



# The Yukon Legislative Assembly

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Number 83

3rd Session

26th Legislature

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## **HANSARD**

**Wednesday, April 8, 1987 — 1:30 p.m.**

**Speaker: The Honourable Sam Johnston**

# Yukon Legislative Assembly

SPEAKER — Honourable Sam Johnston, MLA, Campbell

DEPUTY SPEAKER — Art Webster, MLA, Klondike

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### New Democratic Party

Danny Joe	Tatchun
Sam Johnston	Campbell
Norma Kassl	Old Crow
Art Webster	Klondike

## OPPOSITION MEMBERS

### Progressive Conservative

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

### Liberal

James McLachlan	Faro
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## LEGISLATIVE STAFF

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Clerk Assistant (Legislative)	Missy Follwell
Clerk Assistant (Administrative)	Jane Steele
Sergeant-at-Arms	G. I. Cameron
Deputy Sergeant-at-Arms	Frank Ursich
Hansard Administrator	Dave Robertson

**Whitehorse, Yukon**  
**Wednesday, April 8, 1987 — 1:30 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

## INTRODUCTION OF VISITORS

**Hon. Mr. Porter:** I would like to take pleasure in recognizing constituents of yourself from the community of Upper Liard and welcome to the House Leda and Robert Jules and family.  
*Applause*

## TABLING RETURNS AND DOCUMENTS

**Speaker:** Under Returns or Documents for Tabling, I have for tabling an addendum to the report of the Chief Electoral Officer on Contributions to Political Parties during 1986.  
 Are there any further Documents for Tabling?

**Hon. Mr. Penikett:** I have for tabling some returns to a number of questions asked by Members opposite.

**Speaker:** Introduction of Bills?

## INTRODUCTION OF BILLS

### Bill No. 9: Introduction and First Reading

**Hon. Mrs. Joe:** I move that Bill No. 9, entitled the *Young Persons Offences Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Health and Human Resources that Bill No. 9, entitled the *Young Persons Offences Act*, be now introduced and read a first time.

*Motion agreed to*

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

## MINISTERIAL STATEMENT

### Response to the Report of the Special Parliamentary Committee on Child Care

**Hon. Mrs. Joe:** On March 30th, the report of the Special Parliamentary Committee on Child Care was tabled in Ottawa. Copies of the report, entitled "Sharing the Responsibility", have been received by my department during the past week. The thirty-nine recommendations are wide-ranging and their implications are in many cases complex and not particularly certain in terms of the results or the cost.

The federal Minister of Health and Welfare, the hon. Jake Epp, has promised publicly that the announcement made about the federal response to these recommendations will be made by the end of June, 1987. Some consultations have occurred among officials of the various provinces and territories, and the federal government and provincial and territorial Ministers have discussed child care matters and concerns with Mr. Epp in January of this year. It is my present expectation that a further meeting with my provincial/territorial counterparts and with the federal Minister will occur sometime during the month of May. I will use that opportunity to ensure that the concerns of the Yukon Territory in this important matter of child care are heard and understood. As part of that

preparation for this meeting, I will be consulting with groups such as the Yukon Child Care Association to seek their reaction to the recommendations of the Special Committee and to ensure that the points of view and interests of the various aspects of the child caring system in the Yukon are represented.

The issue of support to families in carrying out their child care responsibilities is of crucial interest to this government. The decisions of the federal government during the next two to three months will be of major importance in determining the ability of this government to responsibly continue its efforts to develop the necessary child care support systems for children and their families.

I want to be on record as having concerns regarding the clear emphasis in the recommendations on the major initiative being in the area of child tax credits and child expense credits. I can see such a recommendation being politically desirable to the federal government, but it raises concerns for me that it is a very indirect way of funding child care in Canada. Rather, I would hope, and will encourage, that the federal government's preference would be in supporting flexible cost-sharing arrangements which allow for more creative program development.

My concern is that any federal initiative recognize the need in jurisdictions like the Yukon for ensuring that any additional federal dollars be used to most effectively promote the development of day care spaces in areas and for client groups that are presently unserved. This government has, during the past two years, made a number of new initiatives in the development and ongoing support to day care programs in the Yukon. The interest of this government is in attempting to ensure that the priority thrusts of any new federal initiatives are compatible with and supportive of the needs and stage of development of child care services in the territory.

**Mrs. Firth:** This Ministerial Statement should be a statement of government policy and, yet, when I read through it and listen to the Minister read it out loud, I find none.

All of the Members of the Legislative Assembly would be consistent in the attitude and approach that any day care initiatives that were to be followed should properly address these three things. I want to say them in order of lesser priority first.

They should address the regional concerns and should be flexible enough so that regions can develop their own day care initiatives. Secondly, they should address the homemaker, the parent at home and the single parent. Most importantly, they should address the issue of day care in Canada not replacing the parents. That is, not being a substitute for that bond between parents and their children.

There has been a major consultative review between the federal government and the territorial governments. The *Journal* had a program on two nights in a row all across Canada with millions of viewers watching it, where people could have their input as to what they felt Canada should do in the area of day care.

This government seems to want to do more and more consultation. I see no position in this paper. I do not see the government taking a position. The Minister talks about more creative program development. The women in the workplace and the women at home and single parents want to know what this Minister is going to do about day care. We want to know what the Minister's policy is going to be with respect to day care.

I would like to make a suggestion that the Minister show some really creative program development and stop waffling around with this issue, as others are doing.

They should take a position, make a decision, tell us what we are going to do about day care and let us get on with our lives.

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

**Hon. Mrs. Joe:** I would like to thank the Member for her comments with respect to child care. In the last couple of years, I have been very specific about what we wanted to do in terms of day care and child care in the Yukon. That has been very evident and has been practiced, and people have responded very well about it.

With respect to all of the other suggestions she made, there will be consultation with the Child Care Association. They have asked

for it, and we will do it. We cannot say we have consulted enough already and we are going to stop right now, because we will not. There are a number of other areas that she has mentioned that we will be dealing with. The whole Ministerial Statement, as we know, is just to make a statement of some kind and not to include every single recommendation and every single thing that you want to say in it.

We have a lot more to offer with respect to some of the recommendations that were made, and we are taking them into consideration. This was a statement to let the people of the Yukon know that we are interested in child care and the recommendations made by the task force. They will still be dealt with accordingly by provincial and territorial Ministers, along with the federal Minister.

**Speaker:** This then brings us to Question Period, are there any questions?

### QUESTION PERIOD

#### Question re: Ross River Band road blockade

**Mr. Phelps:** I have a question pertaining to the Ross River Band road blockade. I am endeavouring to get some facts so the public will know what is going on and will know what this government has done.

I would like to quote from the CBC Yukon news at 7:30 a.m. this morning. "Tony Penikett says he does not know why the Ross River Band changed its mind about allowing a lodge on McEvoy Lake. Warren Lafave decided to go ahead with the McEvoy Lodge at the Band's suggestion after they had objected to another site. Chief Hammond Dick has confirmed the Band is interested in a joint venture with Lafave, however, it turns out he was not interested in one. The Government Leader says it appears that that is when the Band tried to kill the project. They subsequently, I understand, indicated that unless they were given an interest in the development they were going to oppose it. Penikett says he has known for some weeks that confrontation was brewing over the development."

My question of the Government Leader is: Could he tell us more precisely about when he knew a confrontation was brewing over this development?

**Hon. Mr. Penikett:** As I have indicated in the House before, we have had representations from Bands and other groups about the impasse or non-activity at the land claims table in the absence of a federal mandate. Without that forum to resolve many of the concerns and address the aspirations of the Bands, we were beginning to have land use conflicts occur of the kind that we are now seeing in Ross River.

About a month ago — I am sorry I cannot from memory quote the exact date — I had a meeting with the federal Minister in which I again emphasized to him the importance and urgency of the federal government coming down with a mandate for Yukon land claims negotiations and the resources for a negotiating team because these events were beginning to occur. It was immediately prior to that meeting that I became aware that this was a festering issue.

I have begun Question Period today being asked to comment on a news report which, of course, you would not permit me to do. Of course, I would not want to fall afoul of the rules in that case.

I do know that, as I indicated to the House yesterday, when the meetings going back to last summer, at which officials of this government were involved and were present, at the time the Band had indicated a problem on some previous sites identified by Mr. Lafave for his business ventures. It is my understanding, from the information that we have obtained, that the suggestion of McEvoy Lake was proposed by a representative of the Band.

Subsequently, perhaps after having explored and failed to develop the possibility of a joint venture with Mr. Lafave, the Band took the position that they were opposed to development. At that point, the land use permit and the land use lease had already been approved by the federal government. We are now in a situation where there is a conflict about that development.

**Mr. Phelps:** I thank the Government Leader for that information. I am interested in when the money was approved for the building of the winter road into the site at McEvoy Lake. Could the

Government Leader advise whether that money was approved after he knew about the confrontation that was brewing?

**Hon. Mr. Penikett:** I really should defer to the Minister of Community and Transportation Services about the approvals under the Resource Roads Program. If it will not cost the Member opposite a supplementary, I want to correct some of the misinformation that he put on the record yesterday in connection with the funding, which I am sure he would want to have explained.

The \$240,000 mentioned under the Tourism Subagreement is a conditional repayable contribution. The Roads to Resources money was \$20,000, or 50 percent of the actual cost of the road. There is a Business Loans application, which was approved. Subsequently, at the request of the applicant, it is being revised.

I would emphasize to the Member that none of this money has been issued yet under any of the programs.

**Mr. Phelps:** I am still waiting for an answer to the question. I understood the Minister of Community and Transportation Services would answer.

**Hon. Mr. McDonald:** The approval under the Roads to Resources Program was given around mid-March for this application on the basis of the land use permit being provided.

#### Question re: Ross River Band road blockade

**Mr. Phelps:** It would appear that the approval was given after the Government Leader apparently knew about the brewing confrontation.

The Government Leader also spoke this morning — and it was covered on CHON-FM — and is quoted as saying that, "Mr. Penikett also says the situation would not have occurred if land claim talks were now going on, or if the Band had not missed the deadline for filing land selections."

**Mr. Phelps:** The Government Leader is quoted as saying that the situation would not have occurred if the deadline for filing land claims selections had been met by the Band. Could the Government Leader advise this House what deadline he is speaking about?

**Hon. Mr. Penikett:** I do not recall saying anything about deadlines. Again, I am being asked to respond to press reports. The point I was making was that, had the land claims process been ongoing — we had been developing communications and negotiations with the Band — had they filed a land selection, had we been negotiating their particular claim, or the particulars of their claim, I think we might have been able to deal with Mr. Lafave's application in the context of the Band's claims. Because we are still in limbo in the wait for a federal policy, I think we are, in some sense, having the cart before the horse.

**Mr. Phelps:** The comments of the Government Leader were so as to put much of the blame on the Band for not filing land selections pursuant to a deadline, and he is blaming the Band for missing the deadline. What deadline is the Government Leader referring to and could we have the exact date for filing the land selections, from him?

**Hon. Mr. Penikett:** To my knowledge, I did not refer to a deadline. If I used that word, I certainly did not mean a deadline. There is no date by which a claim had to be filed. The Member opposite knows that full well. Once again, I am being asked to comment on press reports which, of course, is totally out of order in our Question Period.

#### Question re: Ross River Band road blockade

**Mr. McLachlan:** I have a question of the Minister of Justice in regard to the road blockade south of Ross River. The RCMP have been quoted as saying to the media that they believe no offence has occurred. My question to the Minister is, why has no offence occurred in the blockading of a road to private property?

**Hon. Mr. Kimmerly:** I will attempt not to run afoul of the rules about legal opinions, but as an explanation of the comments made to the media by the RCMP, as they are reported to me by the Member for Faro, the answer is in the fact that there was not a blockade of a highway. It is an offence to blockade a highway, but this particular situation does not involve a highway. It is therefore not covered under the *Motor Vehicles Act* and, consequently, no offence is being committed.

**Mr. McLachlan:** I really do not believe the Minister can weasel out that easily. Section 8 of the *Highways Act* clearly specifies that, except with the consent of the Commissioner in Executive Council, no person shall erect a sign, obstruction or material that in any way blockades a private road or a public road. Unless the Commissioner in Executive Council has given his permission, then the interpretation is that an offence has been committed. Since the Justice Minister is certainly responsible for liaison with the RCMP who are the only force at the site who are maintaining control, I would ask him to reconsider. I believe that an offence has been committed and would ask the Minister why he has not, if he has not in fact, given any instructions to the RCMP at the site, through the CO.

**Hon. Mr. Kimmerly:** It is interesting that the Member for Faro feels that his legal interpretation is superior to the legal opinions available to the RCMP through the federal Attorney General. The alleged facts, as stated by the Member for Faro, I believe, are simply inaccurate. The position of the RCMP is that no offence has been committed. There has been no instruction for authorization by me although I am in contact with the RCMP daily, I will say, as to the conduct of the policing at the site.

**Mr. McLachlan:** In 1985, when Cyprus Anvil was closing down, they asked permission of this government to close the road off to prevent damage and vandalism to private property. The request for permission was denied by the Minister of Community and Transportation Services. The Minister of Justice is clearly waffling when he says that no offence has been committed.

My final supplementary to the Minister is: Is it okay or is it not okay to block a private road?

**Hon. Mr. Kimmerly:** I am not waffling at all. I have answered, I think, quite clearly and specifically. The position here is entirely different from the position that existed in Faro sometime ago. There they were dealing with a public road, and here we are not.

#### Question re: Ross River Band road blockade

**Mr. Phelps:** Just trying to get to the bottom of all this. The Government Leader, as usual, has left everyone quite confused.

Yesterday, in response to a question, he answered in *Hansard*, "Let me in direct answer to the question remind the Member that there is no land selection by this particular Band, and I am advised, although I am going to check the facts, that the particular claim, the R Block at McEvoy Lake, was filed by the Ross River Band after the initial approvals of this project."

Could the Government Leader tell us when this land selection claim was filed by the Band?

**Hon. Mr. Penikett:** I am sorry I do not have the precise date with me, but the information, as I understand it, stands. After the approvals were given last summer for the project, the claim was filed by the Band, I think in the fall, but I cannot give the Member the precise date. If he is patient I feel certain I could give it to him later today if he wishes to have it.

**Mr. Phelps:** Is it not true that the land claims negotiator had asked the Band to submit its maps for land selection by a certain date, and the Band did not file these land selection maps by that date?

**Hon. Mr. Penikett:** I do not know if that is the case, as reported by the Member. I can tell you that I have been reminded that the original lease area and the relocation application do predate the Band's R-Block selection at McEvoy.

**Mr. Phelps:** Could the Government Leader check and see whether or not the Band was asked to file their selection claims with the negotiators by a certain date, to see whether or not there was a deadline set that the Government Leader referred to? Perhaps there were some facts lurking in his subconscious that he had forgotten in his busy schedule.

**Hon. Mr. Penikett:** I am sure I would not want to do anything so frightfully Freudian as to plumb my subconscious during Question Period. I will take the question that the Member has asked as notice and will provide him with the answer that he has requested.

#### Question re: CBC, Stanley Cup

**Mr. Brewster:** I would like to get back to the Minister of Community and Transportation Services. On March 31, the Minister stated in this House, "I made the commitment that I would contact CBC this spring. That contact has been made through the department. CBC assures the government and the Legislature that rural communities will have access to all NHL playoff games."

Does the Minister still stand by this statement?

**Hon. Mr. McDonald:** As I indicated to the Member subsequently, CBC had indicated to us that they would be providing access to all the games in the final series, the final seven games. They cannot guarantee that every single game in the series, which some people suggest is as long as the regular season, will be provided to all rural communities.

**Mr. Brewster:** You will notice that the Minister was committed to all NHL playoff games, and not some. Can the Minister advise the House who contacted the CBC and when the contact was made?

**Hon. Mr. McDonald:** From the reading of *Hansard*, I do not at all believe that a commitment was made to provide for all games of the series. I believe the commitment, as I have stated and clarified now, is for the final seven games of the series, if there are seven games.

With respect to the persons who contacted CBC, I am sure it would be either of two people in the Communications section: the Director of Municipal Engineering or the person responsible for communications policy development.

**Mr. Brewster:** It is very strange. The way I read *Hansard*, I would suggest the Minister read it again. It is in there just as I quoted it.

When did the Minister find out that the terms had been changed, that we were only going to get the final playoff games, which were never mentioned before?

**Hon. Mr. McDonald:** No, I disagree. The interpretation and clarification I provided is clear. We were talking about the final seven games. I think there would be a difference of opinion in rural Yukon, even in a rural Yukon that likes to watch hockey games. I think there would be a difference of opinion as to whether or not CBC should carry every single game, as I think that that would mean there would be an NHL game on CBC, in some cases the only channel that some communities receive, practically every night. With respect to this matter, the CBC has indicated that they will be providing the final seven games of the series. They have undertaken to do that between the time this issue was addressed last year and now, and they will broadcast those final seven games on their channels.

#### Question re: CBC, Stanley Cup

**Mr. Lang:** I guess I was confused, like all Members on this side, with respect to the announcement that he took a great deal of pride in giving to this House with respect to the Stanley Cup Games that were going to be made available to the rural communities via the CBC network.

Is it the policy of the government that the rural communities should not view at least one division semi-final leading up to the final games? Is that the position of the government?

**Hon. Mr. McDonald:** The government does not have a policy with respect to what games or divisions should be viewed or when they should be viewed. The Government of the Yukon made representation independently and also concurrently with this Legislature with respect to the final games. The issue revolved around the final games of the series; it did not revolve around all the games of the entire playoffs, which are extremely lengthy with many games involved.

The position of the government was simply to request that the final playoffs be broadcast on CBC.

**Mr. Lang:** There is a fair amount of confusion. I recognize that it is not possible to have all of the various divisional semi-finals on one particular network, but as you know in Canada we do have the opportunity of watching at least one divisional playdown, as far as the semi-finals are concerned, and the quarter playoffs are concerned.

I quote from page 8 of *Hansard*, March 31, 1987, Mr. McDonald stated as follows: "CBC assures the government and the Legislature

that rural communities will have access to all NHL playoffs this year." Why did the Minister make that statement to this House and obviously give erroneous information?

**Hon. Mr. McDonald:** I tried to indicate that the games I was referring to were the final playoff games. There is no confusion in my mind on that score at all. If the CBC chooses, through its negotiations with the NHL, to broadcast certain semi-final or quarter-final games for the benefit of rural Yukon, so be it, all the better for rural Yukon. The Government of Yukon does not have a policy on what should be shown on CBC at any given time.

**Mr. Lang:** Is the Minister prepared to make representation, on behalf of the Government of the Yukon Territory, that CBC, through perhaps the parliamentary channel, make the quarterly and semi-final playoffs leading up to the Stanley Cup available?

**Hon. Mr. McDonald:** That is an interesting addition to the equation. I think the issue should be resolved through motion debate because I have a feeling there might be other Members who might want to put some points on the record with respect to whether or not they believe that all the playoffs to the playoffs should be shown on CBC television.

I would remind Members that some communities only receive CBC television. All the playoffs to the playoffs might mean an NHL game every single night, and there may be people in rural communities who may not want to see an NHL game, as nice as they are, every single night.

#### Question re: Land, Porter Creek C extension

**Mr. Nordling:** I have a question to the Minister of Community and Transportation Services with respect to the sale of lots in the Porter Creek C Extension. In a letter to me, dated February 19, the Minister said a few of the 35 in the Porter Creek C Extension may be held for the Kwanlin Dun Band, pending a final land claim table decision. Does the Minister now know whether or not lands will be held?

**Hon. Mr. McDonald:** No. As I indicated to the Member, we would proceed with the sale of those lots this spring, and we will continue to proceed with the sale until such time as the lots are all sold. If the Kwanlin Dun Band makes application for some of those lots under land claims, then we will consider that request when it comes, if it comes. To date, we have not received such a request.

**Mr. Nordling:** Could the Minister be more specific in what he means when he says we will proceed with the sale this spring? Does that mean within the next week or two, or some time before September?

**Hon. Mr. McDonald:** I think it means this spring. If I am not mistaken, I believe they are being released very shortly. I can check on the exact dates for the Member. They will be released in accordance with land regulations in the usual manner.

**Mr. Nordling:** Obviously, we will just have to wait for the lands to come on the market.

I would like to ask the Minister if the government has a policy with respect to community land selections by Bands throughout the Yukon?

**Hon. Mr. McDonald:** Generally the policy is that, firstly, for any lands selected within municipalities, the municipality would be consulted, prior to the selection, prior to the final agreement; secondly, the laws of general application would apply to those lots for those lands. That would be the position we would take to the table.

#### Question re: Education, Deputy Minister of

**Hon. Mrs. Firth:** I have a question for the Government Leader regarding the Deputy Minister of Education appointment. A week ago, I asked the Government Leader if the short-listed and interviewed applicants were notified that the job was going to be re-advertised in the newspaper, and he said he would take the question as notice. Can he answer that question now?

**Hon. Mr. Penikett:** I am pretty sure they were, but I cannot be absolutely sure. I apologize to the Member, but I have not had a written response from the department yet to the question. I will chase that this afternoon and see where we are.

**Mrs. Firth:** I would appreciate if he did that. The Government

Leader did say that he thought it was important that day that proper courtesies were observed.

Can the Government Leader tell us how many more applications he has had since the job has been re-advertised?

**Hon. Mr. Penikett:** I, personally, have had none, but I will find out how many have been received by the Public Service Commission.

**Mrs. Firth:** The Minister well knows the question that I am asking. Could he give the House a commitment that he will come back with an answer first thing next week?

**Hon. Mr. Penikett:** I could. I do not know how useful the information is in that form. Presumably the Member would be most interested in knowing how many applicants we have at the point when the competition closes. I would be quite happy to give that information. I forget the actual closing date but, presumably, the information of the number of applicants received before the closing date is not very useful.

#### Question re: Service contracts

**Mr. Lang:** A commitment was made three months ago to provide us with the service contracts that have been issued over the past year by this government. I understand they total in the neighbourhood of \$20 million and a good part, if not all, not publicly tendered. Could the Minister of Government Services tell us why it was not tabled today?

**Hon. Mr. Kimmerly:** I can give a firm commitment that it will be tabled tomorrow. The original intent here was to collect the data by now, or by mid-April, and to analyze it and publish it by the end of April. However, due to the fine efforts made by staff people in the department, we are in a position to table the information tomorrow, although it will not be analyzed in any substantial form, simply by some categories.

**Mr. Lang:** On April 2, page 49 of the *Hansard*, the Minister of Government Services stated the following:

"The Member knows full well that we are talking about a year of information. We will also, at the same time, provide the information for previous years."

Exactly what did he mean by the statement, "we will also, at the same time, provide information for previous years"?

**Hon. Mr. Kimmerly:** Tomorrow I will publish the information for the years 1982-83, 1983-84, 1984-85 and 1986-87.

**Mr. Lang:** Who gave the instructions that you were going to go back four or five years, in view of the fact that the commitment was for one year?

**Hon. Mr. Kimmerly:** I did.

#### Question re: Ross River Band road blockade

**Mr. McLachlan:** I have a question for the Minister of Health and Human Resources with respect to the deplorable situation south of Ross River. This morning's news reports carried stories about children being removed from a group home and taken two hours south of Ross River in the middle of the night. I believe I am aware of the particular situation, but is there or is there not a contractual obligation between this government — directly or indirectly through the Band — with the operator of that group home for services provided in exchange for a fee?

**Hon. Mrs. Joe:** We do have some kind of agreement with the group home. I am not sure what specific deplorable situation the Member is talking about, and I do not know whether he wants to be specific or not. Is he making some kind of an allegation?

**Mr. McLachlan:** The children were in the group home for good reasons to start with, and I hardly think it means taking them out of the group home in the middle of the night and taking them south on the highway to be part of the demonstration. My supplementary to the Minister is: has the Minister been in touch with the group home people and if she has, what instructions has she issued to them?

**Hon. Mrs. Joe:** I have not been in touch with anybody in that area. I was not aware there was a situation where foster parents and foster children were involved with the blockade. I am not really sure whether or not there has been some danger to their lives that the Member is trying to tell the House. Maybe there is and, if there is, certainly we will look into it.

**Mr. McLachlan:** The Minister is trying to put words into my mouth. I said no danger to lives. I simply do not approve of the action of taking children out of group homes in the middle of the night and taking them down to be at what is, let us face it, nothing less than a political demonstration.

If the reports are true, and we have every indication from this morning's radio broadcast that they are, will she please look into the situation and investigate if, in fact, the story is valid or not valid?

**Hon. Mrs. Joe:** Yes.

#### Question re: Justices of the Peace

**Mr. Phillips:** I have a question for the Minister of Justice. There is currently a shortage of JPs in Dawson, Teslin, Beaver Creek, Faro and Watson Lake. Since this shortage is impeding the system of justice and causing the taxpayer a great deal of money, can the Minister advise the House when he will fill the vacancies?

**Hon. Mr. Kimmerly:** No, I cannot advise the House when vacancies will be filled. We do not think of JP positions as vacancies, although it is the desire of the government and the judiciary to see a supply of JPs, two or preferably three, in all the communities. I would not agree with the allegation that this is costing the taxpayers or the system money. It is not at all.

It certainly is the case that there is a shortage of JPs, and we will be discussing, I am sure, the question of JP training and possibly selection in the Justice Estimates tonight.

**Mr. Phillips:** The Minister has had on his desk for over seven months, six names recommended for the communities that are in need of JPs. The Minister should go back to his department and have a look. It is costing money, and it is a great inconvenience to the RCMP and the justice system when there is a shortage of JPs in the community, so justice is served.

Would the Minister go back and reevaluate the position he has taken, take the six names that have been recommended to him by the Judicial Council, which he appointed, and recommend those people for appointment today?

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

**Mr. Phillips:** The Minister's problem, I understand, is that there is not a racial or gender balance. If the Minister looked at the number of JPs in the territory right now, there is a gender balance. There is a problem with the racial balance on the JP Council and, if the Minister had his facts straight, he would find out that in Ontario they spent half-a-million dollars in the last three years on a native JP recruitment program, and they have got three sitting JPs today. Will the Minister appoint the six people he has recommended to him today and still search for more native people in the communities?

**Hon. Mr. Kimmerly:** I enjoyed the little speech by the Member opposite. The situation in Ontario is entirely different. The three sitting JPs —

**Mr. Speaker,** if Members opposite do not wish an answer, I simply will not give one.

#### Response re: Education, Deputy Minister of

**Hon. Mr. Penikett:** I have a specific answer to a question asked some days ago and again today by the Member for Riverdale South. I can officially advise her that all applicants on the initial Deputy Minister of Education competition, except those who withdrew from the competition, have been advised that they were not successful. The six candidates who were short-listed and interviewed have been advised that a new competition will be held.

#### Question re: Elk ranching

**Mr. Brewster:** I have questions to the Minister of Renewable Resources. Of the 41 elk that were recently shipped to the Yukon from Elk Island National Park, 16 were bulls, 15 were females and 10 were calves. What is the Minister going to do with the 16 bulls?

**Some Hon. Member:** That is a lot of bull.

**Hon. Mr. Porter:** I have no personal plans involving the mentioned bulls, but as I understand the program we are developing in conjunction with organizations like the Fish and Game Association and private entrepreneurs who wish to get involved in game

ranching, the purpose of the herd is to develop a seed herd. From the seed herd we will make animals available to potential game ranchers as well as take some of the animals and reintroduce those animals to the wild. I think the Member's question relates to the imbalance with respect to more bulls than cows, and that is a problem. The reason why that has occurred is because — well, it seems like the Member for Porter Creek East would like to butt heads with these bulls, and we will give him the chance — but with respect to that question, it was because they could not catch the cows. They caught more bulls than they did cows.

**Mr. Lang:** That is pretty safe to say when you have 15 and 16.

**Mr. Brewster:** I am sure glad that we do not have to deal with any more deals with Alaska, if we get ripped off on the cow end and get a bunch of bulls like that. Even if we had one to one, we still have a problem. The government reportedly is developing a game ranching policy. Can the Minister advise the House when this policy would be prepared and presented to the public? Perhaps if it had been prepared, we would not have had 16 bulls.

**Hon. Mr. Porter:** I cannot speak for the Parks staff who were involved in the roundup as to why they could not catch cows. Somebody suggested that they are smarter than bulls. I think that is a point for debate.

With respect to the particular question of the policy development, my understanding is that the research is complete and that it is being looked at internally in the department. They will then bring it to me, and I will bring it to Cabinet when it is available.

**Mr. Brewster:** I realize that the cows are smarter than bulls. I would suggest that the cows are a little smarter than the game wardens. They cannot even catch them. It is not like the old days when they used to run along the highway and we used to hit them with a hammer to live on them.

The Minister is reporting as saying, "If we want to look at the possible export of elk meat, we would be in an advantaged position." Could the Minister explain this statement and advise the House where this is going to be exported to?

**Hon. Mr. Porter:** Amidst all the laughter, I did not catch the specifics of the question. I think the essence of it was, if we are looking at export markets for the future, where would those markets be?

My suggestion would be that they would be south of the Yukon. Game ranching has been a debated issue in the Provinces of Manitoba and Alberta. The Government of Manitoba has officially decided that they will not permit ranching because of the problems posed to the wild indigenous populations of elk in that province.

I would suggest that the clear trend with respect to market possibilities are in southern Canada, inasmuch that jurisdictions located in southern Canada are not, at this point, in favour of encouraging game ranching. I think that market would be an open possibility to any successful game ranchers in the Yukon.

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

#### ORDERS OF THE DAY

**Speaker:** Motions other than Government Motions?

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

**Hon. Mr. Penikett:** I move that the House give unanimous consent to a deal struck behind closed doors between the House Leaders on all sides of the House to deal with the Motions rather than on the Order Paper, but as follows: Motion No. 100, Motion No. 106, Motion No. 108, Motion No. 109 and then the Select Committee Report.

**Speaker:** Is there unanimous consent?

**All Hon. Members:** Agreed.

**Speaker:** Proceed.

#### Motion No. 100

**Clerk:** Item number 3, standing in the name of Mr. Phillips.

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

number 3?

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

**Speaker:** It has been moved by the hon. Member for Whitehorse Riverdale North

THAT it is the opinion of this House that the Government of Yukon should investigate and report back to the House regarding the establishment of an ombudsman office which would have as its sole function the protection of individuals against the power of the state.

**Mr. Phillips:** Yukon's time has come. It is time for Yukon to investigate the establishment of an ombudsman's office. The presence and power of government is all persuasive in our territory, and the government is growing larger day-by-day.

This may sound surprising to some Members, but governments make mistakes and once a mistake has been made just try and get it corrected. That is when all the fun starts. I am sure at one time or another every one of us, like most Yukoners, have had a run in with government. Murphy's Law prevailed and something went wrong. Trying to fix the problem can prove to be an insurmountable task.

Government is a many-headed monster. You may wrestle one head to the ground only to find out that there are ten more on top. The buck does not stop anywhere, it just disappears.

In most instances these situations are very frustrating, but not life-threatening. In some instances, however, there can be grave consequences. The bigger the government the more apt these situations are to occur, and the little person does not have much of a chance against a big government.

As MLAs we are the first line of defence. I am sure we have all convinced ourselves that we are doing a great job of looking after the problems of our constituents, but we cannot be all things to all people. There are certain cases that we simply cannot handle. Some people with serious problems with government may not even come to us for help for the fear of becoming involved in a partisan political issue, which may further compound their problem.

It is my contention that Yukoners should be able to take their case to a person who can enter the inner sanctum of government; a person who knows the unwritten rules of the bureaucracy and has the resources and the skills to track a problem to its source and seek a remedy.

Such a person is called an ombudsman. The office of the ombudsman that I am proposing would exist to help the individual overcome injustices created by the power of the state. Unlike the pro-active Human Rights Commission that this government has created, I visualize the ombudsman being like a court of last resort. When other avenues and recourses have failed Yukoners can turn to the ombudsman for help.

The ombudsman's sole function would be to right the wrongs perpetrated by government and its intimidating bureaucracy. I suspect that such an office will be far more beneficial and useful than our Cadillac Human Rights Commission.

I firmly believe that Yukoners have more problems with government than they do with each other. We do not need another Cadillac, all we need here is a Volkswagon Beetle.

The type of office I am proposing would be small and independent and would have the necessary authority and resources to get the job done. It would not initiate complaints, it would act on them. Above all, it would be practical. We need a hot knife to cut through the butter and the blubber of the bureaucracy to get to the heart of the problem. We do not need another army of bureaucrats to fight the legions of bureaucrats.

Some Yukoners may pooh pooh this proposal. They may think that the Yukon is too small and that such injustices do not occur here. They are wrong, dead wrong.

Let me mention a recent example of such injustice. The Nowlan Game Farm situation is a prime example. Justice was not served. The government had every right to lay charges, but it does not have the right to deprive an individual of their livelihood. It is not right that an individual must sacrifice everything they own to defend themselves, and after being found not guilty to have nothing left. Where is the justice in that?

17 Where is the ombudsman when we need one?

I am presenting this motion today because it is a small and significant way of making government a little less intimidating and a little more accountable for its actions. Governments are like elephants. When they wander around, some people get hurt. It is not done out of vindictiveness or intent, but is merely a product of their size.

Accountability is the word. Most Members of this House campaigned on that word and, by supporting this motion, you have an opportunity to help make that commitment a reality.

There is another opportunity that I would not like Yukoners to miss. I would like to have the investigation completed and an office of ombudsman established and operating by early September of this year, so that when the Canadian Ombudsman Conference is hosted in Edmonton, Alberta, in the middle of that month, Yukon, for the first time, will be represented at that conference. I ask all Members to support this motion. Thank you.

**Hon. Mr. Kimmerly:** It is an interesting collection of platitudes and attitudes. The example that was mentioned about the Nowlan Game Farm is an unfortunate one. In that case, the concern was with charges laid in the criminal courts, which is not within the jurisdiction of ombudspersons in the country.

The Member opposite heckles and says it is my department. He displays his ignorance again, in that he obviously does not know that the prosecutorial function is not within the territorial Department of Justice. Indeed, if it were, this is one example where the decision to prosecute may have gone the other way because of our particular sensitivity to northern issues here. However, be that as it may, it was a federal issue and not an issue over which this government had the slightest degree of control.

The point is that an ombudsperson would also not have the slightest degree of control in a situation like that, as it would involve the courts. It is, as I have said, beyond the jurisdiction of ombudspersons in Canada in any event. I believe that is the general situation in the western world, that the courts are not dealt with within the jurisdiction of an ombudsperson.

Another example where the Member proposing the motion has not done his homework is, he should have been aware as it is in the records of this Assembly, that this study has been done and received. It was received in November, 1972. There was a report submitted by a then-Member of the Executive Committee, Norm Chamberlist, who travelled extensively throughout the Commonwealth and throughout the country to look into the ombudsman's situation. He made a report at that time, which is public.

18 The situation in the early 1970s was that the provinces were all busy setting an ombudsperson's office. These offices are set up around the country in all of the provinces, with the exception of Prince Edward Island and with the exception of the two territories. It is interesting that the three smallest jurisdictions in the country, the two territories and PEI, have not set up an ombudsperson's office. I will come back to the reason why that may be in a moment.

It is also interesting that the mover of the motion referred to a Human Rights Commission. I was glad he did that, because it gives me the opportunity to not digress in any way but to only rebut and to say that the office of the ombudsperson in the province is universally larger and more expensive than the office of human rights commissions in those provinces. I will, of course, remember this motion when the Members opposite complain about, specifically, the expenses of human rights commissions and generally the expenses of the government as a whole. It is interesting that, in some provinces, these offices have become very large. They have become veritable bureaucracies of their own account. I will not use the colourful language of the proposer of the motion, but it is interesting that in Ontario, as an example, in 1985-86 they had 130 employees; on the prairies, they average something in the neighbourhood of 20 employees. The budget in Ontario, which is the largest, is \$6 million — at least it was in 1985-86; the smallest budget or the smallest ombudsperson's office in the country is in Newfoundland and in 1985-86 it was \$160,000.

It is interesting that the office of the ombudsperson was very popular in the early 1970s and, as I said before, most of the



provinces established an office. But the spirit of the public for such an office appears to have waned in the provinces, especially the western provinces.

It is interesting that, in some provinces, the average caseloads of MLAs is larger than the caseloads for the ombudsperson's office. It is perhaps a measure of our democracy up here in the Yukon that we have a smaller number of constituents, and I would suggest in almost all, or all, cases a relatively informal relationship with all our constituents and the citizens of the territory. The citizens here are able to approach their MLAs as well as the Ministers of the government extremely readily. I know, speaking for myself, although it takes a fair amount of time, there is rarely a day goes by that I do not meet a citizen specifically about a concern that citizen has with the departments for which I am the Minister, but frequently for other events as well.

19 That kind of government, I perceive, is desired by the residents of the territory. Indeed it is a unique feature of Yukon government that citizens have such ready access.

I would be very skeptical of the proposition that an ombudsperson would have a greater access to information in a government department than would a Minister. That method of "cutting the red tape" is very, very common here and is a feature of our government that I would not like to see weakened.

In any event, there certainly are cases where the citizen does not agree with the help that the Minister may be able to provide. That certainly occurs, and it will continue to occur I am absolutely sure. The concept of the independence of the ombudsperson is something that is different than speaking to the Minister. If Members opposite were thinking of raising that point as a rebuttal to my point, I certainly recognize in advance that there certainly is some merit in the question of the independence of an ombudsperson.

As I understand the perception of the ombudsperson in the provinces, however, does not lead me to simply jump at establishing an ombudsperson's office by September as was suggested. The offices themselves occasionally become part of the bureaucracy and that, according to my information, is the case in some of the provinces — some more or less than others.

The mover of the motion used the phrase in description of an MLA, and I will quote, "the first line of defence", and I have already spoken about that. The powers of an MLA and the perception of the duties of an MLA or the job of an MLA, in my view, is more important than the job or the perception of an ombudsperson.

I will not go into some of the history of the ombudsperson's office; it is, incidentally, in the report of 1972. I will say that although my speech has undoubtedly sounded very negative, it is not the intention of the government to vote against this motion and be done with it.

20 The establishment of an ombudsperson's office may have merit here. We will look into it. It is important to look into the jurisdiction that such a body or an office might have. It is, in my view, very important to not supersede in any way, or to interfere, with the duty and the job of MLAs, especially as it exists in these smaller northern communities.

Consequently, we will not be voting against this motion, and we will be noting very carefully the points already mentioned. There are other speakers, and we will note the points raised by all speakers and look into the advisability of establishing an office and expending public funds to the satisfaction of the points raised by all Members who enter the debate.

**Mr. McLachlan:** I rise today in support of the motion brought forward by the Member for Whitehorse Riverdale North, although I will be somewhat more brief in my remarks than the previous two speakers.

The Liberal Party believes in the idea and office of ombudsman, whose job I would simply categorically describe as having the biggest pair of scissors that any of us ever knew to cut through the levels of red tape that often surround government.

All Members of this Legislature are familiar with the situation where many constituents often run from government offices to government offices, trying to get answers and being continually

frustrated with the system. The result is that they often give up, leave the questions unanswered and, inevitably, leave someone else to plow through the whole system again.

Government is confusing enough at the best of times to understand. When those people who seek answers run away from the answers, I feel that we are all losers for that end result.

I am interested in the Minister of Justice's remarks where he has mentioned that only the three smallest jurisdictions do not have an office of ombudsman, but in no case has he made reference to abandonment of that office or decreasing of the budget to allow it to continue.

The only final point that I would make in closing is to say this: if it is the will of this Legislature, at some point in the future, to establish the office of ombudsman, if and when funds can be made available, it is critical and an absolute must that the position be defined in such a way and in such a manner that no Member of Cabinet or government or the bureaucracy can meddle in such a way as to influence that office, one way or another. There are classic cases in Canadian history where that has happened. I feel it has only been to the detriment of the establishment of that office.

21 **Mr. Phelps:** I am very pleased to speak to this motion and, of course, will be speaking in support of it. We have been in touch with the nine provinces who currently have an office of ombudsman in them. We had some correspondence and a great deal of material has been forwarded to us for our proposal. In addition, I would like to say at the outset — I will get to it a little later — that I am acutely aware of the report that was made by Mr. Norm Chamberlist back in 1972. He was the MLA at that time for Whitehorse Riverdale and, prior to that election, had been also the MLA responsible for Riverdale and areas south of Whitehorse, including Carcross. I had, around that period of time, occasion to speak to him about the potential for the office of ombudsman as that potential existed back in 1971-72.

I think that, for this debate, I would like to refer to a small part of the various pieces of literature that we have received from the other provinces and from other sources. I think it is important just to read into the record in very simple terms what an ombudsman office would be. So I would just like to read briefly from a pamphlet put out by the Alberta ombudsman: "What is the Ombudsman?" It says:

"The ombudsman is the person appointed by the Alberta Legislature to investigate the complaint of anyone who believes he or she has been unfairly treated by the provincial government. The ombudsman is independent of the government and has broad powers to investigate the actions, decisions, practices and procedures of its departments. When he finds that any person has suffered an injustice because of bureaucratic delays, incompetence, neglect, prejudice or other maladministration, the ombudsman can recommend corrective action.

"Justitieombudsman" is a Swedish word meaning 'people's agent for justice', originally used to describe the protector of citizens' rights first appointed by the king of Sweden over 250 years ago. In the twentieth century, as bureaucracies grew large and complex around the world, the need for citizens' advocates began to be widely felt, and the Swedish term stuck — shortened for convenience to 'ombudsman'. Easier to say, perhaps, but not exactly a household word for those who do not speak Swedish. Ombudsmen in various countries have received complaints addressed to: 'The Ambushman' in Fiji, 'the Ombondsman' in Hawaii" and so on.

"Whatever name is used, the job of the ombudsman remains the same everywhere: to redress the wrongs suffered by individual citizens who have been adversely affected by bureaucratic maladministration.

"New Zealand became the first non-Scandinavian country to appoint an ombudsman, in 1962, and by the 1980's there were ombudsmen in nations as varied as Wales, the Solomon Islands, Italy, Guyana, the Philippines and Pakistan. In 1967, the Province of Alberta became the first jurisdiction in North America to pass ombudsman legislation."

As the Minister of Justice has said today, "every Canadian

province except Prince Edward Island has an ombudsman, as do many American states, some cities and counties, and even several universities."

"It is very clear that the powers of the office of ombudsman in the provinces in Canada do have certain restrictions. In the same pamphlet from Ontario these are touched upon lightly. 'A few provincial bodies are excluded from the ombudsman's jurisdiction. These include the boards of general hospitals, universities and technical institutes. Nor can the ombudsman deal with complaints against decisions of the courts or the actions of police. However, the staff will provide the information you need so you can complain to the proper authority.'"

The pamphlet from the Province of New Brunswick, entitled "Know Your Ombudsman", has much the same information in a somewhat different form. It states very clearly to the question, "May the ombudsman investigate any complaint?"

"No. The ombudsman has no authority to investigate complaints against the Federal Government, the Courts, the Cabinet, private companies and individuals, and any complaint where there is a right of appeal or review until such right has been exercised or the time for making such an appeal has expired. If a complaint is not within jurisdiction, the ombudsman may in some instances be able to offer help or assistance."

Indeed, in their annual reports, many of the provinces cite various cases the ombudsman was involved in, and in many of those cases the ombudsman did assist in contacting federal bureaucracies in order to forward the position of the complainant, despite the fact that the federal government was beyond the ombudsman's jurisdiction. In many cases just that kind of assistance did help, as can be evidenced in the many cases cited in the numerous reports that we have received.

It is true that the federal government does not have an ombudsman, but they have been lobbied long and hard by the various groups to examine and to institute the office of ombudsman. Indeed, in 1985, the Conference of Canadian Legislative Ombudsmen passed a unanimous resolution regarding the creation of a federal ombudsman. I think it would be worthwhile to read out the entire resolution because it covers again the kinds of things that ombudsmen's offices look into and discussed the need, the success and the views of those involved with that office across Canada.

"WHEREAS each day the federal public administration within its jurisdiction affects the rights of thousands of Canadians; and

"WHEREAS the experience of the provincial ombudsmen demonstrates the large number of citizens who annually appeal to them for the resolution of complaints against the federal public administration; and

"WHEREAS provincial ombudsmen must, with regret, decline to investigate those complaints because they concern federal matters; and

"WHEREAS all citizens of Canada should be enabled to take advantage of the simplest mechanisms which any modern society may give itself in order to resolve conflicts arising between those citizens and the federal public administration; and

"WHEREAS the institution of an ombudsman is such a mechanism; And

"WHEREAS the Parliament of Canada has recognized the merit of the ombudsman concept by the creation of specialized ombudsmen, the Commissioner of Official Languages; a Correctional Investigator, the Privacy Commissioner and the Information Commissioner; And

"WHEREAS the Parliament of Canada has not yet deemed it advisable to create a federal ombudsman exercising the jurisdiction over all cases not already under the jurisdiction of these specialized ombudsmen;

"WHEREAS the experience of the nine Canadian provinces which have established ombudsmen, as well as that of numerous other political jurisdictions throughout the world, demonstrates unequivocally the necessity and utility of the office of ombudsman, and

"WHEREAS the contribution of provincial ombudsman to promote and facilitate the creation of a federal ombudsman;

"THEREFORE BE IT RESOLVED THAT the Canadian Provin-

cial Ombudsmen

recommend to the federal government and Parliament that immediate steps be taken to establish an office of federal ombudsman exercising a jurisdiction over all cases not already under the jurisdiction of specialized ombudsmen;

"and offer to the federal government to the extent authorized by provincial authorities their experience and collaboration in the establishment of an office of federal ombudsman."

The Canadian Bar Association also passed a unanimous resolution at its annual convention in Halifax. I will just read that into the record as well.

"WHEREAS the Ombudsman Institution is recognized as a vital component of the administration of justice in Canada; and

"WHEREAS the Canadian Bar Association provided the impetus for the establishment of the ombudsman concept in Canada by its 1964 resolution that the Association 'recommend to the appropriate federal and provincial authorities the study of the establishment of the office of an ombudsman'; and

"WHEREAS since 1964, nine provinces have established legislative ombudsmen and the federal government has established the specialized ombudsmen functions of Correctional Investigator, Official Languages Commissioner, Privacy Commissioner and Information Commissioner; and

WHEREAS the federal government has not yet established an office of ombudsman with a general jurisdiction to investigate government administration,

"Therefore, BE IT RESOLVED:

"That the Canadian Bar Association recommend to the appropriate federal authorities the establishment of the office of an ombudsman'."

It is very clear in the minds of those who have experience with the concept and, certainly, of the vast majority of those involved in the judicial systems in Canada, that the office of ombudsman is a worthwhile concept. Hence, you have resolutions such as these directed at the largest bureaucracy in Canada.

It is of interest to discuss very briefly the kinds of things that the ombudsman does, the kind of powers it has, and to say for the record that the kind of powers that are enjoyed in other jurisdictions are those that we would look for in Yukon, and that we see as necessary.

In the pamphlet from the province of New Brunswick, entitled "Know Your Ombudsman", some questions and answers for the public:

"What powers has the ombudsman in making an investigation?

"The ombudsman may summon persons before him and has access to all records bearing on the complaint under investigation.

"How long does an investigation take? The time depends mainly on the nature of the complaint.

"Can the ombudsman guarantee the result of his investigation? No, the ombudsman can only guarantee an independent and thorough investigation. If the results turn out in favour of the complainant, then the ombudsman may make a recommendation to the government and, if necessary, to the Legislative Assembly."

It goes on to say that "there is no charge" for having the ombudsman investigate a complaint.

The cost of such an office in Yukon? Well, we have heard from the Minister of Justice who backpeddled for a good many months on the cost of his Cadillac Human Rights Commission. We will have to wait and see how much that cost, but in his remarks he made the interesting observation that, for Newfoundland, which has a much larger government and population than Yukon, the cost, I believe he said, was \$160,000 a year. I am sure it would be less than that in Yukon.

As the Minister of Justice has said, the idea is not new in Yukon and he referred to the investigation and report that was made by Mr. Norm Chamberlist way back in the early 1970s. At that time, when that report was being considered by Members of the Legislative Assembly and by members of the public and by members of the Bar Association, the Yukon Law Society as it was called, I can recall being involved in that debate and in discussions because it was an issue of immense interest to myself and to many other Yukoners. At that time, we had a very, very small government when compared to

the situation now. And when one looks at the way that the budget has been growing in leaps and bounds and leaps and bounds since 1972 and the growth of government bureaucracy and all the different kinds of powers being exercised by the government as the result of many new initiatives, many new statutes on the books — many of those statutes necessary because of public safety, because of licensing requirements and so on — nonetheless, the Yukon is not the same now as it was back then. Government has grown and is growing increasingly. Government now more than ever intrudes in the daily life of Yukoners.

Another quote, this time from a Royal Bank of Canada monthly letter about the principle of the ombudsman — a brief quote:

"In fact, as George B. McClellan, the Alberta Ombudsman, said in an article in the *Alberta Municipal Councilor*, 'There is hardly any field of business, manual labour or other occupation in which the average person finds himself engaged, where he is not subject to numerous forms of government control.'"

That is certainly becoming the case increasingly here.

25 "Complaints are not always of some fault by a civil servant, but result from the confusion a citizen feels when caught in the complexity of the government structure necessary to supply services. As in an expanding business corporation, mechanisms of management become more elaborate, relationships between departments become a criss-crossing maze, duplication of responsibility and work becomes a menace.

"When a crevasse of misunderstanding separates an individual and those in authority, it causes unhappiness. To bridge this chasm is primarily the responsibility of those in public service. They must be on their guard against out-and-out violation of the rights of citizens but in addition they need to watch for ways in which they infringe without realizing that they are doing so. They will keep in mind the principle enunciated by the Emperor Marcus Aurelius, 'He often acts unjustly who does not do a certain thing; not only he who does a certain thing.'"

Because of the growing complexity and the growing intrusion into the everyday lives of Yukoners of government in Yukon, I am proud to say that our party passed a unanimous resolution in favour of the establishment of an office of ombudsman in Yukon.

Such an office is quite different from, in principle, the human rights commission concept, and we now do have new Human Rights legislation in Yukon. The ombudsman is there to protect the individual's rights and protect that person against government. The primary focus of the Human Rights Commission is to actually go out and examine citizens and corporations to see whether or not they are doing things against other citizens. It has been said many times by Yukoners that we need an office of ombudsman to protect us from the investigations and investigatory powers of the Human Rights Commission. We do not know, because we have not enjoyed that experience, but I can tell you this: I hear weekly, sometimes daily, from citizens who feel that they have been oppressed in some way by government. I write all kinds of letters and contact all kinds of people on behalf of the constituents from across the Yukon.

Not only are the problems growing, as would seem natural with the growth of government and the growth of government legislation and rules and licences and so on, it becomes increasingly apparent that the MLA simply does not have the necessary power to fully satisfy the needs of many constituents who come to the MLA for redress and investigation.

26 There are a couple of very good reasons for this. The first, I think, is that I have already spoken about the very basic powers of an ombudsman. In most jurisdictions the ombudsman has the right of access to all the records that are pertinent to his investigation. MLAs simply do not. They are virtually and relatively powerless in that regard.

Another attribute is that the ombudsman is seen to be, and is considered to be, entirely non-partisan. That is extremely important because, first of all, a citizen can be assured that when he or she goes before an ombudsman that he or she is not going to get involved in the middle of a political debate by virtue of that action.

Secondly, that person knows the ombudsman has not only the access to those records, but the right to call anybody in the government forward to give evidence and assist in his investigation.

So there is no question that the ombudsman yields far more power and fulfills the perceived need of the individual citizen in a way that MLAs simply cannot.

I want to be on the record as saying that I strongly disagree with some comments made by the Minister of Justice in his remarks, particularly when he did discuss the case raised by the Member from Whitehorse Riverdale North. It seems that when a person gets into power and becomes the government they kind of frown upon the idea of ombudsman because the person in power can do no wrong.

It is interesting the smoke screens that come up when discussing a very simple and straightforward matter like the Nowlan Game Farm situation. We are not speaking of the criminal case itself and the charges laid against the defendants, but what happened there in part, in my opinion, was very clearly wrong, and very clearly involved bureaucratic decisions that were unfair — in fact unconscionable in my opinion.

I think those should be spelled out, because they are things that really ought to have been investigated at the time these decisions were being made by the bureaucrats in Renewable Resources, not in the Department of Justice, although I suppose they were called in to give some of the advice.

The Crown has a right to lay charges, the Crown has a right to prosecute. I do not want to get into the merits of the alleged conspiracy criminal case at all. We had a situation where some of the defendants depended for their livelihood on being able to manage the Game Farm during this very lengthy investigation.

We had a situation where following the initial charges Renewable Resources came out and watched eggs being hatched. There was no question that Mr. Nowlan had a large number of chicks that the Renewable Resources Department were absolutely certain were born and raised on the farm. They were called out at all hours of the night and were there, as I say, when many of the chicks were hatched and followed them through the growth of the individual falcons.

27 Renewable Resources of this government made a decision that those birds ought not to be sold. They had all kinds of excuses and reasons but, by doing that, they deprived the owner of the game farm of income. Negotiations dragged on and on between the game farm and the Minister's department and Renewable Resources to try and find some way of allowing that farm to sell these falcons. Because of the red tape and because of various excuses used, sales were not made. Largely as a result of that and other kinds of interference, we were probably witnessing the demise of the Yukon Game Farm or, at the very least, we are going to see it being taken over by government to conduct all kinds of interesting experiments.

The situation is one of defendants placed in a position where they cannot even earn money to pay for their own lawyers and are going broke — and this is aside from the case itself. Most fair-minded Yukoners, when they heard the true facts surrounding the plight of the owners, were outraged. I, myself, I must admit was. Yet, everyone's hands were tied. I submit that, at the time this was going on, had there been the office of an ombudsman, at least those defendants could have gone to him to investigate and look into and make recommendations with the issue that was not involved in the case itself, of carrying on with business without undue interference from the government.

We did not have that position. We do not have that position. I can tell you that the individuals involved, and their friends, many of whom I have talked to about this situation, really felt that they were being trodden upon by government — not by the federal government but, in many cases, by this one.

I have always felt that there is certainly the potential for abuse of powers by bureaucrats in government. Many times in my life I have fought against it as a lawyer. I really feel that that is one very clear case where an ombudsman would have been salutary in terms of the person being able to go there and at least having some chance to feel that he would be treated fairly by government.

That is one case that has been written up. It has been big. Many Yukoners feel as I do about the injustices done there. There are all kinds of other cases that come before us. Individuals are terribly upset, because they feel they just cannot fight against the system,

they cannot fight the red tape.

<sup>28</sup> Try as we might to help them, work as diligently as we might and write as many letters as we do, we simply do not have the power of investigation and we simply do not have the clout because most often it is viewed, when we do speak out in the Legislature, as a partisan kind of complaint and not a balanced judgment of facts about the inadequacies of bureaucrats and their actions that are brought forth after an impartial investigation. That is just a fact. I could go on. I could give out the cases and the names — I do not think it is appropriate that I do here. I feel that many of the people who I am acting for now, or trying to assist as MLA, would like to see the office of ombudsman created, but I do not think they would like their names used in this debate.

The office of ombudsman is not just there to criticize the bureaucracy, but really, on the other hand, it is seen by bureaucrats in many jurisdictions as being protective of the civil service. I will just try to find the quote from the paper put out by the Royal Bank of Canada on the principle of ombudsman. It makes the point quite well, I think.

"There is another side to the coin. While making sure that the government agencies do not exceed their power or exercise it in an unreasonable way, the ombudsman's findings protect the agencies against unjustified complaints. In *The Annals* chapter on the New Zealand practice, it is said: 'The civil service has come to regard the ombudsman as a defence against unjustified criticism rather than as an enemy.'"

In fairness to the civil service and in making my remarks as balanced as possible on this issue, I have said that I have had a great many people come to me with complaints about the bureaucracy and problems — some of which remain unresolved. At the same time, many of the people who have come to me, it has been determined by myself, after investigation, that their criticism has been unjustified and I have tried to convince the constituents of that and that there have been misunderstandings on their part.

I think that that kind of revelation to some of these people really is a positive thing for the civil servants. I think there is a protective device built in to these investigations because there is no question that some criticisms levelled at the bureaucracy are unfair and there is no question that the vast majority of civil servants certainly are there to do a job and do it in the best way that they can. It is only the exception, but there always are exceptions; that is part of human nature. There always are bad apples in the barrel, and of course when you have vindictive decisions made against an individual by people who have the power of the state behind them, that is a terribly frightening thing.

<sup>29</sup> There are very few citizens in Yukon who can really afford to fight the system. The people most vulnerable in dealing with government are not the destitute who can at least apply for Legal Aid. By and large, it is the middle income or small business people who do not qualify for Legal Aid and get into court cases or situations where, very naturally, bureaucrats do not want to admit they are wrong and settle.

It is an amazing thing, you can ask most lawyers who are in civil litigation. It is awfully hard to settle a case with government before going to court, because bureaucrats do not want to admit they are wrong, if they are wrong. It does not cost the bureaucrats anything to go to court. I know cases that have been dragged on for seven, eight or nine years — large cases against the federal government in particular. By the time the thing goes through appeals and so forth, those who are morally wrong in the situation, in the bureaucracy, who have not been jeopardized or have not had to finance lawyers or anything of the sort, are dead or retired or are completely hidden under stacks and stacks of paper.

We are putting forward this motion in a sincere way. We sincerely believe that such an office is now necessary. We do not believe that simply having Ministers approached by people to have a second look at some of the bureaucratic decisions is enough. Believe it or not, not all citizens in Yukon have complete faith in the Minister of Justice, the Government Leader or even myself for that matter.

I sincerely support this motion and really hope that the government, in supporting this motion, will give a very careful look

at the need and come forward with an appropriate position given the circumstances of Yukon.

**Hon. Mr. Penikett:** I would like to say at the outset that I would like to briefly enter this debate not as the Government Leader but as the Member for Whitehorse West. I would speak to this question as a private Member, because I think there is a great division of opinion on the wisdom of the office of ombudsman held among private Members in parliaments of this country and around the world.

I have enjoyed very much this afternoon's debate, particularly the intervention by the Leader of the Official Opposition and my colleague, the Minister of Justice.

The Leader of the Official Opposition made perhaps the most convincing arguments that can be made for the office of ombudsman and the powers of the office of ombudsman versus the powers of private Members in our kind of parliamentary system.

<sup>30</sup> I would like to state at the outset that I enter this debate intending to support the motion, but I want to speak frankly to some of the points made by the Leader of the Official Opposition. I remain an honest skeptic about this proposal.

In an entirely serious way, I would like to pick up on some of the points made by him and explain the reasons why, even though I will support the investigation, I have become a skeptic. Like him, back in the late 60s and early 70s, I was an enthusiastic supporter of the idea of ombudsmen for many of the reasons that other people of my age and my inclination and my education in those days were. There were perceptions about the growing power of the state and, as the Leader of the Official Opposition will remember, those of us came of age during the time where the ideas of the new left were fashionable, as opposed to the old left. Even people on the left recognized that the powers of state were not necessarily benign and could be threatening and oppressive, and that there should be some kind of counterweights in the system to provide security and protection to individuals, and that the courts and even Parliaments were not sufficient to that task.

The Leader of the Official Opposition has indicated something about the mixed parentage of the office. He has indicated its Swedish roots, its adoption by the labour party in New Zealand, its adoption by the Conservative government in Alberta and, subsequently, by many of the provinces here.

What is proposed in the motion before us is that we do an investigation. The Leader of the Official Opposition is acquainted with the investigation done by Mr. Chamberlist many years ago, back in the days when Mr. Chamberlist was a Member of this body. It is far enough back that the Leader of the Official Opposition was then a political confrere of Mr. Chamberlist in the Liberal Party. Suffice to say, a lot has happened since then. It is a little bit about what has happened since then that I want to discuss.

I have had the advantage, in one of my capacities as national president of the party to which I belong, to have met with and discussed this issue with parliamentarians from not only this country, but around the world. It is my impression, notwithstanding the glowing reports from the various ombudsmen and the ombudsman offices, that the bloom has somewhat gone off the rose with respect to this institution. I know parliamentarians or Members in some of the Canadian jurisdictions, such as Ontario and Nova Scotia — even Alberta — have begun to question whether the costs and the activities of the offices of the ombudsmen really serve their original purpose as well as was hoped by all of us.

Alberta is a particularly interesting case, because that province, for much of its history, has operated without an effective Opposition. In recent years, we must remember it is only between 1967 and 1971 when Mr. Lougheed was Leader of the Opposition and there was a substantial Opposition group and, again, now following the 1986 general election that the province has had a substantial Opposition.

If you will permit me for saying so, that is, in the Canadian situation, a very unique case, which may have warranted the office of an ombudsman even more so than is the case in most of the provinces in this country. A few years ago, as Members will know, there was some controversy when the ombudsman made his routine

report to the Parliament of Ontario, which is a very old Parliament and one of the few where there has been enduring three-party system. There is lot of partisan contest. There is also a lot of experience in that Legislature. There are many lawyers on all sides of the House. There are people who have served their constituencies for as long as the Member for Porter Creek East, in fact even longer. It is not unusual in that Parliament to find people with 20 years' experience.

In their case, they have watched not only the evolution of the office of ombudsman, but also the evolution of their own roles as private Members, as Ministers, as Opposition Members, as government backbenchers and so forth.

That is important. There is quite widespread concern now that the ombudsman, in many cases, is not dealing with matters that are not already being dealt with quite adequately by MLAs, that it is a rare case where the ombudsman intervention can achieve any other end or effect than that by a diligent MLA, and that the cost per case of the office of ombudsman — if we deal with them as we would constituency casework matters — is far greater than it is for an energetic private Member.

<sup>31</sup> There is a serious problem, I think, in particularly larger jurisdictions about a bureaucracy developing around these offices, which may be unwarranted. There is also, and this is important to understand, a question about the caseload. I remember hearing some discussion some years back about the office of ombudsman, I believe it was in Nova Scotia, where, to echo the point made by the Minister of Justice, I think almost every MLA in the House had a larger caseload than the office of ombudsman. I believe it was their opinion that these cases that the MLAs were dealing with were no more difficult, no more complex, no more challenging, than those dealt with by the office of ombudsman and there was some question about whether it had in fact not become redundant.

I want to return, therefore, then to the question of the changing role of private members in our kind of parliamentary institutions. I think we must admit that they have changed. I am enough of an amateur student of these things to know that, going back to the 1920s, it was a conventional wisdom among senior parliamentarians of the day in this country that Members of Parliament were not elected as errand boys for the constituents. There were public statements made to that effect. Members of Parliament were sent to Parliament to legislate, to debate, to question the government. It was not their job to run around looking into passport matters, unemployment insurance cases — well, of course that predates unemployment insurance — but the kind of questions that pre-occupy not only Members of Parliament today but also MLAs and in some communities even city councilors. That has changed. I think in the last 50 years we have seen quite a radical change, and I think in the period since the Second World War we have seen an even greater change. I think the changes, if you track them through the House of Commons which is quite easy to do, have gone, even since the Second World War, from the situation where two MPs were sharing an office and had one secretary to a point where an MP would now have, even fairly junior MPs, a suite of offices, at least two, and will have a staff of at least four; more recently, a constituency office has developed out of the recognition that no longer was there any notion that it was not an MP's or an MLA's job to deal with constituency problems or constituency grievances, but very much the opposite was true. For a private member at least, this had now become the largest part of their role. In fact, if you look at several opinion polls on this question, the expectation of citizens is now that representing their constituency or constituents on matters like this is, in the minds of many people, the most important part of an MLA's or an MP's job.

I think if you understand that, and I think if you understand the public's expectations about that, and you recognize that, even in my time in this House, the demands on me as a Member, which have nothing to do with the offices I have held as a private member or as a Leader of the Opposition or of the Government, the expectations of citizens of their Members have gone up incrementally quite dramatically.

I am not going to cast aspersions here but I know people who, when I was first elected, would have only come to me with a very,

very serious problem that could not get resolved any other way, who were coming into my office in my last days as Leader of the Official Opposition asking me to fill out forms for them which I knew they were perfectly able to fill out for themselves.

<sup>32</sup> There are things we could discuss about that in terms of the appropriateness and the expectations, or perhaps even the sad dark side of that of the potential and serious problem if a dependency relationship develops between a Member and their constituents, what that does to democratic institutions especially when you have support services funded for Members and researchers and staff to help maintain those dependency relationships. If we begin to become something akin to a social worker to our constituents, I think that is a problem.

Let us understand the main line direction has been for a continually increasing demand, and a continually increasing expectation from citizens that we, as their representatives, will play the role of advocate for them with the bureaucracy or with government institutions, federal, territorial and local.

It is another reality that many constituents do not make the neat distinction between the levels of government and the different jurisdictions. I think everybody who has been here for awhile has dealt with municipal problems and federal problems as well as territorial problems.

Having said that and having recognized that the ombudsman idea was an extremely popular idea in the late 1960s, I think less was heard about it in the 1970s as most of the provinces adopted the idea. We are hearing a little bit more again about it recently, but as we investigate this matter I want us to make sure that we also talk, not only to the ombudsmen around the country, but also to parliamentarians in the institutions that have them. I am not, and I say this with all seriousness to the Leader of the Official Opposition, absolutely convinced about his point of ombudsmen's powers.

He makes the point, and I think it is a serious one, about the power of the ombudsman to have access to paper or documents. Now with proper regard to the fact that we have access to information laws and also protections for privacy, not only here but also at the federal level and in many of the provincial jurisdictions, as a purely practical matter I know from my experience on that side of the House and on this, that all the ombudsman is going to see in the files to which he would have access is the letter from the petitioner themselves — perhaps a letter from an MLA as well and probably a letter on file from the Minister or bureaucrat who responded. The paper to which the ombudsman is going to have the power of access is going to be very limited, except in extraordinary cases or unusual cases.

I want to say, in all seriousness, that I believe, although I am open-minded enough to be persuaded otherwise, that the Leader of the Official Opposition might find that as a purely practical matter he and I, in the conduct of our work as MLAs, already have access to if not all of that paper, the very largest part of it. There is not any mysterious information potentially available in most of the matters we are discussing. I think the issues are often not about the facts, but they are indeed about the attitudes, or the policies, or the positions, or the regulations that are in force, or the application or enforcement of them.

<sup>33</sup> Having said that, I also think we should remind ourselves that the best of the ombudsmen are the servants of the Parliaments that they operate. They are not bureaucrats. They are our servants. They report to us on an annual basis, which then raises the question about whether they really can have any more powers than we have individually or collectively. I do not think we, as a Parliament, can give the powers we do not have; therefore, is it not a false proposition to sense the ombudsman can have more power than the Parliament? I do not think he can.

Most of the provinces and most of the more serious grievances, such as the one addressed by the Member opposite, could have been dealt with and, in the final analysis, have been dealt with by Ministers, by MLAs, by legislators. They could have been addressed; they can be discussed; they can be resolved.

Having said all that, I promise to speak briefly. I want to have an opportunity to think seriously about the representations of the

Members opposite. If we are going to investigate this matter again, I want to see us not duplicate the work done by Mr. Chamberlist, but get the most current and recent information, both by advocates and skeptics. I want us to have a report that will come back to this House. In deference to the Member who moved the motion, I do not think that can be done by September. I think we should have a report that comes back to this House in our next sitting, if that is possible.

I think we should discuss the matter again. If we finally resolve to establish an ombudsman, I think it should be done by an Act of this House and after a full and proper debate about the terms of reference and about the funding and about the place of such an institution in our society.

Therefore, I will conclude my remarks on that note, and say that I will be supporting the motion.

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

**Hon. Mr. Porter:** I had no intention to speak to the motion; however, I understand that the Leader of the Official Opposition, in substantiating his remarks in support of the role of the office of ombudsperson, stated, on a specific recent case in the Yukon that was before the courts, that the Department of Renewable Resources was somehow guilty of collusion and a conspiracy with respect to the question of issuance of permits with respect to the sale of falcons.

It is only right that all of the facts be put on the table at this particular point because that statement has occurred.

With respect to the responsibilities of the Convention on International Trade in Endangered Species, CITES, that authority rests with the federal government...

**Speaker:** Order, please. On a Point of Order.

#### Point of Order

**Mrs. Firth:** I believe this motion is dealing with investigating and reporting back to the House with respect to an ombudsman, not the issue of the Renewable Resources department and their handling of the falcon issue.

**Hon. Mr. Porter:** On the same point of order, if Members from the side opposite are going to be putting specific statements on the record regarding motions that they debate, then they should have the courtesy of allowing Members on this side of the House the opportunity to respond to the charges or charges levied. I think the question of fairness over and above all else should prevail with respect to the way in which motions and debates are dealt with in this House. I would submit that the Member does not have a point of order inasmuch as the question had been raised by the Members opposite, and I am only responding in kind.

**Speaker:** On the point of order, the Member for Whitehorse Riverdale South does have a point of order, and I would just like to remind Members that when you are speaking to motions, would you speak to the issue. I see where the Member for Whitehorse Riverdale South did have a point of order, and I would just like to remind Members if you are speaking to a motion please speak only to the motion before the House.

**Hon. Mr. Porter:** I will abide by your ruling and only put on the record the facts as stated in the Member's position originally are disputed facts and if there is any need for clarification, I would be available to make that verification.

**Speaker:** The hon. Member will now close debate if no other Member now speaks. Does any other Member wish to be heard?

**Mr. Phillips:** I will be rather brief in my closing remarks. I enjoyed the debate this afternoon, and I would like to thank all Members for their indicated support. I was not too pleased with some of the comments made by the Minister of Justice. I would like to just make a couple of comments on what he said earlier. He mentioned that I did not do my homework, and that in 1972 there was a study done and actually reported about an ombudsman in Yukon. I find it rather interesting that the Minister of Justice, less

than two months ago, brought in a Human Rights Bill; he said it was a progressive bill of the 1980s and that we had to be up-to-date with things, and here he uses a study that was done 15 years ago as his comparison. I think that is rather weak.

I would also like to comment on the comparisons that the Minister of Justice uses when he talks about the size of the office of ombudsman. In my speech I very clearly said we should not have a large office of ombudsman, it should be small. The Minister of Justice again finds it very convenient to quote the size and the cost of the Ontario office of ombudsman, which is hundreds of times larger than we are in government. Yet he finds it convenient to quote them in that case, but when I mentioned to the Minister about their JP recruiting program for natives that is costing \$.5 million, and they have only recruited three, he said they do not listen to Ontario there; it does not count there; we only listen to the ones we can use to our advantage.

The Government Leader mentioned the responsibilities of MLAs, and I am not suggesting in any way that this office would take away the responsibilities of an MLA. I am suggesting that the government is growing and there is not anyone out there who does not see government growing quite rapidly. Since 1972 we have grown a little bit.

I think the time has come that we could use a small office of ombudsman that would be in comparison to our population and our government size. I would commend this to the House.

*Motion No. 100 agreed to*

#### Motion No. 106

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

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

**Mr. Phelps:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the hon. Leader of the Official Opposition

THAT it is the opinion of this House that the Government of Yukon should heed the advice of the Agricultural Application Action Committee and streamline its land transfer process by:

- (1) eliminating needless government bureaucracy and red tape;
- (2) delineating a clear, open, reasonable and straightforward land transfer process that identifies all groups, committees, and agencies involved in the process;
- (3) listing the names of all contact persons for the groups, committees and agencies involved in the land transfer process;
- (4) advising all applicants whose applications are involved in a conflict about the nature of the problem(s) as soon as possible;
- (5) providing an appeal process for applications that have been rejected;
- (6) allowing applicants whose applications have been rejected because of land claims, or other conflicts the right to select new land and retain their original application number; and
- (7) giving priority to original applicants for a piece of land over subsequent applications for the same piece of land.

**Mr. Phelps:** The issue of land availability, particularly agricultural land, is an issue we have been raising in these Chambers over and over again and in Question Period. In fact we have probably had hundreds of questions in Question Period and many more questions in budget debate over the past couple of years. In addition to that, we have presented motions bearing on various aspects of the issue of land availability, particularly with respect to agricultural land. I believe the most recent motion in that regard was the motion put forward by myself on February 4, 1987. It read, "THAT it is the opinion of this House that the Government of Yukon should amend its present Agricultural Policy so that parcels of land less than 20 acres in size may be disposed to third parties as agricultural land."

My good friend, the hon. MLA for Kluane put forward motions and questions and we continue to do so.

We are not the only ones. There are a lot of would-be farmers and other constituents in my riding and other rural ridings around the Yukon who are concerned about the lack of availability of land for agriculture and other purposes. Various committees, the Agriculture



ral Policy Advisory Committee for example, have developed policies and presented policies to the Minister of Renewable Resources with respect to agricultural land. I recall reading from that report, which was presented back in July, 1986. The Yukon Livestock and Agricultural Association went to the trouble of preparing a huge brief, which it presented to the Select Committee of the Legislature on Renewable Resources about a year ago.

We heard at meetings around the territory and those on the Select Committee from people, constituents in Dawson, Mayo and Carcross, who were extremely concerned about the shortage of land. It was a large issue upon which some of us have had the opportunity of hearing from a good deal of disgruntled Yukoners about — disgruntled, but sincere and often passionate in their belief in agriculture and their belief in the rights of the individual and their desire for a lifestyle and one that they feel would be for the general good of all Yukon.

I do not wish at this time to say that the government has not listened to some of these people and actually supported some of our resolutions and taken some steps to try to remedy the situation. Rather, we simply continue to believe that is not a high priority of this government, that they are not proceeding quickly enough to streamline the land use application process, they are not responding quickly enough to the applications. A great many individual dreams have died on the line over the course of the past couple of years because people have not had responses and have simply given up. Some have moved away to follow their dream in other jurisdictions. <sup>37</sup> We feel land availability ought to be a top priority of this government, that the agricultural industry has a lot to offer. We will continue to push the government in an attempt to ensure the constituents will receive more satisfaction in their quests for agricultural land.

Because of the problem, because of the fact that the priority attached to land availability has not been very high and the results not very good, and as an example of the points I am trying to make of the growing frustration of constituents about government inaction, a new association has been formed in addition to the Livestock and Agricultural Association. This group of people, disgruntled because they cannot seem to get answers about their land applications and cannot seem to get any results, have formed a committee known as the Agricultural Application Action Committee. They have released a document entitled *Agricultural Application Action Committee, March 23, 1987 — Meeting with Mr. Piers McDonald*. I will read it into the record, because it is really this document that this motion is in support of. It states:

"The executive will represent its members to any and all groups, agencies and/or committees, either public, private or governmental.

"The AAAC executive wants clear-cut communication with all groups, agencies and committees, either private, government or public. It would like the names of the head of these, or if the head of the group is not the contact person, then the name of that person(s).

"The AAAC would like a complete breakdown of the YTG land transfer paper, i.e. names and abbreviated titles, in not such a complicated format.

"The AAAC would like applications having direct problems to be identified and set aside for a stricter evaluation. At this time, the AAAC would attempt to aid the applicant however possible.

"The AAAC requests that any applicant who is refused due to land claims or conflicts has the right to select new land and not lose his standing in the program, i.e. he retains his original application number.

"The AAAC requests that any applicant has the right to appeal a refusal, and not until that appeal is over may the application be dropped.

"The AAAC requests that applications that have been made on a given piece of land should be given priority over other requests on that land that arise after the application has been submitted.

"Due to the fact that there is a strong rumour of rural agricultural subdivisions and that the government is planning a scrapping of the present program, the AAAC would like to raise a motion:

"as of June 1, 1987, the government freezes the present program. That is to say that no new applications will be accepted and that the

government does everything in its power to process all outstanding applications by December 31st, 1987. If the government deems it proper to implement a new program in the new year the AAAC will have no objection so long as the government has made every reasonable attempt to process all the outstanding applications under the present program.

<sup>38</sup> "The AAAC members applied to the government under a legitimate program. Suddenly the applicants have an extensive review process that previous applicants did not have. We must live with this, however, we will not accept the dropping of this program to be shuffled to another one. We want the land that we applied for. We hope there is integrity in this government.

"The AAAC wants a reasonable attitude from the decision makers in the acceptance or refusal of any application. It is not the government's position to play God with any application. The reviewing process must be unprejudiced, open and reasonable, something it has not been to date.

"Finally, the AAAC would like a weekly meeting with the Minister so that he can give a progress report on the existing agricultural application program for the AAAC.

"For the AAC: Bob Andrews, Delores Smith and Greg Sisca"

This motion is in support of these people who are some of the very frustrated Yukoners attempting to get some agricultural land. We certainly hope the Members opposite will see fit to support this motion, because I think the motion is reasonable. We certainly would like to see some satisfaction given to these good Yukoners who felt it necessary to join together in a committee to try to get some action.

**Hon. Mr. McDonald:** I enter this debate as one of the more experienced Members of the House in dealing with agricultural issues. I do recall in 1982 having been lobbied by farmers in my riding to address some of the issues in the Legislature, having gone back to *Hansard* in previous years and discovering that really the issue of agriculture had not been addressed at all in any substantive way in the period prior to 1982.

It was partly a reflection of the attitude of the residents of the territory, at least of the attitude of the residents of the 1970s and early 1980s that perhaps agriculture, as an industry, was not viable and was better left to southern climates and southern soils.

There was a period of time early in the term of 1982 where there was a considerable push by the agricultural industry and by me to start raising the general profile of the issue in the Legislature and in the territory.

<sup>39</sup> It was abundantly clear that, even though experience in recent decades had not shown a broadly based industry existing in Yukon, historically, the industry had proven itself to meet needs of Yukoners at various periods in our history. I had given an indication to the House about the history of agriculture in the Mayo riding for a period of 1920s onwards, the post World War I era. It was obvious for anybody who travels the district that there are very obvious physical manifestations of a very vibrant and healthy farming community that has existed to meet the needs of the day.

In early 1982, the subject was introduced into the Legislature. I must admit that the response that was received early in the first of the term of office of 1982-85 was not wholly encouraging. That did change over the course of the term of office of the previous government. I do recall listening to Ministers refer to the only viable agricultural industry in Yukon as being a frozen food industry, and not something that should be encouraged by overt government action.

I disagreed with that. I was very clear about it and asked questions regularly of the various Ministers about the activity and the development of agricultural land policy and a policy with respect to agriculture generally. Gradually, over the years, the Ministers decided to get themselves briefed on the issue and, gradually, there was some movement, there were some positive statements enunciated — positive in the sense that they were not negative. Then the big breakthrough: there was a contract person hired in Renewable Resources to receive land applications.

That was a big day. I remember celebrating with a beer with a friend of mine who had been pushing for something for years and

years. That was the big day that we celebrated: the hiring of a contract agricultural expert.

Over the course of this period, the agricultural industry was organizing itself. It was becoming more sophisticated in its approach to dealing with government. It was establishing for itself terms of reference within which it wanted to live. It established the principles upon which it wanted to develop. By that, I mean that they wanted to have a market-oriented, or market-driven, industry rather than a government marketing board-driven industry. They were making their point loud and clear, not only to the government Members of the day. There were fierce lobbying efforts I am very familiar with, within the government caucus of the day. There were fierce lobbying efforts on the Opposition side. Out in the public, the reporters, for the first time, were talking about agriculture as though it were something absolutely brand new, a new creation, something we should get excited about.

It was all very positive. People were opening their eyes to the existence of agriculture. From that historic perspective, I have pride in the sophistication that has come from the efforts on many people's parts, including efforts in this Legislature in previous years to raise the profile of the agricultural industry and the very important issues that have to be addressed.

The Leader of the Official Opposition makes mention that land availability has been a big issue for the Opposition during this session. Any reading of even the index of *Hansard* will demonstrate that it did not start with the arrival of the Member for Hootalinqua in this Legislature. To be fair, of course, the Leader of the Official Opposition does recognize that the government has supported the various motions and has been positively responsive to the many questions that have been put in the House. There has been success made in aid of the agricultural industry.

The criticism that more can be done is always a legitimate criticism. There is always more that can be done. I am interested in pursuing any good ideas that may come forward from either the Opposition, or from the Agricultural Application Action Committee, or from the Yukon Livestock and Agricultural Association, or from the more formalized body, the Agricultural Planning Advisory Committee.

It is important to state at this point that, in response to the obvious challenge, perhaps the only true item of confrontation that may have leaked into the Member's remarks was that the area of agricultural policy is not a priority with this government. Despite words to the contrary from certainly my mouth and from the mouths of my colleagues, the Leader of the Official Opposition continues to suggest that, despite our best efforts, it is not a priority and, even if it were a priority, the actions are not good enough.

It is an easy criticism. I will take some of the criticism in the constructive mood that it was put, because I believe that, irrespective of our respective records on this matter, it is important that we do keep our minds open to new, good ideas that can always improve the situation for all of us, and for the people of the Yukon whom we all represent in this Legislature, and more particularly the people of the agricultural industry and, ultimately, the people of the territory to whom the agricultural industry sells their products.

The Member did suggest that the AAAC formed because of policies established by this government or because of the actions of this government, and seemed to draw the line of history at May, 1985.

I think there are some criticisms that should be levelled at the way that this government has operated. I would not draw the line at 1985. I would draw the line much earlier than that. It is interesting that the Agricultural Application Action Committee's first comments to me in their meeting with me was that they were complaining about the alleged fiddling, or promotion of favouritism, in land applications that they alleged had been committed by the previous government. I did not respond to that. I had nothing to substantiate any their concerns. I just want to make it clear that the concerns that are expressed by the Agricultural Application Action Committee, given that many of the applications that we are talking about are three, four, five years old, are complaints that have transgressed changes in government.

The Leader of the Official Opposition did read out the letter to me

from the Agricultural Application Action Committee, and mentioned that there were a few policy issues mentioned in that letter that were not addressed in the motion, perhaps some of the more contentious issues, such as the proposal for the land freeze. I have indicated a response to them on that question already at one of the meetings that I have had with them and have explained with respect to the land freeze that, though we would consider it, we would not view a freeze in activity as being good policy. I believe that that position is supported by many others.

It would be interesting to project into the future what might happen if such an application freeze were in place. I think it would be fairly obvious that, within months, we would have another action committee created to represent those people who could not even get an application in, let alone have their application adhered to.

We have to change policy. We have to reorient policy and the workings of the government on the run. We have to receive applications, deal with them expeditiously, efficiently and, at the same time, it is expected that new and other applications will be coming in.

The record of the government — I say government generically — has proven to be complicated and quite inefficient to date. When the agricultural land program was first taken on, it took two years to even make the first transfer application, let alone show any results, in terms of an application actually being approved, transferred and the person signing an agreement for sale. That is something that we have to accept; things have to improve.

I would like to mention one more time that, throughout the course of the last five years, there have been improvements made.

There was initially a call for a single-window approach to receiving agricultural land applications. That was done within, I suppose, months of the receipt of the land program. At that time, I recall saying that the first duty of the administrator was to make up a checklist of all government desks that had to be crossed, all bases that had to be touched. I believe there was better than 20, and it was considered to be quite a breakthrough for a person coming in making an agricultural land application to be handed a checklist of bases that that person themselves had to touch. At least, that person knew which bases were needed to be touched. The administrator was quite good about ensuring that the person knew where the addresses were and where they could find the civil servant in whatever bowels of whatever building in order to proceed with the application.

After a while, it was seen as being more appropriate to have the civil service bird-dog the application through the system rather than making a person, who may not even live in the Whitehorse area — a person who may come from Dawson, Watson Lake or Mayo — come in and try to bird-dog the application, a person who does not know the system, who does not know where people live and work in Whitehorse, and feels intimidated by the situation in any case. There were gains made. It was agreed that the department would bird-dog the application themselves. One person could only do so much.

At the same time, there were still people who seemed to have a say in the land application process who were not even on the list. So the list was continually revised. The communication links seemed to break down continuously. People who had been given a favorable response were responded to later that the land had been selected. People who had initially been told that lands had been selected, were told by local Bands that no the lands had not been selected. So, there had been poor communication links en route.

I think that, though the communication links were plagued with gremlins, gradually, over time, they seemed to — at least, from an opposition perspective — be getting better. Certainly people were putting a lot of time and effort into trying to understand a new program for which they needed to develop guidelines, principles, and how to deal with it. They had to draw other government departments into understanding the fact that this was, at least by the politicians of the day, a priority. People were working in a vacuum. They had to start the whole program from scratch. I mean no disrespect to all the people who spent long hours trying desperately to cut through the Gordian knot of complicated rules, which they



were only just developing.

43 As well, the public at that time were essentially unaware that things were getting better in those days, because all the motion, all the activity, was internal. All the discussions were either in government Caucus or in the machinations between the departments. People were trying to establish who was responsible for what. I remember the responsibility for agriculture moved from Renewable Resources to Community and Transportation Services and back to Renewable Resources. Now, as all Members know, there was a request made by the Yukon Livestock and Agricultural Association that the Lands portion of Agriculture should be moved back to Community and Transportation Services.

It is fair to say that the system is being shaken out and people are coming to terms with the program that was delivered to the Yukon in 1983.

It would be incumbent upon the government now to state exactly what it is doing. It is not good enough to say that the system is shaking itself out. It will not shake itself out by itself. It has to receive some clear indication from senior government and politicians where they stand. We have had some discussions in this Legislature already about how the government should be responding. I have made some statements, not only in response to the motions and questions in the House, but also in response to the initiatives that we have been taking in the area of land development to indicate what the government is doing.

In receiving responsibility for the department that administers agricultural land some weeks ago, I also welcomed in the Agricultural Application Action Committee, which had been formally formed around that time. They came to me to present the letter that the Leader of the Official Opposition read into the record. We also had a very good, frank discussion about what had happened in the past and the desire to look to the future to resolve the problems that the people were facing. There were horror stories that I remember tackling myself. There were many horror stories when I dealt with them. They were considered to be horror stories of a first order when they presented them once again, of people whose applications had been in the system for three, four or five years. Quite often, it would seem to that person that that application had been shot off into mid-space, never to be seen again. Applications lost, applications found with caveats placed on them, which are not understandable. There were all kinds of problems that could be mentioned with respect to these particular applications. 44 So we have discussed the letter, and I also undertook at that time to meet with them very regularly. We established two-week intervals for regular meetings. The first regular meeting after the initial meeting was last week.

At the meeting last week I introduced the idea of an Agricultural Land Applicant's Bill of Rights. That Bill of Rights, so to speak, would include the right to appeal an application that had been denied at any stage; the right to replace in line the land applicant's process; the right to full access to any file and the right to remove the file at will; and the right to be informed about the status of the application. We agreed that in a couple of weeks from that date, which would be next week now, we would essentially tie down the terms of reference for this Bill of Rights.

I believe that people who make application for agricultural land in good faith as future agriculturalists have to be treated in a fair manner. They cannot be kept in the dark about their application. Presumably they will assume the worst if they do not know what is happening. That is a reaction that is quite understandable. It is quite comprehensible from my view given that not all people have a strict facility for the inner workings of the government.

With the full support of Lands Branch, we are drafting some ideas for a Bill of Rights as we speak. There was a recognition that we have to streamline the application process. It may not be necessary that every civil servant in the government who has any association with land should have to essentially approve every application. We have to determine which are the critical bases to touch and which are not.

45 In so doing, of course, I think what is absolutely critical, and this has been accepted, I believe, by the AAAC and the executive of the Yukon Livestock and Agricultural Association, is that what we

should initially have is a briefing session to be scheduled either this week or early next to explain the current process in terms of transfer and the application process. This will, in turn, provide the names of individuals who would be associated in the approval process and provide the details on the existing appeal processes, and also discuss the whole issue of applicant priority.

Following that there would be a seminar, a think tank, which would be made up of many people from the Lands Branch as we could find, representatives from Renewable Resources, APAC, AAAC, and myself. I would invite any other Member who feels they would like to delve deeply in a very honest, fair, frank but non-confrontational manner to participate in that seminar.

It is important, in aid of the effort to keep or make people informed, that all existing applicants, as lands applications are being transferred, be informed immediately as to the status of their applications. That is currently being done.

Further to that, an information package is being put in place now to explain the process. If the process is altered or improved in the next few weeks, then the information package will reflect that improvement.

There will have to be ongoing discussions with the AAAC, APAC and the Yukon Livestock and Agricultural Association to keep all lines of communication open.

I think the concept of a land applicant's Bill of Rights that will clearly stipulate what rights a person has and ensures that a person's rights are adhered to will be a long-awaited and much-needed improvement to the land application system.

46 In responding to the specifics of this motion, I should say that I recognize that this is the kind of motion that is published in whatever form to let people know how the Legislature responds to a particular issue; in this case, agricultural application procedures and the land transfer process. It does address the land transfer process, a separate but clearly related aspect of this question.

It is necessary that we recognize, in the wording of this motion, that there is a partner in the land transfer process. That partner is the federal government. In order to get satisfaction for the many applications that have been put in, most of them on federal lands, we have to address the issue of the federal transfer process.

The department sent some civil servants to Ottawa to study the land transfer process. They came back with owl eyes and absolutely stunned at how complicated it really can be.

There were some assurances by the federal Minister that he regards land transfer process as being a top priority. I think politicians everywhere regard that as being a priority. He wanted to ensure that the process was as quick as possible, but could not guarantee it with respect to how quickly a land application would go through the system.

It is incumbent upon us to mention the fact that there is not only a partner, but that that partner has a role to play in the transfer process. We will be promoting a change in the wording of the motion that will reflect that fact.

Another aspect of the land transfer process, and a critical one, is the existence of a land claims process. We must, as a Legislature, in the context of this particular motion, make a statement to the federal government to encourage them to develop a mandate to proceed with the Yukon land claims negotiations. If we do not say so, if they do not develop that mandate, then we are going to be getting into unbelievable trouble in this Legislature, which could have been avoided if we had not adopted the very cooperative approach taken at the land claims table.

We discussed briefly the other day in Estimates debate the definition of something that might offend the land claims process, which would ultimately prevent land applications from coming forward from the federal government.

47 I think perhaps the fact of no negotiations themselves would offend the land claims process. For that reason, I think we should do everything in our power to encourage the land claims process to continue. Native peoples' interests are going to have to be addressed through that forum or we will be facing the consequences.

Thirdly, I think it is important to recognize the existence of the existing structures that have been fighting all along for the transfer

of agricultural land and the betterment of the agricultural industry. The Yukon Livestock and Agricultural Association, of which until recently I was a member, has been fighting long and hard to get the agricultural industry the proper recognition it deserves, to move the issues we have been addressing in this debate. In doing so, they have been making quite credible, eloquent cases. They do not simply "guilt-trip" politicians. They have put the facts forward and defend the facts, asking for nothing, asking for no handouts. They put the facts forward to make their case.

Now, the Agricultural Planning Advisory Committee was established to develop close communication links between the Yukon Livestock and Agricultural Association and the Department of Renewable Resources, reporting to the Minister of Renewable Resources. That committee has been working very hard on just these issues. I think we have to respect the interests of these organizations, and say so in this motion.

Finally, I feel that there is one aspect of the Member's motion put forward that I would have difficulty agreeing with. I have not had a lot of time to think about it. I am still thinking about it, but until such time as we have considered it in detail, I would be remiss in my duty as a Minister of this government to simply accept it without knowing the full ramifications of what it means. I am referring specifically to item (7) in the Member's motion, and it reads as follows: "giving priority to original applicants for a piece of land over subsequent applications for the same piece of land."

The mover of the motion is a lawyer, but I am not a lawyer. I am not sure what kind of third party rights this would give to an application at the land claims table. I do not believe that simple applications of lands constitute a third party right at the table. At this time, I would like some time to review that; I am not suggesting for a second that we delete it, but I do suggest that we amend it until we are given the proper time to review the exact ramifications of this particular proposal.

For that reason, I will be proposing what I think is a reasonable amendment to it.

Perhaps I have spoken long enough on the matter, but I do believe, contrary to the Leader of the Official Opposition's assertion, that the government has made this a very top priority. There are other very critical interests that this or any government has to bear — land claims not being the least of them and perhaps being the highest of them.

We still have issues to address with respect to the development of our economy, industry, import substitution which has been championed by this government, which the agricultural industry will have to assist. The government has not only made it a high priority, but has dedicated the resources to ensure that it happens.

Only yesterday we dealt with the reorganization of resources within the Department of Community and Transportation Services. The department does not show a big percentage. It shows quite a reasonable growth, but there has been a reallocation of resources within the department. That reallocation included an Agricultural Coordinator to handle agricultural land submissions and essentially bird-dog those submissions to make sure those submissions get from one desk to another. There has to be somebody to champion those submissions to get them through the system.

We mentioned that the policy should be done. I have made the case that we have been thrashing about in a policy vacuum for years, and it has caused many of the delays. We have to respond to the agricultural land issues, not only those issues that deal with the specific transfer process and the processing of applications, but also the issues with respect to taxation and zoning that are also high priorities, at least with the Yukon Livestock and Agricultural Association.

We have people now who can handle the applications and land accounts and to bird-dog the applications. We have taken the initiative to improve the land accounting and information systems within the department that I mentioned yesterday. They will be improved this year.

Twenty years from now, if somebody looks back to the early stages of this policy development and the development of the agricultural program, I think they will see that progress is being made.

#### *Amendment proposed*

**Hon. Mr. McDonald:** I move that Motion No. 106 be amended by adding after the expression "Government of the Yukon" the following expression:

"while recognizing the inherent complications of the federal land transfer process the urgent need for the federal government to immediately develop a mandate to proceed with Yukon Land Claims negotiations and the interests of the Yukon Livestock and Agricultural Association, and the Agricultural Policy Advisory Committee", and

THAT Motion No. 106 be further amended by deleting all words after the expression, "giving priority to" and substituting the following expression:

"original agricultural land applicants for a piece of land over subsequent applications by individuals for the same piece of land".

**Speaker:** It has been moved by the Minister of Community and Transportation Services

THAT Motion No. 106 be amended by adding after the expression "Government of Yukon" the following expression:

"while recognizing the inherent complications of the Federal Land Transfer process, the urgent need for the Federal Government to immediately develop a mandate to proceed with Yukon Land Claims negotiations, and the interests of the Yukon Livestock and Agricultural Association and the Agricultural Policy Advisory Committee"; and

THAT Motion No. 106 be further amended by deleting all words after the expression "giving priority to" with the following expression:

"original agriculture land applicants for a piece of land over subsequent applications by individuals for the same piece of land."

**Hon. Mr. McDonald:** The Member for Porter Creek East has found this amendment highly amusing. I think that he, above others, should show due respect for the issue. It was he who was one of the few in the Legislature who did not show altogether that much interest in the issue in the years that he was a Minister.

There is a typo that I would like to identify in the motion. It is that the Agricultural Policy Advisory Committee is actually the Agricultural Planning Advisory Committee.

In any case, the arguments that I have made and the case that has been made previously by the Leader of the Official Opposition does recognize that there have to be improvements made to the system. We could get deeply into history lessons, even pre-1985 lessons. The Agricultural Application Action Committee was the one that I would prefer to draw upon for the energy to deal with the issue. That is the positive one. We have to draw down the roadblocks; we have to streamline the process; we have to ensure that people are treated fairly as human beings when they come in to deal with the application.

In all fairness, sometimes people who handle applications may feel that an application is just another piece of paper.

For some people, it may just be the reflection of that person's dream for a farm and for a better way of life in the Yukon. I think we have to ensure that there is due respect for the applicant, that whatever dreams may be translated onto paper by the applicant are respected by people who may just simply move those applications for a living.

As I say, I think the Lands Branch is now seized with the need to do exactly as I have said should be done. Many of the ideas have come from them, and I am pleased to see that there is at least the quality of opinion and the sense of purpose to see it done from many quarters in our community. It is certainly a major improvement to the voice in the wilderness that used to be heard in this Legislature. I am pleased to finally see that we are getting down to a substantive policy debate.

**Mr. Phelps:** It is an interesting amendment. There are some difficulties that we perceive. We are going to want to consider the amendment carefully and analyze the true intent behind putting it forward. I want to have a bit of time to give it the kind of serious

consideration it deserves and, therefore, move that we adjourn debate on this motion.

**Speaker:** It has been moved by the hon. Leader of the Official Opposition that we adjourn debate on the motion.

*Motion to adjourn debate agreed to*

#### **Motion No. 108**

**Clerk:** Item No. 8, standing in the name of Mr. Brewster.

**Speaker:** Is the hon. Member prepared to speak to item 8?

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

**Speaker:** It has been moved by the hon. Member for Kluane THAT this House urges the Government of Yukon to consider upgrading the existing mining roads that run along Burwash Creek, Tatamagouche Creek and Quill Creek, to form a loop interconnecting with the Alaska Highway that could be utilized to promote tourism in the Kluane area.

<sup>51</sup> **Mr. Brewster:** I present this motion because the Kluane area needs help. It needs more tourists. Kluane has everything going for it, yet its tourist potential is not being realized. The question has to be asked, why not? Let us add up the ledger and find out what has gone wrong.

On the plus side, Kluane is one of the prettiest areas in North America. I readily admit my bias in this regard, but I firmly believe this is so. Its beauty is one of the reasons why we have Kluane National Park. We have Mount Logan, the highest mountain in Canada. We have the largest icefield. We have an international heritage site. We have all these things, but we are getting fewer and fewer tourists every year.

Kluane is not receiving its fair share, and this government is doing precious little to change the situation. For the edification of the Members, Kluane's tourism statistics are horrible. The figures for last year are not very encouraging. Much of the Haines Road traffic has shifted to Skagway. Haines Road traffic is down 9.7 percent and Beaver Creek is down 1.3.

Meanwhile, Skagway traffic is up 28.86 percent, and the Top of the World Highway is up 16.25 percent. The figures are clear. Kluane is losing out. The Member for Klondike must be quite pleased by these statistics. On occasion, he stood in this House and bragged about all the money that is going to Dawson. It appears that a good many of the tourists are going there, as well. They are going there because the Yukon government pays some attention to Dawson City. They do some marketing and tourism promotion of what the Klondike capital has to offer.

It is not my intention to subtract from Dawson City. What I would like to do is add to Kluane. Kluane is losing by default, because the government is simply not promoting our area. Almost total reliance has been placed on Parks Canada to do our tourism advertising. Parks Canada caters to a certain clientele, but not to everyone.

I believe that a government, once elected, has a duty to serve all its regions, and not to focus solely on those areas in which they have a government MLA. I do not like that political game, and I do not think it is one that Yukoners believe we should be playing.

The Government Leader recently announced, with considerable fanfare, the O&M Budget for 1987-88. The year's total Budget stands at \$291 million. It is a plain fact that this government likes spending money. The problem is that they do not know where to spend it and how to do it properly. They like to spend it on ventures in which there is very little or no return.

This motion, in a small way, shows how the money should be spent. A little money can go a long way to produce returns. The more that tourists are encouraged to stay in the Yukon to spend just an extra day, the more money Yukoners make. The answer to Kluane's tourism problem is so simple, yet it is often overlooked. It is so simple that you will not find it in all the fancy \$100,000 tourism studies. How do you get tourists to spend an extra day? By providing them with more things to do and more things to see. It is as simple as that.

You can provide people with more things to see by improving and preserving such things as historic sites. You may recall my recent

motion regarding Silver City. Dawson City has done a wonderful job in this respect. Tourists go to Dawson City because there is much to see and much to do. They spend a lot of money in Dawson City, and a lot of money getting to and from Dawson City.

The proof of the pudding is in the eating. My friend opposite from Klondike is growing larger and larger with each passing day. There are sites, and there are sites. In the former, I am referring to historic sites. In the latter, I am referring to our picture postcard landscape with our beautiful mountains, grass plains and wildlife. Kluane is well endowed with both.

The problem is that we not make the most of our opportunities. For example there are virtually no side roads in Kluane Park. We have all that scenery, but no way to get to it.

As Members are aware, I am very conscious about the conditions of the Alaska Highway and from time-to-time put forward motions or spoke to motions ensuring that the highway is kept in good condition. We want to make sure that the motorhomes, cars, trucks, buses and the RVs are not deterred from coming here.

At the same time, we do not want them speeding through the Yukon at 90 kilometres per hour on their way to and from Alaska. We would like to keep them here a little while, and we can do this by making it easier for them to see parts of our beautiful Yukon that they cannot see from the Alaska Highway.

Let us open Yukon up a little more. There is no better place to start than in Kluane. My colleague, the Member for Whitehorse Riverdale North, is presenting a similar motion to open up Kluane National Park, and I will have a little more to say about that later.

This motion will not cost the government a great deal of money because there are existing placer mining roads along all three creeks. Further, here is a hard-rock mine in the Quill Creek area. The roadbeds, therefore, are already there. I am not requesting the construction of a super highway or anything like that. All I would like is a passable road that would accommodate tourists at a reasonable speed. The road would run from Burwash, six miles up the Tatamagouche Creek, four miles to Maple Creek, two miles down to Quill Creek and eight miles back to the Alaska Highway.

The upgrading of the roads would benefit the miners as well as provide access to the tourists. This is an extremely beautiful area. There is an abundance of wildlife: Dall sheep, caribou and grizzly bears. The scenery is fantastic. Many people have never seen such scenery or believe that it even exists.

This motion should help to bring Kluane back into the tourism picture. With proper roads and proper advertisement, it should help address the tourism balance.

Governments tie so much land up in the Yukon that they have a duty to open some of it up. At present most of this land serves no economic purpose and makes no contribution to the Yukon economy. I would like to get the ball rolling. We do not need any consultants or expensive surveys or anything like that. Private enterprise has led the way; all we have to do is follow. We can support the mining industry and promote the tourism industry at the same time. This motion has been endorsed by all the Members of the Alaska Highway Association, and I urge all Members of the Legislature to support it.

**Hon. Mr. McDonald:** I thank the Member for his remarks. As we have not had sufficient time to study the motion, I move that debate on the motion be adjourned.

**Speaker:** It has been moved by the Minister of Community and Transportation Services that debate now adjourn on Motion No. 108.

*Motion to adjourn debate agreed to*

#### **Motion No. 109**

**Clerk:** Item No. 9, standing in the name of Mr. Phillips.

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

**Mr. Phillips:** Yes, Mr. Speaker, if the government is going to respond to the motion.

**Speaker:** It has been moved by the hon. Member for Whitehorse Riverdale North

THAT it is the opinion of this House that the Government of Yukon should urge Parks Canada to improve road access into

Kluane National Park in order to enable more tourists to see the sights and prolong their stay in the Yukon.

**Mr. Phillips:** It gives me great pleasure to present this motion to the House and to promote tourism in the Yukon and come to the assistance of my colleague, the Member for Kluane, and the people in his area.

In the preceding motion, I thought the Member made some very good points. He showed how a little money and a little initiative can go a long way. His central point was very telling. We have to do everything we possibly can to get tourists to spend extra days in Yukon. It is time the Yukon and Canada started to develop more tourism attractions that will not only attract tourists but keep them here for a few days longer. Yukon has a lot to offer, but it is in a tough competitive market, and we have to get off our collective backsides and hustle a little bit. We have to develop our attractions and market them as best we can.

It makes me angry when I hear tourists travelling through Yukon talking about going to see the mountains — the mountains in Alaska. For heaven's sakes, we have all kinds of beautiful mountains in the Yukon, mountain valleys and wildlife all over the place. Why do these people not stay here? Why do they have to go to Alaska to see these mountains? Kluane is a world heritage site, and I will defer to my hon. colleague — Kluane is one of the most beautiful on the North American continent. Kluane National Park, if properly accessed and developed, can act like a magnet, attracting tourists and tourist dollars to Yukon from all over the world. Tourists mean revenue. They mean hundreds of job opportunities — job opportunities for local residents as well as other Yukoners — and it is time to stop talking and start doing.

We have to put the wheels in motion, and perhaps we can start that process here today. The problem is what to do. All this beautiful scenery just does not help us in terms of tourism if people cannot get to see it. At the present time, unless you are a park employee, a senior bureaucrat, a visiting dignitary who can afford to fly through the area, or a world-class mountain climber or guide, you would likely never be able to see what Kluane National Park has to offer.

The trail program is a very good program and should be encouraged, but the bulk of our tourists who travel here to the Yukon are older and many are not able to take advantage of these trails. If we are going to spend millions of dollars telling the world that we have something special for them to see, we had better be sure that when they get here they can see it.

The more they have to see, the longer they will stay. It is a very simple equation.

What I am proposing is not the construction of a major highway but, instead, a passable roadway. In some instances, or in the future, better access may be provided by utilizing special buses with tundra tires for special tours through the park. However, for now, I feel we should be looking at the construction of a small roadway that is suitable for tour buses. This small roadway could be built in such a way as to not disturb the pristine beauty of the park.

Let me give you a good example of what can be done. Again, the Yukon has been left behind, eating Alaska's dust. Denali National Park is Alaska's largest drawing card. Many tourists, as I referred to earlier who were going to see the mountains, are headed for Denali National Park.

The Alaskans are doing it right now. They have hotel facilities at the entrance to the park. I am suggesting here that hotel facilities could be private enterprise facilities, not necessarily on the park side, but at the entrance where you would enter the park. Tour buses conduct regular trips through the park. A round trip through that park is about 85 miles and takes about eight hours to complete. All the tourists who go on that tour spend an extra day in Alaska just to see Denali National Park.

I have spoken to the people in Alaska, and they say if a roadway is constructed it should be made in the form of a loop. The net result of this would improve access and tourists would spend an extra day or two in Alaska or, in this case, in Yukon.

The statistics here are quite dramatic. In 1970, before Mount McKinley National Park was really developed, there were 44,538

visitors. In 1972, when the road was open, the number of visitors almost doubled to 88,615. In 1973, they increased to 137,283 and, in 1974, to 162,511. Today, after good marketing by the State of Alaska, the figures in 1985 were 436,548 and, last year, 529,749. These figures really speak for themselves.

I have some other information that I gathered when I was researching this. Of all visitors who come to Alaska, for whatever means, 33 percent of those people come to see Denali National Park. Of vacationers who come to Alaska, 40 percent of those people come to see Denali National Park.

To get an idea of the kind of revenue that is generated by the tourists who come to Alaska, last year tourism in Alaska generated \$700 million, compared to the \$91.2 million generated for the Yukon.

Also, to get a comparison of the number of days — and we are talking about extending the length of time they would stay in the territory — the people who stayed in Alaska spend approximately \$1,000 a visit. The people who come to the Yukon spend approximately \$400 a visit.

I firmly believe that Yukon has as much to offer tourists as Alaska. We can do the job right if we try and, in trying, we can revitalize the tourism industry in the Kluane area.

I stress that we can do all this and still protect the integrity of the park. We are not talking about massive development of the whole park; we are talking about one roadway with limited access and controlled access through the park at certain times.

I urge all Members to support this motion or to suffer the wrath of the Member for Kluane.

**Hon. Mr. Kimmerly:** I will be relatively brief. I intend to propose an amendment. I will read the amendment first and then speak to it. The purpose of the amendment is only to clarify the intent here and to make this motion entirely uncontroversial.

#### *Amendment proposed*

**Hon. Mr. Kimmerly:** I move

THAT Motion No. 109 be amended by deleting all the words after the word "improve" and substituting for them the following: "public access into Kluane National Park in order to enable more Yukon residents and tourists to enjoy the wilderness".

**Speaker:** It has been moved by the Minister of Justice

THAT Motion No. 109 be amended by deleting all the words after the word "improve" and substituting for them the following: "public access into Kluane National Park in order to enable more Yukon residents and tourists to enjoy the wilderness".

**Hon. Mr. Kimmerly:** There are three changes here. There are really two changes and one that is consequential on the second. The first one is that the wording of the original motion is to improve road access, and in the amendment it is to improve public access. That is obviously the first change.

The second change is to add the concept of Yukon residents as well as the tourists so that the motion is not directed solely to tourists, but includes people who live here as well.

The phrase "to see the sights and prolong their stay in Yukon" is changed to "enjoy the wilderness", which I would submit is of very little consequence one way or the other, and is only in there as a consequence of the change from "road access" to "public access".

I will explain why I have proposed that amendment, which seems to be such a minor amendment really. I am sure Members will recognize that there is controversy about park development, and the controversy is generally along the line of keeping the park in its pristine wilderness as opposed to development of the park.

We believe that, for Kluane Park, controversy can be avoided and that some balance is desirable. This amended wording avoids the potential conflict or potential problem of those people who strenuously feel that the park should not be developed at all by roads. That conflict is avoided with this wording, but the essence of the motion is retained. I am certain that there will be no problem from Members here about including access to the park by Yukon residents as well as tourists. I have simply added that it was most

certainly not the intent of the mover of the motion to exclude residents, so I am sure that that will be uncontroversial, or I fully expect that that will be fully uncontroversial.

I am sure that all Members agree that Kluane National Park is a jewel, is a treasure, and it should be enjoyed by all of us who live here. Tourists ought to be encouraged to spend more time in the park, to enjoy the wilderness there especially and also the other facilities that may be there or nearby.

<sup>57</sup> I would submit that this amendment in no way weakens the motion. In fact, it expands it slightly. The potential for unanimous public acceptance is enhanced by these slight wording changes.

I would also emphasize that it is entirely in keeping with the speech of the mover of the motion, because access may be improved in some instances, without the spectre of formal roads. I am referring to the various kinds of all-terrain vehicles or buses capable of travelling off-road, and those kinds of things that he mentioned in his speech. This wording includes those concepts as well.

**Mr. Lang:** It appears that there may be a difference of opinion about the extent to which this amendment changes the main motion, contrary to the comments made by the Member who just spoke, we would like the opportunity to assess the implications of the amendment, in view of its importance to the Member for Kluane and to the Yukon. I hope all Members across the way are aware of the import of it.

I would therefore ask that the debate be now adjourned.

<sup>58</sup> **Speaker:** It has been moved by the hon. Member for Whitehorse Porter Creek East that we do now adjourn debate on Motion No. 109.

*Motion to adjourn debate agreed to*

**Speaker:** Motions respecting Committee Reports.

## MOTIONS RESPECTING COMMITTEE REPORTS

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

**Speaker:** Is the hon. Member prepared to proceed with item No. 1?

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

**Speaker:** So ordered.

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

**Chairman:** I call Committee of the Whole to order. We will now recess until 7:30 p.m.

*Recess*

<sup>61</sup> **Chairman:** Committee of the Whole will now come to order.

### Bill No. 6 — Second Appropriation Act — continued

**Chairman:** We will move onto the Department of Justice.

#### On Department of Justice

**Chairman:** General debate?

**Hon. Mr. Kimmerly:** I should point out the clerical errors at the beginning. They do not affect the numbers, but if the Members will look on page 197, the titles are slightly inaccurate.

Under Deputy Minister, we are now calling that General

Administration, as there are other items in there aside from the Deputy Minister.

Financial and Administration should be Finance and Administration, and Compensation of Victims of Crime should be Compensation for Victims of Crime. Also, on page 207, the heading at the top right of the page is Consumer and Corporate Affairs. That should be Consumer, Corporate and Labour Affairs, to be consistent with the rest of the government's documents.

<sup>62</sup> On page 207 the title is Consumer and Corporate Affairs; they missed out labour. It is Consumer and Corporate and Labour Services. It is right on page 209, as an example.

The Budget is very, very similar to last year's Budget, as Members will have already noticed. I will point out a few differences at the outset; they are really quite simple. I can point out a few personnel changes as we go through, but I will do it all at once. The grand totals are approximately the same, or a quarter of a person year more this year than last; however, there is something that Members should notice and that is that the three judges, or the person years for the three territorial court judges, are not included this year. That is as a demonstration of our respect for the principle of independence of the judiciary; they are not included as civil servants, so there are three more person years here.

<sup>63</sup> There are two Loss Control Officers whom we did not have last year. They are in Consumer Corporate and Labour Services, and they are to do with the new Occupational Health and Safety Legislation. They are also doing safety audits for the Workers' Compensation Board.

We have one as the Maintenance Enforcement Officer in the Territorial Court, which is as a consequence of the legislation that we passed last spring about enforcement of maintenance orders. So, those are the three person years.

I should also identify one term person year, that of Witness Coordinator, which I believe was there last year.

I am sure that I will be asked questions about the Yukon Public Legal Education Association, YPLEA. That does not fall neatly into any line, and I will answer the questions before I am asked. The federal Cabinet, as Members know, recently, indeed last Thursday, came to a decision with national implications that they would continue to fund the PLEA organizations around the country, or to fund, in the generic sense, public legal education to the tune, for the Yukon, of \$70,000.

<sup>64</sup> We got word of that after April 1st, indeed late in the day on the Thursday by telephone. We do still not have written confirmation of that or the written information about the options or the terms and conditions that are available; however, we do have other information that I have obtained today. It is going to be necessary, before these funds are allocated, to go to Management Board and possibly Cabinet at the same time or probably in the same week. The federal funds are available on an optional basis. It may be possible. I do not know the terms and conditions specifically to simply ask the federal government to do the same as they did last year and fund the Yukon Legal Education Association here directly. However, it is clear, I believe — and I would emphasize that I have not seen the written confirmation — that the funds will only be available for one additional year. There is an option, I believe, for a funding agreement between the two governments for this year, and we are looking into the terms and conditions of that agreement.

Consequently, I am not in a position, and I simply cannot be in a position, to answer if the YPLEA is going to get a specific amount of funds and when. I now know that it must be taken to Management Board, at least, and I will not be in a position to do that until the federal government has made the terms specifically known. I understand there is a federal official who is probably going to travel here probably in the month of April to specifically negotiate the various terms.

<sup>65</sup> I would anticipate answering the questions about justice of the peace training and appointment under the Territorial Court line in the Budget.

The specific changes, or the noticeable ones, are in Native Courtworkers. The funding has been enhanced by \$100,000. That is to accommodate rural native courtworkers, and exactly where they will be stationed is not known to me today, but it is under the

control of the Council for Yukon Indians and will depend on who they employ in which communities. They have made a decision that they will employ full time workers in some of the communities — approximately half — as opposed to part time workers in every community. I am informed that that decision was arrived at in consultation with the Council of Chiefs with the Council for Yukon Indians.

There is also a substantial enhancement under Compensation for Victims of Crime. This enhancement is due to the advertising and the government public legal education campaign about compensation. The figures have risen steadily in the past two years. We are budgeting the level of the compensation that we are experiencing this year, which is very much more than in past years. I can explain that a bit more under that line.

Those are the major changes. The other changes are explainable, and I will do that, line-by-line, unless I am asked specifically now.

**Mr. Phillips:** I have noticed that there is very little mention, and no mention by the Minister in his introduction to the budget, of the Human Rights Commission. There is a \$30,000 line item in the budget. Where would we find the cost of the Human Rights Commission?

**Hon. Mr. Kimmerly:** The \$32,000, I believe, line item is the extension of the government financed and government salaried start-up process. The funding for the Commission itself is not here in the budget. That has not obtained Management Board approval, and it has not, in fact, gone to Management Board. It will appear as a supplementary.

**Mr. Phillips:** Why is it not in the budget? The Commission is going to be underway by July and operating this year. The Minister laid out some basic figures during the Human Rights debate. Why was it left out?

**Hon. Mr. Kimmerly:** Because the budget analysis was not complete at the time of the publishing of this budget. The financing of the Commission is a new program and will require the authorization of Management Board, and it was not complete at the time that this budget was written. It is not complete today, as a matter of fact. I am fully expecting the price tag, if you will, at approximately \$200,000 a year. This year, which will be part of a year, will be part of that depending on exactly when the Commission gets started, the number of Commissioners appointed and the like.

**Mr. Phillips:** It would be \$232,000 for this year?

**Hon. Mr. Kimmerly:** No. The \$30,000 this year is in the nature of start-up costs. If we start by the first of July, so there is approximately two-thirds of a year in 1987-88, the proportion of the year remaining will be the same proportion of the annual cost of \$200,000. So, if it is operating for six months, it will be \$100,000 and, in addition, the \$32,000, which is the start-up costs.

**Mr. Phillips:** Does the Minister know how many people we are talking about for that office?

**Hon. Mr. Kimmerly:** I am anticipating appointing three commissioners, but there may be as many as five. They are part time voluntary people. It will be up to the Commission to establish the staffing, but the funding will allow them to have two people: a director and secretarial support. We are looking at two jobs.

**Mr. McLachlan:** The Minister's explanation on YPLEA is not entirely clear to me at this point. Could he further illustrate it by answering this question? Is the Minister saying that he will have to go to Management Board for approval of the funding if, and only if, the federal Department of Justice does not transfer the money in the fashion they did last year? That is, it would have to go to Management Board if the money were turned over to the territorial Department of Justice?

**Hon. Mr. Kimmerly:** Specifically, if the money is turned over to the territory, it will be by a contribution agreement, which will require a Management Board decision. If we choose that the federal government simply look after it, which I would suggest is unlikely but, certainly, a possibility, then I do not know if it is necessary to go to Management Board or not. I expect it still is, but I am not absolutely sure.

**Mr. McLachlan:** Has there not been 1.5 positions more added in the policy and planning area? I do not remember 3.5 there

before.

**Hon. Mr. Kimmerly:** This is the \$32,000 for Human Rights. There are two people there now — a coordinator and a secretary — and they are on a term. I imagine it is a contract to June 30th.

**Mr. McLachlan:** If we do not count the Human Rights contingent, then that means that one more has been added in policy and planning to make a total of two. There was one previous only, correct?

**Hon. Mr. Kimmerly:** No. There are three, and there were three previously.

**Mr. McLachlan:** Where is the gift from Community and Transportation Services?

**Hon. Mr. Kimmerly:** It is in Occupational Health and Safety in Consumer, Corporate and Labour Affairs, and it is the control officer. We have two new positions. The one is a new person here for the government, and one is a transfer from Community and Transportation Services.

**Mr. McLachlan:** Is it the intention of the Department of Justice to keep this position, this individual, on only a short term basis, or is that job going to continue henceforth in Justice?

**Hon. Mr. Kimmerly:** They are both permanent jobs, and they are both filled. One of the individuals transferred from Community and Transportation Services and one is a new hire, which was a local hire.

**Mr. McLachlan:** I have a question to ask in the area of policy and planning vis-a-vis the Sheriff's Office. I was approached by one constituent who apparently had been asked by the RCMP if he would be interested in the problem of serving of notices in the area. Is it the intention of the department to have individuals on a contract basis in the remote communities do work on an assigned basis by the Sheriff to avoid travel by the Sheriff to that area? What is the intention of the department for this particular aspect of Justice's responsibilities in rural communities?

**Hon. Mr. Kimmerly:** In the communities, the policy is that we do use individuals who are not civil servants who act on the request or under the supervision of the Sheriff to serve documents. That is a longstanding policy and has not been changed this year, and we are not forecasting any change.

**Mr. McLachlan:** Is it also my understanding then that where that position cannot be fulfilled, then the Sheriff has no obligation but to travel to those communities?

**Hon. Mr. Kimmerly:** We also ask the RCMP to assist on occasion which is a practice that exists. It is not contemplated by the policing agreement, but that also occurs from time to time. The sheriffs make every effort to find a person, but if they cannot find a person, the documents are not served. The policy is to make every reasonable effort.

**Mr. McLachlan:** Further to that, if the RCMP serve the notice, is the charge for doing so waived then against the individual who is having the notice served, or does the charge apply in all cases regardless of who the server is?

**Hon. Mr. Kimmerly:** I presume the charge applies in all cases, but I am not absolutely positive about that. I expect it would be.

**Mr. McLachlan:** Can the Minister advise how many lawyers are registered to practise in the Yukon Bar and of those how many are Yukon residents? You had that figure at one point previously.

**Hon. Mr. Kimmerly:** I tabled that information last year. I do not know. I can get it, and I will supply it in a letter perhaps to the Member. There are approximately 60 here and approximately 200 in total, but those are approximations.

**Mr. McLachlan:** There is subsequent information that the Minister did bring before, but would be handy for this department. He was able to give us the location of the mobile work camps for 1988 and 1989. Could he repeat that?

**Hon. Mr. Kimmerly:** It will be in Haines Junction this year, in 1987. I am anticipating it will be in Teslin in 1988 and in Carmacks in 1989. Those are not final decisions, but discussions have occurred with the Teslin Council and will continue to occur. If any of those communities object to the camp, it will not be in those communities. Our experience is that the communities are eager to have the services and the economic spin-off.

**Mr. McLachlan:** If the community refuses, then what does one do, make application for subsequent locations in Yukon? What is



the process?

**Hon. Mr. Kimmerly:** There is no process per se, but it is my anticipation that the benefits of the program will be shared among all the communities with the possible exception of Old Crow as the costs are substantial in Old Crow. It could certainly be in Faro one year.

**Mr. Phillips:** Does the government have any plans to operate more than one work camp, or are they just going to take the one camp and move it around?

**Hon. Mr. Kimmerly:** The plan is to only operate one and, for the time being, to move it around. There are not enough inmates in the category that is suitable to a camp for two camps in the territory.

**Mr. Phillips:** I would like to move on to the judges in the territory. I see they are not included in the person years. Their salary, though, is included there, is it?

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

**Mr. Phillips:** What is the current status of the judges we have in the territory?

**Hon. Mr. Kimmerly:** We have a chief judge, Judge Bladon, who is leaving the end of May. We have Judge Ilnicki as a serving judge. We have Judge Stuart, who is on a leave of absence, which is indefinite. He is presently the land claims negotiator and is on a leave of absence. We have appointed a third judge, Judge Heino Lillies, from Queen's University in Kingston, who will start July 1. He will replace Judge Bladon, who is leaving.

**Mr. Phillips:** Are we bringing in deputy judges now for Judge Stuart's job?

**Hon. Mr. Kimmerly:** Yes. The present arrangement is that the salary that Judge Stuart would be paid is available for deputy judges. There is also an additional amount of \$17,000 for deputy judge service. The deputy judge, Dwayne Rowe, has been coming up on a fairly regular basis to fill some of the gap.

**Mr. Phillips:** When Judge Stuart left the bench to serve in the land claims, he indicated that he would be taking a leave of absence for 18 months. At the time, they said it would be around 18 months that he would be off. It seems to be going on and on. The latest we have heard is it could possibly be another 18 months. Is it costing us that much more to bring in a deputy judge in his place? What is the difference in costs, as opposed to having a judge sitting here or flying a judge in and paying his hotel room?

**Hon. Mr. Kimmerly:** It is costing us exactly the same because we are expending the same amount of dollars, but the service that we are getting is a little different. The deputy judge fees are now \$400 a day; they were \$300, I believe, last year. We are paying the travel expense and accommodation expense and \$400 a day for deputy judges. It works out that we get fewer days' service; however, we are expending the same number of dollars.

**Mr. Phillips:** We are getting fewer days' service. Is it affecting the service we are delivering? Is there still a backlog of court cases like there was before? In fact, is that a problem now with the Justice department?

**Hon. Mr. Kimmerly:** I am extremely pleased to report substantial progress about the backlog. It is possible to get a trial date, even for a trial in excess of a day, within 30 days of the first appearance which is excellent, which is the best situation in Canada. The reason for that is that we have had effectively three judges working in the last year and the system is substantially improved over what it was two years ago. The situation is still not perfect, and it is not, I think I can say uncontroversially, as a result of the availability of the judges or courts.

If anything is under utilized on occasion, the problem is in the scheduling of court trials and the problem around trial coordination. It is my hope that, through discussions among the judiciary, the federal crown attorney's office, the local bar and the court staff, we can improve the scheduling system even more, but the problem is certainly not the availability of courts or judges. The problem of the backlogs is very much improved, I am extremely pleased to be able to report.

**Mr. Phillips:** I am just as pleased as the Minister to hear that the backlog has cleared up somewhat.

Last year the Minister indicated to us in the House that he had a

slight decrease in his overall budget and that he hoped that would continue. In fact he said that he hoped to decrease it by 15 to 20 percent in three or four years. I am wondering why this year we have a slight increase in the Budget. Did the Minister not meet his goals?

**Hon. Mr. Kimmerly:** Mr. Phillips is absolutely correct, I did not meet my goals. There are several reasons for it. One of them is the expansion in Occupational Health and Safety. Part of that is a transfer from Community and Transportation Services, but the Occupational Health and Safety programs are being enhanced. They are being enhanced largely as a result of the passage of the new legislation approximately two to two-and-a-half years ago.

The accident record in Yukon is not good as compared with the national average. More work can and should be done about occupational health and safety, so we have seen an expansion there. It was my hope to find additional savings in the Correctional Centre and ultimately in policing. There have been savings made in the Correctional Centre in some areas, and I will explain them as we get into those lines.

However, the population of the jail has increased. I do not know precisely why, but the influence of the judiciary is important. Although the incidence of crime has not increased, the population of the jail has, and that has caused some increases that I did not plan on.

**Mr. Phillips:** The Minister has recently met with various groups and discussed liquor offsales in RV parks. What is the status of that? Is that going to be allowed in RV parks? Has anyone applied for that? What is the status?

**Hon. Mr. Kimmerly:** I have not done that recently, but approximately 18 months ago I raised a number of questions publicly and that was one of them. There was not a consensus on most of the questions that I raised, but there was a majority view, as I perceived it, in the population to not open liquor sales to corner grocery stores or RV parks and the like, to maintain offsales only with the licensed hotels, or the present category of licensees.

That is under discussion again. The City of Whitehorse Board of Health have passed a motion for consideration by the Council and the City of Whitehorse calling for a change in offsales availability, or the hours of sale of offsales in Whitehorse.

**Mr. Phillips:** I am watching that debate extremely closely. I will be attending a meeting with the City of Whitehorse on May 4 in the evening. We will be discussing the advisability of changing the law. If we change the law, I would anticipate proposing it to the Legislature in the fall sitting; however, no decision has been made as to the advisability of changing the law in that area, or in the area of selling in RV parks, as mentioned by the Member.

**Mr. Phillips:** While we are on the question of the Liquor Board, I would like to talk a little bit about the liquor bottle returns. I understand there seems to be a bottleneck at the liquor store for people wanting to return bottles, but the bottles are not marked. There is some confusion on accepting the bottles.

Has the government decided yet when they will put a grace period into place?

**Hon. Mr. Kimmerly:** I have made a recommendation to the Liquor Board. The Liquor Board is meeting early next week to consider the question. What I am anticipating is a period of grace to, as much as possible, accommodate the cleanup week in all the communities and Whitehorse and to pay a return something less than the 25 cents per bottle, perhaps 10 cents per bottle, on all the bottles that people can find in their basements or out on the riverbank or wherever. The announcement for that will be made after the Liquor Board has passed on the question.

**Mr. Phillips:** That is a little inconsistent with what the Minister said in his Ministerial Statement. I should remind the Minister that what he said in his Ministerial Statement was that the main reason for the liquor bottle return was the recommendation of the Wildlife Committee, the committee that went around the territory and heard from people that there was a lot of litter out there and that a lot of it was bottles and we should clean it up. I cannot understand the rationale. If the Minister wants to clean it up, it seems to me that the Minister pays more for bottles that he sells than bottles he really wants to clean up.

If the idea is to clean up the Yukon, then you offer the same amount for any bottle. Then there is incentive for everybody to bring every bottle back. I do not understand it. The Minister's statements are a little inconsistent.

**Hon. Mr. Kimmerly:** I understand the question, but let me explain it this way: we adopted a program that would not cost the taxpayers a penny, but would cost the consumers of alcohol a few cents per bottle.

It is estimated that it will cost approximately 15 cents per bottle. Now the problem of simply allowing all bottles to be returned is that people could collect the bottles at the dump and the like, or bring them in from outside the territory. If we crushed the bottles it would cost considerably more. It would cost more than double. We wanted to keep the costs down. The bottles are currently either ending up in various dumps, the ditch, the riverbank, or wherever. Under this system, vastly more of them will end up in the dump. We will also, at the minimum cost that we could achieve, be collecting all of the bottles in one depot.

It may be that in the future, the crushed glass can be used as it is in various other places around the continent. If we arrive at that situation, it would be obviously desirable to crush the bottles, and the potential for abuse would be substantially limited. The program here is not perfect; however, it would have cost more than double the cost now to simply pay a return on all of the bottles existing and the new ones.

The compromise, if you will, of a period of grace is designed as a clean-up of existing bottles, and I am sure it will work. There are a lot of bottles out there. There are also a lot of broken bottles, and this policy will not solve the problem of the broken ones; however, it will solve the problem for the future, if not the present problem.

**Mr. Phillips:** I am really interested to know how they ever determined that the cost would double if you did not label the bottles. There are cleanups in almost every community annually. In most of the dumps, most garbage is either burned or, in the case of the city dump, is run over and buried. Where would all these bottles come from? Does the Minister expect that people would import bottles?

**Hon. Mr. Kimmerly:** If we do not crush the bottles — and the major expense is in crushing the bottles — we will take them to the dump. It would be possible to collect empty bottles at the dump and get the return again. We are trying to avoid that.

**Mr. Phillips:** There is a large liquor warehouse. We could crush the bottles and store them in that big, empty liquor warehouse up there.

How do they crush the bottles now? Are they done just with a hammer or are they done with a machine?

**Hon. Mr. Kimmerly:** The point is, they are not crushed. In fact, the liquor stores did have a very small bottle crusher for the imported beer bottles, which were crushed. If we crush all the wine and liquor bottles, we need much larger equipment. The expense of crushing the bottles would have amounted to something like \$400,000 a year, which would involve an increase in the price per bottle of about four times the increase that was imposed.

**Mr. Brewster:** I have to get in on this one. It looks like we have one of these bureaucratic setups. I do not really understand this. Number one, we did it with beer bottles. We had no problems. They did not bring them all in from BC. They did not bring them in from anyplace else. We cleaned it up. The Select Committee's recommendation was to clean the country for tourists, and you are not doing any of this. You are leaving these around. You are also creating a big problem for the people in the liquor vendors, because they have to put these stars on some bottles. They cannot put them on the ones going to the outlet. If they are short a bottle, they have to take it off the outlet, take the star off, get it over to the liquor vendor outlet, who turns around and puts the star back on when he ships it out. It is a bureaucratic mess.

It was quite simple. On top of that, there is not enough space in most of the liquor vendors outside of Whitehorse — except for your big storage shed you have down here — to store all these bottles. They have to be hauled to the dump. You are going to have to contract that out to somebody, which you do now. It is quite easy to add a little more and have them take a sledge hammer or something

and break those, instead of a mess like you have. You say the cost is only 15 cents a bottle. You have not taken into consideration the extra work you put on the territorial agent who has to do all these things. You have not taken any of these costs in. You have a bureaucratic mess, and you could have done the same thing you did with beer bottles. The Minister could have turned around and put them all through to clean up. The beer bottle cleanup was a complete success. It has cleaned up a lot of beer bottles. In fact, there is so much money in it, even the young minor hockey teams cannot go around door-to-door collecting bottles anymore, because the people want to collect the money themselves. That is how successful that is.

You can do the same thing here. Admittedly, at the start, you are going to have a bunch of free bottles. I agree with that.

<sup>16</sup> You must look at the select committee recommendation. You said you were doing this on their recommendation; you wanted the country cleaned up. Now, I do not understand, you are not cleaning it up this way at all.

**Hon. Mr. Kimmerly:** We are putting into place a system that will keep the country clean in the future. The system of the stickers was as a result of discussions with the liquor vendors. They are the people who wanted that in order to avoid their extra handling costs.

**Mr. Phillips:** I will not belabour this much longer. The other day in Question Period I mentioned the labour of putting the stickers on the bottles. In fact, in Alberta they did do it in the beginning in the way they were priced. They had red price stickers that went on all the bottles. Although they have a little less refund than we do, they live right next door to BC and they never had a massive import of bottles from other areas, even after they went to the same system we have where it is computerized and, of course, there is no identification on the bottle as to where it was bought. They do not have that problem; they monitored it before and they monitored it after and they said the returns did not increase in Alberta.

I suggested the other day that the government seriously look at in our main border communities like Watson Lake and possibly Beaver Creek and maybe Haines Junction. You could possibly get away with three. Let us face it, to truck a load of liquor bottles from British Columbia, even though the prices are a little higher here, the transportation costs are a lot higher to get them here.

Possibly we could reduce our costs of labour in the main store where we sell most of the bottles by not putting stickers on the bottles in Whitehorse. It just was a suggestion; it was meant constructively. Maybe the department should look at it. They did it in Alberta, they have gone around the wheel, as you are going around the wheel, and they found out it did not make any difference.

**Hon. Mr. Kimmerly:** I am reminded of a quotable quote that I heard the other day, which was that the government can be relied upon to do the right thing after exhausting all of the other alternatives.

**Chairman:** On that note, we will recess for 15 minutes.

Recess

<sup>17</sup> **Chairman:** Committee of the Whole will now come to order. Department of Justice, general debate, continued.

**Mrs. Firth:** I would like to ask the Minister a rather general question on justice in general in the Yukon and, particularly, with respect to a rather nasty little article that was in the paper tonight. I do not know if the Minister has read it or not. It is titled "Manitobans at risk for murder". The Canadian Press goes on to say how dreadfully high the murder rate is in the Yukon and in the Northwest Territories. If the Minister has not seen the article, for his information, they talk about how Manitoba's population is at highest risk when it comes to murder. Then they say only in the Yukon and Northwest Territories were the rates higher: 13.1 percent and 27.5 percent, respectively.

They go on to say that the territories had a total of 17 murders. I am assuming that that is the two combined. When I looked at the statistics in the book, I see that we had two homicides last year. I wondered if the Minister knows what the Northwest Territories



statistics are like and whether his department is keeping track of this kind of thing, and what I would perceive to be rather negative publicity and definitely not accurate publicity on behalf of the Yukon.

**Hon. Mr. Kimmerly:** The statistics are accurate, but it is not accurate to say that our society is more crime ridden than a society in the south. I think the opposite is true. There is no organized crime here. The environment is safe.

The figures, though, are accurate. It is true that we incarcerate about three-and-a-half times more people in Yukon than the national average in Canada. The crime rates for some of our small communities are the highest in the country. The reason may have to do with the small population base. I think it has a lot more to do with the alcohol consumption here, which is also higher by far than any place else — by far higher than Manitoba. Most of our crime is alcohol-related crime.

**Mrs. Firth:** Again, in a general sense, I read in the supplementary information in the Budget on page 213 some comments about recidivism. There is a notation made that 35 were re-admitted for their second time and three of these had been admitted for a third time.

Can the Minister tell us what his department is doing to identify that, and is that increasing over what has happened traditionally over the past year or past two or three years?

**Hon. Mr. Kimmerly:** This is the first year that that statistic has been included in the Budget. I remember well the questions of the Member for Whitehorse West when he was asking for this information, and the Minister, Clarke Ashley, was the first to promise it. The information is collected on the basis of our own information, and we do not know how many of our past inmates are incarcerated elsewhere, and how many of the first incarcerations here are recidivists from other jurisdictions. As this is the first year it is collected, it may turn out to appear worse over the years. The rule of thumb is that you only look back five years, but it may be that as the years go on, we have a better picture of the real recidivism.

<sup>18</sup> The recidivism rates across the country average in the neighbourhood of 80 percent, and I have no reason to believe that our rates are different from that. This figure is accurate, but in my estimation it is potentially misleading.

**Mrs. Firth:** Just because the supplementary information about recidivism is being included in the Budget now, does it mean that the department is going to be taking some new initiative in this area to perhaps try and make an identification of the recidivism rate and to see if there is something that they can do about it — a new program for example or something that is done in other areas of Canada?

**Hon. Mr. Kimmerly:** Yes, in the general sense. The measure, of course, should be a measure of the performance of the department as one of the goals is rehabilitation, and that should be a measure of that goal. It is a very gross measure. Many argue that it is essentially useless; I am not one of those, but I think that over the years, this information will prove valuable. It will prove especially valuable if we notice any change in it one way or the other.

<sup>20</sup> **Mrs. Firth:** I noticed in the supplementary information also the Minister had indicated in his Budget last year that it was going to be a lean and mean budget and that he was particularly going to look at the area of administration in the RCMP. Yet I notice in the administrative division, there are two more people than last year. Did the Minister change his plans that he had to cut down the top heavy administration of the RCMP, or has he redefined his objectives when it comes to the RCMP administration?

**Hon. Mr. Kimmerly:** The Budget is indeed lean and mean. The RCMP is a particular problem. I have been holding the line on the RCMP costs; however, under the federal/provincial agreement, our portion of the costs goes up two percent every year. Two percent of \$6 million is a lot of money.

The policing agreement is hard to adjust in one year, indeed in one or two years. The major change will come on the negotiation of the new agreement. Until then, it is necessary, in my view, to hold the line on the expenditures. We are obtaining much more budgetary information from the RCMP, and I see this as an

evolution. I would clearly say it would be a bad policy to change this all at once; it ought to gradually change over the years.

The most important issue concerning the policing in the next, I would suggest, five years or so, is the issue of native policing. That whole concept and perhaps the self-government structure will substantially change, I am sure, in the next five years. I would welcome a debate on policing policy at the appropriate line or perhaps by a motion of the Legislature.

<sup>21</sup> We should make a decision before 1991, if we wish to continue with the present federal control of the administration of the RCMP, or to substantially alter it, or to have a territorial police force, involving native policing. That will be a very major decision.

I have promised the Council for Yukon Indians consultation and a seat at the bargaining table when we negotiate the police contract, which we are beginning to gear up for now. The question of obtaining the necessary budget information and exerting our influence over the police is a gradual evolution. We are going at a satisfactory rate now, and I am hoping to hold the line. That is the best that I can do at the present time.

**Mrs. Firth:** Perhaps when we get into the Solicitor General program, I can ask some more questions. I have some more questions about this whole issue.

Since we are talking about the costs of the RCMP and so on, can the Minister give us any idea of the cost for the RCMP investigation for the so-called leak of the Budget tax papers, or whatever the government was referring to it as, that took place here in this building?

**Hon. Mr. Kimmerly:** No, I cannot. The RCMP keep statistics in an entirely different way. It is only possible to get information about the total costs and the number of cases investigated and to find an average, which, as it applies to any particular investigation, is misleading.

**Mrs. Firth:** Is the Minister going to be looking at those costs, or is he just going to be letting it roll in with the other and do it on an averaging and just chalk that up as an average cost of investigation?

<sup>22</sup> **Hon. Mr. Kimmerly:** The RCMP do not keep figures or statistics as to the cost of a particular investigation, and it is practically impossible to obtain the information.

**Mrs. Firth:** So I take it that the Minister will not be requesting that specific information.

**Hon. Mr. Kimmerly:** That is correct.

**Mrs. Firth:** I just have another question in a general sense about the drinking and driving legislation that was passed. Am I to gather from the Budget supplementary information, not including any incidences of drinking and driving in the notes, they include things like driving while impaired, refusing breathalyzer tests — I am looking again at pages 214 and 215. Can the Minister tell us if there were any convictions, any charges of drinking while driving?

**Hon. Mr. Kimmerly:** I do not specifically know. It will be under the territorial offences. It is an interesting question, and I will undertake to specifically ask the RCMP and to report back. I would be interested myself.

**Mrs. Firth:** I would appreciate that since it was a new law we passed. It would be kind of nice to see if it is having any effect, if the law was redundant, what the circumstances are, and I look forward to the Minister's response.

**Mr. McLachlan:** The Minister has made some reference to the Whitehorse Correctional Institute being over crowded, and it was my understanding when the Fine Option Program was announced, that this was one of the programs that was designed to reduce the stress on the institute. Is the Minister now telling us that this program is not working? If that is the case, does he have any other method for reducing inmate loads at Whitehorse Corrections?

**Hon. Mr. Kimmerly:** The Fine Option Program is working; however, it is not chosen by many individuals. There are individuals who would prefer to serve the time rather than do the work involved at a minimum wage — I believe it is \$5 per hour, I am sorry. I am looking at, if I can say diplomatically, making the work more attractive than going to jail, or ways to do that. I think that that is perhaps a good policy, but there are certainly individuals who are not taking advantage of the Fine Option Program by their

choice; they are choosing to go to jail.

<sup>23</sup> The other programs are the work camp at Haines Junction and the community release centre that was recently announced. They will serve to alleviate the population pressure at the jail. The jail was built for 29, and there is, on average, approximately between 65 and 70 inmates there, and it occasionally goes up to a population of 100. It is very overcrowded. Those are the measures, essentially, that we are taking to alleviate the pressure there.

**Mr. McLachlan:** Other than the young offender situation, are there occasions then in which the Department of Justice finds it necessary to send inmates outside to serve time because we cannot handle them at WCI?

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

**Mr. McLachlan:** A question was asked about where the judges stay when they are in Whitehorse. I do not believe they are staying in hotels, although they may eat there. Is the residence where they stay a house owned by the Department of Justice, or is that just apartments that are rented for the judges?

**Hon. Mr. Kimmerly:** The department has rented an apartment for occupancy by a judge. That is more cost effective than paying for the hotel room, and more comfortable for the judge as well.

**Mr. McLachlan:** The question was also asked about offsales and the manner in which that is handled. The Minister has made reference to changes to the law regarding availability. Is he saying that if the offsales were in a different location it would be better, or is reference made to availability meaning hours of sale or curtailment thereof? What is meant by availability in the eyes of the Minister?

**Hon. Mr. Kimmerly:** This should properly be debated under the Liquor Corporation, but the answer is possibly both, but certainly what the Board of Health is talking about is hours. At least one of the licensees involved in Whitehorse is talking about location. Both of those factors are relevant for discussion.

<sup>24</sup> **Mr. McLachlan:** Faro wants to get the jail from Pelly Crossing when the new one is built. Because of the federal Department of Public Works' attempt to pour concrete in the middle of winter, I now understand that that project has come apart and large parts of it have to be redone.

Can the Minister of Justice advise me of any information he may have about the new completion date of the holding facility at Pelly Crossing, which would then free up the existing detachment for use elsewhere?

**Hon. Mr. Kimmerly:** I will find out and advise Mr. McLachlan.

**Mrs. Firth:** I am interested in the comment the Minister made about the population statistics at the Correctional Institute. I have heard the Minister say before that it is going up all the time, yet the statistics in his Budget do not really reflect that. I guess I would be looking forward to some explanation of that. When I looked, the average inmate population is the same, the inmate days is status quo, inmate cost per day is status quo; the number of admissions has actually gone down, as well as number of recidivists have gone down and the percentage of recidivists have gone down.

I found it interesting when the Minister said that the population could be as high as 70 to 100. Has the department made any observations that this occurs as a trend? Does it happen at a certain time of the year, or have any observations been made that way?

**Hon. Mr. Kimmerly:** It fluctuates. It is not static. It is something I studied a few years ago to see if there was a larger population in the winter than in the summer. I believe that is now the case here, but the difference is a fairly small amount. It fluctuates with the sentencing policy of the judges, and it changes from time to time. In the last four to five months, the population has been larger than before that time.

<sup>25</sup> **Mrs. Firth:** It must have extreme fluctuations if the population goes as high as 100. It must have times when it is very low in order that the statistics are remaining the same. Am I correct in making that assumption then, and in what range could it vary?

**Hon. Mr. Kimmerly:** I do not specifically know, but I will ask for the lowest population point during the year and the highest, and I will supply that.

**Mr. Phillips:** I had some discussions with the Minister earlier

this year, and there was a promise made last year by the Minister with respect to changes in the Judicial Council. Can the Minister elaborate now on what changes he plans and when he plans to make them. He promised last time that they would be made this spring.

**Hon. Mr. Kimmerly:** I am anticipating proposing legislation that will change the structure of the Judicial Council by perhaps removing one of the judicial figures in order to make a lay majority on that body. That is a policy which I am convinced has the support of the population of the territory, so that the appointment of judges, especially, is not self-perpetuating essentially by the judges for the new judges but is made with a greater influence by lay people. I am not expecting to propose that legislation this spring although I originally was. The legislative timetables are altered because of sitting in January and February, and I would expect to introduce a bill along those lines in the fall. It should have no budgetary impact at all.

<sup>26</sup> **Mr. Phillips:** With the selection of the judges, there were some differences of opinion between the Judiciary Council and the Public Service Commission on who should do the interviews and who should control the actual interview. Has that been worked out now? Is it actually the Judicial Council that does the interviews with someone from the Public Service Commission sitting in, or does the Public Service Commission do them and then pass them on to the Judicial Council?

**Hon. Mr. Kimmerly:** No, it is not worked out. The Judicial Council are now rejecting any assistance from the Public Service Commission, which is unfortunate because they have engaged in some practices that are ill-advised and perhaps even illegal. I am hoping that that situation will be resolved in future by a different method.

There is no reason to treat the job of being a judge as fundamentally different from other jobs. The independence of the judiciary is an important consideration; however, in the recruitment of judges, the considerations of fairness in recruiting that have been adopted over the years in the civil service are most appropriate.

<sup>27</sup> **Mrs. Firth:** I would like to know if the Minister's department is staffed up to snuff. Are all the positions filled? Are there any vacancies? If so, how many and in what areas?

**Hon. Mr. Kimmerly:** The vacancy level has been very low. There are two solicitors who have recently left, and we are in the process of hiring. There has been a change with deputy clerks. In this next year, we are expecting the retirement of at least three individuals. I am confident in saying that the turnover rate is less than in the government as a whole. The Director of Corrections position has never been filled, and we are anticipating filling it this year. I will explain that under the Corrections line.

**Mr. Phillips:** If no one else has any questions, I think we can proceed with the line items.

**Chairman:** First, we will move to the first program, that of Administration. General debate?

#### *On Administration*

<sup>28</sup> **Hon. Mr. Kimmerly:** The reason for the large decrease is entirely illusory. The amounts of approximately \$175,000 or so have been relatively constant over the years, and the large amount last year was due to other programs entirely. Last year the Justice System Review was paid for out of this line, and that was \$147,000.

**Mr. McLachlan:** Is there a maximum on the compensation for crime line for which anybody can be compensated?

**Hon. Mr. Kimmerly:** Yes, I believe there is. To avoid the risk of being wrong, I will come back with that number for the Member.

#### *On Finance and Administration*

*Finance and Administration in the amount of \$365,000 agreed to*

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

**Mr. McLachlan:** With respect to the story from the paper that the Member for Riverdale South read out, it would seem to indicate a rapid escalation in that program. Has the Minister any comments as to why? Is that a temporary aberration?

**Hon. Mr. Kimmerly:** No, it is not temporary. It is because we have been promoting the program very substantially. It is my view that the expenditures in Justice, historically, have neglected

victims. This is a direct way with extremely little increased bureaucracy to compensate victims. We are pleased to make increased expenditures under this line. It is because of public promotion and public education. I would expect it would continue to rise.

**Mr. McLachlan:** It is my understanding that, at least at one point, this line item was administered by the Workers' Compensation Board. Has that now changed so that it is a function of the Administration in Justice?

**Hon. Mr. Kimmerly:** No, it is still under the Workers' Compensation Board. We pay an administrative fee to the Board. The Board makes the decisions as to the amounts of compensation.

**Mr. McLachlan:** If it is established that there is a maximum for certain crimes, is it relevant to believe that the maximum would be on the worst crimes? That is, murder would carry the highest "price tag"?

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

<sup>30</sup> *Compensation for Victims of Crime in the amount of \$165,000 agreed to*

*On Judicial Recruitments*

**Mrs. Firth:** Why are you putting \$1 instead of an estimate of \$22,000 like last time?

**Hon. Mr. Kimmerly:** We are not anticipating any recruitment at all in the year. I am pleased to be able to say that on the last recruitment, there was an expense of about \$4,000 in total, which is a substantial decrease from the second-to-last recruitment.

**Mr. Phillips:** Why was it only \$4,000? Did they use someone who was on the short list from the previous time?

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

**Mr. Phillips:** That leads me to the next question to a year ago when the Minister first took office; they were short a judge. Why did he not use the short list that the Judicial Council had recommended then? He readvertised the whole job and went through the whole thing again. Why did he not do it then? He could have saved a large amount of money. I was on that Judicial Council, and five people were short-listed on that list, and I believe two of the five were local.

**Hon. Mr. Kimmerly:** I believe that that short list was rejected by the Cabinet before the change of government. I was lobbied by one member of the Judicial Council to appoint one individual from that list, but at that time it was decided to advertise properly.

<sup>31</sup> **Mr. Phillips:** When the Minister took office from the previous government, I understand the list was made to the previous government and they rejected it. I know that the same list was presented again to that Minister. Because there was a need for a judge at the time, he was asked to act on it. In fact, I asked a couple of questions in the House, and the Minister just went on his merry way and readvertised the whole thing again, which cost the taxpayer a great deal of money. Now he has done exactly what was recommended by the Judicial Council in the first place. If you get a short list and lose a judge or two in a very short period of time, why does the Minister not contact the candidates like he did this time? Why did he not do it the first time? Did it just take a while to sink in and for him to finally realize the savings of it?

**Hon. Mr. Kimmerly:** No, it had more to do with the nature of the candidates on the list.

**Mr. McLachlan:** Again, why is it only \$1? Do we not normally pay the moving expenses of the judge to come here, which would be an item that will be incurred in the month of June, 1987.

**Hon. Mr. Kimmerly:** The practice of putting in \$1 is the same practice as for administrative boards. In many years, there is no expense at all, because there is no recruitment. We have adopted the practice as opposed to averaging it out over the years and being wrong in every year and budgeting the recruitment by supp when it is required.

<sup>32</sup> *Judicial Recruitment in the amount of \$1 agreed to  
Administration in the amount of \$703,000 agreed to*

**Hon. Mr. Penikett:** I would move that you report progress on Bill No. 6.

*Motion agreed to*

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

*Motion agreed to*

*Speaker resumes the Chair*

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

**Mr. Webster:** The Committee of the Whole has considered Bill No. 6, entitled *Second Appropriation Act, 1987-88*, and directed me to report progress on same.

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

**Some Hon. Members:** Agreed.

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

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

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

*Motion agreed to*

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

*House adjourned at 9:29 p.m.*

<sup>33</sup> **The following Sessional Paper was tabled April 8, 1987:**

87-3-114

Addendum to Report of the Chief Electoral Officer on Contributions to Political Parties during 1986 (Speaker - Johnston)

**The following Legislative Returns were tabled April 8, 1987:**

87-3-58

Engaging experts to examine claims made by Kaska Dena Council in Yukon  
(Penikett) Oral, Hansard, p. 374

87-3-59

Timber leases purchased with Watson Lake Forest Products  
(Penikett) Oral, Hansard, p. 375

87-3-60

Assistance from Department of Economic Development to Yukon Development Corporation in operation of Watson Lake Forest Products mill

(Penikett) Oral, Hansard p. 610

