The Yukon Legislative Assembly

HANSARD

Tuesday, November 4, 1980 — 1:30 p.m.

Speaker: The Honourable Donald Taylor
## CABINET MINISTERS

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<td>Hon. Doug Graham</td>
<td>Whitehorse Porter Creek West</td>
<td>Minister responsible for Education, Justice, Consumer &amp; Corporate Affairs, Information Resources, Government Services and Workers’ Compensation Board</td>
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<td>Hon. Dan Lang</td>
<td>Whitehorse Porter Creek East</td>
<td>Minister responsible for Renewable Resources, Tourism and Economic Development</td>
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<td>Hon. Geoffrey Lattin</td>
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## Government Members

(Progressive Conservative)

- Al Falle: Hootalinqua
- Jack Hibberd: Whitehorse South Centre
- Peter Hanson: Mayo
- Grafton Njootli: Old Crow
- Donald Taylor: Watson Lake
- Howard Tracy: Tatchun

## Opposition Members

(Liberal)

- Iain MacKay: Whitehorse Riverdale South
- Alice P. McGuire: Kluane

(New Democratic Party)

- Tony Penikett: Whitehorse West

(Independent)

- Maurice J. Byblow: Faro
- Robert Fleming: Campbell

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

Published under the authority of the Speaker of the Legislative Assembly by the Queen's Printer for Yukon.
Mr. Speaker: I will call the House to order. We will proceed with Prayers. 

Prayers.

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

ORDERS OF THE DAY

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

TABLING OF DOCUMENTS

Hon. Mr. Graham: Mr. Speaker, I have for tabling an answer to a question asked on April 15, 1980, by the Leader of the Opposition.

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

Petitions?
Reading or Receiving of Petitions?
Introduction of Bills?

BILLS: INTRODUCTION AND FIRST READING

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that a bill, entitled An Ordinance to Amend the Yukon Council 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 An Ordinance to Amend the Yukon Council 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: Pipeline/Labour Inflow Control

Mr. MacKay: My question today is for the Government Leader. My question, Mr. Speaker, is with respect to the mobility of Yukoners, particularly interested in our advances towards Yukon Electric.

Hon. Mr. Pearson: Mr. Speaker, if I can answer all of the questions that the Honourable Member asked — I hope I can remember all of them. With respect to a response to the NWT Council in asserting their wish to take over the NWT assets of NCPC, can the Government Leader say if he has responded to the invitation from NWT councillors to communicate our views on the subject; and further, could the Government Leader say, since NCPC is now appearing before the Indian and Northern Affairs Committee in Ottawa, if representatives of this Government would be prepared to go to Ottawa to explain to the Northern Affairs Committee our views on this subject?

Hon. Mr. Pearson: Mr. Speaker, there is a considerable question as to exactly how the Constitution is going to affect or not affect those specific terms and conditions. Mr. Speaker, this matter is being looked at very, very seriously by a number of people in Ottawa. We anticipate hearing from them fairly soon.

Mr. MacKay: Can the Government Leader say then if it is his Government's policy to stop people coming into the Yukon looking for work during the period of the pipeline construction? If that is his position, how are local businesses replacing those Yukoners who are going to be hired on the pipeline?

Hon. Mr. Pearson: Now, Mr. Speaker, I thought I was quite explicit. The non-hire condition is going to be an onus on the proponent, Foothills, not on anyone else, Mr. Speaker.

Question re: Yukon Electrical/YTG Takeover

Mr. Penikett: I have a question for the Government Leader. Shortly before the Session began, a Government backbencher in CBC free-time political broadcast argued the case for Yukon Government takeover of Yukon Electrical's operations in the Territory. Could the Government Leader tell us whether this proposal is being actively pursued by the Government at this time?

Hon. Mr. Pearson: Mr. Speaker, it is difficult to say that it is being actively pursued because there are extraneous forces at play all of the time. We have never made any secret of the fact that we foresee that being — like provincial status — a long-term goal of this Government, one that we think will be beneficial to all of the people of the Territory; that there be a Yukon Power Corporation, if that is what you want to call it. Its main assets would be the assets of the Northern Canada Power Commission.

Now, of course, one of the things that flows from that is that its liabilities would also be those of the Northern Canada Power Commission.

Mr. Speaker, that is going to require a tremendous amount of negotiation, talking, discussions, and agreement with the senior government, who now hold those assets in trust for the people of Yukon and also, I submit, those liabilities. Mr. Speaker, it has always been my contention, and I have stated it in this House last week, and reiterate it today, that possibly the only solution is that it be prepared to go to Ottawa to explain to the Northern Affairs Committee our views on this subject?

Hon. Mr. Pearson: Mr. Speaker, my response would be a personal one and it would be prepared to go to Ottawa to explain to the Northern Affairs Committee our views on this subject?
put forward this argument once again. I would suggest, Mr. Speaker, that next time we do put it forward, that, rather than talking philosophy, we will be making pretty definitive statements.

Mr. Penikett: I asked the question because I had a call from a member of the Standing Committee this morning seeking our views. Obviously there is one member who has not been apprised.

Let me ask the Government Leader whether he is aware, since I accept his views about the timing being critical, that previous inquiries, they have now put a proposal to the Minister in respect to the move, but I do not know what that proposal is.

Question re: Energy/Hydro Electric Development

Mr. Byblow: I have a question on the same general topic but I will direct it to the Minister of Economic Development, Mr. Speaker.

In an address to a federal committee on alternative energy and oil substitution, on September 18th of this year, the Minister advanced a case for the development of small hydro-electric sites; as opposed to major development. Can the Minister say if this philosophy is being advanced by his Government to NCPC in their continuing plans for development?

Hon. Mr. Lang: Yes, Mr. Speaker, there is no question in my mind. As all Members know, I am a pragmatist, and I recognize when the Government of Canada is either broke or on the verge of being broke. As one knows, there is a requirement for loan assistance from the Government of Canada if there is going to be an insurgency of a hydro facility that will be paid by the users— you and I and industry in Yukon. Subsequently, it seems to me to be a logical progression to say that perhaps we should lower our sights and try to look at a number of smaller sites, as opposed to the major megawatt concept, which has been talked about so often by all Members in this House, and for that matter, the public.

Mr. Byblow: Can the Minister say at this time at what stage of feasibility NCPC’s studies are presently, with respect to development?

Hon. Mr. Lang: I cannot at the present time, Mr. Speaker. Once I do get updated on it, I will inform the House.

Question re: Alcohol Problem in Yukon

Mrs. McGuire: I have a question for the Government Leader. The Government Leader said during his interview on the Jack Webster show that Yukoners themselves did not have a high alcohol consumption and that the tourists accounted for a high per capita consumption. Yet the Liquor Corporation Report clearly indicates that Yukon’s higher sales of liquor are not during tourist season. I ask the Minister: is this an indication that the Government Leader is not aware that we have an alcohol problem in the Yukon, or is it simply distorting the truth to make us look good?

Hon. Pearson: Mr. Speaker, I think any time that I can distort the truth to make Yukon good, I am going to do it. But that was not the object of the exercise at all. Mr. Speaker, I do not care what the Liquor Corporation says or what anybody else says. Common sense dictates to me that Yukoners do not drink any more alcohol per capita than anyone else in Canada or if they do drink any more, it is very little. A major portion of the sales of alcohol in Yukon Territory go to the 300,000 tourists that we get each year and that was all that I said.

Mr. MacKay: Supplementary to that, does the Government Leader know what the statistics are with respect to the per capita gallonage drunk by Yukoners versus the rest of the country? Is he aware that they are double, even allowing for the tourists?

Hon. Mr. Pearson: Mr. Speaker, that cannot be said, that cannot be said, “even allowing for the tourists” because, Mr. Speaker, we cannot tell, nor can anybody else how much the tourists buy, or drink.

Question re: Pipeline Impacts

Mr. Penikett: I am sure most of us use anti-freeze.

I have a question for the Government Leader. Given the approval of the pipeline terms and conditions, none of which oblige the pipeline company to do anything about inflation, and in view of the Government Leader’s commitment earlier this Session to manage indirect impacts, could the Government Leader outline for us now what plans he had; what he was thinking of in terms of managing pipeline inflation impacts in his statement earlier this Session?

Hon. Mr. Pearson: Well, Mr. Speaker, it is every aspect, really, of Yukon life; especially in those communities along the Highway, along the pipeline right-of-way. They are all going to be directly affected. We are hoping that what we are putting in place, what we are working on, is going to minimize that effect to the greatest degree possible.

I think, Mr. Speaker, that probably the two most obvious things, as I might have stated at the time, are the education facilities and the health delivery facilities that are going to be required. We are in liaison all the time with the RCMP; there will be justice and policing requirements that will be necessary.

But, Mr. Speaker, the list of requirements is just ending.

Mr. Penikett: All Members will, I am sure, share the Government Leader’s concern that education, health and justice costs do not increase, but given that 60 per cent of the average family’s budget is made up of food, fuel, and housing, and given this Government’s previous stated reluctance to implement any controls on those kind of prices, perhaps the Government Leader say what, if any, proposals he has in mind in connection with those immediate inflationary impacts?

Hon. Mr. Pearson: Mr. Speaker, the requirements put on the proponent with respect to housing: they are going to be required to establish and maintain their own camps, which must be specified distances away from communities. We are hoping that we can minimize the impact of that kind of a requirement to whatever degree possible. The Government Leader referred to, will probably not be directly caused by pipeline workers but the camp followers and immigrants looking for jobs, as well as the service workers, can the Government Leader say how advanced plans which he indicated may be looking for jobs, as well as the service workers, can the Government Leader say what, if any, proposals he has in mind in connection with those immediate inflationary impacts?

Hon. Mr. Pearson: Mr. Speaker, I am going to be brutally frank with the Honourable Member. We are not considering food subsidies or rent controls with respect to the pipeline at this point in time.

Question re: Grants-In-Lieu of Taxes

Mr. Fleming: I had a question answered by the Minister of Community Affairs and that answer simply led to more questions. I would like, Mr. Speaker, this afternoon, and I will quote his answer of the other day: “Indian lands and improvements thereon are subject to the full grant-in-lieu of taxes from the federal government”. I would then ask the Minister where, in the Budget — in Recoveries, or where — does the Government define these monies which the Government considers are in lieu of taxes in this case?

Hon. Mr. Lattin: Mr. Speaker, that is part of the money that goes to the communities.

Mr. Fleming: My question was not really answered, so I have a
Hon. Mr. Lattin: Mr. Speaker, at this particular time I will take notice of that question.

Mr. Penikett: In his answer, in the same area, and I quote, “What use the landowner makes of his land is at the owner’s discretion: subject, of course, to any municipal zoning.”

I would ask the Minister, Mr. Speaker, has there been a case to date where the Government of Yukon negotiated with the Minister of Indian Affairs or the native peoples and does have the right to zone Indian lands?

Hon. Mr. Lattin: Mr. Speaker, while I am taking the other question under advisement I will also consider that and bring my answer back.

Hon. Mr. Pearson: Mr. Speaker, on October 22nd, the Honourable Leader of the Opposition asked me a question in respect to the number of employees hired locally in the middle management and senior management levels of this Government.

Mr. Speaker, in 1979-80, we advertised 150 competitions for what we considered to be middle management jobs. Of those 150, 136 were local hires and 14 were outside of Yukon hires. In the senior management positions, Mr. Speaker, there were 38 advertisements; 22 were local hires and 15 from outside Yukon.

Hon. Mr. Pearson: Mr. Speaker, we have had absolutely no complaints about the say that we have had, with respect to environmental matters on the proposed pipeline construction. The Minister of Pipelines established a committee called the Yukon Advisory Council, which advises him directly. That committee is comprised solely of local Yukoners, and they look very hard at particularly the environmental impacts of the pipeline. There have been a series of meetings conducted by the federal environmental people. We have had input there. In fact, we had membership on that particular hearing board. Mr. Speaker, we have just no complaint at all about being able to get our concerns to the Northern Pipeline Agency, whose responsibility it is to gather those concerns.

Mr. MacKay: Is the Government not at all concerned about the fact that no final environmental impact statement has been approved even at this late stage by the NPA?

Hon. Mr. Pearson: Oh yes, Mr. Speaker, we are very concerned that the final impact statement has not been approved. Mr. Speaker, the problem arises in the area right around Whitehorse here and we made our feelings known to the environmental people. The Minister’s committee has also made their feelings known and I understand, Mr. Speaker, that the environmental group will be making a submission to the Northern Pipeline Agency fairly soon in respect to what should happen next.

I do not know whether they are going to recommend more hearings. Personally I hope not. I am sure we all feel that we have been studied to death, but they may recommend more hearings. The alternative is that they may submit their final report to the Northern Pipeline Agency.

Mr. MacKay: Is the Government aware at all at this stage of what the contents of those final reports are?

Hon. Mr. Pearson: No, Mr. Speaker, not at all.

Question re: Dawson Day Care Centre

Mr. Penikett: Mr. Speaker, I have a question for the Minister of Justice. Yesterday the Minister said that his department advised the Government Leader and the Minister of Health and Human Resources that it would be improper to give or loan Dawson City $7,000 for the Dawson Day Care Centre. Could the Minister say when he was asked for this advice and when the advice was given?

Hon. Mr. Graham: Mr. Speaker, it is difficult to answer that question because at the time these discussions were taking place among my colleagues, I was, unfortunately, out of the Territory. When I returned, the message from, I believe the Government Leader, was on my desk and I dealt with it as quickly as possible. I am not exactly certain of the date.

Mr. Penikett: I thank the Minister for his frank answer. I would like to know, can the Minister say whether the advice in the form in which it and his officials prepared it was given to the Government Leader; to the Cabinet; to the Minister of Health or in what manner?

Hon. Mr. Graham: Mr. Speaker, although I find it difficult to believe that this is really suitable questioning at this time, I will advise the Member opposite that I gave the answer to the Minister of Municipal Affairs, whose department would have had to approve the loan to the Municipality of Dawson. The advice, I imagine, was given from my honourable colleague’s department to the rest of the Ministers.

Mr. Penikett: I thank the Minister for his answer and I direct a supplementary to the Minister of Municipal Affairs and ask him: upon receipt of this advice, did he then convey this advice to the Dawson City Council and, if he did, could he tell us when?

Hon. Mr. Lattin: Mr. Speaker, I do not know really whether we did or not.

Question re: YTG Logo

Mrs. McGuire: I will direct this question to the Minister responsible. The Yukon Government has been reported as having decided to phase in its new logo and this appears to be some concern with costs. My question is, what is the estimate cost of phasing in the new logo?

Hon. Mr. Graham: I believe, if my memory serves me correctly, the approximate costs for phasing in the logo, if we phase it in over a period of time, are some $15,000.

Question re: Dawson City Day Care (Continued)

Mr. MacKay: I have listened with some interest to the debate between the Minister of Human Resources and the Member for Whitehorse West. It seems to me that I would like to zero in on an issue: the funding of all other day care centres of the same nature as the Dawson City Day Care Centre?

Mr. Speaker: Order, please. I think I will have to rule that question out of order. The question is asking for a personal opinion from the Minister, which I do not think is really in order, and I think is an abuse of the rules of the House.

Would you care to re-phrase the question?

Mr. MacKay: Since the Minister is partially committed to the funding of a Dawson day care centre, is she also committed to the funding of all other day care centres of the same nature as the Dawson Day Care Centre?

Hon. Mrs. McCall: Mr. Speaker, it would certainly be my wish. I might say, for the record, that I do not think I would have much luck at this point.

Mr. MacKay: For the record, would the Minister be kind enough to explain to the House why she does not think she would have much luck, at this point, in helping the Dawson Day Care Centre?

Mr. Speaker: Order, please. I think I will have to rule that question out of order. The question is asking for a personal opinion from the Minister, which I do not think is really in order, and I think is an abuse of the rules of the House.

Would you care to re-phrase the question?

Mr. MacKay: I am not committed in any other way. I would like to make that quite clear, but I am definitely committed morally and philosophically to helping all day care centres.

Mr. MacKay: I certainly appreciate the human desires of the Minister, but will she be prepared to bring forward a Ministerial Statement as to what the Government’s policy is on day care funding, since it seems to be a great contradiction between what she wishes to do and what the Government is prepared to do?

Hon. Mrs. McCall: Mr. Speaker, no, I am not prepared to do that.

Question re: Faro/Government Housing

Mr. Byblow: I have a question that I would like to direct to the Minister of Municipal and Community Affairs, relating to a local issue. In view of the fact that the Minister has received a petition from a number of my constituents over the matter of government housing and in view of the fact that I have made a number of representations to the Minister on the same topic, can he advise at this time how his department is handling the problem being posed?

Hon. Mr. Lattin: Mr. Speaker, the problem is under review at this particular time; I have nothing to report.
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Mr. Byblow: I would like to ask the Minister further whether he has had an opportunity to apprise himself of the situation surrounding maintenance, and if he has made a decision on that matter.

Hon. Mr. Lattin: Mr. Speaker, again under this particular aspect, we are pursing all the various options that are open to us. We have not come to a decision. When we do come to a decision, we will put the decisions into action.

Question re: YTG Employee Housing Buy-back Scheme

Mr. Penikett: I would like to ask the Minister of Municipal Affairs if he has had a chance yet to prepare an answer to the questions of October 21 concerning the territorial employee buy-back scheme?

Hon. Mr. Lattin: Mr. Chairman, no, I have not got the answer for that at this time. When I do have the answer I will certainly bring in.

Mr. Penikett: When the Minister is seeking advice on this question, would he also investigate or inquire of his officials, and report back to the House, the case of Lot 975 in Riverdale particularly but as a matter of policy generally, whether the Government ever has had the practice of buying back employee houses other than under the employee buy-back scheme?

Hon. Mr. Lattin: Mr. Speaker, when I bring the information back, I will certainly review that also.

Mr. Speaker: There being no further questions, we will proceed to Orders of the Day.

ORDERS OF THE DAY

Mr. Speaker: On Monday, November 3rd, the Honourable Member for Whitehorse Riverdale South raised a question of privilege relating to a Notice of Motion given by the Honourable Member for Mayo. The notice stated:

"That the Standing Committee on Rules, Elections and Privileges investigate and report to the Assembly on: (a) the position of the Member for Whitehorse Riverdale South in relation to Section 10 of the Yukon Council Ordinance and (b) any recommended amendments to such legislation.

The Honourable Member noted that such a Motion raised a question about his right to occupy a seat, and suggested that the matter be immediately referred to the Standing Committee on Rules, Elections and Privileges with the Committee being directed to report as soon as possible.

The Chair has reviewed the remarks of the Honourable Member, the Standing Orders of the Assembly, and the Parliamentary authorities to which this House refers, and has been unable to find that a prima facie case of privilege has been made in this instance.

It must also be noted that the Honourable Member has not fulfilled the requirement contained in annotation 81(2) of Beauchesne, 5th Edition, which states that a complaint of a breach of privilege must conclude with a motion providing the House with an opportunity to take some action.

The Chair, however, has taken into consideration the notice of motion which bears reference to the subject matter raised by the Honourable Member for Whitehorse Riverdale South, and which stands on the Order Paper for consideration on Wednesday, November the 5th.

In conclusion, it would appear that this matter will be duly considered by the House through normal parliamentary options when the question is under debate at that time.

Mr. MacKay: Mr. Speaker, while I cannot disagree with your ruling, I would like to express some disappointment. My disappointment stems from the fact that it is very important to me and to my constituents that I am allowed to clear my name.

Mr. Speaker, as a result, I would like to ask this House for a unanimous consent to debate, now, Motion Number 23, in view of the fact that motions to refer to Committee require no notice; the unlimited debate and expedition is required, I think, to dispatch this matter. I would therefore ask unanimous consent from the House to debate this matter.

Mr. Speaker: Does the Honourable Member have unanimous consent to discuss Motion Number 23 standing on the Notice Paper?

Some Members: Agree.
Some Members: Disagree.

Mr. Speaker: The Honourable Member has not obtained unanimous consent.

May I have your further pleasure?

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: Committee will be discussing Bill number 61, Bill Number 45, Bill Number 55, and Bill Number 48. I declare a short recess at this time.

Recess

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

I would like to refer the Committee to Bill Number 61, Third Appropriation Ordinance, 1979-80.

On Clause 1

Hon. Mr. Pearson: Mr. Chairman, this is a supplementary ordinance, the Third Appropriation Ordinance, and it is to allow this House to vote the necessary funds to balance our books to the year ended March 31, 1980.

This money has been transferred between departments during the course of the fiscal year just past. We find it necessary to table a bill of this sort, after all of the bookkeeping for the year is done, so that the requirements of the Financial Administration Ordinance, with respect to the voting of funds, can be met.

What we are talking about in this bill, Mr. Chairman, is $1,305,900. The various departments the money has been allocated and switched to are outlined on page two.

Capital is on Page 3 of the Blue Book entitled Supplementary Estimate Number 2. I do not know that there is anything further to say at preliminary discussion other than that this is an exercise that we must go through each year.

Mr. Fleming: I wonder if the Government Leader could just tell us why the Third Appropriation Ordinance, Bill Number 56, has been put out? Some figures I think that did not correspond, and of course did not add up to the final total either. It was put aside. Now, I am presuming that is put aside and finished and we have just been handed another book. Is there a difference in the two books or is this all the same now?

Hon. Mr. Pearson: No, Mr. Chairman, you have not been handed another book. It is exactly the same book. What happened, Mr. Chairman, was that, in the explanatory notes and then in the Schedule, the department reflected the total revised vote for each of these departments that we are going to deal with: Education, Human Resources, Municipal and Community Affairs, etcetera. It can be done either way, but it is very confusing if we are dealing with a Supplementary Estimate and then at the same time dealing with a total revised vote number in the Schedule.

You are told in the blue book what the total revised vote is but what we are actually voting is only $1,305,900; no more and no less. I just felt, Mr. Chairman, for the sake of clarity, that we should use the consistent figures: the ones that we are actually dealing with all the way through.

Mr. Fleming: I just want to be clear because I am not a bookkeeper and I do not really understand everything, so if the Honourable Member for Mayo's statement can explain it just a little more. For the Department of Education, the $86,400 is the amount that we are voting now; then you go to Page 3 of the blue book and you find Department of Education is $7,113.6 — now explain those two to me and then I think I will have it.

Hon. Mr. Pearson: No, Mr. Chairman, you have not been handed another book. It is exactly the same book. What happened, Mr. Chairman, was that, in the explanatory notes and then in the Schedule, the department reflected the total revised vote for each of these departments that we are going to deal with: Education, Human Resources, Municipal and Community Affairs, et cetera. It can be done either way, but it is very confusing if we are dealing with a Supplementary Estimate and then at the same time dealing with a total revised vote number in the Schedule.

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Hon. Mr. Pearson: Mr. Chairman, the Honourable Member is correct. We are dealing with $86,400 in respect to the Department of Education. Now, Mr. Chairman, what that means is that during the fiscal year 1979-80, $86,400 was spent in total $18,656,900 on Operation and Maintenance costs. Those two numbers are on Page 2: the $86,400 as a supplementary number 2, and the $18,000,000 as
Mr. Byblow: With the lack of financial expertise on this side, you are probably going to have quite a few questions to answer. If I understand what the Government Leader has been saying, the figures presented are, in essence, a Capital and an O&M. Is that correct?

Hon. Mr. Pearson: Mr. Chairman, no. The $1,305,900 is Capital and O&M. But, Mr. Chairman, in Supplementary Number 2, there are seven numbers. They total $1,299,800. That is O&M money. Then we will also be dealing with $6,100 in Capital money, in respect only of the Department of Tourism and Economic Development.

Mr. Byblow: Okay; this is, just curiously, a slightly different arrangement of voting supplementary estimates than we used last year.

Hon. Mr. Pearson: No, Mr. Chairman, this is exactly the same as the system used last time. That is why I want to put it forward this way. Mr. Chairman, I respectfully submit that this is the only way to do it so that it is perfectly clear to every Member of the House.

Clause 1 agreed to

On Clause 2

Mr. Chairman: In considering Clause 2, the Committee will refer to Schedule A and deal with it department by department. First the Department of Education, $86,400. I also refer you to page 4 of the blue booklet, Estimates Supplementary No. 2 — 1978-79.

Hon. Mr. Graham: Mr. Chairman, the explanation provided on page 5 pretty well sums it up. "To provide funds for utility costs, relocating portables to Faro, and increased carriage, advertising, communication and rental charges."

I think the largest single contributor to the $86,400 over-run was the relocation of portable classrooms to Faro from Watson Lake. That expense ran us some $72,000 more than we anticipated, that is in the O&M.

Mr. Fleming: So the Minister is saying that $72,000 out of the $84,000 was totally on one project up there, so we are looking at, for other sundry things here and there, around $14,000.

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

Mr. Fleming: I wonder if the Minister could elaborate just a little bit on that, too.

Hon. Mr. Graham: Mr. Chairman, at the beginning of the last school year we had not intended to move these portables to Faro. We felt at that time that the anticipated school population in Faro could be handled by the school that was under construction at that time. However, we experienced some delays in construction, and we found that additional classrooms were necessary. We had not budgeted for the movement of those classrooms; hence, we moved the classrooms, even though we had not budgeted for them, because they were necessary to Faro. Consequently, we had to absorb the expenditure at a later date, even though we had not budgeted for it.

The rest of the money is quite simply an increase in utility costs and small dollar amounts here and there throughout the Department.

Mr. Fleming: I might just ask the Minister, in these utility costs and relocating portables: I know that we do not have very much of an opportunity or we should not to anything to hinder the children from getting their education in schools, such as turning out lights like we might do here, we do not need them anyway, really, we do not need to see that well.

Is the Minister, at all times and in all cases, doing such things as checking with the schools and this type of thing to see that we do not spend money where it is not absolutely necessary?

Hon. Mr. Graham: Mr. Chairman, not only is the Department doing it, we have also been receiving some help from the Department of Municipal and Community Affairs and Highways and Public Works, who are involved in the energy conservation program. It is an active program with the principals and the janitors and the teachers in schools throughout the territory.

Mr. Byblow: The Minister referred to the cost of relocating those portables as being $72,000. Is that correct?

Hon. Mr. Graham: To the best of my recollection, yes.

Mr. Byblow: Would that have been the entire cost or relocating them: that is, transportation and setting them up?

Hon. Mr. Graham: Yes, Mr. Chairman, I believe that was the entire cost: dismantling them at their location, transporting them to Faro and relocating them there.

Mr. Byblow: Mr. Chairman, with respect to those portables, there have been a number of questions as to why the government, through their Public Works which I believe set them up, put them on perimeter concrete foundations? Lending to the argument that they are a fairly permanent institution, could the Minister indicate if there was any long term intention by doing it that way?

Hon. Mr. Graham: Mr. Chairman, I believe that back in 1966 there were some temporary portables put in at the Selkirk Elementary School here in Whitehorse and they were not moved until 1978 so plans have a tendency to change. However, we intended, when we set up those portables in Faro, for them to be a temporary shelter, and we feel that it is necessary to ensure that they are done properly. That was why the concrete foundation was put in.

Mr. Byblow: I will not pursue this much longer. It is my understanding that those portables are located on leased property. When that lease expires and the portables are to be removed, what happens to those types of structures, from previous Territorial experience?

Hon. Mr. Graham: Well, Mr. Chairman, the temporary portables that were put in at Selkirk Street have, I believe, found their way to Jack Hulland School in Porter Creek. The temporary portables that were put in at Selkirk Street were put in at the Selkirk Elementary School here in Whitehorse and they were not moved until 1978 so plans have a tendency to change. However, we intended, when we set up those portables in Faro, for them to be a temporary shelter, and we feel that it is necessary to ensure that they are done properly. That was why the concrete foundation was put in.

Mr. Byblow: Shall the supplementary figure of $86,400 carry?

Some Members: Agreed.

Mr. Chairman: I refer Committee to the Department of Human Resources, $50,500

Hon. Mrs. McCall: Mr. Chairman, that is to provide funds to increase social assistance expenditures, due to case loads and inflationary growth.

Mr. Fleming: Mr. Chairman, I have a question, because the monies are spent usually to increase social assistance. I might ask where that increased social assistance comes from? Is it due to people moving into the Territory? Is it due to inflation also in the Territory? Or what is it? "Inflationary growth" covers quite a wide range and quite a number of things. I would like the Minister to explain just what she or the Government means by "inflationary growth".

Hon. Mrs. McCall: Mr. Chairman, there is an increased case load. I do not know about the increase to the population, but there is an increased case load. This "inflationary growth" is simply the cost of social assistance that goes along with the increased cost of living and so on. Part of that cost may be in the group homes with an increased cost of materials and supplies and so on.

Mr. Penikett: Without getting too specific, Mr. Chairman, I wonder if the Minister could say what the rates of assistance are now in the department? Group homes were mentioned. Presumably, the rate must be a daily rate for children in care now. What are the rates for what must be a typical case of say a mother with a young child on assistance? What kind of income does the department support them with?

Hon. Mrs. McCall: Mr. Chairman, that depends on the circumstances. I can furnish the Member with a table of amounts.

Mr. Chairman: Shall the Department of Human Resources carry?
Mr. Chairman: I will refer Committee to the Department of Municipal and Community Affairs, $81,200.

Hon. Mr. Lattin: Mr. Chairman, I would like to outline how the $81,000 is made up.

The $3,400 is made up of administration; this is for funds for office supplies and internal equipment, rental charges. On the Community Planning and Land Development, because we put fewer ads in the paper this year on our land transactions, we had a minus quantity of $2,200.

Then you get on to Protective Services; in Protective Services this year we had to employ a part-time boiler inspector, which cost us $1,900.

Our Assessment Services provide funds for salary re-classification, and increase the costs; we had an increase of $8,300.

On Municipal Services, the great majority of this was made up from the deficit of the water and sewer installation in Dawson. Also in that, there was a Timberline TV Contract, an increase in utility cost; but the basic amount of that $58,800 was in the Dawson water and sewer deficit.

Mr. Penikett: Mr. Chairman, I wonder if the Minister could say if he now knows as yet what the final cost is going to be on that project, and the more important question, who is going to be bearing that cost?

Hon. Mr. Lattin: Mr. Chairman, it is an interesting question. I must admit. Right now I cannot give him an answer, but I am sure that between now and the Spring is when the answers will be provided.

Mr. Fleming: I am just interested in one article really and that is TV contracts. I was hopeful that the Government might be able to get a more reasonable contract than we had in the last three to four years since the Government has put in the TV stations. Now I see you are voting more monies. I wonder if we could have the new costs.

Mr. Byblow: I missed the figure that the Minister gave, out of this portion that was applied to the Dawson sewer and water.

Hon. Mr. Lattin: Mr. Chairman, there were some other things, TV contracts and so on that were in, but the basic, the greatest portion of it was the Dawson Sewer and Water deficit, and the figure was $58,800.

Mr. Byblow: So, it was a substantial portion of this budget.

I have one question, perhaps a couple, with respect to Protective Services. It is my understanding that the Protective Services are looked after by this Municipal and Community Affairs; and you look after, essentially, ambulances, fire protection equipment, in the smaller communities. Could the Minister perhaps elaborate the degree to which they look after Protective Services?

Hon. Mr. Lattin: Yes, Mr. Chairman. I might point out to the Honourable Member that on this particular increase in the Budget, the question that he has asked me are not applicable because it is not this particular portion or these particular services that have an increase.

Basically, the increase in this one has been to the Boiler Protective Services. We had to hire a part-time boiler inspector and it was made up mostly of that.

The other ones — we do the building inspection, I think we do the plumbing, we are responsible for, as you mentioned, the ambulance, and also the fire protection. We provide the instructions and the inspections for those particular things. We have a local fire marshal.

Mr. Chairman: Shall the supplementary figure for this Department carry?

Some Members: Agreed.

Mr. Chairman: I refer Committee to page 10, Department of Tourism and Economic Development, a figure of $6,100.

Hon. Mr. Lang: Mr. Chairman, you will note that in the previous Budget of 1979-80, there was $90,000 voted. We are requesting an increase of $6,100. This is primarily related to the tourism agreement: pre-planning projects that were underway during that year. There was a study done on the steam train restoration, there was more work done in the Whitehorse downtown planning study, the prospects of a Watson Lake interpretive downtown and Whitehorse convention centre study were investigated, which came in higher in respect to the dollars allocated or estimated for those particular studies.

Mr. Penikett: Mr. Chairman, this is not a large sum of money in total. Just so I am sure that I understand the Minister's answer, what he is saying is that he had a series of small cost over-runs on a number of studies relating to tourism development. I am not sure I can remember all the particular studies, but presumably we were talking about a few hundred dollars on each study, or was there one that made up most of the deficit?

Hon. Mr. Lang: Mr. Chairman, I can go through the whole situation here. The Dawson Tourism Contribution was $30,000; it was voted the previous year and it was spent through the Tourist Advisory Board. There was the Dawson City Information Centre, which was estimated at $5,000; there was only $400 spent because we did not proceed with the water and sewer in view of the prospect that there would be a visitors' reception centre put in Dawson, which would hopefully get underway this coming spring in Dawson.

Dawson City was also allocated $14,000 for a washroom to accommodate the museum in Dawson City, which I do not think the Honourable Members would vote against. The Tourism Development Project planning was estimated at $50,000; I do not know how the breakdown per study was, but it exceeded that by $10,500 of the $50,000 originally allocated.

So what it works out to is that overall we request $6,100 in additional funds. You can rest assured, Mr. Chairman, it is under good management.

Mr. Chairman: Shall the figure for this Department carry?

Some Members: Agreed.

Mr. Chairman: I refer Committee to page 12, Department of Public Service Commission.

Hon. Mr. Pearson: Mr. Chairman, this $71,600 is required to offset re-hirings in the Department at higher rates of pay than were originally estimated. We had, Mr. Chairman, a new deputy heads or deputy ministers' review of salaries for those 20 employees. We had some increases in removal expenses that this Department covers for the Territorial Government that just simply were not estimated; the costs went up faster than we did anticipate.

Mr. Penikett: I think the Government Leader's supervision of the Public Service Commission has some good news and some bad news. I think we have heard some of the good news today, and I just want to, in passing, because I did not have a chance to comment, commend him for coming through with his commitment about local hiring and training inside this Government. I thought the figures in connection with the middle management seemed to be, if I remember the figures accurately, something like less than 10 per cent were now being recruited outside the Territory; that was not only significant but highly commendable and I congratulate him for that.

I notice, however, upper management is still less than — 50 per cent I think are locally developed.

The sour note I want to express — and I do not want to sound too Scrooge-like or niggling on this — but I think we heard, in another connection, that the salaries of deputy ministers in this Government are now equal to, or higher than, those in the Prairie provinces. The Government Leader can correct me if I am wrong, but that was the impression I might have got. If I am wrong about that, I want to be corrected.

If I am generally correct, I have a small concern in this respect: obviously deputy ministers in this Government are busy, talented people. But I have some problem with the notion that their responsibilities in terms of the number of employees and also of their budgets are anything like comparable to their counterparts in the provinces. We all know that the Province of Alberta, I believe, is 1,000,000 plus population; it is considerably larger than ours and the departments involve many millions of dollars. I would expect that, apart from their relationship with the minister, the equivalent person who is running a budget like the deputy ministers here, with the same number of employees would be much lower down in the public service in Alberta, and therefore might not be as well
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Mr. Byblow: My question was to enquire of the Government Leader whether any portion of this $71,000 under the category of salary requirement were for any new positions?

Hon. Mr. Pearson: I believe, Mr. Chairman, we transferred one position from the Committee Office to the Personnel Department, and there may be a reflection of that particular salary in there. But generally, the salaries are for the people that work in that department, and it was a person leaving and then having to hire someone else at a higher rate of pay, for instance, than the person that was leaving. You get fluctuations in salaries there.

Mr. Fleming: I appreciate the answer from the Honourable Leader of the Government, but is this also some expense incurred in transfer within the Yukon Territory, too?

Hon. Mr. Pearson: There may have been, Mr. Chairman, but I do not know that there would be that much money involved; I doubt if there would be very much money involved there.

Primarily on the removal thing, Mr. Chairman, these are bids, and the costs go up. To start with, we cannot really tell at the beginning of the year how many people are going to be removed. There are the removal costs during the course of the year; we have to guess at that number to start with. Then it is a case of guessing, to a great degree, at how much each one will cost.

Mr. Fleming: I appreciate the answer and I maybe should have brought it up to the Minister of Public Works, too, because Public Works does quite a bit of moving back and forth in the Territory.

Just a word of caution to the Government, which I like to give once in a while, that they should check very carefully on this situation, because while I believe fully in private enterprise, I do not believe in private enterprise ripping off the Government or anybody else. I think, in some instances, and I am quite sure I am right, in fact I am ready to stand behind it and prove it, that the moving companies are a little bit on the high side in many cases, and the Government might look into other ways of having people move within the Territory, where it is just a short move or something, to maybe not do them out of business but make them realize that they just cannot do anything like that.

Mr. Penikett: While we are talking about removal questions and removal costs, Mr. Chairman, I wonder if I could ask the Government Leader, since I have commented on the commendable improvement in the percentage of people who are locally hired, if, in his capacity as the Minister responsible, he has as yet been able to notice any improvement in the turn-over rate as a result of the increase the Government Leader has already announced, the amount of $550,000.

Hon. Mr. Pearson: I think there has been a slight improvement in the turnover rate, but, once again, Mr. Chairman, I think also we should not forget that we voted in our Estimates this year, in respect to removal expenses, 50 per cent of what we voted in 1978-79, because we felt that strongly that our local hire policy was going to save us that amount of money.

Removal expenses are really where the dollar impact is.

Mr. Penikett: Mr. Chairman, just let me say how interesting it would be to see a situation where you tell an employee they cannot leave because there is not enough removal money. I do not think that will happen. I look forward in the Spring to the Budget. Perhaps I can give the Government Leader notice now that I would be very interested in seeing how the removal costs have been affected by the local hire policy.

Mr. Chairman: Shall Supplementary Figure, $71,600 carry?

Some Members: Agreed.

Mr. Chairman: I refer Committee to Page 14, Department of Finance.

Hon. Mr. Pearson: Mr. Chairman, I regret to point out that this is the highest number in this whole supplementary estimate, and here it has to happen to me. Mr. Chairman, the amount of $550,000 is made up primarily of one number which is greater than this amount. We have a supplementary of $994,300 in Establishment Number 1210 which is titled, "Prior Year Adjustments". Mr. Chairman this is to provide, to make an adjustment, a bookkeeping adjustment, in respect to our land inventory. This $994,300 was taken for surplus inventory. We have to give them refunds, and we also have to do the bookkeeping entry of moving it back into our inventory. What this supplementary is doing, is moving $994,300 back into land inventories. That is offset, Mr. Chairman, by a couple of savings in the department. One was $168,600 that was left over; we had voted $168,600 more in anticipated claim funds for the Dawson flood.

In other words, there was $168,000 that we did not spend on the Dawson flood. So that offset some of that $994,000. Also, approximately $30,000 in the Department of Treasury for travel, rental and telephone, was also kept, and so that would be savings of $920,000. Mr. Fleming: I am just wondering whether or not the Honourable Member might agree with me in thinking that possibly our system should be changed a little bit? As an example, a person moving on to federal lands on a cottage lot — when they are available, and that is very seldom of course — has a couple of years, I believe, to put $2,000 or $3,000 into it in chattels or improvements on that land. In our agreements with people buying Territorial land, it is normally one year in which they are supposed to build a $4,000, $8,000, whatever, building in whatever area. That price range may vary anywhere from four or five to eight or nine or 10,000. Would the Government Leader feel as I do, that maybe our legislation or agreements should be changed a little bit to give them a little more time to build? Then not so much of that land might come back. It is my surmise, of course, that the better they did on their part, the more to spend.

Mr. Fleming: I was very interested in seeing how the removal costs have been affected by the local hire policy.

Hon. Mr. Pearson: Mr. Chairman, I very much appreciate what the Honourable Member is saying. I would like to advise him that we are looking at that very problem at this time. I think you will see that there is going to be a change. Mr. Chairman, we do not have to amend the legislation to make that change. It is a matter of regulations and we will do it as quickly as we can.
of having a large bank of land such as we have now, and I want to make clear I continue to support — I would much rather see a large bank than have shortages the next time there is a demand increase — is the carrying cost to the government for such a bank.

Well, I guess we have had to borrow the money to develop the land in the first place and we are having to pay for those costs. Now, as I understand it, the development costs charge that we now calculate does not include the interest. If it does include the interest, I would be even more concerned about the rate of interest. I just want to get the Government Leader's assurance that when the land is eventually sold, the full cost to this Government, if you like, of that land is received. I know we often receive many comments about the cost of the land and how costly it is and how it is not cheap, and I can understand people's grievances on this score, but I still think we are getting it on the market a lot cheaper than any private counterpart in the south.

**Hon. Mr. Pearson:** Yes, Mr. Chairman, I agree 100 per cent with the Honourable Member. Mr. Chairman, the interests rates that we have to pay are added into the development costs on an annual basis. Those interest rates are the rates that we have to pay for the money we borrowed and are, as a rule of thumb, about 1 per cent below prime. That is because we have been borrowing the money from the Government of Canada, and all Members will recall that we amended our borrowing legislation at this Session so that, should the need arise, we can borrow money on the open market. I mentioned to the House at that point in time that I anticipated that very likely we would pay about one per cent more in interest rate then on the open market than what we do borrowing it from the Government of Canada.

**Mr. Penkett:** Mr. Chairman, I am sure that, from the planning point of view, the Government Leader, as Minister of Finance, has a great deal of difficulty in trying to anticipate what the prime rate will be in coming years, and what interest rates will be.

Perhaps I could just pass on to him a little advice from the streets of Whitehorse. I was talking to one of the economists down at the Bus Depot Cafe the other day, in the Minister of Municipal Affairs' riding, and he advised me that you can make a fairly accurate estimate of what the inflation rate is going to be in the following year by what the Government of Canada is paying on its Canada Savings Bonds.

They upped the percentage yesterday to 11.5. This bus depot economist calculated that since the Government is bound to want to make money on these things, that you can be reasonably sure that the interest rate will be slightly higher than what they pay on Canada Savings Bonds. That would help the Government Leader at all, I pass it on.

**Mr. Fleming:** On the same topic, I think, and I agree with the land bank system totally. I am wondering about the case where a small place such as Teslin, or any place, the Government must have a potential for a large number of lots — but in order to recognize or realize that potential large number of lots, it was necessary to immediately put in major trunk sewer lines and immediately build major trunk roads, and of course, those costs are something that had to be recovered immediately, even though they are amortized over all of the eventual lots. We are in the necessity to put in these trunk services immediately of course, did help.

Since then, as everyone is aware, there has been a definite slowdown in the sale of lots, particularly in Whitehorse in the past year, so we do have a fair land bank now, but, Mr. Chairman, we do not have any more line-ups for lots either.

**Mr. Byblow:** The land in question that we are talking about, is this strictly residential properties?

**Hon. Mr. Pearson:** Yes, Mr. Chairman, most all of the land that we develop is for residential purposes.

**Mr. Chairman:** Would the Department of Finance figure, $830,700 carry?

**Some Members:** Agreed.

**Mr. Chairman:** I refer Committee to page 16 in your blue book, the Department of Library and Information Resources, for a supplemental figure of $2,900.

**Hon. Mr. Graham:** Mr. Chairman, this $2,900 is basically for additional photographic supplies, mainly in the area of micro-filming. We did a great deal of additional micro-filming for several departments, notably Health and Human Resources, health records. The additional funds were for that type of processing, photographic equipment.

**Mr. Chairman:** Shall the figure carry?

**Some Members:** Agreed.

**Mr. Chairman:** I refer Committee to page 18 of your blue book, Department of Health, a supplemental figure of $176,500.

**Hon. Mrs. McCall:** Mr. Chairman, the funds are for exactly what is designated in the explanation: the increased usage of doctor services in Yukon.

**Mr. Fleming:** What the Minister is telling us is that this increase is just due to doctors' fees being raised according to inflation or whatever.

**Hon. Mrs. McCall:** Yes, Mr. Chairman, the negotiated fee schedule put the services up.

**Mr. Byblow:** I am not clear. Have the fees -for-service gone up or has the number of clients gone up?

**Hon. Mrs. McCall:** The fee schedule was put up and the number of clients, of course, is up as well.

**Mr. Fleming:** I wonder if the Minister could bring us a breakdown? I do not presume she has that break-down now, but I wonder if she would mind bringing it? I am prepared to go along with the vote, but I would just like to see how much the doctors' fees went up and how many extra clients we have.

**Hon. Mrs. McCall:** I believe we did bring that to the House, Mr. Chairman, but I will bring that information again for the Member.

**Mr. Chairman:** Shall the Supplementary Figure carry for this department?

**Some Members:** Agreed.

On Clause 2
Clause 2 agreed to

On Clause 3
Clause 3 agreed to

**Mr. Chairman:** The Chairman will now read the preamble to the bill. "Whereas it appears by message from the Commissioner, and in the estimates accompanying the message, that the sums mentioned in Schedule A of this Ordinance are required for the purpose of defraying certain expenses of the public service of the Yukon Territory, and for related purposes, for a period of twelve months ending on March 31, 1980. Shall the preamble carry?"

**Some Members:** Agreed.

Mr. Chairman: Shall the title Third Appropriation Ordinance, 1979-80 carry?

**Some Members:** Agreed.

**Hon. Mr. Pearson:** Mr. Chairman, I move that Bill Number 61, Third Appropriation Ordinance, 1979-80, be reported out of Committee without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Pearson, that Mr. Chairman do now report Bill Number 61 without amendment to the Assembly.

Motion agreed to

**Mr. Chairman:** I would like to refer the Committee to Bill Number 45 at this time, An Ordinance to Amend the School Ordinance.

On Clause 1

**Hon. Mr. Graham:** Mr. Chairman, as I mentioned in my second reading speech, the reason for this amendment is that the Arctic Winter Games are to be held in Fairbanks, Alaska in 1982. The Committee in Fairbanks has requested that the Games be held earlier than the third Monday in March as is the custom. In order for school children in the Yukon Territory to attend those Arctic Winter Games, we require a change in our spring break. Our spring break is named in the legislation and we believe that this should not be so. So what we are saying with this amendment is that
any holidays or vacation days, any days named in the ordinance may be changed by regulation by the Cabinet to suit any need in that specific year.

That is the whole intent and meaning of this change.

Clause 1 agreed to

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

Some Members: Agreed.

Hon. Mr. Graham: Mr. Chairman, I move that you report Bill Number 45, an Ordinance to Amend the School Ordinance, without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Graham that Bill Number 45 be now introduced to the Assembly without amendment.

Motion agreed to

Mr. Chairman: I wish to refer Committee to bill number 55, an Ordinance to Amend the Cooperative Associations Ordinance.

On Clause 1

Hon. Mr. Graham: Mr. Chairman, basically, as I said previously in second reading, this bill is basically concerned with the ability of a Registrar of Companies to properly provide consistency in the corporate name approval policies of this Government. It also is in keeping with the other pieces of legislation that were recently passed by this Legislature, providing cooperative associations with the ability to waive the appointment of an auditor.

Clause 1 agreed to

On Clause 2(1)

Clause 2(1) agreed to

On Clause 2(2)

Mr. Penikett: I think I understand what the Minister wants to do in this section. I do, however, want to ask him what provisions he is making against the unfortunate event that transpired not too long ago in British Columbia, where the government of that province, I believe it was, late one night, in a rush to get through a bunch of legislation, happened to strike from their register the incorporation of a very large company; I believe it was a life insurance company in the province. As a result, they had to summon the Legislature back into session some weeks later in order to resurrect this company.

Hon. Mr. Graham: Mr. Chairman, those, I think, are companies that are created by an act of the Legislature. We do not have any companies created by an act in this Legislature. They are only created through the Registration Office here in the Government Building. They cannot be created or struck off the register by the Registrar with a simple stroke of a pen. So, I think if we ran into that problem we would also be able to rectify the problem immediately the next day.

Clause 2(2) agreed to

On Clause 2(3)

Mr. Penikett: I wish Mr. MacKay were here right now. I understand, if you like, the financial common sense or the economic common sense in not requiring a small operation to undergo the expense of having an auditor, but I just wonder what the Minister — since the Department of Consumer and Corporate Affairs and the officials in it, presumably still have some powers to make regulations about the books — exactly what he has in mind as a substitute. I know some organizations, I think it is in British Columbia, are permitted to appoint audit committees or something. I think it is so many of their members; a certain percentage of their directors must function as an audit committee and carry out certain duties that way. I just wonder if the Minister has any ideas about how his Department would ensure that there are no financially improper activities by societies, now that we are relieving them from the duty of having to pay for an auditor?

Hon. Mr. Graham: Mr. Chairman, all of the financial goings-on of these cooperative associations, as well as societies and everything else that we are giving the ability to waive the right of an auditor, to have to leave their books open to the public on a daily basis in the Registrar’s office. We hope that simply due to the fact that this is more or less a disclosure-type law, that citizens off the street will be in a position to go to the Registrar, ask to look at the financial statements of these companies, and then be in a position to ask questions if necessary. We are giving the Registrar the power to request an audit, and to enforce that request if necessary. Either an audit will be performed at the request of the Registrar, or the company or society will be struck from the register.

Mr. Penikett: Mr. Chairman, I know there are such things as private companies, but I do not know if there are such things as private cooperatives, ones that are very closely held or tightly held. Presumably then what the Minister is saying is that even if you had a co-op involving ten people or something, perhaps a fuel-buying co-op or something like that, still any citizen would be able to in fact avail themselves of any financial information about that outfit, so long as it continued to function as a co-op, or would it just be a member of the co-op who was going to get that information?

Hon. Mr. Graham: I stand to be corrected on this, Mr. Chairman, but I believe that the financial statement of that co-op would be available to any member of the public.

Mr. Penikett: Just to make absolutely sure, I would appreciate if the Minister would check that out absolutely. It may have certain implications if you had a co-op which might be in competition with a private company, and the private company’s books might not be open in the same way at all. I do not know whether that could produce problems but it seems to me there is that possibility.

Hon. Mr. Graham: Mr. Chairman, I will undertake to ascertain that definitely for the Member. I wonder if the Members are requesting that I hold this section over until such time as I do that?

Mr. Penikett: If it would not cause any great inconvenience to the Minister’s legislative agenda, I would be happy to request that, Mr. Chairman.

Hon. Mr. Graham: I think we can agree to that then, Mr. Chairman.

Mr. Chairman: Does the Committee agree that section 3 be stood over?

Some Members: Agreed.

Clause 2(3) stood over

On Clause 3

Clause 3 agreed to

On Clause 4

Mr. Byblow: I would simply enquire, was this provision not in the old ordinance: the opportunity to refuse the striking of a cooperative?

Hon. Mr. Graham: Mr. Chairman, basically the Registrar could not refuse any documents submitted to him, for the reasons outlined here previous to this section’s being included. So in other words, a Registrar might have received a document that he felt was illegal, because of the fact that somebody had not signed the document properly. He could not refuse that document. Now he will be in a position to refuse any documents that he feels do not go along with these four sections.

Mr. Penikett: I have just one problem: section 4(1)(2)(b). I am sorry that the Leader of the Opposition is not here, so I feel bound to ask the question for him. Does Mr. Trudeau know about this clause; and is it constitutional?

Hon. Mr. Graham: Mr. Chairman, I asked the same question, so the Honourable Member should not feel badly.

Mr. Chairman, the official working language of the Yukon Territory is English. Therefore we can only register documents submitted in the English language, or accompanied by an English translation of a French language document. As I understand it, the same section is in legislation in all of the English-speaking provinces.

Clause 4 agreed to

Mr. Chairman: Since Clause 2(3) has been stood over, would the Minister proceed with a motion to report progress?

Hon. Mr. Graham: Mr. Chairman, I move that you report progress on Bill Number 55.

Mr. Chairman: It has been moved by the Honourable Mr. Graham that we report progress on bill number 55 and beg leave to sit again.

Motion agreed to

The Chairman: We will take a short break at this time.

Recess

Mr. Chairman: I call Committee to order.

I refer Committee to Bill Number 48, Dependants’ Relief Ordinance.

On Clause 1
Mr. Fleming: On that very same thing, and in this case I may be involved, because I have relatives who are out of this Territory, not in Canada.

I have no problem with the Ordinance, I will assure you, but in this case if, for instance, I passed away, and I did not leave anything to somebody for some reason or another and he was in another country, this still would apply, would it not, if he came to this country to fight that cause?

Hon. Mr. Graham: No, Mr. Chairman, because on the first page in the definition of dependant, it sets out pretty strictly what the definition of dependant is; in parts (1) through (6), I believe, on the first page, it sets out exactly what a dependant is and only those things will be considered.

Mr. Byblow: I have just one question with respect to Clause 2. In the event of the requirement for the distribution of the assets to a number of dependants, what are the qualifying criteria to be used? Are there legislated criteria for this? Let us assume you have five dependants and a minimal amount of distribution of the assets following the deceased.

Hon. Mr. Graham: Mr. Chairman, in the first place we are not dealing with assets. Assets are dealt with under the matrimonial property settlement legislation. We are here with support, only support, on a monthly basis, support payments to dependants of the deceased.

I think you will find as we move along in this exactly who gets support, who qualifies for support, and the amounts of support that they should get, but that comes later in the ordinance. It is all set out and it is all under the jurisdiction of the court.

Clause 2 agreed to
On Clause 3
Clause 3 agreed to
On Clause 4
Clause 4 agreed to
On Clause 5

Hon. Mr. Graham: Mr. Chairman, maybe just one section here, 5(1)(d) gives the court the right to refuse or to make an order in favour of a dependant, so I think this qualifies Mr. Fleming's concern that he had earlier.

Clause 5 agreed to
On Clause 6

Mr. Byblow: Just part of what the Minister said earlier, 6(2) at the top of Page 4, provision may be made out of income or capital or both. That disqualifies the sale of accumulated assets of the deceased.

Hon. Mr. Graham: Mr. Chairman, it does not totally. We have eliminated it, except where it is necessary to sell assets in order to support the dependants; then again we get into that later on, but the court has the ability to force sale of some assets in order to support the dependants.

Clause 6 agreed to
On Clause 7

Hon. Mr. Graham: I think, Mr. Chairman, there is just one small policy point here in Section 7, and that is that the court may at any subsequent date check and see if the dependant has received any other means of support, or does not require the support ordered in the first order. The policy point here is that we are encouraging dependants to get out and make their own way as quickly as possible. We are discouraging them from staying as long as possible as dependants on the deceased's estate.

Clause 7 agreed to
On Clause 8

Mr. Byblow: I just wonder if the Minister could explain some of the terminology in (a), second and third lines.

Hon. Mr. Graham: Mr. Chairman, what we are basically doing with this provision is allowing an executor of an estate to receive from the court a section of the estate. That section of the estate would be relieved of any debt by the court, and the court would be able to order that executor to handle the estate in such a way that support payments can be paid to the dependant for as long as the court deems necessary.

I can see this type of thing happening in the case where you have a couple of children whose parents are killed in an automobile accident, say. The parents' estate would be turned over to an executor, and he would be responsible for providing support payments from that estate over a specified period of time.
Mr. Penikett: I believe Mr. Byblow asked some questions about the meanings of some of the terms and I would like to help him out. According to my little dictionary, legatee is a person who inherits something in a will. Devisee is a person to whom land is given in the will; that seems to make sense.

Commotion is one I have some doubts about, though. Commutation, according to this dictionary, is changing a criminal punishment to one less severe. I am not quite sure that that fits in with the meaning of this clause. Perhaps the Minister can help me out.

Hon. Mr. Graham: Mr. Chairman, I cannot remember exactly what the Clause 8(1)(a) says, so I will have to reserve comment on that.

Mr. Byblow: I guess 8(1) is the section that in essence spells out that you can dispose of some of the estate to provide the support payments.

Hon. Mr. Graham: Mr. Chairman, I understand that is what it says. I believe anyway, that a person who gets an inheritance under an estate could be ordered to pay the proportion of the support payment that falls on that part of the estate, or else he can give up that part of the estate. The second part would relieve the estate from that portion of the money necessary to be paid.

Clause 8 agreed to
On Clause 9
Clause 9 agreed to
On Clause 10

Mr. Penikett: Perhaps the Minister could explain what “falls rateably upon that part of the deceased’s estate” means.

Hon. Mr. Graham: All it basically says is that that portion of the estate which you own, you pay support in that portion. If the jurisdiction of the court extends to 50 per cent of the estate, then that 50 per cent of the estate pays 50 per cent of the support payments. What we are trying to do here is, in the case of businesses, shall we say, where you have a partnership, and 50 per cent of the business is owned by the deceased partner; then obviously the business is not going to pay 100 per cent of the support payments.

Mr. Penikett: That sounds fair, Mr. Chairman. I just wonder is the Minister absolutely sure that “rateably” is spelled correctly here. I believe it should be r-a-t-e-a-b-l-y; I think the ‘e’ is not necessary.

Mr. Byblow: I believe the Honourable Member is correct if you follow the rules. When you add a suffix beginning with a vowel, you drop the silent vowel of the word previous.

Mr. Penikett: We are just checking the spelling of the word, Mr. Chairman. It will not mean what they think it means if it is not spelled the way it is supposed to be spelled.

Hon. Mr. Pearson: Mr. Chairman, according to the Shorter Oxford English Dictionary, it is r-a-t-e.

Mr. Penikett: Well we have heard from the English; according to the Americans it is r-a-t-a-b-l-y. I guess we could flip a coin; we will go the American way today.

Clause 10 agreed to

Mr. Byblow: On a point of privilege, Mr. Chairman: I did qualify that that was a rule. Computer analyses have shown that rules are true in only 44 per cent of the cases, when applied to the English language —

Mr. Chairman: There is no point of privilege.

On Clause 11
Clause 11 agreed to
On Clause 12
Clause 12 agreed to
On Clause 13
Clause 13 agreed to
On Clause 14
Clause 14 agreed to
On Clause 15
Clause 15 agreed to
On Clause 16
Clause 16 agreed to
On Clause 17
Clause 17 agreed to
On Clause 18
Clause 18 agreed to

On Clause 19
Clause 19 agreed to
On Clause 20(1)

Hon. Mr. Graham: Mr. Chairman, in anticipation of Mr. Penikett’s question, it means “in contemplation of death”.

Mr. Byblow: If I am reading this section correctly in relation to Clause 15, then a contract that was entered into by the deceased while he was alive, for disposition of property to someone, does not qualify now to be attended as part of this disposition for dependants.

Hon. Mr. Graham: Mr. Chairman, if the disposition of property is made with the intent of preventing his dependants from receiving proper support, then that is not correct. That is not allowed under this ordinance.

In other words, what we are saying is that if I have a million dollars in the bank and I am very upset with my wife and child and do not want them to get that money, and then I find I am dying of cancer, if I gave that money away or made some other arrangements to dispose of it, that could be overturned by a court of law, if it was shown that I did that in order to avoid paying support payments to my dependants.

Mr. Byblow: I guess, Mr. Chairman, where the conflict would really come in is when a disposition has been made, and there is some question raised whether or not that disposition should be applied or not. You could easily have a case where something is given to a foundation, but enough assets and remuneration are left for the dependants. At that point, then, perhaps this other cannot be touched.

Hon. Mr. Graham: Yes, that is true, Mr. Chairman. Here we are talking about only support. There are other laws that consider wills and that type of thing. We are only concerned about supporting the dependants in this ordinance. Let us face it, when we are talking about the transactions before death as set out in Clause 20, we are generally speaking about people who have a whole lot more money than you and I have, or ever will have. So, they are not generally applicable, shall we say, to the general populace.

Clause 20(1) agreed to
On Clause 20(2)
Clause 20(2) agreed to
On Clause 20(3)
Clause 20(3) agreed to
On Clause 20(4)
Clause 20(4) agreed to
On Clause 20(5)

Mr. Penikett: I just have a question about that section 20(5). Subsection (a) of section 20(1), “gifts mortis causa,” as I understand it, is a legal expression which normally describes an effort to avoid having the property taxed by gift taxes, a fairly common tax. “In thinking about approaching death”, I guess is what the thing means. And a gift mortis causa may be treated in law as an attempt to avoid tax on property, given by the will, if the gift comes too close to death. Okay, that is fair enough. That is the legal term.

And Clause 20(1), that “Subject to section 15, for the purposes of this Ordinance, the capital… et cetera…shall be considered to be part of his net estate for purposes of ascertaining the value of his estate.” That way they cannot cop out of their obligations to the dependants.

But section 20(5) seems to indicate, if I read it correctly, that you can transfer this money to an entitled dependant, and thereby avoid any gift taxes or inheritance taxes. In other words, you can make the transfer to avoid the tax, but this law is saying you cannot make the transfer to someone other than a dependant; so it is okay as long as it goes to the right person. The normal meaning of gifts mortis causa does not apply.

That seems to be a slight contradiction. I wonder if the Minister could explain it?

Hon. Mr. Graham: Well, no, Mr. Chairman, because what we mean in 20(1) is that you cannot give the gifts in contemplation of death, in other words to avoid tax. But in this case, subsection (5), that is not what we are talking about; it is in order to avoid paying support payments to dependants.

You are getting rid of the money in order to avoid paying support payments to dependants. In 20(5), I think the important line there, the important phrase, is “to any person otherwise entitled there­to”; so in other words, you can give money to persons that are
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entitled to that money, even though you may be dying of cancer and it is going to place undue hardship on your dependants. But as long as the person was entitled to that money, or the Corporation was entitled to that money, you can pay it. In other words I would not avoid paying my loan off at the bank, just to make sure there was money in my estate left to pay support payments.

Clause 20(5) agreed to
On Clause 20(6)
Clause 20(6) agreed to
On Clause 20(7)
Clause 20(7) agreed to
On Clause 20

Mr. Byblow: My question on 21 is on the meaning of it. Does it say in effect that anyone who has received a benefit from the deceased while he was alive, may have to return that benefit?

Hon. Mr. Graham: That is basically what it says, Mr. Chairman, yes.

Mr. Penikett: I have got some more Latin here. "Inter vivos", according to my book, means "between the living".

"Between the living" seems to make sense. "As an intermediate gift between the living, whether by transfer, delivery or declaration...". This thing goes on to describe an ordinary gift as opposed to a gift made shortly before dying to avoid estate taxes, which is gifts mortis causa. I guess. It also describes an ordinary trust as opposed to one set up under a will.

Clause 21(1) agreed to
On Clause 21(2)
Clause 21(2) agreed to.

Mr. Fleming: I think I understand (2)(b), but I am not sure. I wonder if the Minister could elaborate a little bit on it.

Hon. Mr. Graham: Mr. Chairman, here it says basically that if a person were a multi-millionaire, and he gave a million dollars away to seven of his friends, thereby disposing of his total estate, and if the court has decided that his dependants require $1,000 a month or shall we say $700 a month, then each of the seven people who received the million dollars would be requested to pay one-seventh of the total $700 a month relief that was requested for the dependants.

So, in other words, they are not going to be requested to return the whole million dollars to the estate. What they are going to be requested to do is return that portion necessary to pay the dependants the $700 a month support.

Mr. Fleming: Mr. Chairman, just one question of the Minister. The amounts are coming back and to whom? They say dependant here, they use the word dependant. Just how far does dependant go?

Hon. Mr. Graham: In the first of the Ordinance it says that a dependant is the widow or the widower of the deceased, or a child of the deceased who is under the age of 16 at the time of the deceased's death.

Mr. Byblow: I think I understand the section. I have some curiously about (c), where it makes reference to the consideration for the "injurious effect on a person to whom property was disposed of...". I am not sure what that means. From my understanding, any time somebody would give me some money, I would certainly not have any injury.

Hon. Mr. Graham: What we are talking about here is the $100 — if you were one of these seven people we are talking about here, the $100 that you would have to pay back to the court in order to provide support to the dependant. What we are taking into consideration here is the injurious effect that that payment of $100 would have on you in paying that $100 back to the court for support. So that is the injurious effect. If you lost that million dollars in a poker game and you were totally flat broke, then we would not expect you to pay your share of the $700 to the court. The other six members would pick up your $100. That is basically what section (c) says.

Clause 21(2) agreed to
On Clause 21(3)
Clause 21(3) agreed to
On Clause 21

Mr. Penikett: Mr. Chairman, do we not have the right to take this for granted now; the Commissioner is bound by this ordinance.

Hon. Mr. Graham: No, Mr. Chairman, the Commissioner is not bound by any ordinances unless it so states in the ordinance itself.

Clause 22 agreed to
On Clause 23
Clause 23 agreed to
On Clause 24
Clause 24 agreed to

Mr. Chairman: I refer the Committee to the title of the bill, Dependants' Relief Ordinance. Shall the title carry?

Some Members: Agreed.

Hon. Mr. Graham: Mr. Chairman, I move that you do now report Bill Number 48, Dependants' Relief Ordinance, without amendment to the Assembly.

Mr. Chairman: It has been moved by Mr. Graham that Bill Number 48, Dependants' Relief Ordinance, be reported to the Assembly without amendment.

Motion agreed to

Hon. Mr. Graham: Mr. Chairman, perhaps I can suggest that we move right along to Bill Number 53, An Ordinance to Amend the Judicature Ordinance. I know Mr. Penikett wants to learn how to say that word, and I feel that it is only proper that we allow him to say it a number of times, until he gets it right.

Mr. Byblow: Perhaps I could request a short recess. I did not bring that particular bill in. I did not anticipate that bill's coming up.

Mr. Chairman: I declare a short recess.

Recess

Mr. Chairman: I call Committee to order at this time.

I refer Committee back to Bill Number 55, An Ordinance to Amend the Cooperative Associations Ordinance; Clause 2(3) was stood over, on top of page 3.

On Clause 2(3)

Hon. Mr. Graham: In reply to a question, Mr. Penikett, that you asked, the Cooperative Association Annual Reports are open to the public; however, we have five cooperative associations currently registered in Yukon. We have never had a request to see a financial statement, to date.

The other thing that I should point out, also, is that we have the power in this Ordinance for a member of that cooperative association to request an audit, and an audit must be held if a member requests that audit. So, it is basically the same as all other associations and societies.

So, I think that the safeguards are in place and I think that that section should be cleared as a result.

Some Members: Agreed.

Clause 2(3) agreed to
Clause 2 agreed to

Mr. Chairman: Shall the title to the bill carry?

Some Members: Agreed.

Hon. Mr. Graham: Mr. Chairman, I move that you report Bill Number 55, An Ordinance to Amend the Cooperative Associations Ordinance, without amendment to the Assembly.

Mr. Chairman: It has been moved by Honourable Mr. Graham that Bill Number 55, An Ordinance to Amend the Cooperative Associations Ordinance be reported to the Assembly without amendment.

Motion agreed to

Mr. Chairman: I refer the Committee now to Bill Number 53, An Ordinance to Amend the Judicature Ordinance.

On Clause 11

Hon. Mr. Graham: Mr. Chairman, the purpose of the Judicature Ordinance is to enable the Government, through the Public Administrator and the Department of Justice, to legally take over ownerless property and hold it indefinitely in the Government coffers. The obligation will continue to exist: that if the true owner comes forward we will have to give the property back to the owner, or the equivalent of that property back to the bona fide owner. Meanwhile the Government has the use of the ownerless property. That is the intent of this ordinance.
Mr. Penikett: I just have one question for the Minister of Justice. Given the Minister’s explanation now, does David Joe know about this bill?

Hon. Mr. Graham: I have no idea, Mr. Chairman. I think I should point out that at the current time any ownerless property in the Yukon reverts to the Government of Canada. At the present time, we, as the Government of Yukon, are holding that property on behalf of the Government of Canada. Now, the Government of Canada from time to time requests, it is not a huge sum, I believe it is under $100,000, be turned over to them, however, we have held on to the property, pending passage of this Judicature Ordinance, which will legally enable us to retain the ownerless property which has been gathered up over the years on behalf of the Government of Canada.

Hon. Mr. Graham: Mr. Chairman, in subclause (d) of clause 1(2), the Public Administrator shall be deemed to be a trustee, within the meaning of the Trustee Ordinance. As everyone knows, we passed the new Trustee Ordinance last Session. It sets up fairly strict guidelines as to the disposition and the retention of property. That is the reason we put it in that manner. We are making sure that the Public Administrator does safeguard ownerless property that he or she takes possession of.

Clause 1(2) agreed to
On Clause 1(3)
Clause 1(4) agreed to
On Clause 1(5)
Clause 1(6) agreed to
On Clause 1(7)
Clause 1(8) agreed to
On Clause 1(9)
Clause 1(10) agreed to
On Clause 1(11)
Clause 2(1) agreed to

Mr. Chairman: I refer Committee to the title of the bill, An Ordinance to Amend the Judicature Ordinance. Shall the title carry?

Some Members: Agreed.

Hon. Mr. Graham: Mr. Chairman, I move that you do now report Bill Number 53, An Ordinance to Amend the Judicature Ordinance, without amendment, to the Assembly.

Mr. Chairman: It has been moved by the Honourable Mr. Graham that bill number 53, An Ordinance to Amend the Judicature Ordinance, be reported to Assembly without amendment.

Motion agreed to

Hon. Mr. Graham: Mr. Chairman, can I suggest, being as the Members of the Legislature are in such a good mood today that we should move along to An Ordinance to Amend the Defamation Ordinance, Bill Number 39?

Mr. Chairman: Is it the wish of the Assembly?

Mr. Penikett: I am sure the Members of the Opposition would agree, if the Chair would permit a short recess to obtain this bill, because copies of it do facilitate debate.

Mr. Chairman: I shall declare a short recess?

Recess

Mr. Chairman: I call the House to Order at this time.

The Committee will consider Bill Number 39 at this time, An Ordinance to Amend the Defamation Ordinance.

Hon. Mr. Graham: Mr. Chairman, the Defamation Ordinance is a Uniform Law Conference bill. As I outlined in my second reading speech, this is basically to protect news media people from suits from people who are a target, as it were, of letter writers to the Editor, or commentaries on radios, where the newspaper disagrees with the idea being presented. That is the basic policy behind the Defamation Ordinance. As a result we are hoping to further protect the members of the press.

Mr. Penikett: I had not noticed, Mr. Chairman, that the Government was spending a lot of energy on protecting the members of the press, but I am sure they will be pleased. Just so I understand what the problem is, the Minister did give a little talk at second reading about this. Have we had any cases where some editors or reporters in this jurisdiction have been financially threatened by the courts as a result of publishing something which was not their opinion or even fair comments but in fact somebody else’s ideas?

Hon. Mr. Graham: Mr. Chairman, we have not had any cases that come to my immediate recollection in Yukon. However, in justice circles this ordinance has been known as the “Chernesky Ordinance”. It came about as a result of a letter written to an editor in a paper in Saskatoon. It was an attack on a MLA Chernesky, by name. The facts were not totally accurate in his letter to the editor but Chernesky did lose the next election. He sued the local newspaper on the grounds that the letter that was written to the editor, untrue in some cases, was the result of his loss. The judge would not accept the newspaper’s defence that they felt the letter had been written in good faith so the newspaper was found guilty of libel, I guess, based on the fact that the ideas presented in that letter were not the opinions of the newspaper itself.

The person who had written the letter, meanwhile, had left, gone to the States and he would not come back to Canada. Because all the newspaper would have had to do to avoid being convicted was to get that person back there to Saskatchewan, have him testify that the ideas he put in that letter were his own ideas and at the time he wrote the letter, he believed those things to be true. If that person had come back, as I understand it, and testified to those facts, the newspaper would not have been found guilty.

This ordinance will correct that real injustice to newspapers.

Mr. Penikett: I have some problem of credibility in believing that newspapers could be sued every time they print something that is not entirely accurate, because I suspect that there would be many more lawsuits floating around, judging by private comments, than is the case.

Let me just understand the extent of this protection. If somebody says something which is untrue or libelous about someone on the street; if we repeat it in this House, that remark is privileged; if we repeat it outside the House, we can be sued. If a newspaper prints it as having been remarked in this House, presumably they are still protected by simply reporting what we said.

If a person, though, instead of going to their MLA, writes a letter to the newspaper about it, the Minister is saying that previously the newspaper might have been sued if they could not get the correspondent, but in normal cases the correspondent will be sued for libel if it could be demonstrated there was any bad faith or any malice involved. That is what the Minister is saying?

Hon. Mr. Graham: That is it, Mr. Chairman, exactly. So, the onus is not on the newspaper to ensure that the statements made in a letter to the editor are those of the letter writer. You naturally assume that if a letter writer is going to go to the trouble of writing a letter to the editor, then the opinions he expresses are opinions that he does hold at the time that he writes that letter. Therefore, the newspaper’s defence will not collapse because they could not get that letter writer in court.

Mr. Penikett: I not want the Minister to think I am pursuing this for no good purpose. He may have heard that in the province to the south of us there was a political party that was writing letters of fiction to newspapers, alleging things about members of my Party, for example, MLAs of my Party. I cannot remember what it was called—Lettergate, yes, that is what they called it, in Victoria, then they were persuading campaign workers to write letters with false names or names similar to someone in the phone book.

Now, previously, presumably, there may have been some protection, because a newspaper, unless they could establish that someone lived at that address or that that was probably a real person, might have been hesitant to publish the letter, and I gather it is standard procedure in a newspaper to check the phone book and see if there is such a name at such an address, or that the address is real.

If the newspaper is now absolved of that responsibility and absolved of the responsibility of identifying, or of certifying in some way that a correspondent is a real person, it seems to me that there is an awful possibility here that certain fictitious letters, or false letters, with an author who cannot be identified, could end up in the newspaper. The newspaper is not libel and therefore feels free to publish them. The correspondent can never be identified, so you could have all sorts of malice and libel being printed in the newspapers in the Letters to the Editor page and the citizens who were libelled would have no protection, it seems to me.
Hon. Mr. Graham: No, Mr. Chairman, that does not really happen as a result of this ordinance. This ordinance does not protect the newspaper, if the person who wrote the letter is a fictitious person, it does not protect the newspaper, or absolve the newspaper from the responsibility of ensuring that the person who wrote the letter is a real person. All it does is protect the newspaper in instances where a letter writer held the opinion which he expressed in a letter to the editor at the time he wrote that letter. The newspaper's defence would not fail because they could not get the letter writer to this jurisdiction to testify to that effect. Of course, no letter writer in his right mind is going to come back to Yukon if the newspaper is being sued, because he knows perfectly well that he will be sued also. So he is not going to come back and appear for the defence.

Mr. Penikett: Just so we are perfectly clear on this then: so the newspaper still has a responsibility to ascertain that the letter is a real letter from a real person and not a piece of scandalmongering fiction or something?

Hon. Mr. Graham: Yes, that is correct, Mr. Chairman, and in my understanding, that will not change.

Clause 1 agreed to

Mr. Chairman: I refer Committee to the title of the bill, An Ordinance to Amend the Defamation Ordinance. Shall the title carry?

Some Members: Agreed.

Hon. Mr. Graham: Mr. Chairman, I move that you report Bill Number 39, An Ordinance to Amend the Defamation Ordinance, without amendment, to the Assembly.

Mr. Chairman: It has been moved by the Honourable Mr. Graham that the Chairman do now report Bill Number 39, An Ordinance to Amend the Defamation Ordinance, to the Assembly without amendment.

Motion agreed to

Hon. Mr. Graham: Mr. Chairman, I move that you report Bill Number 57, Municipal Ordinance, without amendment, to the Assembly.

Mr. Chairman: It has been moved by the Honourable Mr. Lattin that the Chairman do now report progress on Bill Number 57 and beg leave to sit again.

Motion agreed to

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

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

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Njootli: Yes, Mr. Speaker. The Committee of the Whole has considered Bill Number 61, Third Appropriation Ordinance, 1979-1980, Bill Number 45, An Ordinance to Amend the School Ordinance, Bill Number 48, Dependents' Relief Ordinance, Bill Number 50, An Ordinance to Amend the Cooperative Associations Ordinance, Bill Number 53, An Ordinance to Amend the Judicature Ordinance, and Bill Number 39, An Ordinance to Amend the Defamation Ordinance, and directed me to report same without amendment.

Further, Mr. Speaker, the Committee has considered Bill Number 57, Municipal Ordinance, and directed me to report progress on same and beg leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

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