



The Yukon Legislative Assembly

Number 23

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24th Legislature

HANSARD

Monday, November 30, 1981 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

CABINET MINISTERS

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

Government Members

(Progressive Conservative)

Al Falle	Hootalinqua
Robert Fleming	Campbell
Doug Graham	Whitehorse Porter Creek West
Peter Hanson	Mayo
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake

Opposition Members

(New Democratic Party)

Tony Penkett	Whitehorse West
Maurice Byblow	Faro
Roger Kimmerly	Whitehorse South Centre

(Liberal)

Ron Veale	Whitehorse Riverdale South
Alice P. McGuire	Kluane

Clerk of Assembly
Clerk Assistant (Legislative)
Clerk Assistane (Administrative)
Sergeant-at-Arms
Hansard Administrator

Patrick L. Michael
Missy Follwell
Jane Steele
G.I. Cameron
Dave Robertson

**Whitehorse, Yukon
Monday, November 30, 1981**

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

DAILY ROUTINE

INTRODUCTION OF VISITORS

Hon. Mr. Pearson: Mr. Speaker, I would like to draw your attention and that of Members of the House to the Gallery today. There is a white-haired gentleman with a beard sitting in the second row, who is a former esteemed member of the media in Whitehorse: Mr. Terry Brown. I would like to welcome him back to Whitehorse.

Applause

Mr. Speaker: Before continuing with the Order Paper today, I would like to deal with a matter raised on November 24th. At this time, I would like to inform the House of my thoughts on the question of privilege, as raised by the Honourable Minister on that date.

He rose in the House that day, and stated: "I rise on a point of personal privilege today to deal with a matter that has been uppermost in my mind for the last couple of days. I have been accused by Members across the floor, and by the Press and the media in this Territory, for what they are implying are illegal acts on my part."

The role of the Speaker, as set out in Standing Order 16.4, is to determine whether the matter has been raised at the earliest opportunity, and whether there appears to be a *prima facie* case of privilege. It is difficult for the Chair to make a determination in this matter. The Minister of Justice has failed to identify when and where offending remarks have been made by Members of this House or by the media. The Member did mention the *Whitehorse Star*, but he did not have the offending remarks read into the record, as is required in our parliamentary practice. The Chair has, therefore, found it impossible to determine whether the question of privilege has been raised at the earliest possible opportunity.

The Chair would like to point out the remarks made by the Leader of the Official Opposition and by the Member for Whitehorse Riverdale South, when speaking to the question raised by the Minister of Justice. The Leader of the Official Opposition stated: "On my part, whatever general aspersions the Member opposite may have cast on this side of the House, I have not mentioned his name in connection with this question, nor have I made any allegations against the Minister."

Following that, the Honourable Member for Whitehorse Riverdale South said: "Let me make it clear that there have been, to my knowledge, no allegations of dishonesty against the Member, by Members on this side, nor allegations of illegality". I trust that the Honourable Minister of Justice will accept, as the Chair does, the word of these Honourable Members in this matter.

Not knowing exactly what troubles the Minister of Justice in the publishings of the *Whitehorse Star*, the Chair does not feel it can say whether or not there appears to be a *prima facie* case of privilege. In any event, the Chair would wish Members to consider the nature of privilege, and its use in dealing with libel, before pursuing the matter in the House.

Privilege is designed to enable Parliament and its Members to carry out their functions without hindrance and obstruction. It exists to protect the authority and dignity of Parliament, as an institution; to enable Members to speak and participate in the proceedings of the House and its Committees with total and uninhibited freedom; to protect Members from intimidation, molestation, and any other form of undue pressure; and to empower Parliament to punish those who seek to bring the institution into contempt or disrepute, or who obstruct its

Members or officers in the performance of their duties.

When using a media publication as a basis for raising a question of privilege, all Members should give thought as to whether the publication is really a violation of a Member or the House's privileges, or whether it is a libel of a more private nature. As stated by Enid Campbell, "No one denies that reputations can be impaired by falsehoods and derogatory remarks, or that sustained smear campaigns against governmental agencies can undermine public respect and confidence, but freedom of expression is such a precious commodity that its restriction seems justifiable only where some clear and demonstrable harm will most surely result from its exercise. In a democracy, the liberty of the citizen to criticize his government is all important, and certainly is not something to be tampered with because of some more or less remote possibility that criticism may lessen respect for governmental authority, or excite dissatisfaction with existing institutions".

In cases where there is a libel relating to an individual rather than to the parliamentary institution, the individual will generally find it possible to seek redress in the courts, and the Minister of Justice has indicated his intention to examine that possibility.

In finding, then, that there does not appear to be a *prima facie* case of privilege, I should like to point out to the House that this finding only restricts the House from dealing with the matter immediately.

The Speaker cannot determine whether there has actually been a breach of privilege; only the Assembly can do this. When the Speaker states that there does not appear to be a case of privilege and the Assembly disagrees, it may take action through a motion of which notice is given, and which is dealt with in the normal way.

I thank the House for its patience in listening to this lengthy ruling, and hope that it has been useful in clarifying this matter and the position of the Speaker in dealing with questions of privilege.

We will now proceed with Daily Routine.

Hon. Mr. Tracey: I would just like to take the opportunity to thank you very much for your report on the question of privilege.

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

Reports of Standing or Special Committees?

Petitions?

Are there any Introductions of Bills?

INTRODUCTION OF BILLS

An Ordinance to Amend the Interpretation Ordinance: First Reading

Hon. Mr. Tracey: I move, seconded by the Honourable Member for Campbell, that Bill Number 80, *An Ordinance to Amend the Interpretation Ordinance*, be now introduced and read a first time.

Mr. Speaker: It has moved by the Honourable Minister of Justice, seconded by the Honourable Member for Campbell, that a Bill, entitled *Ordinance to Amend the Interpretation Ordinance*, Bill Number 80, be now introduced and read a first time.

Motion agreed to

An Ordinance to Amend the Justice of the Peace Court Ordinance: First Reading

Hon. Mr. Tracey: I move, seconded by the Honourable Member for Mayo, that Bill Number 82, *An Ordinance to Amend the Justice of the Peace Court Ordinance*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that Bill Number 82, *An Ordinance to Amend the Justice of the Peace Court Ordinance*, be now introduced and read a first time.

Motion agreed to

An Ordinance to Amend the Motor Vehicles Ordinance:

First Reading

Mr. Veale: I move, seconded by the Honourable Member for Kluane, that a Bill, entitled *An Ordinance to Amend the Motor Vehicles Ordinance*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Riverdale South, seconded by the Honourable Member for Kluane, that a Bill entitled, *An Ordinance to Amend the Motor Vehicles Ordinance*, be now introduced and read a first time.

Motion agreed to

Equal Status of Children Ordinance: First Reading

Mr. Veale: I move, seconded by the Honourable Member for Kluane, that a Bill, entitled *Equal Status of Children Ordinance*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Riverdale South, seconded by the Honourable Member for Kluane, that a Bill, entitled *Equal Status of Children Ordinance*, be now introduced and read a first time.

Motion agreed to

Mr. Speaker: Are there any Notices of Motions for the Production of Papers?

Notices of Motion

NOTICES OF MOTION

Mr. Njootli: I move, seconded by the Honourable Member for Hootalinqua, that this House support the Department of Indian Affairs in that Department's effort to gain the Federal Government's subsidies on freight rates to Old Crow.

Mr. Veale: I move, seconded by the Honourable Member for Kluane, that the Assembly urge the Yukon Government: one, to implement mandatory seat belt legislation, preceded by an extensive education program promoting the use of seat belts; and two, to implement mandatory driver training for new drivers and driving offenders.

Mr. Speaker: Are there any further Notices of Motion?

Are there any Statements by Ministers

MINISTERIAL STATEMENTS

Hon. Mr. Lattin: I wish to rise today to report to this House the Government of Yukon's recent decision on the funding of a new municipal swimming pool to be constructed by the City of Whitehorse.

I believe that the Mayor was recently quoted as saying that there were still a few details to be worked out.

One of these details is the approval by this Government of a by-law to authorize the construction of a \$4,000,000 project, of which \$2,300,000 would be provided directly by the Yukon Government. I would like to inform all Members of the details of this proposal, and of this Government's response.

Last year, the Yukon Government agreed to provide the City of Whitehorse with a financial contribution of up to \$1,350,000 for a new pool. The cost estimate for the project which the City had obtained at the time was in the order of \$2,000,000. The Government had the capability, under the *Municipal Ordinance*, to waive the requirement for taxpayer approval. At the City's request, we agreed to dispense with a vote of the taxpayers, providing the City did not need to borrow more than \$650,000.

The scope and magnitude of the project has changed substantially since that time. As you are all no doubt aware, the City went to tender for the project and the lowest bid was approximately \$4,500,000. The City was able to modify the design in such a fashion that the total cost for the pool has now been reduced to \$4,000,000.

The City would now like to proceed with the project without taxpayer approval and has requested approval to By-law 822, based on the following formula for fund-raising: the Yukon Government's initial contribution, \$1,350,000; Yukon Government's additional contribution from the Community Assistance Program, \$1,000,000; the City Insurance Claim Fund for

\$44,000; the Arctic Winter Games' surplus, \$118,000; City funds from a yet-to-be created 1982 General Revenue surplus of \$500,000; City borrowing of \$650,000; and community fund-raising of \$340,000; making a total fund of \$4,000,000.

This Government is committed to assisting communities in the achieving of their aspirations. If the City of Whitehorse believes that a new swimming pool is their highest capital requirement, then we are prepared to assist them in achieving this objective.

Accordingly, the Yukon Government has agreed to the City's request to make available an additional \$1,000,000 for the swimming pool, from the Community Assistance Program.

This new financing program would not necessarily result in an increase in borrowing by the municipality from the amount originally anticipated, and it may therefore be argued that there is no reason to request taxpayer approval. Such an argument ignores three critical points. First, the scope of the project has doubled since the original agreement. Secondly, the City's total expenditure has increased from \$650,000 to \$1,150,000. Third, this Government's contribution is increased by \$1,000,000.

I am very concerned about approving the new financial scheme without taxpayer approval, because of the increase in the cost of the project. As Members will remember, in 1979, the City requested taxpayer approval for a new recreation complex, and it was defeated. That by-law requested the borrowing of up to \$1,500,000; but it was for a project that was to cost \$2,500,000, and would have resulted in an indoor swimming pool and ten sheets of curling rink. The taxpayers made their wishes known in 1979, and I believe that it would be totally contrary to democratic principles to turn around, two years later, and spend almost twice the money for less than one-half of the original facility, without respecting their choice.

I believe that there is another question of principle here. The new *Municipal Ordinance*, which was prepared in conjunction with the municipalities and which received support from all parties in this Legislature, established that a vote of the taxpayers was required on any expenditure of this nature where the total net municipal contribution exceeded \$500,000. If this was a principle worthy of the signing of legislation, should we not be attempting to abide by it voluntarily?

I also indicated that this new financial package means that the City's contribution to the project would be at least \$1,100,000, and possibly more, if community fund-raising does not meet the City's optimistic objectives. The City will be receiving additional operational funds under the new *Municipal Finance Ordinance*, and this may very well be the way that Whitehorse decides to use it; but it does mean that a variety of other priorities and projects will be affected; this has implications that I believe municipal taxpayers have a right to voice their opinions about.

The Municipal Election is only three weeks away, and this provides an ideal opportunity to consult the taxpayers on this project. The City has until December 24th to award the contract on the new pool, and no significant work on the new pool will be delayed if the decision to award the contract is not made until after election day, December 17th.

Based on the facts outlined above, the Yukon Government has conveyed the following message to the City of Whitehorse: "The Yukon Government is prepared to support the City in its swimming pool project, and will provide an additional \$1,000,000 from its Community Assistance Funds. The City's By-law Number 822 is approved, subject to the City obtaining taxpayer approval for the project.

Mr. Penikett: I am sure that this announcement will make a big splash in the media today. It is probably, for those people who have been petitioning for the pool for a long time, a measure of good news which they will welcome.

In passing, I cannot help noting that it will add fuel to the rumours that are being fired about a certain Member of this House running for Mayor, but that is another subject.

I gather that this Legislature is the first to receive this news and I am pleased about that. Whether all the aldermen will be

pleased that that is the order of information. I do not know. I think the announcement is commendable in its detail. It will, however, raise in City Council some concern about who is setting the priorities for the community. As we heard previously, the City Council has identified the swimming pool as its number one priority, and there has been an effort to establish the right of the communities to order their desires under the Capital Assistance Program.

I want to say that, in the terms of the conditions that have been attached to this announcement, taxpayer approval is a thoroughly fine idea; I do not think anybody will object to that. However, I think the principle which the Minister addressed in the *Municipal Ordinance* is really that the municipalities ought to be making those decisions. I agree with him that voluntary compliance with that principle ought to have been the ideal, but unfortunately we do not have voluntary compliance, because it is being made a condition of the money here.

I think it will be pointed out, in the discussion of this matter, that all the Aldermen who currently hold office in this City campaigned on the basis of having a pool constructed, and it may be argued that the people of Whitehorse have expressed their opinion on this subject not once, but twice. The fact that they expressed it one way one time, and a different way at another opportunity, may lead to all sorts of interpretations.

I think this is going to be seen, in fact, in some ways as the senior Government intruding upon the Municipal Election, because I do not doubt that this question, in one form or another, will be the major issue before the electors. It will be the one that will force electors to choose between the various candidates.

I think it might have been otherwise. I think what is very clear, whether it were put to a vote or not, is that the taxpayers in this Municipal Election are going to make a very clear expression of their views, one way or the other, about the desirability of a pool. I doubt very much if any final decision about the expenditure will be made until after the election, in any case.

I welcome the news with the no more than slight expression of concern about who is really setting the priorities here, because the impression may be left that it is the Territorial Government and not the Municipality who is doing it.

Mr. Veale: I am certainly pleased that the Government is going to make an additional \$1,000,000 available to the City of Whitehorse in order to complete the new indoor swimming pool complex, if that is what the taxpayers desire. Hopefully, that will not be a tall order in this Municipal Election, considering that the old proposal which was rejected was, in fact, a very substantial proposal for a recreational complex which had an additional number of facilities which will not be present in this particular proposal.

It has been a quiet municipal campaign, to date, and I am sure that this issue is going to inject some new enthusiasm into the campaign.

Mr. Speaker: We will now proceed to the Question Period. Are there any questions?

QUESTION PERIOD

Question re: YTG course of action on House of Commons' defeat of motion to delete Section 41.1(e) and (f)

Mr. Penikett: I have a question for the Government Leader.

Last week, a motion in the House of Commons to delete section 41.1 (e) and (f) was defeated by the Government majority. Following this event, the NWT Legislature has apparently decided to take court action.

I would like to ask the Government Leader if a similar course of action is being contemplated by his Government?

Hon. Mr. Pearson: I have been in contact with NWT a considerable amount of time on that particular issue. They have assured me that they are going to keep us advised as to what they might be doing next. I have not heard of any contemplated court action yet.

Mr. Penikett: On the subject of advice, I gathered from

news reports over the weekend that one Premier is being blamed for the failure to reach an accord on the deletion of Section 41.1 (e) and (f).

I would like to ask whether the Government Leader made any effort to identify this Premier, and, further, did he attempt to make use of the contacts he has established in the last couple of years, to persuade the guilty party to change his mind?

Hon. Mr. Pearson: I, like the Leader of the Opposition, I am sure, do not know who the guilty party is. I have read some news headlines which said that there were two Premiers who would not agree to the deletion of those two clauses. I have made efforts to find out who he, or they, might be. I have not been successful in that.

Mr. Penikett: Beyond the transmittal of the Resolution from this House on the question, might I ask the Government Leader what specific efforts were made by him to make this Government's views on this question known to the Government of Canada?

Hon. Mr. Pearson: I am sure it must have been obvious to the Honourable Leader of the Opposition that our Member of Parliament was quite well-versed in what our stand was — as I might say, the Prime Minister, the Minister of Justice, and the Minister of Indian and Affairs and Northern Development were.

Question re: Recreation review process: completion of nominations to committee

Mr. Veale: I have a question for the Minister of Education.

My question concerns the recreation review process which the Minister initiated on October 7 of this year. Would the Minister advise whether the six-member committee has been completed and whether all nominations to that committee are now finalized?

Hon. Mrs. McCall: As far as I know, it is completed.

Mr. Veale: Does the Minister know, then, whether or not there are going to be public hearings by this committee, to determine what the input might be, from the many people across the Territory who may be interested in having input to the committee?

Hon. Mrs. McCall: As far as public hearings are concerned, I think that the method we thought would be the most effective was that individuals could be in touch with me, or with the committee, whenever they wanted to be in touch with us.

Also, they could be in touch with the committee through the Recreation Board in each community. That was the system we finally worked out as being the most effective. In fact, it may be that public hearings will be held eventually, but it will be up to the committee.

Mr. Veale: Can we assume, then, from what the Minister has stated, that the Government will be giving financial assistance to the committee, whatever their procedures are going to be, and will the committee be reporting on December 31, 1981, or has that been set off?

Hon. Mrs. McCall: So far, there has been no request for any financial help. We would have to weigh the merits of that; we want to facilitate the recreation review in any way that we can, so if it was reasonable, I am sure we would look at it.

The date to report back was April.

Question re: Public hearings by MacMillan Pass Task Force concerning development of MacMillan Pass

Mr. Byblow: I have a question I will direct to the Minister responsible for Economic Development.

The MacMillan Pass Task Force has met several times over the past year, the most recent being as late as last week. I have had a number of representations, respecting developments of that committee, in relation to the potential effect on nearby communities, and to an apparent lack of local decision-making involvement from those communities back into the committee.

My question to the Minister would be whether or not he is intending to hold any public hearings or meetings respecting matters of the development of that corridor?

Hon. Mr. Lang: It would not be our intention to have public hearings at this time. It could be that there may be a decision in the affirmative, respecting some method of public hearings,

once a decision has been made made by one or all of the proponents about the development phase of production.

At the present time, all the operations in that area are strictly at a feasibility stage, and until such time as they come down to actually making the decision as to whether or not there will be development, I think it would be a waste of time.

If the decision is positive and they are going ahead, then I think there will be some onus on both the Government and the proponent to sit down with an affected community, such as Ross River, and explain exactly what the options are, and what their intentions are, and try to get some reading from the community.

Mr. Byblow: I appreciate the Minister's reassurance.

I would then ask him if it his intention to include a larger representation on that committee: namely representation from communities affected, such as Ross River, Watson Lake, and Faro?

Hon. Mr. Lang: No, it is not our intention to include such representation at the present time. I think it is fair to say that those people involved are representing the various interests that will have to bring forward financial commitments when decisions are made. The primary reason the Task Force was put together was to consider any feasibility studies, and the costs associated thereof.

With respect to the Task Force itself, I think we have to be careful that it does not get too large; otherwise we get into a situation where we cannot get to the point where decisions have to be made. There will be some avenues open, with respect to consultation of the communities affected. In fact, I talked to my colleague from Campbell, as a very preliminary step, and it would be my intention to go to Ross River at a later date and discuss the various elements with them, if we have something of consequence to discuss.

Mr. Byblow: As a final supplementary, I would like to ask the Minister if the minutes of the committee meetings are public documents, or, at least, available to the House?

Hon. Mr. Lang: I should point out for the Member's information that if it is made available to the House, it is for public consumption.

That is a question I would have to look at. I have not got an answer for it at the present time.

Question re: Increase in mileage rate paid to employees using privately-owned vehicles on Government business

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

With respect to direct employees of this Government, such as those who use their privately-owned vehicles to travel great distances to maintain Y.T.G. campgrounds, and who are paid 28 cents a mile travel time, I would like to ask the Minister whether he will raise the mileage rate before spring?

Hon. Mr. Tracey: That is a function of Government Services, not the Minister of Municipal and Community Affairs.

We are investigating it right now. I have already questioned my Department on it, and hopefully by next spring we will have something that is better for the people. We realize, in this day of high cost vehicles and gas and oil, that 28 cents a mile is not going to pay the price for a private vehicle to be used. It would be different if it did not have to be used, but, when they have to use it, we feel that they should be getting a fair rate for it. It is under investigation at this time.

Mrs. McGuire: Taking into consideration the escalating costs for tires and other types of vehicle repairs, and with gasoline averaging around \$2.40 per gallon in rural areas, will the Minister give us some assurance that he will assess the situation and recommend a raise of at least 15 cents per mile travel time?

Hon. Mr. Tracey: I thought I just told the Member across the floor that I would look at it. We will try to work a fair rate.

As far as my saying that I will give 50 cents a kilometer extra, I am not prepared to do that.

Question re: Job training/Job creation for persons on Social Assistance.

Mr. Kimmerley: A question for the Minister responsible for

Social Assistance.

The number of Yukoners on Social Assistance in the past year was 3,110. This is a 14 percent increase over the 1979-80 fiscal year, when the number was 2,687. Considering the additional expense to the taxpayer, is the Minister considering job training and job creation projects for those now on Social Assistance?

Hon. Mrs. McCall: Indeed we are. We already have the resource core program for training, which is proving to be a very successful program.

Under consideration as well is the Individual Opportunity Program, which I mentioned the other day. This program has been very successful in B.C. and is currently in the late planning stages with this Government. We expect to have that in effect very, very soon.

There is also a special program in the works for training single parents and helping them get off Welfare.

So, we have two programs that are coming forth, and one that is already in place.

Mr. Kimmerley: In the employable categories of Social Assistance, only, the 1980-81 expenditure is \$934,772, or approximately \$1,000,000. Is the Minister addressing the possibility of the employment of these people on government projects?

Mrs. McCall: The Resource Corps presently works on government projects, in particular.

Mr. Kimmerley: In the employable categories, only, of Social Assistance, the increase in case loads is up 30 percent, as opposed to 14 percent in the overall program. Can the Minister estimate the number of cases that the programs just mentioned might affect?

Mrs. McCall: I do not have those figures handy, but it is something I can find out for the Member.

Question re: Access to workers' files of Workers' Compensation Board

Mr. Penikett: My question is directed to the Minister responsible for the Workers' Compensation Board, relating to the Board's policies. During the Spring Session, the Minister responsible refused to make a commitment to allow injured workers access to the Compensation Board files. Is this still Government policy?

Mr. Tracey: No, it is not Government policy, at this time. People who are claiming compensation now have access to their files. So far, there have been one or two people who have obtained their files.

Mr. Penikett: I welcome the announcement by the Minister. Back in March, the then Minister said he did not want to make a decision on the matter until the B.C. Court of Appeal had ruled on a case before it. Could the Minister say when the decision was made, and why no public announcement has yet been made about it?

Mr. Tracey: The decision is made by the Workers' Compensation Board, and not by this Government. To the best of my knowledge, it was a month or a month-and-a-half ago that they made their decision. Since that time, anyone having a claim against Workers' Compensation who wants to see his file may get it. I must caution the Members, however, that not all of the files are available to the worker. There are some confidential files that deal with medical or mental matters, about which it is felt that the worker is better off not having them. Some information is restricted, but whatever the Workers' Compensation Board can make available, they will make available, including their medical records.

Mr. Penikett: I would welcome from the Minister some elaboration about the excluded category files. The former Minister had indicated that once the B.C. Court decision was made, there would be cabinet level discussion with Board officials and with the Medical Association. I wonder if the Minister could advise the House about the result of those discussions, and the impact it may have had on the decision to make some of the documents available, but not all of them.

Hon. Mr. Tracey: There was no cabinet level discussion. As the B.C. Court of Appeals ruled on it, there is no way that this Government would be able to stand up in a court and say that

they were going to keep the files, so, the Worker's Compensation Board itself reviewed it and reached its own decision.

Question re: Termination notice for Yukon Housing Corporation units in Ketz Court

Mr. Veale: I have a question for the Minister responsible for Yukon Housing. Last week I asked the Minister about the issue of termination notice having been given to the Yukon Housing Corporation, respecting the 24 units that it now has in the Ketz Court complex. Can the Minister advise if, in fact, that notice has been received?

Hon. Mr. Lattin: Yes, one year's notice was given, expiring May 7, 1982. I understand in connection with this though, that there is some negotiation or discussion going on now, and that even though the notice was given, he would perhaps be prepared to continue those leases for some of those people. But it definitely was given.

Mr. Veale: Considering the serious nature of a shortage of that type of family-oriented townhouse units, what position will the Government be taking if, in fact, the 24 units are no longer available as public housing units in May of 1982? Is the Government going to have some supplementary procedures taking place, so that there will be more housing units available from other developers in Whitehorse?

Hon. Mr. Lattin: As I just indicated a moment ago, it is not definitely certain that we are going to lose those 24 suites at this particular time.

We are always aware of the fact that we have to look for alternatives.

There are several alternatives that I can see available. We have indications that we will be able to pick up some extra accommodations from some of the available apartment complexes. Also something that I feel will help is a new apartment building going up in Riverdale; that should provide some alternative accommodation for people.

Mr. Veale: I am sure that the Minister is aware of the problem of just replacing those 24 units with apartment units, because these were actually walk-in units, at ground level, designed specifically for families with small children.

However, would the Minister indicate the date on which negotiations will be completed with the developer, so that the Government will know which way it has to move?

Hon. Mr. Lattin: At this time I am unable to give you a date, but I can assure you that if we do come to an agreement I will certainly inform the House.

Question re: Takhini Hot Springs development

Mr. Byblow: I will direct this question to the Minister responsible for Agriculture.

Now, I will first draw the Minister's attention to November 19, 1981, when the Minister responsible for land, the Honourable Mr. Lattin said, regarding the Takhini Hot Springs development, that the land was not a high priority as far as agriculture was concerned.

I would like to ask the Minister whether he can state exactly what kind of priority land for agriculture has? Is it fair? Is it low? Is it nonexistent, with respect to the Government's land classification system?

Hon. Mr. Lang: The Member opposite forgot to read the proceedings of late last week, where in response to a question, I made it very clear that the remainder of the land in that particular area was going to be assessed for agricultural potential, and possibly granted out for that particular purpose, and land that would not have agricultural potential would be probably zoned as open space or wilderness. It was not our position that we were going to create, "another satellite community."

I think the land out there, in most cases, is Class V and there is some question of the suitability for agricultural purposes. There is no question in my mind that in some cases it could well be used for agricultural purposes, depending on where it is located and what the climatic conditions are. I think that it is fair to say that some land would be made available for that purpose.

I should point out further that I think the Member across the way has misunderstood my colleague, the Minister of Municip-

al Affairs. He was referring strictly to those 30 lots of 15- to 20-acre parcels that are presently being developed in that particular area. He was not referring to the total area, that the Member indicated in the opening to his question.

Mr. Byblow: I appreciate the Minister's response, especially with respect to Class V land.

I was told what I believe to be a true story, the other day, about a particular Minister who stood in, and marvelled at, a particular stand of oats, nearly five feet high, which grew on Class V land. This also was within twenty miles of Whitehorse.

I would then ask the Minister if, given his questioning of the suitability of Class V land for agriculture, he can say at this time whether or not that classification will be identified and reserved for agricultural use?

Hon. Mr. Lang: I thought I had answered the Member's question with my previous response. I made it clear that some of those areas will likely be used for agricultural purposes. The remainder will be set aside as wilderness, recreation, and open space. It is going to be an ongoing process. Once we get our agriculture policy, with the proper mechanisms, in place, applications will be considered on their own merit.

Mr. Byblow: I take it from the Minister's answer that classified land is not necessarily restricted from agricultural use. When the Minister was speaking with various groups and individuals, he indicated that the Agricultural Development Council which is intended to be struck will be taking applications for agricultural enterprises. I assume that to mean land. Can the Minister say at this time whether that Council, or the Government, will have the final say, respecting those applications for land use in agriculture?

Hon. Mr. Lang: I have just had a meeting with members of the Livestock Association this morning. We are looking at the various recommendations that they have put forward. They must be discussed further, in Cabinet, and once we have made a decision, we will bring it forward to the Legislature for discussion. I am sure the Member opposite will have much to contribute.

Question re: Accident fatality at Burwash/Promptness of ambulance service

Mrs. McGuire: My question is for the Minister responsible for ambulance services. In regard to a question asked earlier to the Minister respecting the ambulance service on the north Highway, to which the Minister stated that he would give me an answer, I would like to ask if the Minister has found out whether an investigation took place in regard to allegations made to this Government, involving an accident fatality at Burwash, which may or may not have been caused by late ambulance service?

Hon. Mr. Lattin: No; as soon as I get it — and I asked for it again this morning — I will certainly bring it to the House.

Question re: Survey of fire burn for alternative fuel supply

Mr. Kimmerley: My question is for the Minister responsible for Renewable Resources. With the increasing cost of fuel oil, Yukoners are turning to wood as an alternative fuel supply. Is the Government surveying the burned areas near communities to assess the total supply available, and, if so, what are the results?

Hon. Mr. Lang: This in large part is the responsibility of the Government of Canada, through the Department of Forestry. My understanding is that they have done a review, at least, in proximity to the municipality of Whitehorse, and I understand that they have come up with some figures indicating that there is a minimum of ten years' supply of wood available here.

As far as the other communities are concerned, I am not sure whether they have done an inventory, but I will try to find out, and get the information back to the Member.

Mr. Kimmerley: As our unemployment rate will probably return to its 20-25 percent winter level, is the Government considering a program of wood-cutting and the transportation for sale utilizing unemployed people this winter?

Hon. Mr. Lang: I should point out to the Member opposite

that I am not responsible for Unemployment Insurance. It is a program administered by the Government of Canada, so I have no authority to dictate that the dollars allocated to that particular program should be allocated elsewhere. At the present time, no, it is not our intention to start a program for the purpose of cutting firewood. The point is that most people in the Whitehorse area, as elsewhere, generally get out and get their wood, unless they are being paid to do it.

Mr. Kimmerly: I believe the Minister said no. In view of the number of employable persons on Social Assistance, is the Minister considering discussing with the proper authorities the use of these people for this project?

Hon. Mr. Lang: I would like to have the NDP make their policy clear to us, with respect to questions being asked. Is the Member opposite indicating to me that we should purchase everybody an axe, and send them out to cut firewood, or just exactly what they are trying to allude to with their question?

Mr. Speaker: The question would be quite out of order.

Question re: Recovery of Wages Ordinance

Mr. Penikett: There might be other projects deemed worthy of our axe.

I have a question for the Minister of Justice, concerning the *Recovery of Wages Ordinance*. Under the current Ordinance, the maximum amount of wages an employee can collect is \$1,500, and this type of case is heard in the Territorial Court. Any action to collect wages over \$1,500 must be heard in the Supreme Court. I would like to ask the Minister if he is contemplating, at this moment, any changes in this law?

Hon. Mr. Tracey: The collection of wages is a very important part of a labour ordinance, and hopefully when we bring in our new labour legislation, this will be one of the situations that is properly addressed. As the Member has stated, you use either the Small Claims Court or the Supreme Court. We do not contemplate changing that until we bring in the new labour legislation.

Mr. Penikett: Some problems will not wait for spring; we are taking about the *Recovery of Wages Ordinance*, not the *Labour Standards Ordinance*. I would like to ask the Minister: since some miners are trying to collect their entire summer's wages — in one case, more than \$10,000 — and since going to Supreme Court is an expensive, time-consuming process, will the Minister consider amending this Ordinance now, to raise the \$1,500 ceiling, prior to the complete review of the *Labour Standards Ordinance*?

Hon. Mr. Tracey: I will have to take that question under advisement until I speak with my Department. I do not know how high the Member would like to see it go, but I suppose what he will say is that a person should be able to collect all his wages, and I am not in disagreement with him. I will go back to my Department and find out just exactly what we are doing on it.

Mr. Penikett: Yes, I agree, an employee ought to be able to collect all his wages. I think that is an important principle.

I would like to ask the Minister — since, with respect to the collections problem, and given that there will be some time before we completely review the *Labour Standards Ordinance*, there is an unfortunately short Statute of Limitations period. Is this Minister planning to make changes in his Department, in order to improve the investigation and prosecution process, so that some of these cases can be resolved before the time limit expires?

Hon. Mr. Tracey: All I can say to that is that there is a method of getting the wages now. There has always been that method, and that method is still available.

Question re: Seat belts on school buses

Mr. Veale: I have a question for the Minister of Education. On Wednesday last, the Minister made a statement to the House in which she stated that "she questioned the doubtful safety provided by the use and installation of seat belts", with specific respect to school buses. Would the Minister clarify her position, to indicate that she was really making the position that additional supervision to what we now have on Yukon school buses would be required, in order to make seat belts

effective? The Minister is not really stating that seat belts are of no safety value; is that right?

Hon. Mrs. McCall: The Member is confusing two issues. Never would I say that seat belts were of no value at all. The question was: were they of enough value on school buses, in particular, even with supervision? The answer that was given me was that quick exit had proved to be more valuable on school buses. There were other factors as well. If the Member will read the piece that I quoted, which I do not have at hand just now, but which he will find in Hansard, I covered that question completely.

Mr. Veale: The question of quick exit is a question that occurs after the occupant has been injured. So, if the Minister is in agreement that if seat belts are properly installed and properly worn, would the Minister agree that seat belts can be effective, with that kind of supervision?

Mr. Speaker: Order please. I think the question is out of order. The question does not seek information. The question seeks an opinion, which, of course, is contrary to the rules governing the Question Period.

Mr. Veale: My question does not seek an opinion; it seeks a clarification. Will the Minister agree that, with supervision, seat belts can be effective in school buses?

Hon. Mrs. McCall: We could have a philosophical discussion on the question of seat belts, in general. The quotation that I gave to the Member opposite the other day was as a result of research done into the question of seat belts on school buses only. I think the Member is confusing the validity of seat belts in general with the question of seat belts on school buses.

Question re: Vocational School student form/General practitioner's assessment

Mr. Byblow: I to have a question for the Minister of Education. The Minister, in previous questioning, assured the House that a form used by the Vocational School which asks general practitioners to assess the applicant's intelligence and emotional stability has been withdrawn. Is this form now being rewritten?

Hon. Mrs. McCall: Yes, it is.

Mr. Byblow: Can the Minister assure me that the question on intelligence and emotional stability will not appear on the new form?

Hon. Mrs. McCall: I think I had as many objections to the form, as it was, when it was drawn to my attention, as the Member opposite. Before a new form is adopted, I will review it very carefully; I have similar ideas on what is and is not acceptable on an admission form.

GOVERNMENT BILLS AND ORDERS

Mr. Speaker: There being no further questions we will proceed on the Order Paper to Government Bills and Orders.

Bill Number 76: Second Reading

Hon. Mr. Pearson: I move, seconded by the Honourable Minister of Tourism and Economic Development that Bill Number 76, *An Ordinance to Amend the Elections Ordinance, 1977*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Tourism and Economic Development that Bill Number 76 be now read a second time.

Hon. Mr. Pearson: I think that I should say a few words at the reading of this Bill, with respect to the purpose. We have drafted this Bill after receiving, as all Members of the Legislature did, the report entitled Recommended Amendments to the Elections Ordinance, 1977, which was tabled by you, Mr. Speaker, on November 12, 1981.

This report is from the Yukon Elections Board, and it made recommendations with respect to a number of amendments that they felt should be made to the Legislation, in view of the last general election.

As well, we have gone through two by-elections, and there were some administrative changes that it was thought should be made. So, there are no real substantive changes to the

Legislation, other than administrative ones, save and except for, that each elector will now be allowed to vouch for only two people applying to be sworn in at a polling place. Previously, of course, there was no limitation on the number of electors who could be sworn for.

Secondly, a general change is being made in the Ordinance, to remove any suggestion that election officials should have to act as peace officers. Amendments will make clear the direction that the RCMP should be called upon, if there is any trouble at the Polls.

Thirdly, subsections are being amended to require the calling of a by-election within 180 days of any vacancy occurring. The current wording did leave some doubt as to whether or not we could hold a Session of this Legislature with a vacancy in the Legislature.

There are some minor changes being made which are a result of the review of the Ordinance during the drafting of the amending Bill. I guess the major one is that the term, "Commissioner", in keeping with all other legislation, is being changed to read, "Commissioner in Executive Council", where it is appropriate.

Mr. Byblow: In that the majority of amendments in Bill 76 are technical and cosmetic, we see little problem in supporting the Bill. The changes sought by the Bill affect, in many cases, as the Government Leader said, the administration of proceedings in an election, and, as such, are improvements that can hardly be opposed.

However, just briefly speaking to the principle of the Bill, I think that it is noteworthy to mention that this Ordinance has been frequently revised. In fact, it has appeared about three times in the last four years. It would appear to me that the primary reason for that is that the administrative detail is contained, almost totally, in this Ordinance, with nothing left to regulations — that is, in the administrative sense. I believe that if we handled more ordinances this way, perhaps we would get away from some of the criticism and hostility towards orders in council, and regulations affecting the administration.

I think this Bill, in particular, is quite the opposite, but that should be carefully said, in that there are regulations applying to some fairly routine matters, such as forms, fees and so on.

I would, however, note that a number of recommended changes being proposed either by the Elections Board, or by the Standing Committee on Rules, Elections and Privileges, are not contained in the Bill. I call to attention the one principle, of denying voting privileges to someone who is not convicted but awaiting trial. That is not changed. I call to attention the principle of denying the vote to someone who could not afford a fine, but took a jail term instead. That has not changed.

It certainly seems, in the latter instance, that wealthy people can vote and the poor cannot. It is unfortunate.

I raise the same concern that the Government Leader mentioned, but in a different light, and that is about the changes in the requirement for a Government to have a by-election, given reasonable time constraints before a regular sitting of the Legislature. I think the principle changed here is that a riding can, in fact, go without representation, whereas under the previous Amendments, there was, given certain time constraints, a requirement to have an election.

Going on through the Ordinance, there are a number of specific concerns which relate to specific clauses. Certainly we will be raising more questions in Committee, either because of the amendments that are proposed, or because of the absence of them.

One such absence, I would note, is the recommendation of the Standing Committee to expand the Elections Board, and to permit each registered political party to name persons to the board.

Hon. Mr. Pearson: Point of Order, Mr. Speaker.

Mr. Speaker: Order please.

Hon. Mr. Pearson: I am sure that you are going to have to direct the Honourable Member. When we table legislation that is here for amendment, those sections of the legislation are

opened up.

We are not talking about the report of a Board, Mr. Speaker. We are talking about amendments to the *Elections Ordinance*.

Mr. Speaker: The Honourable Member has made a good point.

Mr. Byblow: I am not too clear, Mr. Speaker.

I was making reference to recommendations made to the House from the Standing Committees and from the Elections Board.

Nevertheless, we will be supporting this Bill in principle, at this point. Hopefully we will improve upon it in Committee, as the Government Leader indicated he is prepared to entertain.

Mr. Veale: My Party will be supporting this Bill in principle. We will be questioning the details in Committee.

Motion agreed to

Bill Number 79: Second Reading

Hon. Mr. Pearson: I move, seconded by the Honourable Minister of Municipal and Community Affairs that Bill Number 79, *An Ordinance to Amend the Income Tax Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Municipal and Community Affairs that Bill Number 79 be now read a second time.

Motion agreed to

Bill Number 70: Third Reading

Hon. Mr. Pearson: I move, seconded by the Honourable Minister of Justice that Bill Number 70, *First Appropriation Ordinance, 1982-82*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Justice that Bill Number 70 be now read a third time.

Motion agreed to

On Title

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

Hon. Mr. Pearson: I move, seconded by the Honourable Minister of Justice that Bill Number 70 do now pass, and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Justice that Bill Number 70 do now pass and that the title be as on the Order Paper.

Title agreed to

Mr. Chairman: I will declare that Bill Number 70 has passed this House

Bill Number 73: Third Reading

Hon. Mr. Pearson: I move, seconded by the Honourable Minister of Education that Bill Number 73, *Fourth Appropriation Ordinance, 1980-81*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Education that Bill Number 73 be now read a third time.

Motion agreed to

On Title

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

Hon. Mr. Pearson: I move, seconded by the Honourable Minister of Education that Bill Number 73 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Education that Bill Number 73 do now pass and that the title be as on the Order Paper.

Title Agreed to

Mr. Speaker: I will declare that Bill Number 73 has passed this House.

Bill Number 78: Third Reading

Hon. Mr. Lattin: I move, seconded by the Honourable Member for Mayo that Bill Number 78, *An Ordinance to Amend the Building Standards Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Mayo, that Bill Number 78 be now read a

third time.

Motion agreed to

On Title

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

Hon. Mr. Lattin: I move, seconded by the Honourable Member for Mayo that Bill Number 78 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Mayo, that Bill Number 78 do now pass and that the title be as on the Order Paper.

Title agreed to

Mr. Speaker: I declare that Bill Number 78 has passed this House.

Bill Number 71: Third Reading

Hon. Mr. Lattin: I move, seconded by the Honourable Member for Hootalinqua that Bill Number 71, *An Ordinance to Amend the Municipal Finance Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Hootalinqua that Bill Number 71 be now read a third time.

Motion agreed to

On Title

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

Hon. Mr. Lattin: I move, seconded by the Honourable Member for Hootalinqua that Bill Number 71 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Hootalinqua that Bill Number 71 do now pass and that the title be as on the Order Paper.

Title agreed to

Mr. Speaker: declare that Bill Number 71 has passed this House.

Bill Number 66: Third Reading

Hon. Mr. Lattin: I move, seconded by the Honourable Member for Mayo that Bill Number 66 *An Ordinance to Amend the Municipal Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Mayo, that Bill Number 66 be now read a third time.

Motion agreed to

On Title

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

Hon. Mr. Lattin: I move, seconded by the Honourable Member for Mayo, that Bill Number 66 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Mayo, that Bill Number 66 do now pass and that the title be as on the Order Paper.

Title agreed to

Mr. Speaker: I declare that Bill Number 66 has passed this House.

Bill Number 68: Third Reading

Hon. Mr. Tracey: I move, seconded by the Member for Old Crow that Bill Number 68, *Miscellaneous Statute Law Repeal Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Member for Old Crow, that Bill Number 68 be now read a third time.

Motion agreed to

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

Hon. Mr. Tracey: I move, seconded by the Member for Old Crow that Bill Number 68 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Member for Old Crow, that Bill Number 68 do now pass and that the title be as on the Order Paper.

Title agreed to

Mr. Speaker: I declare that Bill Number 68 has passed this House.

Bill Number 72: Third Reading

Hon. Mr. Tracey: I move, seconded by the Member for Hootalinqua, that Bill Number 72, *An Ordinance to Amend the Court of Appeal Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Hootalinqua, that Bill Number 72 be now read a third time.

Motion agreed to

On Title

Hon. Mr. Tracey: I move, seconded by the Member for Hootalinqua that Bill Number 72 be now passed and the Title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Hootalinqua, that Bill Number 72 do now pass and that the Title be as on the Order Paper.

Title agreed to

Mr. Speaker: I declare that Bill Number 72 has passed this House.

Hon. Mr. Tracey: I move, seconded by the Member for Porter Creek East that Bill Number 74, *Miscellaneous Statute Law Amendment Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Porter Creek East, that Bill Number 74 be now read a third time.

Motion agreed to

On Title

Hon. Mr. Tracey: I move, seconded by the Honourable Member for Porter Creek East, that Bill Number 74 do now pass and that the Title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Whitehorse Porter Creek East that Bill Number 74 do now pass and that the Title be as on the Order Paper.

Title agreed to

Mr. Speaker: I declare that Bill Number 74 has passed this House.

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

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

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Campbell, that Mr. Speaker do now leave the Chair and that the House resolve to Committee of the Whole.

Motion agreed to

COMMITTEE OF THE WHOLE

Mr. Chairman: I call Committee of the Whole to order. At this time I would like to declare a short recess.

Recess

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

I refer the Committee to Bill Number 76, *An Ordinance to Amend the Elections Ordinance, 1977*.

Some of these Clauses have numerous subsections; Clause 46 has 14 subsections. I shall refer the Committee to Clause 1, general discussion.

On Clause 1

Hon. Mr. Pearson: The purpose of the Bill, as I said at Second Reading, is to make amendments that were recommended to us mainly by the Elections Board in their Report, which was tabled in the House earlier.

There were some administrative details that became noticeable, particularly to the Clerk in his work, and required amendments.

Mr. Byblow: I would be curious, then, as to the principle used in making the various changes; I say that because of the Standing Committee's Report. When the Government was considering amendments, obviously they were taking the Election Board's amendments. In the previous Session, however, we had the tabling of the Standing Committee Report on improvements or recommended changes to the *Elections Ordinance*.

What did the Government use as the guiding principle to do the amendments?

Hon. Mr. Pearson: Everything that we had. We considered all recommendations.

Clause 1 agreed to

On Clause 2

Hon. Mr. Pearson: This is simply to get rid of the term "1977" in the title of the legislation. It was necessary to have that entrenched, at that time, because this was transitional legislation. We did have two election ordinances in place and on our Statute Books at the same time.

Clause 2 agreed to

On Clause 3

Hon. Mr. Pearson: In subsection 1, these definitions were recommended by the Board, although the actual wording of the definitions is different, to a small degree, with the recommendations of the Board.

Hon. Mr. Pearson: In subsection 2, these are simply changes in definitions that should be clear. If they are not clear, I am confident that Members opposite will raise a question.

Mr. Byblow: In subsection 3, I had some question with this, in that "poll book", in the existing definitions, outlines what it is to contain. Changing the definition by making reference to 44(1)(h) does not improve a definition; in fact, it makes it much more vague. When I look at 44(1)(h), it refers to a blank poll book. Have I missed some further definition in the amendments?

Hon. Mr. Pearson: Yes, on Page 12 of these amendments, 44(1)(h) is being amended by striking out the expression "poll book" and substituting for it the expression "poll book in the prescribed form".

Mr. Byblow: In light of what the Government Leader said, then, it is going to be a prescribed form which will still be a blank book, not necessarily requiring the delineation that is in the existing definition.

Hon. Mr. Pearson: I do not know that. I leave these things up to the people who run these elections. The poll book is a specific form that is used and it will be prescribed in regulations.

Mr. Veale: I think it is appropriate to have it in the prescribed form. The only concern before was that it might not be blank and therefore would not meet the definition.

Mr. Veale: In subsection 4, we have defined the word "vote", now, under the new definitions proceeding under the amendments. I am just not clear on why we are taking the word "vote" out of subsection 2(1) to put in "poll".

Hon. Mr. Pearson: If my memory serves me correctly, this was one of the recommendations of the Elections Board. I will just get it and read it for the Honourable Member.

Mr. Byblow: It was a recommendation of the Elections Board to strike out the word "vote" and substitute "poll". I think, when you have changed the definition of "vote", and you put that definition into the terminology of the sentence, it does not make sense. So, you have to change the word to "poll".

Hon. Mr. Pearson: I am sure that the Member could hear that, as well.

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Mr. Byblow: I would just like to know why the wording was

changed around; it says the same thing.

Hon. Mr. Pearson: Once again, this is as recommended by the Elections Board.

Clause 7 agreed to

On Clause 8

Hon. Mr. Pearson: I might say, for your edification, that this particular amendment will be coming up a number of times. What we are doing is substituting "Commissioner" for "Commissioner in Executive Council".

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Mr. Byblow: I think that, when we were discussing in second reading, the Government Leader told me that I could not talk about things that were not in the Ordinance. However, right in this section is introduced one of the points I brought up, relating to Clause 18(2)(c). Is it permissible to discuss that?

Hon. Mr. Pearson: We have not amended Clause 18 at all. If the Member has some concerns, though, I think probably we should hear those concerns. What Clause 13 is doing is changing the heading, just prior to Clause 18.

Mr. Byblow: I only introduce this point here because it comes before the next Clause 14, or Clause 20 of the Ordinance.

The concern that was brought to my attention lies in Clause 18(2)(c). If the Government Leader has a copy of the Ordinance there, it says, "...If a person who, by reason of being deprived of his liberty of movement while awaiting trial of sentencing..." It has been brought to my attention that it perhaps may be a form of discrimination, where a person is not necessarily convicted, but is deprived of voting while he is simply awaiting trial. Unfortunately, though, I do not see that in any of the recommendations, either from the Standing Committee or the Elections Board.

Also, in the same context, a person could be in jail, because he opted to go to jail instead of paying a fine. So he is in jail, as the clause says, denied voting privileges, and, as a consequence, somebody who cannot afford to pay is denied his right to vote. That is the point I wanted to bring up in between these two clauses.

Hon. Mr. Pearson: I recognize the point that the Honourable Member is making, and I think it is a point worth discussing to some degree. However, we on this side do not feel that we should be drafting legislation which says that if a person is incarcerated, for whatever reason, they should be allowed to get out of that incarceration to go and vote. We just do not think that it is our place to do it.

Mr. Byblow: In just completing the discussion, I must correct the record. I believe the Standing Committee did make a recommendation on that. If it did not make a recommendation, it made a reference to that point; I think the point that I am making, contrary to exactly the words of the Government Leader, is not a case of where the person is incarcerated, but is just simply awaiting trial.

Hon. Mr. Pearson: It does not matter why he is in that jail. If he is in jail, he is incarcerated, and it does not matter what reason he is there for. His rights are denied, at that point in time.

Mr. Veale: I do not think that particular provision about awaiting trial would be reason for changing this. With the bail provisions, the only reason a person would be incarcerated and awaiting trial would be that he was a danger to the public peace, or if there was a danger that he would repeat the offense. So, under those circumstances, it certainly would not be appropriate to have him released, in any event, to come down and vote.

Mr. Byblow: I would only conclude that it would be perhaps

advisable for this to be amended again. It is a point brought to my attention quite firmly.

Hon. Mr. Pearson: I want to reiterate once again that we did do that, very, very seriously.

Clause 13 agreed to

On Clause 14

Hon. Mr. Pearson: With respect to this amendment, we have accepted the recommendations of the Elections Board, except that we changed the wording somewhat. It used to be "agent" or "counsel"; we are now using the word "representative" instead. We feel that it gives a bit more flexibility.

Mr. Veale: Are there any previous regulations regarding the agent or counsel, or the word "representative"?

Hon. Mr. Pearson: There are specific duties in the legislation for agent or counsel. I believe that we can say that agent and counsel are the same thing. The representative is somebody different again. The representative does not have any specific duties; an agent or counsel does.

Mr. Kimmerly: I wonder whether the Government Leader could elaborate on the definition of "representative"? Specifically, is a political organizer or campaigner attached to a political party qualified to be the representative?

Hon. Mr. Pearson: Yes, anyone is qualified to be a representative.

Clause 14 agreed to

On Clause 15

Mr. Chairman: I understand there is an amendment to subsection 5.

Hon. Mr. Pearson: In Clause 15(5), where they refer to (8.1), we feel it should be amended to make a clarification, particularly for returning officers. As a result I would like to move that Bill Number 76 entitled, *An Ordinance to Amend the Elections Ordinance, 1977*, be amended, at page 4, by deleting in 15(5), (8.1) the expression, "upon receipt of the lists of electors for all polling divisions", and substituting therefore, "upon receipt of the certified, revised preliminary lists of electors for all polling divisions". What this does, in fact, is to make it very, very clear which list is being referred to at that particular point in time. As I am sure all Members are aware, when an election is being held, there are a number of lists created and worked with during the course of the election. This is the first time, in this legislation, that this particular certified revised preliminary list is referred to, so we thought it was appropriate that it be named in full at this point.

Mr. Byblow: I would only have this question, then, of the Government Leader, regarding the certified revised preliminary list: at what point is that assembled?

Hon. Mr. Pearson: Section 21 deals with the creation of that list. There is a series of steps which must be taken, to finally come down to that certified revised list of electors.

Mr. Veale: We are talking about 15(5), (8.1)?

Hon. Mr. Pearson: Yes.

Motion agreed to

Clause 15 agreed to, as amended

On Clause 16

Hon. Mr. Pearson: I should say that subsections 1 through 6 are following the recommendations of the Board.

Mr. Pearson: Regarding subsection 7, this amendment was not recommended by the Elections Board. It is put in here to ensure that a copy of the preliminary list of electors is available, in the event that the list being transmitted to the Returning Officer is lost.

Mr. Chairman: Any further questions?

Clause 16 agreed to

On Clause 17

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Mr. Byblow: In subsection 2, I just have to doublecheck. Was that also a recommendation from the Board?

Hon. Mr. Pearson: I am sorry. I was trying to check

another thing. I believe we have a typo, but I want to check it out.

The change in subsection 2 came about as a result of the changes made in Clause 14, just previously.

Mr. Veale: Could we just have an explanation for that subsection 3? It does not appear to be in the changes.

Hon. Mr. Pearson: The redrafting of Clause 25(3) is as a result of a number of recommendations of the Board. We thought that the redrafting would clarify the situation.

Clause 19 agreed to

On Clause 20

Clause 20 Agreed to

On Clause 21

Mr. Pearson: In subsection 1, the primary reason for this, of course, was because we found that the time for posting a proclamation just was not long enough. Most of them had to be posted on Sunday, in order to meet the requirements of the Legislation, when most Government buildings are closed.

Mr. Byblow: In subsection 2, the question is, how has the new wording improved? It makes it more difficult to determine where the location is to be.

Hon. Mr. Pearson: This legislation was drafted by a very, very dedicated gentleman, who received all of his experience in one of the finer provinces in the south; we just do not have, in any of our communities, a courthouse. There are only three where we have a city or a town hall, although there are private or public buildings in most communities. It is just a clean-up of the legislation.

Mr. Veale: I assume we are on subsection 2?

Mr. Chairman: That is correct.

Mr. Veale: The wording I find difficult is: "some other place in the electoral district that is convenient...". The wording in the recommendations of the Board was, "that is most convenient", or even the wording, "that is convenient", should be there. I do not think it makes sense to just have, "convenient", without some sort of verb.

Mr. Chairman: Are you asking a question?

Mr. Veale: Yes.

Hon. Mr. Pearson: With all due respect, I will read the full Clause with the amendment, as it has been proposed. This would be Clause 27(2): "The place fixed, pursuant to paragraph to 1(a), for the nomination of a candidate, shall be the Office of the Returning Officer, or some other place in the electoral district, convenient for the majority of the electors in the electoral district".

Mr. Veale: It is a small point, but the wording prior to that was, "is most convenient for". The wording makes sense, I agree. I am not clear on why the "most convenient" wording has been abandoned.

Hon. Mr. Pearson: This legislation is just a series of words, and certainly the Honourable Member will agree with me that any words we can cut out, we should cut out. The word "most" is redundant in this case.

Clause 21 agreed to

On Clause 22

Hon. Mr. Pearson: I was just going to point out that although this is a recommendation of the Elections Board, it is one of the substantive changes in the Legislation, which I mentioned at second reading.

Mr. Byblow: I realize that it is recommended by the Board, and I agree with the Government Leader that it is quite substantive. I am wondering why the need was felt to change this. It makes it more opportune to have a riding not represented through a Session, by virtue of a resignation.

Hon. Mr. Pearson: This is one of the holdovers of the old Territorial Council set-up, when neither party politics nor responsible government was in place. I would just like to put a scenario to the Honourable Member, although I know he is an Honourable Member, and was never, ever considered something like this. It is conceivable for Members opposite to control when Sessions of this Legislature might be held, simply by creating by-elections. I do not think that is a right and a proper

thing. I do not think that I am prepared to take from them the suggestion that they had not thought of that. If I thought of it, I am sure they thought of it as well.

Mr. Penikett: I must intercede here. It is also possible a vacancy in this House could be created by my being appointed to the Senate. I would point out to the Government Leader that the likelihood of that happening is probably zero, on any scale of probability, and I think the suicidal nature of Members of this House, on one side of it at least, has been noted from time to time, but believe me, I think there is very little prospect that some Member would resign his seat in order to delay a Session of the House. That seems to me purely ludicrous.

Hon. Mr. Pearson: The legislation, the way it was written, was very ambiguous. The question was raised. We want to make it clear that, whether there are vacancies or not, this Government has the responsibility to govern. We may have to have this House in Session in order to govern; therefore, the legislation reflects that.

Mr. Veale: I accept the statement by the Government Leader. I do not believe that the House should be held up and not permitted to sit — which, I think, was the interpretation under the old section. However, the reasoning behind the Government Leader's decision has left some question in my mind.

Mr. Byblow: Perhaps I could ask a question, in the event that I am not understanding the existing legislation correctly. Under the existing section 30, entitled Polling Day, is it absolutely required that a by-election be held before a legislature can commence?

Hon. Mr. Pearson: If he wants the question answered in a word, no. But I think there is, as I have said two or three times, some ambiguity about it. There is a question. The question was, in fact, raised. Could we have a session of the Legislature while a seat was vacant? Now, with all due respect, it was one of those things where we made the mistake of asking two Members of that well known profession, and we got two different answers. So, obviously ambiguity did exist. We did ask the Elections Board, and the Elections Board felt that they also could read some question into the existing legislation, and made the recommendation for the change. We are making it clear now that a Session could be held with a seat or seats vacant. We are making that very, very clear now.

Mr. Byblow: As I read the Section, it puts a tremendous onus on an election's being held if the time constraint was there to do it. That was my interpretation. What the Government Leader is saying by the introduction of this particular Section, is that it is now the Government's prerogative to call that by-election. Far be it from me to suggest anything other than honourable treatment of such a delicate matter, but the Government now has control of that by-election and can, very obviously, hold it over for the full 180 days, during which a session, or even two, could be held, and could thereby, for political expediency, leave that seat vacant.

Hon. Mr. Pearson: That is absolutely true, but Members must realize that, in fact, the Government has control over when elections are held, and when this House sits. Why should it be any different for by-elections?

Mr. Kimmerly: Was there any consideration given to reducing the period to — for example, 90 days?

Hon. Mr. Pearson: I guess we considered everything from immediate to 180 days, and 180 days was deemed to be the best number.

Mr. Kimmerly: For what reason?

Hon. Mr. Pearson: Because it seemed to be a reasonable number. I might point out that we are committing the Government to call these by-elections within this specified time. Most governments are not committed to calling by-elections at all. They call them at their convenience, when they wish. That was the other alternative.

Clause 22 agreed to

On Clause 23

Hon. Mr. Pearson: In subsection 2, I should point out once again that this was not a recommendation of the Board, but

was a recommendation of ours. We felt that candidates should have the prerogative of witnessing the signatures on the paper on their behalf.

Hon. Mr. Pearson: On subsection 6, if there is some question about this, this is simply a re-numbering, because this used to appear as subsection 43(3) and it just did not follow in that context.

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Clause 25

Clause 25 agreed to

On Clause 26

Hon. Mr. Pearson: I am confident that the Member for Whitehorse South Centre is going to have something to say about this particular amendment.

Mr. Kimmerly: I thank the Government Leader for that invitation to speak. I am going to be supporting this particular amendment. It is long overdue, and is a substantial improvement on the wording in the existing Ordinance.

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

Mr. Byblow: I understand why Subsection 43(3) is being repealed. It has earlier been more appropriately placed.

Why is Subsection 43(6) being repealed? I realize that the Board recommended it, but I do not understand why.

Mr. Graham: Nobody uses the stereotyped block anymore, not even Canadian Elections. They cost too much.

Mr. Byblow: If that is the technical reason, should we not also have repealed Subsection 16(2) which introduces its existence?

Mr. Graham: We did.

Clause 30 agreed to

On Clause 31

Clause 31 agreed to

Mr. Chairman: I call a short recess at this time.

Recess

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

On Clause 32

Clause 32 agreed to

On Clause 33

Clause 33 agreed to

On Clause 34

Clause 34 agreed to

On Clause 35

Clause 35 agreed to

On Clause 36

Clause 36 agreed to

On Clause 37

Clause 37 agreed to

On Clause 38

Clause 38 agreed to

On Clause 39

Clause 39 agreed to

On Clause 40

Mr. Byblow: I just want to introduce another case wherein, by its absence, I would like to know why the Government has not considered it. It introduced three or four sections that come after this, and that relates to the whole business of "polling division", as opposed to "electoral district."

We have the situation where, in the case of a proxy coming up shortly, in the next section, it is limited to someone in that particular polling division. In the case of where a person is sworn in, it is restricted to another person's verifying from that

polling division.

I would like to know why it is not reasonable to have someone within that electoral district serve in that capacity. I say that in seriousness because I have been involved in situations where it has created a problem. There was an instance, on a couple of occasions, where someone just came new into that particular polling division, and did not know anyone in that polling division. I would just ask to hear some debate on that.

Hon. Mr. Pearson: It is restricted to people who actually live in, or are eligible voters in, that specific polling division. I think it is for the very good reason that, if it is not, there is too much chance of abuse. There has been, in past history, too much abuse of that kind of section if it is left wide open.

The sections that the Honourable Member is talking about are very permissive in the first instance, and to make them too permissive has proven to be bad legislation. They are prohibitive, and I recognize that they can be restrictive in some cases, but I am confident that statistics would prove out that it is better to be restrictive, as in this case, than to be too open.

Mr. Byblow: I hope the Government Leader realizes the restricted nature of the clauses pertaining to where someone can vouch for another or give a proxy. You do not give a proxy to someone who you do not fully and totally trust. That gives more reasons why it may be necessary to go outside the polling division.

I can understand that there is an administrative tangle here, that that place may not have an elector's list of another poll to verify whether that person is a qualified elector. It certainly should not be unreasonable to supply the polls with one copy of the total electoral district voting list.

Hon. Mr. Pearson: I recognize that there is a degree of unreasonableness to it, but the other way does allow for misuses that are very, very bad.

The legislation is designed in such a way that, except for the candidates and candidates' agents, there really should not be anyone in a polling place that is not a resident of that particular polling division. You have no real reason to go to another polling division on election day. That is the underlining theme in the legislation.

Mr. Graham: I do not think that it is a bit unreasonable. You take for instance the riding of Campbell; you could have somebody from Ross River swearing in a voter in the village of Liard. I do not think that is reasonable at all. I think that the amendment, written in its present state, is acceptable.

Mr. Byblow: In all seriousness, it is quite unlikely that you will have someone living in Liard whose only friend able to vouch for him lives in Ross River. Let us be reasonable.

The fact remains that in a polling division I know, there have been occasions where a person found it difficult to find someone to vouch for him and the restrictive nature prohibited him from voting. That is all I really want to make on that.

I do make another note that neither the Standing Committee Report nor the Elections Board Report make any mention of this fact. Unfortunately, I could not find that they recommended or suggested that this looked at. I think that it is too restrictive and ought to be changed.

Hon. Mr. Pearson: I would have been most surprised frankly. I have had to deal with elections, so I have had some experience at this. I am confident that the Clerk, who has had a lot of experience at it, as well, would not consider making recommendations to change those particular sections, and I would have been most surprised had the Elections Board made recommendations to change those sections, because they are about as permissive as anyone dares get with them.

Mr. Byblow: The only concluding point I would like to make is in the form of a question. How can the permissiveness, whereby you have a person from one poll being vouched for from another poll, either by proxy or by swearing in because he is not on the elector's list, lend itself to abuse? I would really like to know.

Hon. Mr. Pearson: By the very example stated by the Member for Porter Creek West. There have been numerous

instances of this — not in this Territory, but it could be a major problem if we did open it up.

Clause 40 agreed to

On Clause 41

Hon. Mr. Pearson: I want to mention that subsection 2 is another one of what we consider to be the substantive changes in this Legislation, in that the Legislation is now going to say, "that no elector whose name is on the list may make more than two declarations under paragraph (1)(b) at an election".

Mr. Byblow: I was only going to ask the question, because I recognize that as being one of the big changes: what was bad about the previous legislation? Is that another case of permissiveness and abuse; if so, how?

Hon. Mr. Pearson: This was a recommendation of the Board, and all I can assume from that was that the Board either perceived some abuse, or were fearful that there might be abuse. They made this recommendation to us after the last general election.

Mr. Byblow: I was not aware that the Board recommended this change.

Hon. Mr. Pearson: Yes, they did.

Clause 41 agreed to

On Clause 42

Clause 42 agreed to

On Clause 43

Hon. Mr. Pearson: Once again this is a recommendation of the Board, but it is considered to be a substantive change to the legislation.

Clause 43 agreed to

On Clause 44

Mr. Byblow: In subsection 2 of Clause 44, subsection 58(3) was not recommended for change by the Elections Board. What I am curious about is what is achieved by reducing the expression "one kilometre" to "100 metres"?

Hon. Mr. Pearson: Just so that we keep the records straight, the Board did recommend that these changes be made. The repeal of 58(2) makes clear that poll clerks do not have to do the work of members of the RCMP; that if there is a need for the RCMP to be present, they shall be present.

Also, it was a recommendation that the difference between 100 metres and one kilometre is 900 meters, if I am not mistaken.

Mr. Veale: Just for the record, I believe it was done so that one kilometre, in effect, took in some entire urban ridings, and made the provision a little bit redundant. That is why it was reduced to 100 metres.

Mr. Chairman: Order, please. I have to let the Honourable Members know that there is such a thing as *Hansard* in this Committee of the Whole, and I wish order.

Hon. Mr. Pearson: I may have misunderstood the Honourable Member's question. I thought he asked the difference between a kilometre and a metre. The reason for the change is because we felt it was too restrictive, and the Board thought that it was too restrictive, and we wanted to get it down to what we considered to be a reasonable distance.

Mr. Byblow: I am glad the Government Leader corrected my question. I asked what was being achieved. It brings up a host of interesting questions as to what is really achieved by this restriction. Does someone who is crossing the 100 metre line suddenly have to see he is in mid-sentence in talking to a constituent? We are talking about an entire Section 58, which deals with political propaganda. I do not know what it is. I am curious about the total gain from any change to this, unless you go into the basis of what Section 58 is trying to do, and talk about campaigning on Election Day at the Polls.

Hon. Mr. Pearson: I must say that if the Honourable Member does not know what political propaganda is, he is going to learn it mighty quickly, with his new party affiliation. Be that as it may, there is a specific reason for this prohibition to be in the Legislation, and it is in all electoral legislation in Canada, as far as I know. It protects the voter from being subjected to picket lines, if you will, in order to get into the polling place on

Election Day.

If this kind of Legislation was not replaced, I can just imagine what it might be like to try to get into a polling place. This makes it very, very clear. If you want to have a picket line, with respect to a polling place, it is going to have to be 100 metres away from the polling place.

Mr. Penikett: Just in case the Government Leader was not clear what political propaganda was, I believe a useful definition was once provided by Harry Truman who offered, during one campaign, to make a deal with his opponent: that he would stop telling the truth about them, if they would stop telling lies about him.

Mr. Chairman: Are all the speeches over?

Clause 44 agreed to

On Clause 45

Clause 45 agreed to

On Clause 46

Mr. Chairman: I want to ask the Honourable Members how we are going to deal with the next Clause. From page 16 to 19. Do you want to deal with it in its entirety? What do the Opposition Members say?

Mr. Penikett: Subsection by subsection.

Hon. Mr. Pearson: Just so that I can allay the fears of the Members opposite, all of the Subsections in this Clause are recommendations of the Board, save and except number 5.

On Clause 46

Clause 46 agreed to

Mr. Chairman: I would inform the Honourable Members that in my opinion the evidence to be obtained by Pat Michael's material is important to the discussion of Bill Number 76: A certificate of Witness for Committee of the Whole.

Mr. Penikett: We withdraw the Motion as it is no longer necessary.

Motion withdrawn

On Clause 47

Clause 47 agreed to

On Clause 48

Clause 48 agreed to

Mr. Chairman: I understand that we have an amendment in this particular clause regarding Clause 49(6).

Hon. Mr. Pearson: Yes, that is right Mr. Chairman. Did you want to deal with the amendment now?

Mr. Chairman: We will deal with the whole clause.

Hon. Mr. Pearson: I would like to propose an amendment as follows: that Bill Number 76, entitled, *An Ordinance to Amend the Elections Ordinance, 1977*, be amended in Clause 49(6), at pages 20 and 21, by: (a) striking out the word "and" at the end of 49(6)(c); (b) by adding the word "and" to the end of 49(6)(d); and (c) by adding the following: "49(6)(e) by striking out the word "largest" and the word "highest," and substituting for each of them the word "greatest."

The reason for the amendment is that the two words, "largest" and "highest" are used in the present legislation, and we have made a conscious attempt to use the word "greatest" in each instance. It was missed in this one Section.

Mr. Chairman: Are you agreed to the amendment?

Agreed

Clause 49(6) agreed to, as amended

On Clause 50

Clause 50 agreed to

On Clause 51

Hon. Mr. Pearson: I can say that Clause 51, in its entirety, is in direct response to the Election Board recommendations.

Clause 51 agreed to

On Clause 52

Clause 52 agreed to

On Clause 53

Clause 53 agreed to

On Clause 54

Mr. Byblow: Why is the word "audit" substituted for by the word "review"?

Hon. Mr. Pearson: In most cases the word "audit" has the

inference that something is going to be done by an auditor or a chartered accountant, and that was not the intent of the legislation at all. The amendment is to make not only the intent of the legislation clear, but the legislation itself. What is required is a review, and not an audit in the purest term of the word.

Clause 54 agreed to

On Clause 55

Clause 55 agreed to

On Clause 56

Clause 56 agreed to

On Clause 57

Clause 57 agreed to

On Clause 58

Clause 58 agreed to

On Clause 59

Hon. Mr. Pearson: I just want to advise Committee that the reason for this Section being repealed is that our new *Summary Convictions Ordinance* covers this.

Clause 59 agreed to

On Clause 60

Clause 60 agreed to

On Clause 61

Clause 61 agreed to

On Clause 62

Clause 62 agreed to

On Clause 53

Clause 53 agreed to

On Clause 54

Clause 54 agreed to

On Title

Title agreed to

Hon. Mr. Pearson: I move that you report Bill Number 76, *An Ordinance to Amend the Elections Ordinance, 1977*, with amendment.

Mr. Chairman: It has been moved by the Honourable Mr. Pearson that the Chairman do now report Bill Number 76, *An Ordinance to Amend the Elections Ordinance, 1977*, with amendment.

Motion agreed to

Mr. Chairman: I would like to refer Committee Members to Bill Number 79, *An Ordinance to Amend the Income Tax Ordinance*.

Hon. Mr. Pearson: The purpose of this Bill is to enable the Territory to give a tax credit to people who donate money to political parties or candidates in territorial elections.

Mr. Penikett: There are a couple of things that I would have said at second reading, had there been a debate.

As I read this Bill, it is not substantially different from parts of the electoral financing provisions that have been in effect for some time now in Ontario, New Brunswick, British Columbia and Alberta and of which, I gather, there is a measure now before the House in Newfoundland which is somewhat similar. It contains, in terms of its specific provisions, allowable tax credits identical to the provisions in the *Canada Elections Act*. The provisions are as in the *Elections Financing Act*, which Bill we supported in Parliament when it was first introduced in 1972 or 1974.

One cannot but support the principle to the extent that it does open up the political process and allow for many ordinary citizens to participate in the democratic life of the country and the community.

It should be pointed out that at the one time elections were the exclusive plaything of the rich. Unless you were a person of significant property you could not be a candidate. Unless you had some pretty substantial sponsors, in fact, you were unlikely to be able to stand for public office.

That is not so much true in this Territory over its history but it has certainly been true at the national level and in many of the provinces.

To that extent, I will indicate my Party's support for the Legislation. I have a couple of concerns about the Bill, which I will address during these Committee hearings.

I am a little concerned about the difference in definition of a "registered political party," between this Ordinance and the one we were previously discussing. There may be a reason for that, and I would like to explore it. I would understand that you want to make sure that some kind of financial assistance, or this tax credit system, would be available to an independent candidate, and not just simply the candidates of registered political parties.

However, it seems to me that the Rules, Elections and Privileges Committee and, subsequently, the House did adopt a very specific registration provision in terms of political parties for this Territory, and I would hate to see any confusion in that respect, because there were apparently two definitions. I would hate to see, for example, and maybe the Government Leader can clarify this, a creation of a party for the purposes of benefiting under this Ordinance, but which entity was not a registered political party under the *Elections Ordinance*.

The other question I have, and I am not sure how this differs with the Federal Act, is a question which is really in the second Subsection, and it refers to the filing of receipts in the prescribed form. Part of the important principle of partial public financing of election campaigns is, of course, the need for public disclosure of contributions. The disclosure principles, I understand very well, at the federal level. I am not sure how they will operate here. It does say that receipts would have to be filed on the prescribed form with the Minister. I am not quite clear where those receipts would have to be filed. I know there will be official agents.

I would be interested in how the publication of the names of donors would happen. Under the Federal Act, the identity of the donors is made known for anybody who contributes more than \$100. What is clear under this Act now, is one would be able to contribute, for example, \$100 to the Federal Progressive Conservative Party and \$100 to the Yukon Progressive Conservative Party, and receive the maximum tax credit, namely \$75, from each of the contributions.

That is now the case in British Columbia and in Alberta. I understand in both cases, there, the disclosure principle applies, and there is a record somewhere that lists all those donors.

In Canada, that registry, if you like, is maintained by the Chief Electoral Officer.

If one has the time and the patience, and perhaps nothing else to do with ones life, one can go through those long lists and extract from them the names of the donors to the different parties. Since, in that case they are filed alphabetically, it is very difficult to do a proper search. That is an area I will be interested to hear about from the Government Leader.

In closing, I would just like to say that we generally support the Bill. We support the partial public financing of electoral campaigns, because we do think that it improves the prospect for candidates without great means to be able to seek and hold public office. We think it improves the ability of ordinary citizens to participate in the democratic process. Further, we think an important part of that principle is the need for full public disclosure. If the disclosure principle in the federal bill, which this seems to copy or duplicate, is for donors over a hundred dollars to make themselves known, then we think that ought to be the case here, as well.

Mr. Veale: Our Party endorses the principle in the proposed amendments as well. I have the same concerns as expressed by the Leader of the Opposition.

I expect there is good reason for the use of the term "recognised political party," but it will create two classes of political parties, possibly, in the Yukon. I think that should be of concern to everyone. The provision of having to have one hundred signatures to have a registered political party is probably a worthwhile thing. It requires the party to be extremely serious before it even makes the attempt, rather than having parties that are fielding candidates for purposes not so serious.

The aspect of disclosure, I do not think, is dealt with in the legislation at all. I do not think that there is any disclosure

required. The difficulty that that creates, as a general principle, is that no-one really knows how much money political parties receive, and from whom. That is going to be something that we will recognize as being an inadequacy, or a really serious omission, in the legislation.

I also point out that donations can be given to a specific candidate in a specific constituency. While that is appropriate in the sense of people being independent and not having a party available, it also can result in a tremendous financial advantage to certain candidates in certain constituencies if they received an exceptional amount of money, and used it for the purposes of advertising in the media. I really question whether we should be proceeding, although we all agree with the principle, without some serious consideration being given to those two aspects. Those are two limitations that are in federal legislation and might appropriately be in this legislation, as well.

Hon. Mr. Pearson: I do not know if I can allay all of the fears of the Honourable Members who have spoken, but the legislation is, in fact, at this point, uniform legislation that was written for us by the Federal government and, in fact, follows word for word that of British Columbia, I understand. The reason for it being this specific is to fit in with what is happening in the rest of Canada, and also to apply to our present legislation. The receipt that has been spoken about accompanies the taxation return of the individual. It is given to the individual. It is attested to by the party, the candidate, or his agent, and the individual uses that receipt as a back-up for his deduction claim when he is claiming his deduction. That receipt goes in with the tax form. There is no requirement for a registry, if you will, for disclosure, other than that, in our present legislation, a financial statement must be returned by each and every candidate. That is the only disclosure.

The legislation, as I say, is legislation that we have been assured by the Federal finance people does, in fact, work. We are taking their word for that.

Mr. Penikett: I remain confused on a couple of points, the Government Leader did not deal with the problem I have in terms of the definition of "registered political parties." Perhaps he could address that?

The other point I have is to do with contributions. Under the existing Federal law, contributions may be made under two circumstances. There are the on-going collections of contributions to federal political parties. I just received, this morning, a solicitation from the Conservatives, again — I probably will not be sending them anything, but it is nice to know they are interested. At this time of year there are a number of solicitations that people get, and that money is contributed to the party. It is not contributed to a candidate. The parties must declare that money, under the *Canada Elections Act* and, in fact, those are audited financial statements that they must provide to the Chief Electoral Officer. Any citizen can go and look at them. We have here, it seems to me, a situation where the political parties were, until the last set of amendments, societies. You could have had, under that arrangement, some kind of collection and check, and annual audit of money received. That is one category of collections. It seems to me that while people might get receipts for that, in a non-election period there will be no public accounting at all.

Money contributed during election campaigns is different. Under the Federal law each candidate has an agent to receive, receipt and account for money, and there is a statement filed at the end of a campaign, for which there is some public accounting that also goes to the Chief Electoral Officer and, in fact, has to be published in a newspaper; not all of the names, but, I think they could be made available if someone demands them. The point is that this Bill will provide for people to contribute in both ways; both to a party and a candidate. I admit that there is some public reporting for some contributions made during an election period, for a specific candidate, whether they be aligned with some political party or independent. However, I see no reporting whatsoever for contributions to Territorial political parties, and I am curious about that, especially since

they are not even regarded to be societies any more, under Yukon law, which is a measure I support, because there are good reasons why they should not be. The problem is that, since they are not societies, there is no way for that money to be reported.

Let me just give you the dimension of the problem. I understand the reason why this Bill was brought in in many parts of the country. I do not know about the Liberals, but I know the Conservative party is a different corporate entity at the provincial level than it is federally. In Ontario, there is a very tough reporting law. All parties have to file an audit and financial statement at the end of the year. I gather they have to report to a board, which registers the parties, and each of the parties has an appointed member to that board. The situation in my party is different. My party does not have a separate corporate entity. Constitutionally, my party is a federation of provincial sections. Now, it may be that under this provision my party would feel honour bound, constitutionally, to report any money it raised under the Territorial legislation, if you like, in the same statements it files federally. I would be concerned, if that were the case, that we would be the only party reporting its contributions. We are prepared to do that because we do not disagree with that. But, the other parties would be immune to that. It seems to me that if you are having public financing, the other side to public financing is public disclosure. If you do not have that, some of the more horrendous implications, and I do not mean under-the-table contributions, but secret contributions, will raise a lot of questions. I hope the Government Leader will respond to them.

Hon. Mr. Pearson: I can understand where the Honourable Member is coming from quite well.

There is little doubt about it, it does raise a problem in respect to how his Party might deal with contributions from Yukoners to the Party here. I do not think that we can deal with that specifically in the legislation.

In defense of the way the legislation is, all I can say is that if there is no requirement to report territorially, there must be no requirement to report provincially, as well. In other words, this legislation, I understand, is modelled on what is in effect in British Columbia. I know that similar types of legislation are in effect in other provinces, but I was told by the people in Ottawa, who drafted the legislation for us, that British Columbia was used as a model.

Mr. Penikett: I would not want this to be quoted as the gospel truth, but I believe that something like the following situation is found in BC.

There is another law, they call it the *Elections Act of British Columbia*, or whatever it is, that requires parties to disclose financial contributions and file audited financial statements. The reason I know that they are required to do annual audited financial statements is that a certain former Member of this House and a certain former predecessor in this position, funnily enough, was the auditor for the Social Credit Party of British Columbia. I gather, in that way, there is disclosure of the contributions made under this parallel piece of legislation.

It seems to me that we could be in a fairly unique and perhaps unfortunate situation here in that we do not have the matching piece of legislation. That we have public financing without disclosure seems to me to be a possible problem. I would urge the Government Leader, if possible, during the period of adjournment, to do some checking on that, because I do not doubt that his officials will have looked at it.

Hon. Mr. Pearson: I would be quite prepared to stand this piece of legislation over to make sure that we are not going to run into any kind of a problem, because it is just not necessary.

Mr. Veale: The other suggestion that I would make to the Government Leader is that perhaps the *Elections Ordinance* could be amended to change the words "registered political party" to "recognized political party." This Ordinance would then be in line with the other Ordinance and there would be no differences you would have to follow through in the procedures of the *Elections Ordinance*. I just make that suggestion so that

we do not have these two classes of "political parties."

Hon. Mr. Pearson: I think that probably I would be more inclined to talk to the federal people about a change in this legislation rather than in the *Elections Ordinance*.

Mr. Penikett: Yes, I am concerned on that point and the Government Leader will understand why. We amended our *Elections Ordinance* less than a year ago, I think, to provide for the registration of political parties, and did away with the whole societies thing. Each Party was required to get a few names on a form and register with the Elections Board.

It seems to me that that says "registered political party" and, if "registered political party" were "recognized political party" in Yukon's *Elections Act*, or something like that, the definition and the meaning would be more clear.

Let me give you a clear example. You could have someone here who is not a member of a registered political Party, running in the election. The Social Credit Party of Yukon, for example, might be created for the purpose of receiving money under this Ordinance, even though it never intended to field candidates in any election. It seems to me that that could be a really difficult situation and a potential for abuse would be enormous.

Perhaps the Government Leader might, when he is checking, give consideration to the fact that if we do not, like the other provinces, have a parallel piece of disclosure legislation, that some sort of a simple amendment requiring an audited financial statement be added to the existing *Elections Ordinance*. I would not want to suggest a specific remedy, but there may be a problem here that we have not thought about.

Mr. Chairman: The Chair is not aware of which way the discussion is going. Is the Government Leader prepared to withdraw the Bill completely or expand it?

Hon. Mr. Pearson: I am sorry. I did not say that at all, and that has not been suggested. I believe that I would like you to report progress on the Bill. I do not want it withdrawn. I do not want any suggestion that it is being withdrawn.

Mr. Penikett: Point of order, Mr. Chairman. Might not the most appropriate remedy be to suggest a recess until 7:30 without moving us out of Committee? We could then simply come back and the Government Leader might have had some time to do consultation between now and then.

Hon. Mr. Pearson: I do not believe that I am going to be able to get the answer between now and 7:30 p.m. I think the questions are real enough and serious enough that I would like to get specific answers for them.

Mr. Chairman: In respect to all Members, it is about 9:00 p.m. in Ottawa and the Chair is looking for direction.

I advise the Honourable Members that if the Honourable Mr. Pearson wants to delay the Bill and beg leave to sit again, then we have to sit tomorrow.

Hon. Mr. Pearson: I disagree.

Mr. Chairman: What is the direction?

Mr. Graham: I have a suggestion that we have a recess until 7:30, being as it is very, very close to 5:30 p.m.

Mr. Penikett: On a point of order, with deference to the Government Leader, I would suggest that if the Government Leader wishes I am prepared to recess until 7:30 p.m. If the Government Leader wishes to report progress and beg leave to sit again, that is agreeable, too.

Hon. Mr. Pearson: Just so that all Members know, is if we move the Speaker back into the Chair, it is my intention to ask the House for unanimous consent to revert back to Orders of the Day so that we can give at least the *Elections Ordinance* a third reading, and at that point in time, call the Commissioner in to assent to the bills that we have passed. I would also seek the adjournment of the House until December 14th.

Mr. Penikett: On a point of order, Mr. Chairman. I do not believe there would be any substantial objection to that.

Mr. Chairman: I take it, as the Chairman, that pursuant to Chapter 1 of the Procedures of the Assembly, Section 2 gives me the power to call a recess until 7:30.

Recess

Mr. Chairman: I will call Committee to order.

Hon. Mr. Pearson: I move that you report progress on Bill 79, and beg leave to sit again.

Mr. Chairman: It has been moved by Honourable Mr. Pearson that we report progress on Bill 79, *An Ordinance to Amend the Income Tax Ordinance*, and beg leave to sit again.

Agreed

Hon. Mr. Pearson: I move that Mr. Speaker now resume the Chair.

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

Motion agreed to

Mr. Chairman: Before I leave the chair I would like the Committee to recognize the Honourable Chief from Old Crow, John Abel.

Applause

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

May we have a report from the Chairman of Committees.

Mr. Chairman: Yes, Mr. Speaker the Committee of the Whole has considered Bill 76, *An Ordinance to Amend the Elections Ordinance, 1977*, and directed me to report the same with amendment. Further, it has considered Bill 79, *An Ordinance to Amend the Income Tax Ordinance*, and directed me to report progress on same, and beg leave to sit again.

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

Agreed

Mr. Speaker: Leave is so granted.

Bill Number 76: Third Reading

Hon. Mr. Pearson: I would like at this time to beg the indulgence of the House to ask for unanimous consent to give Third Reading to Bill 76.

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

Agreed.

Hon. Mr. Pearson: I move, seconded by the Minister of Tourism and Economic Development that Bill 76, *An Ordinance to Amend the Elections Ordinance, 1977*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Tourism and Economic Development that Bill 76 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: I move, seconded by the Minister of Tourism and Economic Development that Bill 76 do now pass and that the title be as on the order paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Minister of Tourism and Economic Development that Bill 76 do now pass and the title be as on the order paper.

Motion agreed to

Mr. Speaker: I will declare that Bill 76 has passed this house.

At this time I would like to advise the house that we are now prepared to receive Mr. Commissioner in his capacity as Lieutenant Governor to give assent to certain bills which have passed this house.

Mr. Commissioner enters the House

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

Mr. Clerk: *Bulk Sales Ordinance.*

Warehouse Receipts Ordinance.

Fourth Appropriation Ordinance, 1980-81.

First Appropriation Ordinance, 1982-83.

An Ordinance to Amend the Building Standards Ordinance.

An Ordinance to Amend the Municipal Finance Ordinance.

An Ordinance to Amend the Municipal Ordinance.

Miscellaneous Statute Law Repeal Ordinance.

An Ordinance to Amend the Court of Appeal Ordinance.

Miscellaneous Statute Law Amendment Ordinance, 1981-82.

An Ordinance to Amend the Elections Ordinance, 1977.

Mr. Commissioner: I hereby assent to the Bills as enumerated by the Clerk.

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Pearson: I move, seconded by the Minister of Justice: THAT the House at its rising do stand adjourned until December 14, 1981, unless the Speaker has been notified by the Chairman of the Select Committee that the said Committee is prepared to report on Bill 75, *Wildlife Ordinance*, in which case the Speaker shall give notice that the House will be reconvened at an earlier date; THAT if the House should meet at an earlier date than December 14, 1981, it shall transact its business as if it had been duly adjourned to that time; and, THAT if the Speaker is unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purposes of this Order.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Justice: THAT the House at its rising do stand adjourned until December 14, 1981, unless the Speaker has been notified by the Chairman of the Select Committee that the said Committee is prepared to report on Bill 75, *Wildlife Ordinance*, in which case the Speaker shall give notice that the House will be reconvened at an earlier date; THAT if the House should meet at an earlier date than December 4, 1981 it shall transact its business as if it had been duly adjourned to that time; and, THAT if the Speaker is unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purposes of this Order.

Hon. Mr. Pearson: I think I should just say, for the record, and for the edification of the House that the reason for doing this is to provide as much time as possible to the select Committee to sit and seek the public input that, I am confident, all of us want to see put into the Wildlife legislation.

Mr. Penikett: I would like to convey our understanding of what it is the Government is proposing. However, I would express that we would wish that the Government Leader advise us, either formally or otherwise, of his intentions in respect to legislation we may expect on the 14th, and the length of time we may expect to be sitting, and whether he contemplates a January session following a Christmas break. I would not ask him to commit himself finally and firmly now, but such information would be useful for all Members.

Mr. Veale: I just wanted to ask if the Government Leader could indicate that the business before the House will be completed on December 14? I assume it might take a day or two to complete some of the Motions and other Bills that are pending.

Hon. Mr. Pearson: We have the one Bill that is in Committee at this point in time, the amendments to the *Income Tax Ordinance*. I hope that by the fourteenth, I can have some definitive answers for the very valid questions that were raised today.

We would also like to deal with the amendments to the *Interpretation Ordinance* that were tabled today, and it is our hope to be able to table, by the fourteenth, the amendments to the *Landlord and Tenant Ordinance* and the amendments to the *Justice of the Peace Ordinance*. Having learned the objective way that Members opposite look at legislation and deal with it, certainly I do not want to come back in January. I anticipate that we are going to be able to deal with that legislation, as well as the *Wildlife Ordinance* in plenty of time for you, and all other Members, to be able to get home for Christmas.

Motion agreed to

Mr. Speaker: May I have your further pleasure?

Mr. Hanson: I move that we do now adjourn.

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

Motion agreed to

Mr. Speaker: This House now stands adjourned.

The House adjourned at 7:43 p.m.