



The Yukon Legislative Assembly

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HANSARD

Tuesday, April 24, 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

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(Progressive Conservative)

Bill Brewster	Kluane
Al Falle	Hootalinqua
Kathle 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)
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Deputy Sergeant-at-Arms
Hansard Administrator

Patrick L. Michael
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Frank Ursich
Dave Robertson

Whitehorse, Yukon

Tuesday, April 24, 1984 - 1:30 p.m.

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

Prayers

DAILY ROUTINE

Mr. Speaker: We will proceed at this time to the order paper.
Are there any returns or documents?

Reports of committee?

Petitions?

Introduction of bills?

Notices of motion for the production of papers?

Notices of motion?

Are there any statements by ministers?

This brings us to oral questions.

QUESTION PERIOD**Question re: Pornography**

Mr. Kimmerly: To the minister responsible for child welfare: the Whitehorse Board of Health received a delegation on the matter of protecting children from pornography, last week. Has the government considered territory-wide measures to protect children from pornography?

Hon. Mr. Philipson: Not to this point. As I understand it, that would be a bylaw responsibility of the City of Whitehorse.

Mr. Kimmerly: To the Minister of Consumer and Corporate Affairs on the same topic: has the government asked merchants to display both erotic and pornographic literature out of the reach of children?

Hon. Mr. Tracey: No, pornography and pornographic material is controlled by the *Criminal Code*. It is a function of the federal government. We have not become involved and I do not anticipate that we will be involved in the near future.

Mr. Kimmerly: To the Minister of Justice on the same topic: has the minister received any legal opinion concerning the split in the jurisdictions between federal criminal law covering pornography and territorial jurisdiction covering protection of children?

Hon. Mr. Ashley: From the way the question was worded, no.

Question re: Young offenders

Mrs. Joe: I have a question for the Minister of Health and Human Resources. An Order-in-Council dated April 6, 1984, authorizes the use of the the Whitehorse Correctional Centre and the RCMP jail cells for the secure containment and restraint of young offenders. Since the ages of young offenders is 12 to 18 years. Why have those two places been designated for that purpose?

Hon. Mr. Ashley: At the present time, everyone should realize that with the implementation of the *Young Offenders Act* we do not have a secure facility for young offenders and it will be in the neighbourhood of a year before we are able to get one. I am presently trying to raise the funds from the federal government, who have implemented this without giving us the funds to put up a facility at the present time. When that is finished and we are able to build a facility we will.

Mrs. Joe: Is it the intention of this government to jail young offenders with adult inmates?

Hon. Mr. Ashley: It is the intention of this government to abide by the laws of Canada and we will do our best to do that. When we can get a secure facility for young offenders that is away from adult offenders, that is exactly what we will do. In the meantime, we will jail people who need to be jailed in the best manner available to us. We will do everything in our power to ensure that the two do not mix if it is possible to do it.

Mrs. Joe: Is the minister's department actively seeking other alternatives to contain these inmates until such time as a proper establishment is in place?

Hon. Mr. Philipson: Every minister in Canada tried to inform

the Solicitor-General of Canada, at the time that he was going to implement the *Young Offenders Act*, that there were no facilities available in Canada, for the people he was going to put in this position when he implemented the act. It was told to him over and over and over again that nobody had facilities. I stated at the time, to the Solicitor-General, that Alberta did not have room for people we needed to place, British Columbia does not have room for the people we need to place and we do not have a secure facility of any kind. I suggested that, if we have to go as far away as Newfoundland to find a place to put them, we will do it and they will have to pay the cost of the transportation.

Question re: Mining task force

Mr. McDonald: I have a question for the minister responsible for economic development. There was an announcement this past week that a mining task force was to be established, with the Minister of Economic Development at the helm and the member for Hootalinqua, alongside. Is the task force a creature of the territorial Progressive Conservative Party or is there to be Government of Yukon involvement, at public expense?

Hon. Mr. Lang: It will be a Government of Yukon initiative. I am very pleased to report that the Progressive Conservative Party supports it, as well.

Mr. McDonald: The inference was made that the recent delivery of subsurface rights for the Yukon Indian land claims prompted the minister to take this initiative. Has the federal government recently intimated that it would be prepared to pass over jurisdiction of the mineral resource development to Yukon, as well?

Hon. Mr. Lang: No, but the reason for the creation of the task force and the acceptance of the principle of it by the Cabinet was, basically, because of what is transpiring in the area of mining, especially in the area of placer mining, because of the results of the placer mining review commission and the lack of initiatives taken, with respect to that particular report.

As you know, as a government, we have expressed reservations on a number of the recommendations and we are very concerned that, if the recommendations are put fully into effect, this year, it could have major disastrous effects upon the placer mining industry.

I should point out that, in the long term, we are very optimistic that there will be a change of government within the year and we will see further responsibility evolving to this government. It is our position to get certain things into place in order to take that responsibility on.

Mr. McDonald: I suppose we could intimate that the decision did not emanate from the negotiations with the feds at all.

When does the task force intend to report its findings and recommendations to the public?

Hon. Mr. Lang: In due course, we will be speaking to those people and organizations that we would like to have participate. We are going to be looking at a number of issues. We are seeking advice on them, and I am sure the Government of Yukon Territory will be taking a number of initiatives over the course of a year. If we are still in session, I will report back to the member opposite. If we are out of session, the member is always free to call me.

Question re: Pornography

Mr. Kimmerly: Again about pornography, to the Minister of Justice: has the minister communicated with the RCMP or the federal Crown Attorneys' Office concerning the proliferation of what is considered by many to be pornography in Yukon?

Hon. Mr. Ashley: The *Criminal Code* is quite clear on how it is to be dealt with, and the RCMP follow that. The committee that has brought this to the attention of the member opposite, I believe, is handling it very well. They have gone to the federal government who has the responsibility for the *Criminal Code*, and they have now gone to the city who has the responsibility for bylaw enforcement. That is the way it should be done. I commend the committee for the work they are doing.

There is, of course, another level of government with jurisdiction. Has the minister considered the possibility of protecting

children from explicit erotic literature as opposed to the legally pornographic literature?

Hon. Mr. Ashley: I have just explained to the member opposite who has the responsibility and the jurisdiction. It should be the City that does it; we should not be overstepping into their bounds.

Mr. Kimmerly: The minister is dead wrong about that.

As erotic and pornographic films are entering Yukon freely, has the minister considered legal restrictions on attendance by children of erotic and pornographic films?

Hon. Mr. Ashley: *(Inaudible)*

Question re: Women's Bureau

Mrs. Joe: I have a question for the minister responsible for the Women's Bureau. I understand that the department has appointed a person to check with all agencies involved in the \$10,000 research on battered women to verify that the information in the report is correct. How long will this process take?

Hon. Mr. Ashley: That is not the case at all. I have explained that many times in this House. The member seems to be trying to mislead the House on purpose.

There is a committee that was established to look into what this report has said. The report is supposed to be filed with that committee. The committee is made up from the Department of Justice, from education — the manpower sector of that — and health and human resources. They are studying that report, and are to come back to me and to the respective ministries. It is to be tabled at the minister's conference responsible for women in late May.

Mrs. Joe: Since a person by the name of Mr. Jerry Phillipson is going around to different agencies verifying the research and information on the \$10,000 project, is it the policy of this government to check all reports and studies done by consultants prior to the final completion?

Hon. Mr. Ashley: This was not a consultant's report. It was a report done by a person who was hired by the Department of Health and Human Resources to make a study. It was an internal, in-house study of what services are available. It is not just services to the government, though. It is services throughout Yukon that are being looked at. Now they are going through the department to see what is implemented, what can be, and that sort of thing.

Mrs. Joe: Since the report by Elizabeth Lane has been completed since March 15th, when can we expect to see it?

Hon. Mr. Ashley: I have advised this House, on many occasions now, as to how the report will be handled, and the member opposite can read *Hansard* to find out.

Question re: Conservative party leadership

Mr. McDonald: I have a question for the government leader.

The government leader was quoted, this weekend, as saying that his popularity as leader was questioned by his party, largely because of a so-called socialist legislative package handed out in the spring. He suggested that there comes a time in every government's life when this must be done and that the government would be more philosophically in line in future. Is it the government's position that a new occupational health and safety act is also a socialist piece of legislation, which means that it cannot be tabled in the life of the 25th Legislature?

Hon. Mr. Pearson: Possibly, the selection of the word "socialist" and the connotation of that is poor. What I was saying and what was meant was that we do have a fair amount of social legislation on our calendar, at this particular session; that was all that I was talking to the convention about.

Mr. McDonald: The government leader did say, however, that the government would be more philosophically in line in the future. I wonder if the government leader would be prepared to just explain, more fully, what that meant?

Hon. Mr. Pearson: Not at all; I was making a political promise.

Mr. Speaker: In such questions, I would hope that the answers be brief.

Question re: Haines Junction lot surveying

Mr. McDonald: I have a question for the Minister of Municipal and Community Affairs.

I have been advised, by a local surveyor, that a contract for surveying and related work on 90 lots at Haines Junction and Carcross has recently been awarded without a public call for competitive tenders. Can the minister confirm whether or not this is, in fact, the case?

Hon. Mr. Lang: If the member opposite is referring to what I believe is the situation, basically, what took place was that there was a call to do a combination of surveying, engineering and clearing, in order that the lots in question could be constructed and put out to the public this year.

The concern that the department had was that if we split it into smaller contracts we would be in a situation where those lots would not be made available for the general public this year. Our past experience has proved that to be true.

Mr. McDonald: The question, of course, was whether or not the contract would be awarded in conformity with the traditional tendering process. I am wondering if the minister could tell the House why they did award the contract without a public tender?

Hon. Mr. Lang: I will double-check to make sure I am accurate, as I am going to be responding to this question on memory. I believe the area that the member is speaking of is actually when we call for proposals for certain areas, as opposed to the normal connotations of the tender process. Subsequent to that, there has been a real effort by the department to ensure those companies that are in the surveying business, locally, here in Yukon, all get their fair share of the work that is being let.

If the member opposite wishes to pursue this further in committee when we discuss the budget, I would be more than prepared to give him a breakdown, over this past year, just exactly what has been authorized for the various local companies. I want to impress upon the House that we are very concerned that the local companies get their fair share of the work that is available, at a reasonable price, of course.

Mr. McDonald: I am, of course, looking forward to more detailed discussions on this project, and other projects of this nature.

Could the minister confirm whether or not this untendered contract has been let to an Edmonton company, and whether or not only a few Yukoners are to be employed on this work, even though there are many qualified unemployed Yukon surveyors?

Hon. Mr. Lang: My understanding is that there will be one individual required to come in. The remainder of the workforce will all be hired locally, and it all operates out of a local office here, at any rate.

Question re: Charter flight to Watson Lake

Mr. McDonald: This is a written question regarding an air charter flight to Watson Lake — your home town, Mr. Speaker — for the presentation of the Chain of Office to the Mayor of Watson Lake on April 24, 1984.

1. How many people, and what people, are scheduled to travel at public expense?
2. What is the cost of the return flight?
3. What additional costs associated with the trip have been planned?
4. From what budget does the government plan to draw for the trip?
5. What is the total cost of the trip to Yukon taxpayers?
6. Do ministers plan to collect \$60 a day travel expense money?

Mr. Speaker: We will now proceed to Orders of the Day. May I have your further pleasure?

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

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call Committee of the Whole to order. At this time, we shall recess until 2:10. When we return, we shall go on with *The Children's Act*, Bill No. 19, with general debate.

Recess

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

Mr. Chairman: I will now call the Committee of the Whole to order. We shall go on to Bill No. 19, *The Children's Act*; it is on general debate.

Hon. Mr. Philipson: I am very sorry. I can tell by your voice that you had a long and difficult weekend. I am quite happy to see we are all back here in the House and progressing with *The Children's Act*. I am quite happy to go on to any general debate, bearing in mind of course, that in the near future we will be in clause-by-clause debate and be through with this.

Mr. Kimmerly: I am, too, getting to the stage where I will be eager to go into clause-by-clause debate. There are one or two points to clarify first.

On Thursday, we were going through several of the major issues already addressed and canvassing what I thought was a constructive effort at reaching accommodation, or a compromise, or a communication on principle, or whatever you want to call it. There are a few more points I would like to raise in that vein, but before I do I would like to spend a moment on the issue that I raised in Question Period today; that is, pornography.

I would like to explain, first of all, why it is relevant and appropriate to deal with it here. I asked the Minister of Justice in Question Period about the territorial initiatives in the area and the response was fairly clear that it was a federal issue and, to some extent, a municipal issue. The Minister of Justice, in any event, did not recognize a territorial responsibility or jurisdiction in the area.

I would like to explain why I believe that is wrong. There is a very important territorial jurisdiction. In fact, the exercise of the jurisdiction should occur in *The Children's Act*. It is not in a specific section, so it appropriate to raise it in general debate.

The general issue is not so much pornography than it is the protection of children. Pornography has many legal connotations and also sexual connotations, I suppose. We are all aware that court cases and legislative issues have occurred in the federal sphere and under the federal law concerning pornography.

We are probably all aware of a new initiative in the federal Parliament that is before the Commons at this moment concerning refinements in the area of criminal law dealing with pornography. That is not the area that I wish to address, primarily.

Aside from the criminality, or the criminal nature, of the pornography issue, there is another aspect, and that is protection of children. Let me explain it this way: it is generally conceded that what might be pornographic to young children is not pornographic to adults. Or, to be slightly more precise, what may be perfectly acceptable to adults in the general population and not harmful, may be harmful to young children.

A slightly different issue is that there is a distinction, at least in law, between what is pornographic and what is erotic or sexually explicit, but not pornographic.

It may be said about the erotic or sexually explicit that we do not wish to address that in the criminal law. The issue of free speech or free expression overrides the concern of a group of people about protection from what is simply sexually explicit, but not necessarily pornographic. However, in the area of protection for children there may be an entirely different resolution of that particular issue.

As an example, what adults see on the television at night, which may be sexually explicit, may not be pornographic at all; and the community standard may accept it. The vast majority of parents would find it unacceptable that young children are exposed to that sexually explicit material. An analogy can easily be drawn to the use and consumption of alcohol. It is clear in the territory that the consumption of alcohol before age 19 is legally different than after age 19.

We have recognized, in our law, that it is an offense, in fact, for

minors, or children under 19, to possess and consume alcohol, but not for adults. A similar argument can be made for what is considered harmful to minors in the area of erotic literature or sexually explicit literature.

I attended a meeting last Thursday night at the Whitehorse Board of Health and I must say I was amazed because I acquired information that was not previously known to me. It is basically as follows, as it relates to the protection of children only.

I am 36, and when I was a boy, pornography was in a different stage than it is now, and I confess that my knowledge was deficient until a week or so ago.

When I was a young teenager and interested in pornographic material, if I could find it, it was basically a *Playboy Magazine* and it showed female breasts and female buttocks in a state of nudity and that was about it.

Today, what is generally available is very, very substantially different. I had considered buying some of the material and tabling it, but I am not going to do that, as it is generally available in the stores. I am going to refer, on the record, to examples of the kind of issue I am concerned about, which are specifically relevant to protection of children.

At the noon hour, I took a walk through the various stores in town and I looked at the magazines available on the racks in various stores. I was specifically looking for erotic material, as, on Thursday night, at the Board of Health, these materials were actually presented to the Board of Health.

I verified, for myself, several things. First of all, the placement of the material on the shelves is very important. At some stores, there were piles of magazines at a very low level; that is, piled on the floor or a few inches off the floor on a shelf. The covers of the magazines clearly showed female nudity and there were titles about what was inside.

I raise the issue about the placement of the materials for several important reasons. I was told, last Thursday night, that, recently, a daycare teacher took a group of young children into town, here in town, to buy needed items of a practical nature. The young children saw the piles of magazines on the floor, opened them and looked at the pictures and asked questions of the teacher about the pictures.

Now, that is an incident related by a daycare teacher. There was another incident related by a person who teaches family life education, or sex education, in the schools in Whitehorse. She related to the meeting that the questions coming from 10-year-olds and 11-year-olds related in large measure to materials found in pornographic publications. So it is very clear that children had easy and ready access to sexually explicit material and what is called by some pornographic material.

At noon I went into Jamieson's store, here in Whitehorse, which is primarily a grocery store. There were piles of magazines on the floor. It is significant that they were not within the view of the person at the cash register, and that they were *Penthouse*, *Swank*, and *Hustler*. I looked at some of the materials and simply flipping through them there were pictures of explicit group sexual activity, which was extremely explicit; female masturbation, which was extremely explicit in large color photographs; and stories about bondage, about pain, and various kinds of sexual pleasure.

Beside the comic books there were books about sexology, or the answers to questions about sexual matters. It is clear to me that those books were addressed to juveniles. First of all they were placed beside the comic books. They consisted of a question and answer format and were slightly cheaper. There were articles like the joy of incest and an article called adult-child incest and an article about mother-son incest.

I looked at one of them, read the introduction and I flipped the page and saw a picture of a naked female body, bonded by the arms and hands being tied, and the breasts being impaled, in a sense, and tied together with a chain. These materials are clearly available to children now, and I suggest that they are firstly, pornographic, but even if they are not pornographic, they are harmful to children. There should be a protection for children in not exposing, especially minors, to these materials.

It is interesting that on many of the covers of the magazines it says the contents are restricted to persons 18 years of age or older.

Those refer, I am told, to several laws in the United States concerning availability of material to minors. They are generally state laws and not federal laws.

It is clear that other jurisdictions have found it necessary to impose restrictions on the availability of this kind of material, whether it be criminally pornographic or not. It is clear that that material is readily available in Yukon and the submission that I am making is that it would be protection for children and it should be something that we should consider in *The Children's Act* as a protection for children, to restrict the availability of this material and restrict its display so that children are not involuntarily exposed to it, or happen to come face to face with it.

¹⁷ Another issue, of course, is the exploitation of women in this material, but that is probably, primarily, in the federal area, as pornography, rather than in the area of protection for children.

I would emphasize that the submission I am making does not only cover pornography, in the legal sense or under the federal *Criminal Code*; it covers literature that may pass the federal test. It might be presumed that the literature available here did pass the federal test — only God knows how, but it obviously did — and it covers erotic and sexually explicit material, which is unsuitable for minors. There should be a section in the bill protecting minors from exposure to this material and imposing an obligation on the merchants who make it available to not make it available to children. A similar argument can be made for video tapes and movies and films.

Hon. Mr. Philipson: The issue of pornography is dealt with, somewhat, in *The Children's Act*, under subsection 118; it deals with when a child is in need of protection. For example, a parent or person in whose care he or she is shall not involve a child in sexual activity. What a child views, under the guidance of his parents in the home, would only come to the attention of the department if someone felt there were reasonable and probable grounds to believe that a child was being harmed by what was being viewed.

Pornographic material, movies, magazines and books may be harmful to a child, but are best addressed by other consumer-related legislation, whether in federal laws or in city bylaws. That is not to say that I am not concerned about this type of material; I am, but I am not convinced that this bill is the place to deal with these issues.

I wonder if we would even be discussing this particular issue if it had not come up in the media last week: that is a problem that bothers me fairly greatly. I certainly share the concern about the inappropriateness of the ready access to such material, but I really do believe that it is best dealt with in other legislation.

¹⁸ **Mr. Kimmerly:** In answer to that, I understand the concern about raising this issue just after it reaches the media. I would explain it this way: that from my point of view it was clearly the meeting on Thursday night that raised my consciousness about this particular issue. I had not thought about it until it was presented at the board of health. After it was presented, it struck me that it was immediately relevant to *The Children's Act*.

The minister states that the issue is already partially dealt with under Section 118 on page 72. It is true, that it is partially dealt with there, but only in the context of a wardship hearing, and only in the context of the parents activity in involving the child in sexual activity or possibly under Section (1), failing to take reasonable precautions to prevent any other person from involving the child in sexual activity. In answer to the point, I would argue it in two ways.

Firstly, if it is raised in Section 118, then it is clearly relevant to the bill because it is already contained in the bill, although tangentially. To argue it another way, there is protection in the bill in the context of a wardship proceeding but there is no protection in the bill if there is no wardship proceeding.

Also, the clarity of expression in the bill leaves something to be desired. Is it grounds to remove a child if a parent fails to remove the child from Jamieson's Store, Books on Main, Mac's Book Store, and any other stores in town? I would suggest obviously not. The principle is that children should be protected from ready exposure, and the exposure is very pervasive, to this kind of explicit sex or pornography.

¹⁹ I suggest that it is appropriate to look to this bill, as it is designed

to protect children, and to put in a section to protect children practically from what we can protect them from. Practical measures may be to require merchants to not sell the material to children and to display it in areas clearly separated from children's materials and labelled clearly as an area not to be frequented by minors as, for example, the bars are labelled; and it is well-known that minors are not to enter licenced premises. It is the same principle of protection for children but it exists nowhere in the law of Yukon.

To argue that it is a municipal responsibility is foolishness because it clearly falls within the area of protection of children, which is an incidence of civil rights that is a territorial jurisdiction, and only to a lesser extent, the regulations of merchants, which is partially municipal. In any event, there are purveyors of pornography outside of municipalities where children are in need of the same protection.

I would argue strenuously that section 118 raises the issue, but only in a very small way, and it is important to look at the protection of children generally, and to include a practical principle as is done in other jurisdictions, to protect young people from exposure to sexually explicit brutality and pornography.

²⁰ **Hon. Mr. Philipson:** I thank the member opposite for his views on the subject. I would like to offer him this thought, before sitting down: the next time he wishes to go to the book store, give me a call and I will go along with him. I will show him the sections where *Field and Stream* and the *Alaska Magazine* are kept.

Mr. Kimmerly: In responding to the question, *Penthouse* is found, in Mac's, in a stack directly beside *Hunters' Guide*. They are side-by-side and, on top of that is *Hockey News*. In Shopper's Drug Mart, there is a publication with a picture of the Pope and the word "Welcome" on it; two magazines over is *Penthouse*.

The magazines are interspersed with other less offensive material and that is the whole point; children legitimately go to those racks. It could be very easy to separate out sexually explicit material and pornography and label it "Not for the consumption of minors" and to restrict the sale to minors. Why is that not a protection for children?

Hon. Mr. Philipson: I have already stated that I believe this can be dealt with in other legislation, and not in *The Children's Act*, as a piece of legislation to deal with the matter at hand. The matter is a federal matter and, if there is an abuse of it at the present time, in the city, I would suggest that the RCMP should look into it.

The city fathers, if they wish to have areas explicitly for what they feel is pornographic and what they feel is non-pornographic designated in the stores, then I would suggest that they would be the people who would need to do it. I would suggest that it is a matter than can be dealt with outside a piece of legislation dealing with child abuse or neglect.

Mr. Kimmerly: This legislation deals with far more than child abuse and neglect. In the minister's own words, it is a "far-reaching, general statute to bring together all of the law for the protection of children". That is in the minister's second reading speech and it is often stated.

The minister has, obviously, misunderstood the point that I tried to emphasize and that is that I fully recognize the federal jurisdiction concerning pornography. The point I am making is, aside from that, there is material that is obviously available, despite the federal law. It has obviously passed the criminal pornography test — only God knows how — but it has, or the law enforcement officers are asleep.

²¹ The point is that there is material that can be available to adults, and that may be sexually explicit — which some would call erotic, but which is not pornographic in the federal, legal sense — and is clearly unsuitable for children.

I am sure that every member who is a parent has exercised control over their children at some point over the exposure to sexually explicit material. That is what parents naturally do. It is perfectly laudable and natural. The point is that today, clearly, sexually explicit and suggestive, and what many would call perverted, information glares at you in the stores and not only in book stores; also in grocery stores and drug stores. Children are freely found in those stores and it is beyond parents' control to avoid exposure, it is so readily available.

The control to be exercised by parents is well and good and is addressed in Section 118. That control really is not an issue. It is the issue that parents are incapable of preventing exposure to this material, as it is now all over the place. We could assist parents in their legitimate efforts to protect children in this area without infringing on the federal jurisdiction concerning pornography and without infringing unduly on merchants who are interested in making a sale.

It is within our jurisdiction to restrict sale to minors and allow sale of non-pornographic material in the legal sense to adults. That is the point. Also, sexually explicit material, which is not pornographic, is clearly dangerous to young children. The addition of this principle in this bill is a protection for children. I would challenge the minister to name me one act in which it would be more relevant than in this act. There is not an act where it is more relevant. This is clearly where it should be.

²² **Hon. Mr. Philipsen:** Obviously, the more relevant act is the *Criminal Code of Canada*. It is not very difficult to answer that challenge.

The member opposite also states another point. He mentioned both minors and people who are not minors. The pornography is one issue that is affecting more than one group of individuals. That clearly indicates to me that this is something that should be dealt with in consumer legislation and not in child legislation.

To that end, I am sure after reading Alberta's *Children's Act*, the member opposite is probably very well aware that the area of pornographic material is not addressed there. There is no mention of availability or access.

On the point of applying section 118 only to wardship proceedings, that also is incorrect. The department is prepared to work with families to correct a problem resulting in a child being deemed to be in need of protection as a result of sexual activity, so it is not entirely just wardship proceedings.

I am perfectly well aware that there can be a problem or an abuse of any situation at any time, but in an instance like the member for Whitehorse South Centre is now discussing, obviously there is legislation in Canada: the *Criminal Code*. Obviously, the people who enforce the *Criminal Code* are the police. It would suggest to me that if there is a large problem in this area, perhaps notifying the police that this problem exists may be the cure for it, without having it go into children's legislation.

I hope that the member opposite will take that from where it is coming. I do believe that there is legislation available already. I do believe that the people in the city pass bylaws regarding how people run their stores, so it is clearly a municipal distinction. If the municipality and the people who have control over what is put in the stores, the federal government, with the *Criminal Code*, and the police, get together, I am sure they can find a quick and easy solution to this problem.

Mr. Kimmerly: There clearly is an area for *Criminal Code* jurisdiction, and there also clearly is an area for municipal jurisdiction, but the largest area in the interests of protecting children is in the territorial jurisdiction.

I would ask the minister a question: is it appropriate that the *Criminal Code* be amended to make underage drinking a crime, and therefore, our territorial underage drinking laws would become *ultra vires*?

²³ **Hon. Mr. Philipsen:** I hope *ultra vires* means "outside the law": I am not a lawyer, but I think that is what you are talking about. You are asking me a legal opinion on the drinking laws in Canada?

Mr. Kimmerly: I will rephrase the question. It is not asking a legal opinion, at all, it is asking a political question. The minister has stated that the proper place for protection for children from pornography and sexually explicit material is the *Criminal Code*. Using the same logic, is it appropriate to put underage drinking in the *Criminal Code*, as well?

Hon. Mr. Philipsen: Pornography is dealt with under the *Criminal Code of Canada*; it is a federal offense. Drinking and drinking ages are dealt with through the provincial courts of Canada and, obviously, is not a federal offense.

Mr. Kimmerly: I will ask the question in a slightly different

way, so I will not get a hair-splitting answer. Is it appropriate for sexually explicit material, which is not pornography, to be dealt with in the *Criminal Code*, as it applies to children?

Hon. Mr. Philipsen: Sorry about the hair-splitting answers, but I am going to have to get the member opposite to define pornography, because I do not know what he is talking about.

Mr. Kimmerly: For the purposes of the question, pornography is what is defined as pornography in the *Criminal Code* and everything else is sexually explicit material.

I would ask, if the minister is stating that sexually explicit material should be dealt with in the *Criminal Code*, as it relates to children, why is it not just as appropriate to say that underage drinking should be in the *Criminal Code*, as well? It is exactly the same logic.

Hon. Mr. Philipsen: It is not the same logic, at all. The member opposite is trying to draw me into an age-old type of position, where I have to justify one thing by something else that is going on. He wants to discuss pornography or sexually explicit material; he wants to discuss it in the general debate of *The Children's Act*, on which I have given my answers.

I will look at what has been said here, in its context, and I will take it under advisement; that is the best I can do. I am not legally trained and he is not going to draw me into an argument between the *Criminal Code* and sexually explicit material and pornography and jurisdictional boundaries in the provincial courts on drinking.

Mr. Chairman: I would like to caution the House that I think we should stay in *The Children's Act*. We seem to be getting the federal code into this, and a few other things.

²⁴ **Mr. Kimmerly:** In *The Children's Act*, there is clearly a general prohibition about accepting money in relation to an adoption, or there is a suggestion about establishing the parentage of children. The principle is very clear. It is the public policy that in consideration of adopting children, it should be impossible to get a preference to acquire a child by paying for it. The section is clear in the bill; it makes it an offence.

That principle is not primarily concerned with wardship proceedings and neglect or abuse of children; it is a principle of law, clearly within territorial jurisdiction, although there could be a federal angle to it in the criminal law. It is primarily territorial jurisdiction and it creates an offence applying to everyone in the territory for the general purpose of protecting infants, and other children. I am speaking about a similar principle, a prohibition, which applies to all people, and which is designed not to be criminal but to protect all children in the territory from exposure to both pornography and sexually explicit materials.

Hon. Mr. Tracey: We recognize that some members of the general public have given the member opposite another bandstand to get up on. This act does not deal with pornography and it does not deal with anything other than adoption of children and abuse of children and the *Hague Convention*.

The underage drinking law also affects children. It is not dealt with in here, it is dealt with in a separate act. If we want to deal with pornography or sexually explicit material, it should be dealt with in some other act; not in *The Children's Act*.

Mr. Kimmerly: The bill clearly speaks about other issues aside from what was mentioned. There is no other act, that I can think of, that is more relevant to the issue of protection of children from sexually explicit material than *The Children's Act*. There could be, I suppose, a particular act, or a new act, called the protection of children from pornography act, or a similar title, but it is obviously relevant to protect children in a general way in this act, and the minister has clearly stated that the act is intended to be an omnibus act to bring together in one act, all of the laws relevant to protect children.

²⁵ It appears to me that under the present law, the addition of this simple principle would improve the general act substantially. I am again asking why is it that there is a resistance to including this principle in the general act. I would specifically ask: is it a denial of the principle that it is inappropriate to pass laws in this area, or it is simply that the laws should be passed somewhere else? If it is the case that they should be passed somewhere else, where else, within the territorial jurisdiction?

Hon. Mr. Philipsen: *The Children's Act* deals with matters for children, and what we are discussing here deals with matters for other than children; not only children, but others. It is a consumer matter, not entirely a children's matter, although it is a children's matter in part, there is no doubt about it.

I would ask the member for Whitehorse South Centre to consider that if it were in *The Children's Act* and it were something to be regulated by *The Children's Act*, nothing like this would be any value at all unless it was enforced. Enforcing it would mean that I would probably have to have social workers standing at movie theatres and running around to all of the bookstores checking these things out. That is clearly not what social workers are intended to do under this piece of legislation.

I suggest, as I have suggested before, that this matter can be dealt with by the people who have that ability to deal with it now through the *Criminal Code of Canada* or the policing authority for the *Criminal Code of Canada*. If the City of Whitehorse feels, as the member states, that when books are being displayed in an untoward manner, they should be notified, and by bylaw or by regulation in the city, they can straighten out the issue with the people who have business licences with them. It is not necessary to address that issue in this legislation. It is a consumer issue.

Mr. Kimmerly: I would answer those two points: first of all, that there is a problem about enforcement and, secondly, that it is a consumer issue and not a children's issue. Both of those arguments are fallacious for the following reasons: there are many laws that we pass here for which there is no specific police force to enforce them. We create offenses more or less constantly here, and they are policed either privately or by the RCMP or some other enforcement agency — like the wildlife officers, for example.

²⁶ It is not contemplated that social workers be the policepersons in this area. Clearly they should not be. The argument would logically follow, if that were the case, that social workers should enforce the underage drinking laws as well, because it is a similar issue, or perhaps smoking and the availability of tobacco. Those things are not policed by social workers, but they are clearly for the general protection of children. It is quite possible that the police could enforce this kind of restriction and not the social workers. It is also possible to enforce the legislation using only consumer complaints, or the complaints of the parents as the enforcement mechanism, and simply deal with complaints. That is possible as well and officials in the ministry of justice or in consumer and corporate affairs could prosecute if necessary.

It is probably necessary, because of the public nature of the issue, to simply pass a law, and the probability of detection and prosecution under a very simple public law like this is not a problem at all; it is a very simple matter. As to the issue of it being a consumer matter, it is a consumer matter, but it is primarily a protection of children matter. The children are the consumers, in a sense, and the parents are objecting very vigorously, just now, about their lack of ability to control the availability of sexually explicit material to their children. The responsible parents in town are saying something must be done. Something can be done by this government.

The municipal council can, first of all, only deal with Whitehorse matters; and secondly, the municipal jurisdiction is only to regulate businesses as businesses.

²⁷ It is more likely that a municipal bylaw would be challenged in the court than would a territorial law. A territorial law aimed at the protection of children is clearly relevant to this bill. It is clearly a principle of some importance and is a matter that we should deal with. We could, by simply including a provision or a principle establishing guidelines for the distribution of sexually explicit material, such that it is not available, or readily available, to children.

Hon. Mr. Philipsen: I thank the member opposite for his thoughts. I think he understands my thoughts. I feel that that type of legislation should be in a consumer-related area, not here. I would think, after an hour and a quarter on this, that, probably all has been said that is probably going to be said about it in general debate, by me. I would hope that we could move along.

Mr. Kimmerly: I am prepared to move along, but I want to

make a concluding statement; that I am certainly tempted to make the argument that there is a territorial jurisdiction and it is most relevant to *The Children's Act*. It is really a terrible shame that we are acting as if we have blinders on and we are not seeing the importance of the issue and the very real, practical importance of it. It is simply a matter of putting a section here for the protection of the children in the territory. It is a shame that the government fails to see that.

I will go on. I raised a principle, which is expressed most directly on page 79 of the bill, in section 123, especially when the matter goes to court.

²⁸ When the matter goes to court, there is what is loosely called an identification hearing or a first hearing. The principle is that the judge is to find if reasonable and probable grounds do exist for taking the child into care. If there are reasonable and probable grounds, a hearing is established and there is a time limit of within two months, which we support, by the way; the time limit is probably very constructive.

There is a principle about what is done with the child in the meantime. The principle expressed in the bill is that a judge shall order the child to remain in the temporary care of the director.

The existing law is different. The existing law is that there is a discretion for the judge to decide where the child shall be. There are other specific sections of the act that deal with visiting rights and those are also important, but the primary principle is: where is the child going to be?

I would ask for an explanation of that principle in the light of the assertion that it is a change in law, and in light of the proposition that it may be that the child is not previously in the care of the director and, subsequently, after the hearing, the court could decide that the child shall not be in the care of the director. Would it not be more appropriate to continue the judicial discretion in that situation?

Hon. Mr. Philipsen: That is a question that I think I am going to take under advisement. It is a long question and, upon reading it, I will be able to separate what the member opposite is saying he likes and what he does not like in it. Either we will have to have more discussion on it to understand it, or let me come back after I have read *Hansard* to see if I can understand what the member opposite is driving at.

²⁹ **Mr. Kimmerly:** Another point is the point of the citizen board that was talked about in the last week or so. I would ask about the principle about licensing of child care facilities. The principle as I understand it is that private facilities must be licensed. They are licensed by the director. Government facilities do not require a license at all. The position that we have expressed is: if an issue of licensing is addressed — and I am perfectly well aware that, I believe in every single jurisdiction, there is a requirement for licensing of some sort or other — why is the licensing authority not a discretionary power of a single appointed individual, a civil servant, and why is it not a power in a licensing tribunal, roughly analogous to, for example, the public utilities transport board or the electrical utilities board, or something like that?

I would ask about the principle of treating private facilities the same way as government facilities. I fully recognize that if the government facilities are under the control of the director it makes little sense to require the director to give himself a licence. After discussing the cultural concerns raised last week and the general issue about the supervision of child care facilities being responsible to people who are closely associated with common interests and common concerns, as opposed to specialists or "experts". I would ask on that principle if there is any further thought or if the minister is able to express any direction that we may fruitfully look at in search for a common ground of the principle?

³⁰ **Hon. Mr. Philipsen:** The member for Whitehorse South Centre is expressing his concern, I believe, on section 151(1). That section exempts the government child caring facilities.

The member opposite is concerned that government established and operated child caring facilities will not have to abide by the same standards of care as other child caring facilities would have to.

That is clearly not the case and I do not wish to enter into a

clause-by-clause discussion, at this time. However, I would like to point out to you that section 148(4) states clearly that the Executive Council member shall comply with the regulations prescribing standards of child care and accommodation in the establishment and operation of child caring facilities.

It should be obvious that child caring facilities, which are established under my direction, will have to comply with the same criteria as any private child caring facility.

The member for Whitehorse South Centre may imply, as he did, I believe, in debate on Thursday, April 12th, 1984, that the person supervising the facilities is also the person who determines whether the facilities are adequately delivering the intended program. Once again, this is clearly not the case. The legislation indicates that I, as the Executive Council member, establish, operate and provide child caring facilities for children who are in the care of the custody of the director.

These facilities are run on a contractual basis. In the case of group homes, by an individual or couple who are contracted to provide the service. The terms of the contract would require a compliance of the regulations, which will be established for the operation of such child caring facilities.

In the case of a facility that is owned by the department and operated by departmental staff, the operation is overseen by a supervisor, not by the director of family and children's services. The supervisor of the facility is responsible to the director for ensuring that the facility is operating in compliance with the regulations, as the act requires.

Contract group homes are also monitored by the department to ensure that they are being run in accordance with the contract terms. To some extent, an arm's length relationship does exist, whether the child caring facility is a contract group home or is operated by the department. If anything, the facilities for which the department has direct responsibility will be monitored more closely than would be possible for private child caring facilities.

Mr. Kimmerly: I understand that the facilities are monitored and supervised: there is no question or no issue about that. The issue is: by whom are they supervised?

I am not interested in the personalities, but in the nature of the supervision. Is the principle that they are supervised by a bureaucrat going to apply? Or is the principle that they are supervised by a group of citizens going to apply? I raise, as an argument, the strongest argument about the concern of the native people about cultural issues.

³¹ I would submit that if there was a board, or a committee, of primarily non-experts or non-bureaucrats, then native issues would be better guaranteed. I would also submit that it is in keeping with the philosophy of the department and the stated philosophy of the minister that these facilities approach, as far as possible, the care given in a loving home. That is a desirable goal.

If that is to be the goal, supervision by a citizen board, who would also likely be parents or, for the most part, parents, I would suggest, is more appropriate than supervision by a bureaucrat, however well-meaning the particular individual is. It is the difference of supervision by an "expert" as opposed to a citizen group.

Hon. Mr. Philippen: I do not know where the member opposite feels the "expert" could not be a parent as well.

Mr. Kimmerly: I do not really understand the import of that comment, but it does not address the issue that I am raising. The issue is that if a licence is required, and if the concern of the licensing body is that proper care is given and that the facility approach, as far as possible or as practicable, the care given in a loving home, then it is more appropriate to supervise with a citizen board than by a professional. That is the issue which has not been adequately answered.

Hon. Mr. Philippen: The reason I answered the question the way I did the last time was because the member opposite has a way of always trying to make it sound like a bureaucrat is not a human being. Bureaucrats do get married, have families and live normal lifestyles. They are not bureaucrats from the time they are hired by the government until they cease employment with the government. That is why I addressed the issue in that manner.

It is quite obvious, and I have stated it; I have made every point; I have addressed every point that the member opposite has raised. I have pointed out that section 148(4) states very clearly that the Executive Council member shall comply with the regulations prescribing standards of child care, accommodation for the establishment of child caring facilities. That is an elected individual, not a bureaucrat.

³² I do not know what it is; I would really like to have a rundown on what a bureaucrat is, and what kind of an individual this person is, because I am getting a little tired of hearing about this nameless, faceless bureaucrat who does all these terrible things.

Mr. Kimmerly: The connotations of the word bureaucrat are in the minister's mind and not mine. By a bureaucrat I mean a civil servant, employed by the government within the territorial civil service hierarchy. The connotations are something extraneous although, as politicians, I suppose we must all be aware of what the words arouse in people.

It appears that there is no movement on this particular issue. That is a shame, because I am primarily interested in the sensitivity to cultural issues about, especially, child caring facilities. In our view on this side, a board with a native representation is consistent with the recommendations made by the CYI council of chiefs and is consistent with the land claims agreement-in-principle that is already signed in the social programs area. The structure identified here, as a matter of principle, is inconsistent with the land claims agreement-in-principle in the social programs area. That is a terrible shame. There will be substantial repercussions in the future, I am sure.

I will go on to another point. I raised, briefly, last week, the question of the legal test of the balance of probabilities and I made the statement that the test that the child welfare courts use for wardship applications is not the balance of probabilities. I would ask the minister if he is able to comment on that. I believe he promised to get back at a future time.

Mr. Chairman: Order, maybe we should recess for 15 minutes.

Recess

³³ **Mr. Chairman:** I call Committee of the Whole to order.

Hon. Mr. Philippen: When we left for the break, I was given the opportunity to try to search out my thoughts on the matter of the balance of probabilities. The reason I asked for the break was because I had lost my notes and, now that I have my notes again, I would like to carry on with it.

The member for Whitehorse South Centre will know of whom I speak when I talk of Lord Denning. I am now going to quote him, from the case of *Miller versus the Minister of Pensions*. In speaking of the degree of proof that constituted the balance of probabilities, Lord Denning said, "The degree is well settled. It must carry a reasonable degree of probability, but not so high as is required in a criminal case. If the evidence is such that the tribunal can say, 'we think it more probable than not,' the burden is discharged, but if the probabilities are equal, it is not."

The member for Whitehorse South Centre seems, also, to be arguing that there should be some higher standard of proof, not quite so high as the proof beyond reasonable doubt, but certainly higher than the proof on the balance of probabilities. He suggested the Supreme Court of Canada has already said such a middle burden of proof already exists for proceedings of this nature.

There is some judicial authority for the proposition that there is some third burden of proof floating around in there between the proof on the balance of probabilities, on the one hand, and proof beyond reasonable doubt, on the other hand. However, the overwhelming weight of judicial authority now is, for the purposes of simplification if nothing else, that there are two burdens of proof: namely, proof on the balance of probabilities — the burden of general application, in civil cases — and proof beyond reasonable doubt, the burden of general applicability in criminal cases.

³⁴ However, there is also judicial recognition of the common sense idea that the cogency of evidence needed to persuade the human

mind tends to vary according to the seriousness of the fact of the matter in issue.

This phenomenon is eloquently expressed by Lord Denning in the case of *Miller versus the Minister of Pensions*. He observed that "neither of the two recognized the standards approved is in absolute. Rather, in criminal cases the charge must be proved beyond a reasonable doubt. But there may be degrees of proof within that standard. So, also, in civil cases the case may be proved by a preponderance of probability. There may be degrees of probability within that standard. The degree depends on the subject matter".

A civil court, when considering a charge of fraud will naturally require for itself, a higher degree of probability than that which would require when asking if negligence is established. It does not adopt so high a degree as a criminal court, even when it is considering a charge of a criminal nature. It does require a degree of probability, which is commensurate with the occasion.

The report of the federal-provincial task force on uniform rules of evidence expressed the same idea as Lord Denning in these words: "Where the trier of the fact must determine whether a charge of a criminal nature has been proved, such as whether a beneficiary under the insurance policy committed arson or murder, and should not benefit from his own wrong, the determination through the preponderance of probabilities would require a stricter proof because of the gravity of the allegation. Law reform proposals also adopt the balance of probabilities as the appropriate general standard."

³⁵ In support of that statement, the task force refers to three Supreme Court of Canada decisions and the Manitoba Court of Appeal decision that interestingly enough applies those Supreme Court of Canada decisions in the context of a child protection case.

I think I am boring the member for Whitehorse South Centre.

I would illustrate the point this way: in a child protection case, under the existing *Child Welfare Act*, or under Part 4 of Bill No. 19, where the allegation is serious physical abuse through repeated beatings of the child, and where the identity of the person perpetuating the beatings is vigorously contested, the courts will, because of the gravity of the allegation, and because the allegation is being contested, naturally require more cogent evidence in proof of the allegation of the identity than the court would require a civil case involving the negligent operation of a motor vehicle where the identity of the operator of the car has to be proven but is not being vigorously contested.

I hope you can understand why I had to go get my notes.

Mr. Chairman: Mr. Philipsen, I hope you remember that we are still on *The Children's Act*.

Hon. Mr. Philipsen: That is what it is, in the balance of probabilities.

Also, before the member for Whitehorse South Centre rises, I plan to amend the balance of probabilities to be the same as in the *Legal Standards Act*, which we passed the other day.

Mr. Kimmerly: I wish to assure the minister that I was in no way bored. As a matter of fact, I was staring into space with a smile on my face, and it was because the words of Lord Denning are like poetry to my ears, and I enjoyed the eloquent quotations and the statements about probability.

³⁶ All of which I agree with, by the way: it is not an issue.

The difficulty I have is that the expression of the law of probability or the test of the balance of probabilities just given was well expressed, and I agree with it. It is the fact that the seriousness of the matter to be decided is relevant and considered in coming to a decision on the balance of probabilities.

The problem is that that is a common law expression. If the chairman is concerned about the minister being relevant, he will be doubly concerned now, because this goes a little further afield, but to express probabilities in the way the minister did is absolutely correct, in the common law tradition. When we express the test in a statute, it is then not capable of further extension and distinction, as occurs in the common law or, at least, it is least capable of distinction and it may be perceived that the legislature has changed the principle that the test floats with the seriousness of the question.

³⁷ That is my concern. In any event, I will address those comments in clause-by-clause discussion and everyone will be extremely

interested then, I am sure. Unless other members have comments, I am about to conclude my comments on general debate. I would look around and ask if other members have comments. Seeing there are none, I will continue with my concluding remarks, which will not take me very long.

I am concerned about the procedure that we will follow from here on in and the major concern is, as we go off general debate and into clause-by-clause study, I am aware that it is public now that there will be a number of amendments. I am concerned about getting adequate time to consider and perhaps consult with other people about the amendments. I would simply ask the minister for an expression of his intention concerning consideration of amendments. I would propose that where an amendment is proposed, unless it is in the nature of a technical one, or a minor one, that we propose it or make it public and allow time for consideration and consultation.

³⁸ The implication of all of that is that I am asking that on contentious clauses that are to be amended that, where necessary, we stand them over for a period in order to consult about the proposed amendment.

Hon. Mr. Philipsen: After 30 hours of debate, I would be surprised if there is a contentious issue left in this bill. I am being facetious, naturally.

If, as we go through this long piece of legislation, there is absolutely no doubt that we are going to have problem areas, there is no way that I wish to put anybody at disadvantage by not having time to look at a problem that could be dealt with as we are dealing with other parts of the legislation.

I have absolutely no difficulty in saying that on amendments that look like they need to be stood over, if the member opposite wishes to stand them over until the next day, I will have no problem doing that. Also, in areas of contention where we cannot get resolution, due to the length of this legislation, I would be willing to stand that over if I cannot satisfy the member, and continue with it the next day, just so that we do not hit an impasse and not be able to move through the legislation. To that end, I would be very happy to continue with clause-by-clause debate on *The Children's Act*.

³⁹ **Mrs. Joe:** As we get closer to being out of clause 1, I think that the majority of people sitting in this House have been able to get a lot out of this general debate: it has taken an awful long time. Those of us who have sort of followed it as it went by from day to day are very sincere about a lot of the concerns that were brought forward.

Before we go into clause-by-clause, I would just like to make the minister aware that I am still very concerned about the things that I did bring up in regard to the recommendations from the Council for Yukon Indians and also to remind the minister that the Council for Yukon Indians' personnel are meeting on Thursday to go over the new Bill 19, as it is right now. Apparently, a lot of the people who were involved with the recommendations had not had a chance to see it and were not really positive that some of their recommendations were met. I think, at that time, that the minister is aware that they will probably be letting him know how they feel about it.

I do not think that we are in any hurry to rush right through *The Children's Act* and I thank the member for allowing us time to go over the amendments and hold over some of the clauses that are of concern to us.

Hon. Mr. Philipsen: At the present time, I am trying to get a concise list, for myself, so that I will be able to address the recommendations in the appropriate areas, as I go through, so that the Council for Yukon Indians, the member for Whitehorse South Centre and the member for Whitehorse North Centre have an opportunity to understand that all the recommendations have, indeed, been discussed in the legislation.

I would be quite happy to discuss how the recommendation is dealt with, at the appropriate time, in the legislation, so that it is not being glossed over. Everyone will have an extremely good opportunity to have as much input on the recommendations and on the act as he needs. There is no attempt or intention of the government to try to rush through this piece of legislation just for the reason of rushing through it.

I have stated it on a number of occasions, and I think once more for the record would not hurt, right now: we have taken a lot of

time and effort to ensure that every person in Yukon was able to speak to this piece of legislation. From last spring until now, we have changed a great deal between what was Bill No. 8 to what is now Bill No. 19. The input has been gained through the community meetings and through meetings with the interest groups that have direct feeling about the implications of this piece of legislation.

I have never said that we were closed to any positive idea that would enhance this piece of legislation and I would sincerely hope that, by the time we are through with it, we will have a piece of children's legislation that the people of Yukon can be proud of and be happy to work under and will do the best possible for the children who are in our care, or come under our care, in the territorial government.

40 Mr. Kimmerly: This is my last comment in general debate. I would like to put a comment on record as to our approach to the bill now and as to our goals in the clause-by-clause consideration. It is our view that the bill as it stands now is seriously flawed in its principle. That statement has been made in second reading and in the media fairly repeatedly. We are prepared to enter into clause-by-clause debate in the most constructive spirit possible in order to try to achieve the best possible legislation for children as is achievable here.

I would adopt the minister's words about his constructive attitude. It is because of that constructive attitude and because of a serious effort at accommodation on the various principles that has obviously been made in the last week or so. It is our position that we are not intending to obstruct the passage of the bill; we are intending to constructively look at it clause-by-clause in an effort to improve the principles and the specific sections.

Hon. Mr. Philipsen: I would certainly like to have the last word in general debate. Thank you for your patience on the general debate and your wisdom in your judgments, so far, in general debate. I assure you that I will do everything in my power to stay within the rules of this House and within the good intentions of government in proceeding through this bill in a positive way.

Mr. Chairman: I might suggest, Mr. Philipsen, that flattery will get you nowhere.

We shall now go on to Clause 2, subclause 1.

On Clause 2

Mr. Kimmerly: Considerable discussion occurred in general debate on clause 2. There was indication of a possible amendment here. Is there an intention to consider the best interests of the family as opposed to the "interests of the child" in the first part of clause 2?

41 Hon. Mr. Philipsen: The statement that I made before, I believe, is general; that there may be times that it is not in the best interests of the child to be with the family. That is an unfortunate situation. It would be very difficult for me to place in legislation "the best interests of the family" when it is the best interests of the child that we are dealing with.

With that in mind, I think all members will realize that there are instances where a child should not be returned to the family that has done whatever it is that has placed the child in a position where he needs to be dealt with through this piece of legislation.

Mr. Kimmerly: I have several points about that. Firstly, in looking at the clause, it uses the phrase "interests of the child", not "best interests of the child". I would suggest that, at the very least, it would be improved by stating that the best interests of the child are the paramount consideration. That word, "best", is missing. It is absolutely clear in law that interests of the child is a different concept from the concept described as "best interests of the child". That is the first argument.

Going on to the second argument, it is, and we have already stated it in general debate, in our opinion, a more paramount consideration to consider the best interests of the family affected. In considering the interests of the family, the rights or wishes of a parent should be subservient to the best interests of the child, which is the second part of the clause.

Going on to a third argument: if this occurred in the part under wardship, part 4, that may be more acceptable. If it said "best interests of the child" in part 4 and only in part 4, that would be

more acceptable than the way it is here. It is, first of all, our position that this clause is of extreme importance and the principle should be stated that the best interests of the family affected should be the paramount consideration.

42 Secondly, the best interests of the child, where they conflict with the interests of the family or of the parent, should be superior to the interest of the parent or the family.

That expression of principle is a different expression as is in clause 2. If the minister is not indicating a willingness to bring in an amendment about clause 2, I would ask him to stand it over to consider those arguments. I would say, frankly, that this is a clause, under this principle — especially if it is not addressed by other amendments — that we are prepared to argue at substantial length about and, possibly, if the government is not intending to bring in an amendment, to bring in our own.

Hon. Mr. Philipsen: Let me start, immediately, with the thought that standing over a section is not a problem with me. However, I do wish to comment that, on reading the whole of the clause, when you get to the end of the clause, it states fairly succinctly "...and the child conflict the best interests of the child shall prevail".

In principle, what we are dealing with is the child. As I have stated, if it is not in the best interests of the child to be with the family, then the child should not be with the family. I have also stated that if we are dealing with the best interests of the child, naturally, if the child can be with his or her family, then that is in the best interest of the child. That, then, is in the hands of the court to make the decision and, if the court makes the decision that it is in the best interests of the child to be with the family, then that is where the child will be.

There does not seem to be any problem, when I read that, of that statement of principle, to me. It is very, very succinct. It says "...the best interests of the child shall prevail". There is an issue or an item that I would like to bring forward, at this moment, if I can find it.

43 I said that I did not mind standing it over, so I think I will stand it over and find the piece of information that I wish to bring forward at the same time.

I hope, though, that nobody will read into my standing over of this section that we would change the best interests of the child to be the best interests of the family. As I have stated in the principle, and it is the desire of the government, that the best interests of the child shall prevail and if it is in the best interests of the child to be with the family, that decision will be made. It cannot be stated in legislation the other way around, and affect what could be the best interests of the child.

Mr. Chairman: Mr. Philipsen, would you care to introduce the gentleman beside you to the House please.

Hon. Mr. Philipsen: At this point in time, it gives me great pleasure to introduce to this legislature Mr. Bill Klassen, who is the deputy minister of health and human resources. I would state to the House that it is my intention to have Mr. Klassen assist me on the clause-by-clause debate in order to speed passage of this so that I do not have to go for information that I may not have readily at hand, but Mr. Klassen has.

Mr. Kimmerly: On the point, this is the first time in the 25th Legislature that a stranger has been on the floor. I wish to say that, frankly, we have no objection and we are not intending to call anyone's attention to it under the parliamentary rules. In the 24th Legislature, it was the practice in the consideration of one of the budgets that a deputy minister attended and advised the minister and, frankly, it makes for a more informed and constructive and speedy debate on many occasions. We welcome it.

I will not let the occasion go by without making a comment directed to the House leader on the government side. Tradition has it that things like this are discussed prior to their occurrence. It is a breach of tradition that it was not. We regret that. In the spirit of a constructive debate, it is not the intention of anyone on this side to formally call the Chair's attention to a stranger.

44 Hon. Mr. Philipsen: I obviously did not do this off the top of my head. I checked the procedures and I am informed that what is happening here is not something that is untoward. I would point out

to the Chairman that the gentleman, Mr. Klassen, is not here as a witness.

Mr. Chairman: Maybe I should read out to the House, on page 36 of the *Chairman's Handbook*, "The presence of a witness before Committee of the Whole is a practice which is quite unique to the Yukon Legislative Assembly, and one which is becoming less frequent. While in many jurisdictions, members of the public service may be present, they do not speak, but rather act in an advisory capacity to their minister. Their role is to aid their minister by whispering answers or writing notes while the minister defends his estimates or guides his bill through Committee. It is becoming an established practice in Yukon to have senior officials acting in this role during debate on the estimates".

Mr. Philipsen, are we going to stand over clause 2, or do you want to debate it some more?

Hon. Mr. Philipsen: Before we stand over clause 2, I would like to point out one inconsistency that the member for Whitehorse South Centre may wish to address. If you turn to page 307 of *Hansard*, there are statements that the member for Whitehorse South Centre has made that "They are looking to the courts to recognize spousal battering as a criminal act, not as a private family matter.

"It is my opinion, that the paramount concern of the courts and the first duty of the courts in this area 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".

I find those are inconsistencies. There are other inconsistencies. "It is clear that the majority of the men who batter were either battered children or witnessed battering as children.

"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 a batterer himself by a stronger person, usually the adult.

"It is clear that men who batter are most frequently the victims of abuse as children".

It is the member opposite who has said that these are not private family matters, and I find it an inconsistency that maybe should be spoken to after the discussion of this section.

Mr. Kimmerly: No, I want to speak to it now. It is in absolutely no way an inconsistency and I have every intention of explaining why it is not inconsistent.

It is absolutely clear that the interests of a battered child are consistent in the general sense as with the interests of a battered spouse and it is not a private matter. It is a public matter, and it is absolutely clear, in my mind, that the interests of a battered child must be protected over and above the interests of the parents. It is absolutely clear in my mind, and I have never said anything inconsistent with that.

What I said, a moment ago, and it is a repetition of a statement made in general debate by way of notice at that time, was that this is a clause in six lines. In the fourth line, after the word "and" it states "...where the rights or wishes of a parent or other person and the child conflict the best interests of the child shall prevail". We like that wording and we are supportive of that wording staying in the bill and nothing being inconsistent with it.

The problem is in the first four lines, up to the word "and", in line four. In that section, the phrase "best interests of the child" is not used. The phrase "interests of the child" is used and that is a different concept.

It is clear, as a matter of law and as a matter of statutory interpretation, that this clause essentially contains two directions to the court. The first one is in lines one to four, up to the word "and" and the second direction is everything after the word "and", in line four. We have serious problems with the first part; we accept the second part.

It is clear that, in a battering situation, the interests of the battered child or the alleged battered child, are a public matter and not a private matter within the family. If the section applied to wardships — that is, part four, especially the second part — we have no problem with it. If it applies to the whole act, we have no

problem with the second part, but we do not agree with the first. It is my opinion that the clause should be split into two clauses; into 2(1) and 2(2).

Clause 2(1) should state that "the act shall be construed and applied so that in matters arising under it the best interests of the family affected by the proceedings shall be the paramount consideration." Then, in clause 2(2), there should be a particularization of that. It should be stated that where the rights of the child conflict with the best interests of the family or the interests of a parent or the rights or wishes of a parent or other person conflict, then clearly the interests of the child should prevail. If that were changed in that way, we would have no problem in accepting it at all.

Hon. Mr. Philipsen: It is my feeling that the family is addressed elsewhere in this piece of legislation. It is also my feeling that this statement is one statement. The statement has one period in it; it is one sentence. It also has the words "and where" in the middle of this. Now, I have no problem in finding out why the words "best interests" on the top line is not there and coming back with that, but the general statement as I see it, is a statement of fact; a statement of principle, and a statement that I have no problem with. I will come back tomorrow or at whatever time, with the reason for, or the reason for the lack of, the word "best" not being in the second line.

In my reading of it as a layman that if it is one sentence and the last part of the sentence says "the best interests of the child shall prevail" and the words "and where" are in there, it seems obvious to me that the best interests of the child shall prevail through the whole statement, as it is only one statement.

Mr. Kimmerly: I will clarify it. If there were a period after "consideration", and a capitalization of "w" to "where", and two sentences, that would not materially change the judicial interpretation of the clause, and I make that as a statement of law. If the minister or his advisors disagree I will be pleased to argue the point tomorrow or any other day.

If the words "best interests" were included and if it applied to part 4, we would have no problem. But the way it is written here is "in all matters". In the most general sense, the interests of the child are paramount over the interests or the rights of the family or the parent.

It may well be that the interests of a 14-year old child are to leave home, but the best interests of the child and the best interests of the family coincide, and it is better to keep the family together. That may well be. In fact, it frequently occurs, I believe, with 14-year olds, probably routinely. The way it is worded, I believe, it means something different than the intention that is stated to back it up and I am very forceful about that.

If the intention is to protect children in wardship hearings and to direct the courts that the best interest of the child is paramount to the interests of the family staying together, then, in wardship proceedings, we agree with that: in fact, it is the law now. If it applied to part four only and stated "best interests", we could accept it.

There should be, however, a statement as to the paramount consideration of the whole act in supporting families. The statement that elsewhere in the act the principle of families is addressed is, obviously, considering 107 or 108 or 109, I believe. That is insufficient, because that directs the director to do things and, in clause 2, it is substantially more all-encompassing; it expresses the law of the land and not only a policy statement for the director. It is far more important, in clause 2, or thereabouts, to state that the paramount consideration is the welfare of the family.

Hon. Mr. Philipsen: I am addressing one area that the member for Whitehorse South Centre brought up. In this total statement, as I see it is the total statement, it may be in the interests of a 14-year-old to leave home, but it may be determined by a court that it is in the best interests of the child to remain in the family. I believe that if that is viewed overnight it may be easier to deal with tomorrow when we discuss the clause further.

Mr. Kimmerly: Just in answer, to assist in the considerations, clause 2 is going to be interpreted by many people other than courts. It will be interpreted by social workers applying the

legislation, by the director applying the legislation and by many parents. There is obviously a debate about the parents' rights as opposed to the children's rights and responsible politicians will make their positions clear on the point in debate on clause 2.

It is our position here that we oppose, we do not support, the principle that a parent's rights are superior to a child's. We are opposed to that. We are in favour of the principle that where there is a conflict and where it is not in the best interests of the family that the parents' rights prevail over the children's, then it is clear to us that the children's rights should prevail over the parents and over the interest of the family staying together.

There are cases where the child's interests and the parents' interests conflict, and it is still in the overall best interests of the child to keep the family together. There certainly are those cases. It is our position that the best interests of the family should be paramount and it is only if the best interests of the child are lessened substantially or are abrogated that the family should be broken up in order to achieve a better opportunity or a better protection for the child.

⁴⁹ The way it is written here means that the interests of the child prevail over what may be expressed the best interests of the family, and we do not support that.

Hon. Mr. Philipson: I think when the member opposite reads what he said in *Hansard* tomorrow, which I am sure he will, he will find that he has stated two entirely different principles in the same statement. The first statement, I agreed with, I had no problem with it. Then he stated another principle entirely.

We are consistent. It is the best interests of the child that shall prevail. If it is in the best interest of the child to be with the family, that is where the child shall be. If it is not in the best interest of the child to be with the family, then the child will be placed, we hope, where he has a safe environment and a secure environment, in an area where he can be expected to grow up, out of an area that would cause him harm. If that happens to be in an area outside the family unit, so be it, because, as we all know, there is not one of us here who knows that there are not times when it is not in the best interests of the child to remain with a family. It is just a statement of fact and I am sure the member for Whitehorse South Centre knows it well, as he has had to deal with this on previous occasions.

Mr. Kimmerly: I totally agree that there are occasions where it is not in the best interests of the child to remain in the family. On those occasions, it is also not in the best interests of the family to stay together; that is almost a totality.

There should be an expression in the bill that the overall act should be construed and applied in the best interests of family units, of families, where it is in the best interests of the child to stay in the family. We argued at substantial length, in general debate, to include a statement about families. Sections 107, 108 and 109 are not sufficient; they simply directs the director to follow a policy, but there are family interests affected by the bill where the director is not involved.

The law should be that the best interests of the family are paramount and, where it is in the best interests of the child to remove the child and, consequently, it is not in the best interests of the family to keep the child together, then that principle about the best interests of the child can be and should be clearly stated.

⁵⁰ **Hon. Mr. Philipson:** In a moment, I think I will be able to come up with a section that states very positively that the director can take the child — we have already debated this in general debate — keep the child in his protection and return a child to a family without going through a court. That is in the best interests of a child and that is in the best interests of the family.

It is also clearly stated in this legislation, in section 120, that if it is in the best interests of the family and in the best interests of a child to leave the child with the family on a notice to bring for hearing, it will be done. I think it is very difficult for anyone to state, after reading sections 107, 108 and 109 in context and reading section 2, that it can be stated that the best interests of the family are not met if the best interests of the child are first and foremost.

We have gone to a great deal of research to ensure a very exciting change in legislation with the section "notice to bring to leave the

child in the family" rather than taking it into protection. This is a straight statement that is simple for me to understand. I think it is simple for any layman to understand and I think you can only find a bogeyman in this particular section if you happen to be someone who can twist words.

I read this as being very straightforward. I will read the whole thing: "This act shall be construed and applied so that in matters arising under this act, the interests of the child affected by the proceeding shall be the paramount consideration and where the rights or wishes of a parent or other person and the child conflict the best interests of the child shall prevail". That is a statement of principle that I have absolutely no difficulty with.

Mr. Kimmerly: The bogeyman, as the minister expresses it, is partially in the fact that section 120 and the other sections apply to part 4. This applies to the entire act. That is a very significant factor.

Another bogeyman, in those words, is the phrase, "the interests of the child" is used as opposed to "the best interests of the child". It is very, very important, in my opinion, to put a statement at the beginning of the act applying to the entire act concerning the policy about families.

⁵¹ I believe that the intention expressed by the minister is an intention that we support. The words do not clearly direct the court to follow that intention and only that intention.

The statutory interpretation of that clause, in my opinion, gives the interests of the child paramountcy over the best interests of the family. We simply do not accept that. The phrase "interests" is different from the phrase "best interests". It is our position that the best interests of the family should be paramount. The best interest of the child is generally to stay with the family, but there are cases where the best interest of the child is contrary to the interests of the family. In those cases, the best interests of the child ought to be paramount over the interests of the family.

Hon. Mr. Philipson: Obviously I am trying to understand what the member for Whitehorse South Centre is saying. I will come back tomorrow and we will discuss it longer. It seems to me, as a layman, that it is very difficult to say that paramount interests are the family, but the best interests of the child shall prevail.

It is fairly obvious to me that if the best interests of the child shall prevail, and it is in the best interests of the child to be with the family, that is where he will be. If it is not in the best interests of the child to be with the family, then the child cannot be with the family, so therefore, it cannot be the paramount interest of the family that prevails over the best interests of the child. That is just a simple statement of fact. I am not a lawyer and I do not need to have a legal brain to figure it out.

Mr. Chairman: Is it agreed that clause 2 will stand over?

Clause 2 stood over

On Clause 3

Mr. Kimmerly: I would ask that clause 3 be stood over as well. I have raised considerable discussion about 3 in general debate. If the minister is simply refusing to discuss it further, there really is not much point. Frankly, if 2 and 3 are not changed, at least in some measure, there is not much point in going through the rest. In my opinion, the crux of the problems are here in clauses 2, 3 and 183 in the general sense, concerning the real principle.

⁵² I would ask for an opportunity to consider our own amendment and to go over *Hansard* about the general debate on clause 3 and to debate it another day.

Hon. Mr. Philipson: It is now recorded in *Hansard* that I refused to discuss this section. I would like to correct the record: I did not say a word until I had the opportunity to stand up.

I have no problem. I will discuss the rules of equity right now, with the member opposite, if he wishes. I know we have had lengthy debate on it. I believe I understand the rules of equity to a degree, now, and that I feel I can discuss the rules of equity with the member opposite. I think that we both understand, through general debate, how we feel about the rules of equity.

I would ask the member opposite whether he wishes to have the time to bring forward an amendment or whether he wishes to have the time to reconsider statements that have been made in general debate, or whether the member opposite would like to just enter

into debate now and clear the air on how we both feel about the rules of equity, or if it is just time that the member opposite needs to rethink section 3?

Mr. Kimmerly: Reasons one, two and four, but not three.

Hon. Mr. Philipson: One, two, four, but not three; are we going to go through this in numbers?

I will make this undertaking; that we will wait until tomorrow, but I think that we are going to have to discuss the rules of equity and have it settled early on, because I do not think we can go through this piece of legislation without settling the matter of the rules of equity, at the beginning. It is at the first of the act; it may have implication on other areas of the act, as we go through it, and I think we must have resolution on this, in order to continue.

If the member for Whitehorse South Centre wishes to continue now with other areas that will not be dealt with, subsequently, by the rules of equity not being discussed at this time, I would like to see some clause or piece of legislation cleared, so that, when I stand up to report progress, I feel a little better about it today.

Mr. Kimmerly: After clause 3 is stood over, we will make substantial progress, I am sure.

Clause 3 stood over

On Clause 4

Clause 4 agreed to

On Clause 5

Mr. Kimmerly: Just on clause 5; it is not actually in the clause, but there was a discussion about the definition of "child". It could occur in other places. I was under the impression that there may be a consideration of a definition of the word "child" and of the word "fetus". Is it the intention of the government to consider such an addition?

Hon. Mr. Philipson: The word "child" is defined in section 106(1) on page 62. I believe it is also defined in section 29(2). It is not the intention of the government to define "fetus".

Mr. Kimmerly: I will have more to say about that later, but in considering the definition of "child" in, I believe, clause 106, that definition is for the purpose of part 4 and not for the purpose of the entire act. There is a substantial difference there.

It clearly says, "In this part"; the definitions are listed and the proper interpretation is that in the other parts those definitions may not apply. I would point that out in sections 1 to 3 there is no definition of "child" and that appears to me to be a problem.

Hon. Mr. Philipson: It does not appear to be a problem to me, because, in this section, we are defining the child's status, not the child's age. The child's age is defined in the area where the child's age needs to be defined.

Clause 5 agreed to

On Clause 6

Mr. Kimmerly: In (3), I would ask a question about the wording and I would refer also to section 9 here about declaratory orders, about a child being, in law or a person being in law a parent. It is possibly a detail, but it could be that a better wording is to say "any legal distinction between the status of a child..." to add the word "legal". There may be an improvement in the readability and also in the common sense of it. If we state something is so, which may not be factually so, it is better to state that "as a matter of law", it is so. I would ask why the phrase is not "any legal distinction" and if that would not improve that particular clause?

Hon. Mr. Philipson: I will have to stand that over for legal advise.

Clause 6 stood over

On Clause 7

Clause 7 agreed to

On Clause 8

Mr. Kimmerly: I have a question about the jurisdiction of the Supreme Court here. It raises a principle I raised in general debate about jurisdiction and the possible difference between the territorial court and the Supreme Court. I would ask for justification as to why these principles about establishment of parentage are in the Supreme Court and not the territorial court, I suppose, more generally, a justification or an explanation as to why the courts were selected in this way. I make a simple comment, that if there

were a family court, this would not be a problem.

Hon. Mr. Philipson: The last comment, of course, should be directed at the Minister of Justice, who has already said that there will not be a family court.

This section states fairly specifically that the court having jurisdiction, in part one, is the Supreme Court of Yukon. After making the statement that the Supreme Court will be the court that is looking after part one, then, obviously, if you are going to define the people who are going to be dealt with in the Supreme Court, under part one, "parent", then, would be defined in that context.

I think it flows to have both the statement of fact that this is the Supreme Court of Yukon dealing with part one and that "parent" is defined, for the Supreme Court, under this part.

Clause 8 agreed to

On Clause 9

Mr. Kimmerly: Just a comment on Clause 9(2). The phrase "the balance of probabilities" is put in there and it is not put in in some other sections. I cannot think of an example, but there is a general section about the legal test. What is the reason for specifically stating "the balance of probabilities" here?

Hon. Mr. Philipson: That would be because there is no documentation to prove beyond a doubt that the person is who the person says he is. Therefore, you would have to apply another test and that other test would be the balance of probabilities. We have already discussed the balance of probabilities and I think that that would answer that question.

While I am on my feet — I just slipped there, for a moment — I would like to have you report...

Mr. Chairman: May I clear subclause 2, first?

Clause 9 agreed to

Hon. Mr. Philipson: I would ask you to report progress on Bill No. 19.

Motion agreed to

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

Motion agreed to

Mr. Deputy Speaker assumes the Chair

Mr. Deputy Speaker: I call the House to order.

May we have a report from the Chairman of Committee?

Mr. Falle: The Committee of the Whole has considered Bill No. 19, *The Children's Act*, and reported progress on same.

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

Some hon. members: Agreed.

Mr. Deputy Speaker: May I have your further pleasure?

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

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

Motion agreed to

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

The House adjourned at 5:27 p.m.