



The Yukon Legislative Assembly

Number 3

3rd Session

24th Legislature

HANSARD

Tuesday, March 25, 1980 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

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

CABINET MINISTERS

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

Government Members

(Progressive Conservative)

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

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

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

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

Whitehorse, Yukon

Tuesday, March 25, 1980 — 1:30 p.m.

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

DAILY ROUTINE

Mr. Speaker: We will proceed at this time to the Order Paper and, under Daily Routine, are there any Documents for Tabling?

TABLING OF DOCUMENTS

Hon. Mr. Lang: Mr. Speaker, pursuant to the Housing Corporation Ordinance, Section 19(1), and the Government Employee Housing Ordinance, Section 14(2), I have for tabling the Yukon Housing Corporation's Annual Report for 1978-79.

Mr. Speaker, pursuant to the Electrical Protections Ordinance, Section 25(1), and the Fire Protections Ordinance, Section 4(1)(c), I have for tabling the Protective Services Annual Report.

Mr. Speaker: Are there any further Documents for Tabling?
Are there any Reports of Standing or Special Committees?
Are there any Petitions?

Introduction of Bills?

BILLS: INTRODUCTION AND FIRST READING

Mr. Penikett: Mr. Speaker, I would move, seconded by the Honourable Member for Campbell, that a Bill entitled the Fairweather Friends Ordinance be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Campbell, that a Bill entitled Fairweather Friends Ordinance be now introduced and read a first time.

Motion agreed to

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

NOTICES OF MOTION

Mr. Lattin: Mr. Speaker, moved by myself, seconded by the Member for Hootalinqua, I give notice of the following motion:

THAT this Legislative Assembly go on record as recognizing the value of northern transportation bonus, and;

BE IT FURTHER RESOLVED that the Government of Yukon request the Government of Canada to direct its Revenue Department to honour the Prime Minister's election promises and to maintain a northern transportation bonus as being non-taxable.

Mr. Speaker: Are there any further Notices of Motion?
Are there any Statements by Ministers?
This then brings us to the Question Period.

QUESTION PERIOD

Mr. Speaker: Have you any questions?

Hon. Mr. Pearson: Mr. Speaker, in response to a question raised by the Honourable Member for Whitehorse West yesterday concerning taxable benefits, I would like to advise the House that the Government of Yukon has treated the travel expenses assistance as a non-taxable benefit which is consistent with the practice of other northern employers in both Yukon and the Northwest Territories. We have not been informed that our action is unacceptable to the Department of National Revenue.

Question re: Executive Council/Oath of Secrecy

Mr. MacKay: Thank you Mr. Speaker. My question is to the Government Leader. Does the Government Leader, and his Government, recognize the legally binding nature of the Oath of Secrecy taken by the Executive Council?

Hon. Mr. Pearson: Mr. Speaker, I have no alternative but to answer "yes".

Mr. MacKay: Does the Government Leader recognize that the budget, before it is tabled in this House, perhaps more than anything else, is subject to these Oaths of Secrecy because of the

danger that advance knowledge of a budget would give personal gain to people who were not subject to such an oath? Is that part of the Oath of Secrecy?

Hon. Mr. Pearson: No, Mr. Speaker, not at all. Mr. Speaker, that budget is kept secret for our administrative purposes here. We have the right and the responsibility to ensure that those people who have to know what is in that budget do, in fact, know. Now, talking about the Oath of Secrecy of a Member of Cabinet is an entirely different matter.

Mr. MacKay: Would the Government Leader then agree that it is not quite in order for a Member of his Caucus to be able to stand up in the House before the Budget is presented and compare the coming year's budget with last year's budget in some detail?

Hon. Mr. Pearson: Mr. Speaker if it had been done in some detail I would have questioned very much what the Honourable Member was saying; however, I, like all other Members did hear the Honourable Member and did hear what he said. Mr. Speaker, I do not think, now, nor will I ever think that there was any breach of any Oath of Secrecy at all.

Question re: Taxable Benefits

Mr. Penikett: Mr. Speaker, considering the severe adverse impact the taxation of northern airfares and other benefits could have on an employer's ability to recruit skilled workers at Northwestel, the various Governments, N.C.P.C., the mines and construction industry, et cetera, will the Government Leader endeavor to develop, with all affected Yukon employers and unions, a co-ordinated appeal to the Federal Government to cease the taxation of these northern benefits?

Hon. Mr. Pearson: Mr. Speaker, I am very reluctant to say yes outright, for fear that I am at that point in time binding this Government to what is a negotiable benefit in salary negotiations and fringe benefits with not only our employees but with other employees in the Territory, of other employers.

We have stated, as was indicated in the Notice of Motion, that we feel an employer who does give this benefit to an employee is doing a worthwhile thing and we also feel that it would create a hardship if those taxes were paid. We intend to tell the Federal Government so.

Mr. Penikett: Mr. Speaker, considering that the workers at Whitehorse Copper have received notices from their employer notifying them of back-taxes of their benefits to 1978, will the Government Leader consider or be willing to undertake an appeal on behalf of these employees, and no doubt other affected groups in the Territory who seem to be facing a penalty, a punitive thing rather than simply a change in future agreements?

Hon. Mr. Pearson: Mr. Speaker, I would respectfully suggest that a suitable motion from this House would carry even more weight than one from this Government. Mr. Speaker, I am confident Members on this side would be amenable to an amendment to that Motion when it is up for discussion, if it will make it clearer exactly what intent we do want to transmit to the Federal Government.

Mr. Penikett: I would just like to ask, Mr. Speaker, just one further supplementary on this matter. Is the Government Leader aware that there appear to be some different rules applied to different types of employees, in connection with these benefits, since the Federal Government also appears to be taxing workers' safety awards at Whitehorse Copper, which is something that does not seem to be applied to this kind of benefit with other employers?

Hon. Mr. Pearson: Mr. Speaker, we do not make these taxation rules, nor do we change them. It is another government in another place that does this.

Question re: Saskatchewan/Minister's Visit

Mr. Fleming: Yes, Mr. Speaker, I have a question this morning for the Minister of Tourism, the Honourable Mr. Hanson.

Yesterday morning he elaborated somewhat as to some of the things that may have happened or were spoken about while he was in Saskatchewan. Some of us, maybe not knowing what the truth may be because of reading the very Conservatively oriented, I would think, Whitehorse Star.

However, this morning, I would like to ask the Minister, because I did just read that paper, normally, what did happen in Saskatchewan? I wonder if he could elaborate on what was said in Saskatchewan, just for the benefit of the House this morning?

Mr. Speaker: Order, please. I am afraid that if the Chair were to allow the Honourable Minister to reply, it would be an abuse of the rules of the House.

The question would seem to be so broad as to require such a lengthy reply as the Chair could not possibly consider allowing the question. Perhaps the Honourable Member would have a more

specific question to direct at this time.

Mr. Fleming: Supplementary, then, Mr. Speaker, the Minister stated that he did speak with Dome Petroleum and some of the oil companies. What were those discussions about?

Mr. Speaker: Again the question would require a lengthy reply, but perhaps the Honourable Minister could offer us a brief reply to this question.

Hon. Mr. Hanson: I visited a lot of companies so the reply would be quite a large one. I will be making a statement later on in this Session about the trip to Saskatchewan and Alberta.

Question re: Tourism Subsidiary Agreement

Mr. Byblow: For Saskatchewan.

I have a question, instead regarding the recently signed and recently announced six million dollar Canada-Yukon subsidiary agreement on tourism development. Is the two million dollars approved in last November's Capital Budget, which is a portion of the Territory's share towards the agreement, in addition to, or a part of the six million dollars?

Hon. Mr. Hanson: The two million dollars covers several agreements. For this year, I think we plan on spending two and three quarter million dollars and our share will come out of that two million that you saw in the Capital Budget.

Mr. Byblow: Is the Minister saying that we are spending two million dollars as our portion of the agreement and receiving an additional two and three quarters from the Federal Government as part of that agreement? Could the Minister clarify the figures?

Hon. Mr. Hanson: Of the six million dollar agreement, Mr. Speaker we are spending two and three quarter million dollars this year, of which we paid fifteen per cent. Now, the two million dollar figure you saw in Capital involved other agreements as well. So the two million dollars is not going to be just on this agreement.

Mr. Byblow: I am still having difficulty understanding the figures, however I will see the Minister personally.

My supplementary will be more with respect to the comments he has made in the media regarding the agreement where he identified Whitehorse and Dawson City as the major recipients of program funding under this agreement. I am interested, where else in the Territory will the Minister and his Department be infusing some of this money and for what purpose?

Hon. Mr. Hanson: Mr. Speaker, I will point out that we originally started with the five year plan, hoping in the first year that we could start planning with the money that we received. As it turned out we only had a short time to take advantage of this opportunity, which we did, we took a two year agreement. Our plans had to be changed to accommodate this two year period we had to spend the six million dollars. Fortunately we had done enough work to outlay some work and now we have the money to implement the jobs that we had been planning and do additional planning for other communities.

In the middle of April, the Management Committee will meet on the projects that we have outlined and give their go ahead for this year.

In the meantime, we will have sufficient time to start planning what we are going to do in the other communities for the next sub-agreement that we sign.

Mr. Byblow: Mr. Speaker, I would request just one more supplementary.

Mr. Speaker: One additional supplementary.

Mr. Byblow: Thank you, Mr. Speaker.

In the Minister's comments to the House during the discussion on this subsidiary agreement last November, he indicated that if and when an agreement would be signed, it would be made available to members of the House. Can he concur that he will fulfill that commitment?

Hon. Mr. Hanson: My understanding, Mr. Speaker, is that I am going to make available to the Members of the House the \$6 million or the agreement? I am a little confused about this.

Question re: Municipal Ordinance

Mrs. McGuire: Mr. Speaker, I have a question for the Minister of Municipal and Community Affairs.

Will you be tabling a White Paper for discussion on the restructuring of the Municipal Ordinance, this Session?

Hon. Mr. Lang: Mr. Speaker, it is just strictly at a preliminary stage. We are discussing the proposed changes to the Municipal Ordinance with the Association of Yukon Communities. It was not my intention, at this time, to table a White Paper on the subject that the Honourable Member refers to. We are going through a very

lengthy consultative process with the Association, who, rightfully so, has the direct responsibility for municipal responsibility.

I do not think I am at liberty right now to say I will table the paper. If the Member wants more information, I would be prepared to provide it for her, but I do not really have any paper outlining specifically what we are going to do, due to the fact that I am consulting with the Organization that is going to be directly involved.

Question re: Wolf Creek Lot Owners/Mortgages for

Mr. MacKay: Yes, Mr. Speaker, I have a question for the Minister of Public Works.

Yesterday, in his statement to the House, the Minister stated that the Canadian Imperial Bank of Commerce, the Vice-President thereof, would grant mortgages to qualified Wolf Creek lot owners. Can the Minister inform us if he received this assurance in writing?

Hon. Mr. Lang: No, Mr. Speaker. I had a telephone conversation with the individual in question yesterday. Prior to that, I had had discussions a couple of weeks previous.

I think that I am prepared to accept his word on the matter and I am sure that if anybody is qualified for a mortgage, they will be considered just like anyone else.

Mr. MacKay: In seeking the assurances, did the Minister inquire as to whether such mortgages would also be granted by an affiliate of the Bank of Commerce called Kinross Mortgage Corporation?

Hon. Mr. Lang: Mr. Speaker, I made the assumption, which I am sure is accurate, that the Bank acts on behalf of mortgage companies and consultation took place with them through the Bank to reach the decision that they did make.

Mr. MacKay: Just for the reassurance of the Wolf Creek lot owners, would the Minister be prepared to inquire further with the Bank, with the gentleman he talked to, as to whether Kinross was included in this assurance because Kinross is actually the mortgage-lending company that deals mostly in the Yukon. Without that assurance very little value has been accomplished, Mr. Speaker.

Mr. Speaker: I believe the Honourable Member is just making a speech.

Hon. Mr. Lang: Mr. Speaker, I am confident that those consultations took place with the mortgage company in question, otherwise the Bank would not be in a position to say that they were prepared to consider mortgages. Unless I hear anything to the contrary, I cannot see any reason to pursue it any further.

Question re Wolf Creek Home Construction

Mr. Penikett: Mr. Speaker, on a related subject, there was a mortgage granted in Wolf Creek on Saturday and in view of the recent difficulties faced by some Wolf Creek residents in getting mortgages, could the Minister assure the House that where a resident is progressing well on home construction, the agreement for sale will not now be terminated 90 days after the end of the six months' extension as previously expressed by the Minister.

Hon. Mr. Lang: Mr. Speaker, the Honourable Member knows full well that I cannot give him that assurance. The point that has to be made and was made in the last Session, and I will make it again, as long as reasonable progress is being made on any construction of a home, we do not intend to terminate the agreement.

All I am saying, Mr. Speaker, and I would like to elaborate further, I go back to my own experience of building my own home which I do not know whether the Honourable Member has done or not, but I know I have done that. I would like to point out that, in retrospect, the two-year provision, which ultimately is two years, the provisions for building a home through the disposition of our lots and to acquire title is probably the best thing that ever happened to the homeowners in the Yukon Territory.

The reason I say this, and I go back to my own experience, is the fact that if one is waiting to attempt to acquire enough finances to pay cash for materials and this type of thing, he or she finds that inflation has cut into them drastically and they cannot afford the necessary materials for their home. I know that from my own experience because the cost of my house, to add a garage and whatnot, almost doubled in the course of two years, which is an area which we have no control over.

So what I am saying, Mr. Speaker, is that the individual is better off to go and get the job done as opposed to waiting because in the final analysis it is going to cost them more money than opposed to going to the bank to make their initial investment.

Mr. Penikett: Mr. Speaker, the Minister may have built his own home. I prefer to use qualified labour. Given in his letter to the Ratepayers' Association, the Minister said for future developments of a country residential kind, he would recommend to his

colleagues a longer building period. Will the Minister not at least be prepared to let, in effect, the same rules apply this summer for the residents of Wolf Creek and MacPherson?

Hon. Mr. Lang: Mr. Speaker, in my letter to the Ratepayers' Association, I made it very clear that it would have to apply to new development. I think it would be totally unfair to suddenly change the rules in mid-stream. We have situations where people have put their lots back because they could not build or whatever the reasons may be.

All I can do once again, Mr. Speaker, is reassure the House and in turn, the citizens who are building their homes, whether it be Wolf Creek or wherever it may be. As long as they are making reasonable progress it is not the intention of this Government to terminate their agreements.

I am sure the Honourable Member full well recognizes the point and I am sure if he analyzes it he will fully agree with me. As far as my ability to build my own home goes, I would ask the Honourable Member to come and visit me some day.

Mr. Penikett: When it comes to changing the rules in recent periods, obviously the banks and lawyers have been the task masters. I would like to ask the Minister what assurances the Minister can give to people who had, or will have, or may have, their agreements terminated that they still be able to get title if they finish their homes soon after the agreement is terminated.

Hon. Mr. Lang: Mr. Speaker, the provisions are there. We have the ability to reinstate an individual if they continue progress on their particular home, they can be granted title. You have a period of three, four or five months.

The actual period of time or grace in respect to the present provisions in effect are 21 to 24 months, Mr. Speaker, which is adequate time to build a home, in my estimate. Perhaps the Honourable Member should do it himself and then he would find out just exactly how long it does take.

Question re: Teslin Elementary School

Mr. Fleming: Yes, Mr. Speaker - a question to the Minister of Community Affairs. In regard to a question I asked in the last session of Hansard, the 10th of October, Page 350, the question was an oral question addressed to the Minister.

The answers in Hansard says that the question was answered, however, both the main question and the other question was taken under advisement and I have had no answer.

I will address the written question to the Minister today, the same question practically.

To the Minister of Municipal and Community Affairs: 1) Could the Minister inform me as to whether the Teslin Elementary School is on Federal Land, Territorial land or on an Indian Reserve?

2) If it does prove to be on an Indian Reserve, are Native peoples working or teaching in the school requested to pay income tax on their salaries?

3) In what manner does the Territorial Government apply land taxes?

Question re: Capital Assistance Program

Mr. Byblow: I have a question for the Minister of Municipal and Community Affairs.

I would inquire what this Government's present activity is with respect to ensuring that the Capital Assistance Program is continued from the Federal Government. I think the Minister will agree that it has been a very valuable seven year program in the past and should be continued.

Hon. Mr. Lang: Mr. Speaker, I agree with the Honourable Member that it has been a very worthwhile program and we are in the midst of negotiations and I would probably be in a better position to report back to this House when we table our Capital Main Estimates next fall.

Mr. Byblow: Could I inquire of the Minister, Mr. Speaker, whether he has been able to ascertain the present status of the Special Submission to Treasury Board, on behalf of the Town of Faro for their utility upgrading, in light of their expansion?

Hon. Mr. Lang: Mr. Speaker, we had a slight problem which was not the making of this Government and that was an election between the time the submission was put in and until the time that the new Government was formed.

I would point out that the submission was transmitted to the Department of Indian Affairs some time ago. We are attempting to activate the submission in question and I am hopeful that we can have an answer in the very near future.

It has put us in a very difficult position, Mr. Speaker, and I am

sure for the Government of Canada, due to the lateness of the submission having been put in, and due to the increase in building in the area that the Honourable Member happens to represent.

Question re: Children with Learning Disabilities

Mr. MacKay: Mr. Speaker, I have a question for the Minister of Human Resources.

In 1978, a report, entitled A Thousand Needs, was prepared by the Yukon Association for Children with Learning Disabilities. If the Minister has had a chance to read and consider this Report, can she inform the House of whether she is in agreement with its principal findings?

Hon. Mrs. McCall: Yes, Mr. Speaker, I am very gratified that the Honourable Leader of the Opposition is as concerned as I am over this very real problem.

The people who have been working on it have been working very hard. More than one member on this side of the House has been working with those people, talking with them and helping them and we are continuing to do so. We are not just a boundless pit. There are so many needs, there are so many gaps here and there and that is a particularly important one that we are very, very seriously looking at and actively working on.

Mr. MacKay: Can the Minister then specifically state whether or not the request for funding by the Child Development Centre has been turned down by the Government for this coming fiscal period?

Hon. Mrs. McCall: Mr. Speaker, no, in fact, we were not asked for a specific sum and we did not turn anything down. We said we would keep searching and we are.

Mr. MacKay: While the Minister is searching, would she examine the budget that presently exists for the spending of some \$230,000, exclusive of transportation costs, that go to the care of handicapped children outside of Yukon. Will this be a part of her consideration in trying to find funding to assist children to stay in Yukon?

Hon. Mrs. McCall: Yes, Mr. Speaker. The whole question of rehabilitation, including the children with learning disabilities, is being examined very carefully, microscopically, just now, in all parts of Yukon.

Question re: Mayo Group Home

Mr. Penikett: Mr. Speaker, I have a question for the Minister of Human Resources.

Can the Minister of Human Resources tell us this Government's response to the proposal by Mayo residents for a group home to be established in that community?

Hon. Mrs. McCall: Excuse me, Mr. Speaker, could the Honourable Member repeat that question?

Mr. Penikett: Could the Minister of Human Resources tell us this Government's response to the proposal by Mayo residents for a group home to be established in that community?

Hon. Mrs. McCall: Mr. Speaker, I am not clear whether the Honourable Member wants a response from the Minister of Human Resources or from this Government in general. Could you make it more specific?

Mr. Penikett: Mr. Speaker, I am obviously getting nowhere here. Maybe I could ask a supplementary on the same question to the Minister of Municipal and Community Affairs.

Can the Minister confirm that his Department has refused to let the land in Mayo requested for the purpose of this group home?

Hon. Mrs. McCall: Mr. Speaker, I bow to my colleague, that is his department.

Mr. Speaker: Order, please. The Chair will now recognize the Honourable Minister of Municipal Affairs.

Hon. Mr. Lang: Mr. Speaker, the Honourable Member obviously has his facts wrong. My understanding is that there has been a proposal put forward to the Government. One of those aspects is land. It is under active consideration and a decision should be made within the next couple of weeks. No offer has been denied to anyone up to this point, Mr. Speaker.

Question re: Small Business Loan Department

Mrs. McGuire: Mr. Speaker, I will direct this question to the Acting Government Leader.

Did a transfer of the Federal Small Businessman's Loan Department to YTG take place as proposed last October and would the Acting Government Leader give us a brief update of his progress?

Hon. Mr. Lang: Mr. Speaker, my understanding is that the transfer has not taken place. There are active discussions with the Government of Canada. One of the major portfolios involved, in

respect to the business community, is the Minister of Renewable Resources and Economic Development, as far as business incentive, the possibility of a business incentive agreement.

Question re: Hydro Subsidization Program

Mr. Fleming: Yes, Mr. Speaker, I have a question this afternoon to the Minister of Tourism and Economic Development.

Is the Minister aware that, during the last national campaign, the then Minister of Public Works, Mr. Nielsen, had a press release and in that press release stated that the Cabinet had approved a subsidization program for the outlying communities in the Northwest Territories, other than Yellowknife and Whitehorse, to bring the first 1,000 kilowatt hours used by small business, down to the actual rate in Whitehorse? Is the Minister aware of this program?

Hon. Mr. Hanson: I read it in the newspaper just like you, I have not heard any more on it, Mr. Speaker. It is a new Government in there and I do not know what they are going to do yet but I imagine we are going to be hearing from them sooner or later.

Mr. Fleming: Supplementary, Mr. Speaker, I find it very hard to believe that the Minister would not know what their Government was doing at that time. In the case that they do not know, has this Government, or the Minister done anything, or are bringing anything forward in the Session to equalize the power rates in the Yukon Territory?

Hon. Mr. Hanson: As far as I know, not for businesses.

Question re: Raynaud's Disease

Mr. Penikett: Thank you, Mr. Speaker, I have a question for the Minister responsible for the Workers' Compensation Board. White Hand Disease, Mr. Speaker, also referred to as Raynaud's Disease, can cause great suffering for workers who operate hand machines like jackhammers, chainsaws and rock drills and can cause a painful and permanent disability.

I would like to ask, has the Minister given serious consideration to treating this crippling disease in the same manner as other permanent disabilities for compensation purposes?

Hon. Mrs. McCall: Mr. Speaker, I cannot say that I have given particular consideration to White Hand Disease but I think that the Workers' Compensation Board, itself, has.

Mr. Penikett: Mr. Speaker, I am informed that three of five miners at one of the mines at United Keno Hill have this problem and that the Government of Ontario has accepted White Hand Disease for compensation. I would like to ask, since the Minister says her officials in Workers' Compensation have been examining this, if they have examined specifically the Ontario decision and if we can expect some announcement from this Government in the near future.

Hon. Mrs. McCall: Could I ask a question in return? Has the Honourable Member asked the Workers' Compensation Board the same question?

Mr. Speaker: Order please, I will not permit any cross-questioning here.

Question re: YTG Employee Salary Statistics

Mr. Penikett: Mr. Speaker, I would like to ask a written question. Could the Minister responsible for the Public Service Commission provide the House with the Government of Yukon's salary statistics for the latest convenient date in 1979 and 1980, showing a breakdown by salary ranges of \$2000 and by sex for the following categories of employees: (a) regular employees 75 hours or more; (b) regular employees, less than 75 hours and c) teachers.

Mr. Speaker: There being no further questions, we will then proceed with Orders of the Day and Address in Reply to the Speech from the Throne. The debate was adjourned by the Honourable Member for Tatchun.

ORDERS OF THE DAY

ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE

Mr. Tracey: Mr. Speaker, it is an honour for me to be here today as a Member of the 24th Legislature representing the Tatchun Constituency and it is my hope that I will do it well.

As you know, Mr. Speaker, the Constituency was created just prior to this last election. It has a majority native population and it is only fitting that I deal with some of their aspirations first.

Land claims are their, as well as our, number one priority resolution. These people have utilized the land for centuries and have established a claim to certain areas through continuous use and occupation of it. Many of these people still follow their old ways to a certain extent.

We would do well to ensure that they may continue to do so if they so desired. In many instances, it would not take a great change in our laws to allow continuation of their lifestyle. We only need to consider their interests when drafting the laws.

An example of this would be our new law regarding trapping. For centuries the native people went out in family groups and moved from one area to another hunting and trapping. We came along and portioned out the land in traplines and by not allowing anyone except the trapline holder or his assistant to trap, we have virtually destroyed their family group-style trapping. Yet by changing the law very slightly to include party trapping, we have ensured that they may trap in the old way if they so desire.

The native people also have great interest in the education of their children, as does the rest of the population, but as with anything else, schools must have some relevance to their way of life, otherwise they will not participate to the extent that is necessary to attain a level of education necessary to participate on an equal level with the rest of society.

To this end, I am happy to say that we are now developing curricula with more relevance to the Indian way of life. We are also beginning to build schools such as the proposed new school in Pelly Crossing, which are not only rooms for teaching the three R's, but are community resource centres which people will be able to utilize day and night, not only for the basic reading, writing and arithmetic but also for meeting rooms, hobby crafts, various sporting activities or areas to teach, perhaps things such as the best method to clean and preserve furs or how to fix a snow machine.

All of these things are part of the everyday life in these small communities and until now have been little addressed. If we continue along these lines and have local participation in the decisions that will affect their lives, we will have much less confrontation than we have had in the past.

While I am on the subject of schools and education, I am very happy that we are not only getting a new school in Pelly Crossing to replace the old temporary, portable school, which has been temporary for the past fourteen years, but that we are also getting a secondary school in Carmacks, which is going to make it possible for those parents in the area to keep their children at home for high school and perhaps, we shall just see a few more students from the outlying areas such as Carmacks, Pelly Crossing, Teslin or Haines Junction, seek their high school education.

These two schools were number one on my priority list when I ran for office and I am happy that the problem is being resolved so quickly. I believe that all of us here today surely realize that education is the single most important equalizer of mankind and it is the answer to many of the social problems we have in rural communities.

Perhaps some of those children out there today will, through the use of these new schools and more relevant curricula, develop into tomorrow's leaders and, in the process, contribute to an improved tax base in Yukon.

It was also announced in the Throne Speech, the first of what I hope are many mobile units for vocational training. I believe this is a large part of the answer to our vocational school requirements, considering our small and widely dispersed population.

These units and schools designed to have these units plugged into them on a temporary basis, are undoubtedly the most efficient use of our capital for vocational training.

Mr. Speaker, we have, at various times in this House and many times throughout Yukon, heard Yukoners ask for more, and at times demand, more control of their own affairs. We demand more responsible government from Ottawa. We say that we are much more capable of knowing what we require here than outsiders in Ottawa or elsewhere and I believe this to be true. So, too, do I believe that the residents of Carmacks know what they require in the form of a municipal government and, to this end, they and I have been continuously petitioning the Government of Yukon for restoration of the local improvement status.

As you know, in the last Session it was announced that on April 1st, a few short days from now, the L.I.D. will be reinstated in Carmacks. I am happy that this is finally about to happen and yet, I am also saddened that the native community has refused to participate in it.

While refusing to participate, because they are demanding Indian government for their village, they are at the same time saying that the white community should not have some form of local government in their own community. It seems strange to me that, while deciding to try to opt out of our municipal system for one of their own, that they say they should and would have the right to manage their own affairs, that the white community should not also have the same right to manage theirs.

I am sure the rest of us here today will be very happy when Indian Land Claims are settled and we do not have this constant adversary position between our people. There is much more that can be accomplished by working together than by following divergent paths.

One area which we can work together on is the development of our cottage industry. I believe that we have great potential for cottage industries in Yukon and would very much like to see the formation of a company or organization to go around the Territory and ferret out potential crafts that can be developed for their commercial value. They could also act as the distributor at the wholesale level for these products.

I am, however, of the opinion that this is one area that could be developed by private entrepreneurs without much involvement of government dollars. There is a great demand for locally made products from tourists each year and it would take some individual or organization to spearhead the development of a wholesale clearing house.

In this manner, all handicrafts, whether beaded moccasins or moosehorn carvings, for example, could be distributed throughout the Territory for retail sale. Perhaps the existing Indian organization developed to sell Indian handicrafts in Whitehorse could be expanded to fulfil this great demand from the tourism industry.

Other commercial operations, such as the canoe factory at Teslin, could be encouraged to develop but I think we must realize that any individual or organization that wishes to develop such an operation must have the original initiative to put a proposal together and inquire as to what form of help he can get.

The idea to develop any industry is one thing, but for any operation to be successful, somebody with a little drive must lead it. We must have some assurance that tax money used to develop these operations has a reasonable chance of being returned in future tax revenue.

We see in the Throne Speech the continuation of the upgrading and reconstruction of the Klondike Highway and the 60-Mile Road. These projects have great impact on my constituency, not only in revenue to business from the construction itself, but also by encouraging more tourists to use our better roads.

It also has a major benefit to people such as myself who drive thousands of miles on the Klondike Highway annually. Vehicle maintenance is a very expensive part of travelling on highways nowadays and that pavement on the road saves many windshields annually.

We now have our first tourism sub-agreement under DREE, for the tourism industry. I hope this is only the first of many agreements which we can use to develop the potential we have in Yukon. If we use these monies wisely, we will be able to develop a Territory which will attract more residents and more dollars for more growth.

Future agreements may make it possible to build a railroad extension, a power plant, or, perhaps, a smelter in Yukon. Others might give us the money to stimulate business development.

However, we cannot totally rely on government aid for everything we do in Yukon. This manner of thinking has permeated our society to such an extent it sometimes seems that if the government does not contribute to every project large or small, they are doomed to failure. We believe that this is a very dangerous attitude to develop and is heading us on a breakneck pace to George Orwell's 1984.

When we receive aid on any level, from Welfare or UIC, to aid such as building a new business, we also lose some of the freedom to control our own affairs and each time we ask for and receive more aid of this type or another, we will lose more of our freedom.

Realizing this, I believe we should be concentrating more on areas such as tax breaks for industry, for commercial operations, or for help in the form of aid for interest payments in this day of extremely high interest rates. A break given in this manner can be of short-term; say one to five years and even be repayable, if desired.

If we can help stimulate industry and commercial operations in this manner, we will see a growth in Yukon that is long overdue. Many potential businesses, especially in areas such as in my riding and other outlying areas of Yukon, need this time for this new commercial operation to be established and able to stand alone.

Mr. Speaker, if I were to tell a visitor to this Territory that I was able to receive CBC programming on television and perhaps also soon be able to receive CTV programming as well, and yet, while able to do so could not receive radio programming at all, they would be astounded. Yet, Mr. Speaker, this is exactly the situation that we have today in Pelly Crossing, Stewart Crossing and Old Crow.

In our modern technological age we give TV but do not give basic radio coverage which is something that has almost become a right and not a privilege in this country. Other Members of previous Legislatures have requested this service before I, and I am hopeful, however, that it can be resolved shortly.

We also have the situation in Yukon where we pay taxes, some of which are used to pay for the privilege of Canadians to have CBC television programming, free of additional charge. Yet we must pay again in order for us to watch it ourselves. Admittedly, this is not very much, much less than the actual cost, but why should we have to pay it at all? We feel that we should enjoy the benefit at the same cost as other residents of Yukon, and not have the hard feelings develop in our communities when some people pay for the privilege while others enjoy it and refuse to pay for it. I will continue to push for the conclusion of this unfair and unwise practice.

Residents of my constituency, especially in Carmacks, are happy that something is finally about to be done to rectify the demand for cottage lots at some nearby lake so that they too, may have the privilege of going out to the cabin for the weekend as other Yukoners do.

It was announced in the Throne Speech that Yukon Housing emphasis would be away from public housing and more toward senior citizen's accommodation. This has become a great necessity as we have the situation in rural communities where Yukon Housing is the owner of by far the most housing units in these communities and we do not need Government housing to the extent that we have it today. What we do need to develop is a method whereby we can stimulate people to build their own homes, perhaps by subsidizing the extremely high interest rates. We could encourage people to build their own homes which they would maintain and not the Government. They would also contribute to the maintenance of our communities by paying property taxes, which we do not now have.

We are also trying in our new budget to alleviate many of the social problems, such as alcohol and drug abuse. We are restructuring some of the programs and initiating new ones. There are many other initiatives which smaller communities such as my own are in need of, however, we must realize that as a Government, we do not have a money tree to pick the capital off for all the programs which we would like to initiate. I believe as a responsible Government we are doing a pretty fair job of distributing the capital resources that we do have.

Thank you, Mr. Speaker.

Mr. Byblow: Mr. Speaker, I would like to preface my remarks this afternoon with a very positive compliment to the Government. On this specific instance, notably the Department of Economic Development and its Minister, they are to be commended for finally getting the lead out from deep under the stairs in a box, to just under the stairs out in the open.

I am sure that the Minister is not having any difficulty in finding the appropriate wording for the intended plaque to go with the ore samples now on display from my community. Of course, if the Minister is having any difficulty with, say, identifying the minerals, I would be pleased to assist.

Mr. Speaker, I would commend this gesture. It is a recognition of the cornerstone of Yukon's economy, even if it is only relegated to supporting staircases.

However, I would like to think that the Throne Speech was more than something symbolic, more than a symbolic statement of intention, but rather that it was a genuine plan of activity based on sound judgment, and responsive to the will and needs of people. My first impression of the Throne Speech was favourable. I think the programs, the policies, the intended activity of Government as outlined is an impressive approach to responsibility.

There are areas which were not touched upon, there were areas that were very vague but nevertheless, the intentions were outlined. As a previous speaker outlined earlier, I believe yesterday, we must be careful with intentions. They do not get measured, results do.

I have viewed this Government's results over the past year with some misgivings. The chaos in several departments, the seeming headlong rush into provincehood, the apparent lack of positive and immediate action over a number of critical economic issues, these could be labelled as the embryonic growth of any Government flexing its powers and searching for direction.

Mr. Speaker, I think the tenure of Government is over. I also think the tenure of the Opposition is over. I think the people of the Yukon are expecting a positive and aggressive and a communicating Government. I would say, in very general terms, there are some positive indications of this taking place.

The characteristics of stonewalling, indecision, of poor com-

munications are frustrations that I am not expecting to face in the remaining years of this Government and to that end, Mr. Speaker, I must assess the Throne Speech as far too vague a statement to be really judged properly.

As commented earlier, the major thrusts in the economy, in education, in the social services, in the public service, these are properly directed but we will have to await the budgetary allocations and actual results to fully assess what Government plans are in terms of their success, their responsibility, their fairness, their accountability.

From the Throne Speech, Mr. Speaker, I note that the Government will focus priority attention on mineral and energy development. I would be pleased to hear much more detail on both these areas.

In my community, which is in a rapidly expanding status, whose population could well reach 4,000 within a few years, there, in fact, will not be enough electricity to handle the expanding needs of the community by 1982 and, as a result, the major economic interest, the corporate concern, has plans to install a diesel generating plant by that time just to handle the interim expansion, not to handle the long-term needs.

The diesel plant has to be put in because NCPC cannot supply the requirements as the plans of expansion get under way. I think this underscores the critical situation of energy in the Territory.

With respect to mineral development, this Government, to this point, seems strangely silent on corridor resource development, a point highly emphasized in a Throne Speech of a year ago. Again, my community lies in the heart of unlimited resource potential and the infrastructure development, the responsibility of government is not really taking place.

Now, I am pleased that there are discussions leading to this, representatives from my community have met with positive discussion attempts and I understand that policy is in the making, but we will have to wait to see what direction government will take to the actual encouragement of mineral development.

In particular, the silence surrounding the White Pass does disturb me. The extension to the Pelly would be a very viable economic proposition, but it seems to be shelved. However, I shan't dwell on that. Previous speakers have discussed it at length.

I would humbly suggest that perhaps the Porter Creek Access Road could be shelved instead and the \$5 million there used as a downpayment on the railroad.

However, Mr. Speaker, I am encouraged by other positive indications as well, particularly in education — and, very purposely, the Minister leaves the Chambers.

This Government has been listening to this side of the House. They have been listening to representations from around the Territory. The community function of schools is being properly directed. The vocational thrust of education is a welcome sight. I believe that the volume of expenditure in education will be much more accountable as we prepare our children in more than mental and social ability.

We do great justice to the adults of tomorrow by providing greater practical and vocational opportunity in youth, especially for those to whom academics are a fruitless exercise.

I believe, though, it worthy to remind the Government that Faro will not cease its representation in the area of education until not only has it adequate space for expanding school age enrolment, but until a wing of the vocational school is centred in Faro and until its teachers are better accommodated in housing.

I believe, further, that in the case of my community, the vocational training possibilities are limitless and they should be capitalized on for two major reasons. In line with this Government's philosophy, Mr. Speaker, of decentralization, such an activity would expand the one industry structure of the town presently. Also, the practical aspect of training would be well served by on-the-job and related practical fieldwork.

One of the criticisms of the vocational training programs is that its graduates are not being hired. It seems the reason is probably because the graduates are inadequately prepared and because existing contracts do not allow direct hiring into job classifications.

I believe that people in apprenticeship programs should not have to leave the Territory to complete their tickets. The training programs should be more complete here. I believe an exercise of co-operation, between government and labour and industry has very productive potential and the circumstances in my community lead themselves perfectly to this development.

I think at this time, as educational direction is examined and reshaped and we are sinking millions into facilities, I think a

thoughtful and long-range approach is absolutely necessary and must be more emphasized. Specifically, there have been offers of direct assistance from my community to promote this vocational aspect in education. There have been discussions, there have been representations and I think they must continue in the fruitful way that they have begun.

In Faro, where you have the mechanics, you have the equipment and the training ground that no school could reproduce, the expertise, the willingness to assist, the potential of job creation and the reducing unemployment throughout the Territory, what better place to set up the vocational training wing of a facility from Whitehorse?

Mr. Speaker, I may sound somewhat repetitious, but I cannot seem to emphasize enough that the community I represent is the undercurrent of present Yukon economic stability. It is growing rapidly and it feels neglected by Government.

As an example of what is happening, I would like to mention several things. Over the past two years, over twenty pieces of individual property have sold on the private market. That is compared to six in seven years previous. In addition, there has been a subdivision of forty homes already constructed.

There has been another small acreage subdivision of twenty more lots. Another forty homes are to be constructed this year and I cannot predict what property will exchange hands.

Our infrastructure is being taxed to the limit. We need \$3.5 million to upgrade the utilities just to handle the expansion taking place this year and, from the Question Period earlier, the qualifying capital assistance has not surfaced.

Our school expansion, when finished hopefully this fall or winter, will not handle the anticipated enrolment for September.

These are some of the expansion problems we are facing. Airline service justifies a DC-3 daily and a Yukon airline has offered to provide this service but cannot do it because of inadequate control and ground facilities. The airstrip is too short. Public and senior citizen housing, now high in demand, are non-existent.

Social services are understaffed. Our hospital needs expanding. Our access road, better known as the "Six Mile Torture", needs desperate rebuilding. Even recreational facilities, long since inadequate, need assistance for improvement.

I agree, I agree with Government and the previous speakers who have said Government should not interfere with private industry, where private industry can do the job and wants to. But the problem in my constituency is that there is a near total reliance on industry to provide everything and the Government, by and large, waits to see if they will provide more.

These basic services, they are complaining that are being neglected, are being provided elsewhere in the Territory.

So you see, Mr. Speaker, when Government announces plans to provide better opportunity for its citizens in order to improve quality of life, I become concerned that there is an equitable dispersment of government assistance in those primary infrastructures required and those services to citizens, which, in turn, as the previous speaker has pointed out, these citizens in turn will provide the Territory with their contribution to a better quality of life.

Mr. Speaker, I would respectfully remind the Government that one of their pledges is a strong local economy and Faro is presently one of Yukon's success stories in economic development. If we are ignored, it only leads to problems.

I might also warn the Minister of Highways and Public Works, if he has a moment to listen, that when his Department upgrades the access road, my distinguished colleague and Member for Teslin, and I have a proposal for him for a second access road to Faro, via Ross River, thereby ending the footbridge saga and bridging the Pelly to the North Canal.

Mr. Speaker, I am generally complimenting this Government for an ambitious statement of intent. I am, perhaps, somewhat chastizing them for neglect of outlying communities. I am also saying that if I could see more evidence of funding appropriated in my riding for some basic government services that are provided elsewhere, that are necessary and are possible to be provided, I would be quiet or I could agree more with your positions, with your sense of equity.

I agree that the encouragement of year-round employment and sound business investments take place when government encourages it, but government must demonstrate faith in its existing economic structure and I would only make the pledge to Government to pay more attention to these representations.

I agree with many points from the Throne Speech. Subsidiary agreements are valuable if they benefit all citizens. I agree that community and regional planning is necessary. We are taking

advantage of it now. I agree that the priority of land claims and pipeline preparedness must take place. These areas, as most mentioned in the Throne Speech, are necessary and they have the potential of the positive activity that we expect from Government.

Perhaps the Department of Human Resources will soon have to come up with some results of its many reviews and assessments. I believe that objectives must be realized and acted upon, not just discussed. We need social workers in the field. There are some positive comments in the Speech with respect to the possibilities there.

We need a more co-ordinated delivery of services. I wait for the results of that improved coordination. If we are really serious about the quality of life, these results must surface.

As was so aptly phrased by one of the previous speakers, a sense of priority in human resources has yet to be really articulated.

In the area of land use and availability, my riding has been particularly successful in agreements and discussions and progress towards this. We await what future developments in land use are going to be coming forth from the anticipated municipal revisions. The legislative program of this Government, though seemingly of a housekeeping nature, should provide some evidence of action.

I should make it quite clear that there have been many favourable discussions from my community with this Government, but there have not been enough bucks, simple as that.

Mr. Speaker I will conclude with a sort of mixed reaction to the Throne Speech, if I could be assured of positive accomplishment with an equitable disbursement of funds, I could easily support the positions of this Government.

I would probably make note of a fact that took place this morning, the Minister of Municipal Affairs, the Mayor of my Town and myself met and discussed some of these problems. These discussions are good, they hopefully will lead to more fruitful discussions and actual disposition of some funding.

Perhaps as the budget is distributed we might see more evidence of this. I think in the budget discussions to follow, in the Question Periods that come up daily, I will be in a better position to judge the specifics of what appears to be a vague, but very broad and ambitious Throne Speech.

Thank you Mr. Speaker.

Mrs. McGuire: Mr. Speaker, I move that the debate be adjourned until a date following.

Mr. Fleming: I will second that.

Mr. Speaker: It has been moved by the Honourable Member for Klwane, seconded by the Honourable Member for Campbell that Debate be now adjourned.

Division has been called, Mr. Clerk, would you kindly poll the House.

Hon. Mr. Pearson: Disagree.

Hon. Mr. Lang: Disagree.

Hon. Mrs. McCall: Disagree.

Hon. Mr. Graham: Disagree.

Mr. Lattin: Disagree.

Mr. Njootli: Disagree.

Mr. Falle: Disagree.

Mr. Tracey: Disagree.

Mr. MacKay: Agreed.

Mrs. McGuire: Agreed.

Mr. Penikett: Disagree.

Mr. Fleming: Agreed.

Mr. Byblow: Agree

Mr. Clerk: Mr. Speaker, the results are four yeah, nine nay.

Motion negatived

Mr. Njootli: Mr. Speaker, I agree with the Speech from the Throne so I will not restrict myself to this Speech itself, but I would like to put to the House some of my concerns regarding my Constituency.

I am happy to be here as MLA from the Yukon's most northerly electoral district. I would like to at this time also congratulate this Government for their concern about the outlying communities. They show this by visiting the communities twice a year and making it a policy to do so during the life of this Legislature.

One of my top concerns and I am sure that it is a concern to every individual here in the Yukon is the Yukon Indian Land Claims. The Land Claims, itself now, is in the seventh year of negotiations and

no one has seen anything come out of it. I, myself, have been involved in the Land Claims as a negotiator, and I recognize the problems and the drawbacks of coming to such a settlement.

One of the most dramatic things I have seen during negotiations is the negotiating process that has been used in trying to reach a settlement. There is a giant bureaucracy that everyone is experiencing in southern Canada called the Federal Government. The way the Indian Affairs Department is set up is by having a Minister appointing a large number of bureaucrats to do his job for him and one of these is the Yukon Indian Land Claims. The Yukon Indians are trying to reach a settlement but are experiencing this bureaucracy which is quite a stalemate drawback, it is a tool used by the Federal Government that could be avoided by getting the Yukon Indian Land Claims into such a way where you deal with the top, not the bottom.

Most of the negotiable points that are used by all parties are starting from the bottom of the ladder and by the time it reaches the top, the House of Commons, the points are drowned and no one knows, so it has to come back to the negotiating table. This, I think could be avoided by the Federal Government and Yukon Indians and our Government being able to sit down and work out a negotiating process that could lead to a quick settlement.

It is very important that this Yukon Indian Land Claims settlement be settled immediately. The consequences are that it will open up development, such as mining, pipelines and would open up business for natives and non-natives. It would have a large economic impact as it will stimulate the economy of the Yukon so drastically that the social services and other aspects of it would be appreciated by not only Government people but also for the beneficiaries of the claims.

The economic situation recently in Old Crow has also been a concern to me. There is the high cost of fuel that airlines have to use and because of these high costs of fuel, it leads to high costs of food and other necessities that people use in my riding. Ski-doo's are a major factor. In order to fuel up your ski-doo you have to buy oil as well, so that also brings up the cost.

I hope in the near future that I will be having some discussions in relation to opening up possibly a winter highway into the community with the people that elected me, then with the Government. This too, would be benefiting the people that are closely related to my community.

The Throne Speech had put out something on ARDA Programs. I know that this type of thing would stimulate Native advancement in business. I am sure that their knowledge in business would increase and there would be social improvements in some of these Native family housing through ARDA Programs and opening of businesses. I see this program also as giving the family responsibility that they should have instead of being socially dependent on the Government. The ARDA Programs could improve the family setting.

I congratulate the Government on having an extensive improvement in the schools in the Yukon, to create better education facilities for students of all ages. I learned from being an athlete in my younger days that physiology motivates the mind and it leads to higher learning.

Education standards in the Yukon would increase. The Old Crow gymnasium is going to be built, I hope, this summer and both the adults and students will be using the gymnasium and of course, lead up to higher learning in Old Crow again. At the same time, I am now working on the cost per student, you know, when you send them out to Whitehorse High Schools and comparing them to keeping them at home.

The Sharp Report that came out this past year has to be followed up. I am sure that the Department of Education is working on that and that is a concern also to me.

I would like to speak a little more about natives in the Government, whether it is Yukon government or any other Government. First of all, my own personal priority would be to set goals, the goals that all people have to follow. This can be achieved by increasing the native input into the Public Service Commissions running governments. Some of the examples I would like to use at this time would be native people as assistant directors of various departments in government, possibly advisors to the directors, consultants, and even secretaries. In order to do this you must begin now, not later, not five years from now, this has to be considered immediately and implemented. I guess, this would be one of the tools that Government could use to tell the natives that you do care about them.

I know the Government here is using a policy by recognizing the just settlement of the Yukon Indian Claims and the policy is to start immediately but the start should have started many years ago.

I believe that my Government must maintain its policy, the recognition of Native people and it must work alternatively also. The native people also must recognize this Government when it comes down to co-operation, looking at responsible government in the far distant future and by doing this, I think, everything will fall into place. If everyone is going to benefit from a settlement, then I believe everyone should participate.

I know that there are some native people who do not know about the Land Claims itself and most of the non-natives from the Yukon are not educated on it. I believe some sort of arrangement of some kind, a public forum for example, could be a benefit to all Yukoners.

Mr. Speaker, I would like to speak a little on the existing Agreement in Principle between the Federal Government and the Northwest Territories Inuits concerning the 5,000 square miles of Northern Yukon. I believe that Section 12(5) states that there will be about 1,000 square miles set aside for establishment of settlements only set aside for Inuit people. You know as well as I do, everyone knows that establishing settlements could lead to infrastructures and of course, this could disturb the caribou. The Section itself, the Agreement, does not specify any preservation of the area.

Another section in the claims sets 5 square miles in Herschel Island where the Inuit people would like to have in perpetuity to put a port there. I believe the port would be for oil and gas, et cetera and the Inuit shall participate in the planning process for any development that takes place in the five square miles. Oil and gas rights would be for the Inuits and there are no benefits going to Old Crow people or anybody in Whitehorse.

My concern here is that the Liberal Government in Ottawa, their policy is to give Yukon's sub-surface land rights and game management to people outside of the Territory, not to Yukoners. I believe that this has got to stop and the exclusive right to harvest game will be given to Inuits, and of course we know that the Inuit people and the Indians of the Northwest Territory have got the right to sell meat commercially.

This area that I am talking about now is where the meat comes from, where the meat is born. It is important for me and the Government to put a stop to these types of agreements that are under the jurisdiction of our Government.

There are international meetings going on with regard to the Porcupine Caribou Herd and I believe solely on international type status when it comes to negotiations but I do not believe in inter-community governmental jurisdiction such as the COPE Agreement.

There is a site in Old Crow that I am interested in also. It is called the "World Heritage Site". It is hoped to be nominated because 50,000 years ago there were man and mammals in the area. Archaeologists have worked in this area for the last decade, and they have found artifacts that support my statement here. Approximately 46 countries form a committee and this committee is called the World Heritage Committee.

The Yukon is becoming known throughout the world. This would stimulate tourism in the Yukon. I believe that the Yukon Government is going to be the agency that is going to get the Yukon a place to live in the next 50,000 years.

Thank you, Mr. Speaker.

Mr. Fleming: In studying the Throne Speech, I find many things here to my liking and I think in the Throne Speech there has been a total aspiration of every person of the Yukon almost in some section or other.

However, as am MLA who has a riding that is predominantly of native origin and therefore Native Land Claims, as such, native education, this type of thing, is a priority in many senses with me. I, of course, will speak mainly on that subject and other subjects in our district, in the outlying districts everywhere and especially Ross River, Teslin, Watson Lake and south of Whitehorse, the power situation which I will deal with later, too.

First I would like to speak of what I feel this Government is doing with regard to the native situation. I find that over the past five years that I have been here, there has been a slackening, let us say, of the resentment towards the Native Land Claims and I am very, very happy to see this.

I would say that four or five years ago the resentment towards even the thought of even speaking of a claim in this House, or even on the streets or anywhere else, seemed to be a subject that most, I would say "most", of the white people in Yukon were quite opposed to for one reason or another, so many reasons could come up.

I find that that, today, is not the same. I think the Government has taken a position and the people, of course, and that is the

government, the members of government, have taken a slightly different attitude towards it and, possibly, are wishing maybe that they had done this back four or five years before.

I think that we cannot end up with a solution to the problem, and it is a problem, where one side is more or less against the other in what is happening. I might remind the Government and anyone else that, over the years where I have seen Federal monies, which sometimes have been a resentment to see these Federal monies come into villages, and I can quote Ross River and Teslin as very good examples where there are possibly half native and half white peoples, monies going into the villages seems to be something that—gosh, look, all that money is being blown over on one segment of the society. That was the attitude a few years ago.

I think that that attitude has changed, too. People are beginning to see that money like that that come to the Yukon Territory, Mr. Speaker, is money for all of the people in the Yukon Territory in the long run.

I will go further to say that if that had not happened in the last three or four or five years, that small businesses, and I think I am well aware of it in my area, small businesses, hotels, motels, stores, many little things that are going on in those communities would have had to have some type of a handout from somewhere because it has economically helped every small community there has been a native village in, which, again as I say, just proves a fact that money to any society here is not only for one person, it is for everybody, it will help everybody in the long run.

In that sense, as I have said before, I would hope that this Government continues to back the Native Land Claims. I do not expect and I hope we do not see two governments when the final solution comes. I hope we do not see anybody just governing themselves. I hope we are all under one, but I do commend them on their change of position in the last while.

There are many areas that the Members already have spoken on and I am not going to carry on through all of them, but some of the social programs, some mentioned by the Minister of Community Affairs, in his research into the contract agreements. The five per cent discount to the contractors in Yukon I have to agree with. Many things that have been done.

However, I am still at a loss as to why this Government is not really sitting down and taking the bull by the horns or biting the bullet, as the Minister of Community Affairs would say, and after all of the motions that have passed this House in the last five years, which I know some of you may not be aware of unless you have gone back through Hansards and so forth, towards saying, "We will make an attempt to try to equalize power across the Yukon and we will look into the situation."

That I find again similar to Throne Speech. It is easy to say we will look into the situation, we will hopefully do this, that or the other thing, but, in that very area, I see absolutely nothing being done.

A question this morning that I asked the Minister, I think might prove that there has been absolutely nothing done, admitted by the Minister of Energy himself, Mr. Speaker.

Therefore, I must condemn the Government in that area for not moving forward and trying to do something themselves in that area, whether by attempting to have the company that is providing power in the Yukon Territory equalize their rates. I know that you cannot fire NCPG or anything like that, but I feel the Government could step in and certainly make a better effort than they have been doing. I will be, through the times we are here, continuing in that regard to have that happen in the Yukon Territory.

I see one problem in the area of the nursing situation in the Yukon Territory versus the native peoples and whereas the Government, as I say, have really backed the natives in many ways, but still, in turn, wish to take over the facilities and so forth which, I think, and I am sure I am right, the native organization is not really happy with, would not be happy with. I think the Land Claims should be settled first before that happens, even if it is going to take a little longer.

I think the \$6 million that is bandied about, I have not got it clear yet myself, I do not know whether I ever will, the \$2,750,000, the \$2 million, the talk of all the money that is going to go into tourism, Mr. Speaker, but somewhere along the line, and I did not get a chance to ask that question yet as to where the money is coming from to do all these things, other than it was a grant from the Federal Government. However, usually there is a blackmail system somewhere. If you are going to get something, you are going to have to pay for it.

Mr. Speaker, I have no idea, therefore I cannot say much about it today, other than that I certainly would appreciate finding out just where that cost, if there is any, is coming to pay our share. Some-

body might say, well, it is just coming out of the general fund. No matter where it comes from, somebody is going to have to pay. I will be interested in finding out if there is some other sort of tax that is going to be whacked aboard all of us to pay for that. If so, I will be very much against, possibly, something like that, because I find that sometimes you get the monies and then you have to pay for the monies and you defeat the very cause that you are getting the monies for.

Now I am guessing again where the money might come from, thinking there is a possibility behind the scene, in the Throne Speech of, maybe, a hotel tax or some such instrument as this.

Of course, again, I have to guess, because we do not know these things. The Government is very secretive of what is coming forth.

If this was so, though, Mr. Speaker, they would defeat the very cause that they are spending the millions on to bring the tourists into the country. It would be much better to stamp the little brochure with a ten cent stamp and say there are no taxes in Yukon. However, I am guessing, but I might be right.

As I say, I would not vote against the Throne Speech. I think the Government, in many ways, has come up with things. They are listening to what has been said from across the floor, I think, too, and, I would say, continue to do so. I think it is very nice to take in compliments and listen to them, when we give them, which probably is not very often.

However, those compliments also may some day change if you do not listen to the other side. When we do not give compliments, I think that is the time that you really can listen and learn of many things and we could run the Government, maybe, together more than being against each other, just because of political differences.

I think, Mr. Speaker, that is all I have to say. I will not belabour the time. We have got lots of other things to do with the Bills in front of us.

I congratulate the Minister of Justice for bringing forth many little items that really needed repairing in the Yukon Territory, in his ordinances. I am hopeful that some of the other ordinances may be doing the same thing. I would like to see things done down at the grassroots level and I think he has actually worked basically at that.

If I wanted to be really nasty to the Government and try to, as a politician, speak against what they are doing and all that, because of the Throne Speech and the way it was put together, I could say that it is like a lifeboat with a bunch of people in it with no captain and everybody tired out and nobody bailing and the water is coming in, if I wished to be that way. However, I do not wish to be that way.

In the meantime, as I say, if the Government is prepared to listen to the advice and compliments and so forth from across the House, I am sure that they will pick up their sinking ship and we will all make it together, maybe.

Thank you, Mr. Speaker.

Hon. Mrs. McCall: Mr. Speaker, fellow Members of the Legislature:

We find ourselves going into the beginning Session of this decade. First and foremost, I think we must keep before us, as elected Members, the trust that the people have given us. It is all too simple to forget the reason we are here, all of us, that of governing Yukon to the very best of our ability.

These are significant times for Yukon. Whatever we do now will almost be carved in stone. It is a turning point in Yukon history and I am confident that none of us carry this responsibility lightly.

It may be possible that there may be an occasional politician who finds this experience a heady trip, who wallows on the fact that the press hang on every word, the letters MLA give the illusion of somehow being somewhat above the people who put that individual there. The politician must never forget that the mills of the gods are grinding away and the minute a personal power trip takes precedence over the pursuit of governing Yukon well, of ensuring that we join together to come into the 20th Century successfully, it takes only a spin of the wheel to send that individual back into the obscurity from whence he — who knows — maybe even she, came.

I mention this because we are playing for high stakes. I stress that even though I know that my fellow Members in the Legislature are upright, scrupulous, just, incorruptible and self-critical, but because so many of us are still comparatively untried, it seemed a good idea to mention it.

I feel almost like saying, as Federalists are saying in Quebec, I am first Quebecois and then a Canadian. I was born in the Yukon but we are part of a great country.

Mes Amis — Nous sommes un pays avec une grande tapisserie de

traditions différentes. Cela nous donne une histoire unique, une histoire qui nous rend plus riches, un héritage que nous aimons et don on peut rester bien fier.

I would also like to say in one of our native tongues: 'Taak-s'oh nee cha spoot nee joo pt-alee' — "We are all brothers and sisters."

I personally cannot be convinced that a heritage so rich as ours cannot be not only workable in its diversity, but an example to a troubled world. I believe, with the economist Barbara Ward, that it is spaceship earth — if any of us go, we all go.

I would like to talk a little about my own riding of Klondike even though it sometimes seems the media takes an almost prurient delight in Dawson City's fortunes or misfortunes, and you may feel you have heard all you can stand on the subject.

In spite of that, I would like to tell you some good and positive things about Dawson City. The most optimistic person in the world, me included, could not help but say that Dawson, to put the best possible light on the subject has had a few catastrophic years. If we were not burning to the ground in holocausts, we were inundated with flood waters and colossal ice bergs. We all know that a calamity brings out the best and worst in mankind, and I am very proud to say that the best in Dawson was beautiful. With all the adversity Dawson City has had, there is a heart there that will not be subdued.

This same unyielding spirit of course, leads also to considerable fireworks — Hmmm — every once in a while. But nevertheless, forgive me a little bragging — Dawson City for me, of all our northern constituencies, has to be the most exciting, the most heart-stirring, the most maddening, maybe the most sensational: but the most stimulating and the most fascinating of all. And I would not change that for all the tea in China, all the wheat on the Prairies or all the water in the Pacific Ocean.

With the price of gold rising to stunning heights, Dawson this summer is almost experiencing another gold rush. Thanks to the Tourism Sub-Agreement signed six weeks ago, this agreement put more emphasis on the Yukon than any, in years. This is the government that fell on December 13th because of the heinous crime of too much honesty; too soon for the Canadian public to obviously realize that there is a new kind of politics, a new kind of politician. Backroom, sneaky politics are as outdated as the Brontosaurus: witness Watergate: and for very little longer will the citizen on the street tolerate the deceitful and devious politician who thinks that is what politics is all about.

To say a little about the workings of my own departments, it being my first session as a Minister last time, there were difficult and perplexing issues that required solving.

Regarding Crossroads, it is very gratifying for me to tell the House that Crossroads is making a fresh start after the trouble they were facing a while ago.

We have been fortunate in hiring a new Director who was Programme Planning Director in a centre with a 75 per cent recovery rate. The whole structure of Crossroads is now on a different basis altogether. It is now based on a sound economic foundation. This took many, many hours of work on the part of heroes who will, as is usually the case with the real heroes of this world, remain unsung. Crossroads is now looking forward with enthusiasm to a successful future.

Regarding Youth Services, the Youth Services Centre is a story not fully understood. Much has been made of the fact that there is an unusually high staff quotient to the number of children confined there. There are those whose philosophies interpret full jails and full juvenile delinquent facilities as successful operations.

I find this attitude unbelievably simplistic. In late 1977, the Department of Human Resources became responsible for the facility with a philosophy of rehabilitating juvenile offenders including nurturing and increasing responsibility and independence as opposed to a holding or containment function. This newer philosophy of helping disturbed youths to function and cope with society again has caused the number of delinquent youths to decline dramatically, while the nature of the building, designed also as a lock-up still demands a round the clock staff.

The number of children requiring lock-up or complete containment is very small, hence, the hue and cry over an enormous staff looking after a very few children. Alternatives to our present physical staff located at Wolf Creek are being examined microscopically and it is my hope that a viable alternative to the two differing types of delinquency will be found before that before long.

Rehabilitation: As you heard in the Speech from the Throne, another very pressing concern is for our people in the Rehabilitation Center. Their lease terminates this year. We are looking at Government-owned properties that could be donated to the Centre.

Service organizations have promised their support with a new building. Again, it can only profit our society by providing a facility that ensures the training by which handicapped people can regain pride in becoming useful, independent members of the community.

The last point I would like to make is that however Government tries to help those not as fortunate as others, it is not possible for Government to do it all. This Government has made a commitment to ensuring that by striving for a strong economic basis, in no way will we allow social development to fall behind and thus fall prey to the ills that could follow in the wake of this development. A strong economy will help us to have the wherewithal to be sure that this does not happen.

Again, you heard in the Speech from the Throne that this Government is very, very conscious of improving the quality of life of all our citizens. I would like to quote something you have heard many times, paraphrasing it a little, paraphrasing it quite a lot as a matter of fact, but the following is the intent, it is my intent: "No man is an island, entire of itself; every man is a piece of a continent, a part of the main; if a clod be washed away by the sea, we are all the less. Any man's death diminishes me, because I am involved in mankind and therefore, never send to know for whom the bell tolls, it tolls for thee."

Hon. Mr. Lang: Mr. Speaker, I would move that we adjourn debate.

Hon. Mr. Graham: I second that.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal Affairs, seconded by the Honourable Minister of Education that the debate be now adjourned.

Motion agreed to

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

Mr. Speaker: We will now proceed further with the Order Paper to Government Motions.

GOVERNMENT MOTIONS

Motion Number 1:

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

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

Hon. Mr. Graham: I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse West, THAT the Standing Orders of the Yukon Legislative Assembly be amended by adding the following sub-orders:

13(3) On the first Wednesday of a Session and every second Wednesday thereafter that Private Members' business is taken up, the Clerk shall place first on the Order Paper those Motions other than Government Motions and the Public Bills and Orders other than Government Bills and Orders standing in the name of Opposition private members.

13(4) On the second Wednesday of a Session and every second Wednesday thereafter that Private Members' business is taken up, the Clerk shall place first on the Order Paper those Motions other than Government Motions and those Public Bills and Orders other than Government Bills and Orders standing in the name of Government private members.

Hon. Mr. Graham: Mr. Speaker, as you no doubt are well aware, this practice was implemented for the first time during the last Session of the Yukon Legislative Assembly. In our opinion, it did work well and being the kind, benevolent and wise Government that we are, we have decided that we would like to see this practice, in fact, continue sometime in the future. To that end, we have brought in this Motion amending the Standing Orders. I am sure that all Members of the Legislature will support this Motion.

Mr. Penikett: Mr. Speaker, I thought we might have got unanimous consent of this Motion, but after the Minister's words, he may have blown it.

Mr. Speaker, as the mover of the Motion has said, this was a Sessional Order during our last Session, in that respect, an experiment. I think the idea originally evolved from some discussions and negotiations in the Rules, Elections and Privileges Committee and among all Members of the House.

I think the experiment has, on the whole, been a very good one. I

think the Order Paper has not been cluttered with Backbench and Opposition Motions which have now been able to be dispatched one way or another. I think that unlike the experience in many other legislatures in this country where Opposition Periods are a temporary sort of moment of torture and sort of nuisance for the Government and a period of intense frustration for the Members of the Opposition, I think ours is working fairly well.

I think it is the case that a number of Government Backbenchers have introduced Motions about matters which the Government, for one reason or another, has not seen fit to give priority on the Order Paper, which an individual Member has judged to be of some sufficient and pressing concern to his constituents that he has wanted to have discussed and to have this time available I think, has been very valuable.

From my own point of view, I think the most useful thing about this procedure has been the opportunity to present resolutions to the House. I must say in fairness to all Members that on a number of occasions I have seen motions that I presented, adopted by the House and I think that is well and good. I think there have been issues which with very few days' notice, an Opposition Member or any Member of the House can put on the Order Paper, have discussed and when there is some wisdom and justice and foresight and intelligence, as the Minister says, to the Motion, they will often be adopted, even they seem to come from the far left corner of this Assembly.

I therefore think it is fitting that on this occasion what we are going to be doing is enshrining this Order in the Standing Orders of the House. We have only just published the new set and we are going to be amending them again, but I guess that is the way things work. I think it is a fine thing that we are doing here and I am pleased to second the Motion presented by the Minister of Justice.

Thank you, Mr. Speaker.

Motion agreed to

Mr. Speaker: We will proceed at this time Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Second reading, Bill Number 34, standing in the name of the Honourable Mr. Graham.

Bill Number 34: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse South Centre, that Bill Number 34 entitled Executions Ordinance, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse South Centre, that Bill Number 34 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, the term "execution", as it is used in this Ordinance, refers to the putting into effect of the final judgment of the court in a civil action. It deals with the enforcement of judgments, through the seizure and sale of property of judgment debtors.

The purpose of this Ordinance is basically only to bring the Yukon Territory up-to-date with the state of the law as it exists elsewhere in Canada.

Many centuries ago, the plaintiff, armed with his court order, had the task to collect his money from the defendant, if that in fact was the court's decision. Because of the violence which this procedure generated, the State forbade private enforcement and, in its place provided an official service to do the collections. This official was called a sheriff.

Yukon also, Mr. Speaker, has a sheriff charged with this duty. Unfortunately, although the law on the subject is extremely complicated, this Government has never set down on paper what a sheriff is supposed to do, how he is supposed to do it, what rights a successful plaintiff has, nor what property the plaintiff can seize if he has not been paid in cash.

The public has come to accept that the court order ought to be enforced efficiently by the government, but the state of the present law makes efficient enforcement of the order almost impossible. This proposed Ordinance should make court orders much, much easier to enforce.

Additionally, the sheriff and his officers who are not lawyers, when carrying out court orders, are often unsure of the legality of what they are doing. To rectify this, in all cases where the sheriff is involved, his duties and authorities are clearly outlined in the proposed Ordinance.

Also, Mr. Speaker, many of the sections in this Ordinance deal with the problem of protecting the sheriff. For example, in the

event that he reports that a debtor has no property and, in fact, the debtor does own property, the sheriff may be held personally liable for any loss suffered by the creditor.

In another case, the sheriff may require the creditor to indemnify him against any costs he may suffer if he seizes property that does not, in fact, belong to the judgment debtor.

These and other protections are not available to the sheriff in the performance of his duties under the present Ordinances and it is not fair that he should continue to bear the responsibilities of his job without some protection.

This Ordinance is in itself not a law reform project. With this Ordinance we are not attempting to change the law. We are merely declaring it. The law in all other jurisdictions has been researched as background to this project and the Ordinance represents proposals of this Government for clearly stating the current law that is in effect in Yukon.

All of the law, though, is not stated. Pieces are found in different areas, such as Court Rules and other Yukon statutes. What is stated are the essential areas which we consider necessary, Mr. Speaker, to make our system work.

Thank you.

Motion agreed to

Mr. Speaker: May I have your further pleasure?

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

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

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I shall call the Committee of the Whole to order. At this time we will have a short recess.

Recess

Mr. Chairman: I call the Committee of the Whole to order and continue on with Bill Number 6, Summary Convictions Ordinance where we left off last day. We had finished Clause 20, page 11.

On Clause 7(1)

Hon. Mr. Graham: We stood over Clause 7 and Clause 8 yesterday and I would like to give an explanation on Clause 7 that I explained incorrectly yesterday and an amendment to Clause 8 to clarify, I believe, a problem that Mr. Penikett had yesterday.

Clause 7(1) was stood over yesterday, this was the one that I believe Mr. Fleming and I conversed about at some length. We talked about in the Regulations, that was the clause that caused some concern and in fact, Mr. Fleming was correct, these Regulations that we are talking about are the Regulations that will be attached to the Summary Convictions Ordinance. In those Regulations, we will set out which tickets or which offences may be ticketable offences.

What we will be doing is including every offence currently under a Territorial Ordinance or a Municipal Bylaw. The reason we are putting them in the Regulations is due to the fact that, I think, some concerns were expressed yesterday about some bylaw enforcement officers making improper use of the ticketing procedure. In case that does happen, we want to have the ability, through the Regulation procedure, of withdrawing certain offences from the ticketing offence section. That is the reason behind putting that in the Regulation. In fact, what we will be doing in the Regulations is naming every offence under Territorial Ordinance that may be considered a ticketable offence.

Mr. MacKay: That is very clear now. My question would be: are these Regulations drafted at this point or will we be able to see them relatively soon after this Bill is through?

Hon. Mr. Graham: Mr. Speaker, they are not drafted yet. We will wait, of course, until the Ordinance has passed through the House. What we do anticipate, as I said before, is that every offence currently considered an offence under any Territorial Ordinance or any Municipal Bylaw will be a ticketable offence. We have not yet had the opportunity to talk with the municipalities but we will be doing that immediately that this Ordinance has passed through the House.

Clause 7(1) agreed to

On Clause 8(2)

Hon. Mr. Graham: Mr. Chairman, also I believe Mr. Penikett has some problems with Clause 8(2)(b). I believe this is the one that he had the problem with where it was not clear exactly who we were talking about when we used the words "that the person".

I have brought forward an amendment to the Clause, Mr. Chairman, and if I may, I would like to pass it out. We will change the wording of Section 8(2)(b) to the following: "describe the offence that the person to whom the ticket is issued is alleged to have committed". I think that should resolve the problem.

Mr. Penikett: Mr. Chairman, I just want to make it perfectly clear that it is not myself that had a problem. I was just, in my usual positive way, trying to help out the Minister because I thought that he might have a problem. I do want to draw that distinction.

Hon. Mr. Graham: Mr. Chairman, I appreciate any help from the Opposition that they are willing or able to give.

Mr. Chairman: On Clause 8(2)(b), I have an amendment before me which reads: It is moved by Mr. Graham, seconded by Mr. Falle, that a Bill entitled Summary Convictions Ordinance be amended by deleting Subsection 8(2)(b) and substituting therefor: "describe the offence that the person to whom the ticket is issued is alleged to have committed".

Clause 8(2) agreed to

On Clause 21(1)

Hon. Mr. Graham: Mr. Chairman, 21 is the section that allows an automatic conviction to be set aside without an appeal. This is so that the convicted person is able to show that he did not receive notice of the proceedings and was therefore deprived of the opportunity to appear in response to the charges.

Mr. Byblow: Under Section 21(c), the justice has the right to impose a lesser fine than the one already imposed which, according to Section 20, was already doubled because of his non-appearance. If I am reading that correctly, does it mean that it would revert back to the original penalty?

Hon. Mr. Graham: Mr. Chairman, that is the intent, actually. These are cases where a person appears before the justice, says, "Look, I was on holidays when this notice to appear was served at my house. I did not receive the notice, it has now been doubled. I would like to plead guilty, but I would like to plead guilty to the original fine".

That is the intent, but it also means that the justice has the right to impose such fine as he sees fit. If he sees fit that the fine should only be a dollar, then that is within his right to impose that fine.

Mr. Byblow: Okay, this leads into a section coming up that relates to this one. Under 21(3), it says that an application shall be made within 15 days. I am not clear how that relates to the person who is charged, in terms of the time he has to make an application for the mechanics not having been done properly.

Hon. Mr. Graham: Mr. Chairman, the one we are looking at, I guess, is 21(3). "An application under subsection (1) shall not be made after the expiration of 15 days after the day on which the person receives notice of his conviction or fine."

Now, this means that if a person is outside on holidays for six weeks, his 15 days do not start until such time as he physically receives notice of his conviction or fine. So, he has 15 days after he returns, after he has given notice that he has been fined. From that point, he has 15 days to appear before a Justice.

Mr. MacKay: This is a good section.

Clause 21(1) agreed to

On Clause 21(2)

Clause 21(2) agreed to

On Clause 21(3)

Clause 21(3) agreed to

On Clause 21(4)

Clause 21(4) agreed to

On Clause 22(1)

Mr. Fleming: Yes, I wonder if the Minister could clarify this. I take it that the judge, again, has the discretion to do whatever he wishes to do. He could fine the person for not being there, not appearing and so forth, or he could also issue a warrant for the arrest of that person.

Hon. Mr. Graham: Yes, Mr. Chairman, that is true. It refers to Section 11 and Section 11 has, as one of the parts in it, by leaving the notice to appear at the last or usual place of abode and by mailing the notice to appear.

Now, what Section 22 does is restrict the right of arrest for failure of a person to appear in court in accordance with a ticket, other

than cases where the ticket is served personally on a person.

Take for example, the case where a speeding ticket is physically given to the driver so he knows he has notice to appear. Now that person could have a bench warrant issued for his arrest if he did not appear in court.

But, if a person had been issued a parking ticket, say, where it is just pinned to the window of his car, that person should not have a bench warrant issued for his arrest if he fails to appear, because the chances are reasonable that he did not, in fact, physically receive that notice to appear. That is basically what this section is all about.

Clause 22(1) agreed to

On Clause 22(2)

Clause 22(2) agreed to

On Clause 22(3)

Clause 22(3) agreed to

On Clause 23

Clause 23 agreed to

On Clause 24(1)

Hon. Mr. Graham: This is just needed to prevent a technicality in court. The ticket could be questioned where only one part of the ticket actually appears in court. What usually happens is that it is a carbon copy, one part the RCMP or the bylaw enforcement officer keeps and hands the other part to the person charged. This is just a technicality to prevent the fact that there is only one part of that ticket appearing in court. It would prevent the throwing out of that case.

Clause 24(1) agreed to

On Clause 24(2)

Mr. MacKay: Maybe I am being picky, but the use of the words "reasonable accuracy" and then, in the next section (d), "reasonable precision", there does not seem to be any difference in these two tests. I am wondering why there are different words used.

Hon. Mr. Graham: Mr. Chairman, I am sorry, I do not have any answer. We are just saying that throughout the whole of Section 24(2), that the ticket must be reasonably clear in its location, date, place and the name of the offence. I have no answer as to why the wording is such. Good English.

Clause 24(2) agreed to

On Clause 25(1)

Hon. Mr. Graham: Mr. Chairman, these sections are, in fact, new and they provide new remedies for the collection of fines.

The remedies outlined here are in addition to the familiar old one of throwing a person in jail. What we are doing in these is making his fine, that is payable to the court, a civil debt owed to the Commissioner. That is the object behind them.

Clause 25(1) agreed to

On Clause 25(2)

Clause 25(2) agreed to

On Clause 25(3)

Clause 25(3) agreed to

On Clause 26(1)

Mr. Penikett: It seems to be something like a garnishee, I guess. I am just curious, perhaps the Minister could just give us a brief explanation of this whole section. I am just curious, there does not seem to be any level of payment set and I wonder if it was really slick if you could fine people without money being, I do not know, garnisheed in some way and the Territory ending up having to foot the bill if you were on welfare or something.

Hon. Mr. Graham: Mr. Chairman, both Sections 26 and 27 are borrowed straight from the Income Tax Act and they are used for the collection of delinquent taxes in the Income Tax Act and we are using them for much the same thing here. Delinquent costs are accrued to the Commissioner or where the Commissioner is paying out money to a person, they may attach that money that would normally be paid to the person in lieu of a fine and that type of thing. That is the object behind it.

Mr. Fleming: I wonder if the Minister could clarify this: "Where the Commissioner has knowledge or suspects that a person..." of course it does say "a person", "is about to become indebted..." this could not be used then in the case of the Government, for instance, owing some money to a business place or something to this effect and the contractor still had monies coming, could this section be used in that area?

Hon. Mr. Graham: Mr. Chairman, wherever Ordinances speak of

persons, they also mean corporations and businesses of that type.

Now, as for the question as to whether or not a business could garnishee the Commissioner, I am sorry I am not in a position to answer that. If that is the question you are asking, I would be only too happy to get an answer for that for you some time in the future.

Mr. MacKay: The question was regarding whether the Commissioner can offset a fine which has become a civil debt against the amount owing to that same person by the Commissioner.

Hon. Mr. Graham: Mr. Chairman, if that ever were to occur, the steps laid down in the Garnishee Ordinance would apply. You just could not grab a person's whole paycheque or anything like that unless you complied with all of the requirements of the Garnishee Ordinance.

This is just something that the Commissioner owes you, as a business, a debt of a thousand dollars and they know that you owe a debt from past taxes to the Commissioner of a thousand dollars, they would be able to hold that money until such time as they had a Garnishee Order from the Court to collect the money. That is basically what this does.

Mr. Fleming: I think I got it clarified for myself. I am not sure and if I am right I would like the answer. I think this whole Section looks like it is merely the indebtedness to the Commissioner in every case, which might mean your taxes or whatever, it does not really deal with what I was speaking of before which I misunderstood when I read it actually.

Hon. Mr. Graham: In both Sections 26 and 27, we are talking about where persons, corporations, et cetera, have debts owed to the Commissioner.

Clause 26(1) agreed to

On Clause 26(2)

Clause 26(2) agreed to

On Clause 26(3)

Mr. MacKay: Yes, the (b) part does not specify any particular amount or percentage of amount the Government can take and just for the record I would like to hear the Minister of Justice say that the Government will be gentle, not take away somebody's entire paycheque.

Hon. Mr. Graham: When we get into the Garnishee Ordinance, you will see exactly how gentle we are. I believe people in lower income brackets could not be garnisheed to any extent greater than roughly thirty per cent of their paycheque, take home pay we are talking about, we are not talking about gross. I think under the Garnishee Ordinance, in most cases, you will find that the Government is extremely gentle with garnishee payments.

Clause 26(3) agreed to

On Clause 26(4)

Clause 26(4) agreed to

On Clause 27(1)

Clause 27(1) agreed to

On Clause 27(2)

Mr. Byblow: In Subsection (2), are we not running into the possible danger of personal liability as opposed to corporate responsibility? You could have a business entity and be personally liable.

Hon. Mr. Graham: Mr. Chairman, I do not really see what the problem is. I think it is fairly clear. If you personally owe the Government taxes and you carry on a business under your personal name and you are not a limited company, then I believe we have the ability to attach payments to your company for debts owed by you to the Government.

Mr. Byblow: My question was whether or not Section (2) meant that a personal liability could be attached to a corporate entity that you are a partial or whole owner of, as a limited company.

Hon. Mr. Graham: Mr. Chairman, I do not think so.

Clause 27(2) agreed to

On Clause 27(3)

Mr. Fleming: I am interested in what the Honourable Member on my right has brought up there because in so many cases, it says carry on a business in a partnership, which might be incorporated, "a notice under subsection 26(1) may be addressed to the name of the partnership and, in the case of personal service..." So in speaking in reference to the two sections, it looks as if it may be taking in a corporation.

Hon. Mr. Graham: No, Mr. Chairman, that is not correct. In any case, where we are talking about partnerships or business carried on in the name of a person, we are not talking about corporations or limited liability companies.

A corporation could have their debts attached for a debt owed by that corporation owed to the government, but not for a person involved with that corporation in the government, no.

Clause 27(3) agreed to

On Clause 27(4)

Clause 27(4) agreed to

On Clause 28

Mr. Penikett: Mr. Chairman, which Garnishee Ordinance is this?

Hon. Mr. Graham: The proposed Garnishee Ordinance that we will be bringing in for second reading possibly tomorrow morning.

Clause 28 agreed to

On Clause 29

Clause 29 agreed to

On Clause 30

Clause 30 agreed to

On Clause 31

Mr. Byblow: My question relates to 31(1) and to Section 5(3), interchangeably, because under Section 5(3), it reports that "Any matter or thing seized pursuant to an enactment", et cetera, shall "be dealt with according to the Criminal Code." Clause 31 seems to contradict that.

Hon. Mr. Graham: Mr. Chairman, in 31(1), we are talking about offences under Territorial Ordinances. In 5(3), we are talking about how we are going to handle things seized under various Territorial Ordinances.

In fact, I believe you asked a question about this yesterday and Section 446 of the Criminal Code states that when items are seized, they must be brought before a Justice; they must be preserved until a decision from the court has been forwarded, if necessary. They also contain several general sections dealing with preservation, sale and the fact that the seized item must be detained until such time as a court order decides where it shall go and things like this.

But, basically you are talking about seized items in 5(3). In 31(1) you are talking about proceeds of fines, of penalties, or the proceeds of a forfeiture.

Mr. Byblow: Okay, I guess where I was confused is the proceeds of a forfeiture. How would you interpret that?

Hon. Mr. Graham: That is when you sell something that has been seized, such as, under the Game Ordinance, I believe we seize a great many guns and other items that are used in hunting illegal game. We hold a sale of those items once or twice a year and all proceeds from those sales go into General Revenue.

Clause 31 agreed to

On Clause 32

Mr. MacKay: Considering Clause 32 and 33 together because they are related, the Minister for Justice indicated, I think, in his preamble that the municipalities had not yet been consulted on this particular area. I am wondering about the danger of enacting this Ordinance prematurely, when it may invalidate a number of municipal bylaws that already exist, with respect to the form and content of the tickets and that kind of thing.

Hon. Mr. Graham: Mr. Chairman, municipalities have been consulted in that they have agreed with us that this is a good idea. They would like to issue tickets for things like parking tickets, where now they have to have a justice of the peace issue summons for everyone who does not appear and pay their parking tickets within the prescribed times.

For that specific reason, they would love to have a ticketing procedure that would take care of that kind of stuff. They have, at present, a person on staff at the City Hall who must be a justice of the peace, simply for that reason, signing parking tickets and they would like to do away with that all together.

They have been consulted on that. What we have not done is decide exactly which municipal bylaws should be ticketable offences and which should not. That is what is coming.

Mr. MacKay: I am glad to hear that the principles have been mutually agreed on. I think my concern was and I do not think you have answered it, whether or not existing tickets that they have are going to be invalidated by virtue of the enactment of this Ordinance.

So, have we got a gap in the law here until you get all the Regulations out with all the prescribed forms?

Hon. Mr. Graham: Mr. Chairman, I do not think we will because this Ordinance will not be proclaimed until such time as the tickets are printed and all that kind of stuff is in place.

Mr. Fleming: Yes, somewhere along the line I heard some remarks which more or less included the L.I.D.'s in this Ordinance, too. I see here that the Council or a municipality may so I take it that these two sections do not have anything to do with an L.I.D., then.

Hon. Mr. Graham: Mr. Chairman, under another section somewhere in this Bill, I do not remember exactly just what section it was, L.I.D.'s may use a ticketing procedure for certain offences under bylaws passed by that L.I.D., in accordance with the Municipal Ordinance.

Clause 32 agreed to

On Clause 33

Hon. Mr. Graham: Mr. Chairman, this section basically deals with tickets. We will have to decide on exactly what kind of tickets we are going to use, what will be the lettering on the tickets, the form, procedure for issuance, all that type of thing will have to be brought in by Regulation, after this Ordinance is passed. These things must be done in discussions with L.I.D.'s, Game officials, RCMP officials, that type of thing.

Mr. Penikett: Mr. Chairman, would the Minister be prepared to give an undertaking to this House that this Legislation would not be proclaimed until the Standing Committee on Statutory Instruments has had a chance to go through the Regulations that are not yet defined for this Bill?

Hon. Mr. Graham: No, Mr. Chairman.

Clause 33 agreed to

On Clause 34

Mr. Penikett: Just so I am clear, Mr. Chairman, again we are having references to ordinances that do not exist.

Hon. Mr. Graham: That is true, Mr. Chairman. As you will probably notice from the Ordinances that were handed out you will see a Reciprocal Enforcement of Maintenance Orders Ordinance that will follow shortly.

Mr. MacKay: The title of the Ordinance is called a Maintenance Order, should it not be the complete title that you just referred to? I cannot remember all of it. Reciprocal Enforcement Maintenance Orders Ordinance, is that the Ordinance it is referring to?

Hon. Mr. Graham: Mr. Chairman, it is and this is just a short form and I am sure it is acceptable but I will check.

Mr. Fleming: Just as a general question, I still am confused as to the Local Improvement District anywhere being mentioned. I see "municipality" all over the place, that is all. I just wondered if the Minister could clarify where it could be found. I just cannot find anything in here.

Hon. Mr. Graham: Mr. Chairman, I am not positive but I suspect that under the Municipal Ordinance, we will find some kind of a definition. I am sorry, Mr. Chairman, I do not have the exact part in this Ordinance where we do mention L.I.D.'s but we do mention L.I.D.'s in some instances where they may issue tickets. Perhaps we could meet with the Member opposite later and reassure him on that issue and find out exactly where it is in this Ordinance but I know, at some point in time, we did discuss L.I.D.'s and it is in this Ordinance.

Mr. Chairman: Would that be acceptable?

Mr. Fleming: I just could not find it.

Clause 34 agreed to

On Clause 35(1)

Clause 35(1) agreed to

Clause 35(2) agreed to

Clause 35(3) agreed to

On Clause 35(4)

Mr. Penikett: Mr. Chairman, I just wonder if the Minister is in a sufficiently generous mood to entertain an amendment to delete several other sections of the Motor Vehicles Ordinance while we are at it.

Clause 35(4) agreed to

On Clause 36(1)

Mr. Penikett: Yes, Mr. Chairman, might we know when the Minister plans to discuss with the Commissioner, whoever that may be, when this Ordinance is going to come into force?

Hon. Mr. Graham: Mr. Chairman, I am sure we will find somebody, either a Commissioner or someone representing a Commissioner, that will bring the Ordinance into force on a day to be fixed. This Ordinance will not be brought into force until such time as we have worked out all of the procedures and tickets, and that type thing.

Mr. MacKay: I just want to get clarification, Mr. Chairman, about these sections that we are repealing on other Ordinances. If we are repealing Sections of this Ordinance that have not yet passed, I do not think that is what you meant is it? We are repealing sections of another Ordinance, surely, which is about to be repealed under this Ordinance.

I wonder whether or not this section has the effect of repealing sections in the new Ordinance that you do not want to have repealed.

Hon. Mr. Graham: I do not understand the question. We are repealing sections on the Municipal Ordinance, Judicature Ordinance, Interpretation Ordinance and the Motor Vehicles Ordinance dealing with convictions and fines imposed. For instance the Motor Vehicles Ordinance, 256, outlines what should be done for contravention of any of the provisions of this Ordinance. It outlines what a traffic ticket should have on it and that type of thing.

In all of the Ordinances that we are repealing, that is what is done. They outline how a ticketing procedure works and all this. What we want to do is put everything into one Ordinance, all Ordinances in the Territory will follow this model when it comes to ticketing.

Mr. MacKay: I think I understand what you are trying to do, I am wondering about the mechanics of how you are doing it. If I could just focus for a minute on Section 34(1), you are repealing Sections 18 and 19 of the Reciprocal Enforcement of Maintenance Ordinance, which you have already stated is an Ordinance that we are about to pass. If we repeal these sections of this Ordinance, I do not think that is what you intend. I think you intend to repeal the sections of the old Ordinance. If that being the case, perhaps there should be some clarification of which Ordinance it is.

Hon. Mr. Graham: Mr. Chairman, that is right, I was wrong when I said that we were referring to Reciprocal Enforcement of the Maintenance Ordinance. There currently is in effect a Maintenance Ordinance, Chapter M-2, page 1065, in your Ordinance Book. That is what we are repealing.

Mr. Penikett: Mr. Chairman, while we are on the subject, since most of the people who have occasion to be responsible for enforcing the Motor Vehicles Ordinance from time to time are of the opinion that substantial sections of it are a mess, is the Minister likely to be bringing that Ordinance back for some amendments, at some point in the near future?

Hon. Mr. Graham: Mr. Chairman, I expect to be bringing back a couple of very, very small amendments, in the very near future, perhaps Monday of next week. We are currently looking at the whole Ordinance, with the intention of bringing in some changes to the Motor Vehicles Ordinance.

Mr. Fleming: Yes, just a general question, Mr. Chairman, of the Minister, but I find it sort of strange that we pass sections, such as 23 and 24, too, of the Garnishee Ordinance, and we cleared that section and passed it and it is not in effect yet, if it is in what is coming forward. Although this is not to be passed by the Commissioner, it could be passed on certain dates. I wonder how we deal with a question like that, because I am referring back to the Liquor Ordinance, which I do not think we have now and, through this same principle, and I think if it was taken to court it would be true.

I am wondering just how you pass something like that when it is not in effect, on that date, when you pass it.

Hon. Mr. Graham: What it basically means, Mr. Chairman, in many instances, as I said before, the Execution, Garnishee, and Summary Convictions Ordinance, were brought in as a package. These three Ordinances are interrelated in many, many areas and, in fact, they freely refer back and forth to each other.

Those three Ordinances will have to be enacted on the same day. They will have to be proclaimed by the Commissioner on the same day, into law, because of the fact that there are so many interlocking areas.

Clause 36 agreed to

Preamble and Title agreed to

Mr. Chairman: I now declare that Bill Number 6, Summary Convictions Ordinance, has cleared Committee of the Whole, as amended.

Hon. Mr. Graham: Mr. Chairman, I move that Bill Number 6, entitled Summary Convictions Ordinance, be now reported out of Committee of the Whole, as amended.

Mr. Penikett: Does that mean that we are going to be denied the pleasure of charging right into the Executions Ordinance, Bill Number 34, immediately?

Hon. Mr. Graham: No, it does not.

Mr. Chairman: Is there any further discussion on the motion before the House?

Hon. Mr. Graham: Mr. Chairman, I have no intentions of leaving at this point and calling it 5:30. We can charge right into Executions Ordinance immediately, if you so desire.

Mr. Penikett: Mr. Chairman, that is exactly what I wanted to clarify, from the Government.

Motion agreed to

Mr. Chairman: I now refer you to Bill Number 34, Executions Ordinance.

Mr. Penikett: Mr. Chairman, I would just like to ask if Minister could give an explanation of what particular problems, or if he could give some examples of the kind of problems, sheriffs were experiencing that led to the need for this Ordinance. Further, if he could elaborate having obviously, from his remarks at second reading, studied the subject on how this compares with the Legislation in other jurisdictions, particularly as it is distinguished in those jurisdictions where, as I understand it, they have what they call bailiffs, or some private enterprise enforcers, or collection rackets or exactly whatever it is that they do to do these things.

Hon. Mr. Graham: Mr. Chairman, it is difficult to answer the whole question in total at this time but I will attempt to answer as much of it as I possibly can.

As I stated in my second reading debate speech that the Sheriff currently incurs personal liability if he, in fact, goes and tells a creditor that the person, the debtor in this case, has no assets which the sheriff could seize. It later turns up that the creditor does a little digging on his own and he finds that the debtor had a bank account of some \$5,000. The sheriff then becomes personally liable for that debt of \$5,000. We would like to see that eliminated.

Another problem that we ran into was that the sheriff would incur— Are you interested in this?

Mr. Penikett: I apologize, Mr. Chairman, but my food and drink order was being taken by the Clerk.

Mr. Chairman: Perhaps we should just have a short recess while the Clerk finishes.

Hon. Mr. Graham: Yes, Mr. Chairman.

Mr. Chairman: Go ahead, Mr. Clerk, we will give you plenty of time.

I declare a short recess.

Recess

Mr. Chairman: I will call the Committee to order.

Carry on, Mr. Graham.

Hon. Mr. Graham: Mr. Chairman, there are quite a number of instances where this Ordinance is attempting to protect the sheriff, to outline what the sheriff's duties are and, in fact, to protect the creditors and debtors.

Perhaps I could take the opportunity to say that I would bring back a full resume tomorrow of the things that are changed. I go through my paper here that I have prepared to reply to questions and I run into things like, "At common law, the sheriff has little protection if he wrongly interferes with the property of a person. If the ownership of property is in doubt, for example, the sheriff may require the creditor to indemnify himself against any costs he may suffer if he seizes property that does not, in fact, belong to the judgment debtor." This Ordinance will now protect him in that case.

The Ordinance also provides for the resolution of disputes as to the amount of security to be given to the sheriff. The costs of indemnifying the sheriff are legitimate costs for the recovery of judgment debts. We deal with instances where more than one writ has been delivered to the sheriff for the collection of debts against one debtor.

It also deals with the requirement of the sheriff to give notice when he is interfering with a person's personal property or, in fact, attempting to seize a person's living, place where he normally lives. Several sections deal with the removal of property when a sheriff seizes property. So, there are a great number of things that we have taken into consideration.

Basically, this Ordinance is an attempt to bring together several ordinances that we now have in place in the Territory, such as the Judicature Ordinance, Interpretations Ordinance, and various other ordinances in the Territory.

At present, there is no common law across Canada in this area. What we have found is that many of the ordinances or acts that other provinces, other jurisdictions are using are many, many years old. We are hoping that there will be some kind of a law reform commission set up in the next couple of years and that there will be a uniform law act across Canada in the next five to ten years.

If we pass this Ordinance, we will have the most up-to-date, current Executions Ordinance in Canada. How good it is in comparison to the other provinces, we think it is very good. We may have a certain amount of debate on that subject, but we think it is a good Ordinance and it meets the present needs of the Yukon Territory.

Mr. MacKay: I think that the speed with which we are proceeding on the Ordinance would not be doing it justice.

Hon. Mr. Graham: There is no justice.

Mr. MacKay: Probably there is not, under this Ordinance. That is what I am concerned about, and I would beg leave of the Chair that we should at this point adjourn to resume discussion of this tomorrow.

Hon. Mr. Graham: Mr. Chairman, that seems like a reasonable request to our side of the House. I would move that Mr. Chairman do now report progress on Bill 34 entitled Executions Ordinance, and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham that Mr. Chairman do report progress on Bill 34, and beg leave to sit again.

Motion agreed to

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

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I will now call the House to order. May we now have a report from the Chairman of Committee. **Mr. Lattin:** The Committee of the Whole has considered Bill 6, Summary Convictions Ordinance, and directed to report same, with amendments.

Further, Mr. Speaker, the Committee considered Bill 34, Execution Ordinance, and directed me to report progress on same, and beg leave to sit again.

Mr. Speaker: You have heard the report of the Chairman of Committee.

Are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

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

Mr. Speaker: It is been moved by the Honourable Minister of Education, seconded by the Honourable Member for Whitehorse North Centre, that we do now adjourn.

Motion agreed to

Mr. Speaker: The House will stand adjourned until 1:30 p.m. tomorrow.

The House adjourned at 5:00 o'clock p.m.

The following Sessional Papers were tabled March 25, 1980:

80-3-4

Yukon Housing Corporation: 1978-79 Annual Report

80-3-5

Government of Yukon Protection Services: 1979 Annual Report

