, the people over at the hospital, the people over at the federal government building who deal with medical services, because it is a surprise to everybody. It is a surprise to everybody but the front bench and the Member for Klondike.

I ask the Minister to be fair in her comments, to support her argument with some facts, some data, and I look forward to hearing what she has to say.

**Mr. Phelps:** I have a few comments to make on the motion. I think I would like to begin by expressing my disappointment that the new majority, the technical majority, along with, of course, the Member for Faro, chose to turn down the request and vote against the motion that this whole issue be moved into Committee of the Whole, because it is simply another indication of what a technical majority does with regard to attitudes in this House.

I think that it is another indication that I hope Yukoners are aware of, of the very inherent dangers of the side opposite ever, for any kind of length of tenure, having an absolute majority so that they can and may have their way with such radical pieces of legislature such as the Human Rights Bill. Had this technical majority existed at this time last year, and was there any indication that it might have gone on for long, would the government have withdrawn that offensive legislation, the precursor of Bill No. 99, the Human Rights Bill?

« We have to be somewhat concerned by the very fact that this is the latest the House has sat in the fall, starting at the end of November. We have to wonder whether or not it was to hide things, to push meaningful debate on important issues into the backwaters of peoples' minds because Christmas is an important season for all Yukoners, and many people leave the territory in order to be with friends and family.

Certainly, we have heard that allegation and that speculation on numerous occasions, particularly one that we have spoken about, the Human Rights Bill, but also in regard to the document showing the \$17 million deficit, with regard to the huge increase in the Capital Budget. It has to concern all Yukoners that we have this attitude, this willingness to manipulate and hide things from the public. I guess the latest indicator of that new mood has been the new policy reversing the government's earlier stance on the issue of service and consulting contracts and the intention that more than 70 percent of that up to \$20 million will be hidden from public view at all costs.

If there is any stonewalling that is being done, it is being done by the side opposite. They are hiding things to the greatest extent possible from the public in the Yukon Territory, and that is a shame.

It is interesting when a government and its lone supporter in the House is having such great fun spending money and are so eager to garner votes that when they have a commitment such as this that has such far reaching ramifications, they have almost nothing to say to justify it; it was a very short speech by the mover of the motion, and understandably so.

I guess it is another situation where, as responsible legislators, we have to step back and examine the need for this motion, the need for the change in policy by way of Order-In-Council that is going to follow. I think that is an important aspect of our duties here, the one that we have been talking about in respect to one of the other

pieces of clandestine work, the Human Rights Bill. There has to be, surely, some kind of need, and we really do not believe — I do not know if it is because the air over here is different — that the arguments that emanate from the other side are based very deeply on logic or concern for existing problems.

« The situation is now that seniors do not pay — and that is as it should be — welfare covers the premiums and there is a policy in effect that allows low income families to take advantage of a 50 percent subsidy. It is quite possible that there could be some minor amendments to bring that part of the existing policy into line with inflation and cost of living in Yukon.

I think it was the Member for Porter Creek East who said earlier that there is no evidence that anybody has been denied coverage because they have been unable to pay their premiums. Apparently that is a fact. So, what is this really all about?

Is it that the government is moved to make this motion because they are prodded on by the clandestine deal they made 18 months ago. You all remember that deal. It was a deal made by two lawyers from the same law firm, one acting for the Liberal Party and one acting for the NDP Party, and they negotiated behind closed doors and made a deal for this coalition government that we have experienced now for 18 months.

While we were never really told the terms of the agreements, some of them have snuck out. There was a huge amount of concern over little things on the part of the Liberals: how much for staff, how much for this, what size of office, and so on. The then Liberal Leader, amongst other things, assured the voters that he had made a deal where if these guys want to stay in power they are going to have to get rid of the health care premiums.

I must say, it was certainly apparent to these sensitive ears that the tone of the gloating remarks of the Liberal Leader of the day were that they take all credit where they could, when something was done to buy votes. Is this anything more than that? Is this anything more than us neglecting our duties as legislators to meet real problems? Is it anything more than people trying to curry favour by moving towards a less responsible system from a financial point of view and from the point of view of a user of the medical services.

There is the issue of dollars. It seems that we left the government in such good shape we do not have to worry about money anymore. There is no problem at all. This is a great time to be sitting in the House. We can call it the Santa Claus Session. Years from now, we will be saying: remember back a few years ago when we had the Santa Claus system? The Liberals had extracted a few promises from the boys so that they would blindly vote for the government of the day. Their lawyers had made this deal behind closed doors. Remember that? Remember the government was left with a whole bunch of money, a huge surplus. Remember that? Some other person will say, oh yeah, I remember that. Things looked good in the Yukon back then, did they not, because the previous government had left the NDP government with a huge surplus and a three year deal for the revenue from the Government of Canada to be guaranteed.

« That was for the first time in the history of the Yukon; I remember that. Then what do they do with the money? Seems like those young fellows went into the Legislature and had a personal say and it was just like Christmas time, so they gave it away, gave it away, forgetting the long term in favour of looking closely and perhaps only at any short-term gain that they could get. They would get credit for spending, not for obtaining it in the first place, but credit for spending it and giving it away.

They could go on and on about the Santa Claus session, but I suppose one of the things that might strike home at that time in the future more than it probably strikes home now is exactly what kind of a situation are we spending ourselves into? We get all these figures from the Finance Minister about these huge surpluses and spend, spend, spend. Comparing any convenient figures that happen to jump to mind, but I do not think it is really sinking in to many people in the public and many people in the Legislature. I doubt that the consequences of this gala spending is really sinking in. It is nice to have all these monies that we negotiated. It is nice to be left with a surplus, but we already find for this year that there

is a deficit projected for the first time — a deficit for the year that is growing and growing and growing like a snowball that is rolling down the hill, picking up snow as it goes.

Now a couple of weeks ago, when the documents were tabled, that deficit is up to \$17 million plus. Of course it is going to be taken from the surplus that was left behind. My friends opposite will say, "What is the problem with that? You want us to keep the surplus?" That is not the point at all. The point is that now we are into this spending mode, I was going to say spree, but I will say mode, and we are spending \$17 million more than we are bringing in, and who knows how much that is going to be by the time the year ends and the Auditor General examines the books. Is it going to be more? That will bring the accumulated surplus down by \$17 million this year. Next year, is the government going to start cutting back on this deficit spending, or are they going to wait for the following year, until just before they are up against the real problem, the problem of concluding negotiations with the federal government for the ensuing year or years?

« When we start spending this kind of money, \$17 million a year more than we are taking in, then it stands to reason that it is going to be hard to stop slowing that spending machine down. When it happens, unless the private sector is there to take up the gap, there is bound to be the consequent hangover in the business sector and in the economy. We cannot cut back government spending quickly in those kinds of amounts without it having some very negative effects.

Not only are we in situation where the deficit is in excess of \$17 million, but we are also going to be getting rid of the medicare premiums. I am not really sure exactly how much that is going to cost for next year or the year following, but I suspect it is going to be close to, if not more than, \$3 million. That lost revenue is going to increase each year if we have more people here. There has been quite a growth in population since the figures released by the Government Leader in this debate were tallied.

Most of that growth was in people who would be subject to paying premiums. A large part of that growth would bring premiums from the employers into the public money chest as well. Now we are going to have to do something about this \$3 million each and every year. We are going to have to do something about the \$17 million, and growing, deficit because we cannot go on like this. That is not to try to be highly critical and say that we should not start using up the surplus. I am worried about where it is going to end because there is no appearance of any end in sight.

For sure, there cannot be a \$20 million deficit very long before we are out of money entirely. Over \$30 million of the surplus, which is now projected to be around \$45 million by year end, if the figures given us are correct, is tied up in land and long term debts. The party is going to end, and it is going to have to end pretty soon, or else we are going to be in a situation where we are going to be financing a deficit in perpetuity.

« When you do cut revenues, you are going to have to cut back the expenditure side or raise the money somehow. That really brings on the spectre of a sales tax. We have been very fortunate, because of the prudent manner in which government funds have been managed in the past, that a sales tax has not been necessary until now. If you want to consider a truly regressive tax, that option makes the medicare premiums, given the built-in protection for seniors and welfare recipients and low income families, look angelic.

The Member for Kluane made an exceptionally good point. He harkened back to what happened to BC under the Barrett government. Virtually everybody in the Yukon knows what happened then and the resultant financial chaos into which the Province of BC was plunged. Any kind of number of manipulations is not going to hide that from the vast majority of Yukoners or people in BC. They are still scared to death of the socialist machine in that province.

I am terribly concerned about how we are going to start shutting off the taps where this government is pouring the money, handing it out in huge gobs, spending it willy-nilly, and they are not even prepared to come clean about the under \$5,000 contracts that amount to 72 percent of service and consultant contract figures.

Apparently, we are going to be getting rid of the medicare

premiums, and we are going to be paying for those transient workers who come up here and work for five or six months and then go back to BC or Alberta or Ontario. While we are paying for them, we are going to have to suffer the consequences of reduced government spending and its effect in the territory because, as I have said, we can be sure that the federal government is going to make up the shortfall.

I think that in a population where the transient worker is a significant percentage of the overall workforce, that bleeding of the revenues to outside jurisdictions for somebody who might have been wounded in one of the other provinces, is a factor that is very significant.

<sup>30</sup> Then there is the issue of who wants it, aside from the Liberals, who demanded it as a condition of their support. I am sure that will return to them some day.

Who really has asked for this move by government? Well it has been mentioned that none of the business organizations has brought a resolution of that effect to the attention of the legislators here in the House. It certainly has been an area of concern with the Yukon Medical Council, and I think that is for a very good reason because there is a huge issue, one that we must focus on for a minute, when it comes to the responsible spending of taxpayers money and the responsible use of services such as the health services because the concern expressed by the doctors in the territory is that with no requirement to pay any money for the vast majority of medical services, the concern is that people will be running to their doctor on any excuse and that will place a strain on the system and that will lead to the need for more services and the Medical Council feels that that has been, in fact, what has occurred in parts of Canada where premiums have been abolished and, of course, in Britain.

If this government does not then spend even more money to accommodate this abuse of the system, then what really happens is the quality of the service deteriorates for all.

We have seen that deterioration of service. We have that example and we have seen it elsewhere. We have seen it in Britain, we have seen it in many of the provinces and we have also seen the growing dispute about who is going to pay for this growing machine that is out of control, the hospital and medical health services that we enjoy in Canada. There is already an ongoing battle between the provinces and the federal government in this regard, and I am sure that we are no different and we are going to end up arguing that same financial issue.

The Member for Faro, on behalf of the Liberals, I guess, and the Liberals of the territory, stood up and was very proud of the fact that medical services would cost even less than in the past because of this measure. That is just not what empirical evidence tells us.

The concern and the view of the doctors in this territory is that because people will pay nothing, they will use and abuse the system. That will mean a deterioration in service or an increase to government in costs. I do not believe that the people of the territory want to see the costs of medical services skyrocket in the future. I do not believe that responsible Yukoners want to see the medical services deteriorate. I do not believe that many responsible Yukoners begrudge paying medical insurance for a small part of the costs their families may incur. I have already said, but it bears repeating, that certainly no business group has made that argument, at least to our knowledge on this side of the House, excluding the Member for Faro.

When we reach the end of the first three years of formula financing, and the time has come to conclude negotiations with the Government of Canada as to where we go from there, and we go to them saying that we abolished medicare premiums, that is not going to stand us in very good light, somehow. The federal government has been fighting a huge deficit and taking unpopular measures to try to bring that ravenous, beastly federal deficit under control after years of squandering of money by the Liberal federal government has brought Canada to its knees. The federal government has had to try to find ways to attack that problem, many of them unpopular, such as imposing user fees on people for services that were heretofore were free, such as looking at programs that could be cut back, such as looking at ways in which they could raise taxes both

on corporations and on working individuals.

I do not somehow think — and I did not come down the Yukon River in a wheelbarrow — that they are going to look too kindly on this government that has been spending money like never before and had absolutely no problem eliminating medicare fees without really being able to point to a good justification for doing so. I guess the government will tell them to find a way of solving the deficit, we cannot help them, but we need more money.

<sup>31</sup> I do not, for a minute, think that that is going to do much for negotiations. I do not think that they will look at it with anything less than grim realization that this government has just had it too good and that the burden for deficit reduction ought to be spread more evenly throughout governments in this dominion of ours.

I had hoped that we would have the opportunity to discuss this matter at a more leisurely pace in Committee of the Whole. I suppose we will find an opportunity, once the Order-in-Council is *fait accompli*, to do that in the spring. I had hoped that when the motion was put forward by the Minister of Health, and she had her opportunity to lay down the reasons for it, I had hoped that we would find some real need for this measure. I had hoped that we would have had a more comprehensive financial explanation from that Minister.

I had hoped that we would leave this debate not feeling that this is one of the remnants of the sweetheart deal made by those who wanted to enter into a *de facto* coalition government, the Liberals and the NDP, the deal negotiated by their lawyers for several weeks behind closed doors — lawyers in the same law firm. I guess there was not a conflict of interest because we cannot see where there is any difference at all between these two parties, from where we sit.

I had hoped that we would really feel comfortable about the financial future of Yukon and about the methodology by which this government intends to come down from its spending highs to touch *terra firma* with more than just their toes and another bounce upwards. We had hoped that we would feel assured that there would not be a sales tax imposed as a result of these kinds of actions. We had hoped that there would be some kind of empirical data or measures proposed that would ensure that the system would not be overused in frivolous matters by the public, as has happened in other jurisdictions.

We had hoped that resolutions by business groups would have been brought to light that would show that they were concerned about the bookkeeping involved in paying medicare premiums. We had hoped that there would be some justification for dismantling all that computer work and other work that went into the medicare premium collection plan and the resultant data that is used for so many factors, such as economic indicators in the territory.

<sup>32</sup> We had hoped that we would perhaps be able to ascertain what this government had thought about the impact this measure would have on the negotiations in the future when it comes to renewing the budgetary contract with the federal government in 1988 and beyond. We were ravenous for some information and some assurances and we leave this debate not starving but very, very hungry indeed.

**Hon. Mr. McDonald:** I appreciate the applause from the opposition side of the House.

I have been in the Legislature for the last few days listening to Members speak their minds on a variety of topics, a very elucidating experience because as Members drone on and on, they start to scrounge for information and ideas and ultimately come up with an expression of true beliefs about various topics, and I find that fascinating. I do listen regularly to what Members say and have found that now, at least, there has been no real need to express myself, but I must admit that what has been said this afternoon bears some comment.

The Leader of the Official Opposition is fond of making statements which he is not prepared to substantiate, but which certainly do ring true as good rhetorical points, and I am always fastinated by his style, but I am convinced that the Yukon public will be able to discern fact from fiction when it comes to actually determining whether or not they believe the things the Leader of the Official Opposition is stating. Simply repeating things does not

necessarily make it right or true.

Now you hear constantly about the comparative analysis between the Bennett and the Barrett government and how the allegations are made that the Barrett government left the finances of the British Columbia government in a shambles and how Bennett, the responsible administrator, has left the BC government in good financial condition. Yet when you actually get down to the facts and the figures and determine the sort of legacy the two premiers left their government, you recognize that David Barrett left a deficit of \$200 million and you realize that Bill Bennett left his government with \$2 billion as a deficit, you begin to understand that perhaps what the opposition says is not worth anything, is not credible at all.

“ Maybe we should all be very careful about accepting anything that the Opposition says if they are not prepared to substantiate allegations such as that.

Then you have the nice rhetorical points from the Leader of the Official Opposition about the cost of hospitalization being a machine out of control, a great ravenous beast that is fighting with all the provincial governments, a stinging indictment on hospitalization in this country. Is there a shred of evidence to back that up? Not one thing is presented in this debate to back that up. I understand what the Members are doing. It is pure rhetoric. There is no intention to do any of the homework that is necessary to engage in debate like this.

Let us ask about the preparation time for a debate like this. This is something that has been on the public agenda for a year-and-a-half. It has been something that has been on my party's agenda for much longer than that. For the Member for Porter Creek East to go out and consult with the public is the equivalent to crawling the gutters and the back alleys of Yukon. For some reason, . . .

#### Point of Order

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

**Speaker:** Point of order.

**Mr. Lang:** I noticed that prior to this speaker there was no call for a point of order on either side. I would just point out that you, yourself, mentioned it earlier today, under 19(1) a Member may be called to order by the Speaker if that Member imputes false or unavowed motives to another Member. I would say that would come under that particular section.

**Speaker:** On the point of order, there is a point of order on the floor. There is a point of order and I would like the Member to withdraw his remark, please.

**Hon. Mr. McDonald:** I would like to respond to the point of order before you rule on it.

**Speaker:** Would the Member wish to continue?

**Hon. Mr. McDonald:** I am not sure what I am supposed to withdraw. Whatever it is, I will comply with your ruling and withdraw it.

The Member for Hootalinqua suggests that there is empirical evidence to show that people abuse the system in a situation where premiums are not paid. Is there a shred of evidence after having a year-and-a-half to prepare for this debate. Is there a shred of evidence? There is not one shred.

The Member suggests that the system deteriorates when there are no premiums paid as a direct tax on the taxpayer. Is there a shred of evidence, other than pure, unsubstantiated allegation? No, there is no evidence. The Member suggests that the costs of medical services skyrocket. Is there any evidence? There is no evidence to that, either.

What I would like to do is to briefly discuss what it is we are discussing here. We are discussing the fairness of a particular kind of tax. We are discussing whether or not it is fair to charge a person who is making \$15,000 the same, for a particular service, as a person who is making \$80,000.

“ Irrespective of whether or not they are the elderly, or a person who qualifies for social assistance, we are talking about a basic sense of whether or not it is fundamentally fair to charge a working guy who makes \$18,000 a year, does not get any benefits like the cost of medicare covered by his employer, and a person, like the

wealthy lawyers and doctors in the community who are making \$80,000 or \$100,000 or \$120,000 and still pay the same. As one Member of the Legislature, I say that that tax is unfair.

I do disagree with the Members of the Conservative Opposition. They seem to think that that tax is fair. That is right and just. I disagree. I do not think it is fair. The whole system of taxation in this country is based on the progressive tax model. That is a principle that we have come to adopt in this country. The Member for Porter Creek shakes his head, “No that is not a system that we have adopted in this country.” Let me tell the Member for Porter Creek East that in any Legislature in this country where there is a taxation system, we have accepted the principle that the more a person makes, the more a person contributes, on a progressive basis, to society through taxation.

There is a philosophical difference between the two sides, and I accept that. I am prepared to state it publicly. I stated it in many election campaigns. I do not believe in regressive taxes like this. As a matter of principle, I will vote against it. The Member for Riverdale South brings up all kinds of little points that should be discussed, and they will properly be discussed in the O&M Estimates. When it comes time to discuss the basic principle of whether or not we, as legislators, the representatives of the people, are going to defend the *status quo* or are we going to opt for a progressive tax system where we speak out against having a person who is making \$18,000 a year paying the same as the wealthy lawyer who making \$100,000 a year.

I am speaking out against that. I think that is unfair. Some of the points brought up by the Member for Riverdale South are niggling, and some of them are important points that should be debated in this Legislature, and they will be when the O&M Estimates are brought forward, but the Member has used this time in the House, not only to debate the principle, but to suggest that we should negate the principle because we have not had a chance to debate every single little point.

I, as one Member of this House, am saying that in point of principle, I will tell you where I stand. The Member for Hootalinqua constantly brings up this bugaboo that the government is on a spending spree, is a drunken sailor out on a spend, spend, spend campaign, that there are huge increases in the Capital Budget, the so-called \$17 million deficit. By saying that, the Member is saying that we should not be spending this money. He is saying that any suggestion that we are spending the money is an irresponsible thing to do. We should not be spending the money because the federal government needs it.

Let me restate the point once, because it clearly has made little impression on the Member for Hootalinqua: the federal government transferred funds to the territory because it had faith in our economy. It told us to improve our infrastructure, improve our economy, that they had faith in our economy, that the federal revenues will climb, that the Yukon's share will climb, that if the infrastructure improves, the economy will improve. What we have instead is a Leader of the Official Opposition who shows no faith in the territorial economy.

“ The Member feels the money that has been invested in this territory is better spent elsewhere but not in the economy of the territory, and made it very clear both in the capital budget and at any opportunity that he has had, whether it is medicare premiums, the Capital Budget, the Capital Supplementaries, that he thinks the money is better spent outside the territory. It is not spent here because when it is spent here it is being spent irresponsibly.

I am one Minister who has budgetary estimates coming forward, and I will be asking the Leader of the Official Opposition where he plans to cut the budget, because he thinks our budget proposals are spending money in an irresponsible manner. Spending money in the territory is irresponsible.

I am going to leave my remarks on an open and accountable government for the human rights debate because we seem to be using various subjects for debate for discussion on a whole variety of matters. So I will be speaking to it, but I do not know if I will be speaking four or five times as the Member for Porter Creek East might, or repeat my points maybe four hundred times, but I will certainly put my points on the record at least once.

We are talking about a basic principle here. We are talking about whether or not we approve of it or reject it. It has been in the public forum for well over a year and a half and maybe the Members for the Official Opposition have not done their homework, even though they got a 100 percent increase in their budget for research. That is fair, that is fair, but I for one am willing to stand on a point of principle and state my position on this particular measure and when the budget estimates come up and Ministers are called upon to defend the detail that the Member for Riverdale South calls for, they will be in a position to do that as a statement of principle. Right now I call on the Members to state their position, I have now stated mine.

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

**Hon. Mrs. Joe:** I expected that I would be here until this time today debating this motion. We had no problem bringing this motion to the floor of this House and as has been mentioned throughout the day by Members from this side, we did not have to bring it in here. We gave Members on the other side of the House the opportunity to voice their concerns, and it took them all afternoon. We sat here and listened to them without any interruptions. They will be on record for every single thing they said over and over and over again. I listened to the Member for Porter Creek East speak for half an hour or forty minutes. He made one speech, but he did it about ten times.

I can stand here and be very confident that we are doing something of value that Yukoners will welcome. The Members on the other side of the House stand up and speak, and they speak as if they speak for all Yukoners. Well they do not. We are here for a purpose and we are here to do certain things and we are not afraid to do them.

We spent a lot of time preparing for the abolition of these health care premiums. We did not do it overnight. It was not something that we planned to stop something else from happening. There are a lot of very important things going on in this House this session. On human rights, they have had an opportunity to speak again today and every time they stand up they will knock human rights.

This is another form of human rights. It is an inequality. The Member for Riverdale North sits there and she smirks; she does not care whether it is equal or not, whether it is equal for all Yukoners.

**Mrs. Firth:** I am not smirking.

**Hon. Mrs. Joe:** We have registered our concerns with a number of people with regard to the abolition of health care premiums.

» The Member for Riverdale North continues to speak up and interrupt. She has no consideration for anybody who has the floor. I have no problem standing here today and speaking on this motion. I am not going to speak long, because I know the time is running out. We have given the people on the other side of the House the opportunity to speak and to say whatever it is that they had to say. We will continue to consult with people who are concerned with what is happening here today.

They do not speak for all Yukoners. They speak for some, but not all. I would like to register that here right now.

*Motion No. 64 agreed to*

## GOVERNMENT BILLS

### Bill No. 99: Second Reading

**Clerk:** Second reading, Bill No. 99, standing in the name of the hon. Mr. Kimmerly. On the amendment moved by Mrs. Firth, adjourned debate Mr. Phillips.

**Mr. Phillips:** I am sort of in the same position that I was the other day, as I stood up at about 27 minutes after five and I had three or four minutes to speak. First of all, I would like to talk a little bit about the holiday that the Member for Klondike suggested. He said that he would like a two week holiday for Christmas. I would suggest to you that Members on this side of the House and the Clerk and everyone else in the House are willing to get the work of the House done and work straight through if necessary. I know

the Member for Faro is more than willing. He wants to get the work done. We will go right through and work right along. I am getting the choke sign from the Clerk.

I was just a little disappointed that the Member for Klondike was not prepared today to give us the extra three hours we needed to debate the previous motion. I am extremely disappointed that he is more interested in his Christmas holidays than getting the work done in the House. He has talking about filibuster and going on and on about filibuster. I will send the challenge out to the Member. He knows there is a great deal of work to be done. He knows there is a Capital Budget to be passed. Let us do it. Let us stay here and do our duty and pass this budget. I am sure that all of us will be that much better for it afterwards. We can put all of Yukon to work with a massive amount of money that is flown out of the territory.

The Member for Klondike said there was no problem from this side, but it is obvious that earlier he was saying that there was a problem. He did want to go home for Christmas. He did want to be with his family. I do not know why he wanted two weeks. I think two weeks is an awful long time for Christmas. I think we have a great deal of work to do and we should be here doing it.

Considering the time and that I do not want to leave all the Members sitting with bated breath waiting for my next word, I think that we should adjourn until 7:30 this evening.

I would like to get my speech in. I spent a lot of time putting work into this speech. It would be unfortunate if I started now. In all fairness to all Members, if other Members were in the same position as I was before . . .

**Speaker:** Order, please. Is it the wish of the House to recess until 7:30?

**Some Members:** Agreed.

**Speaker:** This House stands recessed until 7:30.

*Recess*

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

**Mr. Phillips:** Before I begin I should remind all Members that we are talking about an amendment moved by the Member for Whitehorse Riverdale South that has been delayed.

One of the concerns I have is about the availability of the booklets the Minister has issued on human rights. I feel that the booklets are fairly informative and allow people an opportunity to read through the booklet and interpret the Bill. I do not agree with all the interpretations, — in fact, some of the ones that are left out, more than the ones that are in — but I would also highly recommend to the Minister that these booklets be made available to everybody. I have had a great deal of difficulty getting copies of these booklets since they were first printed on December 2. My understanding today is that we have received another box of a couple hundred booklets. We only received them today. Unfortunately, we did not get them in time to get them out over the weekend to many people who wanted them. I had six or eight of my own. I sent some to Watson Lake and took some into my riding.

I still feel that it has been almost impossible for Yukoners to respond to any Member of the Legislature because, first of all, they have not seen the Bill. They have heard the propaganda program by the Minister and the other information that the Minister has put out. Unfortunately, all they have heard is what CBC or other radio stations have broadcast on the airwaves. The Minister was asked very clearly in Watson Lake, and I hope the Member for Watson Lake is also listening because the people made a very strong representation to the Minister. They said, "Give us a chance, after you have put the Bill into the House, to respond to it." People are not going to have that chance, at the rate we are going here today.

The Minister also said that the Bill would be widely distributed to all Yukoners. My understanding is that the Minister said the other day that the Bill was put in the mail. In talking to people in Watson Lake today, they told me that it takes anywhere from eight to 18 days to get to Watson Lake. It is all going to be over with by the time anyone has an opportunity to look at the Bill.

As sure as I am standing here today, I believe very strongly that the people in Whitehorse would have liked to have some input into the Bill through public meetings. The other day, when the Minister was on the radio, I listened to the program and got a very clear impression from many of the people who called in that they did want to have some input; they did want to have some meetings in Whitehorse. There was a lot of criticism directed at the Minister for not holding meetings in Whitehorse.

Again, I remind all Members of this House that over 70 percent of the population of the territory live in Whitehorse and were denied the same meetings that were given to the rural ridings. I ask all Members of the House if that is considered fair.

On a matter as important as this, I feel that we can slow down, we can give everyone in Yukon a fair and equal opportunity to examine this Bill and make their comments available to the government or to their MLAs.

α I do not mean that a one-hour talk show on the radio is enough input from people in Whitehorse, I think they deserve a great deal more than that.

Last Monday, Bill No. 99, the Human Rights Bill, was tabled. Only since then have any groups had an opportunity to comment on the Bill. At that time, I was allowed to pick up two copies, as I told the Minister earlier, and I have only picked up eight or ten since then. I received more today. It is just not enough. It seems the government has no problem spending thousands of dollars on its propaganda program distributing human rights information, but when it comes to the Bill, all of a sudden the wheels have stopped. The people are not afforded the time to look at the Bill and to respond.

I ask the Minister, what is the rush? Why is there a big rush now to get this Bill through? Are there hundreds of cases pending — people knocking at his door saying, "I have a complaint I want to register, when are we going to get this into place?" I do not think so.

Or is it because, and I note there were some comments from the Member for Klondike, it is Christmastime and people are just not concerned; people are just more involved in other things?

Recently, many groups have expressed concerns about the haste. The Minister himself stated that many Yukoners, and especially rural Yukoners, expressed reservations about gay rights. I would like to quote from a CBC newscast where Mr. Kimmerly himself said, "Many others do not like another principle, protection of gays." I quote Mr. Kimmerly, "It is expressed best, I believe, by rural Yukoners who are simply nervous about how homosexuals will be openly tolerated in the community. They want gays to stay in the closet for fear the protection of the Human Rights Bill will only encourage them to come out."

Mr. Kimmerly went on further to say that that feeling was almost unanimous in every community in the territory and yet he has put that clause back into his Bill and has given no time for response from those outlying communities.

I wonder, has the Minister really listened? I suggest to you that he has not listened. He has had, like the Member for Riverdale South said before, a cause. He is going to pursue that cause. Sure he is going to ask Yukoners what they think, but, unfortunately, what we are going to get is exactly what the Minister planned to put into the Bill in the first place.

Other groups have expressed concerns about the Bill. Have they had an opportunity? Several local church leaders expressed reservations. Has the Minister listened to them or given them more than 10 minutes or half an hour of his time to comment on the Bill? The answer again is no, the Minister has not.

The Chamber of Commerce has asked the Minister clearly to delay the Bill. I would like to quote from a letter the Chamber wrote to the Minister on December 3. "As indicated earlier, the Chamber still requests that you delay passage of the Act until the Spring Session. The matter of human rights legislation is far too important to rush into without full discussion. All concerns will be addressed before the final reading." That is signed by Bill Wray, President of the Chamber of Commerce.

α I suppose that again the requests of the major Chamber in the territory that represents a lot of business people is not going to be

listened to. Many residents of my riding, Riverdale North, have told me very clearly that they are not against human rights, as I am not against human rights. They are fair, reasonable people. What they do not understand is what this legislation will do to them or how it will affect or change their lives.

They simply want an opportunity to read the Bill and its explanations, to meet publicly or privately with the Minister, to discuss their concerns and ask some questions. This piece of legislation is far too important to be rushed by Yukoners. Most of rural Yukon will not have an opportunity to read this until now, and even today do not have the opportunity to read it. Because of the distance, especially with the importance of this legislation, there is no way, and the Minister knows that, that they will have an opportunity to get back into this House and comment on the legislation that is before us.

The Minister and all Members must take this into consideration on voting for this motion. This is a law that will be with us forever, and if Yukoners do not feel that they were heard or had an opportunity to be heard, I am sure they will be sending a very clear message to all Members in the next election.

**Mr. Nordling:** I rise today to support the amendment asking for a six month delay, or, as the Minister of Renewable Resources puts it, a six month hoist. My submission is that this is a good compromise, that we have been discussing this for well over a year — well over a year — and now the Bill comes before the House, only one week ago, and we are into second reading. After one year of speculation, I do not think that six months would hurt the government, although they may giggle and laugh on the other side.

A year ago there was a Bill brought in that was ill-conceived, ill-drafted and caused an uproar. There were two public meetings held. The meeting at the Sheffield was a mish mash. No one could sort anything out of that. By the time the second meeting was held at the Takhini School, the lines were drawn. Those who supported the Bill sat on one side of the room; those who were against it sat on the other side. It did not take long to divide Yukoners.

Fortunately, that Bill was withdrawn. One reason, I suspect, is because there was a by-election to be held in Porter Creek West, and another because there were other Members of the government who saw problems with that piece of legislation and the turmoil that it had thrown the Yukon into. In the spring, the campaign started with a White Paper and a green paper. There were fact sheets, radio ads and newspaper ads. There were information booklets. Some of these were printed by the thousands, some only one hundred at a time.

α Some people got to look at them, others did not. Coalitions were formed. Interest groups began hollering. All this was done on speculation of what was to come in this Bill that was tabled last week. No one knew when they started to fight with each other and make their representations what the Bill would contain. There were representations. The Minister, though, was keeping an open mind. He was going to listen to everyone. So, people who made representations and made noise thought that they were going to have some input.

The Minister was not listening to the people. He did not want to hear what they had to say. He was educating them, a word that has been used quite often by this government. Just the other day in the paper, one of the Executive Assistants said that the government planned to educate the public with respect to seatbelts. Well, this was an education campaign *par excellence*. To date, a fortune has been spent on this campaign. And, that is just a rough estimate.

Then, after the campaign is over, a campaign that ended November 24, 1986, the Bill, which is now before us, was tabled in the House December 1. Three days later we were into second reading. Five days before we were into second reading, the Minister told us that he did not know what was going to be in the Bill, that it was up for Cabinet approval.

The Bill still has not reached the outlying areas, as has been represented here. The people in Mayo, Dawson City, and Watson Lake have not had time to look at the booklet, study it and make their representations. These are the people whom the Minister was going to listen to and get input from to help him in drafting this

Bill. I do not think that he was interested. Maybe he is. We will see if he speaks on this amendment.

During my election campaign last February, people wanted to know about human rights. They wanted to know what was going to be in the new Bill, and whether the Minister was going to bring it back again. Well, it has been brought back and now, without those people having an opportunity to look at the Bill and meet with Mr. Kimmerly, the Bill is being read a second time.

A lot of my constituents did not attend the meetings in Whitehorse, the two that were held. I was looking through the newspaper the other day and saw a letter in the *Yukon News* dated November 19, 1986. I cut it out, and I am going to read it into the record, because I recognize that the author is one of my constituents.

The letter is headed: "Don't Deny Us This Opportunity

"Dear Editor:

"I have read that Mr. Kimmerly is now wanting to drop all talks and meetings in Whitehorse relating to his human rights legislation. "I, and other citizens, do not think this is the kind of government we should have. Human rights is something that all of us should have. We should have the chance to go to meetings and do our bit to make our country better. For this reason, we believe that meetings should be held in all ridings in the Whitehorse area. Why should a citizen be forced to go and sit in Mr. Kimmerly's personal office, where we feel jittery and unsure of ourselves. Citizens would be more comfortable with their friends and neighbours. They would at least be able to feel a little better about being there and helping the other citizens. Surely Mr. Kimmerly does not want to deny us this opportunity.

"Yours truly, Walter Giffen."

It is obvious that this man's request is not going to be granted. On behalf of my constituents, I did request that meetings be held in Whitehorse and, in particular, in my constituency. On November 14, I received a letter back from Mr. Kimmerly in reply to my request.

It says, "Dear Mr. Nordling:

"I have received and considered your letter requesting that I hold a public meeting in your riding to discuss human rights issues and the implementation of protections. As you are no doubt aware, I received virtually identical letters from the other Whitehorse area Members of your Caucus. My response to them is the same as to you.

My initial reaction to your request was, quite frankly, one of some surprise. I now have, and always have had, an open door policy in my Whitehorse office, so I am sure that any Whitehorse residents who wish to express their views or pose questions to me have had ample opportunity to do so, certainly dozens of individuals and groups have done so.

"It is my view that private meetings are the appropriate vehicles for getting input and feedback from Whitehorse residents, while the logistics of travel and geography make one-shot public meetings the appropriate forum for rural Yukon."

Now, take note of this line that we have heard so often from the other side and, especially, the Government Leader.

"Clearly, this was the view of the Pearson government Cabinet, which travelled regularly to rural Yukon for public meetings, but never held a public meeting in Whitehorse."

A common theme. Our Question Periods have turned into discussions as to what the previous government did. Mr. Penikett's philosophy seems to be two wrongs make everything right.

To carry on with the letter, Mr. Kimmerly goes on to say: "Because there has . . ."

**Speaker:** Order, please. Would the Member refrain from naming Members, and say "Minister".

**Mr. Nordling:** The Minister of Justice goes on in his letter to say: "Because there has been, and continues to be, more than sufficient time available in my schedule to meet with residents of Whitehorse who wish to make specific representations to me concerning human rights, I am led to question your rationale for proposing public meetings. It is clear from all of the literature and experience in public participation processes across the continent, that large public meetings, although somewhat quicker and easier to

arrange, provide less opportunity for dialogue, feedback, getting ideas and solving problems or, generally, for two-way communication than do small groups or individual meetings."

Obviously the Minister has changed his tune from a year ago.

"Unfortunately, "I am led to conclude that your Caucus' push for public meetings in Whitehorse is based on a partisan attempt to engineer an opportunity for a few people to grandstand rather than in an effort to ensure that I receive the views of concerned Yukoners. I will not be subject to such manipulations." This is from the master of manipulation. The Minister goes on to say, "I reiterate that I am most willing to meet with any residents of Whitehorse who wish to express their views to me, and I am also seriously reviewing all of the input that I receive in writing. I assure you that any of your constituents who wish to express their views will be listened to.

"Sincerely,

"The Minister of Justice"

Obviously the Minister just is not that serious, and I would echo the concern of Walter Giffen with respect to public meetings. The Minister spoke of the dangers of fostering racial discord. There has been huge turmoil created. My submission is that we should watch for six months and see what happens with the Human Rights Bill. Let the people have their input and let the situation calm down.

I believe that we are in a similar situation here as we were with the issue over native courtworkers. With respect to the native courtworkers, the Minister could not wait 60 days. He was going to cut the funding off with three days' notice, he was in such a rush. Now, a year-and-a-half later, the Minister comes forth to tell us that something will be done six months from now. The Minister of Justice waited two years to do anything about the native courtworkers and now within a week or two after tabling this Bill, the Bill that we have not seen and rural Yukoners still have not seen, he wants us to get on with a second reading. We could not wait three days.

We do have the *Fair Practices Act*. As inadequate as it may be, that is a stopgap measure. It protects the vast majority of Yukoners from discrimination, and I am sure it could do so for another six months if Mr. Kimmerly, the Minister of Justice, is truly interested in hearing from Yukoners with respect to the Bill that he has tabled.

We recognize the need for human rights, and we believe in human rights. In fact, the Conservatives started the process. The Minister is not being intellectually honest when he says that human rights were nowhere before he came on the scene.

From listening to the Minister of Health and Human Resources, she believes him. Obviously the Minister of Health and Human Resources had not read the existing legislation either.

I do not know what the Minister hopes to accomplish. Perhaps he wants to be famous. Perhaps he is creating a huge problem that he can solve. Perhaps the Minister would like to go down in history alongside John Diefenbaker, who introduced the Bill of Rights, and Pierre Trudeau, with his *Charter of Rights and Freedoms*. In the Minister of Justice's first speech, he put great emphasis on the fact that this would be the first time in history that the Yukon will have a Bill of Rights that is paramount to other legislation. I suspect that the big push to get this *Human Rights Act* passed is that the Minister is not confident that he will be around after the next election and will lose out on a chance to go down in Yukon history.

My constituents desperately want to be heard and to have a chance to review and digest the Bill. They want this because they thought that the Minister had promised them that. This government has set up task forces, done studies, hired hundreds of thousands of dollars worth of consultants, and now at the most critical time of all for the people concerned, the government has decided that they have listened enough. I am sure that my buddy ridings of Mayo and Whitehorse North Centre would like to be heard before this Bill is passed, not after.

I am sure they would like to hear from their Members, the Member for Whitehorse North Centre, the Minister for Health and Human Resources and the Member for Mayo. I am sure his constituents would like to hear from him and want him to explain the Bill and its implications. My constituents me to meet with them to explain the impact of the Bill, to hear them out and be able to



come back to this House and express their opinions and their views before, not after, the Bill has been passed.

There is plenty of work to do, as all will testify, in this House without the Human Rights Bill being debated at this time. My submission on this amendment is that a six month hoist is necessary to carry out our duty and our responsibility as Members, and the promise that the Minister made to all Yukoners that they would have their input and would have a chance to comment on what would go in the Bill. We need time to compare the wording with the wording used in other jurisdictions and to look at the problems that they have had and their successes. Perhaps this is ideal. It may be the most perfect Bill that has been tabled in Canada or the Western World.

☞ We would like the chance to look at it and judge for ourselves before we are forced to vote on it.

Many Yukoners are occupied with Christmas, which is just around the corner. It is common in the parliamentary system. It is a sneaky trick to pass legislation, perhaps controversial legislation, just before Christmas. I know that one year the federal government took the import tax off ballet shoes the day before Christmas. It might have been controversial but, the day before Christmas, no one cared. I believe the import tax is still off ballet shoes. Yukoners will be living under this Human Rights Bill for a long time to come.

We have a duty, as Opposition Members, to scrutinize and comment on what the government is doing. We must do that. The *Human Rights Act* is an important one. The *Lottery Act* was not so important. After two or three questions, the Minister just set it aside, saying it is not that important; we will deal with it some other time. That is what we would like to hear from him with respect to this Bill.

If we are going to push anything through the House before Christmas, let us make it the Capital Estimates, so the government departments can get on with working on the O&M Budget for the spring session.

It has been said that the people of Whitehorse have had their public meetings. Several phone calls on Friday to the Minister's phone-in show, said, "Mr. Kimmerly, did the people of Whitehorse not get their chance at public meetings?" The Minister agreed and said, "Yes, they had two meetings." Those meetings were with respect to an entirely different Bill, a Bill that was withdrawn. We are talking about a new piece of legislation.

To be fair to the Opposition, to be fair to Yukoners, I think that this Bill should be delayed and considered on a date six months from now. I will be supporting the motion.

**Mr. Webster:** I rise to speak to the amendment and, also, to clear up some confusion on the part of the Member for Porter Creek West. The Member for Porter Creek West rose to speak in support of the amendment because he thought it represented a good compromise. There is no compromise here. The Member for Porter Creek East had suggested a compromise. He is not in favour of waiting six months to debate this bill. On Thursday afternoon, and I will quote from *Hansard*, "The fact that he could bring it back in on April 1. That is not six months from now." That is his suggestion.

I can understand the Member's confusion when, on one afternoon, three different members of his caucus proposed three different times to delay debate on the bill. First of all, I am talking about the motion to delay debate until Monday, which is three days. Now the amendment before us is to delay debate for six months.

☞ I can understand the Member's confusion. The filibuster is working. It has more than one Member on the Official Opposition totally confused, and I say let us end the confusion and begin second reading and debate on this Bill.

**Mr. Brewster:** I am rather shocked. The young man from Klondike who went around with me as Chairman has now become a politician. He is saying absolutely nothing and is twisting words around. Confusion is right; I am beginning to wonder which side of the House. I wonder if we can think back to when we tried to get *The Children's Act* through here. Maybe a few people over there should look in the mirror once in a while.

I rise to speak on the amendment to this motion. I do not like being stampeded. I do not believe the Yukon public likes it either. This Bill, the most controversial Bill ever presented in this House, was only tabled last Monday. People throughout the Yukon have not even seen the Bill yet. Copies of the Bill are not available. People in Haines Junction, Burwash, Destruction Bay and Beaver Creek do not even know what we are debating. On Thursday, my wife was in town and we photostated two copies of the legislation. She took it home, and Friday morning was the first time that the Village of Haines Junction had ever seen it. There were two copies for five members.

How come the Minister of Justice could take all the time he wanted to go throughout the Yukon to various communities, with the notable exception of Whitehorse, trying to lecture people on his human rights principle. Is this an example of this government's view of democracy? It may work in Manitoba, but it does not work in the Yukon.

I remind the Members opposite that although they now have a majority government due to another personal tragedy, they do not have a mandate to do what they are trying to do. During the last election, they did not seek a mandate for their position on human rights. I know that when the Government Leader was asked to deal with the controversial issue of bilingualism in the Yukon, he said he did not have a mandate. What gives him a mandate to deal with this controversial issue? The government has no mandate, and they know it.

The government brags that it is a government that listens. They may listen, but they certainly do not hear. They are not doing what the majority of Yukoners want them to do regarding human rights. I am proud to be a Canadian, and I am proud to be a Yukoner. I have served with both my country and my community. Human rights are not dependent on a piece of paper or even on a law like the one we are debating here today. The Soviet Union has a Charter of Rights, but it has not done the Soviet people any good.

Human rights are dependent upon the will of people, upon their tolerance and understanding, and that is why I am particularly proud to be a Yukoner. Yukoners are very tolerant, very understanding people. That is one of the major reasons why I made the Yukon my home. That is why I chose the Yukon as the place to raise my family. That is why I became an MLA to serve by fellow Yukoners.

I hear on the radio that some outsiders are calling us names. They do not know us or understand us. If they knew us, they would not make these silly statements. We do not need human rights legislation that is trying to outdo Manitoba or Ontario. What we need is a practical, commonsense approach to human rights. We need a made-in-the-Yukon Human Rights Bill, a law that will meet Yukoners human rights' needs. Bill No. 99 simply does not fit. Bill No. 99 is not what we need.

We, on this side of the House, have been accused of not believing in human rights.

☞ As I have already pointed out, nothing could be further from the truth. As the Minister of Justice, on occasion, has pointed out, it was this side that started the human rights review process, and, further, on November 18, we released our position on human rights entitled, "Human Rights, A Practical Approach". We offered Yukoners a positive alternative, a second choice. I challenge the Members opposite to give Yukoners the opportunity to consider both positions and to indicate which position they prefer. Give the Yukoners time, time to read the various options, to weigh the implications of each and to make up their own minds. Let us see some true democracy in the Yukon.

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

Are you agreed?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** Disagreed.

**Mr. Lang:** Division.

**Speaker:** Division has been called. Mr. Clerk will you please poll the House.

**Hon. Mr. Penikett:** Disagreed.

**Hon. Mr. McDonald:** Disagreed.

**Hon. Mr. Porter:** Disagreed.

Hon. Mrs. Joe: Disagreed.  
 Hon. Mr. Kimmerly: Disagreed.  
 Mr. Webster: Disagreed.  
 Ms. Kassl: Disagreed.  
 Mr. Phelps: Agreed.  
 Mr. Brewster: Agreed.  
 Mr. Lang: Agreed.  
 Mr. Nordling: Agreed.  
 Mrs. Firth: Agreed.  
 Mr. Phillips: Agreed.  
 Mr. McLachlan: Disagreed.

Clerk: Mr. Speaker, the results are six yeas and eight nays.  
 Speaker: I declare the amendment defeated. Is there any further debate on the main motion for second reading?  
*Amendment negated*

Mr. Nordling: This Human Rights Act is a sweeping piece of legislation that goes far beyond basic freedoms and is very specific in detailed provisions. It establishes a whole new and separate bureaucracy called the Human Rights Commission to investigate and enforce the provisions of the Bill. The Bill has provisions that are still being wrestled with and untried in jurisdictions far older than our own.

This brings us to the biggest problem. We are all in favour of human rights. It is a noble concept. Unfortunately, at the stage we are at today, the giving of more rights to some must, of necessity, mean the taking away of rights and freedoms of others. Therefore, we must strike a fine balance and Yukoners must not be approached with a sledge hammer. My fear is that the proposed legislation is, as the Leader of the Official Opposition has said, an iron fist in a velvet glove. In the Yukon we have the *Fair Practices Act* as I have said, the provisions of which protect the vast majority of Yukoners from discrimination.

<sup>11</sup> We also have the *Labour Standards Act*, which provides for equal pay for similar work. It is fine to say that a job should pay its worth, but what does the term mean? This is a complex problem, as the market system says that a job pays the salary required to attract persons to do that job. This is fair, as long as everyone has the same opportunities. Real equality is not achieved through making laws. It is achieved through equality of opportunity. Let us assure that all people have the means and the opportunity to compete honestly for all jobs, then let the marketplace do its job.

Let us first identify the real problem we wish to solve, and attempt to solve these problems, not create a whole new group of problems through heavy-handed legislation. Let us also show some respect for the home and people's privacy and put some reasonable limits on the legislation. Enforcement is the key to any legislation, and legislation is only as effective as its enforcement.

Before this Human Rights Bill is passed, we must examine things like what rights are being taken away; what powers the investigators will have; who, exactly, can lodge a complaint. Despite all the White Papers, green papers, fact sheets, despite the whole propaganda campaign, Yukoners are still no wiser as to what the effect of the Human Rights Bill will be on them.

The NDP government and the Minister of Justice have attempted to manipulate the public. I would urge Members of this House, and the public, not to succumb to the weight of that propaganda campaign. I would urge Members not to allow this Bill to be shoved through.

The government should go back to the public, talk to them and come back with a Bill that they can say is supported by all Yukoners, and a Bill that can be agreed to by all Members of this House.

Mr. Webster: I rise to speak in favour of this Human Rights Bill and its principles, and with an intent to encourage Members opposite to assume a more civil and reasonable approach to the debate of the principles of this Bill. I want to stress civil and reasonable approach in debating these principles which, coincidentally, is the purpose of second reading by Members of the Yukon Legislative Assembly.

I was a Member of the Select Committee on Human Rights,

which was given the task in its term of reference to review Bill No. 58. That select committee was struck over a year ago. We met in Committee; we had a public meeting in Whitehorse to get Yukoners' views. We had some public meetings in some northern communities in rural Yukon, then returned to Whitehorse for another public meeting. There were a lot of concerns raised at those meetings, associated with a lot of problems with the Bill, and I freely admit that.

<sup>12</sup> I, with other Members of the Committee, requested that the Bill be withdrawn, but since then a new Bill has been prepared based on public input, community consultations, a tour of the Yukon; based on discussions with Chambers of Commerce, community groups, city councils; and in Whitehorse many, many discussions by individuals and groups with the Minister. The result is Bill No. 99, which contains a number of changes from Bill No. 58. I think that we must all recognize that, and most of them address some of the real concerns that were in the original Bill.

For example, criminal charges and criminal records relevant to the nature of employment are considered now reasonable grounds for discrimination. One can refuse an individual a job in one's home or accommodations in one's home. The exempted clause has been expanded. Now, for example, a church can insist that an employee handling religious matters be a practicing member of that faith.

Equal pay for work of equal value has been restricted to the public sector. The Commission, independent of government I might add, has no power of search and seizure. So these are a few of the changes from the old Bill No. 58 to the new Bill No. 99 before us.

Basically this new Bill contains all the basic principles contained in all the human rights legislation found in all the jurisdictions in our country. Basically, it prohibits discrimination of minority groups in our society, it affords the basic civil liberties to every citizen of our society, and it calls for striking a Human Rights Commission, designed to enforce the legislation to help ensure that every individual of society has an equal and fair opportunity to attain success.

Therefore, I fully embrace all those principles, and I want to go on the record as fully supporting this bill.

If this piece of Human Rights Legislation, Bill No. 99, is so perfect why then all the controversy. As Members of the opposite side have said and the Member for Porter Creek East especially, why the great upheaval throughout the territory that has divided Yukoners?

Controversy is nothing new with the introduction of social legislation in our country, and I wish to just go back in history a bit, not to the dark ages, which you have already spoke about in great detail, but some recently modern history, like the womens suffrage movement. This is a very simple principle, and it said basically that a woman is equal to a man in the sense that they make the same contributions to the country and its development, and that a woman is affected by legislation enacted by politicians to the same extent that a man is; a very simple principle.

In 1916, when Manitoba, Saskatchewan and Alberta introduced this principle of giving women the right to vote, there was a great deal of controversy. Give the women the right to vote, some claimed, and the next thing you know is that they will want to run for public office. Give them the vote and they will think they are independent, they will want to start their own business.

There was an argument made by the critics that by giving the women the right to vote they were getting special rights, they were getting extra rights, because it was quite conceivable that a woman's vote would cancel that of a man's vote and he would lose his rights, he would lose his influence.

So this principle was debated on those grounds with this extra rights versus diminished rights battle going on then just as it is going on now.

<sup>13</sup> This is just as ridiculous now as it was ridiculous then. Within three years, despite the controversy, four other Canadian provinces and the federal government gave women the right to vote. Why? Because most people saw it as being fair and just. It was simply an idea whose time had come.

The matter of medicare, again another very simple principle,

which stated that every individual, despite his social economic status, should have access to the basic, medical treatment. When this was first introduced by the first socialist government in North America in the 1930s, it met with a great deal of controversy. Many people and doctors threatened to leave the province when it came into effect. When it did, some of them did leave the province. But, within 10 years, most provinces followed suit because they too saw that there was a need for it, that it was fair and just. It was another idea whose time had come.

So it is today with some new issues like the one of equal pay for work of equal value. This was first introduced by the federal government in 1977. Again, I refer back to the comments made by the Member for Porter Creek East last week who wondered aloud if this was a Marxist principle, philosophy, a concept so heartily endorsed by the present federal Tory government. I throw out that example to show how unreasonable, how ridiculous the debate on this Bill can be at times. Two weeks ago, the Ontario Legislature introduced this principle of equal pay for equal value to the private sector to be phased in over a six year period.

Sexual orientation freedom has been in effect in Quebec for at least 10 years. Again last week in Ontario, at Queen's Park, Members of the provincial parliament there passed a motion that made amendments to their human code that also included sexual orientation as a grounds to prohibit discrimination. Perhaps the time has come in the Yukon for these two principles. I believe that because despite the Bill being tabled over a week now, there has been no opposition to either of those two principles from the Members opposite. They have not personally objected to these two principles.

I said, "Up until now." I think I know why. The Member for Porter Creek East referred to the education process, the pink booklets, the green ones and the blue ones. I think it has had some effect on the Member opposite, some obvious benefits. If this is the positive effect that such an education program can have on Members of the Opposition, it is worth every penny.

Further to that, I am very pleased to see that education is a role of the proposed Human Rights Commission. I listened very carefully last week to the Members opposite in their debates on the Bill, or debates on the amendments.

The Member for Riverdale South stated that every politician runs because they have a cause. I am directly quoting *Hansard*. Obviously, most of them do.

Some of them do, but I certainly do not. I did not run for a cause. I did not run to become popular. I did not run because I love commuting between Dawson City and Whitehorse. I am in public office because it is an opportunity to work with a government that will implement programs, introduce legislation and undertake projects to promote the social and economic wellbeing of the territory.

Since the Yukon New Democratic Party took office one-and-a-half years ago, I believe it has taken on this responsibility head on and established an excellent record. There are examples of many new programs. There have been many in the fields of education, social services. Today, in this House, we just witnessed a new one: the Home Care Program.

We have undertaken some major projects, probably the most significant being the reopening of the Cyprus Anvil Mine. That was not easy. That met with some controversy about how much money this government was putting up, the federal government was putting up. It raised new issues: some very legitimate ones like safety of the travelling public on the Skagway Road. This government met them head on. I believe the introduction of legislation such as this human rights legislation, will have the same effect. It will advance both the social and economic wellbeing of all Yukoners.

When I look back at my term in office, I will look with pride at this achievement.

I am proud to be part of a government that has the courage to introduce this excellent piece of human rights legislation. I urge all Yukoners to read it carefully, and I ask Members of the Official Opposition to take a civil and reasonable approach in debating its principles.

**Mr. Brewster:** I have heard enough talk about Bill No. 99, therefore, I move that the motion be amended by deleting all the words after the word "THAT", and substituting the following therefor:

this House declines to give Second Reading to Bill No. 99, entitled the *Human Rights Act*, because this House disagrees with the following principles:

1. the establishment of a Human Rights Commission with broad and undefined powers;
2. the inclusion of sexual orientation and criminal charges or criminal record for protection under the prohibited grounds;
3. the referring of the question of Equal Pay for Work of Equal Value in the private sector to the Human Rights Commission; and
4. the laying of complaints by third parties."

I propose this amendment because it gets to the heart of the problem of Bill No. 99.

**Speaker:** It has been moved by the Member for Klunene THAT the motion be amended by deleting all the words after the word "THAT" and substituting the following therefor:

this House declines to give second reading to Bill No. 99, entitled the *Human Rights Act*, because this House disagrees with the following principles:

1. the establishment of a Human Rights Commission with broad and undefined powers;
2. the inclusion of sexual orientation and criminal charges or criminal record for protection under prohibited grounds;
3. the referring of the question of Equal Pay for Work of Equal Value in the private sector to the Human Rights Commission; and
4. the laying of complaints by third parties.

**Mr. Brewster:** I propose this amendment because it gets at the heart of the problem of Bill No. 99. The Yukon does not need a human rights commission with broad, undefined power. Heaven knows we have enough investigators already poking and prying around in other areas, so we do not need more of them investigating every aspect of our public and private lives. Just the other day, for example, the *Gas Burning Devices Act* was tabled, which authorized an inspector to enter any premises and to obtain search warrants, et cetera. This is just to hook up a propane stove. You can imagine what the human rights inspectors are going to do. One thing is for sure. They are going to have to stand in line waiting for the other inspectors to finish their job.

Yukoners are already overregulated. We do not need another layer of investigators and inspectors all looking over our shoulders to see that we are behaving ourselves. I have more faith in Yukoners than the Members opposite. I am confident that Yukoners act very properly and respect the rights of others as they have done for years. In part 3 of Bill No. 99, the mandate of the Yukon Human Rights Commission is spelled out. The word "promote" is used over and over and over again in the mandate. However, the Minister of Justice gives the impression that this Commission will not be going out to investigate Yukoners' public and private lives. This is just not so. The word "promote" is an active word, and all the Members had better believe that this will be an active agency.

It has to be active. The Commission has to present an annual report to this House about the administration of this Act. Can you imagine any Commissioner or government agency giving a blank report to this House. That will never happen. This Commission is going to have to prove itself. It is going to have to produce results, and that means that it is going to have to go out and actively try to seek out cases of what it perceives to be discrimination.

The Minister of Justice has tried to assure Yukoners that this will not happen. He has stated that the Commission will not be initiating any complaints itself. Bill No. 99 gives Yukoners no such assurance. The Bill states that any person believing that there has been a contravention of this Act may complain to the Commission, which shall investigate the complaint. There is no bar against the Director of Human Rights or one of the Commissioners laying a complaint. The Government Leader or the Minister of Justice may say one thing, but Bill No. 99 says quite another.

Inclusion of sexual orientation and criminal charges or criminal records as prohibited grounds for discrimination is another major

area of disagreement. I strongly believe that most Yukoners are against this inclusion. This government is trying to legislate morality. It is trying to regulate everything so I guess this make perfect sense to them.

I have heard both the Government Leader and the Minister of Justice say that in speaking to human rights legislation, that we are really talking about the protection of minority rights. Bill No. 99 is not about equality at all. It is about minority rights. Minority views, beliefs and codes of conduct are to be given special status. They are to be given precedence over the views, beliefs and codes of conduct of the majority. Bill No. 99 has been misnamed. It should be call the Minority Rights Act.

Equal pay for work of equal value is another contentious issue. Some Yukoners may believe that the government has backed off on imposing this concept on the private sector. Once again, this just is not so. The Human Rights Commission is going to go out and educate people. This so-called education campaign will presumably be like the one that the Minister of Justice had to explain in his White Paper on Human Rights Principles. There will be more radio programs, media ads and fact sheets until the Yukon public has become completely saturated. You can be sure that this new education campaign will be all one sided. You can rest assured that the Human Rights Commission will be clearly advocating the imposition of equal pay for work of equal value on the private sector.

<sup>16</sup> There can be no doubt that within a year or so the Minister of Justice will be introducing an amendment to this Human Rights Act to impose this foreign concept on the private sector. Of that I am doubly sure. I warn all Yukoners to beware, to be on their guard. Perhaps the biggest issue of all, and the one that will lead to the most mischief, is the laying of complaints by a third party. Contrary to what the Minister of Justice has been telling the general public, any person, including third parties, can lay a complaint under Section 19(1). This section means that the director of human rights or a member of the Human Rights Commission can lay a complaint as well. The Minister of Justice may say that this is nonsense, that this will not happen, he may even give his assurance that it will not happen. His assurance is not good enough.

The wording of the Bill has been carefully crafted, and the Minister is supposed to be a lawyer so I have some difficulty in accepting the third-party complaint process as being a mistake or an oversight. I see this as another attempt to get back to the type of human rights commission contained in the infamous Bill No. 58, the Minister's former Human Rights Bill. Bill No. 58 has not left us, it is still here with us in Bill No. 99. The pages have been trimmed and the language moderated somewhat, but the basic principles remain unchanged. This government has not listened; it is time they finally did.

The Minister made trips up and down the road, but he has never told us what happened at his meeting at Beaver Creek, he has never told us what happened at his meeting at Burwash; he has never told us what happened at his meeting at Destruction Bay; he has never told us the opinion of the councillors at Haines Junction. It is very interesting that he leaves these things out.

**Mr. Nordling:** I rise in support of this amendment. The establishment of a Human Rights Commission with broad and undefined powers is the most offensive aspect of this Bill. We much prefer a Human Rights Commission that would be passive, that would listen to complaints. The Human Rights Commission, as proposed, is set up to do more than listen to complaints. The Commission shall promote the principle that every individual is free and equal in dignity and rights; the Commission shall promote the principle that cultural diversity is a fundamental human value and a basic human right; the Commission shall promote education and research designed to eliminate discrimination; the Commission shall promote a settlement of complaints in accordance with the objects of this Act and by agreement of all parties.

We are not setting up a Human Rights Commission, we are setting up another Board of Education. Further, the Commission shall conduct education and research on the principle of equal pay for work of equal value in the private sector. This education board,

under the name of Human Rights Commission, will go out into the private sector to educate them. It is going to be active in promoting, and it is going to investigate. The Commission, pursuant to regulations, will be able to hire staff to work for it.

The Commission will have the power and will, we expect, be out in the public justifying its existence.

<sup>17</sup> We cannot have a Human Rights Commission that sits around and does nothing, which brings us to the other point that has been raised in the amendment, and that is the laying of complaints by third parties.

Section 19(1) of Bill No. 99 states that, "any person believing that there has been a contravention of this Act may complain to the Commission". Any person, Mr. Speaker. Not those who think that they are a victim of discrimination, or that there has been a contravention against them. Not their friend, nor their relative, nor their representative, but any person, which I assume by reading the words "any person", that members of the Commission, employees of the Commission, who believe that there has been a contravention, can complain to the Commission who shall investigate the complaint.

We are not setting up the Commission to protect peoples' rights; we are setting up a Commission to go out and investigate and promote and educate because Yukoners are so bad that they need this Commission to go out and show them where they have gone wrong and educate them as to the benefits of this Human Rights Act.

The inclusion of sexual orientation and criminal charges or criminal record are prohibited grounds. Giving those rights takes away rights of others. I believe that parents should have rights to decide who should look after their children. There is an attempt in Section 9, I assume, to allow discrimination for reasonable cause. Section 9(b) states: "It is not discrimination if selection is based on a criminal record or criminal charges relevant to the employment." That is all very fine, but who defines "relevant"? I suspect that it will be the Commission that is set up to go out and educate and promote these principles and look after Yukoners with powers so sweeping that we are not even aware of them at this time.

As I said earlier, it is a fine line that we are walking when we are giving rights to certain groups because we are taking rights away from others. With respect to the inclusion of sexual orientation and criminal charges or criminal record under the prohibited grounds, my submission is, Mr. Speaker, that we have crossed that fine line. We have gone just a little bit too far. Perhaps, at some more enlightened time, a few years down the road, these things will be acceptable to the vast majority of Yukoners.

<sup>18</sup> They are not acceptable to the vast majority of Yukoners at this time, and they should not be acceptable to the Members of this House. We represent the interests of Yukoners.

The question of equal pay for work of equal value, in my submission, belongs in labour legislation, not human rights legislation. On that basis alone, it should not be included in this *Human Rights Act*. The key to equality is equality of opportunity. It is not achieved through legislation. What we should be providing for is the equality of opportunity for people to compete for jobs and train for jobs and allow the marketplace to set salaries, allow the marketplace to encourage people to go into one profession or one trade or one job or another, depending on the demand.

The government has already implemented equal pay for work of equal value. The private sector has to compete with that. In the Yukon, that is no easy task, the government is so huge. Perhaps it does not have the same effect in other provinces. My submission is that we, as legislators, have gone far enough by including equal pay for work of value in the government. That intrusion is enough, with respect to the private sector. Sometime down the road, perhaps 10 years from now when Yukoners are more enlightened, this sort of thing will be acceptable. At the present time, it is not. Yukoners are individuals; they appreciate their freedom. To compete with government is enough of a challenge without having this pro-active Human Rights Commission coming in, investigating what they are doing, educating them and setting the wages for their employees and telling them exactly who they can hire and who they cannot, determining whether the criminal record is relevant to the job or

not, whether there is an excuse for qualifications.

Yukoners are not ready for this. Yukoners are ready for human rights legislation, there is no question about it. We welcome it. We look forward to the reintroduction of a Human Rights Bill. We have it now, but in these four areas that have been pointed out, the Bill goes just a little bit too far. For those reasons, I will be supporting the amendment to the motion.

<sup>19</sup> **Mr. Lang:** The Bill that we have before us has some very fundamental principles that I think outline the philosophical and ideological differences in the Members of the party opposite and the political beliefs of Members of the Opposition party.

As the days go by, it is becoming more and more evident that there are ideological differences between the two sides. We had a debate that some thought was lengthy, which was even referred to as a filibuster. We had a two-and-a-half hour debate on the question of the removal of medicare premiums, the reasons for and reasons against such a measure.

Once again, it pointed out the real underlying differences between the direction taken by the present incumbents in office on the government side and ourselves in Opposition. At the same time, it is coming home to the people of the territory, with the final transition into political parties, with the initial political party that was successful in forming the government now in Opposition, and the Opposition assuming the positions granted in the front bench on the government side.

It has been a learning process for all of us, for those who have just arrived and those who have been here a long time. There are things that have happened that none of us would have predicted and none of us would have realized were going to happen with the formation of political parties and the consequences thereof.

We now have another Bill before us that personifies the differences between the side opposite and this side. In introducing the Bill, the Minister of Justice came forward and said he would like to see if we could have a compromise, if we could have a Bill that all the people in the territory could stand up and say it is our human rights, it is our Bill of Rights.

At the same time, the Minister of Justice knew our position, and had had it for quite some time. If you look in the bill that we have before us, very little, if any, of it was utilized in the final masterpiece that we have for our consideration. Ninety-eight percent of the ideas that we have put forward from this side were discounted. I do not know if they were even considered seriously.

<sup>20</sup> That side opposite stands up and says, "We are the only ones who truly believe in human rights, and we want compromise and we want consensus." At the same time they know they are bringing forward a Bill with four major areas of controversy. With some changes, I think that that could have been rectified. If the side opposite had been serious, and if they did not have the majority they have now and had to depend on some thinking from the left of me, I think they perhaps may well have said, "It is in the best interest of the people we serve, all the people, that we bring forward a Bill that, overall, all Members are comfortable with."

Instead we have a contentious bill, a contentious piece of legislation where six members, who gleaned 46 or 47 percent of the popular vote in the last territorial election as a party, stand up and say, "There are problems, significant problems, significant enough for us to stand in this House and say that we do not feel that this Bill should go past the second reading stage." Why does the public say that? Why do the Conservatives, six respected members of the community, stand up in a public forum day after day saying that it is not in the best interest of the people whom we represent, nor the children whom we represent.

There are some basic fundamental flaws in this legislation. Fundamentally wrong. First of all, we have to get it in our heads, we are not in Toronto, we are not in Montreal, we are in Whitehorse. We are here representing 28,000 people. I heard the MLA for Klondike standing up so proudly saying that in Queen's Park, the sexual orientation part of the Bill went through. If things are so good there, move there. It is a free country. I resent that every time we stand up to say we do not agree with a particular principle, they say, "Well they do it in Quebec; they do it in

Ontario." I do not think that has any merit in the basic discussion we are dealing with here. We are dealing with a Bill that is giving the government the ability to effectively set up a propaganda program if they wish.

The Legislative authority is being requested, unfettered, through a piece of legislation where there is the ability for abuse. The question to us, as legislators, is should we permit that? Do we say to big government, "Trust me"? Do we give them the green light and say go ahead or do we stand up as legislators, as men and women, and say, "No, there should be some changes."

Who wants a board or commission where a third party can initiate complaints. Your neighbour can inform on your neighbour and initiate complaints, yet there is no protection there; there is no protection for the individual who has been named to go before the Commission, other than the fact that the government may have to pay some expenses. What about the complaint that is laid that there is no foundation for whatsoever? Is there any responsibility and accountability in that aspect of it? Where I go and inform on Jim McLachlan, just because I do not happen to like the way he parts his hair, or that he is getting to the point where he does not have to part his hair? Is that fair?

<sup>21</sup> Is that the kind of legislation, the kind of authority that we want to give to the present or any other Minister of Justice? I say no. I say no. I would say no if it was the Conservative Party on that side, or the Liberal Party. The reason I say no is because it does give the ability to be abused. The political arm of government is so close to it. They talk about it being at arm's length. They talk about it, but really, is it? Is it really at arm's length? It is not. They will go through the exercise of putting names in the House for approval. They will go through that exercise. When push comes to shove, it will not be at arm's length at all.

We have a board of adjudication that makes its decisions on the balance of probabilities. Yet, when we look at the section and the broad, sweeping authority that is vested with that section, the ultimate end with respect to individuals called up before that board, the effect could be tremendous. Not only would it be humiliating privately or publicly, it could go to the extent from B to F, where it says "rectify any condition that causes the discrimination, pay damages for any financial loss suffered as a result of the discrimination, pay damages for injury to dignity, feelings or self-respect, pay exemplary damages if the contravention was done maliciously and pay costs". This is all in the balance of probabilities that have been brought forward.

I recognize civil law versus criminal law, but in view of what we are dealing with, would it not be prudent to go beyond a reasonable doubt that in everybody's mind they felt that whoever was up before this tribunal — it is scary when I think about tribunals and committees, when I think about it — that "beyond a reasonable doubt" be a caveat prior to the penalty being imposed? Is that not worth thinking about? Is that not worth the time of day of the MLA for Faro as opposed to the grounds for probability?

I go back once again. There is no section that talks about the responsibility of the person who informs on his neighbour for frivolous conduct. There is no aspect or responsibility to the individual involved. There has to be at least some method where there is some accountability and responsibility on the part of the individual involved.

There is no question in my mind that the Human Rights Commission is basically a board of education. The legislation has been written to make it promote. I have been in government long enough to know that when a committee or board is formed, and it is given legislative authorities, it has a responsibility. That responsibility is to work and exercise its prerogatives under the legislation.

<sup>22</sup> I ask any Member in this House; have we ever seen any board or commission by the Government of Yukon ever not do anything, ever not come forward with a report? They are going to be required to come forward with something. That is the nature of the beast, if you like. There will be a responsibility, and they will come forward with reports. They will be looking, and they will be searching. Surely we can look at a man of the stature of the MLA for Kluane and use some of his good sense and his good judgment. Do we really want to set up an authority that can send people out checking

on your daily lives, or do we want to take an alternative? Do we want to take a practical approach to the process of hearing possible grounds for discrimination?

The practical approach that was brought forward by this side of the House was brought forward in good faith. Basically, we are talking about a process of mediation primarily for the complainant and the individual who is being complained against, so that we can keep lawyers out of it and keep the costs incurred with respect to government out of the initial complaints. This gives the ability for a fair hearing and a settlement. The next step is arbitration.

It is not contemplated with this particular document to set up a \$200,000 bureaucracy, when the Minister of Justice was in Elsa, and now he is back home in Whitehorse having to answer to the public, now we have heard it is two people.

Read this legislation. Would you, in all honesty, tell me that it will take two people to implement this particular program? There will be consultants, and there will be contracts, and there will be secretaries, and there will be secondments in order to implement this to the perfection that the Minister of Justice would like to see it implemented. Do not kid yourself.

When he says it is \$200,000, I think he is just talking about the first year. He is not talking about the third year. That is the taxpayers' money we are talking about.

As a Member of the Conservative Party in the Yukon Territory, I strongly resent the basic attacks that we are opposed to human rights. Of any party in the House, this party believes, more than anyone, in the fundamental rights and freedoms of the individual. It is fundamental to our country.

I do not see that in the document that we have before us. I like the number 99. I still do when I see it on TV, but I think it is ironic that this comes in as Bill No. 99, when Wayne Gretzky is so great. Another area of the Bill that is very contentious, and should not be included, is the question of sexual orientation.

I wish the MLA for Klondike, who so proudly stood up and said he supported that section, was here. I wish he was here so that he could hear what my position is. I do not need an education program. I do not need a Commission to tell me what I believe in. I do not have to out-liberal the Liberals. I do not have to be more progressive than the Progressive Conservatives. I do think that there are some fundamental beliefs in our country, and there are some religious convictions that we should, as legislators, at least respect. Like the Member for Porter Creek West, we have gone over the fine line. We have gone well beyond the fine line.

There is no law in this country against homosexuality. There is no law against it between consenting adults. In my judgment, the government is stating that it is morally and socially a proper and acceptable behaviour in our country. I do not believe that. I do not believe that at all, and I do not think that the side opposite has the mandate, from the people of the territory, to bring this forward. In fact, I know they do not. I do not have the mandate to bring this forward. They talked about consultation, and the Minister of Justice went around this territory and said this was one of the most explosive issues and one that was raised the most in any of his public meetings.

He was out there to consult. He was out there to listen to the people of the territory. What does he do? He comes back and brings it into this House. I would have thought that the good man, in his judgment, would have had the sense to say that he has heard from the people and to leave it out. But, no, here we are today discussing that same issue that started the ball rolling a year and a half ago.

What do we want for our society? What should we see in our society? If we legalize and we accept this as a social moral and a social norm in our society, what do we have? Do we want our children to walk down the street and see two guys holding hands in a public place? Is that acceptable behaviour? I do not. I do not. I will put my name on the line today similar to the Member for Mayo. I am going to see him stand up and talk about it. Do you think I enjoy talking about this? We are being forced to because the side opposite would not listen, the side opposite that had the wide electoral majority. They do not need the support of the MLA for Faro, but he will support it either way; it does not matter.

Well, I want to say that on behalf of the people I represent clearly

and unequivocally for the record, I oppose it. I oppose it today, I will oppose it tomorrow. It is totally and absolutely unacceptable.

The other area of concern was criminal charges as well as the question of criminal records. The MLA for Klondike was quite right when he stood up and he said, "Oh there is a saving catch in here, if it is relevant to your employment you do not have to hire them". He forgot one thing: who makes that decision? Who makes the decision that somebody charged as a bank robber can work as a mechanic as opposed to a cashier, especially when they have a criminal record, when they have done something against society. Once again we have a piece of legislation that is more concerned with the victim than society as a whole. Where is that taking us in the general concept of justice? Where are we in the Yukon today where we have a justice review because the state of justice in the Yukon is so disgusting and maligned that there has to be changed and what are we doing here; perhaps absolving people that if they do have criminal charges or face the judiciary there really is not any problem.

That section we find unacceptable. We find it unacceptable from a number of points of view and we see no reason for it because as the Member for Porter Creek West put so well, when you are giving rights to a minority or a few individuals you are taking it from another group and in this particular case, the majority. I ask why? What is the necessity for it? Who asked for it? Who in the territory asked for it other than the Minister of Justice? Who stood up at any given area whether it be private, public or otherwise and asked for it? Nobody, nobody. We once again go to the *cause celebre* of the Minister of Justice.

This Bill talks about equal rights. It talks about a principle from the Minister of Justice and there is not too often that I get an opportunity to agree with a statement made by the Minister of Justice. It goes as follows: "Human Rights Legislation is the protection and enhancement of personal freedom. The purpose of human rights protection is to give individuals the freedom to rise as high as their ability will take them. I stress ability here because ability remains the main criteria. Human rights protection does not mean that employers will be forced to hire all females or francophones, or visible minorities. They do not mean that employers will be forced to hire unqualified individuals, they do not mean quotas, they can however ensure that everyone in our society has an equal opportunity to success".

Who is going to argue with that statement, until you start reading the legislation? That is not the principle that is behind the Bill that is before us. Nobody can discriminate but the government. We have a bill that effectively says to you that nobody in the territory can discriminate, but the government can. I refer specifically to the section that speaks of affirmative action programs.

We are going to give *carte blanche* — *carte blanche* — to go through the law, through the budgetary process to hire whomever they want, whenever they want under the definition of their being disadvantaged. I do not think that is honourable to the people of the territory. I do not think they feel actually that because somebody is from a disadvantaged group that he or she should have one step up further than another individual. That is what this Bill does, Mr. Speaker. The Bill does it.

On the question of equal pay for work of equal value, the Member for Porter Creek West pointed out very real, major concerns that we have. The Minister of Justice, to give him credit, give him his due, has said he will not enforce it for now on the private sector. But, he has also said, Mr. Speaker, in the same breath that the government initiative is to educate the public and the private sector, and it is going to be implemented.

I take the Minister at his word on this. There is no doubt in my mind that he has every intention of implementing it. I do notice in the legislation that it is going to be put into effect for municipalities, and that does cause me concern. I know of no municipality that has asked for it. In Whitehorse alone, they are looking at a bill of \$200,000 that will have to be raised by some method, probably through the raising of property taxes. Just the initial phases of looking at that particular concept within their collective bargaining unit is in the neighbourhood of \$60,000. Who is going to pay the \$200,000? Who is prepared to go forward and pay the \$200,000?

the property taxpayer in Whitehorse is paying a pretty big bill. That applies to Dawson City, Watson Lake and all other communities throughout the territory. It is easy to be in this House and tell somebody else they are going to do something, but we better be prepared to pay the piper.

One element of the bill that causes me concern is the fact that draft regulations have not been tabled with the bill. When the Minister of Justice was in opposition he was very much of a proponent that if a bill was going to come forward to the House, the accompanying proposed regulations should be there for the scrutiny of Members.

He is going to stand up and say he cannot provide the regulations because he has to do it in concert with the commission. We would understand if regulations were tabled in this House with the understanding that the commission would have to go through them and there may be some further changes. We recognize the responsibility of Cabinet. We recognize the Order-in-Council and the consequences thereof.

I have to express to the Minister of Justice the double standards that seem to go on. On one hand, when he was on this side, he would say he wanted regulations. In fairness to the previous government, to a great extent I think there was an effort to do that. There was a valid representation because of the regulation-making power of government and the implications thereof of the implications of regulations, i.e., the motion that we debated this afternoon on the Order-in-Council with respect to medicare premiums. That shows you the power of the regulation-making process that does not have to go through the public scrutiny such as we are going to go through on this bill.

In the coming days, I hope that the Minister of Justice will at least be able to provide us with a proposed draft of the regulations for Members of the House to go through and give at least our opinions on, for what they are worth. I recognize that they do not hold much water, but at least it goes through the public process, which this forum affords to the public.

There are four major principles in this bill, two that I think can be eliminated very quickly without any problems. I think that the major element of the bill is the commission, the open-endedness of the power of the commission, the authority vested with the commission, and that to the board of adjudication and what the board of adjudication can do in levying penalties.

Members on this side have reviewed the bill. I would like to think that the side opposite would be prepared to look at significant changes to the bill so that we could come up with a piece of legislation that we all could say we were a part of.

⌘ We are going to be looking forward to the debate in Committee with respect to this legislation to see if there is going to be any movement by the government.

**Mr. Phelps:** It was just a short while ago that the Member for Klondike rose in the House and expressed the wish that some of the Members who had spoken before had occasion to deal with some of the principles in the Bill. I think that the Member for Klondike and the Members opposite who shared that opinion certainly owe a strong vote of thanks, at least, and appreciation to the Member for Kluane because, by moving this important motion, he has given the Member for Klondike every little thing that he had asked for.

I am very pleased to see some of the principles that we disagree on come out succinctly and in a motion such as this. I will be dealing with some of these issues later when I speak to second reading. I am not going to take much time to dwell on these principles now. It seems to me that the difference between the two sides, while it may appear to be a narrow difference in some minds, is worth discussing and exploring in the hope that there might be some compromise.

I think that, again without getting into any great detail on all this, the idea of any person being allowed to lay a complaint under this Bill is repugnant, is going to lead to frivolous and vexatious complaints; it is going to be a hardship, in many cases, to those complained against. It is going to lead to unnecessary expense, unnecessary damage of reputation because these kinds of things are never secret. A complaint in a small town will get around very quickly. Reputations may very well be ruined in the process. I

would hope that that particular principle is one that will be examined very carefully by the side opposite as we go through Committee of the Whole after second reading.

Once again, on behalf of myself, and I am sure the Member for Klondike, I would like to extend my appreciation to the Member for Kluane for giving the Member for Porter Creek East and others who have spoken before a chance to rise to speak to principles on which we disagree.

**Mr. Phillips:** It looks like the luck of the draw.

*Laughter*

**Mr. Phillips:** Therefore, I move that debate do now adjourn.

**Speaker:** It has been moved by the Member for Whitehorse Riverdale North that debate do now adjourn.

*Motion agreed to*

**Speaker:** May I have your further pleasure?

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

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

*Motion agreed to*

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

*The House adjourned at 9:25 p.m.*

**The following Sessional Papers were tabled in the Legislative Assembly on December 8, 1986:**

86-3-76

Northern Mineral Policy - Department of Indian Affairs and Northern Development (Penikett)

86-3-77

Telex to Rt. Hon. Joe Clark, Minister of External Affairs, from Hon. Tony Penikett, Government Leader, re: Alaska Yukon Offshore Boundary (Penikett)

