



# The Yukon Legislative Assembly

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Number 21

4th Session

25th Legislature

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## **HANSARD**

Wednesday, April 25, 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 Philipson	Whitehorse Porter Creek West	Minister responsible for Health and Human Resources; and, Government Services

## GOVERNMENT MEMBERS

(Progressive Conservative)

Bill Brewster	Kluane
Al Falle	Hootalinqua
Kathie Nukon	Old Crow

## OPPOSITION MEMBERS

(New Democratic Party)

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

(Independent)

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

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

**Whitehorse, Yukon**  
**Wednesday, April 25, 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 with the Order Paper.  
 Are there any returns or documents for tabling?  
 Reports of committees?  
 Petitions?  
 Introduction of bills?  
 Notices of motion for the production of papers?  
 Notices of motion?  
 Ministerial statements?  
 This then brings us to the Question Period.

### QUESTION PERIOD

#### Question re: Alaska Highway maintenance

**Mr. Byblow:** I have a question of some pressing and urgent necessity that I will direct to the Minister of Highways.

Why is a section of the Alaska Highway so abysmally bad? By way of preamble to that question, I just returned from Watson Lake a few minutes ago and a section of highway on the other side of Morley River, for about 50 miles....

**Mr. Speaker:** Order, please. I believe the hon. member is now engaging in a speech. I will permit the minister to answer the question.

**Hon. Mr. Tracey:** It is very hard for me to answer the question without knowing where the problem is. If the highway is in bad shape, there must be a very good reason for it, because the Department of Highways has been doing an excellent job of maintaining the roads in the territory. This is the first complaint I have had in all of the time that I have been the minister.

**Mr. Byblow:** The minister should be advised that most of the road is fairly good, all but about 50 miles on the other side of Morley River. What can he do to encourage highways to step up their maintenance on that because it is nothing but oil wells and holes on the road that are a danger to anyone driving?

**Hon. Mr. Tracey:** I will have it passed on to my department and see what can be done, or whether there should be something done. I am not sure whether it is an area that is supposed to be reconstructed this year, or what the situation is. There has to be a very good reason for it being in the shape it is.

**Mr. Byblow:** Will the minister then report to the House by tomorrow on some progress as to why that section of road is so bad?

**Hon. Mr. Tracey:** No, I will not report to the House. If the member wants to ask me a question about it, he may.

#### Question re: Pornography

**Mr. Kimmerly:** To the Minister of Justice. Yesterday, I asked a question as follows: As erotic and pornographic films are entering Yukon freely, has the minister considered legal restrictions on attendance by children at erotic and pornographic films? Now that the minister has slept on the issue is he now able to answer the question?

**Hon. Mr. Ashley:** I advised the House yesterday that it was federal government jurisdiction, and it still is today.

**Mr. Kimmerly:** Has the Women's Bureau considered the connection among pornography, spousal battering and child abuse?

**Hon. Mr. Ashley:** I do not follow the line of questioning. There is not much sense in the question that is asked.

**Mr. Kimmerly:** Failing any understanding, or any real action, has the minister considered commissioning a private, secret, confidential study of this public, widespread and often publicly discussed issue?

**Hon. Mr. Ashley:** There is a public committee functioning

right now that is dealing with the issue. I think it is doing a good job of it. The RCMP does have the jurisdiction and, when it sees the need, it does move on it.

#### Question re: Mining task force

**Mr. Porter:** I have a question for the Minister of Economic Development.

Yesterday, in the House, the minister confirmed that his government has finally heeded the advice from the official opposition and moved toward the establishment of a Yukon mining task force. In view of the fact that the CYI has obtained federal Cabinet approval for subsurface ownership of their lands, will the minister ensure the legislature that the CYI will be represented on the mining task force?

**Hon. Mr. Lang:** I have not yet, but I will take into consideration the representation made by the member opposite. I am very pleased to see he read *Hansard*.

**Mr. Porter:** I would like to ask the minister if the proposed Yukon mining task force will assume the responsibilities that were formerly mandated to the MacPass Task Force?

**Hon. Mr. Lang:** No, this is will be much broader in its terms of reference. The MacPass Task Force was set up by me, as minister responsible at the time, to specifically look at the developments in the MacPass area. This would be much more of a general overview of the mining industry in Yukon.

I should point out, just in case he missed it in reading *Hansard* yesterday, that one of the prime areas of concern to us, which we believe should be a priority, will be the question of placer mining in Yukon.

**Mr. Porter:** Will the Yukon mining task force replace the Northern Minerals Advisory Committee or will it complement the federally-sponsored mineral advisory body?

**Hon. Mr. Lang:** That is a federal initiative, and I should point out that I imagine that it will continue. The task force that we are speaking of is going to be set up to advise our government on how we can assist the mining industry, in view of the red tape and various major problems that miners are having, at the present time, with the Government of Canada.

#### Question re: Women's Bureau

**Mrs. Joe:** I have a question for the minister responsible for the Women's Bureau.

The minister said in a radio interview this morning that he needed proof that a mandatory program for spousal batterers would work before it was implemented in Yukon. Is it the policy of this government to wait for proof that any program will be successful before it is used in Yukon?

**Hon. Mr. Ashley:** No, that is not the case at all, but spousal battering is a very new problem that has been identified. It has been a problem for a very long time but the treatment of batterers is very new to this country. The longest running program is a maximum of two years. Most of them are under one year right now. There are about 25 of these programs set up across Canada. The federal department, we and other jurisdictions are looking at how these programs and treatments for the batterers are going to work. It is a very broad subject, and it is a complex problem that has to be dealt with here.

**Mrs. Joe:** Since we already have proof that women are being battered in Yukon and, in fact, some deaths have even occurred as a result of battering, what more proof do we need so that mandatory programs for spousal batterers are necessary in Yukon?

**Hon. Mr. Ashley:** First, we have to find out what kind of program is going to work. All cases are different; that is a proven fact, so no one treatment program is going to work. As I said, the treatment is a very complex process. The techniques, ranging from traditional psychotherapy right through to bio-feedback or hypnosis, have to be looked at. That is what these other programs across Canada are doing. We will look at them once they are completed. That is part of what the ministers' conference in May is all about.

**Mrs. Joe:** The minister also said in the radio interview this morning that he was responsible for the taxpayers' money. Can I ask him if he also recognizes his responsibility for battered women?

**Hon. Mr. Ashley:** I am personally not responsible for any battered women but I, as Minister of Justice, am responsible for the taxpayers' money and for the people of Yukon at the same time. That is exactly what I was saying on the radio program this morning.

**Question re: Mining task force**

**Mr. McDonald:** I have a question of clarification regarding the mining task force for the Minister of Economic Development. The minister has said that the task force will be a government initiative. Can he say what the schedule of priorities will be for the task force? The minister today made reference to the placer mining industry. Is the task force intended to investigate regulatory regimes or to look for the most efficient and effective way of setting up a new government department?

**Hon. Mr. Lang:** It is primarily to look at the problems encountered in the mining industry with the idea of looking for solutions to those problems and if our government can assist, we will.

**Mr. McDonald:** To what extent will the objectives of this task force coincide with those of the cooperative body that this government suggested be set up to investigate the state of the placer mining industry?

**Hon. Mr. Lang:** We have had no reply from the government of Canada to the various pieces of correspondence that have been sent to the Minister of Indian Affairs. If you are referring to the reference for an advisory body to be set up prior to any thought of implementing the placer mining review commission report, we felt that it was our obligation to start taking some initiative in this area; not just in placer mining but in mining in general. I am very pleased to see the member opposite supporting us.

**Mr. McDonald:** I will show you just how much I support this initiative. The minister has said that the task force will be directed by two government members and will operate at government expense. Will the government, in conformity with the fine traditions of other legislatures, including the parliament of Canada, invite a member of the opposition to sit on the task force as well?

**Mr. Speaker:** Order please. I believe the hon. member is now making a representation. Perhaps I would allow the member to rephrase his question so that it becomes a question.

**Mr. McDonald:** Has the government made any plans to invite a member of the opposition to sit on the task force as well?

**Hon. Mr. Lang:** I am quite satisfied with the representation and I am sure the member opposite will be busy in the summer in any event.

**Question re: Employment in Yukon**

**Mr. Byblow:** The member has about one free month during the summer.

My question is to the government leader. Recently we have had statistics published that identify an unemployment rate of 16.1 percent in Yukon. I would like to ask the government leader if he is aware that the number of unemployed people actually seeking work has climbed from 1,797 at year end; to 2,167 this time a month ago?

**Hon. Mr. Lang:** Could the member opposite rephrase his question?

**Mr. Byblow:** I identified an increase of 400 individuals seeking work, according to Unemployment Insurance Commission statistics. If I translate that into the percentage of unemployment in the territory, using this government's published statistics on available work force, that is translated into 19.2 percent unemployment. Will the minister accept that?

**Hon. Mr. Lang:** No, the member opposite would obviously have a good time talking to the statisticians.

**Mr. Byblow:** The net result of the statistics is that we have what amounts to a near 20 percent unemployment rate in the territory. I want to put my final supp to the government leader and ask him to explain why he characterizes the Yukon economy as one of entering a stage of gradual recovery when we have a situation of one in five people available for work unable to find work?

**Hon. Mr. Pearson:** The member opposite is playing with

numbers. He has heard me say, when it comes to statistics and to numbers, you can just about come up with anything that you want to. The fact of the matter is that we, on this side of the House, feel very strongly, and are quite confident, that our economy has bottomed out and that we are on the road to recovery and that we are going in the right direction. There is no doubt about that.

**Question re: Children's Act amendments**

**Mr. Kimmerly:** I have a question for the government House leader.

Has he considered publicizing potential amendments to *The Children's Act*, in order to receive public reaction before debate in this House?

**Hon. Mr. Lang:** No, I thought that was what the member opposite was paid for.

**Mr. Speaker:** Just one note from the Chair: I do not believe that the House is debating *The Children's Act*. The House has sent that bill to committee of the whole House, just for the information of the hon. member.

**Mr. Kimmerly:** To the minister responsible for *The Children's Act*, in Committee of the Whole: has the minister considered, in keeping with his promise to community meetings, making government amendments known and waiting several days for public comment?

**Hon. Mr. Philipson:** No, the amendments will be brought forward in the usual manner and discussed in Committee of the Whole.

**Mr. Kimmerly:** When will the already announced amendments be ready so we can evaluate the new wording?

**Mr. Speaker:** I believe that question was just answered.

**Question re: Porter Creek golf course**

**Mr. Porter:** Last fall, the government announced funding for clearing work to be done on the proposed golf course in Porter Creek. Is that program still receiving funding from the government and, if so, how much and for what purpose are such funds being allocated?

**Mr. Speaker:** Is this is a written question? If not, proceed.

**Hon. Mr. Pearson:** I believe that there was some \$70,000 that was allocated for the development of the golf course. Yes, the project is receiving funding. I had the pleasure of flying over it last Saturday afternoon. From the air, it looked very good; all of the clearing is done. It created a tremendous of work, over the course of the winter, exactly what we wanted it to do.

I understand that the fencing is being put up now and that materials have been purchased. It is intended that the fairways will be seeded this summer and, hopefully, the 400 people who would like to play golf on it will be able to next summer.

**Mr. Porter:** I wonder if the government leader chose to fly, seeing that that is the only way he could score an eagle on the golf course. Is the golf course slated to be completed this fall, or by next spring?

**Hon. Mr. Pearson:** Actually, what has transpired is that the group constructing the golf course has taken over that job. The government is not doing it; it is being done by the private sector, and I am confident that they will have it going as quickly as they possibly can. It does require a considerable amount of work and before those fairways can be played on, grass is going to have to grow.

**Question re: Young offenders containment**

**Mrs. Joe:** I have a question for the Minister of Health and Human Resources. Since young offenders will be contained along with adult inmates in the RCMP jail cells and at the Whitehorse Correctional Centre, how does his department intend to separate the two groups? Does it already have a plan in place?

**Hon. Mr. Philipson:** Every effort will be made to keep the young offenders and the adult offenders separate.

**Mrs. Joe:** Can I ask the minister if his department will be using specially trained personnel to guard the young offenders while they are in those jail cells?

**Hon. Mr. Philipson:** I think all people who work in the

corrections and in the department dealing with people who are incarcerated are specially trained.

**Mrs. Joe:** Since these young offenders may be affected by being placed in the Whitehorse Correctional Centre, can the minister tell us if the two recent riots in the centre were the result of over-crowding?

**Hon. Mr. Philipsen:** Obviously, the question is directed at the wrong minister.

#### Question re: Janitorial staff layoffs

**Mr. McDonald:** The Minister of Justice scraped out of another one.

To the government leader: it has been brought to my attention that some janitorial staff scheduled for layoff on September 1 of this year are very close to having their pensions vested. Can the government leader state why the government has chosen to lay these people off with greater experience and longer service than others with similar jobs elsewhere in government?

**Hon. Mr. Pearson:** I am sure that we will be very cognizant of the fact that people are close to pension if we are considering laying them off. I want to emphasize that it is a class of employees, it is a specific group of employees in a specific job. That is it. No personalities were looked at. The suggestion by the member for Mayo that it was because they were close to pension is absolutely ludicrous; nothing else.

**Mr. McDonald:** The government leader clearly misunderstood the question. There are, of course, janitors elsewhere in government in the city who are not being laid off. It has been announced that two of the 12 janitorial positions will be retained for day duty in the government building. Can the government leader state when these people will be informed of their good fortunes, and when will the others be given official layoff notices?

**Hon. Mr. Pearson:** We have a requirement, with respect to layoff: I believe, off the top of my head, that it is three months notice. You can rest assured that those people will get their notice.

**Mr. McDonald:** There is, of course, a stigma associated with being laid off by the Public Service, as the layoff, presumably, is carried out in accordance with a merit principle. What efforts will the government make to deflect the effects of the stigma when the people seek work elsewhere?

**Hon. Mr. Pearson:** There will only be a stigma as long as the member for Mayo persists in this line of questioning.

#### Question re: Tourism departmental changes

**Mr. Byblow:** I have a question for the Minister of Tourism. Her department issued a press release, last week, and it was mentioned in the budget speech that the department had commissioned a management study, recently, and that some departmental changes would be forthcoming. Why is the report not publicly available?

**Hon. Mrs. Firth:** It is not a public report.

**Mr. Byblow:** Perhaps I could pursue it this way: as a result of the study, are there any anticipated changes in respect to the joint planning practice and policy of the branch with industry?

**Hon. Mrs. Firth:** There are no changes; however, there are some modifications.

**Mr. Byblow:** Perhaps the minister, in answer to the final supp, could tell me what substantive changes are taking place in the department, as a result of that study?

**Hon. Mrs. Firth:** That would be a very lengthy answer, in the context that the member for Faro asks it. However, I will tell him that, in the budget debates, I am quite prepared to give him a detailed explanation.

The relationship of the Yukon Visitors Association and the Department of Tourism, and the changes that are coming about, the alterations, are not a result, 100 percent, of the organizational review that was done of the department. Also, some of the alterations come about because of the *Financial Administration Act* and financial accountability for the taxpayers' dollars.

**Mr. Speaker:** There being no further questions, we will proceed to the Order Paper, under motions other than government

motions.

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

**Mr. Clerk:** Item No. 1, standing in the name of Mr. McDonald.

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

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

**Mr. Speaker:** So ordered.

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

**Mr. Speaker:** Is the hon. member prepared to deal with Item 2?

**Mr. Kimmerly:** Next day, Mr. Speaker.

**Mr. Clerk:** Item No. 3, standing in the name of Mr. Brewster.

**Mr. Speaker:** Is the hon. member prepared to deal with Item 3?

**Mr. Brewster:** Next sitting day, Mr. Speaker.

**Mr. Speaker:** So ordered.

We will now proceed to government bills.

#### GOVERNMENT BILLS

##### Bill No. 9: Second Reading

**Mr. Clerk:** Bill No. 9, standing in the name of the hon. Mr. Pearson.

**Hon. Mr. Pearson:** I move that Bill No. 9, entitled *Financial Agreement Act, 1984*, be now read a second time.

**Mr. Speaker:** It has been moved by the hon. Government Leader that Bill No. 9 be now read a second time.

**Hon. Mr. Pearson:** This is standard legislation to authorize this government to sign the annual financial agreement with the federal government. For the coming fiscal year, the transfer payments will be, in respect to operation and maintenance \$83,402,000; and for capital, \$28,123,000.

*Motion agreed to*

##### Bill No. 25: Second Reading

**Mr. Clerk:** Second reading, Bill No. 25, standing in the name of the hon. Mr. Pearson.

**Hon. Mr. Pearson:** I move that Bill No. 25, entitled *Interim Supply Appropriation Act, 1984-85 (No. 2)*, be now read a second time.

**Mr. Speaker:** It has been moved by the hon. government leader that Bill No. 25 be now read a second time.

**Hon. Mr. Pearson:** This is simply to allow interim supply for the month of May until we get our operation and maintenance budget for the year officially passed.

*Motion agreed to*

**Mr. Speaker:** 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 now call the Committee of the Whole to order. At this time, we shall recess until a quarter after 2, and when we return we shall go on to clause-by-clause of Bill No. 19, *The Children's Act*.

*Recess*

**Mr. Chairman:** I will now call the House to order.

We will go onto Bill No. 25, *Interim Supply Appropriation Act, 1984-85 (No. 2)*.

**Bill No. 25: Interim Supply Appropriation Act, 1984-85 (No. 2)**

*On Clause 1*

**Hon. Mr. Pearson:** As I stated at second reading, this is simply a duplication of the interim supply bill that was passed for the month of April. It allows us to carry on with the business of government while we, in this House, proceed with the required approval of the operation and maintenance budget for the fiscal year that we are now in.

**Mr. Byblow:** Certainly, there is no objection to what is being done, but it is worthwhile noting that this has to be a historical first; that we take a second month of appropriation. It must reflect some lengthy business in the House that is delaying the budget.

One general question on the general debate: the budget came down on April 19 of this year, later than it has been in previous years. Was there any particular reason that the budget was that late?

**Hon. Mr. Pearson:** No, there was no particular reason, just like this is not an historic occasion. I can recall years when we have had five interim supply appropriations in this legislature. Count them, Mr. Chairman, five. This is not extraordinary. The budget was probably a couple of weeks later than we anticipated it was going to be this year, primarily because of administrative detail that we were trying to get worked out with the government in Ottawa with respect to capital planning, and that type of thing.

**Mr. Byblow:** It, perhaps, is just a small point, but the government leader says that there were five appropriations in one year, sequentially, month after month, before a budget was passed? Which one is he referring to?

**Hon. Mr. Pearson:** I cannot remember now whether it was 1971 or 1972. I might say it had something to do with the Police Services Agreement that particular year.

*Clause 1 agreed to*

**On Schedule A**

*On Yukon Legislative Assembly*

*Yukon Legislative Assembly, in the amount of \$130,000 agreed to*

*On Executive Council Office*

*Executive Council Office, in the amount of \$250,000, agreed to*

*On Consumer and Corporate Affairs*

*Consumer and Corporate Affairs, in the amount of \$83,000, agreed to*

*On Education — Advanced Education and Manpower*

*Education — Advanced Education and Manpower, in the amount of 236,000, agreed to*

*On Finance*

*Finance, in the amount of \$365,000, agreed to*

*On Government Services*

*Government Services, in the amount of \$790,000, agreed to*

*On Health and Human Resources*

*Health and Human Resources, in the amount of \$2,824,000, agreed to*

*On Highways and Transportation*

*Highways and Transportation, in the amount of \$2,687,000, agreed to*

<sup>13</sup> *On Justice*

*Justice in the amount of 1,068,000 agreed to*

*On Municipal and Community Affairs*

*Municipal and Community Affairs in the amount of \$1,825,000 agreed to*

*On Public Service Commission*

*Public Service Commission in the amount of \$155,000 agreed to*

*On Renewable Resources*

*Renewable Resources in the amount of \$546,000 agreed to*

*On Tourism, Recreation and Culture*

*Tourism, Recreation and Culture in the amount of \$413,000 agreed to*

*On Yukon Housing Corporation*

*Yukon Housing Corporation in the amount of \$142,000 agreed to*

**Mr. Byblow:** The record may show that you did not in fact call Economic Development. I realize that you called 236,000, as the figures were listed, but Economic Development was not cited.

*On Economic Development*

*Economic Development in the amount of \$236,000 agreed to*

*On Total*

**Mr. Chairman:** The total, \$14,423,000 shall it carry?

*Total in the amount of \$14,423,000 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Title*

**Mr. Chairman:** Shall the title, *Interim Supply Appropriation Act, 1984-85 (No. 2)* carry?

*Title agreed to*

**Hon. Mr. Pearson:** I move that you report Bill No. 25.

**Mr. Chairman:** You have heard the motion, do you agree?

**Some hon. members:** Agree.

**Mr. Chairman:** *Interim Supply Appropriation Act, 1984-85 (No. 2)*, Bill No. 25 has been cleared from Committee of the Whole without amendment.

<sup>14</sup> **Mr. Chairman:** We shall now go back to *The Children's Act*, Bill No. 19.

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

**Mr. Chairman:** Mr. Philipsen, do you want to go to the clauses stood over first?

*On Clause 2 (stood over)*

**Hon. Mr. Philipsen:** Yes, Mr. Chairman. If I may, at this moment, call in Mr. Klassen.

It is my intention, at the present time, to clear up the first two issues we were dealing with; that is clause 2(1) and clause 3(1) and (2). In that regard, my comment on clause 2(1) would be: the interests of the child include the best interests of the child. These may not always be one and the same, but the difference will be more a matter of degree. Since this section is one complete sentence, the proceeding cited must take the best interests into account. As it says, "best interests shall prevail".

This section cannot, as the member for Whitehorse South Centre suggested, say both: that the family shall be paramount and the best interests of the child shall prevail. Since this act is a children's act, the most relevant things to consider are the interests of the child.

<sup>15</sup> So, with that said, I believe that, as written, subsection 2(1) is exactly the way it was intended to be written; it states exactly the principle this government believes and the principle is as we wish to see it. We see no problem, in our mind, with the way this section is written.

**Mr. Kimmerly:** This is most unfortunate. The government has recognized that there is a difference between the interests of the child and the best interests of the child. They have not adopted a policy that the best interests of the child shall be the paramount consideration; that is not the policy of the government, obviously. That is a substantial change in the existing law.

We do not support it. We have made our position abundantly clear, here, and will continue to do so, in the greater political forum outside of this House. This is a wrong section. The majority of Yukoners do not support it. It does not recognize that the paramount consideration should be the best interests of the family and it does not even go so far as to recognize the best interests of the child. It states that the interests of the child are paramount over what may be the best interests of the family and the best interests of the child.

<sup>16</sup> The best interests of the child are not the same as the interests of the child.

*Clause 2 agreed to*

*On Clause 3 (stood over)*

**Hon. Mr. Philipsen:** We have had lengthy debate in general debate on the rules of equity. I could go through them all again, stating them all over again. I do not see the reason for it. I have gone through this again and I have absolutely no problem understanding what this section says. Very briefly and simply put, wherever there are statutes, statutes shall prevail. Where there are no statutes, rules of equity shall prevail. It says that here, and I see absolutely no reason to go on at length about this.

**Mr. Kimmerly:** Again, our position is abundantly clear. The government has not listened. Time will tell. We simply cannot

support this bill without changes in these sections. The government is simply not listening and is turning a deaf ear to public opinion.

*Clause 3 agree to*

*17 On Clause 6 (stood over)*

**Hon. Mr. Philipsen:** I am sorry, I will have to disappoint the member opposite once more. In section 6(4) I have checked and the word "legal" between "any distinction" and "any legal distinction" is just an extra word that is not necessary because status is the definition of what is legal and what is not legal. It would do nothing to this piece of legislation to have that word in there except make it more complicated, which, in the best interest of this House, is not necessary.

*Clause 6 agreed to*

**Mr. Chairman:** Having dealt with the clauses stood over, we shall proceed, on page 3, with clause 10.

*On Clause 10*

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

*Amendment proposed*

**Hon. Mr. Philipsen:** On 13(1)(f), at this point, we have a proposed amendment to the bill.

I move that Bill No. 19, entitled *The Children's Act*, be amended in clause 13 subclause (1) paragraph (f) at page 4 by substituting a period for the semi-colon immediately following "child".

*Amendment agreed to*

*Clause 13 agreed to as amended*

*On Clause 14*

*18 Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

*Clause 16 agreed to*

*On Clause 17*

*Clause 17 agreed to*

*On Clause 18*

**Mr. Chairman:** In 18(3), there is a comma after "9". Is it agreed that should be deleted?

**Some hon. members:** Agreed.

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Clause 22*

*Clause 22 agreed to*

*On Clause 23*

*Clause 23 agreed to*

*On Clause 24*

*Clause 24 agreed to*

*On Clause 25*

*Clause 25 agreed to*

*On Clause 26*

*Clause 26 agreed to*

*On Clause 27*

*Clause 27 agreed to*

*19 On Clause 28*

*Clause 28 agreed to*

*On Clause 29*

**Mr. Kimmerly:** On "custody", the last phrase is "and a good upbringing". Would the minister explain what that means?

**Hon. Mr. Philipsen:** It is what society determines a good upbringing would be.

**Mr. Kimmerly:** Is there any practical way to define it, or is it an extremely general section that will be defined in various ways by various people?

**Hon. Mr. Philipsen:** It will be defined by what society feels a

good upbringing is. It is very very difficult to list what a good upbringing would be in absolute specifics, because it would not hold true in some areas. There could be many grey areas, so I think "a good upbringing" will be determined.

**Mr. Kimmerly:** Why is such a vague and general term included here? What is the rationale for that?

**Hon. Mr. Philipsen:** It needs to be in the legislation that a person is entitled to a good upbringing, but it may vary from community to community as to exactly what a good upbringing is.

**Mr. Kimmerly:** I understand all of this. We want a good upbringing as opposed to a bad upbringing, but why is a very a vague and undefined term included here? What is the rationale?

**Hon. Mr. Philipsen:** If you read the whole paragraph in context, I do not think it is vague and I think a good upbringing is something we can all understand. I do not think I have any problem understanding what the term means.

**Mr. Kimmerly:** I understand it as well, but different people define it differently, with various connotations and characteristics. It is obviously an extremely wide-ranging phrase. What is the rationale for including a characteristic here that is incapable of definition in any real sense?

**Hon. Mr. Philipsen:** Earlier on, the member was mentioning the different things a child should have. One of the things we believe a child is entitled to in his growing up is a good upbringing and I see absolutely no problem with that being stated in this legislation.

*20 Mrs. Joe:* Years ago, the governments of the day decided what a good upbringing was for Indian children. They proceeded to follow whatever policy or legislation that they had and did some very, very bad things that should never have occurred. If we question what good upbringing means in this piece of legislation, I think that we have to have some kind of a specific answer.

**Hon. Mr. Philipsen:** What line are we discussing here? If we are discussing it on a native/non-native issue, the natives and the social workers have had meetings on this specific issue and, in an enlightened manner, have felt that the words "good upbringing" are sufficient.

**Mrs. Joe:** I was just making a point to try to make the minister aware that good upbringing could mean anything. In the case of a good upbringing with regard to Indian children, years ago, by governments, it was not necessarily a good upbringing. I think that we have to have, as I said, something a little bit more specific with regard to good upbringing.

**Hon. Mr. Philipsen:** In a general term, good upbringing can allow us to consider cultural differences.

*Clause 29 agreed to*

*On Clause 30*

*Clause 30 agreed to*

*On Clause 31*

**Mr. Kimmerly:** On 31(1)(a)(ii), I would question the restriction included about other members of the child's family who reside with the child.

This is an important consideration, because there may be members of the child's family who are extremely important to the child and who do not reside with the child. For example, a grandmother may live in a house only a few steps away, but it is a different residence; the grandmother may be the most significant adult in the child's life.

The restriction about residence, in my view, is totally unnecessary. We are talking about members of the child's family and it very well may be there are members of the child's family who should clearly be considered — in considering the bonding, love, affection and emotional ties — who do not reside, actually, with the child. That restriction, we believe, is wrong.

*21 Hon. Mr. Philipsen:* My comment on that would be that I would suggest before we make comments on sections like this that we read the whole section. If you read the whole section, the third area says "persons involved in the care and upbringing of the child"; that could be a grandmother living next door. I think that throws the whole entire argument of what the member for Whitehorse South Centre has just said out the window, so to speak.

**Mr. Kimmerly:** The minister is wrong in his legal interpreta-

tion. He has received bad advice. That is not what it means. I would ask him to stand it over to receive a legal interpretation on the point.

Where there is a general statement of law, as is in 31(1)(a)(iii) and a specific statement as in 31(1)(a)(ii), the specific overrides the general. That is a rule of statutory interpretation that good lawyers know about.

**Hon. Mr. Philipsen:** The first thing I would like to inform the member for Whitehorse South Centre about is that there is absolutely nothing the matter with my hearing.

The member for Whitehorse South Centre also said that it does not say it is in his opinion, he states it is a statement of fact. I do not take that as a statement of fact. I have good legal advice, and if the member reads this right through in context, it is not a period. It says "and persons involved in the care and upbringing of the child;" I am not prepared to stand it over.

**Mr. Kimmerly:** If (iii) includes all people in (ii), what is the reason for (ii) at all?

**Hon. Mr. Philipsen:** What is the reason for not having (ii) included?

**Mr. Kimmerly:** On 31(1)(g), I would question the concern here about the parent allowing unimpeded access to the child. It may be that it is in the child's best interest for a parent to not allow access by a another parent to a child in particular circumstances. The courts very infrequently, but occasionally do, make orders not allowing access of a natural parent to a child. I would suggest a re-wording to include the concept that the parent to whom custody is awarded should be exhibiting an intention to allow such access to the child as is in the child's best interest. That would be a substantial improvement.

**Hon. Mr. Philipsen:** In section 31(1), it says, "In determining the best interests of the child..." It also says, "the court shall consider all the needs". I see absolutely no need to reword this section.

**Mr. Kimmerly:** I am going to make a very general comment, because this is the most important consideration. This is very badly worded, and it is going to create havoc on cases involving custody, and it is going to act against the best interests of the children. The minister is obviously not listening to these arguments. He is giving a *pro forma* statement that we are wrong and he is right.

It may be that this debate, with this government, is totally useless, because the government is not listening. That may be, but it is important to state that there are very real reasons to publicize the reason why this is a bad section.

There are cases where the parent is acting in the child's best interests if the parent denies unimpeded access to a second parent. Those cases do exist. This section is written in such a way as to not recognize that eventuality. It is badly worded and it is a terrible shame that the government is so pig-headed and blind that it will not even listen.

**Hon. Mr. Philipsen:** It is really unfortunate that the member went to great lengths to use the all the big words he knows at one time about how terrible we are. When the member opposite said it was not well-written, I was just about to stand it over. Although I would like to say, "he blew it", for saying what he did over this section, I do not have any problem with standing it over and looking at the wording and seeing if the member for Whitehorse South Centre is correct in what he has said.

I would suggest that if the member for Whitehorse South Centre wishes to have reasonable, interesting and constructive debate from this point further, he should be careful in his attacks of me before he asks me for change. He should attack me after the change.

**Mr. Kimmerly:** I can play that game, too. The record will show that I made the comment and there was a statement of intention by the minister that nothing was wrong with the section. When I became more aggressive in my comment, the minister listened. If that is what it takes, I will continue to get aggressive.

<sup>22</sup> The little patronizing speech will not change our tactics, in any way. We have discussed, for some days, various changes in principle and the minister and I both know that we have attempted to discuss, in private, in a constructive way, these amendments. Those discussions have not occurred and the minister well knows

that we talked about a process of discussing amendments, which is not occurring. The minister well knows that. If it takes becoming aggressive and, in essence, making the points repeatedly and aggressively and forcefully, that is what we must do.

If you will not listen to the argument the first time, and if we shout it the second time and you do consent to look at it — which means receive the advice of the drafters, who are already committed to this wording — it is then, at least, a very small victory and we will continue to do that.

**Hon. Mr. Philipsen:** I realize that I am new at this and I realize that the member from the side opposite has spent a lifetime at this. It was my understanding that we would discuss something back and forth until we reached consensus.

I said that I felt that it was good and I thought that it was written in a way that I could understand. After that, the member opposite stood up again and said something that I understood to be that he had difficulty in the drafting. I, then, stood up, afterwards, and said he did not need to yell at me when I understand what he is driving at. If it takes three or four times for him to stand up and he says it over again until I understand it, fine.

If he wants to yell at me and feels that yelling at me is the way he is going to get the bill passed, he is sadly mistaken because, once he starts yelling at me and I get my back up, I will probably cease to listen. If the member opposite wants to have discourse on a reasonable, intelligent basis, as I understand he would, then he should keep the level of the conversation and the level of the debate to one where I am not going to get irritated with him. That does not work for any of us, yelling back and forth.

I have stated that I will stand this over. If the member opposite feels that he has won a major victory by yelling at me, and wishes me to proceed with it, I will do that. If the member opposite wishes to continue in a reasonable manner, I will stand this section over; I will look at it. I will see if the drafting has not been written properly and I will come back: it is not a problem.

In the matter of the amendments, the reason the amendments have not come forward as quickly as I would have liked is that we went on to general debate quicker than I thought we would. They are in the process of being done, at the present time, and I am waiting for their imminent arrival and the member opposite, I am very sorry, does not have them sitting in front of him, but it is not something that I have been trying to keep away from anyone in this House. It is being done at the present time and, as soon as they are finished, they will be handed out, probably by the time we have our next break.

<sup>23</sup> **Mrs. Joe:** So, what the minister is saying to us then, is that if you are good little girls and boys then we will listen to you and maybe if you are really nice to me I will let you stand things over. Well I think that is a very immature way of dealing with an act so important as *The Children's Act*.

**Hon. Mr. Philipsen:** I have never said anything in here that could be construed as anything but that I would appreciate good manners from the other side and if that is done, it will come from this side?

**Mr. Chairman:** As I understand this debate, I am to have subclause (1)(g) stood over?

**Mr. Kimmerly:** Clause 31(4) is an interesting clause because it contains a policy in it which will be controversial. There is a growing movement in the last probably in excess of 10 years to make what are commonly called joint custody awards on a marital breakdown where the parents can accommodate a joint custody. This policy is clearly that joint custody awards are bad and the direction of the prevailing modern law is wrong. I would ask the minister for an explanation of that.

**Hon. Mr. Philipsen:** I will have to come back with that information.

*Clause 31 stood over*

*On Clause 32*

**Mr. Kimmerly:** On Clause 32(2), I would ask essentially why is this clause here? It is a wide wording and I would ask for the purpose of the clause?

**Hon. Mr. Philipsen:** It says that "a person entitled to custody of a child has the rights and responsibilities of a parent in respect of



the person of the child and must exercise those rights and responsibilities in the best interests of the child." That to me is a straight forward statement of fact.

**Mr. Kimmerly:** What is the legal affect if a person does not abide by this particular clause?

**Hon. Mr. Philipsen:** He would be breaking the law as it is written in this piece of legislation.

<sup>25</sup> **Mr. Kimmerly:** The debate is obviously very unconstructive at the present. There is a general statement here about the rights and responsibilities of a parent. Especially in clause 2, there is a general statement about the interests of a child and the wishes and the rights of a parent. I would ask for an explanation of the policy reason for this to be included here. I fully understand the meaning of the words; that is not in issue. I am asking why it was included in the bill, and what is the effect if a person does not comply?

**Hon. Mr. Philipsen:** The reason it is included in this bill is because the person who is entitled to custody may not be the parent. The best interests of the child is the principle behind this legislation. It is telling the person who may have got custody of the child, who is not the parent, that his responsibility is the best interests of the child.

*Amendment proposed*

**Hon. Mr. Philipsen:** I have another amendment to the bill. I move that clause 32(4) at page 13 be amended by substituting "is vested" for "are vested".

*Amendment agreed to*

**Hon. Mr. Philipsen:** As I promised, and I am sorry we did not get these before the debate, I have the total list of amendments and if it is possible, I would distribute them.

**Mr. Chairman:** Maybe we should break for a 15 minute recess. We shall recess for 15 minutes so we can put the amendments out.

*Recess*

<sup>26</sup> **Mr. Chairman:** I will now call the Committee of the Whole back to order. We are now on clause 32(5).

**Hon. Mr. Philipsen:** I hope everybody now has an arranged copy of the amendments before him. I hope that they will be sufficient for discussion on this legislation.

**Mr. Kimmerly:** On clause 32(5), I am wondering if an improvement in the wording would not occur if the concept of visitation at reasonable times was included. The way it is worded it appears to give an entitlement or a right of access — and that is obviously the intent of the section — but it is an improvement, I believe, to say that access at reasonable times is a right on behalf of the parent who does not get custody.

<sup>27</sup> It may be that that amendment is not particularly important for the purposes of court orders, because the court orders would spell out reasonably access. In any event, they characteristically do. However, lay people reading the section would interpret it to mean that there is an entitlement to access and it does not say "at reasonable times". I wonder if that should not be included.

The right of access, we believe, should be restricted to reasonable times. That is, if it is in the middle of the night and the child is asleep in bed, the child should not be disturbed unless it is a very, very special occasion. We suggest that is an improvement to the wording to this clause.

**Mr. Chairman:** I thank the member opposite for his thoughts, but I believe this section makes it clear what rights are attached to access, and permits a parent with access from being denied access to a child's medical or school records by a parent who has custody of the child. I believe that is the issue we are addressing in this particular subsection.

**Mr. Kimmerly:** If the minister reads line 2, it says "includes the right to visit with and be visited by the child".

<sup>28</sup> It clearly also applies to visits.

**Hon. Mr. Philipsen:** I agree and I will take that question under advisement and look at that section.

**Mr. Chairman:** You want 32(5) to stand over, then?

**Hon. Mr. Philipsen:** Yes, Mr. Chairman.

*Clause 32 stood over*

*On Clause 33*

**Mr. Kimmerly:** This is the custom adoption section and it is obviously controversial. I would ask the minister to look at section 103 on page 61. That section requires a person to notify the director in a situation that may be covered in section 33. Is it the intention, on an Indian custom adoption, that the parties be required to notify the director and be liable to a penalty if they do not?

<sup>29</sup> **Hon. Mr. Philipsen:** That is not the case. The section that we are dealing with here is custody and the section that the member for Whitehorse South Centre referred me to is dealing with legal adoption. I have stated many times that custom adoption actually addressed under custody does what is needed for what is known as custom adoption. Adoption, as everyone knows, is as in born to, and as in born to is not what the CYI and the native bands wish. This is addressed under custody and I might point out that the CYI accepted this proposal of addressing custom adoption in this manner, as set out in section 33.

**Mr. Kimmerly:** I do not care what the CYI accepts and does not accept. We are here to represent the views that we think are appropriate. I resent, in fact, the implication that if the CYI accepts it, we could not possibly be opposed to it. That is not the case at all.

The wording of section 103 does not say "legal adoption", it says "for the purpose of adopting a child". When speaking about custom adoption, the nature of it is an adoption, although it is not a legal adoption that goes through the courts.

<sup>30</sup> It is clear in the bill — it is not arguable or questionable, but it is clear — that if a person gives the custody of a child to another person with the intention of adoption — and in an Indian custom adoption, that is the case, it is not a legal adoption, it is a custom adoption — then, section 103 would come into play.

There is a statement from the minister that that is not the case, but that an Indian custom adoption is custody and not adoption. I would ask him to consider what an Indian custom adoption is. By its nature, it is an adoption. In other places, specifically the Northwest Territories, it is clear that a custom adoption is recognized as in the nature of an adoption, not in the nature of something more temporary, as custody may be.

Section 33 certainly applies if a parent leaves a child with a family member for a month or so, or even a year or so.

<sup>31</sup> If the intention is custom adoption, 103 applies. On an Indian custom adoption, the intention is an adoption by its very nature. Consequently, 103 applies as well as section 33. It is certainly my view that substantial misinformation and bad advice is circulating on this issue.

It has been said, I know, that we cannot recognize custom adoptions specifically because it discriminates on the basis of race. Some naive people have accepted that but it is not so. It is equally arguable that given a constitutional protection of aboriginal rights, and even if it were not in the *Constitution* that the custom of Indian custom adoption is recognizable at law as a custom adoption, there could be a section in here, or a series of sections, the principle of which is as follows: there could be a recognition of the fact of Indian custom adoptions as a simple fact of life, as things that do occur. There could be a section that recognizes Indian custom adoptions as adoptions and recognizes the rights of the adoptive parents as is the intention of the majority or the consensus of the relevant Indian band.

There could be a section to allow for an application to a court to have a judicial, or a legal, recognition of a custom adoption through a very simple process, and that occurs in the Northwest Territories.

<sup>32</sup> It is significant that the Legislature in the Northwest Territories is sensitive to native issues and recognizes native issues in law. Here the contrary is the case. We are only capable here of identifying significant native issues, but not in recognizing them in law and that is because the government is insensitive to the native issue of custom adoption and refuses to legislate a recognition of custom adoption, and that is most unfortunate.

**Hon. Mr. Philipsen:** What is most unfortunate is the member opposite standing up and making a statement that he does not care what the CYI says, and then turning it all around and saying that it is most unfortunate that we do not care what the native community wishes.

This makes me wonder whether this now means that the members opposite are not interested in the recommendations as the Council for Yukon Indians brought forward and the undertaking that I had made to tell everybody where they fit into this piece of legislation as I went through it. If this is the case, I would be very interested. The member for Whitehorse South Centre is going to have to get on one line and stay on it, and not try to move around and cover every person in the territory; and fall in and out the way he wants to. He will have to be consistent.

The member for Whitehorse South Centre is a lawyer. The member for Whitehorse South Centre knows full well the meaning of the word adoption. The member for Whitehorse South Centre picks out one section; he will not go to other sections. I refer him to section 100. Section 100 states, "for all purposes, when an adoption order is made." That section is clearly not what the native community wishes. What the native community wishes, and as was expressed to me on a number of occasions, is a very simplified manner for being able to take your child and leave your child with the person you wish to leave your child with, with the very minimum of paperwork or interference by any government authority.

They were happy indeed to see this piece of legislation written in the manner it is, which enables the native community to do exactly that without interference, without even going so far as having papers and things drawn up between them. In the area of custody, if a person wishes to play with the word custody or adoption in a manner this critical, it is a most unfortunate thing to have happen in this House. The word adoption means "as if born to". To be adopted is a legal process. To go through that legal process you usually have to appear in front of a court, or, in another manner, have someone appear for you. That also means that when you wish to turn it around and have the child returned to you, you have to go through the same process again.

The area here is extremely simple and it is very, very easy to work with. Anybody going through this can see that it is not for a week and it is not for a month. Temporary custody is covered here. Permanent custody is covered here. Even if a person wishes in a will to cover this beyond his life he can do it.

I am at a great loss to understand what the member for Whitehorse South Centre is trying to do to the native community and other people who wish an easy means to settling a very difficult problem. It has been solved here. The native community is happy with it. Following the people whom I have talked to, the member for Whitehorse South Centre is going to have to do a lot better than he has done to convince me otherwise.

**Mr. Kimmerly:** On the matter of consistency, we are extremely interested in the recommendations, as previously identified in debate, because we have assessed the recommendations, ourselves, and have adopted them as good policy. What the native community, in general, feel or think about the issue remains to be seen and will be seen in the days and weeks ahead.

The position that we are taking is that there should be a recognition of Indian custom adoption, as a kind of adoption, with absolutely no paperwork and absolutely no application to a court. There could be a provision, as exists in the Northwest Territories, to allow for a recognition by a court, if the parties involved wanted to, but it would not be a requirement: it would be something that would be entirely voluntary. That would be consistent with what actually occurs about Indian custom adoptions.

In this case, here, there is no specific recognition of an Indian custom adoption and there could be. The government has stated something like that would be a discrimination on the basis of race. Well, it would not be: it would be a recognition of something that characteristically occurs and it could easily be included in the law. This government has refused to do that and that is very unfortunate.

**Hon. Mr. Philipson:** The member for Whitehorse South Centre should, by now, realize that the minute he states "Indian", in a piece of legislation, that he limits that particular piece of legislation to what is defined by the *Indian Act*, federally, and that would limit the area we are dealing with to status Indians only.

He is saying he is not discriminating. The member for Whitehorse South Centre is clearly out 100 miles on this one, because custom

adoption, as it is known, which is covered by custody, is not only for status natives; other people may enjoy the same, if they wish, and other cultures may wish to do the same thing. I think the time is soon coming that the member for Whitehorse South Centre is going to have to talk, in a general sense, for the wellbeing of all people in Yukon and not try and single out particular groups of individuals to garner support from them.

**Mr. Kimmerly:** The statement made about a restriction to status Indians is an inaccurate statement. That is a wrong statement. That is not the case.

**Hon. Mr. Philipson:** Yes, it is.

**Mr. Kimmerly:** That is wrong.

**Hon. Mr. Philipson:** In whose opinion?

**Mr. Kimmerly:** As to speaking for all people, it is when one speaks for all groups in a society, then all people, in fact, are included. The country is made up on a mosaic theory, as opposed to a melting pot theory, or an assimilation theory, as exists in the United States.

It is clear that it is by recognizing minority interests that we include minorities in the general protections and the benefits that all majority members of the society enjoy.

**Hon. Mr. Philipson:** If I wish to do what is known as custom adoption through custody with my brother or a friend, I see no reason why it should be denied me by spelling out a specific group of individuals.

**Mrs. Joe:** I think that the minister is missing the very point that the Indian people of the Yukon — not only status Indians, but people of Indian ancestry — have been so concerned about, and that is that custom adoptions be recognized through legislation. They are not asking that it be regulated; they are asking that it be legislated. They are asking that their custom adoptions be recognized.

I think that the minister may talk about having the support of the CYI with regard to the recommendations and what is included in Bill No. 19, but I think that he knows very well, if he has not been in contact with anyone from there, that they are meeting tomorrow. They are meeting tomorrow, simply because they have found out that they do not really know what is included in Bill No. 19. They do not know if their recommendations have been met and they want to find out if they have; that is why they are meeting.

The endorsement by the CYI, as it was stated in a press release a while ago, was very controversial, as is this act. I think that we have to allow those people who are concerned about their recommendations being legislated the time to have their meeting tomorrow and to go through them. We have looked over the amendments and, of course, there is nothing of what they were asking for included in there. There are no changes or recognition.

In section 33, the government keeps telling us that custom adoption is recognized. It recognizes custom adoption of everybody, and I think the Indian people would not have brought this to the attention of the minister and asked to have it included in this act if they were not concerned about it being there. They wanted that protection in this legislation and it is not here.

**Hon. Mr. Philipson:** At no time did I say all the recommendations were all addressed in this piece of legislation. I did say that I would discuss the recommendations, at the appropriate times, in this legislation, when we came to them, and give the reasons why they were or were not, or where they would be addressed.

Once again, we are trying to get on to a subject where we say something is good for one person but not good for another: I do not accept that principle. The principle is here; it is in custody. It is specific, it is stated. The statement that nobody has had time to look at this piece of legislation to see if they have had input — this piece of legislation was tabled on the 14th of March.

I realize that there is a meeting tomorrow and I realize that there are going to be people coming to discuss this with me, but I am not going to accept that people have not had the opportunity to look at this legislation. I am not going to accept that. This piece of legislation has been dealt with in an open manner. Since last July, every person in this territory has had an opportunity to come in and have input it it.

The input is in here. I have gone through, in different speeches, in second reading, in general debate, every issue raised. I have

gone through the recommendations in general debate. I will not accept the fact that people will say they have not had the time to address this issue.

While I am on my feet: I was away when the member for Whitehorse North Centre addressed the issue at second debate and made statements as to a meeting in an area, in a band in Whitehorse. I was not here, at that time, to defend the statements that were made by the member for Whitehorse North Centre.

For the record, at this time, I am going to enlighten the people in this Assembly who do not know the reason for the debate and what the member for Whitehorse North Centre knows; and, she knows. A gentleman, who was in an area of responsibility in that particular community, said to me, in an open, public meeting, that he backed every concern of the people who wrote the ad on the back page of the paper.

At that point in time, I asked him, then, could we be specific and deal with the points, so that we could have an area where I could understand why he was concerned. At that point, I was told by that individual — an individual with whom he had been in contact with over a large amount of time, trying to get the meeting, the individual who was responsible for calling the meeting, the individual who delayed so long putting the meeting forward that the member from the CYI had to put the meeting together and hold it, after all the other meetings were done — “Oh, I do not know what those concerns are, but I support them fully”.

I then pressed on. I said, “Could you please give me one specific that bothers you in this piece of legislation?” He said to me, “I have not had time to read the act”. At that point, it had been out and open for debate at least from the July before; I think it was a total of about nine months. He had been contacted, he had been asked to set the meetings up, he had that full knowledge that the piece of legislation was being dealt with, it had been an issue in front of the public — because it was 26th of 26 meetings — and he said, “I haven’t had time to read the bill”.

I then said, “Would you please then, once more, tell me what it is in this legislation that you object to”. He said, “Oh, I do not know. I do not know what has been written in the legislation and I do not even know what the people are objecting to that I agree with entirely”.

The member for Whitehorse North Centre was there.

<sup>36</sup> She stood up and placed it in the record in a manner that would make it sound like I instigated the discussion with the gentleman who was doing this, and had tried to browbeat him. That is not the case. The case, in fact, is as I have stated it. We are dealing with another instance where someone is saying I have not had time.

This piece of legislation has been in the minds of people in the Yukon territory for a year, at the very least. I think that the time has come that that excuse is not going to be good enough.

**Mrs. Joe:** I am not really sure what that has to do with section 33. However, it is unfortunate that there were no verbatim minutes taken at that meeting. I did state a fact. I am not denying that the things did not occur that the member said had. I was speaking on the reaction of the minister at that meeting in regard to a response to a person who was at that meeting and, as a matter of fact, from some of the comments that were made to me by members of that band, at that time. That was my concern. I do not retract anything that I said at the time that the minister was here. I would have said it when he was here.

He nods his head and questions me. It is true; I would have said it at that very same time.

I still want to get back to clause 33 and I still want to ask the minister if he cares whether or not the CYI meets tomorrow to go over the new act and to find out for themselves whether or not they agree with this section. I am sure that there are going to be other concerns that they have at that time, that we have already passed, where their recommendations could have been included. I would like to ask the minister if he would stand this over until the CYI has had a chance to deal with it. The people who were instrumental in making the recommendations are the people who are coming in tomorrow to go over this act.

Because this is the most controversial section of it, although there are many others, I think that he should allow them that time. He has

said that he has the approval of all the members of the CYI, although he has only talked to about three or four of them. I have talked to many more than three or four and I think that they certainly should have a chance to go over it, simply because they were instrumental in putting those recommendations together and have worked with those children for a number of years and know, and are concerned about, the Indian custom adoption being recognized by this government.

<sup>37</sup> **Hon. Mr. Philipsen:** I have absolutely no problem standing it over, but I will state this once more: there is absolutely nothing the matter with the way this is written in the minds of the people I was dealing with in the CYI when I met with them. I have discussed this in 26 meetings; I have gone to 13 or 16 native bands and discussed it with them.

I have no problem standing it over, because I know it will stand the test of anybody who wishes to discuss this as an area of custody of a child, which can be viewed as custom adoption. I have no problem, in my mind, with standing it over at this point.

**Mrs. Joe:** I would like to know how long the minister would be willing to stand it over? Would it be until tomorrow or Monday, because they are meeting tomorrow?

**Hon. Mr. Philipsen:** That would obviously depend on how we go through the rest of this legislation, because if I am going to go through this with negative views and people trying to hold things up in order to get other input, then I am just going to decide that I am going to go on the merit of every individual piece.

If, in the minds of the legislature, we are going to deal with this legislation and not try to be obstructionists about it, then I have no problem standing over any section that is controversial and come back to it at another time. I have said before, on a number of occasions, that there is absolutely nothing the matter with this legislation in these areas and it will withstand the test, so I have nothing to hide or keep back from the members opposite. I have no problem with it; I will stand it over. Let the meeting go ahead and we will discuss it on Monday.

**Mr. Chairman:** As I understand it, all of clause 33 will be stood over?

**Hon. Mr. Philipsen:** Being as there seems to be a question with regard to dealing with custody, there would be very little point in me discussing one section without the others because they all tie together. I have no problem standing the whole section over.

*Clause 33 stood over*

*On Clause 34*

*Clause 34 agreed to*

*On Clause 35*

*Clause 35 agreed to*

*On Clause 36*

*Clause 36 agreed to*

*On Clause 37*

*Clause 37 agreed to*

*On Clause 38*

<sup>38</sup> **Mr. Kimmery:** I would ask for an explanation as to why the restriction on a permanent basis is there? It strikes me that there could be situations where, for example, a child is with a grandparent or a relative for a significant period or periods of time, but not on a permanent basis and why would that not be included?

**Hon. Mr. Philipsen:** It defines and clarifies the meaning of habitual resident to prevent it benefiting an abducting parent.

*Clause 38 agreed to*

*On Clause 39*

*Clause 39 agreed to*

*On Clause 40*

*Clause 40 agreed to*

*On Clause 41*

*Clause 41 agreed to*

*On Clause 42*

*Clause 42 agreed to*

*On Clause 43*

*Amendment Proposed*

**Hon. Mr. Philipsen:** I would move that Bill No. 19, entitled *The Children's Act*, be amended in clause 43(2)(b), at page 17, by substituting “period of time” for “period time”.

*Amendment agreed to*

*Clause 43 agreed to as amended*

*On Clause 44*

**Mr. Kimmerly:** This is, of course, an example of a section where power is taken away from the court and put in the hands of the director. The present situation is that the court in the past has made an order for an investigation or a home study to be made. What is the rationale for the government policy that this power should be taken away from the court and given to the director?

**Hon. Mr. Philipson:** This is an area that the court has never, ever, had power over. The court has never, ever, been refused when the court has asked for a report to be given. This section allows the director, subject to the availability of his staff's time, to assist the court in making the report in a custody case. There are no statutory duties in private custody cases.

**Mr. Kimmerly:** The minister's statement is inaccurate. The courts have exercised this power and have made orders. If he wants to see them he can go to the registry and look at them. It is an area where there is no controversy as to the law. In Ontario, it is the law that in every single case there will be an investigation made by the official guardian. This section takes away power from the court and it specifically says that the director shall have no obligation to prepare a report if the court asks for one. What is the reason for that being in there?

**Hon. Mr. Philipson:** This particular section is to allow us the opportunity when the staff is too busy with other things, or there is not staff available, or if it gets to a point where it becomes a matter where every case, as the member opposite is suggesting, to have a report made whether it was necessary or not, to not have to. It increases costs to the government and it may be on an issue where there is no need to increase costs. This is an area where the director, because of the people he has available to him, the staff time he has available, and the nature of the reports being asked for, has an ability to make a decision as to how much time is available for doing this.

I state once more that at no time has any request from the court ever been denied.

**Mr. Kimmerly:** That, of course, is an admission that this is a bureaucrat's bill.

<sup>40</sup> The bill takes power away from the courts and gives it to the bureaucrats and there is a clear admission that that is the purpose of this section.

We are opposed to this subclause and I would vote against it.

**Hon. Mr. Philipson:** Before we leave this clause, I wish to state emphatically that this does not take away the power of any person in the court. All it does is talk about discretionary powers.

**Mr. Kimmerly:** You can say it does not, and I will say it does. We get nowhere by doing that. We can repeat it as many times as the other repeats, but that is probably a childish way of debating and is certainly unconstructive. The point is that we should be identifying the reasons for the position. The statement I made, that courts do now issue orders, is not contradicted and it cannot be contradicted because it is a true statement.

The statement the minister made that the court now has no power to make the order is wrong, because courts do make the orders. They have the force of law; they have never been appealed; they have always been complied with, and complied with because it is in the best interests of the children to comply with these orders.

To specifically put in a section where that power is taken away, and the director has no obligation to prepare a report, means that the legislation is saying that the director will decide, and the minister has already given the reason; it is for bureaucratic convenience. This is a clear example where power is taken away from the Supreme Court and it is given to the director.

<sup>41</sup> *Clause 44 agreed to*

*On Clause 45*

*Clause 45 agreed*

*On Clause 46*

**Mr. Kimmerly:** Clause 46(1) is a very interesting clause because previous clauses use the phrase "shall" and "may" and "here". The phrase "...it is the duty of the Deputy Head of Justice..." is used.

I would ask what is the legal significance between the use of the word "shall" and the use of the words "it is the duty to". If those phrases are used, what is the difference in legal significance?

**Hon. Mr. Philipson:** Am I to believe that I am being drawn into a tricky discussion on a couple of words? I think the member opposite could enlighten us better than I could, as I do not have a legally trained mind?

**Mr. Kimmerly:** Well, it is a serious question and I am sorry there was a facetious answer.

The minister is presenting to us a clause in the bill where it says "it is the duty" of a public official. It could say "the public official shall" or "the public official may": what is the significance of the wording and what is the policy behind it?

**Hon. Mr. Philipson:** It would seem to me that the word "duty" is something that a person would be directed to do. It would be his duty to do that and that is what the word means.

**Mr. Kimmerly:** Why is the policy of the government not that the deputy minister of justice shall do it? If it is his duty to do it, why not direct him to do it?

**Hon. Mr. Philipson:** We have, because it is his duty to do that.

**Mr. Kimmerly:** Well, it is interesting that the implication is that the phrase "it is the duty of" and the phrase "shall" are the same. It is not so, and the minister knows it is not so.

<sup>42</sup> The consequences and the legal significance is quite different. I would ask for a policy statement here: why is the policy not that the public official shall do something? If it is duty to do it, why not direct him to do it and say, "He shall do it"?

**Hon. Mr. Philipson:** I would ask that we stand this clause over until I can talk to someone. Please stand over 46(1).

*Clause 46 stood over*

*On Clause 47*

**Mr. Kimmerly:** It is not actually in clause 47(2)(c), it is after the comma there, but "the court may direct the sheriff or police officer". I would make a suggestion that the bill may be improved if you add the concept that the sheriff or the police officer may use the assistance of agents of the director; that is, social workers. The reason I make it is if the court directs the sheriff or a peace officer to take a child into custody and deliver the child to the person named in the order, a police officer or a sheriff may very well interpret that literally. People following court orders are characteristically very careful, as indeed they should be.

The wording may be improved to allow the police or the sheriff to use the services of a social worker where they deem that it is appropriate. For example, to take a child from a person and give him to a social worker who would eventually give the child to the person named in the order, or, alternately, it may be deemed in the best interests of the child, in some situation, that a sheriff or a police officer not actually apprehend the child. If the child, for example, is found in a school or a playground, or in someone else's home, it may be less traumatic for the child for a trained social worker as opposed to a police officer to actually physically take the child.

<sup>43</sup> It is a suggestion that would improve the intent of that section.

**Hon. Mr. Philipson:** We are dealing with private custody of a child here. I think that we have been fairly specific in the following sections as to how the police officer or the sheriff is told how to do this. I believe that in some cases where police officers go to do this, they do ask for a social worker to go along. We are dealing with private custody matters.

**Mr. Kimmerly:** Whether it is private or public, the issue of the best interests of the child is exactly the same and it makes absolutely no difference. I recognize that social workers are sometimes used. The wording of the section specifically directs specific people. It may be improved to simply allow a discretion on their part. I am not going to belabour the point. The principle expressed in the section is a principle that we agree with. The principle is not controversial; the wording could be improved if the suggestion I made was considered seriously.

**Hon. Mr. Philipson:** I do not want to leave the impression that I am not listening to a good recommendation. I think that there is a possibility that in 2(c) that may be a good recommendation. I am sorry I did not stand up quick enough to tell you that. I think I

would like to stand (c) over and look at whether a social worker should be included in that line.

*Clause 47 stood over*

*44 On Clause 48*

**Mr. Kimmerly:** In 48(6), there is a typographical error in the second line, which has not been identified. I believe the word "is" should be the word "in": "in respect of" is the proper phrase.

**Mr. Chairman:** Is it agreed that there is a typographical error in (6)? Agreed?

**Some members:** Agreed.

*Amendment proposed*

**Mr. Kimmerly:** Because the word "is" is a perfectly good word, I am not sure if it is good practice to agree to that. It may be contrary to other rules, I believe.

I can solve the problem. I move that clause 48(6), at page 22, be amended by changing the word "is" to the word "in".

*Amendment agreed to*

*Clause 48 agreed to as amended*

*On Clause 49*

**Mr. Kimmerly:** Just a word of comment on 49(3): I make this comment because I know my colleagues in the legal profession will be interested in the concept of solicitor-client privilege here. There is a significant effect on solicitor-client privilege that is changed here.

I am simply rising to say that, although I take the solicitor-client privilege as an extremely serious matter and is the right of the client and not of the lawyer, at all, the exception here, as is recognized in the particular clause, is clearly for the best interests of the child.

<sup>45</sup> It is not worded in such a way that a solicitor must breach the rules in all cases, but it is clear that if the rule is breached in the best interests of the child, no proceedings can be taken against him.

It is not absolutely clear, as the wording in one of the amendments is, that it would include disciplinary proceedings within a profession; however, it is clear enough that the better view is that the statutory provision specifically allows a breach of the privilege, or an exception to the privilege of the client in this case. We recognize that as a significant policy.

*Clause 49 agreed to*

*On Clause 50*

*Clause 50 agreed to*

*On Clause 51*

*Clause 51 agreed to*

*On Clause 52*

*Clause 52 agreed to*

*46 On Clause 53*

*Clause 53 agreed to*

*On Clause 54*

*Clause 54 agreed to*

*On Clause 55*

*Clause 55 agreed to*

*On Clause 56*

**Mr. Kimmerly:** To the minister's knowledge has the convention ever been applied in Yukon?

**Hon. Mr. Philipsen:** Not to the best of my knowledge.

**Mr. Kimmerly:** In the spirit of cooperation and because I am a good sport, I would move that Part 2, Division 3 be deemed to have passed. That is, to page 42, for information.

As a word of explanation for the record, the convention is existing law in Yukon and we are simply re-passing existing law within a larger bill and it is uncontroversial.

*Clause 56 to 61 and the Schedule deemed read and agreed to*

*On Clause 62*

*Clause 62 agreed to*

*On Clause 63*

*Clause 63 agreed to*

*On Clause 64*

*Clause 64 agreed to*

*On Clause 65*

*Clause 65 agreed to*

*On Clause 66*

*Amendment proposed*

**Hon. Mr. Philipsen:** I would now move that Bill No. 19, entitled *The Children's Act* be amended in Clause 66(1) at page 44 by substituting "guardianship" for "custody of or guardianship".

*47 Amendment agreed to*

*Clause 66 agreed to as amended*

*On Clause 67*

*Clause 67 agreed to*

*On Clause 68*

*Clause 68 agreed to*

*On Clause 69*

*Clause 69 agreed to*

*On Clause 70*

**Mr. Kimmerly:** I would ask for an interpretation, I suppose, of the meaning of the section. I have no serious difficulty with the intent of the section at all, but the section says, "A guardian shall transfer to the child property of the child when the child attains the age of majority".

It may be that a parent has given the child property, for example, in a will, and has specified that it should be in trust until age 21 or 25 or something like that. I would ask the minister to explain, mostly for the benefit of the public record, if that situation would be covered by this section.

In a similar kind of situation: if, for example, a guardian is looking after a family business and it vests in the child because of the death of the parents or something like that, and if the child is at school, or temporarily out of the territory, what is the intent or the policy to cover those eventualities?

<sup>48</sup> **Hon. Mr. Philipsen:** It would be my understanding, my belief that the guardian would not be in control of those issues, in any event. If there was a will and the will was specifically made out to the child, then the guardian would not be in possession of what the will was giving to the child when the will was approbated or probated, whatever the right word is.

So, I do not think that that would have anything to do with this particular section. This section indicates what will happen to the child's property on the child's attaining either his majority or if a child should marry before attaining his majority.

**Mr. Kimmerly:** It is frequently the case that the trustee of the will is also the guardian and that frequently occurs. It is not a large point, but it is a matter where legal interpretation in particularly difficult cases, which, surprisingly, come up more often than we realize, will work to distinguish this general section.

We understand the intent and the philosophy of the section (2)(b), that even if it is contemplated and it is desired by the child that the property shall remain in the trusteeship of the guardian, that the child could make those arrangements independently and there would not be an undesired result here.

**Mr. Chairman:** Order, please. I think, seeing as we have all been good boys and girls, today, I will allow you to go one minute early and we shall return at 7:30.

*Recess*

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

*On Clause 31 (stood over)*

*Amendment proposed*

**Hon. Mr. Philipsen:** I would, at this time like to ask the Committee if we could go back to page 12, to section 31(1)(g).

I would like to thank the member for Whitehorse South Centre for pointing out this section of the clause. On top of the re-wording of the clause for clarity, we have found that there is a possibility that there is another word that should have been in there and that word is "party" instead of "parent" because custody may be awarded to a party rather than a parent. I do thank the member for that.

I would like to amend clause 31(1)(g) by substituting the following for paragraph (g): "whether one party is more likely to allow the other party reasonable access to the child." I think that gives added clarity to that section.

**Mr. Kimmerly:** I agree with the spirit of the amendment, and I agree with the principle of the amendment. I hesitate to say that we

agree or disagree immediately. I would point out that the amendment comes to us now and it would be responsible to study the amendment to discuss it among the caucus and perhaps consult with other parties, even experts, about the wording.

<sup>02</sup> Some notice of amendments is clearly desirable, in the spirit of getting the best possible act.

What strikes me is that the amendment is a substantial improvement over what is here, but it could be interpreted and I would like to think about it for five or ten minutes, or so. It could be interpreted that if a party is not willing to grant reasonable access, that would stand against them.

Reasonable access could mean a kind of access: it is frequently called reasonable access. It may be better wording to allow the possibility, or to clearly specify the possibility, that, in some cases — albeit in the vast minority of cases — it would be responsible parental action to try to deny access if the other party were clearly harming the best interests of the child. The case most frequently arises with a substantially alcoholic parent and another parent who is not alcoholic.

<sup>03</sup> That is the most frequent case. It may be that an even better wording is possible, and I would ask for more time to consider it.

**Hon. Mr. Philipson:** Absolutely. I have no difficulty in agreeing to that request. I also will make this undertaking that, in the future, I will attempt to have amendments to the member for Whitehorse South Centre in enough time so he will have time to look at them, rather than just when I bring it into the House.

In that regard, I have other amendments in two areas that we have already discussed. I will leave those until tomorrow and I will have the amendments to the member for Whitehorse South Centre in the morning for discussion tomorrow afternoon.

With that said, I would then request that we just return to where we left off at the break and continue with our clause-by-clause discussion.

**Mr. Chairman:** As I understand, the amendment is on the table and it will be stood over. Is that agreed by everybody?

**Some hon. members:** Agreed.

*Clause 31 and amendment stood over*

**Mr. Chairman:** We should go back to page 45, clause 70(1).

*On Clause 70 — continued*

*Clause 70 agreed to*

*On Clause 71*

*Clause 71 agreed to*

*On Clause 72*

*Clause 72 agreed to*

<sup>04</sup> *On Clause 73*

*Clause 73 agreed to*

*On Clause 74*

*Clause 74 agreed to*

*On Clause 75*

*Clause 75 agreed to*

*On Clause 76*

*Clause 76 agreed to*

*On Clause 77*

*Clause 77 agreed to*

*On Clause 78*

*Clause 78 agreed to*

*On Clause 79*

*Amendment proposed*

**Hon. Mr. Philipson:** I move that Bill No. 19, entitled *The Children's Act*, be amended in clause 79(2)(b) at page 49 by substituting "frivolous" for however the other word is said and spelled.

<sup>05</sup> **Mr. Chairman:** Mr. Philipson, could we not accept that as a typo, instead of an amendment? Is that agreeable?

**Some hon. members:** Agreed.

**Mr. Chairman:** Then the amendment will be withdrawn.

*Amendment withdrawn*

*Clause 79 agreed to*

*On Clause 80*

*Clause 80 agreed to*

*On Clause 81*

*Clause 81 agreed to*

*On Clause 82*

<sup>06</sup> **Mr. Kimmerly:** I have a question about clause 82(3). I notice the provision in section 86 about revoking consent within 30 days. This is not a major point, but it certainly does come about. It does occur as a problem on occasion.

It occurs to me that the same policy in section 86 concerning a period whereby a person agreeing or consenting could revoke it is a very responsible move. In situations where families are going through a crisis, a period of consolidation or second thought is a good provision.

I would make a recommendation that first of all the section is contemplating some sort of a form and it is realistic to thing that the regulations would provide a form. It may be useful to specifically say on the form that there is a revocation period, similar to the period in section 86. That is a responsible service. Of course, the policy is that the period must be fairly short so that the care and control of the child is not in limbo for any significant period, but it must be long enough to allow for a person who, if they do have serious thoughts of guilt, or whatever, or second thoughts, that they can revoke it.

It is important for two reasons. It means, after the period of revocation, it cannot be revoked and the person is aware that, before the period, there is a possibility of a second thought. I would recommend that the matter be clarified so that a procedure similar to the section 86 procedure be followed here.

<sup>07</sup> **Hon. Mr. Philipson:** I thank the member opposite for his thoughts on the matter and would be happy to stand it over until tomorrow to have a look at that section.

*Clause 82 stood over*

*On Clause 83*

*Clause 83 agreed to*

*On Clause 84*

*Clause 84 agreed to*

*On Clause 85*

*Clause 85 agreed to*

*On Clause 86*

*Clause 86 agreed to*

*On Clause 87*

**Hon. Mr. Philipson:** I would propose that Bill No. 19, entitled *The Children's Act*, be amended in clause 87(1)(d) at page 54 by substituting "nurture" for "nurturance".

*Amendment agreed to*

*Clause 87 agreed to as amended*

*On Clause 88*

<sup>08</sup> **Mr. Kimmerly:** In 88(3) I would ask for an explanation as to the notice period of one month: why is that period specified? The normal rules of court would probably make it seven days, and I am wondering why it is a month?

**Hon. Mr. Philipson:** To give adequate notice of the grounds on which they are relying, so that a parent whose consent is sought to be dispensed with will have a chance to challenge it.

*Clause 88 agreed to*

*On Clause 89*

*Clause 89 agreed to*

*On Clause 90*

*Clause 90 agreed to*

*On Clause 91*

*Clause 91 agreed to*

*On Clause 92*

*Clause 92 agreed to*

*On Clause 93*

*Clause 93 agreed to*

*On Clause 94*

**Mr. Kimmerly:** This is an interesting section and I wish to raise a potential problem. It is more and more common for spouses to have different names: indeed, the past leader of the Conservative Party, nationally, had a spouse who maintained her maiden name, and it is more and more common.

I am aware, through my law practice, that this is a matter of extreme emotional significance to some people. What is the intention, or what would occur, if a married couple have different surnames and adopt a child? What is the name of the child? This

section appears not to cover that eventuality.

**Hon. Mr. Philipson:** This matter, at the present time, would be dealt with under the *Vital Statistics Act*. Hyphenated names are not dealt with at the present time, but, in my mind, this is not the legislation in which it should be dealt with; it is the vital statistics legislation. This section is virtually identical to the existing law.

**Mr. Kimmerly:** The section clearly states, of course, that the surname of an adopted person shall be the surname of the person who adopts him. If there are persons who adopt, which is a possibility under previous sections, and if they have different names, it becomes a problem.

Under the present wording, the section would appear to be inoperative and the court would need to choose one name or the other or to join the two names and make a third surname in the family. There is no direction here and it is a potential problem. It could be solved, I suggest, by leaving it at the discretion of the court where the names of the persons who adopt are different.

**Hon. Mr. Philipson:** I understand the difficulty with this, but it would seem to me that if two people wish to change their names to one name — you can change your name to anything you want if you want to go through the courts — I believe the child would take the name of the person who would be presumed to be the father in a family. I believe that the father's name is taken in those instances.

**Mr. Kimmerly:** You are going to get into trouble with that one. I think, I do not think that is the case, in fact, especially now that the *Constitution* has been passed.

In any event, it is not a major problem, I believe, because if there are persons who adopt, the section would probably be interpreted by the court to be inoperative and the court would order a surname for the child. If the parents agree, there is no problem. If the parents do not agree, then it would possibly be a problem that is not dealt with.

In any event, I point it out as a potential problem and an area where the act could clarify the situation, although it would be difficult to foresee all eventualities.

<sup>10</sup> I rose, primarily, to say that it is my opinion that the law is not now that the father or the male adoptive parent's name would be used and that would be a subject of controversy, if it were so.

*Clause 94 agreed to*

*On Clause 95*

**Mr. Kimmerly:** I have a question on 95(2). I would ask for a justification for the record of the one year period. I recognize the general justification, as was given to my previous question about one month in section 88(3), but why was one year chosen, as opposed to six months or nine months or two years?

**Hon. Mr. Philipson:** This creates the right of appeal, in subsection (1), and a special right of review within 12 months in cases of fraud, duress or apprehension, in subsection (2). These provisions are found in Nova Scotia and in many other provinces, at the present time.

**Mr. Kimmerly:** I understand that, but is there any policy consideration? Is there any scientific or statistical information to indicate that one year is the most appropriate period? I mean, it may be that six months is a better period, or nine months or whatever. What is the reason for the specific choice of one year?

**Hon. Mr. Philipson:** It is in an effort to be fair to an aggrieved parent or concerned person, who may wish to have this amount of time in order to apply. I suppose any amount of time would be a judgment call: why did we not make it 18 months? I believe that other areas of Canada, that have this legislation have found that a year is a fair period of time.

**Mr. Kimmerly:** I would just make a final comment, in the spirit of furthering our knowledge in this area. I would expect — as a matter of fact, I can say I know — that adoptive parents feel more secure after the period has gone by and the right of appeal has lapsed.

It is, in my opinion, and it is probably in the best interests of the new family — of the adoptive family — to make the period as short as possible, balancing out the possibility of an aggrieved parent or an aggrieved party coming to court to set aside the order because of fraud or duress or unfair means, which is also a legitimate right.

<sup>11</sup> It may be very useful as a research project — probably not of a

first priority but certainly as a useful research project — to look at past cases and to identify when it became known. If it is scattered over a long time period it is simply a matter of balancing the possibilities and choosing a compromise period of time.

However, if, in the past — let us say approximately 10 years — all of the successful cases arose before six months or before four months, it may be in everyone's best interest to shorten the period. It may be a useful research effort. I am not aware, personally, of any studies in this area, but it strikes me that it may be useful.

*Clause 95 agreed to*

*On Clause 96*

*Clause 96 agreed to*

*On Clause 97*

*Clause 97 agreed to*

*On Clause 98*

**Mr. Kimmerly:** On clause 98(6)(d), I raised this issue in the second reading debate and I will raise it again as it is of substantial importance to people who are affected.

I must say I had difficulty in understanding the importance until I spoke at length to an adult who was adopted who was in search of that person's natural parents and studied the matter at length some years ago. It is clear that the search for natural parents is virtually universal. It is a rare exception that an adopted child who reaches adulthood does not, at some time in his life, search for his natural parents. It strikes me that there is a complicated balancing act between the right of privacy and the right to know; and it is a case where the rights or the wishes of natural parents may conflict with the rights or the wishes, or the interests, of children.

<sup>12</sup> It appears to me that this section has adopted the principle or philosophy that the right of privacy of parents who give up their children for adoption is superior, or is paramount, to the interests of the child in finding his natural parents. I find that confusing because it is inconsistent with section 2 of the bill where section 2 clearly recognizes the paramouncy of the interests of the child.

We all know that the right of privacy is very important and it may be embarrassing, for example, for a young, unmarried woman who has a child and gives the child up for adoption in the spirit of the best interests of the child and, twenty years later, or 30 years later, the mother is married and secure in an adult life and the child has, now adult, been brought up, hopefully, in a good adoptive home. The child has a real affection and love and concern for the adoptive parents, but is still searching out his natural parents. This is a frequently occurring situation.

It may be in the mother's interest to maintain privacy, especially from other members of her new family. That may be the case. It may be the wishes of the mother, but whose wishes are paramount: the wishes of the mother, or the wishes of the child to be reunited? It could be done in a very discreet way. It is certainly our policy, and we recognize that the involvement of the department is essential, and if it is responsibly done, it aids immeasurably.

I believe that the law was amended first in Scotland some years ago to recognize the paramouncy of the rights of the child. What occurred under the first Scottish law, I believe, was that social workers would give the information to the child as a right, but would not give the information immediately or forthwith.

<sup>13</sup> They would contact the natural parent discreetly and ascertain the wishes. Even if the wishes of the parent was to maintain secrecy, the right of the child to obtain information was considered to be paramount.

This situation also exists in reverse, where a parent or parents give up a child for adoption — or, perhaps, involuntarily give up the child through a wardship — and later in life they search for the child. It is a policy decision as to whose interests are paramount, because if the child is contacted and the child says, "No, I do not want to know my natural parents", whose interests should prevail: the parents' or the child's?

It is inconsistent, I think, to state in section (2) that the interests of the child are paramount, but here, in 98(6)(d), to imply that the right of privacy of the parent is paramount and that the director shall not disclose information that would give a child the identity of the parents.

I fully recognize that there are practical limits that must be

recognized in searching for a person and the expense that would be incurred in searching for a person, and that is a secondary issue. But, as to the policy issue, I want to say that it is my opinion, in this case, that the interests of the child should be paramount to the interests of the parent, in both cases, where the child is searching or where the parent is searching.

The reason for that is partially because of a sentiment expressed in section 2 but, much more importantly, because I believe it is so emotionally important for the children involved that their interest is, in fact, greater. Another reason is, at the time of the adoption, generally, the children are young and not in control of the situation at all. It somehow evens it up a little bit. It makes it fair if, later on, after achieving adulthood, they get some control or, at least, information, about what occurred probably 20 years before.

<sup>13</sup> Believe me, adoptive parents feel that extremely strongly. I have conversed with several of them in the last years. I would recommend that a consideration be given here in this section to make the interests of the child paramount over the privacy of the parent, with the proviso that the information would be given extremely discreetly under the supervision of social workers and that all parties, including the parents, be notified of what is occurring.

**Hon. Mr. Philipson:** I find there are certain inconsistencies in what the member for Whitehorse South Centre has stated.

**Mr. Chairman:** Order please. Mrs. Firth, are you having a problem?

**Hon. Mrs. Firth:** Yes.

**Hon. Mr. Philipson:** The best interests of the child has been stated as a reason why it should be included here that a child should know who his natural parent is, whether the natural parent wishes it or not. There is no reason in the world for me to believe that it would be in the best interests of the child to find that out. It may, in fact, not be in the best interests of the child to find out who his natural parent is. He may, if the natural parent were not happy for this to happen, reject the child once more. The child may suffer significantly for being rejected twice, in his mind. That is hypothetical, of course, but it still does not mean that it would be in the best interests of the child to know who his natural parent was.

There are some other inconsistencies as well. The best interests of the child deal with a child and a child is defined as a person up to the age of 18, and this section deals with a person once he is over the age of 18 and is at the age of majority. Using the best interests of the child in that context is also inconsistent, because you are dealing with two adult people, or more adult people.

Another area that I would like to touch on briefly is what the member for Whitehorse South Centre is suggesting; that it gives an advantage to one individual over another. By leaving it in this manner, where both parties can be contacted and both, if they agree, can meet, then I think it is a fair resolution of a problem. It means that both parties are interested in the same thing. Neither party, then, is going to suffer adversely by one party or the other knowing something that the other party does not want known.

Also, I would point out that in the following sections, upon application and subject to any regulation that may be prescribed, the director may disclose to the applicant any particulars of the adoption that he has in his possession, including information identifying the parents by birth or other kindred. That allows the director to pass on medical information, even without the parents' identity being known, so that in an area of a medical problem in the family that the parents wished to pass on that the child should know about, but still does not want their identity known - they will not be stopped.

<sup>14</sup> I think we have pretty well covered all bases here and I think we, on this side of the House, are quite happy that this legislation will allow both parties, if they wish, to get together. It still protects the identity of someone who does not wish to be disclosed.

**Mr. Kimmerly:** I am extremely interested in the reason for section (7) and the apparent inconsistency between (6)(d) and (7). I recognize the general intent of (7) but it is peculiar, in a statute, to put in a section (6)(d) and then an inconsistency like (7). It may be that the regulations under (7) would be fully supported by this side of the House, but it is a general section and does not tell us a great

deal.

I would like to answer the three points raised by the minister. He talked about the best interest of the child and said it may involve the child in suffering or anguish or disappointment to know the child's natural parents. The answer to that is: it is a universal quest, or a virtually universal quest, and it is well-documented.

The child, after reaching adulthood, is probably the best person to tell us the child's best interests, especially if it is something that almost all adopted children do. That should tell us something.

The anguish of the quest is extremely important to adopted children. I wish there were an adopted child here to express the concern, because I feel I can only do it imperfectly and probably fairly badly. The child is saying that he has a very strong desire to know his roots and is saying to us, "It is in my best interest to know, even if the information is painful, or is going to cause me to be ashamed for a time", or something like that.

<sup>15</sup> They are certainly interested in knowing and it is not always in the best interest in the child to keep painful information from him. If the information is real and accurate, it may cause a little concern or pain for a time, but it may be in the best interests of the child to go through that and discover the child's roots.

The next argument was about the definition of a child and a child is no longer a child after age 18, under this act. However, it is a fact of life that I am a child of my parents; I am over 18, but I am still a child, in relation to my parents. That is the sense of the word "child" that I mean.

My parents talk about their children, even though all of the children are over 19. In that sense, it matters absolutely not that the children are minors, legally, or not. In that sense, the interest of the child should be paramount.

In any event, it is interesting that the definition of "child", in section 106, only applies to that part. The general statement of principle, in section 2, applies to the entire act and, in a very technical sense, the minister's argument is wrong.

As to the advantage of them both meeting and the possibility of a rejection, I would put forward the scenario that a child is searching for his natural parent and he is told that his natural parent does not wish to meet him. That would cause as much, if not more, anguish, obviously, than if the meeting occurred and a rejection occurred, of sorts. It would not compound the anguish or make it any worse; there is a possibility of lessening the anguish of rejection.

In any event, many adopted children have long come to terms with rejection by their natural parent and they are really unconcerned about the rejection; they are only interested in information.

<sup>17</sup> That is not true for all, but certainly for some. I recommend that this is an important issue; it is an area on which there is obviously a policy difference between the government and us. It is our position that the interests of the child, or the adopted person, after becoming an adult, should be paramount over the privacy of a parent.

In order to give the debate a constructive focus, I would ask the minister if he is aware of scientific studies. I know that they exist — not in proliferation, but they certainly do exist — concerning the reuniting of parent and child and if the policy was made on the basis of scientific information and if so, briefly and generally, what is it? If not, what were the policy considerations or opinions that went into making this policy?

**Hon. Mr. Philipson:** Partially on individual rights and freedoms.

I think this is a good place to point out in the recommendations of the CYI. Recommendation no. 23 was that adopted children and permanent wards have the right to information about their natural parents and vice versa, provided both parties consent. It seems like a good point to start bringing forward some of the CYI recommendations.

The member for Whitehorse South Centre probably knows better than any of us the legal terminology of "adopted". I realize that the definition of "adopted" is "as if born to". Once adopted, the parents of the child are the people who did adopt and I do not think it is necessary for me to explain that the person who gives the child up for adoption has forfeited his rights as a parent at that particular point in time; therefore, the child does have parents after he reaches



the age of majority if he has been adopted.

The desire to find one's biological parent, I understand, would be a strong desire. I also can understand that there may be very, very good reasons why the person who has given the child up for adoption does not want his identity to be known. It would not be in the interests, and it would not be the feelings of the members of this side of the House, to infringe on other personal rights of one individual over another individual.

This section, the way it is written, allows both parties the opportunity to get together if they both so desire. We are now in an enlightened age, to a point where we do keep the files, the names, the life books and everything up to date to a point where, at any point in time, an adopted child could go to the department and, if it was on the record that the person wished to be contacted and wished a meeting, if the person could be found, it would be possible to do it.

**Mr. Chairman:** I think we should recess for 15 minutes.

#### *Recess*

**Mr. Chairman:** I will call Committee to order.

**Mr. Kimmerly:** I recognize the information that was given in the minister's answer, but it did not answer the question that I posed. I would like to simply elaborate on the question a little bit, because it is a very serious and important issue to those concerned.

I believe that it is accurate to state that it is scientifically demonstrated that those persons who are searching for their heritage are not doing so out of malice or vengeance; they are doing so in order to find their ancestors, occasionally, and not their parents, primarily; but their brothers and sisters. Some of them who were separated from their brothers and sisters — which is unfortunate, and it is always avoided, but does occur on occasion — are also looking for brothers and sisters.

It is also accurate to say, I believe, that almost all of the adopted children who are searching for ancestors — which means almost all adopted children, period — do so with the kindly encouragement of their adopted parents.

<sup>19</sup> The adopted parents are as close to their children as natural parents would be and they almost universally recognize the natural inclination of the children to find their biological ancestors. They support it and are not threatened by such a quest. In light of that kind of scientific information, which, I believe, is available to us, is the minister aware of any scientific information that supports his statement that it may not be in the best interests of the child to reunite with their biological parents? It is a very serious question.

I believe the available information is contrary to that statement, and I am asking to be informed if they know of any contrary information at all.

**Hon. Mr. Philipsen:** It is undeniable, there is no doubt, that there is scientific data available to state what the member for Whitehorse South Centre has stated. That is one individual piece of a problem.

<sup>20</sup> When you are searching for a resolution to a problem, you do not look at only one area of the problem. The need is recognized, but the other side of the coin is the right to individual privacy. This act does everything in its power and everything we feel is possible to protect an individual's right to freedom and to privacy, in that it allows both parties to get together, if both parties agree. We do not feel that it being in the best interests of one person and not in the best interests of another person makes a statement like the member opposite is making legitimate.

There is also, in this piece of legislation, the possibility for natural children to find each other. I believe this legislation addresses this problem in the most logical, comprehensive and fair manner to individuals, as it is possible to do.

<sup>21</sup> **Mr. Kimmerly:** The minister will forgive me for saying that we have gone beyond that in the debate. That was a fine statement of principle, but I can do the same. I can re-state our principles and it gets us nowhere because it has already been done. I asked a question about any available scientific information, and I am simply asking for an honest answer as opposed to an evasion and a political speech.

It may be that there is no information, or the minister is not aware of it and it would be simple to say that and get on with the next issue in the debate. If need be, I can quote from sociological studies on the issue of adoption, but I sense that there is a general lack of interest in many members and a frustration at the length of the debate on the issue. I am trying to accommodate that and, at the same time, responsibly deal with this important issue.

<sup>22</sup> There is substantial scientific information available. Is the minister aware of any information of a scientific nature that backs up the statement that it may be harmful for children to be re-united with biological parents in this situation? Or, is the reason for the section simply an ideological one, putting the right of privacy of a parent who gives up a child for adoption as paramount over the interest of the child after it reaches majority?

**Hon. Mr. Philipsen:** Yes, indeed, we believe in the right of individual privacy in a matter of this sort.

**Mr. Kimmerly:** I will make a concluding statement. It is unfortunate that the debate does not take a more informed tack. I can assure all members that those persons who are affected consider this issue to be of utmost importance. It is not generally talked about in casual conversations. It is not generally a political issue. Those affected do not go to politicians about their concerns, characteristically; but it is a most important matter. It is unfortunate, in my view, that on this issue the interests of the child are not paramount over the interest of privacy for those persons who have given up those children.

<sup>23</sup> **Hon. Mr. Philipsen:** I went around the territory, at great length, and I have been open, as I have said on a number of occasions. At no time has there been an individual come to me to tell me that he felt that his right to know who his parent superceded the right of individual privacy. Also, at no time has anyone come into my office, since I have been a Minister of Health and Human Resources, and come forward with that desire.

The desire has been stated, both by the recommendation from the Council for Yukon Indians and in other meetings where this matter was raised, that people would be happy if both parties consent. I have never, in the length of time I have been involved in this ministry, heard other than that.

**Mr. Kimmerly:** I could direct inquiries to the minister, if he wishes and, perhaps, I will do that in future.

This section does not apply to wardships, it applies to adoptions. In the case of a ward who is not adopted, what is the policy of disclosing information to the ward who is not adopted after the ward attains the age of majority?

**Hon. Mr. Philipsen:** I am sorry, I have to ask the member opposite to try and be brief and give me the question again, quickly. I am sorry.

*Clause 98 agreed to*

*On Clause 99*

*Clause 99 agreed to*

*On Clause 100*

*Clause 100 agreed to*

<sup>24</sup> *On Clause 101*

*Clause 101 agreed to*

*On Clause 102*

*Clause 102 agreed to*

*On Clause 103*

*Clause 103 agreed to*

*On Clause 104*

*Clause 104 agreed to*

*On Clause 105*

*Clause 105 agreed to*

*On Clause 106*

*Clause 106 agreed to*

*On Clause 107*

*Clause 107 agreed to*

*On Clause 108*

*Clause 108 agreed to*

*On Clause 109*

**Mr. Kimmerly:** I am not going to debate at length the import or the enforceability of these sections because it was covered in general debate. The points to be made were made there. It would

simply be a repetition here. I do make a suggestion in clause 109, partially because I think it is a suggestion that has some chance at being well received, but primarily because it would, in my view, improve the section.

In the fourth line it talks about the possibility of the placement of the child at the relevant time. I would ask if the minister would consider the possibility of adding a phrase something like "or within a reasonable time"?

<sup>25</sup> The purpose of doing that is to clarify the situation that occurs, especially if an Indian family is not immediately available. I know the policy is to search for an available Indian family, if the child is Indian, or to maintain a cultural continuity in the family, if possible.

It would strengthen that policy, I believe, if there was a consideration here to find a family within a reasonable time. It is my belief that that occurs anyway, and it would simply be an improvement in the wording, in my view.

**Hon. Mr. Philipson:** I would do anything to improve this bill at any time, but I would answer the question with a question of my own: what would we do in the interim? What is reasonable, and would it be in the best interests of the child, to have a child floating around in the interim? I would just like to address this problem openly, and I ask those questions in all sincerity.

**Mr. Kimmerly:** The section is a general section and would apply in the case of an immediate apprehension and would also apply in the more long-term and general case of finding foster care.

The intent of these three sections — 107, 108 and 109 — is clearly very general and it establishes the policy of the director and the minister. It is clear that if a child is taken into care, it is necessary to immediately find a bed for the child and find immediate care. In that case, a reasonable time is before bedtime, but it is clear that it frequently occurs that the placement of the child is changed, for example, from a receiving home for a day or two, to foster care.

<sup>26</sup> That time period should be discretionary. It is, perhaps, impractical to say that it should be 48 hours or seven days; it will depend on a lot of situations.

I would suggest a "reasonable" time clearly gives a general discretion to the director and that is appropriate. It would widen the wording and enable the director to claim a statutory direction to spend greater efforts in finding a culturally relevant home and, if it meant a day or two longer, it would not hurt.

**Hon. Mr. Pearson:** I would just like to ask the member for Whitehorse South Centre if he — I think everybody is saying the same thing, I think everyone is looking for the same objective here — would not agree with me that, in the parlance of legislation, the word "relevant" is not a more clear definition than "reasonable" and one that is more likely to pass on the connotation that will be in the best interest of the child?

I am suggesting, with all due respect, that the word "reasonable", I believe, in this instance, is capable of being interpreted much too broadly and may well become the subject of a legal wrangle that, really, nobody would want.

**Mr. Kimmerly:** "Within a reasonable time" is clearly more general or wider than the phrase "at the relevant time". The phrase, "at the relevant time", is not forthwith or immediately, but it means at that time. It is defined in a narrower way.

The practical situation here is that there are more Indian children than available Indian homes. Practically, I know, the policy of the department is to spend some effort looking for the best or the closest home, in terms of geography and, also, culture. It could be interpreted that no home is available, at the relevant time and, consequently, the child is placed in any kind of home.

<sup>27</sup> It is my view that if the test were widened a little bit it would invite the director to make additional effort or allow a slightly greater time frame before he feels it is his duty to act. The possibility of finding a culturally relevant home is then greater. It is my view that with a phrase "within a reasonable time", the chances of a judicial review are lessened because it gives more discretion to the social workers actually carrying out the duty. If it is "at the relevant time", the judicial interpretation would be that it must be very, very soon; not forthwith, but within the limits of

practicality, and a "reasonable" time test is slightly more general.

**Hon. Mr. Philipson:** I would ask that you stand over 109(1) until tomorrow.

**Mr. Chairman:** Is that agreeable?

**Some hon. members:** Agreed.

*Clause 109 stood over*

*On Clause 110*

**Mr. Kimmerly:** Clause 110(6) is an interesting clause. It was raised in general debate.

**Mr. Chairman:** Order please. I think Mr. Philipson has something he would like to say on this.

*Amendment proposed*

**Hon. Mr. Philipson:** I beg the indulgence of the Committee of the Whole. I would propose an amendment to Bill No. 19, entitled *The Children's Act*, in clause 110(6), at page 65 by substituting: "All matters pertaining to the care and custody of children who come into his care under the act", for "all matters pertaining to the welfare of children."

<sup>28</sup> *Amendment agreed to*

*Clause 110 agreed to as amended*

*On Clause 111*

**Mr. Kimmerly:** I will not be long. Actually, there is only 10 minutes, so I cannot be. I am told it is eight; perhaps it is only seven.

The issue was identified before. It is our view that it is possible and, indeed, desirable, under the *Constitution* to identify Indian bands, or other Indian groups. It is certainly desirable to allow the general section about community groups or persons, or societies, or whatever.

It is an interesting development in the law and it will be an interesting area in the future, and is, in fact, an area we have supported for some time. It is clearly contemplated that native controlled groups consisting of native people have the power to contract with the government to deliver services within the child welfare area.

When Indian people say, "We want Indian control over Indian child welfare", that is an important concept. This section goes some way in accommodating that.

Without getting ahead of ourselves, I would identify a concern in 111(4)(c) and I would ask if, tomorrow, there could be an explanation of the intent or meaning of that. I would raise the problem that if it is intended that these groups have control or have superintendence or deliver the services over Indian children, or band members, it is my view that the constitutional arguments that the government says they are trying to avoid are all brought into play immediately.

<sup>29</sup> It would be, I am sure, a sensitive issue in the communities. I will be interested, tomorrow, in debating that point.

On 111(1), it is our view that our concerns were made known in general debate and it is, perhaps, unproductive to repeat them. I am aware that the vice-chairman in charge of social programs, at the Council for Yukon Indians, is satisfied with this section.

I am interested to know what the plans of the government are, in connection with putting this scheme into effect. I am also interested in information, which is available now, about the use of contracts with community groups, especially bands or the Council for Yukon Indians, itself, to get directly involved in the child welfare area. I am especially interested in the training programs and qualification requirements, which are now known to the department.

**Hon. Mr. Philipson:** I will address the issues raised by the member for Whitehorse South Centre tomorrow, in debate.

At the present time, due to the lateness of the hour, Mr. Chairman, I would move that you report progress on Bill No. 19.

*Motion agreed to*

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

*Motion agreed to*

*Mr. Speaker resumes the Chair*

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

**Mr. Brewster:** The Committee of the Whole has considered Bill No. 25, *Interim Supply Appropriation Act, 1984-85 (No. 2)*, and directed me to report the same without amendment.

Further, the committee has considered Bill No. 19, *The Children's Act*, and directed me to report progress on same.

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

**Some hon. members:** Agreed.

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

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

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

*Motion agreed to*

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

*The House adjourned at 9:29 p.m.*

The first part of the report discusses the general situation of the country and the progress of the reform. It also mentions the achievements in the field of economic growth and the improvement of living standards.

The second part of the report focuses on the achievements in the field of economic growth and the improvement of living standards. It also mentions the progress in the field of social and cultural development.

The third part of the report discusses the progress in the field of social and cultural development. It also mentions the achievements in the field of science and technology.

The fourth part of the report focuses on the achievements in the field of science and technology. It also mentions the progress in the field of education and health.

The fifth part of the report discusses the progress in the field of education and health. It also mentions the achievements in the field of environmental protection.

The sixth part of the report focuses on the achievements in the field of environmental protection. It also mentions the progress in the field of international relations.

The seventh part of the report discusses the progress in the field of international relations. It also mentions the achievements in the field of foreign trade.

The eighth part of the report focuses on the achievements in the field of foreign trade. It also mentions the progress in the field of diplomatic relations.

The ninth part of the report discusses the progress in the field of diplomatic relations. It also mentions the achievements in the field of international cooperation.

The tenth part of the report focuses on the achievements in the field of international cooperation. It also mentions the progress in the field of global development.