



The Yukon Legislative Assembly

Number 33

2nd Session

24th Legislature

HANSARD

Thursday, November 1, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

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

CABINET MINISTERS

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

Government Members

(Progressive Conservative)

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

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

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

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

Whitehorse, Yukon**Thursday, November 1, 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****Mr. Speaker:** Are there any Returns or Documents for Tabling?**TABLING OF DOCUMENTS****Hon. Mr. Pearson:** Mr. Speaker, on October 18th, the Member for Whitehorse West asked a question regarding YTG employment application forms and I have an answer for tabling.

On October 23rd, the Member for Kluane asked a question regarding the Whitehorse Rapids Hydro Dam warning signal. Again, Mr. Speaker, a written answer.

I have, Mr. Speaker, for tabling, the correspondence between myself and Mr. Fraser, respecting White Pass and Yukon Route.

Mr. Speaker: Are there any further Documents for Tabling?

Reports of Special or Standing Committees?

Petitions?

Receiving of Petitions?

Introduction of Bills?

Are there any Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

This then brings us to the Question Period. Have you any questions?

QUESTION PERIOD**Question re: Land Freeze****Mr. MacKay:** Thank you, Mr. Speaker, I have a question for the Government Leader.

On Monday, in this House, Mr. Speaker, the Government Leader stated emphatically that there was no land freeze in effect in Yukon. I might say he sounded suspiciously like the Liberal candidate in the last election.

Yesterday, at a press conference, however, the CYI spokesman said that there would be no land transfers from the Federal Government to Territorial Government in the next six months.

Would the Government Leader like now to reconsider his earlier answer?

Hon. Mr. Pearson: Mr. Speaker, no, I am not at all responsible for any statements made by the CYI.**Mr. MacKay:** I can only assume that he is holding his position that there is no land freeze, and if that is the case, the Government will be proceeding to request other land other than recreational lands in the next six months. Is that correct?**Hon. Mr. Pearson:** Mr. Speaker, I do not know, I am sorry. There may, and there may not be. I honestly do not know.**Mr. MacKay:** On the same subject, was there any discussion of the rights other than just ownership rights, rights to land, the use of it such as placer claims and this kind of thing? Was that discussed at all as being frozen?**Hon. Mr. Pearson:** Mr. Speaker, I guess I am going to have to re-emphasize once again for the Honourable Member that the topic of discussion, and the only topic of discussion, was the transfer of recreational lots.**Question re: Alcohol and Drug Services/Chief of Staff****Mr. Penikett:** Thank you, Mr. Speaker. I have a question to the Minister of Health and Human Resources. Can the Minister confirm that her Department's Chief of Alcohol and Drug Services has submitted his resignation?**Hon. Mrs. McCall:** Yes, Mr. Speaker. I can.**Mr. Penikett:** Can the Minister say if the resignation is in part a result of the failure to date of the Government to achieve efficient coordination of the Alcohol and Drug Programs in the Territory?**Hon. Mrs. McCall:** Mr. Speaker, I am afraid that I cannot answer that at this moment.**Mr. Penikett:** Supplementary: I assume that the Minister has taken the question at notice. I would like to ask the Minister when she checks into this matter and reports to the House if she could explain any reason for the resignation in advance of the completion of the review of alcohol and drug programs which she referred to the other day?**Hon. Mrs. McCall:** Mr. Speaker, I will take that under advisement.**Question re: Alcohol Plebiscite in Old Crow****Mr. Byblow:** I, too, have a question for the Minister of Health and Human Resources.

Yesterday the Minister indicated that she was quite satisfied with the plebiscite last year over prohibition in Old Crow, that it clearly indicated a majority of support for an alcohol ban. I must enquire of the Minister, Mr. Speaker, why she is proposing to hold another plebiscite if there appears to be no question as to the accuracy of the last one?

Hon. Mrs. McCall: Mr. Speaker, I met with the Chief and Council Members and the MLA from Old Crow, and I personally am very satisfied that they would like to have a ban on alcohol in Old Crow. However, a plebiscite is not my Department. That is the Department of Justice. Perhaps you could address that to the Department of Justice.**Mr. Byblow:** Well perhaps then either Minister could respond to my supplementary. It has been reported to me that last year's plebiscite was held in accordance with the Plebiscite Ordinance respecting public notice, voting hours, returning officers and so on. In fact, Mr. Speaker, the results of the plebiscite—**Mr. Speaker:** Order please. I believe the Honourable Member is now making a speech.**Mr. Byblow:** On the strength of the delegation visit from the Chief Johnny Abel, on the strength of the results of the plebiscite, Mr. Speaker, I would simply ask: "Does either Minister feel that appropriating additional funds for another plebiscite is justified?"**Hon. Mr. Graham:** Thank you, Mr. Speaker. A plebiscite was not held under the regulations of Government of Yukon Territory. We have presently, in place, regulations for enabling us to hold a plebiscite in Old Crow. The regulations have been accepted by the Cabinet and a plebiscite will be held immediately that we get a returning officer.**Mr. Byblow:** Could I inquire of the Minister, Mr. Speaker, that he is concurring that there is question as to the validity of the last plebiscite?**Hon. Mr. Graham:** Mr. Speaker, I think it is pretty obvious, a plebiscite was never held in Old Crow under the Plebiscite Ordinance of the Government of the Yukon Territory.**Question re: Alcohol Plebiscite in Old Crow (Continued)****Mr. Njootli:** Mr. Speaker, I have a written question directed to the Minister responsible for Human Resources.

The question, Mr. Speaker, is, last year, the community of Old Crow undertook to hold a plebiscite because of health conditions in the community as a result of alcohol. The Government could not deal with the issues during the Spring Session.

My question is: will the Minister assure the House that this problem will be dealt with immediately?

Secondly, Mr. Speaker, is that last month we had a meeting with the Minister of Health and Human Resources and her Deputy Head. The chief decision was to put a two year ban on alcohol in Old Crow.

Could the Minister give assurance that the legislation is being drafted now and, if not, when will the legislation be drafted and presented to this House?

Lastly, Mr. Speaker, in the Whitehorse Star, October 31st, yesterday, I read in Edith Josie's news that the parents drink too much and the that the kids do not eat too well.

Could the Minister provide this House with statistics on the amount of money spent on (1) transportation of patients to Inuvik

and Whitehorse hospitals, as a result of drinking in Old Crow; secondly, the cost of alcohol prevention activities, including salaries and plane fares of workers; and lastly, Mr. Speaker, the number of patients transported to Whitehorse who did not make their appointments, in the last five years.

Mr. Speaker: I think we will, from the Chair, consider those as being three separate questions.

Are there any further questions?

Question re: White Pass/Letter to

Mr. MacKay: A question to the Honourable Government Leader, Mr. Speaker: a copy of the letter just tabled to Mr. Fraser, President of White Pass, dated September 10th, contains a sentence, Mr. Speaker, that says "Your recent actions are making it increasingly more difficult to support you and the corporation."

My question to the Government Leader, is what support is he referring to?

Hon. Mr. Pearson: Mr. Speaker, I think every corporate citizen in the Territory expects that they are being supported in a general way by the Government; it is difficult to do business if you are not. We, in this Government, want to see the White Pass Railway continue in operation. I want to make it very, very clear, and I think I have, Mr. Speaker, to Mr. Fraser, that if there is no other alternative, then we will see the railway operating without that particular company being involved.

Mr. MacKay: I was always under the impression that the corporations were supporting the Government and not the other way around. Can I have the specific assurance that, in any request made by White Pass to the Federal Government for subsidy, this Government has not leant its support.

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

Question re: Mayo L.I.D. Work Force

Mr. Penikett: Thank you, Mr. Speaker. I have a question to the Minister of Economic Development. I would like to ask the Minister if he is aware of a problem that purportedly exists between the work force of the Mayo L.I.D. and the L.I.D. and has he received a complaint under the Labour Standards Ordinance to this effect?

Hon. Mr. Hanson: Mr. Speaker, I have just read what the Honourable Member has read in the Whitehorse Star. I have not had any complaints from the community. As you know, I come from there so there must be a problem that they do not want me to get involved in. I will stay out of it until I am called upon.

Mr. Penikett: Thank you, Mr. Speaker. If either party requests it will the Minister then be prepared to offer his services as a mediator in this dispute?

Hon. Mr. Hanson: Mr. Speaker, really it is a Local Government matter. The Department of Municipal Affairs has advisors for this. I would get involved in it if I were asked.

Mr. Penikett: Thank you, Mr. Speaker. If a complaint is made under the Labour Standards Ordinance or under the Canada Labour Code, it will not be a Local Government matter, but it may be a matter of concern, in part, to the Minister's Department. I would like to at least have his assurance that in that eventuality he will be playing an active role to resolve an unfortunate situation.

Mr. Speaker: I think that we would have to rule that question out of order as we are talking again in hypotheses.

Question re: Electrical Franchise Analysis

Mr. Fleming: Thank you, Mr. Speaker. I have a question that could be for the Minister of Economic Development, however, I think I would direct it to the Government Leader as he would have more knowledge of the affair at that time.

On March 2nd, 1977, there was a question asked in the House. The Yukon Territorial Government hired Price Waterhouse & Associates to carry out a detailed analysis of the franchise agreement proposals submitted by Yukon Electrical Company to the Government of the Yukon for the communities of Beaver Creek, Destruction Bay/Burwash, Keno City, Old Crow, Pelly Crossing, Stuart Crossing, Swift River, Tagish, Rose River, Haines Junction Boundary Extension.

I wonder if the Government Leader could tell me if that report or analysis is available now?

Hon. Mr. Pearson: Yes, Mr. Speaker, I do know that that detailed analysis was done and that, in fact, it was used by the previous government in the course of their negotiations with the suppliers of electricity for franchises for those areas.

Mr. Fleming: Yes, Mr. Speaker. At that time the Government would not table the report and the answer was that the report

contains confidential advice concerning negotiations and franchise agreement with Yukon Electrical and must be so regarded until franchise agreements are agreed to.

If, and the Government Leader has not really answered me yet, if it is made available, I suppose it is a hypothetical question, would the Government Leader be sure that that confidential advice concerning the negotiations would not be taken out of it now?

Mr. Speaker: I am afraid I will have to rule that question out of order as being hypothetical as well.

Mr. Fleming: As the Government did intend to negotiate franchises with these communities at that time, and I am not sure whether they have now, have there been negotiations with these communities now?

Hon. Mr. Pearson: Mr. Speaker, the Honourable Member must understand that the negotiations are not with the communities. The Government has a responsibility to negotiate franchises with the electrical distributor on behalf of the communities. Now, Mr. Speaker, those negotiations have been under way for a matter of a couple of years now. They have still not been resolved.

In other words, there are no franchises other than the continuation of the old franchises, they have an automatic continuing clause.

Question re: Land/Agreements for Sale

Mr. MacKay: Yes, Mr. Speaker. I have question for the Minister of Community Affairs. I have not asked him one for some time and I think his time has come.

Some time ago, I did ask him a question concerning the cancellation of some sale of land in the McPherson Subdivision with particular reference to one cancellation where a house had apparently been almost completed and a notice of cancellation was received.

Has the Minister had time to review this case and can he give me some answer now as to why this cancellation was issued?

Hon. Mr. Lang: Mr. Speaker, I have not reviewed the case that the Honourable Member has referred to. I am expecting an answer.

The point I think that has to be made, Mr. Speaker, in respect to this type of thing is that it is strictly an administrative procedure to let people know that their time for completing the exterior of their home is coming to an end and, subsequently, it should be completed.

I think it is fair to say, Mr. Speaker, that common sense does prevail with the Department. If there is a reason that something is not done, their extensions and everything else are taken into account.

At the same time, the Department does have a responsibility, Mr. Speaker, to ensure that the exterior is completed.

I think there are a couple of reasons for that. Number one is for the individual themselves. I know from past experience that probably, in view of the times that we live in, that the encouragement that is given by the Department is probably very advantageous from a financial point of view to anyone who is building a home, due to the fact that everything is going up so rapidly, which we have no control over in the Territory.

At the same time, Mr. Speaker, in respect to the position of the city or the L.I.D. or municipality involved, I think it is fair to say that, when building takes place, they would like to see at least the exterior completed so that it will help the aesthetic view of the municipality or L.I.D. or community involved.

Mr. MacKay: I thank the Minister for his detailed response. I should ask him more questions, really.

The question of common sense in his Department is a question mark in my mind and could I have his assurance that no cancellations would be issued for very minor exterior things that are not completed on houses?

Hon. Mr. Lang: Mr. Speaker, I guess, once again, it comes to the determination of what is minor and what is not.

As I say, common sense does prevail. At the same time, I think it is fair to say that, unless it is complied with, the issuance of title is deferred until such time as it is complied with.

So, from that point of view, it is also advantageous to the individual involved. But, all we are attempting to do, Mr. Speaker, is to put land on the market, number one, which Members opposite obviously supported in the last Budget.

Number two, is to ensure that that land is utilized.

Mr. MacKay: I am almost reluctant to ask this, Mr. Speaker.

The Minister has, in the past, alluded to extending the time limits due to the shortness of the construction season and the fact that

many house builders are doing it on their own, with their own labour.

Has he come to any conclusion now that such extensions are merited?

Hon. Mr. Lang: No, Mr. Speaker, but I think it is fair to say that, from our perspective, with the land situation the way it is, we are ahead of the demand. We will be making every effort to ensure that land is put on the market very early in the year, so subsequently, they get the two building seasons that the Honourable Member has referred to.

Question re: Labour Standards Committee Material

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Government Leader. I wonder if the Government Leader could tell the House to whom the material and documents gathered by special committees of this House belong when such committees are forced to end their work because some of its Members have not returned to the House after an election?

Hon. Mr. Pearson: Mr. Speaker, I am not absolutely sure, but I believe that I know the incident of which the Honourable Member is referring and I would like to advise him, and I think I have advised the House before, that I have made attempts to garner this material; however, I have not been successful.

Mr. Penikett: Thank you, Mr. Speaker. I still hope to hear an answer from the Government Leader to my question at some point. On October 18, the Minister of Education, who, at that time, held the Labour Standards responsibility, told this House that transcripts of meetings and other materials obtained by the Labour Standards Committee would be used by the Government under the Labour Standards Ordinance. Can the present Minister of that portfolio or the Government Leader confirm that this will still be the case?

Hon. Mr. Graham: Thank you, Mr. Speaker. If I may answer this question, the transcripts and the questionnaires returned are currently in possession of this Government. We felt that we would like to make this information available in an attempt to do a good job in formulating a new Labour Standards policy.

Also, Mr. Speaker, I would like to take at this time, and I apologize for the lateness, ask the House to take recognition of the fact that twenty-four students from the Christ the King High School are in attendance with their teacher Irene Brekke.

Applause

Mr. Penikett: Thank you, Mr. Speaker. Since it is not yet clear on whose authority the Government has obtained this material, and on whose authority it will use it, I wonder if the Government Leader would be prepared to entertain a resolution of this House to commandeer the material that is in question?

Hon. Mr. Pearson: Mr. Speaker, I will entertain any kind of a suggestion to get what I think is material that rightfully should be in the possession of this Government or this House. I am not absolutely sure on that point. Possibly it is one that the Clerk could clarify for us at a recess. Certainly, it has been a concern of mine since we assumed office that we did not receive the final results of that Committee's work.

Question re: Plan of Action for Women

Mr. Byblow: I have a question for either the Minister of Consumer and Corporate Affairs, or the Minister responsible for Manpower.

During the Spring Session, the Government pledged to continue development of an affirmative action plan within YTG and that various departments would be coordinated to promote and improve this goal of equal opportunity for women.

Could either Minister report progress on this commitment?

Hon. Mr. Graham: Mr. Speaker, I think this is the fourth time that I have answered this question from the Honourable Member opposite and I wish to reassure him one more time that, as soon as that affirmative action program is ready, I will introduce it to the House.

Mr. Byblow: To be more specific, Mr. Speaker, I would like to inquire of the Minister of Education, then, if he can report whether or not a pre-trades training program for women has been implemented in the Vocational School, yet?

Hon. Mr. Graham: Mr. Speaker, again, I think this is the third time I have answered this one.

We attempted to start this program last year. Due to the inadequate response we got, it was cancelled at that time. We fully intend to re-introduce the program at some time in the future, if the wishes of the people indicate that it is a necessity.

Mr. Byblow: In an attempt to be specific, Mr. Speaker, I would inquire of the Minister whether or not we can anticipate amendments, legislative amendments to the Fair Practises Ordinance?

Hon. Mr. Graham: Mr. Speaker, it seems to me that the Member opposite was one of the people that said that we did inadequate preparation of the Matrimonial Property Settlement Legislation.

We are attempting to rectify that situation and, in doing so, we are again being attacked by the Member opposite. We are attempting to do the best job we can before bringing anything to the House.

We are doing our homework. Hopefully, we will be in a position to have a few public meetings and, at that time, we hope that we will get input from the Members opposite.

Question re: Raffle by Snowmobile Club

Mr. Penikett: Thank you, Mr. Speaker. I am sorry I do not have any questions for the Minister of Education today, but I do have one for the Minister of Economic Development.

Can the Minister tell the House if the \$80,000 home, which is the prize for the snowmobile raffle, which is under administration of his department, will shortly be awarded?

Hon. Mr. Hanson: That is a good one to start the day off.

Mr. Speaker, I do not know what is going to happen. I have postponed making a decision for at least a week on that. I am not sure whether anything has gone wrong, how much money has been collected around town, or anything, because the person who was managing the contest, is now a guest up the hill of the Minister of Justice.

The next fellow who took over, surrendered the papers and left, or, he is in town, but he does not want any part of it.

So, I do not know where to go yet, but when I find a way out of it, I am going to get out.

Mr. Penikett: Thank you, Mr. Speaker. Perhaps I can help the Minister out.

An outstanding question to the previous responsible Minister which I would like to put to the new Minister, has the Minister obtained legal advice which will tell him if the Attorney General, who I gather is legally responsible, gave consent for this raffle as is required under law?

Mr. Speaker: If the Honourable Member is asking for a legal opinion from Government, that question could be considered out of order.

Mr. Penikett: Mr. Speaker, I asked if he obtained one, not what the opinion was.

Hon. Mr. Hanson: Mr. Speaker, under our Ordinance that is not necessary. As Minister of Consumer and Corporate Affairs, my Deputy Head can give that permission.

Mr. Penikett: Well, I would then like to ask the Minister if he is now satisfied that the license was properly awarded to a non-registered society for dubious charitable purposes?

Hon. Mr. Hanson: Mr. Speaker, that has been answered by the former Minister to my right. I do not think it is worth answering again because if we have one Member answering the same question twice, a fellow over there three or four times, it is ridiculous.

Mr. Byblow: I would like to inform the House, without intending to deflate emotional spasms, that I have never asked any questions on affirmative action before.

Mr. Speaker: Order, please. The Honourable Member has no point of order. Obviously there is a difference of opinion between Honourable Members.

Question re: Energy Conservation

Mr. Fleming: Another question to the Minister of Economic Development: in his Ministerial speech yesterday he was going to save as much energy as possible in the Yukon Territory by turning down all the lights, turning off the heat and whatever.

This this morning I heard a few rumors in this building that the temperature was very high at times and that there are other places in this building where they are very low. I am wondering if the Minister is going to apply some of his strategy to this very building?

Hon. Mr. Hanson: I am going to pull my bed down here and I am going to watch. Anybody who goes near the thermostat will get whacked.

Mr. Speaker, we do intend to do something about that. I notice last night when the Cabinet Ministers left their offices, the lights were off and when they came back an hour later, they had been left on. They were shut off again. It is happening all of the time as the

janitors go through the building turning up the heat, or somebody is. We are going to try to put a stop to it. In fact, we are going to take out some of the lights.

Mr. Fleming: I am very glad to hear that the Minister is going to do something about this area. The area the Independents are in is high and it is hot.

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

Mr. Fleming: My question, Mr. Speaker, is, in the event that the Honourable Minister cannot get the heat down in this building, I wonder if he would entertain a motion to the Standing Committee on Rules and Regulations in our Standing Orders that would allow us to change our apparel and go topless?

Mr. Speaker: Order, please. The statement is quite facetious and this ends the Question Period.

We will now proceed to Orders of the Day.

We will go to Government Bills and Orders.

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

Bill Number 15: Second Reading

Mr. Clerk: Second reading, Bill Number 15, standing in the name of the Honourable Mrs. McCall.

Hon. Mrs. McCall: Mr. Speaker, I move, seconded by the Honourable Member from Porter Creek East, that Bill Number 15, Day Care Ordinance, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources, seconded by the Honourable Member for Porter Creek East, that Bill Number 15 be now read a second time.

Hon. Mrs. McCall: Mr. Speaker, the intention of this Ordinance is to reflect this Government's positive attitude towards and recognition of the need to achieve good child care standards for the Territory's preschool age children receiving care in day care centres and home care facilities.

It is the intention of this Government that this Ordinance, in its regulations, will tend to be helpful and enabling, rather than impeding and restricting.

This Government recognizes that, given the economic realities of living in Yukon today, many families must be assured of good day care being available to their children if they are to be able to actively and fully participate in the labour force.

This Government recognizes that good day care can be a stimulating, enriching and learning experience for the preschooler and, as such, is a social support service of today's family and today's world.

As this Government's policy is economic development, so must we have social development in order to preserve an environment in which to bring up our children. This Government recognizes that good day care does not usurp the primary responsibility which parents have for the care of their children, but rather, good day care complements the care provided by the family.

This Government, through this Ordinance, recognizes that while there is a need on the part of the Government to retain flexibility in its relationship with the providers of day care, it, as a government of the people of Yukon, must insist on some basic essentials of care, nurture, education, hygiene and safety for children receiving day care services.

I believe the above statements fully reflect the positive intentions and purpose of the Day Care Ordinance.

Mr. MacKay: If only the Minister's last statement was true.

Hon. Mrs. McCall: Would I lie to you?

Mr. MacKay: Not intentionally.

Mr. Speaker, we thoroughly support the notion that the child's welfare is supreme and that this Government has an obligation to make sure that there is a proper standard of care delivered by commercial operators of day care centres and other operators of day care.

I think all parties, during the last election, made the commitment that should they be elected, that a day care ordinance would be brought forth.

I think that some parties, or one party anyway, went further to say that it should contain some government funding, as well.

When I heard that the Day Care Ordinance was coming, Mr. Speaker, I thought, that is good. We are going to have a promise fulfilled.

Certainly the Day Care Ordinance has a few pages of writing on it and it is headed up Day Care Ordinance, but, Mr. Speaker, it is absolutely without any teeth. It does not say what this Government intends a day care centre to be and what it is supposed to do. It does not say that it is concerned about the health of the children or the nutrition of the children or the safety of the children. It does not say any of these things, Mr. Speaker.

What it does do is it sets up another board to license day care centres. It does not give that board, this unfortunate board, any instructions as to what kind of standards this Government would like to see. I think it is very unfair of this Government to go around appointing boards, and I think the Parks Board will be somewhat the same thing, they appoint these boards and there is nothing in the legislation that says that this Government is concerned about the things the Minister has just said she is concerned about.

So what you have got is a situation where we are going to create another board, and we have discussed this, in Committee yesterday. It is perhaps worth reiterating a few points about these boards. You have got another board which will have appointees to it from a diminishing number of available people for these boards because every time you create a new board you are drying up the supply. You are going to have this board, probably with appointees selected carefully for their aptitudes and obedience to the Progressive Conservative Party philosophies, and they will then act as a surrogate group for this Party, but without any direct connection.

The Government Leader and the Minister can stand up any time and say: "Well that is the board's decision, it is really nothing to do with us." Of course we have nothing further to say. However, the board members are carefully selected and we feel that they are trying to separate themselves away from difficult policy areas which they should be dealing with. I am digressing a bit, but the concept of boards is being abused and over-used I would say, by this Government.

To return to the Day Care Board, the Ordinance is really made up of how this board will function, the regulatory aspects of this board. Why was it not in the Act, a statement that the board should not issue a licence to someone whom they thought were a fit and proper person to operate a day care centre? Why was it not in the Ordinance that the board should issue a licence only to people who had premises, in respect of which the application was made and the equipment therein is suitable to the services to be rendered?

Why was there not in the Ordinance an instruction to the board that the said premises are to be in a clean and sanitary condition, in good repair and reasonably secure against the hazard of fire?

Why was there not in the Ordinance an instruction to the board not to issue a licence unless the employees of the centre or the agency are properly qualified to care for the persons receiving the services offered? It is very general but it would have put on record that this Government was aware, was sensible to the reason for having a Day Care Ordinance.

Mr. Speaker, these things are missing, and that is a very, very important omission. There are other things missing too. It allows, in the Day Care Ordinance, for a method by which a licence can be revoked, but it does not state in the Ordinance the reasons why such a licence might be revoked.

Is the board just to make up its own mind in these matters? I mean, where are they going to get the guidelines? Where is the philosophy behind the Ordinance, Mr. Speaker? I do not see it there.

I think that, in Committee, that this Government should give very serious consideration to putting in some of these clauses that I have suggested where you could actually say, "These are the standards we would like you to adhere to."

I do not want to put you in a position where you are going to have to go and inspect every basement in Porter Creek to see that the height of the ceiling is right. I do not think that is what I am saying and I know that is not what I am saying.

I am saying that you can make reasonable rules, though, give reasonable guidance so that it is not a wide-open situation for the board, so that they do have some guidance from this Government as to what they are supposed to do with all the power that is being given to them, under this Ordinance.

I have addressed the principle of the thing. There are quite a number of detailed considerations that I will be raising in Committee, Mr. Speaker.

I will say that I am going to support the Ordinance, because as a matter of principle, I am in favour of a Day Care Ordinance. But I do not, and I repeat, do not think that this Day Care Ordinance, in its present form, will do the job.

I cannot bring myself to vote against it because it would be a negation of my Party's policy that a Day Care Ordinance is required.

So, I will be voting for it, but, as I stated, I hope clearly and reasonably, my objections to it at this point, and I will be, in Committee, trying to bring forward some of these objections in a more tangible form, that will lead to amendment.

Mr. Penikett: Thank you, Mr. Speaker.

This morning, some anonymous public servant sent me a note and it read: "It will be a great day when our day care centres have all the money they need and the Department of Highways and Public Works have to hold a bake sale to build up and maintain a highway to the Arctic Ocean."

Frankly, Mr. Speaker, I expected the standards which have been discussed in this House before and, I believe, the subject of negotiations between the Child Care Association and the Government would have been incorporated in this Bill. I look forward to a further elaboration from the Minister, in Committee, as to the reason why they were not.

As Members will recall, this spring I asked that this House make available to child care facilities in Yukon, direct funding of a level at least sufficient to cover the cost of implementing any YTG regulations or standards for such facilities that may now arise from this Bill.

Mr. Speaker, I stand by that view. My Party believes that day care services should be properly funded so that working parents can be assured that their children are under good care in good facilities.

We believe that Government should eventually make day care a high budgetary priority because whether family, community or co-operative, it should be run on a non-profit basis, if possible, and should be viewed as an essential service, like health care or education and I am sure, the way history rolls on, we will eventually see that reality.

With proper facilities and a trained staff, day care can foster the emotional, physical and intellectual development of a child. It can promote and strengthen the well-being of a family. It is not mere babysitting and it is not, I repeat, a frill.

Women are, for the most part, still held responsible for child rearing and the lack of day care is a serious obstacle to equality in our society, because it forces women into the worst and most degrading jobs and restricts them to part-time work, when they may want better, full-time positions.

Until we have day care centres available to all women who want them, women will not have a free choice between home and work. They will remain bound to the home, even when they cannot afford it.

The myth is that women who work are secondary wage earners and do not really have to work. But, in fact, Mr. Speaker, women who are single, divorced, separated, widowed or married to husbands earning under \$10,000 a year, represent 61 per cent of the female labour force. Of all families where both the husband and wife work, 47 per cent earn less than \$15,000 total income a year.

These figures, Mr. Speaker, apply to families across Canada and, given the wage rates and the inflation in this part of the country, they may be something different from Yukon. But I would guess, given the female participation rate in Yukon's economy, the same general situation is as true here as elsewhere.

The fact is that women not only have the right to work, they must work. They need the money and they need it to keep up with the rising cost of living in a community like ours. If day care cannot flourish in Yukon, the children and their families, and eventually the community, will suffer.

In the end, the minimal dollars that this Government should put into the funding for day care centres can be seen as a preventative measure against the waste of human resources. In the end, these monies will save much more being spent in the area of corrective social services.

But let us not forget increased the revenues our communities would see if women were free to work, the increased tax base, the increased buying power, the increased demands for goods and services not presently accorded. Let us consider the increased productivity of the membership of the present community.

It seems to me, Mr. Speaker, that those benefits would accrue to

the Territory with very little expenditure on the part of the Government. Day care is a labour-intensive service. At present, day care workers make near poverty level wages. In Yukon, they earn \$600 to \$700 a month.

Even the directors, who have training, earn only in the area of \$850 to \$900 a month. But it is largely because of these low wages that day care centres can continue.

Day care workers cannot be expected to exist on fresh air, sunshine and the fact that they enjoy working with young children.

To a great extent these day care workers are now subsidizing the costs of day care service, a situation which, in my view, is just not fair. At the moment we are not even asking for money to cover the increased high wages to workers. I have been asking the House for the principle that was formally recognized by the previous Government of minimal amounts to enable existing day care facilities to improve their facilities to meet the standards which will arise as a result of the regulations that may come under the Bill, in that the standards are similar to those previously suggested by the Yukon Child Care Association. I believe it is only a matter of a few thousand dollars.

I would, in all seriousness, urge the Government, once again, to come up with that amount of money from somewhere. If it does not, lack of monies will cause considerable strain on the budgets and even more demands on volunteers and workers who will have to make what little there is go even further.

As I noted during Spring Debate, the centres now operating in Whitehorse now face continual financial problems. All are in financially bad shape. Since the spring, two of the six have been forced to increase their fees.

British Columbia found that a point is soon reached where high fees create high vacancy rates in day care centres which, of course, is not the point of any public service, any response to public need. Previous Members of the Executive Committee, some of whom are Conservative Members of this House, have sought regulation since 1977, and then held them up even further because they realized that the regulations would be impossible without, and I quote, "the necessary financial incentives to permit achievement of the standards".

I say to the Minister, it is unfortunate that the belief in this minimal funding has not held fast. I do not believe that the present Minister of Human Resources, who I think is a kind and warm-hearted person, in her heart of hearts, agrees with the position that her caucus took this spring and I would submit to her, with respect, this is her opportunity in this, The International Year of the Child, to do what I believe, and what I believe she believes, is the right thing.

I urge her to consider the question of funding in this Bill. With that I will close. Thank you, Mr. Speaker.

Mr. Njootli: Mr. Speaker, I would like to say a few words on day care centres since I was the person who introduced the legislation. I would also like to remind the Honourable Member from Whitehorse West that I did take under consideration The International Year of the Child. That is why we tried to bring forth legislation that would control day cares in Yukon by way of standards and safety.

With regard to funding of day care, Mr. Speaker, at the time I advised my Honourable colleagues that there were, and there still are, measures that we have to consider in regard to Government strength, not only in Yukon but across Canada. I would just like to make it known to the House that we do have a Day Care Ordinance in place here and we acknowledge that we are trying to do something about the child and the needs of the child in the Yukon Territory.

Mr. Byblow: Yes, Mr. Speaker, I think that certainly following the observation of the International Year of the Child that this is most apropos for a piece of legislation, even though it may have been suggested that this Government's finest contribution to the International Year of the Child has been its selection of its Minister of Education. I am afraid to address funding for fear of provoking the Minister of Municipal Affairs.

But I think that it must be said, Mr. Speaker, that three or four years ago the Yukon Child Care Association did work exhaustively on preparing standards and from my understanding this was the basis of the legislation we are looking at today.

One of the priority recommendations of that Association at that time was that funding must precede any legislative authority to impose standards. As the speakers previous to me, I would have to ask the Government to reconsider that position or at least clarify that you are considering it. I think, as the speaker pointed out

before me, many day care centres, most day care centres operate on a deficit basis or very restrictive financing. In fact, they do have to go and sell cookies and cakes to make ends meet, and so I think we have a very serious imposition on them if we are going to insist on standards without providing them some latitude to fund themselves for reaching these standards.

I would probably just leave it at that. I think the Minister will probably be addressing the points that we have raised, primarily funding and what is being imposed on day care centres by having to meet standards.

I agree in principle with this Bill. I will support it. I will wait for Committee to be more specific.

Mr. Fleming: Thank you, Mr. Speaker. I commend the Minister, of course, in bringing forward the Day Care Ordinance.

As the former Minister said, the principle of the Bill, of course, is to provide the various things that are needed in day care centres. It does take notice of health hazards and so forth.

However, Mr. Speaker, in this Bill I find the same as in so many others in Yukon Territory, that those teeth are not in this Bill. This Bill, as the Honourable Member in front of me has already said, is just a page or two of opportunities to make some more regulations and create a board and from that board will come all the regulations. I presume, as time goes on. If they are not in the Ordinance they will have to be brought, some of them, to the attention of the Government and, of course, they would naturally have to be making regulations possibly continually.

I find that in so many instances the Bill does not spell out the areas in which the Honourable Member has spoken in front of me. I will not speak on that subject again. I will just say that I am supporting the Bill. I will be looking very carefully into it in Committee, and hopefully, maybe there will be some additions to it.

Hon. Mr. Pearson: Mr. Speaker, in our inevitable march, it seems, toward socialism in this country and being looked after from womb to tomb, we are hearing it all again.

We made it clear at the last Session of this Legislature that we were very concerned about the physical well-being of children in day care centres. The concern had been brought to our attention by the operators of day care centres and by the parents who have children in day care centres. We were convinced that we had a responsibility to ensure their safety.

We also voiced our reluctance to do anything because of the hardship that we might impose upon the day care centres.

Mr. Speaker, we met with the operators of the day care centres. We were assured by them that in spite of these hardships, they really felt that regulations or criteria had to be put into place for safety for people who are operating day care centres.

We, in consultation, with this people have come up with this piece of legislation.

Mr. Speaker, when I hear the Leader of the Opposition stand up and say to me, who I believe to be a responsible legislator in this House, that I should propose legislation that says that it should be roughly this, or it should be nearly that, that is not responsible legislation, Mr. Speaker.

We have proposed this legislation in such a manner that a board, of what we hope will be experts, can look at the situation in the communities, and every community in the Territory is involved in this, and can set safety standards for that community that will allow for the operation of day care centres.

Mr. Speaker, the factor of whether or not people can afford to have their children in day care centres is another question entirely. This Government, Mr. Speaker, does subsidize those people that require assistance for their children to be in day care centres.

I do not agree with the philosophy that we should be subsidizing anyone else at all.

Motion agreed to

Bill Number 28: Second Reading

Mr. Clerk: Bill Number 28, standing in the name of the Honourable Mr. Hanson.

Hon. Mr. Hanson: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 28, An Ordinance to Amend the Game Ordinance, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Tatchun, that Bill Number 28 be now read a second time.

Hon. Mr. Hanson: Mr. Speaker, I am not prepared to give a long talk on this, however, I will endeavour to explain what we are

looking for in this Bill.

It is the amendments to the old Game Ordinance.

A lot of the amendments are measurements from inches to millimeters. A lot are safety factors and one of the most important sections in here is giving the right to the Commissioner to appoint a wildlife advisory board consisting of all elements of our society in Yukon. That is a very, very important step.

Another section of it deals with making a practice that is now in existence, illegal, the use of snares and traps, larger traps, the "humane traps", the conibear, are now legal. They are being used anyway.

The use of snares for wolf and coyotes and wolverine, not legal before, but legal now if used with a proper snare wire, that is with a lock on the snare wire.

There are new regulations and definitions for hunters, trappers, and outfitters. Also, new regulations dealing with the killing of animals caught in a trap. For instance, normally, for a wolf or such an animal caught in a trap, you would have to use a 30-30 rifle or a large size rifle to kill it. Now you can use a high powered 22 doing less damage to the hide and it is legal.

It is also legal to hunt with a smaller calibre rifle now, such as the high power shell.

It allows the conservation officers to trap and ensnare wild animals for observation or studies from time to time.

It changes some licensing aspects of the Ordinance as it reads right now. The changing in the licensing, the issuing by the vendors of licences, selling to the public, could be more than one person in the business being able to sell and, as it is now, whoever has the signature is the only one who can sell that licence, remuneration for these people who sell these licences and seals.

There are changes in the hunting regulations and fines and revoking of licenses. I think, in Yukon here, it was felt, after some moose were shot here a few years back, that the sentence was insufficient to cover the crime of killing that much meat and leaving it to rot.

There is a change in the residency requirements of a resident for the Yukon.

There is a change in the concept of the Outfitters' Ordinance.

Mr. Speaker, on the whole, this Ordinance only brings up to par the things that have happened in the past. Really, in the works, it is probably as far away as a year. There is a brand new Ordinance coming into effect, or we hope it will be coming into effect.

We hope, probably in the Spring Session, to bring a White Paper out on a new ordinance. That is where I say the wildlife advisory board is probably the most important part of that Ordinance to the average person.

All the fishermen, the outfitters, everybody, of all social and ethnic groups in Yukon will be able to participate in the advisory board and their recommendations will be what the ordinance is drawn on.

I think this is the first time this has happened in Yukon and I think the officials who designed this Ordinance with this in mind have made a good step forward.

As our wildlife becomes more and more scarce, now we see in my own riding and in Dawson, where there is no moose hunting in the corridor, and it would tell us that, in the past, we have not done a very good job.

In fact, there has been no inventory of our renewable resources in the Wildlife Branch.

We are trying to readdress that situation and we hope that this Ordinance, the one to come, and we hope a very active summer for our wildlife people this year in the study of wildlife will give us more information.

But, it is going to take a while and it is going to take money. Of course, people say, well, the easiest thing is to make laws so we do not hunt or we do not fish or whatever, but, to try not to do that is the reason why we are bringing in some of these ordinances and regulations.

We want to try and avoid stopping the hunting of a certain community or area. We would rather try and catch it now than turn around and do the opposite thing and cut off all the hunting.

So, Mr. Speaker, it is not a very heavy Ordinance, so I will not talk too long on it.

Thank you.

Mr. MacKay: Thank you, Mr. Speaker, as the Minister well knows, I am probably one of the least qualified people in this House

to talk about Game Ordinances.

I would like to say that when he was appointed the Minister of this Department, I felt happy and confident that his long-standing interest in this area would be brought to bear upon the problems that this Department has had.

I think in the past, reference has been made to some larger budget for this Department with a view to beefing it up and making it a more viable proposition. As this appears to be a step in this direction, if we are going to examine all the problems of the Department through the means of citizen input and an advisory committee, I do not think it is a board but a committee in the Ordinance, boards make me see red; committees are all right. I think we are moving in the right direction.

I would like to say that as a general concern of all the Opposition Members that the speed at which legislation is coming to the House, or the lack of speed might be a better word, is a general concern to us in our ability to generate reasonable criticisms and giving us time to consult with our constituents, particularly those Members who are from out of town who wish to send Ordinances back to their constituencies. It does not give us a lot of time, if two or three days after the Bill is introduced, we then have to debate it in principle.

That is a general concern we have. We are concerned about the immediate future as to what is going to happen next week on that. I do not want to make it a big thing between the Government and the Opposition in spite of the fact that we have had very heavy criticisms levied about holding everything up.

I would like to stress to the Government Leader, and to his Ministers, that an Ordinance such as this probably deserves a lot more attention than we are being able to give it in the time that has been allotted. We would much rather be able to stand up and make a confident speech about the merits of the Bill in detail than we are in making general platitudes to things and waiting until we get into Committee to see the detail.

Mr. Fleming: Yes, Mr. Speaker, I will welcome the Bill that the Honourable Member is bringing forth as I think he has already explained, the Bill is a piecemeal situation at this time. However, there are many areas in it which I do appreciate, the changes that are being made. I merely wish to stand and say that I will defend the principle of this Bill and I will be voting for it, and hopefully, in Committee, there will be a good discussion. Maybe when they come up with the final bill, or the complete bill someday that some of the areas that we speak of on this side of the House, and also on the other, might be used to good advantage. Thank you, Mr. Speaker.

Motion agreed to

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Hanson: Mr. Speaker, I move that the Speaker do now leave the Chair, and that the House resolve itself into Committee of the Whole.

Mr. Penikett: I will second that.

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

Motion agreed to

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

Recess

Mr. Chairman: I shall call Committee of the Whole to order. This afternoon we are dealing with Bill Number 32, The Matrimonial Property Ordinance. At last sitting we had completed Clause 13. This afternoon we will be considering Clause 14, page 8.

On Clause 14(1)

Mr. MacKay: I am going to go topless, if you do not mind.

Mr. Chairman, this section and the next section I think are the key areas of this Bill. It is permitting the court to make a division of family assets in Clause 14 resulting in shares that are not equal. My concern then with this section would be to see that there are enough circumstances outlined within this section to give the judge some latitude with respect to unequal division.

Taking each section one by one: (a) allows for the separate contract or separation agreement to be considered; (b), the duration of cohabitation is reasonable because it allows for a short marriage to a rich man, not to mention gigolos; (c) again is reasonable as it accounts for what has happened since the separation. The date of property acquired in (d) would be an area where it is not clear to my mind if what is meant here is if in fact this

property was acquired quite a long time before the marriage and grew in value a considerable amount and then it became a family asset by virtue of it being a house, for example.

I do not know if that is giving a clear enough guidance to the judge that this is the way he is to consider it. So, I would like the Minister, perhaps, to address that point and he probably has addressed it in his own mind or somewhere else before. So, I would like to hear about that.

Section (e) is fine, this inheritance or gift, that should be considered as separate.

Then, "...any other circumstance relating to the acquisition, disposition, preservation, maintenance, improvement or use of property rendering it inequitable..." is fair enough, too.

There are a couple of other points I would like to make, though, whether or not there should not be a reference in this section as to the extent to which the financial means and earning capacity of each spouse have been affected by the responsibilities and other circumstances of the marriage.

For example, you have a husband and wife get married. He is a doctor and she is a psychologist. They both make \$50,000 a year. I like to talk in big numbers because it gets my friend to the left up. They have a child and they have another child and they have another child. They have three children.

They have three children and the mother, who previously had an earning capacity of some \$50,000 a year, has had no earnings. Obviously, she has been significantly affected by the circumstances of the marriage and the division of the responsibilities pertaining to it.

I am wondering whether the court should not be considering that kind of circumstance as being part of the deal when you are dividing up the family assets.

The other part is perhaps pertaining to Section 15, as well, but I would like to address it at this point. It is the point I was making yesterday and I think I let it go under Section 13(4), because I wanted to bring it up here again, and it is actually mentioned in subsection 15(1), where it says, 15(1)(ii), "...the effect of the assumption by one spouse of any of the responsibilities set out in section 6 on the ability of the other spouse to acquire, manage, maintain, operate or improve property that is not a family asset."

I am wondering whether that should not be expanded or at least be considered in terms of what are the future responsibilities of each spouse, relating to their ability to earn money and their ability to pay support, if that is part of it.

It is the point I was making before, how do you tie in the next stage of your family law reform package or is this sufficient latitude, do you feel, already in the Bill to allow a judge to say, well, it is not fair to split up the assets this way because, by doing that, it is going to impair the ability of one of the spouses to meet the obligations imposed by the court, for the continuance of support and various other things.

The difficult thing is that the wife takes off with the children. She has not had any recent schooling or work experience. It takes her three or four or five years to get back into the labour force. You have this long, continuing, fairly heavy obligation on the other spouse, fairly heavy financial considerations, and when we are splitting assets, I think that should be considered too.

I am throwing these out as very general comments. I do not know whether the Minister can reply to them now or whether he wants to consult with the Legal Advisor but I assume that he has every answer at the tip of his tongue.

Hon. Mr. Graham: Mr. Chairman, I think first of all we will talk about 14(1) and then we will go on.

I think the Member opposite has made a very good argument and it is the same one that the Minister of Municipal Affairs has made over in our caucus and I think again in the House. The reason that we do not believe in the automatic 50/50 split of business assets is because it might impair the ability of one spouse to make a living after the assets are split 50/50.

I have read again the section that Mr. McKay was speaking about in 15 and I will be asking for that section to be withheld until we can make sure that that policy, which was a major policy of our Government, we will make sure that it is very clearly set out in Section 15. I think it is a good point.

As for 14, I think that possibly 14(1)(d) could be clarified a tiny bit and I think that 14(1)(f) possibly is not fully understood. This particular section enables the court to, for example, make an equal division of family assets in Yukon where he knows that, in fact, one of the spouses owns something that should be considered a family asset but is in another jurisdiction. For example, one case that

comes to mind is where a husband and wife split up in Yukon. They have a home in Yukon, that one technically would have been split in Yukon, but he also owned, I am not sure if it was a farm or another family home in the Province of British Columbia, and the family home in British Columbia was, in fact, worth more money than the one in Yukon, but there was no way that the wife in Yukon could have touched that family home in BC unless Section (f) was there. Under Section (f) the judge may take that property into consideration, the ownership of that property, and distribute the assets in Yukon according to what other family assets are owned, that are brought to his attention, in other jurisdictions in Canada.

I think that is a very important principle in this Bill. I think that we will ask that Clause 14(1) be withheld until such time as we take a second look at 14(1)(d) and possibly change, or rewrite it to make it much clearer exactly what the intent is.

Mr. Fleming: I wonder if the Minister could tell me, I would presume that there would be no action taken in any of these sections in the case of a married couple until that divorce decree was final.

Hon. Mr. Graham: No, that is not quite right. When a decree nisi has been granted, which is the first part of a divorce, the family assets may be divided.

The decree absolute, which is the next step in the divorce proceedings, is a very simple thing but once the absolute divorce has been granted, there is no way for the couple to get back together.

There can be a division of assets after the decree nisi. The couple may still reunite at some point in the future and the divorce proceedings are halted. But once the decree absolute is granted then everything is then finalized.

Mr. Fleming: I think it covers it in 3(2) and 3(3) but I am not quite sure, and I hope nobody minds if I ask this question. In the case of a married couple, there is no way to opt out of this arrangement?

Hon. Mr. Graham: With a marriage contract they could opt out of everything except the family home.

Mr. Fleming: In the case of a situation like this, they are stepping on the rights of human beings and I do not think there is any question about this, in a society where the majority might like to run their own affairs. When, in the case of an unmarried couple, they can opt out of this situation and a married couple cannot opt out of it.

Hon. Mr. Graham: I do not agree with the Member, Mr. Chairman. I do not think we are stepping on the rights of anyone. We are ensuring that 50 per cent, in actual fact 51.3 per cent, of the population are guaranteed their full rights.

I think Members opposite have made the point that there are a lot of women out there that are being taken advantage of on a daily basis by men who they have married some years ago and who have absolutely nothing in their names. It is those people who we are trying to protect. We are trying to ensure, at least in the area of family assets, that everybody has a fair split. The business assets we are still leaving up to the judge for a number of reasons that we have enunciated fairly clearly, I think. We are trying to ensure that the rights of a lot of people are guaranteed.

Clause 14(1) stood over

On Clause 15(1)

Hon. Mr. Graham: Mr. Chairman, possibly, if there is any debate we will go ahead on this section right now, but we are going to request that 15 also be stood over until such time as we can clearly bring out the point that we were talking about just lately.

That point is that, on the division of assets other than family assets, we do not take away, by that division, the ability of one spouse to earn an income and therefore, possibly, to support the family and that type of thing.

I am not sure just exactly what the wording will be, but that will be the general policy behind it.

Mr. MacKay: I am glad to hear that because I think that is a very reasonable thing to put in there, that we must balance all the possibilities and try and cover as many as we can.

I do not want to get into a long debate about business assets because I think the positions are pretty well defined.

I do not think that anything I said about the ability to support and so forth has much to do with the onus of proving that need. That is really all that I think we are saying here, is that we disagree with the way the onus has been placed.

I think that, I suspect that any judge, any ten judges coming up against this Ordinance would probably arrive at not too many different conclusions, given enough of these clauses that we are talking about. They would not arrive at too many different conclusions based on which way the onus was placed in the Ordinance because I think that what we are trying to do is give them enough

latitude to be able to arrive at the fairest solution.

However, having said that, that is still a fairly important principle, where the onus is.

I would like to answer some criticism that has been levied at my profession, my other profession of accountant. Indeed, I would hate to be in the position of defending lawyers, but I suppose I would have to be in that position, too.

I do not think that it should be thought that this Ordinance will necessarily reduce the amount of work that any professional involved in these fields is going to get. First, it should be pointed out that it is really not a very common thing for accountants to get involved in these things. It is only when there is a substantial amount of assets involved.

The purpose of the Ordinance is to protect the spouse who previously had no legal protection.

Having established that, it really does not change how you go about fighting over the assets or how many high powered and expensive professionals you have to hire to do that, because I think whether you put the onus on the husband or the onus on the wife or the onus on the business owner, you are still going to get into that sort of thing.

Hopefully, couples will be able to resolve their differences without having to go to court. But if they do go to court, they are each going to be faced with heavy expenses. Whether this Ordinance, I submit, was with the onus that we would like to see it or whether it is the way we see it right now, it is still going to create problems.

I cannot see how you can ever avoid these problems because once you have a complex business affair or any kind of assets of any significant value you are going to get into difficulties.

I hope that is an eloquent enough plea for my position. I look forward to seeing the amended 15(1) and the amended 14(1).

Clause 15(1) stood over

On Clause 16(1)

Clause 16(1) agreed to

On Clause 16(2)

Clause 16(2) agreed to

On Clause 17(1)

Mr. Fleming: I can see where this clause is going to really, I think in many cases, cause a problem not only for the courts but for everybody else. However, it was merely a comment that it may, because everybody just does not know what the law is, how this matters, and they could come up with even a statement and form by oath, which, to some people, does not mean so much. The two statements will be so far apart that the judge will have quite a time figuring it out, especially in Yukon Territory. It is just a comment because I think that section will probably cause many, many areas of concern.

Hon. Mr. Graham: Mr. Chairman, this section is basically for the protection of, if you want, wives who are just not sure of how much their husbands make. They are not sure exactly what he owns outside of the family home and the car and the boat and the cabin at the lake. So, that is basically what it is for.

It would be considered, I imagine, in my limited experience, a very serious offence to make a false declaration to the court. So hopefully, this will have some effect on the lists that are brought, should any of these cases make it to the court. I think it would be observed within the spirit of the law.

Mr. MacKay: In the course of my research into this, I talked to a lawyer in Manitoba who was dealing with their legislation and he said that there is one judge down there who cannot be bothered with all this. He just says sell everything and divide the money. I hope that this clause does not create that situation, because they were down to counting spoons. He was not a Liberal judge, as far as I know. He must have been a freak judge.

There is one technicality here. Section 17(1)(c) talks of "...his gross income before taxes for the three most recent taxation years..." Gross income is a term that is used in connection with income taxes. That is not what you are thinking it is, I do not think.

The gross income is, for example, if you have a business that sells widgets, the revenue is the gross. What you want is the net income.

I think that, on the income tax returns, there is a definite figure you arrive at called "net income," which is after all expenses, and after all deductions that are allowed, but before any personal deductions.

I think that is the figure that is probably the most important figure that any judge is going to see.

An alternative to that is to submit copies of the last three years' income tax returns. That is what the court presently requires. Why not have all of that information divulged, instead of just one figure, gross income, which could be misconstrued?

For example, if he says he has a business with gross income, and he says what they really mean is a profit, so you put in the profit. But, actually, further down, you have got five or six different other deductions, such as interest expenses, that relate to that, that you would not be able to show under this Section, or that he would not be required to show. So, it may, in fact, work a hardship. I would suggest that section could just say "copies of the previous three years' income tax returns," and that would give everybody the information they need.

Mr. Penikett: Mr. Chairman, I am curious about Mr. MacKay's suggestion on these grounds: we have just dealt with an income tax act, about which we were reassured about the confidentiality of exactly that kind of information. Presumably, these court proceedings here are not in camera at all, and I wonder if, in fact, we could, with a piece of Territorial legislation, require the publication of something which is not permissible under a piece of Federal legislation?

Hon. Mr. Graham: Well, Mr. Chairman, the other thing that we thought of when we were going through this legislation is that, by asking him for his gross income before taxes, then he is going to have to justify anything that he deducts from the gross income before he gets the net. Whereas, if we just ask him for a net income, he is going to make sure that every expense that he can deduct is deducted. So, it was just a safeguard, we thought.

Mr. MacKay: I was beginning to think he was showing bias against business, Mr. Speaker.

I thought, and I may be mixing it up as we have seen so many bills lately, but I thought that there was a provision in this Bill where you could actually hold some of these proceedings in camera. I could be wrong; it has been known to happen.

In any event, it is my understanding at the present time, if the judge requests the production of these returns and it is not exactly public knowledge because you do not have a gallery of spectators. What you have is two or three lawyers. The thing is usually established at the point of Examination for Discovery. That is the point at which all of these things are put on the table. I do not think that the concern for confidentiality should affect it; it is more of a concern for getting all of the information on the table.

Hon. Mr. Graham: Mr. Chairman, I do not think that this section would prohibit a judge from asking for the income tax returns if he so desires. If he asks, I am sure that he would get it.

Clause 17(1) agreed to

On Clause 17(2)

Clause 17(2) agreed to

On Clause 18(1)

Mr. Penikett: What does "movable property wherever situate" mean?

Hon. Mr. Graham: Mr. Chairman, this covers the point that I was just talking about a little while before. The movable property could be the automobile that is presently in Alberta but was a family asset. It could be taken into consideration in a divorce case held here under this legislation in Yukon.

In other words, the wife, instead of getting 50 per cent of the family home could get 65 per cent of the family home because the judge knew of that movable property the husband had moved out of the Territory to attempt to escape this legislation.

Mr. Penikett: As Mr. O'Donoghue reminded me the other day, I do not speak legalese, but should that not be "situated"?

Hon. Mr. Graham: No.

Mr. MacKay: I guess, Mr. Chairman, I am taking the two sections together because they are both trying to do the same sort of thing. I take it that if the couple is divorced here and actually their immovable assets and their movable assets are outside the Territory, there is no way that this law can be enforced, and they should get the divorce somewhere else.

Hon. Mr. Graham: That is true, Mr. Chairman, because 18(2) states that, in effect, if they last lived together in BC or Alberta, then the laws that apply there for the separation of family assets shall apply but only to the immovable property and the movable property situated in that jurisdiction.

In other words, if they divorced here, and they did not own any property here, then they would just get their divorce here, but nothing else. We would not judge what should be done with the assets in Alberta or BC.

Mr. Penikett: Mr. Chairman, this is obviously an irreconcilable problem. I think we have heard recently of the case of Bianca Jagger trying to have her divorce proceedings against the infamous Mick heard in a California court where they have a community property law, as opposed to London.

Clearly, it is going to be a tactical question of where, depending on what kind of settlement they are seeking. Presumably, if they have all their assets here, there is no one who could argue they would be able to get a divorce anywhere else.

Hon. Mr. Graham: That is correct. This is just something that has been agreed to by all provinces and territories in Canada.

Clause 18(1) agreed to

On Clause 18(2)

Clause 18(2) agreed to

On Clause 19(1)

Mr. MacKay: Perhaps I should allow Mr. Graham to speak to it before I do.

Mr. Chairman: I agree.

Hon. Mr. Graham: Mr. Chairman, I had a great explanation of this section and I have lost it. So, I am going on memory and my memory is notoriously faulty.

As I understand it, the rights of the spouse under this part are personal, which means that they apply to the spouse alone and do not survive the death of a spouse for the benefit of his estate.

So, in other words, if two people are in the proceedings of a divorce, and one of them dies, the transfer of the rights of that spouse do not transfer to someone else.

Mr. MacKay: What a good memory.

Does the reverse apply, though?

Hon. Mr. Graham: What do you mean by that?

Mr. MacKay: I take the approach that, as I understood what the Minister says is that if the house is in the wife's name and the husband dies, his estate has no claim on the house, even though, had the husband been alive, he would have had the right to 50 per cent of that house.

Hon. Mr. Graham: Mr. Chairman, that is covered under the next section, Part 2, Family Home, when we get to that.

Mr. MacKay: There is an exception for the house. That was a bad example, but I am thinking of the cabin, for example.

I guess what triggered off my mind, the problem was that if you have a husband who decides he is going to cut his wife out of all the assets and writes a will to that effect, and then proceeds to die, in due course, there is nothing in this Ordinance that is going to upset that will. Am I correct? Except for the family home?

Hon. Mr. Graham: No, that is not true. She still has the right to get 50 per cent of the assets.

Mr. MacKay: Under this law?

Hon. Mr. Graham: Under this law, yes.

Mr. MacKay: Have we a new definition of "separation"? Death is included in this, as well, then? Is there not some fairly well established law on what happens when somebody dies who has a will? There seems to be a different part of a law.

I am wondering if this Ordinance is infringing upon that other part of the law?

Hon. Mr. Graham: Mr. Chairman, I was wrong. In fact, she does not get 50 per cent. I had a nice explanation ready for 19(1), and I have misplaced it. So, possibly we could stand it over until I get the exact definition, and we will get back to it.

Clause 19 stood over

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22(1)

Hon. Mr. Graham: Mr. Chairman, this just defines the property as family home. I believe it also includes mobile homes, condominiums, rented homes, or an interest in any property that might carry with it either a present right, a living-in-it right or a deferred right, such as a home that you are renting but you previously occupied as a family home. It includes all of those things.

Mr. Byblow: I suppose this question could be asked anywhere throughout this particular section, but what provision is there, within this part, that recognizes a second family home outside the

Territory? By that I mean, the transient people, the dual-resident types, and so on.

Hon. Mr. Graham: Mr. Chairman, this covers only homes that are in the Territory. Anything outside of the Territory would be governed by the law in that jurisdiction.

Clause 22(1) agreed to

On Clause 22(2)

Hon. Mr. Graham: Mr. Chairman, Clause 22(2) is the one that says you can have as many family homes as you want, as long as you formally occupied them, and they are considered a family residence.

Mr. Byblow: I suppose, Mr. Chairman, this would go back to what Mr. MacKay was talking about, a couple of cabins on the lake, and so on, which are a form of residence.

Hon. Mr. Graham: Yes, that is correct.

Clause 22(2) agreed to

On Clause 22(3)

Mr. Fleming: I would presume that they are talking about both spouses in the case where the ownership of one home is probably in the wife's name and the ownership of the other home is possibly in the husband's name. Is that right?

Hon. Mr. Graham: Yes, as long as they qualify as a family home, which is a property formerly occupied by a person and his spouse. I know in my own case, my wife and I used to live in a house that was in my name, and it is still considered a family home even though the one we currently live in is in her name. Both of them are family homes.

Mr. Fleming: I would ask then if in the case of a couple being split up, but not having a divorce yet, and it is the same case, in that she has a home in her name, which she is staying in, and he has moved into a home which they formerly had, or maybe he got before the divorce was granted, and is possibly living with somebody else. In this case, what would happen?

Hon. Mr. Graham: Mr. Chairman, it goes back to the definition of property formerly occupied by a person and his spouse. They have to both occupy that home for a period of time before it becomes a family home.

Clause 22(3) agreed to

On Clause 22(4)

Hon. Mr. Graham: This is the one dealing with condominiums, apartments owned by a corporation of which you are a shareholder, et cetera.

Clause 22(4) agreed to

On Clause 22(5)

Mr. MacKay: This is a tough one. I assume we are talking about, perhaps, a highway lodge where the couple live in it.

Hon. Mr. Graham: Yes, Mr. Chairman. It also includes places like, as I recall, Lister's Motor Sport was a good example, where the couple who owned Lister's Motor Sport also lived upstairs in the upstairs apartment. That upstairs apartment, even though it was owned by the business, would be considered a family asset.

Clause 22(5) agreed to

On Clause 23(1)

Clause 23(1) agreed to

On Clause 23(2)

Hon. Mr. Graham: Mr. Chairman, this one, at first, I had a little trouble understanding but, as I understand it, that if two people split up and the wife continues to live in the home even though, shall we say, she has gained control of another family home, she has one year in which she cannot be taken out of the home which she presently occupies. So, in other words, if she receives some other assets in lieu of half of the family home, that is all right. But if she occupies the home she then has a year before her right to that home expires.

Mr. Fleming: Mr. Chairman, she would only have the right to half of that home.

Hon. Mr. Graham: No, she has the right of possession for one year if she occupies that home. This is in the case where two people get a separation, the husband moves out possibly and the wife wishes to leave the Territory so she therefore does not want any part of the family home so she says, "No, instead of 50 per cent of the family home I want the car, I want the cottage at the lake, I want something else." So she gets that. The husband gets the home but she still has the right to occupy that house for one year.

Clause 23(2) agreed to

On Clause 24(1)

Hon. Mr. Graham: Mr. Chairman, Subsection 24 basically gives one spouse some security that the family home will not be mortgaged or sold without his/her consent.

I think basically (1) and (d) allow for the disposition of interest in the family home under circumstances in which the interests of the spouse under the Ordinance are protected. In other words, where the husband owns the home but the wife says, "Yes, I agree that the home should be mortgaged because we want the money to go and buy a cabin at the lake", that kind of thing. Or, if the property is not designated as a family home.

So, in other words, if they own three homes but they have designated the most expensive one as the family home and have released the other two and the other two are in the husband's name, then he may do with them as he pleases. But the wife must sign the designation form designating one house as their family home.

Mr. MacKay: I can see what the section is attempting to do. I am concerned about how you actually enforce it. If a piece of property is in one person's name, they are the only person that is required by the lender to sign the mortgage. It says, "no spouse shall encumber a family home unless the other spouse joins in the instrument, or consents to the transaction." Is there any onus on the lender to be aware of this? Is the lender liable to wind up in a jam over this?

Hon. Mr. Graham: Yes, Mr. Chairman. We talked about this quite a bit. As we see it, it will become common for lenders of mortgage money to have some kind of form to fill out stating whether or not you are married and, probably, I can foresee that they will not even give mortgages unless they are in joint names, if people are married, unless it is a second home and the other home was designate or something like this.

Yes, there is going to be some onus put on the lender to ensure that the person either has the authority under this Ordinance to mortgage the home or sell the home. I think it is going to become even more of a formality than it is even now, where both spouses sign all mortgage papers and deeds to the home, and this type of thing.

Mr. MacKay: In the event that a spouse does go ahead and do this, I suppose the only remedy is for the court to say that these mortgage proceeds were not used for family purposes, therefore we shall knock that off what was previously your share. That is the only remedy there is. There is no such thing that you could go to jail for five days or something like that. It is going to be something that is going to have to be worked out in court, if in fact this section is violated. I do not think you can go back to the lender and say we are not going to pay you back.

Hon. Mr. Graham: Mr. Chairman, under Clause 24(4), where a family home is sold in contravention of Clause 24(1), the sale may be set aside by the court. I think if it is sold, and then resold, the aggrieved spouse does lose her rights. Then the only alternative for her is to sue her husband or to have the court say that, in fact, the money he received in the sale of the house should be considered a family asset, and therefore, there will be an unequal distribution of the rest of the family assets to make up for the money he did receive.

Clause 24(1) agreed to

On Clause 24(2)

Hon. Mr. Graham: This one is kind of hard to understand, but it is a fairly simple section actually. It just extinguishes the effect of Section 24, on property, that is sold in compliance with subsection 1.

In other words, if it is sold and the wife has attached her signature, subsection 1 does not apply.

Clause 24(2) agreed to

On Clause 24(3)

Hon. Mr. Graham: This is what I was talking about, where the court may set aside the transaction, but, if it is only being sold once.

After the second time it is being sold, of course, they cannot set aside both if both transactions were carried on in good faith.

Mr. MacKay: It seems to me the court may not set aside the transaction, if the first transaction was carried out in good faith.

In other words, the first buyer can also be protected under that clause, this is the way I read it, which would be the normal common law, it seems to me, if you operate in good faith.

Just because you were once removed from the transaction does not give you a better position.

Hon. Mr. Graham: Yes, that is correct, Mr. Chairman. As I understand it, if it was carried on in good faith, then you would have to have your money returned to you.

Clause 24(3) agreed to

On Clause 24(4)

Clause 24(4) agreed to

On Clause 25(1)

Hon. Mr. Graham: This section deals with spouses who are fortunate enough to have more than one family home. It allows them to designate one home as their family home and then play with the other property. One spouse may play with the other property, as they see fit.

Clause 25(1) agreed to

On Clause 25(2)

Clause 25(2) agreed to

On Clause 25(3)

Hon. Mr. Graham: Mr. Chairman, subsection 3 just sets out how a designation is carried out, that it must be executed by both spouses and one of the spouses has an interest and title is proper and that type of thing.

Clause 25(3) agreed to

On Clause 25(4)

Hon. Mr. Graham: Subsection 4 is a "let the buyer beware". It is a family home, so you need both spouses' signatures to get rid of it or mortgage it.

Clause 25(4) agreed to

On Clause 25(5)

Mr. MacKay: I am just having a little difficulty reading this section.

Hon. Mr. Graham: This one has changed since the first one, I believe.

What it basically says is that you own three houses. You have designated one of them as a family home, but then you sell that family home, both spouses have agreed to sell that family home. The other two that were undesignated but were family homes, in fact, then become family homes, under this Ordinance.

So, in other words, you do not have to designate one of them, because they both become family homes.

Clause 25(5) agreed to

On Clause 25(6)

Clause 25(6) agreed to

On Clause 25(7)

Clause 25(7) agreed to

On Clause 25(8)

Hon. Mr. Graham: Subsection 8 just allows the spouses to designate as many homes as they so wish. It is just a form of protection, that is all.

Clause 25(8) agreed to

On Clause 25(9)

Hon. Mr. Graham: Subsection 9, as you will remember, we also agreed to lump lots together under the Taxation Ordinance. This just allows, if you have a house on one lot and the garden and yard is on the other lot, it allows you to lump both lots together for purposes of a designation of a home.

Clause 25(9) agreed to

On Clause 26(1)

Mr. MacKay: Is this trying to meet the situation where you have a common law couple who want to register a caveat rather than going through the other route or why have this section in instead of going through the straight designation?

Hon. Mr. Graham: It really is intended to remedy a technical defect that is being found in similar provincial jurisdictions. This is where you sell a house under an agreement for sale and register a caveat against the property. So technically, the property is not in your name but you do own the property. Do you follow me so far? You register a caveat.

The discharge of the mortgage might require the consent of the original owner of the home whom you bought it from.

In other words, you bought the home under an agreement for sale. You did not have title transferred to your name and the mortgage applied; you just assumed the mortgage of the other person. If the original mortgagee cannot be found or refuses to have anything to do with it, in the case of estranged spouses where, in fact, the home was in the husband's name, the wife had the home transferred to her. Her husband has taken off and then she phones him at some other time after the mortgage has been paid off and she says, "Look, I want to get title transferred to my name but I

cannot until you sign the papers". He says, "Stick it up your nose, we have been divorced for six years and I do not want to have anything to do with you."

I apologize for my language, Mr. Chairman, I have a tendency to be honest.

This section will then allow her to make an application to the court saying, "Look, he is not coming back to transfer the home to my name. Can I apply to the court to have it transferred to my name?"

That includes all of 26 really, the whole of Section 26, both sections.

One other thing I might add, when you apply to the court, the person who is applying to the court, in most cases in these instances it would be the wife, has the right to either let the mortgagee or the original owner of the home which is probably her estranged husband know that she is asking the court to do it. His failure to reply or to reply in the negative form is sufficient right for the court to determine that she, in fact, does own the home and title may be transferred to her.

It is a pretty clear definition.

Mr. MacKay: The way I read 26(1), it seems to be contemplating different circumstances from what the Minister has described. It seems to me this is allowing a person to place a caveat across a title, not trying to get one removed, but putting it on, in order to be able to establish a right to the property.

So, that is in the case where it is being sold and an agreement for sale and the title does not reflect any ownership on the part of either spouse.

Hon. Mr. Graham: Okay, maybe I got screwed up at the first a little bit.

A caveat is put on the property because the judge has said, "Even though the property is in the name of the husband, I am giving you possession and, technically, ownership of that home, because that is the way the family assets have been divided."

The wife now has ownership, technically, of the home. So that is the same as if it was sold under an agreement for sale, because she just registers a caveat against that property. Therefore, her husband cannot sell it and she retains possession of the family home.

So, there is a court order saying you now own the home and this just provides a method by which it avoids legal hassles later on when she, in fact, has paid off the mortgage and is asking for title in her name to the home.

Otherwise, when she gains possession of the home, she would then have to apply for the title, she would have to get the mortgage in her name, et cetera, et cetera. So this just allows everything to remain the same. She registers a caveat and whoever is supposed to pay the mortgage, pays the mortgage. When it is paid off, she may get title.

Clause 26(1) agreed to

On Clause 26(2)

Clause 26(2) agreed to

On Clause 27(1)

Hon. Mr. Graham: Subsection 27, Mr. Chairman, deals mostly with banks and mortgage companies who have or hold mortgages on large chunks of property or large estates or something like that, or even small ones, I suppose, if they are concerned.

It allows the bank or mortgage company to send a demand to the spouses, requesting that an application be made to the Court to determine the effect of the section, the whole part actually dealing with family homes, to see what the effect of interests of each spouse would be on the property, should they get a divorce.

Mr. MacKay: I am interested in the whole subsection because I think they are all very closely related. They are just dealing with the way in which you proceed.

I am wondering if 21 days is enough time to allow a spouse to respond to such a demand and is it necessary to have the thing going at such a velocity?

It is a fairly complex area. A guy gets a notice in the mail from a mortgage company saying he is going to perform *lis pendens* on him, or something like that, he may not want to understand it or want to think about that for awhile and he could lose by default.

So, I am just wondering if 21 days is sufficient. The 21 day period, how it was arrived at? Could it ultimately prejudice one spouse's interest in the property, in a family home, by virtue of the fact that that spouse did not reply in time? Can one spouse lose all his rights just because of not replying in time?

Mr. Penikett: Mr. Chairman, I would just like to know who *lis pendens* is?

Hon. Mr. Graham: Do you really want to know?

It is a hanging law case.

Clause 27(1) agreed to

On Clause 27(2)

Clause 27(2) agreed to

On Clause 27(3)

Hon. Mr. Graham: This one says that when a spouse receives a demand and he does not make an application, that the law case may proceed without him.

So, in other words, if a husband or a wife has registered a caveat against a piece of property because of the fact that they felt they had a legal interest in that property and, at some point two or three years down the road, the registered owner of that property has decided to sell it, but there is a caveat against the property and their spouse has, in fact, left them, or there is a designation, say it was designated as a family home a couple of years before, that home cannot be sold without both of them agreeing to selling that house.

But, the guy's wife has left him two years ago and she cannot be found, she has run off with the mailman and so he wants to now sell the house. He then applies to the court and the court case may proceed in 21 days after that application, without the lady who has run off, if she does not appear.

Mr. MacKay: Is there anything in the section that says what you just said, with respect to when you are talking about one of the spouses being unavailable? It seems to me that even if one spouse is away on holiday at the time, that you could proceed with this thing and, by the time that this spouse came back, even though they would have been interested, that this thing could have happened. They would have lost the right to one-half of the family home.

Hon. Mr. Graham: I am sorry, Mr. Chairman. I cannot really answer the question.

Mr. MacKay: Explain "to expedite the removal of a designation or a caveat" in the case where it is obvious that a spouse has no further interests.

It seems to leave open the possibility of somebody doing it while the spouse actually does have interest, just because he or she is not around at the time, he may have been off on an extended vacation to Europe with the mailman, but is coming back.

Hon. Mr. Graham: I think then, Mr. Chairman, that would probably be dealt with under another Clause where it said that if one spouse does dispose of that property, they are liable for the money that they received for that property if it is determined that the property was a family asset.

I think it is covered under that section, that possibility is covered. There is a typing error in Clause 27(3)(c). It says "under section 25"; it should say "under section 26". That is just a typing error.

Mr. MacKay: It is not a big point, but it is probably worth pursuing because there are a lot of amendments passed out at the last minute and we should be so afraid of missing something as it goes.

It seems to me that under this Part, if the application is made and if it is successful in having the caveat removed then it is no longer a family home. If the spouse then proceeds to sell it, the previous section does not apply because it is no longer a family home.

Hon. Mr. Graham: The designation could have been removed, but it would have been removed under false pretenses.

Mr. Fleming: Yes, Mr. Chairman, I realize that in the other section that would have been the case. In this section here it is removed by the court. I would submit that that one would allow this section to stand and that would be the end of the situation.

Hon. Mr. Graham: I admit, Mr. Chairman, that possibility never came up in our conversations. I can only assume that it is covered by the previous sections 25 and 26 and the simple common law is that if a person gets a designation or a caveat removed under false pretenses and is later shown that it was a family home, I would imagine not only would the money be returned to the offended spouse but the guy would probably be thrown in the slammer. I imagine that that would cause a person to use a certain amount of discretion in using a section such as this.

Mr. MacKay: We are probably reaching for remote instances here. I will not pursue it much longer. I will just place in a further thought. The section seems to allow somebody to apply to the court to decide who owns it. In the event that the other party does not respond, "where a spouse who receives a demand under this section does not make an application", if there is no response the court can automatically deem it. I do not see why an individual has to go and say anything. He just has to make an application and if the other guy does not respond, then he gets the house. That is the way the section seems to work.

Hon. Mr. Graham: That is the way the section reads all right, there is no doubt about it.

It was intended, as I said, to take into account the instances where one spouse deserts and charges off into the country and you cannot find them.

As I say, I assume that Sections 25 and 26 would cover the false application, because you are going to have to give some reason for requesting that that caveat be removed. The only reason that I would imagine a judge would entertain such an application is that it was no longer a family home.

Now, if that statement were not true, then it would automatically invalidate the removal of the caveat, because if it was still a family home and the wife had just gone away for a holiday, then it still is a family home.

Therefore, it should not be sold by the person asking for the removal of the designation.

Clause 27(3) agreed to

On Clause 27(4)

Clause 27(4) agree to

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

Recess

Mr. Chairman: Continuing on where we left off before recess, we will now begin Clause 28.

On Clause 28(1)

Hon. Mr. Graham: Mr. Chairman, this gives the court to either determine whether or not a home is a family home, if it is up to some kind of question. This is the section that gives the court the right to remove a designation if one spouse has skipped the country.

Section 23 gave the right to take off a caveat if the person received the demand under this section. So, we were all wrong on Section 23. Section 28 is the one that gives the court the ability to remove a designation when the spouse is not there, but only after an application to the court.

After the case has been settled, the court may also authorize the disposition or encumbrance of an interest in the family home. This is in the area where, say, the husband was given control of the family home because the wife wanted to leave the country, but he had to make a payment of \$25,000 to the wife. He did not have the \$25,000, so he would be given an order to make payments of \$500 a month and, in return, the wife would get a second mortgage on the family home, something to that effect.

It gives the court the ability to do that type of thing, to ensure that one spouse, in effect, does make the payments necessary to the other spouse.

Clause 28(1) agreed to

On Clause 28(2)

Hon. Mr. Graham: Mr. Chairman, this total section regards the disposition of the family home and it deals with the right of possession of one spouse; and it also deals with aspects of repairing the home, possession of contents, payments that the court may order to the non-occupying spouse, and disposition or encumbrance of home for the right of exclusive possession.

In other words, it gives the court the ability to give one spouse the possession of the family home without, in fact, them having to go out and sell the home and divide the proceeds. If there is a division of family assets, he may give the home to one spouse and order that the other spouse make payments or receive payments or something like that.

Mr. Fleming: With or without the mortgage, Mr. Minister?

Hon. Mr. Graham: Mr. Chairman, that has to be taken in the total context. I can see the possibility of the wife being given the family home and the husband being given the mortgage plus the other assets. It is an entirely real possibility.

Mr. MacKay: The opening phrase "Notwithstanding the ownership of a family home" and then it goes on to say they can give a lifetime possession, I am trying to imagine how that would happen where the ownership was not changed and yet one spouse was given lifetime occupation. Would the title then be transferred by order?

Hon. Mr. Graham: Again you are talking about cases involving mortgage where a husband has the house in his name and the \$80,000 mortgage is also in his name, and the wife simply would not qualify for a mortgage because she has no visible means of support other than child support that she receives from her husband. She would be given possession of the home for life, and the husband would get the mortgage.

That is equal division: one gets the home; one gets the mortgage.

Clause 28(2) agreed to

On Clause 28(3)

Hon. Mr. Graham: I think this subsection is just for temporary relief of any disposition of assets in the event that a couple may have said "maybe we might make up in a month or two." It just suspends the proceedings to give them a chance to make up.

Clause 28(3) agreed to

On Clause 28(4)

Hon. Mr. Graham: If the court receives information that the husband is beating the wife, or something to this effect, the provision for shelter is not only a necessity, but also the provision to keep the husband away from the family home, because under this Ordinance, in another section, it said: "The right of possession of one spouse does not automatically exclude the other spouse from possession." In this section the court may make an order disallowing one spouse from occupying the home. Or, if it is in the best interests of the child.

Clause 28(4) agreed to

On Clause 29(1)

Hon. Mr. Graham: Mr. Chairman, this one deals with the instances where the non-owning spouse, or the non-registered owner, gains possession of the family home, and gives the spouse that is occupying the home the right to receive tax notices, notices of mortgage interest increases, and this type of thing, so that they may take steps to ensure that they are not going to have their home taken from beneath them because they failed to make a payment, or something to that effect.

Mr. MacKay: This section seems to me to be more than just receiving notices. It seems to me this is where the mortgage is not being paid, and the mortgage company is about to take it away. If the husband is required to pay the mortgage, and he does not make the payments, the mortgage company can come along and take away the house, and the wife has the same right of redemption as the husband would, except that she has to have the money to be able to pay the mortgage.

Hon. Mr. Graham: That is true, Mr. Chairman. In my notes here it says she would then have to proceed either to sue the husband or take other forms of action to realize her funds.

I might add, Mr. Chairman, that we are doing some work on the family law practise and will make this procedure a little simpler than it currently is, where you have to sue a person, go through court and then chase them all over the country and that type of thing.

The new family laws that we will be bringing in, hopefully in the next year, will enable us to get a better handle on this problem.

Mr. Penikett: In that regard, I would hope that the Minister will make a very strong effort to do, in this regard, what I hope he will be doing in the area of family law, which is seeking to the maximum possible extent, reciprocal agreements with the other jurisdictions.

It seems to me that in all these things, not only in childnapping by divorced parents, but this kind of thing, too, it seems to me very easy to be able to escape the provisions simply by moving your assets or moving your person away from the jurisdiction of, say, Yukon.

Hon. Mr. Graham: That is true, Mr. Chairman, and that is an area where we are doing a lot of research.

Mr. Fleming: Yes, Mr. Chairman, under almost any of these sections, it seems to me to be an area that would be quite detrimental, in a sense, to both partners. In a situation where they were practically bankrupt, for instance, and yet could own a \$75,000 home, which is very feasible today, that you would have a very small downpayment made on it and you would own the home but with a monstrous mortgage.

In the case of them splitting up and going their respective ways and saying forget it, without this Ordinance before, the best that the mortgage company could do was to chase them around and, of course, do the best they can, but they would end up by taking the home.

Now, under this Ordinance, it looks to me as if they will not be doing that, that that mortgage will still be outstanding and may be split between the two and there is no way out of it. You will end up, both of you, with a big mortgage on your back, one way or the other, whether you want it or not, both of you.

Hon. Mr. Graham: Again, Mr. Chairman, if the couple does apply to the court for a division of the family assets, then so much depends on what the court decides is fair to both spouses.

I admit that, at least with this Ordinance in effect, both spouses will not just be leaving the country and leaving the house and therefore the mortgage company to repossess at their leisure. I think, in most cases anyway, it will ensure at least that one of the couple has a definite interest in that asset and will attempt to occupy the asset and realize the money that they already have put into the asset.

Mr. Fleming: I submit, Mr. Chairman, that if they are both broke and do not have anything, what could they do if they have put a \$50,000 or a \$25,000 mortgage on them both? Just what would they do?

Hon. Mr. Graham: I think we are getting into areas that I am not qualified to answer. If people are broke and cannot afford to pay their mortgage, it is not going to make too much difference whether they are divorced or not.

Clause 29(1) agreed to

On Clause 29(2)

Hon. Mr. Graham: In cases where the husband has piled up a mass of debts, or a wife, and they have skipped, and the spouse that is left with the house and the mortgage company that is breathing down their backs for money, and yet the husband has gone into receivership, and all of his payments are lumped together, and everybody gets a chunk of the assets. In fact, the family home would not be considered as part of the general liabilities of the husband, and, therefore, if the wife made payments on that home, the money would be used for payments on that home. It would not be taken away to pay off his business debts, or his debts at the store, or something like that.

Clause 29(2) agreed to

On Clause 29(3)

Clause 29(3) agreed to

On Clause 30(1)

Hon. Mr. Graham: **Mr. Chairman, this deals with designations and transfers, and that type of thing. If the wife does not own the home, but the court orders that she be the sole occupier, and a caveat is registered under her name by the court, it means simply that if the title is registered, the caveat will also be registered.**

Clause 30(1) agreed to

On Clause 30(2)

Hon. Mr. Graham: It just means that if they cease to occupy it, it does not cease to become a family asset. They can have, as we have stated before, five or six family homes, simply by virtue of the fact that they have occupied them at some time in the past.

Mr. Tracey: Mr. Chairman, I have a question on this. Say a husband, or a wife, started a business up, and generated a bunch of capital other than the business, and then decided to invest in another home with the capital he realized out of the business, what you are saying here is that you are going to apply business income as a family home.

Hon. Mr. Graham: That is not true, Mr. Chairman. A family home is one in which the couple have resided. If that family home was bought by profits received by a business, and then they both moved into that home, it would become a family home, and therefore a family asset. If they did not live in it, I would imagine it would still remain a business asset, if it was bought with business proceeds.

Clause 30(2) agreed to

On Clause 31(1)

Mr. MacKay: Perhaps we could hear the reasons for the amendments on this. They seem to change the onus around and I was wondering why that was done.

Hon. Mr. Graham: These Clauses were changed on the advice of Mr. Mende Costa in Ontario, as a result of things that he felt were lacking slightly, at this time, and he felt that this made more clear that, in fact, the court may make an order, but if someone has given a false affidavit, or stated that they were not married when they are married, the court may set aside such an order, or any orders made as a result of that statement.

Clause 31(1) agreed to

On Clause 31(2)

Clause 31(2) agreed to

On Clause 32

Clause 32 agreed to

On Clause 33(1)

Hon. Mr. Graham: This Clause allows the court to hold off on determining orders because of things like partnerships, and such, that have first to be determined before the assets can be divided, by

first finding out what the assets are through another court proceeding to dissolve the partnership. Also, if there is a bankruptcy in process, or something to that effect, so that the first order may be determined before the assets are divided.

Clause 33(1) agreed to

Clause 33(2) agreed to

On Clause 33(3)

Clause 33(3) agreed to

Hon. Mr. Graham: This is where the court may hold the hearings in camera and order that any documents that are put before the court, such as intimate financial records, or something to that effect, that may harm the financial standing of the business in the community, that those documents are not made public.

Clause 33(4) agreed to

On Clause 34

Clause 34 agreed to

On Clause 35(1)

Hon. Mr. Graham: This is one where somebody has skipped, or you have been separated for a while, and you are trying to get a hold of that person to determine a fair dissolution.

Mr. MacKay: This refers us back to the famous Clause 27 that we spent half a hour on. You were saying that we were both wrong when we were discussing it, because it only applies to somebody who has received it. This section then goes on to talk about the cases where you can have been deemed to have received it, by virtue of it having been mailed to you. So, we are back in the same old bind again.

Hon. Mr. Graham: Mr. Chairman, I did talk about this during the break, and Section 27 does say that you had to receive it. Section 35 says that you will be deemed to have received it, under certain circumstances. In effect, we got back to the same thing that we discussed in 27, where Section 25 and 26 would protect you, in case that you had just gone on an extended holiday in Europe, and you came back, but your husband had filed an illegal, or an incorrect, affidavit while you were gone. So, that would cover you, I have been assured.

Clause 35(1) agreed to

On Clause 35(2)

Mr. Penikett: Mr. Chairman, just for the record, I would like to ask the Minister if, in his consultation with various experts around the globe, there was, from any source, any expression of concern about the time limits put in here?

I think we are all aware that, from time to time, the courts may move very slowly, and they may have a backlog of cases, or, I think, as Mr. MacKay has pointed out, people can take holidays for more than two weeks, in a case like the Minister has just referred to. It also occurs to me that, in this part of the world, there are people who may, for a very good professional reason, be simply unavailable for much of the summer, for example, people working in mineral exploration, or perhaps off in the bush somewhere doing some work, or off in the middle of Kluane Park. There are a number of possibilities that could occur.

I just wondered if anybody had expressed any concern about this and if anybody is directly concerned, had it been put to rest by legal advisors.

Hon. Mr. Graham: Mr. Chairman, up to now no one has even mentioned the fact that it is 15 or 21 days. Knowing the speed at which the courts are forced to work due to the backlog, I cannot really see it being that much of a problem except when we do get a second judge possibly. Perhaps I can ask that Section 35(2) be withheld for now and we will take a second look at it.

Mr. Penikett: Mr. Chairman, I want to make it clear that I am not asking that it be stood over. I just am a little concerned that, you know, we have set these kind of deadlines in and there may be, particularly in this area, much more than perhaps downtown Toronto, some very good reasons why we should not be so rigid.

Hon. Mr. Graham: All I can say, Mr. Chairman, is in all the briefs we have received that was never a problem. No one whom we heard from expressed that as a problem.

Mr. Fleming: Back on the same thing that was bothering me before, it is not really in this section, but I have not found anywhere, and the Minister did not clarify it quite in the way I felt the last time when I was speaking of a property that has, as I say, a \$75,000 mortgage and only \$25,000 or a little portion was paid up. And if that is dropped on say two people, single people, no children, let us forget about that, and they could, in a sense, before they split up, turn their backs, walk out the door and say, "You take it" to the mortgage company unless the agreement said otherwise in their

agreement with the mortgage company.

However, in the agreement, it was merely that they would take the home back and they were home free if they felt they could not make a go of it, out the door they go.

Now, my concern is that, if they split up and, of course, they cannot opt out of this agreement if they both get into an argument and they have been married, they walk out that door, then they become a victim of the mortgage company due to the Ordinance saying you will each accept half of that debt. Now does this Ordinance supersede the agreement they have with the debt on the property.

Hon. Mr. Graham: Mr. Chairman, there is no place in this Ordinance that says that you have to assume half the debt. We talked about net assets in all cases.

The court may decide that the debt should be borne totally by the husband, or totally by the wife, because the wife makes a whole lot more money. But if the court decides that the wife will get possession of the house and she has an excellent job as well, maybe the court will decide that the husband only has to make a cash payment to her of \$20,000 or something to that effect.

In no case, does it insist that the debt be split in half also. The mortgage can go to one person or the other or, in fact, maybe they will just have to sell the house and split the proceeds.

By allowing for the judicial discretion, we allow them to tailor the verdict or the disposition of assets along the requirements of the two spouses in question.

Mr. Fleming: I do not think the Minister understands what my question really is. I am probably not putting it the right way. It is simple to me.

I am wondering if that mortgage can be tied to them as moneys they owe whether they have any assets or not. But, can the mortgage be tied to them due to this, tied directly to them and they be forced to pay that moneys and cash back somehow?

Hon. Mr. Graham: I suppose that it is possible if they each give personal note as well. If you are not there, the mortgage company takes the easy alternative I would imagine, and that is sell the house and get their money and whatever is left, the owners of the house get. The out is always there in selling the house.

Clause 35(2) agreed to

On Clause 36(1)

Hon. Mr. Graham: Mr. Chairman, section 36 was the section that was added. It is the section that allows common law couples to opt into the matrimonial property division or property settlement Ordinance if they so desire.

Mr. Byblow: I wonder if the Member from Tatchun has any comments on this section?

Mr. Penikett: Mr. Chairman, I just think it is a wonderful idea. Whoever suggested it should be certainly commended.

Mr. MacKay: As a member of the Presbyterian Church I could talk for some length on this subject, for example, the bachelor and the spinster signing up a cohabitation agreement, they had no previous encumbrances, ties or whatever.

Has thought been given to the more likely instance where you have a woman who is perhaps still legally married to somebody else and that is the reason they are living in common law, they cannot get married, to what this may do then to a family home that this woman is living in that is still encumbered by the previous marriage. Has some thought been given to that, if they opt into the family home, they are living in it and it becomes a family home as defined under this Ordinance, but it is actually still subject to the conditions of the previous marriage.

Hon. Mr. Graham: Mr. Chairman, this is one of the things that we argued about at great length, and it was one of the reasons that we did not want to see common law relationships legitimized after X number of years, because that would bring this problem home very, very quickly. Any common law cohabitation agreements that are entered into, that deal with assets that still could be divided between legally married spouses, would not be in effect. In other words, the cohabitation agreement would be tossed out because the legally married couple still had some rights under the law.

Mr. Penikett: Mr. Chairman, I have it on good authority, from a law expert I know, who, as a matter of fact, is a criminal who lives downtown, that in such a circumstance, where you had not just one couple fighting over a house, but two couples fighting over a house, or, possibly in this day and age, eight couples fighting over a single piece of property, you could be absolutely guaranteed that the lawyers in question would end up with the entire piece of property.

Clause 36(1) agreed to

On Clause 36(2)

Clause 36(2) agreed to

On Clause 36(3)

Clause 36(3) agreed to

On Clause 37(1)

Hon. Mr. Graham: Mr. Chairman, I had a very good idea presented to me during the last couple of days, by the Department of Justice, and it is to deal with Section 37. It was a little booklet that is being put out by the Manitoba people, and it explains the Marital Property Act that came into effect there and things like this. I think that this is a good idea, and if I may be so bold as to suggest that we spend a little bit of the public's money to put out such a booklet in the near future, after this Ordinance has passed, I think it would be an excellent idea. It outlines exactly things such as 37(1).

Mr. Penikett: Mr. Chairman, I am amazed at the Minister's proposing this. On the surface, it is a good idea, but he probably knows that the previous NDP government passed a law on this subject, and put out such a booklet. The first act of the new Conservative Government in Manitoba was to change the law, and subsequently went to the expense of printing a whole new booklet.

One of the interesting things that you can do, if you write to Manitoba, not to the government, but write to other people who are interested in the thing, you can get both versions of the booklet. I just hope you will not need another one in two or three years.

Hon. Mr. Graham: Oh, we will not need another one for a long, long time, Mr. Chairman.

Clause 37(1) agreed to

On Clause 37(2)

Clause 37(2) agreed to

On Clause 37(3)

Mr. Penikett: Mr. Chairman, just before we go barrelling into that—

Mr. Chairman: Which one are you referring to, Mr. Penikett?

Mr. Penikett: Well, it does not matter, Clause 37.

This question of minority, I guess we have several different ages of majority, whether for driving a car or drinking or getting married or signing contracts and so forth. Is there any prospect, now that we are on this point, that that age of majority may be changed as a result of revisions to the family law, which the Minister has promised?

Hon. Mr. Graham: Mr. Chairman, there has been some discussion, but I could not commit myself to it at this time.

Mr. Penikett: What I am interested in, Mr. Chairman, is there any likelihood it might be consolidated into one age?

Hon. Mr. Graham: Again, Mr. Chairman, I cannot make any commitment, but it is a thought that we will definitely take into consideration.

Mr. MacKay: I am just wondering if this is really necessary, this subsection 3. It seems to contemplate a situation where for people who are not married, one of whom goes crazy, the public administrator can then draw up a domestic contract.

It seems, first of all, a very remote possibility and, secondly, I wonder why the public administrator should have that power to deal with personal assets?

Hon. Mr. Graham: Mr. Chairman, they say here "...or give any waiver or consent under this Ordinance on behalf of the mentally incompetent person".

This is to facilitate such things as possibly selling a house while one of the persons is mentally ill. I cannot think of a whole lot of other instances right off the bat, but that is what I have down here in my notes, so that was the intent of this section.

Mr. Penikett: Mr. Chairman, this is a difficult area. I do not know whether it is the case in Yukon, but I know that in some jurisdictions, if one spouse happens to end up being incarcerated in a mental institute, it is practically impossible for you to ever get a divorce from that person. They are not legally competent to engage in the proceedings.

Hon. Mr. Graham: I understand that is true, Mr. Chairman. I know that the reason this section was put in, from my point of view, is that it would give the ability—my wife wanted this section, Mr. Chairman, she insisted—to the spouse of the mentally incompetent person to sell the family home, even though the other spouse was in a mental institution.

Mr. Penikett: Mr. Chairman, I am not being facetious here. I wonder if mental incompetency is something that is clearly defined somewhere else in Yukon legislation.

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

Mr. MacKay: One of the more obvious signs is a party card in the Progressive Conservative Party.

Mr. Chairman: Order, please.

Clause 37(3) agreed to

On Clause 38(1)

Clause 38(1) agreed to

On Clause 38(2)

Mr. Penikett: I was just reading this part about remaining chaste. It is not in my notes, Mr. Chairman. I am glad it is void, that is all I have to say.

Clause 38(2) agreed to

On Clause 39

Clause 39 agreed to

On Clause 40

Clause 40 agreed to

On Clause 41

Clause 41 agreed to

On Clause 42(1)

Mr. Penikett: What is a "next friend?" Is that the mailman who the Minister was referring to?

Hon. Mr. Graham: It means a person at the age of majority.

Mr. MacKay: Since Mr. Penikett did not ask the question, I presume that he knows the answer. What does ad litem mean?

Hon. Mr. Graham: I know you knew the answer to that, so I did not bother to answer it.

Mr. Penikett: I am going to shock everyone, I really do not.

Hon. Mr. Graham: Neither do I, Mr. Chairman. It means a law case.

Mr. Penikett: I would like to ask him why it does not say that?

Hon. Mr. Graham: It would be too easy to understand, I assume.

Clause 42 agreed to

On Clause 43

Clause 43 agreed to

On Clause 44

Mr. MacKay: I have a 20 minute speech prepared for this particular section, Mr. Chairman. Seriously, on this section, the bringing into force on January 1, I think that you should consider some kind of notices in the local press that this is going to have some of its more significant effect when it is passed. I am thinking about all the retroactivity of the Bill, and to give people time to get out of town, or whatever.

I do not know if you have planned any publicity, but if you have, perhaps you could tell me about it.

Hon. Mr. Graham: Mr. Chairman, as I said before, we are looking seriously at the possibility of publishing a small book for all persons interested. We will definitely do some advertising to let people know exactly what the law says.

Clause 44(1) agreed to

Hon. Mr. Graham: Mr. Chairman, I move that you report progress on Bill Number 32 and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham that the Chairman report progress on Bill 32 and beg leave to sit again.

Motion agreed to

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

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

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I 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 32, Matrimonial Property 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: Leave is so granted.

May I have your further pleasure?

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

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 Monday afternoon.

The House adjourned at 5:26 o'clock p.m.

The following Legislative Returns were tabled November 1, 1979

79-2-31

YTG Hiring - Criminal record on employee application form
(Oral Question - Page 450 - October 18, 1979)

79-2-32

YTG Hiring - Consideration of criminal record
(Oral Question - Page 450 - October 18, 1979)

79-2-33

No warning system at Whiteorse Rapids Dam
(Oral Question - Page 481 - October 23, 1979)

The following Sessional Paper was tabled November 1, 1979

79-2-41

Correspondence between Government Leader and Federal Industries Limited
(re White Pass & Yukon Corporation)