



The Yukon Legislative Assembly

Number 34

3rd Session

24th Legislature

HANSARD

Wednesday, November 12, 1980 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

CABINET MINISTERS

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

Government Members

(Progressive Conservative)

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

Opposition Members

(Liberal)

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

(New Democratic Party)

| | |
|---------------|-----------------|
| Tony Penikett | Whitehorse West |
|---------------|-----------------|

(Independent)

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

Clerk Of Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Editor of Hansard

Patrick L. Michael
Missy Parnell
Jane Steele
G.I. Cameron
Lois Cameron

Whitehorse, Yukon**Wednesday, November 12, 1980 — 1:30 p.m.**

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

Prayers

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

DAILY ROUTINE

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

TABLING OF DOCUMENTS

Hon. Mr. Graham: Mr. Speaker, pursuant to Section 10 of the Yukon Lottery Commission Regulations, I am pleased to table the First Report of the Yukon Lottery Commission.

Hon. Mrs. McCall: Mr. Speaker, I have for tabling the answer to an oral question from the Honourable Member for Kluane.

Hon. Mr. Pearson: Mr. Speaker, I have for tabling today the answer to a question asked by the Honourable Member for Whitehorse West on October 23rd, with respect to the number of YTG employees in the bargaining unit.

Mr. Speaker: Also, pursuant to the *Yukon Act*, I have for tabling today a report from the Auditor General, on his examination of the accounts and financial statements of the Government of Yukon for the year ended March 31st, 1980.

Are there any further Documents for Tabling?

Reports of Standing or Special Committees?

Petitions?

Reading or Receiving of Petitions?

Are there any Introduction of Bills?

BILLS: INTRODUCTION AND FIRST READING

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Minister of Tourism and Economic Development, that a bill entitled, *An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980*, be introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Economic Development, that a bill entitled, *An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980*, be now introduced and read a first time.

Motion agreed to

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that a bill entitled *An Ordinance to Amend the Elections Ordinance, 1977*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Tatchun, that a bill entitled *An Ordinance to Amend the Elections Ordinance, 1977*, be now introduced and read a first time.

Motion agreed to

Mr. Speaker: Are there any further bills for introduction?

Notices of Motion for the Production of Papers?

Notices of Motion?

Statements by Ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Pearson: Mr. Speaker, I have a Ministerial Statement to make, concerning the Electric Rate Equalization Plan. As the House may recall, an amount of \$400,000 was approved in the 1980-81 Main Estimates for this program.

These funds will be expended by approximately the end of November.

Mr. Speaker: I would like to quote a few of the statistics of the program. The maximum monthly rebate per residential subscri-

ber in Whitehorse is \$9.86. Outside of Whitehorse, it is \$8.40. The average 1980-81 monthly rebate to residential subscribers has been, in Whitehorse, \$8.10 per month; outside Whitehorse, \$7.00 per month. The rebate on commercial billings outside the City of Whitehorse is 15 per cent of the gross billing for the month, and would vary depending upon the size of the enterprise and its consumption.

At the current rate, the estimated cost to administer the plan for all of 1980-81 fiscal year would be, for residential consumers \$724,000; for commercial consumers, \$177,600; for a grand total of \$902,000.

Mr. Speaker: I would like to further point out that since this plan came into effect, we have had revenues of \$4,080,000 and expenditures of \$4,807,000. Mr. Speaker, as was stated during the main estimate debate, we cannot continue to subsidize this plan. The Government of Yukon will suspend the electrical rate equalization plan for the balance of the 1980-81 fiscal year by approximately the end of November. This action will allow us to stay within the amount approved by the Legislative Assembly in the main estimates.

Mr. Penikett: I am sure the Government Leader made his statement of a moment ago without any glee and with considerable sadness at the financial circumstances which have forced him to make this announcement. He did, as he said in the debate on this year's budget, give something in the way of notice of this possibility.

I am not sure if I understand the source of the funds sufficiently well, but I understand that the problem may have derived from some federal changes in the method by which we received a share of the corporate taxation from the company involved, and that we are caught between a rock and a hard place, as those in the construction industry say.

Nonetheless, the impact of this decision will be, in a small way, a painful one, coming at this time of the year. It is apparent that, along with this, consumers will also experience an increase in the cost of power, as electrical power will go up somewhat; furthermore within the last couple of weeks we have received news that the cost of fuels will also be rising, possibly as a result of the initiative taken by Alberta in reaction to the federal budget and constitutional changes proposed by the federal government.

I understand that the impact of the Alberta decision may be not so much that our supply will be threatened, but that our supply may become more dependent on imported oil, which of course is landed here at a much higher cost than is the oil generated from domestic sources.

What this all adds up to is an increasingly unattractive energy cost picture, from the point of view of consumers and industry in this Territory. Our situation is not yet as bad as that in the Northwest Territories, obviously, but there have been emanations recently from Ottawa which indicate that the Federal Government is going to be acting fairly decisively to do something about the energy cost situation there.

The Minister, I understand, is no longer planning to visit Whitehorse this week and I may want to ask the Government Leader about that. But it seems to me that the energy picture, particularly the cost picture from the point of view of our people here, is becoming sufficiently serious that we must, with incredible energy and urgency, make the same kind of petition to the Minister on behalf of the residents here as the Council of the Northwest Territories has succeeded in doing for their people. I think the announcement today just makes the matter that much more urgent, that much more pressing.

Mr. Fleming: As you all know, I cannot really respond to something that I wish I could, due to the political situation and rules of this House. I just want it to be known to the public that I am not just sitting here because I want to sit here and say nothing about a situation like this. I would love to respond to it.

Hon. Mr. Pearson: Mr. Speaker, I appreciate the remarks made by Mr. Penikett. He is absolutely right. It was an announcement that I loathed having to make. However, it is something that we did foresee when we prepared our budget last spring. I hope that everybody really was cognizant of what it is going to mean.

Mr. Speaker: what has happened is that when this plan was put into place away back in 1969, and the subsidy scheme was thought

up, there were revenues deriving to this Government by way of income tax rebates, from the private supplier of electrical energy, the Yukon Electrical Company Limited.

A plan was put in place at that point in time with respect to those rebates. Then, Mr. Speaker, what happened, the next item in the scenario, was that an Electrical Public Utilities Board was put in place by this Government, and, no matter how you cut it, that board had an awful lot to do with Yukon Electrical's profit picture. Ergo, the income tax that they paid as a result of their profits was reduced dramatically. Also, the number of customers on the system was increasing all the time, but not all of them were Yukon Electrical's customers.

We had two things going against this plan: a drop in revenue, and an increased number of customers. The plan, as I indicated in my statement, has now been subsidized by this Government to the tune of some \$800,000. We just do not think that we can identify these kinds of funds to carry on with the plan in the future. If we were going to carry on for the remainder of this fiscal year, until March 31st, 1981, we have determined our costs to be an additional half million dollars: another \$500,000 that we just do not have.

Now, the federal subsidy plan, of 3.75 cents per kilowatt hour up to 700 kilowatt hours per month for those communities outside of Whitehorse, is still in place. Those people living in those communities will continue to get that plan. That plan has another two years to run.

We have been assured by the federal government that that plan will stay in place for those two years.

At this same time, Mr. Speaker, we are in active negotiations with the Government of Canada, with respect to a total energy plan for the Territory, wherein the emphasis of course be on the cost of electricity. So, it is not quite as dark as it seems to be at this point in time. I am quite hopeful, Mr. Speaker, that when the Minister does come to Whitehorse, he will have something substantive to say with respect to some help to the people of the Territory in answer to these rising energy costs which we just do not have any control over at all anymore.

Mr. Speaker: Are there any further Statements by Ministers?

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

QUESTION PERIOD

Question re: Constitution Committee/YTG Submission to

Mr. Penikett: I have a question for the Government Leader. The Joint House of Commons/Senate Committee on the Canadian Constitution is now sitting. I would like to ask the Government Leader if he can now state whether the Yukon Government will be presenting a position paper to that Committee?

Hon. Mr. Pearson: Mr. Speaker, as of this moment we still have not heard from the Committee; however, we have sent a telex to the Joint Chairmen, telling them that we are in the process of preparing a paper on behalf of this Government, and also emphasizing that we are hopeful that this Government will be represented before that Joint Committee, at some time in their procedures.

Mr. Speaker, we have not heard anything back yet.

Mr. Penikett: In the event that the Committee looks favourably on our application, and given the new powers of this Legislature's Constitutional Committee, is it the Government Leader's intention to have the Committee of this Legislature review the YTG position before its presentation to the parliamentary body?

Hon. Mr. Pearson: Oh yes, Mr. Speaker, no doubt about it.

Mr. Penikett: Should we be invited to go to Ottawa, and once the Committee has had a chance to review the Government's position, in the interest of achieving the impression in Ottawa of a broadly-based consensus position from Yukon, is the Government prepared to have this Legislature represented by either the committee or the Government Leader, or an all-party delegation from this House?

Hon. Mr. Pearson: Mr. Speaker, certainly the Government Leader, or the acting Government Leader, as the case may be, will be there representing this Government.

Now, Mr. Speaker, it is a question of finances and it is a moot question and one that I have not really given the consideration that I would like to give, as to whether or not anyone else or a delegation should go. First, Mr. Speaker, I want to hear from friends on the Committee, including our Senator, as to what their suggestion

might be with respect to this. If it is felt that one person can do the job, can have the impact that we are hoping will be transmitted to them, then certainly I would not be considering sending anyone else. But it is not beyond the realm of possibility at all.

Mr. Byblow: Just as a supplementary to that, I would enquire of the Government Leader whether, in the submission that is being prepared now by Government, the Constitutional Committee of this House is being consulted?

Hon. Mr. Pearson: Mr. Speaker, I must make it clear once again that it is our intention as a Government to appear before that Committee, as a Government. It will be a Government position that is being put forward on behalf of all of the people of the Territory. I am hopeful that I can get support outside of this Government for that paper. I will be actively seeking that support before it goes to Ottawa.

Question re: COPE Agreement in Principle

Mr. Fleming: In the Agreement in Principle in the COPE set-up, there is a provision for a joint planning group, representing the people of Old Crow and the Inuit, to advise the steering committee on all matters within its mandate which affect native interests. Were the people of Old Crow consulted on this matter?

Hon. Mr. Pearson: Mr. Speaker, as far as I can ascertain, no one in the Yukon Territory was consulted on the COPE Agreement in Principle; it came as a complete surprise to everyone in the Territory. There was talk that COPE was negotiating with the Government of Canada, but I think, Mr. Speaker, that at that particular point in time everyone assumed that any COPE Agreement in Principle would be related to the Northwest Territories, because that is where these people resided. It was not foreseen that there would be any Yukon participation, because there was none asked for.

Mr. Fleming: The position paper of the Yukon Territorial Government said that the special resource management zone would provide for hunting, trapping, roads, pipelines, and other development activities as required. Has the Government prepared any feasibility studies of an oil port on the North Slope, and on how it would affect this very fragile environment?

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

Mr. Fleming: Map Two in this position paper, which outlines the so-called Northern Yukon Resource Management Model, shows arrows indicating resource development and transportation corridors. What sort of development does the Government envisage for this area?

Hon. Mr. Pearson: Mr. Speaker, we do not know what kind of development there might be in that area; there has never been a resource inventory taken of that area. Mr. Speaker, we maintain that there should be. We have no idea.

We do know that there are a number of companies spending an awful lot of money drilling for oil off the north coast. Now, because they continue to drill, we must assume that they are finding something that makes it worthwhile for them to continue drilling. On the actual land mass, neither we, nor the federal government, have any idea of what potentials there might be for mineral development on that North Slope.

Question re: Radio Reception on Alaska Highway West

Mrs. McGuire: Mr. Speaker, I have a question for the Minister of Municipal and Community Affairs. Now that the telephone lines are going underground on the Alaska Highway west, residents in remote areas are not able to pick up CBC radio. As the Minister knows, above-ground telephone lines serve as radio transmitters.

My question is: does the Minister know if there are plans to install transmitters, so that radio reception may be received in the aforementioned remote areas?

Hon. Mr. Lattin: No, Mr. Speaker, I do not know, but I shall certainly take it upon myself to check and, when I get the information, I will gladly bring it back to the Member.

Question re: Energy Costs

Mr. Byblow: Mr. Speaker, the statement moments ago by the Government Leader regarding electrical rate equalization was certainly sad news to Territorial consumers, and certainly heightens the need for attention to energy costs. Very specifically, however, Mr. Speaker, I would like to address my question to the Minister of Economic Development. In view of the present review of NCP's mandate, by the Standing Committee of Indian Affairs and Northern Development, can the Minister say whether his Government is in direct dialogue with that Committee right now, over this particular examination?

Hon. Mr. Lang: Mr. Speaker, it is my understanding that the decision to review the Northern Canada Power Commission, and the various aspects of that particular corporation, was made just a number of days ago. The mandate of that Committee has not been totally spelled out, as far as I know, and I am waiting to see just exactly what that mandate is.

I would say further, Mr. Speaker, it would be our intention, once they do set a committee in motion to look at the NCPC, for us to appear at some time in the future, with respect to the power situation in the Yukon Territory.

Mr. Byblow: The Minister of Economic Development made an appeal to a federal committee on alternative energy in September, for the transfer of NCPC's Yukon operations to the Yukon Government. In fact, this follows a motion of the House last year with the

Specifically, my question to the Minister: has this Government stated a position, with respect to the debt load of the corporation that is presently borne by the utility?

Hon. Mr. Lang: Mr. Speaker, it is very clear; we do not want it. As far as we are concerned, we are paying for it, so we own it. But I would say further, Mr. Speaker, if the question the Member is asking is about that address that was given to that parliamentary committee; they were not examining NCPC, and this parliamentary committee that I understand is being formed would be looking specifically into NCPC. And as I said earlier, we are more than prepared to appear before it.

Question re: Visit of Minister of Indian Affairs and Northern Development

Mr. Penikett: We have recently been apprised that the Minister of Indian Affairs and Northern Development will not now be visiting Whitehorse this week. I wonder if, in view of the number of urgent matters which the Government Leader had intended to discuss with the Minister at that time, if the Government Leader could indicate when we may expect him to come, and when we shall first have an opportunity to talk to him about some of these urgent matters.

Hon. Mr. Pearson: Mr. Speaker, I do not intend to be here this weekend either, after Friday night. But, Mr. Speaker, I had a number of calls, I am happy to report, from the Minister yesterday. I regret that I have to advise the House that the Minister has taken a decision that he cannot come to Whitehorse this weekend.

There are a number of reasons for his not coming, and I understand that he is issuing a press release in Ottawa to the effect that he will not be here this weekend.

We discussed some of the outstanding issues that have been raised in the House. He feels very strongly that he would like to try and be in a more firm position with respect to these issues when he comes here. He has suggested, Mr. Speaker, that he would be prepared to come after mid-December and prior to Christmas. I have undertaken to cooperate with him in any way possible with respect to information — talking to him and so on and so forth — prior to then, to ensure that he will come.

So, it seems likely that the Minister will be here, I would suggest, sometime around the 20th of December.

Mr. Penikett: I would like to ask the Government Leader a question about his conversation yesterday with the Minister.

In view of the statement emanating from the Chairman of the Standing Committee, Mr. Penner, a government member, that the federal government should review its responsibility to NCPC in covering an increasing part of its costs, because they will continue to derive all the benefits from northern resource development, having been apprised of this view from Ottawa, has the Government Leader advised the Minister of Northern Affairs of an extremely contrary view held by this Legislature, on the particular question of the ownership of NCPC, and the right to derive the benefits from it?

Hon. Mr. Pearson: No, Mr. Speaker, I am reluctant to say too much about what was discussed yesterday, because, after all, it was what I consider to be a private discussion with the Minister.

This particular issue did not arise, because, of course, I had not at that point in time heard Mr. Penner say that the Government of Canada owned NCPC. That, of course, is a statement that I, and every Member of this House, I am sure, will refute every day of the week if necessary, because I am convinced that we are on solid ground on that matter. It is the people of this Territory who own the assets of NCPC in the Yukon Territory.

Mr. Penikett: We have, at least, paid for them.

Let me ask the Government Leader, without betraying any confidences he may have with the Minister, whether, given the urgency of the energy price question in the North, with winter coming on, also the question of the financial viability of White Pass, the Minister has indicated yet whether he is ready to make an announcement on either of those two questions, or is that a question that may wait until his December visit?

Hon. Mr. Pearson: No, Mr. Speaker, I would respectfully suggest that both of those questions will be topics that the Minister will be raising when he is here.

Question re: Labour Standards Ordinance and Fair Practices Ordinance/Amendments to

Mrs. McGuire: Mr. Speaker, I have a question for the Minister responsible for Manpower and Labour Branch. The question is: the recently tabled condensed version of the *Yukon Plan of Action for Women* stated that the Government recognized that two crucial pieces of legislation were seriously out of date as they relate to women. These two are the *Labour Standards Ordinance* and the *Fair Practices Ordinance*. Does the Government plan to introduce amendments to these ordinances?

Hon. Mr. Graham: Mr. Speaker, I believe that over the last year I have stated on numerous occasions that not only do we intend to table amendments to those two pieces of legislation, but they are under active consideration at the present time.

Mrs. McGuire: In preparing these amendments, will the Government consult with local women's groups as to their ideas for improvements in this area?

Hon. Mr. Graham: Mr. Speaker, I think that we have shown that, after our consultation with various groups around the Territory, for example when we introduced the matrimonial property settlement legislation, we are only too happy to follow that route, and we will be doing so also in this situation.

Question re: Caribou Herd Conservation

Mr. Byblow: I have a question I will direct to the Minister of Renewable Resources. As late as last May, officials of External Affairs and the Canadian Wildlife Service were in consultation with this Government over the proposed international migratory caribou agreement, better known as the Caribou Convention. Can the Minister indicate whether this Government has accepted the principle of an international commission, jointly regulating the conservation of northern caribou herds?

Hon. Mr. Lang: Mr. Speaker, there are some outstanding problems with it and they are being discussed at the administrative level at present time. I am in no position to say firmly one way or the other whether or not this Government supports, or does not support, the objectives of what they are attempting to achieve.

We have had a major hurdle put in the way, in the name of the COPE Agreement in Principle, which, as all Yukoners know, we are attempting to address in a constructive manner, and to resolve to the best interest of the people of the Yukon; in addition to ensure that those people who harvest the wildlife in that area will still have some assurances they can continue to do so. Later on in the Order Paper we come to the amendments to the *Game Ordinance*, to allow that to continue.

Before we take a position one way or the other, Mr. Speaker, we would like to sort out just exactly what the consequences to the Government of the Yukon Territory will be, as a result of that particular federal agreement.

Mr. Byblow: I believe the Minister is quite correct in assuming that there may very well be a conflict with the existing game regulations. One of the proposals of the Convention, Mr. Speaker, outlined in a discussion paper of April, 1980, was the granting, to the International Commission, of regulatory power for determining the number of caribou to be taken in any season. Does the Minister see this as a direct conflict with this Government's authority in game management under the *Yukon Act*?

Hon. Mr. Lang: Well, Mr. Speaker, I guess it is a question of interpretation. I would suggest it does. It is a question of whether or not the Government is prepared to go that route or would like to continue with the situation as it presently exists, with the stricter enforcement we intend to have in that particular area of the Yukon, as I stressed the other day. It is my understanding that the State of Alaska has come out against an International Agreement. If our proposal for the resolution of the COPE Agreement is accepted, then perhaps that will go a long way in resolving the situation, without any international agreement.

Mr. Byblow: I believe the Minister may have indirectly

answered this question. To his knowledge, can he say whether or not there is any draft agreement of the International Regulatory Commission at this point in time?

Hon. Mr. Lang: Mr. Speaker, it is my understanding that there could well have been twenty drafts of the proposed agreement in the last ten years. There are drafts floating around all over, the way I understand it. I just want to stress to the House that there is nothing firm, one way or the other.

Question re: Quartz Mining Act

Mr. Penikett: Mr. Speaker, the Government Leader may wish to refer this question to one of his colleagues, but I will put it to him. There is evidence that the Government of Canada soon intends to amend the *Yukon Quartz Mining Act*. I would like to ask the Government Leader if this Government has been informed of these changes, and, if so, has it responded specifically to the proposals, or any proposals made on this particular bill?

Hon. Mr. Lang: Mr. Speaker, it is our understanding that there are some thoughts about amendments. We have requested that we be given an opportunity to at least offer our advice as to what amendments should be made to the legislation, once it has been determined what areas will be opened up for discussion. We are hopeful that the Government of Canada will comply with our request. My understanding is that, at least at the administrative level, they have agreed to do so. Once we see what the proposals are, we are going to have to give our objective point of view at that time.

Mr. Penikett: To the same Minister or to the Minister of Municipal Affairs: given recent problems at the Wolf Creek Subdivision, and potential problems in other areas of the City and of the Territory, with mineral claims overlapping people's land and homes, will the Government consider, or is the Government making representations, to amend the Act in such a way that prior approval of land-owners must be given before surface rights can be exercised?

Hon. Mr. Lang: Mr. Speaker, this is definitely an area that would be discussed.

Mr. Penikett: Given that my information is that the proposed bill before Parliament does not intend to increase the outdated royalty levels, and given the previous statements by front benchers opposite, on the propriety or the appropriateness of the levels of certain royalties on certain minerals, can the Minister or the Government Leader say whether they will be making representations on this specific matter to the federal House?

Hon. Mr. Lang: Mr. Speaker, we all know who has the responsibility of levying the royalties.

As an aside, Mr. Speaker, from the information that the Member is getting, perhaps he can inform the House if the federal NDP have joined the Liberals formally, and are involved in the federal legislative programming of the Government of Canada, because we definitely do not have the information that the Member is indicating.

It is my understanding that it is all under review and we will address it accordingly. The royalties are the responsibility of the Government of Canada. It is a question of what they intend to do. All I can say is that it is too bad that they do not accrue to this Government.

Question re: Livestock Running at Large

Mr. Fleming: An easy question, an old favourite, to the Minister responsible: as we all know, there is a problem with the unwritten range laws that we have in the Territory causing certain accidents and being troublesome to many people, as well as horses, cows, and animals of every sort. Does the Government intend to come forth with legislation to alleviate this problem?

Hon. Mr. Lang: Mr. Speaker, we are in a difficult situation here at the present time, because we have a situation where people have livestock but they cannot get land. It is a very difficult proposition to put forward legislation with a herd law, when people do not have a place to put their livestock and fence it accordingly.

It has been a problem for the last five years, and it is one that is probably going to have to be addressed fairly soon.

Mr. Fleming: Due to the fact that the Government is allowing for the people in municipalities, and the boards of municipalities, to actually alleviate the problem in the municipalities, and I think that the Government intends to come forth sometime with a proposed agricultural policy, would it be possible that there will be some area in that policy that may alleviate the situation in the outlying districts?

Hon. Mr. Lang: Mr. Speaker, that possibility does exist. I think that the Member would agree that they are two separate issues. One is the allocation of land, and what would be expected of an individual if he procured that land. Yes, it could impinge a certain amount on that particular policy.

Question re: Alcoholism/Workers' Compensation

Mr. Penikett: I have a question for the Minister of Everything in his capacity as the Minister responsible for the Workers' Compensation Board.

I would like to ask the Minister, as a matter of policy, whether alcoholism is considered a disease, for the purposes of the *Workers' Compensation Ordinance*?

Hon. Mr. Graham: Mr. Speaker, I will have to take that question under advisement.

Mr. Penikett: Since it appears that it may be a matter of policy of the board, that if alcoholism is job-related it is compensable, can the Minister state whether this policy was the result of instructions from the Minister, present or former, or whether the board established this policy on its own initiative?

Hon. Mr. Graham: Mr. Speaker, if the board established a policy on its own initiative, then they did so. They did not receive any instructions from this Minister.

Mr. Penikett: I thank the Minister for his answer. I would like to ask the Minister: is it his interpretation or is it his understanding, as the Minister responsible for the *Workers' Compensation Ordinance*, that it is within the mandate of the Workers' Compensation Board to establish policy in matters such as the aforementioned?

Hon. Mr. Graham: Mr. Speaker, it is within the mandate of the Workers' Compensation Board to do what they feel is best, to enable an injured workmen to return to employment as quickly as possible, and to compensate him for any loss in income while he is unable to work due to an injury sustained on the job. That is their mandate, and as for deciding whether or not alcoholism enters into the picture, if that question has to be answered as part of their mandate, then yes, they do make policies based on that.

Question re: Haines Junction Sewage Lagoon

Mr. McGuire: I have a question for the Minister of Municipal and Community Affairs. I made a request last week, in the form of a question, regarding a cost-sharing plan on O&M charges with Parks Canada on the future Haines Junction sewage lagoon. I wonder if the Minister can now supply this Member with the answer.

Hon. Mr. Lattin: No, I have not got the answers back. When I do, I will certainly bring them in.

Mrs. McGuire: I would like to say to the Minister that this is a very serious situation; the Haines Junction taxpayers are very fearful that they, alone, will have to foot the bill on the O&M charges. They feel that Parks Canada should contribute towards expenses. I would like the Minister to perhaps promise that he and his Government will commence action on negotiations with Parks Canada.

Hon. Mr. Lattin: We will certainly take that into consideration.

Question re: Human Resources/Speech Therapist

Mr. Byblow: I have a question I will direct to the Minister of Human Resources. The need for an additional speech therapist has been lobbied by a number of concerns for quite some time. Can the Minister report whether this area of public service will be improved on shortly?

Hon. Mrs. McCall: Mr. Speaker, a speech therapist is a very difficult position to fill; it has not been filled at the present time. There is work afoot trying to get a part-time speech therapist, if not a full-time additional one.

Mr. Byblow: The Minister is saying then that additional manpower is being recruited, and that is encouraging. Can the Minister say whether the need for a psychologist's services is also being addressed?

Hon. Mrs. McCall: Mr. Speaker, the area of public health includes the mental health program; that is under the federal government.

Question re: YTG Employee Parking

Mr. Penikett: Mr. Speaker, I have a question for the Government Leader. The other day I was shown a copy of a new policy directive from the Public Service Commission to its employees, to the effect that Government workers will be charged \$8.00 a month parking fees starting next Tuesday. Can the Government Leader,

who is responsible for the Public Service Commission, and who may personally have initiated this new fee structure, indicate what the employee response to this initiative has been to date?

Hon. Mr. Pearson: Mr. Speaker, I might as well get it off my chest right now. I do not think it is an acceptable policy of this Government that they give away free electricity or give free parking to their employees, when other employees in Whitehorse have to pay for their parking.

It is a policy decision that was made by this Government, probably at my initiative, and I think it is a realistic and fair one. It just goes to show, Mr. Speaker, that we really are catching up with the times in this Territory.

Mr. Penikett: Mr. Speaker, I am afraid that the Government Leader may be catching more than time in this one. I would like to ask the Government Leader, since it might be argued that the space and the electricity involved were part of the total compensation package previously, and since it is not clear from the directive, the situation wherein an employee may only drive to work part of the year but may wish to retain his parking privileges; will it be indicated whether it is possible to buy the space for part of the year, or if they must do it for the whole year? And, if the employee does not choose to exercise their tenancy on the space they have bought, will it be indicated whether the public or other citizens may use the unoccupied space?

Hon. Mr. Pearson: Mr. Speaker, there is little doubt about it, the public should not be allowed to use the space. There is parking provided around this building for the public. We have no intention of charging the public for parking space. Mr. Speaker, an employee has an option. They can choose either to rent a stall or to not rent a stall.

If they do rent one, Mr. Speaker, they are guaranteed parking, and that is where it begins and ends. If they do not rent one, then they are not guaranteed parking; there will not be a place for them to park on this property. All of the indications are, Mr. Speaker, that we will have enough parking stalls; we have had to lease additional parking space in order to do that, but there are certainly no indications that there is going to be anything vacant.

Mr. Penikett: On behalf of the lower-paid workers in this building, I would like to ask the Government Leader if this policy extends to MLAs and to their assistants, as regards the fee schedule and the space allotments?

Hon. Mr. Pearson: Mr. Speaker, now I am not absolutely sure, because I cannot recall what happened in respect to the MLAs, but I know that it is something that I did raise with the department when they were putting the policy together. I also know, Mr. Speaker, that I indicated that members of this front bench who work in this building and who are required to park in that lot will be treated exactly the same as everyone else in the building.

Mr. Speaker, I believe that it is intended that free parking for MLAs will be made available when they are in Session.

Question re: Faro's Priority Needs

Mr. Byblow: I have a general question for the Government Leader. It is with respect to the appeals from my riding for a greater commitment from this Government towards what they consider their priority needs.

I would like to just simply ask the Government Leader if he is planning any statement to assure my constituents that their stated concerns are being heard and addressed by this Government.

Hon. Mr. Pearson: Mr. Speaker, I am going to have to assure the Honourable Member that we get these concerns, albeit not as loudly or as publicly, from every constituency in the Territory.

Mr. Speaker, we have tabled our proposed Capital Budget for 1981-82 that outlines our priorities.

We are in the process now of putting together our proposed budget for Operation and Maintenance for 1981-82, and we intend to table that budget in this House in the Spring. That, too, will reflect priorities.

Mr. Speaker, I want to assure the Honourable Member that we have heard very clearly what has been said from his constituency, and we will certainly be considering everything that they have said. The Honourable Member must realize that we get these kinds of submissions, if you will, from every community in the Territory, and that, hopefully, is what we base our priorities on.

Mr. Byblow: I shall not enter into debate with the Government Leader, Mr. Speaker. I would just like to direct one supplementary to the Minister of Municipal and Community Affairs. Can the Minister indicate at this time whether his department contem-

plates any completion of engineering studies on the Faro access road next summer?

Hon. Mr. Lattin: Mr. Speaker, most of it is done, a great majority has been done. There is very little else to do. I think when we find the money, which is the problem, that the Member should realize, that we would finish the study at that particular time.

Question re: Public Hearings

Mr. Penikett: I have a question on Government policy for the Government Leader. Does this Government believe, as a matter of policy, in the public participation process, regarding decisions on major development proposals for the Territory?

Mr. Speaker: Before answering the question, here again, we are getting into questions asking opinions about Government policy, which is in fact an abuse of the rules of the Question Period, as you would find in annotation 359 of Beauchesne. In this instance I will once again allow the question to be answered, but the Minister is not bound to answer it.

Hon. Mr. Pearson: Mr. Speaker, I am afraid I cannot answer it in any kind of substantive way. It is sort of like asking me whether I am opposed to motherhood or whether I agree with motherhood. Of course we are very cognizant of public participation and public input. We want it.

Mr. Penikett: I would like to thank the Government Leader for his answer, and I was planning to ask him about motherhood next week. In view of the fact that the Environmental Assessment Review Panel planned, almost two years ago, to continue its public hearings, once Foothills had done its homework and had come back with sufficient information for a thorough view, has the Government Leader had occasion to reconsider his previously stated opposition, I believe just last week, to further public hearings, should they be necessary?

Hon. Mr. Pearson: No, Mr. Speaker, I have not had any reason to reconsider the statement that I made. I am of the strong opinion that this Territory has been studied to death with respect to that pipeline; that it is time that the studies were over and done with; and that the substantive work should get started.

Question re: Teslin/Weigh Scale

Mr. Fleming: Mr. Speaker, I have a question for the Minister of Education. The Minister has indicated in the past that there was a possibility of a weigh scale being put in, somewhere this side of the Cassiar cut-off. Because Teslin is, I believe, the first town on that route; and because it would be a small boon to those people to have an employee, perhaps two, there, among other things; is the Minister considering Teslin at all in this situation?

Hon. Mr. Graham: Mr. Speaker, in our efforts to improve the control of trucking in the Territory, we are looking at several alternatives. The weigh scale proposal at Teslin is one of those proposals. We are considering it, along with a couple of others. When the Cabinet eventually makes a decision, I will be only too happy to inform everyone.

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

ORDERS OF THE DAY

MOTIONS FOR THE PRODUCTION OF PAPERS

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

Mr. Speaker: Is the Honourable Member prepared to deal with item 1?

Mr. Penikett: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Campbell, that the long-range wildlife management planning document entitled "Towards a Future for Yukon Wildlife", which was produced by the Wildlife Branch of the Government of Yukon, be tabled in this Assembly.

Mr. Penikett: Mr. Speaker, the intent of this motion should be quite clear to the Members of the Assembly. The document in question has been the subject of questions in the House, which I have put to the Minister this Session. Back in June I wrote him a letter asking for the document, but apparently it was not until quite recently that this two-year old paper was available to him.

The Minister said a few weeks ago that he would think about releasing it, once he has read it. It is my sincere hope that he has now had a chance to look at this thing and has come to a favourable

decision.

I feel quite strongly, and I am sure that the Minister agrees with me, that wildlife is a very precious resource to the Yukon. As the Minister newly responsible for this resource, I hope that he will be encouraged to see the most wide and open public debate on policy surrounding its management.

This is the one Yukon resource now under absolute control of this Government; though not absolute control until recently.

It does symbolize our wilderness. Without wildlife, obviously we would have no wilderness, and without wilderness, what would Yukon be, in terms of its tourist potential and allure for the people not only of Canada, but of the world. To most people, I think the wildlife in Yukon and the wilderness in Yukon are synonymous. I think that it is a very common perception.

Most Yukoners go to bed each night knowing that there are thousands of moose and bears, caribou and lynx and beaver, and all kinds of animals out there, roaming around, and living off the land. I think it is a good feeling, a satisfying feeling for people here. I am sure it is a large part of what goes towards making up people's perceptions and images of themselves as Yukoners.

We like to boast about our wilderness here, especially to our friends in the south, and in many cases, it is the one thing that we can speak with pride about, which many people in southern Canada have lost. The loss of our wildlife would obviously be a travesty. Not only would we lose the animals, but we would lose the opportunity to go into the bush and see them or hunt them for meat; we would lose something else, one of those great intangibles; an essential quality of our life here in the Territory.

Now, I am not suggesting, Mr. Speaker, that if we do not do something dramatic today about our wildlife that we would lose it all, and we will lose it altogether, forever. What I am saying is that we must certainly have a long-range plan for wildlife management in the Territory, or we could lose a great number of animals and perhaps even some species. The sizeable populations that now exist could be reduced to remnants; some already have been, through no fault of our own, but this is a great danger that we must frankly face as Yukoners.

What are we dealing with here, anyway? While we may boast that our wildlife resource is bountiful, how bountiful is it, really? How productive is the land in terms of wildlife? Well, from what I have learned, it is not all that productive. Yukon is obviously a relatively tough place to live.

We all know that our moose, our caribou, and our bears are the largest of their kind, and that this is a product of the ecology of Yukon, but because they grow to a larger size, does it follow that there are more of them? Of course not. Life out there in the forest and the tundra is not easier. It is hard.

Our land is not a jungle or a prairie, it is not that productive. Our climate is generally severe. We do not get that much precipitation, and our soil capability is very poor for growing, in most areas. Feed for wildlife is not nearly as abundant as it is in other areas of Canada and the world. Because of this and the general harshness of our climate, wildlife productivity is low. In fact the standing populations of wildlife are ten to eighty times lower here, per unit of area, than in some parts of southern Canada.

Populations recover slowly, especially after they have been wiped out, or nearly wiped out. Take for example, the Forty Mile Caribou Herd. Whatever happened to it? When is the last time anyone saw 100,000 caribou crossing the Yukon River? When is the last time anyone saw huge numbers of these animals migrating through Mayo, or Watson Lake, or Carcross, which takes its name after the great caribou crossings that used to take place there? What happened to these herds? Does anyone know?

I believe, Mr. Speaker, before bringing more species in the Territory, such as importing large numbers of elk, which the Minister said was still an open question to him biologically, we should, at least in my view, do an oral history study to find out where the old caribou herds went. It is probably not possible to do a strictly scientific study now, but it seems to me an oral history study, going back and talking to some of the old-timers who lived in those areas and who watched the decline of those herds, would furnish some important information about those herds and those species, which would enable us to do a better job of managing the remaining herds.

I am obviously not a biologist, Mr. Speaker, but common sense dictates that the future of our wildlife does, in a large part, depend on our knowledge of its past; the past in terms of greater than the few years that most of us have been here or the one or two genera-

tions that we can remember.

Animals in Yukon obviously require large areas to survive, in which to seek food and shelter. Grizzly bears, we have heard are particularly sensitive to human intrusion into their range. A northern grizzly I understand, requires up to several hundred square miles if it is to live.

Any species of wildlife is, as I said, physically strong and impressive on sight, but they are ecologically fragile. They exist in a sensitive balance of the elements. Many, in fact, are what biologists call "nutritionally stressed". I guess that means that they have a hard time finding enough to eat, and existence for them is on the borderline of starvation.

Not many people, Mr. Speaker, know these things as a matter of course. All they know is that right now there are lots of animals out there for the taking, and they think, because the moose they see are big and strong, that life cannot be so tough for them out there in the wild.

Unfortunately, Mr. Speaker, hardly anyone is going to hear my speech today. Not everyone is going to realize this, and I guess it is part of an MLA's job to do his or her best to let their constituents know these things. But I feel it is also the Government's job to do this. I am sure that the Government is trying, but I would like to see a lot more education going on about our wildlife resource. I think that the releasing of this document, as proposed today, is one way to get people interested; one way to get people discussing the topic; getting them concerned; getting them engaged in the issue. I think the more people we get involved in the discussions with our Wildlife Branch, with the politicians, I think the greater chance we have of coming to realistic solutions to some of the problems that have been identified.

As I said earlier, it is not just a danger for the animals but for ourselves as well, for our quality of life. Something inside us right now that feels pretty good, that peace of mind that goes with knowing that that land and those animals are out there. I believe that some time ago the Member for Tatchun was speaking eloquently to me, about the joy of being able to drive that distance from his constituency into town here, surrounded by the obvious beauty even on that stretch of road, and how much that means to all of us who live in the Territory.

Many species of wildlife, as I have said, are physically strong and impressive on sight, but they are ecologically fragile. They exist in a sensitive balance with the elements. Many in fact are, as I have said, what biologists call "nutritionally stressed". I ask, "Do people care about this question? Do they know what is going on?" I am not sure. I can say, with no doubt whatsoever, that people do care about our wildlife, Mr. Speaker, not just from an individual point of view of where next year's moose will come from, but generally people do care. Whether they are those whose livelihood depends directly on the health of the resource; be they trappers, big-game outfitters and guides, or people in the tourist industry; wilderness travel; outfitters, whatever, whether they are Native people who depend on the resource not only for food, but for their cultural life as well; or non-Native hunters, who count on a moose for their freezer each year, to help them make ends meet.

We all care. When people care, they have opinions. They demand information, so that they can continue to make informed judgments. Last of all, they want to be heard, and the only way anyone will listen to them is if they know that they can speak with confidence, if they have informed opinions on the subject.

Now, I believe this Government has taken a good step towards creating more dialogue between the various users of wildlife — be they consumptive users or non-consumers, who nonetheless use the resource by enjoying it in other ways — by the creation of the Wildlife Advisory Committee. It is working on various problems, from what I hear, and I wish them success. It is a big job they have before them.

But from what I have heard about the document I wish to see tabled, it would be a good source of information, not only for the Minister, his deputies, and the people in the Wildlife Branch, but it would be a good document for the Wildlife Advisory Council to have, and a good document for all interested members of the public to see.

I would like to see copies of it in the libraries around Yukon. It would help us all understand the problems before us as Yukoners in dealing with issues concerning the only natural resource in the Territory that this Government controls.

I understand that the document recommends a vastly increased expenditure for the Wildlife Branch and wildlife research and

management. Make no mistake, Mr. Speaker, I, and my party, would support that: we are strong advocates of Government investment in services to peoples, such as day care, education and other social services. But we also place a great stake in the status of our wildlife resource here in the Territory.

Now, I know this Government will argue that it costs a lot of money to do things, and that when you look at helicopter time and the salaries and facilities and satellite imagery, and all the other costs associated with the modern day wildlife research and management, this expenditure just cannot be afforded. But let us look at what it costs for a minute.

This year, the budget for the Wildlife Branch is \$1.7 million, or thereabouts, but it is less than two per cent of the entire Operation and Maintenance budget. Of that, the Government expects to receive almost \$400,000 from game licences and fees and that is a pretty good ratio. Actually, when it comes to government spending, few departments can say that a quarter of their budget is paid for out of the direct kinds of revenue that can be identified, such as in this branch.

But let us look at these fees, because I think the fees themselves ought to be the subject of some public debate. It cost a resident hunter only \$10 to get a licence to hunt. That is for big game, small game, and game birds. It costs them \$5 to get a moose seal, so it costs you and me a fee to the government of \$15 to hunt and to get a moose. If anyone is serious about hunting a moose, Mr. Speaker — and I am sure that \$25 hunting licence, for example, or a \$25 seal fee would not be too hard to take for most people. What is more, people would probably be glad to pay, if they knew that more money was going toward better and more game management in the Territory. They would know that they would be paying for the future secured supply of the resource they utilize.

What about non-residents? Let us look at their fees. An American or European hunter is required to pay \$150 for a hunting licence. I know it was increased recently, but maybe we should take a good hard look at whether it is enough. The arguments about trophy hunting will of course go on for years, about whether it is a good thing, or bad thing for wildlife, as fellow creatures which inhabit the earth with us, and more importantly whether it is a proper use of our resource: its employment uses, its general contribution or value to our economy. But one thing we can be sure of: the cost of outfitting — when you compare the value of the Canadian dollar to the value of the European or American currencies, a non-resident hunting licence could cost a thousand dollars. I do not believe it would make that much difference to the pockets of the people who are already putting out thousands of dollars to come here to hunt and kill our game.

The same with seal fees: I can see for administrative reasons, the same for resident and non-resident hunters. It is the trophy fees that are our way of taxing non-residents for the use of our wildlife. Right now it costs them \$50 for coyote, \$75 for a black bear, wolf or wolverine, \$150 for a moose or caribou, \$200 for a mountain goat, \$250 for a mountain sheep, \$500 for a male grizzly bear, and \$750, the most expensive, for a female grizzly.

To me, most of them seem somewhat low. It seems to me that a moose with a good rack is worth much more to a trophy hunter than \$150. It seems a small price to pay, and an inadequate return to the stewards — ourselves — of that resource.

It seems to me, Mr. Speaker, that were the Government to increase fees, not only would it offer greater sources of funding for wildlife management, but it would also demonstrate, to the powers that be in Ottawa, our responsibility over the one natural resource that the *Yukon Act* allows us to control. I believe, and I have said this before, that the best argument that can be made for more responsible Government in the Territory, for more control over resources here in the Territory, is a convincing argument based on practical experience of the good management job we have done of the resource that we do control now. It seems to me that such an argument is much more persuasive than one based on theoretical promises or projections or promises, about what we would do if we had control of resources we do not control. As I have said, I think the best argument can be made is one that is demonstrated by and based on its own actions.

The value of the animal — if one looks at the argument put forward by the head of the Fish and Game Association following a recent and well-publicized game offence trial involving an American hunter, sheep are not worth \$250, but more: thousands of dollars, maybe \$10,000.

This is another area I would like to touch upon. Now, I realize that there were particular circumstances involved in that case,

which a judge takes into consideration when sentencing, and I do not want to belabour them now. I believe in any case that my gut reaction was probably the same as most everyone else's: that a \$100 fine was much too low. Of course, the judge must look at the law as well, but I would serve notice that I would look very carefully at supporting increased penalties for some game offences.

I am sure the Minister and other Members here may be aware of the case where an over-enthusiastic enforcement officer has come down pretty hard on a local hunter for some relatively minor infraction of the game laws. On the other hand we have to make sure that we can discourage wanton abuse of our natural resource by uncaring individuals. I am not sure what can be done in terms of re-writing our game offence penalties — I doubt we can have one set of laws for residents and another for non-residents — but I do wish the Minister luck in addressing this problem, and I do wish we could have a much more open and rational public discussion about the issue, based on a fairly wide dissemination of whatever information is available in the Department to facilitate such discussion.

Probably the threat to our wildlife is not as great, from the occasional American or European hunter, but the threat to the habitat of our wildlife. After all, if the habitat is made unproductive, there will be no animals or trophies for either the resident or the non-resident. The biggest problem Yukon faces here is the lack of control over wildlife habitat. The federal government owns the land and makes most of the decisions affecting it, while YTG is supposed to make solid wildlife management decisions involving the same land and the animals it supports.

The bigger question is not one of control but one of development. For most, or for each new use of land, be it in agriculture, mining, hydro dam reservoir, human occupation, tote trails, roads, air strips, whatever, brings a threat to the productive wildlife habitat. Not all the developments will wipe out a species or a large number of animals. Some obviously have serious potential to do just that, and that is what we must especially guard against.

I think, I believe, that this Government must embark upon a program to, in effect, set aside critical wildlife areas from development. Now, I know this Minister may find this objectionable, because I know he feels that there is not enough development per se in the Territory and he would like to promote much more of it, but I have also heard him say that he believes in a balanced approach to development. Well, if this is the case, it is time, I think, that we started to give proper weight to wildlife, on the scales by which the development versus wildlife issues are assessed.

I am not asking him, Mr. Speaker, to rule out every plan that comes his way as the Minister of Economic Development; I, for one, would not be that absurd. That would get us nowhere.

I am asking him, as Minister of Renewable Resources, to at least identify certain areas of the Territory where wildlife habitat should not be disrupted and also the reasons why, so that he as the Minister of both of these important departments, Economic Development and Renewable Resources, can at least have the knowledge necessary for intelligent decisions.

It is fairly easy to assess the economic benefits of a project, because the corporation in charge of it usually offers it quite readily, but there is always a big gap in knowledge when it comes to wildlife. I think he should, for the sake of industry, the wildlife and the people of the Territory, embark upon a program of identifying environmentally significant areas; so that industry, the government, and the people can weigh the merits of decisions to be made in the future. Ideally, we should have no problem with being committed to setting aside certain critical wildlife areas, be they for migrating birds, moose, caribou, falcons or whatever, but we must take that kind of action now, before it is too late.

That alone may be inadequate, for each new intrusion into wilderness areas can constitute a small destruction of the wildlife habitat. Our wildlife could disappear slowly, silently, invisibly, but equally as surely, bit by bit, square mile by square mile.

Let us take the situation in northern Yukon for a moment, because we have been talking a lot about that recently, the home of a thriving population of caribou, the Porcupine herd, one of the few remaining homes of the rare Peregrine Falcon and the Gyrfalcon, one of the best habitats in terms of sparse humanity for the Barren Ground grizzly bear.

This Government maintains the Dempster Highway in the winter, which has given us access to this very sensitive area, a highway which cuts across the migration routes of the caribou herd. This Government has been lucky so far. From what I hear, the herd

has crossed the Highway this year, but who can say why and what would have happened if there had been traffic on the Highway at the same time. Can we have it both ways? Are we listening seriously to criticism that came recently, for example, from Alaska, which suggested that the greatest threat to that herd may be the Highway? Can we have Dome Petroleum spend \$40 billion in the next decade, developing the oil resources in the Beaufort Sea, using the Dempster, and now, we hear from the Government's last paper on COPE, another road through the same habitat on a year-round basis, and expect the herd to flourish?

We would all like to have it both ways, Mr. Speaker, but I have my doubts if that kind of expectation is realistic. Not one migratory caribou herd in the history of the world has survived the impact of a major transportation corridor through its range. Right now, the Porcupine herd is in good shape. I understand it is in the best shape of any herd like it in North America.

Will it be that way five or ten or fifty years from now, if we allow the northern Yukon to be opened up to development in the same ad hoc way as development has gone on in much of the west of Canada? We have to ask the question: is there no place on this earth, no place in Yukon, that can be free from this kind of "development" as we call it, where wildlife can live and thrive as it always has before we came along?

It seems to me this Government has its eyes on oil and gas royalties, on a resource that it does not control, and in waters that are controlled by the Government of the Northwest Territories, while it could be ignoring the one resource for which it is responsible now, the wildlife. I believe there is an expression about a bird in hand being worth two in the bush, which may contain a message for us all on this subject.

What else is going on out there with the caribou right now? One night recently I was sitting at home watching CBC, and here was this special on northern Yukon and the Porcupine Caribou Herd. And a nice looking couple, John and Janet Foster, were out there doing their film thing, and they see this calf get separated from its mother, so what do they do. They run around and try to find its mother, chasing and disturbing all kinds of other caribou with a helicopter in the process, and end up showing us the re-uniting of the calf with its mom. From what I am told, the cow was not even the calf's mother in the first place and they even admitted on TV that what they had done was probably quite illegal.

Now we have all this going on and what is the Government doing about it? It is, of course, extremely difficult, even though we are going to be putting a resource management officer, a wildlife officer in the area, to police what is going on in an area that large. I am sure this kind of TV program which I was just mentioning is an indicator of the kind of difficulty there is with effective wildlife management in the Territory. What I am getting at, Mr. Speaker, is that these things happen, and there is not much we can do about cases like that. But there are things that we can expect to have some control over. There are cases where we can do some good for the wildlife: something positive and something preventative, instead of something after the fact. We can make sure the Territory's wildlife is not whittled away, whit by whit, bit by bit. I am sure that one of the best ways to do that is to ensure that we have an informed public.

In closing, Mr. Speaker, wildlife is the one, the only Yukon natural resource that this Government is totally responsible for.

Mr. Speaker: Order please, I believe that the Honourable Member has strayed away from giving the reasons why he is looking for the document. I cannot determine from the Chair if this relates to why the document is being asked for. What I am hearing, from the Chair, is a speech about game.

Mr. Penikett: I am near the end of my argument for the presentation of this document, if you will bear with me for a moment.

In closing, Mr. Speaker, as I said, wildlife is the one issue which we are responsible for. It symbolizes what Yukon is all about. Perhaps the debate about it gets too emotional sometimes. But I think the best thing the Government can do at this stage is to increase the dialogue between itself and the public, on this important, sensitive topic. It has started with the Wildlife Advisory Committee. I believe we should continue with that kind of progress. Let us get more people talking from a common basis of information about our wildlife; let us start, as a Government and a Legislature, acting more responsibly, by raising more revenues; raising the issues about wildlife management; some of the issues raised in the document that I mention; so that we can have an informed public and so that we, as legislators, after hearing from that informed

public, can make intelligent decisions about the management of this precious resource.

Hon. Mr. Lang: Well, Mr. Speaker, I do not think I will be as mean as the Member opposite. I am not going to talk for half an hour; I will try to keep my comments short and to the point.

First of all, Mr. Speaker, the document that the Member speaks of was completed in 1977. As I indicated, I have not totally and completely reviewed it myself, nor have I had discussions with the department with respect to that particular document. I have completed reading it and I intend to discuss that particular document further with the department; not the document itself, but I think the important aspect is the updating of the information that is in that particular document.

I would say, Mr. Speaker, that I do have reservations about releasing internal administrative documents because, all of a sudden, everybody automatically assumes that it is Government policy. That is not the case, Mr. Speaker. The policy that comes before this House generally comes forward either as a White Paper or as legislation, and we are not at that point at the present time. I have indicated to the Member opposite that it is our intention to bring in a major re-writing of the *Game Ordinance* sometime next year, I hope in the spring, so that we can have better laws put into effect than those we presently have.

I do have to take to task, Mr. Speaker, the implication that this Government is not doing anything about the wildlife resource in the Territory. The Member already indicated that, with the Advisory Council, we are making some progress with respect to public participation. I would like to think that that will broaden as time goes on.

I think it is important, Mr. Speaker, that information provided to them be accurate and be up to date, and that is why I cannot agree with this motion at this time. I feel the particular document in question should be updated, so that we are talking about 1980, not four years ago and what was then.

The other point I think that has to be made, Mr. Speaker, is that there has been a lot of work done over the course of the last two years, since the General Development Agreement was signed, addressing the problem that the Member spoke of in respect to the biophysical sense of the Territory. A lot of work has been done and I am looking forward to see what the results of that work are: whether it is going to provide us with the necessary information to, perhaps as the Member indicated, set some areas aside if necessary, if it is critical, as far as the wildlife is concerned.

In respect to the Dempster Highway and the caribou, Mr. Speaker, I think we have been very responsible with the decisions that have been made concerning the opening of the Dempster Highway. We can argue the pros and the cons of the Dempster Highway here for hours, but it would appear to me, Mr. Speaker, that as the Member has indicated, the caribou have crossed the highway or at least a large portion of them have, at least that is my understanding, and with no noticeable effect. Now, that is being studied at the present time and we will see what the implications of that are, and perhaps we may have to change some of the rules in respect to the traffic on the highway and the traffic pattern, depending on how things come out.

But, Mr. Speaker, I think that a lot of work has been done. I would have no objections, Mr. Speaker, at a later date, to tabling an updated version of the document in question to give a more informative viewpoint from the Government, but I am not prepared to, at this time, until I feel that it is done in a satisfactory form in areas which reflect Government policy, will be Government policy, the remainder of the information.

Mr. Fleming: I am going to rise in support of the motion, because I did second it and I have a little different philosophy on some of these things. I will not be speaking so much about the game, but the very fact that any studies, policies, papers, and documents that come into the Government's possession usually cost us, the people of the Yukon Territory, taxpayer dollars; and many, many of them. Any of these types of studies, et cetera, I feel should be tabled and should have been tabled long, long ago.

If, for some reason, the Government finds something wrong with what they have bought and paid for - and perhaps paid for three or four times over - I think the thing to do is to bring it out in the open and let us have a look at it. Maybe there will be some dialogue on it; maybe we will come up with some answers as to why these things are not the way they should be.

I feel that this is probably the case in this department; it was not to the liking of the Government or it probably would have been

tabled a long time ago. I will not be speaking any more on it.

I will be supporting the motion. I just hope we will not have to wait for ever for the updating of it, while it costs us another million and we just keep waiting and waiting forever and ever.

Motion negatived

Mr. Speaker: We will proceed to Motions Other than Government Motions.

Mr. Clerk: Item number 1, adjourned debate, the Honourable Mrs. McCall.

Hon. Mrs. McCall: Next Sitting day, Mr. Speaker.

Mr. Speaker: So Ordered.

We will then proceed to Government Bills and Orders.

GOVERNMENT BILLS

Mr. Clerk: Second reading, Bill Number 49, standing in the name of the Honourable Mr. Pearson.

Bill Number 49: Second Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Minister of Tourism and Economic Development, that Bill Number 49, *An Ordinance to Amend the Income Tax Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Economic Development, that Bill Number 49 be now read a second time.

Hon. Mr. Pearson: Mr. Speaker, the purpose of this amendment to the *Income Tax Ordinance* is to provide for the judicial resolution of disputes between Yukon and Canada relating to the agreement with respect to the collection of income taxes.

Now, Mr. Speaker, subsequent to our giving first reading to this bill, we have had further information from the federal people involved in our income tax collection, and they have requested that we consider another two amendments to the ordinance.

I have distributed copies of those amendments, Mr. Speaker. One of them will repeal the two interim sections that were required for the transition from federal income tax to Territorial income tax. The other amendment, Mr. Speaker, is one that will be of benefit to Yukon generally, in that we will be able to get our share of the taxes, in respect of all individuals in Yukon, for the year 1979, for the total year, irrespective of when their business year might happen to end. The original formula in the agreement, at paragraph 4(d), outlined a pro-rating formula, and the federal government has now, at this late date, agreed with us that that is not fair, and that we should be the beneficiaries of the tax collected for the total tax year of 1979.

Mr. Byblow: I certainly do not think there will be any objection with the introduction of this particular bill; the creation of the appeal process is certainly a necessary one.

The amendments, as the Government Leader has indicated, are certainly going to be an improvement to the revenue retention capability of the Territory. Certainly when we are talking about income tax and corporate tax, any improvement of that source of revenue is going to enhance the Territory's ability to afford its way.

It would have been good, Mr. Speaker, if there had been a method by which this bill could have brought in some improvements to what has been created by the old bill, on the federal tax incentive scheme. I think the Government Leader has, through previous debates and in Question Period, explained quite clearly that there is no opportunity, in fact, to amend this. I believe that the problem emanates from a situation where the federal tax incentive schemes are not applicable to the Yukon portion of the tax.

I am sure that all expertise will, in the future, address this particular concern.

Certainly, there will be very little to object to, seeing these amendments come into place.

Motion agreed to

Mr. Clerk: Second reading, Bill Number 59, standing in the name of the Honourable Mr. Graham.

Bill Number 59: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 59, an *Ordinance to Amend the Matrimonial Property Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Hootalinqua,

that Bill Number 59 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, the reasons the Government has decided to amend the *Matrimonial Property Ordinance*, instead of creating a new support ordinance, are quite simple. We wish to avoid confusing terminology in the two bills, and it is also very convenient for us and for law-makers in the Territory, people involved in law in the Territory, to keep our family law ordinances in one place.

We have followed the same basic principles, Mr. Speaker, in this Ordinance, as we have in the *Dependant's Relief Ordinance*, which was passed just recently in the Legislature. Those principles are: persons who have the responsibility for dependants should pay to support those dependants. The dependants should not be the responsibility of society. The second principle is that a judge who decides the case should have the discretion to promote the independence of the dependant spouse.

Mr. Speaker, this amendment is in keeping with the promise that I made when the *Matrimonial Property Ordinance* was passed. I assured the Legislature at that time that this Government would introduce support legislation as quickly as possible and we have done that.

I would also like to assure everyone that our efforts in this field and in the field of family law and support will not cease with the passage of this bill.

Thank you, Mr. Speaker.

Motion agreed to

Mr. Clerk: Second reading, Bill Number 60, standing in the name of the Honourable Mr. Graham.

Bill Number 60: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that Bill Number 60, an *Ordinance to Amend the Yukon Council Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member of Justice, seconded by the Honourable Member for Mayo, that Bill Number 60 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, this bill very closely follows the report to the Standing Committee on the same subject.

Mr. Penikett: I would have thought that the Minister would have been a little more eloquent, as the Chairman of the Committee, than that. I am sure that, had he been here, we would have heard a lot from the Member for Riverdale South. However, I gather many of his concerns in connection with the bill were met the other day by the Government Leader's statement that his rules for Members of the Executive Council would continue as they presently are, and that the rules proposed here would be the baseline for Members of the Legislature. If that is not the case, I hope we will hear from the Government Leader.

I must say that there is going to be a lot of public discussion about this thing, I would guess, once it is passed. There is, I think, a widespread view that the previous rules were too tight, too tough. There may be, depending on how the press interpret what we are doing, a perception that we have gone too far the other way in some quarters, and that the pendulum has not yet found a proper middle ground. I guess only time will tell on that subject.

I must say that I am not as equipped as other members of the Committee might be to speak to the issues that really caused this matter being referred to the Committee: namely the problem of small business people, entrepreneurs particularly, being able to qualify to stand for office, to hold office, or receive the offer of going into the Cabinet, if such an opportunity presented itself. The one aspect of this bill which I think I had some input to, which I am particularly pleased about, is the recommendation that will allow a Member of the Legislature to be a casual employee of the Government, and I do want to say a couple of words about that. I think it is an innovation. It is different from the law as it operates in most other jurisdictions.

Like the other proposals here, it arose because we are such a small place; we have such a small population. If you look at the legislatures across this country, you will find that they tend to be top-heavy, with lawyers particularly. Lawyers may not find the kind of income they receive as an MLA attractive enough here to want them to run, or they may not stay here long enough — I do not know what the reasons are — but we have not had a lot of lawyers around and even fewer of them have been elected over the years.

There was another group of people, who are quite often seen in the legislatures across this country, and they are people who might work in Human Resources Departments but actually do not work

for the provincial government, they work for a social planning council in a large city; or they may be an employee of a local health unit; or they are teachers who, in other places, work for school boards; or they may be heavy equipment operators who work for a county or a municipality. In this Territory though, because of our small size and the simplicity of our government structure, they work for the Territory, and therefore, in the past, have had a great deal of difficulty earning income as legislators when they were out of session. It seemed to me that that was unfair. If the rules for businessmen were unfair, then I am almost sure that the rules for people whose skills were such that they could only be employed in the public sector in the Territory, were much more tough.

I am glad to see this provision which will allow a Member of the Legislature - and there may be a number here today, or people who will be candidates in the future - to be able to work at their professions, at their career, at their occupation in a job with the only employer in those fields or occupations between sessions. It seems to me that that is only fair, it is only reasonable. Not to do so denies this Legislature access to a talent pool which, in the small communities, is important. It removes from eligibility for office some of the best educated, best qualified, and most experienced people whom we could call upon to serve here. That is a pity.

I will not go on at length, Mr. Speaker, given the previous admonitions against my verbosity, but I did want to say something about that particular point. This may not be the perfect answer to a difficult problem but I hope it is at least an improvement on the previous situation.

Mr. Byblow: I have had a chance to review the Standing Committee Report, as well as this legislation, and I certainly would like to agree in principle with the central thrust of this legislation. I think the thrust is very well intended; that the Assembly's governing its own affairs is a professional position. If we consider ourselves capable enough, then certainly we should be successful with this.

I too, like the previous speaker, note the major break-through in the area of casual employees of government being permitted to be members of this Assembly, or vice versa. Certainly, at a personal level, Mr. Speaker, that has some significance to me. Perhaps I might be very well employed between the House sittings.

I do have one concern, Mr. Speaker. It is related to the aspect of disclosure, which is a principle of this legislation. It concerns itself with government contracts. I fundamentally agree, Mr. Speaker, with the principle of disclosure, but I have some problem as to whether we ought to be permitted, without some strict restrictions, to benefit directly from government contracts.

Aside from Cabinet Members — who must divest themselves, and it is agreed and understandable — I have some difficulty whether we should be permitted, by our associations, our knowledge of information, our privileged status around government departments, to bid on contracts. I will have a number of questions in Committee stage, but I do have the concern that we, as Members of the Legislature, should not only be prevented from having an advantage in that respect, but neither should we even appear to have an advantage.

I think the Committee report made the point, and I am sure that in the appendices and the correspondence that was attached to the report, the situation was pointed out, where you might, by virtue of being the only available contractor in our small communities or the only available service person, be forced, by circumstance, to take the government contract. Now granted, disclosure would avoid any conflict of interest and the case could be addressed on its own merits and this could very well be acceptable, but I do have some question about throwing open the entire field of government contracts, without either a ceiling on the amount or constraints over privileged information, and how do you really measure that? It is something I have some difficulty with and I will certainly hope to get some answers during committee work.

I think those that, for we who have made the choice to enter the political arena, it must be emphasized that we should not be in any position of gaining advantage by virtue of our office. With that, I certainly will not be opposing any portion of this, at this stage; I will have questions in Committee, to be assured that, as the previous speaker has said, we are not permitting the pendulum to swing too far, and inviting problems.

Mrs. McGuire: I rise today to speak on the *Ordinance to Amend the Yukon Council Ordinance*, as it relates to the report, in reference to this report, which for various reasons I do not concur with.

Mr. Speaker, as you well know, the Standing Committee on

Rules, Elections and Privileges started out — perhaps I should say for the record that I am also a member on that Committee — to modify an obviously rigid set of conflict rules to which MLAs and Ministers were bound.

Mr. Speaker, what we have now done, according to the report, is thrown open the conflict of interest regulations so that there now are no means of constraint whatsoever that say that an MLA or a Minister cannot do anything that an average citizen can do. That is where my complaint is. Other than the single exception of public disclosure, that is the only constraint that I can find in the report.

Mr. Speaker, if the contents of this report are accepted for legislation, through this ordinance, then MLAs and Ministers would not be exempt from bidding or entering into contracts with the Territorial Government; they could enter into employment with the Territorial Government et cetera. Mr. Speaker, the same opportunities apply to Ministers, because there is no visible distinction or separation between MLAs and Ministers.

Now, Mr. Speaker, I realize that it was the Committee's intention to introduce the theory that a person governed by his own policing often imposes sterner measures of restrictions on himself than any legislative law could provide.

Mr. Speaker, if one had no doubts about the honesty and integrity of the Members of this House, and future members that are coming up, that self-policing scheme could very well work, but I am wondering now, after the episode with Mr. MacKay last week in which our Opposition Leader was challenged as to the decision he made in policing and judging his own conduct and his affairs. I can now see that a repeat of that episode could happen over and over again.

For instance, Mr. Speaker, what would happen in a case where an MLA, quite above-board, who competed openly and honestly, secures, say, six out of ten Territorial contracts that are let in a year? What would happen to an MLA with honourable intentions, if his or her family wins any or most of the Territorial contracts left in a small community? What would happen if a Minister who owns a business which he or she is not supposed to participate in, is seen doing a menial chore — it could very well be his own personal chore — what would happen, Mr. Speaker, if a suspicious citizen misinterpreted or misjudged the Member's honourable intention in the course of the Minister's business? Mr. Speaker, we could have utter chaos in this House when Members felt bound on carrying out a citizen's request to call any Member on suspicion of misconduct.

Mr. Speaker, I think that the Government is making a terrible mistake if they accept this ordinance. If they accept this ordinance, and I read into it what I have just said, but to the best of my knowledge, we are in no hurry to pass anything. I suggest that this House send the report back to the committee for reconsideration.

Mr. Fleming: I am going to rise in support of the bill and in support of the Committee's report. After being here for a few years in this box, and seeing the many problems that we have had with the old ordinance and with our old guidelines, I feel that this may be the break-through that might help.

I expect that in a few years to come there will be many changes again, due to the fact that we will have more people in the Territory, we will have a bigger House here, more members. I sympathize with the Honourable Member for Kluane in some of her feelings that things can happen due to the possibility of letting our guidelines be too wide open. However, I think it is time that we finally stood up and faced the public. We are under public scrutiny and that is it.

Right now you can make all the laws you want to, and let all the guidelines you want to, and make them as tough as you want to. If somebody wants to beat those guidelines, they are going to beat them. If we put it out in the open at least we know they are in the open. Every Member who stands in this House is going to be under that. He knows that he is there, and he is under public scrutiny every minute. There are no guidelines going to protect him. He has to protect himself. If his integrity is not good enough, then down the drain he goes and I will be the first one to report him. I will be supporting this bill and hopefully it will help in the future.

Hon. Mr. Lang: Mr. Speaker, I was one of the members of the Committee who, through a lot of deliberation, came to the final decision-making that required us to decide whether or not we were going to go for disclosure, and if so, to what degree we would go.

As the Member for Whitehorse West has indicated, it was a very difficult decision and only time will tell how it works, or whether it works. I personally believe it will work. I would like to point out to the Member for Kluane, that if she was so concerned about this

legislation, she should have been at that particular meeting that gave direction in the final decision-making to the clerk, as to what course of action was going to be taken by that Committee. I feel that if a person feels strongly about something, and they have constructive ideas to bring forward, they should have been brought forward then. I have not heard any constructive alternative to the recommendation that we put forward.

I recognize full well, anything we do you can see pitfalls in it: you can say, well this could happen, or that might happen.

I have to agree with the Member for Campbell: in my experience in politics, and it has been six years, I do not care what the political persuasion of the individuals were, I found them, on the whole, to be very honest and very sincere in the job that they had been requested to do.

I think it is terrible, in this day and age, that the present conflict of interest guidelines are such that they preclude, in fact discriminate against, people running for office. The present legislation is designed in such a manner that a person is being - not asked - but the law dictates that an individual must divest themselves of all their business investments for four years of public duty. I think it is important, Mr. Speaker, to keep in mind that we are all here serving the public. Some, perhaps, for a brief time; some for a little longer, but that is exactly what we are doing. We all have to face the fact that ten years down the road, five years down the road, there will be a completely different set of people sitting here making decisions on our behalf; that is a fact of life.

The point that I would like to make, Mr. Speaker, and read into the record, is the last paragraph in the conclusions of the committee, where it states, Mr. Speaker:

"The Committee has therefore had to give serious thought to the disclosure approach. Although in principle it too has disadvantages, the Committee feels it can be effective in Yukon and in its recommendation will be setting out details of a proposed system of disclosure. Again, the relative smallness of the Yukon community led to the decision of the Committee. It was agreed that business dealings in Yukon are more apparent, and the public more aware of such dealings, than might be the case in other jurisdictions. This being so, Yukon politicians, subject to full public disclosure requirements, are not likely to abuse the trust investment in them. On this basis, the Committee makes the recommendations found later in this report."

I think the Member for Campbell raised a very pertinent point. With the requirement for public disclosure, it will require people, by law, to make public any dealings that they have had with Government. In other words, Mr. Speaker, people are going to have the opportunity of saying "Just exactly what involvement has he or she had with the Government?" They can then draw their own conclusions from there. Under this proposal, Mr. Speaker, if one does not come forward with full disclosure, he or she is going to be in a lot of trouble.

Motion agreed to

Mr. Clerk: Second reading, Bill Number 62, adjourned debate. Mr. Penikett.

Bill Number 62: Second Reading (Continued)

Mr. Penikett: Last fall, a year ago almost to the day, we in this Legislature debated, discussed in detail, and approved amendments to the *Game Ordinance*. We were not told at that time, I am afraid, about the implications of these changes for the Inuvialuit, the people who were affected by the COPE claim, the people who claimed to have traditionally hunted and trapped in the Northern Yukon for the last hundred years or more.

Earlier this week, as we began debate on this thing, the Member for Old Crow spoke eloquently and with conviction, from his point of view as representative of some aboriginal people who have, at one time or another, been historical rivals for some of the same land as the Inuvialuit.

Other people would disagree with the Member for Old Crow, in connection with the populations that have occupied the area, and that debate no doubt, will continue to go on, and I doubt if it can be settled here. Some have said that there were large populations of Inuvialuit along our north coast before the territory was part of the Yukon, indeed, before it was part of Canada. The Inuit were certainly there when the whalers were in the area, towards the latter part of the last century and apparently resided in the area continually, in fairly large numbers, until the 1930's, when because of academics and other reasons, most of them moved to Aklavik. Despite that, they have continued to hunt and trap legally in Northern Yukon, continuously, that is, up until this last year.

Now following our session last spring, I was surprised to read in the April 1980 issue of the ITC, Inuit Tapirisat of Canada News, a publication of the National Eskimo Brotherhood: an article entitled, "Yukon Game Laws Unjust". I was fascinated by such a headline of course.

It was a report of their General Assembly and contains some rather strong language by the COPE President, Sam Raddi. So, I wrote to Mr. Raddi, asking him for details and it was not until this summer that I received a detailed response. What I did receive in response came somewhat as a surprise to me, and I can tell Members frankly that.

All of us received a letter from Nellie Cournoyea, the Member of the Territorial Council for part of the area affected, and that did not contain, I must say in fairness to Ms. Cournoyea, much information that was useful to me, but it was certainly an impassioned plea.

The letter to which I refer came from a gentleman named DeLury, and it is a question of the information contained in this letter. I certainly would have liked to have debated it at the time that we debated the amendments to the *Game Ordinance* last fall, because the letter which he wrote me explained that the issue of the *Game Ordinance* amendments appears complicated, because both administrative and legislative changes have occurred, he said.

"The legislative change in the *Game Ordinance* removing the Yukon General Hunting License is perhaps the most significant event."

"In short, however, the net result after November 15, 1979 has been to: (1) Deny trapping licenses to all Inuvialuit who have traditionally trapped in the northern Yukon and who have trapped until 1979-80 under the Yukon General Hunting license."

It goes on later in the letter, "Therefore, effectively the Yukon Territorial Government is trying to remove Inuvialuit from pursuing their traditional livelihood of hunting and trapping in the northern Yukon."

"They have not, of course, been able to affect the right of Eskimos to hunt for food contained in Section 17(3) of the *Yukon Act*, beyond trying to restrict the right through applying their definition of 'Eskimo'. I have questioned their constitutional competence to do so. However, for practical purposes, their enforcement relating to the right in Section 17(3) of the *Yukon Act* is as they interpret it in their ordinance."

It then goes on to talk about the means employed by Yukon: it talked about refusal to issue trapping licenses because the Inuvialuit are not members of a group trapping area, and, as a consequence of the amended ordinance, the Yukon Game Branch has required them to buy a non-resident hunting license which requires, in addition to a fee, the accompaniment of a guide. The Yukon determined unilaterally without discussion with any of the members that polar bear hunting was commercial.

Without going into a lot of details in the letter — I am sure all the Members of the House must have received copies of it and I am sure that this kind of contents may have been available to all Members. If other Members have not had copies, I would be pleased to table them.

What upset me somewhat, Mr. Speaker, as a legislator, as a Member of this House, is a difficult problem: the problem of having brought before this House bills which we are expected to debate and approve, when all the implications of that legislation - good, bad or indifferent - are not known to us Members who have to vote on it. Now, to state something which is perfectly obvious, I am not a lawyer; nor am I an Inuit trapper; nor an expert in the *Game Ordinance*. So when it comes to things like this, I do not think any of us, as lay legislators, can be expected to know all the implications of our actions.

It does seem to me - and I make this as a serious petition - that it is a responsibility of the Government, when introducing such legislation, to explain some of the implications - good, bad or indifferent - to the Members who have to vote and discuss it. As well, I accept the obligation on my part to ask the right questions. It could well be, particularly during the Committee stage on that bill, that I did not discharge my obligations properly because I did not understand the implications of what we were doing. I certainly had not heard from anybody in COPE who thought they might have been affected. Now other Members on this side of the House may have heard from COPE or the federal government, and may have been better informed in that regard.

I find it somewhat embarrassing, having done something which may or may not have been fair, or just without fully realizing the

implications of what I was doing at the time.

Now since we passed that bill, we have had the well-publicized position of this Government on the COPE settlement, and I guess everybody in Yukon knows where this Government stood prior to their being admitted to the bargaining table.

I remain - and I must say this is all seriousness - somewhat at odds on this question. Now the Government Leader has, time and time again, reprimanded me for asking questions which he thought were within the realm of secrecy at the negotiating table in connection with the claim of the Council for Yukon Indians. At the same time, some of the issues at the table seemed to be constitutional, or policy matters which affected legislation we are considering here. It is very difficult to separate, in my own mind, those issues which are supposed to be secret from those matters of large policy, whether they are constitutional or other. I understand that it is at CYI's request that we are bound by this secrecy. I must say that I want to pursue this as a later issue because I understand - although I did not hear it - that the negotiator for the Council for Yukon Indians was very public as regards their demands, on the Jack Webster Show the other day.

It seems to be this is a somewhat difficult proposition - to have two of the parties at the table allowed to make their positions public, without the third being allowed to. In any case, I do not understand how we can ever educate the public of the Territory to accept or understand or appreciate the implications of a land claims settlement, without having the information.

Again, and the question I want to ask when we get into Committee stage in this bill is, without accepting as given anybody's position on this question; have we now, or will we have, as we go into Committee, all the facts, because I certainly hope when we get into Committee stage on this bill, we are not going to be told that some things are not permissible to discuss or ask questions about, if they are subject to this bill. Is this bill part of YTG's bargaining position, or is it going to be part of the final settlement?

I am going to be interested to know, too, when is it expected that this bill will be proclaimed?

Mr. Speaker, I speak as an Opposition Member, but I speak from some frustration, because I do not want to be dragged into the bargaining process, on the COPE claim or any other, without an opportunity to hear all sides of the issue, simply as a fair-minded individual. It seems to me that is a reasonable expectation.

I think I am now reasonably well apprised of the YTG position on this subject. I think I can guess what the federal government's position is; I am not sure that I can because it sometimes seems to confuse me, but I think I know what their position is. I have a much better idea now than I did before, if this letter is anything to go by, of the COPE position.

However, it seems to me that if this bill that we are debating before us is part and parcel of the claims process, and if we are still bound by some conventions of confidentiality or secrecy, we are presented with an extremely difficult matter in debating this thing.

However, I have no wish, Mr. Speaker, I want to say in closing, to aggravate the prospect of an early settlement and an early resolution of the difficulties, so I in no way intend to play any kind of obstructionist role in this process. I simply want to express very frankly, if I can, my concerns about the way in which I, as a legislator, had to deal with this matter of the previous *Game Ordinance* amendments and these now.

Thank you, Mr. Speaker.

Motion agreed to

Mr. Clerk: Third reading, Bill Number 52, standing in the name of the Honourable Mr. Graham.

Bill Number 52: Third Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Old Crow, that Bill Number 52, *Personal Property Security Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Old Crow, that Bill Number 52 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: I move, seconded by the Honourable Member for Old Crow, that Bill Number 52 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of

Justice, seconded by the Honourable Member for Old Crow, that Bill Number 52 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 52 has passed this House.

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

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

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call the Committee of the Whole to order. The Committee will consider Bill Number 57 after a short recess.

Recess

Mr. Chairman: I will call the Committee of the Whole to order at this time. I would like to refer the Honourable Members to Page 200 of Bill Number 57.

On Clause 375

Hon. Mr. Lattin: Mr. Chairman, I would draw your attention to subsection (5), the second line, a typo; it says "a inquiry" and it should say "an inquiry".

Mr. Chairman: Unanimous consent.

Clause 375 agreed to

On Clause 376

Hon. Mr. Lattin: I move that Bill Number 57, entitled *Municipal Ordinance*, be amended as follows. In Clause 376(2) on Page 201, by deleting the words "municipal development plan" and substituting the words "official community plan".

Amendment agreed to

Clause 376 agreed to

On Clause 377

Mr. Byblow: I would assume, Mr. Chairman, that what is being dealt with here is the agreement with a developer for the creation of some land for either residential or commercial use. To use a specific example: the case of where Cyprus Anvil is developing land for their purposes would come directly under this clause. Is that correct?

Mr. McWilliam: That is correct.

Clause 377 agreed to

On Clause 377.1

Mr. Fleming: "In this Part 'development' means the carrying out of any building, engineering, mining, or other operations in, on, or over land, or the making of any material change in the use of any building or land."

I would like to have a little explanation of where the "mining" may enter into this case. Is this the buildings of a mine in operation, or it is the actual mining of the subsoils?

Hon. Mr. Lattin: Mr. Chairman, this definition of development is a Canada-wide definition. Because we are using the word "development" several times, we thought we should make it clear, and so have used the Canada-wide definition.

Mr. Byblow: With respect to 377(3)(h), I would assume that the intent of that particular clause is to allow the municipality to levy fees for those aspects of construction not provided for by the developer, whereby either the municipality or some other agency would have to go in and provide that development. Is that correct? And then, if I could have the witness respond to that, is something like the infamous inpost fee applicable here?

Mr. McWilliam: That is correct. This is where a development agreement has been entered into; the municipality may carry out any of these functions, for example, landscaping of open space, rather than the developer in which case they could require a cash contribution from the developer to pay for that. The inpost fee that I believe you are referring to is a slightly different situation, since that dealt with Territorial land, rather than the developer actually owning the land.

Mr. Byblow: My understanding of this inpost fee under this ordinance in other sections is that it would become part of the

particular fund for future amenities, or for future expansion to facilities brought on by this expansion of development.

Mr. McWilliam: Yes, Mr. Chairman, that would be the way that those funds would be utilized.

Mr. Byblow: I have just one question and perhaps I am not dealing with the correct section. I always have difficulty, any time that we are into aspects of development, as to who pays. But I would assume that because this ordinance in this section does not deal with any aspect of payment, we are really talking about another ordinance, another municipal-type aid and so on.

Mr. McWilliam: I believe that most of the confusion would be cleared up if you were to consider this land development agreement in conjunction with the provisions which we already have for cost development charges. Normally, where there is financing of the type that you are referring to, with accumulating reserves for future development, that would be a cost development charge.

Mr. McWilliam: A more appropriate way that land development agreements could be used is in the case of a developer who wants to install a number of houses within a municipality, and he agrees to certain conditions as regarding the exterior appearance of those houses. That would be covered under an agreement of this nature.

Hon. Mr. Lattin: Mr. Chairman, just before you clear it, I am amiss, because on page 203, subsection (7), it says "...sections 333 to 335...". It is a typo there. Mr. Chairman: I would ask the Members to kindly note it should read "333 to 336".

Mr. Chairman: With unanimous consent, shall the "sections 333 to 336" apply?

Some Members: Agreed.

Mr. Chairman: Cleared.

Clause 377(1) agreed to

On Clause 377.1(1)

Clause 377.1(1) agreed to

Clause 377 agreed to

On Clause 378

Clause 378 agreed to

On Clause 379

Clause 379 agreed to

On Clause 380

Mr. Fleming: I just question 380(1), where it says, "The board shall consist of a chairman, deputy chairman, and no more than three other members; all of whom shall be appointed by the Commissioner, and shall serve at the pleasure..." I wonder if the Government had thought at any time of any other way of acquiring a board than just to have it appointed by the Commissioner, and can they tell me just where that board is picked from?

Hon. Mr. Lattin: Mr. Chairman, I think the Honourable Member should read on a little bit further. It says "...provided that two members of the board may be appointed by the Commissioner upon the recommendation of municipalities in the Territory."

So two of the members on that particular board will be there with their recommendation.

Mr. Fleming: I see that, and three other members will be picked and, of course, it will consist of a chairman, deputy chairman; but just how do you propose to pick the whole board; the chairman, the deputy chairman and then the three others members? Are they picked at large by the Commissioner?

Hon. Mr. Lattin: Yes, Mr. Chairman.

Clause 380 agreed to

On Clause 381

Clause 381 agreed to

On Clause 382

Hon. Mr. Lattin: Mr. Chairman, again I have an amendment on the *Municipal Ordinance*, that it be amended as follows:

In clause 382, on page 206, by deleting subsection (1) and substituting the following:

"(1) The board has jurisdiction and power:

(a) to hear all applications made for a change in the boundaries of a municipality;

(b) To approve the official community plan for a municipality;

(c) To determine any appeal referred to the board pursuant to this Ordinance; and

(d) To perform such duties as the Commissioner may deem

necessary and delegate to the board by order."

Amendment agreed to

Clause 382 agreed to

On Clause 383

Clause 383 agreed to

On Clause 384

Clause 384 agreed to

On Clause 385

Clause 385 agreed to

Mr. Byblow: I just have one question on section 385, if you could perhaps permit it to be re-opened.

Mr. Chairman: Unanimous consent?

Some Members: Agreed.

Mr. Byblow: With respect to 385(3), where council will be assuming the liabilities pertaining to emergency measure operations, I have some difficulty in relating the provisions given to the municipality with those that are given to the territory, and their emergency measures organization. Now in most instances of an emergency measures type of operation, the precedent has shown that it is a liability of the territory. Is there a significant change taking place here?

Mr. McWilliam: I do not believe that there is any change provided by this section. There are normal functions that an emergency measures commission would be carrying out: meeting on a regular basis, preparing plans, just preparing for eventual emergencies. In those cases where a municipality receives funding from the territorial government, it would be identified in their budget, and they could empower the commission to extend those funds.

On Clause 386

Mr. Byblow: I would assume that, just because the provision is here for a municipality to do this, as in all of the other board creations and by-laws that are permitted for them to strike, even so they are not obligated to set these up, but only if they feel it is necessary, and choose to do so.

Hon. Mr. Lattin: Yes, Mr. Chairman, that is correct.

Clause 386 agreed to

On Clause 387

Clause 387 agreed to

On Clause 388

Mr. Fleming: The council may by by-law appoint a board. This is true, they will appoint the whole board in other words. It will be done by the council itself; there will be no interference from the government or the Commissioner?

Hon. Mr. Lattin: Yes, Mr. Chairman, that is correct. It is the council that does the appointing.

Clause 388 agreed to

On Clause 389

Clause 389 agreed to

On Clause 390

Clause 390 agreed to

On Clause 391

Mrs. McGuire: Just a question on 391: it says "...the Commissioner adopt a flag, crest or coat of arms..." You mean something that they make up on their own, not the Canadian flag or anything like that?

Mr. McWilliam: That is correct. Existing municipalities have established coats of arms. There is a procedure you can go through to get it registered through the School of Heraldry. They could adopt a crest or a flag.

Clause 391 agreed to

On Clause 392

Clause 392 agreed to

On Clause 393

Mr. Fleming: I would hope that they give them enough power to grant us an exemption from income tax, too.

Clause 393 agreed to

Clause 393 agreed to

On Clause 394

Mr. Byblow: I would be curious about the full implication about that section.

Hon. Mr. Lattin: Yes, Mr. Chairman, this is a particular sec-

tion with an enabling provision that permits cooperative effort by municipalities. For example, through the association, to provide a general business licence that we discussed quite some time ago. They could enter into an agreement with other municipalities with regard to business licences, and there would be other options, too.

Clause 394 agreed to

On Clause 395

Mr. Byblow: I would hope that under section 2 of this particular clause, a municipality is not prohibited from setting up something in the order of a land bank, which is in effect a form of profit association, because of what happens to land in the course of time.

Mr. McWilliam: No, a municipality would not be prohibited by this section from such a venture.

Clause 395 agreed to

On Clause 396

Clause 396 agreed to

On Clause 397

Hon. Mr. Lattin: In 397, on the 7th line down, it says, "franchise of privilege"; it should be 'franchise or privilege', it is a typo.

Mr. Penikett: I do not seem to have much success in persuading the Minister or the Members opposite that elected people ought to have greater powers than appointed people, under this ordinance. But, having lost that argument, I wonder if the Minister could explain this clause a little bit, because I am not sure, if I understand it, that I agree with it. But perhaps if the Minister explained it, I might understand it better.

Hon. Mr. Lattin: Well, basically, in a few words, Mr. Chairman, what this particular clause does is provide that no individual shall have any special rights to any special privileges.

Mr. Penikett: Well, I cannot remember every case where it may have been specifically provided for to the contrary. But is this proposal in line with, for example, I think an amendment to the public utilities bill, that would remove from the municipality the right to confer franchises for certain purposes?

Hon. Mr. Lattin: Yes, that is correct, Mr. Chairman.

Mr. Penikett: Let me just ask this question, because I am not sure that the municipalities in any role right now are granting any franchises other than electrical. I cannot think of any, but perhaps there might be franchises for milk routes or things like that. Does that mean that the City could no longer grant such franchises, if they may have been able to do so previously?

Hon. Mr. Lattin: Mr. Chairman, I do not think that a milk route, for example, would be such a thing as a franchise. That is a private business in my understanding. I think the one thing they could deal with is a franchise to such things as a bus line; one I can think of. But anything like a milk route, that is strictly business and the type of business a person is carrying on.

Mr. Penikett: Well, I am sorry. I guess there are places where they have competing milk routes or something. I was trying to think of an example off the top of my head. But there are also places where they may invite tenders and a couple of companies may bid. They would get sections of town for certain purposes. I do not know whether cable television companies have to do this; maybe they do in some municipalities. I am trying to think of an example.

This clause seems to be fairly all-encompassing. It talks about "...except where specifically provided to the contrary...". Well the specific provisions in this bill may not be very many. I just wondered whether it is clearly the intention to prevent a municipality from granting charters, rights and franchises in areas other than those that are specifically provided.

I ask the question because Clause 399, further on, seems to give a lot of residual power to the city.

Mr. Livingston: I think one of the other reasons this clause is in here is to avoid the possibility of political favours that are not consistent with the general application throughout the municipality. In other words, the council could not just chose to write off someone's taxes, for whatever hardship reason, unless for the very specific reasons that they are definitely no longer collectible from that person, as an example.

Mr. Penikett: We could have a long discussion about political favours, but I guess we will not do that.

If that is all it intends to do, that is fine.

Clause 397 agreed to

On Clause 398

Clause 398 agreed to

On Clause 399

Clause 399 agreed to

On Clause 400

Clause 400 agreed to

On Clause 401

Clause 401 agreed to

On Clause 402

Clause 402 agreed to

On Clause 403

Clause 403 agreed to

On Clause 404

Clause 404 agreed to

On Clause 405

Clause 405 agreed to

On Clause 406

Clause 406 agreed to

On Clause 407

Clause 407 agreed to

On Clause 408

Hon. Mr. Lattin: That Bill Number 57, entitled *Municipal Ordinance* be amended as follows. In Clause 408, Page 215, by deleting subsection 1, 2, and 3 and substituting the following:

"(1) The council shall make to owners, occupiers, or other persons interested in real property entered upon, taken, or used by the municipality in the exercise of any of its power, or injuriously affected by the exercise of any of its powers, due compensation for any damages, including interest, necessarily resorting from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work, and a claim for compensation if not mutually agreed upon, shall be decided by three arbitrators to be appointed by the Commissioner."

"(2) Subject to this ordinance, the arbitrators or a majority of them may determine the procedure for conducting the arbitration."

"(3) For the purpose of subsection (1) the rate of interest shall be the prime lending rate of the Bank of Canada in effect on the most recently proceeding July 2 and the interest accrued from the day on which the property was taken, entered upon, or used."

"(4) The provisions of this section do not apply to Part VII of this ordinance."

Amendment agreed to

Clause 408 agreed to

On Clause 409

Clause 409 agreed to

On Clause 410

Mr. Fleming: I was just reading back to see when the claims would possibly start. I might ask the Minister, or maybe the witness could tell us: a person who had possibly waited seven months because he wanted to accrue some interest rates, anyway, in this case, the prime bank rate, I wonder just when would the interest, if he won the case, start in this situation?

Mr. McWilliam: It would be possible for the interest to start from the date when the property was injured.

Clause 410 agreed to

On Clause 411

Clause 411 agreed to

On Clause 412

Clause 412 agreed to

On Clause 413

Clause 413 agreed to

On Clause 414

Clause 414 agreed to

On Clause 415

Clause 415 agreed to

On Clause 416

Clause 416 agreed to

On Clause 417

Clause 417 agreed to

On Clause 418

Clause 418 agreed to

On Clause 419

Clause 419 agreed to

On Clause 420

Clause 420 agreed to

On Clause 421

Clause 421 agreed to

On Clause 422

Mr. Byblow: Would it be over-presumptuous to conclude that this Scotland Yard type has already been selected?

Hon. Mr. Lattin: I am sorry, I did not quite get the meaning of his section.

Mr. Fleming: I just wonder, would it be presumptuous to ask now if this inspector of municipalities has already been appointed. Do you know who he may be? Is he going to be a Scotland Yard type, or what?

Hon. Mr. Lattin: This fellow does not have flat feet. He is a really good fellow. We have him picked. I assume he would be the Deputy Minister of Municipalities.

Clause 422 agreed to

On Clause 423

Clause 423 agreed to

On Clause 424

Clause 424 agreed to

On Clause 425

Hon. Mr. Lattin: Mr. Chairman, I have an amendment on this particular section. Bill Number 57, entitled *Municipal Ordinance*, shall be amended in Clause 425, subsection 2, at Page 221, by deleting the expression, "Legislative Assembly," and substituting for it the words, "territorial council."

Mr. Byblow: Is that simply to comply with the *Yukon Act*?

Hon. Mr. Lattin: Yes, it is to comply with the *Yukon Act*.

Mr. Fleming: Is this the first time that this has come up in the Ordinance? I thought it was in there before, that the "Legislative Assembly" was in somewhere other than that.

Hon. Mr. Lattin: Yes, Mr. Chairman, the honourable gentleman is correct. I wanted to get this finished and then I have another amendment. We just passed a section before and I will amend that, too.

Mr. Fleming: No, I understand there are more amendments than this, but is this the first time that it has been in the Ordinance, and are there not other areas where we do have "Legislative Assembly" in the Ordinances now?

Hon. Mr. Pearson: No, Mr. Chairman, there is no such animal as the Yukon Legislative Assembly, according to our law. It is a perpetual battle, one that has gone on in this Assembly for a number of years and we are hopeful, Mr. Chairman, that the next time that the *Yukon Act* is amended that the famous wording saying "there shall be a Territorial Council" will be changed to read "there shall be a Legislative Assembly".

Then, Mr. Chairman, we will be faced with the lovely chore of amending all of our legislation where it now refers to the Territorial Council. Of course, we would do it by an overall amendment, but, until that time, we have to refer to this august body as the Territorial Council.

Amendment agreed to

Clause 425 agreed to

On Clause 426

Hon. Mr. Lattin: Mr. Chairman, I wonder if I could ask your indulgence at this particular time, because I have another similar amendment. It is one that we have already cleared, Mr. Chairman.

Mr. Chairman: Mr. Lattin, are you referring to Clause 426?

Hon. Mr. Lattin: No.

Mr. Chairman: Are you asking for a unanimous consent to reopen Clause 425?

Hon. Mr. Lattin: No, Mr. Chairman. I want to make an amendment on Clause 380(5)(c), at page 205, Mr. Chairman.

On Clause 380(5)

Hon. Mr. Lattin: Mr. Chairman, I move that Bill Number 57, entitled *Municipal Ordinance*, be amended in Clause 380(5)(c), at page 205, by deleting the expression "Legislative Assembly" and substituting for it the expression "Territorial Council".

Clause 380(5) agreed to

On Clause 426

Clause 426 agreed to

On Clause 427

Clause 427 agreed to

On Clause 428

Clause 428 agreed to

On Clause 429

Clause 429 agreed to

On Clause 430

Clause 430 agreed to

On Clause 431

Clause 431 agreed to

On Clause 432

Clause 432 agreed to

On Clause 433

Clause 433 agreed to

On Clause 434

Clause 434 agreed to

On Clause 435

Mr. Byblow: Just before you clear this entire section; regarding the administrator, or the appointment thereof, it does not appear that this section has changed at all from the one existing in the present *Municipal Ordinance*. Is that correct?

Mr. McWilliam: There have been some changes in here. Just to run through them briefly, the first change is a change in the reasons whereby the commissioner can appoint an administrator.

Secondly, where an administrator is appointed under the general powers, it is publicly reported or tabled in this Assembly, or Territorial Council. A third change is that the advisory council which assists the administrator is comprised of residents, rather than taxpayers as it has been in the past.

Clause 435 agreed to

On Clause 436

Mr. Penikett: Mr. Chairman, I assume this is a new provision, but I would just like to ask if this is in line with the authority which the Territory just recently gave itself, to borrow from someone other than the Government of Canada, since I would guess that, the way things have been in the past, that has been the ultimate source of all funds for both municipal and Territorial purposes in Yukon.

Hon. Mr. Lattin: Yes, Mr. Chairman, that basically is so. This is a new provision designed to permit the municipality to borrow funds from commercial sources. This will no doubt be necessary in the future as government funds seem to be growing much more scarce and that situation should not stand in the way of necessary municipal projects. The need for certification is to reassure commercial lenders that the municipality is a sound risk, and the process that the Inspector goes through is designed to ensure that the municipality is capable for such debts, because, in the event of a municipality defaulting, the ultimate responsibility will have to be assumed by the Territorial Government.

Mr. Penikett: Thank you, Mr. Chairman. I understand the need for the Minister's last assertion. I must say that I have some problem with the notion of the board of the Village of the Community of Mayo heading off to the New York bond market to raise money. I guess that is probably not going to be the case.

Is it the Minister's understanding — for most purposes, what would happen here, if a municipality wanted to borrow some money for what the Territory thought was a legitimate need — that if there were a sufficient number of needs of this kind that the requests or the demands for private borrowing could be pooled, and in fact the Territory would undertake to do the borrowing for them, under the *Municipal Loan Ordinance* or some other, transfer the money to the municipality? It seems to me that it might get to be a bit of a messy procedure, especially with small municipalities going to private lenders, because they are not going to get very attractive rates initially, I expect, or not nearly as attractive arrangements as the Territory could obtain for them.

Hon. Mr. Lattin: Yes, Mr. Chairman, I could see that being a possibility and I do not see any problem with it at all. In fact, I think that would probably be the way that they would go.

Clause 436 agreed to

On Clause 437

Clause 437 agreed to

On Clause 438

Clause 438 agreed to

On Clause 439

Clause 439 agreed to

On Clause 440

Hon. Mr. Lattin: I move that Bill Number 57, entitled *Municipal Ordinance*, be amended as follows, by inserting new subsections following subsection 440(6), on page 227, 440(7). "Paragraph 449(1)(b) of the *Assessment and Taxation Ordinance* is amended by striking out the words "or Local Improvement OISTRIC." Clause 440(8) Subsection (50)(3) of the *Assessment and Taxation Ordinance*, is amended by striking out the words "the Local Improvement District." Clause 440(9) Subsection (58)(2) of the *Assessment and Taxation Ordinance* is amended by striking out the words "the Local Improvement District Ordinance."

Amendment agreed to

Clause 440 as amended agreed to

On Clause 441

Clause 441 agreed to

On Clause 442

Clause 442 agreed to

On Clause 2

Hon. Mr. Lattin: Mr. Chairman, as you are aware, we set over a number of clauses and also I have some more amendments. I would refer you now, I think we could start again and the first amendment is in Clause 2, Page 2. Mr. Chairman, on this particular clause, I propose this following amendment: that Bill Number 57, entitled *Municipal Ordinance* be amended as follows:

in Clause 2(1) on Page 2 by deleting the definition for "corporation" and substituting the following: "Corporation means a company, a society, a sole proprietor, a cooperative association or a firm of partners";

Mr. Chairman: General debate on the amendment.

Welcome back, Mr. MacKay.

Mr. MacKay: I was going to say how much I enjoyed the debate so far today. I am happier with that amendment in that it makes it clearer. But perhaps one question: the words "sole proprietor" seem to have been inserted, along with I think cooperative association. It is understood, I presume, that that sole proprietor has only one vote regardless of how many properties he may well own.

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

Amendment agreed to

Clause 2 agreed to

Clause 8

Hon. Mr. Lattin: Mr. Chairman, I have an amendment on Page 7. I move that Bill Number 57, titled *Municipal Ordinance* be amended as follows: in Clause 8 on Page 7 by deleting subsection 4 and substituting the following:

"(4) The notice of appeal under subsection (3) shall be in substantial conformity with the procedure set out in the notice and shall be signed by not less than ten per centum of the person who are residents of the area proposed to be included in the new municipality who;

(a) are 19 years of age or over,

(b) are Canadian citizens,

(c) have resided in that area for a period of one year immediately preceding the publication of the notice under subsection (2)."

Amendment agreed to

Clause 8 agreed to

On Clause 2

Hon. Mr. Lattin: Mr. Chairman, I beg your indulgence. I did overlook a definition. We had some definitions which were not cleared on our first discussions. The definition was "primary municipal services". I would now ask that this particular section be cleared.

Mr. Chairman: Would you direct the Committee of the Whole to a specific page, please?

Hon. Mr. Lattin: I beg your pardon, Mr. Chairman. It is page 3. We stood over "primary municipal services"; "secondary municipal services" and "taxpayer".

Mr. Chairman: Proceed.

Hon. Mr. Lattin: There is no amendment, Mr. Chairman. I propose that "primary municipal services" be now cleared.

Mr. Chairman: "Primary municipal services." Shall the definition clear.

Mr. Chairman: I declare the definition for "primary municipal services" cleared.

Hon. Mr. Lattin: The next one, Mr. Chairman, is "secondary municipal services." I propose that this one be cleared with no amendments.

Mr. Chairman: Shall this section clear?

Some Members: Agreed.

Mr. Chairman: I declare the section cleared.

Hon. Mr. Lattin: One more, if you will bear with me, on page 4, in the middle of the page I propose, Mr. Chairman, that the definition "taxpayer" be cleared at this time.

Mr. Chairman: Shall the definition clear?

Some Members: Agreed.

Mr. Chairman: I declare the section clear.

I refer the Committee to page 10, Clause 13(1).

On Clause 8(2)

Hon. Mr. Lattin: Mr. Chairman, I think we had one previous to that. I am referring you now to page 6, Clause 8, subsection 2. On that particular section, Mr. Chairman, there is no amendment.

Clause 8(2) agreed to

On Clause 13(1)

Hon. Mr. Lattin: The next one is Clause 13(1), on page 10, "that Bill Number 57, *Municipal Ordinance*, be amended as follows: in Clause 13(1), on page 10, by deleting the words "the opinion of the electors," and substituting the words, "the approval of electors."

Amendment agreed to

Clause 13(1) agreed to

On Clause 13(2)

Clause 13(2) agreed to

Clause 13 agreed to

On Clause 15

Mr. Chairman: I believe you have an amendment on page 12.

Hon. Mr. Lattin: Yes, Mr. Chairman, on Clause 15 on page 12, I will direct you there first. Moved that Bill Number 57, entitled *Municipal Ordinance*, be amended as follows:

in Clause 15, on page 12, by deleting subsections (1) to (6) inclusive and substituting the following:

"(1) the council of a municipality may petition the Commissioner to alter the boundaries of the municipality in accordance with the changes proposed in the petition;

(2) upon the receipt of a petition under subsection (1), the Commissioner shall refer the petition to the Yukon Municipal Board for its opinion;

(3) where the Commissioner deems it in the public interests, he may recommend to the Yukon Municipal Board the alterations of the boundaries of a municipality;

(4) Upon receipt of a recommendation or a petition from the Commissioner, the Yukon Municipal Board shall hold a public hearing in the area to be affected for the purpose of hearing objections and inquiring into the merits of the application;

(5) Notice of a public hearing will be advertised in two issues a week apart of a newspaper circulating in the area and posted notice in at least four conspicuous places in the municipality and the area to be included;

(6) Upon completion of the public hearing, the Yukon Municipal Board may recommend to the Commissioner (a) that the boundary alterations be approved as proposed; (b) that the boundary alterations be approved with modifications; or (c) that the boundary alterations not be approved;

(7) upon receipt of a recommendation for the approval of the boundary alterations as proposed or a recommendation for the approval of the boundary alterations with modifications from the Yukon Municipal Board, the Commissioner may issue an order adjusting the area of a municipality and including in such order such provisions as are necessary to facilitate an orderly adjustment.

Amendment agreed to

Clause 15 agreed to

On Clause 33

Hon. Mr. Lattin: Your next one, Mr. Chairman, is Clause 33, on page 20. I moved that Bill Number 57, entitled *Municipal Ordinance*, be amended as follows: in Clause 33 on page 20, by deleting subsection (1) and substituting the following:

"(1) a person is not eligible to be nominated to be an alderman or a mayor of a municipality unless on the day of his nomination,

(a) he is a Canadian citizen

(b) he has attained the age of 19 on the day of which the poll is taken

(c) he has resided in the municipality for a period of one year immediately proceeding the date on which the poll was taken, and

(d) his name appears on the list of electors."

And in a subsection (2), by deleting paragraph (c) and substituting the following:

"(c) is a judge of a court other than a justice of the peace or a juvenile court judge.

and in paragraph (2)(e) by deleting the figures, "\$50" and substituting the figures "\$250".

Mr. Penikett: Mr. Chairman, just to say what I said again earlier when we were first dealing with this: I still think you are going to be left, for all practical purposes in most municipalities, with damn few people left to run. The rules for the municipal people will still be tougher than they are for us. I think, given that the year's residency, rather than six months or something in some communities, is going to mean that you have a minuscule electorate and as a result, a fairly unrepresentative council in some cases.

Amendment agreed to

Clause 33 agreed to

On Clause 34

Hon. Mr. Lattin: I was going to draw your attention to Clause 34(1), subsection 1 was stood over. Mr. Chairman, I have no amendments for it. I request that it be cleared as it stands.

Clause 34 agreed to

On Clause 36

Hon. Mr. Lattin: Your next clause, Mr. Chairman, I direct you to, is Clause 36, page 23. On this particular clause, Mr. Chairman, I have no amendments either. I request that this clause be cleared as read.

It is the one to do with polling places, Mr. Chairman.

Clause 36 agreed to

On Clause 85

Hon. Mr. Lattin: Your next clause, Mr. Chairman, is Clause 85, on page 39. Mr. Chairman, it is moved that Bill Number 57, entitled *Municipal Ordinance*, be amended as follows:

in Clause 85, on page 39, in subsection (1) and subsection (2), by deleting the words, "convenient place in the polling place," and substituting the words, "convenient place."

Mr. Chairman: The Chair has no record of any section stood over in this particular clause.

Hon. Mr. Pearson: Yes, Mr. Chairman, my notes indicate that 85(1) was stood over, and it referred back to the earlier section, where the problem of people confined to wheel chairs, and so on, may have difficulty getting into a polling place. We have proposed this amendment to try and get around that. I had it marked as stood over, Mr. Chairman.

Hon. Mr. Lattin: Mr. Chairman, I would suggest that if you had it cleared I would ask that it be re-opened and go through it, anyway.

Some Members: Agreed.

Amendment agreed to

Clause 85 agreed to

On Clause 109(5)

Hon. Mr. Lattin: I direct you now, Mr. Chairman, to page 50. Moved that Bill Number 57, *Municipal Ordinance*, be amended as follows:

in Clause 109(5) on page 50, by striking out the words, "a judge of".

Mr. Chairman: Again, the Chair has no record of any section being stood over in 109. Do I hear unanimous consent to re-open the matter?

Some Members: Agreed.

Amendment agreed to

Clause 109 agreed to

On Clause 110(2)

Hon. Mr. Lattin: Mr. Chairman, I refer you to clause 110(2), at the bottom of the page, to be amended as follows: in clause 110, on page 50, by deleting subsection (2) and substituting the following, "10(2): A returning officer casting his vote pursuant to subsection (1) shall do so by the drawing of lots for the purpose in the presence of the clerk or a poll clerk and any candidate or agent present at the time."

Amendment agreed to

Clause 110(2) agreed to

Clause 110 agreed to

On Clause 132

Hon. Mr. Lattin: Mr. Chairman, I now direct you to page 59, clause 132. I move that bill number 57, *Municipal Ordinance*, be amended as follows: "in clause 132, on page 59, by deleting subsection (1) and substituting the following, "132(1) An alderman may be nominated for the office of mayor if he has deposited his resignation with the clerk prior to nomination day for the office of mayor."

Mr. Chairman: I believe, Mr. Lattin, that subsection (2) was also stood over. Is there any reason for not explaining that?

Hon. Mr. Lattin: I believe, Mr. Chairman, that we said at the time that we would stand over the whole of section 132. There was nothing to be re-considered on subsection (2).

Mr. Penikett: Mr. Chairman, I wonder if the Minister could give us a brief explanation of his reasons for closing the amendment in this form? Instead of dealing with the issue that we raised, he is now asking the candidates to do, the aldermen who may be running for mayor, even if there is a whole crew of them, and theoretically the whole council could be running for the mayor's slot, is that all of those aldermen still have to deposit their resignation from council in order to run for mayor. That is an incredibly stupid thing. What is the difference between the 21 days and the nomination day?

Hon. Mr. Pearson: Mr. Chairman, I disagree that it is an incredibly stupid thing. Mr. Chairman; if I am going to run against the Honourable Member, for the position of mayor of Whitehorse, then I want us both to be running on the same basis. I do not want him running knowing full well that he can get back into that council as an alderman. If he is going to run against me as mayor, he is going to run on the same basis as I am. One of us is going to be out.

I think it is a basic principle.

Mr. Penikett: Well it is not a basic principle, Mr. Chairman, what it is is a prescription to lose the best members of your council if a vacancy occurs in the mayor's spot. In fact, you could theoretically have in Whitehorse, all the members of council running for mayor and you have to run a whole new election for all of them. I just think it is silly.

Hon. Mr. Lang: Mr. Chairman, if you recall the debate that took place in one particular election not too long ago where a number of aldermen decided that they were going to run for mayor, the discussion was not on issues. The discussion was whether or not they should resign their seat.

The whole tone of the election got blurred on the legality and the morality of whether or not the individuals in question should have resigned their seats. And what took place was that one did resign his seat and one did not. I think that it is fair enough, Mr. Chairman, that if one is running for a mayor that they should have to resign their seat. You have to understand this is a by-election, we are talking a by-election, we are not talking general election, that they should have to put their name on the line.

The other point should be made in respect to the villages and town, they can make the decision of whether or not they want to either have the decision of electing a mayor by itself or of appointing one from amongst themselves as they now do at the L.I.D. level. That option always exists for the smaller community, so we could well not be in the situation of people running for mayor per se. Only time will tell what the local decision made in that respect would be.

Mr. Fleming: If I understand the Minister correctly now, not only in the smaller communities which I know can elect their own mayor from amongst them, does this also go right through to the larger municipalities too?

Mr. McWilliam: No, Mr. Chairman, that provision only relates to towns and villages.

Mr. MacKay: As the originator of the problem, I am just wondering if the Minister can elaborate on the reasons for the change of 21 days to the day before or the day of nomination? It seems to me it might complicate things then. You may not know whether you require a by-election for an alderman at the same time as having you mayoralty election, if, in fact he does not hand in his resignation until the day of the election. I appreciate the purpose of the 21 days was to give notice. I think what you have tried to do is go half way and say, well, we do not want everybody resigning but I think you have perhaps created a bit of a problem for yourself. What you tried to avoid is having one election after another and now you are going to have that.

Hon. Mr. Pearson: Yes, Mr. Chairman, this received quite a bit of discussion. We felt that the 21 days was strictly an administrative convenience. There was no real reason why we should demand such a long notice, or any notice. It is one of those things that was in there because it was an administrative convenience and we thought that we could do without it.

Mr. MacKay: So I take it the objections I heard from the Government side, of being forced to have two elections is no longer a concern. As long as that is the intent, I do not think I have a problem with that. I would have preferred still to have seen the "no requirement for resignation", but this is a halfway mark, I guess.

Amendment agreed to

Clause 132 agreed to

On Clause 170

Hon. Mr. Lattin: Mr. Chairman, I refer you to Clause 170, page 75. This was stood over, Mr. Chairman, and I have not brought any amendments in. I ask that it be cleared as written.

Clause 170 agreed to

On Clause 193

Hon. Mr. Lattin: Mr. Chairman, I refer you now to Clause 193, on page 87. Again, there is no amendment.

Clause 193 agreed to

On Clause 214

Hon. Mr. Lattin: I refer you now, Mr. Chairman, to Clause 214, page 93. Again, Mr. Chairman, there is no amendment.

I might add, Mr. Chairman, though, before we clear that, according to Roger's Law of Canadian Municipal Corporations, his annotations on this particular subsection are: "It is clear that lapse of time cannot conform jurisdictions or make valid a by-law which the council had no power to pass."

"An application to quash could be entertained even though the application was out of time, where the by-law was alleged to have been void for bad faith. There is no doubt that this by-law could have been attacked in an action at any time."

Mr. Chairman, with consulting with this particular precedent on it, we concluded that this particular clause would be okay the way it stands.

Clause 214 agreed to

On Clause 221

Hon. Mr. Lattin: Mr. Chairman, if you would bear with me, I would refer you now to Clause 221, on page 94. On this particular one we had no amendments, either. I ask that this clause pass as it is written.

Clause 221 agreed to

On Clause 239(1)

Hon. Mr. Lattin: I move that Bill Number 57, *Municipal Ordinance*, be amended as follows:

in Clause 239(1), on page 105 by deleting the words, "one per centum," and substituting the words, "two per centum;" following Clause 239(1), on page 105, by inserting a new clause, "239(2) for the purposes of subsection (1), the total debts of a municipality do not include any money borrowed for local improvements to the extent that the cost of a local improvement is to be assessed, levied and collected by means of a special rate under paragraph 281(1)(d) upon the parcels of land directly benefited by them."

Mr. MacKay: Perhaps I could have an indication from the Minister what "two per centum" means in terms of, say, the City of Whitehorse. How much debt? We just doubled it and it is quite a significant increase. Do we have any numbers that you would give us?

Mr. McWilliam: Yes, in the City of Whitehorse it would be

slightly less than \$10 million.

Amendment agreed to

Clause 239 agreed to

Hon. Mr. Lattin: I refer you now to page 118. Moved that Bill Number 57, *Municipal Ordinance*, be amended as follows:

in Clause 257(3), on page 118, by substituting the following words: "council may by by-law, with the approval of the Commissioner, remove any restrictions issued pursuant to subsection (2)."

Mr. MacKay: Perhaps I could have an explanation for the reasoning behind this amendment. This seems to be a tightening up of that clause. Can you tell us what was behind it?

Mr. McWilliam: Yes, the reason for tightening up this particular section was that we had provided, under the provision dealing with subdivisions, that significant amounts of land may have to be dedicated for open space. It was felt that it is not fair to provide that open space to a municipality who then could turn around and remove the reservation for open space on their own initiative. This will require them to get the Commissioner's approval.

Amendment agreed to

Clause 257 agreed to

Mr. Chairman: Shall the title of Bill Number 57 clear?

Some Members: Agreed

Mr. Chairman: I declare the title carried.

Hon. Mr. Lattin: I move, Mr. Chairman, that you do now report Bill Number 57, *Municipal Ordinance*, with amendments, to the Assembly.

Mr. Chairman: It has been moved by the Honourable Mr. Lattin, that Chairman do now report Bill Number 57, *Municipal Ordinance*, with amendment, to the Assembly.

Motion agreed to

Mr. Chairman: The Chair will now call a recess until 7:30 p.m.

Recess

Mr. Chairman: I will call the Committee of the Whole to order. At this time I would like to refer the Committee to Bill Number 49.

Mr. Penikett: I wonder if the Chair could provide some guidance for us as to what is the menu. What bills will we be doing and in what order?

Mr. Chairman: Do you want me to give you the order of the bills we will be considering this evening? Right now we are considering Bill Number 49, then 60, 62 and 59.

On Clause 1

Hon. Mr. Pearson: Mr. Chairman, these amendments the *Income Tax Ordinance* that we have before us provide for an appeal procedure. Now, Mr. Chairman I also wish to beg leave of the Committee and unanimous consent to introduce at this time two amendments. I believe, Mr. Chairman, that all Members of Committee have the amendments but it is a bit beyond procedure and that is why we need the unanimous consent. These sections have not been opened up in the bill.

However, as I explained at second reading, I feel that the one amendment in particular is of value to us. The other is strictly a housekeeping thing, but the other amendment to paragraph 44(d) is very important to us and will mean additional funds for the 1979 taxation year. So, Mr. Chairman, if you will, I would ask that you seek unanimous consent of the House to allow the introduction of these amendments.

Mr. Chairman: Does the Honourable Member have unanimous consent?

Some Members: Agreed.

Hon. Mr. Pearson: The amendments, Mr. Chairman, simply repeal sections 48 and 55, which are transition sections that were required when the legislation was first passed, but are meaningless from this point on. The amendment, paragraph 44(d), will allow the Territory to take advantage of all of the tax collected during the calendar year 1979. It repeals the pro-rating formula that was in the original legislation with respect to that year.

Mr. MacKay: With respect to those latter matters addressed by the Government Leader, I support these amendments. It is almost a bit of a bonus, I suppose, that we will pick up the taxes on income earned actually prior to the implementation of this *Income Tax Act*; any year-ends of companies ending after January 1st and the full amount of the tax will now accrue to Yukon for the preceding period. I think that is excellent.

I see one or two mechanical problems for those companies who have already filed income tax returns, and I hope that the federal government will make the necessary adjustments in Ottawa without requiring additional work to be done by companies in Yukon of re-filing income tax returns to reflect this. I assume that is something that will happen.

On another matter with respect to the *Income Tax Act*, I have been raising questions with the Government Leader over the past six months, I suppose, and have tried to give him somewhat of a hard time with respect to taxes that have inadvertently gone up, it seems, for businessmen who are taking advantage of various tax credit programs provided by the federal government.

The Government Leader, cunningly, I think, asked me to look into this and see if I could find a way around it, and solved his problem, but not ours. Unfortunately, there does not seem to be any way of getting around this, and it is most unfortunate because I think that had the Government, as I understand it, initially known about that, they could possibly have had a better chance of changing it. There was, it seems, an option ticked off at one point; nobody bothered to explain what it meant, and it seems that the opportunity went by.

I would hope that the Government would continue to look for ways to make representations to Ottawa, that these incentive programs would not be any less for Yukoners than they have in the past; however, I appreciate the complexity of the technical details that would have to be arranged to do that. I could only wish you good luck, on that note, that this goes through. Other than these comments I will be supporting the amendments.

Amendment agreed to

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

Mr. Chairman: Shall the title, *An Ordinance to Amend the Income Tax Ordinance* carry?

Some Members: Agreed.

Mr. Chairman: I declare the title carried.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 49, *An Ordinance to Amend the Income Tax Ordinance* out of Committee with amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Pearson that the Chairman do now report Bill Number 49, *An Ordinance to Amend the Income Tax Ordinance* with amendment.

Motion agreed to

Hon. Mr. Pearson: Mr. Chairman, if I may, Mr. Graham finds it necessary to leave early tonight. I wonder if we could not accommodate him and Committee, by going to Bill Number 59 at this point in time?

Mr. Penikett: Mr. Chairman, on the same point of order, I have no problem with going to 59; I would however have a problem with going to 54, if that were the wish of the Minister.

Mr. Chairman: We will proceed with Bill Number 59 at this time.

On Clause 1

Hon. Mr. Graham: Mr. Chairman, this is in keeping with the promise that I made when the matrimonial property legislation was passed in this Legislature. At that time we agreed to bring in additional ordinances to provide for support in the event of marriage breakdown. However, we found it necessary, Mr. Chairman, to keep all of our family law ordinances in one place, due to the fact, as I mentioned previously, it avoids confusion of terminology, because the *Matrimonial Property Ordinance* as it now stands has that a marriage contract is an agreement relating to any matter that is provided for in the ordinance. But persons may also have agreements relating to their support obligations either separately or in the same document. By providing both documents under the same definitions and the same terms, we find that it avoids much of the confusion that would otherwise result.

Mr. Chairman, other than that, this ordinance basically provides for support to children and spouses in the event of a marriage break-down, and I think all Members will find themselves substantially in agreement with the basic concept of the ordinance.

Mr. MacKay: Mr. Chairman, I do indeed find that I am substantially in agreement with what this ordinance is setting out to do, and it does follow up the assurances given us by the Minister when we were talking of the original bill.

There seems, though, to be quite a number of items in the bill

which are quite interesting and I find them quite amusing - one of them anyway. There seems to be a provision where it is now the obligation of a child to support a parent if the parent has in turn cared for the child in the past. I hope the listeners in the gallery are paying attention. In later years they may find that they have to look after their mum and dad as opposed to having their mum and dad look after them. I do not see anything wrong with that. It is just kind of strange to see it enshrined in law. I thought it was the kind of thing that everybody did anyway.

The other point I find, and this is not so amusing as in the sections dealing with what the court will consider in setting the amount of maintenance. Perhaps I will back up a little bit; I have always assumed that in this new legislation we are trying to do away with the concept of blame as it arises from the actions of couples. All we are trying to arrive at is an equitable settlement and get the thing done and over with.

I find that there is a section, 5(j), which talks about the conduct of the dependant and the respondent as being one of the issues which the judge may consider. I hope that when we get to that that we will hear some rationale for its being in there as one of the things that a judge should consider, because it does not seem to me to be too relevant when you look at all the other things that he can look at. That seems to be the least of the problems.

The principles of the bill are quite in accordance, I think, with what this Government and what this Assembly has approved in the past. I would hope sometime in here, perhaps, to get a brief explanation from the Minister of how the concept of reciprocity will operate with regard to orders given under this ordinance; as to whether it will be enforceable in other jurisdictions throughout Canada and perhaps in the States. I will leave that question hanging in the air and say that I will, in principle, be supporting this and, hopefully, as we go through, there may be one or two amendments that we can look at.

Mr. Penikett: I understand the Minister's need to leave early tonight and I sympathize and hope he will be able to depart fairly soon.

There are, however, as he will understand, particular questions dealing with certain clauses in this bill which will require something in the way of a fairly full explanation.

If it is not possible to give those, that kind of detail tonight, perhaps the Minister will at least give an undertaking to convey that information back to the House. I ask for this because it has been my experience with Chapter 1 of the *Matrimonial Property Ordinance* that, since we are only too willing to give free advice to our constituents on these matters, and given that the advice is worth exactly what they pay for it, that still does not remove from us an obligation to try and speak some authority on legislation that we have only recently adopted.

In fact, I would guess that, of the legislation we have passed in the last couple of years, the bill about which I have more questions than any other has been the *Matrimonial Property Ordinance*. I do not know whether marriages are in a faster rate of decline in my particular neighbourhood than they are in other parts of the Territory, but there seems to have been a lot of interest in the law anyway.

The one question I would like to ask the Minister now, and certainly in Clause 1 general debate; he has indicated that this is part two of what will eventually become a comprehensive bill in this area. I would ask him if he might indicate now how many other parts we can anticipate in time? You have the support part here, and there have been a number of other small bills in this uniform law package, which we have had from time to time. I wonder how many more pieces we should expect before we shall have the whole in this field.

I have no specific questions other than that at this time, Mr. Chairman, but I would again repeat that if the Minister can give an undertaking to get back to us some detailed questions on particulars here, I, for one, will be prepared to have him depart early this evening.

Hon. Mr. Graham: Mr. Chairman, I do not really have any problem whatsoever giving that assurance and also perhaps I can clear up a couple of things right now.

As far as reciprocity goes, at the present time the Government of the Yukon has entered into agreements with all ten provinces, as well as the Northwest Territories. We have entered into agreements with two Australian states and 17 of the U.S. states. Certain of these agreements were entered into as a result of us locating wayward spouses, if we may call them that, in these areas and

consequently entering into an agreement in order to collect the family support monies that were due to spouses residing in the Yukon Territory.

As for the future bills in this series, we have looked at the possibility of bringing in something in addition to this ordinance which would include some children's rights.

As well, we are investigating the possibility of bringing in human rights legislation, although that project has met with a great deal of difficulty, in that we find that the great variety of different bills which are presently in force across Canada have given us some doubt as to which one is the best. So, we presently are looking at doing something altogether different than any other jurisdiction and, consequently, this will probably take us a great deal longer than we had anticipated.

Other than that, as we go through the ordinance, if there is something that I can explain, I would be only too happy to put it aside and come back tomorrow with answers.

Mr. MacKay: Just on the last point the Minister was making, I am not sure what he meant by human rights, but my reading of the constitutional proposal in Ottawa appears to very clearly include Yukon and Northwest Territories in the human rights aspect of that. It creates a few problems, such as jurisdictionary, but it may be a different kind of human rights thing we are looking at. We may have to wait until we see how quickly Mr. Trudeau succeeds in getting his constitution through.

The other aspect that was mentioned by the Minister of the children's rights — regrettably I was hoping to speak today towards the bill, which was at second reading, but thanks to CP Air, I was unable to be here. Hopefully, then, if my bill does not come to debate, as it is possible now that it may not, it will be considered in the future deliberations of the Justice Department in determining what children's rights they should be including in this package.

Mr. Penikett: Mr. Chairman, now that the children are gone, too, I was interested in hearing about the Minister's commitment on human rights legislation. I look forward to seeing it, and Mr. MacKay has cautioned about Ottawa's initiatives in the fields of human rights. I, for one, will be fascinated with the Minister's initiatives, in view of the fight of a couple of municipal politicians in Toronto this week, but that is a question for another time, I guess.

Clause 1 agreed to

On Clause 2(1)

Hon. Mr. Graham: Mr. Chairman, the definition of "child" that is in the present *Matrimonial Property Ordinance* is substantially the same as this definition; however, we have changed this definition in wording, only; the intent is exactly the same. We have brought it more in line with the uniform legislation so that it would be easier to enforce across Canada.

Clause 2(1) agreed to

On Clause 2(2)

Hon. Mr. Graham: Mr. Chairman, basically we have revised this definition to include not only matrimonial property in the marriage contract, but support obligations as well. That is the difference between this one and the present one.

Clause 2(2) agreed to

On Clause 2(3)

Hon. Mr. Graham: Mr. Chairman, this is a new definition. The definition of "parent" was not needed in the former ordinance. It is a new definition, but I think it basically outlines what we would like it to outline and also it is based again, loosely, on uniform legislation.

Clause 2(3) agreed to

On Clause 2(4)

Hon. Mr. Graham: Mr. Chairman, the only change in this is (4)(b), "support obligations". We have included that because that is the intent of this ordinance amendment.

Mr. MacKay: The original one also had a reference to Section 37 which has now been dropped. I wonder what the reason for that was?

Hon. Mr. Graham: Mr. Chairman, Section 37 dealt simply with domestic contracts. Under "separation agreement" we will not only deal with domestic contracts, we will deal with separation agreements as well. So I think we have expanded the definition slightly. I really do not know why the Section 37 reference was dropped.

Clause 2(4) agreed to

On Clause 2(5)

Mr. Penikett: I gather the effect of 2(5) is to prevent someone avoiding obligations by virtue of having a multiple of spouses, and the effect of it will be to make sure that someone in fact cannot claim to discharge an obligation by creating or joining a new form of marriage.

Hon. Mr. Graham: Mr. Chairman, that is true but it is also to enlarge the definition to include a few things that were not included in the past definition. However, the major concern here was, especially in terms of common-law relationships, that a person may have entered into a legal marriage, and without obtaining a divorce, entered into a common-law relationship. We wish to include those people in this definition.

Mr. Penikett: Mr. Chairman, is there going to be any problem here between jurisdictions? This is uniform law as I understand it. Other jurisdictions, it occurs to me, may have a law which says that notwithstanding the fact that you may be living apart, if you are still legally married, you are responsible for the support of those children. We may have a different law which says that even though the marriage may have been consummated and lived out most of its life somewhere else, one of the partners may have moved here so we want to govern them by our laws after a certain period of time, or if the children may be living with them for part of the time. Where there is a conflict between the laws of jurisdictions, as regards the obligations presumably for our purposes, our law here will be of the paramount importance.

Hon. Mr. Graham: That is true, Mr. Chairman, except what you must remember, is that if one of the spouses, the spouse who is trying to avoid payment of a debt, moves to another jurisdiction, we request payment of a support obligation that we feel is due; however, under the law of the present jurisdiction he is residing in, that support obligation is not due; unless we can enter into a reciprocal enforcement of agreements, that support obligation will not take effect.

Mr. Penikett: As I understand it from the previous bills, we could only claim in that other jurisdiction to the extent that their law provides for.

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

Clause 2(5) agreed to

Clause 2 agreed to

On Clause 3

Hon. Mr. Graham: Mr. Chairman, basically the changes here only expand the existing provisions to cover support as well as matrimonial property. We also must recognize in this section, Mr. Chairman, the right of the Territorial court to have jurisdiction in the Territory in areas of support legislation.

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Hon. Mr. Graham: Mr. Chairman, it is just to enlarge the definition to include former spouses, for purposes of support.

Clause 5 agreed to

On Clause 6

Mr. MacKay: The original 12(2) seemed to be fairly reasonable. I think I am a little confused as to the effects upon this Ordinance of what is called "domestic contracts" because that is what the reference to section 37 was earlier, when it removed it. Clause 12(2) gave the power to the court to decide the effect or the meaning of a "domestic contract".

Is there any explanation for this?

Hon. Mr. Graham: Mr. Chairman, "domestic contracts", I think, are dealt with under section 30.5 in the new Ordinance. Basically, we eliminated 12(2) and put in a new 30.5(4), which gives the court the ability to set aside provisions in domestic contracts dealing with support, but it is all dealt with in that section.

Clause 6 agreed to

Mr. Chairman: The Committee will notice that Clause 7 covers the following 14 pages. We will therefore deal with it definition by definition.

The first definition then in section 7 will be "court".

On Clause 30.1

Hon. Mr. Graham: Mr. Chairman, this is, again, just to take into consideration that the Supreme Court of the Territory has jurisdiction in matters of divorce; the Territorial Court has juris-

diction in matters of support.

Clause 30.1 agreed to

On Clause 30.2

Clause 30.2(1) agreed to

On Clause 30.3(1)

Mr. MacKay: I should probably know this, but for the purposes of this ordinance, what is a minor and what is an adult?

Hon. Mr. Graham: Mr. Chairman, a minor is under 18, or, if under 21 and under the guardianship of an adult.

Clause 30.3(1) agreed to

On Clause 30.4(1)

Hon. Mr. Graham: Mr. Chairman, I know there will be questions asked about this: the obligation of the child to provide support for parents. However, this particular section is in effect in actual common law across the country. I found, when I asked the question I am sure all Members are thinking: why is it here? I found that it is in effect in all eleven other jurisdictions in Canada and it is common law in fact. It does not even have to be in this legislation. The common law states that a child is responsible for his parents.

Mr. MacKay: I cannot say how happy I am to support this section, because I have six kids; obviously I will have to move back to the Yukon to ensure that I get my rights.

Clause 30.4 agreed to

On Clause 30.5(1)

Clause 30.5(1) agreed to

On Clause 30.5(2)

Hon. Mr. Graham: Mr. Chairman, this is just to give the right for a dependant spouse to also apply for support for a dependant child as well. They cannot apply for themselves.

Clause 30.5(2) agreed to

On Clause 30.5(3)

Hon. Mr. Graham: Mr. Chairman, subsection (3) reiterates this Government's concern that those responsible should pay for the support of their dependants. The taxpayer should not have to pack the load for dependant children or dependant spouses of divorced couples.

Clause 30.5(3) agreed to

On Clause 30.5(4)

Hon. Mr. Graham: Mr. Chairman, this is the section that I stated earlier covered the support contract, or domestic contracts. The important provision here is that the last two lines of subsection (4) before you get to a, "an express provision excluding the application of this section". In other words if the contract expressly forbids one spouse to pay support for another spouse, and in the opinion of the judge that support should be paid, the judge may disregard entirely a domestic contract.

Mr. MacKay: I can see that clearly, dealing with the clauses, in that domestic contract that relates to support. I am wondering though, about the effect of repealing 12(2), with respect to contracts that deal more in the assets of the marriage, if the court can no longer make a determination on these matters now because of that, or is that covered elsewhere?

Hon. Mr. Graham: Mr. Chairman, I believe it is covered elsewhere. I can remember asking the same question and I believe it is covered under section 30.7(2), where subject to any order that has been or may be made by the Supreme Court, the Territorial Court in application under 35 — Possibly I am mistaken again. However, I am sure it is covered elsewhere in this ordinance, because we definitely intended to leave with the Supreme Court the ability to deal with any matter between the parties of a domestic contract. The intention is to leave that capability to the Supreme Court.

Perhaps tomorrow, if you would prefer, I will bring back the exact section, or maybe we will run across it in our deliberations this evening.

Clause 30.5(4) agreed to

On Clause 30.5(5)

Mr. MacKay: I wonder, I brought up the point in the Clause 1 debate with respect to (5)(j), where "the court shall consider all the circumstances of the parties, including the conduct of the dependant and respondent." I can appreciate that that could be construed to mean in what way are they making the best possible

efforts to support themselves, but I am wondering if it is not open to some misinterpretation; it seems to me, when you look at the other sections, and I am trying to put my fingers on the ones that are important, but it would seem to me the other sections seem to cover that eventuality of them not actually endeavouring to look after themselves, and placing an undue burden on the person who is supporting them.

If, for example, under (g), "...measures available for the dependant to become financially independent and the length of time and cost...", it would seem to me the judge would be considering all of these factors about their ability to look after each other, by virtue of looking at all these sections, and the conduct of the dependant and the respondent — it is open to some misinterpretation.

Hon. Mr. Graham: Mr. Chairman, that is possible, but what this section was intended to do was to take into effect common-law relationships that one spouse might enter into, after divorcing or after separating from a respondent, shall we say. So what we are saying in this section is that a spouse should not be required to pay support payments to a dependant who has already entered into a common-law relationship with another person who is supporting her or him as the case may be. This was the intent.

The other thing is that these are only things that the court is required to take into consideration. They are substantive rules of law, so the court must just take these things into consideration. I realize that the court would probably take this into consideration anyway, but (j) was added as kind of a catch-all, as well.

Mr. MacKay: The point that was made was that it would catch the dependant who actually got back into another relationship. I look at subsection (6); it seems to catch it there where the dependant claims the obligation of the respondent to provide support arises under 30.2, that the court may refuse to make an order where, at the time of the bringing of the application, the dependant has remarried or is co-habiting. It seems that we do catch it specifically there.

I suppose that the point there is quite valid, though, that the court is going to consider what it is going to consider anyway. As long as it is not open to interpretation that there is some blame attached because they did not behave morally and properly, or something like that.

Hon. Mr. Graham: Mr. Chairman, I believe that you will find in the original matrimonial property settlement legislation that there is a section here which states specifically that blame will not be a reason for division of assets or support. So, what we are saying is that in the original *Matrimonial Property Ordinance* there is a section that says specifically that blame or misconduct on the part of one spouse is no reason for a specific division of matrimonial property assets being done. I think that that same section will deal with support obligations as well. We did not intend that to be the case.

Mr. MacKay: I do recall that other section. I am sure that as long as it is not restricted to any one party, it is going to take care of my concern. I am wondering if the judge should not be requested to consider, under the different sections of the act, what assets were transferred between spouses, in determining what kind of future supports there may well be required. My reason for asking that is that it happened in this town, where part of the assets involved one of the businesses being given over, which would provide a means of support. That should have quite a bit of bearing on the future dependency that there is between the spouses. I wonder if that should not be in here: if that consideration should be given to the type of assets and the earning capacity of the spouse because of that.

Hon. Mr. Graham: Mr. Chairman, I believe that is taken care of under (a) and (b). The assets and means of the dependant and of the respondent, and any benefit or loss of benefit under a pension plan or annuity, and the capacity of the dependant to provide for his own support.

Also, as we move along in the ordinance, Mr. Chairman, we will come to a section which deals specifically with assets. Where a judge requires that the assets be broken up and one of the spouses gets the family home, shall we say, but it is in the best interests of the children to live in that family home, then the judge has the capability, even though he has given that asset to, shall we say, the wage earner, to turn around and allow the dependant spouse and the children to live in that home for a specified period of time. So

the judge has almost total flexibility under this Ordinance to do what is best in the division of assets and support.

Clause 30.5(5) agreed to

On Clause 30.5(6)

Mr. MacKay: I have got a note here that I do not understand and maybe I will understand it as I read it. My note says "Why not exception for child of previous marriage, where the dependant claims an obligation of the respondent to provide support?"

It seems to me that the parent of the child should always be responsible for the child, regardless of whether that child is living with him or her or not. I am wondering about the affect of this section. Would that put the onus upon the new father or mother, stepfather or stepmother, to support that child of a previous marriage, and therefore wipe out the obligation of the true parent to continue supporting?

Hon. Mr. Graham: Yes, Mr. Chairman, where the stepfather or stepmother has assumed the responsibility for that child, it would wipe out previous considerations, after a specific period of time has passed. I believe the time is either six months or twelve months.

If the parent does not accept that responsibility, and support payments continue for the purpose of supporting the dependant child alone, and the stepfather or common-law father, shall we say, does not accept that responsibility, then the support may continue. So, again, it is a discretionary thing. In other words, if the stepfather or stepmother formally adopts the child, then they have accepted the responsibility for providing support for that child for the remainder of his tenure as a child, be it 18 or 21.

Mr. MacKay: So there is no way in which a parent can disown a child that has in fact become part of another marriage situation? The only way it can be done is through the initiative of the new stepfather or stepmother?

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

Clause 30.5(6) agreed to

Clause 30.5 agreed to

On Clause 30.6

Hon. Mr. Graham: Mr. Chairman, this is basically a change from the existing ordinance. The existing ordinance does not provide for support in common-law relationships and we believe, since we have recognized common-law relationships under our present *Matrimonial Property Ordinance*, that we should also recognize support for offspring of those common-law relationships.

Mr. MacKay: The Minister just mentioned "offspring" but I assume from reading it that it would include the mother or father, in the event that they could qualify under Section 30.5 for support as well?

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

Clause 30.6 agreed to

On Clause 30.7(1)

Hon. Mr. Graham: Mr. Chairman, this is basically a procedural section. It outlines the things the court may or may not do, when considering an application for support between separated or divorced couples.

Mr. Chairman: There is a typographical error in subsection (d), in the third line, "appropriate". There should be an "a" in there. Is there unanimous consent?

Some Members: Agreed.

Clause 30.7(1) agreed to

On Clause 30.7(2)

Hon. Mr. Graham: Mr. Chairman, this one deals with special invitations which we impose on the powers of the Territorial Court, because only the Supreme Court of the Yukon has jurisdiction in relation to divorce and to real property. In real property we are dealing with land, homes, that is about it.

Clause 30.7(2) agreed to

On Clause 30.7(3)

Clause 30.7(3) agreed to

On Clause 30.7(4)

Clause 30.7(4) agreed to

On Clause 30.7(5)

Hon. Mr. Graham: Clause 30.7(5) deals with support, Mr. Chairman, so in other words, the court may make interim measures for support of dependants.

Clause 30.7(5) agreed to

On Clause 30.7(6)

Hon. Mr. Graham: Mr. Chairman, the reason this section is here is because of the fact that, in many cases where a couple breaks up or a child is left, the Territorial Government, under the *Social Assistance Ordinance*, provides support for that dependant spouse or child. We would like the power to sue the respondent in these cases, and recover the money that was paid out under the Social Assistance Plan. That is the reason that section is there.

Clause 30.7(6) agreed to

On Clause 30.7(7)

Clause 30.7(7) agreed to

Clause 30.7 agreed to

On Clause 30.8

Mr. MacKay: This is a very straightforward section, but it seems to me it is a very good section too. I hope that the judges who are reading this will take note.

Hon. Mr. Graham: Mr. Chairman, I think that it is very appropriate. This section, along with the section that deals with the duty of the parents to provide support, tells it all as far as this ordinance is concerned. We are concerned not only that respondents provide support for their dependants, but also that those dependants attempt to reach independence as quickly as possible, and that is the whole meaning behind this ordinance. That is it, in two simple sections.

Clause 30.8 agreed to

On Clause 30.9

Mr. MacKay: I could not make sense of the second last line: I think there may be a typo in it.

Mr. Chairman: Yes, there is "expect" instead of "except".

Mr. MacKay: Yes, okay.

Mr. Chairman: Unanimous consent?

Some Members: Agreed.

Clause 30.9 agreed to

On Clause 30.10

Hon. Mr. Graham: Mr. Chairman, this one basically states that, if the order is made by the territorial court, the territorial court has the exclusive jurisdiction to vary the order, and the only thing that would change this is an appeal.

Clause 30.10 agreed to

On Clause 30.11

Mr. MacKay: I am sorry, Mr. Chairman, I thought we were considering 30.9 then, and I have some questions to raise in 30.10.

Mr. Chairman: You want the unanimous consent to open 30.10?

Some Members: Agreed.

Mr. Chairman: Proceed, Mr. MacKay.

Mr. MacKay: Thank you.

This deals with the absconding respondent, which is a delightful expression. It seems to be very specific about you not being able to do anything about him after he has left the Territory. Is that correct? We are just talking about in the situation where you have got reason to believe that he is going to leave the Territory, that you can put him in jail.

If he has left the Territory already, there is no way that you can do this.

Hon. Mr. Graham: Mr. Chairman, basically the reason that this section is here is that in some cases when the respondents leave the Territory we have a great deal of trouble locating them. In many cases, they do not have a job in the new locale, so we have a great deal of trouble collecting any money from them anyway. Basically, what this section says is that we would rather have the money than the respondent. However, if the respondent has some assets, and he is going to drive those assets out of the Territory, or otherwise relocate those assets outside of the Territory, we would rather have him in jail and seize his assets at another time, than have him and his assets both move to some location that we cannot find.

Mr. MacKay: When reading that the first time, I thought that was pretty tough, but then I thought, why not. It's pretty tough on the remaining ones too. But then, when I read it again, it gives the power to issue a warrant, "...in the prescribed form for the arrest of the respondent or debtor," and then does not say what you are going to do with him once you have him.

I notice that further on we talk about the arrest of the debtor, for the purpose of compelling attendance. I am wondering whether we

should not be more specific in this section as to why we are arresting him, or else we can be sure that some application for Writ of Habeas Corpus will be coming forth after six months.

Hon. Mr. Graham: Mr. Chairman, after he has been arrested, and been detained here in the Territory, the *Summary Convictions Ordinance* comes into effect, and what the *Summary Convictions Ordinance* says, if you recall, is that if there is a judgment against that person, we may seize any assets that he owns in the Territory, necessary to satisfy that judgment against him. So, in other words, what we could do is detain the respondent, or, if he already has a judgment against him, in which case he would be a debtor, we would detain that person in the Territory, get a quick judgment against him, which is very possible, and then seize his assets before he had a chance to leave the Territory. That is the object behind it. But that would be done under the *Summary Convictions Ordinance*, because he would be convicted of evading his responsibilities, as it were.

Mr. MacKay: The long arm of the law! I can see it clearly where you have a debtor who has a judgment against him, but what we have here is somebody who may or may not have dependants. It seems to me that a lot of water has to go under the bridge before you can actually nail him, or her, with the charge, shall we say.

I do not know how you would cover it, but there seems to be a fairly wide power of arrest, without any time limit attached. I appreciate that you say we can do it very quickly, but what is "very quickly"? Is it a month?

Hon. Mr. Graham: Mr. Chairman, quite the contrary. We find that support cases which come before a magistrate are settled within hours, not even within days. I would hate to say that it is an unfair thing, but it is a fairly straightforward process, and we find that cases are either disposed of or heard, and judgment is given extremely quickly.

Clause 30.10 agreed to

On Clause 30.11

Clause 30.11 agreed to

On Clause 30.12

Clause 30.12 agreed to

On Clause 30.13

Hon. Mr. Graham: Mr. Chairman, this is one of these sections where it says basically that the court can do anything, but again, the promotion of self-sufficiency by the dependant spouse is recognized as something that is desirable under this ordinance.

Mr. MacKay: The wording under (a) is quite interesting. It says "...discharge, vary or suspend any term of the order..." I am wondering, why not say "increase" or "decrease" or leave it the same?

Hon. Mr. Graham: Mr. Chairman, what we are doing here is giving the court the right to vary retroactively as well. In other words, if a dependant spouse has re-married three months ago and not bothered to tell anybody about it or has entered into a common-law relationship and again has not bothered to tell anyone, or something has made that dependent spouse financially independent and he or she just has not bothered to tell anybody because he was still receiving the \$300 a month from the respondent, we want to give the power to the respondent to ask for that money back that had been paid in support.

Clause 30.13 agreed to

On Clause 30.14

Clause 30.14 agreed to

On Clause 30.15

Hon. Mr. Graham: Mr. Chairman, these sections are all dealing with financial matters, so the court basically knows what it is dealing with. We found that in 100 per cent of the dealings that the Territorial Court has had to date, they are not really necessary.

Clause 30.15 agreed to

On Clause 30.16

Hon. Mr. Graham: This is basically to protect the dependant or spouse in cases where the respondent has not paid the monthly fee.

Clause 30.16 agreed to

On Clause 30.17

Hon. Mr. Graham: Mr. Chairman, this is not a new power; it is presently in force under the present ordinance.

Clause 30.17 agreed to

On Clause 30.18

Hon. Mr. Graham: Mr. Chairman, this is not really a new

section; however, what it basically does is it allows the Territorial Court to enforce orders made by the Supreme Court. This is definitely not uniform legislation, because most other jurisdictions do not have this problem. However, since we only have one Supreme Court Judge in the Territory, we do not feel it necessary that he hears not only the divorce and the separation of family assets, but the support as well. We feel that Territorial Courts are more equipped to handle the support obligations because they are dealing with them on a daily basis. Therefore what we are saying is that the Territorial Court has the responsibility to enact provisions under the *Garnishee Ordinance*, and also to deal with just about any areas of support in the Territory.

Clause 30.18 agreed to

On Clause 30.19

Mr. MacKay: Try as I might, I read subsection (6) and as I think I understand it — I just want to get my understanding clear — is that basically this section gives priority to these court orders or writs of garnishment, but I was not sure what sub-section (6) did. Maybe the Minister has a succinct explanation for that.

Hon. Mr. Graham: I am sorry, Mr. Chairman, I do not know. I hate to admit it. I can check and get back to you.

Mr. MacKay: Perhaps we may have a coffee break sometime and there would be an opportunity for the Minister to look into what it means. We could come back to that later. Could we stand it over?

Mr. Chairman: Would you like to stand this over?

Hon. Mr. Graham: Yes, Mr. Chairman, I would ask you to stand it over. I do not, unfortunately, have a copy of the *Garnishee Ordinance* here.

Clause 30.19 stood over

On Clause 30.20

Clause 30.20 agreed to

On Clause 30.21

Clause 30.21 agreed to

On Clause 30.22

Mr. Chairman: You will find a typo in the third last line down. You can delete the letter "p". Unanimous consent?

Some Members: Agreed.

Clause 30.22 agreed to

On Clause 30.23

Hon. Mr. Graham: Mr. Chairman, support is basically something that is on-going. We feel that it is designed to meet only current needs, and consequently, the extinguishment of arrears on death seems to us to be a fair thing.

Mr. Penikett: Mr. Chairman, there is one question that is bothering me slightly. Perhaps I could have brought it up under another section, but it occurs to me that there may be reasons from time to time, in the life of a custody arrangement, wherein the courts, upon the application of one spouse or the other, could change those arrangements in such a way that one spouse who has not been previously responsible becomes responsible, or one spouse who has been previously awarded custody, now for some reason, is deemed not suitable to continue that custody. Can one assume that the court, in dealing with such an application, would also be able to quickly make an adjustment in the support arrangements, or the financial arrangements, without having to have another action in another court?

Hon. Mr. Graham: Yes, Mr. Chairman, that is possible under Section 30.13(1); the court may vary or suspend or discharge any order retroactively. If any circumstances change, the court has the capability to change the support.

Clause 30.23 agreed to

On Clause 30.24

Hon. Mr. Graham: Mr. Chairman, the reason that this is here is because the right now exists during co-habitation or marriage, that spouses are not required under common-law to testify against each other. However, if we are ever going to find the truth in the area of support obligations, especially, we must compel the spouses to appear as witnesses against each other. That is the intent of this portion of the ordinance, to over-ride that section of common-law that states that witnesses or spouses need not be witnesses against each other.

Mr. MacKay: Clause 30.24 starts out with saying, "during co-habitation" and then it goes on to state — I did not quite match up the explanation that I got to this section. I will just ask my question. Clause 30.24 talks about the capability of a spouse to render himself

and his wife jointly and severally liable during co-habitation; I always thought that extended beyond co-habitation, and unless there was some specific notice given in the paper.

I remember one, the best one I have ever seen actually, was published on January 2 in the *Whitehorse Star*, 1980 where it said, "I, John Doe, hereby declare that I will no longer be responsible for the debts of Jean Doe. Happy New Year."

Hon. Mr. Graham: Mr. Chairman, this is basically changing that. What we are saying in this ordinance, is that when a man and wife live together, the man is responsible for the debts that his wife incurs for the necessities of life. In turn, a wife is responsible for her husband's debts incurred for the necessities of life.

In other words, the idea behind this is that a husband, no matter how much he may want to disavow himself in the newspaper with one of those little ads, is still responsible for food and lodging and clothing of his dependants; he cannot avoid that responsibility.

Clause 30.24 agreed to

On Clause 30.25

Hon. Mr. Graham: That is the one I previously gave the explanation for.

Clause 30.25 agreed to

Mr. Chairman: Because there has been a certain section stood over in this clause, I will stand over clause 7. I refer you to clause 8 at this time.

Clause 7 stood over

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Hon. Mr. Graham: Mr. Chairman, this is to take into account, as I said before, the fact that a Territorial Court has the sole responsibility for support, but the appeal may be made to the Supreme Court.

Clause 10 agreed to

On Clause 11

Hon. Mr. Graham: Mr. Chairman, this is just to take into consideration the fact that Territorial Court, once again, has responsibility for support; the Supreme Court has responsibility for divorce actions and division of assets.

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

Mr. MacKay: I like to learn something new everyday and here is my chance. Clause 7 of the *Judicature Ordinance* talked about the law of England in divorce, and so forth. I am wondering if the erudite Minister has anything to tell us as to why the law of England never did apply here?

Hon. Mr. Graham: No, Mr. Chairman, I hate to admit it, but I do not know that one either.

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

Mr. Chairman: Is the Minister prepared to deal with Clause 7?

Hon. Mr. Graham: No, Mr. Chairman, I am not at the present time; however, I would like to deal with it first thing tomorrow in Committee of the Whole, and I am sure I would be able to answer any questions that we have on that section.

Mr. Chairman: Are you prepared to report progress, sir?

Hon. Mr. Graham: Yes, Mr. Chairman, I move that we report progress on Bill Number 59.

Mr. Chairman: It has been moved by the Honourable Mr. Graham that the Chairman do now report progress on Bill Number 59.

Motion agreed to

Mr. Chairman: I would like to call a short recess.

Recess

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

I refer Committee to Bill Number 62, an *Ordinance to Amend the Game Ordinance*.

On Clause 1

Hon. Mr. Lang: Mr. Chairman, I have a minor amendment to propose to Committee, for Clause 44(1)(b). Have you got a copy of that? Perhaps these could be passed out.

Mr. Chairman, this legislation you find before you is to allow for the granting of a group trapping area in the northern Yukon, to the Eskimo people who live within 150 kilometers of the border, so they can continue to utilize that area.

Also, Mr. Chairman, I must stress that along with the limitations included in the legislation is the provision that they must live in that proximity for a minimum of three years. This is protection for the trappers in that area, so that one cannot move in and assume that they have these rights and join the Trappers' Association.

Along with that, Mr. Chairman, it will be necessary to have a schedule of the names of the people that would be involved in this particular pursuit.

A number of months ago the department did receive a list of names of approximately 40 people who apparently have used this area, in the traditional sense of the word, so this is the approximate number we think we would see utilizing the group trapping area. I think that has to be stressed, Mr. Chairman, since the implications are that there are going to be thousands of people coming over hunting and trapping; that is not the case. There will be, like I say, approximately 40 maybe 50 people actually involved in the group trapping area.

This will also give them the capability to hunt without a guide, which had been required in the previous legislation. They will be able to hunt big game without a guide and have the same rights as a resident hunter, only in that area. A resident from that area of the NWT will not be able to come down, say, for an example, to hunt in Kluane or down in Teslin; they will be just delegated to that particular area.

Along with that, Mr. Chairman, there is a very basic principle involved here. That provision is that if you or I, as a resident, chose to go up there, abided by the general laws of application, had a hunting licence, we would have the ability to hunt in that area as long as we followed the law.

Mr. Chairman: Before further debate, I would like to remind Honourable Members that the Chair would like to have general debate on the clauses before we deal with any amendments.

Mr. MacKay: It is hard to be humble when you are as great as I am, Mr. Chairman. Having got the Members' attention opposite, I would like to point out that this is a totally unnecessary piece of legislation.

If only you had listened to me in the first place, you would never have had to do this, you see. So it is hard, as I say, to be humble, when you are proven right so often. Out of all this, I hope that I shall provoke the former Minister for COPE to stand up and give us his opinion on this bill.

Frankly, I have nothing but positive things to say about this. I think that the Government has recognized what I would term some of the aboriginal rights of the people up there, by permitting them to continue doing what they have been doing for centuries. I am genuinely pleased to see this come forward.

I hope it is a good omen for future negotiations, not only with COPE but with the Yukon Indian people, and also, I guess, the Tahltans and, who knows, the Dene and whatever. At least we are probably seeing a fairly historic piece of legislation in this. It is the first recognition by the Yukon Territorial Government, in legislation, of a land claim. I think that that merely fulfills, of course, the promises of the Yukon Territorial Government, what the PC Party's position has been in the past, that they do recognize Native land claims and they are seeking a fair settlement. As I say, I am pleased to see it. I think it is a bit of a landmark on the way towards final settlement of these things.

My personal feeling is that some area of Porter Creek definitely should be given to the Tlingits, or perhaps the Haidas — I am sure not if they are outside the Territory.

Along with that they would get to hunt the Members from Porter Creek, as a bonus. These people are becoming rapidly extinct. I

should not be so facetious, it is good to see this coming forward. I hope it is a step in the direction towards a final settlement of the situation with the COPE people.

I am not exactly encouraged by the response I hear through the news media, and I hope that, as it all unfolds, there is a meeting of the minds.

Mr. Chairman: I should remind Members that the general debate lasts up to 30 minutes per person. Mr. Penikett?

Mr. Penikett: Thank you, Mr. Chairman. I had not planned to use quite that much time, but since you have invited me to extend myself —

I would like to ask seriously of the Government Leader, or the Minister who is now proposing this aboriginal right to the Legislature, if they would care to comment, in all seriousness, on what are, from my point of view, some legitimate concerns expressed in second reading: namely the exact status of this proposed legislation in connection with the negotiations.

The Government Leader has been kind enough to speak to me privately about it, but I am concerned about the record. Are we involved in a bargaining position here? Have we become party to a bargaining position? Is this a proposed element of a final settlement; subject, of course, to some correction which might happen in the *Settlement Act*, which would over-ride any legislation we passed? Is it likely or is it reasonable to expect that, as far as this issue is concerned, if it is generally settled — notwithstanding an amendment the Minister may bring in or some concern about whether 150 kilometres is the right measure or whether boundaries are properly defined in the group trapping area, or details like that — we can expect that this would be an act of good faith by the Government, and recognized as such by COPE, and that we have therefore become party to at least a partial settlement in this respect?

Exactly what are we doing here, and when can we expect this bill to be proclaimed? Is it something that will have to wait until the final settlement is achieved, or is it possible that we might have to, in the Spring session, go to further amendments again, as a result of something else in negotiations. If that is likely, I must say I would have some concern about proceeding with dispatching this. I hope that that is not highly probable. If, due to some unforeseen circumstances that may yet arise, we have to do that, then that can be understood. I would hate to be amending our ordinances as a result of negotiations. It seems to me that would be a bad way to negotiate. So, having restated those questions, Mr. Chairman, I would appreciate if someone opposite could extemporize for a minute or two.

Hon. Mr. Lang: Mr. Chairman, this is a result of a lot of discussion that took place. As you know, this Government has taken a very firm stand with respect to the COPE Agreement, the contents of it, and the way it was done. I think it is fair to say that we are the only party that really has taken a firm stand on behalf of the Yukon Territory, recognizing the long term implications of it. Now, Mr. Chairman, I think it is fair to say that we are bringing this forward following some discussions that took place with the representatives of the Inuvialuit but, just as importantly, if not more importantly, since the Government of Canada does have the final authority, also in the name of Mr. Steuart, who, this time, had requested that we try to resolve this situation.

We have always said that we are more than prepared to sit down and discuss, and resolve, the issue of trapping and hunting in the Northern Yukon Territory. I think it is fair to say that that was included in the position paper that was put forward to the legislature in 1970, or by the previous legislature, and we have carried that principle forward in this particular bill, and it was contained in the package that we produced over the course of the summer, what the implications of the COPE Agreement were. That was one of the principles that we stated as a Government that we were more than prepared to bring forth.

To a certain extent, we are acting in good faith. Mr. Steuart has asked us to do this. I think that we have brought forward a very responsible position, not only in this area, but going further afield, with respect to a proposal for the management of that area of the Yukon Territory. Now, one could, I guess, tie it to the negotiations, but I think it is more in the spirit of cooperation, that we are bringing this forward for the people in question. I do not agree with the Member's observation that things should not be done piecemeal, or whatever, because they get to the point that nothing ever gets done, because everybody is waiting for the other guy to do it. This is why we are bringing this forward. I do not think we have to

see any other changes. My understanding is that this is acceptable, in broad parameters and principles of the legislation. There may be some technical problems with the legislation from the vantage point of COPE, but we have explained to them the limitations that we can go to, and, at the same time, I think that is an area that some Members seem to forget.

We do have responsibility for maintaining the law, but, just as important, we do have responsibility for the conservation of the wildlife. In view of that, that is why I spoke, a few minutes ago, about the imposition of limitations on the people who might have access to that trapping area. It is protection for those who actually use the area, and also it would give us some guidelines as to how we should operate, within the proposal that we have put forward to you. As I indicated earlier, it is the protection of wildlife. We have the responsibility and we are prepared to carry it out. As I stated in my opening remarks on second reading, we will be putting a conservation officer in Old Crow, who will be doing the necessary policing of the particular area in question.

So, Mr. Chairman, with respect to the negotiations — perhaps the Government Leader has something further to add — but we are acting in good faith. We are attempting to solve a problem. We do not like confrontation any more than anyone else does. It takes a lot of time and a lot of energy. We feel that we are looking at the situation and coming up with constructive proposals over-all. We hope it is acceptable to the Government of Canada and the Inuvialuit. Too often, I feel, people have to be negative and say, "Well, no, this is not acceptable" on almost anything you come forward with. Too often it is easy to send out a press release and say, "No, it is unacceptable; this is wrong, or that is wrong". But I rather think we have brought forward a proposal that all Members here feel is a logical and acceptable manner of addressing the situation.

Mr. Fleming: I do have sort of mixed feelings on the ordinance itself. I have no problem with what the Minister has said, that the Government is acting in good faith with this ordinance being brought forward. The only problem I have with the type of ordinance is that it is setting a precedent over anything we have done before, in the very fact that we, as the Yukon Government, are actually going to allow somebody from outside the Territory to hunt in what we feel is the Territory; we feel is part of our Territory.

The only real problem I can see that might come up is from the Old Crow area. The Member for Old Crow has spoken on the matter before and indicated that there was not too much of a problem with the bill, that worry is not too bad.

It is a fact that we are saying that somebody else is going to be able to do these things in an area which might really be for the very people from Yukon. Maybe it should only be for them.

The land claims, as far as I am concerned, in the COPE settlement, the claims they have, I think are probably very valid and the bill, to me, is a bill that is almost a necessity because of the claim that they have put forth to the federal government.

I think one possible breakthrough that I am quite happy to see is the very fact that this bill is probably being looked at by our negotiators and by our federal government, more so than anything else that has been put forth, even though it is just a little bill. It is a start, that they are looking at something that is the people of Yukon's, other than the native peoples. They are looking at both sides of the story, that is what I am saying.

Therefore, in that sense, I feel that possibly it is a small breakthrough for the Yukon Territorial Government itself.

I would hope that there is not anything behind the scenes anywhere, in bringing this forward as a negotiating piece of paper, because I do not think it is that. I do not think it is something you are going to bargain with, and, if it is, I do not believe in it anyway. I do not believe in bargaining in that sense with something like this, because this a fact anyway and would have been, regardless of this. I think this piece of paper is naturally something that — we might as well face the facts — I think we had to have. You get your ice cream and you eat it with a smile whether you like it or not, and now we are going to go along with it.

I will go along with the bill.

Hon. Mr. Pearson: Mr. Chairman, I want to assure the Honourable Member that this is not a precedent. We have these provisions in place for people from Arctic Red River in the NWT now. They have a group trapping licence in the Territory and have had for a number of years.

Also, Mr. Chairman, I have heard it said that what we are doing

here is giving back to the COPE people something that we took away from them last year, and that simply is not true.

We took nothing away from them last year. It does not matter what Mr. DeLury says, we took nothing away from them last year in the legislation.

What we are doing here, Mr. Chairman, is making it legitimate for COPE to do something that they have been doing outside of the law for a number of years and we are recognizing that at this point in time.

They have been trapping in northern Yukon; fine and dandy. We have looked at the matter very, very carefully and we can see no reason why we should not allow them to trap within our law and not force them to continue to trap outside of our law. That is why the bill is here. It is not a negotiating point. It was never meant to be a negotiating point. We are not in negotiations with COPE really. What has transpired is the COPE agreement in principle is COPE's stand in respect to northern Yukon. We have at his request, given Senator Steuart a model of our perception of northern Yukon and there is a gap; there is a difference. This bill is included in that model. We undertook, as a Government, to table this legislation and pass it at this Session.

Mr. Chairman, I respectfully submit to you that this bill should be passed at this Session irrespective of what might happen in the future in respect to COPE. I do not know, nobody knows what is going to happen in respect to COPE Agreement in Principle. The Senator's responsibility to the Government of Canada is to try and narrow the gap that exists, try and eliminate it. It will not be negotiations because I do not believe that the Senator has a mandate from Canada to negotiate and I am confident that COPE is not prepared to renegotiate the COPE Agreement in Principle.

They do recognize that there is a big gap between the COPE Agreement in Principle, and the law in Yukon. They are trying to resolve that now.

So, rather than him being a negotiator, Mr. Chairman, he is more of a facilitator than anything else. So, I do not want Honourable Members to think that this is a negotiating tool. That is not what it is at all. If it was, of course, we would be holding this off and not pressing for it to be passed at this point in time.

Mr. Chairman, I feel that it is important that we do pass it now to demonstrate to the people of COPE that we are considering their aspirations in good faith.

Hon. Mr. Lang: Mr. Chairman, just to add to what the Government Leader has said, and to emphasize the fact that it is not a precedent, the Fort McPherson Arctic Red and the native people in that area do have a group trapping area. It is my understanding that a group trapping area was offered in about 1952, dating back that far, to the Eskimo people who utilize that area as a group trapping area.

Along with this, Mr. Chairman, as the Government Leader was pointing out, we are acting in good faith. We are attempting to resolve this situation as it presently exists in the COPE agreement, in the best interests of Yukon and, for that matter, taking into account the interests of the Inuvialuit people who traditionally use the area, and this goes a long ways in recognizing that.

But I think it is also important, Mr. Chairman, to state that the Yukon Government has six polar bear tags. Under, I believe it is the United Nations, they have an agreement that only Eskimo people can hunt polar bears. Of the six tags we have, I have written to the Government of the Northwest Territories, stating to the effect that if they wished, they could have five of those tags, since we seem to have a shortage of long-term Eskimo residents in the Yukon Territory.

So, Mr. Chairman, that roughly concludes it. I think it is a good piece of legislation, and it is in the best interests of everyone.

Mr. MacKay: Just, perhaps, for the record, if the Government Leader could answer one question that was asked by my friend from Whitehorse West, and that is that this bill will be proclaimed with all due dispatch.

Hon. Mr. Pearson: There are two things that I should have said, Mr. Chairman. Number one: we are convinced that this is not going to infringe upon the people of Old Crow in any way, shape or form. Number two: the bill would come into effect upon proclamation by the Administrator. All things being equal, I would hope that would be tomorrow.

Mr. Chairman: I refer the Committee to section 1, is there general debate on the amendment. Shall the amendment carry?

Amendment agreed to

Clause 1 agreed to

On Clause 2(1)

Clause 2(1) agreed to

Mr. Chairman: Shall the title *An Ordinance to Amend the Game Ordinance* clear?

Members: Agreed.

Mr. Chairman: I declare the title cleared.

Hon. Mr. Lang: I would move Bill Number 62 be reported with amendment to the Assembly.

Mr. Chairman: It has been moved by the Honourable Mr. Lang that the Chairman do now report Bill Number 62, *An Ordinance to Amend the Game Ordinance* as amended to the Assembly.

Motion agreed to

Hon. Mr. Pearson: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair and that you report progress and beg leave to sit again.

Mr. Chairman: It has been moved by the Honourable Government Leader that the Chairman report progress and that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I 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 57, *Municipal Ordinance*; Bill Number 49, *An Ordinance to Amend the Income Tax Ordinance*; and Bill Number 62, *An Ordinance to Amend the Game Ordinance (No.2)*; and have directed me to report the same with amendment.

Further, the Committee has considered Bill Number 59, *An Ordinance to Amend the Matrimonial Property Ordinance*, and directed me to report progress on the 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. Pearson: Mr. Speaker, I move that we do now adjourn.

Mr. Penikett: I second that, Mr. Speaker.

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

Motion agreed to

The House adjourned at 9:28 o'clock p.m.

The following Sessional Papers were tabled Wednesday, November 12, 1980:

80-3-35

First Report, Yukon Lottery Commission

80-3-36

Auditor General's Report on the Examination of the accounts and financial statements of the Government of Yukon for the year ended March 31, 1980

The following Legislative Returns were tabled Wednesday, November 12, 1980

80-3-24

Eligibility for Social Assistance

(Oral Question - October 15, 1980 - Page 337)

80-3-25

Number of bargaining unit employees in the Government of Yukon (Written Question Number 15)