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HANSARD

Wednesday, October 10, 1979 — 7:30 p.m.
Thursday, October 11, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Members of the Yukon Legislative Assembly

Government Members

Constituency

(Progressive Conservative)

Donald Taylor	(Speaker)	Watson Lake
Chris Pearson	(Government House Leader — responsible for Land Claims, Pipeline, Tourism and Economic Development, Economic Research and Planning, Renewable Resources)	Whitehorse Riverdale North
Doug Graham	(Minister responsible for Education, Justice, Information Resources, Consumer and Corporate Affairs)	Whitehorse Porter Creek West
Dan Lang	(Minister responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation)	Whitehorse Porter Creek East
Meg Sutherland McCall	(Minister responsible for Health and Human Resources)	Klondike
Al Falle		Hootalinqua
Peter Hanson		Mayo
Jack Hibberd	(Deputy Chairman of Committee of the Whole)	Whitehorse South Centre
Geoffrey Lattin	(Deputy Speaker and Chairman of Committee of the Whole)	Whitehorse North Centre
Grafton Njootli		Old Crow
Howard Tracey		Tatchun

Opposition Members

(Liberal)

Iain MacKay	(Leader of Official Opposition)	Whitehorse Riverdale South
Alice P. McGuire		Kluane

(New Democratic Party)

Tony Penikett		Whitehorse West
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(Independent)

Maurice J. Byblow		Faro
Robert Flemming		Campbell

Whitehorse, Yukon

Wednesday, October 10, 1979 — 7:30 p.m.

Mr. Chairman: I will now call Committee to order.

Hon. Mr. Pearson: Mr. Chairman, I would move that the Speaker do now resume the Chair.

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

Motion agreed to

Mr. Speaker resumes the Chair

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

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered Bill Number 14, An Ordinance to Amend the Fur Export Ordinance, Bill Number 18, An Ordinance to Amend the Legal Profession Ordinance, Bill Number 21, An Ordinance to Amend the Supreme Court Ordinance and directed me to report the same without amendment and beg leave to sit again.

Mr. Speaker: We have heard the report of this Chairman of Committee. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure at this time?

Hon. Mr. Graham: Mr. Speaker, at this time we beg leave to waive Standing Order 54 (2) and proceed with second reading of Bill Number 27, Matrimonial Property Ordinance.

Hon. Mr. Pearson: I second that.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Government Leader that we waive Standing Orders in order to deal with Public Bills.

Motion agreed to

PUBLIC BILLS

Bill Number 27: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Mayo that we now give second reading to Bill Number 27, Matrimonial Property Ordinance.

Motion agreed to

Hon. Mr. Graham: Mr. Speaker, over the last several years considerable study has been given, in Canada and elsewhere, to laws dealing with the ownership of property by husbands and wives. Upon a marriage breakdown, there is often a dispute between husband and wife over the ownership of property. If the spouses or their lawyers are unable to reach an agreement, one of them may commence a lawsuit in order to determine the ownership of interests of each party.

How the courts decide these cases in turn influences the agreements other couples may make in regard to their property. There has been general recognition that the current matrimonial laws no longer meet the needs and expectations of most married people. A brief background, Mr. Speaker, may be helpful in understanding some of the basic features of the system of separate property currently in effect in the Yukon.

Up until 1880, a married woman in England did not have the legal capacity to own and control either real or personal property in her own name. Upon marriage, the husband acquired his wife's personal property and almost completely controlled her real property. It has been observed under the common law, upon marriage the husband and wife are one and the husband is that one. It was not until parliament enacted the Married Women's Property Act in 1882 that any fundamental change was made. This Act gave a wife the capacity to acquire and dispose of real or personal property. Both spouses now could freely acquire and control separate property. This feature is still a cornerstone of our matrimonial system in the Yukon.

We have an Ordinance that is similar to the English Act of 1882. This legislation equalizes the spouses' right to own property, but does not direct how property is to be divided in marriage breakdown. Interestingly enough, most provinces and territories have legislation that is similar to the English Act of 1882. It has only been in the past several years that governments have moved to correct the inadequacies of the present system of separate properties.

Governments have formulated policies based on equality and imbedded those policies in matrimonial property legislation.

Under the basic rules of separate property, it has been left to the courts to determine what specific assets are owned by the husband, the wife or by both. The courts have only been able to consider ownership. In their decisions until recently when provincial governments enacted Legislation, no Canadian case had ever given any wife a share of the home, its contents or a share in any property, merely because of her role as a homemaker.

It is the responsibility of the Government to enact, in Legislation, clearly defined rules for determining the distribution of property upon marriage breakdown.

The Legislation before us now is, I believe, a major step forward in promoting equality of the sexes before the law. This Government has moved to correct the inadequacies of our previous system of matrimonial property law. That law was distinctly unfair because divorce or separation meant that a spouse had a right only to property only to which he or she had made a financial contribution. The non-monetary contribution of a wife and homemaker, when taken by themselves, generally gave no interest in her husband's property acquired after, or during, their marriage.

Clearly, there was pressing need for more equitable treatment. This Government recognizes that unpaid work within the family is as vital to that unit and to society as the paid work performed outside the family.

We have formulated our policy based on equality and we have imbedded that policy in the Matrimonial Property Ordinance now before you.

We are legislating an equal division of all the family assets regardless of who paid for what asset.

Mr. Speaker, since issuing the policy paper on Matrimonial Property in June, we have received several briefs from women's groups and other interested individuals in Yukon. We have enjoyed a long dialogue on the merits of the policy in the local news media and we have given their comments and recommendations very careful consideration.

It appears at this time that there has been a general public agreement concerning the equal sharing of family assets and the family home. Because in most cases, the family home is the largest asset and the focal point of shelter, we have given this special protection. Both spouses shall have an equal right to possession of the matrimonial home during marriage and the consent of both spouses will be required to sell or mortgage that family asset, no matter which spouse holds title.

In our view, most people now accept this, witnessed by the large number of married couples who voluntarily accept title in their joint names.

There has also been considerable concern regarding the sharing of business assets. We have been unable to support the proposition that business assets, like family assets, should be divided 50/50 equally upon dissolution of the marriage.

We cannot support the assumption that all individual accomplishments and all financial gains acquired by one spouse are assumed to have been made possible in exactly half measures, this is very important, by the labour and support of the other spouse. We can, however, and we have, given the court legislative guidelines which must be considered when an application is made regarding the sharing of business assets.

We are saying, in effect, that while non-family assets will not automatically be shared 50/50, they may, indeed, be subject to some sharing depending on the discretion of the judge.

I think that you will find that sections 6 and 15 of the Ordinance dealing with the indirect contributions provide for justice to be done in the sharing of business assets.

Mr. Speaker, it is our objective with this Ordinance to let married couples know exactly where their family assets stand, exactly where their assets stand, should their marriage break down.

Now, instead of having to make an application to the court automatically for a share in family property acquired by the other spouse, both spouses shall be very aware that those assets must be shared equally. We believe that this assumption will lessen the role of the court in property settlements. Couples should now be able to sort out their assets upon dissolution of the marriage without application to the court. Should there be some disagreement, they

have the alternative to make an application knowing that the court will start from the premise that family assets shall be shared equally unless it can be shown that to share the assets equally, would result in gross inequality of one of the spouses.

The same applies with business assets. Either spouse may make an application and if they provided a contribution to the acquisition of business assets, directly or indirectly, as in non-business assets, then they shall be entitled to a share.

Mr. Speaker, as I said at the outset, this Legislation now before us is a major step forward in promoting equality of the sexes before the law.

Let me clarify that I do not mean that it favours either spouse, rather, it gives them both equality within the marriage contract. They are equal partners in marriage and this Ordinance quite simply recognizes that fact.

Thank you, Mr. Speaker.

Mr. Penikett: Thank you, Mr. Speaker. I would like to start by thanking the Minister for his remarks. Perhaps I should begin as I sometimes do with a little story. This is an apocryphal story that has made the rounds in various legal circles and it concerns the old guy. Some say he was a Tory, I am not sure about that, who purchased a mail order bride from overseas and he installed her in his suburban home and quite literally kept her barefoot and pregnant for years. He refused to let her go out and get a job. He would not even let her learn English. She washed, sewed, cooked, and she mothered and she worked slavishly. When she grew tired he had to slap her a little bit to get her attention if she grew too solemn. One day, after years of abuse, she packed her bags, dressed the kids and left forever. The old guy went to his lawyer and said, "I want a divorce."

"And what about a settlement", said the lawyer.

"Not a penny", said the old guy.

"But you were married for ten years," argued the lawyer.

"Not a penny", said the husband.

"But you admit she was a good mother, she was a good wife, she worked hard, she was faithful. Surely you owe her something."

"She left me," said the guy. That, as far as he was concerned, was it.

I do not think the story proves much except to show that there are, I think, in society, a lot of pretty old-fashioned ideas about marriage and about property. I think some of these ancient notions, the Minister has addressed in his speech.

I think many of us have seen the poster which said, "The Woman's Work Is Never Done, Nor Appreciated, No Paid For". I think that is the way many women feel about the situation in marriages and in time they have come to an end. I think too often this is the situation that has occurred at the time of marriage breakdown.

This Legislation takes a new look at women's work. It is based on a principle that "Women's work" is a contribution to the home, equally as vital to the family as earning an income outside the home. It guarantees the equal division, upon marriage breakdown, of all family assets acquired during marriage. Although I think that is generally a commendable principle, I think the Bill could be improved on and I would like to comment on that momentarily.

The beginning step is very good and I hope we see similar indications of, shall I say, "progressive" as opposed to "conservative" legislation in other areas. I think all of us appreciate that the place that women in our society have historically had has often been a precarious one.

The comic book drawing with which we are all acquainted where the caveman is dragging the woman off by her hair to the cave is still found amusing and I think, in the dark recesses of our mind, we regard it as somehow having an element of poetic truth.

I think in ancient times a woman was considered very much as another article of her husband's property and therefore very dependent upon his goodwill. That is when he could keep her in whatever condition he chose, often as my apocryphal husband did, barefoot and pregnant or both. If we go way back to the early days of the Roman empire, a woman was legally a complete subordinate of first her father or brother and later her husband who held paternal power, or as the Latins called *patria potestas*, in the eyes of the law. Women were regarded in that society as by a word which, in our language, translates into "imbecile", not a very flattering description. They were, by the laws of the day, rendered unfit to sign contracts or even act as witnesses or even hold public office. A husband's formal consent was even once required before a wife could go out and work.

Upon marriage, as the Minister has pointed out, the husband absorbed the woman's person and all her belongings. It meant the suspension of the woman as a person and quite literally her falling under the lordship of her husband.

The classic example of this merger is illustrated in this summary of women's legal rights in this country, around 1900, which gave the following example: Jane, Peter and John were each bequeathed \$5,000. If Jane and Peter chanced to be husband and wife the legacy would be divided not into thirds but into halves. For Jane and Peter were treated, as the Minister said, as one person and take one half between them, while the other person, John, goes off with the other half.

There have been, of course, times and places throughout history when women have held considerable power. They have occurred, I think, in the history of our civilization somewhat haphazardly. Suffrage was sanctioned only as recently as 1906 when it first became law in Finland. In Canada, women who had relatives in the armed forces were given the great privilege of voting in the 1917 Federal election. Three years later, in 1920, the Dominion Elections Act at last extended the vote to all Canadian women.

But of course, as we all know, the vote itself does not grant or guarantee equality but it is a process by which we can achieve that goal to which I hope most of us are reasonably committed. However it is a battle that is far from won.

I am sure most of us have read in the newspapers recently about some of the incredibly tragic events that are transpiring in India. You have probably seen pictures of women demonstrating for their rights, their rights to be considered persons in that country. In some of the photographs I saw, the women were marching with signs which literally read "Women are not for burning". The situation there apparently is so bad that every death of a woman within eighteen months of her marriage is now automatically investigated. Apparently their husbands are burning them to death when demands for increased dowries are not met. It seems that when they become no longer valuable as property some of their spouses are dispatching them fairly violently.

I can think of another illustration of the appalling stance that historically has been taken towards women, this one somewhat closer to home and a little less drastic, a fairly famous case in British law, ruled on by, as I think he was regarded, a small "I" Liberal judge. Both husband and wife worked outside the home and there were no children. When the marriage broke down the judge ruled that the wife should have one third of the assets, the husband two thirds. Why? Well, the judge reasoned that since the husband was not used to doing housework, he would need to hire help. Consequently he required more funds. The woman, since she had always done both the housework and her job and was quite used to it could continue to carry on as usual.

This might be funny, Mr. Speaker, if it were not a serious indication of that kind of attitude that we have inherited.

Legislation involving property, only at times of large breakdowns, will not change the way most couples handle their financial and business affairs, but it will affect the growing number of people involved in separation and divorce. It will affect them at a time when couples are in crisis on many fronts, emotionally, mentally and financially.

It is, in my view, bad legislation which at those times of crisis has relegated the non-earning spouse to poverty and the frustration of feeling potentially ripped off for life.

Granted, certain recent judicial decisions have tried to correct this unfair and ultimately humiliating way of dividing marital property. They have considered factors other than name ownership and economic input. But in making better rulings they have conferred essentially what are privileges, not rights. As the Honourable Minister of Human Affairs has reminded me on a number of occasions, privileges are not carved in stone. They do not allow us to say to women who have traditionally been the property losers in marriage breakdown but yes, you are guaranteed these certain things. Your half of the assets from the marriage, they are rightfully yours.

As it works now, as I understand it, in the body of judicial decisions, the settlements average out to about 30/70 percent split in favour of the husband. Frequently it is much less which goes to the woman.

Certainly the inequality and injustice of the famous Murdoch case violated most people's sense of fair play. Many women, not surprisingly, remain suspicious and distrustful of judicial decisions.

And so it is the intent of this legislation, apparently, to correct the situation by laying down a new law, so that women need not hold their breath anxiously waiting for the benevolence of a court deci-

sion. They would know their rights and what they could realistically expect. All well and good. But in my view that is not quite enough.

Mr. Speaker, governments, when they want to change laws, must be specific in what they write and legislate. This takes much work.

In other areas of Canada the drafting of reform laws in this area of legislation has involved much debate and public discussion. I know that in Manitoba, for example, there were two years of research and work and discussion and debate put into matrimonial reform with many opportunities for personal presentations by individuals and groups. The time allowed for developing this reform in Yukon has been, by contrast, very short. I think that is no reflection on the quality of the input because, I think, as a rule it has been very high. I think that a community like this though does take some time to absorb, distill, digest and consider complicated ideas like this and while I would not at all suggest that we delay any longer with this kind of legislation, I, in an ideal world, might have wished for more time to have thought about it and talked about it.

However, since the Government issued its policy paper in June this year there has been, I think, a very reasonable public response.

The Yukon Status of Women Council and the Yukon Family Law Reform Committee have clearly articulated revisions which they would like to see in any reform law and I sincerely hope that the Government will see the wisdom and justice of some of those revisions.

Mr. Speaker, it has failed to act on all these recommendations and I propose now to speak on what I see as a couple of major weaknesses in the Bill.

In one important respect, this legislation, Mr. Speaker, lacks consistency, a quality which, I think, we are all told that is highly admirable in any law. Laws are meant to apply to everybody and that universality is the highest standard of consistency.

This legislation claims to establish marriage partners as legal equals to this legislation, but the legislation lapses when it gets to Section 8(1) where business assets are specifically excluded from automatic legal sharing. I submit that the businessman here is singled out for special treatment.

It would seem that he apparently operates outside this partnership of legal equals that the Minister referred to, and mystifyingly operates without the spouse's support. His children manage, Mr. Speaker, to raise themselves. His groceries are bought and prepared for by an elf or genie from a bottle.

I suppose that is what is meant by some people's term for "free" enterprise.

There is nothing, as far as I can see, that is so special about a businessman that separates him from a draughtsman or a teacher or an MLA, that gives him or her special status, that upon marriage breakdown his contribution to the family unit by his business is suddenly placed outside the realm of the family. I think it is really quite an amazing exception that is proposed here. Why is it so difficult, upon dissolution of a marriage, for the spouse who stayed at home, normally the woman, to suddenly become a partner in the business for the first time, or have 50 per cent of the shares or 50 per cent of the value of the business in the form of shares that that value has increased during the time of the marriage. It seems to me there is nothing particularly difficult about that at all.

If we look at the family as a viable economic unit by itself, with input from all members, and benefits for all members where the individuals voluntarily limit some of their freedom as individuals for the sake of mutual cooperation, an invisible support system linking one another, we see the assets grow out of this cooperative unit, the family. All those assets, including the business assets, are seen, or ought to be, within the meaning of this Bill, as matrimonial property as part of the assets of the family in the best sense of that phrase.

I do not believe it can be denied that in cases where there is a business involvement by one partner that the business creates for itself quite a major presence inside the family. I think it is felt strongly by everybody and I think it is not for nothing that small companies are often called family businesses. In fact, the terms are often used as if they are synonymous. I think this Legislation denies the reality of the family's involvement in this kind of business.

By limiting family assets to the house, the car, et cetera, thereby excluding commercial assets, income earning assets, small businesses and professional practices, this Legislation denies something else. It denies the non-earning spouse's contribution to those assets. She, for it is most frequently a woman who is in this

position, by her labour frees the man to pursue his business career. Yet she is barred from sharing in its accumulated value. At one swoop, she could become effectively, economically disenfranchised if she found herself before an unfriendly judge in divorce proceedings. It is true that most families have only, what are called in this Bill, family assets so the distinction is not too important for them. But for families where there are business assets, the inequality is there in stark, bold fact.

I would remind Members opposite of something that they often remind me of. The situation of many small business people is such that they really do not have incomes any greater than someone working for a living. In fact, many of them are quite simply in the situation of just simply working for themselves. Why their situation should be different under this law than someone who is earning wages or a salary I think is a flaw in the Bill.

Within a marriage, one spouse supports the other, and I wonder that any of the Members of this House, many of whom themselves have been involved in business, could, in good conscience, refute the idea that their spouses deserved some of the credit for their business success, and I would say that in most cases, probably they deserve half the credit.

Obviously there will be cases where automatic, equal sharing of business assets will not be equitable.

In those cases, there are two possibilities as I see it. Both allow for flexibility of the law. One is where both spouses believe business assets should not be equally shared. It seems to me that they could elect to write their own contracts with, I would suggest, separate legal counsel. Business assets could then be divided along the lines set out in the contract, but I would emphasize this through you, Mr. Speaker, to the Minister, that I think the suggestion that legal advice and such contracts be legally drafted by legal representatives on behalf of both parties is a very important addition.

The other case is one in those situations where one partner feels they deserve more than fifty per cent. And as the Bill proposes, I think the person ought to be able to go, if the principle was there of automatic fifty-fifty sharing, to the court, and then have the onus on them to argue that they deserve more than an equal share.

I think, until such happens, it should be assumed, until proven otherwise, that both spouses have contributed, and therefore both should receive half.

I think the experience that has been shown by the new law in Manitoba is that most couples in dividing separations such as this tend to settle out of court, rather than going to court, no matter what the guidelines in the legislation.

Perhaps it should be of interest to this House to know that in June, 1977, after two years of extensive research and public discussion, the then NDP Government of Manitoba, under Ed Schreyer, passed the Matrimonial Property Act. At that time, it was regarded by many as one of the most progressive pieces of legislation of its kind in Canada. It allowed for automatic equal division, on marriage breakdown, of all assets, including commercial assets acquired during the lifetime of the marriage.

In December of that year, two months after the Progressive Conservatives took over the Government, that legislation was amended. As someone said, overnight Manitoba turned from a shining example of liberation into a pumpkin.

Through the next summer, under hearings of the Standing Committee on Standing Orders and Regulations, numerous people and many groups appeared to literally plead for the former legislation to be restored.

It was a Conservative Government in Manitoba, Mr. Speaker, that I think provided this exception for businesses. I think it is a model that this Government seems to be following and I think that that is unfortunate. I think that it is unfortunate that the principles suggest business property should have greater rights in law than women for leaving a marriage.

I think one of the problems in our history, and we have talked about the history of society and changing attitudes in the debate tonight, I think the greatest effort by people in our society in the last few hundred years has been to elevate the rights of people above the rights of property in law. It has been a long battle and I think it is not yet over.

I believe that however we look at it, the contribution of women, whether it is in the home or not, is a real one and should be recognized as being as valuable to the business as to that marriage. We must recognize the child care, household management, and financial provisions are joint and mutual responsibilities of both spouses and that joint contribution entitles each spouse to an equal division of all matrimonial property.

There is one other problem area in the Bill and I would like to say

a few words about it and that is the question of common-law marriages.

Now, Mr. Speaker the Minister and I have talked about this privately and it is an area of considerable difficulty. Some citizens I know have urged the Government to expand this Bill to include all common-law relationships of a specified duration. This, I think, would be very complicated for two reasons. One is that many people, quite literally, live in common-law relationships to avoid completely the legal complications of a marriage. If this Bill were to consider common-law marriages as legal marriages then there is a danger in time, all of our laws could be likewise. There could be a danger, for example, that one day an Indian woman could lose her status after living common-law with a non-Indian because some judge decided that because of an accumulation of various laws of this kind that she did in fact have an arrangement which had some kind of legal status.

A common-law relationship, in such event, would lose whatever advantages it offers to those joined in it. More and more it could be considered a legal marriage, without, and this is important, either of the parties ever having given their formal legal consent to it.

However, there is another problem and I am bit persuaded by the force of the arguments put by those people who suggest that some common-law arrangements can be exploited, that there are women who may have been in common-law marriages for a long time that need some protection. I may have a suggestion that I would like the Minister to consider, Mr. Speaker, as to how that might be dealt with in this Legislation.

The second reason is that all people who live in common-law of course are not single and I know that it would greatly complicate the division of property where both partners living common-law were at the same time legally married to someone else. I have no doubt that in a situation like that the lawyers would be very busy and it is they, not the partners, who would end up with most of the property. However, there is just reason for people who want protection, that this Bill affords even though they are not legally married. I think it is our job to ensure the protection to all those who need it, regardless of whether they are legally married.

Therefore, with respect, I would suggest the House consider the following provision in the Bill: that couples living common-law be allowed the option of contracting into the law, as in the case I have suggested where couples with certain kinds of business arrangements might contract out of the law. I would suggest that both parties in such event who had formalized some kind of cohabitation contract with separate legal counsel be allowed then to enjoy the protection of this law without having involved themselves in other legal aspects of the marriage. Now, some people are bound to say, "Why don't they just go down to the church and have it made official". There may be all sorts of reasons why two particular people may not do that and I do not think we can speculate and contain in the Bill all the reasons.

It seems to me that such a suggestion would allow greater flexibility in the Bill as well as offering protection to those seeking it without restricting anyone's civil rights.

Mr. Speaker, I know that it is not simple political expediency which has forced the Government to propose this Bill. Perhaps the Government feels that it is touching major reforms sought by women's groups, that it can enjoy greater support from people who are concerned about such issues in society. That is fine.

I think there are many people interested in this area of legislation touching matrimonial property and I think that these people, many of whom have made their views known to the Government, will probably be taking a great interest in the reports of this debate.

I believe this Bill will pass and I think that things will be better here in Yukon than they were, and I want to say, with respect, that I do not think that makes the legislation as good as it could be.

In conclusion, I just want to say that I appreciate the fact and I am pleased with the fact that the Members opposite obviously do not share the views of the Conservative Premier of Manitoba who, when pressed as to why the original NDP Legislation was repealed, answered because the people who supported it were "just feminists".

I hope that nobody in this House regards this as being another particularly amusing comment of Premier Lyon, who after being accused of being anti-women, replied "God forbid that. We Tories are among the best breeders in the world."

Mr. Speaker, this is not a bad bill. I would give it about a B-plus. With a few improvements in Committee, I think it might earn an "A" from the Opposition. Thank you, Mr. Speaker.

Mr. MacKay: Without using up my time I would like to say, "Ladies First", Mr. Speaker.

If the lady does not want to go ahead on this point, I shall take the

honour.

Mr. Speaker, I have listened with interest to the exposition of the history of women's rights by my Honourable friend to my left and much of it was new. I knew there was a reason for many of the inequities but I did not know they went quite as far back as the Roman Empire.

I, for myself, have been told by my wife that I like to keep her barefoot and pregnant and in the office. This ensures her interest in the business.

It is probably in order, Mr. Speaker, to congratulate the Minister for his efforts in bringing forward this Bill. In fact, I had very high hopes in reading his foreword to the Matrimonial Properties Policy Paper, when he said that the Government of the Yukon recognizes marriage as an economic and social partnership of legal equals and plans to introduce legislation to give effect to this principle of equality. I am sure, with very few exceptions, all of the Members of this House subscribe to that.

Unfortunately the Bill does not fulfill this promise. The proposed Yukon legislation distinguishes between family assets and business assets. My friend has eloquently questioned the reason for this. The Bill does provide for equal division of family assets, Mr. Speaker, between the spouses but providing for business assets only where there is a direct contribution of money or labour or an indirect contribution such as relieving the title-holding spouse of such responsibilities as child care. The Bill thus, at least in spirit, enshrines in legislation the existing common-law in Canada. In the case of Rathwell vs Rathwell, the doctrines of constructive and resultant trusts were recognized as entitling the non-title holding spouse to a share in the business assets.

However, as under the existing common-law, and it is carried out in this law too, the onus is on the spouse to prove in court that she or he did contribute to the assets in question. This Bill does nothing essentially to reduce the existing necessity of engaging in lengthy court proceedings in all but the simplest divorce matter.

The Government White Paper on proposed legislation calls the "Family Assets" property approach "... the system generally most suited to govern property relations between husband and wife in Yukon." I suggest that this is hardly the case.

The Bill excludes from division all property other than that utilized during the marriage for family purposes, dividing the family assets while leaving the other assets in the hands of the individual holding title. This would not only include actual business assets, Mr. Speaker, but savings accounts, stocks, land purchased for investment, gold, for those of us in the north. These would be excluded.

It should not be presumed that the proposed marital property legislation would automatically result in inequities. What can be presumed, however, is that divorcing couples with assets other than family assets will be forced to go to court to ensure equitable division. It is likely that, in the end, it would achieve that division but the expense involved could be considerable to both people involved and to the government and taxpayer.

We have heard it often and our friends across the aisle have said it often that Yukon is the land of the entrepreneur and perhaps it should be noted that at this time in the territory, which has a population of less than 25,000 people, there are 1,600 separate local residents holding business licences. This is the highest ratio of business per capita in Canada.

Furthermore, Yukon has the highest female participation rate in the work force in Canada. Nearly fifty-nine per cent of women in the Yukon between the age of fifteen and sixty-five work. Yukon, furthermore, has the highest income per capita in Canada.

Now in an area where most women work, where many individuals are in business in one way or another, where a great deal of money is made, it should not be presumed that the bulk of the income generated is invested in family assets but rather that a great many couples have savings and a great many have investments to which both parties have contributed directly. It can therefore be expected that large number of divorcing couples in the Yukon will look to the courts for resolution of any difficulties leading to the accumulation of assets during marriage.

Additionally, the value of indirect contribution in terms of maintaining a home, a family, cannot be over-rated, particularly in the area of such isolation and extreme temperature as the Yukon. It cannot be expected that the courts will overlook this fact.

Therefore, the result of the proposed legislation that will probably not be inequity for a wife or husband in a strict legal sense of the word. Inequity would be the expense and time required to achieve equity.

At this time in the Yukon the usual fee for a simple, uncontested divorce is \$500. A fee for a contested divorce or one where there is a

dispute over the assets is considerably higher. It is not inconceivable that a couple in the battle over limited but hard-earned assets could equal or even exceed the value of these assets in legal fees. I think it would have made sense, particularly in the Yukon, to include business assets.

Furthermore, Mr. Speaker, it seems that there is no indication from the public, either Yukon or Canadian, that they see anything wrong with including all assets in an equal division.

In 1973, Mr. Speaker, in a survey by the Alberta Institute of Law Research and Reform, the majority of individuals interviewed expressed the opinion that property should be equally divided upon the dissolution of marriage.

In 1974, Mr. Speaker, in a survey conducted by the Alberta Women's Bureau, seventy-eight per cent of Albertans interviewed expressed a belief that a fifty/fifty split of all property acquired by couples was appropriate. In 1975, Mr. Speaker, a Canada-wide Gallup poll said sixty-three per cent of the interviewees reiterated the same belief.

Yukoners are different in many ways but they do reflect trends. In a survey conducted this year by the Yukon Family Reform Committee, nearly seventy-five per cent of persons interviewed stated that they believed that deferred community of property systems providing for a fifty-fifty division of both family and business assets was not only just but desirable.

I thought that the image of the Yukon as a remote and backward territorial outpost was changing. I wonder, when I read this Legislation, if it really is. The Yukon is moving more toward the national norm, statistically. It would be nice to see legislation that reflected that.

I would suggest that this matrimonial property is an erroneous and ill-conceived document. The paper cites, I am not in the Bill now, I am in the paper, the British Columbia system as a province that utilizes the fair community of property legislation. This is not true. The system utilized in British Columbia, the constitutionality of which is currently being challenged in the courts, is the family assets system, similar to the one currently being proposed in the Yukon.

It cites Alberta as utilizing judicial discretion in its matrimonial property legislation. This is again erroneous. The system utilized in Alberta is that of deferred community of property, with, as in all such legislation, limited judicial discretion.

I think, perhaps, at this time, Mr. Speaker, it would be worthwhile examining the arguments put forward by the Government against the deferred community property. I think that the best arguments that have been put forth, if I can give them credit for this, would be from the Yukon Status of Women Council. In a letter to the Minister, they quoted a number of the arguments, and one by one refuted each one of these, I feel, very convincingly. One of the arguments against the deferred community property is "a major defect is a lack of flexibility."

Well, I do not think that remark is substantiated anywhere in the argument. Flexibility is enshrined in law. There will always be flexibility under circumstances that are different. It seems to me that you should start from the position of giving guidance and be flexible after that.

I do not think that the deferred community property system is any less or more flexible than the one of family assets. Another argument against the deferred community property system, is that financial institutions may be forced to require premature separation agreements. I believe this to be a weak excuse. Usually, debts to third parties are settled first, or assumed as part of the net value of the assets.

The statement was made that, where legislation in Quebec and West Germany had been introduced, many people contract out of the matrimonial system. I do not know what "many" was. There was no definition of what "many" was. I think that is a weak argument. If it was "many" people, perhaps it was twenty-five per cent. Who knows how many? Who knows how many people decide not to marry? It is pretty hard to find out.

Another argument was there is even less point if it forces married couples to plot the ending of their marriages. This is really a highly emotional argument, I feel, and it is not really congruent to the discussions at hand.

Another argument was that it was encumbent upon each spouse to keep accurate records of such exempt property. I think that the family asset situation is going to be equally difficult. If we are going to separate certain assets, that means you have to keep records of the other assets, anyway, so what is the problem with the deferred community property? It is exactly the same problem.

"There is likely to be some debate between spouses at the time of

their marriage breakdown regarding the calculation of economic gains made during the marriage, and it is certain to be costly and complicated, even without the problems caused by claims for exemption."

Again, these arguments will have to be faced under the family assets, because if one spouse feels that they are entitled to other assets, exactly these calculations are going to have to be made. This legislation will not avoid that.

Again, a quote from the White Paper, "The Government should not interfere in the relationships between spouses by proposing fixed rules regulating all their property rights during the course of their marriage."

This is precisely what the law is doing. It is just that the Government does not happen to agree with that particular set of rules, Mr. Speaker.

I could go on, but all of the arguments that were presented were, in my opinion, very weak. I think that this legislation has been conceived in a logical manner, and in the spirit, I think, originally, that set out to be very fair. I think that what will be come to be known as the silent debate in the Yukon, the silent debate is the debate that goes on before any piece of legislation hits this floor in the caucus opposite, and I suspect is probably, in many cases, more interesting than the debates you hear on the floor here, but that silent debate, when that policy came through, Mr. Speaker, created this one big loophole. It exempted business assets and I would not, of course, dare to guess which Members of that caucus were in favour of that, but I would suggest that it is an inconsistency that is so obvious and so glaring that I can only assume that it is personal prejudices, or personal biases, that have affected that, and that the overall good of the Yukon and the people of the Yukon has been sacrificed and has been held up to ransom by a few Members inside that silent debate.

Mr. Speaker: Order, please, I would caution the Honourable Member in casting aspersions upon his fellow Members in this regard. Please continue.

Mr. MacKay: Mr. Speaker, I would hope that if I have unfortunately done that, that the Members in question will stand up and defend themselves.

I will conclude by saying that there are a number of areas within this paper that I will be suggesting amendment to, where I think it is perhaps unclear as to what is meant, but my principal objection is, and will be, this incongruous, inconsistent exception made of business property. Thank you, Mr. Speaker.

Hon. Mrs. McCall: Mr. Speaker, perhaps, as many Members know, I have not agreed with many points in this Bill, and I have come to some conclusions. Our Minister of Justice has worked sincerely and very hard, and has improved greatly on matrimonial laws in very many ways.

One thing that I was not in agreement with was the business assets. However, a very good point was made and that favour of it is that on the dissolution of the marriage, there is the possibility that given a thriving business from under one partner, male or female, with particular expertise, tries to sell under pressure because of the dissolution of marriage, that way both parties lessen their common assets.

In that case, I will be able to accept judicial discretion, knowing that judges very often favour the wife whether the judge is male or female.

Summing up, to be honest, I must admit, though it is difficult whilst in the grip of fable fascination at the beginning of a relationship, ultimately I agree with the comparatively new practice of drawing up a contract in the relationship between two individuals inside or outside of marriage.

Mr. Speaker: Is there any further debate at this time?

Mr. Hanson: As a bachelor, I should be able to talk a little about this. Quite obviously, I would say listen to the Honourable Leader of the Opposition—he has not done his homework. He is still talking about the White Paper. That was passed in June. There is a new Bill, I think probably on your desk that I do not think you have had the time to read.

For the last two days, we have sat and listened to the Leader of the Opposition and he has not said anything. Because, as the Honourable Member from Whitehorse West said yesterday, we are a big government and a silent government, and he misused the word. He said a dumb government, but we are not. We are not. By watching the Members across the floor, cutting their throats every time they open their mouths to change feet. I thank you, Mr. Speaker.

Mr. Tracey: Mr. Speaker, I have to rise in support of the legislation. I concur with Mrs. McCall that the Ministers worked very

I have to disagree with the Opposition in regard to the business assets. I am not one of the Members that the Leader of the Opposition was talking about. My wife and myself have a split in our business and I do not own all of the assets so I am not speaking as a person who is looking after my own self.

First of all, in order to split all business assets, I think we have to assume that all people are born equal which we all have to recognize that we are not. Some are born smarter than others, some are born crippled, some are born very capable, and some are not. I am sure we would not say that the wife of a great inventor should share fifty per cent of whatever that man invents. I do not see how anybody can say that. Just because I got married to my wife and she dreamed up something that made her ten million dollars, I should share five million of that?

I was also very disturbed to hear that the Member from Whitehorse West would support common-law marriage. I think that our system of marriage, down through the ages, has worked very well and I am very surprised and very disturbed to hear this, that any member of any government would support common-law marriage, contracting into a situation.

The Leader of the Opposition also said that sixty per cent of people surveyed would support a fifty per cent split in business assets. I think we could take any survey and distort the truth, which is what exactly that survey did. Any survey that would be taken in a cross section of the public would naturally take in about 80 or 90 per cent of the working class and very few people of the business class. I think if we wanted to survey criminal persons, common people, and we had ninety per cent criminal people and ten per cent common people we would soon find out whether criminals should go to jail or not.

To get back to the equal share of business assets, I think we have to recognize that some people are very capable of making money. That does not necessarily mean that they are not willing to share their family assets, their home, their car, their cabin or whatever, and in a lot of cases they also share their business assets. But to force somebody to be equal with somebody else just because of a marriage, I think is wrong, and there is nobody who will convince me that it is right. I think it is just another step toward socialism in our country and I will not support it.

Mr. Fleming: Yes, Mr. Speaker, I had no intention of speaking on the principle of the Bill. I must, though, in this case, because I have some disagreements with the Honourable Members across the way. I appreciate the lady's interest in the Bill very much where the fairness in the situation where the business assets are not split right down the middle because I cannot see in any bill or anything of this type where government, in the first place or the way of the law of the land says you must get married more or less to do this and then we start governing them afterwards and not being fair one with the other. There is only one way to go and that is down the middle.

Her comment struck me as strange when she said that it was not in this Bill that you would take business assets and divide them down the middle because it may diminish them somewhat if they were sold. I will just think a little bit harder about the lady in this instance, for instance, who has not been included in the business, of any small business, or a large business for that matter, and there are many cases where the business people and the smart ones, I will put it that way too, see that their home and everything else they own is under a corporation, so forth, and until that lady can prove that she had something, she has absolutely nothing without going to court over it. The Bill does not really provide for that in the business assets and I would think that if it was divided equally down the middle, she would have a lot better chance of getting what is coming to her.

Another thing, I felt that when you go into a marriage partnership, that is what it was all about, never mind whether you were smart enough to make money, and the other one was not. If you cannot agree to do that as a couple of young people, and then split what you make during the time that you are together, then I think you are pretty poor all the way around, anybody that does not want to do it. I welcome this Bill for that very reason, but I would hope that the Government would take a little better look at it, and listen to what my colleagues in front of me here have said, because I think they are absolutely right. They have put it in much better words than I can. What they have said is right on the money.

Mr. Byblow: Mr. Speaker, I would move that debate on this motion be now adjourned.

Mr. Penikett: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Faro, seconded by the Honourable Member from Whitehorse West,

that debate be now adjourned.

Motion agreed to

Mr. Speaker: What is your further pleasure at this time.

Hon. Mr. Graham: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and we resolve ourselves into Committee of the Whole.

Hon. Mr. Pearson: I second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Government Leader, that Mr. Speaker do now leave the Chair and that the House do resolve into Committee of the Whole.

Motion agreed to

COMMITTEE OF THE WHOLE

Mr. Chairman: I do now call Committee of the Whole to order. At this time we will have a short recess.

Recess

Mr. Chairman: I shall call Committee to order.

We have to consider tonight Bill Number 22, The Third Appropriation Ordinance, 1978-1979.

On Clause 1

Mr. Chairman: I shall now entertain general discussion.

Hon. Mr. Pearson: Mr. Chairman, it is my fervent hope that some day in my career associated with the government, I will be a member of one that will not have supplementary estimates. But I am beginning to honestly believe that government, as we know it today, cannot get by without them.

We are required to do so much pre-budgeting in order to meet the requirements of the system that it becomes, I think probably a near impossibility. Even if you have overestimated, we are still required by law to come back to the House to report the actual expenditures and to report those areas where we have underexpended.

Mr. Chairman, this supplementary estimate which is in fact the Third Appropriation for 1978-79, is the second supplementary for that year and I should hope the final one. This supplementary, in fact, balances the books to March 31, 1979.

The detail shows in each of the votes where the expenditures, if you go to page four where we will be starting, the first column is voted to date and that is the total amount for each of those establishments that was voted in the First Appropriation or the Main Budget in the spring, and then added to that any amount which might have been voted in the Second Appropriation or the first supplementary estimates that were passed in the last sitting of this House. So now you add to, or take away, depending upon whether the number in the second column is in brackets or not and you come up with a revised vote, and we are actually dealing tonight, with that second column, Supplementary Estimate Number Two.

It will be necessary, I respectfully suggest, to go through them item by item, and the responsible Ministers, I am certain, are prepared to justify expenditures over or under.

Mr. MacKay: I note that this figure we are being asked to vote is 1.15 million dollars, which is no mean sum, and should, I think, deserve a fairly detailed explanation on the part of the Ministers, although we have to realize, I suppose, that the money has been spent, and that this kind of thing will no doubt come under the scrutiny, soon, of a Public Accounts Committee, a point that the Government Leader failed to note in his address, but one that I am looking forward to seeing put into action, so, general explanation at this time will be accepted on behalf of the Opposition. Hopefully, the Hansard record will be consistent with the explanations that the Public Accounts Committee will hear, hopefully over the next year or so.

So, with that word of caution, I think we should launch into the details.

Clause 1 agreed to

On Clause 2

Hon. Mr. Pearson: Mr. Chairman, I respectfully suggest that in fact Clause 2 is the \$1,151,300 which is reflected in Schedule A of the Bill, and the small green book. I would suggest that we start on page 4 with Establishment 300, Education, and deal with the \$10,500.

Mr. Chairman: I would ask the Members to turn to Schedule A, Department of Education, \$240,100. I refer you to page 4 of the green book, Establishment 300, Administration, under Education, Vote 3, an increase of \$10,500.

Hon. Mr. Graham: Mr. Chairman, this overrun is as a result of several separate items due to the reclassification of several positions within the Department of Education, the Manpower Coordinator, the Coordinator of the Women's Bureau and the School Services Supervisor. As well, it was due to an increase in travel of the Rural Superintendent to schools outside of the Whitehorse area.

Mr. MacKay: Are we talking about this \$10,500? All of these things cost only \$10,500? The salaries that were mentioned there, I am a little confused.

Hon. Mr. Graham: It was just the reclassification. The increase is as a result of reclassification of several positions within the Department.

Hon. Mr. Pearson: Mr. Chairman, if I may explain what we are doing, \$1,162,500 has been voted to date for Establishment 300. Tonight we are dealing with \$10,500 in additional money that was spent in that one Establishment. We have voted the \$1,162,500, we are now dealing with the \$10,500.

Mr. MacKay: I think that I do understand that. My concern was that there seems to be a large number of salaries being mentioned under the administration with only \$10,500 increase. So what we are talking about is the small increment as a result of a reclassification of individual salaries so people are getting increases. I understand that.

Mr. Byblow: The Minister mentioned the cost was partly offset by reduced communication and teacher removal costs. Are we to assume that there has been a fewer number of teacher resignations?

I am also curious about what is the Yukon Labour Force Development Program?

Hon. Mr. Graham: To answer the first part of the question, yes, it not only indicates a decrease in the total number of teachers resigning, it also represents an increase in the number of teachers hired within the Yukon such as teachers from the Yukon Teacher Education Program, et cetera

The Yukon Labour Force Development Program, may I get you the information tomorrow rather than trying to make an explanation that will only succeed half way. I will get you the full information and table a return.

Establishment 300 agreed to

On Establishment 302

Mr. Fleming: Yes, I have just noticed, we have voted and I have noticed this is a fairly substantial figure, \$126,000, and then I notice in the next one, there is another 62. They both include salaries, although we are not speaking of 303 now but I see salaries in two places. I might even ask just across the board, anywhere on this page, are there any salaries or such that since the House sat before that have been allocated to, for instance, the Burwash school?

Hon. Mr. Graham: No additional salaries have been allocated to any specific area in the Yukon. Any increases in salary are due to the Teacher Qualification Board decisions. The Teacher Qualification Board sits when it gets a request from an individual teacher and determines whether or not the pay scale at which that teacher has been set by the Department is, in fact, proper. If they decide that the teacher should receive a higher pay scale, they have the ability to make that decision and the Department of Education must then go along with that decision. That has resulted in an increase of approximately \$40,000 in teacher salaries throughout the Yukon.

Some of the other costs, \$26,000 are a result of the fringe benefits which also went along with the pay increase allowed by the last Teacher negotiation with the Government of the Yukon. There was also \$30,000 roughly expended when kindergarten instructors that had been with the Department for some time were sent to University. Article 16, of the Collective Bargaining Agreement was a commitment that we were forced to honour and have not budgeted funds for that. That explains pretty well the whole amount.

Mr. MacKay: This is a question more of curiosity. This first supplementary we voted under this subject had a reduction of \$240,000 and now we are looking at an increase of \$126,000. It would have saved us a lot of time if we had managed to offset one against the other. How long does it take to determine what fringe benefits you voted for a previous fiscal year to come through?

Hon. Mr. Graham: I do not have the information. The fringe benefits was a calculation in addition to the base salary increase. The base salary increase was voted the last time we came for a Supplement, and this is the fringe benefit package. There was also, I might add, \$6,500 as a result in a new clause in the Collective Bargaining Agreement, whereby teachers in the rural areas are allowed one round-trip to Whitehorse each teaching year.

Establishment 302 agreed to

On Establishment 303

Hon. Mr. Graham: This is as a result of providing additional funds for student transportation, and classroom materials. Some savings were realized from a reorganization of custodial staff, and I see that we have it written down in the explanation. Basically, the explanation provides all the information I have.

Establishment 303 agreed to

On Establishment 304

Mr. Byblow: I was of the understanding that it was a program that had a direct recovery. Why would we be providing a Supplementary?

Hon. Mr. Graham: We have a recovery of only a fixed number of dollars. Anything above that we must provide, and, in fact, the government of Canada did attempt to cut back on that recovery from Ottawa to us in the past year. We have carried out some negotiations through the mail, and have succeeded very recently in getting the full amount that we received last year, \$100,000.

Establishment 304 agreed to

On Establishment 305

Mr. Chairman: Establishment 305, Native Language Program. A decrease of \$100. Any discussion?

Establishment 305 agreed to

On Establishment 306

Mr. Chairman: Establishment 306, Teacher Training Program. A decrease of \$7,800. Any discussion?

Mr. Fleming: Is this reduction due to the fact that we do not have that many teachers in the training program now or a reduction of what we were going to have last spring?

Hon. Mr. Graham: I think it is basically as a result of extremely good negotiating on behalf of the Department staff. I know they also received a substantial reduction this year and we will be bringing that in as a decrease in supplements. We estimate and then we go down and bargain with the University of British Columbia and in this case we received a reduction.

Establishment 306 agreed to

On Establishment 309

Hon. Mr. Graham: Mr. Chairman, just as a little bit of explanation, this reduction, I hope, will continue in the upcoming year due to the decrease in rural students attending school in Whitehorse, therefore, we hope that we will have a further decrease although I understand that both of our dorms are full again this year.

We had hoped that there would be a further decrease in rural students attending school in Whitehorse. This is as a result of that.

Establishment 309 agreed to

On Establishment 313

Mr. Chairman: Establishment 313, Special Education, an increase of \$17,900.

Hon. Mr. Graham: This is again as a result of salary reclassification and the other part of the increase was as a result of higher cost to the Department to each individual student currently placed in outside institutions. I know that the expenses we incur for one child that we currently maintain in an outside institution went from about \$23,000 to \$27,000 so that is the increase indicated here.

Mr. MacKay: Mr. Speaker, can I have an explanation from the Minister of why the grant to the Yukon Association for the Mentally Retarded was reduced?

Hon. Mr. Graham: Mr. Chairman, I have no explanation.

Mr. MacKay: Does the Minister know how much it is, even though there is no explanation.

Hon. Mr. Graham: No, I am not certain what the actual dollar figure is. I know that we provide certain services in lieu of that grant, and we are looking into the possibility of providing additional services to the Association at the present time, in lieu of giving them cash. We are trying to keep our budget down.

Mr. MacKay: The Minister's efforts are commendable, and perhaps he could supply us with that information at some future time, without taking any more of the time of the House.

Hon. Mr. Graham: I shall.

Establishment 313 agreed to

On Establishment 314

Establishment 314 agreed to

On Establishment 315

Mr. MacKay: I am interested to see that, overall, the Remedial Tutor program was originally budgeted at \$193,000. A reduction was brought in in the First Supplementary of \$30,000, and now there is a further reduction of \$35,000. Is this all due to the lack of staff to

Hon. Mr. Graham: Basically, it was. We did not hire the expected number of remedial tutors, and some of them, of course, resigned during the year. I know of one who resigned due to pregnancy, and it is simply that we have no other way of getting that money out except by bringing it to you in the form of a Supplement. We have overestimated.

Mr. MacKay: But I do have the Minister's assurance that there is no cutback intended in this program. It is just that there were circumstances that were brought to us before.

Hon. Mr. Graham: That is correct, although I must warn the Member that you can expect a further decrease in the total number of remedial tutors that we will have on staff in the coming year. This is basically due to the fact that the Yukon Teacher Training Program has been expanded to include remedial tutors. Therefore, we found that a great number of the remedial tutors who are currently teaching in Yukon have taken advantage of this and are currently enrolled in the Teacher Education Program.

Establishment 315 agreed to

On Establishment 319

Hon. Mr. Graham: This is a result of the City of Whitehorse, and Haines Junction I must, submitting the recreation claim under the Recreation Assistance Program too late to pay on the 1977-78 year. Therefore it had to come out of the 78-79 year. We had a surplus in the year previous. This would simply be an offsetting calculation. The Skookum Jim Agreement was also re-negotiated upwards in the amount of \$13,000. That total sum is recoverable by the Government of Yukon.

Mr. MacKay: I would just draw attention of the Committee to the fact that the first Supplementary showed an increase in this budget of \$44,500, the second supplementary is for \$49,000. This year is probably the most significantly under-budgeted. I would be concerned that, in fact, this money is not being handled as tightly, perhaps, as other areas in this department.

Hon. Mr. Graham: Mr. Chairman, I have a very good reason for that. This is as a result of the tax grants that we made available last year to community clubs throughout the Yukon Territory. That was the first Supplement brought in. The department had no idea that was coming in, and was forced to ask for a Supplement for it. This is also the \$25,000 overrun to the City of Whitehorse and Haines Junction. They had no way of budgeting for it. It was budgeted in the 1977-78 year, but it was not taken advantage of at that time. The Skookum Jim agreement, again, is an increase of \$13,000, but it is recoverable, and again they had no idea that the agreement was to be renegotiated. That explains the total amount. Actually this department is very good in keeping within their set budget, as long as we do not bring in their programs half way through the year.

Mr. Penikett: Thank you, Mr. Chairman. The Minister invited me to say something. I feel obliged to ask a question, therefore. I do not know whether we have officially received the draft for the taxation ordinance. There is a provision in it, that proposes to give the Commissioner power to exempt certain kinds of properties. I assume that some of those recreation facilities in rural communities could become such a category of exempt property, in which case it would remove the obligation from this government to make recreation grants, when half of the people pay their money and then give it back. This is a possible area, I assume, that in coming years might be a budget decrease.

Hon. Mr. Graham: Mr. Chairman, I do not presume to speak for my Honourable colleague who is missing but we made strong representation on that point.

Mr. Penikett: I think that is good, Mr. Chairman. I do not know if I am supposed to have seen the legislation on that but I think that is commendable.

Establishment 319 agreed to.

On Establishment 320

Mr. Chairman: Establishment 320, Administration of Local and Apprenticeship Training, a decrease of \$600.

Mr. Penikett: Mr. Chairman, as the Minister knows this is one of my favourite subjects right up there with property taxation and matrimonial property and daycare.

There is a slight reduction here and I just wonder if the Minister is finding that there is a demand for these kinds of programs that are now being offered. This is a very small reduction so it does not suggest that there is a great oversupply of programs.

We have talked in the House a number of times of there being a fairly big expansion in this kind of area and the need to do more kinds of job training and particularly apprenticeship training. I know the Minister's officials have commented sometimes and sometimes it is hard to find employers to accept people for certain kinds of apprenticeships and there may be a problem in that re-

gard. But this shows a slight reduction in an area where I had got the impression from previous comments from the Minister where there might be greater expenditures than had been budgeted.

Hon. Mr. Graham: Yes, this one, Mr. Chairman, is only administration. The next three items on the page following are to do with programs. But yes, there will probably be an increase in the vocational and training centre budget for the upcoming year and I look forward to your support at that time.

Establishment 320 is agreed to

On Establishment 321

Mr. Chairman: Establishment 321, Yukon Vocational and Technical Training Centre, an increase of \$8,000.

Hon. Mr. Graham: This is just to provide funds for an area that we have high demand in. Whenever we have an area of high demand we attempt to put on the courses wherever possible and if we do not have the money within our budget we are forced to put in for a supplement.

Mr. Penikett: Mr. Chairman, was this an occasion where you had an employer who said, "I need a number of people, and if you put on the course, we can take the graduates."? Is that the situation here?

Hon. Mr. Graham: It was a result of two things. Both, the employer could take the graduate, and the people willing to take the course were available, which is sometimes a great problem. This is, I think, an increase. There were two courses instead of one in the year.

Establishment 321 agreed to

On Establishment 322

Hon. Mr. Graham: It is just an increase in course offerings, as is stated here, and whenever the demand warrants, if there are more than, I believe, fifteen students to a class, we are forced to give an additional class, and because of the popularity of a few courses. Last year, we had to give double.

Establishment 322 agreed to

On Establishment 323

Mr. Chairman: Establishment 323, Apprenticeship training, a decrease of \$1,400.

Mr. MacKay: I have a twenty minute speech on apprenticeship training that I am sure can wait until another occasion, Mr. Chairman. I would like to state before we leave this budget that the Department of Education has come in fourteen thousand dollars less than the original budget for the year, so by some form of miracle, the under and over budgeting has come very close, so it is a good sign for the Government.

Mr. Penikett: Consistent to do with this particular item, I wonder if the Government Leader, or one of the other people in the front bench, might be prepared to provide me with further information. The Government Leader explained that, of course, the underexpenditures or overexpenditures within these budgets have to be referred here in the Supplementaries. I am curious as to how small an amount we could be dealing with here. Is there a bottom line of \$500, and you do not worry about it, or \$200, or \$100?

Mr. Chairman: Mr. Chairman, the smallest amount is \$100, to my knowledge.

Establishment 323 agreed to

Mr. Chairman: On Schedule A, Department of Education, an increase of \$240,100. Shall that amount carry?

Some Members: Agreed.

Hon. Mr. Pearson: Mr. Chairman, I move that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I do now call the House to order. May we have a report from the Chairman of Committees?

Mr. Lattin: Mr. Speaker, the Committee of the Whole have considered Bill Number 22, Third Appropriation Ordinance, 1978-79, and directed me to report progress on same and ask leave to sit again.

Mr. Speaker: You have heard the report of Chairman of Committees. Are you agreed?

Motion agreed to

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that we do now call it nine-thirty.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Mayo, that we do now call it 9:30.

Motion agreed to

Mr. Speaker: This House now stands adjourned until one-thirty p.m. tomorrow.

The House adjourned at 9:29 o'clock p.m.

Whitehorse, Yukon Territory**Thursday, October 11, 1979**

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

DAILY ROUTINE

Mr. Speaker: We will proceed at this time to the Order Paper.
Are there any Returns or Documents for tabling?
Presentation of Reports of Standing and Special Committees?
Presentation of Petitions?
Reading and Receiving of Petitions?
Introduction of Bills?
Are there any Notices of Motion for the Production of Papers?
Notices of Motion?

NOTICE OF MOTION

Hon. Mr. Graham: We would like to give Notice of Motion that we will be requesting a debate on the plan of the Government of Canada to privatize the NCPC.

Mr. Speaker: Are there any further Notices of Motion?

Are there any Statements by Ministers?

This brings us then to the Question Period. Have you any questions?

QUESTION PERIOD**Question re: Constitutional Development**

Mr. MacKay: Thank you, Mr. Speaker. In the interest of continuing the information that is being solicited about constitutional reform, I would like to ask the Government Leader if his Government has begun any studies at this point respecting the position of Yukon were it to become a province under the **BNA Act**?

Hon. Mr. Pearson: No, Mr. Speaker.

Mr. MacKay: This is quite a surprising answer, Mr. Speaker.

I am wondering if the Government Leader, in his own mind, fondly anticipates the Yukon will have a special place in Confederation different from any other province?

Hon. Mr. Pearson: Mr. Speaker, it may well be. I honestly do not know at this point.

Mr. MacKay: I would like to ask the Government Leader if he is aware that, if Yukon were to become a province under the **BNA Act**, like any other province, under the existing financial arrangements in Canada, that Yukon would not qualify for equalization payments from other provinces?

Hon. Mr. Pearson: Mr. Speaker, I would suggest that that is a hypothetical statement because we are not aware whether we will be a province under the same terms and conditions as every other province under the **BNA Act**.

Question re: Aboriginal Rights

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Government Leader. This spring we were told the government was formulating a position on aboriginal rights. In view of the urgency of this question, can the Government Leader advise the House if he will shortly be making a ministerial statement on this important question.

Hon. Mr. Pearson: Mr. Speaker, this Government stated during the last Session that we recognize and believe that, in fact, an aboriginal right did exist for native Indian people in the Yukon Territory.

Mr. Penikett: Thank you, Mr. Speaker. Will the Government Leader then tell the House if it is the position of this Government that certain aboriginal rights should be extinguished by a Land Claims settlement or should they be established in a new constitution as it has been suggested by the Indian people.

Hon. Mr. Pearson: Mr. Speaker, I am going to have to beg leave to not answer the question as we are entering the realm of Indian Land Claim negotiations at this point.

Mr. Penikett: Does the Government Leader intend at any time to provide this House with an opportunity to engage the Council of Yukon Indians in informal discussions about constitutional developments.

Hon. Mr. Pearson: Mr. Speaker, that would be a decision of this House.

Question re: Constitutional Development (Continued)

Mr. Byblow: Mr. Speaker, I have two short supplementaries to the previous topic. Have there been any discussions with the Federal Government over possible changes to the Yukon Act.

Hon. Mr. Pearson: Yes, Mr. Speaker, we have discussed in quite great detail with the Minister, not with the Government, but with the Minister, changes that would have to be affected in the Yukon Act.

Mr. Byblow: Does the Government plan to institute a Constitutional Review Committee within his Government?

Hon. Mr. Pearson: Mr. Speaker, until two days ago, the responsibility for constitutional development in this Government rested directly with the Commissioner of the Yukon Territory. Upon the enactment of the new terms of reference for the Commissioner, I believe quite strongly that if this will now be an area that will fall under the purview of this Government, I am sure at that time that we will have something definitive to say about it.

Question re: Population Figures/Health Care Insurance Plan

Mr. Penikett: Thank you, Mr. Speaker. I have another question for the Government Leader. I wonder if the Government Leader could tell me if at the present time registrations on the Yukon Health Care Insurance Plan are used by the Territorial Government to estimate current population figures for the Territory?

Hon. Mr. Pearson: I do not know that they are, Mr. Speaker, but I would suggest that possibly in some instances they may be.

Mr. Penikett: Thank you, Mr. Speaker. I have supplementary on the same subject to the Minister of Health. I would like to ask the Minister what was the reason for the advertisement recently placed in the Whitehorse Star urging unregistered residents to enroll in the Health Care Insurance Plan?

Hon. Mrs. McCall: Sorry, Mr. Speaker, would the Honourable Member repeat that please. I did not quite get it?

Mr. Penikett: What was the reason for the advertisement recently placed in the Whitehorse Star urging unregistered residents to enroll in a Yukon Health Care Insurance Plan?

Hon. Mrs. McCall: I think I will take that under advisement, Mr. Speaker, if you please.

Mr. Penikett: Thank you, Mr. Speaker. For this supplementary I would like to return to the Government Leader on the same subject, Mr. Speaker. If the Government is concerned that less than one hundred per cent of the Territory's residents are registered for Medicare, can we have the Government's assurance that registration data will not, in future, be employed to develop statistics on unemployment, for example, in the Territory?

Hon. Mr. Pearson: Mr. Speaker, I am not prepared to give that assurance at all. As far as I know, the law is that one hundred per cent of the residents of the Territory should be registered for Medicare, and I am not certain that these numbers are used for other statistics. I am not prepared to grant that at all.

Question re: Kaiser Aluminum

Mr. MacKay: Thank you, Mr. Speaker. My question is directed to the Honourable Government Leader. For a change of pace, I would like to know if the Honourable Government Leader has had any meetings lately with the representatives of Kaiser Aluminum and, if so, could he report on the outcome?

Hon. Mr. Pearson: No, Mr. Speaker. We have had one meeting with Kaiser Aluminum and there is work being done by the Federal Government, the Northern Canada Power Commission and this Government.

As I reported to the House when we last sat, it was anticipated it was going to take about twelve months before the necessary information to move on further could be gathered.

Mr. MacKay: Since a key player in this performance is the government in Ottawa, can the Government Leader give us any assurances or his opinion, perhaps, of their position? Has it changed since the May 22nd election or are they still in the same cautious frame of mind?

Hon. Mr. Pearson: Mr. Speaker, I thought it was being more than obvious to the Honourable Member opposite that the attitude has changed considerably towards Yukon.

Mr. MacKay: I am wondering, in view of that very optimistic answer, whether the Government Leader cannot see fit to bring forward this matter in a quicker than twelve month period?

Hon. Mr. Pearson: Mr. Speaker, as I explained earlier, there are other players in this little act as well. It was deemed that that time was going to be required for all of them to get things together so that we could continue with substantive meetings.

Question re: Tourism Promotional Material

Mr. Penikett: Thank you, Mr. Speaker. I have another question for the Government Leader in his capacity as Minister responsible for Tourism.

I would like to ask the Government Leader what is the policy of the Government of Yukon in respect to charges for providing promotional material developed by the Government, at taxpayers' expense, to the tourist industry for advertising campaigns?

Hon. Mr. Pearson: Mr. Speaker, I would be prepared to have a paper tabled in respect to this because we enter into a number of joint marketing agreements with the tourist industry and I believe that there are varying rules for varying circumstances.

Mr. Penikett: Thank you, Mr. Speaker. I wonder if I could just ask a supplementary question on a smaller scale. Can the Government Leader tell the House if it is presently the practice to charge only for material costs for such designs, literature, photographs, et cetera, that may be developed in the Government or does it also charge professional services at commercial rates?

Hon. Mr. Pearson: I am sorry, Mr. Speaker, I cannot answer the question. I will make sure that it is answered in the paper.

Question re: Faro Social Worker

Mr. Byblow: I have a question for the Honourable Minister of Health and Human Resources affecting my riding. We have been awaiting the replacement of our social worker who resigned in July. What seems to be the problem?

Hon. Mrs. McCall: Mr. Speaker, the position has been advertised all over western Canada and the Yukon and it is actively being pursued. There is one more applicant to be interviewed. In the meantime, Faro is being visited by a worker from Whitehorse once a week. In fact, that worker is in Faro today. Meanwhile, the office is manned by clerical staff and is in daily contact with the Department.

Mr. Byblow: I must thank the Minister for a well researched answer. Can the Minister confirm whether the new replacement will have a place to live?

Hon. Mrs. McCall: Mr. Speaker, I do not imagine that they will be out in a tent for the winter. I imagine that they will have a place to live.

Mr. Byblow: Can the Minister indicate whether her Department is investigating any increase in personnel for the delivery of social services in the Faro-Ross River area?

Hon. Mrs. McCall: Mr. Speaker, no I cannot answer that at the present time but I will look into that for you.

Question re: Hydro Development

Mr. Fleming: Thank you, Mr. Speaker, sometime ago there was an article in one of the Vancouver papers stating the possibility of a major dam or dam sites to be built, possibly on the Liard River by B.C. Hydro. I wonder if the Leader of the Government was aware of that article and I wonder if he could give us his reaction to that article?

Hon. Mr. Pearson: Mr. Speaker, yes I am aware of the article. We have been, as a Government, in contact with the B.C. authorities involved. We have been assured that we will be apprised of all activities that are taking place prior to its taking place. I alluded to these discussions in my little speech the other day, Mr. Speaker. It was in fact one of the topics that was discussed at the British Columbia-Alaska-Yukon tri-lateral meeting, and as a result of that meeting, in fact, meetings have been scheduled between British Columbia and Yukon on this subject.

Mr. Fleming: I have a supplementary to the Government Leader: has there been any discussion about the possibility of possibly

obtaining power or buying power from such a project by the Yukon Government from B.C. Hydro?

Hon. Mr. Pearson: No, Mr. Speaker. It is not anywhere near that stage yet.

Mr. Fleming: Thank you, Mr. Speaker, yes. In the event that B.C. Hydro did go ahead with the project in the future sometime, possibly before the Yukon Territorial Government had completed any major project for Yukon, would the Government Leader assure us, or, what would his feelings be towards negotiating for possible power from that source?

Hon. Mr. Pearson: Mr. Speaker, the Northern Canada Power Commission has a mandate in a federal act to produce and supply all of the power north of the 60th Parallel in Canada.

However, in spite of that, I feel quite strongly that should power be available at a more economical cost from another jurisdiction, certainly I would be the first one in line trying to get it for Yukon's benefit.

Question re:

Mr. MacKay: Thank you, Mr. Speaker. Perhaps, just a matter of information for the Government House Leader, I will put in the form of a prefix to the question, of an internal report of B.C. Hydro which predicates the use of the distribution of power to Yukon in order to justify the Liard Dam. It may be useful to obtain that report.

Constitutional development, Mr. Speaker.

Mr. Speaker: Was the matter raised in the form of a question? I seem to have some difficulty in interpreting.

Mr. MacKay: My apologies, Mr. Speaker. Perhaps I did not phrase it properly.

Mr. Speaker: Would you proceed with your question?

Question re: Resource Sharing

Mr. MacKay: Yes, thank you, Mr. Speaker.

With respect to resource revenues accruing to the federal government from Yukon resources, Mr. Speaker, I am wondering if the Government has entered into any negotiations with the Federal Government respecting a resource sharing formula?

Hon. Mr. Pearson: No, Mr. Speaker, we have not.

Mr. MacKay: Does the Government Leader propose to initiate such discussions in the near future?

Hon. Mr. Pearson: Yes, Mr. Speaker.

Mr. MacKay: Would the Government Leader give assurances to this House that, in contrast to previous negotiations, perhaps the Government's position could be made public prior to entering into negotiations?

Hon. Mr. Pearson: Mr. Speaker, I just do not know how you make negotiations public. This is a major problem and it is one I am sure that all governments face all of the time.

If you are negotiating in the public, you are not negotiating and neither side benefits, nor does anyone win in such a case.

Question re: Advertising Policy of Government

Mr. Penikett: Thank you, Mr. Speaker. I have another question for the Government Leader while he is in a charitable mood.

I have on a number of occasions queried the Government Leader about the advertising policies of this Government. I would like to ask him now if he plans in this Session to make a Ministerial Statement so that we may all understand the policies and practices as they have evolved recently in various government departments?

Hon. Mr. Pearson: Mr. Speaker, I am not certain that I understand exactly what the Member is asking for.

However, I will undertake to speak to him in a recess and try and determine exactly what he does want.

Mr. Penikett: Thank you, Mr. Speaker. Perhaps I could make it very clear.

Several months ago I sent the Government Leader a letter concerning this matter and I am wondering if he might shortly refer to that letter and if I could shortly expect a reply?

Hon. Mr. Pearson: Mr. Speaker, did I understand the Honourable Member to ask about an advertising policy or a hiring policy?

I am sorry, he is going to have to refresh my memory, Mr. Speaker.

Question re: Hydro Lines

Mr. Fleming: Yes, Mr. Speaker, a question for the Minister of Municipal Affairs.

Going into town the other day along the Alaska Highway, I noticed a new line of power poles, thirty, thirty-five miles from town. I am just wondering if that was a contract, what the price of it is and how far the line extends or is going to extend?

Hon. Mr. Lang: Mr. Speaker, I am not directly involved in that particular area of concern. It is my understanding that it is the power line that is going to Marsh Lake. Perhaps the Government Leader could add something more to that.

Hon. Mr. Pearson: Mr. Speaker, that is correct. That is the transmission line that NCPC is having constructed under contract to the cottage lot subdivisions along Marsh Lake.

I believe that the contract is in the magnitude of about \$67,000.

Mr. Fleming: Supplementary, Mr. Speaker, to the Government Leader, does the Government Leader know what rate structure the consumers of that line will be on?

Mr. Speaker: Order, please. I think that question would be out of order because, apparently, it does not refer to any part of the Government of Yukon. It would be out of order to ask a question relating to another government.

Mr. Fleming: I find this very, very, very awkward, when we have a government that is supposedly a government, Mr. Speaker, that cannot answer a question as to what is going on in the Territory.

Whether they can answer it or not, I will ask it or possibly, the Government Leader could gain for me the information as to whether that line, after it is finished now, could be extended and used at a later date? Or is it just a temporary thing for there and would a new line have to go further, if, for instance, we wished to have power to Teslin?

Mr. Speaker: That question would be quite in order.

Hon. Mr. Pearson: Yes, Mr. Speaker, I would be happy to answer. I believe I can answer both questions for the Honourable Member, Mr. Speaker.

That line is an extension of the grid system that NCPC announced to this House two years ago that they were hoping to put into the Territory.

It can be extended, I am sure the Honourable Member will be happy to hear, to Teslin. It will be up to the Electrical Public Utilities Board to establish the actual rates that will be charged, but before that is done, an agreement has to be reached as to who is going to do the distribution in the area. That subject is a matter of considerable concern to this Government at the moment.

Question re: Faro School Portable Additions

Mr. Byblow: Mr. Speaker, I have another constituency matter which I will direct to the Minister of Education.

I indicated yesterday that temporary provisions for an overflow of students in my community still seem to be in the construction stage. Could the Minister perhaps explain the reasons for the delay, since we did receive the assurance last spring that the portables in question would be in place by the beginning of the school year?

Hon. Mr. Graham: Yes, Mr. Speaker, we are aware of the problem. We are very concerned that the portables are not ready yet for occupation by school students.

As I understand, there were some problems in obtaining contractors to move the portables from Watson Lake where they were located to the Faro area.

Now that the problems have been overcome, hopefully, the portables will be ready in the very near future.

Mr. Byblow: I would also like to question the Minister whether or not his Department is monitoring the Faro situation with respect to the anticipated future growth of students?

Hon. Mr. Graham: Mr. Speaker, we are monitoring the whole Yukon as far as anticipated growth patterns go.

Mr. Byblow: On the same topic to the Minister: could the Minister tell me whether the contract for the construction of the present school expansion has a specific time frame and standard penalty clause for late delivery?

Hon. Mr. Graham: Sorry, Mr. Speaker, I do not know. I will have to take the question under advisement.

Question re: Parking at Government Building

Mr. Penikett: Thank you, Mr. Speaker, I have another question for the Government Leader. In view of the traffic and parking problems which are increasingly being experienced in the vicinity of this building, can the Government Leader tell me if the Executive Committee has discussed with the Public Service Commission

the possibility of Yukon public servants working on flexible work schedules in order to relieve the congestion during rush hours?

Hon. Mr. Pearson: No, we have not, Mr. Speaker.

Mr. Penikett: Thank you, Mr. Speaker, I would like to ask the Government Leader if the Executive Committee or some representative of the Government would be prepared to open such a dialogue with both the Public Service Commission and the Territorial Public Service Alliance in the view of the increasing problem that appears to be emerging.

Hon. Mr. Pearson: Mr. Speaker, we in fact, do, to some degree, have staggered hours now. I notice that this building near empties at a quarter to twelve each day, instead of twelve o'clock, normally the lunch hour starts at that time. Now, Mr. Speaker, in respect to traffic and traffic flows around this building, I believe that really is a municipal problem and possibly that is who we should be having the discussions with.

Mr. Penikett: Thank you, Mr. Speaker. The Minister's reply reminds me of the answer I got from the Secretary when I went up to the Executive Committee offices one day and asked how many people were working here. She replied, "About half of them."

Mr. Speaker: Order please. I believe the Honourable Member is now making a speech.

Mr. Penikett: I would like to ask the Government Leader in view of his reply if the Territory will give its assurance that it will build no more large public buildings in this city without first fully consulting with the municipality concerning traffic and other problems which may result.

Hon. Mr. Pearson: I think that I can safely give that assurance, Mr. Speaker. I dearly wish that I could ask the Honourable Member a question in return, related to the same subject.

Question re: Highway Signs

Mr. Fleming: Thank you, Mr. Speaker. Just to show how slowly government goes, somewhere in 1975, 1976, there was a push towards highway signing along the Alaska Highway by the government. I notice that this year they have their highway signs put in place now. Now, I have a policy directive here which is from December 1977. At that time, they said that all commercial operators' signs visible from the highway that are located outside the jurisdiction of the municipalities and Local Improvement Districts shall be prohibited by Regulation. I am just wondering that now that the signs are in place, and the commercial signs of business places, so on, so forth, are mixed up in them and it is sort of a Mulligan yet, I am wondering if those Regulations will be brought in and when.

Hon. Mr. Pearson: Mr. Speaker. The highway signs Regulations are, in fact, in effect. Some problems, and I think probably, although this Government was not in power when they were put into effect, I suspect that they anticipated some problems. They did run into those problems. We have been dealing with them as constructively as we can.

We have found it difficult to say to operators of single facility locations that you cannot have any signs, particularly when we did not have any signs put up in their stead. But, hopefully over the course of time, we will be able to facilitate all of the operations along the highways.

Mr. Speaker: Are there any further questions?

Question re: Provincial Status/Land Claims

Mrs. McGuire: Mr. Speaker, yesterday I asked the Government Leader a question and I do not know if he understood me or not, but he did not give me a proper answer and I intend to ask this question again, Mr. Speaker.

To the Government Leader, I am asking should we receive provincial status for Yukon before the settlement of Land Claims, the question is, do you foresee this Government taking over the entire Yukon Land Claims negotiations with the Indian people?

Hon. Mr. Pearson: Mr. Speaker, I certainly understood the question full well and I can only reiterate what I said yesterday. It is beyond my comprehension that there will be provincial status before there is a Land Claim settlement.

Mr. MacKay: Supplementary to that, Mr. Speaker, if I may, on the same topic: could the Leader of the Government further clarify his answer by giving this House the assurance that the referendum promised for provincial status within the next three and a half years would be delayed if Land Claims were not settled at that time?

Hon. Mr. Pearson: No, Mr. Speaker.

Mr. MacKay: Mr. Speaker, then I would like the Government

Leader to clarify further for me the position of his Government with respect to Land Claims. Will he state now that there are circumstances where provincial status will be achieved without the settlement of Land Claims?

Hon. Mr. Pearson: Mr. Speaker, I am very optimistic that two positive things are going to happen in this Territory, in spite of some very pessimistic people.

One of them is that there is going to be a Land Claims settlement and the second is that there is going to be provincial status.

Now, Mr. Speaker, I am sorry, I cannot give you the dates, nor can I make any guarantees, but I am confident that these two things will happen and I am also confident that they will happen in that order.

Question re: Unemployment and Job Creation

Mr. Penikett: Mr. Speaker, I would like to give the Government Leader a rest and direct a question to the Minister of Education.

In view of the \$8 million annual income from unemployment insurance in the Territory, can the Minister tell the House how discussions with Federal officials are proceeding towards the conversion of some of this money into job creation projections, which meetings he referred to in the spring.

Hon. Mr. Graham: Mr. Speaker, we have only had very preliminary discussions. In fact, I had some very preliminary discussions with the Minister responsible when he was recently in Whitehorse.

At this stage, there are negotiations taking place between my Manpower Department and the Immigration and Manpower Department here in Whitehorse. That is all we have done to date. No resolutions have been passed.

Mr. Penikett: Thank you, Mr. Speaker.

On March 22nd, the Minister reported that his officials were having on-going meetings with UIC and Manpower for the purpose of coordinating job creation programs. Can we expect, in the near future, any announcements on joint action in this regard?

Hon. Mr. Graham: Yes, Mr. Speaker, we can.

Question re: Provincial Status/Land Claims

Mr. Fleming: Yes, Mr. Speaker, a question on the subject of Land Claims to the Government Leader: in the event that things are not moving just the way they should, could the Minister of Indian Affairs give the Progressive Conservative Party, this Government in Yukon, a directive to negotiate Land Claims with the native peoples before provincial status?

Mr. Speaker: The question borders on being out of order, however, I will allow the Government Leader to answer.

Hon. Mr. Pearson: Mr. Speaker, it must be well understood by the Members opposite that it is not this Government that is negotiating land claims. It is the Government of Canada negotiating a land claim settlement with the Council for Yukon Indians, which is representing all of the Indian people in the Territory.

Question re: Cost Study on Moving Goods

Mr. Penikett: Thank you, Mr. Speaker. I have a different kind of question for the Government Leader.

On March 12th, this House was told of a study being done on the cost of moving goods into the Territory by way of the Carcross-Skagway Road, as compared with costs moving the same goods by rail. I would like to know if this study is complete.

Hon. Mr. Pearson: I will have to take that question with notice, Mr. Speaker.

Hon. Mrs. McCall: Mr. Speaker, I have an answer for Mr. Penikett. I said I would have it for him today.

His question was: "The bylaws of the Whitehorse Hospital Advisory Board state the Territorial Council shall nominate a board member for a two-year term".

Since the resignation of Mr. McIntyre, the Government has not appointed a member. It will be discussed in caucus and someone will be appointed very soon. The Board is looking forward to having another member, making it easier to function.

Question re: Whitehorse Hospital Advisory Board Membership

Mr. Penikett: Might I ask a question in response to that answer, Mr. Speaker?

Did I understand the Minister correctly to be saying that the Government caucus would be determining this matter and not the House?

Hon. Mrs. McCall: Mr. Speaker, it will be referred to the House, quite right.

Hon. Mr. Pearson: Mr. Speaker, in reply to a question from the

Honourable Member from Kluane yesterday respecting the Klukshu Game Sanctuary facilities: the Parks and Historic Resources Branch has conducted preliminary surveys along the Haines Road, primarily from Kathleen Lake to the B.C. border, in order to locate suitable locations for overnight camping facilities.

At the present time, most of the outdoor recreation activities leading to overnight camping appear to be concentrated at Dezadeash Lake and in the Dalton Post Million Dollar Falls area.

In the latter two areas, the weekend salmon fishing is the predominant activity, leading to increasing numbers of residents arriving each year, most of whom require overnight camping facilities. Whereas, the Klukshu River, in the vicinity of Dalton Post, received by far the greatest concentration of fishermen, the salmon run also results in extremely high concentrations of bears.

It is an accepted fact that bears, people and salmon do not mix if the safety of people is of prime concern. This is evidenced by the relatively high number of bear attacks and maulings that have occurred in the past years, all within a relatively short distance of Dalton Post.

It would be negligent of this Government to provide camping facilities which, in essence, invite users to a site in a known high bear concentration area. As a result, we are presently favouring camping facilities which are removed from the salmon streams, but which still can provide overnight accommodation for fishermen travelling from distant communities.

At the present time, it is not the intention of this Government to close road access to the Klukshu River near Dalton Post. However, if the provision of camping facilities removed from the Klukshu River do not discourage the extensive overnight camping taking place at the river, then the enforcement of a no camping rule, or even, ultimately, road closure, may have to be considered in the interests of public safety.

Mr. Speaker: Question period has now come to a close. We will now proceed to Orders of the Day. Is there any business under Government Motions?

ORDERS OF THE DAY

Mr. Penikett: I wonder if I could just raise a Point of Order, and ask the Government Leader if he could inform the House of exactly what business we will be dealing with this afternoon.

Mr. Speaker: I believe the matters are on the Order Paper. I have yet to hear, from the Chair, of any difference.

GOVERNMENT MOTIONS

Motion No. 24

Mr. Clerk: Item Number 2, standing in the name of the Hon. Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to discuss Number 2?

Hon. Mr. Graham: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse West, that the Second Report of the Standing Committee on Rules, Elections and Privileges be concurred in.

Hon. Mr. Graham: On March 21, 1979, the Yukon Legislative Assembly resolved that the Standing Committee on Rules, Elections and Privileges consider the amendment of Standing Order 11(8). This Standing Order of the Yukon Legislative Assembly states that, "On Ministerial Statements, as listed in sub-order (2) of this Standing Order, a Minister may make a short, factual statement of government policy. A spokesman for each of the parties in opposition to the government may comment thereon for not more than five minutes, and the government spokesman may then give a five-minute reply. Mr. Speaker shall limit the time for such proceedings as he deems fit."

Mr. Speaker, I am pleased to announce that the Standing Committee has come up with the Second Report, now before you. There was some concern by members of the Opposition backbench that there was an unnecessary restriction on replies to Ministerial Statements to recognized political parties.

The Standing Committee considered this problem that the Opposition backbenchers had, and although it was of great concern to all Members of that Standing Committee, we eventually decided that the policy would continue as set in the Standing Order with certain provisions.

The first was that Ministers of this Government would undertake to ensure that all Ministerial Statements were short, factual and

were made available to Opposition Members in advance of such time that we give the statement.

I believe, the Leader of the Official Opposition and the Leader of the New Democratic Party had undertaken to allow backbenchers to reply in areas that were of specific concern to them.

Based on these facts, Mr. Speaker, the Standing Committee recommends that the Standing Order remain as is and will be reviewed again after this Session of the legislature. Thank you.

Mr. Penikett: Thank you, Mr. Speaker. I, too, would like to rise in support of this report. The question referred to the Committee was a difficult one and the Committee was, of course, concerned with a complex question of rights of Opposition Members. I am sure that everybody in the House will recall that we had some fairly colourful discussions earlier this spring about the rules.

I think the Committee, however, felt that we did not yet have enough experience and practice with these new rules to really, in good conscience, proceed with any substantial changes at this time. However, and I think that this is important, we did not close the question raised by the Independent Members in this House.

I think, the Committee has made some suggestions which are good ones, essentially that the Government front bench restrain its propensity for Ministerial Statements somewhat, that they be substantive, that the Opposition perhaps has some notice of them in advance so that the replies can be more intelligent and to the point.

I think what we have an opportunity to do in this sitting, Mr. Speaker, is the chance to see how that practice evolves and then if it continues to prove unsatisfactory to all Members, then we will no doubt be having another review of the rules at a later date.

Mr. Fleming: Yes, thank you, Mr. Speaker. I stand in support now of this report. As you all well know, I was very strongly against the way it was written before. However, I have seen some relaxation on the part of the government parties to allow the Members who are not political in the sense of political parties a chance to get their voices forward in a manner which the statements are put forth now.

If it is given to the Opposition, we, as Members who are not political, will still be in caucus hopefully with the parties and can more or less get a spokesman to put forth some review.

So, therefore, I am quite happy with the work of the Committee and I am glad that they have left it open. It shows that there is a possibility that maybe somewhere in this world a political party is not the whole thing. There might be other ways. Thank you very much.

Motion agreed to

Motion No. 25

Mr. Clerk: Item Number 3, standing in the name of the Honourable Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 3?

Hon. Mr. Graham: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Whitehorse North Centre, that the Third Report of the Standing Committee on Rules, Elections and Privileges be concurred in.

Hon. Mr. Graham: Mr. Speaker, this, the Third Report of the Standing Committee on Rules, Elections and Privileges, is in reply to a resolution of March 7th, 1979, by the Yukon Legislative Assembly, that the salaries, indemnities and allowances of Members of the Yukon Legislative Assembly, including those of Speaker, Deputy Speaker, and Members of the Executive Committee be reviewed.

Mr. Speaker, the Standing Committee on Rules, Elections and Privileges met a total of five times on this subject alone. There was a great deal, at times, spirited debate and we have come up with a list of some fifteen recommendations that we are making to this House.

I must admit, myself, that I do not agree with all fifteen of those recommendations. I have some problems with a couple of them and I know the seconder to this motion also has some problem with a couple of them. But I think, in total, Mr. Speaker, that the recommendations are a very fair indication of the feelings of the Standing Committee on Rules, Elections and Privileges.

Therefore, I am very pleased to support, in total, the recommendations, with certain reservations.

Mr. Speaker: Is there any further debate?

Motion agreed to

Motion No. 26

Mr. Clerk: Item Number 4, standing in the name of the Honourable Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to discuss Item 4?

Hon. Mr. Graham: I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Kluane, that the Fourth Report of the Standing Committee on Rules, Elections and Privileges, be concurred in.

Hon. Mr. Graham: Thank you, Mr. Speaker. The Fourth Report of the Committee on Rules, Elections and Privileges dealt with a motion of March 7th, 1979, that the Standing Committee consider and make recommendation to the Yukon Legislative Assembly on the advisability of establishing a Standing Committee on Public Accounts. This is the second half of the motion of March 7th, 1979.

The Standing Committee again met many times to consider this question. We also received a great deal of support from the Legislative staff and we all appreciate it very much.

We have come to the conclusion, Mr. Speaker, that a Public Accounts Committee would be a very desirable thing for this House.

Perhaps I can go into a few details. The Public Accounts Committee would be a committee of inquiry, whose first concern is for the vitality of parliamentary democracy. The process of scrutiny and debate within a standing committee such as this helps to legitimize the actions of government to the public.

Here in Yukon, the Yukon Legislative Assembly does examine estimates to ensure that the Government plans for expenditure are wise and learned, but the Assembly does not, in fact, complete the cycle in that there is no post-spending review to ensure that the expenditure was made by the Public Service of the Government of Yukon in the proper manner.

I think that the control of the public purse, both before and after the actual expenditure, is the exclusive prerogative of the Assembly.

For that reason more than any, Mr. Speaker, we are recommending that a Public Accounts Committee be established by the Yukon Legislative Assembly.

Mr. MacKay: I, too, rise in support of this motion and also thank the members of the Clerk's staff who put in work to produce this report.

I think it is important to emphasize that the Committee who discussed this has a majority of Government members on it and this Government has shown an ability to put themselves in the firing line and say we will subject our departments to the scrutiny of a Public Accounts Committee. I commend them for that and I think that is an excellent show of responsibility on their part.

It is also a further stage in the evolutionary government, a much more important stage, I would say, than the puffery that has gone on and that the actual day to day administration of this Government will come under the subsequent scrutiny of Members of this House, will strengthen this House and responsible government will truly come home to roost in Yukon as these kinds of things occur.

So, I am very happy to support this motion, Mr. Speaker.

Mr. Penikett: Thank you, Mr. Speaker, I feel bound to say a couple of words, because of my usual modesty, Mr. Speaker.

I was, I think, to blame for first proposing the establishment of this committee, in the Rules, Elections and Privileges Committee. I won the battle briefly, lost it briefly and I am hoping today to win it again.

I want to say I appreciate the work that all Members of the Committee have done, particularly the Government Members in this, because I think that they have been persuaded of the profound constitutional importance in the development of this institution because it, as the Minister said, completes the other half of the equation, if you like, to establish that basic parliamentary principle and that is the legislative control of government expenditures. I think that without that, we are still some way from achieving the kind of responsibility that we all seek.

For myself, Mr. Speaker, I will just say that if I achieve nothing else during the life of this House, I think that we should be proud that we have participated in the creation of a Public Accounts Committee.

I would like to, as other Members have, thank the officers and the staff of this Assembly for the work that they have contributed in the development and I look forward to the workings of the Committee.

Mr. Speaker: Any further debate?

Motion agreed to

Motion No. 27

Mr. Clerk: Item Number 5, standing in the name of the Honourable Mr. Pearson.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 5?

Hon. Mr. Pearson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member Leader of the Government, seconded by the Honourable Minister of Municipalities and Community Affairs, that the Honourable Mr. Graham be substituted for Mr. Tracey as the sponsor of Bill Number 12, Medical Profession Ordinance.

Hon. Mr. Pearson: Mr. Speaker, as I am sure all Members of the House are aware, rules require that Government bills be sponsored by Government frontbenchers.

Due to the untimely and regrettable necessity of Mr. Tracey to leave the Government front bench, we were left, during the previous recess, with one bill on the Order Paper, that being Bill Number 12, Medical Profession Ordinance, and now find it necessary to, by this motion, change the sponsor of the Bill.

Motion agreed to

Motion Number 28

Mr. Clerk: Item Number 6, standing in the name of the Honourable Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to discuss Item 6?

Hon. Mr. Graham: Yes, I am.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse Riverdale South,

THAT the Standing Committee on Rules, Elections and Privileges:

1. Review all conflict of interest provisions relating to members of the Yukon Legislative Assembly and elected members of the Executive Committee; and

2. Report to the House any recommended amendments to those provisions.

Hon. Mr. Graham: Mr. Speaker, I believe that it is of vital concern to all Members of the Legislature, the conflict of interest guidelines. I think that it is important, in this motion, that we are asking the Standing Committee on Rules, Elections and Privileges to review all conflict of interest provisions, both those that apply to the Yukon Legislative Assembly and those that apply to Executive Committee Members.

The conflict of interest provisions that do apply to Executive Committee Members are a responsibility of the Government. We feel that if the Committee as a whole, the House as a whole, decides what these conflict of interest guidelines are, possibly we will get a fair and more complete review of the guidelines.

Mr. MacKay: Yes, Mr. Speaker, I seconded this motion because I agree with it, but also because I think it is important to make sure that it is regarded as a non-partisan approach to this problem.

As you all know, I have run afoul of some of these rules and regulations, which I have admitted to, but I do feel, though, that the rules are too tight, both for elected Members and for Executive Committee Members, and that a thorough review, in the light of what I would call unique Yukon circumstances relating to the smallness of our population and the few number of people who are actually able to run, that the Committee should look into these things, carefully reviewing all other comparable legislation, but also remembering that Yukon is unique in this respect.

I look forward to seeing the Committee's recommendations.

Hon. Mr. Pearson: Mr. Speaker, I am most happy to see this motion here before us today. I would urge the Committee to get to work just as quickly as it possibly can, for obvious reasons. There will no longer exist an Executive Committee and there will be established an Executive Council and I would anticipate that these conflict of interest terms of references should be applicable to the newly formed Executive Council.

Motion agreed to

Mr. Speaker: We will now proceed to Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

Bill Number 20: Second Reading

Mr. Clerk: Bill Number 20, standing in the name of the Honourable Mr. Pearson.

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 20, entitled An Ordinance Respecting Income Tax, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Hootalinqua, that Bill Number 20 be now read a second time.

Hon. Mr. Pearson: Mr. Speaker, the imposition of Yukon Income Tax through our Yukon Income Tax Ordinance, and a collection agreement with the Federal Government, will provide Yukon with an income system similar to all the provinces and the Northwest Territories.

At present, Yukon is the only jurisdiction in Canada, with the exception of Quebec, not under this kind of arrangement.

An agreement with the Federal Government will enable the Federal Government to collect all taxes and administer the Ordinance on behalf of Yukon as it now does for all the other provinces except Quebec. No additional costs will accrue to Yukon for this service.

Implementation of Yukon income tax and the collection agreement will provide Yukon with tax payments on estimated tax yields on a more current and realistic basis than the present grant-in-lieu-of figures. Estimated figures will be adjusted for actuals over a two-year period.

The grant-in-lieu-of figures is estimated and not updated or adjusted once it is set for the year.

Implementation of Yukon income tax will enable the Yukon Legislative Assembly, after one year, to raise or lower Territorial income tax rate as they deem appropriate. Under the present arrangement, Yukon has no say over the rate structure.

For the 1980 year, taxpayers in Yukon will not be paying a higher or lower rate. The Yukon rate of tax for individuals will remain at forty-three per cent and corporations will remain at ten per cent.

Mr. Penikett: Thank you, Mr. Speaker. I would like to begin with a quote from a famous American millionaire, J. Pierpont Morgan who said, "Anybody has a right to evade taxes if he can get away with it. No citizen has a moral obligation to assist in maintaining the government. If Congress insists on making stupid mistakes and passing foolish tax laws, millionaires should not be condemned if they take advantage of them."

Obviously, Mr. Speaker, the income tax is a subject which inspires such intemperate remarks. It is a hot topic. What we are doing here today is a minor historical event in the political life of the Territory. So I would first like to describe, in a few words, what I think this measure is all about and then I would like to document some of the failings of the present income tax system, in which system we are about to become a full partner.

At the present time, the Federal government imposes the total income tax levy in Yukon. This levy is composed of a federal basic tax, and an additional tax of forty-three per cent of the basic Federal tax for individuals, the percentage of the basic Federal tax for corporations, as the Government Leader explained.

The basic Federal tax is levied on a common basis on all earnings in Canada. The additional tax of forty-three per cent for individuals of the basic Federal tax is levied in Yukon, the Northwest Territories and to non-residents of Canada, that is interesting, who have Canadian earnings during the tax year.

Provincial governments levy a provincial income tax, which is applied to the Federal basic tax. Provincial rates for individuals vary from forty-six per cent in British Columbia to 38.5 per cent in Alberta, with corporations paying up to thirteen per cent.

Since 1972-73, the Federal Government has included in the Financial Agreement with Yukon, a grant in lieu of income tax equivalent to: a) the percentage of Yukon taxes collected of the total taxes collected in Canada times the estimated taxes to be collected in Canada in the forthcoming year, and, b) this grant in lieu of taxes has not been subject to adjustment in later years.

The imposing of a Territorial income tax is another step towards responsible government. It takes Yukon to the same position of fiscal responsibility in respect to taxation as all provinces, by providing this government with the ability to raise approximately, I understand, eighty per cent of the operation and maintenance fiscal needs.

It allows greater flexibility in raising revenues and in setting our own spending priorities.

Initially, as the Government Leader said, tax rates would not differ from the present. However, with greater fiscal responsibility, this body could initiate or revise programs without regard to the current Federal input to our budgetary process.

The most important financial aspect of the introduction of Territorial income tax would be the taking over of the responsibility for the largest portion of revenue sources for the Territory. The Territorial Government would have a direct responsibility for raising most of the operation and maintenance expenditures. The introduction of a Territorial income tax would, I believe, bring that percentage to eighty per cent, plus. Effectively, this would mean that the government and the people of the Yukon would be responsible for raising over eighty per cent of the funds necessary for the operation of the government here. This would place Yukon at a point of financial responsibility that most provinces, with full authority, find hard to match.

Income taxation ought to be the most fair and progressive of all forms of taxation. It is a simple fact that Canada's system is not fair, and it is something less than completely progressive. It is important for Yukon to consider these facts at the outset. We should know what we are getting into. We should appreciate from the start the duty incumbent on a truly responsible government to correct, in whatever way it can, some of the faults I shall describe.

More than ten years ago, the Carter Royal Commission recommended reforms of the Canadian tax system. Income tax reform subsequently became an important topic of debate in the public policy field. Unfortunately, it was evident by 1971 that the Federal Government was not prepared to act on many of the Carter Report's most important recommendations. Instead, it implemented a watered-down, false, tax "reform" in 1972, which ensured the Canadian tax structure would remain grossly unfair.

Recent income distribution data, published by Statistics Canada, shows that no significant improvement in income distribution has taken place in the post-war period. In fact, several major studies show the deterioration of the equity of income distribution since 1965.

The tax changes since 1962 favour upper income groups, mainly at the expense of lower and middle income groups. Also, "reform" lowered income taxes relative to the pre-reform system. This results in a heavier reliance on the more regressive forms of taxation, such as property taxes and health premiums. This development should be of great concern to the Territory.

This inequitable situation has prompted much protest from governments of virtually all political persuasion and also by the federally sponsored National Council of Welfare.

In a report issued on November 19, 1976, the Council stated that the Canadian tax system is little more than a "hidden welfare system" which involves the transfer of massive tax benefits to our largest corporations and our richest citizens. It is "hidden" of course, because the tax system is so complicated, few people understand it. Most of those who do, are the ones who benefit from it. In addition, tax returns are confidential so exactly what the companies and the rich receive from the tax department is a secret which may never be known fully, even though the benefits are supported directly by ordinary taxpayers.

In the United States, the people are told how much hidden welfare is paid out to the tax system each year. The U.S. Government recognizes that there is no real difference between the kind of government expenditure normally included in the budget and the kind of tax expenditures considered as revenue cuts which would not ordinarily appear in standard government accounts.

In Canada however, the Federal Government has, up to now, refused to provide any accounting of tax expenditures. The result is that we have to rely on such agencies as the National Council of Welfare to inform us about a segment of the Federal budget which exceeds the costs of any other single national program.

Tax breaks to big corporations cost the Canadian tax payer more each year than federal spending on health care, higher education or old age assistance, or a number of programs which are being cut back because the government simply does not have the money.

If even partly cleared of unfair subsidies for the wealthy and the corporate sector, taxes for ordinary working people, for low income Canadians, for elderly people, small businesses, could be cut substantially. At the same time new programs could be introduced to help these people and to expand our economy.

My party believes that real tax reform must be one of the first priorities of the government, nationally. But we also believe that

certain reforms can and must be initiated in the years ahead at the Territorial level.

Tax exemptions are not equitable. Even the House of Commons Standing Committee on tax reform in 1971 recognized the many advantages tax credits have to offer but recommended retaining exemptions in the so-called reforms of 1972 because individual taxpayers are accustomed to them. With this kind of reasoning it is no wonder we have had no real reform.

By definition, exemptions reduce the income subject to tax. Thus the value of tax exemption increasing the taxpayers tax rate and thus the higher the income, and the least need, the greater the benefits. Those at the bottom end of the income scale, those who need it, often receive little or no benefit.

In contrast, tax credits could permit benefits to be paid out to individuals including those whose incomes are so small as not to be taxable in relation to their needs. Such a system would be more efficient and would provide average and lower income people with much larger benefits than they now receive. In brief, it would permit benefits to be directed to where they are required most while eliminating excessive benefits to the highest income groups.

Replacing current exemptions with tax credits would leave most taxpayers better off, or at least well off. Such reforms, I would say this to the Minister of Health and Human Resources, also suggest a direction for a major reform of local welfare systems about which so many people complain so much today.

Starting in 1974, the Federal Government introduced what it termed "inflation protection". This system, indexation, increases tax exemptions in tax brackets each year in line with the increases in the Consumer Price Index. This idea, which was borrowed by the Liberal Government from the Conservative Party, was presented by the Federal Government who said it would ensure that inflation-induced increases in income would not move individuals into higher tax brackets. It also argued that this would eliminate revenue windfalls to the Federal Government as a result of inflation and would make it necessary for the government to increase its rates explicitly when it needed more revenue.

While protecting against inflation is commendable, and we might wish there was more of it, the actual indexing system itself compounded tax inequities. Although indexing benefits average and lower income people more than higher income earners, in percentage terms, the reverse is true in terms of absolute dollars. Wealthy taxpayers in the highest brackets have received very large tax reductions as a result, while those in lower incomes have benefitted far less.

My Party believes that this regressive measure is wasteful and unfair. Funds which could be used through a progressive tax credit plan to help people in average and low income groups who have been hardest hit by inflation are misdirected to those far more able to meet inflationary living costs.

The cumulative annual cost of indexing in 1977 was over \$5 billion. It squandered government revenues on largely high income groups, while the Federal Government chose not to index family allowances in 1976, a continuing saving of \$300 million, largely from low income people.

The total impact was to transfer of resources from low and moderate income families to the rich, exactly the opposite process which a progressive income tax system is supposed to achieve.

In 1971, the progressive rate structure of Canada ranged from a low of zero per cent of taxable income up to a higher rate of eighty per cent of taxable income. These rates included the standard provincial rate as part of tax reform.

The rates to the low and moderate income groups increased and those of higher income groups decreased. Those at the top end of the scale received an enormous advantage. The rationale offered was to promote incentives for hard work. This tax benefit was financed by increasing the tax burden on the middle income groups income groups in Canada.

Not surprisingly, there has been no evidence that the rich are working any harder as a result and middle income groups remain overtaxed.

The only change has been that wealthy people contribute less to the cost of public services and all the others make up the difference.

In recent years, many new tax breaks have been introduced. They include registered retirement savings plans, registered homeownership savings plans, a \$1,000 income investment deduction, and so on. Even more than tax exemptions, these provisions benefit the largest incomes and the highest tax rates. Few lower or average income families can take advantage of these tax breaks.

Few can afford to save \$2,000 or \$3,000 each year in these special tax shelters.

Similarly, very few ordinary working people receive interest in investment income sufficient to benefit from the exemptions provided. The tax advantage, when there is one, is far less than for those people paying taxes at higher marginal rates.

Now the Carter Royal Commission on Taxation favoured the principle that every dollar of income, regardless of how it should be earned, should be treated in the same way for tax purposes.

This was the famous "a buck is a buck" theory, supported by my party and by many tax experts, but which was rejected by the Federal Government without apparent justification.

One of the examples of injustice caused by the rejection of the "buck for a buck" theory can be seen in the treatment of capital gains. Under current federal tax law, only one-half of capital gains, such as gains on land or buildings or shares, for example, are subject to income taxation.

At the same time, income for work is fully taxed. Since relatively few people outside the well-to-do income range receive significant capital gains, the benefit of this tax break flows almost entirely to the wealthy. For example, a couple of years ago, if I had earned \$15,000 a year as a labourer, with a family of four, I would have had paid \$2,283 in income tax. If the fellow next door, with a similar family of four, sat at home watching T.V. and clipping dividend coupons to the tune of \$15,000 a year, his taxes would have only been \$237. That is not just unfair, Mr. Speaker, that is ridiculous.

As a rule, the effective burden on capital gains income is under half that of ordinary wage and salary income.

In addition to the advantages of the \$1,000 investment income deduction and largely untaxed capital gains, shareholders also receive substantial tax advantages under dividend tax credit provisions.

In contrast, wage and salary earners pay full tax on the first dollar of income received.

Finally, it may be noted that it is the higher income groups which earn, on an effort free basis, the bulk of interest in dividend income, as well as capital gains.

Although tightened up in 1972, work expenses remain a major advantage for income self-employed people. Currently, ordinary wage earners are permitted a maximum, I think it is of \$150 tax offset for work expenses, regardless of the work done.

A fair tax system would treat work related expenses in the same manner for all workers. This is not a problem unique to Canada. I seem to remember Jimmy Carter campaigning for the Presidency against the three-martini lunch, I think it was.

In 1972, the then-leader of my Party, David Lewis, wrote a book entitled "Louder Voices". In it, Mr. Lewis analyzed recent tax treatment of corporations in this country and concluded that it was grossly unfair.

It was around this time that the well-known corporate rip-off concerns began to be expressed. In essence, the argument then, and it has not changed because the tax system has not changed other than to increase the corporate benefits, is that because of the great power and influence of large businesses and because of the complexity of the tax system, a succession of governments granted enormous concessions to big business, which have gone virtually unnoticed by ordinary people.

It has been estimated that the annual value of these corporate incentives to be in excess of \$6 billion a year. Roughly \$5 billion, because corporations are not required to current tax on their current incomes, and \$1 billion because of rate reductions in 1972.

Now, I believe that there should be a full accounting of corporate tax concessions at the federal, provincial and, if possible, territorial level. In these times of restraint, Yukoners should have the right to choose whether they want to cut a dollar for health care, schools, housing assistance for pensioners, or whether they want to cut a dollar in tax relief to certain groups, many of which are highly profitable and foreign owned.

To date, because there has been no accounting in the value of tax concessions, incentives and the like, government often feels that it has no alternative but to cut back social programs in a time when major increases in the cost of tax concessions are taking place.

There should be an annual accounting of all tax expenditures and these tax expenditures should be subject to the same careful scrutiny as other government expenditures with those that are outdated or are of questionable value being phased down or eliminated.

The argument that tax incentives have to be provided to the business sector in order to combat unemployment has resulted in millions of dollars going towards large capital-intensive projects and corporations, many of which are owned and controlled outside the country.

My Party has long questioned the use of tax incentives to encourage long-term employment, however, federal subsidies indicate it is now also an extremely inefficient way of creating jobs. A recent federal paper, for example, showed that the average cost per job created through corporate tax incentives was about \$30,000, more than four times as much as the average cost per job created through direct employment programs.

During the past few years, unknown to most of us, the standard rates of corporate taxes were reduced by one percentage point every year by the federal government, from 1972 to 1976. Additional new tax incentives were also provided, including special, low rates for manufacturing and processing activity.

These rate reductions continued even while record corporate profits were being declared. Thus, it can be seen that the contribution of the corporate sector towards the financing of public services has considerably decreased.

All of this is very important to Yukon. Our personal income taxpayers live here. They work here and they will be paying the bulk of their taxes here and suffering the great burden of any income tax increases that this Government may in future years decide to bring on.

On the other hand, some of our corporate citizens, which I would argue are now escaping much of the taxation which they ought to be paying have offices elsewhere and could, and this is a problem which was addressed when this matter was first raised a couple of years ago in this House, by virtue of their non-residency, escape some forms of taxation here.

I believe that the the national tax system, of which we shall soon be part, should serve as a major mechanism for ensuring that income is distributed among Canadians and that public services and goods are financed equitably.

It should be based on people's ability to pay. No one objects to paying his or her own share of the cost of government services so long as that share is calculated fairly in relation to people's incomes and family circumstances.

The income tax should be the primary basis for financing government. It should be restructured so that all forms of income are treated on the same basis. Tax credits, I believe, should replace tax exemption. These credits should be indexed to grow in value at least as quickly as the cost of living. Maximum marginal rates should be restored to the pre-1972 level, with major reductions for most middle or low income earners. These changes would involve a fundamental redistribution of tax burden in Canada.

Finally, top priority should be assigned to the task of integrating the income tax and transfer payments system in Canada to ensure that duplication of bureaucracy is eliminated, to ensure consistency and equity in the definition of income, and to remove the welfare stigma from people who legitimately require income support and supplementation assistance. Such a system would incorporate a strong work incentive and would be structured in such a way as to provide special assistance to the thousands of men and women in this country who are now employed, but who are not paid well enough to support their families at an acceptable standard. This would be financed by the additional funds possible through real tax reform.

I have spoken too long, Mr. Speaker, but I believe that with tax power should come tax responsibility and in the years ahead, I hope this House will do its best to reform this system in which this Bill now makes us a partner.

Mr. MacKay: Mr. Speaker, I am deeply moved by my colleague's to the left speech, so moved that I have just had to stand up and say some things about the income tax system of which we are a part, a few brief words.

My experience in this field is modestly unique in this House and I will not give a detailed resume of my experience or a detailed explanation of the Income Tax Act, or the rate at which we pay.

Suffice it to say that I have the highest regard for the drafters of the Bill before us. It was drafted in Ottawa, I believe, and I would be very reluctant to see any amendments to this Bill for fear that we would irreparably confuse the taxpayers of Yukon, not to mention their advisors.

I feel moved to comment, though, on my colleague's to the left remarks regarding the effect of this measure upon the raising of revenues in the Territory. The facts are not that eighty per cent of

the operating budget will be met from our own sources. Figures for the 1979-80 budget were that about \$13 million of grant in lieu of income tax came to the Territory.

This grant in lieu of income tax will be replaced by direct income tax transfers from Ottawa, upon implementation of this Bill.

However, \$13 million was sixteen per cent of our total budget last year. Hopefully, we cannot expect to see much more of the budget raised from income taxes in the coming years, unless the Government has plans to significantly increase the rates.

So, I feel that we are a long, long way from providing eighty per cent of the budget from our own resources. I hope that the remaining facts that my colleague presented were not as inaccurate.

The other philosophies expressed had some merits, Mr. Speaker. They were inspired by a care and in consideration for the poor and those less fortunate. However, I am afraid that implementation of his thoughts would produce a greater hardship for the very people he cares most about.

Canada lives in a competitive world and we must have competitive tax rates. I believe this is what we do have now. It is not a perfect system and it never will be. However, it does provide incentives to individual initiative, to businessmen, to the people who create employment, permanent, meaningful employment.

It produces that incentive and it fuels the free enterprise system which I firmly believe is the best way of generating wealth in order to help the very people that my colleague is interested in helping.

So, I do not feel any radical changes are required to our Income Tax Act.

That is all philosophy, Mr. Speaker. I think that my major concern is to put on record today that, while I will be voting for this Bill, because I think it is a step towards further responsible government, I think that the precipitous manner in which the Government is proceeding towards fully responsible government, and I emphasize "fully responsible government" because by that I mean paying our own way, the precipitous way in which we are heading towards this will mean that we will need to have this income tax bill in place because the next time we go down to Ottawa for our operating deficit grant, they are going to say, "Well, now that you look after your own affairs, we think that if you want to spend that much money in excess of what we gave you last year, you should raise your income tax rates. You have an Income Tax Act in place, don't you?"

We agree, yes, it is there, so we can look forward to higher, and higher, and higher income tax rates. We are just putting into place the mechanism by which this will happen. My judgment is that it is about five years premature. At least I would like to see us get over the hurdle of the pipeline and be in a position where this Territory is generating far, far more of its expenditures from internal revenues before we take this step.

As it is we could easily be stepping into the shoes of Newfoundland, or Prince Edward Island and be looking at having such high tax rates here, both for individuals and for corporations that it will be a great disincentive for future development of this Territory. I know my colleagues across the aisle are in favour of development, and I tell them now and I go on record now that as soon as they start raising the income tax they are going to find development scared away so far and so fast that they will wish that they had never passed this Bill.

Hon. Mr. Lang: Mr. Speaker, I would like to speak to the principle of the Bill for one minute. I was not intending to, but I feel that the comments made by the "Leader of the Official Opposition" should be answered.

Mr. Speaker, as the Honourable Member from Whitehorse West, spokesman for the NDP party, said very clearly, it is a historical step for Yukon, if this piece of legislation is brought forward for the deliberation of this House.

I think that all Members in this House, except perhaps for the "Leader of the Opposition," are getting awfully tired of the scare tactics that the Honourable Member has employed day in and day out since the House began to sit. If you are to follow the philosophy that is being put forward by the Honourable Member, that we cannot make decisions here until the total one hundred per cent of our funding must be from the Yukon Territory, then I think that, as a Canadian, and were I to accept that philosophy, I would say that Canada would be in a lot more trouble than it is today.

Canada is based on the equalization of payments, the "have" areas and the "have not" areas, and in order for that to work, we all must become part of Confederation.

Further to that, in respect to what the Honourable Member has said, and I say once again it was scare tactics that he has

employed, if we accept the principle that we have to pay fully one hundred per cent of the bill prior to entering Confederation, I say to you today it is not then just a question of entering Confederation, then the question would have to be put to the people of Yukon whether or not they want to be part of Canada at that time.

I think that the principle that the Honourable Member and his party, and, I would like to point out, eight years ago, endorsed provincial status for Yukon, and forty years down the road, at that time, will probably have to change their minds again and say we are prepared to depend on political patronage for the government of Canada.

I maintain that the Honourable Member does not understand what responsible government is, what decision making is. No, Mr. Speaker, the Honourable Member, in respect to whatever the Bill is before this House, whatever the matter is before this House, he would sooner depend on someone like the previous Minister of Indian Affairs and Northern Development, Mr. Allmand, to make the decisions for us.

God help us, Mr. Speaker. I will admit, as time goes on, that mistakes will be made, but at least they will be made in good faith, and they will be made by people who are responsible to the people of the Yukon Territory, not people who are responsible to some constituency, whether it be in Peterborough, or whether it be in Montreal.

Thank you, Mr. Speaker.

Mr. Fleming: Mr. Speaker, thank you. It is a very warm debate. However, as a Member who was here four or five years ago when we spoke on the same subject of income tax, not as a bill, but I do welcome the Bill to one extent, at that time I had some problems with the income tax in the Yukon Territory in the sense that we have a very large transitory work force and that I do not think can be corrected by this Bill, or any other Bill. It is just one of those things we have to face and you might as well say you have got it, there is no use in trying to get around it.

I will say that this is an historical event but, of course, historical events do not feed people either. We have to go a little farther than that.

As far as the Minister and his sharing and the thinking that all of Canada shares, I would just maybe take a little look at Alberta and think a moment of how they love to share what they have today. Sometimes it just is not that way. People do not share, you make your own way. I can see in the future that if this Bill is not taken care of differently I think than the Federal Government has taken care of it in the past hundred years, or twenty or thirty since we have had it, whatever, that it could create a problem in the Yukon, in the very thing that the Leader of the Opposition has said. There is a possibility that we are going to be asked to pay our own way and I suppose we will be up and we will probably pay it because we do not have much choice. However, I have only one or two small remarks to make and I have made them many times about income tax, and I hope that this Government can foresee things and I hope they are a little more fair to the poorer people.

I find in the Income Tax Act today that the poorer people in Canada cannot really afford to eat bread and butter because the Federal Government is taking the butter off it before they ever get it, so they are just eating dry bread, because of the basic fact that they do not give you enough exemption before they start to take the tax off.

If you want to look back at the tax years ago and then look at inflation, you will see that the rise in the exemption has in no way kept up with inflation. Your \$2,350 would not buy food for any more than a few months today for one person.

Yet, if you made \$3,000 they are going to be taxing you on \$700 of it and taking some of the money off you, before you have even made a living. I would hope that this government and any government succeeding this government would look into that situation and see that the exemption does not start before the poorer class of people at least had food on their tables. Thank you Mr. Speaker.

Motion agreed to

Bill Number 25: Second Reading

Mr. Clerk: Second reading, Bill Number 25, standing in the name of the Honourable Mr. Pearson.

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Hootalingua, that Bill Number 25, entitled Statistics Ordinance, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member from Hootalingua, that Bill Number 25 be now read a second time.

Hon. Mr. Pearson: Mr. Speaker, the purpose of this Bill is to create a statistics agency under the authority of the chief statistician with data gathering powers and protection of privacy similar to Statistics Canada.

This agency will make it possible for the government to collect data and compile statistics on aspects of Yukon which are not available from Statistics Canada. Because of the confidentiality requirements, it will also be possible for the Government of Yukon to negotiate an agreement to obtain access to data collected by Statistics Canada and where Statistics Canada may only report statistics based on the larger unit.

The Bill provides for the Commissioner to establish controls to prevent unnecessary duplication of data gathering by different departments or agencies of government and to set technical standards to ensure uniformity and high standards for statistics produced.

Mr. Penikett: Just briefly, Mr. Speaker. I think it was Mark Twain who said, "Lies, damn lies and statistics." I think that what is proposed in this Bill is a pretty good idea.

As I think that all Members know, I have had some serious concerns about data collection of this Government and the reporting of some data and the consistency of some data and I think that if we can establish some statistically reliable, scientifically established and consistent methods of gathering and recording data, I think it will be a good idea. I have a number of questions to ask when we get into the Committee stage about the particulars of the Bill, but on the whole I would like to give my support, Mr. Speaker.

Motion agreed to

Bill Number 16: Second Reading

Mr. Clerk: Bill Number 16 standing in the name of the Honourable Mr. Pearson.

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 16, entitled Parks Ordinance, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Hootalinqua, that Bill Number 16 be now read a second time.

Hon. Mr. Pearson: Mr. Speaker, the purpose of this Ordinance is to enable the government to establish territorial parks or a system of territorial parks in the Territory.

The Ordinance follows a similar legislation in the provinces. It is not intended to be as restrictive as Federal legislation on the same subject. Under the Ordinance, the Government may acquire and develop lands for the purposes of establishing a park or park reserve.

All parks will be classified in accordance with the list established under Section 7, and the master plan will be established ahead of time in respect of each park. In the park system, zoning will enable different classes of parks or different areas within parks to be managed according to its purposes and capabilities.

Provision is made for the administration of parks, prior consultation with the public or its representatives, the establishment of an advisory committee, the holding of public meetings, the provision of facilities for the public, and the making of regulations to amplify the powers of the government in the administration of the park system. The park system caters to the multi-use concept, and the powers and obligations of the government in that regard are reflected in the Ordinance.

Mr. Penikett: It seems that we are dealing with a lot of important bills this afternoon. I would like to begin my remarks with a story that might be true. I am told that somewhere in the north a new mine was opening up, and to celebrate the occasion, CBC radio was interviewing an old Indian woman who had lived on the site all her life. "When I was born," she said, "there was nothing here but little furry animals, trees and rocks. When I was a little girl with a bunch of Tories came up here and cut down all the trees, and went away again. When I was a young woman, another bunch of Tories came, trapped all the little animals and went away again. Now, be darned, she said, if they are not back for the rocks."

I believe that it is this type of development pattern that creates society's demand for parks in the north. However, I think we have to recognize that different people have different ideas about parks. To some big city dwellers, parks are places where the bands play on Sunday, and the mothers hang out the rest of the week.

I think, from what I have heard around the Territory, to some Indian people, parks reflect a special kind of insanity peculiar to western civilization. In a way, they represent the dominant theme of our culture: man against nature. According to this thinking,

man and nature are separate, and mutually hostile. In its extreme form, this world view has it that man is winning the war against nature, and nature, like some endangered animal species, should be protected in a natural environment, like zoos and natural history museums. Some traditional Indians see themselves as a part of nature, and as one with the land and their environment. This vision sees the harvest of natural resources by man as part of a biological chain. It sees man taking no more from the land than he gives back. In this light, parks are unnatural. They become areas full of old and dead trees, and weak and overpopulated animal species.

Of course, today, land is often seen by man as a source of profit, something to be tamed or conquered. For this reason it is probably a good thing to set aside some areas for the peace and recreation of the majority who toil in the offices or mines and dwell in apartments or suburbs. For this reason, I must confess, I rather like parks.

Canada as a country can be proud of its National Parks; the provinces too have done some good things in this field. That Yukon wants to do the same is fine, but I have one obvious question. I wonder if I have been surprised, have the Yukon Indian Land Claims been settled over night without my being told? I thought not. I wonder if the Council of Yukon Indians have been consulted about this Bill in the same way municipalities are consulted on legislation concerning local governments. Probably not.

I will not repeat myself on this point, but I would press upon the Government this thought: parks are pretty profound and important, and in many parts of the country, they have turned into a fairly permanent form of land use.

I would think, and I say this with all seriousness, that for a government to appear to be siding with the Federal Government against a large part of its own community could give us some problems. One result of doing this kind of thing without consultation could be to so fracture the local population as to make the social climate, following a Land Claims settlement, quite unbearable. Big brothers do not usually assist bullies to beat up on their little brothers unless they are particularly mean and spiteful. I am certainly not prepared to make such an accusation against the Government yet. I will say while this government majority does not often seem to agree with me, I do not think that it is particularly malevolent. Enough said on that point.

One of the provisions in the Bill, and I must tell this to the Government Leader because it frankly fascinated me, was the "parkway provision". Now this may be a move of pure administrative genius by the public servant who suggested it. Many tourists to whom I have spoken complain loudly that after being attracted to Yukon by images of its wilderness and wildlife, they can drive for hundreds of miles and not see a single animal. Were the Commissioner, following passage of this law, to create parkways down the length of our major highways, I suspect that the current practice of "highway hunting" might come to a speedy end.

This would no doubt increase the appeal of Yukon highways to the travelling public, but it will almost certainly produce howls of outrage from the less athletic members of the shooting fraternity.

Mr. Speaker, I have travelled the parkways of New York State and they are quite literally a heaven of green and peace after the billboard laden, garbage strewn racetracks that are the other highways of that heavily populated area.

So perhaps, because I am feeling in a reasonably good mood today, we could save the administration some strife by discussing this type of parkway when we are in Committee. Recreation parks are obviously much needed in places like Whitehorse. I think it is an excellent idea to set aside some parcels of land before the demands for developable land leave little left for recreation. The Chadburn Lake preserve could one day be something of which every citizen speaks as lovingly as many Vancouverites do of Stanley Park.

My Party likes the idea of zoning of land, even though I wonder about the creation of so many park zones in Yukon so early in our development, as are proposed in this Bill. If we were really audacious I suppose we could force the federal land issue by simply "parking" the whole Yukon and giving the parks committee, or board proposed in this Bill, a mandate to function as a planning or a zoning board for the whole Territory. Well, I just wondered if the Government might be trying, Mr. Speaker. The Federal Government, of course, might not find such an initiative amusing at all, but it would certainly generate some heated debate. The Government Leader tells me it cannot be done, but it would not surprise me if somebody over there tried.

I am being a bit facetious, Mr. Speaker, but the content of the Bill

does concern me in this respect. It is something I have raised in connection with other Bills, but the Commissioner is given, and I understand the legal reasons for this, but many general powers, and most of the particulars seems to be potentially left to the Regulations. This is something I know my friend from Campbell has spoken at great length and great frequency about in the previous House and it is something I had hoped we would not see too much of with the legislation coming from this Government. But again, that is something I think we could deal with in Committee.

Mr. Speaker, I would just like to say I think I will vote for this Bill. I really hope that the Government does not start creating parks like crazy before Land Claims are settled, because I think that could end up pushing us into all sorts of ugly brouhahas, but I will support the Bill.

Thank you, Mr. Speaker.

Mr. MacKay: Yes, Mr. Speaker, I am going to ask the indulgence of yourself and the House, if I could ask for an adjournment of this debate, mainly because I was not, and I find my colleagues to the rear were not, anticipating having to debate this particular Bill this afternoon and this may be a problem of communication on my part.

I would therefore move adjourned of debate.

Mr. Penikett: Could I just speak on that point of order, Mr. Speaker.

Mr. Speaker, the reason, before we went into Orders of the Day, when we had a brief lull in the proceedings, I asked the question about the bills we were dealing with, because even though, as you correctly pointed out, sir, they are all printed in the Order Paper, was that I was a little suspicious about our ability to get through all the business that was proposed on the Order Paper today.

It would have been of some help if we could had some guidance at the outset of the day about exactly what bills and in what order we would have been dealing with them. That was the purpose of my original intervention.

Mr. Speaker: Yes, the Chair would entertain a motion for adjournment of debate. However the Chair would make the comment that it is becoming extremely alarmed at the use of the adjournment of debate motion.

Usually the adjournment of a debate is for some very necessary or very urgent requirement and I would hope that the House would not further the precedents that have been established here in the last number of days in adjourning debate on bills and motions in a manner which could be construed as being somewhat unnecessary.

Mr. MacKay: I would move adjournment of debate.

Mr. Byblow: I second that.

Mr. Speaker: It has been moved by the Honourable Leader of the Opposition, seconded by the Honourable Member from Faro, that the debate do now be adjourned.

Motion agreed to

Bill Number 27: Second Reading

Mr. Clerk: Bill Number 27, adjourned debate, Mr. Byblow.

Mr. Byblow: Mr. Speaker, I have some thoughts to share on the principle of matrimonial property legislation. It is my hope that my comments will be taken constructively and not provocatively.

Firstly, I would like to extend to the Minister responsible commendations for his aggressive approach to instituting this reform, but I believe also, as pointed out yesterday, that this legislation is contradictory in its intent.

I think probably the simplest way to put it is that this legislation does not recognize the equality of partners in a marriage. That is a principle that it set out to promote.

I would take issue with the Minister that particular clauses of the Ordinance recognize assets outside the family home. I would submit that these clauses only apply in exceptional cases

Mr. Speaker, I must point out that I circulated copies of the White Paper and various other critical analyses of this proposed legislation within my riding and, of course, for the benefit of the Member from Mayo who is not here, I sent copies of the actual Ordinance out to Faro last night and there is an alarming concern, Mr. Speaker, that I must relay to the House that, by circumstance, has to be a concern of a number of residents across the Territory.

By virtue of their employment as miners in a mining based community, a great number of people do not own their homes and they pay very little, if any, rent. In fact, in these cases, there are very few family assets.

Because they do not have mortgage payments, a number of these

people in mining communities, have business investments or other accumulated assets that are not part of the family operation. Again, I do not think that there is an argument to suggest separate property, because that suggests worth of a spouse towards the contribution. That principle denies what we are trying to establish in basic principle here, that of equality.

Again, in a mining-based community, as perhaps in other communities, the principal wage earner is capable of these investments only on the strength of the spouse who attends to the other obligations of the marriage. This is, perhaps, particularly true in, as I pointed out to you, mining communities such as Faro, perhaps Elsa, where the principal wage earner, again, is engaged in sort of a rotating shift work situation which requires his absence from the home at various hours around the clock.

I am saying this is a norm and not an exception. My reading of the Ordinance does not uncover any guarantee of equal division of property accumulated under these circumstances.

I suppose it boils down, Mr. Speaker, to the disagreement in principle over this Bill with respect to the division of business assets. Again, the Minister claims that there are provisions in the Bill. I say they are optional, they are discretionary and therefore inadequate.

What is more, and that is a point that has not been emphasized, is that the onus, the onus of proof, is on the person without the assets to prove a rightful share from the one who has the assets.

I do not think that point has been made well enough. It is the disadvantaged who are further disadvantaged.

I agree with one of the previous speakers who said that material property is given a higher status than the aggrieved spouse in this Legislation. Because the aggrieved spouse in a division of property situation has to go to a second court to prove a contribution to any other than family assets, I think there is an injustice perpetrated here. It denies the equality principle, it places the onus on the person without the assets for proof. In other words, it simply does not go far enough.

I think it also must be said, and this I say for the benefit of the Member from Tatchun, that I believe it is sort of a redundant argument to say that we have not been created equal and therefore equality in division of assets is not to be expected.

I think equality and ability is not the principle at all. It is like judging the worth of a marital contribution. What we are talking about is property division in a marriage partnership, not mental or physical capability.

Mr. Speaker, to me it seems that the institution of marriage assumes a decision of partnership towards whatever comes out of that marriage on a fifty-fifty basis. We should not be limiting the social injustice that has been prevalent in our society when there is not another contract outside the marriage contract to cover it.

I have another point to make and it relates to a point raised yesterday. I think common-law marriages are recognized. In fact, again, in my community, cohabitation, when proven under certain guidelines, actually qualifies people for housing status, for housing provisions. To permit an option, Mr. Speaker, for common-law marriages into this legislation is not bestowing a kind of ritual blessing on the arrangement. It is simply allowing a freedom, a freedom of choice, which, to my understanding, is a right.

Mr. Speaker, I am not sure I will be supporting the Bill as it stands, but I do not want to see changes held up indefinitely. I would encourage the Minister to, perhaps, bring in some amendments as soon as he can.

I think this type of legislation is a credit to the Territory. It is a credit to your Government and I would like to see it go on.

Thank you.

Hon. Mr. Lang: Mr. Speaker, it was not my intention to speak to the principle of the Bill. I felt that my learned colleague, the Minister of Education, had explained it fairly well.

But, obviously from the comments that are made from the side opposite, nobody understands the Bill and I think, perhaps, maybe further clarification is necessary for the particular bill in question.

First of all, I would like to refer to the comments made by my learned colleague from Whitehorse West in respect to the timeframe that was spent in developing this piece of legislation. I think there has been a lot of time put on it and I think, at the same time, the Minister of Education has had the ability of drawing a great deal of information from the various other provincial jurisdictions that have already pioneered in this area of legislation.

I take for an example, Mr. Speaker, that Ontario set up a commission some time ago for over a year, deliberating this type of legislation. Business assets was one area that was seriously consi-

dered.

As it turned out, Mr. Speaker, they looked at it, examined it very closely and they found that they had to recommend against including business assets in the legislation.

Mr. Speaker, the situation is such that, from at least my point of view, and the Minister of Education's in examining this particular area, is that drawing business assets in would be a very easy political thing to do. But at the same time, I think we have to examine our legislation from the point of view of how it is going to work in reality.

I have heard nothing but political rhetoric from the other side, but I have never heard any fair description of how individual cases would be dealt with, if legislation was put into place that we had fifty-fifty sharing of business assets.

In fact, Mr. Speaker, some of the provinces that have had this type of legislation on a fifty-fifty cost-sharing basis, in one particular area, I was told by an individual who had a daughter working in a large accounting firm who dealt with various large corporation affairs, that, with the legislation that is now in place with the provisions that the opposite side would like to put in, the accounting firm, every time there was a separation or a divorce called for a champagne lunch for their staff.

Obviously, the legislation on business assets, if we were to go the route that the Members opposite are advocating, would in all likelihood not benefit the spouses the legislation is designed to help correct their situations, but it would help the two professions, accountants and the legal profession.

Mr. Speaker: Order, please.

Mr. MacKay: The Minister opposite appears to be making a clear inference that my support of the division of business assets is related to the fact that I might benefit from this in my profession and I think that should be withdrawn.

Mr. Speaker: Order, please. The Chair has not noted that there was any inference, however, I would hear more debate if that be the case.

Hon. Mr. Lang: Mr. Speaker, although I have nothing against the two professions and I am not referring to anybody in particular in respect to those particular professions, I would like to think that the legislation that we are going to be deliberating and passing in this House would be designed in such a manner that it would be there to help, in every way possible, those individuals who come across matrimonial problems.

Mr. Speaker: Order, please. There has been a Question of Privilege raised and that is as to whether or not there was an inference spoken.

Hon. Mr. Lang: There was not.

Mr. Speaker: The Chair did not note any such inference and I would ask the Honourable Minister if, indeed, there was any inference as to the Point of Privilege raised by the Honourable Leader of the Opposition.

Hon. Mr. Lang: No, there was not, Mr. Speaker.

Mr. Speaker: It would appear then that there is no Point of Privilege.

Mr. MacKay: I will accept the Honourable Minister's statement.

Mr. Speaker: Will the Honourable Minister please continue.

Hon. Mr. Lang: Thank you, Mr. Speaker.

I would like to bring debate, as I said earlier, down to reality and maybe take a couple of examples of how it could possibly work if we did go the route that the Members opposite are recommending.

I think, Mr. Speaker, one of the major points that has not been expressed in the House is the possibility that an amendment of the kind that the Members opposite would consider could actually be a deterrent or work against an individual's ability to get credit. I am talking about small businessmen.

If you would cast in stone the business assets have to be divided on a fifty-fifty basis, the financial community would probably tighten up their issuance of credit.

Some Honourable Members: Ah, come on!

Hon. Mr. Lang: The reason I say this, Mr. Speaker, is because if a married couple who had had a small business like, say for example, a dress shop, and the business had to be split fifty-fifty as they could not reach any amicable agreement prior to disposing of their assets, it could quite conceivably have to be sold.

I think, Mr. Speaker, as we all know, when one is forced to sell something, it sometimes goes at a lot less value than what it is actually worth. In fact, to the point that it could be at forty cents to the dollar, as low as that.

This, in effect, I do not think would benefit either spouse and, as you can see, if the business assets are split in this manner, the financial institutions would undoubtedly ask for more collateral in any lending arrangements.

Mr. Speaker, I have talked to a number of people in the lending institutions and that is their first reaction. They have not had time to study the proposal, but they feel it could really affect an individual, a newly married couple who wanted to go into business. They say there would be more risk involved now, in view of the legislation that could conceivably be passed if we were to accept the proposition put forward by the other side.

Now, Mr. Speaker, I would like to take another example. I want to get this down to earth. Let us take a partnership case where, say for example, Mr. White, Mr. Jones and Mrs. Smith are in a law firm. They have been together for ten years. They have been successful. Mrs. Smith has been married for one year and she runs into marital problems.

I have to ask the House, is it fair to split her share of the business fifty-fifty when Mr. Smith was not involved in the business?

I submit to you, Mr. Speaker, obviously it is not.

The other point, I think, Mr. Speaker, that should be raised, is it fair to the other two partners? If you were to enact the legislation that they are inferring should be enacted, their business would be in peril as well and, indirectly, their families, if you said a fifty-fifty split in a business asset.

Mr. Speaker, I would expect that the courtesy would be extended to me, as I attempt to listen to all other Honourable Members when they are speaking, without interrupting them.

Another point I wanted to make is the inference given here by Members that everyone here assumes that all businesses make money. I think it is fair to say that this is not true, and I am sure that if I went to the same statistician, that the Leader of the Official Opposition had gone to for statistics, that we would find that, probably, the majority of people in small businesses, to a great extent, have fairly major liabilities. Therefore, it would follow that if you were to go along the concept of business assets, to be put into legislation, it could quite conceivably happen that you would be forcing, for example, a spouse with five children to incur the liabilities of a business. Say, for example, if the liability was for \$200,000, then each spouse would have to take the responsibility for fifty per cent of it.

I think that, in deference to what Members have said up to date in respect to the principle of this Bill, it is important to look at how it would actually work once it is implemented.

I think that we are better off putting the division of business assets and leave it up to the judiciary. Otherwise, I think that we are going to get into a situation that no one will even be able to contemplate, and I tell you there would be a lot of Members scurrying around this floor, coming back with amendments after it had been in place for two or three years. Thank you, Mr. Speaker.

Mrs. McGuire: I did not really have any intention to speak to this Bill. I did not intend to say much about the Ordinance, other than it is a step in the right direction. I like most of the clauses it contains, and I do share with my colleagues here the same opinions that something is missing in this Ordinance, and that is the part, of course, of equal split of business assets between man and wife.

I can also see that this is a subject that is delicate and that will need a terrific amount of work, which cannot all be done here today.

In order to devise a suitable solution, because of the enormous complexities of many man and wife business arrangements, I hope that this is brought back very soon for amendment, if it is passed. Nor can we bury our heads and ignore the common-law arrangement issue. No one here should really condone people living out of wedlock any more than we can condemn them, but, as you all know, it is fast becoming a way of life, and should be recognized as such.

Most common-law arrangements, of course, are just as complex as the first issue that we were talking about. Who are we to judge? We are here to make laws to govern the welfare of all people. I can foresee a lot of problems with this Government, if such issues are not dealt with with an open mind. This is your job. You are the experts who must come up with the solutions. Rather than coming up with absolute positive arguments, and absolute negative arguments, let us try to arrive at a solution.

Mr. Speaker: I must caution the Honourable Member that in speaking, he will now close the debate.

Hon. Mr. Graham: I believe, Mr. Speaker, that everyone who wished to has now spoken.

I think it is very important that we clarify a few points. I accept some of the responsibility for the criticisms that I am about to level against the Honourable Leader of the Opposition, because I did inform him that there was not a whole lot of difference between the White Paper and the Ordinance that was presently being brought to this Legislature, but I did so in the total ignorance that he had not even read the policy paper.

Everyone in the Yukon, Mr. Speaker, was able to hear the Leader of the Opposition espousing his ill-informed criticism of that policy, all over the news media roughly four months ago. He was on the radio, quoted in the press, attended meetings, et cetera. At that time he even went so far as to say that women in the Yukon were better off without the Family Assets system put forth in this Ordinance. They were better off under the current system of separate property.

This is so ludicrous, Mr. Speaker, so erroneous that his comments, at that time, did not even deserve a reply. However, Mr. Speaker, four months have passed. The Honourable Leader is still espousing the same ill-informed, erroneous criticism. The people of the Yukon, I feel, Mr. Speaker, are being very badly served by the misinformation he is so freely handing out. Let me be specific. His comments are so obviously in error, Mr. Speaker, that he has made my job extremely easy. I am, in the words of the Honourable Member from Mayo, truly numbed.

The following are the quotes from the Honourable Leader of the Opposition, Mr. Speaker, and it is really the theme of his entire criticism regarding the policy paper and the bill we are now addressing. "Only direct contribution, either in the form of labour or money is recognized". Now that is a direct quote, last night, from the Leader of the Opposition in this House. He is referring, of course, to the division of business assets. He is saying that only direct contribution by a spouse to a business will be recognized. Mr. Speaker, that is totally a false statement.

The Leader of the Opposition, I do not know where he got the information but he is getting some very bad information somewhere, Mr. Speaker. He cannot seem to find the time to read the Policy Paper or the proposed Bill, so I suggest that he find someone who can. Right now he is getting very, very bad information and he does not seem to realize it. I hope that he would come to me in the future and I will be happy to set him straight.

I now take the time to explain it to him, Mr. Speaker, with your permission. This is a very crucial point of a very important Bill, I feel, and it is absolutely necessary that I clear up this issue.

First I direct your attention to the Policy Paper. Page 16 of that Paper clearly states: "that provision is also made for a spouse to receive a share in assets other than those defined as family assets where it can be shown that she contributed to their value, whether directly by providing work, money, or money's worth, or remotely by relieving her spouse of some of his responsibilities, such as care for his children."

Also, Mr. Speaker, in that four month old policy paper, page 22, we state: "The Court, after considering the statutory guidelines, has authority to order that one spouse receive a share of property that is not a family asset, including business assets."

Now to turn to the Ordinance. Last night in my opening remarks I made specific mention of two sections in this Bill regarding division of business assets, Section 6 and Section 15. Again, I accept the blame as these two obviously escaped the notice of the Leader of the Opposition. Section 6 states that the law shall take...

Mr. Speaker: I do not believe it will be proper for the Honourable Member to discuss the specifics of the Bill. It would be more proper to relate his remarks to the principle of the Bill.

Hon. Mr. Graham: Yes, Mr. Speaker, I shall. The principle that I am trying to get across, and I realize that over the past four months we have had a great deal of difficulty getting this principle across. I hope that in the next couple of days we will. A direct contribution is, of course, recognized in the division of business assets. But indirect contributions which are also recognized must be decided by the court. I find it unbelievable that the Honourable Leader has not yet recognized that indirect contributions to business assets may be divisible under the guidelines of a court.

I regret that I have had to take the time of the House to explain something that was clearly spelled out four months ago, but I believe it was necessary. I also believe that there were a couple of other erroneous statements, one about the smart businessman who is going to put all of his family assets into the name of his corporation or business. Under this legislation, it will not be possible. When the smart businessmen acquaint themselves with this Ordinance, I am sure they must see that it would truly be impossible. This is another reason why we are allowing courts to exercise discretion regarding division of business assets.

The law does not care, under this Ordinance, in whose name family assets are held. Quite simply, if it is a family asset, it is divided equally. This is not something, believe me, that we have not already given considerable attention to. We have provided, I believe, ample protection for both spouses under the law.

We also heard statements from the Honourable Member from Whitehorse West last night, and these were some fairly concrete suggestions regarding this Ordinance. The suggestions are worthy of discussion, I feel, and I have had my officials in the Department of Justice considering them. I look forward to discussing them in Committee of the Whole.

Mr. Speaker: The mover of the original motion, having twice spoken, has closed debate. Are you ready for the question?

Some Members: Division.

Mr. Speaker: Division has been called. Mr. Clerk, would you kindly Poll the House.

Hon. Mr. Pearson: Agreed.

Hon. Mr. Lang: Agreed.

The Hon. Mrs. McCall: Agreed.

Hon. Mr. Graham: Agreed.

Mr. Lattin: Agreed.

Dr. Hibberd: Agreed.

Mr. Njootli: Agreed.

Mr. Falle: Agreed.

Mr. Tracey: Agreed.

Mr. Hanson: Agreed.

Mr. MacKay: Disagree.

Mrs. McGuire: Disagree.

Mr. Penikett: Agreed.

Mr. Fleming: Disagree.

Mr. Byblow: Disagree.

Mr. Clerk: Mr. Speaker, the results are eleven, yea; four, nay.

Motion agreed to

Mr. Speaker: We will now proceed to Third Reading of Bills.

Bill Number 14: Third Reading

Mr. Clerk: Third reading, Bill Number 14, standing in the name of the Honourable Mr. Pearson.

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 14, An Ordinance to Amend the Fur Export Ordinance, be now Read a Third time.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 14 be now Read a Third time.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 14 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 14 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 14 has passed this House.

Bill Number 18: Third Reading

Mr. Clerk: Bill Number 18, standing in the name of the Honourable Mr. Graham.

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 18, An Ordinance to Amend the Legal Profession Ordinance, be now Read a Third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Mayo, that Bill Number 18 be now Read a Third time.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 18 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Mayo, that Bill Number 18 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 18 has passed this House.

Bill Number 21: Third Reading

Mr. Clerk: Bill Number 21, standing in the name of the Honourable Mr. Graham.

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 21, An Ordinance to Amend the Supreme Court Ordinance, be now Read a Third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Mayo, that Bill Number 21 be now Read a Third time.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 21 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Mayo, that Bill Number 21 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 21 has passed this House.

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Old Crow, that the Speaker do now leave the Chair and that we resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Old Crow, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I shall call Committee of the Whole to order.

Hon. Mr. Pearson: Mr. Chairman, I would suggest that a short recess would be in order.

Mr. Chairman: I shall declare a short recess.

Recess

Mr. Chairman: I call Committee of the Whole to order.

We are considering this afternoon, the Third Appropriation Ordinance, 1978-1979.

We had finished the Department of Education, so we shall go on with the Department of Consumer and Corporate Affairs. I refer you to page 9 in the green book.

On Establishment 400

Mr. Chairman: Vote 4, Establishment 400, Consumer and Corporate Affairs, a supplementary of \$2,800.

Establishment 400 agreed to

On Establishment 410

Mr. Chairman: Establishment 410, Medical Profession Ordinance, a decrease of \$600.

Mr. Penikett: Am I to judge from the fact that we saved a little money here in this item that the existing Ordinance is working out very well, proving it a very efficient Government instrument?

Hon. Mr. Graham: No, Mr. Chairman, I do not think that is a fair assumption. I think it is a fair assumption that the Department did an excellent job of budgeting under the old Ordinance.

Establishment 410 agreed to

On Establishment 420

Mr. Chairman: Establishment 420, Legal Profession Ordinance, a decrease of \$1,400.

Establishment 420 agreed to

Mr. Chairman: For Vote 4, Department of Consumer and Corporate Affairs, does the total of \$800 carry?

Some Members: Agreed.

Mr. Chairman: I declare that \$800 carries for the Department.

We shall continue on: Department of Municipal and Community Affairs. I refer you to page 12.

On Establishment 600

Mr. Chairman: Establishment 600, Administration, Supplementary increase of \$7,500.

Mr. Penikett: Mr. Chairman, I am just interested in where the Minister went with his money?

Hon. Mr. Graham: No, Mr. Chairman, it had to do with the Administration, thank you.

Establishment 600 agreed to

On Establishment 601

Mr. Chairman: Establishment 601, Community Planning and Land Disposal, a decrease of \$70,100.

Mr. MacKay: Perhaps we could have an explanation as to why this is—?

Hon. Mr. Lang: As one can see with respect to the explanatory note, it is fairly straightforward. There was a transfer to Establishment 605, in the Municipal Services, of one contract position.

Then there were the salary and professional planning contracts and other reduced contract requirements. In other words, Mr. Chairman, what happened is that we over-budgeted in respect to that particular Establishment.

Mr. MacKay: Why is this money being transferred to a different Establishment. If you over-budgeted, you over-budgeted and it should not be called a transfer. It is merely an over-budgeting.

Hon. Mr. Lang: No, Mr. Chairman, it is a transfer within the Vote, within the Establishment, in respect to man years. For examples, contract positions, if they are more apropos to be in one establishment as opposed to the other one. It is referred to in 605, if you go further down the page.

Mr. MacKay: I appreciate that. Maybe I am just not familiar with all the Government terms yet, as has been alluded to a couple of times, but you just said you over-budgeted in this area.

So you over-budgeted. Is it not really the question that when you move funds around to different establishments that you had a change in programs during the year from that which was budgeted before. It is not an over-budgeting, it is a change in what you are budgeting for?

Hon. Mr. Lang: Well, I think that is a fair analogy, Mr. Chairman, depending on the situation, but, overall, I would suggest that is a fair statement.

Establishment 601 agreed to

On Establishment 602

Mr. Chairman: Establishment 602, Protective Services, an increase of \$2,300.

Mr. Penikett: The Communications Office, safety equipment, is this anything to do with the new safe that is in the Minister's office or the new telephone, or what is it, Mr. Chairman?

Hon. Mr. Lang: The safe in the Executive Committee office has a fair history. If one looks through the annals, apparently, of the previous legislature, approximately eight years ago, you will see the reason why safes were introduced at that time. Subsequently, there has been paraphernalia that has carried on since then.

Establishment 602 agreed to

On Establishment 603

Mr. Chairman: Establishment 603, Assessment Services, a decrease of \$8,200.

Any discussion?

Mr. Penikett: I love this part here about "partly offset by Taxation Ordinance contract requirements. Is that the money that municipalities get billed for, the assessment services he is talking about there?

I notice that, in the Budget this Spring, I think they only had \$40,000 in this originally and yet Whitehorse was being billed \$8,000. That seemed to be an error that was later correct. I think it was typographical. Is that what is referred to here as "partly offset by Taxation Ordinance contract requirement?

Hon. Mr. Lang: No, Mr. Chairman. As you know, we had contracted with Mr. Smith, who was involved with the Miller Report and also, at the same time, had done an intensive review of the Taxation Ordinance.

Subsequently, that is the particular area that that is referring to.

Mr. Chairman, I am positive I am correct. I will double-check on that, but I am pretty sure I am correct.

Establishment 603 agreed to

On Establishment 605

Mr. Chairman: Establishment 605, Municipal Services, an increase of \$76,400.

Hon. Mr. Lang: Mr. Chairman, as you can see, that is more or less a transfer from 601 to 605.

Mr. Chairman: Any further discussion?

Establishment 605 agreed to

Mr. Chairman: Shall the amount for the Department of Municipal and Community Affairs of \$7,900 carry?

Vote 6 Supplementary agreed to

Mr. Chairman: Department of Tourism and Economic Development. I refer you to page 16, Vote Number 7.

On Establishment 702

Mr. Chairman: Establishment 702, Tourism, an increase of \$39,700.

Mr. Penikett: I may as well ask now, Mr. Chairman, the Government Leader knows that there were widespread press reports earlier this summer as a result of some, I call it a personnel misunderstanding, about the pending separation of Tourism and Economic Development. Is that likely to be reflected in the spring budget? I mean will the split be achieved by then or does the Minister anticipate that?

Hon. Mr. Pearson: Mr. Chairman, at this point in time I really do not know. There is a possibility that it will be. What is happening as you will see, of the \$39,000 additional, part of that was to pay for the tourism development strategy that was done under contract by the previous government. It was received after they had left office.

We have adopted portions of that and are trying to work that into a subagreement under the development agreement. We are working on that right now and should everything be in place by April 1, then I anticipate that, yes, it would be quite realistic at that point to break off, once again, Tourism from Economic Development. It would just make organization a little easier.

For the edification of the Members opposite, the \$39,700 dollars was made up of \$5,700 of casual and retroactive pay. The Tourism Development Strategy Report was \$25,600. There is an additional \$2,400 for travel, an additional \$2,600 for advertising and promotion and \$3,400 of miscellaneous expenses.

Mr. Mackay: With respect to the Tourism Development Strategy, before this amount was paid were you satisfied that indeed this amount was earned?

Hon. Mr. Pearson: Mr. Chairman, we were in a bit of a bind, I must admit, we were not overly enamoured with the development strategy report that we did receive. However, it has proven to be useful and is being used, and we had to pay for it.

Establishment 702 agreed to

Mr. Chairman: Establishment 705, Economic Research and Planning, a decrease of \$23,500. Any discussion?

Establishment 705 agreed to

Mr. Chairman: Department of Tourism and Economic Development, supplementary estimate of \$16,200.

Establishment agreed to

On Establishment 1401

Mr. Chairman: I now refer you to page 18, Department of Renewable Resources. Renewable Resources, Vote 14, Establishment 1401, Parks, an increase of \$6,500.

Mr. Penikett: Mr. Chairman, perhaps I could just make a general comment, rather than dealing in the case of the specifics. I must say, from my own point of view, and it is possible I may be alone in this view on this side of the House, and possibly even on that side of the House, but there is one area where I would have, in conscience, no problem whatsoever supporting pretty significant increases. Everything that my limited knowledge about the situation suggests to me, in terms of the resource that we are now managing, is that, no matter how good the people are we have, we just do not have enough money to do the job right. Working conditions for some of the people are just terrible, that we have here in Whitehorse. I think the whole argument that the government has made, and is no doubt continuing to make to the Federal government, about gaining control of resources, will be judged, I think, by the Federal people, perhaps not the political people, but the public servants, on the basis of our performance in the management of the one resource we now have control over.

I am not suggesting there is any easy answer to this. What I am suggesting is that if I, for one, were trying to make the case to the people in Ottawa for the management of any more resources in the

territory, it seems to me the most effective case one could make would be one based on an exemplary record, and a superb record, of achievement in the management of those resources for which we are now responsible. I submit that I do not think that is possible without a pretty significant increase in this area. Perhaps not appropriate in terms of the amounts we are talking about here, but I, for one, would just like to go on record right now saying to the Government Leader, who is presently the Minister responsible, that I would certainly like to see more commitment of energy and resources to this area.

Hon. Mr. Pearson: I must appreciate the remarks made by the Member. I am sure that this government's philosophy in respect to renewable resources will be well exemplified when we table the new budget. There will be substantial increases sought by this side of the House in that budget for this Department. In defence of what is happening at the present time, I think I should make the point that this Department is just over one year old now. It has gone through some pretty traumatic growing pains. It is an amalgamation of a number of branches. They have been put together in an organizational body, and it is now functioning, and functioning well. I am sure that they will stand the whole territory in good stead in future.

Establishment 1401 agreed to

On Establishment 1402

Mr. Chairman: Establishment 1402, General Development Agreement. An increase of \$100.

Establishment 1402 agreed to

On Establishment 1410

Mr. Chairman: Establishment 1410, Resource Planning. An increase of \$1,700.

Establishment 1410 agreed to

On Establishment 1420

Mr. Chairman: Establishment 1420, Wildlife. An increase of \$17,000. Any discussion?

Establishment 1420 agreed to

Mr. Chairman: Department of Renewable Resources, a supplementary increase of \$25,300.

I now refer you to page 21, Department of Health. Vote 15, Department of Health. Establishment 1500, Disease Control. A decrease of \$7,500. Any general discussion?

On Establishment 1500

Hon. Mrs. McCall: Mr. Chairman, the explanation that I have here, the hospitalization of T.B. patients has been greatly reduced in the past year. They have been put on control drugs and released from hospital making funds available. That is what the saving was there.

Establishment 1500 agreed to

On Establishment 1501

Mr. Chairman: Establishment 1501, Mental Health. An increase of \$19,500.

Mr. Penikett: Yes, we all know we do not have a psychiatrist right now and I think the Minister mentioned the other day that she is trying to find one.

I have heard, and I forget from where, some complaints recently about the time that people have to wait before they can get an appointment to see a mental health nurse, a psychiatrist, I mean the psychologist. They would have to wait a long time now to see a psychiatrist. While we are on this item I just wonder if the Minister can tell me if she has any knowledge of such delays and more particularly, let me deal with the crisis situation.

I am very concerned about what I hear about the response of the hospital here in Whitehorse to calls from potential suicides. We do not have many of the facilities that might be available in larger centres and I would be very interested in knowing, because we are talking about crisis situations of people with mental health problems or people with temporary mental health problems, I am concerned to know whether the facilities here, perhaps the hospital, may have a policy of automatically admitting, if you like, some kind of protective custody, someone who is a potential suicide or exactly how the local authorities respond to that.

I am almost certain that the Minister may not be able to answer the questions now, and it is not important, but I would be interested if she could find the answers, because I would like to ask about this again when we come up to budget time, some months from now.

Hon. Mrs. McCall: I cannot tell you exactly about that. Potential suicides in Dawson City, the Health Centre deals with that, because they do not come to the hospital, usually. I do not think we have

that. I think that the FISH organization used to have something like that. I do not know whether that continues now. Are there delays in admitting them to the hospital, is that what you asked?

Mr. Penikett: May I just clarify myself. There are two things: one, I have heard that people seeking some kind of mental health counselling, needing an appointment with the psychiatrist, psychologist or mental health nurse, there is some considerable delay. The nature of such ailments is that someone may have a fairly urgent need to see someone, and that may quite likely be the case.

I am concerned that there are such delays. If there are such delays, what are we going to be doing about it, because it is a problem, and it could be a serious problem here in the winter.

I was concerned when I asked the question about potential suicides in the hospital, not about how other, voluntary organizations might respond, the Crisis Centre or FISH or anybody, but how the hospital would respond, were they to have someone present themselves, or a physician refer them, or a neighbour, or a family friend phone up and say, someone is threatening to kill himself, what do I do? How would the hospital respond? Would they admit them, what would they do?

Hon. Mrs. McCall: I have some experience with that, with people who have been sent down from out of town, who were admitted and seen by the doctor on duty. There is always someone on duty. That doctor decides whether he should be admitted or not. Now, as far as delays in having appointments to see the psychiatrist, apart from the absence of a permanent psychiatrist, I do not know. It would seem that we require more services at that rate. I agree with you. I will follow that up further.

Mr. MacKay: On the same subject, in fact, I was going to raise it in Question Period but I did not think it was particularly appropriate. With respect to having no psychiatrist in Yukon, and the search for another one, which I agree is going on at the present time, and is not meeting with any great success, I have been made aware of a particular doctor who has practiced in the Yukon in the past as a psychiatrist, and now appears unable to practice here because of recent changes to the Medical Profession Ordinance, I guess the last amendment. Would the Minister undertake to consider that, in light of the forthcoming amendments to the Medical Profession Ordinance, whether or not he would still be unable to practice here?

Hon. Mrs. McCall: Mr. Chairman, that comes under the Federal government. Yes, I am aware that the particular psychiatrist will come back, and some people have prevented his coming. I do not know the reason. It is quite true, it is very difficult to get psychiatrists to come to the Yukon, or a specialist of any kind, for that matter, I believe.

Mr. MacKay: I am drawing it to the Minister's attention, because I am sure in caucus if you are discussing the Medical Profession Ordinance, this might be an area that you want to look at very carefully. If we are in fact having difficulty in recruiting specialists because of what might be construed to be extreme limitations on the qualifications that we seek, I believe it all boils down to a LLMC medical degree, which is not held by all doctors. All of the most recent graduates have this, almost automatically. It is those who have been practicing for a longer period of time who did not receive this degree automatically, and I think we should be careful considering legislation that affects the rest of your department, for example, and handling of your affairs, that we do not set the standards in such a way as to preclude some good people from coming here.

Hon. Mr. Graham: Mr. Chairman, I hate to get into debate on the Medical Professions Ordinance, but as the Member opposite realizes, there is a saw-off point here where we need to get qualified people, in an area of isolation such that we do occupy, where it is kind of difficult to get people I will admit. But we also have to ensure that the people we do get are highly qualified, and in some cases, maybe a little bit better qualified than people that are available in the major municipalities, because we do not have the choice. An area like Mayo or Elsa has only one doctor, and if that doctor is not good, and if that doctor does not have all of the required disciplines, then at some time he can run into more difficulties than if we let them enter the Yukon with lesser qualifications. But is a definite concern of ours too and we hope that when we go through the Medical Professions Ordinance to discuss it more fully.

Mr. MacKay: Without disagreement on anything that previous speaker has said, which will be unusual for me, and it will not happen again, to just point out that the particular individual in question has practiced very successfully in the past in the Yukon. So, it is a real problem.

Hon. Mrs. McCall: Would you say that again?

Mr. MacKay: The question is, he has practiced in the past, suc-

cessfully. It is not a question of him not having the known qualifications. It is a question of him not having a string of degrees or he does not have the one and that appears to be a problem.

Mr. Penikett: I do not want to stray. I just need a definition, if that would be in order. I would like to know if the Leader of the Opposition could define for me, "a successful psychiatric practice."

Establishment 1501 agreed to

On Establishment 1502

Mr. Chairman: Establishment 1502, General Health Services, and increase of \$54,200.

Establishment 1502 agreed to

On Establishment 1504

Mr. Chairman: Establishment 1504, Subsidized Medical Travel, an increase of \$21,800.

Establishment 1504 agreed to

On Establishment 1505

Mr. Chairman: Establishment 1505, Alcoholism and Drug Abuse, a decrease of \$23,800.

Mr. MacKay: Perhaps we could have the details of what Community programs were reduced, and what advertising was less than anticipated.

Hon. Mrs. McCall: As you know, this program is a little in limbo although a lot of work is being put in on it this fall.

My notes on it say, the community alcohol program was scheduled to begin in 12 communities but only seven got under way.

A pamphlet and film on alcohol abuse were to be completed last year but were actually delayed to this year creating under-expenditure of that amount.

Those are the annotations that I have for that.

Mr. Penikett: The Minister described the Department as slightly in limbo. Has someone been fired?

Hon. Mrs. McCall: No, no one has been fired. It is in limbo in that it is being looked at in its entirety.

Establishment 1505 agreed to

On Establishment 1506

Mr. Chairman: Establishment 1505, Detoxication Centre, an increase of \$17,500.

Mr. Penikett: Who is getting sick leave? There is \$17,000 for sick leave for the staff. Are they having a lot of problems there, or is some of this referring to the patients? It is a large amount. They do not have a large staff. Have we found ourselves owing these people something back from a previous time, or what happened?

Hon. Mrs. McCall: Mr. Chairman, as you know, this was before my time. I gather that additional money was required for overtime, due to sick and annual leave.

Mr. Chairman: Any further discussion?

Establishment 1506 agreed to

On Establishment 1507

Mr. Chairman: Establishment 1507, Rehabilitation Centre, a decrease of \$87,700. Any discussion?

Mr. MacKay: This is a fairly significant reduction. Could we indicate that this is not a controllable expense on the part of the Government? I presume this is dependent upon the amount of use by the public, is that correct?

Establishment 1507 agreed to

On Establishment 1510

Mr. Chairman: Establishment 1510, Administration, a decrease of \$46,400. Any discussion?

Mr. Penikett: Mr. Chairman, I would just like an explanation.

Hon. Mrs. McCall: Mr. Chairman, my explanation is in my notes. The casual position was not required for the entire year. The Medical Referee's trips to the Yukon were reduced. The physiotherapist's position was vacant for most of the year. Office supplies were bought in bulk and some major items did not have to be replenished.

Mr. Penikett: I have enough trouble with technical terms, and with bad English, too, I really have difficulty. Tell me, Mr. Chairman, through you to the Minister, excuse me for displaying my ignorance, but what is a Medical Referee?

Hon. Mrs. McCall: I am sorry, I do not know it either. I will find out for you.

Hon. Mr. Pearson: Mr. Chairman, if the Member has not asked the question facetiously, I think I can answer it. The findings of a

doctor here may be questioned and a medical referee is brought up to determine the validity of the findings of the doctor here.

Establishment 1510 agreed to

On Establishment 1511

Mr. Chairman: Establishment 1511, Ambulance Services, an increase of \$15,600.

Mr. Chairman: Any discussion.

Establishment 1511 agreed to

On Establishment 1515

Mr. Chairman: Establishment 1515, YHIS, an increase of \$436,200. Any discussion?

Mr. MacKay: Perhaps the Minister could explain? I presume this is a billing that is not controllable from this source here?

Hon. Mrs. McCall: It is a statutory requirement. Out of province claims are much higher than anticipated. **Mr. Chairman:** Any further discussion?

Establishment 1515 agreed to

On Establishment 1525

Mr. Chairman: Establishment 1525, YHCIP, an increase of \$315,000.

Mr. MacKay: These are the direct payments to Yukon doctors, I would assume, that we are discussing. It is about a 15 per cent increase. Is that due to an underestimation in the amount of claims that were going to be submitted, or an underestimation in the payment per claim?

Hon. Mrs. McCall: The explanation there is to provide funds for increased doctor services.

Hon. Mr. Pearson: Mr. Chairman, the increases that are negotiated with the doctors each year, just because of timing, is normally done after the Budget has been set. This Government, in past years, has been reluctant to put an amount into the Budget as an identifiable number that may be asked for by the doctors when they are negotiating their contract for the forthcoming year.

Ergo, you end up, each and every year, with this monumental supplement at the end. It is a statutory requirement, and it is money that has been spent, and we have no real choice in the matter. It is money paid to the doctors.

Mr. MacKay: I will address this to the Minister and if she wants to refer it to the Government Leader, she may. The reference was made, I think, in his opening speech, that recently successful negotiations had been completed with the doctors, and that new rates had been agreed upon. This was a good sign for the medicare program. Is there any data available to us with respect to the current rates being paid doctors in Yukon, vis-a-vis their counterparts elsewhere in Canada?

Hon. Mrs. McCall: Mr. Chairman, I do not have exact figures, but I can find out more about that for you. There is not extra billing in Yukon, so it should be quite straight forward.

Mr. MacKay: I would appreciate it if you could provide me with that information.

Mr. Penikett: Mr. Chairman, just on this point, the Government Leader has whetted my appetite.

I wonder if I could ask him if he had ever considered as a first bargaining position by the Yukon Government in the negotiation with the doctors' proposal, some might argue that they are public servants now, salaries based on education and experience?

Hon. Mr. Pearson: Well, Mr. Chairman, we have not been faced with the problem of having to negotiate with doctors yet. I do know that it is something that has been going on for a number of years without too much problem.

In fact, I doubt that there is any need in the future to sort of hide this magic number. I suspect that when we come forward with our Budget, if we anticipate negotiations with the doctors for Yukon Health Care, we will have an identifiable number in there.

Establishment 1525 agreed to

Mr. Chairman: Department of Health, an increase in the Supplementary of \$715,400, shall that amount carry?

Some Members: Agreed.

Mr. Chairman: Yukon Housing Corporation. I refer you to Page 25.

On Establishment 1800

Mr. Chairman: Vote 18, Yukon Housing Corporation, Establishment 1800, an increase of \$145,600.

Mr. Byblow: Mr. Chairman, I am wondering if this large amount, which is generalized into a couple of expense areas, could it be

explained personally in more detail and perhaps in the process the Minister could explain why there was such difficulty with respect to funding in the case of a problem in my riding this summer and fall, with respect to senior citizens.

Hon. Mr. Lang: Mr. Chairman, I will deal with the point at the end first. I think that the Honourable Member has to recognize the fact that in respect to our senior citizens, there are a number of communities in the Yukon that have been here for many, many years, for example, the Mayo area and Watson Lake. I am not saying that out of deference to Faro, but there are also other communities which have need for senior citizens housing. At the same time, Mr. Chairman, I think it is fair to say in respect to dollars that we have available to us, this side of the House, as a commitment to senior citizens, in fact, I think an announcement was made today about 36 units that will be built over the course of this winter and next spring in the Whitehorse area. So Mr. Chairman, I think I have adequately answered that question.

In respect of the breakdown of the Housing Corporation, and the increase requested in the Supplementary, I think there are some concerns with it. I will break it down for you. There was an increase in materials and supplies in the Home Management Program of \$4,600. Vehicle Maintenance was increased by \$4,600. The major area was the reduced revenues on operation and maintenance recoveries on community housing. That should total \$309,000. This was a case of overestimating the previous year, and budgeting recovery. Number one, the Department of Indian Affairs and Northern Development. Those are people who have a direct federal responsibility. Some of them are utilizing the Housing Corporation units and, subsequently, we collect monies back from the Federal Government, and that was overestimated considerably. In turn, then, that reflected on our recoveries from CMHC as well, so there was a miscalculation on behalf of the Corporation in this particular area and that is why we are not really truly reflecting the costs to the Housing Corporation in respect of the everyday running of this particular organization.

Reduced travel was down \$3,900. Utilities were down \$96,500, and at the same time we were down in designing appraisal costs by \$2,000, reduced amortization payments of \$55,900. Reduced fringe benefits was \$3,500, and the reduction of rental units, and what it meant was that we had a summary of the number of units that were vacant over the course of the year, or a part of the year, and at the same time the amortization payments were down through the fact that we had sold a number of our units, as you recall. We said that we were, at least on this side of the House, in favour of private ownership, and attempting to sell units to both our staff and in rental-purchase areas. I must say that the staff housing sales are going very well, as opposed to what began last year. I am hopeful that that will continue, and subsequently we can be in a situation where we have people who own their houses and have a commitment to the Yukon and when at retirement age, as the Honourable Member referred to, they do have a home, and at the same time have some equity. Thank you Mr. Chairman.

Mr. Byblow: I think what the Minister has pointed out is that a number of housing programs across the Territory in various communities are not being utilized to their fullest. Perhaps for the Minister's edification, my community has had very productive sessions with the Yukon Housing Corporation Board of Directors.

There is going to be some reconsideration of some of the priorities of housing programs, simply because you have these excess numbers of houses in various communities and you do not in Faro which is a place which is growing rapidly and where the demand is high. I would simply, on this supplementary, point out to the Minister that some consideration will have to be taken in the coming year with respect to this housing program priority.

Hon. Mr. Lang: I would just like to make one comment in respect to the program, for the delivery of programs, and the additional money that is necessary. The Housing Corporation is structured in such a manner that it has had X amount of dollars voted for it to manage. At the same time, if it is over and above that, it has to be found and presented to this Legislature.

The only point I would like to make to the Honourable Member is that there are other areas in Yukon that in the past have been remiss, especially in the area of senior citizens in such towns as Mayo, for example, the older communities that really do have a lot of senior citizens, who would like to stay there. I think we have an obligation in that particular case, and I am sure the Honourable Member would agree. So, what I am saying in respect to the priorities is that they will be discussed and reflected in the budget when budget time comes around.

Mr. Penikett: The Minister made reference to Mayo. Just on a point of policy in this area, I would like to ask him a question about a situation I saw there. I noticed, I think, when I was recently the

guest there of the Honourable Member for Mayo, a certain number of public housing units, or at least Yukon houses, that were vacant, and it was suggested that they might be for some time. Is it the practice of the Yukon Housing Corporation, in such situations, to make those houses available for senior citizens who might wish to live in them, with the normal sort of rental arrangements, or does the Corporation not have that kind of flexibility?

Hon. Mr. Lang: I will have to check on this, but I am almost certain that in respect to that type of housing that is referred to, whether it be rental/purchase, or whatever. There is a housing authority in the community. A person puts their application forward and it is screened by the individuals appointed to that board in that particular area. I am sure that some of them would be utilized for what the Honourable Member is indicating. I believe that flexibility does exist, but I will have my Department check on it.

Mr. Penikett: Further, Mr. Chairman, it occurs to me, for example with the Housing Authority, you might have a house that is far too large for a single retired person to live in, but a couple of retired widows or a couple of bachelor senior citizens, for example, or perhaps more than a couple, might reasonably make good use of such a house and I am just wondering if the rules and regulations under which the authorities operate could allow them to even entertain an application like that?

Hon. Mr. Lang: Mr. Chairman, I think there is one other aspect that is going to have to be looked at. I know that the Housing Corporation is looking at it seriously. It is the concept, perhaps, in some cases where you are looking for self-sufficient units, if you like, you are not looking at more of an institution type of situation in respect to our senior citizens, the idea of the private sector building and us renting.

Now, I think, especially in the outlying communities, I do believe that would give an impetus to people to build an apartment block, if we could guarantee, say, four rental units and they may build an apartment block of ten. So there are six there available for the public, no matter where they work, whether they be in the private sector or whatever.

So, that is another option that the Housing Corporation is looking at.

If you will recall one particular instance, they did ask for private proposals on one senior citizen situation in the Watson Lake area. They do have some land assembled, but, at the same time, I think it is important to note that they are prepared to look at proposals from the private sector, because it would encourage, as I said earlier, a private individual to invest if they had a guarantee that perhaps could push him over the brink to get that necessary financing to go into an apartment block, which, in some of these communities, it is important that we get them into place if something major is going to happen, or when it does happen, I should say.

Establishment 1800 agreed to

Mr. Chairman: Yukon Housing Corporation, an increase in Supplementary of \$145,600. Shall this amount carry?

Some Members: Agreed.

Mr. Chairman: I now refer the Members to page 27, Loan Capital.

On Loan Capital

Mr. Chairman: An increase of \$1,000. Any discussion?

Loan Capital agreed to

Mr. Chairman: I now refer the Members to Clause Number 2, which, in essence, takes in the total Appendix A.

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

Preamble and Title agreed to

Hon. Mr. Pearson: Mr. Chairman, I move that Bill Number 22 be reported out of Committee without amendment.

Mr. Chairman: It has been moved by Mr. Pearson that Bill Number 22 be reported without amendment.

Motion agreed to

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

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I will now call the House to Order.

May we have a report from the Chairman of Committees.

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered Bill Number 22, Third Appropriation Ordinance, 1978-79, and directed me to report same without amendment, and beg leave to sit again.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave is so granted. When shall Bill Number 22 be Read a Third time?

Hon. Mr. Pearson: Now, Mr. Speaker.

I move, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 22, Third Appropriation Ordinance, 1978-79, be now Read a Third time.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. Pearson: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that this Bill be now passed and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 22 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 22 has passed this House.

May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Tatchun, that we do now call it 5:30.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Tatchun, that we do now adjourn.

Motion agreed to

Mr. Speaker: This House now stands adjourned until 1:30 p.m. Monday next.

The House adjourned at 5:16 p.m.