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HANSARD

Thursday, April 16, 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 Penkett	Whitehorse West	Government Leader. Minister responsible for: Executive Council Office; Finance; Economic Development; Mines and Small Business; Public Service Commission.
Hon. Dave Porter	Watson Lake	Government House Leader. Minister responsible for: Tourism; Renewable Resources.
Hon. Roger Kimmerly	Whitehorse South Centre	Minister responsible for: Justice; Government Services.
Hon. Piers McDonald	Mayo	Minister responsible for: Education; Community and Transportation Services.
Hon. Margaret Joe	Whitehorse North Centre	Minister responsible for: Health and Human Resources; Women's Directorate.

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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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Whitehorse, Yukon
Thursday, April 16, 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. Are there any Introduction of Visitors?

INTRODUCTION OF VISITORS

Hon. Mr. Penikett: I would like to draw the Members' attention to the distinguished visitors in the Gallery. We are honoured today to have with us Mr. Rashed Saleem Khan, the Charge d'Affaires for the Embassy of Pakistan in Ottawa. Mr. Khan is currently the acting Ambassador to Canada, and is making his first trip to western and northern Canada.

I would ask all Members to make him feel welcome.

Applause

Hon. Mr. Penikett: With him, of course, is the Commissioner of the Yukon, who we hope will be standing patiently by today, waiting for further news from this Assembly.

As well, while I am on my feet, I would like to call attention to the presence in your Gallery of the former Member for Tatchun, Howard Tracey and, as well, some ladies from the Executive Council Office in their Easter bonnets.

Speaker: Are there any Returns or Documents for Tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Penikett: I have for tabling several returns in response to questions from the Members for Hootalinqua, Porter Creek East, Porter Creek West, Riverdale North and Faro.

Hon. Mr. Kimmerly: I have for tabling Volume 2 of the Information Technology Plan for the Yukon Government. I have previously tabled Volume 1.

Speaker: Are there any Reports of Committees? Petitions?

PETITIONS

Petition No. 8

Hon. Mr. McDonald: On April 2, 1987, a Petition with 94 signatures was presented to the Legislature by the Member for Tatchun. The Petition was prefaced by the following statement: "We feel that there are too many mishaps on the Robert Campbell Highway concerning the Yukon Alaska trucks when passing an oncoming vehicle. The complaints number from broken windshields, side windows, headlights, radiators and flying rocks. Therefore, the undersigned ask the Yukon Legislative Assembly to investigate and correct this dangerous situation immediately."

I wish to advise the House that my Department has implemented a number of actions to alleviate the very real problem that the petitioners have identified, that being the existence of flying rocks from the passage of the Yukon Alaska Transport ore trucks. These actions are not guaranteed to solve the problem entirely, but it is hoped that they will reduce the number of incidents and the regularity with which they are occurring.

The Department will be applying calcium chloride to the gravel surface as soon as weather permits. This action will reduce the dust problem and will allow the gravel surface to be better compacted. Two rubber tired compactors are being procured and will be operated from Carmacks and Drury Creek. This equipment will be

effective in tightening up the gravel road surface and will reduce the number of incidents of flying rocks and gravel.

The speed with which motorists approach the ore trucks has a direct bearing on the amount of damage that can be incurred from incidents of flying debris. Therefore, advisory signs will be posted on the highway that indicate that motorists should slow down when approaching the ore trucks.

Department personnel have discussed the problem with Curragh Resources and Yukon-Alaska Transport officials. An analysis of the aerodynamics of the ore truck configuration will be undertaken, employing the resources of Transport Canada's engineering and research facilities. We are presently discussing the problem with Transport Canada and will be providing them with data regarding truck configurations, specifications, road details and speeds. The aim will be to identify whether modifications can be made to reduce the turbulent air flows that seem to be peculiar to the truck/trailer configuration.

The Department will, over the summer months, investigate the effects of using smaller sized material for sanding purposes in future winter maintenance operations.

⁹³ I am sure the results of these actions will go a long way to reducing the problems cited by the petitioners. My department will monitor the situation and assess the success of the above-noted measures. The safety of our highways for the travelling public is our prime concern, and I thank the petitioners for bringing this situation to the government's attention.

Speaker: Introduction of Bills?
 Notices of Motion for the Production of Papers?
 Notices of Motion?

NOTICES OF MOTION

Hon. Mr. Porter: I give notice of the following motion: THAT Norma Kassi, Member for the electoral district of Old Crow, be appointed to the Standing Committee on Statutory Instruments.

Speaker: Any Statements by Ministers?

MINISTERIAL STATEMENTS

Minimum wage increase

Hon. Mr. Kimmerly: I am pleased to announce an increase in the Yukon's minimum wage to \$4.75 per hour, which will come into effect on May 1, 1987.

This new rate represents a 50 cent per hour increase. Yukon's minimum wage has not been changed for over two years, having been at \$4.25 per hour on January 1, 1985.

The Employment Standards Board, which has statutory authority to fix the minimum wage, is of the view that the minimum wage should be adjusted and increased by an appropriate inflation factor.

The Consumer Price Index percentage increase in 1986 was 4.5 percent. The Board has chosen that factor as an appropriate guideline to apply on a compounded basis over the period since the last adjustment.

This increase gives the Yukon the second highest minimum wage in Canada, behind the Northwest Territories' \$5.00 per hour rate. It applies to all employees who are 17 years of age or older.

As the adjustment amounts to an increase of less than 25 cents per hour spread over more than two years, the impact on small business will be minimal, yet the increase will offer inflation protection to those employed at minimum wage.

I note that a minimum wage that would keep a full-time employee at the poverty level would be \$5.56 per hour. Consequently, the government will ask for a review of the minimum wage by the Employment Standards Board again next year.

⁹⁴ Heat for Andrew A. Philipsen Building

Hon. Mr. Kimmerly: I have a second statement. Management Board has approved the signing of a ten-year contract with Klondike Central Heating Limited, a local company,

to provide heat to the Andrew Philipsen Law Center during the winter season. The heat will be provided through a piping system and heat exchanger from a central plant that burns wood chips, and will probably be constructed near Jarvis Street and 3rd Avenue. The same plant will probably also supply heat to other buildings in the vicinity, such as, perhaps, the Sheffield Hotel, the Tutshi Building and the Performance Centre.

The wood chips will be manufactured from sawmill waste and the plant will be fully equipped with air pollution control equipment. The City of Whitehorse has been involved in this project and has granted its approval to proceed with the plant's design and the design of the necessary under street hot water distribution system.

The contract with Klondike Central Heating Limited specifies that the cost of the heat will be calculated so that for the duration of the contract the Yukon Government will pay 10 percent less than it would have paid if oil had been used. The price of oil will be pegged each year according to prices received by the Yukon Government for heating its other Whitehorse facilities. In this way, a continuing cost savings to the Government will be guaranteed.

The heating plant itself, the wood chipping operation and the hauling of the chips will result in the creation of several permanent person years of employment locally. Another significant result of this initiative will be an enhancement of the wood products industry's stability through the use of what is now one of their waste products. This waste will be transformed into a saleable material and will result in another area of income for the industry.

Mr. Lang: I want to stand and say that we are very pleased to see the government finally coming forward with a decision in respect to the source of heat for the Philipsen Building. It has been some time in coming, as the Minister knows. The initial decision for the infrastructure to accommodate such a heating plan was actually put in place in 1985. We are very pleased to see we are utilizing a local energy resource. We are also pleased about the jobs it will obviously create.

I want to close by saying that it is too bad that government takes so long to make a decision, because it has been almost three years, but we are very pleased to see that the ultimate decision has been positive.

Speaker: This then brings us to the Question Period. Are there any questions?

QUESTION PERIOD

Question re: Ross River Band road blockade

Mr. Phelps: I would like to know whether or not this government is willing to table the original opinion from the Department of Justice that they received with regard to the blockade and with regard to whether or not section 8 of the *Highways Ordinance* applies to the situation.

Hon. Mr. Kimmerly: I have previously answered that question in Question Period this week. The answer is no, it is not desirable to table legal opinions about legal questions about which there may be substantial litigation.

Mr. Phelps: Could the Minister advise whether the opinion is in written form and when it was received?

Hon. Mr. Kimmerly: The Government Leader has previously answered that question. Yes, there is a written opinion, and it was received last week, I believe. I do not know the precise date.

Mr. Phelps: Has the second legal opinion the government is seeking been received yet?

Hon. Mr. Penikett: I have not received a second legal opinion yet.

Question re: Ross River Band road blockade

Mr. Phelps: The legal opinions the government receives are sometimes a little too much for us to really get a firm handle on. I came across some correspondence, which I will be tabling, that I received from the Minister of the Department of Community and Transportation Services. It is a letter dated December 4, 1985 in response to a letter from myself to him dated November 13, 1985. I

am going to table this correspondence. I think it is imperative that I read the context of the letter I received into the record.

⁰⁶ It states, "I apologize for the delay in replying to your letter dated November 13, 1985, concerning barricading of public roads.

"As I thought a legal opinion would be beneficial, some time was required to research the pertinent data. Based on legal advice, all roads on public lands are public roads and, as such, only the government has the authority to close them.

"With regard to the example you mention in your letter, no one individual has the legal authority to close this road if it is on public lands. My department is prepared to look at specific abuses on a complaint or request basis. Should you have a complaint concerning the barricading of a specific public road, please contact the Manager, Highways Maintenance Section, at 667-5761. He will take the necessary action to ensure that the barricade is removed from the public road."

I would like to know whether or not the legal opinion received by the Minister in charge of Transportation Services was from the same department as that which was received by the Government Leader?

Hon. Mr. Penikett: The Leader of the Official Opposition is a lawyer, and we know that his standing as a lawyer has been celebrated by the national government by making him Queen's Counsel. This is not a legal forum, nor do I have at my fingertips the information as to whether the same lawyer provided the advice with respect to the drafting of that letter as the lawyer or lawyers who provided us the advice in connection with the land use permit on federal Crown land, which is now blockaded.

The point is that a satisfactory resolution to this problem, which is being negotiated at this moment, will not be negotiated depending on legal opinions, but will be negotiated on the basis of trying to find satisfaction to the parties and a long-term solution to what has been a long-festering problem.

Mr. Phelps: Can the Government Leader tell us if, when Mr. Lafave came to see him about the barricading of the road and, incidentally, a satisfactory resolution — that company is losing all kinds of money, as are businessmen in the trucking and transportation business and in the sales business in Whitehorse — the Government Leader bothered to give him this number of the manager of Highways Maintenance Section?

Hon. Mr. Penikett: No, it is not my custom to suggest managers of Highways Maintenance to people who are looking for legal advice. I would prefer to refer them to a lawyer. When Mr. Lafave was coming to see me last Friday, I had been told that he was bringing his lawyer with him. He decided to do otherwise, so I met without the assistance of lawyers from this government. I apprised him of the legal opinion we had had at that moment. Based on the press statements from remarks attributed to the Leader of the Official Opposition, he judged that there might be some legal question here. We invited him to seek further legal advice and advised him that we would be seeking to confirm our opinion.

That was a small part of the conversation. The major part of the conversation was dealing with the financial crisis facing this small business person, the critical time lines in terms of the establishment of his business this summer, the longstanding grievances of the Ross River Band, questions about resource use in that area, all matters and conflicts that have come to a head as a result of this blockade, which we are now trying to resolve with the best efforts that we can put to them, with the best talent available in this government. We and the federal government are now trying to find a resolution as quickly as we can.

⁰⁷ **Mr. Phelps:** This letter does not represent a legal opinion. This letter represents a policy of this government, based on legal opinions, and the policy was and is, as far as I can gather, that the government will take the necessary action to remove barricades from public roads. All you have to do is call them. That is the policy of the government.

Can the Leader tell us whether this policy has been changed?

Hon. Mr. Penikett: I do not know at all if the road referred to in the letter read into the record, an unusual precedent during Question Period, is in an identical legal situation to the land use permit on federal Crown land that is now being impeded. I do not

know that at all. The point is that we are attempting to resolve the matter — resolve the matter in a way that sees the blockade come down and all the parties to this dispute come away with some satisfaction. If we were to pursue the course suggested by the Member opposite, the one thing I can guarantee is that this matter would be escalated, and there would be further unfortunate incidents of this kind, which would neither advance the settlement of land claims, nor advance the conduct of business in the mining or tourism field in this territory. If we were to behave like silly people and escalate this into a major complication as is being proposed by the Leader of the Official Opposition, we would all be in very deep trouble.

Question re: Faro housing

Mr. McLachlan: I have a question for the Minister of Community and Transportation Services.

A number of my constituents in Faro still feel cheated out of the Home Owner's Grant by a quirk in the legislation. I am wondering if the Minister, who has now lost the battle in Cabinet and acquired the administration for that program, is prepared to do anything to right this injustice?

Hon. Mr. McDonald: The quirk about the Home Owner's Grant is that it directs a grant to home owners. As long as people are home owners, they will be entitled to the grant; if they are renters, they will not be entitled to the grant. That was the intent of the legislation in the first place, and that is the intent today, as we understand it.

Mr. McLachlan: There is no quirk in the fact that they are home owners. The fact is that they are buying those homes and paying the taxes. The Minister well knows that. The supplementary question is that I would appreciate it if the Minister would sort through the problem himself without the benefit of the Ministers of Finance and Justice, because when they are involved in the glue pot the opinion gets worse. Can I not get a commitment from the Minister that he will review the Legislation and make a recommendation to Cabinet to come forward with a suggestion that will improve the situation and allow the people in Faro who are purchasing homes from the realtor to receive the Home Owner's Grant to which they are entitled?

Hon. Mr. McDonald: It is the government's desire to allow for as reasonable housing costs around the territory as we possibly can.

With respect to the question of the Home Owners Grant, it is a grant that is directed to home owners. It is not a quirk in the legislation. It is a very clear, defined intention of the Act itself. The renters in Faro do pay taxes, as do renters around the territory. As a government, we will do everything we can to investigate the situation, not only in Faro but around the territory, to ensure that, if at all possible, people can be charged reasonable housing costs.

With respect to the Home Owners Grant, the declaration of the Bill is clear, as Members have pointed out on numerous occasions in this House and, as we all feel sympathy for the people in Faro, we have to declare that the Home Owners Grant is not a vehicle that will assist them.

Mr. McLachlan: Is the Minister prepared to change the legislation in such a way that it makes a rental with option to purchase agreement acceptable under the Home Owners Grant legislation? Will he give that commitment?

Hon. Mr. McDonald: If the agreements are changed to agreements for sale, then we can undertake to review the situation. When the renters in Faro become homeowners, even in a technical sense, then they will be eligible under the Act.

Question re: Ross River Band road blockade

Mr. Phelps: On behalf of my constituents in Hootalinqua, can we assume that the policy has changed now and that we cannot expect the government to do anything about barricades on public roads? Is that the policy now? I would like to know.

Hon. Mr. McDonald: The issue of barricades on designated public roads is a situation that we can handle with some degree of vigour. We know what the responsibilities are for designated highways.

With the advent of the Ross River situation, a legal opinion was

sought and it clarified our position, which the Member now knows about. With respect to the situation that happened in the past, Members are aware of what has been what we should call common knowledge about the rights of public access on roads that are not designated highways, and our position has had to be clarified upon further review.

Mr. Phelps: This letter was not about designated roads. It was not about that at all, and the Minister knows that full well. This was a letter that I wrote to him regarding trails that led into certain lakes in my constituency, roads that led into Little Atlin Lake, in particular, and put in there in a rough form by people such as Johnny Johns. This has nothing to do with designated highways under the Act, it has to do with territorial highways as defined in the Act; it has to do, as he knows, with exactly the same kind of situation as that in Ross River.

I want to know whether or not this government has simply changed its policy with regard to the access roads that I spoke of in my letter, particularly the ones to Little Atlin Lake, which are designated.

Hon. Mr. McDonald: As I indicated in my response to the Member's first question, it was the common understanding of the Highways Branch over a number of years that they had certain rights and obligations. When the Ross River situation came forward and Justice opinions were pursued as to the specific definition of public road, the legal opinion came back that indicated that the roads under the unfortunate provisions of the *Highways Act* had to be designated private roads.

Mr. Phelps: Am I to take it that any individual who lives in the Yukon who has some kind of a grievance against this or the federal government only has to barricade a public road? It does not matter if it is detrimental to a third party? The message from this government is very clear: barricade public roads and you will get your way because this government will bow to that kind of pressure. Is that the message we are getting?

Hon. Mr. McDonald: Under the *Highways Act* people are not empowered to barricade designated public roads.

Question re: Public access across placer claim

Mr. Brewster: My question is to the Minister of Communication and Transportation Services.

Is it true that the Mining Recorder's Office advised the owner of a placer claim on the Fourth of July Creek that he could not erect a steel gate to block public access across his property?

Hon. Mr. McDonald: I am not familiar with the details. If I was once, I have forgotten. I will have to check on the specifics for the Member.

Mr. Brewster: Is it true that the Department issued an order to this same placer miner to remove the steel gate that he had erected blocking public access to his claim or the Department would move it for him?

Hon. Mr. McDonald: I do not know what the details are. The Member knows that, and I will have to check on the details for the Member.

Mr. Brewster: I thought I was talking to the Minister who runs the Department of Highways, but I guess I am not.

Is it true that the RCMP Detachment in Haines Junction removed the steel gate on the placer claim on the Fourth of July Creek because it was blocking public access?

Hon. Mr. McDonald: I will remind Members that the Department is a fairly large department and they are doing many things around the territory. Quite often, surprising as it may seem, every little detail in all the communities is not transmitted to my office for my consideration.

I will check on the matter for the Member and provide details as I understand them and the government understands them so the matter can be clarified.

Question re: Ross River Band road blockade

Mrs. Firth: With respect to the Ross River blockade, dealing specifically with the children from the Ross River School. Can the Minister tell us how the children are going to make up the week of lost instruction time when they were participating on the barricade?

Hon. Mr. McDonald: I believe it was about three days where a number of native children were absent from the school. I believe that through work and through the consideration of the teachers, they will be able to make up the lost time easily.

Mrs. Firth: Is the Minister telling us that no specific arrangements have been made with the parents and the teachers for the children to make up that lost instructional time?

Hon. Mr. McDonald: I am not saying anything on that score, but I am sure the teachers will do everything they can that any lessons or classes that have been missed are going to be picked up by the students, the way they do when students leave on holidays with their parents. Quite often, the teachers will ensure that the missed classes and lost instructional time is made up through a little special effort.

Mrs. Firth: I hope the Minister is not comparing this absence to an absence of children who are on holidays.

This situation is going to happen again. Is it the policy of the Department of Education to allow this?

Hon. Mr. McDonald: I recall that in 1981 native students in Mayo were pulled out of the school by the Band. If that is at all a precedent, I recall that they were pulled for some time. I do not remember subpoenas being slapped on parents to get the children back into school.

There are times when parents pull their children out of school for various reasons, even for very brief, temporary periods, such as the situation in Ross River. The department tries to act judiciously in such circumstances, bearing in mind that the education of the children is their very first priority.

Question re: Placer mining, effluent standards

Mr. Nordling: With respect to placer mining, yesterday the Minister of Economic Development said this was Question Period, not cross-examination in a jury trial. As the Minister very well knows, in Question Period, as in cross-examination, if we do not get an answer, we must ask the question again.

Has this government calculated an effluent standard that would be acceptable to the Yukon placer mining industry?

Hon. Mr. Penikett: I do appreciate the flattery of the Member opposite who continues to quote me in Question Period. I am naturally pleased that he continues to find my remarks so noteworthy as to want to re-enter them into the record.

The question he asks is purely academic. The people who ultimately are going to be drafting a standard are the federal officials. For us to draft one that is satisfactory to the placer industry is not, I do not think, a constructive contribution to the exercise. There is, presently — when the Member reads the return that I tabled today — still evidence of a considerable gap between the federal government and the industry, and our officials are going to be doing what they can to try to close that gap as soon as we can.

Mr. Nordling: The Minister said he was expecting a document from the federal government about its intentions with respect to the regulation of the placer mining industry. Does the Minister expect this document to contain a proposed standard for the discharge of effluent from placer operations?

Hon. Mr. Penikett: Yes, if it does not do that I do not suppose it would be very useful.

Mr. Nordling: It is a mystery to me how the government will comment on this if they have not done any work as to what effluent standards are acceptable. I can see what is coming. If the matter is resolved to the satisfaction of the placer mining industry, the Department will have played a huge role in the setting of the standard. If it is not acceptable, it will be the federal government's fault, just as ten days ago the territorial government had nothing to do with the Ross River blockade, and today the Government Leader announces that he is going to resolve the issue.

How is the Government Leader's Department going to comment on effluent standards if he has not done any investigation?

Hon. Mr. Penikett: The Member is being quite silly now.

We do not have the means, and I doubt the Legislature is going to give us the means, to establish the huge research facilities that would be necessary to duplicate the work of the federal government, not only in one department but in two, in order to answer that

kind of questions for the Member.

The Member is playing political games. What he is trying to suggest is that somehow the converse is the case, that if a satisfactory regime comes from the federal government, then it will all be to their credit, but if no agreement is reached, then somehow it is the fault of the territorial government. To any ordinary, sensible person, that is clearly a patently ridiculous suggestion.

Question re: Helicopter ride

Mr. Phillips: I have a question for the Minister of Education. On Monday, in the budget debate, my colleague from Whitehorse Riverdale South asked about a helicopter ride taken by what we find out now is two students in the French Class at Jeckell at government expense. The Minister said he would look into the situation. Can the Minister advise the House how much the trip cost to Kluane Park and if this is a policy of the government? What is the policy of the government with regard to such trips?

Hon. Mr. McDonald: I have not had a chance yet to seek the details of the situation, as expressed by the Member and publicized in the media. There are many ways that students go out on field trips. Oftentimes the field trips are the result of fundraising efforts by the students, sometimes it is the expenditure by parents, sometimes by government. I do not know in what classification this particular instance falls. I do not know how much this particular field trip costs or who was eligible. These are questions that I will attempt to answer shortly.

Mr. Phillips: According to the newspaper reports, there were statements made by a regional superintendent for public schools that this excursion to Kluane Park was planned well in advance to give the three students a firsthand look at glaciers so they could later build model glaciers.

I would think that this is rather an elaborate way for students in our schools to have an idea of what a glacier looks like. We have a huge film library and we have all kinds of books. I would think this is a rather excessive expense.

Does the Minister know of any other excursions, of this massive expense, that his Department is planning?

Hon. Mr. McDonald: No, I do not know of any other field trip of this nature being planned, or having been taken in the past. I will check to see what the record has been.

If it was simply a matter of showing students glaciers or doing it so that students could model glaciers through the construction of papier mache models, then the exercise might be seen to be excessive. I do not know all the circumstances surrounding this case. I will attempt to determine what they are, as I said in my response to the first question, in order to determine what kind of precedent is being set, if any is being set.

Mr. Phillips: The official in the department said that the purpose of the trip was to build model glaciers when they got back. From this side of the House, I can clearly say that that is an excessive expense to taxpayers. Based on the statements made by an official in his department, does the Minister think that to go in a helicopter to look at a glacier so you can make a model later is a legitimate expense by the Department of Education?

Hon. Mr. McDonald: It may be the practice of the other side to condemn people's reputations on the basis of a media report. It is not my practice, and I will wait until I find the full details before I comment any further.

Response re: Chronic Disease List

Hon. Mrs. Joe: I wanted to clarify some of the information yesterday that was made to this House by the Member for Riverdale South:

Contrary to the claims she made in regard to the Chronic Disease Program, there are administrative guidelines that have received broad distribution and discussion among doctors and pharmacists.

Mrs. Firth: Mr. Speaker, on a point of order. The rules, as I understand them, are that if a Minister wants to get up and answer a question I asked yesterday, and she could not answer, that that is acceptable. She is standing up to clarify some of the points I made. If I made points that needed clarifying, she should have done that yesterday in Question Period — not go back to her department and

have somebody write something for her to bring back and read out in Question Period. She is not clarifying or answering the question I asked, so she is out of order.

Hon. Mr. Penikett: On the same point of order, I have to say with the greatest possible respect to the Member for Riverdale South, she is talking nonsense. It is perfectly acceptable for a Minister to come back, especially if there were indications from the other side that an answer was unacceptable or insufficient in its evidence the previous day, to elaborate on an answer, or to clarify an answer if a Minister may have believed they misspoke themselves. That is perfectly permissible within the rules of Question Period.

Mrs. Firth: Had the Minister stood up and said she was clarifying her answer, it would be acceptable; however, she did not. She stood up and said she was clarifying the comments I had made. That is not acceptable under the rules.

Hon. Mrs. Joe: There were some clarifications I had to make, and the Member just did not give me the opportunity to do that.

Speaker: I find there is no point of order as there is a section on this, which says that a Minister or the government backbenchers can bring back an answer from the days before when a slot occurs in Question Period.

Hon. Mrs. Joe: The information package that included the guidelines and the other information in regard to the Chronic Disease Program went out in early January so that there were guidelines in the offices of the doctors in the territory. There was also a list of eligible recipients that was sent and is being upgraded each week.

The information I have right now is that we have only had one complaint from a doctor, and that the President of the Yukon Medical Association does not support those views.

Mrs. Firth: I guess from now on we should submit written questions to the Minister of Health and Human Resources, then we will get back the written answers.

Question re: Helicopter ride

Mrs. Firth: My question is for the Minister of Education regarding the same issue that was raised by my colleague for Whitehorse Riverdale North, that of the helicopter ride.

I would like to ask the Minister in particular about the interview that the department official gave. Do I understand from the Minister's comments today that he has not had an opportunity to investigate this case, yet his official has given an interview to the media. Did the official do that with the knowledge of the Minister?

Hon. Mr. McDonald: I do not know whether the interview counts as an interview of record to explain all the details of this situation including precedent, et cetera. I do not know if the circumstances of the interview, or whether the transmission of the details, as expressed by the departmental member, were transmitted in the way that the departmental member feels they should be transmitted. This issue is one that deserves some clarification and research. That is what I am attempting to do.

Mrs. Firth: I distinctly heard the Minister say that he would investigate the situation. The interview has been sufficient to create an impression in the public to cause phone calls to be made to our offices.

In his investigation of the incident, did he find out that the trip had been planned for three children, but only two children were taken as the third was out of town and they could not wait for three days for that child to return. That is how urgent the trip was.

Has the Minister found out whether that is correct in his investigation?

Hon. Mr. McDonand: I do not know whether that assertion is completely false, misleading or true. Those questions will be answered along with others, including any precedent that may have been set. I understand that in the past the Department of National Defense has very graciously agreed to take school children up for helicopter rides. Whether that counts as a joy ride and an unacceptable expense, I do not know. I will check on precedents and on the character of this trip for Members.

Mrs. Firth: The official is quoted as saying that the rumour is false; however, the article goes on to say that the rumour is not

false. I think it is well established now that there was, in fact, a helicopter trip taken. Does the Minister know anything about whether or not proper parental authorities were sought for the children to be in the helicopter, particularly in light of the liability coverage that the government has with children during the school hours?

Hon. Mr. McDonald: The Member is doing a very clever thing. She is making accusations through questioning, which have not been substantiated, but which do call into question — in the throwing of assertions — people's reputation. I think it is completely unwarranted, I believe, and I can only assume this, that what the Department official is referring to with respect to the completely false rumour was that it had been presented to this House as a joyride around Whitehorse. He indicated that that was not, in fact, the case.

Question re: NCPC, management agreement

Mr. McLachlan: I have a question for the Government Leader. The Minister has said that he would table the management agreement between Yukon Electric and the Yukon Development Corporation for the management and operation of the transfer of the NCPC assets. Is he prepared to table that today?

Hon. Mr. Penikett: I believe that if it is not in the Legislative Return, which I gave yesterday, then I will certainly make sure that it is here later.

I would have liked to have tabled all those documents last week, but at the time we did the signing, the Member will, of course, understand that there had to be an exchange of documents between here and Ottawa. Both sets of copies had to be signed both here and there. That was why there was not a complete set available. If the Member does not have it in the material that I have already provided, I will make sure it is available as soon as possible.

Mr. McLachlan: Further to that question, I would take it from the Government Leader that there is no longer any classified or embargoed information whatsoever regarding the takeover of the NCPC assets and the management by Yukon Electric? Everything is upfront and on the table, is that correct?

Hon. Mr. Penikett: All Members will recall that, with respect to tabling documents, if there was a third party or private party there may be some confidentiality, including commercial confidentiality, and it is that third party's right to determine whether their interests are going to be comprised by making it public. In this case, knowing the great interest of the Member opposite, we went to that third party, Yukon Electrical, and said to them: would you consent to the tabling of this document when the legal transaction is completed? They said: no.

Mr. McLachlan: Last night, during discussions, the Minister referred to cost savings and of further reductions in the Operating Budget that NCPC had drawn up for the 1987 year. How could the Yukon public possibly make that judgment without seeing those figures? It is an impossibility.

Hon. Mr. Penikett: You cannot make the judgment. The proof will, as some great orator in this House said, be in the pudding. We will know a year from now whether Yukon Electrical's overhead here is the same as NCPC's. I know one thing we will not be paying for anymore, and that is an office building in Edmonton with 100 people in it.

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

ORDERS OF THE DAY

Speaker: Government Motions?

GOVERNMENT MOTIONS

Motion No. 116

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

Speaker: Is the hon. Minister of Justice prepared to proceed with this item?

Hon. Mr. Kimmerly: Yes, Mr. Speaker.

Speaker: It has been moved by the hon. Minister of Justice THAT the Yukon Legislative Assembly, pursuant to section 16 of the *Human Rights Act*, appoints Sylvia Neschokat, John Anton and Violet Greenway to be members of the Yukon Human Rights Commission;

THAT the Yukon Legislative Assembly, pursuant to section 21 of the *Human Rights Act*, appoints Douglas Bell, James Smith and Art Pearson to be members of the panel of adjudicators with Douglas Bell designated as Chief Adjudicator; and

THAT all such appointments shall take effect upon the date of the coming into force of the *Human Rights Act*.

Hon. Mr. Kimmerly: I will be very brief, although I believe it is appropriate to put a few comments on the record. On the debate on human rights, we spoke about the method of selection of the Commissioners and Adjudicators, and I am pleased to be able to report to the House that consultation has occurred in accordance with the principles and policy that I had outlined during the initial debate.

I am proud to be able to nominate these individuals. I will say a word or two about the qualifications of them, but I will be very brief.

Sylvia Neschokat is a founding member of the Yukon Human Rights Coalition and has been extremely active in a number of community organizations in Yukon in the past six years, including a Yukon Status of Women Council and the Victoria Faulkner Women's Centre.

She has also served as a director of a national organization that funds and supports equality challenges under the *Charter*.

John Anton, Q.C. is a prominent Whitehorse lawyer and has practised law here for the past 20 years. His experience includes being a former member of the Yukon Law Foundation, the Legal Aid Board and the Mental Health Review Board. He is also Chancellor of the Anglican Church.

Violet Greenway is a native courtworker with the Liard Indian Band. She was born in Telegraph Creek and has lived in Watson Lake for in excess of 30 years. She sits on the School Committee for the Watson Lake Secondary School and is a founding Member of Yukon's first Diversion Program in Watson Lake. She is also a Board Member of the Yukon Indian Womens Association, and has recently been reinstated as a Status Indian through Bill C-31.

The makeup of the Board of Adjudicators has been extremely interesting for me. The long established tradition of the territory, even before the Gold Rush, is to respect our elders. That is a well known feature of the native culture here. It is only in the last few years that non-native people have chosen to retire here in any great numbers, and we are developing a more balanced society with the factor of more elderly people staying in the community. Not all these adjudicators are elderly, but they are all retired Commissioners of the Yukon Territory.

I will be asking Ione Christensen, who is presently out of the country, if she is interested in being nominated to this board at a future time.

I sincerely hope that the Board of Adjudicators will have on its membership in the perhaps not too distant future native elders as well as the non-native people nominated here.

The former Commissioners are well known to all of us. We are extremely fortunate that we have four former Commissioners resident of the territory. All of them have extremely significant experience individually. As a group, they will be a very experienced and wise group indeed.

Motion No. 116 agreed to

Hon. Mr. Porter: We request the unanimous consent of the House to proceed with debate on the motion that I gave notice of earlier today.

Speaker: Is there unanimous consent.

All Members: Agreed.

Motion No. 117

Speaker: It has been moved by the hon. Government House Leader

THAT Norma Kassi, Member for the electoral district of Old Crow, be appointed to the Standing Committee on Statutory Instruments.

Hon. Mr. Porter: A very brief explanation with respect to the Motion. As we all know, the present makeup of the Committee is short one and this motion will obviously fill the Committee to the required three Members.

Mr. Phelps: Last night the Chairman of the Committee called for volunteers, and I would like to thank Norma for volunteering. *Motion No. 117 agreed to*

GOVERNMENT BILLS

Bill No. 90: Second reading

Clerk: Second reading, Bill No. 90, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: This is certainly a puzzling event for me to be bringing to the House a measure of which I have extremely doubtful parentage.

I have a nominal responsibility for it as the Minister of Finance; in that capacity I am prepared to do my duty. The measure is one which is, as is the custom of all parliaments of this country, the product of a committee established by this House to consider these matters of pay and pensions. As were my predecessors in this matter, I am obliged, I think, to present the product of an all-party agreement to the House in this question.

My own sentiments on this matter, I should be quite clear, having been a combatant in these discussions for quite a few years before, is that there are things that I would rather have done in the past. These have not always been the most pleasant activities in the history of our Legislature or any other Legislature.

I have always felt that such a resolution of these questions ought to be done in debate, not as a partisan issue, but on the basis of the goodwill and common sense on all sides of the House, and it is with that respect that I present this measure to the Legislature.

I would therefore like to move that Bill No. 90, entitled *An Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act*, be now read a second time. I look forward to the explanation of the measure from the Chair of the Committee responsible.

Speaker: It has been moved by the hon. Government Leader that Bill No. 90, entitled *An Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act*, be now read a second time.

Hon. Mr. Porter: In addressing Second Reading of the Bill, I am speaking as the Chairman of the Committee on Rules, Elections and Privileges. This Bill is based on recommendations filed in the First Report of that Committee, which was presented to the Assembly yesterday.

The task faced by the Committee was not an easy one, since it is always a very difficult proposition for Members to review and make recommendations on their own pay and benefits. Hammering out a consensus in such a situation is not a simple matter, and Committee meetings involved some frank discussions and eventually required some compromise on the part of every Member.

All Members are to be commended for the honest, non-partisan and thoughtful approach they took to the work of the Committee. As the Chairman of that Committee, I thank them for it.

There are a couple of general themes that mark the recommendations made by the Committee. First is the Committee's view that the pay of Members of the Assembly should neither be an incentive nor a disincentive to Yukoners to seek office in this House. This led to the attempt to find an appropriate middle ground on which to base the pay of Members of the Assembly.

The Committee, therefore, surveyed the situation of other jurisdictions and concluded that the indemnities and expense allowances of Whitehorse Members should equal the average of the indemnities and expense allowances paid, as of April 1, 1986, to Members of the provincial Legislatures, with the exception of the two larger Assemblies in Quebec and Ontario.

In recognition of the position of Members representing electoral districts outside of Whitehorse, their expense allowance is maintained at 50 percent of the indemnity, giving them a slightly higher expense allowance than Whitehorse Members. The Committee decided not to recommend that the salaries of Cabinet Ministers be increased beyond their 1984 levels, but did recommend that the salaries of our presiding officers and the Leaders be adjusted.

A second theme addressed in the Committee's work was a concern that the pay due to Members in the future should reflect, to some extent, the changes that take place in the economy over time. When pay issues are not addressed for lengthy periods of time, the level of pay can become a detriment to our democratic system, as capable citizens decide they cannot afford to run for office.

A solution is to establish an appropriate formula for adjusting pay at regular intervals, and the Committee, while recognizing past difficulties in developing a workable formula, has concluded that the effort should once again be made to once again devise such a formula.

The Committee has, therefore, recommended the formula for adjustments found in the Bill, which is to amend Members' indemnities and expense allowances by the change which takes place in the Cost of Living Index for Canada from one year to the next. Salaries for Ministers, Leaders and presiding officers are not being included in this formula to ensure that too great a spread does not occur in the pay received by Members who receive salaries and those who do not.

A third theme that emerges from the Committee Report is a recognition that the needs of rural Members deserve some attention. It is from this recognition that the Committee developed its recommendations respecting increases and the resources which would be made available to rural Members for travel outside of Sessions of the Legislature.

Also, although the Committee has recommended that the maximums allowed for reimbursing rural Members who rent accommodation in Whitehorse should be set by Order-in-Council upon recommendation from the Member Services Board, it is clearly past time for the maximum of \$400 per month, which was set in 1980, to be increased so that Rural Members may in fact cover their actual rental costs.

The Committee also reviewed the provisions of the *Legislative Assembly Retirement Allowances Act*, as required by its terms of reference. In so doing, it surveyed the plans applying to Members of other Canadian legislatures and found that the Yukon Legislative Assembly is the only House in Canada which does not include salaries in its formula for determining the payment of retirement allowances. The Committee, therefore, has recommended that our Legislation be amended in this regard. The Committee also recognizes that a Member who is defeated in an election may not find immediate employment, and because Members are not eligible for unemployment insurance benefits, it has recommended that there be a modest severance pay payment made to such Members.

In conclusion, the Bill now before the House incorporates the recommendations of the Standing Committee on Rules, Elections and Privileges, and I would recommend its support to all Members.

Motion agreed to

Bill No. 6: Third Reading

Clerk: Third reading, Bill No. 6, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: I move that Bill No. 6, *Second Appropriation Act, 1987-88*, be now read a third time and do pass.

Speaker: It has been moved by the hon. Government Leader THAT Bill No. 6, *Second Appropriation Act, 1987-88*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare the motion carried and that Bill No. 6 has passed this House.

Bill No. 56: Third Reading

Clerk: Third reading, Bill No. 56, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: I move that Bill No. 56, entitled *Fifth*

Appropriation Act, 1986-87, be now read a third time and do pass.

Speaker: It has been moved by the hon. Government Leader that Bill No. 56, entitled *Fifth Appropriation Act, 1986-87*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare the motion carried and that Bill No. 56 has passed this House.

Bill No. 42: Third Reading

Clerk: Third reading, Bill No. 42, standing in the name of the hon. Mr. Kimmerly.

Hon. Mr. Kimmerly: I move that Bill No. 42, entitled *International Commercial Arbitration Act*, be now read a third time and do pass.

Speaker: It has been moved by the hon. Minister of Justice that Bill No. 42, entitled *International Commercial Arbitration Act*, be read a third time and do pass.

Motion agreed to

Speaker: I declare the motion carried and that Bill No. 42 has passed this House.

Bill No. 83: Third Reading

Clerk: Third reading, Bill No. 83, standing in the name of the hon. Mr. Kimmerly.

Hon. Mr. Kimmerly: I move that Bill No. 83, entitled *An Act to Amend the Insurance Act*, be now read a third time and do pass.

Speaker: It has been moved by the hon. Minister of Justice that Bill No. 83, entitled *An Act to Amend the Insurance Act*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare the motion carried and that Bill No. 83 has passed this House.

Bill No. 75: Third Reading

Clerk: Third reading, Bill No. 75, standing in the name of the hon. Mr. Kimmerly.

Hon. Mr. Kimmerly: I move that Bill No. 75, entitled *Nursing Assistants Registration Act*, be now read a third and do pass.

Speaker: It has been moved by the hon. Minister of Justice that Bill No. 75, entitled *Nursing Assistants Registration Act*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare the motion carried and that Bill No. 75 has passed this House.

Bill No. 63: Third Reading

Clerk: Third reading, Bill No. 63, standing in the name of the hon. Mr. McDonald.

Hon. Mr. McDonald: I move that Bill No. 63, entitled *An Act to Amend the Motor Vehicles Act (No. 2)*, be now read a third time and do pass.

Speaker: It has been moved by the hon. Minister of Community and Transportation Services that Bill No. 63, entitled *An Act to Amend the Motor Vehicles Act (No. 2)*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare the motion carried and that Bill No. 63 has passed this House.

Bill No. 15: Third Reading

Clerk: Third reading, Bill No. 15, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: I move that Bill No. 15, entitled *An Act to Amend the Yukon Development Corporation Act*, be now read a third time and do pass.

Speaker: It has been moved by the hon. Government Leader that Bill No. 15, entitled *An Act to Amend the Yukon Development Corporation Act*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare the motion has passed and that Bill No. 15 has passed this House.

Bill No. 2: Third reading

Clerk: Third reading, Bill No. 2, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: I move that Bill No. 2, entitled *An Act to Amend the Business Development Assistance Act*, be now read a third time and do pass.

Speaker: It has been moved by the hon. Government Leader that Bill No. 2, entitled *An Act to Amend the Business Development Assistance Act*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare the motion has carried and that Bill No. 2 has passed this House.

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

Motion agreed to

Speaker leaves the Chair

Chairman: Committee of the Whole will now come to order.

Bill No. 9 — Young Persons Offences Act

Chairman: Before we deal with this Bill I bring to your attention a couple of amendments that have been tabled to correct some technical errors.

The first one being on page 4, renumbering the second clause 4 as clause 4.1. The other, in clause 39(3) at page 22 be amended by substituting the expression "section 19" for the expression "and 19(11)".

Chairman: Can we clear the amendments?

Some Members: Clear.

Chairman: I declare the amendments cleared.

Hon. Mrs. Joe: I want to answer some of the questions that were raised by the Member for Riverdale North. He asked whether or not there were going to be additional costs. There will not be. It could very well be less but it will never be more, simply because the things that are happening are already being dealt with through Juvenile Court or Youth Court. In some cases, these people will not have to go to court.

In regard to the length and the legaleese of the Bill, it took us a long time to do it, but a lot of the sections follow the federal *Young Offenders Act* in each sections. Some were changed a little so they were not quite as long, but in some cases are word-for-word.

Mr. Phillips: The Minister said there would not be more costs attached to this, but I notice there is going to be a Director of Juvenile Justice appointed. Is that a position that is already filled or is that a new cost?

Hon. Mrs. Joe: I answered that question during the O&M debate. We do have a Director of Juvenile Justice. It is the person sitting beside me, Bonnie Clark.

On Clause 1

Mr. Phillips: I think that we, on this side, understand the intent of this Bill very well. As I said earlier in the second reading speech, the proof will be in the pudding and any problems that arise from the Bill will arise like they did with the *Young Offenders Act*, as time goes by, and as cases are before the Courts. With that in mind we are prepared to deem the Bill as being read.

Chairman: Is there unanimous consent?

Some Hon. Members: Agreed.

Chairman: There is unanimous consent.

Clauses 1 through 39 deemed read and agreed to as amended

Hon. Mrs. Joe: I move that you report Bill No. 9, entitled *Young Persons Offences Act* with amendments.

Motion agreed to

Chairman: The Chairman neglected to ask the Committee if the

title carried.

On Title

Title agreed to

Bill No. 97 — An Act to Amend the Financial Administration Act

Hon. Mr. Penikett: I did explain at second reading, in some detail, the principles behind this Act. They are summarized quite well in the explanatory note, which identifies the nine main purposes to be achieved by this measure. I believe and hope that none of the particulars of this Bill are in any way controversial. Should Members have questions, I will be pleased to answer them.

Mr. Phelps: As critic for this area, I read the Bill, and I feel that the detailed explanation given by the Minister at second reading was quite complete and, accordingly, would like to move that we deem the Bill as read.

Hon. Mr. Penikett: I would be very pleased at that suggestion. Could I just ask, though, if a typo that has been identified on the back page by my colleague, the Minister of Justice, be corrected without motion. In Clause 8, it says "the following is subsection." It should say "the following subsection is". The removal of the first "is" in that sentence would be a nice typographical correction, if the Chair would make it.

Mr. Phelps: I do not know. This changes things. I did not catch that. I did not realize that is what he was trying to get at, but I think I can agree.

Chairman: We have unanimous consent to correct clause 8 as suggested?

All Hon. Members: Agreed.

Chairman: We have unanimous consent on the other matter?

All Hon. Members: Agreed.

Motion agreed to

On Title

Title agreed to

Hon. Mr. Penikett: I move that you report Bill No. 97, entitled *An Act to Amend the Financial Administration Act*, without amendment.

Motion agreed to

Bill No. 27 — An Act to Amend the Workers Compensation Act

Chairman: Any general debate?

On Clause 1

Mr. McLachlan: I am waiting for the introductory statement from the Minister with some further explanation that he was going to provide during Committee debate.

Hon. Mr. Kimmerly: I gave the explanations at second reading. The Member for Faro had a question that I answered in my concluding remarks on second reading. I am unaware of any other specific information I should give. If the Member identifies it, I will answer it.

Mr. McLachlan: Why is it necessary to knock out the definition of silicosis?

Hon. Mr. Kimmerly: Silicosis is in fact an old-fashioned word now. The intent here is to follow the lead of other jurisdictions and to take advantage of a reciprocal agreement with other jurisdictions, and to deal with lung disease generically, not simply silicosis.

Mr. McLachlan: I am sure it still exists in the medical books, as the Minister of Health and Human Resources will testify to, but when the definition of silicosis is removed from the legislation it implies to me that it is the same as any other industrial disease. Is that the intent of the Minister?

Hon. Mr. Kimmerly: Yes.

Mr. McLachlan: The Minister also indicated that he would bring back information on what other provinces were doing in this area. Can he provide this now?

Hon. Mr. Kimmerly: Yes, I will provide it for the third time.

We are following the lead of the other provinces in doing this. Silicosis was defined specifically with a two-year exposure clause. It widens the scope of the Bill to remove it.

Mr. McLachlan: Yes, I am familiar with the two-year clause. I am also familiar with the five-year clause that was used at one point years ago.

The problem that I have is that if this clause is passed, parts of this legislation will be in conflict with other legislation in the territory. I ask the Minister responsible for Workers' Compensation why?

Hon. Mr. Kimmerly: The Member is not accurate. If this Bill is passed, it is not in conflict with other Acts of the territory.

Mr. McLachlan: In the event that a miner starts to work underground, or someone who has had exposure to that disease in the province of Ontario or Quebec, that situation should be identified in the first week of his employment. Is it not correct then that the liability for that will be registered against the *Workers' Compensation Act* of the Yukon Territory and also the employer with whom that new employee has just started work? Is that not correct?

Hon. Mr. Kimmerly: I am not completely clear on the question, but the answer to the question I think Mr. McLachlan asked was about expenses charged to employers in the Yukon. That is not the case. There is a reserve fund, and it is not charged against any individual employer, but it does come out of the fund.

Mr. McLachlan: It was my understanding that if there was an accident and a claim by an employee of the Corporation, that that then affects the employer's subsequent insurance rates in future years. Is that information wrong?

Hon. Mr. Kimmerly: Yes, that information is correct. However, it is in the nature of an insurance scheme, and it is not specifically against an employer. It is the employment category, or the rates in the employment category that are affected.

We are bringing in a change that rewards employers for good accident records, but that is not part of this Act.

Mr. McLachlan: What is the incidence of silicosis exposure or silicosis claims in the territory within the last two or three years?

Hon. Mr. Kimmerly: In the last 10 years, we have had six cases. They are re-examined from time to time.

Mr. McLachlan: The portion of the legislation that I believe has a problem and will be in conflict is with the Minister of Health and Human Resources' legislation with respect to registration and all that in the Yukon Health Care Insurance Plan.

If silicosis is identified in a miner within that first week of starting employment, he then must be x-rayed and hospitalized, et cetera, but he is not even eligible under the Yukon Territory's plan until he has lived here 90 days.

What this does, without at least putting in the minimum qualifying period of 90 days, or three months, is then opens up the obligation on the part of the territory to look after that person, even though he is different from anybody else who has not put in the minimum qualifying 90 days.

Hon. Mr. Kimmerly: The liability is pro-rated among the provinces where the person has been exposed.

The Member is not understanding. I will explain it differently. If a worker comes here and works for a week in a mine that exposes that worker to agents that cause silicosis, and the silicosis is discovered here and he or she makes a claim here, and it is discovered that the exposure occurred in another job site in another province, we have an agreement with the provinces that we deal with the case, but we make a claim against the province or provinces where the exposure occurred. The claims are pro-rated in accordance with the period of time of exposure in the different provinces.

Mr. McLachlan: Can the Minister advise if the Northwest Territories also has a similar piece of legislation, with no exposure time?

Hon. Mr. Kimmerly: Yes, that is accurate.

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Mr. McLachlan: I asked the Minister for the Department's opinion on no further penalty or liability against those dependent students who were drawing the scholarship funds from the Department of Education while they were resident at secondary schooling outside the territory. Can he confirm that a dependent child who is attending an educational institution outside the territory will not be penalized in any way by changes in this legislation?

Hon. Mr. Kimmerly: Yes, I confirm that absolutely.

Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Clause 17

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

Mr. Lang: I would like to make a few general comments on this Act before it is cleared. You will recall that the Minister stood up a couple of months ago and, I am sure it was a mistake, but took a fair amount of credit with respect to the fact that we were in a situation now, financially, with the running of the Board, to be able to lower the rates to all businesses throughout the territory and, in turn, the consumer, when it all goes through the system.

I am calling on my longevity as a Member in this House; I recall that back in 1977 or 1978 that the Workers' Compensation Board was facing a very major financial crisis, to the point that the government of the day had to bring forward legislation to require a major increase in the rates. It was an issue that was very hotly debated at that time. The business community was very much at odds with the government of the day because of the steps that had to be taken.

I want to give some credit to the Minister of the day, Mrs. Whyard, who weathered the political rhetoric and ramifications of the decisions that had to be made. At the same time, I feel that Mr. Booth, the Director of the day, who was largely responsible for bringing forward the options in conjunction with the actuary to us to make a decision, had the foresight to give us a proposal that was accepted by the government and, in turn, after being hotly debated, the legislation was accepted by the House, passed and put into law.

We are in a situation now, ten years later, where it is safe to say that if we are not the only one, but one of a few in a financial position to be able to stand up and say that we can not only lower rates, but we have adequately protected the workers throughout the territory with enough of a financial insurance policy in place within the Workers' Compensation Board, that if there is a major disaster or accident we can provide for that unfortunate day, if one were to

happen.

I think too often we let days go by and we do not give credit when credit is due. Often, human nature, being what it is, all of us are prone to criticize instead of giving credit where credit is due. I believe a lot of credit goes to Mr. Booth, and I feel it is important that it be on the record.

Mr. McLachlan: With regard to the remarks to the Member for Porter Creek East, I would like to know if the Minister can advise if the Compensation Board monitors situations in other provinces to assess the effect it has had on their board, such as the six recent mining fatalities in four accidents in three different mines. Mr. Lang has referred to weathering a major storm. It is not often apparent to the man on the street and often Members of this Legislative Assembly that we can weather the storm, or what the impact of it is. I often, in my prior profession, had some concern that were there a major mining accident in this territory with its small resources of compensation revenues, in an accident in which 10 or 12 people would be killed, that we would be able to carry on. I am wondering if the Minister has any comments on that — in 25 words or less.

Hon. Mr. Kimmerly: We do do studies and cost out the worst case scenarios, for example, if a plane crashed with a number of employees aboard, or if there were a major mine disaster or something like that. Those probabilities are factored into our decisions about the rates and the size of the fund that is necessary. It is an actuarial science, in fact. It is very capably done for us by very capable and responsible actuaries.

The Member for Porter Creek East had kind words to say. Let me, as the Minister, affirm on the record that Mr. Booth has given long and valued service, as was said. I thank him as well and look forward to a continued relationship in the future.

29 Clause 1 agreed to

On Title

Title agreed to

Hon. Mr. Kimmerly: I move you report Bill No. 27, *An Act to Amend the Workers Compensation Act*, without amendment.

Motion agreed to

Bill No. 47 — An Act to Amend the Brands Act, the Highways Act and the Pounds Act

On Clause 1

Hon. Mr. Porter: I would like to begin opening discussion on this particular Bill by speaking generally of the conditions in the Yukon. I think the Member for Kluane put it very succinctly and focussed what is occurring under this Bill when he remarked at second reading that things have changed in the Yukon. Previously, when the Yukon was beginning to accept a migration of people to its valleys and mountains, there was no question about laws and fences being necessary to contain the stock that the people brought with them.

Over time, with the advent and growth of society, things have changed. Communities have sprung up throughout the Yukon. We have thousands of tourists coming through the Yukon. The tourist traffic, local traffic and mining industry traffic has become congested in comparison to the days of old. With that culmination of human activity, there has been the resultant factor that conflicts have developed with respect to the animals that people own. This conflict has been mirrored in the rash of accidents we have seen occurring over the last few years and some of the injuries people have received as a result of accidents involving people and animals. Tragically, some of those accidents have resulted in the deaths of individuals.

I think the main principle of the Bill that is before Committee today tries to address that problem — tries to wrestle with the problem of conflict between vehicle traffic and the animals at large that have populated the Yukon.

I think the Legislature has a responsibility, where possible, to take legislative action to protect human life. I think everyone would agree with the principle that the cost of a human life in our society

is valued above all other forms of life on this planet. This Bill, in principle, addresses that question. In particular, it is a very complex Bill inasmuch as the Bill attempts to amend three existing Acts, which includes the *Brands Act*, *Highways Act* and the *Pounds Act*.

Under the *Brands Act*, the Bill provides for different methods of animal identification. Under the *Highways Act*, the Bill encourages owners of animals to keep the animals off our highways. The third part, with respect to the *Pounds Act*, encourages owners of animals not to permit their animals to run at large in a pound district by creating a more serious offense.

30 Motion to introduce witnesses

Hon. Mr. Porter: Because this Bill does affect the jurisdiction of highways, I will be joined in debate on that particular section by the Minister of Highways. As well, with respect to further clarification and information regarding the Bill, I would like to move a motion to the Committee that we accept as witnesses to assist the Committee in its deliberations Mr. Perry Savoie, an employee of the Department of Community and Transportation Services, and Mr. Paul Dribnenki, an employee of the Department of Renewable Resources.

Motion agreed to

Chairman: We welcome the witnesses, Mr. Dribnenki and Mr. Savoie.

Mr. Brewster: I am just going to say a few things, just to have them on record.

When you get to my age and start to lose your hair, you also lose track of what is called civilization, which I have a problem with. A lot of other people have a problem with that. Some of them are elderly Indians who have worked for me for years and years. They finally got to where, with the Old Age Pension, they could go out and do their own hunting and do their own thing. They now have four or five horses and come to me and say, what are we going to do? We are supposed to fence our horses. None of these people can pay \$3,000 a mile to fence. I think we should be practical.

Maybe this House can explain to me what civilization means, but you sure cannot explain it to these people. I am very concerned about what is going to happen to them and other people who have two or three horses. I am very concerned that we are passing a law, yet none of us have land. I think we should face up to this fact: none of us has land. I am sitting on land that they have tried to drag me off two or three times in handcuffs. I have only been there 32 years. That is only one little case. I can point to cases all over the Yukon where it has been violently fought. All of a sudden, we are passing a law telling us we are going to fence. Nobody has anything to fence. We get promises. I would not really care which government was over there, the promise would be made. We have seen no movement for land. We are further away today from getting this thing settled than we were when I came here in 1950. At least, then, you could go take a piece of land. Everybody was in Dawson City, so they did not know you were there, so you could probably live there for five years before they caught up to you.

Now, the have black and orange cars running all over so they catch you the minute you are settled. That is civilization.

I would caution the Minister. It is quite apparent this is going through and they are not going to have that much problem with me on it, because I realize civilization is here. I do not always agree with it, but it is here. These people — and I do not see it anywhere in here — if this goes through, and everybody gets one year's lead time from the time they get their property. Number one, you cannot fence in the winter, so you have about three months to fence in the summer. Do not let us turn around and have some of these officious bureaucrats running around within a year-and-a-half starting to pick us up because they have nothing else to do, because we have horses.

There are other problems with this that bother me quite a bit. One is public trespassing. It is brought to me by a number of people who, like me, do not like this but realize it is coming. Like they say, everybody can go through my gate. If I leave my gate open and the horses go out on the road, then I am responsible, but I cannot stop a person from going on my place.

31 Or we say that it is your land. It is not your land when there are trails on it because we have not settled this issue as to what trails people can go on and what trails they cannot.

I would differ with the Minister, I think he was taking the political way out when he mentioned all the tourists and all the horses they hit. They do not hit many horses if you look at the records. I defy anyone in this House to get the records. Mainly the cows and horses that are hit are hit by people that live in that very area.

I can give you an example. It is very inhumane and is very pitiful when someone gets hurt. I have no argument with that. We blame other things for this. We blame continually without stopping to think. When I come to town I leave the Junction quite early in the morning and when I get to the Mayo turnoff everybody is roaring into town here. This has happened three times this winter to me. There are five or six cars in front of me when we go by where the pullout that the City has there for people to rest, and there is an Anvil truck in front. He is flashing his lights, doing everything he can, he is on a double line climbing the hill, going to turn at the top, and three times when we get to where he has to make his turn I am the only car behind him. I started out fifth behind. They all passed illegally and they all passed on a hill. Then they blame the truck if they hit somebody; the truck was wrong. The truck was doing everything it could.

Maybe we should teach a little more courtesy in driving and we would not have these problems. I would like to have it on the record that I said this.

Another thing that bothers me is that two or three outfitters have said that if they have no land they will take their horses to Dawson Creek. Then what happens? There will be a short time when they will not be using horses. Away goes our gain because we are going into track vehicles, boats and airplanes. Down goes the game.

I have two people who advised me they will be moving their cattle out because they cannot fence their property. That defeats agricultural property. These people came here and have been here for 15 to 20 years getting their stock up to where it is starting to be profitable and they are now looking at moving it out. There are a lot of repercussions that I do not think have been looked at in this situation.

I suppose it is politics. Most politicians go that way. They go with the crowd because the crowd votes. I am not scared to stand up and say this. People in my area will rap me all over for even suggesting there is something wrong with this law. There are other people in my area who will be glad that I said this. It is a contentious issue. I will be asking a few things in the line-by-line. There are quite a few questions here, and I am really glad that I am not the Minister because he is going to be in a nice kettle of fish before this is over.

32 **Hon. Mr. Porter:** If there is one thing that I think there is unanimous consent on is the fact that the law that is before us is contentious. I am sure the Member for Hootalinqua and the Member for Kluane have had both sides of the argument presented to them very intensely. However, I think there is the overall compelling factor of making a decision with respect to the measures before us.

In specific response to the concerns enumerated by the Member for Kluane regarding the question of a year's grace from the time the individual receives their land to the time they should be required to fence — my understanding of the grazing policy is that there is a two year period from when an individual receives land until he is required to fence the necessary land.

For those individuals who only have three or four horses for their own personal use, there are a couple of suggestions that could be made as to how those horses are cared for. They could either graze those animals with someone who already is a holder of a grazing lease or else the grazing policy does allow for the implementation of community grazing pastures. This was a suggestion put to me in a meeting with the outfitters from an outfitter in the Kluane region whose experience in Alberta proved that that was an acceptable format.

It is my opinion that the Economic Development Agreement with respect to Renewable Resources should facilitate applications to that agreement for some costs to be offset with respect to putting up

the necessary fences. In regard to the concerns expressed by the outfitters, I did meet with them recently at the Yukon Inn and we did discuss, at great length, the whole implication of the grazing policy issue and the coming into force of this Bill.

The principle that we would develop grazing management plans was a principle that they accepted. When you read the grazing policy, you will find that prior use that has taken place with respect to lands prior to a grazing lease being applied for must be accommodated with respect to the grazing management plan. As well, those uses that occur in the future must be to the satisfaction of the grazing lease holder prior to those uses taking place.

As well, another unanimous suggestion submitted to me at the meeting with the Outfitters Association was the idea that when we go back to the *Wildlife Act* to make amendments that we would endeavour to build the law in such a way so that grazing leases that are held by outfitters should be tied to the concessions that the outfitters hold. That is clearly an issue we will examine prior to bringing in a series of amendments to the *Wildlife Act* in the future.

33 **Mr. Phillips:** I have a few concerns, too, that I would like to address and make the Minister understand and to get clear in my own mind exactly what we are doing with this legislation.

The first one, I guess, is one that has been expressed to me by an outfitter. Most of this legislation has to do with people on their farms or their grazing lands that they have usually near the area where they live. The concern that was brought up to me was the fact that there are some outfitters who have base camps near existing highways — in particular, the Dempster Highway. The concern that these people have expressed is that, first of all, they would find it very difficult to get a land use permit to fence in the Dempster area because of the caribou in the area. In fact, the caribou probably would not respect the fences anyway; they would just walk over them, mow them down, or whatever. There was some concern there that the outfitter has to have his horses virtually loose every day, every evening, and they range up and down the road. Early in the morning they gather them and head off on the next day's hunt. It would almost be cost prohibitive if the outfitter, in fact, had to corral his horses overnight for the two months' season and not only feed all winter, but have to actually buy hay in the summer and feed in the summer. Has the government looked at a solution to that particular problem?

Hon. Mr. Porter: As I understand the outfitting business, the outfitters usually go in at a certain time of year, they round their horses up, they bring them into the area that they are going to hunt; they trail them into the hunt area. There is a short time of gathering the horses to a particular spot before you trail into the hunting area. Many of the outfitters then do not necessarily have to have their horses at the highway for any great deal of time. When they are actually carrying out their business of outfitting, they are in the bush, they are in the mountains with their horses. I would suggest, in all probability, it would be advisable, through the outfitter concerned, to put up a necessary corral fixture and to be able to enclose the horses for the time that that person is at the highway when he has trucked his horses to the highway spot prior to trailing those horses out. I think that is additional information we should require but, for the most part, that is a normal practice.

Mr. Phillips: I am afraid that in this case it may be the normal practice, and it may be the practice of the majority of outfitters, but there are two outfitters I know of, and there may be more, who have their base camp right alongside a highway. For instance, they may have a fully booked hunt the first of August, and all of their horses may be in use and most outfitters have spare horses, and those horses are turned loose every day and they roam up and down the highway. In some cases, some outfitters hunt for some species of game right out of their base camp — right off the Dempster Highway. They have in the neighbourhood of 25 to 30 horses there for two months; sometimes it may go down as few as 10, but there are probably at least 10 or more there for the whole two-month period. They are going to be forced, now, to corral those horses and feed them every single day. It is an added expense to the outfitters. When this outfitter is in competition with other people who are competing for the same dollar, he is going to find it very difficult to make a profit if he has to feed his horses not only all winter, but all

summer, too.

Hon. Mr. Porter: If we refer to the specific section of the Act that deals with this particular question, it is clearly set out in the Act that the Minister of Highways, for the sections that affect the Highway amendments, must designate that part of the highway under this Act for it to come into force and effect.

I would suggest that there may be some way in which specific parts of the highway, where there is known use, can be argued. I do not profess to know the detailed and final answer on that question, but that is something that can be looked at with respect to designations of highways under the highways portion of the amendments.

Mr. Phillips: I would like to put the Minister on notice that is a very strong concern of mine and of at least two outfitters that I know of who could face a problem and, like I said, fall between the cracks and end up having to pay a great deal more. They are in a situation that is unique where, on the Dempster Highway, you cannot put a post hole in the ground because of the permafrost.

I would also suggest to you that, because of the land use problems and the Porcupine caribou herd, you may not be allowed to put a 200-acre grazing pasture on the Dempster. Most of these camps are between 60 mile and 75 mile on the Dempster, and are right where the Porcupine caribou herd comes through, so it creates a great deal of problems.

The government should look at that particular problem. I do not have a solution, but I am just pointing out to the government that this problem is out there. It is not cut and dried. A lot of outfitters do truck their horses in, but there are some who do not and who will be put to a great deal of expense if this is passed and enforced.

I would suggest that the Dempster has not been a problem. We have thousands of caribou on the Dempster and these few horses, and I do not think we have had too many reports of caribou or horses being killed on the Dempster. With this law, you only have to have one family run into a horse on the Dempster and have some fatalities, and all of a sudden, this law will apply to the outfitter. This fellow could fall through the cracks. He would be unable to put up a fence and would be forced to feed putting his business out of competition with other outfitters all charging the same dollar. In some cases, they have not all been fully booked in the last two or three years. He could be forced out of business by a rule such as this.

Hon. Mr. Porter: I have seen fences that were put up using 45-gallon drums filled with sand, then the fence was added between those drums. When you give an individual some leeway, they can come up with all kinds of ingenious methods if they put their minds to work.

Through discussions with the Minister of Highways, I think that there are probably some flexible mitigative measures that can be taken. For example, signs could be posted in the area where there are horses that are known to be located at certain times of the year to inform the travelling public that, in the next five miles, please reduce speed because of animal crossings and livestock at large. The government can look at those kinds of management tools in an effort to come up with some solution to the problem.

Mr. Phillips: Maybe the Minister can tell me how I can give the two outfitters who have come to me assurances that they will not be forced into this situation. I know they can put more signs up; there are signs up now. This law is mainly for more populated areas where there have been problems. They have asked me to make representation to the government and express their concerns. I would like something more concrete to take back to them and let them know their interests will be taken care of and they will not be forced into feeding their horses year round.

Hon. Mr. McDonald: Allow me to cut in for a moment. If it is indicated in the analysis for a particular situation, such as the one the Member mentions, that it is preferable not to fence for certain good wildlife management reasons, and there are nevertheless certain instances where some domesticated livestock is expected to be in the area, there is flexibility within the *Highways Act* to designate such areas for which there is perceived to be a significant problem that cannot be mitigated by the corrective procedures that are suggested, such as fencing. I think the flexibility that has been

worked into the Act is meant to address the kind of concerns the Member has mentioned.

It would be impossible to say, given the information we have received, that there will be an exemption guaranteed for two particular outfitters. We have to understand what the circumstances of the case are, in total; we have to understand where they would be, what the frequency of accidents had been on that stretch of road, before we made a final decision. The reason why the rules are not a blanket for the entire territory is to take into account the kind of idiosyncracies that can come up, two of which the Member has brought to our attention.

Mr. Phillips: I will not go on about this much longer, but there are a lot of questions that come up and it is rather complicated because if we have a situation where they do not have to build a fence in a particular area, then the question of liability would come into play, too. It gets pretty complicated because it could put the outfitter at some risk, and he could be actually forced to feed his horses because of the high risk of liability. That is a concern I want to bring to the Minister.

Another concern is access to land. I have expressed this to the Minister before. This is a lot different than people who get 20, 40 or 150 acres for agricultural purposes. We already have ongoing land claims taking place that will alienate some land from other users in the Yukon, for instance for hunting and fishing needs. I am concerned that with the grazing policy that forces people to fence their areas they will be looking at much larger tracts of land. We are not like Alberta and Saskatchewan, where there are a lot of roads. In some areas you have to go up the mountain valleys to get to the lake you want to fish in, or to the area you want to hunt in. Those happen to be the same areas where people will want to establish their farms and grazing leases.

³⁶ I am extremely concerned about access and the ability of people, native and non-native, to cross lands and get to the area where they used to duck hunt or used to go catch grayling in the spring, or this kind of thing. I would like to hear the Minister's views on that.

Hon. Mr. Porter: The questions the Member raises fall under the multiple use section of the grazing policy. Under multiple use, Section 4, my interpretation does cover the concerns raised by the Member. However, for greater certainty and to make the issue much more understandable, we added a fifth section to it. That was added in the meeting we held with respect to the Cabinet. It reads as follows:

"Traditional sports and subsistence hunting, fishing and trapping activities shall be recognized as legitimate prior uses for the purposes of negotiating graze management plans."

Mr. Phillips: I am pleased to see that but, again, we run into the problem where, for instance, if you are in the Takhini River area, and there is an area there where you used to go moose hunting down by the Takhini River, and you wanted to get down there and somebody had a grazing lease and there was an existing trail, from what I understand what the Minister is saying, they would have to give you the right to cross on that existing trail to get down to the river where you wish to hunt or fish. Am I understanding that properly?

Hon. Mr. Porter: Yes, that is my understanding of this section: to continue to allow those traditional uses that are carried out with people who want to hunt, fish or trap, so that when a grazing lease is applied for, the person who makes the application knows from the outset that that is a use that they have to live with. As a Department, we have the responsibility, under the grazing policy, to sit down with the individual and work out a graze management plan with that individual. In the plan, it is stated that prior uses must be recognized and incorporated within that plan.

Mr. Phillips: I understand that. What I have a problem with is that these types of things are transferable. You sit down with me to discuss the land that I am applying for and I agree to all the conditions, and then the land is transferred, and the conditions are transferred with it. If you did not have the particular meeting with the applicant, you did not go through it all again, and in 10 or 15 years down the road we all know the problems they have in Alberta, Saskatchewan, British Columbia of access to land.

We have less land here that people can access. We have more

land, but a lot of it is in the mountains or higher up, and you have to go through all these valleys where the farms are or the grazing leases are to get there. I would make a suggestion to the Department or the Minister that no grazing lands would be granted over existing trails and roads, so that if someone wanted to have a grazing lease in the Wheaton River area, and it crossed the road, that person would have to fence both sides, or where that grazing lease bordered a trail, he would have to fence that. He would have to build a gate. If he wanted to move his animals from one side to the other, he could build two gates that are opposite each other. There would not be the problem of me asking the farmer or the person with the grazing lease to pass through the land, and accidentally leaving the gate open and having his horses get out, or cattle, and having a problem with liability down the road. There would be no crossing of the land. There would be a fence on either side. There would be a 10 or 15 foot right-of-way, wide enough for whatever the trail was used for — horses or vehicles — and they would have to fence the road that way.

Hon. Mr. Porter: I think that the Member should be aware that there is a commitment to review those proposed grazing policies. These grazing leases become transferrable from one individual to the next — the Member is correct. When there is the move to transfer the lease from one individual to another, the conditions of the graze management plan that is developed for that particular graze lease must apply to the individual who receives the transferred lease.

It would be my understanding that someone would not be able to achieve a graze management plan that allows them to fence off uses that existed prior to them applying for that lease.

Mr. Phillips: I want to express to the Minister in the strongest terms I possibly can that there are horrendous problems in southern Canada with land use and alienation of land. Here we have a land claim that is going to alienate a certain percentage of land; we have national parks that alienate a certain percentage of Yukon land. We have to be extremely careful, especially with the particular geography of the Yukon, that we do not alienate any more land. I am very concerned, as an outdoors person or sportsman. A lot of people come to the Yukon to live because of the outdoor recreation it affords. We will find we will not get the type of people who enjoy the type of life up here if we lock it all up and fence it all off. I put that caution out to the government, and I hope that when they are looking at these policies and the applications that that is one of the highest priorities of the native and non-native use of the land, and that they consider that to be very high on the list when they are granting these types of leases.

Hon. Mr. Porter: The Member has expressed his point very forcefully and very clearly. I share the sentiments as expressed by the Member regarding people who have exercised prior uses and that we should not encourage policies that all of a sudden put massive blockades in front of them so that they cannot continue to exercise those rights.

When you look at the grazing lease policy that we have before us, it certainly is my intent that the people who get grazing leases should be the people who need those leases. For the most part, that means the people in the outfitting industry and the people in the agricultural industry. The section of the policy that speaks to this did, in fact, include 1(a) and 1(b). We have amalgamated both those sections and that section reads as follows:

³⁷ Grazing leases will be converted to new grazing contracts that will reflect any modifications of the area of numbers of livestock required to reflect overall management objectives. Persons without existing grazing leases who have current operational needs for grazing rights will be given priority for application processing. Both will be processed simultaneously during an initial startup review period.

That particular section is designed to do exactly what the Member speaks of, and that is that those people who need grazing leases for legitimate purposes are the people who are going to be given a clear priority under this policy.

Mr. Phelps: Both the Member for Kluane and Riverdale North have raised some concerns that have been expressed to many of us by constituents. I would like to start on the issue of access, which is

of paramount importance to all Yukoners. I realize that the issue is of considerable concern to the Minister, and that seems to be the case with respect to the extra section that was read out regarding multiple use and with respect to Section 13(6), regarding access.

I would just like to stress that one of the ways to avoid access problems to a very large extent is how one gives out the grazing lease grants. I am talking about site specific location. It seems to me that grazing blocks of land should not be granted that go across, or contain, access roads or trails.

It is not good enough to have a huge acreage with a guaranteed right of access across somebody's land with gates to be open and shut, in my respectful opinion. That is not good enough. In some cases, it is going to be impossible to avoid, I suppose. I cannot imagine why right now, but I know — and I know the Minister shares the experience with, as with others, in the course of land claims negotiations, in trying to protect corridors and rights-of-way, existing third-party interests and so on. It can be achieved, but you can avoid a lot of future problems by ensuring that corridors are not allowed to be fenced, that they are not parts of the pot. If it means breaking up somebody's lease into two parts, so be it. It is extremely important that corridors never be cut off.

The issue of hunting trails and trails to favoured fishing holes, and so on, are one kind of thing, but we also have similar problems with access back up the valleys where there is mineral potential, and so on. I want to stress that the actual granting of land should ensure that no access corridors are included in the leases.

Hon. Mr. Porter: I would like to put a question to the Leader of the Official Opposition. It is this: is he convinced that the sections that we have in the grazing policy, written as they are, do, in fact, convey in clear language that that is going to be the intent of the policy?

Mr. Phelps: In discussing the policy with my colleagues, and looking particularly at 13(3)(6), it is not clear, as I have read it, at least, that the priority would be not to grant a lease over existing trails and anticipated corridors. We took it that the reading was sufficiently fuzzy on the issue that there could be a right-of-way included within a grazing lease and yet a stipulation for guaranteed access, which means the public opening and shutting fences. That leads to all kinds of conflict if it ever occurs.

I would like to be assured in my mind that there would be a priority not to grant those trails themselves, or the right-of-ways as we know them, within the lease. It would just avoid a lot of future conflict.

Hon. Mr. Porter: For the record, I would like to express my agreement with the view put on the record by the Leader of the Official Opposition. That is my understanding of the impact of the grazing policy.

On the question as to whether or not the language is clear enough to actually portray that with respect to its meaning, I take the position that this thing is not carved in stone and can be changed. If it is possible that the Member could assist us with respect to some wording as to inclusion in the policy we would be more than happy to accept that.

Mr. Phelps: I thank the Minister for that. I think there should be a section that states as a priority that no existing rights-of-way or trails would be contained within leases.

The second area of concern has been dealt with to some extent by the previous exchange between the Member for Riverdale North and the Minister, and that has to do with the issue of sensitivity with regard to prescribing the highways that there is a true need for these controls on. I am from Hootalinqua, and on issues like this you have to walk softly and carry a big stick sometimes because there are a fair amount of emotional exchanges going on between neighbours over fences about animals, as I am sure everybody here knows.

There is no question there is a tremendous potential for disaster on certain roads, and the Mayo Road is an obvious one, as, from time-to-time, has been the Carcross-Whitehorse Road. On the other hand, it is felt within my riding that the Tagish Road area around Little Atlin does not present a problem. There are people who have horses there, and this is open to argument. I am not pretending that I have a solution.

I would really recommend that with regard to some of the roads, even if you are only talking 14 mile stretches, that perhaps a consultation process take place with the residents of the area. I would not like to see some of the roads closed right away without that consultation, to ensure that it is necessary — I am not talking about closing the road — to prescribe the highway under the proposed Section 30(2).

40 I would hope that that kind of sensitivity can be built into the prescription process.

Hon. Mr. McDonald: Let me first speak to the *Highways Act*. As I mentioned in response to some of the comments made by the Member for Riverdale North, what is expected here is that there will be flexibility in the way the Act identifies those highways of particular concern.

In many of our rural constituencies, there are some major numbered highways and there are also a number of secondary roads. Those secondary roads, which the Member mentions, are not contemplated to be the roads under which there would be a prescription, that there should be a prohibition for allowing livestock to run loose.

We have to determine the frequency of vehicle traffic on the particular highway and the chances that a dangerous situation would occur. We have to show that flexibility, because blanket rules for all public thoroughfares would not be reasonable. I do not think any one of us, certainly those of us who represent rural ridings, would regard that as being a reasonable course of action. What we are primarily concerned about are the heavily-travelled highways with speed limits that run upwards of 90 kilometres per hour, where livestock does come in conflict with vehicles. That is the primary concern, and that is what the Act has to address.

It has to be flexible enough to be able to identify what is a dangerous corridor and what is not.

Mr. Phelps: I thank the Minister for his answer. Another issue that has bearing on the issue of prescribing certain roads is the program of the Department of Highways with respect to seeding for erosion control along the ditches. It has been said many times by people there should be a change in policy so the seeding is not of plants or crops that are foraged by domestic animals. Right now, the seeds used contain alfalfa and stuff that these animals like and thrive on. It is almost an encouragement to livestock to wander up and down the sides of the roads.

Hon. Mr. McDonald: The Member is absolutely right. The reason why Highways seeds with sweet grasses is the grass seed comes in commercial quantities. People produce that kind of grass seed because there is a commercial market for it. Right now, the Department of Highways is looking into the carrying of commercial quantities of weeds, such as fireweed, et cetera, which would be quite attractive, but for which there is not any kind of commercial quantity.

We would like to encourage that kind of local industry, if we can, because that would resolve our problems. The Department of Highways is actively looking into hydro-seeding, which will seed with vegetation that is not palatable to livestock.

41 **Mr. Phelps:** When you talk about commercial quantities, I do not know what size the quantities are, but for example in Harrowsmith Magazine you can buy mountain flower seeds and stuff like that for your back yard, which is something that I prefer over grass, but I think I am going to lose out to someone else in the family.

I would like to move on to a point I would like to make clearly. It is fine to have a grazing policy, but we still need the land for a 30-year lease, or whatever. Obtaining that land and getting it out to the people who need it is going to be the key to success in dealing with this very complex problem.

I have people phoning me sometimes on a daily basis — at least weekly — or coming in to see me on a weekly basis, and I have sympathy for both sides. I can think of a few people who are really caught in a trap with regard to their situation and their livestock. On the Mayo Road, I think of Mr. Dillabough, who needs more land to contain his animals. He said, and I am sure he has made his case to others in this Assembly, that he also has trouble with people tearing down his fences, and so on, so I would hope that the Departments

take some time and put some effort into ensuring that people in a situation such as his are going to have enough land and appropriate assistance in fencing off land, and at least assurance that they will be assisted by the Department in stopping vandals that are ripping down the fences, if that is the case.

Hon. Mr. Porter: I think the Member is absolutely correct in the first part of his comments that a continual problem to people in the Yukon generally has been the issue of availability of land and the ability for people to get necessary land. Yes, this is going to be a major factor as to whether or not this policy becomes successful in the future.

Right now, a lot of the lands that have been conveyed to this government or conveyed directly to individuals are lands that are already held, and are lands that are situated in some of the prime areas. For example, the Mayo Road area is recognized as one of the toughest areas to deal with with respect to this problem. Much of the land that is adjacent to the highway has already been transferred to individuals. That does not diminish the Member's point, inasmuch as that land continues to be a problem.

With respect to grazing leases, some of those leases — I believe there are approximately 30 plus leases transferred to the previous government and this government inherited — and I believe there are 20 remaining leases outstanding. We will attempt to have those lands that the federal government presently holds under grazing leases transferred to us so we can have all grazing areas under one management regime and, therefore, under one policy.

42 On the question of land availability, we can only continue the effort with respect to what the Member for Elsa has started under the land availability program. Hopefully, with more effort on the part of the parties that are involved in that process, we should be able to bring more land onto the market. In summation, yes, the Member is correct: it is still a problem that we are dealing with.

Mr. Phelps: Where do we stand with regard to the establishment of pound keepers, particularly in the Mayo Road area? I have had several calls today wondering what was happening.

Hon. Mr. Porter: My most recent information is that the tenders for the pound keepers will be open at the end of this month and a decision made with respect to the successful applicants. Those pound keepers will then be contracted.

Mr. Phillips: There is just one last area I would like to discuss for a moment, and that is the area of the allowing of a mobile dwelling or mobile home on the grazing lease. I understand that permanent dwellings or residences, such as houses or cottages, will not be permitted on grazing lands. I know it is a tricky question. I know some people would like to have someone there to take care of their horses and feed them on an ongoing basis, and you need some kind of facility for them to stay in. I am a little concerned that it could turn into an avenue for people to actually obtain land and, in fact, could live in Whitehorse at the time and go out just to obtain land and move onto it, never make the improvements, and use it that way and tie up grazing land in that respect, other than applying through the regular channels. Are there some kind of guidelines or protection in the agreement to protect us from possibly another squatter-type situation evolving?

Hon. Mr. Porter: It may be useful to hear from my colleague from the lands portfolio, but with respect to what the grazing policy states with respect to this particular question under 13(4), I will read the section: "Only improvements expressly allowed under the grazing management plan approved by the Department of Community and Transportation Services will be permitted on a graze. Improvements may include: corrals and handling structures, feed and animal shelters, a water supply and a mobile dwelling." It is not the intent to permit, as this next section states, "permanent dwellings or residences".

The Member makes a good point. For many people, this will be an attractive idea initially. We will make sure that the Department, when they are reviewing the Blues prior to putting together these graze management plans, have a clear idea that Members of this Legislature do not intend that these grazing leases will in any way be used for the purpose of attempting to get cheap land on which they may put residences. That is not the purpose of it.

The purpose of this policy is to provide land for those people who

need those lands to be able to carry on their livelihood. That is the expressed priority of this particular policy. With respect to when applications are received, I can tell the Member that it will be the intent of this Department, and I am sure I speak for the Minister of Community and Transportation Services, that the whole question as to the allowable improvements will be one that is going to be monitored severely.

Mr. Phelps: It seems that the legislation before us is directed at the problem of animals on certain highways. It still leaves one problem open, and that is the situation of nuisance animals getting on to adjoining neighbours' or third partys' lands and ruining the gardens. As we know, under the *Pounds Act*, it is up to the person who is offended by this to round up the animal and take it to the pound keeper. This does not deal with that problem. It may be that, by curing the problem on the highway — and in particular, the Mayo Highway — that will do in the short term.

For those situations where domestic livestock are a nuisance, not on the highway right-of-ways, it may be that the *Pounds Act* is going to have to be further amended. One would not want to see a situation where you had a person going out looking for animals, just to grab them and take them to the pound. One might consider, in the future, looking at the *Pounds Act* and having pound keepers operate on a respond basis, if there was a problem, and deal with it. This gets into another area — dog control — in some of the communities.

I just make this observation, because there are some people who are going to be upset. I want people to know that we discussed the issue here, and this is not intended to deal with the situation of private property being destroyed by domestic livestock.

Hon. Mr. Porter: The Member is absolutely correct. That continues to be an area of concern. For the most part, the Act does address the problem associated with animals at large on the highways. We do intend to look at the *Brands Act*. I can tell the Member that we are committed to reviewing that and other concerns. It is very possible that we will bring another Act before this House.

Mr. Phelps: To get off the topic, and I anticipate being called to order if I keep this line of questioning going very far but, at the same time, I would hope that the Department would look at the *Dog Control Act* to try to establish a situation where a pound keeper could also be the dog control officer and operate only on a respond basis, not patrol looking for dogs in rural areas, unless they are a problem.

Hon. Mr. McDonald: I can certainly agree that the *Dog Control Act* is worthy of some review. Perhaps during the period we are reviewing the *Pounds Act*, it may be appropriate to consider a joint review of both Acts. I know I dealt with the Member with respect to dog control in Carcross. It is currently the policy that someone in Carcross be responsible for dog control. The problem, traditionally, has not only been Carcross. It is very difficult in municipalities to deal with the problems. It is very difficult to find somebody who is prepared to take the heat in rounding up stray dogs. It is a similar kind of problem generically, and it is probably every bit as emotional. I think it might be worthy of some review during the review of the *Pounds Act*.

Mr. Phelps: There was a pound keeper in the area, and he only responded on a complaint basis. If there was a specific problem, he went, but that did not just a patrol to pick up dogs. That seems to be a suitable compromise for an area such as Carcross. There are only certain dogs and certain packs that cause trouble. That is the point I was trying to make.

Hon. Mr. Porter: My understanding is that we have a contract with a livestock control officer. The duties laid out in that contract are to capture and remove free-ranging, nuisance animals within designated pounds districts. The Member knows about the pounds districts of Takhini, Carcross, Tagish and Jake's Corner. As well, they are responsible for the capture of horses, cattle, mules, jack goat, swine and geese. They capture animals upon request at any time during the day or night. There is provision of all equipment and labour for capturing, restraining and transporting animals to the nearest pounds keeper and provision of information to pounds keepers and agricultural branch officials as required.

We have tendered this particular responsibility and have entered into a contract. We will follow that up at the end of this month with a contract for pounds keepers.

Mr. Phelps: I am wondering where this gentleman would get his authority with respect to animals not on designated highway right-of-ways and highways?

Hon. Mr. Porter: My understanding is that we have the authority in law to designate the pounds districts, and those pounds districts have been designated to cover those highways as well. This Act will firm up the ability to make that designation.

Mr. Phelps: Perhaps I should have the *Pounds Act*. My memory may be a little faulty on it, but I understood that the obligation and the responsibility laid out in the *Pounds Act* was for the owner of property to capture animals and simply take them to the pounds keeper. I did not realize that it gave the authority for a person to round up the animals on behalf of the government.

Hon. Mr. Porter: On a point of clarification, maybe we will invite the witness, Mr. Dribnenki, to speak to this particular question.

Mr. Dribnenki: The authority for the Livestock Control Officer is given in the *Pounds Act*, Section 6(1), "Any person may capture an animal running at large and deliver it to the pound keeper of the district where the animal was found running at large."

Mr. Phelps: I will accept that.

On Clause 1

Clause 1 agreed to

On Clause 2

Mr. Brewster: On Clause 2(3), I may be reading this wrong, but the first offence is \$100. What bothers me is that if this is the same animal, how are we going to get this animal. If it is by brand, he may have five horses and each one may get caught once. Is that the offence or does it have to be the same animal three times?

Hon. Mr. Porter: The penalties are tied to the animal. Under the amendments we made to the *Brands Act* there is the ability to mark the animals so once the pound keeper impounds an animal he affixes a mark to the animal, an ear tag or something, so when the animal is caught a second time, it is duly noted they are dealing with the same animal, and they would move to the second tier of the offence.

Mr. Brewster: This would lead me to the question just what type of mark would be put on? You mentioned ear tags. Some of these horses such as a stallion or morgan horse are worth thousands of dollars, and I do not think they would appreciate having that done.

Hon. Mr. Porter: My understanding is that this brand means any character or combination of characters impressed upon the skin of stock or any other prescribed means of animal identification. That does not include the marking of an animal with respect to the pounds. I wonder if I could put this question to the Director of Agriculture to speak to.

Mr. Dribnenki: A lip tattoo would be used to identify horses, and jacks and mules. Horse associations have used that as a permanent mark for their horses. This would not disfigure the animals as a brand or tag would.

Clause 2 agreed to

On Clause 3

Mr. Brewster: I am very concerned about subsection 2, because of where this could lead. Some of our packhorses have 15 brands on them where they have been traded. If we start tattooing all these horses, there is going to be some mix-ups around here somewhere.

Hon. Mr. Porter: Does the Member have a question with respect to that section? I am sorry, I did not understand him.

Mr. Brewster: No, I am just very concerned on this marking. I do not think that the explanation given was very good. If they are going around every time you catch a horse on the road and start tattooing it, tattooing is recognized as brand registration. Now, the government is running around doing brand registration. Other people use a hot iron. I hope they are not going to try using a hot iron on some of them, especially some of the old pack horses. There is not much room there.

I would hope that they could come up with a better type of

marking than tattooing. People who have animals with a lot of breeding behind them certainly do not want that, in case they want to sell that animal outside. I do not think a file will take these tattoo marks off.

Hon. Mr. Porter: My understanding, which is limited compared to the Member who spoke, and further limited to the Director of Agriculture, is that horses of value are registered and tattooed. They would like to ask if there is anything further that can be added to this explanation.

Mr. Dribnenki: First of all, the animal would just be tattooed once. If it was found that there was an existing tattoo on this animal, where it was required to be tattooed, it would not be tattooed. It would be marked in a different way.

Mr. Brewster: Now we are getting two or three markings on the horses. Let us just say you have one and it was tattooed as a legal registered brand. To know that you have that horse for the third time, he has to be tattooed three times, does he not? Otherwise, if a guy has four horses with this tattoo on, each one has one on. They do not know whether they have the same horse or not, unless they are going to go by physical features, by colour, by markings and such things as that. So, you will have three or four tattoos on the same horse.

He says if there is a tattoo on, they would go on to another marking. What is the other marking? I hope not the hot iron.

Hon. Mr. Porter: I will not repeat what the Member for Porter Creek West stated in the back. My reading of the situation is that common sense should prevail in that if a registered horse is tattooed, the pounds keeper will not try to put another tattoo on the horse. He would notate the existing tattoo and check the registration. Every time an animal is caught, we are not going to be adding new identification markings. An animal will be identified once. If the animal is already identified by an existing brand by the owner, that will be utilized to be able to track the animal. If the animal is a registered horse and is already tattooed, that will be used to keep track of this particular animal.

Mr. Brewster: Some people use tattoos for brands rather than scar their horses up with a hot iron. They might have six horses with their tattoo on. There are six horses running around with one tattoo on. You catch one and you put another tattoo. You then have five others running around with that same tattoo. It is not just one horse registered with the tattoo; some people use these as brands, particularly in cattle they do. It is not going to work; you are going to have separate markings from what people do.

Hon. Mr. Porter: If those tattoos are similar on a group of horses, the most objective criteria and the best would be to consider the physical appearance and markings of the horse itself.

Mr. Brewster: I was born in Alberta and have gone through many arguments over horses with people describing horses in court. I can tell you, you cannot win.

Mr. Phillips: Maybe the government could look at a type of tattoo gun they get. I imagine it goes on the inside of the lip, and maybe they could be numbered. When a horse came in it could be number 902 or 904 and there would be one tattoo per horse. The horse could be identified that way.

Hon. Mr. Porter: I notice our Director of Agriculture nodding his head in the affirmative. I take that to mean that the Member's suggestion is one that is either being considered, or will be considered.

Mr. Phillips: I think it is a common sense approach, that is all.

Clause 3 agreed to

⁴⁸ *On Clause 4*

Amendment proposed

Hon. Mr. Porter: I have a technical amendment for this section, and I would like to move that amendment.

Amendment proposed

Hon. Mr. Porter: That Bill No. 47, entitled *An Act to Amend the Brands Act, the Highways Act and the Pounds Act*, be amended in clause 4, page 3, by substituting the expression "Section 22 of the *Pounds Act*" for the expression "Subsection 22".

Amendment agreed to

Clause 4 agreed to as amended

On Clause 5

Amendment proposed

Hon. Mr. Porter: I have an amendment here. I move THAT Bill No. 47, entitled *An Act to Amend the Brands Act, the Highways Act and the Pounds Act*, be amended in clause 5 on page 4, by adding the expression "of the *Pounds Act*" after the expression "section 22".

It is in keeping with the previous amendment.

Amendment agreed to

Clause 5 agreed to as amended

On Clause 6

Clause 6 agreed to

Clause 1 agreed to

Chairman: I would like to thank the witnesses for appearing before the Committee. You may be excused.

On Title

Title agreed to

Hon. Mr. Porter: I move that you report Bill No. 47, entitled *An Act to Amend the Brands Act, the Highways Act and the Pounds Act*, with amendments.

Motion agreed to

Bill No. 90 — An Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act

Hon. Mr. Penikett: I believe almost every other Member in the House is better acquainted with this Bill than I. Therefore, I would move that it deemed to have been given a clause-by-clause reading.

Chairman: Is there unanimous consent?

Some Hon. Members: Agreed.

Chairman: There is unanimous consent.

Clauses 1 to 16 deemed read and agreed to

On Title

Title agreed to

⁴⁹ **Hon. Mr. Penikett:** I move that you report Bill No. 90, entitled *An Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act* out of Committee without amendment.

Motion agreed to

Chairman: We will now recess for 10 minutes.

Recess

Chairman: Committee of the Whole will now come to order.

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

Chairman: It has been moved by the hon. Government House Leader that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will call the House to order.

May we have the report of the Chairman of Committee of the Whole.

Chairman: Mr. Speaker, Committee of the Whole has considered Bill No. 97, entitled *An Act to Amend the Financial Administration Act*, Bill No. 27, entitled *An Act to Amend the Workers Compensation Act*, and Bill No. 90, entitled *An Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act*, and directed me to report same without amendment.

The Committee also considered Bill No. 9, entitled *Young Persons Offences Act* and Bill No. 47, entitled *An Act to Amend the Brands Act, the Highways Act and the Pounds Act*, and directed me to report the same with amendment.

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

Some Members: Agreed.

Chairman: I declare the report carried.

May I have your further pleasure.

⁵⁰ **Hon. Mr. Porter:** I would request unanimous consent of the House to proceed with third reading of Bill No. 90, Bill No. 47 and Bill No. 9.

Speaker: Does the Hon. Member have unanimous consent?

All Hon. Members: Agreed.

GOVERNMENT BILLS

Bill No. 9: Third Reading

Clerk: Third reading, Bill No. 9, standing in the name of the hon. Mrs. Joe.

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

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

Motion agreed to

Speaker: I declare that Bill No. 9 has passed this House.

Bill No. 97: Third Reading

Clerk: Third reading, Bill No. 97, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: I move that Bill No. 97, entitled *An Act to Amend the Financial Administration Act*, be now read a third time and do pass.

Speaker: It has been moved by the hon. Government Leader that Bill No. 97, entitled *An Act to Amend the Financial Administration Act*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare that Bill No. 97 has passed this House.

Bill No. 27: Third Reading

Clerk: Third reading, Bill No. 27, standing in the name of the hon. Mr. Kimmerly.

Hon. Mr. Kimmerly: I move that Bill No. 27, entitled *An Act to Amend the Workers Compensation Act*, be now read a third time and do pass.

Speaker: It has been moved by the hon. Minister of Justice that Bill No. 27, entitled *An Act to Amend the Workers Compensation Act*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare that Bill No. 27 has passed this House.

⁵¹ Bill No. 47: Third Reading

Clerk: Third reading, Bill No. 47, standing in the name of the hon. Mr. Porter.

Hon. Mr. Porter: I move that Bill No. 47, entitled *An Act to Amend the Brands Act, the Highways Act and the Pounds Act* be now read a third time and do pass.

Speaker: It has been moved by the Minister of Renewable Resources that Bill No. 47, entitled *An Act to Amend the Brands Act, the Highways Act and the Pounds Act*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare the motion carried and that Bill No. 47 has cleared this House.

Bill No. 90: Third Reading

Clerk: Third reading, Bill No. 90, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Porter: I move that Bill No. 90, entitled *An Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act* be now read a third time and do pass.

Speaker: It has been moved by the Government House Leader that Bill No. 90, entitled *An Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act*, be now read a third time and do pass.

Motion agreed to

Speaker: I declare the motion carried and that Bill No. 90 has cleared this House.

Speaker: I wish to inform the Assembly that we will now receive the Commissioner to grant assent to Bills that have passed this House.

Mr. Commissioner enters the Chamber, escorted by the Sergeant-At-Arms

⁵² **Commissioner:** Good afternoon, please be seated.

Speaker: Mr. Commissioner, the Assembly at its present session passed a number of Bills, to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *An Act to Amend the Motor Vehicles Act; Gas Burning Devices Act; Lottery Licensing Act; Second Appropriation Act, 1987-88; Fifth Appropriation Act, 1986-87; International Commercial Arbitration Act; An Act to Amend the Insurance Act; Nursing Assistants Registration Act; An Act to Amend the Motor Vehicles Act (No. 2); An Act to Amend the Yukon Development Corporation Act; An Act to Amend the Business Development Assistance Act; An Act to Amend the Brands Act, the Highways Act, and the Pounds Act; An Act to Amend the Workers Compensation Act; Young Persons Offences Act; An Act to Amend the Financial Administration Act; An Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act.*

Commissioner: I am pleased to give assent to these Bills as enumerated by the Clerk.

Happy Easter, Mr. Speaker. I wish all of you a pleasant time this summer.

Commissioner leaves the Chamber

Speaker: I will now call the House to order.

Hon. Mr. Porter: I move that the House at its rising do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the Government Leader, that the public interest requires that the House shall meet, that the Speaker give notice that he is so satisfied, and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it had been duly adjourned to that time and, that if the Speaker is unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purpose of this order.

Speaker: It has been moved by the hon. Government House Leader that the House at its rising do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the Government Leader, that the public interest requires that the House shall meet, that the Speaker give notice that he is so satisfied, and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it had been duly adjourned to that time and, that if the Speaker is unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purpose of this order.

Motion agreed to

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.

The House adjourned at 5:16 p.m.

The following Sessional Paper was tabled April 16, 1987:

87-3-122

Information Technology Plan for the Yukon Government, Volume 2, September 1986 (Kimmerly)

The following Legislative Returns were tabled April 16, 1987:

87-3-63

Indeterminate person years, Yukon College
(Penikett) Oral, Hansard, p. 53

87-3-64
Ross River Band land selection, R Block at McEvoy Lake and
Ross River Band road blockade
(Penikett), Oral, Hansard, p. 105

87-3-65
Ross River Band road blockade - Lafave application and Ross
River Band's land claim selections
(Penikett), Oral, Hansard, p. 89

87-3-66
Service contract where lowest bidder bypassed
(Penikett)

87-3-67
Status of program evaluation - Capital Assistance Plan and Job
Retention Program
(Penikett), Oral, Hansard, p. 268

87-3-68
Timber harvesting, leases held by Yukon Development Corpora-
tion
(Penikett), Oral, Hansard, p. 325 (Dec. 17, 1986)

87-3-69
Negotiations between DIAND and DFO on water effluent
standards for placer mining
(Penikett), Oral, Hansard, P. 532, (Jan. 28, 1987)

87-3-70
Chief Land Claims Negotiator salary, working days, and ex-
penses
(Penikett), W.Q. 6 (Feb. 12, 1987)

87-3-71
Management Services Agreement with Yukon Electrical
(Penikett), Oral, Hansard, p. 635, Feb. 5, 1987)

87-3-72
Price of lumber products sold to Alaska
(Penikett), Oral, Hansard, p. 359 (Jan. 6, 1987)

87-3-73
Eligibility requirements and approval processes for new Econo-
mic Development Programs in Capital Budget
(Penikett), Oral, Hansard, p. 301, (Dec. 15, 1987)