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3rd Session

24th Legislature

HANSARD

Wednesday, October 15, 1980 — 7:30 p.m.

Thursday, October 16, 1980 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

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 and Workers' Compensation Board
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development
Hon. Geoffrey Lattin	Whitehorse North Centre	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

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Jack Hibberd	Whitehorse South Centre
Peter Hanson	Mayo
Grafton Njootli	Old Crow
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Howard Tracy	Tatchun

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGulre	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
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ERRATUM

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Right column, paragraph 12, lines 8 and 9 should read:

I want to say that our Committee, a committee which includes representatives from all three parties, quite impressed me.

Whitehorse, Yukon**October 15, 1980 - 7:30 p.m.****Mr. Speaker:** May I have your further pleasure at this time?**Hon. Mr. Pearson:** Mr. Speaker, I move that Mr. Speaker do now leave the Chair and this House resolve into the Committee of the Whole.**Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve into the Committee of the Whole.*Motion agreed to**Mr. Speaker leaves the Chair***COMMITTEE OF THE WHOLE****Mr. Chairman:** At this time I would like to refer you to Bill Number 40, *An Ordinance to Amend the Compensation for Victims of Crime Ordinance*. On Page 1 you will find the Explanatory Note. There will be no recess at this time; we will just go on to the bill, here.**Hon. Mr. Pearson:** Mr. Chairman, I would like to point out to you that it is normal procedure when we do go into Committee, to call a short recess to allow us time in order to get our papers together. I would suggest to you that that is a pretty good practice to follow.**Mr. Penikett:** On the same point of order, Mr. Chairman, I will just say that it facilitates the discussion considerably when we have copies of the bill in front of us.*Recess***Mr. Chairman:** I call the Committee of the Whole to order at this time. As I stated earlier, we will be dealing with Bill Number 40. I refer you to page 1 for the Explanatory notes. We will go to Clause 1 of this bill. I will anticipate some general discussion on the bill at this time.*On Clause 1***Hon. Mr. Graham:** Mr. Chairman, as I mentioned in my second reading speech, this bill is basically to transfer the administration of the ordinance to the Workers' Compensation Board. It is also to provide some clarification, or if not clarification, to ensure that the maximums are as stated in this ordinance, and also to provide for the collection of some of the awards under the ordinance from the criminals. Outside of that, Mr. Chairman, most of the other sections in this ordinance are strictly procedural sections.**Mr. MacKay:** As I also mentioned in second reading debate, there was not too much in the principle which I opposed, but I did have a couple of questions which I posed, and perhaps in this general debate, perhaps I can get some answers.

Did the Minister consider the insertion of the occasion which I indicated, where perhaps the victim of a car accident where there was a crime involved, such as alcohol abuse, and there was no insurance available to cover that, did you consider including that kind of circumstance in this bill? I think that kind of crime could have been used.

Hon. Mr. Graham: Mr. Chairman, we considered it, but only for a very, very short time, because that was not the intent of the ordinance. The intent of the ordinance is not to replace civil proceedings that any member of the public has the opportunity to take against another member of the public. These are simply to address crimes that have been committed where the victim has no civil recourse. In the case mentioned, or in the case that I am sure we are all thinking of, the lady in question could have taken civil action against the driver of the vehicle but failed to do so. The compensation scheme is not set up to take the place of civil action. It is as simple as that. This is set up as a system or a court of last resource, if you will, for compensation for victims of actual violent crimes.**Mr. MacKay:** I thank the Minister for that one. It seems to be fairly clear.

The other question I had was with respect to the possibility of indexing or some way of adjusting the level of compensation, in view of the passage of time and the increase in inflation that we have experienced over the past few years. Was that considered? If not, could it be considered?

Hon. Mr. Graham: Mr. Chairman, it has actually only been

five years since this ordinance was brought into effect. The maximums of \$15,000 and \$25,000 were looked at briefly while considering the changes to the ordinance. It was the opinion of both myself and the Workers' Compensation Board, after reviewing the purposes for which this compensation was available, that the \$15,000 and \$25,000 payments available under the ordinance were sufficient. We put in no indexing clause, because we felt that they can be changed relatively easily, at a minimum twice a year, here in the Legislature, and I believe that that is where they should be changed.

So, it was strictly a policy decision.

Mr. MacKay: Has there been any case where the limit has been reached in Yukon?**Hon. Mr. Graham:** Yes, Mr. Chairman, there has been. In one case, I believe that a victim of a crime received some \$15,000 in a lump sum, and then received a monthly payment for a specified amount of time.

To my knowledge, there has only been the one case where that has happened.

Mr. Fleming: I would like to carry on with what Mr. MacKay first spoke about; in the case, for instance, of a driver's running into a lady on a crosswalk, when he has absolutely no insurance of any kind.

You say that this is for victims of crime and I would say that that driver would be charged with a criminal offense, and, therefore, I am wondering where the distinction comes between that victim of crime and a victim of crime simply committed by a person on the street, as, for example, molesting somebody.

Hon. Mr. Graham: Mr. Chairman, there are two points I should make. The first is the intent; the driver does not go out with the intent of committing a crime, nor does he strike a pedestrian with the intent in mind of committing a crime.

The second is the fact that there are civil procedures available to a victim of such an occurrence, and those civil actions should be exhausted. We do not set ourselves up as an agency that compensates people when civil action is available as a means of adjusting the wrongs that they feel they have suffered.

Taking this to a little further degree, then we should be responsible in all cases where an accident has occurred and I feel that the other person is in the wrong; if he does not have any insurance, I should be able to turn around to the government and say, "You have to pay for getting my car fixed, because I am the victim of a crime." His crime was that he did not have insurance.

That is not right, because I have a civil action that is available to me to collect that money to fix my car. The government should not be set up in that position, otherwise the government would be paying out vast sums of money. Automobile accidents are a perfect example. We could be paying out vast sums of money for automobile accidents and then have to turn around and take legal action against various drivers ourselves, and we do not feel that is right.

Mr. MacKay: When the Minister introduced the general discussion, he talked about the criminals who created the victims very often having no means, and therefore there had to be something to fall back on.

I take it, though, that had one of these criminals some means, of course then the government would pursue them or would require the victim to pursue them before coming to this board. Is that it?

Hon. Mr. Graham: No, Mr. Chairman, that is not exactly right.

We take it upon ourselves, then, to pursue the criminal for any compensation we have paid to the victim of the crime he has committed. We do not request that the victim of any crime pursue the criminal himself, because I do not believe that he has the capability to do so under civil action. I stand to be corrected, but I understand that he does not have the capability to pursue a criminal for, say, breaking his door and ripping apart his house in the committing of a theft.

Mr. Chairman: Any further general discussion?

There being no further discussion, I would like the Committee to consider the bill clause-by-clause at this time.

*On Clause 1(1)***Hon. Mr. Graham:** This is simply to define what we mean by "Workers' Compensation Board".

Clause 1(1) agreed to

Clause 1 agreed to

On Clause 2(1)

Hon. Mr. Graham: Again, Mr. Chairman, this is just to effect the fact that in all cases the judges will be replaced by the Workers' Compensation Board.

Clause 2(1) agreed to

Clause 2 agreed to

On Clause 3(1)

Clause 3(1) agreed to

Clause 3 agreed to

On Clause 4(1)(2)

Mr. MacKay: Just a technical question, I guess: the word "Commissioner" is used here. Is it in the definitions in the original bill too?

Hon. Mr. Graham: Mr. Chairman, this section merely states that a claim may be filed with "the Commissioner of the Yukon Territory", instead of "the Clerk of the Supreme Court". That is the effect of this change.

Hon. Mr. Pearson: Mr. Chairman, possibly I could clarify a bit more. I think Mr. MacKay is getting at the use of the term "Commissioner". After all, Mr. Chairman, we have not had one for over a year. Now, the *Yukon Act* is our Constitution, and it clearly outlines some specific duties for a Commissioner, duties that have not been changed, nor, I would suggest to you, can they be changed by ministerial edict. So the term "Commissioner" shows up in our legislation now exactly as it did in the past. That is a necessary thing that we have to do until the *Yukon Act* is amended.

Clause 4(1)(2) agreed to

Clause 4 agreed to

On Clause 5(1)

Hon. Mr. Graham: Mr. Chairman, this basically states that the judge fixes the time and the place to the effect that the Board shall fix the time and place; the other change is that notice, in this case, must be given to the applicant, the victim, the person whose act or omission is alleged to be responsible, and any other persons. The Ordinance presently states that the only person who must attend is the applicant. So, this is the change, in that all of the actors in the play must now attend before the Board.

Clause 5(1) agreed to

Clause 5 agreed to

On Clause 6(1)

Clause 6(1) agreed to

Clause 6 agreed to

On Clause 7(1)

Hon. Mr. Graham: In this case, a small change again, Mr. Chairman, in that we wish to make it abundantly clear that one or the other may be given, not both. That is the only change here, and it is strictly a clarification, that either a \$15,000 lump sum or monthly payments not exceeding \$25,000 may be given, but not both.

Mr. Chairman: I would like to remind Honourable Members that we are dealing with Clause 7 in its entirety. Are there any more questions?

Clause 7(1) agreed to

Clause 7 agreed to

On Clause 8(1)

Mr. MacKay: I am sorry that, in spite of having a recess, I did not bring in my original ordinance. I am not quite clear which section it is, but there is a section towards the end of the original where it talks about an appeal to the Court of Appeal. Is it necessary now to go straight to the Court of Appeal, or could the appeal go to the Supreme Court?

Hon. Mr. Graham: Mr. Chairman, I am not certain there is an appeal to this ordinance. It was my understanding that the Workers' Compensation Board was the board that determined the amount of compensation, and that was that; there was no appeal to that ruling. I stand to be corrected, but that is my understanding.

Mr. Penikett: There is, under the *Workers' Compensation Ordinance*, an appeal to the Commissioner.

Mr. Chairman: Order, please, the discussion seems to be out of hand. In section 8(1), there is nothing about appeal. Could you confine yourself to Section 8(1), please?

Mr. Penikett: Sure, okay.

Hon. Mr. Pearson: Mr. Chairman, I believe the Honourable Member has raised quite a valid concern in respect to appeals. Under the *Workers' Compensation Ordinance*, there is no appeal to rulings by that board. It is completely autonomous in that regard. Its decisions on awards are completely final and binding.

Hon. Mrs. McCall: Mr. Chairman, I might just add my voice here. The Government Leader is quite right, there is no appeal. It will have already gone to a referee when the decision is made and that is it.

Hon. Mr. Graham: Yes, but the *Compensation for Victims of Crime Ordinance* does give an appeal to the Court of Appeal from any decision made under this ordinance. So, I will assume that, yes, the Court of Appeal does have the ability to hear appeals from the Workers' Compensation Board concerning compensation for victims of crime.

We did not intend to change that at this time.

Mr. MacKay: I thank the Minister for his reply. I was acknowledging an appeal process, but I was just questioning whether it would be more efficient if the appeal could be made to the Supreme Court rather than having to wait until — I presume the court of appeal meets when the judges come in from BC. It was originally intended to be appealed from the Supreme Court to the Court of Appeal. It seemed to me we could drop that back one step.

Hon. Mr. Graham: Mr. Chairman, the intent of this ordinance, though, is to take the responsibility for compensation away from the Supreme Court of Yukon and give it to the Workers' Compensation Board. So I think if we were going to entertain any change in the appeal process, it would have to be an elimination of the appeal process, rather than giving it to a Supreme Court Judge. That is just my off-the-top observation.

At the present time we are not recommending a change.

Mr. MacKay: Just to continue that discussion, I wonder if, technically, this appeal section would even work now, because originally it contemplated appealing from the Supreme Court to the Court of Appeal. I do not think it would be possible, Mr. Chairman, for somebody to appeal a Workers' Compensation Board decision directly to the Court of Appeal. It seems to me that technically that will not work anyway.

It seems to me it is a flaw in the ordinance. Either the thing should be eliminated altogether, or a different kind of appeal process instituted.

Hon. Mr. Graham: Mr. Chairman, I think the Member opposite has raised a very valid point and I would like to take that section under advisement.

So, perhaps, with that, Mr. Chairman, I would move that you report progress on Bill Number 40.

Motion agreed to

Mr. Chairman: I would refer the Committee to Bill Number 44 at this time, an *Ordinance to Amend the Community Assistance Ordinance*.

Hon. Mr. Lattin: Mr. Chairman, I think I said all I need to say in second reading on this bill. It is a very straightforward bill. We are repealing Section 75.1(6) and 75.1(7).

I will read Number 6 for you. "The community organization must contribute a sum of \$750 to the installation costs and \$1,000 per annum to the operation and maintenance costs."

Where the community does not pay it, they can be assessed taxes by the Commissioner, I believe. Other than that, Mr. Chairman, I believe the ordinance is straightforward.

Mr. Penikett: I have nothing I really want to dispute about a bill that is so brief and precise and to the point, except perhaps to wish there were more bills like that.

I am curious as to the future of this particular program in one regard. This will not be new to people of Porter Creek, but it may be strange to people from downtown or Riverdale. There are sections of the City of Whitehorse that do not seem very urban to the people who live there, people who in fact have similar problems, in getting TV service, to some parts of rural Yukon.

I know that the kind of service that we had used the *Community Assistance Ordinance* for, was for very elementary service to small rural communities. I am wondering if the Minister, in his capacity as Minister of Municipal and Community Affairs, has ever contemplated, or would be willing to contemplate, offering similar services to communities like Lobird Trailer Court for example, who are unable to get adequate TV reception right now,

simply because of the inability of the operator and the local private cable company to come to a mutually acceptable financial arrangement, and whether the kind of generosity and assistance which has been extended by the Government in these cases could perhaps also be extended to areas in the City like this; given our boundaries, there may be many more of them in the years to come.

Hon. Mr. Lattin: Mr. Chairman, the question that the Honourable Member is referring to is a civic question rather than a municipal question, and I think that is what we should be considering.

Hon. Mr. Pearson: Mr. Chairman, the question is one that is addressed directly in the proposed *Municipal Ordinance* and I am sure the Member will be more than happy to discuss it in detail at that point in time.

On Clause 1(1)

Clause 1(1) agreed to

Clause 1 agreed to

On Clause 2(1)

Clause 2(1) agreed to

Clause 2 agreed to

Mr. Chairman: There being no preamble to this bill, I would like to refer to the title to this bill, *An Ordinance to Amend the Community Assistance Ordinance*

Title agreed to

Mr. Chairman: Shall this bill clear?

Some Members: Agreed.

Hon. Mr. Lattin: I move, Mr. Chairman, that you report Bill Number 44, *An Ordinance to Amend the Community Assistance Ordinance*, without amendment, to the Assembly.

Mr. Chairman: It has been moved by Mr. Lattin, that I report Bill Number 44, *An Ordinance to Amend the Community Assistance Ordinance* without amendment.

Motion agreed to

Mr. Chairman: I would like to refer you to Bill Number 47, *An Ordinance to Amend the Reciprocal Enforcement of Judgments Ordinance*.

Mr. Penikett: Might I, on a question of privilege, direct through you a question to the Clerk, and ask him if he could advise us as to the progress in the conference between Philadelphia and Kansas City at this point in time?

Mr. Chairman: The request is out of order.

On Clause 1(1)

Hon. Mr. Graham: Mr. Chairman, as I said in my second reading speech, this bill basically consists of amendments to the *Uniform Act* that was enacted by several other provinces in 1962 and 1967, which we did not enact here in the Territory at the time. It answers some questions which have arisen under the old Act. One policy point on the first page, I think, is a bill which is strictly procedural and has a few forms attached at the end.

Mr. MacKay: Perhaps we could have an explanation on why alimony and such periodical payments of money are specifically excluded from this ordinance. Are they covered elsewhere?

Hon. Mr. Graham: Yes, Mr. Chairman, the reason they are specifically excluded is because we also have an *Ordinance to Enforce the Reciprocal Enforcement of Maintenance Orders*. As you will recall, we made some changes to that in the last Session of the House. That ordinance covers strictly reciprocal orders made for maintenance within Canada.

Also I might add the word "state", as it appears, is an all-encompassing term which means not only territories and provinces but also states in the United States which we have reciprocal agreements with. It also includes various other countries around the world with whom we have signed agreements.

Mr. Penikett: I remember we talked about this along with the other Uniform Law Bills in the Spring. Could the Minister just remind me how these agreements are concluded? Does anyone have to make a trip down to the Mississippi or Alabama? Do you just do it by letter and say that we have done this and we will recognize your orders if you recognize ours? Are there any practical problems in working out the effect of them?

Hon. Mr. Graham: We do not travel to the various jurisdictions, otherwise I am afraid that someone in the Justice Department would be travelling 100 per cent of the time doing nothing but reciprocal agreements.

The Lieutenant Governors in the provinces and Governors in the

various states exchange letters outlining the basic terms of the reciprocal agreement. We find that once we have adopted the uniform law, that our law is exactly the same as most of the states in the United States and all of the provinces in Canada. Usually little more than an exchange of letters, agreements and exchange of acts, in this case, is necessary to enact a reciprocal agreement.

Mr. Penikett: What happens then? Presumably each jurisdiction advises its courts that they now have this new agreement with this new jurisdiction, and it gets added to a list of jurisdictions they have agreements with.

The second part of my question is: has this Ministry of Justice here experienced any problems with coordination of the enforcement of these reciprocal orders, some slight discrepancies in the law from place to place, or some differences in procedures of enforcement or collection, or any of that kind of thing? I would be interested in knowing how this whole system is working.

Hon. Mr. Graham: Mr. Chairman, the answer to the first question is basically yes, they keep a list of whom we have reciprocal enforcement agreements with. We also find that in many cases the agreements are signed only after a need has been indicated. Say that somebody from Washington State skips the jurisdiction there and comes to Yukon. They then request a reciprocal agreement, which we enter into after a suitable exchange of correspondence. That is normally the way those things are done.

Concerning the other part of the question, the problem between jurisdictions, we sometimes do experience problems. Under Section 2(2), we give ourselves an out where there is a judgment which we do not consider enforceable in the Territory. So, in that section, we do give ourselves the out to say, "I am sorry, we will not enforce that judgment, even though we have a reciprocal agreement."

I am sure that most states and most provinces have the same section. It gives you an out if you feel the judgment that is being requested is totally ridiculous.

Mr. Penikett: One of the popular local myths when I used live in Dawson City was that a very large percentage of Yukon's population had arrived in the Territory in flight from wives, creditors, and agents of law of one kind or another.

I wonder if the Minister has given careful consideration to the impact on our population of adopting too many more of these reciprocal agreements?

Hon. Mr. Graham: I do not know if the question was asked facetiously or not, Mr. Chairman, but basically the people have to be located here. We do not go and put a search into effect for the person. If they are located here and we are told that they are available here in Yukon and where they are available, we will serve the notice on them. Otherwise we do not expend a great deal of effort or money in locating people to enforce a judgment from another jurisdiction.

Mr. Penikett: The serious part of my question, if I may, Mr. Chairman, is simply have the courts been fairly busy or have we been fairly busy in terms of implementing orders from other jurisdictions, as we have begun to get into this business, or is it a very occasional thing?

Hon. Mr. Graham: It is very occasional, Mr. Chairman. Basically, as I said before, we enact the agreements when a need arises. I cannot remember, in the last year, seeing any new reciprocal agreements coming through under this particular ordinance. The Maintenance Ordinance is an altogether different question, but under this ordinance I cannot remember seeing any new agreements coming through in the last year, and I cannot remember any cases that have taken place in the Territory.

Clause 1(1) agreed to

Clause 1 agreed to

On Clause 2(1)

Hon. Mr. Graham: Section 2 is the part that gives us the ability to register without requiring a person to appear personally from another jurisdiction. In other words, we allow somebody to register a judgment obtained in New Brunswick, here in the Territory, without appearing in person in the Yukon.

Clause 2(1) agreed to

On Clause 2(2)

Hon. Mr. Graham: Mr. Chairman, 2(b) is the section that gives us the ability to ignore a judgment given by a judge who does not have jurisdiction to force our court to do a specific act. If we do not feel that a judgment given by a judge in another jurisdiction is enforceable in the Territory, then we have the ability, through this section, to reject that judgment.

Clause 2(2) agreed to

On Clause 2(3)

Hon. Mr. Graham: Mr. Chairman, this is a new section and this section basically says that if the judgment in another court said something to the effect that a person had to pay back a specified amount of money, plus an automobile, say, the only part of that order which is enforceable in Yukon, is the money part. We are not interested in the automobile. It is only a money judgment that is enforceable here in the Territory.

Mr. Penikett: Why is that?

Hon. Mr. Graham: Because we do not want to get into the business, basically, of repossessing cars that were registered in Montana or Wyoming or Mississippi or something like that and shipping them out and never receiving the money.

Clause 2(3) agreed to

On Clause 3(1)

Clause 3(1) agreed to

Clause 3 agreed to

On Clause 4(1)

Clause 4(1) agreed to

Clause 4 agreed to

On Clause 5(1)

Clause 5(1) agreed to

On Clause 5(2)

Clause 5(2) agreed to

Clause 5 agreed to

On Clause 6(1)

Hon. Mr. Graham: Mr. Chairman, in anticipation of a question, this section basically preserves a common law right, which means that proceedings under this ordinance do not extinguish a person's ability to take civil proceedings under any other piece of law in his jurisdiction.

In other words, he can get a judgment in this jurisdiction for, take a number like \$1,000, if he receives only \$500 as a result of the actions taken in Yukon, then he still has the right to pursue any other remedies available to him to collect the other \$500 due to him.

Mr. Penikett: Mr. Chairman, I wonder if I could just ask, because I think it has a bearing on this section: could the Minister give me a practical illustration or an example of the conflict of law rules which is mentioned in this bill and in others, as to exactly what that means and how that would come to apply?

I am just looking back, if you will, to a previous section in this ordinance, Clause 2(b)(a)(i), for example. A number of these other bills have that phrase in them and I am not sure what it means.

Hon. Mr. Graham: Mr. Chairman, this one is basically to deal with jurisdictions in the States where they have elected judges who have extremely wide ranging powers that are not available to judges in Canada, or in this jurisdiction. What we are basically saying here is that if a judge in one of these jurisdictions in the States — we will use that as an example — makes a ruling that would not, or could not, be made in the Yukon because of the conflict of law. I cannot think of an example immediately, because I am not an expert in the law.

Some Member: Taxes?

Hon. Mr. Graham: That's right. That is not enforceable in the Yukon, so that judgment would not be honoured in the Yukon because of the fact that the law is in conflict with the law that is applicable in the Territory.

Clause 6(1) agreed to

Clause 6 agreed to

On Clause 7(1)

Hon. Mr. Graham: Mr. Chairman, this is basically the uniform certificate that all jurisdictions in Canada will be using. We have adopted it because we feel that it basically answers the questions which should be answered in a schedule of this type.

Mr. Penikett: I just want to say, Mr. Chairman, how nice it is to see something like this in the body of the bill rather in regulations.

Clause 7(1) agreed to

Clause 7 agreed to

Mr. Chairman: I refer you to the title to the bill, *An Ordinance to Amend the Reciprocal Enforcement of Judgments Ordinance*. Shall the title carry?

Some Members: Agreed.

Hon. Mr. Graham: Mr. Chairman, I move that Bill Number 47, *An Ordinance to Amend the Reciprocal Enforcement of Judgments Ordinance*, be reported without amendment to the Assembly.

Mr. Chairman: It has been moved by Mr. Graham that *An Ordinance to Amend the Reciprocal Enforcement of Judgments Ordinance* be reported to the Assembly without amendment.

Motion agreed to

Mr. Chairman: I would like to refer you to Bill Number 50 at this time.

Hon. Mr. Pearson: Mr. Chairman, the *Ordinance to Amend the Insurance Premium Tax Ordinance* is amendments to two bills, the purpose of which is to transfer the tax now imposed under the *Fire Prevention Ordinance* to the *Insurance Premium Tax Ordinance*. Both taxes are thus made payable at the same time.

As I stated in my remarks at second reading, Mr. Chairman, it is strictly an administration thing and does not change either the collection or the amount of taxes in either ordinance to be collected.

On Clause 1(1)

Hon. Mr. Pearson: Mr. Chairman, this really is the complete amendment once again. You will see as we go on that we repeal a section of the *Fire Prevention Ordinance*. This puts that requirement into this Ordinance.

Mr. Penikett: Of what order of magnitude are the revenues under this tax, can the Government Leader say?

Hon. Mr. Pearson: Mr. Chairman, we collect an insurance premium tax of two per cent on general insurance and three per cent on fire insurance, of premiums collected.

Mr. Penikett: I am specifically interested in approximately how much does that produce a year for us. I was not looking for an exact figure, Mr. Chairman. I just wondered whether this was a big tax or one of those small ones.

Hon. Mr. Pearson: It is quite small; I am sure that it is reflected in the budget. In 1980-81, we anticipate collecting a total of \$240,000.

Mr. Penikett: So it is not insignificant. Does the Government experience any problem in dealing with or enforcing this particular ordinance, in having the companies separate out their procedures, or defining for our purposes the exact amounts of money that are premiums, to use the phrase here, in respect to business transacted in the Territory by the company? I would suspect that in some companies it is a bit confusing knowing whether it is transacted here or in BC or Alberta, wherever.

Hon. Mr. Pearson: No, Mr. Chairman, we have not experienced any problems that way. Mr. Chairman, I would suggest respectfully that that is due in part to the cooperation that we receive both from the insurance companies and from the insurance group generally in British Columbia.

Mr. Penikett: Just one last question, is this kind of tax common all across the country? Is it the kind of thing that is implemented fairly universally?

Hon. Mr. Pearson: Mr. Chairman, it was with a great amount of embarrassment that we, in Yukon, discovered one year, a few years ago, that we were the only place in Canada that was not taking advantage of this tax. Mr. Chairman, it was the insurance companies who brought this to our attention.

I can recall when the two ordinances were put into place. So it is very common; it is done everywhere.

Mr. Penikett: Just one last question, then, because I obviously did not know very much about this thing before we had the bill. Presumably, there are some kinds of businesses which are pretty portable, if someone insured in Alberta one year and then moved their assets or moved their business here the next year, the company would be the one who would advise us that the premiums were now raised here, not in the jurisdiction where the policy was first sold?

Hon. Mr. Pearson: That is correct, Mr. Chairman.

With this tax being paid by everyone, it is my understanding it does not really make any difference to the companies whether they pay the tax to Yukon or that they pay it to BC or Alberta. As a consequence, the thing is just about self-policing. Our *Insurance Ordinance* also is quite comprehensive in respect to this.

Clause 1(1) agreed to

On Clause 1(2)

Clause 1(2) agreed to

On Clause 1(3)

Mr. Fleming: I wonder if the Minister putting forth the bill could explain this section?

Hon. Mr. Pearson: Mr. Chairman, most insurance companies that do business in the Territory are registered under our *Insurance Ordinance*. However, there are companies that are registered under national or international charters and not registered specifically in Yukon.

Mr. Chairman, this is strictly taking it from the *Fire Prevention Ordinance*. What this clause does is say that if they are not registered, then the insurance tax has to be paid by that company in any event.

Clause 1(3) agreed to

Clause 1 agreed to

On Clause 2(1)

Clause 2(1) agreed to

Clause 2 agreed to

On Clause 3(1)

Clause 3(1) agreed to

Clause 3 agreed to

Mr. Chairman: I refer you back to the title of the bill, *An Ordinance to Amend the Insurance Premium Tax Ordinance*. Shall the title carry?

Some Members: Agreed.

Mr. Chairman: I declare the title carried.

Hon. Mr. Pearson: Mr. Chairman, I move that you report *An Ordinance to Amend the Insurance Premium Tax Ordinance* out of Committee without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Pearson that Bill Number 50, *An Ordinance to Amend the Insurance Premium Tax Ordinance*, be reported to the Assembly.

Motion agreed to

Mr. Chairman: I would refer you to Bill Number 51 at this time.

Hon. Mr. Pearson: Mr. Chairman, the purpose of *An Ordinance to Amend the Home Owners' Grant Ordinance* is to enable a home owner's grant to be paid where a residence forms part of a building used for other purposes, where a husband and wife are living separate and apart, and where an owner moves from one house to another.

Mr. Chairman, if I might reiterate just for a moment, we have found that there are legitimate households and houses in this Territory that, for one reason or another, were not eligible for home owner's grants. We, on this side, Mr. Chairman, felt that they should be eligible. We have, I hope, effected the amendments here that will make it possible that every home in the Territory will be eligible for a home owner's grant.

Mr. Penikett: I believe it was a year ago when I first raised a concern I had found, in relation to this bill, of a family who owned a house and had members of the immediate family or indirect family living in the house, from whom the owners were not receiving any rent. In other words, they were totally supporting the household. In the case of the home owners, they were renting premises elsewhere. There was no economic benefit for them as landlord at all.

Could I just get clear from the Government Leader that that particular loophole, if you like, is being closed by this?

Hon. Mr. Pearson: Yes, Mr. Chairman, it is. After a considerable amount of discussion and research, we are now convinced that, with the amendments that we have here, although every house that is a home will be eligible for a home owner's grant, no house or home will be able to get two home owner's grants. Of course, that seemed to be a fear in the previous legislation as well.

We have tried to protect, in every way we know, from the possibility of that happening. So, it is tricky in that way, but we are told by our draftsmen and legal people that we do have that loophole closed.

On Clause 1(1)

Hon. Mr. Pearson: Mr. Chairman, these are strictly definitions reflecting the change in our assessment and taxation ordinances. It changes the "183 days" to "184 days", again because of leap year. I guess that is about it. These are just definitions, in order to effect the changes in the legislation.

Clause 1(1) agreed to

Mr. Chairman: We will deal with (2)(3) and (4) on page 1.

Mr. Penikett: Mr. Chairman, why three at a time? We seem to be making good progress, why not take them one at a time?

Mr. Chairman: Mr. Penikett, there seems to be definitions that are to be dealt with in this particular part of the bill.

Mr. Penikett: I am sorry, Mr. Chairman, but I lack your intellectual agility. I am able to deal with the discussion of one definition at a time, but not three. I have a problem that way.

Mr. Chairman: Your request will be granted then. We will deal with (2), Mr. Penikett.

On Clause 1(2)

Clause 1(2) agreed to

On Clause 1(3)

Mr. Penikett: Mr. Chairman, if I could, I just want to get clarification from the mover as to the exact reason for this change.

Hon. Mr. Pearson: It is because the *Taxation Ordinance* no longer exists; it is now the *Assessment and Taxation Ordinance*.

Clause 1(3) agreed to

On Clause 1(4)

Clause 1(4) agreed to

Clause 1 agreed to

Mr. Fleming: I would like to go back to Clause 1(4) on top of page 2, if I may for a second, the one we just finished, where the spouse shall be deemed to be the owner of the property but only whichever one of them pays the taxes is entitled to be the qualified applicant.

In this case I presume you are speaking merely of a spouse. You are not speaking of individuals in any case, where a person may go pay somebody's taxes and they could collect the home owners' grant.

Hon. Mr. Pearson: The Honourable Member's assumption is a correct one.

Mr. Chairman: I would like to remind the Honourable Member that once a section is cleared it is not proper to go back to the particular section so we will go on to Clause 2 at this time.

On Clause 2(1)

Mr. Fleming: Could we just take a moment more so that we could really read the section. I read them before but I would like to read them again. I find that when I am half way through that one, you are passing the next one.

Mr. Penikett: It just might help if we had a word of explanation. I think I understand it but it might help Mr. Fleming and some of the others if the Government Leader could just explain it, especially the last phrase "...applies notwithstanding that the applicant is not eligible for a benefit under the *Old Age Security Act*". That is because of a different level of benefits for senior citizens here.

Hon. Mr. Pearson: Yes, Mr. Chairman, what we are saying is that the owner of the house is eligible for a home owner's grant notwithstanding that he may be eligible for benefits under the *Old Age Security Act*.

Clause 2(1) agreed to

Clause 2 agreed to

On Clause 3(1)

Hon. Mr. Pearson: Mr. Chairman, we had a rather embarrassing situation exist where you had to have your claim in by the 31st day of December of that year. It was difficult for a person to swear an affidavit that they were living in the house if they moved into the house for the last half of the year and the 184th day — or at that time the 183rd day — happened to be December the 31st. It did cause a difficulty, in that they had to come and register that day and get it in, or else they were ineligible for the year. What we are doing is simply changing it and giving them 15 days grace after the end of the year to make that application.

Clause 3(1) agreed to

Clause 3 agreed to

On Clause 4(1)

Clause 4(1) agreed to

On Clause 4(2)

Clause 4(2) agreed to

Clause 4 agreed to

On Clause 5(1)

Clause 5(1) agreed to

Clause 5 agreed to

On Clause 6(1)

Mr. Fleming: I understand this to be a case of a multi-purpose building, where living quarters are probably in the back. I am wondering about the same situation, where it is not really attached to the building, but may be a trailer, for instance, sitting on that same property, but which is being used solely for living purposes; this really is not mentioned here.

Hon. Mr. Pearson: Yes, Mr. Chairman, there were no prior problems with the trailer sitting on that same property, if I understand it correctly, Mr. Chairman. In fact, these particular residences were specifically excluded in the old legislation. This is a very dramatic change in this legislation.

Mr. Fleming: I wonder if the Government Leader could explain to me how the assessment will take place? I do not think you can assess the land, so you would be just doing the buildings themselves, in other words, assessing those as the portion that may receive the home owners' grant.

Hon. Mr. Pearson: No, Mr. Chairman, under our new assessment and taxation legislation, our assessors have the capability of assessing a building for the uses that it is being put to; in other words, commercial as opposed to residential, in one building. That capability exists in the new legislation and that, therefore, makes this a fairly simple procedure.

Mr. Fleming: I do not quite get the drift, though, of the assessment on the total land situation. If it is not split somewhere along the line then you may be assessing a person's living quarters at a much larger rate than he should be. He would consequently be getting more in a home owner's grant, too.

Hon. Mr. Pearson: No, Mr. Chairman, what happens is that if ten per cent of the building is deemed to be residential, then ten per cent of the adjacent land is also deemed to be residential for assessment and grant purposes.

Clause 6(1) agreed to

Clause 6 agreed to

On Clause 7(1)

Hon. Mr. Pearson: Mr. Chairman, it is a rather long clause, but what it is saying is that a person can live in two houses during the course of the year in Yukon, or own two homes during the course of the year and be eligible, providing they have met the criteria of living 184 days, combined, in the two houses. They will only be eligible, Mr. Chairman, for one grant, not for two.

Mr. Byblow: Mr. Chairman, is the Government Leader saying that both properties that make up the accumulated total have to fit all the eligibility criteria?

Hon. Mr. Pearson: Yes, Mr. Chairman, both properties would have to fill the eligibility criteria, but it is conceivable that a person could live in one house for something less than 184 days, then move to another house—if they switched houses, one would get a grant in respect of the one residence and one would get a grant in respect of the other residence. No one person would get a grant in respect to both residences.

At least this is the way it is supposed to work.

Mr. Fleming: Just as a thought, I am trying to picture this in an area where a person does not really have two homes, but we will say about the 150th day he has become an actual resident in Yukon but he still has no actual home. He could be living in his camper, his trailer, his tent, then he takes over a piece of property and he is a resident of Yukon for the right time. Can he still apply for that home owners' grant that year?

Hon. Mr. Pearson: No, Mr. Chairman, not if he has lived in a tent for 150 days, he is not going to be able to apply for it.

Mr. Chairman, both residences have to fit the criteria for a residence in the legislation.

Mr. Penikett: I just want to ask the Government Leader in passing this, because I am sure it is an estimate he has done, he must have anticipated the number of people who would have become eligible for the grants as a result of these changes and I just wondered if he has calculated the cost to the Treasury of these amendments?

Hon. Mr. Pearson: Mr. Chairman, no, we have not an identifiable number, but we do know that there are people who did, in our purview, suffer as a result of the way it was before.

Mr. Chairman, with the application system, it is very difficult to

estimate how many people are going to make application for home owners' grants. We put a number in our budget each year as an expenditure and it is an estimate. We anticipate if more people apply than we estimate for, then we are going to be coming back to the House looking for supplementary estimates.

Clause 7(1) agreed to

On Clause 7(2)

Mr. Fleming: It is merely a comment that I have made many times before that I felt at some time or other the government may be able to, and I think the Member in front of me has made the same request, come forward with something so that the tax is not a piece of paperwork that has to be paid here and go back there, backwards and forwards. At the time you pay your taxes, you would be relieved of the duty of paying the equivalent of your home owners' grant. It would be a much simpler process.

Hon. Mr. Pearson: Mr. Chairman, as the Minister responsible for Finance, I am very hopeful that at the spring Session, along with the O&M budget, we will be able to announce a new method of dispensing home owners' grants. I, too, feel that it is cumbersome; it is expensive and we are doing a considerable amount of research into what happens in other places. We are getting some very interesting statistics and figures put together.

Clause 7(2) agreed to

Clause 7 agreed to

Mr. Chairman: I will refer you to the title, *An Ordinance to Amend the Home Owners' Grant Ordinance*. Shall the title carry?

Some Members: Agreed.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 51, *An Ordinance to Amend the Home Owners' Grant Ordinance*, without amendment to the Assembly and, Mr. Chairman, beg leave to sit again.

Mr. Chairman: It has been moved by the Honourable Mr. Pearson that Bill Number 51, *An Ordinance to Amend the Home Owners' Grant Ordinance*, be reported to the Assembly without amendment.

Motion agreed to

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

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

Motion agreed to

Mr. Speaker resumes the Chair

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

Mr. Njootli: Mr. Speaker, the Committee of the Whole has considered Bill Number 40, *An Ordinance to Amend the Compensation for Victims of Crime Ordinance*, and directed me to report progress on same.

Further, the Committee has considered Bill Number 44, *An Ordinance to Amend the Community Assistance Ordinance*, and Bill Number 47, *An Ordinance to Amend the Reciprocal Enforcement of Judgments Ordinance*, and Bill Number 50, *An Ordinance to Amend the Insurance Premium Tax Ordinance*, and Bill Number 51, *An Ordinance to Amend the Home Owners' Grant Ordinance*, and directed me to report the same without amendment, and ask 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: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that we do now adjourn.

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

Motion agreed to

The House adjourned at 9:00 o'clock p.m.

Whitehorse, Yukon

October 16, 1980 — 1:30 p.m.

Mr. Speaker: I will now call the House to Order. We will proceed at this time 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

Hon. Mr. Graham: I have for tabling the Fifth Report of the Standing Committee on Rules, Elections and Privileges.

Hon. Mr. Pearson: Mr. Speaker, pursuant to Section 223 of the *School Ordinance* I have for tabling the Sixth Annual Report 1979—80 of the Yukon Teachers Staff Relations Board.

Hon. Mr. Graham: Mr. Speaker, pursuant to Section 19(1) of the *Transport Public Utilities Ordinance*, I have for tabling the 1979—80 Annual Report of the Transport Public Utilities Board.

I also have for tabling the Annual Report for 1979—80 of the Electric Public Utilities Board. This is tabled pursuant to Section 18(1) of the *Electrical Public Utilities Ordinance*.

Finally I have for tabling the Seventh Annual Report of the Workers Compensation Board, for the year ended December 31, 1979. This is required by Section 56(1) of the *Workers' Compensation Ordinance* and Section 10(9) of *An Ordinance to Amend the Workers' Compensation Ordinance*.

Hon. Mr. Pearson: Mr. Speaker, I have for tabling today the written answer to Written Question Number 7, asked by Mr. Penikett on April 16th, 1980, with respect to travel expenses of Members of Cabinet.

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

Is there any Introduction of Bills?

BILLS: INTRODUCTION AND FIRST READING

Hon. Mr. Lattin: Mr. Speaker, I move, seconded by the Honourable Member from Tatchun, that a bill entitled the *Municipal Ordinance*, be now introduced and read a first time.

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

Motion agreed to

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that a bill entitled *Third Appropriation Ordinance, 1979-80*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Hootalinqua, that a bill entitled *Third Appropriation Ordinance, 1979-80*, be now introduced and read a first time.

Motion agreed to

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

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that a Bill entitled *Petty Trespass 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 Amend the Cooperative Associations Ordinance*, be now introduced and read a first time.

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

Motion agreed to

Mr. Speaker: Are there any Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

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

QUESTION PERIOD**Question re: Tahltan Indian Land Claim**

Mr. MacKay: I would like to ask the Government Leader to clarify the Government's position with respect to the issue of the Tahltan Indian Land Claims.

Mr. Speaker, in his opening remarks to the Legislature, the Government Leader said that the actions of the Minister of Indian Affairs were an insult to Yukoners. Can he clarify by saying, is it the manner in which he has carried out the negotiations thus far with the Tahltans, or is he referring to the principle of the Tahltans having a claim on the Yukon?

Hon. Mr. Pearson: Mr. Speaker, there can be no doubt in anyone's mind that I was referring specifically to the actions of the Minister of Indian Affairs and Northern Development. Now, as a Yukoner, I view the Tahltan claim in the same light as the COPE Claim.

Mr. Speaker, there may well be valid reasons why the Tahltans have an aboriginal claim in Yukon. I have absolutely no argument. In fact, Mr. Speaker, I am very happy that they have brought this forward at this point in time, because if they had not and we proceeded with the Yukon land claim on the basis that we were proceeding without recognition of the Tahltan claim or at least consideration of the Tahltan claim, it could have caused problems in the future.

Mr. Speaker, I am not prepared to say whether we are opposed to a Tahltan claim, whether we support it, whether it is a good one, whether it is a poor one. Mr. Speaker, as a result, I would respectfully suggest to you that when I made my statement in this House two days ago, I had not yet received a copy of their claim, even though the Minister has had it for a number of months. I had requested it on September 18th.

I am pleased to advise you that I did receive a copy of the claim by DEX yesterday afternoon.

Mr. MacKay: I thank the Government Leader for that clarification. I am pleased that he is going to negotiate on that.

Can he tell us, though, if he foresees that this new claim will cause any undue delay in the present negotiations with the Yukon Indian people?

Hon. Mr. Pearson: Mr. Speaker, it is very difficult to tell. I hope it does not. I recognize that one of the officers of the Council for Yukon Indians has expressed an opinion that it will not.

I cannot say at this point in time because, truthfully, Mr. Speaker, we have not had an opportunity to look at the claim, to study it in any way, shape or form, and to make any sort of a value judgment.

Question re: Workers' Compensation Board Policies

Mr. Penikett: Mr. Speaker, I have a question for the Honourable Minister of Justice. One of the most serious problems facing workers claiming compensation in the Territory is not knowing exactly where they stand, in that the policies of the Workers' Compensation Board are not public.

In view of the fact that the Board has denied my recent request for a copy of their policies on compensation claims, which helps claimants and potential claimants, including my constituents, I wonder if the Minister would undertake, in this Session, to table in this House the assembled policies of the Workers' Compensation Board?

Hon. Mr. Graham: Mr. Speaker, I am not exactly certain which policy that the Honourable Member Opposite is speaking of. As far as I am concerned the policy for the Workers' Compensation Board is the *Workers' Compensation Ordinance* and the regulations attached thereto. I would be only too happy to make sure that those were available; however, as for any internal workings or any internal policies, I am not sure there are any.

Mr. Penikett: Mr. Speaker, I am afraid I am going to have to

disappoint the Minister. The decisions of the Board on a day to day basis, of course, amount to policy. They make policy decisions every time they award or disallow a claim. The procedure is in violation of the secret law principle and the common civil libertarian and freedom of information concept which is gaining widespread acceptance in the country.

I would like to ask the Minister if he can substantiate for himself that these policies have, up until now, remained confidential, and satisfy himself also that the decisions of the Board do amount to policy decisions. The Board, as a creature of this Government and this Legislature, is therefore, in a way, indirectly responsible to it, if the Minister would consider this question. If he finds that these are the facts, will he then table, in this House, the conclusions of the policy findings of this body?

Hon. Mr. Graham: Mr. Speaker, I am afraid I will have to reject some of the arguments presented by the Member opposite, because I believe that every time the Workers' Compensation Board makes a decision on a specific case, that is a decision, not a policy. I am sure every case that comes before the Workers' Compensation Board is determined on the merits of that particular case. I do not think that we are in any position to release the internal documents associated with any case.

However, I am sure that every worker who has had some kind of decision handed down by the Workers' Compensation Board has received a reason for that decision. If not, then I would like to hear of specific cases.

Mr. Penikett: That, of course, is exactly the point. I doubt very much if the Board makes its decisions, as the Minister has claimed, on an ad hoc basis. I would accept that workers receive decisions and the reports of the decisions.

What is at stake, and I would ask the Minister if he would try and undertake to clarify this, is whether other workers who are making claims could also receive the policy in effect, the reports of those decisions previously made, so that they can make their claim with a reasonable expectation of knowing the ground rules, knowing on what kind of grounds they may reasonably expect to have their claim received.

Mr. Speaker: Order, please. Was there a question there? The Chair is not sure if this is becoming a debate or whether there was a question. If there was a question, the Honourable Minister of Justice.

Hon. Mr. Graham: Mr. Speaker, as far as I am concerned, the policy, the ground rules, are the ordinance. However, I would take the rest of the question under advisement and, hopefully, be in a position in a couple of weeks to report back.

Question re: Taxable Benefits

Mr. Byblow: I have a question I will direct to the Government Leader.

Last April, this House unanimously endorsed a motion dealing with the taxation of northern benefits. I would like to inquire of the Government Leader if he has had any communication with the federal government on this matter since that time?

Hon. Mr. Pearson: Mr. Speaker, we, as a government, established a working committee, to put together a brief. We had representation on that committee from people who we perceived to have some direct interest and some considerable knowledge about these matters in the Territory. We put together a brief to the federal government with respect to this matter.

Mr. Speaker, if the Honourable Member wishes, I would be more than happy to give him a copy of that brief.

Mr. MacKay: Supplementary to that previous question to the Government Leader, does the brief, in any way, resemble the brief that was put forward by the special committee that was struck by the previous Minister of Indian and Northern Affairs, with respect to the mining industry?

Hon. Mr. Pearson: Mr. Speaker, in some respects it does, but I should say that in spite of the fact that we had had representation from the mining industry on the committee that did prepare the brief, there are some points on which we do differ with them.

Mr. MacKay: Did the Government, in the process of evaluating their proposal, also determine what cost there would be to the taxation revenues of this Government as a result of the passage of the *Yukon Income Tax Ordinance*?

Hon. Mr. Pearson: No, Mr. Speaker, we did not take that into consideration, because we felt that that was not a criterion that should be used in our brief. The main criterion that we used was the motion of this House.

Question re: Day Care Grants

Mr. Penikett: I have a question for the Government Leader. In regard to the proposal to lend money to the Dawson City Day Care Centre through the Council of that town, I would like to ask if the Government Leader, in originally discussing this proposal, had in mind a new policy direction for the Government in that it would be prepared to transfer the responsibility for capital funding for day care to the municipal governments in this Territory?

Hon. Mr. Pearson: Mr. Speaker, it seems I now have two of the Members of the Opposition using repetitive words, trying to make something of them. Mr. Speaker, most documents are not secret in this Government; this was no proposal. Mr. Speaker, this was a suggestion that I made to the Mayor and the Manager of the City of Dawson, that I thought there might be a possibility that they could borrow money this way, if they chose to do so. There was no proposal put before them at all, Mr. Speaker.

Mr. Penikett: I thank the Government Leader for his correction and for his answer. Now I will ask him if the suggestion he made to the City of Dawson has been confirmed in writing; if Dawson has indicated its willingness to pursue it in any way, and if there is a positive reception from that quarter; if the Government is willing, as a matter of policy, to pursue that kind of funding for other centres that may ask for it?

Hon. Mr. Pearson: Mr. Speaker, we have now had a request from the City of Dawson to make a suggestion to them along these lines. I will not do so in writing until I now know that it can be done. Mr. Speaker, I suggested to them that this was an avenue I thought they should look into. If they do not choose to look into it and they would rather we looked into it, we would be happy to do that for them. I just assumed that they would like to take the initiative in this case. They have chosen not to; they have asked us to do that. We will find out if, under the *Municipal Ordinance*, they have the capability of borrowing funds to do this. I am not certain that they do. I hope that they do, because then it is a decision that they can make.

Mr. Penikett: I would like to pursue this question with the Government Leader. Inasmuch as there is one day care facility in this city which is now housed in a public building, is the Government Leader prepared, as a matter of policy, to indicate, where it is available, if other day care centres or day care organizations may apply to this Government for similar housing accommodation arrangements?

Hon. Mr. Pearson: Mr. Speaker, we have to be very clear on this factor as well. I did not suggest, Mr. Speaker, to the people of Dawson that the Dawson day care centre, or whatever it might be named, make application to this Government for a capital grant.

Mr. Speaker, I suggested that a municipality make application to the Government for a loan under the *Municipal Loans Ordinance*. Mr. Speaker, if the City of Whitehorse wishes to make application to this Government for a loan, to do whatever with the funds, if they do meet the criteria, then we lend them the money.

Question re: Electrical Rate Equalization

Mr. Fleming: I have a question for the Government Leader this afternoon. In the last Session, Motion Number 7 was passed in this House, urging the Government to implement a policy of equalization of power rates across Yukon. Can the Government Leader report any progress regarding the motion at this time?

Hon. Mr. Pearson: Mr. Speaker, I can report some progress. It is a very, very complicated thing and we are working on it.

I do not believe, Mr. Speaker, that there will be any reflection of this work until our next operation and maintenance budget.

Question re: NCPC/YTG Take-over

Mr. Fleming: This is not a supplementary, but a question regarding power. The other day, in his speech to the House, the Government Leader indicated that the Government would be willing to take over NCPC. The question is, has the Government Leader any evidence to report that makes him feel this may be possible?

Hon. Mr. Pearson: Mr. Speaker, the take-over of the Northern Canada Power Commission by a Yukon power corporation, I think I can say without hesitation, is an objective of every Member of this House. It certainly must be an objective of most people living in this Territory.

Once again, I would suggest to everyone that the timing and the circumstances must be correct for such a take-over to take effect, because it affects not only Yukon, but also the Northwest Territories. It is a long-range project that we are working on.

Mr. Fleming: There is some talk here of NCPC moving their head office, possibly to Whitehorse. I wonder if the Government Leader would have anything to report on this matter?

Hon. Mr. Pearson: Mr. Speaker, I am sorry, I have nothing further to report, other than the last item that I read in the newspaper about it, and that was that the NCPC Board met about two weeks ago in Edmonton. The Board instructed the Chairman, Mr. Smith, to visit once again with the Minister to try to resolve this question.

Mr. Speaker, I can say that I do not think that there is very much likelihood of NCPC moving their head office complex to Whitehorse.

Question re: School Enrolment/Busing

Mr. Penikett: I have a question for the Minister of Education. The Minister said yesterday that if school bus service enables a child to attend a school other than the school that has been designated as his, then we allow him to ride the school bus. In view of the direct conflict between the statement yesterday and the Minister's answer to my written question last fall in which he stated that parents must provide their own transportation when granted permission for their child to attend a school outside their attendance area, can the Minister now give the House a more clear statement of Government policy on this subject?

Hon. Mr. Graham: Mr. Speaker, it is quite simple. Last year we did not allow students to travel on buses if it meant that those buses had to either go out of their way to drop them off at the school or if that school was not their designated school. However, this year we have decided that if there is no conflict as far as the route of the bus goes, there is room on the bus, and it is not going to create a great number of problems to the Department of Education, we will allow those students to travel.

Mr. Penikett: I would like to thank the Minister for the improvements in the policy. I would like to ask him now if he is prepared to communicate this new information to the large number of parents in my constituency, and others, who have petitioned exactly for this. I would ask him if he is prepared to do this, because he knows of a number of people, as I do, who had a grievance on this before.

Hon. Mr. Graham: Yes, Mr. Speaker, I am more than willing to do that; however, I think that I must make it very clear to the Member opposite that we will do it as long as it does not increase the number of school buses we need, it does not increase the number of routes we require, nor does it interfere in any other way with the normal operation of school buses to designated school areas.

Mr. Penikett: I would like to ask the Minister if he has had a chance then to review the written request made by myself on behalf of Northland Trailer Park residents, who wanted their elementary school children to go to school by way of the Takhini bus, which is available already to take high school students past that same school, with a stop.

Hon. Mr. Graham: Mr. Speaker, I am not aware of the request, I am sorry.

Question re: Education/Vocational Needs

Mr. Byblow: I direct my question to the Minister of Education, also. A special committee was struck approximately a year ago to investigate the vocational needs in the Yukon schools. I would like to know if this committee is functional or if they have filed a report.

Hon. Mr. Graham: The Committee in question will probably have one more meeting in November. I expect to have a report approximately the end of November, and I will be only too happy to make it available shortly thereafter.

Mr. Byblow: On a related topic, with respect to the proposed Yukon college, it is my understanding that the Adult Training and Continuing Education Branch is responsible for the coordination or the planning of this. Could the Minister indicate at this time when the first-phase planning is expected to be ready?

Hon. Mr. Graham: Mr. Speaker, we have done a great deal of planning already; however, we are still in an ongoing planning stage. We have budgeted some amount of money in the capital budget, and I will be only too happy to expound further at that time.

Question re: Wildlife Resource Management Officials

Mrs. McGuire: I have a question for the Government Leader. Yesterday or the day before, a particular question was put to the Government Leader by Tony Penikett and that prompted this more direct question.

It is a belief of several people that the Yukon Resource Managers

in the area of wildlife should be free to discuss issues openly with the public. Does the Government Leader share the same belief?

Hon. Mr. Pearson: Mr. Speaker, I believe that the question is improperly directed to me and should be directed to the responsible Minister, if you are talking about wildlife resource management. I honestly believe that it should be the responsible minister who answers.

Mrs. McGuire: Mr. Speaker, this is more or less a supplementary to the first question that was directed to you concerning wildlife.

Mr. Speaker: Order, please, I do not believe there was any question addressed to the Chair, in which case it would be out of order. I believe the Honourable Member has just made a statement, in any event.

Are there any further questions?

Mr. MacKay: Supplementary to my colleague's question, would the Minister responsible be prepared to answer the question? I will repeat it for him in case he missed it. Does he believe that because of the nature of the wildlife resource that we have here, and the technical problems associated with it, that the senior members of his department should be allowed to communicate with the public, with respect to their concerns?

Hon. Mr. Lang: Mr. Speaker, I think that the Member is making an assumption here that people are not free to speak in respect to whatever endeavours they are doing in the government. In most cases they are, unless they are looking at major policy changes that require political direction.

Mr. Speaker, I do not know where the innuendos are coming from, but I think this Government has more than shown that it is prepared to have the necessary public participation in that most valuable resource through the creation of the Wildlife Advisory Council, and also through the amending of the regulations here approximately a week ago to allow the committee more public participation — in fact, reporting back to those groups that they represent in respect to major policy areas.

So, I am sure that the Leader of the Opposition would more than agree that this Government has taken major strides in the past year to ensure that the public is being heard.

Further to that, Mr. Speaker, I think I make myself available, as well as do those people involved in the department, to meet with groups, if they so wish, on particular issues. I think we have more than demonstrated that in the past year.

Mrs. McGuire: I will direct this question to the Minister I directed my first question to. What I wanted to know, and my question is, are the managers in the area of wildlife free to discuss issues openly with the public if they so wish?

Hon. Mr. Lang: Mr. Speaker, I do not know what the Member is driving at. If the Honourable Member would pose a specific question, I would be more than pleased to answer it.

As I have said, in respect to major policy in this type of thing, I am the individual who has to address it. With respect to the technical side, that is why we hire people within the department. If the Honourable Member is implying that she is going to pick out one department in this Government and all of a sudden make politicians out of them, I think that would be totally unfair to the individuals involved, and it would be irresponsible of me to put somebody in that position.

Mr. Penikett: I have a supplementary question for the Minister — he is beautiful when he is angry. The question is about the statement of the former director of Wildlife Branch, who said he was deeply concerned about this Government's muzzling of the director in times of controversy, and felt that free flow of information must occur and contentious issues must be aired, if problems are to be resolved. Can the Minister state — a specific question — if his new director will be able to speak freely and openly, without constraint, on matters that affect issues of wildlife management in the Yukon Territory?

Hon. Mr. Lang: Mr. Speaker, first, the Member in making the accusation that I am angry. All I am trying to do is emphasize a point. If I get angry, you will know it.

Now, going to the question, which obviously took the Member quite a bit of time to think of, I would suggest to you that the director is available to speak to anybody, any time, in respect to the area of wildlife. In respect to major policies that are being generated through this Government, and as far as the politics of the department are concerned, those are my responsibilities, and I am sure that the Member would be just as quick on his feet if I tried

to put that responsibility with somebody else within the department.

I would also suggest, Mr. Speaker, that the Member is quoting from an individual's personal opinion, rightly or wrongly; the other point I would like to make is that I never, ever did receive a full copy of that particular presentation that was given by the now ex-Director of Game.

Mr. Penikett: It has been widely printed and I am sure I can get the Minister a copy. Mr. Speaker, the former Director was also concerned about — and this was the main emphasis of this Government on economic development — what was called the "balanced approach to development", something which the Minister addressed yesterday in replying to my question to him about the Dempster Highway. Can the Minister say exactly what initiatives he has taken, since he assumed his new portfolio, to assure that economic development projects under his control do not proceed at great cost to the non-renewable, or to the natural resources of this Territory, the wildlife resources of the Territory?

Hon. Mr. Lang: Mr. Speaker, I would say to the Honourable Member, if he had been in the House the day before yesterday, he would have heard me point out a number of areas where we are doing the necessary preliminary studies to mitigate effects upon the wildlife. One that comes to mind is the Cyprus Anvil expansion; there is work being done in that area. Also, Mr. Speaker, there is work being done in the area of Resource Management by this Government which is really a federal responsibility but we feel we have a responsibility to do it.

Also, Mr. Speaker, on this side of the House, we support the area of Wildlife Management. One has only to look at the budgets that have been presented in the last couple of years to see that. There have been major increases of financial aid within the financial limitations of this Government. Overall, Mr. Speaker, I think we are doing a very good job.

I am the first one to admit, Mr. Speaker, there has to be a balanced approach to it. I recognize we have a responsibility for wildlife, I also recognize we have the responsibility — in some areas, not as much as we would like, but probably too much as far as the Leader of the Opposition is concerned — in respect to development.

I think Mr. Speaker, that the Member would agree that I am a fair-minded man and I will balance things accordingly.

Mr. Penikett: In view of the wide publicity given to the statement of the former director, and in view of a television program on CBC last night which raised some questions about the health of the wildlife resource in the northern Yukon, would the Minister be prepared, during the course of this Session, to make a Ministerial statement on this very important subject of wildlife management and, if possible, arrange with his colleagues to have that statement disseminated as widely as possible to the media in this country?

Hon. Mr. Lang: Mr. Speaker, the Member obviously receives only one channel because he watches CBC. I was not watching CBC last night so I cannot really speak about the program that the Honourable Member refers to. I am sure the Member has been in politics long enough to know that things that are put on CBC are not necessarily totally accurate. So I would not accept it verbatim.

I would also say, Mr. Speaker, with respect to the management of our wildlife, I indicated to the Member the other day that I would be more than prepared to bring forward policy decisions, probably in the form of legislation, in some other Session.

I have just assumed the responsibilities; we are looking at various areas that I feel need to be addressed. Once they have been cleared through Cabinet, and once those problems have been addressed, it will be in legislative form and the Member will have the platform that he is always looking for to speak to in this House.

Question re: Teslin School

Mr. Fleming: I have a question for the Minister of Justice this morning. As we all know, from this summer's report, our school in Teslin was actually built on native ground, with apparently no written agreements of any kind at that time. I wonder if the Minister would inform this House as to what negotiations have gone on to date dealing with this problem?

Hon. Mr. Graham: Yes, Mr. Speaker, I would be only too happy to bring the House up to date. As we did discover, the school in Teslin is built on Indian property. The Band in Teslin requested that some kind of a compensation arrangement be worked out.

We felt at that time, and we still do feel, that since the federal government had the responsibility and indicated to the Territorial

Government of the day, I believe, in 1967, that they would undertake to transfer that property to the Government of Yukon Territory, that it was their responsibility to ensure that that property was transferred.

However, the Government of Canada, in our first negotiations, did not undertake that responsibility and felt that it was a Territorial responsibility. There was a certain amount of conflict on that point of view. The federal government has since accepted their responsibility in part; negotiations are ongoing.

I trust that in the very near future the federal government will accept the responsibility in full. When they do that, I am sure that both the native people in Teslin and the Government of the Yukon Territory will support, totally, a payment from the federal government to that band in compensation for the property.

Mr. Fleming: A supplementary, Mr. Speaker: I expected the Honourable Minister of Justice to make a little bit more political hay on that one than he really did. I apologize to —

Mr. Speaker: Order, please. I believe the Honourable Member is now making a speech. Could we go to the question, please?

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

Will the Minister continue to look into the problem and, as matters arise, will he inform the House of any changes in the attitude of the federal government or in the attitudes of the native peoples?

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

I think I should point out that we, as a government, do support the Teslin Band in their claim for compensation. We have joined together with the band in Teslin to ensure that the federal government does live up to the obligation that it assumed, I believe in 1963, not 1967. I will be negotiating again with the federal government in the very near future, I believe in early November.

Question re: Dawson City Hotel Grants

Mr. MacKay: I have a question for the Minister of Economic Development, seeing as he is in full-flight today. Can the Minister tell us if his department is still pursuing the rather doubtful policy of giving 300,000 to some Dawson City hoteliers?

Hon. Mr. Lang: Mr. Speaker, we are waiting for proposals. One has been put forward. I would point out that it is not just strictly an out-and-out grant, as the Member indicates; it is assistance, a one-time assistance to try and encourage people to build hotel rooms.

I cannot see how the Member opposite subscribes to the idea that people should be sleeping in buses in Dawson City when we try to encourage them to come as tourists. This Government is trying to act in a responsible manner to encourage people to invest in an area where there is only three months to return on one's capital investment.

I am hopeful that we can get a couple of good proposals that we can assist in, so that we can get the necessary hotel accommodation available, and be able to apply this to the increase in tourism that we would like to see in the Territory over the course of the next ten years. From our side of the House, we feel tourism is good for Yukon, and by being good for Yukon, it is good for the people of Yukon.

Mr. MacKay: Tender, loving care of tourists. Mr. Speaker, has his department, in the formulation of this policy, found some way of preventing some entrepreneur — and there are many in the Yukon — from obtaining this \$300,000, building the hotel and then turning around and selling his hotel for a minimum of \$300,000 profit?

Hon. Mr. Lang: Mr. Speaker, each proposal is being considered on its own merit, and that is one matter that would definitely be considered. Priority is given to people locally in the area; they are long-term Yukoners who would be applying for this in most cases, and I am sure that commitment to the Territory is there that some people do not actually realize.

Mr. MacKay: The question of investing in the Territory is, of course, one dear to my heart, Mr. Speaker. I would like to know, though, if the Minister has made any survey through his department as to which businessmen in Dawson City, or anywhere else in the Territory for that matter, would be building hotel rooms in Dawson without government incentives?

Hon. Mr. Lang: Mr. Speaker, all indications showed us that anyone in the business world was very reluctant to invest in Dawson City, due to the short time period they have to recover the major capital investment that is required for the building of hotels.

Mr. Penikett: I have a supplementary to the Minister. Since tourists — and we all love them — are, at best, fair weather friends,

would the Minister, as a former Minister responsible for Public Housing, be prepared to see welfare families, for example, move into these subsidized rooms during the winter months?

Hon. Mr. Lang: I think that the Member would agree that we have more than provided social housing throughout the Territory. I am surprised that the Member opposite is not on his feet criticizing some aspects of the area of housing that have gone on since the early seventies.

But, Mr. Speaker, I will say this: I feel that we are doing a responsible thing. It could well be that there may not be any proposals put forward that are acceptable. I do not know. I think the Honourable Member is making an assumption; I think both of them are.

Question re: Land Transfers

Mr. Byblow: I have a question I will direct to the Government Leader, relating to transfer of recreational lands. The original announcement was made over a year ago and the Government Leader made some reference to it in some debate the day before yesterday. I would ask the Government Leader if he sees any imminent action in this area.

Hon. Mr. Pearson: Mr. Speaker, I have seen imminent action with respect to the transfer of lands since early last spring. It seems to be a put-off of a month, by a month, by a month. Now, there actually is action again at the present time, I am very happy to report. I am sorry, but I am going to stop giving any idea that I have a clue at all about when it is going to happen, because I have been proven wrong on this issue so many times.

Mr. Byblow: Just from what the Government Leader has said as a matter of policy, does his Government concur with the federal position that there should be a freeze until settlement of land claims?

Hon. Mr. Pearson: Mr. Speaker, that position changed months and months ago. There is little question about that, or at least it was indicated to us that the federal position changed. Nothing has happened as a result of that change in philosophy. It is my understanding, Mr. Speaker, that the Council for Yukon Indians withdrew any objections to the transfer of recreational cottage lots; therefore, there was a change in the federal philosophy in respect to this. It was our submission that really the transfer of recreational cottage lots had nothing whatever to do with the Land Claim Settlement. The CYI evidently agreed and the federal government undertook, at that point in time, to go ahead with this. The move has to be made by the Federal Government, Mr. Speaker.

Mr. Byblow: I will then just bluntly put it: "What is the hold-up?"

Hon. Mr. Pearson: Mr. Speaker, I am sorry I do not know. Possibly the Leader of the Opposition might be able to do something on our behalf in respect to this. As I did indicate earlier, there is work going on at the bureaucratic level, and hopefully there will be no problem at the political level once the bureaucratic work is completed.

Mr. Speaker: Order please. The time allotted for Question Period has now elapsed. We will proceed to Orders of the Day, under Government Motions.

ORDERS OF THE DAY GOVERNMENT MOTIONS

Mr. Clerk: Item Number 1, adjourned debate: Mrs. McGuire. Motion Number 13

Mrs. McGuire: Mr. Speaker, I very much enjoyed some of the opening speeches presented on Tuesday in this Government's usual style. We heard of all the good things that have been accomplished. I am not condemning any part of it, but I wish to emphasize that some of these accomplishments would not have been possible if not for the support of the Ottawa people.

Credit must be given where credit is due. There are at least three Ministers in this House who still have some perception, competence, caring and common sense. Unfortunately, after scrutinizing the speech by the Government Leader in *Hansard*, I cannot say as much for him.

The speech was deceiving and contradictory, to say the least. It implied, throughout, the hue and cry of a frustrated person who could not quite reach the almighty rungs on top of the political ladder.

Mr. Speaker, the contents of this speech gave the impression that the federal government and the northern Minister have opposed

the Yukon Territorial Government's every request and blocked all suggested advancement. This is simply not true.

Mr. Speaker, this Government has not been denied any valid request or advancement, other than both what has been bound by government laws and when the Minister recognizes an incapability of this Government in handling a particular demand.

Proof of this is contained within the Government Leader's written speech. Our northern Minister recognizes the need for renegotiations on the COPE claim and he provided the instruments and funds to do this. He recognized the necessity of a speedy land claims settlement for Yukon, thus he provided the best in negotiators, Mr. O'Connor. He has provided the funds and the negotiating table and has said, Mr. Speaker, "Let us get this over with, fast, but fair and square."

The Government Leader has said, and I quote: "My Liberal friends in Opposition have accused this Government of not being open, and trying to undermine the CYI process." Well, let me tell this House that this Liberal is still saying it.

This Government serves only to deter the process, since the very beginning. Why? Because you do not understand what land claims is all about, or how they got there. I do not believe a lot of people really truly understand why we have land claims. I certainly did not.

In order for me to understand what was happening, I had to do a lot of research work and was able to come up with fairly good reasoning why it was happening.

A few weeks ago, we met with a delegation from Ontario and they, in coming into this country, wanted to know about the Yukon Indians. They wanted to know why they were making a claim. So, in putting a bunch of research work together, I was able to come up, I think, with a pretty good explanation and I want to go into that with you right now so that you, perhaps, would understand.

Mr. Speaker: Order, please. Just let the record show that Members are supposed to be talking to the Chair and perhaps the Member could make reference to the party that she intends to.

Mrs. McGuire: I am sorry, Mr. Speaker.

I am going to start out by rambling back over the last one hundred years or so. I think it is important that I do so, so you will all understand the evolution of the Yukon Indians.

I can see by a lot of faces over there that they are thinking, "Oh, she is going into this old Indian bit again." You are right, I am.

Mr. Speaker, the stories of the Yukon Indians were passed down from generation to generation, and authentic written documents by reputable historians have proven that Yukon Indians, in the olden days, were proud people, and they walked with pride and dignity and lived with culture. They lived with values, traditions and rigid laws, believe it or not.

Mr. Speaker, Indians at that time were born into clans and members of a clan considered themselves blood relatives and prohibited marriage within a clan, thus eliminating incest and this sort of thing.

They possessed such pride that a person who committed a minor wrong-doing was shamed through ridicule by the clan members. Mr. Speaker, some offenders were shamed to the point of committing suicide, thus a shameful act was sufficient reason for preventing people from doing it. Major crimes such as incest, murder, adultery, witchcraft and prostitution were punishable by death.

Mr. Speaker, crests, emblems and costumes were of great importance because they identified the wearer as having rank, position or wealth. Songs and dances were of great significance, as they told stories of the past histories; it was a form of record-keeping. Spiritual sweatbaths were practised at that time, thus providing hygienics as well.

Mr. Speaker, natural deaths were both mourned and celebrated, because the Indians believed that the spirit of the dead person went to a place of unbelievable happiness. They had respect for the elders, willingness to share, understanding, and a religion that bound them to the land they loved.

Mr. Speaker, very, very few Yukon Indian people today know their history—I doubt if even Grafton knows—or could even begin to practice the way of their ancestors, but they do know that they have lost something which they must regain.

Mr. Speaker, one could only guess that the Klondike Gold Rush in 1897 and '98 was the beginning of a series of onslaughts against the Yukon Indian people that have been going on ever since.

Mr. Speaker, these invasions were unstable events over which the Indians had no control, although some proved themselves to be

adaptable to a degree few non-natives could ever achieve. Mr. Speaker, such a person was a leader of the day, Chief Jim Boss, who witnessed the death toll of his people relating to alcohol, disease, starvation and murders.

Mr. Speaker, during that year, 1902, Chief Jim Boss wrote the Government of Canada for some protection over Indian lands and received a curt response that his request for a treaty was rejected but that the Mounties would try and save his people from starving.

Mr. Speaker, it was not until 1967 that one of the most respected figures of the Indian community, Elijah Smith, began urging his people to start looking for guarantees to their rights as the original owners of the 207,000 square miles of mountains and lands and whatever it contained.

Mr. Speaker, although organizations were foreign to the way of life to the Yukon Indians, it was clear to Elijah that if his people were to survive they had to organize.

In 1968 the Yukon Native Brotherhood was formed, representing the status Indians. Three years later, Mr. Speaker, the Association of Non-Status Indians came into being. But Elijah had the foresight to realize the might of the federal government, and by 1973 had formed the Council for Yukon Indians.

If I become too boring, let me know.

The Council of Yukon Indians was then charged with the task of negotiating for Land Claims on behalf of the people of native ancestry.

Mr. Speaker, the CYI then made their first presentation of claims entitled, *Together Today for Our Children Tomorrow*, to the Federal Government. The Prime Minister at that time, Pierre Elliott Trudeau, promised that the submission of its principles and philosophies would be taken seriously by his government. Mr. Speaker, the submission, based on the traditional philosophy of the Indian people, was to secure a political and economic base from which the Indians could move ahead with the rest of Canadian society, and provide for the future so that an orderly process could be set up ensuring the Indian people the right to manage their own affairs without direction or handouts from the Department of Indian Affairs.

Mr. Speaker, the land claims process has been slow and painful because of a lack of expertise of the Indian people and the many changes in the government policies and government negotiators.

Now, Mr. Speaker, we have arrived at year 1980. Former Magistrate, Dennis O'Connor, has been appointed Chief Federal Negotiator for the Yukon Land Claims and negotiations have been more active and sustained as we are all aware.

The Indian negotiators are, at present, cautiously optimistic about the process.

Mr. Speaker, I would also wish to add that the Yukon Native Brotherhood and the Association of Non-Status Indians are now amalgamated through the Council for Yukon Indians, legally providing one major Yukon Indian political organization and giving them the mandate to negotiate a Land Claims Settlement and to monitor and assist in the delivery of social economic programs for both registered and non-registered Indians.

Mr. Speaker, the CYI is now a unique organization in the history of Canada, for it represents all Indians in ancestral rights in the Yukon and not just a specific group of natives whose existence is defined by the artificial divisions of the *Indian Act*.

Mr. Speaker, I hope that this bit of history will give you people some insight as to why the land claims process is going on. It certainly has given it to me since I started studying it thoroughly.

And now, Mr. Speaker, I would like to go back to my previous grievances in the Government Leader's speech. Mr. Government Leader went on through his speech about how "the Feds were 'doing the Yukoners in'", by not giving us anything or by not listening to us, in fact by being completely negative. Now this is exactly what I read in that speech, what I got out of it.

He accused the federal government of being completely negative in all aspects concerning the Yukon, and yet he goes on about such projects as the Alaska/Yukon Pipeline, the Beaufort Sea activities, the gas fields, the fish and wildlife studies for preservation, and the list goes on, completely endless.

All these projects, as one can clearly see, were made possible by the efforts of the Minister of Northern Affairs and the federal government.

He even proudly announced, Mr. Speaker, a multi-million dollar budget, a hand-out from the Feds — more likely it is donated from Ontario. Yes, the Government Leader has made a feeble attempt

to undermine the federal government for no other reason than they happen to be of a different colour.

Mr. Speaker, on the worn-out subject of the Constitution: I do not think anybody in this House has any quarrel with the Government Leader's statement, "We reserve the right to establish positions on constitutional development in the Yukon". We have no quarrel with that, and I do not think anybody here has. What we are concerned about is the "he", he uses. I am wondering, for one, who is the "he" that he is talking about? Certainly not the people of the Yukon, Mr. Speaker. It is not the Constitutional Development Committee but this House set up to instigate constitutional policy. Mr. Speaker, it was not his own caucus, and that is where our protest lies. We are protesting against the method and the people who actually wrote our Constitution position without our consultation or consent. And, Mr. Speaker, whatever excuses or explanations the Government Leader may come up with in the future will never wipe out the fact that we were duped or dumped, whichever word you prefer, as a Constitutional Committee.

Mr. Speaker, after many months of observation of the political situation and the actions of this Government, I feel very strongly, and I am sure that there are others in this House who share the same views, that the Yukon is not ready for party politics as it is practised by the PCs.

Our areas are too large, our population is too small, and our needs are too great, to accommodate a totally partisan government. Perhaps I should say a totally partisan government cannot properly represent this large country and small population with our great needs.

Mr. Speaker, it is my belief that too much valuable time is spent nit-picking about the federal government, valuable time that should be spent governing this country with a firm hand and a level head. Mr. Speaker, I would very much prefer that both governments worked hand in hand, then perhaps this government would sincerely throw their full support behind projects that come under the jurisdiction of the federal government.

Mr. Speaker, last but not least, the Government Leader linked the Yukon Liberals in this House a few days ago with those of the national Liberals and I must say I was very impressed — I was not insulted.

Mr. Speaker, I will close by saying that I hope that all this early campaigning will come to a stop, because it is not doing anybody any good in Yukon.

Thank you.

Mr. Tracey: I would like to take this opportunity to comment on the direction our government has been taking for the last couple of years with regards to our capital budget.

If one looks at the capital expenditures that we have expended since we have been in office, you will see that this government has answered the requests of the people of the Yukon Territory. For example, some of us ran for election on a program of more and better educational facilities in outlying areas. We also had the Sharp Report stating that schools should be upgraded in the outlying areas in order for the school children to accept their more rightful place in our confederation and our society. To this end, we have consistently put more and more money into our rural area schools and I think it has been a great job.

We have identified tourism and economic development and renewable resources as our major programs for development and we have also identified transportation as one of our major priorities. In our budget in the last few years, we have seen a continued thrust to improve our Klondike Highway artery for Yukon tourism, and for our mining community, which includes Faro and Cyprus Anvil.

Many other smaller projects which answer the requests from people throughout Yukon are also being answered: ambulances, fire trucks, sewage lagoons, and administration buildings.

Many of these communities have been crying in the wilderness for far too many years and I, for one, feel very happy that we are finally answering some of their cries.

The Leader of the Opposition stated that the quality of life in rural communities has to be a major concern of this Government. We agree, Mr. Speaker. One need only look closely at the budget to realize that we are attempting to improve the quality of life for these people.

He states that we should have a game plan and a sense of direction of where we are headed, and then criticizes the investment of tax dollars in hotel rooms so that we can handle the influx of tourists that we are working so hard to bring here each year. He

says, on the one hand, that the plan is necessary and, on the other, that you should not adhere to the plan after you are half-way through it. Perhaps he would rather that we go hat in hand to his associates in Ottawa asking for capital to finance another welfare scheme for people who would have no opportunity to get out of the welfare system. A \$300,000 investment in hotel rooms will make it possible to bring millions of dollars into the economy of the Yukon Territory and also many tax dollars.

The Member for Whitehorse West mentioned the guidelines the Government would do well to follow in making its expenditures decision. I believe this \$300,000 investment would stack up very well when measured against those guidelines.

The Member for Faro, on numerous occasions, has made a plea for money for his community, because of the importance of mining to the Yukon economy. Almost 15 per cent of the total capital budget for the last two years has been expended in his community, Mr. Speaker, a community that already has far more facilities than many other areas of Yukon. No one begrudges that, Mr. Speaker, but when one hears comments such as the Member made yesterday about some obscure backroad in Carmacks getting a quarter of a million dollar facelift, one wonders just where the Member has been these past few years.

With all his so-called concerns for the mining industry, I am becoming more and more convinced that, in actuality, he knows very little about what is going on in the mining industry in the Yukon.

The Dawson Range, into which this obscure road provides access, is considered to be one of the most highly mineralized areas in Yukon, with unlimited potential for new mines. There has been approximately one and a half million dollars invested in this area this year by the mining industry using that road. There has been in excess of \$15 million invested in this area in the past ten years. There is a previously operated mine that is presently investigating the possibility of re-opening, and is expending hundreds of thousands of dollars in diamond drilling.

There is another company putting an adit into the ground, which proposes to install a mill in there next year. They are drilling many miles of creeks for placer operations which will go into production in the near future. In other words, Mr. Speaker, that obscure road west of Carmacks, which is eventually supposed to link the Alaska Highway with the Klondike Highway at Beaver Creek, is a road in to some of the most heavily mineralized area in the Yukon, with a potential of helping to turn around the economic recession that we are suffering today.

Perhaps the Member for Faro would do well to heed the old adage and not put the mouth in motion before the brain is in gear.

Mr. Speaker, the community of Faro has identified three major areas where they feel capital money should be expended. Then they try to use the media to force the government to accede to their demands. They have done this in the past and been fairly successful at it, perhaps because the media, rather than trying to present both sides of the situation, tries to capitalize on the controversy. Perhaps the media should also apply some of the Member for Whitehorse West's advice and consider whether it is beneficial to Yukon.

Mr. Speaker, we have just recently constructed a new school in Faro. We used projected enrolment figures supplied by that community and by Cyprus Anvil Mine to aid us in planning for that school and for future schools. The enrolment projections that they made have fallen short by a fair percentage for this year. We are also projecting the construction of a new school in 1983 and perhaps it will fall short for that school.

Mr. Speaker, when that school is needed, I am sure we will construct it. Meanwhile, there are perhaps five or six classrooms in Faro that will remain empty when all the children are moved into the new school. So, we have ample school facilities in Faro.

They also say that the airport is a major priority. Mr. Speaker, that airport is not a responsibility of this government, it is an MOT federal government responsibility. In the past we have worked together with the community of Faro to try to upgrade that airport. We have taken our Vocational School class out there, and we have worked on the airport. We support the Town of Faro in acquiring a new airport, but we are not responsible for it.

We are presently surveying the access road with the object of realigning it and straightening it out to make it safer and a better access into Faro. We realize that it is an important road, but we also realize that the access road into Porter Creek is important. I suggest, Mr. Speaker, that the latter is much more important than

the access road into Faro, which is doing an adequate job for the people.

The residents of Faro asked this government to invest in their community. They also asked for a liquor store. We have tried to do both. We have invested in a new liquor store complex with government offices in it, designed so that it can be expanded into a full, large administration building.

Mr. Speaker, I suggest that this government has been trying to live up to its commitment to the people of Faro and to Yukoners by investing millions of dollars in Faro in the past year or two; more millions will be invested in the future.

I submit, Mr. Speaker, that we, as a government, have no reason to apologize for our large expenditures in Faro, nor for any money that we have not expended.

The Member for Teslin said that he would like to see more money invested in adult and continuing education. I would suggest that we are also spending a fair amount in that direction. Maybe not as much as we would like to spend, but a fair share nevertheless. We are in the process of developing plans for a multi-million dollar community college. We are developing mobile training units, and we have put much emphasis and not a small amount of money into teacher education. We have only a limited amount of money, and I feel we have done a very good job of managing that money, Mr. Speaker.

Thank you.

Mr. Falle: Mr. Speaker, I would quite naturally support the motion before the House. And I say this because I feel your Government has worked hard for all the people of Yukon. The programs which have been outlined by the Government Leader are positive steps taken by the Government to improve the quality of life in Yukon. I support the direction that my Government has taken, and I compliment them on their efforts.

I would like to take this opportunity, Mr. Speaker, to clear up some comments made by the Honourable Leader of the Opposition concerning local hire on the Alaska Gas Pipeline. It is quite clear that Mr. Trudeau's proposed Constitution will make it impossible for local hire clause to be part of the agreement. It must be true, because yesterday even Mr. MacKay stated that the Prime Minister's assessment of the situation was wrong and the Government Leader's was correct. The statement I take exception to was Mr. MacKay saying that the preferential hiring is probably damaging.

Firstly it seems that, as usual, Mr. MacKay is changing his position in mid-stream. During the Lysyk Inquiry, the Whitehorse Chamber of Commerce presented a brief which called for local hire policies on the pipeline. Mr. MacKay, at that time, was first vice-president of the organization. The Chamber of Commerce was not the only one to take up the cause for local hire, as virtually all who appeared before the Lysyk Inquiry and the National Energy Board supported local hire policies for the project. Not only that, but Dean Lysyk and his panel made the recommendation that local hire policies must be a part of the terms of the pipeline.

Yukon has a high rate of unemployment, and whether Mr. MacKay agrees or not, there must be opportunities for Yukoners to obtain employment on that pipeline. Jobs are the real bread-and-butter issues in this Territory and this Government has, once again, taken positive steps to ensure that Yukoners have the opportunity to get some benefits from a major project.

What have the Liberals done, Mr. Speaker? They cannot even agree on whether or not Mr. Trudeau's proposed constitutional amendments will affect local hiring provisions in the pipeline agreement.

As I stated earlier, and Mr. MacKay agrees —

Mr. MacKay: Mr. Speaker, a point of privilege —

Mr. Speaker: Order, please.

Mr. MacKay: I am being misquoted. It has been stated that I have said, Mr. Speaker, that there would be no preferential hire. That is true, I said that there will be help for the disadvantaged and that is what I am still saying.

Mr. Speaker: Order, please. Obviously the Honourable Member does not have a point of privilege and merely has an argument with the speaker on the floor.

Mr. Falle: Mr. Speaker, as I stated earlier, Mr. MacKay agrees with our Government Leader that the constitutional amendment will jeopardize the local hire clause, yet the aspiring leader of the Liberals, Mr. Ron Veale, has contradicted that by saying that we are misleading the people of Yukon on the preferential hiring clause.

Mr. Speaker, they cannot even get together on a simple interpretation of the legislation put forward by the Liberal government.

The pipeline is an important project to Yukoners and we must benefit from it. I think, regardless of the waffling and contradictions of the local Liberals, that if we once wanted to do something positive they should first consider getting their own positions straight, and then perhaps they might pass on to the Prime Minister that he is denying the Yukoners some right to work on that pipeline.

Thank you.

Mr. Hanson: Mr. Speaker, I thank you for your recognition, but I was a little disappointed, inasmuch as I thought after what happened in the House yesterday, I would be called the Honourable Member for the booming metropolis of Mayo. I suppose it is not a unanimous decision yet, but one I hope will be reached.

I am not going to be too hard on the Member for Faro. I think he will hang by his thumbs for a few days, as I have been hanging for the last six months. You get quite hardened to it after a while. You stay home.

Mr. Speaker, the event of putting an administration building in Mayo seems, to some, to be a political plum. That is not quite the case. The administration building was promised in Mayo about the same time as one was promised in Haines Junction.

The one at Haines Junction has now been in operation for five and one half years; Mayo is at last getting theirs.

Two previous attempts by this Government to budget for this building have been turned aside because of more pressing decisions as to where the money was necessary, and I agreed fully with them. So to hear that my friend from Faro is a little upset about it, is very understandable. We, in Mayo, have had a road now for thirty years, and I must say that the Government Leader's hair started to turn grey on that road when he was a young man, in his ill-spent youth, when he drove that road. He can remember the Commissioner's Bend where there has been two deaths so far in the double "S" corner. The reason for the rest of it turning grey is that I went into politics.

Mr. Speaker, the first road built after the Alaska Highway was the road into Keno City, it was not to Dawson or to Faro or any other location. In fact when the road was built they put a toll gate on it to pay for the maintenance of it, because the Territorial Government did not have the money at that time to maintain it. United Keno Hill took over maintenance of that highway to remove the toll gate, which was a burden to everybody. I believe it was for a period of five years that they maintained that road.

But if you will notice very carefully, the last major road in the Yukon calcium chloride program is the road from Stewart Crossing to Elsa. Only 50 per cent of that was done this year and next year we hope the whole thing will be done. So, to the Member from Faro, we waited thirty years. I sincerely hope that your prayers are answered and you do not have to wait that long.

The community of Elsa is getting some renovations in their school. I must point out, the community of Elsa is a company town, totally. They have the privilege of paying taxes. The only Government services they get are the school and the road that comes to the property, which they, of course, pay taxes for. The town of Faro, being the way it is, gets a little more money to help. The roads and everything maintained in Elsa must be done by the company itself, and they pay a sizeable amount of property tax, just for the privilege of being there. We charge them for mosquito spray; the company themselves pay for the mosquito spraying at the camps, property, townsite, yet they are taxed for it. However, we do not mind, because when that mine opened up, we were pioneers then. We did not have to have fourteen channels of TV and dancing girls and whatnot.

However, I do not want to belabour the poor man from Faro. He is not a bad fellow really.

My good friend, my best friend, the Honourable Leader of the Opposition — you know the privilege of a man of my age is to sit back and look at the Honourable Member and muse a little bit, what would happen if we were both born in Scotland? He would definitely have to be a lowlander, I would be a highlander. And if it came to playing the bagpipes, he would definitely be playing *Bonnie Prince Charlie* and I would be playing *Up at the Bonnets of Bonnie Dundee*. But that is the difference between us. I am going to miss him when he leaves because I know a lot of Scottish jokes, having been in the Highland Regiment in the last war myself; I can terrorize them pretty good and he can return a compliment in kind.

Mr. Speaker, I am quite pleased with the way this Government is going. I think that the Member for Kluane gave a good talk today, however, I think she made several erroneous statements there. I think that much of what we are blamed for has happened before our time, happened before there was responsible government in Yukon; yet, we are assessed with the blame for it, which is naturally the role that a current government has to accept. However, I am sure the Government Leader will answer a lot of that.

I do want to compliment some of the Ministers, particularly the Minister of Highways and Public Works, on the removal of the \$1,000 payment by small communities for TV rights. I think that was a very good move. I think that did not just go to Conservative ridings, but to all ridings.

I would like to congratulate the Minister of Education on the upgrading in the Mayo School and the future upgrading of the Elsa School. I would like to thank all the Ministers for taking an interest in Mayo.

I would like, at this time, to end a rumour that has been going around for quite some time. I think the rumour was started, most probably, by the two Ministers in front of me and the two members of the opposition directly across from me. My father's name is not Noah and I did not go to Greece to study the landing place of the Ark this year.

I thank you, Mr. Speaker.

Mr. Njoottl: Mr. Speaker, I would like to inform the House before I go into my speech that I have a fair amount of knowledge about Indian history. I am one of four people in the entire Yukon Territory who started the Yukon Indian land claims. I have educated a lot of Ministers at the national level about the process of Indian claims.

With that, I think, like all of the previous fourteen, fifteen speakers before me, I would like to reply to Motion 13 on the Order Paper.

It seems reasonably clear to me that this government, which is composed of the people on the front benches here as well as myself, that this government's efforts are still visible since the spring sitting. I am quite pleased to hear, Mr. Speaker, that Yukon Indian claims have been productive in the negotiating process.

It is also a good feeling, despite the feeling of the Honourable Member from Haines Junction, to hear my Government Leader saying, and I quote, that a great deal of credit must go to the CYI and the new federal negotiator.

I am sure my constituents will be happy to hear that the claims process is in full swing. They have been prepared for such a settlement for the last five years, since 1975.

Mr. Speaker, I would like to refer to my constituency, Old Crow. Since the spring sitting, the job creation up there has been quite evident.

There was ten feet of gravel added to the eroding river bank, a very necessary project. There were a number of logs brought in for the upcoming gymnasium. To cut these logs, the sawmill I was set up, and is in full production.

We also received some badly-needed new roads.

Of course the airport maintenance was in perfect order.

All of these things were done by the local people. The Government made jobs possible in the community of Old Crow.

Mr. Speaker, I say that these are just a few of this Government's activities in the Yukon communities since the spring sitting.

Just a few days ago in Old Crow, I held a meeting. In this meeting, the people of the community showed their appreciation of this Government's activities. They did this because the Government cares for them; because they are Yukoners and this is the Yukon Government. Mr. Speaker, I just want to commend this Government for their concern and hard work for this community, in spite of the fact that the community is extremely far north; it takes me six hours to get down here but the Government always comes through, some how or other.

Mr. Speaker, because this Government was not involved in the COPE Agreement in principle, we have worked hard, as a Government, to become part of further discussions that are going to take place in the future.

I am also pleased to hear that the Government has hired a negotiator for this particular claim. This is definitely a great improvement over last year's relationship between the COPE people and the Yukon Territorial Government.

Because this Government is concerned, and is continuing to press for better education facilities in my community. I notice a higher standard of education, a higher standard of living condi-

tions, and overall, a growing of the community, not only in size but in their own self-esteem.

Only if this Government maintains this performance in Old Crow — as in other Yukon communities — will it continue to tick in that way.

Mr. Speaker, I appreciate the fact that this Government has been studying the alcohol problem, not only in Old Crow, but in the Territory as a whole. I will anticipate some action from the Brass Report so that at least some of these alcohol and social problems would be alleviated in the Territory.

Mr. Speaker, it is also good to hear that the government is keeping tabs on the Porcupine caribou herd, and that assistance has been considered for Yukon trappers. I am sure my constituents, as well as other people in the Territory, will appreciate that offer as long as they trap.

Mr. Speaker, I would like to commend the Government for their very real and optimistic contribution to restore and stimulate the tourism industry in Dawson City during the summer. I would suppose that this made some contribution to some Yukon pockets.

The government education policy in relation to the Kluane Tribal School is a major step, Mr. Speaker. It shows that this Government is seeking long-term dialogue with native people and their culture.

Mr. Speaker, just referring back to yesterday's debate on this particular motion, I listened with great interest to some of the Members opposite — notice I said some. On one occasion, the Honourable Member for Teslin said, in his opening statement, and I quote, "I am supporting the fact that they have done their best to run the government to the best of their ability, and not a bad job at that."

Well, Mr. Speaker, I just happen to agree with that gentleman. I agree with him because, like yourself, Mr. Speaker, he has been here in this Assembly for a long time and I take it that he knows what he is talking about.

The Member for Faro also indicated that, and I will also quote him, "the departments are reasonably well run. I have had excellent dealings with officials of departments in dealing with constituency problems."

Mr. Speaker, other Members have accused this Government of secrecy. I just want to inform the Members opposite that the Yukon Cabinet members, despite the heavy work load that they have, have taken the time twice a year to visit all Yukon communities. Of course these visits are all well advertised in advance. Yukoners are encouraged to take advantage of these important visits and the government has, in the past, emphasized public input on policies such as land claims, pipeline, et cetera. Cabinet members also have regular office hours, and appointments are possible regardless of your partisanship.

COPE material has been released, and I believe, from what I can gather, the public was surprised to discover what land claims were all about; because of that information, and what the land claims entailed, and what consequences the Yukoners, as a whole, and the Old Crow people, have to pay in the event that extra-territorial claims become evident.

Anyhow, Mr. Speaker, I think that if the Liberals were in this government, secrecy, such as the federal Minister's recent action in handing taxpayers' dollars under the table to Tahltan Indians to attack Yukon lands would be very real. That is what secrecy is in their minds.

However, we should all agree that some Government documents should be secret until they reach the House.

Mr. Speaker, I think you have been patient with me on behalf of the Old Crow people. I want to commend this Government for their interest and concern for that community. With that, I will support that Motion Number 13.

Hon. Mr. Pearson: Well, Mr. Speaker, I sat, yesterday, I must say, in some pain. I was referred to, by the Honourable Leader of the Opposition, as being undecided; that I changed my mind; that I am secretive; that I am dishonest. Again, today, by his colleague in the Opposition, that I am contradictory; that I am deceitful, and I am frustrated.

Mr. Speaker, I think I could argue all but the last charge. I am definitely a very frustrated man. That frustration is due entirely, unequivocally, to the attitude that the Minister of Indian Affairs and Northern Development has chosen to take towards this Government. Mr. Speaker, I categorize it best as being benign neglect. Nothing more, nothing less. Benign neglect. That is all.

We never hear from him. Now, Mr. Speaker, that can be great, in

some ways, but it also can be of a great hindrance in other ways and that has been frustrating. Mr. Speaker, the Leader of the Opposition, I was sorry to hear, chose to, rather than address our actions or inactions in the past months, dwell at quite great length on my own personal attributes. I have even heard — and maybe it is all part of the campaign, Mr. Speaker — the last few days, his unofficial mouth-piece in the news media referring to this Government as "The Pearson Government". I guess if that is what it is, that is what it is going to be. And, Mr. Speaker, I am not going to apologize for it.

I am not going to apologize for being indecisive, Mr. Speaker, when it comes to the subject of what we did with the Destruction Bay Maintenance Camp. We made a decision, a firm one and a hard one, a very difficult one, that it was economically unsound and not in the best interests of the taxpayers of this Territory, or the people of this Territory, to continue that maintenance camp.

Now, Mr. Speaker, that discussion has been going on in this Territory since 1963 that I know of, about whether Destruction Bay should continue as a maintenance camp. Mr. Speaker, it did not come as any surprise to anyone in Destruction Bay, nor did it come as any surprise to anyone living in Haines Junction, nor did it come as any surprise to anyone living in Burwash, nor did it come as any surprise to anyone living in Beaver Creek.

Now, Mr. Speaker, we made a hard economical decision. We based that decision, Mr. Speaker, on the fact that we had, at some expense, made residential lots available in Destruction Bay and nobody had bought them. We assumed that our employees were not interested in making Destruction Bay their permanent home, because they had not bought any of these lots. We made that decision, Mr. Speaker, and said that we would be keeping at least two employees in Destruction Bay; if we had to, we would put them up in the local hotel, but they would be staying there because that would be part of the scheme of the maintenance of the thing, and the rest of them would be moving either to Haines Junction or Beaver Creek. Mr. Speaker, you did not hear any complaints from either of those communities about that suggestion.

We were not trying to kill a community, Mr. Speaker, I submit to you that if all the community depends upon is the maintenance camp, it is not a community, it is a maintenance camp. Mr. Speaker, I have been back to Destruction Bay and I have told them this. I am not saying anything that they have not heard before so there is nothing new in what I am saying. I want it very well understood that we have not changed our minds, we have not changed them in any way at all. We made a very, very firm and hard decision. Mr. Speaker, what we have done is, when it became obvious to us that some of these people might be interested in staying in Destruction Bay, we did postpone our times that we had put in place for this move, to try and give them a chance. Mr. Speaker, if I can do anything, if I can change anything to benefit people in the Territory, I will be happy to be called indecisive anytime at all. I feel, Mr. Speaker, I am here representing the people, I want this Government to represent the people, and I want this Government to serve the people.

It is not necessary, nor is it desirable, that the people serve Government. Mr. Speaker, we are here as Government to serve the people. We will always do the best we can to serve those people and I mean all the people of the Territory.

Now Mr. Speaker, the Honourable Leader of the Opposition spent a considerable amount of time talking about the method in which the three papers on Constitutional Development were released.

This is a very, very important subject to this Territory, Mr. Speaker, one that I have spent a considerable amount of time at over the course of this summer, lost a little bit of sleep over and, in spite of what the Honourable Member for Mayo says, I have gotten a few grey hairs over it at well.

Now, Mr. Speaker, the most disappointing thing to me in all of this has been that these papers suggest positions that this Government should take in respect to a constitution in Canada. Mr. Speaker, I have not heard one word from anyone in the Opposition as to whether these positions are reasonable, unreasonable, ridiculous, well-founded, not founded on any basis at all, not one substantive word of either criticism or praise as to the content of those papers.

Mr. Speaker, I would respectfully suggest to you that the method of putting them out maybe did not meet with the approval of the Honourable Leader of the Opposition or the approval of some of the press in this town; Mr. Speaker, that is the least of my worries. My concern was that these papers do get out and that we get feedback

from them. Mr. Speaker, once again if we do not get the feedback we have no alternative than to go ahead on our own. We do not want to do that.

I thought I made it clear that I was hopeful that the standing committee of the House would take those papers and give us some feedback on them. I really, sincerely, truly hope that they do.

Mr. Speaker, there still has not been a comment from anybody at all. I do not know whether those papers have been read by anyone. Maybe Mr. MacKay has referred to them so many times as the "secret papers" that people are actually going to start believing that they are secret.

Mr. Speaker, I would suggest to you that he is not doing a service to anyone on this side of the House, on that side of the House or in the Territory by taking that tact.

Now, Mr. Speaker, the Honourable Leader of the Opposition said that he is very concerned about our secretive ways and that he would like to trust us but he cannot, really, because we are so secretive. He accused me, by being secretive, of using scare tactics. He and other Members of his Party have said that I use scare tactics. Mr. Speaker, I have never used a scare tactic.

When I expressed the opinion, when I expressed the real, honest fear, and I made sure that I was expressing a personal opinion and a fear that if the mobility clause in that proposed constitution by the Prime Minister was as I had heard it was going to be, I expressed a fear, Mr. Speaker, that it would be of great detriment to this Territory.

I was accused, once again, of fear tactics, of being completely off-base, of being erroneous. Mr. Speaker, it just was not so. It happens that my worst fears were realized and I want that impressed upon everyone. I expressed that as a fear and I am not going to stop doing that. If I have a concern, Mr. Speaker, I am going to say what my concern is.

I do not want to be secretive. I am not afraid to stand up and be counted on any subject.

Mr. Speaker, the Honourable Leader of the Opposition also said that I did the Territory's people a disservice by not attending the First Ministers Conference after being so graciously invited by the Prime Minister of Canada. I am not going to go into the gracious invitation because, as far as I am concerned, that is irrelevant. The fact of the matter was that I received an invitation to attend that conference as a special observer.

Mr. Speaker, I received that invitation, along with the mayors of a number of cities in Canada, along with the Commissioner of the Northwest Territories. I want to correct, while I have it in my mind. Mr. Speaker, another statement made by the Honourable Member yesterday. I do not have a counterpart in the Northwest Territories, and that is a mistake that no one in this House should ever make. You should know enough about the political evolution in this Territory and the political evolution in the Northwest Territories to know that there is a very real difference. It is not splitting hairs, that is the very tack that the Prime Minister of Canada has taken, and it is the very reason that I was not at that conference.

Mr. Speaker, I very much wanted to go to that conference. I wanted to go to that conference so badly that I was in Ottawa. I would have loved to have gone to it, but, I want to make it very, very clear, I have been there before. I attended a First Ministers Conference as a special observer. I was invited by the Prime Minister of Canada, Mr. Clark, when he was the Prime Minister. Mr. Speaker, I came back from the conference and I told my colleagues and everyone who would listen that I would not ever attend another First Ministers Conference as a special observer, under those circumstances. I do not care who invites me.

My decision not to go to that conference, Mr. Speaker, was not taken lightly. It was not politically motivated. I sought and received the advice of the Standing Committee on Constitution of this House before I refused that invitation.

Mr. Speaker, I would suggest to you the invitation was politically motivated. It was so politically motivated that the Prime Minister welcomed me to the conference, even though I was in Victoria at that point in time, attending another convention on behalf of this Government. He very much wanted to say that he had representation from Yukon and the Northwest Territories at that conference.

Mr. Speaker, it just does not wash and that is all there is to it. There was absolutely no use, no benefit, and no good to be derived by Yukon being represented at that First Ministers' Conference, because there was no representation.

They had a chair there, amongst 600, where you could be seated,

and that was going to be it. Yes, Mr. Speaker, the special observers at this particular conference sat behind the news media.

Mr. Speaker, the Honourable Leader of the Opposition, if he had one concrete criticism of this Government yesterday, said that we were not interested in bread-and-butter issues. Now, Mr. Speaker, one of the greatest bread-and-butter issues facing this Territory is the Alaska Highway Gas Pipeline. I have stood on my feet in this House on numerous occasions, Mr. Speaker, and said philosophically that I, and the Members of this side, supported the construction of the Alaska Highway Gas Pipeline, provided we could be convinced that there were going to be long-term benefits in the Yukon Territory. Mr. Speaker, we have been consistent in that we have said that if there were no long-term benefits we could not see any real reason why Yukon should provide a land bridge for a gas pipeline to ship American gas from Point A to Point B. We have been very consistent on that point.

Now, Mr. Speaker, we ascertained that there were a number of ways that we could get long-term benefits from that pipeline. One of the major ones was that we would be able to control in-migration into the Territory during the course of the construction of that pipeline and that residents of the Territory would get preference of hire. Mr. Speaker, that particular factor has been in place ever since the first draft of the terms and conditions of this pipeline were drawn up, some three years ago.

I have seen that draft, those terms and conditions, go through a number of revisions, virtually every section has been touched in one way or another, except, Mr. Speaker, that one section. It was put in there because of strong recommendations made by the Lysyk Enquiry. That section has been inviolate all of the time. It still is as far as we are concerned. But, there is little doubt about it, a major bread-and-butter issue in this Territory is going to be affected by the terms and the conditions of the Constitution. And I say it again, Mr. Speaker, the sad part of it is we have not been able to tell anyone. We just have not been able to tell anyone how it is going to affect us. They do not realize it.

It has been a sad commentary on our relationship with the Federal Government that I could not get to speak to any of the Federal Ministers with respect to our concerns with the proposed Constitution. There was a question raised as to why Mr. Epp, a Member of the Opposition Party, had those documents. I think I should clear that up, Mr. Speaker, and tell you exactly what did happen.

Mr. Epp advised me that he was the Chairman of the Progressive Conservative Standing Committee on Constitutional Development, that this Committee was meeting on a given day in Ottawa, and that he, as chairman, would very much like to have whatever input I could give him from the Yukon Territory. Mr. Speaker, he was the first Federal official, of any stripe, that exhibited any interest at all in what our concerns might be in respect to the Constitution. I was faced with that request on one day and had to react immediately to that. And I did so. I do not apologize for that.

I think I have monitored the speeches in the House of Commons fairly closely with respect to the Constitution, and save and except for our own Member of Parliament, from whom we would expect it, he has been the only one who has even mentioned that Yukon and Northwest Territories really do exist and really are part of Canada.

I have a real concern, Mr. Speaker, that the people in southern Canada have forgotten that entirely. They are not accepting that as being a fact.

Now, Mr. Speaker, the Honourable Leader of the Opposition said that we were an incompetent government because of the Income Tax Bill. Mr. Speaker, although I have not done it, I am positive that if the Honourable Member looks back in *Hansard*, I know I stood up in this House and said to him, and to the Chairman of Committees at that time, that we were looking to him to be the expert on the Income Tax Bill; that we wanted him to go over it carefully. I am sure he did so. I am still going on the basis of his good advice, and the good advice, I hope, I got from the Federal Administration. We are looking at that problem, and it is a problem, but does that make us incompetent? Mr. Speaker, we are no more incompetent than he is in that instance. Our best information still is that we cannot do anything about it. But we will try.

Now, Mr. Speaker, the Honourable Member for Whitehorse West had some criticism of me too. He said I am dull. Well, I guess that is true. But I am not an actor. I am not interested in being an actor, and do not ever intend to be an actor. But the one thing I notice he did not say was that I was insincere. I may be dull, Mr. Speaker,

but, believe me, I am very sincere. I feel very deeply for what I am doing, for what everyone in this House is doing, and the burden that we have weighs heavily upon me. Maybe, Mr. Speaker, that makes me dull. I just will not sit down and write an entertaining speech. I feel that when I get up in this House on most occasions, it is to impart information that is important and must be factual.

That is my major concern; as to how it comes across, I guess I will have to answer for that at the polls, I do not intend to answer for it in the House. If I am dull, I am dull, and that is all there is to it.

The Honourable Member should also be reminded that the Constitution of the Yukon Territory is the *Yukon Act*, not that group of papers that have been produced by us. There is little doubt about it, the Constitution of the Yukon Territory is the *Yukon Act*.

When we come to amendments to the Yukon Act, Mr. Speaker, that, again, is something that I hope that the Constitutional Committee of the House will be coming forward with very strong recommendations to this Government on. That still does not preclude the right of this Government to make its own decisions.

Mr. Speaker, the Honourable Member also asked whether I intended to suggest to this House that COPE be invited to attend. No, I will not suggest that at all. In fact, I suggest that it would be a very dangerous thing at this point in time, because we are in negotiations with COPE with respect to land claims. I would also suggest that that letter was the opinion of one member of the COPE organization, albeit, a fairly boisterous member of the organization, but it was not written on behalf of COPE in any way, shape or form.

He also suggested that it was time that we had some sort of discussion in this House in respect to Yukon land claims and what the parameters might be.

Mr. Speaker, in spite of what the Honourable Member for Kluane might think, or says, this Government has accomplished more in the last two years on land claims than has ever been accomplished before. We are closer to a land claims settlement now than we have ever been. One of the major ways that we have been able to accomplish this is that we went into these land claims negotiations with the CYI and we convinced them of this — that we were going in open-minded. We were going in with the objective of getting a land claim settlement that we were going to negotiate on behalf of the people of the Territory, a fair and equitable settlement of land claims for everyone in the Territory, that we had no preconceived parameters and that we were going to do the best we could.

If there is agreement between Canada and the CYI, we reserve the right to stand up in this House and say, "We do not agree with it."

But, Mr. Speaker, I want very much to be able to stand up in this House and say to the Members opposite and to say to everybody in the Territory, "This is a good agreement." It is good for the CYI; it is good for the Indian people; it is good for the Government of the Yukon Territory; it is good for the people who live in this Territory. Then let us get on with it.

I do not want to be faced with another COPE situation, where negotiations have to start all over again. Mr. Speaker, the CYI recognize that they will have a very hard time making a claim in Yukon if we are not supportive of it. They want our support, and we want them to support us. The moment we are shackled by parameters put on us by the House, land claims negotiations will come to a screaming halt. Mr. Speaker, I just do not want that to happen. I want to be able to stand up in this House and say there has been an agreement. I am very hopeful that I will be able to do that.

Mr. Fleming, the Honourable Member for Campbell, has some surprisingly nice words to say about us, and I did appreciate his objective look at us. I hope Members opposite will take some cognizance of that fact, that we depend upon objective criticism, substantive criticism and not pettifoggery that I feel has gone on in the past two days.

Mr. Speaker, the Honourable Member for Faro has been bashed back and forth a couple of times today, but I want to tell him that I disagree with him that it is too soon for party politics in the Yukon Territory. This House has been in existence since 1903 and it has always lacked this one specific factor, party politics. You do not have to convince people like the Honourable Mr. Lang, who sat in previous legislatures, or yourself, Mr. Speaker, that we now do get work done.

I am still somewhat taken aback at the speed that we get some of the work done, because I guess I still anticipate the kind of debate that had to go on in past years because of the lack of party politics. I

believe it was a major step taken, if anything too late, like four years too late. I sincerely hope that it is here to stay.

Now, Mr. Speaker, the Honourable Member for Faro also indicated that I stayed away from the First Ministers Conference just because it was Prime Minister Trudeau that invited me. I want to assure him that it is not in my nature ever to cut off my nose to spite my face. I will not do it. I can swallow an awful lot of pride; I have in the past, I will in the future, I am sure.

To a fault, I am criticized for being too conciliatory. Now maybe that is true, but, Mr. Speaker, I honestly believe that I can get more by being conciliatory. I want him to accept the statement from me that it was not a politically-based decision for me not to attend that conference. It was a decision based on a very pragmatic approach taken by everybody in this Government from before there was an official government, by elected Minister in this Government, from day one, in respect to the attendance of Ministers at whatever meeting.

We have a very hard and firm rule that seems to have been in place. It is a good one, and it is one that has worked every other time. The first time it has failed, by the way, has been this time. You go to the first conference as an observer. You go to the next one with participation or you do not go. It's that simple.

Mr. Speaker, we are invited to and we participate actively in most ministerial conferences in Canada today as a direct result of that decision taken by earlier Members in this House.

Now, I also want to tell the Honourable Member for Kluane that I have reached the top of the political ladder. I am as high as anyone in this Territory is going to go on the political ladder. I have no place else to go but down, and I am not planning on doing that for a little while. So her suggestion that I did not go to this conference because I was looking for something higher on the political ladder, just is not so, Mr. Speaker.

I also want to make it clear to the Honourable Member that the only reason that we are at the table in respect to COPE on behalf of the people of this Territory, is because we released that information package to the people of this Territory in respect to the COPE Agreement.

I am sure the Honourable Member would be most interested in looking at the timing of exactly what happened in respect to when we released the information package and when a negotiator for COPE was named by the Minister. She complimented the Minister on the appointment of Mr. Dennis O'Connor as the Yukon negotiator. I suggest that the Minister also deserves as big a compliment for the selection of Senator Davie Stuart as the COPE negotiator. Both men are highly competent and I am convinced are going to be very, very fair and do an excellent job for everyone concerned.

I want to say once again to her, I want to make it very clear to her, that we have made more progress on land claims. Land claims are our number one issue in this Territory. It is the thing that we want to see settled, because we can see so many horizons opening up to us afterwards, if we do get land claims settled.

This territory is very much in a holding pattern until those claims are settled.

I also want to assure her, Mr. Speaker, that I might have sounded yesterday like I am criticizing the Federal Government. I do not think I was criticizing them unduly. I do not want to particularly blame them for anything, because I would just as soon not have their involvement. The problem is, and it is a real problem, that we have to have their involvement, in some cases. Their non-involvement actually blocks us from making progress, and that is the frustrating part, when we are faced with the benign neglect and non-involvement. We cooperate with, and work very closely with, the Federal Government, on a number of things, on a daily basis. But the relationship that exists between the Minister and this Government is one that is always critical to the Government.

I honestly do not think that any of the Members Opposite raised any kind of a substantial issue that should preclude them from voting confidence in the manner in which this Government has conducted itself since we last sat. I would urge them to vote in favour of the motion. Thank you very much, Mr. Speaker.

Motion agreed to

Mr. Speaker: Division has been called. Mr. Clerk would you poll House.

Hon. Mr. Pearson: Agreed.

Hon. Mr. Lang: Agreed.

Hon. Mrs. McCall: Agreed.

Hon. Mr. Lattin: Agreed.

Hon. Mr. Graham: Agreed.

Mr. Njootli: Agreed.

Mr. Hanson: Agreed.

Mr. Falle: Agreed.

Mr. Tracey: Agreed.

Mr. MacKay: Disagree.

Mrs. McGuire: Disagree.

Mr. Penikett: Disagree.

Mr. Fleming: Agreed.

Mr. Byblow: Disagree.

Mr. Clerk: Mr. Speaker, the results are 10 yeas, 4 nays.

Mr. Speaker: It would appear the 'yeas' have it, and I would declare the motion carried.

Government Bills and Orders

Mr. Clerk: Second Reading, Bill Number 41, standing in the name of the Honourable Mr. Graham.

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Old Crow that Bill Number 41, *Miscellaneous Statute Law Amendment Ordinance, 1980 (No.2)*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Old Crow, that Bill Number 41 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, Bill Number 41, *Miscellaneous Statute Law Amendment Ordinance*, is an ordinance bringing in several miscellaneous amendments, none of a policy nature, in several ordinances where we had found that corrections are necessary.

Bill Number 41 amends the *Insurance Ordinance* to allow the Superintendent of Insurance discretion in advertising the licensing of an insurer whose head office is not in the Territory. We consider it an unnecessary expense, as it applies to all insurers, and a section picked up the material where the provision has meaning.

Bill Number 41 also introduces several housekeeping amendments put forward by the *Matrimonial Property Ordinance*. There are also a couple of housekeeping amendments to correct typing and one drafting error in the *Medical Profession Ordinance*, and also a short amendment in the *Transport Public Utilities Ordinance*, to clarify intent.

Motion agreed to

Bill Number 42: Second Reading

Mr. Clerk: Second reading, Bill Number 42, standing in the name of the Honourable Mr. Graham.

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that Bill Number 42, *An Ordinance to Amend the Societies Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that Bill Number 42 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, this Bill is also of a housekeeping nature, however, we felt that it warranted bringing in as a separate ordinance, because it does have a small policy amendment. That amendment is an amendment to allow societies in the Territory to withdraw, or to indicate that they no longer require the services of, or wish to have, the services of an auditor. We have found that especially in the small societies in the Territory, the expense necessary to have their annual statement audited for the Government of the Yukon Territory is a large, unnecessary expense, and we found that many other jurisdictions in Canada have also taken this route in order to alleviate some of the expenses.

Mr. MacKay: Mr. Speaker, I stand on my feet with some indignation here, at the thought that all these wonderful audit fees will no longer be coming to the fine profession in Yukon. Indeed, if I was paranoid, I would feel that this was directly aimed at some member opposite.

However, fortunately, I can rise above these paranoid feelings that seem to prevail in other members, and say that I will be voting in favour of this bill, and the following two, with respect to the waiving of the requirement of an auditor, because it has been an anachronism for some years, that has been corrected in virtually every other jurisdiction in Canada, that auditors, who are very expensive, as we all know, are required for very many unnecessary tasks.

Motion agreed to

Mr. Clerk: Second reading, Bill Number 43, standing in the name of the Honourable Mr. Graham.

Bill Number 43: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 43, an *Ordinance to Amend the Partnership Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Tatchun, that Bill Number 43 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, this bill, the *Partnership Ordinance*, is in keeping with the *Societies Ordinance*, as well. Again, it is of an omnibus nature, but we felt that the change doing away with the services of auditors in specific instances, merited a separate Bill on its own.

Motion agreed to

Mr. Clerk: Second reading, Bill No. 46 standing in the name of the Honourable Mr. Graham.

Bill Number 46: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that Bill Number 46, *An Ordinance to Amend the Companies Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that Bill Number 46 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, this one is the same as the previous two; however, there are a couple of other minor amendments, also of a housekeeping nature, correcting typing errors and correcting errors in numbers.

Mr. MacKay: I would not like an amendment to the *Companies Ordinance* to go by without perhaps commenting on something that may be the subject of some future amendments. The *Companies Ordinance* of the Yukon is very, very deficient in the areas with which I happen to have some expertise, and that is with respect to reporting financial requirements. I would suggest that the Honourable Minister, while he is digging out more omnibus bills to present to the next Session — at which I, unfortunately, will not be present to hear — look very carefully at that area of the *Companies Ordinance*, because I think it can cause, and will cause, great problems in the future.

Motion agreed to

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

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call Committee of the Whole to order and call a recess.

Recess

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

At this time the Committee will consider Bill Number 41, *Miscellaneous Statute Law Amendments Ordinance*. I refer you to page 1.

Hon. Mr. Pearson: Mr. Chairman, this is, as the title implies, a miscellaneous statute. It covers a number of pieces of legislation. The only changes reflected are typographical errors where there have been words omitted or put in in error, or for conversion to metric.

Mr. Chairman, as we go through each subsection, I am sure the reasons for the changes will be self-evident to all Members. There are no policy decisions or corrections made at all.

Mr. Fleming: There are areas where I do not exactly understand the change, and whether they are equal with what was there before, but I will get to those questions as we go on through the ordinance.

On Clause 1(1)

Clause 1(1) agreed to

On Clause 1(2)

Mr. Fleming: In the *Community Assistance Ordinance*, where it pertains to a money matter, or anything, it is per foot. What was \$.12 per foot would now be \$.12 plus the extra three inches, the difference.

Hon. Mr. Pearson: Yes, Mr. Chairman, these changes in this section only reflect changing over to the metric system.

Clause 1(2) agreed to

Clause 1 agreed to

On Clause 2(1)

Clause 2(1) agreed to

On Clause 2(2)

Clause 2(2) agreed to

On Clause 2(3)

Clause 2(3) agreed to

Clause 2 agreed to

On Clause 3(1)

Clause 3(1) agreed to

Clause 3 agreed to

On Clause 4(1)

Mr. Byblow: I would be curious as to why the word "and" had to be inserted and what it does in terms of the meaning of the expression it refers to?

Hon. Mr. Pearson: Yes, Mr. Chairman, what has happened is there was a further amendment to the *Day Care Ordinance*. Clause 4(9)(b) was added. In order to make the section read properly "and" has to be added to the end of (a).

Clause 4(1) agreed to

Clause 4 agreed to

On Clause 5(1)

Clause 5(1) agreed to

Clause 5 agreed to

On Clause 6(1)

Clause 6(1) agreed to

Clause 6 agreed to

On Clause 7(1)

Clause 7(1) agreed to

Clause 7 agreed to

On Clause 8(1)

Mr. Fleming: "Upon cancellation or suspension of any licence, permit or certificate...", in the case where a conservation officer, for instance, caught you doing something wrong, then you somehow have seven days to surrender it to him. This is something I just cannot get quite clear. I thought at that time he is supposed to take your licence anyhow. I find that might be a little difficult in many cases where you might not even be anywhere where you could actually surrender to him, seven days or any other time if you were called into court or something like that. I am just wondering how this came about, that you feel that in seven days he could get it to you or something. Actually I think he should have it right off the bat.

Hon. Mr. Pearson: Mr. Chairman, once again we have not changed the substance of the existing ordinance in any way. All we are doing is correcting typographical errors. If we go into a bill of this kind in this way, we should really pull the section out of this bill, if we are going to talk about the substance of the sections.

It will take me half a minute to determine just exactly what typographical errors we are correcting here, but we have not changed the seven days. We have not changed any requirement at all here. There is no suggested change here at all from the existing legislation.

Clause 8(1) agreed to

On Clause 8(2)

Clause 8(2) agreed to

On Clause 8(3)

Clause 8(3) agreed to

Clause 8 agreed to

On Clause 9(1)

Hon. Mr. Pearson: Mr. Chairman, this section does change, in substance, the ordinance to some degree, in that it gives the Superintendent of Insurance discretion in respect to who should advertise their licencing. It was previously the word "shall" in legisla-

tion, which is, as everyone is aware, mandatory, "may" is permissive. It is deemed that the Superintendent should be able to require a company that is getting licencing to advertise. In other cases, where there are local companies, it is just not necessary. It is an undue expense that we are putting them to, and we want to give that discretion to the Superintendent of Insurance.

Clause 9(1) agreed to

Clause 9 agreed to

On Clause 10(1)

Clause 10(1) agreed to

On Clause 10(2)

Clause 10(2) agreed to

Clause 10 agreed to

On Clause 11(1)

Hon. Mr. Pearson: Mr. Chairman, the whole of Section 11 is in respect to the *Medical Profession Ordinance*, and, in fact, all of these are corrections which were made in the original drafting of the Ordinance. They are for the main references to other Sections. They were changes in reference numbers. Again, no substantive change to the legislation, whatsoever.

On Clause 11(2)

Clause 11(1) agreed to

On Clause 11(2)

Clause 11(2) agreed to

On Clause 11(3)

Clause 11(3) agreed to

On Clause 11(4)

Clause 11(4) agreed to

On Clause 11(5)

Clause 11(5) agreed to

On Clause 11(6)

Clause 11(6) agreed to

Clause 11 agreed to

On Clause 12(1)

Clause 12(1) agreed to

Clause 12 agreed to

On Clause 13(1)

Mr. Byblow: I would be curious as to what the problem was with the single word, "Director," as opposed to a continued specification.

Hon. Mr. Pearson: Mr. Chairman, I cannot recall off-hand, but I would respectfully suggest that, because we do use the term, "Director," in a number of departments, and throughout the legislation, it has probably been deemed by our draftsman as beneficial to make clear that in this legislation the expression, "Director," means the Director of Human Resources.

Previously, as you will find when we get to subsection 2, it was the Department of Social Welfare. We are changing it to "Director of Human Resources" instead of "Director of Social Welfare", and in some cases we would just refer to "the Director," before. In legislation, there cannot be any question, Mr. Chairman. The legislation must be specific when we refer to these positions.

Clause 13(1) agreed to

Clause 13(1) agreed to

Clause 13 agreed to

On Clause 14(1)

Clause 14(1) agreed to

Clause 14 agreed to

Mr. Chairman: There will be no preamble to the Bill. I refer you to the title of the Bill. Does the title clear?

Some Members: Agreed

Hon. Mr. Pearson: Mr. Chairman, I move that Bill Number 41, *Miscellaneous Statute Law Amendment Ordinance, 1980 (No. 2)* be reported out of Committee without amendment.

Mr. Chairman: It has been moved by Mr. Pearson that the Chairman do now report Bill Number 41, *Miscellaneous Statute Law Amendment Ordinance, 1980 (No. 2)* without amendment to the Assembly.

Motion agreed to

Mr. Chairman: I would like to refer the Committee to Bill Number 42 at this time, *An Ordinance to Amend the Societies*

Ordinance.

Hon. Mr. Pearson: Mr. Chairman, the purpose of this bill is to allow societies to waive the requirement for the appointment of an auditor, and to establish the power of the Registrar to refuse registrations. As my colleague stated at second reading, Mr. Chairman, it is a fairly straightforward amendment, although it does require a fair number of amendments to the legislation.

On Clause 1(1)

Clause 1(1) agreed to

Clause 1 agreed to

On Clause 2(1)

Clause 2(1) agreed to

On Clause 2(2)

Hon. Mr. Pearson: Mr. Chairman, this is the amendment that is the substantive one in the legislation, to make it no longer mandatory for societies to have to retain the services of an auditor.

Mr. Byblow: Having had association with a number of societies, I think this is certainly an excellent insertion into the legislation.

My query is on 2(2)(5). Is my reading of this correct, when I assume that any one single member of the society can force an audit?

Hon. Mr. Pearson: Mr. Chairman, I am not absolutely certain. I could find out. I will take direction from the Member, if he wishes, and find out for sure. I believe that that is so. Every society must have an auditor; they must appoint an auditor. If they do not appoint an auditor, then the Commissioner has the power to appoint an auditor for them.

As to the way an audit gets done, in most societies, I do believe it is a subject of the bylaws of the society.

Mr. Byblow: I would further assume, then, that upon the application by any member to have an audit or an auditor appointed, the Commissioner may do so, and the expenses incurred would then have to be borne by the society. Is that correct?

Hon. Mr. Pearson: That is correct, Mr. Chairman.

Clause 2(2) agreed to

Clause 2 agreed to

On Clause 3(1)

Hon. Mr. Pearson: Mr. Chairman, this section is to recognize the fact that societies do have officers as well as directors, and that when they are registering and furnishing documents required for registration, the officers, as well as the directors, should be listed.

Clause 3(1) agreed to

Clause 3 agreed to

On Clause 4(1)

Hon. Mr. Pearson: This is the other major substantive change to the legislation, Mr. Chairman. It gives the registrar the right to say to a society, "Your registration is not sufficient in detail. It is erroneous; here it is, take it back, and do it over again."

It gives the Registrar the right to refuse to accept the application or the registration of that society and forces the society to redo it to the satisfaction of the Registrar.

Mr. Byblow: Just out of curiosity, was that not provided for under the existing ordinance? If documents were not adequate, it would be logical for them to be forwarded back for a proper submission.

Hon. Mr. Pearson: No, Mr. Chairman, and it has caused some problems.

Clause 4(1) agreed to

On Clause 4(2)

Mr. Byblow: I wonder, Mr. Chairman, if the Government is taking opposition to bilingualism with this clause?

Hon. Mr. Pearson: No, Mr. Chairman, not at all. But we do feel that when it comes to filing these kinds of documents, because we are really only set up to deal with English, that the document should be filed in the English language.

Clause 4(2) agreed to

Cause 4 agreed to

Mr. Chairman: Shall the title of the bill, *An Ordinance to Amend the Societies Ordinance*, carry?

Some Members: Agreed.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 42, *An Ordinance to Amend the Societies Ordinance*, out of

Committee without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Pearson that the Chairman do now report Bill Number 42, *An Ordinance to Amend the Societies Ordinance*, to the Assembly without amendment

Motion agreed to

Mr. Chairman: I will now refer Committee to Bill Number 43, *An Ordinance to Amend the Partnership Ordinance*.

On Clause 1(1)

Hon. Mr. Pearson: Mr. Chairman, the purpose of this bill is to provide for consistency between the corporate name policies of the registry, and to allow the rectification of administrative problems in the use of forms to be solved by regulations.

On Clause 1(1)

Clause 1(1) agreed to

On Clause 1(2)

Mr. MacKay: Perhaps the Government Leader could indicate — it seems like fairly wide latitude is given here — what kind of reasons he might expect the registrar to object on?

Hon. Mr. Pearson: Mr. Chairman, I do not believe that it is any wider in latitude. I believe the only reason for the change is to clean up, if you will, the language. Mr. Chairman, "in his opinion, offensive or discriminating in any way", I do not think is restricted by "objected to by the registrar for any reason". I believe it is strictly a terminology amendment; it does not change the legislation in any substantive manner.

Mr. MacKay: I am sure that is the intent of the Government Leader. What we are talking about is still the use of something that "in opinion is offensive or discriminating". That is what that means; it does not him allow to object to something because he does not like the colour of it or the face of the applicant or anything like that.

It seems to me that it has widened the latitude quite a long ways without giving the registrar any guidance as to why he should be objecting to it.

Hon. Mr. Pearson: Mr. Chairman, this is the section that deals with the acceptance of a document by the Registrar which contains a proposed company name. It is important that those proposed names be scrutinized. There is a system of registration throughout Canada, throughout North America, in respect to company names. Partnerships enter into it. We must be very careful that there is not undue duplication. Duplication that can be construed to be of benefit. It is something that is handled very, very delicately. Really, that is the document that is being talked about here.

Clause 1(2) agreed to

On Clause 1(3)

Hon. Mr. Pearson: Mr. Chairman, the present Section 79 of the legislation gives the Commissioner the power to prescribe fees, but as in most things in Government, Mr. Chairman, there is a need to prescribe regulations in order to govern efficiently.

I would like to assure every member of this House, Mr. Chairman, that the least number of regulations are prescribed by this Government. They are looked at very, very carefully, not only by the Government but by the committee of the House that is set up to peruse them each year.

It is a section, I think, Mr. Chairman, that is not liked by any member of the House, but it is one that we find necessary to have in this kind of legislation.

Mr. MacKay: I will echo the sentiments of the Government Leader in that it is not particularly pleasant to have to pass these sections, but it is indeed comforting to know that the Honourable Members from Tatchun and Campbell are keeping a close eye on the regulations as they come out.

Clause 1(3) agreed to

Clause 1 agreed to

Mr. Chairman: I would like to refer you to the title of the Bill, *An Ordinance to Amend the Partnership Ordinance*. Shall the title carry?

Agreed

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 43, *An Ordinance to Amend the Partnership Ordinance*, out of Committee without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Pearson that the Chairman do now report Bill Number 43, *An Ordinance to Amend the Partnership Ordinance*, without amendment to the

Motion agreed to

Mr. Chairman: I would like to refer the Committee to Bill Number 46, *An Ordinance to Amend the Companies Ordinance*, at this time.

On Clause 1(1)

Hon. Mr. Pearson: Mr. Chairman, the purpose of this Bill is to allow the private companies to waive the requirement for the appointment of an auditor, similar to amendments in previous bills, and to clarify some of the rules relating to the use of company names.

Again, Mr. Chairman, the amendments you will find, will be to make the legislation the same, on these two items, in respect to partnerships and companies.

Clause 1(1) agreed to

Clause 1 agreed to

On Clause 2(1)

Clause 2(2) agreed to

Clause 2 agreed to

On Clause 3(1)

Mr. MacKay: Regarding 122.1(1), I agree with the contents of this section. I have no question about that. I particularly like the idea that the shareholders have to renew their commitment not to have an audit annually, so it gives any minority shareholder the opportunity to have an audit within a year. I am wondering how the companies Registrar will monitor compliance with this particular section.

Hon. Mr. Pearson: Mr. Chairman, I am not sure that I understand exactly what the Honourable Member is asking. The company, when registering, is required to advise the Registrar of its officers, directors and so on. They will have to appoint an auditor, not necessarily a registered auditor, and that appointment will be known to the Registrar, I think.

Mr. MacKay: Yes, I understand the intent of this, anyway, and maybe I have not really researched all the other sections. As I understand it, the appointment of an auditor is going to become optional now, to a private company, by passing a unanimous resolution, by all the shareholders, annually to that effect. I am wondering, what is the philosophy of this Government? Do they intend to see that this Section is enforced, or are they saying that it is really up to any shareholder to see that it is enforced, if in fact they disagree with it? Let me relate it to something practical. This Government has had to pay out some sums in excess of a million dollars because an audit was not carried out on the Credit Union when it was in difficulties some years ago. The liability the predecessor government acknowledged was really based upon the fact that they did not supervise the Credit Union, and therefore did not see to it that an audit was being done in these years. I am wondering, is the government taking that same responsibility here, where the companies will look after themselves, and there will be no obligation on the part of the Government to monitor this Section?

Hon. Mr. Pearson: No, Mr. Chairman, the Honourable Leader of the Opposition is just about raising a case of apples and oranges. The Credit Union issue, Mr. Chairman, is one that the Government of Yukon Territory definitely and irrevocably had a responsibility for. We do not have that same responsibility, nor are we going to assume it, for companies in the Territory. The requirements to register are under the legislation. I am confident that it will be policed to the greatest possible extent, and, hopefully, Mr. Chairman, not to the extent of harassment.

Clause 3(1) agreed to

On Clause 3(2)

Clause 3(2) agreed to

On Clause 3(3)

Clause 3(3) agreed to

Clause 3 agreed to

On Clause 4(1)

Clause 4(1) agreed to

Clause 4 agreed to

On Clause 5(1)

Hon. Mr. Pearson: Just for the edification of Members, in case they are not aware of it, Mr. Chairman, we are broadening, to some degree, the prohibition in respect to the abbreviations of 'limited'. The section that is being replaced in the old legislation dealt strictly with 'limited' written out in full or 'Ltd.' as an abbreviation, Mr.

Chairman.

Mr. MacKay: I think I understand the section. I was wondering if the Government can give us, and it is not a part of this amendment, an explanation of why the *Companies Ordinance* does not now require a limited company to have some such word on it. As I understand it, a company can be incorporated for example, to use a word out of the air, Pearson Holdings. You do not need to have the word "Ltd.," "Inc.," or any of these derivatives after it. Companies seem to be incorporated in that way, and I think that it is a basic tenet in law that you should be able to see that the person with whom you are dealing has limited liability, and that you can incorporate companies without having "limited" or "incorporated" beside it. I am raising a subject that is not in this Bill, but I enquire as to why the Government allows it.

Hon. Mr. Pearson: Well, Mr. Chairman, I would have trouble conceiving of someone wanting to incorporate a company and not tell the world that they have liability, that they are incorporated, and do have the means of dealing with liability. This is the only way they can do it. It would seem extraordinary to me that it would have to be something that you would have to force upon them.

Mr. MacKay: It is quite the reverse, actually, Mr. Pearson. The use of the word "limited" was embedded way back when they first used limited companies. It was a requirement that you had to say you were limited, so that a creditor dealing with you knew that he could not go after personal assets of the person he was dealing with. I think that is a useful protection, and that one should not be misled into thinking that they are dealing with an individual rather than a company. I think dropping that requirement results in losing a useful protection. I appreciate that 99 companies out of 100 use the word "limited" or "incorporated." but I am wondering why it should not be 100 per cent.

Hon. Mr. Pearson: Mr. Chairman, all I can do is undertake to take the Honourable Member's suggestion under advisement. We will certainly have a look at it.

Clause 5(1) agreed to

On Clause 5(2)

Clause 5(2) agreed to

On Clause 5(3)

Clause 5(3) agreed to

Clause 5 agreed to

Mr. Chairman: I shall refer you to the title to the bill, *An Ordinance to Amend the Companies Ordinance*. Shall the title to the bill carry?

Some Members: Agreed.

Mr. Chairman: I declare that the title to the bill has carried.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 46, *An Ordinance to Amend the Companies Ordinance*, out of Committee without amendment and that you beg leave to sit again.

Mr. Chairman: It has been moved by the Honourable Member for Riverdale North that the Chairman do now report Bill Number 46, *An Ordinance to Amend the Companies Ordinance*, without amendment to the Assembly.

Motion agreed to

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

Hon. Mr. Pearson: It has been moved by the Honourable Mr. Pearson that the 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 of the Chairman of Committees.

Mr. Njootli: Mr. Speaker, the Committee of the Whole has considered Bill Number 41, *Miscellaneous Statute Law Amendment Ordinance, 1980—No. 2*, and Bill Number 42, *An Ordinance to Amend the Societies Ordinance*, Bill Number 43, *An Ordinance to Amend the Partnership Ordinance*, and Bill Number 46, *An Ordinance to Amend the Companies Ordinance*, and directed me to report the same without amendment and beg leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

Hon. Mr. Pearson: Mr. Speaker, I move that we do now adjourn.

Mr. Fleming: I will second that.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Campbell, that we do now adjourn.

Motion agreed to

Mr. Speaker: This House now stands adjourned until 1:30 p.m. Monday next.

The House adjourned at 5:10 o'clock p.m.

The following Sessional Papers were tabled Thursday, October 16, 1980:

80-3-22

Fifth Report of the Standing Committee on Rules, Elections and Privileges

80-3-23

Yukon Teachers' Staff Relations Board Sixth Annual Report 1979-80

80-3-24

Annual Report for the Transportation Public Utilities Board - 1979-80

80-3-25

Annual Report for the Electrical Public Utilities Board - 1979-80

80-3-26

Annual Report for the Yukon Workers' Compensation Board - 1979

The following Legislative Return was tabled Thursday, October 16, 1980:

80-3-9

Travel Expenses of Cabinet Ministers