



The Yukon Legislative Assembly

Number 35

3rd Session

24th Legislature

HANSARD

Thursday, November 13, 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 Penkett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

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

ERRATUM

October 27, Page 463, right column, at 5th paragraph, insert the following:

The basic policy point in this ordinance, Mr. Speaker, is those who have the responsibility for these dependants, should pay for those responsibilities even after they have died.

The *Dependants' Relief Ordinance* before you today is a model act recommended in 1974. It has since been adopted by Prince Edward Island, Ontario and the Northwest Territories. Our present *Dependants' Relief Ordinance* was enacted in 1962 and we believe that it is now time to change that outdated ordinance.

Thank you, Mr. Speaker.

Motion agreed to

Mr. Clerk: Third Reading, Bill Number 47, standing in the name of the Honourable Mr. Graham.

Third Reading: Bill Number 47

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 47, *An Ordinance to Amend the Reciprocal Enforcement of Judgment 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 Hootalinqua, that Bill Number 47 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 47 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 Hootalinqua, that Bill Number 47 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 47 has passed this House.

Whitehorse, Yukon
Thursday, November 13, 1980

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

Prayers

Mr. Speaker: Before proceeding with orders of the day this afternoon I would like to introduce more formally to the House our new Deputy Sergeant-at-Arms, Mr. Frank Ursich, and bid him welcome to the service of this Assembly.

Applause

Hon. Mr. Lang: Mr. Speaker, on behalf of the House I would like to welcome Mr. Erik Nielsen, our Member of Parliament, who has the onerous task of travelling 3,000 miles to get home. We would like to say we feel he is doing a great job on our behalf.

Applause

Mr. Speaker: I also have a very great pleasure today to introduce in the Speaker's Gallery this afternoon the Honourable Donald Stewart, who is my colleague as Speaker of the Legislative Assembly of the Northwest Territories and we do bid him welcome to this Assembly today.

Applause

Mr. Speaker: We will now proceed to the Order Paper.

DAILY ROUTINE

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

TABLING OF DOCUMENTS

Hon. Mr. Graham: Mr. Speaker, I have answers to two questions asked of me on October 27th.

Hon. Mr. Lattin: Mr. Speaker, I have for tabling an answer to a question by Mr. Fleming, concerning grant-in-lieu of taxes on lands set aside for Indian use.

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

Petitions?

Reading or Receiving of Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

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

QUESTION PERIOD

Question re: COPE Agreement

Mr. MacKay: My question today is to the Government Leader. Mr. Speaker, the news media have described the Government's model of the Yukon's North Slope, respecting the COPE Agreement, as a last ditch attempt: "a final offer to settle the land claims dispute with COPE". Can the Government confirm if this really is the last word?

Hon. Mr. Pearson: Mr. Speaker, we have been asked by the Government of Canada, in the personage of Senator David Stewart, to put together what we perceived to be a model of the North Slope of Yukon.

Being cognizant of the COPE Agreement-in-Principle, we have done that, Mr. Speaker, to the best of our ability; being as honest as we can and also trying, to the best of our ability, to meet the aspirations of those people in COPE, as enunciated in their agreement-in-principle.

Mr. Speaker, I would respectfully submit from this side of the House that it is a bottom line position.

Mr. MacKay: Mr. Speaker, today we heard that Yukon's land negotiator, Mr. Phelps, has "stormed out of the talks with COPE". Can the Government Leader tell us if he did this with instructions from this Government?

Hon. Mr. Pearson: I would guess, Mr. Speaker, with all due respect, that there is a certain amount of literary licence involved here. When Mr. Phelps left the negotiations, I do know that this Government was represented by at least four more people at that table.

Mr. MacKay: Mr. Speaker, can the Government Leader then tell the House whether today's events will have any effect upon the passage of the *Game Ordinance* amendments which were approved in Committee last night?

Hon. Mr. Pearson: Oh, no, Mr. Speaker, none whatever.

Question re: Pipeline Impact on Trappers

Mr. Penikett: Mr. Speaker, I have a question for the Government Leader. Given that the Government and the Government Leader in particular has, in this Session, accepted responsibility for indirect social and economic impacts on the pipeline project, can the Government Leader state what its policy is for the compensation of trappers adversely affected by this major project?

Hon. Mr. Pearson: Mr. Speaker, the trapper problem is one that has been directly addressed. I am sorry, I just cannot say off the top of my head what transpires, but I know that the Trappers' Association has also been advised of what we foresee to be the problems that they will run into, and how they will be looked after.

Mr. Penikett: Given that the proposed terms and conditions deal in part with compensation to trappers during the construction and operation phases of the project, can the Government Leader state if he has been advised what is being done to compensate trappers affected before construction, and particularly before the terms and conditions are brought into effect?

Hon. Mr. Pearson: Well, Mr. Speaker, I am aware of one trapper who has, I believe, launched a case or has threatened to launch a court case against the proponents. We are hopeful, Mr. Speaker, that if anybody is adversely affected, we will be able to offset and compensate them in what ever way is possible. But it has not been foreseen that anyone will be adversely affected until pipeline construction starts.

Mr. Penikett: Would the Government Leader, or the Minister of Renewable Resources, undertake to examine the policies of the Conservative Government of Alberta or other jurisdictions in this country — with the view to introducing legislation to establish a clear basis in law for actions by trappers, should this prove necessary as a result of cases that are now under consideration, including the one referred to by the Government Leader?

Hon. Mr. Pearson: Mr. Speaker, we would be more than happy to look at what they do in Alberta; however, I do not want to imply that we are not looking after the trappers now, nor that we do not have their concerns in mind.

We spent a considerable amount of time, Mr. Speaker, with the Northern Pipeline Agency, and with the proponent, dealing with this very problem and we feel that we have gotten the best deal possible for them in respect to off-setting any claims that they might have.

Question re: COPE Agreement-In-Principle (Continued)

Mr. Fleming: I have a question for the Government Leader about the Government's position paper on the COPE Agreement-in-Principle. Yesterday, I had some questions and I think one of the sections in my questions was misunderstood. I think the Government Leader may have misunderstood my question yesterday. Could he advise the House as to whether the Old Crow people, or the CYI, for that matter, were consulted about the Yukon Government's position paper on the COPE Agreement-in-Principle? That is this paper.

Hon. Mr. Pearson: No, Mr. Speaker. To start with, we did not have the opportunity. I might also point out that the Member of this Legislature for Old Crow is on this side of the House and was privy to that paper when it was prepared.

Question re: Offshore Drilling Rights

Mr. Byblow: I have a question for the Government Leader on the topic of offshore resources. In previous questioning, the Government Leader indicated that because of an anomaly in the *Yukon Act*, Yukon has no constitutional or legal right to the waters off the North Coast, and further that all of the offshore rights belong to the Northwest Territories. Can the Government Leader elaborate on that statement?

Mr. Speaker: Order please. Elaboration on a statement does not normally fall within the Question Period, but perhaps the Honourable Government Leader could give a short reply.

Hon. Mr. Pearson: I appreciate the opportunity to make one thing abundantly clear. I have never ever said, nor will I ever, that we do not have a constitutional right to those waterways, Mr. Speaker.

What has happened is that, at the present time, those waters north of Yukon are included in the *Northwest Territories Act*, as being part of the Northwest Territories. Mr. Speaker, we have been assured, I think fairly well by the Government of Canada, that when and if the *Yukon Act* is amended the next time, the appropriate amendments will be made to correct that mistake, because it was put to us that it simply was a mistake, in the first instance.

Mr. Byblow: I thank the Government Leader for his answer. I do not think I have any difficult words in the next question. It is my understanding that there is some demarcation dispute with the U.S. Alaskan boundary in the area of the Beaufort Sea, and with the oil and gas reserves of the area. Mr. Speaker, this could very well prove to be a fairly contentious issue.

Specifically, my question to the Government Leader would be whether, in view of the evolutionary status of Yukon, he considers the boundary dispute with the Americans a serious matter?

Hon. Mr. Pearson: Oh, yes, Mr. Speaker, we do consider it a serious matter and we have been trying to monitor that dispute as best we can.

Mr. Speaker, in the general law of things that happen in Canada and the United States, there is an international commission set up to deal with problems of this very kind. The former Commissioner of the Northwest Territories, Mr. Hodgson, was, until a short time ago, the chairman of that commission.

That demarcation line, or the extension of that boundary from the corner of Alaska and Yukon straight up towards the North Pole, is one that has been questioned and is under question by Alaska, by the United States, and by Canada. Evidently, Mr. Speaker, there are two methods of determining that line. Needless to say, one of those methods is advantageous to Canada and eventually to Yukon; the other method would be advantageous to Alaska. This particular line is one of three that are being negotiated between Canada and the United States at this point in time.

Mr. Byblow: Just as a final supplementary, in view of the Government Leader's statements, can he say whether his Government is preparing or has advanced any boundary change proposal to the federal government?

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

Question re: Employment/Affirmative Action Programs

Mrs. McGuire: Mr. Speaker, I have a question for the Government Leader. I was most interested to read the Government's reply to a question of October 23rd regarding the Government's affirmative action program, which, it turns out, consists of several programs that are either inactive or not entirely effective for one reason or another.

Mr. Speaker, with respect to the Government Leader's reply that the training on-the-job for the disadvantaged program has been detrimentally affected by lack of funds from the federal government, would the Government Leader undertake to make a representation to the federal government to obtain a more favourable cost-sharing formula, so that this program could be more active in helping handicapped people find employment with the government?

Hon. Mrs. McCall: Mr. Speaker, the Member opposite has heard that it has not been an effective program; however, in fact, it has. The Rehabilitation people and the Public Service Commission are working together just now on a review of affirmative action programs.

Since 1976, there have been 14 people trained within the Public Service Commission. Five are employed presently by the Public Service Commission; two have gone back for some schooling; four are employed by the private sector; two are in training still; and one is a mother and homemaker, at this point.

It has actually been a very successful program. It perhaps could be enlarged and improved, but it has been very successful to date.

Question re: Resource Development on North Slope

Mr. MacKay: Yesterday in the House, Mr. Speaker, the Government Leader indicated that "we have no idea" of what resource

development may take place in the North Slope. Does he still stand by that statement?

Hon. Mr. Pearson: Yes, Mr. Speaker. If the Honourable Member will read our model, we indicate that there have to be resource inventories taken on the North Slope.

Mr. MacKay: Does the Government Leader take any cognizance of the tremendous volume of studies that were done during the Berger Hearings, which obviously set aside this area as a very delicate environmental area? Does the Government Leader reject all of these studies?

Hon. Mr. Pearson: Mr. Speaker, not at all. Maybe I was erroneous, Mr. Speaker; there have been very few facetious questions asked. If the question was: am I aware that there are renewable resources on that north coast; yes, Mr. Speaker, I have seen a lot of them, I have been there.

Mr. Speaker, I thought that the question was directed at the non-renewable resources, those resources that are not visible above the ground and that was what I was referring to in my answer.

Mr. MacKay: We will never agree on this, Mr. Speaker. The Government Leader has missed the whole point of the question, which was: does he not consider that the extreme sensitivity of the environment in the North Slope of the Yukon, as thoroughly studied, I will point out, by the Berger Report, would have a very strong barrier against any future oil development in that North Slope area?

Hon. Mr. Pearson: Mr. Speaker, I recognize that Mr. Berger said that, and others have said it too; however, Mr. Speaker, it has been indicated that there can be exploration without harming the environment, without damaging the ecology, Mr. Speaker, we on this side of the House, are very, very strongly on record that we take the environment and the ecology as being the first prerequisite of anything that is done. That is our major task done. One of the reasons that we have put together this model with such great care is because our major concern, Mr. Speaker, is the environment and the ecology of that North Slope.

Question re: Workers' Compensation Board Policies

Mr. Penikett: I have a question for the Minister of Everything. Yesterday the Minister confirmed that indeed the Workers' Compensation Board established its own policy. I would like to ask the Minister if he can now state to whom the Board is accountable for these policies; that is, are they directly accountable to the Minister?

Hon. Mr. Graham: Mr. Speaker, I assume that the Honourable Member Opposite is directing the question to me. I did not say yesterday that the Board established their own policy. What I think I said was that, in considering each individual case on its merit, and if in doing so and in the best interest of the worker, the Board happens to make a decision that does not necessarily go along with all other decisions that they made, and if you call that establishing policy, then yes, the Board does establish their own policy.

The Board is responsible, through an ordinance, to this Cabinet. Mr. Speaker, I do not know how much more clear we can make it. The ordinance is in effect. They follow the ordinance on a daily basis. I am sure that, if they ever contravened any section of that ordinance, I would only be too happy to bring that to their attention.

Mr. Penikett: The Minister's answer is clear, it is "yes" and "no".

If they are accountable to the Minister, as the Minister says, I would like to ask the Minister if it is his position that he is responsible for articulating to this House the policies of that Board, established by its members in hearing cases?

Hon. Mr. Graham: Mr. Speaker, I do not know what the question is. I know what the Honourable Member opposite is trying to get at; what he would like to see is a very strict list of policies set out by the Board, but, I am sorry, they are not willing to do that, and I can sympathize with them. Each case must be determined on its individual merits.

It is very simple. If we set out a strict set of policies, a strict set of guidelines, then I am afraid that some workers in the Territory, who should, in the Board's opinion, get workers' compensation, are going to be eliminated and we want to avoid that. By looking at each individual case, as we are doing at the present time, as the Board is doing at the present time, I am sure that the needs of the workers in the Territory are being better satisfied.

Mr. Penikett: I am pleased to see the Minister has developed a skill at reading my mind now.

The Minister has said that the cases are decided on their individual merits; I assume that, even given that dictum, they are decided according to certain principles. I would like to ask the Minister, if the Minister is to be accountable to this House for the policies for the principles established by the Board, can the Minister state why all those principles, why all those policies, right now, are presently kept secret?

Hon. Mr. Graham: Mr. Speaker, I still do not understand what the Member opposite is getting at. There are no strict written guidelines, other than the ordinance and the regulations under that ordinance, that the Board must follow. They have some general guidelines written down, but they do not apply in every case. It is very simple.

The Member opposite has already asked me if I would consider publishing the guidelines or the policies that have been established by the Workers' Compensation Board and I have said that I would be only too happy to take that under consideration. At the present time I am still considering it and I have not rejected the suggestion.

Question re: ARDA Programs

Mr. Fleming: On page 419, on October 21st, in *Hansard*, in the budget debate, I asked for some information from the Minister of Economic Development about the ARDA Program. He said at that time that he would be happy to supply those answers. I wonder if the Minister could supply them to me now.

Hon. Mr. Lang: Mr. Speaker, I am just going on memory now, but I believe I indicated during that debate - if the Honourable Member would read further in the *Hansard* and not rely totally on his researcher - that I would provide a pretty clear, concise picture of the special ARDA program, during the course of the oncoming budget debate in the spring. So I guess that answers that question.

Mr. Speaker, while I am on my feet, I would like to further answer a question from the Honourable Member for Campbell. In response to his question regarding a policy for conservation officers carrying sidearms: our conservation officers are not issued sidearms as part of their uniform, but on occasion, while in remote areas and working around dangerous wildlife, they carry their own sidearms. The carrying and use of these sidearms by conservation officers is strictly controlled.

Further in the questioning, Mr. Speaker, the Honourable Member asked whether or not our conservation officers have had threats upon their well-being. It has happened a number of times, but on each occasion the officer has reacted in a responsible manner and has been able to dissipate the threat that was posed.

We do provide training to our conservation officers in the use of all firearms.

Mr. Fleming: Mr. Speaker, that was the question that I asked at that time and the Minister said he would be happy to supply it; however, the Minister did say that it would be better if I asked him at the budget debate next spring. However, this is my request to the Minister: now, not next spring. He offered to get me the programs and the amounts of money in the ARDA program.

As a supplementary, at the same time, could he also give me the record as to the success or failure of these ventures?

Hon. Mr. Lang: Mr. Speaker, the Member well knows that I am more than happy to oblige his request at any time. All I requested was some time to compile the necessary information, and perhaps give him a better basis for any questions, by waiting until the budget Session of 1981-82, when I am sure the Member will be here to discuss it.

Question re: Electric Rate Equalization

Mr. MacKay: My question is for the Government Leader. Yesterday, Mr. Speaker, the Government Leader indicated that funds had now run out, for the electric rate equalization plan. Can the Government Leader tell the House what urgent action this Government is taking to implement the rate equalization plan, which was passed in principle by resolution of this Assembly this Spring?

Hon. Mr. Pearson: Mr. Speaker, the first thing that we have to consolidate and deal with in respect to any equalization plan are the federal plans that are in effect now, and that may well be going into effect in the very near future. Mr. Speaker, we have been in active negotiations with the Government of Canada with respect to an alleviation for energy costs of some kind in Yukon Territory, as well as in the Northwest Territories, in fact all the way across the North. It is anticipated, Mr. Speaker that the Minister, when he is here in mid-December, is going to have something substantive to say at that point in time.

Mr. MacKay: Can the Government Leader give the House the assurance, in view of the oft-stated communication difficulties that he is having with Ottawa these days, that if the Minister should not come through with some kind of goodies - it appears that we are waiting for - that they will implement such an equalization plan anyway, with the resources of the Yukon Territorial Government?

Mr. Speaker: The question is somewhat hypothetical; however, I will permit a reply.

Hon. Mr. Pearson: Yes, Mr. Speaker, it could not possibly be done without the approbation of this House.

Mr. Byblow: I have a question on the same direct general topic that I will direct to the Minister of Economic Development, Mr. Speaker. In previous discussions in the House, the Minister has indicated that this Government is in constant dialogue with the federal government on the subject of energy policy, and the Government Leader has just confirmed that. That policy, I understand, is in the process of formulation.

Can the Minister indicate what area or areas of energy use this Government is advancing? That is, is the policy that is being formulated advocating any specific development emphasis with respect to coal, with respect to hydro, with respect to oil and gas, in the case of Yukon?

Hon. Mr. Lang: Mr. Speaker, the Honourable Member just answered his own question. I think it is a travesty that we have to stand up in this House and talk about energy equalization and various other programs, subsidies and everything else, when we have a number of other options that should well have been developed ten years ago, if the Government of Canada had listened to the Territorial Government and the Council of those days.

But, here we are, trying to say that we need to bring money over here to offset the costs. Of course we are looking at all these options and we are discussing them with the Government of Canada. The subsidy, or whatever you want to call it, is just strictly an interim step. We have to get to a position where we can have a course of, I would like to think, renewable energy that can be used on a constant basis, which can be used as a constant base for industry, the consumer and everyone else, so that they know what the price is going to be.

Right now, the way it is, we all know the price is going up daily, which is of no benefit to you, to me, or to anyone else in the Yukon Territory. I said earlier, Mr. Speaker, I think it is a travesty of justice of what has gone on insofar as Yukon is concerned and, for that matter, Canada.

Mr. Byblow: I can certainly agree with certain points of the Minister's statement, that we do have a case to advance with respect to energy. But he did not answer the question of whether or not his Government was actually advocating any specific type of energy use.

I will be more specific. It is quite apparent now that the attractiveness of gas over oil is much more appealing than it ever has been. In the case of Yukon, Mr. Speaker, the Kotaneelee Fields, for example, show tremendous prospects. I would then ask the Minister, has this Government made any position known, to either encourage or discourage Yukon use of that gas field?

Hon. Mr. Lang: Mr. Speaker, I am more than prepared to supply the Member with another copy of the brief that I gave to the parliamentary committee that was here in September. I think it addressed the specific question the Member has raised.

Mr. Byblow: I have read that brief quite thoroughly and it does not answer the question.

I will again be specific. The federal government announced recently, in their budget, of course, the creation of an \$800 grant, for the purposes of heating conversion from oil to other forms. This may be somewhat repetitious but I would like to ask the Minister if his Government is planning anything corresponding, to encourage this conservation, other than the programs in place now?

Hon. Mr. Lang: Mr. Speaker, it is very difficult for me to say that this program should apply to the Yukon Territory when we do not have a gas pipeline: (a) we have to have the gas pipeline; and (b) we have to see whether or not it is economical to change from the diesel-generated furnaces, et cetera, to gas.

As the Government Leader and I have pointed out at various times, we are doing research into this matter to see what the cost would be, and what the implications would be, so that the homeowner would know what the implications were if this were to come to pass.

Right now, Mr. Speaker, I think it is fair to say we are talking pie in the sky. You have to have a way of getting the gas here and right now we do not. Obviously, it is an option that we are looking at. I want to correct the Member; it is included in the speech that the Member referred to.

Question re: Land/Residential Lots for Sale

Mr. Penikett: The Minister who has just spoken is always beautiful when he is angry.

I have a question for the Minister of Municipal Affairs. In last night's paper, Mr. Speaker, the Government advertised fourteen lots for sale by tender, ten of which are residential lots. Can the Minister briefly explain why these lots are being put up for tender?

Hon. Mr. Lattin: Mr. Speaker, I will take that particular question under advisement.

Mr. Speaker, while I am on my feet, the Honourable Member also asked me another question the other day, about the buy-back scheme, and I have not got the answer. As soon as I have the answer I will give him a written reply to it.

Mr. Penikett: Maybe we should sit Monday after all, Mr. Speaker.

Supplementary to the Minister, given that in at least one of the cases advertised last night, the person who bought the lot was unable to finish the building by the Government's deadline, and they had actually requested a prompt tender so they could buy it back again, I would like to ask the Minister, as a matter of policy, whether he plans to continue the regulations which may impede, or do impede rather than assist, people who are do-it-yourself home builders?

Hon. Mr. Lattin: Mr. Speaker, we are addressing this particular question. We are reviewing it now. I feel that some time in the future, and not very far in the future, we probably will be changing the regulations to ease the private home builder.

Mr. Penikett: I thank the Minister for his answer.

Is the Minister prepared to state now whether, by regulation, longer periods of time will be granted to people who build their own homes, particularly so that they may eliminate the need for high cost mortgages, and particularly in areas where water and sewer hook-ups to main lines are not required, such as in the country residential subdivisions?

Hon. Mr. Lattin: No, I am not prepared to say that, Mr. Speaker, but I will certainly take it into consideration when we are discussing the whole matter.

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

Mrs. McGuire: Mr. Speaker, I have a question for the Minister responsible for Manpower and Labour. According to the public statement made by the Minister, we can now expect a new *Human Rights Ordinance* next Session. Mr. Speaker, I would ask the Minister, can we also expect amendments to the *Labour Standards Ordinance* and the *Fair Practices Ordinance* at the same Session?

Hon. Mr. Graham: Mr. Speaker, I do not know who the Honourable Member opposite is quoting. I never said we would have a new *Human Rights Ordinance* next Session. I said we were presently in the process of working on a *Human Rights Ordinance*. I also said that we have several problems; we have run into several small problems, not the least of which is the federal government's proposed constitution.

I do not put any time limits on the ordinances that we bring before this House. When they are ready, we will bring them before this House. When the *Labour Standards Ordinance* amendments are ready; when the *Occupational Health and Safety Standards Ordinance* amendments are ready, we will bring those to this House also.

Mrs. McGuire: Mr. Speaker, I was sort of doing some thinking for the Minister. Are you saying then that you do not expect to have these ordinances ready for the next Session?

Hon. Mr. Graham: Mr. Speaker, I do not know how many times I have to answer the same question. When the amendments are ready, when the new ordinances are ready, we will bring them to this House. I do not know at this time if they are going to be ready for the spring or not.

Question re: Teslin School Textbooks

Mr. Fleming: Mr. Speaker, I have had a little discussion with the Minister of Education and I think he understands it, but just to clear the record, could the Minister tell me this afternoon if the problem at Teslin over the textbooks and so forth has been solved?

Hon. Mr. Graham: Mr. Speaker, as I understand it, there was a problem supplying some textbooks not only to Grade 11 students in Teslin but also to students of various other schools in the Territory. To the best of my knowledge, Mr. Speaker, we have now located sufficient textbooks for not only Teslin but also all other schools and they will be shipped immediately.

Question re: Food Wholesale Monopoly

Mr. Penikett: I have a question to the Minister of Consumer and Corporate Affairs. The Minister is aware that Kelly Douglas Limited has submitted the highest bid to take over Lewes Market food stores, and I gather that that bid has been accepted. Can the Minister now state whether his food prices investigation, which he announced earlier this Session, will be specifically investigating the increasingly dominant position of that company in the Yukon market, and the relationship between prices and that market position?

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

Mr. Penikett: Too bad, Mr. Speaker.

Could I ask the Minister, then, if any part of the investigation will be directed towards examining the impact of what appears to be increasingly unlimited corporate concentration in the food sector of the Yukon economy?

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

Question re: Resource Revenue Sharing Agreements

Mr. Byblow: I have a question I will direct to the Government Leader. In previous discussions, the Government Leader indicated that his Government was preparing what he termed "a solid case for Yukon to enter into resource revenue-sharing agreements with the Government of Canada".

Can the Government Leader respond whether the position has been advanced, and whether there has been any response from the federal government?

Hon. Mr. Pearson: Mr. Speaker, our solid case, with respect to resource revenue-sharing, could well be jeopardized by the proposed new Constitution. There are serious questions raised in that Constitution in respect to resource revenue-sharing, or resource ownership by anyone in the North. I would suggest, Mr. Speaker, that that has now got to be the first problem that is resolved.

Mr. Byblow: In the advance of this case, has the Government Leader had his Government do the required research into the resource revenue presently accruing to the federal government, and has he taken a position as to what portion of it he would take the position that should accrue to the Territory?

Hon. Mr. Pearson: Mr. Speaker, the obvious answer has got to be "no", or else I would be prepared to come to this House and tell you what our stand would be.

But, Mr. Speaker, that will be the crux of the whole question when it is finally addressed: what should that share be?

If the Honourable Member would like to let me know what he thinks it would be, I would be happy to hear from him.

Question re: Food Prices

Mr. MacKay: I would like to ask a supplementary to the Minister of Education with respect to his now toothless investigation into food prices. Can he explain exactly what this investigation will be investigating? If it is not looking at the monopoly situation evolving in the food business, not only at the wholesale but now the retail level, what on earth is he going to investigate?

Hon. Mr. Graham: Mr. Speaker, I do not know if the Honourable Member was here a month ago when we went through this the first time. At that time, Mr. Speaker, I said that what we were attempting to do, first of all, is see if food prices in the Territory are unusually high compared to other jurisdictions, when you take into consideration our higher cost of transportation, the high cost of utilities, and the high cost of building in the Territory. Secondly, we were going to try and find out if the food prices are extremely high, when taking these things into consideration. If there is anything that we, in conjunction with the private enterprise in the Territory, or even without their cooperation, could do to alleviate these high food prices for Yukon residents. That is what we hope to establish and work out with this investigation.

Mr. MacKay: I understand what the Minister is saying. He is going to look at all the costs involved in retailing and merchandising and wholesaling of food. My question is: is he going to look at the profits involved in all that as well?

Hon. Mr. Graham: Mr. Speaker, as the Member opposite no doubt knows, there are several ways of reporting profits. I am sure

that if we request — and I think it must be made perfectly clear that at this point this is all we are doing, is “requesting” the cooperation of Kelly Douglas, Super Valu and other food outlets in the Territory — if we request this information and they refuse to give it to us, then we will have to look at the alternatives at that time. However, I am not certain that anybody is willing to just give that information to us without some kind of understanding that either it will not be made public, or that we will use it in a judicious manner.

Mr. MacKay: I think the Minister could save himself a lot of money and go out to the local supermarket and just ask people if prices are too high. He does not have to go to that length. Mr. Speaker, is the Government prepared to take any positive steps to encourage another wholesale operation to move to town to compete with the existing situation?

Hon. Mr. Graham: Mr. Speaker, the first part of that question is the lame-brained kind of thinking that I expect from the Member opposite.

Mr. Speaker, if food prices in the Territory are found not to be too high, it does not make a whole lot of sense to me to ask another food wholesaler to come into the Territory to split the market up even more, so that no one has a share of the market that enables them to keep the food prices down at all.

I am not prepared to make any kind of a commitment until we finish our investigation and find out the facts.

Mr. Speaker: Order, please. The time allotted for Question Period is now expired.

We will proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Second Reading, Bill Number 63, standing in the name of the Honourable Mr. Graham.

Bill Number 63: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 63, *An Ordinance to Amend the Elections Ordinance, 1977*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Tatchun, that Bill Number 63 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, this Bill came about primarily as a result of a report submitted to this House by the Rules, Elections and Privileges Committee. The Committee recommended several changes in the Ordinance to alleviate some of the problems that I am sure all Members here experienced during the last election.

A couple of the significant changes, Mr. Speaker, that are contained in this ordinance are as follows: the Committee recommended, and the Government has seen fit to include in the ordinance, a section repealing certain portions of the proxy voting system. The proxy voting system, we found in the last election, was unnecessarily complex and difficult to understand, as well as to administer, and we found that a number of citizens of Yukon probably lost their vote as a result of the unnecessary complexity of the proxy voting system. We believe that the system we have proposed in this ordinance, in following the recommendations of the Standing Committee, will alleviate that problem somewhat.

The second major change that we are recommending in this ordinance — which, as well, was recommended in the Standing Committee report, Mr. Speaker — is the capability to swear in voters at the poll. This was eliminated in the last election and we felt that it should not have been. We feel that the *Elections Ordinance* is there, and we should make that ability available for all voters in the Territory to vote.

We should not make the system either unnecessarily complex or unnecessarily difficult, because the object of any *Elections Ordinance*, as far as we are concerned, is to ensure that all citizens in the Territory have the chance to vote. We believe that with this ordinance we will make it much easier for many more people in the Territory to vote and I think the *Elections Ordinance* will be much easier for all persons to understand.

Mr. MacKay: Mr. Speaker, I rise in general support of this bill. I think the proxy issue was difficult last time. It was hard to understand and, in particular, it seemed that a number of the younger voters were disenfranchised because of their distance

from home when they were out studying.

The other aspects that I agree with are with respect to the swearing in of voters. That is the sort of right that I think most Yukoners in the rural areas have come to expect and I see no real reason for taking it away. So I am glad to see that being put back in.

There is some considerable detail involved in the registration of political parties. I think that is probably a good thing. I think it is going to make it a little more difficult for political parties — not difficult, but a little more onerous, shall we say, for the organizers of political parties to get their party's name on the ballot. That is probably as it should be because all the best parties are already represented. But I am quite sure, certainly speaking for the Liberal Party, that we will have no difficulty in getting a thousand signatures on such a petition, as opposed to the mere hundred that are being requested.

There are other items in it which I think my friend for Whitehorse West will address. I am a bit concerned about the make-up of the elections board — with respect to the way that the members are picked. There was a recommendation of the committee that has not been taken up by the Government in this. So I am looking forward to Committee debate to learn the reasons for that. Perhaps I can be convinced that it is not necessary, perhaps not.

Also, with respect to the changes regarding election expenses, and while I do not think that the divulging of the election expenses was terribly useful last time, I do not think we should underestimate the self-disciplining effect that it does have, in knowing that you do have to report all these things. I do not think there has been a problem in the past, with respect to, let us say, people getting massive amounts of money to wage a campaign; indeed, I suspect that that would be more likely to lose them an election than to win them an election in Yukon. I do think that the discipline of reporting should probably have been kept in. I will be discussing that in Committee, though.

In general, I think the legislation, for what it does, is good.

Motion agreed to

Mr. Clerk: Second Reading, Bill Number 65, standing in the name of the Honourable Mr. Pearson.

Bill Number 65: Second Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill Number 65, *An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill Number 65 be now read a second time.

Hon. Mr. Pearson: Mr. Speaker, there is not very much to say about the principle to this bill. What has happened, Mr. Speaker, was that we provided funds in our Estimates and via a *Municipal General Purposes Loan Ordinance* for municipalities to borrow money from this Government during the course of the fiscal year.

Our experience, Mr. Speaker, to date, has been that requests have exceeded the amount of money that was provided in the original bill. This bill changes the maximum amount that we could loan from \$3 million to \$3.5 million.

Mr. MacKay: Mr. Speaker, you have no idea how disappointed I am in the Government Leader's speech. Mr. Speaker, I was sure when I read this that the Government had finally found the way of lending money to Dawson City for a day care centre. However, it appears that this is still a matter for some further discussion.

As it obviously is going to help my friends in Faro, I will of course be supporting it, but I do express disappointment that the Government Leader has still not found a way of supplying that money to Dawson City.

Mr. Speaker: Are you prepared for the question?

Motion agreed to

Mr. Clerk: Third reading, Bill Number 57, standing in the name of the Honourable Mr. Lattin.

Bill Number 57: Third Reading

Hon. Mr. Lattin: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 57, *Municipal Ordinance* be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Tatchun, that Bill Number 57 be now read a third time.

Mr. MacKay: You are giving us uncommon latitude today. I

Mr. Speaker: It would be appreciated if Members wishing to speak at any reading of any bill would rise at the appropriate time. It is difficult for the Chair to determine who wishes to speak, if no one so indicates.

Mr. MacKay: I do not plan to take a lot of the House's time on this bill. It has already taken a lot of the House's time. But it is useful, perhaps, to sum up some of the impressions, some of the conclusions, that I, at least, have reached about this bill. We have been through three weeks of debate on it, it seems. We get bogged down on detail after detail after detail and nowhere has anybody stood back from it. I was hoping to hear from the Government on third reading, perhaps a reaffirmation of faith in their ordinance. I would like to stand back a little bit from it and suggest a couple of impressions I have.

The principle one, I think, is that I find the bill, as it is now, a very comprehensive, a very weighty piece of legislation. I feel it is the best the House could do with the material that we have to work with, and I do not mean to downgrade the House's work, but I say that we really have one city to deal with, we have one town to deal with, and we have a lot of small embryonic communities: embryonic in the sense of municipal growth. With respect to the city and the town, I do not think I have any problem with this ordinance. With respect to the implementation of this ordinance, as it exists, on L.I.D.s and potentially on other presently unorganized communities, I think that the Government is going to have to go extremely carefully.

Participatory democracy was the cry ten years ago and it was mulled to death; but it still means a lot to me and I think it means a lot to everybody in this House. What we would like to see - and I think everybody in this House would - is the people in the small towns participating in their own government more and more. I think that was the well-meaning purpose behind this ordinance. But, Mr. Speaker, do not forget that the people there are only beginning to learn the trade; they are only beginning to get involved in government, and just the mere sight of that *Municipal Ordinance*, I think, is going to scare a lot of them off, if they feel that they have to deal with this on a daily basis.

So, I worry a bit about that. I caution the Government to go very easy in the implementation stages. We have talked about it many times in debate, but I think that is the central thing. I would like to say that, in implementation, make sure you consult thoroughly with the local representatives, particularly in the smaller communities. I do not think Faro or Whitehorse are going to have any problems with it. I think they will welcome it and get along just fine.

The other major point, and it is really a conditional vote of confidence I am giving in this bill, because we have nothing more than the green paper at this time to go on, with the *Municipal Aid Ordinance*. The green paper was referred to sporadically through the debate, but it never got a full airing of what it all entails. I find in reading it that the capital grant section is really very incomplete, and a lot more work has to be done. I feel, to arrive at a reasonable allocation of capital grants, particularly to the smaller communities.

With respect to the methodology that is proposed in the green paper for operating grants, which is derived from the Nova Scotian model, I think that the principle they are trying to enunciate is good, but I think it is going to be quite impractical to use in the Yukon because it is all founded upon quotations of a model community, or model municipality, to arrive at an average. I do not think we have a model municipality in the Yukon. Not that they are bad; I just mean they are not typical that is all. We have none that you can really say are typical in the Yukon.

I think that the financing formula really needs a lot more work and the dollars will, I am sure, probably speak louder than all the nitty-gritty rules that we have passed in the *Municipal Ordinance*. I hope that when the springtime comes and the Government has had time to recoup all its energies in Hawaii or whatever beaches they care to, that they will come forward with a more reasonable proposition as far as financing goes, because frankly I do not think that one will work. I think the *Municipal Ordinance* will work, with the proper set of funding behind it.

So, I am going to vote for it, but again I just say: be very, very slow and cautious about implementing it so you do not scare off the buds of democracy that are sprouting across Yukon in these smaller communities, and let us look at the dollars again.

Mr. Fleming: I am going to rise, of course. I will be voting in

support of the bill, with reservations, again, as in some other cases.

As the Honourable Leader of the Opposition has said, it will scare off some, and it will also give others maybe more power than they can handle, or should even be allowed to handle. This is one of my worries in the bill.

The other concerns not the principle of the bill and the way it is put together to try and do something for this Territory that is needed, but rather that, because it is so all-encompassing and takes in so many little places, so many large places, and there is such a difference in those places, I feel that possibly the real problem is going to be the implementation of this bill.

A small example may be what we have seen here this afternoon, just a few moments ago: of needing another few thousand dollars for certain things that maybe were not quite planned out just right, or maybe would not even have been needed, and they have come forth. Just to explain this, I am afraid that the long-range planning, the five years - I must agree, it seems good, in your little municipality to see what you are doing; it seems good, it looks good. But, these people are not experienced, whereas the Government supposedly is, and they have this problem in their planning as to how much they need; I can see the situation where it has been planned, and it has been passed, and they think it is okay, and it is going to cost piles of money, and by the time the term is half through, there will not be enough money.

Consequently the *Municipal Aid Ordinance* is going to have to keep jumping up in the air, and then too, the tax money must come from somewhere. Although this bill is providing the tools for the council to obtain monies, probably through taxation as much as anywhere else, what with the amounts and lands and the small areas and everything, the base amount of taxpayers is not there to pay the bills, so it is going to have to come from somewhere else; if they go ahead too fast and feel that they can do too many things, they are going to be run short, and they are going to be looking for money that we may possibly not have, and may not be able to find.

As I say I will vote for the bill. I think the principle is there. You are trying to do the best you can. I can understand the problems with the Government not knowing all the small area problems, and I think I am well acquainted with some of them. In fact, I have already had a call or two from home and in the area. What the Member in front of me has just spoken about is quite true. Some of them are a little leery of it; others are quite happy with it. If you look the situation over very carefully, you will find that some of the people love to have power. Let us hope that not too much of this gets in the way.

I do not think I have any more to say. I will be supporting the Government in this bill.

Mrs. McGuire: I, of course, share the views of the Opposition Leader. I rise today to speak on this bill because I am very concerned about the quick passage of it. Are we ready for it? I have, if all the Members will remember, pushed for more responsibility to be placed on L.I.D. members in the communities - more so than any other Member in this House, I believe. I gave the argument that they lack the initiative to hold their positions for more than at least one term.

I was assured by the Minister of the day, Mr. Lang, that the issue was being looked at that and that changes were forthcoming. But, Mr. Speaker, what we are presented with now is a revised *Municipal Ordinance*, with some very big changes. The revised ordinance is well put together, very compact, and fairly straightforward in most clauses but I am very much afraid, Mr. Speaker, that this is not the happy medium that we were seeking.

In talking to various L.I.D. members, some who were present at the initial planning of this working paper and some that were not, they appear to be quite skeptical and even somewhat fearful of the undertaking of this cumbersome burden of responsibility set out for them. The reasoning of course is that they are too small in number; they lack the expertise to take on the task of a miniature government.

Mr. Speaker, they have been assured that the changes would be slowly phased in; but I think we all know that is impossible because once a Government structure is set in place, it is just sort of off-to-the-races. You are not going to be able to phase it in over a period of four or five years. I can foresee perhaps immediate intense training for the principals involved, and I am wondering if this Government is quite sure that this formulation of new Government is acceptable to the general public that it will affect, especially in the smaller communities. Mr. Speaker, I am not aware of any public meetings that took place on this issue in my area. I should

not call it an "issue", but it is fast becoming an issue.

The people of small communities should be made aware of, and given a chance to accept, the facts — accept the fact that the people that they selected as L.I.D. trustees will be capable of taking on the responsibilities of such items as imposing and collecting school tax, property tax, imposing and collecting licence fees, taking on the local Housing Corporation, providing operational budgets and doing estimates for a period of five years. Those are heavy responsibilities.

In fact, they take on all the financial responsibilities and duties that now apply to a city the size of Whitehorse.

I will be voting for this ordinance, but I would like to say and I know it is too late now, we are into third reading — I think it is a great piece of legislation, but are we quite ready for it? Are the small communities quite ready for it? I would like to recommend that the bill be held over until the next Session, thus giving the public time to absorb and discuss this hefty document.

Mr. Speaker, the Minister of Municipal and Community Affairs stated that the communities are eagerly awaiting this legislation, but I would like to say that the majority of the community people are unaware of what is going on; they have not the foggiest idea of what is in store for them.

Thank you, Mr. Speaker.

Mr. Penikett: I plan to be very brief. I have probably said more than is sufficient for my own good on this bill, but I must say that, notwithstanding the flexibility and the willingness of the new Minister to accommodate us and make amendments to the ordinance, I still have some mixed feelings.

I am a person who believes in planning, but more than anything else, I am also a democrat, and anyone who has studied government theory will know that planning in a democracy is one of the most difficult things to achieve; the ends and means of planning and democracy are often in conflict and they are most often in conflict in the small communities.

As I have said before, I have some concern about what I see as some unfortunate tendencies in this legislation to take powers from the elected people, which I believe are properly theirs, and transfer those to appointed bodies.

I may yet be proven wrong on this score. I must say that I am still skeptical. It is obvious that none of the elected people who had anything to do with drafting this bill were aware of one of the great principles of political science known as Michael's Iron Law of Oligarchy. Unfortunately, I fear that some of the public servants who had something to do with the drafting of the bill were all too well aware of that principle.

As I have said before, I have considerable problem with the "board" concept, even as amended. I think there are a number of particular inconsistencies and contradictions in this bill which may yet plague the Government. For example, it seems to me that the appointed board now has more power over its procedures than city council will. I think that is ludicrous.

I think there are some problems with the mayor/manager concept, the council/manager, as envisioned by this Government, but we have talked about that enough. I think the question of money is yet to be dealt with and we will have another occasion to debate that, I expect.

I will now go out on a limb and predict this bill will probably require some amendments before all sections of it are even finally proclaimed.

Having said that though, let me be charitable and compassionate today; I think time does cure all ills and I hope that I shall be able to attend the sickbed, should I be required to help nurse and administer whatever medicine may be required to perk this bill up. It is a major piece of legislation; it is very big.

I do want to conclude on one final note and this is an expression of regret. This bill is not one which is, if you like, philosophically rigid. It is not one that is born of an ideological vision, of conservatism or liberalism or social democracy or whatever. It is a pragmatic piece of legislation, if you like. It is something that was designed from a committee; it came from a variety of points of views; it is a product of a variety of points of view. As it is essentially a mechanical piece of legislation, I think it is a pity that Members of this House did not have the opportunity to spend the kind of time with it, at the draft ordinance stage, that apparently other people in the community were able to enjoy.

I say that, because I am not sure I disagree with the Government Leader when it comes to many pieces of legislation. It seems to me

something like this, though: if it were possible — and I understand there were some time constraints here — in a case like this we could have been given embargoed copies of one of the earlier drafts, and I think it would have enabled all of us to talk to our constituents about it. Let me just say this: I dare say that such discussion would have facilitated a much more — not necessarily speedier — but an easier passage through Committee.

There are some kinds of legislation, I expect, particularly budget bills, that the Government, quite rightly, wants to reserve and play close to the chest until such time as they are revealed in the House. This is one bill where I think we all could have benefitted from some more time, prior to the Session; a greater opportunity to gain a real appreciation of what the expectations of our constituents were and are, and the councils that we have to deal with, and whether, having discussed it with them, their hopes would be fulfilled by its passage.

Hon. Mr. Lang: Well, Mr. Speaker, I think there are a couple of things that have to go on the record. I do not agree with the comments that were made with respect to the communities and the fact that they are going to incur great financial hardships. We have made the commitment to the House that the financial framework which we worked out through the *Municipal Aid Ordinance* will be done in such a manner that it is going to be as equitable as it possibly can be, and we have given assurance to the Association of Yukon Communities that this will be done.

Mr. Speaker, I think there is still some misunderstanding with respect to the legislation in the way it is laid out. It is made very clear that the legislation is laid out in such a manner that there are certain obligations which will be taken on with respect to the classification of the community, but a lot of options are available for a community if they want to assume more authority — that is up to the community. The amount of responsibility they assume is their choice, based on their experience, and they decide when they are prepared to assume more authority as time goes on. I think this is one of the finer points of the bill that it allows for the differences in communities which the Leader of the Opposition spoke of.

I want to say, Mr. Speaker, that, yes, there are going to be problems, there is no question about it. We are making some changes. I heard some comments from the other side about implementation. I am sure that the Government is more than prepared to listen to whatever ideas you may have with respect to the implementation process. In view of the speeches made by the Members opposite, I do not think that anyone should be under the impression that this legislation is coming into effect tomorrow. For the benefit of the media, we have made it very clear that it will be over a year before the ordinance comes into effect. Therefore, there will be a year available for the implementation of this legislation, in which time to adequately explain to the representatives in the communities, just exactly what it is all about; what their responsibilities will be; and - this is important - what their options are with respect to the legislation available to them.

Now Mr. Speaker, I would say that the legislation that we have before us is a good piece of legislation. I think it allows for a good appeal process and also puts the responsibility at the local level. They will have the assurances and the financial guarantees in the *Municipal Aid Ordinance* that they do not have. They do not have any financial guarantees at all now. It is strictly a year-to-year negotiation. With the *Municipal Aid Ordinance*, at least it will give some kind of a financial framework: a commitment from the senior level of Government to ensure that they can operate on a year-to-year basis, and it will not be necessary to come up against the problems that they have in the past.

Mr. Byblow: For a rare occasion, I think I am going to have to agree with some of the comments of the Minister of Economic Development. I think the principle intent of the bill, which is to sort of set up the umbrella framework for municipal administration in the Territory, is something that is well-conceived and sorely needed.

Anyone who has had any familiarization with municipal government knows some of the difficulties, of working under various pieces of legislation from a day-to-day understanding or misunderstanding of what is applied to them, will certainly be able to appreciate this type of consolidation that has taken place in this bill. I think the Government should take very close heed of some of the points raised here: the fiscal accountability, the fiscal capability that the smaller communities are making mention of, as to whether or not they are able to afford, what kind of structure is being imposed on them, is a very serious concern. I can agree that this is something that this Government has yet to work out. At the

same time, they will have to agree that they have not given us very much to go on, to assure us that we will not have some burdens imposed that are perhaps beyond what those communities can handle.

I am certainly going to be supporting the bill, and perhaps, very correctly, this bill does favour the larger community. They already have in place those mechanics that are simply rubber-stamped under this ordinance. The smaller communities are going to have to go through a process of learning. That is to be expected of any kind of a framework that you set into place.

I think, in closing, that the comments expressed by the Members for Kluane, for Campbell, the Leader of the Opposition and the Member for Whitehorse West are very valid. They have spent a considerable amount of time with their constituents in discussing this.

I can certainly agree that we will probably be back here with amendments, perhaps even before we put this into effect.

Motion agreed to

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

Hon. Mr. Lattin: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 57 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 Tatchun, that Bill Number 57 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill Number 57 has passed this House.

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

Bill Number 49: Third 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 third 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 third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker. I move that Bill Number 49 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Economic Development, that Bill Number 49 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill Number 49 has passed this House.

Mr. Clerk: Third reading, Bill Number 62, standing in the name of the Honourable Mr. Lang.

Bill Number 62: Third Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 62, an *Ordinance to Amend the Game Ordinance (No. 2)*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Tatchun, that Bill Number 62 be now read a third time.

Motion agreed to

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

Hon. Mr. Lang: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 62 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Tatchun, that Bill Number 62 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 62 has passed this House.

May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Hon-

ourable Member for Mayo, that Mr. Speaker do now leave the Chair and the House resolve to the 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 to the Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I call the Committee of the Whole to order at this time. Before we take a short break, it is anticipated the Committee will consider Bills Numbers 59, 60, 63 and 65.

Recess

Mr. Chairman: I call the Committee of the Whole to order at this time. I refer Committee to Bill Number 59.

On Clause 30.19

Hon. Mr. Graham: Mr. Chairman, I believe the section we set over was 30.19 and the clause in question was clause (6) on page 15.

The question, requested by Mr. MacKay, was in relation to the *Garnishee Ordinance*. Mr. Chairman, I now have an answer to that.

The answer is basically that when we passed the new *Garnishee Ordinance*, section 23(1)(a) of that ordinance states, in the case of a debtor supporting at least one dependant, \$1,000; and where he supports at least four dependants, an additional \$150 for the fourth, and each additional dependant after the fourth dependant. That is the amount of money he is allowed as exempt from attachment.

Under the ordinance in front of us here today, Mr. Chairman, that exemption does not apply with respect to the garnishment issued under this section. In other words, that \$1,000 exemption given him under the *Garnishee Ordinance* does not apply in cases of support. However, what we are doing is saying that in no case shall the exemption be reduced to less than the amount specified in paragraph 23(1)(b) of this ordinance, and that is \$600.

The object behind allowing a person \$600 exempt from seizure, even from the dependants who are trying to get it for support, is that, in our experience, if we do not allow a person to protect what we consider to be a reasonable sum for his own personal support, he will either quit working altogether and leave the Territory, or he will just quit paying and we will be forced to pick up the support payments through the Human Resources Department anyway.

We feel that this is a reasonable amount to allow a person to hold back as exempt from seizure.

Clause 30.19 agreed to

Clause 7 agreed to

Mr. Chairman: Is the Committee prepared to adopt the title on the bill, *An Ordinance to Amend the Matrimonial Property Ordinance*?

Members: Agreed.

Hon. Mr. Graham: Mr. Chairman, I move that you report Bill Number 59, *An Ordinance to Amend the Matrimonial Property Ordinance* without amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Graham that the Chairman do now report Bill Number 59, *An Ordinance to Amend the Matrimonial Property Ordinance* without amendment.

Motion agreed to

Mr. Chairman: I refer the Committee to Bill Number 60 at this time, *An Ordinance to Amend the Yukon Council Ordinance*.

On Clause 1

Hon. Mr. Graham: Mr. Chairman, as I stated in my second reading speech, this amendment to the *Yukon Council Ordinance* basically follows the report which the Standing Committee on Rules, Elections and Privileges submitted to this House earlier this Session. Mr. Chairman,

I do have one small amendment which I believe all Members have. I move that Bill Number 60, entitled *An Ordinance to Amend the Yukon Council Ordinance* be amended in Clause 2(1) at page 3 by deleting, in 8(5) the word "Assembly", wherever it occurs, and substituting for it the word "Council".

This is due to the fact, Mr. Chairman, that, as all Members realize, we are not legally, under the *Yukon Act*, yet recognized as an Assembly; therefore the word "Council" should be inserted in

that section.

Hon. Mr. Pearson: Mr. Chairman, I would like to take the opportunity to address the bill now, in light of the remarks by the Honourable Member for Kluane at second reading.

Mr. Chairman, I think it must be well understood by all Members that these amendments affect every Member of this House, as an MLA. To that degree, they will affect the Ministers on the front benches. Mr. Chairman, I, as the Government Leader, must reserve the right to make rules and regulations governing the actions and the proprieties of ministers. It has got to be well understood that in spite of these changes to this ordinance now, the regulations that are presently in effect, with respect to Ministers, will remain in effect until such time as they are changed.

I want to assure the House, Mr. Chairman, that changes from the regulations that are in effect will not be done or made until, and unless, I can be well assured that no Minister is not only going to run into a conflict, but is going to be seen to be running into a conflict. I think that is very important. I recall one of the Honourable Members, when speaking at second reading, saying that not only must we not be in conflict, but we must not be seen to be in conflict. For Ministers, I think that is even more important.

I think, too, I have to be assured, and have to have an undertaking from Ministers that enter this Cabinet, that they are prepared to work 24 hours a day at this job, because bitter experience has taught me that it is a 24 hour a day job. I do not care who you are or what you are, there is no way that you could be connected with any business, in any sort of a management function of any shape, size or description, and still do the duties that are required of you as a Minister of this Government.

It does require working 24 hours a day and it must be a requirement that no Minister can be actively involved in any business or profession either in the Territory or out of the Territory - I am talking about active involvement - and retain a Cabinet post; it just cannot be done.

We are giving the M.L.A.s - and I think rightly so - the right, under certain circumstances, to enter into a contractual arrangement with the Government, with respect to the supply of goods and services. Mr. Chairman, I am positive that I could abide such a provision for Ministers. I think Ministers must, of necessity, be dealing with the Government in strictly a hands-off position, particularly when it comes to the supply of goods and services. It is all fine and good to say "I am going to abstain from voting on a particular thing in this House", stand up and declare "I can't vote on this thing because I have got a pecuniary interest". But, Mr. Chairman, the Ministers are involved in the day-to-day running of this Government, and it would be impossible for them to isolate themselves from decisions that have to be made, if they do have contracts of any kind with the Government. No change to those regulations will be permitted that would allow for Ministers to have contracts with the Government.

I hope I have alleviated, to some extent, the fears and the concerns expressed by the Honourable Member for Kluane at second reading. I will also say, Mr. Chairman, that when, and if, the regulations with respect to Ministers are changed, I will be advising this House immediately. I will also undertake to advise all Members of the House individually, if we are not in Session at that time, immediately of any changes that do take place.

Mr. MacKay: Mr. Chairman, as I missed second reading debate, regretfully, I would like to take some time to discuss some of the issues involved in this bill at Clause 1 debate.

I must say at the outset, that when I first read the report, I was extremely upset. I ripped off a whole bunch of notes concerning things that I was going to say, which I am not now going to say. The reason I am not going to say it is that I had understood, as my colleague from Kluane had understood, that the Committee was going to bring down recommendations, respecting Executive Council Members, in their role as Executive Committee Members. I have now heard the comforting news from the Government Leader that he is retaining, at the present time, all of the existing rules and that in the event they are changed, we are not going to see changes to two major areas. One of these is what I recall to be the conflict of time - the amount of time available for a Minister to perform his or her duties, if they were involved in doing something else; the other is the conflict of interest where the Ministers may indeed have, or seem to have, dealings directly with the Government from which they are profiting.

So I am pleased to hear that. It still does not remove all the doubts I had about the changes. Yesterday, I think that the Mem-

ber for Kluane outlined very clearly some of the negative effects that may well come from this legislation. I read over her remarks in *Hansard* this morning. I recognized the concern she is thinking of, with a small community where an MLA is exposed to all kinds of people and activities, and it is going to be very difficult.

For those of you who are already in business or doing other things in small communities, you know what I am talking about. It is very difficult to avoid the smear that you are profiting by virtue of your position as an MLA. When I weighed it all off, I thought, "Well you know you cannot make all the rules for the sake of the bad guys out there who are prepared to say bad things about you anyway. You are always going to get rumours, you are always going to get street-talk and that kind of stuff; it is part of the job. We have to put up with that."

I think that the present rules that we live under do not work either. I think we have a lot of problems there. I, myself, ran into a problem a year or so ago because I was sitting on an Advisory Board for the Federal Business Development Bank. By our rules, I was really not eligible. In fact, I could have been disqualified for sitting in this House for that reason.

I think that there are other instances that we could discuss here, where, if you really want to get down to the fine lines of our existing legislation, it may well be that there are several Members, and perhaps not even excluding myself, who are receiving, directly or indirectly, some kind of benefit from the Government. It may well be that they are supplying some essential services in an area where no other such services are provided, yet that is a necessity. By virtue of necessity, the Government must use these services, yet by the laws we have now, they could stand to be "threatened" with having a conflict of interest.

Likewise, any work that I do for a municipality, for example, as an auditor. Since a lot of the municipal money comes from the senior government, if somebody wants to make a case out of it, they could say that part of my fee comes from the Territorial Government. So, there are all these little problems that exist with the present ordinance.

There is one thing that I would like to say, though, about the present one, that I think is not a reason for changing it. We have heard that a lot of "businessmen" were unable to run last time around because of the conflict of interest rules. I have some skepticism about that claim; being a businessman myself, who ran. I look around the Assembly here today and I see that more than half of the Members here are in business, or were in business of some sort, at the time of the election.

So, based on that, I have some difficulty. I think that the truth of the matter is that some businessmen are always being asked to run and find it difficult to say no, because it means that they are not facing up to their responsibilities in the community in some ways, and they therefore find it convenient to say that the conflict of interest rules would stop them from running.

I think there was an element of that last time around. I, therefore, do not feel that that is the only premise on which we should be changing these rules. I do not believe that is the premise under which we should be operating.

I do go with the premise, though, that I think that some changes are necessary. As my friend from Whitehorse West said yesterday, the pendulum has probably swung in the other direction now, from being unduly restrictive to being maybe unduly open. I think we should be prepared to try it and perhaps the pendulum will swing back to the middle as time goes by.

I feel, therefore, having had the assurances from the Government Leader with respect to the Executive Council Members, that they will be retaining the same guidelines for the immediate future, and that any changes in the future would not include the right to operate a business or the right to do business with the Government, I will therefore be prepared to support the bill.

Mr. Byblow: I believe I spoke at second reading and raised what I considered to be my area of concern and that dealt specifically with contracts. Because it is dealt with specifically in a section of the bill, I will leave debate until that point.

In Clause 1, which I presume is what we are dealing with, subsection (2), under (b)(i), deals specifically with the opportunity being given to employees to become employed on a casual basis. I would like to make it clear to the House that I do have a conflict of interest with respect to this. I certainly do not think it would disqualify me from voting on it, but I think the import of it should be made known, because that could very well apply directly to me.

I would like, before we leave general debate, to hear from the

Minister on contracts. I know the Government Leader has said that, with respect to Cabinet Members, complete divestiture is going to be the order of qualification. He gave a couple of reasons why. They are the very kind of reasons I raised, with respect to contracts, and in application to MLAs. We can either debate it now or leave it until the clause is in question.

Hon. Mr. Pearson: Mr. Chairman, I must get up and correct the Honourable Member. I did not say that complete divestiture was going to be the rule with respect to Cabinet Ministers; I simply did not say that.

Mr. Byblow: I would then just ask the Government Leader to provide a clarification of what he did mean, when he made reference to Cabinet Ministers not participating in any form of business.

Hon. Mr. Pearson: Mr. Chairman, I was talking about contracts with this Government. I said the Cabinet Ministers would not be allowed to have contracts with this Government, irrespective of what other changes might happen as a result of this legislation. I also said that they would not have the opportunity to be actively engaged in any business or profession in the Territory because of the time restraints.

Mr. Byblow: I respect that. I would only then ask if participation includes or excludes ownership?

Hon. Mr. Pearson: Mr. Chairman, active participation means exactly that. Ownership is something entirely different. The Honourable Leader of the Opposition, Mr. Chairman, owns a lot of private enterprises that he is not actively participating in, because he does not have the time.

Clause 1 agreed to

On Clause 2(1)

Mr. Chairman: The Chair will direct you to (d) on page 2. You will find in line three in (d), there is a typo in the word "discharge". There is an "a" there that is not necessary. Unanimous consent?

Members: Agreed.

Mr. Chairman: I refer you to (f) now, four lines down: "conflict or interest" should read "conflict of interest". There is another typo. Unanimous consent?

Members: Agreed.

Clause 2(1) agreed to

On Clause 2(2)

Mr. MacKay: I am wondering why, in Clause 2, the deadline of March 31 is in there. I appreciate that that happens to be the Government's financial year end, but most of us, if you are anything like me, file our income tax return on April 30, not a minute sooner, and what is contemplated is the filing of an income tax return. I think that for most of us that would be it. I am wondering if, for the sake of convenience to the Members, April 30 would be equally suitable and would not create any problems.

Hon. Mr. Graham: Mr. Chairman, we picked that date just out of the hat, because we felt that most people would submit their income tax returns by March 31st. I am open to suggestion.

Mr. MacKay: I would be prepared to propose an amendment, if that is agreeable to the Members, to change that to "on or before April 30th of each year".

Mr. Penikett: Mr. Chairman, so that we do not spend a lot of time with this, I am sure that "March 31st" is a typo and "April 30th" is what was intended there. I am sure that, by unanimous consent, we could just correct that typo.

Hon. Mr. Graham: I think that is a fair suggestion, Mr. Chairman.

Mr. Chairman: No, it is not a typo.

Mr. Chairman: Shall Clause 2(2) carry?

Hon. Mr. Graham: Mr. Chairman, I think we are going to have an amendment. Perhaps we will set Clause 2(2) aside.

Mr. Byblow: Because I guess both section (1) and (2) deal with my question, specifically (e), does the Minister not feel that there may, inadvertently, be an opportunity where advantage may be gained by membership in the Legislature, which you cannot specifically spell out when you make your declaration, but you may have gained an advantage by virtue of your presence, by your privileged status and so on? I would be curious as to how the Committee dealt with their analysis of that aspect of it.

Hon. Mr. Graham: Mr. Chairman, to answer his question, no, we did not think that you would gain anything in a bid for a contract. When contracts are opened by the Engineering Department or whoever opens the contracts, it is fairly simple: if you are the

low bidder you usually get the contract, unless, in their opinion, you are unable to do it.

All of that is open and above board. All of the people who bid on the contract are sitting in the room, if they wish, when the contracts are opened, so I cannot see how you could gain anything by sitting in a room with a bunch of other people to see if you have the low bid or not. In fact, to me, that is the most simple, basic proposal in the whole ordinance; that is the easiest one to get through.

Mr. Byblow: Mr. Chairman, what I was leading to and questioning about, was whether, in the preparation of that kind of a bid, a Member of this House would not be subject to privileged information, with or without intention.

I wonder if that aspect of it is not gaining what I referred to in my second reading speech, inasmuch as we must not only not have any advantage, we must not even appear to have any advantage. That is the only point.

Hon. Mr. Pearson: Yes, Mr. Chairman, it must be made abundantly clear. We are saying in this legislation that Members of this House are first and foremost honourable gentlemen or ladies. If they have privileged information, they should not bid, or else they are in conflict and at that point their seat in this House would be in jeopardy.

Mr. Penikett: Mr. Chairman, if I may contribute somewhat to the debate, I think one of the advantages of looking at Clause 2 as a whole, is that one becomes aware of the final section (f) which says quite clearly:

"the arrangements made by the Members and their families to ensure that no real, apparent, or potential conflict of interest exists, or will arise, between their personal and business affairs and their public duties."

It seems to me that is a very clear statement of principle, so that, if you have any doubt on this score, you had better not even contemplate engaging in that kind of business.

Hon. Mr. Pearson: Yes, Mr. Chairman, that cannot be emphasized too much. The onus is upon every Member. You know, every Member is going to have to be very cognizant of that onus. They are going to have to think very strongly about what they are doing, why they are doing it, and what the possible consequences might be.

Of course, I am confident, Mr. Chairman, that our Clerk is going to become, all of a sudden, an expert on conflict because I would respectfully suggest to any of you that, should you think there is any question of conflict in your own instances, you had better be talking to Mr. Clerk very, very quickly.

Mr. Byblow: I cannot agree more wholeheartedly that people should be very fully aware of the import of this section. Having it put on record in this manner gives me the assurance that, yes, there is adequate consideration for giving this degree of latitude to Members of the Legislature.

Mr. MacKay: I do not want to spend a lot of time on this, but it is a very difficult area we are talking about. I think this debate here will probably be closely scrutinized by future Members, in trying to determine what it is, or is not, their duty to disclose, and what arrangements are to be made.

Let me pose a couple of examples of things that I think could be creating difficulties in the future. It mostly occurs in smaller communities. In a small community quite often one businessman supplies many, many different services and commodities to the general market, to the general population. Included in that general population is, of course, the Government of Yukon. They come into town and have blown a tire on the highway; they have to buy a tire. I think, obviously, Members who are in business, who are put in the position of having to sell things to the Government in order to be able to render a service which they render to everybody else on an equal basis, will have no problem now with this ordinance, whereas I think they have had problems with the existing ordinance.

I think that they can now feel free to continue to offer that service without worrying about it.

Where you are going to get problems is in obscure things that we can hardly imagine. Some electrician will get a sub-contract from a main contractor who is dealing with the Territorial Government. That sub-contractor may or may not have bid on it, maybe he just got it because he does good work. That very same guy might be a Member of the Assembly and therefore may appear to be benefiting directly, or indirectly, from Government contracts. That is the kind of situation that we are going to run into.

Frankly, Mr. Chairman, there is no answer to that. It is going to be up to the consciences of the individual Members, probably aided

and abetted by the consciences of other Members who do not want to see the House turn into ill-repute; this is what will determine how this whole ordinance is going to work.

I think that what will evolve is that there will be practices developed, acceptable or not acceptable, and it is going to be up to individual Members of this House to develop these practices. I have heard the rather erroneous suggestion that this kind of legislation should not be brought in until immediately before the next election. That is a *non sequitur*. It does not wash. You are all here for the duration, I assume. The rules that you had to comply with, you did comply with, so new rules now are not going to change your situation from what it was two years ago. So it does not give any benefits to anybody here.

What it does do, though, is create a two year period where the implementation of this Ordinance can be allowed to work. The precedents will be developed, the testing can go on with Members who already have gone through two years in the Assembly, and therefore are not breaking fresh ground everyday anymore.

I hope that, as time goes by, we will find that this is a workable thing and that the rules that we do set for ourselves — I might suggest that the Rules, Elections and Privileges Committee have some informal meeting or some informal guidelines which they may want to suggest to Members, not passed in the House or anything like that, but just to sit down and discuss all the problems that arise and try to arrive at some consensus of what we are trying to do here. That section that Mr. Penikett quoted is a very broad and general one; I think it does require a little more focusing, in order to give the Members some guidelines.

I do not think it is fair to put it all on the Clerk, frankly. I think that the Clerk is burdened enough with many things; for him to be the arbiter of all potential conflict of interest things is an unfair burden. I think the burden truly rests with the Committee on Rules, Elections and Privileges. Perhaps there should be some provision whereby a Member can seek a ruling, shall we say, from that Committee. Where he is in doubt about something, he can go to the Committee, without having to go through the formalized, public process of arising in the House and doing all this stuff; just being able to get some kind of informal sounding or ruling from the Committee, to say whether or not he is in difficulties or not.

There are going to be difficulties coming up and I make that suggestion constructively, in the hope that nobody else will face the embarrassment of losing their seat, for whatever reasons, in the coming two years.

So, I think we are wandering a bit from the section at hand, Mr. Chairman. I do have an amendment ready on subsection (2) and perhaps I could propose that now and we could continue the debate?

Mr. Chairman: Order, please. The Chair has a copy of the amendment and I will just read it out to the Committee.

The proposed amendment to the bill: it is moved by Mr. MacKay, that Bill Number 60, entitled *An Ordinance to Amend the Council Ordinance*, be amended in Clause 2(2), page 2, by deleting in line 1 the words "March 31st" and substituting therefore the words "April 30".

Mr. Penikett: Mr. Chairman, Mr. MacKay in speaking to his amendment, suggested that he did not want to see any Member turn this into a house of ill-repute. I am pleased to support that amendment if it will prevent that possibility.

Amendment agreed to

Clause 2(2) agreed to

On Clause 2(3)

Mr. Chairman: Before there is any discussion, there is a typo on the top line of section (3), "dependant"; I think there should be an "e" instead of an "a" there.

Mr. MacKay: It occurred to me that the *Matrimonial Property Ordinance* which we passed earlier consistently spelled dependent with an "ant" throughout. I wonder if there really is a typo there.

Mr. Chairman: I think there is a problem here, where there is a difference between a noun and an adjective, Mr. MacKay.

Hon. Mrs. McCall: I think that the explanation is that either spelling can be used, dependant - "ant" is from the French, "dependent" is from the Latin. Either is correct.

Mr. Chairman: I would like to remind Members this is a very English-type Legislative Assembly.

Hon. Mr. Graham: Mr. Chairman, in my dictionary — granted it is a reasonably old dictionary, but it is a pretty thick one, so it

must be pretty good — it spells it with an "a".

Mr. Chairman: There is no typo in section 3 then. The Chair will just proceed with discussion on Section 3.

Clause 2(3) agreed to

Clause 2(4) agreed to

On Clause 2(5)

Mr. Chairman: I believe the Honourable Member has an amendment to the next section, section 2(5).

Hon. Mr. Graham: That is correct, Mr. Chairman. My amendment is that Bill Number 60, *An Ordinance to Amend the Yukon Council Ordinance*, be amended in Section 2(5), on page, by deleting the word "Assembly" wherever it occurs, and substituting for it the word "Council".

Amendment agreed to

Clause 2(5) agreed to

On Clause 2(6)

Clause 2(6) agreed to

On Clause 2(7)

Clause 2(7) agreed to

On Clause 2(8)

Clause 2(8) agreed to

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

Mr. Chairman: Shall the title, *An Ordinance to Amend the Yukon Council Ordinance* pass at this time?

Some Members: Agreed.

Hon. Mr. Graham: Mr. Chairman, I move that you report Bill Number 60, *An Ordinance to Amend the Yukon Council Ordinance*, with amendment, to the Assembly.

Mr. Chairman: It has been moved by the Honourable Mr. Graham that Chairman do now report Bill Number 60, *An Ordinance to Amend the Yukon Council Ordinance*, with amendment.

Motion agreed to

Mr. Chairman: I refer Committee now to Bill Number 63, *An Ordinance to Amend the Elections Ordinance*.

On Clause 1

Hon. Mr. Graham: Mr. Chairman, I think I covered most of the points in second reading.

Mr. Penikett: Mr. Chairman, I have a general question which I would like the Minister to respond to in connection with this ordinance. Let me begin by saying that I think the Committee discussions on these bills were very good and they were made much better by the contribution of a Member who was not a Member of the Committee but who gave us the benefit of his wisdom and experience in elections and as a former clerk. I could tell that the Legislature, the House, the Committee and all Members benefitted from his contribution.

Unfortunately, there are some recommendations in the Committee report that have not been brought forward and implemented in the bill. Given the complexity of the bill and the little time that we have to deal with it, I wonder if the Minister involved, who was also Chairman of the Committee, could briefly describe for us those recommendations of the Committee that have not been included in the bill, just so that we can know what has been left out and why.

Hon. Mr. Graham: Mr. Chairman, I cannot rattle off all of the sections that we left out; however, any sections that we left out, we left out either because they would have required extensive re-modification of the ordinance, or they were in conflict with other areas of the ordinance, and they required, in our opinion, a great deal more thought and consideration.

We left nothing out, I think, that substantially changed the recommendations of the Committee. In fact, we had to change a few other sections to bring into effect the wishes of the Committee.

We, on this side of the House, anyway, have not ruled out the possibility of further amendment to this ordinance but, at the present time, we did not have sufficient time to bring all of the changes recommended by the Committee into effect.

Mr. Penikett: Well, to save time from my debating each one of those particular points, is the Minister at least prepared to give an undertaking that those things that have not been moved forward into the bill will be considered by the Committee at a later date, and could be the subject of future amendments?

Hon. Mr. Graham: Yes, Mr. Chairman, I am willing to make that concession.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Mr. Chairman: I believe there is a typo in the bottom line of page 6, in the word "proceeding": there is an extra "e" there that is not supposed to be there. For deleting one "e", shall the Chair have unanimous consent?

Some Members: Agreed.

Clause 15 agreed to

On Clause 16

Mr. Fleming: I wonder if the Minister would give us a little explanation as to why Clause 16 has been added on. Could I have an explanation?

Hon. Mr. Graham: Mr. Chairman, this was to eliminate the current problems experienced, I would imagine, by some political parties in becoming registered. Also it is to alleviate the problem that the Government is technically the one that registers a society in the Territory, and a society is a registered political party. Consequently we, in the Government, have the capability, simply through a regulation change, to eliminate all other political parties in the Territory save and except for the best one, which is of course as everybody knows the Conservative Party. So Mr. Chairman, we thought that by bringing in this change we would allow any organization which has as its primary purpose the promotion of candidates for election to be called a registered political party.

Mr. Penikett: Mr. Chairman, I can say that from my own point of view, the requirement that political parties be registered as a society was an unfortunate thing. In the case of my party, I cannot speak of others, we do not have a separate organization nationally and Territorially; we are a federation of provincial sections. It caused some problems for us trying to meet the requirements of the *Societies Ordinance* here, and the *Canada Elections Act*, both of which, constitutionally, we were required to do.

The Minister for Porter Creek East made some remark about the Liberal Party, which party his party supports more often than not in the House of Commons, and I could give him a list of the number of Liberal bills that they supported as opposed to my party. But, I am sure that is a debate that Mr. Lang would not want to get involved in now because he would be sure to lose on the grounds of facts.

The one serious concern that I think the Minister mentioned here is the question of the capability of the Government to abolish political organizations it does not like, under the *Societies Ordinance*. That is obviously something which would be — well, the Member for Porter Creek East liked the idea, but we have heard

his opinions on guided democracy, or one-party rule, before.

The problem is this: we have right now, the one recommendation that was not implemented from this report — the question about the election board. Now, I am of the opinion that when you play in a league sport, all teams ought to have some say in who the referees are; the referees do not get picked just by the winning team from the previous year.

That is what we could have, under this ordinance, but the Minister said they may bring us some other change, so I will not dwell on this now. If we did not make that change it would be a problem in the opinion of the board, and perhaps more of a problem than having public servants strike a society out of existence. I do not think that the good people working for this Government would ever abolish the Liberal Party, nor the New Democratic Party, I hope, but I would not be too sure about a board, if the election result did not go the right way. I would not be worried about a board whose appointees all came from one political side of the House.

I think this section is an improvement over the previous one. Just let me say now, rather than saying it again later, that I do hope that at some point we come to the point where all the registered parties can have their say in nominating a representative to the board, so that there will be one person on that board to whom they can bring complaints, and there will be a feeling that there will be some impartial hearing of those complaints, or they can guarantee an impartial hearing, if they know they have a representative on that board.

Hon. Mr. Graham: Mr. Chairman, the reasons that the committee recommendations for the Elections Board were not really followed — although we did in fact do everything that the committee asked us to do, we gave it consideration, and then we tossed it out. The reason for that was quite simple. We felt that it would be unwieldy to have an elections board of six members. It is quite simple, we do not think that it is a good idea at the present time. Also, Mr. Chairman, I do not like the implication that all of the members of the board are from one political affiliation, at the present time, because I believe they were appointed by a non-partisan House, a House that had no members in it elected under any specific political banner, and we have not seen fit to change that board at this time.

Mr. Fleming: I guess I should let the Honourable Member go while he is wound up. I merely have a problem with some of the interpretations that the Government gives, such as when they say an organization. Of course, an organization could be a blind mouse, or anybody else, according to some of their interpretations. I will just ask the Minister if this has anything to do with an independent candidate, for instance, applying.

Hon. Mr. Graham: No, Mr. Chairman, it should not affect independent candidates at all.

Mr. Penikett: This perhaps being the last day of the sitting, it is a day for Ministers and other Members to be spouting nonsense. It is delightful to hear the Minister say that they considered an idea and they rejected it. I would like to know how long that discussion was. Of course, his statement to expand the board, to have a board of six, is ridiculous, in view of the fact that half the boards they have in the territory have got that many members. I am sure by now they are running out of Conservatives to appoint to boards. The fact is, the previous House, allegedly independent, or non-partisan, which is another load of nonsense, appointed these members. It is, of course, complete fiction, and it is irrelevant. The point is that the elections are the games for the contest between political parties. The actors in elections are political parties in this day and age, and the referees should be people who are appointed with the agreement of all the parties, not just one. The fact of the matter is, what we were seeking for is a perfectly reasonable democratic protection — that we would have some voice in the choosing of referees. Now, under the present ordinance and under the proposed ordinance we are to have no voice, and there could be a situation — we are only dealing with a potential — where a government party of the day could appoint a board who were not restrained by any law or by fact of being a public servant, or anything else, who could refuse to deal with legitimate complaints from other political parties, and you have no appeal and no recourse against them. In this case, there are all sorts of reasons why the Government may want to maintain the patronage system in connection with all sorts of other boards. We have seen some unfortunate results of that kind of thing.

But, I want to say in this case, it would be a disaster. I think that, if you want to create the impression of having a fair electoral system, you want to create the impression of making sure that all

parties, whatever their present standing in the House, have a fair break at elections; you want to make sure the board is not only fair, as the previous ordinance we were discussing a few minutes ago said, but appears to be fair.

One way to do that is to make sure that you have representatives of all parties on the board, not just the nominees of one party, or the nominees of one allegedly non-partisan House, which is filled with Conservatives, some of whom are back here again without their disguises.

Mr. MacKay: I was peacefully sitting there, not getting going, either, until I heard the Minister of Justice's explanations for rejecting this thing. The very fact that he uses the argument that a non-partisan House appointed this board, completely undercuts the argument he has now for not allowing a partisan House to pick the board. You cannot have one without the other. For him to say that it is okay because the present members, whom they do not intend to change, were picked by an impartial House, is good only so long as those members wish to sit on that board, and as long as this Government, as long as it is in power, has the sense to leave them on the board, because nobody here is casting any doubts whatsoever upon the integrity, or anything like that, on the present members of the board. I think that should be made very clear. I am sure that my friend for Whitehorse West would thoroughly agree with that. But I do throw that back to the Government side: that they should consider very carefully Mr. Penikett's proposal of at least having the nominations perhaps put to the House, so that there is some way of having some input into the selection of these people. If there are people saying there is something wrong with somebody, then it can be said publicly. I think it would also be a guarantee that the Government would select people who are beyond reproach, as I am sure they would intend to do.

I think we are wandering off the subject here. I would like to ask some specific questions of the Minister about section 16(1), which we are allegedly debating.

With respect to the implementation of this section, does it in fact require any existing political party, which has been registered under the previous rules, to now go ahead and re-register as a political party with the board, under the conditions that are laid out here?

Hon. Mr. Graham: As I understand it, Mr. Chairman, it would not.

Mr. Chairman, the Members opposite seem to be expressing some displeasure in the present board, or at least one of them. The Leader of the Opposition has cleared up his position and I am happy to see that.

We have not said that we have tossed out that recommendation altogether. We are very happy with the performance of the board today, and I am sure that if any of those members decide to retire in the next couple of years, we would be only too happy to discuss potential appointees with other members.

Clause 16 agreed to

On Clause 17

Mr. MacKay: I wonder why you are removing this very bourgeois requirement to know if this candidate is gainfully employed. It seems to me it is a piece of information that the electorate would probably like to know. I quote the example of the unemployed dishwasher running in Oak Bay for the NDP, which, I am sure, helped the voters to make up their minds very quickly as to whether they wanted this fellow in there or not.

Mr. Penikett: Mr. Chairman, "gainfully employed", of course, would exclude many businessmen in the Territory, and Mr. MacKay, I am sure, would not want to have even some of his less successful clients embarrassed in such a regard.

Mr. Chairman: Is there any more constructive discussion on Clause 17?

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22

Clause 22 agreed to

On Clause 23

Mr. MacKay: Based on the preceding paragraph, which Mr. Chairman was kind enough to point out had the word "preceeding" with two "e's". I assume that the "preceding" in this paragraph should not be proceeding further without the removal of one "e".

Mr. Chairman: Do we have unanimous consent to delete one "e" from "preceeding"?

Some Members: Agreed.

Amendment agreed to

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Clause 25

Clause 25 agreed to

On Clause 26

Clause 26 agreed to

On Clause 27

Clause 27 agreed to

On Clause 28

Clause 28 agreed to

On Clause 29

Clause 29 agreed to

On Clause 30

Clause 30 agreed to

On Clause 31

Clause 31 agreed to

On Clause 32

Clause 32 agreed to

On Clause 33

Clause 33 agreed to

On Clause 34

Clause 34 agreed to

On Clause 35

Clause 35 agreed to

On Clause 36

Clause 36 agreed to

On Clause 37

Clause 37 agreed to

On Clause 38

Clause 38 agreed to

On Clause 39

Clause 39 agreed to

On Clause 40

Clause 40 agreed to

On Clause 41

Clause 41 agreed to

On Clause 42

Clause 42 agreed to

On Clause 43

Clause 43 agreed to

On Clause 44

Clause 44 agreed to

On Clause 45

Mr. MacKay: Can the Government Leader give us some indication of what date this Ordinance may come into force? I am thinking particularly of some strong rumours that there may, indeed, be a by-election coming up in the early part of the year. Is this Ordinance is intended to cover that?

Hon. Mr. Graham: Mr. Chairman, there is a provision in this Ordinance at the present time that six months should be given, before any election, for the Board to absorb the changes to the Ordinance, as well as to instruct returning officers.

However, it is our hope that the Board sees fit to adopt this new Ordinance, and implement the new Ordinance. We would like to implement the new Ordinance, if there is a by-election, the coming by-election, in a riding in Yukon. That is our hope.

Clause 45 agreed to

Mr. Chairman: Shall the title of the ordinance, *An Ordinance to Amend the Elections Ordinance, 1977*, clear?

Members: Agreed.

Mr. Chairman: I declare the title cleared.

Hon. Mr. Graham: Mr. Chairman, I move that you report Bill Number 63, *An Ordinance to Amend the Elections Ordinance, 1977*, without amendment to the Assembly.

Mr. Chairman: It has been moved by the Honourable Mr. Graham that Chairman do now report Bill Number 63, *An Ordinance to Amend the Elections Ordinance, 1977*, without amendment to the Assembly.

Motion agreed to

Mr. Chairman: I will refer the Committee to Bill Number 65 at this time, *An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980*.

On Clause 1

Hon. Mr. Pearson: Mr. Chairman, as I said at second reading, it has become obvious to us now that the *Municipal General Purposes Loan Ordinance, 1980*, that we passed in the spring, has not enough money to meet the requirements of the three municipalities in the Territory this year.

Mr. Chairman, to date, we have had requests from the City of Whitehorse for \$1,088,600 of loans, from the Town of Faro for \$1,972,900 of loans, and from Dawson City for \$137,000 worth of loans. That totals \$3,198,500 so far during the course of this fiscal year. We are bringing forward this bill which will, in effect, give us the authority to loan to the municipalities up to a maximum of \$3,500,000 during the course of this year, as opposed to the \$3,000,000 in the original bill.

Mr. Byblow: It would appear to me from what the Government Leader has just calculated, that Faro is receiving the greatest portion of the loan money under this program. Certainly that is an aspect of concern that I cannot let go unnoticed. I would be curious to know from the Government Leader what has created the need for the additional funding. Does he have any kind of a breakdown on that, recognizing that third party loan money, which is in effect being dealt with here, is something that is usually calculated well in advance, and has, somewhere down the road of this past year, been miscalculated in assessing this need. I would be just curious to know if there is any explanation for this extra \$500,000.

Hon. Mr. Pearson: Well, Mr. Chairman, in our estimates this year, we were advised that the City of Whitehorse would want to borrow, during the course of this year, \$1,190,000; the Town of Faro, \$1,650,000; and Dawson City, \$160,000. That was a total of \$3,000,000; ergo the original bill.

Now, Mr. Chairman, I do not know specifically what this was used for, but in the main it would have to be for municipal infrastructure development in the community, Mr. Chairman. It must follow, then, that Faro found it necessary to borrow more funds than they had originally anticipated.

Hon. Mr. Lang: Mr. Chairman, for further clarification on that, I just want to refresh the Member's memory. You will recall that there was an announcement made in this House a number of months ago, when the decision was made to go ahead with the expansion of the community of Faro. Our Government, as well as all Members of this Legislature, agreed with the concept of advancing \$1,000,000 towards the infrastructure of Faro, over and above what was available through the Capital Assistance Program of the present year.

In other words, the loan being granted to the City of Faro will effectively be paid through the Capital Assistance Program through 1981-82. For the infrastructure of Faro alone, this Government is granting \$2,000,000 over the course of this year to the City of Faro and the people of Faro. So I think it goes a long way toward answering the arguments submitted in this House, that this Government is putting a lot of money into that community, a lot more money into that community than is going into other communities.

Mr. Byblow: I do not know why I find the Minister so provocative in some of his statements.

Hon. Mr. Lang: Mr. Chairman, on a point of order, I would just like to say that it is the truth.

Mr. Chairman: Order, gentlemen. That is not a point of order. Mr. Byblow, please proceed.

Mr. Byblow: Mr. Chairman, I got from the Government Leader a clarification of the question that I had raised when he delineated the anticipated funding at the beginning of the year, com-

pared to what the requirements are now, that makes up the difference, according to my calculations. So that question has been answered.

With respect to the Minister of Economic Development's commentary: I refreshed the Honourable Minister's memory that one year ago in this House I told this Government about the requirement for those utilities. That money should have been in the last budget, rather than creating this kind of a situation where we have a budget gone through without the money, then suddenly pulling in the money from other communities and borrowing and so on.

I do not wish to enter into that argument. I respect the Honourable Member's attempt to clarify the amount of money that has gone to Faro, and for that I am appreciative: I am sure my community and my riding are also appreciative.

Yes, the money was advanced last May in this House and I was not even able to respond. If I recall the situation correctly, there was a response to the then Minister read into the record by my honourable colleagues on this side.

Perhaps, once and for all to close the record; this Government has, in the course of this year, made additional revenue available to the Town of Faro. There is no question about that. In this particular budget, there has been the allocation of \$1.2 million for the utility expansion that we are arguing about, to pay back the money that the municipality had to borrow, Mr. Chairman. The rest of the funding, the additional \$1.2 million, qualified under Capital Assistance.

Mr. Chairman, I do not know what the Minister seems to want. We have just put through a *Municipal Ordinance*, in which we were talking about fiscal capability. We are talking about communities in the Territory that are contributing to the economic stability of the Territory, and the cost-sharing responsibilities of senior and junior governments to put those responsibilities into place. I do not know why the Minister feels that he has to make the point that he has given all this to Faro, when in fact what we are talking about, on a proportionate per capita basis, is simply a standard obligation.

I leave it there. My questions to the Government Leader have been answered.

Hon. Mr. Lang: Are you going to vote for the bill?

Mr. Byblow: Of course I am going to vote for the bill.

The Honourable Minister of Economic Development should, I think, perhaps make an assessment of the amount of money spent in my community, because he constantly comes back with this argument, and I wish he would take a look. In the last year or two this Government has been responsive —

Mr. Chairman: Order, please.

Proceed.

Mr. Byblow: Just to conclude the matter, I can assure the Minister that we have a considerable number of needs to be attended to, and these will be coming forth as time progresses.

Hon. Mr. Pearson: Mr. Chairman, amongst all the things that the Honourable Member from Faro just said, was that we should have foreseen in our budget last April that Faro was going to need this additional money this year. Well, Mr. Chairman, all I can say to that is that Faro should have seen it, and requested it, in the *Municipal Loan Ordinance* at that time.

Mr. Chairman, the facts of the matter are that the plan, the proposal to go ahead with Faro, was decided upon far later than our budget was prepared, and it was no one's fault that the funds were not provided in the budget, and no one has faulted Faro for that. But I am not going to sit here and be ramrodded by the Honourable Member for Faro because we did not provide it in the budget. All I can say to him is that we did not provide it because Faro did not ask for it.

Mr. Byblow: Mr. Chairman, I refer to one year ago, of the information surrounding the anticipated expansion. That was before last year's capital budget came through, Mr. Chairman. That is the only point I am making. The request was made then. There were trips by the municipality into Whitehorse to see this Government at that time. Last October, one year ago, this is what I am talking about. It was not put in a budget, because this Government, at that time, felt they could get some additional funding from the Federal Government. Fine, I agree with the Government Leader.

I simply beg to differ that there was knowledge — but we are getting into a petty discussion on something that has passed; I think what we have to address is the future. I would simply conclude that this particular *Loan Agreement Ordinance* that is pro-

viding additional money for municipalities is receiving my wholehearted support. It is a case where something that more of the same should be provided. The only point is one that was made during the *Municipal Ordinance*: we have to address the question of who pays for what portion of the infrastructures that are put into communities. That is for next spring.

Clause 1 agreed to

Mr. Chairman: Shall the title, *An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980*, clear?

Some Members: Agreed.

Hon. Mr. Pearson: Mr. Chairman, I move that the Chairman report Bill Number 65, *An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980*, without amendment.

Mr. Chairman: It has been moved by the Honourable Government Leader that the Chairman do now report Bill Number 65, *An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980*, without amendment.

Motion agreed to

Mr. Chairman: At this time the Chair would like to take a short break.

Recess

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

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

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

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Njootli: Mr. Speaker, the Committee of the Whole has considered the following bills and has directed me to report on the same without amendment: Bill Number 59, *An Ordinance to Amend the Matrimonial Property Ordinance*; Bill Number 63, *An Ordinance to Amend the Elections Ordinance, 1977*; Bill Number 65, *An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980*.

Further, the Committee has considered the following bill and directed me to report the same with amendment and beg leave to sit again: Bill Number 60, *An Ordinance to Amend the Yukon Council Ordinance*.

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

Some Members: Agreed

Mr. Speaker: Leave is so granted.

We will now proceed to Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

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

Bill Number 59: Third 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 third 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 third time.

Motion agreed to

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

Hon. Mr. Graham: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 59 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 Hootalinqua, that Bill Number 59 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 59 has passed this House.

Hon. Mr. Graham: Mr. Speaker, I would like to request unanimous consent for third reading of Bill Number 60.

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

Some Members: Agreed.

Bill Number 60: Third 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 third time.

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

Motion agreed to

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

Hon. Mr. Graham: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Mayo, that Bill Number 60 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 Mayo, that Bill Number 60 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 60 has passed this House.

Hon. Mr. Graham: Mr. Speaker, I would also like to request unanimous consent of the House for third reading of Bill Number 63.

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

Some Members: Agreed.

Bill Number 63: Third Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 63, *An Ordinance to Amend the Elections Ordinance, 1977*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Tatchun, that Bill Number 63 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Tatchun, that Bill Number 63 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 Tatchun, that Bill Number 63 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 63 has passed this House.

Hon. Mr. Pearson: Mr. Speaker, I beg unanimous consent of the House to have third reading of Bill Number 65.

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

Members: Agreed.

Bill Number 65: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Minister of Municipal and Community Affairs that Bill Number 65, *An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Municipal and Community Affairs that Bill Number 65 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker. I move, seconded by the Honourable Minister of Municipal and Community Affairs that Bill Number 65 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill Number 65 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 65 has passed this House.

We will now proceed to Government Motions.

MOTIONS

Hon. Mr. Lattin: Mr. Speaker, I request unanimous consent to proceed with Motion Number 25 on the Notice Paper.

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

Some Members: Agreed.

Motion Number 25

Hon. Mr. Lattin: Mr. Speaker, I move that the membership of the Standing Committee on Public Accounts, as established by Motion Number 31 of the Second Session of the 24th Legislature, be amended:

(1) by rescinding the appointments of Mr. MacKay and Mr. Lattin, and

(2) by appointing Mr. Byblow and Mr. Hanson to the said Committee.

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

Motion agreed to

Hon. Mr. Pearson: Mr. Speaker, I wish to beg the unanimous consent of the House, at this time, to proceed with the motion respecting the membership of the Standing Committee on Rules, Elections and Privileges.

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

Some Members: Agreed.

Motion Number 27

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Minister of Health and Human Resources, that the membership of the Standing Committee on Rules, Elections and Privileges, as established by Motion Number 6 of the First Session of the 24th Legislature, be amended:

by rescinding the appointments of the Honourable Mr. Lang and the Honourable Mr. Lattin, and

by appointing Mr. Tracey and Mr. Hanson to the said Committee.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Health and Human Resources, that the membership of the Standing Committee on Rules, Elections and Privileges, as established by Motion Number 6 of the First Session of the 24th Legislature, be amended

by rescinding the appointments of the Honourable Mr. Lang and the Honourable Mr. Lattin, and

by appointing Mr. Tracey and Mr. Hanson to the said committee,
Motion agreed to

Hon. Mr. Graham: Mr. Speaker, I also request unanimous consent to proceed with a motion respecting the Members' Services Board.

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

Some Members: Agreed.

Motion Number 28

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Minister of Health and Human Resources, that the membership of the Members' Services Board, as established by Motion Number 7 of the First Session of the 24th Legislature, be amended:

by rescinding the appointment of Mr. MacKay, and by appointing Mr. Penikett to the said board.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Minister of Health and Human Resources, that the membership of the Members' Services Board, as established by Motion Number 7 of the First Session of the 24th Legislature, be amended:

by rescinding the appointment of Mr. MacKay, and by appointing Mr. Penikett to the said board.

Motion agreed to

Hon. Mr. Graham: Mr. Speaker, I also request unanimous consent to proceed with Motion Number 26 on the Notice Paper.

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

Some Members: Agreed

Motion Number 26

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Government Leader:

That the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the Government Leader, that the public interest requires that the House shall meet;

That the Speaker give notice that he is so satisfied, and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it had been duly adjourned to that time; and

That, if the Speaker is unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purpose of this order.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Minister of Economic Development:

That the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the Government Leader, that the public interest requires that the House shall meet;

That the Speaker give notice that he is so satisfied and thereupon the House shall meet at the time stated in such notices and shall transact its business as if it had been duly adjourned to that time; and

That if the Speaker is unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purpose of this order.

Motion agreed to

Mr. MacKay: Mr. Speaker, I rise on a question of privilege. I would like to indicate to you, sir, that at the rising of the House I intend to resign my seat, that of Riverdale South, and I do so give notice to you at this time.

If I might be permitted to say a few words at this time, for the last time, Mr. Speaker. I could not help being somewhat amused, I guess, by the slight *faux pas* that I heard in the last five minutes; it is almost so familiar that after two years I am still called Mr. McKay, and even Mr. Speaker himself could occasionally make the mistake of calling me the Government Leader instead of the Leader of the Opposition. That is only nostalgia, I am afraid, at this point.

There are some other nostalgic things, too, but I would like to say a couple of things seriously to the House, perhaps indicating a couple of reasons why I ran and why I sought to become a Member of this House.

I must admit that the reasons I had for running then are not the same reasons that I have regret for leaving now. I had reasons for running because of certain things I wanted to accomplish. Two of the major ones were that I wanted to see firmly established party lines established in the House. I worked hard for that in 1974, at which time the Liberal Party did not elect any members, but nevertheless committed themselves to the concept of party lines.

I worked even harder for that in 1978, and we were successful in electing two, myself included. I think that that is a major accomplishment that I feel a part of. I think the Members opposite participated very much in these accomplishments and I think it is a non-partisan pat on the back for all of us that we have accomplished it. I do not want to downgrade the contributions of the Independent Members; they have been extremely valuable. But nevertheless the point is that party lines have been established and are working, I think to the credit of all of the Members here.

The other reason that I got involved in politics — something I have never really said before, the thing I felt most strongly about which really motivated me in an idealistic way to run — I felt that two years ago Land Claims was the major issue facing the Territory, and without some movement in that field, that we were heading towards a very, very disastrous situation. Then I felt that, by running, I could express some points of view that perhaps had not been heard as clearly or as loudly as before.

I think I have stuck to that, throughout my term here, even to the extent of being accused of representing only the Indian people; but I think throughout that time I have tried to put forward a balanced point of view, Mr. Speaker.

I think that many Members in the House perhaps have developed views over the last few years that are much more, shall we say,

flexible in this area than perhaps they were before. That has been a source of some satisfaction to me. I think that the Government is making a very earnest, really earnest, sincere attempt to settle land claims and I think that that should be duly noted. I hope that the hopeful predictions of an early settlement that we are hearing will come true. I would hate to see it get this far and then fall back to where it was three or four years ago. I think that we have come a long way.

I could leave a couple of messages for other Members, one of which was that the previous House tended to break down an awful lot, by the influence of personalities. I think we have succeeded, by and large, in staying away from that kind of debate - by and large, with the odd exception. The advice I have to offer is that we should try and stick to that: stick to the issues; stick to the policies; try to do what is best for the people.

I would like to voice a regret here that the 24th Legislature of the Yukon Territory will go down in history, I think, Mr. Speaker, as the one where the Yukon Government obtained the largest measure of self-government in any part of its history. In my opinion this was achieved a year or so ago. My regret is that I think perhaps I concentrated too much upon the procedure by which it was done rather than on the issue itself. I now feel that the issue itself really bears no dispute; that the large measure of self-government we do have is working. I feel that history will probably give the verdict that the Members opposite were looking a little further ahead than this Member on this side, anyway, on that issue.

But I would like to point to a larger picture too: that history will also reflect that Canada, at this time, has also gone through some large upheavals. I would urge all Members to look at the substance of what is happening; not to get bogged down in the process; not to perhaps repeat the mistake that I have made and concentrate on the weaknesses of the process; but to look through all that to what is being achieved for Canadians, so that they will have no regrets later on that they stood in the way of what is the inevitable march of progress of this country. Just as it is an inevitable march of progress of the Yukon toward fully responsible government, so it is, I believe, an inevitable march of progress that Canada will achieve its own Constitution.

Mr. Speaker, I would like to thank you, yourself, for your patience in teaching me the rules of the House, often to my embarrassment. I would like to thank the Clerk and his staff for also looking after me, holding my hand when I got a little upset and soothing my brow. Most of all, I think I would like to thank my colleague, the Member for Kluane, for standing by me throughout, and for being so strong in some difficult positions. I hope that she will continue to be as strong; I am sure she will.

The other Members of the Opposition have been very loyal to me, personally, I feel, and I feel a great loyalty towards them, even including the Member for Whitehorse West.

To the Members of the Government, I wish you luck — not too much luck, because I am hopeful that some other Party will sit over there, but as individuals, I wish you all luck. I will miss the Member for Mayo, particularly.

I would like to suggest, if it is not out of order, Mr. Speaker, that upon rising of the House, that some informal debate could occur at a local establishment to be named later, where I could certainly enlarge upon some of the ideas I have expressed today.

Applause

Mr. Penikett: It is my pleasure and sadness to participate in this question of privilege, and I just want to say that I am going to be disappointed in some ways to see the Member for Riverdale South leave us. I am frankly sad to see a sparring partner, and occasional seconder, depart from the scene.

I think it is worth saying at this time that he has been an effective spokesman for his party. I think he has served his cause with humour and intelligence. I think he has been a fair Opposition Leader. I think he is going to new rewards, a new future in Vancouver, and we all can only speculate as to what the future in that part of the world might hold for him. Some of that future may include a political future, we do not know.

Recently, Mr. Speaker, I was in Edmonton and had a chance to apprise myself of some of the feelings of people in that part of the world about some of the constitutional developments and about our national government, and, in that connection, I was able to obtain something which I would like to give to our departing friend now, for his car in Vancouver. In doing so, I would like to wish him goodbye and good luck.

Mr. Speaker, this is for the departing Member for Riverdale South, for his car and it reads, "Ottawa knows best, vote Liberal", and he can wear it proudly.

Applause

Mr. Fleming: I would just like to wish the best to the Honourable Leader of the Opposition. I will say something for him personally, after working with him for two years; finding that even the Leader of a political party can work congenially, get along, and seem to agree on many points; and so forth and so on, and help each other, help even the Independents, says something for the person himself. I wish him luck.

Mr. Byblow: Mr. Speaker, I, too, rise on the question of privilege, and would like to add to the remarks surrounding the resignation just announced. I would say that it certainly does not come as anything of a shock or a surprise. The Leader of the Opposition made his intentions known quite some time ago. I would say that he has been a powerful agent from this side of the House, and that certainly goes a long way to demonstrating the rule that power not only attracts people but it cannot hold them.

Another unfortunate aspect of political power is that it is much like a newspaper: ten years from now, few will know or care who the most powerful were. I would certainly hope that this cannot be said of the Honourable Leader of the Opposition. Like other Members of this House he has been part of the pioneering of party politics in this Legislature, and that landmark will certainly be viewed in some depth for years to come.

As an Independent Member of this Legislature, I am very pleased to have had the opportunity of associating with the Honourable Member, who, on no occasion, used the influence of his partisan feelings, but rather provided what I would call good leadership, wise counsel, and sincere friendship.

Mr. MacKay has served this Legislature in an honourable capacity and I am sure that the lack of his presence, vocally, and of his personality and character, will create something of a vacuum in this Legislature for some time. I would certainly endorse a vote of appreciation to the Honourable Member for his tenure served, and wish him well in his future endeavours.

Mrs. McGuire: Mr. Speaker, I also rise on a question of privilege, to take this opportunity to bid Mr. MacKay farewell. I do not think there is anyone in this House who will be missing him more than I will. I certainly do not have to go into what Mr. MacKay has accomplished in this House, because we have all lived with it and all experienced everything he has inspired in the last two years. I also would like to wish him and his family the best of luck in his new home in Vancouver.

Mr. Hanson: Mr. Speaker, I rise also to say goodbye to our friend, a good friend of mine. "Mr. Boy" was the name he gave himself on making his first speech in the House. I regret seeing him go. I regret that they never did place a blackboard there, so that I could draw pictures for him in order for him to understand how things are going in the Yukon and in Canada. He has called me "The Minister of COPE" and "The Minister of Immigration", but the one job I do not want to have tonight is "The Minister of Emigration". I hope he has a good trip, and I am sure, with his mean disposition, he will have a bright future outside.

Applause

Hon. Mr. Pearson: Mr. Speaker, it is with regret that I rise on this point of privilege. Mr. MacKay said that the reason that he ran was because he was interested in Land Claims, having some strong views on that; he wanted to see them progress; he thought he had something to offer; he was interested in party politics, and he wanted to see that progress. But, Mr. Speaker, I know why he really ran: he ran because I told him I was going to run and he wanted to sit across from me.

That was a natural inclination I think, Mr. Speaker. Iain and I go back a long way. I was a neophyte businessman in this town and he was my accountant. He told me how to spend my money, helped me spend it, and to make a little bit of money doing it; that was alright. I have a tremendous amount of respect for Iain; I always have had; I am sure I always will have.

Mr. Speaker, if we have been able to accomplish anything in the past two years in this House; if we have been able to stay away from personalities; if we have been able to devote our time to the work of this Territory; it is because Iain has chosen to do it that way. He could have easily chosen to go the other way, and we, on this side, would have had no alternative but to go with him. I am very, very appreciative of the fact that he felt a responsibility deep

enough to this Territory so as to not waste everyone's time on the kind of thing that can so easily happen in a parliamentary situation.

I think it bodes well for us, Mr. Speaker. I have had friends from the provinces sit in this gallery, and read our Debates and Proceedings, that have said to me that it is virtually unbelievable: there is no blood on the floor, and this type of thing. But, Mr. Speaker, there really does not have to be blood on the floor if everyone can stay objective. Mr. MacKay, in the time that he has been here, has been very objective. I personally want to wish him well; I know, on behalf of everyone in the House, Mr. Speaker, we all regret very much that he has found it necessary to resign. We are going to have to have a by-election to fill that seat, but it is going to be a long time, Mr. Speaker, before he, or his contribution to this Territory, is forgotten.

Applause

Mr. Speaker: At this time I would like to advise the House that we are now prepared to receive Mr. Administrator, in his capacity as the Lieutenant Governor, to give Assent to certain bills which have passed this House.

Mr. Administrator enters Chamber

Announced by the Sergeant-At-Arms

Mr. Administrator: Please be seated.

Mr. Speaker: May it please Your Honour, the Assembly has, at its present Session, passed a number of bills to which, in the name and on behalf of the Assembly, I respectfully request your Assent.

Mr. Clerk: *An Ordinance to Amend the Community Assistance Ordinance, An Ordinance to Amend the Insurance Premium Tax Ordinance, An Ordinance to Amend the Home Owners' Grant Ordinance, An Ordinance to Amend the Reciprocal Enforcement of Judgments Ordinance, Miscellaneous Statute Law Amendment Ordinance, 1980, No. 2, An Ordinance to Amend the Societies Ordinance, An Ordinance to Amend the Partnership Ordinance, An Ordinance to Amend the Companies Ordinance, First Appropriation Ordinance, 1981-82, Loan Agreement Ordinance, 1980, No. 1, An Ordinance to Amend the Compensation for Victims of Crime Ordinance, Third Appropriation Ordinance, 1979-80, An Ordinance to Amend the School Ordinance, Dependents' Relief Ordinance, An Ordinance to Amend the Co-operative Associations Ordinance, An Ordinance to Amend the Judicature Ordinance, An Ordinance to Amend the Defamation Ordinance, Personal Property Security Ordinance, Municipal Ordinance, An Ordinance to Amend the Income Tax Ordinance, An Ordinance to Amend the Game Ordinance, (No. 2), An Ordinance to Amend the Matrimonial Property Ordinance, An Ordinance to Amend the Yukon Council Ordinance, An Ordinance to Amend the Elections Ordinance, 1977, An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980.*

Mr. Administrator: I hereby assent to the bills as enumerated by the Clerk.

Mr. Speaker: May I have your further pleasure at this time?

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

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

Motion agreed to

Mr. Speaker: This House stands adjourned.

The House adjourned at 5:16 o'clock p.m.

The following Legislative Returns were tabled Thursday, November 13, 1980

80-3-26

Curriculum material related to drugs and alcohol (Oral Question - October 27, 1980, P. 460)

80-3-27

Y-Canada "Say When" program (Oral, October 28, 1980, P. 487)

80-3-28

Land set aside for Indian use - grant-in-lieu of taxes (Oral, November 4, 1980, P. 564 & 565)