



The Yukon Legislative Assembly

Number 4

3rd Session

24th Legislature

HANSARD

Wednesday, March 26, 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	Patrick L. Michael
Clerk Assistant (Legislative)	Missy Parnell
Clerk Assistant (Administrative)	Jane Steele
Sergeant-at-Arms	G.I. Cameron
Editor of Hansard	Lois Cameron

Whitehorse, Yukon

Wednesday, March 26, 1980 — 1:30 p.m.

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

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: Before proceeding to the Order Paper today, I would like to introduce a new Page, who will be with us today, Kelly McQuillen.

We will now proceed to the Order Paper.

DAILY ROUTINE

INTRODUCTION OF VISITORS

Hon. Mr. Pearson: Mr. Speaker, it gives me great pleasure, this afternoon, to introduce to the House Brigadier General Clay Beattie, Officer Commanding, Northern Region, Canadian Forces, who is in our Gallery.

General Beattie, we are very, very happy to have you here today.

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

TABLING OF DOCUMENTS

Hon. Mr. Pearson: Mr. Speaker, I have for tabling today the Government of the Yukon Territorial Accounts for Fiscal Year 1978-79, pursuant to the Financial Administration Ordinance.

Mr. Speaker: Reports of Special or Standing Committees?

Petitions?

PETITIONS

Mr. Hibberd: Mr. Speaker, I wish to present a petition on behalf of a group of Yukoners concerned about the imposition of daylight saving time.

The petition contains 135 signatures. The petitioners ask that the use of daylight saving time be set aside until time has been provided for public debate on the subject.

Mr. Speaker: Are there any further Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

This then brings us to the Question Period.

QUESTION PERIOD

Question re: Alaska Highway Gas Pipeline

Mr. MacKay: Mr. Speaker, my question today is directed to the Government Leader, with respect to the gas pipeline.

Under the terms of the U.S.-Canada Agreement for the pipeline, the Government of Yukon wants to receive some \$5 million of tax revenue in 1980 from the pipeline company.

Mr. Speaker, in view of the unexpected delays in this project, does the Government still expect to receive the \$5 million?

Hon. Mr. Pearson: Mr. Speaker, we are in active negotiations with Foothills Pipelines Limited, in respect to this \$5 million. The Honourable Leader of the Opposition is correct. The agreement, from where we sit, is very clear. It says that in 1980, Yukon will receive \$5 million.

Frankly, the negotiations to date have been productive to some degree, however, Foothills are basing their case primarily on the delay in the pipeline and are suggesting that, because of that delay, there should also be a delay in this payment. We have not, nor will we accept this as a valid argument.

Mr. MacKay: In the event that the project were to be cancelled in the next few months, would the Government still consider this \$5 million debt to be due?

Mr. Speaker: The question would seem to be somewhat hypothetical, however, we will permit an answer.

Hon. Mr. Pearson: Mr. Speaker, I have to answer in that way, it is very hypothetical and a problem that we would have to face at that time.

Mr. MacKay: Can the Government Leader give this House an

estimate of the cost that this Government has incurred so far in preparing for the Pipeline?

Hon. Mr. Pearson: Yes, Mr. Speaker, including our 1980-81 costs, we have estimated or we have been able to identify approximately \$900,000 worth of costs directly attributable to the pipeline by this Government.

Question re: White Pass and Yukon Route

Mr. Penikett: Mr. Speaker, I have a question for the Government Leader. Now that we have had the CTC report and there is a new Government in Ottawa, I wonder if the Government Leader would be prepared to say exactly what initiatives this Government is taking in respect to the problems being experienced by the White Pass and Yukon Railroad?

Hon. Mr. Pearson: Mr. Speaker, we were quite deeply involved with the previous Federal Government in the problems facing White Pass. We were deeply involved in what we thought could be possible solutions, looking for possible solutions.

I have personally raised this issue with the new Minister of Indian Affairs and Northern Development and we are hopeful that when he is here in Whitehorse this weekend and meets with Cabinet, he will have something definitive to say in respect to what kind of a process he would like to see undertaken to ensure that the railway does keep operating.

Mr. Penikett: In addition to any ideas which the Minister may bring with him from Ottawa, does the Government Leader have any particular proposal which he will be making to the Minister in this question?

Hon. Mr. Pearson: Mr. Speaker, we have been around and around the mulberry bush, it feels like now, on this question. There are, I believe, in spite of the CTC report, a number of alternatives that could be used and we do not want to close the door on any one of those alternatives. I think each one of them has to be looked at in its own light, has to be studied very carefully.

We have been saying to the Federal Government and to White Pass and to anyone else who would listen, that we do have this concern, we are prepared to participate, we are prepared to do what ever had to be done to ensure that that railroad keeps operating.

Mr. Penikett: Yesterday the Government Leader referred to the CTC report having been received in Ottawa and I was wondering if he could tell the House if he has any reason to believe that Ottawa is actively considering the recommendation of the CTC proposal as an alternative, or as a solution to the White Pass problems.

Hon. Mr. Pearson: Not to my knowledge, Mr. Speaker. It would be very interesting if they were actively considering this, because the recommendations of the CTC report were that Yukon loan White Pass \$10 million that they do not have and that the Government of the United States loan White Pass \$5 million that they do not have. So maybe the Federal Government likes that kind of a recommendation, but it just does not seem to be very realistic to us.

Question re: Credit Union Failure

Mr. Fleming: Mr. Speaker, a question to either the Government Leader or the Minister of Justice, I presume, could answer it. In the Whitehorse Credit Union Background Report on Failure, on page 6, I notice there were additional bad debt losses written off in the 1977 financial statements and recognized a year later. I am wondering if the Government Leader or the Minister could tell me who these corporations or whatever may be that had these debts that ended up being losses to the Credit Union.

Hon. Mr. Graham: No, Mr. Speaker, I do not have that information readily available at my fingertips. In fact, I do not have any information on which bad debts were written off in prior years. What we are operating is a financial statement that was received from the Credit Union and audited by a local firm and that is the basis of the report.

Mr. Fleming: Supplementary, it has been bandied about, of course, from the paper, here and there and all over the place that it is going to cost the taxpayer approximately \$1 million to bail out this deal. I am wondering if the Minister could tell me, has it cost any money to date?

Hon. Mr. Graham: Yes, Mr. Speaker, it has. It has cost somewhere in the neighbourhood of \$800,000 to \$850,000 I believe.

Question Re: Land Development/Hillcrest Mining Claims

Mr. McKay: Mr. Speaker, I appreciate your latitude in this regard. My question is to the Minister of Municipal Affairs with respect to land development. Is the Minister aware of the existence of mining claims staked under the new Hillcrest subdivision which is scheduled for sale in 1980?

Hon. Mr. Lang: Yes, Mr. Speaker.

Mr. MacKay: Can the Minister inform the House whether these claims were staked prior to the Government's announcement of its intention to develop this land?

Hon. Mr. Lang: Mr. Speaker, basically on my time, but my understanding is that they were.

Mr. MacKay: In view of the difficulties and still some outstanding legal doubts experienced by some other lot owners, would the Government consider making a special application, under the Yukon Quartz Mining Act to have these mining claims withdrawn, prior to sale of these lots?

Hon. Mr. Lang: Mr. Speaker, I thought I explained myself fairly explicitly yesterday. I thought the Honourable Member was listening. We made it very clear what our position was in this particular case, the two competing interests, if you like. We feel that there are two separate identities and we feel they are compatible.

As far as I am concerned, it is not necessary. I think that we can go ahead with our development of that area, the disposition of the lots and, eventually, the title, and those individuals will be safeguarded like anyone else.

Question re: Food Costs in Yukon

Mr. Penikett: Mr. Speaker, I have a question for the Minister of Consumer Affairs.

Mr. Speaker, can the Minister now confirm for the House that last summer his Department conducted some preliminary inquiries into wholesale food costs in Yukon, particularly into the major wholesaler in the area?

Hon. Mr. Graham: Mr. Speaker, we did not conduct an inquiry. We, in fact, requested some costs from a major wholesaler in the Whitehorse area.

Mr. Penikett: Mr. Speaker, can the Minister confirm, as a result of those requests, that his Department discovered a 16 per cent difference at the wholesale level between prices here and in the Vancouver area, while there remains at the retail level a 30 per cent price difference?

Hon. Mr. Graham: Mr. Speaker, I do not know what the percentage was. I never worked it out. I could check and bring an answer back to that question.

As to the question of whether or not there is a 30 per cent difference between retail prices between Vancouver and Whitehorse, I have no idea whatsoever.

Mr. Penikett: Mr. Speaker, the Minister should read some of the interesting reports published by this Government.

Is the Minister aware of the 1975 Food Prices Review Board Report, which found that retail markups in northern food stores were, as a rule, higher than anywhere else in Canada?

Hon. Mr. Graham: Yes, Mr. Speaker, I was aware of that.

Question Re: Health and Human Resources Field Services

Mr. Byblow: I have a couple of questions for the Minister of Health and Human Resources. In the Throne Speech and in the Minister's remarks to the House yesterday, indications were of a positive note that all is well in Human Resources. I would inquire, specifically then, if the Minister can report whether the discontent in the Field Services Unit of her Department is now eliminated or at least being improved.

Hon. Mrs. McCall: Yes, Mr. Speaker. What particular problem has the Honourable Member in mind?

Mr. Byblow: Mr. Speaker, I believe the Minister is being naturally evasive. The discontent that came to the surface last year, which was debated at length in the House and publicized, dealt with a number of resignations from the outlying areas, exposes within those resignations by the Field Workers of general malaise in philosophy and policy and programs of the co-ordinated delivery of services. The list goes on. I would inquire whether the Minister, then, is attending to these and can report that progress is satisfactory.

Hon. Mrs. McCall: Mr. Speaker, the Department of Human Resources has established a debt-counselling program as adjunct to services already being provided in Faro. This is a very specialized and time-consuming program, one for which, I have no doubt, there is a need in Faro. As part of their corporate responsibility and as a service to their employees, Cyprus Anvil might be the more logical body to contact and open discussions regarding establishment of a credit-counselling agency. You have recently had a replacement in Faro in answer to your question from last Session.

Mr. Speaker: Order please, kindly address the Chair.

Mr. Byblow: I did not raise the question with respect to Faro, Mr. Speaker. However, to finally supplement the question, in House debates of last Session, the Minister indicated that a full report of her Department's assessment and involvement, specifically between Crossroads and her Alcohol and Drug Services Branch, would be forthcoming. This report was to have been completed in January. Very specifically, will this report be forthcoming?

Hon. Mrs. McCall: Mr. Speaker, as the Honourable Member knows, the Social Services member is now employed by Cyprus Anvil and those two services are working hand in hand, as far as I know, and if that is not correct then I will take it under advisement.

Question Re: Kotaneelee Gas Plant

Mrs. McGuire: Mr. Speaker, I have a question for the Government Leader concerning the Kotaneelee Gas Fields. Has the Territorial Government had any consultation with the Federal Government dealing with an agreement allowing the Federal Government to siphon off Yukon gas and, if so, what do we have in returns?

Hon. Mr. Pearson: Mr. Speaker, I must sincerely thank the Honourable Member for the question. Mr. Speaker, that gas is found and produced in Yukon, but the Honourable Member, in her question, made a horrible mistake. It is not, in fact, Yukon's gas at all. That gas belongs to the Government of Canada. Until we have control and ownership of our non-renewable resources, that will be a fact of life.

Now, Mr. Speaker, we are viewing that particular development with a considerable amount of excitement in this Government because we feel that with the advent of a northern pipeline, there is a strong possibility that, in fact, we could be using Yukon produced gas for our own energy consumption in this Territory, a step I would suggest would be a major one forward again for us.

To answer the question directly though, Mr. Speaker, no, we have absolutely nothing to say or do about that. It is a Federal Government development, they get the royalties, they make the money and we sit by and watch it go.

Mrs. McGuire: Mr. Speaker, a supplementary: as the Yukon Government and the Yukon Indians are negotiating for Yukon lands and its contents, should not this Government be taking more positive steps now?

Hon. Mr. Pearson: Mr. Speaker, I am starting to get confused from what I am hearing from the Honourable Member of Kluane and her Leader of her Party in respect to where we should be going on non-renewable resources. I would very much like to hear at least a joined front from that point if they are going to give us advice as to whether we should be going after non-renewable resources or should we not be going after them.

Mr. MacKay: I have a question, not an answer, Mr. Speaker.

The question arises, supplementary to previous questions with respect to the prospect held out by the Government Leader that Yukon gas may, indeed, flow into Yukon homes. As I understand the gas pipeline is flowing south, the gas field is in the south. I wonder how they propose to get this gas to the north?

Hon. Mr. Pearson: Mr. Speaker, it is done by the normal means of gas distribution. Gas is taken out of the line here. It might be Prudhoe Bay gas. I would guess that it would be Prudhoe Bay gas, if it was north of the Kotaneelee Field. Gas is put back into the pipe at that point in time.

Question re: Mine Safety Regulations

Mr. Penikett: Mr. Speaker, I hate to change the subject, but I have a question for the Minister of Consumer and Corporate Affairs.

Mr. Speaker, the former Minister of Consumer and Corporate undertook to look at changing the Mine Safety Regulations following a fatal accident at Whitehorse Copper last year. Since then, some new regulations have been brought in, but I would like to ask the Minister if it is the intention, in the near future, to bring in any addition Mine Safety Regulations?

Hon. Mr. Graham: Mr. Speaker, this is but one of a number of ordinances that we are currently in the process of reviewing, along with several other related ordinances. I would hope that we will be able to bring in something new in the fall, but, if we do not, I assure the Honourable Member that it will be in the spring of 1981.

Mr. Penikett: Mr. Speaker, the former Minister, a former miner, undertook in this House to consider making mining a designated trade. I would like to ask, Mr. Speaker, whether the Minister has accepted or rejected this safety-related concept as a basis for future legislation?

Hon. Mr. Graham: Mr. Speaker, when we bring in this new legislation, either in the fall or in the spring of 1981, I am sure that these

policies will become very evident to the Member opposite.

Mr. Penikett: Mr. Speaker, at the same time the former Minister promised to examine the possibility of enshrining, as a worker's right, the basic right to refuse unsafe work, which is the principle of legislation in other parts of the country. Is the Minister prepared to make a statement on this policy at this time?

Hon. Mr. Graham: Mr. Speaker, as I have already said, when we bring in our new ordinance, all of these policies will become very clear to the Member opposite. I only hope that, if these policies are enshrined in legislation, the Honourable Member opposite will support them with the same amount of vigour.

Mr. Speaker: There appear to be no further questions. We will proceed to the Order Paper.

ORDERS OF THE DAY

Mr. Speaker: Replies to the Speech from the Throne, adjourned debate.

ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE

Hon. Mr. Lang: Mr. Speaker, over the last number of days we have heard some replies to the Speech from the Throne from the Members opposite. I can only comment that if I was that pessimistic about the future of Yukon, there would be one choice and that would probably be through CP Air which goes south on a daily basis.

I think there are a lot of positive things that have happened over the course of the last year. I take a look, Mr. Speaker, at the implementation of a preferential policy for Public Works, which is there to support our contractors on certain Public Works projects.

I see the implementation of a three-year lease agreement for tanker trailers, which is there for our trucking fraternity to utilize and be able to have some security for the future in respect to the major investment that one now makes for a truck.

Also, Mr. Speaker, I think that one has to see the sound financial management of the Government, which the Members opposite, and I am surprised that the Leader of the Official Opposition did not comment on, due to the fact that he is an accountant. We have suffered some major financial blows in the past year, but we have managed to remain solvent, which we can say, in comparison to some other areas of Canada, we are much better off.

Mr. Speaker, there has been some discussion in the House with respect to work for our citizens, and I think one only has to review the capital projects that were brought down last fall by our Government.

You see the emphasis on the social infrastructure throughout the Territory. We have education facilities that will be on parity across the Territory. One only has to look at Pelly Crossing, Carmacks, the advent of a new school in Porter Creek, Faro, all these other aspects, Mr. Speaker.

I am proud to say that I am part of a Government that sees education as a priority and we are trying to meet that through the physical plants that have to be constructed throughout the Territory.

At the same time, we see a major infusion of capital financing into our highway upgrading. The Klondike Highway, Boundary Road, the upgrading of the South Canal Highway, all these are major consequences translating into jobs for the people of the Yukon Territory.

At the same time I would be remiss, Mr. Speaker, in not mentioning the advent of the Porter Creek access road which all Members agreed should be done. I think we have done it in a very responsible manner and it will be a project that both people will learn something from and at the same time provide some direct employment for small contractors and sub-contractors.

Over the past year, Mr. Speaker, there is one aspect that has come up, and that is the Tourism Subsidiary Agreement which I believe my colleague, the Minister of Tourism and Economic Development, should get a lot of credit for. It is one of the best agreements in Canada, 85/15 per cent split, and it is one that I think will be very advantageous for our tourist industry and in turn, for the citizens of the Yukon Territory.

At the same time, we have seen the Capital Assistance Program carry on. I must say, Mr. Speaker, I want to look back a couple of weeks ago, where I had the opportunity of going to the community of Haines Junction for the dedication of the curling club. We are in a situation now over the past ten years that we have upgraded our social infrastructure, our facilities, in such a manner that they

compare very well to those that we have in Whitehorse. In fact, they are to the point now that we in Whitehorse are looking at some of the rural communities saying, "Look, they have that. Why do we not have it as well?". It is a far cry from what the situation was some ten years ago.

Mr. Speaker, I would like to go back somewhat and I think that it should be highlighted, the Minister of Renewable Resources referred to it the day before yesterday and that is in respect to the actions of the Leader of the Official Opposition. I think it should be highlighted and I think it is something that all Members should look at. That is in respect to the actions that were taking place during the last Session and the Wildlife Ordinance.

You will recall over the course of the discussion of that particular Bill, which gives the Members of this Legislature the right to make the laws over our one renewable resource that we have control over, wildlife, that the Leader of the Opposition did not oppose that Bill on third reading. In fact, all indications were that he supported the principles that were to be enshrined in the particular Ordinance.

He then proceeded, Mr. Speaker, to write to the representative of the Government of Canada and ask that Royal Assent not be given, due to the COPE Claim.

Well, Mr. Speaker, I think that the Member, unintentionally, I will give him the benefit of the doubt, subverted the will of this House. I think that he should apologize to all Members and, in turn, the public of Yukon Territory for his actions.

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

Mr. Speaker: Order, please.

Mr. MacKay: Mr. Speaker, on a point of personal privilege: the Minister is completely erroneous in saying that I asked the Administrator of Yukon not to approve that Bill.

Mr. Speaker: I cannot really find a point of privilege here.

Mr. MacKay: Well, I think he should withdraw the remark—

Mr. Speaker: Order, please.

Mr. MacKay: —if he cannot support it.

Mr. Speaker: Order, please. On a point of privilege, the Chair cannot find a point of privilege and, once again, we find a situation where two Members are at difference over what may be a point of fact. So, I cannot find a point of privilege.

Hon. Mr. Lang: Mr. Speaker, it is unfortunate that I do not have a copy of the letter. The Honourable Member did not take the opportunity to send a copy of the letter to Members of this House.

Further, Mr. Speaker, in the reply that was given by the chief spokesman for the local Liberal Party, he stated that the Progressive Conservative Party ran on a platform, "Federal Government go home".

Mr. Speaker, I would say to this House that this totally misrepresents what the last election was about. The last election was the fact that areas that we have responsibility in, the responsibility that is vested with is Legislature, the decision should be made here, not by the Government of Canada.

We recognize that we are part of Canada but, at the same time, we recognize areas where we have responsibility they should not be involved in and vice versa. In areas of mutual concern, we should be co-operating and attempting to resolve the problems that confront the people of the Yukon Territory, no matter what our political persuasion is.

I think a fine example in respect to working with the Government of Canada is highlighted with the Tourist Subsidiary Agreement that I referred to earlier. That was worked out in co-operation with the Government of Canada and we have got a Tourist Subsidiary Agreement that is going to serve all of the people of the Yukon Territory.

One aspect that I must take exception to, and that is the allegation that this side of the floor does not support the mining industry. I cannot accept that statement because it is incorrect. One only has to examine our highway upgrading program that we have within the Department of Public Works. That is there for the public as well as the mining industry and, in turn, we all benefit.

One only has to look back approximately six months and one sees the work that the Territorial Government did for the reconstruction of the Ross River Bridge. We did take action, Mr. Speaker, and that was to the benefit of the people of Ross River and as well, the mining industry that need that particular bridge so that they can carry on their exploration work during the course of the summer months.

Also, at the same time, Mr. Speaker, we made a major increase

over the last summer to the Tote Road Trail Assistance Program. This is to aid our small miners in attempting to explore for minerals and hopefully, in many of these cases, we will see the outcome of a mine which will supply jobs to the people of the Yukon Territory.

Mr. Speaker, I am sure that the Member from Faro will agree, this Government is working very closely with the Municipality of Faro and are attempting to resolve their problems that they have which is largely attributed to a major increase in the mining that is taking place in that area.

At the same time, Mr. Speaker, the Department of Public Works is co-operating with the mining fraternity where they want roads open earlier than normal due to the increased activity in the mining industry. We are prepared to do it if we possibly can.

One aspect that I would like to point out that the Leader of the Opposition has said that we, the Members on this side of the floor, do not feel that the Federal Government should be involved with the resolution of the White Pass Railroad problem.

Well, Mr. Speaker, I think it is fair to say that if one looks across this nation, the Government of Canada does have a responsibility for railroads and the only one that I know that they do not, either directly or indirectly, grant financial assistance to is the one in B.C. and that is because the Province does not wish them to participate. The Government of Canada does have a responsibility and they have more of a responsibility in this particular case than most others, because we are looking, not only at a railroad, but at an international railroad and those do have some implications.

I refer to the reply that was made by the Member of the NDP, or the chief spokesman of the NDP. I think he was very sincere when he was stating that he would like to see more programs within the Government of the Yukon Territory, but I should point out that neither Member, the Leader of the Official Opposition of the Liberal Party or the official spokesman of the NDP, during their dissertation once mentioned the taxpayer.

Now, I would just like to say, Mr. Speaker, that on this side of the floor, we do recognize the taxpayer, we do know who pays the bill, we do not look at them as a necessary evil that we have to confront every fourth year. We look at the taxpayers' dollars and we try to look at it with responsible financial management, and at the same time, Mr. Speaker, just as importantly, that we have our social aspirations but at the same time we work within the finances that we can live with.

I think that is a very important aspect, Mr. Speaker, that the Members opposite should address when they are going through the forthcoming budget. If they are asking for more things, okay, fine, but tell us where we are supposed to find the dollars, because we are all Members in this House.

Mr. Speaker, I would like to look into the future of the Yukon Territory. As I stated in my opening remarks, regarding the gloom and doom that was being propagated by the Members opposite, most people in Yukon, if they believed it would probably have left the following day.

But one only has to look at the interest in the mining industry. For example, we have something in the area of \$5 million to \$6 million worth of heavy equipment being brought into the Territory, largely due to the price of gold, as well as the increased value of base metals.

At the same time, we have the beginning of the pipeline, the survey is underway, which will provide some jobs for people of Yukon. We have the Shawkak Valley Project and a number of other things going on that we will be well assured that this year is going to be a good year for our residents of the Territory.

But I think that if one looks at the overall in Yukon, if we look at it from the national context, I think it is important that we recognize that anything of any major consequence that has happened in the Territory has either been a direct or indirect United States initiative.

One only has to look at the Dew Line, one only has to look at the Alaska Highway Pipeline, some of our mines are indirectly or directly financed through the investors of the United States. I think that it is time that the Government of Canada looks at Yukon and look at the North. What it has to ask itself is: is the future of Canada in the North?

I believe it is. I believe that the future of Canada, in large parts, is going to depend on the developments that take place in the North with the resources that we have available. I, for one, am prepared to share it with our fellow Canadians, as long as we have some part in it.

But, this is the question that has to be addressed, Mr. Speaker, by the Government of Canada on this particular matter, because I

honestly believe that--

Mr. Speaker: Order, please.

Hon. Mr. Lang: ...the previous government--

Mr. Speaker: Order, please.

Mr. Penikett: Mr. Speaker, I wonder if the Member would permit a question?

Hon. Mr. Lang: Mr. Speaker, I will try not to interrupt him when he has his turn to speak on some other topic.

But getting back to what I was saying, Mr. Speaker, the Government of Canada is going to have to make a conscious commitment as to whether or not it sees the North as a valuable part of Canada or whether or not we are going to see a benign neglect that we saw prior to the fall of the last government. What I mean by that, Mr. Speaker, the last Liberal Government.

The Government of Canada, if it sees the North and the future of the North being interwoven with the rest of Canada, there is going to have to be major capital expenditures to get the infrastructure in place so those developments can take place, namely, the extension of the railroad and, secondly, and hand-in-hand, I might add, the construction of a major hydro project.

But these are all questions that the Government of Canada has to address and, if it does not, then I think it is going to be to the detriment of the people of the Yukon Territory, but, just as importantly, to the people of Canada.

Thank you very much.

Mrs. McGuire: Thank you, Mr. Speaker. I am afraid that I must disagree with some of things that Mr. Lang was saying on this Government's rapid progress. It has never ceased to amaze me how this Government could make such snails' pace progress in implementing all the things that make up a responsible Government. Thus far all Yukon has received are promises and thousands of dollars worth of surveys and studies. We have been studied to death and now is the time for action, or else.

Mr. Speaker, on Monday, a Progressive Conservative Backbencher in his reply to the Throne Speech said, "This Government can only do so much". He should have said, "so little". This person also said "We did not promise you the moon". I beg to argue with this person on that statement. During the last Federal Election the Progressive Conservative candidate did exactly that. He promised the moon with sauce on it, yet.

This brings up the subject of the proposed new Health Centre for Haines Junction. Mr. Speaker, where is it? It was announced by a Mr. Nielsen during election that the funding was in his back pocket, but what he neglected to mention was that the funds needed further approval from a presiding Government. At that particular time, there was no presiding Government. There certainly should be a law against giving false information during an election campaign.

Mr. Speaker, on the same subject of health, regarding the controversial Federal Health Plan Transfer, I will say at this point that I am very much in favour of the transfer as I can foresee many great improvements, extra benefits, should the transfer take place. For example, quick replacements and local on-the-job training, and not relying on the Feds to send us, in their own good time, outside transients to do the jobs that should be ours.

What I am curious about on this issue is that during the reign of the Clark Government, only one statement was made on this subject, and that was no transfer until after Land Claims. Now that the Liberals are back in power the transfer becomes the first item on the agenda again. It is quite clear in my mind that the Minister of Northern Affairs does not know about this very clever thinking on your part, if you trip on your mistakes, you can always blame it on the Liberals.

Mr. Speaker: Order please, would the Honourable Member kindly address her remarks to the Chair.

Mrs. McGuire: Sorry, Mr. Speaker. And now onto different issues, Mr. Speaker, land and living accommodations.

This Government said that it is aware of the needs of our citizens and would not cause them undue suffering. Not so. For instance, are you aware that the majority of the people are poor and I say poor as compared to the rest of Canada?

Mr. Speaker, on first observation, they may look rich but the truth of it is that the majority owe their souls to the bank, the finance companies, and to the Territorial Government for taxes. There has never been a levelling off point in the history of the Yukon, an equalization between income and living expenses.

For instance, in Haines Junction, we have no land and the Territorial Government gave us land but at what price, an average of \$8100 for a tiny plot of land. This price is probably justified where

you set up a \$35,000 sub-standard, not-fit-for-the-North house trailer, which would deteriorate to the point of replacement within ten years.

Mr. Speaker, every month we receive copies of studies, surveys, which I am sure must cost this Government hundreds of dollars to print. What are they for and what do you do with the accumulation of information? To my knowledge, no inflation-preventive measures have been taken, no control has been imposed on rent, food, and other costs of living prices.

I have heard it time and time again from this Government that it owes the Yukon people nothing. Well, I say you do owe them something for not doing your job, for not offering some restraints on the escalating costs of everyday living.

Mr. Speaker, this Government may be thinking about it, but the fact remains that you are not doing anything about it. You could perhaps, start, by offering....

Mr. Speaker: Order please. I wonder if the Honorable Member would kindly address her remarks to the Chair. It would appear to the Recorders that I am being accused of things that I am sure the Honorable Member did not intend.

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

This Government could start, perhaps, by offering subsidization on the lots at Haines Junction, and Destruction Bay, although I doubt this offer would be taken at Destruction Bay. No Government employee in his right mind would buy a lot and build a \$50,000 home there; therefore, Mr. Speaker, replacements of new housing for YTG employees should take place immediately. You can call it a positive step towards heat and energy conservation.

Mr. Speaker, as for services, any person who owns a piece of Yukon land pays taxes on it and in return for their tax dollars they receive some form of services. It is the Government's responsibility to see that these services are carried out, be it Federal or Territorial land. People living in outlying areas should not be subjected to getting down on their knees to beg a YTG employee for a service that they are entitled to. During the winter, one of the worst hazards of country living is being snowed in. Many accidents could happen. Without the aid of plowed roads to reach help, some accidents can be fatal. Rest assured, should this ever happen in my constituency, some Government is going to court for negligence.

Mr. Speaker, taxpaying lodge operators should also be entitled to snow-plow services as they do contribute in return by offering services that keep the tourists coming back to this country, which I might add, make up a great part of our economy.

Mr. Speaker, in the future land planning use of East Kluane, I was hoping that a public information meeting would soon get underway to quickly dispel the fears that people living in this area have, the fear of witnessing the plan of a massive territorial park. In the minds of most people, when a government comes into an area to examine each plant, rock or animal, it can mean only on thing.

Mr. Speaker, on a lighter note, I was very pleased to hear that we may have a revised Municipal Ordinance in the near future. Hopefully, it will contain some alterations that will give the elected people who sit as trustees more direction and authority, which will, in turn, give them the initiative to carry out a very important job in the community.

That is where our problem lies now. L.I.D. trustees sit now without the authority to make decisions on any community issue without first getting the nod from Whitehorse. People without importance and without authority soon lose the initiative to carry out their entrusted duties.

Mr. Speaker, I am also pleased to hear of the proposed plans of the mobile units for education. This has been a long time in coming. I recognize the plan from at least five years ago, when it was a pet project of Margaret Thomson of Ross River. She, at that time, vigorously lobbied for two years the Department of Manpower to put this project into action, but, at that time, it was totally rejected. I am sure she will be very happy to hear about this.

Mr. Speaker, I will not be going into the subject of Land Claims, other than to say that I have been receiving some very good vibes from this Government and from the CYI, which leads me to believe that we may be very close to bridging the gap. Hopefully, we can continue on in this direction without any major mishaps.

Mr. Speaker, if I have offended anybody in this House today with a short speech, I apologize, but I can only say it like it is, without the gracious and sophisticated flourish of other speakers.

Since foreign languages seem to fad in this House, I will end with these words: Augul ua quogin. Mr. Speaker, I will translate what I said, "Get the lead out, white man."

Thank you, Mr. Speaker.

Hon. Mr. Graham: Mr. Speaker, after the previous speaker I am not certain whether I am supposed to be responding to the Federal Throne Speech or the Territorial Throne Speech, so I will reply to the Territorial Throne Speech and we will go from there.

I will be following the traditional route in my reply.

I will outline first of all some of the concerns of my constituents and a few of their wishes for the future. But I also reserve my final few comments to reply to some of the statements made Opposition Members in this Legislature.

First of all, Mr. Speaker, one of my prime objectives when I was elected to this Legislature, the construction of the alternate access road through Whitehorse North and Whitehorse West to Porter Creek, has begun. I look forward to driving on that road, Mr. Speaker, before the end of this term.

Speaking of roads, Mr. Speaker, I also welcome this opportunity to reassure the residents of Porter Creek, Crestview and the MacKenzie Trailer Court that I am working with the Minister of Highways and Public Works, my colleague at the end, in an effort to add a third lane to the Alaska Highway, at various places in our area, to increase not only the ease of entering, but also the safety of exiting the Alaska Highway, and entering the traffic stream on the Alaska Highway.

Mr. Speaker, I am also extremely proud to have been a part of the Government which has worked so closely with the school committee and the residents of Porter Creek in planning the construction of a new junior high school in that area. This co-operation with the residents of that area is in keeping with this Government's policy of working with residents of all Yukon communities in planning and developing facilities in their area. It is our intention, Mr. Speaker, to continue working with community groups to make the best possible use of all of our tax dollars.

My constituents, while enjoying a few of the benefits of Government spending, are at the same time realists. They realize that Government cannot be all things to all people and, in fact, they do not want us to be. They know that every dollar that this Government spends has to come from taxpayers somewhere. They know, unlike a few Opposition Members, that this Government does not have a money tree in the parking lot out there that we can go to when we need more cash.

Most of all, Mr. Speaker, they are not willing to mortgage their future and their children's futures, by running up huge deficits for the present, short-term gains, because they do know that sooner or later, someone in this Territory, Mr. Speaker, will have to pay the debt.

This brings me to the point in my reply, Mr. Speaker, when I feel I should sum up some of the confusing and sometimes very contradictory statements attributed to the Leader of the Opposition. I find myself in the position of replying only to the Opposition Member's statements, because I have a difficulty, I have a great deal of difficulty, in fact, deciding what Party he actually represents and if, in fact, he represents only one spectrum of the Party and some other Members that are attributed to the same Party represent another spectrum. It is never quite too clear, Mr. Speaker.

The honourable gentleman whom I speak about anyway, tells us in one breath that we are not doing enough to settle the Land Claims issue. He says, in fact, that we are actually hindering a quick settlement of the Land Claims with our talk of pursuing the health transfer and pursuing the reasonable economic development of the Territory.

But then after these fine sentiments have been expressed, he then tells us that if he, in fact, were a Leader of a Liberal Government here in the Territory, he would purchase the White Pass and Yukon Railway, then he would extend that railway to Faro, the Selwyn Basin, without any thought of Land Claims whatsoever. I am certain that such an extension, Mr. Speaker, would pass through a great deal of land that the CYI claims. But that does not seem to affect my friends opposite. If it is something that a Liberal Government would want, it would make it all right.

I would attempt to wind up my reply, Mr. Speaker, with the observation that if my honourable friend on the other side were ever in the position of forming a government in Yukon, with his ideas of deficit budgeting, which is just a polite way of saying that you spend more money than you earn, and his ideas about economic development, which actually consists of government taking over businesses and very little else, he would accumulate, for Yukon, a higher per person debt, much higher, in fact, than his friend in Ottawa, Pierre Elliot Trudeau, has managed to accumulate for all Canadians. He would not only accumulate this huge debt

for all the people in Yukon, he would also accumulate it much, much quicker than his friend in Ottawa has managed to do.

Mr. Speaker, in conclusion, it has been, indeed, a great pleasure for me to represent the people of Porter Creek West over the past one and a half years and I look forward to bringing their concerns to this Legislature over the next couple of years.

Thank you, Mr. Speaker.

Hon. Mr. Pearson: Mr. Speaker, I rise now with the intention of closing off debate on this motion and intend to call question on the motion when I am finished speaking.

Mr. Speaker, we have had a couple of eloquent recaps of a majority of the replies to the Speech from the Throne this afternoon. I do not think that I will say it all over again, but I do feel that I should attempt to clarify, for everyone's benefit, exactly where this Government is and has been in respect to the health transfer, which would seem from the remarks made by the Honourable Members opposite about to become some kind of a political football. Mr. Speaker, I very much do not want it to be a political football.

Now, Mr. Speaker, the Government of Yukon Territory approached the Government of Canada a number of years ago, quite a substantial number of years ago, in respect to the transfer of the delivery of health services from the Federal Department of Northern Health to this Government. It is a provincial type service that is handled by provinces in other jurisdictions.

A tremendous amount of work went into that transfer. It got to the point, Mr. Speaker, where the then Minister of Health, in the former Liberal Government, had, in fact, signed the necessary documentation to affect that transfer. It was then up to the then Minister of Indian Affairs and Northern Development to sign the necessary documentation to ensure that it would go through Cabinet and be acted upon.

There were objections raised, Mr. Speaker, and I am very open-minded on this, possibly valid objections raised by the CYI that they were concerned about where their health cares were going to be looked after. The business of whether, in fact, this Government would be the purveyor of the health care, under the Indian Act, was not directly addressed. I feel, Mr. Speaker, in retrospect, that that was a legitimate question at that time.

The transfer was then held up by the election. A new Government came into place. Mr. Speaker, there was a new Minister of Health and a new Minister of Indian Affairs and Northern Development.

This Government, along with all of the other things that they consider to be priority items, set this matter before that Government and were told that it would be dealt with in the normal course of events and, Mr. Speaker, it was. It had no higher priority than it has now. It had no lower priority than it has now.

It was one of the things that we wanted to see done. Because, Mr. Speaker, that Government happened to be of the same political persuasion as this Government, the Opposition is implying that it should have happened overnight. Mr. Speaker, that is not so. We did not expect it to happen overnight, like we do not expect it to happen overnight now.

It is a serious matter, it must be considered, but, Mr. Speaker, the transfer of that delivery service is a provincial responsibility that we, in Yukon, should have. The Honourable Member from Kluane indicated very clearly that until we get that transfer we are continually under the gun with the Northern Health Services in respect to the delivery of health care to the people of this Territory.

We, Mr. Speaker, have no input, none, into what kind of health care is going to be delivered in this Territory. Not only that, Mr. Speaker, but we end up paying 70 per cent of the cost and we do not have any input into what those costs will be. We are informed each year, this is our budget, here is your 70 per cent.

Now, it is an untenable situation as far as were concerned. If we are going to be a responsible Government, we want to be responsible, we want to be answerable to the people and, Mr. Speaker, we cannot be nor will we ever be answerable to the people of this Territory for the delivery of health services until that function is transferred to this Government.

Now, the Leader of the Opposition criticized us for not mentioning the White Pass and Yukon Railroad problem in the Throne Speech. Mr. Speaker, this is a problem that has been at the forefront in excess of one year now. It was a subject of a large amount of debate in the last Session. It will be a subject of a large amount of debate in the future and, Mr. Speaker, I did not think that a subject of such current nature should be a part of the Throne Speech.

If it would have made the Leader of the Opposition feel better, I guess we could have mentioned it as being a concern, but, Mr. Speaker, surely we do not have to tell anyone any longer that this is

a concern, and a very serious one, with us.

We are very hopeful that there will be an early resolution of this problem, because, Mr. Speaker, not only do the people of the Territory need that early resolution but I submit to you the White Pass and Yukon Route needs that early solution as well. It cannot continue to function under the situation the way it is at the present time.

The CTC Report, although we disagreed with a number of things in it, I think, is very clear in stating that whatever was going to be done had to be done quickly. Mr. Speaker, I solicit the advice and the help of all Members of this House in ensuring that we do whatever we can to make sure that that railway keeps running.

Once again, Mr. Speaker, we have heard the words from the Leader of the Opposition, "provincial status". Mr. Speaker, we have not talked about provincial status. It is some sort of pie in the sky thing — he seems to have a phobia about provincial status.

The Throne Speech did not mention provincial status and we are not making any overt moves towards provincial status, but the Leader of the Opposition really seems to have some kind of deep fear that we are suddenly one morning going to wake up with provincial status.

Mr. Speaker, it is not going to happen. Let me tell you, we probably are further from it now than we were six months ago. I do not know, Mr. Speaker, whether that is good or bad. From his perception, it may be good; from mine, it is not. That just happens to be a fact of life and I guess that is why he is on one side of the House and I am on the other.

Mr. Speaker, I felt that the Member for Whitehorse West looked at the Throne Speech in a much more objective manner and, for that, I compliment him. I appreciate the fact that he did look at it objectively. He raised some valid concerns, again, concerns that we have, but, Mr. Speaker, concerns that we cannot address at this particular point in time. We are very hopeful that we will be able to address them and address them positively in the very near future.

I would like to assure him that we are aware of the dangers, the mitigating effects that a pipeline might have on renters in this Territory and it is something that we are very hopeful that we will be able to deal with, and deal with positively, at an appropriate time.

I also want to assure him that we are very well aware of the need for a swimming pool in Whitehorse. However, that is a direct problem of the municipality, but one that I am confident every Member of this House would be prepared to assist this municipality with. I certainly hope so.

Mr. Speaker, he mentioned that our social program seems to be in pretty good shape, but that groups that are receiving aid should receive more. Now, Mr. Speaker, as will become evident tonight, that is not possible because there is just not more to give.

The fact that money and funds are hard come by these days is a real one, not only federally but territorially, and I am confident, also, it will be municipally. We just do not have funds to be able to give more. We are trying very, very hard to maintain the status quo. I will have more to say about that tonight, Mr. Speaker.

The Honourable Member for Kluane, in her reply, seemed to take us to task, on the one hand, for things that we have not done and then is taking us to task for things that we are doing. Mr. Speaker, I really, sincerely did have a hard time determining whether, in fact, she is going to vote in favour of this motion or whether she is going to vote against it.

I would like, in winding up, Mr. Speaker, to thank very much all Members of the House for their replies. It is helpful to us, as a Government, to have this kind of input, which I feel is very, very important, and it does help us in outlining our course of action for the future.

Thank you kindly.

Motion agreed to

Hon. Mr. Pearson: Mr. Speaker, I move that the Address in Reply to the Speech from the Throne be engrossed and be presented to the Administrator, in his role as Lieutenant-Governor.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Minister of Education, that the Address in Reply to the Speech from the Throne be engrossed and presented to the Administrator, in his role as Lieutenant-Governor.

Motion agreed to

Mr. Speaker: We will now proceed on the Order Paper to Public Bills and Orders other than Government Bills and Orders.

PUBLIC BILLS

Mr. Clerk: Second reading, Bill Number 101, standing in the name of Mr. Penikett.

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

Mr. Penikett: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

We will now proceed to Government Motions.

MOTIONS

Mr. Clerk: Item Number 2, standing in the name of the Honourable Mr. Pearson.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 2 at this time?

Hon. Mr. Pearson: Yes, Mr. Speaker.

Motion Number 3

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Education, THAT this House recommends to the Minister of Indian Affairs and Northern Development the appointment of Mrs. Hilda Watson to the Northern Canada Power Commission.

Hon. Mr. Pearson: Mr. Speaker, as all Members of the House are aware, the Northern Canada Power Commission Act calls for a recommendation from the Commissioner-in-Council for an appointment to the Board.

Our former member, Mr. Peter Jenkins, did resign and we have been, just about since the last Session of the Legislature, without a member on what I consider to be this very, very important Board. The only way that this Government can make a recommendation is through a motion of the House. I do not think that I have to go into any detail of the qualifications, the dedication of Mrs. Watson for such an appointment.

Mr. MacKay: Mr. Speaker, I have quite mixed feelings about this appointment and it is difficult to express them without appearing to attack an individual who has served for a long time in this House.

I am not going to attack her because I think she is an able person and she has shown a lot of work towards Yukon over the years that she has been a Member of this House. She was quite instrumental, I think, in forming the Party that sits opposite us here today. She was, of course, active for many years in the Liberal Party, as well, so we know her talents—well, along with some of the other Honourable Members opposite. She will no doubt see the light of day again.

My problem with the appointment is this, though, that when you appoint somebody to a board which is to look after the interests of Yukon and Yukoners, it affects the interests of many, many Yukoners personally, right in the pocketbook where they may, in fact, have a complaint, have a beef they want to have taken up at the board level, that when you appoint somebody who is as highly partisan and identified with one particular political party, you may, in fact, be disenfranchising or cutting off a large number of people in Yukon who may not feel comfortable dealing with that individual.

This is no personal thing against Mrs. Watson. It could be anybody else who has been as prominent in a political party as she, being appointed to this position.

So, I have some difficulty endorsing that kind of individual for this kind of position and I think it is too bad that when these motions come to the House, that they have to be opposed, but I reluctantly do so on the basis that I think that this kind of position should be reserved for someone who is approachable to all of the Yukoners and not somebody who is so closely identified, indeed the former Leader of a political party.

Hon. Mr. Lang: Mr. Speaker, I cannot accept the arguments put forward from the Members opposite. I do find it distasteful that we have to bring resolutions forward because of Federal Legislation for certain appointments. I think that that should be a prerogative of the Government and decisions that are made then can be questioned before this House. But I do not accept the premise that the individual in question, for that matter, the Chairman of the Board, cannot be approached if there is a problem with the Northern Canada Power Commission.

Mr. Speaker, I think that the Member opposite is attempting to find a way to oppose this and perhaps what he feels is in a gentlemanly way, but I think that he might as well be honest. I think, Mr. Speaker, with my experience of working with the individual in

question, she has been approachable by anyone, no matter what their political persuasion, prepared to listen to reason and subsequently make decisions.

I think this Board is a very important Board because decisions have to be made, but they have to be made in doing their homework. I do not think any Member of this House who is acquainted with the individual involved will ever question the question that Mrs. Watson does not do her homework. She will do her homework and I am sure, Mr. Speaker, make her decisions in the best interest of everyone in the Yukon Territory and I would like to see it fit that the Member Opposite voted for this resolution because the individual involved, as he has already said, is very capable, very able and will put the time in that is needed in such an appointment as this kind.

Mr. Penikett: Mr. Speaker, I want to say a couple of words about this nomination. For myself, I must tell you quite frankly and directly, that I would have preferred someone in this period when we are going to be dealing with so many serious energy problems, someone who had a record and demonstrated background in energy conservation. I might have preferred someone who was, in my point of view, clearly established as a consumer advocate. In my opinion, the former Leader of the Conservative Party is neither of those things. She is a great many other things and I think she has enormous and obvious qualities which I think were clearly revealed during her time in this House.

I think it is an interesting thing about this appointment that unlike many other Boards that I can think of, this is one that it is still possible to contain active politicians. I note that the Mayor and MLA for Hay River are still involved in the Board and it is possible for a person to maintain an active political career while being a member of this Board. That may suggest something about this particular appointment.

However, in fairness I think I would have to ask myself on a question like this, what would I do in this situation if I were heading the Government?

My initial prejudices, I must say, are somewhat muted when I ask myself that question. I asked myself, would I propose to the House a former Leader of my Party in the Territory for this position. Now, that is a very tough question for me, Mr. Speaker, because I happen to be the only living former Leader of my Party and I have to answer the question, in this particular case, no, but given some other prominent and temporarily retiring political figure in the Party, would I nominate them?

Well, I guess I would have to look at what I really wanted them for. I suppose, the political arguments would always be made that were looking for someone to protect the interests of the people of the Territory. And, surely to God, we hope that is going to be the case whenever we nominate anybody to anything.

I think there are probably some more practical considerations that have to be reviewed. This House has stated its hope that the assets of the Northern Canada Power Commission will want to be transferred to a Yukon Power Commission.

It is clear to me that you would need to have, if you were going to do that, someone to be the effective first Chairman of the Board of that corporation and it might be useful, when you are looking for someone to do that to have someone who has had some background on the Board of the previous corporation. That is something you might have in mind.

Unfortunately, I think, in terms of dealing with the problems of N.C.P.C., almost all the problems of N.C.P.C. are in the Act and they are not something you can deal with at Board level so I do not hold up much hope in that regard.

I want to say quite clearly that I have almost nothing philosophically in common with the former Member for Kluane, however, I do recognize her enormous qualities. I recognize her enormous service to her Parties and to the Legislature and Government of the Yukon and I want to say that I will not oppose this nomination. I do, in closing, want to say one thing, however, that I am sure Mrs. Watson would understand full well, were I ever to form a Government or participate in a Government that we might want to nominate someone else for the job.

Thank you, Mr. Speaker.

Mr. Fleming: I, too, will be not opposing this recommendation in any shape, way, or form. Having worked with the person, Mrs. Hilda Watson, and having two other Members that are in the House now, here, that also were here at that time, I think we all know that when there is a decision to be made, this person will make that decision and stand by it and will never back off because of, I hope, even political reasons.

I, myself, have some of the concerns that the two Honourable Members on this side of the table feel in the field of politics. I do not

think Mrs. Watson would feel bad if she was here and heard me say it, that if there is a Party in power and there is something that is going to be for the good of them or that person, they will get most of the appointments, it is just a natural thing in life. We expect that. I see nothing wrong with it. It is here and always will be.

I have found that, in working with Mrs. Watson, if she is on your side it is much better than if she is against you. I can assure you of that.

As I said, again, she definitely, I think, will do her job. As the Minister of Community Affairs said, she will do her homework because in any job she is put she does that very thing.

I will be supporting the motion largely.

Motion agreed to

Mr. Speaker: We will now proceed to Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Second reading, Bill Number 9, standing in the name of the Honourable Mr. Graham.

Bill Number 9: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Old Crow, that Bill Number 9 entitled Garnishee 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 Old Crow, that Bill Number 9 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, the word "garnishee" is a legal term to describe a method of collecting a debt by obtaining a court order, under which the creditor can collect his money from the third party, such as a bank, an employer, a government department, or such things.

He would obtain that money from the third party to pay a debt from a person who is obligated to pay the debt in the first place. The major difficulty with garnishee orders has always been that a court order is necessary for each installment collection and most people require a lawyer in order to make a garnishee application to the court. So, the resultant costs are quite high.

It ought to be possible, when the first application has been made, for a private person to be able to follow up the matter for himself, without having to pay a lawyer's fee for each individual collection. In the proposed Ordinance, Mr. Speaker, a continuing garnishee is possible.

This Ordinance will also work in conjunction with the Summary Convictions Ordinance, to collect fines due to the Government. Normally, these fines are extremely difficult to collect and the normal procedure in the past has been to put the accused in to jail in default of a fine. It is hoped that by applying garnishee proceedings to a fine collection, the number of defaulters will be reduced, consequently causing a reduction in the number of guests we presently entertain in the Whitehorse Correctional Institute.

Some of the major changes to the Garnishee Ordinance held in the proposed Ordinance are as follows: we have expanded the number of types of debts that can be garnished. Under the present Ordinance, all of the salary except \$300 of a garnisheed person may be seized. We are replacing this by a percentage amount so that a low wage earner can keep a high percentage of his salary for personal use, and the higher wage earner may keep only a low percentage for personal use.

Under this Ordinance also, a person may not be dismissed from his job solely because a garnishee order has been received by his employer.

We have also added protection to wage earners to guard against false claims which tie up their wages and we are also extending this protection to businessmen, who find that their working capital has been garnished and tied up wrongfully because of an unfounded claim against them.

Another area that we will aid business people in will be in the area of substitution of one security for another.

Due mostly, Mr. Speaker, to the fact that the Justice Department is dealing with a Minister who has a very limited knowledge and even less understanding of the law and technical legal terms, this Ordinance, and, in fact, many of the ordinances that we are considering in this Legislature, is being set out in reasonably clear, non-technical English.

I believe that this not only removes the shroud of technicality surrounding the law as it exists in Yukon, but it will allow more laymen to make use of this very simple procedure.

Thank you, Mr. Speaker.

Mr. MacKay: Mr. Speaker, I rise again to commend the Minister of Justice for his activities over the past few months in bringing forward these numerous Bills for consideration. I agree with him that the wording of the Bill is quite clear and readily understandable even to somebody who is not trained in the legal arts.

The intent of the Garnishee Ordinance is good. The major provision seems to me is the setting out of guidelines of just how much may be garnished from any particular individual because I have seen instances where garnishments have been applied leaving the debtor in such a state that he has no choice but to go bankrupt and the whole system falls apart at that point.

I think that this kind of garnishing, on a more humanistic basis, will permit people to be able to survive economically, even though they have got themselves into some difficulty in debt. So I will be looking forward to the detailed debate in Committee and in the meantime I will state that I will be supporting this Bill in principle in second reading.

Mr. Penikett: Mr. Speaker, some parts of this Bill sound positively socialistic and I am going to support it.

Motion agreed to

Mr. Speaker: May I have your further pleasure?

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

Motion agreed to

Mr. Speaker leaves Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call Committee to order and declare a recess. Recess

Mr. Chairman: I will call Committee to order. We will be considering Bill Number 34, the Executions Ordinance. When we left off last day, we were still on general debate with Clause 1. Before we start a clause by clause consideration of this Bill, is there any other general discussion?

Mr. MacKay: The Bill, which I have had an opportunity to examine, although I must say, at the speed at which we are attacking these things, leaves me somewhat breathless because the areas that we are treading in are new areas, particularly with respect to the Sheriff's Ordinance.

I can only hope that the Government, in fact, has consolidated all of the existing factors into one Ordinance, has not created a monster which they are going to have to revise quickly. Certainly from the reading of the Bill and from the clause by clause reading, I felt that it seemed fair, it seemed to give the sheriff fairly clear instructions as to what he can and cannot do with respect to seizing articles and executing orders. It also allowed the person whose goods are being seized, some appeal, some way of halting the march of law, if, in fact, he had a case.

There are a few things during the course of the Bill I would like to perhaps hear, that is with respect to what kind of qualifications the sheriff is required to have, whether there is any provision in the Bill anywhere with respect to possible conflicts of interest between the sheriff in his duties and the sheriff and any of his other roles he may wish to play.

For example, there seems to be no specific prohibition of the sheriff bidding on any particular item or any of his staff bidding on any particular item that was coming up for sale under a seizure. I think that somewhere that should be precluded so there cannot be any suspicion or even possibility of somebody else being able to take advantage of this Ordinance.

I have some questions, too, with respect to the amount of security that the judgment creditor may have to put up in order to have the sheriff act. I can appreciate that the sheriff may have to be protected against frivolous things, but it may well be that the creditor is in such a penurious condition that he is unable to raise the security in order to have the sheriff act, the whole process may wind down.

With respect to companies and the seizure of shares of companies, I think there are some areas that I have a little bit of difficulty with, where the provision for selling off the shares seems

to be a little bit loose and perhaps some reference to the way in which the company's Articles of Association read would be the first way in which you could sell the shares, rather than the law taking precedence over whatever that company may have within its own organization.

Usually shares sold for private companies are offered pro-rata to the existing shareholders by the constitution of the company. The Ordinance seems to leave that a little open and says that it may be offered to the shareholders but it does not say pro-rata.

In any event, other companies have different rules and we do not want to damage the interests of the remaining shareholders because one shareholder has got into trouble, so adhering to the constitution of the company should be the first way to sell it then after that, the various other remedies that are outlined in the Ordinance.

On the sale of personal property, there are some concerns that will be raised. I think, with respect to how do we be sure that a fair price is obtained for the sale of that property. The details of that consideration we can discuss when we get to the clause.

By and large, though, I think that what it is doing is, as the Minister said in his second reading speech, freeing-up the way in which the sheriff may proceed. He now knows what his legal limits are and what his legal liabilities are and I think that if this will expedite his work and at the same time protect the innocent bystander then this Ordinance will do its work.

Mr. Penikett: May I, Mr. Chairman, ask the Minister what may be a hypothetical question? In some way this is supplementary to the issue raised by Mr. MacKay. This is an appropriate time, I think, to raise this matter. Would it be, in the Minister's opinion, a conflict of interest were a sheriff also to be employed in some other occupation, let me give a specific example, merely a hypothetical case, in the Minister's opinion, would it be a conflict of interest for a sheriff to, say, hold a private detective's licence, and practise on the side in that profession?

Hon. Mr. Graham: He is right, Mr. Chairman, it is a hypothetical question and a question that we are considering at the present time.

Mr. Chairman: As there appears to be no further discussion, we will proceed with a clause by clause discussion.

On Clause 1

Clause 1 agreed to

On Clause 2(1)

Mr. MacKay: On the definition of "sheriff", perhaps this is an appropriate time to ask the Minister what kind of qualifications a sheriff should have.

Hon. Mr. Graham: Mr. Chairman, I do not have a job description here if that is what the Member opposite wants. As I understand it, the sheriff is normally a person with some background in law or administration of law or police work, investigative type work and he is hired by the Department of Justice and works under the direction of the court, actually, so I will get a job description of the Sheriff of Yukon.

Mr. MacKay: I would appreciate that.

Clause 2 agreed to

On Clause 3(1)

Clause 3(1) agreed to

On Clause 3(2)

Clause 3(2) agreed to

On Clause 3(3)

Clause 3(3) agreed to

On Clause 4(1)

Clause 4(1) agreed to

On Clause 4(2)

Clause 4(2) agreed to

On Clause 5(1)

Hon. Mr. Graham: This is one of the sections that I spoke about in my opening speech. This is the section, Section 5, that will give some protection to the sheriff in the event that he tells the judgment creditor that no property exists for the purpose of seizure and, in fact, that property does exist.

Section 5(2) is the section that will give the sheriff some protection if he wrongly interferes with the property of a person, unknowingly. If the owner of a property is in doubt, for example, the sheriff may require the creditor to indemnify him and this is the section that requires the creditor to indemnify the sheriff.

Mr. MacKay: Section 5(1), when I first read it, I was somewhat concerned about it, because I am going to approach it from the same viewpoint as the Minister. I am concerned about the ability of the sheriff to delay or avoid taking action on something that otherwise he might take action on.

I think all of us know the human conflict situation you get into as an officer of the court when you are going about seizing people's goods and so forth. It is a very unpleasant job, often. A section such as this I looked upon as saying, well, perhaps the sheriff could say, "Well, I do not really feel like doing that today, next week or whenever and this takes the onus off of me. I am not required to do it." He may well know where the stuff is, but he just does not take any action. Has this problem been considered?

Hon. Mr. Graham: Mr. Chairman, the purpose of this section is to require that the creditor do some research on his own, if necessary, to find out if a debtor that he has a judgment against has any property. If we were to require that the sheriff go out and find out if every debtor has property, we would have to increase the sheriff's office to about 20 people, because he simply does not have the resources to go out and do the background investigative work necessary to find out if a person has a bank account somewhere in the Territory, in some chartered bank.

Now, if that judgment creditor comes to him and says, "I have reason to believe this person has a bank account in the Bank of Montreal", the sheriff will then take the necessary steps to find out if that is true. But we do not require that sheriff to go to all seven or eight banks in Whitehorse and say, "Does this person have an account at your bank?" We cannot expect the sheriff to investigate all aspects to find out if the person has some property that is available for seizure.

Mr. MacKay: I agree with what the Minister has just said, that is obviously an impractical imposition to make on the sheriff. I guess there is a middleground somewhere where the sheriff, if he has knowledge of where the property is, is not under any onus, under this section, to go out and get it.

It seems to me that even if he knows where the property is, and the creditor does not, and a good sheriff may well have his finger on all of these things as a matter of course, because, often, he is chasing the same individual for several creditors, and it seems to me there should be some onus on the sheriff to perform his duties expeditiously, if he knows where the assets are.

Hon. Mr. Graham: Well, I think, Mr. Chairman, that goes almost without saying, that if, in fact, he does know where there are assets, then it is his duty, as a sheriff, to seize those assets. We cannot compel him to use his personal knowledge that he acquires at some point in time, not on the job.

It is kind of a difficult question. We can ensure that he carries out his duties expeditiously, but we cannot compel him to give a creditor some information that he holds personally in his brain. It is kind of a tough situation.

Mr. Penikett: I am just very pleased, Mr. Chairman, to see recorded the Liberal Leader's now well advertised preference for the rights of the people with property over the rights of those without. Thank you, Mr. Chairman.

Mr. MacKay: My socialist friend would no doubt prefer nobody to have any property in the long run, when there is an equal opportunity for properties, as my friend from Porter Creek would say. Not that I would wish to quote him.

Hon. Mr. Graham: When it suits him.

Mr. MacKay: He is obviously stating my point of view, but he is not quite willing to admit that there is something wrong here. I was not suggesting that the sheriff, out of his personal knowledge, from his off-hours has come up with the knowledge, I am suggesting through his professional work, does, in fact, know where assets are.

I do not see anywhere—, I shall sit down.

Hon. Mr. Graham: Mr. Chairman, I do see his point and I would like this section to be set aside. Perhaps, I will get the Justice Department to take another look at it and explain it more fully to me and we will see if it can be changed.

Mr. Penikett: I do not think it should be set aside, Mr. Chairman. I think this is a wonderfully socialist section, as much of this Bill is and I think it should be voted on and passed right now.

Some Honourable Members: Agreed.

Clause 5(1) stood over

On Clause 5(2)

Clause 5(2) agreed to

On Clause 5(3)

Clause 5(3) agreed to

On Clause 5(4)

Mr. MacKay: I am wondering if I could get an explanation of the phrase, fourth line down in this section, it says, "...the costs of providing security under this section...". If a fellow has to put up \$10,000, are we talking about the interest in the \$10,000, or are we talking about the \$10,000 itself?

Hon. Mr. Graham: No, Mr. Speaker, we are talking about any costs that are incurred in filing. It would include an application to the court and I am not certain if it would include the interest on money paid into the sheriff, but I would not think so. I think this refers basically to costs associated with legal fees and applications to courts and this type of thing.

As much as you could get out of the court, basically.

Clause 5(4) agreed to

On Clause 6(1)

Clause 6(1) agreed to

On Clause 6(2)

Hon. Mr. Graham: Mr. Chairman, I have in my hot little hand here a job description of the Sheriff, and if the pages would care to hand out these job descriptions, I am sure that would fulfil one question asked by Opposition Members.

Clause 6(2) agreed to

On Clause 7(1)

Clause 7(1) agreed to

On Clause 7(2)

Mr. MacKay: I have not to appear too consistently on the side of the capitalist classes. In this particular instance I think I am on the side of the working classes. On the second last line of this, there is a word that I find a little unnecessary. It says as soon as the sheriff can "conveniently" ascertain which of the seized property is exempt. I think I object somewhat to the word, "conveniently." I think if you took the word out, as soon as the sheriff can ascertain which of the seized property is exempt should be enough. Conveniently, leaves it, well, if I feel like it, I might do it. In the meantime the guy is sitting in the hotel room waiting for his car to come back.

Hon. Mr. Graham: Mr. Chairman, that is a decision I can make immediately. I would entertain a revision to the Ordinance from the Member Opposite if he so desires.

Mr. Penikett: Yes, Mr. Chairman, I do not know where Mr. MacKay got the idea that people who sit around hotel rooms with cars would be poor, but perhaps that is the poorest kind of people he knows.

Mr. MacKay: Is the Minister saying that he will allow this section to be set aside until I have my amendment?

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

Clause 7(2) stood over

On Clause 8(1)

Clause 8(1) agreed to

On Clause 8(2)

Mr. Penikett: Mr. Chairman, this is about shares and I am sure Mr. MacKay wanted to ask a question about this.

Mr. MacKay: I thank Mr. Penikett for drawing this to my attention. I shall try to find which particular subsection my question referred to. I do not think it refers to this section, thanks very much, Mr. Penikett.

Clause 8(2) agreed to

On Clause 8(3)

Clause 8(3) agreed to

On Clause 8(4)

Clause 8(4) agreed to

On Clause 8(5)

Mr. MacKay: I have a question for the Minister. When I read this, I wondered just what onus it put upon the company to pay certain amounts, particularly when they are talking about bonuses. "From the receipt of a copy of a writ of execution at the registered office of a company, all dividends, premiums, bonuses or other pecuniary profits in the shares that would otherwise be paid by the company to the execution debtor shall be paid by the company to the sheriff..."

I am just wondering under what onus that puts on the company to pay a bonus if it chooses not to.

Hon. Mr. Graham: Mr. Chairman, in this section we refer only to those premiums, dividends, bonuses or other profits that are nor-

mally paid to that employee. I imagine it would be a method of getting out of paying some part of a debt simply by a company deferring the bonus that they would normally pay an employee until such time as the writ had expired. That would be the only area that I would consider an area that a person could escape payment on a writ. Other than that, the onus is put on the company to pay all money that they would normally pay to that employee to the sheriff.

Mr. MacKay: I am just thinking of the practical terms because I run into it quite a lot. In a closely-held company a shareholder, or the directors, may well set up a bonus payable to the shareholder and the company may, in fact, have no intention of paying that bonus to the shareholder for some foreseeable time. It is merely a bookkeeping entry which my friend would not understand.

This section would not put any onus on a company that would not otherwise be paying the bonus. If it was paid in the normal course of business, it would be to the sheriff, that is all.

Hon. Mr. Graham: As I understand it, that is correct, Mr. Chairman.

Clause 8(5) agreed to

On Clause 8(6)

Mr. MacKay: I do not understand this section. There is some reason, there must be some reason for this, can the Minister explain it?

Hon. Mr. Graham: It is basically to set out the fact that the registered office is the only place at which that writ need be paid. If, in fact, he receives his money from another area, as long as it is part of that registered company, the money still shall be paid.

Mr. Fleming: Thank you, I am trying to get that clear. Somewhere I may have misunderstood the Minister, I did not really hear. Could I have that again from the Minister, just what he said?

Hon. Mr. Graham: Mr. Chairman, I said that personal property seized under this section means any cash bonuses, premiums or other pecuniary profits, shall be deemed to be personal property found by the Sheriff at the registered office. This means that the only place at which that writ need be served is at the head office. If Mr. Penikett owns a corporation that has seven branch offices, but the head office is in Vancouver, and the branch office at which the employee works is in Whitehorse, that writ need only be served on the head office in Vancouver, and the profits payable, or bonus payable or premiums payable, would be considered payable in Whitehorse, at that office. So it is not necessary to find the branch office at which this person works, or at which his shares are held, in order to serve a writ on him there.

Clause 8(6) agreed to

On Clause 9(1)

Mr. Penikett: I just want to clarify that what this does if the term, "mobile home" is, in fact, the home, or the first home, or the major residence, of a person, that is protected from the avarice of Mr. MacKay's plans.

Hon. Mr. Graham: Sorry, Mr. Chairman I did not see a question in that statement. Maybe you would like to ask me again.

Mr. Penikett: Sure, it had a question mark right at the end, a question mark. No, this is a protection for people who reside in mobile homes, that their basic home may not be attached, while, if they own several others, which are not principle residences, they could lose them.

Hon. Mr. Graham: Yes, that is correct, Mr. Chairman. As a matter of Government policy, it is not our desire to have occupants booted out of their homes, if they are in fact their principal residences. Therefore what we are attempting to do is discourage prosecutions against mobile homes or against principal residences where they are mobile homes and, instead, encourage the creditor to take action against other forms of property.

Mr. Penikett: May I ask a fairly serious but general question in connection with this, because I am not lawyer and I do not hang around with accountants an awful lot? I do not have a lot of experience with this.

A number of people, of course, get into problems with debts because of things like book clubs and record clubs, especially with this practice, which I have always found offensive where, if you do not fill out the form every month and send it back saying you do not want something, they will send it to you anyway and send you bill.

In this whole mess of legislation governing, well, I guess justice or things like that, is the Minister contemplating dealing with that problem anywhere along the line? It seems to me a lot of the times, when I have had people, in a previous job, coming to me and complaining about a collection agency coming after them for something that they did not feel, in conscience, they owed, it was as

often as not a case of owing something like a record club or a book club or something like that.

Hon. Mr. Graham: Mr. Chairman, I cannot think of anything in this particular parcel of legislation dealing with that, but before any of these creditors' orders are achieved, there must be a hearing in court and a debtor, if he is accused of owing that money has, in fact, the opportunity to appear in front of a judge or a justice and explain the circumstances under which the bill was run up.

So, I think that we have in that some kind of protection for those people, because I think that most courts look very, very dimly on the type of billing you were talking about.

Clause 9(2) agreed to

On Clause 9(3)

Clause 9(3) agreed to

On Clause 10(1)

Clause 10(1) agreed to

On Clause 10(2)

Clause 10(2) agreed to

On Clause 10(3)

Clause 10(3) agreed to

On Clause 11

Clause 11 agreed to

On Clause 12(1)

Hon. Mr. Graham: Maybe I should just explain it because this section did not get a whole lot of discussion and I think it is reasonably important. I could be getting myself into trouble here, but I think Section 11, just go back one, will enable us to set up a registry which we will maintain for the convenience of prospective purchasers of personal property who feel that there might be a lien against that property.

Section 12 states that if, in fact, a person does not see a notice affixed to a mobile home that has been seized he is deemed to have seen it. So it is a kind of a "purchaser beware" policy. If that purchaser wants any information he then can go to the registry and find out if that property has been seized at some time in the past. In that manner, we hope to protect the purchaser of that property, too.

Mr. MacKay: I had understood that. I guess I was going to ask a question and I will ask it now that the subject is up. This record will be open to inspection at prescribed times. Will it also be where somebody can write to the sheriff's office and say, "Do you have a lien against this particular trailer?" and confirm in writing these things?

Hon. Mr. Graham: Yes, Mr. Chairman, that is our intention. They say "the prescribed fee". We have not set any fees yet, but we would imagine it would be much the same as it is right now in Consumer and Corporate Affairs.

Clause 12(1) agreed to

On Clause 12(2)

Clause 12(2) agreed to

On Clause 13

Mr. MacKay: Perhaps the Minister could explain, before I attempt to explain my concerns, the purpose of this section because I wonder what the purpose of Section 10 is if it can be ignored under Section 13.

Hon. Mr. Graham: Mr. Chairman, this section is only to make it clear that notice provisions relate only to the effect of a writ on third parties, purchasers, in other words, and they do not otherwise affect the operation of the writs.

So, in other words, the writ is not affected or the debtor is not affected by the fact that he did not see the writ. This applies only to purchasers. That is the object of this one.

I would just add, it is not affected by the failure of the sheriff to affix or publish a notice, as provided by. So, in other words, this one ensures the fact that it is "purchaser beware". That is the only person we are talking about. The operation of the writ is not affected. It is just the purchaser they are talking about in this section.

Mr. MacKay: Okay, I just do not think I understand. Should there not be some reference in this section, then, to make it clear that, in fact, we are only talking about one aspect of a seizure?

I am sorry, I understand it, you are talking where the property has been seized and is now up for sale and somebody comes along to purchase it. Surely the purchaser knows it has been seized, he is going to purchase it from the person from whom it has been seized? I understand now.

Clause 13 agreed to

On Clause 14(1)

Clause 14(1) agreed to

On Clause 14(2)

Clause 14(2) agreed to

On Clause 14(3)

Clause 14(3) agreed to

On Clause 14(4)

Clause 14(4) agreed to

On Clause 15 (1)

Clause 15 (1) agreed to

On Clause 15 (2)

Clause 15 (2) agreed to

On Clause 16 (1)

Mr. MacKay: Perhaps I can just have something explained to me. Once the sheriff has seized something, Mr. Chairman, presumably it is going to be put up for sale. I can not think of anything else the sheriff might do with it, other than that, in order to realize the proceeds, or else turn it over to the creditor, himself. I am wondering, in 16(1), what kind of circumstances this is envisaging?

Hon. Mr. Graham: Mr. Chairman, this is basically a method of providing the sheriff a means to get rid of property that he has seized but has not had any instructions to sell. In some cases, he may have seized something of value, and the debtor has, in fact, made arrangements to pay the creditor in some other way, and the material simply has not been returned to the debtor, and in those cases, the sheriff may then return the seized item to the debtor, if in fact the debt has been paid off. Those are the circumstances here.

Mr. Chairman: You will note on line 4, "on 60 days," days should have an apostrophe after the "s." I just note this so we can make the necessary corrections. That being so shall Clause 16 (1) clear?

Clause 16 (1) agreed to

On Clause 16 (2)

Clause 16 (2) agreed to

On Clause 16 (3)

Clause 16 (3) agreed to

On Clause 16 (4)

Clause 16 (4) agreed to

On Clause 16(5)

Hon. Mr. Graham: These are just all methods by which a person, say he had seized a piece of property and he wanted a year to pay, he is given the first six months and had he made all his payments, the creditors can then go back to the judge and say, "I would like to keep the property seized for another six months," and at that time he will have the debt paid off. That is the only reason.

Clause 16(5) agreed to

On Clause 16(6)

Clause 16(6) agreed to

On Clause 17(1)

Mr. MacKay: This seems to be just a very general section that starts out setting out one way and then after that we get into the fact that usually this will be done, the sales of property will held by way of public auction or public tender.

This Section 17(1) appears to contemplate some other way of doing that and I would be concerned, for example, if property was seized at a remote site, that the best price would not be obtainable at all by trying to sell it where it was and, in fact it could be moved out and sold outside. This section would appear to allow that but only upon the instructions of the execution creditor who may not care, as long as he gets his few dollars out of it. I am worried about the debtor who has a lot of equity after he has paid the money, whether he is going to be treated fairly.

Hon. Mr. Graham: Mr. Chairman, this section is primarily for the benefit of the sheriff, but in cases where an execution creditor seizes say, a car that has not been paid for, and he seizes it some place up the Dempster Highway, the chances of holding a public auction there and the creditor realizing some money on his automobile are almost negligible, whereas if that debtor instructed the sheriff to bring that car back to Whitehorse and sell it here, the chances are that he would get a great deal more money for the automobile that he now possesses.

But by the same token if the creditor gave the sheriff instruction to do that, he is then assuming the debt necessary for the sheriff to

proceed to the Dempster Highway and bring that automobile back to Whitehorse to sell.

Mr. MacKay: So there is no onus to be put on the sheriff to try to get the best price.

Hon. Mr. Graham: In most cases, the sheriff will accept the best price but he will not incur any additional expenses in order to get that best price, unless he has instructions from the creditor to do so.

On Clause 17

Clause 17 agreed to

On Clause 18(1)

Clause 18(1) agreed to

On Clause 18(2)

Clause 18(2) agreed to

On Clause 18(3)

Hon. Mr. Graham: Mr. Chairman, the only point I would like to make is that, under Section 21(3), the debtor has the right to object to the sale if he feels that he is not getting the proper amount of money for the item that has been seized, to reassure the members opposite.

Clause 18(3) agreed to

On Clause 19(1)

Mr. MacKay: This was the section which Mr. Penikett was kind enough to feel that I should draw some attention to. This is the point I was making earlier, and I think the intent of this section is to do what most companies do, that is to say, in a private company you offer the sale of the shares to the other shareholders first, and then to outsiders after that. However, it may well be that the bylaws of that company contain specific instructions about that and, perhaps, that would be one way, as the section says, "in accordance of the bylaws of the company to the other shareholders."

Hon. Mr. Graham: Mr. Chairman, after reading the section again, when it had been pointed out by Mr. MacKay, I must say that I agree with him, and that I am willing to take this section back and have a second look at it.

Clause 19(1) stood over

On Clause 19(2)

Mr. Penikett: I am just curious about one thing, I may not have been involved with these kinds of people, so I am not experienced in this kind of thing, but earlier on we had this clause about how, if the debtor were unhappy with the price, they could object. Is it traditional that the debtor be able to, in fact, bid on their property that it is being sold, too? Could they protect their price that way?

For example, if Mr. MacKay were to seize some of my meagre possessions, possibly the ancient vehicle that we drive, which is probably worth about \$1,000, and went to put it up for sale, and had a friend of his offering \$100 for it, could I come along and sort of protect my interest by, in fact, trying to buy it back with \$1,000, if I could find somebody who would lend me the cash?

Hon. Mr. Graham: Well, Mr. Chairman, again we are getting ahead of ourselves a little bit, I suppose, but, under 21(3), a judgment debtor may enter a blanket objection to a sale of his property, because he feels that there is not sufficient market for his property. But, he can also pay the debt, or substitute security for the object seized. We are allowing that type of thing. The object of the exercise is not to make it tough on judgment debtors. The object of the exercise is to pay debts that are legally owed. See how kind and understanding we are?

Clause 19(2) agreed to

On Clause 19(3)

Clause 19(3) agreed to

On Clause 19(4)

Clause 19(4) agreed to

On Clause 19(5)

Mr. Tracey: Mr. Chairman, I think there is a typo in (a) there, where it says "...share or shares of..." It should be "...shares or shares if a shareholder..."

Mr. Chairman: You will note the correction.

Clause 19(5) agreed to

On Clause 20

Mr. MacKay: I have at this time, if it is convenient, Mr. Chairman, the proposed amendment to Clause 7(2), which was stood over earlier.

Mr. Chairman: Yes, at this time we will consider that. That was on what clause, Mr. MacKay?

Mr. MacKay: Clause 7(2), page 4.

On Clause 7(2)

Mr. Chairman: On page 4, Clause 7, I have an amendment by Mr. MacKay, THAT Bill Number 34, Executions Ordinance, be amended in Clause 7(2), at page 4, by deleting the word "conveniently".

That is the second line from the bottom.

Amendment agreed to

Clause 7(2) agreed to

Mr. Chairman: At this time, perhaps we should take a short recess.

Some Members: Agreed.

Recess

Mr. Chairman: I shall call the Committee of the Whole to order. We are on Page 10 considering Clause 20(1).

Clause 20(1) agreed to

On Clause 21(1)

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 21(5)

Clause 21(5) agreed to

On Clause 22(1)

Clause 22(1) agreed to

On Clause 22(2)

Mr. Penikett: Mr. Chairman, the Minister promised he would not put anymore Latin in his Bills. I wonder if he could provide us with a translation?

Hon. Mr. Graham: Mr. Chairman, I can, it literally, translated, means "let it be sold".

Mr. Penikett: Why do we not just say that?

Hon. Mr. Pearson: Mr. Chairman, we have made a real effort to try to eliminate as much as this kind of thing as possible. However, our legal draftsman does tell us that there are times when terms like this simply must be used because they are, in fact, the only terms recognized in law to be the definitive ones and, translated into English, do raise questions that could cause future problems.

Clause 22(2) agreed to

On Clause 23(1)

Clause 23(1) agreed to

On Clause 24(1)

Clause 24(1) agreed to

On Clause 24(2)

Clause 24(2) agreed to

On Clause 24(3)

Clause 24(3) agreed to

On Clause 25

Clause 25 agreed to

On Clause 26

Clause 26 agreed to

On Clause 27

Clause 27 agreed to

On Clause 28

Clause 28 agreed to

On Clause 29

Clause 29 agreed to

On Clause 30 (1)

Clause 30(1) agreed to

On Clause 30(2)

Clause 30(2) agreed to

On Clause 30(3)

Mr. Penikett: Somewhere around here it seems to me we are getting into what the sheriff can and cannot do. Is the sheriff permitted to trade in these properties, which he is seizing and

disposing of on behalf of other clients?

Hon. Mr. Graham: Mr. Chairman, at some point in time, it says here that the sheriff may not purchase items that are seized, but there are no other protections that I know of.

These sections are basically setting out the duties and responsibilities of the sheriff, but if the Member opposite has a particular concern other than the sheriff purchasing property that he has seized, I would be only too happy to consider it.

Mr. Penikett: Well, Mr. Chairman, I guess if he cannot purchase it, he would have a hard time selling it in his own name, so that would clear it.

Maybe the Minister, when he gets there, could point out that clause to us.

Hon. Mr. Graham: Mr. Chairman, in fact, if that clause is not in this Ordinance as it is written, I would undertake to make sure that that clause was inserted before such time as this Bill was proclaimed.

Mr. Penikett: That undertaking would be warmly received by the opposition, Mr. Chairman.

Hon. Mr. Graham: Mr. Chairman, possibly we should leave, then, seeing that we have not yet passed 30(3), possibly we should leave that section not cleared by this Committee and, at some point in the future, insert that section required.

Mr. Penikett: Mr. Chairman, that would be my view. It seems to me there may be a more logical place, but 33(3) seems to be a good place to include such a restriction.

Hon. Mr. Graham: That is acceptable to us, Mr. Chairman, when we get there.

Mr. Chairman: The Chair has some confusion. Do you want Clause 30 carried and Clause 30(3) stood over, stand 30 over and continue on.

Mr. Penikett: Mr. Chairman, I believe the consensus is that we stand over Clause 30(3) to permit an addition of a clause restricting the right of the sheriff from purchasing properly seized properties.

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

Clause 30(3) stood over

On Clause 30(4)

Clause 30(4) agreed to

On Clause 31

Clause 31 agreed to

On Clause 32

Clause 32 agreed to

On Clause 33(1)

Mr. Tracey: Mr. Chairman, maybe I understand this clause wrongly, but it seems to me that the sheriff could give a bill of exchange or a promissory note or a bond where it is worth "X" amount of dollars to satisfy a debt that is actually worth less, and there is no provision to repay the debtor the excess.

Hon. Mr. Graham: Mr. Chairman, section 33, in essence, gives the sheriff that right to transfer securities for the payment of money directly to the creditor for face value, if the creditor accepts those securities. If the creditor does not, in fact, accept those securities, the sheriff would have to go out and sell them, probably at a discounted rate. He would not receive face value, therefore, if the judgment creditor is willing to accept those bonds or stocks at face value, then they may be accepted for payment of the debt, but in all cases it is understood that only the amount owed by the debt would be taken by the creditor. Anything left over would be returned to the debtor.

Clause 33(1) agreed to

On Clause 33(2)

Clause 33(2) agreed to

On Clause 33(3)

Hon. Mr. Graham: Maybe we should set over Clause 33(3), because I have a suspicion that that may be the section that we could amend.

Clause 33(3) stood over

On Clause 33(4)

Clause 33(4) agreed to

On Clause 33(5)

Clause 33(5) agreed to

Clause 33 stood over

On Clause 34 (1)

Clause 34 (1) agreed to

On Clause 34(2)

Clause 34(2) agreed to

On Clause 35(1)

Clause 35(1) agreed to

On Clause 35(2)

Clause 35(2) agreed to

On Clause 35(3)

Clause 35(3) agreed to

On Clause 35(4)

Clause 35(4) agreed to

On Clause 36(1)

Clause 36(1) agreed to

On Clause 36(2)

Clause 36(2) agreed to

On Clause 37(1)

Clause 37(1) agreed to

On Clause 38(1)

Clause 38(1) agreed to

On Clause 38(2)

Clause 38(2) agreed to

On Clause 39(1)

Clause 39(1) agreed to

On Clause 40(1)

Clause 40(1) agreed to

On Clause 41

Clause 41 agreed to

On Clause 42

Clause 42 agreed to

On Clause 43

Clause 43 agreed to

On Clause 44

Clause 44 agreed to

Hon. Mr. Graham: Mr. Chairman, I move that you report progress on Bill 34 and beg leave to sit again.

Motion agreed to

Mr. Chairman: We will now consider Bill 9, Garnishee Ordinance

On Clause 1

Hon. Mr. Graham: Mr. Chairman, the existing Garnishee Ordinance has been in force for some twenty years and I think these changes are not only required, they are almost essential to continue operation.

There are some changes to the existing Ordinance such as future debts will become attachable as will money held in court. Joint debts and insurance proceeds will also be attachable.

The exemptions, as I outlined in my second reading speech, in respect of attached wages, are increased, quite substantially I might add, so we do not have the hardships and consequent loss of jobs in many cases of many wage earners who are garnished in the course of their life in the Yukon. I think those are the main changes. There are several procedural changes as we go through that will no doubt become clear as we go through clause by clause reading.

Mr. MacKay: General discussion may be in the form of a few general questions that the Minister might want to undertake to answer for me. This Garnishee Ordinance, I think it was mentioned yesterday, or perhaps the day before, in debate that we are trying to bring our Ordinances into line generally with those across Canada. Perhaps the Minister could tell us if there are some other Ordinances or acts elsewhere which are substantially different from the one we are about to look at. Also mention was made of a law reform commission and I do not know whether it was in the context of the Yukon or in the context of inter-provincial type of thing. Perhaps he could clarify that remark for me.

Hon. Mr. Graham: Mr. Chairman, the Garnishee Ordinance that we are considering here today is not as a result of a law reform commission. Currently there is a Law Reform Commission being established, I believe, in Ontario. They have the resources in most cases, so we find that they lead Canada in many areas of law reform.

In some areas of law reform in Canada, the Yukon is requested to send a representative to these law reform commissions. Due to our

small size and the drain this would be on our resources, what we usually do, is request that they send working papers here for us to consider. We, in turn, send replies to their working papers, outlining our unique position in Canada and our requirements in any uniform bills.

We expect that the work on the uniform law that is currently being carried out in Ontario will not be completed for five to ten years, consequently, we have decided that we would go ahead with the changes that we require at the present time in this Garnishee Ordinance. We, in fact, feel that with this Ordinance we have progressed further than other jurisdictions in Canada at the present time.

Mr. Chairman: As there appears to be no further general discussion, we will proceed with a clause by clause discussion of Bill Number 9.

Clause 1 agreed to

On Clause 2

Mr. MacKay: Could the Minister explain the words, "accruing due", under definition, "due".

Hon. Mr. Graham: I am sorry, Mr. Chairman, I do not really know, in this context, what the definition of "accruing due" would be, so, I will undertake to bring that back.

Mr. MacKay: Perhaps when you are looking, "accruing", in accountant's terms, which may not be the terms that are used here, generally means an internally generated credit to somebody else, and may not, in fact, be due and payable, but may just be a book entry in which you provide for a future debt.

Hon. Mr. Graham: Mr. Chairman, the only thing that I can think of at this time where this came up was in cases where a debtor owed a great deal of money and, in fact, interest was accruing over a long period of time, and you got a continuing garnishment for, say, six months duration, and you dinged him in your original garnish for not only the amount of money that he owned at that time, but the amount of money that would accrue over the six month period.

So, in fact, the debt that he owed you at that period was only \$1,000, but you asked for a garnishment of \$1,200 to cover the interest that would accrue over the six month period. That was the only context I know of, but I think I should check and bring back a firmer definition.

Hon. Mr. Graham: Mr. Chairman, "term of writ", is one of the changes in philosophy, I realize it is hidden because of the fact it is just a definition, but this is the philosophy that we are allowing: continuing garnishment, over a period of time, for the total amount of the debt to occur. This was not allowed under the past Ordinance.

Mr. Chairman: Perhaps if we were going to bring some information back on the word "accruing due", at this time I will stand over the whole clause until we have the definition brought back.

Clause 2(1) stood over

On Clause 2(2)

Clause 2(2) agreed to

On Clause 3

Hon. Mr. Graham: Mr. Chairman, seeing we have reached a point in the Ordinance where we have a logical stop and another one does not occur for some time, I would move that you report progress on Bill Number 9 entitled Garnishee Ordinance and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham that I report progress on Bill Number 9 and beg leave to sit again.

Motion agreed to

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

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

Motion agreed to

Mr. Speaker resumes the Chair

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

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered Bill Number 34, Executions Ordinance and Bill Number 9, Garnishee Ordinance and directed me to report progress on same and ask leave to sit again.

Mr. Speaker: You have heard the report of the Chairman of the Committee, are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honorable Member for Hootalinqua, that we do now call it 5:30.

Mr. Speaker: It has been moved by the Honorable Minister of Education, seconded by the Honorable for Hootalinqua that we do now call at 5:30.

Motion agreed to

This House now stands adjourned until 7:30 p.m.

Recess

The following Sessional Paper was tabled March 26, 1980:

80-3-6

Government of Yukon Territorial Accounts Fiscal Year 1978-79