



# The Yukon Legislative Assembly

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Number 23

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25th Legislature

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## **HANSARD**

**Monday, April 30, 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, Klwane

## CABINET MINISTERS

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

## GOVERNMENT MEMBERS

(Progressive Conservative)

Bill Brewster	Kluane
Al Falle	Hootalinqua
Kathie Nukon	Old Crow

## OPPOSITION MEMBERS

(New Democratic Party)

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

(Independent)

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

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

**Whitehorse, Yukon**

Monday, April 30, 1984 - 1:30 p.m.

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

*Prayers*

**DAILY ROUTINE**

**Mr. Speaker:** We will proceed at this time 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?

Are there any ministerial statements?

This brings us to oral questions.

**QUESTION PERIOD****Question re: Economic development council**

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

A recent newspaper article, reporting on the merging of the proposed Government of Yukon and City of Whitehorse economic councils, mentioned the Whitehorse Chamber of Commerce's concern that the council be clearly non-partisan. In the interest of achieving the kind of consensual process desirable in such a body, has the minister considered the possibility of ceding the chair of this council to someone with a wide public reputation as being fair-minded and non-partisan, and also, perhaps, to someone who may have an acknowledged reputation as an expert on the economy?

**Hon. Mr. Lang:** I would presume that that is perhaps why I recommended myself.

I understand there is some discussion in respect to the question of the chairmanship. It is my intention to initially chair the formation of that particular organization. I think we will see how things proceed from there. I do not totally buy the argument that because you happen to have committed yourself to a political party, you cannot participate in such an organization. I think it is important, from my perspective, depending on the terms of reference, that I get involved to some degree because, in a large part, our government will be involved from the point of view of doing the necessary research to see whether an idea has merit, and further to perhaps implement ideas into reality.

I just want to assure the members opposite, and I am sure they will agree with this, that I am a fairminded man and I will do my best to approach such an organization as objectively as I possibly can.

**Mr. Penikett:** The issue is not whether someone belongs to a political party. There are fairminded people, such as I, who belong to political parties.

The question concerns someone with a reputation as a sort of fairminded person with the desirable expertise on the economy, too, which, even the minister, modest as he is, would admit he does not have. Has the minister had any discussions with Mayor Branigan and the Chamber of Commerce regarding the procedure, not for selecting the initial chairperson himself, but about, in the interests of having it as a continuing body, the kind of person who might be most desirable, with the right kind of background and the kind of personality that might be most desirable?

**Hon. Mr. Lang:** I did not get into that kind of a discussion with the individuals with whom I met. I think that it is a new concept and I think it is going to take some time to put it into place and to see how it works and to see whether or not it is going to be of as much benefit as hon. members in this House would like.

I should point out, for the record, that I have checked, for example, with Alberta. In that particular province, such a council is

chaired by an MLA of the government side of the House.

**Mr. Penikett:** An important point is that the MLA, of course, is not a minister.

Has the minister considered the possibility of inviting representatives of consumer groups to participate in the activities of the council and does he plan to invite their participation?

**Hon. Mr. Lang:** We are just in the formative stages of this. I want to be very clear that I do not want an organization that is going to be very unwieldy. I think we have to be careful, in that perspective, so that things can be accomplished.

Further to that, I just harken back to the words of the leader of the opposition, who has indicated time in and time out, in this House, that he would like to see political people more involved, with respect to some of these boards that have been created through the steps taken by the legislature. I thought I was only complying with one of the often stated principles that the member opposite has stated in this House.

**Question re: Government services decentralization**

**Mr. Byblow:** I have a question to the same minister, but on the more general subject of economic development. Particularly with respect to rural Yukon, does this government currently have a policy of decentralizing government services?

**Hon. Mr. Lang:** That is a very broad question in respect to government programming. I should point out to the member opposite that all government programs are available to the people of the territory. We do the best with what we have. If the member opposite would be a little bit more specific, I could probably give him a more specific answer.

**Mr. Byblow:** I will give the minister that opportunity. Can he identify whether in the past year, any departments, or portions of departments, have been decentralized to the rural Yukon?

**Hon. Mr. Lang:** I would have to ask all the members in the front bench, and I would assume that that question should be more properly addressed to the government leader. I think it is safe to say that in all the communities, especially in view of the fact that the initiatives that this side of the House are taking with respect to the *Municipal Act*, there are going to be a lot more services delivered at the community level through the municipal government, as opposed to directly through the territorial government, as time goes on.

For an example, bylaw officers and this type of thing, depending on demand within a certain community, I would suggest the member be more specific and perhaps whoever is writing his questions could do a little bit more research.

**Mr. Byblow:** I would direct the final supplementary to the government leader on, again, the same general subject. Can the government leader then advise whether or not his government is currently engaged in a policy of decentralizing government services in the areas of tourism, education and other socio-economic initiatives?

**Hon. Mr. Pearson:** We have always had a policy of decentralization and we have been able to decentralize in some areas. The one thing that we have not done is centralize. We have not been moving things back into Whitehorse; rather, our tendency always has been to decentralize as much as we possibly could. I am confident that that is going to continue, in the future — things like tourism, highways, government services and education — yes, we definitely do have a policy of decentralization.

**Question re: Revised Yukon Statutes**

**Mr. Kimmerly:** I have a very easy question for the Minister of Justice.

Is there consideration to preparing and publishing a new version of the revised statutes of Yukon and when may we expect it?

**Hon. Mr. Ashley:** I believe that would be best directed in budget debate, but, certainly, that is what we are working towards.

**Mr. Kimmerly:** Is there a government policy that revised statutes are consolidated every five years or so, and when may we expect the next revision?

**Hon. Mr. Ashley:** There is no policy about a five-year revision or a revision being done every five years, but we are going to be working towards a revision, very shortly, this year.

**Mr. Kimmerly:** Is there a calendar year as a goal for the preparation of the new revised statutes?

**Hon. Mr. Ashley:** We are starting on it and will attempt to get it done this year, if we can. As far as the funding goes, we have to negotiate that with the federal government because they pay a major portion of the funding for those revised statutes. That has been negotiated and we have it in the budget this year.

**Question re: Land selection**

**Mr. Porter:** A question to the minister responsible for agriculture. Have any agricultural land grants been given out by this government that were land that has been identified by the land claims selection process as lands that were selected by aboriginal people?

**Hon. Mr. Lang:** There have been ongoing negotiations, at least to my knowledge, with respect to areas that have a possibility for agriculture as opposed to the land claims selection. I believe, in most cases, those particular areas of concern have been resolved between the various parties involved.

**Mr. Porter:** A supplementary to the government leader. On April 17 of this year, the federal Cabinet passed an order-in-council that, in part, withdraws lands selected by Yukon Indian aboriginal people from any disposal under the *Territorial Lands Act*. Is it the understanding of the government leader that the order-in-council also protects lands selected by aboriginal people from agricultural land grants?

**Hon. Mr. Pearson:** It is my understanding that that withdrawal is going to be in place for two months and it is all encompassing. It covers all of the lands that have been dealt with in the land claims settlement.

**Speaker's Ruling**

**Mr. Speaker:** The question seems to be asking opinions, which is out of order.

**Mr. Porter:** Totally in order, a final supplementary to the Minister of Renewable Resources. When does his government plan to implement Bill 14, the *Land Planning Act*?

**Hon. Mr. Tracey:** I am sure all the members across the floor are aware that we have negotiated an agreement regarding land planning with the federal government. We have been waiting for some months for a signature on that agreement. The federal government is also aware that we have an act in place that allows us to plan land in the territory. However, it would be much more beneficial if the federal government would sign the agreement so that we could plan all the land, rather than have to plan it and wait for it to be occupied by someone before it would come under our *Land Planning Act*. We are still awaiting the minister's signature on the land claims agreement.

**Question re: Disturbance at Whitehorse Correctional Centre**

**Mrs. Joe:** I have a question for the Minister of Justice with regard to the mini-riot at the Correctional Centre. Can the minister tell us what caused the disturbance at the Whitehorse Correctional Centre, which resulted in 10 inmates being disciplined?

**Hon. Mr. Ashley:** There was an investigation done into the dispute; it was certainly not a riot. What the member calls a riot, and what anybody else, or most other people, would call a riot are totally two different things. That is obvious.

**Mrs. Joe:** I asked what caused it.

Can the minister confirm that, as a result of another disturbance at the Correctional Centre, one inmate was kicked in the head and also received a broken jaw?

**Hon. Mr. Ashley:** No, I am not aware of that.

**Mrs. Joe:** Can the minister tell us if his department is monitoring all of these disturbances and other problems at the Correctional Centre?

**Hon. Mr. Ashley:** If the incident has been looked into and there has been disciplinary action taken, I think that speaks for itself.

**Question re: Chipseal on Stewart-Campbell Highway**

**Mr. McDonald:** I have a question for the Minister of High-

ways.

It has been reported in the media that a successful resolution, at the Progressive Conservative Party Convention in Dawson, mirrored a request that I had made previously, in the House, to have chipseal put down on the Stewart-Campbell Highway: as I said, the resolution was successful. When may we now expect to have chipseal laid down in that district and what stretches of highway will be given priority?

**Hon. Mr. Tracey:** I have the same answer as I gave the member last time: when we have completed our priority highway, which is the Klondike Highway and some of the Alaska Highway, we will then be addressing other roads, such as the Mayo-Keno road.

**Mr. McDonald:** I can see this PC Party resolution had a lot of teeth in it.

Does the government plan to lay chipseal strips around the communities, in the near future, to promote dust control and help to prevent the serious potholing that occurs on the stretch of road adjacent to the Mayo airport?

**Hon. Mr. Tracey:** If we are in the area with our chipseal machine, we may be addressing the community's needs in that area. I am not aware of what the department has planned for this year; however, I would suspect that it is very unlikely that we will be able to do it in Mayo, this year.

**Mr. McDonald:** Of course, during estimates debate, we will deal with that in some detail. I would hope.

Can the minister state how much general upgrading work needs to be done on the Stewart-Mayo Highway to make the grade acceptable for chipseal application?

**Hon. Mr. Tracey:** No, I have not had a technical report from my department, in that regard.

**Question re: Gambling**

**Mr. Penikett:** I have a question for the Minister of Consumer and Corporate Affairs.

On April 16th, my colleague from Mayo asked the Minister of Tourism for this government's position on the suggestion that public gambling be permitted in Whitehorse. Has the minister or any other member of the Cabinet consulted with the mayor of Whitehorse and colleagues on this question and does the Government of Yukon have a position on this question?

**Hon. Mr. Tracey:** Yes, I had the mayor in my office with regard to gambling in the Yukon Territory. The position of this government has always been anti-gambling and that position has not changed, as of this date. Without further information that would show the benefit to us, I would suspect that it is very unlikely that the government would change its opinion. However, that is something that is still flexible.

**Mr. Penikett:** I thank the minister. As a supplementary to either he or the Minister of Municipal and Community Affairs: since a number of cities, Calgary, for example, have begun to promote public gambling as both an economic development tool and as a means to fund the activities of service clubs, has the minister or other ministers consulted with the government of that province — the premier, perhaps — on the adoption of this model, and whether any discussions have been held as to its possible application in this territory?

**Hon. Mr. Tracey:** Yes, some of my departmental people have been in contact with people in Alberta. We, as well, read the newsclips from Calgary, for example. It was one of the discussions that we had with Mayor Branigan when he was in my office. However, the gambling that is proposed in Alberta is fairly new. We have yet to see the outcome of allowing that type of gambling to go on in Alberta, and what the possible effects will be. It will be interesting to us and I think a great many other Canadians to find out just what does happen in Calgary with all of this gambling that is going on there.

**Mr. Penikett:** Mindful of the minister's statement that this government is anti-gambling, has the Minister of Justice, or his department, sought, or obtained, an opinion as to the legality of gambling operations such as the one in Dawson City at Diamond Tooth Gertie's and what was that opinion?

**Hon. Mr. Ashley:** It is legal.

**Question re: French language**

**Mr. Byblow:** My question is to the Minister of Education on the subject of French language. In the government's consideration of the Franco Yukonais request for a K to 9 program of French language instruction, the minister advised me previously that she was in the process of identifying and seeking funds needed to develop the program. Is the minister requesting funds for a physical building and the costs of the program, or only the costs of a program to be delivered in existing school space?

**Hon. Mrs. Firth:** In a letter to Serge Joyal, we have asked for some more specific information as to the level of funding that he is prepared to give to this government — to give in the form of a commitment. It includes all those aspects; the physical facility, it would include the salaries of the teachers, it would include a commitment for longer than the start-up year and also it would include a request as to a commitment whether the federal government would be prepared to fund it if anglophone children were allowed in the francophone school, or the francophone program.

**Mr. Byblow:** In the enquiry that the minister refers to, to the federal minister of state, is the department position clearly a request for a physical facility, and I ask that because the program cadre that Franco Yukonais has requested does not call for a facility. Could the minister clarify what this government is doing on the request for funds?

**Hon. Mrs. Firth:** We are not being specific. I appreciate that the Association Franco Yukonais has not requested a physical facility in the sense that they said that they did not ask for the bricks and the mortar. However, we would like to know how far the federal government is prepared to fund. Therefore, it is only responsible on our part that we ask if they are prepared to fund the capital expenditure.

**Mr. Byblow:** Is the minister, or her department, keeping the Association Franco Yukonais up to date on developments and positions being taken by this government with respect to the Secretary of State and the funding?

**Hon. Mrs. Firth:** I think the member has asked if I am referring the correspondence that we are sending to Serge Joyal to the association. I cannot remember if we are sending it or not. However, I will check. My memory seems to make me feel that we are not, however, I will check that.

**Question re: Revised Yukon statutes**

**Mr. Kimmerly:** Again, to the Minister of Justice, again about revised statutes. Is it anticipated that the next version of the revised statutes will be translated into French?

**Hon. Mr. Pearson:** Some of the statutes of Yukon are printed in French now. That program started a number of years ago. The statutes were last revised in 1973 and we entered into negotiations with the Government of Canada with respect to the next revision some time in the past year. Hopefully, as the Minister of Justice has reported, we are going to be able to start the work on that revision during the course of this year. It is highly likely that, given the legislation that the Minister of Indian Affairs and Northern Development has tabled in the House of Commons requiring that the statutes be printed in French, they will be.

**Mr. Kimmerly:** I am aware that some of the statutes are translated by the federal government. They are available, I believe, in the Library of Parliament in Ottawa. Has consideration been given to placing the French versions, which are available now, in the public libraries in the territory?

**Hon. Mr. Pearson:** I am not absolutely certain. I do know that they have translated about 70 percent of the NWT legislation. I believe that they have only translated something between 10 and 15 percent of Yukon's legislation to date. I am confident, if we requested copies for our libraries, we could get them in virtually no time at all.

**Mr. Kimmerly:** As the government leader is obviously answering the questions, is he able to say if the French translation factor is going to delay the next revised statutes or will it, in fact, speed it

up?

**Hon. Mr. Ashley:** It certainly will not change the process that we are going through. We are not the ones who are translating them; the federal government is translating the statutes.

**Question re: Whitehorse downtown area**

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

The executive director of Heritage Canada has stated that, in his opinion, over the last 15 years, the downtown area of the City of Whitehorse has not improved; rather, he makes the assertion that, if anything, the downtown area of Whitehorse has gotten worse rather than better. Realizing that the subject is, primarily, a city responsibility and keeping in mind that the minister has a territory-wide responsibility for heritage and culture, will her department avail itself to the city in efforts to upgrade the downtown appearance of the City of Whitehorse?

**Speaker's Ruling**

**Mr. Speaker:** Order, please. The hon. member is now making a request of the House that, perhaps, should be done by substantive motion. If the hon. member has a question as to whether the government were considering doing something, that would be quite in order. I will give the hon. member an opportunity to rephrase his question.

**Mr. Porter:** Will the Department of Tourism consider supporting the City of Whitehorse's efforts to upgrade the downtown area?

**Mr. Speaker:** Order, please. The question is out of order; it is, again, a representation that ought to be made, by Standing Orders of the House, by substantive motion.

Are there any further questions?

**Question re: Young offenders**

**Mrs. Joe:** I have a question for the Minister of Health and Human Resources. I understand that the RCMP jail cells are presently holding young offenders. What plan does his department have in place, at present, for separating the young offenders from the adult inmates?

**Hon. Mr. Philippen:** It is my understanding that the young offenders are held in separate cells.

**Mrs. Joe:** Can the minister tell us if the same guards, who are used for the adult inmates at the RCMP cells, are also being used to guard the young offenders?

**Hon. Mr. Ashley:** The question should be directed to me, so I will answer it. Yes, they use the same guards, in answer to the question.

**Mrs. Joe:** I have a question, then, to the Minister of Justice.

Can the minister tell us how his department will separate the young offenders from the adult inmates in the Correctional Centre, now that they are starting to hold these young offenders?

**Hon. Mr. Ashley:** At present, I do not believe that there are any young offenders there, under that category. However, when there will be, until we do have another facility available, they will just be kept in separate cells; that is all we can do, at the moment. The federal government knows this and this is what we have been trying to negotiate with them.

**Question re: Mining task force**

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

It seems that, after days of questioning, neither the public nor the legislature, for that matter, have any clear understanding of the terms of reference of the recently conceived mining task force. Can the minister state who, exactly, is to sit on the task force?

**Hon. Mr. Lang:** As far as the terms of reference are concerned, I have already had one preliminary meeting with the task force and we intend to have a further meeting on Friday to complete the review and also to agree upon a terms of reference for the committee. I should point out that the Prospectors' Association, the Klondike Placer Miners, the mining operators organization, and the Chamber of Mines are all involved. Also, an invitation was extended to the Council for Yukon Indians.

**Mr. McDonald:** Of course, dealing reasonably with the issue of

public involvement in mining development may be difficult if only the interests of the mining fraternity are canvassed. How does the government plan to get a reading on the broader interests associated with mining development; anything from hydro development to environmental assessment?

**Hon. Mr. Lang:** I am sure that that expertise can be drawn in at any given time if there is information needed in those particular areas. I should also point out, along with the number of people from the Department of Economic Development being involved, there is also a member from the Department of Renewable Resources.

**Mr. McDonald:** Considering that, technically, the northern affairs department of the federal government is responsible for resource development, can the minister state whether he has extended any sort of invitation to that department to participate as well?

**Hon. Mr. Lang:** No, there has been no invitation extended. The prime purpose of the committee, at least initially, is to see what this government can initiate on behalf of the mining industry. If there were not so many problems in this particular area, we would not have a need for such a committee. We feel that we do have a number of tools available through our government that could be of interest and benefit to the mining industry. If you just take a look at the various portfolio responsibilities, whether it be consumer and corporate affairs, whether it be highways, whether it be for that matter municipal affairs, therefore, there are avenues that the mining industry is definitely interested in. It is a forum that has been created so that they can bring to us their concerns and, in many cases, I am sure that we can expedite and initiate programs through our government as opposed to waiting for the friends of the member opposite in Ottawa.

**Mr. Speaker:** Are there any further questions. Before proceeding to orders of the day, I would like to advise the House that we are now prepared to receive Mr. Commissioner, in his capacity as Lieutenant-Governor, to give assent to a certain bill, which has passed this House.

*12 Mr. Commissioner enters the Chambers*

#### ASSENT TO BILLS

**Mr. Commissioner:** Please be seated.

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

**Mr. Clerk:** *Interim Supply Appropriation Act, 1984-85 (No. 2).*

**Mr. Commissioner:** I hereby assent to the bill enumerated by the Clerk.

*Mr. Commissioner leaves the Chambers*

*Mr. Speaker resumes the Chair*

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

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

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

*Mr. Speaker leaves the Chair*

#### COMMITTEE OF THE WHOLE

**Mr. Chairman:** Committee will come to order.

At this time, we shall recess until 2:20 and, when we return, we will go on with *The Children's Act*, Bill No. 19.

*Recess*

**13 Mr. Chairman:** I would like to call the Committee of the Whole to order.

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

**Hon. Mr. Philipson:** On Wednesday last, I said that I would stand over section 33, which is dealing with the custom custody

issue, until the Council for Yukon Indians social director had an opportunity to meet with the Council for Yukon Indians Social vice-chairman on the issue of custom custody and other issues dealing with the 32 recommendations the Council for Yukon Indians put forward. I have waited until the meeting has reached its conclusion.

Subsequently, I have had a meeting with the vice-chairman of the Council for Yukon Indians and have been assured that the recommendations have been gone over by the social committee and the chiefs and, aside from the one area on which we are still in discussion — a letter will be forthcoming on section 111(8) — the Council for Yukon Indians Social Development committee, the chiefs and the Council for Yukon Indians have agreed that they are quite happy with the recommendations as they stand and the way *The Children's Act* addresses them.

*On Clause 33 (stood over)*

I would now ask that we go back to page 14, section 33(1), (2) and (3), which I had stood over, at the request of this House for that very reason, be now addressed.

I believe that this particular section serves well that which the native community wishes. I would like to state that it would also serve all those in Yukon who wish to avail themselves of this type of a custody.

**14 Mrs. Joe:** I would like to thank the minister for holding this section over. I think that we had to have some kind of a confirmation from the Council for Yukon Indians that, indeed, it is assured, in its mind, that its concerns had been met.

I would like to make a few comments in regard to this section. Although the Council for Yukon Indians have endorsed this at a meeting on Thursday, I would like to go on record as saying that I am just a little bit concerned about the clause. According to the information I have received, the minister has indicated or, possibly, convinced the members from the CYI that, to include "Indian", in this section, would include only those Indians as defined by the *Indian Act*.

I would have to disagree with that information for the simple reason that the Yukon Indians have defined their Indian people, in Yukon, as people of one-quarter Indian blood, dating back, in ancestry, to, I think, 1942. I think that that aspect probably was looked into very carefully by this government, but I think that it could very well have been used in this act in defining an Indian, so that those recommendations from the CYI could have been met.

Especially with regard to this section, when we talk about Indian custom adoption, the minister has indicated that that, of course, includes everybody in the Yukon. There are other cultures that would want the same opportunities as a custom adoption, and that it clearly could be done under *The Children's Act*.

I would like to remind the minister, again, that he did give us figures the other day to include how many Indian children were in care: those were all status Indians. You could almost double that amount and come up to all the children of Indian ancestry who are in the care of the department.

**15** Those are just some of the comments that I would like to make and I would like to say that I still feel that it certainly could have been included in this act and it was not.

*Clause 33 agreed to*

*Clause 126 (stood over)*

**Hon. Mr. Philipson:** I would now ask the committee to move to page 80, to clause 126(1)(b).

This section simply sets out the court's role and what it is to do. It does not prevent adjourning until a later date, if a person entitled to be present is not present. It is not my intention to amend this section. Adjournment is still entirely possible if the judge wishes it.

**Mr. Kimmerly:** Would it not be clearer to specify a right of adjournment. In the second line here it says "and shall hear and determine on its merits", which is a clear instruction to the court to proceed.

**16** I will put it another way. If an application were made by one of the parties to proceed immediately, he would, undoubtedly, raise this section in the court and say that the court should not adjourn the matter and wait; the court should determine the matter immediately. Would the minister not agree that that section is a

clear direction to the court and the court would be instructed by the law to proceed, at that time?

**Hon. Mr. Philipson:** No, the rules of the court are not affected by this; the court can adjourn, if it wishes.

**Mr. Kimmerly:** I would ask the minister to justify that statement, because I do not believe that it is accurate. If the section said that the judge has jurisdiction to hear and determine, as is in the first line, the minister's statement would be accurate, in that there would be clear instruction to the court that, if the court wished to, it could proceed in the absence of parties who have a right to be there by virtue of some other law or some other section of this act. Frankly, I have no problem with that, because, in exceptional circumstances, it may be desirable to proceed in the absence of some party, as long as the party had reasonable notice.

The addition of the phrase "and shall hear and determine" changes the instruction substantially. Now, we are being told that it does not; that the court retains power to adjourn the matter, if the court wished. In the face of that extra phrase, "and shall hear and determine", it is obvious that there is an addition to the instruction and the court has no discretion, but the court must hear and determine an application made by the director. If the policy were to allow the courts a discretion, those words "shall hear and determine" should be taken out.

<sup>18</sup> I am not going to let it go by that way.

**Hon. Mr. Philipson:** Ask me a question. Ask me a question.

**Mr. Kimmerly:** Will the minister give the rationale or the reason for the statement that he made that that section means the court would have jurisdiction to not hear and determine the question, but to adjourn the matter?

**Hon. Mr. Philipson:** On the basis of the legal advice I receive, this is adequate. I am satisfied with the legal advice that I am receiving. In order not to obstruct this piece of legislation and that we should get through it and get on with other things in this House, I am quite happy to leave it until after the break and receive further legal advice on this matter.

*Clause 126 stood over*

**Mr. Chairman:** Where do you want to go now Mr. Philipson?

*On Clause 128 (stood over)*

**Hon. Mr. Philipson:** I would then direct the Committee to page 81 to clause 128(1)(c).

I stood this over so we could collect our wits about how to explain this particular section. I would say to the member for Whitehorse South Centre that there are several reasons to leave clause 128 as it is so that the territorial court judge or justice of the peace will have jurisdiction to make even an order for permanent care and custody.

The first reason is that it preserves and enhances the function and usefulness of the Supreme Court as a first level of appeal in all cases, rather than causing a split, with the result that some cases would be appealed first to the Supreme Court, while others would have to go to the court of appeal first. I would emphasize the importance of the supreme court as the primary court to correct error in the proceedings before territorial court judge or justice of the peace.

Secondly, it enhances the availability and usefulness of our provisions for variation and termination of temporary and permanent orders. It seems explicitly important, in connection with our innovation allowing termination of a permanent order.

Thirdly, it will preserve continuity, in that it would usually be possible to have an application for a permanent order heard by a judge who has already dealt with the case on one or more applications for a temporary order. Note here that the initial application is usually for a temporary order. The director rarely starts with an application for a permanent order.

Fourthly, our approach is consistent with our own past practice and the practice of most Canadian jurisdictions.

Fifthly, the judges of the territorial court and the justices of the peace are more readily available to hear cases, especially outside Whitehorse.

<sup>19</sup> In my mind, the first factor that I mentioned above, being able to use the Supreme Court as the first level of appeal, is the telling factor in favour of our approach; a readily accessible appeal court is

a great advantage.

**Mr. Kimmerly:** I raised arguments about the inherent jurisdiction and it is unfortunate that, in the rebuttal, the arguments I raised were completely ignored and not addressed, at all. There are five new arguments addressed and I will address them one-by-one.

The ability of the Supreme Court to be a court of appeal really is not an argument, one way or the other. I fail to see how it is a "telling factor" and it does not impress me in the slightest way.

The process of appeal, in child welfare matters, should be as available as the process of appeal in any matter. Whether the appeal is to the Supreme Court or to a court of appeal is not really qualitatively different in any real sense. The court of appeal can act extremely quickly if it is necessary to do so.

The argument about appeal, simply, that there should be a process to appeal in a judicially acceptable way and it should occur as speedily as possible. The argument, as the minister has raised it, is equally applicable to any matter, whatsoever, in that we could say that all matters ought to be in the territorial court so that it is easier to appeal to the Supreme Court; that, of course, is totally ludicrous. The argument about an appeal is an illusionary one and it has no substantial merit, at all.

The argument about enhancing the possibility of changing orders is equally applicable to any court at all.

<sup>20</sup> The Supreme Court or the territorial court are equally available for that kind of process and I fail to see any merit in that argument.

The third item, about preserving continuity, is an interesting one. It is the first argument raised with any meat in it, but it is a double-edged sword. The minister will be aware that that argument is specifically addressed in the Cavanagh Report and Mr. Justice Cavanagh clearly decides that, on a permanent wardship application, it is most appropriate to renew the evidence in a court proceeding and review the past evidence. The minister should know that that is the existing practice in the courts, in any event.

It could be argued that the judge who deals with the case all along is the proper judge to make a permanent order, but it has been argued that it is more appropriate that a new judge be appointed for the purpose of a permanent wardship order, for various reasons. One of the reasons is that there may be evidence admitted, in the temporary order or the temporary proceedings, that would not be admitted in a permanent proceeding. It is frequently the case that there are prior temporary proceedings where all of the parties are not actually present and all of the parties are not represented by counsel.

It is clear law that the evidence should be repeated in front of all of the parties so that they all have a chance, equally, to address all of the relevant evidence that affects them. It is frequently argued that a new judge and a new proceeding removes the possibility of contamination by the previous evidence and removes the possibility of perceived or actual bias, in those cases. So, particularly because of the continuity issue, many persons, including Mr. Justice Cavanagh, argue exactly the opposite.

<sup>21</sup> The proceedings should be in a different court so that they are not, in fact, continuous, as the matter is a substantially different matter.

On argument four, that it is consistent with past practice, although it is the existing practice, I would say this: the existing practice has obviously got substantial flaws in it and I have referred in the past to a substantial tension between the director and his officials and the courts and their officials in these matters. The fact that it has always been done that way is not a major argument for anything, but it has certainly been raised by the minister in that context.

I would argue that a substantial part of the problem is that the territorial court is not a court of inherent jurisdiction. The court is being asked to decide matters where inherent jurisdiction is necessary for the court. As Mr. Justice Cavanagh emphasized — I believe it is on page 205 of the report he wrote — a permanent wardship order is similar to an adoption order that is made in the Supreme Court. It is similar to a custody order. It is an order that clearly and permanently changes the status of the child involved, and possibly the status of the parents involved, or some of them. In a matter of that importance, with the common law attached to it and

the rules of equity and the substantial case law, it is desirable that the court possess inherent jurisdiction, or be a superior court.

I had spoken on Thursday about the case law, or the precedent, that is applied by courts in this area. Some part of it is established by courts with inherent jurisdiction. A substantial part of it implies analogous powers to inherent jurisdiction powers, even though the courts themselves are statutory courts.

It is certainly a good argument to make today, in Yukon, that it would be fruitful to look at a different way of solving these problems, as the way that is presently used is seriously deficient.

So, on the fourth argument about past practice, I would turn it around and say that, because of the unhealthy state of the existing practice and because of the necessity of inherent jurisdiction powers in a court that is asked to make a decision about permanent wardship, it would be a good idea to put the decision into the hands of a court with inherent jurisdiction, being the Supreme Court.

The argument about the territorial court being more readily available is also a completely illusory argument. I would make an analogy to the jurisdiction involving *habeas corpus*, which is done in the superior courts. Of course, it is necessary, in those cases, that the court be available at all times. In fact, that is achieved practically by deputy judges being on call and the traditions of the court in stopping all existing proceedings to allow an action in *habeas corpus* to proceed immediately.

That is not available in the territorial courts. I would argue that, because of the workload of the two courts and the numbers of hours of actual sitting, the reverse is actually the case. The Supreme Court would be more available and more readily available and more easily able to meet the time constraints newly imposed in this act and, consequently, that fifth argument is really an argument for the other side.

In view of that answer, I would ask the minister if he would not reconsider and especially address the argument about inherent jurisdiction, which is the primary argument, in my opinion.

The secondary argument is around the availability of the courts. The availability of the courts can be adjusted administratively, but it is clear in my mind, and clear to all persons actually practising before the courts, that the workload is substantially higher, in terms of numbers of cases and number of hours actually sitting, in the territorial courts than it is in the Supreme Court.

In fact, the Supreme Court is the more readily available court. It would not be necessary to make this argument if analogous powers to inherent jurisdiction powers were possessed by the court, as some family courts in some other jurisdictions have. In view of the policy of this act, to clearly and specifically make a point of declaring the territorial court to be a court without inherent jurisdiction, it is then necessary to argue that the permanent wardship jurisdiction should be in the superior court.

**Hon. Mr. Philipson:** It has not been satisfactorily demonstrated to me that hearing permanent wardship applications in courts not having inherent jurisdiction has contributed to any tensions, which the member for Whitehorse South Centre thinks exist. For this, and for the reasons I have already given, I am satisfied with this section as presently drafted.

**Mr. Kimmerly:** It is unfortunate that we cannot have an intelligent debate about this. The practices in the court and the situation in the court over the last seven or eight years or so have obviously led the government to specifically include some sections here to make an attempt to keep the court in line or to specifically direct the court not to do certain things. I would make reference to 3(2) and to 183(2) as specific examples of what I am talking about.

The argument for those clauses is essentially, "well, that is the law anyway and it doesn't change existing law". If the argument is made against the clauses, "well, if that is the law anyway, why include them". The government simply turns a deaf ear to that and says it is included for clarity, or something like that.

Well, I am here to tell you that that is not the real reason. There are cases in which those powers are specifically talked about in judgments of the territorial court. The government here is attempting to restrict the court and to instruct the court not to do several things that were done in the last several years. That is the reason for the inclusion of those sections. It is relevant under this section. If

the government is attempting to restrict the rules as they are, it is necessary that extremely important decisions, such as permanent wardships, be bumped up into the superior court.

It is unfortunate that an informed debate does not occur here. In fact, it is a tragedy; ultimately, to the detriment of the best interests of the children, I am afraid. These decisions are going to go to the court of appeal level anyway and they will eventually be sorted out in the long term.

**Mrs. Joe:** I would like to add to what my colleague for Whitehorse South Centre has said in regard to this section. We talked the other day about the designations of JPs who were family court judges. This act allows a family court judge to take away forever a child who belongs to someone and that the department can do whatever it wants with that child after it is taken away. That is exactly what it does.

I have received information that JPs in the last little while have been appointed as family court judges; one JP, specifically, who has been a JP for a little bit more than a year. His complete training is adequate for a JP. I do not think it is adequate enough to be able to go into court to permanently and forever take away a child from a parent. I do not think that we, in this House, should allow that to happen. I think that, if this government is not going to look at this very carefully to decide what to do with this section in regard to allowing justices of the peace to forever take a child away from a family, we are making a very big mistake.

That is exactly what it does, and they can sit there and shake their heads forever, but we do have one justice of the peace who has been a JP for many years, who is a family court judge in Watson Lake, and apparently, as far as I know, is the only family court judge who is not in Whitehorse. I think that any parents whose children are taken away from them by any justice of the peace court in Watson Lake should be warned that that same family court judge can take away that child forever, if she so chooses. I think that if the minister and the members of his department can sit here and allow that type of thing to happen, there is something very seriously the matter with this piece of legislation, which allows a family court judge — who is a justice of the peace, designated as a JP3 — to take away these children.

*Clause 128 agreed to as amended*

*On Clause 132 (stood over)*

*Amendment proposed*

**Hon. Mr. Philipson:** I would ask that you go to pages 83 and 84, to Clause 132(1). I would move an amendment: THAT Bill No. 19, entitled *The Children's Act*, be amended in Clause 132(1), at page 83, by adding the following paragraph:

"(k) the cultural heritage of the child".

We felt, on writing, that sections (a) to (g) would ensure that that is what is being addressed but, in the order of clarity, because there seemed to be some confusion about that — and we have absolutely no problem in stating that the cultural heritage shall be protected — we would ask that this amendment be added to this legislation.

**Mr. Kimmerly:** I am extremely pleased to hear that and, in my judgment, this is a serious and important amendment and we are very glad to vote for it.

*Amendment agreed to*

*Clause 132 agreed to as amended*

*On Clause 134*

**Mr. Chairman:** We will now deal with Clause 134(1), on page 85.

**Hon. Mr. Philipson:** I looked at this over the weekend — well, not just over the weekend — and I have been thinking about it for a long time.

When we left, on Thursday, I believe we were discussing "fetus". *The Children's Act* adequately addresses the issue of protection of a fetus from substance abuse by the mother. I understand that, respecting alcohol abuse by a pregnant mother, the results of fetal alcohol syndrome occurs during the first and the third trimester of the pregnancy. I have stated this, at length, before.

This should be adequate to demonstrate that we wish to protect the fetus, regardless of its state of development, to ensure that it is born in as healthy a condition as possible. I have stated that on a

number of occasions, also.

I have mentioned, in this House, previously, a film on the subject of fetal alcohol syndrome, and I would like to draw your attention to the fact that this film will soon be shown on CBC Television. I believe the date and the time for the program, "Pregnancy on the Rocks", is this May 7th, at 7:00 p.m. If it is not possible for all to watch this film on CBC, I would still be willing to set up a viewing for all members so that no one misses this serious piece of work.

<sup>26</sup> **Mr. Kimmerly:** May 7th is a Monday, I believe, and we will be here from 7:30 on. In any event that is useful information.

On Thursday, I had articulated, I thought with some clarity, the principle that we would like to see in the bill, as a service to Yukon children who are fetuses, and as a service to everyone in the territory that the law be clarified. The law is not clear at all. It is purposely vague in the section, but we are not critical of the wording of section 134, as it is purposely vague for good reason: that is substantially because each case is an individual case and it will probably be necessary only to make alcohol counselling and alcohol information available to pregnant women. If more drastic measures are necessary, the section does allow for it in a general way.

There is a much wider question. The definition of a child is "a person under 18", and there is no definition of the beginning limit. We have clearly stated, and I would put it in the form of a question: why will the minister not define a child as a person "from the time of being born alive to age 18", and then define a fetus as "from conception to either birth or death", and then define the rights of a fetus. If the minister does not, he is laying the door open for substantial legal confusion and it is a confusion that must be resolved fairly quickly in individuals' lives because as the pregnancy goes on the time limits are fairly short.

It is not covered by the criminal law concerning abortion whether the father of a fetus has rights to be a party concerning any action concerning the fetus; for example, a consent to an abortion or a consent to other medical operation, or concerning what rights a fetus may or may not have.

<sup>27</sup> It is clearly our responsibility to have clearly entered the field. We have a protected fetus in a situation where there is a possibility of fetal alcohol syndrome abuse. There is no statement of protection of the fetus for other abuses, which could occur. There is no statement concerning the rights of other parties — for example, the father or the imputed father, and, possibly, the grandparents of the fetus — and those policy statements are extremely important matters of law; they are clearly within the jurisdiction of this bill. Why will the government not address this most important issue?

**Hon. Mr. Philippen:** There is absolutely no need to address this issue any further than we have addressed it. We are not discussing abortion in this piece of legislation; the word "abortion" is not mentioned in this piece of legislation.

The discussion that the member for Whitehorse South Centre is trying to draw me into is a question that is being discussed federally. It is not a question that I am going to get drawn into by the member for Whitehorse South Centre, because it is not a question that, indeed, is in *The Children's Act*. The question of abortion is dealt with in the *Criminal Code of Canada*.

The question of a father's rights is a very strange issue to raise, at this particular point in time. If a woman goes for a therapeutic abortion, she is not making the decision about whether she will have the abortion, nor the father — or whomever they may think the father is. It is a decision being made by a board. If a person has an abortion outside therapeutic abortion, in a manner that is against what is in the *Criminal Code of Canada*, then that matter is addressed through the *Criminal Code of Canada*, and not through *The Children's Act* in the Yukon Territory.

We have addressed an issue that we can identify, and that is fetal alcohol syndrome. We are trying to address a problem of a person we would like to see born in as healthy a state as any other person being born, and has a right to. We can identify fetal alcohol syndrome as a problem with a person who is carrying a child, and who we do expect will be born.

To that end, a great deal of work has been done by the Yukon territorial government. We feel that, with the knowledge that we

have at hand and with the ability that we have for counselling in this area, we are second to none in the area of giving counselling to a person who may, if carrying on in the manner they are, have a fetal alcohol syndrome child.

This section addresses nothing more than that, and that is what this section is going to address and that is all it is going to address. I have said it before and I will say it again, I will not be drawn into the abortion issue on this matter, by the member for Whitehorse South Centre, because this piece of legislation does not, in any section, have the word "abortion" mentioned, and will not have the word mentioned, in *The Children's Act*.

<sup>28</sup> **Mr. Kimmerly:** I have two reactions to that. Firstly, the primary argument I made was completely independent of the abortion issue. I specifically said, aside from the criminal jurisdiction as it pertains to abortion, there are other legal issues which require a policy statement in the law concerning the rights of a fetus. It could be stated that a fetus has various rights or does not have various rights. It could be stated because the wishes of a fetus cannot be easily ascertained and that the parents — that is, possibly the father, possibly the grandparents — have certain rights or duties or responsibilities as well. There could be statements about the legal policy of protection of a fetus in other potentially abusive situations and that is not here.

The question I was primarily trying to address is the lack of certainty. This is the bill that should define when a child is a child and what is a fetus, and it would be a substantial addition to the law and a substantial service to the people in the territory if those legal issues were made clear.

Secondly, I make the argument that aside from the criminal jurisdiction about abortion there are issues within territorial jurisdiction concerning the right of a fetus, concerning a potential or an applied for abortion and also concerning other issues. It is well known to the law that there is mixed jurisdiction. A federal jurisdiction in one area, and a territorial jurisdiction to complement it. An example is that in general criminal law most of the criminal laws are decided upon in the federal sphere in the House of Commons, but the corrections - the jailing of convicted criminals, the appointment of judges, and the workings of the probation department — are all territorial jurisdictions.

<sup>29</sup> The same is true with the laws of marriage and divorce, in a large measure. The same is obviously true for abortion. The civil rights of a person are a territorial jurisdiction. The civil rights of a fetus are a territorial jurisdiction; not a federal jurisdiction. If the federal politicians attempted to pass laws about the civil rights of a fetus, the provinces would all object. It is clearly a provincial or a territorial jurisdiction and this is an all encompassing bill. We should supply a service to the fetus to define the rights of a fetus within our jurisdiction. It is a shame that the government is abrogating its responsibility in this area.

*Clause 134 agreed to*

*On Clause 135*

*Clause 135 agreed to*

*On Clause 136*

*Clause 136 agreed to*

*On Clause 137*

*Amendment proposed*

**Hon. Mr. Philippen:** I move that Bill No. 19, entitled *The Children's Act*, be amended in clause 137(1) at page 185, by substituting "section 135 or section 136" for "section 134 or 135".

*Amendment agreed to*

*Clause 137 agreed to as amended*

*On Clause 138*

**Mr. Kimmerly:** On 138(1)(a), a word of explanation. There is a definition of a child in section 106 and it refers to age 18. The age of majority is age 19 and this section refers to 19. Would the minister explain the reason for choosing those three ages as they relate amongst each other?

<sup>30</sup> **Hon. Mr. Philippen:** The age 18 is the age that complies with the *Young Offenders Act* and the section (a), the 19, allows us to continue to support a child who may be in an education program and we wish to be able to support until he gets an opportunity to get

through it.

**Mr. Kimmerly:** I am asking this question primarily for the possibility that members of the public will be served by the knowledge of this particular area. What is the status of a child between age 18 and age 19? They are not children receiving protection under this act. They are not an adult. What is the status concerning their right to care by their parents or their right to act independently; for example, leave home, if they wish, between ages 18 and 19?

**Hon. Mr. Philipson:** It is my understanding that we have set the age of 19 as the age to vote and thereby making the age of 19 the age of majority in the territory. The federal government has set the age of 18 as the upper age for the *Young Offenders Act*. This makes a child over the age of 18 an adult. If he commits an offence, that is beyond the *Young Offenders Act*, but the child is still a child in the eyes of the territorial government until he is 19 and achieved the age 19 when he votes. It would be my understanding that he would be then deemed not an adult before reaching the age of 19 by the territorial government.

**Mr. Kimmerly:** I understand the question of the right to vote, which federally is 18, and territorially is 19. It is a potential argument under the *Charter*, incidentally, as to when a person is a person entitled to vote under the *Charter*.

I was primarily interested in the fact that there are numerous tests that consider age. One of them is the right to vote, others are the right to marry, to hold a passport independently, to leave home if you wish to, without parental consent, the right to receive the necessities of life from your parents — that is the duty or the responsibility of your parents up to a certain age. Those ages are frequently different and it is a substantial confusion in the law; it would be neater and more understandable if all of them were at age 18.

However, the primary concern I have is that, under Yukon law, the ability to contract independently, as an independent person, is specifically established by law as age 19. The protection of a child is age 18; however, the care of the director, under section 138(1)(a), adds an extra year on to the jurisdiction of the bill for some people. I was asking if the minister could make a fairly clear statement of rationale of that, in order to guide children in that age category and, also, their parents.

**Hon. Mr. Philipson:** One only needs to read the subsection to understand that until the child reaches 19 years of age, the child is dependent because he is pursuing an education program or because of a mental or physical incapacity. So, it is fairly specific and the *Young Offenders Act* takes care of the 18-year-olds.

**Mr. Kimmerly:** In clause 138(4)(a), I have questions under this section, because it is another example of where power is taken away from the courts and given to the director.

The procedure now is that, in cases where a child is made a temporary ward — especially in cases where a further future court application is contemplated — that the judge will make an order, where requested to do so, concerning the right of visitation or access for the parent or other concerned person who may be asking for visiting rights. Now, we have already passed a section, 110(6) I believe, that says that the director shall have a general superintendence over Crown wards.

We have no problem with that: the court disposition of a right of access is in no way inconsistent with that.

I would draw an analogy to parents involved in a custody fight after a marital breakdown. The judge routinely will make an order specifying visiting rights where it is necessary to actually specify it; that is, where the parties cannot agree amongst themselves. It will occur, in the future, that the director will claim that no parental visits should occur, in a particular case, and the parents are asking to visit. In that case, it is our position that the matter should be decided in the courts and, of course, decided according to the best interests of the child.

It is an important issue; it comes up frequently and I would ask the minister why is it not the policy that the present situation continue — as he argued in a previous section — and the courts maintain a jurisdiction to decide on visiting rights and privileges in these cases?

**Hon. Mr. Philipson:** Section 138(4), which we are discussing now, speaks to the time period between the actual taking of the child into care and the making of an order by a judge. It outlines the rights and responsibilities of the state, during this period, in relation to the child. The policy, here, is one of encouraging parental visits, but the right to prevent these where they may be severely upsetting to the child or may put the child at risk, must be with the director.

I would point the members to the next section, (5), and, if that is read in conjunction, then, as I have stated on other occasions, when we read this section in its entirety, I think that most areas have been very well covered. Look at section (4)(a), the last line, "such consent not be unreasonably withheld".

I would like to state, as I have said before, that I try and point out where the recommendations of the CYI are adhered to or listened to: 138(5) is the CYI recommendation number 12.

*Clause 138 agreed to*

*On Clause 139*

**Mr. Kimmerly:** I understand the section and I would ask for a justification or an explanation as to why the one year period was chosen and also for an explanation of what kind of a review will occur?

**Hon. Mr. Philipson:** Section 139 compels the department to undertake a review of care of the child and the plans for a child at least once a year. This is present policy of the department and has been for at least six years. This is the first time that it would be compelled, in law. In practice, the cases are reviewed generally much more frequently than once a year. This is a minimal requirement.

**Mr. Kimmerly:** This is an interesting policy. I am aware of the existing policy and I am not criticizing the policy as far as it goes. The minister will remember a similar kind of a review that was contained in the recent amendments to the *Mental Health Act*. There was a board that reviewed the cases and it was partially a professional board with the appointment of doctors and lawyers, and partially a citizen board. Why is not a similar policy followed and a review by a citizen board used here? Would that not be a better protection for the children involved?

**Hon. Mr. Philipson:** No, I do not think so. The individual files are carried by the workers and this compels the director to review those files.

**Mr. Kimmerly:** The director, of course is a member of the government bureaucracy, and all of the people involved are members of the bureaucracy, as well. If a bad decision is made, it is not going to be pointed out, or certainly not easily, that a bad decision is made, and, in this case, the people reviewing the case are the people who put the person into care in the first place or made the application to do so. What is involved here is essentially a review by the department of the performance of the department itself.

It would be a better review if it were it a citizen board analogous to the situation of a person in a mental institution. It is the same principle.

*Clause 139 agreed to*

*On Clause 140*

**Hon. Mr. Philipson:** 140(2) is a recommendation from the CYI. The recommendation was number seven.

*Clause 140 agreed to*

*On Clause 141*

*Clause 141 agreed to*

*On Clause 142*

*Amendment proposed*

**Hon. Mr. Philipson:** I move that Bill No. 19, entitled *The Children's Act*, be amended in clause 142(3), page 88, by substituting section 141 for section 140.

*Amendment agreed to*

**Mr. Chairman:** In 142(5) there is a typo. Is that agreeable?

**Mr. Penikett:** You are asking about 142(3)?

**Mr. Chairman:** No, 142(5).

**Mr. Penikett:** 142(3) should have been dealt with as a typo, too.

**Mr. Chairman:** Is there a typo in 142(3)? In 142(5), is it agreed that that is a typo?

**Some hon. members:** Agreed.

*Clause 142 agreed to as amended*

*On Clause 143*

*Clause 143 agreed to*

*On Clause 144*

**Hon. Mr. Philipsen:** The CYI recommendation number eight is covered in this clause.

*Clause 144 agreed to*

*On Clause 145*

**Clause 145 agreed to**

*On Clause 146*

*Clause 146 agreed to*

*On Clause 147*

**Mr. Kimmerly:** I would ask for an explanation or justification for this clause.

**Hon. Mr. Philipsen:** This aims at preventing an indirect attack on orders under this act, other than the specific procedures set out in this act. This provision follows the policy of Ontario and Nova Scotia, where problems necessitated such a provision.

**Mr. Penikett:** My concern about this section is a touch different from that of my colleague. The minister will forgive me for getting into this, in the way I do; he and his advisor will understand that I am no expert on the law, neither by way of coming afoul of it nor by way of having made a study of it.

However, like all members of this House and many citizens, in the course of the past few years, I have had the opportunity to become something of a barracks room-like expert on the subject of the *Constitution*. My reading of that document, and its various drafts, cause me a certain kind of primitive understanding about the rights that I and other people enjoy under this *Constitution*, both the written *Constitution* and the unwritten constitution.

It has always been my understanding that one of the constitutional rights enjoyed by not only citizens of this country but all citizens of the Commonwealth, who enjoy the benefits of the British legal tradition, is the right known as the *habeas corpus* right. One of the things that concerns me about this section is that it may appear to be unconstitutional, in that section 10 of *The Charter of Rights* affirms the *habeas corpus* right, but here there is a provision, it seems to me, where someone can be detained, but, to put it crudely and not to use the Latin legal term, there is no requirement to produce the body.

That, it seems to me, to be a constitutional issue of no small importance. I am sure the minister and his advisor will have studied it at great length and will be able to reassure me on this point, and I hope the minister will be able to do so.

**Hon. Mr. Philipsen:** The appeal process is clearly outlined in the drafting of this act. The lawyers who drafted the act took into account all issues that could be raised with the *Constitution* and the legal people tell me that this is constitutionally all right.

**Mr. Penikett:** That is what is known in logic as an *ad hominem* argument; unfortunately, it does not satisfy me.

What the minister is telling me is that he taken legal advice and that it is satisfactory.

<sup>35</sup> However, he has not responded to the substance of my concern about the constitutionality of this provision. I wonder if, because I do not want to end in a protracted debate about this point, he could, between now and the time when we clear the final clause in the act, come back to the House with some substantial explanation of why this does not offend against the *habeas corpus* tradition that is a very old tradition in our legal system.

**Hon. Mr. Philipsen:** I will make that undertaking. You do not wish to hold this up, though, do you; but I will make that undertaking.

**Mr. Penikett:** I would like the clause stood until I have that explanation.

**Hon. Mr. Philipsen:** Then I will stand the clause until I get the explanation.

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

**Mr. Penikett:** Before we do that, can I raise with you a point of order, which I do by way of notice, because you may have to rule on it without having had the chance to think on it properly. It concerns business before the Committee, but not the business we

are currently dealing with. I have had consultation with the government House Leader about our House business later today. We have reached an agreement about House business, which we could implement, as long as it does not offend you, sir. I want to advise you what the agreement is and give you an opportunity to decide whether or not it is offensive, from your point of view. If it is you can let us know and we will try and cook up another agreement.

It is, strictly speaking, a point of order concerning the way in which we will deal with Bill No. 12. Because of the call of other business for certain members, we would like, if the chair is agreeable, to proceed in Committee with that bill, with the education department estimates first, and then, at the conclusion of the education estimates, return to what would be the general debate: the general discussion. There is agreement on both sides of the House about that. We do not yet have agreement from the Chair and that is what we are looking for.

**Mr. Chairman:** Do I really have a choice? That is fine with me. We shall recess for 15 minutes.

#### *Recess*

<sup>37</sup> **Mr. Chairman:** I will call the Committee of the Whole to order.

**Hon. Mr. Philipsen:** I am still waiting for further information on clause 147(1) and as soon as I have that information I will bring it to the Committee. I would suggest that we carry on with the other clauses until such time.

*Clause 147 stood over*

*On Clause 148*

*Clause 148 agreed to*

*On Clause 149*

*Clause 149 agreed to*

*On Clause 150*

**Mr. Kimmerly:** It is here that I will make the statements that the minister is expecting about a citizen board.

It is our view that licensing is not a bad thing of itself and we are quite aware that in other jurisdictions in Canada, and indeed the world, licensing is the rule. The only real question is who licenses; what is the procedure to get a license. It matters substantially who is restricted and it matters substantially who is allowed to operate without a license.

<sup>38</sup> Here, it is the Department of Education and the director's facilities, which are, by far, the majority of the facilities in the territory.

In our view, and we have made this point forcefully in general debate and, also, the media, it is appropriate that the licensing authority be a citizen board. The reason for that is that citizens are more closely in touch with the practical and the real needs of individuals in the community than a government official or a bureaucrat would be. It is appropriate, in this community, that the board represent the various cultural interests or cultural heritages that exist in the community. It would be most appropriate that the Indian community in Yukon be represented on a board that licence all child caring facilities.

<sup>39</sup> Would the minister not agree that the citizen board would be more closely in tune with the community needs in the territory?

**Hon. Mr. Philipsen:** No, I would not.

**Mr. Kimmerly:** There have been substantial complaints about facilities in the long-term past and, indeed, in the short-term past. There are complaints about the Watson Lake group home, for example, and regardless of a particular view of those complaints, it is certainly a serious issue in the community. There have been complaints about the individual treatment of some individuals in the Wolf Creek facility —

**Hon. Mr. Philipsen:** (*Inaudible*)

**Mr. Kimmerly:** Okay. The minister is referring to a specific case, which it is appropriate to refer to and speak about, at is it is a prime example of the kind of thing I am talking about.

If the director is in supervision of his own facilities, there is no process whereby a check and balance may occur.

<sup>40</sup> I can and I will refer to various individual cases where unusual

procedures were necessary, because of the situation here, where there is no adequate control on facilities operated by the director. If a person has a complaint about a facility operated by the director, where do you turn to? Who do you go to? Possibly the police but, aside from that, where would you go?

The addition of a citizen board would serve to make facilities more accountable to the public and more sensitive to community needs. It would also provide a forum to air individual complaints or community complaints, in general, about a facility.

A check or a balance on the power to run these kinds of institutions would be a most desirable aspect in the law. It would serve to make a substantial portion of the public more at ease with the procedures followed in government institutions and it would be more in keeping with our modern traditions of government accountability.

**Hon. Mr. Philipson:** There are a number of issues with which I would take issue with the member for Whitehorse South Centre and he knows them full well.

The issue of the Watson Lake group home is an issue that was raised in the media, an issue that was, on inspection, found unfounded for the most part. It was acted on quicker by this government than I could imagine could have been acted on by any other means when the information was brought forward and checked out.

On the Wolf Creek incident, seeing as how the member for Whitehorse South Centre did not elaborate on to a great degree, neither will I, but I will say this: it was an act under the *Juvenile Delinquent's Act* and it was nothing to do with the *Child Welfare Act* that was taking place. It was investigated and all complaints in that area were found to be completely unfounded by the RCMP. It is unfortunate that we are discussing something where it was found to be an unfounded situation.

The statement that was made that the director has no one to come back on him is untrue. The director's accountability is to the deputy minister and the deputy minister's accountability is to the minister, and the minister's accountability is to this House and to the people he serves. Stating that there is no line to follow beyond that is just not true in any sense of the word.

Section 153 empowers the director to inspect child caring facilities. It has been suggested by the member for Whitehorse South Centre that a board should be established to carry out this role. The bulk of the child caring facilities in Yukon are foster homes. There are two receiving homes and five child protection group homes. Two of these group homes are privately owned and operated on contract to the department. There are perhaps two other group homes in Yukon. It would seem to me inappropriate to establish a board to oversee this small number of facilities. As I indicated, most are foster homes, which are subject to a thorough screening before the children are placed in them.

It is now the practice of the department to check on children in foster homes at least once every three months. Usually the contact will be more frequent. The foster homes and the group homes are supervised, if you will, by the supervisor of the placement and support unit. If problems are encountered involving non-compliance with the agreements or contracts, the matter is referred to the director who refers it to the deputy minister who refers it to the minister who, as I said, is directly responsible to the people. We have acted promptly when one other situation did arise.

I could go back to what I have already stated in general debate at length, but I do not think it is necessary. I believe that this section and the way it is written is fine, and we on this side are not interested in pursuing the thought of a board for this issue beyond this point.

**Mr. Kimmerly:** I have several points in answer. Firstly, let me say that we are not advocating licencing foster homes and supervising foster homes by a board. Foster homes are not licenced now and it is not contemplated that they be licenced, so foster homes are irrelevant.

The statement the minister made about a particular incident at Wolf Creek and an RCMP investigation was an inaccurate statement; that occurred before a previous minister; indeed, before the last election. There were allegations about cruel treatment made

by an individual child. The child took a lie detector test and he passed the lie detector test.

The police determined there was not enough information to lay criminal charges against anybody, which is an entirely different statement than the minister made. There were no criminal charges, but it is not accurate to say the complaint was unfounded; that is not accurate, at all. Indeed, there was court action on the matter, which was not appealed, that would indicate that the complaints were founded.

Concerning the small number, the same argument could be made concerning any board in Yukon, even the liquor board, or something like that. There is a facility, in most communities — there are several in Whitehorse — and the number simply makes the job achievable and a board could achieve the supervision very managably, in the territory, because of the very small number.

It is our position that the way the law is written gives entirely too much power to an individual and it is wrong for that reason. It is worthy of note that child care facilities would be, in a sense, the competition to government facilities. The scheme we are setting up here is that the government is assuming that its philosophy and its direction of child caring facilities is superior to all others; it is assuming that its expertise is better than all others and it is giving itself the power to oversee all other facilities.

It will probably be the most sensitive, in a religious context. These kinds of facilities are frequently established by religious groups around the world and there is frequently a perception of bias because of a religious difference in the owners or the sponsors of a facility and the director who is licencing.

It would be a substantial improvement to set up a citizen board to deal with those apparent conflicts and to bring into play a decision-making body with a greater cultural sensitivity and a greater awareness of conditions in all of the communities. It is a shame that the government is not willing to look at this scheme.

*Clause 150 agreed to*

*On Clause 151*

**Mr. Kimmerly:** I would like to make a point on 151(1)(a), but I will make it briefly. We have already put it on the record, but specifically, under this section, I wish to state that we do not agree with this section. It would be a folly and useless if the director licenced himself, of course, but the licencing body should supervise and be a check and balance on all facilities, including Department of Education and government facilities of all kinds.

*Clause 151 agreed to*

*On Clause 152*

*Amendment proposed*

**Hon. Mr. Philipson:** I move that Bill No. 19, entitled *The Children's Act*, be amended in clause 152(2), at page 94, by substituting "section 150" "for section 130".

*Clause 152 agreed to as amended*

*On Clause 153*

*Clause 153 agreed to*

*On Clause 154*

*Clause 154 agreed to*

*On Clause 156*

**Hon. Mr. Philipson:** I would note a typo. The note would be correcting the numbers to clause 156 and 156 consecutively, instead of the repetition of clause 156.

**Some Members:** Agreed.

*On Clause 155*

*Clause 155 agreed to*

*On Clause 156*

**Mr. Kimmerly:** Clause 156(2), what was the rationale for this wording? It is always the case that judges give reasons on serious matters and no one would object to a statutory requirement for reasons on permanent wardships, but what is the rationale for this specific wording?

**Hon. Mr. Philipson:** To give a written reason, is the rationale, when it is requested by any party to the proceeding.

**Mr. Kimmerly:** Just a simple clarification: judges give an oral reason. It can always be reduced to writing. If it is written or oral in the first instance is not a matter of substance; only a matter of delivery. I fail to see an important distinction here at all.

<sup>45</sup> *Clause 156 agreed to*

*On Clause 157*

**Mr. Kimmerly:** In 157(3), I would ask for a rationale: why is that clause there?

**Hon. Mr. Philipson:** It gives the judge direction on how it will be served.

**Mr. Kimmerly:** Well, it really takes a jurisdiction away from the court as to who should be served. The section reads "the power of the judge in relation to service of documents exists only in relation to the manner of service". Why does that not mean that power is taken away as to who should be served, which, of course, is presently a court jurisdiction?

**Hon. Mr. Philipson:** There is a philosophical difference between who should be doing the serving: we feel the legislation should.

**Mr. Kimmerly:** That is another example of taking power away from the courts.

*Clause 157 agreed to*

*On Clause 158*

**Mr. Kimmerly:** Why is that in there?

**Hon. Mr. Philipson:** It is inappropriate for the director to seek or to have to pay costs in actions where the welfare of the child is the matter at stake.

**Mr. Kimmerly:** It may be appropriate to award costs against a party for a frivolous action. The drafters attention is obviously on the director, as that is the rationale that they provided to the minister. However, if a party, not the director, makes an application for a variance or a change in an order, which is totally frivolous, which is totally without merit, there is no practical way to avoid that except by awarding costs against a party who makes a frivolous application. Why can that not be included?

<sup>46</sup> **Hon. Mr. Philipson:** If a party does feel injured and brings suit, a share of the costs would be awarded in that action.

**Mr. Kimmerly:** They would be, except for section 158. The answer does not make any sense. The section takes away the power of the court to award costs. I do not understand what the minister is saying.

**Mr. Chairman:** Subclause one clear?

**Mr. Kimmerly:** No, I have asked a question and it is a responsible question and deserves an answer. The fact that it is not answered is, I believe, a symptom that the drafters did not think of it. They are obviously concerned about a judge making an order against the director. If this passes, it is another example of taking the power and jurisdiction away from the courts.

**Hon. Mr. Philipson:** I did not think it was a frivolous question at any time. I answered it appropriately the first time. My answer is the same as it was the first time. It is inappropriate for the director to seek or to have to pay costs in actions where the welfare of the child is the matter at stake.

**Mr. Kimmerly:** What about other parties?

**Hon. Mr. Philipson:** There is nothing in this act that says that a person who feels that he has been hard done by in any way in this act could not go through civil proceedings against any member or any person.

**Mr. Kimmerly:** Except the director, but, that is not the point. We are not talking about civil proceedings against a person. We are talking about proceedings concerning wardship, which is the subject matter of this part. The jurisdiction of the court to assess costs is removed and it is removed for matters involving the director or any other party.

<sup>47</sup> For example, if a person makes an application and loses, and the application is frivolous, a judge cannot make an order as to cost because the section is absolutely clear that no costs can be assessed under proceedings in this part.

**Hon. Mr. Philipson:** I will say it again. It is inappropriate for the director to seek or to have to pay costs in action, where the welfare of the child is a matter at stake under this part.

**Mr. Kimmerly:** Frequently the director does not seek costs, but the court deems it appropriate that costs be assessed. It is really the only way to avoid frivolous actions for some parties.

*Clause 158 agreed to*

*On Clause 159*

*Clause 159 agreed to*

*On Clause 160*

**Mr. Kimmerly:** There is probably a typo in the fourth word; it should probably say "this" as opposed to "the".

**Some Members:** Agreed.

*Clause 160 agreed to*

*On Clause 161*

*Clause 161 agreed to*

*On Clause 162*

*Clause 162 agreed to*

*On Clause 163*

*Clause 163 agreed to*

*On Clause 164*

*Amendment proposed*

**Hon. Mr. Philipson:** I would move that Bill No. 19, entitled *The Children's Act*, be amended in clause 164(1), at page 98, by substituting "child shall be deemed" for "child be deemed".

*Amendment agreed to*

*Clause 164 agreed to as amended*

*On Clause 165*

*Clause 165 agreed to*

*On Clause 166*

*Clause 166 agreed to*

*On Clause 167*

*Amendment proposed*

**Hon. Mr. Philipson:** I move that Bill No. 19, entitled *The Children's Act*, be amended in clause 167(1) at page 98 by substituting "subsection 119(4)" for "subsection 119(5)" and substituting "119(5)" for "subsection 119(6)".

<sup>48</sup> *Amendment agreed to*

**Mr. Chairman:** In 167(2)(c), there should be a comma after "121(4)". Is that agreed?

**Some Members:** Agreed.

*Amendment proposed*

**Hon. Mr. Philipson:** I would move that Bill No. 19, *The Children's Act*, be amended in Clause 167(2), at paragraph (b), at page 98, by substituting subsection "119(5)" for subsection "119(6)".

*Amendment agreed to*

**Hon. Mr. Philipson:** I would move that Bill No. 19, entitled *The Children's Act*, be amended in Clause 167(2), paragraph (c), at page 98. Rather, it is not an amendment, it is a typo I am noting. There should be a comma between "124(1)" and "order".

**Mr. Chairman:** I already have that.

**Mr. Kimmerly:** In 167(6) is an unusual clause. Let me say that we have no argument with the provisions setting out the possibility of a warrant; it may be the case that a telephone application is appropriate and we have no argument with that.

However, this is extremely unusual and flies in the face of fairness and fair play. What it essentially says is, if we break the rules, nobody can do anything about it. I would ask the minister to justify why section 6 is there and why he feels it is necessary.

**Hon. Mr. Philipson:** These recently added provisions cover the matter of permission to obtain warrants or to orders to produce documents, via telephone, in cases where the judge is not available to hold a warrant hearing in person with the applicant. These hearings are required where warrants are necessarily being sought, due to the small number of people available, at some times, in some locations, or there is no one to hold such a hearing in Yukon. They are not, in any way, meant to say if we are wrong — whatever he said — it is not that, at all.

**Mr. Kimmerly:** The situation, in general, as regards to warrants, is entirely different from this. In general, if a warrant is improperly obtained, the warrant can be struck out and the warrant is set aside.

The evidence that may be acquired, pursuant to the warrant, under Canadian law, was always admitted anyway.

<sup>49</sup> It is entirely probable that the *Charter of Rights* will change that. In any event, it is entirely possible and, indeed, it frequently occurs, that warrants are challenged and are set aside. If it were to occur that a warrant was obtained by telephone in circumstances that are unreasonable, which is a possibility, then it should be open

to a person or a party in the court to apply to strike out the warrant. I would ask why it is not.

**Hon. Mr. Philipson:** The situation that required the issuance of the warrant has not changed any and I think the member for Whitehorse South Centre would realize that. I think I would be entirely surprised if the member for Whitehorse South Centre did not understand how a telephone warrant is issued and works. If the member for Whitehorse South Centre does not understand it, I would be happy to try to explain how it is done, to ensure that fairness is carried out at all times.

**Mr. Kimmerly:** Arguments like that do not assist us, in any way. I understand perfectly well. I have been part of the process and, probably, the minister has not been.

The issue is not if I understand it or if you understand it, the issue is what does the section say. It implies that if a warrant were improperly obtained, or were obtained where it was not reasonable to seek a telephone warrant, then the warrant cannot be challenged. It specifically says the warrant is "not subject to challenge and shall not be set aside by reason only that the circumstances were not such as to make it reasonable to deal with the application under this section rather than by means of the personal attendance..."

What it implies is that if it is unreasonable and it occurs unreasonably, well, then you cannot challenge it; you cannot set it aside. It states that clearly and that is simply not fairness. It is not in accordance with our concepts of due process.

**Hon. Mr. Philipson:** Sometimes, I am sorry that I do not understand what the member opposite is saying when he speaks because I feel that he would understand the common sense of a certain section. I am sorry it took a few minutes to understand what his problem was, but now I do.

The subsection is very explicit in what it says and I think any person reading it should understand that what it says is that you cannot come in and say that because I was issued a telephone warrant that I am going to stand aside because it was not the way to give me a warrant. That is all it says. You cannot use that as an excuse to get yourself out of a court appearance, or a court hearing, because you were given an issuance by telephone or telegram. I think that if the member for Whitehorse South Centre will read the entire section, and read them in their entirety, he would go back under the application under subsection (1) and he would read subsection (1). Then I believe everything would become clear to him, as it is to me.

**Mr. Kimmerly:** No, the minister is trying to say I do not understand the subsection, and that is just not the case. I have read it carefully. I have reread subsection (1), and what the section does is address the case where a person obtains a telephone warrant and somebody wishes to challenge that obtaining of a telephone warrant as being unreasonable under the circumstances; that is, generally, that it was reasonable or possible to get a warrant in the normal way.

It denies any possibility of a challenge or setting aside of the warrant and that is contrary to what people call due process and fairness in considering warrants.

*Clause 167 agreed to as amended*

*On Clause 168*

**Hon. Mr. Philipson:** I would note a typo in clause 168 subclause (2) page 100, "chargeable" for "chargable".

**Some Members:** Agreed.

**Mr. Kimmerly:** This, of course, is also contrary to the concept of the inherent jurisdiction of the court. It takes away a very important power from the court and it gives it to the official guardian. There may be some attempt to say that the director and the official guardian are different offices and, therefore, there is no conflict. The fact is, the director is an officer of the government under the direction of the Executive Council member and is an executive officer and not a judicial officer.

The same is true of the official guardian; they are not separate and independent, as the chairman of the Workers' Compensation Board is or the Public Service Commissioner, or, perhaps, the legal aid committee, as it will be constituted in the new legislation expected. The power to order separate representation for the child is taken away from the court and is granted to the Executive official known

as the official guardian.

It is my strong expectation that this would be challenged in the courts as unconstitutional, in any event. It is something that is a very real and major source of conflict between the director and the courts now and it is an example of an important power, where the government is taking away a substantial power from the courts and giving it to an executive official.

Throughout the bill I have pointed out where examples occur where power is taken away from the courts. I have pointed out most of them, although not all of them. This is one of the very important ones and it is completely unacceptable to us.

*Amendment proposed*

**Hon. Mr. Philipson:** I would move that Bill No. 19, entitled *The Children's Act*, be amended in Clause 168(5), at page 100, by substituting the following for 168(5):

"(5) when determining whether separate representation or appointment of a guardian for the proceeding for the child at public expense is required, the Official Guardian

(a) shall consider advice or recommendations from the Legal Aid Committee, the judge before whom the court in which the proceedings are taking place, and any party to the proceeding, and

(b) shall consider

(i) the ability of the child to comprehend the proceeding,

(ii) whether there exists and if so the nature of any conflict between the interests of the child and the interests of any party to the proceeding, and

(iii) whether the parties to the proceeding will put or are putting before the judge or Court the relevant evidence in respect of the interests of the child that can be reasonably be adduced."

**Mr. Kimmerly:** This is an improvement, but it is not the whole measure. I would expect, if the judge said, in no uncertain terms, that a child advocate is necessary, that the official guardian would be hard pressed to deny it. However, the constitutional power or the legal power is given to the official guardian and is taken away from the court. That is an encroachment on the inherent jurisdiction of a superior court and it is probably not constitutionally viable, in any event, to say that the court cannot determine the representation of the parties before it.

It is an improvement, but it does not go the whole way and our objection is still registered.

*Amendment agreed to*

*Amendment proposed*

**Hon. Mr. Philipson:** I would move that Bill No. 19, entitled *The Children's Act*, be amended in Clause 168(7), at page 100, by substituting "sufficient age and understanding" for "sufficient age".

*Amendment agreed to*

*Clause 168 agreed to as amended.*

*On Clause 169*

*Amendment proposed*

**Hon. Mr. Philipson:** I would move that Bill No. 19, entitled *The Children's Act*, be amended in clause 169(1), at page 100, by substituting the following subclause:

"(1) In any proceedings under this Act, other than for the prosecution of an offense punishable on summary conviction, the standard of proof shall be proof on the balance of probability and that standard is discharged if the trier of the fact is satisfied of the existence of the fact to be proven on the evidence sufficient to establish the existence of the fact is more probable than is non-existence."

**Mr. Kimmerly:** A substantial debate occurred, in general debate, on this principle, and the minister expressed a view that the test may vary, in accordance with the importance of the question being asked. It is my view that, practically speaking, courts would adopt that posture and so, consequently, the practical concerns are seriously lessened.

This is not completely acceptable to us, because the principle of the importance of the question of, especially, permanent wardship, is not specifically addressed. However, it is a substantial improvement and it also recognizes the reasonable doubt test, in considering prosecutions under the act.

*Amendment agreed to*

*Amendment proposed*

**Hon. Mr. Philippen:** I would move that Bill No. 19, entitled *The Children's Act* be amended in clause 169(2) at page 101 by substituting the following for subclause (2): "(2) In the proceedings under this Act, other than for the prosecution of an offense punishable on summary conviction, the following evidence is admissible if relevant:

(a) the views of the child whether given directly to the judge of court in the proceedings or to some other person who is a witness in the proceedings;

(b) opinion evidence, even where this is relevant to the very question for the judge or Court, but the weight to be given to the opinion evidence shall be judged according to

(1) whether the opinion is in respect of a matter within the expertise possessed by the witness.

(2) the extent to which the opinion is based on the facts perceived by the witness; and

(3) the nature of the testimony of the witness or of other evidence with respect to the facts on which the opinion is based; and

(c) hearsay evidence, but the weight to be given to hearsay evidence shall be judged according to its apparent reliability and the availability of other evidence that would be admissible without relying on this paragraph."

**Mr. Kimmerly:** This is a very substantial improvement over the existing wording, but I raised the issues before. I would raise them again. I will emphasize a quote from the Cavanagh Report that the minister has probably read.

Mr. Justice Cavanagh speaks about, in permanent wardship applications, not allowing hearsay at all, or applying the same rules as apply in criminal cases; that is only allowing hearsay under the accepted restrictions on the existing rule, which generally means it is the best available evidence in any event. I would ask if consideration was seriously given to not allowing hearsay on permanent wardship applications?

**Hon. Mr. Philippen:** Naturally, we thought about this when we worked on it. I think the answer would be that the court would be putting just as much weight on a temporary hearing as on a permanent hearing.

**Mr. Kimmerly:** The weight of public opinion and what courts actually say, I think, is contrary to that. In any event, it is a controversial section and it is clear that the law now does allow hearsay in wardship applications under strict control of the judge. This section will not seriously change that in my view, although it may change the situation with regard to opinion evidence, especially before the Yukon courts.

I would register our distinct nervousness about this section. The bill is interfering with a long established practice and a practice that developed for extremely good reasons. To interfere with it and to possibly remove judicial discretion over what evidence comes before the court causes us nervousness. We will monitor the situations in the court as information becomes available as to the practical effect of this new wording, as it may be important.

*Amendment agreed to*

**Mr. Kimmerly:** On 169(3), it immediately strikes me that the *Charter* has an inconsistent term about forced disclosure of evidence tending to incriminate the party. Under American law, this is absolutely clearly unconstitutional. Under our *Charter*, it is possibly arguable, but it is clearly within the scope of the *Charter*. Was consideration given to a conflict with the *Charter* and what is the nature of the legal opinion that the government has to the effect that it is constitutional?

**Hon. Mr. Philippen:** This section codifies the extension to the common law rules that require one parent to testify against another in civil child abuse cases. I would cite *MacPherson Nova Scotia Court of Appeal*. The *Charter of Rights* limits the use of that testimony given in civil proceedings in any subsequent criminal proceeding. Often, the best evidence in a child abuse case is what one parent has seen the other parent say or do; the aim of this legislation is to protect the child.

The rule stated by this section is probably the effect of provisions in the *Evidence Act*, anyway. It is set out here for the purpose of clarity and certainty. Its effect is to make sure that parents can be

summoned as witnesses and must testify if they have relevant evidence to give and a party to the proceedings wants that evidence before the court.

Somebody might question the constitutionality of the closing words, even where the evidence may tend to disclose that either of the parents has been guilty of a criminal offense. One will not know the answer, for sure, until the majority of the Supreme Courts of Canada have spoken to the issue — and they have not yet spoken — but the best guess is that this is constitutional.

There are other examples of territorial or provincial legislation compelling people to disclose information that might later be used as the basis of a criminal prosecution against them. The obligation to report and to give a statement about a traffic accident that one is involved in is an example.

These closing words of the subsection must also be read in conjunction with section 13 of the *Canadian Charter of Rights and Freedoms*, which says "A witness who testifies in any proceedings has the right not to have the incriminating evidence so given used to incriminate that witness in any other proceedings except in prosecution for perjury or for the giving of contradictory evidence."

The effect of the Charter is to ensure that the evidence a parent gives under compulsion, under this subsection, cannot be used against that parent in a later proceeding, such as criminal prosecution.

**Mr. Kimmerly:** It is obvious that, in interpreting all of that, the legal opinion that the government has is that it is an open question, which is exactly my point. Lawyers using the phrase "the best guess is such and such" will probably get lawyers disagreeing with that. In any event, it is clear that it is open to question and that is all we can really say, for the time being, I suppose.

**Hon. Mr. Philippen:** I would point out that clause 169 addresses the CYI's recommendation number 15 and 16.

Clause 169 agreed to as amended

*On Clause 170*

*Amendment proposed*

**Hon. Mr. Philippen:** I would move that Bill No. 19, entitled *The Children's Act*, be amended at page 101, by correcting the clause numbers to clause 170 and 171, consecutively, instead of the repetition of clause number 170, unless it can be noted as a typo.

*Amendment agreed to*

Clause 170 agreed to as amended

**Mr. Penikett:** Just a small point: which clause 170(1)?

**Mr. Chairman:** The second clause 170 is amended to be clause 171.

*On Clause 171*

Clause 171 agreed to as amended

*On Clause 172*

Clause 172 agreed to

*On Clause 173*

**Hon. Mr. Philippen:** I would like to point out that the CYI recommendations are dealt with in clause 173; recommendations 4, 5, 6, 15, and 16.

Clause 173 agreed to

*On Clause 174*

Clause 174 agreed to

*On Clause 175*

Clause 175 agreed to

*On Clause 176*

Clause 176 agreed to

*On Clause 177*

Clause 177 agreed to

*On Clause 178*

**Mr. Kimmerly:** As a member of the statutory instruments committee, I would like to take issue with the wording here. This wording is inviting sloppy regulation making and is inconsistent with good accepted practice.

**Mr. Penikett:** On a point of order, Mr. Chairman, would you accept an offer for someone else to take the Chair so that you can participate in discussion on this point?

**Mr. Chairman:** No.

Clause 178 agreed to

On Clause 179

Clause 179 agreed to

<sup>57</sup> On Clause 180

Clause 180 agreed to

On Clause 181

Clause 181 agreed to

On Clause 182

Clause 182 agreed to

On Clause 183

Amendment proposed

**Hon. Mr. Philipsen:** I would move that Bill No. 19, entitled *The Children's Act*, be amended in clause 183, at page 105, by deleting subclause 1 and renumbering existing subclause 2 to be subclause 1.

**Mr. Kimmerly:** This, of course, is a very major amendment and we are in favour of deleting subclause 1.

We also have major concerns about subclause 2. It is probably not completely settled law, about the inherent jurisdiction of the territorial court in child welfare matters, but it is clearly the better view that the territorial court is a statutory court and has not inherent jurisdiction. In that case, this is simply a statement of the existing law or the predominant view about the existing law.

We have no particular problem with that proposition, as far as it goes, but we do have a problem with clearly stating that the court has not inherent jurisdiction and the giving to that court questions to settle and decisions to make that require the exercise of inherent jurisdiction, in accordance with good practice and our feelings about democracy and due process. It is unfortunate that that problem is not resolved and that is one of the very major reasons why we cannot support the bill.

Amendment agreed to

Clause 183 agreed to as amended

On Clause 184

Clause 184 agreed to

On Clause 185

<sup>58</sup> Clause 185 agreed to

On Clause 186

Clause 186 agreed to

On Clause 187

Clause 187 agreed to

On Clause 188

Clause 188 agreed to

On Clause 189

**Mr. Penikett:** In my few remarks that I made at the second reading of this bill, a long, long time ago, I asked some questions about the reason for the specific provisions in this bill in respect to the rules of equity. The minister will recall there was one very specific clause on this right at the beginning of the bill. There is also, here again, as I understand the reference here in the *Judicature Act* again into the rules of equity, essentially saying "they shall not rule". I would appreciate from the minister, if he could at this point, a brief explanation of why this is being enacted again here.

**Hon. Mr. Philipsen:** I certainly would not want to go through the debate on the rules of equity again. I think everybody in the House understands what this states in this piece of legislation: the way it is written and the way the sections are written. It states simply this: that the rules of equity apply outside what is written in statute, the statute will apply.

<sup>59</sup> This simply states that, and that is what is stated in the *Judicature Act* in 10(1)(k) and, stating it here can repeal it there.

**Mr. Penikett:** I like the expression, "it is simple".

Does the minister really believe that it is that simple?

**Hon. Mr. Philipsen:** The provision of the *Judicature Act* is now relocated in section 3(2).

**Mr. Kimmerly:** Does the minister believe that section 3(2) does not change 10(1)(k) of the *Judicature Act*?

**Hon. Mr. Philipsen:** We have gone through this all before. If the member reads *Hansard*, I am sure he will find it in *Hansard*.

**Mr. Kimmerly:** If the minister believes that there is no change, what was the reason for putting in the changes?

Clause 189 agreed to

**Mr. Chairman:** We shall now recess until 7:30.

Recess

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

On Clause 126 (stood aside)

Amendment proposed

**Hon. Mr. Philipsen:** On Page 80, clause 126(1)(b), I would propose an amendment. I would ask that Bill No. 19, entitled *The Children's Act*, be amended in clause 126(1) by substituting the following for paragraph (b): "(b) the judge has jurisdiction to hear and determine and shall, in accordance with this Act, hear and determine on its merits any application made by the Director, regardless of whether some person who has the right to be present is present and regardless of whether the person who is, under this Part, entitled to be served has been served with notice of hearing or application."

Amendment agreed to

Clause 126 agreed to as amended

<sup>60</sup> On Clause 147

**Hon. Mr. Philipsen:** I would ask committee to move to page 92, section 147(1); I said I would bring back information.

If people are worried that, in some kind of case, the remedies of appeal, variation and termination are not so extensive as *habeas corpus* or another prerogative writ, then there is extensive judicial authority to the effect that even a clause like clause 147 will not prevent the court from using the prerogative writ.

In short, the effect of 147 is that if appeal variation or termination under sections 144 to 146 provide an adequate remedy they must be used; the prerogative writ cannot be used. However, if there is some type of case that could not be remedied under sections 144 to 146, then the court could use the prerogative writ.

**Mr. Penikett:** I am suffering a great burden this evening, with respect to the answer.

My problem is quite simple, as I heard the answer but I am not sure I understood it. I am not sure how acquainted the minister is with some of these legal and Latin terms, but if he could explain it to us, again, in sort of plain-folks talk, maybe we would be better off.

<sup>61</sup> **Mr. Philipsen:** The member of the opposition's tie is ugly.

**Mr. Kimmerly:** On a point of order, that is barely relevant to the matter at hand.

**Mr. Philipsen:** Sections 144 to 146 provide a code of application to vary an order, application to terminate an order, or appeal a judge's order. These provisions go far beyond *habeas corpus*, prohibition, *certiorari* and *mandamus*, which are prerogative writs, or other technical forms of remedy. The rights of application to vary, terminate and appeal an order are more extensive under this statute and more beneficial to parents. The prerogative writs, to which the leader of the opposition referred, could have resulted in the rights of a child being made subservient to a discussion of the technicalities of the legality of the order. I believe that the *habeas corpus* writ mentioned has been addressed adequately in sections 144 to 146.

<sup>62</sup> **Mr. Kimmerly:** It would be nice if the clause said that.

Clause 147 agreed to

On Clause 190

Clause 190 agreed to

On Clause 191

Amendment proposed

**Hon. Mr. Philipsen:** I move that Bill No. 19, entitled *The Children's Act*, be amended at page 110 by adding the following clause. "191(1)(1) The following subsection is added to section 20 of the *Interpretation Act*: "(3) in an enactment a reference to the Supreme Court of Yukon is a reference to the Supreme Court of the Yukon Territory."

Amendment agreed to

Clause 191 agreed to as amended

On Clause 192

Clause 192 agreed to

<sup>63</sup> On Clause 193

Amendment proposed

**Hon. Mr. Philipsen:** I move that Bill No. 19, entitled *The Chil-*

dren's Act, be amended in clause 193(4), at page 111, by substituting the following for subclause (4):

"(4) Section 186 comes into force on a date to be fixed by the Commissioner in Executive Council."

*Amendment agreed to*

*Clause 193 agreed to as amended*

*On Clause 1*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Mr. Kimmerly:** If I may be permitted one last question to the government House leader. When is it anticipated that third reading will be moved in the House?

**Hon. Mr. Lang:** I have not discussed it with the minister responsible but, as soon as I have, I will get back to the member opposite.

**Mr. Philipsen:** I move that Bill 19 pass out of Committee as amended.

*Motion agreed to*

**Mr. Chairman:** *The Children's Act*, Bill 19, is passed out of Committee of the Whole, as amended.

**Mr. Penikett:** Could I ask for a ten minute recess to make sure that we not only get our budgets, but we get our critics and our ministers and all the other people?

**Mr. Chairman:** I shall give you a ten minute break and then you will not have another recess until nine-thirty.

*Recess*

**Mr. Chairman:** I call Committee to order. We shall now go on to Bill 12, *Second Appropriation Act, 1984-85*, and as both sides have agreed we will dispense with general debate for the time being and go on to education. Is that agreeable with everybody?

**Some Members:** Agreed.

**Bill No. 12: Second Appropriation Act, 1984-84**

**Mr. Chairman:** We shall open up general debate on education.

**Hon. Mrs. Firth:** Before we proceed with any debate, I would like to make some corrections in the budget book. On page 62, under the allotment "Personnel", it reads "\$18,308"; the correct figure is "\$18,359".

<sup>07</sup> In Other, under the Allotments the figure is "\$5,364,000"; it should be "\$5,309,000". Transfer Payments reads "\$1,834,000"; it should read "\$1,828,000".

On page 66, under Allotments, Personnel; "\$359,000" should read "\$420,000". Other is "\$129,000"; it should be "\$74,000". Transfer Payments of "\$59,000" should be "\$53,000". On page 75, The Yukon Training Allowance at the bottom of the page: Average Number of Trainees: "70" should read "71"; "68" should read "82", and Total Value of Allowances, "175.0" should read "178.0".

<sup>08</sup> As well, 170.0 should read 204.0. Those are all of the corrections and I will proceed with the general comments on education.

As the members opposite have all the corrections, I will proceed. As the Throne Speech indicated, the Department of Education, which is a very large and diverse department, did, indeed, receive the lion's share of the total budget. The increase has been \$1,658,000 over the 1983-84 forecast and I believe that the increases reflect the government's commitment to education and its concern about the education system and its continued improvement and the desire of Yukoners to see education given a higher profile.

Some money is identified for programs. We have embarked on some new initiatives and have initiated some programs that we had discussed for some time. I will be fairly brief and just indicate the ones that are presently either under review or on which we are anticipating some results, shortly, from surveys that are being done. I will be prepared to answer further specific questions regarding person-years and so on, when we come to the line items in the budget.

The gifted program is one that was identified to me some two years ago, when I was campaigning, and through some of my colleagues. After much discussion with school committees and the

Education Council, we have hired a coordinator for the gifted program.

"I think that it is a very accurate statement to say that the Government of Yukon has recognized and has publicly announced that we feel, as a government, that there are exceptional children at all grade levels who need differentiated educational experiences and learning opportunities, which are presently not part of the regular school program.

To assist gifted and talented children to realize their potential, the department intends to support Yukon schools in programming to meet the unique needs of these children. Some of the goals of our gifted program are to provide differentiated opportunities and experiences, particularly suited to the needs of gifted learners; to provide experiences that promote effective self-understanding and interaction with others by the gifted student; to provide opportunities for the development and use of higher level thinking skills, critical thinking, creative activity and problem-solving skills; and to provide opportunities for self-directed learning by broadening, accelerating and individualizing the education pattern for the gifted student.

The programming will initially focus on children with high intellectual ability and specific academic aptitude in a number of schools on a pilot project basis. The pilot will address the last goal that I mentioned, the one regarding providing opportunities for self-directed learning. We will do this through the use of curriculum compacting enrichment and independent study. The pilot project is designed to provide direction for extending and expanding gifted programming throughout Yukon. Several Yukon schools will be included in the pilot, emphasizing urban and larger schools, during the pilot year, which enables the department coordinator to in-service many of the teachers.

As with other programs, we find that we will be putting an extra burden on our teachers in Yukon and will be requiring them to upgrade their own teaching schools. We will be providing that in-service education to those teachers. This will broaden the pool of knowledge and expertise available to other schools when they implement their programming for gifted students in the following years.

We also have identified a coordinator in the budget for alternate programs. We are expecting to be able to provide alternate programming for those children who are considered to be under-achievers or who are considered to require some additional programs. The intention is not to cut them off from college entrance capabilities, but to enhance those capabilities.

The new terminology for alternate programs is the equivalency program, so I may refer to it as that, sometimes, and I do not wish to confuse my hon. colleagues and the opposition.

We have also embarked on a rural study. Mr. Bob Sharp, I believe, first did this study in 1979, and we are having him follow up on that now to make some analysis of the high school education that is being delivered in the communities and whether we will continue to do so and how successful the children are who are graduating, entering into university, and so on.

The junior high questionnaire is out in the public, at the present, and we would anticipate that, by the fall, we should have been able to do some analysis in the junior high area.

"The questionnaire has been divided into three categories for parents whose children are either entering the junior high system, or in the junior high system, or are leaving the junior high system and that questionnaire is available to the general public should other people be interested in receiving a copy of it. They just have to phone the Department of Education and request it and it will be mailed to them.

We have asked that the questionnaires be returned by May 16th, and I have had a lot of feedback from people who have received it and who are filling it in. There seems to be a lot of enthusiasm on behalf of the general public of Yukon when it comes to filling in this questionnaire. We are looking forward to receiving a lot of information and we would anticipate that we will have a lot of information to present as a result of the questionnaire.

We are continuing with our examination of French language services. Just for the information of my colleagues in opposition, I

would like to give them a bit of detail as to how much work and how much analysis has to be done in order to make a decision regarding French language.

We presently have the Association of Franco Yukonais requesting the program cadre be delivered here in Yukon, which would be the equivalent of French school in Yukon. We have established a well-established program now, not a pilot project anymore, but a French immersion program, that we have extended to grade 12; the numbers and increasing and rapid growth of the program would lead us to believe that it is a very successful program and a very popular program among parents. We have also had requests for late immersion, which is either grades 6 or 7 to grade 12, so that those children who are not fitting into the early immersion program would have the opportunity for late immersion and would, as a result, be bilingual in a functional sense when they have graduated from their school.

We have also established French as a second language, which is a compulsory French program from grade 5 to grade 12. French as a second language is basically to give the students an attitudinal awareness that we do have a second culture in Canada, and to give them some basic knowledge of the French language, should they want to pursue it as a second language in their post secondary studies, or if they have some basic knowledge of the cultural awareness of the language and of the basic technical aspects of the language.

We have had requests made to us by various school committees that we consider enhancing French as a second language program and perhaps starting it in kindergarten and continuing on from kindergarten to grade 12, which would give a student who had started it in kindergarten approximately 1600 hours of French language education. They would not achieve the same level of fluency as they would in the immersion program. They would be considered to be functionally fluent if they participate in that program. So, you can see that the requests for French language services are many and amount to about four or five programs. The government has to very seriously consider the direction that they are going to take in providing French language education to Yukoners. We also have a paper ready to go through the inner workings of government on pupil-teacher ratios and we have had some input from school committees — some suggestions — and from the education council and we would be seeking their guidance in the formulation of this pupil-teacher ratio. We would hope that this would be in place for the next school year.

The last program I want to mention is the computer program, which we identified money for in the enhancements, and were successful in seconding two teachers to establish the computer program for us. To give the teachers some in-service education in computers at the annual general school committee conference which was held this past weekend, various members of the school committees had the opportunity to go over to Selkirk School and examine the computers, have some basic instruction, become acquainted with the machines and some of the terminology with computers, so that they do not feel too outdated by their children now. I had an opportunity to spend about an hour and a half with one of the instructors and I found it very helpful, as my computer literacy is extremely limited and still is extremely limited after only one and a half hours of instruction. However, I did have an opportunity to see the potential that there is, not only for children to learn as individuals because the computers can be programmed for children on an individual basis.

It is a very reassuring atmosphere and a very healthy educational atmosphere for children if they are all in the same room and working on computers together; there is not a feeling of one not being able to keep up with the other, and I think that creates a very healthy working environment for the young people.

We are going to be going to management board with a presentation to purchase computers and also for some ongoing program costs and we will be announcing that when the government has made the final decision. Many of the school committees are eagerly awaiting the announcement of what our capabilities are going to be with computers. We look at this as not getting everything immediately this year; we will get what the government

is capable of providing this year and it will be an ongoing enhancement program until we feel we are at a standard that is comparable with other areas of Canada.

The Department of Education is embarking on a new initiative this year, called a Youth Venture Capital Program. We have identified some monies in the budget. It is a program that is presently participated in in Ontario and in British Columbia. It is a program for young entrepreneurs; they can obtain limited interest free capital for the purposes of establishing small seasonal projects. We would anticipate that the program will operate in the following manner: we, as a government, recognize that our young people are our future. They are the creative ones, the ones that we are expecting will come forward with the new ideas. The government will be encouraging this program in the schools and some of the guidelines will be that interest-free loans will be made available for resident use and the age will be from 16 to 24. The applicants will submit proposals outlining the nature of the services to be provided, the projected market, the projected operating cost, capital cost and projected profits. They will go through a review process, possibly through the Chamber of Commerce. We have discussed this with the Chamber of Commerce and they have received it very enthusiastically. Government personnel will assist and assess each, with regard to the viability and to ensure that unfair competition is not being created.

If approved, the applicant will then be directed to the bank identified by the government and can apply for a loan. The loans will be for a maximum of \$2,000 and they would be interest-free to the applicant for a specified time: the maximum we are looking at is six months. Interest on the loans, during this time, will be billed to advanced education and manpower and it will be insured by the department, also.

Once the loan is secured, the applicant will then commence work on his or her project and the capital funds advanced will have to be repaid to the bank by the applicant on or before the first working day of October. The interest will be charged to the applicant, at the prevailing rate, by the bank, on any unpaid balance thereafter.

I am quite excited by this program, because we have to encourage our young people to be more private sector oriented, we have to encourage their entrepreneurial spirit, as opposed to training them for jobs in the civil service.

**Mr. Penikett:** *(Inaudible)*

**Hon. Mrs. Firth:** My hon. colleague, the leader of the opposition, called it indoctrination. I do not like that terminology; it sounds very socialistic. We prefer to refer to it as encouraging an entrepreneurial spirit and I do not really think indoctrination is the terminology that BC or Ontario used when they encouraged their young people. As I said before, our future is in our young people.

**Mr. Byblow:** Well, I could not agree more with the minister, when she says that the future lies in our young people.

In a positive response to the minister's opening remarks, I would like to say that I am encouraged by the various programs that the minister has cited, contained in this budget.

I think the minister is, in a way, making an admission, actually, that we currently have our educational system under considerable review. By way of these programs, I would suspect that it is this government's response to the review taking place. I can agree with the minister that it is no easy task to sort out the various demands being made on the system and the varied and many signals that we are getting from the community at large.

I think what the minister has outlined, in some measure, is a delayed response, in my opinion, to its seriousness about grappling with the issues, with analyzing the causes of problems, and in general its attempt to meet the growing grumbles of discontent about the system. The various initiatives are certainly welcomed and I look forward to detailed questioning about some of the initiatives that the minister has outlined.

I think the minister will recall that during the life of this legislature, we, on this side, have pressed the government to meet the concerns that have been emanating from the community at large and to tackle those issues that were being raised and essentially to examine the system for change and for improvement and, at the same time, to communicate wholeheartedly and debate the discon-

tent in various circles.

I think that it is quite fair to say that the subject of education has been in debate for thousands of years and, certainly, currently in our society the debate continues.

In a very localized observation, one would have to say that we have in Yukon, over the past several years, been receiving many signals of discontent about our educational system. They were coming from the community at large. They were questions such as: when was this department going to adequately address, or even begin addressing, the high tech world of the '80s? We have been outstripped by other jurisdictions in this area. Certainly when the minister talks about an initiative of further acquisition of equipment relating to computer technology, I am encouraged. I would hope that, at the same time, this is very thoroughly examined as a methodology as well as a means to address the world of the future. There were many signals coming from school committees, in the last couple of years, with respect to local authority. What was the seriousness of the department with respect to their input, in a consistent way? What process was in place or going to be put in place for a greater control and authority about education?

I think there was and still is a perception out there that the school system is a big giant, sort of a mythical ogre, that is hard to penetrate and people do not know how to approach it and be part of it. There was a growing frustration about this unwieldy giant getting out of control and being unable to permit public input. Certainly there were occasions that increased this sense of frustration by periodic confrontational posturing by government.

I cite the examples of school busing. I cite the example of the teachers' contract. French immersion began that way. On a more localized level, teacher dismissals have perpetrated much concern in the communities at large, and I think another major concern that has been brought to constant attention is, in a way, the most major concern, and that was: why is the dropout rate so high? What happens to those students between the grade 7 and 12 level? What can we do about programs to address this problem? Should there be a greater vocational attention? Should there be an increased coordination between the various social services, education and justice to address the problems of the child? Then, of course, there is the constant debate of to what extent does education have the responsibility of addressing the job opportunity and career requirements of students while in the system? Certainly, on the other side of the coin, the arguments come forth that our school system has too many programs and we have to look at more streamlining of programs that are related directly to the child's needs in the outside world.

I think the depression that we underwent and even the current recession sort of hardens the positions in the community at large about the role of the school. Certainly to try and pin down what the problems are is not easy. No one really has an answer. I think what we are witnessing at this point in time in Yukon is a fairly thorough analysis of our educational system.

I repeat that I am encouraged by some of the initiatives that I see emanating from the government. Certainly, we had as much of a concern and made an effort to try and understand better just what the discontent was all about. I believe we wanted to try to understand more what people were saying about the school system. Of course, we, as the minister knows, struck a task force, whose purpose was to solicit input from the public at large to solicit submissions, to visit communities and, of course, to try to assimilate the accumulated information into some positive encouragement to the improvement of the system.

I think that a good way to describe that exercise is to describe it in opposite terms. It was an exercise that brought reward, on the one hand, and brought alarm, on the other. It brought alarm in the sense that we discovered that there is a myriad of problems that we did not know existed, problems that we did not know were taking such a large part of student, parental and teacher time. On the opposite side, I think it was something of a reward, in that there was, to us, the evidence that there was a much greater, a much deeper, concern about goals and the direction that we are headed in, in Yukon, and education, in general.

I would quite confidently say, for the record, that the education

task force has been successful on several fronts. I think it has precipitated considerable public discussion on educational concerns. I believe it provided another outlet for some of the frustrations from without and within the system. I think it has acted, in some measure, as a catalyst to some of the initiatives that we are hearing taking place within and from the Department of Education.

I think that it is quite fair to say, as well, that while the initiatives that the minister talks about — the alternate program, for example, the rural study program, the computer programming, the attention to the teacher-pupil ratio, certainly the gifted program — may address some of the problems that we are hearing about.

One of the most common, pervading themes that we heard, during the course of our task force, was a concern about the high tech preparedness of today. People do feel that, historically, we have not been meeting the needs that our children will have to have in the high tech world of tomorrow.

I think another interesting concern that seems to be a pervading theme is the whole question of the vocational aspect of education. I have to admit, there is quite a debate on that subject. On the one hand, there is the call for a greater programming within the school system for vocational career type courses, and at the same time there are the proponents who do not believe the school should be providing those particular programs.

One of the most repeating themes that we have heard deals with local authority and control of education. Certainly, I observe from the resolutions submitted this past weekend, from the education council, this theme is an ongoing one; and it is one the department is going to have to address again, head-on. There is a desire for an increasing amount of local control in educational decision-making, whether it has to deal with staff selections, programming, facilities use, or whatever. There is currently frustration with respect to the school committee process in some measure being bypassed occasionally, and there has to be more consistency and development there.

An interesting issue that cropped up now and again that the department will have to address — and I am sure that it is addressing — deals with the rural communities. The minister mentions the rural study taking place by the very qualified expert in the field. There is something of a difference in the type of problems that exist in rural schools than those that exist in Whitehorse. I think in the rural schools there is an attempt to just meet the basic levels of service and education. Busing, adequate programs, school supplies, communications with the department. Those are some of the pervading rural themes that we have found. In Whitehorse, the call seems to be for more sophisticated programming, an improvement in pupil-teacher ratios, an increase in support staff for teachers, and certainly a general improvement called for in handicaps to teaching that are found in city schools.

An interesting discovery that we found was a major concern from teachers on the high burnout rate, and that is a problem that I did not anticipate existed as seriously as it does. Something will have to be considered here, in terms of upgrading opportunity. Certainly, relief from classroom stress is an issue that has to be addressed.

I suppose I could go on forever at some length about the kind of problems that, I am sure, the minister is quite aware we are hearing. The minister made a wise decision to send one of her departmental staff along with our task force and I am sure that that was a useful exercise. A very pleasant young lady, I must say, who I believe now is spearheading the very questionnaire program, if you want to call it that, for the department. I have to admit that the questions are rather familiar. I am pleased to see the attention being given to some of the problems being discussed.

I would emphasize in general debate to the minister's remarks that, when she talks about the various initiatives and programs such as the gifted program, or the alternate programs and the increase and stepping up of the computer programming, one has to address that with attention to a policy that is under much debate and some measure of concern; that of mainstreaming. There is an incompatibility that is causing some confusion and causing some difficulties in the classroom. The minister was quite correct when she said that our future rests with our children. I think, at the same time, she has to recognize that our children, who are going to be facing that

future, are going to be facing a very malleable and changing workplace, dominated of course by the high tech developments. I think it is quite fair to say that the average student of today is probably going to face, at the minimum, half a dozen careers in a lifetime.

<sup>18</sup> Our attention to the preparedness of that student is going to be quite critical.

I think at this point I would want to ask the minister a number of questions on specific programming that she has mentioned. Before I do that, I would leave with her an opportunity for response to some of my general comments and, in closing those general comments, I would accept that our educational system is currently under a lot of review as cited by the minister in the various programs, and I accept that. If she has any response to the general malcontent that I have brought to her attention, I will stop speaking for a moment.

**Hon. Mrs. Firth:** Just to finish up on my general comments, I did neglect mentioning a couple of areas in advanced education and I would like to add those for the record. We have been doing a lot of self-examination in the area of advanced education and particularly at Yukon College and some of the courses that are put on at Yukon College. It is our intention to initiate three new courses this year at Yukon College: the micro-computer course, an electronics course and a forest firefighting program. We also are going to be identifying funds and reinstating the job retention program for small business. That program ends at the end of May, I believe. The Student Employment Assistance Program will again continue this summer, as well as the Student Employment Program, which are the 20 positions that are available through government. We also have the 20 positions of the in-house apprenticeship program, and that will be continuing with YTG.

To respond to some of the comments made by my hon. colleague from Faro, I sometimes find that the opposition has a rather negative approach to a very positive area, and that is education. If there is one thing that the kids of Yukon need, it is someone who cares about them and someone who is prepared to review their situation with a positive attitude, which is always healthier than a negative one. When I hear comments from the member from Faro like "delayed responses", "growing grumbles", that education in Yukon is outstripped by other areas, that people are asking constantly for more this, more that, I find that very negative. We are, at the request and direction of the public of Yukon, of the parents, the school committee members, trying desperately to make education more positive. I think, as a government, we have done that in the past two years.

<sup>19</sup> We have involved the school committees in the decision-making, we have involved them in the budget process, we have listened to their requests and we have responded to their resolutions.

Also, we have, as I mentioned, at the Annual General School Committee Conference, a very personal relationship in Yukon, not only with parents and with the Government of Yukon, through the Department of Education, but also with the teachers. When you compare the relationships that other governments across Canada have with their teaching staff, I would submit that it is a rather unhealthy relationship, as opposed to ours, where the minister and the Teachers Association can participate in a rather intimate discussion about the teachers' image and the minister's and government's concerns about how teachers are perceived by parents, and so on.

So, we find that the messages are being passed back and forth and the communication is improving. People are informed as to what is happening and they feel freer to contact us and make a contribution and make a suggestion and have some input.

I notice my own colleagues, as you make representations for your constituents, feel freer to come and make requests and to ask questions. We only try to do our best to keep people informed, as we do the opposition. We like to keep them informed as to what is happening in their particular areas.

I cannot let the task force pass because, in some way, the member for Faro is trying, kind of pathetically, to take some credit for the initiation of new initiatives or new programs within the Department of Education. I do not like to have to tell them that they are wrong, as the member for Whitehorse South Centre never hesitates to stand

up and point his finger at us and say the minister is wrong. Well, the critic for education is wrong; the task force did not even act as a catalyst for these programs, it was the school committees and the Education Council who initiated these programs. It was upon requests from the school committees and the Education Council that we established an alternate program and they brought forward the concern that the children had to be kept up in the area of computer technology.

Dates do not lie. I would never suggest that my hon. colleague would try to mislead or misrepresent something. I hope I am above that kind of skulduggery. The management board decision, in September, resulted in the computer program. The alternate program and the gifted program were programs that resulted from discussions with the Education Council and school committees, dating back to 1982. I would submit that the task force did not hold its first meeting until October 18th, 1983.

<sup>20</sup> So, these programs that the hon. member for Faro would like to take credit as acting as the catalyst for were already in discussion and in process before they even had their first task force meeting.

The departmental individual who was assigned to go to the task force meetings was sent by the Department of Education, by the deputy minister, as an observer, and I think we would be remiss had we not sent someone to identify any concerns that may have been raised. We would not have considered not sending somebody. It was not to go and bring back ideas so that we could try and get the jump on the opposition, because we already had the jump on them a long time ago, as the school committees had the jump on them even longer ago.

On the comments made about the dropout rate, the member for Whitehorse South Centre has asked about them every operations and maintenance debate. In the last session, I indicated to him that we were keeping statistics now. I do have good news for the opposition members regarding the dropout rate.

In 1974-75, the dropout rate for grades 10, 11, and 12 was at 12 percent. In 1976-77, it was at 19 percent. In 1981-82, it was at 17 percent. For 1982-83, it is down to 8 percent. I think that that indicates that the department and teachers and the career counselling services that we are providing are of much benefit to our young people.

I want to just make a note that with these figures, there are double dropouts who are inclined to inflate the numbers. The dropouts occur when the students start in the fall and then withdraw and re-enroll in the second semester. They may withdraw again and, therefore, could be counted twice. The statistics have not been kept on the specific students.

In the 1981-82 school year, of the 59 students who withdrew, 60 percent of them abandoned their studies, 34 percent of them joined the work force, and 6 percent of them had other reasons and did not go back to school; that could be things like being sentenced to jail, or having passed away.

Fourteen percent of the students who abandoned their studies enrolled and attended only one to three days at the start of the semester and could rightfully be considered as having had no serious intentions of attending school.

As far as the career counselling is concerned, I noticed in one of the articles in the newspaper that the hon. member for Faro did make some comments about adequate counselling for students, and that after complaints we announced a program of career counselling. That, also, is not true. Our program of career counselling has been going on for some years. Mr. Ben Sheardown, the career liaison coordinator, has been attending university courses in the summers so that he could enhance his qualifications.

<sup>21</sup> He did this so that he could provide better services, training, and providing in-service to other teachers and other counsellors. We have now relocated Mr. Sheardown in the department so that he can make use of the support services within the department and he, in turn, will be visiting the communities and assisting the senior students with career counselling. The program is reviewed with respect to expanding the counselling services to include both personal and career counselling services. So, the government has definitely made some very positive steps in that area, which will assist our young people with their futures.

The area of discussion about the role of the school, the numbers of reviews we are doing, the self-examination if you want to call it, is not uncommon amongst education systems across Canada. Last month, I attended a Council of Ministers of Education conference and unfortunately we were stranded overnight in Prince Edward Island, but fortunately it gave us an opportunity to have many exchanges with some of the ministers from the other provinces, particularly Alberta, Ontario, Prince Edward Island and New Brunswick — some provinces that are closer, perhaps, in size to Yukon — and I am speaking specifically of Prince Edward Island, which is the closest for comparison purposes for us considering they are about five or six times bigger than we are; that is as close as we are going to get.

I had an opportunity to talk to the ministers, many of whom have been ministers of education for some four or five years, many of them with a tremendous amount of technical expertise and information, and found that we in Yukon were actually embarking on some new initiatives. Because of our size and because of our smallness, we are able to try new things in Yukon without potentially disastrous implications or ramifications if it does not work. Because of the small number, we have the opportunity to stop something if we see that it is not going to work or is not going to progress satisfactorily, just as we have the opportunity to embark on some new programs and start some new initiatives.

It was interesting to note that many of the provinces' pupil-teacher ratio was much higher than ours; it was not uncommon to have 30 to 35 students in the classroom. Almost all of the provinces were embarking on restraint measures within their departments of education. Many of them were clamping down on the teachers — I call it clamping down as opposed to ganging up. Many of the teachers across Canada feel that they are being ganged-up on and we had a totally different attitude and approach here in Yukon. I think it is because of the personal situation, which I mentioned earlier, and because we are a closer group here in Yukon. We are not embarking on a restraint program in education; it is just the reverse. We have been growing in education and we have been growing remarkably, as I indicated to the school committees. Our population of school students is declining from almost 5000 students down to 4400 students and yet our numbers of teachers are high and the amount of money identified for education, as I have indicated, has grown tremendously.

▮ I think it reflects this government's commitment to gain, as I have said, education and certainly sets us aside from many of the provinces, who are looking at laying off teachers, cutting back programs, and so on.

We have also identified more money for student grants. We have a large number of requests for grants and we have responded to those requests, not only with an increase in the amount of grants, two years ago, but also in responding to the numbers of grants that are coming forward.

So, I think I can honestly say that this government does have a positive attitude towards education. We have a positive relationship with the school committees, with the general public and we encourage that citizen participation process, for it is from there that we receive the input to make the decisions in education. I think that is reflected in this budget that we have tabled this session.

**Mr. Byblow:** This debate may not last as long as debate on *The Children's Act*, but it has the makings of a lengthy one.

I think that the minister is not only wrong, but that she is living in something of a dream world. The minister cites management board decisions as having taken place well before any emanations of educational concern sprang from this side. I would suggest to the minister that it was just over a year ago — in fact, on April 12th, 1983 — that I pressured the minister whether she was going to set up any public input process to address the various growing concerns in education. At that time, she said no, she already had the school committee process and there was nothing requiring any more attention than that.

The minister seems to forget that the public announcement of the task force was in September and, prior to that, there were several calls for a public input process to expand on the one provided by the school committees. So, I do not think that the minister can fairly

say that no catalyst took place.

She will also recall that her computer program was announced in November; the alternate program in December; the rural study in January; the questionnaire for Easter; and the story goes on. I just want to say that there is nothing negative in this. I have stated clearly that we encourage the kind of initiatives that are taking place and this is positive. The only negative comment that we have ever had is from the minister, when the task force was announced.

Leaving that subject, I do not think much more has to be said. ▮ I think we have a common interest in goals of education. I think we all recognized long ago that there were some serious problems to address; some with a higher degree than others. I think we are on the right, positive road to addressing some of the concerns in education. I fail to see how we have anything negative in the process. There is no question that a public input process is necessary. There is no question that a public debate is necessary. There is no question that the ultimate responsibility rests with the minister for the improvements that are being called for in education.

The minister talks about the budget reflecting a substantial increase. I want to talk about that for a moment, and then I want to talk about a number of specific issues, some of which have been referred to, but I have more questions.

On the subject of the budget in its general way, I would like to know why the minister told the school committee conference that last year's budget was \$25,000,000 and it moved \$7,000,000 to \$31,000,000 or \$32,000,000? Quite clearly, the document before us reflects a \$1.6 million increase from last year's spending to this year's intended spending. Even if we took last year's estimates, it was still \$28,000,000, as opposed to the \$25,000,000 cited. Could the minister respond to that?

**Hon. Mrs. Firth:** I did not tell the school committee conference that last year's budget was \$25,000,000. If the member will think back to the discussion that we were having, I had indicated to them that the enrollments in a specific year, I believe it was 1981-82, were close to 5,000 students; 4,800 students. At that time, the budget was \$25,000,000, approximately, for the Department of Education. Now, in 1984-85, the enrollments had declined to 4,400, but the budget had increased to \$31,000,000. It was a figure given in relation to enrollments declining for comparative purposes to indicate to the people that although the enrollment had gone down in the past few years, the budget had continued to increase to the point where it was some \$6,000,000 more, although the pupil population was down. I believe I indicated to them that I appreciated that that was not all in the public school area. Some of that monies were identified for advanced education as well. I am sure the member can appreciate that I would in no way try to mislead the school committees.

▮ I do not want to dwell on this or get nitpicky about the task force, but as the newspaper obviously felt by their headline one day when the task force was established, they, too, commented that the NDP were ignoring the voices of hundreds. We felt that we had that public input process and he had not had indicated to us that people wished a further public input process.

I appreciate the opposition members may have had certain representations made to them, and that is fine, but I believe it is rather pathetic to try to use the education of our children to create political issues. When I was talking to the parents and to the school committees at the conference this weekend, although I indicated to them that I was disappointed at the low numbers of delegates at the conference — when we have the capacity to have 60 voting delegates there were 16 at the Friday meeting and I believe some 25 at the Saturday meeting — I was quite honest with the members and said to them that at least we knew that we were getting representation from them and that they were there because they were interested, not because there was some political issue or because someone had an axe to grind or because they felt they had to lobby the government and create certain forces to get us to do something.

That just is not the relationship we have had with the public. I told them I appreciated their input because I knew it would be sound, that it would be based on commonsense and on logic and on concern for quality education and concern for the children. I find

that that kind of contribution is much more valuable. It is always in the best interests of the children, and we are able to utilize it much more within the department as opposed to having a group of people who are out simply because an issue has been created that has caused a lot of furor and stir in the media and has become highly emotional. Education is an emotional issue anyway, when you are dealing with people's children. I found that, when decisions were made under those kinds of pressures, they were not always in the best interests of the children. I think the government has demonstrated, through the decisions that they have been making in education, that they are always in the best interest of the children first and the quality of education that those children are going to receive.

Mr. Byblow: I find such a host of contradictions in what the minister is saying. In fact, I find some of the statements quite contrary to logic.

The minister suggests that it is pathetic to create issues. I submit to her that no one is creating issues in the field of education. Issues are created by neglect and they become issues when they have to be addressed after having been ignored for a long period of time.

The minister states a further contradiction when she suggests that, somehow, when the attention is given to the school committee input process that is perfectly in order, but it is not acceptable to talk to the public at large. I fail to see the reasoning in the minister's logic. It is perfectly acceptable for the government to have its Cabinet tours of financial handouts, to talk to the public at their will and our expense, but it is not acceptable to talk to the public at our personal expense and in the common interests of an improvement to education. I find a real set of contradictions in the minister's rather shallow defense of her sense of seriousness about education.

I want to ask the minister a question regarding the budget and the question I raised earlier about what was said or implied to the school council conference. It was asked of me: did the education budget really go up by \$7 million? I had to explain what really took place in the budget. So, I would say to the minister that, clearly, the impression was left of a massive increase in the educational budget, this year, which, in reality, is not here.

I want to go back to one of the earlier statements of the minister, respecting the figures she cited regarding the dropout rate. Could she advise the source of the information and could she advise how the percentage that she cited — I believe it was 60 percent — of the students who abandoned their studies were determined; what happened to them, as close as the minister can with her data?

Hon. Mrs. Firth: I would like to drop the discussion about the task force now. I think I have presented my feelings about it on behalf of the government. I think that I really do not have anything further to say about it.

The dropout rate information is collected by the department and of the 60 percent who abandoned studies, we do not really follow up on each individual. They could have done various things. They could have left the Yukon, or gone back and lived with their families; I am just speculating. I do not really know what happens to them. Some of the do get jobs and so on. If I have any further information in the department as to what happens to the individuals who do abandon their studies, I can bring that back the next day.

Mr. Byblow: On the same subject: because there is some feeling that education ought to be coordinating its efforts with other social services in the community — and when I say community, I am referring to either the small community, or the community at large in Yukon — there is a feeling of a need to coordinate social services with justice and with education, to address the various problems that face students and in part contribute to the dropout rate. At the same time, by way of some history on the subject, this has been debated in the past and some communities have made an effort to set up committees that deal with this aspect of delivery of a service. Is the department of education conducting any study or making any effort, towards a higher degree of coordination between the various services that deliver to the child?

Hon. Mrs. Firth: We are always reviewing things that are best for the students, particularly in communities. I think the small communities have a close relationship, anyway, between various departments and we are always in constant communication, within

the government here. Within the Department of Education, the futures committee is certainly looking at the coordination of human resources services as it applies to education, particularly to post secondary education. It is something that we have been looking at within the futures committee for some many months now. We also have sought the advice and the consultation of the principals who have been put on the futures committee and of certain departmental staff. If there are any overlapping areas within government that would be affected by education, we would certainly look for input in those areas as well.

Mr. Byblow: Can the minister tell me some more about the futures committee; who is it, how frequently does it meet, who does it involve, how does it communicate back out to either the public at large or the institution and services at large, for usefulness?

Hon. Mrs. Firth: The futures committee is an interdepartmental committee; it is a committee within the Department of Education. The people who are sitting on the committee are departmental staff officials who would be involved in all the particular areas: post-secondary education, and so on. The principals, as I have said before, are on the committee. They have been meeting for some five or six months now, and sitting down and analyzing and reviewing the general direction that education is taking in Yukon. They are reviewing the coordination of the public school education system with the post-secondary education system. They would be reviewing all the surveys that we are having done: the new programs we are establishing. I believe the individuals who are the coordinators for the new program have been put on the committee, and they are just basically trying to pull everything together and to coordinate where education is going in the future.

We have input from the education council and the school committees when the deputy minister and I meet with them; we meet with them on a regular basis. We have an opportunity to ask for their input in certain areas and they bring forward suggestions that we pursue within the Department of Education. I believe that was how the junior high questionnaire was initiated; through the education council who had had several school committees request that we examine the junior high education system.

The mandate is relatively broad for the futures committee and we would anticipate that this will be an ongoing function within the department, and we look forward to many positive contributions that they are going to be able to make in the direction of education.

Mr. Byblow: What the minister explains is no doubt a good first step, if we want to call it that. But I want to advise the minister that there is considerable concern with respect to, firstly, the dropout rate, and then the analysis of that dropout rate, which has to do with an improvement in the delivery of services from various agencies of government and the community at large, because often there are community organizations not necessarily directly related to government, that wish to make a contribution. These may include the church and other types of service organizations. There is distinctly a concern about an alienation that students tend to feel within the school system, and there is a need for a greater involvement of that student by various supports to either help retain them in school and help them adjust to the stresses of growing up in the world today. I know that in the education council conference this weekend there was a call for a psychologist within the department, which also was part of this whole concern.

So, specifically, on the subject of the psychologist, what is the department's intentions with respect to this? I would like her to answer in context of what I said earlier to see a greater coordination of service delivery to address the dropout rate.

Hon. Mrs. Firth: I have to go back to the phrase that the member for Faro used, regarding what is the role of the education system, what is the role of the teachers and the Department of Education, and what is our responsibility towards children and towards young people?

I appreciate the comments about the psychologist; we have been looking at that in the Department of Education. The Education Council raised this with us some time ago and I have been delaying hiring a psychologist; I have to take submissions to management board, to my colleagues. We appreciate that there are comments being made about drug and alcohol abuse, about suicide rates

growing among teenagers, and so on. I am certainly familiar with these concerns, from my past professional experiences.

I recognize the need for a psychologist and it is something we are looking at, but I am not prepared, at this time, to make any commitment as to when and whether we will be getting a psychologist, in the near future or far. I realize the resolution has been brought forward by the school committee conference regarding the psychologist. So, we will be examining that more closely and will keep the members updated on that particular aspect.

As for young people who leave the system, when they leave the system, unless they indicate to us some desire to get back within the educational system, I think that the Department of Education, generally, releases itself from responsibility for that individual. Certainly, we have the ability to refer them to other social agencies: refer them for counselling, and so on. However, until they display an interest in coming back into the system, and when we know that they want to come back into the system, it is very difficult to convince these young people to come back or to even sometimes seek extra assistance.

I appreciate that it is an area that the member for Faro may be saying that we should broaden our role, but I think that before we do something like that, it has to be examined very thoroughly.

**Mr. Kimmerly:** I always prepare myself for these debates by reading the debates of the past years and especially the first debate, in which a minister prepares a defense of the budget.

The minister, in her first budget, identified her first priority in the department. Would she give an update as to the progress made about that?

**Hon. Mrs. Firth:** In view of the fact that that would be rather lengthy, because I do have a lot to say about it as I, too, review the *Hansard*, regularly. I think I indicated to the member for Whitehorse South Centre, last Session, when I answered his questions from the previous Session, before he had an opportunity to present them a second time, as is custom with the opposition.

I will come back tomorrow with the answer for the member for Whitehorse South Centre.

I move that you would report progress on Bill No. 12.

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

*Motion agreed to*

**Hon. Mrs. Firth:** 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. 19, *The Children's Act*, and directed me to report the same with amendments.

Further, the Committee has considered Bill No. 12, *Second Appropriation Act, 1984-85*, 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. Mr. Lang:** I move that we do now adjourn.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs, 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 9:26 p.m.*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It is essential to ensure that every entry is properly documented and verified. This process helps in identifying any discrepancies or errors early on, preventing them from escalating into larger issues. Regular audits and reconciliations are key to maintaining the integrity of the financial data.

Furthermore, it is crucial to establish a clear line of communication between all parties involved. Transparency is a cornerstone of trust, and open dialogue allows for the timely resolution of any concerns. By fostering a collaborative environment, the organization can ensure that all stakeholders are aligned and working towards the same goals.

In addition, the document emphasizes the need for continuous improvement. The financial system should be regularly reviewed and updated to reflect changes in the business environment. This includes staying abreast of new technologies and industry best practices. Investing in training and development for staff can also enhance the overall efficiency and accuracy of the financial operations.

Finally, the document concludes by reiterating the importance of accountability. Each individual has a role to play in ensuring the success of the organization's financial management. By holding everyone responsible for their actions and decisions, the organization can maintain a high level of performance and achieve its long-term objectives.