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HANSARD

Wednesday, October 24, 1979 — 7:30 p.m.

Thursday, October 25, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

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DEPUTY SPEAKER — Geoffrey Lattin, MLA, Whitehorse North Centre

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Wednesday, October 24, 1979 - 7:30 p.m.

Whitehorse, Yukon

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

At this time I would like to welcome Mr. Mel Smith as our witness.

This evening we are doing Bill Number 26, An Ordinance to Amend the Taxation Ordinance. I direct the Members to Page 3. On Page 3 we had the definition of "owner" stood over.

Hon. Mr. Lang: Mr. Chairman, if you recall during the initial reading of the Bill, there was some question in respect to the definition and it was held over pending reading the legislation and then referring back to the definition. It does meet the criteria that are necessary from a legal point of view and also it does not conflict with the intent behind it in the legislation.

If you recall, the concept is that taxes go with the land, and therefore we need a definition of "owner" and that is why it is stipulated in the form that it is, so we are not bringing forward any changes in respect to that particular definition.

Mr. MacKay: If my memory serves me correctly, that is a proper summation of the problem. I think that we could pass this section now in light of the use of the word "owner" through the thing. That does not preclude me from suggesting a definition of a thing called an "owner/occupier" later on.

Mr. Chairman: If there is no further discussion, shall the definition of "owner" clear?

Some Members: Agreed.

Hon. Mr. Lang: Mr. Chairman, prior to leaving the definitions, there was some discussion and I undertook on behalf of the House to have a look at the possibility of including a definition for "region" as well as the word "class".

On reflection, and in discussion with legal people, we came to the conclusion that we are better off not attempting to define it. For an example, "class" can be the type of property; it could be related to zoning. There are various numerous ways of doing it.

As you know, the responsibility for "class" is largely going to lie with the municipalities, therefore, it would be dictated by their bylaws and their definition of what they term "class". It would automatically flow to the Ordinance from there.

At this time, Mr. Chairman, I think that we would be wise to leave it out. I understand that there was a court case on the definition of "class" a couple of years ago. It was on a whole different slant as opposed to what we are discussing here in the Bill. "Class" was a question of area and all of these other things were taken into account by the judge of the day, at that time in respect to the midnight amendment that had been put through in 1977. I have been advised by the legal people, as well as from the assessments branch's point of view, that we are better off without attempting to define it because it is such a broad area that we would be getting involved with. The other point that has to be made is that this type of thing, protection for the citizen, is once again in the appeal procedure. That is where the subjectivity and the accuracy of the definition, whether either struck by bylaw or by the municipality or by the government, through regulation, can be challenged through the assessment appeal. That is where the actual thing should be fought even to the point where it went to court again.

At this time we will watch it and see where it is and if it is necessary we will attempt to bring in an amendment to correct it if we do run into problems. I am advised with the format of the legislation the way it is now, we should not run into that type of problem, as existed before.

Mr. MacKay: Yes, I would just like to make a point, that while I do not disagree with the conclusion that the Minister has reached, I think we have to be careful that we just do not leave it hanging in the air. The municipalities who are going to be using these words should be well aware that they have to make some kind of definition in their bylaws as to what these words are going to mean in the context of the particular bylaw.

The case referred to was concerned with one of the midnight amendments. It was June, 1978, and the judge just was unable to take the word "class" and apply it to the situation that was being tried in court. This is in respect to appeal of tax assessments. It had the effect of excluding about twelve residents from any readjustment of tax in the downtown area which was perhaps what the word "class" had intended to mean in the first place, but because it had not been defined, there was not way the judge could construe that that is what it really meant.

So I think that you can take the old experience and just plunk it down with the new one and say you should define it. We have moved from the old Ordinance to where we are actually allowing different regions, areas and classes to be defined by the municipalities whereas we did not allow that before. I think that it should be incumbent on the Department of Local Government to ensure that the Municipality is aware that this kind of a distinction should be clearly labelled in their bylaws.

Hon. Mr. Lang: Mr. Chairman, I appreciate the concerns raised by the Honourable Member. As was stated before and I will reiterate once again, that particular piece of legislation was drafted very closely with the Association of Yukon Communities who are familiar with it, not only at the administrative level, but presently at the political level, for those people involved in municipal politics.

They are aware of it and I am sure that the officers, through the Municipal Affairs, will definitely be there for advice if we are called upon. We do have a good working relationship with the municipalities and the L.I.D.s and we are there to advise them, to help them wherever we possibly we can. We will definitely ensure that they are aware of it.

Mr. Chairman: If there is no further discussion, I will direct the Members to page 11.

Hon. Mr. Lang: Mr. Chairman, the amendments have been put forward. Do I have to read the motion or do you want to read it from the chair?

Mr. Chairman: I will read it.

It has been moved by Mr. Lang that Bill Number 26, An Ordinance to Amend the Taxation Ordinance be amended in Clause 1 at page 11 by deleting the word "and" from paragraph 10(1)(a), by adding the word "and" at the end of the paragraph of 10(1)(b), and by adding the following paragraph:

(c) in the case of real property other than real property referred to in paragraph (b), improvements provided primarily for the beautification of the real property excluding fences, sidewalks and driveways.

That is added after subsection (b).

Hon. Mr. Lang: Mr. Chairman, do not ever let it be said that we will not heed the remarks of the Leader of the Official Opposition. We do take him seriously. As you can see, we have even gone further, we have incorporated it in black and white.

Mr. MacKay: I feel very reassured by the Minister's word and I look forward to repeated instances.

Amendment agreed to

Mr. Fleming: I know that I have two amendments here and they are both amending clause 1, page 11.

Mr. Chairman: Mr. Fleming, I direct you to the subclause (2) at the bottom of the page. We will be up to it in just a moment.

Mr. Fleming: I was just wondering then, the one amendment, I see that the word has been changed from "primarily" to the word "chiefly" and yet in the other section down here, you are using the word "primarily" again.

Has it been overlooked or is it just two different things?

Hon. Mr. Lang: Mr. Chairman, it is a case of consistency within the Ordinance. "Primarily", the way I understand it, the definition of that is a little bit broader terminology in legal interpretation than the word "chiefly". I think we want to leave the section that we have just passed a little broader to give that interpretation, to

give the home owner, or in this particular case, the business, the benefit of the doubt, if they are really attempting to put some major beautifications to their property.

So there is a reason for the differentiation in the terminology.

Mr. Tracey: If that is the case, if we are not going on 10(1), the second amendment also says Clause 1, page 11, which is 10(1), the other one is 11(2). We will have to change this amendment.

Mr. Chairman: I refer you to the next amendment we will be calling which is at the bottom of page eleven, which is an amendment to subclause (2).

Mr. Tracey: Mr. Chairman, the amendment says Clause 1, Page eleven. We have to either amend Clause 1 in 10(1) or we have to change the amendment to say Clause (2).

Mr. MacKay: I think that the problem is that all of the sections that we are dealing with are under Clause 1. This is an amending clause. We are amending all the sections in the Ordinance from one to sixty-seven and that is Clause 1. If you then read further into the amendment, you are looking at paragraph 10(1)(a) and that adequately describes it as part of Clause (1).

Mr. Chairman: On Page 11, we have two amendments. The first one is on subsection 10, which we are dealing with now. When we get this out of the way, we will continue on the Subsection 11, Subsection 2, and carry amendment on that. You are confusing the two amendments on that one page. This being the case, shall Subclause 10(1) clear as amended?

Subclause 10(1) agreed to as amended

Mr. Chairman: Now I shall direct your attention down to Subsection 11, Subsection 2.

Hon. Mr. Lang: Mr. Chairman, there has been a lot of deliberation on this subsection 2 where the land is used primarily for single family residential purposes. We have discussed it at great length with the Department of Justice. At that time, if you recall, during the first discussion on this section we would look at it and try to tighten it up a little bit more than what it is at the present time.

It has been recommended to us that the word "chiefly" would do that but would, at the same time, leave some discretion to the assessor because it is not a black and white situation that this particular section deals with.

I go back and stress the importance of the appeal procedure. There are two points to the appeal procedure. Number one, if you, as a taxpayer, feel that the individual next door is under-assessed and it is public knowledge, you can go through the appeal procedure and have it requested to be looked at. For that matter, the municipality can or the Territorial Government, or a private citizen.

Secondly, it also gives the individual the right to say, "Look, I was not assessed properly and therefore, I should not be assessed as commercial at fair value."

I take for an example a small situation that developed here last year or the year before where an individual was in business, had a business license and it came to the assessor's attention. He assessed the land accordingly. It was a residential home in a commercial zone. As it turned out the individual made, I think, three hundred dollars a year on what he was doing, whether it was collecting stamps or otherwise, it does not really matter but it was not exactly a business endeavour that was going to give him a living in this day of inflation. What he did, he turned around and he gave his business license back and went through the appeal procedure and had his assessment reversed.

I was just using that as an example. It is a very real example, to explain the situation as it develops and every circumstance is going to have to be judged on its merit. We have to tighten it up somewhat, according to the Legal Advisor, by changing the word "primarily" to "chiefly". It does say then that overall it would have to be used for residential purposes.

Mr. Chairman: I should like to draw attention to the Members that we have as our second witness tonight Mr. O'Donoghue. Mr. O'Donoghue, I believe that you wanted to say something.

Mr. O'Donoghue: Mr. Chairman, the old reading was "solely for". In the earlier version, it was "solely". Not the earlier version of this Bill, but in the old Ordinance. This gives the discretion to the assessor which can be appealed if he does not use it correctly.

Mr. MacKay: Perhaps I could ask the Legal Advisor to define for me, other than just saying that "chiefly" is somewhere between "solely" and "primarily". Can you define for me where "chiefly" sits with respect to "primarily"? Is it a legal distinction?

Mr. O'Donoghue: Mr. Chairman, without quite answering the question, the House accepted "chiefly" in the section dealing with whether it is used for religious purposes. We used the word

"chiefly" there. We carried it over from the old Ordinance and everyone found that satisfactory as denoting the prime, the main, the chief purpose for which it is used, which allows the assessor to discard the minor uses. This will allow the assessor to discard a minor business use such as the example the Minister gave two seconds ago where this man had a small business bringing in \$300 or \$400 a year, growing out of a hobby, and he had to discard it because of the word "solely" in the Ordinance. Otherwise, he would have had to pay taxes at the business rate. This allows a reasonable measure of discretion on the assessor's part.

Mr. Chairman: Order, please. We forgot to read the amendment, and we cannot discuss it until we have the amendment before you. The chair is at fault.

In Clause 1 at page 11 by deleting, in subsection 11(2), the word "primarily" and substituting therefor the word "chiefly".

Mr. Fleming: As I read this, it does really give them a large area to say "other purposes for which the land may be used." This really leaves the door wide open. Say that an area in downtown Whitehorse has had a home on it for many years, and because of that area they are now zoning it commercial. The taxes are now going up, and in this case they can allow that tax to be a little lower by using it as residential property. However, you could have anything else on there according to this section here, any type of business at all. Not only just what the Legal Advisor says, a small business, and they could actually allow that to not be taxed.

It says it shall not be taken into consideration in determining fair value of the land or for other purposes for which the land may be used, and they cover a multitude of sins with "other purposes".

Mr. O'Donoghue: Perhaps a multitude of venial sins but not mortal sins. He has first to make the judgment that the house is used chiefly for residential purposes before other things are taken into account. So first of all he decides it is chiefly used for a residence. There may be something else. It might be used for a small business or a garage sale or whatever. That does not take away the low rating. That is the prime purpose of it.

Mr. Fleming: I think it is becoming clear to me now. What the Legal Advisor is saying is that chiefly he will look first at the home, if the home is a \$50,000 home and there is a \$75,000 business along side of it, I would presume then "chiefly" would come into effect. Actually he would see that the business was bigger than the residential area and he would tax accordingly.

Hon. Mr. Lang: He is exactly correct, Mr. Chairman. That is the subjective decision that the Assessor has to make in respect to assessing all land. He has to make that conscious decision, "Is it more for business than for residential purposes?"

Then the appeal procedure must stress if the avenue, either the municipality feels the assessments are not correct or the neighbour or vice versa, a citizen who feels the assessment is incorrect and that is the procedure to go through. That is the saving grace of the legislation.

Also, Mr. Chairman, I should stress that the assessor is getting the proper direction and somebody is making a judgment on those subjective decisions that he has to do on an everyday basis through the administration of assessments.

Mr. MacKay: I think I understand what you are doing in the legislation. I do not envy the job of a chief assessor. I can think of about three particularly difficult ones where the house is quite large but the business is extremely profitable and so it is going to take some tough judgment calls. However, it will be his problem.

I do not buy the argument either that the neighbour is going to come along and protest because, apart from the P.C. Government of Alberta, there are very few people who beg of their neighbour on a regular basis.

But to move along, the other part of this clause that should be discussed, I think, is the use of the words "for single family residential purposes" because what we are saying there is, and I should, at the outset before I get into this, is say that I am subject to this clause in my private affairs. I have a pecuniary interest in what this clause means and I believe that I can speak to it and I probably will not vote on it but I should be able to express my opinions in that I own a piece of property downtown with a single family residence on it, with somebody renting it so it is sitting downtown and, at the present time, I am paying the commercial rate of tax.

Upon passage of this legislation, I will be paying a much lower rate of tax. I do not have to do anything because that is the only purpose for which the land is being used, single-family residential.

Speaking generally, I do not think that is a particularly fair situation. I have no intention of ever living in that house, nor are many of the houses that are owned by third parties in the downtown prime development area ever going to be lived in by their owner.

What they are being held for is future development.

It is healthy for the tax structure of a city if there is some incentive upon the people who are holding this property to go ahead and develop it so that they can increase the tax base of the city. There should be a definite incentive to these people. There are positive and negative incentives. A negative incentive is to have the taxation on that property at such a rate that there is no way in which it can be really economically rented out as a single-family dwelling, and therefore it requires someone to do something with it, to go ahead and develop it, to build their own building, to triple or quadruple, or ten-times the tax revenues accruing to the city.

I think that, just from a city planning point of view, this Clause should be amended to "owner/occupier". I think the intent of the Clause is to say to someone who is living downtown, and has lived downtown, and wishes to continue doing that, that you will not be penalized by virtue of your location over someone who is living in Porter Creek or Riverdale. You will pay pretty well the same level of taxation as if you were living elsewhere. That is a fine thing, because we are trying to encourage, not penalize, people for wanting to live here.

I am not arguing the principle of the Clause, I am just arguing with the breadth with which we are setting this in, and that we are making it very easy for these rotten speculators to come along, such as myself, and hold on to property, forever, really, with really no intention of ever developing it, and you could have a very spotty development where there would be tracts of land nobody is going to touch, because it is being held forever, and there is no incentive for that person to ever let it go.

I think the Government should be aware that that is one of the consequences of not using the words, "owner/occupier." While I am all in favour of supporting business, I think business has to pay its way as well. This would be an area, I am sure, where businessmen would be quite prepared, I am sure, to pay the regular tax on a commercial piece of property.

Mrs. McCall: That is free enterprise, and the owners will be, or the speculators, or whatever you want to call them, will have an incentive when the price of that commercial land goes up.

Dr. Hibberd: Mr. Chairman, I find myself in the unique position of having to disagree with the Honourable Leader of the Opposition.

The motivation in this legislation is not to promote commercial development but rather, what we are concerned about is maintaining a residential area in the downtown area of the City. We do want to see a core that is commercially oriented, but we also want to ensure that there are residences and people living in the downtown area of the City. I think that is something that cities across the country have found. They are now trying to get people to move back into downtown areas to make them more viable, to make them a constructive part of the City.

By leaving this the way it is, indeed, we are not suggesting that the commercial development should be promoted. What we are promoting, we are trying to retain the residential area in the downtown core. That is not to say that the central core should not be a commercial area. Indeed it should be. But the total downtown area does not have revert to commercial business. I think it is most important that we do have residential areas close to that downtown core.

Mr. Fleming: Mr. Chairman, I would have to stand up in support of the Honourable Member on this side of the floor. His point is very well made.

As far as the Government's point is concerned, I do not think that it is well made. It may be well put, but it is not really what happens.

There is such a thing as business. Any person who is not owner/occupied in this sense, who is renting a home, such as the Honourable Member in front of me here, is actually in business on the side. They can call it what they like, but he is renting that home. He is paying those taxes possibly and hoping to get a lower rate of tax because it is classed as residential. However, the value of the land is going up in that area and it is a money making proposition. I say it is part of a business unless it is owner occupied. Then I can understand very well the taxes for that person who has possibly been there for many years and should continue to be so but not if it is rented by somebody else who has a home over here in Riverdale, and he is renting a piece down by the mall in Whitehorse. That actually is a business as far as I am concerned.

Hon. Mr. Lang: Mr. Chairman, let us get down to realistic terms. The section that we are referring to, and I am just going on memory, I do not have the statistics in front of me, I believe this section would apply to approximately 60 residences overall. Is that not correct, Mr. Smith?

Mr. Smith: Mr. Chairman, at last count there were 129 residents that were affected by this Clause. Fifty-nine of them were owner/

occupied.

Hon. Mr. Lang: That is the point that I was trying to make, Mr. Chairman. There are roughly 60 that may have a small home occupation business or whatever within it.

I think there are a couple of other principles. I find it kind of amazing that the Honourable Member from Campbell has not analyzed it from another point of view, and that is in respect to the individual who is presently renting. You have a situation where the fair value of the land is assessed, and it is going to keep going up as the Leader of the Official Opposition said it will keep going up at fair value, especially if major economic development takes place. You are in a situation where either the individual is forced to develop the land, as the Member has said, but the option, of course, is to raise the rents to pay for the assessment.

There are two ways of going so there is another human element involved in respect to this section as it is presently worded. That is one of the major reasons why I disagree with the owner/occupier concept that the Honourable Member is putting forward, at this time.

The other principle I think that has to be looked at, Mr. Chairman, is that, you know it is fine to say you are in business but further from that there are a lot of people in Whitehorse that may be owning two homes and having one rented out in the downtown core with the idea of providing rental accommodation to individuals, at the same time with the idea that land is going to increase in value. Now, hopefully, in time they will make a few bucks. I have nothing against anybody making an investment.

If we go with the concept that the Leader of the Official Opposition is stating, then what we have effectively done is allowed for the big money to move in and they have the capital, they can purchase the land and hold on to it and develop when the time is right. In other words, what you are going to do is effectively push out the individual who wants to make what in the business world would be a minor investment, but to the individual involved, a major business investment which would be forty or fifty thousand dollars for a small home on a residential parcelled land that is either now included in the commercial section or could be included in the commercial section.

I think there are two principles involved here along with the principle that the Member from Whitehorse South Centre, who happens to represent that area, as well as the Chairman and there has been a great deal of discussion with these two Members on this particular section because of the people that they represent and how they are going to be affected. I do not think that it is the time to tighten to the extent that the Honourable Leader of the Official Opposition would like to see it. Perhaps at a later time, it may well be looked at from that point of view. But at the present time, in view of the situation, I cannot see any reason it should be.

Dr. Hibberd: Mr. Chairman, I think that the Minister has already covered the point. I find it somewhat strange that the Leader of the Opposition should be trying to impede a free enterprise business.

Mr. MacKay: I think if we are going to trade insults, the Honourable Member in the upper bench not only does not understand me, he does not listen anyway.

I made it very clear that I was not against it. In fact, it seems to me that I was the one promoting development a little while ago by giving some incentives to go ahead and develop.

However, I would address my comments to the Minister. I think that it is quite illuminating that out of the class of people that are going to benefit from this, over fifty per cent of these people are not owner-occupiers.

That is quite a significant statistic that the figures given to us indicate that over fifty per cent of the people are not owner/occupiers.

I do not buy the argument that we are helping small investors versus large investors. I think that large investors will accept your free gift of \$500, \$600 or \$700 a year in tax reductions gratefully. I think he will take it and put it in his Edmonton bank account just as much as anybody else would.

As far as the rents are concerned, I think that the free enterprise system of which we are all so proud to live and contribute to has limitations. The limitations are that you can only raise the rent so far and then you lose your tenant. The other side of the coin is that by reducing the taxes, I would be very surprised in our free enterprise system if any entrepreneur reduced the rent in turn because his taxes went down. All you have done is increased his profit.

There are two sides to every argument you give. I think that the principle involved has to be looked at very carefully and if you are saying, "I am deliberately and happily giving an incentive to speculators in land—and speculators play a very important part because they are the guys who take all of the risks—I am giving

an incentive to them because they are taking the risk and I think they should be rewarded for taking that risk and investing in this town and keeping the money here," you could really make a good speech.

I think that is exactly what you should say here, because I think that is the purpose here. If on the other hand, you are saying, "It is really just to help the long time residents in town," or my friend up there, "it is because we want to keep our live downtown core". That is a little iffy. I buy the Minister's philosophy a little easier.

I go back to the thing and I say that a good planning position, and a reasonable position for the Government to have taken, and I suspect one which in other jurisdictions is more commonly taken, would have been to specify only owner/occupier.

I presume that the municipalities will be letting the Minister know should this legislation wind up losing them a lot of tax revenue. I think that perhaps the municipalities have already let the Minister know that they are not particularly happy with this thing here. It is going to cost them tax revenue.

Mr. Fleming: It is just a comment and I have a question that is bothering me. I will comment on it first because I feel that as the legislation is passed here today, I think possibly the law might have been very good for this section at one time to get the Ordinance passed in this way and the amount of people that need it. I daresay we would have it back in as soon as the business people really want to get that land, the City of Whitehorse will be pushing to have it changed.

I am wondering in the sale of a piece of property of this nature, if it was sold, say, I bought out Mr. MacKay's interest in the area he was speaking of, will that change the status of that land at that time?

Hon. Mr. Lang: Mr. Chairman, as long as it continued for single family use, but once that use is changed then it changes the status of the land.

Mr. Chairman: Shall the Amendment carry?

Amendment agreed to

Clause 11(2) agreed to

Mr. Chairman: I now refer you over to the next amendment which is page 29. I have an amendment here. It is moved by Mr. Lang, by deleting Subsection (2) of Subsection 40 and substituting therefor the following subsection which will be known as Subsection (2):

Except by special leave of the Assessment Appeal Board, an appeal to the Assessment Appeal Board shall not be commenced after the expiration of thirty days from the mailing of the notice of the decision of the Assessment Review Board pursuant to subsection 31(1).

Hon. Mr. Lang: Mr. Chairman, the recommendation put forward during the discussion of the Bill by the Member from Faro, if my memory serves me correctly, incorporates the cut-off point, a time limit for people to put in an appeal to the Assessment Appeal Board. Therefore, I think it is a logical, constructive recommendation we have incorporated into the legislation.

Amendment agreed to

Clause 40(2) agreed to

Mr. Chairman: I now refer you on to page 33. I have an amendment from Mr. Lang and as it is rather lengthy and you all have the amendment in front of you I will not read it unless somebody requests. I will give you time to read it.

Hon. Mr. Lang: Mr. Chairman, this is similar to the previous amendment which we have just passed. It gives a time limit as well in the second part of the section where an appeal cannot be commenced after the expiration of thirty days from the mailing of the notice of the decision of the Assessment Appeal Board. In other words it is a cut-off time. You cannot wait two years to go the next step in the appeal procedure.

Amendment agreed to

Clause 48.1(1) agreed to

Mr. Chairman: I shall now direct your attention to page 46. It is moved by Mr. Lang, that Clause 1 on page 46 be amended by deleting in Subsection 63(2), the word "assessment" and by substituting therefor the word "tax".

Hon. Mr. Lang: Mr. Chairman, if you will recall, we tried to say it was a typographical error and if all Members look back, the Chairman decided it was not a typographical error and maybe we should bring in a proper amendment, so therefore, we have taken that approach, as ordered.

Amendment agreed to

Clause 63(2) agreed to

Mr. Chairman: Those are all the amendments I have in Clause 1 we have been considering. I refer you back to Clause 1.

Mr. MacKay: Yes, Mr. Chairman, I unfortunately do not have a copy of the Ordinance in the House tonight. Do I have the assurance that those were all of the clauses left open?

Mr. Chairman: I have been assured by my assistant here that those are all the clauses that we have stood over.

Mr. MacKay: In view of your informant, I shall accept it.

Mr. Fleming: If I may, I did have one more marked "stood over", but I think that possibly we cleared it later. "Land means physical land, it means land covered by water it does not include coal..."

Mr. Chairman: What page are you referring to Mr. Fleming?

Mr. Fleming: On page 2.

Hon. Mr. Lang: Mr. Chairman, we did clear that section. You will recall in the initial discussion, I had asked to stand it aside and then we came back later after the recess and explained the section and passed it.

Clause 1 agreed to

Mr. Chairman: We have now cleared all the Clauses of this Bill. Shall the preamble and title carry?

Preamble and Title agreed to

Hon. Mr. Lang: Mr. Chairman, before I move the Bill out of the Committee of the Whole, I would like to commend the Members opposite for the constructive way they have approached the Ordinance. I think we all realize that there had to be changes and I think that we are in the right direction, as the Leader of the Official Opposition, said in speaking to the principle of the Bill.

I am pleased to see that there appears to be unanimous support for the direction that we are going.

I would therefore, Mr. Chairman, move you do now report Bill Number 26, An Ordinance to Amend the Taxation Ordinance, with amendments, to be Assembly.

Mr. Chairman: It has been moved by Mr. Lang that the Chairman do report Bill 26 as amended. Do you agree?

Motion agreed to

Mr. Chairman: At this time, I would like to thank Mr. Smith, who has been our witness tonight. You are excused.

Mr. O'Donoghue, after recess, we will continue on with the Taxation Ordinance. At this time, we will take a short recess.

Recess

Mr. Chairman: I will call the Committee of the Whole back to order. We will now discuss Bill 20, An Ordinance Respecting Income Tax.

Our witnesses this evening are Mrs. Francis and Mr. O'Donoghue. I now direct your attention to page 94. Before recess, we had cleared Clause 51. Continuing on, Procedure and Evidence.

Hon. Mr. Lang: Mr. Chairman, just for the record, I would like to welcome the Member from Whitehorse West, and we are glad to see he made it out this evening.

On Clause 52(1)(2)(3)

Clause 52(1)(2)(3) agreed to

On Clause 52(4)

Mr. Penikett: I wonder if the Minister of Municipal Affairs could translate prima facie for me?

Hon. Mr. Lang: I would have to direct that question to the proper Minister.

Mr. Chairman: I assume the answer will suffice.

Clause 52(4) agreed to

On Clause 52(5)(6)(7)

Clause 52(5)(6)(7) agreed to

On Clause 52(8)

Mr. MacKay: All of these sections seem to be permitting the Department of Finance to be able to, in the event that they do not have the precise record of the date of mailing, it enables them to make a sworn statement that they have mailed it. I wonder, is there any provision on the behalf of the taxpayer who has mailed something to make the same sworn statement and be allowed to have it stand as proof that he in fact mailed perhaps a notice of objection within the prescribed times?

Mrs. Francis: He could do that. There is no law that would allow him to do that, Mr. Chairman. He should register a notice of objection, then he has notice that he has done so. He can do that and that is accepted as proof that he has mailed his objection.

Mr. Penikett: Mr. Chairman, Mr. O'Donoghue may be able to confirm that what I read in some popular journal one time and that is that the case law in this country is that if one can prove that one has mailed something, that is, the Postal Service has deemed to be reliable enough, that that is proof of delivery.

Mr. O'Donoghue: Yes, Mr. Chairman.

Clause 52(8) agreed to

On Clause 52(9)

Mr. Penikett: I was just going to suggest that since it all seems to be procedural legal stuff that we move we clear Sections 10 to 18.

Mr. Chairman: I would like to, but I think maybe we could give everybody a chance to ask any questions if they so desire.

Clause 52(9) agreed to

On Clause 52(10)

Clause 52(10) agreed to

On Clause 52(11)

Clause 52(11) agreed to

On Clause 52(12)

Clause 52(12) agreed to

On Clause 52(13)

On Clause 52(14)

Clause 52(14) agreed to

On Clause 52(15)

Mr. MacKay: The Canada Gazette, is that something that is published only to circulate in a certain area, or do we have a paper designated within the Yukon that can be the Canada Gazette?

Mr. O'Donoghue: No, Mr. Chairman, this is the official Canada Gazette which is circulated throughout Canada and abroad. There are piles of them lying around my office.

Mr. Penikett: Mr. Chairman, for a modest fee, I am sure the Leader of the Opposition could obtain a subscription.

Clause 52(15) agreed to

On Clause 52(16)

Clause 52(16) agreed to

On Clause 52(17)

Clause 52(17) agreed to

On Clause 52(18)

Clause 52(18) agreed to

On Clause 53(1)

Mrs. Francis: Mr. Chairman, I would like to point out at this time that I did research the question by Mr. Penikett, yesterday, and everything that is in this Act and the Act on the table, until July of last year, 1978, is all that has been passed. Anything that was put forward in November and December, 1978, has not yet been passed.

Mr. Penikett: Can I just confirm my understanding, then. If, on the budget bills that have been left over from the last Federal budget, the new government should decide to try to pass them, and then, of course, brings in a new budget in November, that we may well have to amend this Ordinance to bring in those amendments, plus any changes that may come in in a November budget? Is that correct?

Mrs. Francis: I believe that this act covers most as a Federal provision, and therefore, there is no amendment necessary to this Ordinance, itself. It covers sections of the Federal Act and therefore, it implies that any amendments will be included.

Mr. O'Donoghue: Provided that the Federal Government uses the same number for the new section, it may not be necessary to amend the sections.

Mr. MacKay: I may have led the Member from Whitehorse West a bit astray, originally. This ordinance only deals with the collection and assessment procedures, and any changes to the tax law that relate to the amount of income tax you collect because of changes in the rules will not affect how you collect it, or assess it.

Mr. Penikett: Yes, the only circumstance I can see where we might have a problem, is if they drastically do something to the Federal rates and if we wanted to maintain the same level of revenues here, we might have to make some amendments for adjustments, I presume.

Clause 53(1) agreed to

On Clause 53(2)

Clause 53(2) agreed to

On Clause 53(3)

Mr. Penikett: Mr. Chairman, I would like an explanation of the reason for this discretion which is to be handed to the Commissioner, in respect, it seems to me, this refers to material that may be brought before the courts in some dispute, or is that what the section intends, or does it cover the general information that may not be let out to the public?

Mr. O'Donoghue: It covers the discretion. It is a matter of some dispute since the decision in Cammel Laird. Prior to the decision in Cammel Laird, the courts allowed that, if the Minister of a particular department sent a certificate into court that a certain document was a sensitive document, or a matter of security, the court would not order a civil servant in that department to produce the document.

Cammel Laird has been filed, and it is being followed by our Supreme Court in a case involving the Executive Committee in a dispute with one of its Members that came before the Court some short time ago. The certificate of the Minister, or our Commissioner, would not be sufficient. The court must look at the documents. This, to some extent, is old-fashioned law, but it is setting out that point, that the Government has the right to say to the court, do not force us to produce the documents, under certain circumstances.

Mr. Penikett: If the recent decisions of the courts are such that they would deny this right, or have ruled against this right, why are the Federal Government and we including it further in the Ordinance?

Mr. O'Donoghue: It is a gray area. Some people think that they have the right. Some people, they have not. And the courts are in the process of doing different things in different cases. It depends on whether they follow Cammel Laird, or not.

Mr. Penikett: It sounds to me very much as if the Freedom of Information Act introduced in Parliament may have some bearing on this.

Clause 53(3) agreed to

On Clause 53(4)

Clause 53(4) agreed to

On Clause 54(1)

Mr. MacKay: The Minister has shown himself very familiar with the Ordinance to this point. What happens in a situation where, as it appears under this Clause, the Federal Government can direct refunds to various sources? For example, if you have a taxpayer who has moved from Ontario to here, and owes money for the previous taxation year, I wonder if there is a question where we ever lose revenue by virtue of people moving back and forth, in having this Section.

Mr. O'Donoghue: One might lose money in the circumstances. It is a possibility. Revenue is a very difficult area, because provinces will not collect revenue for each other. Nor will provinces collect revenue for Canada. Nor will they collect it for foreign states, and foreign states will not collect it for us. As against that, then, on the other side of the fence, there is the right of a creditor to attribute the payment of a debt to any particular debt secured or unsecured, at the wishes of the creditor, and not the debtor. This is an exercise of that right to some extent.

Clause 54(1) agreed to

On Clause 54(2)

Clause 54(2) agreed to

On Clause 55

Clause 55 agreed to

On Clause 56(1)(2)

Clause 56(1)(2) agreed to

On Clause 57(1)

Mr. MacKay: Precisely now, Quebec is the only non-agreeing province?

Mr. O'Donoghue: Yes, Mr. Chairman.

Mr. MacKay: So this section is allowing for payments or transfers?

Clause 57(1) agreed to

On Clause 57(2)(3)(4)(5)

Clause 57(2)(3)(4)(5) agreed to

On Clause 57(6)(7)(8)

Clause 57(6)(7)(8) agreed to

On Clause 58(1)

Mr. Penikett: Mr. Chairman, I would like to ask Mr. O'Donoghue what the Reciprocal Enforcement of Judgments Ordinance is?

Mr. O'Donoghue: It is a uniform Statute entered into by all of the provinces of Canada and a number of jurisdictions in other places which allow a judgment given in a particular court to be sent here and be read in this court, it then becomes enforceable in this jurisdiction as if it were a judgment of a local court and vice versa.

Mr. Penikett: Mr. Chairman, I asked because we had some discussion the other day about what judgments were enforceable or liens were enforceable or whether we could collect municipal taxes outside of this jurisdiction. Does this Ordinance refer to judgments in this area of law, in other words income taxes, or is it a much broader reference than that?

Mr. O'Donoghue: The Reciprocal Enforcements of Judgments Ordinance applies to all judgments. But the court will try not to enforce a judgment which is revenue judgment. This is an old practice of English law and American law and Canadian law. I do not know why it exists, but it is a custom of the law so a section like this, and even this section, does not really work very well.

Clause 58(1) agreed to

On Clause 58(2)

Clause 58(2) agreed to

On Clause 58(3)

Clause 58(3) agreed to

On Clause 59

Mr. MacKay: I can understand the coming into force on the first of January 1980. I am wondering what specific Sections, though, are required to retroact this Section.

Mr. O'Donoghue: A lot of the procedural matters will have retroactive effect, moving back and forward, if income tax is a tax which is payable in the year two and measured by the income of a person in year one.

Mr. MacKay: This Ordinance will permit the Department of National Revenue to pursue the taxpayer who has failed to pay taxes for the year 1976, then. He will then be pursued under this Ordinance. Is that what you mean?

Mr. O'Donoghue: No, Mr. Chairman. He could be pursued under the Canadian law for 1975, 1976, 1977 and 1978. For the taxes he will be paying next year, he will be filing a return in respect of his income in this particular year. This is the measurement year. Next year is the taxation year, and you will have to be able to demand from people what was their income in 1979 in order to find out what he is supposed to be paying on the first of April, 1980.

Mr. MacKay: If there is a balance of tax payable on a taxpayer's return when he files it on April 30, 1980, for the 1979 taxation year, then that balance of tax would accrue to the Yukon by virtue of the retroactive nature of this.

Mr. O'Donoghue: I do not understand the question.

Mrs. Francis: No, that is not correct. When a taxpayer files his return for 1980, in 1981, that payment will come to us, all 1980 tax that has been collected. I am not sure that this is retroactive to the extent necessary. It may be necessary to remove some of the clauses that are retroactive, I really do not know. Perhaps it is the application of taxes from the prior year.

Mr. Penikett: Mr. Chairman, just for the record, I would like to welcome back to the House the Member for Porter Creek East after a long absence.

Mrs. McGuire: I just have a question on what I was discussing with you awhile back there on employer overpayment on T-4 summaries. Where does it appear in here? Page 54, does it apply here as well?

Mrs. Francis: Mr. Chairman, no, that is not the section to which we were referring earlier. Give me a few minutes and I will find the section for you.

Mr. Chairman: Perhaps while you are looking for that information, we will pass Clause 59.

Clause 59 agreed to

Mr. Chairman: I will wait for the information first, Mr. Graham.

Mr. O'Donoghue: Perhaps the witness could give it afterwards because she has to look something up. It is a specific question about a specific incident of tax in relation to the Federal Taxation Bill. It is not directly relevant here except to find out where it might or might not be mentioned.

Mr. Chairman: Will that be satisfactory for you, Mrs. McGuire?

Hon. Mr. Graham: Mr. Chairman, I move that you report progress on Bill Number 20 and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham that I report progress on Bill Number 20 and beg leave to sit again.

Motion agreed to

Mr. Chairman: Of this time, I would like to thank Mr. O'Donoghue and Mrs. Francis for being our witnesses. They may now be excused.

Hon. Mr. Graham: Mr. Chairman, I move, seconded by the Honourable Member from Old Crow, that Mr. Speaker do now resume the Chair.

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

Motion agreed to

Mr. Speaker resumes the Chair

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

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered Bill Number 26, An Ordinance to Amend the Taxation Ordinance and directed me to report the same with amendments. The Committee also has considered Bill Number 20, An Ordinance Respecting Income Tax and has directed me to report progress on same and ask leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted. May I ask your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Old Crow, that we do now call it 9:30.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Old Crow, that we do now call it 9:30.

Motion agreed to

Mr. Speaker: This House now stands adjourned until 1:30 p.m. tomorrow.

The House adjourned at 9:16 o'clock p.m.

Whitehorse, Yukon**Thursday, October 25, 1979****Mr. Speaker:** I will now call the House to order.

We will proceed at this time with Prayers.

Prayers

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

DAILY ROUTINE

Are there any Returns or Documents for Tabling?

Presentation of Reports of Standing or Special Committees?

Presentation of Petitions?

Reading and Receiving of Petitions?

PETITIONS

Hon. Mr. Lang: Mr. Speaker, yesterday, you will recall, we had the request for the reading of a petition and, at the same time, you took the liberty of instructing the House on how to handle petitions.

Unfortunately, yesterday, Mr. Speaker, the request by the Honourable Member for Faro was misconstrued and we have no problems, Mr. Speaker, if the House has the ability of rescinding the resolution that was passed yesterday to have that particular petition read into the record.

In closing, Mr. Speaker, it is just like all Tories across the country, if we recognize that perhaps a mistake has been done, we will do everything we can to correct it.

Mr. Speaker: I thank the Honourable Member for giving the Chair notice of this situation. It is not usual that a vote be rescinded, however, the Chair has consulted with Parliamentary authority and finds, from Erskine May, that the practice resulting from this feeling is it is essentially a safeguard for the rights of the minority and a contrary practise is not normally resorted to unless, in the circumstances of a particular case, those rights are in no way threatened.

The Chair has considered this matter and I feel that no rights are in any way threatened. The motion defeated on October 24th, presented by the Honourable Member from Faro, read as follows: "That Petition Number 1 and Petition Number 2 be now read".

Is it the wish of the House that this motion be rescinded?

Some Members: Agreed.**Mr. Speaker:** I shall declare that the motion has been rescinded.**Mr. Byblow:** Mr. Speaker, may we have them now read?**Mr. Speaker:** Mr. Clerk, would you read Petition Number 1 and Petition Number 2?**Mr. Clerk:** Petition No. 1, dated at Faro, Yukon, on the 19th day of October, 1979.

To the Honourable Members of the Legislative Assembly of the Yukon Territory so assembled,

THAT WHEREAS the interval between the publication of the policy paper "Matrimonial Property", to the issuance of the proposed Matrimonial Property Ordinance, Bill Number 27, constituted only three months and nine days and did not allow for sufficient public input and consideration;

THAT WHEREAS a marriage constitutes a partnership of legal equals, one that is both "economic" and social in nature;

THAT WHEREAS it is an important premise to assert that "...in the great majority of marriages the spouses assume equivalent though different duties equally taxing to each, and of equal importance";

THAT WHEREAS this proposed legislation is overly restrictive in the clauses establishing a distinction between business and family assets and will ultimately need revision;

THAT WHEREAS other jurisdictions, notably Alberta, Saskatchewan, and the Northwest Territories, do not find a deferred community of property doctrine to be unworkable, complicated, or unjust;

THAT WHEREAS a subjective evaluation in which the business person is singled out for special consideration is unacceptable;

THAT WHEREAS the proposed legislation is envisioned as contributing to dissension and injustice between separating spouses, resulting in a great many unnecessary and expensive court cases;

THAT WHEREAS there is no indication that the proposed legislation reflects the desire of Yukoners or the public in general;

THEREFORE the undersigned hereby petition that the Matrimonial Property Ordinance, Bill Number 27, be withdrawn for further consideration, with the intention of re-writing objectionable sections.

Specifically, the petitioners submit that matrimonial property should consist of both so-called "family" and "business" assets acquired after marriage, and that all matrimonial property so defined should be subject to an equal 50/50 division upon marriage breakdown, unless a court deem it inequitable to do so. The onus of proof of inequality must be on the spouse wanting greater than a 50 per cent share. And your petitioners, as in duty bound will ever pray.

M. Brown

B. Davis

J. Wilson, and others.

Petition Number 2 dated at Faro, Yukon the 19th day of October, 1979.

To the Honourable Members of the Legislative Assembly of the Yukon Territory so assembled,

THAT WHEREAS the existence of common law marriage as an historically accepted practice and a permanent part of our social fabric is recognized;

THAT WHEREAS common law spouses are entitled to adequate and just protection of their community property rights upon the termination of their marriages;

THAT WHEREAS it is a retrograde step to deny the rights of common law spouses, particularly when there is a general movement in other jurisdictions to recognize and define common law marriages as legal and binding relationships;

THEREFORE the undersigned hereby petition that the "Matrimonial Property Ordinance," Bill Number 27, have its terms of reference extended to include the protection of spouses who are terminating a common law marriage. And your petitioners, as in duty bound will ever pray.

Brenda Jenner

Gloria Bazinet

E. Byblow

and others.

Mr. Speaker: Are there any further Readings or Receiving of Petitions?**Mr. Clerk:** Mr. Speaker and Honourable Members of Assembly, I have had the honour to review a Petition being Petition Number 3 of the Second Session of the 24th Legislative Assembly as presented by the Honourable Leader of the Official Opposition on October 24, 1979.

This Petition complies with the provisions of the Standing Orders of this House and accordingly may be received.

Mr. Speaker: I shall then declare that this Petition has been received and tabled.**Mr. MacKay:** Yes, Mr. Speaker, in view of the fact that my Petition, as presented, was identical in wording to the first Petition, I will just have that entered in the record and not have it repeated.**Mr. Speaker:** Are there any further Readings of Petitions?

Introduction of Bills?

Notices of Motions for the Production of Papers?

Notices of Motion?

Are there any statements by Ministers?

This then brings us to the Question Period.

Have you any questions?

QUESTION PERIOD

Question re: Commissioner/Appointment of

Mr. MacKay: Thank you, Mr. Speaker. My question is addressed to the Acting Government Leader, with respect to a tradition that this House has had in the past when an appointment of a new Commissioner was in the offing, this House has expressed an opinion as to who that person should be. I am wondering if this is going to be the case. Is the Government going to ask for opinions from this House as to who should be the next Commissioner?

Hon. Mr. Lang: Mr. Speaker, first of all, prior to replying to the question put by the Honourable Member, I would like to welcome to the House the Mayor of Dawson.

Mr. Speaker, it is very difficult for me, at this time, to reply to the Honourable Member in respect to the question that he has just put.

With the situation the way it developed, we really have not had time to look at it. Once we have evaluated the situation, Mr. Speaker, we will give the Honourable Member the appropriate answer.

Mr. MacKay: Can the Acting Government Leader tell us if they have received any assurances or indication from the Minister that he will consult with Yukoners before making this appointment?

Hon. Mr. Lang: Mr. Speaker, I am sure that in view of the way things have developed since the last election, I am sure the Minister will consult with the Government Leader and, in turn, the caucus.

Question re: Transportation/Diversified Transportation Ltd.

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Education.

Has the Minister inquired into the matter I raised yesterday, concerning the Department of Education's employees and Diversified Transportation?

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

Mr. Penikett: Would the Minister be prepared to report to the House his findings in the question raised concerning one of his employees?

Hon. Mr. Graham: Yes, Mr. Speaker.

I should first of all thank the Honourable Member opposite for making available to me the name of the person in question.

I did investigate the case thoroughly, Mr. Speaker, and found that the work in question that was being done by a Department of Education official for Diversified Transport was, in fact, being done simply as that of a friend.

Unfortunately, the person in the Department of Education of whom we speak also has a certain amount of influence with the contract that the Government of Yukon, Department of Education, has with Diversified Transport.

Therefore, the Department of Education has felt if necessary, at this time, to issue a letter stating to this employee that such practice is not acceptable, even though it was done totally, I believe and the Department believes, in innocence. We do not believe that the practice is acceptable and, therefore, would not like to see it done at any time in the future.

We believe firmly in the principle that we should not only be fair in practice, but we should also appear to be fair; therefore, we have taken this course of action.

Mr. Penikett: Thank you, Mr. Speaker. I thank the Minister for his answer. While the employee, in this case, may have been perfectly innocent, will the Minister be instructing his officials to avoid any such appearances of conflict in the future?

Hon. Mr. Graham: Yes, Mr. Speaker, I have not only in the Department of Education but also in all those portfolios under my control.

Question re: Recreational Land Transfer

Mr. Byblow: I have a question for the Acting Government Leader. The announcement in August by the Federal Minister of the immediate shift of control over recreational land to Yukon does not appear to be very immediate. Could the Minister update the House with respect to the progress of this transfer?

Mr. Speaker: I would caution the Honourable Member. Apparently the question would have to relate to a decision or an opinion from another government. However, if the Honourable Minister is prepared to answer the question, I will permit the answer.

Hon. Mr. Lang: Mr. Speaker, we are presently preparing a policy paper for consideration of the Government. Once we have agreed upon a certain principle that we feel should be inherent in any

transfer of this nature, it will be discussed with the Minister of Indian Affairs and Northern Development and I am confident that we can come to some consensus and get on with the transfer.

I think we do have some time, Mr. Speaker, in view of the fact that we are looking at the winter. It will take some time. Administratively, any transfer is going to take time, and I hope the people of Yukon recognize that as a transition period would develop for any administrative transfer as well as for future development of recreational land for the people of Yukon.

Mr. Byblow: I appreciate the thorough answer that the Minister has attempted to give. I would further inquire if the Minister could indicate the scope of the type of land that is included in recreational land that is being considered?

Hon. Mr. Lang: Mr. Speaker, this is something that will be discussed with the Minister. It is one of the major policy areas that we have to examine, just exactly what is the definition of recreational land. From there, the other policy decisions naturally flow that would have to be made once a decision is made on the definition.

Mr. Byblow: I am wondering if the Minister could further shed light on the principle of dispersement that his Government plans to use with respect to the issuance of title for presently leased lands?

Hon. Mr. Lang: Mr. Speaker, that is a question that will be addressed in the very near future. Any decision of that kind would have to be either a policy or a legislative matter that would have to be attended to by this House.

Question re: Yukon Youth Services Centre

Mr. MacKay: Mr. Speaker, I have a question for the Minister of Health and Human Resources. On March 20, 1979, I was assured by the then Minister of Human Resources that he had requested his Department to examine alternative programs for the Yukon Youth Service Centre. I am wondering if the Minister can report to us now what alternatives have been suggested?

Hon. Mrs. McCall: Mr. Speaker, that is one of my departments that is under review. We realize very well that the services there must be changed in some way. They are not being used to full capacity and we are looking at alternatives. We have consulted with Ottawa and it is being well looked into.

I will have an answer for you before too long.

Question re: Renewable Resources Department/Building 265

Mr. Penikett: Thank you, Mr. Speaker. Yesterday, I asked the Minister responsible for Renewable Resources a question concerning Building 265, in which a number of his employees operate.

I would like to ask the Minister has he attempted to find out if, in fact, that building meets the standards under the fire code?

Hon. Mr. Hanson: Mr. Speaker, some time ago, before I became Minister, I did ask the same question myself and, apparently, it does.

Mr. Penikett: Thank you, Mr. Speaker.

Can the Minister then say if he has also inquired as to whether the space requirements in which the employees are working meet Government requirements, as per the Labour Standards Ordinance, and the Workers' Compensation Ordinance?

Hon. Mr. Hanson: I also inquired into that. They do not, but it is not the only department of the Government that has the same problem.

Mr. Penikett: Mr. Speaker, I must now ask the obvious question, now that the Minister has an opportunity to do something about the problem, will he shortly be correcting this problem?

Hon. Mr. Hanson: Mr. Speaker, we have a proposal in the Cabinet right now that we are looking at. I will report back to the House as soon as a decision is reached.

Question re: Hydro Rates for Community Organizations

Mr. Fleming: Yes, I direct this question, Mr. Speaker, to the Minister of Community Affairs.

In the area of power rates, as applied to community organizations or community clubs, could the Minister tell me if these rates are applied as commercial rates or residential rates?

Hon. Mr. Lang: Mr. Speaker, I will have to take the question at notice.

Mr. Fleming: Yes, I wonder, while the Minister is checking on it, if he would check both power concerns, which are Yukon Electric and NCPG, in the different areas to see if they are both the same or otherwise.

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

Question re: Education/Parental Involvement

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Education.

On October 9th, the Minister said, in an answer to my question, that he and his department believed in the principle of parental control of children's education. In a statement one week later, he said that the memorandum agreement reached between his department and the Kluane Tribal Brotherhood meets for the departmental policy of parental involvement.

Could the Minister briefly explain if there is a policy difference between parental control and parental involvement, as is involved in his Department?

Hon. Mr. Graham: No, Mr. Speaker, there is not.

Mr. Penikett: Does the Minister's Department then see parental involvement as something that ultimately leads to parental control and does the Minister interpret the agreement with the Kluane Tribal Brotherhood as an example of parental control?

Hon. Mr. Graham: Yes, Mr. Speaker, I do.

Mr. Penikett: Thank you, Mr. Speaker.

With the case in point, the agreement with the Kluane Tribal Brotherhood, the Superintendent of Education, will ensure that the program, staff and facilities meet acceptable standards.

I would like to ask the Minister, therefore, whose standards will be met, those of the Department of Education or those of the parents involved in the Kluane School?

Hon. Mr. Graham: Hopefully, Mr. Speaker, the standards will be those agreed upon between the parents of the students attending any school in Yukon and the Department of Education.

We have what we consider acceptable standards. If those standards are too low in the estimation of the people, parents of children attending schools, then I hope that they would advise us of such a problem and that we would upgrade our standards.

I feel right now that our standards, the standards as set by the Department of Education, are very acceptable and, to date, we have had no complaints from any school committee in the Territory.

Question re: Study on Continuing Education

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

I have had inquiries, Mr. Speaker, about the method by which the Minister will circulate the continuing education study and its contents and, in general, his method for solicitation of public comment.

Could the Minister brief the House on how he is planning to handle this task?

Hon. Mr. Graham: Yes, Mr. Speaker, the Department is presently contacting school committees throughout the Territory, interested parties throughout the Territory, in the area of continuing education.

We are making certain that all interested parties and school committees have copies of the report, entitled "Towards a Yukon College", and we are also preparing a summary of the recommendations.

Hopefully, we will have a great number of those summaries available for the general public. We will disperse them throughout the Territory, as widely as possible. I would like to have more copies of the actual report available, but it would be a great expense to print a great number of copies of that book; therefore, we hope that the summaries that we will make available to the general public will suffice.

Mr. Byblow: Mr. Speaker, the terms of reference for the research group that did the study included a provision for possible extension of consultation and further work, following the presentation of this final study.

May I inquire of the Minister if there is any further commitment from this research team?

Hon. Mr. Graham: Mr. Speaker, the research team, I am certain, will make themselves available when the Department has completed the consultative process with the people in the Yukon Territory.

We will, at that time, hopefully be in a position to call on them and to inform them of what the reaction from the population has been. Hopefully then, we will be able to establish the direction that the Department of Education may pursue.

Mr. Byblow: Mr. Speaker, is the Minister confirming, then, that the terms of reference surrounding the \$50,000 cost are now complete and any further consultation is additional expense?

Hon. Mr. Graham: I am not certain, Mr. Speaker. I will take the question under advisement.

Question re: Alcohol Services Research

Mr. Penikett: Thank you, Mr. Speaker.

This spring, the then-Minister of Health and Human Resources said, in regard to Alcohol Services, that for the past three years, research and treatment programs have been conducted. This research was both to characterize people in a treatment and evaluate treatment programs and it was funded by the Non-Medical Use of Drugs Directorate. Apparently, the answer said the funding ran out this year.

I would like to ask the Minister who or what part of the Minister's department actually received this funding and conducted this research?

Hon. Mrs. McCall: Mr. Speaker, would you mind repeating that, if the Honourable Member would do that? I did not quite get the first part. It was something that was done this spring before my time in office.

Mr. Penikett: Thank you, Mr. Speaker.

In answer to a question this spring, the then-Minister of Health referred to research that was being conducted for the past three years on alcohol programs, that was funded by the Non-Medical Use of Drugs Directorate.

My question is attempting to find out who conducted this research. Has the Government received these study reports over the past three years on a regular basis?

Mr. Speaker: The question just asked by the Honourable Member would be quite out of order in that it seeks a reply from a former Minister, and not a Minister presently in that portfolio. However, again, I will permit the answer if the Honourable Minister is prepared to answer.

Hon. Mrs. McCall: Mr. Speaker, I am unaware of any review that was done covering the last three years. I am aware of a review that started in May and is continuing. It was for a year, and is presently ongoing. It is the only review that I am aware of apart from my own review since I have come into office.

Question re: Justice Department/Land Transfers

Mr. MacKay: Yes, Mr. Speaker, I have a question for the Minister of Justice relating to an inefficiency in his Department. The Department of Land Transfers is presently processing documents at a rate that takes seven and a half working days to turn these around which could amount to ten or twelve days depending on weekends. Is the Minister aware of this problem.

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

Mr. MacKay: In view of the high costs that this may entail to people who are trying to process land transactions by having money sitting on deposit without interest and so forth, will the Minister undertake to speed this process up to what should be about a two-day process?

Hon. Mr. Graham: Mr. Speaker, the Honourable Member obviously speaks from his ignorance on the subject. The problem did arise, there is no doubt about that. If he would have checked the answer received by the person who asked it of the Department of Justice the first time, he would have found out that there was a reasonable excuse for the delay.

The fact was that we had people in the Department who are on leave, either vacation or sick leave, and we simply did not have the necessary manpower to fill in at that time.

I am sure the problem will not continue because of the fact that we presently are getting those people back on the job and I am certain that the turn around time of documents will be reduced.

Mr. MacKay: My ignorance is probably only an hour or so old because my information has it, Mr. Speaker, that it is now a six-day turn around. Is this still due to sickness and are these matters, in fact, a problem of volume within this Department, not the staff being sufficient to handle the large increases in volume over the past year or two?

Hon. Mr. Graham: Mr. Speaker, I am not willing to accept the Honourable Member's statement that there is a six-day turn around right now because I have not had that information conveyed to me. I realize that in the past little while there was a substantial turn around. I have not checked in the last day or two to find out if that situation is continuing.

Question re: Power Generation in Yukon

Mr. Byblow: I have a question for the Acting Government Leader. I inquired a couple of days ago with respect to a market analysis

surrounding power generation in the Yukon. Has the Minister anything to report on its availability?

Hon. Mr. Lang: To make this brief, Mr. Speaker, no.

Mr. Byblow: Mr. Speaker, it is my understanding that part of the feasibility surrounding power generation includes the examination of thermal energy potential. It is also my understanding that at least one major mining company has conducted its own feasibility with respect to thermal generation.

I would ask of the Minister, what his Government policy is with respect to the encouragement of power generation for private use on this large scale?

Hon. Mr. Lang: Mr. Speaker, I will have to take that as notice.

Just further to that, Mr. Speaker, I think that the Honourable Member fully well knows that the responsibility of generating power presently lies with the Government of Canada, not directly with the Government of the Yukon Territory.

At the same time, Mr. Speaker, we are concerned and I think it would reflect in the resolution that was passed in this House not too long ago. We are in the process of looking in the area of hydro and seeing where we can complement and help the present Federal corporation in their deliberations.

Mr. Byblow: Mr. Speaker, could I then just inquire of the Minister what method was used to communicate the wishes of this House to the Federal Minister respecting the debate and wishes of this House last week on the privatization of NCPC?

Hon. Mr. Lang: Mr. Speaker, I will have to take that under notice.

Question re: Alcohol and Drug Abuse Programs

Mr. Penikett: Thank you, Mr. Speaker. Yesterday the Minister of Health and Human Resources said that all alcohol and drug abuse programs are being looked at. I would like to then ask the Minister who in her Department is looking at them, and when can we expect a report?

Hon. Mrs. McCall: Mr. Speaker, I do not think it would be proper for me to tell you exactly who is looking at them. I can only assure you that they are being looked at very carefully. I cannot tell you when either. As soon as they are finished.

Mr. Penikett: Thank you, Mr. Speaker, to the same Minister: at the present the Minister knows that there are numerous alcohol and drug related programs conducted by both this and other Government and non-government agencies in the Territory. Can the Minister say if there is someone at present in her Department either coordinating these programs or attempting to coordinate these programs? Or, if this is a subject which is being considered by the review?

Hon. Mrs. McCall: Mr. Speaker, if I understand the Honourable Member correctly, you want to know whether this is being done through a particular department or outside of my Department? Is that what you wanted to know?

Mr. Penikett: Yes, Mr. Speaker, in observing the number of alcohol and drug related programs in the Territory, I wanted to know if there was someone in the Minister's Department coordinating these programs, attempting to coordinate the programs as they are being delivered by a number of government and non-government agencies, and, if there is not such a person, was this question part of the review process, to which the Minister has just referred in the previous answer?

Hon. Mrs. McCall: Mr. Speaker, the review is being conducted by several departments, within Government and without.

Question re: Trappers' Assistance Program

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Renewable Resources.

How far along has the YTG Trappers' Assistance Program progressed? Is it available now?

Hon. Mr. Hanson: Mr. Speaker, I was at the trappers' meeting about two weeks ago. It was discussed there and, as far as I know, that is as far as it has gone.

The people concerned with it right now are outside of the Territory, one, because of a death in the family and the other fellow is at a conference. I hope we meet again next week and discuss it a little further and, at that time, I will report back to the House on it.

Mr. Speaker: As there are no further questions, we will proceed with the Order Paper to Government Bills and Orders.

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Third reading, Bill Number 26, standing in the name of the Honourable Mr. Lang.

Hon. Mr. Lang: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

May I have your further pleasure?

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

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

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

At this time, we will have a short recess.

Recess

Mr. Chairman: I shall call Committee of the Whole to order. This afternoon we are discussing Bill Number 25, Statistics Ordinance.

At this time I have a petition for Mr. O'Donoghue and Doug Munroe as witnesses. I now welcome them as witnesses. On Clause 1

Hon. Mr. Hanson: The Statistics Ordinance will be a valuable instrument for providing the Government with the high quality statistical data that is required for the purpose of planning, research, policy analysis, and program management.

The provisions of the Ordinance must cover a number of specific objectives: to provide the legal authority to collect the data required; to protect the privacy and security of individual responses; to coordinate the statistical matters within the Government to provide as much high quality statistical data as possible while reducing duplication; to allow for access to that confidential data held by Statistics Canada in the provinces that is presently not available in the Territory; to extend the authority of the Yukon Government by assuming a responsibility clearly under its legislative control.

Mr. Penikett: Thank you, Mr. Chairman.

I would like to congratulate the Minister for doing a good job of reading his speech.

Now, Mr. Chairman, since we are in general debate, I would like to begin by saying that I think the main purpose of a Statistics Ordinance is highly commendable.

The Government has, on a number of occasions, made mention of its efforts to do some economic planning in the Territory and economic development and, while we have seen no evidence of it yet, I am sure there is good work being done in the public service and we look forward to seeing it come.

In order to do economic planning, something I believe in, you obviously need good data, good information and planning, of course, becomes meaningless without it.

Having said that, though, I must say I have a couple of problems with the Bill. It seems to me there are two principles in the Bill which are pretty offensive in this day and age of the Freedom of Information Act and so forth. They are the one of the right of the public to the information, which I want to say something about when we get into clause-by-clause reading.

The other one is some of the compulsory nature, some of the powers that are to be given in this legislation.

Now, one of the things I used to enjoy, when I spent a couple of years in Ottawa, was watching something which was a daily occurrence in the House of Commons, where members of the Conservative Opposition of the day hammered the Federal Government for the abuse of the powers of Statistics Canada.

In those days, the Opposition members in the House of Commons made reference to these incredible Orwellian powers, they made occasional allusions to Idi Amin's State Research Bureau, the terrible impositions that were imposed on small businessmen by virtue of Statistics Canada's powers, the frequency and volume of the forms and questionnaires that small business people were required to fill out in order to provide the Government with information, information which the Conservative Caucus of the day used to go to great pains to point out was not returned to the business people, the people who were given these questions in any form that they could understand and nor were they ever given a very good or polite reason as to why the Government needed them.

Now, I do believe that this information that is sought to be obtained is important. I think it is essential but I think there are some

provisions in the Bill that are going to cause the Government some problems with their essential constituencies in the business community of the Yukon.

Mr. Chairman, I want to explain right now that I am going to make the remarks I am making because I am concerned with the welfare of the Government and I would rather them hear it from me before they hear it from their own constituents. Perhaps they can have a chance, in fact, to correct these errors in the legislation before they all suffer the slings and arrows of outraged small businessmen in their own communities.

I think that the idea that the Government has a right to know something, it has the right to some information, as a general principle, so ought the public. I think the kind of information that we are talking about here, the kind of planning information, is something that obviously we want to see disseminated back to the public as soon as possible and I think that there has been some evidence of certain kinds of information being returned by this Government, and that is well and good.

There are all sorts of problems here with the kind of information that is being required. My friend, the Leader of the Opposition, was just mentioning to me today the case of a corporation which has a lot of dealings with the public, about whom I think both of us have had some trouble getting some information. Yet Statistics Canada has that information, and it is published and is accessible, and is accessible to us simply by virtue of the fact that that corporation happens to be the only corporation operating in that particular field in the Yukon Territory. So when you look at the Statistics Canada information you can, in fact, very readily find out anything you want to know about that corporation. That kind of information, of course, can be very useful to its competitors.

Now, let me just say something about the compulsory aspects. I know that from the point of view of a statistician or researcher, if you have the power to order someone to give you some information, it makes your job much easier. It can expedite the business of gathering the information very readily.

I think that governments, as a rule, ought to be very cautious about using the kind of powers they have to compel citizens to do anything, especially if there is no overwhelming need for that compulsion.

Let me make the case that in this Community there is not that need. It seems to me, given that we have got a Conservative Government that ought to have the trust and confidence of the business community and in numerous occasions they have demonstrated that the business community has certainly been prepared to support them and they support the business community, that this kind of compulsion is not necessary. We do not have an NDP Government right now which the business community for some wrong-headed reasons might have some fears and suspicions about. We do not have a Liberal Government in the Territory, with the exception of possibly a couple of Cabinet Ministers, that the business community would fear might duplicate some of the more horrendous laws and processes that have emanated from Ottawa. We have here a small Territory, a small Government, a very small number of businesses in each sector of the economy, probably a very few number of operators.

It seems to me, given that situation, and given the fact that the business community and possibly the public at large would share this Government's desire to engage in some serious economic planning and development.

It seems to me that given that they would share that aspiration, they would probably very much want to cooperate in assembling the information that is needed to do that kind of planning.

It seems to me that given the kind of comradeship, warmth and affection between the Chamber of Commerce and this Government, that it would be a relatively easy matter for the Minister of Economic Development or the Government Leader to go to the Chamber of Commerce, speak to them as a former president or as a dear friend, as say to them, "Look, for the sake of the Territory, we want to do this kind of economic planning. We need this kind of information. We would appreciate your support and cooperation." I am absolutely certain with that tone of voice, and with that manner, that they would receive that kind of cooperation from the business community.

I am sure that in that case when a representative from the Yukon Government State Research Bureau went into-- I mean Statistics Officer-- went into the office of the Leader of the Opposition and said, "We want to plan in this area. We need some information about this area. This is why we are doing it. This is why we need information. Would you be willing to cooperate?"

I am sure that the Leader of the Opposition would say, 'Goody, Goody gumdrops. I am all for that. Here is all of the information that I can give you.'

I am sure that is the kind of reaction that it would have.

So, too, in the case of tenants in this Territory, for example, who were feeling perhaps hard pressed by increasingly escalating rents, a problem which we all know will be very serious if the pipeline is ever built.

I am sure the tenants, in such cases, would be more than willing to convey the information to the Government about rent levels in this town and the other communities in the Territory, especially in those circumstances where, for some reason, we may have an absentee landlord or a non-cooperative landlord. It seems to me there are always other options.

Now, I grant you that this kind of, if you like, friendly, cooperative, relaxed, voluntary approach, might involve a little more work. It might involve the Government trying to employ some of its scarce public relations skills to, in fact, do some of these kinds of things, to reach out to the public and ask for their cooperation.

But I submit, Mr. Chairman, that is exactly the kind of process that should go on here. I predict that if we proceed to enshrine, in law, the kind of powers that are proposed in this legislation, the kind of weapons, powers, threats, intimidation, demands, that are suggested here, you will get a violent reaction, not only from the small business people who are already suffering the continual waves of paper from Statistics Canada in Ottawa, which, I believe, unless the law has been recently changed, they are still required to complete, you will get a similar reaction from the people here. It will not be nice. It will not be pleasant. They will get very angry and they will be worrying you to death and then you will have to be, in fact, wasting more time and money amending the Ordinance, because the reaction will be so strong.

So, I want to explain again, Mr. Chairman, that I am being helpful and co-operative here and I am trying to save the Government a lot of trouble.

Another group you will be bound to hear from are those people who have some strong reservations on civil libertarian grounds about government officials having this kind of power, especially large numbers of government officials.

I think it ought to be a concern to all of us that a large number of the Ordinances that we have on the books already and some that we may see in the near future, give powers to Government officials.

Some of those powers are warranted and are absolutely necessary. But when we are delegating powers from this House down to officials of the Government, we ought to do so very cautiously.

We ought to surrender those powers and delegate those powers, especially the power to make regulations, very carefully.

I think, if you look through the number of ordinances even that we have discussed this time, the powers that we want to give to an inspector to regulate the construction and the maintenance of a pipeline and some of the other powers that have been contemplated, they are pretty awesome weapons.

In a community of this size, I fear for the psychological health of the place if we have a community divided between those people who are the regulators, the people who have power, not elected power, but power that we have given them, because we have been sloppy or lazy or neglectful and another class of citizens, those people who are on the receiving end of all these powers, who are suffering under these powers, and, in fact, may be groaning and complaining as they suffer them.

So, I want to say, Mr. Chairman, rather than giving an angry and outraged speech at this point, that may be necessary later on, but I will not do it now, that I want to make a gentle and quiet and friendly and cooperative plea to the Government to be very careful about this, to consider the more moderate voices on behalf of the civil liberties, all citizens, as well as small business people on this side of the House, listen to them seriously, perhaps bring in some amendments, because if they do not do it, in response to the requests of the nice people over here, they may have to do it later on from some very nasty and angry supplications in their own constituency.

Thank you, Mr. Chairman.

Mr. MacKay: Thank you, Mr. Chairman.

There is an old technique involved in changing people's minds about things. It is employed by various state research bureaus.

First of all you give them the soft sell, the nice guy, and then you come along with the nasty. I am not suggesting for a minute that I am going to be nasty, nastier than I have to be, but there are a few points that I think should be made rather more forcefully than the previous speaker has made his, albeit he chose to go a route of general agreement.

However, I see from the stony faces across the way that there so far has been little progress in that direction.

So, let me talk about a few of the things that this Ordinance could mean. Again, prefacing it with the fact that at the end of the day, the purpose of this Ordinance has been stated to be to assist in planning, research, analysis and projects. This is the stated purpose of this Ordinance, to gain statistics for these things.

That implies this Government is going to be an interventionist government, it is going to take very definite steps within the economy to do certain things. It implies that it is going to not particularly allow market forces to work; they are, in fact, going to be there being part of the market force.

I realize that is what you have said. That was the purpose of gaining these statistics, to arm the Government with a knowledge that will permit them to be very active in intervening in the economy.

My friend to the left, of course, is very pleased about that, because that is exactly the kind of society that he would envisage us having in the Yukon; however, I have some difficulty seeing the Members across the other side and, indeed, myself and the Liberal Party being quite so enthusiastic about progressing towards that kind of society.

Indeed, if I recall the election issues, perhaps the most strident issue that was put forward by the Members opposite, was that Government was growing too big. Government was interfering in the lives of the citizens of the Yukon. Bureaucracy was spreading, that we were heading toward the situation where Government was going to be controlling everything that we do. I remember very clearly these points being made and made with force and vigour, of individuals living in one of the last frontiers in Canada saying that, we can still, individuals, have the power to go out and do things for ourselves. We do not need a government doing it for us.

So, I am just recalling these words for the Members opposite, from their own mouths. I think that some of the sections from the civil libertarian point of view do raise my hackles. We have had a couple of Ordinances actually, in the last few days that have had similar type problems where the chief boiler inspector suddenly has Draconian powers to do certain things.

I would be able to rationalize these things in my mind saying: "Oh yes, we are dealing with the question of public safety here." in that instance. It was necessary to empower somebody to be able to do certain things with a certain amount of force because, in the end, what we were doing is protecting the actual safety of the people.

Implicit however, in this Ordinance, is the philosophical statement that the state is more powerful than the individual. It is necessary for the state to have this information. It is not a question of life or death, it is because the state has policies that they wish to pursue which may, in fact, be more important that the individual from whom they extract the information.

In Subsection 7(2) where it says: "Every person shall answer any question required to obtain any information for the purpose of this Ordinance that is asked by a person, employer, appointed under this Ordinance..." That is really the whole crux of that problem right there, the implicit assumption that, it does not matter what we ask for as the Government, you have to answer because we, as the Government, decide what is important and what is not important. You, as an individual have no more choice as to say what is important for you to know as the Government and what is important for me to keep secret, as an individual, as a businessman.

I have such considerable difficulties. I am looking forward though, I was looking forward and I still am looking forward to being persuaded that, perhaps, there is a real pressing need for this Ordinance, perhaps modified in the way my friend is talking, but nevertheless, that there is, in fact, a real pressing need.

To go back to the statements of the introducer of the Bill. Planning: what planning is the Government going to do? Tell me the industries that it intends to plan. Tell me, in some detail, what kind of information are you looking at. Why do you want that information? What are you going to do with the information once you have got it? Is it really, really necessary? Have you just accepted the current socialist London School of Economic's thought processes that statistics are necessary?

Somebody said that the Yukon should have more statistics and you said that was right. Out of that statement comes this. Have you actually gone back to your department and said, "Tell us precisely how useful all this is going to be to a Government that perhaps is not going to be very interventionist, that may well allow the forces of the market to continue in a way to develop a healthier free enterprise system."

I ask you to examine the underlying premise of this Ordinance very carefully, and perhaps to give us, in this House, some reason

for voting for it. Give us some tools to work with. Tell us what you are planning, what the research will do, what the analysis will be about, what kind of projects you have in mind. I am looking forward to hearing that.

Hon. Mr. Graham: Mr. Chairman, it was kind of interesting for me to hear my Honourable friend directly opposite coming to the defence of small business. I find that I have a great deal of problem with the assumption by Members opposite that if we do pass this Ordinance that it will automatically allow Government to interfere in every business in Yukon and it will overburden them totally with a mass of statistical data that we require and, that it will cause them no end of problems and concern.

I do not think that is really true, Mr. Chairman. I think that the purposes of this Bill are twofold actually: one, of course, is to provide a means by which Government of Yukon can acquire statistical data from businesses and from persons residing in Yukon; and the second part, and I think a very important part of this Bill, is that it will enable us to acquire information from Statistics Canada that is not presently available, either to us as a Government or to the general consumer in the Yukon Territory.

Statistics Canada requires that we have a part in this Bill that respects the confidentiality of respondents of statistical gathering in Yukon. I think that is very important. It could possibly cut down on the total number of surveys that we will be required to carry out in Yukon because the statistics will be available from Ottawa through Statistics Canada.

It is possibly a forlorn hope but I think that the data that we will obtain from Statistics Canada will definitely increase.

I think that the other thing that is very important is the confidentiality aspect of this Bill. Under the terms and conditions of this Bill, Mr. Chairman, the Government will not be in a position to release information obtained through a statistical survey unless the respondents apply in writing that they agree that the data can be released or that the Department is satisfied that the release of such data would not endanger the financial or business dealings of a company or a business that replied to the survey.

I think that is very important. We will respect the confidentiality of our respondents.

I had some problems, philosophically, with this Bill as it first went through, too. Consequently, there have been a few changes, I think, because all of us on this side had some problems.

But I think that the Bill that we have come up with is a reasonably good aggregate of all of the information or all of the opinions gathered from this side of the House.

I think that the Bill, as it presently is, should provide us with much of the data that we do require and it also should not, or we hope that the Department will not, interfere to a great extent in the business dealings of people in Yukon.

I think that we have an outlet there, too. The Opposition has proven themselves moderately adequate in attacking this side of the House when we do things wrong and I am sure that if, in the future at some time, a business has a particular problem with the statistical data that is being gathered by this Government, I am sure that they will bring it forth in their own way—I will be kind.

I think that this also will protect the people that we are going to for the data. I am looking forward to finding out some specific concerns with this Bill, as we go through the clause by clause reading and I hope that we can answer all of the questions that the Opposition does have.

Hon. Mr. Lang: Mr. Chairman, just a couple of points I would like to add to what my colleague has said.

As he stated very clearly, it has been a product of many hours of work and a lot of time between phone calls to Ottawa, also to the provinces.

I think it is fair to say, Mr. Chairman, that the Bill is largely designed and some restrictions put on the Bill, as my colleague has said, due to the present Federal statute that is on the books and the regulations that accompany it.

The one area that was not touched on was the fact that in some cases where we may well want information from our counterparts in the provinces in any decision-making that has to be done by the Government in the public interest for the people of Yukon, in respect to Government involvement in any area of the economy.

I am sure that if any decisions are made from this side of the House, and hopefully they are few and far between, at the same time we have to take the public interest into account, that the Honourable Members would well ask what justification did one have to make a decision and, subsequently, it is incumbent upon anybody that stands on this side of the House, that they have the

information and they have information that is accurate in order to be able to make decisions that could well affect Yukon for many years to come.

I think it is fair to say, Mr. Chairman, it is a new area that we are getting involved in. The Department was structured approximately two years ago now. It is becoming more and more active in view of the way the situation is developing in Yukon and we are becoming a bigger and bigger factor in the decisions that are going to affect Yukon as the years go by.

Subsequently, we need a data base and statistics to be able to justify decisions that will have to be made.

I can give a fine example: as you know, the White Pass situation is something that is being actively questioned by Members opposite, which rightfully so they should be. Whether or not this particular piece of legislation would have to come into play is another thing altogether, but the point is at least it would have the ability of getting information, if it was necessary to get that information, from a corporate citizen.

At the same time, we have the ability of contacting our counterparts in the provinces for information and it is done on a confidential basis.

As my colleague has outlined, I think that is a very important aspect of this Bill.

The Members have not touched on the section of the Bill that states that the Commissioner can make, which is now the Executive Council, any survey voluntary. It would be the position from this side of the House that we would like to think most of them would be voluntary.

I recognize the principles that Members Opposite are speaking to, but at the same time I think they can recognize the responsibility that Government is vested with. Unfortunately, or fortunately as the case may be depending on how you look at it, this piece of legislation will allow Government to get information that is necessary if decisions are made in the public interest, and to justify those decisions. Otherwise, we could well be in a situation making decisions without the real information that is necessary to substantiate major decision making.

Mr. Penikett: Mr. Chairman, I was noticing as he was speaking how much difficulty the Minister of Municipal Affairs was having giving one of his usual right-wing speeches on this topic. I think you would have to go a long way to the right before you could, in fact, make the case with any venom that he was trying to make.

The fact of the matter is, in terms of this voluntary provision and the compulsory provision, that it does not say that the Commissioner must make these voluntary. It is an out, I admit, but what I say, and I say this to the Members opposite, I insist that I want to hear some examples and some evidence and some proof that the onus is on the Government to make the case for the compulsory provision. Before we can be persuaded, we must have the examples; we must have the evidence; we must be shown that it is necessary for the Government to have this power.

I submit, the Government has not yet tried to sell the business community, who would be the most adversely affected, on the possibility of voluntary cooperation as the rule rather than the exception in this Ordinance; nor once having tried to sell it have they any evidence that having attempted to persuade them, they then have some practical experience with the failures of business to voluntarily cooperate.

It seems to me that if you are going to bring legislation like this forward, you bring it forward on the basis that you have failed to obtain the cooperation of the business community. For a Conservative Government to say that they have failed to obtain the cooperation of the business community has got to be one of the most colossal admissions of failure that you have ever seen in the history of politics anywhere.

I think, and I mean this sincerely, that you really should take another look at this. You really should have the former president of the Chamber of Commerce and the present Government Leader and the other former president of the Chamber of Commerce, perhaps the Leader of the Opposition, sit down with the business community and perhaps some other Members opposite and say to them, "Look, in our heart of hearts, we are a little nervous about these powers. We are really not sure we want to delegate them to people for years ahead whom we may not know and not know how they will use them."

Maybe we could do these voluntarily. The Minister of Education suggested maybe we will have fewer surveys. I am sure he said that tongue-in-cheek. He could not have been serious, if he was talking about doing some real planning, that somehow we would have fewer surveys and less information needed.

The Government's appetite for paper and for information is

insatiable, Mr. Chairman. It will consume as much as it can get and continue to demand more.

I submit that we really, before we go further, must hear from the Members opposite, some examples, some proof, some logic to a case for saying that this compulsion needs to be here.

Mr. Chairman, perhaps I could ask the sponsor of the Bill quite seriously, an honest question for an honest answer, to the Minister of Economic Development, who, I think, the Leader of the Opposition has pointed out, has no control over any part of the Yukon economy, except, perhaps, conceivably the growth of the public service. They have no economic levers. You might get a plan of the abstract now, but in terms of the kind of government I would like to see and the kind of economic planning you would see, you have no levers available, you have no instruments.

So, as the Leader of the Opposition says, it is a relatively academic process at this point, until you get some more GDA's and perhaps some of those things.

We keep hearing public servants giving speeches out to groups in the community, but we have not heard much about it in this House.

Now, I would like to ask the Minister of Economic Development to tell me what he thinks the response would be of some official going up to Keno and telling George Dobson, "Mr. Dobson, I would like to know how many unmarried couples were staying in your hotel in the last month and how it compares with the similar month in the year previous?"

I could probably tell you what Mr. Dobson would say, but it would be unprintable. It would be unparliamentary language.

But if the official then said, not that I am asking for this information, I am ordering you to give it, I would suspect that the Minister there would be very unwelcome in that establishment in the years ahead.

If he were to go to Bob Adair, and asked him how many drunks he had driven from Keno to Mayo after two o'clock in the morning, because we wanted to have some information that was necessary for highways and so forth, Bob might, in a chatty way, give him the information, but if you tell him he had to give it to him, I suggest that the Minister might be in one of those altercations which the people of Mayo are famous for.

If you were to go into Danny Jurovich's store and say, "I want to know how many bananas or how many contraceptives you sold in the last year, because we are doing a study on something or other," I can only guess what Mr. Jurovich would say, especially if he was being told that he had to give the information, that the person asking the question had the power to demand it.

Those circumstances, and I have a great affection for the Minister, and I suspect that his political life would be very quickly foreshortened, in fact, it would not be beyond my imagination that there might be some people in Mayo who might think that his physical life might not have many prospects either.

I am not being entirely frivolous, Mr. Chairman, I think that this is serious. The onus is on the Government to prove the need for this compulsory power. They have not done it, not in one of the speeches that we have heard opposite.

Mr. Fleming: I can only carry on where the Member left off. To me this legislation could possibly have been something that would not hurt the individual in this Territory, if it had been legislation to be able to obtain information from Statistics Canada.

In their explanatory note, they say that that is more or less one of the reasons for it. However, they wish to obtain, it looks like, some more information that they would not be able to get from Statistics Canada. There is a possibility that Statistics Canada may not give us, as a Government, all of the information that we may want, but I can tell you if the questionnaires that have been sent out to the people in this Territory and other places in Canada have been answered, they could tell us almost everything.

In no way do we need another forum, which is more or less the way to do it here, to extract some more information from people in the Yukon Territory. You are saying in your explanatory note that you are hoping to be able to get something that Statistics Canada probably will not give to you, as a Government, or that they might not know. I am sure that you will never get anything that they do not already know.

As for the people in the Yukon Territory being more or less quiet about the Bill, I think that possibly nobody knows, as the Honourable Member in front of me has said, that nobody really knows that the Bill is here and what the Bill is all about. I think if you had taken this out to the communities as, for instance, the property tax situation was taken to the communities last year, in that case I think that you would have found out the very things that you are being told over on this side of the House today. They would not want it.

What it is going to mean is just another envelope coming in the mail every few days, I presume.

The Government, in no way, has said what they are going to send us in forms, what we are going to get and what questions are going to be asked, and if it is anything like Statistics Canada, it will be a page as big as a newspaper and it will be on the back and on the front in small letters so that you cannot understand it.

I would have hoped that the Government would have taken these steps in this type of legislation because it is going to take the freedom away in this country from a lot of people, the right to not tell everything that goes on in your life, because, that is exactly what Statistics Canada is all about. I suppose they could force us, but to date I realize that they have not — too bad because I have thrown many of them away myself.

There are questions in there that go right down into the private lives of people, and I do not agree with that at all and I do not agree that we should also have another one where we are trying to push it down their throats again.

As the Honourable Member has spoken about one of the sections especially is really, really serious. I would hope that the Government does listen if there are any amendments put forward and think a little, not just laugh about this one because it is not a good one.

In closing, I would just like to say that it is really a shame the way we have to live in a modern society that is so sophisticated that we have to have this type of legislation at all, just to find out what is going on.

I only hope that our legislation, when it is passed, respects the rights of a free people in a supposedly free country and, to do that, you are going to need a few changes.

Dr. Hibberd: Mr. Chairman, I would beg the indulgence of the Chair and request a recess at this time.

Mr. Chairman: I declare a recess.

Recess

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

Hon. Mr. Graham: Mr. Chairman, I move that you report progress on Bill 25 and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham that we report progress on Bill 25 and beg leave to sit again.

Motion agreed to

Mr. Chairman: At this time, I would like to thank the two witnesses for being with us. They may be excused.

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

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

Motion agreed to

Mr. Speaker resumes Chair

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

May we have a report from the Chairman of Committees?

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered Bill Number 25, Statistics Ordinance and directed me to report progress on same and ask leave to sit again.

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

Some Members: Agreed.

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

Hon. Mr. Lang: Mr. Speaker, I would ask that we refer back to Government Bills and Orders.

Mr. Speaker: The House is, at this time, at Government Bills and Orders. Proceed.

GOVERNMENT BILLS AND ORDERS

Bill Number 26: Third Reading

Mr. Clerk: Third reading, Bill Number 26, standing in the name of the Honourable Mr. Lang.

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse South Centre, that Bill Number 26, An Ordinance to Amend the Taxation 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 from Whitehorse South Centre, that Bill Number 26 be now read a third time.

Mr. MacKay: I would not like the opportunity to go past, Mr. Speaker, one more time, before this Bill finally passes out into the public domain and is implemented, to indicate, I think, on this side of the House, the satisfaction that they have had in dealing with this Bill and seeing it go through so expeditiously and so efficiently.

I think that it is probably good to indicate that, when you think of the process the Bill went through, having the public hearings about a year ago, undoubtedly, I think, really helps in determining the public mood. I think that perhaps the distance between the public hearings and the final result was a little slower than we had hoped, but, in the end, the result, through a close consultation with the people of Yukon and particularly with the Association of Municipalities, produced, I think, what was satisfactory to everybody here, a good Bill.

I would not like the opportunity to go by without giving some credit to the Minister involved for that process.

Mr. Penikett: Thank you, Mr. Speaker. I would just like to briefly say that I have been pleased to have been part of this process. This is a subject close to my heart, as the Minister knows I have been working on it for at least the last couple of years.

I have failed to educate the Minister sufficiently on the question of school taxes, but I have not given up trying and I will continue to try to do so in the next few years.

On the whole, I think it is a good Bill and worthy of this House. Thank you, Mr. Speaker.

Hon. Mr. Lang: Mr. Speaker, I would like to say that I thank the Members opposite for the cooperation they have shown in the deliberation of the Bill and the constructive manner that it was discussed throughout the time that we deliberated the Bill in question.

I should point out, Mr. Speaker, I think it is important that the public realize that the assessment notices that they will get will fairly closely reflect what their property is actually worth, and subsequently, if they feel that the assessment that is done, and the major area that we addressed in this Bill was the principle of assessment, if they feel the assessment is not properly done, that the appeal procedures that will be implemented will give them the ability to appeal and at the same time be assured that they are being fairly dealt with.

At the same time, Mr. Speaker, the Association of Yukon Communities has been very much involved with the legislation in question here. They have worked many hours of their time, many of the aldermen and some of the administrative people as well, and it has given them certain taxing powers that they did not have before. I am confident that it will be judiciously used.

At the same time, the people of the Yukon, if they do live in municipalities, have to recognize that overall the taxing authority and the responsibility is going to be vested with the aldermen that they elect. The aldermanic positions now are becoming more and more important in the everyday lives of Yukoners as the advent of this Bill passes this House.

Once again, Mr. Speaker, thank you very much. I think we will see a very progressive nature in the assessment and taxation system in Yukon Territory.

Motion agreed to

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

Hon. Mr. Lang: Yes, Mr. Speaker, I move seconded by the Honourable Member for Whitehorse South Centre, that Bill Number 26 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member of Municipal and Community Affairs, seconded by the Honourable Member for Whitehorse South Centre, that Bill Number 26 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 26 has passed this House.

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

**Mr. Administrator enters the Chamber
announced by the Sergeant-at-Arms**

Mr. Speaker: May it please your Honour, the Assembly has passed a number of Bills to which I humbly request your Honour's Assent.

Mr. Clerk: An Ordinance to Amend the Fur Export Ordinance; An Ordinance to Amend the Legal Profession Ordinance; Retirement Plan Beneficiaries Ordinance; An Ordinance to Amend the Supreme Court Ordinance; Third Appropriation Ordinance 1978-79; An Ordinance to Amend the Taxation Ordinance.

Mr. Administrator: I hereby Assent to the Bills as enumerated by the Clerk.

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

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

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that we do now call it 5:30.

Motion agreed to

Mr. Speaker: This House now stands adjourned until 1:30 p.m. Monday next.

The House adjourned at 3:38 o'clock p.m.

The following Petition was received October 25, 1979:

79-2-3

Petition regarding Matrimonial Property Ordinance - "business assets" inter alia

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