



The Yukon Legislative Assembly

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HANSARD

Wednesday, April 18, 1984 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Bill Brewster, MLA, Kluane

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive Council Office (including Land Claims Secretariat and Intergovernmental Relations); Public Service Commission; and, Finance.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Municipal and Community Affairs; and, Economic Development.
Hon. Howard Tracey	Tatchun	Minister responsible for Renewable Resources; Highways and Transportation; and, Consumer and Corporate Affairs
Hon. Bea Firth	Whitehorse Riverdale South	Minister responsible for Education; Tourism, Recreation and Culture
Hon. Clarke Ashley	Klondike	Minister responsible for Justice; Yukon Liquor Corporation; Yukon Housing Corporation; and, Workers' Compensation Board
Hon. Andy Philipsen	Whitehorse Porter Creek West	Minister responsible for Health and Human Resources; and, Government Services

GOVERNMENT MEMBERS

(Progressive Conservative)

Bill Brewster	Kluane
Al Falle	Hootalinqua
Kathie Nukon	Old Crow

OPPOSITION MEMBERS

(New Democratic Party)

Tony Penikett	Whitehorse West Leader of the Official Opposition
Maurice Byblow	Faro
Margaret Joe	Whitehorse North Centre
Roger Kimmerly	Whitehorse South Centre
Piers McDonald	Mayo
Dave Porter	Campbell

(Independent)

Don Taylor	Watson Lake
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Clerk of the Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Deputy Sergeant-at-Arms
Hansard Administrator

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

Whitehorse, Yukon
Wednesday, April 18, 1984 - 1:30 p.m.

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

Prayers

DAILY ROUTINE

INTRODUCTION OF VISITORS

Hon. Mrs. Firth: I would like to introduce and welcome the Consumer Fundamentals class from F H Collins High School, and their teacher, Ms Tomlinson.

Applause

Mr. Speaker: Are there any returns or documents for tabling?
 Reports of committees?
 Petitions?
 Introduction of bills?
 Notices of motion for the production of papers?
 Notices of motion?
 Are there any statements by ministers?
 This then brings us to the oral Question Period.

QUESTION PERIOD

Question re: French language services

Mr. Penikett: I have a question for the government leader, in his capacity as the minister responsible for inter-governmental affairs. Has the Government of Yukon sought a legal opinion on the *Charter of Rights* phrase "...where there is significant demand", in relation to the provision of French language services?

Mr. Speaker: If the answer to the question is brief, and if there is such an opinion, of course, it cannot be accepted in Question Period.

Hon. Mr. Pearson: There are a number of opinions. We have received two legal opinions with respect to exactly what that means, and exactly what numbers are significant. I think it is always going to end up being some sort of a judgment call.

Mr. Penikett: On that precise question, has the federal government offered to the government leader, or any official of this government, any information as to what number of francophones would trigger the constitutional requirement for the French language services described in the *Canadian Constitution*?

Hon. Mr. Pearson: No.

Mr. Penikett: Yesterday, the government leader indicated that the Government of the Northwest Territories has been pursuing the issue of native languages. What can the government leader report on these discussions, and does this government have any specific plans that it is exploring with the officials of the federal government, or is the federal government proposing anything to us?

Hon. Mr. Pearson: I am sorry, I do not have anything from the NWT yet that I can report. I just happened to be in Yellowknife when the decision was taken by the Executive Committee to embark upon a negotiating stance with the Government of Canada with respect to native languages vis-a-vis the requirement for French languages that the minister indicated was going to be necessary in the Northwest Territories as well as Yukon.

We, in this territory, pay for the native language program in our school system. We are always negotiating with the Government of Canada on a large number of issues. Certainly, this is one that we talk to them about every year.

Question re: French language program

Mr. Byblow: My question is to the Minister of Education on much the same topic and it should provide an opportunity for the minister to clarify the record on what appears to be a serious contradiction between what she has said in the House and what is found in other documentation.

Does the minister still deny that the federal minister, M. Joyale made no commitment to her for funding any french language education program when he said in his letter of January 19 that he would be pleased to assist this government with any additional costs that may be incurred, if this government were to go ahead with its french language initiative? Yesterday the minister said —

Mr. Speaker: Order please. The hon. member is now engaging in a speech. Would he just await the answer to his question.

Mr. Byblow: Yes. I would like the minister to clarify for the record, the contradiction between what she has said and what is in the document cited.

Hon. Mrs. Firth: I made that very clear yesterday when I answered the same question. The funding that the minister is talking about, the Minister of State, Serge Joyale, is the present funding we receive. The member opposite has obviously interpreted that he is also prepared to give us additional funding. I believe what I said to him, when I clarified my statement, was that exactly how much funding they were prepared to give to us has not been established yet. There are other questions that come to light as well.

For example, we have an understanding with, and we are presently in communications with, the Minister of State, that there is some hesitation to fund them if anglophones are allowed to enter the francophone program.

These are things we have to clarify with him and we are in communication now. I am trying to get a letter from the hon. Serge Joyale that is, perhaps, more specific and will indicate to us exactly what they are prepared to fund and if they could give us some commitment as to how long they would be prepared to fund; whether it is just the start-up year, whether they are prepared to assume costs for longer than that, and there are some other questions we would like answered. When we have that answer, I would be prepared to share that with the member opposite.

Mr. Byblow: Unfortunately, what the minister said was that Mr. Joyale had not written and had not given any commitment and that is the question I was raising.

I want to ask the minister, now, whether she has identified — or her department has identified — to the federal minister what additional funds may be needed to develop the French language education program in Yukon?

Hon. Mrs. Firth: Yes, we have.

Mr. Byblow: Can the minister confirm whether it is expected that the French language education program will be delivered this fall?

Hon. Mrs. Firth: We have not made the decision regarding that, as the member well knows. I have reassured the members in opposition that, when we make that decision, they will be informed of the decision.

The commitment, again, was for present funding and an overall commitment, perhaps, as the member interprets, for some further funding. We are in the process of getting those details ironed out; we have been in verbal communications and I would like to have it in written form because, for some reason, it seems to have more strength when it is written on paper and signed by the Minister of State.

Question re: Medicare

Mr. Kimmerly: I have a constituency question concerning medicare. I am informed that a diabetic is given a supply of insulin through medicare programming, but is not given the syringes or swabs. Is the minister aware of that apparent inconsistency?

Hon. Mr. Philippsen: No, I am not aware of an inconsistency. I would imagine that they would be following a rule of medicare.

Mr. Kimmerly: Will the minister undertake to look into the situation with a view to clarifying why insulin is made available, but not the syringes that are necessary to use it?

Mr. Speaker: The question would almost be a representation, but I will allow it.

Hon. Mr. Philippsen: The chronic disease list is for medication only, not the supplies.

Mr. Kimmerly: On a slightly different problem concerning medical expenses, another constituent received medical treatment outside the territory and paid hotel and accommodation expenses

himself.

¹⁶ He was informed that he cannot claim those as medical expenses for income tax purposes.

Will the minister lobby the federal government, because of Yukon's unique situation, with a view to obtaining a federal tax ruling favourable to the constituent in this case?

Speaker's Ruling

Mr. Speaker: Order please. I am afraid I would have to rule that question out of order in that it is in fact a representation more properly brought up under motion for consideration by the House. I do believe the question is not, in any event, a supplementary related to diabetics as the original question was.

Question re: Grizzly transplant program

Mr. Porter: My question is directed to the minister responsible for renewable resources. In a letter addressed to D.M. Lavanier, President of The Wildlife Society of Canada, dated March 27, 1984, the minister stated that a number of family groups of grizzly will be live captured and transplanted. Has this program started? If not, when will the department initiate the bear transplant program?

Hon. Mr. Tracey: I do not believe the program has started, but I could not give the member an exact date as to when it will start.

Mr. Porter: The minister also stated in the same letter that the bears would be transplanted to remote areas and monitored. Has the minister's department determined where exactly in Yukon these remote areas are, and how many bears will be transplanted to those areas?

Hon. Mr. Tracey: I suggest that if the member wants that kind of information, he can contact my department. I do not have it at my fingertips.

Mr. Porter: I did not expect it to come out of his fingertips, I expected it to come out of his mouth.

Earlier this year, the minister also stated that his department was investigating transplanting bears to other jurisdictions. Has the department received commitments from other jurisdictions to facilitate the transplantation of Yukon bears?

Hon. Mr. Tracey: I am not aware of any specific instance, although I believe there are one or two places that have shown interest in bears. There is a problem with transporting grizzly bears out of this jurisdiction and that is that they are away from their lifestyle and their food supply, and it is felt by most biologists that moving them out of the Yukon jurisdiction would not be beneficial to the bears; that they would not survive, or would not survive properly in a different environment.

Question re: Whitehorse Elementary School Committee

Mrs. Joe: My question is a constituency question for the Minister of Education. I understand that the Whitehorse Elementary School Committee had a meeting last night. Can I ask the minister if, as a result of some of the concerns brought up at that meeting, she intends to make any changes?

Hon. Mrs. Firth: I am not quite clear about the question about making changes. I did not make any decisions that are going to require changes, so perhaps the hon. member can be more specific with her question.

¹⁷ **Mrs. Joe:** Is it the intention of the minister to relocate the French Immersion Program, presently located at Whitehorse Elementary, to Jack Hulland or Selkirk Elementary schools?

Hon. Mrs. Firth: Thank you, Mr. Speaker, that was more specific?

It is not the intention, per se, that we have made the decision to do this. What I did at the school committee meeting, last evening, was to indicate to the parents that that was a direction that we had as an option to, perhaps, address the problem of the Whitehorse Elementary School, in the fact that we are running out of space in the Whitehorse Elementary School. I offered that to them as an option, for their consideration.

The option was discussed; there were, of course, many questions. I guess the general idea of the proposal was that we would relocate the French immersion children, who live in Porter Creek, to the Jack Hulland School in Porter Creek, and we would relocate the

children who live in Riverdale and attend the French Immersion Program to the Selkirk School. So, what we would have two French Immersion Programs in two other elementary schools.

Because of numbers and more analyses that we have to do on it, we cannot be specific as to what grades, how many, whether we would still have to retain some French Immersion Program in Whitehorse Elementary, and so on. So, it was a general concept that I wanted the parents to consider.

Mrs. Joe: In the event that the French Immersion Program is relocated, how will the existing space be used at Whitehorse Elementary?

Hon. Mrs. Firth: That will be another decision that we will have to make. We have had some requests from the Council for Yukon Indians; the Native Language Program is interested in more space.

Just to give a little bit of history, and not to take up too much time in Question Period, Whitehorse Elementary, I believe, was originally built to accommodate about 600 children. Over the years, the population has declined in children attending that school, and some of the basement areas of the school have been taken up by government offices: audio visual services, and so on.

It was indicated to me that there was a strong desire by parents not to have their children put into the basement, because they just did not feel it was conducive to a learning environment and atmosphere. So, the recommendation now is coming out that we consider splitting the immersion program, in order to accommodate the growth of the immersion program. The eventuality of it is that, in a year or so, we are going to have a problem with too little space in Whitehorse Elementary. The Native Language Program is also growing and they are already in a position where they are short of space.

Question re: Moose hunting restrictions

Mr. McDonald: I have a question for the minister responsible for renewable resources.

In closing game zones around Whitehorse from moose hunting, can the minister say if the government has considered the effect on other game zones around the territory? Has the government established, for example, whether or not there will be increased hunting pressures on the Stewart Valley corridor recently re-opened to hunting?

Hon. Mr. Tracey: It is a possibility that if the hunters are not allowed to hunt in the area immediately around Whitehorse, they are going to have to hunt in other areas of the territory; however, the population of moose in game management area seven and nine, we feel, is so critical that we had to close them.

Mr. McDonald: Constituents have expressed a concern to me that the vitality of the wildlife population will suffer in the Mayo district while the moose populations are rejuvenated around Whitehorse. Can the minister state what the government is doing to ensure that wildlife populations in rural areas do not unreasonably suffer from increased hunting pressures?

Hon. Mr. Tracey: I find it very unlikely that people will travel from Whitehorse to Stewart Crossing and Mayo in order to hunt.

Mr. McDonald: I will not consider that a slight on my constituency.

Can the minister state how the government will monitor and analyze the effect of hunting bans on wildlife populations in other game zones around the territory?

Hon. Mr. Tracey: No, my department does not have enough people working for it in order to monitor everything that happens in the territory with regard to game.

Question re: Yukon Expo appointment

Mr. Penikett: I have a question for the Minister of Tourism. While I am doing that, may I call attention to members of the House to the presence in the gallery of a well-known tourist from British Columbia, former executive director of the Association of Yukon Communities, Mr. Andre Carrel?

My question to the Minister of Tourism rises out of yesterday's announcement of the appointment of one of my constituents as a coordinator of the Expo 86 Yukon Pavilion. Is this a public service

appointment, or is this a contract position?

Hon. Mrs. Firth: It is a public service contract position.

Mr. Penikett: Could the minister indicate what the term of the position is? Will it continue sometime after the Exposition actually opens and then runs?

Hon. Mrs. Firth: The term of the position is up until Expo and all of the time Expo is running.

Mr. Penikett: The press release did not say this, but where will the coordinator be located, here or in Vancouver?

Hon. Mrs. Firth: The coordinator will be located here in the Department of Tourism.

Question re: Whitehorse Economic Development Council

Mr. Byblow: My question is to the Minister of Economic Development.

From the minister's response to questions by my colleague from Mayo yesterday, it was clear that this government was not going to be participating in the economic initiatives for Yukon being spearheaded by the Mayor of Whitehorse. Does the minister not recognize that it would be in the best economic interests of the territory to have some coordination and some cooperation between the mayor and himself on this matter?

Hon. Mr. Lang: I have indicated to the mayor that the community of Whitehorse would be definitely represented in some capacity with respect to an economic council. We would see some cooperation with the City of Whitehorse as well. I do not know what more I can do. I have a mandate from the legislature, by motion, that the member opposite voted for, to go and get the necessary information together to form an economic council for the territory.

Mr. Byblow: Yes, and we are still waiting for some initiative. Since the composition of the mayor's development council — if I could use that term — includes the AYC, the CYI, and other territory-wide organizations, how does the minister defend his position stated yesterday, and implied today, that the economic council proposed by the City of Whitehorse does not represent the territory?

Hon. Mr. Lang: It would seem to me that the government of the Yukon territory has to be involved in any council of this kind, if you are going to bear any results, when all is said and done. Therefore, it would be my proposition that the organizations in question — which, in fact, one of the elected people has mentioned to me — were very concerned that it appears to be a Whitehorse orientated organization, and I am assuming that the organization I am referring would prefer to see a territorial organization formed through this government.

Mr. Byblow: When is the minister going to take some action on economic initiatives that are currently being done by the mayor of Whitehorse? When is the minister going to wake up to the fact that he is the Minister of Economic Development in the territory?

Speaker's Ruling

Mr. Speaker: Order please. The hon. member is argumentative and therefore the question is out of order, if there ever was a question.

Question re: Wilderness tour packages

Mr. Kimmerly: I have a constituency question about tourism. The minister is well aware that in the Yukon Vacation Guide and the Yukon Travel Agent's Manual there is a directory or listing of wilderness package tours. Resident companies are listed along with a greater number of non-resident companies in direct competition with the resident companies. Is there a government policy concerning a preference to resident wilderness tour guides and outfitters?

Hon. Mrs. Firth: We, in Tourism Yukon, like to work in cooperation with industry and the travel guide is put together in consultation with industry. Government does not make the policies regarding who advertises in that travel guide. The Yukon Visitors' Association has made that policy. They, in fact, do the leg work when it comes to selling advertising to the travel guide. They are the ones who have made that decision.

Mr. Kimmerly: Has the minister or her department considered listing, in the guide, resident companies and non-resident companies under separate headings?

Hon. Mrs. Firth: If that was the wish of the industry and they indicated to us that that was the avenue they wished to pursue, we would certainly be cooperative in listening to them and allow them to do that.

I must tell the member that we have given the resident Wilderness Guides Association some assistance — much assistance — this past year, in helping them publish a Wilderness Guide Association brochure of their own. That, I believe, is strictly for the local wilderness guides.

Mr. Kimmerly: Has the minister or the minister's officials specifically discussed this issue with wilderness guides and outfitters here in Yukon?

Hon. Mrs. Firth: I have not discussed it with them. I cannot speak for the officials. They may have and felt there was no reason to bring it to my attention.

The only time I have had any discussions on the proposed tourism boycott with the Wilderness Guide Association just recently. Other than that, they have not indicated a desire to meet with me. We meet through their representation on the Yukon Visitors Association.

Question re: Special ARDA

Mr. Porter: I have a question for the minister responsible for economic development.

I am informed that the Special ARDA program expired on March 31st. What is his government's position with regard to the extension of the Special ARDA program in Yukon?

Hon. Mr. Lang: It depends on the Government of Canada and whether or not it wishes to extend it. As the member knows, there is a review, just now in the process of being completed, of the Special ARDA program, such as operated over the past number of years. That review, to my knowledge, has not been completed, and I would imagine the Government of Canada is waiting for that review to see whether or not the program should continue and, if so, if there should be changes.

We will be working closely, in cooperation with the Government of Canada and, for that matter, the Council for Yukon Indians, in determining the future role of that particular program.

Mr. Porter: I thank the minister for his information with respect to the review to the review process. I would also like to know when that will conclude.

The supplementary question I would like to ask the minister is on a statement of policy. Does his government, as a statement of policy, support affirmative economic programs for Yukon's aboriginal community?

Hon. Mr. Lang: I think it is quite obvious. I think it was indicated, today, that we supported the Yukon Indian land claims, which, in part, is to bring the native people of the territory onto an economic footing where they can compete and we have delivered the Special ARDA program.

I have made no secret of it that. In some aspects, I think, perhaps, there should be some changes made that would benefit more native people and, perhaps, be an impetus to cottage industries in Yukon, as opposed to the strictly individual, commercial businesses that went into effect in the past number of years.

Question re: Children's Welfare Act regulations

Mrs. Joe: I have a question for the government leader.

In reviewing the regulations passed under the existing *Children's Welfare Act*, it would appear that those regulations have changed each year. Could the government leader tell the House if this kind of regular replacement of regulations is government policy?

Hon. Mr. Pearson: The very nature of regulations are that they are government policy; they reflect government policy. Normally, regulations are made because changes are necessary — maybe on an annual basis, maybe semi-annually, maybe once every two or three years — but there is a decision taken, when legislation is prepared, as to what will go into the legislation and be, for all intents and purposes, cast in stone, and what might go into regulations, so they

can be varied and can be changed when it is necessary.

There is no specific policy that, every year, this regulation shall be changed, unless there is a legislative requirement to change it every year.

Mrs. Joe: A number of people have asked me questions about the usefulness of government guarantees, which are stated only in regulation, not in legislation. Can the government leader tell this House if his Cabinet has a policy of regularly reviewing regulations that it has signed into force?

Hon. Mr. Pearson: I sincerely hope that every member of this legislature reviews the regulations put in force by this government. I am very careful to table, at the beginning of every session, every regulation passed by this government since the session started. It is a responsibility of every member of this legislature to review those regulations.

Mrs. Joe: Could the government leader tell the House if, as a matter of policy, regulations are used to give force to policies and procedures, which are intended to remain in place for many years?

Hon. Mr. Pearson: I thought I explained in answering the first question. Regulations often reflect the policy of the government. Number one, the basic rule is: there cannot be a regulation that this House has not given rise to. In other words, this legislature must give the government the authority to make regulations. We cannot make regulations unless we have the authority of the House.

Question re: Elsa School Committee

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

It is my understanding that a representative of the Department of Education has travelled to Elsa to speak with the Elsa school committee to finally establish how the infamous \$75,000 is to be spent. Can the minister tell the House how the money will be spent in the final analysis?

Hon. Mrs. Firth: The \$75,000 — and I cannot wait for it all to be spent — will be spent on some renovations at the Elsa school. I have not spoken to the individual who travelled to Elsa for an update since his return, so that is all I can offer the member opposite.

Mr. McDonald: It is my understanding that at least half of the money is to be spent on general repairs and maintenance. Can the minister say if the expenditures were treated by her department as special funding or as a regular operation and maintenance funding?

Hon. Mrs. Firth: It was treated as special funding, as it was voted.

Mr. McDonald: That has implications, of course, which we ought to delve into again in general debate on the main estimates. As the minister knows it has been suggested that a playroom be erected for the benefit of small children. What is the status of that proposal?

Hon. Mrs. Firth: I cannot give the member that information. However, if he wishes, I can bring it back to him. I just want to comment that this is probably the longest \$75,000 that this government will have ever spent.

Mr. Penikett: A dollar goes a long way, now.

Question re: Speaker's parking space

Mr. Byblow: I have a question for the minister of government services and, with respect, it is about you sir. On my way into the House today, I noticed that your car, Mr. Speaker, was parked crosswise behind your normal parking space, because someone, possibly another Mr. Speaker, had parked in Mr. Speaker's parking space. What is the minister of government services going to do about this.

Some Hon. Members: For shame!

Hon. Mr. Philipsen: I shall leave the Assembly immediately and go and remove the offending vehicle.

ASSENT TO BILLS

Mr. Speaker: There being no further questions, at this time, we are now prepared to receive the Commissioner of the Yukon in his capacity as Lieutenant-Governor to give assent to certain bills that have passed this House.

Mr. Commissioner enters the Chambers

Mr. Commissioner: Please be seated.

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

Mr. Clerk: *An Act to Amend The Landlord and Tenant Act; An Act to Amend the Real Estate Agents' Licensing Act; An Act to Amend the Securities Act; An Act to Amend the Transport Public Utilities Act; An Act to Amend the Income Tax Act; An Act to Amend the Municipal Finance Act; Miscellaneous Statute Law Amendment Act, 1984; Fifth Appropriation Act, 1982-83; An Act to Amend the Financial Administration Act; Government Employees Unemployment Insurance Agreement Act; Public Utilities Act; An Act to Amend the Mental Health Act; Legal Profession Act; An Act to Amend the Dental Profession Act.*

Mr. Commissioner: I hereby assent to the bills as enumerated by the Clerk. May you have a pleasant Easter.

Mr. Commissioner leaves the Chambers

Mr. Speaker: I will now call the House to order. We will now proceed to orders of the day under motions other than government motions.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 9

Mr. Clerk: Item Number 1, standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with Item 1?

Mr. Kimmerly: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the hon. member for Whitehorse South Centre THAT this House is of the opinion that spousal battering is a widespread and serious problem in Yukon; and

THAT this House is of the opinion that criminal sentencing tools available to Yukon courts concerning spousal battering are inadequate; and

THAT this House supports the development and implementation of a treatment program for spousal batterers; and

THAT this House supports the addition of a program within the Department of Justice aimed at mandatory treatment for persons convicted of spousal battering.

Mr. Kimmerly: In introduction, I should say that this topic, that is, spousal battering, is a relatively new topic to legislators and legislatures around the world. However, it will be, I am sure, a topic that is debated with increasing frequency, as time goes by. The debates in this legislature are, perhaps, a symptom of a far larger social change and social movement, stimulated, primarily, by the feminist movement.

In January, 1980, the Canadian Advisory Council on the Status of Women published a study, called "Wife Battering in Canada: the Vicious Circle". It was a federal Member of Parliament, Margaret Mitchell, who introduced the topic of that study in the Commons, recently, amid some jeers, catcalls and merriment, emanating from many male members. The public outcry concerning that, I am sure, will ensure that that kind of reaction never occurs again — in this country, in any event.

For the record, I would refer to a debate, occurring November 2nd, 1983, at page 560 of *Hansard*, where I introduced a similar topic, that is, the topic of police policies concerning spousal battering situations, or concerning what is often called domestic violence. This motion is related to that motion, in many important ways.

I will divide my remarks into four sections, to address the four parts of the motion. First of all, concerning the widespread nature of the problem, it is unfortunate that there appears to be no recent public Yukon figures or statistics or studies as to the extent of the spousal battering problem in Yukon.

14 Although I am aware of a study into the whole situation, which the member for Whitehorse North Centre has questioned the Minister of Justice about recently, the Minister of Justice steadfastly refuses to give us information about it or to make it public.

It has been said that one in 10 married women is battered. It is clear that the general crime statistics in Yukon are more severe than in the country, as a whole, and it is clear that the criminal statistics in Yukon show a more widespread experience with personal violence than occurs elsewhere. It is probable that the extent of spousal battering in Yukon is higher than in the country at large, but I believe that that is not a statement that can be made with certainty. In any event, if the extent of spousal battering is the same as the national average, it is very widespread, indeed, and the probability is that it is more extensive here than in southern Canada.

Spousal battering is only just receiving the attention that is due to it in the criminal justice system and in legislatures and in the public debates and discussions of the people of the territory. It appears that, as we know more about it, as it is not a social taboo to talk about it and as conferences occur among the social workers of the territory, that more and more information comes to us. The extent of spousal battering is truly frightening to those of us who have not personally experienced it and know full-well the importance of it.

The way the criminal justice system deals with spousal battering and especially the way judges who sentence convicted spousal batterers is occurring is a very substantial problem, and it is clearly a matter in which the solutions or the experiments at solutions are in a state of change.

15 I attended a conference recently on the subject of spousal batterers, and it is clear that opinion is divided as to what the courts should be doing and what is the proper role of the courts. It is also clear that battered women and women who were battered in the past, but are no longer in a battering situation, are looking to the courts for better justice than has occurred on the past. They are looking to the courts to recognize spousal battering as a criminal act, not as a private family matter. They are looking for a serious response to a serious problem, sometimes, but not most frequently, in a spirit of vengeance.

I wish to express my personal position on this matter, as a matter of general policy. I believe that it is a position that may add to the debate and in the years to come, when sentencing practices are better settled in the courts and the addition of this information may have assisted in coming to a proper conclusion.

It is my feeling that some people look to the courts to solve the problem. There is clearly a problem, and the question is: let's do something about it. The courts and the judicial system is definitely, and clearly and essentially, involved in the problem and must do something about it. However, what a criminal court can do is very, very limited in a practical sense. It is my judgment that the criminal courts are not going to solve the problem of spousal battering. The problem is going to be solved by initiatives in other areas. The criminal courts are going to be major actors in defining the social response to the problem, and are going to be major actors in dealing with specific individuals who find themselves in a spousal battering situation.

16 It is my opinion that the paramount concern of the courts and the first duty of the courts in this area is to clearly send out the message to all citizens of the territory that spousal battering is a crime. It is not a family matter. It is a serious crime, and society, at large, has an interest in protecting each and every member, especially the weaker members among us.

It is my opinion that it is necessary and it would promote the eventual solution or improvement of this general problem if sentencing courts gave sentences that are, in layman's language, stiffer than sentences imposed in the past.

It is very, very difficult when considering individual situations and specific families, as courts must do, to impose an additional burden on the family; that is, a criminal sanction on the father or husband. In my opinion, social justice requires it, though, on the principle of general deterrence and on the principle that it is necessary for our criminal justice system to send a very clear message to everyone in the territory that spousal battering will not be considered a private matter; that it is a public matter, that it is a

criminal activity.

There is still room for compassion and mercy; however, it is necessary that the general social interest be weighted more heavily in the future. Also, in considering sentences in a criminal court, it is appropriate to consider the rehabilitation of a convicted person or a therapeutic course of action to get at the root of the problem. Courts, indeed, should be doing that, although the importance of that principle should always be balanced with the principle of sending a clear message to every citizen, as I have already described.

17 Today, in Yukon, there is no effective sentencing tool; there is no therapeutic program that a sentencing judge could use to get at the root of the problem, and that is a tragedy. That is a situation that we, as legislators, must consider and it will eventually fall upon us to, eventually, vote the funds to make it come about and to vote the legislative mandate to establish such a program. Such programs are being developed in other jurisdictions. Indeed, Alaska already has the beginnings of a program for batterers.

In going into the third section of this motion, it is necessary to elaborate, for a moment, concerning the real nature of the problem of spousal battering. I am going to spend a moment or two describing what is the least controversial of the recent scientific statements concerning the nature of the problem. It will be necessary for all of us to have a fairly clear understanding of the root causes of spousal battering, if we are to get at a political solution to it.

It is commonly said that spousal battering is an incident of alcoholism, or that alcohol is involved in almost all cases of wife abuse. The facts are, as the social scientists can now agree, that alcohol is, in fact, present in a large number of cases of wife abuse, but it is clear that alcohol abuse is not a causal factor; it is more like a facilitator.

A way to describe it in layperson's language is that if there is a potential spousal battering situation present, the presence of alcohol abuse will make actual beatings more likely and more prevalent.

18 However, it is a facilitator and not a cause. It is clear that there are many examples of alcohol abuse in spousal situations where there is no battering, and there are many examples of battering where there is no alcohol abuse. It has also been commonly stated that men who batter are characterized by something like mental illness or mental deficiency, or character deficiency of some sort. This appears to be unfounded. Spousal battering is too widespread and is found among too many diverse kinds of character types to lend any credence to that theory.

Another theory is that there is a natural male tendency to aggressiveness, something like biological or hormonal, or sexual drives. This is a theory that has often caused people to blame the victim for being cold or insensitive to the attacker's needs. It is clearly a fallacious theory. The only possible grain of truth in it would or could be expressed in very social terms about male dominance in our society not being founded on any biological fact, but on historical developments.

The theory is often expressed that the wife is to blame for being insensitive or tormenting the aggressor because of her behaviour. This essentially blames the victim and attributes wife battering to excusable anger or indignation on the part of the man. It focuses all the attention on the individual woman — the victim — and not on the interaction.

19 It is the theory that is most clearly blaming the victim and, in my view, deserves little attention here, as it is simply incredible and unrealistic; indeed, fantastic.

Another theory that is expressed is that a tendency to violence is passed on from one generation to the next, or is genetic in some sense. It is clear that the majority of men who batter were either battered children or witnessed battering as children. That much is clear; however, there is no empirical evidence, to date, that there could be a genetic cause to battering.

Another theory is that the batterers or violent men are alienated or are unable to communicate and therefore experience feelings of hopelessness and interpersonal incompetence. This theory tends to excuse the aggressor by letting the aggressor hide behind a label of some sort of personal illness and it individualizes the problem and

offers no real explanation. It is a classic example of treating the symptoms rather than the cause.

There is another theory: that we live in particularly stressful times, and it is the age or the times that really cause the problem. This is a theory that looks for a wider, more social, cause rather than an individual or a family cause. Stress, itself, cannot be seen as a root cause, although, like alcohol abuse it is probably a facilitator.

Recent knowledge has come to us about the real nature of battering and about the real causes of battering, both physical and psychological battering, and possibly the destruction of property as a substitute for battering. It comes to us through clinicians, who have had significant success in the past with treatment programs; that is, treating the spousal batterers, the men who batter. It is clear that, for the most part, battering can be scientifically explained as being a learned behaviour. Individuals who are violent have learned at what time, in what place, under what circumstances, and at whom, and in what way they can act violently and get away with it.

Of course, there is lots of socially acceptable violence in our society, and body contact sports are marvelous examples of that. There are individuals who learn to express violence largely at another person and, commonly, at their female spouse.

It is clear that, in most cases, spousal battering is a learned response to stress. When experiencing a great deal of stress, some individuals have learned that they can get away with violent actions, with striking out. It is clear that, after several incidents of that kind of response to stress, the pattern begins to get more and more ingrained and stronger and stronger.

Men learn that the safest place to strike out and use violence is in the home, largely because it is private and, traditionally, the social response has not treated that activity as a public act deserving of public censure. Men who batter have learned cultural and social values about masculinity and their roles in the family, which tend to support their aggression and violence. It is in this area where social education and social change are most needed.

It is clear that the learning usually starts in the family situation as a child, and the child either witnesses — and, therefore, has a role model of serious battering — or is battered himself by a stronger person, usually the adult. It is clear that, in assessing men who batter as a group, we can now say, without it being very controversial at all, that men who batter come from all races, all occupations, all ages and all socio-economic classes.

It is not a problem of the lower class. It is not a problem peculiar to one racial group and not another. It is clear that men who batter are most frequently the victims of abuse as children. It is clear that men who batter most prevalently deny and minimize their battering by trying to rationalize or explain away the seriousness of the violence and to minimize the effect of the violence; essentially, to deny in their own minds that it is serious violence. It is fairly clear that most men are lying to themselves, in fact, and are refusing to accept in their own minds the seriousness of the battering that they do — the seriousness of the harm and hurt that they cause.

Men who batter perceive their lives generally as being externally directed. That is, they react to stresses and to external situations as opposed to controlling the course of their own lives. Generally, men who batter are impulsive and show an immaturity in the area of impulse or control. It is important to consider and to realize that generally men who batter are socially isolated and have an excessive dependency on, or possessiveness of, the victim. They are frequently extremely jealous people, in layperson's language, and in fact, are characterized by a greater than average dependency on the victims, themselves, for love and affection.

They tend to express most emotions as anger and they can be depressive or suicidal.

After going through all of that, it is clear that the state of our knowledge, acquired in an empirical or a scientific way, is very much improved over what it was only 10 years ago. It is clear that we are approaching the capability — the scientific or the medical capability — of designing treatment programs, because we are understanding the nature of the problem. There are treatment programs that are now working and are experiencing very, very positive rates of success.

So, the time is ripe to develop a program in Yukon to do something constructive, in a positive and rehabilitative way, about spousal battering. It is possible to have a treatment program that works; not for everybody, but which has a good measure of success and is certainly justifiable in social, political and economic ways. I would urge all members to especially consider the third part of the motion as perhaps the most important and to vote in favour of the motion and to support, politically and publicly, the development and implementation of a treatment program for Yukon spousal batterers.

The fourth part of the motion speaks directly about criminal sentencing and I can be fairly brief about that, because I have already discussed the principles that I feel should be more weighted in Yukon's criminal courts today.

It is fairly clear now that men who would voluntarily attend a treatment program for spousal battering would be motivated and better treated differently from men who would not do that voluntarily.

There are many women who wish to solve the particular problem of themselves being battered, but who will not use the criminal justice system because they feel it would put a family member in jail, or could. Some of those women have expressed to me, personally, and more have expressed a view at larger meetings, that they would be more willing to come forward and they would be more eager to seek the intervention of non-family members, if they felt the response would not be simply condemnation and punishment, but would be a positive effort at treatment. I would recommend that a mandatory treatment program would give the criminal courts something that they could do in a positive way to assist individual families.

In November, I spoke about policing policy in this area. The acting Minister of Justice claimed that the motion I brought forward was unnecessary and the government voted against the motion; however, subsequent events have shown that the motion was timely and well-justified. The motion was on November 2, 1983. Probably, quite independently, on December 21, 1983, the federal justice minister and the federal Solicitor General did what I was encouraging the territorial Minister of Justice to do, which he did not do; that is, they directed that a new policy concerning spousal assault be followed by the police force here.

It is a very interesting new policy, and it is an extensive one, especially considering the policy of the police in laying charges, and the policy of the police in protecting victims concerning their welfare before they went to court by using the procedures in the *Criminal Code* concerning judicial interim release.

I am sorry to say that I know of specific examples that clearly show that the policy is not yet universally applied. However, great improvement has occurred in the last three or four months.

It is, though, going to be a problem, in that with the new policing policy and the policy of the Crown attorneys that was put in place just prior to the policing policy, the judicial and the correctional policy is not keeping up. It is going to be a very major problem and it could cause a failure of the goals of the police and the Crown attorneys in this area. The criminal justice system is a very complex system. What occurs concerning the police and prosecutorial policy must act in consort with judicial and correctional policy, otherwise it will come tumbling down like a pack of cards.

The judicial solutions are not keeping pace here. The correctional solutions are not keeping pace and the system is out of sync. The system is going through a substantial change and the change creates problems enough. It is necessary that the judiciary be given tools with which to follow through on the direction of the policy that the police and the Crown attorneys have already adopted. It is necessary that the correctional system be given the tools to do something constructive about this most serious problem. The federal government has acted in a very constructive way. It is time for the territorial government to act in consort. This is a most serious issue and I would recommend to all members that it is crucial to social peace in the territory and the victims of spousal abuse deserve absolutely nothing less than our full attention and our serious consideration and our support of these initiatives.

Hon. Mr. Ashley: I welcome the motion that the member opposite has put before this House concerning the serious social problem of spousal battering.

²⁵ But first, I would like to correct the record. It was stated by the member opposite, for Whitehorse South Centre, that I steadfastly refused to give information about the spousal battering study, made by a consultant for this government. That is not true. I have not said that I refuse to give information about the report; I have done just the opposite. I have advised this House as to the status of this report more than once, even though the opposition refuses to accept this fact. All they have to do is read *Hansard* to verify it. I will, again, discuss this, a little later.

I have also said that I may very well even table that report. The major reason I have not, at this time, is because it would be most inappropriate to make public a report to this government that makes statements about the federal government and private agencies before these agencies have seen, and had an opportunity to react to, the sections concerning them. I will advise the House, now, that I have every intention of tabling this report, once that of which I have just spoken has taken place.

I would also like to advise the House as to who was consulted in compiling the report. The researcher interviewed a number of individuals involved in the direct delivery of services. This included a number of territorial government employees, federal government employees and representatives of Kaushee's Place, Family Services, Crossroads, Native Courtworkers, Maryhouse, Skookum Jim's, Crisis Line and the Women's Centre.

As all members are aware, this government recently commissioned a report on spousal assault or wife battering in Yukon. I have informed all members that this study is now completed and the departments of justice, education and health and human resources are reviewing the report and discussing its contents with involved agencies.

Following this review, a Yukon government report will be prepared for the conference of ministers responsible for the Status of Women, in late May. At that meeting, the federal government will also be submitting a review, including recommendations concerning services within their jurisdiction. The federal review will include the Department of Justice, the Solicitor-General and National Health and Welfare, all of which provide services particularly relevant to the Yukon situation.

A representative from the federal Department of Justice recently attended a meeting with my officials and indicated their plans for a study, during the next year, on the effects of the recently announced policy directives to the Crown and the RCMP. We have expressed our support for such a study.

I am also aware that National Health and Welfare is currently undertaking research into the structure, models and effectiveness of Canadian treatment programs for batterers. We support this endeavour and anticipate that it will provide us with a valuable program planning tool.

Within Yukon, staff from the Department of Health and Human Resources and the federal Mental Health Services are spearheading activities to provide treatment and rehabilitation, as well as coordinated community efforts to deal with the matter of offenders and victims in the area of spousal assault.

²⁶ It is anticipated that a victims' group and a male abusers' group will begin in May. Our initiatives clearly demonstrate that this government concurs with the members opposite in the opinion that spousal battering is a wide-spread and serious problem. In supporting the development and implementation of a treatment program for spousal batterers, it may be expected that the study presently being reviewed will foster further initiatives in this area.

At this time, I am not prepared to divulge specifics of the recently completed report, as I have stated, but I will say that the development of improved statistical reporting mechanisms and the monitoring or evaluation of the interventions are likely to be addressed and receive increasing attention by the government.

Amendment proposed

Despite my support of the intent of the proposed motion, I am concerned about the second and fourth clauses of the motion as proposed. I would thus move that Motion No. 9 be amended by

substituting the expression "should be reviewed and evaluated" for the expression "are inadequate" in the second paragraph and by deleting everything following the expression "spousal batterers" in the third paragraph.

Mr. Speaker: It has been moved by the hon. Minister of Justice, that Motion No. 9 be amended by substituting the expression "should be reviewed and evaluated" with the expression "are inadequate" in the second paragraph; and by deleting everything following the expression "spousal batterers" in the third paragraph.

Is there any debate on the amendment?

Mr. Kimmerly: I appreciate the concern already expressed about the general problem and I am sure, especially, that women in the Yukon will appreciate that concern; however, what this motion does is to seriously weaken the motion before us in the original wording.

It essentially does away with the fourth part. It essentially recognizes that spousal battering is a serious problem and that we support treatment programs for spousal batterers, but it denies the support of this House for a spousal battering program in the corrections field. It denies the support of this House for a mandatory treatment for spousal battering. It, therefore, seriously weakens the original motion and we do not support this amendment.

²⁷ What it essentially does is to take away the most forceful part of the original motion. I spoke at some length about the policing policy and the Crown attorneys' policy and the lack of a response, so far, from the courts and the correctional system. If we support this amendment, we are denying the importance of that problem and we cannot do that. The changes in the judicial system already achieved will become tremendously precarious if the correctional system and the judiciary do not act in consort with the policing efforts and the efforts of the Crown prosecutors.

If we accept this amendment, we are essentially saying that the change in policing policy is okay; the change in the policy of the Crown attorneys is okay; but we are not going to do anything more than that. That is clearly inadequate and puts in jeopardy the whole modern effort to tackle the problem of spousal battering. It is unacceptable to us to delete that fourth paragraph and it is unacceptable to not recognize that the sentencing tools available to Yukon courts today are inadequate.

They are inadequate. The legislature should recognize that and put in place, at least, a statement of political will that it is our intention to do something about it.

Mrs. Joe: I too would like to oppose this amendment. I think that it is hiding the problem. I think that we all know, on this side of the House, and so do members on the other side of the House, that "inadequate" is the word that should be there. We have had meetings, we have had conversations, we have shared concerns with members of the Crown attorney's office, and with the RCMP, with the courts, and with battered persons who are affected by this. I think that for the Minister of Justice to even attempt to have this motion passed in this House is totally unbelievable. We know that those procedures are inadequate. If they were not, then we would not have this problem. I have to agree with my colleague for Whitehorse South Centre that this is just unacceptable. We cannot support it.

²⁸ **Speaker's Ruling**

Mr. Speaker: Has the hon. Minister of Justice not already spoken to the amendment?

Hon. Mr. Ashley: I have not spoken to the amendment.

Mr. Speaker: Normally, the proposing of an amendment would be deemed to be speaking to the amendment; however, I will permit the minister to speak at this time.

Mr. Penikett: On a point of order that you raised, I believe the member has spoken to the amendment. Including his speech and moving the amendment, I believe he spoke to the amendment.

Mr. Speaker: In moving the amendment, normally, the member has been deemed to have spoken to the amendment; however, I

am guided by the House.

Hon. Mr. Lang: On a point of order. My understanding was that the minister spoke to the main motion, moved an amendment and then sat down. Does it not naturally follow that he gets the opportunity to speak to the amendment, because he put his position forward to the House on the main motion, and then moved the amendment.

Mr. Speaker: Yes, perhaps, if the member had risen — the Chair had not observed the member — and, perhaps, it is the fault of the Chair, but the mover of a motion, in proposing the motion, is deemed to have spoken to it, having proposed it. If the error is mine, in the Chair, then I have committed the error and, perhaps, ought to allow the minister to speak to the amendment.

Mr. Penikett: On the point of order, I do not object to the member participating as many times as he wants to on an important subject like this. I would be very concerned that we are creating an unfortunate precedent here.

Your previous precedent, sir, and most recently, if my memory serves me correct, was in respect to budget debates, where it has been a custom for members to speak and then move amendments in the budget debate, they have been deemed in those debates, as I recall, by the Chair, to have spoken to the amendment if they move an amendment at the end of their address. They are, in fact, denied the opportunity, according to our rules, the prospect to speak twice to the amendment, as they would be concluding debate on a main motion.

It seems to me that, were you to permit a speech now, we would be creating a precedent that might be exercised by members on this side, tomorrow, during the budget debate. I think that would, in effect, create a change in our rules that I am sure, sir, you would not want to make.

Mr. Speaker: The hon. member is quite correct and, perhaps, as I say, the fault may be imputed to the Chair. I must confess that this is, in fact, the rule, as we follow them in this House.

Hon. Mr. Philipsen: I would like to make some comments, as well, on the motion put forward by the member for Whitehorse South Centre, on the subject of spousal battering.

As my colleague has indicated, the government has, for some time now, been aware of the problem and has demonstrated its concern in a number of ways, some of which my colleague has already enunciated. The report on the services to victims of spousal assault, which he refers to, will be a useful tool in determining what further services to victims of spousal assault should be made available.

Spousal assault is a fearful thing, because of the damage that it does to the family unit. Not only is the spouse physically harmed, but psychological harm may result not only to the spouse but to children in the family. The report, to which my colleague refers, demonstrates that, in terms of services available to a population of our size, the services compare quite favourably to what exists elsewhere in Canada. This is not to say that services to victims of spousal assault in Yukon could not be improved, but I point out that the effort that has been made thus far in providing services to victims in Yukon compare favourably with services elsewhere in Canada.

One particularly important service, which I am sure we are all familiar with, is the Yukon Women's Transition Home, which our government supports through funding. This home has provided shelter for battered spouses. I would like to mention that our government contributed to the support of the Conference on Family Violence, which was held here in Whitehorse in March. Over 90 individuals from 15 Yukon communities attended this conference, and I am informed that the coordinator and organizers were pleased with the results of the conference. A number of associations, or agencies, in the Yukon were involved in the sponsoring of the conference. Among those, the Yukon Law Society, the Yukon Medical Association, the Department of Justice, as well as the Skookum Jim Friendship Centre, the Department of Indian Affairs and Northern Development. I believe this is an indication that the concern about this problem is widespread among agencies that are in a position to assist in providing solutions to the problem of

violence in the family.

As my colleague has indicated, the staff of the federal mental health services and my own department are in the process of establishing a victims' group to be held in the evenings, commencing in early May. Representatives of the two departments will also be offering a group, which will meet weekly, for individuals who have been abusing their spouses. It is the intention that this group would begin during the third week of May.

I must stress that it is important that there be a coordinated community response so that the manner in which the offender is dealt with is consistent. This is, I understand, a very important factor in the treatment and handling of such cases.

I will conclude my comments by saying that I, too, support this motion generally, as put forward by the member for Whitehorse South Centre, but I concur with the amendment put forward by my colleague.

Thank you.

Mr. Penikett: On the amendment, I wish to speak briefly to the question of whether the word "inadequate" should be amended out of this motion. The word "inadequate" in the original motion refers to the sentencing tools available to the Yukon courts concerning spousal battering. The language that is proposed to be substituted is softer and suggests some uncertainty in this House on this point.

In my limited experience with these matters, I think "inadequate" cannot be deemed to be an offensive word. The last time we debated this problem, much was made of the difficulty of victims obtaining not only justice, but satisfaction, protection, and peace of mind. I was pleased, as I am sure many members of the House were, at the announcement of new instructions from the Solicitor-General to the Crown attorneys and the police in respect to these problems. As I understood it, men charged with battering were to be placed under some restraining order, a peace bond, or some other instrument that would provide their spouse with some protection until the case could be decided by the courts.

Obviously, as other members have said, for most of our history this problem has been an immensely private one. It has been partially out of sight, and to that extent it has been out of mind. It is a problem that occurs behind closed doors in, as we might have said at one time, a man's castle. That was the expression we used for the family home, for a long time in our culture.

This is not a problem exclusively for the victim, if I may say that, or the immediate victim. There are all sorts of people who suffer from this problem. Quite recently, I was contacted by an employer who was looking for help for an employee of his who was a trusted and valued employee, but had ceased to be so, or was in danger of becoming a bad employee because this person was suffering battering — not once, but frequently — from her spouse.

Mention has been made of Kaushee's House and I think that is an excellent facility. However, it has been suggested, and I remember in my last visit there, that one of the problems that everybody gets frustrated about is the problem of a victim who does not have the will or the means to leave the situation in which she is being battered. There is another problem. There are problems, too, for people who want to leave the situation but find they cannot.

If one is, for example, a woman with a job and a child and with a home to maintain, that is difficult enough, in these times, especially if one's income is not great, but it is extraordinarily difficult if one also has to put up with harassment from a violent mate. If the woman involved is trying to hold down a job, look after a child and protect a home, and the mate involved — who she may have kicked out — is continually coming around and abusing her, making threats against the child and doing damage to the home, what a lot of us had hoped was that that situation would have ended with the new instructions from the Solicitor-General.

I have very recently had experience, which indicates to me that either the Solicitor-General's instructions are not being carried or that those instructions are inadequate to deal with the problem. Right in this city, at this moment, I know of cases of people who want to get out of a battering situation and who want to straighten out their lives and

get control of their lives, in this situation, again, and are having great difficulty doing that because they have not, successfully, been able to keep the battering spouse away from their family. These are people who are willing to use the force of the law to achieve that desirable end.

I think it is also true that there are, as my colleague said, people who are loath to use the police and the courts against a member of the family; whatever they may have suffered on account of that family member. They still have sufficient affection or regard — or, in some cases, I suspect, even fear — for that person and they do not want to see him end up with a criminal record. That is why I think some method of dealing with those guilty parties, in this case, other than jail, or some method such as proposed in the last article of this clause — such as mandatory treatment — is a very desirable option.

I think I cannot contribute to this debate in terms of the background or the substance of the psychological questions surrounding this issue nearly as well as my colleague, as I have no expertise in this area. I do say to members opposite, though, that I think it is picky to argue with a word like "inadequate", with respect to the tools available to the Yukon courts, at the moment, because it is my practical experience in dealing with real human beings and real situations, today, in the Yukon Territory, that those tools are inadequate. I think it is proper that this House should say so.

³² **Hon. Mr. Pearson:** It is not picky at all, and we are dealing with a motion that should be adequate for this House, in all due respect. We are in no position, at this time, to attribute blame for the problem of spousal assault on the lack of sentencing tools available to the courts. We just do not know that that is the whole problem.

Spousal assault is a complex problem and proposed remedies or treatment for the same, range from purely social to entirely criminal ones. It must also be remembered that, as a criminal matter, sentencing falls under federal laws, and must be dealt with on a national level. Sentencing alternatives may be inadequate, as the leader of the opposition has said, but we are not now in a position to make that judgment or establish solutions.

Certainly, treatment for batterers is a necessary part of any comprehensive solution to the problem; however, until further assessment of the frequency and types of assaults and assaulters and discussion of programs contemplated, or in place, in Yukon and in other jurisdictions is completed, we cannot logically implement a specific program within the Department of Justice.

The appropriate location of a treatment program is an issue of detail that should only be determined after an assessment of goals, objectives, methods and location can be sorted out.

Finally, mandatory treatment implies common circumstances and reasons for assault. It is again premature to propose or establish mandatory treatment in advance of further knowledge regarding the causes of assault and profile of assaulters. If the court wishes to require that an individual offender receive treatment, that is an issue of sentencing options.

Thank you.

Mr. Speaker: Is there any further debate on the amendment? Division has been called. Mr. Clerk, would you kindly poll the House.

Hon. Mr. Pearson: Agree.

Hon. Mr. Lang: Agree.

Hon. Mrs. Firth: Agree.

Hon. Mr. Ashley: Agree.

Hon. Mr. Philipsen: Agree.

Hon. Mr. Tracey: Agree.

Mr. Falle: Agree.

Mrs. Nukon: Agree.

Mr. Brewster: Agree.

Mr. Penikett: Disagree.

Mr. Byblow: Disagree.

Mr. Kimmerly: Disagree.

Mr. Porter: Disagree.

Mrs. Joe: Disagree.

Mr. McDonald: Disagree.

Mr. Clerk: Mr. Speaker, the results are nine yea, six nay. Amendment agreed to

Mr. Speaker: Is there any further debate on the motion?

³³ **Mrs. Joe:** I had originally wanted to speak on the motion before it was amended, however, I will speak on the motion as it is now. I think that as a result of some of the discussions we have had right now, it is very obvious that the people who are working within the Women's Bureau in the Department of Health and Human Resources, have not really concerned themselves as much they should have in regard to this area that we are dealing with right now.

We certainly do have places like Kaushee's Place, and we have other resources that are available to them, however, I think the problem goes much deeper than that. When I questioned the Minister of Justice in regard to many women's issues over the past two years, I have not been able to get very good responses. I can only assume that, through those responses, the minister did not put a high priority on women's issues. In regard to spousal battering and in regard to the research on battered women that is taking place, at this point in time, the questions were never answered. I think that the women of the Yukon were very concerned that they know what some of those recommendations were, and that they should find out as soon as possible what we could expect sometime in the future in regard to how the government is going to deal with this problem of spousal battering.

We have many problems in the courts. We have many problems in other areas that deal with spousal battering. I think that the record of deaths by batterers is quite well known. We have statistics on that. They have happened over the years. I think that one only has to look back and remember some of those things. We also have statistics of women who have been battered for years and who have finally in the end gone around and killed the batterer. Those are very serious incidences that have occurred as a result of batterers. If we can sit in this House and say that we have to re-evaluate and review this type of thing, then I think that we are looking in the wrong direction.

One of the problems that I have seen in my time spent in the courts, is the length of time that a person has to wait before he or she finally gets to court to deal with the case. In the case of the victim, sometimes that person will have to wait for months on end. In the meantime, she has been battered over and over and over again, and does not call in the necessary people to deal with that simply because it could be that he or she does not want to involve the children. They do not want the publicity that goes along with it. ³⁴ As a matter of fact, I am very familiar with a case that is happening right now, where a charge was laid in September and the person is finally going to court in June. In that period of time, there have been many incidents of harrassment and battering, and I would say to the Minister of Justice that that is not only one case, that is one of many.

I think that there certainly has to be some kind of program in place that can deal with a batterer and the battered. I can only hope that this government is very serious — is very serious — about what it is doing and what it has said in this House today, because I do not think that we are going to have to, hopefully, wait for another three years for it to evaluate and to review the problem that we know already exists in all areas.

Mr. Speaker: The hon. member for Whitehorse South Centre, now speaking, will close debate.

Mr. Kimmerly: Although the amendment has seriously weakened this motion, we still support the motion as amended.

I wish to say, though, in response to the minister, who took issue and looked a little piqued at my comments that he has steadfastly refused to make the report on spousal battering public, he now says he will table it, at some time. The fact is, it is available, it is useful information. It was prepared, at public expense, about a public issue and it is not tabled, it is not released. I wonder what public policy reason there could be for not releasing a report like that about spousal battering?

The minister also spoke about the proposed voluntary program for batterers, which is spearheaded and organized by the federal employees at the Mental Health Unit. That is an extremely valuable initiative and I am glad the government says that it supports it, but they are not doing anything about it. That is not an initiative of this government.

I am very surprised at the minister responsible for child welfare, who does not appear to get the message that there is a connection between spousal battering and child abuse. There is a very real connection that I spoke about. This kind of program would benefit children immeasurably, especially as the children grow up. The government is refusing to recognize that the old tools that the courts have used in the past are simply inadequate today.

³⁵ The people who go through the system, and the judges themselves, know that the tools are inadequate. One day, the government will get the message and I am sorry it is not today. This government continues to attempt to flounder along, bury its head in the sand, study and evaluate, get further assessment and they do not recognize and realize that it is necessary to do something now.

The Solicitor General and the federal Minister of Justice has acted. Yukon's Minister of Justice has not acted. The women of the Yukon now know that, and that is a great tragedy.

Motion No. 9 agreed to as amended

Mr. Clerk: Item No. 2, standing in the name of Mr. McDonald.

Mr. Speaker: Is the hon. member prepared to deal with item no. 2?

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

Mr. Speaker: So ordered.

We will now proceed to Bills other than Government Bills.

BILLS OTHER THAN GOVERNMENT BILLS

Bill No. 101: Second Reading

Mr. Clerk: Second Reading, Bill No. 101, standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with item one?

Mr. Kimmerly: Yes, Mr. Speaker.

I move that Bill No. 101, *An Act to Amend the Financial Administration Act*, be now read a second time.

Mr. Speaker: It has been moved by the hon. member for Whitehorse South Centre that Bill No. 101 be now read a second time.

Mr. Kimmerly: This is a very simple little amendment. The purpose is to remove the power that the Commissioner-in-Executive-Council now has to forgive forfeitures and fines imposed by a court of law. The existing section 16 says, very clearly, that the principle of the section is that where great public inconvenience, great injustice or great hardship occurs or is likely to occur, by executive act, taxes, royalties, fees, et cetera, can be forgiven. That, as a principle, is acceptable.

³⁶ The bill goes on to say, though, that forfeitures, fines, and pecuniary penalties can also be forgiven. The amendment simply reiterates the existing section and leaves out the forfeitures and fines. Forfeitures and fines are only imposed by courts of law pursuant to acts. The principle of the bill, this amending bill, is simply that, given the separation of the executive power and the judicial power, it is inappropriate for the executive to possess the power to undo what the judiciary does in imposing forfeitures or fines. I wondered why the section was in after it came to my attention. I phoned the deputy minister about it and I asked him if he could explain why the power was there. He could not. He assumed it was there because it was in other acts, but could not see any practical importance in continuing it. I am raising this issue so that the government can clean up a little detail in the wording with a fairly major importance in principle; the principle being that the executive should not be able to forgive fines imposed by the courts.

Hon. Mr. Pearson: We on this side are going to have to oppose this amendment at second reading because we must be, as the government, opposed to the principle. I have been advised that it is

likely that the member for Whitehorse South Centre has proposed this amendment based upon a mistaken assumption about the law. While fines imposed by the courts are, indeed, penalties in the eyes of the court and the individual before the court; to the government, they are merely revenues. The function of the court in imposing the penalty is only adjudicative.

³⁷ The court has virtually no authority to commence proceedings and impose fines on its own motion, except for contempt. Similarly, under our *Constitution*, enforcement and execution are outside the sphere of judicial responsibility. Without exception, penalties under Yukon statutes are imposed only upon the request of a government, through proceedings commenced under the *Summary Convictions Act*.

Without exception, the function of the judge is to decide the issue of guilt and the amount of the penalty, if any. In this context, the *Financial Administration Act* does not affect the proceedings of the court and has no bearing on the guilt or innocence of any party. Any fine that may be imposed is a revenue to the government, to be collected or not, as the government may determine.

The provision, which the member for Whitehorse South Centre is complaining about, is common to financial administration legislation in the provinces, where, in addition, the government has also the power to grant pardons. The power to grant a remission of a fine amounts to no more than the authority to make a grant to a person in appropriate circumstances and subject to applicable statutes.

It is conceivable, given this proposed amendment, that the member for Whitehorse South Centre could be telling us next that the government ought to have no discretion to decide which of its laws to enforce, or when, and that judges should be running the jail to ensure that imprisonment is, in fact, punishment. That is where that principle could end. As a consequence of that, we have no alternative but to not support the principle of the bill.

Mr. Penikett: I must say that I am somewhat disappointed that the government is going to defeat this so early in the deliberations. I was rather looking forward to going to committee with this bill, where I had a number of what would, no doubt, have been entertaining questions about the circumstances under which the government might want to forgive people their fines and give them their penalties, and which people they were and when and how.

Having heard the government leader make the points that he has made about forgiveness of fines being grants of public revenue and that they would only be done under the authority that the government provided, I would assume, then, that not only would we see such orders-in-council as may be required entered in the *Yukon Gazette*, but, since they were grants of public funds, we would eventually see them somewhere in the supplements, in the budget and in the public accounts, and in the audited statements, the government leader indicates.

I am sure we would all be appalled at the prospect of, some year, seeing a great list of people whose fines had been forgiven in the public accounts. I take it that that is not going to happen; however, in speaking to this bill, I must express my regret at not having had the opportunity to put these questions that I would have loved to put to the government leader about this proposal.

Motion defeated

Mr. Speaker: May I have your further pleasure?

³⁸ **Hon. Mr. Lang:** I would move that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call Committee of the Whole to order. We will now recess until 4:10, at which time we will continue with general debate on *The Children's Act*.

Recess

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

Bill No. 19: *The Children's Act* — continued

Hon. Mr. Philipsen: I think I would like to clear up a few things. As I mentioned the other day, some statistics were read from a book by Patrick Johnson. As I said at that time, there sometimes are other statistics that become available and there are ways of reading them and there can be more input into these numbers. I said at the time that, without having any firm statistics in front of me, that I thought that the statistics being quoted would probably be lower at the present time. The debate we are talking about was during general debate on *The Children's Act* on April 16, page 281 of the *Hansard*. The member for Whitehorse South Centre gave the statistics from the book, as I mentioned, by Patrick Johnson.

³⁰ Published by the Canadian Council on Social Development, the book was entitled, "Native Children and the Child Welfare System".

The member for Whitehorse South Centre read correctly from the book the percentages of all children in care in Yukon who were status Indians, at a particular day in each year, that day being March 31st for each year in question. The figures were for the years 1976-77 through 1980-81.

The member for Whitehorse South Centre then went on to suggest that, in terms of status Indian children in care, as a percentage of all status Indian children in jurisdictions, the Yukon figure is the worst regional figure in the country, at 7.7 percent. The member for Whitehorse South Centre then went on to say that "it is interesting that, in the Northwest Territories, the figure was 1.8 percent; in Alberta, it is high; and, in the eastern and Atlantic regions, it is very low".

The member for Whitehorse South Centre then went to talk about national figures related to the adoption of status Indian children by non-Indian families. Although the member for Whitehorse South Centre stated that he was not aware of Yukon figures, the way they were then presented suggests that everywhere, including Yukon, there are a lot of status Indian children being adopted and they are being adopted by non-Indian families.

I would like to, at this time, present some of the facts. There is a clear and undesirable over-representation of status Indian children in care. The numbers and percentages of status Indian children in care have, however, been dropping consistently over the past 13 or more years. There are fluctuations in the numbers of children in care, whether status Indian or other, by the use of statistical figures if you choose the number of children in care as of a given date in a year.

⁴¹ It is much better to look at the total number of children served in any period of time. In the more current figures given below that show an even clearer picture of the number of status Indian children being served, it is important to note that for the numbers of children who are in care at any given point, some of those are wards of the provinces or the Northwest Territories, for whom we are providing supervision, legally, while they live in Yukon. Some are voluntary non-ward care agreements signed between the director and the parent to assist the parent, temporarily, in cases where they may not be able to provide at that point for the child. Others are temporary wards, or permanent wards of the government.

There has been an historical inheritance from a number of years ago, a large number of permanent wards who are Indian. The number and percentage of children in care, who are in this category, diminishes yearly as those children reach maturity and become independent.

For some reason, the year chosen by the author to compare Canadian jurisdictions in relation to percentages of status Indian children in care is also the year from among those for which data was provided that had the highest percentages on the particular date of status Indian children in care out of all the children who were in care.

It is important to note that Mr. Johnson has been, in a sense, comparing different data, in that some provinces have given

estimates, others have given figures as of different dates in a year and, in at least one case, figures provided for jurisdiction, the Northwest Territories do not agree between the two different tables and the book.

⁴¹ There have been very few status Indian children available for adoption during the past several years. There are virtually no babies or infants available for adoption through the department. Where older Indian children are available for adoption, efforts are made to place those children with an Indian family in Yukon. Recent public advertisements and discussions with Indian organizations and bands to recruit prospective adoptive families from the Indian community, reflect the intention of the department.

An Indian staff is responsible for these recruitment efforts. We are very open to approaches, inquiries and applications from Indian people in Yukon to provide both foster and adoptive care to Indian children. For children desiring and requiring a permanent home and family, it does become a problem when there are no Indian homes willing or available to care for those particular children.

The decreasing number and percentage of status Indians in care continues. The following are statistics pulled together this week that indicate a significant and continuing decline in the number and percentage of children in care who are status Indian. They are presented on a monthly basis for the first ten months of the past fiscal year. They are the only statistics available at this point and are listed as those children in care on the final day of the month.

As of April, 1983, the total number of children in care was 154. The number of status Indian children in care was 65. The percentage of children in care who are status Indian is 42.2 percent.

⁴² In May, 1983, the number of children in care totalled 147; the number of status Indian children in care, 65; the percentage of children in care who are status Indian, 43.5 percent.

In June, 1983, the total number of children in care was 147; the number of status Indian children in care, 68; the percentage of children in care who are status Indian, 46.3 percent.

In July, 1983, the total number of children in care was 139; the number of status Indian children in care, 68; the percentage of children in care who are status Indian, 48.9 percent.

In August, 1983, the total number of children in care was 137; the number of status Indian children in care, 76; the percentage of children in care who are status Indian, 55.5 percent.

In September, 1983, the total number of children in care was 158; the number of status Indian children in care, 78; the percentage of children in care who are status Indian, 49.4 percent.

In October, 1983, the total number of children in care was 138; the number of status Indian children in care, 74; the percentage of children in care who are status Indian, 53.6 percent.

In November, 1983, the total number of children in care was 130; the number of status Indian children in care, 71; the percentage of children in care who are status Indian, 54.6 percent.

In December, 1983, the total number of children in care was 127; the number of status Indian children in care, 68; the percentage of children in care who are status Indian, 53.5 percent.

In January, 1984, the total number of children in care was 126; the number of status Indian children in care, 67; the percentage of children in care who are status Indian, 53.2 percent.

That average is 50.1 percent.

⁴³ On a month-by-month basis during these 10 months in question, the percentage of children in care who were status Indian has ranged from 42.2 percent to 55.5 percent. The average of 50.1 percent is a significant drop from that of the final day of the last year reported by Mr. Johnson, which was 61.2 percent.

A more complete and telling figure is that of the total number of children served during the period of time in question. A total caseload of 338 children were in care for one reason or another during the 10 months in question. There had been 135 children in care as of April 1, 1983. Through the period until January 1, 1984, 203 other children were involved in care of the department, thereby resulting in the total individual children in care figure of 338.

During that same 10 month period, there were 121 individual status Indian children in care at one point or another. This figure is the result of 58 new admissions to care along with 63 status Indian children who were in care as of April 1, 1983. When you look at

this figure, it results in a percentage of 35.8 percent of the children who were dealt with by this department during that 10 month period who were status Indian. Although this figure is still overly representative of the percentage of status Indian children in the total population, it is significantly different from the figures of previous years that were based on a given day in a year and open to significant fluctuations and changes.

4 Those fluctuations are seen even in the month-to-month statistics provided above for status Indian children in care, and for all children in care.

The question may be asked: why is there a discrepancy between the total percentage of 35.8 percent of children dealt with being status Indian and the average figure, as of the final day of each month for those same 10 months, of 50.1 percent of the total numbers of children in care being status Indian.

The activity figure reflecting all children, at any point during the 10 months in care, is significantly lower than the end-of-the-month percentages, due to the continuing presence of a significant, but decreasing number, of long term permanent wards who are status Indian.

There are a number of children in care who are 16 and 17 years of age at this point and who will be moving towards independence in the next year or two. This will ultimately bring the two figures together.

As the percentage of the cases dealt with by the department that relate to physical and sexual abuse of children increases, it is anticipated that the growing percentage of children in care who are not of native ancestry will, in fact, grow bigger, thereby pushing down even further, percentages of children in care who are of Indian ancestry.

4 Mr. McDonald: If the minister does not mind, I am going to veer off the subject that he just addressed and bring up one of my own.

The minister will recall, while in Mayo at a public meeting, that a problem with the act was suggested by a constituent of mine, which the minister and his deputy minister said that they did not understand completely, at the time, and that they would review the act with a view to seeing whether or not they could reach some satisfactory conclusion to the problem. I will just go over the problem, once again, and perhaps the minister would like to comment on the remarks made.

I hope, in case my constituent reads the debates, that I can state this problem as clearly, as concisely and as honestly as possible. The problem that the constituent addressed is one that has to do with rights of a natural father or a natural parent after custody is given to the other parent.

Let me just, by way of illustration, provide an example: a husband and wife have a child and separate, then divorce, and custody is given over, for the sake of argument, to the mother. The mother, for reasons of her own, decides that she will assign custody, under a section in the act, to a new father; a new partner. She, according to the act, may assign custody to a new partner for as long as she may wish and even beyond her natural life, providing that she states such in a valid will.

Now, when she assigns her rights over to the new father — the new parent — she may be doing so even while the natural father has a stable home life and even while the natural father may make a claim on the children.

46 Having said that, I would like to get the minister's reaction to that problem to see whether or not he feels that the problem is addressed in the act.

Hon. Mr. Philipsen: I do recall the discussion and I do recall that it was a thorny issue and it was, I do believe, and I am sorry that I cannot be more precise. I do believe we have addressed the issue in the legislation that is before us.

If the member for Mayo will give me the opportunity to take this question under advisement, I will seek to get an answer for him at the soonest opportunity and return with the answer to the question. It would seem to me that in the manner the question was raised, that taking the matter before a court, a judge in a court would be the ultimate authority on a matter as specific as this, where two individuals were claiming a right to a child and both were

expressing that interest as a concerned parent. I am sure that the court would then be left with making the determination as to whose parental rights would be the strongest at that point in time, keeping in mind the best interest of the child.

Mr. McDonald: I am sure that the judge, if he were given the opportunity, would rule in favour of the best interests of the child. I hope that would be the case. I think the point that the constituent was trying to make was that in a case such as this, where there is a custody battle between the natural father and a new father, and where the home lives were equivalent in terms of support, et cetera, that the natural father be given more rights than the new father, or the new spouse.

My reading of the act prior to the most recent changes and my reading of the act as it sits before me on my desk this afternoon, suggests to me that this particular point is still left very ambivalent. The relevant sections in Division 2, dealing with custody and access, still suggest quite explicitly that the rights of a person that are given up to a new parent would take precedence over the lesser rights in the initial custody battle that are enjoyed by a natural father.

47 In this particular case, the natural father has an obligation to support the child, and he must provide monthly payments to the mother, even though the mother is now married with a new husband. At the same time, she can assign her rights, which are considerably greater, obviously, than the natural father's, to the new father so that the new father, except in some instances referred to in certain sections of the act, has the equivalent rights as the mother and, therefore, are much greater than that of the natural father.

As I said before, this can extend past the mother's death. It is quite explicit in the act. This causes great concern for those natural fathers who have very strong emotional feelings for their children.

My understanding of the act is, obviously, in comparison to the minister's understanding, much less adequate. Nevertheless, I have read the relevant parts over and over again, and it seems, from a layman's point of view, that the question is actually rather clear. The minister did promise to review this after the meeting in Mayo and I am hoping we can get some resolution of this before we get very deeply into this act, in terms of a clause-by-clause debate, because I would hate to have to return to a constituent to say that after five days of general debate and numerous days following that to go through this act clause-by-clause, we had not even really given this problem any sort of serious attention.

Hon. Mr. Philipsen: I will take upon myself the undertaking to ensure that the member for Mayo is not put in the position where he would have to go back and tell the constituent in Mayo that he had not found a solution to the problem that is before us.

I may clear it up a little bit by saying that the issue that would be put forward at that point in time would be an issue where two individuals, considering the situation as the member for Mayo has expressed it, the mother and father, have separated and there is a child. If the court makes the decision that the child will go with the mother and the mother makes a decision that she wishes to give custody or guardianship to another individual, she can only decide on her behalf. She cannot make that decision on behalf of the father in that instance.

At that point, if a battle came up over the custody of the child, the court would make the decision as to the father's rights, or the new father's rights, bearing in mind the original decision that was made to give the child to the mother instead of the father.

48 I know that sounds like a roundabout way of trying to explain the problem, but I will be more explicit and I make this undertaking that, before general debate is finished, I will come back with a specific answer and I will try and phrase it in a more appropriate manner to the member for Mayo.

Mr. McDonald: I thank the minister for his undertaking. I would just like to say, for the record, so that the minister's assistants can understand my position clearly, the act does say that the spouse with custody — in this case, say, the mother with custody — may assign her rights only — may not assign any other rights, but may assign her rights — to a new parent. Those new rights may include 90 percent custody and may include a variety of

things, which the new father will not be in a position to enjoy.

It would seem to me, from a layman's point of view, that a judge reviewing this act would have to take into account, for example, a particular clause in the act, clause 33, which was referred to in the case of custom custody, or custom adoption, and which, quite clearly, delineates the power of even a deceased mother, in this case; that she would have the rights to assign her rights, as accorded in the first custody decision made by a court. This could carry on well past her natural life, as I said before. That is, essentially, the concern of the constituent.

Hon. Mr. Philipson: I would like to assure the member for Mayo that there is nothing in this act that would disallow the other parent from going to a court for relief of his problem, in that regard.

Mr. McDonald: That is true, of course. There are provisions in the act that do stipulate that.

However, the court will be deciding rights on the basis of this act. Obviously, there is the one fundamental principle, which is the best interests of the child, but there is also the very specific language in this act that deals with the person with original custody, or with that person's right to assign custody; that is rather specifically stated in the act.

So, I am not sure, other things being equal — the home life, the support for the child being equal — in both the new father's home and the natural father's home, it seems to me, with the explicit language in this act, that the rights are heavily weighted in favour of the new parent, the parent to whom the rights have been assigned by the person who first had custody of the child, or a major portion of custody of the child.

Hon. Mr. Philipson: Far be it from me to second guess what a court would do in a situation of that type.

Mr. McDonald: Well, we can only presume that the court will do what we suggest it will do explicitly in this act. To the extent that we tell the court what to do in the act, we can assume that we can second guess, to use the minister's language, what may happen once the case hits the courts. If we set down the guidelines, surely we can second guess what may happen.

Hon. Mr. Philipson: I have told the member for Mayo that I do not have the information readily available, or that I can produce it as quickly as he wishes. I have given the member for Mayo an undertaking that I will come back with the precise wording. We can continue debating on this matter, but until I get that information, we are not going to get a complete answer. I am sorry.

Mr. Kimmerly: I want to ask one question about the minister's opening speech and then get into a new area; that is, diversion. There is a section on diversion in the bill. The minister quoted a number of statistics. I have two questions — I am sorry I promised one, but I will ask two. He gave the statistics in a different way from the way the statistics were quoted in Patrick Johnson's book. I am wondering if the statistics were collected on a month-to-month basis, as is obviously the case presently. If they were collected that way, or are available that way, for the last year quoted by Mr. Johnson — which I believe was 1981, it is not in front of me now, but I believe it was 1981 — I wonder if the statistical method was consistent in the 1981 year and in the last immediately preceding 12 months, and if those figures would compare. I wonder if the minister is aware of that information or if it is readily available or not?

Hon. Mr. Philipson: I do not believe that that information is easily available. The last year that I have that information for in front of me, was 1979-80. The reason I tried to get the statistics as quickly as possible for the area that we have been able to get statistics for, was so that we would not leave the impression that the statistics showed that there was an increase. Rather, as the statistics do show, there is a decrease. I will ask the department if there is any way that we can get statistics as far back as 1979-80, but I rather doubt it.

Mr. Kimmerly: The reason why I asked the question, of course, is that if the same statistical methods were used in the last year of the Johnson statistics, and if it came out to be 60 percent or so, which I would expect, then it is even more forceful information to support the minister's argument that the problem is decreasing.

Without it, you are comparing statistics that were arrived at by different methods and there may be some problem in doing that.

The minister made a statement and I wrote it down. He was talking about adoption and adopting Indian children into Indian adoptive families. He used the phrase, I believe if I heard correctly, "where older children are placed for adoption".

The minister has indicated that that is not what he said. I will check *Hansard*. I am not questioning that, but that nullifies my question. If there is a problem after I check it, I will come back to it.

The area that I wish to get into is the diversion area, and it is a complex area, but we can introduce it today. I am perfectly aware of the *Young Offenders Act*, which is now in force, and it invites diversion. Diversion is not a concept that is well understood in the population, I believe. It is certainly well understood by the Diversion Committee and people involved in the system, but it is not a normally understood term.

Diversion has meant different things to different people and, as the minister is undoubtedly aware, there is fairly substantial literature now in the correctional field concerning the effect of diversion and the usefulness of diversion.

I am aware it is certainly less well known that the NDP justice critic, federally, has criticized some kinds of diversion as a concept or as a principle. The basic reason for that is, as the argument basically goes, is that diversion is developing into — or, practically speaking, as the experiments across the country have occurred — a different level of court. Practically speaking, when we are diverting, we are putting a child through a different, but an analogous, system, and it is not really diversion, it is just changing the system.

When, going through this bill, or the provisions about diversion here, I was very interested in the constitution of the committee and the direction as to the activity of the committee. I am questioning the philosophy of the intent of the bill, as it may compare with the philosophy or the principle of the present diversion committee, which is well established in Whitehorse, and the principle of the *Young Offenders Act*, which calls for a diversion committee.

It is clear that those three things are generally about the same principles and philosophy, but there are some differences in each of them. Would the minister comment on what the policy of the government is, or on the principle that is fundamental to the diversion committee that the government wishes to establish in the particular sections of this bill about diversion?

Hon. Mr. Philipson: Before we go on to diversion, for the record and for the member for Whitehorse South Centre, the wording that I said on adoption was "where older Indian children are available for adoption all efforts are made to place those children with an Indian family in Yukon." I hope that clears up the matter. I hope it is consistent with what he will be reading tomorrow in *Hansard*.

I believe we have moved our debate on to the diversion committee. The diversion committee is an attempt to keep young people who have come into problems with the law out of the court system, if it is at all possible, by an alternative measure; that measure being the diversion committee. A child may have done something wrong. The diversion committee may feel it has the ability to show the child that he has done something wrong. If the child, or the family, or the committee agree that diversion may help the child and keep the child out of further trouble without bringing the child before the court system, then the diversion committee would come into play.

The policy behind this would be to keep young children out of the court system, if at all possible, and have interested individuals who are concerned with the welfare of children in our community and in society, who have the ability and the expertise to work with these children, put in a position where they could take a child and have the child do community work for a number of hours under supervision, or like work of some sort, and to show him the error of his ways, and hopefully to keep the child from having to be shown that error of his ways by the court system. I believe that that would speak to the intent of the diversion committee as I see it structured.

Mr. Kimmerly: The minister knows the intent of this specific

question. I am asking it primarily to put it on the record and to publicize the diversion philosophy or the diversion effort. One could think about the choice of going before a judge in court, or going before a diversion committee, which is a panel or group of people who are essentially acting as the court or a substitute for the court. Is the philosophy that a child should go before a committee or go before a panel? Or is the philosophy that that is not necessarily so, or that it could be that the child actually only sees one or two people in a counselling session and never actually makes an appearance, as you would make an appearance in a court?

Hon. Mr. Philipson: The Diversion Committee that functions now has taken its committee and the resource people it has available to it and has separated them into different functions in diversion. That committee, which is functioning as a Diversion Committee, looks at the individual case and decides whether it feels that it can help a child in diversion. It has to agree, the child has to agree and the parents have to agree. The magnitude of the crime, if you will, that brings the child before the committee has to be such that it is possible that you are able to go before a Diversion Committee, rather than go before the courts and a judge, if the charges were of an extremely serious nature.

Mr. Kimmerly: Would the child actually attend the committee meeting, or not?

Hon. Mr. Philipson: It is my understanding that once a child has been identified as someone in need of diversion, a member of the Diversion Committee would go to the home of the child, discuss the problem with the child and the family to find out if all members would agree that diversion could be the way to handle it. If any of the individuals who is part of this play, if you will, disagrees with diversion, then the child would have to go through the natural process, which would be going, in some instances, to court.

Mr. Kimmerly: When diversion was first spoken about as a process or experiment in the criminal justice area, it was very clear that the Diversion Committee members were citizens, or were volunteers. Part of the concept was to involve lay people and community members. In this bill, it is unclear to me as to what the principle is, because there is mention of fees and payment. There is mention of certain people representing official agencies, the government being one of the board.

I am wondering, without getting into the specific members of the board, what the principle is concerning the make-up of the Diversion Committee in this bill?

Hon. Mr. Philipson: The make-up of the present diversion committee is a make-up that I, certainly, see no fault in. The people who are showing the interest, presently, are, as the member for Whitehorse South Centre says, made up of laymen and others. To my way of thinking, there is absolutely nothing the matter with the diversion committee that is presently functioning as a diversion committee outside this piece of legislation that is presently before us. The members on it and the job they are doing should be nothing but complimented.

Mr. Kimmerly: Just to clarify that answer, is it accurate to say, then, in light of that answer, that it is the government policy or principle that the diversion committee represents citizens and laypeople and that it does not represent public officials or public interests in an official way?

Hon. Mr. Philipson: Now, I do know of public officials who are on the diversion committee, but they are not functioning as public officials while they are on the committee; they are functioning as interested members of society trying to help with the problem that society has.

Mr. Kimmerly: I am aware of that, of course, and the question really is: if the diversion committee is operating well, now — which I do not argue with at all, I think it is and I agree with the comments made about the present diversion committee — it appears to me that the most defensible policy is to simply continue it.

The way the bill is written, it appears to me that there are people on it because of their office or their official function, as opposed to their involvement in the community, generally. There appears to be a change, if you constitute the committee from personnel who occupy official functions. That could be perceived as a contradiction and I would ask for a comment on that principle.

Hon. Mr. Philipson: We are getting into an area that, I believe, we could probably discuss at greater length as we go through clause-by-clause debate. I believe the area we are discussing is that there is a diversion council, as well as a diversion committee. A diversion council is a council that we need to have to comply with the *Young Offenders Act*. The diversion committee is something that can work under the diversion council. I believe it may be one and the same, but that is the way this is written.

Mr. Kimmerly: I will ask about the Diversion Council, and the functions of the Diversion Council, to either the minister introducing the bill or the Minister of Justice.

The functions of the Diversion Council are very interesting, of course, or what functions there would be. What are the funding implications of the activities of the Diversion Council, not in a specific dollar sense, but in a general sense? Is it going to involve staff, or federal funding, or what is it?

Hon. Mr. Philipson: Anything that we have to deal with that is brought on to us by the implementation of the *Young Offenders Act* would be cost-shared.

Mr. Kimmerly: I am aware of that, but I will ask the questions: if the diversion part of the bill is passed, in fact, what, in a very general sense, are the funding and personnel changes that would occur relating to the Diversion Council?

Hon. Mr. Philipson: The members who may be appointed or who may do the appointing, the quorum, the ability for the Commissioner-in-Executive-Council to make regulations respecting the fees and the expenses are all in clauses in the legislation before us. It would be my understanding that we could discuss each of those items in clause-by-clause debate, because they are specifically set out in the clauses now.

Mr. Chairman: I would prefer, Mr. Kimmerly, if possible, that when we get to clause-by-clause, you could use some of that, so that we do not get into another bottleneck. If not, proceed.

Mr. Kimmerly: There are certainly questions that are properly asked in the clause-by-clause stage, but I am asking what will be the policy after this is passed, if it is passed? Will there be a permanent staff? The functions are very wide-reaching into research, into establishing diversion committees in other communities and administering the diversion set up, and generally evaluating the performance of diversion committees. Is it contemplated that we are looking at a department within the Department of Justice, or one person-year, or no additional staff at all? It is a very general question about all of the functions of the council.

Hon. Mr. Philipson: It is my understanding that there is a possibility that there could be some permanent people, but as would be as specified in the legislation that we have before us.

Mr. Kimmerly: I will try to describe my understanding and ask the minister if I am right or not. Is he essentially saying that there are no specific or immediate plans for new staffing or no specific budgets but it could well be that under these sections there will be civil service personnel added over time to supervise these particular principles?

Hon. Mr. Philipson: As I understand it, they would be permanent appointments but they would not necessarily be permanent man-years. That would have to be decided on the workload over time, as the member for Whitehorse South Centre said. If it was found that it was necessary to increase the man-years, then we would have to look at that at that particular point in time.

Mr. Kimmerly: Is the present plan, after the passage of the section, to appoint the present Whitehorse diversion committee?

Hon. Mr. Philipson: That is a matter that is to be decided by Cabinet and I cannot stand before this House and make a decision in this House. It has to go before Cabinet. When Cabinet makes that decision I will be happy to announce the names of the people who will be on that committee.

Mrs. Joe: As a present member of the diversion committee that we have right now, I am very concerned about what this act is going to do in regard to diversion. I understand that the minister is very aware of what the functions of the diversion committee are and what the subcommittees do. I have to mention here that the committee, made up of a large number of people from across the territory or from around Whitehorse, have put in a lot of long hours;

a lot of time. They have done a lot of research and have been able to come forward with many good plans on how to operate this committee. I would be a little bit concerned about the manner in which the diversion council was struck. I would like to let the minister know that diversion committee members who are fulfilling those duties right now are very concerned that they may not have some of the existing members on the diversion council. We have a number of members on diversion committees who have worked in that area — they may not have had the name of a diversion committee; but may have been called something else, a tribal council of justice or something — who should be considered very seriously when Cabinet is appointing these people.

⁵⁷ We have seen what has happened to appointments, in the past, and how they were done. Sometimes, people who are not that involved in some of the different programs and boards are appointed to boards where other people are much more qualified. However, in something as important as this and because the people who are on the existing committee, right now, have worked so hard, I would certainly hope that there would be serious consideration given when those appointments are made, if, in fact, this bill is ever passed in this House.

Hon. Mr. Philipson: I suppose I could take issue with a couple of items mentioned by the member opposite, but I will not. I am going to attempt to keep the level of the debate on this piece of legislation on a relatively stable plain.

If I were to stand here and say I would guarantee certain individuals would go on the diversion council, it would be a hollow — indeed, very hollow — assurance. I will, however, seek the collective wisdom of the individuals who are presently on the diversion committee for their advice on people who should go on the diversion council.

The offhand remarks about the way boards have gone in the past does not help any, in an issue of this nature. The names that are brought forward by the people who are presently involved in diversion work and other people who are involved with the welfare of children, will all be considered, and I would like to assure the members opposite that Cabinet will make choices for the people who go on that committee, by their experience and the recommendations of people who are presently on those committees and involved in those areas.

However, I would like to say, for the record, that there may be people in the Yukon Territory, at the present time, who are as deeply concerned about diversion as people who are now on the council, and there is no way that those names should not be given consideration at the time of these appointments.

Mrs. Joe: I have no doubt in my mind that there are other individuals in Yukon who are very concerned about this diversion committee and what it can possibly do.

I do not want to get into clause-by-clause, but I would like to ask a couple of questions with regard to the functions of the council, at this time. I note that the functions of the diversion council include some of the things that were being done right now by the RCMP or by the courts, in terms of who goes on the diversion committee.

In some cases, before going into the court, the RCMP member laying the charge may direct it right to the diversion council or committee; in other cases, it would get to the court and the court and other people concerned would decide that that person was a person who could go to a diversion committee. In the case of this new structure here, the diversion council is one of the areas that they will get into. I am just wondering about the structure of the Diversion Council. Hopefully those knowledgeable people will be on it to make those decisions and make policies or regulations, or whatever.

⁵⁸ **Hon. Mr. Philipson:** I believe I have answered the question as to the structure of the Diversion Council. Although I am loathe to do it, if the member for Whitehorse North Centre would turn to page 67 section 113(3), the functions are very specific and spelled out from (a) to (g). I would not think that I would need to read it in general debate in this House. As an aside, I would be interested in why the comment "if this bill will ever be passed" was made in this House.

Mrs. Joe: I do not have page 67 here, which is the reason why I

asked the minister. I just wanted some clarification and I wanted to make some comments. I had read them very carefully many times and that is the reason why I asked the minister the questions I did ask.

Hon. Mr. Philipson: For a person who has read them from one end to the other, and then stood up and asked, "What will the function of the Diversion Council be", I am a little surprised, because they are specifically spelled out in this legislation on that page.

Mrs. Joe: I am sorry. I did not really want to get into this kind of a debate. I did not ask him what the functions were. I asked him about the functions that were in here already. It was just a concern that I had in regard to the Diversion Council that was going to be doing this, because the people who were providing that function before were the judge or the RCMP. It was just some information that I wanted. I did not ask him what the functions were, because I had already read what they were. It was just another way that it was going to be done through different people, and I had hoped that there were knowledgeable people on the council who were able to make policy regarding this type of thing.

Hon. Mr. Philipson: After this lengthy debate, I hope the member for Whitehorse North Centre is now assured.

Mr. Kimmerly: There is only a moment left. I am aware of a particular problem presently. It is my understanding, and my information may be about a week old, that the present territorial court judges were not appointed as youth court judges, or not yet appointed. It relates to diversion, tangentially, I suppose.

I would ask the Minister of Justice if the present territorial court judges are, or are expected to be, appointed youth court judges under the federal legislation?

⁵⁹ **Hon. Mr. Ashley:** I think I will take that question under advisement. It is in process right now and I would have to check it exactly. I would rather read it in *Hansard* and make sure I have the proper answer.

Mr. Kimmerly: I thank the minister for that. Specifically about diversion, but still about the transition stage, there is presently, of course, no legally constituted diversion committee under the *Young Offenders Act*. Diversion is going on, I understand, today and yesterday. Is that diversion entirely of an informal or a non-legally sanctioned method, or is there some order-in-council or something that is not widely publicized?

Hon. Mr. Philipson: I am sorry, I cannot answer this question accurately, but I do not believe there is an order-in-council for the diversion committee. I believe the diversion committee is a committee that was formed after consultation between a judge in Yukon and a number of individuals who are concerned with children going into the court system, when there may have been an alternative. I believe it has grown from that. I believe the diversion committee is strong and active and functioning well in Whitehorse and in probably two other areas in the territory outside of Whitehorse.

I believe that when this particular judge goes to other areas of Yukon and meets with other individuals who feel the same way about children and the need to try to keep them out of the court, if possible. They, at that time, set up other diversion committees similar in manner to that presently being employed in Whitehorse, at the present time. After this becomes law — I am much more optimistic than the member for Whitehorse North Centre — then it will function as it is placed in this piece of legislation.

Mr. Chairman: Order please. Being 5:30 we shall recess until 7:30.

Recess

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

Hon. Mr. Philipson: I would move that you report progress on Bill No. 19.

Motion agreed to

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

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Brewster: Committee of the Whole has considered Bill No. 19, *The Children's Act*, and directed me to report progress on same.

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

Some hon. members: Agreed.

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Pearson: I would like to ask unanimous consent of the House to revert to Daily Routine for the purpose of introducing legislation relating to the 1984-85 budget.

Mr. Speaker: Does the hon. government leader have unanimous consent?

Some hon. members: Agreed.

DAILY ROUTINE

GOVERNMENT BILLS

Bill No. 12: First Reading

Hon. Mr. Pearson: I move introduction and first reading of Bill No. 12, *Second Appropriation Act, 1984-85*.

Mr. Speaker: It has been moved by the hon. government leader that a bill, entitled *Second Appropriation Act, 1984-85*, be now introduced and read a first time.

Motion agreed to

BUDGET SPEECH

Bill No. 12: Second Reading

Mr. Clerk: Bill No. 12, second reading, standing in the name of the hon. Mr. Pearson.

Hon. Mr. Pearson: I move that Bill No. 12, *Second Appropriation Act, 1984-85*, be now read a second time.

Mr. Speaker: It has been moved by the hon. government leader that Bill No. 12 be now read a second time.

Hon. Mr. Pearson: Mr. Speaker and hon. members, I am pleased to introduce today the Operation and Maintenance Budget of the Yukon government for the fiscal year 1984-85. This budget is designed in response to the fiscal and economic challenges that will confront Yukoners over the coming year.

Although the recession has severely interrupted the momentum of economic development in Yukon, recent national and regional indicators confirm that, during the past few months, the economy has passed the lowest point of decline and is now entering a stage of gradual recovery. Nationally, the inflation rate has fallen from 10.8 percent, in 1982, to an average of 5.8 percent for 1983, and is predicted to continue this decline to slightly less than five percent over the coming year.

Food prices in 1983 increased by 3.7 percent, a moderate increase compared with the 7.2 percent rise in 1982 and 11.4 percent in 1981. The rate of increase in energy prices has also slowed from an average of 19.8 percent in 1982 to about half this rate in 1983.

Negotiated wage settlements, without cost of living adjustments, fell from an average of 10 percent in 1982, to about six percent in 1983. In Yukon, the Consumer Price Index has fallen rapidly to a level slightly below the national average of two months ago.

One of the most unfortunate aspects of the recession has been the escalation of unemployment. At the end of 1982, the unemployment rate for Canada, as a whole, had reached a post-war record high of 12.8 percent. It declined slightly to less than 12 percent last year and is expected to record a minor decline, again, by 1985, but it is evident, from recent experience in Yukon, that the current situation will only be alleviated through our own initiatives and efforts.

¹⁰¹ During 1983, the unemployment rate in Yukon averaged 14.1 percent, compared with the national average of 11.9 percent. In comparison with the December, 1983 national figure of 11.1 percent, the Yukon rate remains high at 16.1 percent. These statistics will improve, however, with the onset of our tourism,

placer mining, and mineral exploration seasons.

While Yukon did experience a drop in population, it was not as drastic a decline as earlier predictions suggested and has, in fact, begun to rise from the eight-year low recorded last August. Yukon's population peaked two years ago at 26,625. Today it is about 3,250 below that historic high, although recovery is taking place. The principle causes of the somewhat renewed confidence and economic activity in Yukon have come about as a result of initiatives in both the public and private sectors.

The partial reopening of the United Keno Hill Mine and an increase in tourism were in the forefront of this activity. The reopening of United Keno Hill, coupled with a productive placer mining industry and an eight percent increase in the number of tourists visiting Yukon, produced an increase in retail trade of 12.5 percent in the fourth quarter of 1983 over the same period in 1982. This represents an increase in real terms of six to seven percent, which is the first significant increase in almost two and one-half years.

In the public sector, the Government of Yukon, in the fall of 1983, initiated a \$10,000,000 O&M and Capital Works recovery program, which created approximately 1,300 jobs and over 16,000 person-weeks of employment. This program was designed to create maximum employment opportunities throughout Yukon and provide assistance in the development of community infrastructures, which would be of lasting benefit to community residents.

¹⁰² While this program provided only short term employment, it afforded a much-needed stimulus for local employment at a time of year when such opportunities are at a traditional low level.

In addition, the Cyprus Anvil recovery program, sponsored by Dome Petroleum and the federal and Yukon governments, will see the eventual injection of some \$50,000,000 by the end of this year into a major overburden stripping program that has created 244 jobs.

The government's contribution to the economic recovery is clearly illustrated by the sharp increase in building activity within Yukon. For 1983, there were \$8,354,000 worth of building permits issued in Whitehorse, compared with \$2,927,000 for 1982, nearly a 300 percent increase in one year.

Although it is evident that Yukon's economy is gradually on the mend, it is also clear that it is not functioning at the higher levels of activity comparable to those that prevailed immediately prior to 1982. It is the view of the Yukon government that over the immediate future, the joint efforts of both the public and private sectors are essential to continuing progress towards permanent stability. In the long run, however, governments by themselves, cannot generate full employment and lasting economic growth.

The government has a responsibility to create an attractive environment for investment. We can provide training and we can stimulate employment by investing in public infrastructure, but government can never be an effective substitute for the initiatives and competitive skills of the business community.

The operation and maintenance estimates for 1984-85, which I am introducing today, amount to a total of \$148,214,000. This represents an increase over the main estimates for 1983-84 of 12.8 percent.

¹⁰³ During the past year, the transfer payments were increased to enable us to improve services in Yukon to a level comparable with neighbouring jurisdictions, which accounts for a sizable proportion of the increase in this year's budget. We believe very firmly that Yukoners should be first class citizens and, while our constitution endeavours in that regard may be fraught with difficulties, I am happy to be able to show Yukoners that certainly, in the area of improved services, we are making positive and identifiable strides.

In the Department of Economic Development, \$85,000 has been provided for an internal energy management program. This undertaking is in keeping with the government's initiatives in taking the lead role in energy conservation measures. A further \$93,000 is identified to cover the O&M costs stemming from the energy supply investigation and energy conservation funds established in the Capital Budget passed by the legislature last Fall.

With Yukon's continuing high energy costs, I would like to touch on the administration of these two programs, just briefly, as they

are an integral part of our overall energy conservation strategy. Saving energy action loans are designed to assist homeowners in improving the thermal efficiency of their dwellings, thus reducing their energy requirements and their energy costs. The program allows for an interest free loan to a maximum of \$1,500 per house. The Yukon Energy Alternatives Program is designed to assist in establishing the feasibility of alternative energy sources for communities, industry or other consumer groups. This program will provide a maximum contribution of \$75,000 per feasibility study.

In addition, \$42,000 has been included for the continued publication of the Yukon Business Directory, which is proving to be an extremely useful vehicle for an improved investment and business utilization climate in Yukon through the identification and subsequent promotion of the business sector.

Ⓜ This highlighting of Yukon's available goods, services, and capabilities will continue to provide a much stronger and positive image of Yukon's private sector.

As well, \$82,000 has been identified to administer the half million dollar small business development program, which was approved in the capital budget. This program will consist of five major elements, these being: business advisory services and education; business opportunity identification program; a loan assistance program; infrastructure development assistance; and a marketing development program. These program components are designed to encourage new business ventures, to expand existing businesses and to maximize business potential and opportunities and improve general management practices for greater efficiency.

These programs are in keeping with my government's philosophy to assist established businesses and private sector entrepreneurs in strengthening Yukon's economic base. Governments can provide advice, assistance and some monetary support but, ultimately, it will be the private sector which will stabilize the economy and provide the impetus for an economic rebound. It will also be the private sector that will savour the fruits of a strong and growing economy, but in the leaner times, government is there to help, and that is the intent of the programs I have just mentioned.

With tourism continuing to strengthen Yukon's economic base, special emphasis is being placed on this industry. The half-million dollar tourism incentive program, as outlined in the capital budget, will be administered under a newly organized tourism department, which has been strengthened through consolidation of the various branches under one director to improve coordination among programs. This new organization, following recommendations of a management consultant's report, will provide for a much more effective and efficient service to the public and stronger, more solid representation between the tourism industry and government. The tourism incentive program is designed to improve the infrastructure of the tourism industry in concert with the private sector and to help establish a more equitable balance between marketing and development.

In the marketing area, the government will continue with its joint marketing program with the Yukon Visitors Association and the state of Alaska, a program that has achieved phenomenal success and continues to afford Yukon the best marketing investment opportunity. This program, in the last year alone, has generated a 20 percent increase in inquiries, to the point where the department is now responding at a rate of up to 3,000 a day following certain advertising campaigns. Such initiatives continue to strengthen the cooperative relationship between government and the private sector. While government can provide the financial assistance, we look toward the private sector for the creativity and skills necessary in all progressive endeavours.

This new budget also contains funding for some specialty marketing advertising, which will be used to further develop and promote the concept of Yukon as a destination. And, as a destination, local services and facilities will continue to be improved. This year, the new Watson Lake visitor reception centre will be fully operative, along with the Carcross and Dawson centres, which opened last year. In addition, a new visitor centre will be opened in Beaver Creek sometime during this year.

In the longer term, but requiring action now, Yukon's image as a visitor destination will be further strengthened through Expo '86 in

Vancouver, for which visitor attendance is predicted to be about 19 million people during the six months of the world exposition. The government sees this as an extremely positive marketing avenue with obviously attractive geographical advantages. In the near future, we anticipate working in full cooperation with the private sector to make our pavillion at Expo a truly world class showpiece for Yukon.

Ⓜ This budget identifies \$107,000 to begin work on Yukon's participation in Expo '86, which includes the hiring of a full-time coordinator who will be on staff in May.

At this time, all indicators point to a very successful year for the tourism industry. The department will also see the hiring of Yukon's first full-time museums advisor, which will have positive spin-off effects on the tourism industry. In addition, new heritage legislation is being drafted following a thorough public input process, which has now been virtually completed.

As well, through the recreation branch, community grants have effectively been doubled over last year, to over one-quarter of a million dollars. This move is being taken in recognition of the increased responsibilities of the communities and municipalities under the new *Municipal Act*.

In the Department of Education, \$85,000 is being requested for the enhancement of computer and electronics training. One hundred and eleven thousand dollars has been applied to an increase in the grants for post secondary education and a full year's costs has been provided for the special education and alternative programs approved earlier. Provision has also been made for an increase in courses in Yukon College, to include such new offerings as firefighting, drafting and courses for computer and electronic inspectors.

This government recognizes that today's students comprise tomorrow's labour force, and has therefore enhanced curriculum initiatives to reflect the vital role that education plays in developing a more secure and prepared work force. These initiatives include the hiring of a special programs officer, a coordinator of special education and the secondment of persons to develop a comprehensive computer program. In addition, with respect to preserving certain historical areas of education, the native languages program will also be enhanced this year.

Finally, in an effort to control and reduce the costly area of heating our schools, the department will be hiring a heating systems technician, a move that will substantially reduce fuel costs in Yukon schools. This initiative is in keeping with this government's philosophy to improve energy uses through conservation practices.

In the Department of Consumer and Corporate Affairs, funds are being requested for a second occupational health and safety officer, and for the preparation of new legislation for occupational health and safety. This is an area which has been of expressed concern by members of both sides of this House, and I am therefore pleased to propose that positive initiatives in this regard be undertaken in this fiscal year.

As well, the department will be continuing with the development of new industrial relations legislation. To help prepare this important legislation, we have employed contract expertise in this area and have established a group of Yukon business and labour representatives to ensure that local needs and desires are addressed.

In terms of economic stability and recovery, our labour force is our most valuable resource. The enhancement of occupational health, safety and employment standards, and industrial relations, will ensure that our labour force continues to be protected on the job. In keeping with this, the Department of Consumer and Corporate Affairs and the Public Service Commission will be jointly developing an accident reduction program for all Government of Yukon employees, an action which affirms our commitment to the principles of occupational health and safety.

Ⓜ Program initiatives within the Department of Municipal and Community Affairs will include the extension of CBC Whitehorse radio services to Old Crow, the only Yukon community that is not receiving radio services originating in Yukon. The extension of this service will be a great asset to the people of Old Crow in keeping abreast of developing regional affairs.

The department has also enhanced the firefighters competition

between Yukon and Alaska, in order to assist firefighters in developing their skills and to help promote volunteerism, which is so critical for the fire protection services, particularly in Yukon's smaller communities, which, I am certain, will continue to be most supportive of their respective brigades.

In addition, the department will be administering the revised *Municipal Finance Act*, which is now in place. This amended act includes a funding formula for the allocation of grants to municipalities and communities. This formula is a great improvement over the previous system for it makes the allocation of grants more predictable, equitable and stable, thereby affording communities the opportunity for sounder long-term planning. As announced last fall, there will be a major increase in transfer payments to municipalities and LIDs this year, from \$3.9 to \$4.3 million. Meanwhile, the process of incorporating LIDs as municipalities is now under way, with the first transformation already being completed with the community of Watson Lake now enjoying municipal status.

The Department of Highways and Transportation has taken steps to assist the placer mining industry in Yukon by the early opening of primary access roads to allow placer operators to locate equipment on site prior to the start-up of mining activity. This initiative will allow placer operators to maximize this year's season and shows the support and concern which this government has for this important and historic industry in Yukon.

The department will maintain an additional 200 kilometres of road over 1982-83, bringing the total to 4,460 kilometres. This includes a 32-kilometre section of the Clinton Creek Road to the Forty-Mile River and 10 kilometres of the Sixty-Mile Road. The other additional kilometres are as a result of assuming responsibility for some roads which were previously maintained under other funding arrangements and roads which have been identified for mineral or recreational access.

A nine percent increase in administration is necessitated as a result of the department assuming responsibility for administering the major capital improvements program expansion for the Klondike Highway south and the Dempster Highway. In this fiscal year, 183 new kilometres of hard surface treatment will be applied to the Alaska and Klondike Highways.

In the Renewable Resources department budget, an additional \$180,000 is identified to continue the wildlife studies, which are critical for the effective management of this most important renewable resource, particularly in light of recent studies which have raised concern over some of our wildlife populations; specifically moose and caribou in southern Yukon.

These funds, among other programs, are delineated to allow the department to carry on with its three-year program to stabilize and help rebuild some wildlife populations which are in decline. To date, the department has prepared some of the most substantial data available within the scientific community concerning Yukon's big game populations.

¹⁰ With the continuation of these studies, we will have more than just sound information on which to base future wildlife management policies, we will have scientific data that will be sought and shared with other members of the scientific community, reaching beyond our immediate needs and boundaries so that others may benefit from our efforts.

Improving the efficiency and effectiveness of government is an ongoing concern and endeavour. One of the equally necessary objectives of this new budget, therefore, is to strengthen the administrative and organizational structures of the government.

Additional financing is proposed for the central service agencies of government services, public service commission, finance, and for the administrative component of the operating departments. In the Department of Finance, \$50,000 has been provided to start a government-wide system of program evaluation.

In government services, in a move to both reduce costs and stimulate the private sector, it is this government's intention to contract out custodial services for the main administration building by September 1st this year. In this area, we will be looking at reducing the present staff complement by 10, which now carries salaries and benefit expenditures of approximately \$350,000

annually. Lay-offs are regrettable at any time, and the government, in recognition of the contributions of these people will, therefore, do whatever we can to assist them in making this transition. Wherever possible, they will be offered first choice of other employment opportunities with this government.

As well, the department has begun to make greater utilization of the private sector for government vehicle maintenance. Previously, for example, warranty services were not being used fully as all vehicle maintenance was carried out by existing government mechanical staff. This year, any maintenance requirements for new vehicles will be handled by the warranty through the private sector. This practice is now in place and will continue, and while it does not impact on our mechanical staff, it will translate into savings for the government.

Also, in the area of privatization, three court reporting positions will be eliminated by contracting out this service. It is generally recognized that this move will both reduce costs and improve efficiency in this area.

It will continue to be the position of this government to look at areas that can be delivered more cost effectively or efficiently by the private sector.

On the point of improved efficiency, I must add that government services is making a special effort to upgrade the existing computer systems and to expand the application of electronic techniques to other program areas where the present manual systems are no longer adequate. Probably the most important of all the administrative expenses proposed in this budget, are the organizational reviews which have been initiated in the departments of justice, renewable resources, consumer and corporate affairs, and the public service commission.

In addition to these individual departmental studies, the management consulting firm of Peat, Marwick and Partners, has been engaged to carry out a comprehensive organizational review of the whole government. In view of the many constitutional and economic changes that have occurred over the past decade, and the likelihood of continuing rapid change in the immediate future, it is time to look at the role and structures of the government in relation to its responsibilities.

In the budget a year ago, we estimated that local revenues, including income tax, would amount to \$36,585,000. We now estimate that this figure has increased to \$37,427,000, reflecting, in part, the gradual improvement in the economy. We expect these revenue sources to generate \$38,302,000 by the end of 1984-85, representing a four percent increase from the 1983-84 estimates. ¹¹ The tax changes I introduced a year ago have proven to be beneficial, not only as a means of providing relief to the business community, but also as a source of additional revenues with which to sustain employment and limit the reduction of our population. With three minor exceptions, it is not my intention to make any changes in the tax structure for the fiscal year, 1984-85.

One change is to slightly increase the residential school rate from .34 percent to .35 percent, in accordance with the established formula of collecting 11.5 percent of the operation and maintenance cost of Yukon schools.

In order to give Yukon businesses some tax relief this year, the government will once again be continuing with our reduced level of school taxes levied on Yukon businesses. In 1983, this tax component for businesses was reduced by 10 points from .31 to .21 and municipalities were urged to pass this tax relief initiative on to the private sector.

The second change also relates to real property taxes. Last year, the general purposes rate was established for the first time on a three tier scale, ranging from .51 percent for property with a minimum of services to .54 percent for property receiving an intermediate level of services, and .73 percent for the category with the highest level of services. This year, the rate for communities falling into the intermediate category will change from .54 percent to .60 percent. The rates in the lowest and highest categories will remain unchanged. This change reflects a more equitable balance in the recovery of costs incurred in providing municipal services to communities.

Under the new *Municipal Finance Act*, and for 1984 only, the

Yukon government will set the general tax rate for LIDs, on the recommendation of the LID board. In 1984, the general property tax rate for all LIDs will remain unchanged with the exception of Carmacks, where rates will increase from .41 percent to .50 percent.

The third change in the tax structure for 1984-85 is a five percent increase in medicare premiums, in keeping with the announcement made a year ago. As of April 1, monthly premiums will increase by \$1.00 for a single person and by \$1.50 for a married person. This change will increase revenues by an estimated \$105,000.

As you can see, Mr. Speaker, while some changes to the tax structure were necessary, the government has taken every step possible to minimize required increases. We have continued to bear in mind the needs and desires of the majority of Yukoners with this budget and, as such, it is my intention to, once again, introduce a balanced budget this fiscal year. The government will hold, in reserve, \$4,106,000 for unforeseen contingencies and economic stimulation initiatives.

This is a budget aimed at the advancement of the wellbeing of all Yukoners, and to that end, I commend it to the favourable attention of all hon. members.

Thank you.

Mr. Penikett: I now move that debate on the motion be adjourned.

Mr. Speaker: It has been moved by the hon. leader of the opposition that debate be adjourned. Are you agreed?

Motion agreed to

Hon. Mrs. Firth: I move that the House do now adjourn.

Mr. Speaker: It has been moved by the hon. Minister of Education that the House do now adjourn.

Motion agreed to

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

The House adjourned at 8:01 p.m.

