



# The Yukon Legislative Assembly

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Number 2

3rd Session

24th Legislature

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## **HANSARD**

**Monday, March 24, 1980 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake  
DEPUTY SPEAKER — Geoffrey Lattin, MLA, Whitehorse North Centre

## CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive, Council office, Public Service Commission, Finance and Pipeline.
Hon. Doug Graham	Whitehorse Porter Creek West	Minister responsible for Education, Justice, Consumer & Corporate Affairs, Information Resources, Government Services
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation, and Yukon Liquor Corporation.
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources and Workers' Compensation Board.
Hon. Peter Hanson	Mayo	Minister responsible for Renewable Resources, Tourism & Economic Development.

## Government Members

### (Progressive Conservative)

Al Falle	Hootalinqua
Jack Hibberd	Whitehorse South Centre
Geoffrey Lattin	Whitehorse North Centre
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake
Howard Tracey	Tatchun

## Opposition Members

### (Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

### (New Democratic Party)

Tony Penikett	Whitehorse West
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### (Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

Clerk Of Assembly	Patrick L. Michael
Clerk Assistant (Legislative)	Missy Parnell
Clerk Assistant (Administrative)	Jane Steele
Sergeant-at-Arms	G.I. Cameron
Editor of Hansard	Lois Cameron

Whitehorse, Yukon

Monday, March 24, 1980 — 1:30 p.m.

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

At this time we will proceed with Prayers.

Prayers

**Mr. Speaker:** We will proceed at this time with the Order Paper.

**DAILY ROUTINE**

**Mr. Speaker:** Are there any Documents or Returns for tabling?

**TABLING OF DOCUMENTS**

**Mr. Penikett:** Mr. Speaker, I have for tabling today, a letter to myself from the law firm of Cable, Veale, Cosco and Morris concerning the Wolf Creek subdivision mortgages and mineral claims.

**Hon. Mr. Graham:** Mr. Speaker, I have for tabling a background report on the Whitehorse Credit Union failure.

**Mr. Speaker:** Are there any Reports of Standing or Special Committees?

Are there any Petitions?

Reading and Receiving of Petitions?

Introduction of Bills?

**BILLS: INTRODUCTION AND FIRST READING**

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that a Bill entitled An Ordinance to Amend the Companies Ordinance, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Tatchun, that a Bill entitled An Ordinance to Amend the Companies Ordinance, be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Old Crow, that a Bill entitled Garnishee Ordinance, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Old Crow, that a Bill entitled Garnishee Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that a Bill entitled Small Claims Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Hootalinqua, that a Bill entitled Small Claims Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that a Bill entitled An Ordinance to Repeal the Credit Union Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Tatchun, that a Bill entitled An Ordinance to Repeal the Credit Union Ordinance, be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse South Centre, that a Bill entitled An Ordinance to Repeal the Stabilization Fund Loan Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse South Centre, that a Bill entitled An Ordinance to Repeal the Stabilization Fund Loan Ordinance, be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Old Crow that a Bill entitled An Ordinance to Amend the Trustee Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Old Crow that a Bill entitled An Ordinance to Amend the Trustee Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse North that a Bill entitled An Ordinance to Amend the Insurance Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse North Centre that a Bill entitled An Ordinance to Amend the Insurance Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Tatchun that a Bill entitled Perpetuities Ordinance be introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Tatchun that a Bill entitled a Perpetuities Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Old Crow that a Bill entitled An Ordinance to Amend the Condominium Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Old Crow that a Bill entitled An Ordinance to Amend the Condominium Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua that a Bill entitled Frustrated Contracts Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Hootalinqua that a Bill entitled Frustrated Contracts Ordinance be now introduced and read a first time.

Motion agreed to

**Mr. Speaker:** Are there any further Bills for introduction at this time?

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

Notices of Motion?

**Hon. Mr. Pearson:** Mr. Speaker, I beg leave to give notice of two motions today. One reads that this House approves, in general, the budgetary policy of the Government.

The second motion, Mr. Speaker, is that this House recommends to the Minister of Indian Affairs and Northern Development the appointment of Mrs. Hilda Watson to the Northern Canada Power Commission.

**Mr. Speaker:** Are there any statements by Ministers?

**MINISTERIAL STATEMENTS**

**Hon. Mr. Lang:** Mr. Speaker, in recent weeks, a great deal of public attention has been focused on the security of the titles of lots in Wolf Creek subdivision which have been sold to private individuals.

It has been reported that some of the purchasers of lots have been refused mortgages by branches of chartered banks in Whitehorse on the grounds that they are located on the surface of land under which a mining claim has been recorded, the title of those purchases to the land is in question and is doubtful.

I would like to inform the House at this time that I have been given the assurance of the regional vice-president of the Canadian Imperial Bank of Commerce that no mortgage will be refused simply because of the existence of a recorded mining claim beneath the property.

I understand that the Bank of Commerce is the major mortgage lender in Whitehorse so it is reasonable to assume that their lead will be followed by other lending institutions.

**Mr. Speaker:** I move, seconded by the Honourable Member for Whitehorse South Centre, that Bill entitled Presumption of Death Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Member of Education, seconded by the Honourable Member for Whitehorse South Centre, that a Bill entitled Presumption of Death Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse North Centre, that a Bill entitled Reciprocal Enforcement of Maintenance Orders Ordinance be now introduced

and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse North Centre, that a Bill entitled Reciprocal Enforcement of Maintenance Orders Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse North Centre that a Bill entitled Fatal Accidents Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse North Centre, that a Bill entitled Fatal Accidents Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that a Bill entitled Survivorship Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Tatchun, that a Bill entitled Survivorship Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that a Bill entitled An Ordinance to Amend the Evidence Ordinance be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Hootalinqua, that a Bill entitled An Ordinance to Amend the Evidence Ordinance be now introduced and read a first time.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse South Centre, that a Bill entitled Executions Ordinance be now introduced and read first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse South Centre, that a bill entitled Executions Ordinance be now introduced and read a first time.

Motion agreed to

The history of the costs of interests of surface owners and mining interests in Canada is older than the Territory itself. The provisions of the Yukon Quartz Mining Act, which provides the solution to resolution of the conflicting interests were based on provincial legislation in British Columbia, and, except in minor detail, are the same as the legislation still in force in the provinces of Manitoba, Saskatchewan, Alberta and British Columbia.

All of these laws give a right to individuals and companies to search for and later mine any minerals which are found. At the same time, until there is genuine exploitation of the minerals, the surface owner can live on and develop the surface land.

This is a reasonable way to go, because, as we all know, much staking and prospecting is done as a gamble and less than one in a thousand claims are developed to the exploitation stage.

If the filing of a mining claim resulted in a shutdown of all surface development we would have a chaotic situation today. Certainly, the Porter Creek and Riverdale subdivisions would not exist since both of those subdivisions were built on top of existing mining claims.

The federal legislation, the Quartz Mining Act, in concept with all provincial mining Acts, provides a method to deal with the potential conflict. A miner has the right of entry to any surface land he wishes to exploit. He must, however, either obtain the permission of the surface owner or pay full compensation for all damages.

In other words, he is put in the same position as the government. If the government wishes to build an air strip, a road, a dam, it may do so, but there is a process that must be gone through first. If the compensation offered to surface owners is not sufficient, the amount will be decided by the courts.

As all Members know, the process in Yukon is governed by federal legislation over which we have no control. I do not wish to go into the legal details of how efficient this process is. I can say, however, that we do not know of any case which had to be taken, in recent years, to the Supreme Court, although, I believe, there were cases in the early years of the century.

In some provinces, particularly where oil is the mineral in question, cases have been so numerous that special boards have the jurisdiction to decide disputed matters. In Alberta, legislation is

under discussion to deal with the backlog of cases which arose there in the last few years.

I can only conclude from the lack of dispute in other parts of Canada that the law works reasonably well. If, however, any case can be made for change, this Government is prepared to make submissions to the Federal Government on the matter. Further, Mr. Speaker, I am advised that unless there is a basis of authority in law or unless there is a valid court order, any payment of compensation by this Government would be an unlawful act.

In the face of this, government would be subject to censure in this House if it paid the demands made upon it.

It is our duty to maintain the overall public interest at all times. In doing this, we must maintain an even balance between competing interests. In this case, that balance is maintained because the mining community retains the right to explore, search for and exploit minerals but are subject to the rights of lawful occupiers of the surface for disturbance of their rights. Meanwhile, the surface owner may enjoy his rights to the fullest, subject to be fully compensated for any disturbance. As mentioned earlier, the courts are readily available to resolve any disputes which arise.

It should be noted that the Land Titles Act provides an assurance fund to reimburse, in full, any registered owner who is dispossessed in an error in his title. The land registry must provide a certificate of ownership or demand when requested by a proposed mortgage lender.

Mr. Speaker, in conclusion, we are pleased to see that the citizens building in Wolf Creek will once again have access to mortgage financing.

**Mr. Penikett:** Mr. Speaker, I would like to thank the Minister for his statement and point out that this issue, as I suppose everybody knows, just came to light just a few days ago, when some constituents of mine found themselves unable to obtain mortgages as a result of a legal opinion given as to the quality of their title.

I think it was as recently as 7:45 this past Saturday morning that one of these people was informed by the bank that they were, subsequently, based on different legal advice or other legal advice, going to grant title. At eight o'clock the same morning, the senior partner in the law firm which had provision to give this decision offered to give me the letter which I have tabled today.

The Minister may well be right in his statement today that the Canadian Imperial Bank of Commerce is the largest mortgage lender, then, for all practical purposes, that may end the problem as it exists now. This, of course, would be the case if his assumption is correct, that the banks will act in concert and the other banks may take other advice from their lawyers. The banks do not all have the same lawyers and it is more than one law firm and more than one bank that has, in fact, given these decisions.

However, it seems to me, and I think as the letter from Mr. Cable points out, that the legal issues are not yet settled. As he says in his letter, "In my opinion, the respective rights of the owners of surface titles and the holders of prior mineral rights is not clear under the present legislative framework."

The Minister is quite right, that that is not Territorial Legislation, it is federal legislation. We do have a problem in that the Quartz Mining Act clearly take precedence over the Territorial Lands Act. He has suggested that the courts would be open to hear these disputes. Until now, perhaps to some of my constituents, it might appear that they would have to go to the courts, a fairly costly, and in many ways, a prohibitive process for people who are caught in a financial bind, which is what they were.

I do hope, Mr. Speaker, that the Minister will have a continuing dialogue with the Federal Government about the problem here because I suspect that the legal issue is one that may arise again. It may come up in the case of other land developments. There may be another legal decision down the road. There may be another financial institution which will act with extreme caution in this matter.

We know that withdrawals from the Quartz Mining Act have been possible in the case of the White Pass Pipeline and in the case of the Foothills Pipeline and it may be necessary for the Minister, when planning subdivisions, if he has got sufficient advance notice to, in fact, apply for withdrawals under the Quartz Mining Act or the land from disposition of the Quartz Mining Act, so that this problem will not arise again.

Thank you, Mr. Speaker.

**Mr. MacKay:** Mr. Speaker, I welcome the Minister's statement on the various serious problems that have been facing the owners of Wolf Creek lots who have been unable to obtain some mortgage financing from a particular institution.

However, I do not believe that this statement will solve the problem, nor do I think the problem is entirely solvable anyway, ever.

I believe the legal opinion that is still being given by at least two law firms that say there is going to be a problem in the future, should any mining development occur adjacent to plans being developed by the Territorial Government or upon land that has been developed by the Territorial Government.

I believe that the avenue of going to the courts is open, but it is a costly procedure and I think that it is incumbent upon the government for future developments and, I think, particularly of the Hillcrest development which is coming up, to do some research as to the potential danger of having serious mining claims, ones with potential ore beneath that subdivision before it puts the lots on the market. Should there be some danger of that, some mechanisms should be permitted whereby lot owners may be assured that the government will protect them from legal problems arising from this.

I hope that this fracas at Wolf Creek will lead to a better government understanding of the potential problems arising from development of land in the mineral rich areas of Whitehorse.

**Hon. Mr. Lang:** Mr. Speaker, I want to make it very clear, at least from this side of the House, the Government will give the assurances to anybody who has a titled piece of property that we will do everything we possibly can do to protect their interests.

The legal opinion that we have states that we are doing what is right and what is proper. I think it would be very improper of us, Mr. Speaker, to accept the premise that we would have to compensate claim-owners prior to going into a development. All that would do, Mr. Speaker, is create two options: (a) increase the price of the lots, which, in this day and age of inflation, are becoming substantially high in cost, or (b) take the money out of general revenue.

Mr. Speaker, all I can do is assure the House and, in turn, the public who is interested in purchasing lots, that we will be doing everything to protect their interests which, I know is fairly evident in respect to the statement that was given to the House this morning that we have been working behind the scenes, attempting to resolve the situation to the benefit of those being affected. We will continue to that, Mr. Speaker. Thank you.

**Mr. Speaker:** Are there any further statements by Ministers?

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

**QUESTION PERIOD**

**Question re: Alaska Highway Gas Pipeline**

**Mr. MacKay:** Yes, Mr. Speaker, I have a few questions.

This one is addressed to the Honorable Government Leader and the topic is the Alaska Highway Gas Pipeline. Has this Government been keeping itself abreast of the current National Energy Board deliberations in respect to the pre-build portion of the pipeline?

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

**Mr. MacKay:** Would the Government Leader then tell us what position the Yukon Government is taking with respect to the pre-build considering that there is very strong talk of deleting the guaranteeing of the Northern portion of the pipeline while giving the okay to the southern portion?

**Hon. Mr. Pearson:** I am sorry, Mr. Speaker, I have to argue with the Honourable Leader of the Opposition's statement. That is not so at all.

Mr. Speaker, the National Energy Board has made it very, very clear that the pre-build will only be approved if it is a part of the Alaska Highway Gas Pipeline.

They have stated emphatically that they will not consider the pre-build on its own. It has to be the whole pipeline.

The change that is being put forward at the present time deals with one of the conditions attached to the Northern Pipeline Act that was put into effect by the Government of Canada, that said that before the project could be approved in part, or in whole, the financing of the complete Pipeline had to be identified. The Northern Pipeline Agency is putting forward the argument now that this is an unrealistic condition and one that the Federal Cabinet is presently looking at.

**Mr. MacKay:** In view of the current nature of these potential changes to the Act, which would indicate a weakening on the part of the Government's resolve to tie these two factors together, has this Government taken any communication with the Federal Government putting forward the strong position of the Yukon that the two sections must be tied together?

**Hon. Mr. Pearson:** Mr. Speaker, the Honourable Member keeps

insisting that there has been some change that weakens something. It is not so at all. It is not so at all and we have been assured by the Northern Pipeline Agency that this is not intended, nor is it wanted, by anyone. The pre-build is part of the construction of the total pipeline, and that is all it is, Mr. Speaker. It is strictly a pre-build.

Now, as to whether or not we can add emphasis to it, I do not think we can. I spent time with the Northern Pipeline Agency when I was last in Ottawa, two weeks ago, a considerable amount of time. They are very well aware of our concerns in respect to the construction of the Pipeline.

**Question re: White Pass and Yukon Route**

**Mr. Penikett:** I have a question for the Government Leader. What was the Territorial Government's response to the Federal Cabinet proposal to establish a Crown Corporation to acquire and operate the White Pass and Yukon Railroad?

**Hon. Mr. Pearson:** I know of no such proposal, Mr. Speaker.

**Mr. Penikett:** Given that the CTC proposal seems so unattractive, is this Government now opposed to the White Pass and Yukon Railroad becoming a Crown Corporation, Federal or Territorial?

**Hon. Mr. Pearson:** Not at all. We are still very, very much concerned, more so than ever, I would submit now, that this railroad continue in operation because nothing has changed our view that it is a vital link in our whole economic future here in the Territory. I look at the establishment of a Crown Corporation as being one of the alternatives, one, Mr. Speaker, I might say that I was personally disappointed that the CTC did not address in their report.

**Mr. Penikett:** Mr. Speaker, just for clarification, is the Government Leader saying that the Federal Cabinet did not propose to establish a Crown Corporation to acquire and operate the White Pass and Yukon Route?

**Hon. Mr. Pearson:** Yes, Mr. Speaker, that is what I am saying.

**Question re: Energy Development**

**Mr. Byblow:** I have a question for the Government leader also. There seems to be some confusion recently regarding the status of the power studies taking place or to take place over several potential hydro-electric sites in the Territory.

In light of the Government's commitment of priority attention to energy, could the Government Leader update the House as to the present direction and activity in the area of energy development?

**Hon. Mr. Pearson:** Mr. Speaker, these studies are being conducted primarily by the Northern Canada Power Commission. It was announced by the previous Minister of Indian Affairs and Northern Development that he was moving towards the establishment of an energy policy for the north. We assumed that that was going to be the north in totality. We had been assured that we were going to be able to get our input into any policy that the Minister came up with.

Of course, needless to say, he is no longer the Minister now. It will be a topic of discussion with the new Minister when he is in Whitehorse this weekend.

I would undertake, Mr. Speaker, to ask the Northern Canada Power Commission if they could provide us with an update of their work for the edification of the whole House.

**Question re: White Pass and Yukon Route/CTC Report**

**Mr. MacKay:** To return to the subject of the CTC report on White Pass, Mr. Speaker, can the Government Leader tell us if he has had any communication with the authors of that CTC report on White Pass, since the report was issued?

**Hon. Mr. Pearson:** Yes, Mr. Speaker, and assuming the next question, I might as well tell you what the communication was. I telexed them, Mr. Speaker, telling them that I felt very strongly that they had attributed a quote directly to me in that report and that I disagreed with it. I did not say it.

They have acknowledged receipt of that telex. That is it.

**Mr. MacKay:** In view of the fact that the CTC report's conclusions seem to rest very, very heavily upon the remarks which the Government Leader has not made, can he tell us if he asked them to withdraw the report?

**Hon. Mr. Pearson:** No, Mr. Speaker, the report was made by the CTC to the Minister of Indian Affairs and Northern Development. I was simply one person in the report. No, I did not ask them to withdraw it, nor did I think it my place to ask them to withdraw it.

**Mr. MacKay:** I think the Government Leader may know the answer to this one off by heart, but may we have an assurance that he did not offer any loans or subsidies, in any form whatsoever, to the White Pass Corporation, either through the CTC investigators or directly to White Pass.

**Hon. Mr. Pearson:** Mr. Speaker, the Honourable Leader of the Opposition is well aware of our budgetary process in this Government. He is also well aware that such an offer would be a very, very empty statement on my part because this Government does not have the necessary funds to do such things.

**Question re: Taxable Benefits**

**Mr. Penikett:** Mr. Speaker, I have a question for the Government Leader. The Federal Taxation Department is now regarding airfares for trips outside paid by employers for employees as taxable benefits. Has the Government Leader, as the Minister responsible for the Public Service Commission, obtained an estimate of the cost to this Government in additional wages, if these benefits were taxed and the Government had to pay an equivalent in wages in the next Collective Agreement?

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

**Mr. Penikett:** Mr. Speaker, what representations to the Federal Government has this Government made regarding the election promises by the Prime Minister about imposing a moratorium on the taxation of these benefits?

**Mr. Speaker:** Order, please. I am not so sure that question would be in order, as it would seem to be asking a question of another place. However, if the Honourable Government Leader cares to attempt to answer it, I would permit the answer.

**Hon. Mr. Pearson:** Mr. Speaker, at the present time, we are in negotiation with the Public Service Alliance of Canada in respect to salaries and fringe benefits for our employees.

Frankly, Mr. Speaker, I am not even aware whether this is a topic of discussion, but I would be very loath to discuss it in a public forum as a result of that.

**Mr. Penikett:** With respect, Mr. Speaker, I was asking about representations from this Government. In that regard, I wonder if the Government Leader could tell the House if this Government has been advised why Revenue Canada is going to tax these benefits for workers in Whitehorse Copper, for example, in 1978-79, and yet it will back-tax government workers only for the 1979 tax year?

**Hon. Mr. Pearson:** No, Mr. Speaker, we have not been advised. However, if the Honourable Member would really like the answer to the question, I am sure we could get him an answer.

**Question re: Yukon Housing on North Highway**

**Mrs. McGuire:** Mr. Speaker, I have a question for the Minister of Housing. With the YTG being responsible for the housing of their employees in isolated areas, even though the Minister maintains that YTG wishes to go out of the housing business, Mr. Speaker, does the Minister have any future plans of replacing the drafty, dilapidated structures that now house YTG employees on the North Highway?

**Hon. Mr. Lang:** Mr. Speaker, we are just in the process of going to ask for proposals for either single contained units or, as an alternative, an apartment block for the Destruction Bay area. I recognize the problems that they have with their housing up there and we are going to see if we can resolve the situation.

It should be further pointed out, Mr. Speaker, we do have lots available there and I would like to think, perhaps, some of the employees that wish to settle there may purchase lots and build their own homes. I am sure that the Honourable Member agrees with that philosophy.

**Question re: Northward Airlines Bankruptcy**

**Mr. MacKay:** Mr. Speaker, my question is to the Government Leader. With respect to the recent bankruptcy of Northward Airlines, has this Government had any contact with industry representatives or associations respecting the loss of this scheduled service to several Yukon communities?

**Hon. Mr. Pearson:** Yes, Mr. Speaker. We were advised on the Saturday morning, Mr. Speaker, immediately after the bankruptcy was declared at five o'clock on the Friday evening. We did receive representation immediately from one of the firms here in Whitehorse, who suggested that at that point in time they were, along with other firms in northern Canada, dealing with the problem of scheduled airlines to these various communities, both in Yukon and the Northwest Territories. A joint submission was made to the Canadian Transport Commission on Monday morning and awards for temporary licences were made.

As far as I know, I think all places are now being served with scheduled airline service again.

**Mr. MacKay:** I am not sure what the Government meant by a joint submission, whether it was joint industry, government, or just industry.

**Hon. Mr. Pearson:** Industry.

**Mr. MacKay:** Would the Government Leader be prepared to intervene on behalf of Yukon operators at the formal hearings awarding the licence in the future? Would he be prepared to intervene on behalf of these things to support a Yukon operated company servicing Yukon communities?

**Hon. Mr. Pearson:** By all means, Mr. Speaker. We have done it before, upon request from industry.

We have to be very careful, I think, Mr. Speaker, when we do make these interventions, that, in fact, we speak on behalf of the whole industry, that we support the whole industry rather than speak on behalf of them, that we support the whole industry and sort of support the concept. But the concept of Yukon communities being served by a Yukon airline, we would have absolutely no problem at all.

**Question re: Food Prices**

**Mr. Penikett:** Mr. Speaker, I have a question for the Minister of Consumer and Corporate Affairs.

The December price survey done by the Economic Research and Planning Unit show that once again food prices have increased in Yukon and they have now risen 46 per cent since June, 1976.

Has the Minister any explanation of why the food prices here continue to be 30 per cent higher than they are in Vancouver?

**Hon. Mr. Graham:** No, Mr. Speaker. I will take the question under advisement, though, and bring back a complete answer.

**Mr. Penikett:** Mr. Speaker, I would like to ask the Minister if he has examined, or if he would be prepared to examine, given that there has been found a 16 per cent price difference at the wholesale level last summer between Kelly Douglas in Burnaby and Kelly Douglas in Whitehorse, why there still remains a 30 per cent price difference at the retail level?

**Hon. Mr. Graham:** I have no comment, Mr. Speaker. I have no idea even if the statistics quoted by the Honourable Member opposite are true.

**Question re: Education/Vocational Training**

**Mr. Byblow:** I have a question for the Minister of Education. It is my understanding that the Minister's department has struck an investigating committee to examine the vocational needs in Yukon schools. Could the Minister indicate the scope of this committee's mandate and its timeframe?

**Hon. Mr. Graham:** Mr. Speaker, the scope is quite simple. The committee is investigating the needs of Yukon students with respect to vocational training in the schools. Hopefully, they will have the report to me sometime in the late summer or early fall of 1980.

**Mr. Byblow:** Can the Minister say whether or not the function of this committee is, directly or indirectly, to determine the nature of any studies in the proposed Yukon college?

**Hon. Mr. Graham:** No, Mr. Speaker.

**Mr. Byblow:** Could the Minister indicate the present status of preparedness towards the college? What is the status of investigation following the report last fall?

**Hon. Mr. Graham:** Well, Mr. Speaker, we are continuing our investigation into the advisability of this continuing education facility in the Territory. To that end, we have commissioned an architect who is doing some rough drawings for the structure that shall be built, eventually, in the site that we will be picking in the near future, I hope.

Other than that, we have not done anything.

**Question re: Education/High Schools in Rural Communities**

**Mr. Fleming:** Yes, Mr. Speaker, I have a question for the Minister of Education. On the committee that was formed to check into the feasibility of possibly having grades 11 and 12 in some of the schools in the Yukon Territory, I wonder if the Minister could inform us as to what stage that matter of investigation has gone now and how much committee work has been done?

**Hon. Mr. Graham:** Mr. Speaker, this committee has met with school committees and interested parties in several rural Yukon communities. I expect a preliminary report from the committee sometime this summer. Hopefully, I will have a final report in the late summer.

**Mr. Fleming:** Supplementary, Mr. Speaker, the Minister some time ago more or less assured me that there was a pretty good possibility of that school in the Teslin area. In the Throne Speech, I heard some mention of some school programmes, however, nothing to this effect. Could the Minister assure me as to whether the grade 11 will be taught in the Teslin school this coming year?

**Hon. Mr. Graham:** Mr. Speaker, I have no idea at the present time.

I am not even certain if the people in Teslin are fully in favour of having grade 11 taught in the school in Teslin.

I am sure that if they are in favour of having grade 11 taught in their school in Teslin, it will be offered in September of 1980.

**Question re: Education/Swimming Pool in Porter Creek School**

**Mr. Penikett:** Mr. Speaker, I have a question for the Minister of Education and Recreation.

The Minister recently reversed his position in connection with the construction of a swimming pool in the new school in Porter Creek. I would like to ask this Minister if this indicates that the commendable government policy of underwriting recreational capital has now been reversed?

**Hon. Mr. Graham:** Mr. Speaker, I did not reverse my position with reference to a pool in a school that is going to be constructed in the City. In fact, I would love to see that pool built in the new Porter Creek School.

Unfortunately, we had a cost estimate given that was far in excess of our present capital budget. Consequently, it was cancelled, or deferred if you want, for a period of time. It is simply a question of having the money and putting the capital funds necessary into a pool when we have other projects of a higher priority.

**Question re: Teslin Sewer Extension**

**Mr. Fleming:** Yes, Mr. Speaker, I have a question for the Minister of Municipal Affairs. I wonder if he could give me a little better answer. On Page 689 of Hansard, November 14, I asked a question as to the sum figure in the neighbourhood of \$85,000 that would be spent this year on a sewer extension in Teslin. However, I think the Minister misunderstood. I wonder if the Minister could procure for me just where that \$85,000, or that figure would be spent.

**Hon. Mr. Lang:** Mr. Speaker, I will try to get the information.

**Mr. Speaker:** Being no further questions, we will then proceed with the Order Paper. We will proceed to Orders of the Day, Address in Reply to the Speech from the Throne.

**ORDERS OF THE DAY**

**ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE**

**Mr. Falle:** Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse North Centre, that the following Address be presented to the Administrator of the Yukon:

May it please the Administrator:

We, the Members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious Speech which you have addressed to the House.

**Mr. Speaker:** It has been moved by the Honourable Member for Hootalinqua, seconded by the Honourable for Whitehorse North Centre, that the following Address be presented to the Administrator of Yukon: May it please the Administrator:

We, the Members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious Speech which you have addressed to the House.

**Mr. Falle:** Mr. Speaker and Members of the Assembly, I am pleased to speak today on the many initiatives our Government will be taking this year. Quite clearly our Government is facing reality, Mr. Speaker.

Government can only do so much. One of my main concerns is that Government do not get involved in these things which can be done by private industry. Wherever possible I would like to see the use of private industry. If we use private industry and cannot get the job done, we have the option of changing the contractor. With Government we lose this option.

We have not promised the moon, only sound, practical government to meet the needs of Yukoners, in the short and long term.

From the Speech we heard in this House last week, it is certain that we have a busy year ahead. This is the second budget which this Government has presented to this House. A simple comparison between the two shows the dynamic and exciting differences which our Government presents to Yukoners.

As an active Member of this Government I have long advocated programs to assist small enterprise. I am happy to see a variety of measures designed to assist and support the business sector. Steps have been taken by this Government to offer another plan which is of interest to the Constituency of Hootalinqua.

School bus services are being provided to residents in the Lake Lebarge area. Snow-plowing has been provided to certain recrea-

tional roads in conjunction with local residents. Access to the Deep Creek area was improved by the vocational school as part of an upgrading and training program for heavy equipment operators.

The Government is engaged in the development of an Agriculture Policy so that people can obtain land for farming.

There are a number of residents on the Mayo Road and Alaska Highway North who cannot receive television signals because there is a mountain in the way. I do not intend to move a mountain but I do intend to persuade this Government to put up a reflector to enable the residents to receive television signals.

As the resident population in my constituency grows, I am hopeful that the current level of phone services can also be improved. I am actively pursuing the prospects that the Venus Mine property may be reactivated, as well, and will be working with many departments and the mining industry. Should this mine re-open, it will benefit not only residents of the Carcross area but also the entire Yukon.

I am pleased to note that the upgrading of the Carcross/Skagway Road is planned for this summer.

I would also like to mention that the Minister of Tourism and Economic Development and I will be meeting with the residents in the Carcross area to discuss the development of tourism attractions. I am certain that the Tourism Agreement between Canada and Yukon will be a useful vehicle and serve as a model for tourism industry and development cooperation.

The matters I have raised today are only a few examples of the way Government can work with the residents of the Territory to a greater benefit of all. I am proud to be a Member of a Government which truly serves the Territory.

Thank you.

**Mr. Lattin:** Mr. Speaker and fellow Members of the Assembly, we are here in this Third Session of the Twenty-fourth Assembly to consider what our Government has in store for us as Yukoners in this, the first year of a new decade.

Mr. Speaker, I welcome the opportunity to speak to Members on the Throne Speech and the direction which it provides to the Territory.

We have been told, Mr. Speaker, of some of the important steps which our Government will take during the upcoming year. We heard, Mr. Speaker, a most practical statement, detailing policy and program direction based on careful and realistic assessment of Yukon's social and economic needs.

Those Members on the other side who have taken the time to read the Speech from the Throne, Mr. Speaker, will recognize that this Government has not tried to do everything for everybody. Quite simply, this is unrealistic in today's world.

Our Government has clearly recognized that even with severe fiscal restraints, much can be effectively done to further economic growth and equally more can be accomplished relative to the social development needs of our residents. To a great extent, social and economic objectives go hand in hand. The approach of the Government is to build on the strength of our Territory and individual communities. Cooperation and joint action with all facets of Yukon society is essential to good and lasting Government.

This approach is the basis for many initiatives to be taken in 1980.

Mr. Speaker, I would like to make a few points concerning my riding in Whitehorse North Centre, first, the Whitehorse Indian Village. I will be working with the Minister of Municipal and Community Affairs and the City of Whitehorse and the Chief and leaders of the Village, in an attempt to resolve the matter of the relocation of the Whitehorse Indian Village to the satisfaction of all people concerned. I believe it is imperative that we work on the solution very closely with the Indian people of the Village so that the final solution is one that they want and is therefore acceptable to all the people of the Whitehorse Indian Band.

A second concern, Mr. Speaker, is the Marwell area. The problem that my constituents in the Marwell area face on an ongoing basis is the flooding of this area. This is a difficult situation to correct, but we must encourage the City and all concerned to find a solution to this problem.

Mr. Speaker, I have to report that the Whitehorse Elementary School will continue to be viable operation. In fact, there will be more upgrading which will improve the school and benefit the students. The landscaping which was done last year certainly made a tremendous improvement and I am pleased to see the revitalization which has taken place.

I am particularly pleased with the announced measures to assist local companies, Mr. Speaker, the preferential bidding for certain

public work contracts and the policy of leasing tanker trucks to enable and encourage Yukoners to buy trucks and enter the business world.

These are good examples of the sensibility of this Government toward small business in the Territory.

During the coming year, it is my intention to work closely with the Government's Tourism Department. I am confident that the Yukon Tourism Development Subsidy Agreement can be used as a vehicle to help restore downtown Whitehorse as a tourist and residential area that Yukon can be proud of.

A great percentage of the hotels and commercial businesses are in my area and a large number of people living in my constituency work for these businesses. I intend to make the best possible use of the Tourism Development Agreement for Whitehorse North Centre.

I am, indeed, happy to see the building of 36 self-contained units for the senior citizens. I welcome plans for the future construction of housing for our senior citizens in other localities throughout the Yukon. It is, indeed, time that we recognized the contribution that senior citizens have made to the Yukon. In return, the least we can do is see that adequate housing is available to them at rents that they can afford to pay.

We are initiating our first investigation of transportation costs incurred by and for employee travel and are establishing a central office to consolidate transportation requirements and methods of employee travel on government business.

This demonstrates that we, this Government, are determined to obtain the maximum of value for every dollar spent. Policies are being enacted which recognize the needs of the people of the Yukon which are foremost in the priorities of this Government, policies that benefit all Yukoners.

Mr. Speaker, I would like to tell my two colleagues in the front row who represent Porter Creek, a suburban area of Whitehorse, that the people of Whitehorse North Centre are quite happy to allow them to build their super-access across our area. This is indeed, the shortest and most direct route to downtown Whitehorse where a great percentage of businesses are situated and cultural activities take place. Yes, Mr. Speaker, we are happy to provide a direct route for our neighbours and I trust they will invite us to the ribbon-cutting ceremony. I am sure that the Honourable Member from Whitehorse West will be pleased to endorse the building of this access through his Constituency.

Mr. Speaker, in a more serious vein, this idea, a method of building and financing this route shows a realistic and sound approach to the utilization of our tax dollars, tax dollars that are being spent in such a manner as to obtain maximum return and benefits.

We are providing practical experience and training for our Vocational students. This Government believes that there is no greater reward or investment than to train our young people. Skilled and trained young people are the very background of our progressive region.

Today, in trying to restrain spending, we would not be able to proceed with this project unless we use the resources we have available. The spin-off benefits of this plan are: first, better access to the centre of the City; secondly, more and practical training for our Vocational students; third, sub-contracts will be available as a result of this project thus enabling our small contractors to have a chance in the involvement of this project; fourth, improvement and upgrading of the access road for the people and business located in the Indian Village, Industrial and Marwell areas; and fifth, maximum return for all dollars spent. These are direct benefits for the Constituency of Whitehorse North Centre.

Mr. Speaker, ventures like this show that the Government knows what we need, knows how to plan, knows how to get the job done for the benefit of all Yukoners at a price we can afford to pay.

Mr. Speaker, many initiatives are new and will not be introduced without some rough edges but we have to begin somewhere, Mr. Speaker. It cannot all be done overnight. We should all applaud our Government for its commitment in addressing the problems and the opportunities of Yukon.

**Mr. MacKay:** Mr. Speaker, I have enjoyed hearing from the silent majority in the back rows of the Government, of their views of the Government. Obviously, the view must be quite different from that height over there from what it is on this side of the House.

Last week, Mr. Speaker, some of us in this House had the pleasure of assisting students from high schools around the Territory who took part in a model parliament. All of the Members involved in that project felt that each student had worked hard and had been interested in the debates and had delivered his or her addresses very well.

The winner of the speech contest, Mr. Speaker, gave a very witty speech in which he contrived to say nothing of any significance for five minutes. I suspect that his advisor must have been the author of the Throne Speech because it managed to say nothing of any significance in 20 minutes.

Unfortunately, the Throne Speech is not part of the high school debating forum. The Throne Speech and, particularly this Throne Speech, Mr. Speaker, should be the spark of light which illuminates the way ahead for the Yukon people, the sum total of this Government's diligent, but highly secretive work over the past 18 months, since they were elected.

Here we could have expected bold new initiatives to lift the economy in Yukon from the severe depression that it has slid into. It is a sad fact, amply illustrated by this Speech, that the Government has consistently paid only lip service to the economic development of Yukon. We looked in vain for economic initiative in the problem areas.

Where are the specific proposals to resolve the White Pass problem? This was not even mentioned in the Throne Speech, Mr. Speaker. Indeed, the day before the Throne Speech, the Government Leader was quoted to have said that responsibility for the whole problem of White Pass was a Federal Government problem. If everything that requires financial assistance in Yukon is a Federal Government problem, Mr. Speaker, I would suggest this Government may as well pack up and go home and stop pretending to be a responsible government. You are wasting taxpayers' money sitting there, wringing your hands and complaining about problems, but doing nothing about them.

The outstanding feature of the Throne Speech was the lack of any outstanding feature. A government must be prepared to take bold, innovative steps, particularly when the economy of the country is in decline.

You were elected, some 18 months ago.—

**Mr. Speaker:** Order, please. I believe the Honourable Member ought to be addressing the Chair. Remarks should be directed through the Chair.

**Mr. MacKay:** Thank you, Mr. Speaker. You were elected, Mr. Speaker, some 18 months ago, on slogans of economic development—

**Mr. Speaker:** Order, please. I believe the Honourable Member is incorrect. I certainly was not elected on slogans. Perhaps the Honourable Leader of the Opposition could continue.

**Mr. MacKay:** I will try and phrase it correctly this time, Mr. Speaker.

Mr. Speaker, the Government was elected on slogans of economic development and slogans of Yukoners in action. Well, we have seen Yukoners in action. There were slogans of "Maitre chez nous", or its Yukon equivalent of "Feds go home".

Many Yukoners are disappointed now, Mr. Speaker, because the only thing the Government was serious about was sending the Feds packing and, beyond that, they really did not have any ideas.

Well, I think we have a problem now, because we have clearly told the Canadian Government they are not needed to assist the Government of Yukon and now you have to produce the results yourself, as a government.

Mr. Speaker, I can already hear the protests from the Government side, saying, "We do not have the land, we do not have the resources, so we are really not in full command. Give us these two things and we will really make this Territory go."

That is hogwash.

You cannot develop and sell land you already have. The Government knows full well that the cost of administering our resources, presently paid for by Canada, far outstrips the revenue from these resources for the foreseeable future.

The first major problem that you, as a government, have had to face, the imminent shutdown of our major transportation artery, the first problem the government has to face is now a federal problem, because "we do not have any money". This is precisely why nobody in Yukon, Mr. Speaker, takes provincial status very seriously anymore.

Yukoners know that in order to develop we must have the trust and uninhibited support of Canada. Those who proclaim that it is not a question of money will be required to answer for the economic hardships that would inevitably follow provincial status.

So, what should the Yukon Government be doing with White Pass? The Liberal Party has given direction, Mr. Speaker, no subsidies, no capital contributions by the railway, in partnership with the Federal Government and extend it to Faro. Yet this Government, last fall, spoke against that concept.



Well, I want to hear, and so do all Yukoners, what is the Government's policy on White Pass. I would also like to know how this Government plans to encourage mining. Or is that also a Federal Government problem, as alluded to in the Throne Speech?

What about other local industries, Mr. Speaker, such as native handicrafts, which have great potential? This Government stalls on vital decisions needed to give that industry a boost, yet we hear about the \$6 million. Our Economic Development Minister signed a DREE Agreement in February, coincidentally shortly before the Federal election, in which \$6 million in federal money will be spent in Yukon over the next two years.

At the time, he was not sure how he would spend it. Even today, it is obvious that various members of his caucus are not sure how he is going to spend it. We are not sure how much it is going to cost Yukon in the raising of matching taxes. That has not been mentioned so far and we are certainly sure that our Economic Development Minister cannot live up to his new role of being Yukon's "Six Million Man".

Land claims, Mr. Speaker, are again an area where this Government has consistently only paid lip service.

We hear in the Speech, and I was sad to hear in the Speech that the health transfer issue has been resurrected. We are now going to pursue this issue vigorously, we are told, in the Throne Speech, yet, only last fall, Mr. Speaker, this Government was saying it was a long-term objective. But now, with the change of government in Ottawa, I am sure this has spurred them on to make it a thing to be vigorously pursued.

I regret that that kind of attitude is surfacing again. It is obviously that partisan politics are going to play a higher role in the solution to Land Claims.

On the social side of the Throne Speech, there were some brighter spots, Mr. Speaker, such as the Affirmative Action Programs, local hiring preferences, and the initiative to bring to our social worker force more people who understand local problems.

Likewise, the mobile vocational training unit will bring more opportunities to people living outside of Whitehorse. The fact remains, though, in the Human Resources Department, we are still not delivering the proper social services.

Last spring, Mr. Speaker, the Opposition lead an attack upon the lack of co-ordinated effort by the Government in delivering its programs. In a very defensive effort then, I felt, the Government tried to show it recognizes the problem, yet we still see no action on their part to solve it, other than studies. I suggest that we could all make the speeches on this that we made this time last year. We could make them all over again, use the exact same wording and our criticisms would be equally valid.

Finally, the legislative program proposed by the Government was very long on studies, but very short on actual legislation. The actual legislation we are going to have is in basically small, technically worded amendments. It shows a very active Minister of Justice, very active but, unfortunately, alone it appears.

We await the Budget. We, in this House, appear to await the Budget to see who has won the Caucus Stakes, when it is unveiled as to which PC MLA gets the most for his constituents. The Yukon people as a whole and the future of Yukon, I feel, have consistently taken second place in this contest and they are profoundly disappointed in the Government and profoundly disappointed in the Throne Speech.

Surely, some MLAs on the other side of this House must recognize this failure and, when the vote is called, will answer their conscience, not their Leader, and vote with the Opposition.

**Mr. Penikett:** Mr. Speaker, frankly, I am surprised that the Leader of the Opposition would be so incensed at such a Liberal Throne Speech, but I, Mr. Speaker, am going to follow the traditional practice in Throne Speech debates of petitioning the Crown, on behalf of my constituents, as did the Member for Hootalinqua and the Member for Whitehorse North Centre. The Member for Whitehorse North Centre was kind enough to refer to the creation of the Ministers for Porter Creek, the Porter Creek Alternate Access Route, and asked that I express my delight at its passage through my constituency.

While doing that, Mr. Speaker, I feel bound to remark that there was one of my constituents, a partner in the operation of Northland Trailer Court, there, who was delighted about the road but somewhat apprehensive about the proximity to their property, but that is a matter which I will discuss with the Minister at some other time.

Mr. Speaker, there are a number of items of urgent importance to my constituents, on which I would like to beg Government action. We have heard the Minister's statement today on the Wolf

Creek mineral claims, but I would like to say something further about that today and suggest to the Government some long-term resolutions to the problem.

I would like to say something about deficiencies in the Landlord and Tenants Ordinance. I would like to remark further in my speech today about the problem of recreation capital and, in particular, the need for a new swimming pool in Whitehorse. I want to say something about social policy, jobs, prices and, very briefly, about Land Claims.

The Minister of Municipal Affairs is looking at his watch. I can assure you, Mr. Speaker, that my speech today will be no longer than my speeches usually are.

The Minister of Education, Mr. Speaker, is concerned that my speech may be as long as usual, and I think if he learns as much from this one as he has from my previous speeches, I am sure that the time will be well spent.

The most urgent issue, I think, in recent weeks in my constituency, has been the conflict over mineral claims and surface title for about 25 lots in the Wolf Creek subdivision. As we all know, the land in question used to belong to the Federal Government and, some years ago, was transferred to the Territory. To be precise, on August 19th, 1970, the Order-in-Council of the federal government was signed, bringing this land transfer into effect.

About one month later, there were three mineral claims staked on the Wolf Creek, under the terms of the Yukon Quartz Mining Act. The people staking these claims obtained certain rights under this legislation, which was passed as far back as 1924, to some 106 acres of land.

Now, as the Minister knows, on June 1st of 1971, the City of Whitehorse boundaries were extended to include the area of that land transfer, with land disposal remaining the responsibility of the Territorial Government. In 1975, the Territory made known the proposals that it wanted the City to develop country residential acreages in certain areas and it was in that year that three claims were surveyed but no development work has been done on them since, save only the \$100 payments in lieu of work have been paid, which under that antiquated law keep these claims active.

I would just like to point out now that there was a time, in 1924, when I think \$100 payment a year in lieu of development work might have been a fairly reasonable fee and I think somebody would not have kept those payments up unless they seriously had a continuing interest in potential minerals there. I would suggest with respect that the \$100 fee now is not any kind of disincentive to holding on to claims.

In August, 1977, the MacPherson country residential subdivision was opened and, in the fall of 1978, over 100 lots at Wolf Creek went on sale, with the Government well aware of outstanding mineral claims in the area.

Early in the year, a person who had entered into an agreement for sale with the Government attempted to obtain a mortgage from a bank at its local branch office. As is usual, the mortgage application required a title search and, lo and behold, the lawyer for the bank found that a mineral claim was registered for the same area as the lot in question and the claim was in good standing. He therefore refused to put his signature on the certificate, saying that such a certificate would be subject to any mining claim or the rights in existence, under the Yukon Quartz Mining Act. Such mineral claim, of course, may have some effect on your security and may be detrimental to such security.

A second bank which my constituent went to for a mortgage said the bank is "unable to process a mortgage on your property while there are any outstanding encumbrances against the property which cannot be readily cleared and jeopardize our charge over the same."

This is a bit puzzling, I think, to all concerned, because, as the Minister stated, mineral claims exist all over Whitehorse and have existed in quite a few areas in which subdivisions have been developed. In the past, mortgages have been issued for properties that were covered by similar claims, including five, I might point out, in the Wolf Creek Subdivision.

Nonetheless, representation was made by myself, and others, to the Minister of Municipal Affairs and the matter received some publicity. You may have noticed some comments and stories in the newspaper and on the radio.

A statement was then issued by the Minister, saying the Government had written the banks advising them of the position that surface title was not affected by the mineral claims. The Minister also said that Central Mortgage and Housing Corporation would issue mortgages if the banks would not.

Unfortunately, the local manager of the Central Mortgage and

Housing Corporation made the Minister eat his words. I think, within hours. There seemed to be a problem of communication there.

The latest development in the case, Mr. Speaker, is that the Bank of Commerce, after seeking an additional opinion on this matter, informed my constituent on Saturday that the bank would instruct its lawyer to approve the mortgage. The Minister today, as a consequence, has made his statement.

I fear, however, that the law is still unclear. Apparently the Yukon Quartz Mining Act takes precedence over the Territorial Lands Act and permits the holder of the mineral claim, which involves primarily subsurface rights, as the Minister said, the right of access by the surface and provides for compensation to be paid of the surface claims, in the event that damage is caused by the miner.

Significantly, though, I think the Act does not require the miner to obtain the consent of the surface title holder. It may be that until there is a clear and decisive legal opinion on this matter, some considerable doubt may exist as to what rights and for whom when someone has title to the same piece of ground as another person has for mineral rights.

I suspect, Mr. Speaker, that a more long-term solution may have to be found than the one we have heard from the Minister today and simply a reversal of the decision of the bank, especially since one of the holders of claims in question at Wolf Creek has threatened to work his property. A local lawyer, heading the same law firm that declined to issue a certificate of clear title has suggested, as Members can see from the document I tabled earlier today, that the Territorial Government issue a covenant when it signs the agreement of sale to purchase land. This Government, he proposes, would protect the lot owners in somewhat the same way as the Minister has proposed today.

The Minister's statement today confirms my information. As I say again, I fear that it may not be the end of this matter. Some kind of clear solution is going to be needed to avoid future conflicts. I would say with respect, Mr. Speaker, that I think it should be on the initiative of the Territorial Government to have a dialogue with the Federal Government, if necessary, about some permanent solution to this problem. Much as in their moments of anger the thought of going to the courts may have been appealing to some of my constituents, I think, in the cool light of day, all of us realize that that would probably have been a very expensive process. I doubt very much if any decision made by a lower court would not have been free from appeal and that such a court case might have gone on through several levels of courts and might have ended up in the Supreme Court and might have taken years to settle.

That could still happen, Mr. Speaker, because anyone involved may still go to the courts if they feel they have suffered some costs. Potentially, someone who owns the mineral claims may do that and we would have some serious problems here in land development, because it could well tie up the future Hillcrest development and a number of others.

The second matter, Mr. Speaker, I would like to talk about is what I would call the rights of tenants in my area, or renters' rights.

This has been, as you know, an issue of some concern to me for some time, but it has come home to me very sharply again recently because of one particular case.

In one of the trailer courts in my constituency, new rules have been issued by the landlord. These include the following:

- 1) trailer owners must obtain permission from the landlord to sell or rent their mobile home to others;
- 2) the landlord said he is "reserving his right" to refuse accommodation to anyone without reasons and refuse the sale of someone else's property, their trailer, to another party;
- 3) no improvements to a person's trailer may be done without the landlord's permission;
- 4) for sale signs must be approved by the landlord;
- 5) any complaints must be submitted in writing to the landlord;
- 6) individuals may not store vehicles which are not in working order on property they are renting;
- 7) they are not allowed to even work on vehicle repairs on the lots they rent without permission of the landlord;
- 8) dogs of any kind or any size will no longer be permitted in the properties rented and anyone who still has a dog by August 31st will be evicted immediately;
- 9) pets will be restricted to fish, birds, small mammals, rodents and one cat per property.

Now, Mr. Speaker, the demand for these rules may have arisen

because of the landlord's need to do what he thinks is effectively manage his property and protect the rights of other tenants who may have felt they were wronged by some existing situation.

However, what is unfortunate about this is that, one, there are no formal lease agreements with the tenants in question and conceivably a number of the people on the property believed they had, in fact, verbal contracts with the landlord which the landlord may now, in fact, be renegeing on.

In addition, there are items in the landlord's proscribed rules which I believe infringe on the civil rights of these people and their normal rights as tenants, or at least their rights as would exist in many other jurisdictions in the country.

Thirdly, it is clear that some of the tenants have grievances against the landlord which they have no formal way to resolve. No meeting has been called by the landlord to discuss these things, there was no semblance of, or need from a legal point of view, for any democratic process to implement these things, since there are no rules for lot renters.

The root of the problem is the Landlord and Tenants Ordinance. One, in many ways it is a bad piece of legislation and, two, there is no enforcement for what few rights the law does give to renters. Under the Ordinance, the landlord can, for any reason at all, simply give people one month's notice before he puts people out of the properties.

There is some modest protection against arbitrary rent increases, but even this is pretty insufficient. It was the policy of the previous government, and, by implication since they have not changed the policy, by this government as well, not to enforce the Landlord and Tenants Ordinance and some of the other consumer protection ordinances.

The obvious underlying reason for this is the growing sense by the people there that the business sector in all situations seems to have more rights than consumers. The underlying principle of that, I would guess, is that property rights are still, in this community, taking precedence over human rights.

This, I submit, Mr. Speaker, in a egalitarian society, is not an acceptable circumstance.

The third matter I wish to address, Mr. Speaker, is the one of recreation capital. Not so long ago, the Minister of Education, following a motion which went through Whitehorse City Council, and which I had the privilege of moving, agreed to build a new swimming pool in the Porter Creek school. At least, if I remember correctly, he seemed to think it was a wonderful idea.

It is clear that the City is in serious need of a major recreational facility of this kind. Various proposals were received from the taxpayers. The City worked through the problem for a long time and ended up with a commitment for Federal funding.

Unfortunately, it was not enough to finance construction of the entire facility. The City taxpayers would have had to pay more in property taxes in order to finance it. The question, as we all know, was put to a vote of the City ratepayers and they voted it down.

Now, they rejected it, I believe, for a very good reason. The reason is that their property taxes were not designed for paying for recreational plants like the one proposed. I hold the belief that the property taxes should be applied only where they improve the value of the property and, therefore, should only be used to pay for providing services to that property.

Now, it is a defensible argument that there are transfer payments of taxpayers' money from the Territorial Government to the City, something in the order, I believe now of half a million dollars plus, as a result of the per capita funding agreement, which equals, coincidentally, about the amount that the City spends on recreation programs.

That seems to me to be a reasonably equitable and fair way to substantially fund recreation programs. The problem with the recreation centre proposal was that there was no commitment from the Territorial Government to help pay for the capital costs.

It seems to me that if we were looking for funding from three levels of Government that was the level of Government that was missing; the same way as schools and other facilities like that can only be provided with capital funding for senior governments because more sources of taxation are available to them. That ought to be the way to pay for larger recreational projects, as well.

Now, Mr. Speaker, I was very pleased last year with the responsiveness of the Minister of Education, the wisdom, the clarity of thought, the generosity, the intelligence and speed with which he came to a decision on the question of the swimming pool he would build with YTG money and locate it in a YTG funded school. There were a number of people in the community who were outraged that it would be in Porter Creek and I must say that I do not share the

prejudices of people in Riverdale and such places, who feel that every facility in the City ought to be located in places convenient to them.

It is clear that the way the City of Whitehorse is going to develop in the next few years is that the centre of gravity of our community is going to move up the bench, past the airport and into the area I now represent. Porter Creek is not so far from there that the swimming pool would be inconveniently located.

Furthermore, it seems to me that the Minister's decision was significant in that it established, or re-established a precedent in recreational facility funding. The recreational capital of this nature would be borne by the Territorial Government and possibly maintained by the Municipality or some other arrangement.

The principle had been established and it would have been reinforced in major way by a school swimming pool. Having it done once, it seems not inconceivable that I could have made a similar plea when the next school was built in my part of town. Other parts of the City and the communities around the Territory could have done the same thing and it is not too much out of reach of imagination to say that in a few years we could have had swimming pools in most of the major schools around the Territory. I think it is a very good idea.

Now, the Minister says he has not reversed his decision but it is certainly a public impression for those of us who read the Whitehorse Star that he has reversed his decision and says he cannot put a swimming pool in a school for budget reasons. At the risk of his being accused of flip-flopping too frequently on this question, and I know he would not want that to happen, I hope that he yet again has the opportunity to change his mind. I hope that the money can be found somewhere. I sincerely hope that in terms of recreational needs in the City, he will have a swimming pool. I, frankly, would not be upset, as I say again, if it were in Porter Creek, far better a swimming pool in Porter Creek than no swimming pool at all, which is unfortunately a realistic possibility, given the condition of the existing pool.

I want to say a few words about another subject, which I am finding an increasing number of my constituents complaining about, and that is social policy. A large number of groups with whom I have come into contact in this community are getting pretty tired of receiving communications from the Ministers of this Government, one Minister in particular, which contain words to this effect: "I am personally very sympathetic with your proposal; however, human resources are not a budget priority of this Government and in a period of restraint, there is no money available for this project."

It seems to me the fact that these kinds of services to people are not a budget priority with this Government is to the eternal discredit of the Ministers responsible. It is a clear indictment of the Government's failure to forcibly and effectively argue for and defend the needs of those in the community least able to defend themselves.

More importantly it is an indictment of, I do not know whether I should call it the New Conservatism or New Liberalism, I get confused these days, but, the policy of restraint, as if that were a magic word, the false economy which says you rob Peter to pay Paul; the penny-wise, pound-foolish politics that says you do not deal with social problems at their root, you do not deal with the troubled and sick and unhealthy people when the problems are in the early stage, you allow the problem to fester and rot and go into a full-blown social crisis and then you come along and try and do something when it is often too late.

What I am talking about, Mr. Speaker, and I make this a very modest appeal, is that there are a number of groups in this community who I think are investing a lot of time and energy and have received a little support from the Government, and who I think could use more. I think in terms of the general health and well-being of not only the community as a whole but, certain individual people could use a lot more. I have in mind, the Child Development Centre, most of the daycare centres, there are even groups like the Parents for French, Mr. Speaker, who I think are worthy of support.

Now, I compare that with the insanity this winter, of spending half a million dollars to maintain a road to a snowbank. I really think there is still some distortion of priorities. It seems to me, when institutions like the Child Development Centre could use, in a very serious way, \$50,000 this year, and groups like Parents for French, are making, I think, a reasonable request for some flexibility and innovation in the education system, that are failing to get the kind of help they need.

I am suggesting that a small increase in the investment here in the Human Resources in this community would, I believe, produce

enormous dividends in savings down the road. I think not to do so is short-sighted.

I sometimes worry that this Government is becoming traditionally very liberal in a sense that they would rather pay for an icy road as a visible monument to the Government largess than invest money into the human potential of the community which may not reveal itself obviously, which may be invisible, the benefits of which may not be clear until a generation from now, and of course which do not produce any immediate political rewards.

I also want to say something about the Wolf Creek Detention Centre since there are rumours going around my riding that its passing is imminent for financial reasons and others. I think this may be a good decision. I only hope that the Government, if that comes about, does see the wisdom of creating a special group home with the kind of environment with love and authority for this difficult group of young people so that they can hopefully be re-integrated into the community in a way that I think would not be possible or is not possible in an institution like the Wolf Creek Detention Centre.

Mr. Speaker, I would like say a few words about jobs. As I reminded the House before, I have printed on my brain the advertisements in the Territorial Election, 1978, in the Conservative advertisement which said, "Only a PC Government will reduce unemployment, fight inflation and rising prices."

Mr. Speaker, this promise is yet to be fulfilled.

What about jobs? We had unemployment statistics released just last December that said the Yukon unemployment rate was down to 14 per cent from around 26 or so the year previous. Impressive performance by the Government? Well, even the Government did not go quite that far. They explain this drop in unemployment instead by the hypothesis that the unemployed have left the Territory, that somehow we have had an enormous drop in the number of people who are unemployed because they have simply gone away. What is the truth of the matter? What is the reality? Let us look at the Government's own numbers, let us look at the method by which they calculated this unemployment rate.

What they do is they take an estimate of the population of the Yukon based on medicare enrollment statistics and adjust it by a formula which they developed over a period of time. Fair enough, for want of a better method or a recent census, it is probably an adequate enough measure. Apart from the fact that there are probably all kinds of people coming into the Territory who are jobless and who may not therefore be registered for medicare, the figure may, and I say no more than that, be fairly accurate.

Next, they multiply this population figure by a "participation rate" for the Yukon economy. That is the number of people over fifteen years of age who are participating in the work force. Now, that estimate is based on the participation rate from Northern British Columbia. It may or it may not be accurate, but is based on the assumption that our economies are similar and that therefore a similar participation rate will apply. Now I think there are a number of problems with this.

For instance, I doubt very much that there are as many public servants per capita in northern British Columbia as there are in the Yukon and I know, for example, that as far as our fishing industry goes, it is not nearly as well developed as it is in northern BC. I am not so sure that our tourist industry and our mineral industry have the same kind of profile as they do in that part of the world.

Even given that labour force statistic, they then deduct the number of people who are employed from the number of people that they have estimated to be in the labour and what is left is their unemployment figure from which they calculate the percentage of unemployed or the unemployment rate.

So what is wrong with this? In December, 1978 they said the work force was 12,600 and some persons. Last December it was supposed to have dropped by some 1,500 people, but if you look at the same report, the population statistics from this Government, what you find is the population only went down by 103 people.

Somehow the people who left were either too young or too old to be in the work force. And yet our labour force was supposed to have dropped by at least 1,500. You look at the unemployment statistics and you see that there were only 185 more people working in December 1979 than December 1978 and yet our unemployment rate dropped by 12 per cent.

Now we are a very small community, Mr. Speaker, but we are not that small. Now, Mr. Speaker, maybe the unemployment rate in December 1978 was wrong; maybe the unemployment rate in December 1979 was right. But I find it, with my simple high school arithmetic, practically impossible to reconcile these two figures.

Now I do not want to dump on ERPU for this, because I can

understand that they have some problems in trying to generate these figures, and I know that you need reliable data to do effective economic planning in the Territory. I do not happen to believe that this Government is yet doing any effective economic planning, at least none that we have seen, but I do think they need to be doing it.

I would urge the Government to take another look at the statistics and the methodology by which they generate them because I think what we have now is an illusion of a drop in our unemployment rate which is entirely that, an illusion. I see no human evidence that the numbers of unemployed in this Territory have gone down. In fact, if you compare the number of people collecting unemployment insurance benefits from the Federal Government between 1978 and 1979, it is quite clear that, if you take into account the changes in the qualification periods and regulations, there has not been that substantial a difference.

Now, I admit that if you look at the housing statistics and the vacancy rates in apartments and take into account the construction of new units, you may well reasonably say our population has dropped considerably but if the labour force has really gone down by some 1,500 people, then I would submit that the population figure, which shows only a change of one hundred and some people, is wrong. Since that is the first figure that the Government uses in its employment rate calculation, then I would guess that all the numbers that follow would be in error.

All of this, Mr. Speaker, does not absolve the Government of its commitment or its responsibility to do something substantive on the job front. I have not yet got the impression that this Government has that as a major priority and I think that, as we get closer to the next election, it is incumbent on this Government to live up to its promises from the last one because I can promise them in the kindest way that I know how that there will be at least one Member of this House who will be prepared to call them to account for that promise at that time.

Now, the other thing I want to say something about is prices. The Government figures themselves continue to show that we have an incredible spread in prices between here and down south. Housing people tell me that renters in Yukon are probably going to go through incredible increases in rent this coming fall and they will almost certainly go through a massive increase in rents when the vacancy rate drops when the pipeline starts creeping over the horizon. To protect the permanent residents of this community, people on fixed incomes and regular incomes and regular jobs who will not be able to protect themselves against the coming inflation, I would beg the Government to give up their silly economic liberalism and come round to the point where they will implement fair pipeline rent controls as soon as it is clear that they will be necessary.

The other matter, Mr. Speaker, which I am going to address further in my budget speech is the continuing problem of food prices. Now, I understand the Government has done some studies and I understand these studies show there is a spread in prices at the wholesale level, between the Vancouver area and Whitehorse, of some 16 or 17 per cent. However, at the retail level there continues to be a 30 per cent spread between Whitehorse and Vancouver.

Now, Mr. Speaker, wages are not higher in Yukon for those food companies than they are in Vancouver. Energy costs, according to the Government, may be double and that may be significant but I do not believe that you can explain the 14 per cent discrepancy simply by these local costs. I would certainly petition the Minister responsible to do some energetic, but I do not think too difficult, research in this area to see if we can come up with some of the hard facts about this situation.

We know, from studies done nationally, the supermarkets in the U. S. mark up one cent on every sales dollar. Within northern Canada it is the practice to mark up over two and a half cents on every sales dollar. We do not know what the markup is here in the Yukon, at least I do not and I think we should find out.

Mr. Speaker, in closing, I would like to say a little bit about Land Claims.

In this Session, I am once again going to be asking the Government Leader what the Government's policy is on this question. Up until now he has courteously, but very firmly, refused to tell me. He has made some statements and arguments about it being a negotiating position of the Government, and negotiating particulars and negotiating strategy may be quite properly something they do not want to reveal. I do think this Government has a policy and I think it has a responsibility to make that policy known. I think it is important for the Government not to forget, which it seems to when it is talking about Land Claims, that it represents all the citizens of the Territory and when it sits on the Federal Government's side of the negotiating table and negotiates against a part of

this community, that puts it, I think, in an unbearable conflict situation.

Now what are the negotiations all about? Let me use an analogy from the labour situation. Yukon Indians are obviously trying to get the best possible settlement they can. The better the settlement they get, the more it is going to cost the Federal Government, the more money and power and responsibility is going to flow from Ottawa and southern Canada to the north. This Government, the Yukon Government, is on the Federal side.

What is the Federal Government's objective in these negotiations? They may have some professed principles about what they want to achieve in Land Claims but I guess push comes to shove, they want to transfer as little money, as little power, as little responsibility and as little resources as they can to the North.

The YTG is on the Federal side of the negotiating table. The YTG, I think, may be locked into a self-defeating policy. Surely, any Government of the Yukon ought to be trying to get the best possible settlement for Land Claims for Yukon Territory because, as we know, and the Government Leader has said time and time again, that settlement will benefit the whole of the population of the Territory and therefore the better the settlement they can achieve, the better it will be for the Territory.

What I am proposing, Mr. Speaker, is something fairly radical. I know that will come as a surprise for the Members of the Government, but I will do it anyway.

Perhaps what this Government should do is simply cross the floor at the negotiating table. Take a creative leap across the table and mentally sit on the Yukon Indian side of the negotiating table, and support their claims as best they can and try to come to an agreement with them on some of the major principles and the other issues which involve this Government and get a settlement here which would bring the best possible social and economic benefits, and the maximum justice to the Indian community that can be achieved for the benefit of the whole Territory. Instead I think, they may ultimately find themselves in a situation where they are simply a drag on a just settlement.

The final point I want to say about this, because I think the Government should be reminded in case they forgot, is that there is now a Liberal Government in Ottawa again, and the Liberal position, or at least the position that the Liberal party in Ottawa, as espoused by Mr. Trudeau and Mr. Chretien, and a number of other prominent Members of the Caucus, is that we shall not have control in this community of our own affairs as long as they live, or words to that effect.

The Liberal Party, during the election campaign, tells the Indian community that they are going to settle Land Claims. Part of a Land Claims settlement is surely that power, responsibility and money and so forth, be transferred to the Indian communities so they control their own affairs.

Is the Liberal Party in Ottawa seriously saying that they are going to transfer power and authority, that kind of control, to the Indian community here so they control their lives, but are not prepared to transfer the same kind of control and authority to the rest of the community? Surely, that is a completely contradictory position and if they are saying that, if they are really saying that, then they are more devious than any of us ever imagined and I think this government ought to be very careful about sitting on the same side of the negotiating table with them.

**Mr. Speaker:** Order, please. I should caution the Honourable Member that he only has a couple of minutes left.

**Mr. Penikett:** For that, Mr. Speaker, I am eternally grateful. Thank you.

Mr. Speaker, I believe the Liberal party wants to continue on its traditional policy, which is to divide and conquer the North but I do not believe, when the push comes to shove, they will ever give control to either section of the northern community unless they are forced to.

You can look at things like the COPE Agreement and the residual Federal powers left in there and I think you will see that the Federal Liberals will hang on to as much power and control over the northern resources of the northern people as long as they can. Therefore, I would argue the most effective way you can get the kind of settlement you want here is to come to some kind of substantive agreement with the Indian community, the people you also represent here.

Now, this Government has shown some incredible Liberal tendencies in its Throne Speech. In fact, listening to it, one would almost speculate that the Liberals had won the election in 1978. I look at the number of former Liberals who are alleged to occupy the seats opposite and it seems to me that they have gained posi-

tions of incredible power and responsibility and I congratulate them.

The Throne Speech, Mr. Speaker, sounds good. If you read carefully, there is a mention of only fifteen some Bills. I want to say, as a Member of the Opposition, I will be carrying out my duties to Her Majesty and carefully scrutinizing, criticizing, examining and questioning the Government about its programs.

I will only say, in closing, Mr. Speaker, while the Speech seems to be full of good intentions and it is a marvelous set of resolutions for the new decade from this Government, I will only say in closing, that they should be reminded of what the great German Philosopher said about the road to that place down-under.

Thank you, Mr. Speaker.

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

**Hon. Mr. Hanson:** Mr. Speaker, I had not intended to talk today but after listening to the Leader of the Opposition I thought, well even if I have not prepared anything, I could not make the same dumb mistakes he does.

My friend from Whitehorse West, whom I respect very much, went down a little bit in my estimation today when he quoted the Whitehorse Star, the newspaper of the Honourable Leader of the Opposition. If you read that newspaper, I would suggest that you would find out that the Leader of the Opposition is not that smart. We knew that before but he is very lazy because he has not done his homework. In fact, he is not aware of what is going on in this Assembly.

However, I do not want to be unkind to the fellow, he is young, and I think he has probably got those words backwards that I got when I was young, told to me by my father, "Son, if you do not know anything, keep your bowels open and your mouth shut." I would suggest the Honourable Member has got those words backwards.

At this time I would like to talk a little bit about my community, the history of the community. I would go back to your dog laws, brought on by—

**Mr. Speaker:** Order please. Perhaps the Honourable Member would address the Chair.

**Hon. Mr. Hanson:** Back in Mayo, where I belong and like, and even up there, they wonder what the Leader of the Opposition is talking about all the time, because when he first went in there, he went as a bright, young man and they listened to him and they fired him. I do not think they think the same right now, however, but I told them, he keeps going up. He eventually will be a nice fellow.

**Some Honourable Member:** You hope.

**Hon. Mr. Hanson:** The Honourable Member from Whitehorse West talked about the Ottawa having said that they will not divide us, they would not give us any power up here, but those of us who remember last fall, when the Honourable Leader of the Opposition suggested that we had no right in this House to pass an ordinance concerning the game laws before we went to Ottawa, Scotland, I do not know, wherever else. We had no right to pass that ordinance in this House.

I think that the Honourable Member owes us an apology in this House, because that was an insult that we should have to go to Ottawa to pass an ordinance in this House for the affairs of this Territory up here.

I think the Honourable Member, at other times last year, said, well now, the Heritage Fund, Ottawa should control that. The Member from Whitehorse West said, no, we should have it here and the leader insists that everything should go through Ottawa.

Now, I get a little mad on that because he keeps on saying there should be no development, we should not develop anything until land claims are settled, but we should buy a railway. Where in hell is the money going to come from for that railway? Out of the taxpayers' pocket, because I am sure his counterparts in Ottawa are not going to give us unlimited funds to buy that railway and run it. So, eventually, the money has to come out of our pockets, but buy it anyway, but have no development.

**Mr. MacKay:** On a point of order, Mr. Speaker, I have never said that there should be no development and that should be withdrawn.

**Mr. Speaker:** As the Honourable Member obviously knows, he has no point of order.

**Hon. Mr. Hanson:** But the Honourable Member says, "Extend the railway." Where is the money going to come from? He is an accountant, I am not.

But this is the kind of drivel that he comes out with and he is coming out with it constantly. Do not do anything, but do something to spend money. If you have not got the money, where are you going to get it from? But do not develop.

He keeps on hiding behind this thing of provincial status. Every time something comes up, he mentions provincial status. I want to ask, who was the first government, first party in Yukon to talk about provincial status. I can remember that long.

He says that we have not been doing anything. The Honourable Member does not know what is going on, as I said before. I have met with mining companies steadily and am meeting with a whole group of them again in May, trying to find out what their plans are. As yet, nothing is finalized, but at least we are meeting with them.

We met with Dome Petroleum. We have been into Saskatchewan to look at the mining going on in there, but the Honourable Member has not asked what we found about these things because they are not of any interest to him. He just wants to be able to stand up and spout off.

The Honourable Member from Whitehorse Centre, when I came back from my trip to Saskatchewan, had questions to ask. Everybody knew I was in Saskatchewan. A lot of people have asked these questions, but not the Leader of the Opposition because he is not interested. He does not need to do the homework like the rest of us because he has the front page in the Whitehorse Star, and I think he should have.

Mr. Speaker, I could go on for hours about the Honourable Member. I do not think he is going to change, but I just hope that eventually he grows up.

Thank you.

**Mr. Tracey:** Mr. Speaker, I move that debate be now adjourned.

**Hon. Mr. Lang:** I will second that.

**Mr. Speaker:** It has been moved by the Honourable Member for Tatchun, seconded by the Honourable Member of Municipal Affairs, that debate do now be adjourned.

Motion agreed to

**Hon. Mr. Pearson:** Mr. Speaker, pursuant to the Standing Orders of the House, I would like to advise the House that tomorrow has been set aside as a further day for replies to the Speech from the Throne.

**Mr. Speaker:** So ordered.

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

#### GOVERNMENT BILLS AND ORDERS

##### Bill Number 6: Second Reading

**Mr. Clerk:** Second reading, Bill Number 6, standing in the name of the Honourable Mr. Graham.

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 6, entitled Summary Convictions Ordinance, be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Hootalinqua, that Bill Number 6 be now read a second time.

**Hon. Mr. Graham:** Mr. Speaker, the Summary Convictions Ordinance is a piece of legislation which will establish procedures in the Territorial Court or Justice of the Peace Court in Yukon in summary prosecutions.

This Ordinance will replace the practice which we have used for a number of years, namely, using the summary conviction procedures from the Criminal Code of Canada, the authority for which was set out in the Interpretations Ordinance of the Yukon Territory.

The Interpretations Ordinance states that unless a matter is specifically provided for in a local ordinance, the provisions of the Criminal Code apply. This Government is now bringing forth the Summary Convictions Ordinance to deal with specific cases not provided for in the Criminal Code.

The major departure from the present practice is the requirement for evidence to be heard over again in cases of an appeal of a summary conviction. The reason for this is that normally inadequate record of proceedings kept in relation to territorial offences, especially in rural areas; we do not have sophisticated court recording or reporting devices in many of the rural communities where we have justices of the peace hearing summary offences.

We have also established a comprehensive ticketing procedure for use in relation to offences against municipal bylaws, as well as ordinances and regulations. The use of the new procedure will expedite the judicial review of minor offences, especially where the accused pleads not guilty or does not contest the prosecution.

A system for the voluntary payment of fines is also introduced, as is a system for the automatic conviction and fining of persons

who do not appear in court when required to do so.

This system will not only streamline the working of the court, Mr. Speaker, but will also protect non-appearing offenders from getting a criminal record as a result of being charged with a Criminal Code offence for failing to show up in court at the required time.

Under the new system, Mr. Speaker, the no-show will be deemed to have pleaded guilty. Next, a default judgment is either entered against him in court and the fine can be collected by the sheriff through garnishee proceedings or other collection proceedings which we will outline in further legislation that has been introduced to the House.

Generally, the new procedures will provide the flexibility to deal softly with accused persons who genuinely forget or have a reasonable excuse for not paying or failing to attend in court.

We have also added new remedies for the collection of fines in this Ordinance, in addition to the familiar alternative of putting the offender in jail.

We feel that the object of this Government is not to put offenders in jail for failing to appear or failing to pay a speeding ticket. The territorial corrections unit should be used only as a last resort. Mr. Speaker, for more serious offences. We do not believe that it should be used for summary conviction offences and minor offences that could be easily resolved within the judicial system.

Mr. Speaker, the other major change in this Ordinance is that, under the Summary Convictions Ordinance, the Territory will be in a position to use civil collection procedures for the collections of fines.

Mr. Speaker, we currently have a huge number of fines outstanding to the territorial court, fines which we have a great deal of trouble collecting. We hope that, with the introduction not only of the Summary Convictions Ordinance, but with the introduction also of the Garnishee Ordinance and the Executions Ordinance, this problem should be resolved in future.

Thank you, Mr. Speaker.

**Mr. MacKay:** Yes, Mr. Speaker, I would like to address the main principles of the Bill, which appears to be a clearly written Ordinance, which is a very refreshing change. It seems to have been written by a different draftsman or have a different hand in it somewhere than the ones we have seen before.

It also appears to be a fair Ordinance, Mr. Speaker, as it does give every possible latitude, it seems, to those people who become entangled with the law and I think that this is a good thing to do because, more and more, it seems that we can become entangled in the law for small, petty things that can lead to larger and less petty things.

There are a number of specific problems in the Bill, which I will address in more detail. Some of the descriptions of what will go on the tickets seem to be a little unclear and perhaps leave the recipient of the ticket a little ignorant of what kind of an offence he has committed.

I also hope that, as this Bill appears to affect municipalities, that some consultation has occurred with respect to the dovetailing of their bylaws and that appears to be included in the final paragraphs so, hopefully, that will not cause a problem to our municipalities.

I would also like to see, Mr. Speaker, some indication of what will be contained in the regulations as to the type of offences that will fall under the Summary Convictions Ordinance and that, if the regulations are not, indeed, ready by the time we complete this Bill, if there was some indication in the Committee of the Whole as to what kind of offences are going to be included, I think that would be useful to the Members.

Finally, I would like to congratulate the Government sincerely, from the bottom of my heart, for producing an ordinance which does not set up another board. This must surely be a record and I am very glad to see this kind of ordinance coming through without another board.

So, in summary, I will be voting for this Ordinance, Mr. Speaker, as I believe it is a good one.

Motion agreed to

**Hon. Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Mayo that the House do now resolve into Committee of the Whole.

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

Motion agreed to

## COMMITTEE OF THE WHOLE

**Mr. Chairman:** At this time, we will have a recess.  
Recess

## EDIT 34

**Mr. Chairman:** I would like to welcome everybody to the Third Session.

This afternoon, we will be considering Bill Number 6, Summary Conviction Ordinance.

**Hon. Mr. Graham:** Mr. Chairman, maybe we could first of all explain what a summary offence is.

A summary offence is a short or quick offence, one that can be dealt with by a magistrate or a justice of the peace sitting by himself on the bench, rendering a decision on that offence himself, without benefit of a jury.

**Mr. Chairman:** Is there any further general discussion?

**Mr. Penikett:** Mr. Chairman, I have got a couple of questions here which I guess I should ask now before we get into the particulars. I am not clear from this, Mr. Chairman, to exactly what ordinances and regulations this law will apply. I know what summary convictions are federally, but is there any kind of ready definition or easy description of the kind of offences, which we have invented in this Legislature which, these things will apply to?

**Hon. Mr. Graham:** Mr. Chairman, further on in the Ordinance it goes through exactly what this Ordinance can apply to. I cannot remember exactly which ones they apply to, but they apply to things like traffic offences, on part of municipal bylaw infractions, going through a stop sign, speeding infractions, and that type of things. Those are basically the only offences that will be dealt with under the Summary Conviction Ordinance.

**Mr. Chairman:** Is there any further general discussion?

If not, we will commence a clause-by-clause study.

On Clause 1

Clause 1 agreed to

On Clause 2

**Mr. MacKay:** "Notice to appear." I had some difficulty reading this and determining what the difference between a "notice to appear" was, and a "summons". Is there some legal distinction?

**Hon. Mr. Graham:** A summons to appear is issued through the court. The "notice to appear" would be the notice to appear at the request by an officer of the law. You shall appear, et cetera, on such a date, in order to plead guilty, not guilty, or to enter a plea on this offence.

I did a little research here just quickly in answer to Mr. Penikett's question, the Summary Convictions Ordinance applies to all territorial ordinances that do not have offence sections in them already. In other words, it would not apply to the Games Branch, because the Game Branch have, in their Ordinance, offences. They list the offences and they list penalties for those offences. A Summary Convictions Ordinance would not be used for that type of thing unless they were using a ticket.

**Mr. Penikett:** Mr. Chairman, just on that point, because I am not clear from reading on this, could the Minister then, by regulation, make this Ordinance apply to some other ordinances that it now does not?

**Hon. Mr. Graham:** I do not have any idea, Mr. Chairman, I am sorry. It appears to me that it would apply to all territorial ordinances at the present time.

**Mr. Penikett:** Mr. Chairman, I may have a couple other general questions like that that the Minister may not be able to answer now. Perhaps I could give notice, could I then, so that he might be better able to get it back to this Session.

There is a lot of talk about vehicles and tickets in this Ordinance. I am not sure about provisions to have people like bylaw enforcement officers of the City issue parking tickets, unless parking tickets, for example, are done only by municipal bylaw and not by the Motor Vehicles Ordinance. But I wonder, could we have, any confusion resulting here, we might end up having RCMP issuing tickets for vehicle offences like that, which is clearly something they do not want to do now. Is that laid out perfectly clear here in a way that I do not understand it?

Perhaps the Minister just would like to take notice of that.

Just a general question, too, because there is an outstanding problem there about whether municipal bylaw officers were peace officers under the terms of all ordinances, because I understand they are not now, under the Motor Vehicles Ordinance, and whether their status would be affected at all by this.

**Hon. Mr. Graham:** No, Mr. Chairman, their status would not be affected by this at all.

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4(1)

Clause 4(1) agreed to

On Clause 4(2)

**Mr. MacKay:** The wording here, it says "a fine of \$500", does that mean no more, no less than \$500, or can it be up to \$500?

**Hon. Mr. Graham:** It means up to, Mr. Chairman. It is setting a maximum.

**Mr. Fleming:** Yes, Mr. Chairman, the Minister might clarify, "a person commits an offence against an enactment", in an enactment, for instance, where it says here it has the same meaning as the Interpretation Ordinance, but the "notice to appear" may be on a ticket and you may not appear on that, is that considered an enactment and liable to a fine of \$500 because you do not appear at that time?

**Hon. Mr. Graham:** No, Mr. Chairman. An enactment is any ordinance or regulation, bylaw, that type of thing. An enactment to the territorial government is our ordinances and our regulations. An enactment to the City of Whitehorse is their bylaw.

Clause 4(2) agreed to

Clause 4 agreed to

On Clause 5(1)

**Hon. Mr. Graham:** Mr. Chairman, these sections all are just general offence and penalty sections and they apply only when an ordinance, regulation or, in the case of the City, a bylaw has omitted to make a provision such as under the Local Improvement District Ordinance there is no provision made for the consequences of a violation against that Ordinance, or against the bylaw or an LID. If an LID makes a bylaw and someone breaks that bylaw, there is no provision for any penalty to be imposed on that person who breaks the bylaw. So in all cases where that happens through Territorial ordinances or city bylaws, this ordinance would then take effect.

**Mr. Penikett:** Mr. Chairman, just so that I can understand the Minister clearly, in those cases that he has described, where there is not an offence provision under YTG law regulations, then in effect something like criminal code proceedings then apply, or the proceedings under this ordinance then apply?

**Hon. Mr. Graham:** Formerly, Criminal Code proceedings had to take place because, under the former ordinance, and under the Interpretations Ordinance, wherever there was no penalty imposed under a certain ordinance, the Criminal Code proceedings then applied. Now, after this ordinance is in place, the Criminal Code proceedings will no longer take effect, this ordinance will.

**Mr. Fleming:** I take it from that, Mr. Chairman, that a person could be fined a fine of \$500 for a very, very minimal thing, in an LID ordinance, for instance that they just did not adhere to.

**Hon. Mr. Graham:** That is right, Mr. Chairman, you could be fined up to a maximum. We will assume that there are not any Territorial judges or J.P.s who would in fact use bad judgment and that is one of the reasons that we are holding the clinics for J.P.s and Territorial judges.

Clause 5(1) agreed to

On Clause 5(2)

**Mr. Penikett:** Just a quick question of the quick offence is the Minister described here. This relates to the appeals under the Criminal Code. What would be the effect on this ordinance of the Federal Government making some substantial change in the appeal system? We would just continue to operate with this system where it is not specifically covered in Federal legislation?

**Hon. Mr. Graham:** Mr. Chairman, in Section 5(2), it preserves the right of the procedure according to the appeals heard. Appeals used to be heard by way of Record of Trial. Unfortunately, we never have Records of Trials of a speeding offence that took place in Teslin, say. Consequently, any defence lawyer worth a cent would, of course, appeal any convictions heard in Teslin by a local J.P. to the court in Whitehorse, and because there was no record of

the trial, the person would get off. There was no question about that, he was off because he could afford a lawyer. Under the new system, we will not allow that person to get off that charge simply because there is no trial transcript. What we will then require is that the evidence be heard in a Territorial Court here in Whitehorse.

Clause 5(2) agreed to

On Clause 5(3)

**Mr. Penikett:** Mr. Chairman, just explain, if you could, just what the provisions of the Criminal Code are in talking about seized items, that they will be dealt with according to the provisions of the Criminal Code.

**Hon. Mr. Graham:** No, I am sorry, Mr. Chairman, I do not know what the provisions of the Criminal Code are in relation to seized items but I will get the information and return it to the House.

**Mr. Chairman:** If he brings it back, Mr. Penikett, would you agree to carry it now with the information coming back or would you want to stand it over?

Clause 5(3) agreed to

On Clause 5(4)

Clause 5(4) agreed to

On Clause 6(1)

**Mr. Penikett:** I may be wrong, Mr. Chairman, but it is the first time I have seen the word used in the singular like that, "a justice", without testifying. Is that something the Minister has decided to do in future in connection with these kinds of Bills?

**Hon. Mr. Graham:** Mr. Chairman, this simply means that it could be brought before a Justice of the Peace as well as a Territorial Court Judge. It is a language change.

Clause 6(1) agreed to

On Clause 6(2)

Clause 6(2) agreed to

On Clause 7(1)

**Mr. Penikett:** Mr. Chairman, I just wanted to understand this. What this applies to is a situation where I may have committed some technical offence against an ordinance or bylaw, my neighbour can then call the police and swear out something and get me ticketed under that offence which is something they could not easily do now. Is that the situation?

**Hon. Mr. Graham:** No, Mr. Chairman, the procedure for a person laying a charge against another person is exactly the same; you would still need to swear out an information. The only thing that will change is that now instead of the local law officer formally charging you with an offence and giving you a date you must appear in Court in order to enter a plea on that offence.

Under this Ordinance, if passed, you would be able to use the ticketing procedure and that would mean that a ticket would be issued to you. If you decided to plead not guilty, you would then have to appear in Court and plead not guilty but if you decided that you were, in fact, guilty of the offence, instead of wasting your time and the Court's time appearing in Court, you would simply send in your money that was required for the fine and that would be the end of it.

**Mr. MacKay:** This Clause makes reference to the offence specified in the Regulations. I just want some clarification, the discussion earlier seemed to indicate that the offences would be a blanket of all Territorial Ordinances but do not contain specific offences. What would the kind of Regulations that you are bringing forth contain, just that statement I made or more?

**Hon. Mr. Graham:** Mr. Chairman, in this case, they are talking in respect of an offence specified in Regulations so you are talking about offences against Territorial Regulations, all other Regulations, not the Regulations under the Summary Convictions Ordinance.

What we were talking about here is a comprehensive ticketing procedure to ticket people for offences against Territorial Ordinances or municipal bylaws. The Summary Convictions Ordinance is the vehicle by which the tickets may be issued.

The offences that we are talking about are offences under different ordinances, such as the Motor Vehicles Ordinance, the Municipal Ordinance, municipal bylaws and that sort of thing. Those are the ordinances under which the offences will take place. The Summary Convictions Ordinance is the ordinance which gives us the authority to issue those tickets.

**Mr. Fleming:** This gets me a little bit where they start out at the beginning, "Instead of the procedure set out in the Criminal Code..." and they go down to a municipal bylaw and then they say, "...may be commenced by...". It does not really say what may be com-

menced or anything, I just do not quite get the drift of the language there. I can understand what it means, that section, but is there not a word left out somewhere?

**Hon. Mr. Graham:** No, Mr. Chairman, there is not. Under the Criminal Code, at present time, if you receive a speeding ticket, you must appear in court to enter a plea on that speeding ticket. If you do not—

**Mr. Penikett:** Having had the privilege to have had a speeding ticket on one occasion, it seems to me the existing system is not that at all. If you want to plead guilty, simply send in the fine specified on the back of the ticket into the court and you do not ever have to appear.

**Hon. Mr. Graham:** That is right, Mr. Chairman. It is a bad example. I am not even certain if the Stop Sign Offence is another one, but for example, if you went through a stop sign and you were given a date that you must appear in court, if you did not appear in court, a bench warrant would be issued for your arrest. That is going to be changed in this Ordinance.

The part that we are speaking of here is the procedure of bench warrants being issued, the procedure of having to appear in court in order to answer for a summary conviction, is changed. Now the whole process may be started with the issuing of a ticket, that is the procedure that is changing. So now, with an information laid against you or charge laid against you and you must appear in court, instead of having an RCMP or a bylaw officer lay that charge against you and you appearing in court, he might now give you a ticket and you do not have to appear in court. That is the change, unless you want to plead not guilty.

I assume that Mr. Penikett decided he would plead guilty, so he simply paid his ticket. That process will be expanded to other areas. That is what we are talking about in this specific instance. It is just the ticketing procedure which we are bringing into force, so that the Criminal Code does not apply to summary convictions, the ticketing procedure will.

**Mr. MacKay:** Yes, I just want to go back to my original question. I am still not clear on it. Page 3, on the top, the third line, "specified in the regulations", you were saying that these are the Regulations that are attached to any ordinance in the Territory, or are you talking about the Regulations that are going to be attached to this Ordinance?

**Hon. Mr. Graham:** No, Mr. Speaker as I understand it we are talking about Regulations. An example is Game Regulations. They have offence procedures under them. Under this Ordinance, game procedures that are ticketable offences, you would then be able to be ticketed, you would not have to appear in court to answer an offence under the Game Ordinance. I am just using that as an example, and again maybe it is a bad example. Instead of appearing in court to answer that charge, you would pay the ticket if you are guilty, if you are not guilty you would appear and plead not guilty, but that is the system we are changing.

**Mr. Fleming:** It will also go the other way in the case of a person who now, today, would probably be waiting for a summons to appear in Court for something he had done, and instead of getting that summons they could just give him a ticket to appear in Court.

**Mr. MacKay:** I think this paragraph may be a little unclear. Could I suggest that when it talks about "proceedings in respect of an offence specified in the regulations," it could be, "or in an enactment," as well, because presumably it is not just going to be offences in the regulations of these enactments, it is going to be enactments themselves.

**Hon. Mr. Graham:** Mr. Chairman, it seems clear to me, but perhaps it is because I have been through it so many times. Possibly, then, we can set this one aside and come back later.

Clause 7(1) stood over

On Clause 7(2)

Clause 7(2) agreed to

On Clause 7(3)

**Mr. Penikett:** I would just like to ask the Minister if, in drafting this legislation, he had any cause for apprehension about the removal of the need that the complaint, if you like, or the information, will not be made before a Justice, and will not be made under Oath. The thing about under Oath, I realize the person in authority who is swearing out, or making out the ticket, presumably has taken a number of oaths and so forth, but is there anything that your advisors have about any concerns about people's civil rights, or whatever, because of complaints not being made under Oath and before a Justice?

**Hon. Mr. Graham:** Mr. Chairman, I do not think so, because basically Section 7(3)a, b, and c shows how a ticket differs from an

information, and a ticket need not be laid before a Justice, and a ticket need not be made under oath.

Now, that is standard procedure at the present time in many areas, wherever you have ticketable offences, and what we are doing is expanding the number of ticketable offences under Territorial regulations and Municipal by-laws. Any procedure after the ticket, like if a person pleads not guilty to that ticket, then, of course, you must appear under oath and before a Justice in order to hear the not guilty plea, but up to that point, we are trying to streamline the operation as much as we can, and that is the reason that a ticket does not have to be sworn before a Justice, and the ticket does not have to be done under Oath.

**Mr. Penikett:** If your conscience had no problem with the question of due process, or people not having a day in Court, presumably that only becomes relevant if they are pleading not guilty then, in this case?

**Hon. Mr. Graham:** That is basically right, Mr. Speaker. Everybody can have his day in Court if he so chooses, but we are not compelling them to appear in Court. I suppose that is the difference. We are saying, if you want your day in Court, it is up to you to ask for it, but were not going to compel you to appear in Court, even to plead guilty.

Clause 7(3) agreed to

Clause 7 stood over

On Clause 8(1)

**Mr. Fleming:** This Clause bothers me a little bit. I wonder, Mr. Chairman, if the Minister could just explain how far down the responsibility could go for the enforcement of any provision of an enactment, for instance, in a municipality or an L.I.D. I know that it states Peace Officer or any other person, just how far down the ladder can that authority go?

**Hon. Mr. Graham:** It says, "...or any other person having responsibility for the enforcement of any provision of an enactment...". This includes people named under that Ordinance, in fact, to enforce the Ordinance. Under the Game Ordinance, we have Game Officers who have the responsibility of enforcing the Game Ordinance.

Under the Municipal Ordinance, we have Bylaw Enforcement Officers who have the responsibility of enforcing bylaws made by a municipality. Those are the people that can issue tickets.

We also say further down that the signature on the ticket of the person who issued the ticket is prima facie proof of his authority to issue that ticket. But if, in fact, he does not have the authority to issue that ticket, a simple not guilty plea and proof that he does not have that authority would of course have the ticket thrown out of court.

**Mr. Penikett:** That phrase that the Minister just quoted about the fact that they sign the ticket is proof of their authority, how does that differ from the proof of authority on other cases?

As I understand it, police usually require, if they are knocking at your door, a kind of process that requires them to identify themselves in some way and, in fact, give proof of their authority. Presumably much the same thing as applies to Game Officers and so forth. What you are thinking about here are perhaps people who are required to enforce other legislation who are not peace officers, but plumbing inspectors, or whoever it may be. Is it not contemplated here that these people would have to identify themselves and give some other indication of their authority?

**Hon. Mr. Graham:** Mr. Chairman, we do not say anything here about identifying yourself. We are talking about your authority to sign that ticket as opposed to your identification. I do not know if, in any of our ordinances, we have set stipulations that a Bylaw Enforcement Officer, when giving you a ticket, must prove that he is a Bylaw Enforcement Officer. I do not know about that. If he signs the ticket and you wish to plead not guilty because you feel that he did not have the authority to sign that ticket, then that would be totally up to you.

**Mr. Penikett:** Mr. Chairman, I was not thinking, obviously of the case of the uniformed officer, that is not a problem, it is perfectly clear in most cases what the authority is, people accept him for what he appears to be. What I am thinking about is other ordinances where someone may be in regular public servant uniform, white shirt and tie, or so forth, and get given a ticket, especially when the system is new and may not understand it or may be instinctively sceptical about this person's authority to do that.

I suppose it is simply a procedural question but I would expect that such people would, as a matter of course, identify themselves and give some proof of their identification.

I think that is a reasonable assumption, yes.



**Mr. Fleming:** I probably did not hear all the conversation that went on, but what I am interested in is, if a peace officer from the Game Department can come down, for instance, an issue a ticket because my garbage can is upside down, in an L.I.D., because their ordinance may say it is supposed to be the other side up, is this true?

**Hon. Mr. Graham:** I am sorry, Mr. Chairman, I did not get the question there.

**Mr. Fleming:** An example, for instance, it says here, "A ticket may be issued by a peace officer or any other person having responsibility for the enforcement of any provision of an enactment". Of course, the signature on that ticket of the person who was issued is prima facie proof of his authority to issue the ticket, which is understandable, if he is a peace officer. All I am saying is, can any peace officer, from any department, issue a ticket? For instance, can a peace officer from the Game Department issue a ticket to somebody who has violated the L.I.D. Ordinance in Teslin, or anywhere else?

**Hon. Mr. Graham:** No, Mr. Chairman, he could not. Only those persons given the responsibility under the ordinance could issue that ticket.

Clause 8(1) agreed to

On Clause 8(2)

**Mr. Penikett:** On 8. (2), Mr. Chairman, with respect, I would like this section to stand and I will explain a problem I have with the wording there. The clause reads, "The person who issues a ticket shall, on the ticket..." and then it goes down and we get to subsection (b)... "describe the offence that the person is alleged to have committed..."

It seems to me the word "person" there is used in contradictory ways. The second person, I think, refers to the accused, and perhaps the wording the Ordinance should be amended to show that.

Mr. Chairman, let me just read it. The clause says, "The person who issues a ticket shall, on the ticket...", that means the arresting officer, or whatever, "...set out the name of the person to whom the ticket is issued," and (b), describe the offence that the person is alleged to have committed..."

I think the use of "person", which is describing two different persons, is a little confusing there, and perhaps, in the case of the second person, the wording "accused" or the "authority", in the first case or something. It is English, not law, I am talking about.

**Hon. Mr. Graham:** Well, Mr. Chairman, I do not think it makes sense if you say "The person who issues the ticket shall, on the ticket, set out the name of the 'accused' to whom the ticket is issued?" It just does not make sense. You are talking about a person to whom you are issuing a ticket. I am no English major, obviously, but I think it makes sense to me.

**Mr. Penikett:** Mr. Chairman, it is just in the substitution of the word "accused". It seems to me that whenever I have seen legislation here it is very rare to use the same noun to describe two different sets of people within the same clause of an ordinance. It is just a little confusing, that is all.

**Hon. Mr. Graham:** Okay, Mr. Chairman, I will agree to setting it over.

**Hon. Mrs. McCall:** Mr. Chairman, I think Mr. Penikett means, rather than just using "person" again, using the "supposed miscreant" or something like that. It is just a matter of semantics, is it not?

Clause 8(2) stood over

On Clause 8(3)

**Mr. MacKay:** I know this section is going to be stood over, but this is one of the ones I had a small problem with. It allows a ticket to be issued which may, indeed, only say that you are in contravention of Bylaw 216 of the Municipality of Whitehorse. It seems to me that may not happen, but this law allows to happen. It seems to me there should be more explanation of what it is you have actually done wrong than just a straight reference to a bylaw, which subsection (3)(b) seems to be allowing.

**Hon. Mr. Graham:** Mr. Chairman, this section, we feel, is necessary in order to preserve the validity of a ticket where it does not meet the very stringent standards for laying an information set out in the Criminal Code.

It simply means that a ticket need not be as specific as an information. An information is something that is sworn before a justice, under oath. A ticket is something that is given to a person and the information need not be as specific.

I am assured that this same question did concern us when we

were going through this Ordinance before and we are assured, in fact, I know for a fact because I have seen the various provincial ordinances and this section is very common in provincial legislation in dealing with tickets, as opposed to informations.

**Mr. MacKay:** In the process of your deliberations did you discuss the use of a general section saying that it would describe the offence generally? (d) also says "by using any word, expression or (even a) symbol authorized by the regulations for the description of the offence."

I am not sure of what kind of a symbol it would be, other than a tick mark, I guess, but I have some difficulty with this section because you are going to find somebody accused of an offence under the Teslin L.I.D. that just not have a clue of what he has done wrong, does not know whether to plead guilty or not guilty.

**Hon. Mr. Graham:** Mr. Chairman, you are right when you say a tick mark. In many offences, the ticket is laid out in such a way that you are accused of doing such and such and the offence that you are accused of is ticked off in a box. That is the symbol indicating that you have been accused of committing that offence.

When we went through this Ordinance, this section did, in fact, stimulate a lot of debate and, basically, what we are saying is in all offences where an accused is not certain of the crime that he is being accused of committing, then he should plead not guilty.

Other than that, you should know the offence which you are being accused of committing. It is as simple as that. In all other cases, plead not guilty.

**Mr. Fleming:** Yes, Mr. Chairman, I really do not agree with (a), "by using a general word or expression". I can agree with the rest of it, but "using a general word or expression" could almost have people coming to court every other day for absolutely nothing, you might say, because there really is no actual law, there is nothing to go by, except that you give a man a ticket because you have the authority. Of course, I know we do not do these things, but it could be done, very easily. People could be appearing in the courts, anybody that does get a ticket does have to appear.

I do not think that maybe innocent people who might not really have committed a crime, they are just looking for some way to have him commit a crime, they could do it with this.

I do not see, "by using a general word or expression", needs to be in there at all. You have all sorts of reasons why a crime has been committed, or they should have, a peace officer should not be picking up anybody if he does not have a definite reason. I do not think they are running around just waiting for peace officers to pick us up. I think he has to have something and he should be able to explain what it is without "by using a general word or expression".

**Hon. Mr. Graham:** Mr. Chairman, it is a general word of provision. I know of tickets, probably my friend across the way got a ticket the other day and all it said on it was speeding, with a tick mark in the box. That is a general word, that is a general expression, but he knew what the offence was, and that is the reason it is left in there.

I cannot think of any offences right off the bat, other than speeding, where a one word explanation is sufficient, but I just cannot believe that we have enforcement officers of any kind in the Territory, be they bylaw, game, or RCMP officers, running around issuing tickets for the fun of issuing tickets, because if those tickets are not reasonable tickets, a plea of not guilty is entered and, in fact, the policeman, as well as the accused, spends a lot of unnecessary time in the court, and I just have a great deal of trouble believing that tickets are going to be issued willy-nilly without any reason whatsoever.

Clause 8(3) agreed to

On Clause 8(4)

**Mr. Penikett:** Mr. Chairman, if I may, I would like to go back and just understand again, under subsection (1), I asked the question about the peace officers. Subsection (1), which we cleared, said a ticket may be issued by a peace officer or any other person, et cetera.

Now, a municipal bylaw officer is not a peace officer, under the Motor Vehicles Ordinance, yet is he a peace officer under this Ordinance?

**Hon. Mr. Graham:** No, he is not, Mr. Chairman. He is another person having the responsibility for the enforcement of any provision or enactment. He is a person authorized under the Municipal Ordinance to enforce bylaws made by the City of Whitehorse.

Clause 8(4) agreed to

On Clause 9(1)

**Mr. Penikett:** I would just appreciate some explanation of this. I think I know what it means, but I want to be absolutely sure. You talked about endorsements and signatures on the backs of the

tickets here, and I just want to be clear what the Minister is talking about here.

**Hon. Mr. Graham:** Mr. Chairman, I assume he is talking about 9(1)(b). Clause 9(1)(b) is a section that enables a person to enter a plea of not guilty, without having to appear in court.

Presently, it is the sort of routine matter that takes a lot of time in that court. It is one of the reasons that we find judges sitting for ten to twelve hours a day. Consequently, we are saying that on a minor offence a person may plead not guilty simply by endorsing the back of the ticket and sending it, within the time specified within the notice, to the place specified in the notice. So, as long as the person meets those two requirements, and sends it to the place he is supposed to send it, in the timeframe he is supposed to send it, he may plead not guilty simply by sending back the ticket.

**Mr. Penikett:** Yes, we have already got the peace officer's, or the authority's, signature on the ticket. Is it normal that tickets can have these signatures on the back? I seem to remember something somewhere about tickets being invalid if they were signed on the back, or something. Are there any precedents here that the Minister is aware of?

**Hon. Mr. Graham:** Not that I am aware of. As far as I know, at the present time, many tickets are made on in many different ways. We hope to standardize, perhaps a little bit, the information required on a ticket with this Ordinance, but, as far as I know, there is nothing that invalidates a ticket because it is signed on the back.

**Mr. Fleming:** Mr. Chairman, I am not that well acquainted with it, but I have, I think, at one time read that somewhere, and maybe the Minister should take a look and find if this is not so.

**Hon. Mr. Graham:** I will, Mr. Chairman, but I do not think that I would like to see that section changed until I have proof that, in fact, it is invalid, because on the best authority that we have at the present time, it is a valid section.

Clause 9(1) agreed to

On Clause 9(2)

**Mr. MacKay:** Yes, I had quite a lot of difficulty with this particular section. I think maybe I have tunnel vision on it. It refers to Section 5 and it says "...a notice to appear shall be dealt with as if it were a summons." I go to Section 5 and it appears to be talking about a very general section, saying that the Criminal Code will apply and appears in conjunction with this. That means that if this Ordinance fails, you fall back on the Criminal Code and use the procedures therein. Is that what it all means?

**Hon. Mr. Graham:** That is correct, Mr. Chairman. In all cases where this Ordinance does not apply, we would fall back on the Criminal Code and utilize the proceedings under the Criminal Code.

**Mr. Fleming:** On (2), "For the purpose of section 5, a notice to appear shall be dealt with as if it were a summons." Just which way would it be dealt with if, for instance, a summons to court, of course, is to be paid for by the court, if necessary you wish them to, at any time. Do you mean to say that all tickets now, a notice to appear, which would be on the ticket will be the same as a summons, that I can apply for my salary, not my salary but so much a day for going to appear in court?

**Hon. Mr. Graham:** Mr. Chairman, if you are charged with an offence, you do not get paid to go to court. If you are issued a summons that means we are charging you with an offence. You do not get paid to come to court for that.

You are talking about a summons for jury duty or a summons as a witness. This is not talking about that. These are talking about offences under ordinances. You are issued a summons to appear in court to answer a charge and, in this Ordinance, a ticket may be considered the same as a summons.

Clause 9(2) agreed to

On Clause 9(3)

Clause 9(3) agreed to

On Clause 9(4)

Clause 9(4) agreed to

On Clause 10(1)

Clause 10(1) agreed to

On Clause 10(2)

Clause 10(2) agreed to

On Clause 10(3)

Clause 10(3) agreed to

On Clause 11(1)

**Mr. Penikett:** Mr. Chairman, just a small question about this and it may be a fairly standard law. Reference is made here to "by

mailing the notice to appear to the person by registered or certified mail to his last known post office address..."

One of the things that I discovered recently is that there are an awful lot of people in the Territory who do not have post office addresses. When I was first dealing with the altercation that the people from Wolf Creek had with the Minister of Municipal Affairs about their lots, I was amazed at the number of people to whom I wrote at the address this Government had for them, for which I got the letters back in the mail, "no such address, not known at this address", or whatever, simply because if you mail it to an address but they may be in General Delivery or something, the post office does not always automatically forward it.

I know from trying to communicate with people in places like Upper Liard or other places in the Territory who do not have mail service as we know it in Whitehorse, sometimes it is very difficult. It may even be possible that some people in the Territory do not get mail. I cannot really imagine anybody like that, but it is possible that there may be some people.

I wonder, therefore, if the Minister had considered any optional thing? You may know where the person lives physically, such as I did, until recently, the people at Wolf Creek, but their mailing addresses were a mystery to me.

**Hon. Mr. Graham:** Mr. Chairman, basically Section 11, I think, reflects the minor nature which we attach to territorial offences as opposed to those under the Criminal Code.

For territorial offences, we are not requiring the sheriff to personally serve on every person charged under a territorial offence.

What we are doing is giving several options. Now, those options are available to serve a ticket, which is a summons, on a person charged with a territorial offence. Under Section 21, I believe, the proceedings under any of these offences may be set aside if the person did not receive the ticket for some reason, such as he did not have a mailing address or some other reason. If he did not receive the ticket then the proceedings may be set aside.

**Hon. Mrs. McCall:** Mr. Chairman, may I suggest that the Member opposite is probably the best authority in this House on the subject of mailing addresses. I know that he was in contact with the postmaster on my behalf and we still do not get mail there.

**Mr. Penikett:** Even during the Conservative Government in Ottawa, we were not able to get quick action on that question.

Clause 11(1) agreed to

On Clause 11(2)

Clause 11(2) agreed to

On Clause 11(3)

**Mr. MacKay:** I wonder what the purpose of this subsection is, because there seem to be quite a few instances where the ticket will be serviced personally. Is it necessary to have this section at all?

**Hon. Mr. Graham:** Yes, I think basically we are talking about parking tickets, where your parking meter has expired, they put the ticket on the window of your car and you are deemed to have received that ticket. I think, basically, we are talking about offences such as that.

**Mr. MacKay:** I guess where I was getting off the track was on subsection 11(1)(b), we talk about mailing this ticket. That is not a parking ticket that we are talking about, that is a ticket for some other offence. It appears the whole thing is geared to be able to do away with the personal contact of delivery.

Unless there is a specific reason for the few instances where you personally deliver a ticket, I cannot see the use of having this.

**Hon. Mr. Graham:** Well, Mr. Chairman, there are many cases where tickets are served personally on people; when they are caught in the act of going through a stop sign, speeding, with illegal game out in the bush and that type of thing. In those instances, you will personally serve the ticket on the person.

I can think of an offence right off the bat where a ticket was mailed to me and that was where my dog was running at large. They mailed me a ticket and I was deemed to have received that ticket. So, I think we have to allow for all possible eventualities under the Ordinance. I think that is what we are doing.

**Hon. Mr. Pearson:** Mr. Chairman, the Honourable Member is suggesting that (3) is not really required, but what you are saying then is that if I am bigger than the guy who is issuing me the ticket, he writes it up and he passes it over to me to sign, and I say, "Go whistle, I am not going to sign it." I turn around and walk away and he cannot stop me at that point in time, without that section, he is lost. There is no ticket issued. I have not committed an offence then.

What this section is saying is that that ticket is still valid, even

though I have not signed it. I, as the guilty one, or the alleged guilty one have refused to sign the ticket.

**Mr. MacKay:** I assume in the instances where I was bigger than you, and you went away with your ticket undelivered, you would mail it to me the next day, and that is the same thing, is it not?

**Hon. Mr. Pearson:** What this Section is saying is that the ticket is not invalidated if it has not been signed by the person who is supposed to receive it. If the person who is supposed to receive the ticket fails, or refuses to sign it upon request, it does not necessarily invalidate the ticket.

**Mr. Fleming:** Because of the fact that all through it, it says that it can be signed, and you can sign guilty or not guilty, and so forth, I wonder what the reason is for this when you do not really have to sign the ticket, anyway. If it does not have to be signed, why should that be in there?

**Hon. Mr. Graham:** It is basically a catch-all clause. We want to make sure we provide for any eventuality. There are so many times that we pass ordinances in this House, and do not provide for all eventualities, and this is one of the cases where we might never need that section, but if we ever do, it is there. It is as simple as that.

**Hon. Mr. Pearson:** I think, too, that the Honourable Member should not lose sight of what the object of this ordinance is. It is to try and bring justice to people at the lowest possible cost. If we can avoid the necessity for every person to appear in court on a summary conviction charge, it is going to reduce our court costs considerably, and I would suggest, Mr. Chairman, it is also going to reduce the costs of the person charged. If they want to take advantage of this procedure, they can do it a lot easier, with a lot less trouble, and it is designed primarily for that kind of thing. You get caught doing something wrong. It is a summary conviction thing. You can put your money in an envelope and mail it in, and forget about it at that point in time. If you are, in fact, charged under the Criminal Code for the same offence, you have to crawl all over, at that point in time, and there is not anything anyone can do about it. So, really, there are a number of benefits to this kind of an ordinance.

**Mr. Fleming:** I understand that. I agree with the Government Leader that that is a good philosophy, so that we do not get involved with so many court cases. However, my problem has been merely that I wondered why this thing is in here, because you can do that, even if there is not a signature on it. You can send in your money. So, just why should they say that in some cases, you can plead guilty on the ticket. You are pleading guilty if you send your money in, in any case. That was merely my question.

Clause 11 agreed to

On Clause 12(1)

Clause 12(1) agreed to

On Clause 12(2)

Clause 12(2) agreed to

On Clause 13(1)

**Mr. Byblow:** In the preceding sections to 13 and in the succeeding ones after 13, there seems to be an emphasis on the state washing itself of the responsibility of delivering the ticket. I would like to have the Minister respond, what happens in the case where the ticket has followed all the mechanics of being issued but actually not received, does the person to whom the offence has been charged still have to answer for the charge even though he is not aware of it.

**Hon. Mr. Graham:** Mr. Chairman, unless we can locate that person and make sure that he does know about it at some point in time then he is not charged with any offence. If we go through the whole series of procedures and we still do not get in touch with the person then the obvious solution is to serve him personally and that is essentially what we do.

In Section 21 we have proceedings under which court proceedings may be set aside. By doing that we protect the person against whom we are proceeding, basically. So the other sections are basically leading up to that.

We send a notice to him at his last known mailing address, at first, we then possibly serve him with a notice in person, you know, if that is what is necessary that is what we will eventually do. We do not want to run out and serve everybody charged with a summary offense in person. It is as simple as that. That is what we are trying to get away from. If we did that we would have to increase the Sheriff's Department by about twenty people and we will not do it, it is quite simple.

**Mr. Byblow:** Okay, just to conclude that point, the provision is already there for the person to be charged as guilty when he does

not appear so, in effect, he is with a record if ever located or returns or whatever.

**Hon. Mr. Graham:** No, Mr. Chairman, that is not right. He is, in effect, found guilty, that is true. A summary offence does not give you a criminal record. The effect of that is that we will then attempt to collect a fine.

Section 21 tells you that the person has 15 days after he hears about the fact that he was charged to have proceedings set aside. So, if, three months down the road, after the person has been found guilty and assessed a fine, we eventually find the guy and he is living in Faro and he has got a pick-up truck, and we go to him and say, "We are now going to seize your pick-up truck because you did not pay your \$20 parking ticket in the City of Whitehorse, six months ago." If that person says, quite simply, "I did not receive notice that I had a parking ticket", he must then be served with a ticket.

He is given, first of all, 15 days to have those proceedings set aside, if he shows that he did not receive a parking ticket, proceedings are then set aside and we must serve him or at least make sure that he receives a notice that he was being charged.

**Mr. Byblow:** The explanation that the Minister gave is excellent except for the reference to my constituent. You have explained what happens and I think this will happen many times in the course of the Yukon lifestyle where people are away in the bush or whatever. You have answered the question.

Clause 13(1) agreed to

On Clause 13(2)

Clause 13(2) agreed to

On Clause 14(1)

**Mr. MacKay:** Mr. Speaker what would the prescribed form look like? Would it be like swearing an information, that sort of form.

**Hon. Mr. Graham:** Yes, Mr. Chairman, it would.

Clause 14(1) agreed to

On Clause 14(2)

Clause 14(2) agreed to

Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16(1)

Clause 16(1) agreed to

On Clause 16(2)

**Mr. MacKay:** I read that to say that if you want to put a Notice of Trial on somebody's windshield, that is sufficient delivery.

**Hon. Mr. Graham:** Mr. Chairman, in cases of Notice of Trial, you are talking about people who have written you and said, "I am not guilty of that offence, I wish to have my day in court before a Justice." In those cases, there is not going to be any doubt in your mind where to get a hold of that person.

In effect, yes, you could attach it to the windshield of his car if you knew that was his car, but in an actual case, you are only talking about people who have signed the back of their ticket, or the front of their ticket, and entered a plea of not guilty, so you will know where to get in touch with those people.

Clause 16(2) agreed to

On Clause 17(1)

Clause 17(1) agreed to

On Clause 17(2)

Clause 17(2) agreed to

On Clause 18(1)

On Clause 18(1)

**Hon. Mr. Graham:** This is the section that provides for the voluntary payment of fines, and we hope that it will relieve the court of the time that we have to spend now on routine matters.

If I may, I will also talk about the whole section. Section 18(5) also gives us the ability, where the ticketing officer believes it is necessary, to compel a person to appear in court, the same as is currently the practice in most summary offences.

Clause 18(1) agreed to

On Clause 18(2)

**Mr. Fleming:** I wonder about, "sufficient information to identify himself and the ticket in respect of which he is paying the fine." I do not understand that. Is it that the person himself must pay the fine? Is it not possible that anyone else may pay that fine?

**Hon. Mr. Graham:** We are talking about instances where the person appears at the Federal Building and wants to pay a fine that he received for speeding and he has lost his ticket. All he has to do is show that he is the person named in the ticket. It takes time to look the ticket up, but even if you have lost your ticket and still wish to pay the fine, just tell them who you are and they will allow you to pay the fine.

**Mr. Fleming:** I will give you an example of a ticket that was given to a chap who was going out of the Yukon last summer, and he stopped off in Teslin and gave me the twenty-five dollars which he was fined for speeding on the Highway. Of course, I brought it to where it was supposed to go, handed it in, and paid his fine. As it states here, can that still be done, or would he have to supply identification that he was the person who actually did the speeding?

**Hon. Mr. Graham:** No, Mr. Chairman, we will accept money from anyone to pay a specific fine. You do not have to be the offender.

Clause 18(2) agreed to

On Clause 18(3)

Clause 18(3) agreed to

On Clause 18(4)

Clause 18(4) agreed to

On Clause 18(5)

**Mr. Penikett:** I would appreciate it if you would give a brief explanation of this. Presumably, this applies to offences where you cannot simply discharge your guilt by paying a fine.

**Hon. Mr. Graham:** That is true. In offences where the arresting officer deems it proper that the person should appear in court because of the severity of the crime, he will be requested to appear in court.

**Mr. Penikett:** That is a severe summary conviction offence?

**Hon. Mr. Graham:** We are talking about things such as offences that we consider relatively severe, yes, such as travelling at excessive speeds in a school zone. If you are only travelling five or six kilometers per hour faster than the regulated speed, then we feel that that should be a summary offence where you can just pay your fine through the mail and let it go. But, if you are driving recklessly in a school zone, and endangering children's lives who might be crossing that road, that is a severe enough offence that you should not be able to pay a ticket and get off. You should have to appear in court and let a justice or a judge sentence you to what he feels proper.

Clause 18(5) agreed to

On Clause 18(6)

Clause 18(6) agreed to

On Clause 19(1)

**Hon. Mr. Graham:** Mr. Chairman, this is the section that provides for the automatic conviction of persons who do not appear and who do not pay their fine voluntarily when required to do so.

Under these sections, both 19 and 20, the court is empowered to enter a plea of guilty and find the person guilty of the fine and impose the fine, such as a speeding ticket, without sending the police out to arrest the person and have him appear before the Magistrate, as is presently the case.

In present cases where you do not pay your fine, your speeding ticket for example, before the date noted on the ticket, and you do not appear in Court, then a bench warrant is issued for your arrest. The R.C.M.P. may then go out and arrest you, take you down to their headquarters, fingerprint you, photograph you, and you then have a criminal record.

Under this Ordinance, that will no longer be the case. If you do not appear in Court, you are simply found guilty of the crime, convicted, your speeding ticket is doubled, and we then proceed to collect that speeding ticket, or the fine, through civil methods.

Clause 19(1) agreed to

On Clause 19(2)

Clause 19(2) agreed to

On Clause 20(1)

**Mr. Fleming:** Upon entering a plea of guilty on behalf of a person under 19(2), you have entered the plea already of guilty on behalf of that person, then you go down to (c) and you see a plea of not guilty has been signed and delivered under 9(1)(b). Just how could that happen.

**Hon. Mr. Graham:** Mr. Chairman, under 19(2), a plea of guilty has been entered on your behalf, the Justice of the Peace, or the Ter-

ritorial Court Judge, then examines the complaint and makes sure that the complaint is completed, and that you have not already paid your fine, and that you have not entered a plea of not guilty. If you have entered a plea of not guilty, then obviously the plea of guilty will be set aside.

That is just one of the things that he will check for. He will turn the ticket over and see if you have entered a plea of not guilty and signed the back of the thing, and the other thing that he will satisfy himself of is that the person has not been excused from the need to appear in Court under Section 29, which we will get to.

Clause 20(1) agreed to

On Clause 20(2)

Clause 20(2) agreed to

**Hon. Mr. Graham:** Mr. Chairman, I think we have reached a point in the discussion where possibly we would ask Mr. Speaker to resume the Chair.

I move, Mr. Chairman, that you do now report progress on Bill Number 6 entitled Summary Convictions Ordinance and beg leave to sit again.

**Mr. Chairman:** It has been moved by Mr. Graham that I report progress on Bill Number 6 and beg leave to sit again.

Motion agreed to

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

**Mr. Chairman:** It has been moved by Mr. Graham 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 6, the Summary Convictions Ordinance and directed me to report progress on same 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.

May I have your further pleasure.

**Hon. Mr. Graham:** I move, seconded by the Honourable Member for Tatchun, that we do now adjourn.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Tatchun, that we do now adjourn.

Motion agreed to

The House adjourned at 5:17 o'clock p.m.

#### The following Sessional Paper was tabled March 20, 1980:

80-3-1

Speech from the Throne

#### The following Sessional Papers were tabled March 24, 1980:

80-3-2

Letter re Wolf Creek Subdivision from Ivan J. Cable to Mr. Tony Penikett, MLA

80-3-3

Whitehorse Credit Union: Background Report on Failure