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YUKON LEGISLATIVE COUNCIL

VOTES & PROCEEDINGS

22<sup>ND</sup> WHOLLY ELECTIVE COUNCIL

1974 SECOND SESSION

VOLUME 4

SPEAKER: MR. R.A. RIVETT

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MONDAY, MAY 6, 1974.

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MR. TANNER: MR. SPEAKER, I HAVE THE TABLING THIS MORNING OF LEGISLATIVE RETURNS 57, 58 AND 59.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEE?

MR. MCKINNON: YES, MR. SPEAKER. I AM PLEASED TO REPORT THAT THE SUB-COMMITTEE ON THE LOTTERIES BILL MET WITH THE POWERS THAT BE IN THE YUKON THIS MORNING, NAMELY MR. MILLER AND MR. FINGLAND AND WE ARE PLEASED TO REPORT THAT OUT OF THE MEETING WE HOPE TO HAVE A SESSIONAL PAPER OUTLINING THE PROPOSAL TO COUNCIL ON THE LOTTERY IN SEVERAL DAYS.

MR. SPEAKER: ARE THERE ANY BILLS TO BE INTRODUCED?

MRS. WATSON: YES, MR. SPEAKER. I BEG LEAVE, SECONDED BY COUNCILLOR TANNER TO INTRODUCE BILL NO. 22 INTITULED AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, FOR LEAVE TO INTRODUCE BILL NO. 22 INTITULED AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE LEAVE GRANTED.

*LEAVE GRANTED*

MR. SPEAKER: ARE THERE ANY NOTICES OF MOTION OR RESOLUTION? ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS? AS THERE ARE NO MOTIONS FOR THE PRODUCTION OF PAPERS, WE COME TO MOTION NO. 32.

MOTION NO. 32

MR. SPEAKER: IT WAS MOVED BY COUNCILLOR

TANNER, SECONDED BY COUNCILLOR WATSON, BE IT RESOLVED THAT:

1. THE COUNCIL OF THE YUKON TERRITORY GO ON RECORD IN SUPPORT OF A PROGRAM OF COMPENSATION FOR VICTIMS OF CRIME; AND
2. THE TERRITORIAL GOVERNMENT PROCEED WITH THE PREPARATION OF THE NECESSARY LEGISLATION AND AGREEMENTS WITH THE DEPARTMENT OF JUSTICE FOR THE IMPLEMENTATION OF A PROGRAM OF COMPENSATION FOR VICTIMS OF CRIME. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. TANNER: YES, MR. SPEAKER. AS ALL MEMBERS WILL REALIZE THIS IS BASICALLY A ROUNDING OUT TO SOME EXTENT, OF THE LEGAL AID PROGRAM WHICH WE HAVE ALREADY MOVED ON. BASICALLY IT'S TO PROTECT INNOCENT VICTIMS OF CRIME, MR. SPEAKER, AND THOSE PEOPLE WHO MIGHT ASSIST A POLICE OFFICER OR OTHER PERSON IN TRYING TO PREVENT A CRIME AND TO COMPENSATE HIM SHOULD HE IN ANY WAY BE INJURED OR SUFFER PHYSICAL HURT. I THINK ALL MEMBERS WILL FIND THAT THEY WILL BE ABLE TO SUPPORT THIS MOTION AND I CAN ASSURE THE TERRITORIAL COUNCIL, THAT THE GOVERNMENT WILL MOVE AS FAST AS POSSIBLE ON IT.

MR. CHAMBERLIST: MR. SPEAKER, I WOULD LIKE TO INDICATE THAT THIS IS NOTHING NEW. THERE'S BEEN AN ATTEMPT TO GET THIS LEGISLATION FORWARD NOW FOR SOME THREE AND A HALF YEARS. IT'S THE ADMINISTRATION AT THE VERY TOP LEVEL AND I DON'T MIND ACCUSING THE COMMISSIONER ON THIS, THAT HAS BEEN FIGHTING AGAINST THIS ALL THE TIME. AND I'M PLEASED AT LONG LAST THAT THERE IS SOME DECISION GOING TO BE MADE IN REGARD TO THIS. THE SAD THING ABOUT IT IS, I DON'T KNOW WHETHER THE LEGISLATION IS GOING TO COME FORWARD DURING THE LIFE OF THIS COUNCIL OR THAT THIS IS JUST A TOKEN MOTION AND THE LEGISLATION WILL BE PREPARED FOR THE COUNCIL AHEAD. CERTAINLY I SUPPORT THE MOTION, BUT I'M DISAPPOINTED THAT THERE ISN'T LEGISLATION HERE TO BACK UP THE MOTION.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

MR. TAYLOR: I JUST HAD ONE QUESTION ON THIS, MR. SPEAKER. WHILE I SUPPORT THE MOTION, I WOULD JUST LIKE TO ASK THE HONOURABLE MEMBER FROM WHITEHORSE NORTH TO GIVE US AN OUTLINE OF HOW IT'S GOING TO BE FUNDED.

MR. TANNER: MR. SPEAKER, THE FUNDING FOR THIS PROGRAM HAS GOT TO BE FOUND. JUST LIKE THE FUNDING FOR THE LEGAL AID PROGRAM HAS GOT TO BE FOUND. I WOULD ASSUME THAT WE'LL HAVE FUNDING

CERTAINLY NEXT YEAR. MAYBE A SUPPLEMENTARY THIS YEAR. HOWEVER, I CAN'T GUARANTEE THAT.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MOTION NO. 33

MR. SPEAKER: IT WAS MOVED BY COUNCILLOR CHAMBERLIST, SECONDED BY COUNCILLOR MCKINNON THAT THIS COUNCIL RECOMMENDS TO THE ADMINISTRATION THAT AN OFFICE OF OMBUDSMAN BE CREATED AND THAT A PERSON BE FOUND TO FULFILL THE FUNCTION OF THIS OFFICE. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. CHAMBERLIST: YES, MR. SPEAKER. MR. SPEAKER, TO ME NO LEGAL AID PROBLEM IS COMPLETED, NO LEGAL AID REQUIREMENT IS PROPERLY TAKEN CARE OF, NO CITIZEN OF THE YUKON IS PROPERLY PROTECTED UNLESS THERE ARE WAYS AND MEANS THAT THAT CITIZEN CAN GET PROTECTION FROM WHAT MAY BE ADMINISTRATIVE ERRORS OF GOVERNMENT. WHETHER THE GOVERNMENT BE IN THE FORM OF TERRITORIAL GOVERNMENT, MUNICIPAL GOVERNMENT OR THE BOARDS THAT EITHER OF THESE GOVERNMENTS SET UP. TO ME THE ANSWER TO MANY OF THESE PROBLEMS THAT ARISE FROM TIME TO TIME AS A RESULT MAINLY OF THE INADVERTENT BAD CONDUCT OF A DEPARTMENT OR DEPARTMENTAL OFFICIAL, TO CORRECT A WRONG, THAT THE INDIVIDUAL RECEIVES AT THE HANDS OF GOVERNMENTAL PEOPLE, SHOULD TAKE PLACE AS PROMPTLY AS POSSIBLE. AND THE ONLY WAY, I SUBMIT MR. SPEAKER, FOR THIS TO TAKE PLACE IS THAT THERE BE CULTIVATED FOR THIS TERRITORY, AN OFFICE OF OMBUDSMAN.

IN MORE THAN 50% OF THE JURISDICTIONS IN CANADA NOW, THESE OFFICES EXIST. AND ALL MEMBERS OF COUNCIL, MR. SPEAKER, HAVE READ THE REPORT THAT I HAVE SUBMITTED TO THEM ON AN OMBUDSMAN. I MYSELF FIRMLY BELIEVE THAT THIS IS THE ONLY MANNER IN WHICH WE CAN GIVE TO THE INDIVIDUAL A REASONABLE MANNER, A VEHICLE IN WHICH THEY CAN ATTEMPT TO SEEK REDRESS BEFORE BEING FORCED INTO THE COSTLY AREAS OF COURT PROCEDURE.

IN MANY INSTANCES, MR. SPEAKER, PROBLEMS THAT ARISE AS A RESULT OF GOVERNMENTAL ERRORS, CAUSE MUCH HURT TO INDIVIDUAL PEOPLE AND FAMILIES. NOW I THINK THAT AT THIS TIME WITHOUT GOING EXTENSIVELY INTO THE WHOLE AREA OF THE OMBUDSMAN'S DUTIES, I THINK I MIGHT BE PERMITTED TO READ INTO THE RECORD TWENTY POINTS THAT I'VE

MAINTAINED ARE THE ESSENTIALS IN THE REQUIREMENTS FOR AN OMBUDSMAN. ALTHOUGH I WILL NOT READ OUT IN DETAIL THE POINTS THAT I HAVE MADE WHICH CAN BE SEEN IN THE REPORT AND IS AVAILABLE FOR ANYBODY TO OBTAIN, I'LL TRY AND ABBREVIATE THOSE POINTS AS MUCH AS POSSIBLE.

MR. SPEAKER, I THINK THAT THE RULE THAT EVERY PERSON HAS THE RIGHT TO REDRESS AND ESPECIALLY WHEN IMPROPER BURDENS ARE PLACED UPON HIM BY GOVERNMENT OFFICIALS MUST BE THE PRIME CONSIDERATION. AND THAT IS AN ABBREVIATION OF POINT 1.

THE GENERAL FUNCTIONS OF THE OMBUDSMAN SHOULD BE TO INVESTIGATE COMPLAINTS MADE TO HIM BY INDIVIDUALS AND ESPECIALLY WHERE IT MAY PROVE THAT THERE HAS BEEN THE CONSEQUENCE OF MALADMINISTRATION IN CONNECTION WITH ADMINISTRATIVE ACTION. THERE MIGHT HAVE BEEN AN ACTION TAKEN BY A GOVERNMENTAL DEPARTMENT THAT IS DETRIMENTAL TO AN INDIVIDUAL.

MR. SPEAKER, MY THIRD POINT, THAT LEGISLATION SHOULD NOT BE PERMITTED TO INTERFERE WITH FEDERAL GOVERNMENT DEPARTMENTS BECAUSE OF THE STRUCTURE OF OUR YUKON ACT. AND OF COURSE IT WOULD BE RESISTED BY THE FEDERAL GOVERNMENT IF WE BROUGHT FORWARD LEGISLATION WHICH WOULD GO INTO THOSE PARTICULAR AREAS. I THINK THAT WE HAVE TO EXCLUDE CERTAIN GOVERNMENT ASPECTS AND CERTAINLY WE HAVE TO EXCLUDE ANY INVESTIGATIONS BY AN OMBUDSMAN OF THE JUDICIARY BECAUSE IT IS TO THE JUDICIARY THAT IN THE FINAL ANALYSIS A PERSON MIGHT WISH TO GO TO.

I THINK THAT THESE PEOPLE SHOULD BE ABLE TO GO TO SOMEBODY, COMPLAIN AGAINST THE GOVERNMENT AND THEN HAVE THEIR COMPLAINT PROPERLY EXAMINED.

THE END PRODUCT OF THE OMBUDSMAN'S WORK, MR. SPEAKER, WOULD BE TO REPORT THE RESULTS OF AN INVESTIGATION FROM A COMPLAINT AT LEAST ONCE A YEAR. I BELIEVE THAT THE OMBUDSMAN SHOULD NOT BE PART OF THE GOVERNMENT STRUCTURED SET-UP. THAT THE OMBUDSMAN SHOULD ONLY BE ABLE TO REPORT TO THE LEGISLATIVE BODY THROUGH MR. SPEAKER. THIS IS THE PROCEDURE THAT IS ADOPTED IN ALL OTHER JURISDICTIONS AND IS WORKING VERY WELL IN THAT RESPECT.

I HAVE INDICATED, MR. SPEAKER, THAT WE SHOULD ALSO INCLUDE MUNICIPALITIES AND CERTAINLY LOCAL IMPROVEMENT DISTRICTS AND OTHER BODIES, WHERE, AS A RESULT OF ADMINISTRATION IN THESE FORMS OF GOVERNMENT, AN INDIVIDUAL MAY BE DAMAGED TO SUCH A GREAT EXTENT THAT FOR HIM TO GO VIA A

NORMAL COURT PROCEDURE WOULD BE SO COSTLY TO HIM THAT IT WOULD DAMAGE HIS LIVELIHOOD IN THE MANNER IN WHICH HE CAN CONDUCT HIS HOME IN A FAIRLY REASONABLE MANNER.

GENERALLY THE ACTIONS OF THE OMBUDSMAN IS TO ASCERTAIN PRIOR TO COMMENCING HIS INVESTIGATION, WHETHER THE COMPLAINT WOULD COME WITHIN HIS JURISDICTION AS OUTLINED IN ANY PROPOSED LEGISLATION THAT WOULD BE BROUGHT FORWARD IN THIS REGARD. AND WE ARE, IN A WAY, IN A VERY BENEFICIAL POSITION INASMUCH AS THERE ARE SIX OR SEVEN OMBUDSMAN'S ACTS IN VARIOUS PROVINCES IN CANADA WHICH GIVE US THE GUIDELINES NOW AND ESPECIALLY THE WRINKLES THAT HAVE BEEN IRONED OUT AS A RESULT OF THE OMBUDSMAN'S OFFICE BEING IN OPERATION OVER THE PAST FEW YEARS.

I THINK THAT THE OMBUDSMAN SHOULD HAVE THE POWER TO RECOMMEND PAYMENT TO REIMBURSE THOSE PEOPLE WHO HAVE INCURRED PROPER EXPENSE AS A RESULT OF AN INVESTIGATION. AND THE OMBUDSMAN SHOULD BE ABLE TO ADVISE THE GOVERNMENT DEPARTMENT CONCERNED THAT AS A RESULT OF AN INVESTIGATION HE HAS MADE THAT A CORRECTIVE ATTITUDE SHOULD BE ADOPTED FORTHWITH. AND IF THE GOVERNMENT'S CONCERNS ARE REALLY CO-OPERATIVE WITH THE OMBUDSMAN, THEY WOULD DO THEIR BEST TO DEAL WITH THE OMBUDSMAN'S REQUIREMENTS.

MR. SPEAKER, OMBUDSMEN HAVE BEEN APPOINTED IN THE FOLLOWING PROVINCES: ALBERTA, MANITOBA, NEW BRUNSWICK, NOVA SCOTIA, QUEBEC AND RECENTLY SASKATCHEWAN. OMBUDSMEN ARE ALSO IN EFFECT IN SOVEREIGN STATES THROUGHOUT MANY PARTS OF THE WORLD. AND IN THE UNITED KINGDOM THEY HAVE WHAT IS REFERRED TO AS A PARLIAMENTARY COMMISSIONER. WESTERN GOVERNMENTS WITH DEMOCRATIC INSTITUTIONS ARE NOW BRINGING INTO EFFECT AN OMBUDSMAN ACT IN VARIOUS FORMS, BUT WITH THE SAME PRINCIPLE THAT A PERSON AGRIEVED BY WHAT MAY BE CONSIDERED AN INJUSTICE ON THE PART OF GOVERNMENT OR IT'S DEPARTMENTS OR SUBSIDIARY TRIBUNALS OR BOARDS HAVE DIRECTLY OR INDIRECTLY CAUSED ONE OF THEIR CITIZENS TO BE UNJUSTLY TREATED IN THE POSITION MAKING PROCESS WHICH MAY AFFECT THEIR LIVELIHOOD OR EVERYDAY LIVING.

MR. SPEAKER, I WOULD JUST LIKE TO FINALIZE WITH TWO SPECIFIC PARAGRAPHS, BECAUSE IT OUTLINES EXACTLY, I THINK, WHAT THE OMBUDSMAN DOES. THE OMBUDSMAN IS NOT TO BE CONFUSED WITH THE WRITER OF ADVICE COLUMNS IN THE NEWSPAPERS. HE IS A RESPONSIBLE PERSON, RESPONSIBLE TO THE PERSON

HE SERVES, RESPONSIBLE TO HIS PARLIAMENT, RESPONSIBLE TO THE AGENCIES WITH WHICH HE DEALS AND RESPONSIBLE IN A REALLY PERSONAL WAY TO HIMSELF FOR THE DECISION HE MAKES AND THE ACTION HE TAKES.

MR. SPEAKER, IT WAS SOCRATES, THE MAN, WHO PROFESSED NOT TO BE WISE BUT TO SEEK WISDOM, SAID FOUR THINGS BELONG TO A JUDGE; TO HEAR COURTEOUSLY, TO ANSWER WISELY, TO CONSIDER SOBERLY, AND TO DECIDE IMPARTIALLY. THAT IS AN EXCELLENT DESCRIPTION OF THE IDEAL OMBUDSMAN AND AN ARGUMENT FOR HIS NEED.

MR. SPEAKER, I HOPE ALL MEMBERS OF COUNCIL WILL RECOGNIZE THAT IN OUR STRUCTURE, AS WE EXIST IN THE YUKON TODAY, AND WITH THE EVER EXPANDING GOVERNMENTAL DEPARTMENTS, GOVERNMENTAL BOARDS, AND GOVERNMENTAL COMMITTEES; THAT ALONG THE WAY MANY PEOPLE SUFFER AS A RESULT OF DELIBERATE OR INADVERTENT ACTIONS OF GOVERNMENTAL DEPARTMENTS.

I WOULD ASK, MR. SPEAKER, THAT ALL MEMBERS OF COUNCIL SUPPORT THE MOTION AS PUT FORWARD.

MR. TANNER: MR. SPEAKER, IT IS NOT MY INTENTION NOT TO SUPPORT THIS MOTION, NOT FOR ANY OTHER REASON OTHER THAN WITHIN THE NEXT TWELVE MONTHS THREE THINGS ARE GOING TO HAPPEN WITHIN THE TERRITORY, MR. SPEAKER.

ONE IS THAT WE ARE GOING TO HAVE AN EXPANSION OF COUNCIL TO TWELVE MEMBERS; WHICH I FEEL WILL FULFILL A LOT OF THE NEEDS ITEMIZED BY THE HONOURABLE MEMBERS WHO JUST SPOKE.

TWO IS THAT WE WILL HAVE LEGAL AID AVAILABLE ON A MORE EQUITABLE BASIS AND PROPERLY FUNDED. THREE, I TRUST WE WILL HAVE COMPENSATION FOR VICTIMS OF CRIMES LEGISLATION.

THOSE THREE THINGS TOGETHER, MR. SPEAKER, I THINK, PARTICULARLY INsofar AS THE TWELVE MEMBERS OF COUNCIL FOR THE TOTAL POPULATION ON THE YUKON WILL TAKE CARE OF A GREAT NUMBER OF THE NEEDS WHICH THE MEMBER HAS ITEMIZED.

I WOULD THINK, MR. SPEAKER, THAT WE SHOULD GO AHEAD WITH THOSE PIECES OF LEGISLATION ON THAT EXPANSION OF COUNCIL. THEN REVIEW THE OMBUDSMAN SITUATION SOME MONTHS OR WITHIN A YEAR AFTERWARDS AND LET US SEE WHAT THE SITUATION IS THEN.

I WOULD MAKE ONE FURTHER COMMENT, MR. SPEAKER, AS REGARDS THE LAST MEMBER'S DISCUSSION ON



THIS SUBJECT. I THINK EVERY MEMBER OF THIS HOUSE MUST KNOW THAT HE HIMSELF HAS LABOURED HARD FOR A LONG TIME TO BRING THE REPORT BEFORE COUNCIL; WHICH WAS DONE LAST YEAR. NOBODY UNDERESTIMATES HIS KNOWLEDGE ON THIS SUBJECT. HOWEVER, I THINK, OTHER MEMBERS MIGHT AGREE WITH ME, MR. SPEAKER, THAT IT IS A LITTLE PRECIPITOUS AT THIS TIME TO MAKE THIS MOTION.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

MR. TAYLOR: MR. SPEAKER, AGAIN I CERTAINLY CONCUR AND HAVE CONCURED IN PAST WITH THE IMPLEMENTATION OF AN OMBUDSMAN FOR THE YUKON TERRITORY. I THINK, AS THE HONOURABLE MEMBER HAS STATED, THIS IS DESIRABLE BY ALL MEMBERS. AGAIN, THOUGH, I DO COME BACK TO THE QUESTION AGAIN. WHAT ARE WE TALKING ABOUT IN TERMS OF FUNDING AND WHERE DO THESE FUNDS COME FROM?

MR. MCKINNON: MR. SPEAKER, I SUPPORT THE MOTION AND HAVE BEEN AN ADVOCATE OF THE OMBUDSMAN SYSTEM FOR REGRESSING OF INDIVIDUAL COMPLAINTS FOR SOME TIME. I BELIEVE THAT WITH THE PASSING OF THE OMBUDSMAN MOTION, WITH THE PASSING OF THE PROGRAM OF COMPENSATION OF VICTIMS OF CRIME AND WITH THE PASSAGE OF THE LEGISLATION CONSIDERING A LEGAL AID SYSTEM FOR BOTH CRIMINAL AND CIVIL CASES THAT THE YUKON WILL AT LEAST BE ON PAR WITH MOST OF THE JURISDICTIONS IN CANADA AS FAR AS A COMPREHENSIVE PROGRAM OF INDIVIDUAL RIGHTS IS CONCERNED. I HAVE SEEN, MR. SPEAKER, AND HAVE SPOKEN QUITE OFTEN AND STRONGLY ABOUT THE PROLIFERATION OF GOVERNMENT BUREAUCRACY IN EVERY LEVEL OF GOVERNMENT--MUNICIPAL, TERRITORIAL, AND FEDERAL, IN THE YUKON. THERE IS NO AREA IN CANADA, BAR NONE, WHERE A PERSON CAN BE AGRIEVED BY GOVERNMENT AGENCIES AND BOARDS AND POLITICIANS MORE THAN IN THE YUKON TERRITORY BECAUSE OF THE VERY NATURE OF THE BEAST THAT WE HAVE HERE. WE HAVE SOME MUNICIPAL CONTROL, SOME TERRITORIAL CONTROL, BUT ALMOST TOTAL FEDERAL CONTROL. UNFORTUNATELY, THE THREE GOVERNMENTS SEEM TO BE EVER AT WAR WITH ONE ANOTHER AND EVER AT A LEVEL OF TRYING TO BEAT THE OTHER IN THE PROLIFERATION OF EMPLOYEES AND IN THE PROLIFERATION OF GOVERNMENT ACTIVITIES. IN THIS KIND OF A VERY UNHEALTHY ATTITUDE, IN NATURE MR. SPEAKER, THERE ARE SO MANY INJUSTICES THAT CAN BE DONE TO THE PUBLIC.

I DON'T THINK THAT THERE IS A DAY GOES BY THAT AT LEAST TWO OR THREE OR MAYBE MORE PEOPLE DO NOT BRING DOCUMENTATION TO MY ATTENTION WHERE THEY FEEL, AND I FEEL, THAT THEY HAVE BEEN AGRIEVED BY VARIOUS GOVERNMENT AGENCIES. SOME OF THEM THAT ARE SERIOUS ENOUGH WARRANT COMING TO THIS TABLE AND BRINGING BEFORE THE PUBLIC.

THIS IS THE LAST RESORT. GENERALLY, EVEN WHEN THESE PAPERS ARE BROUGHT BEFORE THIS TABLE THEY ARE NOT RESOLVED IN FAVOUR OF THE INDIVIDUAL BECAUSE THE GOVERNMENT HAS MADE UP THEIR MINDS PRIOR IN THE WAY THAT THEY ARE GOING TO ACT.

MR. SPEAKER, I SEE NO SOLUTION FOR A TOTAL COMPREHENSIVE PACKAGE OF A PROTECTION OF INDIVIDUAL RIGHTS IN THE YUKON UNLESS THE OMBUDSMAN MOTION GOES HAND IN HAND WITH THE MOTION ON PROVIDING CIVIL AND CRIMINAL LEGAL AID AND ALSO A COMPENSATION TO VICTIMS OF CRIMES. I THINK IT IS A PACKAGE THAT WE HAVE BEEN LACKING IN OUR RESPONSIBILITY TO OUR CONSTITUENTS. THE PROBLEM IS GREATER IN THE YUKON THAN IN ANY OTHER AREA IN CANADA. I WOULD URGE ALL MEMBERS TO SUPPORT THIS MOTION SO THAT WE CAN FINALLY SAY THAT AT LEAST, THOUGH WE HAVEN'T GONE FURTHER THAN OTHER AREAS IN CANADA, WE ARE AT LEAST ON TO A PAR OF PROTECTING THE INDIVIDUAL RIGHTS OF THE PEOPLE OF THE YUKON.

THANK YOU, MR. SPEAKER.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

MR. CHAMBERLIST: MR. SPEAKER, IF THERE ARE NO OTHER MEMBERS WHO WISH TO SPEAK BEFORE WE CLOSE OFF.

I WOULD LIKE TO REPLY, MR. SPEAKER, TO JUST THE THREE POINTS THAT WERE RAISED BY THE COUNCILLOR FOR WHITEHORSE NORTH - COUNCILLOR TANNER.

FIRST OF ALL, HE INDICATED THAT AN EXPANDED COUNCIL, IN NUMBER, IS THE ANSWER TO REPLACE AN OMBUDSMAN'S OFFICE. HOW COULD ONE SAY THAT WHEN EVERY JURISDICTION THAT HAS AN OMBUDSMAN IN THERE HAVE MEMBERS OF THEIR LEGISLATION IN NUMBERS FAR LARGER THAN WHAT WE HAVE HERE, YET THEY STILL HAVE THE OFFICE OF THE OMBUDSMAN. OBVIOUSLY IT DOESN'T GO TOGETHER.

THE ONLY AREA, MR. SPEAKER, THAT LEGAL AID COULD BE REFERRED TO AS BEING ABLE TO FULFILL THE FUNCTION OF AN OMBUDSMAN'S OFFICE IS ONLY WHEN, AS A RESULT OF AN OMBUDSMAN'S DECISION THAT HE CAN GO NO FURTHER WITH A GOVERNMENT DEPARTMENT, THEN A LEGAL AID FOR A PERSON WHO HAS BEEN TREATED UNJUSTLY COULD NOW COME IN TO PLAY AS A RESULT OF THE PROPOSED PROGRAM OF LEGAL AID IN CIVIL MATTERS. COMPENSATION OF CRIME IS IN NO WAY HAD ANYTHING TO DO AS A SEPARATE PART OF ANY PROGRAM. IT MUST BE AN OVERALL PROGRAM THAT THIS TERRITORY HAS TO HAVE. THE NEED OF AN OMBUDSMAN IS SO SEVERE AT THIS TIME. WE SEE IT HAPPENING EVERY DAY IN GOVERNMENT. THE PUBLICITY IN REGARDS TO ACTIONS THAT HAVE TAKEN PLACE SHOWS THE NEED MORE THAN ANYTHING ELSE THAT IT IS THE RESPONSIBILITY OF EVERY MEMBER OF THIS COUNCIL OF ELECTED PEOPLE WHETHER THEY BE ON THE GOVERNMENT SIDE OR NOT TO SUPPORT WHAT IS NEEDED FOR THE PUBLIC.

IT WOULD BE VERY SAD INDEED, MR. SPEAKER, IF ANY MEMBER OF COUNCIL TODAY WOULD VOTE AGAINST THE RECOGNITION THAT THE PEOPLE AT TIMES NEED PROTECTION FROM GOVERNMENT. NOT PROTECTION OF A TYPE WHERE, AS I SAY, GOVERNMENT MAKES DELIBERATE MISTAKES OR DOES DELIBERATE ACTION.

IN MANY, MANY CASES THE ERRORS OF GOVERNMENT AND THEIR OFFICIALS ARE INADVERTENT AND YET NOTHING CAN BE DONE ABOUT IT AT ALL. THERE IS NO REDRESS FOR THE ORDINARY MAN IN THE STREET. HE IS AFRAID, HE FEARS GOVERNMENT. THE ORDINARY MAN IN THE STREET DOES FEAR GOVERNMENT. THIS IS WHERE THE HELP MUST COME IN. I APPEAL TO ALL MEMBERS TO SET ASIDE AT THIS PARTICULAR POINT ANY FEELINGS OF INDIFFERENCE TO THIS PARTICULAR SUBJECT MATTER. THEY MUST FEEL VERY, VERY CONCERNED. I WOULD PLEAD WITH MEMBERS TO VOTE FOR THIS PARTICULAR MEASURE. THE COST TO THIS MEASURE IS IN REGION, OF I WOULD SAY AN OMBUDSMAN AND ONE SECRETARY, THAT IS ALL THAT IS NEEDED, I WOULD SAY IT IS IN THE REGION OVERALL - WOULD NOT BE MORE THAN \$35,000, A YEAR. IT WOULD DO SO MUCH AND SAVE SO MUCH AND SAVE A LOT OF WELFARE PAYMENTS THAT ARE BEING PAID OUT.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED, DISAGREED.

MR. SPEAKER: MADAM CLERK WOULD YOU POLL THE HOUSE PLEASE.

MADAM CLERK: THE HONOURABLE MEMBER FROM CARMACKS-KLUANE?

MRS. WATSON: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE WEST?

MR. MCKINNON: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WATSON LAKE?

MR. TAYLOR: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM DAWSON?

MR. STUTTER: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE EAST?

MR. CHAMBERLIST: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE NORTH?

MR. TANNER: DISAGREED.

MADAM CLERK: MR. SPEAKER, THE VOTE IS FOUR YEA, THREE NAY.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. SPEAKER: WE NOW COME TO THE QUESTION PERIOD. MADAM CLERK WILL YOU ASCERTAIN IF MR. ADMINISTRATOR IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

*RECESS*

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. MR. ADMINISTRATOR?

MR. ADMINISTRATOR: THANK YOU, MR. SPEAKER. I WANTED TO TAKE A MOMENT OF TIME THIS MORNING TO INFORM THE COUNCIL THAT I HAVE NOW RECEIVED

AN APPEAL FROM Mr. DUNPHY, LATE THURSDAY AFTERNOON. I HAVE ESTABLISHED A BOARD UNDER SUB-SECTION 3 OF SECTION 90 OF THE SCHOOL ORDINANCE. THE MEMBERS OF THE BOARD ARE: MRS. KEPTON FRIESEN, MR. MATTHEW L. NELSON, BOTH OF WHITEHORSE, AND MR. DOUGLAS P. WALLI OF ELSA.

Mr. SPEAKER: ARE THERE ANY QUESTIONS?

INQUIRY RE: MR. DUNPHY'S TERMINATION

Mr. CHAMBERLIST: I WONDER, SUPPLEMENTARY TO THAT ANSWER, I WONDER IF MR. ADMINISTRATOR, Mr. SPEAKER COULD INDICATE IF THE MEETING WILL BE OPEN TO THE PUBLIC?

Mr. ADMINISTRATOR: Mr. SPEAKER, I HAVE NO AUTHORITY WHATEVER TO DETERMINE THE RULE OR PROCEDURE OF THE BOARD. I HAVE ESTABLISHED THE BOARD. IT IS NOW ENTIRELY IN THE HANDS OF THE BOARD WHAT THEIR PROCEDURE IS TO BE.

Mr. CHAMBERLIST: Mr. SPEAKER, IT IS NOT THEIR RULES OF PROCEDURE I AM ASKING ABOUT. IT IS WHETHER OR NOT THE INQUIRY IS TO BE A PUBLIC INQUIRY, WHETHER WE IN THE YUKON TERRITORY ARE GOING TO AGREE TO HAVE CLOSED MEETINGS WHEN THE INDIVIDUAL HIMSELF WANTS IT TO BE OPEN TO THE PUBLIC.

Mr. ADMINISTRATOR: THAT IS A MATTER FOR THE BOARD TO DECIDE, Mr. SPEAKER.

Mr. CHAMBERLIST: I WONDER IF Mr. LEGAL ADVISOR Mr. SPEAKER, COULD INDICATE WHETHER OR NOT HE FEELS IT WOULD BE IMPROPER OR PROPER TO HAVE A MEETING OF A BOARD OF THIS DESCRIPTION WHICH SITS AS A QUASI JUDICIAL BOARD TO DECIDE IN THIS MATTER?

Mr. LEGAL ADVISOR: Mr. SPEAKER, THE HONOURABLE MEMBER OBJECTED TO A SECTION IN THE PROCEDURE OF RULES WHICH SAID, "THE PROCEEDINGS SHOULD BE IN CAMERA," AS BEING OUTSIDE THE JURISDICTION OF THE COMMISSIONER. CONTRARY, IT WOULD BE OUTSIDE HIS JURISDICTION TO SAY IT WOULD BE OPEN. HE DOESN'T HAVE THAT KIND OF JURISDICTION.

Mr. CHAMBERLIST: WHO HAS THE JURISDICTION TO SAY? DOES THIS COUNCIL HAVE THE JURISDICTION TO SAY IT SHALL BE AN OPEN MEETING?

Mr. LEGAL ADVISOR: YES, Mr. SPEAKER, BUT IT WOULD MEAN AN AMENDMENT TO THE SCHOOL ORDINANCE.

Mr. CHAMBERLIST: WITH RESPECT, Mr. SPEAKER, Mr. LEGAL ADVISOR IS SAYING IT DOESN'T SAY ONE WAY OR THE OTHER. WHY DO WE NEED AN AMENDMENT TO THE SCHOOL ORDINANCE? WHO IS HE BLUFFING?

Mr. LEGAL ADVISOR: Mr. SPEAKER, I AM NOT BLUFFING. THERE IS NO POWER ONE WAY OR THE OTHER. THE POWER HAS TO BE INSERTED. IT REQUIRES AN AMENDMENT.

Mr. CHAMBERLIST: AS IT IS SILENT, Mr. SPEAKER, WOULD Mr. LEGAL ADVISOR INDICATE THAT IT CAN BE OPEN TO THE PUBLIC?

Mr. LEGAL ADVISOR: IF IT IS THE DECISION OF THE BOARD - YES. IF THE BOARD DECIDES OTHERWISE - NO.

Mr. SPEAKER: IS THERE ANY FURTHER QUESTIONS?

QUESTION RE: TERMINATION OF TEACHER IN MAYO

Mr. McKINNON: Mr. SPEAKER, IT HAS BEEN BROUGHT TO MY ATTENTION THAT ONE OF THE DEPUTY SUPERINTENDENTS OF EDUCATION HAS SUMMARILY TERMINATED ONE OF THE TEACHERS IN THE MAYO SCHOOL. IT IS ALSO MY UNDERSTANDING THIS ACTION HAS BEEN TAKEN OVER THE OBJECTIONS OF THE PRINCIPAL OF THE SCHOOL AND THE ADVISORY COMMITTEE OF THE SCHOOL, BOTH OF WHOM ARE SATISFIED WITH THE TEACHER IN QUESTION.

I WOULD LIKE TO ASK THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION WHETHER THE FACTS ARE CORRECT AND WHETHER IN FACT ONE OF THE TEACHERS IN THE MAYO SCHOOL HAS BEEN TERMINATED BY ACTION OF ONE OF THE DEPUTY SUPERINTENDENTS OF THAT COMMITTEE?

Mrs. WATSON: Mr. SPEAKER, I WOULD LIKE TO TAKE THAT AS A WRITTEN QUESTION SO I COULD GET AN ANSWER TO IT.

QUESTION RE: LEGAL AID THIS YEAR

Mr. TAYLOR: Mr. SPEAKER, I HAVE A QUESTION I WOULD DIRECT TO Mr. ADMINISTRATOR THIS MORNING. AS A RESULT OF COUNCIL'S DECISION TO IMBARK UPON A PROGRAM OF LEGAL AID I

AM WONDERING IF I COULD DETERMINE FROM THE ADMINISTRATION THIS MORNING, MR. SPEAKER, AS TO WHETHER OR NOT IT IS INTENDED TO IMPLIMENT THIS LEGAL AID PROCESS THIS YEAR, THIS FISCAL YEAR?

MR. ADMINISTRATOR: WELL, MR. SPEAKER, THERE IS ALREADY A SYSTEM OF CRIMINAL LEGAL AID AND I ASSUME THE HONOURABLE MEMBER IS ASKING ABOUT THE CIVIL LEGAL AID. IT WOULD BE OUR INTENTION THIS YEAR, MR. SPEAKER, TO PROCEED WITH THE PREPARATION OF THE NECESSARY LEGISLATION AND WITH AN AGREEMENT WITH THE DEPARTMENT OF JUSTICE FOR COST-SHARING.

WE WOULD THEN HAVE TO EXAMINE HOW SOON WE COULD IMPLEMENT IT ON THE BASIS OF HOW SOON FUNDS COULD BE AVAILABLE FOR THAT PURPOSE. MY PRESENT CALCULATION IS FUNDS WOULD NOT BE AVAILABLE UNTIL THE FISCAL YEAR 1975/76.

QUESTION RE MEMBERSHIP OF Y.T.A.

MR. MCKINNON: MR. SPEAKER, I WOULD LIKE TO DIRECT ANOTHER QUESTION TO THE MEMBER IN CHARGE OF EDUCATION. MR. SPEAKER, THE EXECUTIVE OF THE YUKON TEACHERS' ASSOCIATION WAS ELECTED ALMOST WITHOUT EXCEPTION BY ACCLAMATION AT THE ANNUAL GENERAL MEETING OF THE YUKON TEACHERS' ASSOCIATION ON SATURDAY.

I WONDER, MR. SPEAKER, IF THE EXECUTIVE IS THE HARD CORE POLITICAL ACTIVIST IN THE Y.T.A. THAT THE HONOURABLE MEMBER REFERRED TO IN THE CONFIDENCE MOTION WE HAD ON HER ABILITY TO HANDLE THE DEPARTMENT OF EDUCATION AND WHETHER SHE STILL FEELS THAT THIS EXECUTIVE DOES NOT REPRESENT MAJORITY FEELING OF THE MEMBERSHIP OF THE YUKON TEACHERS' ASSOCIATION.

MRS. WATSON: MR. SPEAKER, I WOULD LIKE TO HAVE PART OF THIS QUESTION REPEATED. IT'S A TWO-PART QUESTION. I WOULD LIKE ONE PART OF IT AND THEN I WOULD ANSWER THE FIRST PART, THEN I WOULD LIKE THE SECOND QUESTION AND I WOULD ANSWER THE SECOND PART.

MR. MCKINNON: MR. SPEAKER, I BELIEVE THAT IF WE LOOK AT VOTES AND PROCEEDINGS ON THE DEBATE ON THE VOTE OF CONFIDENCE ON THE WAY THAT THE HONOURABLE MEMBER IS HANDLING HER DEPARTMENT, THAT SHE SAID THERE WAS A HARD CORE POLITICAL ACTIVIST ON THE Y.T.A. WHO DID NOT REPRESENT THE MAJORITY FEELING OF THE TEACHERS IN THE YUKON.

I WONDER, MR. SPEAKER, IF SHE MEANT THE EXECUTIVE OF THE Y.T.A. WHEN SHE WAS TALKING ABOUT THIS HARD CORE OF POLITICAL ACTIVISTS.

MRS. WATSON: MR. SPEAKER, NO, I DID NOT.

MR. CHAMBERLIST; SUPPLEMENTARY, WHO DID THE HONOURABLE MEMBER MEAN?

MRS. WATSON: MR. SPEAKER, I REFUSE TO ANSWER THAT.

QUESTION RE: SUPERINTENDENT'S VISIT TO ROSS RIVER SCHOOL

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION I WOULD DIRECT TO THE COMMITTEE MEMBER IN CHARGE EDUCATION THIS MORNING. ON FRIDAY I ASKED IF THE HONOURABLE MEMBER WOULD PROVIDE TO THE COUNCIL REASONS FOR THE VISIT TO ROSS RIVER BY THE REGIONAL SUPERINTENDENT OF EDUCATION, RURAL, AND HIS PARTY ON MAY 2ND AND IN REPLY SHE STATED SHE WOULD BE VERY HAPPY TO PROVIDE THAT INFORMATION TO THE HONOURABLE MEMBERS. COULD SHE NOW PROVIDE THAT INFORMATION?

MRS. WATSON: MR. SPEAKER, THE PARTY FROM THE DEPARTMENT OF EDUCATION WERE ON THEIR WAY TO FARO FOR AN IN-SERVICE TRAINING SESSION WITH THE STAFF AT FARO SCHOOL. BECAUSE FARO DOES NOT HAVE A HOTEL, THE PARTY STOPPED OVER AT ROSS RIVER THE NIGHT BEFORE AND WENT ON TO FARO THE NEXT MORNING FOR THE IN-SERVICE AT 9 O'CLOCK.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS?

QUESTION RE HIGHWAY CLEARING BETWEEN WHITEHORSE AND CARMACKS.

MR. STUTTER: YES, MR. SPEAKER, I WOULD LIKE TO ASK THE ADMINISTRATOR IF HE COULD ASCERTAIN POSSIBLY FROM FORESTRY, FEDERAL GOVERNMENT, JUST EXACTLY WHAT THEIR PLANS ARE REGARDING SOME CLEARING THAT'S GOING ON THE HIGHWAY BETWEEN WHITEHORSE AND CARMACKS AT THIS TIME?

MR. ADMINISTRATOR: MR. SPEAKER, I WILL LOOK INTO THAT AND TAKE THE QUESTION AS NOTICE.

QUESTION RE TAXATION OF COMMUNITY CLUBS

MR. TAYLOR: MR. SPEAKER, I WONDER IF I COULD ASK MR. ADMINISTRATOR THIS MORNING AS TO WHETHER THE ADMINISTRATION HAS YET COME TO GRIPS WITH THE PROBLEM OF TAXATION OF COMMUNITY CLUBS THROUGHOUT

THE TERRITORY AND WHETHER HE COULD NOW REPLY AS TO WHAT PROGRAM WILL BE UNDERTAKEN TO ALLEVIATE THIS PROBLEM.

MR. ADMINISTRATOR: MR. SPEAKER, I UNDERSTAND THERE IS A WRITTEN ANSWER COMING TO THAT QUESTION. I DON'T HAVE THE ANSWER AVAILABLE JUST AT HAND.

QUESTION RE TABLING OF HAINES JUNCTION L.I.D. REPORT.

MR. TAYLOR: MR. SPEAKER, I HAVE A FURTHER QUESTION TO MR. ADMINISTRATOR. I'M WONDERING IF MR. ADMINISTRATOR WOULD BE PREPARED TO SAY THAT SOME TIME DURING THIS WEEK THE ADMINISTRATION WILL BE TABLING FOR ALL MEMBERS OF COUNCIL THE REPORT ON L.I.D. AT HAINES JUNCTION?

MR. ADMINISTRATOR: MR. SPEAKER, I'M STILL NOT IN A POSITION TO MAKING A COMMITMENT ABOUT THE TIMING OF THE TABLING OF THIS REPORT. WE ARE STILL WORKING ON IT AND I FEEL IN SOME WAYS WE ARE MAKING PROGRESS BUT I'M STILL NOT IN A POSITION TO DO ANYTHING MORE AT THE MOMENT.

QUESTION RE: HOSPITAL ADVISORY BOARD

MR. CHAMBERLIST: MR. SPEAKER, I WONDER IF MR. ADMINISTRATOR CAN INDICATE WHEN THE WHITEHORSE HOSPITAL BOARD WILL BE CALLING AN ADVISORY COMMITTEE MEETING?

MR. ADMINISTRATOR: SORRY, MR. SPEAKER. I DON'T KNOW WHEN THEY WILL.

MR. CHAMBERLIST: WELL, MR. SPEAKER, THAT'S A VERY FLIPANT ANSWER. I MIGHT SAY THERE HASN'T BEEN A MEETING SINCE AUGUST OF LAST YEAR. I WONDER IF THE ADMINISTRATION IS VIEWING THIS WITH ANY SERIOUSNESS WHEN IT IS THE WISHES OF COUNCIL THAT THE ADVISORY BOARD ON THE GENERAL HOSPITAL BE ACTIVE.

MR. ADMINISTRATOR: WELL CERTAINLY, MR. SPEAKER, I WOULD HOPE THAT THEY COULD ARRANGE OR ORGANIZE A MEETING AT AN EARLY DATE BUT AT THE MOMENT I KNOW OF NO DATE FOR A MEETING.

QUESTION RE INFORMATION RELATING TO LEASING OF RECREATIONAL LANDS BETWEEN WHITEHORSE & CARMACKS

MR. TAYLOR: MR. SPEAKER, I WONDER IF MR. ADMINISTRATOR COULD ADVISE THIS MORNING AS TO WHETHER HE WILL BE BRINGING BACK INFORMATION RELATING TO THE QUESTION OF RELEASING RECREATIONAL

LANDS BETWEEN WHITEHORSE AND CARMACKS. THE GOVERNMENT LAND-FREEZE IN THAT AREA?

MR. ADMINISTRATOR: AGAIN, MR. SPEAKER, THIS IS A QUESTION TO WHICH A WRITTEN REPLY WILL BE GIVEN AND WILL BE BRINGING IT FORWARD AS SOON AS I POSSIBLY CAN.

QUESTION RE GOVERNMENT FUEL CONTRACTS.

MR. TAYLOR: ONE FURTHER QUESTION OF MR. ADMINISTRATOR. WHEN DOES HE EXPECT TO HAVE AN ANSWER TO THE QUESTION RELATING TO THE GOVERNMENT FUEL CONTRACTS FOR THIS YEAR?

MR. ADMINISTRATOR: AGAIN, MR. SPEAKER, THIS WILL BE BROUGHT FORWARD AS SOON AS WE CAN.

REPLY RE: SEWAGE PROBLEM AT ROSS RIVER SCHOOL

MR. TANNER: MR. SPEAKER, I HAVE SOME INFORMATION FOR THE MEMBER FROM WATSON LAKE CONCERNING THE SITUATION AT THE SCHOOL AT ROSS RIVER.

MR. SPEAKER, OVER THE WEEKEND THERE HAS BEEN A CREW WORKING ON THE PROBLEM THERE AND ALSO OVER THE WEEKEND THE AREA HEALTH OFFICER, WHO IS DR. FAST FROM FARO, HAS BEEN IN TO SEE US AND TODAY THE CHIEF ENVIRONMENTAL HEALTH OFFICER, MR. SPEAKER, BUT NOT DR. NORELL BUT MR. UROUHART, IS ON HIS WAY THERE TODAY.

NOW, I HAVE PERSONALLY SPOKEN TO DR. FAST AND HE TELLS ME THE SITUATION AS HE SEES IT, FIRST OF ALL HE SAYS THERE IS A MESS UNDER THE SCHOOL. HE SAYS OVER THE WEEKEND IT HAS BEEN COVERED WITH CHLORINATED LIME, THAT THE SEPTIC TANK IMMEDIATELY ADJACENT TO THE SCHOOL HAS BEEN PUMPED OUT, THAT THE SKIRTING BOARD AROUND THE SCHOOL HAS HAD HOLES PUT IN IT TO VENTILATE THE SMELL.

HE TELLS ME ALSO THERE IS NO SMELL IN THE SCHOOL ITSELF. HE TELLS ME THERE IS VIRTUALLY NO HEALTH HAZARD AT PRESENT AND WHEN I GET A FURTHER REPORT FROM MR. UROUHART, I'LL BRING THAT TO THE HOUSE, WHEN WE HAVE HIS INFORMATION, AND LET ALL MEMBERS KNOW WHAT THE SITUATION IS THEN.

MRS. WATSON: MR. SPEAKER, FURTHER INFORMATION ON THAT. THE ENGINEERING DEPARTMENT HAS BEEN ASKED TO COME FORWARD MEANS THAT THEY SEE OF CLEANING OUT THE WHOLE MESS UNDERNEATH THE SCHOOL. THE BEST WAY TO DO THIS. AT THE

PRESENT TIME, AS THE HONOURABLE MEMBER HAS SAID, THERE IS NO HEALTH PROBLEM. WE REALIZE THIS HAS TO BE REMOVED BUT THIS IS GOING TO BE AN ENGINEERING PROBLEM AND THEY FEEL IF YOU REMOVE TOO MUCH OF IT YOU WILL LOSE THE FOUNDATION OF THE SCHOOL.

THE HONOURABLE MEMBERS ARE ALSO AWARE THAT WE ARE BUILDING A NEW SCHOOL AT ROSS RIVER THIS YEAR. THE ARCHITECT'S PLANS SHOULD BE RECEIVED AT ANY TIME AND THEY SHOULD BE ABLE TO BEGIN ON THAT PROGRAM, THIS SUMMER. BUT WE REALIZE AND THE ENGINEERING DEPARTMENT KNOWS THAT THEY HAVE TO DO SOMETHING. THE EXISTING SCHOOL WILL HAVE TO BE USED BY SOMEONE NEXT YEAR.

MR. CHAMBERLIST: MR. SPEAKER, THE OFFENSIVE EFFLUVIA THAT COMES OUT FROM THE ADMINISTRATION AT TIMES IS NOT ONLY FROM THE EFFLUENCE FROM ROSS RIVER.

MR. TAYLOR: SUPPLEMENTARY, MR. SPEAKER. A QUESTION TO THE MEMBER IN CHARGE OF HEALTH, WELFARE AND REHABILITATION THAT I ALSO TALKED TO THE MEDICAL HEALTH OFFICER ON THIS QUESTION. WELL, HE IS NOT VERY HAPPY WITH IT. HE DOES FEEL THAT WE WILL WATCH IT FOR A FEW DAYS TO SEE WHAT HAPPENS. BUT, WHEN THIS LIME MATERIAL MELTS OFF, AS THIS THING MELTS AND THE SCHOOL ONCE AGAIN BECOMES PERMEATED WITH THE SMELL OF SEWAGE AND SO FORTH, AND IT'S DESIRABLE TO SHUT IT DOWN, WILL THE ADMINISTRATION AT THAT TIME GET UNDER AND CONCLUDE THE JOB OF FIXING IT.

APPARENTLY THERE WAS ONLY FOUR HOURS OF WORK PUT ON IT OVER THE WEEKEND, ON SATURDAY. IF THIS SHOULD HAPPEN, CAN WE THEN TAKE SOME DESKS OUT OF THE SCHOOL AND PUT THEM IN THE COMMUNITY HALL TO KEEP THE SCHOOL GOING UNTIL THEY DO CLEAN IT UP?

MR. TANNER: I CAN ASSURE ALL HONOURABLE MEMBERS, MR. SPEAKER. I CAN ASSURE THE EDUCATION DEPARTMENT THAT IF MY HEALTH OFFICER SAYS THERE IS A HAZARD TO EITHER THE CHILDREN OR TO THE POPULATION OF ROSS RIVER, I'LL INSIST THAT IT'S CLOSED BUT I'VE GOT TO HAVE THAT INFORMATION FROM THE HEALTH OFFICER AND IT'S NOT CONFIRMED.

MRS. WATSON: MR. SPEAKER, I WOULD ALSO ADD THAT WE'RE CERTAINLY NOT GOING TO LET THE ENGINEERING DEPARTMENT WAIT WITHOUT THEIR CORRECTIVE ACTION UNTIL THERE IS A HAZARD. I CAN GIVE YOU THAT ASSURANCE.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS? WE WISH TO THANK MR. ADMINISTRATOR FOR HIS ATTENDANCE. AS THERE ARE NO PRIVATE BILLS AND ORDERS, WE COME TO PUBLIC BILLS AND ORDERS.

BILL NO. 8, FIRST READING

MRS. WATSON: MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER THAT BILL NO. 8, INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE BE GIVEN FIRST READING.

MR. SPEAKER: THE HONOURABLE MEMBER, DID I HEAR CORRECTLY? MAY I HAVE THE TITLE AGAIN?

MRS. WATSON: AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, GIVEN FIRST READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, THAT FIRST READING BE GIVEN TO BILL NO. 8, INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: WHEN SHALL THE BILL BE READ FOR THE SECOND TIME?

BILL NO. 8, SECOND READING

MRS. WATSON: NOW, MR. SPEAKER. I MOVE, SECONDED BY COUNCILLOR TANNER, THAT BILL NO. 8, INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE BE GIVEN SECOND READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT SECOND READING BE GIVEN TO BILL NO. 8 INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE.

MRS. WATSON: MR. SPEAKER, BEFORE WE ASK FOR QUESTION ON THIS I WOULD LIKE TO MAKE A FEW REMARKS ON THE PRINCIPLE OF THIS BILL. THIS BILL, CONTRARY TO A LOT OF PUBLIC ANNOUNCEMENTS MADE, CONTRARY TO A LOT OF THE THINKING OF THE MEMBERS OF THIS COUNCIL, DOES NOT DESI-

GNATE TEACHERS AS CIVIL SERVANTS, NOR DOES IT DESIGNATE THEM AS MEMBERS OF THE PUBLIC SERVICE AS DEFINED UNDER THE PUBLIC SERVICE ORDINANCE. IT MERELY, THIS BILL IS MERELY SETTING UP THE MECHANICS FOR COLLECTIVE BARGAINING BETWEEN THE TEACHERS' ASSOCIATION AND THE EMPLOYER, WHICH AT THE PRESENT TIME IS THE YUKON TERRITORIAL GOVERNMENT.

THE MECHANICS AND PROCEDURE FOR COLLECTIVE BARGAINING WHICH IS NOW BEING FOLLOWED, FINE, THE PUBLIC SERVICE, WHEN THEY NEGOTIATE WITH THE EMPLOYER, THE TERRITORIAL GOVERNMENT, WE ARE RECOMMENDING THE MECHANICS AND THE PROCEDURE THAT IS BEING FOLLOWED BY THE PUBLIC SERVICE ALSO BE FOLLOWED BY THE TEACHERS WHEN THEY DO THEIR COLLECTIVE BARGAINING. THAT IS ALL WE ARE SUGGESTING. WE HAVE A PROCEDURE OUTLINED IN A PIECE OF LEGISLATION AT THE PRESENT TIME. THIS PROCEDURE HAS WORKED VERY WELL. WE HAVE HAD NO COMPLAINTS FROM THE ORGANIZATIONS THAT FOLLOW THIS PROCEDURE AND WE ARE SUGGESTING THAT THIS IS A PROCEDURE THAT THE COLLECTIVE BARGAINING BETWEEN THE TEACHERS AND THE TERRITORIAL GOVERNMENT FOLLOW.

THERE IS ALSO ONE VERY IMPORTANT PART OF THIS LEGISLATION, THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AND THAT IS A BOARD, INDEPENDANT BOARD, ESTABLISHED UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE WHICH SUPERVISES THE COLLECTIVE BARGAINING PROCESS. IT IS A STRONG BOARD AND IT CAN BIND, ONCE AN AGREEMENT HAS BEEN REACHED, IT SUPERVISES THE PROCEDURE. IT HAS ENOUGH STRENGTH TO MAKE EITHER PARTY ADHERE TO THE LEGISLATION AND IT HAS ENOUGH STRENGTH TO MAKE BOTH THE EMPLOYEE AND THE EMPLOYER ADHERE TO AN AGREEMENT ONCE IT HAS BEEN REACHED.

I THINK WE MUST LOOK AT THIS VERY, VERY, YOU SEE THIS IS VERY SIGNIFICANT. WE ARE LOOKING AT AN INDEPENDANT BOARD, AWAY FROM THE YUKON POLITICAL SCHEME WHO SUPERVISE THIS. THIS BOARD ALSO HAS AVAILABLE TECHNICAL PEOPLE THAT THEY CAN CALL UPON DURING THE COLLECTIVE BARGAINING PROCEDURE. I'M TALKING ABOUT ARBITRATORS, CONCILIATORS, MEDIATORS. THESE PEOPLE HAVE STAFF FOR THIS AND COLLECTIVE BARGAINING PROCESS BREAKS DOWN, THEN THERE ARE STEPS THAT MUST BE FOLLOWED BY BOTH PARTIES AND THERE ARE PEOPLE THAT CAN BE SENT IN BY THE PUBLIC SERVICE STAFF RELATIONS BOARD TO HELP SOLVE THE IMPASSE THAT BOTH PARTIES HAVE REACHED IN THEIR COLLECTIVE BARGAINING. AND AGAIN, THESE PEOPLE ARE SEPARATE AND AWAY FROM THE POLITICAL SCHEME. THESE PEOPLE WILL BASE THEIR DECISIONS ON FACTS.

ANOTHER VERY IMPORTANT THING IS IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE A GRIEVANCE PROCEDURE IS THERE, VERY CLEARLY DEFINED, BOTH FOR THE EMPLOYER AND THE EMPLOYEE. AND WHEN A GRIEVANCE IS BROUGHT UP, AN INDEPENDANT ADJUDICATOR, AGAIN, IS PROVIDED BY THE PUBLIC SERVICE STAFF RELATIONS BOARD. AGAIN, SOMEONE WHO IS AWAY FROM THE POLITICAL SCHEME AND AGAIN, SOMEONE WHO IS GIVEN THE OPPORTUNITY TO ADJUDICATE APPEALS AND GRIEVANCES BASED ON FACTS AND NOT ON EMOTIONS.

I THINK EVERY MEMBER HERE AGREES THAT COLLECTIVE BARGAINING IS A PROCEDURE AND THERE MUST BE A MECHANIC ESTABLISHED FOR THIS PROCEDURE. THERE IS NO OTHER BOARD AVAILABLE TO US IN THE YUKON THAT WE CAN USE FOR COLLECTIVE BARGAINING AND WE ARE ONLY SUGGESTING THAT THE TEACHER ORGANIZATION FOLLOW THIS PROCEDURE. WE ARE NOT SUGGESTING, WE ARE NOT DESIGNATING THEM AS PUBLIC SERVANTS OR CIVIL SERVANTS.

MR. MCKINNON: MR. SPEAKER, IT'S NOT OFTEN THAT I RISE ON SECOND READING TO DISCUSS THE PRINCIPLE OF LEGISLATION. GENERALLY I WOULD RATHER HAVE IT INTO COMMITTEE WHERE IT CAN BE GONE OVER CLAUSE BY CLAUSE BUT I FEEL THAT THIS ORDINANCE IS SO IMPORTANT TO THE FUTURE WELL-BEING OF THE YUKON TERRITORY THAT IT IS IMPERATIVE THAT MEMBERS DEFEAT THE BILL IN PRINCIPLE ON SECOND READING.

MR. SPEAKER, I TOOK THE TROUBLE TO SPEND THE TOTAL DAY OF SATURDAY THIS WEEKEND AT THE ANNUAL GENERAL MEETING OF THE YUKON TEACHERS' ASSOCIATION. MR. SPEAKER, THE PRESENT INCUMBENT IN THE POSITION OF PRESIDENT OF THE YUKON TEACHERS' ASSOCIATION IS A GENTLEMAN THAT I THINK EVERY ONE OF US HAS MET ON OCCASION. EVERYONE HAS A VERY GREAT RESPECT FOR HIM. MR. SPEAKER, AFTER THE PROBLEMS THAT HAVE COME ABOUT IN THE DEPARTMENT OF EDUCATION, THE INCUMBENT GAVE PROBABLY ONE OF THE MOST FIERY SPEECHES THAT I HAVE HEARD IN MY TERM IN THE YUKON AGAINST PROPOSED GOVERNMENT POLICIES AND AWAY FROM THE AREAS THAT THE GOVERNMENT IS PROPOSING.

MR. SPEAKER, I DON'T THINK THAT, I'M NOT NAIVE NOT TO RECOGNIZE WHAT THE FEELING OF THE TOTAL ASSEMBLY OF THE TEACHERS OF THE YUKON WAS. IT WAS ONE OF ABSOLUTE MILITANCY. WHERE, IN THE VOTE OF CONFIDENCE DEBATE WHICH WE HAD ON THE METHOD IN WHICH THE HONOURABLE MEMBER IS RUNNING THE DEPARTMENT OF EDUCATION, I HAVE STATED THAT AT LAST YEAR'S ANNUAL GENERAL MEETING THAT SOME

97% OF THE TEACHERS WERE AGAINST THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. ONE OF THE MOST RESPECTED TEACHERS IN THE YUKON ALSO IN PRINCIPLE, SPOKE LAST YEAR AT THE ANNUAL GENERAL MEETING IN FAVOUR OF THE TEACHERS COMING UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. THIS YEAR, MR. SPEAKER, THAT TEACHER, THAT PRINCIPAL, STOOD UP TO THE ASSEMBLY AND COMPLETELY REVERSED HIS STAND.

HE SAID THAT PRIOR TO THE PASSAGE OF THIS PIECE OF LEGISLATION, THAT THE TEACHER HAD THE CHOICE OF WHETHER THEY WANTED TO BECOME THE BARGAINING AGENTS UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, WHETHER THEY WANTED A PROFESSIONAL TEACHERS ORDINANCE WRITTEN AND PUT THE BARGAINING PROCEDURE IN IT OR WHETHER THEY WANTED TO COME UNDER THE TERMS OF THE PROPOSED SCHOOL ORDINANCE. MR. SPEAKER, 100% OF THE TEACHERS OF THE YUKON TERRITORY BACKED IN FULL BOTH MORALLY AND FINANCIALLY BY THE 210,000 MEMBERS STRONG, CANADIAN TEACHERS FEDERATION ARE ABSOLUTELY 100% IN OPPOSITION TO BILL NO. 8, AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. YOU SAY, WHAT IS IN A NAME MR. SPEAKER? IT IS EXTREMELY IMPORTANT WHAT IS IN A NAME. IT IS EXTREMELY IMPORTANT IN WHAT THE TEACHERS FEEL. THE TEACHERS FEEL THAT IF THEIR BARGAINING RIGHTS ARE INCLUDED UNDER THE ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, THEY WILL IN FACT, BECOME CIVIL SERVANTS, THE ONLY AREA IN CANADA WHERE THE TEACHERS WILL BECOME CIVIL SERVANTS AND BECAUSE OF IT, THE ONLY AREA IN CANADA WHERE THE CANADIAN TEACHERS' FEDERATION WILL BLACKLIST THE YUKON TERRITORY FROM TEACHERS COMING AND APPLYING TO THE YUKON TERRITORY.

I CAN'T THINK, MR. SPEAKER, OF ANYTHING MORE DANGEROUS TO THE EDUCATIONAL SYSTEM IN THE YUKON TERRITORY THAN THAT.

MR. SPEAKER, I WOULD LIKE TO READ IN TOTAL A LETTER FROM THE PRESIDENT OF THE YUKON TEACHERS' ASSOCIATION THAT I THINK ALL MEMBERS RECEIVED THIS MORNING. 'THE TEACHERS OF THE YUKON TERRITORY HAVE ASKED ME TO WRITE AND EXPRESS THEIR DEEP CONCERN WITH BILL NO. 8, AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. OUR OBJECTIONS TO THIS ORDINANCE ARE WELL KNOWN TO THE GOVERNMENT AND WE ARE

THE HONOURABLE MEMBER HAS TOLD US IT'S JUST WHAT IS IN A NAME. THEY REALLY DON'T BECOME CIVIL SERVANTS. MR. SPEAKER, AS FAR AS THE TEACHERS ARE CONCERNED AND AS FAR AS THE CANADIAN TEACHERS' CONFEDERATION ARE CONCERNED WITH THE PASSAGE OF BILL NO. 8, AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, THE TEACHERS IN THE YUKON WILL BE THE ONLY JURISDICTION IN THE DOMINION OF CANADA WHERE THEY FEEL THAT THEY ARE CLASSIFIED AS PUBLIC SERVANTS OF THE YUKON TERRITORY.

I REMEMBER SO WELL, MR. SPEAKER, THE CONTROVERSY IN THE HONOURABLE MEMBER FROM DAWSON'S RIDING OVER THE IMPLACABLE ATTITUDE OF THE DEPARTMENT OF NORTHERN HEALTH SERVICES, NOT TO CALL THE DAWSON COTTAGE HOSPITAL A HOSPITAL BECAUSE IT WAS A CERTAIN BED SIZE AND A CERTAIN SIZE. ALL THE CONTROVERSIES THAT CENTERED UPON IT BECAUSE THEY WERE DETERMINED THEY WERE GOING TO CALL IT A COTTAGE HOSPITAL AND THAT IS ALL THERE WAS TO IT AND A MAN WHO HAD SERVED THE PUBLIC OF DAWSON FOR 22 YEARS OF HIS LIFE, WAS BOOED BECAUSE OF THE IMPLACABLE ATTITUDE OF THE DEPARTMENT OF NORTHERN HEALTH SERVICES, NOT TO SAY, IT IS NOT A COTTAGE HOSPITAL. ITS A HOSPITAL.

WILLING TO GO OVER THEM AGAIN. HOWEVER, OUR MAIN CONTENTION IS THE DEPRIVATION OF OUR DEMOCRATIC RIGHT TO EXERCISE OUR FREEDOM OF CHOICE. ACCORDING TO GOVERNMENT OFFICIALS, WE HAVE ALWAYS BEEN ABLE TO BECOME CERTIFIED UNDER THE P.S.S.R.O. OUR TEACHERS HAVE REPEATEDLY REJECTED THIS MOVE. AT THE ANNUAL GENERAL MEETING OF THE YUKON TEACHERS' ASSOCIATION HELD ON SATURDAY, MAY 4TH, THE TEACHERS AGAIN REJECTED CERTIFICATION UNDER THE P.S.S.R.O. AND PASSED THE FOLLOWING MOTION UNANIMOUSLY, THAT THE Y.T.A. CONTINUE TO OPPOSE THE GOVERNMENT IN ITS ATTEMPT TO PLACE US UNDER THE P.S.S.R.O. AND CONTINUE TO STRIVE FOR RECOGNITION UNDER THE PROPOSED SCHOOL ORDINANCE.

IT WAS AND IS THE DESIRE OF THE PARENTS AND TEACHERS OF THE YUKON TO HAVE THE TEACHERS RECOGNIZED IN THE SCHOOL ORDINANCE. THIS DESIRE WAS THE RECOMMENDATION OF THE LEVIRS REPORT, PAGE 124, SECTION 9, SUB (1). THE COMMITTEE ON EDUCATION RECOMMEND THAT THE YUKON TEACHERS' ASSOCIATION BE RECOGNIZED IN THE SCHOOL ORDINANCE AS THE LEGAL ASSOCIATION OF TEACHERS IN THE TERRITORY.'



WHY IS THIS RECOMMENDATION BEING IGNORED? WHAT IS OUR RIGHT OF CHOICE TO BECOME CERTIFIED UNDER THE P.S.S.R.O. BEING TAKEN AWAY FROM US? WHAT HAS HAPPENED TO THE DEMOCRACY IN THE YUKON? WE APPEAL TO YOU AS ELECTED REPRESENTATIVES OF THE PEOPLE OF THE YUKON TO VOTE AGAINST THE AMENDMENT OF SECTIONS 26 (3), 28 (2), 31 (3), 43, 47 (2) AND 81. DO NOT TAKE AWAY OUR DEMOCRATIC RIGHTS. THANK YOU. YOURS SINCERELY, MICHEAL P. HERON, PRESIDENT OF THE YUKON TEACHERS' ASSOCIATION, WHO I MIGHT ALSO STATE WAS ELECTED BY ACCLAMATION BY UNANIMITY AND WAS GIVEN THE STRONGEST VOTE OF CONFIDENCE THAT I HAVE EVER SEEN ANY OF THE PRESIDENTS OF THE YUKON TEACHERS' ASSOCIATION, GIVEN IN MY YEARS IN THE YUKON AND MY ASSOCIATION WITH THE TEACHING STAFF IN THE SCHOOLS OF THE YUKON TERRITORY.

MR. SPEAKER, I WOULD FURTHER LIKE TO BRING TO THE ATTENTION OF COUNCIL A LETTER WHICH THEY RECEIVED ON MAY 1ST FROM W. S. DEACON, THE ACTING CHAIRMAN OF THE JOINT COMMITTEE. THIS IS A JOINT COMMITTEE OF ALL THE ADVISORY COMMITTEES OF THE SCHOOLS OF THE WHITEHORSE AREA.

MR. SPEAKER, THE JOINT COMMITTEE NOTES THAT TENURE HAS BEEN RETAINED AND THE TEACHERS SHALL COME UNDER THE PROVISIONS OF THE YUKON PUBLIC SERVICE STAFF RELATIONS ORDINANCE. THE COMMITTEE RECOMMENDS THAT YUKON TEACHERS' ASSOCIATION BE ACCORDED PROFESSIONAL RECOGNITION UNDER THE ORDINANCE AND RECOGNIZED AS THE TEACHERS' BARGAINING AGENT, MR. SPEAKER.

PURSUANT TO THE RECOMMENDATIONS THERE WAS A MEETING WITH THE MEMBER IN CHARGE OF THE DEPARTMENT OF EDUCATION. ON THAT AREA, THE MATTER OF PROFESSIONAL RECOGNITION PERTAINS TO THE PROFESSIONAL ORDINANCE WHICH MAY BE REVIEWED AT SOME FUTURE COUNCIL.

MR. SPEAKER, IT IS NOT GOOD ENOUGH. THAT PROFESSIONAL ORDINANCE OR SOME RECOGNITION AND SOME STATURE AND SOME BARGAINING UNDER THE PRESENT SCHOOL ORDINANCE IS THE ONLY WAY TO GET OUT OF THIS PROBLEM.

MR. SPEAKER, IF WE REJECT ON PRINCIPLE, BILL NO. 8, THEN THE GOVERNMENT IS FORCED TO BRING THE TEACHERS UNDER THE PROPOSED SCHOOL ORDINANCE OR A PROFESSIONAL TEACHERS' ORDINANCE BEFORE THE NEW SCHOOL ORDINANCE IS PASSED AND WE CAN STILL HEAD OFF THIS POINTLESS AND USELESS AND SENSELESS CONFRONTATION WHICH IS GOING TO

AFFECT THE LIVES OF THE CHILDREN OF THE YUKON, FOR AS I'VE SAY, A DECADE.

NOW IS THE TIME TO DO IT. NOW IS THE TIME TO STAND UP. WE WILL STILL GO THROUGH THE SCHOOL ORDINANCE WHICH WE ARE GOING TO DO, BUT THE TEACHERS AREN'T GOING TO BE FELT THAT THEY ARE ABSOLUTELY IGNORED AND GOING TO BECOME PUBLIC CIVIL SERVANTS UNDER THE TERMS OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. WE ARE FORCING THE GOVERNMENT TO ACT. WE ARE FORCING THEM TO EITHER BRING IN THE BARGAINING PROCEDURE AND THE RECOGNITION UNDER THE SCHOOL ORDINANCE WHICH THE LEVIRS REPORT HAS RECOMMENDED, WHICH THE TEACHERS HAVE RECOMMENDED, WHICH THE JOINT COMMITTEE OF ADVISORY, THE SCHOOL COMMITTEES HAVE RECOMMENDED, WHICH THE PEOPLE OF THE YUKON WANT, WHICH EVERYBODY WANTS IN THE YUKON.

WE ARE BEING FORCED TO DO A TERRIBLE RETROGRADE STEP TO THE SCHOOLS AND THE PEOPLE OF THE YUKON TERRITORY BY ACCEPTING THE PRINCIPLE OF THIS BILL. AS I SAY, I CANNOT SPEAK MORE STRONGLY TO ALL MEMBERS TO FORCE THE GOVERNMENT'S HAND IN THIS ACTION. THERE HAS NEVER BEEN A TIME IN THE HISTORY IN THE YUKON WHERE THE PARENTS ARE SO BEHIND THE TEACHERS OF THE YUKON TERRITORY.

THERE HAVE BEEN TIMES WHEN THE TEACHERS HAVEN'T BEEN ALL THAT POPULAR A BODY WITH THE PARENTS OF THE YUKON TERRITORY. THAT IS NOT THE TIME NOW, THE PARENTS ARE BEHIND THEM. THEY REALIZE THEY SHOULD BE RECOGNIZED. THAT THE RECOMMENDATIONS OF THE LEVIRS REPORT AND OF THEIR ADVISORY COMMITTEE SHOULD BE FOLLOWED.

MR. SPEAKER, WE DO A GREAT DISSERVICE TO THE PEOPLE OF THE YUKON TERRITORY AND TO THE TEACHERS OF THE YUKON IF WE PASS IN PRINCIPLE BILL NO. 8 AT THIS TIME. I CANNOT APPEAL TO MEMBERS TOO STRONGLY TO REJECT IT AT THIS MOMENT AND A GREAT PROBLEM WHICH HAS RAISED ITS HEAD IN THE YUKON WILL AT LEAST SLACK OFF WITH OUR VOTE NEGATIVE ON BILL NO. 8, TODAY.

MR. TAYLOR: HERE, HERE.

MR. CHAMBERLIST: MR. SPEAKER, WHEN I THINK THAT THE HONOURABLE MEMBER FOR CARMACKS-KLUANE WHO WAS A MEMBER OF THE TEACHERS' PROFESSION CAN BRING FORWARD LEGISLATION OF THIS DESCRIPTION CONTRARY TO WHAT SHE KNOWS, THAT HER OWN PEERS IN THE PROFESSION, SURPRISES ME TO NO END.

ON THE OTHER HAND, IT DOESN'T SURPRISE ME BECAUSE IT SHOWS HER OBSTINACY. IT IS WHAT I WANT, NOT WHAT THEY WANT, NOT WHAT THE CHILDREN WANT, NOT WHAT THE PARENTS WANT. IT IS WHAT I WANT AND SHE SPEAKS OF HERSELF WHEN SHE BRINGS THIS TYPE OF LEGISLATION FORWARD.

I CAN'T CONDEMN HER MORE THAN TURNING TO THE FACT THAT SHE HAS BEEN FACED QUITE CLEARLY WITH STRONG OPPOSITION BY THE TEACHERS OF THE YUKON OVER MANY AREAS. BUT IN NO AREA, IS THE SITUATION, MR. SPEAKER, MORE STRONGLY EXPRESSED THAN IF IT HAS BEEN SAID BY THE TEACHERS, IF THEY HAD THE POWER TO SHOW WHAT CONFIDENCE THEY HAVE IN HER, SHE MAY GET ONE OR TWO OF HER PERSONAL FRIENDS TO SUPPORT HER.

NO WAY, WILL THE TEACHERS OF THIS TERRITORY SUPPORT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE AND ESPECIALLY AS A RESULT OF THIS BLATANT DISREGARD FOR THEIR WISHES AND THEIR REQUIREMENTS AND THEIR NEEDS OF BRINGING TOWARDS THE OVERALL EDUCATION SYSTEM, THE PERSONAL RESPONSIBILITY THAT TEACHERS WANT TO HAVE. THEY ARE TRULY PROFESSIONALS TRAINED OVER MANY YEARS TO EDUCATE CHILDREN AND TO BE RECOGNIZED IN A PROFESSIONAL AREA. THERE IS NO DOUBT IN MY MIND, AFTER GOING THROUGH THIS PIECE OF LEGISLATION THAT THE INTENTION IS TO PULL THEM INTO THE SPHERE OF A CIVIL SERVICE STRUCTURE. SOME MIGHT SAY, WHY NOT? SIMPLE, PEOPLE, PROFESSIONAL PEOPLE WHO HAVE INDICATED THEIR DESIRE TO BE RECOGNIZED AS PROFESSIONAL PEOPLE TO PENALIZE THOSE IN THEIR PROFESSION WHO CONDUCT THEMSELVES IN A MANNER THAT IS DETRIMENTAL TO THE PROFESSION.

MR. SPEAKER, I THINK IT WOULD BE ABSOLUTELY WRONG FOR ANY MEMBER OF COUNCIL TO SUPPORT THE LEGISLATION. I THINK THAT THE ONLY WAY THAT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE CAN RIGHT HERSELF IN THE EYES OF THE PEOPLE OF THE YUKON AND IN THE TEACHERS AND IN THE CHILDREN ESPECIALLY IS TO WITHDRAW THIS BILL AND WORK OUT A WAY TO SATISFY WHAT THE TEACHERS HAVE ASKED FOR, FOR THE BENEFIT OF THE PEOPLE OF THE YUKON.

I WILL NOT SUPPORT THIS PIECE OF LEGISLATION. THE PRINCIPLE IS WRONG, PERHAPS THE HONOURABLE MEMBER FROM CARMACKS-KLUANE, WHEN SHE SEES THAT THERE IS SO MUCH OPPOSITION TO THE LEGISLATION, WILL WITHDRAW IT. THANK YOU, MR. SPEAKER.

MR. TAYLOR: MR. SPEAKER, I THINK THAT THE HONOURABLE MEMBER FROM WHITEHORSE WEST HAS CLEARLY STATED THE CASE. IT IS A VERY, VERY, VERY DANGEROUS PRECEDENT, WE WOULD, BY ACCEPTING THE SECOND READING OF THIS BILL. THERE IS JUST NO POSSIBLE WAY THAT ANYONE WITH ANY EAR TO THE GROUND IN THE TERRITORY. ANYBODY THAT HAS ANY IDEA AT ALL WHAT IS GOING ON, BETWEEN THE TEACHERS AND THE ADMINISTRATION AND UNDERSTANDING THEIR POSITION COULD EVER, EVER, EVER ALLOW SUCH A PIECE OF LEGISLATION BE ACCEPTED BY COUNCIL.

THE TEACHERS HAVE SPOKEN OUT. THEY ARE AN IMPORTANT GROUP IN THE TERRITORY. OTHER GROUPS, ADVISORY SCHOOL GROUPS, HAVE SPOKEN OUT ON THIS QUESTION AND MANY INDIVIDUALS HAVE SPOKEN OUT ON THIS QUESTION. IT IS NOT A NEW QUESTION.

I HAVE HEARD DISCUSSIONS ON THIS SOME TIME BACK. IT WOULD BE JUST INCREDIBLE TO ME IF THIS COUNCIL WAS TO ACCEPT THIS LEGISLATION. I WOULD CERTAINLY, NO WAY, EVER ASSOCIATE MYSELF WITH THEM, LET ALONE PASS IT. YOU KNOW MY POSITION, I AM TOTALLY, UNALTERABLY OPPOSED TO THE PASSAGE OF THE SECOND READING ON THIS BILL. IT IS SO BASIC AND FUNDAMENTAL, IT NEEDS NO FURTHER COMMENT.

MR. STUTTER: MR. SPEAKER, AS FAR AS I AM CONCERNED, THERE SHOULD BE MORE DISCUSSION ON THE PRINCIPLE OF THIS BILL. IT SEEMS TO ME THAT THE BILL ITSELF, OF COURSE WAS ONLY INTRODUCED ON MAY 3RD, JUST A FEW DAYS AGO, AND IT IS THE PRINCIPLE THAT WE SHOULD BE DISCUSSING MORE THAN THE BILL ITSELF BECAUSE OBVIOUSLY, IF WE DO NOT ACCEPT THE PRINCIPLE, THEN WE DON'T NEED TO LOOK INTO THE BILL IN DETAIL.

AS FAR AS I'M CONCERNED, THE ONLY WAY THAT WE CAN EVEN DISCUSS THE PRINCIPLE MORE IS EITHER TO CHANGE THE RULES OF THE HOUSE AT THIS POINT AND DISCUSS IT SOME MORE OR ALLOW IT TO GO INTO COMMITTEE. IF THIS HAPPENED, IF IT WAS ALLOWED IN COMMITTEE, AS FAR AS I'M CONCERNED, I WOULD BE WILLING TO DISCUSS IT, I WOULD BE WILLING TO DISCUSS IT OR TAKE PART IN DEBATE ON IT AT ANY EARLY OPPORTUNITY RATHER THAN LEAVING IT IN COMMITTEE FOR ANY LENGTH OF TIME.

AND AT THIS POINT, UNLESS THERE IS SOME ALTERNATIVE, I WOULD HAVE TO SUPPORT SECOND READING OF IT IN ORDER TO ALLOW FURTHER DISCUSSION ON THE PRINCIPLE OF THE BILL.

Mrs. WATSON: Mr. SPEAKER, IT WAS VERY INTERESTING TO LISTEN TO THE HONOURABLE MEMBERS' COMMENT, PARTICULARLY THE HONOURABLE MEMBER FROM WHITEHORSE WEST. I WAS VERY PLEASED HE SAID WHAT HE SAID BECAUSE BASICALLY HE SAID, THAT HE FELT THERE SHOULD BE SOME MECHANICS FOR COLLECTIVE BARGAINING FOR TEACHERS. BUT HE SAID, IT SHOULD BE DEFINED IN THE SCHOOL ORDINANCE.

THE PRINCIPLE OF THIS BILL IS TO DEFINE A MECHANICS AND A PROCEDURE FOR COLLECTIVE BARGAINING FROM THE GOVERNMENT BETWEEN THE GOVERNMENT AND THE TEACHERS. HE SAID, WHAT IS IN A NAME AND THIS IS PROBABLY WHAT IT IS, WHAT IS IN A NAME? IF WE DON'T LET THIS BILL IN SO WE CAN DISCUSS IT FULLY AND SEE WHETHER WE DO APPROVE OF THE MECHANICS THAT IS DEFINED IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. IF WE CAN AT LEAST AGREE ON THE PROCEDURE THAT IS DEFINED IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, THERE IS A POSSIBILITY THAT WE MAY DECIDE TO PUT THAT PROCEDURE IN THE SCHOOL ORDINANCE.

IF WE TURN THIS DOWN, WE ARE TURNING DOWN THE PRINCIPLE OF HAVING A PROCEDURE AND A MECHANICS. I THINK THIS WOULD BE WRONG BECAUSE I THINK EVERY TEACHER IN THE TERRITORY WANTS SOME MECHANICS AND PROCEDURE FOR COLLECTIVE BARGAINING. THEY NEED IT AND THEY KNOW THEY NEED IT, THEY WANT IT. BUT WHETHER THEY WANT IT IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, WHETHER THEY WANT IT IN THE SCHOOL ORDINANCE IS NOT REALLY THAT IMPORTANT AN ISSUE AT THE PRESENT TIME.

THE HONOURABLE MEMBER SAID WE ARE TAKING AWAY THE RIGHT FOR THE TEACHERS TO APPLY FOR COLLECTIVE BARGAINING UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. WE ARE FORCING THE Y.T.A. INTO IT, WE ARE ONLY SAYING THAT ANY AGREEMENT THAT IS REACHED AT THIS TIME, THE Y.T.A. WILL BE REGARDED AS THE BARGAINING AGENT. AFTER THAT, ANY ORGANIZATION WHICH REPRESENTS THE MAJORITY OF TEACHERS HAS THE RIGHT TO BECOME THE BARGAINING AGENT FOR THE TEACHERS OF THE TERRITORY.

WE ARE NOT GIVING THE Y.T.A. A MONOPOLY POSITION, WE ARE NOT FORCING THE REST OF THE TEACHERS OF THE TERRITORY TO FALL IN LINE WITH THE Y.T.A. IF THERE IS ANOTHER ORGANIZATION OF TEACHERS WITHIN THE TERRITORY, ORGANIZES THEMSELVES, GETS THE MAJORITY OF TEACHERS WITHIN THEMSELVES, GETS A MAJORITY OF THE TEACHERS WITHIN THE

TERRITORY TO BECOME PART OF THEIR RANKS, THEN THEY ARE THE BODY THAT IS RECOGNIZED.

THAT IS THE DEMOCRATIC PROCESS AND ON THAT BASIS, I ENCOURAGE THE MEMBERS TO VOTE FOR SECOND READING OF THE BILL SO THAT WE CAN TAKE IT INTO THE COMMITTEE OF THE WHOLE AS THE HONOURABLE MEMBER FROM DAWSON HAS SAID, SO WE CAN GIVE IT FURTHER DISCUSSION. WE CAN GO OVER THE PROCEDURES AND THE MECHANICS THAT ARE BEING SUGGESTED AND THEN WE CAN MAKE A FURTHER DECISION AT THAT TIME.

I WOULD URGE ALL MEMBERS TO GIVE THE BILL SUPPORT IN THE SECOND READING SO THAT WE CAN GET IT INTO COMMITTEE OF THE WHOLE FOR FURTHER DISCUSSION.

Mr. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME HONOURABLE MEMBERS: AGREED.

Mr. SPEAKER: MADAM CLERK, WILL YOU PLEASE POLL THE HOUSE.

MADAM CLERK: THE HONOURABLE MEMBER FOR CARMACKS-KLUANE?

Mrs. WATSON: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FOR WHITEHORSE WEST?

Mr. McKINNON: DISAGREED.

MADAM CLERK: THE HONOURABLE MEMBER FOR WATSON LAKE?

Mr. TAYLOR: DISAGREED.

MADAM CLERK: THE HONOURABLE MEMBER FOR DAWSON?

Mr. STUTTER: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FOR WHITEHORSE EAST?

Mr. CHAMBERLIST: DISAGREED.

MADAM CLERK: THE HONOURABLE MEMBER FOR WHITEHORSE NORTH?

Mr. TANNER: AGREED.

MADAM CLERK: MR. SPEAKER, THE VOTE IS THREE YEA, THREE NAY.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. TANNER: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT BILL NO. 10 INTITULED THE LOTTERIES ORDINANCE BE GIVEN THIRD READING.

BILL NO. 10 THIRD READING

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, THAT THIRD READING BE GIVEN TO BILL NO. 10 INTITULED THE LOTTERIES ORDINANCE.

MR. MCKINNON: MR. SPEAKER, BEFORE THIRD READING IS CALLED, I WOULD ASK THAT MEMBERS GIVE CONSIDERATION TO MY POSITION PAPER WHICH IS COMING BEFORE COUNCIL BECAUSE THERE WERE MANY QUESTIONS ASKED AS TO HOW THE ACTUAL ORDINANCE WAS GOING TO BE PUT INTO EFFECT. ALL MEMBERS AGREED THAT IT JUST LOOKED LIKE IT WAS GIVING CARTE BLANCHE POWERS TO THE COMMISSIONER ALL THE WAY ALONG THE LINE.

NOW COUNCIL HAS SEEN IT AS A STRIKE A SUB-COMMITTEE ON LOTTERIES, THEY HAVE ALREADY HAD ONE MEETING. THE ADMINISTRATION IS PREPARING A PAPER ON THE PRINCIPLE WHICH WAS ENUNCIATED BY ELECTED MEMBERS TO THEM. THEY SAID THEY PROBABLY COULD FULFILL OUR WISHES AND THE PAPER SHOULD BE BEFORE COUNCIL WITHIN A FEW DAYS. I THINK THE OBJECTIONS OF HONOURABLE MEMBERS TO THE BILL COULD BE ELIMINATED IF HONOURABLE MEMBERS WOULD JUST TRY AND STOP RAMRODDING. THINK THROUGH THIS HOUSE AND LET THINGS TAKE THEIR NORMAL COURSE.

MR. TANNER: MR. SPEAKER, THE HONOURABLE MEMBER MAKES A GOOD POINT AND I DON'T DISAGREE WITH HIM AT ALL. WITH THE AGREEMENT WITH MY SECONDER I WOULD HAVE TO WITHDRAW THIS BILL.

HOWEVER, I WOULD MAKE THE POINT THAT IT WAS MY UNDERSTANDING THAT WHEN THE COMMITTEE WAS GOING TO REPORT BACK TO THE HOUSE AND IT WOULDN'T AFFECT THE LEGISLATION, THAT IS THE ONLY REASON YOU SEE IT FOR THIRD READING.

MR. SPEAKER, I WITHDRAW THIRD READING OF THE BILL IF IT IS AGREEABLE TO MY SECONDER.

MRS. WATSON: I AGREE MR. SPEAKER, AT THIS TIME.

MR. SPEAKER: AGREED?

SOME HONOURABLE MEMBERS: AGREED? DISAGREED? MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: I WOULD MOVE THAT MR. SPEAKER DO NOW LEAVE THE CHAIR AND COUNCIL RESOLVE INTO COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS AND MOTIONS.

MR. STUTTER: I SECOND THE MOTION, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT MR. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN COMMITTEE OF THE WHOLE TO DISCUSS PUBLIC BILLS, SESSIONAL PAPERS, AND MOTIONS. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. SPEAKER: THE HONOURABLE MEMBER FOR WATSON LAKE WILL PLEASE TAKE THE CHAIR IN COMMITTEE OF THE WHOLE.

MR. CHAIRMAN: COUNCIL WILL COME TO ORDER. THE FIRST ITEM OF CONSIDERATION WILL BE BILL NO. 21, THE TOBACCO TAX ORDINANCE. I WILL DECLARE A RECESS AT THIS TIME.

*RECESS*

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. WE ARE DEALING WITH BILL NO. 21, THE TOBACCO TAX ORDINANCE. WE HAVE ARRIVED AT SECTION 10, SUB-SECTION 2.

MR. CHAIRMAN READS SUB-SECTION 2 OF SECTION 10 OF BILL NO. 21.

Mr. Chairman reads Sub-section 3 of Section 10 of Bill No. 21.

Mr. Stutter: Mr. Chairman, Section 2. I have a note here. On the one hand he does have an appeal or he can request a review but in the second section or the second part he has to prove that he is innocent in the first instance. He is guilty until proven innocent. The point is, what is the point then of requesting a review when he is requesting a review from the same people

Mr. Legal Advisor: Mr. Chairman, this only arises where it appears in the inspection that the Regulations of the Ordinance are not being complied with. The person has not filled in his forms. There must be some administrative procedure for dealing with this.

The method chosen here is that there is an assessment made and the tax is demanded. The person can then demand a review.

Mr. Stutter: Mr. Chairman, who takes care of the review in this case? When he says, "no it's not fair, I want a review." Who takes care of it? The same people who assessed it in the first place?

Mr. Legal Advisor: It is dealt with under Section 11.

Mr. Tanner: Mr. Chairman, we have had a real problem here and I don't think that any Member of the House shouldn't understand the problem that we have had.

In all taxation legislation there is an assumption of guilt unless you can prove yourself innocent. That is the shocking state of affairs but that is the state of affairs across this country, in fact in all taxation legislation in the western world. That is the first instance.

The second thing is. Quite frankly, recently we had an appeal clause in this section through the Commissioner. We didn't feel that it should be to the Commissioner. Basically what we are talking about here are interdepartmental review, in other words, the Treasurer doesn't actually look at the man's books. He has one

of his inspectors look at the books. So consequently, we felt that if there was a miscarriage of justice, which is obvious, that the person whose books are being inspected should at least have something in legislation saying, "look Mr. Treasurer your man was in to see me today and the facts that he has given you aren't as he stated. I want you to go over it." That is a form of appeal but the best that we could come up with in the circumstances.

Mr. Chamberlain: Mr. Chairman, in sub-section 2 of Section 10, the words, "and by some procedure as the Commissioner may deem adequate and expedient." What an open book you are giving to the Commissioner. In whatever manner he deems to be. I've gone through this in this House many times about the words and the intentions, meanings of 'deems to be' because if this gives the Commissioner such a large area in which he can manoeuvre at any time and we all know that our present Commissioner doesn't need very much room to manoeuvre in but this has given him a hundred times more. He can indicate at any time what is adequate and what is expedient. Aren't we giving too much should we not be controlling that particular area?

Mr. Legal Advisor: Possibly, Mr. Chairman. The difficulty is that when people start either faking books, not keeping books or not making returns as requested then someone must go to outside evidence. Such as to get the books of the wholesalers who are supplying the person with tobacco and cigarettes and cigars. And try and find out how much he is buying from outside sources and then make the assumption that he is selling those, except such an amount as he may retain in stock. Different ways of achieving this result all depend on the method. The word Commissioner is put in there because normally the Commissioner is head of the civil service. It doesn't have to be the Commissioner in that way but it was thought better for the Commissioner to have a general supervisory role although not a day to day duty to deal with it.

If some such thing as this is not in the section then it is difficult to find the evidence on which to base an assessment made by the Treasury officer who should be dealing with the matter.

Mr. Chamberlist: The point that I am making, Mr. Chairman, is that it means the way this is written that at any time to fit a particular circumstance, the Commissioner may deem something to be adequate or expedient. In other words there is no specific manner spelt out in how this should be carried out. If it was spelt out you would know how far the Commissioner or his officers could go. As it is now it is not spelt out at all. They can cultivate a reason after the event. This is what I am afraid of; the cultivating of reason being afterward.

Surely, it would be more proper for there to be a reason for something to happen prior to it happening so that it could be spelt out quite clearly the powers of the Commissioner in that particular area.

Mr. Legal Advisor: Mr. Chairman, the Commissioner is not getting the discretion as to what to do or when to perform the inspection or to make the assessment. He is only getting the power to deal with the procedure as to how the assessment is to be made. It is quite limited. It says, "the tax will be calculated by the person making the inspection." But he calculates it in the manner deemed by the Commissioner to be adequate. That is the manner, form and procedure that is the Commissioner's power.

Mr. Chamberlist: With respect. The way this reads, we are talking really about an inspector. We are saying where it appears from an inspection, ordered examination of books or accounts, records or documents, that this ordinance where the regulations have not been complied with the person making the inspection ordered or examination shall calculate or the tax due if any, in such manner and form and by such procedure as the Commissioner may deem adequate and expedient.

My point is that if it were in the regulations the manner in which, and the manner and the form of procedure then I would find nothing wrong with it. But if it is not in the regulations then the inspector says to the Commissioner, "which way do we do it. There is fifteen different ways, this is a way that we can really get this guy even if it is outside of the regulations." and the Commissioner says, "Yup, that is expedient. Lets do it that way."

I think this is wrong. It should be right in there.

Mr. Legal Advisor: Mr. Chairman, I would like to ask the Treasurer this but prima facie this really means he's doing it by regulations. But I would like time to ask the Treasurer whether we could change that to read "as the Commissioner may prescribe". Then it would go into regulations. But I wouldn't like to give too quick an answer to it, Mr. Chairman.

Mr. Chairman: We'll note that for question then. Section II(I). The Chairman continues reading the bill.

Mr. Tanner: Mr. Chairman, when the Honourable Member from Dawson asked his question basically I was answering his question in light of section II which we hadn't read. I would merely repeat again that that is a review procedure which is not, in my opinion, adequate but adequate in the circumstances in which we have to deal. If the point is going to be made that you are appealing to the very person that set the assessment in the first case, that is true. But if there is misinformation or if there are wrong facts being brought to bear on the decision of the Treasurer at least the person who is being assessed has the right in this section to say from the legislation I want you to look at what your staff has done. I want you to review what your inspector has come up with. This is a protection, a limited protection, but a protection to the person who is being assessed.

Mr. Chamberlist: Perhaps Mr. Legal Advisor, Mr. Chairman, could indicate why if the assessment is made by a specific inspector, why does the review have to be by the Treasurer?

Mr. Legal Advisor: Mr. Chairman, the reason is that we would expect at any time that the Treasurer will be a qualified auditor and professional at his job. Some of the people who inspect these books may not be but probably the main person who's in charge of the ordinance always will be a qualified auditor and accountant. If the Treasurer has on an on day-to-day basis then as soon as a request for a review comes in it goes on his

DESK WITH THE FILES AND THE DETAILS OF HOW THE ASSESSMENT WAS MADE. AND HE'S TECHNICALLY IN A VERY GOOD POSITION TO MAKE A PROPER AND FAIR ASSESSMENT AND IS OPEN TO NORMAL REPRESENTATIONS MADE ON BEHALF OF THE DEALER WHO HAS BEEN SO ASSESSED AND CAN DEAL WITH IT AT A REASONABLY LOW LEVEL. IF IT GOES TO THE COMMISSIONER, IT BECOMES A BIG DEAL. AND THE COMMISSIONER PERSONALLY IS NOT QUALIFIED TO DO IT.

MR. CHAMBERLIST: IN SECTION 12 THE MONEY THAT'S COLLECTED IS HELD IN TRUST FOR THE TREASURER. IT'S HERE UNDER SECTION 12. NOW WE'RE GOING TO SET UP A BASIS OF APPEAL TO THE PERSON WHO IS HAVING THE MONEY HELD IN TRUST FOR HIM WHICH SOUNDS A BIT PECULIAR I WOULD SAY.

MR. TANNER: THE POINT THAT THE HONOURABLE MEMBER MAKES AND THE MEMBER FROM DAWON MADE PREVIOUSLY IS ABSOLUTELY CORRECT. BUT WHEN YOU TRY TO COME UP WITH SOMEBODY ELSE YOU ARE GOING TO APPEAL TO OR TO WHOM THE ASSESSED PERSON CAN APPEAL TO, I DON'T THINK YOU WILL FIND ANYBODY. IN FACT, THE POINT THAT I AM MAKING IS IN FACT THE TREASURER DOESN'T DO THE INITIAL ASSESSMENT. HIS OFFICERS DO. AND THIS GIVES THE PERSON WHO IS BEING ASSESSED THE OPPORTUNITY TO APPEAL IF YOU LIKE TO THE INSPECTOR'S BOSS AND SAY DO SOMETHING ABOUT THIS. THIS GUY HAS GOT IT ALL WRONG. I CAN ASSURE HONOURABLE MEMBERS WE MULLED THIS ONE OVER FOR HOURS TO TRY TO COME UP WITH SOMETHING TO ANSWER THE HONOURABLE MEMBER'S OBJECTION. I AGREE WITH HIS OBJECTION BUT THIS IS THE ONLY REASONABLE METHOD THAT WE COULD COME UP WITH.

MR. CHAMBERLIST: MR. CHAIRMAN, MR. LEGAL ADVISER AGREED WITH ME ON THIS PARTICULAR POINT. THAT MONEY HELD IN TRUST IS HELD IN TRUST FOR THE YUKON CONSOLIDATED REVENUE FUND. WOULD MR. LEGAL ADVISER SAY YES OR NO TO THAT.

MR. LEGAL ADVISER: WELL A TRUST IS A VERY DIFFICULT THING TO DEFINE AND WE GET INTO TECHNICAL LANGUAGE. IN A SENSE THIS IS CORRECT. BUT THE TREASURER IS THE PERSON WHO YOU ARE DEALING WITH WHO IS TRUSTED IN CONTROL OF THE FUNDS UNTIL SUCH TIME AS THEY ARE PAID INTO THE YUKON CONSOLIDATED REVENUE FUND. BUT THE YUKON CONSOLIDATED REVENUE FUND CANNOT ITSELF BE A TRUSTEE. IT IS THE FUND INTO WHICH THE MONEYS ARE PAID. SO THIS IS A

TECHNICAL SECTION, SECTION 12, AND IS NOT DRAFTED IN RELATION TO SECTION 11 OR SECTION 10. IT'S DRAFTED SO THAT WHEN THE MONEY IS COLLECTED BY THE DEALER AND HE PAYS IT INTO HIS BANK ACCOUNT THAT WE CAN GET THE MONEY OUT OF THE BANK ACCOUNT. SITUATIONS HAVE OCCURRED AND TO GIVE AN EXAMPLE A MISMADE-OUT CHEQUE WAS DELIVERED TO A PERSON WHO WAS THE WRONG PERSON. HE PAYS IT INTO HIS BANK ACCOUNT. HE HAPPENED TO OWE THE BANK A SUM OF MONEY SO THE BANK IMMEDIATELY TAKES OUT OF THAT CHEQUE THEIR DEBT OF \$10,000.00 OR \$12,000.00 AND DEBITS THE REST TO THE INDIVIDUAL'S ACCOUNT. WHEN THE GOVERNMENT COMES TO GET THE MONEY BACK THE INDIVIDUAL SAYS YES I WILL GIVE YOU THE MONEY BACK AND HE OFFERS TO GIVE BACK WHAT HE HAS IN HIS ACCOUNT. UNFORTUNATELY, OF COURSE, THE BANK HAS INTERPOSED AND HAVE TAKEN THE MONEY BECAUSE LEGALLY IT WAS THE PROPERTY OF THE INDIVIDUAL WHO DEPOSITED IT AT THE TIME WHICH HE DID. THIS SECTION PROVIDES AGAINST THAT. IT MEANS IF SOMETHING HAPPENS TO WHAT BASICALLY IS OUR MONEY, GOVERNMENT MONEY, THAT WE CAN SAY TO THE BANK GIVE US BACK THAT MONEY. NOW WE MAY BE SHORTLY INTRODUCING LEGISLATION DEALING WITH LABOUR STANDARDS TO PROVIDE IN RELATION TO EMPLOYEES THAT CERTAIN MONIES EARNED BY A CONTRACTOR ARE A TRUST TO BE GIVEN TO THE EMPLOYEES FOR THEIR LABOUR. THE REASON THAT THE SECTION MIGHT BE INTRODUCED IS THE SAME REASON; TO PREVENT THE MISUSE OF MONEY BY A PERSON WHO TEMPORARILY HOLDS IT TO THE DETRIMENT OF A PARTICULAR SECTION.

MR. CHAMBERLIST: MR. CHAIRMAN, TO ME IT SEEMS THAT WE HAVEN'T THE CAPABILITY UNDER THE YUKON ACT TO PROVIDE THAT MONIES BE HELD IN TRUST FOR AN INDIVIDUAL ADMINISTRATIVE OFFICER. YOU SEE THE WAY SECTION 12 IS "EVERY PERSON WHO COLLECTS ANY TAX UNDER THIS ORDINANCE SHALL BE DEEMED" AND HERE'S THAT HORRIBLE WORD AGAIN. "SHALL BE DEEMED TO HOLD SUCH TAXES IN TRUST FOR THE TREASURER". NOW IT'S NOT THE TREASURER'S FUNDS. AND I DOUBT WHETHER - I CAN'T RECALL, PERHAPS SOMEBODY MIGHT BE ABLE TO RECALL, WHETHER THERE HAS EVER BEEN ANY PIECE OF LEGISLATION WHERE AN OFFICER OF THE ADMINISTRATION IS HOLDING MONEY AND WHERE LEGISLATION HAS STATED THAT THAT MONEY IS BEING HELD IN TRUST FOR THAT PARTICULAR OFFICER, ESPECIALLY WHEN IT IS TERRITORIAL TAX MONEY. THE POINT THAT I MAKE QUITE CLEARLY IS THAT IT SHOULD BE MONEY OF THE GOVERNMENT, NOT MONEY OF THE TREASURER.

Mr. LEGAL ADVISER: THE CRITICISM MAY BE VALID,

Mr. CHAIRMAN. I AT THIS MOMENT DON'T SEE ANY REASON WHY WE COULDN'T PUT IT IN TRUST FOR THE COMMISSIONER WHO DOES OFFICIALLY REPRESENT THE GOVERNMENT. I'D LIKE TIME TO THINK OVER IT AND TALK WITH THE TREASURER, BUT I THINK THE POINT WOULD BE ANSWERED BY PUTTING IN COMMISSIONER INSTEAD OF TREASURER.

Mr. CHAIRMAN: SECTION 12(1). THE CHAIRMAN CONTINUES READING THE BILL.

Mr. CHAMBERLIST: OKAY. QUESTION. WHAT ABOUT THOSE PEOPLE WHO HAVE NO PROPERTY IN THE TERRITORY YOU KNOW BECAUSE SOME OF THIS MONEY COMES FROM OUTSIDE AS WELL. NOW WHERE, HOW FAR DOES OUR JURISDICTION COVER THIS PARTICULAR AREA OR HAVE WE COVERED IT SOMEWHERE ELSE?

Mr. LEGAL ADVISER: NO WE HAVEN'T COVERED IT SOMEWHERE ELSE, Mr. CHAIRMAN.

Mr. CHAMBERLIST: WELL WE SHOULD.

Mr. LEGAL ADVISER: THIS HOUSE HAS ONLY THE JURISDICTION IN SOME CASES TO MAKE LEGISLATION BINDING WITHIN ITS BOUNDARIES. THIS SECTION REFLECTS THAT. I THINK IT WOULD BE OBJECTIONABLE IF WE JUST LEFT IT UPON THE PROPERTY OF THE PERSON ANYWHERE BECAUSE WE CAN'T ENFORCE IT.

Mr. TANNER: Mr. CHAIRMAN, THE WAY I READ THAT SECTION IS BASICALLY TO PROTECT WHERE YOU CAN PROTECT THE FUNDS HELD IN TRUST BY SOMEBODY WHO HAS COLLECTED TAXES. YOU GIVE YOURSELF AS MUCH PROTECTION AS POSSIBLE WITHOUT GOING FURTHER AND SAYING YOU KNOW, WE ARE GOING TO GET YOU IN ONTARIO OR WE CAN TOUCH YOU IN B.C. WHICH ISN'T TRUE. IT WOULD BE FUTILE TO WRITE IT INTO THE LEGISLATION.

Mr. CHAMBERLIST: IS THERE ANY RECIPROCAL ARRANGEMENT ON PROVINCIAL-TYPE TAXES BETWEEN OTHER JURISDICTIONS THAN OURSELVES.

Mr. LEGAL ADVISER: Mr. CHAIRMAN, YOU COULDN'T COVER A RECIPROCAL ARRANGEMENT TO DEAL WITH IT IN THIS WAY BY GIVING US THE POWER TO PUT A LIEN ON A PERSON'S PROPERTY IN BRITISH COLUMBIA. BUT WHAT HAPPENS IN EVERYDAY PRACTICE IS THAT WE - PERHAPS I'D BETTER NOT.

Mr. CHAMBERLIST: I'M REALLY SERIOUS, Mr. CHAIRMAN. I THINK THERE IS A HOLE HERE THAT SOMEBODY MIGHT TAKE ADVANTAGE OF. IF THERE IS A WAY OF CLOSING IT, WE SHOULD SPEAK ABOUT IT.

Mr. LEGAL ADVISER: Mr. CHAIRMAN, THIS IS LIKE THE LITTLE BOY WHO WAS ASKED TO GIVE THE CORE OF HIS APPLE TO THE LITTLE GIRL AND HE SAID IN OUR APPLES THERE ARE NO CORES. IN THIS AREA THERE MIGHT APPEAR TO BE HOLES IN THE LEGISLATION BUT IN FACT, THERE ARE NO HOLES.

Mr. CHAMBERLIST: WELL THAT DOESN'T ANSWER, THAT DOESN'T ANSWER WHAT YOU KNOW WHAT I'M ASKING FOR. IT APPEARS TO ME THAT THIS IS LEGISLATING AGAINST A CERTAIN GROUP. THAT IS A GROUP WHO HAPPEN TO HAVE SOME FIXED ASSETS IN THE TERRITORY. AND YET IT MIGHT BE OTHERS WHO BREACHED OUR LAWS AND YET THEY CAN HIDE BEHIND THE FACT THAT THEY ARE IN ANOTHER JURISDICTION. NOW IS THERE ANY WAY THAT WE CAN CLOSE THAT HOLE BECAUSE IT DOES EXIST.

Mr. LEGAL ADVISER: IN A TECHNICAL SENSE IT EXISTS, Mr. CHAIRMAN, BUT THERE ARE RELATIONS BETWEEN GOVERNMENTS AND BETWEEN TREASURY DEPARTMENTS AND OTHER PLACES WHICH HELP US TO PHYSICALLY CLOSE THE GAP WITHOUT DOING IT BY LAW. THEY ASSIST US IN THE COLLECTION INSOFAR AS THEY CAN, AND WE WOULD DO THE SAME FOR THEM.

Mr. TANNER: Mr. CHAIRMAN, I THINK I WAS BEING A LITTLE FACETIOUS WHEN I SAID WE SHOULDN'T TALK ABOUT THIS. REALLY WE TALKED ABOUT IT LAST FRIDAY IN SECTION 8 WHEN WE SAID THAT WE CAN GIVE INFORMATION TO OTHER GOVERNMENTS BUT WE CAN'T GIVE INFORMATION TO OTHER EMPLOYEES. IN EFFECT THAT'S WHAT HAPPENS. THE INFORMATION IS AVAILABLE FROM OTHER JURISDICTIONS ON A DEPARTMENTAL BASIS IF YOU LIKE. AS I SAY WE DID DISCUSS IT IN 8. I APOLOGIZE TO THE HOUSE FOR GIVING THE IMPRESSION THAT WE ARE TRYING TO BE SECRETIVE. IN FACT YOU CAN DEPARTMENTALLY COVER IT IF YOU LIKE, BUT WE HAVEN'T GOT LEGISLATIVE AUTHORITY TO COVER IT.

Mr. CHAMBERLIST: I DON'T WANT ANYBODY TO LOSE SIGHT AT WHAT I'M LOOKING FOR HERE. UNDER THIS SECTION THE MONEY THAT IS OWING BECOMES A LIEN UPON A CERTAIN PIECE OF



PROPERTY OF THE PERSON WHO IS IN DEFAULT WHO HASN'T PAID, YOU KNOW, OR HIS ESTATE IN THE HANDS OF ANY TRUSTEE. I WOULD TAKE IT THAT WOULD MEAN IN OUR JURISDICTION AS WELL. NOW I SAY THAT THE WAY THIS SECOND PART OF THIS SECTION IS WRITTEN IT INDICATES THAT THERE ARE MEANS OF RECOVERY FROM SOMEBODY WHO HAS ASSETS IN THE TERRITORY. BUT THERE IS NOTHING IN THE LEGISLATION THAT I CAN FIND WHICH IN EFFECT WOULD GIVE THE POWER TO THE TERRITORY TO RECOVER THE TAXES IF IT WAS NOT PAID BY SOMEBODY OUTSIDE THE TERRITORY. IT'S ALRIGHT TO TELL US THAT WE WORK IN CONJUNCTION WITH OTHER TREASURY PEOPLE FROM OTHER PROVINCES BUT THEY HAVEN'T THE POWER TO START ANY REGULATIONS RELATING TO LEGISLATION OR SOMETHING THAT HAPPENS OUTSIDE THEIR JURISDICTION.

WHAT I'M TRYING TO ASCERTAIN, MR. CHAIRMAN, FROM MR. LEGAL ADVISER IN PARTICULAR IS WHETHER OR NOT WE CANNOT PUT IN THE LEGISLATION SOMETHING THAT WILL PREVENT THOSE PEOPLE FROM SHIPPING GOODS IN, IF THEY DO NOT MEET THEIR COMMITMENT. YOU KNOW, IS THERE SOMEWAY?

MR. LEGAL ADVISER: MR. CHAIRMAN, IF THEIR SHIP GOES INTO THE TERRITORY, THEY WILL THEN BECOME SUBJECT TO LIEN. BUT THE LEGAL POSITION IN REGARDS TO TAXATION IS THIS. I THINK THAT THE HONOURABLE MEMBER PROBABLY KNOWS IT BUT HAS NOT ADVERTED TO IT. THAT NO JURISDICTION WILL ENFORCE ANY CLAIM BY CIVIL ACTION OR CRIMINAL ACTION WITHIN ITS JURISDICTION WHICH ORIGINATES OUTSIDE THE JURISDICTION. THERE HAVE BEEN CASES FOUGHT UP AND DOWN. I'M NOT FAMILIAR WITH ANY PARTICULAR CASES IN CANADA BUT DEFINITELY THE HOUSE OF LORDS HAS HELD AND THE PRIVY COUNCIL HAS HELD ON SEVERAL VITALLY IMPORTANT CASES THAT THEY WOULD NOT ENFORCE SUCH LEGISLATION. THE REASON BEHIND IT IS PROBABLY POLICY BECAUSE THERE ARE JURISDICTIONS WHICH UNFAIRLY TAX SOME OF ITS EXPATRIATE CITIZENS, CORPORATE AND OTHERWISE, AND ATTEMPT TO SEIZE THEIR PROPERTY BY MEANS OF A PRETENDED TAX. SO OTHER JURISDICTIONS WILL NOT ENFORCE ANY LEGISLATION WHATSOEVER OR ANY DEBT IN TAXATION AS A WHOLE, INCOME TAX OR OTHERWISE. WE MERELY RECOGNIZE A FACT OF LIFE IN THIS THAT WE WILL ENFORCE WITHIN THE TERRITORY BUT YOU RELY ON EXTRA-JUDICIAL PROCEDURE OR EXTRA LEGAL PROCEDURE TO ASSIST YOU IN OTHER JURISDICTIONS BEARING IN MIND THAT THE WHOLESALERS WHO WILL BE SENDING IN AND THE MANUFACTURERS SENDING IN TOBACCO INTO THE TERRITORY ARE IN OTHER PROVINCES.

MR. CHAMBERLIST: I HATE TO PRESS THIS POINT BUT IT ISN'T ANSWERED. WHAT I WOULD LIKE TO HEAR, MR. CHAIRMAN, FROM MR. LEGAL ADVISER IS WHETHER THE TERRITORIAL GOVERNMENT WOULD TAKE A CIVIL ACTION AGAINST A WHOLESALER BASED IN BRITISH COLUMBIA WHO OWES X PLUS Y DOLLARS FOR TOBACCO TAX TO THE TERRITORIAL GOVERNMENT.

MR. LEGAL ADVISER: I WOULD DOUBT IF I WOULD SO ADVISE HAVING REGARD TO THE STATE OF THE LAW AT THE MOMENT.

MR. CHAIRMAN: I THINK IN VIEW OF THE TIME WE LEFT STAMM COUNTRY IN BEHIND WE'LL 2 O'CLOCK.

RECESS

MR. CHAIRMAN: I WILL NOW CALL COMMITTEE TO ORDER. WE WILL CONTINUE WITH THE TOBACCO TAX ORDINANCE, BILL NO. 21.

MR. CHAMBERLIST: MR. CHAIRMAN, MIGHT WE GO BACK TO NO. 12. DURING LUNCH TIME, I HAD SECOND THOUGHTS ABOUT THESE REGULATIONS THAT THEY'VE PROPOSED TO PUT IN AND I WOULD LIKE TO BRING TO THE ATTENTION OF COMMITTEE THIS PARTICULAR SITUATION. I HAVE BEFORE ME LOANED TO ME BY THE MEMBER FROM WHITEHORSE NORTH, THREE TOBACCO AND TAX BILLS. ONE FROM BRITISH COLUMBIA, ONE FROM ALBERTA AND ONE FROM THE NORTHWEST TERRITORIES. NOW WILL YOU NOTE THAT IN SECTION 12 OF OUR BILL, REFERENCE IS MADE TO THE REGULATIONS, FOR INSTANCE; "AND SHALL BE MADE PAYMENT IN THE MANNER AT THE TIME PROVIDED BY THE REGULATIONS". IF YOU JUMP FORWARD AND LOOK AT SECTION 20, SECTION 20 READS: "FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF THIS ORDINANCE, THE COMMISSIONER MAY MAKE SUCH REGULATIONS AND PRESCRIBE SUCH FORMS THAT ARE CONSIDERED NECESSARY OR ADVISABLE".

NOW IT WOULD BE INTERESTING TO NOTE THAT THIS LEGISLATION THAT WE'VE BEEN PRESENTED WITH DEPARTS COMPLETELY FROM A VERY FIRM PROVISION IN THE THREE ACTS OF THE THREE OTHER JURISDICTIONS. FOR INSTANCE, IN BRITISH COLUMBIA, ON REGULATIONS, THE REGULATIONS - THERE'S A SECTION 31. IT'S SPELLED OUT IN THE LEGISLATION ITSELF. IT SAYS: "FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS ACT ACCORDING TO THEIR INTENT, THE LIEUTENANT GOVERNOR IN COUNCIL MAY MAKE SUCH REGULATIONS AND ORDERS

THAT ARE ANCILLARY THERETO AND NOT INCONSISTENT THEREWITH." AND THEN IT GOES ON TO INDICATE WHAT THE REGULATORY POWERS ARE.

- "A) PRESCRIBING FORMS AND RECORDS TO BE USED OR KEPT FOR THE PURPOSE OF THIS ACT OR THE REGULATIONS.
- B) PRESCRIBING THE METHOD OF COLLECTION AND REMITTANCE OF THE TAX AND ANY OTHER CONDITIONS OR REQUIREMENTS AFFECTING SUCH COLLECTION AND REMITTANCE.
- C) PRESCRIBING THE REMUNERATION TO BE PAID TO COLLECTORS.
- D) RESPECTING AGREEMENTS BETWEEN THE MINISTER OR HIS DIRECTOR AND THE PERSONS WHO COLLECT THE TAX IMPOSED BY THE ACT AND PROVIDING FOR THEIR USE.
- E) DEFINING ANY EXPRESSION USED IN THE ACT OR REGULATION THAT ARE NOT HEREIN DEFINED.
- F) EXEMPTING CERTAIN TOBACCOS, DEALS OR PURCHASES FROM THE PROVISIONS OF THE ACT OR REGULATIONS.
- G) ESTABLISHING A SYSTEM OF PERMITS TO BE USED FOR DEALERS.

SO THAT YOU HAVE FIRST OF ALL THE B.C. LEGISLATION THAT SPELLS OUT THE AREAS OF REGULATIONS. IN OUR LEGISLATION IT'S BEEN OMITTED. DELIBERATELY OR OTHERWISE, I DON'T KNOW.

YOU HAVE A LOOK AT THE ALBERTA LEGISLATION, YOU'LL FIND SECTION 16 OF THEIR ACT ALSO SAYS: "THE LIEUTENANT GOVERNOR IN COUNCIL MAY MAKE REGULATIONS". AND THEN "A, B, C, D, E, F, G, H, I, J, K, L, M," LAYS OUT CLEARLY IN WHAT AREAS THE REGULATIONS ARE TO BE. SO HERE YOU HAVE AGAIN WHERE OUR LEGISLATION HAS DEPARTED EVEN AGAIN FROM ALBERTA LEGISLATION.

NOW THE RECENT ONE IN THE NORTHWEST TERRITORIES, SECTION 29 OF THEIR ORDINANCE: "THE COMMISSIONER MAY MAKE REGULATIONS FOR CARRYING INTO EFFECT THE PURPOSES AND PROVISIONS OF THIS ORDINANCE, WITHOUT RESTRICTING THE GENERALITY OF THE FOREGOING, THE COMMISSIONER MAY MAKE REGULATIONS", AND THEN, "A, B, C, D, E, F, G, H, AND I." LAYING OUT THE AREAS IN WHERE THESE REGULATIONS CAN ACTUALLY BE PUT IN.

BUT WHAT DO WE HAVE? WHAT DO WE HAVE UNDER SECTION 20? JUST GIVES AN ABSOLUTE CARTE BLANCHE AUTHORITY TO THE COMMISSIONER TO DO WHATEVER HE LIKES IN WHATEVER WAY HE LIKES IN THE REGULATIONS. HE JUST SAID: "FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF THIS ORDINANCE, THE COMMISSIONER MAY MAKE SUCH REGULATIONS AND PRESCRIBE SUCH FORMS AS CONSIDERED NECESSARY OR ADVISABLE."

AND ONCE AGAIN I HAVE TO COME BACK TO WHAT I'VE SAID BEFORE AND WHAT OTHER MEMBERS OF THIS HOUSE HAVE SAID BEFORE. THAT YOU JUST CAN'T GIVE THE COMMISSIONER THAT WIDE OPEN AUTHORITY WITHOUT SPELLING OUT IN THE LEGISLATION, IN WHAT AREA THOSE REGULATIONS MUST BE. I'M JUST BRINGING THIS AHEAD OF TIME SO THAT WE CAN GIVE IT A THOROUGH HEARING WHEN WE COME TO THAT SECTION 20. I THINK MEMBERS SHOULD BE VERY MUCH AWARE OF THAT PARTICULAR FACT.

THE ACT OF BRITISH COLUMBIA ALSO SPELLS OUT IN ITS ACT, ATTACHED TO THE LEGISLATION, WHAT THE REGULATIONS ARE AS WELL. WE HAVEN'T ANYTHING LIKE THAT AT ALL. SO CONSEQUENTLY WE'RE GOING TO BE IN TROUBLE.

MR. TANNER: MR. CHAIRMAN, THIS IS SORT OF FUNNY IN SOME RESPECTS BECAUSE THIS DRAFTING YOU SEE IN FRONT OF YOU IS PROBABLY THE TENTH DRAFT I THINK OF THE BILL. I REMEMBER SOME DRAFT AGO, THE REGULATIONS WERE SPELLED OUT EXACTLY THE SAME AS THAT. AND WHEN WE LOOKED AT THEM, THEY SAY VIRTUALLY THE SAME THING AS OURS DOES, BECAUSE UNDER THOSE REGULATIONS YOU CAN DO VIRTUALLY ANYTHING ANYWAY. SO INSTEAD OF SAYING AND I THINK IT MIGHT HAVE EVEN BEEN MY SUGGESTION, INSTEAD OF SAYING YOU CAN DO THIS, THIS AND THIS AND IN FACT IN THE FORE PREAMBLE OF THE REGULATIONS IN BOTH THOSE ACTS, YOU'LL FIND THAT THEY CAN DO VIRTUALLY ANYTHING. WE'VE MERELY SAID YOU CAN DO ANYTHING AND WE THOUGHT THAT WAS THE SIMPLEST WAY OF DOING IT. IF THE HONOURABLE MEMBERS AGREE WITH THE MEMBER FROM WHITEHORSE EAST, I DON'T SEE ANY REASON WHY WE CAN'T WRITE THEM EXACTLY THE SAME AS THEY'VE GOT THEM THERE. BECAUSE YOU CAN VIRTUALLY DO ANYTHING THERE ANYWAY.

MR. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN, THE IDEA OF SPELLING OUT IN WHAT AREAS REGULATIONS CAN BE MADE ARE ALL IMPORTANT. WE RECENTLY HAD JUST IN ANOTHER PIECE OF LEGISLATION, THAT I QUESTIONED THE RIGHT OF HAVING REGULATIONS ABOUT A BOARD OF REVIEW IN THE SCHOOL ORDINANCE. WHEN IT WAS LOOKED AT IT WAS FOUND THAT IT DIDN'T HAVE THE REGULATORY POWERS TO DO THAT. I'M SAYING THAT IF YOU HAVE THE POWER TO REGULATE, YOU MUST SPELL OUT IN WHAT AREAS YOU SHOULD HAVE THE POWER TO REGULATE. AND THE WAY THIS PROPOSED LEGISLATION IS PUT FORWARD NOW, IT DEPARTS FROM AT LEAST WHAT THREE LEGISLATIVE BODIES HAVE INDICATED. THE AREAS IN WHICH REGULATIONS CAN BE MADE. AND IF YOU GIVE AN OPEN SESAME TO THE COMMISSIONER, WELL HE COULD RUN ROCK WILD AS HE'S DONE IN THE PAST. I THINK MEMBERS SHOULD BE CONCERNED WITH IT.

MR. TANNER: MR. CHAIRMAN, THE POINT I'M MAKING IS FIRST OF ALL AS FAR AS THE HONOURABLE MEMBER FROM WHITEHORSE EAST IS CONCERNED - DON'T BLAME THE LEGAL ADVISOR FOR THIS, THE DECISION WAS MADE BY THE PEOPLE WHO WERE WRITING THE LEGISLATION.

MR. CHAMBERLIST: THAT'S WORSE. YOU SHOULD HAVE GOT HIS ADVICE.

MR. TANNER: MR. CHAIRMAN, COULD I TALK TO COMMITTEE WITHOUT BEING INTERRUPTED BY THESE IDIOT COMMENTS ALL THE TIME?

IF MEMBERS WANT THE REGULATIONS SPECIFIED EXACTLY AS THEY ARE IN THE B.C., ALBERTA AND NORTHWEST TERRITORIES LEGISLATION, IT CAN BE DONE. AND THAT'S WHAT WAS THERE ORIGINALLY AND IT WAS CHANGED BECAUSE, AT MY SUGGESTION AND IN MY OPINION, WHAT IT SAYS IN ALL THOSE THREE ACTS IS CARTE BLANCHE. THEY CAN DO VIRTUALLY WHAT THEY WANT ANYWAY.

MRS. WATSON: MR. CHAIRMAN, ONE OF THE REGULATIONS ON THE REGULATORY POWER IS THAT THE B.C. ACT, I THINK REFERS TO DEFINITIONS. I WONDER IF THE HONOURABLE MEMBER FROM WHITEHORSE EAST WOULD READ THAT.

MR. CHAMBERLIST: DEFINITIONS?

MRS. WATSON: YES, IF THE WORD ISN'T DEFINED, YOU CAN DEFINE IT BY REGULATION. IS THIS THE TYPE OF POWER YOU WOULD LIKE TO HAVE IN THE LEGISLATION?

MR. CHAMBERLIST: NO, I THINK THE HONOURABLE MEMBER FROM WHITEHORSE NORTH AND THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAVEN'T GOT THE POINT THAT I'M MAKING AND PERHAPS I WILL TRY AND CLARIFY IT. I SAY - -

MRS. WATSON: MR. CHAIRMAN, ON A POINT OF PRIVILEGE. I THINK WE UNDERSTAND QUITE CLEARLY AND I DON'T THINK WE NEED FURTHER CLARIFICATION. I'M JUST ASKING IF THE HONOURABLE MEMBER WOULD READ THAT SECTION WHICH REFERS TO THE DEFINITION IF THERE IS NO WORD DEFINED, THEN YOU CAN DEFINE IT BY REGULATION. WOULD YOU PLEASE REFER TO THAT.

MR. CHAMBERLIST: IN THE ALBERTA ONE? IN THE B.C.? MR. CHAIRMAN, I'VE JUST GONE THROUGH THIS AND I CAN'T FIND WHERE THAT REFERENCE IS. ALL I - - -

MRS. WATSON: MR. CHAIRMAN, IT'S THE REGULATORY POWER.

MR. CHAIRMAN: ORDER PLEASE. ONE AT A TIME.

MR. CHAMBERLIST: FOURTH PART IN THE REGULATIONS?

MR. LEGAL ADVISOR: FOURTH REGULATION-MAKING POWER.

MR. CHAMBERLIST: THERE'S ONLY ONE AREA THAT REGULATES POWER HERE. IT'S FOR THE PURPOSE OF CARRYING OUT PROVISIONS OF THIS ACT, ACCORDING TO THEIR INTENT. THE LIEUTENANT GOVERNOR IN COUNCIL - -, THE LIEUTENANT GOVERNOR MAY MAKE SUCH REGULATIONS AND ORDERS AS ARE ANCILLARY THERETO AND NOT INCONSISTENT THERewith, AND EVERY REGULATION SHALL BE DEEMED TO BE PART OF THIS ACT AND HAS THE FORCE OF LAW AND WITHOUT RESTRICTING THE GENERALITY OF THE FOREGOING THE LIEUTENANT GOVERNOR IN COUNCIL MAY MAKE REGULATIONS AND ORDERS AND THEN IT GIVES YOU THE SEVEN AREAS PRESCRIBING FORMS AND RECORDS TO BE USED OR KEPT FOR THE PURPOSE. THAT'S FINE THEY SPELL THAT OUT.

"PRESCRIBING THE METHOD OF COLLECTION AND REMITTANCE" FINE, NOTHING WRONG WITH THAT. "PRESCRIBING THE REMUNERATION TO BE PAID TO THE COLLECTOR" FINE.

"RESPECTING AGREEMENTS BETWEEN THE MINISTER OR HIS DIRECTOR AND THE PERSONS WHO COLLECT THE TAXES IMPOSED BY THE ACT AND PROVIDING FOR THEIR USE".

E) "DEFINING ANY EXPRESSION USED IN THE ACT OR REGULATIONS AND NOT HEREIN DEFINED".

THESE ARE JUST DEALING WITH EXPRESSIONS. I'M NOT CONCERNED SO MUCH WITH THAT AS WHETHER OR NOT THE REGULATIONS, THE REASON FOR THE REGULATIONS, THE AREA OF REGULATIONS SHOULD BE SPELLED OUT.

AND NOT HAVE ONE CARTE BLANCHE SECTION, SECTION 20, WHICH SAYS: "THE COMMISSIONER MAY MAKE ANY REGULATIONS". AT LEAST IF WE HAD IT BROKEN DOWN IN THE MANNER THAT THE B.C. ACT OR ONE OF THESE OTHER ACTS IS AFTER SOME CLOSER SCRUTINY. AT LEAST WE WOULD KNOW IN WHAT AREAS THE REGULATIONS CAN BE MADE. AND THIS IS THE POINT THAT I MAKE HERE. BUT IT DOESN'T SPELL IT OUT.

MRS. WATSON: MR. CHAIRMAN, BUT WHEN YOU THINK OF THE REGULATORY POWERS, IT'S STILL IN THERE WHERE YOU CAN DEFINE IN REGULATIONS, ANY EXPRESSION. GIVE THE DEFINITION YOU WANT TO GIVE IT BY REGULATION. ISN'T THAT ALL-INCLUSIVE POWER?

MR. CHAMBERLIST: I AM NOT SUGGESTING THAT EVERYTHING IN THERE IS THE CORRECT WAY. I AM SIMPLY SAYING THAT PERHAPS ON FURTHER REVIEW WE SHOULD HAVE A LOOK AT THAT PARTICULAR SECTION THAT IS THE DEFINING OF THE EXPRESSION.

I AM SAYING THAT WE HAVE NOTHING AT ALL SPELT OUT IN OUR PROPOSED LEGISLATION. WHEREAS IN THREE PIECES OF LEGISLATION THAT WE HAVE HERE TO LOOK AT THAT THERE ARE AREAS SPELT OUT. THERE IS A DEFINITE DIFFERENCE BETWEEN HAVING NOTHING AND HAVING QUITE A BIT MORE.

MRS. WATSON: MR. CHAIRMAN, WE ARE QUITE WILLING. THEY HAD IT IN THOSE SECTIONS TO BEGIN WITH AND THEN THEY SPENT SOME OF IT OUT TO TRY AND COVER THE AREAS IN THE GENERAL SECTION. THERE IS NO PROBLEM WITH THAT. I THINK THE HONOURABLE MEMBER WILL AGREE THAT YOU DO NEED A GENERAL SECTION AND A SECTION WHERE REGULATIONS MUST EXPRESS THE INTENT OF THE LEGISLATION.

MR. CHAMBERLIST: MR. CHAIRMAN, IF YOU HAVE THE AREAS SPELT OUT WHERE THE COMMISSIONER CAN PRESCRIBE REGULATIONS, WE AT THIS TABLE KNOW WHETHER WE CAN GIVE HIM THAT AUTHORITY OR NOT. AS IT IS NOW WE ARE BEING ASKED TO GIVE HIM COMPLETE AUTHORITY IN ANY AREA HE WANTS. NOTHING IN THE AREA THIS COUNCIL WANTS; THAT REGULATIONS BE SPELT OUT.

IF WE DEFINE THE AREAS IN WHICH REGULATIONS COULD BE BROUGHT FORWARD BY THE COMMISSIONER; THIS IS WHAT I THINK THAT THIS COUNCIL SHOULD BE DOING, NOT SAYING, "DO WHATEVER YOU WANT."

THIS IS JUST A POINT I MAKE. IT IS UP TO MEMBERS.

MR. TANNER: MR. CHAIRMAN, IF THE MAJORITY OF THIS COUNCIL WANT TO HAVE THOSE REGULATIONS SPECIFIED LIKE THAT THEN IT CAN BE DONE. NO PROBLEM.

MR. MCKINNON: MR. CHAIRMAN, JUST A POINT, AND IT PROBABLY SHOULDN'T BE RAISED HERE. WHEN A PERSON GOES AND BUYS AN ORDINANCE AND LAYS DOWN HIS TWO BITS OR HALF A BUCK OR WHATEVER HE HAS TO DO TO GET A COPY OF THE ORDINANCE, ARE THE REGULATIONS ATTACHED TO THE ORDINANCE IN THE YUKON AS THEY ARE IN THE B. C. AREA.

MR. LEGAL ADVISOR: NOT NOW, MR. CHAIRMAN. THE WESTERN PROVINCES AND ONTARIO, I DON'T KNOW ABOUT THE OTHER ONES, HAVE A SYSTEM WHEREBY YOU CAN OBTAIN FROM THE PRINTER AN UP-TO-DATE OFFICE CONSOLIDATION OF THE ORDINANCE AS IT THEN EXISTS PRODUCED BY DRAFTSMEN IN THE ATTORNEY-GENERAL'S OFFICE. THEY KEEP THEIR OWN INTERNAL CONSOLIDATION GOING FOR THEIR OWN PURPOSES. THEY ATTACH THE REGULATIONS TO IT AND PRODUCE IT, AS A RULE NOT IN EVERY CASE, AS A BOOK. YOU CAN GET THE EDUCATION ORDINANCE UP-TO-DATE AND THE MAIN ORDINANCE - MOTOR VEHICLES, EDUCATION, LIQUOR AND A FEW MORE THAT ARE IN COMMON USE. THEY HAVE A REASONABLE SAY TO JUSTIFY THE PRODUCTION OF THAT BOOKLET.

IN OBSCURE ORDINANCES WHAT YOU GET IS A PHOTO-COPY OR AN OLD PRINTING OR SOMETHING TOGETHER WITH ANY AMENDMENTS. YOU CAN PUT THEM TOGETHER YOURSELF. IF YOU ARE LUCKY YOU CAN MAYBE FIND THE REGULATION, VERY OFTEN IT IS IMPOSSIBLE TO FIND THE REGULATION.

IN OTHER WORDS, WITH POPULAR ORDINANCES - YES. OTHER ONES - NO.

MR. MCKINNON: IN THE YUKON?

MR. LEGAL ADVISOR: IN THE YUKON YOU CAN GET THE REGULATIONS IF YOU ASK FOR THEM AND YOU CAN GET THE ORDINANCE IF YOU ASK FOR THEM AND YOU GET THEM ROUGHLY IN THIS FORM. AS A GENERAL RULE UNLESS YOU BUY THE BOOK WHICH THE MEMBER HAS BEFORE HIM. THEN YOU GET THE WHOLE LOT TOGETHER.

PERHAPS PEOPLE SHOULD BE GUIDED BY THE TERRITORIAL SECRETARY'S OFFICE INTO BUYING THE REGULATIONS AS WELL AS THE ORDINANCE. WE DON'T HAVE THE CAPACITY, THE MANPOWER, TO PUT THEM TOGETHER, INDEX THEM AND SO FORTH FOR THE INDIVIDUAL. THE AVERAGE PERSON IS CONFRONTED IN SOME OF THE PROPER ORDINANCES WITH A MOUNTAIN OF PIECES OF PAPER AND HE DOESN'T KNOW WHAT IS UP-TO-DATE AND WHAT IS NOT.

MRS. WATSON: MR. CHAIRMAN, I THINK THAT IS A GOOD POINT AND I THINK THAT IS NEEDED WITH SOME OF OUR LARGER PIECES OF LEGISLATION. I THINK THAT WITH THE SCHOOL ORDINANCE THE IS NOW POST-PONED AND IT WILL NEED A SEPARATE VOTE, I THINK, TO PRODUCE IT.

THE SECOND THING IS THAT WE DON'T HAVE OUR OWN PRINTING PRESS. WE HAVE A PRESS WHICH PRODUCES THIS TYPE OF THING WHICH ISN'T SET UP FOR PROPER BINDING AND PROPER MULTIPLICATION. WE DON'T HAVE THAT. WE DON'T HAVE MANPOWER FOR THE PRINTING PRESS. WE DON'T HAVE MANPOWER IN EITHER MRS. ADAM'S OFFICE OR IN MY OFFICE TO DO IT.

IT IS A DESIRABLE THING BUT WE WOULD NEED A SPECIAL VOTE, I THINK, OF THIS HOUSE TO GET ON WITH IT.

MR. CHAMBERLIST: MR. CHAIRMAN, I AM GOING TO PUT TO MR. LEGAL ADVISOR A COUPLE OF POINTS THAT I HAVE SPURTED HERE WHERE SUGGESTIONS THAT HAVE BEEN MADE BY BOTH THE HONOURABLE MEMBER FROM WHITEHORSE NORTH AND THE HONOURABLE MEMBER FROM CARMACKS-KLUANE, BUT BECOME COMPLETED NEGATED.

UNDER SECTION 20, IT SAYS, "FOR THIS PURPOSE FOR THE PURPOSE OF CARRING INTO EFFECT THE PROVISIONS OF THIS ORDINANCE". THERE IS NOTHING IN THE PROVISIONS OF THIS ORDINANCE WHICH WOULD EXCEMPT ANY CLASS OF PERSONS FROM THE PAYMENT OF THE TAX IMPOSED BY THIS ACT. THE WAY THIS IS WRITTEN NOW ALL YOU CAN DO IS MAKE REGULATIONS FOR THE PURPOSE OF CARRING INTO EFFECT THE PROVISIONS. THAT IS A POINT.

THE LEGISLATION OF ALBERTA, TWO PARTICULAR AREAS DEALING WITH REGULATIONS, STARTS OFF, "LIETENANT GOVERNER IN COUNCIL MAY MAKE REGULATIONS EXCEMPTING ANY CLASS OF PERSONS FROM THE PAYMENT OF TAX IMPOSED BY THIS ACT, PROVIDING FOR THE REFUND OF THE WHOLE OR ANY PART OF THE TAX PAID UNDER THIS ACT."

YOU HAVEN'T ANY PROVISION FOR REFUND WHERE THE MONEY HAS BEEN TAKEN IMPROPERLY, LET'S SAY, THERE IS NO PROVISION IN THERE. HOW CAN YOU HAVE AN OPEN REGULATION TO SAY YOU CAN MAKE REGULATION WHEN THERE IS NO PROVISION FOR REPAYMENT OR EXEMPTION? HENCE, I WOULD LIKE TO SEE EXEMPTED FROM TAX ALL OLD AGE PENSIONERS. THEY HAVE VERY LITTLE MONEY TO SPEND NOW AND NOW THEY START FINDING THERE IS A FEW CENTS EXTRA FOR THEIR CIGARETTES, TOBACCO, AND SNUFF AND WHAT NOT.

THE PRINCIPLE THAT I AM COMING OUT WITH HERE IS THAT YOUR SECTION 20 ONLY PROVIDES FOR CARRING REGULATIONS SHOULD BE PART OF IT. I THINK EVERY SCHOOL SHOULD HAVE A COPY OF IT AND EVERY ADVISORY COMMITTEE OR WHOEVER WANTS IT SHOULD BE ABLE TO HAVE A COPY OF IT.

I SHOULD SAY THAT WE HAVE A HANDBOOK FOR SCHOOLS AND IN THAT HANDBOOK ARE SOME OF THE REGULATIONS BUT THEY SHOULD BE COMPILED INTO A BOOKLET FORM. IN SOME JURISDICTIONS THEY SELL THE REGULATIONS SEPARATELY, MAYBE WE SHOULD BE LOOKING AT THIS AREA. THE REGULATIONS ARE OFTEN MORE IMPORTANT, THESE ARE THE DETAILS THAT INVOLVE THE PEOPLE IN THEIR DAY TO DAY LIFE AND SO OFTEN THEY DON'T HAVE THEM AVAILABLE TO THEM. I THINK IT IS A GOOD POINT BUT AGAIN YOU ARE INVOLVED WITH ADMINISTRATIVE COSTS. THERE IS CONSIDERABLE COST INVOLVED IN THIS SHOULD THE GOVERNMENT BE DOING THIS.

MR. MCKINNON: NUMBER ONE I WILL NOT ACCEPT THE LACK OF MANPOWER IDEA IN ANY WAY, SHAPE OR FORM FOR THE PUBLIC SERVICE OF THE YUKON TERRITORY WITH THE ADDITION OF 69 ADDITIONAL EMPLOYEES THIS YEAR. YOU JUST CAN'T PROVE THAT ONE TO ME.

SECONDLY, I THINK IT IS AN EXCELLENT IDEA AND THERE ARE HALF A DOZEN MAJOR PIECES OF LEGISLATION WHICH THE TERRITORIAL SECRETARY'S OFFICE OBVIOUSLY KNOWS ABOUT WHICH ARE ON CALL CONSTANTLY BY MEMBERS OF THE PUBLIC AND THOSE I THINK, SHOULD BE IN BOOKLET FORM WITH THE REGULATIONS ATTACHED. I CAN'T AGREE MORE WITH THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT IF A PERSON DOES GO IN AND LAY DOWN THEIR MONEY FOR THE ORDINANCE AND WITH THE REGULATORY AUTHORITY AND THE REGULATIONS THAT ARE PROMULGATED UNDER EACH ORDINANCE, THE PEOPLE REALLY DON'T KNOW WHAT THEY HAVE UNLESS THEY HAVE THE REGULATIONS THAT GO ALONG WITH THE ORDINANCE. I THINK IT IS AN EXTREMELY SENSIBLE IDEA. ONE WHICH I WOULD LIKE TO SEE INCORPORATED BY THE YUKON TERRITORY WITH AT LEAST A HALF DOZEN OF THE MAJOR PIECES OF LEGISLATION.

MR. LEGAL ADVISOR: MR. CHAIRMAN, WE SHOULDN'T JUMP INTO THE FACT THAT THE PEOPLE MIGHT BE TOO BUSY. AS I UNDERSTAND IT THE CLERKS OFFICE UNDERTOOK SOME TIME AGO TO SET OUT AND REVISE THESE REGULATIONS INTO MANUAL FORM SIMILAR TO THE CONSOLIDATED ORDINANCE. THEY WERE PREPARED TO ASSIGN STAFF FOR THIS PURPOSE. IT WASN'T A VERY URGENT THING BUT THEY ASSIGNED THE STAFF. BUT THE GOVERNMENT GROWS AND THE STAFF WAS EATEN UP TO DO OTHER THINGS. THIS THE PROVISIONS OF THE ORDINANCE AND IF THERE IS ANY AREA WHERE SOMETHING NEEDS TO BE DONE AND IT ISN'T SPELT OUT THEN YOU CAN'T CARRY IT OUT. YOU HAVE TO COME BACK AND GET AN AMENDMENT TO THE LEGISLATION. WHEREAS IF YOU SPELL OUT IN A SECTION WHICH WOULD PROVIDE

THE TYPE OF REGULATION THAT YOU CAN HAVE THEN THERE WOULD BE THESE CLAUSES IN THERE THAT YOU CAN MAKE A REGULATION EXEMPTING ANY CLASS OR PERSON OR PROVIDING FOR A REFUND.

I WOULD ASK MR. LEGAL ADVISOR, MR. CHAIRMAN, TO INDICATE WHETHER THERE IS ANY PROVISION IN THERE EXEMPTING ANYBODY OR ANY GROUP OF PEOPLE? OR WHETHER THERE IS ANY PROVISION FOR PAYING BACK PEOPLE WHO HAVE PAID ENOUGH FOR THIS ACT?

MR. LEGAL ADVISOR: MR. CHAIRMAN, IT WOULD NOT REQUIRE ANY SPECIAL LEGISLATIVE SECTION HERE TO DEAL WITH PAYING BACK TAXES PAID IN ERROR. THE COMMISSIONER COULD NOT, AS THE ORDINANCE STANDS, EXEMPT ANYBODY FROM THIS TAX.

IF HE HAD POWER UNDER THE FINANCE ADMINISTRATION ORDINANCE HE MAY EXERCISE SOME INDIVIDUAL POWER FOR A PURPOSE LIKE TO SETTLE A DISPUTE OR THAT TYPE OF THING. THE FINANCE ADMINISTRATION ORDINANCE DEALS WITH THE WHOLE, I THINK IT IS SECTION 11 OR 12, DEALS WITH THE WHOLE OF HIS POWER TO REMIT ANY TAX HERE OFFENDED. CERTAINLY NO COMMISSIONER WOULD ALLOCATE TO HIMSELF THE RIGHT, WITHOUT THE SPECIFIC RULING OF THIS HOUSE, TO CREATE A CLASS MAN FIRST WHO WAS NOT LIABLE TO THE TAX.

MRS. WATSON: MR. CHAIRMAN, I BELIEVE WE AGREED UPON, ON FRIDAY, THAT RATHER THAN WRITE THE EXEMPTION IN FOR MINIMAL TOBACCO AND CIGARETTES THAT ARE BROUGHT INTO THE TERRITORY IN THE REGULATION SECTION GIVING THE COMMISSIONER THE AUTHORITY TO DO THIS, THAT WE WOULD WRITE IT IN THE LEGISLATION ITSELF JUST AS IT IS DONE IN THE LIQUOR ORDINANCE. I THINK MYSELF THAT THIS IS THE ONLY TYPE OF EXEMPTION THAT WE ARE GOING TO BE PREPARED TO MAKE, I THINK THIS IS THE FEELING OF MOST OF THE COUNCILLORS HERE THAT, ARE YOU GOING TO EXEMPT A CERTAIN GROUP OF PEOPLE FROM PAYING THIS TAXATION AND HOW CAN YOU MAKE SURE THAT THAT EXEMPTION APPLIES TO ONLY THAT CERTAIN GROUP OF PEOPLE?

WE WERE TALKING ABOUT EXEMPTING CERTAIN AMOUNTS OF TOBACCO THAT IS BROUGHT INTO THE TERRITORY AND I AGREE WITH THIS COMPLETELY. THAT WE WERE PREPARED TO PUT IT RIGHT INTO THE LEGISLATION AND NOT INTO THE REGULATIONS.

MR. CHAMBERLIST: MR. CHAIRMAN, WHAT THE HONOURABLE MEMBER HAS SAID IS ENTIRELY DIFFERENT TO WHAT I AM TALKING ABOUT. I WOULD SUGGEST THAT SHE NOT TRY-

MRS. WATSON: MR. CHAIRMAN, ON A POINT OF ORDER. I DON'T REQUIRE CLARIFICATION ON WHAT THE HONOURABLE MEMBER SAID. IF THE HONOURABLE MEMBER REQUIRES CLARIFICATION OF WHAT I SAID I WOULD BE QUITE PREPARED TO PROVIDE IT.

MR. CHAIRMAN: I DON'T THINK THIS IS A POINT OF ORDER. THIS IS SIMPLY A DEBATE. IF YOU COULD JUST ONE AT A TIME-

MR. CHAMBERLIST: MR. CHAIRMAN, I SAY THAT THE HONOURABLE MEMBER ATTEMPTS TO PULL THE WOOL OVER MEMBERS EYES IF SHE ATTEMPTS TO INDICATE THAT WHAT WE HAVE DISCUSSED AND AGREED UPON WITH REFERENCE TO WHAT HAS BEEN BROUGHT IN OR GIVEN AS GIFTS FROM OUTSIDE AREAS HAS ANYTHING TO DO WITH THE SUBJECT MATTER THAT I AM TALKING ABOUT WHEN IT COMES TO REGULATIONS.

MRS. WATSON: MR. CHAIRMAN, I WONDER IF I COULD ASK THE HONOURABLE MEMBER A QUESTION?

MR. CHAIRMAN: ORDER PLEASE. I WONDER IF ONE MEMBER COULD SPEAK AT A TIME AND THEN WHENEVER HE HAS CONCLUDED THEN WE CAN COME BACK.

MRS. WATSON: MR. CHAIRMAN, WOULD NOT THE HONOURABLE MEMBER AGREE THAT THAT IS AN EXEMPTION FROM TAXATION?

MR. CHAMBERLIST: THAT IS ONLY AN EXEMPTION BECAUSE OF THE MANNER IN WHICH THE LEGISLATION IS WRITTEN. IF PEOPLE WOULD EXAMINE THESE PIECES OF LEGISLATION IT WOULD APPEAR THAT SOMEBODY MADE A FAUX PAS IN THE CONSUMER DEFINITION AREA. EVERY JURISDICTION HAD FOLLOWED IT IN EXACTLY THE SAME WAY AND NOW WE ARE DOING THE SAME. JUST ACTING LIKE A BUNCH OF SHEEP. BECAUSE SOME JURISDICTION LOOKED AT IT BEFORE AGAIN WE HAVE TO TAKE THIS TYPE OF THING.

I AM ONLY CONCERNED ABOUT WHAT IS GOOD FOR THE YUKON AT THIS TIME. I SAY THAT WE HAVE NOT SPELT OUT UNDER WHAT AREAS WE WOULD ALLOW THE COMMISSIONER TO MAKE REGULATIONS. I SAY IT WOULD BE DANGEROUS FOR US TO ALLOW SECTION 20 TO BE PUT IN AS IT IS.

MR. CHAIRMAN, I WOULD NOT SAY ANYTHING MORE ABOUT SECTION 20 AND GIVE MEMBERS TIME TO THINK ABOUT THIS AND WHEN WE COME TO IT WE CAN DEAL WITH IT AGAIN.

SEVERAL MEMBERS: AGREED.

MR. CHAIRMAN: NEXT SECTION IS SECTION 13 - 1.

MR. CHAIRMAN READS SECTION 13 - 1 OF THE ORDINANCE.

MR. CHAMBERLIST: MR. CHAIRMAN, MY FIRST OBJECTION HERE IS THE POWER THAT WE NOW GIVE TO THE TREASURER. I SAY THAT UNDER THE YUKON ACT IT IS ONLY THE COMMISSIONER THAT CAN IMPOSE PENALTIES. I SAY THERE IS NO OFFICER OF THIS ADMINISTRATION WHO HAS THE POWER TO IMPOSE A PENALTY. HE IS NOT IN CHARGE OF THE ADMINISTRATION. COULD MR. LEGAL ADVISOR MAKE SOME COMMENTS ON THAT PLEASE?

MR. LEGAL ADVISOR: MR. CHAIRMAN, I DON'T AGREE THAT IT IS FORBIDDEN IN THE YUKON. I THINK PROBABLY THIS COMES ABOUT BECAUSE THE EXPRESSION "TREASURER" IS USED AND IT IS PROBABLY "PROVINCIAL TREASURER" THAT IS USED OUTSIDE WHO IS A MINISTER OF THE CROWN. I THINK IT IS A POINT IN SAYING THE COMMISSIONER MAY DO THIS. PROVIDED THE MEMBERS ARE WILLING TO ACCEPT THE PRINCIPLE THAT BASICALLY THE COMMISSIONER ACCEPTS RESPONSIBILITY FOR THE ACTS OF HIS OFFICERS AND WHEN HIS OFFICERS ACT THEY ARE ACTING IN THE NAME OF THE COMMISSIONER AND NOT IN THEIR OWN NAMES.

MR. CHAIRMAN: THE NEXT SECTION IS SECTION 14.

MR. CHAIRMAN READS SECTION 14 - 1, 2, AND 3 OF THE ORDINANCE.

MR. TANNER: MR. CHAIRMAN, JUST FOR CLARIFICATION OF ALL MEMBERS. THE MEMBER FOR WHITEHORSE EAST IS SUGGESTING VIRTUALLY, I THINK, THAT YOU RETREAT WHERE THE ORDINANCE SHOULD READ COMMISSIONER.

MR. LEGAL ADVISOR: IN THIS PARTICULAR AREA.

MR. TANNER: I SEE ADMITTEDLY, THAT THE AUTHORITY RESTS WITH THE COMMISSIONER BUT AT LEAST YOU ARE IDENTIFYING THE OFFICER WHO IS STRICTLY IN CHARGE HERE AND I THINK THAT IS THE INTENT OF THE LEGISLATION.

MR. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN, I WILL START BY 14 - 1. I WONDER IF MR. LEGAL ADVISOR COULD INDICATE WHY IT WOULD READ, "WHERE A DEALER HAS FAILED TO COLLECT OR TO REMIT." SHOULD THIS NOT BE FAILED TO COLLECT AND REMIT? DOING BOTH OF THE THINGS.

MR. LEGAL ADVISOR: THE HONOURABLE MEMBER IS SUFFICIENTLY FAMILIAR WITH THE WAY COURT SYSTEMS WORK TO KNOW THAT WE'VE HAD CASES, I THINK UNDER THE FUEL OIL TAX ON THIS POINT WHERE WE CHARGED A PERSON FOR FAILING TO REMIT THE TAX AND HIS DEFENCE WAS HE COULDN'T REMIT SOMETHING HE DIDN'T HAVE. HE HAD FAILED TO COLLECT IT AND THEREFORE HAD NO DUTY TO REMIT IT. WE LOST THE CASE. WE ARE PUTTING IT "COLLECT OR" BECAUSE IT IS HIS DUTY TO COLLECT AND NOT TO GIVE PEOPLE A FREE RUN.

MR. CHAMBERLIST: I SAY IT IS HIS DUTY TO REMIT AS WELL, THEREFORE HE HAS A DUAL DUTY. HE HAS TO COLLECT AND REMIT. SO THEN YOU CAN GET HIM BOTH WAYS. WOULDN'T THAT BE CORRECT.

MR. LEGAL ADVISOR: IT IS A DRAFTING POINT, MR. CHAIRMAN. I CHOSE TO USE THE WORD "OR" IN ORDER TO AVOID HAVING TO CHARGE A PERSON WITH THE ONE CHARGE TO COLLECT AND REMIT. I PREFER TO CHARGE HIM WITH EITHER FAILING TO COLLECT AND ON THE SECOND COUNT FAILING TO REMIT. THEN LET HIM CHOSE WHICH HE IS GOING TO PLEAD GUILTY TO.

MR. CHAMBERLIST: THIS IS PLACING DOUBLE JEOPARDY. WHEN IT COMES TO THE TREASURER IN THIS SECTION AGAIN I SAY IT APPLIES BECAUSE THE REMITTANCE IS PAID TO THE COMMISSIONER WHO IS THE KEEPER OF THE YUKON CONSOLIDATED REVENUE FUND. ISN'T THAT SO?

MR. LEGAL ADVISOR: MR. CHAIRMAN, ASSUMING THAT THE TREASURER IS OPPOSITE THE COMMISSIONER I WOULD AGREE. BUT DON'T TAKE THAT WHEN I SAY I AGREE THEY'LL AGREE AT THE OTHER END OF THE HALL. IT WILL BE SUITABLE TO ME AS A DRAFTSMAN TO SAY THE COMMISSIONER IN SUB-SECTION 1, THE COMMISSIONER IN SUB-SECTION 2 AND WITH A CAUTION, I THINK THE TREASURER IS THE BEST PERSON TO SEND THE NOTICE IN SUB-SECTION 3. HE IS A FINANCIAL OFFICER SO IF WE COULD HAVE A SAW-OFF, IF I HAVE THAT KIND OF POWER TO CHANGE COMMISSIONER IN SUB-SECTION 1 AND SUB-SECTION 2 BUT LEAVE TREASURER IN SUB-SECTION 3.

MR. CHAMBERLIST: MR. CHAIRMAN, I AM SURPRISED TO HEAR THAT MR. LEGAL ADVISOR WOULD SAY THAT EVEN IF HE GIVES AN OPINION HE DOESN'T EXPECT THE PEOPLE AT THE END OF THE HALL TO HONOUR HIS OPINION. I KNOW THIS HAPPENS MOST TIMES BUT AT LEAST WE CAN GET IT RIGHT WHILE HE IS HERE AND PERHAPS WE ARE PREPARED TO ACCEPT HIS ADVICE WHEN THE COMMISSIONER AND THE OTHER PEOPLE AT THE END OF THE HALL ARE NOT.

MRS. WATSON: MR. CHAIRMAN, WE ARE GOING TO HOLD IT TO THAT.

MR. CHAMBERLIST: I SAID PERHAPS I DIDN'T SAY WE WOULD.

MR. CHAIRMAN: ORDER PLEASE. ANYTHING FURTHER ON 14.

MR. CHAMBERLIST: WE ARE GOING TO TAKE OUT THE WORD TREASURER THERE EXCEPT 1 AND 3.

MR. CHAIRMAN: 15 - 1

MR. CHAIRMAN READS SECTION 15 -1 OF THE ORDINANCE.

MR. LEGAL ADVISOR: MR. CHAIRMAN, ALL OF THESE SECTIONS ARE THOROUGHLY NECESSARY IN THIS TYPE OF COMMERCIAL LEGISLATION BECAUSE WE HAVE SITUATIONS WHERE A CORPORATION IS OPERATING OUTSIDE AND ONLY marginally OPERATING HERE. THE PARTICULAR OPERATOR SAYS, "THIS IS A COMPANY." SOMETIMES HE DOESN'T EVEN COME TO COURT. WHAT CAN YOU DO WITH A PLACE WHICH HAS NO ASSETS." BUT THE PERSON WHO IS HERE CAN BE FOUND GUILTY AND WITH THIS SECTION WE FIND IT A TENDENCY OF MANAGERS OF CORPORATIONS TO OBEY THE LAW IF THEY CAN, AND TO MAKE THEIR COMPANY DO THE SAME THING. WITHOUT IT WE ARE IN A VERY BAD POSITION. I THINK THE HONOURABLE MEMBER HAS HAD EXPERIENCE WITH THIS.

MR. CHAIRMAN READS SECTION 16 (1) (A), (B) (C) (D) (E) AND (F).

MR. CHAMBERLIST: MR. CHAIRMAN, I HAVE A QUESTION HERE. SECTION 16 (1) (A) MAKES REFERENCE TO CERTIFICATE OR FORM USED UNDER THIS ORDINANCE. SECTION 16 (1) (D) REFERS TO FORMS REQUIRED BY THIS ORDINANCE AND THE REGULATIONS. SHOULD THEY BOTH NOT BE THE SAME? THAT IS CERTIFICATE OR FORMS USED UNDER THIS ORDINANCE AND THE REGULATIONS IN EXACTLY THE SAME WAY AS IT SAYS IN (D)?

MR. LEGAL ADVISOR: IT SHOULD BE THE SAME, MR. CHAIRMAN, BUT I THINK THE WORDS "AND THE REGULATIONS" SHOULD BE LEFT OUT BECAUSE UNDER THE INTERPRETATION ORDINANCE, ORDINANCE INCLUDES REGULATIONS.

MR. TANNER: MR. CHAIRMAN, YOU'RE TAKING OUT "AND THE REGULATIONS"? IN SECTION (1) (D).

MR. CHAIRMAN: CORRECT.

MR. CHAMBERLIST: I WONDER IF WE CAN GET A REASON FROM MR. LEGAL ADVISOR AS TO WHY WE HAVE REFERENCE TO RECORDS OR DOCUMENTS? IS THERE A DIFFERENCE BETWEEN RECORDS OR DOCUMENTS, OR SHOULD THAT NOT BE RECORDS WHICH INCLUDES DOCUMENTS?

MR. LEGAL ADVISOR: I DON'T THINK IT MAKES ANY DIFFERENCE, REALLY, MR. CHAIRMAN, WHETHER IT'S IN OR OUT. IT'S JUST THAT THERE MAY BE A DOCUMENT WHICH IS NOT A RECORD. IT COULD BE AN APPLICATION FORM OR SOMETHING. YOU KNOW, YOU CAN CONSTRUCT A MEANING FOR A DOCUMENT WHICH DOES NOT INCLUDE A RECORD AND YOU CAN CONSTRUCT IT FOR MEANING RECORD WHICH HAS NOTHING TO DO WITH A DOCUMENT.

MR. CHAIRMAN: (2). MR. CHAIRMAN READS SECTION (2).

MR. CHAIRMAN: DOES MR. CHAIRMAN WANT TO GIVE THEM THAT MUCH POWER?

MR. CHAIRMAN CONTINUES READING SECTION (2).

MR. CHAMBERLIST: I THINK IT'S SATISFACTORY TO HAVE THE TREASURER THERE BECAUSE HE IS THE ONE WHO IS GOING TO DO THE ACCOUNTING. I FIND NOTHING WRONG WITH THAT.

MR. LEGAL ADVISOR: ACTUALLY, IT'S THE SUBSECTION. IF YOU ARE ASKING THE QUESTION, IS IT SATISFACTORY, IT SHOULD BE A CERTIFICATE PURPORTING TO BE SIGNED BY THE TREASURER.

MR. CHAMBERLIST: WHY WOULD IT BE PURPORTING?

MR. LEGAL ADVISOR: YOU SEE, THE TREASURER'S NAME IS ON THE FOOT OF THE CERTIFICATE AND YOU HAND HIM A CERTIFICATE AND YOU HAVE PRINTED UNDERNEATH THAT, TREASURER. UNLESS THE PERSON DISPUTES THAT, THE DOCUMENT ITSELF IS SUFFICIENT. UNLESS THE CERTIFICATE IS SIGNED BY THE TREASURER, YOU'VE GOT TO PROVE THAT THAT PERSON IS THE TREASURER, YOU'VE GOT A WITNESS TO ADD INTO IT. OR, THERE IS ANOTHER CERTIFICATE SIGNED BY



THE COMMISSIONER APPOINTING THE PERSON AS A TREASURER. SO, IT SHOULD BE PURPORTING TO BE SIGNED BY THE TREASURER.

MR. CHAIRMAN: DO YOU WANT TO NOTE THAT FOR FURTHER CONSIDERATION?

MR. TANNER: MR. CHAIRMAN, IF THE HONOURABLE MEMBERS WANT TO PUT PURPORTING TO BE SIGNED BY THE TREASURER, IT'S FINE.

MR. CHAMBERLIST: WE WILL ACCEPT THE LEGAL ADVISOR'S ADVICE AT THIS TIME, IN THAT PARTICULAR AREA.

MR. CHAIRMAN: (4). MR. CHAIRMAN READS SECTIONS (4) AND (5).

MR. CHAMBERLIST: WE HAVE ALREADY SAID THAT IN SECTION 16. (1) (F). RIGHT AT THE BOTTOM THAT NOTHING CONTAINED IN THIS SECTION NOR THE ENFORCEMENT OF ANY PENALTY THEREUNDER SHALL SUSPEND OR AFFECT THE RECOVERY OF ANY TAX. AND NOW WE'VE GOT SUB (5) NOTHING IN THIS SECTION NOR THE ENFORCEMENT OF ANY PENALTY SHALL SUSPEND OR AFFECT ANY REMEDY FOR THE RECOVERY OF ANY TAX PAYABLE UNDER THIS ORDINANCE. YOU KNOW, THIS IS THE SAME THING.

MR. TANNER: MR. CHAIRMAN, I DON'T THINK IT DOES MEAN THE SAME THING. I THINK IT'S SLIGHTLY DIFFERENT.

MR. CHAMBERLIST: IT'S STILL UNDER THE ORDINANCE, WHAT THE HELL'S THE DIFFERENCE. IT JUST COSTS US MORE TO PRINT, THAT'S ALL.

MR. CHAIRMAN: 17. (1). MR. CHAIRMAN READS THE SECTION.

MR. CHAMBERLIST: WHAT I QUESTION THERE IS; ON WHOM IS THE BURDEN TO PROVE THE TAXES OWING? THIS IS THE BURDEN PROVING HE HAS PAID OR REMITTED. NOW WHO HAS THE BURDEN TO SAY WHETHER TAX IS OWING?

MR. LEGAL ADVISOR: THE CROWN, MR. CHAIRMAN.

MR. CHAMBERLIST: RIGHT. IT DOESN'T SAY THAT THERE, DOES IT?

MR. LEGAL ADVISOR: IT'S THE LAW.

MR. CHAMBERLIST: IT'S THE LAW. O.K. SO WE HAVE, MR. CHAIRMAN, IN THAT CASE IN THIS SECTION WE ARE SAYING IN ACTUAL EFFECT THAT THERE IS NO PROOF REQUIRED AT ALL IF A PERSON SAYS "I HAVEN'T COLLECTED ANY TAX." THEN IT'S UP TO THE CROWN TO PROVE THE TAX HAS BEEN COLLECTED.

MR. LEGAL ADVISOR: MR. CHAIRMAN, IN A CRIMINAL CASE AND THESE WILL BE REGARDED AS CRIMINAL CASES FOR THE PURPOSE OF ANY RULES OF EVIDENCE. THE ONUS IS ON THE CROWN TO PROVE THE CASE FROM START TO FINISH THAT THAT PERSON THERE COMMITTED THIS PARTICULAR OFFENSE. WHEN YOU ARE PROVING, WITH THE ADDITION OF SECTION 17, TO PROVE THIS, THAT THE PERSON OWES TAX, THEN BY OPERATION OF THIS SECTION THE PERSON CAN EITHER SAY, "NO, I DON'T OWE TAX" - THEN YOU HAVE A CLASH AT THAT POINT, OR HE CAN SAY, "YES, I OWE TAX, BUT I PAID IT." THEN, IF HE SAYS, "YES, I PAID IT", HE'S GOT TO PRODUCE SOME PROOF SOMEWHERE THAT HE PAID IT. OTHERWISE WE WOULD BE TECHNICALLY, IN THE POSITION OF HAVING TO PROVE IT AND BRING IN TERRITORIAL AGENTS FROM ALL OVER THE PLACE.

MR. CHAIRMAN: 18. (1). MR. CHAIRMAN READS THAT SECTION.

MR. CHAMBERLIST: WHY SHOULD THIS BE 3 YEARS? ISN'T IT A LONG PERIOD OF TIME? I RECALL UNDER THE FUEL OIL WE HAVE 2 YEARS. WHY CAN'T WE KEEP THAT IN THE SAME AREA OF TIME?

MR. LEGAL ADVISOR: I DON'T REALLY KNOW, MR. CHAIRMAN. SOMEBODY LIKED ODD NUMBERS AND PUT IN THREE. BUT IT HAS TO BE A LENGTHY PERIOD, NOT FOR A SIX MONTHS OR A YEAR PERIOD.

MR. TANNER: MR. CHAIRMAN. I THINK IT'S BEEN MADE THREE UNDER THIS SECTION BECAUSE UNDER THE FUEL TAX ORDINANCE WE HAD OCCASION WHERE AFTER TWO YEARS WE HAD AN OUTRIGHT CASE AND WE COULDN'T PROSECUTE AND WE THOUGHT WE SHOULD HAVE THAT ABILITY.

MR. CHAMBERLIST: BUT, YOU SEE, A BUSINESS COULD CHANGE HANDS TWO OR THREE TIMES IN THAT PERIOD OF TIME. IT WOULD BE UNFAIR. YOU KNOW, THE HONOURABLE MEMBER FROM WHITEHORSE NORTH MIGHT BE FACED WITH THIS TYPE OF THING IN TIME AND IT WOULD BE UNFAIR BECAUSE IT SHOULD JUST BE LIMITED TO A PERIOD OF TWO YEARS. WE HAVE THAT TWO YEARS FOR A SIMILAR TYPE OF THING IN THE FUEL OIL ORDINANCE, WHY NOT KEEP IT THE SAME?

Mr. TANNER: Mr. CHAIRMAN, THE POINT I AM MAKING IS THAT THE EXPERIENCE UNDER THE FUEL OIL TAX ORDINANCE IS THAT TWO YEARS WASN'T SUFFICIENT AND WE ARE REPAIRING THAT OMISSION OF THE LAST TIME AND MAKING IT THREE YEARS THIS TIME WHICH WE FELT WOULD BE SUFFICIENT HERE.

Mr. CHAMBERLIST: THE FIRST TIME WE HAD THE FUEL TAX ORDINANCE, IT WAS ONE YEAR AND THEN WE MADE IT INTO TWO. NOW WE'RE SAYING TWO IS NOT LONG ENOUGH, WE'RE MAKING IT INTO THREE, NEXT TIME SOMETHING WILL COME ALONG AND WE'LL MAKE IT FOUR. THEN IT WILL BE FOREVER. YOU KNOW, YOU'VE GOT TO PUT A STOP TO THIS TYPE OF THING SOME TIME. WE SHOULD GO ALONG WITH THE TWO YEARS BECAUSE WE'VE ALREADY GOT THAT. WE MIGHT HAVE DIFFERENT PERIODS OF TIME FOR THIS TYPE OF THING.

Mr. CHAIRMAN: 19. Mr. CHAIRMAN READS SECTION 19. (1) (2).

Mr. CHAMBERLIST: WELL, Mr. CHAIRMAN, HERE IS A RIDICULOUS SITUATION. SOMEBODY HAS AN APPLICATION FORM. IT DOESN'T SAY WHETHER HIS APPLICATION HAS BEEN ACCEPTED OR WHAT. JUST ON THE BASIS OF HIS APPLICATION FORM HE IS A DEALER. I WOULD SAY THERE IS A REQUIREMENT THAT HE BE GRANTED A PERMIT ON THE BASIS OF HIS APPLICATION FORM. THEN HE BECOMES A DEALER. WOULD NOT Mr. LEGAL ADVISOR AGREE?

Mr. LEGAL ADVISOR: I AGREE THERE TO A FIRST BLUSH THAT THE HONOURABLE MEMBER IS PERFECTLY CORRECT. I IMAGINE THAT WHAT'S GOING TO HAPPEN IS A FILE WILL BE KEPT OF APPLICATION FORMS AND THEY WILL ALL BE GRANTED AS A MATTER OF ROUTINE AND PERMITS WILL BE SENT OUT AND THEN IF EVERYONE IS GRANTED A PERMIT, EXCEPT IN A CASE OF FRAUD OR PREVIOUS CONVICTION OR SOMETHING, THEN THAT'S IT. YOU LOOK AT THE FILE TO SEE IF HE HAS MADE APPLICATION AND THAT'S IT. THIS IS WHAT I THINK.

Mr. CHAMBERLIST: SURE, FINE. THIS MIGHT BE NICE. THIS IS THE WAY WE WOULD LIKE TO HAVE IT BUT IT DOESN'T SAY THAT. YOU CAN'T READ INTO LEGISLATION SOMETHING THAT'S NOT THERE. IT JUST SAYS ON THE BASIS OF HIS APPLICATION FORM AND THAT'S ALL.

Mr. LEGAL ADVISOR: NOW, THE HONOURABLE MEMBER IS NOT READING THE LATIN INSERTED THERE WHICH IS PRIMA FACIE EVIDENCE. THAT IS, IT'S EVIDENCE WHICH HE CAN DENY SO A PHOTO COPY OF HIS APPLI-

CATION IS HANDED IN, THE MAGISTRATE ASSUMES THAT HE IS A DEALER BUT IF HE SAYS HE IS NOT, THAT'S THE END OF THE APPLICATION FORM. HIS EVIDENCE IS FINAL BUT IN THE PROSECUTION PART OF THE CASE, ALL THAT HAPPENS IS A DOCUMENT IS HANDED TO THE DEALER. IF HE SAYS HE IS NOT, HE'S NOT.

Mr. CHAMBERLIST: WHY SHOULD THE PERSON BE PLACED IN THE POSITION OF HAVING TO GO BEFORE THE COURT BECAUSE SOMEBODY SAYS, "I'VE GOT AN APPLICATION FORM"? SO THEREFORE, HE MUST BE A DEALER. THIS IS WHAT THIS IS SAYING. THIS IS SAYING THAT BECAUSE SOMEBODY HAS AN APPLICATION FORM, HE CAN BE PROSECUTED. IT'S PRIMA FACIE EVIDENCE. Mr. CHAIRMAN, I KNOW Mr. LEGAL ADVISOR FOR SO MANY YEARS NOW, I KNOW THAT HE AGREES WITH WHAT I SAY. THAT THE WAY THIS IS WRITTEN UP NOW IS THAT IN ANY PROCEEDING AGAINST A PERSON PURSUANT TO THIS ORDINANCE, HIS APPLICATION FORM FOR A DEALER'S PERMIT IS PRIMA FACIE EVIDENCE AND YOU KNOW, AFTER HE HAS PUT IN HIS APPLICATION FORM HE MIGHT SAY, "AH, FORGET IT, I'M NOT INTERESTED." BUT THE VERY FACT THAT HE HAS PUT IN HIS APPLICATION FORM, THAT IS PRIMA FACIE EVIDENCE. WELL SURELY, WE CAN DO SOMETHING BETTER THAN THAT.

Mr. LEGAL ADVISOR: Mr. CHAIRMAN, I'M NOT SURE WHAT FILING SYSTEM IS UTILIZED FOR THE NECESSITY OF THIS SECTION. I JUST CANDIDLY DON'T KNOW BUT WE ARE NOT MAKING IT AN OFFENSE TO BE A DEALER AND CHARGING A MAN WITH BEING A DEALER. WE'RE CHARGING A MAN FOR SELLING TOBACCO WITHOUT PAYING A TAX WITH SELLING IT WITHOUT PAYING A TAX. FOR NOT PAYING THE TAX, THAT'S WHAT WE ARE CHARGING HIM WITH. SO, IF WE CHARGE THAT JOHN JONES, BEING A DEALER PURSUANT TO SECTION 50-AND-SO DID ON THE BLANK DAY OF BLANK DID SELL \$10,000 WORTH OF TOBACCO WITHOUT TAXING, WE WOULD HAVE TO PROVE THAT HE IS JOHN JONES, WE'VE GOT TO PROVE THAT HE IS A DEALER. WHEN YOU BRING A WITNESS TO COURT YOU HAVE TO SAY HE IS A DEALER. WELL, IF HE IS A DEALER, YOU HAND HIM THE FORM, THAT'S IT. THEN HE CAN DENY IT.

Mr. TANNER: HE MAY NOT BE ABLE TO BRING IN A WITNESS TO COURT, Mr. CHAIRMAN. THE PROBLEM IS HE MIGHT HAVE SOLD IT TO SOMEONE WHO HAS TAKEN IT OFF HIM. YOU'VE GOT REASONABLY GOOD EVIDENCE WITHOUT HAVING A WITNESS COMING IN TO CORROBORATE IT. THIS IS THE WAY YOU GET AROUND IT.

Mr. CHAMBERLIST: YOU DON'T GET AROUND HAVING PEOPLE IN JAIL OR COURT. YOU DON'T MAKE LEGISLATION JUST ON THE OFF-CHANCE YOU CAN FIND A WAY TO MAKE A PRIMA FACIE CASE AGAINST HIM.

YOU USE AN APPLICATION FORM TO MAKE A PRIMA FACIE CASE AGAINST THE PERSON AND AN APPLICATION FORM. MR. LEGAL ADVISOR KNOWS OF WHAT I TALK. YOU'VE GOT TO USE AN APPLICATION FORM TO MAKE A PRIMA FACIE CASE OF EVIDENCE THAT THIS PERSON IS A DEALER. WHETHER HE'S GOT A PERMIT OR NOT. NOW, WHY CAN'T WE SAY THAT IN ANY PROCEEDING AGAINST A PERSON PURSUANT TO THIS ORDINANCE, HIS APPLICATION FORM AND HIS DEALER'S PERMIT OR WHY NOT BE THE DEALER'S PERMIT BE THE PRIMA FACIE EVIDENCE. WHY MAKE AN APPLICATION FORM?

MR. TANNER: HE'S GOT THE DEALER'S PERMIT, WE HAVE THE APPLICATION FORM.

MR. CHAMBERLIST: WE KEEP THE COPY OF THE DEALER'S PERMIT. THE APPLICATION FORM DOESN'T NECESSARILY MEAN THAT THERE WILL BE A PERMIT ISSUED. THERE ARE HUNDREDS OF AREAS WHERE PEOPLE GO TO THE GOVERNMENT AND ASK FOR APPLICATION FORMS AND GET APPLICATION FORMS. BECAUSE SOMEBODY MAKES APPLICATION FOR A PIECE OF LAND, DOES THIS MAKE HIM THE OWNER OF THE LAND? THE APPLICATION FORM DOESN'T MEAN THAT HE POSSESSES THE LAND BECAUSE HE HAS APPLIED BY WAY OF AN APPLICATION FORM. THIS IS WHAT I AM SAYING. IT'S WRONG TO HAVE THAT TYPE OF THING.

I'M SURE THAT MR. LEGAL ADVISOR DIDN'T WRITE THAT SECTION. HE WOULDN'T ALLOW IT TO BE IN THERE.

MR. MCKINNON: MR. CHAIRMAN, CERTAINLY IT'S GOT TO BE A COPY OF THE PERMIT WHICH IS KEPT, A CERTIFIED COPY OF THE PERMIT IS WHAT IT SHOULD BE. THE DEALER'S PERMIT, NOT THE APPLICATION TO LICENCE BECAUSE IT WORKS LIKE LAND. THE HONOURABLE MEMBER HAS SAID THERE ARE PROBABLY THOUSANDS OF APPLICATIONS FOR LAND. THE POOR SOUL NEVER OBTAINED THE LAND IN THE FINAL ANALYSIS.

MR. LEGAL ADVISOR: I'M IN THE DARK ON THIS, MR. CHAIRMAN. IT MIGHT BE A MULTI PART FORM AND HE MIGHT FILL IN THE TOP, MAKING AN APPLICATION AND THEN THEY PULL OFF A COPY WHICH IS PRINTED 'PERMIT' AND THE PRINTING IS RIGHT, YOU SEE, AND YOU JUST HAND IT TO HIM. I JUST DON'T KNOW HOW THE SYSTEM WORKS. WE CAN LOOK AT IT. I'M MAKING THE ASSUMPTION THAT THERE IS A PURPOSE FOR THIS SECTION FOR THE SECTION DIDN'T ARRIVE HERE BY ACCIDENT SO I WILL FIND OUT WHAT THE PURPOSE WAS.

MR. CHAMBERLIST: PERHAPS YOU WOULD LOOK AT IT AND GET SOME COMMENTS ON THAT.

MR. CHAIRMAN: 20. MR. CHAIRMAN READS THAT SECTION.

MR. CHAMBERLIST: ALRIGHT THEN, MR. CHAIRMAN. THIS IS WHERE I COME BACK AGAIN. I'VE HAD MY SAY AND I WOULD LIKE TO HEAR WHAT OTHER MEMBERS HAVE GOT TO SAY ABOUT THESE REGULATIONS BECAUSE IT'S AN IMPORTANT AREA HERE WHERE YOU HAVE A SECTION HERE THAT GIVES ABSOLUTE CARTE BLANCHE, WITHOUT DEFINING ANYTHING.

MR. TANNER: AGREED, MR. CHAIRMAN. WE AGREED AN HOUR AGO.

MRS. WATSON: THERE IS ONE AREA I DISAGREE THOUGH. I DON'T THINK THE COMMISSIONER SHOULD BE GIVEN POWER TO MAKE EXCEPTIONS. THERE ARE CERTAIN GROUPS OF PEOPLE OR CLASSES OF PEOPLE UNDER THIS LEGISLATION IN THE REGULATIONS. THIS IS ONE THING THAT I DON'T DISAGREE WITH.

MR. TANNER: MR. CHAIRMAN, IN THE WHOLE ORDINANCE THERE IS NO VIEW AT ALL OF ACCEPTING ANYBODY. THAT'S WHY YOU DON'T NEED THAT PARTICULAR REGULATION.

MR. CHAMBERLIST: MR. CHAIRMAN, IT'S VERY FUNNY INDEED. THE HONOURABLE MEMBER FROM WHITEHORSE NORTH, HE KEEPS ON TELLING ME, LOOK IT'S IN THE OTHER LEGISLATION, IT'S IN THE OTHER LEGISLATION. SO, YOU KNOW, HE'S REFERRING TO THE OTHER JURISDICTIONS. SO I'M NOW POINTING OUT TO HIM THAT THERE IS PROVISION FOR MAKING REGULATIONS FOR EXEMPTIONS IN THE REGULATIONS. IT DOESN'T MEAN THAT THEY HAVE TO BE PUT INTO EFFECT, BUT WHY NOT HAVE THE REGULATIONS SPELLED OUT AS TO WHAT CAN BE DONE. AND WHY SHOULDN'T PEOPLE BE PAID BACK THEIR MONEY IF THEY'VE BEEN OVERCHARGED? DON'T FALL BACK ON THE FINANCIAL ADMINISTRATION ORDINANCE. THIS ADMINISTRATION HERE HAS BEEN DOING IT FOR YEARS. THEY MIGHT AS WELL DISPENSE WITH EVERY PIECE OF LEGISLATION. WE DON'T NEED ANYTHING BUT THE FINANCIAL ADMINISTRATION ORDINANCE. THIS IS HOW WE'LL GOVERN. WHAT TYPE OF GOVERNMENT ARE WE GETTING, TO A STAGE WHERE EVERYBODY WANTS TO FALL BACK ON ONE PIECE OF LEGISLATION AND SAY; WE DON'T NEED ANYTHING MORE, WE CAN GOVERN UNDER THAT ONE. ANYTHING TO DO WITH FINANCE, WE'LL MAKE THE RULES AS WE GO ALONG. WE DO NOT SPELL IT OUT, SO IF THERE IS MONEY DUE AND OWING, WHY SHOULD WE HAVE TO EACH TIME MAKE SPECIAL PROVISIONS WHERE A PROVISION COULD BE MADE FOR IT?

Mr. LEGAL ADVISOR: No, Mr. CHAIRMAN, IT WOULD BE MOST IMPROPER FOR THIS HOUSE TO JUST LEAVE CARTE BLANCHE TO THE COMMISSIONER TO MAKE EXEMPTIONS FOR CLASSES OF PERSONS ON THE BASIS OF AGE OR INCOME GROUPS. AND DEFINITELY IT WOULD BE A MAJOR THING FOR THIS HOUSE TO DEROGATE THIS POWER AND I CERTAINLY WOULD NOT ADVISE THE HOUSE TO DO IT.

NOW SO FAR AS MAKING EXEMPTIONS IS CONCERNED FOR POSSIBLY BULK SALES GOING THROUGH THE TERRITORY OR SOMETHING LIKE THAT OR REFUNDS FOR UNUSED TOBACCO WHICH WAS BEING IMPORTED AND TAKEN OUT AGAIN, THIS I CAN CONCEIVE OF, BUT NOT AS THE HONOURABLE MEMBER SEEMS TO SUGGEST THAT OLDER PEOPLE OR PEOPLE OF LOWER INCOME GROUPS, WITHOUT THIS HOUSE FULLY CONSIDERING EXACTLY WHAT IT'S DOING. IN SO FAR AS THE REGULATION MAKING POWER IN GENERAL IS CONCERNED, THIS IS WHAT WE HAVE BEEN USING. THAT B.C. TAKEN IN TACT AS READ BY THE HONOURABLE MEMBER IN WHOLE WOULD PARTLY BE ACCEPTED.

Mr. CHAMBERLIST: I'M JUST READING WHAT IS IN HERE. I'M NOT AGREEING THAT THERE SHOULD BE THE POWER FOR THE COMMISSIONER TO EXEMPT WHAT EVERY CLASS HE WANTS TO. I SAY I FEEL SORRY FOR THE SENIOR CITIZENS WHO ARE DOWN TO A MINIMAL AND THEN HAVE TO USE TAXATION AREAS. CERTAINLY I WANT TO SEE SPELLED OUT IN THE REGULATIONS CERTAIN AREAS.

NOW THIS SOMETIMES HAPPENS AND I KNOW THIS. YOU SOMETIMES GET DRIED UP CIGARS. WHAT HAPPENS THEN IS A DEALER MAY WANT TO SEND THOSE CIGARS ALL THE TOBACCO BACK, OR CIGARETTES. THIS HAPPENS IF THEIR PARTICULAR BRAND IS ON THE SHELVES FOR A LONG TIME. AND THERE SHOULD BE PROVISION, REGULATION FOR PROVISION OF REFUNDING THAT TAX TO THAT PERSON. THIS IS AN AREA WHERE I THINK WE SHOULD BE ABLE TO SPELL OUT THE PARTICULAR AREAS OF REGULATIONS. THIS IS WHAT I WANT TO SEE. I SIMPLY DON'T WANT TO SEE JUST ONE SECTION WRITTEN AS IT IS THERE, GIVING THE COMMISSIONER POWER TO DO ANYTHING AND EVERYTHING. THAT'S ALL.

Mrs. WATSON: Mr. CHAIRMAN, I AGREE THAT WE'RE QUITE PREPARED TO ACCEPT AS B.C. SECTIONS, BUT I WOULD NOT LIKE GIVING THE COMMISSIONER THE POWER TO MAKE EXEMPTIONS FOR CLASSES OF PEOPLE. AND I THINK THAT WE SHOULDN'T PUT THAT INTO THE REGULATORY POWER.

Mr. CHAMBERLIST: BUT WE SHOULD HAVE PROVISION FOR, WHICH IS NOT IN THE B.C. PORTION, FOR PROVIDING THE REFUND OF THE WHOLE OR IN PART OF THE TAX PAID UNDER THIS ACT, BECAUSE I GAVE AN EXAMPLE OF WHERE IT WELL MAY HAPPEN.

Mr. MCKINNON: Mr. CHAIRMAN, I AGREE WITH THE POINTS MADE BY BOTH THE HONOURABLE MEMBER FROM WHITEHORSE EAST AND FROM CARMACKS-KLUANE. THERE SHOULD BE THE GENERAL REGULATION OUTLINED IN THE ORDINANCE AS WHERE THE COMMISSIONER HAS POWER. BUT THE SPECIFIC REGULATION OF EXEMPTION WHICH IS ONLY IN THOSE AREAS IN WHICH WE'VE TALKED ABOUT THE OTHER DAY, SHOULD BE THE ONLY EXEMPTIONS. AND I THINK PROBABLY THE SADEST CALL THAT I GOT OUT OF ALL THE CALLS I'VE BEEN RECEIVING ON GOVERNMENT ACTIVITY LATELY WAS FROM AN OLD AGE PENSIONER WHO WAS VERY VERY UPSET THAT HE WAS GOING TO HAVE TO PAY A TOBACCO TAX AND I TRIED TO RATIONALIZE IT AWAY WITH THE KINDERGARTEN AND THE INCREASE OF SERVICES, AND I'M AFRAID THAT I DIDN'T GET VERY FAR. THE HONOURABLE GENTLEMAN JUST TOLD ME THAT HE DIDN'T GIVE A GOOD 'CENSORED CENSORED' ABOUT OUR KINDERGARTEN PROGRAM OR ANYTHING ELSE. AND THE PERSON WHO IS GOING TO BE CLUTCHING A CIGAR OR A CIGARETTE TO HIS DEATHBED OR A CAN OF SNUFF AND HE'S NOT GOING TO BE CONCERNED NO MATTER WHAT EDUCATION POLICIES THE MEMBER IN CHARGE OF EDUCATION MAKES TOWARDS THE DANGERS OF SMOKING. HE'S BEEN SMOKING FOR 40 OR 50 YEARS AND HE'S JUST NOT GOING TO CHANGE HIS HABIT. AND UNFORTUNATELY, THESE PEOPLE ARE GOING TO BE TAXED AND I AGREE THAT STARTING TO MAKE EXEMPTIONS FOR CERTAIN CLASSIFICATIONS AND AIDS WOULD BE COMPLETELY AND TOTALLY IMPOSSIBLE TO POLICE. SO UNFORTUNATELY, THE PERSONS WHO THE HONOURABLE MEMBER FROM WHITEHORSE EAST HAS MENTIONED ARE GOING TO BE HIT BY THIS TAX ALSO.

AND I SAY IT IS UNFORTUNATE, BUT HOW YOU GET AROUND IT IS SOMETHING THAT WOULD BE TOTALLY IMPOSSIBLE TO POLICE. BUT I WOULD LIKE TO SEE AS THE HONOURABLE MEMBER HAS STATED THAT THE REGULATIONS IN A GENERAL AREA OF WHAT AREAS THE COMMISSIONER CAN MOVE UNDER THE INTENT OF THE ORDINANCE, BE OUTLINED IN THE ORDINANCE. THE EXEMPTIONS THEMSELVES, THE MINIMAL EXEMPTIONS DEALING WITH WHAT IS ALLOWABLE UNDER FEDERAL LEGISLATION TO IMPORT INTO THE COUNTRY WITHOUT TAXATION, SHOULD BE INCLUDED IN THE LEGISLATION SO PEOPLE JUST DO KNOW THAT THIS IS WHAT IS EXEMPT AND THAT'S IT.

MR. CHAIRMAN: 21. THIS ORDINANCE SHALL COME INTO FORCE ON JUNE 1, 1974.

MR. CHAMBERLIST: HOW CAN WE HAVE THAT PASSED OUT? WE DON'T KNOW WHETHER WE'RE GOING TO GET THIS COMPLETED BY THAT DATE?

MR. CHAIRMAN: I BELIEVE WE HAVE SEVERAL CORRECTIONS COMING IN THIS BILL.

MR. MCKINNON: MR. CHAIRMAN, SEVERAL GENERAL QUESTIONS HAVE COME TO MIND DURING DISCUSSION OF THE ORDINANCE. I'M ALWAYS INTERESTED IN WHAT GOVERNMENT LEGISLATION DOES TO THE ACTUAL OPERATION OF SMALLER MEDIUM SIZED BUSINESSES IN THE YUKON. I THINK THIS IS AN AREA WHERE WE CAN USE THE HONOURABLE MEMBER FROM WHITEHORSE NORTH'S EXPERTISE ON IT. JUST HOW MUCH OF A PROBLEM WILL IT BE? AND WILL EXTRA PERSONNEL HAVE TO BE ADDED TO A COMPANY OF A MEDIUM SIZE THAT DEALS EXTENSIVELY IN TOBACCO PRODUCTS? YOU KNOW WE SIT HERE AND WE PASS LEGISLATION AND OFTEN WE DON'T THINK OF THE EFFECTS THAT IT HAS AND I KNOW THAT THE HONOURABLE MEMBER IS AS CONCERNED AS I AM BY THE MULTITUDE OF FORMS THAT COME IN FROM VARIOUS GOVERNMENT ACTIVITIES. YOU KNOW, YOU IGNORE IT AND THROW IT IN THE WASTE PAPER BASKET FOR A CERTAIN NUMBER OF TIMES UNTIL THEY COME WITH A REGISTERED LETTER THAT IF YOU DON'T TELL US MORE, THEN YOU HAVE TO TELL YOUR ACCOUNTANT. YOU'RE LIABLE TO ANY NUMBER OF DOLLARS IN FINES AND YEARS OF IMPRISONMENT. AND I THINK THAT IT'S INCUMBANT UPON THIS BODY TO REALLY LOOK AT HOW MUCH DIFFICULTY AND HOW MUCH ADDED EXPENSE WOULD ALWAYS END UP TO "JOE CONSUMER" ANYWAY THAT THE EFFECT OF THIS ORDINANCE WILL HAVE ON SMALL TO MEDIUM SIZE BUSINESSES.

MR. TANNER: MR. CHAIRMAN, I'VE GOT TO BE ONE OF THE MOST UNHAPPY PEOPLE AROUND TODAY BECAUSE WHEN I SEE LEGISLATION LIKE THIS AND WHEN I SEE THE POWERS THAT ARE GIVEN TO THE GOVERNMENT TO DO AS AND WHAT THEY PLEASE TO ENFORCE THIS TYPE OF LEGISLATION, IT HORRIFIES ME. AS FAR AS THE NEED FOR TAXING TOBACCO, I THINK IT OUTWEIGNS MY OWN RESERVATIONS ABOUT THE METHOD THAT'S BEING IMPOSED HERE. IF THERE'S GOING TO BE ONE THING, AND I'M EXPRESSING A PERSONAL OPINION, OBVIOUSLY THERE'S GOT TO BE ONE THING THAT I THINK SHOULD HAVE BEEN TAXED YEARS AGO IN THE YUKON AND IT HAS GOT TO BE TOBACCO. BECAUSE IT'S NOT NECESSARY. IT ISN'T ANYTHING OTHER THAN A PURE LUXURY WHICH THE INDIVIDUAL CHOOSES TO PAY THE TAX IF HE LIKES OR DOESN'T, BY SMOKING OR NOT SMOKING. AS FAR AS THE SMOKE COMPANY DEALING

WITH THIS, GENERALLY SPEAKING, THERE IS TWO THINGS THAT MAKE IT WORK WELL OR IT DOESN'T WORK WELL. FIRST OF ALL AS LONG AS THEY DON'T GET INTO ANY TROUBLE, AS LONG AS THEY'VE GOT AN ON GOING PROCESS AND THEY'VE GOT THE BASIC STAFF, THEY DON'T HAVE ANY PROBLEM WITH THIS SORT OF LEGISLATION. THE PROBLEM STARTS OR BEGINS WHEN THEY FORGET TO SEND IN A FORM OR WHEN THEY ARE UNABLE TO FIND A TAX WHICH THEY'VE COLLECTED AND YOU KNOW, THEY'VE HAD FOR 45 DAYS IN TRUST, AND THEY DON'T REMIT THE TAX OR THEY, FOR SOME REASON DURING THE OPERATION OF THEIR BUSINESS, THEY OVERLOOK SOME CERTAIN FORMS THAT THE GOVERNMENT REQUIRES. THEY ARE INCLINED TO GET INTO TROUBLE A LITTLE BIT AT THIS TIME. THAT IS NOT TOO MUCH TROUBLE AS LONG AS THE INSPECTORIAL SERVICES WHICH THE GOVERNMENT HAS, TAKE A REASONABLE ATTITUDE TO THE SITUATION THAT THEY FIND IN VARIOUS BUSINESSES. THE BIGGEST TROUBLE I SEE IS THE INSPECTORIAL SERVICES WHICH ARE NECESSITATED UNDER THIS ORDINANCE, ARE SUCH THAT THEY ENFORCE IN AN OVER ZEALOUS AND NON-UNDERSTANDING MANNER. AND INSTEAD OF SITTING DOWN WITH THE PERSON WHO THEY MIGHT BE INSPECTING AND SAYING, LOOK THIS IS WHAT YOU SHOULD HAVE DONE, THIS IS WHERE YOU'VE GONE WRONG, THIS IS WHAT YOU SHOULD DO AND WE'LL GIVE YOU TWO WEEKS TO GET IT STRAIGHTENED UP, AS LONG AS THEY TAKE THAT ATTITUDE, MOST BUSINESSES CAN DEAL WITH THEM. BUT WHEN THEY TAKE THE ATTITUDE, THIS IS WHAT THE LAW SAYS, THIS IS WHAT YOU'VE GOT TO DO, UNLESS YOU DO THIS RIGHT AWAY, YOU'RE GOING TO BE PROSECUTED IMMEDIATELY, IT'S THE PERSONAL INTERPRETATION ON THE PART OF THE INSPECTORS, THE PUBLIC BUG BEARER IS THE GREATEST BUG BEARER OF ALL SMALL BUSINESSES ACROSS THE TERRITORY. AND THIS IS REALLY WHAT I WAS TALKING ABOUT WHEN WE WERE TALKING ABOUT THE LABOUR STANDARDS ORDINANCE.

IT'S GOING TO BE AN ADDED BURDEN ON THE SMALL BUSINESSES. THERE'S NO DOUBT ABOUT IT, TO SOME EXTENT. BUT NOT TOO GREAT OF A ONE. IN MY OPINION, WHEN THE BENEFITS THAT ARE GOING TO ACCRUE TO THE POPULATION IN GENERAL, I THINK IT'S SOMETHING THAT THE SMALL BUSINESSES HAVE TO ACCEPT.

HOWEVER, I WILL MAKE ONE FURTHER POINT. IT GOES ON AND ON AND ON AND THERE COMES A DAY WHEN SMALL BUSINESSES SAY; YOU KNOW I CAN'T COPE WITH IT ANY MORE. I CAN'T COPE WITH THE FORMS YOU PEOPLE KEEP GIVING ME. I CAN'T COPE WITH THE INSPECTORS WHO WANT TO SEE ALL MY BOOKS. I CAN'T COPE WITH FEDERAL GOVERNMENT

WHO HAVE GOT CARTE BLANCHE TO COME IN AND TEAR DOWN WALLS AND DO WHATEVER THEY PLEASE AND REPOSSESS EVERYTHING WITHIN MY BUSINESS FACILITY HERE BECAUSE HE WANTS TO PROVE SOME POINT.

THE ONE THING ABOUT IT, THE ONE MINUTE THING THAT HAS SOME MERIT IN THE YUKON IS GENERALLY SPEAKING, BECAUSE WE ARE A SMALL JURISDICTION, PEOPLE WHO HAVE GOT A COMPLAINT OR SOME GRIEF, CAN VERY EASILY QUICKLY GET TO THE PEOPLE WHO THEY NEED TO TALK TO IN GOVERNMENT. THAT'S BEEN MY EXPERIENCE MANY MANY TIMES. SO GENERALLY SPEAKING IT'S GOING TO ADD ANOTHER BURDEN TO THE SMALL BUSINESS, BUT IT'S NOT GOING TO BE ANY WORST THEN, FOR EXAMPLE THE BURDEN THAT WAS ADDED TO THE PEOPLE WHO ARE IN THE FUEL BUSINESS TWO YEARS AGO AND THEY HAD THE FUEL TAX ORDINANCE.

Mrs. WATSON: MR. CHAIRMAN, I WONDER IF I COULD ASK THE HONOURABLE MEMBER A QUESTION. I THINK IT IS MY UNDERSTANDING THAT A LOT OF THE TAX OR MOST OF THE TOBACCO TAX WILL BE REMITTED BY THE WHOLESALE DEALER. NOW YOU'RE MORE FAMILIAR WITH THE TOBACCO BUSINESS, BUT WHAT PERCENTAGE DO YOU FEEL THAT THE RETAIL DEALER WILL HAVE TO BE HANDLING ON BEHALF OF THE GOVERNMENT?

Mr. TANNER: HE'LL BE HANDLING THE SAME PHYSICAL AMOUNT OF TAX, BUT IN ACTUAL FACT, MOST OF THE WORK WILL BE DONE BY THE DISTRIBUTOR, OR IN SOME CASES THE MANUFACTURER WHERE THE MANUFACTURER IS SHIPPING DIRECT, WHICH INCIDENTALLY THERE'S ONLY THREE IN THE YUKON THAT GET TOBACCO DIRECTLY. THEY ALL COME THROUGH DISTRIBUTORS. AND ON THE INVOICING FORMS EVERYTHING IS PRETTY WELL LAID OUT BY THE MANUFACTURER AND IT IS ALREADY RIGHT ACROSS THE COUNTRY SO IT'S NOTHING NEW TO THE MANUFACTURER OR THE DISTRIBUTOR. SO I DON'T SEE A GREAT DEAL OF

I TELL YOU IT MIGHT BE A PROBLEM FOR A BUSINESS WHICH IS REALLY BASICALLY SOME OTHER TYPE OF BUSINESS AND IS HANDLING CIGARETTES AS A VERY SMALL SIDELINE. IT'S GOING TO BE AN AGGRAVATION TO THEM TO SOME EXTENT. THERE'S SOMETHING THAT PROBABLY WITHIN SIX MONTHS OF HANDLING IT, THEY WON'T EVEN NOTICE THEY'RE DOING IT. BECAUSE AS FAR AS THEIR INVOICING IS CONCERNED IT'S DONE BY THE DISTRIBUTOR AND AS FAR AS THEIR DOLLARS AND CENTS AND THEIR STATEMENTS ARE CONCERNED, THESE ARE ALL BROKEN DOWN BY PRODUCT ANYWAY IN THE MAJORITY OF CASES.

Mr. McKINNON: WHAT WOULD BE THE ACTUAL PRACTICAL EXAMPLE OF SAY A PERSON WHO HAD TWENTY CIGARETTE VENDING MACHINES IN THE WHITEHORSE AREA? WHAT WOULD BE HIS INVOLVEMENT AS FAR AS THE PAYMENT OF THE TOBACCO TAX?

Mr. TANNER: MR. CHAIRMAN, I THINK IN THAT CASE, IN ACTUAL FACT, IT'S MY BELIEF THAT IN WHITEHORSE THERE IS ONLY ONE MAJOR VENDOR AND HE WOULD PAY THE TAX ON ALL THE MACHINES RIGHT ACROSS THE WHOLE STRATA OF HIS VARIOUS OPERATIONS. HE WOULD PAY ON HIS PURCHASES FROM THE WHOLESALER. EACH MACHINE WILL NEED A PERMIT. AS I UNDERSTAND, HE'LL HAVE TO HAVE A MACHINE FOR EACH PERMIT SO THEY CAN IDENTIFY WHERE THE MACHINES ARE AND MAKE SURE THAT THE TAX IS BEING COLLECTED. BUT AS FAR AS THE ACTUAL PAYMENT TO THE GOVERNMENT, IT WILL BE A ONE SHOT-45 DAY DEAL.

Mrs. WATSON: BUT THAT WOULD BE BY THE WHOLESALE, WOULD IT NOT? HE WON'T HAVE TO MAKE ANY PAYMENT, HE'LL JUST HAVE TO HAVE AN INVENTORY CONTROL.

Mr. TANNER: MR. CHAIRMAN, THERE IS ONE THING I THINK THE MEMBER SHOULD UNDERSTAND. THE BASIC RESPONSIBILITY FOR THE REMITTANCE OF A TAX STAYS WITH THE RETAILER. THE WHOLESALE DOES MOST OF THE WORK FOR HIM, BUT THE RESPONSIBILITY IF NOT BEING PAID FOR, IS ON THE RETAILER. AND THE RESPONSIBILITY FOR PAYING THE TAX IS OF COURSE ON THE CONSUMER.

Mr. CHAMBERLIST: MR. CHAIRMAN, WOULDN'T THE RETAILER, WHEN HE SELLS A PACKAGE OF CIGARETTES LET'S SAY FOR FORTY-FIVE CENTS AND THE TAX IS THREE OR FOUR CENTS, WOULDN'T HE HAVE TO SET UP A SEPARATE ITEM ON HIS CASH REGISTER SO THAT THE TAX IS REGISTERED SEPARATELY?

Mr. TANNER: MR. CHAIRMAN, THAT'S NOT THE WAY I READ THE LEGISLATION. NO I DON'T THINK SO. I THINK THE PRICE OF A PACKAGE OF CIGARETTES GOES UP IN A SMALL PACKAGE BY, FOR EXAMPLE, EIGHT CENTS AND THE EIGHT CENTS IS ADDED TO THE TOTAL RETAIL PRICE THAT THE CONSUMER BUYS AND THEN EIGHT CENTS OF THAT HAS GOT TO BE REMITTED TO THE TERRITORIAL GOVERNMENT. BUT NO, I DON'T THINK HE NEEDS A SEPARATE TAX. HE WOULD IF YOU WERE TALKING ABOUT A SALES TAX.

Mrs. Watson: Mr. Chairman, isn't that eight cents added to the price that you pay to the wholesaler too and then the wholesaler remits it?

Mr. Chairman: This is from the chair. This has the effect of legislating a profit to the operators because they never go to the eight cents, they go to ten cents.

Mr. Tanner: Mr. Chairman, that's the decision of the retailer quite frequently. Well I'll give you an example of a price increase in tobacco, of five cents just recently. The price to the retailer from the manufacturer is three point something. He either went to three cents or four cents, as most dealers did. They went to five cents because the next time, there's been two increases in the past which were absorbed by the retailer as a matter of interest. The reason that you don't, is that you go to the nearest nickel in the majority of cases. The public just get cheeased off when they're playing with pennies anymore. Admittedly for six months the retailers picked up an extra profit, but for the next six months it's probably going to cost him something. Now I'm never going to convince anybody around this table of that, but it's a fact.

Mr. Chamberlist: What is the cost of administering the collection of this tax?

Mrs. Watson: Mr. Chairman, I just can't answer that question. I don't think that we have any idea how much it's going to cost to administer either. Now under the fuel oil tax they may get an idea from the cost involved with them.

Mr. Tanner: Mr. Chairman, the Treasurer could probably make an estimate. In fact I think we've seen one, but I don't recall what it was. But the Treasurer could probably answer that question. I don't see any other inspectorial services needed. Perhaps one more person within the Inspectors Department would be needed so that the majority of this would be done when they're doing their normal inspection for their other records.

Mr. Chairman: Well is it your wish I report progress on this Bill?

Mr. Tanner: Mr. Chairman, it's the machines that we were after in 19 when we wanted prima facia evidence.

Mr. Chairman: Is it your wish I report progress on this Bill?

Some Members: Agreed.

Mr. Chairman: We'll just take a break at this time.

RECESS

Mr. Stutter: Mr. Chairman at this point I would like to try to get Committee's agreement to possibly having a representative or a group from the Y.T.A. Executive with us at the time that we discuss or even before we discuss Bill 8 and the principle of the Bill. I am making this suggestion now because I realize that the Executive or teachers may have a fairly tight schedule and if Committee would agree, it seems to me that we should know sometime in advance to try to plan discussions with them.

For my part, I would certainly like to have them here to get from them exactly what their views are regarding professional status and recognition. Perhaps under the Ordinance or wherever it is, I would like to have them here for that discussion if Committee will agree.

Some Honourable Members: Agree.

Mrs. Watson: I believe that the Y.T.A. have already written to the Clerk of Council requesting the opportunity to appear as witnesses. Have they not?

Madam Clerk: Yes.

Mrs. Watson: I believe that they have already made the request and I would hope, that if Council could set a date, we would be reviewing the legislation so that they could be notified.

Other people have asked too. The School Advisory Committees within the Whitehorse area have also asked for these representations. So if Council would agree on a certain date, well this would certainly be most helpful. I agree with that.

Mr. Stutter: Well, Mr. Chairman, I don't disagree with having them for the Ordinance as well and some of the other people. I

PARTICULARLY WANTED TO MAKE IT IN CONJUNCTION WITH No. 8 BECAUSE THAT CONCERNS THE TEACHERS ALONE NOT JUST THE WHOLE SCHOOL ORDINANCE. I WOULD PARTICULARLY LIKE TO HAVE THEM BEFORE WE EVEN DISCUSS THE BILL OF JUST READING THE PREAMBLE.

MR. CHAIRMAN: DOES COMMITTEE AGREE?

MR. CHAIRMAN: IN RELATION TO TIME, I BELIEVE TOMORROW MORNING, IT IS THE WISH OF COUNCILLOR CHAMBERLIST TO DEAL WITH THE FISHER-FLEMING MATTER. WOULD TOMORROW AFTERNOON BE SUITABLE?

MRS. WATSON: MR. CHAIRMAN, I CAN'T AGREE WITH THAT. I THINK THERE ARE PIECES OF LEGISLATION HERE THAT ARE REALLY IMPORTANT AND I THINK WE SHOULD DEAL WITH THEM. I THINK WE SHOULD DEAL WITH THE AFFAIRS OF ONE PERSON AFTER SOME OF THESE IMPORTANT PIECES OF LEGISLATION THAT WE'VE TO DEAL WITH. AT THAT TIME, PERHAPS WE CAN TAKE A HALF DAY OR WHATEVER THE HONOURABLE MEMBER WISHED TO TAKE TO DEAL WITH THIS SUBJECT. I WOULD BE QUITE PREPARED TO DO THAT.

I THINK THERE ARE SO MANY OTHER ITEMS. FOR EXAMPLE WE HAVE THE ELECTRICAL EQUALIZATION SESSIONAL PAPER WHICH HAS TO BE TAKEN INTO CONSIDERATION. WE HAVE ALL THE SCHOOL BILL WHICH I FEEL SHOULD BE AT LEAST BE GIVEN A READING IN COMMITTEE. WE HAVE THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE THAT THE TEACHERS ARE VERY PROFOUNDLY INTERESTED IN AND I THINK WE SHOULD GIVE IT A REVIEW.

THESE ARE, I FEEL, VERY IMPORTANT ITEMS AND WE SHOULDN'T STRAY AND DEAL WITH SOMETHING THAT ONLY ONE PERSON IS INVOLVED IN. WE CAN ALWAYS SET A TIME FOR THAT AFTER WE HAVE DEALT WITH THESE PIECES OF LEGISLATION AND POLICY DECISIONS OF THE EQUALIZATION OF ELECTRICAL.

MR. CHAIRMAN: ORDER PLEASE. I THINK, AS I STATED THE OTHER DAY, IT IS RATHER DIFFICULT TO KEEP THINGS IN ORDER AND I AM TAKING THEM NOW AS ORDERLY AS WE CAN. I HAVE ALL THESE MATTERS MENTIONED, BEFORE US. I AM SUGGESTING THAT FOLLOWING TOMORROW, THE FISHER-FLEMING MATTER COULD BE DISCUSSED. POSSIBLY TOMORROW AFTERNOON WE COULD SET A TIME TO DEAL WITH BILL No. 8 WHICH IS THE STAFF RELATIONS ORDINANCE.

MRS. WATSON: MR. CHAIRMAN I REALLY THINK THAT WE SHOULD START FOR TOMORROW MORNING DEALING WITH THE PUBLIC SERVICE STAFF RELATIONS. ORDINANCE, OR DEALING WITH THE ELECTRICAL EQUALIZATION. THIS IS VERY IMPORTANT AND WE HAVE TO DEAL WITH IT. THERE ARE MANY PEOPLE INVOLVED IN THIS, WE HAVE TO FACE THESE ISSUES. ONCE WE HAVE DEALT WITH THIS AND WE ARE ASKING FOR AMENDMENTS TO COME DOWN. AT THAT TIME WE WILL BE ABLE TO DEAL WITH THE SUFFICIENT FUNDING. WE HAVE NOW THE LABOUR STANDARDS ORDINANCE WHICH WILL BE GIVEN FIRST AND SECOND READING TOMORROW MORNING. WE CAN DEAL WITH THAT AT THAT TIME. WE'LL BRING THE MOTOR VEHICLES AMENDMENTS THAT YOU HAVE ASKED FOR. WE ARE READY TO BE BROUGHT BACK INTO COMMITTEE. I THINK WE SHOULD TRY AND CLEAN UP SOME OF THESE THINGS THAT WE HAVE HERE NOW.

MR. CHAIRMAN: AS I STATE, COMMITTEE HAVE AGREED, GENERALLY, TO THIS PROPOSAL AND IT'S THE FIRST I HEAR NOW IT'S NO GOOD AGAIN. PRETTY SOON I'LL HAVE TO START RULING AS TO THE MANNER OF THE SUBJECT AND TAKE THEM IN THE MANNER I HAVE THEM LISTED.

MR. CHAMBERLIST: WELL, MR. CHAIRMAN, THE HONOURABLE MEMBERS WILL HAVE THEIR SAY ABOUT WHETHER WE SHOULD DEAL WITH THE FISHER-FLEMING FILE AND LET ME SAY THIS THAT THE FISHER-FLEMING FILE MEANS JUST AS MUCH TO THE PEOPLE OF THE YUKON AS ANY PIECES OF LEGISLATION BECAUSE WHAT HAS HAPPENED TO THAT MAN COULD HAPPEN TO ANY OF 1200 CIVIL SERVANTS UP HERE. AND I SAY WE SHOULD DEAL WITH THAT AND DON'T LET THE ADMINISTRATION IN ANY WAY TRY TO PUSH THIS UNDER THE CARPET SO THAT IT SHOULDN'T BE HEARD. THIS IS WHAT'S HAPPENING.

I HAVE LEFT THIS GO UNTIL SUCH TIME AS THE KEY PIECES OF LEGISLATION WERE DEALT WITH AND RIGHT NOW I SAY THIS MUCH, MR. CHAIRMAN, THAT THE MATTER OF MR. FLEMING WAS ONE THAT HAS BEEN DEALT WITH IN A SHABBY MANNER IN THE LAST FEW DAYS. FURTHER CORRESPONDENCE WILL SHOW THE CREDIBILITY OF THE GOVERNMENT IN DEALING WITH THE MOST SENIOR MEMBER OF THE TERRITORIAL CIVIL SERVICE.

MR. TANNER: MR. CHAIRMAN, COULD I BRING TO THE ATTENTION OF COUNCIL THE FACT THAT THE COMMISSIONER WON'T BE BACK UNTIL WEDNESDAY OR THURS-



DAY OF THIS WEEK AND I THINK IT'S IMPORTANT TO BOTH MR. FISHER-FLEMING AND MEMBERS OF COUNCIL THAT HE SHOULD BE HERE WHEN DISCUSSION TAKES PLACE, BECAUSE HE IS CLOSELY INVOLVED IN IT. THERE IS NOBODY TRYING TO PUT THE CASE UNDER THE CARPET OR SHIRK THEIR DUTY. EVERYBODY WANTS A FULL DISCUSSION BUT WOULDN'T IT BE EASIER WHEN YOU'VE GOT THE PEOPLE WHO ARE ACTUALLY INVOLVED IN IT. PARTICULARLY THE COMMISSIONER, WHO IS AFTER ALL IN CHARGE OF THE PERSONNEL WITHIN THE TERRITORY, SUCH AS THE PUBLIC SERVICE, HE SHOULD BE HERE SO THAT THE HONOURABLE MEMBER FROM WHITEHORSE EAST CAN QUESTION THE COMMISSIONER HIMSELF.

MR. CHAMBERLIST: AS FAR AS I AM CONCERNED THE COMMISSIONER SHOULD HAVE BEEN HERE THE WHOLE OF THIS IMPORTANT SESSION. THE ADMINISTRATOR IS HERE, THAT'S THE WAY NOW THE YUKON ACT IS SET UP. AS FAR AS I'M CONCERNED, I'LL SAY EXACTLY WHAT I HAVE TO SAY WHETHER THE COMMISSIONER IS HERE OR NOT. I'M JUST GOING TO PUT FORWARD QUITE CLEARLY THE DAMAGE THAT HAS BEEN DONE TO A MEMBER OF THE PUBLIC SERVICE. I DON'T WANT TO PUT IT OFF ANY MORE. I WANT IT DEALT WITH NOW.

MR. TANNER: MR. CHAIRMAN, I'M NOT TRYING TO PUT ANYTHING OFF. I'M MERELY TRYING TO SUGGEST TO ALL MEMBERS OF THE HOUSE, INCLUDING THE HONOURABLE MEMBER FROM WHITEHORSE EAST, THE DISCUSSION WILL BE FAR MORE FRUITFUL IF THE PEOPLE WHO ARE DIRECTLY INVOLVED, IN THIS PARTICULAR CASE, THE COMMISSIONER, TO TAKE PART IN THE DISCUSSION.

MR. CHAMBERLIST: THE ADMINISTRATOR IS ALSO INVOLVED.

MRS. WATSON: MR. CHAIRMAN, I TOO WOULD SAY WE ARE NOT TRYING TO PUSH THIS UNDER THE RUG. I'M NOT SAYING WE CAN'T HEAR IT OR ANYTHING. I AM SAYING WE HAVE THINGS NOW WE HAVE STARTED TO WORK ON, SOME OF THIS LEGISLATION. LET'S GET THE LABOUR STANDARDS CLEANED UP. LET'S LOOK AT THE MOTOR VEHICLES. LET'S DEAL WITH THE SCHOOLS ORDINANCE AND THEN WE CAN TAKE UP A DAY OR HALF A DAY, WHATEVER THE HONOURABLE MEMBER WISHES, TO GO OVER THE FISHER-FLEMING FILE.

BUT THESE ARE THE THINGS THAT HAVE BEEN SITTING HERE FOR WEEKS AND WE HAVE TO DEAL WITH THEM.

MR. CHAIRMAN: IN ORDER TO STRAIGHTEN THIS THING OUT, AS I SAY, I HAVE MADE OUT A PROGRAM IN ORDER TO BRING ALL THESE MATTERS TO YOUR ATTENTION AND WHAT I AM ATTEMPTING TO FIND OUT NOW IS WHEN YOU MIGHT BE ABLE TO MEET WITH THE Y.T.A. IN RELATION TO BILL NO. 8?

MR. MCKINNON: MR. CHAIRMAN, I THINK THEY SHOULD BE CONTACTED AND ASK THEM WHEN IS THE MOST CONVENIENT TIME FOR THEM BECAUSE WE ARE HERE FROM TEN TO TWELVE AND TWO TO FIVE EVERY DAY. THEY HAVE CLASS SCHEDULES TO WORRY ABOUT, SHIFT SCHEDULES TO WORRY ABOUT AND I TRULY BELIEVE THAT IT SHOULD BE AT THE CONVENIENCE OF THOSE MEMBERS TO BE ABLE TO APPEAR BEFORE COUNCIL.

AS SOON AS THEY ARE NOTIFIED AND A TIME IS MADE AT THEIR CONVENIENCE, THEN THIS COMMITTEE MEETS WITH THEM AT THEIR CONVENIENCE. I HAVE NO QUARREL AT ALL, MR. CHAIRMAN, AND HAVE SUPPORTED

TO SAY ON BEHALF OF THE HONOURABLE MEMBER FROM WHITEHORSE EAST, THAT THIS MEMBER PERSONALLY WOULD LIKE TO HAVE THE COMMISSIONER HERE WHEN THE FILE IS BEING DISCUSSED. I THINK THAT MOST OTHER MEMBERS WOULD LIKE TO HAVE THE COMMISSIONER HERE AND I THINK THAT PROBABLY AS A COURTESY TO OTHER MEMBERS, IF HE COULD ALLOW IT TO STAND OVER UNTIL SUCH TIME AS BOTH MR. COMMISSIONER AND MR. ADMINISTRATOR WERE HERE.

AS THE HONOURABLE MEMBER FROM WHITEHORSE NORTH HAS SAID THE CONVERSATIONS WOULD PROBABLY BE MORE FRUITFUL THAN IF THE COMMISSIONER WAS NOT AVAILABLE TO COMMITTEE AT THAT TIME. WITH THOSE LIMITATIONS, THOSE REMARKS, I HAVE NO QUALMS AT ALL ABOUT GOING ON TO THE BUSINESS OF THE HOUSE WHATEVER MR. CHAIRMAN DECIDES SHOULD BE THE NEXT BUSINESS FOR COMMITTEE.

MRS. WATSON: MR. CHAIRMAN, THE HONOURABLE MEMBER HAS MADE A GOOD POINT ABOUT THE TEACHERS HAVING THEIR SCHEDULES SO IT MAY BE IT MAY HAVE TO BE THAT COMMITTEE WILL CONSIDER SITTING ONE EVENING TO GIVE THESE PEOPLE AN OPPORTUNITY TO COME AND PRESENT THEIR CASE WITHOUT HAVING TO BE LIMITED BY RESTRICTIONS OF TIME FOR COMMITMENTS, OR OTHER COMMITMENTS THEY MAY HAVE.

MR. CHAIRMAN: MADAM CLERK, IN RELATION TO THIS MATTER, WOULD YOU HAVE COMMITTEE CONTACT THE Y.T.A. AND FIND OUT WHAT TIMES ARE SATISFACTORY TO THEM.

I WONDER IF THE HONOURABLE MEMBER FROM WHITEHORSE EAST HAS ANY OBJECTIONS TO THE SUGGESTION MADE THAT THE MATTER BE DEFERRED UNTIL THE RETURN OF THE COMMISSIONER?

MR. CHAMBERLIST: MR. CHAIRMAN, YOU SET THE SCHEDULE, THAT'S FINE AND DANDY BUT I DON'T WANT THIS MATTER TO BE PUT ASIDE AND JUST GRADUALLY SHIFTED UNDER THE COUNCIL LIKE MR. FLEMING HAS

BEEN MOVED UNDER THE COUNTER FOR THE PAST 18 MONTHS.

Mr. CHAIRMAN: WOULD THIS BE AGREEABLE THEN?

Mr. McKINNON: Mr. CHAIRMAN, I WONDER IF WE COULD HAVE SOME INDICATION OF THE HONOURABLE MEMBER FROM CARMACKS-KLUANE, IF THE ONLY TIME THAT THE REPRESENTATIVES OF THE Y.T.A. CAN MEET BECAUSE OF CONFLICT OF SCHEDULES TO GET TOGETHER, IS AT AN EVENING SESSION, I FOR ONE HAVE NO QUALMS AT ALL IN GIVING UP ONE OF THE EVENINGS TO COME HERE AND HEAR THOSE REPRESENTATIVES AND IS COUNCIL AGREED, Mr. CHAIRMAN?

SOME MEMBERS: AGREED.

BILL NO. 19

Mr. CHAIRMAN: THE NEXT BILL IS BILL NO. 19, AN ORDINANCE TO AMEND THE MOTOR VEHICLES ORDINANCE.

Mr. TANNER: Mr. CHAIRMAN, THE AMENDMENTS, I DON'T THINK HAVE BEEN BROUGHT BACK INTO COUNCIL ON THAT.

Mr. CHAIRMAN: WELL, I UNDERSTOOD THAT THEY WERE FINISHED A LONG TIME AGO.

Mr. LEGAL ADVISOR: I DON'T KNOW. I DON'T KNOW WHAT THE PRINTING POSITION IS, Mr. CHAIRMAN

Mr. CHAIRMAN: MADAM CLERK, DO YOU KNOW IF THEY ARE AROUND?

Mrs. WATSON: WE HAVEN'T BROUGHT THEM FORWARD YET. YES, WE HAVE DONE SOME WORK ON IT AND WE CAN BRING IT IN TOMORROW MORNING.

Mr. McKINNON: WITH RESPECT, Mr. CHAIRMAN, I WOULD LIKE AN EVENING TO LOOK AT THEM PRIOR TO THEM BEING BROUGHT IN. IF THEY ARE BROUGHT IN TOMORROW AND THEN MEMBERS DO HAVE AN OPPORTUNITY TO SEE THE AMENDMENTS, BECAUSE I FOR ONE HOPE THAT AMENDMENTS THAT I HAVE SUGGESTED ARE INCLUDED IN THE REVISIONS OF THE ORDINANCE.

SESSIONAL PAPER NO. 23

Mr. CHAIRMAN: THE NEXT SESSIONAL PAPER THEN WOULD BE SESSIONAL PAPER NO. 23 WHICH IS THE ELECTRIC RATE EQUALIZATION.

Mr. McKINNON: IS IT POSSIBLE Mr. CHAIRMAN, THAT Mr. TREASURER COULD BE AVAILABLE IN DISCUSSIONS ON THIS PAPER?

Mr. CHAIRMAN: WOULD THAT BE Mr. MILLER?

Mr. McKINNON: I WOULD THINK THAT Mr. HUBERDEAU AND Mr. MILLER WOULD BE THE BEST WITNESSES WE COULD THINK OF HAVING.

Mr. CHAIRMAN: MADAM CLERK, COULD YOU SEE IF Mr. HUBERDEAU AND Mr. MILLER WOULD BE AVAILABLE? I'LL JUST DECLARE A BRIEF RECESS.

RECESS.

Mr. CHAIRMAN: I WILL NOW CALL COMMITTEE BACK TO ORDER. SESSIONAL PAPER NO. 23, ELECTRIC RATE EQUALIZATION PLAN.

Mr. McKINNON: Mr. CHAIRMAN, BEFORE WE GET INTO DISCUSSION OF THE PAPER ITSELF, I WONDER IF Mr. MILLER COULD EXPLAIN SIMPLY FOR THIS DUNCE WHERE THE ACTUAL REBATE AND WHAT PERCENTAGE OF REBATE ON INCOME TAX, AND REBATES FROM THE YUKON ELECTRICAL COMES TO THIS FUND? WHERE IS THE ORIGIN AND WHAT PERCENTAGE DO WE ACTUALLY SEE IN THIS EQUALIZATION?

Mr. MILLER: Mr. CHAIRMAN, THE PLAN, THE MONEY THAT WE DO GET IS 95% OF THE INCOME TAX PAID BY YUKON ELECTRIC COMPANY AND YUKON HYDRO, TWO DISTINCT COMPANIES. THESE MONIES NOW COME TO US ON AN ESTIMATED BASIS APPROXIMATELY THREE MONTHS AFTER THE END OF THE FISCAL YEAR TO WHICH THEY PERTAIN AND THERE IS AN ADJUSTMENT TO AN ACTUAL BASIS APPROXIMATELY TWO YEARS AFTER THAT. THE ORIGINAL PLAN, THE ORIGINAL METHOD WHEREBY WE GOT THIS MONEY IS THAT ALL MONIES CAME TWO YEARS AFTER THE TAX YEAR. THEY ARE NOW GIVING IT TO US ON AN ESTIMATED BASIS, THREE MONTHS AFTER THE TAX YEAR.

Mr. McKINNON: Mr. CHAIRMAN, I WONDER IF Mr. MILLER CAN CORRECT ME IF I'M WRONG. NOW, IF THE DISTRIBUTION, SAY FOR EXAMPLE IN WHITEHORSE, WAS OWNED BY A CROWN CORPORATION OR MUNICIPAL CORPORATION, WOULD THE ONLY DIFFERENCE BE THAT THERE WOULDN'T BE THE PAYMENT OF THE INCOME TAX TO BEGIN WITH. IS THAT SUBSTANTIALLY CORRECT?

Mr. MILLER: THAT'S CORRECT. THERE WOULD BE NO INCOME TAX MADE BY THE CROWN CORPORATION.

Mr. McKINNON: SO INSTEAD OF A 95% REBATE REALLY, THERE WOULD BE 100% REBATE BECAUSE THE TAXES WOULDN'T BE PAID ON A 100%.

Mr. MILLER: Well, Mr. Chairman, if you were talking about, let's just use the Whitehorse area which we probably shouldn't but, you know, if the Whitehorse area was handled by a Crown Corporation, theoretically they are non-profit. So the customer would benefit directly in their rates being reduced.

Mr. McKinnon: Mr. Chairman, I wonder if Mr. Miller could correct me if I'm wrong. If the distribution, say for example in Whitehorse, was owned by a Crown Corporation or Municipal Corporation, would the only difference be that there wouldn't be the payment of the income tax to begin with. Is that substantially correct?

Mr. MILLER: That is correct, there would be no income tax paid by the Crown Corporation.

Mr. McKinnon: So instead of a 95% rebate, it would be a 100% rebate because the taxes wouldn't be paid on 100% of the ---

Mr. MILLER: Well, Mr. Chairman we are talking about, let's just use the Whitehorse area, which we probably shouldn't, if the Whitehorse area was handled by a Crown Corporation, theoretically they are non-profit. The customer would benefit directly in their rates being reduced. But there would be no income tax paid by the Crown Corporation and subsequently, no refund to us of the 95%. We would no ability then to equalize anybody's rate.

Mr. McKinnon: Where does the other 5% go? Why isn't it a 100% rebate?

Mr. MILLER: Mr. Chairman this is retained by the Federal Government and its under an Act, I don't remember the exact number of the Act but there is a Federal Act providing for the repayment to the provinces and subsequently to the Territories. I would assume that the Federal Government's share, for whatever they do plus administration, etc.

Mr. Chamberlist: Mr. Chairman in this paper, take into consideration the summary. It would appear that the suggestion is that there be \$60,000 more paid out in disbursements out of an existing fund of \$1,250,000. I presume that we have \$1,250,000 in the fund. Is that correct?

Mr. MILLER: That is correct Mr. Chairman. We will have approximately that amount March 31st.

Mr. Chamberlist: Based on 9% interest, the \$1,250,000 is \$113,630. So really, the fund itself is not going to be decreased. What is going to happen is that the interest is going to be used to pay \$60,000 extra. The next item shows that as a result of the decrease in the annual income tax rebate, about \$40,000. This would show about \$100,000 left. I wonder what benefits are being given when the summary is put down in this particular way? It means that the fund is going to be there for a long time and the fund is not going to be paid out. Why shouldn't the commercial users in the Whitehorse area get a benefit as well?

Mr. MILLER: Mr. Chairman, maybe I should just explain for all members' benefit, the problems that we see with this fund. These are possible problems, I don't say they are real, but they are definitely possible problems that could occur as a result of this next year. We've had one heck of a time wrestling with this problem, or these series of problems: (1) I think as all members know, there is a very real likelihood that there will be a fuel price increase of anywhere up to, the minimum we are talking about I think is 7 1/2¢ a gallon. Nobody will come out and say what this will be. There is a real possibility that this will hit us. We know, in the Yukon Territory that there is approximately 5,000,000 gallons of fuel oil consumed in generating electricity. That in itself will cost somebody, either the company in reduced profits, and I am talking both companies, N.C.P.C. or Yukon Electric or the consumer in increased rates. If we follow the philosophy that this will be passed on; something in the neighbourhood of \$400,000.

We don't know what is going to happen. We are surmising something is going to happen, but we don't know what. (2) The Yukon Electric franchise for the Whitehorse areas expires, I think July 1st, this year. There are two or three factors there. No. 1, is the franchise going to be renewed? We don't know. If it goes to a Crown Corporation or a Municipal Corporation, that will have an impact on the future of the fund. (3) The Public Utilities Board is going to have its first real hearing in the Yukon. When I say the real hearing, in the sense of granting a new franchise to whoever might get it. Assuming that Yukon Electric do get it, we don't know what rate of return they are going to allow. We just have no idea.

AS A RESULT OF ALL THESE UNKNOWN FACTORS, WHAT WE HAVE TRIED TO PRESENT HERE IS A PAPER WHICH IS MAYBE CAUTIOUS, AND I WILL GRANT YOU THAT IT IS CAUTIOUS. BUT IT IS SOMETHING THAT WE FEEL WE CAN LIVE WITH AT THIS POINT IN TIME AND NOT GET INTO TROUBLE AS A RESULT OF ANOTHER DECISION. THE EXPERIENCE IS, LET'S FACE IT, ONCE YOU GRANT SOMETHING LIKE THIS, YOU NEVER TAKE IT AWAY.

THAT IS OUR PHILOSOPHY, IF YOU LIKE, IN PRESENTING THIS.

MR. CHAMBERLIST: MR. CHAIRMAN, WHAT I AM GETTING AT, IS THAT HE DIDN'T ANSWER THE STATEMENTS I MADE. I DIDN'T GET FROM MR. MILLER, MR. CHAIRMAN, WHETHER THE SUBMISSION THAT I MAKE, THAT THE FUND IS NOT GOING TO BE REDUCED. IN ACTUAL FACT, WHAT IS TAKING PLACE IS THAT THE GOVERNMENT IS GOING TO BE REAL BIG. THEY HAVE ANOTHER EQUALIZATION PLAN WHERE THEY WILL BE PAYING OUT PART OF THE INTEREST ON THE \$1.25,000,000 BUT WILL STILL RETAIN THAT PRINCIPLE, \$1.25,000,000.

TO ME, IT IS JUST A MATTER OF COMING HERE AND BLINDING US WITH THREE SHEETS OF PAPER. IT IS QUITE CLEAR WHAT THE INTENT OF THE ADMINISTRATION IS AND THAT IS TO HANG ONTO THAT \$1.25,000,000.

I WANT TO KNOW WHY, IF YOU ARE GOING TO HAVE RATE EQUALIZATION, THAT MONEY THAT IS BEING PUT INTO THAT FUND FOR A SPECIFIC PURPOSE ISN'T BEING UTILIZED IN THE MANNER TO GIVE ALL CONSUMERS, WHETHER THEY BE COMMERCIAL OR RESIDENTIAL, THE BENEFIT OF THAT. ITS OBVIOUS THAT THE MONIES THAT HAVE BEEN MADE BY WAY OF INCOME TAX REBATES HAS BEEN PAID TO THE TERRITORIAL GOVERNMENT, MR. CHAIRMAN, FOR ONE SPECIFIC REASON AND THAT IS TO GIVE BACK SOME OF THE MONEY THAT HAS BEEN SPENT BY THE CONSUMERS.

INSTEAD OF DOING THAT, ALL THE GOVERNMENT HAS WORKED OUT A SCHEME TO DO, IS TO GO AND PAY US THE INTEREST ON THE PRINCIPLE AND THEN USE THE PRINCIPLE. I DON'T THINK THAT IS PROPER.

MR. MILLER: MR. CHAIRMAN, I WILL GRANT YOU THAT BASED ON TODAY'S INTEREST RATES AND THE FACT THAT THERE IS \$1.25,000,000 THERE, WE WILL EARN \$113,000. YES, IN FACT, WE MAY NOT CUT INTO THE REBATE FUND THIS CURRENT YEAR. I CANNOT PREDICT THE FUTURE. THERE ARE ALL THESE THINGS LOOMING ON THE HORIZON WHICH COULD HAVE A TREMENDOUS IMPACT ON THAT PRINCIPLE IN THE FUND OVER THE COURSE OF THE NEXT FEW YEARS.

AT WHICH TIME THE FUNDS MAY NOT EXIST AT ALL. MY ONLY POINT, AND THIS IS WHY I TRIED TO EXPLAIN TO THE MEMBERS OF COUNCIL OF THESE FACTORS THAT ARE LOOMING ON THE HORIZON, IS THAT WE COULD HAVE DEVISED A SCHEME TO GET RID OF \$1.25,000,000 WITH NO PROBLEM. IF THAT IS WHAT THIS COUNCIL WANTS, THEN THAT WOULD BE THE END OF THE EQUALIZATION PLAN FOREVER.

I AM SAYING, LET'S GO PART WAY NOW AND SEE WHAT THE IMPACT OF ALL THESE FACTORS ARE, DURING THE COURSE OF THIS NEXT YEAR. I WOULD ASSUME THAT THEY WOULD ALL BE ANSWERED DURING THE NEXT YEAR, AT LEAST THE MAJORITY OF THEM WILL. AT THIS TIME NEXT YEAR, POSSIBLY WE CAN GO A LITTLE BIT FURTHER.

MR. CHAMBERLIST: I DON'T THINK MEMBERS OF THIS COUNCIL SHOULD ACCEPT THIS TYPE OF PROPOSITION FROM THE ADMINISTRATION. WHAT THEY'VE DONE IS WORKED OUT A SCHEME BY WHICH THEY RETAIN THE MONEY AND THIS WASN'T THE IDEA OF THESE FUNDS.

THEY HAVE WORKED OUT A SCHEME SO THAT THE ONLY MONEY THAT GOES TO THE BENEFIT OF THOSE CONSUMERS OUTSIDE WHITEHORSE, IS MONEY THEY ARE EARNING BY INTEREST. THE MONEY THAT IS SUPPOSED TO BE DIVIDED IS NOT BEING DIVIDED.

CERTAINLY, I AGREE MR. CHAIRMAN WITH WHAT MR. MILLER HAS TO SAY, THAT IT MIGHT BE FOR NEXT YEAR OR THE YEAR AFTER. THERE MIGHT BE A REASON FOR GOING SLOW ON THE DISTRIBUTION OF THIS MONEY AND THE RATE EQUALIZATION PLAN MAY SUFFER. BUT, WE WILL GET THE SAME STORY NEXT TIME AROUND AND THERE WILL BE A BUNCH OF NEW FACES THAT THE ADMINISTRATION WILL TRY AND BEFUDDLE.

THAT IS WHAT THEY ARE GOING TO DO. I THINK THIS IS AN INSULT TO EVERY MEMBER IN THIS COUNCIL, TO BRING FORWARD A PIECE OF SESSIONAL PAPER OF THIS DESCRIPTION IN SHOWING AFTER 2 1/2 PAGES OF EXPLANATIONS WHICH DON'T MEAN ANYTHING AT ALL, REALLY AS FAR AS THE SUBJECT MATTER IS CONCERNED. TO COME UP WITH A SUMMARY THAT SAYS, WE ARE PREPARED TO GIVE \$60,000 EXTRA A YEAR WHEN THEY KNOW FULL WELL THAT \$113,000 ON THE \$1.25,000,000 IS INTEREST THAT THEY ARE GOING TO EARN OVER AND ABOVE THE MONEY THAT IS IN THE PLANNED FUND. THAT IS WRONG.

I THINK THE ADMINISTRATION SHOULD HAVE IT'S EARS WRAPPED TOGETHER, FOR BRINGING FORWARD THINGS LIKE THIS. EVERY NOW AND AGAIN YOU COME

ACROSS AN AREA SUCH AS THIS WHERE YOU CAN TELL VERY QUICKLY THAT THE ADMINISTRATION ARE WORKING OUT WAYS AND MEANS TO CHEAT THE PUBLIC IN THE YUKON AND UTILIZE THE FUNDS FOR WHAT EVER AREA THEY WANT TO USE IT,

THIS AGAIN, DEPARTS FROM THE PRINCIPLE OF RATE EQUALIZATION BECAUSE IT IS GOING TO USE THAT MONEY FOR OTHER PURPOSES. I WOULD SAY, MR. CHAIRMAN, THAT MEMBERS OF THIS COMMITTEE SHOULD NOT ACCEPT THIS SESSIONAL PAPER AS IT IS, SUGGESTING THAT ONLY \$60,000 IS GOING TO BE DISTRIBUTED. THEY SHOULD COME UP WITH A

IF YOU HAVE \$1.25,000,000 SURELY, YOU CAN COME UP WITH A PLAN OF GETTING RID OF THIS AS ADDITION FOR THE NEXT TEN YEARS. YOU CAN GET \$125,000 OUT OF IT THAT WAY, OUT OF THE PRINCIPLE AND YOU ARE STILL RECEIVING MONEY COMING IN ON INTEREST. NO, THAT IS NOT GOOD ENOUGH MR. CHAIRMAN. I HOPE OTHER MEMBERS OF COUNCIL RECOGNIZE IN THIS SUMMARY WHAT IS BEING DONE.

MR. TANNER: MR. CHAIRMAN, FIRST OF ALL IT IS WRONG OF THE MEMBER TO SUGGEST THAT THIS IS THE ADMINISTRATION'S PLAN. WHAT WE HAVE HERE HAS BEEN THOROUGHLY DISCUSSED WITH THREE MEMBERS OF THIS COUNCIL ON THE FINANCIAL ADVISORY COMMITTEE. THE THREE MEMBERS OF THIS COUNCIL WERE FULLY COGNIZANT OF WHAT WAS COMING IN HERE.

SECONDLY, I THINK IT IS IRRESPONSIBLE OF THE MEMBER FOR WHITEHORSE EAST TO SAY, IN THIS CASE THE FINANCIAL ADVISORY COMMITTEE HAVE COME UP WITH THREE PAGES OF LEGISLATION AND THEY HAVE COME TO A CONCLUSION THAT ONLY WARRANTS \$60,000. IT IS NOT CONSISTENT WHEN WE KNOW THAT EVERY MEMBER OF THIS COUNCIL WANTS TO SPEND THE MONEY, WHEN WE OURSELVES WANT TO SPEND THE MONEY, AND WHEN WE ALSO KNOW THE CONDITIONS THAT NOBODY CAN PREDICT IN THE NEXT YEAR WHICH MIGHT COMPLETELY WIPE OUT THE FUNDS WITHIN TWO YEARS.

WHEN YOU KEEP IN MIND THE FACT THAT WE HAVE ALREADY SPENT A CONSIDERABLE AMOUNT OF MONEY IN THE BUDGET THAT HAS ALREADY BEEN VOTED, THIS IS IN EXCESS OF THIS.

MR. CHAIRMAN, I THINK IT IS IRRESPONSIBLE OF THE MEMBER TO SAY THAT THERE HAS BEEN NO INPUT AND THAT THE ADMINISTRATION IS TRYING TO HOODWINK THIS COUNCIL BECAUSE NEITHER OF THOSE

TWO THINGS IS TRUE. THREE MEMBERS OF COUNCIL HAVE APPROVED THIS. WE SAT DOWN MANY HOURS TRYING TO COME UP WITH A REASONABLE SOLUTION TO THE PROBLEM. FRANKLY, THERE IS NO SATISFACTORY SOLUTION TO THE PROBLEM BY SPENDING THE MONEY NOW. WE JUST DON'T KNOW WHAT IS GOING TO HAPPEN. IS THE HONOURABLE MEMBER FOR WHITEHORSE EAST OR ANY OTHER MEMBER AROUND HERE ABLE TO PREDICT WHAT CAN HAPPEN IN THE NEXT YEAR?

IF YOU MAKE THE CRITICISM THAT WE HAVE BEEN OVER CAUTIOUS, THAT IS TRUE. I THINK THERE IS A RESPONSIBILITY TO LEAVE THE FUND IN SOME SORT OF REASONABLE STATE SO THAT THE ONGOING PEOPLE WHO ARE GOING TO BENEFIT FROM IT SHOULD GET SOME BENEFIT FOR THE NEXT FOUR OR FIVE YEARS AND NOT WIPE THIS THING OUT RIGHT NOW.

I JUST CAN'T BUY THE CRITICISM OF THE MEMBER FROM WHITEHORSE EAST. I THINK THERE HAS BEEN A VERY HARD LOOK AT THE SITUATION. THERE HAS BEEN A REASONABLE ATTEMPT TO EXPLAIN EVERY POSSIBLE CIRCUMSTANCE AND WE HAVE COME UP WITH WHAT YOU MIGHT SAY IS A VERY CONSERVATIVE ESTIMATE. I AGREE. IN THE CIRCUMSTANCES I DON'T THINK THE HONOURABLE MEMBER, HAD HE BEEN IN THE POSITION, WOULD HAVE MADE ANY DIFFERENT DECISION.

MR. CHAMBERLIST: MR. CHAIRMAN, LET ME TELL THE HONOURABLE MEMBER WHO HAS JUST SPOKEN, IF I HAD BEEN ON THE ADVISORY COMMITTEE ON FINANCE, NO WAY WOULD I HAVE ALLOWED THAT TYPE OF PROPOSITION TO COME BEFORE COUNCIL. THAT PERPETRATES THE FRAUD ON THIS COUNCIL WHEN MEMBERS OF THE FINANCIAL ADVISORY COMMITTEE CAN SIT DOWN AND SAY THAT ONLY \$60,000 SHOULD BE DISTRIBUTED WHEN THERE IS \$1.25,00,000 AVAILABLE.

WHEN THE AMOUNT OF MONEY THAT CAN BE DISTRIBUTED IS LESS THAN THE TOTAL AMOUNT OF INTEREST ON THAT WHOLE MONEY. THAT IS WHERE I SAY IS THE WEAKNESS OF THE FINANCIAL ADVISORY COMMITTEE OF FINANCE HAS SHOWN ITSELF UP. THE INCAPABILITY OF RECOGNIZING THAT THEY HAVE BEEN GIVEN A SNOW JOB BY THE ADMINISTRATION ON THIS. I BET YOU WHATEVER YOU LIKE, THAT THE MEMBERS OF THE ADVISORY COMMITTEE ON FINANCE HAVE ALREADY BEEN TOLD WHAT THEY SHOULD DO AND THEY HAVE NOT LOOKED INTO THIS AREA AND THE AREA THAT I HAVE JUST SPOKEN ABOUT.

THAT IS ON THE BASIS OF WHAT THE FUNDING BRINGS FORWARD AS FAR AS INTEREST IS CONCERNED,

MR. CHAIRMAN, IT WOULDN'T BE SO BAD IF IN THE SESSIONAL PAPER IT WAS SUGGESTED HOW MUCH MONEY WAS BEING RAISED BY INTEREST, WHAT IS THE TOTAL AMOUNT OF MONEY AT ANY PARTICULAR GIVEN TIME?

FOR INSTANCE, WHEN THIS PAPER CAME OUT, I TAKE IT THAT ON THE 31ST OF MAY OR RATHER THE 31ST OF MARCH, THAT THERE WAS \$1,250,000 IN THAT FUND. PERHAPS MR. MILLER CAN INDICATE THAT. WAS IT AT THAT DATE?

MR. MILLER: YES, MR. CHAIRMAN, AT MARCH 31ST, I ANTICIPATE THERE WAS \$1,250,000 WHICH INCLUDED THE 1973 INCOME TAX REBATE.

MR. CHAMBERLIST: NOW, IF THAT \$1,250,000 IS IN A BANK ACCOUNT ON 30 DAY LOAN, BY APRIL THERE IS ANOTHER ALMOST \$10,000 THAT IS THERE. NOW IT COMES \$1,260,000 FOR A TIME AND THIS GOES ON FOR NEARLY EVERY MONTH.

MR. MILLER IS SHAKING HIS HEAD. I AM NOT FOOLED BY HIM BECAUSE SOMETHING OCCURED THE OTHER DAY WHICH I LOOKED UP AS WELL, AND HE FOOLED ME. I WILL NOT MENTION ABOUT IT.

MR. CHAIRMAN: JUST FROM THE CHAIR I WOULD POINT OUT THAT NO WITNESS IS EVER ON TRIAL.

MR. CHAMBERLIST: NO THEY ARE. PLEASE DON'T KEEP SAYING THIS MR. CHAIRMAN---

MR. CHAIRMAN: I AM AFRAID I MUST--

MR. CHAMBERLIST: WITNESSES ARE NOT ON TRIAL BUT THEY ARE HERE TO BE CASTIGATED IF THEY COME FORWARD, MR. CHAIRMAN, TO GIVE INFORMATION TO THIS COUNCIL THAT HAS NO VALUE.

MRS. WATSON: MR. CHAIRMAN, A POINT OF ORDER.

MR. CHAIRMAN: ORDER PLEASE.

MRS. WATSON: WITNESSES ARE NOT HERE TO BE CASTIGATED. WITNESSES ARE HERE TO GIVE INFORMATION.

MR. CHAIRMAN: ORDER PLEASE.

MR. CHAMBERLIST: HE IS A MEMBER OF THE GOVERNMENT. HE SHOULD BE CASTIGATED.

MR. CHAIRMAN: WOULD THE MEMBERS TAKE THEIR SEATS PLEASE?

MRS. WATSON: MR. CHAIRMAN, AS A POINT OF ORDER.

MR. CHAIRMAN: WOULD MEMBERS TAKE THEIR SEATS? I THOUGHT I HAD EXPLAINED THIS EARLIER THIS AFTERNOON. THE POINTS OF ORDER THAT ARE BEING RAISED ARE VERY OFTEN NOT POINTS OF ORDER. WE CAN HAVE ORDERLY DEBATE AND THE WITNESSES WILL ALWAYS HAVE THE PROTECTION OF THE CHAIR. COULD WE CONTINUE WITH THE DEBATE ON THE SESSIONAL PAPER?

MR. CHAMBERLIST: MR. CHAIRMAN, I WOULD JUST LIKE TO MAKE THIS REMARK. MR. MILLER IS NOT AN ORDINARY WITNESS. HE IS A MEMBER OF THIS GOVERNMENT ADMINISTRATION AND HE HAS BEEN A PARTICIPANT IN BRINGING FORWARD THIS PARTICULAR SESSIONAL PAPER--

MR. CHAIRMAN: NOTWITHSTANDING THAT THE WITNESS HAS THE PROTECTION OF THE CHAIR. WOULD YOU CONTINUE WITH THE SESSIONAL PAPER?

MR. CHAMBERLIST: THIS SESSIONAL PAPER IN FACT INDICATES QUITE CLEARLY THAT THE MONIES THAT SHOULD BE DISTRIBUTED FOR THE BENEFIT OF THE CONSUMER, BOTH COMMERCIAL AND DOMESTIC AND RESIDENTIAL, DOES NOT GIVE THE BENEFITS OF THE MONIES THAT ARE IN THE FUNDS SHOULD BE GIVING.

IT SHOULD BE PROTECTED VERY STRONGLY. MEMBERS OF COUNCIL SHOULD NOT ACCEPT THE RECOMMENDATIONS THAT HAVE BEEN MADE IN THIS PARTICULAR SESSIONAL PAPER.

MRS. WATSON: MR. CHAIRMAN, I THINK THAT THE ELECTRICAL REBATE SCHEME THAT THIS COUNCIL BROUGHT INTO FORCE, I BELIEVE IT WAS IN 1967, WAS ONE OF THE BEST SCHEMES THAT HAS EVER BEEN BROUGHT INTO THE YUKON TERRITORY. I THINK THAT EVERY RESIDENTIAL HOMEOWNER WITHIN WHITEHORSE AND OUTSIDE OF WHITEHORSE WOULD NOT LIKE TO SEE THE EXISTING SCHEME JEOPARDIZED. IT REALLY HAS BEEN A GREAT ASSET TO THE HOMEOWNERS THAT PAY THAT LIGHT BILL.

THE FUNDS NOW ARE UP TO \$1,250,000 BECAUSE WE GOT THREE YEARS REBATE AT ONE TIME. THE FUNDS GREW VERY QUICKLY. THIS YEAR, I BELIEVE WE VOTED \$246,000 TO PAY OUT IN REBATES OUT OF THAT FUND. WE ARE SUGGESTING NOW THAT WE PAY AN ADDITIONAL \$60,000 PLUS AN ADDITIONAL \$60,000 OUT OF THAT FUND, AND THEN EXTEND THE BENEFITS. LIMITED EXTENSION OF BENEFITS FOR THE REASON THAT WE CANNOT PREDICT AND I DON'T THINK ANYONE IS IN THE POSITION TO BE ABLE TO PREDICT WHAT IS GOING TO HAPPEN TO THAT MONEY IN THE FUTURE.

WE DON'T KNOW WHETHER THE ELECTRICAL COSTS WILL INCREASE, WHETHER KILOWATT HOURS WILL INCREASE BECAUSE OF THE GENERATION OF ELECTRICITY BECAUSE OF THE INCREASE OF FUEL. WE DON'T KNOW WHO WILL RECEIVE THE FRANCHISE FOR THE WHITEHORSE AREA AND WHAT THE RATES WILL BE SET AT THEN?

WE DON'T HAVE ANY IDEA OF WHAT THE REBATES THAT WILL BE COMING BACK TO THE GOVERNMENT OR THE INCOME TAX REBATE WILL BE. WE DON'T KNOW. THOSE ARE THINGS THAT ARE UNKNOWN. OUR SUGGESTION IS THAT LET US BE CAUTIOUS. WE HAVE A GOOD SCHEME NOW. LET US PROTECT THE SCHEME WE HAVE NOW. LET'S PROVIDE LIMITED EXPANSION AND UNTIL WE KNOW WHAT WILL BE THE COST OF PRODUCTION OF ELECTRICITY BECAUSE WE ARE DEPENDANT ON FUEL FOR SO MUCH OF OUR ELECTRICITY. WHAT WILL BE THE OUTCOME OF THE FRANCHISE IN THE WHITEHORSE AREA?

IF THE GOVERNMENT OF THE DAY DECIDES NOT TO GIVE THIS 95% INCOME TAX REBATE BACK TO THE GOVERNMENT OF THE TERRITORY. OUR FUND WILL BE SOME AS WELL AS THE ADDITIONAL MONEY FOR THE FUND. THIS IS WHY WE HAVE COME UP WITH SUGGESTIONS. THERE ARE SO MANY UNKNOWN. LET'S BE CAUTIOUS, LET'S PROTECT FOR A FEW YEARS, THE SCHEME THAT WE HAVE. IF WE EMBARKED UPON A BIG GIVE AWAY PROGRAM, IT MAY BE IN TWO YEARS TIME THAT WE MAY NOT HAVE EVEN THE EXISTING REBATE. THIS IS WHY WE ARE SUGGESTING TO BE CAUTIOUS.

MR. CHAMBERLIST: MR. CHAIRMAN, I DON'T ARGUE AGAINST THE PRINCIPLE OF THE RATE EQUALIZATION PROGRAM. I SUPPORTED IT. I THINK IT IS A GOOD SCHEME. I THINK IT IS WORKING WELL. WHAT ANNOYS ME AT THIS TIME IS THAT AN ATTEMPT IS BEING MADE TO MAKE IT APPEAR THAT THE SCHEME IS BEING IMPROVED WHEN IN ACTUAL EFFECT, IT IS NOT BEING IMPROVED.

WHEN THE SUGGESTION IS BEING MADE THAT WE HAVE PROVIDED \$246,000 IN THE BUDGET

MR. CHAMBERLIST: I DON'T ARGUE AGAINST THE PRINCIPLE OF THE RATE EQUALIZATION PROGRAM. I SUPPORTED IT. I THINK IT'S A GOOD SCHEME. I THINK IT IS WORKING WELL. WHAT ANNOYS ME AT THIS TIME IS THAT AN ATTEMPT IS BEING MADE TO MAKE IT APPEAR THAT THE SCHEME IS BEING IMPROVED WHEN IN ACTUAL EFFECT IT IS NOT BEING IMPROVED. WHEN THE SUGGESTION IS BEING MADE THAT WE HAVE PROVIDED \$246,000.00 IN THE BUDGET FOR THIS YEAR FOR PAYING OUT

TO SUBSCRIBERS, RATHER TO RESIDENTS, WE MUST ALSO TAKE INTO CONSIDERATION THE AMOUNT OF MONEY THAT IS COMING IN FOR THIS YEAR. PERHAPS MR. MILLER CAN INDICATE THE AMOUNT THAT HAS BEEN ESTIMATED FOR THIS YEAR.

MR. MILLER: MR. CHAIRMAN, I HAVE NO REAL ESTIMATE OTHER THAN THE ONE OFF THE TOP OF MY HEAD, AND SO MUCH OF THIS IS GOING TO DEPEND UPON FUEL PRICE INCREASES. BUT MY ESTIMATE IS THAT THERE WILL BE APPROXIMATELY \$260,000.00 COME BACK IN THE WAY OF INCOME TAX REBATE PLUS OR MINUS ANYWHERE UP TO PROBABLY \$50,000.00. I SAY PLUS OR MINUS BECAUSE I DON'T KNOW.

MR. CHAMBERLIST: NOW LET'S TAKE THE ROUND FIGURE. WE HAVE \$246,000.00 OF THIS TO BE PAID OUT. WE HAVE ESTIMATED \$260,000.00 TO BE PAID IN. THAT \$246,000.00 IS ALSO PLUS OR MINUS SO THAT WE HAVE A POSITION WHERE THE MONEY THAT IS BEING PAID IN AND THE MONEY THAT IS BEING PAID OUT ALMOST BALANCES ITSELF. SO IT BEARS OUT EXACTLY WHAT I HAVE SAID. THAT WE'RE FACED NOW WITH A SESSIONAL PAPER THAT SAYS THAT A GREAT BIG GIFT IS GOING TO BE GIVEN TO SOME OF THE CONSUMERS. IT'S GOING TO COST ANOTHER \$60,000.00. AND AS I SAY THAT \$60,000.00 IS ONLY A PART OF THE INTEREST THAT IS BEING EARNED BY THE TERRITORIAL GOVERNMENT ON THE AMOUNT OF THE MONEY THAT IS WITHIN THE FUND, AND NONE OF IT IS BEING TOUCHED.

I SAY IT'S JUST PULLING THE WOOL OVER OUR EYES. THERE'S NO BENEFIT THAT IS REALLY GOING ALONG TO THE PEOPLE. THE CONSUMERS, THE COMMERCIAL CONSUMERS IN THE WHITEHORSE AREA, WHY SHOULDN'T THEY HAVE A BENEFIT TOO? WHY SHOULDN'T THEY BE CONSIDERED? WHY SHOULD THEY CONTINUALLY PUT UP THEIR MONEY TO CONTINUALLY FINANCE OTHER AREAS AS WELL? WE DON'T MIND. WE'VE DONE IT WITH FUEL. WE'VE DONE IT WITH ELECTRICITY IN THE WHITEHORSE AREA. THEN IT MUST BE EQUITABLE ALL THE WAY ACROSS. HERE IN POINT AS FAR AS I'M CONCERNED IS WHERE THE GOVERNMENT IS GOING TO MAKE THEMSELVES HEROES BY SAYING WE ARE GIVING \$60,000.00 FORTH AND YET MAINTAINING THEMSELVES IN THEIR FUND 1/4 MILLION DOLLARS WITHOUT TOUCHING IT. AS I SAY IT'S A FRAUD ON THESE MEMBERS OF COUNCIL IF THEY LET THEM GET AWAY WITH IT.

Mr. Stutter: Mr. Chairman, I must admit in financial advisory committee meetings my first comment, my first reaction was exactly the same as the member from Whitehorse East. And that is that we weren't even eating up the interest. I for one probably represent the area from the Yukon that has the highest of any electrical bills anywhere in the territory outside possibly of Old Crow where there aren't any commercial users. But nevertheless, in a minute I will read some of these figures to you, but nevertheless I need to be assured too that once this program is brought in that it's an on-going basis. There's a real danger that if some of these things materialize, some of the things that have been explained by Mr. Miller do materialize, this fund is going to be drastically reduced. I am talking about the principal of it too. It's going to be reduced in which case the ability to carry on with this type of extension, this type of equalization, will have to be either dropped or the funding will have to come out of a completely different source.

Now I would just like to read in what some of these rates are. This is one of the hotels in Dawson that paid \$16,706.00 for power last year. Of that, there was nine months of a restaurant in the same building that paid \$3,513.00. Another hotel where they were heating with oil and propane still paid \$3,162.00 last year in power.

Mr. McKinnon: You guys ask for N.C.P.C.

Mr. Stutter: One of the stores in town paid \$8,514.00 in power last year. These are the sort of power rates you are talking about outside of Whitehorse. So you know as I say I would love to have seen this go a lot further, a lot further than 15%. I would have liked to have seen it go to 25 or 30%. But nevertheless I would like to see it go to those rates and stay there for a few years too so that these commercial operators can also make some plans. But if it's a here today gone tomorrow affair or has that possibility, they can't make plans. They are not even assured of equalization for beyond the next couple of years.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I guess this is as good a time as any to bare my small 'c' conservative soul to the assemblage. I have no objection at all to what the city has undertaken to ask for, a study to be undertaken as to the feasibility of other organizations rather than the present franchise holder of taking on the distribution of power. But when I see that \$560,000.00 of funds has grown from 1972-73 to \$1,250,000.00 this year it seems to this man's thinking that there is a pretty efficiently run organization distributing power. Let's face it—the majority of that profit is coming from the Whitehorse franchise rather than the fifteen other communities that the Yukon Electrical Company serves.

I have real problems thinking that if a crown corporation, having worked in the area of crown corporations in the same type of distribution facility where there are 27 men standing around a hole with one person digging, I wonder whether the Whitehorse rate drop, if there were a drop, would be commensurate with the 95% income tax rebate which comes from the profitable franchise and is distributed to the rest of the community on the strength of the area of Whitehorse having a profitable franchise. And let's face facts that the moment that another non-private enterprise organization takes over the Whitehorse franchise formula to subsidize inefficiencies in crown corporations and other areas which it is doing now in the area of Dawson City, terminates.

And I say for one that I'm happy to see an efficient and a well-run organization distributing the power in Whitehorse and that the whole of the Yukon is benefiting from that private enterprise corporation doing a good job. And I for one with the interest of all Yukon residents in mind would hate to see the day that the equalization plan is terminated because I don't think that there would be that many more benefits for the Whitehorse consumer. I know that there would be no benefits for any other electrical consumer outside of the area of Whitehorse.

With those opening remarks, Mr. Chairman, I would be interested because I know when the



ORIGINAL EQUALIZATION FORMULA AND THE DISTRIBUTION OF THE EQUALIZATION FORMULA WAS DONE BY THE B.C. HYDRO & POWER AUTHORITIES, THAT THERE WERE HALF A DOZEN ALTERNATIVES OR MORE THAT WERE PRESENTED IN THE REPORT TO COUNCIL TO MAKE DELIBERATIONS ON. NOW WE'VE BEEN TOLD THAT PUBLIC MONIES HAVE BEEN EXPENDED WHICH I'M SURE THEY HAVE BEEN, FOR A REPORT BY MR. G. A. KIDD OF UNDERWOOD McLELLAN & ASSOCIATES. WELL, MR. CHAIRMAN, IF MR. KIDD OF UNDERWOOD McLELLAN & ASSOCIATES, A REPUTABLE FIRM, DIDN'T GIVE THE GOVERNMENT MORE THAN ONE ALTERNATIVE THEN I REALLY DON'T THINK THAT THE GOVERNMENT SHOULD HAVE PAID THE BILL TO THE PERSON THAT DID THE STUDY. I DON'T SEE HOW YOU CAN ASK MEMBERS OF THE FINANCIAL ADVISORY COMMITTEE AND MEMBERS OF THE EXECUTIVE COMMITTEE WHO HAVE HAD THE BENEFIT OF SEEING THE RESULTS OF THE REPORT, COME TO COUNCIL AND SAY HERE'S YOUR ALTERNATIVE, TAKE IT OR LEAVE IT. CERTAINLY AS IN THE ORIGINAL AREA WHERE THE EQUALIZATION WAS DISTRIBUTED AMONGST YUKON COMMUNITIES THAT IS WHERE COUNCIL HAS THE ALTERNATIVES OF SEEING THE VARIOUS PROPOSALS AND MAKING UP THEIR MINDS AS TO WHAT WAS THE BEST ONE THAT SHOULD BE PRESENTED AND THE ONE THAT THIS COUNCIL HAS PASSED. CERTAINLY, MR. CHAIRMAN, IF THERE WAS ONLY THE ONE ALTERNATIVE GIVEN WHICH IS PRESENTED IN FRONT OF COMMITTEE TODAY THEN THAT IS A COMPILATION OF DIFFERENT RECOMMENDATIONS THAT THE PERSON DOING THE STUDY MADE.

I THINK IT WOULD BE IRRESPONSIBLE IS THE ONLY WORD I CAN FIND FOR MEMBERS OF THIS COMMITTEE TO BE MAKING THE CHOICE ON THE STRENGTH OF THE SESSIONAL PAPER THAT WE NOW SEE. AND CERTAINLY, MR. CHAIRMAN, THE GOVERNMENT SHOULD HAVE COME UP WITH VARIOUS PROPOSALS FOR COUNCIL TO DEBATE AND COME UP WITH WHAT THEY THOUGHT WAS THE MOST EQUITABLE RATE OF DIFFERENT PLANS FOR PUTTING THE EQUALIZATION, THE TAX REBATE, AND PASSING IT ON TO VARIOUS YUKON COMMUNITIES, PERHAPS EVEN INCLUDING THE AREA WHICH PROVIDES THE EQUALIZATION FOR THE REST OF THE YUKON TERRITORY. I WONDER IF I COULD HEAR MR. MILLER'S COMMENTS.

MR. CHAIRMAN: MR. MILLER.

MR. MILLER: MR. CHAIRMAN, GORDON KIDD WHO UNDERTOOK THIS STUDY FOR US WAS ONE OF THE ORIGINAL OFFICIALS WHO HAD WORKED FOR B.C. HYDRO & POWER AUTHORITIES. WE ASKED HIM AND HIS TERMS OF REFERENCE WERE TO INITIALLY

LOOK AT THE EQUALIZATION PLAN AS IT WAS PRESENTED TO COUNCIL ORIGINALLY AND TO MAKE FURTHER RECOMMENDATIONS THERETO. HE DID THAT PURELY FROM A RESIDENTIAL VIEWPOINT. HE DID COME FORWARD WITH TWO ALTERNATIVES. SUBSEQUENT TO THAT WE ASKED HIM TO HAVE A LOOK AT THE PLAN IN RELATION TO COMMERCIAL AND THE IMPACT OF INTRODUCING AT LEAST A PARTIAL COMMERCIAL EQUALIZATION PLAN. AGAIN HE WENT BACK AND DID THAT. HIS FINAL RECOMMENDATIONS ARE AS YOU SEE THEM RIGHT HERE. NO CHANGES.

MR. TANNER: MR. CHAIRMAN, I DON'T WANT TO CORRECT THE WITNESS BUT I UNDERSTOOD HIS FINAL RECOMMENDATION WAS TO DO NOTHING, BUT IF YOU WERE GOING TO DO SOMETHING, DO THIS UNTIL WE FIND OUT WHAT THE CONSEQUENCES ARE OVER THE NEXT YEAR.

MR. MILLER: THAT'S CORRECT, MR. CHAIRMAN. HIS RECOMMENDATION WAS THAT WE SHOULD NOT BE CONCERNED ABOUT THE SIZE OF THE PLAN. IN FACT THESE ARE HIS EXACT WORDS. THERE IS NOTHING WRONG ABOUT HAVING A SIZABLE BALANCE IN THE EQUALIZATION FUND PARTICULARLY AS THE GOVERNMENT HAS LITTLE CONTROL OVER SOME OF THE CIRCUMSTANCES ETC. BUT YOU KNOW HE SAID IF YOU WANT TO GO AHEAD, HERE'S WHAT I WOULD RECOMMEND YOU GO AHEAD AND DO.

MR. CHAMBERLIST: IT DOESN'T DO ANYTHING.

MR. TANNER: MR. CHAIRMAN, I DON'T DISAGREE WITH THE COMMENT THAT CAME FROM THE SIDE HERE. IT DOESN'T DO A LOT. IT DOES ONE THING. BASICALLY IT GIVES 15% MORE TO THE COMMERCIAL OPERATOR OUTSIDE OF WHITEHORSE. AND AS THE HONOURABLE MEMBER FROM DAWSON HAS JUST ILLUSTRATED THEY COULD USE SOME RELIEF. BUT OTHER THAN THAT IT DOESN'T DO A LOT. WE ARE NOT TRYING TO PULL THE WOOL OVER ANYBODY'S EYES. WE ARE NOT TRYING TO MAKE A PRETENSION. WE ARE BEING VERY CONSERVATIVE, SMALL C, IN THIS PARTICULAR PAPER. BECAUSE WE ARE BEING CAUTIOUS.

MR. MCKINNON: EVERYONE IS CHANGING.

MR. TANNER: WELL I'VE ALWAYS BEEN THAT.

MR. CHAIRMAN: DO YOU HAVE ANY FURTHER QUESTIONS OF MR. MILLER AT THIS TIME? I JUST HAD ONE QUESTION. WELL I HAVE TWO REALLY. ONE IS WHAT TYPE OF DIRECTION WOULD THE ADMINISTRATION REQUIRE OR DESIRE IN RELATION TO THIS MATTER?

MR. MILLER: MR. CHAIRMAN, I WOULD THINK THAT IF COUNCIL DECIDES TO ACCEPT THIS, THAT --

MRS. WATSON: WE WOULD HAVE TO HAVE AN APPROPRIATION.

MR. MILLER: THERE IS AN APPROPRIATION ORDINANCE WHICH WILL HAVE TO COME IN TO GO WITH IT TO ALLOW US TO PAY IT OUT. THAT WOULD BE THE AUTHORITY THAT WE WOULD REQUIRE.

MR. CHAMBERLIST: MR. CHAIRMAN, WHY CAN'T WE GO A LITTLE BETTER THAN THIS \$60,000.00? WHY CAN'T WE MEET AT LEAST THE AMOUNT OF THE INTEREST THAT IS COMING OUT OF THAT FUND? WHY CAN'T WE DO THAT AND IMPROVE IT? YOU KNOW, WHAT YOU'RE DOING IS YOU ARE GIVING A COUPLE OF SLICES OF BREAD INSTEAD OF GIVING HALF A LOAF.

MR. MILLER: MR. CHAIRMAN, THE HONOURABLE MEMBER'S POINT REGARDING INTEREST. MAYBE JUST FOR THE EDIFICATION OF HIMSELF AND ALL OTHER MEMBERS, THE FUND AS AT MARCH 31, 1974, WOULD BE \$1,250,000.00. CERTAINLY WE ARE GOING TO INVEST THAT AND WE HAVE INVESTED IT. ADMITTEDLY IT'S PAYING 9%. NOW IN THE FIRST MONTH, IN THE MONTH OF APRIL, WE WILL PAY OUT APPROXIMATELY 20 ODD THOUSAND DOLLARS OUT OF THE FUND. SO WHILE IT'S GROWING IT'S ALSO DECREASING WHICH IS, I THINK, THE POINT THE MEMBER HAS MISSED. IF INTEREST RATES CONTINUE ADMITTEDLY WE MAY HAVE MORE INTEREST AND THE FUND MAY GROW SLIGHTLY DURING THE YEAR. MY ESTIMATE WAS, AND THIS WAS PRIOR TO THE 9% MONEY OR  $9\frac{3}{4}\%$  MONEY WHEN IT WAS STILL DOWN AROUND 8%, MY INFORMATION WAS OR MY CALCULATION WAS, THAT WE WOULD HAVE APPROXIMATELY 1.25 MILLION AT THE END OF THE YEAR. IN OTHER WORDS, WE WOULD BE A STRAIGHT SAW-OFF.

MR. CHAMBERLIST: AFTER PUTTING THIS --

MR. MILLER: AFTER PUTTING THIS INTO EFFECT.

MR. CHAMBERLIST: THAT'S WHAT I AM SAYING. IN ACTUAL FACT, THE FUND IS NOT BEING TOUCHED. WE'RE NOT DISTRIBUTING THE FUND. THAT'S WHAT I AM GETTING AT.

MR. MCKINNON: MR. CHAIRMAN, THERE'S A VERY VALID POINT HERE PARTICULARLY IN THE NEXT YEAR BECAUSE IF THERE IS THE TOTAL AMOUNT OF SUBSIDY USED UP AND SPREAD THROUGHOUT THE ENTIRE YUKON, THEN IT DOES HAPPEN THAT A CROWN

CORPORATION TAKES OVER THE DISTRIBUTION OF ELECTRICITY IN THE WHITEHORSE AREA THAT MEANS THAT OUT OF THE CONSOLIDATED REVENUE FUND AN IMPOST ON TAXATION WHICH EVERY MEMBER OF THE YUKON PUBLIC IS GOING TO HAVE TO DIG OUT OF HIS POCKET IS GOING TO HAVE TO BE USED TO PUT THAT AMOUNT OF SUBSIDY EVERY YEAR INTO RATE EQUALIZATION BECAUSE THE PEOPLE IN THE OUTLYING COMMUNITIES, NOW THAT IT IS ESTABLISHED, WOULD NOT LIVE IN THE OUTLYING COMMUNITIES ANY LONGER. THERE WOULD BE NO WAY THAT WE COULD FORCE THEM TO EVEN THINK THAT THEY WERE GETTING ANY TYPE OF A BREAK FROM THE GOVERNMENT IF WE DIDN'T CONTINUE THE EQUALIZATION PLAN WHICH COULD COME UP AT THAT AREA TO THE POINT OF A MILLION AND A HALF DOLLARS OR MORE A YEAR FROM THE CONSOLIDATED REVENUE FUND OF THE YUKON TERRITORY. SO I THINK IT'S WISE TO USE A CERTAIN AMOUNT OF CAUTION IN THIS YEAR PARTICULARLY WHERE THERE IS A FRANCHISE AGREEMENT GOING TO BE ENTERED INTO BY THE MUNICIPALITY, THE CITY OF WHITEHORSE. NOBODY KNOWS WHAT THE RESULTS OF THAT FRANCHISE ARRANGEMENT ARE GOING TO BE.

JUST ONE QUESTION AND COMMENT WOULD BE-LOOK AT THE PROFITABILITY SITUATION OF THE DISTRIBUTION COMPANY. I THINK THAT EVEN THEY MUST HAVE BEEN AMAZED AT THEIR 1973 FISCAL YEAR. I'M WONDERING ISN'T THERE A CERTAIN PROFITABILITY ALLOWED UNDER THE TERMS OF REFERENCE PRIOR TO A FURTHER RATE REDUCTION TO THE WHITEHORSE CONSUMER ALSO, MR. CHAIRMAN?

MR. TANNER: MR. CHAIRMAN, JUST BEFORE MR. MILLER ANSWERS --

MR. CHAIRMAN: ORDER. I BELIEVE THE QUESTION WAS DIRECTED TO MR. MILLER.

MR. TANNER: YES BUT I THINK THE MEMBER IS LEGALLY UNDER A MISAPPREHENSION. THAT PROFIT WASN'T IN ONE YEAR. THAT WAS THE ACCUMULATED PROFITS FROM A NUMBER OF YEARS ALL PAID IN ONE YEAR. NO, I DON'T THINK COUNCILLOR MCKINNON REALIZED THAT.

MR. MCKINNON: IT SAYS THAT THE THREE YEARS OF TAX REBATE HAS BEEN PAID TO THE TERRITORIAL GOVERNMENT FISCAL YEAR 1972-73 WHICH RESULTED IN AN INCREASE IN THE FUND ABOUT \$560,000.00. THE SURPLUS EXPECTED AT THE END OF THE FISCAL YEAR 1973-74 IS ESTIMATED AT APPROXIMATELY

\$1,250,000.00. WHERE AM I GOING WRONG? I SUBTRACTED THE FIGURES.

MR. CHAMBERLIST: YOU ARE RIGHT.

MR. MILLER: MR. CHAIRMAN, THE AMOUNT OF MONEY THAT'S BEEN RECEIVED FROM THE 95% TAX REBATE THE LAST YEAR, THE ESTIMATE IS \$300,000.00. WE DON'T KNOW WHAT THE ACTUAL WILL BE, BUT GETTING BACK TO YOUR ORIGINAL QUESTION AS I UNDERSTAND THE SITUATION YUKON ELECTRIC ARE WORKING IN THEIR FRANCHISE ON A 12 1/2% RETURN ON INVESTED CAPITAL.

MR. MCKINNON: YOU'RE WORKING AT AN ESTIMATE NOW YOU HAVEN'T RECEIVED YET FOR REBATE. I THINK FROM ALL INDICATIONS THAT I SEE AROUND WHITEHORSE THAT PROBABLY YUKON ELECTRIC HAD A VERY GOOD YEAR, AND WHILE THE \$300,000.00 IS A CLOSE ESTIMATE I WOULD THINK THAT PERHAPS IT WOULD BE UPWARDS OF THAT FIGURE.

MR. MILLER: WELL I WOULDN'T PRETEND TO KNOW, MR. CHAIRMAN, WHAT IT WILL ACTUALLY BE. WE WON'T KNOW UNTIL 1975. I'M SORRY, 1976, MARCH OF 1976. IT'S TWO YEARS - I'M SORRY 1975. IT'S TWO YEARS IN ARREARS BEFORE WE KNOW THE ACTUAL FIGURE. NOW I DO KNOW THIS. BASED ON THE HISTORIC PAYMENTS COMING TO US AND THESE ARE ACTUAL, IT CERTAINLY WAS GROWING. THIS IS ONE OF THE REASONS I'M GUESSING HERE, BUT THIS TO ME IS ONE OF THE REASONS WHY THERE WAS A RATE REDUCTION IN THE WHITEHORSE AREA LAST SEPTEMBER.

MR. MCKINNON: YOUR ESTIMATE OF \$300,000.00, ARE YOU USING THE 1973-74 REBATE OR THE 1972-73 REBATE?

MR. MILLER: MR. CHAIRMAN, THIS IS NOT MY ESTIMATE OF THE REBATE. THIS IS THE DEPARTMENT OF FINANCE ESTIMATE OF THE REBATE THAT WOULD ACCRUE TO US AS A RESULT OF YUKON ELECTRIC INCOME TAX PAYMENTS.

MR. MCKINNON: WHAT YEAR?

MR. MILLER: I'M TALKING ABOUT 1973.

MR. MCKINNON: 1973.

MR. MILLER: TAXED YEAR.

MR. MCKINNON: TAXED YEAR.

MR. CHAIRMAN: WHEN IS IT EXPECTED THE COMPANY LEGISLATION WOULD BE BROUGHT FORWARD? APPROPRIATION.

MR. MILLER: WELL, MR. CHAIRMAN, I THINK IF THE MEMBERS OF THIS COUNCIL ARE PREPARED, WE CAN BRING THAT FORWARD AT ANY POINT. IT'S READY.

MR. CHAIRMAN: IS COMMITTEE AGREED THEN THAT THE ADMINISTRATION BRING FORTH THE NECESSARY LEGISLATION TO EFFECT THIS. ARE THEY?

MRS. WATSON: THE APPROPRIATION BILL?

MR. CHAIRMAN: YES. WE AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: DO YOU HAVE ANY FURTHER QUESTIONS TO ASK MR. MILLER?

MR. CHAMBERLIST: I CAN TELL YOU AHEAD OF TIME, MR. CHAIRMAN, I'M NOT GOING TO SUPPORT IT BECAUSE AS FAR AS I'M CONCERNED IT DOESN'T GO FAR ENOUGH. IT'S NOT DOING RIGHT BY THE PEOPLE.

MRS. WATSON: MR. CHAIRMAN, WE AT THE PRESENT TIME HAVE ALLOWED \$240,000.00 IN THE VOTE TO PAY FOR THE EQUALIZATION SCHEME AS IT EXISTS NOW. IF THE COST OF PRODUCTION OF ELECTRICITY INCREASES NOTICEABLY WE COULD EASILY NOT HAVE ENOUGH MONEY IN THAT \$240,000.00 AT THIS TIME TO PROVIDE EQUALIZATION. BECAUSE IF THE COST OF ELECTRICITY INCREASES, WE ARE ONLY EQUALIZING THE FIRST 300 KILOWATT HOURS, RIGHT? FOR RESIDENTIAL. WOULD IT NOT BE LIKELY THAT THE COST, THE INCREASED COST PER KILOWATT HOUR, WOULD BE DESIGNATED FOR THE FIRST 300 RATHER THAN FOR THE WHOLE CONSUMPTION OF KILOWATT HOURS BECAUSE IF YOU LOOK AT YOUR RATE STRUCTURES NOW WITHIN YOUR COMMUNITIES YOUR FIRST 300 ARE ALWAYS THE HIGHEST. AND THAT'S LIKELY WHERE IT WOULD HIT IF WE REAVED THE AMOUNT OF MONEY THAT WE HAVE NOW, FOR EQUALIZATION WOULD NOT BE SUFFICIENT.

MR. CHAMBERLIST: BUT MORE MONEY MIGHT BE COMING IN AS A RESULT OF YUKON ELECTRIC BUYING LET'S SAY ELECTRICITY FROM YUKON HYDRO RATHER FROM H.C.P.C. AT A BETTER PRICE. THERE'S ALL OTHER AREAS INVOLVED. IT'S NOT NECESSARILY AT WHAT PRICE IT'S BEING CONSUMED AT OUTSIDE OF THE WHITEHORSE AREA. IT'S THE STRUCTURE IN

WHICH THEY ARE MAKING PROFITS SO THAT THEY CAN MAKE - HAVE A LARGER AMOUNT OF INCOME TAX PAYABLE WHICH WOULD BE COMING BACK AS REBATE.

Mrs. WATSON: Mr. CHAIRMAN, I THINK THAT A LOT OF OUR ELECTRICITY IS GENERATED BY - IS DIESEL ELECTRICITY AND - - -

Mr. CHAMBERLIST: NOT THAT MUCH. BUT WAIT UNTIL AISHIHIK GOES ON THE LINE.

Mr. McKINNON: JUST FOR THE RECORD, Mr. CHAIRMAN, I WOULD BE INTERESTED IN PARAGRAPH NO. 4 WHICH SAYS "AT THE PRESENT TIME THE EQUALIZATION PLAN APPLIES TO FIFTEEN COMMUNITIES SERVICED BY THE YUKON ELECTRICAL COMPANY LIMITED, AND ONE COMMUNITY SERVED BY NORTHERN CANADA POWER COMMISSION." I WONDER WHAT IS THAT ONE COMMUNITY THAT IS ONCE AGAIN GOING TO BE SUBSIDIZED BY PRIVATE ENTERPRISE, Mr. CHAIRMAN?

Mr. MILLER: Mr. CHAIRMAN, THAT COMMUNITY IS DAWSON CITY.

Mr. STUTTER: Mr. CHAIRMAN, IF THERE WAS ANYTHING I COULD DO OR PROBABLY SOME OF THE MEMBERS OF DAWSON OF GETTING A CHANGE IN THAT DISTRIBUTOR IN TOWN WHEREBY IT WOULD BENEFIT US, WE WOULD DO IT. WE WOULD PUT IN A COMPLAINT TO THE BOARD AND THERE'S THE ANSWER I GET. THE ANSWER IS BASED ENTIRELY ON A LETTER THEY RECEIVED FROM N.C.P.C. THAT'S WHERE THE BOARD GOT THEIR INFORMATION. IT WAS A LETTER FROM N.C.P.C. IT WAS ACCEPTED BY THEM. THAT'S THE TYPE OF DECISION YOU GET OUT OF THE BOARD THAT WE CREATED IN THIS PARTICULAR INSTANCE. WE ARE STILL STUCK WITH N.C.P.C. AND THEY RECOMMEND THAT THE RATES ARE OKAY.

Mr. McKINNON: Mr. CHAIRMAN, I WAS THE ONE WHO VOTED AGAINST THE BOARD BECAUSE I THOUGHT THAT N.C.P.C. SHOULD COME UNDER THE PURVIEW OF THAT BOARD ALSO.

Mr. STUTTER: WELL AS A MATTER OF FACT THEY AGREED TO. I HAVE HERE A TELEGRAM FROM D. HUNT WHEREBY HE SAID THAT THEY WOULD AGREE WITH THE OUTCOME OF THE BOARD. BUT THE POINT IS THAT THE BOARD IN MAKING THEIR DECISION ONLY MADE THE DECISION ON A SUBMISSION FROM N.C.P.C.

Mr. CHAIRMAN: DO YOU HAVE ANY FURTHER QUESTIONS OF Mr. MILLER? I WONDER IF HE MAY BE EXCUSED AT THIS TIME. THANK YOU VERY MUCH Mr. MILLER. I HAVE RECEIVED FROM MADAM CLERK A NOTE THAT YTA PRESIDENT WOULD BE PLEASED TO APPEAR BEFORE COUNCIL TOMORROW AT 11:00 A.M. IS THIS AGREEABLE?

SOME HONOURABLE MEMBERS: AGREED.

Mr. CHAIRMAN: POSSIBLY MADAM CLERK CAN CONFIRM THAT. WHAT IS YOUR FURTHER PLEASURE?

Mr. TANNER: Mr. CHAIRMAN, I WOULD MOVE THAT THE SPEAKER DO NOW RESUME THE CHAIR.

Mr. CHAIRMAN: IS THERE A SECONDER?

Mr. STUTTER: I'LL SECOND IT, Mr. CHAIRMAN.

Mr. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR STUTTER, THAT Mr. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

Mr. CHAIRMAN: I SHALL DECLARE THE MOTION IS CARRIED.

*MOTION CARRIED*

Mr. SPEAKER: COUNCIL WILL NOW COME TO ORDER. MAY WE HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEE?

Mr. TAYLOR: Mr. SPEAKER, COMMITTEE CONVENED AT 11:15 A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. COMMITTEE RECESSED AT 12:00 NOON AND RECONVENED AT 2:10 P.M. I CAN REPORT PROGRESS ON BILL NO. 21. Mr. MILLER ATTENDED COMMITTEE TO DISCUSS THE ELECTRIC RATE EQUALIZATION PLAN. IT WAS MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR STUTTER, THAT Mr. SPEAKER DO NOW RESUME THE CHAIR AND THIS MOTION CARRIED.

Mr. SPEAKER: YOU HAVE HEARD THE REPORT OF THE CHAIRMAN OF COMMITTEE. ARE YOU AGREED? MAY I HAVE YOUR FURTHER PLEASURE?

Mr. TAYLOR: IN RESPECT OF THE AGENDA, Mr. SPEAKER, I BELIEVE IT IS THE INTENTION OF COMMITTEE TOMORROW TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. APPARENTLY A MEETING HAS

BEEN ESTABLISHED WITH THE YUKON TEACHERS ASSOCIATION IN COMMITTEE AT 11:00.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TANNER: MR. SPEAKER, I WOULD MOVE THAT WE CALL IT 5 O'CLOCK.

MRS. WATSON: I'LL SECOND THAT, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FROM CARMACKS-KLUANE THAT WE NOW CALL IT 5 O'CLOCK. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?  
I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. SPEAKER: THIS COUNCIL NOW STANDS ADJOURNED UNTIL 10:00 A.M. TOMORROW MORNING.

*ADJOURNED*

TUESDAY, MAY 7, 1974.

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MRS. WATSON: YES, MR. SPEAKER. I HAVE FOR TABLING LEGISLATIVE RETURN NO. 60.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEE? ARE THERE ANY BILLS TO BE INTRODUCED? ARE THERE ANY NOTICES OF MOTION OR RESOLUTION?

MR. STUTTER: YES, MR. SPEAKER. I HAVE NOTICE OF MOTION, RE: HIGHWAY SIGNS AT MAJOR INTERSECTIONS IN THE TERRITORY.

MR. TAYLOR: MR. SPEAKER, I WOULD LIKE TO GIVE NOTICE OF MOTION THAT IT IS THE OPINION OF COUNCIL THAT THE ADMINISTRATION BRING FORWARD TO COUNCIL INFORMATION INDICATING WHAT LEGISLATIVE CHANGES AND FINANCIAL PROVISION WOULD BE REQUIRED IN PROVIDING FOR ENFORCEMENT OF THE CONSUMER PROTECTION ORDINANCE.

MR. SPEAKER: ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS? AS THERE ARE NO MOTIONS FOR THE PRODUCTION OF PAPERS OR MOTIONS, WE COME TO THE QUESTION PERIOD. MADAM CLERK WILL YOU ASCERTAIN THAT MR. ADMINISTRATOR IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY QUESTIONS?

ANSWER RE: TERMINATION OF TEACHER MAYO SCHOOL

MRS. WATSON: MR. SPEAKER, I HAVE AN ANSWER TO A QUESTION THAT COUNCILLOR MCKINNON ASKED YESTERDAY. THE QUESTION IS; "MR. SPEAKER, IT HAS BEEN BROUGHT TO MY ATTENTION THAT ONE OF THE DEPUTY SUPERINTENDENTS OF EDUCATION HAS SUMMARILY TERMINATED ONE OF THE TEACHERS IN THE MAYO SCHOOL. IT IS ALSO MY UNDERSTANDING THAT THIS ACTION HAS BEEN TAKEN OVER THE OBJECTIONS OF THE PRINCIPAL OF THE SCHOOL AND

THE ADVISORY COMMITTEE OF THE SCHOOL, BOTH OF WHOM ARE SATISFIED WITH THE TEACHER IN QUESTION.

I WOULD LIKE TO ASK THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION WHETHER THE FACTS ARE CORRECT AND WHETHER IN FACT ONE OF THE TEACHERS IN THE MAYO SCHOOL HAS BEEN TERMINATED BY ACTION OF ONE OF THE DEPUTY SUPERINTENDENTS OF THAT COMMITTEE?"

THE ANSWER TO THIS QUESTION IS AS FOLLOWS: ONE TEACHER AT MAYO RECEIVED AN UNSATISFACTORY REPORT FROM THE REGIONAL SUPERINTENDENT BUT THERE WERE NO TERMINATIONS. MAYO WAS THE ONLY SCHOOL IN THE YUKON WHERE A PRINCIPAL'S REPORT DIFFERED FROM THAT OF AN OFFICIAL OF THE DEPARTMENT OF EDUCATION.

MR. SPEAKER: MR. ADMINISTRATOR.

MR. ADMINISTRATOR: THANK YOU MR. SPEAKER. I WOULD LIKE TO BEG THE COUNCIL'S INDULGENCE FOR A MOMENT IF I MAY TO CONVEY TO THE COUNCIL THE MESSAGE REQUIRED BY THE YUKON ACT PRIOR TO THE INTRODUCTION OF A MONEY MEASURE.

THERE WAS A MESSAGE FROM THE COMMISSIONER WITH RESPECT TO ALL OTHER MONEY MEASURES, BUT NOW THAT THE COUNCIL HAS DEALT WITH THE ELECTRIC RATE EQUALIZATION PROGRAM AND HAS REQUESTED THAT THERE BE AN EXTENSION AS OUTLINED IN THE PAPER, IT'S NECESSARY FOR US NOW, MR. SPEAKER, TO INTRODUCE A SUPPLEMENTARY APPROPRIATION FOR AN ADDITIONAL \$60,000 FOR THIS PROGRAM. AND MY PURPOSE IS TO CONVEY TO THE COUNCIL THE MESSAGE THAT'S REQUIRED UNDER THE YUKON ACT. THANK YOU, MR. SPEAKER.

ANSWER RE: NURSING STATION AT ROSS RIVER

MR. TANNER: MR. SPEAKER, I HAVE A REPLY TO COUNCILLOR TAYLOR'S QUESTION CONCERNING THE NURSING STATION AT ROSS RIVER. HIS QUESTION WAS WHETHER OR NOT A TRAILER WAS GOING TO BE BROUGHT IN.

MR. SPEAKER, THE BUILDING IS VISUALIZED RIGHT NOW AND THERE ARE NO PLANS AVAILABLE IMMEDIATELY. IT'S VERY SIMILAR TO THAT THAT HAS BEEN CONSTRUCTED AT DESTRUCTION BAY AND IT'S A PRE-FAB MODULAR UNIT. AND IT CONSISTS OF THREE PIECES AND IT CONTAINS A NURSE'S QUARTERS AND A CLINIC.

QUESTION RE: BIDS - NEW LIQUOR STORE

MR. CHAMBERLIST: MR. SPEAKER, A QUESTION TO

MR. ADMINISTRATOR. MR. ADMINISTRATOR, ON MARCH 15TH, THERE WAS THE BID CLOSURE FOR BIDS TO COME IN FOR THE CONSTRUCTION OF A NEW LIQUOR STORE. ALMOST TWO MONTHS HAVE PASSED AND MANY OF THOSE PEOPLE THAT HAVE BID, FIND THEMSELVES IN DIFFICULTIES BECAUSE THEY DO NOT KNOW WHAT TO DO ABOUT ANY OTHER CONSTRUCTION IF THEIR BID IS NOT ACCEPTED. WOULD THE ADMINISTRATOR LET US KNOW NOW, WHY THIS BID ISN'T BEING ACCEPTED, ONE OF THE PEOPLE'S BEING ACCEPTED SO THE OTHERS AT LEAST KNOW WHAT TO DO WITH THEIR PROPERTY.

MR. ADMINISTRATOR: WELL, MR. SPEAKER, I DON'T KNOW WHAT COMPLICATIONS THERE MIGHT BE. I DO KNOW THAT THE MATTER IS STILL UNDER EXAMINATION BY OUR ACCOMMODATIONS SERVICES PEOPLE. I HAD EXPECTED THAT THERE WOULD BE AN ANNOUNCEMENT LAST WEEK, BUT BECAUSE THERE WAS NO ANNOUNCEMENT, I WOULD ASSUME THAT IT WILL NOW BE ALMOST ANY DAY. PERHAPS EVEN TODAY.

QUESTION: SEWAGE PROBLEM ROSS RIVER SCHOOL

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION I WOULD DIRECT TO THE MEMBER IN CHARGE OF HEALTH THIS MORNING. AND YESTERDAY, DURING THE QUESTION PERIOD, THE HONOURABLE MEMBER INDICATED THAT A MR. URQUHART WHO IS THE CHIEF HEALTH INSPECTOR WAS ON HIS WAY TO ROSS RIVER TO LOOK AT THE PROBLEM RELATED TO THE ROSS RIVER SCHOOL. AND I WOULD LIKE TO ASK HIM TODAY IF HE NOW HAS RECEIVED WORD FROM MR. URQUHART AND WHAT ACTION IS TO BE TAKEN IN THIS MATTER.

MR. TANNER: MR. SPEAKER, I HAD A CONSIDERABLE CONVERSATION WITH MR. URQUHART AND THE CHIEF HEALTH OFFICER, DR. NORELL. MR. URQUHART SPENT SOME TIME IN ROSS RIVER YESTERDAY. HE SAYS THERE IS, FIRST OF ALL LET ME MAKE IT VERY CLEAR, THERE IS NO IMMEDIATE HEALTH HAZARD. HE SAYS THERE COULD BE A HEALTH HAZARD UNLESS SOMETHING IS DONE FAIRLY QUICKLY AND HE AND OUR ENGINEERING STAFF ARE GETTING TOGETHER TODAY TO COME UP WITH A SOLUTION.

THE PROBLEM IMMEDIATELY IS THAT MOST OF THE EFFLUENT IS FROZEN AND TO REMOVE THE FROZEN EFFLUENT FROM UNDER THE BUILDING WILL TAKE SOME LITTLE TIME, BUT HE THINKS IT CAN BE DONE WITHOUT CREATING ANY FURTHER HEALTH HAZARD, OR ANY HEALTH HAZARD. AND THEY ARE WORKING ON IT.

MR. TAYLOR: SUPPLEMENTARY MR. SPEAKER. IN LIGHT OF THE FACT THAT I'VE HAD SOME COMMUNICATIONS LAST EVENING FROM ROSS RIVER TO THE EFFECT

THAT MAYBE AFTER A COUPLE OF DAYS, UNLESS SOMETHING IS DONE, IT MIGHT BE THAT SOME OF THE PARENTS MIGHT BE WITHDRAWING THEIR CHILDREN. I'M WONDERING IF THIS COULD BE GIVEN REAL URGENT CLASSIFICATION SO THAT IT CAN BE DEALT WITH AS SOON AS HUMANLY POSSIBLE.

MR. TANNER: MR. SPEAKER, WITH THE CO-OPERATION OF THE DEPARTMENT OF EDUCATION, I THINK MRS. WATSON WOULD PROBABLY SPEAK TO THAT. BOTH DEPARTMENT HEADS, BOTH THE ENGINEERING DEPARTMENT HEAD AND OUR ENVIRONMENTAL HEALTH PEOPLE ARE AT THAT LEVEL, DEALING WITH THE SITUATION AND WE ANTICIPATE THAT SOMETHING WILL BE RESOLVED VERY VERY SHORTLY.

MRS. WATSON: MR. SPEAKER, I WOULD ALSO LIKE TO ASSURE THE HONOURABLE MEMBER THAT WHILE THEY'RE DOING THE NECESSARY WORK TO CORRECT THE PROBLEM, IF THERE IS ANY HEALTH HAZARD INVOLVED AT THE TIME AND IF THEY'RE DOING IT DURING A SCHOOL DAY WELL THEN WE MAY HAVE TO CONSIDER CLOSING THE SCHOOL FOR A DAY OR TWO, IF IT CAN'T BE DONE ON A WEEKEND.

MR. TAYLOR: THERE IS JUST ONE FURTHER SUPPLEMENTARY. I WOULD JUST LIKE TO ASK IF THE HONOURABLE MEMBERS INVOLVED ARE AWARE OF THE FACT THAT THERE IS A COMMUNITY HALL THERE AND IF THIS WORK SHOULD TAKE LONGER THAN TIME WOULD ALLOW, ARE THEY AWARE OF THE COMMUNITY HALL AND IT COULD BE USED FOR CLASSROOM SPACE DURING THIS PERIOD.

MRS. WATSON: YES, MR. SPEAKER, I'M AWARE THAT THE FACILITY IS THERE.

QUESTION RE: PENSION FUND

MR. CHAMBERLIST: MR. SPEAKER, A QUESTION TO MR. ADMINISTRATOR. THE PENSION FUND THAT THE PUBLIC SERVANTS PAY INTO APPEAR TO STILL BE RECEIVING 4% INTEREST ON THE DEPOSITS THAT ARE PUT IN THAT FUND. IS THE ADMINISTRATION LOOKING INTO THIS PENSION FUND SO THAT SOME REALISTIC INTEREST CAN BE PAID ON THE PUBLIC SERVANTS' MONEY?

MR. ADMINISTRATOR: MR. SPEAKER, THIS IS A QUESTION THAT CONCERNS THE ADMINISTRATION OF THE SUPERANNUATION ACT OF CANADA AND THIS IS A VERY COMPLICATED SUBJECT. THIS IS TRUE, THAT THE INTEREST RATES DO APPEAR TO BE UNREALISTIC, BUT THERE ARE OTHER FACTORS INVOLVED, MR. SPEAKER. ONE OF THEM BEING THAT MANAGEMENT PERIODICALLY, CERTAINLY AND I SPEAK NOW OF THE FEDERAL GOVERNMENT, HAS CONTRIBUTED MONEY TO THE FUND TO ENABLE

THE FUND TO MEET ANY OUTSTANDING SHORTFALLS THAT MAY ARISE. AND THIS HAS BEEN ONE OF THE GUARANTEES UNDERLYING THE ADMINISTRATION OF THE FUND AND FOR THAT REASON THERE HAS BEEN NO CHANGE IN THE INTEREST RATE. IT'S MY PRESENT UNDERSTANDING THAT THIS WHOLE QUESTION OF MAKING THE TOTAL SUPERANNUATION FUND FULLY VIABLE IS UNDER SCRUTINY BY THE FEDERAL GOVERNMENT.

QUESTION RE: MAP CLASSIFICATION OF LAND DISPOSITION

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION I'D LIKE TO DIRECT TO MR. ADMINISTRATOR THIS MORNING. I HAD ASKED A QUESTION ON MAY 2ND, ASKING IF MAPS SHOWING VARIOUS CLASSIFICATIONS OF LAND DISPOSITION AS BEING PREPARED BY THE LAND CLAIMS NEGOTIATING COMMITTEE SECRETARIAT, THE YUKON SECRETARIAT, WOULD BE MADE AVAILABLE TO MEMBERS OF COUNCIL WHEN THEY BECOME AVAILABLE.

IN A REPLY I FIND THAT COPIES ARE AVAILABLE IN THE LANDS OFFICE OF THE TERRITORIAL GOVERNMENT. THAT SOME ARE IN THE LANDS ADMINISTRATION SECTION OF THE DEPARTMENT OF LOCAL GOVERNMENT AND OPEN TO THE PUBLIC AND SO FORTH. IT REALLY DOESN'T ANSWER MY QUESTION. MY QUESTION WAS; "WOULD COPIES OF THESE BE PROVIDED FOR MEMBERS OF COUNCIL WHO ARE CONSTANTLY RECEIVING ENQUIRIES RESPECTING THIS PARTICULAR AREA OF ENDEAVOUR?"

MR. ADMINISTRATOR: YES, MR. SPEAKER, WE CAN DO THAT. IT'S MY UNDERSTANDING THAT THESE MAPS ARE NOT COMPLETED IN ALL DETAIL JUST AT THE MOMENT. I THINK THE FIRST ITEM SAYS THAT THE MAP IS ONLY JUST NOW IN PREPARATION. AND IN FACT I'M NOT SURE THAT THE NATURE OF THAT FIRST MAP WILL ENABLE US TO PROVIDE A COPY FOR EACH MEMBER, BUT I CAN CERTAINLY DO WHAT I CAN TO GET COPIES TO WHATEVER EXTENT IS PHYSICALLY POSSIBLE FOR EACH OF THE MEMBERS OF COUNCIL.

QUESTION RE: ELECTRIC RATE EQUALIZATION

MR. MCKINNON: MR. SPEAKER, I WOULD LIKE TO ASK MR. ADMINISTRATOR IF A GOVERNMENT ENTITY TOOK OVER THE DISTRIBUTION OF POWER IN THE WHITEHORSE AREA, WHAT WOULD HAPPEN TO THE ELECTRIC RATE EQUALIZATION PLAN THROUGHOUT THE TERRITORY?

MR. ADMINISTRATOR: THAT'S A QUESTION I JUST

CAN'T ANSWER OFF HAND, MR. SPEAKER. OBVIOUSLY OUR SOURCE OF FUNDING WOULD DISAPPEAR BECAUSE THIS IS FUNDED AT THE MOMENT BY MEANS OF THE REBATE OF INCOME TAX WHICH COMES FROM THE PRIVATE SUPPLIES OF ELECTRICITY. BUT WE WOULD FIND OURSELVES IN THE POSITION OF NOT HAVING THE SOURCE OF FUNDS BUT AN ON GOING PROGRAM AND I THINK WE WOULD THEN HAVE TO COME TO COUNCIL AND ASK FOR COUNCIL TO BE THE KIND DONORS OF A NEW SOURCE OF SUPPLY.

MR. MCKINNON: AND A NEW SOURCE OF REVENUE ALSO, MR. SPEAKER TO FIT THAT SUPPLY?

MR. ADMINISTRATOR: YES, MR. SPEAKER.

MR. CHAMBERLIST: SUPPLEMENTARY MR. SPEAKER, WOULD MR. ADMINISTRATOR INDICATE WHETHER HE FEELS THAT GOVERNMENT CAN OPERATE A PUBLIC UTILITY CHEAPER THAN, OR MORE EFFICIENTLY THAN THAT OF A PRIVATE ENTERPRISE?

MR. ADMINISTRATION: MR. SPEAKER, THAT'S A PRETTY LARGE QUESTION. I HAVE MY OWN PERSONAL VIEWS, BUT I THINK IT WOULD ALSO DEPEND A GOOD DEAL ON THE NATURE OF THE PUBLIC ENTERPRISE AS WELL AS THE NATURE OF THE PRIVATE ENTERPRISE, BOTH OF WHICH HAVE AN OUTSTANDING RECORD IN - - - .

MR. MCKINNON: WHEN DID SMITH GET BACK?

QUESTION RE: COMMISSIONER'S RETURN TO YUKON

MR. TAYLOR: YES, MR. SPEAKER, SPEAKING OF SMITH, I'M WONDERING IF MR. ADMINISTRATOR CAN TELL US HOW HE IS MAKING OUT WITH HIS FRENCH LESSONS AND WHEN OUR BILINGUAL COMMISSIONER WILL RETURN ONCE AGAIN TO THE YUKON?

MR. ADMINISTRATOR: MR. SPEAKER, WHEN I WAS TALKING TO HIM A FEW DAYS AGO, HE THOUGHT THAT HE WOULD BE ARRIVING BACK IN WHITEHORSE TOMORROW EVENING AND WOULD BE BACK IN THE OFFICE ON THURSDAY MORNING.

MR. CHAMBERLIST: WHAT WILL MR. ADMINISTRATOR BE DOING ONCE HIS FUNCTIONS ARE FINISHED WITH?

MR. ADMINISTRATOR: WELL, MR. SPEAKER, I ASSUME THAT FOR THE TIME BEING I WOULD NO LONGER BE PERFORMING THE DUTIES OF ADMINISTRATOR.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS?



QUESTION: RE RESERVED LAND BETWEEN WHITEHORSE AND CARMACKS

MR. TAYLOR: YES, MR. SPEAKER, JUST ONE OTHER QUESTION IN RELATION TO THE RESERVED LAND BETWEEN WHITEHORSE AND CARMACKS. DO WE EXPECT THAT WE'LL HAVE A PAPER ON THAT THIS WEEK?

MR. ADMINISTRATOR: MR. SPEAKER, YESTERDAY I ASKED THE STAFF THAT ARE RESPONSIBLE FOR THE ANSWERING OF THESE QUESTIONS TO SEE WHAT THEY COULD DO TO EXPEDITE THE PREPARATION OF ALL OUTSTANDING ANSWERS, MR. SPEAKER, I WOULD HOPE THIS WOULD BE ONE THAT WE COULD ANSWER VERY SHORTLY.

MR. SPEAKER: AS THERE ARE NO FURTHER QUESTIONS WE WISH TO THANK MR. ADMINISTRATOR FOR HIS ATTENDANCE. AS THERE ARE NO PRIVATE BILLS IN ORDER WE COME TO PUBLIC BILLS IN ORDER.

BILL NO. 22, FIRST READING

MRS. WATSON: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 22 INTITULED AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE BE GIVEN FIRST READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT FIRST READING BE GIVEN TO BILL NO. 22 INTITULED AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*NOTION CARRIED*

MR. SPEAKER: WHEN SHALL THE BILL BE READ FOR A SECOND TIME?

BILL NO. 22, SECOND READING

MRS. WATSON: NOW, MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 22 INTITULED AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE BE GIVEN SECOND READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT SECOND READING BE GIVEN TO BILL NO. 22 INTITULED AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*NOTION CARRIED*

MR. SPEAKER: WITH REFERENCE TO BILL NO. 10 - LOTTERIES ORDINANCE.

MRS. WATSON: MR. SPEAKER, I BELIEVE WE AGREED NOT TO GIVE IT THIRD READING UNTIL WE HAD THE SESSIONAL PAPER.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I WOULD MOVE THAT MR. SPEAKER DO NOW LEAVE THE CHAIR AND COUNCIL RESOLVE INTO COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS, AND MOTIONS.

MR. SPEAKER: IS THERE A SECONDER?

MR. STUTTER: I SECOND THAT MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT MR. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN COMMITTEE OF THE WHOLE TO DISCUSS PUBLIC BILLS, SESSIONAL PAPERS, AND MOTIONS. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*NOTION CARRIED*

MR. SPEAKER: THE HONOURABLE MEMBER FOR WATSON LAKE WILL PLEASE TAKE THE CHAIR IN COMMITTEE OF THE WHOLE.

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. I BELIEVE WE HAVE CONCLUDED DISCUSSIONS FOR THE MOMENT ON SESSIONAL PAPER No. 23, WHICH WAS THE ELECTRIC RATE EQUALIZATION PLAN. LEGISLATION WILL BE FORTHCOMING TO GIVE IMPLEMENTATION TO THIS PAPER.

ALSO, I WOULD DRAW TO YOUR ATTENTION THAT MR. MIKE HERON, PRESIDENT OF THE YUKON TEACHERS' ASSOCIATION, WILL BE WITH US AT ELEVEN O'CLOCK.

THE NEXT SESSIONAL PAPER IS SESSIONAL PAPER No. 21. THIS IS RELATED TO AN INFORMATION PAPER ON INDIAN LAND CLAIM NEGOTIATIONS.

COUNCILLOR STUTTER WILL YOU TAKE THE CHAIR?

MR. CHAIRMAN: COUNCILLOR TAYLOR?

MR. TAYLOR: MR. CHAIRMAN, THIS IS PROBABLY THE FIRST TIME THAT WE HAVE HAD IN THE COUNCIL A PAPER, A DISCUSSION, RELATING TO THE INDIAN LAND CLAIM NEGOTIATIONS. AS I AM SURE ALL MEMBERS ARE AWARE THIS IS A VERY MUCH DISCUSSED TOPIC IN THE YUKON TERRITORY TODAY. INDEED THE LAND CLAIM NEGOTIATIONS ARE CAUSING SOMEWHAT OF A PROBLEM WITH THE POPULATION IS AS MUCH AS NO ONE SEEMS TO KNOW WHAT IS GOING ON.

WE THOUGHT THAT WHEN WE GOT AN INFORMATION PAPER FROM THE ADMINISTRATION THAT WE WOULD HAVE A LITTLE MORE INFORMATION AS TO JUST, MAYBE NOT THE DETAIL THE ACTUAL DETAIL OF WHAT THE NEGOTIATIONS WERE, BUT I WOULD HAVE THOUGHT THAT WE WOULD HAVE SOME IDEA ABOUT WHAT TREND THEY ARE FOLLOWING, THE GENERALITIES OF DISCUSSION AND THIS SORT OF THING.

I THINK ALL MEMBERS WILL RECOGNIZE THAT IN RESPONSE TO DEMANDS IN THE YUKON THAT WE HAVE A YUKONER ON THIS COMMITTEE APART FROM GOVERNMENT AND APART FROM COUNCIL. IN RESPONSE TO THOSE DEMANDS AND THROUGH THE WORK AND EFFORT OF THE SOCIETY OF NORTHERN LAND RESEARCH THAT GEORGE SHAW, FORMER MEMBER OF COUNCIL AND FORMER SPEAKER OF THE HOUSE WAS APPOINTED TO THIS COMMITTEE REPRESENTING THE PEOPLE OF THE YUKON.

THE PAPER, AS I STATE, DOESN'T REALLY TELL US ANYTHING MORE THAN THAT WHICH WE ALREADY KNOW. IT DOES TALK ABOUT THE SECRETARIAT CONSISTING OF A RESEARCH ADMINISTRATOR, RESEARCH ASSISTANT, DRAFTSMAN, LEGAL ADVISOR AND ANTHROPOLOGIST. I WOULD VERY MUCH LIKE TO KNOW EXACTLY WHO THESE PEOPLE ARE. I HAVE ASKED THIS QUESTION ON SEVERAL OCCASIONS BUT I DON'T THINK WE HAVE GOT ANY REAL CLEAR ANSWER ON IT.

I WOULD LIKE TO KNOW IF SOMEONE IN THE ADMINISTRATION, I SEE MR. ADMINISTRATOR HAS LEFT, WOULD HE BE ABLE TO COME BACK HERE AND BRING US UP TO DATE ON JUST WHAT IS HAPPENING WITH THE LAND CLAIMS NEGOTIATIONS, THE LAND CLAIMS SECRETARIAT, AND THIS SORT OF THING. WOULD THIS BE POSSIBLE?

MR. CHAIRMAN: IS THIS THE WISH OF COMMITTEE?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: MADAM CLERK WILL YOU SEE IF MR. FINGLAND IS AVAILABLE. I WILL DECLARE A BRIEF RECESS AT THIS TIME.

RECESS

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE BACK TO ORDER. WE ARE DEALING WITH SESSIONAL PAPER No. 21 - INDIAN LAND CLAIMS NEGOTIATIONS. COUNCILLOR TAYLOR?

MR. TAYLOR: THANK YOU, MR. CHAIRMAN. WE HAVE WITH US NOW MR. FINGLAND, THE ADMINISTRATOR AND I HAVE BEEN ASKING IF WE COULD RECEIVE A LITTLE MORE INFORMATION ON THE LAND CLAIMS NEGOTIATIONS AND THE LAND CLAIMS SECRETARIAT THAN WHAT APPEARS IN THE PAPER, MR. CHAIRMAN.

I NOTE THAT ONE STATEMENT WITHIN THE PAPER SAYS, "THE GOVERNMENT OF THE YUKON TERRITORY HAS EXPRESSED ITSELF CLEARLY ON ALL ISSUES DISCUSSED AND HAS MADE IMPORTANT CONTRIBUTIONS IN BOTH THE GOVERNMENT MEETING AND THE NEGOTIATING SESSIONS. I AM WONDERING IF MR. ADMINISTRATOR COULD ELABORATE ON THIS MATTER, MR. CHAIRMAN. ALSO IF HE COULD ALSO ELABORATE A LITTLE MORE ON THE CONSTITUTION OF THE SECRETARIAT AND WHO ARE INVOLVED, WHO THESE PEOPLE ARE AND THIS TYPE OF THING.

MR. ADMINISTRATOR: MR. CHAIRMAN, I AM SORRY I CAN'T ELABORATE ON WHAT THE POSITIONS WERE THAT WERE TAKEN BY THE TERRITORIAL GOVERNMENT. PERHAPS I COULD GO BACK AND RECAPITULATE A LITTLE ON THE NATURE AND THE STRUCTURE OF THE WHOLE PROCESS OF NEGOTIATIONS.

MR. CHAMBERLIST: WE KNOW THAT ALREADY.

MR. ADMINISTRATOR: YOU ARE FAMILIAR THEN WITH THE TERRITORIAL GOVERNMENT'S POSITION AND ITS ROLE AS A PARTICIPANT ON THE FEDERAL NEGOTIATING TEAM, IS THAT RIGHT?

SEVERAL HONOURABLE MEMBERS AGREE.

MR. ADMINISTRATOR: ALL RIGHT THEN, I WON'T BOTHER TO ELABORATE ON IT. BUT I CAN'T EXPLAIN ANYTHING ABOUT THE POSITION TAKEN BY THE TERRITORIAL GOVERNMENT.

MR. TAYLOR: MR. CHAIRMAN, THEN HOW CAN A PAPER COME BEFORE COUNCIL WHICH SAYS THAT THE GOVERNMENT OF THE YUKON TERRITORY HAS EXPRESSED ITSELF CLEARLY ON ALL ISSUES DISCUSSED AND HAS MADE IMPORTANT CONTRIBUTIONS IN BOTH THE GOVERNMENT MEETINGS AND NEGOTIATING SESSIONS. HOW COULD ONE STATE THAT AND NOT BE ABLE TO SAY, YOU KNOW, I DON'T WANT TO KNOW THE DETAILS WHICH MIGHT BECLOUD THE NEGOTIATIONS IN THE EAST. OBVIOUSLY THIS GOVERNMENT HAS EXPRESSED ITSELF CLEARLY, THEY HAVE MADE IMPORTANT CONTRIBUTIONS; IN WHAT WAY? WHAT CONTRIBUTIONS HAVE BEEN MADE BY GOVERNMENT?

MR. ADMINISTRATOR: AS A MEMBER OF THE NEGOTIATING TEAM, MR. CHAIRMAN WE HAVE BEEN ALLOWED TO PARTICIPATE AS A MEMBER OF THIS TEAM AND WE ALSO HAVE BEEN ALLOWED TO PLAY A MAJOR ROLE IN THE NEGOTIATIONS.

MR. TAYLOR: JUST FOR CLARIFICATION. WHAT IS HAPPENING IN THE YUKON TERRITORY IS DISTRESSING BECAUSE WHAT WE HAVE IS WE ARE GETTING INTO A SITUATION WHERE YOU ARE HAVING A GREAT BIG BATTLE AT THE COMMUNITY LEVEL BETWEEN INDIAN AND WHITE MAN. IT IS DANGEROUS. AS A MATTER OF FACT IT IS SO DANGEROUS THAT UNLESS INFORMATION IS FORTHCOMING, GENERAL INFORMATION NOT THE REAL SECRET STUFF, BUT GENERAL INFORMATION AS TO HOW THE LAND CLAIMS ARE GOING. GENERALLY AROUND WHAT AREA ARE WE HAVING THESE DISCUSSIONS? WHAT IS GOING ON IS THAT YOU ARE GOING TO HAVE A BACK-LASH IN THIS TERRITORY. MOST OF IT IS OUT OF IGNORANCE

AND IT IS UNDERSTANDABLE IGNORANCE BECAUSE THE GOVERNMENT WILL NOT GIVE THE PEOPLE ANY INFORMATION ABOUT LAND CLAIMS. THIS IS NOT AS IT SHOULD BE. CERTAINLY WE DO NOT WANT TO SEE THIS TYPE OF BACK-LASH OCCUR. THIS IS EXACTLY WHAT IS HAPPENING, MR. CHAIRMAN. IT IS VERY, VERY IMPORTANT.

YOU GET AT THE COMMUNITY LEVEL AND YOU GET PEOPLE TALKING ABOUT; THE WHITE MAN IS BLAMING THE INDIAN FOR SOMETHING THE INDIAN IS NOT RESPONSIBLE FOR IN THE FIRST PLACE AND YET HE IS BLAMING HIM. YOU KNOW HOW LITTLE RUMORS START AROUND COMMUNITIES. CONVERSELY, THE INDIAN FEELS THE SAME WAY, HE IS BLAMING THE WHITE MAN POSSIBLY FOR SOMETHING THAT MAYBE THE WHITE MAN IS NOT NECESSARILY RESPONSIBLE FOR. IT IS MY CONCERN AND MY INTEREST, AND I'M SURE IT SHOULD BE THE CONCERN OF ALL OTHER MEMBERS, THAT WE STOP THIS. THE ONLY WAY WE CAN STOP IT IS TO HAVE SOME DISCLOSURE ON WHAT IS GOING ON IN LAND CLAIMS. SO EVERYBODY CAN SETTLE DOWN AND SAY, "MAYBE THESE NEGOTIATIONS ARE COMING ALONG FINE AND MAYBE THE INDIAN DOESN'T THINK THE WHITE MAN IS TOO BAD A FELLOW AND MAYBE THE WHITE MAN DOESN'T THINK THE INDIAN IS ALL THAT BAD."

THIS IS WHY I AM ASKING THE QUESTIONS. IT MUST BE POSSIBLE FOR THE GOVERNMENT OF THE YUKON TERRITORY TO MAKE A STATEMENT LIKE THIS. TO BE ABLE TO TELL US WHAT IS GOING ON, WHAT CONTRIBUTION ARE WE REALLY MAKING?

ALSO COULD WE ONCE AGAIN KNOW WHO THE RESEARCH ADMINISTRATOR IS--THE RESEARCH ASSISTANT IS, THE DRAFTSMAN, THE LEGAL ADVISOR AND SO FORTH.

MRS. WATSON: MR. CHAIRMAN, I HAVE TO AGREE WITH THE HONOURABLE MEMBER FROM WATSON LAKE. THERE IS A BACK-LASH AND THERE IS A GREAT DEAL OF CONCERN WITHIN THE TERRITORY BECAUSE PEOPLE ARE NOT GETTING INFORMATION. I THINK THAT SOME INFORMATION HAS TO BE FORTHCOMING.

HOWEVER, I DO NOT THINK THAT THE INFORMATION CAN COME FROM THE GOVERNMENT OF THE YUKON TERRITORY BECAUSE IT IS A FEDERAL NEGOTIATING TEAM. I BELIEVE IT IS THE RESPONSIBILITY OF THE MINISTER, IN THIS INSTANCE, TO BE HONEST WITH THE PEOPLE OF THE TERRITORY AND MAKE A PUBLIC STATEMENT ON WHAT THEY ARE TRYING TO ACHIEVE AND THE ROUTE THAT THEY ARE GOING TO TRY TO ACHIEVE THIS.

I CANNOT AGREE MORE THAT THERE IS A GREAT DEAL OF DISCONTENT WITHIN THE TERRITORY OVER THIS ISSUE. I WOULD ALSO LIKE TO POINT OUT TO THE TERRITORIAL COUNCIL THAT THE HONOURABLE MEMBER FROM WHITEHORSE EAST AND I BROUGHT IN A MOTION TO THIS HOUSE WHEN THE NEGOTIATIONS BEGAN ASKING THAT THIS COUNCIL BE GIVEN DIRECT REPRESENTATION ON THAT NEGOTIATING TEAM. IN ORDER THAT THAT MEMBER OF THE TERRITORIAL COUNCIL WOULD BE THEN IN A POSITION TO REPORT TO THE TERRITORIAL COUNCIL, WHO ARE THE PEOPLES' ELECTED REPRESENTATIVES IN THE YUKON TERRITORY. IF YOU RECALL THAT MOTION WAS DEFEATED IN THIS HOUSE, THIS WAS THE REASON WE TRIED TO PUT THAT MOTION THROUGH. THERE IS NO ONE REPORTING TO ALL OF THE PEOPLE OF THE YUKON TERRITORY.

THE INDIANS NEGOTIATING TEAM REPORT TO THEIR EMBASSY BUT NO ONE IS REPORTING TO THE PUBLIC IN GENERAL IN THE YUKON. IF WE WOULD HAVE HAD A TERRITORIAL COUNCILLOR, NOT AN EXECUTIVE COMMITTEE MEMBER WHO CANNOT DISCLOSE ANY INFORMATION; A TERRITORIAL COUNCILLOR, A REPRESENTATIVE OF THIS TERRITORIAL COUNCIL, ON THAT NEGOTIATING TEAM WE WOULD HAVE HAD INFORMATION BROUGHT FORWARD TO THIS COUNCIL. INFORMATION TO THE PEOPLE'S REPRESENTATIVES OF THE TERRITORY SO THAT INFORMATION WOULD HAVE BEEN MADE AVAILABLE. I DON'T THINK THAT THE GOVERNMENT OF THE TERRITORY, AT THIS STAGE OF THE GAME, IS IN A POSITION WHERE THEY CAN MAKE ANY STATEMENTS ON THE NEGOTIATIONS. THIS IS A FEDERAL NEGOTIATING TEAM.

MR. CHAMBERLIST: I WOULD LIKE TO, FIRST OF ALL, DISAGREE WITH ONE POINT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS MADE. SHE SAYS THAT THE GOVERNMENT CAN'T SAY WHAT HAS TAKEN PLACE. I AGREE WITH WHAT SHE SAID THAT WE DID TRY HARD TO GET A COUNCIL REPRESENTATIVE ON THAT COMMITTEE AND THE COUNCIL WOULD HAVE GOT THE INFORMATION. BUT THE PARAGRAPH THAT READS, "THE GOVERNMENT OF THE YUKON TERRITORY HAS EXPRESSED ITSELF CLEARLY ON ALL ISSUES," I WANT TO PUT THESE QUESTIONS, MR. CHAIRMAN TO THE ADMINISTRATOR.

FIRSTLY, WHAT WERE THE ISSUES DISCUSSED?

MR. ADMINISTRATOR: I AM NOT PREPARED TO SAY, MR. CHAIRMAN.

MR. CHAMBERLIST: THE GOVERNMENT OF THE YUKON TERRITORY INCLUDES THIS TERRITORIAL COUNCIL. THE EXECUTIVE OF THE YUKON TERRITORY INCLUDES TWO MEMBERS OF THIS TERRITORIAL COUNCIL. THEREFORE IF THE ADMINISTRATOR IS SAYING HE IS NOT PREPARED TO SAY, ONCE AGAIN IT SHOWS YOU WHAT CONTEMPT THE FEDERALLY APPOINTED PEOPLE HAVE FOR MEMBERS OF THIS COUNCIL. THEY JUST DON'T CARE. THEY DON'T RECOGNIZE WHAT THEY ARE SAYING. THEY WRITE DOWN AND PRESENT US WITH A PAPER TO SAY THAT THE ISSUES HAVE BEEN DISCUSSED BUT THEY ARE NOT PREPARED TO TELL US WHAT ISSUES THEY ARE TALKING ABOUT.

HOW CAN THEY BACK AWAY BEHIND A COUPLE OF SHEETS OF PAPER AND THINK THEY HAVE DONE A SERVICE TO THE MEMBERS OF COUNCIL BY SUPPLYING A PAPER IN THIS PARTICULAR LIGHT. IT HAS EXPRESSED ITSELF CLEARLY ON ISSUES THEY DON'T WANT TO DISCUSS WITH US BUT WHAT THEY PREFER DISCUSSING WITH SOMEBODY ELSE. SURELY WE ARE ENTITLED TO KNOW WHAT THOSE ISSUES WERE. WE ARE ENTITLED TO SAY WHETHER WE AGREE WITH WHAT ADMINISTRATIVE OFFICERS HAVE DONE ON BEHALF OF THE GOVERNMENT OF THE YUKON TERRITORY, ON BEHALF OF THE PEOPLE OF THE YUKON TERRITORY.

THE ADMINISTRATOR OR THE COMMISSIONER DON'T HAVE TO ANSWER TO ANYBODY. THEY DON'T HAVE TO ANSWER TO THE PUBLIC. NOT IN ANY WAY. THIS IS WHY THEY COULD COME OUT AND SAY, "I AM NOT PREPARED TO DISCUSS IT." LET'S TAKE A LOOK. THE NEXT ROUND OF TALKS WILL BE HELD SOMETIME AFTER MARCH 1974. SOMETIME AFTER MARCH 1974 COULD BE 1994.

THERE IS NOTHING DEFINITE IN THE INFORMATION WE ARE RECEIVING IN THIS PARTICULAR AREA. THE SECRETARIAT AND HIS RESEARCH ASSISTANT PREPARED PAPERS IN THE CAUSE. WHAT PAPERS HAVE THEY PREPARED IN BEHALF OF THE PEOPLE OF THE YUKON? WHAT REPORTS HAVE THEY PREPARED? I DON'T SEE ANY OF THAT. WE DON'T KNOW ANYTHING AT ALL WHAT THEY ARE DOING AND YET WE ARE EXPECTED TO ACCEPT WITH A THANK YOU, THE PROPOSITION THAT A SESSIONAL PAPER DEALING WITH INFORMATION ON INDIAN LAND CLAIMS NEGOTIATIONS. THERE IS NOTHING RELATING TO THE NEGOTIATIONS IN THIS PAPER.

EVERYTHING IN THIS PAPER IS JUST A SUMMARY OF WHAT WE ALREADY KNOW ABOUT AND IT'S ABOUT TIME THE ADMINISTRATION GOT USED TO THE FACT THAT THE TWO ELECTED MEMBERS OF THIS COUNCIL SHOULD BE ACTING IN THIS PARTICULAR AREA AS MEMBERS OF THIS COUNCIL.

I'M PLEASED THAT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS STOOD UP AND AGREED WITH THE MEMBER FROM WATSON LAKE BECAUSE THIS IS THE RIGHT POINT. HERE IS WHERE THE ADMINISTRATION, TWO FEDERALLY APPOINTED PEOPLE, IN PARTICULAR, TO THIS GOVERNMENT ARE AT FAULT AND IT'S ABOUT TIME THE TWO ELECTED MEMBERS STAND UP AND BE COUNTED AND TELL THEM THEY CAN GO JUMP IN THE LAKE IF THEY DON'T DO THE THINGS THEY ARE SUPPOSED TO DO. AND THAT IS TO ACT PROPERLY. THEY ARE NOT ACTING PROPERLY.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: WELL, MR. CHAIRMAN, IT'S NOT MY INTENTION AND AS A MATTER OF FACT I DON'T WANT TO SEE THIS GET INTO A HEATED DEBATE. MY PURPOSE IN BRINGING THIS FORWARD IS SIMPLY TO SEE IF WE CAN GET SOME INFORMATION THAT WE COULD FEED BACK TO THE PEOPLE OF THE YUKON, YOU KNOW, WITH RESPECT TO LAND CLAIMS. TO TRY AND PUT TO REST SOME OF THE RUMOURS, SOME OF THE MISINFORMATION THAT IS FLOATING AROUND THE TERRITORY AT THIS TIME IN RESPECT TO THESE NEGOTIATIONS.

I THINK THAT IN TALKING ABOUT WHAT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE IS REFERRING TO AND SO IS THE HONOURABLE MEMBER FROM WHITEHORSE EAST THAT COUNCIL DO NOT HAVE A REPRESENTATIVE ON THIS. MAYBE THAT'S JUST AS WELL AND I THINK THE PROPER MOVE WAS THE APPOINTMENT OF EX-COUNCILLOR SHAW, WHO REPRESENTS ALL THE PEOPLE OF THE YUKON. HOPEFULLY, AND I'M ASSURED IN MY MIND, THAT HE IS NOT CONTROLLED BY ANY SORT OF GOVERNMENT OR POLITICAL, PARTISAN POLITICAL INFLUENCE. I THINK HE WILL DO A CREDIBLE JOB.

APPARENTLY WE ARE NOT GOING TO BE ABLE TO GET THIS INFORMATION. THE FUTURE OF THE YUKON IS TIED UP IN THESE NEGOTIATIONS AND SO, THEREFORE, WHAT WE MUST DO THEN IS PUT OUR FAITH IN BOTH BARGAINING TEAMS, THAT ON THE SIDE OF THE BROTHERHOOD AND THE COUNCIL OF YUKON INDIANS, AND THE FEDERAL GOVERNMENT. BUT I HOPE THAT THE GOVERNMENT OF CANADA, THROUGH THE MINISTER AND THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT WILL TAKE NOTE OF THE REAL DESIRE OF THE PEOPLE OF THE YUKON TERRITORY FOR INFORMATION. I HOPE THE ADMINISTRATION WILL

CONVEY THIS TO THE MINISTER, THAT THERE IS A DEEP FEELING IN THE TERRITORY THAT WE MUST HAVE INFORMATION IN RESPECT OF LAND CLAIMS.

NOW, I THINK ONE THING WE COULD ASK FOR AND I THINK WE ARE VERY ENTITLED TO HAVE, IS INFORMATION RESPECTING OUR SECRETARIAT. THAT IS THE RESEARCH ADMINISTRATOR, THE RESEARCH ASSISTANT, THE DRAFTSMAN, THE LEGAL ADVISOR, AND THE ANTHROPOLOGIST. I SHOULD SAY THE ANTHROPOLOGIST IS, I BELIEVE THE LADY, CRUIKSHANK, WHO WROTE THE WONDERFUL BOOK. I REALLY COMPLIMENT HER IN THIS HOUSE, MR. CHAIRMAN, TO "THROUGH THE EYES OF STRANGERS", WHICH I THOUGHT WAS A BEAUTIFUL PIECE OF WORK IN PUTTING TOGETHER A LITTLE BIT OF THE HISTORY BEHIND THE EVOLUTION OF VARIOUS NATIVE GROUPS THROUGHOUT THE TERRITORY.

SO, COULD WE HAVE NOW FROM MR. ADMINISTRATOR, THE NAMES OF THE VARIOUS PEOPLE INVOLVED IN OUR SECRETARIAT AND A LITTLE BIT OF INFORMATION ON HOW THE SECRETARIAT FUNCTIONS?

MR. CHAIRMAN: MR. ADMINISTRATOR.

MR. ADMINISTRATOR: MR. CHAIRMAN, THE RESEARCH ADMINISTRATOR IS GEORGE PRIVETT AND THE RESEARCH ASSISTANT IS SUE LANGEVIN. THE DRAFTSMAN'S POSITION AT THE MOMENT IS VACANT. THE PART-TIME LEGAL ADVISOR IS DAVE ELLIOTT WHO HAS BEEN PROVIDING US, OFF AND ON AS HIS DUTIES PERMIT, WITH SERVICES UNDER CONTRACT, AND OF COURSE THE ANTHROPOLOGIST AS THE HONOURABLE MEMBER HAS SAID, IS ON CONTRACT, JULIE CRUIKSHANK.

NOW, THIS GROUP ACTUALLY IS, THESE PEOPLE ARE TERRITORIAL PUBLIC SERVANTS, THOSE OF THEM WHO ARE NOT UNDER CONTRACT AND THEY REPORT DIRECTLY TO THE COMMISSIONER. HIS ROLE IS AS A MEMBER OF THE NEGOTIATING TEAM.

MR. TAYLOR: MR. ELLIOTT, MR. ELLIOTT IS?

MR. ADMINISTRATOR: HE HAS BEEN WORKING FOR US OFF AND ON. HE IS OR HAS BEEN LECTURING THIS PAST WINTER AT CARLETON UNIVERSITY BUT HE HAS BEEN DOING WORK FOR US UNDER CONTRACT.

MR. TAYLOR: AND COMES FROM WHERE, MR. CHAIRMAN?

MR. ADMINISTRATOR: HE WAS AT ONE TIME HERE IN THE YUKON. HE WENT THROUGH THE YUKON SCHOOL SYSTEM AND HAS BEEN ABROAD SOMEWHERE IN ENGLAND, I BELIEVE, GOING TO UNIVERSITY.

MR. CHAIRMAN: COUNCILLOR WATSON.

Mrs. Watson: Mr. Chairman, I'm not prepared to continue this except the Honourable Member from Watson Lake saying the Administration should request for more information and I know this Sessional Paper tells us absolutely nothing. I do feel there is a necessity for more information to the public and I don't think it's enough for this Council to say to the Administration, "you put on the pressure".

I think we should have a Motion or a Resolution from this Council asking the Minister to let the Commissioner make known to the public of the Yukon Territory, the position the Territorial Government is taking in these negotiations. Certainly the public of the Yukon Territory is entitled to some information and if this Council went to the Minister and said that they request some information, then possibly the Commissioner would be able to release the information. But just asking the Administration to do it, there's just no way this can be done.

Mr. Taylor: Well, Mr. Chairman, it's clear in my mind since the trip to Ottawa. I have had some private discussions in this matter with the Minister. The nature of the discussions, again as in the Land Claims I think is privileged. I don't think I should say what the Minister replied. However, the Minister is quite aware of the representations that I made and they were to the effect that there was a problem in the Territory of lack of information and, you know, that there should be a disclosure. I think the Minister is aware of that. I think at this point though, we must be very careful because if we get locked into another big battle in this House over sending high powered big motions down to the Minister, he is quite aware of what the situation is, then we might just further the cause of disunity among the people of the Territory. And I say that to approach with caution whatever move Council might wish to take in this matter.

I agree and I think all Members agree, we must get information out of Ottawa of some sort telling us at least a little something about the negotiations, how they are going and I only hope that the Minister who definitely is aware of this, that he will bring forth this information. He's got to.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, as far as I'm

concerned, I'm not playing it cool on this one. I think the people of the Yukon are entitled to know what is being disposed of or what is intended to be disposed of because I think, my stand is that the Yukon is part of everybody.

When a Federal Administrator can come and sit in this House and say in effect he doesn't give a damn about the people in the Yukon, he's not prepared to say what they have been discussing, when it affects the people of the Yukon, it's about time we told him to go home and take Smith with him. If any other Federal man that thinks he can come along and say to the people of the Yukon, "these are the things you're going to get whether or not" and this is what we are being told.

It's unfortunate that perhaps the Administrator is in that position where he has been told not to say anything. If that's the position, he should say that he has been told by the Department of Indian Affairs and Northern Development not to say anything. He shouldn't accept that he is saying it himself.

Mr. Chairman, as far as I am concerned, when there are only two simple lines in this whole paper that we can really ask questions about what we don't already know about and that has been expressed by the Honourable Member from Watson Lake and myself, "The Government of the Yukon Territory has expressed itself clearly on all issues discussed and has made important contributions in both the Government meetings and in negotiation sessions." Let us decide whether these people from the Federal Government have made important contributions on behalf of the people of the Yukon. All of a sudden we are going to leave it blandly for Federal Government people to say, "we've decided". This is what they have been doing for 75 years. They're saying, we'll decide what to do and here is a case in point where they are doing exactly the same thing.

This is where the people of the Yukon have got to say now, we want to know what's going on and Members of this Council have got to say and I ask none of you, especially those who are running for re-election again to think that they can play footsie-tootsie with Indian and White just to satisfy their own possibility for getting elected again. Because they have to speak out and say quite clearly that it's all the people in the Yukon that matter.

THE INDIAN PEOPLE AND THE WHITE PEOPLE. THAT THE PEOPLE OF THE YUKON WANT TO KNOW WHAT'S GOING ON. THEY ARE ENTITLED TO. IT'S JUST AS MUCH THE HERITAGE OF PEOPLE OF NATIVE BACKGROUND THAT IT IS OF THOSE PEOPLE WHO SPENT MANY YEARS UP HERE AND ARE GOING TO SPEND MANY MORE YEARS TO COME.

MR. CHAIRMAN, THERE CAN BE NO DOUBT IN MY MIND THAT THESE OBLIQUE TYPE OF STATEMENTS MADE, EVEN ABOUT THE SECRETARIAT, THAT THE PREPARED PAPERS AND REPORTS. THAT'S A LOT OF NOISE WE ARE GETTING. THAT THE PREPARED PAPER AND REPORT PAPER AND REPORT, I SHOULD HOPE SO. IT'S COSTING US \$20,000. I HOPE THEY ARE DOING SOMETHING AND AT LEAST WE SHOULD BE ABLE TO GET SOME OF THOSE PAPERS AND REPORTS TO KNOW WHAT THEY HAVE FOUND OUT. WHAT THEY HAVE SAID. WHAT THEY ARE RECOMMENDING TO THE GOVERNMENT OF THE YUKON TERRITORY, WHO IS SUPPOSED TO BE SPEAKING ON OUR BEHALF AND ON THE PEOPLE'S BEHALF. BUT WE DON'T KNOW THAT AND WHY DON'T WE KNOW THAT? BECAUSE WE ARE TOLD THAT THEY CAN'T GIVE OUT THAT TYPE OF INFORMATION TO US. WE DON'T MATTER. HOW CAN THEY SAY THEY REPRESENT THE GOVERNMENT OF THE YUKON TERRITORY AND THE PEOPLE OF THE YUKON TERRITORY WHEN THEY ARE ANOTHER VOICE OF THE INDIAN AFFAIRS DEPARTMENT? WHAT ARE THEY DOING AND WHO ARE THEY FOOLING? AND YET WE ARE GOING AND ACCEPTING IT.

I'M SURPRISED AT THE HONOURABLE MEMBER FROM WATSON LAKE BECAUSE ALL OF A SUDDEN HE'S GONE SOFT AND WHY SHOULD HE GO SOFT ON A MATTER THAT IS SO IMPORTANT TO ALL THE PEOPLE IN THE YUKON. ESPECIALLY TO THE PEOPLE IN HIS OWN CONSTITUENCY AND I'M ANNOYED WITH THE STAND HE HAS TAKEN. I THINK WE HAVE TO NOW SPEAK OUT AND FOR GOD'S SAKE SAY NOW WE WANT TO GET INFORMATION. NOT JUST HALF HEARTEDLY BUT WE'VE GOT TO GET IT.

NOW, I TELL YOU, MR. CHAIRMAN, IT'S ONLY A MATTER OF TIME AND THE HONOURABLE MEMBER HAS SAID IT. IT'S ONLY A MATTER OF TIME BEFORE THERE ARE GOING TO BE PEOPLE, BOTH INDIAN AND WHITE, WHO ARE GOING TO BE DISSATISFIED AT THE LACK OF INFORMATION THEY ARE GETTING. THERE ARE GOING TO BE PROBLEMS HERE, REAL SERIOUS PROBLEMS. YOU'VE ALREADY HEARD IN BRITISH COLUMBIA, OF A GROUP OF INDIAN PEOPLE WHO ARE ALREADY TALKING ABOUT MILITANCY AND I'VE HEARD IN SMALL GROUPS HERE AS WELL. MAKE NO MISTAKE, IT WILL HAPPEN AND IT WILL HAPPEN SIMPLY BECAUSE OUR FEDERAL ADMINISTRATORS DON'T WANT TO TELL US WHAT'S GOING ON.

MR. CHAIRMAN: COUNCILLOR WATSON.

MRS. WATSON: MR. CHAIRMAN, THE HONOURABLE MEMBER KNOWS FULL WELL THAT THE FEDERAL NEGOTIATING TEAM AND ALSO KNOWS FULL WELL THE INFORMATION CANNOT BE IMMEDIATELY AVAILABLE UNLESS THE MINISTER SO AUTHORIZES IT.

MR. CHAMBERLIST: NONSENSE.

MRS. WATSON: IT'S ABSOLUTELY CORRECT. HOWEVER, I AM SURPRISED THAT THE HONOURABLE MEMBER FROM WATSON LAKE, WHO BRINGS UP THE ISSUE, WANTS MORE INFORMATION, BERATES THIS SESIONAL PAPER AND IS NOT PREPARED TO SUPPORT A MOTION TO THE MINISTER ASKING FOR MORE INFORMATION. I THINK THIS IS THE ROUTE THAT COUNCIL GO ON. A MOTION OR A RESOLUTION FROM THIS COUNCIL ASKING THE MINISTER THAT MORE INFORMATION BE PROVIDED TO THE COUNCIL AND TO THE PUBLIC OF THE TERRITORY SO THAT THEY ARE AWARE OF THE POSITION THAT IS BEING TAKEN. IT IS MOST VITAL.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: WELL, MR. CHAIRMAN, I CAN ONLY SAY TO THE HONOURABLE MEMBER FROM CARNACKS-KLUANE THAT THIS HAS BEEN A MOST INTERESTING DEBATE. IT'S TOO BAD THAT SHE MISSED IT. SHE IS STANDING UP HERE AS IN MANY INSTANCES AND SAYING THAT I BERATE THE PAPER AND SHE HAS NOW GOT IT CONCLUDED THAT I WON'T SUPPORT A MOTION FOR INFORMATION. I DON'T KNOW HOW MISINFORMED HER LADYSHIP CAN GET, MR. CHAIRMAN, BUT IT'S TYPICAL OF THE NONSENSE THAT IS HERE.

MR. CHAIRMAN: ORDER, ORDER PLEASE.

MRS. WATSON: POINT OF PRIVILEGE. HE IS DENYING THE FACT NOW THAT WE SHOULD CALL IT OUT. DON'T GO TO THE MINISTER WITH A RESOLUTION. THAT'S EXACTLY WHAT HE SAID. HE BROUGHT UP THE ISSUE. WE NEED THE INFORMATION. WHEN I THREW THE CHALLENGE TO HIM, HE SAID, LET'S HAVE A MOTION, HE DENIES IT.

MR. TAYLOR: WHAT'S THE POINT OF PRIVILEGE, MR. CHAIRMAN.

MR. CHAIRMAN: ORDER PLEASE.

MR. TAYLOR: I DIDN'T HEAR ANY POINT OF PRIVILEGE THERE AT ALL, MR. CHAIRMAN. AS-USUAL.

MR. CHAIRMAN, IT HAS BEEN SUGGESTED BY THE HONOURABLE MEMBER FROM WHITEHORSE EAST THAT HE

IS ANNOYED BECAUSE I'M SAYING KEEP IT COOL. WELL, THAT'S EXACTLY WHAT I AM SAYING. I'M SAYING LET US DO ANYTHING WITHIN OUR POWER TO GET THIS INFORMATION. NOW, I DIDN'T SEE ANY OTHER MEMBER MOVE SESSIONAL PAPER No. 21 ABOUT LAND CLAIMS, AT ALL IN THE COMMITTEE. I'M THE MEMBER WHO MOVED IT IN HERE SO NO ONE ELSE SEEMED TOO CONCERNED BECAUSE THAT PAPER IS PRETTY IMPORTANT.

I THINK WE ARE ALL AGREED, I'M SAYING KEEP OUR COOL ON THIS BECAUSE IF WE LOCK OURSELVES TOO HARD INTO POSITION, WE'RE GOING TO GET NO INFORMATION WHATSOEVER. WE ARE ENTITLED TO INFORMATION AND I'M SURE, LET US DO IT LOGICALLY AND SENSIBLY WITHOUT A WHOLE BUNCH OF INFIGHTING AROUND THIS TABLE. I WOULD CERTAINLY SUPPORT ANY MOTION TO GET ANY INFORMATION ON THIS MATTER BECAUSE THAT'S WHY I BROUGHT THIS THING BEFORE COMMITTEE TODAY.

I JUST WANT TO MAKE THIS CLEAR HERE. MY BIG PROBLEM IS THE PEOPLE OF THE YUKON, THE LACK OF INFORMATION, AND THE FIGHT THAT'S GOING ON. THE HONOURABLE MEMBER FROM WHITEHORSE EAST SAYS THERE'S GOING TO BE A PROBLEM. THERE IS A PROBLEM. THERE HAS BEEN A PROBLEM FOR SOME TIME AND IT IS TO THIS EXTENT THAT WE SHOULD BE WORKING. THIS IS WHY, AGAIN, I ASKED THE QUESTION, THE ANSWER ON MAY 2ND WHICH IS CONTAINED IN 60 ABOUT THE COPIES OF THESE MAPS ON THE GENERAL LAND DISPOSITIONS BECAUSE IT IS A MATTER THAT'S BEING COMPILED BY THE LAND CLAIMS SECRETARIAT. I ALSO THANK THE ADMINISTRATOR FOR THE LIST OF NAMES OF THE PEOPLE INVOLVED IN THE SECRETARIAT.

BEYOND THIS POINT, I THINK WE HAVE MADE OUR POINT AS FAR AS OTTAWA IS CONCERNED. THEY WILL READ THESE DEBATES.

(LAUGHTER)

MR. TAYLOR: I WOULD THINK THAT THEY WOULD AND IF THERE IS A MOTION FORTHCOMING, FINE, I'LL SUPPORT IT BUT I'M JUST SAYING, DON'T GET OURSELVES LOCKED INTO ANOTHER GREAT BIG FIGHT BECAUSE WE HAVE TOO MANY OF THEM GOING ON NOW.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF WE CAN GET SOME ANSWERS ABOUT THE SECRETARIAT THEN? JUST BASED ON THE PAGE HERE ITSELF. IT APPEARS THE PREPARED PAPERS AND REPORT WE ARE NOT GOING TO GET IN ANY EVENT BUT IT'S TO ENSURE VALIDITY OF ALL ASPECTS OF RESEARCH AND RECOMMENDATIONS. WELL, WHAT WAS THE RESEARCH

AND WHAT WERE THE RECOMMENDATIONS? NOW THE SECRETARIAT IS DOWN THERE, THIS IS OUR SECRETARIAT. WE VOTED MONEY FOR THIS. WHY CAN'T WE KNOW WHAT OUR SECRETARIAT HAS DONE? WE VOTED THE MONEY FOR IT. CAN I GET AN ANSWER FROM MR. ADMINISTRATOR? WHY WE CAN'T GET THAT INFORMATION.

MR. CHAIRMAN: MR. ADMINISTRATOR.

MR. ADMINISTRATOR: WELL, THE SECRETARIAT IS WORKING ON POSITIONS TO BE TAKEN BY THE TERRITORIAL GOVERNMENT TO ITS REPRESENTATIVE ON THE FEDERAL NEGOTIATING COMMITTEE WHO IS THE COMMISSIONER. BUT THAT'S ALL I CAN SAY.

MR. CHAMBERLIST: BUT THAT'S THE VERY POINT, MR. CHAIRMAN. YOU KNOW, HE'S WORKING ON THE BASIS OF ACTING FOR THE TERRITORIAL GOVERNMENT AND HERE WE ARE VOTING MONEY. WE HAVE JUST VOTED IN THE BUDGET, MONEY FOR ONE OF OUR OWN GROUP OF PERSONNEL, A SECRETARIAT PAID BY THE TERRITORIAL GOVERNMENT TO GET INFORMATION AND MAKE RECOMMENDATIONS AND WE ARE NOT EVEN ALLOWED TO KNOW WHAT WE PAID THE MONEY FOR. IT'S SO RIDICULOUS. I DON'T KNOW HOW MEMBERS OF COUNCIL CAN NOT JUMP ON THE ADMINISTRATOR AND EAT HIM UP FOR EVEN COMING OUT WITH THE SUGGESTION THAT WE ARE NOT ENTITLED TO KNOW WHAT WE VOTED THE MONEY FOR.

NOW, LET'S GO ON A LITTLE BIT MORE. WE GO ON ANOTHER AREA ALSO ABOUT THE SECRETARIAT. IT MONITORS YUKON PUBLIC OPINION EXPRESSED IN THE LOCAL MEDIA AND CORRESPONDENCE OF RESIDENTS. WELL, CAN WE SEE WHAT IT IS MONITORED? CAN WE SEE WHAT IT'S DONE? CAN WE SEE WHAT CONCLUSION IT HAS COME UP WITH AS A RESULT OF MONITORING PUBLIC OPINION? WE PAY THEM TO DO THIS. SURELY WE ARE ENTITLED TO KNOW AND IT'S NOT FORTHCOMING.

IT JUST GOES TO SHOW THAT WE'VE BEEN USED AGAIN. THIS COUNCIL HAS BEEN USED TO VOTE MONEY FOR SOMETHING THAT WE ARE NOT GOING TO BE TOLD WHAT THE MONEY HAS BEEN USED FOR. AGAIN AND AGAIN AND IN THIS PARTICULAR AREA IT SHOWS THAT THE MONEY IS BEING USED NOT FOR THE GOVERNMENT OF THE YUKON TERRITORY BECAUSE HERE YOU HAVE THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SAYING IT'S A FEDERAL NEGOTIATION TEAM. THEN WE HAVE THE ADMINISTRATOR SAYING THE SECRETARIAT IS ON BEHALF OF THE GOVERNMENT OF THE YUKON. O.K., LET'S NOT TELL US WHAT THE NEGOTIATING TEAM IS DOING. TELL US WHAT THE SET-UP OF THE SECRETARIAT THAT'S DOING THE WORK FOR THE GOVERNMENT OF THE YUKON TERRITORY. AREN'T WE



ENTITLED TO KNOW THAT? THERE'S JUST NO WISH TO GIVE ANY INFORMATION TO US AT ALL. WHAT DO YOU WANT A COUNCIL FOR? YOU KNOW, WE ARE MAKING THE BIGGEST MISTAKE EVER. TWELVE MEMBERS OF COUNCIL, ALL YOU NEED IS ONE DICTATOR AND WE'VE GOT HIM.

MR. CHAIRMAN: ORDER, ORDER PLEASE. I THINK COMMITTEE HAVE AGREED TO, ORDER.

MR. MCKINNON: MR. CHAIRMAN, I HAVEN'T ENTERED INTO THIS DEBATE AT ALL AND I JUST HAVE A FEW COMMENTS TO MAKE BEFORE WE BREAK.

JUST EVERY ONCE IN A WHILE ONE OF THESE BEAUTIFUL ISSUES COMES UP THAT HITS EVERY MEMBER OF COUNCIL. AND MR. ADMINISTRATOR KNOWS THAT IT JUST PROVES TO ONE AND ALL THE STUPIDITY, THE FARCE OF THE SITUATION CONSTITUTIONALLY THE GOVERNMENT OF THE YUKON TERRITORY FINDS ITSELF IN. MEMBERS GET UP AND THEY MAKE SPEECHES HOW WE ARE ADVANCING TOWARDS RESPONSIBLE GOVERNMENT. MR. CHAIRMAN, YOU KNOW, EVERYBODY HERE KNOWS THAT WE ARE NOT ONE WHIT CLOSER TO ADVANCING FROM A PURE COLONIAL, ABSOLUTELY .... OF THE GOVERNMENT OF CANADA,

THE HONOURABLE MEMBER SAYS, "LETS DO SOMETHING ABOUT IT." HE KNOWS DAMN WELL THERE IS NOTHING THAT WE CAN DO ABOUT IT. THE FEDERAL GOVERNMENT HAS THE MOTION THAT WAS PASSED BY THIS HOUSE AND IN FACT TOLD US THAT THE NEGOTIATIONS REQUIRED THE AID AND THE ASSISTANCE OF THE COUNCIL OF THE TERRITORY, AND WILL AFFECT THE FUTURE DEVELOPMENT OF THE CONSTITUTIONAL DEVELOPMENT OF THE TERRITORY. IT WAS REQUESTED THAT THE PRIME MINISTER OF CANADA, THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, ENSURE THAT ADEQUATE REPRESENTATION BE AFFORDED THE COUNCIL OF THE TERRITORY TO REALLY TAKE PART IN THE PROPOSED NEGOTIATIONS.

WHAT COULD BE A CLEARER PRESENTATION OF THE COUNCIL'S WISHES IN THIS? I DOUBT IF ANYBODY, IF THEY DID READ THE RESOLUTION, JUST SAID, "HA, HA THOSE MONKEYS IN THE YUKON LEGISLATIVE COUNCIL TRYING TO GET INVOLVED IN THE DISPOSITION OF LAND IN THE YUKON TERRITORY THAT WE OWN. WE OWN OUTRIGHT AND WILL DO WHAT WE BLOODY WELL PLEASE WITH IT AND THE PEOPLE OF THE YUKON TERRITORY CAN JUST GO STRAIGHT AND TAKE A FLYING LEAP INTO THE LAKE."

THAT IS THE SITUATION THAT THE GOVERNMENT OF THE YUKON TERRITORY FINDS ITSELF IN MAY 1974, AND IT IS NO DIFFERENT THAN THEY FOUND THEMSELVES IN MAY 1898.

YOU MAY AS WELL RECOGNIZE THE FACT THAT UNTIL YOU HAVE SOME MEANINGFUL REFORM THAT A TWELVE MAN COUNCIL MEANS NOTHING. IT MEANS TWELVE MEMBERS INSTEAD OF SEVEN ARE GOING TO BE HERE COMPLAINING ABOUT THE SAME TYPE OF IRRESPONSIBLE, COLONIAL, STUPID, PARTIAL, LUDICROUS GOVERNMENT OF THE YUKON TERRITORY IS IN IN 1974. AND IT IS GOOD THAT THINGS LIKE THIS COME UP EVERY ONCE IN A WHILE BECAUSE PEOPLE THEN KNOW EXACTLY THE SITUATION, EXACTLY THE INPUT, EXACTLY THE RESPONSIBILITY THAT MEMBERS HAVE. IT IS NOTHING AND YOU KNOW IT, WE ALL KNOW IT. THE ADMINISTRATOR KNOWS IT, THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT KNOWS IT AND THE PRIME MINISTER OF CANADA KNOWS IT. WE HAVE NO INPUT BECAUSE WE DON'T OWN HARDLY A SQUARE MILE OF THE 207,000 SQUARE MILES OF THE YUKON TERRITORY. THAT RIGHT IS RESERVED FOR THE GOVERNMENT OF CANADA AND THEY ARE GOING TO DO WHAT THEY WANT REGARDLESS OF WHAT THE PEOPLE OF THE YUKON TERRITORY WANT. MAKE NO MISTAKE ABOUT IT. WE JUST SEE MORE AND MORE OF IT HAPPENING EVERY DAY.

MR. CHAIRMAN: ORDER PLEASE. I THINK AT THIS TIME, I DON'T WANT TO STOP DEBATE ON THIS IMPORTANT PAPER AND WE WILL PROBABLY TAKE IT UP LATER. COMMITTEE HAS AGREED TO MEET WITH MR. HERON AT THIS TIME. IF IT IS COMMITTEE'S WISH I THINK WE SHOULD DO THAT AND THEN MAYBE RETURN TO THE PAPER LATER. IS THAT THE WISH OF COMMITTEE?

SEVERAL MEMBERS AGREE.

MR. CHAIRMAN: I DECLARE A BRIEF RECESS.

RECESS

MR. CHAIRMAN: AT THIS TIME WE WILL CALL COMMITTEE TO ORDER. WE ARE NOW DISCUSSING THE PHILOSOPHIES BEHIND BILL NO. 8. WE HAVE WITH US MR. MIKE HERON, THE PRESIDENT OF THE YUKON TEACHERS' ASSOCIATION TO ASSIST IN THESE DISCUSSIONS. PROCEED.

MR. STUTTER: MR. CHAIRMAN, THE MAIN REASON I WANTED MR. HERON HERE, OR SOMEBODY WITH THE YTA, WAS TO REALLY GO INTO THE PRINCIPLE BEHIND THIS BILL. IN HIS LETTER TO COUNCIL YESTERDAY HE DOES SAY THAT, "OUR OBJECTIONS TO THIS ORDINANCE ARE WELL KNOWN TO THE GOVERNMENT AND WE ARE WILLING TO GO OVER THEM AGAIN." WHAT I WOULD LIKE TO HEAR IS REALLY FROM MR. HERON JUST AS NEAR AS HE CAN PUT THE OBJECTIONS IN A NUTSHELL.

MR. HERON: THANK YOU, MR. CHAIRMAN. PERHAPS BEFORE I COMMENT ON MR. STUTTER'S QUESTION I WOULD LIKE TO THANK THE HOUSE AND THE HONOURABLE MEMBERS FOR ALLOWING THE YUKON TEACHERS' ASSOCIATION TO MAKE REPRESENTATION TO YOU THIS MORNING.

I DID SAY IN MY LETTER THAT WE HAD MADE OUR OBJECTIONS KNOWN TO THE GOVERNMENT FROM TIME TO TIME ABOUT THE PUBLIC SERVICE STAFF ORDINANCE. I DON'T THINK ALL THE POINTS HAVE BEEN BROUGHT OUT BEFORE THE HOUSE. THE GOVERNMENT IS INSISTING THAT REALLY THE MAIN PORTION OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE WHICH IS GOING TO AFFECT US IS THE PORTION ON BARGAINING RIGHTS. I NOTICE IN THE PAPER WHICH WAS HANDED TO ME THIS MORNING ON THE YUKON PUBLIC SERVICE STAFF RELATIONS ORDINANCE IN A SERIES OF QUESTIONS AND THE QUESTION ENTITLED "WHY NOT ESTABLISH A YUKON TEACHERS PROFESSIONAL ORDINANCE WITH THE RIGHT OF TEACHERS TO HAVE BOTH COLLECTIVE BARGAINING?", BASICALLY STATES THAT THE BARGAINING PRIVILEGES HAVE ALREADY BEEN GIVEN IN THIS PIECE OF LEGISLATIVE DOCUMENT, THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE.

HOWEVER, WE CERTAINLY, MR. CHAIRMAN, AT NO TIME HAVE EVER SAID WE DO NOT WANT TO HAVE BARGAINING RIGHTS. WE, THE YUKON TEACHERS' ASSOCIATION, WOULD DELIGHT WE WOULD LOVE TO HAVE BARGAINING RIGHTS. BUT I AM SURE THAT MR. LEGAL ADVISOR AND THAT THE GOVERNMENT ARE NOT GOING TO SAY TO THE TEACHERS' ASSOCIATION THAT IF THE AMENDMENTS IN BILL NO. 8 PASS THAT THE REST OF THE CLAUSES IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE WILL NOT APPLY TO THE YUKON TEACHERS' ASSOCIATION.

I SEE NO AMENDMENTS IN BILL NO 8 WHICH EXEMPTS THE YUKON TEACHERS' ASSOCIATION FROM ANY OTHER CLAUSE WHICH IS MENTIONED IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE.

IT IS THESE OTHER CLAUSES WHICH WE ARE MOST CONCERNED ABOUT. NOT THE ONES WHICH APPLY TO THE BARGAINING PRINCIPLES, THE COLLECTIVE BARGAINING PRINCIPLES CONCILIATION-STRIKE ARBITRATION ETC. THESE ARE THE CLAUSES WHICH I MEAN.

SECTION 2, SUB-SECTION H - THE DEFINITION OF AN EMPLOYEE. IT STATES IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE THAT AN EMPLOYEE MEANS A PERSON EMPLOYED IN THE PUBLIC SERVICE. MY INTERPRETATION IS THAT THEREFORE, IF THIS BILL NO. 8 IS PASSED, THE TEACHERS WILL BE PUBLIC SERVANTS, CIVIL SERVANTS. THEY ARE SYNONYMOUS.

SECTION 99, SUB-SECTION 1 OF BILL NO. 7 - AN ACT TO AMEND THE SCHOOL ORDINANCE ALSO STATES THAT WE WILL BE EMPLOYED WITHIN THE FULL MEANING OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. WITHIN THE MEANING OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE.

I SEE MR. LEGAL ADVISOR SHAKING HIS HEAD HERE SO PERHAPS I HAD BETTER READ SECTION 99, SUB-SECTION 1 - "PERSONS EMPLOYED PURSUANT TO THIS ORDINANCE OTHER THAN PERSONS EMPLOYED BY A BOARD ARE EMPLOYED IN THE PUBLIC SERVICE WITHIN THE MEANING OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE," WHICH TO OUR INTERPRETATION DOES NOT EXEMPT US FROM ANY PARTICULAR CLAUSE IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. WE UNDERSTAND THAT THIS DOES NOT REFER TO THE PUBLIC SERVICE ORDINANCE.

MR. LEGAL ADVISOR: MR. CHAIRMAN, I DON'T WANT TO INTERRUPT. IT WASN'T MY INTENTION TO DEFINE IN THE DRAFTING, AND I WAS RESPONSIBLE FOR THIS DRAFTING, DEFINE TEACHERS AS BEING PUBLIC SERVANTS GENERALLY. WHAT I WAS TRYING TO ATTEMPT TO DO IN THE DRAFT AND REPRODUCE WAS THIS. WHILE ADMITTEDLY THEY ARE EMPLOYED BY THE GOVERNMENT AND TO THAT EXTENT LIKE A CASUAL EMPLOYEE BE A MEMBER OF THE PUBLIC SERVICE. THE PUBLIC SERVICE ORDINANCE WOULD NOT AT ALL APPLY AS IT DOES TO ALL OTHER PUBLIC SERVANTS, BUT THAT THE SECTIONS IN THE PUBLIC SERVICE ORDINANCE WHICH WOULD BE APPLICABLE TO TEACHERS WOULD BE FOUND IN THE SCHOOL ORDINANCE DETAILING HOW THE GOVERNMENT RELATIONSHIP EXISTS BETWEEN THE TWO PARTIES.

THE SECTIONS WHICH ARE SET OUT IN THE AMENDMENTS OTHER THAN THE FIRST COUPLE OF SECTIONS IN THE NEW AMENDMENTS TO THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE ARE MERELY INTENDED TO SET UP A MACHINERY FOR DEALING WITH THESE PEOPLE IN A MECHANICAL WAY, AND THE SAME WAY THE JUDICIAL ORDINANCE SETS UP THE COURTS FOR DEALING WITH THE PUBLIC.

IT IS NOT INTENDED TO AFFECT THE RELATIONSHIP IN THAT WAY AT ALL. WE ARE MERELY SAYING, ACKNOWLEDGING THAT THEY ARE PUBLIC SERVANTS, BUT THEN GOING ON TO SAY THE PUBLIC SERVANTS ORDINANCE DOES NOT APPLY TO THEM. I WAS TRYING IN A DRAFTING SENSE TO BRING THEM WITHIN THE MEANING OF THE WORD EMPLOYEE. EMPLOYEE IS USED FOR TWENTY OR THIRTY PAGES IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AND IT HAS GOT TO BE CLEAR WHO WE ARE TALKING ABOUT. WE ARE TALKING IN THE WORD EMPLOYEE, ABOUT PUBLIC SERVANTS TO WHOM THE PUBLIC SERVICE ORDINANCE APPLIES AND TEACHERS WHO ARE EMPLOYED PURSUANT TO THE SCHOOLS ORDINANCE BY THE GOVERNMENT.

THERE IS A THIRD CLASS WHICH IS NOT GOVERNMENT AND THEY ARE THE POTENTIAL CLASS OF EMPLOYEES WHO ARE EMPLOYED BY SCHOOL BOARDS. IT IS A DRAFTING POINT.

MR. HERON: MR. CHAIRMAN, MAY I PRESENT A QUESTION TO MR. LEGAL ADVISOR. I UNDERSTAND THE POINT YOU ARE MAKING ABOUT THE PUBLIC SERVICE ORDINANCE BUT I WOULD LIKE TO ASK YOU, MR. LEGAL ADVISOR, IS IT NOT TRUE THAT IF BILL NO. 8 AND THE AMENDMENTS WHICH ARE IN BILL NO. 8 PASS THROUGH THIS ASSEMBLY THAT ALL CLAUSES IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE WHICH ARE NOT AMENDED BY BILL NO. 8 WILL THEY NOT INDEED APPLY TO THE YUKON TEACHERS?

MR. LEGAL ADVISOR: I WOULD THINK IN GENERAL TERMS - YES. WHERE APPLICABLE. THERE WOULD BE CERTAIN SECTIONS WHICH WOULD NOT APPLY SUCH AS UNIT HEADS AND SO FORTH BECAUSE THEY DON'T EXIST. THE GENERAL SECTIONS DO.

MR. HERON: THANK YOU, MR. LEGAL ADVISOR. MAY I CONTINUE?

MR. CHAIRMAN: PROCEED.

MR. HERON: POINT NUMBER TWO, WHICH ALSO DOES NOT PERTAIN TO BARGAINING RIGHTS IS THE SECTIONS IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE WHICH APPLY TO THE POLITICAL ACTIVITY OF THE YUKON TEACHERS. FOR EXAMPLE SECTION 4, SUB-SECTION 4 AND SECTION 30 SUB-SECTION 2, WHICH SAY THAT WE AS THE TEACHERS' ASSOCIATION OR AS AN EMPLOYEE ORGANIZATION...

MR. CHAMBERLIST: WHICH ORDINANCE?

MR. HERON: IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. SAY THAT WE AS AN EMPLOYEE ORGANIZATION WILL NOT BE ENTITLED ...

MR. LEGAL ADVISOR: MR. CHAIRMAN, I DON'T HAVE ANYTHING ABOUT THAT IN THE...

MR. CHAIRMAN: ORDER PLEASE. I THINK WE SHOULD LET MR. HERON CONTINUE THEN WE CAN SORT IT OUT AFTERWARDS.

MR. HERON: IF I MAY QUOTE FROM THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, SECTION 4, SUB-SECTION 4, "NO MONEY DEDUCTED FROM AN EMPLOYEE'S SALARY FOR PAYMENT TO AN EMPLOYEE ORGANIZATION OR PAID TO AN EMPLOYEE ORGANIZATION BY AN EMPLOYEE OF THE PUBLIC SERVICE SHALL BE USED DIRECTLY OR INDIRECTLY ON BEHALF OF ANY POLITICAL PARTY OR ON BEHALF OF ANY CANDIDATE FOR ANY POLITICAL OFFICE." SECTION 30, SUB-SECTION 2, "THE BOARD SHALL NOT CERTIFY AS THE BARGAINING AGENT THE BARGAINING UNIT ANY EMPLOYEE ORGANIZATION THAT RECEIVES FROM ANY OF ITS MEMBERS WHO ARE EMPLOYEES, HANDLES OR PAYS IN ITS OWN NAME ON BEHALF OF ITS OWN MEMBERS WHO ARE EMPLOYEES, OR REQUIRES AS A CONDITION OF MEMBERSHIP THEREIN THE PAYMENT OF ANY OF ITS MEMBERS OF ANY MONEY FOR ACTIVITIES CARRIED ON BY OR ON BEHALF OF ANY POLITICAL PARTY." THAT TO ME IS QUITE CLEAR THAT WE, THE TEACHERS' ASSOCIATION WOULD NOT BE ABLE TO COLLECT MONEY FROM OUR MEMBERS IF WE DECIDED TO PUT FORTH A CANDIDATE FOR ANY POLITICAL ELECTION HERE IN THE YUKON TERRITORY.

THIS WE FEEL IS A VIOLATION OF OUR DEMOCRATIC RIGHTS AS A TEACHERS' ASSOCIATION, TO BECOME INVOLVED IN POLITICAL ACTIVITIES. TIME AND TIME AGAIN, TEACHER ASSOCIATIONS ALL ACROSS CANADA HAVE PRESENTED CANDIDATES, HAVE BACKED POLITICAL PARTIES, HAVE GARNISHED WAGES FROM THEIR MEMBERS TO SUPPORT THEIR POLITICAL

ACTIVITIES. THE LATEST EXAMPLE OF COURSE, WAS BY THE BRITISH COLUMBIA TEACHERS' FEDERATION IN THE LAST ELECTION IN THAT PARTICULAR PROVINCE.

AS ANOTHER EXAMPLE OF HOW OUR POLITICAL ACTIVITY SEEMS TO BE, OR AT LEAST OUR ACCESS TO POLITICAL ACTIVITY SEEMS TO BE TRODDEN UPON, IS TO PROPOSE SECTION 98, SUBSECTION (1) & (2) IN THE PROPOSED SCHOOL ORDINANCE, IN WHICH WE HAVE TO SEEK PRIOR APPROVAL FROM THE COMMISSIONER BEFORE RUNNING FOR OFFICE.

MR. CHAIRMAN I WOULD LIKE TO QUOTE TO YOU FROM THE CANADA ELECTIONS ACT, SECTION 23, SUBSECTION (14) WHICH SAYS: "EVERY EMPLOYER OF EMPLOYEES TO WHOM THE CANADA LABOUR CODE APPLIES SHALL, MR. CHAIRMAN, UPON APPLICATION TO HIM BY ANY SUCH EMPLOYEE GRANT TO THE EMPLOYEE LEAVE OF ABSENCE WITH OR WITHOUT PAY TO SEEK NOMINATION AS A CANDIDATE AND TO BE A CANDIDATE FOR ELECTION FOR SUCH PERIOD DURING AN ELECTION AS MAY BE REQUESTED BY THE EMPLOYEE."

MR. CHAIRMAN, TO OUR VIEWS, THIS PARTICULAR AMENDMENT IN BOTH BILL NO. 8 AND BILL NO. 7, IS AN EXAMPLE OF HOW THE GOVERNMENT WOULD LIKE TO CURTAIL ANY POLITICAL ACTIVITIES TAKEN ON BEHALF OF TEACHERS OR BY TEACHERS HERE IN THE TERRITORY.

MR. CHAIRMAN: ORDER

MRS. WATSON: MR. CHAIRMAN I WONDER IF I MAY INTERRUPT OR IF YOU WANT TO FINISH AND THEN WE QUESTION.

MR. CHAIRMAN: I THINK MR. HERON SHOULD BE GIVEN AN OPPORTUNITY....

MRS. WATSON: THAT IS FINE, THEN WE WILL QUESTION AFTER.

MR. HERON: POINT NO. 3 MR. CHAIRMAN, AND THE ONE THAT WE ARE MOST CONCERNED WITH. THAT IS, I AM TALKING NOW ABOUT THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, SECTION 2, SUBSECTION (M7), AND SECTION 4, SUBSECTION (1) WHICH SAYS: "THERE WILL BE EXCLUSION OF PERSONS EMPLOYED IN A MANAGERIAL OR CONFIDENTIAL CAPACITY." IN OTHER WORDS IF THE GOVERNMENT DECIDES THAT OUR PRINCIPALS AND OUR VICE PRINCIPALS ARE EMPLOYED IN A MANAGERIAL OR CONFIDENTIAL CAPACITY, THEY MAY BE EXCLUDED FROM THE TEACHER ASSOCIATION.

IT IS ALL VERY WELL FOR THE GOVERNMENT TO SAY, OH WE WOULD NEVER DO THIS. WE WOULD NEVER APPLY TO HAVE THE PRINCIPALS AND VICE PRINCIPALS REMOVED FROM YOUR ASSOCIATION. BUT MR. CHAIRMAN, IT IS A WELL KNOWN FACT THAT MR. LEGAL ADVISOR HAS SAID ON SEVERAL OCCASIONS AND AS RECENTLY AS PHONING A PUBLIC TALKBACK SHOW AND SUGGESTING LAST YEAR THAT PRINCIPALS AND VICE PRINCIPALS IN HIS OPINION WERE MANAGERS. THAT THEY SHOULD BE CLASSIFIED AS MANAGERS. THAT SCHOOL ADMINISTRATORS SHOULD BE CLASSIFIED AS MANAGERS.

MR. LEGAL ADVISOR HAS CERTAINLY STATED THIS OPINION TO ME ON OCCASION AND TO OTHER MEMBERS OF OUR ASSOCIATION. WE BELIEVE THAT OUR FEARS, THAT THIS PARTICULAR CLAUSE WILL NOT BE USED BY THE GOVERNMENT ARE ILL FOUNDED. SURELY, MR. LEGAL ADVISOR DOES CARRY WEIGHT WITH THE ADMINISTRATION OF THIS PARTICULAR GOVERNMENT.

MR. CHAMBERLIST: NO, HE DOESN'T.

MR. CHAIRMAN: ORDER PLEASE.

MR. HERON: THOSE CERTAINLY APPEAR TO BE HIS OPINIONS THAT ADMINISTRATORS ARE MANAGERS, THEREFORE, THEY WOULD BE EXCLUDED. THIS WOULD BE A CRIPPLING BLOW, MR. CHAIRMAN, TO OUR ASSOCIATION IF ANY OF OUR PRINCIPALS, VICE PRINCIPALS, DEPARTMENT HEADS OR ANYBODY IS DEFINED UNDER THIS PARTICULAR SECTION AND IS EXCLUDED FROM THE EMPLOYEE ORGANIZATION.

POINT NO. 4, MR. CHAIRMAN, ALSO TO DO WITH ANOTHER CLAUSE IN THIS PUBLIC SERVICE STAFF RELATIONS ORDINANCE WHICH WOULD APPLY TO TEACHERS, IF BILL NO. 8 GOES THROUGH.

SECTION 79, SUBSECTION (3) WHICH SAYS: "PROBATIONARY EMPLOYEES ARE NOT ENTITLED TO REFER A GRIEVANCE RESPECTING THEIR RELEASE."

MR. CHAIRMAN, YES IT IS VERY TRUE RIGHT NOW, THE PROBATIONARY TEACHERS ARE NOT ALLOWED AN APPEAL. BUT, MY HEAVENS, THEY CAN CERTAINLY GRIEVE IF THEY FEEL THAT THE SUPERVISORY PRACTICES HAVE NOT BEEN CARRIED OUT IN ACCORDANCE WITH THOSE LAID DOWN BY THE YUKON DEPARTMENT OF EDUCATION. ACCORDING TO THIS PARTICULAR CLAUSE IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, OUR PROBATIONARY TEACHERS WHO ARE RELEASED WOULD NOT EVEN HAVE A CHANCE TO GRIEVE, LET ALONE TAKE IT TO AN APPEAL BOARD.

FINALLY, MR. CHAIRMAN, AND THE MOST IMPORTANT POINT, WE FEEL AT THIS TIME AND THE POINT WHICH WAS BROUGHT OUT AT OUR ANNUAL GENERAL MEETING ON SATURDAY, AND AS I MENTIONED INTO YOUR LETTER. ONCE AGAIN, UNANIMOUSLY, THE TEACHERS' ASSOCIATION REJECTED CERTIFICATION UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE.

MR. CHAIRMAN, WE HAVE LOOKED INTO THIS FROM TIME TO TIME. IN A MEETING ON MARCH THE 15TH, MRS. WATSON, IN THESE VERY CHAMBERS, STATES THAT THE Y.T.A. CONTACT MR. JOHN MCPHAIL IN ORDER TO FIND OUT THE DETAILS ON THE ASSOCIATION BEING INCLUDED AS A SEPARATE BARGAINING UNIT UNDER THE PUBLIC SERVICE STAFF RELIANCE ORDINANCE, OBVIOUSLY MEANS THE STAFF RELATIONS ORDINANCE.

WE DID CONTACT MR. JOHN MCPHAIL. WE DID HAVE REPRESENTATION FROM THE GOVERNMENT RESPECTING THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. THE FACTS OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE WERE PRESENTED TO OUR TEACHERS AS A GROUP ON OCTOBER THE 4TH AT THEIR IN-SERVICE. IN FACT, IT WAS PRESENTED VERY STRONGLY AS A VIABLE ALTERNATIVE TO WHAT APPEARED TO BE A VERY STRONG LIKELIHOOD THAT WE WOULD NOT BE GIVEN PROFESSIONAL RECOGNITION IN THE SCHOOL ORDINANCE, THAT WE WOULD NOT EVEN BE GIVEN OUR OWN TEACHER PROFESSION ORDINANCE.

THE TEACHERS AT THAT TIME, MR. CHAIRMAN, REJECTED OUR PROPOSAL UNANIMOUSLY. IT WAS NOT A HARD CORE OF POLITICAL ACTIVISTS WHO VOTED THAT PARTICULAR MOTION DOWN AT THAT TIME. IT WAS THE TEACHERS WHO WERE PRESENT.

THEY REJECTED MY APPEAL THAT THIS WAS ONE OF THE ALTERNATIVES THEY SHOULD LOOK AT. AGAIN, ON SATURDAY, THEY REJECTED THIS APPEAL. MR. SPEAKER, MEMBERS OF THIS HOUSE, IF YOU PASS THIS AMENDMENT TO BILL NO. 8, THIS AMENDMENT TO THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, YOU ARE TAKING AWAY THE TEACHERS' DEMOCRATIC RIGHTS AS FREEDOM OF CHOICE TO BECOME CERTIFIED AS THEY WISH.

WE COULD HAVE BECOME CERTIFIED AT ANY TIME ACCORDING TO GOVERNMENT OFFICIALS UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. PERHAPS WE ARE BEING STUPID. PERHAPS IT IS AN IDIOTIC MOVE, BUT SURELY LET US EXERCISE THAT RIGHT.

AND, MR. CHAIRMAN, I WOULD LIKE TO ALSO MENTION THAT IT IS NOT ONLY THE TEACHERS' OPINION. IT IS ALSO THE OPINION OF THE ADVISORY COMMITTEES OF THE YUKON. IT IS ALSO THE OPINION OF THE PARENTS OF THE YUKON AND THE PUBLIC OF THE YUKON, THAT WE BE GIVEN RECOGNITION UNDER THE SCHOOL ORDINANCE, NOT UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. THE COSTLY REPORT ON THE COMMITTEE ON EDUCATION, COMMONLY KNOWN AS THE LEVIRS REPORT, ALSO BROUGHT FORTH THESE RECOMMENDATIONS ON PAGE 124, SECTION 9, SUBSECTION (1) THAT THE YUKON TEACHERS' ASSOCIATION SHOULD BE RECOGNIZED AS THE LEGAL ASSOCIATION UNDER THE SCHOOL ORDINANCE.

THANK YOU, MR. CHAIRMAN.

MR. CHAIRMAN: DO YOU HAVE QUESTIONS AT THIS TIME?

MR. CHAMBERLIST: MR. CHAIRMAN, FIRSTLY I WOULD LIKE TO SAY HOW IMPRESSED I AM WITH THE RESEARCH INTO THE VARIOUS ORDINANCES, THAT MR. HERON HAS DONE.

OBVIOUSLY, HE KNOWS HIS SUBJECT VERY WELL. I WONDER, MR. CHAIRMAN, IF MR. HERON COULD INDICATE WHETHER THE TEACHERS' ASSOCIATION WOULD HAVE A PREFERENCE FOR THE TEACHERS' ORGANIZATION AND THE NECESSARY ARRANGEMENTS BEING INCORPORATED IN THE SCHOOL ORDINANCE OR BY SEPARATE PROFESSIONAL TEACHERS' ORDINANCE?

MR. HERON: MR. CHAIRMAN, IF I MAY ANSWER THAT QUESTION. WE ARE PREFERABLY PREPARED TO BE RECOGNIZED WITHIN THE SCHOOL ORDINANCE ITSELF. IN FACT, IF MR. LEGAL ADVISOR FINDS HE IS TOO BUSY AT THIS TIME, WE HAVE DRAWN UP A WHOLE SERIES OF AMENDMENTS WHICH WOULD GIVE US OUR BARGAINING IN LEGAL RIGHTS WHICH COULD BE INCORPORATED INTO THE SCHOOL ORDINANCE AND I AM PREPARED TO GIVE HIM THESE AMENDMENTS AND DISCUSS THEM WITH HIM.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER PERHAPS IF MR. HERON MIGHT DO WELL TO LET MEMBERS OF COUNCIL HAVE COPIES OF THAT, SO WE CAN PERHAPS INCORPORATE IT, SOMEWHERE IN THE SCHOOL ORDINANCE WHEN THE TIME COMES ALONG.

MR. HERON: YES, MR. CHAIRMAN, I CAN LET ALL MEMBERS HAVE COPIES A LITTLE BIT LATER.

MR. MCKINNON: MR. CHAIRMAN, I AM EXTREMELY INTERESTED BETWEEN THE RELATIONSHIP OF THE YUKON TEACHERS' ASSOCIATION AND THE CANADIAN TEACHERS' FEDERATION. I AM EXTREMELY INTERESTED IN THE SUPPORT WHICH I KNOW THE CANADIAN TEACHERS' FEDERATION HAS GIVEN TO THE YUKON TEACHERS' ASSOCIATION. I WANT TO ASK MR. HERON'S OPINION ON THE RESULT OF THE EDUCATIONAL CLIMATE IN THE YUKON TERRITORY IF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE'S AMENDMENTS ARE PASSED AS THEY ARE NOW AND WHAT WILL BE THE RELATIONSHIP THEN WITH THE YUKON TEACHERS' ASSOCIATION WITH THE YUKON TERRITORIAL GOVERNMENT AND THE CANADIAN TEACHERS' FEDERATION? AS I UNDERSTAND IT IS SOME 200,000 MEMBERS STRONG, TOWARDS THE GOVERNMENT OF THE YUKON TERRITORY.

MR. HERON: THAT IS A DIFFICULT QUESTION, MR. CHAIRMAN BECAUSE WE REALLY DON'T KNOW HOW MANY OF THE CLAUSES IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE WILL BE APPLIED TO THE TEACHERS IN EFFECT AS I HAVE MENTIONED THIS MORNING. I CAN MENTION HOWEVER, THAT THE CANADIAN TEACHERS' FEDERATION HAVE OPPOSED, AND THE BOARD OF DIRECTORS REPRESENTING 210,000 TEACHERS HAVE ALSO OPPOSED THIS MOVE TO CLASSIFY US AS CIVIL SERVANTS UNDER THIS PARTICULAR ORDINANCE. THEY HAVE EXAMINED THE PROPOSED AMENDMENTS TO THE SCHOOL ORDINANCE AND TO QUOTE MR. NORMAN GOBEL, SECRETARY-GENERAL OF THE CANADIAN TEACHERS' FEDERATION. HE BELIEVES THAT THE INTRODUCTION OF THIS PIECE OF LEGISLATION IS SO RETROGRADE, THAT FOR A TERRITORY SUCH AS THE YUKON, WHICH IS SUPPOSEDLY SEEKING SELF-GOVERNING STATUS, THAT THIS IS ONE OF THE MOST BACKWARD PIECES OF LEGISLATION WHICH HE OR THE CANADIAN TEACHERS' FEDERATION HAS EVER SEEN.

MRS. WATSON: MR. CHAIRMAN, I WONDER IF I COULD ASK MR. HERON JUST WHAT PART OF THE PROPOSED LEGISLATION DO THE C.T.F. FIND SO RETROGRADING TO THE STANDARDS OF EDUCATION ACROSS CANADA. YOU SAY IT IS A BACKWARD STEP. I WONDER IF YOU COULD IDENTIFY THESE AREAS.

MR. HERON: MR. CHAIRMAN, I WOULD JUST AS SOON MAKE COMMENT ON THIS, THIS MORNING. I REALLY CAME PREPARED TO DISCUSS BILL NO. 8, AMENDMENTS TO THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE BUT I AM CERTAINLY MORE THAN PREPARED TO COME AGAIN BEFORE COUNCIL WHEN YOU ARE DEBATING BILL NO. 7 AND COMMENT VERY FULLY, WITH EXCERPTS FROM OTHER LEGISLATIVE ACT ALL ACROSS CANADA

TO SHOW THOSE AREAS IN THE SCHOOL ORDINANCE, THE PROPOSED AMENDMENTS WHICH ARE CONTRARY TO OTHER LEGISLATIVE ACTS, APPLYING TO TEACHERS.

BUT, MR. CHAIRMAN, PERHAPS WE COULD DO THIS AT ANOTHER TIME.

MR. CHAIRMAN: YES, I THINK WE SHOULD TRY AND STAY AS RELEVANT TO BILL NO. 8 AS WE CAN.

MRS. WATSON: MR. CHAIRMAN, I AM JUST WONDERING WHY MR. HERON SAID YOU REFERRED REFERENCE TO THE ORDINANCE THAT APPLIED TO TEACHERS. NOW DO I SEEK IT THEN, THAT THIS REACTION TO THE C.T.F. IS ONLY AGAINST THE SECTION WHICH DEALS WITH TEACHERS OR IS IT AGAINST THE WHOLE LEGISLATION, THE CERTIFICATION OR THE BOARD OF EXAMINERS, THE REST OF THE SCHOOL'S ORDINANCE?

MR. CHAMBERLIST: I WOULD LIKE TO RISE ON A POINT OF ORDER, MR. CHAIRMAN. I DON'T THINK THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SHOULD AT THIS TIME DEAL WITH THE SCHOOL ORDINANCE WHEN WE WILL BE GOING INTO DEBATE. I THINK WE HAVE TO STAY WITH WHAT THE SUBJECT MATTER IS AND THE PURPOSE FOR WHICH WE HAVE MR. HERON HERE. I THINK WE SHOULD STAY WITH THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. PERHAPS WHEN WE ARE DEALING WITH THE SCHOOL ORDINANCE, WE CAN HAVE MR. HERON HERE, IF COMMITTEE WISHES TO DISCUSS THOSE AREAS FURTHER.

MRS. WATSON: AGREED.

MR. CHAIRMAN: COUNCILLOR TANNER.

MR. TANNER: MR. CHAIRMAN, COULD MR. HERON TELL US, IN HIS VIEW, WHAT IS THE CIRCUMSTANCE AS FAR AS PROFESSIONAL ORDINANCES ACROSS THE COUNTRY ARE CONCERNED? IS THERE A PROFESSIONAL TEACHERS' ORDINANCE OR ACT IN EVERY OTHER JURISDICTION?

MR. HERON: NO, MR. CHAIRMAN, THERE IS NOT. IN MANY JURISDICTIONS, HOWEVER, THE TEACHER ASSOCIATION IS RECOGNIZED IN THE PUBLIC SCHOOL ACT. FOR EXAMPLE, IN THE PUBLIC SCHOOL ACT OF BRITISH COLUMBIA, SETS OUT VERY EXPLICITLY THE BARGAINING RIGHTS AND THE COLLECTIVE AGREEMENT RIGHTS, RIGHTS OF CONCILIATION, ETC. RIGHT IN THE PUBLIC SCHOOL ACT.

MR. TANNER: MR. CHAIRMAN, WHAT IS THE CASE, IF THE WITNESS KNOWS IN ALBERTA, SASKATCHEWAN AND MANITOBA?

Mr. Heron: In Saskatchewan the teachers have a separate Act called the Salary Ten Year Act, which applies to teachers and sets out very clearly what probationary and ten year provisions are and in the School Act of Saskatchewan the teachers are dealt with there and given their bargaining rights also.

Mrs. Watson: Mr. Chairman, not in the School Act, it has been mentioned Mr. Heron, the bargaining rights are defined in a separate piece of legislation for Saskatchewan. They have set up a Board very similar to our Public Service Staff Relations Board, it supervises collective bargaining at a provincial level. In Saskatchewan now, the collective bargaining for salaries at a provincial level. They bargain at local level with the Board level for fringe benefits, such as sick leave, and this type of thing. But Saskatchewan has a completely new approach in this area to collective bargaining, where they are doing it at a provincial level.

Mr. Heron: That is right Mr. Chairman, there was an amendment brought through to change that. They do bargain for salaries and salary grids at the provincial level now in Saskatchewan. That is correct.

Mrs. Watson: Mr. Chairman under that Saskatchewan law, what rights do they have for their bargaining? What procedures are they permitted to go through under that legislation? Are you familiar with it Mr. Heron?

Mr. Heron: Well I didn't bring all the copies of the legislation with me this morning, Mrs. Watson, so I really can't comment at this point.

Mrs. Watson: I think I have some here and I think in Saskatchewan, they are permitted to go through ----- or they can go to a conciliation Board. They have a choice of going from conciliation to binding arbitration. The Boards' recommendations are not binding. They have the opportunity to go to binding arbitration. They never have a choice after that. They go to binding arbitration.

Mr. Heron: That is right Mr. Chairman. But of course, our main issue is not that we would like to have bargaining rights and access to arbitration or conciliation strike route. I have already mentioned the main objections we have to the Ordinance. Not the objections that we are not getting bargaining rights.

Mr. Tanner: Mr. Chairman, I've got the impression that the public believes basically what the teachers are looking for is a separate Professional Ordinance. From what the witness has just said, Mr. Chairman, it is now my understanding that this is not the case across the country. There are various different ways of bargaining. There are various different organizations representing teachers and there are various different organizations of arbitrating disputes. Is that correct?

Mr. Heron: That is true, Mr. Chairman. I should mention that the Northwest Teachers' Association does have their own Professional Ordinance. I am not say that would not like to have our own Professional Ordinance. Yes, we would very much like to have our own Teaching Professional Ordinance. But if we can't get it, then certainly let us have us recognized within the School Ordinance and the bargaining rights given to us within that Ordinance as they could be.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Heron could indicate in any other jurisdiction that the teachers are treated as public servants.

Mr. Heron: There are no jurisdictions in Canada of a teacher association in which the teachers are treated as public servants. There are of course, some federally employed teachers which teach in federally run schools, which of course are classified as public servants under the Federal Public Service Staff Relations Ordinance.

Mrs. Watson: Mr. Chairman, are there other jurisdictions where teachers bargain or work directly for a government other than the Northwest Territories? You see, we are in a different situation. Teachers are employed by the government here. They are paid out of government funds. They provide a service for the government. In other jurisdictions they provide a service for a Board, which is a completely different thing. I think in the Northwest Territories where they are employed by the government, in Yellowknife they are employed by a Board. In the Northwest Territories they are employed by a government and some of the teachers do their bargaining under the Public Service Staff Relations Ordinance. Some of them do their bargaining under the Teacher Profession Ordinance and they really do have a mix.

Mr. Heron: They do have a mix situation.

Mrs. Watson: They really do have a mix. This is where we really have to be careful, in the Yukon Territory, that we do have a different situation. The Government is the employer whether we like it or not. In other jurisdictions, the Boards are the employers. Even in Saskatchewan where they are bargaining on a provincial level, the Government there is not the employer. The School Boards are still the employer. They bargain, those representatives of the Saskatchewan Teachers' Federation and they bargain with representatives of the Saskatchewan School Trustees' Association.

They have other members from the Government of Saskatchewan. So this is why we have to be very careful when we look at the Yukon Territory. They are paid direct by Government funds and they do perform a service. I am not saying they are public servants. We have a different situation in the Yukon. It is quite different from the other jurisdictions, where they work for Boards.

Mr. Chamberlist: What I'm concerned about really is why should we compel the Teachers' Association to bargain under the Public Service Ordinance. You know, the Public Service Staff Relations Ordinance. I think I've got the message of the teachers. The teachers say this, and perhaps Mr. Heron can correct me if I'm wrong. They say we want our bargaining rights but we don't want you to tell us how we should bargain. What we're saying, if we pass this, is we are compelling the teachers to bargain in the manner that the Government wants them to bargain. They have said no they don't want it that way. After all that's bargaining in process. They say recognize us in the School Ordinance and then we're happy. Now why can't we give them that. What's the objection? What's the objection to having it under the School Ordinance as they want it.

I heard Mr. Legal Adviser say what's the difference. Okay if it's what the difference and there's no difference, why not give it to the teachers as they want it if there is no difference. Then if it is no difference to the Government and to the teachers then everybody is happy. Why not comply with that.

Mr. Legal Adviser: Mr. Chairman, if the question is directed to me - - -

Mr. Chamberlist: Yes.

Mr. Legal Adviser: It's perhaps, I suppose, to a certain extent due to my laziness. But there is a natural feeling when you have got an existing set of machinery and a new thing comes along to adapt it to the existing set of machinery, if that's what you want. I personally, this is speaking as a lawyer, see no difference at all between taking a similar number of sections, 50, 60 or 100 or whatever it happens to be, and transferring them and making a part III of the School Ordinance. But if this is what is wanted that's it. I suppose I could achieve the same I suppose by saying instead of calling it The Public Service Staff Relations Ordinance by calling it The Government Employees Staff Relations Ordinance or something like that.

There doesn't seem to be any technical objections to taking the whole thing as a block and even dealing with these particular points. It doesn't seem from a particular point of view difficult.

Mr. Chamberlist: Well, Mr. Chairman, with respect. It appears to me from the points that have been raised by Mr. Heron that there is a block in their minds at least in certain areas that in actual effect they would be treated as public servants as a result of being, as a result of having to bargain under the Public Service Staff Relations Ordinance. These are the points that have been made. Perhaps Mr. Heron would like to re-express himself on this particular point.

Mr. Heron: Mr. Chairman, I certainly would like to re-express myself. If Mr. Legal Adviser and the Government is prepared to bring in amendments saying that teachers are excluded from sections 44, 32, 2(m)7, 41, sections 79(3), 2(m) etc., and just give us our bargaining rights under that Ordinance well that's fine. Mr. Legal Adviser are you prepared to do that?

Mrs. Watson: Mr. Chairman, I don't think it is up to the Legal Adviser to answer this.



Mr. HERON: I'M SORRY.

Mrs. WATSON: I'D LIKE TO PURSUE A FEW MORE QUESTIONS WITH THE WITNESS. I THINK BOTH THE WITNESS AND ALL THE MEMBERS OF COUNCIL, MYSELF INCLUDED BY ALL MEANS, HAVE A COMMON GROUND. WE WOULD LIKE TO SEE THE TEACHERS HAVE COLLECTIVE BARGAINING RIGHTS. WE'D LIKE TO SEE THEM BE ABLE TO REACH AN AGREEMENT OR CONTRACT THAT IS BINDING ON THE EMPLOYER, THE ORGANIZATION WHICH IS REPRESENTING THE BARGAINING AGENT AND THE INDIVIDUAL MEMBERS. I THINK WE HAVE A COMMON CONSENSUS THERE. I WOULD LIKE TO GO BACK TO THE EXISTING PIECE OF LEGISLATION WE HAVE IN THE SCHOOL ORDINANCE WHICH ESTABLISHES A SALARY COMMITTEE. I THINK Mr. HERON YOU ARE VERY FAMILIAR WITH THAT. YOU HAVE BEEN ON THAT SALARY COMMITTEE. YOU HAVE ACTED ON THE SALARY COMMITTEE, HAVEN'T YOU Mr. HERON?

Mr. HERON: NO I HAVE NOT, Mrs. WATSON.

Mrs. WATSON: YOU HAVE NOT?

Mr. HERON: I HAVE NEVER ACTED ON THAT PARTICULAR SALARY COMMITTEE, NO.

Mrs. WATSON: I SEE. WHERE YOU HAVE THREE MEMBERS OF THE TEACHER ORGANIZATION ACTING AS A SALARY COMMITTEE AND THEY ARE ONLY GIVEN THE RIGHT, THE AUTHORITY, TO DISCUSS SALARIES AND WORKING CONDITIONS WITH AN ADVISORY COMMITTEE, A GOVERNMENT ADVISORY COMMITTEE. NOW THE ADVISORY COMMITTEE IS MADE UP OF THE DIRECTOR OF PERSONNEL, A REPRESENTATIVE FROM THE TERRITORIAL COUNCIL AND A REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION, AND ALSO A PROFESSIONAL NEGOTIATOR.

NOW I WONDER, Mr. HERON, IF YOU COULD INDICATE WHETHER YOU PEOPLE FEEL THAT YOU ARE AT A DISADVANTAGE SOMETIMES WHEN YOU SIT DOWN TO BARGAIN. HAVE YOU, BECAUSE YOU DO NOT HAVE THE PROFESSIONAL NEGOTIATOR, HAVE YOU AVAILED YOURSELF OF THE SERVICES OF A PROFESSIONAL NEGOTIATOR?

Mr. HERON: Mrs. WATSON - - -

Mr. CHAMBERLIST: BEFORE THE COURTS. BE CAREFUL.

Mr. HERON: WE CERTAINLY ARE MOST CONCERNED ABOUT GETTING PROPER BARGAINING RIGHTS. WE AGREE THAT THERE ARE PROBABLY MANY AREAS IN

THE PRESENT SCHOOL ORDINANCE WHICH IT IS NOT SET OUR CLEARLY WHAT OUR BARGAINING RIGHTS ARE. YES WE DO WANT THESE BARGAINING RIGHTS PROPERLY SET OUT, PROPERLY LAID DOWN, BUT NOT WHEN THE REST OF THE CLAUSES IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, WILL ALSO APPLY.

Mr. CHAIRMAN: I WOULD JUST CAUTION COMMITTEE. IT'S BEEN BROUGHT TO MY ATTENTION THAT THERE IS A MATTER IN THE COURTS SO WE BETTER BE VERY VERY CAREFUL IN THE QUESTIONS AND ANSWERS. THE QUESTIONS THAT ARE ASKED IN RELATION TO THAT PARTICULAR QUESTION.

Mr. TANNER: POINT OF ORDER, Mr. CHAIRMAN. I THINK THIS CONVERSATION IS MOST BENEFICIAL BOTH TO THE TEACHERS, TO THE PUBLIC, TO THE CHILDREN AND FOR OURSELVES. JUST ON A POINT OF ORDER, Mr. CHAIRMAN, I CAN'T SEE THAT WE ARE GOING TO BE FINISHED BY 12 O'CLOCK AND I WOULD LIKE TO KNOW IF Mr. HERON WOULD BE AVAILABLE THIS AFTERNOON SO THAT WE CAN CONTINUE THIS CONVERSATION.

Mr. HERON: I WOULD HAVE TO SPEAK TO MY PRINCIPAL AT THE SCHOOL FIRST OF ALL.

Mr. CHAMBERLIST: WHY NOT SPEAK TO THE EXECUTIVE COMMITTEE MEMBER? I'M SURE SHE CAN MANAGE IT.

Mr. CHAIRMAN: ORDER.

Mrs. WATSON: Mr. CHAIRMAN, THAT'S AN ADMINISTRATIVE DECISION.

Mr. CHAMBERLIST: OH CUT IT OUT.

Mr. HERON: I'M SURE THAT HE WOULD BE MORE THAN WILLING TO MAKE ARRANGEMENTS FOR ME TO BE HERE, IF THIS COUNCIL WOULD SO DESIRE.

Mr. TANNER: I THINK IT'S THE WISH OF COUNCIL, Mr. CHAIRMAN, THAT HE SHOULD BE HERE.

Mr. CHAIRMAN: COMMITTEE AGREE?

SOME HONOURABLE MEMBERS: AGREED.

Mr. CHAIRMAN: IF AT ALL POSSIBLE, Mr. HERON, WE WILL BE SITTING AGAIN AT 2:00 AND IF YOU COULD BE HERE THAT WOULD BE MOST BENEFICIAL TO COMMITTEE. COUNCILLOR STUTTER.

MR. STUTTER: MR. CHAIRMAN, THERE IS ONE QUESTION I WOULD LIKE TO ASK MR. HERON AT THIS POINT. IF THE YTA IS RECOGNIZED AS THE BARGAINING UNIT UNDER THE SCHOOL ORDINANCE, HOW FAR REACHING WOULD YOU ENVISAGE IT GOING? I MEAN WHAT ABOUT BTST TEACHERS OR VOCATIONAL SCHOOL INSTRUCTORS OR TEACHERS' AIDES. WOULD YOU ENVISAGE THEM COMING UNDERNEATH THAT BARGAINING UNIT OR BARGAINING SEPARATELY UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE?

MR. HERON: WELL, MR. CHAIRMAN, I THINK THE ONLY PEOPLE COMING UNDER THAT PARTICULAR BARGAINING UNIT WOULD BE THOSE EMPLOYEES AS DEFINED BY THE AMENDMENTS TO THE PROPOSED SCHOOL ORDINANCE.

MR. TANNER: MR. CHAIRMAN, THIS IS ALMOST A PROCEDURAL POINT TOO. MR. HERON HAS MADE FIVE MAJOR POINTS I BELIEVE. I WAS WONDERING WHETHER FOR THE BENEFIT OF COUNCIL WHETHER HE WOULD BE AMICABLE TO AFTER LUNCH STARTING FROM THE BEGINNING AND GOING THROUGH THEM ONE AT A TIME. AND INSTEAD OF MAKING A TOTAL PRESENTATION, GETTING THE LEGAL ADVISER TO TALK AT THE SAME AND MRS. WATSON SO THAT WE CAN TAKE THEM ONE AT A TIME AND SEE IF WE CAN RESOLVE A LOT OF THEM ON THE WAY THROUGH. IS THAT AGREEABLE TO COMMITTEE?

MR. CHAIRMAN: JUST FROM THE CHAIR THOUGH I THINK THE PURPOSE WHILE WE HAVEN'T GOT INTO THE BILL ITSELF, THE PURPOSE OF THIS DISCUSSION IS TO DETERMINE WHETHER INDEED WE DO OR IF THERE IS ANY NEED TO GET INTO THE BILL. I THINK THE HONOURABLE MEMBER FROM DAWSON EXPRESSED THE DESIRE THAT THIS MEETING IN COMMITTEE WOULD BE TO DETERMINE WHETHER OR NOT WE DO IN EFFECT ACCEPT THE PRINCIPLE OF THE BILL AND SHOULD PROCEED BEYOND THIS POINT.

MR. TANNER: THAT'S EXACTLY THE DETERMINATION THAT I THINK ALL MEMBERS WOULD LIKE TO MAKE, AND THE WAY TO DO IT MIGHT BE ON THIS ITEMIZED BASIS. IT'S JUST A SUGGESTION IF COMMITTEE AGREES.

MR. CHAMBERLIST: AS A RESULT OF THAT THE BILL MIGHT NOT BE NEEDED AND WE CAN JUST DUMP IT.

MR. LEGAL ADVISER: MR. CHAIRMAN, I DON'T WANT TO INTERRUPT THE HONOURABLE MEMBERS BUT THERE ARE SECTIONS OF THE BILL WHICH DO NOT RELATE

TO THE TEACHERS WHICH THE BOARD SPECIFICALLY REQUESTED THAT WE CHANGE ON THE MAIN ORDINANCE TO FIT IN WITH THEIR PRESENT ORGANIZATION AND ALLOW US TO PROCEED SMOOTHLY WITH THE OTHER MATTERS FOR THE PUBLIC SERVICE IN GENERAL. SO I WOULD REQUEST THE HOUSE THAT WHATEVER DECISION IS MADE THAT THEY SHOULD DEAL WITH THE SECTIONS DEALING WITH THE APPOINTMENT AND POWERS OF THE NEW APPOINTMENTS OF DEPUTY CHAIRMAN BECAUSE THEY ARE REQUIRED FOR CONVENIENCE.

MR. CHAIRMAN: YES. WELL THIS COULD BE EFFECTED SIMPLY BY DELETION OF THOSE NOT -- YES, COUNCILLOR WATSON.

MRS. WATSON: MR. CHAIRMAN, WHAT IS THE FEELING OF YOUR ORGANIZATION, MR. HERON, ON USING THE PUBLIC SERVICE STAFF RELATIONS BOARD PER SE TO SORT OF SUPERVISE THE COLLECTIVE BARGAINING PROCEDURE BETWEEN THE TEACHERS AND THE GOVERNMENT? IT IS AN INDEPENDENT BODY AND BOARD THAT'S NOT INVOLVED POLITICALLY ON THE LOCAL SCENE.

MR. HERON: THAT'S A DIFFICULT QUESTION TO ANSWER, MR. CHAIRMAN, IN LIEU OF THE FACT THAT ONE OF THE AMENDMENTS TO THIS PUBLIC SERVICE STAFF RELATIONS ORDINANCE IS GOING TO GIVE POWERS TO THIS BOARD TO SIT IN THE YUKON BY THE APPOINTMENT OF A DEPUTY CHAIRMAN. IS THAT RIGHT?

MR. LEGAL ADVISER: NO, MR. CHAIRMAN.

MR. HERON: THAT'S AN INCORRECT ASSUMPTION IS IT?

MR. LEGAL ADVISER: WHAT HAPPENED IN RELATION TO DEPUTY CHAIRMAN WAS THAT THE CHAIRMAN GOT SO TREMENDOUSLY BUSY THAT HE HAD TO HAVE ALTERNATES WITH THE LEGAL CAPACITY TO ACT AND NOT JUST SITTING IN THE OFFICE, BUT THEY WILL ALL BE STATIONED IN OTTAWA. THEY HAVE NOT ALL BEEN APPOINTED. I THINK ONLY ONE HAS BEEN APPOINTED OR WILL BE APPOINTED, BUT PROVISION IS MADE FOR EXPANSION. HE WILL BE PERMANENTLY BASED IN OTTAWA.

MR. TANNER: COULD I ASK JUST BEFORE LUNCH --

MRS. WATSON: MR. CHAIRMAN, HE'S ANSWERING A QUESTION.

MR. TANNER: I BEG YOUR PARDON, MR. CHAIRMAN.

MR. HERON: MR. CHAIRMAN, I DON'T THINK WE HAVE REALLY DISCUSSED SPECIFICALLY THE RELATIONSHIP OF THE PUBLIC SERVICE STAFF RELATIONS BOARD. HOWEVER, WE DON'T FEEL THAT IT IS THEIR RIGHT OR THEIR PREROGATIVE AS WOULD BE GIVEN TO THEM UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE TO DECIDE WHO AND WHICH OF OUR ADMINISTRATORS COULD BE DECLARED AS MANAGERIAL EXCLUSIONS FROM OUR PARTICULAR ASSOCIATION.

MR. CHAMBERLIST: BUT THAT PARTICULAR MATTER WOULD BE AS A RESULT OF YOUR COLLECTIVE BARGAINING IN ANY EVENT BECAUSE YOU WOULD BE BARGAINING TO THAT LEVEL OF EXCLUSIONS SURELY. THIS IS THE WAY THAT THE PUBLIC SERVICE ALLIANCE THEY HAVE THEIR NEGOTIATIONS BEFORE THEY DECIDE WHO IS GOING TO BE AN EXCLUSION OR NOT. ISN'T THAT THE CASE?

MR. HERON: MR. CHAIRMAN, IF I MAY ANSWER. IN POINT IN FACT WE ARE MOST CONCERNED THAT WE SHOULD EVEN HAVE TO BE JEOPARDIZED IN THIS REGARD. THAT THERE WOULD BE AN AREA IN WHICH OUR PRINCIPALS AND VICE-PRINCIPALS MIGHT BE REMOVED FROM THE BARGAINING SCOPE OR FROM OUR TEACHER ASSOCIATION. I SHOULD MENTION THAT ALL ACROSS CANADA PRINCIPALS AND VICE-PRINCIPALS DO BELONG TO THEIR ASSOCIATIONS. NOT ONLY THAT BUT IN BRITISH COLUMBIA SUPERVISORS BELONG TO THEIR ASSOCIATION. NOT ONLY THAT BUT IN QUEBEC AND NEWFOUNDLAND SUPERINTENDENTS BELONG TO THEIR TEACHER ASSOCIATION AND EVERYONE DOWN FROM THAT AREA. SO WE ARE MOST CONCERNED THAT IF THIS AMENDMENT TO BILL 8 GOES THROUGH THAT THERE IS A CHANCE FOR PEOPLE IN A MANAGERIAL OR CONFIDENTIAL CAPACITY TO BE EXCLUDED FROM OUR ASSOCIATION. THAT IS OUR GREAT FEAR.

MRS. WATSON: MR. CHAIRMAN, IS IT NOT TRUE, MR. HERON, THAT IN SOME PROVINCES, IN SOME SCHOOL BOARDS THE PRINCIPALS NEGOTIATE THEIR OWN SALARY AGREEMENTS. THEY HAVE THEIR OWN ASSOCIATION WITHIN THE PARENT ASSOCIATION AND THEY NEGOTIATE THEIR OWN SPECIAL AGREEMENT. AND IT IS IN SOME AREAS IN B.C.

MR. HERON: MR. CHAIRMAN, THAT'S TRUE. IN MANY AREAS THE PRINCIPALS HAVE FROM TIME TO TIME - - -

MRS. WATSON: SEPARATE.

MR. HERON: YES, SEPARATE PART. BUT THEY STILL BELONG TO THE TEACHERS ASSOCIATION.

MRS. WATSON: MR. CHAIRMAN, I BELIEVE THAT SOME INFORMATION THAT YOU'VE HAD HAS BEEN MISLEADING. I BELIEVE THAT IN OUR POLICY STATEMENT WE DID NOT SIGNIFY AT THAT TIME THAT PRINCIPALS WOULD BE EXCLUDED. BUT WE DID MAKE SOME REFERENCE TO ADMINISTRATORS. NOW THERE WAS QUITE A REACTION FROM THE YTA OVER THIS SO WE HAVE SAID LOOK IF YOU WANT YOUR PRINCIPALS TO BE PART OF YOUR BARGAINING UNIT THEY CAN BE PART OF YOUR BARGAINING UNIT. I THINK ONE AREA WHERE YOU CAN ASSURE THAT THIS IS DONE IS IF YOU MAKE THEM A LEVEL OF GRIEVANCE THEN YOU WOULD BE ABLE TO ASK TO HAVE THEM AS A MANAGERIAL OR EXECUTIVE EXCLUSION. BUT WHAT WE WOULD BE PROPOSING WOULD BE THE REGIONAL SUPERINTENDENT WOULD BE THE FIRST LEVEL OF GREIVANCE IF YOU WERE GOING TO GO WITH THE - AND THEN, OF COURSE, THEY WOULDN'T BE IN A POSITION WHETHER THEY WOULD BE A MANAGERIAL EXCLUSION AND THERE WOULD BE NO BASIS TO HAVE THEM REMOVED FROM THE BARGAINING UNIT.

I CAN UNDERSTAND THE YTA'S CONCERN OVER THIS IN THE TERRITORY THAT THEY WOULD LIKE THE PRINCIPALS AND THE VICE-PRINCIPALS BECAUSE THEY ARE SUCH A SMALL NUMBER TO BE PART OF THEIR UNIT. I THINK THEY FEEL THAT IT SORT OF SEPARATES YOUR ADMINISTRATION FROM THE REST OF THE STAFF BY DOING THIS. HOWEVER, I DON'T THINK THE HONOURABLE MEMBER REALIZES THAT WE DID MAKE OUR COMMITMENT IN THIS REGARD THAT PRINCIPALS WOULD NOT BE EXCLUDED.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF MR. HERON FEELS THAT ALL SUPERINTENDENTS WHETHER IT'S A SUPERINTENDENT - I BEG YOUR PARDON, ALL PRINCIPALS WHETHER A PRINCIPAL OF A THREE OR FOUR TEACHER SCHOOL OR A PRINCIPAL OF A TWENTY-FIVE TEACHER SCHOOL SHOULD BE PART OF THE BARGAINING UNIT. TAKING FOR INSTANCE THE PRINCIPAL OF THE F. H. COLLINS SCHOOL, A VERY LARGE COMPLEX, AND THE PRINCIPAL OF A SCHOOL LET'S SAY UP THE HIGHWAY WITH THREE OR FOUR TEACHERS, WHETHER THEY SHOULD BE PLACED IN THE SAME CATEGORY. BECAUSE THE PERSON WHO IS A SUPERINTENDENT OF A THREE OR FOUR TEACHER SCHOOL WOULD ONLY BE A LEVEL OF A TEACHER IN A SCHOOL PERHAPS OF THE F. H. COLLINS TYPE.

Mr. Heron: That's very true, Mr. Chairman. But being such a small teacher association I see no necessity to start setting up different definitions or different categories of principals and administrators depending upon size of the school and the number of teachers etc.

Mr. Tanner: Mr. Chairman, one last question from me anyway before we go to lunch. It's not really clear to me if one of the reservations that the teachers have is the fact that the YTA should be the bargaining agent with the Government. I get the impression now that the YTA now feel they are being pressured into being the bargaining agent for the teachers. Do you as a teacher or do the other teachers not feel they should be the bargaining agent?

Mr. Heron: No that's not the case at all, Mr. Chairman. No we are perfectly prepared to do all the bargaining on behalf of the teachers in the Territory. No.

Mr. Tanner: Mr. Chairman, am I wrong then in the impression I had that the way you read the suggestion here is that you are being pressured, and we're saying that it's got to be the YTA and that the choice hasn't been made by you.

Mr. Chamberlist: No. It doesn't say that.

Mrs. Watson: Mr. Chairman, I believe that was the impression I had from the news release that was issued as a result of your annual general meeting. There was some reaction. They felt that they had been deprived of some of their democratic rights because we were saying that the YTA should be the bargaining agent. I wonder if we could obtain clarification on that.

Mr. Heron: Mr. Chairman, this is a question of semantics surely. The Yukon Association has been, and hopefully always will be, the representative of all the teachers in the Yukon. We seem to be getting into a very shady area here. When we say it was the Yukon Teachers' Association that is having their rights taken away by being forced under the Public Service Staff Relations Ordinance we are also referring to all our members as well which are 90% of the teachers in the Yukon.

Mrs. Watson: Mr. Chairman, one more question. If you had another organization; this is a hypothetical question. If you had another organization of teachers and they opposed, you know you had a reaction, and a majority of the teachers joined this other organization what would the position be then of the YTA? Do you feel they should relinquish the right to be the bargaining agent to the other organization because this is the democratic process isn't it? If the majority want a different organization.

Mr. Heron: We certainly would, Mrs. Watson, if there were a group of teachers who decided they no longer wanted to be part of the Yukon Teachers. If they had the majority and they wanted to set up their own teachers association we would be more than prepared, my executive, to sit down, sit back and say go ahead and God bless.

Mr. Stutter: Mr. Chairman, is it not true though, Mr. Heron that once the YTA is recognized as the bargaining unit under the school ordinance that any teacher coming into the Territory would be by compulsory have to be a member of the YTA?

Mr. Heron: No that's not true, Mr. Chairman, unless the school ordinance was amended that as a condition of employment teachers coming into the Yukon Territory would have to belong to the Yukon Teachers' Association.

Mr. Chamberlist: Does the Association want that type of compulsion?

Mr. Heron: We would like this type of compulsion yes, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, I'm trying to gauge the depth of the feeling of the YTA against becoming a bargaining agent under the Public Service Staff Relations Ordinance. I wonder if the choice was made, you know, pass the Ordinance and make them the bargaining agent under the Public Service Staff Relations Ordinance or leave the same procedure that was in effect since the passage of the last School Ordinance under 98(1), what would be the preference of the teachers?

Mr. Heron: I can emphatically say, Mr. Chairman, that the preference would be that under no conditions would the teachers ever

WANT TO SEE THEMSELVES UNDER THIS PUBLIC SERVICE STAFF RELATIONS ORDINANCE.

Mr. McKINNON: THANK YOU, Mr. CHAIRMAN.

Mr. CHAIRMAN: I THINK IN VIEW OF THE TIME WE WILL MEET AGAIN AT 2 O'CLOCK AND COMMITTEE NOW STANDS IN RECESS.

RECESS

Mr. CHAIRMAN: I WILL NOW CALL COMMITTEE TO ORDER. WE ARE DISCUSSING THE MATTER OF THE PRINCIPLE BEHIND BILL NO. 8 AND WE HAVE WITH US AGAIN Mr. HERON FOR FURTHER DISCUSSIONS.

Mr. CLERK DO YOU HAVE SOME MATERIAL FOR DISTRIBUTION AT THIS TIME? AND I BELIEVE THIS IS THE MATERIAL YOU REQUESTED OVER THE NOON HOUR. WOULD YOU PROCEED PLEASE?

Mrs. WATSON: Mr. CHAIRMAN, I WONDER IF I COULD ASK THE WITNESS A QUESTION?

Mr. CHAIRMAN: PROCEED.

Mrs. WATSON: ON THE BOARD, THE BOARD SUPERVISING THE NEGOTIATIONS, COLLECTIVE BARGAINING, WOULD YOU LIKE TO SEE A STRONG BOARD SUPERVISING THIS, A BOARD THAT WOULD BE ABLE TO ENFORCE, WHO COULD SAY TO THE COMMISSIONER YOU KNOW, YOU SHALL NOT FIRE THAT PERSON, YOU SHALL REINSTATE THAT PERSON. SOMETHING THAT IS SEPARATE AND APART, AN INDEPENDENT BOARD WITH STRENGTH TO IT.

Mr. HERON: YES, Mr. CHAIRMAN, VERY MUCH SO.

Mr. CHAIRMAN: IS THERE ANY FURTHER DISCUSSION IN THIS MATTER?

Mr. STUTTER: Mr. CHAIRMAN, I WONDER IF I COULD ASK THE LEGAL ADVISOR A QUESTION AT THIS POINT? OR EITHER OF THE MEMBERS OF EXECUTIVE COMMITTEE. CAN THEY FORESEE ANY DIFFICULTY IN COMPLYING AT THIS POINT WITH THE WISHES OF Y.T.A. IN SEEKING RECOGNITION AS A BARGAINING UNIT UNDER THE SCHOOLS ORDINANCE RATHER THAN BY A SEPARATE ORDINANCE?

Mr. LEGAL ADVISOR: Mr. CHAIRMAN, I DON'T SEE ANY DIFFICULTY WITH IT UNDER THIS ORDINANCE OR IF THE SECTIONS WERE TRANSFERRED TO THE SCHOOLS ORDINANCE, I CAN'T SEE ANY DIFFICULTY WITH IT. BUT THERE ARE TWO DIFFERENT APPROACHES THAT

HAVE TO BE CONSIDERED IN DEALING WITH THE MATTER AS THE UNAMENDED PUBLIC SERVICE STAFF RELATIONS ORDINANCE SETS OUT AT PRESENT, ANY ORGANIZATION REPRESENTING THE MAJORITY OF A GROUP CAN APPLY. THE BOARD THEN HOLDS AN INDEPENDENT PLEBISCITE WITH IT'S OWN OFFICERS OR BY HIRING AN INDEPENDENT GROUP OF AUDITORS TO CHECK IN RELATION TO THAT GROUP OF PEOPLE. WHO DO THEY WANT? IF THEY GET PAST THE 50% THEN THE BOARD GRANTS AN ORDER SAYING THAT IS THE GROUP.

NOW WE ARE AT A TRANSITIONAL STAGE AT THE MOMENT BECAUSE THE ORDINANCE IS IN BEING AND IS A CONTINUING FORCE. AND IN ADDITION TO THAT NEGOTIATIONS ARE CURRENTLY IN PROGRESS. SO WHAT WE HAVE PROVIDED IS A TRANSITORY SECTION WHICH SAYS; "THAT THE ORGANIZATION NOW IN NEGOTIATION WITH THE COMMISSIONER, SHALL BE DEEMED TO BE THE NEGOTIATING ORGANIZATION. AND THEN ALL THE REST OF THE RIGHTS IN THE ORDINANCE FLOW TO THAT ORGANIZATION.

WE FACED UP TO A DRAFTING PROBLEM AS TO HOW TO NAME THE ORGANIZATION. AND WE SAID THE ORGANIZATION WHICH GAVE NOTICE IN JANUARY OF THIS YEAR, THAT THEY INTENDED NEGOTIATIONS AND COMMENCED NEGOTIATIONS, THAT SHALL BE DEEMED TO BE THE BARGAINING AGENT. NOW WHEN I WAS DRAFTING THAT, I WAS UNDER THE IMPRESSION THAT IT WAS THE WISH OF THE Y.T.A. TO BE SO NAMED AND BY DOING IT IN THAT MANNER THEY GET A TWO YEAR RUN ADDED BEFORE ANY OTHER ORGANIZATION CAN ATTACK THEIR ENTRENCHED POSITION.

NOW THE P.S.A. IS THE BARGAINING AGENT FOR THE PUBLIC SERVICE AND THERE WAS A VOTE WHEN THIS ORDINANCE FIRST CAME INTO BEING. THE BOARD HELD A CONTROLLED INDEPENDENT BALLOT TO FIND OUT WHAT ORGANIZATION THE EMPLOYEES WANTED. NOW THERE COULD HAVE BEEN A RAID BY A RIVAL ORGANIZATION SUCH AS THE CANADIAN UNION OF PUBLIC EMPLOYEES, C.U.P.E. THEY COULD HAVE RAIDED AND TRIED TO BE THE ORGANIZATION.

IN THIS CURRENT SITUATION THERE COULD BE AN ORGANIZED RAID ON THE TEACHERS BY EITHER C.U.P.E. OR THE P.S.A. THEY COULD CANVASS THE TEACHERS AND SAY, "PLEASE CHOOSE US IN THE BALLOT." BUT THE POLICY WHICH WAS ADOPTED BY THE GOVERNMENT WAS; "IT WILL NOT PERMIT A RAID IN THE FIRST INSTANCE. IT WILL ENTRENCH THE POSITION OF THE YUKON TEACHERS ASSOCIATION BY GUARANTEEING THEM A TWO YEAR EXCLUSIVE RIGHT TO BARGAIN FOR THEIR EMPLOYEES." NOW THAT'S THE WAY IT'S DONE THERE. SO I CAN'T SEE ANY DIFFERENCE BETWEEN

INSERTING THOSE PROVISIONS IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE OR PUTTING THEM IN THE SCHOOLS ORDINANCE. AND IN THE FIRST DRAFT WHICH I PREPARED, I HAD PLACED THESE SECTIONS IN THE DRAFT SCHOOLS ORDINANCE. THE REASON THAT THE CHANGE WAS MADE WAS BECAUSE THERE IS SOME OBJECTION IN PRINCIPLE IN THIS HOUSE, TO AMENDING ONE ORDINANCE BY MEANS OF ANOTHER. AND WHEN THE REQUEST CAME THROUGH BY THE PUBLIC SERVICE STAFF RELATIONS BOARD FOR AMENDMENTS AFFECTING THEIR POSITION OF DEPUTY CHAIRMAN AND THERE WERE THREE OR FOUR THINGS NEEDED BECAUSE APART FROM GIVING THE POWER TO APPOINT DEPUTY CHAIRMAN, YOU HAD TO GIVE THE POWER TO THE DEPUTY CHAIRMAN TO REPLACE, IN CERTAIN CIRCUMSTANCES, THE CHAIRMAN AND HAVE THE LEGAL EFFECT OF HIS FUNCTION. SO YOU'RE LOOKING AT A FULL PAGE OF AMENDMENTS. AT THAT POINT OF TIME IT APPEARED THAT THE CORRECT THING TO DO WAS TO TAKE OUT OF THE DRAFT SCHOOL ORDINANCE, THE ENTRENCHING SECTIONS AND PUT THEM INTO THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE TO MAKE IT CLEAR TO THIS HOUSE PRECISELY WHAT WE WERE DOING AND WHICH ORDINANCE WE WERE AMENDING. BUT TECHNICALLY, THAT GROUP OF SECTIONS COULD BE PLACED IN ANY ORDINANCE OF THIS HOUSE, GOING THROUGH THIS HOUSE, EITHER THE SCHOOLS ORDINANCE OR THIS ORDINANCE. THAT'S NOW FROM THE LEGAL POINT OF VIEW.

MR. CHAMBERLIST: MR. CHAIRMAN, I'M DISTURBED ABOUT THE DEFINITION OF "EMPLOYEE" IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. BECAUSE ONE WOULD HAVE TO READ THE WHOLE OF THE INTERPRETATION OF "EMPLOYEE" TO GET A FULL PICTURE OF WHAT IS TERMED, AS WHAT IS THE INTERPRETATION OF "EMPLOYEE". FOR INSTANCE THE PREAMBLE IS; "EMPLOYEE" MEANS A PERSON EMPLOYED IN THE PUBLIC SERVICE OTHER THAN". SO THAT FOLLOWING ON THAT, AND EMPLOYEE, ANY PERSON, IT DOESN'T MATTER WHAT THEIR CAPACITY IS, AS LONG AS THEY'RE NOT LISTED IN THOSE EXCEPTIONS THEY ARE A PUBLIC SERVANT, WOULD MR. LEGAL ADVISOR AGREE WITH ME ON THAT?

MR. LEGAL ADVISOR: NO, MR. CHAIRMAN. THE CART HAS BEEN PLACED BEFORE THE HORSE. THIS PUBLIC SERVICE STAFF RELATIONS ORDINANCE ATTEMPTS TO CONTROL THE MAJORITY OF EMPLOYEES OF THE TERRITORIAL GOVERNMENT NO MATTER WHAT THEIR CLASSIFICATION IS. AND TO CONTROL THEIR RELATIONS IN THEIR EMPLOYMENT WITH THE GOVERNMENT OF THE TERRITORY AND TO DO NOTHING ELSE. IT DOESN'T DEFINE WHO IS IN OR WHO IS OUT OF THE PUBLIC SERVICE. BUT WE MUST REMEMBER THAT IT WAS DRAFTED AT A POINT OF TIME WHEN WE WERE DEALING

ONLY WITH PUBLIC SERVICE IN THE ACCEPTED GENERAL SENSE OF THE WORD. SO THE LANGUAGE THAT WAS USED WAS; "AN EMPLOYEE MEANS A PERSON EMPLOYED IN THE PUBLIC SERVICE". THAT'S SPELLED WITH A SMALL "P" AND A SMALL "S". THAT IS EVERYONE AND THEN THE EXCEPTIONS HAVE TO BE LISTED OF PEOPLE THAT ARE NOT COVERED BY THE PROVISIONS OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE IN ALL CIRCUMSTANCES. BECAUSE SOME OF THESE PEOPLE IN THAT LIST ARE FOR CERTAIN PURPOSES, FOR THEIR OWN PROTECTIVE RIGHTS, INCLUDED IN THIS LIST AND IN PARTICULAR, IF THE HONOURABLE MEMBER WILL REFER TO THE DEFINITION OF "GRIEVANCE" HE WILL SEE THAT THE "GRIEVANCE" SECTIONS DO APPLY TO THESE EXCEPTIONS. IT'S A TECHNICAL AND LEGAL THING AND VERY DIFFICULT TO DRAFT.

MR. CHAMBERLIST: MR. CHAIRMAN, I CAN ONLY INTERPRET FROM MY POINT OF VIEW AS IT'S WRITTEN, THE LAST TWO WORDS OF THAT PREAMBLE "OTHER THAN", EXCLUDES EVERYTHING ELSE BEYOND IT AS BEING A PERSON EMPLOYED IN THE PUBLIC SERVICE. BECAUSE IT MAKES IT CLEAR "EMPLOYEE" MEANS A PERSON EMPLOYED IN THE PUBLIC SERVICE OTHER THAN" AND THEN SO THAT EVERYBODY UNLESS HE'S IN THAT A, B, C, D, E, F, G, IS A PUBLIC SERVANT. THAT'S THE WAY I WOULD READ IT. AND THAT'S THE WAY I THINK IT SHOULD APPEAR TO MR. LEGAL ADVISOR, WHEN IT SAYS THE WORDS "OTHER THAN". SURELY IT BRINGS IT INTO AN AREA OF WHO IS A MEMBER OF THE PUBLIC SERVICE AND WHO IS NOT.

MR. LEGAL ADVISOR: MR. CHAIRMAN, I HATE TO BE DOING THIS BECAUSE THIS REALLY CARRYING ON A LEGAL DEBATE THAT SHOULD BE CARRIED ON IN THE HIGH COURT.

THE DEFINITION OF "PUBLIC SERVICE" DOES NOT DEFINE PEOPLE, IT MEANS THINGS. AND THE DEFINITION OF "PUBLIC SERVICE" IN THE PUBLIC SERVICE ORDINANCE IS; "THE POSITIONS IN THE GOVERNMENT SERVICE." NOT THE PEOPLE, IT'S THE POSITIONS. SO WE'RE SUDDENLY OUT IN A NEW BALL GAME WHICH IS, AS I EXPLAINED TO THE HONOURABLE MEMBER, HIGHLY TECHNICAL AND IF THE HONOURABLE MEMBER WOULD COME BACK NEXT YEAR, I THINK HE WOULD HAVE A BETTER UNDERSTANDING OF THE POSITION.

MR. CHAMBERLIST: THANK YOU VERY MUCH. I HOPE THAT I WON'T HAVE TO COME BACK NEXT YEAR, NOT FOR THREE YEARS. NOTWITHSTANDING WHAT MR. LEGAL ADVISOR SAYS, MR. CHAIRMAN, THE LANGUAGE IS CLEAR TO ME. BECAUSE THE LANGUAGE AS IT'S WRITTEN

INDICATES THAT IT DEALS WITH NOT THE PUBLIC SERVICE, BUT IT DEALS WITH AN EMPLOYEE IN THE PUBLIC SERVICE. AND IT INDICATES WHAT AN EMPLOYEE IS. IT WOULD BE ENTIRELY DIFFERENT IF THERE WAS AN INTERPRETATION IN THIS PUBLIC SERVICE STAFF RELATIONS ORDINANCE OF THE "PUBLIC SERVICE". THIS STAFF RELATIONS ORDINANCE DOESN'T SAY "PUBLIC SERVICE IN THIS ORDINANCE MEANS PUBLIC SERVICE AS IS WRITTEN IN THE PUBLIC SERVICE ORDINANCE". THERE WOULD BE SOME MERIT TO THE ARGUMENT THAT MR. LEGAL ADVISOR PUTS FORWARD. IF THAT WERE THERE, THERE WAS THAT CROSS CHECK THERE, BUT IT DOESN'T HAVE THAT IN HERE. IN HERE IT HAS "EMPLOYEE" MEANS A PERSON EMPLOYED IN THE PUBLIC SERVICE", AND THIS IS WHERE MR. LEGAL ADVISOR AND I DIFFER. THAT THE DEFINITION IS NOT ONE OF DEFINING "PUBLIC SERVICE", IT'S A DEFINITION OF DEFINING "AN EMPLOYEE IN THE PUBLIC SERVICE". DOES MR. LEGAL ADVISOR GET MY ARGUMENT ON THAT?

MR. LEGAL ADVISOR: I THINK THE HONOURABLE MEMBER HAS A VERY GOOD POINT. WE'RE DEFINING EMPLOYEE IN A STAFF RELATIONS ACT AS BEING A PERSON EMPLOYED AND THEN COMES THE QUOTATION MARKS "IN THE PUBLIC SERVICE" AND THEN THERE'S EXCLUSIONS. I THINK THAT YOU HAVE A POINT THAT THE DEFINITION IS WEAK. IN THE FIRST LINE I THINK IT SHOULD BETTER READ SOMETHING LIKE THIS; "IT MEANS A PERSON EMPLOYED BY THE GOVERNMENT OF THE TERRITORY OTHER THAN ". BECAUSE WE ASSUMED THAT EVERYONE KNEW WHAT THE PUBLIC SERVICE WAS UNTIL NOW. THERE'S A HASSLE ABOUT IT AND POSSIBLY IT SHOULD BE CLEARED UP.

MR. CHAMBERLIST: I HOPE NOW, MR. CHAIRMAN, THAT MR. LEGAL ADVISOR WON'T EXPECT ME TO WAIT FOR ANOTHER YEAR BEFORE HE GETS THE IDEA.

MR. MCKINNON: MR. CHAIRMAN, I'M BECOMING MORE CONFUSED AS THE MINUTES TICK AWAY. NOW WHAT SECTION SPECIFICALLY ARE WE TALKING ABOUT IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE TO BE INSERTED INTO THE SCHOOLS ORDINANCE TO SATISFY THE OBJECTION THAT WE'VE HEARD FROM MR. HERON?

MRS. WATSON: THIS IS EXACTLY WHAT WE'RE TRYING TO DETERMINE. THIS IS WHY WE'RE TALKING TO MR. HERON. THIS IS WHY WE'RE DISCUSSING IT. THIS IS EXACTLY WHAT WE'D LIKE TO DETERMINE. WE HAVE SAID, IN OUR SUBMISSION, IN BILL NO. 8, WE WILL TAKE THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AND HAVE THE WHOLE ORDINANCE APPLY AND MAKE THE REQUIRED AMENDMENTS TO THE STAFF

RELATIONS ORDINANCE. NOW WE'RE LOOKING AT TRANSPOSING SOME OF IT INTO THE SCHOOLS ORDINANCE OR INTO A SEPARATE ORDINANCE THEN MAYBE IF WE CAN RESOLVE IT, IT MAY BE THAT WE CAN EVEN GO ALONG WITH BILL NO. 8 AND MAKE THE REQUIRED CHANGES IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE IN SOME OF THE DEFINITIONS SECTIONS. BUT THIS IS WHAT WE'RE TRYING TO DETERMINE WITH MR. HERON TODAY.

MR. CHAMBERLIST: MR. CHAIRMAN, I THINK THAT POINT 1 THAT MR. HERON RAISES DEALING WITH "EMPLOYEE" IS VERY VALID IN VIEW OF MY EXPRESSED VIEW OF THIS PARTICULAR SECTION IN THERE, BECAUSE IT DOES INDICATE QUITE CLEARLY THAT BECAUSE A TEACHER IS AN EMPLOYEE AND THE TEACHER THEN UNDER THIS ORDINANCE WOULD BE AN EMPLOYEE IN THE PUBLIC SERVICE BECAUSE IT'S NOT EXCLUDED IN "A TO G" IN THAT INTERPRETATION. PERHAPS WE CAN GET TO THE MAIN THRUST IF CONSIDERATION IS GIVEN TO REMOVING THE SECTIONS THAT THE Y.T.A. FEEL ARE OBJECTIONAL FROM THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AS LONG AS THEY HAVE THE BARGAINING RIGHTS BUT NOT IN THE AREA THAT THEY DO BECOME PUBLIC SERVANTS WITHIN THE MEANING OF THIS PARTICULAR ORDINANCE. IS THIS THE MAIN KEY MR. CHAIRMAN? PERHAPS MR. HERON WOULD INDICATE, IS THE MAIN OBJECTION?

MR. HERON: I THINK I FOLLOW YOUR REASONING MR. CHAMBERLIST. THE OTHER ALTERNATIVE OF COURSE WOULD BE TO REMOVE FROM A SECTION OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, THAT SECTION WHICH HAS TO DO WITH BARGAINING, ARBITRATION AND CONCILIATION AND SO ON AND INSERT IT INTO THE SCHOOLS ORDINANCE. THAT MIGHT BE A SIMPLER WAY OF DOING IT.

MR. CHAIRMAN: COUNCILLOR TANNER.

MR. TANNER: MR. CHAIRMAN, THERE IS ONE OTHER THING. I THOUGHT PART OF WHAT THE HONOURABLE MEMBER FROM WHITEHORSE EAST IS SAYING AND THE INFORMATION WE GOT FROM THE LEGAL ADVISOR. IT'S OFF SET BY 99(2) OF THE SCHOOLS ORDINANCE. THIS IS WHAT MY UNDERSTANDING OF THE BASIS AS IT IS AND I GOT THE IMPRESSION FROM MR. HERON THIS MORNING THAT HE THOUGHT IT CONFIRMED THE OBJECTIONS THAT THEY HAVE. I SEE IT AS MAKING AN EXCEPTION OF THEIR OBJECTION.

MR. LEGAL ADVISOR: MR. CHAIRMAN, POSSIBLY I SHOULD MAKE IT CLEAR. A GENERAL DIRECTION ON GOVERNMENT POLICY WHICH WAS INTENDED NOT TO BE RESTRICTIVE IN RELATION TO THE DRAFTING OF THIS

ORDINANCE AND THE GENERAL DIRECTIVE POLICY WHICH MR. McPHAIL AND I RECEIVED FROM THE GOVERNMENT WAS TO DRAFT UP LAWS FOLLOWING A POLICY. AND THE POLICY WAS TO GIVE TO THE TEACHERS OF THIS TERRITORY AT LEAST THE SAME BARGAINING CONCILIATION, ARBITRATION RIGHT AS EVERY OTHER EMPLOYEE OF THE GOVERNMENT SERVICE HAS. SO THE DRAFTING MAY BE FAULTY AND THE WITNESS MAY BE FINDING FAULT WITH IT BUT THIS IS WHAT MR. McPHAIL AND I ATTEMPTED TO DO. TO REPRODUCE THIS POLICY.

I THEN AS LEGAL ADVISOR, IN CONSULTATION WITH THE BOARD IN OTTAWA HAD MEETINGS TO DETERMINE WHAT WAS THE BEST LEGAL WAY OF DOING IT. AND THEN I ADDED ON A SMALL RIDER AS I SAID BECAUSE I'M A LITTLE BIT LAZY. I WANTED TO IN AN EASY TECHNICAL FASHION AND NOT HAVE MY OFFICE SNOWED DOWN BY TYPING AN EXTRA 50 PAGES OF THE SAME KIND OF - SOME PEOPLE THINK THAT LEGAL AID IS GARBAGE, BUT TO HAVE IT TYPED AND RETYPED AND BE COMPLETELY REPETITIOUS. I CHOSE THE EASY WAY OUT BY TAKING AN EXISTING ORDINANCE AS IT WAS AND WHERE EVER THE WORDS "PUBLIC SERVICE ORDINANCE" OCCURRED TO ADD IN THE WORDS "AND SCHOOL ORDINANCE" SO THAT A PERSON IS INCLUDED AS EMPLOYED BY THE PUBLIC SERVICE ORDINANCE AND I ADDED IN THE WORDS "EMPLOYED UNDER THE PUBLIC SERVICE ORDINANCE OR SCHOOL ORDINANCE". AND WHERE EVER A "RIGHT OF A GRIEVANCE APPEAL" WAS GIVEN TO A PUBLIC SERVANT, I SAID; "THIS RIGHT IS YOURS TO ANY PERSON EMPLOYED WITH THE PUBLIC SERVICE" AND I ADDED IN THE WORDS "OR SCHOOLS ORDINANCE". I MADE THESE MINIMAL CHANGES BECAUSE I THOUGHT IT WAS THE EASIEST WAY OF DEALING WITH IT. BUT EQUALLY I COULD HAVE AND MAYBE COULD HAVE BEEN LESS LAZY AND RETYPED THE WHOLE THING AND MADE THE SCHOOLS ORDINANCE TWICE AS BIG. I WOULD HAVE SAVED THIS HOUSE A TREMENDOUS AMOUNT OF TIME I GUESS. BUT I THOUGHT IT WOULD BE EASIER FOR THIS HOUSE AMONG OTHER THINGS TO READ A ONE PAGE BILL RATHER THAN A 40 PAGE BILL WHICH WOULD HAVE TO BE GONE THROUGH PIECE BY PIECE. SO I MAY HAVE FAILED IN THIS. I ACCEPT SOME RESPONSIBILITY FOR IT IN THAT REGARD.

MR. CHAMBERLIST: CONGRATULATIONS.

MR. LEGAL ADVISOR: BUT I'M QUITE PREPARED TO SUGGEST AN AMENDMENT BECAUSE WHAT WE'RE DOING IN THE DEFINITION OF "EMPLOYEE", WE ARE ATTEMPTING TO CONTROL TWO CLASSES OF PEOPLE. ONE ARE PEOPLE WHO ARE EMPLOYED PURSUANT TO THE PUBLIC SERVICE ORDINANCE AND THE OTHER ARE CLASSES OF PEOPLE EMPLOYED PURSUANT TO THE

EDUCATION ORDINANCE. SO IF IT WOULD MAKE IT CLEAR, THAT DEFINITION OF "EMPLOYEE" COULD SAY; "IT MEANS A PERSON EMPLOYED PURSUANT TO THE PUBLIC SERVICE ORDINANCE OR THE SCHOOL ORDINANCE."

MR. CHAMBERLIST: BUT SURELY THEN, YOU WOULD HAVE TO HAVE ANOTHER SECTION IN THE SCHOOL ORDINANCE TO BALANCE OFF AS WELL.

MR. LEGAL ADVISOR: THERE IS A SECTION IN THE SCHOOL ORDINANCE WHICH GIVES THE RIGHT TO APPOINT AND EMPLOY TEACHERS. WHAT WE WANT IS JUST, WHAT EMPLOYEES DO WE WANT TO GIVE THESE RIGHTS TO? BECAUSE AS I UNDERSTAND THE POSITION, WE ARE ATTEMPTING TO GIVE RIGHTS, NOT ATTEMPTING TO TAKE ANYTHING AWAY. BASICALLY, IT'S A QUESTION OF HOW FAR DO WE GO IN GIVING RIGHTS? BECAUSE AS I FACE THE DRAFTING, EXCEPT FOR ONE SUBSECTION IN SECTION 98 OF THE SCHOOL ORDINANCE, THERE WERE NO RIGHTS I HAD TO DEAL WITH. I WAS BUILDING UP A HOUSE AND NOT TRYING TO TEAR IT DOWN. BUT I MAY HAVE DONE IT WRONG.

MRS. WATSON: MOST GROUPS OF EMPLOYEES ARE GOVERNMENT EMPLOYEES. OUR TEACHERS DO DIFFER FROM OTHER JURISDICTIONS BECAUSE OF THAT. THIS IS THE BOX THAT WE ARE SORT OF IN. IN ALBERTA, FOR EXAMPLE, THEY GO UNDER THE ALBERTA LABOUR ACT WHILE THE ALBERTA LABOUR ACT DOES NOT APPLY TO GOVERNMENT EMPLOYEES. THE TEACHERS ARE EMPLOYEES OF A BOARD AND THEIR NEGOTIATIONS ARE MONITORED BY THE INDUSTRIAL RELATIONS BOARD. THAT COULD NOT APPLY UP HERE BECAUSE THE TEACHERS ARE GOVERNMENT EMPLOYEES. WE WERE RATHER RESTRICTED IN THE ROUTE WE COULD TAKE.

MR. CHAMBERLIST: MR. CHAIRMAN, TO MR. LEGAL ADVISOR, COULD NOT WE EXCLUDE THE INTENT OF THE PUBLIC SERVICE ORDINANCE FROM THE SECTIONS DEALING WITH SCHOOL TEACHERS?

MR. LEGAL ADVISOR: I HAVE PREPARED A SECTION FOR THIS.

MR. TANNER: MR. CHAIRMAN, AS I UNDERSTAND IT, I AM JUMPING AHEAD IN THE SCHOOLS ORDINANCE BUT WE HAVE GOT THAT IN THE SCHOOLS ORDINANCE.

MR. LEGAL ADVISOR: THIS IS A SIDE ISSUE. I DON'T WANT TO SAY IN AN ORDINANCE, ANY ORDINANCE, SOMETHING OF AN UNNECESSARY GENERAL NATURE LIKE SAYING THAT TEACHERS IN THE YUKON TERRITORY ARE NOT PUBLIC



SERVANTS. WE HAVE A RESPONSIBILITY TO THE PUBLIC. ANYTHING A TEACHER DOES IN THE COURSE OF HIS DUTY IS ACTIONABLE AGAINST THE GOVERNMENT AND WE CANNOT DEVOLVE THIS RESPONSIBILITY. THEN WE COMPETE WITH THE RIGHTS OF CHILDREN, WITH THE RIGHTS OF OTHER PEOPLE. I DON'T WANT THAT KIND OF AN UNNECESSARY GENERAL SECTION WHICH WOULD HAVE TO HAVE A TREMENDOUS AMOUNT OF EXAMINATION BEFORE YOU COULD ACCEPT IT. BUT TO SAY WHAT YOU ARE TRYING TO INCLUDE IS PEOPLE WHO ARE EMPLOYED UNDER THE SCHOOLS ORDINANCE. THAT IS A DEFINITE KNOWN CLASS OF PEOPLE.

MR. PICKINNON: MR. CHAIRMAN, WHY DON'T WE JUST STATE THE FACT OF THE MATTER THAT THERE IS NO SIMPLE WAY AROUND THIS IN ANY WAY, SHAPE OR FORM WHATSOEVER. MR. LEGAL ADVISOR IS GOING TO HAVE TO BE INSTRUCTED BY THIS COMMITTEE IF WE WANT TO GET AROUND THIS PROBLEM THAT WE ARE NOW FACING, TO DRAFT AN AMENDMENT TO THE SCHOOLS ORDINANCE INCLUDING THOSE PROVISIONS FOR BARGAINING, CONCILIATION, ARBITRATION OF THE RIGHTS OF THE SCHOOL TEACHERS. INSERT THIS IN THE SCHOOL ORDINANCE TAKING INTO CONSIDERATION THE FOUR POINTS THAT HAVE BEEN RAISED BY THE YTA IN CONNECTION WITH THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE.

WE COULD SIT HERE FOR THE REST OF THE COUNCIL SESSION. WE ARE GOING TO GO AROUND AND AROUND ON THIS AND WE ARE NOT GOING TO SATISFY THE YTA, WE ARE NOT GOING TO SATISFY SOME OF THE MEMBERS OF THE COMMITTEE. I FEEL THAT THERE IS A CONSENSUS THAT WE DO IT WITH DIFFICULTY WHICH IS GOING TO BE DIFFICULT BUT THAT IS THE ONLY WAY THAT WE CAN HAVE SOME MEETING OF THE MINDS. IT IS NOT ... JUST GO AHEAD AND DO IT.

MR. CHAMBERLIST: THERE IS SOMETHING ELSE AS WELL. THE GOVERNMENT HAS GOT TO KNOW WHETHER THE YTA ARE PREPARED TO ACCEPT THE BOARD AS SET UP UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. I THINK IT WOULD BE IMPROPER TO INCREASE THE NUMBER OF BOARDS AGAIN AND HAVE AN ADDITIONAL BOARD BUT IF THAT IS AGREEABLE, IF THE YTA ARE AGREEABLE TO USE THE PUBLIC STAFF SERVICE RELATIONS BOARDS AS SET UP THEN THAT WOULD CUT DOWN A LOT OF THE DIFFICULTIES.

MR. HERON: MR. CHAIRMAN, PERHAPS MR. LEGAL ADVISOR COULD REITERATE EXACTLY THE FUNCTIONS OF THIS PUBLIC SERVICE STAFF RELATIONS BOARD

WHICH IT WAS MY UNDERSTANDING THAT ONE OF THEIR FUNCTIONS WAS TO DECIDE THE EXCLUSION OF THE PEOPLE WHO ARE IN A MANAGERIAL OR CONFIDENTIAL CAPACITY WHICH THEREFORE WOULD NOT APPLY IF WE HAD BARGAINING RIGHTS IN THE PROPOSED ORDINANCE.

ANOTHER FUNCTION OF THE PUBLIC SERVICE STAFF RELATIONS BOARD WAS TO DECIDE WHO WAS TO BECOME CERTIFIED AND WHO WAS NOT. THAT TOO WOULD NOT APPLY IF YOU WERE GOING TO TAKE OUT SECTIONS ON BARGAINING ONLY AND PUT THEM INTO THE SCHOOL ORDINANCE.

MR. CHAIRMAN, COULD I ASK MR. LEGAL ADVISOR WHAT EXACTLY WHAT RELATIONSHIP WOULD THE YUKON TEACHERS ASSOCIATION OR THE TEACHERS HAVE WITH THE PUBLIC SERVICE STAFF RELATIONS BOARD HAVE IF OUR BARGAINING RIGHTS WERE GIVEN TO US WITHIN THE SCHOOL ORDINANCE?

MR. LEGAL ADVISOR: MR. CHAIRMAN, I COULDN'T GIVE YOU AN ANSWER ON THAT. I WOULD NEED DIRECTION FROM THE HOUSE. THERE ARE SOME IMPORTANT POLICY POINTS INVOLVED HERE.

IN THE SENSE OF BARGAINING FOR EMPLOYEES THE YTA BECOMES THE TRADE UNION. THE QUESTION IS DOES IT BECOME A TRADE UNION WITHOUT THE POWER OF ANY OTHER ORGANIZATION TO TAKE IT OVER IF IT DOES BADLY OR IS IT ENTRENCHED PERMIT? IN OTHER WORDS, IS IT SO ENTRENCHED THAT IT WILL REQUIRE AN ORDINANCE OR AN ACT TO CHANGE IT FOR SOMEBODY ELSE? I NEED A POLICY DIRECTION ON THIS IF THERE IS ANY DRAFTING TO BE DONE.

MRS. WATSON: MR. CHAIRMAN, I THINK THIS IS VERY IMPORTANT. IF THIS IS TAKEN OUT IF THIS IS EXCLUDED THEN IT COULD WELL BE THAT THE PUBLIC SERVICE STAFF RELATIONS BOARD WOULD NOT AFFORD AS THE MONITOR OF THE COLLECTIVE BARGAINING PROCESS UNDER THE SCHOOLS ORDINANCE. THEY HAVE THEIR OWN TERMS AND CONDITIONS AND IN ORDER TO GET THEM TO EVEN AGREE TO ACT FOR THE TEACHERS UNDER THE PUBLIC SERVICE STAFF RELATIONS BOARD A SPECIAL DELIGATION HAD TO GO AND MEET WITH THE BOARD AND REVIEW THE LEGISLATION AND THE CHANGES THAT WOULD HAVE TO BE MADE BEFORE THE BOARD WOULD AGREE TO ACT.

I THINK THAT WE ALL KNOW THAT WE NEED A STRONG INDEPENDANT BAORD, MR. HERON SAID THAT HE FELT THAT IT SHOULD BE A STRONG BOARD.

WHERE DO WE GET A BOARD IF WE DON'T USE THE PUBLIC SERVICE STAFF RELATIONS BOARD? WE CAN'T USE A LABOUR INDUSTRIAL RELATIONS BOARD. WE DON'T HAVE ONE. WE CAN'T GET ONE FROM THE PROVINCES TO ACT FOR US BECAUSE IT IS GOVERNMENT EMPLOYED. THIS IS THE PROBLEM WE ARE FACING.

MR. CHAMBERLIST: MR. CHAIRMAN, I DISAGREE WITH WHAT MR. LEGAL ADVISOR HAS SAID WITH REFERENCE TO THE YTA BEING TREATED AS A TRADE UNION. THIS IS NOT THE FUNCTION. AFTER ALL THERE ARE OTHER PROFESSIONAL ORGANIZATIONS WHO ARE ABLE TO NEGOTIATE WITH GOVERNMENT WITHOUT BEING TREATED AS A UNION. WE HAVE OUR MEDICAL PROFESSION THAT NEGOTIATES FOR FEE STRUCTURES. THEY ARE NOT TREATED AS A UNION.

REPRESENTATIVES OF THE LEGAL PROFESSION COME TO US. THEY ARE NOT TREATED AS A UNION. TO SAY THAT THEY SHOULD BE TREATED AS A UNION; I DON'T THINK THE TEACHERS WANT TO BE TREATED AS SUCH. ALTHOUGH, I WILL AGREE THAT THERE ARE CERTAIN AREAS WHERE IN A PROFESSIONAL CAPACITY THEY FEEL THAT THEY HAVE TO NEGOTIATE AS PROFESSIONALS FOR PROFESSIONAL PURPOSES.

I THINK THERE IS A LOT OF DIFFERENCE BETWEEN THAT. I THINK THIS IS THE MAIN FEAR, IT WOULD APPEAR TO ME, THAT THE YTA HAVE OF BEING CLASSIFIED AS A TRADE UNION. IT IS THEIR OBJECTIONS MAINLY, AS I READ IT, TO BEING INCORPORATED AS A PUBLIC SERVICE; AND THIS IS WHY THEY HAVE OBJECTED ALREADY TO JOINING THE PUBLIC SERVICE ALLIANCE. THEY HAVE OBJECTED IN THAT PARTICULAR AREA AS WELL.

I THINK THE ANSWER IS THE SUGGESTIONS THAT HAVE BEEN MADE BY MR. HERON EARLIER, MR. CHAIRMAN, THAT IF THESE SECTIONS THAT ARE OBJECTED TO COULD BE REMOVED FROM THE PUBLIC STAFF RELATIONS ORDINANCE AMENDMENT THAT WE HAVE BEFORE US NOW AND INCORPORATED WITHIN THE SCHOOLS ORDINANCE. MR. LEGAL ADVISOR HAS ALREADY INDICATED THAT HE SEES NO OBJECTION TO IT. SURELY THAT ANSWER IS TO EVERYONE'S SATISFACTION.

GOVERNMENT HAS GOT WHAT THEY WANT, THE TEACHERS HAVE GOT WHAT THEY WANT, AND THEN WE COULD AGREE TO IT. I THINK THAT THE MEMBER FROM WHITEHORSE WEST MADE THIS POINT AS WELL SO WE MIGHT AS WELL GET DOWN TO IT.

MRS. WATSON: MR. CHAIRMAN, THERE IS ONE POINT ABOUT THE PUBLIC SERVICE STAFF RELATIONS BOARD ACTING IN THIS INSTANCE. I AM WONDERING IF MR. HERON WOULD OBJECT TO THE PHRASE THAT WE ARE USING IN BILL NO. 8, "AN ASSOCIATION REPRESENTING THE MAJORITY OF THE TEACHERS IN THE TERRITORIAL SCHOOLS." WOULD YOU OBJECT TO THAT, "AN ASSOCIATION REPRESENTING THE MAJORITY OF THE TEACHERS IN THE TERRITORIAL SCHOOLS?" RATHER THAN SPECIFY THE YTA FOREVER AND A DAY, THIS WOULD GIVE A DEMOCRATIC RIGHT TO THE TEACHERS ALSO TO HAVE THEIR ASSOCIATION. IF THEY DECIDE THE TEACHERS AMONGST THEMSELVES TO HAVE ANOTHER ORGANIZATION REPRESENTING THE MAJORITY OF THE TEACHERS, I'M SURE THE TEACHERS WOULDN'T OBJECT TO THAT PHRASE IN THERE. THIS WOULD HELP A LOT.

MR. HERON: MR. CHAIRMAN, I DON'T AGREE TO CHANGING THAT PARTICULAR PHRASE. IT STILL DOESN'T GET AROUND THE PROBLEM THAT AS SOON AS, WHETHER IT IS THE YTA OR WHATEVER ASSOCIATION REPRESENTING THE TEACHERS, IS PLACED UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE WE ARE GOING TO HAVE MANY OF OUR RIGHTS THAT OTHER TEACHER ASSOCIATIONS HAVE CURTAILED. SUCH AS, THE RIGHT TO POLITICAL ACTIVITY. SUCH AS HAVING TO GO THROUGH THIS HASSLE AND IT MAY BE A HASSLE. MRS. WATSON SAID THAT SHE CERTAINLY HAD NO INTENTION OF REMOVING PRINCIPALS OR VICE-PRINCIPALS OR ANY ADMINISTRATORS AT THIS TIME BUT SHE MAY NOT BE THE EXECUTIVE COMMITTEE MEMBER RESPONSIBLE FOR EDUCATION THREE YEARS FROM NOW. IT MAY BE SOMEBODY ELSE WHO MAY DECIDE, "OH, YES, WE MUST REMOVE ALL THOSE PEOPLE ACCORDING TO THE CLAUSE UNDER MANAGERIAL AND CONFIDENTIAL CAPACITY." THOSE ARE THE ISSUES THAT WE ARE MOST CONCERNED ABOUT.

WE ARE PERFECTLY WILLING TO HAVE ANY GROUP COME, IF THEY WANT TO TRY TO RATE OUR ORGANIZATION IF ANOTHER GROUP WANTS TO SET UP A SEPERATE ORGANIZATION; IN FACT IT IS NO SECRET THAT THE PSA LAST SPRING DID TAKE AROUND MEMBERSHIP CARDS AND TRY TO GET OUR TEACHERS IN AND THEY FAILED DISMALLY. THAT IS NOT OUR OBJECTION.

MR. TANNER: MR. CHAIRMAN, FROM WHAT I UNDERSTOOD THE QUESTION THAT MRS. WATSON WAS PUTTING TO THE WITNESS WAS THAT IF IT WAS ESTABLISHED UNDER THE SCHOOLS ORDINANCE... AS I UNDERSTAND IT YOU COMPLETELY MISINTERPRETED THE WAY THE QUESTION WAS PUT.

Mrs. WATSON: YES, BUT HE STILL GAVE ME THE ANSWER THAT I WANTED.

IF YOU ARE CONCERNED ABOUT THE EXCLUSION OF SOME OF YOUR MEMBERS FROM THE BARGAINING UNIT, THIS IS YOUR BIG CONCERN AT THE PRESENT TIME; EXCLUSION OF PRINCIPALS AND VICE-PRINCIPALS AND THIS TYPE OF THING? THE RIGHT TO HAVE THESE EXCLUDED.

Mr. HERON: THAT IS ONE OF OUR MAJOR CONCERNS, YES.

Mrs. WATSON: BEFORE AS I SAID THERE IS NO INTENTION OF DOING THIS, BEFORE THIS COULD BE DONE THE GOVERNMENT WOULD HAVE TO APPLY TO THE BOARD. THEN OF COURSE, THE BARGAINING AGENT WOULD BE ABLE TO APPLY TO THE BOARD TOO, NOT TO HAVE IT REMOVED. IT IS NOT THAT JUST ONE GROUP CAN APPLY AND THE OTHER ONE CAN'T. I CAN SEE YOUR AREA OF CONCERN. IT IS A DOUBLE-BARRELLED ACTION. IT IS NOT JUST THAT THE EMPLOYERS ARE ALLOWED TO DO THIS, THE EMPLOYEES CAN TO.

Mr. HERON: WE REALIZE THAT, YES.

Mr. TANNER: MR. CHAIRMAN, I THINK THE PROBLEM IS THAT RIGHT NOW IT ISN'T EVEN AN AREA FOR NEGOTIATION AND THIS WOULD MAKE IT AN AREA FOR NEGOTIATION SHOULD THE GOVERNMENT APPLY. ISN'T THAT WHAT IT?

Mr. CHAMBERLIST: WE DON'T WANT IT AN AREA OF NEGOTIATION.

Mr. TANNER; I APPRECIATE THAT IT ISN'T BUT YOU DON'T EVEN WANT IT TO BECOME ONE. YOU WANT THAT TO BE A TOTAL MEMBERSHIP WITH THE PRINCIPALS AND VICE-PRINCIPALS. THE QUESTION THAT COMES TO MIND THEN IF WE CAN GET THIS FAR IS THERE ANY POSSIBILITY THAT WE CAN TALK TO THE BOARD IN SUCH A WAY THAT WE CAN TAKE THAT OUT OF THE NEGOTIATIBLE AREA?

Mr. LEGAL ADVISOR: MAY I PULL A SCEPTRE FROM BEHIND THE BUSH. IF WE HAD NEW LARGE SCHOOL OR IF THE F.H. COLLINS SCHOOL BECOMES EXTINCT IT MAY AT SOME TIME BECOME NECESSARY TO GIVE PRINCIPALS THE POWER TO OPERATE THE SCHOOLS AND TO PATROL THEIR STAFF. IT MAY BE NECESSARY TO GIVE THEM THE POWER TO SUSPEND A STAFF MEMBER RATHER THAN HAVING TO ALWAYS REFER TO THE DEPARTMENT OF EDUCATION. ARE THESE PEOPLE WHO WILL BE IN A SUPERVISORY CAPACITY

AND A MANAGERIAL CAPACITY TO BE BY LAW TO BE MADE MEMBERS OF THE TRADE UNION OVER WHOM WE WOULD EXPECT TO HAVE JURISDICTION?

Mr. HERON: MR. CHAIRMAN, IF I MAY COMMENT IF WE ARE GOING TO BE THAT FAR-REACHING THEN THAT WOULD CERTAINLY BE A FIRST STEP IN THE HISTORY OF CANADA THAT ANY PRINCIPAL WOULD BE ABLE TO SUSPEND OR FIRE ONE OF HIS OWN TEACHERS. THAT IS ALMOST UNBELIEVABLE THAT THE YUKON WOULD EVER CONSIDER GIVING PRINCIPALS THAT POWER.

Mr. MCKINNON: MR. CHAIRMAN, I AM SURE THAT THIS HANG-UP OF MR. LEGAL ADVISOR MUST COME STRAIGHT FROM IRELAND OR SOMEWHERE. HE HAS HAD IT EVER SINCE DAY ONE THAT I HAVE KNOWN HIM. I DON'T THINK THAT HE HAS A CLUE AS TO HOW THE TEACHER-PRINCIPAL RELATIONSHIP WORK IN CANADIAN SCHOOLS. IT IS CONSIDERED TO BE AN INTEGRAL PART OF THE RELATIONSHIP AND THE HARMONY FOR THE GOOD WORKINGS OF THE SCHOOL SYSTEM THAT TEACHERS AND PRINCIPALS ARE PART OF THE SAME TEAM AND FORM PART OF THE SAME TEAM WHEN IT COMES TO BARGAINING AND PART OF THE SAME TEAM WHEN IT COMES TO HAVING A SOCIETY REPRESENTING THEM.

IT HAS BEEN A LONG STANDING TRADITION AND PRACTICED IN CANADIAN PROFESSION JURISDICTIONS AND CANADIAN SCHOOLS AND I SUGGEST THIS IS ONE OF THE IMPORTS THAT PERHAPS HE IS TRYING TO TRY IN THE YUKON TERRITORY. THAT JUST HAS ANOTHER LONG STANDING TRADITION IN THIS COUNTRY AND WON'T WASH. SO WOULD YOU PLEASE FORGET ABOUT IT, ONCE AND FOR ALL. THAT IS THE WISHES OF THIS HOUSE. WHAT IS STANDARD PRACTICE IN THE CANADIAN SCHOOL SYSTEMS DEEMS THE SAME IN THE YUKON TERRITORY. I KNOW WE HAVE GOT A PROBLEM WITH THIS AND I AM SORRY FOR HIS PROBLEM. BUT JUST PUT IT OUT OF YOUR MIND FOR THIS ONE TIME, OKAY. LET'S GET ON WITH THE SCHOOL ORDINANCE AND THE WRITING OF THE ARBITRATION, CONCILIATION THE BARGAINING RIGHTS OF THE TEACHERS INTO THE SCHOOL ORDINANCE.

Mr. HERON: MR. CHAIRMAN, COULD I ASK MR. LEGAL ADVISOR ANOTHER QUESTION? IF OUR BARGAINING RIGHTS WERE GIVEN TO US IN THE SCHOOLS ORDINANCE, WOULD THERE EVEN BE ANY NECESSITY TO BOTHER THE PUBLIC SERVICE STAFF RELATIONS BOARD AT ANY POINT. A SALARY ARBITRATION BOARD COULD EASILY BE, IF IT WAS EVER NEEDED, COULD EASILY BE SET UP BY ONE MEMBER APPOINTED BY THE COMMISSIONER AND ONE APPOINTED BY THE YTA AND A CHAIRMAN

SELECTED BY THE TWO ARBITRATORS. BUT WHAT WOULD BE THE ADVANTAGE OF EVEN USING THE PUBLIC SERVICE STAFF RELATIONS BOARD IF OUR BARGAINING, CONCILIATION AND ARBITRATION RIGHTS WERE SET OUT IN THE SCHOOLS ORDINANCE?

Mrs. WATSON: Mr. CHAIRMAN, MAY I REPLY AND THEN THE LEGAL ADVISOR REPLY. I THINK Mr. HERON YOU JUST SAID YOU WANTED A STRONG BOARD THAT COULD SAY TO THE COMMISSIONER AND COULD SAY TO THE GOVERNMENT OF THE YUKON TERRITORY, "YOU DO THIS. YOU REINSTATE THAT TEACHER. YOU REIMBURSE THAT TEACHER." AND THAT DECISION WOULD BE BINDING.

NOW IF YOU SET UP YOUR OWN BOARD HERE, THE COMMISSIONER WOULD HAVE TO APPOINT THAT BOARD. RIGHT THERE YOU ARE LOSING SOME OF THE WEAKNESS OF YOUR BOARD. I THINK THAT IN YOUR FORMER STATEMENT, I DON'T THINK THIS IS EXACTLY WHAT YOU WANT. YOU WANT SOMETHING THAT IS SEPERATE AND APART FROM THE POLITICAL SCENE, FROM THE COMMISSIONER, FROM THE ADMINISTRATION. SOME BOARD THAT IS SEPERATE AND APART TO RULE OBJECTIVELY AND CAN HAVE THE FORCE OF LAW AND MAKE BOTH THE EMPLOYEE AND THE EMPLOYER ADHERE TO THE MECHANICS AND PROCEDURE FOR COLLECTIVE BARGAINING AND ALSO TO ADHERE TO THE BOARDS INTERPRETATION OF THE AGREEMENT OR CONTRACT THAT HAS BEEN ENTERED INTO. I THINK THIS IS A VERY IMPORTANT THING.

Mr. LEGAL ADVISOR: IN THE FOUR OR FIVE YEARS THAT WE HAVE HAD THE PUBLIC SERVICE STAFF RELATIONS BOARD WE HAVE ONLY WON ONE CASE AND LOST TEN. IN THE SCHOOLS ORDINANCE I DON'T THINK WE HAVE LOST A CASE. NOT SINCE I CAME HERE. DOES THAT GIVE AN ANSWER, Mr. HERON?

THE PUBLIC SERVICE STAFF RELATIONS BOARD IS A BOARD OF EXPERTS WITH A EXPERT INSTANTLY AVAILABLE STAFF AT VERY LOW COST TO US. IT HAS BEEN WIDELY EXPERIENCED UP TO DATE AND WE BADLY NEED THIS KIND OF BOARD TO DEAL WITH THE KIND OF GOVERNMENT THAT WE HAVE HERE ON A DAY TO DAY BASIS.

Mrs. WATSON: Mr. CHAIRMAN, I WOULD LIKE TO POINT OUT THAT IN B. C. WHEN THEY GO TO ARBITRATION, WHEN THEY CALL IN A CONCILIATION OFFICER BOTH ELEMENTS THAT ARE BARGAINING HAVE TO SHARE THE COST OF THE CONCILIATION OFFICER. IF THEY CALL IN AN ARBITRATION BOARD THE EMPLOYEE ORGANIZATION AND THE EMPLOYER HAVE

TO SHARE THE COST OF THESE TECHNICAL PEOPLE. WHEREAS HERE THE COST OF THE PUBLIC SERVICE STAFF RELATIONS BOARD IS BORNE BY THE EMPLOYER IN THIS INSTANCE.

Mr. CHAMBERLIST: I MUST AT THIS POINT SAY THAT PERHAPS Mr. HERON HAS A HANG-UP HERE, WITH RESPECT, AGAINST THE PUBLIC STAFF RELATIONS BOARD. IT IS THE NAME. I CAN SAY THIS FROM MY OWN EXPERIENCE AND FROM WHAT I KNOW ABOUT THEM. I SAY THEY ARE REALLY AN IMPARTIAL BOARD. A MORE IMPARTIAL BOARD WE COULDN'T GET.

I HAVE TO AGREE WITH Mrs. WATSON ON THIS PARTICULAR POINT. WHEN A COMMISSIONER SETS UP A BOARD OF ANY DESCRIPTION THERE IS ONE STROKE AGAINST IT IMMEDIATELY. HE IS GOING TO APPOINT SOMEBODY WHO IS GOING TO SEE HIS POINT OF VIEW FIRST. REALLY WHAT YOU ARE DOING IS YOU ARE ALLOWING AN IMPUT BY THE COMMISSIONER WHEN YOU SHOULDN'T ALLOW IMPUT BY ANYBODY. IT SHOULD BE A BOARD THAT IS ABSOLUTELY UNBIASED IN EVERY WAY.

I THINK PERHAPS THE YTA WANT TO RECONSIDER THAT PARTICULAR POINT. IF YOU GET THE OTHER POINTS THAT YOU HAVE MADE ALREADY, AND I THINK MOST MEMBERS OF COUNCIL SEEM TO AGREE TO THAT, THERE SHOULDN'T BE ANY DIFFICULTY IN MAKING USE OF THE PUBLIC SERVICE STAFF RELATIONS BOARD. IT IS A VERY VALID BOARD.

Mr. HERON: Mr. CHAIRMAN, IF I COULD COMMENT. I DON'T THINK WE WOULD HAVE ANY OBJECTION TO USING THE PUBLIC SERVICE STAFF RELATIONS BOARD IF IT COULD BE USED THROUGH THE CONTEXT OF AN AMENDMENT TO THE SCHOOL ORDINANCE. NOT AT ALL.

Mr. MCKINNON: THAT'S WHAT WE'RE TALKING ABOUT.

Mr. HERON: WELL NO, THEN WE WOULD HAVE NO OBJECTIONS UNDER THOSE CIRCUMSTANCES. NO.

Mrs. WATSON: ONE MORE QUESTION BEFORE WE GO ON TO (2). IN B.C., ALBERTA, SASKATCHEWAN, MANITOBA AND ONTARIO THE TEACHERS ARE GIVEN COLLECTIVE BARGAINING BUT THE LAST STEP OF COLLECTIVE BARGAINING IS BINDING ARBITRATION.

NOW, IN OUR PUBLIC SERVICE STAFF RELATIONS ORDINANCE YOU CAN GO TO CONCILIATION OR EVENTUALLY STRIKE OR TO BINDING ARBITRATION OVER A DISPUTE. NOW, WHAT DOES THE Y.T.A. WISH IN THIS

INSTANCE? DO THEY WANT TO FALL IN LINE WITH THE OTHER JURISDICTIONS OF WESTERN CANADA WHERE THEY GO TO BINDING ARBITRATION OR DO THEY WANT THE RIGHT TO STRIKE? CONCILIATION AND STRIKE. DO THEY WANT THE RIGHT OF CHOICE?

MR. HERON: WELL, ACCORDING TO MY INFORMATION, MRS. WATSON, THE TEACHERS' ASSOCIATION DO HAVE THE RIGHT TO CONCILIATION OR TO ARBITRATION IF THEY CHOOSE. IT'S A BINDING ARBITRATION BECAUSE IN THE B.C. PUBLIC SCHOOLS ACT THEY SET OUT ALL THE FORMS FOR CONCILIATION.

MRS. WATSON: BUT THE FINAL STAGE.

MR. HERON: BUT THE FINAL STAGE IS ARBITRATION AND WE WOULD HAVE NO DISAGREEMENT THERE.

MRS. WATSON: MR. CHAIRMAN, I NOTICE IN ONTARIO THEY HAD SOME TROUBLE BECAUSE THE TEACHERS THERE ARE LIMITED TO BINDING ARBITRATION AS THE TEACHERS WANTED THE RIGHT TO STRIKE. AM I CORRECT ON THAT, MR. HERON?

MR. HERON: NO, I DON'T THINK, IT WAS THE RIGHT TO RESIGN WHICH WAS BEING TAKEN AWAY FROM THEM, THE RIGHT BY BILL 275 WHICH WAS INTRODUCED INTO THE LEGISLATION WHICH WAS GOING TO TAKE AWAY THE RIGHT OF USING MASS RESIGNATION.

MR. TANNER: MR. CHAIRMAN, WELL THAT'S SPLITTING HAIRS ISN'T IT? IF YOU'VE GOT THE RIGHT TO STRIKE AND YOU'VE GOT THE RIGHT TO RESIGN, WHAT'S THE DIFFERENCE?

MR. HERON: TO ME THERE IS QUITE A GOOD DEAL OF DIFFERENCE BECAUSE YOU'RE PUTTING YOUR JOB ON THE LINE AS SOON AS YOU TURN IN YOUR RESIGNATION.

MRS. WATSON: MR. HERON, IF YOU'VE GOT THE RIGHT TO CHOOSE IN THE MATTER BETWEEN CONCILIATION AND THEN TO STRIKE IF NECESSARY OR BINDING ARBITRATION YOU WOULD HAVE MORE RIGHTS THAN ARE GIVEN TO AT LEAST SIX PROVINCES, SIX JURISDICTIONS IN CANADA, TO TEACHERS. AM I RIGHT?

MR. HERON: YOU'RE SAYING UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE.

MRS. WATSON: YES, AND IF THESE CONDITIONS WERE WRITTEN INTO THE SCHOOL ORDINANCE THEN YOU WOULD HAVE MORE RIGHTS THAN ARE GIVEN TO TEACHERS IN OTHER JURISDICTIONS.

MR. HERON: IN ONE OF OUR EARLIER BRIEFS, MR. CHAIRMAN, SUBMITTED TO THE GOVERNMENT WE WERE WILLING TO GIVE UP THIS RIGHT TO STRIKE IN RETURN FOR LEGAL BARGAINING RIGHTS AND BINDING ARBITRATION. THIS WAS ALSO COMMENTED ON IN THE LEVIRS REPORT.

MRS. WATSON: ARE YOU MEANING THEN THAT IF WE TRANSFER THIS WE SHOULD ONLY GO TO BINDING ARBITRATION?

MR. HERON: NO.

MR. LEGAL ADVISOR: I'M LOST.

MR. CHAMBERLIST: DO I UNDERSTAND YOU CAN GO TO CONCILIATION THEN ARBITRATION BUT DISPENSE WITH THE RIGHT TO STRIKE? THAT'S WHAT I UNDERSTAND UNDER THE SCHOOL ORDINANCE. SO THAT THERE IS NEVER A STRIKE.

MRS. WATSON: ALRIGHT, FINE. RIGHT MR. HERON?

MR. CHAIRMAN: DO YOU HAVE ANYTHING FURTHER IN THIS MATTER?

MR. TANNER: WELL, MR. CHAIRMAN, THAT TAKES CARE AS FAR AS I CAN SEE, OF (1), (2) IS REALLY WITHIN THE SCHOOL ORDINANCE AS I UNDERSTAND IT AND IT COULD BE DISCUSSED THEN.

MR. CHAMBERLIST: WELL PERSONALLY, MR. CHAIRMAN, I DON'T AGREE WITH EVEN PUBLIC SERVANTS BEING DEPRIVED OF THE RIGHT OF POLITICAL ACTIVITIES, YOU KNOW, OF SOME DESCRIPTION BECAUSE AFTER ALL, WHY SHOULDN'T THEY BE ABLE TO SUPPORT IN WHATEVER MANNER THEY WANT, IN OUR SYSTEM AND WHEN I TALK ABOUT OUR SYSTEM, I'M NOT TALKING ABOUT THE ROTTEN SYSTEM WE HAVE IN THE YUKON. I MEAN THE DEMOCRATIC SYSTEM. YOU KNOW, THE RIGHT TO SUPPORT WHOEVER THEY WANT TO, WHENEVER THEY WANT TO. CERTAINLY THERE IS AN AREA WHERE YOU SHOULDN'T BE PLAYING AT POLITICS IN THE PUBLIC SERVICE BUT TO PARTICIPATE IN SOME WAY SHOULDN'T BE OBJECTED TO AT ALL.

MR. TANNER: MR. CHAIRMAN, WHAT REALLY CONCERNS ME IS WHAT, AS I SEE IT, THE TEACHERS ARE ASKING FOR IS FIRST YOU HAVE COMPULSORY MEMBERSHIP. YOU COLLECT DUES OFF THEM FOR MEMBERSHIP. THEN YOU CAN USE THOSE DUES TO FINANCE POLITICAL ORGANIZATION OR POLITICAL MEMBERSHIP AND ALSO POLITICALLY RUN. NOW, I DON'T THINK ANY PARTICULAR ORGANIZATION SHOULD HAVE THAT SPECIFIC RIGHT. SURELY, THEY'VE GOT TO WORK ON THE

SAME BASIS AS ANY OTHER PERSON WHO RUNS. I DON'T THINK WE WANT THAT. NOT AT ALL.

Mr. HERON: WELL, OF COURSE IT'S A WELL KNOWN FACT THAT THE BRITISH COLUMBIA TEACHERS' FEDERATION DID BECOME VERY POLITICALLY INVOLVED AND THEY WENT TO THEIR MEMBERS ASKING FOR A SPECIAL LEVY.

Mrs. WATSON: Mr. CHAIRMAN, I THINK THAT SECTION (4) SUB 44 IS IN THERE FOR ANY DUES, DEDUCTIONS FROM AN EMPLOYEE'S SALARY FOR PAYMENT TO AN EMPLOYING ORGANIZATION. THOSE DUES THAT ARE MANDATORY ARE TO BE USED FOR THE COLLECTIVE BARGAINING AND FOR THE ADMINISTRATION OF LEGAL PROCEDURES AND THIS TYPE OF THING.

NOW, IF THERE IS A FEE STRUCTURE SET FOR THE Y.T.A. SAY FOR EXAMPLE, A FEE OF \$20.00 AND THAT MONEY IS USED BY THE Y.T.A. FOR COLLECTIVE BARGAINING AND PROCEDURE FOR LEGAL ADVICE FOR AGREEMENTS PROCEDURE AND THIS TYPE OF THING, IF THE Y.T.A. WANTED TO INCREASE THE FEES TO PLAY POLITICS WITH, YOU WOULD HAVE TO DO THAT ON YOUR OWN. IT COULDN'T BE A MANDATORY DEDUCTION UNDER THE AGREEMENT BETWEEN THE EMPLOYER AND THE EMPLOYEE. THIS IS WHAT THIS MEANS BECAUSE OFTEN DEDUCTED FEES ARE NEGOTIATED AS PART OF THE AGREEMENT. THEY ARE COMPULSORY DEDUCTIONS BY THE EMPLOYER FROM THE EMPLOYEES' SALARY. NOW THOSE FEES ARE NOT TO BE USED FOR POLITICAL ACTIVITY. THOSE FEES ARE TO BE USED FOR THE EMPLOYING ORGANIZATIONS TO BETTER THE WORKING CONDITIONS TO THEIR CONTRACT.

NOW, IF YOU WANT TO PUT ANOTHER FEE ON YOUR MEMBERSHIP TO PLAY POLITICS WITH THAT'S YOUR BUSINESS BUT NOT THE FEES THAT ARE DEDUCTED BY THE EMPLOYER.

Mr. CHAMBERLIST: I AGREE WITH THAT POINT, Mr. CHAIRMAN EXCEPT FOR ONE PARTICULAR AREA AND I THINK THIS IS WHERE THE TEACHERS HAVE TO BE PROTECTED AS WELL. THERE MAY BE TEACHERS OF 5 DIFFERENT POLITICAL VIEWS AND MIGHT OBJECT VERY STRONGLY BEING FORCED TO PAY POLITICAL DUES FOR A SPECIFIC POLITICAL AFFILIATION. THEY SHOULD HAVE THE RIGHT TO REFUSE TO PAY FOR THAT AND IF YOU MAKE THAT TYPE OF THING COMPULSORY, THAT'S WHERE I WOULD OBJECT.

Mrs. WATSON: Mr. CHAIRMAN, I REALLY THINK THAT SECTION SHOULD BE LEFT IN TO PROTECT THE MEMBERS OF THE ORGANIZATION SO THAT THEIR FEES FOR COLLECTIVE BARGAINING GO FOR THAT PURPOSE. ANY

OTHER FEES, THAT'S A MATTER FOR THE ORGANIZATION ITSELF TO DECIDE. FOR THE INDIVIDUAL MEMBERS TO DECIDE.

Mr. CHAMBERLIST: THAT SHOULD BE ALTERED TO SPELL THAT OUT BECAUSE RIGHT NOW

Mrs. WATSON: IT IS.

Mr. CHAMBERLIST: WELL, IT ISN'T. YOU SEE, I WOULD AGREE WITH THE HONOURABLE MEMBER IF IT WAS SPELLED OUT. PEOPLE SHOULD NOT BE PLACED IN THE POSITION OF NOT BEING ALLOWED TO VOLUNTEER EXTRA FUNDS IF THEY WISH TO FOR ANY POLITICAL PURPOSE. I TAKE THE STAND THAT PEOPLE SHOULD BE ABLE TO DO WHAT THEY LIKE WITH THEIR OWN MONEY. IF THEY WANT TO PROVIDE, YOU MIGHT HAVE TEN TEACHERS WHO WANT TO PROVIDE FUNDING FOR A DIFFERENT POLITICAL PARTY, THEY SHOULD BE ALLOWED TO DO IT. IT SHOULDN'T BE THE Y.T.A. SAYING YOU WILL PAY FUNDS INTO A PARTICULAR POLITICAL PARTY. THIS IS WHAT I WOULD FIND DIFFICULT.

Mr. HERON: Mr. CHAIRMAN, IF I MAY COMMENT, WHAT ABOUT THE SITUATION, HOWEVER, WHICH SEEMS TO CURTAIL THE SITUATION WHERE THE TEACHERS UNANIMOUSLY DECIDE THAT FUNDS SHOULD BE TAKEN OUT OF THE ASSOCIATION'S CONTINGENCY FUND OR SOME OTHER FUND WHICH, OF COURSE, HAVE COME FROM DEDUCTIONS FROM EMPLOYEES' SALARIES AND THAT MONEY COULD BE DIRECTED TOWARDS SOME TYPE OF POLITICAL ACTIVITY.

Mr. CHAMBERLIST: I THINK THAT WOULD BE WRONG.

Mr. CHAIRMAN: COUNCILLOR STUTTER.

Mr. STUTTER: Mr. CHAIRMAN. IN ANY EVENT, IF YOU'VE GOT THE UNANIMOUS CONSENT UNDER THOSE CONDITIONS TO TAKE MONEY FROM YOUR FUND TO USE FOR POLITICAL PURPOSE, SURELY TO GOSH, THAT IN ITSELF WOULD BE AN INDICATION THAT THOSE MEMBERS WOULD BE WILLING TO CONTRIBUTE A CERTAIN AMOUNT TO THAT FUND ALSO AS AN EXTRA. OVER AND ABOVE THEIR DUES THAT ARE BEING DEMANDED OF THEM AND CONVERSELY, IF YOU HAD EVEN ONE VOICE AGAINST THAT DECISION TO GIVE PART OF THE DUES TO A POLITICAL ORGANIZATION, SURELY THAT ONE PERSON'S VOICE EVEN SHOULD BE PROTECTED IN THAT ONE INSTANCE. SO IT SHOULD NOT BE MANDATORY.

Mrs. WATSON: Mr. CHAIRMAN, I THINK THAT SECTION SHOULD REMAIN BECAUSE THEY SAY MONEY DEDUCTED BY THE EMPLOYER FROM THE EMPLOYEE'S SALARY. THOSE ARE MANDATORY THINGS AND I DON'T

THINK THEY SHOULD BE USED FOR POLITICAL ACTIVITY AND I WOULD LIKE THOSE THINGS LEFT IN.

WHAT YOU DO WITH THE REST OF YOUR FEES, THAT'S YOUR BUSINESS.

Mr. McKINNON: Mr. CHAIRMAN. SECTION 30, SUBSECTION (2). HE READS THAT SECTION.

SO SAY, YOU LEAVE SECTION (4) IN BUT THEN UNDER 32, THE ORGANIZATION DECIDES THAT THERE WILL BE A LEVY AND A CONDITION OF MEMBERSHIP IN THAT ORGANIZATION IS AN EXTRA \$5.00 FOR DUES IN THE MEMBERSHIP. AND THEY DO THAT BY A MAJORITY VOTE AND THEN THE BOARD WILL NOT ALLOW THEM TO BE BARGAINING AGENTS ANY LONGER. SO I FIGURE THAT WHAT YOU HAVE STATED, THAT OVER AND ABOVE THE DUES THAT COME, THEY DECIDE BY MAJORITY VOTE THAT THEY ARE GOING TO HAVE AN EXTRA LEVY. EVEN AT THAT POINT THEN THEY CANNOT ACT AS A BARGAINING AGENT ANY LONGER SO SECTION 30 HAS TO, IF WE'RE GOING TO GO ALONG WITH SECTION 4 AS A COMPROMISE, SECTION 30 CERTAINLY HAS TO BE AMENDED.

Mrs. WATSON: WELL, Mr. CHAIRMAN, IT SAYS, 'REQUIRES AS A CONDITION OF MEMBERSHIP' AND, AGAIN, YOU'RE TAKING THE RIGHT AWAY AS THE HONOURABLE MEMBER FROM WHITEHORSE EAST HAS SAID. THEN IN ORDER TO BELONG TO THE Y.T.A. YOU HAVE TO MAKE A CONTRIBUTION OF \$5.00 TO A CERTAIN POLITICAL PARTY AND I DON'T FIND THAT I CAN ACCEPT THIS TYPE OF THING. I DON'T THINK IT SHOULD BE A CONDITION OF MEMBERSHIP. IF YOU WANT A PROFESSIONAL ORGANIZATION, IT SHOULDN'T BE A CONDITION OF MEMBERSHIP THAT YOU MAKE A CONTRIBUTION TO A POLITICAL PARTY AND I THINK IT NEEDS TO BE IN THERE. IF YOU ARE A BARGAINING UNIT OR ASKING AS A BARGAINING AGENT FOR A GROUP OF EMPLOYEES, THAT SHOULDN'T BE A CONDITION FOR MEMBERSHIP.

Mr. CHAMBERLIST: Mr. HERON, I WONDER Mr. CHAIRMAN. WHAT WOULD HAPPEN, Mr. HERON, IF A PERSON REFUSED TO ALLOW YOU TO DEDUCT ANY OF HIS PAY FOR A POLITICAL PARTY OR REFUSED TO PAY ANY ADDITIONAL AMOUNT OF MONEY FOR HIS POLITICAL PARTY, WOULD HE BE SUSPENDED FROM THE YTA, IF HE REFUSED TO DO THAT?

Mr. HERON: I DON'T THINK HE WOULD BE. THERE IS CERTAINLY NOTHING IN OUR CONSTITUTION, Mr. CHAMBERLIST, TO COVER THAT. BUT IN THIS SECTION 30, SUBSECTION (2), IF YOU TAKE EACH OF THESE STATEMENTS SEPARATELY, FOR EXAMPLE,

(A) RECEIVES FROM ANY OF ITS MEMBERS WHO ARE EMPLOYEES ANY MONEY FOR ANY ACTIVITIES CARRIED ON BY OR ON BEHALF OF ANY POLITICAL PARTY. IN OTHER WORDS, IF WE EVEN RECEIVE ANY MONEY, VOLUNTARILY OR NOT AND THAT COULD BE THE INTENT OF THAT WHOLE SECTION ON POLITICAL ACTIVITY,

THEY DON'T WANT ANY POLITICAL ACTIVITY, VOLUNTARILY OR OTHERWISE, TO GO ON AND THAT'S THE POINT WE ARE MAKING.

Mr. CHAMBERLIST: YES, I SEE THE POINT. THAT'S PRETTY HARD.

Mr. LEGAL ADVISOR: Mr. CHAIRMAN, THAT SECTION WAS PUT IN THERE BECAUSE AT THE TIME THIS ORDINANCE WAS BEING DRAFTED, WE WERE DEALING WITH ONLY GOVERNMENT EMPLOYEES AND WE ARE STILL, SO FAR AS I UNDERSTAND, DEALING ONLY WITH 250 PEOPLE WHO ARE EMPLOYEES OF THIS GOVERNMENT. THE HOUSE HAS GOT TO DECIDE WHETHER OR NOT THIS PARTICULAR ORGANIZATION CAN (A) COMPULSORILY ASK THAT THIS GOVERNMENT DELETE THE \$10.00 A MONTH AND PAY THAT TO ANY OF THE THREE OFFICIAL POLITICAL PARTIES, No. 1. ON No. 2, DECIDE TO RUN THREE CANDIDATES IN THE WHITEHORSE AREA AND PAY THEIR TOTAL EXPENSES, THE ELECTION IN SEPTEMBER, 1974 OR THE FEDERAL ELECTIONS NEXT JULY AND PAY THOSE EXPENSES, THIS JULY, AND HAVE THAT MONEY PAID BY THIS GOVERNMENT TO THAT ORGANIZATION FOR TRANSFER FOR THAT PURPOSE. NOW, THAT'S THE COMPULSION END OF IT.

THE SECOND IS, WHETHER THEY CAN REQUIRE, AS A CONDITION BEING AN EMPLOYEE OF THIS GOVERNMENT TO ALLOW THAT DEDUCTION AND WE MAY HAVE TO DISMISS HIM IF HE IS NOT A MEMBER OF IT BECAUSE HE DOESN'T PAY HIS \$10.00. AND THE THIRD PART IS WHETHER OR NOT THIS PARTICULAR ORGANIZATION WHICH IS ASKING FOR CERTAIN BENEFITS FROM THIS GOVERNMENT, CAN ITSELF BECOME A WING OR ALLY OR SUB-ORGANIZATION OF A POLITICAL PARTY OPERATING IN THIS TERRITORY.

NOW, BEFORE I WOULD CHANGE THIS PARTICULAR SECTION, I WOULD LIKE THE MEMBERS TO GIVE ME SPECIFIC DIRECTIONS THAT WHAT THEY WANT TO ACHIEVE BY WAY OF HAVING THEIR EMPLOYEES BECOME INVOLVED IN POLITICS AS A GROUP.

THE SECONDARY ONE WHICH WE COME TO WHEN WE ARE DEALING WITH THE SCHOOL ORDINANCE AND THAT IS THE RIGHT OF THE INDIVIDUAL EMPLOYEE TO STAND FOR POLITICS. HOW FAR SHOULD WE GO OR NOT BUT

AT THIS POINT WE ARE DEALING WITH THE RIGHTS OF AN ORGANIZATION TO BECOME INVOLVED IN POLITICS WHICH CONSISTS SOLELY OF OUR PRINCIPALS, VICE-PRINCIPALS AND TEACHERS. AND I WOULD NEED CLEAR DIRECTION ON THAT.

Mr. Chamberlist: Mr. Chairman, did I indicate this that the Y.T.A. as an organization, if it is the bargaining organization, doesn't have to get itself involved politically, it could call itself The Teachers Political Activists and set up another organization and be members of that organization. It means the same thing. The only thing is you're by-passing this section so it shouldn't bother the teachers at all. This is the way you overcome it. There is nothing to prevent them from doing it. Does Mr. Legal Advisor see any reason why they can't be another organization and set itself up at The Teachers Political Activists?

Mr. Legal Advisor: Mr. Chairman, I'm not objecting. Don't take me as producing a policy but I know that the policy across Canada and elsewhere is to prevent organizations of employees of any government from becoming actively involved as an organization, in politics. This section reproduces it. If we want a change, it's got to be a very definite change of direction from what has happened elsewhere.

I'm not saying it's a bad thing. It might be a good thing for the P.S.A. to become involved in politics as well. I'm not objecting to it, I'm just saying I want a clear direction from the House on the point.

Mr. Tanner: Mr. Chairman, I had thought of the same thing as the member from Whitehorse East, supposing the total membership of the Y.T.A. passed the resolution to take some form of political activity. In their capacity as teachers but not necessarily in their capacity as the Y.T.A. and then they walked out of that room and came back again and said, as the Honourable Member has said, now we are something else. And then they went ahead and said to those so called new members and so forth, new group, it's going to cost you ten bucks apiece to join. This is what we are going to do, and so on and so forth and some of the members objected. It wouldn't apply in that case would it? Although the same people are doing the same thing, they are virtually doing it in another organization but using as an organizing means in the first place, the Teachers' Organization. So you can circumvent that anyway.

Mrs. Watson: But I think the whole thing behind this is you've got a bargaining unit of employees who are paid by public funds and they are employees of the Government. What you are trying to do is discourage that group of employees of the Government to become politically active as a group, a bargaining unit. What they do on an individual basis within their organization, but they are a bargaining agent and they are a bargaining unit and should not become involved politically or use the funds that should be used for the betterment of their organization as far as getting better conditions for bargaining in order to promote political activity.

Mr. Tanner: Mr. Chairman, I'm not disagreeing with the Honourable Member from Carmacks-Kluane at all. I'm merely saying that should the teachers as a group want to become politically active, as long as they don't use as a front the Teachers' Association as their front in saying that all the teachers say this. They could just as easily, all the teachers could say it under a different name. If the teachers per se wanted to circumvent that without giving lip service to the fact that they are all teachers, they could do so.

Mr. McKinnon: Well, Mr. Chairman, in 32, what would be the objection of leaving (c) as it is and eliminating (a) and (b) because the (c) part is required as a condition of membership that in the payment by any of its members of any money for activities carried on by or on behalf of any political party. But (a) and (b) is just a voluntary arrangement between either individuals or groups to put money with no fee, with no demand for membership in the activity placed on the giving of a fee for a political purpose. So I could see, probably, 32 (c) remaining as is but certainly (a) and (b) to be eliminated from this section.

Mrs. Watson: Mr. Chairman, I just can't agree with that. I just think that the bargaining unit and the bargaining agent should be kept separate and apart from political activity. Now if the organization, a branch of the organization wants to get involved, that's a different matter. Or some of the members, but when you're using the whole organization, when you're getting into the involvement of funds from members for political activity, and - - as your bargaining unit and your bargaining agent's right, then I think you're going to



BE FACED WITH MANY TROUBLES AND I THINK THE Y.T.A. ITSELF TO PERMIT THIS WOULD HAVE A GREAT MANY TROUBLES. IT COULD REALLY ALMOST LESSEN THE STRENGTH OF THEIR ORGANIZATION. IT COULD DESTROY THEIR ORGANIZATION VERY QUICKLY.

Mr. McKINNON: THAT'S FOR THEM TO DECIDE.

Mrs. WATSON: WELL THIS IS TRUE, BUT I THINK THAT AS FAR AS THE GOVERNMENT IS CONCERNED TOO. WE HAVE SOME RESPONSIBILITY AND I FEEL THAT THESE SECTIONS REALLY MUST STAY IN.

Mr. McKINNON: I WOULD LIKE TO HEAR SOME COMMENTS FROM MR. HERON NOW.

Mr. CHAIRMAN: MR. HERON.

Mr. HERON: WELL IT SEEMS OBVIOUS ON THIS ISSUE OF POLITICAL ACTIVITY. WE'VE REACHED AN INPASS. I AGREE WITH MR. CHAMBERLIST THAT WHEN HE STATED THAT WE SHOULD NOT COMPULSORARILY DEMAND MONIES FROM OUR TEACHERS FOR POLITICAL ACTIVITIES. THAT THEY SHOULD BE GIVEN A CHOICE. BUT NONE THE LESS, I DON'T AGREE THAT WE SHOULD NOT AS AN ASSOCIATION BE ALLOWED TO BECOME POLITICALLY ACTIVE AT SOME TIME EITHER BY LEVYING FEES OR WHATEVER. BECAUSE IT IS A RIGHT OF ANY TEACHER ASSOCIATION ANYWHERE. AND WE FEEL IT SHOULD BE OUR RIGHT AS WELL.

Mrs. WATSON: BUT OTHER TEACHER ASSOCIATIONS ARE NOT DIRECTLY EMPLOYEES OF GOVERNMENT. THIS IS THE PROBLEM.

Mr. HERON: WELL OBVIOUSLY THIS IS THE NUB OF THE WHOLE THING ISN'T IT?

Mr. CHAMBERSLIST: FOR INSTANCE, IF A GROUP OF TEACHERS THAT ARE EMPLOYED BY A SCHOOL BOARD OR SCHOOL DISTRICT, THERE WOULD BE NO PROBLEM IN THAT PARTICULAR GROUP OF TEACHERS ACTING IN PROVINCIAL POLITICS OR FEDERAL POLITICS, BUT THERE WOULD BE SOME RESTRICTION ON THEM ACTING IN POLITICS RELATING TO ELECTION OF THE SCHOOL BOARD OR THE DISTRICT SCHOOL BOARD OR THE LIKE. AND THIS IS THE PROBLEM THAT I THINK WE'RE FACED WITH HERE. I MUST SAY I CAN'T AGREE MR. CHAIRMAN, WITH MR. HERON WHEN HE SAYS THAT THE Y.T.A. SHOULD HAVE THE PREROGATIVE OF IMPOSING FEES OR DUES FOR POLITICAL ACTIVITY AND YET AT THE SAME TIME SAY THAT THE MEMBERS SHOULD HAVE THE RIGHT NOT TO PAY THEM. I MEAN HOW CAN YOU RECONCILE THIS TYPE OF THING WHEN YOU SAY, THE ORGANIZATION

WILL LEVY MONEY AGAINST A TEACHER, THE TEACHER SAYS, 'I REFUSE TO PAY IT' BECAUSE I DON'T BELIEVE THAT YOU SHOULD TELL ME TO DO IT, SO YOU HAVE WITHIN THE ORGANIZATION, YOU HAVE A CONFRONTATION.

Mr. CHAIRMAN, I FEEL THAT INDIVIDUAL TEACHERS SHOULD HAVE THE RIGHT TO POLITICAL ACTIVITY IF THEY SO WISH. BUT I DON'T THINK THAT AS AN ORGANIZATION IT SHOULD USE THE ORGANIZATION AGAINST THE WILL OF ONE OR MORE OF IT'S MEMBERS TO CREATE POLITICAL ACTIVITY FOR ANY POLITICAL PARTY. I THINK IT WOULD BE DOING DAMAGE TO ITSELF.

Mr. HERON; MR. CHAIRMAN, I THINK THERE IS A MISUNDERSTANDING HERE ON THE PART OF MR. CHAMBERLIST THAT THIS WAS CERTAINLY NOT MY INTENTION OF WHAT I WAS SPEAKING ABOUT ON SUB-SECTION 30 (2). BECAUSE THIS WOULD DENY US FROM EVEN VOLUNTARILY, NOT IMPOSING VOLUNTARILY RECEIVING FROM ANY OF IT'S MEMBERS WHO ARE EMPLOYEES, ANY MONEY FOR ACTIVITIES CARRIED ON.

Mr. CHAMBERLIST: I SEE NOTHING WRONG WITH THAT AND THIS IS WHY I'M SAYING THAT I DON'T WANT TO SEE THE ORGANIZATION BE IN A POSITION OF COMPARING PAYMENT OF DUES. NOW IF WE CAN FIND A WAY IN WHICH DUES OR MONIES OR GRANTS OR DONATIONS, LET'S PUT IT THAT WAY, CAN BE PAID BY INDIVIDUAL TEACHERS INTO A SEPARATE POLITICAL FUND, OR INTO FOUR POLITICAL FUNDS IF THERE'S FOUR POLITICAL PARTIES. YOU KNOW, I FIND THERE'S NOTHING WRONG. BUT FOR THE EXECUTIVE FOR A MAJORITY GROUP TO SAY, 'PARTY BLUE' OR 'PARTY RED' OR 'PARTY PINK' IS THE PARTY THAT WE WILL SUPPORT AND NOTWITHSTANDING THAT THERE MIGHT BE 49% OF THEM THAT DON'T WANT TO SUPPORT THAT PARTICULAR PARTY. I THINK IT WOULD BE IMPROPER AND I WOULDN'T SUPPORT IT.

Mr. HERON: WE'RE NOT DISAGREEING WITH YOU AT ALL MR. CHAMBERLIST. BUT THE POINT IS THAT SORT OF THING DOES NOT HAVE TO BE WRITTEN UP IN LEGISLATION. THE GOVERNMENT AT ANY TIME, IF WE WERE EVER SO FOOLISH AS TO COME TO THEM AND SAY START DEDUCTING AND ASK FOR TEN DOLLARS FROM ALL OUR TEACHERS, I ASSUME THAT THEY WOULD NEVER CARRY OUT SUCH AN ACT. BUT, SURELY IF THE ASSOCIATION DECIDES IT'S GOING TO BECOME POLITICALLY INVOLVED AND IT IS A MAJOR DECISION OF THAT ASSOCIATION THAT IT CAN CONTACT EACH OF IT'S MEMBERS FOR VOLUNTARY CONTRIBUTIONS AS WAS DONE BY THE BRITISH COLUMBIA TEACHERS FEDERATION. THAT WAS OVER AND ABOVE THE FUNDS THAT WERE CONTRIBUTED TO THEIR POLITICAL

ACTIVITY. IT WAS OVER AND ABOVE ANY MONIES DEDUCTED FROM THEIR PAYCHEQUES IN REGARD TO FEES.

MR. STUTTER: BUT SURELY, MR. CHAIRMAN THAT SHOULD NOT BE DONE AS THE BARGAINING AGENT THIS IS THE POINT I THINK WE'RE TRYING TO GET ACROSS. I DON'T THINK ANYBODY WANTS TO STOP POLITICAL ACTIVITY OF ANY OF THE INDIVIDUALS OR EVEN A GROUP OF INDIVIDUALS AS LONG AS THE MONEY IS PAYABLE. WHETHER IT'S BY CHEQUE FORM OR ANYTHING ELSE, IT'S NOT GIVEN TO THE ORGANIZATION OR THE BODY THAT'S RECOGNIZED AS THE BARGAINING UNIT. THE THING IS AT THAT POINT IS WHERE YOU SHOULD, OR SEEMS TO ME, THAT'S THE POINT WHERE IT SHOULD NO LONGER BE KNOWN AS THE Y.T.A. IT'S GOT TO BE KNOWN AS SOMETHING ELSE AND THAT DOESN'T IN ANY PRECLUDE YOUR POLITICAL INVOLVEMENT AS INDIVIDUALS OR AS A GROUP. AS LONG AS IT'S NOT THE GROUP, THE BARGAINING AGENCY.

MRS. WATSON: MR. CHAIRMAN, I HAVE A QUESTION FOR MR. HERON. MR. HERON IN JURISDICTIONS OUTSIDE, IN SCHOOL BOARD STRUCTURES, SCHOOL BOARDS ARE IN CHARGE OF THE OPERATIONS OF THE SCHOOL. ARE SCHOOL TEACHERS WHO WORK FOR THAT SCHOOL BOARD ALLOWED TO BE ELECTED AS MEMBERS OF THAT SCHOOL BOARD THEY ARE EMPLOYED BY?

MR. HERON: NOT UNLESS THEY RESIGN.

MRS. WATSON: MR. CHAIRMAN, IN THE YUKON TERRITORY, THE COUNCIL REALLY PERFORMS THE FUNCTION OF A SCHOOL BOARD. THEY VOTE THE FUNDS FOR THE OPERATION OF THE SCHOOL SYSTEM. THEY DETERMINE THE POLICY THAT WILL BE CARRIED OUT WITHIN THE SCHOOL SYSTEM. NOW I'M WONDERING AND ON USING THE ANALOGY FROM OUTSIDE JURISDICTIONS AND THEN WHEN YOU ARE IMPLYING OR SAYING THAT THE Y.T.A. SHOULD BE ALLOWED TO SUPPORT A POLITICAL CANDIDATE, YOU KNOW WE'RE GOING AWAY, FAR AWAY FROM WHAT OTHER JURISDICTIONS ARE EVEN PERMITTING.

MR. HERON: BUT SUPPORTING A POLITICAL CANDIDATE, MRS. WATSON, IS NOT DENIED TO OTHER TEACHERS' ASSOCIATIONS OUTSIDE EITHER. EVEN IF IT'S A TRUSTEE, THE LOCAL ASSOCIATION HAS A RIGHT TO SUPPORT A PARTICULAR PERSON RUNNING FOR A BOARD OF TRUSTEE'S POSITION.

MRS. WATSON: THAT'S RIGHT MR. CHAIRMAN, BUT NOT ANOTHER TEACHER. THAT'S THE POINT I'M MAKING.

MR. MCKINNON: WHAT WE'RE GETTING INTO IS A REAL LINE OF HYPOCRISY BECAUSE IN ANY JURISDICTION OUTSIDE, IN A SCHOOL BOARD ELECTION, RUNNING FOR SCHOOL BOARD, THE TEACHERS' ASSOCIATION EVEN PURCHASE ADVERTISEMENTS IN THE PAPER SAYING THAT THE TEACHERS THINK THAT THESE ARE THE CANDIDATES THAT THE ELECTORS SHOULD ELECT FOR A SCHOOL BOARD. AND THEY DON'T USE THE HYPOCRISY THAT THEY'RE NOT THE B.C.T.F. DOING IT. THAT THEY'RE SOME OFF-SHOOT GROUP OF THE B.C.T.F. THAT IS USING VOLUNTEER MONEY TO BE ABLE TO TRY AND SWAY THE PEOPLE OF A CERTAIN SCHOOL BOARD TO ELECT THESE TRUSTEES FOR OFFICE.

AND I STILL GO BACK TO THE POINT WHERE I SEE AND I AGREE WITH MEMBERS THE POINT OF THE FEE BEING TAKEN OFF NOT ON A VOLUNTEER BASIS OR THE FEES TAKEN OFF AT ANY TIME FOR THAT TO BE USED FOR POLITICAL PURPOSES. BUT HOW A AND B IN SECTION 30, SUB (2), WHERE IT'S A TOTAL VOLUNTARY ARRANGEMENT AND A TOTAL VOLUNTARY DONATION BY MEMBERS OF THE ORGANIZATION, SHOULD PRECLUDE THAT ORGANIZATION FROM BEING A BARGAINING AGENT AND GETTING INTO THIS PROBLEM THAT SEEMS TO BE IN THE MINDS OF MEMBERS, HOW IT'S GOING TO COME ABOUT. I DON'T. I AGREE THAT (4) PROBABLY SHOULD STAND AND SECTION 30 (1), (2)(c) SHOULD STAND, BUT (A) AND (B) WHICH SAYS THAT IT'S TOTALLY ON A VOLUNTEER BASIS FOR THE MEMBERS OF THE ORGANIZATION GIVE MONEY TO THE ORGANIZATION FOR CERTAIN POLITICAL PURPOSES, I CAN'T SEE HOW MEMBERS CAN SAY THAT THAT SMALL A THING SHOULDN'T BE ALLOWED TO THE Y.T.A.

MRS. WATSON: MR. CHAIRMAN, (B) DOES NOT SAY THAT. IT SAYS; "HANDLES OR PAYS IN IT'S OWN NAME, HANDLES OR PAYS IN THE NAME OF THE Y.T.A. ON BEHALF OF THE MEMBERS WHO ARE EMPLOYEES TOWARDS THE POLITICAL PARTY." THAT'S WHAT THAT SAYS AND THAT'S WHY WE'RE SAYING JUST LEAVE IT IN AND IF THE Y.T.A. WANTS TO SUPPORT THEM OR IF MEMBERS OF THEIR ORGANIZATION WANT TO SUPPORT A POLITICAL PARTY, THEY DON'T DO IT IN THE NAME OF THE Y.T.A. THEY CAN USE SOME OTHER MEANS TO DO IT. BUT WE'RE SAYING THAT BARGAINING AGENT OR THE BARGAINING UNIT SHOULD NOT BECOME INVOLVED IN POLITICAL ACTIVITY OR PROVIDING FUNDS FOR POLITICAL ACTIVITY.

MR. CHAMBERLIST: WHAT IS THE POSITION NOW? PERHAPS MR. LEGAL ADVISOR CAN REFRESH MY MIND. THE TEACHERS NOW, ARE THERE ANY RESTRICTIONS AGAINST THEM PARTICIPATING POLITICALLY AT THIS TIME?

Mr. LEGAL ADVISOR: No.

Mr. CHAMBERLIST: WELL IF THERE IS NO RESTRICTIONS NOW, WHY SHOULD WE PLACE RESTRICTIONS UPON THEM? IF THERE ARE NO RESTRICTIONS NOW.

Mr. LEGAL ADVISOR: WELL THE TEACHERS SEEM TO BE STUCK IN POLITICS EVERYDAY OF THE WEEK. AND I PRESUME THAT PEOPLE ARE SAYING THIS IS A BAD THING.

Mr. CHAMBERLIST: WHAT PEOPLE ARE SAYING THAT?

Mr. LEGAL ADVISOR: PEOPLE IN GENERAL ARE SAYING AS A BARGAINING UNIT. - -

Mr. CHAMBERLIST: No, No. JUST THE ADMINISTRATION UP THE OTHER END.

Mr. LEGAL ADVISOR: SO SOMEWHERE THE RULES ARE BEING PUT TO APPLY TO TEACHERS WHICH APPLY TO PUBLIC SERVICE. I'M NOT TRYING TO EXPRESS A POLICY, DECISION OR ADVICE ON THIS. THERE IS NO LEGAL REASON WHY THAT OR ANY OTHER SECTION CANNOT BE CHANGED. IT'S A POLICY REASON IN WHICH THE HOUSE HAS GOT TO DECIDE.

Mr. CHAMBERLIST: THIS HAS JUST DAWNED UPON ME, YOU KNOW, GOING ROUND AND ROUND AND ALL OF A SUDDEN YOU SAY, WELL WHAT'S BEEN HAPPENING SO FAR? AND IF IT'S BEEN ALRIGHT FOR ALL THESE YEARS, WHAT ARE WE LOOKING FOR TROUBLE FOR? WHAT ARE WE MAKING CONFRONTATIONS FOR? YOU KNOW, IF WE DON'T NEED IT WHAT HAVE WE GOT ALL THAT TROUBLE FOR?

Mr. STUTTER: IT'S NEVER BEEN RECOGNIZED AS THE BARGAINING UNIT BEFORE.

Mrs. WATSON: THAT'S RIGHT.

Mr. CHAMBERLIST: WELL THEY CAN BE RECOGNIZED AS A BARGAINING UNIT. THEY'RE GOING TO BEHAVE THEMSELVES IN THE SAME WAY BECAUSE THEN IF THEY MISBEHAVE THEMSELVES, IT'S UP TO THE COUNCIL OF THE DAY TO THEN PUT IT TO THEM STRONGLY. IF THEY MISBEHAVE, IT'S UP TO THE ELECTED PEOPLE TO PUT IT RIGHT AT THE TIME.

Mr. TANNER: AND WHAT HAPPENS, Mr. CHAIRMAN, IF ALL MEMBERS OF THE COUNCIL HAPPEN TO BE TEACHERS? FINANCE THEM THE MONEY DEDUCTED BY THE EMPLOYER TO HELP THEM RUN AND TAKE OUT - -(INTERRUPTED).

Mr. CHAMBERLIST: RIGHT.

Mr. TANNER: IS THAT WHAT YOU WANT?

Mr. CHAMBERLIST: No. WE HAVE A TEACHER NOW WHO IS NOT DOING MUCH TO HELP THE TEACHERS SO WHAT'S THE DIFFERENCE?

Mr. CHAIRMAN: I THINK AT THIS TIME WE WILL CALL A BRIEF RECESS.

RECESS

Mr. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE BACK TO ORDER.

Mrs. WATSON: Mr. CHAIRMAN, GOING ON INTO SECTION 98 IN THE SCHOOLS ORDINANCE, SUBSECTION 1 AND 2, YOU RAISED SOME OBJECTION. WHAT SPECIFICALLY IS YOUR OBJECTION?

Mr. HERON: OUR MAJOR OBJECTION, Mrs. WATSON, IS TO HAVE TO APPEAL TO THE COMMISSIONER TO OBTAIN LEAVE OF ABSENCE BEFORE RUNNING FOR POLITICAL OFFICE. IT WAS OUR UNDERSTANDING THAT THE SCHOOLS ACT COULD NOT SUPERCEDE ANY FEDERAL ACT AND THE CANADA ELECTIONS ACT QUITE CLEARLY STATES THAT AN EMPLOYER, AS I READ OUT THIS MORNING, AN EMPLOYER SHALL UPON APPLICATION TO HIM BY ANY SUCH EMPLOYEE GRANT TO THE EMPLOYEE LEAVE OF ABSENCE.

IT HAS NEVER BEEN IN THE SCHOOL ORDINANCE BEFORE AND WHY SUDDENLY IS THERE INTERJECTION OF HAVING TO APPLY TO THE COMMISSIONER BEFORE RUNNING FOR POLITICAL OFFICE. IT IS COVERED BY THE CANADA ELECTIONS ACT.

Mr. TANNER: Mr. CHAIRMAN, THERE ARE TWO POINTS HERE. FIRST OF ALL WE ARE JUMPING AHEAD, I PERSONALLY WOULD LIKE, AND I THINK ALL MEMBERS WOULD, WOULD LIKE TO GET THIS ONE SECTION CLEARED UP AS FAR AS THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE IS CONCERNED. THAT IS ONE.

THE SECOND THING IS THAT IT SEEMS TO ME THAT AS FAR AS 98-2 IS CONCERNED, IF WE ARE GOING TO TALK ABOUT IT, THAT IT IS JUST A MATTER OF CHANGING ONE WORD. FROM 'MAY' TO 'SHALL'. IT IS JUST A WORD IN THE SECTION.

Mrs. WATSON: Mr. CHAIRMAN, DO YOU FEEL THEN, Mr. HERON, THAT A TEACHER SHOULD BE PERMITTED TO BECOME ELECTED TO THE TERRITORIAL COUNCIL AND STILL RETAIN THEIR POSITION AS A TEACHER WITHIN THE TERRITORIAL SCHOOLS?

Mr. Heron: No, not all all, Mrs. Watson. They would obviously have to resign.

Mrs. Watson: Okay, we've got that clarified. I think that the reason this is in here so that the leave absence is requested; the reason we are having this here, now I would like to get Mr. Heron's reaction on this. If a teacher applies for a leave of absence say it is just before the end of the semester and the children are going into exams or something, it is a teacher in a special area and you can't get anyone to take over that class do you feel then that permission should automatically be given?

Mr. Heron: I would like to consider that question, Mrs. Watson.

Mr. Tanner: Mr. Chairman, you still have coverage on that because the section actually reads, "the Commissioner may, where operational requirements permit", if it said, "the Commissioner shall, where operational requirements permit" the Commissioner has got to do it unless he has an operational requirement which doesn't permit him to. As it reads now it appears as if he has got discretion whether or not he will. I don't disagree with the teachers at all. I think the Commissioner should be compelled to do it.

I think he should be compelled by our legislation. As long as the conditions are correct.

Mrs. Watson: That is right. I agree. I didn't want any discretion for the Commissioner. It is just that the operational requirements, and I don't think any permission would be withheld unless it really would be detrimental to a class.

Mr. Chamberlist: As I see it, Mr. Heron clearly indicated, and now I recall it as right, that it is compulsory for an employer to grant leave to an employee for this particular purpose without any conditions attached.

This is how the Canada Elections Act rules. That takes precedence over any of our legislation. We can't put a condition in our legislation if the Canada Elections Act says that this shall happen. Is this the point...?

Mr. Heron: You would have to take a closer look at the Canada Elections Act because there is a clause in there which states those employees to whom the Canada Labour Code applies and once again, do teachers come under that code or do they not?

I grant Mrs. Watson's point that if operational requirements are just so tight then I think the individual himself should reconsider whether or not he should be running.

The other interesting point that my executive brought up; why suddenly is the Commissioner brought into this issue? Why not the Superintendent who is the man who should be considering whether or not operations permits... Yes, you know what I am trying to say.

Mr. Tanner: Mr. Chairman, if I were a teacher in those circumstances, under the circumstances the witness just outlined, I would far sooner go to the Commissioner than I would to the Superintendent of Education. The Commissioner is removed sufficiently from the day to day operation....

Some Honourable Members: LAUGHTER.

Mr. Tanner: One would hope that he would make an unbiased decision whereas the Superintendent of Schools is dealing with teachers on an every day basis. I think he is more likely to make a more biased decision. But it doesn't make any difference anyway if it is his show.

Mr. McKinnon: He has been so far removed I haven't seen him for three weeks. Well Mr. Chairman I am going to try to make a point once again on this on the Public Service Staff Relations Ordinance. I agree with Section 4. I think we have unanimity of Council on Section 4, Sub (4), that no money deducted from an employee's salary for payment to an employee organization or paid to an employee organization by an employee of the public servant or, that would read, by an employee under the School's Ordinance, shall be used directly or indirectly on behalf of any political party or on behalf of any candidate for political office. We are all agreed unanimously that

IS RIGHT. IT SHOULDN'T BE COMPULSORY THAT MONEY COME OFF FOR AN ORGANIZATION SUCH AS THE Y.T.A. TO USE FOR POLITICAL PURPOSES.

THEN WE GET TO THE OTHER SECTION, SECTION 30, SUB (2): THE BOARD SHALL NOT CERTIFY AS BARGAINING AGENTS FOR BARGAINING ANY EMPLOYEE ORGANIZATION THAT: (A) RECEIVES FROM ANY OF ITS MEMBERS WHO ARE EMPLOYEES (B) HANDLES OR PAYS IN ITS OWN NAME ON BEHALF OF MEMBERS WHO ARE EMPLOYEES OR (C) REQUIRES THIS CONDITION OF MEMBERSHIP THEREIN THE PAYMENT BY ANY OF ITS MEMBERS OF ANY MONEY FOR ACTIVITIES CARRIED ON OR BY ON BEHALF OF ANY POLITICAL PARTY. I PUT 30(C) IN THE SAME CATEGORY AS 4 (4), THAT IT SHOULDN'T REQUIRE THE CONDITIONS OF MEMBERSHIP THAT A MEMBER IN THE Y.T.A. HAS TO FORK OVER MONEY TO BE ABLE TO SUPPORT ANY POLITICAL PARTY OR CANDIDATE.

BUT, FOR GOODNESS SAKE, (A) & (B) SHOULD NOT BE TRANSFERRED OVER TO THE SCHOOL'S ORDINANCE. THE Y.T.A. HAS THE SAME RIGHTS AND THE SAME ABILITY, AS I TOLD YOU PREVIOUSLY, I WAS AT THEIR ANNUAL GENERAL MEETING ON SATURDAY. IF THEY DON'T LIKE IT A CERTAIN WAY, A GOVERNMENT ORGANIZATION OR A GOVERNMENT MEMBER OR A GOVERNMENT POLITICAL CANDIDATE, THE MEMBERSHIP SHOULD BE ABLE TO GET UP AND BE ABLE TO SAY, 'LOOK WE WOULD LIKE TO PUT AN AD IN THE PAPER, WE WOULD LIKE TO DECLARE FOR OURSELVES THAT WE ARE NOT IN FAVOR OF THIS POLITICAL CANDIDATE BECAUSE OF THE WAY THAT HE IS GOING ON EDUCATION. WE DON'T LIKE THIS ONE AND WE SAY LET'S HAVE A WAR CHEST HERE, A FUND TO BE ABLE TO DONATE MONIES TO SO THAT WE CAN GO ON RECORD AND WE CAN FIND AN ALTERNATE CANDIDATE OR WE CAN SUPPORT A CANDIDATE WE PREFER.'

ITS THE SAME AS ANY LOBBY GROUP, ITS THE SAME AS ANY LABOUR ORGANIZATION. THE SAME AS ANY PROFESSIONAL GROUP HAS THE ABILITY AND THE RIGHT TO DO ON A VOLUNTEER BASIS. I SAY THAT (A) & (B) SHOULDN'T BE TRANSFERRED OVER TO THE SCHOOL ORDINANCE AND THAT 4 (4) SHOULD BE AND THAT 30 (C) SHOULD BE AND THE COMPULSORY ASPECTS OF REMOVING MONEY FROM A MEMBER OF THE Y.T.A. BUT ON A VOLUNTEER BASIS.

JUST BECAUSE THE Y.T.A. DOESN'T HAPPEN TO LIKE THE GOVERNMENT, I WOULD SAY THE SAME THING IF I WERE IN CHARGE OF GOVERNMENT, IF THEY DIDN'T HAPPEN TO LIKE MY POLICIES. THAT DOESN'T MATTER-

THAT GIVES THEM THE RIGHT ON A VOLUNTEER BASIS TO BE ABLE TO LOBBY, TO BE ABLE TO SUPPORT POLITICAL CANDIDATES, TO BE ABLE TO SUPPORT CANDIDATES WHO ARE AGAINST MY POSITION IF THAT HAPPENS TO BE THE CASE.

YOU CAN'T TAKE THAT RIGHT AWAY FROM THEM, FOR GOODNESS SAKE. THE COMPULSORY ASPECT, YES, I AGREE. I DON'T LIKE THE ASPECT OF UNION FEES ON A COMPULSORY BASIS GOING TO SUPPORT A SOCIALIST PARTY IN CANADA. I DON'T LIKE IT PERSONALLY. IT GALLS ME TO THINK OF THAT. ON A COMPULSORY BASIS I AGREE. IT SHOULDN'T BE ALLOWED TO REMOVE MONEY FROM THEIR MEMBERS, BUT ON A VOLUNTARY BASIS, GOODNESS GRACIOUS, LET'S NOT BECOME SO HYPER THAT WE DENY THEM THAT BASIC RIGHT IN POLITICAL PARTISANSHIP AND POLITICAL ACTIVITIES. DON'T MAKE THEM GO TO THE HYPOCRISY OF SAYING, 'EVEN THOUGH WE AGREE WITH IT, WE ARE GOING TO CHANGE OUR NAME FOR THIS SPECIFIC PURPOSE JUST TO GET AROUND THE CONDITIONS OF THE SCHOOL ORDINANCE.

COME ON LET'S TRY AND BE AS HONEST AS WE CAN. LET'S SAY THAT THEY HAVE THE ABILITY AND THEY SHOULD HAVE THE RIGHT TO BE ABLE TO DO THIS. LET'S NOT REMOVE THAT FROM THEM.

MR. CHAIRMAN: COMMITTEE AGREE?

MRS. WATSON: MR. CHAIRMAN, I JUST HAPPEN TO DISAGREE ON IT. I DON'T THINK THAT THEIR BARGAINING UNIT OR A BARGAINING AGENT BY, HANDLES OR PAYS IN ITS OWN NAME, ON BEHALF OF MEMBERS WHO ARE IN COURTS. I THINK THAT THESE ARE TWO SEPARATE AND DISTINCT THINGS. I DON'T THINK IT WOULD CAUSE TOO MUCH HARDSHIP TO THE MEMBERSHIP OF THE Y.T.A. IT CERTAINLY WOULD NOT RESTRICT THEIR POLITICAL ACTIVITY AT ALL. I THINK THAT REALLY AS FAR AS THE PUBLIC ARE CONCERNED, I AM SURE THAT THE FACT THAT THE Y.T.A. WHO ARE THE BARGAINING AGENTS, ARE DIRECTLY INVOLVED OR WOULD BE HANDLING IN THEIR OWN NAME, THE MONEY FROM THEIR MEMBERSHIP FOR POLITICAL PARTY MIGHT BE DETRIMENTAL TO THE Y.T.A. TOO.

I WOULD LIKE TO SEE THOSE TWO SECTION RETAINED.

MR. CHAIRMAN: POSSIBLY AS A WAY OF CLARIFYING THIS MATTER, WE CAN HAVE A SHOW OF HANDS. WOULD THIS BE AGREEABLE TO COMMITTEE?

MR. CHAIRMAN: WOULD THOSE AGREED WITH THE PROPOSAL KINDLY SIGNIFY.

MRS. WATSON: WHAT PROPOSAL, MR. CHAIRMAN.

MR. CHAIRMAN: THE PROPOSAL AS OUTLINED BY THE HONOURABLE MEMBER FROM WHITEHORSE WEST.

MRS. WATSON: DELETE 'A' AND 'B'.

MR. CHAIRMAN: BY DELETION OF 'A' AND 'B'.

MR. TANNER: MR. CHAIRMAN, JUST BEFORE YOU GET A SHOW OF HANDS COULD I ASK AGAIN THE LEGAL ADVISER WHAT CONDITIONS, WERE THOSE CONDITIONS NECESSARY IN HIS OPINION FOR US TO GO AHEAD AND USE THE FEDERAL ARBITRATION BOARD OR IS IT SOMETHING THAT THEY WOULD WANT TO SEE?

MR. LEGAL ADVISER: I DON'T THINK THEY WOULD WORRY ABOUT IT, MR. CHAIRMAN. THIS IS MY PERSONAL OPINION.

MR. TANNER: SO JUST TO MAKE SURE I HAVE GOT IT COMPLETELY CLEAR. IF THEN WE DID AS THE HONOURABLE MEMBER FROM WHITEHORSE WEST SAYS INCLUDE 4, SECTION 44 AND 30(C) THAT WOULDN'T, IN YOUR OPINION MR. LEGAL ADVISER, AFFECT OUR ABILITY TO USE THAT BOARD.

MR. LEGAL ADVISER: I HONESTLY DON'T THINK SO, MR. CHAIRMAN.

MR. TANNER: NOW PUT THE QUESTION, MR. CHAIRMAN.

MR. CHAIRMAN: WOULD THOSE WHO ARE AGREED WITH THE DELETION OF 'SUB A' AND 'SUB B' PLEASE KINDLY SIGNIFY. THAT SHOULD GIVE A CLEAR INDICATION. ANYTHING FURTHER ON THAT.

MR. MCKINNON: WELL I AGREE WITH EVERYBODY ELSE.

MR. CHAIRMAN: ARE WE AGREED WITH 3?

MR. TANNER: WHEN YOU SAY YOU AGREE WITH 3 I ASSUME WHAT YOU ARE SAYING IS THAT WE SHOULD HAVE THE PRINCIPALS AND VICE-PRINCIPALS INCLUDED IN THE BARGAINING UNIT BUT AGAIN I WANT TO GET IT FROM THE LEGAL ADVISER. AS I UNDERSTAND IT THIS IS PART OF THE PROBLEM WITH THE BOARD.

MR. LEGAL ADVISER: NO I WOULDN'T LIKE TO CONVEY THAT. WHAT HAPPENED IN EVERY DAY PRACTICE IN THE OPERATION OF THIS ORDINANCE IS THAT WHERE WE HAVE A NEW POSITION CREATED THE PERSONNEL OFFICER NOTIFIES THE BARGAINING AGENT OF THE CREATION OF THE POSITION AND OUTLINES THE DUTIES THE POSITION WILL CARRY OUT. HE GETS AGREEMENT, IF IT'S A CLEAR CASE, HE WILL GET AGREEMENT FROM THE BARGAINING AGENT BY ANALOGY TO SOME OTHER POSITION THEN HE'D SAY I WON'T CREATE A THING ABOUT IT. ABOUT 70% OF THE TIME THE BARGAINING AGENT DISPUTES THE EXCLUSION AND A CERTAIN AMOUNT OF NEGOTIATION OCCURS ENDING UP IN ABOUT LESS THAN 1% WITH A DISAGREEMENT. THAT DISAGREEMENT IS THEN REFERRED TO THE BOARD. THE BOARD WILL GIVE A DECISION AS TO WHETHER OR NOT THAT PERSON IS IN PITH AND SUBSTANCE IN TRUTH A MANAGER OR IS NOT, AND GIVE A DECISION.

MRS. WATSON: MR. CHAIRMAN, I THINK ALSO, DON'T YOU THINK THAT THE BOARD WOULD PRETTY WELL MAKE ANY RULING ACCORDING TO THE GENERAL PRACTICES THAT ARE FOLLOWED ACROSS CANADA IN THEIR EXCLUSIONS. FOR EXAMPLE IF A REQUEST WERE MADE FOR AN EXCLUSION OF PRINCIPALS AND VICE-PRINCIPALS, THEY ARE NOT EXCLUDED IN OTHER PARTS OF CANADA. I'M SURE THAT THE BOARD'S DECISION WOULD BE BASED ON THE GENERAL RULE OF THUMB ACROSS THE COUNTRY.

MR. CHAIRMAN: MR. HERON.

MR. HERON: BUT MR. CHAIRMAN, BY EXCLUDING THOSE PARTICULAR SUBSECTIONS FROM INCLUSION INTO THE PROPOSED AMENDMENTS TO THE SCHOOL ORDINANCE THEN THAT AVOIDS THE TIME THAT OUR ASSOCIATION MIGHT HAVE TO SPEND IN FIGHTING PARTICULAR EXCLUSIONS WHICH THE GOVERNMENT MIGHT WANT TO BRING UP. NOW WE JUST DON'T WANT TO HAVE TO GO THROUGH THAT HASSEL. WE ARE A VERY SMALL ASSOCIATION. WE WANT THERE TO BE NO QUESTION AT ANY TIME THAT PRINCIPALS AND VICE-PRINCIPALS WILL NOT AUTOMATICALLY BE PART OF THE ASSOCIATION, IF THEY SO DESIRE.

MR. CHAMBERLIST: MR. CHAIRMAN, DO I UNDERSTAND THEN FROM MR. HERON THAT IN THIS PARTICULAR AREA THE YTA DO NOT WANT AS A BARGAINING CONDITION AT ANY TIME OR BARGAINING ITEM THE PRINCIPALS AND VICE-PRINCIPALS OF SCHOOLS, THAT THEY REMAIN AS PART OF THE BARGAINING UNIT AT ALL TIMES. IS THIS A CLEAR POINT THEN.

Mr. HERON: WELL THIS ISN'T QUITE THE ISSUE, I CAN SEE PERHAPS IN THE FUTURE, FIFTY HUNDRED YEARS FROM NOW, THAT WHEN - - -

Mr. CHAMBERLIST: WE SHOULD WORRY.

Mr. HERON: WHEN WE HAVE SUCH A LARGE PRINCIPALS ASSOCIATION THAT THEY MIGHT WANT TO FORM THEIR OWN BARGAINING UNIT. BUT EVEN UNDER THOSE CONDITIONS WE WOULD HOPE THAT THEY WOULD ALWAYS BE PART OF THE YUKON TEACHERS ASSOCIATION OR WHATEVER ASSOCIATION IS REPRESENTING THE TEACHERS AT THAT TIME.

Mr. CHAMBERLIST: WELL WHAT I'M TRYING TO GET, Mr. CHAIRMAN, FROM Mr. HERON IS AT THIS TIME IS THE UNDERSTANDING THAT THE PRINCIPALS AND VICE-PRINCIPALS SHOULD NOT BE SUBJECT TO A BARGAINING CONDITION?

Mr. HERON: YES, Mr. CHAIRMAN, IT IS THEIR WISH OF THE PRINCIPALS AND VICE-PRINCIPALS ASSOCIATION AND IT IS OUR WISH THAT THEY REMAIN PART OF OUR BARGAINING UNIT. YES.

Mr. LEGAL ADVISER: BUT, Mr. CHAIRMAN, FROM A PRACTICAL POINT OF VIEW OUR PERSONNEL DEPARTMENT HAS LOOKED INTO THIS. THEY SAY THAT THERE IS NO CHANCE WHATSOEVER OF A SUCCESSFUL APPLICATION IN RESPECT OF ANY VICE-PRINCIPAL IN THE TERRITORY AT THE MOMENT, OR ANY PRINCIPAL, EXCEPT THE POSSIBLE EXCEPTION OF F. H. COLLINS AND ONE OR POSSIBLY TWO OTHER SCHOOLS. SO IN EFFECT WE ARE LOOKING AT THREE PEOPLE.

Mr. CHAMBERLIST: THAT WOULD BE BAD, Mr. CHAIRMAN, BECAUSE IT WOULD ISOLATE A FEW PEOPLE FROM THE WHOLE STRUCTURE. I THINK THAT IS JUST AS BAD AS ISOLATING ONE FROM THE STRUCTURE. IF THIS IS THE WISH OF THE TEACHERS AND THEY HAVE INDICATED THIS, WHY SHOULD THE GOVERNMENT HAVE ANY OBJECTION TO GRANTING THEM THEIR WISH IN THIS AREA? I ALWAYS TRY TO DELVE A LITTLE DEEPER. IS THERE ANY REASON, YOU KNOW? WELL LET'S HEAR IT THEN.

Mr. LEGAL ADVISER: THERE IS A BASIC POLICY THING AND IT IS THIS. THE PRINCIPAL OF SOME LARGE SCHOOL DOES HAVE CERTAIN ADMINISTRATIVE AUTHORITY AND A CERTAIN JURISDICTIONAL AREA, NOT ONLY OVER PUPILS BUT OVER TEACHERS. AND THE QUESTION ARISES AS IN A BARGAINING SITUATION FOR SALARY PURPOSES ON WHICH SIDE OF THE FENCE SHOULD HE BE IN GIVING ADVICE TO THE

GOVERNMENT. OR IN RELATION TO A DISCIPLINARY MATTER, WHEN HIS ADVICE IS BEING SOUGHT IN RELATION TO THE CONDUCT OF PUPILS AND THE CONDUCT OF A TEACHER. ON WHOSE SIDE SHOULD HE BE? THE GOVERNMENT FEELS THAT IN A LARGE AREA WHERE THE PERSON IS PHYSICALLY AND LEGALLY GIVEN AUTHORITY TO ACT THAT THEN HE SHOULD NOT HAVE A CONFLICT OF INTEREST OF BEING IDENTIFIED AS A MEMBER, AND A COMPULSORY MEMBER AT THAT, OF THE PEOPLE IN RESPECT OF WHOM HE IS ATTEMPTING TO EXERCISE AUTHORITY. NOW THE MATTER IS QUITE CLEAR UNDER THE PUBLIC SERVICE ORDINANCE. IT'S NOT CLEAR AND AS I'M SAYING IN MY OPINION AND THE OPINION OF MR. COLLINS, ABOUT THREE PEOPLE ARE POTENTIALLY INVOLVED BUT NOT ACTUALLY INVOLVED AT THIS TIME. BUT IF THE SITUATION WAS TO CHANGE AND F. H. COLLINS WAS TO GET BIGGER, THEN THIS SITUATION MIGHT CHANGE. IT'S JUST THREE PEOPLE.

Mrs. WATSON: Mr. CHAIRMAN, I WOULD ALSO LIKE TO POINT OUT THAT I DON'T THINK THAT THE HONOURABLE MEMBERS ARE AWARE THAT AT THE PRESENT TIME OUR PRINCIPALS ARE INVOLVED IN THE SELECTION OF TEACHERS FOR THEIR STAFF. THEY DON'T DO THE ACTUAL HIRING BUT THEY ARE INVOLVED IN WHAT TEACHERS ARE SELECTED FOR THE STAFF. RIGHT Mr. HERON?

Mr. HERON: WELL Mrs. WATSON MY INFORMATION THIS YEAR IS AND THE COMPLAINTS I HAVE RECEIVED FROM THE PRINCIPALS AND ESPECIALLY FROM OUR LARGER SCHOOLS, THAT TO THIS POINT THEY HAVE NOT BEEN INVOLVED IN ONE SINGLE SELECTION.

Mrs. WATSON: Mr. CHAIRMAN - - -

SOME HONOURABLE MEMBERS: LAUGHTER.

Mr. HERON: AND THIS WAS TOLD TO ME JUST LAST NIGHT BY TWO OF OUR MAJOR PRINCIPALS.

Mrs. WATSON: Mr. CHAIRMAN, I WAS JUST SPEAKING TO THE DEPARTMENT AND THEY WERE SAYING THAT NEXT WEEK THEY ARE MEETING WITH PRINCIPALS IN THE SELECTION OF STAFF. NOW THE INTERVIEWS HAVE BEEN MADE. THE APPLICATIONS HAVE BEEN REVIEWED, AND THEN THE APPLICATIONS ARE GIVEN TO THE PRINCIPALS OF THE SCHOOLS AND THEY MAKE DECISIONS ON THE SELECTION OF THE STAFF AND ALSO THE PRINCIPALS ALLOCATE THE STAFF, THE VARIOUS FUNCTIONS THAT THEY CARRY OUT WITHIN THE SCHOOL.

THERE IS ALSO ANOTHER AREA WHERE WE ARE ASKING IN THE SCHOOL ORDINANCE AND I WOULD THINK THAT THE YTA WOULD AGREE WITH IT. NOW I'M NOT SURE EITHER. MAYBE MR. HERON WOULD LIKE TO COMMENT ON IT. THAT THE PRINCIPALS DO WRITE REPORTS, SHORT EVALUATIONS OF THE STAFF AT THEIR SCHOOLS. THE PRINCIPALS WHO ARE NOT INVOLVED IN ACTUAL TEACHING FUNCTIONS AT THE SCHOOL. THEY DO WRITE SOME EVALUATIONS. YOU KNOW I JUST HAVE A LITTLE BIT OF CONCERN IN THIS AREA. AS I SAID AT THE PRESENT TIME THERE IS CERTAINLY NO CONSIDERATION BEING GIVEN TO HAVING PRINCIPALS AND VICE-PRINCIPALS EXCLUDED. BUT THESE ARE THE FUNCTIONS THAT THEY DO PERFORM AT THE PRESENT TIME.

MR. HERON: MR. CHAIRMAN, MAY I COMMENT AT THIS POINT.

MR. CHAIRMAN: MR. HERON.

MR. HERON: WE COULD HAVE BROUGHT FORTH A PROPOSAL THAT WE WANTED THE SUPERVISORS OF INSTRUCTION AND THE SUPERINTENDENT TO BE PART OF OUR BARGAINING UNIT, AND AS PART OF THE YUKON TEACHERS ASSOCIATION AS THEY ARE IN MANY OTHER PARTS OF CANADA. BUT WE HAVE NOT DONE THIS. ALL WE WANT TO DO IS MAINTAIN THE STATUS QUO. IN TALKING TO THESE PRINCIPALS AND TALKING TO THE PRINCIPAL AT F. H. COLLINS, AND I'M SURE HE DOESN'T MIND ME SAYING THIS, THIS YEAR AND THE PRINCIPAL OF F. H. COLLINS LAST YEAR THEY WOULD BE ADAMANTLY OPPOSED TO BEING REMOVED AT THIS TIME OR AT ANY OTHER TIME FROM THE TEACHER ASSOCIATION AND FROM THE BARGAINING UNIT. WE TRY TO HAVE A GOOD RELATIONSHIP WITH OUR PRINCIPALS. WE KNOW THEY COME AROUND AND WRITE REPORTS ON US AND WE VALUE THE REPORTS THAT THEY WRITE ON US. SUPPOSEDLY THEY ARE SUPPOSED TO HAVE MORE KNOWLEDGE OF TEACHING PRACTICES ETC. IF THEY CAN COME AROUND AND MAKE REPORTS AND SIT DOWN WITH THE TEACHER AND WE DISCUSS THE SITUATION, THEN WE SEE THAT THERE IS NO CONFLICT OF INTEREST HERE. ABSOLUTELY NONE. WE WELCOME THIS TYPE OF EVALUATION. IT OCCURS ALL OVER CANADA. IT'S PART OF OUR COLLEGIAL RELATIONSHIPS WITH OUR ADMINISTRATORS.

MR. TANNER: MR. CHAIRMAN, COULD MRS. WATSON TELL US, OR MAYBE MR. HERON, EITHER ONE, HOW MANY OF THE PRINCIPALS ARE ACTUALLY TEACHING NOW? AREN'T THE MAJORITY OF PRINCIPALS, CERTAINLY IN THE WHITEHORSE AREA, DOING NOTHING OTHER THAN ADMINISTRATIVE WORK?

MRS. WATSON: MOST OF THE TEACHERS ARE DOING ADMINISTRATIVE WORK, BUT SOME OF THEM CARRY ON SOME MINOR INSTRUCTIONAL DUTIES. A LOT OF PRINCIPALS BY THEIR OWN WISH IN ORDER TO KEEP SORT OF A HAND IN LIKE TO CARRY ON, TAKE ON A COUPLE OF CLASSES SO THAT THEY - THEY FEEL THAT THEY GET A BETTER FEEL FOR THE EDUCATIONAL STRUCTURE WITHIN THAT SCHOOL. I THINK THAT I'M RIGHT ON THAT MR. HERON.

MR. HERON: YES AND THAT IS A GOOD POINT THAT HAS BEEN RAISED. A VAST MAJORITY OF OUR ADMINISTRATORS, AND I CAN'T THINK OF AN EXCEPTION RIGHT OFF-HAND - THERE MAY BE, BUT THE VAST MAJORITY OF OUR ADMINISTRATORS ARE ALSO TEACHERS AND TEACH CLASSES.

MR. CHAMBERLIST: AT THE F. H. COLLINS SCHOOL HAVE THEY GOT AN ADMINISTRATIVE OFFICER IN THE SCHOOL.

MR. HERON: THEY DO NOT NO.

MR. CHAMBERLIST: NOW, MR. CHAIRMAN, PEOPLE WHO ARE TERMED ADMINISTRATIVE OFFICERS AND I GUESS THOSE PEOPLE WHO ARE WORKING AS CLERKS IN THE SCHOOLS, THEY ARE UNDER THE PUBLIC SERVICE. NOW IF THERE WAS AN ADMINISTRATOR APPOINTED TO A LARGE SCHOOL, HE WOULD COME UNDER MANAGERIAL BECAUSE HE WOULD COME UNDER THE PUBLIC SERVICE ORDINANCE. IF HE WAS PURELY AN ADMINISTRATOR; NOT NECESSARILY A TEACHER BUT IF HE WAS AN ADMINISTRATOR, IT SEEMS THAT JUST ON THE BASIS OF THREE POSSIBLE PEOPLE WHO MIGHT COME UNDER MANAGERIAL TO UPSET 250 OTHER PEOPLE WHEN THEY WANT TO BE - IT SEEMS ALL WRONG. LET THEM BE. THIS IS WHAT THEY WANT TO BE. THEY WANT TO BE PART OF A TEACHERS ORGANIZATION. AT ONE TIME I FELT VERY STRONGLY ABOUT A TEACHER WHO WOULD, YOU KNOW, A PRINCIPAL WHO WOULD BE ACTING IN AN ADMINISTRATIVE CAPACITY. BUT THE MOMENT THAT THAT PRINCIPAL IS TEACHING AS WELL HE IS STILL A TEACHER AND SHOULD BE CONSIDERED AS A TEACHER. I THINK WE SHOULD HAVE THEM ALL IN THE SAME UNIT. GO AHEAD. MAKE THE MOTION.

MR. TANNER: MR. CHAIRMAN, IF YOU ARE GOING TO HAVE A MOTION I'M GOING TO VOTE AGAINST IT, BECAUSE, WHETHER OR NOT I HAVE ANYBODY ELSE THAT AGREES WITH ME, I PERSONALLY BELIEVE THAT THE MANAGER, IF YOU LIKE, THE ADMINISTRATOR OF A SCHOOL SHOULD BE DIVORCED FROM THE REST OF THE PEOPLE HE'S GOT TO INSTRUCT TO THE PEOPLE THAT HE'S GOT TO MANAGE. I



THINK CERTAINLY IN THE LARGER SCHOOLS THAT'S THE ONLY WAY IT'S GOING TO POSSIBLY WORK. I PERSONALLY DON'T AGREE WITH THE PRINCIPAL BEING PART OF THE BARGAINING UNIT.

MR. HERON: MR. CHAIRMAN, I WOULD LIKE TO ASK THE HONOURABLE MEMBER WHETHER HE HAS EVER BEEN THE PRINCIPAL OF A LARGE SCHOOL. OBVIOUSLY WE ALL KNOW WHAT THE ANSWER IS. IF THE PRINCIPALS OF THE LARGE SCHOOLS THEMSELVES FEEL THAT IT IS ESSENTIAL FOR THEM TO BE PART OF THE ASSOCIATION THAT SURELY IS IT NOT THE DUTY OF THIS HOUSE TO TAKE THEIR RECOMMENDATIONS AND THE RECOMMENDATIONS OF THE OTHER PROFESSIONALS? WE TOO WANT THEM TO BE PART OF OUR ASSOCIATION.

MR. TANNER: NO, MR. CHAIRMAN, I DON'T AGREE WITH THE WITNESS'S POINT OF VIEW. I THINK IT'S THE RESPONSIBILITY OF THIS HOUSE TO SET THE CONDITIONS OF THE EMPLOYMENT OF OUR MANAGERS AND OUR EMPLOYEES. HOWEVER, IF THE CHAIRMAN WANTS TO PUT A QUESTION - - -

MR. CHAIRMAN: WELL I DON'T KNOW HOW - - -

MR. MCKINNON: MR. CHAIRMAN, JUST ASK FOR A SHOW OF HANDS AS YOU DID IN THE INCLUSION OF PERSONS EMPLOYED IN A CONFIDENTIAL CAPACITY BE PART OF THE BARGAINING UNIT UNDER THE SCHOOL ORDINANCE.

MR. CHAIRMAN: ALRIGHT. WOULD THOSE AGREED WITH THAT CONCEPT KINDLY SIGNIFY.

MRS. WATSON: MR. CHAIRMAN, WOULD YOU PLEASE REPEAT THAT? INCLUSION OR EXCLUSION. WHAT DID YOU SAY?

MR. CHAIRMAN: INCLUSION. IT WOULD APPEAR THAT COMMITTEE IS AGREED ON THE POINT SO MR. LEGAL ADVISER YOU HAVE DIRECTIONS - - -

MR. TANNER: MR. CHAIRMAN, WOULD YOU PUT THE QUESTION AGAIN? WOULD YOU CLEARLY STATE THE QUESTION PLEASE?

MR. CHAIRMAN: COULD WE RESTATE THE QUESTION?

MR. MCKINNON: YES, MR. CHAIRMAN. I ASKED WHETHER WE COULD HAVE A SHOW OF HANDS FOR THE INCLUSION OF PERSONS EMPLOYED IN A MANAGERIAL OR A CONFIDENTIAL CAPACITY AS MEMBERS OF THE BARGAINING UNIT UNDER THE SCHOOL ORDINANCE.

MR. CHAIRMAN: WOULD THOSE AGREED KINDLY SIGNIFY? SO THE COMMITTEE THEN CONCURS. MR. LEGAL ADVISER, YOU SO NOTE?

MR. LEGAL ADVISER: I GET THE MESSAGE, MR. CHAIRMAN.

MR. MCKINNON: FINALLY. IN HOW MANY YEARS?

MR. CHAIRMAN: THE NEXT POINT IS POINT NO. 4, PROBATIONARY TEACHERS NOT ENTITLED TO REFER GRIEVANCE RESPECTING RELEASE.

MRS. WATSON: MR. CHAIRMAN, NOW THIS BRINGS US TO ANOTHER AREA WHEN WE GO INTO PROBATIONARY TEACHERS. IN THE BRIEF THAT WAS SUBMITTED TO THE COMMITTEE ON EDUCATION WHEN THEY HAD THEIR HEARINGS, THE YTA TOOK THE POSITION THAT THEY WOULD LIKE TO SEE TENURE DELETED. THE RECOMMENDATION OF THE LEVIRS COMMITTEE WAS THAT TENURE SHOULD BE A CONDITION OF EMPLOYMENT THAT SHOULD BE REMOVED FROM THE TEACHERS AT THE PRESENT TIME. THAT WAS IN THE LEVIRS. NOW WE DIDN'T DO THAT IN THE LEGISLATION AND WE HAVE HAD SOME REPRESENTATION TO GO ALONG WITH THE REMOVAL OF TENURE. WHAT IS YOUR POSITION ON THIS AT THE PRESENT TIME MR. HERON?

MR. HERON: MR. CHAIRMAN, THAT STATEMENT IN THE LEVIRS REPORT, HOWEVER, WAS QUALIFIED THAT IF TEACHERS HAD TENURE REMOVED THEN ALL TEACHERS WOULD HAVE THE RIGHT TO AN IMPARTIAL BOARD OF APPEAL AT ANY TIME IF THEY WERE DISMISSED. THIS IMPARTIAL BOARD OF APPEAL SUGGESTED BY THE LEVIRS COMMITTEE FOR THREE MEMBERS. ONE CHOSEN BY THE YTA. ONE CHOSEN BY THE GOVERNMENT, AND AN IMPARTIAL CHAIRMAN OR A CHAIRMAN MUTUALLY AGREEABLE TO BOTH. SO THE TWO GO PART IN PARCEL. THEY HAVE TO BE TOGETHER.

MRS. WATSON: YES BUT, MR. HERON, DO YOU AGREE THAT TENURE SHOULD BE REMOVED?

MR. HERON: WE DON'T, UNDER THE PRESENT CIRCUMSTANCES MRS. WATSON, WE DON'T REALLY FEEL WE HAVE TENURE IN QUOTATION MARKS.

MRS. WATSON: MR. HERON RIGHT NOW YOU HAVE A PROBATIONARY PERIOD OF TWO YEARS. YOUR CONTRACT IS NOT RENEWED EVERY YEAR. IT'S AN ON-GOING CONTRACT. NOW IF YOU DID NOT HAVE TENURE, YOUR CONTRACT WOULD HAVE TO BE RENEWED EVERY YEAR. THERE WOULD HAVE TO BE NO REASON FOR A NON-RENEWAL OF A CONTRACT. THIS IS MY INTERPRETATION OF TENURE. IT'S A YEARLY APPOINTMENT.

Mr. Heron: Mr. Chairman, this talk of contracts is very difficult also because really none of us have individual contracts as teachers do elsewhere in Canada, for example. But our stand still is, and it has not been revoked, our stand would be yes, we would do without the tenure provisions if an impartial Board of Appeal applied to all teachers under those conditions.

Mr. Chamberlist: Mr. Chairman, I'm going to put a little bomb in Mr. Legal Adviser's hat here. I think that the YTA are worrying unnecessarily because I think that you still have the right to grieve. This is where you have the right to grieve. This section 79(3) - - -

Mrs. Watson: Mr. Tenure, Mr. Heron - - -

Some Honourable Members: Laughter.

Mrs. Watson: I would like to pursue this with Mr. Heron on tenure before you bring this - grievance on probation. The fact that you may not have a contract but you have a letter of appointment and you don't get one every year. It's an on-going thing. If you lost your tenure you would not know from year to year whether you would be employed. It wouldn't be a continuous employment. This is the point that I am trying to make.

Mr. Heron: Yes I see the point you are trying to make.

Mrs. Watson: Are the YTA still in favour of removing tenure on that basis?

Mr. Heron: Well on this basis it opens up a whole new field. Elsewhere in Canada, you know, it's not a renewal of appointment year after year after year.

Mrs. Watson: But this was a recommendation that was brought by the Levirs Report and it was in the brief that was submitted by the YTA to the committee to remove tenure. And then you wouldn't have a probationary period at all. Every year it would be just a year to year basis and then you would have an impartial Board in the case of a dismissal.

Mr. Heron: Yes. But the initial appointment could be phrased in such language as this appointment would be an on-going one from year to year until such time as the teacher was dismissed for whatever reasons are set out in the School Ordinance.

Mrs. Watson: Mr. Chairman, then you would be having tenure. Tenure is continuing.

Mr. Chamberlist: I have just spotted this and I'm sure it's going to be a tough one. Initial appointment could be phrased in such language as this appointment would be an ongoing one from year to year until such time as the teacher was dismissed, for whatever reasons, are set out in the School Ordinance.

Mrs. Watson: Mr. Chairman, then you would be having tenure.

Mr. Chamberlist: I have just spotted it. It is going to be a tough one for Mr. Legal Advisor to disagree with me. Point No. 4 that Mr. Heron has made, Mr. Chairman, is that Probationary Teachers are not entitled to refer a grievance respecting release, Section 79, Subsection (3). I find that under that section, there is room for grievance.

Let's just examine this subsection. Mr. Legal Advisor is watching it. 'An employee is not entitled to refer a grievance respecting release for cause during or at the end of his probationary period to adjudication.' There is nothing that says he can't refer the grievance after his probationary period is finished. Nothing at all. It is during or at the end of, so that he can grieve after his probationary period is finished. Wouldn't Mr. Legal Advisor say that is a fine interpretation of that?

Mr. Legal Advisor: Fine but incorrect.

Mr. Chamberlist: Oh I don't know about that.

Mr. Legal Advisor: The adjectival phrase during or at the end of his probation period, refers to the release for cause and the period of time when the release occurs. So it is a release for cause which occurs during his probationary period.

Mr. Chamberlist: OK. I know I had to go the second time around, the last time and then I got agreement from Mr. Legal Advisor. This section deals specifically when a person has been released for cause. We broke it down into that. That is the reason. When he has been released for cause, if it is during his probation period, he cannot grieve. See? He is not entitled to refer a grievance. If he is released for cause during his probationary period or can he do this if he is released at the end of his probationary period. He can't do that either. But once those two times are finished with, I say then, he can go to adjudication because it is over and now he can go and say to the adjudicator

Mr. Legal Advisor: That is correct. Not for the reasons suggested by the Honourable Member but what he says is correct.

Mr. Tanner: But he is not on the floor yet.

Mr. Chamberlist: It doesn't matter. He has the right to go to adjudication after it.

Mr. Heron: Well then if that is a correct interpretation Mr. Legal Advisor, we can stroke objection No. 4.

Mr. Legal Advisor: I wouldn't like to mislead the witness on this Mr. Chairman. It is one thing to take words at the face value but the real meaning is this: Where an employee is a probationer and he is released for cause as a probationer, then he goes. Contrary to what is said here, it is not correct to say that he cannot grieve. He has three stages of grievance, point to point. It is the fourth appeal to the independent adjudicator on the board that he is deprived of but he can grieve to his unit head and so on up to his departmental head and then discussed. He does have three appeals.

Mr. Heron: That is fine. Then as I say, we do withdraw. We are not concerned.

Mr. Chairman: Do you have any further questions relevant to Bill No. 8 of Mr. Heron?

Mrs. Watson: Mr. Heron, there is one other area that I am concerned with. At the present

time you have an agreement with the employer, which expires at the end of August. Any legislation should make that agreement binding until the end of August. Do you agree with that?

Mr. Heron: I would like to reserve comment on that question Mrs. Watson until such time as I have had time to consult.

Mr. Chairman: That would be quite allowable.

Mr. Tanner: Mr. Chairman...

Mrs. Watson: Mr. Chairman...

Mr. Chairman: Order please.

Mr. Heron: It seems to me to be a very fine legal question and I really wouldn't like to comment on it at this time until I've had a chance to talk to our solicitor as to the ramifications.

Mr. Chamberlist: That's a good client.

Mr. Chairman: This seems only fair.

Mr. Legal Advisor: I'm not sure what the question is but if an agreement is made out of the school's ordinance, the section says it is not binding on anybody. The section says this. If we are operating under a current school's agreement, it would expire at the end of August and no question rises under it at the moment so it doesn't really matter whether it is binding or not, because it says it is not binding. But a future agreement...

Mr. Chamberlist: Mr. Chairman, the witness should not be placed in the position of even being asked this type of question before he gets the discussion with his own legal council on this.

Mr. Tanner: Mr. Chairman, I thought he had his legal council here.

Mrs. Watson: Mr. Chairman.....

Mr. Tanner: The only point that I'm making...

Mr. Chamberlist: (Laughter).

Mr. Chairman: Order please.

Mr. TANNER: THE ONLY POINT THAT THE HONOURABLE MEMBER IS TRYING TO MAKE IS, THERE IS GOING TO BE A TRANSITION IF EVERYTHING FALLS INTO LINE AND THE VARIOUS PIECES OF LEGISLATION ARE PASSED. YOU NEED SOMETHING TO HANG IT ONTO ON EITHER SIDE IF YOU LIKE. ISN'T THAT BASICALLY WHAT YOU ARE LOOKING FOR IN THE AGREEMENT?

Mr. HERON: WELL WE WOULD LIKE TO SEE THE AMENDMENT FIRST THEN MAKE COMMENT AFTERWARDS.

Mrs. WATSON: WELL, MR. CHAIRMAN ITS IN HERE NOW, IN THE AMENDMENTS TO THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. ANY AGREEMENT ENTERED INTO -----,

Mr. HERON: WELL, MR. CHAIRMAN ONCE WE DO THIS SECTION 6 OF BILL NO. 8, WHICH AMENDS SECTION 28, SUBSECTION (2) OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, IT APPEARS TO ME THAT THIS AREA IS BEFORE THE COURTS RIGHT NOW AND I REALLY WOULD NOT LIKE TO BE PUT INTO A POSITION OF COMMENTING SPECIFICALLY ON THAT PARTICULAR AMENDMENT.

Mr. CHAIRMAN: THIS IS RIGHT AND THIS IS WHY I CAUTIONED THE MEMBERS EARLIER ON THIS RESPECT.

Mr. LEGAL ADVISOR: MR. CHAIRMAN, THIS ISN'T BEFORE THE COURTS.

Mr. TANNER: MR. CHAIRMAN, IN THE CIRCUMSTANCES LET'S LET IT GO BECAUSE MR. HERON IS GOING TO BE BACK I HOPE WHEN WE ARE DISCUSSING THE SCHOOL'S ORDINANCE AND WE CAN BRING IT UP THEN.

Mr. HERON: I WOULD LIKE TO BE, YES.

Mr. CHAIRMAN: COUNCILLOR STUTTER,

Mr. STUTTER: MR. CHAIRMAN COULD WE JUST HAVE A REAL BRIEF RECAP. IT SEEMS TO ME THAT, IS IT THE CONSENSUS OF OPINION OF COMMITTEE NOW THAT THE Y.T.A. OR A MAJORITY GROUP IS GOING TO BE RECOGNIZED AS THE BARGAINING UNIT UNDER THE SCHOOL'S ORDINANCE AND THAT NO WAY ARE THEY GOING TO BE RECOGNIZED UNDER THE PUBLIC SERVICE STAFF ORDINANCE? AND THAT THE SECTIONS THAT WE DEALT WITH HERE WILL BE TRANSFERRED FROM THE PUBLIC SERVICE STAFF ORDINANCE OVER TO THE SCHOOL ORDINANCE ?

Mr. CHAIRMAN: THIS IS THE UNDERSTANDING OF THE CHAIR. IS THERE ANYTHING CONTRARY TO THAT?

Mrs. WATSON: MR. CHAIRMAN I WONDER IF AND THIS IS JUST ANOTHER TACK THAT WE COULD USE AND IT WOULD SAVE US A GREAT DEAL OF WORK AND IF THE HONOURABLE MEMBERS DO NOT AGREE WITH THAT, ITS FINE.

Mr. CHAMBERLIST: WE ARE GETTING PAID, REGULARLY.

Mrs. WATSON: AN ORDINANCE TO AMEND THE PUBLIC SERVICE AND TEACHING STAFF RELATIONS ORDINANCE. IF WE CHANGE THE TITLE TO THE ORDINANCE AND CHANGE THE DEFINITION FOR EMPLOYEE.

WOULD IT BE POSSIBLE THEN?

Mr. CHAMBERLIST: WE WANT TO GIVE MORE THOUGHT TO IT.

Mrs. WATSON: I WOULD LIKE TO HEAR FROM MR. HERON.

Mr. HERON: NO COMMENT.

Mr. LEGAL ADVISOR: MR. CHAIRMAN JUST LET ME MAKE ONE COMMENT ON THAT. WE HAVE GOT AN ORDINANCE ALLOWING US TO EMPLOY PUBLIC SERVANTS. IT IS CALLED THE PUBLIC SERVANTS ORDINANCE. WE WILL HAVE AN ORDINANCE WHICH ALLOWS US TO EMPLOY TEACHERS WHICH IS CALLED THE SCHOOL ORDINANCE. WE HAVE A THIRD MECHANICAL ORDINANCE WHICH IS DESIGNED TO SET UP A SERIES OF INSTRUMENTS TO DEAL WITH THE RELATIONSHIP BETWEEN THE EMPLOYER. IT SHOULD HAVE BEEN CHANGED, THE TITLE, SO THAT THAT MAIN ORDINANCE WOULD READ, AN ORDINANCE RESPECTING THE STAFF RELATIONS OF TEACHERS AND PUBLIC SERVANTS, OR SOME SUCH THING.

Mr. CHAMBERLIST: OR SOME SUCH THING SOUNDS MUCH BETTER.

Mr. LEGAL ADVISOR: THE OFFICIAL TITLE, THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, IT SHOULD BE THE PUBLIC SERVICE OR SERVANTS AND TEACHERS STAFF RELATIONS ORDINANCE. IT SEEMS TO ME INSANE TO TRANSFER, ALTHOUGH I HESITATE TO ACCUSE THE MEMBER OF INSANITY, TO TRANSFER 103 SECTIONS TO THE END OF THE SCHOOL ORDINANCE JUST LIKE THAT FOR THE SAKE OF ONE WORD.

Mr. CHAMBERLIST: I DON'T SEE WHY YOU HAVE TO DO THAT.

Mr. Heron: But Mr. Chairman, many of those 103 sections in the Public Service Staff Relations Ordinance do not apply because they go through the mechanisms of how the unit is going to be certified, how they write to the Board, how many days they have and there are very few sections that have to be extracted from the Public Service Staff Relations Ordinance. It could surely be done by a typist.

Mrs. Watson: Well Mr. Chairman, it was my understanding that this procedure for certification would be left in, would be transferred to the School's Ordinance so that you would have the opportunity and organization representing the majority of the teachers, could apply for recognition. This time around the bargaining agent, the bargaining unit that would be recognized, the bargaining agent would be the Y.T.A., but we wouldn't lock the Y.T.A. We would give the teaching profession the democratic right to choose the organization to represent them. It was my understanding that Mr. Heron agreed with this.

An organization representing the majority of teachers.

Mr. Heron: But Mr. Chairman, it was my understanding that it was simply going to be a removal of this amendment that was already put forward, that employees pursuant to the School Ordinance other than persons employed pursuant sections 8 & 9 of the School Ordinance shall be deemed to be a relevant group of employees that constitute a unit appropriate for a collective bargaining, as if the Board had determined the matter pursuant to subsection (1).

Mrs. Watson: Mr. Chairman, that is correct you didn't have to go through the certification procedure but shouldn't you leave it in so that some other organization could apply and go through the certification. What we are saying is, you don't have to go through the certification procedure this time around. I think we should leave the door open for some other organization if they want to.

Mr. Legal Advisor: I am not sure whether the House understand the certification procedures. An application for certification can only be made at two year intervals. Nobody can rate you at two year intervals. So it is a series of two year gaps. But the person who is

certified is certified forever unless a rate is made. So the first people to be certified get automatically two year's run at it. Then if nobody else applies, they are indefinite. I thought the question had been fixed but now that it has been raised I would like direction.

Mr. Heron: Mr. Chairman, the whole matter and the whole inclusion of all these sections in the Public Service Staff Relations Ordinance and a great deal of work could be saved Mr. Legal Advisor if during the debate of the amendment proposals for the new School Ordinance that this House would agree to a clause saying membership in the Yukon Teachers' Association shall be a condition of employment of a teacher by the Yukon Territorial Government, as is the condition of employment in most other jurisdictions now in Canada.

Mr. Legal Advisor: You mean that even the public servants have to join the Y.T.A.?

Mr. Heron: Of a teacher.

Mr. Legal Advisor: Just a teacher, oh.

Mr. McKinnon: When we started our discussion this afternoon, we knew that there was going to be a certain amount of work involved to come to the meeting of the minds. Mr. Legal Advisor has admitted that he has been a bit lazy in preparing and that he should have done. Now we are saying, Mr. Legal Advisor we realize that you are a bit lazy in your duties and a bit sloppy but now you are going to have to pick up your heels and you are going to have to accomplish what the committee has agreed to this afternoon.

I don't think there is any problem with your ability Mr. Legal Advisor to be able to do this. Secondly, certainly the way to get around this certification clause is just to say that if another group representing the majority of the teachers' wishes to become a they apply under section such and such of the Public Service Ordinance.

Mrs. Watson: It isn't that easy. You have to put your time limits in and everything. There are certain procedures that you have to go through to apply.

Mr. McKinnon: They are all in here.

Mrs. WATSON: THAT IS EXACTLY THE POINT THAT WE ARE TRYING TO MAKE. THEY ARE ALL IN HERE. MY GOODNESS, SHALL WE CHANGE THE NAME, SAY THAT THE PIECE OF LEGISLATION INSTEAD OF TAKING THIS AND PUTTING IT IN THE SCHOOL'S ORDINANCE. THIS PIECE OF LEGISLATION APPLIES TO PUBLIC SERVANTS AND TEACHERS AND WE AMEND THE SECTIONS WHICH REFER TO EMPLOYEES, WE DELETE THE SECTIONS THAT YOU AGREED TO ON FUNDS FOR POLITICAL ACTIVITY AND MANAGERIAL EXCLUSIONS. YOU HAVE GOT TO MAKE THEM. YOU WANT US TO COPY THE WHOLE THING.

Mr. McKINNON: YOU DON'T HAVE TO. THAT IS WHAT I AM SAYING. ALL THE CERTIFICATIONS OUTLINED AND EVERYTHING ARE IN HERE AND ALL WE HAVE TO DO IS MENTION IT IN THE SCHOOL ORDINANCE THAT THERE IS ANOTHER GROUP. THAT THEY FOLLOW ALL THE TERMS OF CERTIFICATION AS APPEAR IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AND JUST REALLY PUT IN THE BARGAINING...

Mr. LEGAL ADVISOR: YOU MEAN...

Mrs. WATSON: OH, WE CAN CHANGE....

Mr. McKINNON: REALLY NOW, YOU ARE MAKING A BIG DEAL OUT OF REALLY SOMETHING THAT IS NOT ALL THAT DIFFICULT TO DO. HONESTLY, IF A PERSON CANNOT GO THROUGH THIS AND MAKE THE APPROPRIATE CHANGES AND THE APPROPRIATE AMENDMENTS TO THE ORDINANCES THAT HAVE BEEN INDICATED BY COMMITTEE. IT IS NOT THAT LONG A PERIOD OF TIME. CERTAINLY IT IS NOT ALL THAT MONUMENTAL A TASK AS WE ARE TRYING TO BE LED TO BELIEVE THAT IT IS AROUND COMMITTEE THIS AFTERNOON. I AGREE, YOU KNOW, WE HAVE BEEN HERE A LONG TIME AND EVERYBODY'S GETTING A LITTLE TIRED BUT IT ISN'T ALL THAT STRENUOUS A JOB, Mr. CHAIRMAN.

Mrs. WATSON: Mr. CHAIRMAN, I JUST WANT DIRECTION FROM THE COMMITTEE. IF WE WERE ABLE TO USE THAT OTHER PIECE OF LEGISLATION AND MAKE THE ADJUSTMENTS TO IT. CHANGE THE NAME OF THIS AND IT WOULD BE MUCH SIMPLER. WE COULD HAVE IT BEFORE THE HOUSE FOR YOUR CONSIDERATION. AGAIN, WE COULD GIVE COPIES TO THE Y.T.A. AND I THINK THAT WE COULD CLEAN UP THIS WHOLE SITUATION MUCH FASTER.

Mr. CHAMBERLIST: I THINK THE SITUATION...

Mr. CHAIRMAN: JUST FROM THE CHAIR IT SEEMS THAT UNLESS I HAVE THE CONSENSUS WRONG AND ITS THE WISH THAT THESE SECTIONS BE DEALT WITH IN THE SCHOOL ORDINANCE...

Mr. CHAMBERLIST: THIS IS WHAT WE HAVE AGREED.

Mr. CHAIRMAN: IS THIS WHAT IS GENERALLY AGREED?

SOME HONOURABLE MEMBERS: AGREED.

Mr. LEGAL ADVISOR: WHEN YOU SAY THESE SECTIONS Mr. CHAIRMAN...

Mr. CHAIRMAN: THESE SECTIONS THAT WE HAVE DEALT WITH THIS AFTERNOON.

Mr. CHAMBERLIST: PLUS THE APPROPRIATE SECTIONS.

Mr. CHAIRMAN: RIGHT, PLUS THE RELEVANT SECTIONS.

Mr. CHAMBERLIST: PLUS THE APPROPRIATE SECTIONS THAT HAVE TO GO IN AS WELL. LET'S NOT BEAT ABOUT THE BUSH NOW.

Mrs. WATSON: Mr. CHAIRMAN WOULD WE BE ABLE TO SAY NEW -----, NEW ---- SUPPLY?

Mr. CHAIRMAN: HAVE YOU ANY FURTHER QUESTIONS OF Mr. HERON? I WONDER IF Mr. HERON COULD BE EXCUSED AT THIS TIME?

SOME HONOURABLE MEMBERS: AGREED.

Mr. CHAIRMAN: WE WOULD VERY MUCH LIKE TO THANK YOU FOR COMING DOWN AND COMPLIMENT YOU ON THE WAY YOU CONDUCTED YOURSELF THIS AFTERNOON.

Mr. HERON: THANK YOU Mr. CHAIRMAN. I WOULD LIKE TO THANK THE HOUSE FOR THEIR INDULGENCE TODAY IN LISTENING TO THE PROPOSALS TO THE Y.T.A.

Mr. CHAIRMAN: WHAT IS YOUR PLEASURE AT THIS TIME?

Mr. CHAMBERLIST: Mr. CHAIRMAN, I WOULD MOVE THAT Mr. SPEAKER DO NOW RESUME THE CHAIR.

Mr. CHAIRMAN: IS THERE A SECONDER?

Mr. McKINNON: I WILL SECOND THAT MOTION Mr. CHAIRMAN.

Mr. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR McKINNON THAT Mr. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME HONOURABLE MEMBERS: AGREED.

*MOTION CARRIED*

MR. SPEAKER: THE COUNCIL WILL NOW COME TO ORDER. MAY WE HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEES?

MR. TAYLOR: MR. SPEAKER, COMMITTEE CONVENED AT 10:20 A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. MR. M. HERON ATTENDED COMMITTEE TO DISCUSS THE PRINCIPLE OF BILL No. 8. COMMITTEE RECESSED AT 12:00 NOON AND RECONVENED AT 2:00 P.M. IT WAS MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR MCKINNON THAT MR. SPEAKER DO NOW RESUME THE CHAIR AND THIS MOTION CARRIED.

MR. SPEAKER: YOU HAVE HEARD YOUR REPORT OF THE CHAIRMAN OF COMMITTEES. ARE WE AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I BELIEVE TOMORROW WE WILL BE CONTINUING IN COMMITTEE WITH BILLS, SESSIONAL PAPERS AND MOTIONS.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. CHAMBERLIST: MR. SPEAKER I MOVE THAT WE NOW CALL IT 5:00 O'CLOCK.

MR. MCKINNON: I WILL SECOND THAT MOTION MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE EAST SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE WEST THAT WE NOW CALL IT 5:00 O'CLOCK. ARE YOU PREPARED FOR THE QUESTION? AGREED?

*MOTION CARRIED*

MR. SPEAKER: THIS COUNCIL STANDS ADJOURNED UNTIL 10:00 A.M. TOMORROW MORNING.

WEDNESDAY, MAY 8, 1974.

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MR. TANNER: YES, MR. SPEAKER. I HAVE LEGISLATIVE RETURN NO. 61 AND 62 FOR TABLING THIS MORNING.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEES? ARE THERE ANY BILLS TO BE INTRODUCED?

MRS. WATSON: YES, MR. SPEAKER, I BEG LEAVE, SECONDED BY COUNCILLOR TANNER TO INTRODUCE BILL NO. 23 INTITULED AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH FOR LEAVE TO INTRODUCE BILL NO. 23 INTITULED AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE LEAVE GRANTED.

LEAVE GRANTED

MR. SPEAKER: ARE THERE ANY NOTICES OF MOTION OR RESOLUTIONS?

MR. TAYLOR: YES, MR. SPEAKER, I WOULD LIKE TO GIVE NOTICE OF MOTION THIS MORNING THAT THE COUNCIL OF THE YUKON TERRITORY IN SESSION ASSEMBLED CONVEYS TO THE HONOURABLE JEAN CHRETIEN, MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, OUR DEEPEST CONCERN RESPECTING INDIAN LAND CLAIMS NEGOTIATIONS AND REQUEST THAT THE MINISTER PROVIDE THE COUNCIL INFORMATION RELATING TO THE SUBSTANCE AND PROGRESS OF THESE NEGOTIATIONS.

MR. SPEAKER: ARE THERE ANY FURTHER NOTICES OF MOTION?

MR. STUTTER: YES, MR. SPEAKER. I WOULD LIKE TO GIVE NOTICE OF MOTION THAT THE ADMINISTRATION AND THE YUKON ASSOCIATION OF MUNICIPALITIES GET TOGETHER TO DISCUSS AMENDMENTS TO THE TAXATION ORDINANCE AND MORE PARTICULARLY TO RESOLVE THE APPARENT INEQUALITY OF DISTRIBUTION OF THE MINIMUM TAX UNDER SECTION 55(1) OF THE ORDINANCE.

MR. SPEAKER: ARE THERE ANY FURTHER NOTICES OF MOTION?  
ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS?

MOTION NO. 34

MR. SPEAKER: AS THERE ARE NO MOTIONS FOR THE PRODUCTION OF PAPERS, WE COME TO MOTION NO. 34. IT WAS MOVED BY COUNCILLOR STUTTER, SECONDED BY COUNCILLOR TANNER, THAT THE DEPARTMENT OF HIGHWAYS ERECT ADDITIONAL SIGNS AT THE INTERSECTION OF THE ALASKA HIGHWAY AND DAWSON HIGHWAY, INDICATING THAT DAWSON CITY IS ON THAT HIGHWAY. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. STUTTER: YES, MR. SPEAKER. MR. SPEAKER, I BRING THIS MOTION FORWARD AS A RESULT OF CORRESPONDENCE THAT HAS BEEN HELD BETWEEN THE KLONDIKE VISITORS ASSOCIATION, THE DEPARTMENT OF TRAVEL AND PUBLICITY, THE ENGINEERING DEPARTMENT, AND ALSO AS A RESULT OF A MOTION THAT WAS PUT FORWARD BY THE TOURIST ADVISORY COMMITTEE, RESOLUTION NO. 8 WHICH STATES: "WHEREAS THE TOURIST ADVISORY COUNCIL FEELS THAT MAJOR INTERSECTIONS IN THE TERRITORY SUCH AS THE MAYO ROAD AND CAMPBELL HIGHWAY TURN-OFFS ARE INADEQUATELY SIGNED RESOLVE THAT THE DEPARTMENT OF HIGHWAYS ERECT ADDITIONAL SIGNS WHICH WILL SERVE TO WARN TRAVELLERS THAT THEY ARE APPROACHING A MAJOR INTERSECTION."

MR. SPEAKER, I KNOW WHAT THE AIMS OF THE KLONDIKE VISITORS ASSOCIATION ARE. THEY WOULD LOVE TO HAVE SEEN ONE OF THE LARGE OVERHEAD SIGNS SUCH AS WE HAVE ON THE TWO MILE HILL AND AT THE SOUTH ACCESS ROAD. THIS IS THE TYPE OF SIGN THEY WOULD LIKED TO HAVE SEEN AT THE HIGHWAY, AT THE MAJOR INTERSECTION OF THE DAWSON, MAYO, CARMACKS, PELLY ROAD.

PERHAPS I WOULDN'T WANT TO SEE IT GOING THAT FAR; THAT MAJOR SIGNS SUCH AS THESE BE PUT AT ALL INTERSECTIONS, BUT HOWEVER, I HAVE A WEEK OR SO AGO MADE A SPECIAL TRIP OUT AND LOOKED AT ALL OF THE SIGNS THAT ARE AT THAT PARTICULAR INTERSECTION. I CAN'T SPEAK REGARDING THE



CAMPBELL HIGHWAY TURN-OFFS BECAUSE I'M NOT FAMILIAR WITH THAT TURN-OFF. BUT IN THIS PARTICULAR ONE, THE DAWSON TURN-OFF, THERE IS ABSOLUTELY NO INDICATION WHATSOEVER OF A TURN-OFF TO DAWSON. IT MERELY SAYS AT THE INTERSECTION OF THIS HIGHWAY - THERE'S ONE ARROW THAT POINTS TO HAINES. THE WORD HAINES IS THERE AND IT'S POINTING DIRECTLY UP THE HIGHWAY AND THERE'S THE WORD CARMACKS UNDERNEATH WITH AN ARROW POINTING TO THE RIGHT. THE SIZE OF THIS SIGN IS 6 FEET LONG AND 2 FEET HIGH. THE ONLY OTHER SIGN AT THAT JUNCTION IS A JUNCTION WITH NO. 12 OR 1 AND 2 AND THAT SIGN IS ONLY 3 FEET HIGH AND 5 FEET WIDE. SO THAT AS A RESULT - MUCH OF THE TOURIST PROMOTIONAL LITERATURE THAT'S PUT OUT BY THE DEPARTMENT OF TRAVEL AND PUBLICITY WHICH OF COURSE IS DRAWING ATTENTION TO THE KLONDIKE GOLD RUSH FIELDS. IT'S DRAWING ATTENTION TO DAWSON. IT'S DRAWING ATTENTION TO MAYO AND IT'S DRAWING ATTENTION TO MANY OF THE OTHER COMMUNITIES ON THAT HIGHWAY. BUT THERE IS ABSOLUTELY NOTHING AT THAT INTERSECTION THAT MENTIONS DAWSON.

ONCE A PERSON HAS NEGOTIATED THE TURN AND GETS ONTO THE HIGHWAY, THEN THERE IS A SIGN THAT SAYS SO MANY MILES TO DAWSON.

BUT, MR. SPEAKER, WHAT I WOULD LIKE TO SEE THE GOVERNMENT DO IS TO PUT UP SIGNS AT THESE MAJOR INTERSECTIONS STATING WHAT COMMUNITIES ARE ON THESE HIGHWAYS AND ALSO PROBABLY THE DISTANCE TO THESE HIGHWAYS. THIS TYPE OF SIGNING IS QUITE COMMON IN MANY OTHER AREAS OF CANADA AND I SEE NO REASON WHY IT CAN'T BE DONE HERE. THESE SIGNS WOULD NOT BE OFFENSIVE IN ANY WAY, THEY'RE JUST IN KEEPING WITH THE NORMAL GOVERNMENT SIGNS. AND IT HAS BEEN STATED, MR. BAKER HAS STATED THAT HE MUST COMPLY WITH RECOGNIZED SIGNING POLICY IN THIS CASE AND THEREFORE YOUR REQUEST FOR A SPECIAL SIGN FOR DAWSON CITY MUST REGRETFULLY BE TURNED DOWN."

MR. SPEAKER, I HAVE LOOKED THROUGH THE REGULATIONS. I HAVE LOOKED THROUGH THE POLICY MANUAL AND I'M UNABLE TO FIND WHERE THERE IS ANY SET HARD AND FAST REGULATIONS OR POLICY GOVERNING THE TYPE OF SIGN THAT I AM NOW SUGGESTING. PERHAPS THE TYPE OF SIGN THAT WAS SUGGESTED BY K.V.A. THE LARGE OVERHEAD SIGN, AS I'VE SAID BEFORE, MIGHT CAUSE SOME PROBLEMS AND IT COULD BE PRETTY EXPENSIVE TO PUT THIS TYPE OF SIGN AT ALL MAJOR INTERSECTIONS. BUT I WOULD MR. SPEAKER, SEEK THE SUPPORT OF COUNCIL IN

HAVING THE DEPARTMENT OF HIGHWAYS DRAW ATTENTION AT THESE INTERSECTIONS TO THE COMMUNITIES THAT ARE TO BE FOUND ON THOSE HIGHWAYS AND I WOULD ALSO LIKE TO GET SUPPORT TO HAVE PROBABLY THE MILEAGE PUT ON THESE SIGNS ALSO, MR. SPEAKER. THANK YOU.

MR. TAYLOR: MR. SPEAKER, I WOULD JUST LIKE TO SAY THAT I CONCUR WITH THE MOTION THAT WAS RAISED BY THE HONOURABLE MEMBER FROM DAWSON THIS MORNING. AND I THINK THE SAME THING APPLIES AT THE BEGINNING OF THE CAMPBELL HIGHWAY WHICH PROCEEDS ON UP TO CARMACKS AND AFFORDS ANOTHER ROUTE TO DAWSON. AND WHILE THE GOVERNMENT ARE CONSIDERING THE REPLACEMENT OF THE SIGNS ON THE KLONDIKE HIGHWAY, I THINK THAT THEY SHOULD GIVE CONSIDERATION TO ALSO PLACING SIMILAR SIGNS ON THE CAMPBELL HIGHWAY INDICATING FOR INSTANCE, FARO, ROSS RIVER, CARMACKS, STEWART CROSSING, DAWSON. THAT THIS IS AN ALTERNATE ROUTE GOING TO DAWSON AND I WOULD CERTAINLY LEND MY WHOLE HEARTED SUPPORT TO THE MOTION BY THE HONOURABLE MEMBER FROM DAWSON.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

MOTION NO. 35

MR. SPEAKER: IT WAS MOVED BY COUNCILLOR TAYLOR, SECONDED BY COUNCILLOR MCKINNON THAT IT IS THE OPINION OF COUNCIL THAT THE ADMINISTRATION BRING FORWARD TO COUNCIL, INFORMATION INDICATING WHAT LEGISLATIVE CHANGES AND FINANCIAL PROVISIONS WOULD BE REQUIRED IN PROVIDING FOR ENFORCEMENT OF THE CONSUMER PROTECTION ORDINANCE. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. TAYLOR: YES, MR. SPEAKER. THE QUESTION OF THE CONSUMER PROTECTION ORDINANCE HAS BEEN ONE WHICH HAS PLAGUED COUNCIL FOR MANY YEARS. IN RESPONSE TO CONSUMER PROTECTION GROUPS IN THE YUKON AND ALSO SOME FEDERAL REPRESENTATION I MIGHT ADD, AN ORDINANCE WAS PREPARED BY THE ADMINISTRATION WHICH WAS FELT TO BE A SELF-ENFORCING ORDINANCE. THE BILL WAS PASSED BY COUNCIL AND REMAINS IN OUR LAW BOOKS AS ONE OF THE VERY FEW BILLS THAT ARE SELF-ENFORCING OR MEANT TO BE. IN RECENT TIMES WITH THE INFLATIONARY SPIRAL TRENDS IN THE YUKON, THERE SEEMS TO BE A GREAT INCREASE IN THE NUMBER OF COMPLAINTS BY CONSUMERS. AND THESE RELATE TO ALL FIELDS.

MORE RECENTLY DURING THE LAST SPECIAL SESSION, I HAD AN OPPORTUNITY TO SPEAK WITH REPRESENTATIVES OF THE CONSUMER ASSOCIATION OF CANADA AND OF THE YUKON TERRITORY, ON A COUPLE OF MATTERS RELATED TO CONSUMER PROTECTION. ONE WAS ON DOOR TO DOOR SALES THE OTHER WAS IN ADVERTISING, FALSE ADVERTISING OR MISLEADING ADVERTISING. AND IT WAS POSSIBLE TO SIT DOWN WITH MR. LEGAL ADVISOR AT THAT TIME IN COMPANY WITH THESE PEOPLE, DISCUSS THE PROBLEM AND ATTEMPT TO FIND SOME SOLUTION TO IT. WE NOTED AT THAT TIME THAT EVEN IF OUR INSPECTION SERVICES UPON RECEIVING A LEGITIMATE COMPLAINT FROM A CONSUMER WERE EVEN ABLE TO ISSUE A WARNING, AN OFFICIAL WARNING TO THE RETAILER OR THE SALESMAN OR WHOEVER MIGHT BE CONCERNED, THAT THIS WOULD BE A HELP. AND IT BROUGHT UP THE WHOLE QUESTION THEN AS TO WHETHER OR NOT WE SHOULD CONSIDER DRAFTING OR REDRAFTING THE, OR AMENDING SHOULD I SAY THE CONSUMER PROTECTION ORDINANCE OF THE YUKON TERRITORY IN ORDER THAT WE CAN GIVE SOME LEVEL OF ENFORCEMENT TO IT.

I MIGHT SAY SOMETHING ELSE, MR. SPEAKER. IT OCCURS TO ME THAT IN ENFORCING CONSUMER PROTECTION ORDINANCES, THAT IT MAY BE POSSIBLE THAT WE COULD HAVE SOME FEDERAL PARTICIPATION. I REALLY DON'T KNOW. I THINK THIS IS SOMETHING THAT WE'RE ASKING THE ADMINISTRATION TO LOOK INTO.

NOW COUNCILLOR MCKINNON HAD ASKED A QUESTION A SHORT WHILE AGO DURING THE 1974 FIRST SESSION ABOUT THE CONSUMER PROTECTION ORDINANCE AND ASKING ABOUT THE POSSIBILITY OF IT BEING ENFORCED. AND IN ANSWER TO THIS WE RECEIVED LEGISLATIVE RETURN NO. 11 OF THIS SESSION IN WHICH IT IS STATED; "IF THE COUNCIL DESIRES A CHANGE IN THE POLICY, I'M WILLING TO HAVE A PAPER BROUGHT FORWARD INDICATING WHAT LEGISLATIVE CHANGES ARE REQUIRED AND WHAT FINANCIAL PROVISIONS WOULD BE NECESSARY TO CARRY OUT THESE FURTHER DUTIES."

SO MR. SPEAKER AND HONOURABLE MEMBERS, DID THE MOTION SIMPLY ASK THAT THIS BE DONE AND THAT EITHER TO THIS COUNCIL OR SOME FUTURE COUNCIL, INFORMATION COULD BE BROUGHT FORWARD PROVIDING THIS MOST IMPORTANT INFORMATION AS I SAY. AND I WOULD ASK FOR THE FULL SUPPORT OF ALL MEMBERS OF COUNCIL IN THIS ENDEAVOUR BECAUSE I THINK IT'S VERY VERY IMPORTANT AND MORE PARTICULARLY AT THIS STAGE OF DEVELOPMENT IN THE YUKON TERRITORY.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

MR. SPEAKER: WE NOW COME TO THE QUESTION PERIOD. MADAM CLERK, WILL YOU PLEASE ASCERTAIN THAT MR. ADMINISTRATOR IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

RECESS.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY QUESTIONS?

QUESTION RE: BIDS FOR LIQUOR STORE

MR. CHAMBERLIST: MR. SPEAKER, A QUESTION TO MR. ADMININSTRATOR. HAS MR. ADMINISTRATOR THE INFORMATION TODAY ON WHICH WAS THE SUCCESSFUL BIDDER FOR THE LIQUOR STORE?

MR. ADMINISTRATOR: I DON'T HAVE THAT INFORMATION AS YET, MR. SPEAKER.

QUESTION RE: ATTENDANCE AT ROSS RIVER SCHOOL

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION I WOULD DIRECT TO THE HONOURABLE MEMBER IN CHARGE OF HEALTH, WELFARE AND REHABILITATION. I WOULD LIKE TO ASK HIM THIS MORNING IF HE COULD ADVISE ME AS TO WHAT IS THE PROGRESS IN THE MATTER OF THE ROSS RIVER SCHOOL IN AS MUCH AS NOW TWO THIRDS OF THE CHILDREN ARE NO LONGER IN SCHOOL.

MR. TANNER: MR. SPEAKER, THE SITUATION RIGHT NOW IS THAT THE ENGINEERING SERVICES ARE ON THE JOB AND THEY ARE GOING TO DO AS MY DEPARTMENT HAS RECOMMENDED AND TRY TO COMPLETELY ERADICATE THE SOURCE OF THE PROBLEM. AS FAR AS THE ENVIRONMENTAL HEALTH OFFICER'S REPORT HE, AS OF YESTERDAY, THERE IS NO CHANGE. HE SAYS, AND NONE OF MY OFFICERS AS YET SAID THERE IS A HEALTH HAZARD. HOWEVER, THEY ARE WORKING ON IT AND WE HOPE THE PROBLEM WILL BE CLEARED UP VERY QUICKLY.

QUESTION RE: USE OF COMMUNITY HALL FOR HOUSING SCHOOL CHILDREN IN ROSS RIVER

MR. TAYLOR: I HAVE A QUESTION I WOULD DIRECT TO THE HONOURABLE MEMBER IN CHARGE OF EDUCATION. I WOULD ASK HER THAT NOW THE SITUATION HAS DEVELOPED TO WHERE TWO THIRDS OF THE CHILDREN ARE OUT OF SCHOOL IF THE COMMUNITY HALL COULD NOW BE BROUGHT INTO ACTIVITY FOR THE HOUSING OF SCHOOL CHILDREN UNTIL THIS MATTER IS ATTENDED TO?

MRS. WATSON: MR. SPEAKER, THE SCHOOL IS OPEN UNTIL THE HEALTH OFFICER SAYS IT IS NOT IN A FIT CONDITION TO BE USED. AT THE PRESENT TIME I THINK WE HAVE TO USE THE SCHOOL FACILITIES. HOWEVER, WHILE THE ENGINEERING DEPARTMENT ARE DOING THE CLEANING AND THE HEALTH OFFICER WILL BE THERE IF THERE IS ANY INDICATION THAT THERE IS A HEALTH PROBLEM.

IF THEY SUGGEST OR RECOMMEND THAT THE FACILITY NOT BE USED DURING THIS CLEAN UP THEN WE CERTAINLY WILL NOT USE THE FACILITY. BUT I THINK WE HAVE TO RELY ON PEOPLE WHO ARE KNOWLEDGEABLE IN THIS AREA AND COULD SAY TO US, "NOW THERE IS A HEALTH PROBLEM, DO NOT USE THE FACILITY."

MR. TAYLOR: MR. SPEAKER, ANOTHER QUESTION TO THE HONOURABLE MEMBER. YESTERDAY, MR. SPEAKER, IN REPLY TO A SIMILIAR LINE OF QUESTIONING THE MEMBER IN CHARGE OF HEALTH, WELFARE AND REHABILITATION SAID THAT MR. UROUHART SPENT SOME TIME IN ROSS RIVER YESTERDAY. HE SAID FIRST OF ALL LET ME MAKE IT VERY CLEAR THERE IS NO IMMEDIATE HEALTH HAZARD. HE SAID THERE COULD BE A HEALTH HAZARD UNLESS SOMETHING IS DONE FAIRLY QUICKLY. WOULD THIS THEN NOT INDICATE THAT HOT WEATHER IS NOW UPON US AND THAT THIS IS CREATING A PROBLEM AND THAT FACILITIES SHOULD BE TRANSFERRED TO THE ROSS RIVER COMMUNITY HALL UNTIL THE MATTER IS CLEANED UP.

MR. TANNER: WAS THAT QUESTION ADDRESSED TO ME MR. SPEAKER?

MR. TAYLOR: TO THE MEMBER FOR EDUCATION.

MRS. WATSON: MR. SPEAKER, I REITERATE AGAIN. WHEN THE HEALTH OFFICER SAYS THERE IS A HEALTH PROBLEM AND THE FACILITIES SHOULD NOT BE USED, THEN AT THAT TIME WE WILL HAVE TO TAKE STEPS TO NOT USE THE FACILITIES. BUT THE HEALTH OFFICER HAS NOT SAID THE FACILITIES CANNOT BE USED AT THIS TIME.

MR. TAYLOR: SHALL I TAKE IT, JUST AS A FINAL SUPPLEMENTARY ON THE ROSS RIVER SCHOOL, MR. SPEAKER. DO I TAKE IT THEN THAT IT IS NOT THE INTENTION OF THE EDUCATION DEPARTMENT TO HAVE SCHOOL HELD IN THE COMMUNITY HALL AT THIS TIME?

MRS. WATSON: NO, MR. SPEAKER, THAT IS NOT THE INDICATION. MY ANSWER WAS THAT IF THE HEALTH OFFICER RECOMMENDS THAT THE FACILITY NOT BE USED AT THAT TIME WE WILL HAVE TO LOOK FOR ALTERNATE FACILITIES.

MR. CHAMBERLIST: SUPPLEMENTARY, MR. SPEAKER WOULD THE HONOURABLE MEMBER FROM CARMACKS-KLUANE NOT AGREE THAT THERE IS AN EDUCATION PROBLEM THAT SHE HAS THE RESPONSIBILITY FOR AND

THAT SHE SHOULD TAKE STEPS NOW TO SEE THAT THOSE CHILDREN ATTEND SCHOOL. THAT AS A RESULT OF THEM NOT ATTENDING SCHOOL ON THE ADVICE OF THEIR PARENTS THAT SHE TAKE STEPS TO MAKE USE OF OTHER FACILITIES SO THAT THE EDUCATION OF THE CHILDREN CAN BE CONTINUED? DOESN'T SHE FIGURE THAT IS HER RESPONSIBILITY?

MRS. WATSON: MR. SPEAKER IF THE PARENTS CHOOSE NOT TO HAVE THE CHILDREN ATTEND SCHOOL THAT IS THE DECISION THAT THEY CAN MAKE. HOWEVER, WE HAVE THE FACILITY THERE, IT HAS NOT, THE HEALTH PEOPLE HAVE NOT SAID THAT THERE IS A HEALTH PROBLEM IN USING THE FACILITY. I THINK THAT WE WOULD BE WRONG IN MOVING OUT OF THE FACILITY UNTIL WE HAVE HAD SOME INDICATION THAT WE SHOULD.

MR. CHAMBERLIST: SUPPLEMENTARY, MR. SPEAKER, IF THE HONOURABLE MEMBER FROM CARMACKS-KLUANE INDICATES THAT THE PARENTS ARE IMPROPERLY KEEPING CHILDREN AWAY FROM SCHOOL IS THE DEPARTMENT OF EDUCATION GOING TO PROSECUTE ALL THE PARENTS FOR KEEPING THEIR CHILDREN AWAY FROM SCHOOL AS IS REQUIRED UNDER THE ORDINANCE?

MRS. WATSON: MR. SPEAKER, THAT IS NOT WHAT I SAID. MR. SPEAKER, I SAID THE DECISION TO KEEP THE CHILDREN FROM SCHOOL WAS THE DECISION THE PARENTS MADE. WHETHER THAT IS THE RIGHT DECISION OR NOT IS NOT UP TO ME TO SAY. IT IS THE PARENTS DECISION, THIS IS THEIR PREROGATIVE.

MR. CHAMBERLIST: MR. SPEAKER, SUPPLEMENTARY TO THAT, IF IT IS THE PREROGATIVE OF THE PARENTS TO KEEP THEIR CHILDREN AWAY THEN IT IS THE PREROGATIVE AND THE RESPONSIBILITY OF THE DEPARTMENT TO ENSURE, MR. SPEAKER, THAT CHILDREN ATTEND SCHOOL. AGAIN, I REPEAT, IS IT THE INTENTION OF THE DEPARTMENT TO CARRY OUT ITS FUNCTIONS UNDER THE ORDINANCE AND PROSECUTE IF THE DEPARTMENT FEELS THAT THE CHILDREN ARE BEING IMPROPERLY KEPT AWAY FROM SCHOOL? YOU HAVE TO GET OFF THE POT OR SIT FOR A LONG TIME, ONE OR THE OTHER. ESPECIALLY IN ROSS RIVER. WHEN WE ARE TALKING ABOUT THAT WE KNOW WHAT WE MEAN.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS?

QUESTION RE: MEETING OF EDUCATION BOARD RE MR. DUNPHY

MR. CHAMBERLIST: MR. SPEAKER, A QUESTION TO MR. ADMINISTRATOR, PERHAPS THIS WILL LEAD INTO A SERIES OF QUESTIONS. WOULD MR. ADMINISTRATOR INDICATE WHEN THE BOARD THAT HAS BEEN SET UP UNDER THE EDUCATION ORDINANCE IS MEETING FOR THE PURPOSE OF DEALING WITH THE MATTER OF MR. DUNPHY?

MR. ADMINISTRATOR: MR. SPEAKER, THEY BEGAN MEETING YESTERDAY.

MR. CHAMBERLIST: WHEN THEY BEGAN MEETING YESTERDAY DID THEY MEET WITH THE TEACHER CONCERNED?

MR. ADMINISTRATOR: MR. SPEAKER, I HAVE NO KNOWLEDGE OF WHETHER THEY MEET WITH THE TEACHER CONCERNED OR NOT.

MR. CHAMBERLIST: MR. SPEAKER, WOULD THE ADMINISTRATOR INDICATE WHETHER THIS BOARD BEEN ADVISED THAT THERE HAS BEEN INTEREST IN THE BOARD HAVING PUBLIC MEETINGS?

MR. ADMINISTRATOR: MR. SPEAKER, I TOLD THE BOARD THAT THEY WERE COMPLETELY AT LIBERTY TO DECIDE WHETHER OR NOT THEY WANTED TO HAVE PUBLIC MEETINGS.

MR. CHAMBERLIST: PERHAPS THE ADMINISTRATOR COULD INDICATE WHETHER THE BOARD HAS BEEN INSTRUCTED IN ANY WAY AS TO HOW THEY ARE TO CONDUCT THEMSELVES AND THEIR HEARINGS?

MR. ADMINISTRATOR: NO, MR. SPEAKER, THEY HAVE NOT BEEN INSTRUCTED IN ANY WAY.

MR. CHAMBERLIST: MR. SPEAKER, FURTHER SUPPLEMENTARY, WHAT NOTICE HAS BEEN GIVEN TO THE TEACHER THAT THE BOARD IS MEETING IN THIS MANNER?

MR. ADMINISTRATOR: I HAVE NO KNOWLEDGE OF THAT MR. SPEAKER. IT IS ENTIRELY UP TO THE BOARD TO GET IN TOUCH WITH THE TEACHER WHEN THEY CONSIDER IT APPROPRIATE.

MR. CHAMBERLIST: IS MR. ADMINISTRATOR AWARE, MR. SPEAKER, THAT ONE OF HIS OFFICERS HAS BEEN IN TOUCH WITH THE BOARD?

Mr. ADMINISTRATOR: I WAS AWARE THAT Mr. MORRISON WAS IN TOUCH WITH THE BOARD BECAUSE I DELIBERATELY MADE Mr. MORRISON AVAILABLE TO THE BOARD TO CARRY OUT WHATEVER ADMINISTRATIVE CONCERNS AS THEY MIGHT REQUIRE.

QUESTION RE: SITUATION AT PELLY RIVER SCHOOL

Mr. TAYLOR: Mr. SPEAKER, I HAVE A QUESTION I WOULD DIRECT TO THE MEMBER IN CHARGE OF EDUCATION. I WOULD LIKE TO ASK IF THE SITUATION AT THE PELLY SCHOOL HAS NOW BEEN COMPLETELY RESOLVED AND IF ALL THE CHILDREN ARE BACK TO SCHOOL?

Mrs. WATSON: YES, Mr. SPEAKER. WE HAD THREE CHILDREN ABSENT. JUST NORMAL ABSENTEES AT THE BEGINING OF THE WEEK AT PELLY RIVER SCHOOL. AND WE HAD TWO OTHER TEACHERS IN THE SCHOOL.

Mr. TAYLOR: AND THE PROBLEM IS RESOLVED, Mr. SPEAKER?

Mrs. WATSON: Mr. SPEAKER, THE PROBLEM IS RESOLVED.

QUESTION RE: WORK ON WATSON LAKE INFORMATION CENTER

Mr. TAYLOR: I HAVE A FURTHER QUESTION I WOULD DIRECT TO Mr. ADMINISTRATOR THIS MORNING, Mr. SPEAKER. I WOULD LIKE TO ASK HIM IF HE COULD ENLIGHTEN ME AS TO WHEN IT IS EXPECTED WORK WILL BE UNDERTAKEN, I BELIEVE BY THE GOVERNMENT, ON THE WATSON LAKE INFORMATION CENTRE?

Mr. ADMINISTRATOR: Mr. SPEAKER, MY UNDERSTANDING AT THE PRESENT MOMENT IS THAT THEY ARE EXPECTING TO HAVE THE NEW INFORMATION CENTER FACILITIES READY FOR OCCUPANCY SOMETIME EARLY IN JULY. DURING THE INTERVAL BETWEEN NOW AND THE TIME THEY CAN OCCUPY THE NEW CENTER THEY MAY HAVE TO USE THE OLD CENTER. AND THERE MAY BE A SMALL AMOUNT OF MONEY SPENT TO MAKE IT POSSIBLE FOR THEM TO USE THE OLD CENTER. I THINK, AS I INDICATED BEFORE, WE ARE HOPING THAT IT WILL NOT BE NECESSARY TO DO THIS.

Mr. TAYLOR: SUPPLEMENTARY, Mr. SPEAKER, I WOULD LIKE TO ASK Mr. ADMINISTRATOR, INASMUCH AS IT IS INTENDED TO DO THIS ON A LABOUR BASIS BY THE GOVERNMENT COULD WE HAVE THE

ASSURANCE OF THE ADMINISTRATOR THAT LOCAL LABOUR, WHERE SUITABLE, WILL BE GIVEN FIRST OPPORTUNITY ON THIS PROJECT?

Mr. ADMINISTRATOR: I WOULD BE GLAD TO TAKE THAT UP WITH THE TERRITORIAL ENGINEER, Mr. SPEAKER, BUT THAT IS A MATTER THAT HE WOULD HAVE TO DETERMINE FOR HIMSELF.

QUESTION RE: PROBLEM OF OUTSIDE LABOUR BEING GIVEN PREFERENCE TO JOBS

Mr. TAYLOR: A FURTHER QUESTION TO Mr. ADMINISTRATOR THIS MORNING, Mr. SPEAKER. IT HAS DO WITH AN ORDINANCE PASSED BY THIS COUNCIL TO WHICH ASSENT WAS REFUSED WHICH WOULD HAVE GIVEN PREFERENCE TO THE LABOUR FORCE IN THE YUKON ON JOBS IN THE YUKON OVER OUTSIDE LABOUR. AS ALL MEMBERS I'M SURE WILL RECALL, Mr. SPEAKER, THIS BILL DID NOT RECEIVE ASSENT. I AM WONDERING IF THE ADMINISTRATION HAVE BEEN CONTINUING TO LOOK INTO THIS PROBLEM, AS IT IS A REAL PROBLEM, AND AS TO WHETHER THEY WILL BE PROVIDING COUNCIL WITH ANY FURTHER INFORMATION AS TO HOW WE CAN RESOLVE THIS PROBLEM?

Mr. ADMINISTRATOR: Mr. SPEAKER, I AM NOT AWARE OF ANY ACTIVITY BEING TAKEN TO FURTHER EXAMINE THE QUESTION OR TO PREPARE ANY FURTHER REPORT TO COUNCIL ON THIS MATTER, BUT I COULD TAKE THE QUESTION IN NOTICE AND INDICATE WHAT IS BEING DONE.

Mr. TAYLOR: IT IS VERY IMPORTANT THAT THIS BE DONE AND I WOULD THANK THE ADMINISTRATOR FOR TAKING NOTICE.

Mr. SPEAKER: ARE THERE ANY FURTHER QUESTIONS? AS THERE ARE NO FURTHER QUESTIONS WE WISH TO THANK Mr. ADMINISTRATOR FOR HIS ATTENDANCE. AS THERE ARE NO PRIVATE BILLS IN ORDER WE COME TO PUBLIC BILL No. 10 INTITULED LOTTERIES ORDINANCE.

Mr. TANNER: Mr. SPEAKER, I WOULD ASK THAT THIS BILL BE PUT OVER FOR ANOTHER DAY.

Mr. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

Mr. TAYLOR: Mr. SPEAKER, I WOULD MOVE THAT Mr. SPEAKER DO NOW LEAVE THE CHAIR AND COUNCIL RESOLVE IN COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS AND MOTIONS.

MR. SPEAKER: IS THERE A SECONDER?

MR. STUTTER: I SECOND THAT MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT MR. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN COMMITTEE OF THE WHOLE TO DISCUSS PUBLIC BILLS, SESSIONAL PAPERS AND MOTIONS. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. SPEAKER: THE HONOURABLE MEMBER FOR WATSON LAKE WILL PLEASE TAKE THE CHAIR IN COMMITTEE OF THE WHOLE.

MR. CHAIRMAN: I WILL JUST CALL COMMITTEE TO ORDER AT THIS TIME. COUNCILLOR STUTTER.

COUNCILLOR STUTTER: MR. CHAIRMAN, I WONDER IF I COULD ASK THE MEMBERS OF COMMITTEE IF THEY COULD AGREE TO A BRIEF CAUCUS. SOMETHING HAS COME UP THAT I FEEL PERHAPS SHOULD BE DISCUSSED IN CAUCUS RATHER THAN A MEETING ITSELF. I DON'T THINK IT SHOULD TAKE LONG BUT IF COMMITTEE COULD AGREE.

MR. CHAIRMAN: DOES COMMITTEE AGREE?

SOME MEMBERS: AGREED.

MR. CHAIRMAN: ALRIGHT, COMMITTEE WILL STAND IN RECESS TO THE CALL OF THE CHAIR.

RECESS

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. WE HAVE WITH US TODAY FOR DISCUSSIONS RELATED TO BILL No. 7, MR. DEACON, MRS. ALFORD AND DR. CRAIG. I WONDER IF YOU HAVE ANY OPENING REMARKS MR. DEACON?

MR. DEACON: WELL ADDRESSING THE RECOMMENDATIONS THAT WE PUT FORWARD THROUGH MRS. WATSON, I THINK POSSIBLY BEFORE WE GET INTO DISCUSSION I WOULD LIKE TO RECORD A STATEMENT THAT WAS PART OF THE ORIGINAL LETTER THAT WE WROTE TO THE SUPERINTENDENT OF EDUCATION, WHICH WAS BEFORE THE MEETING WE HAD WITH MRS. WATSON AND THE OFFICIALS OF THE DEPARTMENT. IN CONNECTION WITH CERTAIN OF THE RECOMMENDATIONS THAT PERTAIN TO THE TEACHERS AND I WOULD LIKE TO MAKE THIS CLEAR AND I'M GOING TO QUOTE DIRECTLY FROM THE MIDDLE PARAGRAPH IN THE LETTER. YOU DON'T HAVE THIS LETTER IN FRONT OF YOU BUT I BELIEVE MRS. WATSON HAS A COPY THOUGH. AND I QUOTE FROM THIS LETTER TO THE REGIONAL SUPERINTENDENT: "IN CONNECTION WITH THE ORDINANCE, YOU WILL NOTE THAT CERTAIN RECOMMENDATIONS (AND I REFER TO THE RECOMMENDATIONS THAT WE SUBMITTED THAT YOU HAVE) REFER TO THOSE PORTIONS OF THE ORDINANCE WHICH PERTAIN TO TEACHERS. THE ADVISORY COMMITTEE WISHES TO MAKE IT ABSOLUTELY CLEAR THAT OUR INTENT IS NOT TO BECOME INVOLVED IN A MATTER OF POLITICS OR INTERFERE IN ANY CONTROVERSY WHICH MAY EXIST BETWEEN THE TEACHERS' ASSOCIATION AND THE DEPARTMENT. OUR CONCERN IN THIS AREA STEMS FROM THE REALIZATION THAT THE BEST INTERESTS OF THE EDUCATIONAL PROCESS CAN ONLY BE SERVED WHEN TEACHERS AS A BODY ARE SATISFIED THAT THEY ARE RECEIVING JUST AND EQUITABLE TREATMENT. UNLESS EVERY EFFORT IS MADE TO ARRIVE AT THAT SETTLEMENT, THE PROCESS MUST SUFFER FROM INTERNAL UNREST AND FROM AN INABILITY TO ATTRACT THE MOST HIGHLY QUALIFIED TEACHING PERSONNEL TO THE YUKON."

I WOULD JUST LIKE TO HAVE THAT READ INTO THE PROCEEDINGS SO THAT OUR INPUT HERE INsofar AS THE TEACHERS ARE CONCERNED IS WITH THAT CONSIDERATION IN MIND ONLY.

MR. CHAMBERLIST: MR. CHAIRMAN, COULD I ASK ONE QUESTION FROM THE WITNESSES, WHETHER THE POINTS OF CONCERN AS OUTLINED ARE THE ONLY POINTS OF CONCERN THAT THE ASSOCIATION THESE WITNESSES BELONG TO ARE? NOTHING BEYOND THESE?

MR. DEACON: I TAKE IT YOU ARE REFERRING TO THE 24 POINTS THAT ARE ON THIS PAGE?

MR. CHAMBERLIST: RIGHT, YES, MR. CHAIRMAN.

MR. DEACON: THESE ARE THE MAJOR POINTS THAT CAME TO MIND AT OUR JOINT MEETING APPROXIMATELY A WEEK AGO YESTERDAY.

MR. TANNER: MR. CHAIRMAN, COULD WE JUST HAVE CLARIFIED WHO THE WITNESSES ARE REPRESENTING. WHEN YOU INTRODUCED THEM, YOU DIDN'T SAY.

MR. CHAIRMAN: WELL IT'S MY UNDERSTANDING THAT THEY ARE REPRESENTING THE WHITEHORSE ADVISORY COMMITTEES JOINTLY. IS THIS CORRECT?

MR. DEACON: THAT'S CORRECT. I CHAIRED A MEETING WHICH CONSISTED OF ALL THE ADVISORY COMMITTEES FROM THE SEVEN WHITEHORSE SCHOOLS, BOTH ELEMENTARY, JUNIOR-SECONDARY AND SECONDARY SCHOOLS. AND AS ACTING CHAIRMAN OF THAT GROUP, THAT'S WHAT I REPRESENT NOW.

MR. CHAIRMAN: COUNCILLOR WATSON.

MRS. WATSON: MR. CHAIRMAN, I THINK I SHOULD ALSO EXPLAIN TO COUNCIL THAT THIS GROUP OF PEOPLE, THIS JOINT ADVISORY COMMITTEE FOR THE WHITEHORSE AREA HAS PROBABLY GIVEN THE SCHOOL ORDINANCE THE MOST THOROUGH REVIEW OF ANY GROUP OF PEOPLE IN THE TERRITORY. I MET WITH THEM LAST WEEK REGARDING THE 24 POINTS THAT THEY HAVE BROUGHT FORWARD. AND AT THAT TIME I TOLD THEM IN WHAT AREAS WE WOULD BE PREPARED TO MAKE CERTAIN AMENDMENTS. I HAD HOPED TO HAVE THE AMENDMENTS HERE SO THAT THEY COULD BE TABLED SO THAT THE WITNESSES AND THE COUNCIL WOULD BE ABLE TO CONSIDER THE AMENDMENTS. UNFORTUNATELY, WE HAVEN'T GOT THEM COMPLETED, BUT IT MIGHT BE JUST AS WELL, SO THAT WE CAN HAVE COUNCIL INPUT BEFORE THE FINAL AMENDMENTS ARE DRAFTED. BUT THE COMMITMENTS THAT I HAVE MADE, I AM PREPARED TO GO ALONG WITH, BUT OF COURSE THEY HAVE TO HAVE THE APPROVAL FROM THE REST OF THE COUNCIL. BUT WHEN AMENDMENTS ARE MADE AND BROUGHT FORWARD THROUGH THE HOUSE, THE WITNESSES AND THE ORGANIZATION THAT THEY REPRESENT WILL CERTAINLY BE GIVEN COPIES OF THE AMENDMENTS AT THAT TIME.

MR. STUTTER: MR. CHAIRMAN, MIGHT I SUGGEST THEN THAT WE GO OVER THESE POINTS AND THE ONES THAT THE ADMINISTRATION HAVE ALREADY AGREED TO AMEND. THAT THESE AMENDMENTS BE SPELLED OUT ROUGHLY TO US SO THAT WE KNOW HOW WE'RE DEALING WITH THEM AS WE GO ALONG.

MR. CHAIRMAN: POSSIBLY THE BEST MANNER IN PROCEEDING IN THIS REGARD WOULD BE TO TAKE THEM ITEM 1, ITEM 2, ITEM 3, AND DEAL WITH THEM IN THAT ORDER AND POSSIBLY MR. DEACON YOU COULD KICK IT OFF.

MR. DEACON: ALRIGHT, IF THAT'S SATISFACTORY TO YOU MRS. WATSON?

MRS. WATSON: YES, AGREED.

MR. DEACON: THE FIRST ITEM DEALS WITH PARAGRAPH 20 IN THE REVISED ORDINANCE. IN THE REVISED ORDINANCE; "A SCHOOL COMMITTEE IS EMPOWERED TO REQUEST AN EVALUATION EITHER OF A SCHOOL ITSELF OR OF AN INDIVIDUAL TEACHER." THE ORDINANCE GOES ON TO AUTHORIZE THE DISCUSSION OF THAT EVALUATION IN THE CASE OF THE TEACHER, BETWEEN THE REGIONAL SUPERINTENDENT AND THE COMMITTEE, BUT IT MAKES NO MENTION OF A SUBSEQUENT DISCUSSION IN THE CASE WHERE IN THE EVALUATION OF THE SCHOOL ITSELF HAS BEEN REQUESTED.

WE FELT THAT THIS WAS AN OMISSION IN THE ORDINANCE. MRS. WATSON AGREED AND IT WAS SAID THAT THIS WOULD BE INCLUDED IN THE ORDINANCE. A DISCUSSION OF THE RESULTS OF AN EVALUATION WHEN THE COMMITTEE HAS REQUESTED AN EVALUATION OF A SCHOOL.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER THEN IF THE WITNESS CAN INDICATE WHETHER THEY'RE SATISFIED WITH THE PREAMBLE WHICH SAYS; "A REGIONAL SUPERINTENDENT SHALL, SUBJECT TO ANY INSTRUCTIONS OF THE SUPERINTENDENT". DO YOU UNDERSTAND WHAT THAT MEANS IN LEGISLATIVE TERMS? THAT WHATEVER THE REGIONAL SUPERINTENDENT DECIDES TO DO THAT IT CAN BE OVERRULED BY THE SUPERINTENDENT IN ANY EVENT. ARE YOU AWARE OF THIS?

MR. DEACON: WE HADN'T ADDRESSED THAT WORDING AT ALL MR. CHAMBERLIST.

MRS. WATSON: MR. CHAIRMAN, MIGHT I POINT OUT THAT THIS CERTAINLY ISN'T THE INTENT. WE DO KNOW THE REGIONAL SUPERINTENDENT IS UNDER THE SUPERVISION OF THE SUPERINTENDENT. HOWEVER, WE ARE ASSIGNING THE DUTIES OF THE REGIONAL SUPERINTENDENT IN THIS SECTION AND THIS CERTAINLY IS NOT THE INTENT. THE REGIONAL SUPERINTENDENT SHOULD BE DISCUSSING THESE EVALUATIONS FULLY, OF THE TEACHERS' EVALUATION AND THE SCHOOL EVALUATION AND THE POWER SHOULD BE GIVEN IN BOTH AREAS. AND THERE WAS A DEFICIENCY IN THE LEGISLATION.

MR. CHAMBERLIST: MR. CHAIRMAN, WITH RESPECT. THOSE OF US THAT HAVE HAD SOME EXPERIENCE, WE KNOW THAT THERE'S NO SUCH THING AS INTENT. WHAT IS NOT WRITTEN, IS NOT IMPLIED. AND I WANT TO MAKE IT QUITE CLEAR THAT THE WITNESSES UNDERSTAND THAT THE REGIONAL SUPERINTENDENT IS MANDATORILY, BECAUSE OF THE WORD "SHALL" SUBJECTED TO ANY INSTRUCTIONS OF THE SUPERINTENDENT, NOTWITHSTANDING THAT HE MAY DECIDE TO ACT IN THE MANNER AS OUTLINED IN THE LEGISLATION. AND I WANT TO KNOW WHETHER THE WITNESSES UNDERSTAND THAT PARTICULAR PREAMBLE TO THAT PARTICULAR SECTION?

MRS. ALFORD: I WOULD LIKE TO ASK SOMETHING IN RELATION TO THIS. WOULD THAT MEAN, MR. CHAIRMAN, THAT THE MANDATORY PROVISION OF THIS SECTION 20, COULD BE DISMISSED, DISPENSED WITH ACCORDING TO THE ORDER OF THE SUPERINTENDENT?

MR. CHAMBERLIST: YES, THAT'S WHAT IT MEANS. THAT'S EXACTLY WHAT IT MEANS UNDER THAT PREAMBLE AND THIS IS WHY I WANTED THE WITNESSES TO UNDERSTAND QUITE CLEARLY THAT THIS COULD HAPPEN; "BECAUSE A REGIONAL SUPERINTENDENT SHALL, SUBJECT TO ANY INSTRUCTIONS OF THE SUPERINTENDENT", AND THAT IS SOMETHING YOU MUST WATCH VERY VERY CAREFULLY.

MR. DEACON: MR. CHAIRMAN, I WOULD REFER YOU TO OUR POINT NO. 11. AND I DON'T MEAN TO GET OUT OF CONTEXT HERE, BUT WE HAVE POINTED OUT THERE, THE FEELING OF THE ENTIRE COMMITTEE, THAT THE FINAL AUTHORITY IN MATTERS OF EDUCATION SHOULD REST WITH AN ELECTED PERSON, NOT WITH AN APPOINTED PERSON. AND I THINK THAT BEARS ON THIS SITUATION.

MR. CHAMBERLIST: RIGHT. EXACTLY. THAT'S WHAT I'M GETTING AT.

MR. CHAIRMAN: DO YOU HAVE ANYTHING FURTHER THEN ON ITEM 1?

MRS. ALFORD: WELL I CERTAINLY WOULD LIKE TO REGISTER SOME KIND OF UNREST AT THE THOUGHT THAT THOSE PROVISIONS COULD BE DISPENSED WITH UNDER THE SUPERINTENDENT'S ORDER. I CERTAINLY CANNOT UNDERSTAND THAT LEGISLATION CAN SET DOWN SOMETHING AND THEN IT CAN BE TAKEN AWAY BY ANOTHER AUTHORITY. I MEAN, TO MY MIND, IT'S IMPOSSIBLE AND I QUESTION THAT IT COULD HAPPEN, BUT I'M PREPARED TO ACCEPT THAT IT CAN. AND IN THAT CASE, I WOULD CERTAINLY BE VERY VERY WORRIED. BEYOND THAT I DON'T THINK I CAN DO ANYTHING.

MR. CHAIRMAN: COUNCILLOR WATSON.

MRS. WATSON: MR. CHAIRMAN, IT WAS NOT! AND AGAIN I'M SAYING, THE INTENT. THE INTENT OF THE LEGISLATION WAS TO SET UP THE STRUCTURE THAT THE SUPERINTENDENT IS RESPONSIBLE FOR THE ACTIONS OF THE REGIONAL SUPERINTENDENT AND THE REGIONAL SUPERINTENDENT IS RESPONSIBLE FOR THE PRINCIPALS OF HIS REGION. THEY MUST ACCEPT THE RESPONSIBILITIES. NOW WE CAN LOOK AT THAT "SUBJECT TO ANY INSTRUCTIONS OF THE SUPERINTENDENT" AND WE MAY HAVE TO DIVIDE THOSE SECTIONS UNDER 20 SUB (1). BECAUSE I AGREE THAT IF THE AUTHORITY IS GIVEN TO THE REGIONAL SUPERINTENDENT TO DISCUSS WITH THE SCHOOL COMMITTEES, THE EVALUATIONS, THEN I WOULD HATE TO THINK THAT A SUPERINTENDENT WOULD BE ABLE TO SAY, YOU SHALL NOT DISCUSS. AND I AM CERTAINLY PREPARED TO LOOK AT THAT STRUCTURE OF THE DRAFTING IN THAT AREA AND I CAN UNDERSTAND YOUR CONCERN.

BUT THE INTENT IS THAT HE SHALL DISCUSS IT WITH THE COMMITTEE.

MRS. ALFORD: MR. CHAIRMAN, IF I MAY SAY ALSO, WE HAVE A RECOMMENDATION, AT THE MOMENT I CAN'T RECALL THE NUMBER, HAVING TO DO WITH SPECIFICALLY THE SCHOOL COMMITTEES THEMSELVES WHERE WE ASK FOR FURTHER CROSS REFERENCES AMONG THE OFFICIALS OF THE DEPARTMENT. IT'S OUR RECOMMENDATION NO. 10. AND CERTAINLY WE WOULD LIKE THEN TO ADD TO THIS RECOMMENDATION NO. 10, SPECIFIC CONCERN WITH REGARD TO WHAT JUST HAS BEEN MENTIONED. PERHAPS IN THE SECTION CONCERNING THE SUPERINTENDENT, A GENERAL REFERENCE SHOULD BE MADE TO MANDATORY CONSULTATIONS OR WHATEVER THEY WILL BE CALLED, WITH ADVISORY COMMITTEES OR WITH SCHOOL COMMITTEES. AND THIS WOULD, AT LEAST ALLEVIATE OUR OWN WORRIES IN THIS RESPECT.

MR. TANNER: MR. CHAIRMAN, FROM THE REMARKS PUT ON THE SECOND INFORMATION SHEET, AFTER THE CONSULTATION WITH MRS. WATSON, SHE DOES COMMENT ON THAT TO THE EFFECT THAT THAT'S WHAT WE'RE GOING TO DO AS I UNDERSTAND IT.

THE TWO POINTS SPECIFIED WILL BE INCLUDED IN THE PRINCIPALS' AND ALL THE REGIONAL SUPERINTENDENTS' TERMS OF REFERENCE.

MRS. ALFORD: YES, HOWEVER, I MAY ADD TO THIS THAT I WAS PERSONALLY ASKED AT THE MEETING WITH MRS. WATSON, BY MR. FERBEY WHO IS SUPPOSED TO DROP THOSE AMENDMENTS OR TO HELP DROP THOSE



AMENDMENTS, TO GIVE HIM A LIST OF OUR POINTS, SPECIFIC POINTS OF CROSS REFERENCES THAT WE WOULD LIKE TO SEE INCLUDED IN THE ORDINANCE. NOW I WOULD LIKE TO ADD THIS ONE TO THE LIST I GAVE WHICH AT THAT TIME I DIDN'T INCLUDE IT BECAUSE WE CERTAINLY HAD NOT TAKEN THIS PREAMBLE AS MEANING WHAT APPARENTLY IT MEANS.

MR. CHAMBERLIST: MR. CHAIRMAN, I WOULD LIKE TO GO A LITTLE BIT FURTHER ON THIS. NOW I SEE NOTHING WRONG FOR INSTANCE WITH (A). CERTAINLY, "A REGIONAL SUPERINTENDENT SHALL, SUBJECT TO ANY INSTRUCTIONS OF THE SUPERINTENDENT, ASSIST THE SUPERINTENDENT IN CARRYING OUT THE PROVISIONS OF THIS ORDINANCE."

THERE IS NOTHING WRONG WITH (B). WHEN YOU COME TO (C), LOOK AT THE DANGER THAT EXISTS HERE. "THE REGIONAL SUPERINTENDENT SHALL, SUBJECT TO ANY INSTRUCTIONS OF THE SUPERINTENDENT, ASSIST AND ADVISE SCHOOL COMMITTEES IN THE PERFORMANCE OF THEIR DUTIES UNDER THIS ORDINANCE." SO THAT EVEN IF THE REGIONAL SUPERINTENDENT OF SCHOOLS WISHED TO ASSIST AND WORK CLOSELY WITH THE ADVISORY SCHOOL COMMITTEE, THE SUPERINTENDENT CAN GIVE INSTRUCTIONS TO HIM, TO DO IT IN SOME OTHER WAY, IN THE WAY THAT HE WANTS IT. SO IT WOULD DISPENSE COMPLETELY IN THAT PARTICULAR SUB-SECTION WITH THE RIGHT OF THE REGIONAL SUPERINTENDENT, WHO YOU INTEND TO GIVE THE POWERS TO, TO USE THOSE POWERS THAT YOU INTEND TO GIVE HIM. AND THIS IS A WEAKNESS THERE.

NOW UNDER (D) AGAIN IT'S VERY QUESTIONABLE BECAUSE THE SUPERINTENDENT CAN RESTRICT THE FURNISHING TO MEMBERS OF THE SCHOOL COMMITTEE AND TEACHERS, THE INFORMATION RESPECTING THIS ORDINANCE, BECAUSE IT'S AGAIN SUBJECT TO THE SUPERINTENDENT. SO YOU'VE GOT SOMETHING TO WORRY ABOUT THERE.

NOW I DON'T FIND ANYTHING WRONG WITH (E). AGAIN WITH (F) THERE'S NOTHING WRONG BECAUSE THE SUPERINTENDENT HAS A RESPONSIBILITY OF ASSIGNING TEACHERS. I FIND THERE'S NOTHING WRONG THERE. NOR WITH (G).

BUT IF HE GETS INSTRUCTIONS UNDER (H) AS TO WHAT SHOULD BE THE NATURE OF THE REPORT, THIS IS A DANGEROUS AREA. THE REGIONAL SUPERINTENDENT MIGHT WANT TO REPORT IN A SPECIFIC WAY AS HE SEES IT AND THE SUPERINTENDENT SAYS, "DON'T WRITE IT LIKE THAT, WRITE IT IN THIS PARTICULAR WAY." HE TAKES AWAY THE AUTHORITY THAT YOU GIVE TO THE REGIONAL SUPERINTENDENT. SO THERE'S A DANGER THERE.

NOW AGAIN WITH THE EVALUATING AND THE WORK OF EACH TEACHER IN HIS REGION, THERE MIGHT BE A DANGER THERE AS WELL. I THINK THAT WE HAVE TO LOOK VERY VERY CLOSELY TO SEE THAT THERE IS NO AREA WHERE THE REGIONAL SUPERINTENDENT WHO IS GIVEN AN AREA OF WORK TO PERFORM IS SUBJECT TO INSTRUCTIONS FROM THE SUPERINTENDENT HOW TO CONDUCT HIMSELF AND WHAT TYPES OF THINGS TO SAY IN THOSE PARTICULAR AREAS. BECAUSE YOU MIGHT AS WELL DISPENSE WITH A REGIONAL SUPERINTENDENT ENTIRELY AND JUST SAY THE SUPERINTENDENT DOES IT.

MRS. WATSON: MR. CHAIRMAN, I THINK THE HONOURABLE MEMBER HAS MADE A GOOD POINT AND WOULD YOU NOT AGREE THAT IT IS A DRAFTING SITUATION, SO THAT YOU SEPARATE THE TWO AREAS. AND WE ARE PREPARED TO DO THIS AND IN NO WAY ARE WE HOPING TO RESTRICT THE REGIONAL SUPERINTENDENT IN HIS RELATIONSHIP OR ACTIVITIES WITH THE SCHOOL COMMITTEES OR THE SCHOOL PRINCIPALS.

MR. CHAIRMAN: ARE YOU PRETTY WELL CLEAR ON 20 AND APPARENTLY IT'S TO BE REFERRED BACK FOR REDRAFTING.

THE NEXT IS ITEM 2.

MR. DEACON: THANK YOU MR. CHAIRMAN. I THINK THAT'S FAIRLY SELF-EXPLANATORY. I SHOULD SAY THAT WE DIDN'T COME TO A MEETING OF MINDS IN OUR DISCUSSIONS WITH THE DEPARTMENT OFFICIALS ON THE POINTS MENTIONED HERE. THE POINTS THAT THE COMMITTEE HAS MADE ARE IN GENERAL, VERY CLOSELY IN AGREEMENT WITH THE SUBSTANCE OF THE LEVINS REPORT. I DON'T REALLY THINK THERE IS MUCH MORE I CAN SAY IN THIS OTHER THAN REFER YOU TO OUR RECOMMENDATIONS.

MR. CHAMBERLIST: MR. CHAIRMAN, THIS IS BEING DEALT WITH ALREADY.

MR. CHAIRMAN: YES, THIS IS THE MATTER WE DID DEAL WITH YESTERDAY. ALRIGHT WE'LL MOVE THEN TO ITEM 3.

MRS. WATSON: MR. CHAIRMAN, I WOULD LIKE TO HEAR THE COMMITTEE'S VIEWS ON 2(B), TENURE BE ABOLISHED. I THINK THIS MATTER HAS NOT BEEN COMPLETELY RESOLVED IN THIS COUNCIL. I WOULD LIKE TO HEAR THE COMMITTEE'S VIEWS ON 2(B).

MR. CHAMBERLIST: I WONDER IF THE WITNESS COULD INDICATE IN WHAT CONTEXT IS THIS

PARTICULAR ITEM. THE COMMITTEE RECOMMENDS TENURE BE ABOLISHED.

Mr. DEACON: OUR CONCERN HERE, I THINK, STEMS FROM OUR FEELING THAT TENURE IS A MEANS OF AFFORDING JOB SECURITY, IF YOU LIKE TO A TEACHER ONCE THEY HAVE ACHIEVED A TWO YEAR RESIDENCY. WE DON'T FEEL THAT IT ACCOMPLISHES MUCH BY WAY OF FURTHERANCE OF OUR EDUCATIONAL AIMS. IT IS A PROTECTION IN THIS MATTER TO TEACHERS AND THAT IS ALL WE SEE IT AS.

WE REALLY FEEL THAT A COMPETENT TEACHER SHOULD HAVE NO APPREHENSION ON JOB SECURITY. I EMPHASIZE COMPETENCY. IT IS THE COMMITTEE'S FEELINGS THAT THE INSTITUTION OF A SYSTEM OF TENURE CAN REALLY ENCOURAGE INCOMPETENCY. REALLY THEN THE ONLY MEANS OF RIDDING YOURSELF OF AN INEFFICIENT TEACHER IS THROUGH GROSS MISCONDUCT OR SOME OTHER AREA THAT IS SPELT OUT IN THE ORDINANCE UNDER WHICH A TEACHER CAN BE DISMISSED. BUT NOT FOR GENERAL INEFFICIENCY.

Mr. CHAMBERLIST: I DON'T THINK WE SHOULD GO INTO THE INTERPRETATION OF WHAT IS GROSS MISCONDUCT. THAT IS BEING DEALT WITH IN SOME OTHER FORM AT THIS TIME.

Mrs. WATSON: MR. CHAIRMAN, THEN I TAKE IT, IF TENURE WERE ABOLISHED THERE WOULD BE NO REQUIREMENT TO HAVE A PROBATIONARY PERIOD. WHEN YOU ARE TALKING ABOUT TENURE BEING ABOLISHED A CONTRACT IS RENEWED ON A YEAR TO YEAR BASIS.

Mr. MCKINNON: AREN'T WE TALKING AFTER THE TWO YEAR PROBATIONARY PERIOD, THE TENURE BE ABOLISHED. WE ARE TALKING ABOUT STILL RETAINING A PROBATIONARY PERIOD. FOLLOWING A PROBATIONARY PERIOD, AT THAT TIME TENURE BE ABOLISHED. IS THAT WHAT YOU ARE REFERRING TO?

Mr. DEACON: I AM NOT REALLY SURE IN MY OWN MIND WHAT THE DISTINCTION WOULD BE AT THE END OF THE TWO YEAR PERIOD. I SEE MRS. WATSON'S POINT, MR. CHAIRMAN, BUT I AM NOT SURE WHERE THE DISTINCTION WOULD LIE THERE BETWEEN A TEACHER UNDER THE PRESENT PROBATIONARY PERIOD AND SOMEBODY WHO HAS EXCEEDED THE TWO YEAR PERIOD.

SURELY, IT WOULD BE POSSIBLE THOUGH, TO DRAFT THE WORDING OF THE CONTRACT SUCH THAT THE TIMING OF A RENEWAL COMES UP AT AN AUTOMATIC TIMING PERIOD. THIS SORT OF THING.

Mrs. WATSON: WOULD YOU BE LOOKING AT A RENEWAL ON A YEARLY RENEWAL OF A CONTRACT?

Mr. DEACON: I THINK SO.

Mrs. ALFORD: THIS IS WHAT WE HAVE UNDERSTOOD. THIS IS WHAT WE HAVE UNDERSTOOD FROM MR. LEVIR'S REPORT ITSELF.

Mrs. WATSON: I JUST WANTED TO CLARIFY IT BECAUSE I THINK THAT A LOT OF PEOPLE WHEN YOU SAY TENURE JUST AREN'T QUITE CLEAR IN THEIR MINDS JUST WHAT WE ARE REFERRING TO. IF YOU ABOLISH TENURE YOU DO NOT NEED PROBATIONARY PERIOD BECAUSE ACTUALLY IN THE TWO YEAR PROBATIONARY PERIOD THAT WE PROPOSED, THOSE ARE THE TWO YEARS BEFORE THEY GAIN TENURE. THEY ARE RENEWED FROM THE FIRST YEAR TO THE SECOND. AFTER THAT THEIR CONTRACT IS NOT RENEWED. IT DOESN'T HAVE TO BE RENEWED EVERY YEAR. IT IS AN ONGOING APPOINTMENT.

Mr. CHAIRMAN: JUST FOR THE INFORMATION OF COMMITTEE, I'M SURE EVERYONE IS INTERESTED. APPARENTLY THE GOVERNMENT HAS JUST BEEN DEFEATED IN OTTAWA. PROCEED.

Mr. CHAMBERLIST: DOES THAT GET RID OF OUR SENIOR CIVIL SERVANTS HERE FROM THE FEDERAL DEPARTMENT. THAT WOULD BE WONDERFUL.

Mr. CHAIRMAN: WOULD YOU PROCEED.

Mr. CHAMBERLIST: MR. CHAIRMAN, IT IS A PITY THE LEGAL ADVISOR IS NOT HERE ON THIS ONE. WHEN WE TALK ABOUT TEACHERS WHO ARE EMPLOYED UNDER CONTRACT AND THEN SPEAK ABOUT PROBATION AT THE SAME TIME, THERE SEEMS TO BE A CLASH.

IF THEY ARE GOING TO HAVE A CONTRACTUAL RELATIONSHIP WITH THE GOVERNMENT OF THE YUKON TERRITORY, SHOULD WE CONSIDER IT A PROBATIONARY PERIOD? IF YOU HAVE GOT A CONTRACT IT IS FOR A FIXED TIME.

Mrs. WATSON: MR. CHAIRMAN, I SHOULDN'T HAVE SAID CONTRACT. IT IS AN APPOINTMENT.

Mr. CHAIRMAN: ANYTHING FURTHER ON TENURE.

Mr. DEACON: JUST THIS, Mr. CHAIRMAN. OUR COMMITTEE FEELS THAT THE BEST INTEREST OF THE SYSTEM WOULD BE SERVED AND AT THE SAME TIME THE TEACHERS' INTEREST, AND WE ARE CONCERNED WITH THIS, WOULD BE ADEQUATELY PROTECTED THEN BY ABOLITION OF A PERIOD OF PROBATION AND THE WITHDRAWAL OF THE TENURE SYSTEM AFTER A TWO YEAR PERIOD AND AN ANNUAL RENEWAL OF APPOINTMENT.

Mrs. WATSON: Mr. CHAIRMAN, I WONDER, ANOTHER THING WE WOULD HAVE TO CONSIDER, WHETHER WE WOULD HAVE PROBLEMS IN RECRUITING TEACHERS BECAUSE OF THE LACK OF JOB SECURITY.

Mrs. ALFORD: WE UNDERSTAND THAT THE PROVISION OF TENURE HAS COME INTO DISCUSSION THROUGHOUT CANADA AND SOME PROVINCES AND SOME DISTRICTS HAVE ALREADY ABOLISHED IT. IT WAS RECOMMENDED BY THE TEACHERS' ASSOCIATION THEMSELVES. AT THIS POINT I THINK I WOULD LIKE TO ADD A VERY IMPORTANT FACTOR IN THIS. WE ARE CONSIDERING, WE DID CONSIDER THOSE THREE POINTS TOGETHER AND NOW IT IS ABSOLUTELY ESSENTIAL THAT THERE BE A STRONG PROFESSIONAL BODY OF TEACHERS IN THE YUKON EDUCATIONAL SYSTEM WITH DEFINITE CONDITIONS AND PRIVILEGES THAT PERTAIN TO PROFESSIONALISM. IN THAT CASE WE FEEL THAT THIS WOULD GUARANTEE QUALITY AND AT THE SAME TIME THE NO TENURE CLAUSE WOULD COME INTO IT AS THE COUNCIL BALANCED TO THIS. IN OTHER WORDS, ONCE WE ARE GUARANTEED QUALITY, OR AT LEAST HAVE A REASONABLE ASSURANCE OF QUALITY, THROUGH FACILITATING FULL PROFESSIONAL STATUS FOR YUKON TEACHERS, WE FEEL THEN THAT IT IS OUR PRIVILEGE TO DEMAND THAT THIS PROFESSIONAL STATUS AND THIS EQUALITY BE EVIDENT ENOUGH THAT IF THEY ARE NOT, THEN WE CAN GET RID OF THE TEACHER. IN OTHER WORDS, WE FEEL THOSE TWO PROVISIONS, A AND B ARE VERY CLOSELY RELATED. IT CERTAINLY WOULDN'T BE OUR MIND TO INSIST ON NO TENURE IN CONDITIONS WHERE PROFESSIONAL STATUS WOULDN'T BE WELL ESTABLISHED FOR TEACHERS.

I THINK THIS WAS THE MIND OF THE TEACHERS' ASSOCIATION WHEN THEY THEMSELVES RECOMMENDED THAT TENURE BE ABOLISHED. THEY SEE IT AS ONE ASPECT OF FULL PROFESSIONAL STATUS WHICH IS ITS OWN GUARANTEE.

Mrs. WATSON: Mr. CHAIRMAN, I BELIEVE THE TEACHERS' ORGANIZATION HAS HAD SECOND THOUGHTS ON THAT BRIEF THAT WAS PRESENTED TO THE COMMITTEE. I THINK THIS IS ONE AREA, WHEN

WE HAVE THE YTA HERE, WE ARE GOING TO HAVE TO DO SOME FURTHER QUESTIONING. I WONDER HOW THE COMMITTEE FEEL ABOUT MEMBERSHIP IN THE YTA BEING A CONDITION OF EMPLOYMENT IN THE TERRITORY?

Mr. CHAIRMAN: TO WHOM DO YOU ADDRESS THAT QUESTION?

Mrs. WATSON: TO THE WITNESSES.

Mr. DEACON: Mr. CHAIRMAN, THIS WASN'T DISCUSSED IN EITHER ONE OF OUR RECENT MEETINGS. I HESITATE TO PUT A PERSONAL OPINION ON THIS BUT I ALSO DON'T FEEL THAT WE SHOULD PUT OURSELVES IN A POSITION OF SPEAKING FOR THE YUKON TEACHERS' ASSOCIATION AS WITNESSES HERE.

Mr. CHAIRMAN: DO YOU HAVE ANYTHING FURTHER UNDER ITEM 2?

Mr. CHAMBERLIST: Mr. CHAIRMAN, I WOULD LIKE TO RESERVE ANY FURTHER COMMENT ON IT UNTIL A LATER TIME. I WOULD LIKE TO LOOK AT THAT ...

Mr. CHAIRMAN: THIS IS FINE. WE ARE JUST MORE OR LESS TAKING THEM IN ORDER AND IF SOMETHING DOES OCCUR TO A MEMBER IT IS QUITE ...

Mrs. ALFORD: Mr. CHAIRMAN, I MAY BE GOING OUT ON A LIMB. MY UNDERSTANDING, NOT SO MUCH FROM THIS DISCUSSION BUT FROM PREVIOUS DISCUSSIONS, IS THAT MEMBERSHIP IN THE YTA THAT HAS JUST BEEN MENTIONED WE CONSIDER TO BE INCLUDED IN OUR POINT A. IN OTHER WORDS WHEN WE SPEAK OF ACCORDING PROFESSIONAL RECOGNITION TO THE YTA UNDER THIS ORDINANCE WE DID, AT SOME POINT IN THE PAST, SPEAK OF THAT MANDATORY MEMBERSHIP. WE FELT THAT IT WOULD BE A NECESSARY FACTOR OF IT. I WILL HAVE TO ADMIT THAT IT HASN'T BEEN CLEARLY SPECIFIED THIS YEAR.

Mr. TANNER: Mr. CHAIRMAN, DID THE WITNESS SAY NECESSARY OR UNNECESSARY?

Mrs. ALFORD: NECESSARY.

Mrs. WATSON: Mr. CHAIRMAN, THEN YOU WOULD LOSE ANY ADVANTAGES YOU WOULD GET BY ABOLISHING TENURE.

Mrs. ALFORD: IT WOULD BE ANOTHER ATTEMPT TO BALANCE THE OTHERS. BUT NOT NECESSARILY BECAUSE WE WOULD HAVE TO RELY ON PROFESSIONAL INTEGRITY.

MR. CHAIRMAN: I THINK IT HAS BEEN INDICATED THAT IT IS NOT A QUESTION THAT HAS BEEN FULLY CONSIDERED BY THE JOINT COMMITTEES.

MR. CHAMBERLIST: MR. CHAIRMAN, I WOULD LIKE TO RAISE A QUESTION ON THE REPLY GIVEN TO 2(C). I TAKE IT THAT THESE ARE THE REMARKS, THESE ARE THE ANSWERS THAT HAVE BEEN GIVEN BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE. THE QUESTION THAT WAS RAISED THAT THE APPEAL BOARD BE CONSTITUTED AS AN IMPARTIAL BOARD, AS DEFINED IN THE POLICY PAPER WITH REPRESENTATION FROM THE YTA. THE REPLY IS THAT THE TEACHERS NOW HAVE ACCESS TO AN IMPARTIAL APPEAL BOARD. RECOMMENDATIONS TO THE JOINT COMMITTEE WITH RESPECT TO THESE POINTS REMAIN UNCHANGED.

THE TRUTH IS THAT THE TEACHERS DO NOT HAVE ACCESS TO AN IMPARTIAL APPEAL BOARD BECAUSE THE APPEAL BOARD IS APPOINTED BY THE COMMISSIONER. THE ONLY WAY THAT A BOARD CAN BE IMPARTIAL IS, I WOULD SUGGEST, IF THE BOARD ITSELF WERE SET UP IN THE MANNER THAT WE HAVE ALREADY DISCUSSED YESTERDAY WITH MR. HERON. NOT TO SAY THAT IT IS ALREADY AN IMPARTIAL APPEAL BOARD. IT IS NOT AT THIS TIME.

MRS. WATSON: MR. CHAIRMAN, MAYBE I SHOULD CLARIFY THAT. THE IMPARTIAL APPEAL BOARD THAT I WAS REFERRING TO WAS THE ADJUDICATION PROCEDURE IN THE PUBLIC SERVICE ORDINANCE. THIS IS THE QUESTION I WANTED TO ASK THE WITNESSES HERE TODAY. SHOULD THE APPEAL BOARD BE CONSTITUTED AS AN IMPARTIAL BOARD? I AM WONDERING WHEN YOU WOULD FEEL THE APPEAL BOARD WOULD BE USED. WOULD IT BE IN QUESTION, FOR EXAMPLE, OF DISMISSAL AND THIS TYPE OF THING.

MR. DEACON: YES, THAT WOULD FALL WITHIN THAT CATEGORY, I THINK.

MRS. WATSON: AFTER THE CONSIDERATION WE GAVE TO WHAT THE YTA AND THE COLLECTIVE BARGAINING RIGHTS THAT WE ESTABLISHED YESTERDAY, AND TAKING THESE SECTIONS OUT OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AND PUTTING THEM INTO SCHOOL ORDINANCE, WOULD THEN TAKE CARE OF THAT APPEAL BOARD. WOULD IT NOT?

MRS. ALFORD: WHETHER YOU HAVE A SECTION ON THE APPEAL BOARD IN THERE, I DON'T KNOW.

MRS. WATSON: IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE THERE IS PROVISION FOR IMPARTIAL ADJUDICATION AND PROCEDURE FOR GRIEVANCES WHERE YOU WOULD USE AN APPEAL BOARD. BUT THERE IS ALREADY PROVISION FOR THIS IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. SECTIONS WHICH WILL BE PUT INTO THE SCHOOL ORDINANCE.

MR. TANNER: MR. CHAIRMAN, I THINK THE WITNESSES ARE NOT AWARE OF THE FACT THAT YESTERDAY WE MADE THE DECISION TO PUT MOST OF WHAT YOU ARE TALKING ABOUT HERE INTO THE SCHOOL ORDINANCE. OUT OF THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE.

MR. DEACON: WE TAKE IT THEN, MR. CHAIRMAN, THAT THE APPEAL BOARD WILL BE CONSTITUTED SOMEWHAT SIMILAR TO WHAT WAS SPECIFIED IN THE POLICY PAPER. A THREE MAN BOARD; A MEMBER APPOINTED BY THE TEACHERS' ASSOCIATION, A MEMBER APPOINTED BY THE COMMISSIONER, AND A THIRD MEMBER MUTUALLY AGREEABLE TO BOTH OF THEM. THIS IS WHAT WE SPEAK OF AS AN IMPARTIAL BOARD.

MRS. WATSON: MR. CHAIRMAN, WE WOULDN'T NEED AN APPEAL BOARD FOR ANY QUESTIONS FOR DISMISSAL OR THIS TYPE OF THING BECAUSE THE PROVISIONS ARE IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AND THAT WILL BE PUT INTO THE SCHOOL ORDINANCE.

HOWEVER, I THINK WE HAVE A GOOD POINT. THIS IS THE APPEAL BOARD THAT IS MENTIONED, RECOMMENDED IN THE REPORT, MR. LEVIR'S REPORT, COMMITTEE'S REPORT. WE WERE HOPING WHEN WE GET TO THE TRANSFER, INVOLUNTARY TRANSFERS, THE AREA THAT IS IN QUESTION BOTH BY THE YTA AND BY YOUR COMMITTEE, THAT POSSIBLY WE COULD USE AN APPEAL BOARD THERE TO ACT IN CASES OF INVOLUNTARY TRANSFER. THERE IS NO PROVISION IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE FOR AN APPEAL FOR AN INVOLUNTARY TRANSFER. THAT IS WHAT I WILL BE PROPOSING LATER ON. THERE WOULD BE A REQUIREMENT FOR THAT APPEAL BOARD.

MR. CHAMBERLIST: THEN WE WOULD BE PROVIDING FOR TWO BOARDS. ONE, A BOARD DEALING WITH DISMISSAL AND GRIEVANCES AND ONE, A BOARD DEALING WITH RELOCATION OF A TEACHER ON SHORT NOTICE AND LAY-OFFS AND THINGS LIKE THAT.

Mrs. WATSON: MR. CHAIRMAN, THE ONLY OTHER WAY THAT WE COULD HAVE AN APPEAL TO AN INVOLUNTARY TRANSFER WOULD BE TO TRY TO PUT IT IN AS A GRIEVANCE. IT WOULD THEN BECOME A GRIEVANCE AND YOU WOULDN'T HAVE TO HAVE AN APPEAL BOARD.

Mr. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN, IT HASN'T BEEN AGREED THAT WE ARE GOING TO ACCEPT THAT INVOLUNTARY TRANSFER IN ANY EVENT, I THINK THE HONOURABLE MEMBER IS GETTING AHEAD OF THE TRACES HERE.

PLACED IN THE POSITION OF BEING IN WHITEHORSE AND THEN WITH ABOUT SIXTY DAYS NOTICE BE MOVED OUT SOMEWHERE ELSE. ESPECIALLY AFTER THEY HAVE BUILT AND CONSTRUCTED THEIR HOMES AND THEIR CHILDREN ARE GOING TO SCHOOL HERE, I THINK THAT THAT PARTICULAR ASPECT WON'T COME INTO PLAY.

WHAT I AM CONCERNED ABOUT IS THE STATEMENT THAT WAS MADE. IT WAS STATED THAT THE TEACHERS NOW HAVE ACCESS TO AN IMPARTIAL APPEAL BOARD. I SAY THAT NOW THEY DO NOT HAVE ACCESS TO AN IMPARTIAL APPEAL BOARD BECAUSE THE COMMISSIONER APPOINTS THE BOARD. THEREFORE, IT IS NOT IMPARTIAL. ESPECIALLY WHAT I HAVE FOUND OUT TODAY.

Mr. IANNER: MR. CHAIRMAN, I THINK THAT THE ANSWER THAT WAS GIVEN BY THE MEMBER THERE WAS IN THE CONTEXT OF THE TOTAL PACKAGE OF LEGISLATION WHICH WAS BEING CONSIDERED BY THE ADVISORY COMMITTEE.

THE POINT THAT THE HONOURABLE MEMBER MAKES HAS SOME MERIT INsofar AS THE EXISTING SCHOOL ORDINANCE, THE FACT THAT ONE OF THE MEMBERS IS APPOINTED BY THE COMMISSIONER. WHAT IS BEING SAID HERE IS IN THE TOTAL PACKAGE OF THE LEGISLATION AND IN TAKING INTO ACCOUNT THE CHANCES THAT WE MADE YESTERDAY WILL IN EFFECT GIVE YOU A TOTALLY IMPARTIAL APPEAL BOARD.

Mr. CHAMBERLIST: I BEG TO DIFFER. WHAT WE HAVE AGREED UPON WITH REFERENCE TO THE TEACHERS IS THAT THE BOARD THAT IS USED FOR THE PURPOSE OF DEALING WITH DISMISSALS AND GRIEVANCES IS THE SAME BOARD THAT IS SET UP UNDER THE PUBLIC STAFF RELATIONS ORDINANCE. THEN AS I UNDERSTOOD, THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS INDICATED, WOULD BE ANOTHER BOARD

SET UP FOR THE PURPOSE OF DEALING WITH THOSE PEOPLE WHO PERHAPS HAVE BEEN TRANSFERRED OR LAID OFF. THEREFORE WE WOULD HAVE TWO BOARDS. THERE IS NO WAY THAT I CAN VISUALIZE AN APPEAL BOARD SUCH AS WE ARE CONTEMPLATING UNDER THE PART SIMILAR TO THE PUBLIC STAFF RELATIONS BOARD ARE GOING TO BE USED IF THERE IS GOING TO BE A TEACHER WHO IS GOING TO BE MOVED FROM ONE LOCATION TO ANOTHER AND IS APPEALING IT. I CAN'T SEE THAT.

Mrs. WATSON: WOULD THE HONOURABLE MEMBER AGREE THAT AN INVOLUNTARY TRANSFER WOULD BE

Mr. CHAMBERLIST: IT IS IN A DIFFERENT CONTEXT THAT THIS WOULD HAPPEN. WE MIGHT CONSIDER IT A GRIEVANCE. EVERY COMPLAINT IS A GRIEVANCE, THERE IS NO DOUBT ABOUT IT AT ALL. WHETHER OR NOT THE PUBLIC SERVICE STAFF RELATIONS BOARD WOULD CONSIDER THAT THAT COMES WITHIN THE SCOPE OF THEIR DECISION MAKING AREA WOULD BE ANOTHER THING. I JUST SIMPLY FEEL THAT IF WE SPEAK ABOUT AN IMPARTIAL BOARD AND HAVE TO SET A SEPARATE COMMITTEE FOR THESE LOCAL PARTICULAR THINGS, IT APPEARS THAT ANOTHER APPEAL BOARD IS GOING TO BE SET UP. THIS IS WHAT APPEARS TO ME.

Mr. CHAIRMAN: ARE YOU CLEAR THEN ON ITEM (2)? ITEM (3), Mr. DEACON.

Mr. DEACON: IN REFERENCE TO THE BUDGET, MR. CHAIRMAN, THE CURRENT COMMITTEE ACCEPTS THE FACT THAT THERE ARE, OF COURSE, CERTAIN RELATIVELY FIXED IMMUTABLE COSTS TO THE EDUCATIONAL SYSTEM, SALARIES, CERTAIN PORTIONS OF THE CAPITAL BUDGET, CERTAIN PORTIONS OF THEIR OPERATION AND MAINTENANCE BUDGET, HEATING AND SO ON THAT ARE FIXED AND ARE NOT NEGOTIABLE. BUT THERE IS THAT AREA OF THE BUDGET PERTAINING TO EACH SCHOOL IN DEALING WITH SPECIAL EQUIPMENT. IN DEALING WITH CONSUMABLES AND SO ON AND WE FEEL THAT THE PRINCIPAL, CERTAINLY, AND THE ADVISORY COMMITTEE SHOULD HAVE AN INPUT INTO THEIR SHARE OF THAT PARTICULAR SCHOOL'S SHARE OF THE TOTAL BUDGET AVAILABLE FOR THAT TYPE OF EXPENSES.

WE ARE ASSURED BY DEPARTMENT OFFICIALS THAT IT IS IN FACT THEIR PRACTICE TO CONSULT WITH THE PRINCIPAL ON THIS MATTER. IF THAT'S THE PRACTICE THEN WE CAN'T DO MUCH UNDER THE ORDINANCE.

Mr. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN, I CAN'T AGREE WITH THAT PARTICULAR POINT BE-

CAUSE THAT IS PURELY A FINANCIAL ADMINISTRATIVE AREA WHICH I THINK IT WOULD BE ALMOST IMPOSSIBLE FOR ANY GOVERNMENT TO ADMINISTER IN VIEW OF THE LARGE AREA WE HAVE TO COVER. THE SCHOOL BOARD, I CAN SEE THIS, WHERE YOU HAVE SCHOOLS IN A SMALL SCHOOL DISTRICT BUT IT WOULD BE JUST ONE NIGHTMARE, ONE HEADACHE AND I REALLY COULDN'T SEE THAT AS A LEGITIMATE QUESTION.

Mr. CHAIRMAN: COUNCILLOR WATSON,

Mrs. WATSON: Mr. CHAIRMAN, I THINK THAT MAYBE THERE IS A LITTLE MISUNDERSTANDING. I THINK THE WITNESSES ARE REFERRING TO PARTICULARLY CAPITALIZED ITEMS FOR EQUIPMENT. INITIAL THINGS LIKE THIS FOR THE SCHOOLS THAT ARE REQUISITIONED ON AN ANNUAL BASIS AND AT THE PRESENT TIME THE REGIONAL SUPERINTENDENT DOES THIS. EVERY PRINCIPAL OF EVERY SCHOOL SUBMITS THEIR REQUISITIONS AND THEN OF COURSE, PRIORITIES HAVE TO BE SET. I THINK WHAT THE COMMITTEE IS SAYING IS THEY WOULD LIKE TO BE ABLE TO HAVE THE RIGHT TO DETERMINE THE REQUISITIONS THAT SHOULD BE SUBMITTED ON BEHALF OF THE SCHOOL THAT THEY REPRESENT.

SO YOU WOULD LIKE TO SEE PROVISION IN THE LEGISLATION SO THAT THE PRINCIPAL SHOULD CONSULT WITH THE SCHOOL COMMITTEES IN ORDER TO PREPARE THEIR CAPITAL REQUISITIONS FOR EACH YEAR. BUT YOU WANT INPUT INTO THAT.

Mr. CHAMBERLIST: I'M SORRY, BUT THE WAY THIS READS IS THAT WHICH IS THE EDUCATION BUDGET, AND THIS IS WHAT CONFUSED ME. I'M SORRY.

Mr. DEACON: Mr. CHAIRMAN, THAT'S WHY I SPECIFIED THOSE ITEMS OF THE BUDGET IN WHICH WE ARE INTERESTED IN AND I THINK YOU WOULD AGREE THAT THE PRINCIPAL AND THE COMMITTEES ARE THE PEOPLE WHO PROBABLY KNOW BEST.

I WOULD POINT OUT THAT THE SCHOOL COMMITTEES ARE AUTHORIZED TO CONSULT WITH THE PRINCIPAL ON HOW THOSE FUNDS ALLOCATED TO THE SCHOOL ARE SPENT BUT WHAT WE WANT IS MANDATORY CONSULTATION BEFORE THAT IS ALLOCATED.

Mrs. WATSON: Mr. CHAIRMAN, WHEN WE GO INTO No. 4, I KNOW THERE ARE A LOT OF SCHOOL COMMITTEES WHO ARE VERY CONCERNED ABOUT THE EDUCATION EXPENDITURE IN THE TERRITORY. AND AS THE HONOURABLE MEMBER FROM WHITEHORSE EAST STATED, IT'S VERY DIFFICULT TO HAVE A BUDGET FOR EACH SCHOOL. BUT AT THE PRESENT TIME THE ACCOUNTING PROCEDURE

AT THE EDUCATION DEPARTMENT IS SUCH SO THAT THE END OF EVERY MONTH OR THE END OF EVERY THREE MONTHS IT'S POSSIBLE TO SEND OUT, AND IT'S BEING DONE NOW WITH THE PRINCIPALS, TO SEND OUT TO EACH SCHOOL AN ACCOUNTING OF THE EXPENDITURE THAT HAS BEEN MADE BY THE DEPARTMENT ON BEHALF OF THAT SCHOOL. YOU KNOW, HOW MUCH THEIR LIGHT BILLS ARE. HOW MUCH THEIR FUEL IS. THE SALARIES THAT HAVE BEEN PAID AND THE AMOUNT OF MONEY THAT'S BEEN SPENT ON TEXTBOOKS. THE AMOUNT OF MONEY THAT'S BEEN SPENT ON SUPPLIES.

HOW THIS IS DONE EVERY MONTH FOR EACH SCHOOL AND I THINK THAT THE ADVISORY COMMITTEES SHOULD HAVE COPIES OF THESE STATEMENTS. THE PRINCIPALS GET THEM. I THINK IT IS VERY IMPORTANT THAT ADVISORY COMMITTEES, THE PEOPLE OF THE TERRITORY KNOW HOW THE EDUCATION MONEY IS BEING SPENT.

Mr. CHAIRMAN: ANYTHING FURTHER ON (3) OR (4)? No. (5).

Mr. DEACON: Mr. CHAIRMAN, POINT No. 5 REALLY CONSTITUTES WHAT WE'VE GONE AHEAD AND DONE EXCEPT THAT WE'VE ASKED FOR RECOGNITION IN THE ORDINANCE TO HAVE A CENTRAL BODY CARRY DISCUSSIONS ON BEHALF OF ALL TERRITORIAL SCHOOL COMMITTEES TO THE DEPARTMENT. WE FEEL THAT RATHER THAN PROLIFERATING THE BUREAUCRACY HERE INVOLVED, I THINK WE WOULD PROBABLY BE SIMPLIFYING THE SYSTEM IN HAVING ONE CHAIRMAN IN ONE GROUP SPEAK FOR THE ENTIRE BODY OF SCHOOL COMMITTEES ON MATTERS OF COMMON INTEREST.

WE HAVE ASKED FOR RECOGNITION OF THIS IN THE ORDINANCE BECAUSE IT WILL LIKELY HAPPEN ANYWAY.

Mr. CHAMBERLIST: I TEND TO AGREE, Mr. CHAIRMAN WITH THIS SUGGESTION BECAUSE IF WE DO MAKE PROVISIONS IN THE ORDINANCE FOR ADVISORY COMMITTEES, WHY NOT MAKE PROVISION FOR ONE OVERALL BOARD THAT CAN SIT WITH THE DEPARTMENT OF EDUCATION. AT LEAST DISCUSS THE RECOMMENDATIONS WHICH COME OUT OF ALL THE ADVISORY COMMITTEES TOGETHER. IT'S A MOVE IN THE RIGHT DIRECTION.

Mrs. WATSON: Mr. CHAIRMAN, I DON'T THINK THERE IS ANY PROBLEM IN MEETING WHAT THE WITNESSES ARE WANTING. THEY ARE REFERRING TO SECTION 63, "WHERE REPRESENTATIVES OF THE SCHOOL COMMITTEE WILL HAVE MEETINGS WITH THE SUPERINTENDENT OF EDUCATION", AND THEY WANT TO HAVE A CHAIRMAN, AT LEAST ONE PERSON OR AN EXECUTIVE

OF THESE REPRESENTATIVES SO THAT THEY CAN, BEFORE THE MEETING, DISCUSS WITH THE SUPERINTENDENT, THE TYPE OF THING THEY WOULD LIKE TO HAVE BROUGHT TO THE MEETING.

I THINK THIS IS THE IDEA, IS IT NOT? SO THAT THE AREAS THEY WANT DISCUSSED AT THE MEETING. I THINK THIS IS THE IDEA, AND AGAIN I THINK THAT UNFORTUNATELY, WE ARE NOT ABLE TO GIVE RECOGNITION TO THE ELECTED PERSON OF COUNCIL WHO IS RESPONSIBLE FOR EDUCATION BECAUSE I WOULD SEE THIS AS ONE AREA WHERE IT WOULD BE THE ELECTED PERSON'S RESPONSIBILITY TO MEET WITH THE ADVISORY COMMITTEES.

MR. CHAMBERLIST: I CAN'T SEE HOW THAT WOULD HELP. IT MIGHT BE DETRIMENTAL TO THE WHOLE SCHOOL SYSTEM IF THAT HAPPENS.

I THINK THERE IS A NECESSITY TO INCLUDE AN ADVISORY BOARD OF THIS DESCRIPTION IN SECTION 63 AND IT COULD BE EASILY DONE JUST BY AMENDING ONE OF THE SUBSECTIONS. JUST SAY, THERE SHALL BE AN ADVISORY COMMITTEE TO ATTEND THE MEETINGS CALLED BY THE SUPERINTENDENT. WHY CAN'T THIS HAPPEN?

MRS. WATSON: MR. CHAIRMAN, I WONDER IF THE HONOURABLE MEMBER FROM WHITEHORSE EAST HAS READ THE LEVIRS REPORT?

MR. CHAMBERLIST: VERY MUCH SO. VERY OFTEN. THIS IS WHY I KNOW THAT THE ORDINANCE ITSELF DOESN'T COMPLY IN MANY, MANY INSTANCES WITH THE SUGGESTIONS THAT WERE MADE BY THE LEVIRS REPORT.

MRS. WATSON: MR. CHAIRMAN, I CAN ASSURE YOU IN THIS INSTANCE, IT DOES.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF THE WITNESSES WILL INDICATE WHETHER OR NOT IT WOULD BE TO THE OVERALL ADVANTAGE OF THE JOINT COMMITTEE IF IT WAS ABLE TO SPEAK AS ONE VOICE FOR THE ADVISORY COMMITTEES INSTEAD OF HAVING SEPARATE ADVISORY COMMITTEES SPEAKING WITH THE EDUCATION DEPARTMENT?

MR. DEACON: WELL, MR. CHAIRMAN, I'M SURE THE TIME WILL ARISE WHEN IT IS PHYSICALLY IMPOSSIBLE TO GET AN INPUT FROM THE INDIVIDUAL ADVISORY COMMITTEES AND AS IS THE CASE IN POINT OF THIS MEETING TODAY.

I WOULD LIKE TO POINT OUT THAT WE WOULDN'T WANT TO SEE ANY DELETIONS IN THE AUTHORITY CONTAINED

IN THE ORDINANCE FOR CONSULTATION BY INDIVIDUALS OF SCHOOL COMMITTEES WITH DEPARTMENT OFFICIALS. THIS CERTAINLY SHOULD STAY AS IT IS. IF WE FEEL IT WOULD BE MORE EFFICIENT, GENERALLY SPEAKING, TO HAVE ONE CENTRAL BODY THAT CAN SPEAK FOR THE COMBINED ADVISORY COMMITTEES IN THE TERRITORY. I, OF COURSE, AM NOT REFERRING TO URBAN WHITEHORSE.

MRS. ALFORD: IF I MAY ADD TO THIS, WE FEEL VERY STRONGLY AND WE HAVE THOUGHT SO FOR A NUMBER OF YEARS THAT THERE ARE MANY ASPECTS OF THE EDUCATION SYSTEM THAT CANNOT BE TACKLED BY INDIVIDUAL COMMITTEES BECAUSE THEY ARE NOT AS OF GENERAL POLICY FOR ALL SCHOOLS. IF ONE COMMITTEE, ON ITS OWN, STARTS QUESTIONING IT OR ASKING FOR SOME CHANGES, THE OTHERS ARE GOING TO BE TOLD IT'S GENERAL POLICY.

WE FEEL WE NEED A BODY THAT REPRESENTS, AN ORGANIZED STRUCTURED BODY THAT REPRESENTS ALL COMMITTEES THAT WILL BE ABLE TO MAKE THE POINT FOR A GENERAL TYPE OF POLICY. THE SAME POINTS THE ADVISORY COMMITTEES ARE MAKING FOR PRACTICES THAT ARE AFFECTING THEIR SCHOOL PARTICULARLY. WE FELT VERY OFTEN AS MEMBERS OF COMMITTEE, THAT IT HAS BEEN A VERY FRUSTRATING EXPERIENCE TO KNOW THERE IS A REAL PROBLEM IN ONE AREA AND TO TRY TO MAKE RECOMMENDATIONS ON IT AND AT THE SAME TIME BEING GIVEN THE SIMPLE AND FINAL ANSWER THAT THIS IS REALLY A MATTER OF GENERAL POLICY. IT AFFECTS US TOO BECAUSE IT AFFECTS OUR SCHOOL AND THEN WE HAVE HAD TO STOP THAT.

MRS. WATSON: THAT'S WHY WE ARE MAKING IT MANDATORY THAT THEY EACH HAVE REPRESENTATIVES AND THAT AT LEAST ONE MEETING BE CALLED TO BEGIN THIS PROCESS SO THAT EVERY COMMITTEE DOES HAVE A REPRESENTATIVE WHO IS CALLED TO AT LEAST ONE MEETING SO THAT THEY HAVE AN OPPORTUNITY TO BE ...

MRS. ALFORD: MR. CHAIRMAN, WE WELCOME THIS IN THIS SPIRIT BUT AT THE SAME TIME WE FEEL THAT AS CITIZENS, AS REPRESENTATIVES, WE WOULD REALLY LIKE TO HAVE THIS FURTHER RECOGNITION OF HAVING AN ORGANIZED BODY, NOT JUST A MEETING THAT IS CALLED BY THE SUPERINTENDENT ONCE A YEAR AND THEN WHEN THE MEETING IS FINISHED, THERE IS NO CARRY OVER FROM ONE MEETING TO THE NEXT.

WE FEEL WE ARE DUE THIS RECOGNITION.

MR. TANNER: I WONDER IF THE MEMBER FROM CARMACKS-KLUANE COULD JUST ELABORATE FURTHER ON THIS BECAUSE IN HER REPLY TO THAT, IT APPEARS TO ME THAT YOU ARE GIVING CREDENCE TO THE REQUEST AND THEN SAID IT WILL BE GIVEN DUE CONSIDERATION. PERSONALLY, IT DOESN'T SEEM TO ME A TOO UNREASONABLE REQUEST AND IN FACT I THINK YOU CAN GO AHEAD AND DO IT AS IT'S PRESENTLY WRITTEN. THE ONLY DIFFERENCE IS YOU WON'T BE RECOGNIZED BY THE ORDINANCE. YOU WON'T HAVE THE AUTHORITY OF THE ORDINANCE BUT IN ACTUAL FACT I THINK WHAT WILL HAPPEN IS THAT YOU WILL BE GIVEN ALL THE RECOGNITION THAT IS DUE.

JUST FOR THE COUNCIL'S FURTHER UNDERSTANDING. IN THE REPLY IT'S SAID IT'S AGREED THAT THE SUGGESTION HAS MERIT AND WILL BE GIVEN FURTHER DUE FOR CONSIDERATION. WELL, WHAT DID THE MEMBER HAVE IN MIND?

MRS. WATSON: WELL, THIS IS EXACTLY WHAT WE WERE GOING TO LOOK AT. TO SEE WHETHER WE SHOULD. I AGREE THAT THEY CERTAINLY SHOULD HAVE A CHAIRMAN THAT COULD WORK WITH THE SUPERINTENDENT OF EDUCATION TO DETERMINE THE AGENDA, THE THINGS THAT SHOULD BE DISCUSSED AT THE MEETING. NOW, WHETHER YOU WANT A FULL-BLOWN EXECUTIVE, THIS IS THE AREA THAT I WANTED MORE INPUT FROM COUNCIL. AS MR. DEACON ALSO SAID, THAT WE DON'T WANT, WE WANT AT THE PRESENT TIME TO HAVE ADVISORY COMMITTEES ACTIVE. WE DON'T WANT TO PUT ANOTHER ADMINISTRATIVE BODY IN SO THAT BEFORE THINGS CAN BE DONE, WE HAVE TO GO THROUGH ANOTHER ADMINISTRATIVE BODY. THEN YOU HAVE TO GO TO THE TERRITORIAL COUNCIL. THIS IS THE BIG DANGER OF PUTTING IN TOO MANY STRUCTURES LIKE THIS. THE IDEA OF THE WHOLE LEGISLATION IS LET'S GET OUR PEOPLE INVOLVED IN THE ADMINISTRATION OF THE SCHOOL IN THE AREA WHERE THEY REPRESENT THE PEOPLE, FOR EXAMPLE, THE SCHOOL COMMITTEE.

THIS IS THE WHOLE IDEA. PEOPLE BECOME FAMILIAR WITH THE PROBLEMS INVOLVED BECAUSE I THINK THAT WE JUST ABSOLUTELY HAVE TO LOOK AT THE DANGER WHETHER YOU HAVE ONE SCHOOL BOARD, AS YOU ARE SAYING, FOR THE WHOLE YUKON TERRITORY, A REGIONAL ONE. WHATEVER YOU DO. SO THAT THE OPERATION OF THE SCHOOL IS SEPARATE AND APART FROM THE TERRITORIAL GOVERNMENT FROM THE DEPARTMENT OF EDUCATION. I DON'T THINK THERE WILL BE MANY MORE YEARS THAT THE ADMINISTRATION AND OPERATION OF THE SCHOOL SYSTEM WILL COME UNDER THE DEPARTMENT OF EDUCATION. IT SHOULD BE HANDED OVER TO SOME GROUP OF ELECTED PEOPLE

WITHIN THE TERRITORY. BUT THERE ARE VARIOUS THINGS THAT HAVE TO BE CONSIDERED BEFORE THIS IS DONE.

PEOPLE HAVE TO HAVE AN OPPORTUNITY TO KNOW WHAT THEY ARE GETTING INTO FIRST AND THEY WOULD HAVE TO KNOW WHAT THEY WANT BEFORE THEY WOULD TAKE IT OVER. THIS IS ONE WAY WITH YOUR SCHOOL ADVISORY COMMITTEE., GIVING THE FINANCIAL STATEMENTS TO THEM. GIVING THEM AS MUCH INFORMATION AS POSSIBLE SO THAT WHEN WE COME TO THE DAY THEY TAKE IT OVER, THEY ARE GOING TO BE KNOWLEDGEABLE AND BE ABLE TO HAVE AN AGREEMENT WITH THE GOVERNMENT FOR ASSUMING THIS RESPONSIBILITY. HAVING IT A WORKABLE AGREEMENT SO THAT THEY ARE NOT GOING TO BE FACED WITH EXTREME FINANCIAL PROBLEMS OR THIS TYPE OF THING. THIS IS THE IDEA BEHIND THIS WHOLE LEGISLATION. IT'S A STEPPING STONE FOR THESE PEOPLE TO TAKE OVER THE OPERATION OF THEIR OWN SCHOOLS. COMPLETE OPERATION. THE HIRING OF THE STAFF AND EVERYTHING.

MR. CHAMBERLIST: MR. CHAIRMAN. REALLY, THE HONOURABLE MEMBER HAS JUST ANSWERED ON THE POSITIVE SIDE THE REQUEST THAT'S BEING MADE. AS I SEE IT, THERE IS A STATUTORY EDUCATION ADVISORY BOARD, AND I MEAN BY STATUTORY, ACTUALLY WRITTEN INTO THE LEGISLATION. THAT WOULD BE THE FIRST STEP TOWARDS A SCHOOL BOARD SYNDROME IN THE YUKON BECAUSE THE TIME WOULD THEN COME ALONG WHEN THAT EDUCATION ADVISORY BOARD CAN BECOME ELECTED AND THEN HAVE THE REAL STRENGTH OF THE PEOPLE IN ELECTING THEM INTO THAT POSITION. I THINK WHAT SHE HAS SAID BEARS OUT THE NEED FOR THIS TYPE OF BOARD TO BE IN THE LEGISLATION AT THIS TIME SO THAT EVENTUALLY IT WOULD MOVE OVER TO THE SCHOOL BOARD SYSTEM WHICH THE LEGISLATION ALLOWS FOR AND WE ARE NOT GOING TO CHANGE. THE YUKON ACT ALLOWS FOR IT AS WELL.

I THINK IN VIEW OF THAT, THERE REALLY HAS BEEN NO OBJECTION TO A BOARD OF THIS DESCRIPTION BEING INCORPORATED IN THE LEGISLATION SO WHY NOT DO IT?

MRS. WATSON: MR. CHAIRMAN, I THINK THAT IF YOU READ YOUR--I WAS TRYING TO GLANCE AT THE SECTION THAT MR. LEVIRS AND THE COMMITTEE MADE AND HE DID NOT RECOMMEND THAT THIS BE DONE AT THIS TIME. HE DID RECOMMEND, THERE WAS SOME TALK ABOUT A METROPOLITAN BOARD IN WHITEHORSE. AND HE SAYS THAT EACH OF THE CITIZENS' SCHOOL COMMITTEES IN THE WHITEHORSE AREA PLAY HOST IN



RETURN TO OTHER COMMITTEES, AND THAT MATTERS OF MUTUAL CONCERN BE DISCUSSED.

DURING COFFEE BREAK I WILL FIND THIS SECTION, HERE WHERE HE MAKES VERY SPECIFIC COMMENTS ON ESTABLISHING A SCHOOL ADVISORY BOARD, A TERRITORIAL ONE, AT THIS TIME. I THINK HE MAKES A VERY VALID POINT AND HE WORDS IT SO MUCH BETTER THAN I CAN SO I WOULD LIKE TO JUST LEAVE THAT UNTIL WE HAVE A COFFEE BREAK AND THEN I'LL HAVE IT AND WE CAN GO BACK TO THAT SECTION AGAIN.

MRS. ALFORD: MR. CHAIRMAN, MAY I INTRODUCE ONE REMARK HERE WITH REGARD TO WHAT IS IN MR. LEVIRS' REPORT. I AM VERY FAMILIAR WITH IT BECAUSE THE PROPOSAL FOR A YUKON BOARD HAD BEEN MADE EVEN LONG BEFORE THE BRIEF WAS CALLED FOR MR. LEVIRS' COMMITTEE. MANY COMMITTEES AND MANY DIFFERENT ORGANIZATIONS OTHER THAN THE COMMITTEE PRESENTED RECOMMENDATIONS TO MR. LEVIRS AND WHAT HIS REMARKS ARE ABOUT IT ARE BASED ON THEIR PROPOSAL.

NOW, I MUST VERY SPECIFICALLY STATE HERE THAT THE PROPOSAL THAT WAS PUT TO MR. LEVIRS IN VARIOUS BRIEFS WERE MUCH MORE DETAILED, MUCH MORE STRUCTURED AND YOU COULD SAY MUCH MORE CLUMBERSOME THAN WHAT WE ARE ASKING FOR NOW. IN OTHER WORDS, WHAT WE ARE ASKING FOR NOW IS THE RESULT OF A COMPROMISE BETWEEN OUR ORIGINAL PROPOSAL AND PROPOSALS OF MANY OTHER GROUPS OF CITIZENS IN THE YUKON TO THE SAME EFFECT AND MR. LEVIRS' REMARKS WHICH WE FELT HAD SOME MERIT. IN OTHER WORDS, MR. LEVIRS' REMARKS I DO NOT THINK CAN BE APPLIED TO OUR PRESENT PROPOSAL OR RECOMMENDATION BUT TO OUR PREVIOUS ONE WHICH WE HAVE SINCE AMENDED IN THE LIGHT OF THE WISDOM OF HIS REMARKS. I WOULD LIKE TO MAKE THIS VERY CLEAR.

MR. CHAIRMAN: JUST FROM THE CHAIR, FOR MY OWN CLARIFICATION, I ASSUMED THAT WE WERE TALKING ABOUT AN AGGREGATION OF COMMITTEES IN THE WHITEHORSE AREA. I DIDN'T REALIZE WE WERE TALKING ABOUT THE YUKON, THE RURAL SITUATION.

MR. STUTTER: MR. CHAIRMAN, I WOULD LIKE TO ASK ONE QUESTION OF MR. DEACON AND I HOPE I DON'T SOUND PICKY AT THIS POINT. YOU DID SAY IN YOUR OPENING REMARKS AND THIS PARAGRAPH THAT YOU HAD IN FACT DONE THAT AT THIS POINT.

WERE ANY OF THE OTHER COMMITTEES IN THE RURAL AREAS INVITED TO PARTICIPATE IN OVERALL GET TOGETHER ON THE ORDINANCE? I MEAN, EVEN BY BRIEFS FROM THEM OR IN PERSON?

MR. DEACON: MR. CHAIRMAN, NO, BECAUSE WE SORT OF GOT OVERTAKEN BY EVENTS IN THIS SEQUENCE. THERE JUST PHYSICALLY WASN'T TIME TO GO OUTSIDE THE WHITEHORSE AREA AND CONTACT OTHER COMMITTEES. NOT IN THIS CASE.

WE SORT OF GOT OVERTAKEN BY EVENTS IN THIS SEQUENCE. THERE JUST PHYSICALLY WAS NO TIME TO GO OUTSIDE THE WHITEHORSE AREA AND CONTACT OTHER COMMITTEES. NOT IN THIS CASE. BUT VERY DEFINITELY WE WOULDN'T PRESUME TO SPEAK FOR THE ENTIRE YUKON IN AN ADVISORY COMMITTEE OF THIS NATURE WE ARE REFERRING TO HERE, UNLESS WE DID IN FACT. UNLESS THE COMMITTEE DID IN FACT REPRESENT THE ENTIRE YUKON.

NOW SPEAKING TO ONE FURTHER POINT THAT WAS BROUGHT UP. I THINK THAT IF WE DO GO THIS ROUTE AND HAVE THIS CENTRAL COMMITTEE DULY AUTHORIZED BECAUSE THIS IS AN EVOLUTIONARY PROTEST THAT WE ARE EMBARKED ON HERE, WE SHOULD KEEP THE PROCESS AS SIMPLE AS POSSIBLE FOR THE TIME BEING AND TRY NOT TO STRUCTURE A TOO CLUMBERSOME OR DETAILED AN EXECUTIVE. AND THAT'S WHY WE'VE MERELY SUGGESTED THAT A JOINT CHAIRMAN AND EXECUTIVE. BUT LET'S NOT COMPLICATE IT BY IMPOSING A TOP HEAVY HIERARCHY.

MRS. WATSON: THAT'S RIGHT. AND THAT'S WHY I SAID I WOULD CERTAINLY GIVE IT CONSIDERATION AND I CAN SEE NOTHING WRONG WITH HAVING A CHAIRMAN AND POSSIBLY AN EXECUTIVE SECRETARY OR SOMETHING LIKE THIS. THIS WOULD BE FINE. BUT I AGREE WITH YOU, IF WE START PUTTING IN THINGS LIKE THEY SHALL DO THIS AND THEY SHALL BE RESPONSIBLE FOR THIS AND THIS TYPE OF THING, THEN WE ARE CREATING ANOTHER STRUCTURE. AND WE COULD BE EASILY DEFEATING THE STRUCTURE WE'RE TRYING TO CREATE AT THE LOCAL LEVEL AND THAT'S WHERE WE WOULD LIKE TO CREATE STRUCTURE.

MR. MCKINNON: MR. CHAIRMAN, OH, I SEE, YOU'RE ASKING FOR RECOGNITION OF THE GROUP THAT WILL COME TOGETHER UNDER 63(2) OF THE ORDINANCE. I'M SURE THAT MR. LEGAL ADVISOR COULD DASH SOMETHING OFF HERE IN HALF A SECOND TO GIVE THAT GROUP SOME FORMAL RECOGNITION. I DON'T SEE WHAT THE PROBLEM IS. EVERYBODY SEEMS TO AGREE TOTALLY WITH US AND I AGREE WHOLE HEARTEDLY BECAUSE I THINK THAT EVERY SCHOOL ADVISORY COMMITTEE HAS THE RIGHT TO PETITION THIS COMMITTEE, TO APPEAR BEFORE US. AND THANK GOODNESS YOU PEOPLE TOOK THE INITIATIVE AND HAD A MEETING OF ALL THE SCHOOL COMMITTEE WHO ARE BEING UNITED DUE TO THE COUNCIL. THAT'S WHAT THE EXERCISE I WOULD SEE OF THIS FORMAL RECOGNITION OF THE COMMITTEE UNDER 63(2) WOULD DO

IT. BOY! I'M ALL IN FAVOUR OF IT. AND I DON'T THINK THERE IS ANY PROBLEM AT ALL IN GETTING RECOGNITION.

Mrs. WATSON: JUST A STATUTORY BOARD, YES, I WILL SAY THAT. AS A STATUTORY BOARD I WOULD SAY, BUT YOU DON'T WANT THAT. NOT AS A STATUTORY BOARD. YOU WANT IT AS AN EXECUTIVE OF THIS GROUP.

Mr. CHAMBERLIST: MR. CHAIRMAN, YOU KNOW WHEN YOU RECOGNIZE IT IN THE LEGISLATION IT BECOMES A STATUTORY BOARD. YOU DON'T HAVE TO SAY, (THERE SHALL BE A STATUTORY BOARD,) THE MOMENT IT'S IN THERE, THAT'S STATUTORY IMMEDIATELY.

Mrs. WATSON: I STILL DON'T THINK IT SHOULD BE "SHALL YOU MAY, THE ADVISORY COMMITTEE, THE REPRESENTATIVES MAY".

Mr. DEACON: MR. CHAIRMAN, EVERY CLAUSE REFERRING TO THE SCHOOL COMMITTEES IN THE ORDINANCE IS PREFIXED BY THE WORD "MAY".

Mr. CHAMBERLIST: THAT'S THE POINT THAT I'M MAKING.

Mrs. WATSON: YES, YOU DON'T HAVE TO.

Mr. CHAIRMAN: WE WILL SORT IT OUT WHEN MR. LEGAL ADVISOR GETS BACK. I THINK WE WILL BE ABLE TO STRAIGHTEN SOMETHING OUT, ALRIGHT, ITEM 6.

Mr. DEACON: WELL WE TOUCHED ON THAT A MOMENT AGO. THIS IS ANOTHER ONE OF THE AREAS THAT PERTAIN OF COURSE TO THE TEACHERS' ASSOCIATION. AND I THINK IT SPEAKS FOR ITSELF. WE GOT INTO SOME PRELIMINARY DISCUSSION ON THAT. YOU WILL NOTE IN THE SECOND PAGE DEALING WITH THE INFORMATION PROVIDED BY THE MEETING WITH Mrs. WATSON AND THE DEPARTMENT, THAT REALLY THERE WAS NO MEETING OF MINDS ON THIS POINT.

Mr. CHAIRMAN: THIS I TAKE IT WILL BE TAKEN UP WITH Y.T.A. IN ANY EVENT.

Mr. CHAMBERLIST: NO. WE HAVE TO DEAL WITH IT. THIS, MR. CHAIRMAN, AS FAR AS I'M CONCERNED HERE'S AN INTERFERENCE WITH CIVIL LIBERTIES AGAIN, BECAUSE IT SHOWS QUITE CLEARLY THAT WHAT IS BEING DONE IN SECTIONS 94 AND 95 IS BEING DONE BECAUSE IT MIGHT BE CONVENIENT TO THE ADMINISTRATION. BUT NO CONSIDERATION IS

BEING GIVEN TO THE TEACHERS. AND WHEN NO CONSIDERATION IS BEING GIVEN TO THE TEACHERS IN THIS AREA, THE LACK OF CONSIDERATION TO THE PUPILS THAT THE TEACHERS ARE TEACHING APPLIES THERE. QUITE FRANKLY, AS FAR AS I'M CONCERNED I AGREE WITH THE POINTS THAT ARE CONCERNING THE TEACHERS AND THE POINTS CONCERNING THIS ASSOCIATION AS WELL. THAT THERE'S THE OPPOSITION THAT SHOULD BE VERY STRONG AND THE OPPOSITION SHOULD BE STRONG FROM THIS COUNCIL. THE AREA THAT'S BEEN INDICATED, THIS INVOLUNTARY TRANSFERS AND SEVEN DAYS NOTICE AND THEN LAY-OFF, TWO MONTHS NOTICE, YOU CREATE AN APPOINTMENT FOR A YEAR AND THEN IN BETWEEN THE APPOINTMENT THAT YOU'VE CREATED FOR A YEAR, YOU WANT TO TAKE THE RIGHT TO GIVE TWO MONTHS NOTICE. WHERE DOES A TEACHER GO WHO IS IN THE MIDDLE OF A YEAR APPOINTMENT? WHERE DOES A TEACHER GO TO GET ANOTHER POSITION IN THE MIDDLE OF THE YEAR? WHERE DOES THAT TEACHER GO WHO HAS SELF-CONSTRUCTED THEIR HOME AND SETTLED THEIR FAMILIES? NO CONSIDERATION IS GIVEN TO THAT, TO ANY OF THESE POINTS. I THINK THE Y.T.A. HAVE GOT A REAL FIRM ARGUMENT THERE. I'M PLEASED TO SEE THAT THESE ADVISORY COMMITTEES ARE SUPPORTING THE TEACHERS' CONTENTION IN THIS MATTER.

Mr. TANNER: MR. CHAIRMAN, COULD THE MEMBER IN CHARGE OF EDUCATION GIVE COUNCIL SOME IDEA OF WHAT THE LEGISLATION SAYS IN THE OTHER JURISDICTIONS?

Mrs. WATSON: YES, MR. CHAIRMAN. THERE IS PROVISION FOR LAY-OFF IN EVERY OTHER JURISDICTION. I THINK THERE IS TWO OF THEM THAT DO NOT HAVE PROVISION FOR LAY-OFF. THE TRANSFER SECTION, GOING OVER THE LEGISLATION DOES APPEAR HARSH. AND I MADE THE STATEMENT THE OTHER NIGHT WHEN I MET WITH THE COMMITTEE THAT WE'LL CERTAINLY BE REVIEWING IT. BUT I THINK THAT ALL MEMBERS HERE KNOW THAT THERE ARE TIMES WHEN WE DO HAVE TO TRANSFER TEACHERS, PARTICULARLY AT THE END OF A YEAR. I DON'T THINK SOME PEOPLE LOOK AT THIS AS AN ATTEMPT TO TAKE A PUNITIVE SORT OF MEASURE AGAINST TEACHERS. WELL IT CERTAINLY WASN'T MEANT TO DO THAT AND I DON'T THINK THAT YOU COULD EVER COME UP WITH ANY EXAMPLE IN THE YUKON TERRITORY WHERE A TEACHER HAS BEEN MOVED, TRANSFERRED AGAINST THEIR WILL. BUT I DO THINK THAT YOU HAVE TO HAVE SOME - - - TO TRANSFER A TEACHER. NOW THIS IS NOT AN UNUSUAL SITUATION WHERE YOU HAVE A COMMUNITY WHERE THERE JUST ISN'T A MEETING OF THE MIND BETWEEN THE COMMUNITY AND THE TEACHER. THERE IS

NOTHING WRONG WITH THEIR TEACHING ABILITY. IT WOULD BE UNFAIR FOR A REGIONAL SUPERINTENDENT TO GO IN THERE AND WRITE A REPORT OF UNSATISFACTORY PERFORMANCE ON THAT TEACHER. BUT THE COMMUNITY, AND THIS HAPPENS QUITE OFTEN, THEY JUST DO NOT SEE EYE TO EYE AND THERE'S A CONFRONTATION. AND WHEN YOU HAVE A CONFRONTATION LIKE THIS AND WE'VE HAD EXAMPLES OF IT THIS YEAR, YOU'RE JUST NOT GOING TO RESOLVE ANYTHING AND THE CHILDREN SUFFER. SO IN INSTANCES LIKE THIS, WHAT WE TRY TO DO IS TRY TO HAVE THE COMMUNITY AND THE TEACHER RESOLVE THEIR DIFFERENCES UNTIL THE END OF THE SCHOOL YEAR AND THEN THE TEACHERS ARE TRANSFERRED OUT.

NOW IF THE TEACHERS, AND MOST OF THE TIME THE TEACHERS WILL SAY THEY WILL, THEY ARE QUITE PREPARED TO BE TRANSFERRED, THEY DON'T WANT TO STAY THERE IF THEY'RE NOT ABLE TO GET ALONG IN THE COMMUNITY, THEY DON'T WANT TO STAY THERE, BUT WE HAVE HAD INSTANCES WHERE TEACHERS HAVE DUG IN BECAUSE OF THE REACTION AND SAID, WE ARE NOT MOVING. WE DON'T CARE IF WE ARE NOT GETTING ALONG IN THE COMMUNITY, WHETHER WE'RE HAVING PROBLEMS WITH SO MANY OF THE PEOPLE IN THE COMMUNITY. I'M NOT SAYING THAT EITHER ONE IS RIGHT, BUT YOU CERTAINLY KNOW THAT THE EDUCATIONAL SCENE IS GOING TO SUFFER. THEREFORE THERE MUST BE SOME WAY TO BE ABLE TO MOVE THESE TEACHERS OUT OF THAT SCHOOL AND I THINK THAT EVERYONE HERE UNDERSTANDS THAT.

NOW I WOULD CONSIDER THAT AN INVOLUNTARY TRANSFER. THAT WE'RE PREPARED TO PUT SOMETHING IN HERE TO MAKE AN INVOLUNTARY TRANSFER HAVE SOME APPEAL PROCEDURE AGAINST AN INVOLUNTARY TRANSFER. BUT I THINK THAT WE MUST RETAIN SOME RIGHT TO BE ABLE TO TRANSFER TEACHERS.

NOW THE IDEA, AND WE'RE ALWAYS GETTING THE EXTREME OF THE SITUATION, YOU'RE GOING TO MOVE A MAN WHO HAS A HOME IN WHITEHORSE AND HIS FAMILY IN WHITEHORSE, UP TO OLD CROW. THIS IS ABSOLUTELY RIDICULOUS. THIS WOULD NOT HAPPEN. IF THE MAN, AND IF YOU SAY YOU'RE DOING THIS IN ORDER TO TRY TO FORCE HIM INTO A DISMISSAL, WELL YOU KNOW, THAT'S ABSOLUTELY RIDICULOUS. IF YOU FEEL YOU HAVE TO SEND HIM TO OLD CROW IN ORDER TO GET HIM TO RESIGN, WELL I DON'T THINK YOUR SUPERVISORY PEOPLE WITHIN THE DEPARTMENT ARE VERY GOOD.

BUT THERE IS A GREAT NECESSITY FOR A TRANSFER, SO TO BE ABLE TO TRANSFER. IT WOULD BE VERY WRONG NOT TO PUT SOMETHING IN THE LEGISLATION. NOW I'M SAYING AS IT IS WRITTEN IT IS HARSH,

BUT THERE SHOULD BE SOME APPEAL PROCEDURE. AND MANY OF THE TRANSFERS THAT ARE BEING DONE NOW ARE VOLUNTARY. TEACHERS ASK FOR TRANSFERS. SO YOU KNOW, I DON'T THINK THAT WE SHOULD TAKE THIS OUT ALTOGETHER, AND IT CERTAINLY WASN'T PUT IN THERE AS A METHOD OF TAKING AWAY SOME CIVIL LIBERTIES AT ALL. WE DO HAVE TO CONSIDER THE COMMUNITIES AND THE SCHOOLS THE TEACHERS SERVE TOO. WE HAVE TO CONSIDER TEACHERS, BUT ON THE OTHER HAND WE HAVE TO CONSIDER THE STUDENTS AND THE COMMUNITY WHICH THEY SERVE.

MR. CHAMBERLIST: MR. CHAIRMAN, THE HONOURABLE MEMBER FROM WHITEHORSE NORTH ROSE AND ASKED COUNCILLOR PATSON TO INDICATE WHAT HAPPENED IN OTHER JURISDICTIONS AND I CAN'T HELP REMARKING THAT I WAS LISTENING FOR ABOUT HALF AN HOUR THROUGH THIS MORNING IN THE SUPREME COURT ROOM AND I HEARD OUR LEGAL ADVISOR SAYING WHEN SPEAKING ABOUT RULES OF COURT, SAYING "MR. JUSTICE MADDISON, NOW THIS IS WHAT WE DO IN ALBERTA", AND MR. JUSTICE MADDISON SAID, "YES, BUT WE'RE NOT IN ALBERTA". I'M SURE HE REMEMBERS THAT REMARK. AND I SAY THE SAME IN THIS PARTICULAR INSTANCE. WE ARE NOT IN ANY OF THESE OTHER JURISDICTIONS. AND OUR CONDITIONS AND OUR CIRCUMSTANCES HERE ARE ENTIRELY DIFFERENT. NOT ONLY IS THE ADMISSION FROM THE HONOURABLE MEMBER FROM CARMACKS-KLUANE THAT THESE SECTIONS ARE HARSH, I THINK THEY'RE OVERBEARING. AND THEY'RE OVERBEARING IN SUCH A WAY THAT I SAY, THEY DO INTERFERE WITH THE LIBERTIES OF THE INDIVIDUAL. AND CERTAINLY I AGREE WITH HER, THAT THERE MUST BE SOME AREA OF FLEXIBILITY GIVEN TO THE DEPARTMENT OF EDUCATION TO MOVE TEACHERS WHEN THERE IS A NECESSITY TO DO IT, WITH THEIR WILLINGNESS TO DO SO, BUT THE COMPULSION TO GRANT LEGISLATION TO ALLOW THE DEPARTMENT OF EDUCATION TO DO THESE THINGS AND THEN SAY, WELL, WE'LL MAKE PROVISION FOR YOU TO APPEAL.

NOW IF YOU HAVE IT IN THE LEGISLATION, I WOULD FEAR THAT THE ONLY PROVISION TO APPEAL THEN WOULD BE, NOT ON THE BASIS OF WHETHER THE DEPARTMENT HAS THE RIGHT TO TRANSFER THOSE PEOPLE, BECAUSE IF IT'S WRITTEN IN THE LEGISLATION THEY WOULD HAVE THE RIGHT, THE APPEAL MIGHT BE ON MORAL GROUNDS OR ON GROUNDS OF CONVENIENCE OR INCONVENIENCE TO THE INDIVIDUALS CONCERNED. AND THEN IT MAY WELL BE THAT THOSE HEARING THE APPEAL, MIGHT SAY WELL WE CAN'T DEAL WITH THE MORAL ASPECTS OF IT, WE CAN ONLY DEAL WITH THE RIGHT OF THE LAW AS IT'S WRITTEN THAT THESE CHANGES CAN BE MADE. AND THIS IS WHY I WOULD SUGGEST MR. CHAIRMAN THAT WE LEAVE THIS UNTIL WE GO THROUGH PROPERLY THE ORDINANCE.

BUT THIS IS WHERE I WILL HAVE MUCH MORE TO SAY AS I'VE PREPARED MYSELF IN THOSE PARTICULAR AREAS.

MR. CHAIRMAN: YES, I'M SURE ALL MEMBERS ARE GOING TO HAVE MUCH MORE DISCUSSION ON THIS. POSSIBLY, WHILE WE HAVE THE WITNESSES WITH US, I'M SURE THEIR TIME IS VALUABLE TOO, THAT WE CAN PRESS ALONG IF COMMITTEE AGREES.

SOME MEMBERS: AGREED.

MRS. WATSON: MR. CHAIRMAN, I SAID I WOULD LIKE TO GO ON RECORD THAT AMENDMENTS WILL BE BROUGHT IN FOR THIS SECTION.

MR. CHAMBERLIST: 94 AND 95?

MRS. WATSON: YES.

MR. CHAIRMAN: ALRIGHT, THE NEXT ITEM IS ITEM 7, MR. DEACON.

MR. DEACON: THE REVISED ORDINANCE AS IT STANDS INDICATES THAT THE SCHOOL ADVISORY COMMITTEE WILL BE ELECTED IN TOTAL EVERY SECOND YEAR, WHICH INDICATES THAT THERE WOULD BE NO CONTINUITY. AND WE FELT THAT CONTINUITY IS THE DESIRABLE THING AND WHILE THE COMMITTEES HAVE CONSTITUTED BY SCHOOL ATTENDANCE, VARIES FROM ODD TO EVEN NUMBERS, I THINK IT WOULD BE SIMPLE TO REMORD THAT AS SUCH THAT A PORTION OF THEM, ROUGHLY HALF OF THEM ARE ELECTED EACH YEAR TO ENSURE CONTINUITY.

SOME MEMBERS: AGREED.

MR. CHAIRMAN: THE NEXT ITEM IS ITEM 8.

MR. DEACON: I THINK REALLY THIS, THE ORDINANCE SAYS THAT "A PRINCIPAL MAY BE APPOINTED" AND I THINK MR. CHAIRMAN, THAT MRS. WATSON CAN CLARIFY THIS SOMEWHAT BETTER. THERE WAS AMBIGUITY FOR EXAMPLE IN THE CASE OF SCHOOLS WHICH EXIST IN TWO SEPARATE PHYSICAL AREAS AND WITH BOTH AREAS THEN INSISTED ON HAVING A PRINCIPAL WHEN IT WAS POINTED OUT THAT THE SCHOOLS ARE CLEARLY DEFINED AS SCHOOLS THAT THERE CAN'T BE ANY AMBIGUITY HERE. IT WAS AGREED THEN THAT IT CAN BE REWORDED TO MAKE IT CORRECT.

MR. CHAIRMAN: COUNCILLOR WATSON.

MRS. WATSON: THAT'S RIGHT, MR. CHAIRMAN. WE AGREED WITH THAT.

MR. CHAIRMAN: THE NEXT ITEM IS ITEM 9.

MR. DEACON: WELL AS STATED THERE, THE VICE-PRINCIPAL HAS AN ADMINISTRATIVE POSITION AND IS NOT MENTIONED IN THE ORDINANCE AND WE QUERIED WHY IN THE SUBMISSION. AND YOU WILL NOTE THAT WE WERE ADVISED THAT THIS IS CLARIFIED IN THE SCHOOL REGULATIONS TO BE PUBLISHED.

MRS. WATSON: THAT'S RIGHT AND WE AGREED THAT WE WOULD PUT A SUB-SECTION IN SAYING THAT VICE-PRINCIPALS COULD BE APPOINTED AS PRESCRIBED BY THE REGULATIONS. WE WOULD MAKE MENTION IN THE ORDINANCE OF THE VICE-PRINCIPAL.

MR. CHAIRMAN: FROM THE CHAIR. WHEN WILL THESE REGULATIONS BE AVAILABLE FOR COMMITTEE?

MRS. WATSON: MR. CHAIRMAN, I WOULD HOPE THAT THEY WOULD BE AVAILABLE VERY SOON. I HAVE A PORTION OF THEM HERE TODAY, THAT'S ONE SECTION BUT WE HAVEN'T COMPLETED ALL OF THEM.

MR. TANNER: MR. CHAIRMAN, JUST FOR THE BENEFIT OF ALL MEMBERS, WHEN THEY'RE READY, WOULD THE MEMBER BE PREPARED TO SEND THEM OUT FOR THE NEXT SESSION OF COUNCIL, SO THAT THEY CAN READ THEM IN BETWEEN?

MRS. WATSON: YES, MR. CHAIRMAN.

MR. CHAIRMAN: IS THERE ANYTHING FURHTER ON 9? 10.

MR. DEACON: MR. CHAIRMAN, I THINK PROBABLY THIS IS THE HEART OF THE MATTER, THE HEART OF THE CONCERN BY THE COMMITTEE. I POINTED OUT IN OUR DISCUSSIONS HERE THAT WHEN YOU EXAMINE THE TERMS OF REFERENCE OR THE DUTIES AS SPECIFIED FOR THE SCHOOL PRINCIPAL OR FOR THE REGIONAL SUPERINTENDENT, THERE ARE REALLY ONLY TWO AREAS OF MANDATORY CONSULTATION WITH THE SCHOOL COMMITTEE.

ONE IS THAT THE PRINCIPAL WILL CONSULT WITH THE SCHOOL COMMITTEE ON MATTERS PERTAINING TO STUDENT DICIPLINE. THE SECOND IS THAT THE PRINCIPAL SHALL CONSULT WITH THE SCHOOL COMMITTEE ON THE SPENDING OF FUNDS ALLOCATED TO THE SCHOOL. AND THOSE ARE THE ONLY, REALLY THE ONLY TWO CLEARLY SPECIFIED AREAS OF MANDATORY CONSULTATIONS.

THOSE TWO THINGS THAT I HAVE SPELLED OUT ARE INCLUDED IN THE PRINCIPAL'S TERMS OF REFERENCE.

I'M GIVING YOU SOME BACKGROUND RIGHT NOW Mr. CHAIRMAN.

WE FELT THEN THAT THERE SHOULD BE MANDATORY CONSULTATIONS SPELLED OUT IN THE ORDINANCE UNDER BOTH THE PRINCIPAL'S TERMS OF REFERENCE AND THE REGIONAL SUPERINTENDENT'S TERMS OF REFERENCE TO REQUIRE CONSULTATION WITH THE COMMITTEE IN THOSE TWO POINTS THAT WE SPECIFIED AS POINTS A AND B, IN No. 10. AND I BELIEVE IT WAS AGREED IN OUR MEETING THE OTHER DAY, THAT THE ORDINANCE WOULD BE AMENDED TO INCLUDE THOSE PHRASES.

Mr. CHAIRMAN: I THINK AT THIS TIME WE'LL JUST TAKE A SHORT BREAK.

RECESS

Mr. CHAIRMAN: AT THIS TIME WE WILL CALL COMMITTEE BACK TO ORDER. HAVE YOU ANYTHING FURTHER, LET'S SEE, WE WERE ON 10?

SOME MEMBER: YES.

Mr. CHAIRMAN: HAVE YOU ANYTHING FURTHER ON 10? HAVE YOU ANYTHING FURTHER ON IT? ALRIGHT 11.

Mr. DEACON: I TOUCHED ON THAT BRIEFLY BEFORE IN CONNECTION WITH ONE OF OUR EARLIER POINTS AND I THINK IT'S AN OBSERVATION WITHOUT ANY BELIEF THAT ANYTHING IS GOING TO BE DONE ABOUT IT. WE REALIZE THAT THIS IS TIED UP WITH THE PROVISION OF THE YUKON ACT ITSELF. BUT IT'S SORT OF SELF-EVIDENT THAT MATTERS DEALING WITH EDUCATION SHOULD BE THE RESPONSIBILITY OF THE ELECTED PERSON RATHER THAN AN APPOINTED PERSON. I'LL GO ON RECORD TO THAT EFFECT.

Mr. CHAIRMAN: ORDER, PLEASE. ORDER PLEASE. No. 12.

Mr. DEACON: WELL, Mr. CHAIRMAN, THERE YOU WILL NOTE THAT THE ORDINANCE CLASSIFIES THAT THE SCHOOL YEAR CONSISTS OF 198 DAYS OF WHICH 187 ARE CURRICULUM DAYS AND 3 DAYS ARE LEFT TO THE DISCRETION OF THE SCHOOL COMMITTEES TO DISPOSE OF AS THEY WILL.

OUR QUESTION WAS REALLY, IS IT THE INTENT OF THE ORDINANCE THAT THESE THREE DAYS BE USED FOR IN-SERVICE TRAINING OF THE TEACHERS? YOU WILL NOTE THAT THE ANSWER TO THAT WAS "AT THE DISCRETION OF THE COMMITTEE" AND ON CONSULTATION WITH THE SCHOOL AUTHORITIES, THEY MAY WELL BE

USED FOR THAT. BUT IT'S OUR UNDERSTANDING THAT THEY WEREN'T DESIGNED SPECIFICALLY FOR THAT PURPOSE.

Mrs. WATSON: WE FEEL THIS SHOULD BE AT THE DISCRETION OF THE SCHOOL COMMITTEES ...

SOME MEMBERS: AGREED.

Mr. CHAIRMAN: No. 13.

Mr. DEACON: Mr. CHAIRMAN, ONE POINT WITH RESPECT TO THAT. WE DID OBSERVE THAT, BEFORE WE GO ON, WE DID OBSERVE THAT IF THERE IS A REQUIREMENT FOR MORE IN-SERVICE TRAINING THAN POSSIBLE THERE THEN IT SHOULD REALLY BE DONE IN THE TEACHERS' OWN TIME. THERE SEEMS TO BE NO OTHER PROVISION OTHER THAN THAT. THEY ACCEPT THE FACT THAT THIS IS COMMON IN NEARLY EVERY OCCUPATION.

Mrs. WATSON: Mr. CHAIRMAN, I SHALL ALSO FIND OUT IF AT THE PRESENT TIME WE HAVE, WE USUALLY HAVE 195 - 197 SCHOOL DAYS PER SCHOOL YEAR AND WE ARE NOW PRESCRIBING 190, LESS THE THREE NON-INSTRUCTION DAYS WHICH IS 187 SO WE ARE SHORT IN THE SCHOOL YEAR. SO IT MAY BE A REQUIREMENT THAT ONE DAY OF THE TEACHER'S TIME BE SPENT ON IN-SERVICE TRAINING FOR PROFESSIONAL IMPROVEMENT.

Mr. CHAMBERLIST: Mr. CHAIRMAN, I WONDER IF Mr. DEACON CAN INDICATE THAT WHEN THIS COMMITTEE WENT THROUGH THIS PROPOSED ORDINANCE, DID HE ALSO EXAMINE THOSE AREAS OF THE EXISTING ORDINANCE THAT IT IS PROPOSED TO HAVE REMAIN BECAUSE THIS IS NOT A NEW ORDINANCE. THIS IS JUST AN AMENDMENT TO THE EXISTING ORDINANCE. NOW, WERE ALL THOSE OTHER AREAS TAKEN INTO CONSIDERATION AND ARE THERE NO COMMENTS AT ALL TO MAKE ABOUT THOSE EXISTING SECTIONS THAT IS SUGGESTED WILL REMAIN?

Mr. DEACON: QUITE SIMPLY NO. WE ONLY ADDRESSED OURSELVES TO THE PROPOSED REVISIONS OF THE ORDINANCE BECAUSE WE FELT THAT WAS THE ONLY PART THAT WAS OPEN FOR DISCUSSION RIGHT NOW.

Mr. CHAMBERLIST: THIS, Mr. CHAIRMAN IS THE RESULT OF A COUPLE OF THINGS THAT I'VE NOTICED. THIS GAVE ME THE IMPRESSION THAT, BECAUSE THERE ARE SOME AREAS THAT ARE BEING LEFT OUT OF THE OLD ORDINANCE IN BRINGING TOGETHER THE NEW ORDINANCE, I WAS PERHAPS WONDERING, BEFORE WE COME BACK TO DEAL WITH THIS, THAT YOUR

COMMITTEE GET TOGETHER AND LOOK AT THE OVERALL POSITION THAT THESE NEW AMENDMENTS WILL PLACE THE REST OF THE ORDINANCE IN AND SEE WHAT OTHER AFFECT THESE NEW AMENDMENTS MIGHT HAVE.

MR. CHAIRMAN: FINISHED WITH 12? 13.

MR. DEACON: MR. CHAIRMAN HERE AT 13 DEALS WITH THAT PORTION OF THE ORDINANCE, IT IS ACTUALLY ON PAGE 13 PARAGRAPH 29, SUB PARAGRAPH 3, WHICH SPECIFIES, (AND IT IS RATHER HARSH WORDING, REALLY THE WAY ITS WORDED) THAT ANY PARENT WHO KEEPS HIS CHILD OUT OF SCHOOL CAN BE SUBJECTED TO A FINE, IMPRISONMENT AND SO ON. THERE WAS SOME RELATIVELY MINOR OBJECTIONS REALLY, I SUPPOSE I SHOULD SAY IN THE PART OF THE COMMITTEE AS A WHOLE, TO THE WORDING OF THAT. WE FELT THAT THE WORDING SHOULD BE CHANGED TO: REFERRED TO DELIBERATE WITHHOLDING OF A CHILD FROM SCHOOL TO THE DETRIMENT OF THE CHILD AND SO ON AND SO ON AND SO ON. SO IT IS CLEARLY SPECIFIED AS TO WHAT THE INTENT OF THE ORDINANCE IS.

MR. CHAMBERLIST: I RAISED THIS PARTICULAR POINT THIS MORNING IN ANOTHER AREA. I DIDN'T KNOW WHETHER THE HONOURABLE MEMBER FROM CARMACKS-KLUANE WAS GOING TO ARRANGE FOR THE GOVERNMENT OF THE YUKON TERRITORY TO PROSECUTE 2/3S OF THE PARENTS THAT ARE HOLDING THEIR CHILDREN BACK FROM THE SCHOOL OF ROSS RIVER. I NOTICED IN THE REPLY THAT THIS PARAGRAPH IS TO BE RE-EXAMINED. I WONDER WHAT RE-EXAMINATION HAS TAKEN PLACE TO THIS TIME.

MRS. WATSON: MR. CHAIRMAN AT THE PRESENT TIME, TO BE PERFECTLY HONEST, THIS SECTION HASN'T HAD ANY DECISION YET AND I CERTAINLY CAN SEE WHAT THE WITNESS IS REFERRING TO, THAT PROSECUTION WHEN PARENTS DELIBERATELY KEEP THEIR CHILD OUT OF SCHOOL. IT HAS TO BE RE-EXAMINED TO BE REWRITTEN.

MR. LEGAL ADVISOR: MR. CHAIRMAN IT IS ALRIGHT TO SAY THAT WE WILL RE-EXAMINE IT, BUT WHAT ARE WE TO DO WITH IT BECAUSE IT IS ALMOST IDENTICAL WITH THE SECTION WITHIN THE PRESENT SCHOOL ORDINANCE?

MR. CHAIRMAN: THROW IT OUT.

MR. TANNER: YOU CAN'T THROW IT OUT.

MR. CHAMBERLIST: YOU HAVE TO HAVE SOMETHING...

MR. LEGAL ADVISOR: BUT THAT IS THE POINT. YOU MUST ELIMINATE THE SECTION.

MR. CHAMBERLIST: NO, NO YOU CAN'T. YOU HAVE TO HAVE SOMETHING.

MR. CHAIRMAN: I BELIEVE THE SUGGESTION WAS MADE BY MR. DEACON AS TO HOW THIS MAY BE DEALT WITH.

MR. LEGAL ADVISOR: MR. CHAIRMAN, THE SECTION EXEMPTS PEOPLE WHO ARE IN THIS SECTION: WHERE A CHILD IS UNABLE TO ATTEND SCHOOL BY REASON OF ILLNESS OR OTHER UNAVOIDABLE CAUSE IS EXCLUDED OR IS RECEIVING SATISFACTORY INSTRUCTION AT HOME, IS ABSENT ON A HOLIDAY, IS AUTHORIZED BY REGULATION OR IS PERMITTED BY THE SUPERINTENDENT TO DISCONTINUE OR THE CHILD HIMSELF IS SUSPENDED.

WHAT ELSE IS NECESSARY TO ADD FOR AN EXCUSE FOR NOT BEING AT SCHOOL WHICH IS NOT TO BE FOUND ON THE LIST? THIS IS WHAT I WOULD WISH TO KNOW.

MR. DEACON: MR. CHAIRMAN I THINK IT IS ACCEPTED THAT THERE ARE MANY, MANY INSTANCES OF CHILDREN KEPT OUT OF SCHOOL FOR A DAY OR TWO DAYS OR A LIMITED PERIOD OF TIME WITH THE DUE AUTHORITY OF THEIR PARENTS FOR GOOD AND VALID PURPOSES. THIS IS EXACTLY WHAT WE ARE ADDRESSING. I SEE NO POINT IN PUTTING SOMETHING IN AN ORDINANCE WHERE ITS DELIBERATELY INTENDED TO IGNORE IT.

I THINK BY INCLUSION OF A PHRASE TO CLARIFY THE CONCERN, AN ACT AND A STATEMENT TO THE DETRIMENT OF THE CHILD'S EDUCATION, SHOULD BE ENTIRELY POSSIBLE TO WORD IT THAT WAY.

MR. CHAMBERLIST: I THINK MR. CHAIRMAN, I WOULD AGREE WITH THE WITNESS BECAUSE WHEN YOU READ THE FIRST TWO LINES OF THAT SUBSECTION: (ANY PARENT WHO FAILS OR NEGLECTS TO CAUSE HIS CHILD TO ATTEND SCHOOL PURSUANT TO THIS ORDINANCE.) THEN EVERYTHING FOR EVERY REASON BECOMES AN OFFENSE. PURSUANT TO THE ORDINANCE. NOW, YOU'VE GOT JUST IN SUBSECTION (2) WHERE A CHILD IS NOT REQUIRED TO ATTEND SCHOOL WHERE- AND THEN YOU HAVE THOSE EXEMPTIONS.

THERE MAY BE OTHER REASONS IF BY REASON OF ILLNESS, WE UNDERSTAND THAT. FROM ATTENDANCE OF SCHOOL UNDER ANY ORDINANCE, THE OPINION OF

THE SUPERINTENDENT THE CHILD IS RECEIVING SATISFACTORY EDUCATION ELSEWHERE, THE CHILD IS ABSENT ON A DAY REQUIRED, IT IS A HOLIDAY THE CHILD IS ABSENT, IS AUTHORIZED BY REGULATION AND THE CHILD IS PERMITTED BY THE SUPERINTENDENT. WHAT YOU DO HERE IN TIME, IS TAKE AWAY FROM THE PARENTS THE DECISION MAKING THAT SHE OR HE AS A PARENT HAS TO MAKE AS TO WHETHER OR NOT THERE IS REASON ENOUGH FOR THE CHILD TO BE AWAY FROM SCHOOL. THIS IS THE AREA THAT I AM CONCERNED WITH.

Mr. LEGAL ADVISOR: MR. CHAIRMAN UNTIL A CHILD REACHES 16 IT IS THE INTENTION OF THIS ORDINANCE TO TAKE AWAY THAT DECISION FROM THE PARENTS. THAT SECTION IS DESIGNED TO REPRODUCE THIS IN TOTAL, WITH ONE EXCEPTION. THAT IS: WHERE THE CHILD IS, IN THE OPINION OF THE AUTHORITIES, WHOEVER THEY HAPPEN TO BE, GETTING ADEQUATE EDUCATION ELSEWHERE. THAT A CHILD HAS A NATURAL RIGHT IN THIS COUNTRY TO EDUCATION UP TO 16 FROM SOMEWHERE.

Mr. CHAMBERLIST: THE PARENTS HAVE A NATURAL RIGHT TO TAKE CARE OF THEIR CHILDREN AND I SAY THAT IF THE PARENTS THINK THERE IS A NECESSITY FOR A SPECIFIC REASON, NOT LISTED HERE, TO KEEP THE CHILD AWAY, THEN THEY HAVE TO BE TREATED WITH SOME FLEXIBILITY. THIS SUBSECTION (3) SHOWS NO FLEXIBILITY WHATEVER. IT IS BECAUSE THE SECTION BECOMES SO INFLEXIBLE THAT I THINK IT IS WRONG AND THERE SHOULD BE A SPECIAL PROVISION WHERE IT INTERFERES WITH THE EDUCATION OF A PARTICULAR CHILD. IT MAY BE THAT YOU HAVE A SUPERIOR CHILD THAT FOR SOME REASON IS UNDER A PARTICULAR STRAIN AND THE PARENT DECIDES IN THE PARENT'S WISDOM AT 8:30 IN THE MORNING NOT TO SEND THAT CHILD TO SCHOOL FOR A REASON THAT THE PARENT IN HIS OR HER WISDOM THINKS THAT CHILD SHOULDN'T GO TO SCHOOL. I SAY IT IS MORE IMPORTANT FOR THE CHILD AND TO THE PARENTS THAT THEY DON'T GO TO SCHOOL.

THIS IS THE AREA THAT I'M CONCERNED ABOUT AND IT DOESN'T SPELL IT OUT.

Mr. TANNER: MR. CHAIRMAN, THE HONOURABLE MEMBER MAKES A POINT BUT HE IS MISSING THE WHOLE HISTORICAL SIGNIFICANCE OF WHY THAT PARAGRAPH WAS THERE. IT HAS BEEN THERE FOR THE LENGTH OF THIS SCHOOL ORDINANCE. BUT IN THE PAST IT HAS BEEN THERE THROUGH WESTERN CIVILIZATION TO PROTECT THE CHILD AGAINST THE PARENT WHO DIDN'T WANT TO SEND HIS KID TO SCHOOL.

PERHAPS, IN THIS DAY AND AGE IT IS A LITTLE ARCHAIC. IT MIGHT BE SO. BUT ON THE OTHER HAND THIS IS BASICALLY TO PROTECT THE CHILD.

Dr. CRAIG: MR. CHAIRMAN, THIS WAS THE ATTITUDE ARRIVED AT BY OUR JOINT COMMITTEE ALSO. WE TOOK IT THAT THIS WAS TO PREVENT CHILD ABUSE. WE WERE TROUBLED BY THE FACT THAT THIS WAS NOT APPARENT FROM A SIMPLE READING OF THE ORDINANCE. WE READ SOME OF THESE OTHER THINGS INTO IT.

Mr. CHAMBERLIST: THAT IS THE POINT THAT I AM MAKING. IT IS NOT APPARENT FROM THE READING OF THE ORDINANCE THAT IT IS TO PREVENT CHILD ABUSE. I AGREE, THAT CHILDREN SHOULD HAVE TO BE COMPELLED TO GO TO EDUCATION BUT AT THE SAME TIME, ONE MUST RECOGNIZE THE RESPONSIBILITY OF PARENTS WHO ALSO FEEL THAT A DECISION HAS TO BE MADE TO KEEP THE CHILD AWAY FROM SCHOOL FOR A SPECIFIC REASON.

THE WAY THIS IS WRITTEN, IT DOESN'T MATTER WHAT REASON THE PARENT HAS OF KEEPING THE CHILD AWAY, THAT PARENT WHO FAILS OR NEGLECTS TO CAUSE HIS CHILD TO ATTEND SCHOOL PURSUANT TO THIS ORDINANCE IS LIABLE TO A FINE OF \$250 AND IMPRISONMENT OR BOTH. BECAUSE OF THE INFLEXIBILITY IN THAT PARTICULAR AREA, IT SEEMS TO ME THAT AN ADJUSTMENT SHOULD BE MADE TO COINCIDE WITH THE POINT THAT HAS BEEN MADE BY MR. DEACON. THERE SHOULD BE AN AREA CLEARLY SHOWING THAT IT IS NOT THE INTENTION OF THE LEGISLATION TO PENALIZE EVERY PARENT, BUT ONLY THOSE PARENTS WHO ARE NEGLECTING THEIR CHILD.

THIS IS NOT NEGLECT, JUST TO KEEP A CHILD AWAY FROM SCHOOL. THERE MIGHT BE REASONS OTHER THAN NOT JUST WANTING THE CHILD TO ATTEND. IT MAY BE DIFFICULT MR. CHAIRMAN, FOR MR. LEGAL ADVISOR TO PUT SOMETHING IN THERE TO COVER THE OBJECTION. PERHAPS NEXT TIME AROUND, WE WILL BE ABLE TO LOOK AT IT AND SEE IF WE CAN FIND SOMETHING.

Mr. LEGAL ADVISOR: MR. CHAIRMAN IT IS QUITE SIMPLE TO PUT IT IN BUT IN VIEW OF THE POLICY AS IT HAS BEEN SINCE 1960 AND PRESUMABLY BEFORE THAT, IT WOULD REQUIRE A CLEAR DIRECTION OF THE HOUSE. THAT THE PARENT HAS THE DECISION WHETHER OR NOT APART FROM ILLNESS AND APART FROM UNAVOIDABLE CAUSE AND APART FROM GETTING ADEQUATE EDUCATION ELSEWHERE. THOSE THREE REASONS APART. THE PARENT HAS THE DECISION WHETHER OR

NOT TO SEND HIS CHILD TO SCHOOL. IT NEEDS A CLEAR DIRECTION OF THE HOUSE.

Mrs. WATSON: Mr. CHAIRMAN AND I THINK THERE WOULD BE MANY, MANY PARENTS QUITE CONCERNED, ESPECIALLY WHEN THEY HAVE CHILDREN AT THE TEENAGE GROUP. THEY LIKE TO FORCE OF LAW THAT ATTENDANCE AT SCHOOL IS COMPULSORY. THEY LIKE THAT BEHIND THEM AND I THINK THERE WOULD BE QUITE A REACTION FROM A LOT OF PARENTS IF IT WASN'T COMPULSORY BECAUSE THIS IS WHAT THEY LOSE. I THINK THAT WE HAD BETTER HAVE A HARD LOOK AT IT BEFORE WE DO. BECAUSE WE DO SAY A CHILD IS UNABLE TO ATTEND BECAUSE OF REASON OF ILLNESS OR OTHER UNAVOIDABLE CAUSES. THAT INCLUDES MANY THING.

AS YOU SAID, THE CHILD IS UNDER A STRAIN. THE PARENTS DON'T FEEL THAT HE SHOULD GO, IT IS AN UNAVOIDABLE CAUSE. WHEN YOU HAVE PARENTS KEEPING CHILDREN HOME TO WORK, DAY AFTER DAY AFTER DAY, IS THIS CHILD ABUSE OR SHOULD THIS CHILD BE GIVEN THE RIGHT AND PRIVILEGE TO GO TO SCHOOL LIKE EVERY OTHER CHILD? WE HAVE TO BE VERY CAREFUL TO ON THIS. LOOKING AT FIRST GLANCE, IT DOES SEEM HARSH, IT SEEMS VERY HARSH. THEN YOU LOOK AT IT FROM THE FACT THAT PARENTS DO HAVE A LOT OF PROBLEMS ENFORCING THIS WITH THEIR OWN CHILDREN. IF WE ARE GOING TO HAVE COMPULSORY ATTENDANCE IN SCHOOL WELL THEN LET'S HAVE IT COMPULSORY.

Mr. CHAMBERLIST: I WONDER IF Mr. LEGAL ADVISOR CAN GIVE US A LEGAL INTERPRETATION OF THE WORDS, 'OR OTHER UNAVOIDABLE CAUSE'. HOW WIDE ARE THOSE WORDS IN THIS CONTEXT?

Mr. LEGAL ADVISOR: IT IS ASKING ME JUST TO COMPOSE SOMETHING, I CAN THINK OF WEATHER, IMPASSABILITY OF ROADS, THE FACT THAT TRANSPORT WAS NOT AVAILABLE, THE FACT THAT SOMETHING HAPPENED LIKE DEATH IN THE FAMILY. THERE ARE A NUMBER OF THINGS THAT OCCUR.

Mrs. WATSON: ILLNESS OF A PARENT.

Mr. LEGAL ADVISOR: BUT NOT THE WISH OF THE PARENT TO SEE THAT THE CHILD ACTUALLY GOES TO WORK. THE FACT THAT THE CHILD HAS A JOB, THE FACT THAT THE CHILD, AGE SAY 13, SAYS, 'I DON'T WANT TO GO TO SCHOOL', AND THE PARENT IS NOT PREPARED TO SEND HIM. NONE OF THOSE THINGS ARE AN UNAVOIDABLE CAUSE. IF THEY COMMENCE TO OCCUR, THE CHILD WELFARE DEPARTMENT WOULD MOVE IN AFTER A PERIOD IF THE PARENT WAS... AND

REMOVE THAT CHILD FROM THAT PARENT AND SEE THAT HE GOT AN EDUCATION.

Mr. CHAIRMAN: JUST FROM THE CHAIR, WHAT ABOUT A CASE FOR INSTANCE, WE HAVE HAD TWO CASES, ONE AT PELLY AND NOW WE HAVE ANOTHER ONE AT ROSS RIVER WHERE NOTHING IS PROVIDED IN THIS ORDINANCE FOR THAT TYPE OF SITUATION. LET US ASSUME THAT THE PARENT FEELS THAT THE CHILD IS RECEIVING EXCESSIVE OR UNREASONABLE DISCIPLINE AND WITHHOLDS THE CHILD AT THAT TIME. OR IN THE CASE OF THE CHILD'S HEALTH, IF THE PARENTS FEEL IT IS CONTRARY TO THEIR THINKING IN TERMS OF HEALTH THAT THE CHILD GO TO SCHOOL FOR THE REASONS SIMILAR TO ROSS RIVER, THERE IS NO WAY THAT THERE SHOULD BE ANYTHING IN LEGISLATION WHICH WOULD GIVE THE ADMINISTRATION THE RIGHT TO PENALIZE THOSE PARENTS FOR THOSE CAUSES.

Mr. LEGAL ADVISOR: Mr. CHAIRMAN, THESE ARE POLITICAL REASONS.

Mr. CHAMBERLIST: OH NO, OH NO.

Mr. LEGAL ADVISOR: THAT IS ALRIGHT. THEY ARE POLITICAL REASONS BECAUSE A GROUP OF PEOPLE GET TOGETHER TO DO THE SAME THING. THEY ARE NOT DISSIMILAR TO A STRIKE WHICH CAN BE TERMED UNDERNEATH A STRIKE. IT THEN BECOMES A DECISION ON SOMEBODY'S PART TO DECIDE TO PROSECUTE OR NOT TO PROSECUTE, WHEN YOU ARE DEALING WITH GROUPS OF PEOPLE. THE EASY WAY OUT OF THE RULE, IS NOT TO PROSECUTE THE GROUP.

NEVERTHELESS, THE LAW MUST STATE, IN REGARD TO INDIVIDUALS AND BE CLEAR AS TO WHERE THEIR DUTY LIES. THE PLACE TO DEAL WITH THIS, IF THE HOUSE DECIDES NOT TO HAVE COMPULSORY EDUCATION FOR CHILDREN, TO REMOVE THE SECTIONS WHICH SAY A CHILD MUST ATTEND SCHOOL. FACE UP TO THE MATTER CLEARLY AND NOT JUST TINKER AROUND THE PENALTIES BY REMOVING THE PENALTIES AND MAKING IT IMPOSSIBLE TO ENFORCE THE SECTION. THE PLACE TO DO IT IS WHERE IT SAYS, 'A CHILD SHALL ATTEND SCHOOL FROM 6 TO 16.' THAT SECTION IS IN THERE. IF THAT IS TO BE RENDERED MEANINGLESS THE WAY TO DO IT IS TO TAKE IT OUT.

IF YOU WANT TO ADD TO THE LIST OF EXCEPTIONS SOMETHING LIKE THIS, 'WHERE FOR A SHORT, OR SOMETHING THE PARENT SAYS, I DON'T KNOW WHAT IT WOULD BE. BUT SOME WOOLY PHRASE WHICH MIGHT GIVE A PERSON DEFENSE. THAT IS IT. BUT THE



SECTION IS IN HERE, IN SUBSECTION (4), THAT: 'NO PERSON SHALL BE PROSECUTED WITHOUT THE CONSENT OF THE COMMISSIONER'. THAT BRINGS IT RIGHT BACK HERE.

MR. CHAMBERLIST: WHERE?

MR. LEGAL ADVISOR: TO THIS HOUSE.

MR. CHAMBERLIST: OH NO WAY. IN THIS HOUSE?

MR. LEGAL ADVISOR: THE COMMISSIONER WILL HAVE TO COME TO THIS HOUSE FOR CARRYING OUT THE TERMS OF THAT ORDINANCE. IF HE MISUSES THAT POWER.

MR. CHAMBERLIST: HE IS UNACCOUNTABLE NOW, WHO DOES HE ACCOUNT TO NOW?

MR. CHAIRMAN: THE MINISTER, NOT TO HERE.

MR. MCKINNON: MR. CHAIRMAN, I CAN THINK OF A COUPLE OF INSTANCES JUST IN THE LAST FEW MONTHS THAT I PERSONALLY HAVE KNOWLEDGE OF, THAT I DON'T THINK ARE PROVIDED FOR IN THIS AREA AT ALL. I KNOW SOME AND SEVERAL KIDS THAT ARE FORTUNATE ENOUGH TO GO ALONG WITH THEIR PARENTS TO HAWAII DURING THE CHRISTMAS VACATION, CAME BACK MISSING ABOUT 7 TO 10 DAYS OF SCHOOL. AS FAR AS I KNOW, THOSE PARENTS COULD HAVE BEEN PROSECUTED AND FINED \$250 A DAY FOR KEEPING THEIR CHILDREN OUT OF SCHOOL.

MRS. WATSON: MR. CHAIRMAN, THEY WEREN'T HERE. THEY WEREN'T ABLE TO ATTEND SCHOOL. IT IS AN UNAVOIDABLE CAUSE.

SOME HONOURABLE MEMBERS: LOTS OF LAUGHTER.

MR. MCKINNON: THIS IS WHERE LEGISLATION DOES STRETCH AND BECOMES RIDICULOUS. WITHOUT TRYING TO LAUGH IT OFF, I KNOW OF ANOTHER INSTANCE WHERE BECAUSE A GRANDFATHER THOUGHT THAT HIS GRANDSON SHOULD KNOW SOMETHING ABOUT TRAPPING TOOK HIS KID OUT OF SCHOOL WITH HIS PARENTS' PERMISSION AND TOOK HIM OUT ON THE TRAP LINES SEVERAL TIMES CAUSING HIM TO MISS A CERTAIN NUMBER OF SCHOOL DAYS. THAT PARENT COULD BE FINED ALSO UP TO \$250 A DAY UNDER THIS ORDINANCE. CORRECT?

MR. LEGAL ADVISOR: UNLESS IT WAS EDUCATION WHICH WAS REASONABLE CIRCUMSTANCES. SOME NEIGHBOURS OF MINE TOOK AWAY THEIR CHILD FOR SIX WEEKS, JUST BECAUSE ONE OF THE PARENTS HAP-

PENED TO BE GOING TO A COURSE AND TOOK THE CHILD WITH THEM ON THE COURSE, DOING NOTHING FOR SIX WEEKS. IT THINK THAT IS WRONG FOR A CHILD.

MR. MCKINNON: CERTAINLY THE PARENTS HAVE, IF A PARENT CONSIDERS THAT IS BETTER, I DON'T THINK IT IS FOR THE ADMINISTRATION OR THE DEPARTMENT TO SAY, 'WE THINK HE WOULD BE BETTER OFF IN SCHOOL THAN WHERE HIS PARENTS SAY THAT THIS IS MORE, THEY THINK HE SHOULD BE AT THIS OTHER PLACE OR DOING THIS, FOR THAT NUMBER OF DAYS'.

THE PARENTS HAVE GOT TO HAVE SOME RIGHTS IN THIS INSTANCE WITHOUT BEING LIABLE TO A \$250 FINE. IN BOTH THOSE INSTANCES I SUBMIT, MR. CHAIRMAN, I THINK I AM RIGHT. THE PARENT WAS LIABLE TO FINES UNDER THIS ORDINANCE. AM I CORRECT?

MR. LEGAL ADVISOR: CORRECT, IF THE CHILD WAS NOT GETTING EDUCATION AT THAT TIME WHICH IN THE OPINION OF THE SUPERINTENDENT, WAS COMPARABLE TO THE EDUCATION HE WAS GETTING. THESE KINDS OF SECTIONS, SUCH AS THE PENALTY SECTION WE ARE DEALING WITH ARE DESIGNED NOT FOR THE LAW ABIDING CITIZEN WHO GENUINELY BRINGS HIS CHILD FOR AN ALTERNATIVE FORM OF EDUCATION.

IT WAS DESIGNED FOR THE PEOPLE WHO BREAK THE LAW, AND TO SHOW THAT THE LAW MUST HAVE TEETH IF IT WANTS TO CARRY OUT THE WISHES OF THE PUBLIC AND THE HOUSE. YOU TAKE AWAY THE TEETH, THEN NOBODY NEED SEND THEIR CHILDREN TO SCHOOL.

MR. CHAMBERLIST: BUT TECHNICALLY THE EXAMPLES THAT HAVE BEEN GIVEN, MR. CHAIRMAN, BY THE HONOURABLE MEMBER FROM WHITEHORSE WEST, ARE TECHNICALLY AREAS WHERE THE LAW HAS BEEN BROKEN. TECHNICALLY THE PARENTS OF ROSS RIVER HAVE BROKEN THE LAW. TECHNICALLY THE PEOPLE OF PELLY RIVER HAVE BROKEN THE LAW. YOU CAN'T SAY THE LAW IS FOR THOSE PEOPLE THAT ARE BREAKING THE LAW AND WHEN YOU GET THESE EXAMPLES, AFTER ALL WHAT CAN HAPPEN TO THESE PEOPLE?

MR. LEGAL ADVISOR: THE FACT REMAINS, THEY WERE NOT PROSECUTED, MR. CHAIRMAN. ALL OF THESE SECTIONS IN ANY OF OUR ORDINANCES CAN BE STRICT TO THE LIMIT AND ODD UNUSUAL EXAMPLES CAN BE FOUND. WITHOUT MEANING DISRESPECT TO THE HONOURABLE MEMBER, WHEN YOU UTILIZE THESE

EXTREME EXAMPLES OF WHAT MIGHT HAPPEN BUT DIDN'T, IT IS LIKE THE DEVIL QUOTING SCRIPTURE FOR HIS OWN PURPOSES.

Mr. McKINNON: BUT Mr. CHAIRMAN, WE BROUGHT INSTANCES TO THIS HOUSE WHERE Mr. LEGAL ADVISOR KEEPS STATING THAT YOU USE THE EXTREME EXAMPLE AND THIS WILL NEVER HAPPEN. THEN WE TURN AROUND AND SAY, 'HERE IS WHERE A CHARGE WAS LAID ON SUCH AND SUCH A DATE UNDER THIS INSTANCE,' WHERE YOU SAY IT COULDN'T HAPPEN, IT NEVER HAPPENS. THE LAW IS NOT GOING TO BE TAKEN ON A LAW ABIDING CITIZEN, AND WITH RESPECT, Mr. CHAIRMAN, IT DOES HAPPEN NO MATTER WHAT Mr. LEGAL ADVISOR WANTS TO SAY.

IT IS NICE ENOUGH FOR HIM TO SIT THERE IN HIS GOWN AND SAY, THIS ISN'T THE WAY IT IS MEANT TO WORK AND THIS IS NOT THE WAY IT WILL WORK. BUT Mr. CHAIRMAN, IT DOES WORK THAT WAY AND WE HAVE INSTANCES AND CAN PROVE TO HIM WHERE IT DOES WORK THAT WAY. THAT IS NOT A GOOD ENOUGH ANSWER FOR THIS HONOURABLE MEMBER Mr. CHAIRMAN.

Mrs. WATSON: Mr. CHAIRMAN I THINK ONE OF THE GREATEST INSTANCES THAT WE HAVE IN THIS HOUSE IS THE MEDICARE ORDINANCE. IT WOULDN'T HAPPEN, BUT IT DID HAPPEN, DIDN'T IT? THE PROSECUTION FOR NON-REGISTRY. IT WASN'T GOING TO HAPPEN BUT IT DID HAPPEN.

Mr. CHAMBERLIST: WHAT IS THE POINT?

Mr. DEACON: Mr. CHAIRMAN TO PUT THIS THING BACK INTO PERSPECTIVE, I WOULD LIKE TO REFER YOU AGAIN TO OUR ORIGINAL RECOMMENDATION. THE COMMITTEE WOULD HAVE BEEN MOST DISTURBED IF THERE HAD BEEN AN ADMISSION TO THE PROTECTIVE CLAUSE OF THIS NATURE, ABOUT CHILD SCHOOL ATTENDANCE. IT HAS TO REMAIN IN THERE BUT WE ARE ADDRESSING EXACTLY THOSE POINTS THAT Mr. McKINNON BROUGHT UP. THERE WILL CONTINUE TO BE PARENTS, FOR VERY GOOD AND VALID REASONS OF THEIR OWN BUT WHICH ARE NOT SPELLED OUT IN THE ORDINANCE, HOLD THEIR CHILDREN OUT OF SCHOOL FOR SHORT PERIODS OF TIME. WITH RESPECT OF THE OPINIONS POINTED OUT BY THE LEGAL ADVISOR, I SEE NO RECOURSE BUT TO BRING A CHARGE AGAINST THOSE PARENTS. FOR EXAMPLE, IF I TAKE MY BOY FISHING IN HAINES FOR TWO DAYS I AM SUBJECT TO A CHARGE. I MAY FEEL THAT HE MAY BE FURTHERING HIS EDUCATION BY GOING TO HAINES. THERE IS NO PROVISION IN THE ORDINANCE FOR ANY INTERPRETATION OF THAT ACT ON THE PART OF THE SUPERIN-

TENDENT, AS WAS STATED A MOMENT AGO. THIS IS THE WORDING THAT WE WOULD LIKE TO SEE INCLUDED IN HERE SO THAT IT IS NOT QUITE SO CUT AND DRIED AS SUB PARAGRAPH (3)

MY BIGGEST FEAR IS THOUGH IF WE LEAVE LOOPHOLES, THEN THE LOOPHOLE WILL BE USED FOR CHILD ABUSE. THIS IS THE TYPE OF THING WE ARE TRYING TO GUARD AGAINST.

Mr. CHAMBERLIST: YES BUT THE WAY IT'S LEFT NOW IT'S LEFT OPEN FOR PARENT ABUSE. YOU KNOW THE DEPARTMENT CAN ABUSE THE PARENTS AT ANY TIME IT WISHES, AND DON'T SAY IT DOESN'T HAPPEN BECAUSE IT IS HAPPENING CONTINUOUSLY. UNDER OUR SYSTEM HERE NOBODY HAS GOT ANY REDRESS REALLY AT THIS TIME. LET'S FACE IT.

Mr. CHAIRMAN: FROM THE CHAIR - - -

Mrs. WATSON: Mr. CHAIRMAN, THERE HASN'T BEEN A PROSECUTION IN THE LAST FOUR YEARS ON THIS IN THE DEPARTMENT OF EDUCATION.

Mr. CHAIRMAN: JUST ONE OBSERVATION FROM THE CHAIR. ARE WE NOT TRYING TO LEGISLATE AGAINST 98% OF THE PEOPLE FOR THE MISGIVINGS OF 2% OF THE PEOPLE?

Mr. TANNER: THAT'S IN ALL LEGISLATION.

Mrs. WATSON: UNFORTUNATELY.

Mr. CHAIRMAN: I'M SURE THAT WILL COME UP FOR MORE DISCUSSION. ANYTHING FURTHER AT THIS TIME ON 13? 14.

Mr. DEACON: Mr. CHAIRMAN, THE LAST PAGE OF THE DRAFT OF THE REVISED ORDINANCE HAS A TABLE WHICH SPELLS OUT THE OPENING DATES. IT SAYS THAT THERE SHALL BE 190 SCHOOL DAYS. THE POINT WAS BROUGHT UP THAT IT SHOULD BE FAIRLY EASY TO SPECIFY THE CLOSING DATES. I'M PERSONALLY NOT SURE THAT THIS IS A VALID POINT. IT SHOULD BE FAIRLY EASY EACH YEAR TO DETERMINE THAT. IN POINT OF FACT THE ANSWER GIVEN TO US WAS THAT THE SCHOOL, THE DEPARTMENT WILL ADVISE THE SCHOOL COMMITTEES AT THE BEGINNING OF EACH SCHOOL YEAR THE EXACT CALENDAR, CLOSING DATE FOR THAT SCHOOL YEAR. WE'D BE SATISFIED WITH THAT.

Mrs. WATSON: Mr. CHAIRMAN, THERE IS A REQUIREMENT IN THE LEGISLATION FOR AN ANNUAL SCHOOL CALENDAR.

MR. CHAMBERLIST: I FIND NOTHING WRONG WITH THAT.

MR. CHAIRMAN: ALRIGHT, IS I(1) RIGHT?

MR. DEACON: I(1) RIGHT. THIS DEALS WITH THE PLACING OF STUDENT TEACHERS IN THE CLASSROOM UNDER THE MONITORSHIP OF A STAFF TEACHER. IT HAS BEEN SUGGESTED THAT THE ORDINANCE RATHER DICTATORIALLY IMPOSES THIS ON A TEACHER WITHOUT ANY PRIOR CONSULTATION. WE FEEL THAT THIS COULD BE WORDED SOMEWHAT DIFFERENTLY TO ENSURE THAT THIS INTENT DOESN'T COME THROUGH IN THE ORDINANCE.

MRS. WATSON: MR. CHAIRMAN, I POINTED OUT IN THE MEETING THAT THE STUDENT TEACHER IS NEVER PLACED IN THE CLASSROOM WITHOUT THE COMPLETE AGREEMENT OF THE TEACHER OF THE CLASSROOM. IF YOU DIDN'T HAVE THE AGREEMENT OF THE TEACHER OF THE CLASSROOM IT WOULD BE FUTILE TO PLACE THE STUDENT TEACHER IN THERE. IT WOULD BE OF NO BENEFIT TO THE STUDENT WHATSOEVER. IT'S ALWAYS CLEARED WITH THE CLASSROOM TEACHER.

MR. DEACON: MR. CHAIRMAN, WITH RESPECT, I'D LIKE TO POINT OUT THOUGH THAT THE WORDING AS IT STANDS NOW SAYS AND I QUOTE "EVERY TEACHER SHALL", AND THEN READING DOWN IN THE PARTICULAR SUBPARAGRAPH "UPON THE DIRECTION OF THE SUPERINTENDENT ADMIT STUDENT TEACHERS. . . ETC."

MR. CHAMBERLIST: I WONDER, MR. CHAIRMAN, I WOULD LIKE TO ASK A QUESTION OF COUNCILLOR WATSON RELATING TO 73 I(c). (MR. CHAMBERLIST READS THIS SECTION.) ARE THE DUTIES OF ANY TEACHER AND THE REQUIREMENTS OF DISCIPLINE ETC. SPELLED OUT AT ALL ANYWHERE IN THE LEGISLATION OTHER THAN IN THE SCHOOL?

MRS. WATSON: SPECIFICALLY TO WHAT? SCHOOL FUNCTIONS AND THIS TYPE OF THING?

MR. CHAMBERLIST: PERHAPS, MR. CHAIRMAN, I COULD REITERATE. THIS SECTION 73 I(c) READS- (MR. CHAMBERLIST RE-READS THIS SECTION.) IS THERE ANY REQUIREMENT UNDER THE SCHOOL ORDINANCE FOR A TEACHER TO MAINTAIN ORDER AND DISCIPLINE WHEN NOT ON DUTY IN THE SCHOOL, WHEN NOT IN DUTY ON THE PLAYGROUND AND WHEN NOT ON DUTY AT ANY SCHOOL FUNCTION?

MR. TANNER: IN THE PRESENT SCHOOL ORDINANCE?

MR. CHAMBERLIST: IN EITHER THE PRESENT SCHOOL ORDINANCE OR THE NEW SCHOOL ORDINANCE.

MR. TANNER: MR. CHAIRMAN, BECAUSE I'M IN THE MIDDLE OF THINGS NOW, IS THE HONOURABLE MEMBER- FOR EXAMPLE IF THE TEACHER IS AUTHORIZED TO TAKE PUPILS ON A WEEKEND SOMEWHERE. ARE YOU SAYING DO THOSE SAME THINGS APPLY AT THAT TIME TOO? IS THAT THE QUESTION?

MR. CHAMBERLIST: IF IT'S OTHER THAN AT A SCHOOL FUNCTION, OTHER THAN IN THE PLAYGROUND AND OTHER THAN ON DUTY AT THE SCHOOL. ARE THOSE REQUIREMENTS OF THE TEACHER SPELLED OUT IN THE ORDINANCE?

MRS. WATSON: . . . WE'RE TALKING ABOUT TEACHERS RIGHT, WHEN THE TEACHER IS RECEIVING A SALARY FOR THE FUNCTION THAT THEY ARE PERFORMING, YES THEN THEY WOULD.

MR. CHAMBERLIST: I THINK IN THIS PARTICULAR AREA, AND I WONDER IF MR. LEGAL ADVISER WOULD AGREE WITH ME OR NOT, SO THAT TO MAKE THE LANGUAGE CLEARER TO THE LAYMAN WHO IS READING THIS AND PERHAPS TO THE TEACHER WHO IS READING IT, WHETHER WE SHOULDN'T HAVE AN INTERPRETATION OF WHAT IS A SCHOOL FUNCTION?

MR. LEGAL ADVISER: IT SUITS ME FINE AS IT IS, MR. CHAIRMAN, I PREFER TO HAVE IT GREY RATHER THAN BLACK OR WHITE.

MR. CHAMBERLIST: WHY? I'D PREFER TO HAVE IT WRITTEN IN THE ORDINANCE. IS THERE ANY INTERPRETATION NOW IN THE ORDINANCE, IN THE EXISTING ONE, OR IN THIS PROPOSED ONE AS TO WHAT A SCHOOL FUNCTION IS? WHETHER IT IS A FUNCTION AT THE SCHOOL OR WHETHER IT IS A FUNCTION OUTSIDE THE SCHOOL SUPPORTED BY THE DEPARTMENT OF EDUCATION? WHEN DOES IT CEASE TO BE A SCHOOL FUNCTION? LET MR. LEGAL ADVISER GIVE THE - IT'S IMPORTANT I THINK.

MR. LEGAL ADVISER: I DON'T KNOW, I DON'T EVEN KNOW WHAT A SCHOOL FUNCTION IS IN THE SCHOOL.

MR. CHAMBERLIST: WELL IF WE DON'T KNOW WHAT IT IS, WHAT IS IT IN THERE FOR?

MR. LEGAL ADVISER: AS A MATTER OF LAW, I THINK COMMON SENSE DICTATES WHAT IT IS.

MR. CHAMBERLIST: WELL LET'S FIND OUT WHAT YOUR COMMON SENSE IS.

MR. LEGAL ADVISER: IT'S A FUNCTION WHICH HAS THE BLESSING OF THE SCHOOL AND IT CAN BE EITHER IN THE SCHOOL OR OUTSIDE THE SCHOOL. IT COULD BE A SCHOOL WALK. A NATURE STUDY, TAKING A CANOE TRIP, THE BANK, OR GOING TO VANCOUVER FOR THE COMPETITIONS. IT COULD BE GETTING FREE AIRPLANE RIDES FROM THE ARMY WHEN THEY ARE VISITING HERE UNDER THE SUPERVISION OF A TEACHER. IT COULD BE A SCHOOL PLAY VISITING IN FARO FOR A COMPETITION. IT COULD BE PUTTING ON A SEWING CLASS AND PUTTING ON A SHOW IN WHITEHORSE FOR THE RENDEZVOUS AND DEMONSTRATING THAT. IT COULD BE ORGANIZING A BREAKFAST FOR SOME OTHER FUNCTION FOR WHICH THEY ARE RAISING MONEY AND FOR WHICH THEY HAVE THE PERMISSION OF THE SCHOOL. I COULD GO ON.

MR. CHAMBERLIST: PLEASE DO. I WANT YOU TO DO THAT. I'LL TELL YOU WHEN TO STOP.

MR. LEGAL ADVISER: THE KEY TO IT IS THAT THE TEACHER IS ON DUTY AT THE TIME AND HAS A DUTY TO SUPERVISE OR ASSIST IN THE SUPERVISION IN SOME WAY OF THE PUPILS WHO ARE ATTENDING THAT SCHOOL FUNCTION.

MR. CHAMBERLIST: THAT SCHOOL FUNCTION, ATTENDING THAT SCHOOL FUNCTION. SURELY, MR. CHAIRMAN, MR. LEGAL ADVISER CAN SAY, CAN GIVE THIS ADVICE TO COUNCIL AS TO WHEN A SCHOOL FUNCTION EXISTS. IS IT WITH THE AUTHORITY OF THE DEPARTMENT OF EDUCATION OR ONE OF THE PRINCIPLE SENIOR OFFICERS OF THE DEPARTMENT OF EDUCATION THAT A SCHOOL FUNCTION EXISTS? IT'S IMPORTANT BECAUSE I'M TRYING TO ASCERTAIN WHETHER OR NOT IF A TEACHER GOES INTO A RESTAURANT TO EAT WHEN HE HAS A COUPLE OF CHILDREN WHO ARE SCHOOL-AGE CHILDREN WHETHER THAT IS A SCHOOL FUNCTION UNLESS THE SCHOOL IS PAYING FOR THE MEALS AND HAS INSTRUCTED THAT SCHOOL TEACHER TO TAKE THOSE CHILDREN IN TO HAVE THEIR MILK. IS THAT A SCHOOL FUNCTION AT THAT TIME?

MR. LEGAL ADVISER: MR. CHAIRMAN, ALL I CAN SAY IS THIS. TO ME IT'S PERFECTLY INTELLIGIBLE TO ALL THE MEMBERS HERE EXCEPT ONE WHAT THE MEANING OF THE PARAGRAPH IS. IF YOU ASK ME TO DEFINE THIS I HAVE TO THEN START ON A DIFFERENT TACT. I'VE GOT TO FIRST OF ALL DEAL WITH WHAT ORDER AND DISCIPLINE IS. IT DOESN'T SAY HERE WHO THE ORDER AND DISCIPLINE HAS TO BE MAINTAINED BY

BECAUSE THE WORD PUPIL IS NOT MENTIONED. IT DOESN'T SAY WHO'S ON DUTY AT THE SCHOOL, WHETHER IT'S THE PUPILS OR THE PRINCIPAL. IT DOES DEAL WITH SCHOOLS. IT DOESN'T DEFINE WHETHER THE PLAYGROUND IS PART OF THE SCHOOL OR SOMEWHERE ELSE. IT DOESN'T DEFINE WHAT A SCHOOL FUNCTION IS OR HOW IT BECOMES A SCHOOL FUNCTION WHETHER BY A TEACHER, AN ADMINISTRATIVE OFFICER OR ANYONE ELSE. I COULD QUITE USEFULLY WRITE A PAGE OF CLAUSES AND SUBCLAUSES EXPLAINING IT PRECISELY WHAT WE INTENDED TO DO. THAT WOULD ONLY MAKE IT LIKE A SECTION OF THE INCOME TAX ACT, PERFECTLY UNINTELLIGIBLE. FOR THIS CLAUSE IS WRITTEN IN SIMPLE, GENTLE, CLEAR ENGLISH THAT THE AVERAGE PERSON UNDERSTANDS WHO READS IT.

MR. CHAMBERLIST: WELL, MR. CHAIRMAN, AS A MATTER OF FACT I'M QUITE PLEASED TO HEAR WHAT THE HONOURABLE MEMBER HAS TO SAY. I GUESS I CAN BE JUST AS EQUAL TO HIM IN VERBOSITY. THERE HAS BEEN VERY MUCH OF THAT PRONOUNCED IN THE MANNER IN WHICH HE HAS GIVEN THIS SO CALLED PRONUNCIATION OF WHAT IS A SCHOOL FUNCTION.

MR. MCKINNON: I MUST RISE ON A POINT OF ORDER AT THIS TIME.

MR. CHAIRMAN: ORDER PLEASE.

MR. MCKINNON: THE HONOURABLE MEMBER FROM WHITEHORSE EAST CALLED MR. LEGAL ADVISER THE HONOURABLE MEMBER AND I JUST CAN'T LET THAT ONE GO BY.

MR. CHAMBERLIST: I APOLOGIZE TO ALL MEMBERS OF THE HOUSE FOR THAT VERY VERY BAD MISTAKE.

MRS. WATSON: MR. CHAIRMAN, ON A POINT OF ORDER.

MR. CHAIRMAN: PROCEED.

MRS. WATSON: MR. CHAIRMAN, WE DO HAVE WITNESSES HERE AND THIS TYPE OF PLAYBACK IN WORDS WE CAN DO AT ANOTHER TIME. I THINK WE'D LIKE TO GET THROUGH THIS SECTION, OR THE WITNESSES WOULD LIKE TO, SO THAT WE CAN DEAL WITH ALL THE SECTIONS THAT THEY HAVE BROUGHT BEFORE US TODAY. I SUGGEST WE GET ON WITH IT.

MR. CHAMBERLIST: THAT'S VERY KIND OF THE HONOURABLE MEMBER TO SAY THAT BUT I'M NOT

GOING TO LET HER TAKE AWAY FROM ME WHAT I KNOW IS MY DUTY IN THIS HOUSE. I'M STILL TRYING TO GET A CLARIFICATION FROM MR. LEGAL ADVISER OF WHAT A SCHOOL FUNCTION IS AND OBVIOUSLY HIS INABILITY TO CLEAR THAT SITUATION UP SHOWS QUITE CLEARLY THAT HE HAD BETTER TAKE SOME STUDY IN THIS PARTICULAR ITEM. HE KNOWS WHY I ASK THIS PARTICULAR QUESTION. I WOULD SAY THAT WHEN WE COME BACK AGAIN, MR. CHAIRMAN, TO THIS PARTICULAR AREA WE SHOULD HAVE A CLEAR UNDERSTANDING AS TO WHAT IS A SCHOOL FUNCTION. AT SOME LATER DATE DURING THE LIFE OF THIS PIECE OF LEGISLATION THE PROBLEM THAT DEVELOPS FROM TIME TO TIME AND HAS DEVELOPED MAY COME AGAIN AS A RESULT OF THIS TYPE OF SUBSECTION IN LEGISLATION.

MR. TANNER: MR. CHAIRMAN, GETTING BACK TO THE SUBJECT MATTER IN HAND - - -

MR. CHAMBERLIST: THIS IS THE SUBJECT MATTER IN HAND.

MR. TANNER: WHICH IS SPECIFICALLY 73 I(L), I STILL - I'M NOT ABSOLUTELY CLEAR THAT THE MEMBER IN CHARGE OF THE EDUCATION DEPARTMENT HAS SATISFIED ME THAT THE ANSWER THAT IS GIVEN HERE CLEARS UP THE MATTER AS FAR AS THE WITNESSES ARE CONCERNED.

MR. CHAIRMAN: I THINK IT'S BEEN RECOMMENDED ALSO HERE THAT THE YTA WILL HAVE SOMETHING TO SAY ON THIS. THERE IS SUGGESTED CONSULTATION WITH YTA IN RELATION TO THIS.

MRS. WATSON: WELL, MR. CHAIRMAN, I HAVE SAID THAT WE NEVER PUT A STUDENT TEACHER INTO A CLASSROOM UNLESS THE TEACHER HERSELF IS WILLING TO ACCEPT THAT STUDENT TEACHER. MR. DEACON POINTED OUT THIS DOES NOT REALLY REFLECT WHAT I'VE SAID AND THEY WISH THAT SOMETHING BE WRITTEN IN SO YOU KNOW WE ARE SAYING "SHALL" IN HERE. HE THINKS POSSIBLY IT SHOULD BE "WHERE A TEACHER AGREES" OR THIS TYPE OF THING WHEN A PRACTICE TEACHER IS PUT IN A CLASSROOM. WE ARE DOING THAT NOW. I SEE NO PROBLEM IN WRITING IT INTO THE LEGISLATION.

MR. TANNER: MR. CHAIRMAN, CAN COMMITTEE TAKE IT FOR GRANTED THAT THERE WILL BE SOMETHING WRITTEN IN THERE EXPRESSING THE AGREEMENT OF THE TEACHER TO THE DIRECTION OF THE SUPERINTENDENT?

MRS. WATSON: I WOULD SAY CONSULTATION WITH THE TEACHER, OR THE TEACHER WILL BE REQUESTED TO TAKE A STUDENT TEACHER INTO THEIR CLASSROOM. AS I

SAID BEFORE THERE IS NO POINT IN PUTTING A STUDENT TEACHER INTO A CLASSROOM IF THE TEACHER DOESN'T WANT THEM.

MR. TANNER: YES BUT, MR. CHAIRMAN, THE WITNESS DOES MAKE A POINT THAT, AS THE MEMBER HAS POINTED OUT, "EVERY TEACHER SHALL UPON THE DIRECTION OF THE SUPERINTENDENT", AND I CAN'T FORESEE ANY CIRCUMSTANCE WHEN HE WILL BOTHER TO DO IT IF THE TEACHER DIDN'T AGREE. HOWEVER, AS IT PRESENTLY READS AND WITH THE SUGGESTION THAT'S COMING FROM THE ADVISORY COMMITTEE IN CONSULTATION WITH THE YTA WHICH I DON'T NECESSARILY AGREE WITH, BUT I DO AGREE THAT THERE SHOULD BE WRITTEN IN THE LEGISLATION SOMETHING TO THE EFFECT THAT THE TEACHER WHO IS HAVING THE STUDENT TEACHER PUT IN THERE HAS BEEN CONSULTED AND HAS AGREED TO IT. I THINK IT'S A MERE FORMALITY WHICH WILL PROTECT THE TEACHER FROM THAT PARTICULAR PROBLEM.

MRS. WATSON: THAT'S RIGHT. MR. CHAIRMAN, I THINK THIS IS TAKEN DIRECTLY FROM THE B.C. SECTION. . .

MR. CHAMBERLIST: I WONDER IF MR. DEACON, MR. CHAIRMAN, CAN INDICATE WHY THE COMMITTEES HAVE NOT RECOGNIZED THAT IN THIS PARTICULAR SECTION THE TEACHER ONLY TAKES DIRECTIONS FROM THE SUPERINTENDENT AND NOT FROM THE PRINCIPAL? SOMETHING THAT I JUST NOTICED IN IT, "EVERY TEACHER SHALL", AND THEN SAYS THINGS LIKE "VERIFY BY AFFIDAVIT ANY RETURN MADE BY HIM WHEN REQUIRED TO DO SO BY THE SUPERINTENDENT". I MEAN WHY WOULD THIS APPLY WHEN LET'S SAY IN THE CASE OF THE F. H. COLLINS SCHOOL WHERE THEY HAVE A PRINCIPAL, WHY SHOULDN'T THE PRINCIPAL DO THIS? WHY DOES IT HAVE TO BE THE SUPERINTENDENT?

MR. TANNER: YOU HAVE TO READ THE FULL CONTEXT OF THAT.

MR. CHAMBERLIST: THAT'S RIGHT. BECAUSE YOU START OFF WITH, IT SAYS "EVERY TEACHER SHALL", AND THEN THE SECTIONS COME AFTER IT. FOR INSTANCE IN THAT (L), "EVERY TEACHER SHALL 73 I(L) UPON THE DIRECTION OF THE SUPERINTENDENT ADMIT TEACHERS AND THEIR INSTRUCTORS TO HIS CLASSROOM." NOW WHAT DOES HE DO IF SUPPOSING THE PRINCIPAL SAYS TO THE STUDENT TEACHERS "YOU GO INTO THAT PARTICULAR CLASSROOM." THE TEACHER CAN PROPERLY SAY, "LOOK, I'M SORRY. YOU ARE MY PRINCIPAL BUT I'M SORRY I CANNOT DO THIS BECAUSE THE ORDINANCE SAYS I CAN ONLY DO

IT UPON THE DIRECTION OF THE SUPERINTENDENT."

MR. TANNER: MR. CHAIRMAN, THE MEMBER IS TAKING THAT PARTICULAR DUTY OF THE TEACHER OUT OF CONTEXT WITH THE TOTAL ORDINANCE. THIS IS SPECIFYING THE DUTIES OF THE TEACHER AS RELATED TO THE TOTAL ORDINANCE; NOT ONLY AS FAR AS THE PRINCIPAL OR THE SUPERINTENDENT OR DISTRICT SUPERINTENDENT OR SCHOOL BOARD IS CONCERNED, BUT THE TOTAL ORDINANCE. YOU JUST CAN'T TAKE ONE SPECIFIC SECTION LIKE THAT OUT AND CORRELATE IT TO THE TOTAL DUTIES OF THE TEACHER UNLESS YOU READ THE WHOLE ORDINANCE, AND WHERE THE SUPERINTENDENT HAS GOT AUTHORITY AND WHERE THE PRINCIPAL HAS GOT AUTHORITY. WHEN YOU READ THROUGH YOU WILL FIND THAT THE PRINCIPAL HAS GOT AUTHORITY TO DO WHAT HE IS SUGGESTING.

MRS. WATSON: MR. CHAIRMAN, THERE IS JUST ONE THING THAT THE HONOURABLE MEMBER DOES NOT UNDERSTAND IN THE FUNCTION AND THE OPERATION OF OUR SCHOOL SYSTEM. THERE ARE NO OVERTURES MADE TO ANY TEACHER WITHIN A SCHOOL UNTIL THE PRINCIPAL IS CONSULTED ABOUT IT. THE DEPARTMENTAL PEOPLE ALWAYS BEFORE THEY EVEN GO IN TO SUPERVISE THE INSTRUCTION IN A CLASSROOM, GO INTO THE PRINCIPAL'S OFFICE AND SAY WE ARE GOING INTO SUCH AND SUCH A CLASSROOM. BEFORE ANYTHING IS DONE SUCH AS THIS THE PRINCIPAL IS CONSULTED. THE AFFIDAVIT HERE IS REQUIRED, THESE ARE DEPARTMENTAL. WE HAVE TO GET STATISTICS ON PEOPLE ATTENDANCE AND THIS TYPE OF THING. SOMETIMES THESE ARE DEPARTMENTAL FORMS THAT HAVE TO BE FILLED OUT. SOMETIMES IT IS A REQUIREMENT TO HAVE AN AFFIDAVIT VERIFYING AN AFFIDAVIT. NOW IF YOU WANT US TO PUT IN THERE "VERIFY ANY AFFIDAVIT REQUIRED BY THE PRINCIPAL", I DON'T KNOW WHAT AFFIDAVITS HE WOULD HAVE.

MR. CHAMBERLIST: YOU KNOW FOR BEING THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION, HER WEAKNESS IN READING LEGISLATION IS BECOMING SO OUTSTANDING. I CAN GIVE HER A MEDAL FOR BEING SO GOOD AT IT. HERE'S A SITUATION. I'VE GIVEN FOR AN EXAMPLE (L) WHICH SAYS "UPON THE DIRECTION OF THE SUPERINTENDENT ADMITS STUDENT TEACHERS". I GAVE THE OTHER INFORMATION ABOUT THE AFFIDAVIT AS WELL. SHE DIDN'T MAKE ANY REFERENCE TO THIS (L). WHAT I'M GETTING AT IS THIS. HERE YOU HAVE IN A COUPLE OF THESE SUBSECTIONS 73 I(c), (d) (MR. CHAMBERLIST READS SUBSECTIONS). THEN ALL OF A

SUDDEN WHEN YOU'VE GOT THE PRINCIPAL YOU HAVE TO GET A DIFFERENT TYPE OF DIRECTIONS FROM THE SUPERINTENDENT. THIS IS THE POINT THAT I AM MAKING. I WANT MR. LEGAL ADVISER TO INDICATE WHY THERE IS IN THE SAME SECTION TWO DIFFERENT OFFICIALS THAT A TEACHER MUST CONCERN HIMSELF WITH WHEN IT COULD BE EITHER ONE OR THE OTHER. THIS IS THE KEY POINT THAT I'M MAKING. WHY HAVE WE GOT IT DIFFERENT? WHY ISN'T IT THE SAME?

MRS. WATSON: MR. CHAIRMAN, I'M NOT GOING TO ANSWER THE HONOURABLE MEMBER - - -

MR. CHAMBERLIST: I ASKED THE LEGAL ADVISER. I DIDN'T ASK YOU TO ANSWER.

MR. CHAIRMAN: ORDER.

MR. CHAMBERLIST: BECAUSE YOU DON'T GIVE INTELLIGIBLE ANSWERS.

MRS. WATSON: THE HONOURABLE MEMBER WOULDN'T UNDERSTAND ANYWAY. HE JUST DOESN'T UNDERSTAND THE OPERATION OF THE SCHOOL SYSTEM.

MR. CHAIRMAN: ORDER PLEASE. MAY WE HAVE ORDER.

MRS. WATSON: MR. CHAIRMAN, I'M NOT GOING TO ANSWER. THE HONOURABLE MEMBER WOULDN'T UNDERSTAND ANYWAY. HE DOESN'T UNDERSTAND THE OPERATION OF THE SCHOOLS OR THE SCHOOLS SYSTEM, UNFORTUNATELY.

MR. CHAMBERLIST: I'M SURE I COULD DO BETTER AT THE JOB THAN YOU HAVE DONE. YOU KNOW THIS IS UNIVERSAL IN THE YUKON TERRITORY. I WONDER IF MR. LEGAL ADVISOR COULD RECOGNIZE THE POINT THAT I AM MAKING?

THE POINT THAT I AM MAKING IS THAT IN THE SAME SECTION A TEACHER IS REQUIRED IN SOME AREAS TO DEAL SPECIFICALLY WITH THE PRINCIPAL AND IN SOME AREAS HE HAS TO DEAL WITH THE SUPERINTENDENT. NOT ONE OR THE OTHER IN THE VARIOUS SUB-SECTIONS. WHAT IS THE REASON FOR IT?

MR. LEGAL ADVISOR: MR. CHAIRMAN, IT DEPENDS ON THE LEVEL FROM WHICH THE PARTICULAR INSTRUCTION WILL IN THE FIRST PLACE EMANATE. I THINK THESE SECTIONS, AS THE HONOURABLE MEMBER FROM WHITEHORSE NORTH SAID, ARE THE

TOTAL OF THE TEACHERS DUTIES. SOME OF THESE TEACHERS COULD BE UNDER THE SCHOOL BOARD AND SOME OF THEM COULD BE UNDER THE GOVERNMENT. YOU ARE JUST TAKING THE TWO LEVELS. ONE OF THEM IS A GENERAL GOVERNMENT CONSTRUCTION. I WOULD APPREHEND THAT UNDER (L) WHERE YOU ARE ADMITTING STUDENT TEACHERS, THIS IS AN ARRANGEMENT WE WILL COME TO AT DEPARTMENTAL HEADQUARTERS WITH THE UNIVERSITY OF B.C. OR A SIMILAR ORGANIZATION. YES, WE WOULD ACCEPT TWENTY STUDENT TEACHERS FOR THREE MONTHS AND THEN ARRANGEMENTS WOULD COME OUT FROM HEADQUARTERS AS TO WHERE THE STUDENT TEACHERS ARE GOING TO GO. THEY MAY GO TO MANY DIFFERENT AREAS.

SO FAR AS THEY ARE REGISTERED IN THE TENANTS RECORDS ARE CONCERNED THEY ARE ISSUED DEPARTMENTAL INSTRUCTIONS BY THE SUPERINTENDANT AND SO FAR AS AFFIDAVITS ARE CONCERNED, HE MAY IN THE COURSE OF REQUIRING CERTAIN FORMS, REQUIRED SOME OF THEM TO BE VERIFIED BY AFFIDAVITS. THESE ARE COMING FROM HEADQUARTERS. THAT IS WHY SUPERINTENDANT IS IN THE DRAFTING AS OPPOSED TO PRINCIPAL. THESE ARE MINOR THINGS WHICH ARE ON A EVERY DAY BASIS.

MR. CHAIRMAN: I WONDER IF WE COULD SOMEHOW GET BACK SO THAT WE COULD PRESS ON WITH THESE WITHIN THE TIME ALLOTTED THIS EVENING. IT SEEMS THAT WE HAVE ONLY GOT ABOUT ANOTHER TWENTY MINUTES OR SO. THESE QUESTIONS WILL ALL FOLLOW WHEN WE DISCUSS THE ORDINANCE. IS THIS AGREEABLE?

SEVERAL HONOURABLE MEMBERS AGREE.

MR. CHAIRMAN: ALRIGHT NOW 16.

MR. DEACON: MR. CHAIRMAN, 16 I THINK, IS SELF-EXPLANATORY. IT HAS TO REFER TO SCHOOL DUTIES NOT CLERKING IN THE LIQUOR STORE OR ACTING AS DOG-CATCHER OR SOMETHING. THERE IS NO ARGUMENT THERE.

MR. CHAIRMAN: 17.

MR. DEACON: IN NUMBER 17 WE TOOK NOTE THAT THERE IS AN OCCASIONAL CONNOTATION IN CONNECTION WITH THE PHRASE, "DURING PLEASURE." WE WOULD LIKE TO SEE THAT PHRASE DELETED.

SEVERAL HONOURABLE MEMBERS AGREE.

MR. DEACON: MR. CHAIRMAN, THE REFERENCE HERE IS TO: (A) "THE COMMISSIONER SHALL APPOINT AN OFFICER TO BE CALLED SUPERINTENDANT OF EDUCATION WHO SHALL HOLD OFFICE DURING PLEASURE." WE WOULD LIKE TO SEE THE SUPERINTENDANT APPOINTED NOT DIRECTLY BY THE COMMISSIONER BUT IN ACCORDANCE WITH THE CIVIL SERVANTS STAFFING PROCEDURES.

MR. CHAMBERLIST: THE YUKON ACT TAKES CARE OF IT.

MR. CHAIRMAN: ORDER PLEASE. ONE AT A TIME PLEASE. WOULD YOU LET THE WITNESS CONTINUE?

MR. DEACON: THIS WOULD COMPLETE IT THEN. THIS WAS AN ATTITUDE EXPRESSED BY A COMMISSION. WE WEREN'T NECESSARILY FAMILIAR WITH THE BINDING FORCE OF THE CLAUSES OF THE YUKON ACT. IT STILL REPRESENTS OUR WISHES AND WE STILL WOULD LIKE THIS BROUGHT TO THE ATTENTION OF THIS COMMITTEE.

MR. TANNER: MR. CHAIRMAN, I THINK MEMBERS WOULD APPRECIATE THAT WE CAN'T DO WHAT THE WITNESS IS ASKING. WE CAN DO THE "DURING PLEASURE" BIT BUT WE CAN'T ...

MR. DEACON: PERHAPS YOU ADDRESS YOURSELF, THEN, TO THE "DURING PLEASURE."

MR. TANNER: THAT IS AGREED.

SEVERAL HONOURABLE MEMBERS AGREE.

MR. CHAIRMAN; NEXT ITEM IS 18.

MR. CRAIG: COMMITTEE AS A WHOLE FELT THAT IT WOULD HAVE SEEMED LOGICAL TO PREFACE THE ENTIRE ORDINANCE WITH A STATEMENT OF THE AIMS OF EDUCATION AS THEY ARE SEEN IN THE YUKON. WE FELT THAT THAT WAS RATHER CONSPICUOUS BY ITS ABSENCE.

WHEN THIS WAS DISCUSSED IT WAS STATED THAT THESE AIMS OR A PHILOSOPHY OF EDUCATION WOULD BE IN FACT DRAFTED BY OFFICIALS IN THE DEPARTMENT AND CIRCULATED BY WAY OF AN ADVISORY MEMO.

I THINK THE COMMITTEE AS A WHOLE RETAINED THE FEELING THAT IT WOULD HAVE BEEN PREFERABLE TO HAVE THIS AS A PREAMBLE TO THE ORDINANCE ITSELF.

Mr. TANNER: Mr. CHAIRMAN, MY PERSONAL FEELING ON THE POINT OF VIEW THAT IS BEING PUT FORWARD BY THE WITNESS IS THAT IT SEEMS TO ME THAT WHAT HE IS SUGGESTING HAS BEEN PART OF FACTS WRITTEN ACROSS CANADA IN A LOT OF LEGISLATION. BUT THE PROBLEM THE COURTS FOUND WAS THAT SO OFTEN THE SO CALLED PREAMBLE BECAME AN INTERPRETATION OF THE ACT OR IT BECAME LIABLE TO INTERPRETATION AND CONSEQUENTLY COMPLICATED THE ACT. THAT, I THINK, IS BASICALLY THE REASON THAT WE DON'T WANT TO INCLUDE IT AS A PREAMBLE. I THINK MRS. WATSON'S IDEA OF A POLICY DECISION BY WAY OF AN ADMINISTRATIVE VOTE WOULD SATISFY WHAT THE WITNESS IS ASKING AND THE MEMBERS OF THIS COMMITTEE, AND ALSO SATISFY OUR LEGAL BEAGLES THAT WE WON'T CREATE DIFFICULTIES FOR OURSELVES.

Mrs. WATSON: Mr. CHAIRMAN, I WOULD LIKE TO ADD THERE THAT I COULDN'T AGREE MORE THAT WE SHOULD HAVE A SPECIFIC PHILOSOPHY ON EDUCATION BEFORE THE LEGISLATION WAS WRITTEN. I DO FEEL THAT A PHILOSOPHY OF EDUCATION SHOULD NOT BE DRAFTED PURELY BY THE DEPARTMENTAL PEOPLE. I THINK THERE CERTAINLY HAS TO BE SOME INPUT FROM THE PEOPLE THAT THE EDUCATION IS SUPPOSE TO SERVE. B. C. HAS IT AS A PREAMBLE IN THEIR BOOK OF REGULATIONS, THE PHILOSOPHY.

OUR REGULATIONS, I HOPE WILL BE A PART OF THE ORDINANCE THAT WILL GO OUT TO THE SCHOOLS. BUT WE DO HAVE ADMINISTRATIVE BULLETINS THAT GO OUT FROM THE DEPARTMENT FROM TIME TO TIME. I WOULD HOPE THAT THE DEPARTMENTAL PEOPLE ARE ABLE TO DRAFT UP SOME TYPE OF PHILOSOPHY OF EDUCATION. I WOULD HOPE THAT BEFORE IT IS ADOPTED THAT IT BE REFERRED TO THE VARIOUS ADVISORY COMMITTEES AND POSSIBLY TO THE YTA, TO TRY TO GET A CLEAR CONSENSUS BEFORE WE USE IT AS A PHILOSOPHY AND AS A HEAD OF OUR ADMINISTRATIVE BULLETINS THAT GO OUT TO OUR VARIOUS SCHOOLS.

Mr. CHAIRMAN: AGREED?

Mr. McKINNON: Mr. CHAIRMAN, IT ALSO WOULD BE VERY NICE TO HAVE IT COME BEFORE TERRITORIAL COUNCIL.

Mr. CHAIRMAN: AGREED?

SEVERAL HONOURABLE MEMBERS AGREE.

Mr. CHAIRMAN: NEXT IS 19.

Mr. DEACON: COMMITTEE NOTED AN OMISSION OF AN MENTION IN THE ORDINANCE REGARDING THE HEALTH ASPECT PARTICULARLY IN THE ELEMENTARY LEVEL, FOR COMPULSORY INSPECTIONS AND SO ON. WE FELT THAT THAT SHOULD BE INCLUDED IN THE ORDINANCE. I BELIEVE IT WAS AGREED THAT THIS WOULD BE ADMINISTERED.

SEVERAL HONOURABLE MEMBERS AGREE.

Mr. CHAIRMAN: ITEM No. 20.

Mr. DEACON: THE SAME GENERAL COMMENT PERTAINS TO THE DESCRIPTION OF THE VOCATIONAL EDUCATION SYSTEM AS IT EXISTS IN THE YUKON. THE SUBSEQUENT DISCUSSION WE HAD WITH MRS. WATSON BROUGHT OUT THE COMPLICATING FACT IN REGARDS TO THE DUEL PARTICIPATION WITH THE CANADA MANPOWER DEPARTMENT AND THE DEPARTMENT OF EDUCATION.

NOTWITHSTANDING THAT WE FELT THAT PROBABLY IT WOULD BE DESIRABLE EVEN IF IT WASN'T INCLUDED IN THE ORDINANCE TO AT LEAST REVIEW THE ENTIRE POSITION IN REGARDS TO VOCATIONAL TRAINING IN THE YUKON.

SEVERAL HONOURABLE MEMBERS AGREE.

Mr. CHAMBERLIST: AN AGREEMENT TO REVIEW VOCATIONAL TRAINING IN THE YUKON, BUT IS IT SUGGESTED THAT THE VOCATIONAL TRAINING BE PART OF THE SCHOOL ORDINANCE?

Mr. DEACON: I THINK THAT IS WHAT WE HAD IN MIND WHEN WE DISCUSSED IT INITIALLY, Mr. CHAIRMAN. BUT I BELIEVE THE EXPLANATION THAT WAS GIVEN TO US BY MRS. WATSON SATISFIED US, THAT IN POINT OF FACT, THAT IS NOT A SUBJECT TO THE ADDRESS IN THE EDUCATION ORDINANCE.

Mr. CHAMBERLIST: THERE IS CERTAIN AREAS OF VOCATIONAL TRAINING THAT TAKES PLACE WITHIN OUR SCHOOL SYSTEM NOW. WE HAVE VOCATIONAL ROOMS NOW HAVEN'T WE IN F. H. COLLINS SCHOOL? OR DID WE HAVE THEM?

Mrs. WATSON: JUST THE SENIOR UPGRADING CLASS.

Mr. CHAMBERLIST: I KNEW WE HAD SOMETHING IN THERE BUT I THINK IT WOULD BE TOO CUMBERSOME TO BRING THAT INTO THE AREA NOW.



Mrs. Watson: I think what the Advisory Committee meant was that they would like to have a more thorough review made of vocational education within the Territory. I think what they were concerned with is that there is becoming more of an overlapping, and so many of our students who are leaving the academic program are going into vocational school to upgrading and these are the programs they could have taken at the academic level. They are also wondering whether there should be more vocational education given as part of our existing school system at the senior level in the secondary schools?

This is one area that the departmental people are looking and this is one area where the other provinces are going into much more than we have. I agree there should be a review made of this. It can't be done at the present time with this school ordinance. I think their concern is a valid concern and before too many years go by some changes really have to be made. You just can't chop off secondary schools, stop here, and vocational schools start here. I think there has to be some more of those two programs.

Mr. Chairman: Next is 21.

Mr. Deacon: Item 21 was answered quite satisfactorily in reference to the ordinance as a whole. Schedule 6 follows schedule 1,2,3,4,5, in the ordinance so that is okay.

Mr. Chairman; Alright, 22.

Mr. Deacon: With connection with the establishment of a kindergarten. We were given the impression that the firm intent in the Yukon was to establish a kindergarten, therefore we didn't understand the requirement to give the Commissioner the option of establishing a kindergarten. We have been advised that this is required because of the annual funding. Possibly Mrs. Watson would like to elaborate on that.

Mrs. Watson: We couldn't have said "shall" in the legislation unless we had had the acceptance by the Council to make this kindergarten part of the school system. That is why we have to use the word "may". Of

course we couldn't establish it until we had the approval for the necessary funds.

Mr. Stutter: Mr. Chairman, further to that it says, "shall for pre-kindergarten" and we have already decided that will be a decision of the next Council.

Mrs. Watson: Does it say, "shall for kindergarten?"

Mr. Stutter: Pre-kindergarten.

Mr. Chairman: The next is item 23.

Mr. Deacon: The ordinance indicates that the school committee may for the recommendation regarding the opening of school day and the recitation of the Lords Prayer. It was brought up that the same option should be allowed in regards to the opening and a patriotic exercise such as O'Canada. We see no objection to that. It is an option not a directive.

Mr. Chairman: I believe this has been agreed to.

Mr. Tanner: Mr. Chairman, just one point as far as I am personally concerned. You are saying that's conditional to the recommendation of the school board?

Mr. Deacon: No, we are suggesting that there should be an addition to paragraph 114-1, which adds to what is already there, provisions for a patriotic opening exercise in addition to recitation of the Lords Prayer.

Mr. Tanner: On the same conditions as the Lords Prayer is on the recommendation of the school committee.

Mr. Deacon: Absolutely.

Mr. Chamberlist: A question I would like to ask in this particular point. Just supposing some children didn't want to stay in the class at the time that it was going to be opened with the recitation of the Lords Prayer. What provision is made in the legislation for those people who go out. Is there a section in there?

Mrs. Watson: Yes, there is a religious exercise in that too.

Mr. Chamberlist: The same thing would apply to patriotic things as well? I don't think anybody should be compelled to either one of those things. I am personally in favour of both of them but I don't think people should be compelled to them.

Mr. Chairman: Next item is 24, Section 26.

Mr. Deacon: Paragraph 26 merely specifies: "that the principal"... We wanted it clarified as to what latitude the principal has with respect to the infliction of corporal punishment of a student. We are told that this is clarified in the regulations.

Mrs. Watson: Mr. Chairman, I have a copy of that. We have the regulations done on that section. I will pass them out.

Mr. Tanner: Mr. Chairman, I only have one comment on this. There is no mention in the regulations with reference to, unless there is in the legislation I don't recall, reference to the School Committee. If in any area the School Committee recommends they don't want corporal punishment in the school to exist and they are able to substantiate it with the staff of the school, can the School Committee have the authority to change section 26, "the principal may give corporal punishment:"?

Mrs. Watson: Mr. Chairman, that can be put in, "the principal can with the authority of the School Committee". I certainly have no hang-ups on that at all. If a certain School Committee or certain school do not want corporal punishment in their school.

Mr. Tanner: That is what I mean.

Mrs. Watson: Get the support of the parents.

Mr. Chamberlist: I wonder if Mr. Legal Advisor - I am going to ask him another one, without writing a full page about it. Lets get a meaning of corporal punishment. That is the cat and nine tails.

Mr. Stutter: Mr. Chairman, this says, "administered by loving and judicial parent."

Mr. Chamberlist: There are some parents who are loving and judicious and think that the children can be given punishment with a cat and nine tails. How far do you go with corporal punishment?

Mr. Legal Advisor: Mr. Chairman, they explain everything.

Mr. Tanner: Mr. Chairman, could we have some reference either in the regulations or in the legislation to the School Committee insofar as corporal punishment is concerned?

I think the School Committee should have some input into corporal punishment in the school in which the School Committee sits.

Mrs. Watson: Mr. Chairman, I agree. If the School Committee wants corporal punishment exercised in their school I think that they have the right, and if they don't want it I think that they have the right to so instruct their principal. I think that every one of these sections in here are necessary. They are necessary for the protection of the person who is administering the corporal punishment, and certainly necessary for the child who is receiving. There has to be protection. You can laugh all you like but if you are going to have corporal punishment you have to have some kind of regulations that principals or whoever administers have to adhere to. I certainly wouldn't hesitate at all to put in that the Advisory Committee recommends that it not be used in a certain school or that it be used in a certain school.

Mr. Chamberlist: As far as I am concerned, corporal punishment went out in the days of Charles Dickens and his Nicholas Nickleby with Mr. Squares giving out his punishment. As far as I am concerned.

Mr. McKinnon: They haven't met my Brad yet.

Mr. Chamberlist: I am against allowing somebody else, especially when children have teachers who don't necessarily understand with certainty that they should mete out corporal punishment. I am opposed to that.

Those days are gone. We should be much more enlightened these days than having to have somebody else beat your children. I don't mind as a parent, beating my child but I object to..

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. CHAMBERLIST: IF I WANT TO PUNISH MY CHILD I WILL PUNISH HIM. I WILL NOT LET SOMEBODY ELSE PUNISH HIM.

MR. CHAIRMAN: FROM THE CHAIR, I IMAGINE THAT COMMITTEE THEMSELVES WILL HAVE MUCH DEBATE IN THIS SUBJECT AT A FUTURE DATE BUT I WONDER IF THE WITNESSES HAD ANYTHING FURTHER TO ADD ON THIS PARTICULAR ITEM?

MR. DEACON: YES, I THINK MR. CHAIRMAN, IN ADDRESSING THE REMARKS THAT WERE JUST MADE ABOUT THE INPUT BY THE SCHOOL COMMITTEES, I SORT OF THINK THIS HAS BEEN TAKEN CARE OF IN PARAGRAPH 23 IN CONNECTION WITH THE TERMS OF REFERENCE OF A PRINCIPAL. IT SAYS: "WHERE THERE IS A SCHOOL COMMITTEE, THE PRINCIPAL SHALL CONSULT WITH THE SCHOOL COMMITTEE PRIOR TO MAKING THE RULES GOVERNING THE CONDUCT OF THE PUPILS." IT MAY WELL BE THAT COVERS THE CASE. IT GIVES THE PRINCIPAL OR DIRECTS THE PRINCIPAL TO CONSULT WITH THE SCHOOL COMMITTEE REGARDING THE IMPOSITION AND THE EXTENT OF THE CORPORAL PUNISHMENT.

MR. TANNER: MR. CHAIRMAN, I WAS FAMILIAR WITH THAT SECTION BUT I THINK THAT DOESN'T GO FAR ENOUGH. I WANT IT SPECIFICALLY WRITTEN IN EITHER THE REGULATIONS OR THE ORDINANCE, PREFERABLY THE ORDINANCE. "THAT BE IN A PARTICULAR SCHOOL, A SCHOOL COMMITTEE AND DIRECT THE PRINCIPAL WITH REGARDS TO CORPORAL PUNISHMENT."

MR. CHAMBERLIST: HOW ABOUT CONSULTING THE PARENT IN REGARD TO CORPORAL PUNISHMENT? BECAUSE I DON'T BELIEVE THAT A SCHOOL COMMITTEE OR TEACHERS CAN START USING THE CORPORAL PUNISHMENT METHOD ON CHILDREN TODAY. BECAUSE IF TEACHERS ARE UNABLE TO DISCIPLINE CHILDREN PUPILS IN THEIR CLASSES WITHOUT HAVING TO BEAT THEM, THERE IS SOMETHING THE MATTER WITH THE TEACHERS. THAT IS WHAT I SAY.

MR. CHAIRMAN: I WONDER IF THERE ARE ANY OTHER ITEMS?

DR. CRAIG: YES, I WOULD LIKE TO ADDRESS THIS QUESTION. THERE CERTAINLY IS NOT UNANIMITY OF OPINION ON CORPORAL PUNISHMENT AMONG THE PARENTS, AMONG THE SCHOOL ADVISORY COMMITTEES AND SO ON. THERE ARE DIFFERENT VIEWS EXPRESSED,

QUITE THOUGHTFUL RESPECTED VIEWS. HOWEVER, I DO NOTE THAT THE ORDINANCE DOES ADDRESS ITSELF TO A VERY LARGE NUMBER OF ASPECTS OF MANAGEMENT OF OUR SCHOOLS. I FEEL THAT TO DELEGATE MUCH OF THE ASPECT OF PUNISHMENT AND DISCIPLINE AND PARTICULARLY CORPORAL PUNISHMENT TO THE SCHOOL COMMITTEE IS SOMEWHAT AN ABDICATION OF RESPONSIBILITY.

IT WOULD SEEM TO ME, THOUGH I AM A LITTLE RELUCTANT TO AGREE WHOLE HEARTEDLY WITH THE HONOURABLE MEMBER FOR WHITEHORSE EAST. THERE IS A MOVEMENT IN CIVILIZED SOCIETIES AWAY FROM CORPORAL PUNISHMENT AND PARTICULARLY AWAY FROM IT BY AN INSTITUTION.

THEREFORE, I WOULD SAY, I DON'T THINK THAT WE AS WITNESSES ARE HERE TO PRESENT A UNANIMOUS OPINION ON THIS BUT WE DO URGE STRONGLY THAT IT BE EXAMINED. IT IS MY OPINION FOR EXAMPLE, THAT MEMBERS OF THE EDUCATION ADMINISTRATION ARE IN A BETTER POSITION TO BE AWARE OF CURRENT PSYCHOLOGICAL STUDIES, RESEARCH ON BEHAVIOR PATTERNS, BEHAVIOR MODIFICATIONS AND SO ON THAN WHAT THE AVERAGE SCHOOL COMMITTEE IS.

I THINK THE MEMBERS OF THIS COUNCIL HAVE AN EXCELLENT PAPER WRITTEN BY THE PSYCHOLOGIST OF THE NORTHERN HEALTH SERVICE ON THIS ISSUE. AS I SAY, WE CANNOT PROVIDE OR DEMAND AN ANSWER TO THIS, OF TOSSING AWAY THE STRAP ALTHOUGH IT MIGHT BE A GOOD THING. AS I SAY, WE DO COMMEND AN EXAMINATION OF THIS TO THIS COMMITTEE OF THE COUNCIL VERY STRONGLY.

MR. CHAIRMAN: DO YOU GENTLEMEN HAVE ANYTHING FURTHER TO ADD TO YOUR BRIEF?

MR. DEACON: MR. CHAIRMAN, I WOULD LIKE TO GO BACK TO THE QUESTION THAT WAS ASKED AT THE HOUSE AS TO WHETHER THIS BRIEF INCLUDES ALL THE POINTS OF CONCERN TO THE COMMITTEE AND MAY ANSWER TO THAT WAS AND IS, YES, IT DOES CONTAIN ALL THOSE POINTS THAT WERE BROUGHT UP BY OUR DISCUSSION TEN DAYS AGO?

YOU WILL REALIZE OF COURSE, THAT THERE ARE OTHER AREAS OF DISSATISFACTION. I THINK THAT WE WILL ALL PROBABLY AGREE THAT THE ORDINANCE AS IT STANDS COULD BE IMPROVED UPON IN SOME AREAS. BUT IN GENERAL WITH THE INCLUSION OF A NUMBER OF THESE RECOMMENDATIONS THAT WE HAVE DISCUSSED TODAY, WE FEEL THAT IT WOULD BE A WORKABLE DOCUMENT AND I THINK I SPEAK FOR THE ENTIRE ADVISORY COMMITTEE BODY.

WE WOULD VERY MUCH LIKE TO SEE THIS ORDINANCE COME INTO EFFECT AS SOON AS POSSIBLE. WE WOULD LIKE TO SEE THE REVISED ORDINANCE BECOME LAW IN THE YUKON.

MR. CHAIRMAN: ARE THERE ANY FURTHER QUESTIONS OF THE WITNESSES AT THIS TIME? MAY THE WITNESSES BE EXCUSED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: WE WOULD LIKE TO THANK YOU VERY MUCH FOR YOUR COMING TO COMMITTEE TODAY AND IT CERTAINLY HAS BEEN ENJOYABLE AND VERY INFORMATIVE.

MR. CHAMBERLIST: MR. CHAIRMAN I WOULD MOVE THAT MR. SPEAKER DO NOW RESUME THE CHAIR.

MR. TANNER: I WILL SECOND THAT MR. CHAIRMAN.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR TANNER THAT MR. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: JUST BEFORE I DECLARE THE MOTION CARRIED, THIS POSITION OF THE MOTION, I MEANT TO BRING TO YOUR ATTENTION THAT WE WOULD BE ABLE TO PROCEED AT 10:30 TOMORROW WITH THE BRIEF FROM UNIVERSITY OF CANADA NORTH. IS THIS AGREEABLE TO EVERYONE?

SOME HONOURABLE MEMBERS: AGREED.

*MOTION CARRIED*

MR. SPEAKER: THE COUNCIL WILL NOW COME TO ORDER. MAY WE HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEES?

MR. TAYLOR: MR. SPEAKER, COMMITTEE CONVENED AT 10:30 A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS AND ADJOURNED TO THE CALL OF THE CHAIR AND RECONVENED AT 2:05 P.M. THIS AFTERNOON. MR. DEACON, MRS. ALFORD AND DR. CRAIG ATTENDED COMMITTEE TO DISCUSS MATTERS RELATED TO BILL No. 7.

IT WAS MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR TANNER THAT MR. SPEAKER DO NOW RESUME THE CHAIR AND THIS MOTION CARRIED.

MR. SPEAKER: YOU HAVE HEAR THE REPORT OF CHAIRMAN OF COMMITTEES. ARE WE AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I BELIEVE IT IS THE INTENTION OF YOUR COMMITTEE TO FURTHER DISCUSSIONS RELATED TO BILL No. 7, MORE PARTICULARLY AT 10:30 WITH THE UNIVERSITY OF CANADA NORTH REPRESENTATIVE.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TANNER: MR. SPEAKER I MOVE THAT WE CALL IT FIVE O'CLOCK.

MR. SPEAKER: IS THERE A SECONDER?

MR. MCKINNON: I WILL SECOND THAT MOTION MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE WEST THAT WE NOW CALL IT FIVE O'CLOCK. ARE YOU PREPARED FOR THE QUESTION? AGREED?

*MOTION CARRIED*

MR. SPEAKER: THIS COUNCIL NOW STAND ADJOURNED UNTIL 10:00 A.M. TOMORROW MORNING.



THURSDAY, MAY 9, 1974.

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER.

MR. TAYLOR: MR. SPEAKER, I WOULD LIKE TO RISE THIS MORNING ON A POINT OF PRIVILEGE AND ON BEHALF OF THE HONOURABLE MEMBER FROM WHITEHORSE WEST. HE WOULD LIKE TO REQUEST THAT HE BE ABSENT FROM THE HOUSE FOR SEVERAL DAYS IN ORDER THAT HE COULD ATTEND THE FUNERAL OF HIS FATHER WHO PASSED AWAY IN WINNIPEG LAST EVENING.

MR. SPEAKER: I'M SURE THAT THE SYMPATHY OF THE HOUSE GOES OUT TO THE BEREAVED. ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MRS. WATSON: MR. SPEAKER, I HAVE FOR TABLING LEGISLATIVE RETURN NO. 63 AND SESSIONAL PAPER NO. 24.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEES? ARE THERE ANY BILLS TO BE INTRODUCED? ARE THERE ANY NOTICES OF MOTION OR RESOLUTION? ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS?

MOTION NO. 36

MR. SPEAKER: AS THERE ARE NO MOTIONS FOR THE PRODUCTION OF PAPERS, WE COME TO MOTION NO. 36.

IT WAS MOVED BY COUNCILLOR TAYLOR, SECONDED BY COUNCILLOR MCKINNON, THAT THE COUNCIL OF THE YUKON TERRITORY IN SESSION ASSEMBLED, CONVEYS TO THE HONOURABLE JEAN CHRETIEN, MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT OUR DEEPEST CONCERN RESPECTING INDIAN LAND CLAIMS NEGOTIATIONS AND REQUESTS THAT THE MINISTER PROVIDE TO COUNCIL INFORMATION RELATING TO THE SUBSTANCE AND PROGRESS OF THESE NEGOTIATIONS.

ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. TAYLOR: YES, MR. SPEAKER. THE MOTION BEFORE US TODAY ARISES OUT OF THE INFORMATION

WE HAVE RECEIVED OR LACK OF INFORMATION THAT WE HAVE RECEIVED IN SESSIONAL PAPER NO. 21 IN REQUESTING FROM THE GOVERNMENT OF THE YUKON TERRITORY, INFORMATION RESPECTING INDIAN LAND CLAIMS NEGOTIATIONS.

IN COMMITTEE, MR. SPEAKER, SOME DISCUSSION WAS HELD ON THIS SUBJECT AND I THINK IT WAS GENERALLY AGREED BY ALL MEMBERS OF COMMITTEE AT THAT TIME THAT WE REGRETTED VERY MUCH THAT NEITHER THE GOVERNMENT OF THE YUKON TERRITORY OR CANADA IN THE FORM OF THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT THAT THEY HAD NOT PROVIDED TO COUNCIL OR TO THE PEOPLE OF THE YUKON, ANY MEANINGFUL INFORMATION RESPECTING THE LAND CLAIMS NEGOTIATIONS.

IT HAS BEEN RECOGNIZED I'M SURE BY MOST PEOPLE IN THE YUKON, WHITE AND NATIVE ALIKE, THAT REALLY WE'RE TALKING ABOUT THE FUTURE OF THE TERRITORY, THE LANDS IN THE TERRITORY, THE REVENUES OF THE TERRITORY AND THE RESOURCES OF THE TERRITORY, WHEN WE TALK ABOUT LAND CLAIMS NEGOTIATIONS. AND A LOT OF PEOPLE IN THE HINTERLAND ESPECIALLY IN THE OUTLYING DISTRICTS, SMALLER COMMUNITIES WHERE RUMOR DOES HAVE A TENDENCY TO RUN RAMPANT, HAVE GOT THEMSELVES LOCKED INTO BATTLES TO SOME EXTENT WHERE THE INDIAN NO LONGER HAS THE RESPECT OF THE WHITEMAN AND THE WHITEMAN NO LONGER HAS THE RESPECT OF THE INDIAN. AND MUCH OF THIS IS BASED ON MISINFORMATION AND INDEED NO INFORMATION AT ALL.

IT IS THE SITUATION, MR. SPEAKER, THAT HAS GOT TO THE EXTENT WHERE IT WAS NECESSARY FOR THE PEOPLE THEMSELVES TO FORM AN ASSOCIATION IN AN EFFORT TO: (A) GET AN INDEPENDENT YUKONER ON THE LAND CLAIMS COMMITTEE, ONE WHO IS NOT BOUND BY PARTISAN POLITICAL AFFILIATION OR CONTROL AND ALSO ONE WHO IS NOT BOUND BY GOVERNMENT MANIPULATION OR CONTROL. THIS GROUP, THE SOCIETY FOR NORTHERN LAND RESEARCH HAS ACCOMPLISHED PHASE ONE OF THEIR PURPOSE OR VOWED PURPOSE IN THE APPOINTMENT OF EX-SPEAKER OF THE HOUSE AND EX-COUNCILLOR, GEORGE SHAW FOR THIS POSITION. AND I BELIEVE WE ARE ALL AGREED THAT HE IS A MAN QUITE CAPABLE OF DEALING WITH THIS PROBLEM AND WILL DO MUCH AND CONTRIBUTE MUCH ON BEHALF OF THE PEOPLE OF THE YUKON THROUGH THESE NEGOTIATIONS.

HOWEVER, PHASE TWO HAS YET TO BE DETERMINED AND THAT IS, WE MUST NOW FIND OUT WHAT IS GOING ON WITH LAND CLAIMS AND HOW THEY AFFECT THE PEOPLE OF THE TERRITORY AND HOW THEY WILL IN THE FUTURE AFFECT THE PEOPLE OF THE TERRITORY. AS I STATED WHEN WE DISCUSSED THIS IN COUNCIL, I HAD THOUGHT

THAT WE SHOULD BE PUTTING AN END IF POSSIBLE TO THE BACKLASH THAT IS OCCURRING BASICALLY BY REASON OF MISINFORMATION AS I'VE STATED BEFORE OR THE FULL LACK OF INFORMATION AVAILABLE TO THE PEOPLE OF THE YUKON.

IN SESSIONAL PAPER No. 21 FOR INSTANCE, MR. SPEAKER, AND I QUOTE FROM THE SESSIONAL PAPER. IT STATED; "THAT THE GOVERNMENT OF THE YUKON TERRITORY HAS EXPRESSED ITSELF CLEARLY ON ALL ISSUES DISCUSSED AND HAS MADE IMPORTANT CONTRIBUTIONS IN BOTH THE GOVERNMENT MEETINGS AND THE NEGOTIATING SESSIONS."

AND IT SEEMS TO ME THAT APART FROM THE AURA OF SECRECY THAT SURROUNDS THESE NEGOTIATIONS, POSSIBLY IT WILL MUST, THAT THE GOVERNMENT OF THE YUKON TERRITORY OWE IT TO THE PEOPLE OF THE YUKON, TO AT LEAST MAKE SOME MEANINGFUL STATEMENT TO THE PEOPLE OF THE YUKON AS TO THE PROGRESS AND AS TO THE SUBSTANCE OF THEIR INPUT INTO THE NEGOTIATIONS.

ALSO I THINK IT BEHOVES THE MINISTER, THE HONOURABLE JEAN CHRETIEN ON BEHALF OF THE GOVERNMENT OF CANADA TO MAKE A STATEMENT AS TO THE SUBSTANCE AND AS TO THE PROGRESS OF THESE NEGOTIATIONS. AND IT IS MY INTENTION IN THIS MOTION, PRESENTED BEFORE THE CONSIDERATION OF MEMBERS TODAY, TO CONVEY TO THE MINISTER AT THE LEGISLATIVE LEVEL ON BEHALF OF THE PEOPLE OF THE YUKON, THE REAL DESIRE AND DEMAND FOR INFORMATION THAT I HAVE OUTLINED.

IT IS MY HOPE THAT WE CAN AS I SAY, PUT AN END TO THE BACKLASH, GET THE INFORMATION TO THE PEOPLE AND GET AN AREA OF CONFIDENCE AND CO-OPERATION ONCE AGAIN BETWEEN THE NATIVE PEOPLE OF THE TERRITORY AND THE WHITE PEOPLE OF THE TERRITORY WHO ARE IN SOME CASES AT LEAST LOCKED IN COMBAT OVER THIS MOST CRUCIAL ISSUE. I WOULD SUSPECT THAT AN AMENDMENT WILL BE COMING TO THIS MOTION AS THESE THINGS USUALLY HAPPEN. I WOULD HOPE THAT IF ANY AMENDMENT DOES COME TO THIS MOTION, THAT THE AMENDMENT WILL NOT BE SO HARSH THAT IT WILL DESTROY THE TRUE PURPOSE OF THE MOTION THAT I HAVE STATED IN THE HOUSE THIS MORNING. IT'S TOO IMPORTANT AN ITEM TO DESTROY. AND WITH THOSE WORDS, I WILL POSSIBLY HAVE SOME CLOSING REMARKS, MR. SPEAKER, I WOULD LEAVE THE FLOOR FOR ANOTHER MEMBER TO GIVE HIS VIEWS ON THIS MOTION.

Mrs. WATSON: MR. SPEAKER, I AM THE MEMBER WHO WANTS TO MOVE AN AMENDMENT TO THE MOTION

THAT COUNCILLOR TAYLOR HAS PROPOSED.

I AGREE WITH THE MOTION THAT IS BEFORE US TODAY, BUT I DON'T THINK IT IS SPECIFIC ENOUGH AND I DON'T THINK IT HAS ENOUGH TEETH IN IT AND I THINK IT'S SLIGHTLY WISH-WASHY. AND I AGREE WITH HIM THAT THERE IS A LACK OF INFORMATION FROM BOTH GOVERNMENTS. BUT WE MUST REMEMBER THAT THE TERRITORIAL GOVERNMENT POSITION, WE ARE IN A POSITION WHERE THE COMMISSIONER IS A MEMBER OF A FEDERAL NEGOTIATING TEAM AND UNLESS THE MINISTER AUTHORIZES THE COMMISSIONER TO MAKE SOME STATEMENT ON THE POLICY POSITION THAT IS BEING ADOPTED BY THE TERRITORIAL GOVERNMENT, HE IS NOT ABLE TO DO SO. AND IN THIS YEAR I PROPOSE MY AMENDMENT.

I THINK WE SHOULD BE MORE SPECIFIC AND WE SHOULD ADD TO THE END OF THE MOTION AS IS STATED AND - - (INTERRUPTED).

Mr. CHAMBERLIST: CAN I RISE ON A POINT OF ORDER MR. SPEAKER?

Mr. SPEAKER, MIGHT I SUGGEST THAT THE SPEAKER RECOGNIZE THAT THERE IS A REQUIREMENT FOR SOME DISCUSSION ON THE MOTION ITSELF BEFORE IT IS AMENDED. AND I WOULD ASK THE HONOURABLE MEMBER FOR CARMACKS-KLUANE GIVE THAT CONSIDERATION TO OTHER MEMBERS WHO MIGHT WISH TO SPEAK ON THE MOTION BEFORE PUTTING ANY AMENDMENT FORWARD.

SOME MEMBERS: AGREED.

Mrs. WATSON: AGREED. MR. SPEAKER, WOULD IT BE POSSIBLE TO GIVE THE CONTENT OF MY AMENDMENT WHAT I PROPOSE SO THAT THE HONOURABLE MEMBERS - (INTERRUPTED).

Mr. CHAMBERLIST: YES, AS LONG AS YOU DON'T LOSE IT.

Mrs. WATSON: RIGHT, I WANT TO ADD AT THE END OF THE MOTION BEFORE THE HOUSE NOW: "AND FURTHER ASK THE MINISTER TO AUTHORIZE THE COMMISSIONER TO OUTLINE THE TERRITORIAL GOVERNMENT POLICY POSITION IN THE FEDERAL GOVERNMENT NEGOTIATIONS WITH THE COUNCIL OF YUKON INDIANS REGARDING THEIR LAND CLAIMS SO THAT THE AUTHORIZATIONS WITH THE COMMISSIONER CAN DISCLOSE THE POLICY POSITION BEING TAKEN BY THE TERRITORIAL GOVERNMENT AS A MEMBER OF THAT NEGOTIATING TEAM." AND I HAVE COPIES OF THIS IF THE MEMBERS WOULD LIKE TO HAVE THEM.

Mr. CHAMBERLIST: MR. SPEAKER, I HAVE NO OBJECTION AT ALL TO THAT TYPE OF AMENDMENT, BUT I HOPE THE HONOURABLE MEMBER FROM CARMACKS-KLUANE

RECOGNIZES THAT THERE'S A NECESSITY TO SPEAK ON THE MOTION ITSELF.

MR. SPEAKER, WHAT ANNOYS ME ABOUT THE STAND THAT IS BEING TAKEN AT THIS TIME BY THE ADMINISTRATION WITH REFERENCE TO THIS MATTER, IS THE UNBENDING INFLEXIBLE ATTITUDE OF MR. ADMINISTRATOR IN ANSWERING QUESTIONS RELATING TO THIS PARTICULAR MATTER. I KNOW THAT THE ADMINISTRATOR AND THE COMMISSIONER ARE SOMEWHAT LOCKED IN AS A RESULT OF THE TERMS OF REFERENCE THEY HAVE BEEN GIVEN AS PEOPLE WHO FORM PART OF THE FEDERAL NEGOTIATING COMMITTEE, THE COMMISSIONER WHEN HE IS HERE AND THE ADMINISTRATOR IF HE WAS CALLED UPON TO ATTEND THAT NEGOTIATING COMMITTEE.

NOW WHAT DOES CONCERN ME AND IT CONCERNS ME BECAUSE NOT ONLY DOES IT RELATE TO LAND CLAIMS, IT RELATES TO VARIOUS MATTERS. BUT I'VE GOT TO READ INTO THE RECORD AT THE TIME OF DISCUSSION OF THIS MOTION, THE TYPE OF ANSWERS THAT WE RECEIVE FROM THE ADMINISTRATION WHEN WE'RE SEEKING THE ADMINISTRATION'S HELP IN OBTAINING THIS TYPE OF INFORMATION.

MR. SPEAKER, ON PAGE 973 OF THE VOTES AND PROCEEDINGS OF TUESDAY, MAY 7TH. MR. ADMINISTRATOR SAID THIS: "ALL RIGHT THEN, I WON'T BOTHER TO ELABORATE ON IT. BUT I CAN'T EXPLAIN ANYTHING ABOUT THE POSITION TAKEN BY THE TERRITORIAL GOVERNMENT."

MR. SPEAKER, TO ME THIS IS AN ABSOLUTE AFFRONTRY BY A PERSON APPOINTED TO ACT IN THE CAPACITY OF ADMINISTRATOR WITH REFERENCE TO THE AFFRONTRY TO THIS TERRITORIAL COUNCIL WHO SPEAK ON BEHALF OF THE PEOPLE OF THE YUKON. THE ADMINISTRATOR, THE COMMISSIONER DO NOT SPEAK ON BEHALF OF THE PEOPLE OF THE YUKON, THEY ARE THE PRIVILEGED FEW WHO DO NOT HAVE TO ANSWER TO ANYBODY AND THEN THEY SHOW IT CLEARLY BY REFUSING TO ANSWER WHAT ARE PROPER QUESTIONS.

MR. SPEAKER, COUNCILLOR TAYLOR ASKED A SPECIFIC QUESTION WHEN HE SAID: "MR. CHAIRMAN, THEN HOW CAN A PAPER COME BEFORE COUNCIL WHICH SAYS THAT THE GOVERNMENT OF THE YUKON TERRITORY HAS EXPRESSED ITSELF CLEARLY ON ALL ISSUES DISCUSSED AND HAS MADE IMPORTANT CONTRIBUTIONS IN BOTH THE GOVERNMENT MEETINGS AND NEGOTIATING SESSIONS."

NOW, IF BY GETTING THIS MOTION PASSED, BE IT AMENDED OR OTHERWISE, IF WE CAN BREAK DOWN A LITTLE MORE OF THE BARRIER THAT IS BEING BUILT UP BY THE APPOINTED PEOPLE TO THIS GOVERNMENT ADMINISTRATION, WE WILL BE SUCCEEDING IN DOING MORE THAN JUST GETTING AN ANSWER

TO A PROBLEM WITH REFERENCE TO THESE LAND CLAIMS. AND MR. ADMINISTRATOR WENT ON TO INDICATE AS FOLLOWS: "AS A MEMBER OF THE NEGOTIATING TEAM, MR. CHAIRMAN WE HAVE BEEN ALLOWED TO PARTICIPATE AS A MEMBER OF THIS TEAM AND WE ALSO HAVE BEEN ALLOWED TO PLAY A MAJOR ROLE IN THE NEGOTIATIONS," AND WE ASK OF HIM; WHAT HAS BEEN THE ROLE IN THE NEGOTIATIONS? WE GET NOTHING FROM HIM.

WE ASK, AS I ASKED, WHAT WERE THE ISSUES DISCUSSED? MR. ADMINISTRATOR'S ANSWER: "I AM NOT PREPARED TO SAY."

THE SECRECY, THE DECEPTIVENESS THAT CONTINUALLY COMES IN FRONT OF THIS COUNCIL TIME AND TIME AGAIN. SOMETHING THAT ALL MEMBERS SHOULD BE CONCERNED WITH, NOT JUST BECAUSE IT HAPPENS TO BE THIS PARTICULAR SUBJECT.

THE INTENTION OF THE MOTION IS CLEAR. I WOULD AGREE THAT THE PROPOSED AMENDMENT GOES A LITTLE BIT FURTHER AND CERTAINLY, MEMBERS OF THIS COUNCIL AND THE TERRITORIAL COUNCIL DOES FORM PART OF THE GOVERNMENT OF THE YUKON TERRITORY, SHOULD KNOW WHAT THE POLICY OF THE GOVERNMENT IS TO SUGGEST THAT AN ADMINISTRATIVE ARM OF GOVERNMENT CAN SAY TO THE IMPORTANT PART OF GOVERNMENT THAT IS THE ELECTED PEOPLE. WE KNOW WHAT WE'RE DOING BUT WE'RE NOT GOING TO TELL YOU WHAT WE'RE DOING. AND THIS IS EXACTLY WHAT THEY'RE SAYING, AND I THINK WE SHOULD STRESS IN ANY WAY POSSIBLE AFTER THIS MOTION IS SENT THAT MEMBERS OF THE PUBLIC AT LARGE BE THEY INDIAN OR NON-INDIAN, BE THEY WHITE, IT DOESN'T MATTER WHAT, THEY ARE YUKONERS WHO ARE ENTITLED TO KNOW WHAT'S GOING ON. AROUND THIS TABLE WE VOTE THE MONEY TO SET UP A SECRETARIAT TO GET THE PREPARATION DONE FOR THE PEOPLE THAT SUPPOSEDLY REPRESENT THE GOVERNMENT. WE TAKE THE PUBLICS' MONEY AND SAY \$30,000 OF THAT MONEY WILL BE USED FOR THE PURPOSE OF GETTING TOGETHER ALL THE INFORMATION DESIRED. AND NOW WE SAY, NOW THAT YOU'VE HAD THE MONEY, NOW THAT YOU'RE USING THE MONEY, NOW THAT YOU'RE ON THAT, WE SAY, WHAT IS THE INFORMATION YOU HAVE GOT TOGETHER AND THEN WE HAVE SOMEBODY FROM OTTAWA THAT COMES HERE WITH HIS TWO SUITCASES AND SAYS; "NO, WE CAN'T TELL YOU THAT."

AND THIS MR. SPEAKER, IS WHAT THIS COUNCIL HAS GOT TO INSIST NOW ON BEING DONE. AND I WOULD SUPPORT THE MOTION AND CERTAINLY WHEN THE AMENDMENT IS PUT, I WILL BE PLEASED TO SUPPORT THAT TOO.

MR. TANNER: MR. SPEAKER, I WOULD LIKE TO MAKE IT CLEAR THAT I'M SPEAKING TO THE MAIN MOTION



AND I MIGHT WANT TO SPEAK TO THE AMENDMENT AFTERWARDS.

I THINK, MR. SPEAKER, THAT WE SHOULD GET THIS SITUATION IN THE PROPER PROSPECTIVE. WHETHER OR NOT WE LIKE IT, WHETHER OR NOT WE AGREE WITH IT, WHETHER OR NOT IT'S DEMOCRATIC AND IT'S RIGHT, THE FACTS OF THE MATTER ARE THAT THE LANDS OF THE YUKON ARE UNDER THE JURISDICTION OF THE FEDERAL GOVERNMENT. THAT THE INDIAN POPULATION ACROSS CANADA IS UNDER THE JURISDICTION OF A FEDERAL OFFICER, THE MINISTER OF INDIAN AFFAIRS. AND WHETHER OR NOT WE ACCEPT AS EVEN A BASIS FOR AGREEMENT, DISAGREEMENT OR EVEN NEGOTIATING, THE FACTS OF THE CASE ARE THAT THE NATIVE POPULATION, THE INDIAN POPULATION IS NEGOTIATING WITH THE FEDERAL GOVERNMENT FOR SOME SETTLEMENT OF WHAT THEY CONSIDER THEIR GRIEVANCES AND PRIVILEGES.

SO WHAT YOU'VE GOT IN EFFECT IS UNFORTUNATELY, YOU'VE GOT THE SAME MINISTER WHO IS RESPONSIBLE FOR THE TERRITORY, YOU'VE GOT THE SAME MINISTER WHO IS RESPONSIBLE FOR TERRITORIAL LAND AND YOU'VE GOT THE SAME MINISTER WHO IS RESPONSIBLE FOR INDIAN AFFAIRS, ALL INVOLVED IN THE SAME NEGOTIATION ON THE SAME SUBJECT.

AND THE GOVERNMENT OF THE YUKON TERRITORY, IN PARTICULAR THIS COUNCIL, IS SITTING SMACK DAB RIGHT IN THE MIDDLE WITH VIRTUALLY NO INPUT. UNLESS THOSE PARTIES TO THE NEGOTIATIONS CHOOSE TO ASK US TO HAVE SOME INPUT. IN THIS CASE THE FEDERAL GOVERNMENT HAS CHOSEN TO ASK US TO HAVE SOME INPUT.

NOW WE GO ONE STEP FURTHER. THE PERSON WHO HAS BEEN CHOSEN TO HAVE THAT INPUT ON BEHALF OF THIS GOVERNMENT HAPPENS ALSO TO BE A FEDERAL PERSON - THE COMMISSIONER. THE PERSON WHO ANSWERS FOR THAT FEDERAL OFFICER WHEN HE IS NOT HERE IS ANOTHER FEDERAL OFFICER, MR. FINGLAND, THE ADMINISTRATOR.

THERE IS NO DISAGREEMENT. I THINK THIS MOTION IS GOING TO PASS UNANIMOUSLY AND, ONE HOPES, THE AMENDMENTS WHICH I AM GOING TO SECOND. THERE IS NO ARGUMENT IN MY MIND, WITH ANY OF THE MEMBERS AROUND THIS HOUSE, AS TO WHAT WE WANT.

WHAT WE WANT IS THAT THE YUKON SHOULD BE RECOGNIZED, THAT THE YUKON SHOULD HAVE SOME INPUT THE PUBLIC OF THE YUKON SHOULD

KNOW WHAT IS GOING ON. I DON'T THINK THERE IS ANY DISAGREEMENT ANYWHERE ON THAT POINT. I TAKE ISSUE WITH THE MEMBER FOR WHITEHORSE EAST WHEN HE FLAYS AND HE BERATES MR. FINGLAND BECAUSE HE CAN DO NOTHING ELSE OTHER THAN WHAT HE DID YESTERDAY. UNTIL WE PASS THIS MOTION AND THE MINISTER, IN HIS WISDOM, PLEASE GOD THAT HE DOES, DECIDES TO ACT ON IT. UNTIL THAT AUTHORITY HAS BEEN GIVEN TO EITHER THE COMMISSIONER OR TO THE ASSISTANT COMMISSIONER NEITHER ONE OF THOSE TWO GENTLEMEN CAN ANSWER A QUESTION IN THIS HOUSE. THE WHOLE INTENT OF THE MOTION FROM COUNCILLOR TAYLOR AND THE WHOLE INTENT OF THE AMENDMENT FROM COUNCILLOR WATSON IS TO GO ONE STEP FURTHER AND SAY, "NOW YOU TELL YOUR FEDERAL OFFICER TO TELL THIS HOUSE AND THE PUBLIC IN THE YUKON WHAT IS GOING ON."

MR. SPEAKER, I DON'T THINK I HAVE TO ASK MEMBERS TO GO ALONG WITH THE SUGGESTED AMENDMENT. I DON'T THINK I HAVE TO ASK MEMBERS TO VOTE ANY OTHER WAY THAN YEA FOR THE MOTION. LET US ALL HOPE THAT SOME ACTION RESULTS FROM WHAT I CONSIDER ONE OF THE MOST IMPORTANT MOTIONS TO COME BEFORE THIS HOUSE IN THE THREE AND A HALF YEARS THAT I HAVE SAT HERE. THANK YOU, MR. SPEAKER.

MRS. WATSON: MR. SPEAKER, I WOULD MOVE AN AMENDMENT TO MOTION NO. 36. AFTER NEGOTIATIONS ADD "AND ASK THE MINISTER TO AUTHORIZE THE COMMISSIONER TO OUTLINE THE TERRITORIAL GOVERNMENT'S POLICY POSITION AND THE FEDERAL GOVERNMENT NEGOTIATIONS WITH THE COUNCIL OF YUKON INDIANS REGARDING THEIR LAND CLAIMS."

MR. TANNER: MR. SPEAKER, I WILL SECOND THE AMENDMENT.

MR. CHAMBERLIST: LOOKING AT THIS AGAIN, I WONDER IF, JUST ONE QUESTION THAT ARISED, WHETHER THE COMMISSIONER CAN BE INSTRUCTED TO OUTLINE THE TERRITORIAL GOVERNMENT POLICY POSITION WHY CAN'T THIS COUNCIL BY MOTION AUTHORIZE THE COMMISSIONER TO OUTLINE OUR POSITION, THE TERRITORIAL GOVERNMENT POSITION?

THIS IS A BIT OF A HANG-UP I HAVE ON THERE. I THINK YOU WILL GET THE GENERAL IDEA OF WHY I OBJECT TO AGAIN SHOWING THAT THE MINISTER IS IN A POSITION TO TELL THE COMMISSIONER WHAT THE TERRITORIAL GOVERNMENT POLICY POSITION SHOULD BE. THAT IS ANOTHER AREA WHICH IS

PRETTY TRICKY. WE ARE SUPPOSE TO SET THE POLICIES HERE IN RELATION TO THE TERRITORIAL GOVERNMENT OPERATION IN CONJUNCTION WITH THE ADMINISTRATION. IT SEEMS PRETTY AWFUL, MR. SPEAKER, THAT WE ARE NOW AGAIN GOING TO ASK THE MINISTER TO AUTHORIZE THE COMMISSIONER TO OUTLINE OUR POLICY. THAT REALLY IS SOMETHING. BUT I WOULD HAVE TO SUPPORT THE COMMITTEE.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH TO AMEND MOTION NO. 36. AFTER THE WORD "NEGOTIATION" TO ADD "AND ASKS THE MINISTER TO AUTHORIZE THE COMMISSIONER TO OUTLINE THE TERRITORIAL GOVERNMENT'S POLICY POSITION AND THE FEDERAL GOVERNMENT NEGOTIATIONS WITH THE COUNCIL OF YUKON INDIANS REGARDING THEIR LAND CLAIMS."

MR. CHAMBERLIST: A POINT OF ORDER, MR. SPEAKER. THE MOTION WOULD NOT READ PROPERLY THEN BECAUSE IT SAYS THAT "THE COUNCIL OF THE YUKON TERRITORY IN SESSION ASSEMBLED CONVEY TO THE HONOURABLE JEAN CHRETIEN, MINISTER OF INDIAN AFFAIRS" AND THEN IF WE USE THE WORDS, "AND ASKS THE MINISTER". BECAUSE YOU HAVE CONVEYING AND ASKS.

MR. TANNER: MR. SPEAKER, I THINK MR. SPEAKER DID USE THE WORD "ASKS" AND THAT IS A CORRECTION.

MR. STUTTER: MR. SPEAKER, ALL I WANTED TO SAY WAS THAT NOW THE AMENDMENT TO THE MOTION, THE AMENDED MOTION AS FAR AS I AM CONCERNED IS QUITE CLEAR AND QUITE SPECIFIC AS TO WHAT IS BEING ASKED FOR. I HAVE NO TROUBLE AT ALL IN SUPPORTING IT. AS FAR AS I AM CONCERNED THE BUSINESS OF SHROUDING, COVERING UP, ATTEMPTING TO COVER UP, PARTICULARLY THE TERRITORIAL GOVERNMENT POSITION IN THE LAND CLAIMS, IS A MISTAKE. I THINK THE PUBLIC ARE VERY UPSET ABOUT THAT PARTICULAR ASPECT OF IT. I DON'T THINK ANYBODY DISAGREES THAT THE SETTLEMENT HAS TO BE NEGOTIATED JUST AS RAPIDLY AS POSSIBLE AND THAT IT HAS TO BE CONCLUDED TO THE MUTUAL BENEFIT OF ALL. BUT IN THE MEANTIME EVERYBODY HAS THE RIGHT TO KNOW WHAT IS GOING ON. AS I SAY, I HAVE NO PROBLEM AT ALL IN SUPPORTING THIS MOTION, AS AMENDED.

MR. TAYLOR: IN SPEAKING TO THE AMENDMENT, MR. SPEAKER, I JUST WISH TO STATE THAT I CONCUR WITH THE AMENDMENT AND I THANK THE HONOURABLE MEMBERS FOR NOT GARBAGING THIS ONE UP AS THEY HAVE A TENDENCY SOMETIMES TO DO.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. TAYLOR: MR. SPEAKER, JUST IN CLOSING, UNLESS ANYONE ELSE WISHES TO SPEAK NOW ON THE MOTION AS AMENDED. I WOULD JUST LIKE TO SAY THAT, IN CLOSING, TO REITERATE MY POSITION IN SAYING THAT I REALLY HOPE THAT THE MINISTER WILL GRASP THE SEVERITY OF THE SITUATION AND WILL AT THE EARLIEST POSSIBLE MOMENT PROVIDE BOTH THE INFORMATION AT THE FEDERAL LEVEL AND THE AUTHORIZATION TO MR. COMMISSIONER AND EX-COUNCILLOR SHAW TO RELEASE SOME INFORMATION TO THE PEOPLE OF THE YUKON ON THIS MATTER.

MR. SPEAKER: MOTION NO. 36. I WILL READ IT INTO THE RECORD.

IT WAS MOVED BY COUNCILLOR TAYLOR SECONDED BY COUNCILLOR MCKINNON, THE COUNCIL OF THE YUKON TERRITORY IN SESSION ASSEMBLED CONVEYS TO THE HONOURABLE JEAN CHRETIEN, MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT OUR DEEPEST CONCERN RESPECTING INDIAN LAND CLAIM NEGOTIATIONS AND REQUESTS THAT THE MINISTER PROVIDE TO COUNCIL INFORMATION RELATING TO THE SUBSTANCE AND PROGRESS OF THESE NEGOTIATIONS. AND ASK THE MINISTER TO AUTHORIZE THE COMMISSIONER TO OUTLINE THE TERRITORIAL GOVERNMENT POLICY POSITION IN THE FEDERAL GOVERNMENT NEGOTIATION WITH THE COUNCIL OF YUKON INDIANS REGARDING THEIR LAND CLAIMS.

ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MOTION NO 37

MR. SPEAKER: MOTION No. 37. IT WAS MOVED BY COUNCILLOR STUTTER SECONDED BY COUNCILLOR TAYLOR THAT THE ADMINISTRATION AND THE YUKON ASSOCIATION OF MUNICIPALITIES GET

ORDINANCE AND MORE PARTICULARLY TO RESOLVE THE APPARENT INEQUALITY OF DISTRIBUTION OF THE MINIMUM TAX UNDER SECTION 55 - 1 OF THE ORDINANCE. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. STUTTER: I AM, MR. SPEAKER. THE FIRST PART OF THE MOTION IS FAIRLY WELL SELF-EXPLANATORY. THAT IS THERE ARE SEVERAL AREAS OF THE TAXATION ORDINANCE THAT THE MUNICIPALITY OF DAWSON, IN PARTICULAR, ARE FINDING SOME DIFFICULTY WITH. I HAD INDICATION FROM DEPARTMENT OF LOCAL GOVERNMENT THAT THERE ARE OTHER AREAS OF THE TAXATION ORDINANCE THAT ARE OF SOME CONCERN TO THE OTHER MUNICIPALITIES.

MORE PARTICULARLY, I WOULD LIKE TO BRING TO COUNCIL'S ATTENTION THE INEQUALITY OF SECTION 55 OF THE TAXATION ORDINANCE. FIRST OF ALL I WOULD LIKE TO READ JUST EXACTLY THE WORDING OF IT. 55 - 1 STATES, " THAT WHERE THE TAXES PAYABLE IN RESPECT OF ANY REAL PROPERTY ARE LESS THAN \$25 PER ANNUM, THE AMOUNT PAYABLE IN RESPECT THEREOF FOR THAT YEAR SHALL BE \$25 OF WHICH HALF SHALL BE DEEMED TO BE SCHOOL TAX."

MR. SPEAKER, IN DAWSON, THE MUNICIPALITY OF DAWSON IS THE OLDEST ONE IN THE TERRITORY, AND AS SUCH MANY OF THE LOTS WERE SUB-DIVIDED TO THE POINT WHERE THEY ARE A VERY SMALL AREA. THIS WAS DONE BECAUSE OF THE DEMAND IN THE DAWSON AREA AT THE TURN OF THE CENTURY FOR PROPERTY TO BUILD ON. WE HAVE IN THAT AREA 981 PIECES OF PROPERTY TO DATE THAT ARE NOW CARRYING THAT MINIMUM TAX REQUIREMENT OF \$25. THE WAY THE ORDINANCE IS WORDED OF THAT \$25 MINIMUM TAX PER LOT \$12.50 OF IT COMES BACK TO THE TERRITORIAL GOVERNMENT AS A SCHOOL TAX.

MR. SPEAKER, IN DAWSON, THE TAX OR THE MILL RATE, THE TOTAL MILL RATE IN DAWSON IS 55 MILLS. IT IS 16 MILLS FOR SCHOOL PURPOSES AND IT IS AN ADDITIONAL 39 MILLS FOR GENERAL PURPOSE. AS A RESULT OF THE ORDINANCE DEMANDING THAT 50% OR \$12.50 OF EACH MINIMUM TAX BE RETURNED TO THE GOVERNMENT AS SCHOOL TAX, DAWSON IS LOSING IN THE AREA OF BETWEEN \$5,000 AND \$5,500 A YEAR IN TAX REVENUE.

THIS MAY NOT SEEM A GREAT DEAL BUT DAWSON WITH A TOTAL BUDGET OF SOMEWHAT LESS THAN \$200,000; IT REPRESENTS A GREAT DEAL OF MONEY.

I WOULD LIKE TO POINT OUT THAT IN THE OTHER THREE MUNICIPALITIES: IN FARO THERE ARE ONLY 2 LOTS THAT ARE OF THIS MINIMUM NATURE SO IT DOES NOT AFFECT FARO AT ALL, IN THE WHITEHORSE AREA THERE ARE 214 SUCH LOTS, AND THE OVERALL MILL RATE IN WHITEHORSE AGAIN IS 41.4 SO THAT IN SOME SMALL MEASURE WHITEHORSE TOO IS BEING PENALIZED BY THIS WORDING OF THE ORDINANCE. IT IS THE SUGGESTION, MR. SPEAKER, THAT THE ADMINISTRATION GET TOGETHER WITH YAM OR THE YUKON ASSOCIATION OF MUNICIPALITIES AND WORK OUT SOME WORDING OR SOME WAY TO MAKE THIS MORE EQUITABLE. OBVIOUSLY WE WOULD LIKE TO SEE THIS \$25 SPLIT UP ACCORDING TO THE RATIO OF THE TOTAL MILL RATE IN THE AREAS. SO THAT IN THE CASE OF DAWSON THE GOVERNMENT WOULD ONLY RECEIVE 16/55THS OF THAT \$25. SIMILARLY WITH THE OTHER MUNICIPALITIES.

IN BRINGING THIS TO THE ATTENTION OF THE ADMINISTRATION, MR. SPEAKER, I HAD OUTLINED SOME OF THE PROBLEMS AS SEEN BY THE DAWSON MUNICIPALITY TO THE ADMINISTRATION. IN THE LEGISLATIVE RETURN NO. 48, AFTER DISCUSSION MR. FINGLAND ENDS UP BY SAYING, "IN MY OPINION, SECTION 55 IS UNCLEAR AND DIFFICULT TO INTERPRET. I HAVE ASKED THE CITY CLERK TO HAVE THE COUNCIL PUT IN A FORMAL REQUEST TO THE GOVERNMENT AS TO WHAT THEY WISH TO BE DONE IN THE MATTER SO THAT AN AMENDMENT CAN BE CONSIDERED TO BE PLACED BEFORE A FUTURE SESSION OF COUNCIL."

MR. SPEAKER, WE REALIZE, THE CITY OF DAWSON REALIZES THAT PERHAPS IT IS NOT CRITICAL THAT THIS BE CHANGED IMMEDIATELY FOR THE SIMPLE REASON THAT THE TAX NOTICES FOR THE CURRENT YEAR HAVE ALREADY BEEN PREPARED, THEY HAVE ALREADY GONE OUT. NEVERTHELESS, IT IS THE SUGGESTION THAT AT THE YAM MEETING OR THE YUKON ASSOCIATION OF MUNICIPALITIES, WHEN THEY

ARE GETTING TOGETHER IN JUNE IN DAWSON THAT THE ADMINISTRATION BE COMPLETELY AWARE OF THIS INEQUALITY IN THIS SECTION AND TAKE STEPS TO REMEDY IT SO THAT IT DOES MAKE A DIFFERENCE TO MUNICIPALITIES IN THE TERRITORY. THANK YOU, MR. SPEAKER.

MR. CHAMBERLIST: MR. SPEAKER, I WONDER IF I COULD ASCERTAIN FROM MR. ADMINISTRATOR WHETHER OR NOT HE EXPRESSED AN OPINION OF HIS OWN OR OBTAINED LEGAL ADVICE WHEN HE SAID IN HIS OPINION SECTION 55 IS UNCLEAR. I THINK IT IS CLEAR TO EVERYBODY THAT READS IT. THERE AGAIN THIS IS ANOTHER EVASIVE TYPE OF ANSWER THAT HAS BEEN REQUESTED. I AM GOING TO SUPPORT THIS MOTION BECAUSE I THINK THAT AT THE TIME THAT WE BROUGHT THIS ORDINANCE INTO EFFECT WE WERE DEALING PRIMARILY WITH A TIME WHEN THE OUTSIDE OF THE MUNICIPALITIES, WHEN THE MILL RATE FOR GENERAL PURPOSES AND THE MILL RATE FOR EDUCATION WAS THE SAME - 16 MILLS.

THIS IS WHERE I WOULD THINK THAT THE 50% MAY HAVE COME INTO PLAY. QUITE FRANKLY, I HAD NEVER TAKEN NOTICE OF THIS PARTICULAR SECTION. IT DOES SEEM AT THIS TIME THAT IT IS SOMEWHAT UNFAIR. IT IS QUITE CLEAR TO ME THE WAY THIS READS THAT IT SPEAKS CLEARLY THAT THERE SHOULD BE A 50% SHARING BETWEEN WHAT IS TO BE AN EDUCATION TAX AND WHAT IS TO BE A GENERAL TAX.

I THINK THAT IN THE CITY OF DAWSON'S CASE THEY HAVE A REAL SOUND ARGUMENT. CERTAINLY IT WOULD APPLY TO OTHER PARTS OF THE TERRITORY AS WELL, OUTSIDE OF A MUNICIPALITY, WHERE IF THERE IS ONLY \$25 IN TAXES IT SHOULDN'T BE A 50/50 SPLIT FOR EDUCATION. ESPECIALLY WHEN THE MILL RATE OF EDUCATION DIFFERS FROM THE MILL RATE FOR GENERAL PURPOSES.

I WOULD SUPPORT THIS MOTION, MR. SPEAKER, SO THAT WE MAY GET A CORRECTION OF THIS PARTICULAR SECTION SOMETIME IN THE FUTURE.

MR. STUTTER: MR. SPEAKER, I WOULD AT THIS POINT JUST LIKE TO RISE IN CLOSING TO JUST POINT OUT ONE THING. NOT EXACTLY COMING TO THE DEFENSE OF MR. FINGLAND BUT THE AMBIGUITY OF SECTION 55 WAS BROUGHT ABOUT NOT JUST BECAUSE OF THE MAKE UP OF THAT \$25 TAX AND THAT 50% OF IT HAD TO COME BACK TO THE GOVERNMENT, BUT ALSO TO THE DEFINITION OF "REAL PROPERTY". I STATED EARLIER IN THE DAWSON AREA WHERE MANY LOTS ARE SUB-DIVIDED

THEY MAY IN TOTAL AREA BE ONE FIFTH OF THE SIZE OF A NORMAL LOT. UNDER THE ORDINANCE WHAT IS ACTUALLY HAPPENING IS THE PERSON WHO HAS A NORMAL LOT, THAT HAS BEEN SUB-DIVIDED IN THE PAST INTO FIVE SMALL AREAS IS NOW HAVING TO PAY A MINIMUM TAX OF \$125 FOR THAT AREA AS AGAINST THE LOT RIGHT NEXT TO IT THAT HAS EXACTLY THE SAME VALUE BUT HASN'T BEEN SUB-DIVIDED OF ONLY \$25. THAT IS THE AREA IN THAT PARTICULAR SECTION THAT IS AMBIGUOUS, MR. SPEAKER.

MR. CHAMBERLIST: IT IS STILL REAL PROPERTY.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. SPEAKER: WE NOW COME TO THE QUESTION PERIOD. MADAM CLERK WILL YOU PLEASE ASCERTAIN IF MR. COMMISSIONER IS AVAILABLE. WE WILL NOW HAVE A SHORT RECESS.

*RECESS*

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY QUESTIONS?

QUESTION RE PROBLEM AT ROSS RIVER SCHOOL

MR. TAYLOR: MR. SPEAKER, I WONDER IF I COULD DIRECT A QUESTION TO THE MEMBER IN CHARGE OF EDUCATION AND ASK HER WHAT PROGRESS IS BEING MADE IN RELATION TO THE PROBLEM AT ROSS RIVER SCHOOL.

MRS. WATSON: THEY ARE NOW OUT THERE. THEY HAVE A BACKHOE AND ARE DIGGING OUT. AND THE HEALTH OFFICER HAS GONE OUT TODAY WITH SOMEONE FROM THE DEPARTMENT OF EDUCATION TO BE RIGHT THERE SO THAT WE CAN DETERMINE WHETHER THERE IS A HEALTH PROBLEM AND JUST TO BE RIGHT THERE ON THE SCENE. BUT THE WORK HAS COMMENCED.

QUESTION RE: MR. ADMINISTRATOR

MR. CHAMBERLIST: MR. SPEAKER, I FIND IT PRETTY DIFFICULT TO FOLLOW UP WITH QUESTIONING OF THE ADMINISTRATOR. NOW THAT THE ADMINISTRATOR IS NOT FULFILLING THE FUNCTION WHY, I WONDER IF MR. COMMISSIONER COULD INDICATE THAT NOW THAT THE ADMINISTRATOR IS NOT FULFILLING THESE FUNCTIONS AS ADMINISTRATOR, WILL HE BE SENT BACK TO OTTAWA AS THE NEED FOR AN ADMINISTRATOR IS NO LONGER REQUIRED.

MR. SPEAKER: BIEN VENU. IL FAUT RESPONDRE EN FRANCAISE.

(LAUGHTER AND CLAPPING).

QUESTION RE: BIDS ON LIQUOR STORE COMPLEX

MR. CHAMBERLIST: ALRIGHT, WE'LL TRY AGAIN ON SOMETHING ELSE, MR. SPEAKER. MR. SPEAKER TO MR. COMMISSIONER.

COULD YOU INDICATE WHO HAS BEEN THE SUCCESSFUL BIDDER ON THE LIQUOR STORE COMPLEX.

MR. COMMISSIONER: YES, MR. SPEAKER, I AM INFORMED BY MY OFFICERS THAT LETTERS HAVE GONE TO THE SUCCESSFUL AND THE UNSUCCESSFUL BIDDERS ON THE LIQUOR STORE PROPOSAL AND THERE WILL BE A PUBLIC ANNOUNCEMENT MADE OF THIS WITHIN THE NEXT DAY OR SO, MR. SPEAKER.

I THINK UNTIL WE CAN BE ASSURED THAT ALL THESE LETTERS HAVE BEEN DELIVERED TO THE VARIOUS TENDERERS, I WONDER IF THE HONOURABLE MEMBER WOULD ALLOW ME TO DELAY ANSWERING THE QUESTION UNTIL WE ARE SURE THAT ALL THE LETTERS HAVE BEEN DELIVERED.

MR. CHAMBERLIST: SUPPLEMENTARY, MR. SPEAKER, COULD MR. COMMISSIONER INDICATE WHEN THESE LETTERS WERE MAILED OUT?

MR. COMMISSIONER: I'M SORRY. I DON'T EXACTLY KNOW BUT I WOULD BE PREPARED TO ANSWER QUITE FREELY, OBVIOUSLY AND I WOULD BE FULLY PREPARED TO ANSWER JUST AS SOON AS I CAN DETERMINE THAT IT IS A REASONABLE EXPECTATION THAT ALL THE PEOPLE WHO BID OR SUBMITTED PROPOSALS ON THIS HAVE BEEN IN RECEIPT OF THE LETTERS.

MR. CHAMBERLIST: WELL, CAN WE GET TO KNOW WHEN THE DECISION WAS MADE?

MR. COMMISSIONER: WELL, MR. SPEAKER, WOULD YOU ALLOW ME A LITTLE TIME, IN THE COURSE OF THE DAY AND I WILL GET THE INFORMATION AND SEE IF THE QUESTION CANNOT BE ANSWERED WITH A PROPER ANSWER TO THE HONOURABLE MEMBER. IF I CAN DO THAT, I WILL BE HAPPY.

MR. CHAMBERLIST: WELL, MR. SPEAKER, WITH RESPECT. I'VE BEEN GETTING THESE TYPES OF ANSWERS FROM THE ADMINISTRATOR AND NOW THE COMMISSIONER HAS COME BACK TO HIS OLD STAND AGAIN.

PERHAPS I CAN PUT IT THIS WAY TO MR. COMMISSIONER. FOR TWO CONSECUTIVE DAYS, I HAVE ASKED SIMILAR QUESTIONS OF THE ADMINISTRATOR. ON TUESDAY, MAY 7TH MR. ADMINISTRATOR ANSWERED THAT "I WOULD ASSUME THAT IT WOULD NOW BE ALMOST ANY DAY, PERHAPS EVEN TODAY." THAT WAS ON THE 7TH. ON THE 8TH, MR. ADMINISTRATOR ANSWERED TO THE QUESTION, MR. SPEAKER, A QUESTION TO MR. ADMINISTRATOR. "HAS MR. ADMINISTRATOR INFORMATION TODAY ON WHO WAS THE SUCCESSFUL BIDDER FOR THE LIQUOR STORE?" MR. ADMINISTRATOR ANSWERED, "I DON'T HAVE THAT INFORMATION AS YET, MR. SPEAKER." YET ALL THE LETTERS WERE MAILED OUT ON MAY 6TH. THREE DAYS AGO AND ACTUALLY RECEIVED TWO DAYS AGO. YET THE ADMINISTRATOR CAME IN HERE, MR. SPEAKER, AND SAID HE DOESN'T HAVE THE INFORMATION.

NOW I ASK MR. COMMISSIONER AGAIN. DO YOU HAVE THE INFORMATION?

MR. COMMISSIONER: I'VE ALREADY SAID I'VE GOT IT.

MR. CHAMBERLIST: ALRIGHT. WELL, MR. SPEAKER, CANNOT THIS COUNCIL BE GIVEN STRAIGHT FORWARD INFORMATION BY THE ADMINISTRATION BECAUSE WE'VE DONE WITHOUT MR. COMMISSIONER FOR FOUR WEEKS AND IF HE DOESN'T GIVE THAT INFORMATION, HE MIGHT AS WELL GO AWAY AGAIN FOR ANOTHER FOUR YEARS OR TEN YEARS.

MR. COMMISSIONER: I WOULD BE VERY HAPPY ...

MR. CHAMBERLIST: WELL, DO THAT. THAT WOULD BE CARRIED UNANIMOUSLY I AM SURE. ALL RIGHT, NOW... GO AHEAD.

MR. SPEAKER: COUNCILLOR TAYLOR.

QUESTION RE COPIES OF MAPS OF LAND DISPOSITION

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION I WOULD LIKE TO ADDRESS TO MR. COMMISSIONER, RELATED TO A QUESTION I HAVE ASKED TWICE OR THRICE IN THE HOUSE, ASKING WHEN WILL WE RECEIVE COPIES OF THE LAND DISPOSITION BY CLASSIFICATION MAPS WHICH HAVE BEEN PREPARED BY THE LAND CLAIMS SECRETARIAT IN AUGUST. I BELIEVE THE LANDS OFFICE IS IN WHITEHORSE.

I THINK AT THAT TIME I INDICATED THAT MEMBERS SHOULD HAVE POSSESSION, COPIES OF THESE MAPS SO THEY CAN BE CIRCULATED THROUGH THE DISTRICTS FOR THE INFORMATION OF THE PEOPLE IN THE RESPECTIVE AREAS. I'M WONDERING WHEN WE MAY EXPECT TO GET THEM.

MR. COMMISSIONER: I THINK I WILL HAVE TO TAKE A LOOK AT THIS, MR. SPEAKER. THE MAPS HAVE CERTAINLY BEEN PREPARED BUT THE POSSIBILITY, WHAT THE HONOURABLE MEMBER IS REALLY ASKING, ARE THESE GOING TO BE TURNED OUT IN THE SAME MANNER AS THE MAP SERIES THAT IS AVAILABLE FOR SALE IN THE MAP SECTION HERE IN THE FEDERAL GOVERNMENT. I QUESTION THAT THIS IS GOING TO BE POSSIBLE BUT IF THERE IS ANYTHING FURTHER, MAYBE THE HONOURABLE MEMBER CAN SHARTEEN ME UP ON HERE WITH REGARD TO THESE MAPS. I'LL SEE WHAT CAN BE DONE ABOUT IT.

MR. TAYLOR: MR. SPEAKER, SUPPLEMENTARY. I BELIEVE THE COMMISSIONER IS NOT AWARE OF MY PURPOSE. I REFER TO LEGISLATIVE RETURN NO. 16 AND WHERE IT HAS BEEN INDICATED THAT GENERAL LAND DISPOSITION BY CLASSIFICATION MAPS ARE AVAILABLE IN THE LANDS OFFICE OF THE TERRITORIAL GOVERNMENT. THAT IS THE ONE TO TWO MILLION MAPS. THE ONE TO FIFTY THOUSAND TWO HUNDRED AND FIFTY THOUSAND SHOWING CURRENT LAND DELINEATIONS IMMEDIATELY SURROUNDING MUNICIPALITIES OR LOCAL IMPROVEMENT DISTRICTS ARE AVAILABLE TO THE PUBLIC BY THE DEPARTMENT OF LOCAL GOVERNMENT AND SO FORTH.

I HAVE ASKED THAT ALL MEMBERS OF COUNCIL BE PROVIDED WITH COPIES OF THESE MAPS IN ORDER THAT WE CAN HAVE THEM AVAILABLE TO OUR CONSTITUENTS TO LOOK AT AND REVIEW.

MR. COMMISSIONER: IT WOULD APPEAR TO BE A VERY REASONABLE REQUEST. I DON'T KNOW. IF THE REQUEST WAS ALREADY MADE, THE CHANCES ARE TEN TO ONE THEY ARE IN THE PROCESS OF BEING FULFILLED. CERTAINLY I THINK IT IS A VERY REASONABLE REQUEST AND I'M SURE SOMETHING IS BEING DONE ABOUT IT. EXACTLY WHAT IT IS, I'M SORRY, I DON'T KNOW.

QUESTION RE NEW LOTS IN RIVERDALE

MR. CHAMBERLIST: MR. SPEAKER, I WONDER IF MR. COMMISSIONER COULD INDICATE WHEN THE NEW LOTS THAT HAVE BEEN SUB-DIVIDED IN THE RIVERDALE AREA ARE GOING TO OPEN FOR SALE BY THE PUBLIC? TO THE PUBLIC, I'M SORRY.

MR. COMMISSIONER: MR. SPEAKER, I HOPE VERY, VERY QUICKLY. IT'S MY UNDERSTANDING THAT WHEN I LEFT HERE THE ONLY THING THAT WAS HOLDING THIS UP WAS THE CALLING OF THE TENDER SO WE COULD DETERMINE THE COST OF SERVICING THE PROPERTY WAS TO BE AND ONCE THAT WAS ASCERTAINED, THAT THE PROPERTY WOULD BE PUT UP FOR SALE.

I'M NOT TOO SURE WHETHER THESE TENDERS HAVE BEEN OPENED YET FOR THE INSTALLATION OF SERVICES BUT I WOULD BE VERY HAPPY TO GET AN ANSWER BECAUSE I THINK IT IS HIGH TIME THEY WERE PUT UP FOR SALE, MR. SPEAKER. IF YOU ARE GOING TO BUILD ANYTHING, YOU'VE GOT TO GET A LOT PRETTY SOON.

QUESTION RE BOARD OF REVIEW MEETINGS

MR. CHAMBERLIST: MR. SPEAKER TO MR. COMMISSIONER. MR. SPEAKER, PERHAPS THE COMMISSIONER ISN'T AWARE OR PERHAPS HE IS AWARE THAT THE DEPARTMENT OF EDUCATION HAS BEEN IN ONE HELL OF A MESS DURING THE TIME

MR. SPEAKER: ORDER.

MR. CHAMBERLIST: HAS BEEN IN ONE BIG MESS DURING THE TIME THAT HE HAS BEEN AWAY AND I DON'T KNOW WHETHER IT'S BECAUSE HE HAS BEEN AWAY THAT IT'S BEEN IN A MESS OR AS A RESULT OF HIM BEING AWAY THAT IT'S BEEN IN A MESS.

I WOULD LIKE TO KNOW FROM MR. COMMISSIONER WHETHER HE IS AWARE THAT THE BOARD OF REVIEW THAT WAS SET UP HAS BEEN MEETING IN ONE OF THE BOARD MEMBER'S BEDROOM IN THE TRAVELDGE AND HAVE BEEN HOLDING THEIR HEARINGS IN THAT ROOM.

MR. COMMISSIONER: MR. SPEAKER, THE FACT THAT THESE MEETINGS ARE BEING HELD UNDER THESE CIRCUMSTANCES IS ALL NEWS TO ME. THE QUESTION, DO I KNOW THAT A BOARD HAS BEEN SET UP IS IN THE AFFIRMATIVE. YES, I KNOW THE BOARD HAS BEEN SET UP.

MR. CHAMBERLIST: IS MR. COMMISSIONER AWARE, MR. SPEAKER, THAT THIS BOARD HAS BEEN MEETING AND HAS MET WITH THE SUPERINTENDENT OF SCHOOLS

WITHOUT THE PRESENCE OF THE TEACHER WHO HAS BEEN DISMISSED BEING ABLE TO BE THERE WITH HIS COUNSEL?

MR. COMMISSIONER: WELL, MR. SPEAKER, WHAT THIS BOARD DOES OR CONDUCTS ITSELF IS THE MATTER OF THE BOARD I WOULD SAY, IT'S NONE OF MY BUSINESS.

MRS. WATSON: MR. SPEAKER, THIS IS THE ANSWER THAT HAS BEEN GIVEN TO THE HONOURABLE MEMBER, FOR TWO DAYS NOW THE IMPARTIAL BOARD HAS MET AND THEY DETERMINE THEIR OWN PROCEDURE.

MR. CHAMBERLIST: MR. SPEAKER, COULD THE COMMISSIONER INDICATE, I HAVE ALREADY PUT A QUESTION AND ASKED FOR A WRITTEN ANSWER TO THE ADMINISTRATOR AND IT HASN'T BEEN FORTHCOMING YET. UNDER WHAT REGULATIONS OR PART OF THE ORDINANCE HAS THE BOARD BEEN CONSTITUTED IN THE MANNER THAT IT HAS. COULD I GET A WRITTEN ANSWER FROM THE COMMISSIONER EITHER TOMORROW OR THE DAY AFTER, BUT LET'S GET AN ANSWER.

MR. COMMISSIONER: WELL, MR. SPEAKER, THE HONOURABLE MEMBER SAYS HE HAS ALREADY ASKED THIS QUESTION AND ASKED FOR A WRITTEN ANSWER SO AT THAT POINT I WOULD NOT INDICATE AS TO WHAT HAS TRANSPIRED, I'M SURE THE ANSWER IS BEING DEALT WITH.

QUESTION RE MR. FISHER-FLEMING

MR. CHAMBERLIST: MR. SPEAKER, MR. COMMISSIONER PRIOR TO YOUR LEAVING ON YOUR VACATION DURING THIS VERY IMPORTANT SESSION OF COUNCIL, YOU INDICATED THAT WHEN WRITTEN QUESTIONS WERE GIVEN TO YOU, YOU WOULD PROVIDE WRITTEN ANSWERS. I PROVIDED 19 QUESTIONS IN WRITING WITH REFERENCE TO MR. FISHER-FLEMING. THE ANSWER THAT CAME FROM THE ADMINISTRATOR WAS THAT THE ADMINISTRATION WOULD NOT BE ANSWERING IT. YOU HAD INDICATED THAT IT WOULD BE ANSWERED. NOW, WHICH ONE OF YOU IS CORRECT? YOU OR THE ADMINISTRATOR?

MR. COMMISSIONER: IT'S OF NO CONSEQUENCE, MR. SPEAKER. THE ANSWERS ARE NOT GOING TO BE FORTHCOMING AND THAT'S ALL THERE IS TO IT.

MR. SPEAKER: COUNCILLOR TAYLOR.

QUESTION RE PELLY RIVER SCHOOL

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION I WOULD LIKE TO DIRECT TO THE EXECUTIVE COMMITTEE

MEMBER IN CHARGE OF EDUCATION. I WOULD LIKE TO ASK HER THAT IN VIEW OF THE FACT THAT THE PELLY SCHOOL PROBLEM IS NOT RESOLVED AS SHE INDICATED YESTERDAY. DOES THIS NOW MEAN THAT THE PEOPLE OF PELLY WILL NOW HAVE INPUT AND SAY ON HOW THAT SCHOOL IS GOING TO BE RUN?

MRS. WATSON: MR. SPEAKER, THE MEMBERS OF THE COMMUNITY ALWAYS HAD THE OPPORTUNITY. THEY HAVE AN ADVISORY COMMITTEE TO WORK WITH THE PRINCIPAL IN THE OPERATION OF THE SCHOOL.

MR. TAYLOR: SUPPLEMENTARY. WHAT I AM SAYING, IS THIS GOING TO HAPPEN IN THE FUTURE IN ORDER THAT WE CAN AVOID THE TYPE OF CONFRONTATION THAT HAS TAKEN PLACE IN PELLY AND WILL THIS, INDEED, BE ENCOURAGED BY THE DEPARTMENT OF EDUCATION?

MRS. WATSON: MR. SPEAKER, I WOULD HOPE THAT THIS WOULD HAPPEN IN THE FUTURE AND I CAN ASSURE THE HONOURABLE MEMBER THAT THERE IS PROVISION FOR IT IN THE LEGISLATION WHEN AND IF WE PASS THE AMENDMENTS TO THE SCHOOL ORDINANCE.

MR. TAYLOR: FURTHER SUPPLEMENTARY. I AM TALKING ABOUT NOW, MR. SPEAKER, NOT IN THE FUTURE.

MRS. WATSON: WELL, MR. SPEAKER, I WOULD HOPE THAT THIS WOULD HAPPEN. I WOULD ALSO INDICATE THAT THE TWO TEACHERS THAT ARE OUT THERE, THE RE-APPOINTMENT OF THESE TEACHERS TO THE SCHOOL AT PELLY RIVER WAS APPROVED BY THE RESIDENTS OF PELLY RIVER THEMSELVES AND THEY HAVE GIVEN THEIR APPROVAL. SO I WOULD CERTAINLY ASSUME THERE WILL BE ONGOING COMMUNICATIONS BETWEEN THE TEACHERS AND THE COMMUNITY.

QUESTION RE MR. FISHER-FLEMING

MR. CHAMBERLIST: MR. SPEAKER, I WANT TO REVERT BACK TO THE SUPPLEMENTARY TO A QUESTION THAT I RAISED BEFORE. I WANT MR. COMMISSIONER TO ANSWER IF HE WISHES, MR. SPEAKER, WHETHER HE WILL KEEP HIS WORD TO THIS COUNCIL WHEN HE INDICATES THAT HE WILL ANSWER QUESTIONS AND THEN AFTERWARDS SAY THAT THEY WON'T BE ANSWERED.

NOW, WHY HAS MR. COMMISSIONER AT THIS TIME CHANGED HIS WORD TO THIS TABLE AT THIS TIME? THIS IS CONCERNING MR. FISHER-FLEMING.

MR. TANNER: MR. SPEAKER, ON A POINT OF ORDER. IT'S MY UNDERSTANDING THAT THE COUNCIL IS PRE-

PARED TO DEBATE THIS WHOLE QUESTION THIS COMING MONDAY AND ALL THESE QUESTIONS WILL BE BROUGHT FORTH, I'M SURE, BY THE HONOURABLE MEMBER AND HE WILL GET THE, HE WILL HAVE FULL DEBATE AT THAT TIME, MR. SPEAKER.

I REALLY THINK THESE QUESTIONS ARE OUT OF ORDER RIGHT NOW.

MR. CHAMBERLIST: MR. SPEAKER, WITH RESPECT, NO QUESTIONS TO THIS ADMINISTRATION ARE OUT OF ORDER. THE ADMINISTRATION IS OUT OF ORDER WHEN THEY REFUSE TO ANSWER QUESTIONS.

MR. SPEAKER: COUNCILLOR STUTTER.

QUESTION RE LEGISLATION BOTTLE RETURN SYSTEM

MR. STUTTER: MR. SPEAKER, I HAVE A QUESTION FOR THE COMMISSIONER THIS MORNING. MR. COMMISSIONER DURING YOUR ABSENCE YOUR ADMINISTRATOR FOUND A, AND I THINK HIS QUOTE WAS A HORRENDOUS DISCOVERY, IN THAT BACK IN 1972 YOU HAD MADE MORE OR LESS A COMMITMENT TO BRING FORWARD LEGISLATION COVERING THE DEPOSIT SYSTEM AND RETURN ON BOTTLES. CAN YOU GIVE SOME INDICATION AT THIS POINT, WHEN WE MIGHT EXPECT THAT LEGISLATION?

MR. COMMISSIONER: I'M SORRY BUT I AM IN NO POSITION TO ANSWER THAT QUESTION THIS MORNING, MR. SPEAKER. I THINK IT IS ONLY RIGHT AND FAIR THAT THERE SHOULD BE A FOLLOW-UP ANSWER TO THE QUESTION ASKED BY THE HONOURABLE MEMBER AND I WILL UNDERTAKE TO ATTEMPT TO GIVE A FIRM DATE WITH REGARD TO THIS.

MR. SPEAKER, IF I MAY JUST BEFORE THE QUESTION PERIOD IS OVER WITH. I THINK THAT HONOURABLE MEMBERS ARE AWARE THAT HIS EXCELLENCY GOVERNOR-GENERAL ROLAND MITCHNER PRIOR TO HIS RETIREMENT FROM OFFICE, HAD A STEAK DINNER, I BELIEVE WOULD BE THE RIGHT TERMINOLOGY, TO WHICH WERE INVITED MEMBERS OF THE FEDERAL GOVERNMENT PRESENT AND PAST WHO HAD BEEN ASSOCIATED WITH NORTHERN DEVELOPMENT; THE MEMBERS OF THE COUNCILS AND THE COMMISSIONERS OF THE NORTHWEST TERRITORY AND THE YUKON TERRITORY. IT WAS KIND OF A HISTORIC OCCASION. SOME MEMBERS OF COUNCIL WERE ABLE TO ATTEND. IT WAS AT A VERY INOPPORTUNE TIME OF THE YEAR FOR TRAVEL PURPOSES AS FAR AS MOST PEOPLE WERE CONCERNED AND AS A CONSEQUENCE

OUR REPRESENTATION WAS LIMITED TO THE HONOURABLE MEMBER FROM DAWSON, THE HONOURABLE MEMBER FROM WHITEHORSE EAST, MYSELF AND OUR WIVES.

AT THAT TIME THE OFFICIAL PHOTOGRAPHER OF GOVERNMENT HOUSE TOOK A PICTURE OF THE ASSEMBLED GATHERING. I HAVE AT THIS TIME THREE COPIES HERE AND I WOULD LIKE, MR. SPEAKER, TO GIVE WITH MY OWN PERSONAL GOOD WISHES TO YOURSELF FOR RETENTION BY THE COUNCIL. POSSIBLY HANGING IN THE COUNCIL CHAMBERS, I WOULD BE HAPPY TO ARRANGE TO HAVE IT FRAMED FOR THE COUNCIL IF YOU WISH. AND ALSO WITH MY OWN PERSONAL COMPLIMENTS TO COUNCILLOR STUTTER AND COUNCILLOR CHAMBERLIST WHO ALONG WITH THEIR WIVES ARE IN THIS PICTURE, AS A MOMENTO OF WHAT WAS A PECULAR AND PARTICULARLY HISTORIC OCCASION. AND FOR WHICH I THINK WE ALL OWN A LOT OF THANKS TO THE GOVERNOR-GENERAL FOR HIS ATTEMPT TO BRING TOGETHER AS MANY OF THE NORTHERN PEOPLE CONNECTED WITH THE DEVELOPMENT OF THE NORTH AS WAS POSSIBLE AT THAT TIME.

MR. SPEAKER: THANK YOU MR. COMMISSIONER. WE WISH TO THANK MR. COMMISSIONER FOR HIS ATTENDANCE. ARE THERE ANY PRIVATE BILLS AND ORDERS? PUBLIC BILLS AND ORDERS?

BILL NO. 23 FIRST READING

MRS. WATSON: MR. SPEAKER. I MOVE, SECONDED BY COUNCILLOR TANNER, THAT BILL NO. 23 INTITULED AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY, BE GIVEN FIRST READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT FIRST READING BE GIVEN TO BILL NO. 23 INTITULED AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

MR. SPEAKER: WHEN SHALL THE BILL BE READ FOR THE SECOND TIME.

BILL NO. 23, SECOND READING



Mrs. WATSON: Now, Mr. SPEAKER. I move, seconded by COUNCILLOR TANNER that BILL No. 23, INTITULED AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY, BE GIVEN SECOND READING.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT SECOND READING BE GIVEN TO BILL No. 23 INTITULED AN ORDINANCE FOR GRANTING TO THE COMMISSIONER, CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY.  
ARE YOU PREPARED FOR THE QUESTION? AGREED?  
I DECLARE THE MOTION CARRIED.

MOTION CARRIED

Mr. SPEAKER: WITH REFERENCE TO BILL No. 10 INTITULED LOTTERIES ORDINANCE.

Mrs. WATSON: Mr. SPEAKER, THAT SHOULD BE READ ON A DAY FOLLOWING.

Mr. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURES?

Mr. TAYLOR: Mr. SPEAKER, I WOULD MOVE THAT Mr. SPEAKER DO NOW LEAVE THE CHAIR AND COUNCIL RESOLVE INTO COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS AND MOTIONS.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM WATSON LAKE, SECONDED BY THE HONOURABLE MEMBER FOR DAWSON, THAT Mr. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN COMMITTEE OF THE WHOLE TO DISCUSS PUBLIC BILLS, SESSIONAL PAPERS AND MOTIONS.  
ARE YOU PREPARED FOR THE QUESTION? AGREED?  
I DECLARE THE MOTION CARRIED.

MOTION CARRIED

Mr. SPEAKER: WILL THE HONOURABLE MEMBER FROM WATSON LAKE PLEASE TAKE THE CHAIR IN COMMITTEE OF THE WHOLE.

Mr. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. AND THE FIRST ITEM OF BUSINESS TODAY IS TO HEAR FROM THE DELEGATION FROM THE UNIVERSITY OF CANADA NORTH IN RELATION TO BILL No. 7. SO AT THIS TIME I WILL DECLARE A SHORT RECESS SO THAT WE CAN GET ON WITH THIS PRIOR TO NOON.

RECESS

Mr. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. AND WE ARE DISCUSSING MATTERS RELATED TO BILL No. 7, THE SCHOOL ORDINANCE AND WE HAVE WITH US Mr. HOUGEN AND Mrs. ALFORD TO ASSIST US IN DISCUSSIONS AND THEY ARE REPRESENTING THE UNIVERSITY OF CANADA NORTH, YUKON. I AM WONDERING IF YOU WOULD CARE TO MAKE ANY OPENING STATEMENTS AND PROCEED WITH YOUR BRIEF?

Mrs. ALFORD: Mr. CHAIRMAN, I WOULD LIKE TO SUMMARIZE OUR PRESENTATION BY READING INTO THE RECORD THIS SECTION OF IT. "THE UNIVERSITY OF CANADA NORTH, YUKON DIVISION, WISHES TO REGISTER OBJECTION TO THE FOLLOWING PARAGRAPHS OF THE PROPOSED SCHOOL ORDINANCE AND TO REQUEST THEY BE DELETED FROM THE BILL. SECTION 117, sub-section (2). "THE COMMISSIONER MAY MAKE REGULATIONS" AND IN PARAGRAPH (H), "TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF POST SECONDARY INSTITUTIONS WITHIN THE TERRITORY". PARAGRAPH (M) "TO ESTABLISH INSTITUTIONS FOR THE TRAINING OF TEACHERS OR OTHERS AND FOR THE REGULATION AND MANAGEMENT OF SUCH INSTITUTIONS". PARAGRAPH (N) "TO ESTABLISH POST-SECONDARY COURSES AND MAKE RULES GOVERNING SUCH COURSES AND THE FEES TO BE CHARGED IN RESPECT OF THEM".

THE POSITION OF UNIVERSITY CANADA NORTH, YUKON DIVISION IS BASED ON THE FOLLOWING CONSIDERATIONS.

FIRSTLY, WE SUBMIT THAT THE IMPORTANCE OF POST-SECONDARY EDUCATION DESERVES BETTER THAN THREE SMALL PARAGRAPHS AMONG NINETEEN, IN A SUB-SECTION AT THE VERY END OF A BILL WHOSE MAIN FOCUS IS ESSENTIALLY DIFFERENT AS REVEALED BY IT'S TITLE, THAT IS SCHOOL ORDINANCE.

SECONDLY, WE STRONGLY OBJECT TO THE FACT THAT THE DEVELOPMENT OF POST-SECONDARY EDUCATION WILL BE GOVERNED BY REGULATIONS. IT SHOULD INSTEAD BE SERVED BY A BROADLY BASED LONG RANGE POLICY WHICH WOULD TAKE INTO ACCOUNT ALL THE COMPLEX ELEMENTS INVOLVED AND WHICH WOULD BE EMBODIED INTO LEGISLATION OF IT'S OWN.

THIRDLY WE DEPLORE THE FACT THAT THE PROPOSED PROVISIONS SUGGEST NARROW GOVERNMENT MONOPOLY IN THE FIELD OF POST-SECONDARY EDUCATION.

TO THIS I WOULD LIKE TO ADD FOR CLARIFICATION, SOME OF THE RECOMMENDATIONS THAT YOU SEE AND

HAD MADE TO MRS. WATSON PRIOR TO THE SCHOOL ORDINANCE WHICH YOU FIND ON THE SECOND PAGE OF OUR POSITION PAPER. ON PAGE 5 OF OUR BRIEF IN THE SUMMARY OF OUR RECOMMENDATIONS NO. 1 WAS THAT MATTERS DEALING WITH SECONDARY EDUCATION SHOULD NOT BE INCLUDED IN THE PRESENT REVISION OF THE SCHOOL ORDINANCE,

NO. 6 FROM OUR ORIGINAL BRIEF WAS THAT THE GOVERNMENT OF THE YUKON TERRITORY SHOULD ENTER INTO DISCUSSIONS WITH THE U.C.N. IN AN ATTEMPT TO DEFINE, A) THE PRIORITIES IN LONG RANGE PLANNING FOR POST-SECONDARY EDUCATION IN THE YUKON AND B) THE RESPECTIVE ROLES AND DEGREES OF INVOLVEMENT OF THE YUKON TERRITORIAL GOVERNMENT AND THE UNIVERSITY OF CANADA NORTH IN THIS BROAD PLAN OF DEVELOPMENT.

MR. CHAMBERLIST: MR. CHAIRMAN, CAN I INTERRUPT AT THIS TIME. I WOULD LIKE TO ASK A QUESTION AT THIS TIME. IS THERE ANY SUGGESTION THAT THE U.C.N. BE OR HAS BEEN RECOGNIZED BY THE GOVERNMENT OF THE YUKON TERRITORY IN ANY WAY?

BECAUSE THE QUESTION THAT'S BEING ASKED IS THAT THE GOVERNMENT OF THE YUKON TERRITORY SHOULD ENTER INTO DISCUSSIONS WITH THE U.C.N. IN AN ATTEMPT TO DEFINE. NOW I WANT TO KNOW FIRSTLY WHETHER THE GOVERNMENT HAS RECOGNIZED U.C.N. IN ANY WAY?

MRS. ALFORD: WELL THE GOVERNMENT DOES NOT HAVE TO RECOGNIZE U.C.N. FORMALLY BECAUSE U.C.N. IS A PRIVATELY CONSTITUTED BODY WITH LETTERS PATENT FROM THE FEDERAL GOVERNMENT. THE ONLY RECOGNITION THAT THE GOVERNMENT HAS TO GIVE TO U.C.N. IS THE SAME AS ANY OTHER BODY THAT EXISTS IN THE TERRITORY.

MR. CHAMBERLIST: THE THING IS THIS THAT I CAN'T ALINE MY THINKING TO THE SUBMISSION THAT IS BEING MADE UNLESS I KNOW RIGHT AT THE BEGINNING WHETHER IT IS THE WISH OR THE INTENTION THAT THERE HAS BEEN SOME IDENTIFYING CORRESPONDENCE BETWEEN THE GOVERNMENT AND U.C.N. SHOWING SOME SORT OF RECOGNITION. YOU SAY THAT THE GOVERNMENT OF THE YUKON TERRITORY SHOULD ENTER INTO DISCUSSION. WHY? IS THERE ANY BACKGROUND FOR IT?

MRS. ALFORD: IT SEEMS TO ASK THAT IT IS THE ROLE OF GOVERNMENT TO RECOGNIZE INSTITUTIONS WHICH EXIST IN THE TERRITORY WHICH ARE A POSITIVE FORCE FOR ITS DEVELOPMENT. IT SEEMS TO US THAT IT IS THE ROLE OF GOVERNMENT TO UTILIZE THE POSITIVE FORCE OFFERED BY THIS TYPE OF INSTITUTION IN THE GENERAL, LONG-RANGE PLANNING OF POLICY. THIS IS ALL THAT

OUR SUGGESTION HERE MEANS. WE FEEL THAT WE ARE PROBABLY THE ONLY FORMAL INSTITUTION ESTABLISHED IN THE TERRITORY IN THE FIELD OF POST SECONDARY EDUCATION OUTSIDE OF GOVERNMENT. WE FEEL THAT THERE IS, WE KNOW THAT THERE IS NO POLICY FOR POST SECONDARY EDUCATION IN THE LONG RANGE VIEW OF THE PLAN OF DEVELOPMENT, IF YOU WANT, OR A RECOGNITION OF EXISTING NEEDS.

WE FEEL THAT IT WOULD BE VERY BENEFICIAL IN THE BROAD SOCIAL ACCEPTANCE OF THIS TERM TO THE TERRITORY OF THE WHOLE IF THE GOVERNMENT WOULD TAKE INTO ACCOUNT THE FACT THAT WE EXIST, NUMBER ONE, AND NUMBER TWO, WOULD MAKE USE OF US IN THE DEVELOPMENT OF POLICY.

MR. CHAMBERLIST: MR. CHAIRMAN, WITH RESPECT. THE WITNESS HAS INDICATED THAT UNIVERSITY OF CANADA NORTH IS THE ONLY INSTITUTION OF THIS TYPE THAT EXISTS. WHAT I WANT TO ASCERTAIN FIRST IS WHETHER THE GOVERNMENT OF THE YUKON TERRITORY HAS RECOGNIZED YOUR ORGANIZATION AS AN INSTITUTION. IF THEY HAVE, THEN ONE CAN GO ON FROM THERE. BUT IF IT HASN'T BEEN RECOGNIZED AS AN INSTITUTION, THEN ONE HAS TO LOOK AT IT IN AN ENTIRELY DIFFERENT WAY.

MR. CHAIRMAN: JUST FROM THE CHAIR AT THIS POINT I THINK THAT QUESTION SHOULD MORE PROPERLY BE ADDRESSED TO THE GOVERNMENT OF THE YUKON TERRITORY THROUGH THE PERSON REPRESENTING, THE MEMBER REPRESENTING THE EDUCATION DEPARTMENT.

MR. CHAMBERLIST: NO, WITH RESPECT, I WANT TO ASCERTAIN FROM UNIVERSITY OF CANADA NORTH WHETHER THEY HAVE ATTEMPTED TO GET THIS RECOGNITION. THIS IS WHAT I'M TRYING TO ASCERTAIN.

MR. CHAIRMAN: THAT'S A DIFFERENT QUESTION, YES. MR. HOUGEN.

MR. HOUGEN: WELL FROM THE FOUNDING OF THE UNIVERSITY OF CANADA NORTH THE TERRITORIAL GOVERNMENT, THROUGH THE COMMISSIONER AND THROUGH THE HEAD OF THE EDUCATION DEPARTMENT, HAS BEEN KEPT INFORMED OF THE DEVELOPMENTS AND INTENTIONS OF THE UNIVERSITY OF CANADA NORTH. WHEN WE HELD A CONFERENCE WITH OUR N.W.T. COUNTERPARTS IN INUVIK THE DEPUTY, I'M NOT SURE WHAT HIS POSITION IS, THE DEPUTY COMMISSIONER OF THE SCHOOLS - - -

MRS. WATSON: ASSISTANT SUPERINTENDENT.

Mr. HOUGEN: ASSISTANT SUPERINTENDENT DID ATTEND THE CONFERENCE IN INUVIK AS AN OBSERVER. HE DID NOT PARTICIPATE AS AN ACTIVE PARTICIPANT BUT WAS THERE AS AN OBSERVER.

Mrs. ALFORD: So was Mr. HODGKINSON.

Mr. HOUGEN: AND Mr. HODGKINSON, YES, SUBSEQUENT TO THAT MEETINGS HAVE TAKEN PLACE BETWEEN THE UNIVERSITY OF CANADA NORTH EXECUTIVE AND MEMBERS OF THE EDUCATION DEPARTMENT AS WELL AS THE EXECUTIVE COMMITTEE MEMBER OF EDUCATION. THERE HAS BEEN EXCHANGE OF CORRESPONDENCE FROM TIME TO TIME. WHEN YOU ASK A SPECIFIC QUESTION IS THE UNIVERSITY OF CANADA NORTH RECOGNIZED, I DON'T REALLY KNOW THE ANSWER TO THAT QUESTION. I DO NOT BELIEVE OUR EXECUTIVE KNOWS THE ANSWER TO THAT QUESTION BECAUSE WE'VE HAD THIS COMMUNICATION BUT OUR ROLE IN THE TERRITORY HAS NOT BEEN DEFINED AS FAR AS THE TERRITORIAL GOVERNMENT IS CONCERNED. WE GET THE IMPRESSION PERHAPS THAT WE ARE ALLOWING OURSELVES TO MOVE INTO AN AREA THAT MAY BE CONSIDERED THE EXCLUSIVE JURISDICTION OF THE TERRITORIAL GOVERNMENT, AND NOT A JURISDICTION AS IT MIGHT BE IN THE PROVINCES OF AN OUTSIDE BODY ASSISTED BY GOVERNMENT. INSTITUTIONS OF HIGHER LEARNING ARE GENERALLY DEVELOPED BY PRIVATE GROUPS WHO AT SOME STAGE HAVE THE ASSISTANCE OF THE GOVERNMENT BUT ARE NOT CONTROLLED AND ARE NOT RUN BY GOVERNMENTS.

WE DON'T KNOW OUR ROLE. I DON'T WANT THIS TO BE INTERPRETED AS A CRITICISM OF THE GOVERNMENT. PART OF OUR REASON FOR BEING HERE IS TO TRY AND SEEK CLARIFICATION. I MIGHT POINT TO ONE ILLUSTRATION. WE DID HAVE TENTATIVELY GRANTED TO US WITHIN THE LAST SIX MONTHS \$50,000.00 OF DEVELOPMENT FUNDS FROM THE SECRETARY OF STATE'S OFFICE. IT REACHED THE HIGHEST LEVELS AT WHICH POINT IT HAD TO GO TO A COMMITTEE OF GOVERNMENT. AT THAT STATE IT INVOLVED NORTHERN AFFAIRS. AS A RESULT OF THIS INVOLVEMENT OF NORTHERN AFFAIRS IT WAS POINTED OUT TO THE SECRETARY OF STATE THAT EDUCATION WAS A TERRITORIAL JURISDICTION. THEREFORE, THE GRANT SHOULD NOT BE MADE AS IT PERHAPS CONFLICTED WITH THE INTENTIONS OF THE YUKON. WE DID NOT RECEIVE THE GRANT. THIS WOULD LEAD US TO BELIEVE THAT PERHAPS THERE IS A FEELING WE SHOULD SORT OF FOLD OUR TENTS AND QUIETLY SNEAK AWAY AND NOT CONTINUE TO PROMOTE WHAT IS NOT INTENDED TO BE AN IMMEDIATE AND INSTANT UNIVERSITY IN THE NORTH, BUT A LONG-RANGE PLAN DEVELOPING TOWARDS A UNIVERSITY IN THE

NORTH. PERHAPS WE SHOULDN'T BE WORKING IN THIS WAY.

WHAT WE SEEK AND WHAT WE WANT IS AN UNDERSTANDING AND COMPLETE CO-OPERATION AND TO REACH A COMMON OBJECTIVE WITH THE TERRITORIAL GOVERNMENT SO THAT WE ARE NOT IN CONFRONTATION, WE'RE NOT IN ARGUMENT, BUT TOGETHER WE ARE GOING FORWARD TO EVENTUALLY ACHIEVE A UNIVERSITY IN THE NORTH.

Mr. CHAMBERLIST: I WONDER, Mr. CHAIRMAN, IF THEN WE CAN GET FROM THE HONOURABLE MEMBER FROM CARMACKS-KLUANE THE GOVERNMENT'S POSITION IN ITS RELATIONSHIP WITH THE UNIVERSITY OF CANADA NORTH. WHETHER OR NOT IT RECOGNIZES THE UNIVERSITY OF CANADA NORTH AS AN INSTITUTION FOR POST-SECONDARY LEARNING.

Mrs. WATSON: YES, Mr. CHAIRMAN. I WOULD BE GLAD TO DEFINE AS MUCH OF IT AS I AM ABLE TO. I WOULD LIKE TO SAY AT THE OUTSET THAT I AGREE WITH THE CRITICISMS THAT HAVE BEEN MADE. I ALSO AGREE THAT IT SHOULD HAVE A SEPARATE PIECE OF LEGISLATION. I AGREE WITH THIS COMPLETELY. I ALSO AGREE THAT POST-SECONDARY TRAINING IN MANY INSTANCES SHOULD NOT BE THE RESPONSIBILITY OF THE GOVERNMENT OF THE DAY; SOME OTHER INSTITUTION SEPARATE AND APART SHOULD BE OFFERING THIS. HOWEVER, THE GOVERNMENT OF THE DAY IS INVOLVED IN THIS TO A CERTAIN DEGREE. I THINK WE MUST AGREE WITH THIS. IT HAS TO BE. I CAN SEE ALSO, AND I CAN UNDERSTAND THE UNIVERSITY OF CANADA NORTH'S CONCERN. I MUST ACCEPT SOME OF THE RESPONSIBILITY FOR THIS. THEIR ROLE HAS NOT BEEN DEFINED BECAUSE IT HAS NOT BEEN DEFINED. I KNOW THIS IS THE AREA THEY ARE CONCERNED WITH RIGHT NOW.

I ALSO AGREE THAT LONG-RANGE PLANNING HAS TO BE DONE. IT CAN'T BE A PLAN FOR THE NEXT YEAR OR THE YEAR AFTER. IT HAS TO BE LONG-RANGE. YOU HAVE TO KNOW WHERE YOU ARE GOING BEFORE YOU BEGIN OR WHAT YOU WANT TO DO TO ACCOMPLISH IT. THIS IS WHERE I FEEL THERE HAS BEEN QUITE A DEFICIENCY. I FEEL THAT I'M RESPONSIBLE FOR THIS TO A CERTAIN DEGREE WITHIN THE GOVERNMENT. THE REASON FOR THIS IS THIS. AT THE PRESENT TIME WE HAVE PRIORITIES TO SET WITHIN THE DEPARTMENT OF EDUCATION AND WITH THE PEOPLE THAT WE HAVE AVAILABLE TO WORK ON THESE VARIOUS THINGS. OUR PRIORITY, AS I ESTABLISHED IT, WAS TO FACE THE SCHOOL ORDINANCE. IT HAD TO BE FACED. YOU JUST

COULDN'T TAKE AN OLD PIECE OF LEGISLATION LIKE THAT AND OPERATE YOUR SCHOOLS VERY MUCH LONGER. THAT HAD TO BE DONE. THAT TOOK MUCH LONGER THAN I HAD THOUGHT IT WOULD TAKE.

I HAD ABOUT A YEAR AGO REQUESTED THE SECONDMENT OF AN OFFICER FROM THE GOVERNMENT OF CANADA EITHER FROM INDIAN AFFAIRS OR FROM THE SECRETARY OF STATE TO COME TO THE YUKON TO REVIEW THE NEED FOR POST-SECONDARY EDUCATION, WHAT THE GOVERNMENT'S ROLE WOULD BE, WHAT TYPE OF FINANCING WOULD BE AVAILABLE. BECAUSE WE ARE TALKING ABOUT SECRETARY OF STATE'S GRANTS THAT THEY MAKE TO UNIVERSITIES IN PROVINCES NOW. UNFORTUNATELY WE'VE NEVER HAD AND NEVER BEEN ABLE TO GET SOMEONE LIKE THIS. I WANTED TO BECAUSE WE DO NOT HAVE ANYONE WITHIN OUR STAFF IN THE DEPARTMENT OF EDUCATION WHO IS FAMILIAR ENOUGH WITH THE ROLE OF UNIVERSITIES AND WITH THE PROVINCIAL JURISDICTION. I THOUGHT IT WOULD BE VERY GOOD TO HAVE SOMEONE, EITHER FROM INDIAN AFFAIRS, THEIR EDUCATION BRANCH, OR THE SECRETARY OF STATE WHO ARE IN CHARGE OF THE UNIVERSITIES TO DO THIS WORK FOR US.

THEREFORE, WE DO NOT HAVE A LONG-RANGE PLAN. AND BECAUSE THE GOVERNMENT DOESN'T HAVE A LONG-RANGE PLAN WE CANNOT DEFINE THE UNIVERSITY OF CANADA NORTH'S ROLE WITHIN THE PLAN. I MUST ADMIT THAT THERE WAS A DEFICIENCY IN THIS. BUT I ALSO MUST ADMIT THAT THERE WERE PRIORITIES THAT HAD TO BE ESTABLISHED. NOW I CAN PURSUE THIS AGAIN. I'M GOING TO BE IN OTTAWA NEXT WEEK. I CAN PURSUE THIS AGAIN TO SEE IF WE CAN'T GET - I THINK IT WOULD BE ONLY A MATTER OF A REVIEW OF ABOUT FOUR OR FIVE MONTHS WORK IN THE YUKON TO DEVELOP THE WORK HERE. IT WOULD ONLY TAKE FOUR OR FIVE MONTHS TO DEVELOP SOME SORT OF A LONG-RANGE PLAN FOR THE GOVERNMENT. ANYONE WHO WOULD BE DOING THIS WOULD BE TALKING TO THE UNIVERSITY OF CANADA NORTH AND THE VARIOUS PEOPLE WHO ARE VERY CONCERNED ABOUT POST-SECONDARY EDUCATION IN THE YUKON. I MUST ACCEPT THIS RESPONSIBILITY. I AGREE, IN PRINCIPLE, WITH WHAT THE WITNESSES HAVE SAID. POST-SECONDARY EDUCATION AS IN OTHER JURISDICTIONS IS PERFORMED, OR THAT FUNCTION IS UNDERTAKEN BY A BODY SEPARATE AND APART. AN INSTITUTION SEPARATE AND APART FROM THE DEPARTMENT OF EDUCATION. I WOULD HOPE THAT IN THE YUKON TERRITORY WE WILL GO THIS WAY.

BUT BEFORE WE HAVE A LONG-RANGE PLAN IT WOULD BE VERY FOOLISH FOR ME TO TRY TO DETERMINE THE UNIVERSITY OF CANADA NORTH'S ROLE WITHIN THAT PLAN. I DON'T HAVE ANYTHING SPECIFIC TO GO ON. IT WOULD HAVE BEEN MOST UNFAIR AND MOST MISLEADING TO THE UNIVERSITY OF CANADA NORTH HAD WE SAT DOWN AND TRIED TO HASH OUT SOMETHING THAT WAS JUST SORT OF ON A YEAR-TO-YEAR BASIS. NOW ON THE \$50,000.00 GRANT I FEEL VERY BADLY ABOUT THAT. I WASN'T AWARE OF THAT AT ALL. IF THERE IS A THOUGHT THAT POSSIBLY THE GOVERNMENT OF THE TERRITORY HAS SOMETHING TO DO WITH IT, WE WERE NOT AWARE OF THAT AT ALL. I THINK BECAUSE THERE WAS THE WILLINGNESS TO GIVE THIS TYPE OF FUNDING THEN POSSIBLY WE SHOULD BE PURSUING IT FURTHER. AS I SAID I WOULD BE VERY HAPPY TO TAKE IT AS AN UNDERTAKING WHEN I GO TO OTTAWA TO SEE IF WE CAN'T GET SOMEONE HERE WHO IS FAMILIAR AND WHO WILL DO THE WORK, BEGIN TO DO THE WORK, IN THE WORK WITH THE UNIVERSITY OF CANADA NORTH OR WITH THE VARIOUS ORGANIZATIONS. I THINK POSSIBLY THE YUKON TEACHERS ORGANIZATION MIGHT BE VERY INTERESTED WITH THE GOVERNMENT, AND SOMEONE WHO IS VERY FAMILIAR WITH UNIVERSITY FINANCING SO THAT I THINK THEN THAT IS ONE OF THE BIG PROBLEMS TOO. THE ROLE OF GOVERNMENT FINANCING. I DO ACCEPT THE RESPONSIBILITY. I JUST FEEL AND I AGREE WITH MR. HOUGEN THAT THE ROLE OF THE UNIVERSITY OF CANADA NORTH HAS NOT BEEN DEFINED IN THE YUKON.

MR. CHAIRMAN: I JUST WONDER - COUNCILLOR TANNER, I WAS JUST GOING TO SUGGEST WE ONLY HAVE ONE-HALF HOUR OR TWENTY-FIVE MINUTES LEFT TO DEAL WITH THIS BRIEF. I WONDER IF WE CAN'T MAKE THIS A SUBJECT OF FURTHER CONTINUING DISCUSSION. IT IS VERY VERY IMPORTANT. I WONDER IF WE COULD AT THIS TIME ALLOW THE WITNESS TO CONCLUDE HER REPRESENTATIONS ON THE BRIEF AND THEN ANY TIME LEFT WE COULD MAKE THIS A SUBJECT OF ANOTHER DISCUSSION. IT IS A VERY IMPORTANT ITEM.

MR. TANNER: MR. CHAIRMAN, I DON'T DISAGREE WITH YOU AT ALL EXCEPT IT SOUNDS TO ME THAT MRS. ALFORD HAD MORE OR LESS CONCLUDED HER BRIEF, AND THE BALANCE OF IT IS HERE.

MRS. ALFORD: YES, THAT'S CORRECT. I WAS JUST GOING TO SAY I AM REALLY DISAPPOINTED, WHETHER I WOULD HAVE SAID AS A CONCLUSION OF

MY INITIAL PRESENTATION HAS BEEN VERY WELL SAID BY MR. HOUGEN. THE NEXT QUESTION I HAVE NOW WOULD BE, DO MRS. WATSON'S REMARKS MEAN THAT THOSE SECTIONS WOULD NOT BE IN THE SCHOOL ORDINANCE STANDING THIS POSSIBLE REVIEW. THAT'S THE ONLY THING I - -

MRS. WATSON: I THINK THERE IS A REQUIREMENT TO LEAVE A COUPLE OF THE SECTIONS IN SO THAT WE CAN DO AT LEAST WHAT WE ARE DOING NOW. I THINK THAT SECTION (N), WE DO HAVE FUNDS IN THE EXISTING BUDGET TO PROVIDE SOME POST-SECONDARY COURSES. I THINK WE HAVE TO HAVE ~~SOME FUNDS AND WE HAVE TO HAVE~~ ~~BE ABLE TO~~ CHARGE SOME FEES FOR IT. SO I THINK THERE IS A REQUIREMENT OF SECTION (N). THE ENGLISH COURSE, THE FRENCH COURSE, THESE TYPES OF THINGS. WE DO HAVE TO HAVE THAT.

MRS. ALFORD: MR. CHAIRMAN, UNDER WHAT AUTHORITY HAVE THOSE COURSES BEEN PROVIDED IN THE PAST TWO OR THREE YEARS?

MR. CHAMBERLIST: THE POST-SECONDARY COURSES.

MRS. ALFORD: WELL THERE HAS BEEN A NORTHERN GEOLOGY COURSE. THERE HAS BEEN AN ENGLISH COURSE THIS PAST WINTER. SOME KIND OF AN ADMINISTRATION COURSE. I MEAN THEY HAVE BEEN PROVIDED. IF IT IS ABSOLUTELY NECESSARY TO HAVE A SECTION TO PROVIDE THEM, UNDER WHAT AUTHORITY HAVE THEY BEEN PROVIDED?

MRS. WATSON: THEY HAVE BEEN PROVIDED UNDER THE SCHOOL ORDINANCE.

MR. CHAMBERLIST: WHAT - WHERE IS IT.

MRS. WATSON: I DON'T KNOW THE EXACT REGULATIONS, BUT I KNOW WE DO HAVE THE AUTHORITY TO DO THEM. THEREFORE, I THINK IT'S REALLY NECESSARY TO RETAIN THE SAME REGULATIONS IN THE EXISTING LEGISLATION.

MRS. ALFORD: THAT WOULD APPLY TO PARAGRAPH (N) ONLY.

MR. CHAMBERLIST: MAYBE WE SHOULD REVIEW IT.

MRS. WATSON: I WOULD REALLY ASK THAT (N) BE RETAINED. I THINK IT WOULD LIMIT US VERY MUCH. WE DO HAVE MONEY IN THE BUDGET RIGHT NOW FOR THESE COURSES AS AN ON-GOING THING. I THINK IT WOULD BE VERY BAD IF WE WERE NOT ABLE TO HAVE REGULATIONS FOR THE FEES. NOW (M) I WOULD HAVE TO HAVE A LOOK AT IT AGAIN. WITH

J AGAIN, IF YOU REMEMBER THE COMMITTEE ON EDUCATION, MR. LEVIRS IN THE REPORT, SUGGESTED, AND THIS IS ONE AREA THAT I DO HAVE SOME CONCERN, MR. LEVIRS AT THAT TIME SUGGESTED THAT THE GOVERNMENT OF THE YUKON TERRITORY EMBARK ON A TEACHER TRAINING PROGRAM. A NATIVE TEACHER TRAINING PROGRAM. I WOULD LIKE TO TAKE FURTHER - BEFORE I MAKE A COMMITMENT TO LEAVE (M) OUT, I WOULD LIKE TO HAVE FURTHER CONSIDERATION ON IT MYSELF. (H). I WOULD HAVE NO QUALMS ABOUT REMOVING THAT WHATSOEVER. I FEEL THAT IF POST-SECONDARY INSTITUTIONS ARE ESTABLISHED THIS SHOULD BE DONE BY LEGISLATION. IT'S JUST THAT WE DIDN'T HAVE LEGISLATION READY. I THINK THAT WE NEED A SPECIAL BILL FOR POST-SECONDARY EDUCATION AS YOU SAID IN YOUR BRIEF.

MR. TANNER: MR. CHAIRMAN, IT SEEMS TO ME THAT OVER THE PAST COUPLE OF YEARS TWO THINGS HAVE HAPPENED. FIRST OF ALL THE UNIVERSITY OF CANADA NORTH HAS ATTEMPTED AS A PRIVATE INSTITUTION TO ESTABLISH SOME FORM OF HIGHER LEARNING IN THE NORTH IN CONJUNCTION WITH THE NORTHWEST TERRITORIES. AS A LOGICAL STEP IN THE PROGRESSION OF THAT UNIVERSITY THEY HAVE APPROACHED BOTH TERRITORIAL GOVERNMENTS I ASSUME. AS FAR AS WE'RE CONCERNED THIS ONE THAT WE ARE INTERESTED IN, AND THERE HAS BEEN ON-GOING CONVERSATIONS. WE GOT TO THE SITUATION NOW. I'D ALSO COMMENT ON THOSE ON-GOING CONVERSATIONS THAT THERE HAS BEEN APPARENTLY SOME MISUNDERSTANDING. NOW I THINK THAT CAN BE CLARIFIED.

THE SITUATION THAT I SEE NOW YOU HAVE A SCHOOL ORDINANCE IN FRONT OF YOU WHICH HAS SOME REGULATIONS IN IT WHICH ARE THERE FOR A POST-SECONDARY EDUCATION COURSE WHICH IS AVAILABLE TO THE STUDENTS OF THE YUKON TO GO OUTSIDE AND SO ON. WE'RE VOTING FUNDS EVERY YEAR FOR THAT VERY COURSE. OBVIOUSLY WE HAVE GOT TO HAVE SOME REGULATIONS AND SOME LEGISLATION CONCERNING THAT. IT APPEARS TO ME AS IF THE UNIVERSITY OF CANADA NORTH HAS TAKEN THOSE THREE SUBSECTIONS OF 117 AND HAS HOW SHOULD I PUT IT - SEEN ALL THEIR FRUSTRATIONS WORKED OUT ON THOSE THREE SECTIONS AND HAVE PERHAPS TAKEN THEM OUT OF CONTEXT.

I AM GOING TO DO TWO THINGS. FIRST OF ALL I ASSUME, AND I AGREE WITH WHAT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS SAID AND I AGREE WITH WHAT THE WITNESSES HAVE SAID, BUT IF, NOT THE GOVERNMENT, BUT IF THE COUNTRY

AS A WHOLE IN THE NORTH, THE YUKON AND THE NORTHWEST TERRITORIES, IS GETTING INTO UNIVERSITY EDUCATION AND THE ESTABLISHMENT OF FACILITIES, YOU NEED AN INDIVIDUAL SEPARATE AND IDENTIFIABLE PIECE OF LEGISLATION. I DON'T THINK IT BELONGS IN THE SCHOOL ORDINANCE. WITH THAT I'VE TRIED TO OUTLINE MY OPINION OR MY UNDERSTANDING OF THE SITUATION. BUT I'LL GO ONE STEP FURTHER AND PERHAPS THE WITNESSES COULD TELL US WHAT THEIR FEELINGS ARE. I DON'T KNOW WHETHER I SHOULD ASK THIS. THIS IS PERHAPS ASKING TOO MUCH OF THE WITNESSES BUT WHAT DO YOU WANT FROM THE TERRITORIAL GOVERNMENT IRRESPECTIVE OF THIS PIECE OF LEGISLATION?

Mrs. ALFORD: WE WANT SOME FAR-REACHING PLANNING. I CERTAINLY UNDERSTAND THE DIFFICULTIES THAT HAVE EXISTED FOR THE GOVERNMENT. THERE HAS BEEN THIS VERY IMPORTANT, VERY COMPLEX PROBLEM OF THE SCHOOL ORDINANCE. IT HAD TO BE FACED. I WOULD CERTAINLY AGREE IT HAD TO BE PRIORITY NUMBER ONE. I UNDERSTAND THAT THERE IS A LACK OF RESOURCES TO CARRY OUT PLANNING ON ALL FRONTS WHERE IT WOULD BE NEEDED.

ON THE OTHER HAND WE MUST ALSO REALIZE THAT WHAT WE ARE FACED WITH THEN IS THIS SORT OF AD HOC MEASURE. GRANTED MR. LEVIRS' REPORT OUTLINES THE NEED FOR TRAINING FOR NATIVE TEACHERS. THERE HAS BEEN A VERY WIDE RECOGNITION OF THIS NEED. IT IS CERTAINLY THERE. NOW WE SAY ON THE ONE HAND WE CANNOT START LOOKING AT LONG-RANGE POLICY, AND CONSEQUENTLY WE CANNOT SPEAK WITH ANYBODY ELSE ABOUT LONG-RANGE POLICY BECAUSE WE HAVEN'T GOT ONE, BUT THERE IS THIS NEED SO WE ARE GOING TO MEET IT RIGHT NOW THROUGH REGULATIONS. THE COMMISSIONER MAY MAKE REGULATIONS TO ESTABLISH INSTITUTIONS FOR THE TRAINING OF TEACHERS AND FOR THE REGULATION IN MANAGEMENT OF SUCH INSTITUTIONS. I SEE THIS AS A VERY DANGEROUS KIND OF PIECE-MEAL DEVELOPMENT. AS MRS. WATSON HAS WELL EXPLAINED, PRECLUDES CONVERSATIONS, CONSULTATIONS OR PARTICIPATION FROM ANY OTHER BODY BECAUSE THERE IS NO ESTABLISHED POLICY AND ON THE OTHER HAND DOES RESULT IN VERY FRAGMENTED, I DON'T KNOW IF IT'S A SECRET, BUT NOT DISCUSSED, NOT VENTILATED KIND OF DEVELOPMENT.

Mr. TANNER: MR. HOUGEN WOULD YOU LIKE TO COMMENT ON THIS.

Mr. HOUGEN: WELL I WOULD THINK THAT THERE COULD BE GREAT VALUE TO THE GOVERNMENT IF IT INVOLVED THE UNIVERSITY OF CANADA NORTH. THERE'S A GREAT DEAL OF EXPERTISE IN THE MEMBERS OF THE UNIVERSITY OF CANADA NORTH. A GREAT DEAL OF GROUND-WORK HAS BEEN DONE AND CONSULTANTS ARE BROUGHT IN TO PREPARE OBJECTIVES FOR THE UNIVERSITY OF CANADA NORTH. I BELIEVE IN ALL MATTERS OF HIGHER EDUCATION IT WOULD BE WELL TO WORK WITH THE UNIVERSITY OF CANADA NORTH SO THAT THESE PROGRAMS, THERE IS A DEGREE OF CONSULTATION BETWEEN THE TWO GROUPS.

BUT BEFORE THAT COULD HAPPEN OF COURSE, THE UNIVERSITY OF CANADA NORTH WOULD HAVE TO BE RECOGNIZED AS A VIABLE ORGANIZATION, THAT HAS THE MORALE. WE ARE NOT ASKING AT THE MOMENT FOR FINANCIAL, THAT HAS THE MORAL SUPPORT AND THE EXPRESSION THAT THE UNIVERSITY OF CANADA NORTH IS AN ORGANIZATION THAT WE BELIEVE CAN BRING ABOUT THE DEVELOPMENT OF INSTITUTIONS OF HIGHER LEARNING OVER A PERIOD OF YEARS.

THIS IS REALLY AT THIS STAGE WHAT WE WANT, IS THE SUPPORT OF THE GOVERNMENT FOR THE OBJECTIVES OF THE UNIVERSITY OF CANADA NORTH. THE OTHER AREA IN WHICH, CERTAINLY, WE WOULD LIKE SUPPORT IS PERHAPS COMMUNICATION WITH NORTHERN AFFAIRS OR PERHAPS WHEN WE ASK FOR FUNDS AS WE SUCCEEDED IN OBTAINING TO A CERTAIN LEVEL, AND THEN BECAUSE OF NORTHERN AFFAIRS, HAD THE GRANT WITHDRAWN.

PERHAPS WHEN WE MAKE A SUBMISSION TO GET THE TERRITORY TO PERHAPS SEND A COVERING LETTER, ENDORSE OUR SUBMISSIONS SO THAT NORTHERN AFFAIRS WOULD NOT INTERFERE WITH WHAT HAD ALREADY BEEN A GRANT IN THE FUNDS.

I WOULD ACCEPT THE FACT THAT PERHAPS NORTHERN AFFAIRS WOULDN'T EVEN CONSULT WITH THE YUKON. THEY JUST SAID, 'WELL THAT IS IT, THAT IS THE TERRITORIAL POLICY, TERRITORIAL JURISDICTION AND NO DON'T GIVE THEM THE MONEY. BUT IF THE TERRITORY HAD SAID, 'WE WANT THE UNIVERSITY OF CANADA NORTH TO GET THIS MONEY THEN NORTHERN AFFAIRS WOULD NOT HAVE BEEN..

MORAL SUPPORT, CONSULTING WITH THE UNIVERSITY OF CANADA NORTH. A RECOGNITION THAT WE ARE THE INSTITUTION TO BRING OUT THE DEVELOPMENT OF HIGHER EDUCATION IN THE YUKON. AT THE FEDERAL LEVEL ASSISTANCE IN OBTAINING THESE GRANTS WHEN AND IF WE SHOULD OBTAIN ANOTHER ONE.

1072 - missing  
1073 Even in meeting?

Mrs. ALFORD: Mr. CHAIRMAN MAY I ADD TO THIS SPECIFIC EXAMPLE. NOW TEACHER TRAINING HAS BEEN MENTIONED AND THERE IS AN IMMEDIATE NEED WHICH HAS BEEN RECOGNIZED AND AGAIN, I AGREE. WE HAD, THE UNIVERSITY OF CANADA NORTH, LOOKED AT THIS NEED, HAD TRIED TO ESTABLISH WITH PROFESSIONAL CONSULTATION THAT Mr. HOUGEN MENTIONED, HOW IT COULD BE MET AND THE SORT OF LONG RANGE PLANNING FOR IT.

WE WOULD HAVE HOPED THAT WE WOULD BE ABLE TO SPEAK WITH THE TERRITORIAL GOVERNMENT WHETHER THEY THEMSELVES RECOGNIZED THIS NEED AND DO SOMETHING ABOUT IT. THIS WAS ONE SPECIFIC AREA.

WE HAD ONE CONSULTANT UP HERE IN JANUARY WHO, I UNDERSTAND, I WASN'T HERE MYSELF, MET WITH Mrs. WATSON, AND I THINK HE INDICATED TO HER THAT HIS OPINION WOULD BE THAT THE UNIVERSITY OF CANADA NORTH COULD BE A VIABLE RESOURCE IN ESTABLISHING THE KIND OF PROGRAM THAT THE GOVERNMENT HAS ALREADY DECIDED THEY WOULD NEED VERY SOON. SOME FOLLOW-UP COULD HAVE BEEN DONE ON THIS. INSTEAD, AS I SAID, WE HAVE THIS VERY SERIOUS DRAWBACK FROM THE FINANCIAL POINT OF VIEW.

THIS IS THE KIND OF DIFFICULTY WE HAVE ENCOUNTERED. ANOTHER NEED THAT WE ADDRESSED OURSELVES TO WAS IN THE RESOURCE MANAGEMENT FIELD. I NOTICED THE OTHER DAY THAT A QUESTION WAS ASKED IN COUNCIL BY COUNCILLOR MCKINNON REGARDING A PROGRAM FOR RESOURCE MANAGEMENT OFFICER TRAINING THAT IS JUST STARTED OR IS BEING PLANNED IN THE NORTHWEST TERRITORY AND ASKING IF ANYTHING ELSE COULD HAVE BEEN DONE HERE.

THE UNIVERSITY OF CANADA NORTH HAD, APPROXIMATELY A YEAR AGO, STARTED LOOKING AT THIS. DEFINITELY ONE WAS NEEDED, AND I RECALL Mrs. WATSON HAD BEEN ADVISED OF THIS DURING SOME OF THE CONVERSATIONS WE HAD WITH THE DEPARTMENT. IN OTHER WORDS WE HAVE ALREADY RECOGNIZED SOME OF THOSE THINGS. WE HAVE TRIED TO DO OUR BEST TO DEFINE THE WAY THEY COULD BE MET. WE HAVE TRIED TO SEE HOW WE COULD HELP MEET THEM. ALWAYS WE ARE BROUGHT TO THE POINT WHERE ALL WE NEED TO CARRY ON FURTHER IS MONEY. THIS IS JUST THE BASIC THING. WE CAN ONLY DO SO MUCH.

I THINK WE REPRESENT A VERY POSITIVE FORCE IN THE TERRITORY. I WOULD LIKE TO ADD TO THIS. I THINK WE ARE ABOUT THE ONLY INSTITUTION

WITH WHAT I COULD CALL CROSS CULTURAL DYNAMICS FOR ACTION AND FOR DEVELOPMENT. THIS TO MY MIND IS AN EXTREMELY IMPORTANT FACTOR RIGHT NOW IN THE DEVELOPMENT OF THE TERRITORY. I CAN ONLY ADD MY SUPPORT TO Mr. HOUGEN'S WORD. WHAT WE NEED IS MORAL SUPPORT OF A VERY SPECIFIC AND STRONG NATURE AT THIS POINT. OTHERWISE WE ARE JUST BLOCKED.

Mr. CHAIRMAN: COUNCILLOR CHAMBERLIST.

Mr. CHAMBERLIST: Mr. CHAIRMAN I THINK IT IS SHOWN NOW WHY I WAS INTERESTED IN GETTING RIGHT EARLY AT THE BEGINNING AN ANSWER WHETHER OR NOT THE GOVERNMENT WAS RECOGNIZING THE UNIVERSITY OF CANADA NORTH. CERTAINLY WITH THE, NOT ONLY MUST ONE CONSIDER, AND I AM NOT SAYING THAT IT SHOULD BE GIVEN AT THIS TIME, I THINK IT SHOULD BE DISCUSSED VERY SERIOUSLY, THE MORAL SUPPORT. IT SHOULD BE GIVEN THE LEGAL SUPPORT OF THE GOVERNMENT BY WAY OF LEGISLATION. THE FINANCING OF COURSE, COMES AFTERWARDS THROUGH VARIOUS SOURCES.

CERTAINLY, IF IT HAD THE SUPPORT LEGISLATIVELY, IT COULD CERTAINLY GO AFTER THE SECRETARY OF STATE'S DEPARTMENT FOR FUNDING. A COUPLE OF VERY IMPORTANT POINT WERE RAISED WHICH I HAVE NOTICED BEFORE. WHERE IN THE PAST HAS THERE BEEN AUTHORITY TO PROCEED ON POST-SECONDARY COURSES WHEN THERE IS NO PROVISION IN THE ORDINANCE FOR BRINGING INTO EFFECT REGULATIONS DEALING WITH POST-SECONDARY COURSES.

I HEARD THE HONOURABLE MEMBER FOR CARMACKS-KLUANE MAKING REFERENCE TO THE FINANCIAL ADMINISTRATION ORDINANCE. GO AHEAD IF YOU WANT TO INTERRUPT ME.

Mrs. WATSON: Mr. CHAIRMAN, THE FINANCIAL ADMINISTRATION ORDINANCE IS THE VEHICLE THAT HAS HAD TO BE USED FOR MANY OF THESE THINGS. FOR EXAMPLE BURSARIES ARE UNDER THE FINANCIAL ADMINISTRATION ORDINANCE. BECAUSE OF THE DEFICIENCY IN THE SCHOOLS WE HAVE HAD TO USE THE FINANCIAL ADMINISTRATION ORDINANCE.

Mr. CHAMBERLIST: THIS IS THE POINT THAT I HAVE MADE BEFORE. WE CONTINUALLY FALL BACK ON THE FINANCIAL ADMINISTRATION ORDINANCE WHERE WE ARE UNABLE LEGISLATIVELY TO PERFORM CERTAIN OTHER FUNCTIONS. I SEE RIGHT NOW, IN THIS NEW ORDINANCE, WE HAVE TROUBLE TO START WITH BECAUSE UNDER SECTION 117, AND HERE AGAIN Mr. CHAIRMAN I POINT OUT AGAIN TO Mrs. ALFORD

AS WHAT I SAID THE OTHER DAY, ONE MUST READ THE PREAMBLES TO ANY OF THESE SECTIONS TO REALLY GET THE TRUE INTENT. THIS PREAMBLE, 117 (1): THE COMMISSIONER MAY MAKE ANY REGULATION NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ORDINANCE.

NOW REMEMBER, TO CARRY OUT THE PROVISIONS OF THIS ORDINANCE. THEN IT GOES ON TO STATE: NOTWITHSTANDING THE GENERALITY OF SUBSECTION (1), WHICH IS DEALING WITH THE REGULATIONS CONCERNING THE PROVISIONS OF THE ORDINANCE, THEN GOES ON TO INDICATE THOSE SPECIFIC AREAS THAT THE UNIVERSITY OF CANADA NORTH HAS PULLED OUT.

I SAY THAT THE COMMISSIONER COULD NOT MAKE REGULATIONS ON THOSE AREAS BECAUSE IT IS NOT ONE OF THE PROVISIONS OF THE ORDINANCE. SO IN ANY EVENT YOU WOULD BE IN TROUBLE THERE. WE HAVE HAD THIS SITUATION DEVELOP BEFORE. YOU CAN'T SAY IN LEGISLATION THAT YOU CAN MAKE REGULATIONS UNLESS THERE IS A PROVISION IN THE ORDINANCE PROVIDING FOR POST-SECONDARY EDUCATION.

FROM WHAT I HAVE READ OF IT, UNLESS I'VE MISSED IT, THE ONLY REFERENCE TO POST-SECONDARY EDUCATION IS MADE IN THE PROPOSAL THAT THE COMMISSIONER MAY MAKE REGULATIONS IN THESE AREAS WITHOUT SPELLING THEM OUT.

NOTWITHSTANDING WHAT I HAVE JUST SAID, I THINK THAT THE NEED TO ESTABLISH POST-SECONDARY COURSES AND MAKE RULES GOVERNING SUCH COURSES AND THE FEES TO BE CHARGED IN RESPECT OF THEM, SHOULD BE AS A SECTION IN THE ORDINANCE GIVING THE POWER TO DO THESE THINGS. I THINK THAT IT WOULD BE REASONABLE TO REMOVE (H) & (M) UNTIL SUCH TIME AS THERE IS SEPARATE LEGISLATION FOR POST-SECONDARY EDUCATION.

I THINK THAT WE HAVE, I BEG YOUR PARDON, H & M, NOT N, I THINK COULD BE PUT INTO AS A SECTION, MAKING IT PART OF THE ORDINANCE. BECAUSE IT ISN'T PART OF THE ORDINANCE THE WAY IT READS NOW BECAUSE IT ONLY DEALS WITH SPECIFIC REGULATIONS.

I SAY IT WOULD BE QUESTIONABLE WHETHER A REGULATION COULD BE MADE THAT DOESN'T FORM PART OF ONE OF THE PROVISIONS. IF THAT WAS PUT AS A PROVISION, THEN CERTAINLY IT CAN BE DONE.

I WOULD AGREE WITH WHAT THE WITNESSES HAVE ASKED FOR, THE REMOVAL OF (H) & (M), LEAVE THE (N) IN BUT PUT IT IN AS A PROVISION OF THE ORDINANCE ITSELF. I DON'T FIND ANYTHING WRONG WITH THAT.

MR. TANNER: MR. CHAIRMAN WE HAVE ONLY GOT A FEW MINUTES LEFT WHILE THE WITNESSES ARE HERE AND WHILE I AM NOT TRYING TO DISUADE THE MEMBERS TO STOP DEBATING, I WAS WONDERING IF THERE WAS ANYTHING FURTHER THAT WE CAN GET FROM THE WITNESSES OR THEY WOULD LIKE TO SAY TO US.

MRS. ALFORD: NO, ACTUALLY I JUST HAVE ONE CLARIFICATION THAT HAS NOTHING TO DO WITH WHAT WE HAVE ALREADY SAID. I NOTICED SECTION 9, SUBSECTION (2): THE COMMISSIONER MAY APPOINT A REGISTRAR WHO SHALL PERFORM SUCH DUTIES AND SANCTIONS AS MAY BE ASSIGNED TO HIM.

THE REGISTRAR DOES INVOKE SOME UNIVERSITY IMAGE AND WE HAVE WONDERED WHETHER THIS IS LINKED.

MRS. WATSON: NO THAT WAS NOT THE PURPOSE. I CAN SEE WHY YOU DO HAVE THE REGISTRAR WITH THE POST-SECONDARY EDUCATION.

MR. HOUGEN: JUST AS A GENERAL STATEMENT, I WOULD CERTAINLY LIKE TO SEE GOVERNMENT IN ALL DEPARTMENTS AT ALL TIMES. WHEN A GROUP OF VOLUNTEER PEOPLE ARE AVAILABLE TO PERFORM CERTAIN FUNCTIONS WITHIN THE TERRITORY THAT THEY BE GIVEN EVERY ENCOURAGEMENT TO PARTICIPATE AND TO ADVISE AND TO CONSULT WITH GOVERNMENT GROUPS. SPECIFICALLY OF COURSE, THIS IS THE PROBLEM WE FEEL WE HAVE HAD. SOME OF OUR MEMBERS HAVE SAID, WHY BOTHER TO CARRY ON, WE SEEM TO BE IN A CONFRONTATION RATHER THAN A CO-OPERATION SITUATION.

OUR APPEARANCE HERE, WE APPRECIATE VERY MUCH AND WE THINK AS A RESULT PERHAPS, WE CAN GO FORWARD NOW ON A JOINT UNDERTAKING THAT WILL BE A BENEFIT TO THE YUKON AS A WHOLE.

MRS. WATSON: ONE POINT THOUGH. I WOULD LIKE TO ASK THE WITNESS, MR. HOUGEN, DO YOU NOT THINK IT WOULD HAVE BEEN UNFAIR FOR GOVERNMENT TO MISLEAD THE UNIVERSITY OF CANADA NORTH? IF THEY TRIED TO INDICATE TO THE UNIVERSITY OF CANADA NORTH CERTAIN THINGS THEY WOULD BE DOING IF THEY DIDN'T HAVE THIS



RESOLVED THEMSELVES. WOULDNT IT BE MISLEADING TO YOU PEOPLE?

Mr. HOUGEN: I DO NOT THINK SO. PERHAPS WE HAVE MISUNDERSTOOD EACH OTHER'S INTENTIONS ALONG THE WAY AND PERHAPS THIS IS PART OF THE PROBLEM. WE HAVE BEEN PREPARED TO PROCEED WITH CERTAIN PROGRAMS. WE DID HAVE THE ADVICE AND THE ASSISTANCE OF A UNIVERSITY, THE UNIVERSITY OF SASKATCHEWAN TO BE SPECIFIC. CERTAIN PERSONS THERE INDICATED A WILLINGNESS TO HELP AND THEY HAD ACTUALLY AGREED TO CERTIFY PEOPLE WITHIN THE YUKON WHO WERE OF THE CALIBRE WHO COULD OFFER COURSES AND WE COULD HAVE CONDUCTED, AND STILL CAN, CONDUCT COURSES THAT WILL BE UNIVERSITY CREDITS COURSES.

I REALLY BELIEVE THAT PERHAPS ALONG THE WAY WE HAVE MISUNDERSTOOD EACH OTHER'S INTENTIONS. AS YOU SAID TODAY, YOU SUPPORT FULLY, I THINK YOU SAID FULLY. OUR OBJECTIVES, OUR INTENTIONS AND HOW WE WOULD EXPLAIN IT. I PREFER TO LOOK FORWARD NOW RATHER THAN BACK AS TO HOW WE MAY HAVE MISUNDERSTOOD EACH OTHER'S INTENTIONS.

Mrs. WATSON: ONE MORE QUESTION. THIS IS THE THING THAT CONCERNS ME TOO. IF YOU HAD RECEIVED THAT GRANT OF \$50,000, THAT YOU HAD NO ASSURANCE FOR THE NEXT YEAR. YOU DIDN'T HAVE ANY ONGOING FINANCIAL COMMITMENTS. THIS IS WHERE I WOULD SAY THAT THE GOVERNMENT WOULD BE PLAYING A ROLE. THIS IS WHY I WANT A LONG RANGE PLAN. SOMEBODY FROM THE FEDERAL GOVERNMENT WHO, BECAUSE THE FEDERAL GOVERNMENT DOES PROVIDE GRANTS TO UNIVERSITIES IN A PROVINCE ON AN ONGOING NATURE. THEY ARE BASED ON STUDENT PER CAPITA AND THIS TYPE OF THING.

THAT ISN'T WHAT WE WOULD WANT BECAUSE WE COULDN'T OPERATE UNDER THE SAME FORMULA THAT OTHER UNIVERSITIES IN OTHER PROVINCES OPERATE UNDER. THAT IS WHY I THINK THIS IS WHERE THE AREA OF RESPONSIBILITY OF GOVERNMENT SHOULD BE IN, TO GET THIS CLARIFIED, SO THAT ANY PRIVATE INSTITUTIONS AND I WOULD HOPE THAT THE UNIVERSITY OF CANADA NORTH WOULD REMAIN A PRIVATE INSTITUTE AND NOT A GOVERNMENT INSTITUTION.

I WOULD HOPE THAT FOR THE SIMPLE REASON THAT I THINK PRIVATE INSTITUTIONS CAN BE MUCH MORE EFFICIENT AND DO A BETTER JOB THAN THE GOVERNMENT. MAYBE I SHOULDN'T SAY THIS, BUT I BELIEVE IT; I THINK THE \$50,000 MAY HAVE JUST GOTTEN YOU IN TROUBLE THIS YEAR IF YOUR GRANT HADN'T BEEN ONGOING. WOULD IT NOT? THIS WOULD BE MY IMPRESSION.

Mrs. ALFORD: WITH RESPECT, MR. CHAIRMAN, I BEG TO DISAGREE. I WOULD CONSIDER THE \$50,000 AS A MEANS TO PROVE WHAT WE COULD DO. WE WERE AT A POINT WHERE WE HAD VERY DEFINITE CONVICTIONS WHAT WE COULD DO. I THINK IT IS A QUESTION WHERE SUCCESS BREEDS SUCCESS IF YOU WANT AND CERTAINLY SUCCESS BREEDS MORE MONEY. I THINK WE HAVE SUFFERED A VERY SEVERE SETBACK AND I AM NOT SORRY, I AM SORRY THAT WE DIDN'T GET THE \$50,000.

Mrs. WATSON: BUT MR. CHAIRMAN WOULD THE WITNESSES NOT AGREE THAT THEY WOULD LIKE TO KNOW WHAT THEIR FINANCIAL POSITION WOULD BE ON AN ONGOING BASIS.

Mrs. ALFORD: YES, EVERYBODY WOULD LIKE THAT.

Mr. CHAMBERLIST: I HAVE A VERY IMPORTANT QUESTION, I WOULD LIKE TO FIND OUT FROM EITHER ONE OF THE WITNESSES. HOW WERE THEY INFORMED THAT THE GRANT OF \$50,000, THE SECRETARY OF STATE WAS PREPARED TO GIVE, WAS GOING TO BE CANCELLED? WAS IT DONE BY CORRESPONDENCE? AND FROM WHOM DID THE CORRESPONDENCE COME. WHAT WERE THE REASONS THEY WERE GIVEN?

Mr. HOUGEN: I THINK WE EXPLAINED THE REASONS AND THE INFORMATION WAS BY ONE OF OUR COMMITTEE MEMBERS WHO COMMUNICATED DIRECTLY, BY TELEPHONE AND BY PERSONAL CONTACT.

Mr. CHAMBERLIST: NOTHING IN WRITING AT ALL?

Mrs. ALFORD: IN WRITING, ALL WE HAD WAS THAT THE GRANT WASN'T FINALLY OK'D BUT ALL THE EXPLANATIONS WERE ON A PHONE CONVERSATION.

Mr. CHAMBERLIST: IT IS PRETTY DIFFICULT MR. CHAIRMAN AND I AM CERTAIN THE WITNESSES WILL AGREE THAT ANYBODY TO STEP INTO THE PICTURE AND SAY, WHY WASN'T THIS GRANT GIVEN WHEN THERE WAS SOMETHING PROMISED IN WRITING. YOU CAN ALWAYS GO BACK TO IT. IT BECOMES PRETTY HAIRY WHEN IT IS SUGGESTED THAT SOMEONE IN THE DEPARTMENT OF NORTHERN AFFAIRS OR THE MINISTER HIMSELF HAD CUT IT OFF.

IF WE HAD SOMETHING FIRMER I KNOW, MYSELF, I WOULD BE QUITE PREPARED TO WANT TO KNOW MUCH MORE AS TO WHY OR DID ANYBODY ENCOURAGE THE CUTTING OFF OF THAT. UNLESS WE HAD SOMETHING DEFINITE IT WOULD BE PRETTY DIFFICULT TO FOLLOW UP.

Mr. HOUGEN: WE DO HAVE CORRESPONDENCE ON A MATTER SIMILAR TO THIS AND RELATED TO THIS OF THIS SPECIFIC ---, THAT GIVES REASONS.

Mr. TANNER: MR. CHAIRMAN, IF I COULD EXPRESS MY OWN POINT OF VIEW AGAIN AND I MUST EMPHASIZE THAT IT IS MY OWN POINT OF VIEW. IT SEEMS TO ME THAT THE QUESTION AS FAR AS THIS IS CONCERNED AND PERHAPS ITS THE QUESTION THAT THE NEXT COUNCIL IS GOING TO HAVE TO FACE. WHETHER OR NOT THEY WANT THEIR GOVERNMENT OR THE PEOPLE OF THE TERRITORY TO PAY THEIR TAXES FOR THE UNIVERSITY AND I WOULD SUGGEST THAT LEGISLATION BE PRESENTED TO EITHER GIVE AUTHORITY TO SET UP A UNIVERSITY OR ALTERNATIVELY GO ONE STEP FURTHER AND GIVE AUTHORITY TO SET UP A UNIVERSITY AND FUND IT. THAT QUESTION SHOULD BE RESOLVED IN TWO PLACES. FIRST ON THE HOUSE THINGS IN THE NEXT TERRITORIAL ELECTION AND SECONDLY IT SHOULD BE RESOLVED IN THIS HOUSE BY THE MEMBERS THAT ARE HERE NEXT TIME.

Mr. CHAIRMAN: I WONDER IN VIEW OF THE TIME IF WE MIGHT EXCUSE THE WITNESSES. I WOULD LIKE TO THANK YOU BOTH VERY, VERY MUCH. IT HAS BEEN AS REWARDING AS IT HAS BEEN ENLIGHTENING IN THESE DISCUSSIONS THIS MORNING. THANK YOU VERY MUCH.

Mrs. ALFORD: THANK YOU VERY MUCH MR. CHAIRMAN.

Mr. CHAIRMAN: FOR THE INFORMATION OF COMMITTEE WE WILL BE AT 2:00 O'CLOCK THIS AFTERNOON IN DISCUSSIONS WITH THE YUKON TEACHERS' ASSOCIATION, SO I WILL NOW STAND COMMITTEE IN RECESS UNTIL 2:00 O'CLOCK.

RECESS

Mr. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. WE ARE DISCUSSING MATTERS RELATIVE TO BILL NO. 7 AND WE HAVE WITH US MR. MIKE HERON OF THE YUKON TEACHERS' ASSOCIATION HERE WITH PROPOSALS FOR THE Y.T.A. MR. HERON WOULD YOU LIKE TO LEAD OFF?

Mr. HERON: MR. CHAIRMAN, ONCE AGAIN I WOULD LIKE TO THANK THE HOUSE FOR LETTING US MAKE REPRESENTATION HERE TODAY. THE FIRST AREA OF CONCERN WHICH WE HAVE IS IN SECTION 2 OF THE SCHOOL ORDINANCE UNDER "DEFINITIONS".

Mr. CHAMBERLIST: ARE WE TALKING ABOUT THE NEW ORDINANCE NOW?

Mr. CHAIRMAN: BILL NO. 7.

Mr. HERON: SECTION NO. 2 UNDER "DEFINITIONS". NOW UNDER THE DEFINITION OF "LAY-OFF" I WOULD LIKE TO DEAL WITH THAT LATER, BUT ON PAGE 2 ON DEFINITION OF "TEACHER", TEACHER MEANS THE PERSON HOLDING A VALID AND SUBSISTING CERTIFICATE OF QUALIFICATION ISSUED PURSUANT TO SECTION 13, WHO IS APPOINTED OR EMPLOYED BY THE COMMISSIONER OR A BOARD TO GIVE TUITION OR INSTRUCTION OR TO ADMINISTER OR SUPERVISE INSTRUCTIONAL SERVICES IN A SCHOOL." THAT'S FINE, WE AGREE UP TO THAT POINT.

BUT NOW THIS LAST CLAUSE HERE "AND INCLUDES A PERSON TO WHOM IS ISSUED PURSUANT TO THIS ORDINANCE A LETTER OF PERMISSION TO TEACH BUT DOES NOT INCLUDE A PERSON APPOINTED PURSUANT TO SECTIONS 8 OR 9," WHICH OF COURSE REFERS TO THE REGIONAL SUPERINTENDENT. WHAT WE ARE MOST CONCERNED ABOUT IS THIS LETTER OF PERMISSION TO TEACH. TALKING WITH A FOREMOST SASKATCHEWAN EDUCATOR SEVERAL WEEKS AGO, HE SAID LETTERS OF PERMISSION TO TEACH ARE ANTIQUATED AND SHOULD HAVE GONE OUT IN THE DAYS OF DEPRESSION AS THEY DID IN SASKATCHEWAN. IN SECTION 73 OF THE ALBERTA SCHOOL ACT, IT REFERS THAT ONLY TEACHERS WHO HOLD A QUALIFIED CERTIFICATE SHALL TEACH AND SECTION 219 OF THE SASKATCHEWAN SCHOOL ACT REFERS THAT ONLY TEACHERS WHO HAVE A QUALIFIED CERTIFICATE SHALL TEACH AND SECTION 280 OF THE MANITOBA PUBLIC SCHOOLS ACT, IT REFERS THAT ONLY QUALIFIED TEACHERS SHALL TEACH. AND I MUST BE HONEST WITH THE HOUSE. THERE IS STILL A SECTION IN THE BRITISH COLUMBIA SCHOOL ACT, SECTION 2, SUB-SECTION (1)(e) WHICH DOES MENTION THIS LETTER OF PERMISSION. BUT I DO KNOW THAT THE BRITISH COLUMBIA TEACHERS' FEDERATION ARE PRESENTLY TRYING TO HAVE WHAT THEY FEEL ALSO THIS ANTIQUATED, OUTMODDED METHOD OF GETTING PEOPLE TO TEACH IN THE CLASSROOM REMOVED FROM THE B.C. PUBLIC SCHOOL ACT.

SECTIONS OF THIS SAME BILL NO. 7, SECTIONS 11 (1).

Mr. CHAMBERLIST: I WONDER, MR. CHAIRMAN WITH RESPECT SO THAT WE DON'T LOSE TRACK THAT WE DEAL WITH EACH POINT THAT IS BEING RAISED.

Mr. HERON: I AM REALLY. I AM KEEPING TO THE POINT HERE. THERE IS ALSO REFERENCE TO THESE OTHER PERSONS. IN OTHER WORDS, PEOPLE WHO HAVE BEEN GETTING LETTERS OF PERMISSION TO TEACH AND I THINK IT'S IMPORTANT TO REALIZE HOW MANY TIMES

IN THE SCHOOLS PROPOSED AMENDMENTS, BILL NO. 7 THAT IT'S MENTIONED, SECTION 11(1), SECTION 16(1)(e). NOW I DON'T THINK WE HAVE TO TURN TO THIS. IT SIMPLY MENTIONS OTHER PERSONS, IN OTHER WORDS WHAT I'M TRYING TO SAY IS OBVIOUSLY TO COVER THIS CONTINGENCY IF A PERSON IS GIVEN A LETTER OF PERMISSION TO TEACH. IT REFERS TO OTHER PERSONS, OTHER THAN TEACHERS.

NOW I HAVE SEVERAL POINTS I WOULD LIKE TO BRING OUT ON THIS, BUT I WOULD LIKE TO ASK MRS. WATSON AT THIS TIME, MR. CHAIRMAN, WHY THIS PARTICULAR CLAUSE HAS BEEN PUT IN HERE AND WHY THE GOVERNMENT FEELS THAT IT MAY BE NECESSARY TO ISSUE A LETTER OF PERMISSION TO TEACH?

Mrs WATSON: YES, I WOULD LIKE TO ANSWER THAT QUESTION. I THINK WE REQUIRE SOMETHING LIKE THIS IN OUR LEGISLATION. AT THE PRESENT TIME WE ARE PROPOSING A KINDERGARTEN PROGRAM AND OUR KINDERGARTEN PROGRAM WOULD INCLUDE KINDERGARTEN INSTRUCTORS. WE'VE MADE A COMMITMENT IN THE SESSIONAL PAPER WHICH WAS ADOPTED BY THIS COUNCIL, WE INDICATED THEN THAT WE WOULD BE PREPARED TO CONTINUE TO USE KINDERGARTEN INSTRUCTORS. THEY ARE NOW PERFORMING A SERVICE FOR THE TERRITORIAL GOVERNMENT WITHIN THE KINDERGARTEN PROGRAM AS KINDERGARTEN INSTRUCTORS BUT THEY WOULD HAVE TO HAVE A LETTER OF PERMISSION IN ORDER TO TEACH IN OUR KINDERGARTEN PROGRAM.

ALSO AND THIS IS SPECIFICALLY ON SECTION 11; "AND OTHER PERSONS CAN FILL THE REQUIREMENTS OF THIS ORDINANCE". NOW IT WOULD GIVE THE PERMISSION TO APPOINT TEACHER AIDES, TUTORS AND THIS TYPE OF THING TO WORK WITHIN OUR SCHOOL SYSTEM. THAT'S WHY WE HAVE TO HAVE, AND I FEEL QUITE STRONGLY THAT WE NEED SECTION 11, BECAUSE THERE MAY BE A TIME WHEN WE ABSOLUTELY HAVE TO HAVE TEACHER AIDES.

Mr. HERON: WELL I CAN SEE THE OTHER PERSONS, YES, MRS. WATSON, BUT I WOULD STILL LIKE TO QUESTION THIS LETTER OF PERMISSION. IF THIS IS PURELY FOR KINDERGARTEN INSTRUCTORS, WHY COULD IT NOT READ A LETTER OF PERMISSION FOR KINDERGARTEN INSTRUCTORS? WHAT WE ARE CONCERNED WITH RIGHT NOW IS THAT THIS LETTER OF PERMISSION TO TEACH, IS GOING TO BE ISSUED TO PEOPLE WHO WILL NOT BE QUALIFIED IF IT APPEARS THAT THERE WILL NOT BE ENOUGH TEACHERS IN THE CLASSROOM AROUND THE TERRITORY OR IN WHITEHORSE. WE THINK THAT THIS HAS A DIRECT BEARING TO WHAT'S HAPPENING RIGHT NOW WITHIN THE DEPART-

MENT OF EDUCATION AND THE INFORMATION WHICH IS BEING GIVEN OUT TO THE ADMINISTRATIVE STAFF ON PUPIL/TEACHER RATIOS. THERE SEEMS TO BE NO DOUBT WHATSOEVER THAT THE PUPIL/TEACHER RATIOS IN THE YUKON AND ESPECIALLY IN WHITEHORSE ARE GOING TO INCREASE FOR NEXT YEAR.

WE PRESENTLY HAVE TEACHING IN WHITEHORSE, 166 1/2 TEACHERS. THE FIGURES WHICH HAVE BEEN GIVEN TO THE ADMINISTRATIVE STAFF FOR NEXT YEAR IS 148 1/2 TEACHERS, MR. CHAIRMAN. THIS REDUCTION OF THE NUMBER OF TEACHERS AND THIS INFORMATION IS RIGHT UP TO DATE MR. CHAIRMAN, THIS REDUCTION IN THE NUMBER OF TEACHERS SEEMS TO BE GOING AGAINST THE GRAIN OF THE TREND OF WHAT IS OCCURRING ALL ACROSS CANADA.

IF I COULD QUOTE TO YOU FROM DR. M.N. OLSEN'S FAMOUS STUDY INDICATORS OF QUALITY RESEARCH INTO 18,528 CLASSROOMS IN THE UNITED STATES. HE HAS CONCLUSIVELY PROVED THAT ELEMENTARY CLASSES OF LESS THAN 25 AND SECONDARY CLASSES OF LESS THAN 15 CONSISTENTLY OUTPERFORMS THE LARGER CLASSES. OLSEN GOES ON TO CALL CLASS SIZE THE CRIPPLER IN QUALITY EDUCATION.

Mr. CHAIRMAN, I DON'T THINK THAT THESE FIGURES THE NUMBER OF STAFF THAT ARE GOING TO BE GIVEN TO URBAN SCHOOLS NEXT YEAR ARE INDICATIVE OF THE GROWTH PROJECTIONS WHICH HAVE BEEN MADE BY THE CITY OF WHITEHORSE, THAT HAVE BEEN MADE BY VARIOUS PLANNERS AND CONSULTANT FIRMS WHICH THEY HAVE CONTACTED. IN PORTER CREEK ALONE NEXT YEAR OR PRESENTLY, THEY ARE OPENING UP 70 LOTS FOR DEVELOPMENT. IN THIS LAST YEAR IN PORTER CREEK, WE SAW THAT THE SCHOOL HAD A 21% INCREASE. THERE ARE PRESENTLY 602 PUPILS IN THE PORTER CREEK SCHOOL WITH 25 TEACHERS. NEXT YEAR THE DEPARTMENT HAS PROJECTED AN ENROLMENT OF ONLY 600. NO GROWTH AT ALL. THERE ARE PRESENTLY 25 TEACHERS NOW. THE ADMINISTRATION HAVE BEEN TOLD EMPHATICALLY THEY WILL ONLY RECEIVE 21 TEACHERS NEXT YEAR.

ACCORDING TO STATISTICS I HAVE FROM THE CENTRAL INTERIOR PLANNING CONSULTANTS, A FIRM HIRED BY THE CITY OF WHITEHORSE, NEXT YEAR IN PORTER CREEK THERE IS GOING TO BE, IN 1974, A 18.2% INCREASE IN POPULATION. IN 1975 A 12.1% INCREASE IN POPULATION. NOT ONLY THAT BUT THE PROJECTED POPULATION GROWTH FOR PORTER CREEK, THE MAPS ON POPULATION GROWTH IS 6,240 PERSONS. AND YET HERE WE ARE REDUCING THE NUMBER OF TEACHERS IN THE PORTER CREEK SCHOOL BY 4. AND YET EVEN AT A CONSERVATIVE ESTIMATE, WE WOULD ASSUME THAT PORTER CREEK IS GOING TO HAVE THE NORMAL GROWTH

FACTOR OF AT LEAST 5%, LET ALONE THE 15% AVERAGE WHICH THESE CONSULTANTS ARE PLANNING.

TO GO ON, MR. CHAIRMAN, OTHER FIGURES IN SELKIRK SCHOOL. THEY PRESENTLY HAVE AN ENROLMENT OF 425. THE PROJECTED ENROLMENT BY THE DEPARTMENT OF EDUCATION NEXT YEAR IS 425. THE PRESENT NUMBER OF TEACHERS IS 18 AND YET THEY ARE GOING TO HAVE 1 LESS TEACHER WHICH IS 17.

RIVERDALE PRESENTLY HAVE 96 GARDEN HOME UNITS WHICH ARE ALMOST COMPLETED. AND ANOTHER 96 LOTS ARE GOING TO BE OPENED UP. ONCE AGAIN ABSOLUTELY NO CONSIDERATION HAS BEEN TAKEN IN HERE AS TO THE PROJECTED GROWTH. THE ONLY COMMENT THAT I COULD GET OUT OF IT WAS THAT, WELL IF THE NUMBER DOES GO OVER 425, WE WILL BUS THE STUDENTS TO WHITEHORSE ELEMENTARY.

BUT, MR. CHAIRMAN, WHITEHORSE ELEMENTARY, WHICH HAS 552 STUDENTS PRESENTLY, AND 28 TEACHERS, 23 REGULAR AND 5 TEACHING SPECIAL ED. IS GOING TO BE REDUCED NEXT YEAR TO 19 TEACHERS AND 6 TEACHERS TEACHING SPECIAL ED. WHICH IS A REDUCTION OF 3 TEACHERS.

IF THESE EXCESS STUDENTS FROM RIVERDALE ARE GOING TO BE MOVED OVER TO WHITEHORSE ELEMENTARY, ONCE AGAIN WHERE ARE WE GOING TO GET THESE TEACHERS? BY LETTERS OF PERMISSION TO TEACH?

GOING ON TO JECKELL SCHOOL AND SELKIRK, THERE IS A PROJECTED ENROLMENT OF 470 PUPILS FOR NEXT YEAR. THE DEPARTMENT PROJECTS AN ENROLMENT OF 450. JECKELL HAS 21 TEACHERS PRESENTLY PLUS ONE SPECIAL ED. TEACHER, MAKING A TOTAL OF 22. THE DEPARTMENT HAS TOLD THEM THAT THEY WILL BE REDUCED IN STAFF TO 20 TEACHERS.

F.H. COLLINS SCHOOL. THE ADMINISTRATION AND STAFF HAVE PROJECTED AN ENROLMENT OF 640 FOR NEXT YEAR. THE TEACHERS PRESENTLY AT F.H. COLLINS ARE 37. THE DEPARTMENT HAS INDICATED TO THE STAFF OF F.H. COLLINS THAT THEY WILL HAVE ONLY 31 TEACHERS NEXT YEAR. 6 TEACHERS LESS.

CHRIST THE KING HIGH SCHOOL, 226 PUPILS PRESENTLY ENROLLED. A PROJECTION OF 240 FOR NEXT YEAR. THEY PRESENTLY HAVE 12 AND 1/2 TEACHERS. THEY HAVE BEEN TOLD THEY WILL ONLY HAVE 11 1/2 TEACHERS FOR NEXT YEAR.

TAKHINI SCHOOL, 350 PUPILS. THE DEPARTMENT HAS SAID THAT THIS FIGURE WILL DROP TO 300, SO THEREFORE THEY WILL LOSE 2 TEACHERS FROM THE 14 WHICH THEY PRESENTLY HAVE, REDUCING THEIR NUMBER TO 12.

AND YET IN HILLCREST, 37 NEW LOTS HAVE BEEN OPENED UP AND THIS DOES NOT TAKE INTO CONSIDERATION THE FACT THAT THE TAKHINI TRAILER COURT MAY BE EXPANDED AND THAT IF WHITEHORSE ELEMENTARY HAVE THE SELKIRK STUDENTS, THERE IS A POSSIBILITY THAT PERHAPS THE TAKHINI TRAILER COURT STUDENTS MIGHT HAVE TO BE BUSED BACK AGAIN TO TAKHINI.

MY POINT IS MR. CHAIRMAN, AFTER GIVING ALL THESE FIGURES THAT WE ARE FACING A REDUCTION OF 18 TEACHERS HERE IN WHITEHORSE FOR NEXT YEAR AND YET ALL THE GROWTH FIGURES WHICH WE HAVE FROM FIRMS WHICH ARE IN THIS BUSINESS AT ALL TIMES, PROJECT A MINIMUM GROWTH INCREASE OF 5% POPULATION. SO OBVIOUSLY, MR. CHAIRMAN, OUR PUPIL TEACHER RATIO IS GREATLY GOING TO INCREASE NEXT YEAR AND IF THE DEPARTMENT FINDS THEY ARE SUDDENLY STUCK AND THEY CAN'T GET TEACHERS, AS THEY MAY VERY WELL NOT BE ABLE TO. AND THIS IS WHAT BOTHERS US, THAT THE CHILDREN ARE GOING TO BE STUCK WITH INFERIOR TEACHING BECAUSE THEY WILL BE ABLE TO ISSUE LETTERS OF PERMISSION TO THE MOST QUALIFIED PERSON THEY CAN FIND. THAT THEY FIND THEY SIMPLY DON'T HAVE ENOUGH STAFF, WHICH OUR CONTENTION, MR. CHAIRMAN, IS THEY WILL NOT HAVE, AND THE VICE-PRINCIPALS' ASSOCIATION ARE EXTREMELY UPSET AT THIS POINT IN THIS REDUCTION OF STAFF FOR THE WHITEHORSE SCHOOLS.

MRS. WATSON: MR. CHAIRMAN, I WOULD LIKE TO REPLY TO THAT. AND I THINK MR. HERON IS TRYING TO MAKE A POINT AND I DON'T THINK HE HAS ALL THE INFORMATION. THE PROJECTED ENROLMENT THAT HE IS MAKING OFF THE HAT. NOW THE PROJECTED ENROLMENT, YEAR AFTER YEAR AFTER YEAR, ARE GOING TO INCREASE CONSIDERABLY AND WE HAVE FOUND THAT OUR ENROLMENTS ARE DECREASING. AND TWO YEARS AGO, NOT LAST YEAR, BUT TWO YEARS AGO WE WERE OVERSTAFFED ON A PER PUPIL TEACHER RATIO ON THE PROJECTED ENROLMENTS WHICH WERE SUBMITTED BY PRINCIPALS OF SCHOOLS TO THE DEPARTMENT, AND STAFF WERE HIRED ON THE BASIS OF THOSE PROJECTED ENROLMENTS AND WE WERE OVERSTAFFED BY 12 TEACHERS, ON OUR BASIC TEACHER PUPIL RATIO WHICH WAS ONE OF THE LOWEST IN ALL OF CANADA. AND WHEN YOU ARE OVERSTAFFED BY 12 TEACHERS WHICH YOU DO NOT REQUIRE, THEN YOU'RE LOOKING AT APPROXIMATELY \$120,000.

WE ARE TRYING TO BE REALISTIC IN OUR PROJECTION OF ENROLMENT. IF WE HAD ANY IDEA WHAT THE ENROLMENT WAS GOING TO BE NEXT YEAR, WE WOULD BE VERY HAPPY TO STAFF. BUT WE HAVE TO LOOK

AT THE HISTORY OF THE ENROLMENT OVER THE PAST FEW YEARS.

NOW IN SEPTEMBER OF 1973, WE HAD 3,436 STUDENTS ENROLLED IN WHITEHORSE SCHOOLS, 4,943 ALL TOLD IN THE YUKON TERRITORY. THAT WAS IN SEPTEMBER OF '73. OUR SCHOOLS WERE STAFFED ON THE BASIS OF THAT ENROLMENT. MY LATEST FIGURES ARE FEBRUARY, I THINK THE MARCH ONE HASN'T BEEN ADDED HERE. BUT IN FEBRUARY, OUR ENROLMENT IN THE WHITEHORSE AREA WAS 3,262 AND OUR ENROLMENT IN THE OUTLYING AREAS, THE TOTAL ENROLMENT WAS 4,756. WE ARE LOOKING AT ALMOST A DECLINE OF 200 STUDENTS FROM SEPTEMBER TO FEBRUARY. AND WE ALWAYS HAVE A GREATER DECLINE BETWEEN THE WINTER AND AT THIS TIME OF YEAR.

Mrs. WATSON: WE ALWAYS HAVE A GREATER DECLINE BETWEEN THE WINTER AND THIS TIME OF YEAR. I WOULD LIKE TO LOOK AT OTHER YEARS ENROLLMENT.

IN '1972/73 IN SEPTEMBER WE STARTED OUT WITH 4,815 STUDENTS. IN JUNE OF '73 WE HAD 4,619 A DECLINE AGAIN OF 200 STUDENTS. WE STAFF ON THE BASIS OF THE ENROLLMENT THAT WE EXPECT IN SEPTEMBER OF THE SCHOOL YEAR.

MR. HERON IS CONCERNED ABOUT STAFFING IN THE WHITEHORSE AREA THIS COMING YEAR. ONE THING OF INFORMATION THAT HE DOES NOT HAVE, THAT IN THE PAST THE SPECIAL CLASSES THAT WE HAVE HAD TO HAVE BEEN INCLUDED AS PART OF THE STAFFING OF THE SCHOOL. THIS TIME WE HAVE TAKEN THE SPECIAL CLASSES OUT OF THE ENROLLMENT SO THAT THEY ARE NOT COUNTED. THE STAFF ARE NOT COUNTED WITHIN THE STAFF OF THAT SCHOOL.

WE ARE LOOKING AT AT LEAST TWELVE SPECIAL CLASSES IN THE WHITEHORSE AREA. WE ARE ALSO DOING A COMPLETE REVIEW OF SPECIAL EDUCATION, SPECIAL CLASSES. THAT FIGURE OF TWELVE MAY EVEN BE INCREASED. THESE SPECIAL CLASSES, I MUST SAY, THE STAFF REQUIRED FOR THESE SPECIAL CLASSES CERTAINLY COULD NOT AND WOULD NOT EVEN CONSIDER LETTERS OF PERMISSION. THESE ARE PEOPLE WHO ARE SPECIALISTS IN CERTAIN REMEDIAL AREAS FOR SPECIAL INSTRUCTION FOR STUDENTS. WE FEEL THAT THERE IS QUITE A NEED.

IF WE ARE ABLE TO GIVE OUR TEACHERS RELIEF IN THE CLASSROOM FROM CHILDREN WHO NEED SPECIAL ATTENTION, WHO HAVE LEARNING DISABILITIES, WHO HAVE PROBLEMS. IF YOU ARE

ABLE TO TAKE THESE CHILDREN OUT OF THE CLASSROOM OR GIVE THEM EXTRA ASSISTANCE THE LOAD ON THE CLASSROOM TEACHER IS NOT AS GREAT. I'M SURE MR. HERON WILL AGREE WITH THAT.

WE ARE ESTIMATING FIVE SPECIAL CLASSES IN THE OUTLYING AREAS. I HAVE STATISTIC CANADA PUPIL-TEACHER RATIO COMPARISONS IN ALL OF THE PROVINCES OF CANADA RIGHT FROM THE YEAR '72. AND I WILL GET THAT INFORMATION AT COFFEE BREAK AND BRING IT IN. WE WERE TRYING TO GET THE INFORMATION FOR THE YEAR 1973 SO THAT YOU CAN SHOW WHERE THE YUKON'S PUPIL-TEACHER RATIO IS ONE OF THE LOWEST IN ALL OF CANADA. WE ARE NOT PUTTING AN EXTRA LOAD ON OUR STAFFING THIS COMING YEAR. IT IS NOT THE INTENT OF THE TERRITORIAL GOVERNMENT AND IT NEVER HAS BEEN THE INTENT OF THE TERRITORIAL GOVERNMENT TO USE TEACHERS BY LETTER OF PERMISSION.

I DON'T THINK THERE IS ONE TEACHER TEACHING AT THE PRESENT TIME ON OUR STAFF, OUR PRESENT STAFFING, WHO HAS A LETTER OF PERMISSION. PUT IF WE DO USE KINDERGARTEN INSTRUCTORS WE ARE GOING TO HAVE TO USE LETTERS OF PERMISSION.

WE ALMOST CAME TO A SITUATION VERY RECENTLY AT THE PELLY RIVER SCHOOL. HAD WE NOT BEEN ABLE TO GET SOMEONE, A QUALIFIED TEACHER ON STAFF, TO GO OUT TO PELLY RIVER. THE PELLY RIVER PEOPLE HAD ASKED FOR A CERTAIN PERSON WHO WAS QUALIFIED TO SOME DEGREE BUT WHO WAS NOT A QUALIFIED TEACHER. WE COULD ABSOLUTELY NOT LET THAT PERSON GO OUT INTO THAT SCHOOL FOR THE REST OF THE SCHOOL YEAR. THERE ARE TIMES WHEN IT MIGHT BE NECESSARY TO USE A LETTER OF PERMISSION. THERE MAY BE TIMES TOO WHERE IF YOU HAD AND IF AS A RESULT OF NEGOTIATION THE YTA HAD IN ITS NEGOTIATIONS DETERMINED THAT NO ONE SHALL BE EMPLOYED WITH LESS THAN A CLASS THREE CERTIFICATE. IT WOULD BE NECESSARY FOR THE EXISTING STAFF WITH A CLASS ONE AND A CLASS TWO CERTIFICATE PROBABLY TO FINISH OUT, AND I DON'T THINK THAT ANY NEGOTIATION WOULD EVER SAY THAT ANY TEACHERS ON STAFF WOULD BE TERMINATED. THEY WOULD PROBABLY THEN HAVE TO FINISH OUT THE TERM THAT THEY WANTED TO, THE TIME THAT THEY WOULD LIKE TO TEACH IN THE TERRITORY, POSSIBLY ON A LETTER OF PERMISSION. THESE ARE THINGS THAT HAVE TO BE CONSIDERED, GIVEN CONSIDERATION.

I THINK THAT I HAVE NEVER EVEN CONSIDERED, IN FACT I WAS QUITE SURPRISED AT THE ATTACK THAT MR. HERON MADE THAT WE WERE LOWERING THE PUPIL-TEACHER RATIO, THAT WE WERE PUTTING IN

LETTERS OF PERMISSION SO THAT WE COULD BRING IN AN UNQUALIFIED TEACHER AND PUT INTO OUR SCHOOLS. I HAVE ALWAYS STOOD UP AND PUBLICLY SAID THAT WE NEED QUALIFIED PEOPLE IN OUR SCHOOLS. WE WERE THINKING, AND IN THE COMMITTEE ON EDUCATION WE RECOMMENDED THAT WE SET UP A TEACHERS TRAINING SCHOOL IN THE YUKON TERRITORY SO THAT WE COULD PROVIDE TEACHER TRAINING FOR SOME OF OUR NATIVE PEOPLE TO GO INTO OUR NATIVE SCHOOLS. THIS IS ONE AREA OF MY GREAT CONCERN.

THE UNIVERSITY OF CANADA NORTH ARE LOOKING AT DOING THIS TYPE OF THING. THIS IS THE AREA THAT I HAVE GREATEST CONCERN OVER - THIS TEACHER TRAINING PROGRAM. WILL THE PEOPLE WHO GRADUATE FROM THIS TEACHER TRAINING PROGRAM THEN BE QUALIFIED TEACHERS AND BE QUALIFIED THEN TO BE RECOGNIZED IN OTHER PARTS OF CANADA? WOULD THE YTA, THE EXISTING PROFESSIONAL ORGANIZATION ACCEPT THE STANDARD OF QUALITY OF THESE GRADUATES?

I THINK WE HAVE TO LEAVE THAT SECTION IN ON LETTERS OF PERMISSION TO TAKE CARE OF THE KINDERGARTEN INSTRUCTORS THAT WE NOW HAVE. I DON'T THINK THERE IS ANY NEED FOR ALARM WHATSOEVER ON THE STAFFING THAT HAS BEEN PROVIDED FOR FOR THIS COMING YEAR. I THINK THAT MR. HERON REALIZES THAT IF WE HAVE MORE STUDENTS COME TO OUR SCHOOLS THAN WE PROJECTED THERE IS NEVER ANY PROBLEM IN GETTING EXTRA STAFFING. THIS HAPPENED THIS YEAR. THERE WERE FIVE EXTRA TEACHERS PUT IN OVER WHAT WE HAD ESTIMATED IN OUR STAFFING. NOT BECAUSE OF AN EXPANDED STUDENT ENROLMENT. THEY WERE PUT IN BECAUSE THERE WERE SPECIAL CASES WHERE WE FELT THAT SPECIAL CLASSES HAD TO BE ESTABLISHED TO TAKE CARE OF SOME SPECIFIC NEEDS OF THE STUDENTS.

I REALLY DON'T THINK THAT IN ALL HONESTY THAT MR. HERON CAN SAY THAT THE STAFFING AND THE PUPIL-TEACHER RATIO IN OUR YUKON SCHOOLS IS NOT A VERY GOOD SITUATION. COMPARING IT TO OTHER PROVINCES.

MR. HERON: MR. CHAIRMAN, IF I COULD REPLY TO A FEW OF THE POINTS THAT MRS. WATSON HAS MADE. THIS FIGURE OF 148 TEACHERS IN OUR WHITEHORSE SCHOOLS NEXT YEAR, 148 1/2 DOES INCLUDE THE REMEDIAL TEACHERS. THIS IS THE INFORMATION THAT WAS GIVEN TO THE PRINCIPALS AND VICE-PRINCIPALS ASSOCIATION. I RECEIVED THIS INFORMATION LAST NIGHT. THEY SAY THEY ARE THE FINAL FIGURES AND I HAVE NO REASON

AT THIS POINT TO DOUBT WHAT I WAS TOLD. WHICH DOES MEAN A REDUCTION OF 18 TEACHERS HERE IN WHITEHORSE.

PORTER CREEK ALONE LAST YEAR HAD AN INCREASE OF 20% IN THE ENROLMENT. THE DEPARTMENT SAID THAT THERE WERE ONLY GOING TO BE APPROXIMATELY 530 - 540 PUPILS IN PORTER CREEK IN SEPTEMBER OF '73. YET THE PROJECTION BY THE SCHOOL WAS WELL IN EXCESS OF THAT AND BY SEPTEMBER 1973 WE ACTUALLY DID HAVE 590 PUPILS IN THE PORTER CREEK SCHOOL. WHICH WAS AN INCREASE OF 20%. TODAY THIS FIGURE IS STILL INCREASING. YESTERDAYS FIGURE AT THE PORTER CREEK SCHOOL WAS 602. WE PRESENTLY HAVE A STAFF OF 25. IT IS BEING REDUCED BY FOUR.

THOSE FACTS CANNOT BE DENIED. PRINCIPALS TELL ME THE FRENCH PROGRAMS ARE GOING TO HAVE TO BE CUT OUT, THE MUSIC PROGRAMS ARE GOING TO HAVE TO BE CUT OUT, THE TEACHERS ARE GOING TO BE TEACHING ALMOST FULL TIME IN THOSE PARTICULAR SCHOOLS. THE PRINCIPALS ARE GOING TO BE TEACHING ALMOST FULL TIME WHICH CERTAINLY NO ADMINISTRATOR SHOULD HAVE TO DO IN ANY SCHOOL OF OVER AT LEAST THREE HUNDRED. IT IS JUST BLACK AND WHITE. WE ARE GOING TO HAVE EIGHTEEN TEACHERS LESS AND AT LEAST THE SAME IF NOT A 5% PROJECTED INCREASE IN PUPIL-ENROLMENT.

MRS. WATSON: MR. CHAIRMAN, THOSE ARE NOT THE FIGURES I HAVE. I HAVE TWELVE SPECIAL CLASSES ABOVE AND BEYOND THE 146 THAT YOU ARE REFERRING TO. THE PORTER CREEK SITUATION. YES, THERE WAS AN INCREASE IN POPULATION. THIS WAS NOT PROJECTED BY THE PRINCIPAL LAST YEAR. BUT THERE WAS A DECLINE IN POPULATION AT THE TAKHINI SCHOOL. WE FIND THAT THERE IS NOT AN INCREASE IN THE TOTAL POPULATION PICTURE IN THE WHITEHORSE SCHOOLS. WE FIND THAT THERE IS A SHIFT IN THE POPULATION. WE HAD A SHIFT FROM THE TAKHINI SCHOOL INTO THE JACK HULLAND SCHOOL. THERE HAS BEEN NO INDICATION WHATSOEVER THAT THE STAFFING WILL BE CUT BELOW THE PUPIL-TEACHER RATIO THAT WAS USED LAST YEAR. POSSIBLY THE SPECIAL CLASSES THIS YEAR, THE PLACES WHERE THE SPECIAL CLASSES WILL BE PUT THIS YEAR WILL BE DETERMINED BY THE SUPERINTENDENT IN CONSULTATION WITH THE PRINCIPALS IN ORDER THAT YOU CAN USE ONE SPECIAL CLASS TEACHER FOR CHILDREN FROM POSSIBLY SEVERAL SCHOOLS. WE STARTED THAT THIS YEAR. WE BUSED SOME OF THE CHILDREN OUT TO JACK HULLAND FROM WHITEHORSE ELEMENTARY WHERE THEY WERE GETTING SPECIAL INSTRUCTIONS FROM A TEACHER WHO SPECIALIZED IN A CERTAIN AREA.

MR. CHAIRMAN: ORDER PLEASE. I THINK COUNCILLOR CHAMBERLIST IS NEXT.

MRS. WATSON: MR. CHAIRMAN, IN ORDER TO, I COULD HAVE ALL OF THE FIGURES HERE FOR EVERY SCHOOL FOR LAST YEAR, FOR THIS YEAR, THE PROJECTED ENROLMENT. I CAN HAVE THAT ALL HERE TOMORROW MORNING FOR COMMITTEE'S INFORMATION.

MR. CHAMBERLIST: MR. CHAIRMAN, THERE IS A COUPLE OF POINTS THAT I WANT TO DISCUSS HERE.

WONDERING FIRST WHETHER THE HONOURABLE MEMBER FROM CARMACKS-KLUANE INDICATE AT WHAT SCHOOLS IN THE TERRITORY WAS THIS DECLINE OF 187 DROP-OUT. THAT IS THE DROP FROM 4,943 TO 4,756. COULD SHE BREAK THEM DOWN AS TO THAT POSITION?

MR. TANNER: ON A POINT OF ORDER, MR. CHAIRMAN. THE WITNESS IS MAKING A POINT AND ILLUSTRATING SCHOOLS ATTENDANCE, SCHOOL EXPANSION AND CONTRACTION AND VARIOUS RELOCATIONS OF CHILDREN. THE POINT HE IS MAKING, MR. CHAIRMAN IS THE FACT THAT THE TERRITORIAL GOVERNMENT OR THE DEPARTMENT OF EDUCATION WANTS TO USE THE SECOND PART OF THE TEACHER DEFINITION AND FURTHER ON THROUGH THE ORDINANCE TO BRING IN SECOND CLASS TEACHERS. HE IS ILLUSTRATING THIS WITH THE FACT THAT THE PROJECTED INCREASE OF THE NUMBER OF PUPILS AND THE DECREASE IN TEACHERS IS WHAT THEY ARE USING THAT CLAUSE FOR.

THIS IS MY POINT OF ORDER. I PERSONALLY AM NOT GOING TO SIT HERE AND LISTEN HERE AND LISTEN TO MR. HERON AND THE MINISTER OF EDUCATION ARGUE AN ADMINISTRATIVE PROBLEM ABOUT THE NUMBER OF STUDENTS THERE ARE IN SCHOOLS. THE POINT IS THAT HE IS SAYING THAT, IF THAT IS THE ILLUSTRATION OF HIS POINT, THAT THE DEPARTMENT OF EDUCATION IS TRYING TO COME IN THROUGH THE BACK DOOR THEN FINE LETS DEBATE THAT POINT. BUT LETS NOT SIT HERE FOR THE REST OF THE AFTERNOON ARGUING ABOUT WHERE CHILDREN ARE GOING.

THE DEPARTMENT WILL MAKE THE DECISION AND THE TEACHERS WILL BE THE IMPLEMENTATION OF THAT DECISION. MR. CHAIRMAN, I DON'T THINK IT HAS ANYTHING TO DO WITH THE DISCUSSION AT HAND.

MR. CHAIRMAN: ORDER PLEASE. I THINK THAT THE POINT OF ORDER IS FAIRLY WELL TAKEN. IF

WE COULD STAY TO THE BASICS OF THE REPRESENTATION BECAUSE IN TRUTH WE COULD DIGRESS INTO TALKING ABOUT EVERYTHING FROM THE BEAVER CREEK FLAGPOLE TO GOSH KNOWS WHAT. IF WE COULD STAY WITH THE BASICS OF THIS THING IT WOULD, BECAUSE I KNOW WE HAVE A LOT OF GROUND TO COVER THIS AFTERNOON. IF WE COULD DO THIS WE WILL HAVE CERTAINLY PLENTY OF TIME TO DEBATE THE ISSUES AT LENGTH WHEN WE GO THROUGH THE BILL.

MRS. WATSON: MR. CHAIRMAN, I THINK THAT IN ALL FAIRNESS I SHOULD HAVE SOME OF THESE FACTS TO PRESENT TO COMMITTEE ON THE PROJECTED ENROLMENT AND THE STAFFING PROPOSED FOR THIS YEAR AND THE STAFFING AS IT WAS LAST YEAR. I WOULD BE QUITE PREPARED TO HAVE THAT FOR COMMITTEE. I AGREE I THINK THAT THERE ARE MANY OTHER THINGS THAT WE HAVE TO GO INTO. I WOULD LIKE TO REITERATE AGAIN THAT THE LETTERS OF PERMISSIONS WAS NOT PUT IN THERE TO STAFF OUR SCHOOLS WITH UNQUALIFIED PEOPLE.

MR. CHAMBERLIST: MR. CHAIRMAN, I ASKED MY QUESTION FOR A SPECIFIC PURPOSE AND I HAVEN'T RECEIVED AN ANSWER. I JUST SIMPLY WANT TO KNOW ON THE BASIS OF THE STATEMENT THAT HAS BEEN MADE BY THE HONOURABLE MEMBER THAT THERE HAS BEEN A REDUCTION IN THE NUMBER OF PUPILS THIS YEAR FROM 4,943 TO 4,756. MY QUESTION WAS, "IN WHAT AREAS WERE THE 187 DROPPED OUT." WAS IT 10 IN F.H. COLLINS AND 5 IN... YOU KNOW, JUST THE DIFFERENT SCHOOLS SO WE CAN COME TO AN ASSESSMENT ON THAT PARTICULAR POINT.

MRS. WATSON: MR. CHAIRMAN, WOULD THE HONOURABLE MEMBER WAIT. I HAVE IT HERE BUT COULD I GIVE THIS TO YOU TOMORROW WHEN I GIVE YOU ALL OF THE REST OF THE STATISTICS. THEN WE COULD GET ON WITH IT.

MR. CHAMBERLIST: THAT IS FINE. NOW I WANT TO GO ON TO THE OTHER POINT. COUNCILLOR WATSON INDICATED THAT IN REPLY TO THE OBJECTION WHICH HAD BEEN MADE BY THE YTA, THOSE PARTICULAR WORDS, "AND INCLUDES A PERSON TO WHOM IS ISSUED PURSUANT TO THIS ORDINANCE A LETTER OF PERMISSION TO TEACH." SHE HAS GIVEN THE TWO EXAMPLES WHERE SHE FEELS THAT THIS PART OF THAT SECTION SHOULD REMAIN IN. SHE SAID TEACHERS AIDES AND KINDERGARTEN INSTRUCTORS. WE HAVE ALREADY DISCUSSED, AND VERY OFTEN, THE QUESTION OF TEACHER. WE ARE TOLD THAT A TEACHER AIDE IS NOT A TEACHER, A KINDERGARTEN INSTRUCTOR IS NOT A TEACHER, YET IT IS INCLUDED IN THAT DEFINITION OF TEACHER.

MRS. WATSON: MR. CHAIRMAN, A POINT OF ORDER. LETTER OF PERMISSION I DID NOT SAY WAS FOR TEACHER AIDE, I SAID THAT TEACHER AIDE WAS INCLUDED IN SECTION 11, AND OTHER PERSONS. THAT IS TUTORS AND TEACHER AIDES.

MR. CHAMBERLIST: WHY CAN WE NOT HAVE THE OBJECTIONABLE PART REMOVED AND A SEPARATE DEFINITION, AND I'M SURE THE HONOURABLE MEMBER WILL AGREE THAT ALTHOUGH THERE IS A DEFINITION, AN INTERPRETATION OF A TEACHER, THERE IS NO INTERPRETATION OF A TEACHER AIDE AND THERE IS NO INTERPRETATION OF A KINDERGARTEN INSTRUCTOR. IF YOU HAVE THOSE INTERPRETATIONS IN THE INTERPRETATION ORDINANCE, IN THE INTERPRETATION SECTION AND REMOVE THE OBJECTIONABLE AREAS WHAT THEN WOULD BE THE OVERALL OBJECTION TO HAVING IT IN THAT MANNER? SURELY THERE WOULDN'T BE ANY NECESSITY THEN TO INCLUDE A PERSON WHERE A LETTER OF PERMISSION WOULD BE REQUIRED.

MRS. WATSON: MR. CHAIRMAN, I WOULD HAVE TO GIVE THAT CONSIDERATION. IT IS RECORDED AND IT IS A GOOD POINT. BEFORE I COULD MAKE A COMPLETE COMMITMENT ON THAT I WOULD HAVE TO LOOK AT IT.

MR. TANNER: MR. CHAIRMAN, I'VE GOT ANOTHER QUESTION CONCERNING THE SAME AREA WHICH I AM SATISFIED BUT I AM NOT COMPLETELY SURE I HAVE THE RIGHT EXPLANATION FROM THE HONOURABLE MEMBER. THIS MORNING WE HAD THE UNIVERSITY OF CANADA NORTH HERE DISCUSSING SOME OF THE PROJECTS THEY HAVE IN MIND AND ONE OF THE THINGS WAS TO START TEACHER TRAINING IN A SPECIFIC AREA UNDER THE AUTHORITY OF THE UNIVERSITY OF SASKATCHEWAN. THEY WERE GOING TO TRAIN I BELIEVE, PARTICULARLY, NOT INDIANS AS TEACHERS BUT TEACHERS WHO COULD TEACH INDIAN CHILDREN. THEY WOULD THEN BE ABLE TO TEACH IN THE YUKON. AS I UNDERSTAND IT, I STAND TO BE CORRECTED ON THIS, BUT AS I UNDERSTAND IT THEY WOULD BE THE TYPE OF PERSON YOU WOULD INCLUDE IN THAT SECOND PART OF THAT DEFINITION. IS THAT CORRECT?

MRS. WATSON: MR. CHAIRMAN, UNDER LETTERS OF PERMISSION. IT MAY BE THAT YOU WOULD HAVE TO. I DON'T KNOW IF THEY WOULD BE FULLY QUALIFIED, VALID CERTIFICATES. WHETHER THE GRADUATION CERTIFICATE AS A GRADUATE FROM THE TEACHER TRAINING SCHOOL IN THE YUKON, BE IT UNIVERSITY CANADA NORTH OR WHATEVER IT IS, WHETHER IT WOULD BE ACCEPTED AS A VALID TEACHING CERTIFICATE, I DON'T KNOW.

MR. TANNER: MR. HERON, MAYBE YOU WOULD LIKE TO MAKE A COMMENT ON THAT. WHAT WOULD BE THE ASSOCIATION'S POINT OF VIEW AS TO HAVING THOSE PEOPLE COMING IN WITHIN THE TEACHING FRATERNITY?

MR. TANNER: WHAT WOULD BE THE ASSOCIATION'S POINT OF VIEW OF HAVING THOSE PEOPLE COMING IN WITHIN THE TEACHING FRATERNITY.

MR. HERON: WELL, MR. TANNER, WE ARE PRESENTLY LOOKING AT THE SITUATION IN THE NORTHWEST TERRITORIES AND THE NORTHWEST TERRITORIES TEACHING ASSOCIATION HAVE WORKED OUT SOME SORT OF A SCHEME WHICH WE ARE PRESENTLY EXAMINING WITH THE NATIVE TEACHERS WHO ARE PRESENTLY BEING TRAINED THERE NOW. UNTIL WE ARE FINISHED OUR WHOLE EXAMINATION, I WOULDN'T LIKE TO COMMENT ANY FURTHER BECAUSE I CAN'T.

MR. TANNER: COULD YOU COMMENT THEN ON THE FACT THAT, AS I UNDERSTAND IT, THE NORTHWEST TERRITORIES GOVERNMENT IS TRAINING THESE TEACHERS. WOULD THEY BE ACCEPTABLE TO THE TEACHING PROFESSION IN THE NORTHWEST TERRITORIES? CAN YOU COMMENT ON THAT?

MR. HERON: IT APPEARS AS IF THEY ARE GOING TO BE. YES.

MR. TANNER: MR. CHAIRMAN, HAS THIS BEEN ARRIVED AT BY NEGOTIATION OR HAS IT BEEN ARRIVED AT BY MUTUALLY COMING TO SOME AGREEMENT UNOFFICIALLY?

MR. HERON: MR. CHAIRMAN, IF I COULD COMMENT ON AN EARLIER REMARK MADE BY MR. TANNER. IT CERTAINLY IS NOT THE INTENTION OF THE Y.T.A. TO CAST ANY ALLEGATIONS OR INSINUATIONS THAT THE DEPARTMENT MIGHT BE SNEAKING PEOPLE IN THROUGH THE BACK DOOR. ALL WE WANT TO AVOID IS THAT SOME TIME IN THE FUTURE, AS TO THE ILLUSTRATION I WAS BRINGING OUT, THAT THESE LETTERS OF PERMISSION WOULD NOT BE USED WHEN THERE ARE, AND THERE SEEM TO BE TEACHERS AVAILABLE. THIS WAS A WORRY. THIS WAS A WORRY OF OUR EXECUTIVE THAT THIS MIGHT HAPPEN.

ALSO, IT APPEARS, MR. CHAIRMAN, THIS SECTION APPEARS TO CONTRADICT SECTION 74 (1) WHICH SAYS THAT EVERY TEACHER IS REQUIRED TO HOLD A VALID SUBSISTING CERTIFICATE OF QUALIFICATION ISSUED PURSUANT TO THE REGULATIONS. IT'S COMPLETELY CONTRADICTORY TO THIS DEFINITION OF TEACHERS.

MR. CHAMBERLIST: NOT REALLY, MR. CHAIRMAN. I THINK THE PROBLEM WE HAVE HERE IS, AGAIN, IT'S INTERPRETATION. MR. CHAIRMAN, IF WE REFER TO



OTHER PERSONS, THE INTERPRETATION SECTION SHOULD SPELL OUT WHAT ARE THE 'OTHER PERSONS' BECAUSE THE WAY THIS READS, IT WOULD ALMOST INCLUDE THE JANITORIAL STAFF, THE GARDENER AND EVERYBODY ELSE. IT SAYS THE COMMISSIONER SHALL ON THE RECOMMENDATION OF THE SUPERINTENDENT, EMPLOY TEACHERS AND OTHER PERSONS TO FULFILL THE REQUIREMENTS OF THIS ORDINANCE.

NOW, THIS IS WHERE, AGAIN, I THINK WE HAVE TO HAVE CLARIFICATION OF WHAT IS MEANT BY 'OTHER PERSONS' AND I THINK THAT MIGHT ANSWER THE GENERAL PROBLEM.

Mrs. WATSON: WELL, Mr. CHAIRMAN, THIS IS TRUE AND I CAN SEE WHERE THE Y.T.A. ARE SUSPICIOUS OF EVERYTHING THAT ISN'T CLEARLY DEFINED. I CAN UNDERSTAND IT. HOWEVER, IF WE TRIED TO DEFINE 'OTHER PERSONS' WE COULD WELL BE IN TROUBLE. WE MAY WANT TO HIRE A SOCIAL WORKER TO WORK WITHIN SOME OF OUR SCHOOLS. THIS ISN'T IMPROBABLE AT ALL. WE ARE LOOKING AT THIS IN SOME OF THE LARGER SCHOOLS.

THERE ARE SO MANY AREAS AND AT THE PRESENT TEACHERS ARE EXPECTED TO BE ALMOST SPECIALISTS IN EVERYTHING. THEY ARE SUPPOSED TO BE SPECIALISTS IN COUNSELLING, THE WHOLE SPHERE IN BRINGING UP A CHILD AND IT MAY BE, I KNOW THAT IN SOME OF THE VANCOUVER SCHOOLS ARE CONSIDERING THIS, INTO MAKING IT COMPLETELY A COMMUNITY SCHOOL. THEY HAVE TO HAVE SOCIAL WORKERS AND MEDICAL PEOPLE AND THIS TYPE OF THING, WORKING WITHIN THE SCHOOL. THE WHOLE SCHOOL CONFINES,

SO, IF WE SAID THAT NO OTHER PERSONS, WE WOULD BE COMPLETELY CUTTING OURSELVES OFF.

Mr. CHAMBERLIST: WELL, CAN WE COMPROMISE BY, PERHAPS Mr. HERON WOULD AGREE WITH THIS. WHERE WE SAY EMPLOY TEACHERS AND OTHER PERSONS NOT IN A TEACHING CAPACITY TO FULFILL THE REQUIREMENTS OF THIS ORDINANCE. THE OBJECTION THAT I SEE IS IT MAY BE WE MIGHT BE USING PEOPLE OTHER THAN BUT THE PERSONS TO TEACH. WHY NOT SAY OTHER PERSONS NOT IN A TEACHING CAPACITY.

Mrs. WATSON: Mr. CHAIRMAN, I WONDER, WOULD YOU CONSIDER A TEACHER AIDE IN A TEACHING CAPACITY. NOW, Mr. HERON.

Mr. CHAMBERLIST AND Mrs. WATSON INTERRUPT EACH OTHER.

Mr. CHAIRMAN: ORDER, ORDER PLEASE. I TELL YOU IT'S CAUSING EXTREME PROBLEMS FOR THE RE-

CORDING STAFF TO DETERMINE WHO IS SPEAKING. THEY CAN'T SEE WHO IS UP AND WHO IS TALKING. NOW, AS CHAIRMAN OF COMMITTEE I AM EXERCISING THE GREATEST AMOUNT OF LATITUDE IN ORDER TO, SO THAT WE CAN GET OUR BUSINESS CONDUCTED, EVEN TO THE EXTENT OF ALLOWING OUR WITNESS TO ASK QUESTIONS, WHICH IS UNHEARD OF IN ANY LEGISLATIVE CHAMBERS. HOWEVER, IN THE INTEREST OF EXPEDIENCY IN GETTING THIS THING THROUGH, I AM WONDERING IF MEMBERS COULD RISE TO MAKE THEIR COMMENTS RATHER THAN FROM THE CHAIR SO THAT THE GIRLS WHO ARE RECORDING THESE DEBATES WILL HAVE AN EASIER TIME IN SORTING IT ALL OUT.

NOW, I BELIEVE THE QUESTION WAS ASKED BY THE HONOURABLE MEMBER FROM CARMACKS-KLUANE TO Mr. HERON.

Mr. HERON: YES, TEACHER AIDES WOULD CERTAINLY BE INVOLVED IN SOME TYPE OF TEACHING BUT ACCORDING TO OUR DEFINITION OF A TEACHER, THEY WOULD NOT BE A TEACHER BECAUSE THEY DO NOT HOLD QUALIFYING CERTIFICATES. THEY HAVE NOT, Mrs. WATSON, TAKEN THE TEACHER TRAINING WHICH IS NECESSARY TO HOLD THE CERTIFICATE.

Mrs. WATSON: THAT'S RIGHT AND IF WE WENT ALONG WITH WHAT THE HONOURABLE MEMBER SAID WE WOULD BE CUTTING OUT OUR TEACHER AIDES THEN.

I CAN SEE WHAT YOU ARE TRYING TO ARRIVE AT BUT AND I DON'T MIND LOOKING AT IT, BUT I DON'T WANT TO CLOSE THE DOOR TO PROVIDING OTHER ASSISTANCE WITHIN THE SCHOOL. IF YOU TRY NAMING THEM ALL ON THIS ONE, YOU CAN'T PROVIDE THAT SERVICE WITHIN THE SCHOOL.

Mr. CHAIRMAN: COUNCILLOR CHAMBERLIST.

Mr. CHAMBERLIST: SUPPOSING WE HAD A DEFINITION OF A TEACHER AIDE AND THEN SUPPOSING WE HAD IN SECTION 11, 'AND OTHER PERSONS' WHO ARE NOT TEACHERS OR TEACHER AIDES. THEN THE TEACHER AIDES INTERPRETATION COULD BE SPELLED OUT WHERE YOU ARE MAKING PROVISION FOR TEACHER AIDES TO BE IN THE SCHOOL. BUT I THINK IT'S A CATCH-ALL PHRASE OF 'AND OTHER PERSONS' ARE THE OBJECTIONABLE FEW WORDS IF IT'S LEFT AS IS.

I THINK THAT PERHAPS A LITTLE TIME, NOW THAT WE HAVE HAD THE OBJECTION, A LITTLE TIME THAT WE CONSIDER IT WOULD BE IN ORDER.

Mr. CHAIRMAN: I WONDER IF THIS ISN'T A QUESTION NOW THAT THE LEGAL ADVISOR SHOULD HAVE A LOOK AT WITH THE HONOURABLE MEMBER FROM

CARMACKS-KLUANE AND SEE IF WE CAN GET SOME INTERPRETATIONS RATHER THAN TANGLE OURSELVES IN OUR DISCUSSIONS.

MR. TANNER: MR. CHAIRMAN. I THINK THE CHAIRMAN'S POINT IS A GOOD ONE AND I THINK WE'VE GOT THE GIST OF WHAT THE WITNESS WAS TELLING US AND PERHAPS WE COULD GO ON TO THE NEXT ONE IF IT'S AGREEABLE TO OTHER MEMBERS.

MR. CHAIRMAN: JUST FROM THE CHAIR, ARE THESE BEING RECORDED BY MADAM CLERK FOR DIRECTION TO THE LEGAL ADVISOR?

MADAM CLERK: YES, MR. CHAIRMAN.

MR. CHAIRMAN: THANK YOU, MR. HERON.

MR. HERON: MR. CHAIRMAN, JUST ONE LAST POINT. I'M STILL NOT QUITE SURE IN THIS 74 (1). ACCORDING TO THE DEFINITION OF A TEACHER, AND IF WE GO DOWN TO THE SECOND CLAUSE, THE TEACHER INCLUDES A PERSON TO WHOM IS ISSUED, PURSUANT, A LETTER OF PERMISSION AND YET 74 (1) SAYS THAT EVERY TEACHER IS REQUIRED TO HOLD. JUST AN INTERPRETATION. IT SEEMS TO ME THAT IT'S VERY CONTRADICTORY.

MRS. WATSON: NO.

MR. HERON: IT'S NOT?

MRS. WATSON: MR. CHAIRMAN. EVERY TEACHER IS REQUIRED TO HOLD A VALID CERTIFICATE OF QUALIFICATION. THAT WOULD BE A TEACHER. A LETTER OF PERMISSION WOULDN'T BE A TEACHER.

MR. CHAMBERLIST: BUT IT'S IN THE SAME SECTION, THE INTERPRETATION SECTION. WITH RESPECT, MR. CHAIRMAN. I WOULD AGREE WITH THE HONOURABLE MEMBER IF IT WASN'T FOR THE FACT THAT THE INTERPRETATION OF A TEACHER INCLUDES THAT.

MR. CHAIRMAN: SO THIS IS NOTED FOR REFERENCE TO THE LEGAL ADVISOR? ALRIGHT, PROCEED.

MR. HERON: MR. CHAIRMAN, SECTION 13 (1). ONCE AGAIN IT'S A QUESTION OF INTERPRETATION AND PERHAPS DRAFTING AS MRS. WATSON SAYS BUT IT SEEMS TO ME THAT IN THE SECTION WHERE THE COMMISSIONER SAYS IT SHALL DETERMINE THE CERTIFICATE OF QUALIFICATION, TO GRADE THE CATEGORY OF SUCH CERTIFICATE, ETC., IS CONTRADICTORY TO SECTION 103 (1) WHERE IT SAYS THE QUALIFICATION BOARD SHALL HAVE THE JURISDICTION TO DECIDE THE CATEGORY OF CERTIFICATE OF QUALIFICATION TO BE ASSIGNED TO ANY TEACHER.

NOW, MAYBE I AM MISINTERPRETING IT.

MRS. WATSON: ONE IS THE SETTING OF THE GRADE THE CATEGORY IS ONE THING, MR. HERON AND SECTION 103 IS THE ASSIGNING OF THE CATEGORY TO A TEACHER IS A DIFFERENT THING. THE TEACHER QUALIFICATION BOARD DOES THAT. BUT THE DETERMINATION OF CERTIFICATES OF QUALIFICATION IS A PREROGATIVE OF THE GOVERNMENT AND I THINK THAT EVERY GOVERNMENT OF EVERY PROVINCE, THE CERTIFICATES OF QUALIFICATION AND CATEGORIES ARE DETERMINED BY THAT GOVERNMENT.

MR. HERON: I'M NOT QUITE CLEAR HERE, MR. CHAIRMAN, BECAUSE IT DOES READ THAT THE TEACHER QUALIFICATION BOARD SHALL HAVE THE JURISDICTION TO DECIDE THE CATEGORY AND YET IT SAYS ALSO TO BE ASSIGNED.

MR. CHAIRMAN: COULD THIS MATTER BE REFERRED ALSO TO MR. LEGAL ADVISOR FOR CLARIFICATION?

MRS. WATSON: TO DECIDE THE CATEGORY OF CERTIFICATES OF QUALIFICATION TO BE ASSIGNED TO ANY TEACHER. NOW, YOU COULD SAY THE TEACHER QUALIFICATION BOARD SHALL HAVE THE JURISDICTION TO ASSIGN TO ANY TEACHER THE CATEGORIES OF THE CERTIFICATE OF QUALIFICATION. THAT'S WHAT THEY DO. THEY ASSIGN.

NOW, MR. CHAIRMAN, AND I THINK MR. HERON IS FAMILIAR WITH THIS. IN YOUR PROVINCES YOU HAVE YOUR DIFFERENT CLASSES OR DIFFERENT CATEGORIES OF CERTIFICATE OF QUALIFICATION AND YOU HAVE CERTAIN CRITERIA THAT TEACHERS HAVE TO MEET IN ORDER TO BE ASSIGNED THAT CATEGORY AND THIS IS EXACTLY WHAT WE ARE TRYING TO DO HERE. WHAT WE ARE PROPOSING TO DO HERE. THAT WE SET THE STANDARDS FOR EACH CATEGORY AND THEN IT IS UP TO THE TEACHER QUALIFICATION BOARD TO TAKE EACH TEACHER'S QUALIFICATIONS AND INTERPRET THEIR QUALIFICATIONS AS TO WHAT CATEGORY OF CERTIFICATE THEY SHOULD HAVE.

IN THE PAST IT HAS ALWAYS BEEN UP TO THE DEPARTMENT OF EDUCATION AND THE TEACHERS ALWAYS HAD A RIGHT TO APPEAL, AND IT'S ALWAYS CAUSED PROBLEMS. WE ARE TRYING TO TAKE IT OUT OF THE DEPARTMENT OF EDUCATION AND GIVE IT TO AN IMPARTIAL BOARD TO DO.

MR. HERON: MR. CHAIRMAN, WE THINK THE IDEA IS EXCELLENT. WE AGREE WITH THE TEACHER QUALIFICATION BOARD BUT ONCE AGAIN, IF WE GO DOWN TO SECTION 103 (3) IT SAYS THE BOARD SHALL DETERMINE THE CATEGORY OF CERTIFICATE OF QUALIFICATION OF A TEACHER AND THE SUPERINTENDENT

SHALL ASSIGN THIS CATEGORY AND HERE HE WANTS THE TEACHER QUALIFICATION BOARD TO DO IT, NOT THE COMMISSIONER WHERE IT SAYS ON PAGE 4, SECTION 13 (1), MR. CHAIRMAN, AND THAT'S MY POINT.

MR. CHAMBERLIST: THERE ARE THREE DIRECT CONTRADICTIONS AS FAR AS I CAN SEE. LET ME PUT IT THIS WAY, MR. CHAIRMAN.

FIRST OF ALL, 13 (1) AND ANOTHER POINT AGAIN THAT WE ARE INVOLVED IN ARE THE WORDS 'AND OTHER PERSONS'. NOW WE'RE TALKING ABOUT CATEGORIES OF DETERMINING CERTIFICATE OF QUALIFICATION AND CERTIFICATES SHALL BE ISSUED TO TEACHERS AND OTHER PERSONS. NOW, WHAT CERTIFICATES CAN BE ISSUED TO OTHER PERSONS IF THEY ARE NOT TEACHERS? THAT'S ON 13. YOU SEE? AND THE TERMS AND CONDITIONS UNDER WHICH SUCH CERTIFICATES SHALL BE ISSUED TO TEACHERS AND OTHER PERSONS. NOW, HOW CAN YOU ISSUE A CERTIFICATE? SO THAT'S WHY YOU HAVE TO SEPARATE,

MR. CHAIRMAN: ORDER.

MR. CHAMBERLIST: ALRIGHT. NOW, IT'S CLEAR THAT UNDER SECTION 13 (1) THE TEACHER QUALIFICATION BOARD SHALL HAVE THE JURISDICTION TO DECIDE THE CATEGORY OF CERTIFICATE OF QUALIFICATION TO BE ASSIGNED TO ANY TEACHER. NOW YOU SEE, THERE IS A DIFFERENCE. THE SECTION 13 HAS GOT TO A TEACHER AND OTHER PERSONS AND THIS ONE SEPARATES THE TEACHER. THEN I, OF COURSE, TAKE THE POINT THAT MR. HERON HAS MADE, MR. CHAIRMAN IN SECTION 13 (3). THAT'S QUITE CORRECT THAT FIRST YOU HAVE IN SECTION 13 (1) THE COMMISSIONER DETERMINING THE CERTIFICATES OF QUALIFICATION AND IN 103 (3) A BOARD SHALL DETERMINE THE CATEGORY OF CERTIFICATE OF QUALIFICATION OF A TEACHER AND THE SUPERINTENDENT SHALL ASSIGN. THAT IS DEFINITELY A DIRECT CONTRADICTION BECAUSE YOU'VE GOT TWO DIFFERENT PEOPLE AND THEY SHOULD BOTH BE EXACTLY THE SAME.

MR. LEGAL ADVISOR: WELL, MR. CHAIRMAN, THE INTENTION IS TO TRY AND DRAW IN ENGLISH, AS FAR AS ANYONE CAN, THE FINE LINE IN RESPECT OF THE CERTIFICATES. THE FINAL DECISION AS TO WHAT CATEGORY, WHICH BASICALLY IS WHAT PAY, I SUPPOSE, THE TEACHER SHOULD GET IN RESPECT OF THE CERTIFICATE, GOES TO THE TEACHER QUALIFICATION BOARD. I THINK THAT IS WHAT IS OF MAJOR IMPORTANCE TO THE TEACHER.

THE COMMISSIONER MAKES THE GENERAL RULES OR THE FRAMEWORK OF REGULATIONS SO THAT HE SETS UP THE GROUND RULES AND THEN THE TEACHER QUALIFICATION BOARD DETERMINES WHICH OF THAT GROUP OF CERTIFICATES SHOULD GO TO WHICH PARTICULAR TEACHER. THE SUPERINTENDENT IS MERELY A CONDUIT PIPE WHO CARRIES OUT THE DECISIONS OF THE TEACHER QUALIFICATION BOARD AND PHYSICALLY DELIVERS THROUGH THE MAIL, THE TYPE OF CERTIFICATE THAT THE BOARD SAYS A PARTICULAR INDIVIDUAL SHOULD HAVE.

MRS. WATSON: MR. CHAIRMAN, THE HONOURABLE MEMBER FROM WHITEHORSE EAST JUST DOES NOT UNDERSTAND, AND I DON'T KNOW WHETHER MR. HERON IS FAMILIAR WITH THE B.C. SITUATION WHERE YOU HAVE CERTIFICATES OF QUALIFICATION AND YOUR DIFFERENT GRADES AND YOU ARE ASSIGNED A CATEGORY FOR PAY PURPOSES. THIS IS WHAT WE ARE DOING HERE. WE ARE NAMING THE DIFFERENT GRADES. THE COMMISSIONER SETS THE DIFFERENT GRADES OF CERTIFICATES OF QUALIFICATION. THAT IS DONE BY REGULATIONS AND THE VARIOUS CATEGORIES WITHIN THOSE GRADES ARE THE SAME AS THE CLASSES THAT WERE USED PREVIOUSLY FOR PAY PURPOSES. WE ARE CALLING THEM CATEGORIES AND THEN THE QUALIFICATION BOARD ASSIGNS A CATEGORY TO A TEACHER FOR PAY PURPOSES, BASED ON THEIR ACADEMIC QUALIFICATIONS AND ON THEIR EXPERIENCE, THEIR TEACHING EXPERIENCE. BUT THE BASIC CRITERIA HAS TO BE ESTABLISHED. THE GRADES AND CATEGORIES AND THEN THE BOARD ASSIGNS THE CATEGORY TO EACH TEACHER.

THEY DETERMINE WHAT CATEGORY OF CERTIFICATE THAT TEACHER HAS. NOW, IT'S JUST UNFORTUNATE THE HONOURABLE MEMBER FROM WHITEHORSE EAST DOES NOT UNDERSTAND IT. MAYBE WE SHOULD HAVE FURTHER INFORMATION ON THE TYPES OF GRADES, OF CATEGORIES OF CERTIFICATES.

MR. CHAIRMAN: ORDER.

MR. CHAMBERLIST: THAT ISN'T THE POINT, MR. CHAIRMAN, THAT I'M RAISING. THE POINT THAT I'M RAISING IS PERHAPS IN THE LANGUAGE AND THE MANNER THAT IS HERE. PERHAPS THIS MIGHT BE.

IF WE BREAK DOWN THIS SECTION 13 (1). THE COMMISSIONER SHALL DETERMINE THE CERTIFICATES OF QUALIFICATION, THE GRADES AND CATEGORIES OF SUCH CERTIFICATES, AND THE TERMS AND CONDITIONS UNDER WHICH SUCH CERTIFICATES SHALL BE ISSUED TO TEACHERS AND OTHER PERSONS TO WHOM THIS ORDI-

NANCE APPLIES AND GOVERN THE GRANTING OF SUCH CERTIFICATES. O.K. SO JUST FOR THE PURPOSE OF DISCUSSION ON THIS PARTICULAR SECTION, DISPENSE WITH 'AND GOVERN THE GRANTING OF SUCH CERTIFICATES'. LET'S DEAL WITH JUST THE DETERMINATION THAT'S BEING MADE BY THE COMMISSIONER.

IT WOULD APPEAR, THE WAY THIS IS WRITTEN, THAT THE COMMISSIONER IS THE MANDATORY OFFICIAL WHO DETERMINES THE GRADES AND CATEGORIES. WE ARE AGREED ON THAT. NOW, WE HAVE A LOOK AT SECTION 103 (1). THE TEACHER QUALIFICATION BOARD SHALL HAVE THE JURISDICTION TO DECIDE THE CATEGORY OF CERTIFICATE TO BE ASSIGNED TO THE TEACHER.

SO, THERE IS A DETERMINATION BEING MADE BY THE COMMISSIONER AND THEN THE TEACHER QUALIFICATION BOARD.

NOW WE GO DOWN TO , WELL LET ME CONTINUE WITH THIS SUBMISSION, WILL YOU PLEASE? NOW, WE GO DOWN TO 103 (3) AND THEN WE ARE USING THE SAME WORDS. INSTEAD OF USING THE COMMISSIONER SHALL DETERMINE, WE NOW SAY THE BOARD SHALL DETERMINE THE CATEGORY OF CERTIFICATE OF QUALIFICATION.

SO THAT YOU HAVE IN THE SAME ORDINANCE, IN TWO DIFFERENT SECTIONS, THE COMMISSIONER DETERMINING THE CATEGORY OF CERTIFICATE AND YOU HAVE THE BOARD DETERMINING THE CATEGORY OF CERTIFICATE. THIS IS THE WAY I SEE IT AND THIS IS THE POINT I'M RAISING. THERE ARE TWO SEPARATE BODIES, ONE IS THE BOARD AND ONE IS THE COMMISSIONER DETERMINING THE QUALIFICATION CERTIFICATE.

MR. LEGAL ADVISOR: MR. CHAIRMAN, I WOULD BE PREPARED, THE HONOURABLE MEMBER HAS A POINT. I WOULD BE PREPARED TO CHANGE THE WORD 'DETERMINE' IN SUBSECTION 3 OF SECTION 103 TO 'DECIDE'. DETERMINING IS AN ALTERNATIVE WORD BUT I AGREE HAVING REGARD THAT THE EARLIER SECTION USED THE WORD 'DETERMINE'. IT'S LIABLE TO BECOME A QUESTION.

MR. CHAIRMAN: AGREED?

SOME MEMBERS: AGREED.

MR. HERON: THANK YOU THEN, MR. CHAIRMAN. IT CERTAINLY CLEARS THAT SECTION UP. DO YOU WANT TO GO ON?

MR. CHAIRMAN: YES.

MR. HERON: SECTION 14 (1). THE COMMISSIONER MAY PRESCRIBE COURSES OF STUDY. I'M AFRAID IN OUR SUBMISSION, OR SEVERAL SUBMISSIONS WE MADE TO THE GOVERNMENT IN PREPARATION OF THE SCHOOL ORDINANCE, I'M AFRAID WE DO TAKE OBJECTION TO SEEING THE WORD 'COMMISSIONER' SO OFTEN. WE FEEL HERE THAT REALLY THE COMMISSIONER SHOULD BE SUBSTITUTED BY THE EXECUTIVE MEMBER RESPONSIBLE FOR EDUCATION.

SECTION 14 (2). THE SUPERINTENDENT MAY AT THE REQUEST OF A SCHOOL COMMITTEE, OR WHERE THERE IS NO SCHOOL COMMITTEE, AT THE REQUEST OF A PRINCIPAL, AUTHORIZE THE USE OF A COURSE OF STUDY. NOW, OUR VICE-PRINCIPALS' ASSOCIATION HAVE ASKED ME TO BRING THIS POINT UP BECAUSE IT APPEARS AS IF THIS SECTION COULD GO OVER THE PRINCIPAL'S HEAD. IN OTHER WORDS, IF THE SCHOOL COMMITTEE DECIDED THAT THEY WOULD LIKE A PARTICULAR COURSE OF STUDY, THEY COULD GO DIRECTLY TO THE SUPERINTENDENT. NOW, AM I CORRECT THERE?

MRS. WATSON: I CAN SEE YOUR CONCERN IN THAT AND MAY AT THE REQUEST OF THE SCHOOL COMMITTEE. AND SOMEHOW OR OTHER WE HAVE TO HAVE THE SCHOOL COMMITTEE WORKING WITH THE PRINCIPAL.

MR. CHAMBERLIST: THAT'S RIGHT.

MR. HERON: MR. CHAIRMAN, SECTION 18, SUBSECTION (1): THERE SHALL BE A BOARD OF EXAMINERS COMPOSED OF THE SUPERINTENDENT, WHO SHALL BE CHAIRMAN AND TWO MEMBERS APPOINTED BY THE COMMISSIONER.

ONCE AGAIN, WE ARE A LITTLE CONCERNED AS TO WHO THESE TWO MEMBERS ARE GOING TO BE. WE BELIEVE THEY SHOULD BE PROFESSIONALS. WE ARE MOST CONCERNED WITH THE CREDIBILITY OF OUR STUDENTS, NOW THAT WE ARE WRITING DEPARTMENTAL EXAMINATIONS, OUR OWN DEPARTMENTAL EXAMINATIONS HERE IN THE YUKON. I THINK IT IS MOST IMPORTANT THAT THIS BOARD OF EXAMINERS IS OF THE MOST HIGHLY QUALIFIED PEOPLE THAT WE CAN OBTAIN. EVEN IF WE HAVE TO GET THEM FROM OUR OWN DEPARTMENT OF EDUCATION. THIS IS A FAR MORE PREFERABLE SITUATION THAN TAKING SOMEBODY OFF THE STREET, FOR EXAMPLE.

IN FACT HOPEFULLY, THE Y.T.A. WOULD HOPE AT LEAST INITIALLY THAT THE BOARD OF EXAMINERS WOULD CONSIST OF THREE MEMBERS FROM THE DEPARTMENT OF EDUCATION WHO ARE KNOWLEDGEABLE IN THIS PARTICULAR FIELD.

MRS. WATSON: I SHARE YOUR CONCERN AND THIS IS WHY WE'VE HAD, 'APPOINTED BY THE COMMISSIONER', WE THOUGHT, AND I AGREE WITH YOU, YOU HAVE TO HAVE A PROFESSIONAL GROUP OF PEOPLE TO BE THE BOARD OF EXAMINERS. THERE MAY BE OTHER QUALIFIED PEOPLE WITHIN THE TERRITORY THAT AREN'T NECESSARILY ON THE DEPARTMENT OF EDUCATION STAFF AND I WOULD LIKE TO SEE SOME PERSON WHO IS QUALIFIED OTHER THAN A GOVERNMENT PERSON ON THIS TYPE OF A BOARD.

I CAN SHARE YOUR CONCERN. YOU WANT PEOPLE WHO ARE ON THIS BOARD OF EXAMINERS HAVE TO HAVE KNOWLEDGE IN THIS AREA.

MR. CHAMBERLIST: WHY DON'T WE SAY MR. CHAIRMAN, THAT: AND TWO MEMBERS QUALIFIED TO BE APPOINTED BY THE COMMISSIONER. IT DOESN'T MATTER. IT SHOULD BE CLEARLY UNDERSTOOD THAT THEY ARE QUALIFIED. PARDON.

MRS. WATSON: LIKE THE QUALIFICATIONS.

MR. CHAMBERLIST: NO, YOU DON'T HAVE TO WRITE THE QUALIFICATIONS BUT LET'S SAY IN THE OPINION OF THE SUPERINTENDENT IS QUALIFIED, AT LEAST THE MATTER WOULD BE WITHIN THE REALM OF THE SUPERINTENDENT WHO IS QUALIFIED AT IT.

AS IT IS NOW, ANYBODY CAN BE APPOINTED.

MRS. WATSON: WAS THAT IN THE OPINION OF THE SUPERINTENDENT?

MR. CHAIRMAN: I WONDER IF IT WOULD BE POSSIBLE, IS MR. LEGAL ADVISOR BACK IN COURT OR IS HE AVAILABLE.

MR. TANNER: MR. CHAIRMAN, HE IS IN AND OUT OF COURT. OTHER SECTIONS OF THE COMMUNITY ARE KEEPING THE LEGAL ADVISOR BUSY RIGHT NOW. I THINK THAT CAN BE ----

INTERRUPTION BY SOME MEMBERS.

MR. CHAIRMAN: ALRIGHT. 18 IS FOR REVIEW THEN.

MR. HERON: 18, SUBSECTION (2) HOWEVER, WE HAD A QUESTION HERE THAT 18, SUBSECTION (2) THE WAY IT IS WRITTEN, SEEMS TO DENY ANY MEMBERS OF THE DEPARTMENT BEING A MEMBER OF THIS BOARD.

IT SAYS: EACH MEMBER OF THE BOARD OF EXAMINERS OTHER THAN THE CHAIRMAN, SHALL HOLD OFFICE DURING PLEASURE FOR A TERM OF THREE YEARS AND

SHALL BE PAID SUCH REMUNERATION AS MAY BE DETERMINED BY THE COMMISSIONER.

BUT, MR. CHAIRMAN, IN THE PUBLIC SERVICE ORDINANCE, SECTION 9, SUBSECTION (1) SAYS THAT: UNLESS AUTHORIZED BY OR UNDER THIS ORDINANCE OR UNDER ANY OTHER ORDINANCE, NO PAYMENT ADDITIONAL TO THE REMUNERATION AUTHORIZED BY LAW SHALL BE MADE TO ANY EMPLOYEE IN RESPECT OF ANY SERVICE RENDERED. IS THAT A CONTRADICTION?

MR. RIVETT: PRIORITY WILL PAY.

MRS. WATSON: MR. CHAIRMAN WE WEREN'T THINKING OF HAVING DEPARTMENT OF EDUCATION PEOPLE ON THE BOARD. IF THE DEPARTMENT OF EDUCATION PEOPLE WERE ON THE BOARD, THEY WOULDN'T BE PAID REMUNERATION.

HOWEVER, I DO FEEL THAT WE SHOULD EXPLORE AREAS WITHIN THE YUKON TO GET KNOWLEDGEABLE PEOPLE WHO COULD HELP.

MR. CHAMBERLIST: THAT'S ADMINISTRATIVE REALLY.

MR. HERON: MR. CHAIRMAN, SECTION 19, SUBSECTION (2): THE BOARD OF EXAMINERS SHALL IN ACCORDANCE WITH THE REGULATIONS THAT THE REQUEST OF A CANDIDATE OR A PARENT CANDIDATE BE REVIEWED OR CAUSED TO BE REVIEWED, THE RESULTS OF ANY EXAMINATION CONDUCTED BY THE BOARD.

WE ARE MOST CONFUSED HOW, CONSIDERING THE DISTANCES INVOLVED AND HOW THE EXAMS ARE PRESENTLY BEING MADE UP, HOW THAT PARTICULAR SUBSECTION IS GOING TO BE CARRIED OUT.

MR. CHAMBERLIST: QUESTION FIRST MR. CHAIRMAN IS, THERE IS NO INTERPRETATION FOR CANDIDATE. THAT IS SOMETHING ELSE THAT WOULD HAVE TO BE PUT IN. YOU CAN'T SAY THERE IS A CANDIDATE AND NOT INTERPRET IT.

MR. HERON: PERHAPS THAT WILL BE CLEARED IN THE REGULATIONS.

MRS. WATSON: MR. CHAIRMAN WE CAN ADHERE THE CANDIDATE. NO, I THINK THAT IS MORE AN ADMINISTRATION THING AND I CAN SEE YOUR CONCERN. BUT AS THE BOARD OF EXAMINERS COULD QUITE WELL HAVE TO BE CALLED IN QUITE REGULARLY FOR A SHORT PERIOD OF TIME, IF THERE ARE ENOUGH REQUESTS FOR REVIEWS BECAUSE EACH ONE WOULD HAVE TO BE CONSIDERED. I THINK THAT WOULD HAVE TO BE CLEARED UP WITH THE REGULATIONS. WE WOULDN'T WANT TO PUT IT IN

HERE TO TIE OURSELVES INTO SOMETHING. DON'T YOU AGREE MR. HERON THAT IT IS ABOUT TIME WE HAD A BOARD OF EXAMINERS SO STUDENTS COULD ASK FOR A REVIEW.

MR. HERON: ESPECIALLY NOW SINCE WE ARE WRITING OUR OWN DEPARTMENTAL EXAMS. SECTION 20, SUBSECTION (I), SUBSECTION I, J, K, WHICH ARE SIMPLY ON THE EVALUATION FOR THE TEACHER. AGREE HOW THE EVALUATION PROCEDURE IS SET OUT BUT THERE IS NOWHERE IN THAT SECTION THAT SAYS, THE SUPERINTENDENT SHALL WRITE A REPORT AFTER HIS EVALUATION. WE ARE MOST CONCERNED THAT THE SUPERINTENDENTS SIMPLY DON'T POP IN AND OUT WITHOUT GIVING THE TEACHERS WRITTEN EVALUATIONS.

WE FEEL THAT IT MUST BE INCLUDED HERE SOMEWHERE. THAT SUBSECTION (K) SAYS SUBMIT ANY REPORTS MADE BY HIM. IT DOESN'T COMPEL HIM TO MAKE A REPORT. IT SIMPLY SAYS SUBMIT ANY REPORTS MADE BY HIM.

MRS. WATSON: THIS IS THE REGIONAL SUPERINTENDENT SECTION WE ARE DEALING WITH NOW.

MR. HERON: YES THAT IS RIGHT.

MRS. WATSON: SO YOU DIDN'T MEAN SUPERINTENDENT YOU MEANT REGIONAL SUPERINTENDENT.

MR. HERON: YES, I'M SORRY, I MEANT REGIONAL SUPERINTENDENT.

MR. CHAMBERLIST: MR. CHAIRMAN, HAS MR. HERON TAKEN NOTE OF THE OBJECTIONS THAT HAVE BEEN RAISED PREVIOUSLY. PARDON ME, I DON'T THINK MR. HERON WAS HERE. IT WAS RAISED IN THIS SECTION. THE PREAMBLE TO THIS SECTION: A REGIONAL SUPERINTENDENT SHALL, SUBJECT TO ANY OF THE INSTRUCTIONS OF THE SUPERINTENDENT.

IS THERE ANY OBJECTION IN HIS OPINION?

MR. TANNER: WE ARE ALREADY DONE WITH THAT.

MR. CHAMBERLIST: WE NEVER GOT THIS OPINION FROM THE Y.T.A. IS THERE ANY OPINION?

MR. HERON: NO, I DON'T THINK SO.

MR. CHAMBERLIST: NOT ON ANY OF THE CLAUSES AT ALL?

MR. RIVETT: KEEP TRYING.

MR. HERON: NO, I DON'T THINK SO, MR. CHAIRMAN.

MR. CHAIRMAN: CAN WE DEAL WITH THIS ONE WE ARE ON THEN GO TO THE OTHERS AFTER. THIS IS GETTING RATHER CONFUSING WHEN WE...

MRS. WATSON: MR. CHAIRMAN I JUST DIDN'T GET WHAT MR. HERON WAS POINTING OUT IN SECTION (K), I WONDER IF YOU COULD GO OVER THAT MR. HERON.

MR. HERON: ALRIGHT. THEN MAYBE STARTING ON (I) IT SAYS: THE REGIONAL SUPERINTENDENT SHALL BE SUBJECT TO ANY INSTRUCTIONS THE SUPERINTENDENT, EVALUATE THE WORK OF EACH TEACHER. EVALUATE, THAT IS THE KEY WORD. SECTION (J) EVALUATE THE WORK OF ANY TEACHER, SECTION (K) SUBMIT ANY REPORTS MADE BY HIM TO THE SUPERINTENDENT AND SEND ONE COPY TO THE TEACHER.

OUR OBJECTION IS, IF WE ARE GOING TO BE EVALUATED, HE MUST WRITE A REPORT. NOT SUBMIT ANY REPORT MADE BY HIM. IN OTHER WORDS, INTERPRETATION IS THAT MAYBE HE WILL MAKE A REPORT AND MAYBE HE WON'T MAKE A REPORT. THAT IS ONE OF THE BIG BONES OF CONTENTION BETWEEN TEACHERS AND SUPERINTENDENTS.

MRS. WATSON: WHEN HE EVALUATES, HE MUST REPORT.

MR. HERON: THAT IS RIGHT, HE MUST REPORT.

MR. CHAIRMAN: IS THAT AGREEABLE?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: OK NEXT POINT.

MR. HERON: SECTION 21, SUBSECTION (I): THE SUPERINTENDENT OR A BOARD MAY APPOINT A TEACHER TO BE THE PRINCIPAL OF A SCHOOL.

MR. TANNER: EXCUSE ME, MR. CHAIRMAN, I DON'T WANT TO INTERRUPT THE WITNESS BUT WE HAVE ALREADY CHANGED THAT. WE'VE PRETTY WELL AGREED TO CHANGE THAT TO "SHALL".

MR. HERON: ALRIGHT. THEN WE CAN GO ON.

MR. CHAIRMAN: I THINK WE ARE CLEAR.

MR. HERON: SECTION 21, SUBSECTION (4): IF A PRINCIPAL ON PROBATION DOES NOT RECEIVE NOTICE IN WRITING FROM THE SUPERINTENDENT OR THE BOARD OF THE TERMINATION OF HIS APPOINTMENT PRIOR TO MAY 31ST OF THE SECOND YEAR OF HIS APPOINTMENT AS A PRINCIPAL. THE APPOINTMENT SHALL BE A CONTINUING ONE.

WE ARE JUST WONDERING WHY THE DIFFERENT DATES HERE, MAY 31ST AND OVER ON THE OPPOSITE PAGE, SECTION 20, J (2): ANY TEACHER MUST RECEIVE A REPORT ON OR BEFORE THE 31ST DAY OF MARCH.

YET SURELY, BOTH OF THESE NOTICES IN WRITING OR BOTH THESE TYPES OF REPORTS ARE TO GIVE THE PERSON INDICATION OF HIS PERFORMANCE AS A TEACHER OR A PRINCIPAL AND GIVE HIM TIME TO DECIDE WHETHER OR NOT HE SHOULD BE SEEKING OTHER.

MR. CHAMBERLIST: MR. CHAIRMAN I WOULD LIKE TO RAISE ANOTHER POINT WITH MR. HERON IN THIS.

MR. CHAIRMAN: WELL HAVE WE AGREED ON THIS ONE POINT?

MRS. WATSON: APPOINTMENT REQUIRED TO MARCH RATHER THAN MAY.

MR. CHAIRMAN: IS THAT AGREED NOW, JUST BEFORE WE PROCEED? OK, COUNCILLOR CHAMBERLIST:

MR. CHAMBERLIST: THIS 21 (4) IS A QUESTION DEALING WITH A PRINCIPAL ON PROBATION. SUPPOSING THAT PRINCIPAL IS DISMISSED AS A PRINCIPAL, IS HE STILL A TEACHER OR IS HE ON PROBATION AS A TEACHER? WHAT IS THE POSITION?

MRS. WATSON: MR. CHAIRMAN HE REVERTS BACK. THIS IS WHY WE PUT THIS SECTION IN HERE SO THAT IF A PRINCIPAL WAS TERMINATED AS A PRINCIPAL, HE WOULD STILL REVERT BACK TO A TEACHER IN THE SAME POSITION. NOT THE SAME POSITION, FOR EXAMPLE, IF HE HAD BEEN ON PERMANENT STAFF, HE WOULD REVERT BACK TO A PERMANENT STAFF TEACHER.

MR. CHAMBERLIST: NOW THE QUESTION THAT FOLLOWS IT. IF HE IS ENGAGED AS A PRINCIPAL AND HE HAS BEEN A PRINCIPAL FOR TWO YEARS, CAN HE REMAIN IN THE DEPARTMENT OF EDUCATION AS A TEACHER OR DOES HE HAVE TO START HIS PROBATION PERIOD ALL OVER AGAIN?

MRS. WATSON: NO.

MR. CHAMBERLIST: HE REMAINS AS A TEACHER.

MRS. WATSON: HE WOULD PICK UP WHERE HE LEFT OFF WHEN HE BECAME A PRINCIPAL.

MR. CHAMBERLIST: I BEG YOUR PARDON. HE COMES HERE AS A PRINCIPAL. HE IS TAKEN ON IN A SCHOOL AS A PRINCIPAL INITIALLY. NOW, HE HAS BEEN FOUND NOT TO BE SATISFACTORY AS A PRINCIPAL,

DOES HE STILL REMAIN IN THE DEPARTMENT OF EDUCATION AS A TEACHER? THAT IS WHAT I AM GETTING AT.

MRS. WATSON: MR. CHAIRMAN I COULDN'T ANSWER THAT BECAUSE THAT ISN'T THAT CLEAR HERE BECAUSE WE SAY HE IS ENTITLED TO REVERT TO HIS APPOINTMENT AS A TEACHER. BUT HE WOULDN'T HAVE HAD THE APPOINTMENT AS A TEACHER.

MR. TANNER: I THINK MR. CHAIRMAN THE PROBLEM IS WITH THE WAY THIS IS WRITTEN. IT IS AN ASSUMPTION THAT HE HAS ALREADY BEEN A TEACHER. IN THE CASE THAT THE HONOURABLE MEMBER FOR WHITEHORSE EAST POINTS OUT, IT IS A DIFFERENT ONE AND I THINK WE SHOULD CONSIDER THAT.

MR. CHAIRMAN: ALRIGHT, IS THAT GOING TO BE REVIEWED?

MR. RIVETT: PARAGRAPH 1, SHALL APPOINT A TEACHER.

MR. CHAMBERLIST: THAT IS ANOTHER POINT AND VERY OCCASIONALLY THE HONOURABLE MEMBER FROM MAYO SAYS SOMETHING WISE. HE BROUGHT A GOOD POINT OUT, 21 (1), SEEMS TO RESTRICT THE SUPERINTENDENT TO APPOINTING A PRINCIPAL OF A SCHOOL. IN OTHER WORDS, HE CAN ONLY APPOINT A TEACHER UNDER THAT SUBSECTION, TO BE A PRINCIPAL OF A SCHOOL.

MRS. WATSON: I'M SURE MIKE HERON WANTS THAT SECTION.

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. CHAMBERLIST: I JUST WONDER WHY IT WOULD SAY THE SUPERINTENDENT OR A BOARD MAY APPOINT A TEACHER TO BE THE PRINCIPAL OF THE SCHOOL. CAN'T HE HIRE SOMEBODY FROM OUTSIDE TO BE A PRINCIPAL?

MR. HERON: NO.

MR. CHAMBERLIST: YOU MEAN YOU DON'T WANT THAT. THE POINT IS, SHOULDN'T HE BE ABLE TO?

MR. HERON: IT SAYS, 'SHALL APPOINT A TEACHER'. THE TEACHER COULD BE FROM ANYWHERE AS LONG AS HE IS A TEACHER. THAT IS OUR POINT.

MRS. WATSON: MR. CHAIRMAN, THE HONOURABLE MEMBER FROM WHITEHORSE EAST REALLY AMAZES ME. THE OTHER DAY HE WAS ARGUING UP AND DOWN, PRINCIPALS MUST BE TEACHERS, MUST BE PART OF

THE TEACHER BARGAINING UNIT AND TODAY HE SAYS, 'WHY DO THEY HAVE TO BE TEACHERS?'

Mr. Chamberlist: EVERY PRINCIPAL SHOULD BE A TEACHER WITHIN THE BARGAINING UNION. BUT THE WAY THIS SECTION IS WRITTEN AND I SAY IT IS A VALID POINT, THAT THE SUPERINTENDENT IS ONLY EMPOWERED TO APPOINT A TEACHER TO BE THE PRINCIPAL OF A SCHOOL.

THIS MAY BE FINE WHEN THE TEACHER IS BEING APPOINTED FROM THE DEPARTMENT OF EDUCATION TO BE A PRINCIPAL. WOULD THIS PREVENT A TEACHER FROM HIRING A PRINCIPAL FROM OUTSIDE. AFTER ALL, IF THIS WOULD BE THE CASE, I WONDER WHAT THE PRINCIPAL OF F.H. COLLINS SCHOOL IS DOING. HE WAS HIRED AS A PRINCIPAL FROM OUTSIDE.

Mr. Tanner: Mr. Chairman, I THINK THE HONOURABLE MEMBER IS MAKING AN ASSUMPTION. HE IS READING MORE IN THERE THAN APPEARS.

Mr. Chamberlist: I ALWAYS DO.

Mr. Tanner: UNFORTUNATELY IT'S TRUE. HE HAS GOT TO BE A PRINCIPAL, I MEAN A TEACHER.

Mr. Chamberlist: LAUGHTER.

Mr. Tanner: THERE IS NOTHING THAT INDICATES THAT HE HAS TO BE A TEACHER FROM WITHIN OUR OWN JURISDICTION. HE JUST HAS TO BE A TEACHER.

Mr. Chairman: ALRIGHT, CAN WE PROCEED WITH THIS?

Mr. Heron: Mr. Chairman, SUBSECTION (5) SEEMS TO NEED SOME CLEARING UP HERE. FOR A TEACHER APPOINTED AS A PRINCIPAL PURSUANT TO THIS SECTION WAS IMMEDIATELY BEFORE HIS APPOINTMENT AS PRINCIPAL, EMPLOYED AS A TEACHER.

THIS PHRASE, 'IMMEDIATELY BEFORE HE WAS A PRINCIPAL', MEANS THAT IF HE WAS EMPLOYED AS A VICE-PRINCIPAL BEFORE HE WAS EMPLOYED AS A PRINCIPAL, THEREFORE, HE REVERTS BACK TO THE POSITION OF VICE-PRINCIPAL. THAT IS A VERY IMPORTANT POINT OUR ASSOCIATION WANTED TO HAVE CLEARED UP.

Mr. Chairman: COUNCILLOR WATSON.

Mrs. Watson: I JUST CAN'T ANSWER THAT RIGHT NOW, Mr. Heron BUT IT IS A GOOD POINT. I CAN SEE WHY YOU ARE ASKING THAT. YOU WANT TO KNOW IF THEY REVERT BACK TO A VICE-PRINCIPAL OR WHETHER THEY REVERT BACK AS A TEACHER.

Mr. Heron: THAT IS RIGHT.

Mr. Chamberlist: OTHERWISE HE GETS DEMOTED.

Mr. Chairman: ALRIGHT, PROCEED.

Mr. Heron: SECTION 22, SUBSECTION (1), (G) & (H): UNDER THE DUTIES OF THE PRINCIPAL, THE PRINCIPAL SHALL ENSURE THE PROPER CARE OF SCHOOL BUILDINGS, PREMISES AND EQUIPMENT BY ALL PERSONS USING THEM, BE RESPONSIBLE FOR KEEPING THE SCHOOL BUILDINGS AND GROUNDS CLEAN AND IN FIT CONDITION.

Mr. Chairman, THE PRINCIPALS HAVE NO AUTHORITY RIGHT NOW AS TO HOW THEY CAN DO THIS BECAUSE OUR SCHOOLS ARE USED BY COMMUNITY EVENTS WEEKEND AFTER WEEKEND, NIGHT AFTER NIGHT AFTER NIGHT. CAN HE GO TO THE COMMUNITY CLUB WHO HAS LEFT A MESS NIGHT AFTER NIGHT AND SAY, NO, YOU SHALL NO LONGER USE THIS. IN OTHER WORDS THE PRINCIPALS AND VICE-PRINCIPALS, WHAT AUTHORITY ARE THEY GOING TO BE GIVEN TO CARRY OUT THOSE TWO SECTIONS. THEY BELIEVE THEY HAVE NONE AS IT PRESENTLY STANDS.

Mrs. Watson: Mr. Chairman, SPECIFICALLY WHAT SECTION IS IT?

Mr. Heron: (G) & (H).

Mrs. Watson: I THINK THOSE SECTIONS ABSOLUTELY HAVE TO STAY IN.

Mr. Tanner: SOMEBODY HAS TO BE RESPONSIBLE FOR THEM.

Mrs. Watson: SOMEBODY HAS TO BE RESPONSIBLE FOR THE BUILDING. THE QUESTION THAT Mr. Heron IS ASKING, WE ARE GIVING THE AUTHORITY TO THE PRINCIPALS TO DO THIS. IF ORGANIZATIONS DO USE THEM, THE PRINCIPALS DO HAVE THE AUTHORITY, AND I WOULD INTERPRET IT AS THAT. I THINK THE LEGAL ADVISOR WOULD HAVE TO BE CALLED IN. THEY COULD SAY TO AN ORGANIZATION, NO, YOU CAN'T USE THE PREMISES BECAUSE YOU LEFT THEM DIRTY THE LAST TIME. I THINK HE WOULD BE FULLY JUSTIFIED DOING IT. BUT SOMEBODY HAS TO BE RESPONSIBLE FOR THAT FACILITY.

Mr. Heron: Mr. Chairman, THEY DON'T DISAGREE THEY SHOULDN'T BE RESPONSIBLE AS LONG AS THEY HAVE THE AUTHORITY. SEVERAL INSTANCES WERE BROUGHT OUT LAST YEAR WHERE A MESS WAS LEFT, A PRINCIPAL HAD SPOKEN TO THESE COMMUNITY CLUBS INVOLVED, ONE OF WHICH WAS A MAJOR ATHLETIC CLUB. HE TOLD THEM NO, THEY WOULD



NO LONGER BE ABLE TO USE THE SCHOOL AND ALL CORRUPTION AROSE, OVER HIM TELLING THAT COMMUNITY ATHLETIC CLUB THAT THEY COULD NO LONGER USE THE AUDITORIUM, THE GYMNASIUM, THEY WERE MOST UPSET.

Mrs. WATSON: I CAN SEE THE PROBLEM AS SOME OF THEM WOULD FEEL. I DO THINK THIS IS WHERE YOUR SCHOOL COMMITTEES COULD BE INVOLVED. THIS IS WHERE YOUR PRINCIPAL COULD GO TO YOUR COMMITTEES AND SAY, NOW LOOK, THIS IS WHAT HAPPENED. THIS IS THE MESS THAT WAS LEFT. I THINK THIS IS WHERE YOU ARE GOING TO GET YOUR SUPPORT. I THINK Mr. HERON WILL AGREE WITH ME THAT SOMEBODY HAS TO BE RESPONSIBLE FOR THAT SCHOOL. IT HAS TO BE THE PRINCIPAL AND I THINK THAT ANY SUPPORT THAT THE PRINCIPAL REQUIRES FROM THE SCHOOL COMMITTEE AND CERTAINLY FROM THE DEPARTMENT WOULD BE FORTHCOMING TO ASSIST THE PRINCIPAL IN CARRYING THIS OUT.

Mr. CHAMBERLIST: JUST ONE QUESTION, Mr. CHAIRMAN. I THINK I TEND TO AGREE WITH WHAT THE HONOURABLE MEMBER SAID. SOMEBODY HAS TO BE RESPONSIBLE. WHAT ASSISTANCE IS GIVEN TO THE PRINCIPAL TO KEEP THE GROUNDS CLEAN AND IN FIT CONDITION. THIS IS A QUESTION. I NOTICE THAT THE STAFF MAY NOT NECESSARILY GO AND KEEP THE YARDS CLEAN BECAUSE WE HAVEN'T THE TIME BECAUSE THEY ARE MAINTAINED DURING THE INTERNAL JANITORIAL WORK. THE PRINCIPAL WILL FIND HIMSELF IN THE DIFFICULTY OF BEING UNABLE TO FULFILL THE CONDITION THAT IS LAYED DOWN IN THAT (G) & (H).

Mrs. WATSON: Mr. CHAIRMAN, THE PRINCIPALS ARE NOW PRETTY WELL GIVEN THE DIRECTION OF THE CUSTODIAL STAFF UNDER HIM WITHIN THE SCHOOL. THIS IS TO KEEP GROUNDS CLEAN AND IN FIT CONDITION WITHIN THE PEOPLE THAT THEY HAVE AVAILABLE. IN SOME OF THE LARGER SCHOOLS WHERE THERE ARE LARGER GROUNDS EXTRA PEOPLE COME IN DURING THE SUMMERTIME.

Mr. TANNER: Mr. CHAIRMAN, JUST A COMMENT ON THIS. Mr. HERON HAS SAID THAT SOME OF THE PRINCIPALS HAVE HAD TROUBLE WITH THE ORGANIZATIONS. I WOULD PREDICT THAT THE BIGGEST TROUBLE THAT THE PRINCIPAL IS GOING TO HAVE WITH THIS, IS NOT FROM THE ORGANIZATION, IT WILL BE FROM THE MEMBERS OF THIS HOUSE IN THE FUTURE. THE ASSOCIATIONS ARE NOT GOING TO LIKE IT AND THEY ARE GOING TO COME TO THE MEMBERS OF THIS HOUSE AND SAY, WHAT ARE YOU GOING TO DO ABOUT IT. THE DEPARTMENT OF EDUCATION IS MESSING THEM AROUND AND THEY AS AN INDIVIDUAL MEMBER ARE GOING TO GIVE THEM A HARD TIME.

I DON'T SEE ANY PROBLEM WITH THAT. AS LONG AS IT IS UNDERSTOOD THAT IT GOES TO THE ADVISORY COMMITTEE. THE PRINCIPAL IS IN CHARGE, AND THEY HAVE GOT TO BACK HIM UP AND THE DEPARTMENT OF EDUCATION HAS GOT TO BACK HIM UP.

Mr. HERON: Mr. CHAIRMAN, OUR PRINCIPALS AND VICE-PRINCIPALS WOULD LIKE TO SEE AN ADDITIONAL CLAUSE OR SOME SECTION WRITTEN IN THERE THAT THE PRINCIPALS AND THE ADVISORY COMMITTEE WILL HAVE THE AUTHORITY TO PREVENT ANY COMMUNITY GROUP FROM USING THE BUILDING. THEY DIDN'T GIVE ME AN EXACT WORDING BUT THIS WAS THEIR INTENT.

Mr. CHAIRMAN: WILL THIS BE LOOKED INTO THEN?

Mrs. WATSON: WE'LL LOOK INTO IT.

Mr. CHAIRMAN: PROVISION OF AUTHORITY UNDER (G) AND (H).

Mr. HERON: THEY'RE NOT OBJECTING TO (G) AND (H), THEY WOULD LIKE TO SEE IT WRITTEN IN THERE THAT THEY DO HAVE THE AUTHORITY TO SAY TO COMMUNITY GROUPS THAT IF YOU DON'T KEEP IT CLEAN, YOU WON'T BE ABLE TO USE THE PREMISES.

Mr. CHAIRMAN: DO YOU HAVE ANYTHING ELSE ON THIS SECTION?

Mr. HERON: YES, Mr. CHAIRMAN, AT THE END OF THE "PRINCIPALS' DUTIES" AT THE END OF SECTION 26(1), THE PRINCIPALS WOULD LIKE TO SEE AN AMENDMENT ADDED THAT THE PRINCIPAL SHALL BE CONSULTED IN THE SELECTION IN HIRING OF HIS STAFF.

AT THE END OF ALL THE DUTIES OF THE PRINCIPALS.

Mr. CHAIRMAN: THIS WOULD REFER TO PART III. AT THE END OF PART III.

Mrs. WATSON: Mr. CHAIRMAN, I THINK THAT Mr. HERON WILL AGREE THAT THE DEPARTMENT TRIES TO DO THIS AS MUCH AS THEY POSSIBLY CAN AT THE PRESENT TIME. WOULD YOU NOT Mr. HERON? THEY DO THE INTERVIEWING AND THEN THEY HAVE PEOPLE WHO COULD WORK WITHIN THE SCHOOL AND THE APPLICATIONS AND SO ON ARE GIVEN TO THE PRINCIPALS AND THEY CAN CHOOSE THEIR STAFF FROM THOSE. NOW I BELIEVE THIS IS THE WAY IT IS DONE. I KNOW IT IS. BUT I DON'T KNOW WHETHER IT'S DONE WITH EVERY SCHOOL AND NOW WE'RE THINKING OF THE SMALLER COMMUNITIES WHO ARE A DISTANCE FROM WHITEHORSE THAT REALLY MIGHT TIE UP THE RECRUITING AND THE APPOINTMENTS FOR TEACHERS?

Mr. Heron: Mr. Chairman, I am not speaking on behalf of myself here, I am speaking on behalf of the principals and vice-principals, who this year are most concerned that they are not being consulted and this is why they have suggested that they would like to see this amendment. I say this isn't a personal opinion, this is a recommendation coming from our administrative staff.

Mr. Chamberlist: I think, Mr. Chairman with respect we'd have problems with the Public Service Alliance. I think it would be an interference in the contractual arrangements. I wouldn't support it myself. That's one thing I would be dead set against. Because I don't think the teachers have got a right other than consultation to say who shall be employed and who shall not be employed.

Mr. Heron: This is what the amendment read Mr. Chairman. "The principals shall be consulted".

Mr. Chamberlist: Well this is fine. Except for consultation, I think this is fine.

Mrs. Watson: Mr. Chairman, I would just like to take this under advisement again and have a look at it because I know that in practice it has been done and because it hasn't been done this year, as I said this year I think they're behind. I know that they are planning on doing it. So just because this year it hasn't been done at this time, I think some of the principals and vice-principals may feel that the consultation process is at an end. But it isn't. And I just wonder sometimes if a person writes too many of these things in. However, we'll certainly have a look at it.

Mr. Tanner: Mr. Chairman, I assume we are going to recess for coffee fairly quickly, but there is just one small point. While we're in this area, the submission we got yesterday from the Advisory Committee to ask us to include one of the duties of the principal, shall be to consult with the school committee as members will recall. And I wonder whether there was any comment on that?

Mr. Heron: I didn't hear you, Mr. Chairman.

Mr. Tanner: One of the duties which will be in the ordinance is that the principals must in certain circumstances consult with the school

committee. The Advisory Committee wanted that written in.

Mr. Heron: Is it not already written in? "The principal shall consult with the school committee", section 23(2) for example.

Mr. Tanner: They wanted something a little more clear where there are certain commitments on the part of the principal to consult with the school committee and they said it wasn't definite enough and we tentatively agreed that we would write it in.

Mr. Heron: And what was the amendment Mr. Chairman?

Mr. Tanner: We haven't got the words of the amendment Mr. Chairman. We're just working on it.

Mr. Chairman: I think at this time we will declare a recess. Because I don't think anybody is going to hear anything with this noise.

RECESS

Mr. Chairman: At this time we will call committee back to order. Proceed please.

Mr. Tanner: There had been a suggestion earlier this afternoon, if it's agreeable to members, that perhaps we could recess at 4:00 o'clock and come again this evening at 7:30 or 8:00.

Mr. Chamberlist: No! No way!! It might have been your suggestion, but nobody else's.

Mr. Tanner: Mr. Chairman, I would ask that other members' opinions should be heard other than the member from Whitehorse East?

Mr. Chamberlist: Well my opinion is no anyway.

Mr. Chairman: Just during recess we were discussing it but certainly for my part no.

Mr. Stutter: Well Mr. Chairman, I don't think it would be fair at this point to force the issue. As far as I'm concerned it was the wishes of a couple of members. There was

NOTHING SAID ABOUT THAT THE OTHER DAY IN CAUCUS UNFORTUNATELY. I WOULDN'T WANT TO FORCE IT AT THIS POINT.

MR. TANNER: I DON'T WANT TO FORCE ANYTHING HERE MR. CHAIRMAN, BUT THERE WAS SOMETHING SAID ABOUT IT IN CAUCUS AND I HAD HAD THE UNDERSTANDING FROM MEMBERS THAT THEY WOULD BE PREPARED TO SIT AT NIGHT.

MR. CHAMBERLIST: ONLY UNDER CERTAIN CIRCUMSTANCES.

MR. CHAIRMAN: I THINK THE WORK THAT WE ARE DOING NOW-AND IF WE CARRY ON WITH IT AND WE'VE GOT TO THINK THAT WE SHOULD BE ABLE TO ACCOMMODATE EVERYTHING WITHIN THE TIME PERIOD CONSIDERED BY MEMBERS.

MR. TANNER: O.K. MR. CHAIRMAN, COULD I SUGGEST THAT WE DON'T SIT TONIGHT BUT IF THE OCCASION ARISES THAT MEMBERS WOULD LOOK AT IT AGAIN TOMORROW NIGHT? IF THE OCCASION ARISES AND WE SEE WE HAVEN'T GOT THROUGH THE WORK DURING THE DAY.

MR. CHAIRMAN: THIS IS SOMETHING COMMITTEE WOULD HAVE TO REVIEW WHEN THEY SEE WHERE THEY GET TOMORROW.

MR. CHAMBERLIST: WE CAN GO ON OTHERWISE UNTIL OCTOBER 4TH.

MR. CHAIRMAN: MAY WE NOW PROCEED.

MR. HERON: MR. CHAIRMAN, IF WE COULD COMMENT UPON SECTION 29, SUB-SECTION (1), SUB (A) AND (B). UNDER THE SCHOOL LEAVING AGE, IT SEEMS TO BE AT LEAST OUR INTERPRETATION IS THAT IT'S MOST CONFUSING. IF WE COULD TAKE A LOOK AT (A) AND (B) THEY ARE BASICALLY SIMILAR BUT LET'S TAKE A LOOK AT (B). "EVERY CHILD WHO ATTAINS THE AGE OF SIX YEARS AND EIGHT MONTHS AFTER THE FIRST DAY OF SEPTEMBER IN ANY YEAR, SHALL ATTEND SCHOOL ON EVERY SCHOOL DAY FROM THE FIRST SCHOOL DAY IN SEPTEMBER AND THE NEXT SUCCEEDING YEAR UNTIL THE LAST SCHOOL DAY IN JUNE IN THE YEAR IN WHICH HE ATTAINS THE AGE OF SIXTEEN YEARS." WE THOUGHT MAYBE THERE'S A WORD LEFT OUT OF THERE. THAT THAT SHOULD PERHAPS BE "ATTEND UNTIL THE LAST SCHOOL DAY IN JUNE IN THE SCHOOL YEAR," BECAUSE IF THE CHILD TURNS SIXTEEN ON DECEMBER THE 30TH, THEN THE INTENT OF THIS PARTICULAR SECTION SEEMS TO HAVE BEEN GONE AROUND. WE SIMPLY COULDN'T FIGURE THIS SECTION OUT AT ALL.

NOW WE THINK THAT PERHAPS A WORD HAS BEEN OMITTED IN THAT. IT SHOULD READ "SCHOOL YEAR" RATHER THAN "SCHOOL".

MR. TANNER: MR. CHAIRMAN, COULD WE LEAVE THAT TO BE REVIEWED? IT'S A FAIRLY SIMPLE CORRECTION TO BE MADE I WOULD THINK.

MR. CHAIRMAN: WOULD YOU SO NOTE MADAM CLERK.

MR. HERON: SECTION 31(1). "EXCEPT AS AUTHORIZED BY THE SUPERINTENDENT, PUPILS SHALL ATTEND THE DESIGNATED SCHOOL IN THE ATTENDANCE AREA WITHIN WHICH THEY RESIDE."

WHERE ARE THESE ATTENDANCE AREAS MR. CHAIRMAN? AND HOW ARE THEY GOING TO BE ENFORCED?

MR. CHAIRMAN: COUNCILLOR WATSON.

MRS. WATSON: THE ATTENDANCE AREAS WILL BE DEFINED BY REGULATIONS MR. CHAIRMAN.

MR. CHAIRMAN: I BELIEVE IT'S THE INTENTION IF THE CHAIR HAS IT CORRECT, THAT WHEN THE ORDINANCE IS GONE THROUGH CLAUSE BY CLAUSE, THAT THE REGULATIONS WILL BE AVAILABLE AND THIS WILL BE CLARIFIED. IS THIS CORRECT?

MRS. WATSON: YES, MR. CHAIRMAN.

MR. HERON: SECTION 37(2). IT WAS OUR ASSOCIATIONS' FEELING THAT IT IS THE RESPONSIBILITY OF THE COMMISSIONER TO PROVIDE TRANSPORTATION AND WE THINK THAT THE WORD "MAY" SHOULD BE CHANGED TO "SHALL".

MR. TANNER: MR. CHAIRMAN, SUPPOSING THE PARENT IN THIS CASE DOESN'T WANT TO TAKE ADVANTAGE OF THIS. THIS IS JUST A THOUGHT A PASSING THOUGHT. SUPPOSING THE CHILD OR THE PARENT DON'T WANT TO TAKE ADVANTAGE OF THE PROVISION OF TRANSPORTATION. IF YOU PUT "SHALL" IN THERE, THE COMMISSIONER WOULD, SO TO SPEAK, BE BREAKING THE LAW IF HE DIDN'T GIVE THE TRANSPORTATION EVEN IF THE REFUSAL HAD COME FROM THE PARENT OR THE CHILD.

MR. STUTTER: MR. CHAIRMAN, WOULD IT NOT BE POSSIBLE TO PUT "SHALL UPON REQUEST PROVIDE"?

MR. CHAMBERLIST: NO.

MR. STUTTER: WHY NOT?

MR. CHAMBERLIST: THAT COULD BE ANYWHERE.

MR. TANNER: MR. CHAIRMAN, I THINK THE COMMISSIONER HAS AN OBLIGATION TO PROVIDE TRANSPORTATION, NOT UPON REQUEST, HE HAS THAT OBLIGATION AND THAT IS THE POLICY. MY ONE CONCERN, WE CAN LOOK AT THIS, BUT MY ONE CONCERN WOULD BE THAT IF YOU WROTE 'SHALL' IN THERE YOU COULD HAVE A SITUATION WHERE THE CHILD WANTED TO GO BY CAR OR THE PARENTS WANTED TO TAKE HIM SOME OTHER WAY, THEN THE COMMISSIONER TECHNICALLY WOULD BE BREAKING THE LAW BECAUSE HE HAS TO PROVIDE THE TRANSPORTATION.

MR. HERON: BUT THE WORD 'PROVIDE' DOESN'T TAKE CARE OF THAT? IF THERE ARE NO PUPILS IN THAT AREA THAT WANT TO TAKE ADVANTAGE OF THE TRANSPORTATION.

MR. CHAMBERLIST: THERE IS ANOTHER THING HERE AS WELL. IF YOU DON'T CHANGE THAT TO 'SHALL' IT MEANS THAT HE MAY ALSO 'MAY' PROVIDE AN ALLOWANCE IN LIEU OF TRANSPORTATION. IT GIVES HIM, HE MAY EITHER OR NOT.

MR. TANNER: YOU HAVE TO HAVE 'SHALL' I THINK.

MRS. WATSON: MR. CHAIRMAN, YOU HAVE TO HAVE 'MAY'. ONE OF THE REASONS THAT I CAN THINK OF NOW BECAUSE I KNOW WE WENT ROUND AND ROUND ON THIS, WHETHER WE SHOULD PUT SHALL OR MAY. ONE OF THE REASONS THAT I CAN THINK OF RIGHT NOW IS THE FACT THAT WE ARE SAYING "MORE THAN TWO MILES BY THE NEAREST PASSABLE ROAD THE COMMISSIONER MAY PROVIDE TRANSPORTATION." WHAT IF THE CHILD LIVES 50 MILES, IT MIGHT BE BETTER TO HAVE THAT STUDENT ATTEND A DORMITORY. WE ARE NOT SETTING A LIMIT THERE WE ARE JUST SAYING MORE THAN TWO MILES. WE WILL LOOK AT IT BUT I THINK WHEN WE REVIEW IT AGAIN, WHEN WE REVIEW THE WHOLE TRANSPORTATION SECTION I THINK THAT WE ARE GOING TO HAVE TO KEEP 'MAY' IN THERE. BUT WE WILL CERTAINLY LOOK AT IT.

MR. HERON: MR. CHAIRMAN, LIKEWISE SECTION 36 SUB-SECTION (1) WE FELT THAT IF A STUDENT HAD TO LIVE AWAY FROM SCHOOL THEN THE COMMISSIONER SHALL PROVIDE ACCOMODATION OR SHALL PROVIDE AN ALLOWANCE. THERE WAS SIMPLY NO TERRITORIAL SCHOOLS IN THAT DISTRICT.

MR. CHAMBERLIST: I THINK THAT IS VERY REASONABLE, THAT PARTICULAR ONE I THINK IS VERY REASONABLE IN THERE.

MRS. WATSON: MR. CHAIRMAN, AGAIN I WOULD LIKE TO HAVE A LOOK AT IT.

MR. HERON: SECTION 53, UNDER RECORDS. I THINK WE ARE GOING TO HAVE TO GO ALL THE WAY TO PAGE 20 HERE. WE WOULD LIKE TO SEE AN AMENDMENT MADE TO THIS SECTION. PERHAPS THIS ISN'T THE SECTION BUT WE COULD THINK OF NO OTHER SECTION TO PUT IT IN. SUB-SECTION 11, THAT EVERY TEACHER SHALL HAVE ACCESS TO HIS OWN PERSONAL RECORD.

MR. TANNER: MR. CHAIRMAN, MY INITIAL REACTION TO THAT IS THAT I CAN'T SEE ANYTHING WRONG WITH IT BUT I WOULD HAVE TO THINK ABOUT IT. SURELY IF YOU ARE GOING TO PUT SOMETHING IN REFERENCE TO TEACHERS IT SHOULD BE IN THE TEACHER SECTION RATHER THAN THE PUPIL SECTION.

MR. HERON: THE ONLY REASON WE DIDN'T PUT IT IN TEACHERS IS BECAUSE IT IS TEACHERS DUTIES AND WE WEREN'T QUITE SURE HOW IT WOULD FIT IN THERE EITHER, MR. CHAIRMAN.

MR. TANNER: MR. CHAIRMAN, COULD YOU LEAVE IT WITH US. I DON'T THINK IT IS AN UNREASONABLE REQUEST AS FAR AS I CAN SEE. I THINK MAYBE WE CAN WORK IT OUT.

MRS. WATSON: MR. CHAIRMAN, I WOULD CERTAINLY TAKE IT UNDER CONSIDERATION. I WOULDN'T WANT TO MAKE A COMMITMENT EITHER WAY. IF WE COULDN'T PROVIDE THE RIGHTS FOR TEACHERS TO HAVE ACCESS TO THEIR OWN PERSONAL RECORD THERE MUST BE SOME VERY, VERY VALID REASON.

MR. CHAMBERLIST: MR. CHAIRMAN, I CAN TELL YOU THIS MUCH THAT THERE HAS BEEN A CASE SETTLED VERY RECENTLY WHERE AN EMPLOYEE HAD LEFT A FIRM AND HAD APPLIED TO ANOTHER FIRM FOR A JOB AND WAS TURNED DOWN AND AFTER A CONSIDERABLE TIME THE REASON HE WAS GIVEN WAS BECAUSE OF THE DETRIMENTAL REPORT IN THE EMPLOYEES RECORD OF THE PREVIOUS EMPLOYER. IT THEN WENT TO COURT AND THE COURT ORDERED THAT THE RECORD BE PRODUCED TO HIM SO THAT HE COULD SEE ON WHAT BASIS HE WAS TURNED DOWN. IT WAS FOUND THAT THERE WAS ILLEGAL REMARKS PUT IN THE RECORD. I THINK IT IS HELD IN COURT THAT EVERY EMPLOYEE IS ENTITLED TO SEE ANY WRITTEN REPORT MADE UPON HIM.

Mrs. WATSON: Mr. CHAIRMAN, THE ONLY THING, AND I WOULD AGREE THAT I THINK THAT EVERYONE SHOULD HAVE A RECORD. SOMEWHERE OR ANOTHER IT STICKS IN MY MIND THAT WHEN AN EMPLOYEE GETS A RECORD THEY SIGN FOR IT OR SOMETHING. IT HAS TO BE IN CONTENTION WITH SOMEONE ELSE TO SEE THAT THEY ARE GETTING THE RECORD. THERE IS SOMETHING IN THIS LIGHT. THERE IS SOME PROCEDURAL REQUIREMENT FOR THIS. AS FAR AS SEEING THEIR OWN RECORD, IT IS YOUR OWN PERSONAL RECORD AND MY GOODNESS WHO WOULD HAVE ANY MORE RIGHT TO SEE A RECORD THAN THE PERSON TO WHOM THE RECORD BELONGS.

Mr. HERON: Mr. CHAIRMAN, PART 5 OF THE SCHOOL COMMITTEES. WE HAVE NO OBJECTIONS TO ANY SECTION OR SUB-SECTION UNDER PART 5 SECTION 54. SECTION 54 ON TO THE END OF SECTION 72, YUKON TEACHERS' ASSOCIATION DOES NOT HAVE ANY OBJECTIONS TO ANY PARTICULAR SECTION OR SUB-SECTION. WE WOULD LIKE TO SEE, AND I THINK IT WAS BROUGHT UP BY THE ADVISORY COMMITTEE, THE ADVISORY COMMITTEES TO HAVE SOME SAY IN THE EDUCATIONAL PHILOSOPHIES AND POLICIES OF THE YUKON. I THINK THIS WAS BROUGHT UP IN A SUBMISSION MADE BY Mrs. ALFORD. WAS THIS NOT?

SEVERAL HONOURABLE MEMBERS AGREE.

Mr. HERON: I WOULD LIKE TO SAY CONCUR WITH THAT PARTICULAR POINT.

NOW, Mr. CHAIRMAN, IF WE COULD GO ON TO THE DUTIES OF TEACHERS. SECTION 73, SUB-SECTION (1), IN THE FIRST ONE WE MUST OBJECT VERY STRENUOUSLY TO. IT SEEMS TO APPLY NOWHERE ELSE IN CANADA THAT "EVERY TEACHER SHALL AS REQUIRED BY THE PRINCIPAL," THIS IS SUB-SECTION 1, SUB-SECTION (D), "AS REQUIRED BY THE PRINCIPAL SUPERVISE THE ACTIVITIES OF PUPILS ON SCHOOL PREMISES AND AT SCHOOL FUNCTIONS WHETHER OR NOT SUCH FUNCTIONS ARE HELD ON THE SCHOOL PREMISES." THE PRINCIPALS' ASSOCIATION ALSO WAS VERY, VERY MUCH OPPOSED TO THIS. THIS MEANS THAT UNDER THIS SECTION THAT WE COULD BE CALLED AT ANY TIME, AT ANY PLACE TO SUPERVISE ACTIVITIES.

IT IS NOT ONLY THAT BUT THERE HAS BEEN A RECENT AMENDMENT MADE TO THE REGULATIONS OF SASKATCHEWAN AMENDING REGULATION 7 AND 10 UNDER TEACHER SUPERVISION WHICH NOW MAKES IT THE RESPONSIBILITY OF THE BOARD. I QUOTE, "THE BOARD OF ANY DISTRICT SHALL TAKE STEPS IT DEEMS NECESSARY IN A MATTER

DESIGNATING A RESPONSIBLE PERSON TO REMAIN AT THE SCHOOL DURING THE NOON HOUR." THE SUPERVISORY RESPONSIBILITIES OF THE TEACHER HAVE NOW BEEN REMOVED FROM THAT SECTION IN REGULATIONS. IN OTHER WORDS WE ARE GETTING AWAY FROM THE OLD TREND THE TEACHERS ALWAYS HAD TO SUPERVISE THESE PARTICULAR DUTIES.

THIS ONE WE FEEL GOES BEYOND JUST SUPERVISING LUNCH HOUR, PLAYGROUND SUPERVISION. IT GIVES THE PRINCIPAL AUTHORITY AT ANY TIME.

Mr. CHAMBERLIST: Mr. CHAIRMAN, I WONDER IF Mr. HERON COULD GIVE HIS OPINION OF WHAT IS A SCHOOL FUNCTION?

Mrs. WATSON: Mr. CHAIRMAN, MAYBE WE COULD GO OFF ON...

Mr. CHAMBERLIST: IF HE WISHES TO DECLINE, THAT IS FINE.

Mr. CHAIRMAN: I BELIEVE IT HAS BEEN SUGGESTED THAT SECTION 73, SUB-SECTION (D) BE DELETED. IS THIS AGREEABLE?

Mr. TANNER: HOLD ON, Mr. CHAIRMAN. I AM NOT PREPARED TO SAY THAT SHOULD BE DELETED. I WOULD LIKE TO THINK ABOUT THAT.

Mr. HERON: Mr. CHAIRMAN, WE OBJECT TO THIS VERY STRONGLY. THIS IS FROM PRINCIPALS AND TEACHERS AS WELL. WE BELIEVE THAT SECTION MUST BE DELETED. WE FEEL IT IS PART OF OUR PROFESSIONAL RESPONSIBILITY TO SUPERVISE STUDENTS BUT TO SUPERVISE THEM VOLUNTARILY. IF WE DON'T WISH TO SUPERVISE A DANCE ON A FRIDAY NIGHT BECAUSE WE HAVE SOME OTHER OBLIGATION WE DON'T WANT TO FEEL WE HAVE TO BE THERE. IN THE PAST TEACHERS HAVE ALWAYS VOLUNTEERED TO DO THE NECESSARY SUPERVISION - ALWAYS.

Mr. TANNER: Mr. CHAIRMAN, COULD WE LEAVE IT TO COMMITTEE THAT WE WILL REVIEW IT.

Mrs. WATSON: Mr. CHAIRMAN, I PUT DOWN TO REVIEW IT.

Mr. CHAMBERLIST: COULD I GIVE THIS THOUGHT TO THE MEMBER FOR CARMACKS-KLUANE THAT PERHAPS IT SHOULD READ, "AS REQUIRED BY THE PRINCIPAL DURING REGULAR SCHOOL HOURS." I AGREE WITH THE POINT THAT HAS BEEN MADE BY Mr. HERON. IF DURING THE REGULAR SCHOOL HOURS THEN QUITE RIGHT, THE PRINCIPAL SHOULD BE THE ONE TO GIVE DIRECTION. IT IS A QUESTION OF WHETHER

FOR AN EXTRA-CURRICULAR ACTIVITY THAT THE TEACHER CAN OR CAN NOT, OR WHETHER THEY WANT TO OR NOT. THEY SHOULDN'T BE FORCED INTO THAT PARTICULAR POSITION BY LEGISLATION.

MR. HERON: MR. CHAIRMAN, ACCORDING TO THE CANADIAN TEACHERS' FEDERATION THIS DEFIES OUR BASIC RIGHTS AS TEACHERS AND AS CITIZENS. THAT WE SHOULDN'T BE AT BECK AND CALL TWENTY FOUR HOURS A DAY, SEVEN DAYS A WEEK.

MR. CHAMBERLIST: DOES MR. HERON WANT TO ANSWER THE QUESTION I PUT ABOUT INTERPRETATION OF SCHOOL FUNCTION OR DOES HE WANT TO LEAVE IT? HE CAN LEAVE IT IF HE WISHES TO.

MR. HERON: IT MIGHT TAKE ME A LONG TIME SO I WOULD RATHER LEAVE IT.

SECTION 73-1(K) WE WOULD LIKE TO SEE AN AMENDMENT TO, "ADMIT TO HIS CLASSROOM FOR THE PURPOSE OF OBSERVING TUITION, THE PARENT OF A CHILD ENROLLED IN THE CLASS," OR "ADMIT TO HIS CLASSROOM FOR THE PURPOSE OF OBSERVING TUITION, UPON PERMISSION OF THE PRINCIPAL THE PARENT OF A CHILD ENROLLED IN THE CLASS." TEACHERS DO NOT OBJECT TO PARENTS COMING INTO THEIR CLASSROOM. UNDER THIS PARTICULAR CLAUSE HOWEVER, THEY COULD WANDER IN AND OUT ANY TIME OF THE DAY OR THE PERIOD. WE THINK THAT IT IS JUST COMMON DECENCY THAT THEY SHOULD HAVE TO CONSULT FIRST.

MRS. WATSON: YES, BUT I THINK THAT WE SHOULD HAVE THAT THE PRINCIPAL CANNOT WITHHOLD PERMISSION EITHER.

MR. CHAMBERLIST: NOT UNREASONABLY WITHHOLD.

MR. HERON: I QUITE AGREE.

MR. CHAIRMAN: THIS WILL BE REVIEWED.

MR. HERON: SECTION 1, SUB-SECTION (L), "EVERY TEACHER SHALL UPON THE DIRECTION OF THE SUPERINTENDENT ADMIT STUDENT TEACHERS AND THEIR INSTRUCTORS TO HIS CLASSROOM." ONCE AGAIN TEACHERS FEEL THAT IT IS THEIR PROFESSIONAL RESPONSIBILITY TO ASSIST, AND CERTAINLY MOST OF US HAVE IN OTHER PARTS OF CANADA, TO ASSIST IN THE TRAINING OF STUDENT TEACHERS. BUT WE FEEL IT MUST BE DONE ON A VOLUNTARY BASIS. THAT THE TEACHER MUST WANT TO HAVE THE STUDENT IN THERE AND THE INSTRUCTOR. OTHERWISE THE WHOLE INTENT OF

THIS CLAUSE IS GOING TO BE DESTROYED.

MR. TANNER: MR. CHAIRMAN, THE ADVISORY COMMITTEE MADE EXACTLY THE SAME POINT. WE ARE GOING TO REVIEW IT. PERSONALLY I WOULD AGREE WITH WHAT HAS BEEN SAID.

MRS. WATSON: MR. CHAIRMAN, I ALSO REMARKED THEN AND I WILL SAY AGAIN THAT NO SUPERINTENDENT I HOPE, WOULD PUT A STUDENT TEACHER IN A CLASSROOM IF THE TEACHER DIDN'T WANT THEM. IT WOULD BE A FUTILE ARRANGEMENT. I THINK THERE WOULD BE NO PROBLEM WITH THAT AREA.

MR. HERON: MR. CHAIRMAN, SECTION 79.

MR. CHAIRMAN: I AM JUST GOING TO NOTE ONE OTHER CHANGE THAT WAS SUGGESTED WAS IN SUB-SECTION (M) OF THAT SECTION, "PERFORM SUCH OTHER DUTIES AS MAY BE REQUIRED BY HIS PRINCIPAL." THE WORD "RELATED" IS TO BE INSERTED THERE. THE NEXT SECTION WAS 79.

MR. HERON: SECTION 79, SUB-SECTION 2. REALLY THIS IS TIED IN WITH SECTION 80, SUB-SECTION 1. ON TERMINATION DATES, ESPECIALLY LETS TAKE A LOOK AT SECTION 80, SUB-SECTION 1: "IF A TEACHER ON PROBATION DOES NOT RECEIVE NOTICE FROM THE COMMISSIONER OR A BOARD OF TERMINATION OF EMPLOYMENT PRIOR TO MAY 1ST OF THE SECOND YEAR OF HIS EMPLOYMENT HIS APPOINTMENT SHALL BE A CONTINUING ONE." THERE IS NO MENTION HERE OF TERMINATION DATE OF A TEACHER. I THOUGHT THAT SOMEWHERE IN THIS SCHOOL ORDINANCE THERE WAS GOING TO BE A MENTION OF WHEN TEACHERS COULD TERMINATE. I THINK IT IS VERY IMPORTANT FOR THE RECORD MR. CHAIRMAN, I WOULD LIKE TO READ WHAT THE PROCEDURE IS IN SOME OF THE OTHER PROVINCES OF CANADA. ALBERTA, SECTION 80, SUB-SECTION 1, "TEACHERS MAY TERMINATE ON 30 DAYS NOTICE." SASKATCHEWAN, SECTION 240, SUB-SECTION 1, 2: "TEACHERS MUST TERMINATE BEFORE MAY 25 OR BY MUTUAL CONSENT: B. C. SECTION...

MR. CHAIRMAN: ORDER PLEASE. LET THE WITNESS FINISH.

MR. TANNER: MR. CHAIRMAN, IT IS ABOUT WHAT THE WITNESS IS SAYING. I DON'T WANT TO COMMENT MR. CHAIRMAN. I WOULD JUST LIKE THAT HE GO A LITTLE SLOWER SO THAT I CAN MAKE NOTES ON WHAT HE IS SAYING SO THAT I CAN COMMENT AFTERWARDS.

MR. HERON: ALBERTA SECTION (80), SUB-SECTION 1: 30 DAYS, THE TEACHER MAY TERMINATE ON 30 DAYS

NOTICE. SASKATCHEWAN. THESE ARE IN THE PUBLIC SCHOOL ACTS, BY THE WAY. SECTION 240, SUB-SECTION 1, SUB-SECTION 2, A TEACHER MAY TERMINATE BEFORE MAY 25 OR BY MUTUAL CONSENT. B. C. SECTION 13, SUB-SECTION 1, A TEACHER MAY TERMINATE ON 30 DAYS NOTICE. IN MANITOBA, SECTION 281, SUB-SECTION 3, A TEACHER MAY TERMINATE AT ANY TIME.

MR. TANNER: MR. CHAIRMAN, IS THIS ONLY IN THE PROBATIONARY AREA?

MR. HERON: NO, MR. CHAIRMAN, THOSE SECTIONS APPLY TO ALL TEACHERS WHETHER THEY ARE PROBATIONARY OR TENURE.

MR. TANNER: MR. CHAIRMAN, I AM SORRY I GOT A LITTLE UPSET BUT I CONSIDER WHAT THE WITNESS IS SAYING VERY, VERY IMPORTANT. LATER ON WE ARE GOING TO BET ON TO LAY-OFFS, AND WE ARE GOING TO GET ON TO PROBATION. THIS IS MOST IMPORTANT THAT WE SEE A CONSISTENT PATTERN THROUGHOUT THE WESTERN PROVINCES.

MRS. WATSON: MR. CHAIRMAN, ONE QUESTION. YOU ARE SAYING 30 DAYS NOTICE FOR TERMINATION. TERMINATION AT THE END OF A SCHOOL YEAR, SCHOOL TERM, OR AT ANY TIME WITHIN?

MR. HERON: AT ANY TIME WITHIN THE SCHOOL YEAR, ON 30 DAYS NOTICE. I MUST POINT OUT TOO THAT IT IS MUTUAL THAT A TENURE TEACHER, IF THERE ARE GROUNDS FOR DISMISSAL THE BOARD MAY ALSO DISMISS THEM WITH 30 DAYS NOTICE. BUT, OF COURSE, IF HE HAS GROUNDS FOR APPEAL HE MAY GO TO A BOARD OF REFERENCE.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF MR. HERON COULD THINK ABOUT THIS FOR WHEN WE COME TO THAT PARTICULAR SECTION. ONE MUST CONSIDER AN EMPLOYER-EMPLOYEE RELATIONSHIP TO BE A TWO WAY STREET. WHEN THE OBJECTIONS COME ALONG ABOUT WHAT THE 60 DAY NOTICE OF LAY-OFF I WANT MR. HERON TO CONSIDER WHETHER IT IS REASONABLE THAT THE TEACHERS MAY QUIT AT 30 DAYS NOTICE YET OBJECT TO BEING GIVEN 60 DAYS NOTICE OF LAY-OFF?

MR. HERON: I JUST EXPLAINED, MR. CHAIRMAN, TO MR. TANNER THAT THE 30 DAYS NOTICE, THAT EITHER PARTY MAY TERMINATE ON 30 DAYS NOTICE. BUT IF IT IS A TENURE TEACHER THEN THAT TENURE TEACHER HAS RIGHT TO A BOARD OF APPEAL AND A BOARD OF REFERENCE. I AM NOT SAYING THAT IT IS A ONE WAY STREET.

MR. CHAMBERLIST: WOULD A TENURE TEACHER BY GIVEN THE PRIVILEGE OF GIVING 30 DAYS NOTICE?

MR. HERON: YES.

MR. CHAMBERLIST: THEN IN THAT CASE, IF A TENURE TEACHER CAN GIVE 30 DAYS NOTICE WHY CAN'T THE EMPLOYER GIVE 30 DAYS NOTICE? I WOULD LIKE TO BE FAIR IN THIS.

MR. HERON: HE CAN BUT HE MUST HAVE GROUNDS. GROUNDS ELSEWHERE ARE GROUNDS OF GROSS NEGLIGENCE ETC.

MR. CHAMBERLIST: AND WHAT WOULD BE THE GROUNDS OF THE TEACHER GIVING 30 DAYS NOTICE AND LEAVING A CLASS PERHAPS WITHOUT A REPLACEMENT TEACHER? WHAT ABOUT THE CHILDREN WHO SUFFER AS A RESULT?

MR. HERON: MAYBE THE HUSBANDS WIFE HAS JUST DIED. THERE COULD BE ALL KINDS OF REASONS.

MR. CHAMBERLIST: I WAS JUST SAYING FOR THE PURPOSE OF A TEACHER JUST GETTING UP AND SAYING, "I QUIT, I'M GOING". WHAT DO YOU THINK SHOULD BE DONE TO THAT TEACHER? SHOULD SHE LOSE HER CERTIFICATE FOR DOING SOMETHING LIKE THAT?

MR. HERON: THERE MAY BE HEALTH REASONS, THERE MIGHT BE ALL KINDS OF REASONS FOR THEM TERMINATING.

MR. CHAMBERLIST: SUPPOSING THE REASONS ARE NOT HEALTH. SUPPOSE THE REASON IS NOT HEALTH, DEATH IN THE FAMILY, OR SOME OTHER PERSONAL REASON. SUPPOSE A TEACHER SAYS, "I'M JUST FED UP WITH BEING UP HERE. I'M GIVING 30 DAYS NOTICE. I'M QUITTING."

MR. HERON: I WOULD HOPE, MR. CHAIRMAN, THAT MOST TEACHERS WOULD BE PROFESSIONAL ENOUGH THAT THEY WOULD NOT TAKE THAT ATTITUDE. BUT IF IT IS A MATTER OF MENTAL HEALTH, THAT HE IS SIMPLY FED UP AND HE JUST CAN'T TAKE THE TEACHING JOB ANYMORE THAN HE IS BETTER TO BE OUT OF THERE.

MRS. WATSON: MR. CHAIRMAN, I BELIEVE MR. LEVRIES, AND I JUST CAN'T FIND THE SECTION AGAIN, DID COMMENT ON THAT IN THE YUKON TERRITORY. THERE WAS RATHER AN ABUSE OF THIS PRIVILEGE AND EVEN THOUGH THERE WAS A REQUIREMENT FOR MORE NOTICE THAT THIS WAS NOT ALWAYS HONOURED. HE DID ATTRIBUTE A GREAT DEAL OF IT TO THE FACT THAT A LOT OF THE TEACHERS ARE

MARRIED WOMEN WHO DO HAVE FAMILY RESPONSIBILITY. WHEN THEIR HUSBAND IS BEING TRANSFERRED OR SOMETHING THE WIFE LEAVES ALSO. THIS BRINGS IN A GOOD POINT AGAIN. BY THE SAME TOKEN THE EMPLOYER SHOULD BE GIVEN CERTAIN CONSIDERATIONS ALSO. ACTUALLY MR. LEVRIES RECOMMENDS THAT THE SCHOOL ORDINANCE STIPULATE THAT A TEACHER MUST GIVE 60 DAYS WRITTEN NOTICE OF RESIGNATION AND MUST RECEIVE 60 DAYS WRITTEN NOTICE OF DISMISSAL. IN BOTH CASES THE DATE OF TERMINATION BEING AT ANY TIME IN THE SCHOOL YEAR. HE SAYS "THIS RATHER RADICAL SUGGESTION IS PROMPTED BY A STUDY OF THE ACTUAL CONDITIONS THAT HAVE OCCURED IN THE TERRITORY IN SOME YEARS." THE PRESENT REGULATIONS SIMPLY DO NOT WORK. WHERE A MARRIED WOMENS HUSBAND HAS BEEN TRANSFERRED ELSEWHERE OR WHERE THERE HAS BEEN SOME VERY STRONG PERSONAL REASON INVOLVED TEACHERS HAVE MOST OFTEN REQUESTED AN IMMEDIATE RELEASE FROM THEIR CONTRACT, WITHOUT REFERENCE TO THE STIPULATED DATE. SELDOM HAS THERE BEING MUCH CONSIDERATION GIVEN TO THE DIFFICULTIES THEREBY PLACED ON THE SCHOOLS OR THE DEPARTMENT. IT IS ALSO SUGGESTED THAT EVERY CASE OF BREACH OF CONTRACT THAT OCCURS BE REFERRED TO THE DEPARTMENT OF EDUCATION IN OTHER PROVINCES AND TERRITORIES IN CANADA AND THAT THE PERSON CONCERNED BE REPORTED TO THE YUKON TEACHERS' ASSOCIATION FOR ANY DISCIPLINARY ACTION THAT IT MAY WISH TO TAKE UNDER ITS BY-LAWS. I THINK THAT AT ONE TIME IT WAS QUITE A PROBLEM. WE WERE HAVING REQUESTS, IN THE MIDDLE OF THE SCHOOL YEAR THEY WANTED TO LEAVE AND WE WERE LEFT WITH CLASSES AND WE HAD TO GO OUTSIDE TO RECRUIT TEACHERS.

MR. HERON: MR. CHAIRMAN, I QUITE AGREE. THAT WAS THE NEXT POINT THAT I WAS COMING TO. WE WOULD LIKE TO SEE AN AMENDMENT WRITTEN HERE FROM SECTION 9(4) OF THE LEVIR'S COMMITTEE THAT THE SCHOOL ORDINANCE STIPULATE OR THAT IT BE STIPULATED THAT A TEACHER MUST GIVE SIXTY DAYS WRITTEN NOTICE OF RESIGNATION AND MUST RECEIVE SIXTY DAYS WRITTEN NOTICE OF DISMISSAL. IN BOTH CASES THE DATE OF TERMINATION TO BE AT ANY TIME IN THE SCHOOL YEAR. THAT'S OUR POINT. IN FACT WE ARE QUITE SURPRIZED NOT TO SEE IT IN THE ORDINANCE BECAUSE I HAD THOUGHT THAT AT OUR MEETING OF MARCH 15, THAT THIS WAS GOING TO BE INCLUDED, MARCH 15, 1973.

MR. JANNER: MR. CHAIRMAN, I THINK THE POINTS THAT ARE BEING MADE HERE ARE ALL VERY VERY IMPORTANT BECAUSE THIS HAS BEEN A BILL UNDER CONTENTION FOR THE LAST THREE MONTHS SINCE

THE ORDINANCE HAS BEEN PRESENTED, OR THE LAST TWO MONTHS. I'D LIKE THE WITNESS TO COMMENT, IF HE WOULD, ON WHAT RECOURSE HAS THE EMPLOYER GOT IN THIS CASE IF THE TEACHER SAYS NUTS I'M GOING? REALLY WHAT ELSE CAN THEY DO EXCEPT ONE, MAKE IT DIFFICULT FOR THE TEACHER WHEN HE GETS TO HIS NEXT JURISDICTION PERHAPS; TWO, HE CAN GO TO THE YTA AND SAY ARE YOU GOING TO DISCIPLINE YOUR PEOPLE OR NOT? THE YTA SAYS WELL THEY HAD A GOOD CASE. WE'LL LET THIS ONE GO. BUT THE EMPLOYER IN THIS CASE DOESN'T HAVE THE SAME RECOURSE AS THE EMPLOYEE DOES. THE EMPLOYEE CAN JUST SAY, YOU KNOW, WALK AWAY FROM HIS RESPONSIBILITIES AND WE ARE LEFT IN THE LURCH. WHAT REALLY CONCERNS ME THAT ALTHOUGH WE CAN HAVE AGREEMENTS AND ALTHOUGH WE CAN GO SIXTY DAYS EITHER WAY AND THIS SORT OF THING, IN ACTUAL FACT IT'S THE PUPIL IN THE LONG RUN WHO SUFFERS.

MR. HERON: MR. CHAIRMAN, I DON'T AGREE. WE THINK IT'S MOST UNPROFESSIONAL. IT'S A BONE OF CONTENTION WITH US, AND TALK ABOUT DISCIPLINING OUR OWN MEMBERS, THIS IS WHY WE WANT COMPULSORY MEMBERSHIP. THIS IS WHY WE WANT THE YTA TO BE RECOGNIZED. IT'S A PROFESSIONAL ORDINANCE SO THAT OUR DISCIPLINE PACKAGE OF OUR ORDINANCE CAN BE OR IS A PROFESSIONAL ASSOCIATION, SO THAT THE DISCIPLINE SECTION OF OUR CONSTITUTION CAN BE APPLIED. IF WE TRY TO APPLY IT RIGHT NOW, THE TEACHER SIMPLY WITHDRAWS FROM THE ASSOCIATION. WE ARE ON RECORD TIME AND TIME AGAIN DISAGREEING WITH ANY TEACHER, WHO RESIGNS IN THE MIDDLE OF THE YEAR UNLESS IT IS FOR A DARN GOOD REASON.

MR. CHAMBERLIST: I AGREE, MR. CHAIRMAN, BECAUSE WHAT COULD HAPPEN, AND THIS IS WHERE I SUPPORT A PROFESSIONAL TEACHERS ORDINANCE, BECAUSE WHAT COULD HAPPEN THEN IS THE TEACHER FOR BAD PROFESSIONAL ETHICS, OR BAD CONDUCT IN THAT AREA, COULD LOSE HIS CERTIFICATE OR HAVE IT SUSPENDED FOR A PERIOD OF TIME. THE SUPERINTENDENT HERE CAN FIRE A TEACHER BUT THE TEACHERS CAN'T SUSPEND A TEACHER FOR MISCONDUCT OF THAT PARTICULAR NATURE. REALLY THERE IS A GREAT ARGUMENT FOR A PROFESSIONAL TEACHERS ORDINANCE. PERHAPS THE HONOURABLE MEMBER FROM CARMACKS-KLUANE CAN GIVE A SPECIFIC CLAUSE IN THIS SCHOOL ORDINANCE RECOGNIZING THE YTA AS A DISCIPLINARY BODY FOR THAT PARTICULAR PURPOSE.

MR. HERON: WE COULD ALSO - YES, MR. CHAIRMAN, WE WOULD ALSO AGREE THAT A TEACHER WHO HAS NOT LIVED UP TO HIS PROFESSIONAL RESPONSIBILITY



AND HAS TERMINATED IN A NEGLIGENT FASHION SHOULD BE BLACKLISTED. WE WOULD BE PREPARED TO BLACKLIST AS IS DONE NOW BY THE NOTICES WE GET INTO OUR ASSOCIATION OF TEACHERS WHO HAVE BEEN BLACKLISTED ALL ACROSS CANADA. THEY ARE CONSTANTLY COMING INTO OUR OFFICE. WE GET A RECORD OF THEM. SO DOES THE DEPARTMENT OF EDUCATION.

MR. TANNER: MR. CHAIRMAN, COULD WE NOW GET BACK TO THE SPECIFIC SECTIONS THAT THE WITNESS WAS TALKING ABOUT SO WE CAN TIE THIS DOWN A LITTLE MORE CLOSELY? MR. CHAIRMAN, THE WITNESS MENTIONED, I THINK, 79(2) AND THEN HE WENT ON TO MENTION 80. COULD HE CONTINUE FROM THERE ON THE OTHER SECTIONS?

MR. HERON: SECTION 79 AND SECTION 80 ALL HAVE TO DO WITH TERMINATION AND THIS IS WHY I WAS BRINGING UP THIS ISSUE OF TERMINATION BECAUSE IT IS MENTIONED NOWHERE ELSE IN THE ORDINANCE. THERE ARE NO CLAUSES WHICH SAY WHEN WE CAN TERMINATE AND WHEN NOT.

MRS. WATSON: MR. CHAIRMAN, THAT WAS OVER-SIGHTED. WE NOTICED IT AFTER THE LEGISLATION HAD GONE OUT. THERE IS ANOTHER AREA WHERE THERE IS AN ERROR. I DON'T KNOW WHETHER IT WAS TYPING OR NOT. I HATE TO BLAME IT ON A TYPING ERROR BUT IT WAS WRONG. THAT DEFINITELY WAS AN OVERSIGHT.

MR. HERON: OUR BIG OBJECTION, MR. CHAIRMAN, IS SECTION 79(2). (MR. HERON READS THE SECTION.) NOW IF A TEACHER HAS COME UP ALL THE WAY UP HERE AND THEN ONE MONTH LATER FOR NO REASON, AND HE DOESN'T HAVE TO BE GIVEN A REASON ACCORDING TO THIS, HE CAN BE GIVEN ONE MONTH'S NOTICE. HE'S NOT GOING TO HAVE HIS MOVING EXPENSES PAID OUT DEPENDING ON WHAT THE TERMINATION REASON IS. IF IT'S NOT A LAY-OFF TERMINATION, AND WE WILL GET TO LAY-OFFS IN A MINUTE, BUT AM I NOT CORRECT? IS MY INTERPRETATION NOT CORRECT THAT ACCORDING TO SECTION 79(2) THE TEACHER ON PROBATION MAY BE TERMINATED BY ANY REASON SIMPLY BY GIVING HIM NOT LESS THAN ONE MONTH'S NOTICE?

MRS. WATSON: HE WOULD BE TERMINATED FOR UNSATISFACTORY PERFORMANCE. IF YOU LOOK AT SECTION 81 (MRS. WATSON READS SECTION 81). SO WE'VE MADE SOME PROVISION FOR THAT TOO.

MR. CHAMBERLIST: THAT'S NOT GOOD ENOUGH THOUGH BECAUSE THAT IS MAYBE . . . AND THIS IS WHERE I THINK THAT IT WOULD BE - - -

MRS. WATSON: MR. CHAIRMAN, THE TEACHER MAY NOT MOVE. HE MAY NOT WANT TO GO BACK TO WHERE HE WAS. HE MAY WANT TO STAY HERE AND WORK IN THE TERRITORY. THEN I DO NOT THINK THEY SHOULD BE PAID MOVING EXPENSES. THEREFORE, IF YOU SAY "SHALL THEN" YOU HAVE TO PAY MOVING EXPENSES.

MR. CHAMBERLIST: THE HONOURABLE MEMBER JUMPED UP BEFORE I MADE MY POINT. I SAY THAT WHAT'S WRONG IS-CERTAINLY I AGREE THAT IF THE TEACHER STAYS HERE HE SHOULDN'T BE ENTITLED TO ANY EXPENSES. BUT IF THE TEACHER DOES WANT TO GO BACK FROM WHENCE HE OR SHE CAME THEN THEY SHOULD BE PAID THEIR EXPENSES

BACK. BUT HERE IT GIVES A DESCRIPTION- "THEY MAY BE PAID THEIR EXPENSES BACK". IN THAT PARTICULAR AREA I THINK THEY SHOULD BE PAID THEIR EXPENSES BACK. THIS IS PERHAPS WE WILL TAKE ANOTHER LOOK AT THAT.

MR. HERON: YES, WE WOULD AGREE, MR. CHAIRMAN, THAT IF THE TEACHER DECIDES TO MOVE BACK TO HIS PLACE OF EMPLOYMENT HE SHOULD BE ENTITLED TO PAY.

MRS. WATSON: MR. CHAIRMAN, AGAIN I WOULD LIKE TO ASK THE WITNESS, AND THERE IS SOME CONFUSION IN MY MIND. ONE OF THE RECOMMENDATIONS BY THE COMMITTEE ON PAGE (125) AND THESE GO HAND IN HAND, OF COURSE. THAT PROBATION AND TENURE PROVISIONS BE DELETED FROM THE SCHOOL ORDINANCE. NOW I WONDER WHAT MR. HERON WOULD HAVE TO SAY ON THAT BECAUSE IT WAS A RECOMMENDATION BY THE YTA BRIEF TO THE COMMITTEE ON EDUCATION. I THINK AFTER THAT THERE WAS SOME PROBLEM WITH THE ASSOCIATION ITSELF WHETHER THEY WANTED TO GO ALONG WITH THE REMOVAL OF TENURE. I WOULD LIKE TO HEAR MR. HERON'S REMARKS ON THE REMOVAL OF TENURE SO THAT AN APPOINTMENT IS NOT A CONTINUING APPOINTMENT. IT WOULD HAVE TO BE RENEWED EVERY YEAR.

MR. HERON: MR. CHAIRMAN, REVIEWING SECTIONS (79) AND (80) BY OUR ASSOCIATION, WE ARE IN COMPLETE AGREEMENT THAT THEY BASICALLY REMAIN UNCHANGED.

MRS. WATSON: MR. CHAIRMAN, YOU WOULD THEN NOT LIKE TO SEE TENURE REMOVED.

MR. HERON: WELL THIS IS A VERY DIFFICULT WORD TO DEFINE MRS. WATSON. AS WE GOT INTO DISCUSSION ON TUESDAY, I UNDERSTAND, BECAUSE WE

HAD ONE CONCEPT OF THIS CONTINUING APPOINTMENT AND YOU HAD ANOTHER CONCEPT. IF YOUR CONCEPT IS THE ONE WHICH IS GOING TO BE APPLIED, THEN WE WOULD MUCH RATHER SEE THE SECTIONS REMAINING AS THEY HAVE BEEN WRITTEN, SECTIONS (79) AND (80).

MR. TANNER: EXCUSE ME, MR. CHAIRMAN. WITH THE EXTRA STIPULATION OF THE RECIPROCAL BASIS YOU WERE TALKING ABOUT PREVIOUSLY - - -

MR. HERON: I THINK IT NEEDS A WHOLE NEW CLAUSE HERE ON TERMINATION. IT SHOULDN'T PROBABLY COME UNDER PROBATION. THERE SHOULD BE A NEW SECTION ON TERMINATION; NOT NECESSARILY UNDER PROBATION BECAUSE IT SHOULD APPLY TO ALL TEACHERS. I JUST BROUGHT TERMINATION UP AT THAT POINT BECAUSE THIS IS THE ONLY MENTION OF TERMINATION AND IT HAPPENS TO BE UNDER PROBATION, MR. CHAIRMAN. UNDER SUSPENSION AND DISMISSAL WE REALLY HAVE NO BIG CRITICISMS. WE DID SUGGEST AN IMPARTIAL BOARD OF APPEAL TO A TEACHER WHO WAS TERMINATED. BUT TALKING TO MANY PEOPLE, AND THIS IS AN INTERESTING SECTION HERE, SECTION 87(1), IN ALL OUR DISCUSSION THE OTHER DAY ABOUT THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE I HAD FAILED TO BRING UP THAT WE ARE ALREADY OR AT LEAST IT IS ALREADY PROPOSED TO MAKE USE OF THE YUKON PUBLIC SERVICE STAFF RELATIONS BOARD. FROM ALL THE INFORMATION I CAN GET AND FROM WHAT THE HONOURABLE MEMBERS IN THIS HOUSE HAVE SAID TO ME, THIS IS A VERY POWERFUL BOARD. THEY HAVE AN EXCELLENT ADJUDICATOR. I WOULD HAVE TO TAKE THESE COMMENTS TO HEART AND SAY LET'S LEAVE THIS AS IT IS THEN.

MR. CHAIRMAN: WHAT ABOUT THIS MUTATIS MUTANDIS IN 87(1)?

MRS. WATSON: MR. CHAIRMAN, THAT WHOLE SECTION WILL THEN HAVE TO BE TAKEN OUT OF THERE WHEN WE PUT THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE INTO THE SCHOOL ORDINANCE. RIGHT.

MR. CHAIRMAN: RIGHT. OKAY.

MR. CHAMBERLIST: I WOULD LIKE TO COMMENT TO MR. HERON THAT THE ADJUDICATOR WHO SITS IS A LAW PROFESSOR. THEY BRING IN THIS FELLOW FROM U.B.C. HE'S VERY GOOD.

MR. HERON: YES, THIS IS WHAT I UNDERSTAND. IT'S A VERY GOOD BOARD. WE'RE NOT GOING TO OBJECT. HOWEVER, WE HAVE A VERY STRONG OBJECTION TO SECTION 89(1). WE BELIEVE THAT

IF A TEACHER IS UNDER SUSPENSION THAT HE SHALL BE PAID HIS FULL SALARY UNTIL SUCH TIME AS HE IS PROVEN GUILTY AS IS DONE ELSEWHERE. WHEN A TEACHER IS SUSPENDED IN ALBERTA, SECTION 78(5), HE RECEIVES FULL PAY UNTIL SUCH TIME AS IS DECIDED YES, HE SHOULD BE TERMINATED. THE OLD ADDAGE INNOCENT UNTIL PROVEN GUILTY.

MR. TANNER: MR. CHAIRMAN, PERHAPS THE WITNESS SHOULD BE READING OUR NEW TAXATION COMING IN FROM TOBACCO, THE FUEL TAX ORDINANCE, THE FEDERAL TAXATION ORDINANCE. YOU ARE NOT INNOCENT UNTIL PROVEN GUILTY ANYMORE. NOT WHEN YOU ARE TAXING PEOPLE ANYWAY.

MR. CHAIRMAN: DOES COMMITTEE AGREE WITH THE SUGGESTION BY YTA IN RELATION TO (89)?

MRS. WATSON: WELL, MR. CHAIRMAN, I WOULD HAVE TO LOOK AT THAT ONE AGAIN.

MR. HERON: MR. CHAIRMAN, I THINK THE ISSUE IS GOING TO ARISE VERY VERY SELDOM. IN THE YEARS THAT I HAVE BEEN ON TENURE A TEACHER HAS ONLY BEEN DISMISSED ON ONE OCCASION. IT WOULD COST THE GOVERNMENT VERY LITTLE MONEY BUT IT WOULD CERTAINLY GIVE THE TEACHERS A GREAT DEAL OF SATISFACTION AND PEACE OF MIND TO KNOW THAT IF THEY WERE SUSPENDED THAT THEY WOULD RECEIVE - AND AS I SAY, IT'S CUSTOMARY IN MANY OTHER PARTS OF CANADA. IT'S NOT AN EXCEPTION WE ARE ASKING FOR.

MRS. WATSON: MR. CHAIRMAN, I WOULD LIKE TO REVIEW IT. I WILL CERTAINLY TAKE WHAT HE SAID UNDER CONSIDERATION BUT BEFORE I MAKE A STATEMENT AND COMMIT MYSELF I WOULD LIKE TO REVIEW IT.

MR. CHAIRMAN: ALRIGHT. NEXT SECTION.

MR. HERON: YES, MR. CHAIRMAN. NOW WE COME TO ONE OF THE NITTY GRITTIES HERE. SECTION (93) ON LAY-OFF. MR. CHAIRMAN, WE WOULD LIKE TO SEE THIS ENTIRE SECTION DELETED. A TEACHER SHOULD NOT BE SUBJECT TO A LAY-OFF CLAUSE AFTER MOVING BAGGAGE, FAMILY ETC. THIS TREMENDOUSLY LONG DISTANCE TO THE YUKON TERRITORY. I WOULD LIKE TO QUOTE OR COMMENT UPON WHETHER OR NOT THERE IS ANY PRECEDENCE FOR THIS TYPE OF ACTION ELSEWHERE IN CANADA?

IN THE ALBERTA PUBLIC SCHOOL ACT THERE ARE NO LAY-OFF CLAUSES. IN THE NORTHWEST TERRITORIES

WHICH IS WORKING WITH SIMILAR DISTANCES AS WE ARE, IN THE SCHOOL ORDINANCE AND IN THE PROFESSIONAL ORDINANCE THERE ARE NO LAY-OFF CLAUSES. IN THE MANITOBA SCHOOL ACT THERE ARE NO LAY-OFF CLAUSES. IN THE BRITISH COLUMBIA SCHOOL ACT THERE ARE NO LAY-OFF CLAUSES.

MRS. WATSON: MR. CHAIRMAN, POINT OF ORDER, B.C. CERTAINLY DOES.

MR. HERON: WOULD YOU THEN POINT OUT THE SECTION TO ME MRS. WATSON BECAUSE I HAVE OBVIOUSLY MISSED IT?

MRS. WATSON: MR. CHAIRMAN, SECTION (156). MR. CHAIRMAN MIGHT I ALSO POINT OUT ALBERTA THOUGH DOES NOT HAVE A LAY-OFF SECTION SINCE PURSUANT TO SECTION (78) A BOARD MAY TERMINATE A CONTRACT OF EMPLOYMENT WITH A TEACHER BY GIVING THIRTY DAYS' NOTICE AT ANY TIME IN THE SCHOOL-YEAR.

MR. HERON: FOR JUST REASON THOUGH MRS. WATSON. NOT FOR LAY-OFF. AND THEN THIS TEACHER DOES HAVE A RIGHT TO A BOARD OF APPEAL. FOR EXAMPLE, IN SASKATCHEWAN, SECTION (237), SUB-SECTION 2 (A) IT DOES SAY THERE IS A TYPE OF LAY-OFF CLAUSE BUT ALWAYS THE TEACHER HAS RIGHT TO A BOARD OF REFERENCE AS IS OUTLINED IN SECTION (238) OF THE PUBLIC SCHOOL ACT IN SASKATCHEWAN. WE SEE NO REASON WHY A LAY-OFF CLAUSE SHOULD BE INCLUDED AT ALL ESPECIALLY BECAUSE OF THE DISTANCES TEACHERS HAVE TO COME TO COME TO THE YUKON TERRITORY. IT'S MOST UNUSUAL NOW TO SEE LAY-OFF CLAUSES WRITTEN WITHIN STATUTES. IF LAY-OFF CLAUSES EXIST THEN VERY OFTEN THEY EXIST BETWEEN A SCHOOL BOARD AND A LOCAL ASSOCIATION. THEY ARE WRITTEN FOR TEACHERS; NOT FOR CIVIL SERVANTS. MR. LEGAL ADVISER HAS MENTIONED TO ME THAT THIS LAY-OFF CLAUSE IS QUITE SIMILAR TO A LAY-OFF CLAUSE AS APPLIES TO CIVIL SERVANTS.

THE LAY-OFF CLAUSES AS SUGGESTED BY THE CANADIAN TEACHERS FEDERATION THAT IF THEY NEED TO EXIST, AND THIS OF COURSE IS THE POINT OF CONTENTION AS WE DON'T BELIEVE THEY DO, BUT IF THEY NEED TO EXIST THEN THEY ARE WRITTEN FOR TEACHERS. I THINK IT IS VERY IMPORTANT, MR. CHAIRMAN, THAT I BRING OUT SOME OF THE POINTS OF A LAY-OFF CLAUSE WHICH IS NEGOTIATED WITHIN A CONTRACT BETWEEN A SCHOOL BOARD AND A TEACHERS ASSOCIATION. "NO TEACHER SHALL BE LAID OFF UNTIL THE SCHOOL BOARD HAS DETERMINED THAT THE TEACHER

CANNOT BE ACCOMMODATED ELSEWHERE. WHERE IT IS DETERMINED BY THE SCHOOL BOARD THAT CERTAIN TEACHING POSITIONS HAVE BECOME REDUNDANT THE FOLLOWING PROCEDURE SHALL APPLY: (1) NON-CERTIFICATED TEACHERS SHALL BE LAID OFF BEFORE ANY OTHER TEACHER IN THAT SCHOOL DISTRICT; (2) TEACHERS WITH INTERIM CERTIFICATES SHALL THEN BE LAID OFF BEFORE ANY OTHER TEACHER IN THAT SCHOOL; (3) TEACHERS ON PROBATIONARY CONTRACTS SHALL THEN BE LAID OFF BEFORE ANY OTHER TEACHER IN THAT SCHOOL DISTRICT; AND (4) TEACHERS ON CONTINUING CONTRACTS WITH FEWER YEARS OF SERVICE IN THAT SCHOOL DISTRICT WILL THEN BE LAID OFF BEFORE A TEACHER ON CONTINUING CONTRACT WITH MORE YEARS OF SERVICE PROVIDED THAT SUCH TEACHER WITH FEWER YEARS OF SERVICE IS NOT DEEMED TO BE MORE QUALIFIED AND SUITABLE." AND MOST IMPORTANT IN HERE, MR. CHAIRMAN, THE NEXT CLAUSE "LAY-OFFS SHALL BE EFFECTIVE ONLY AT THE END OF A CONTRACT YEAR." LAY-OFFS SHALL ONLY BE EFFECTED AT THE END OF A CONTRACT YEAR. THAT IS THE RECOMMENDED LAY-OFF CLAUSE RECOMMENDED BY THE CANADIAN TEACHERS FEDERATION. THAT IS THE LAY-OFF CLAUSE WHICH IS PRESENT IN MANY NEGOTIATED CONTRACTS ACROSS CANADA.

IF THIS HOUSE CANNOT SEE ITS WAY CLEAR TO DELETING THIS ENTIRE SECTION ON LAY-OFFS AS WE FEEL IT SHOULD, THEN CERTAINLY IT SHOULD BE AMENDED TO COME INTO LINE WITH LAY-OFF CLAUSES AS THEY AFFECT TEACHERS. NO OTHER GROUP OR BODY OF EMPLOYEES.

MRS. WATSON: MR. CHAIRMAN, I THINK IT CAN BE AMENDED TO MAKE FOR A LAY-OFF AT THE END OF A SCHOOL TERM OR SCHOOL YEAR. I STILL MAINTAIN, AND I THINK MOST OF THE COUNCILLORS WHEN THEY CONSIDER IT, WILL SEE THAT THERE IS A REQUIREMENT IN THE LEGISLATION BECAUSE WHEN YOU HAVE A WHOLE SCHOOL CLOSING DOWN, WHEN YOU HAVE A WHOLE COMMUNITY AND YOU HAVE STAFF THERE WHAT DO YOU DO WITH YOUR STAFF? YOU HAVE EMPLOYED THEM, APPOINTED THEM TO THIS SCHOOL TO PERFORM A TEACHING FUNCTION AND WHAT DO YOU DO WITH YOUR STAFF AT THE END. NOW WE'RE SUGGESTING WE GIVE THEM SIXTY DAYS' NOTICE OR TWO MONTHS' PAY. WE ARE ALSO SUGGESTING IF THEY HAVE PRIORITY FOR RE-HIRING, AND WHAT WE ARE BASING OUR RE-HIRING PROCEDURE ON VARIES SOMEWHAT TO WHAT MR. HERON SAID REGARDING SCHOOL BOARD IN THE NEGOTIATED GRIEVANCE WHERE THE PEOPLE WITH THE LEAST QUALIFICATIONS ARE LAID OFF FIRST. WHAT WE ARE SAYING ARE THE PEOPLE WHO ARE QUALIFIED FOR A

CERTAIN POSITION, THE PERSON WHO IS THE MOST COMPETENT TEACHER WHO IS THE LAY-OFF SHOULD BE GIVEN THE FIRST RIGHT TO RE-EMPLOYMENT WITHIN THE YUKON TERRITORY AS A TEACHER. THIS IS THE BASIS. WE'RE NOT USING IT ON CERTIFICATION. WE'RE NOT USING IT ON SENIORITY, BUT WE'RE BASING IT ON MERIT.

I THINK ON ALL HONESTY THAT THERE IS A REQUIREMENT TO HAVE SOME PROVISION FOR WHEN YOU HAVE A MARKED DECREASE IN POPULATION. WHEN YOU HAVE A WHOLE CLASS CLOSING DOWN. WHEN YOU ARE NOT HAVING AN INSTRUCTIONAL PROGRAM; THAT IF YOU DO HAVE STAFF THERE SHOULD BE SOME PROVISION WHERE YOU CAN LAY-THEM OFF. I WOULD SUGGEST AT THE END OF THE TERM OR WHEN YOU ARE TALKING ABOUT THE END OF A SCHOOL YEAR THEN, OF COURSE, WE GET INTO THE OTHER QUESTION AGAIN IF THEY DON'T HAVE TENURE THEN YOU DON'T NEED LAY-OFFS. RIGHT?

Mr. Chamberlist: Mr. Chairman, I WILL TELL YOU WHY I'M OPPOSED TO THIS SECTION. FIRST OF ALL IT DEPRIVES AGAIN THE TEACHERS AS PROFESSIONALS FROM BEING DIFFERENTIATED FROM NORMAL PUBLIC SERVICE. AND I CAN'T HELP BUT NOTICE THAT UNDER THE PUBLIC SERVICE ORDINANCE, THE INTERPRETATION OF "LAY-OFF", THEY HAVE "MEANS A PERSON WHO HAS BEEN LAID OFF PURSUANT TO SUB-SECTION 29(1) AND WHO IN THE OPINION OF THE COMMISSIONER IS SUITABLE FOR CONTINUED EMPLOYMENT IN THE PUBLIC SERVICE." THAT BECOMES A LAY-OFF. AND THEY HAVE TAKEN THE LEGISLATION, IS TAKEN ALMOST IDENTICAL WORD FOR WORD, THAT SECTION OF THE PUBLIC SERVICE ORDINANCE AND THE ADMINISTRATION IS USING THAT IN THE SCHOOL ORDINANCE IN THAT PARTICULAR AREA.

NOW TO ME THAT'S WRONG. BECAUSE IT SHOWS WHAT THE INTENT OF THE ADMINISTRATION WAS AND THAT WAS TO TURN THESE PEOPLE INTO PUBLIC SERVANTS. SIMPLY BY PUTTING THAT SECTION IN THERE AND JUST CHANGE THE WORDS TO USE THE "TEACHERS" IN THERE. I NOTICE THAT ALTHOUGH THE LEGISLATION ITSELF HAS LAY-OFF IN THERE, IT SAYS "LAY-OFF" MEANS A PERSON", IN THE INTERPRETATION SECTION THIS IS OF THE SCHOOL ORDINANCE. "LAY-OFF" MEANS A PERSON WHO HAS BEEN LAID OFF PURSUANT TO SECTION 93 AND IS SUITABLE AND QUALIFIED FOR CONTINUED EMPLOYMENT AS A TEACHER."

WHAT'S THE POINT OF LAYING PEOPLE OFF AND SAY, YOU KNOW, WE'RE LAYING YOU OFF, BUT NEVERTHELESS YOU'RE SUITABLE TO HAVE YOUR EMPLOYMENT CONTINUED AS A TEACHER. I THINK THAT'S ADMINISTRATIVE HYPOCRACY. IT REALLY IS.

I THINK WE WOULD BE FAR BETTER OFF TO LEAVE THIS SECTION OUT COMPLETELY. AND I WOULD AT THIS TIME, I'D ASCERTAIN FROM COUNCILLOR WATSON WHETHER SHE CAN RECALL A LAY-OFF OF TEACHERS OF THIS DESCRIPTION WITHIN HER YEARS ON COUNCIL OR AT ANY TIME BEFORE IN THE YUKON TERRITORY?

Mrs. Watson: No, Mr. Chairman, we haven't had a need for it. But I might say that I don't think it's a threat, it's just being realistic, that if you don't have students for teachers to teach, you don't need the teachers. That's basically it. If you have a whole mine or a whole area closed down and that is not an unreal situation at all in the Yukon Territory and that it could happen, that then you should be able to somehow or other, legally break your appointment with the teachers.

NOW, IF WITHIN THE TERRITORY AT THAT TIME AND IT WAS POSSIBLE TO UTILIZE THE TEACHERS IN SOME OTHER CLASSES, FINE. BUT IT MAY BE THAT THIS IS NOT POSSIBLE OR IT MAY BE THAT WITHIN THE BUDGET REQUIREMENTS, THAT IT'S NOT POSSIBLE. SO I REALLY THINK THAT I WOULD SAY MAYBE AT THE END OF A SCHOOL YEAR OR AT THE END OF A SCHOOL TERM, OR I THINK THAT THERE SHOULD BE SOME PROVISION WITHIN OUR LEGISLATION FOR SOME TYPE OF LAY-OFF PROCEDURE AND I THINK IF YOU'RE GOING TO HAVE A LAY-OFF, I THINK THE PROCEDURE SHOULD BE CLEARLY DEFINED, IN ORDER TO PROVIDE PROTECTION FOR THE TEACHERS AS FAR AS RE-EMPLOYMENT GOES. AND IF YOU'RE GOING TO HAVE A LAY-OFF, THEN I THINK THAT THE TERRITORY OR THE EMPLOYER HAS A MORAL OBLIGATION TO PROVIDE TRANSPORTATION OUT OF THE TERRITORY. IF YOU ARE GOING TO HAVE A LAY-OFF.

AND I REALLY FEEL THAT SOME PROVISION FOR THIS TYPE OF THING HAPPENING, HAS TO BE MADE IN THE LEGISLATION. IF IT DOESN'T HAPPEN THEN YOU DON'T HAVE TO USE IT.

Mr. Tanner: Mr. Chairman, IF YOU HAVE A SITUATION, ANY EMPLOYER HAS TO FACE UP TO THIS PROBLEM SOME TIME OR ANOTHER. IF YOU HAVE A SITUATION WHERE YOU HAVE EMPLOYEES WHO HAVE NO WORK, IN THIS CASE TEACHERS WHO ARE TEACHING CHILDREN. THEN THE EMPLOYER HAS GOT TO MAKE A DECISION. NOW IF IT'S A BIG EMPLOYER LIKE THE GOVERNMENT OR IN THIS CASE IF IT'S A BIG EMPLOYER LIKE THE TEACHERS WITH THE GOVERNMENT, THEY CAN PROBABLY MOVE TO ANOTHER SCHOOL AND SO ON AND SO FORTH. BUT IF YOU HAVE A POSITION WHERE FIRST YOU'VE GOT THE EMPLOYEE AND SECONDLY

YOU'VE GOT NO WORK AND THIRDLY THE EMPLOYEE HAS TENURE ON AN ONGOING BASIS, HOW ON EARTH OR WHO IS SUPPOSED TO SUPPORT THOSE TEACHERS, WHEN THERE IS NO MORE WORK, WITH TENURE STILL CAN BE PAID AND THERE'S NOTHING FOR THEM TO DO? NOW WHAT IS THE EMPLOYER IN THIS CASE, THE GOVERNMENT SUPPOSED TO DO?

MR. CHAMBERLIST: I'LL ANSWER IT THIS WAY. IT'S A SIMPLE WAY. I THINK IT COMPENSATES COMMON LAW. IF I HAD AN EMPLOYER INDICATE TO AN EMPLOYEE THAT I WILL EMPLOY THAT PERSON FOR ONE YEAR BY APPOINTMENT AND I HAVE MADE A DEAL WITH HIM THAT HE IS GOING TO BE EMPLOYED FOR A FULL YEAR AND THEN I DECIDE THAT I WANT TO BREACH THAT AGREEMENT THAT I'VE MADE WITH HIM FOR A FULL YEAR, IT'S MY RESPONSIBILITY TO PAY HIM FOR THE TERM OF AGREEMENT THAT I HAVE ENTERED INTO WITH HIM. IF THERE IS NO SUCH AGREEMENT AND THE PERSON IS EMPLOYED ON THE BASIS OF A TWO WEEK CONTRACT OR ON A MONTH TO MONTH BASIS, THAT'S A DIFFERENT THING ENTIRELY. BUT IF THE PERSON IS EMPLOYED ON THE BASIS OF A YEAR OF SCHOOLING OR A TWO YEAR AGREEMENT, THEN I THINK THAT THE YUKON TERRITORIAL GOVERNMENT HAS NOT ONLY A LEGAL OBLIGATION, BUT CERTAINLY A MORAL OBLIGATION TO KEEP THAT PERSON IN THE EMPLOYMENT POSITION.

MR. TANNER: MR. CHAIRMAN, I DON'T DISAGREE WITH WHAT THE HONOURABLE MEMBER SAID AT ALL. WHAT I'M TALKING ABOUT IS AFTER HIS TWO YEAR PROBATION PERIOD, THE TEACHER AS IT PRESENTLY STANDS WITHIN THE CONTEXT OF THIS PROPOSED ORDINANCE, HE HAS TENURE. AND WE HAVE GOT TO FIND EMPLOYMENT FOR THAT TEACHER AND WE HAVE GOT TO CONTINUE TO EMPLOY HIM ON AN ONGOING BASIS. THAT'S ALL VERY WELL TO MAKE AN AGREEMENT FOR A YEAR, BUT HOW MANY YEARS ARE YOU GOING TO CARRY HIM IF THE SITUATION ARISES AS POINTED OUT BY THE HONOURABLE MEMBER FROM CARMACKS-KLUANE?

LET'S TAKE THE CIRCUMSTANCES OF FARO CLOSING DOWN AND I DON'T KNOW HOW MANY TEACHERS WE'VE GOT THERE AND WE'VE GOT TO FIND WORK FOR THAT MANY TEACHERS AND WE ALSO HAVE A MORAL OBLIGATION BECAUSE HE'S GOT TENURE TO CONTINUE AD INFINITUM.

MR. CHAMBERLIST: OH, I SEE THAT POINT.

MR. CHAIRMAN: ORDER, JUST A SECOND. I BELIEVE MR. HERON HAD A COMMENT.

MR. HERON: MR. CHAIRMAN, IF I MAY COMMENT ON THAT, AD INFINITUM REALLY MAKES ABSOLUTELY NO SENSE AT ALL BECAUSE WE HAVE ATTRITION OF TEACHERS EVERY YEAR AND THAT TEACHER IS EASILY GOING TO BE EMPLOYED IF HE WISHES TO STAY IN THE YUKON TERRITORY IN ANOTHER SCHOOL SOMETIME DURING THAT YEAR BUT WE CAN'T SEEM TO GET THIS POINT ACROSS. THE TEACHERS ARE IN A MUCH DIFFERENT SITUATION THAN ANY OTHER GROUP OF EMPLOYEES HERE IN THE TERRITORY. WE CANNOT GO OUT AT ANY TIME OF THE YEAR AND PICK UP A TEACHING JOB. WE ARE HIRED FROM SEPTEMBER TO THE END OF JUNE. SO WHY HAVE A "LAY-OFF" CLAUSE IN HERE WHICH IS GOING TO TURN TEACHERS AWAY FROM APPLYING. MAYBE TURN A GOOD TEACHER AWAY FROM APPLYING HERE. LET'S SAY ROSS RIVER SHUT DOWN AND SO WE HAVE TO FIND EMPLOYMENT FOR TWO OTHER TEACHERS. THE SITUATION IN WHITEHORSE NOW, ANY PRINCIPAL WOULD JUST GIVE HIS EYE TEETH TO BE GIVEN ANOTHER TEACHER TO ASSIST OUT IN HIS SCHOOL FOR THE REST OF THE YEAR.

I SAY, MR. CHAIRMAN, LET'S DO AWAY WITH THIS WHOLE "LAY-OFF" CLAUSE. LET'S ATTRACT THE TEACHERS UP HERE. IT'S GOING TO COST THE GOVERNMENT, HOW OFTEN IS A MINE GOING TO CLOSE DOWN, HOW OFTEN IS AN AREA GOING TO BE SHUT DOWN? IT'S GOING TO COST THE GOVERNMENT ALMOST NOTHING TO DELETE THIS SECTION ON "LAY-OFF", YET IT'S GOING TO JUST MAKE RECRUITING OF TEACHERS ONE HECK OF A LOT EASIER. IT'S GOING TO ATTRACT TEACHERS TO THE YUKON OF A HIGHER CALIBRE THAN THOSE TEACHERS WHO WOULD SAY TO THEMSELVES; "WELL I'M NOT GOING UP THERE IF I CAN BE LAID OFF IN TWO MONTHS."

DELETE IT.

MR. TANNER: MR. CHAIRMAN, O.K. IF THAT'S THE OPINION OF THE YUKON TEACHERS' ASSOCIATION, THEN I WOULD SUGGEST WE SHOULD DELETE TENURE TOO. I DON'T THINK YOU CAN HAVE IT BOTH WAYS.

MRS. WATSON: MR. CHAIRMAN, I THINK THAT'S THE CRUNCH. I THINK THE WHOLE EXERCISE IS SORT OF A COMPROMISE TOO. AND THAT THERE HAS TO BE JOB SECURITY AND I AGREE WITH YOU VERY MUCH IN ORDER TO GET GOOD CALIBRE TEACHERS. BUT ON THE OTHER HAND JOB SECURITY, WHEN THERE'S NOT A JOB IS A LITTLE UNREASONABLE TOO. SO I THINK THAT WE HAVE TO LOOK AT ALL ASPECTS AND WE DO HAVE TO CONSIDER WHETHER WE ARE GOING TO LET TEACHERS HAVE TENURE, BECAUSE THERE HAS BEEN REPRESENTA-

TION MADE TO THE COUNCIL THAT TENURE NOT BE RETAINED, THAT IT NOT BE A CONTINUOUS EMPLOYMENT, AND IN THAT CASE, IF WE DON'T HAVE IT A CONTINUOUS EMPLOYMENT, THEN I'M QUITE PREPARED, THEN THERE IS NO NEED TO HAVE LAY-OFF. BUT WHEN YOU HAVE JOB SECURITY CONTINUING EMPLOYMENT AND HAVE JOB SECURITY IF THERE ISN'T A JOB, WELL YOU KNOW, YOU HAVE TO LOOK AT ALL ASPECTS OF IT.

Mr. Chamberlist: I think Mr. Chairman, that's a good point. I wonder Mr. Chairman, if Mr. Heron would have further discussions with the Y.T.A. and point out what has been stated by Mrs. Watson? You know, drop these lay-offs, if you give up the tenure area because at least it would be a saw-off, you know, some sort of a compromise.

Mr. Heron: Well, Mr. Chairman, I think we are willing to compromise. If this House is not willing to delete this lay-off section then let's change this lay-off section so that it reads in accordance with teachers and not public civil servants. Let's do that then if you won't delete it, let's amend the entire section.

Look at Section 93 (5).

Mr. Tanner: Mr. Chairman, the witness didn't answer the question. He very beautifully side-stepped it. I think this witness has got to be a candidate for this House, he's so good at not giving us the answer that we are looking for.

Now, the question asked by the member from Whitehorse East was, the proposition is either lay-off or tenure? Which do you want to take? And he didn't come back with an answer to that question. I would like that question answered specifically.

Mr. Heron: Mr. Chairman, we've gone around and around this tenure thing already, that we have a different concept of what tenure is than Mrs. Watson has. We've already granted you that according to Mrs. Watson's definition of tenure in continuing appointment, then let's leave that tenure section in because otherwise that's right. We have a teacher up here for ten years and they can suddenly get a notice on the first if their services are no longer needed. This is obviously not a healthy situation.

But I am willing to compromise. Or, we are.

Mr. Tanner: We can take out the lay-off. We can take out then, "the lay-off," that section altogether. If it's agreeable to the teachers what the witness enumerated just now, you can terminate a contract right now with 30 or 60 days' notice either way with cause.

Mrs. Watson: Not terminate. Not renewed, that's the tenure. It's not renew a contract. My interpretation of a tenure, through my discussions and my review of all the legislation and also through the discussions with the other groups who appeared before this table asking that tenure be deleted from the legislation and this was their understanding and this is what they interpreted as tenure. This is what they wanted, that appointments not be continuing and that every year the appointment has to be renewed. And it does not have to be for cause. It just does not have to be renewed. So, this is a different thing altogether and we've had representation to do that. The suggestion in the Committee on Education... to delete tenure. Of course, if you delete tenure you take out the probation section, and we've gone along in our legislation and have given the teachers job security by making appointments a continuing one after probation. But we've also said, "O.K. if it's continuing, at least give us the opportunity so that there isn't a school or there aren't pupils that we can lay-off or if we do have to do some transferring, that we are able to do it." If you want to have your employment as continuing employment, I think this is very reasonable.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Heron could indicate and he was going to indicate some amendments to the lay-off section? Perhaps we can hear from him what he thinks should be in by way of amendments in the lay-off section.

Mr. Tanner: Excuse me, just on a point of order, Mr. Chairman. Before we get into the details of that. He has already enumerated, I think, what he wanted. I would like to have the basic principle or maybe get some input on the basic principle of what we are saying here.

Mr. Chairman: Just from the chair, would it not be a little presumptuous to ask Mr. Heron to comment on things as he is talking about?

HE DOESN'T UNDERSTAND WHAT THE TENURE POSITION IS GOING TO BE. POSSIBLY IN LIGHT OF WHAT HE HAS LEARNED TODAY, HE MAY BE ABLE TO GO BACK TO HIS PRINCIPALS AND DISCUSS IT WITH THEM AS TO WHAT AMENDMENTS HE MIGHT BE SEEKING OR THE Y.T.A. MIGHT BE CONSIDERING.

MR. CHAMBERLIST: YES, THAT'S QUITE TRUE, MR. CHAIRMAN, BUT HE DID INDICATE, YOU KNOW, HE SAID, WHY NOT AMEND THE LAY-OFF SECTION AND I WOULD LIKE TO HEAR WHAT HIS SUGGESTIONS ARE?

MR. CHAIRMAN: THIS IS WHAT I AM SAYING. MAYBE HE WOULD LIKE TO CONSULT WITH HIS PRINCIPALS BEFORE HE IS ASKED TO MAKE AMENDMENTS NOW.

MR. HERON: WELL, MR. CHAIRMAN. IT'S NOT OFF THE CUFF, BUT I WOULD LIKE TO GO BACK TO WHAT MR. TANNER HAS BEEN SPEAKING OF. THAT WHEN WE WERE TALKING ABOUT TENURE, WHEN WE SPOKE TO THE ADVISORY COMMITTEES ABOUT DOING AWAY WITH THE TENURE, IT WAS NOT WITH THE IDEA THAT A TEACHER COULD BE TERMINATED PERHAPS WITHOUT ANY REASON OR AT THE WHIM OR THE WILL OF THE SUPER-INTENDENT. BUT THAT IF HE WAS TERMINATED, THEN WE WOULD HAVE CAUSE TO A BOARD OF REFERENCE OR TO A BOARD OF APPEAL TO LOOK INTO THIS TERMINATION. CERTAINLY, THEY GO PART AND PARCEL. THAT IS WHY WE WERE WILLING TO GET RID OF THE WORD 'TENURE'. IF WE HAD AN IMPARTIAL BOARD OF APPEAL WHICH WOULD LOOK INTO ANY DISMISSAL OF ANY TEACHER AND THIS IS WHY WE SAY, ALRIGHT THEN SINCE THAT HASN'T BEEN GIVEN WE WANT THOSE SECTIONS LEFT IN ON PROBATION AND TENURE.

THAT IS NOT DIFFERENT THAN ELSEWHERE IN CANADA. TEACHERS ALL ACROSS CANADA HAVE TENURES BUT THEY ARE NOT ALL SUBJECTED TO THESE LAY-OFF CLAUSES. TEACHERS IN THE NORTHWEST TERRITORIES HAVE TENURE BUT THEY ARE NOT SUBJECTED TO THESE LAY-OFF CLAUSES. THIS IS WHY I SAY, WE ARE WILLING TO COMPROMISE IF YOU WILL NOT DELETE THE LAY-OFF CLAUSE TO MAKE SOME AMENDMENTS. THE PRIMARY ONES, THAT LAY-OFF SHALL BE EFFECTIVE ONLY AT THE END OF A CONTRACT SEASON. GET RID OF THESE SECTIONS SUCH AS 93 SUBSECTION (5) WHERE: LAY-OFF SHALL BE CONSIDERED FOR RE-EMPLOYMENT AS A TEACHER AND PRIORITY TO ALL OTHER PERSONS. AND IN PRIORITY TO ALL OTHER PERSONS WHO BECAME LAY-OFFS AT AN EARLIER TIME.

MR. CHAIRMAN, HOW RIDICULOUS. IF A TEACHER GETS LAYED OFF IN OCTOBER, THEN HE SITS AROUND WONDERING WHETHER OR NOT HE IS GOING

TO GET RE-EMPLOYMENT TIL DECEMBER, BUT THERE WAS A TEACHER LAID OFF THE DAY BEFORE AND WHO IS REHIRED ON. NOT THE TEACHER THAT HAS BEEN SITTING AROUND FOR TWO MONTHS, THE TEACHER WHO IS JUST WAS LAID OFF.

THAT JUST SMACKS THE PUBLIC SERVICISM-LIKE NO ONE'S BUSINESS.

MRS. WATSON: MR. CHAIRMAN, I WOULD BE PREPARED TO GO ALONG WITH THE LAY-OFF AT THE END OF (A) SAY AT A CHRISTMAS TERM OR AT THE END OF THE YEAR, SCHOOL YEAR. I WOULD BE PREPARED TO GO THAT FAR WITH OF COURSE 60 DAYS NOTICE OR THE 60 DAYS PAY.

I THINK THERE HAS TO BE SOME ORDER AND SOME PRIORITY ESTABLISHED IF YOU ARE GOING TO HAVE LAY-OFFS. I DON'T IMAGINE WE ARE EVER GOING TO HAVE ENOUGH SO THAT YOU HAVE THAT MANY. WE MUST REMEMBER, WE ARE CONSIDERING THE PEOPLE WHO ARE QUALIFIED FOR THE JOB.

WE MAY HAVE TO, FOR EXAMPLE IF YOU HAVE A FRENCH TEACHER LAID-OFF OR YOU HAD TO LAY-OFF AN ELEMENTARY TEACHER. YET THERE WAS A VACANCY OVER AT COLLINS FOR A FRENCH TEACHER. YOU JUST, NO WAY, CAN HIRE THAT ELEMENTARY TEACHER FOR THAT FRENCH POSITION.

THIS IS WHY WE HAVE TRIED TO COME UP WITH SOME WAY OF ESTABLISHING PRIORITY. WHO GETS HIRED FIRST WHO HAS THE FIRST OPPORTUNITY, IF A POSITION COMES AVAILABLE

MR. HERON: MR. CHAIRMAN, I REMEMBER GOING AROUND AND AROUND THIS SAME CIRCLE AND THE SAME ARGUMENT WITH THE COMMISSIONER IN HIS OFFICE LAST YEAR IN THE PRESENCE OF THE PRESIDENT OF THE CANADIAN TEACHERS' FEDERATION. I BELIEVE, MRS. WATSON, YOU WERE OUT OF TOWN AT THAT TIME, AND YOU WEREN'T ABLE TO MAKE THE MEETING. WE BROUGHT UP THE EXAMPLE, WHAT ABOUT THE TEACHER WHO HAS GIVEN TWENTY YEARS OF HIS LIFE TO THE YUKON?

HE HAS BUILT A HOUSE HERE. IS THAT TEACHER GOING TO BE LAID-OFF BEFORE THE TEACHER WHO HAS JUST COME UP HERE AND SPENT ONLY A YEAR? DOESN'T THAT MEAN ANYTHING? COMING UP AND SPENDING TWENTY YEARS HERE. THAT IS JUST RIDICULOUS THE WAY IT IS SET OUT.

MR. CHAMBERLIST: I AGREE, IT IS A VALID POINT.

Mr. TANNER: Mr. CHAIRMAN, THIS IS VERY INTERESTING AND BASIC TO THE WHOLE ORDINANCE. IT SEEMS TO ME THAT PERHAPS THE DETAILS OF THE LAY-OFF ARE NOT ACCEPTABLE TO THE TEACHERS BUT IT SEEMS TO ME THAT BY FIRST OF ALL, RETAINING TENURE AND THEN SECONDLY HAVING SOMETHING THAT HAPPENS SO INFREQUENTLY AND HASN'T HAPPENED IN THE LIVING MEMORY OF ANYBODY IN THIS COUNCIL. ACCEPTING THAT, YOU ARE GETTING IT BOTH WAYS. YOU ARE GETTING TENURE AND SECURITY OF JOB AND AT THE SAME TIME, YOU ARE SUBJECT TO A CIRCUMSTANTIAL WHICH PROBABLY AND IN ALL LIKELYHOOD WILL NEVER HAPPEND.

Mr. HERON: WHY, Mr. CHAIRMAN? SHOULDN'T WE HAVE PARODY WITH OTHER TEACHER ASSOCIATIONS IN CANADA? WHY?

Mr. CHAMBERLIST: Mr. CHAIRMAN, IT MIGHT NOT BE AN APPROPRIATE TIME. WE ARE NOT GOING TO FINISH TODAY AND I WOULD SUGGEST WE ARE GETTING A LITTLE BIT RAUCOUS, I MIGHT SAY AND I AM THE QUIET ONE THIS TIME.

I WONDER IF I CANNOT MOVE THAT Mr. SPEAKER DO NOW RESUME THE CHAIR. IF IT WOULD BE APPROPRIATE AT THIS TIME?

Mr. CHAIRMAN: I WOULD THINK THAT THIS MIGHT BE A GOOD TIME ON THIS DEBATE ON THIS QUESTION ESPECIALLY, TO DO A LITTLE THINKING ON THE SUBJECT OVER NIGHT AND BE FRESH TO ROAR AT IT AGAIN TOMORROW MORNING.

Mr. TANNER: Mr. CHAIRMAN, JUST BEFORE ANYONE SECONDS THAT MOTION, COULD THE WITNESS GIVE US SOME INDICATION ON HOW MANY MORE OTHER POINTS BESIDES THIS. I KNOW THIS IS A VERY BASIC ONE.

Mr. CHAIRMAN: THIS ONE WILL TAKE SOME TIME I THINK.

Mr. HERON: THE SECTION ON LAY-OFF, THE SECTION ON TRANSFER. WE HAVE SOME COMMENTS TO MAKE ON THE TEACHER QUALIFICATION BOARD AND TWO OR THREE OTHER MINOR ITEMS. IF WE CAN GET THROUGH THIS LAY-OFF AND TRANSFER CLAUSE THEN THE REST OF IT SHOULD TAKE NO MORE THAN HALF AN HOUR OR SO.

Mr. CHAIRMAN: IS THERE A SECONDER FOR THE MOTION? I WONDER IF THE WITNESS CAN BE EXCUSED AT THIS TIME?

SOME MEMBERS: AGREED.

Mr. HERON: THANK YOU VERY MUCH, Mr. CHAIRMAN.

Mr. CHAIRMAN: THANK YOU VERY MUCH, Mr. HERON, AND,

Mr. HERON: I APOLOGIZE FOR GETTING INTO THE DEBATE. I REALLY REALIZE I SHOULDN'T.

Mr. CHAIRMAN: IT'S REALLY MY FAULT, Mr. HERON BUT I LIKE TO EXERCISE EVERY LATITUDE IN THIS PARTICULAR DEBATE, IF POSSIBLE. 10:30?

Mr. HERON: 10:30.

Mr. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR CHAMBERLIST, SECONDED BY COUNCILLOR STUTTER THAT Mr. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

Mr. SPEAKER: COUNCIL WILL NOW COME TO ORDER. MAY WE HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEES?

Mr. TAYLOR: Mr. SPEAKER, COMMITTEE CONVENED AT 11:05 A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. Mrs. ALFORD AND Mr. HOUGEN, REPRESENTING THE UNIVERSITY OF CANADA NORTH ATTENDED COMMITTEE TO DISCUSS MATTERS RELATED TO BILL No. 7.

COMMITTEE RECESSED AT 12:00 NOON AND RECONVENED AT 2:10 P.M. THIS AFTERNOON. Mr. MIKE HERON REPRESENTING THE YUKON TEACHERS' ASSOCIATION ATTENDED COMMITTEE TO DISCUSS MATTERS RELATED TO BILL No. 7.

IT WAS MOVED BY COUNCILLOR CHAMBERLIST, SECONDED BY COUNCILLOR STUTTER THAT Mr. SPEAKER DO NOW RESUME THE CHAIR AND THIS MOTION CARRIED.

Mr. SPEAKER: YOU HAVE HEARD THE REPORT OF THE CHAIRMAN OF COMMITTEES. ARE WE AGREED?

SOME MEMBERS: AGREED.

Mr. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

Mr. TAYLOR: Mr. SPEAKER, IN RESPECT TO THE AGENDA I BELIEVE IT'S THE INTENTION OF YOUR COMMITTEE TO HAVE FURTHER DISCUSSIONS WITH THE YUKON TEACHERS' ASSOCIATION TOMORROW FOLLOWED



BY THE CONSIDERATION OF BILLS, SESSIONAL PAPERS AND MOTIONS.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. CHAMBERLIST: MR. SPEAKER, I MOVE THAT WE CALL IT 5 O'CLOCK.

MR. SPEAKER: IS THERE A SECONDER?

MRS. WATSON: I'LL SECOND IT, MR. SPEAKER.

MR. CHAMBERLIST: LIKE OLD TIMES.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE EAST, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT WE NOW CALL IT 5 O'CLOCK. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED. THIS COUNCIL NOW STANDS

ADJOURNED UNTIL 10:00 A.M. TOMORROW MORNING.

ADJOURNED

FRIDAY, MAY 10, 1974.

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MRS. WATSON: YES, MR. SPEAKER, I HAVE FOR TABLING LEGISLATIVE RETURN NOS. 65, 66, 67 AND 68.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEES? ARE THERE ANY BILLS TO BE INTRODUCED? ARE THERE ANY NOTICES OF MOTION OR RESOLUTIONS? ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS?

AS THERE ARE NO MOTIONS FOR THE PRODUCTION OF PAPERS OR MOTIONS, WE COME TO THE QUESTION PERIOD. MADAM CLERK WILL YOU PLEASE ASCERTAIN IF MR. COMMISSIONER IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY QUESTIONS? MR. COMMISSIONER.

INFORMATION RE: CANADIAN AIRBORNE REGIMENT

MR. COMMISSIONER: MR. SPEAKER THERE ARE TWO THINGS THAT I WOULD LIKE TO GIVE FOR COUNCILS' INFORMATION THIS MORNING. ONE OF THEM CONCERNS AN UNANSWERED QUESTION FROM YESTERDAY, THE OTHER CONCERNS A LIST OF INFORMATION HERE WHICH I'M SURE MEMBERS WILL FIND OF INTEREST CONCERNING THE EXERCISE THAT IS GOING TO BE CONDUCTED BY THE CANADIAN AIRBORNE REGIMENT IN THE CARCROSS AREA AND OF COURSE IN THE NEXT WEEK OR SO. THE PURPOSE OF THIS EXERCISE MR. SPEAKER, IS AS PROBABLY MEMBERS ARE AWARE, IS TO PRACTICE CANADIAN AIRBORNE REGIMENT IN MOUNTING AND CONDUCTING A DEFENSIVE CANADA OPERATION NORTH OF THE 60TH PARALLEL DURING THE BREAKUP SEASON. THE EXERCISE WILL BE CONDUCTED MAY 11TH TO THE 28TH, 1974. IT WILL INVOLVE SOME 700 PEOPLE. THE ARMED FORCES PERSONNEL WILL BE HOUSED IN TENTS AT CARCROSS AND THERE WILL BE ABOUT 250 OF THIS TOTAL LOCATED AT THE WHITEHORSE AIRPORT. UPON COM-

PLETION OF THE EXERCISE, 500 MEN WILL RECEIVE FIVE DAYS REST AND RECUPERATION HERE IN WHITEHORSE AND THERE WILL BE A PUBLIC INFORMATION OFFICER WITH THE GROUP, WHO WILL UNDERTAKE AN EXTENSIVE ADVERTISING AND PUBLIC INFORMATION CAMPAIGN. AND THIS PACKAGE, WITH YOUR PERMISSION MR. SPEAKER, I WOULD LIKE TO GIVE TO THE CLERK FOR DISTRIBUTION TO THE MEMBERS AT THIS TIME FOR THEIR INFORMATION.

ANSWER RE: BIDS ON LIQUOR STORE COMPLEX

MR. COMMISSIONER: MR. SPEAKER, AS PROMISED YESTERDAY MORNING IN QUESTION PERIOD, I WAS ABLE TO GET AN ANNOUNCEMENT MADE PUBLICALLY YESTERDAY CONCERNING THE LOW BIDDER ON THE CONTRACT TO BE ENTERED INTO FOR THE LIQUOR STORE PREMISES HERE IN WHITEHORSE. THE LOW TENDERER, B.P.L. INVESTMENTS LTD. HAVE BEEN NOTIFIED THAT SUBJECT TO MINOR MODIFICATIONS AND BUILDING DESIGN A CONTRACT WILL BE ENTERED INTO. THEIR BIDS WERE CHOSEN BY AN INTERNAL COMMITTEE COMPRISED BY J. POUNDS, ARCHITECT, R. THIBAUT, DIRECTOR OF LIQUOR AND RAY GOSSE, ACCOMMODATION SERVICES. THE MAJOR CRITERIA USED BY THE COMMITTEE WERE BUILDING DESIGN AND SUITABILITY, LOCATION, PARKING AND COST. THE AWARD OF THE CONTRACT WILL BE SUBJECT TO THE SUCCESSFUL BIDDER OBTAINING ALL NECESSARY APPROVALS FROM THE CITY OF WHITEHORSE. THE SECOND LOW BIDDER UNDER THE ABOVE CRITERIA WAS MILTON HOLDINGS OF EDMONTON. THEY HAVE BEEN NOTIFIED THAT THEIR BID WAS SECOND LOWEST AND THAT IF B.P.L. WOULD NOT COMPLY, THEY WOULD BE NEXT IN LINE. ALL OTHER BIDDERS HAVE BEEN NOTIFIED OF REJECTION MR. SPEAKER.

MR. SPEAKER: ARE THERE ANY QUESTIONS?

MR. CHAMBERLIST: SUPPLEMENTARY MR. SPEAKER, TO THE ANSWER GIVEN BY THE COMMISSIONER. I WONDER IF THE COMMISSIONER CAN INDICATE WHY, WHEN THIS INFORMATION WAS RELEASED BY MAIL ON MONDAY, WHY DID THE ADMINISTRATOR AND YOURSELF YESTERDAY, REFUSE TO GIVE THAT INFORMATION THAT HAD ALREADY BEEN MAILED OUT TO THIS COUNCIL? THIS, MR. SPEAKER, IS WHAT I WANT TO KNOW. WHAT WAS BEHIND THE REFUSAL TO GIVE OUT INFORMATION TO COUNCIL MEMBERS HERE, WHEN THE INFORMATION HAD ALREADY BEEN MAILED OUT? WHAT WAS THE SECRECY ABOUT?

MR. COMMISSIONER: MR. SPEAKER, I CANNOT SPEAK OF PRIOR TO YESTERDAY, BUT WHEN I ANSWERED YESTERDAY, I ANSWERED IN HONESTY. I DID NOT HAVE THAT INFORMATION AVAILABLE TO ME AT THAT

TIME. THAT FROM MY OWN PERSONAL POINT OF VIEW, I WANTED TO BE ASSURED THAT BEFORE THE INFORMATION WAS MADE AVAILABLE IN THE PUBLIC SCHEME OF THINGS, THAT AT LEAST THE PEOPLE WHO HAD BID HAD TIME TO RECEIVE THE NOTIFICATIONS THROUGH THE MAIL, AND I PROMISED IT WOULD BE RELEASED PUBLICALLY AS QUICKLY AS POSSIBLE, HOPEFULLY YESTERDAY AND THESE THINGS HAVE BEEN COMPLIED WITH. NOW PRIOR TO THAT, MR. SPEAKER, I AM UNABLE TO ANSWER.

MR. CHAMBERLIST: YES, MR. SPEAKER, I WOULD WANT TO INDICATE THAT I UNDERSTAND MR. COMMISSIONER MAY NOT HAVE BEEN AWARE YESTERDAY OF WHAT THE SITUATION WAS. BUT MY QUESTION TO HIM IS NOW THAT HE IS HERE, WILL HE EXAMINE WHY THIS TYPE OF THING CAN HAPPEN WHEN THE INFORMATION WAS PUBLIC? WHY WOULD YOUR DEPUTY STAND UP HERE AND SAY AND THE WORDS ARE RECORDED; "I HAVE NO INFORMATION ABOUT IT", WHEN THE INFORMATION WAS ALREADY GIVEN OUT ON MONDAY? THIS IS THE POINT THAT I'M MAKING. AND WOULD MR. COMMISSIONER HAVE A LOOK INTO THIS AND FIND OUT WHY THIS TYPE OF THING HAPPENS?

MR. COMMISSIONER: NO, MR. SPEAKER, MR. COMMISSIONER WON'T. I HAVE TOO MANY MORE IMPORTANT THINGS TO DO.

MR. CHAMBERLIST: WELL OF COURSE. THIS IS THE ARROGANCE, MR. SPEAKER OF THIS MAN AND YOU SHOULD NEVER BE HERE ANY LONGER. HE'S A DISGRACE TO THE YUKON.

MR. SPEAKER: ORDER. ORDER!  
COUNCILLOR TAYLOR.

QUESTION RE: PUMP PRICES ON GASOLINE

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION RELATING TO A NEWS ITEM ON THE NATIONAL NEWS LAST NIGHT THAT IT IS EXPECTED THAT THE WESTERN PUMP PRICES ON GASOLINE IS TO RISE BY 8.6 CENTS PER GALLON PROJECTED AFTER MAY 15TH. I AM WONDERING IF MR. COMMISSIONER COULD INDICATE THIS MORNING AS TO WHETHER THE GOVERNMENT OF THE YUKON TERRITORY HAVE FORMULATED A PROGRAM SIMILAR TO THAT BEING FORMULATED IN THE WESTERN PROVINCES AIMED AT OFF-SETTING THIS MONUMENTAL INCREASE TO THE YUKON CONSUMERS?

MR. COMMISSIONER: MR. SPEAKER, WE HAVE NOT

FORMULATED A POLICY AT THIS TIME. I HAVE TOLD THIS HOUSE APPROXIMATELY FOUR OR FIVE WEEKS AGO THAT WE CONTEMPLATED AND COULD FORESEE VERY VERY GRAVE CONSEQUENCES OCCURRING TO YUKON CONSUMERS AS A CONSEQUENCE OF THE GENERAL INCREASE ON THE COST OF PETROLEUM PRODUCTS.

I BELIEVE AT THAT TIME I CLEARLY INDICATED THAT WHEN ANNOUNCED BY THE PRIME MINISTER THAT THE PRICE OF PETROLEUM PRODUCTS, MAYBE THIS IS THE WRONG TERMINOLOGY BUT AT LEAST TO THE EXTENT OF HEATING FUELS AND GASOLINE, WOULD BE EQUALIZED ACROSS CANADA WITH FREIGHT BEING THE ONLY DIFFERENTIAL. AT THAT TIME I TOLD THE HONOURABLE MEMBERS THAT I HAD APPROACHED THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT AND ASKED HIM SPECIFICALLY JUST WHAT, IF ANYTHING, WOULD BE THE CONSEQUENCES TO THE YUKON CONSUMER OF THIS ANNOUNCED POLICY BY THE PRIME MINISTER.

NOW THERE MAY BE INFORMATION THAT HAS COME IN DURING MY ABSENCE, ON THIS MR. SPEAKER, AND I'M NOT AWARE OF IT IF IT HAS COME, BUT THERE HAS TO BE SOMETHING DONE.

NOW MR. SPEAKER, I DON'T KNOW JUST EXACTLY HOW WE CAN DEAL WITH THIS THING. WE DO NOT HAVE THE FINANCIAL RESOURCES WITHIN THE TERRITORY'S COFFERS, TO CONTEMPLATE OR HANDLE A SUBSIDY PROGRAM OF THE MAGNITUDE THAT WE'RE TALKING ABOUT BECAUSE WE'RE CONSUMING ABOUT FIFTY MILLION GALLONS OF PETROLEUM PRODUCTS HERE IN THE TERRITORY IN ANY ONE YEAR, TO ABSORB SAY A TEN CENT A GALLON PRICE INCREASE IF SUCH IS THE CASE AND UNDOUBTEDLY THIS IS WHAT IT IS GOING TO BE.

NOW WHETHER THIS IS GOING TO RESULT IN SOME BUDGETARY PROVISION, SOME SUPPLEMENT TO OUR FINANCIAL AGREEMENT WITH OTTAWA, JUST WHAT THE END RESULT OF THIS IS GOING TO BE, I CANNOT TELL YOU MR. SPEAKER, BUT IT IS NOT FOR WANT OF PRESSURE ON OUR SOURCE OF FUNDING, NAMELY THE OTTAWA GOVERNMENT THAT LEAVES THIS QUESTION UNANSWERED AT THIS TIME. I THINK THAT HONOURABLE MEMBERS ARE ENTITLED TO RAISE THE QUESTION. I THINK THAT EVERY MEMBER OF THE PUBLIC IN THE YUKON TERRITORY HAS GOT A TREMENDOUS INTEREST IN THIS AND I CAN ASSURE YOU THAT EVERY EFFORT WILL BE PUT FORTH BY MYSELF PERSONALLY AND THE MEMBERS OF MY ADMINISTRATION TO COME UP WITH SOMETHING HOPEFULLY THAT IS GOING TO HAVE SOME AMELIORATION IN THIS PARTICULAR REGARD.

MR. TAYLOR: SUPPLEMENTARY, AND I DO THANK MR. COMMISSIONER FOR HIS REPLY, BUT SUPPLEMENTARY TO THE QUESTION. IN LIGHT OF THE FACT THAT THIS

IS ALL ASSUMABLY GOING TO TAKE PLACE IN APPROXIMATELY FIVE DAYS FROM NOW. AND I'M WONDERING IF THE RESIGNATION OF THE GOVERNMENT WOULD IN FACT IMPEDE ANY NEGOTIATIONS BETWEEN THE GOVERNMENT IN THE TERRITORY AND CANADA IN THIS QUESTION?

MR. COMMISSIONER: MR. SPEAKER, NEW ELECTIONS HAVE BEEN CALLED, THE PRESENT GOVERNMENT IS IN POWER UNTIL IT IS VOTED OUT OF OFFICE AND I DON'T SEE WHERE THIS HAS ANY

MR. COMMISSIONER: THE PRESENT GOVERNMENT IS IN POWER UNTIL IT IS VOTED OUT OF OFFICE. I DON'T SEE WHERE THIS HAS ANY IMPEDIMENT ON THIS PARTICULAR TYPE OF A THING WHICH IS A MATTER OF TREMENDOUS PUBLIC URGENCY, MR. SPEAKER, WHERE FUEL COSTS ARE TRADITIONALLY HIGH AND WHERE THEY HAVE A TREMENDOUSLY SIGNIFICANT EFFECT ON EVERY INDIVIDUALS COST OF LIVING, EVERY COMMERCIALS OPERATORS COST OF DOING BUSINESS HERE IN THE YUKON,

MR. TAYLOR: MR. SPEAKER, THEN I TAKE THE GOVERNMENT OF THE TERRITORY WILL BE GIVING VERY, VERY URGENT ATTENTION TO THIS MATTER AND NEGOTIATING WITH, HOPEFULLY WITH CANADA SO THAT WE MAY HAVE AN ANSWER BY THE 15TH WHEN THIS PRICE INCREASE DOES TAKE EFFECT.

MR. COMMISSIONER: MR. SPEAKER, WE CARRY ON NEGOTIATIONS BUT I CAN'T GUARANTEE THAT THERE WILL BE ANY KIND OF AN ANSWER BY THE 15TH. I WOULD SAY THAT THERE IS A VERY SUBSTANTIAL INVENTORY IN THE HANDS OF DISTRIBUTORS HERE IN THE YUKON TERRITORY AT THE PRESENT TIME. WE WERE TOLD HERE LAST FALL, WHEN THE QUESTION OF SUPPLIES WAS CONCERNED, THAT THE DISTRIBUTORS HAD ON HAND AT ANY GIVEN TIME LAST FALL SOMETHING I BELIEVE IN EXCESS OF 3 OR POSSIBLY 4 MONTHS SUPPLY.

I WOULD BE VERY HOPEFUL THAT EVEN IF THERE IS AN IMMEDIATE PRICE INCREASE AT THE WELL HEAD, IF THAT IS THE CORRECT TERMINOLOGY THAT YOU USE FOR THE SUPPLY OF PETROLEUM PRODUCTS, THAT SURELY WE WILL BE SPARED THIS KIND OF A PRICE INCREASE UNTIL THE PRICE INCREASE IN ACTUALITY HAS FILTERED DOWN TO THE CONSUMER BY THE ACTUAL MOVEMENT OF SUPPLIES AT HIGHER COST,

MR. SPEAKER: COUNCILLOR STUTTER,

MR. STUTTER: MR. SPEAKER, I HAVE A QUESTION TO THE COMMISSIONER THIS MORNING. MR. COM-

MISSIONER NOW THAT THE RATE PAYS OF WHITEHORSE COMES DOWN ON THE CAMPBELL BRIDGE, WILL YOU GIVE A BRIEF OUTLINE AS TO THE CONSEQUENCES OF THAT DECISION?

MR. COMMISSIONER: MR. SPEAKER, I WOULD FIND IT VERY DIFFICULT TO KNOW WHAT THE CONSEQUENCES OF THIS DECISION WOULD BE. I THINK THAT HONOURABLE MEMBERS OF THIS HOUSE ARE AWARE OF THE AUTHORITY UNDER WHICH THE BRIDGE IS PRESENTLY BEING BUILT. I HAVE AUTHORITY FROM THIS COUNCIL IN THE FORM OF AN APPROPRIATION ORDINANCE TO GO AHEAD AND BUILD THE BRIDGE UNDER CERTAIN TERMS AND CONDITIONS.

I HAVE A TREASURY BOARD MINUTE FROM THE FEDERAL GOVERNMENT MAKING THE MONEY AVAILABLE FOR THIS BRIDGE UNDER CERTAIN TERMS AND CONDITIONS. THERE IS AN AGREEMENT BETWEEN THE TERRITORIAL GOVERNMENT AND THE CITY OF WHITEHORSE TO PROCEED TO BUILD THIS BRIDGE UNDER CERTAIN CONDITIONS. THERE WAS A RESOLUTION FROM THE PRESENT CITY GOVERNMENT OF WHITEHORSE CONCERNING PROCEEDING WITH THIS BRIDGE. AND THERE IS A PLAN OF THE BRIDGE AN AGREED TO PLAN OF THE BRIDGE THAT HAS BEEN SIGNED BY THE CITY AUTHORITY.

IN RESPONSE TO THE HONOURABLE MEMBERS QUESTION ALL I CAN TELL HIM IS THAT THOSE ARE THE AUTHORITIES UNDER WHICH THE BRIDGE CONSTRUCTION IS BEING PROCEEDED WITH AT THIS TIME. NOW THE CONSEQUENCES OF THIS AUTHORITY I JUST CANNOT SAY ANY MORE.

MR. STUTTER: SUPPLEMENTARY, MR. SPEAKER, WOULD THE COMMISSIONER CARE TO COMMENT WHETHER OR NOT THE BRIDGE WILL BE PROCEEDED WITH AT THIS POINT?

MR. COMMISSIONER: MR. SPEAKER, THAT IS EXACTLY WHAT I HAD JUST FINISHED SAYING. THAT THOSE AUTHORITIES WHICH PRESENTLY EXIST WHICH PERMIT THE BRIDGE CONSTRUCTION TO GO ON ARE THE AUTHORITIES UNDER WHICH I HAVE SIGNED THE CONTRACT WITH THE CONTRACTING FIRM FOR THE CONSTRUCTION.

MR. CHAMBERLIST: SUPPLEMENTARY, MR. SPEAKER, I WONDER IF MR. COMMISSIONER WOULD INDICATE WHO HE EXPECTS TO PAY FOR THE AMOUNT OVER AND ABOVE THE \$63,000 THAT HAS BEEN COMMITTED BY THE CITY OF WHITEHORSE AS THEIR SHARE?

MR. COMMISSIONER: MR. SPEAKER, ALL I CAN DO IS PROCEED UNDER THOSE AUTHORITIES THAT I HAVE AT THE PRESENT TIME. IT CALLS FOR A

FEDERAL CONTRIBUTION OF A CERTAIN AMOUNT OF MONEY, IT CALLS FOR A TERRITORIAL CONTRIBUTION OF A CERTAIN AMOUNT OF MONEY AND IT CALLS FOR A CITY CONTRIBUTION OF THE BALANCE.

MR. CHAMBERLIST: MR. SPEAKER, ANOTHER SUPPLEMENTARY. IS IT THE INTENTION OF THE COMMISSIONER TO COMPEL THE CITY TO PAY ANY ADDITIONAL MONEY TO THE \$63,000 WHICH THE RATE PAYERS HAVE ALREADY DECIDED THAT THEY WOULD NOT PAY?

MR. COMMISSIONER: MR. SPEAKER, THAT IS A VERY LEADING QUESTION. I WOULD SUGGEST THAT

MR. SPEAKER: COUNCILLOR TAYLOR,

QUESTION RE: TAX DEMAND NOTICES ON COMMUNITY CLUB PROPERTY

MR. TAYLOR: MR. SPEAKER, IN THE ABSENCE OF THE COMMISSIONER, OR DURING HIS ABSENCE, I RECEIVED SEVERAL PIECES OF CORRESPONDENCE AND COMMUNICATIONS WITH COMMUNITY CLUBS WHO ARE THIS YEAR RECEIVING FOR THE FIRST TIME TAX DEMAND NOTICES ON COMMUNITY CLUB PROPERTY AND BUILDINGS. THIS HAS PRESENTED A REAL GRAVE PROBLEM TO THESE COMMUNITIES. I ASKED SOME TIME AGO IF SOME STUDY COULD BE MADE AND SOME SOLUTION REALIZED BY THE ADMINISTRATION IN THIS MATTER. I HAVE BEEN PRESSED AGAIN JUST RECENTLY, THIS MORNING AS A MATTER OF FACT, AND I WONDER IF MR. COMMISSIONER COULD INDICATE WHEN WE MIGHT FIND A SOLUTION TO THIS PROBLEM?

MR. COMMISSIONER: MR. SPEAKER, UNDER THE TAXATION ORDINANCE AS IT IS WRITTEN AT THE PRESENT TIME, WITHOUT ACTUALLY HAVING THE ORDINANCE IN FRONT OF ME, I BELIEVE THE TAX EXEMPTIONS UNDER THE TERRITORIAL TAXATION ORDINANCE ARE LIMITED TO RELIGIOUS PROPERTY OR PROPERTY THAT IS USED FOR RELIGIOUS PURPOSES. I THINK THIS IS THE WORDING OF IT.

THE QUESTION THAT THE HONOURABLE MEMBER RAISES WILL HAVE TO BE DEALT WITH, IF INDEED IT IS THE WISH OF THE COUNCIL TO EXTEND TAX EXEMPTION OR TAX REMISSION, IF THAT IS THE WORD YOU WISH, WILL HAVE TO BE DEALT WITH BY SOME REVISIONS TO THE ORDINANCE. THE MATTER WILL BE COMING UP FOR DISCUSSION, I'M SURE, IN THE EXECUTIVE COMMITTEE IN THE

NEAR FUTURE. THERE WILL HAVE TO BE SOME GOVERNMENT POLICY WITH REGARD TO IT.

I THINK THAT HONOURABLE MEMBERS WILL REALIZE THAT WE ARE NOT ONLY TALKING HERE ABOUT COMMUNITY CLUBS AS SUCH, WE ARE TALKING ABOUT A WHOLE SERIES OF ORGANIZATIONS OF LITERALLY A NON-PROFIT TYPE OF NATURE THAT ARE BASICALLY FOR COMMUNITY PURPOSES, MUNICIPALITIES UNDER THE MUNICIPAL ORDINANCE HAVE THE AUTHORITY TO GIVE TAX REMISSION TO, AND HAVE TRADITIONALLY GIVEN THESE KIND OF TAX REMISSIONS. I THINK REALLY THE QUESTION IS, AND WILL HAVE TO BE DECIDED HERE IN THE TERRITORIAL COUNCIL, AND TO ANSWER IT IT SHOULD BE THE POLICY OF THE TERRITORIAL GOVERNMENT TO CARRY ON THAT TYPE OF MUNICIPAL TAX REMISSION POLICY? IT WILL HAVE TO COME HERE, MR. SPEAKER, FOR COUNCIL'S DECISION AND IT WILL HAVE TO COME IN THE FORM OF AMENDMENT TO THE TAXATION ORDINANCE.

MR. TAYLOR: MR. SPEAKER, SUPPLEMENTARY. IN AS MUCH AS THESE TAX DEMANDS RUNNING FROM \$1,000 TO \$2,000 A YEAR IN SOME OF THESE SMALL COMMUNITY CLUBS VIRTUALLY WHIPS THEM OUT OF EXISTENCE. I AM WONDERING IF THE GOVERNMENT AGAIN WOULD CONSIDER THIS AS A VERY URGENT MATTER AND GIVE IT REAL PRIORITY SO THAT THIS HOUSE COULD DEAL WITH THE MATTER IN ANY WAY POSSIBLY TO EFFECT REMISSION FOR THESE COMMUNITY CLUBS.

MR. COMMISSIONER: MR. SPEAKER, FIRST AND FOREMOST, THE TAX DEMANDS THAT HAVE PRESENTLY GONE OUT I BELIEVE HAVE A PAYMENT DATE SOMETIME IN THE FUTURE. I SUPPOSE THEY COULD BE TERMED AS PAYMENT TODAY BUT UNDER THE TAXATION ORDINANCE THAT KIND OF PAYMENT IS NOT REQUIRED. I AM CERTAINLY HOPEFUL OF THE WHOLE SUBJECT OF THE KINDS OF TAX REMISSIONS THAT ARE NOT COVERED AT THE PRESENT TIME IN THE TAXATION ORDINANCE WILL COME UP FOR A PROPER REFERRAL. AND A POLICY WILL BE FORMULATED WHICH WILL RESULT IN RETENTION OF THE ORDINANCE AS IT IS NOW AND THESE PEOPLE WILL HAVE TO PAY TAXES OR THAT THE POLICY WILL BE THAT CERTAIN CLASSES OF PEOPLE MAY APPLY FOR TAX REMISSION AND UNDER CERTAIN TERMS AND CONDITIONS WILL BE ABLE TO GET IT.

QUESTION RE: SEWAGE DISPOSAL IN ROSS RIVER SCHOOL

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION I WOULD LIKE TO DIRECT TO THE MEMBER IN CHARGE

OF HEALTH, WELFARE AND REHABILITATION THIS MORNING. I HAVE BEEN INFORMED THAT THE CHILDREN IN ROSS RIVER ARE NOW BACK IN SCHOOL AGAIN AND THAT THE WORK FOR THE CLEAN UP IS PROCEEDING AND SHOULD BE COMPLETED NEXT MONDAY. I AM WONDERING IF I COULD HAVE THE ASSURANCE OF THE ADMINISTRATION, MR. SPEAKER, THAT THIS WHOLE QUESTION OF SEWAGE DISPOSAL IN RELATION TO THAT SCHOOL WILL BE UNDERTAKEN THIS SUMMER AND AN EFFORT MADE TO REMEDY THIS SITUATION FOREVER BY FALL ?

MR. TANNER: MR. SPEAKER, THE MEMBER IS CORRECT WHEN HE INFORMS MEMBERS OF THIS HOUSE OF THE FACT THAT THE CHILDREN ARE BACK IN SCHOOL. THE CHIEF ENVIRONMENTAL OFFICER, MR. URGHART WAS THERE YESTERDAY. HE AGAIN REITERATED THAT THERE IS NO HEALTH HAZARD AND THERE HASN'T BEEN.

THE QUESTION, SPECIFICALLY, THAT THE MEMBER ASKS IS AS FAR AS MY DEPARTMENT IS CONCERNED FROM THE HEALTH HAZARD CONTEXT WILL BE REVIEWED. I CAN GIVE HIM THAT ASSURANCE. THE ACTUAL PHYSICAL CHANGING OF ANY SYSTEM, SEWAGE SYSTEM, OR WATER SYSTEM OR WHAT HAVE YOU, OBVIOUSLY WOULDN'T BE WITHIN MY DEPARTMENT. WE ARE ONLY CONCERNED AS FAR AS THE HEALTH AND THE HAZARDS THAT MIGHT ENSUE IN THAT AREA. CONSEQUENTLY THERE WILL BE A REVIEW FROM OUR DEPARTMENT'S POINT OF VIEW AND IN SO FAR AS ANY IMPLEMENTATION OF ANY RECOMMENDATIONS, IT WILL BE UP TO THE OTHER DEPARTMENTS OF THE TERRITORIAL GOVERNMENT.

MR. TAYLOR: MR. SPEAKER, WHY I PHRASED THE QUESTION THE WAY I DID. WHAT I AM SIMPLY ASKING IS WILL THE ADMINISTRATION UNDERTAKE, THIS PROBLEM WHICH HAS GONE ON SINCE 1971 AND IT HAS TAKEN THIS KIND OF A TERRIBLE WAY OF DOING IT TO GET IT FIXED, AT LEAST TEMPORARILY, I AM ASKING IF THE ADMINISTRATION WILL UNDERTAKE TO PUT IN A NEW SEPTIC TANK, TO PUT IN SOME SYSTEM THAT AT LEAST WILL PROVIDE THAT THIS WOULDN'T HAPPEN AGAIN IN ROSS RIVER ? THAT IS WHAT I AM SIMPLY ASKING ANY DEPARTMENT.

MR. TANNER: MR. SPEAKER, THAT QUESTION WILL HAVE TO BE TAKEN INTO CONSIDERATION WITH THE FACT THAT THEY ARE GOING TO BUILD A NEW SCHOOL. IF SOMETHING, THIS WOULD BE MY OWN OBSERVATION, IF SOMETHING CAN BE WORKED OUT THAT THE SYSTEM THAT THEY HAVE PRESENTLY GOT THERE CAN BE USED FOR THE NEXT 18 MONTHS OR SO NEX YEAR, THEN THE NEW SCHOOL WILL

TAKE OVER. OBVIOUSLY THEY ARE NOT GOING TO BUILD THE SAME SORT OF PLAN IN THE NEW SCHOOL. IN THE MEANTIME I THINK THE HONOURABLE MEMBER'S QUESTION WILL BE BETTER PHRASED AS WILL THE HEALTH DEPARTMENT INSURE THAT THERE IS NO HEALTH HAZARD IN THE ENSUING TIME BETWEEN THE BEGINNING AND THE COMPLETION OF THE NEW SCHOOL AT THE OLD SCHOOL. YES, I WILL GIVE THAT ASSURANCE.

MR. TAYLOR: NO, THAT IS NOT THE WAY I WISH TO PHRASE MY QUESTION BECAUSE THE HEALTH DEPARTMENT OBVIOUSLY CAN'T RECOGNIZE A HEALTH HAZARD WHEN THEY SEE ONE. WHAT I AM SAYING IS WILL THEY FIX IT?

MR. TANNER: MR. SPEAKER, ON A POINT OF ORDER, I WANT TO MAKE IT CATEGORICALLY CLEAR THAT THE DOCTOR FROM FARO, THE HEALTH ENVIRONMENTAL OFFICER FROM WHITEHORSE KNOW WHAT A HEALTH HAZARD IS. THERE NEVER HAS BEEN A HEALTH HAZARD AND THERE ISN'T ONE NOW.

MR. TAYLOR: I WILL JUST ANSWER THAT HONOURABLE MEMBER BY SAYING THERE HAS BEEN A HEALTH HAZARD. IT IS FINALLY CLEANED UP AT THE INSISTENCE OF THE PEOPLE OF ROSS RIVER.

MR. TANNER: MR. SPEAKER, I WOULD ASK THE HONOURABLE MEMBER WHO ARE THE OFFICERS IN CHARGE OF DETERMINING WHETHER OR NOT THERE IS A HEALTH HAZARD? IF HE IS THEN HE HAD BETTER TRY TO GET THE PERMIT AND THE QUALIFICATIONS TO DETERMINE WHAT IS A HEALTH HAZARD, MR. SPEAKER.

QUESTION RE: BOUNDARY EXTENSION OF HAINES JUNCTION LID

MR. TAYLOR: MR. SPEAKER, I HAVE A FURTHER QUESTION I WOULD ADDRESS TO MR. COMMISSION THIS MORNING AND IT IS ONE THAT HAS BEEN ASKED MANY, MANY TIMES AT THIS SESSION. I AM WONDERING IF HE COULD NOW INFORM US WHEN WE WILL BE RECEIVING A REPORT ON THE BOUNDARY EXTENSIONS OF THE HAINES JUNCTION LID ?

MR. COMMISSIONER: MR. SPEAKER, I WILL HAVE TO GET MYSELF UP TO DATE ON THIS PARTICULAR QUESTION. I COULDN'T ANSWER THAT.

QUESTION RE: COMPLAINTS OF REFUND OF PAYMENTS MADE TO OUTSIDE DOCTORS

MR. CHAMBERLIST: MR. SPEAKER, A QUESTION TO THE HONOURABLE MEMBER FOR WHITEHORSE NORTH.

SINCE LEAVING THAT DEPARTMENT I FOUND THAT MANY COMPLAINTS RELATING TO PEOPLE NOT RECEIVING THEIR PAYMENTS BACK WHEN THEY HAVE PAID DOCTORS OUTSIDE OF THE JURISDICTION FOR SERVICES. I UNDERSTAND THERE ARE A NUMBER OF CASES. SOME PEOPLE HAVE HAD TO WAIT AND ARE STILL WAITING UP TO FIVE MONTHS. AS A MATTER OF FACT I MIGHT TELL YOU THAT I KNOW ONE SPECIFIC CASE WHERE FOR A MERE \$7.00 FOR FIVE MONTHS HAS BEEN WAITED FOR WHERE MY WIFE HAD TO HAVE SOME TREATMENT ELSEWHERE. THE BILL WAS SENT IN EARLY IN JANUARY, STILL FIVE MONTHS WAITING. TWO OTHER CASES, ONE AT THE BEGINNING OF DECEMBER FOR \$9.00 STILL WAITING.

MR. SPEAKER, WOULD COUNCILLOR TANNER LOOK INTO THIS MATTER OF THESE TYPE OF THINGS AND GET AN ANSWER BROUGHT FORWARD AS TO WHY IT IS TAKING FIVE AND SIX MONTHS TO MEET THESE COMMITMENTS?

MR. TANNER: YES, MR. SPEAKER, I WILL TAKE PARTICULAR ATTENTION TO THE \$7.00 THAT THE HONOURABLE MEMBER---

MR. CHAMBERLIST: THANK YOU, I NEED THE MONEY.

QUESTION RE: MRS. WATSON'S BUSINESS IN OTTAWA

MR. CHAMBERLIST: MR. SPEAKER, A QUESTION FOR THE HONOURABLE MEMBER FOR EDUCATION. I UNDERSTOOD FROM REMARKS SHE HAD MADE YESTERDAY THAT SHE PROPOSES TO BE IN OTTAWA NEXT WEEK. WILL THE HONOURABLE MEMBER INDICATE HER REASONS OF BUSINESS OF BEING IN OTTAWA SO THAT THE COUNCIL CAN BECOME AWARE OF WHAT OCCASION THE HONOURABLE MEMBER FOR CARMACKS-KLUANE IS DOING IN THE FIELD OF EDUCATION IN OTTAWA?

MRS. WATSON: MR. SPEAKER, I WOULD LIKE TO ADVISE THE HONOURABLE MEMBER THAT THAT IS MY BUSINESS.

MR. CHAMBERLIST: WITH RESPECT, MR. SPEAKER, THAT REQUIRES A REAL REPRIMAND. TO SUGGEST THAT IT IS NOT THE BUSINESS OF THIS HOUSE WHEN AN EXECUTIVE COMMITTEE MEMBER GOES TO OTTAWA. IS IT FOR THE PURPOSE OF GOVERNMENT? LET ME PUT IT THIS WAY, MR. SPEAKER.

ARE WE NOT GOING TO GET THE ANSWERS TO FIND OUT WHETHER IT IS FOR THE PURPOSE OF GOVERNMENT THAT THIS TRIP IS BEING UNDERTAKEN?

MRS. WATSON: NO, MR. SPEAKER, HE IS NOT GOING TO GET THE ANSWER.

MR. CHAMBERLIST: CAN I GET FROM THE HONOURABLE MEMBER WHETHER SHE IS GOING TO BE THE WOMAN SENATOR PERHAPS. CAN I GET FROM THE HONOURABLE MEMBER, MR. SPEAKER, WHETHER SHE HAS BEEN ASSURED BY THE COMMISSIONER THAT HER EXPENSES WILL BE PAID NEVERTHELESS? CERTAINLY, MR. SPEAKER, THIS COUNCIL IS ENTITLED TO KNOW IF IT IS ON COUNCIL BUSINESS OR GOVERNMENT BUSINESS. FOR WHAT PURPOSE SHE IS GOING THERE? ARE THERE GOING TO BE DISCUSSIONS IN RELATION TO, SOME INFORMATION SHOULD BE FORTHCOMING.

MRS. WATSON: MR. SPEAKER, I HAVE LET THE HONOURABLE MEMBERS KNOW THAT IT WILL NOT BE A POLITICAL CONVENTION THAT I WILL BE ATTENDING.

MR. CHAMBERLIST: I AM VERY PLEASED THAT SHE WON'T BE ATTENDING A POLITICAL CONVENTION BECAUSE SHE KNOWS SO LITTLE OF POLITICAL MEANS.

QUESTION RE: ECONOMIC STUDY THROUGHOUT HIGHWAY LODGES

MR. TAYLOR: I WOULD LIKE TO ASK A QUESTION OF MR. COMMISSIONER THIS MORNING. IT HAS BEEN BROUGHT TO MY ATTENTION THAT THERE IS CURRENTLY SOME SORT OF AN ECONOMIC STUDY GOING ON THROUGHOUT THE HIGHWAY LODGES IN THE YUKON TERRITORY. IT WAS JUST BROUGHT TO MY ATTENTION LAST NIGHT THAT THIS IS BEING DONE BY THE GOVERNMENT OF THE YUKON TERRITORY. I AM WONDERING IF I COULD KNOW WHAT THE PURPOSE OF THE STUDY IS AND WHAT IT IS INTENDED TO DO?

MR. COMMISSIONER: MR. SPEAKER, IT IS PART OF THE ONGOING JOB OF THE DEPARTMENT OF TOURISM AND INFORMATION, MR. SPEAKER. I THINK THE HONOURABLE MEMBER IS WONDERING IF POSSIBLY IT IS SOME OUTSIDE ASSIGNMENT OR SOMETHING ALONG THOSE LINES. IT IS NOT.

BASICALLY THE QUESTION BEING RAISED IS WHAT IS THE TASK OF AND WHAT IS THE MAJOR AREA OF ASSISTANCE IN THE PROMOTION OF THE TRAVEL AND INFORMATION DEPARTMENT'S WORK THAT WILL BE A BENEFIT TO THE HIGHWAY LODGES TO HELP THEM IMPROVE THEIR ECONOMIC SITUATION? THE CONTACTS INTERNALLY, IN THE TERRITORY, WITH THESE PEOPLE, THESE OPERATORS, ARE VERY VALUABLE AND VERY IMPORTANT TO THE DEPARTMENT.

THIS IS PART OF THEIR ONGOING JOB. I THINK WHAT RAISES THE QUESTION WITH THE HONOURABLE MEMBER IS THE FACT THAT THE HIGHWAY LODGES ARE BEING PICKED OUT AS A SPECIFIC AREA OF CONCERN. I THINK THAT HONOURABLE MEMBERS ARE AWARE THAT THE ECONOMICS OF THESE HIGHWAY LODGES HAVE COME INTO A LOT QUESTION OVER THE YEARS. SOME OF THEM SEEM TO DO QUITE WELL AS A CONSEQUENCE OF BEING ABLE TO CATER TO A ALL YEAR TYPE OF TRADE, OTHERS FIND THAT THEY CAN ONLY OPERATE FOR A CERTAIN NUMBER OF MONTHS OF THE YEAR, OTHERS ARE FINDING DIFFICULTY NO MATTER WHAT KIND OF A PROGRAM THEY EMBARK ON. THIS IS WHAT THE NAME OF THE GAME IS. TO SEE JUST WHAT THEIR PROBLEMS ARE AND WHERE OUR DEPARTMENT OF TRAVEL AND INFORMATION IN THEIR PROGRAMS CAN BE OF ASSISTANCE TO THESE PEOPLE.

Mrs. WATSON: MR. SPEAKER, I WOULD LIKE TO ADD TO THAT ALSO THAT IT WAS STRONGLY RECOMMENDED BY THE ADVISORY COMMITTEE ON TOURISM. I BELIEVE THAT AT THEIR ANNUAL MEETING LAST YEAR THAT THIS TYPE OF A REVIEW THAT IS BEING MADE SPECIFICALLY OF THE HIGHWAY LODGES IN THE YUKON.

Mr. TAYLOR: MR. SPEAKER, SUPPLEMENTARY. WILL THE ADMINISTRATION BE TABLING FOR COUNCIL OR THE MEMBERS OF COUNCIL INDIVIDUALLY IF THAT BE THE CASE, THE RESULTS OF THIS PARTICULAR STUDY. I THINK IT WOULD BE VERY INTERESTING, PARTICULARLY TO THOSE OF US WHO REPRESENT CONSTITUENCIES WHERE HIGHWAY LODGES ARE A FREQUENCY.

Mr. COMMISSIONER: I'M NOT TOO CERTAIN THAT IF THIS IS GOING TO RESULT IN A PACKAGE BEING PUT TOGETHER AS WE HAVE THESE OTHER BASIC STUDIES THAT YOU HAVE TO HAVE DONE BY CONSULTANTS, BUT CERTAINLY, WE WOULD BE ONLY TOO HAPPY TO SEE THAT AN INFORMATION PACKAGE IS PUT TOGETHER AFTER THIS HAS BEEN COMPLETED AND TABLE IT HERE IN COUNCIL. I'M SURE THAT THE INFORMATION WILL POSSIBLY BE VERY HELPFUL TO NOT ONLY WITHIN GOVERNMENT BUT EXTERNALLY FROM GOVERNMENT, MR. SPEAKER.

Mr. TAYLOR: SUPPLEMENTARY, MR. SPEAKER. IT WOULDN'T EVEN BE NECESSARY, I DON'T THINK, TO TABLE THIS IN COUNCIL. I THINK THIS COULD JUST BE SENT TO THE MEMBERS, COPIES FOR EACH INDIVIDUAL MEMBER OF COUNCIL AND THAT WAY WE COULD HAVE THE INFORMATION AS IT BECOMES AVAILABLE.

IT WOULDN'T EVEN BE NECESSARY, I DON'T THINK TO TABLE THIS IN COUNCIL. I THINK THIS COULD BE SENT, THE COPIES COULD BE SENT TO EACH MEMBER OF COUNCIL. THAT WAY WE WOULD HAVE THE INFORMATION AS SOON AS IT BECOMES AVAILABLE.

Mr. COMMISSIONER: MR. SPEAKER, I WOULD CAUTION THE HONOURABLE MEMBERS THAT THIS IS NOT GOING TO BE AVAILABLE NEXT WEEK. THIS IS GOING TO TAKE A FEW MONTHS TO COMPILE, MR. SPEAKER, AND I WOULD CERTAINLY UNDERTAKE TO SEE THAT HONOURABLE MEMBERS GET THIS.

Mr. CHAMBERLIST: MR. SPEAKER, I WOULD LIKE TO PRESS ON WITH REFERENCE TO THE QUESTIONS I WAS PUTTING TO THE HONOURABLE MEMBER FROM CARMACKS-KLUANE AND I WOULD LIKE TO PUT THESE QUESTIONS TO MR. COMMISSIONER. MR. COMMISSIONER, ISN'T IT YOUR RESPONSIBILITY TO ADVISE THIS COUNCIL HOW AND WHY MONEY IS BEING SPENT?

Mr. COMMISSIONER: I CAN ONLY SPEND THE MONEY AFTER I GET THE AUTHORITY FROM COUNCIL FOR THE EXPRESS PURPOSES I CAN SPEND IT ON.

Mr. CHAMBERLIST: RIGHT. NOW, CAN MR. COMMISSIONER NOW ADVISE THIS COUNCIL WHETHER OR NOT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE IS GOING WITH YOUR APPROVAL TO OTTAWA ON A MATTER OF GOVERNMENT BUSINESS AND WHAT IS THE NATURE OF THAT GOVERNMENT BUSINESS?

Mr. COMMISSIONER: IN THE FIRST INSTANCE, MR. SPEAKER, THAT'S THE ONLY WAY THE EXPENSES CAN BE PAID; WITH MY PRIOR SIGNATURE, IRRESPECTIVE OF ANYTHING ELSE AND I CAN ASSURE YOU THAT I AM NOT ABOUT TO SIGN OR APPROVE ANY EXPENDITURES THAT DO NOT FALL WITHIN THE FRAMEWORK WITH WHICH THEY WOULD BE PUBLICLY DEFENSIBLE HERE, OR IF I WAS QUESTIONED ABOUT THE METHOD THEY ARE MADE, MR. SPEAKER.

Mr. CHAMBERLIST: WELL, MR. SPEAKER, WITH RESPECT. THAT DOESN'T ANSWER THE QUESTION AND I PROTEST MOST STRONGLY THE INFERENCES AND SUGGESTIONS THAT HAVE BEEN MADE BY THE COMMISSIONER AND COUNCILLOR WATSON.

NOW, IF THEY ARE PREPARED TO MAKE THOSE INFERENCES OUTSIDE THIS COUNCIL, I'LL TEACH THEM BOTH A LESSON BECAUSE WHEN I WENT TO OTTAWA, I WENT TO OTTAWA ON GOVERNMENT BUSINESS AND I CAME IN HERE AND TOLD THE PEOPLE. THE FACT THAT I ATTENDED A POLITICAL CONVENTION, MR. SPEAKER, WHILE I WAS DOWN THERE HAS NO BEARING ON IT. IF THESE PEOPLE THINK FOR ONE MOMENT THAT I'M



GOING TO STAND BY AND LET THEM MAKE THESE INSINUATIONS BECAUSE THEY HAVE THE PROTECTION OF THIS HOUSE, THEY MADE A MISTAKE.

LET THEM SAY IT OUTSIDE AND I'LL TEACH THEM A LESSON. THAT I USED GOVERNMENT FUNDS FOR THE WRONG PURPOSES? NOW, MR. SPEAKER, I WANT TO PRESS ON WITH THIS QUESTION BECAUSE I DID NOT GET AN ANSWER OR ANYWHERE NEAR IT. I SUGGEST, MR. SPEAKER, THAT THIS IS AN AREA THAT MUST BE ANSWERED. THERE IS A RESPONSIBILITY UPON THE CHIEF EXECUTIVE OFFICER, THE COMMISSIONER, WHO SHOULD BE ACTING, NOW THAT HE IS BACK HERE, IN A FUNCTION OF COMMITTEE AND DISCLOSE TO THIS COUNCIL WHEN A QUESTION OF THIS DESCRIPTION IS ASKED WHETHER OR NOT A MEMBER OF HIS ADMINISTRATION AND ESPECIALLY A MEMBER OF THE EXECUTIVE COMMITTEE IS GOING TO OTTAWA ON PUBLIC BUSINESS.

ALL I WANT TO KNOW IS WHETHER THIS IS PUBLIC BUSINESS AND WHAT IS THE NATURE OF THAT BUSINESS SO THAT, AT LEAST THIS COUNCIL, BECOMES AWARE OF WHAT'S TAKING PLACE? THIS IS ANOTHER AREA OF SECRECY THAT IS BEING USED TO JUST BEFUDDLE THE MEMBERS OF THIS COUNCIL. IT'S MOST IMPROPER AND CERTAINLY, MR. SPEAKER, THE COMMISSIONER SHOULD BE ABLE TO ANSWER THE QUESTION.

NOW, CAN HE GIVE SOME TYPE OF IDEA OF THE REASONS FOR THE HONOURABLE MEMBER GOING? IT'S HIS RIGHT TO DO THAT; TO ADVISE THE PEOPLE OF THE YUKON AND CERTAINLY WHO, SUPPOSEDLY, REPRESENTS THE PEOPLE OF THE YUKON. I THINK, MR. SPEAKER, IT'S QUITE WRONG FOR THE HONOURABLE MEMBER FROM CARMACKS-KLUANE NOT TO REMEMBER THAT SHE IS A TERRITORIAL COUNCILLOR AND SHOULD BE ADVISING THE PEOPLE. WE HAVE TWO PEOPLE, MR. SPEAKER, WHO REFUSE TO ANSWER QUESTIONS THAT ARE THE AFFAIRS OF THIS GOVERNMENT. WILL THE COMMISSIONER JUST LET THE COUNCIL KNOW WHETHER OR NOT IT'S GOVERNMENT BUSINESS AND IF IT IS, SAY WHAT THE BUSINESS IS AND LET'S GET ON WITH THE NEXT QUESTION?

MR. COMMISSIONER: I'VE LOST TRACK OF THE QUESTION, MR. SPEAKER.

MR. CHAMBERLIST: WELL SURE YOU'VE LOST TRACK. THE THREE WEEKS DIDN'T DO YOU ANY GOOD.

MR. SPEAKER: ORDER, ORDER. ORDER.

MR. COMMISSIONER: MR. SPEAKER, I CAN ASSURE YOU IT'S GOVERNMENT BUSINESS AND SECONDLY IT'S

GOVERNMENT BUSINESS THAT HAS TO DEAL WITH A PARTICULAR PORTFOLIO OF THE EXECUTIVE COMMITTEE MEMBER . .

MR. CHAMBERLIST: ALRIGHT, I DIDN'T KNOW THAT.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS? WE WISH TO THANK MR. COMMISSIONER FOR HIS ATTENDANCE.

AS THERE ARE NO PRIVATE BILLS AND ORDERS, WE COME TO PUBLIC BILLS AND ORDERS.

BILL NO. 10

MR. SPEAKER: BILL NO. 10 INTITULED LOTTERIES ORDINANCE.

MR. TANNER: MR. SPEAKER, I WOULD MOVE WE GIVE THIRD READING ON THE DAY FOLLOWING.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I WOULD MOVE THAT MR. SPEAKER DO NOW LEAVE THE CHAIR AND COUNCIL RESOLVE INTO COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS AND MOTIONS.

MR. STUTTER: I SECOND THAT MOTION.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE, SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT MR. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN COMMITTEE OF THE WHOLE TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED AND THE HONOURABLE MEMBER FOR WATSON LAKE WILL PLEASE TAKE THE CHAIR IN COMMITTEE OF THE WHOLE.

MOTION CARRIED.

BILL NO. 7

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. THE FIRST ITEM FOR CONSIDERATION THIS MORNING WILL BE MATTERS RELATED TO BILL NO. 7 AND WE HAVE FURTHER REPRESENTATION FORTHCOMING FROM THE YUKON TEACHERS' ASSOCIATION. MADAM CLERK WILL YOU SEE IF THE WITNESS IS AVAILABLE AND I WILL DECLARE A BRIEF RECESS?

RECESS

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. WE HAVE WITH US MR. HERON TO ASSIST US IN DISCUSSIONS. MR. HERON.

MR. HERON: THANK YOU MR. CHAIRMAN. IF WE COULD PROCEED WHERE WE LEFT OFF YESTERDAY, SECTION 93 MR. CHAIRMAN. THESE LAY-OFF CLAUSES, WE DID HAVE A MEETING LAST NIGHT AND ONCE AGAIN I'VE BEEN ASKED TO REITERATE SOME OF THE POINTS I MADE YESTERDAY.

NO. 1, THAT THE TEACHING OCCUPATION IS UNLIKE MANY OTHER OCCUPATIONS IN THAT IT IS VERY DIFFICULT TO GET A JOB IN THE MIDDLE OF A SCHOOL YEAR.

NO. 2, THE TEACHERS WHO HAVE DEVOTED MOST OF THEIR TEACHING CAREER TO THE YUKON SHOULD NOT BE PLACED IN A POSITION TO JEOPARDIZE THEIR HOME WHICH THEY MAY HAVE BUILT, THE LIFE WHICH THEY HAVE CREATED HERE IN THE YUKON. ONE OF THE TEACHERS WHO WAS AT THE MEETING LAST NIGHT HAS TAUGHT IN THE YUKON FOR NINETEEN YEARS AND INTENDS TO REMAIN IN THE YUKON UNTIL RETIREMENT. THIS PARTICULAR TEACHER THOUGHT IT WAS MOST UNJUST THE WAY THE LAY-OFF CLAUSE WAS WORDED. THE FACT THAT THEY HAD CONTRIBUTED AT LEAST IN THEIR CONSIDERATION HAD CONTRIBUTED SO MUCH TO TEACHING IN THE YUKON, THEY'VE COME UP HERE WHEN THE EDUCATIONAL SYSTEM WAS STILL VERY YOUNG, WHEN THERE WAS STILL VERY FEW PEOPLE HERE AND THEY THOUGHT THAT SURELY ALL THESE YEARS OF SERVICE MUST AMOUNT TO SOMETHING.

AND THE THIRD POINT THAT I WOULD LIKE TO REITERATE MR. CHAIRMAN, IS THE FACT THAT THE RECRUITING OF TEACHERS IS AN ESSENTIAL ONE FOR THE YUKON. WE MUST NOT JUST HAVE TEACHERS AND I THINK AS A PROFESSIONAL BODY, WE'LL AGREE WHOLE HEARTEDLY IN THIS. WE HAVE THE OPPORTUNITY IN THE YUKON TO HAVE THE BEST EDUCATIONAL SYSTEM OF ANYWHERE IN CANADA AND PART OF THAT EDUCATIONAL SYSTEM MUST BE BASED UPON HAVING THE BEST TEACHERS.

SO AS TO ATTRACT THE TEACHERS HERE, OUR RECOMMENDATION IS ONCE AGAIN THAT DELETE THIS LAY-OFF CLAUSE IN IT'S ENTIRETY AND LET OUR NEGOTIATING TEAM CARRY ON DISCUSSIONS WITH THE GOVERNMENT OVER A LAY-OFF CLAUSE AND SEE IF DURING NEGOTIATIONS, SOME TYPE OF COMPROMISE CAN BE WORKED OUT.

SO THEIR RECOMMENDATION AGAIN MR. CHAIRMAN AND IT WAS A VERY VERY STRONG ONE THAT THIS LAY-OFF CLAUSE BE DELETED.

MR. CHAIRMAN: COUNCILLOR STUTTER.

MR. STUTTER: MR. CHAIRMAN, I GAVE THIS PARTICULAR CLAUSE CONSIDERABLE THOUGHT LAST NIGHT AND IT OCCURS TO ME THAT IT WAS BROUGHT UP IN DISCUSSIONS YESTERDAY THAT THERE ACTUALLY HASN'T BEEN A CASE OF LAY-OFF IN MANY MANY YEARS. AND I THINK COUNCILLOR WATSON WAS INDICATING THAT THE REASON, THE MAIN REASON IT'S IN, IS IN CASE OF A SUDDEN DROP IN POPULATION IN ONE OF THE MINING AREAS.

WELL IT OCCURS TO ME THAT IF THIS IS SO AND IF THIS CLAUSE IS LEFT IN, THEN THOSE TWO PARTICULAR MINING AREAS THAT I HAVE IN THOUGHT AT THE MOMENT, CLINTON CREEK AND THE FARO AREA WILL BECOME, YOU KNOW, NO TEACHER WILL WANT TO LIVE OR WANT TO TEACH THERE AS LONG AS THIS CLAUSE IS IN THE ORDINANCE. BUT FOR THE SIMPLE REASON AS LONG AS THIS CLAUSE IS HERE, THEY KNOW FULL WELL THAT EVEN TEACHING IN THAT AREA AT ALL, THEY'RE JUST LAYING THEIR JOB MORE OR LESS ON THE LINE. AND I WOULD LIKE TO ASK MRS. WATSON AT THIS POINT IF SHE HAS ANY FIGURES AT ALL INDICATING THE NUMBER OF PART-TIME TEACHERS THAT HAVE TO BE HIRED PARTICULARLY IN THE WHITEHORSE AREA DUE TO SOME TEACHERS BEING AWAY SICK OR BEING ABSENT FROM SCHOOL FOR ONE REASON OR ANOTHER? IT DOES SEEM TO ME THAT IF ONE OF THESE MINES DID HAVE TO DRASTICALLY REDUCE THEIR EMPLOYEES AND THE SCHOOLS ARE REDUCED OR EVEN HAVE TO GO OUT OF BUSINESS COMPLETELY, WE'RE ONLY TALKING POSSIBLY OF 10 OR 12 TEACHERS AT THE MOST AND IT DOES SEEM TO ME THAT EVEN HERE IN THE WHITEHORSE AREA, THAT THESE CASUAL TEACHERS THAT ARE NOW BEING EMPLOYED AS I SAY FOR ABSENTEEISM OF OTHER TEACHERS FOR ILLNESS OR WHATEVER, PROBABLY THESE TWELVE TEACHERS, IF IT EVER HAPPENED COULD BE USEFULLY EMPLOYED IN THE WHITEHORSE AREA ALONE, UP UNTIL THE END OF THAT SCHOOL YEAR.

I WONDER IF YOU HAVE ANY FIGURES INDICATING THE NUMBER OF CASUAL TEACHERS THAT ARE USED IN THE WHITEHORSE AREA NOW?

MRS. WATSON: NO, MR. CHAIRMAN, I DO NOT ON THE NUMBER OF SUBSTITUTE TEACHERS BECAUSE IT VARIES. WE HAVE PEOPLE COMING AND GOING. AND WE'LL HAVE PEOPLE COMING IN IN THE MIDDLE OF THE YEAR AND THEY'LL PUT THEIR NAMES DOWN AS A SUBSTITUTE TEACHER. WE'RE NOT JUST REALLY REFERRING TO LAY-OFF FOR MINING COMMUNITIES. AND I'M NOT TALKING ABOUT A DECREASE OF 50 STUDENTS. I'M TALKING ABOUT QUITE A LARGE DECREASE IN ENROLLMENT, AND IF YOU DO HAVE A LARGE DECREASE IN

ENROLMENT AND YOU'RE OVERSTAFFED, THIS IS FINE. CARRY THEM TO THE END OF THE YEAR OR CARRY THEM TO THE END OF THE TERM. BUT THEN WHAT? AND IF YOU DO NOT HAVE ANY RESIGNATIONS AND IF YOU DON'T HAVE THE POWER TO DO ANY TRANSFERRING, YOU'VE GOT A STAFF AND AS I SAID YESTERDAY, YOU DO NOT HAVE A JOB FOR THEM. REALLY, YOU CAN ALWAYS, YOU CAN ALWAYS HAVE AN ENROLMENT OF 10 CHILDREN WITH A TEACHER FOR EACH CHILD, BUT THIS IS QUITE AN EXPENSE FOR THE TAXPAYER TO CARRY WHEN IT ISN'T NECESSARY TO HAVE THIS MANY TEACHERS ON STAFF.

BUT AS I SAID YESTERDAY, WE HAVE NEVER USED IT AND IT'S IN THERE AND THERE IS A POSSIBILITY THAT SOME TIME WE WILL HAVE OVERSTAFF AND POSSIBLY IT COULD BE AMENDED TO BE A LAY-OFF AT THE END OF THE YEAR. AND I WOULD ALSO LIKE TO POINT OUT THAT IN OTHER JURISDICTIONS, YOU SEE WE DO OUR RECRUITING BECAUSE WE DO OUR RECRUITING IN MANY INSTANCES OUTSIDE THE YUKON TERRITORY, WE MORE OR LESS HAVE TO MAKE SURE THAT WE HAVE OUR STAFFING DONE BEFORE THE SCHOOL YEAR BEGINS. IN OTHER JURISDICTIONS AND I THINK THIS IS SOMETHING THAT MAYBE MR. HERON IS NOT FAMILIAR WITH, IN ORDER THAT THEY DO NOT OVERSTAFF SO THAT THEY DO HAVE TO DO LAY-OFFS, MANY OF THE JURISDICTIONS AT THE PRESENT TIME ARE ONLY STAFFING 90% UNTIL THE CHILDREN ARE ACTUALLY IN SCHOOL. AND THEN THEY GO AHEAD AND STAFF THE EXTRA STAFF THAT THEY NEED. BUT THEY HAVE A STAFF ENTITLEMENT FOR THEIR SCHOOL DISTRICT AND SAY THAT IT'S 252 OR 255, THEY'LL GO AHEAD AND MAKE COMMITMENTS TO 90% OF THAT STAFF AND THEY'LL MAKE THE REST OF THE COMMITMENT AFTER THEY SEE WHAT THEIR ENROLMENTS ARE.

BUT WE CAN'T DO THAT AND, THEREFORE, BECAUSE OF THE SITUATION OF A CONTINUOUS EMPLOYMENT, THEN WE COULD BE IN A POSITION WHERE WE WOULD HAVE STAFFING FAR ABOVE WHAT IS NEEDED ACTUALLY FOR OUR ENROLMENT. AND AS I SAID YESTERDAY, I WOULD HAVE SOME FIGURES FOR YOU. IT'S QUITE SIGNIFICANT. IN 1969, OUR STUDENT POPULATION WAS 3,991. IN '70 IT WAS 4,528. THIS IS IN SEPTEMBER. IN '71 IT WAS 4,776. IN '72, 4,815. IN '73, 4,815. THERE WASN'T AN INCREASE AT ALL BETWEEN '72 AND '73. IT'S VERY VERY DIFFICULT TO ACCURATELY PROJECT ENROLMENT. THESE ARE ENROLMENTS IN SEPTEMBER AND AS I SAID YESTERDAY, BY MARCH OF 1969 THERE WERE 3,991 STUDENTS. BY MARCH OF THAT SAME YEAR THERE WERE 3,590. A DECREASE OF 400 STUDENTS. IN '70 WE HAD 4,528 IN SEPTEMBER AND IN MARCH WE HAD 4,014.

AGAIN AN INCREASE OF 500. IT STABILIZED IN '71, 4776 IN MARCH, 4521. IT WENT DOWN ABOUT 250. IN '72, 4850. IT WENT DOWN IN MARCH TO 4700, AND IN '73, 4850, AND IT WENT DOWN TO 4683. ONE BIG REASON FOR QUITE A LARGE DROP IS THE FACT THAT COLLINS IS ON A SEMESTER SYSTEM AND SOME OF THE STUDENTS GRADUATE IN JANUARY. OUR POPULATION IS STABILIZED AS PROJECTED ENROLLMENT IS PRETTY WELL STABILIZING AND I DON'T SEE ANY PROBLEMS.

I THINK IT WOULD BE UNWISE NOT TO HAVE SOME SORT OF PROVISION IN HERE. NOW WHETHER IT IS LAY-OFF FOR THE END OF THE SCHOOL TERM OR LAY-OFF AT THE END OF THE YEAR. AS MR. HERON SAID, THEY DON'T LIKE TO LAY-OFF IN THE MIDDLE OF THE SCHOOL YEAR BECAUSE THEY CAN'T FIND OTHER EMPLOYMENT. I CAN UNDERSTAND THIS. THIS IS THE ONE REASON WHY WE HAVE IT IN THERE.

OF COURSE, IT ALSO TIES IN VERY CLOSELY WITH THE ABILITY TO DO SOME TRANSFER IN STAFF. I THINK THAT IN THE NEXT AREA, I AM SURE MR. HERON WILL BRING UP.

MR. TANNER: MR. CHAIRMAN, LAST NIGHT WHEN YOU HAD YOUR MEETING MR. HERON, DID YOU, BESIDES DISCUSSING LAY-OFF, DID YOU ALSO DISCUSS TENURE?

MR. HERON: YES, MR. CHAIRMAN, WE DID.

MR. TANNER: WHAT CONCLUSION DID YOU COME TO?

MR. HERON: WE CAME TO THE CONCLUSION THAT, READING OVER THE VOTES AND PROCEEDINGS AND MRS. WATSON'S INTERPRETATION THAT WE WOULD HAVE TO HAVE A LETTER OF APPOINTMENT EACH YEAR. THEN UNDER THOSE CONDITIONS, WE WOULD RATHER HAVE THE PROBATION TENURE CLAUSES REMAIN AS THEY ARE.

MR. STUTTER: MR. CHAIRMAN, CAN I ASK MRS. WATSON, OF THE 250 TEACHERS NOW ON STAFF, HOW MANY OF THEM HAVE TENURE? APPROXIMATELY.

MRS. WATSON: I WOULD SAY, MR. CHAIRMAN, APPROXIMATELY 80%. I AM NOT SURE OF THAT BUT I WOULD SAY APPROXIMATELY 80%.

MR. STUTTER: MR. CHAIRMAN, LOOKING AT IT THE OTHER WAY, THEN THERE IS 20% OF THE TEACHERS THAT DON'T HAVE TENURE. NOW, IN ANY ONE YEAR, YOUR RESIGNATIONS, I AM JUST TRYING TO GET SOMETHING CLEAR IN MY OWN MIND BECAUSE I DON'T KNOW THE MECHANICS OF WHAT IS GOING ON AT THE

MOMENT. THOSE TEACHERS THAT DO NOT HAVE TENURE, CAN THEY AT THE END OF A SCHOOL YEAR, CAN YOU GIVE THEM A LETTER OR WHATEVER IS NEEDED IN SAYING THAT YOU DON'T WANT THEM FOR THE NEXT YEAR? DO YOU HAVE THIS RIGHT? IS THIS AN ACCEPTED PRACTICE?

MRS. WATSON: YES, MR. CHAIRMAN, PROBATIONARY TEACHERS CAN BE TERMINATED AT THE END OF THE FIRST OR SECOND YEAR.

MR. STUTTER: WELL THEN MR. CHAIRMAN, IF WE ARE TALKING ABOUT A 20% LEEWAY AND THE NUMBER OF TEACHERS IN THIS PARTICULAR INSTANCE WHICH IS 50 TEACHERS. IN ANY EVENT IF YOU HAVE A LAY-OFF CLAUSE IN THERE AND IT SAYS THAT EVEN IF A TEACHER IS LAID-OFF, HE IS NOT LAID-OFF UNTIL THE END OF THE SCHOOL YEAR.

YOU ARE COMING UP WITH BASICALLY THE SAME THING. AT THE MOMENT YOU HAVE A 20% LEEWAY OF TEACHERS THAT YOU COULD NOT REHIRE IF YOU WANTED. SO IT SEEMS TO ME THAT AS LONG AS YOU HAVE THAT PERCENTAGE TO WORK WITH, THAT APPROXIMATE 50 TEACHERS, YOU REALLY DON'T NEED A LAY-OFF CLAUSE.

MRS. WATSON: MR. CHAIRMAN, THERE ARE QUALIFICATIONS, YOU KNOW, CERTAIN TEACHERS THAT YOU MAY HAVE TO LAY-OFF A SECONDARY TEACHER. YOU DON'T KNOW IF YOU HAVE PROBATIONARY ONES IN THAT AREA. ALSO THE SUBJECTS THAT THEY TEACH ARE CERTAIN THINGS THAT HAVE TO BE TAKEN INTO CONSIDERATION.

AS I SAID, IT HASN'T BEEN USED IN THE PAST BUT I DO THINK IT IS SORT OF A PROTECTION FOR THE STAFF. ALSO, I THINK THE TRANSFER SECTION, POSSIBLY THE LAY-OFF TO SOME MODIFICATION AT THE END OF THE SCHOOL YEAR OR AT THE END OF THE SCHOOL TERM. THE TRANSFER TIES IN WITH THE SAME THING. WE HAVE A SHIFT OF POPULATION CONSTANTLY. FOR EXAMPLE, IN THE WHITEHORSE AREA LAST YEAR, WE HAD QUITE A LARGE SHIFT OF AN EXTRA HUNDRED STUDENTS, WHO WENT OUT TO THE JACK HULLAND SCHOOL. BUT THERE WAS A MARKED INCREASE IN ENROLLMENTS IN THE WHITEHORSE AREA.

SO YOU HAD A SHIFT FROM WHITEHORSE ELEMENTARY AND TAKHINI OUT TO THE JACK COLLINS. I THINK THERE WERE A FEW FROM SELKIRK SCHOOL. BUT YOU HAD THIS SHIFT OUT TO THE JACK COLLINS AREA. YOUR SCHOOL POPULATION DIDN'T INCREASE BUT THEY WERE IN DIFFERENT SPOTS.

MR. TANNER: EVERYBODY WANTS TO LIVE IN PORTER CREEK.

MR. CHAMBERLIST: MY QUESTION YESTERDAY RELATES TO THE 187 CHILDREN THAT HAD DROPPED OUT DURING THE YEAR BASED ON THE FIGURES I WAS GIVEN. THAT WAS 4,943 STARTED THE YEAR ENROLLMENT, AND THEN THERE ARE 4,756. NOW I ASK THAT WHERE WAS THAT 187 DROPPED? HOW MANY OF IT WAS IN THE WHITEHORSE AREA AND HOW MANY OF IT WAS IN SPECIFIC SCHOOLS IN THE WHITEHORSE AREA?

MRS. WATSON: MR. CHAIRMAN, I DO HAVE THAT INFORMATION.

MR. TANNER: MR. CHAIRMAN, IS IT REALLY PERTINENT TO THE DISCUSSION BY HAVING THAT.

MR. CHAMBERLIST: MR. CHAIRMAN, I DON'T ASK QUESTIONS THAT ARE NOT PERTINENT TO THE DISCUSSION.

MR. RIVETT: HOW ABOUT THE IMPORTANT QUESTIONS?

MRS. WATSON: THIS IS THE 73/74 SCHOOL YEAR. AT COLLINS THERE IS A DECLINE OF STUDENT POPULATION. CHRIST THE KING HIGH---

MR. CHAMBERLIST: HOW MANY?

MRS. WATSON: 613 IN SEPTEMBER TO 505 IN FEBRUARY. CHRIST THE KING HIGH, 244 IN SEPTEMBER TO 227 IN FEBRUARY. CHRIST THE KING ELEMENTARY, 233. NOW THERE WAS AN INCREASE OF 1 THERE, SO IT WOULD REMAIN PRETTY WELL THE SAME THERE. JACK COLLINS, THERE WAS A DECREASE IN THAT YEAR FROM 590 TO 582. SELKIRK STREET. THERE WAS A DECREASE. TAKHINI, A DECREASE, WHITEHORSE ELEMENTARY, AN INCREASE OF 3, JEKELL, A DECREASE. THE TOTAL URBAN SCHOOL POPULATION BETWEEN SEPTEMBER AND FEBRUARY WAS 3436 TO 3262 IN FEBRUARY.

MR. CHAMBERLIST: 3436?

MRS. WATSON: THAT'S RIGHT. IN THE RURAL SCHOOLS THERE WAS A DECLINE OF 13.

MR. CHAMBERLIST: SO IN THAT CASE MR. CHAIRMAN, IT WOULD APPEAR THAT THE PURPOSE OF THIS LAY-OFF COULD AFFECT MOSTLY TEACHERS IN THE URBAN AREA. IF THERE IS ONLY 13 SPREAD OVER THE AREAS OUTSIDE OF GREATER WHITEHORSE, IT WOULD APPEAR THAT THIS IS BEING PUT IN SO THERE

IS POSSIBILITY OF LAYING-OFF TEACHERS IN THE WHITEHORSE AREA. QUITE FRANKLY, I THINK THE TIME HAS COME TO RECOGNIZE, I FOR ONE, AM OPPOSED TO ANY TYPE OF DISCRIMINATION THAT RESULT FROM THIS TYPE OF THING. I AM OPPOSED TO LAY-OFF IN THE MANNER THAT THIS HAS BEEN PUT IN THERE. I THINK WE SHOULD JUST FORGET ABOUT IT.

MR. HERON: MR. CHAIRMAN, IF I COULD MAKE A FEW MORE COMMENTS ON THE RECRUITMENT OF TEACHERS AS MAY BE AFFECTED BY THIS LAY-OFF CLAUSE. AS YOU ARE PROBABLY ALL AWARE, TEACHERS ALL ACROSS CANADA NOW, KNOW OF OUR LAY-OFF AND TRANSFER CLAUSE IN THIS BILL NO. 7. TO DATE WE HAVE RECEIVED 42 LETTERS FROM TEACHERS WHO HAVE EITHER BEEN OFFERED JOBS UP HERE OR WHO HAVE BEEN INTERVIEWED, WANTED TO KNOW WHAT IS HAPPENING TO THIS LAY-OFF CLAUSE. WE HAVE ALSO RECEIVED 13 LONG DISTANCE PHONE CALLS WHO HAVE BEEN OFFERED OR WHO WERE INTERVIEWED FOR JOBS HERE IN THE YUKON, WANTING TO KNOW ABOUT, IN PARTICULAR, THIS LAY-OFF CLAUSE.

THEY WANT TO KNOW PARTICULARLY, WILL THERE STILL BE A CHANCE IF THEY COME UP HERE IN SEPTEMBER THAT THEY WILL BE LAID-OFF 60 DAYS LATER AND BE LEFT HIGH AND DRY WITHOUT A JOB.

I THINK IT IS MOST IMPORTANT THAT THE HOUSE IS AWARE THAT TEACHERS ACROSS CANADA ARE CONCERNED ABOUT THIS PARTICULAR CLAUSE. WE ARE IN AN EXCEPTIONAL AREA BECAUSE OF THE DISTANCE WHICH IS INVOLVED TO TRAVEL HERE TO THE YUKON.

MRS. WATSON: MR. CHAIRMAN, THIS IS FINE TO SAY BUT B.C. DOES HAVE A SECTION FOR LAY-OFF AND MR. HERON DID SAY YESTERDAY THAT ALBERTA HAS A 30 TERMINATION NOTICE. THE ONLY ROUTE THERE ON THE 30 DAY TERMINATION IS TO GO TO APPEAL AND IN THE APPEAL, IF THE SCHOOL BOARD SAID THEY DIDN'T HAVE A CLASS FOR THE TEACHER TO TEACH, I WONDER WHETHER IT IS NOT EXACTLY THE SAME THING AS A LAY-OFF PROCEDURE.

MR. HERON: WELL, MRS. WATSON, NO IT ISN'T. FOR ONE THING, WE CAN'T INTERPRET WHAT THE APPEAL BOARD IS GOING TO SAY IN THAT CASE, IF A TEACHER WAS LAID-OFF OR LAY-OFF. THERE IS NO MENTION OF LAY-OFF SPECIFICALLY IN ALBERTA. ALSO THE FACT THAT IN BRITISH COLUMBIA, IF A TEACHER IS LAID-OFF, ITS PROBABLY GOING TO BE IN ONE URBAN AREA THERE IS A SUDDEN DECREASE. THAT MAY MEAN THE TEACHER SIMPLY HAVING TO TRAVEL AND EXTRA 10 MILES TO FIND ANOTHER JOB IN

ANOTHER SCHOOL BOARD. NOT A DISTANCE OF 2,000, 3,000 OR 4,000 MILES TO TRY TO LOOK FOR ANOTHER JOB.

MR. CHAMBERLIST: I WONDER WHAT THE REACTION OF THE HONOURABLE MEMBER FOR CARMACKS-KLUANE WOULD BE, IF WHEN SHE WAS TEACHING ON THE HIGHWAY? SHE WAS LAID-OFF AFTER A COUPLE OF MONTHS. SHE JUST HAPPENED TO BE APPOINTED THERE, NOT BECAUSE HER HUSBAND AND FAMILY WERE IN THE AREA. I JUST ASK HER TO PUT HERSELF IN THE EXACT SAME POSITION, AND THE BOTHER AND WORRY THAT WOULD SURROUND THAT PARTICULAR SITUATION. HOW KINDLY WOULD SHE LOOK ON A CLAUSE OF THIS DESCRIPTION, A SECTION OF THIS DESCRIPTION IN LEGISLATION.

MRS. WATSON: MR. CHAIRMAN, A PERSON HAS TO BE REALISTIC. IF THERE AREN'T ANY STUDENTS THERE TO BE TAUGHT, THERE JUST AREN'T ANY STUDENTS TO BE TAUGHT. I WOULD ALSO LIKE TO POINT OUT THAT WITH THE ALBERTA SITUATION, THAT THE 30 DAY TERMINATION IS REALLY MUCH HARSHER THAN WHAT WE ARE PROPOSING HERE AND WHEN WE ARE SAYING, WE ARE PREPARED TO GO FOR AN ALTERNATIVE OF LAY-OFF AT THE END OF A TERM OR AT THE END OF A SCHOOL YEAR. THAT IS MUCH MORE PROTECTIVE THAN A 30 DAY NOTICE OF TERMINATION. I KNOW THAT THIS IS THE METHOD THEY USE FOR LAY-OFFS. I THINK THIS IS MUCH FAIRER THAN THAT OTHER WAY.

MR. CHAMBERLIST: MR. CHAIRMAN, IF OUR SYSTEM OF GOVERNMENT WAS A DIFFERENT ONE WHERE IT WAS AN ABSOLUTELY POLITICAL ELECTED CABINET, POLITICALLY ELECTED GOVERNMENT, I WOULD TEND TO SAY WELL, ONE HAS RECOURSE IF ANYTHING WAS DONE WHICH IS CONSIDERED TO BE UNJUST.

KNOWING THE WAY OUR ADMINISTRATION WORKS HERE, DON'T FORGET I WAS IN IT FOR THE THREE YEARS. KNOWING THE WAY IT WORKS HERE AND KNOWING THE TYPE OF PEOPLE THAT WE NOW HAVE AS APPOINTED PEOPLE TO THE EXECUTIVE COMMITTEE AND KNOWING THEIR THINKING, I WOULDN'T GIVE THEM THE OPPORTUNITY TO ABUSE A HAT IN THE YUKON. WE ARE GOING MUCH FURTHER THAN THAT.

WE ARE GIVING THE ADMINISTRATION AN OPPORTUNITY TO ABUSE TEACHERS WHEN THEY COME UP HERE IN GOOD FAITH TO TEACH AND BECOME PART OF THE EDUCATION SYSTEM. WHATEVER CAN BE SAID IN FAVOR OF A LAY-OFF SECTION LIKE THIS, THERE IS SO MUCH AGAINST IT. THERE IS NO DOUBT IN MY

MIND THAT WE HAVE TO WEIGH WHICH IS THE PREFERABLE THING IN OLD JUSTICE TO TEACHERS CONCERNED? WHICH IS A GREATER DEGREE OF JUSTICE? TO HAVE IT IN OR TO HAVE IT OUT? I THINK, MYSELF TO HAVE IT OUT.

MRS. WATSON: WELL, MR. CHAIRMAN, IF YOU ARE ASKING ME WHAT IS THE GREATER JUSTICE, I WOULD SAY, "RETAIN THE TENURE" BECAUSE I DO FEEL THAT TEACHERS DO NEED JOB SECURITY. YOU KNOW THAT WE HAD PRESENTATIONS HERE IN FRONT OF THIS HOUSE TO REMOVE THE TENURE. THIS DOES GIVE ME SOME GREAT CONCERN BECAUSE OF THE LACK OF JOB SECURITY THEN.

AS I SAID YESTERDAY, IT IS ONE THING TO HAVE JOB SECURITY BUT ITS ANOTHER THING TO HAVE JOB SECURITY WHEN THERE ISN'T A JOB. I THINK THAT WE RETAIN THE TENURE, RETAIN THE PROTECTION, RETAIN THE CONTINUOUS EMPLOYMENT. BUT LEAVE SOME FLEXIBILITY WHERE YOU CAN LAY-OFF EITHER AT THE END OF THE TERM OR AT THE END OF A SCHOOL YEAR.

ALSO GIVE US A LITTLE FLEXIBILITY TO DO SOME TRANSFERRING WHETHER YOU HAVE TO GO TO APPEAL AFTER A TRANSFER, THIS IS FINE. I AM PREPARED TO DO THAT. A VOLUNTARY TRANSFER IS NO PROBLEM BUT IN SOME INSTANCÉ YOU MAY HAVE TO BE FORCED INTO DOING AN INVOLUNTARY TRANSFER. POSSIBLY THERE SHOULD BE PROVISIONS FOR AN APPEAL TO AN INVOLUNTARY TRANSFER BUT IF YOU ARE GOING TO HAVE CONTINUOUS EMPLOYMENT, NO PROVISION TO LAY-OFF AT ALL, EITHER AT THE END OF THE YEAR OR TERM. IF YOU DO NOT HAVE JOBS AVAILABLE AND NOT GIVING THE FLEXIBILITY TO BE ABLE TO TRANSFER, I THINK THAT YOU ARE TYING YOURSELF INTO A REAL BAD BOX.

I THINK THE TEACHERS WILL AGREE. I THINK THE TEACHERS WOULD PREFER TO HAVE PROTECTION, TO HAVE THE TENURE. AS FAR AS I'M CONCERNED AND THIS HAS COME UP, AND IN ORDER TO GIVE THEM THAT PROTECTION WE HAVE TO HAVE A LITTLE BIT OF FLEXIBILITY IN THE LAY-OFF AND IN THE TRANSFERS.

MR. HERON: WELL, MR. CHAIRMAN, IF I MAY COMMENT. AS I SAY, THE MEETING LAST NIGHT, THE TEACHERS WERE MOST OPPOSED. THEY WANT THE LAY-OFF CLAUSE DELETED ENTIRELY AND NEGOTIATE IT BY OUR NEGOTIATING COMMITTEE. AFTER MANY HOURS OF DISCUSSION, I WAS ABLE TO GET THEM TO AGREE THAT IF THE HONOURABLE MEMBER WAS NOT PROPOSED TO DELETE THIS SECTION ON LAY-OFF TO AGREE TO

THE FOLLOWING PROPOSED AMENDMENTS WHICH MADAM CLERK HAS NOW PLACED BEFORE YOU. I THINK THIS IS AS FAR AS THEY ARE WILLING TO COMPROMISE AND PERHAPS WE COULD GO THROUGH THEIR PROPOSED AMENDMENTS.

1. TO DELETE SECTIONS 5, 6 & 7. THIS WOULD ENSURE THAT THE TEACHERS WHO HAVE BUILT A HOUSE HERE, WHO SPENT THEIR ENTIRE TEACHING CAREER HERE IN THE YUKON ARE NOT GOING TO BE AFFECTED AND ADD A NEW SUBSECTION (5) TO READ: "NO TEACHER SHALL BE LAID-OFF UNTIL THE SUPERINTENDENT HAS DETERMINED THAT THE TEACHER CANNOT BE ACCOMMODATED ELSEWHERE WITHIN THE TERRITORY." THAT IS A VERY IMPORTANT CLAUSE, MR. CHAIRMAN, BECAUSE CLINTON CREEK CLOSED DOWN AND THE FIRST THING WHICH SHOULD BE TAKEN INTO CONSIDERATION, IS THERE ANOTHER SCHOOL SOMEWHERE IN THE TERRITORY WHERE THAT TEACHER COULD BE PLACED? THERE IS NOT MENTION OF THAT AT THIS TIME IN THE SECTION 93.

A NEW SUBSECTION 6: "THE TEACHERS SHALL BE LAID-OFF ON THE BASIS OF SENIORITY AND SHALL BE GIVEN NOTICE ON OR BEFORE MARCH THE 31ST OF THE SCHOOL YEAR IN WHICH THEY ARE TO BE LAID-OFF."

THIS ONE THEY WERE MOST INFLEXIBLE WITH. ONCE AGAIN, BECAUSE OF THE NUMBER OF TEACHERS WE HAVE NOW AND IT IS GETTING MORE EVERY YEAR. TEACHERS WHICH ARE STAYING AND SURELY THIS IS WHAT WE WANT. TEACHERS THAT ARE BUILDING THEIR HOMES IN THE YUKON, RAISING THEIR FAMILIES IN THE YUKON AND OF COURSE, THESE WERE THE ONES THAT WERE MOST HOPEFUL THAT THEY DIDN'T WANT ANY CHANCE THAT THERE WOULD BE A LAY-OFF CLAUSE WHICH WOULD AFFECT A TEACHER WITH THOSE NUMBER OF YEARS OF AUTHORITY.

AND A NEW SUBSECTION (7) WHICH MRS. WATSON, I THINK HAS ALREADY AGREED TO, "THAT LAY-OFFS SHALL BE EFFECTIVE AT THE END OF A CONTRACT YEAR." THIS WOULD ENSURE THAT A TEACHER AND HIS FAMILY WOULD NOT BE STUCK WITHOUT A JOB IN THE MIDDLE OF THE WINTER.

AND FINALLY TO ADD TO SECTION 93, A SUBSECTION (9) "THAT IF THE GOVERNMENT HAS LAID-OFF TEACHERS OR HAS NOTIFIED TEACHERS OF LAY-OFF, IT WILL NOT ADVERTISE ANY POSITIONS OR HIRE ANY TEACHERS UNTIL IT HAS MADE EVERY EFFORT TO PLACE THOSE TEACHERS WHO HAVE BEEN OR ARE TO BE LAID-OFF."

MR. CHAIRMAN, THESE COMPROMISES WERE WORKED OUT

AFTER MUCH LONG, HEATED AND DEBATED DISCUSSION, EVEN THEN, THESE COMPROMISES, I BELIEVE, WERE RELUCTANTLY TAKEN FROM THE TEACHERS. I WOULD CERTAINLY HOPE THAT THE HOUSE WOULD GIVE US THEIR OPINIONS AS TO THESE PROPOSED AMENDMENTS TO SECTION 93.

MR. CHAIRMAN: MR. LEGAL ADVISOR.

MR. LEGAL ADVISOR: MR. CHAIRMAN, THESE ARE REALLY QUESTIONS OF POLICY. THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS POINTED OUT, I THINK, THAT THE TEACHERS ARE EMPLOYED BY THE GOVERNMENT. THE GOVERNMENT HAS A DUTY TO TEACH CHILDREN, AND REFLECTIVE POLICY APPEARS TO BE THAT UNLESS THERE IS WORK FOR PEOPLE THEY SHOULD NOT BE PAID MONEY FOR DOING NOTHING. THIS IS THE BASIS OF HER POLICY.

AS I UNDERSTOOD FROM THE DEBATE WHICH I HEARD ABOUT, THE TEACHERS HAD SAID THAT THEY DID NOT WANT TENURE AND THAT THEY WERE WILLING TO BE RE-HIRED IN EFFECT EVERY YEAR. THE POSITION OF THE PRESENT SCHOOL ORDINANCE IS THAT THE TEACHERS VIRTUALLY HAVE NO RIGHTS AT PRESENT. THERE USED TO BE, UNDER THE PRESENT SCHOOL ORDINANCE UNAMENDED, A SYSTEM WHEREBY: EACH TEACHER HAD TO NOTIFY THE DEPARTMENT BY MAY 1ST OR MAY 31ST EACH YEAR IF HE INTENDED TO STAY ON. IT WAS A SERIES OF INDIVIDUAL CONTRACTS MADE, TEACHER BY TEACHER. SO UNDER THE PRESENT SCHOOL ORDINANCE THERE IS AN EXTENSIVE LAY-OFF POWER. THERE IS ALSO AN EXTENSIVE TRANSFER POWER BECAUSE THE TEACHERS HAVE NO RIGHT TO BE CONTINUED TO TEACH IN THE SCHOOL THEY HAVE.

THE DRAFTING OF THIS ORDINANCE WAS INTENDED TO BE, AFTER DISCUSSIONS BACK AND FORTH, TO BE A TYPE OF SAW-OFF. THAT IS THAT "THE RIGHTS OF THE TEACHERS ARE TO BE WRITTEN IN BUT SOME LIMITATION WAS PUT ON THOSE RIGHTS." ANY OF THOSE SECTIONS WITH SLIGHT REDRAFTING WOULD BE SUITABLE FROM A LEGAL POINT OF VIEW. THE ONLY THING IS DO THEY REFLECT THE POLICY OF THE EMPLOYER AS OPPOSED TO THE EMPLOYEE? IF I MIGHT MAKE A SUGGESTION WHICH HAS NOTHING TO DO WITH THE DEBATE HERE, IT APPEARS TO ME THAT THIS IS NOT NECESSARILY THE FORM TO CARRY ON A BARGAINING SESSION BETWEEN EMPLOYERS AND EMPLOYEES WITHOUT SERIOUS INPUT FROM THE TWO SIDES, AND WITHOUT PROPER CONSIDERATION OF THE MATERIALS, FACTS, FIGURES BOTH HERE AND IN OTHER JURISDICTIONS IN CANADA.

THIS SECTION OF LAY-OFF IS DRAFTED BY ME, BEARING IN MIND WHAT THE LAY-OFF SECTIONS ARE IN RELATION TO THE PUBLIC SERVICE OF THE YUKON, NEW BRUNSWICK AND CANADA. THE LAY-OFF HERE HAS GOT ADDITIONAL CLAUSES IN IT WHICH ARE NOT TO BE FOUND IN ANY LEGISLATION THROUGHOUT CANADA. "THAT IS WHERE A PERSON \_\_\_\_\_"

MR. CHAMBERLIST: I AGREE WITH THAT.

MR. LEGAL ADVISOR: "WHERE A PERSON IS LAID-OFF" IN CANADA WHEN YOU ARE LAID-OFF YOU ARE LAID-OFF. THAT'S IT. YOU ARE JUST TOLD YOU CAN GO AT THE END OF THE MONTH. THAT'S WHAT WE'RE DOING. HERE WE HAVE PROVISIONS WHICH PROVIDE THAT THE PERSON, HIS FAMILY AND EVERYBODY ELSE WILL BE GIVEN THE COST OF BEING SENT TO WHEREVER THEY HAVE ORIGINALLY COME FROM. THERE IS A DEFINITE PROCEDURE LAID DOWN FOR LAYING PEOPLE OFF.

THERE IS A RIGHT OF APPEAL FROM THIS PROCEDURE IF A PERSON IS GRIEVED, HAS A GRIEVANCE, TO GRIEVE THROUGH THE SYSTEM TO THE ADJUDICATOR, IF HE FEELS THAT HIS RIGHTS HAVE BEEN IMPINGED UPON. WE HAVE SET UP, OR INTEND TO SET UP IN THIS ORDINANCE, A DEFINITE APPEAL SYSTEM WHEREBY ANY INDIVIDUAL CAN GRIEVE THE APPLICATION OF ANY OF THESE RULES TO HIM, TO INDEPENDENT TRIBUNALS. THIS IS THE SYSTEM WHICH HAS BEEN DESIGNED INTO IT. I WOULD APPEAL TO HONOURABLE MEMBERS NOT TO TINKER WITH A PIECE-MEAL OTHER THAN TO SAY, IN RESPECT OF A POLICY, THAT LAY-OFFS COULD OCCUR SAY AT CHRISTMAS AND THE END OF A YEAR OR SOMETHING LIKE THAT. IF LAY-OFF IS GOING IN AT ALL THE RULES HERE ARE MUCH MORE GENEROUS THAN ANYWHERE ELSE. YOU HAVE MUCH MORE RIGHTS OF APPEAL; MUCH MORE WAYS OF DEALING WITH IT TO THE PEOPLE WHO ARE BEING DEALT WITH THAN ANYWHERE ELSE IN THE WHOLE OF CANADA.

MR. CHAMBERLIST: MR. CHAIRMAN, I TEND TO AGREE WITH MR. LEGAL ADVISOR THAT WE MUST BE VERY CAREFUL NOT TO SET OURSELVES UP IN THE POSITION OF BEING ADJUDICATORS AND NEGOTIATORS IN WHAT REALLY IS A FORM OF COLLECTIVE BARGAINING. WHAT'S HAPPENING NOW, WITH RESPECT TO MR. HERON, IS THAT HE IS BARGAINING COLLECTIVELY ON BEHALF OF YTA IN RELATION TO THIS LEGISLATION. I THINK THAT IS WRONG AND WE SHOULD BE CAREFUL NOT TO DO THAT.

I'M DISTURBED THAT MR. LEGAL ADVISOR SHOULD INDICATE, MR. CHAIRMAN, THAT THE LAY-OFF SECTION RELATES TO THE PUBLIC SERVICE

ORDINANCE, IN THE PUBLIC SERVICE OF THE OTHER JURISDICTIONS THAT HE MENTIONED. THIS IS ONE OF THE OBJECTIONS I HAVE IS THAT THE EMPLOYMENT OF TEACHERS SHOULD NOT RELATE TO THE PUBLIC SERVICE INASMUCH AS THEY SHOULD NOT BE TREATED AS PUBLIC SERVANTS. I COME TO A STOP THERE.

ANOTHER AREA IS THIS. WHEN MR. LEGAL ADVISER SAYS WE ARE ADDING SOMETHING ELSE, WE ARE MAKING SURE THAT THE FAMILIES GET THEIR EXPENSES BACK ETC., THE TERRITORIAL GOVERNMENT HASN'T INDICATED WHETHER THEY ARE PREPARED TO BUY THE HOUSES THAT HAVE BEEN BUILT BACK FROM THE TEACHER AT THE MARKET VALUE? IF THERE WAS SOMETHING IN THAT THIS MIGHT BE OF ASSISTANCE.

MRS. WATSON: MR. CHAIRMAN, THERE WAS A PAPER THAT CAME FORWARD TO COUNCIL THIS SESSION PROPOSING THAT THE GOVERNMENT WAS LOOKING AT THIS TYPE OF A SCHEME WHERE "IF A PERSON WHO WAS A GOVERNMENT EMPLOYEE WAS TRANSFERRED OR LEAVING, WANTED TO LEAVE OR WAS TRANSFERRED EITHER BY THE GOVERNMENT OR HIS OWN CHOICE AND THEY WEREN'T ABLE TO SELL THEIR HOUSE, I THINK THIS IS THE ESSENCE OF IT, THAT THE GOVERNMENT WOULD." I CAN UNDERSTAND THIS CONCERN.

MR. CHAMBERLIST: THIS IS A WORTHWHILE CONSIDERATION THAT I THINK SOMETHING THAT I THINK HONOURABLE MEMBERS KNOW I'VE PURSUED FOR MANY YEARS. I THINK THIS WOULD PROTECT PEOPLE IN THE PUBLIC SERVICE AND TEACHERS WHO TAKE THE TROUBLE OF BUILDING THEIR HOMES AND ARE NOT TAKING A LOSS IN THAT AREA.

I THINK IT GOES BEYOND THAT. IN SOME OF THESE AMENDMENTS THAT HAVE BEEN SUGGESTED BY THE TEACHERS, I DON'T FIND TOO MUCH DIFFICULTY WITH THEM. I DON'T THINK THEY INTERFERE TOO MUCH WITH EVEN THE IDEA OF WHAT HAS BEEN PROPOSED BY THE ADMINISTRATION. I'M OPPOSED TO LAY-OFF GENERALLY IN THE MANNER THAT IT IS PUT DOWN. THERE ARE SOME ASPECTS THAT HAVE TO BE GIVEN CONSIDERATION AS WELL. I AGREE THAT IF THE TEACHERS HAVE COME FORWARD WITH A COMPROMISE THAT VERY VERY SERIOUS CONSIDERATION SHOULD BE GIVEN TO THE FACT THAT THEY ARE SAYING "LOOK WE'RE NOT FIXED, WE'RE PREPARED TO COMPROMISE AND WE'RE PREPARED TO SAY THIS." PERHAPS WE SHOULD LEAVE THIS AT THIS STATE BECAUSE WE ARE COMING BACK FOR RECONSIDERATION AND TAKE NOTE OF WHAT THE YTA HAVE EXPRESSED IN THIS PARTICULAR REGARD,

IN REGARD TO TENURE, AND TAKE THEN ALLTOGETHER AND THEN COME BACK AGAIN AND SEE IF WE CAN'T SATISFY THE NEEDS OF THE TERRITORY AND THE NEEDS OF THE YTA IN THIS AREA.

MR. HERON: MR. CHAIRMAN, I WOULD LIKE TO MAKE ONE LAST COMMENT IN THAT WE WHOLEHEARTEDLY AGREE WITH MR. LEGAL ADVISER THAT THESE ARE THINGS WHICH SHOULD BE NEGOTIATED. BUT HOW ON EARTH CAN WE NEGOTIATE IF THIS LAY-OFF CLAUSE IS IN STATUTE AND IS PASSED BY THE HOUSE? THEN WE CANNOT NEGOTIATE, MR. LEGAL ADVISER, ON THE LAY-OFF CLAUSE. THAT IS WHY MY FIRST PROPOSAL THIS MORNING WAS TO DELETE THE WHOLE THING AND LET US NEGOTIATE IT.

MRS. WATSON: MR. CHAIRMAN, THERE ARE A LOT OF THINGS IN HERE THAT WE ARE NOT ASKING YOU TO NEGOTIATE. NOW BY THE SAME TOKEN WE COULD SAY OKAY NO TENURE, WE WILL NEGOTIATE. THERE ARE A LOT OF THINGS GIVEN IN HERE TOO HONOURABLE MEMBERS THAT WE HAVEN'T ASKED TO NEGOTIATE. THINGS THAT WE FEEL BY LAW SHOULD BE ESTABLISHED. SO BY THE SAME TOKEN THEN THERE SHOULD BE THINGS TO ACCOMMODATE THE EMPLOYER ALSO WHO ACTUALLY THE EMPLOYER ARE THE PEOPLE OF THE TERRITORY BECAUSE IT IS THE PEOPLE OF THE TERRITORY'S FUNDS THAT ARE BEING USED. THEREFORE, WE SHOULD ALSO TRY TO ACCOMMODATE THE EMPLOYER. IF WE'RE GOING TO NEGOTIATE ALL THESE THINGS, THEN WE ARE GOING TO NEGOTIATE THEM ALL. WE DON'T GIVE ANY. THIS, I THINK, IS THE \_\_\_\_\_

MR. TANNER: MR. CHAIRMAN, I THINK THE SUGGESTION FROM THE MEMBER FROM WHITEHORSE EAST IS AN EXCELLENT ONE. I DON'T THINK WE WANT TO SIT DOWN HERE AS THE LEGAL ADVISER HAS ADVISED US WE ARE BEGINNING TO DO, AND THAT MR. HERON HAS AGREED TO. I DON'T THINK THIS IS A BARGAINING TABLE. I THINK WE HAVE HAD A PRETTY FULL AND FAIR DISCUSSION ON TENURE. WE'VE HAD A PRETTY FAIR AND FULL DISCUSSION ON LAY-OFF. I THINK WE SHOULD ASK THE WITNESS NOW TO PROCEED TO TRANSFER AND LET'S HAVE A BIT MORE DISCUSSION ON THAT. THEN THE OTHER POINTS I THINK HE SAID WERE FAIRLY MINOR. I THINK WE SHOULD THEN BY OURSELVES MAKE THE DECISION WHETHER NEW DRAFTED LEGISLATION COMES DOWN IN JUNE.

MR. CHAMBERLIST: I WOULD LIKE TO GET JUST ONE ANSWER FROM MR. HERON ON THIS, MR. CHAIRMAN. WHAT'S MR. HERON'S REACTIONS, MR. CHAIRMAN, TO THIS PROPOSITION? IF THE YTA FEELS THAT LAY-OFF SHOULD BE AN ITEM OF NEGOTIATION, WHAT DO



THEY FEEL IN RELATION TO TENURE BEING AN ITEM OF NEGOTIATION AT THE SAME TIME? DO YOU WANT THEM BOTH IN OR BOTH OUT OR ONE IN AND ONE OUT?

MR. HERON: WELL TENURE HAS NEVER BEEN AN ITEM OF NEGOTIATION ELSEWHERE IN CANADA, MR. CHAIRMAN. IF YOU ARE SUGGESTING THAT PERHAPS THIS \_\_\_\_\_

MR. CHAMBERLIST: I'M NOT SUGGESTING I'M ASKING.

MR. HERON: I REALLY CAN'T COMMENT BECAUSE IT'S NEVER IN ANY COLLECTIVE AGREEMENT THAT I HAVE EVER SEEN HAS TENURE AS A NEGOTIATED ITEM. IT WOULD OPEN UP A WHOLE NEW FIELD WHICH WE WOULD HAVE TO EXAMINE VERY VERY CLOSELY. IT IS ALWAYS IN LEGISLATION.

MRS. WATSON: MR. CHAIRMAN, IN CERTAIN UNIVERSITIES THEY NEGOTIATE TENURE NOW I BELIEVE.

MR. TANNER: MR. CHAIRMAN, DO MEMBERS AGREE NOW THAT WE PROCEED TO THE TRANSFER SECTION AND LET'S DISCUSS THAT?

MR. CHAIRMAN: AGREED. NEXT ITEM.

MR. HERON: SECTION 95, MR. CHAIRMAN, SUBSECTION (I). ONCE AGAIN THE TEACHERS ARE MOST CONCERNED WITH THIS TRANSFER SECTION, THAT IT IS LAID OUT ON AN INVOLUNTARY BASIS. THAT IT COULD BE USED AS A PUNITIVE MEASURE AGAINST THE TEACHER WHO HAS TENURE. IT COULD BE. I'M NOT SAYING THAT IT WOULD, I'M SAYING THAT IT COULD BE USED AS A PUNITIVE MEASURE. WE BELIEVE THAT IF THE ADMINISTRATION IS REALLY CONCERNED WITH THE QUALITY OF TEACHING IN THE CLASSROOM, THEN WE CAN'T HAVE TEACHERS IN A POSITION WHERE THEY ARE BEING FORCED TO TRANSFER OR OTHERWISE RESIGN. IF A TEACHER IS BEING FORCED TO TRANSFER AND IS NOT IN THE FINANCIAL POSITION TO RESIGN, THEN WE GET A SITUATION WHERE WE HAVE AN UNHAPPY TEACHER TEACHING CHILDREN IN AN UNHAPPY ATMOSPHERE. I CAN ASSURE YOU THAT THIS TEACHER WOULD PROBABLY PUT IN THE MINIMUM EFFORT BOTH DURING AND AFTER THE SCHOOL HOURS. SO, MR. CHAIRMAN, ONCE AGAIN I WOULD LIKE TO SUGGEST AMENDMENT TO THIS PARTICULAR SECTION AS ON THAT HAND-OUT SHEET THAT AMENDS SECTION 95(I) TO READ: "THE SUPERINTENDENT WITH RESPECT TO A TERRITORIAL SCHOOL OR BOARD WITH RESPECT TO A DISTRICT SCHOOL, MAY TRANSFER TEACHER BY

MUTUAL CONSENT FROM ONE SCHOOL TO ANOTHER AT ANY TIME DURING THE SCHOOL YEAR."

AT THIS TIME, MR. CHAIRMAN, THERE ARE USUALLY TEACHERS WILLING TO TRANSFER EVEN FROM WHITEHORSE TO THE RURAL AREAS. I THINK THE HONOURABLE MEMBER FROM CARMACKS-KLUANE WOULD AGREE WITH ME WHEN I SAY THERE HAS NEVER BEEN A DIFFICULTY IN TRANSFERRING TEACHERS FROM ONE AREA TO ANOTHER. THERE HAS ALWAYS BEEN SOME TEACHER WHO WOULD BE WILLING TO TRANSFER HIS BAGGAGE AND HIS BELONGINGS TO SOME OTHER AREA. MR. CHAIRMAN, WE WOULD LIKE TO SEE THIS CLAUSE IN HERE WITH "MUTUAL CONSENT OF THE TEACHER." THIS WOULD REMOVE A LOT OF THE GRIEVANCES OF THE TEACHER ON THIS PARTICULAR SECTION, SECTION 95.

MR. LEGAL ADVISER: MR. CHAIRMAN, IS THE OBJECTION BASICALLY THAT IT COULD BE USED BY THE ADMINISTRATION AS A PUNITIVE MEASURE. IS THAT THE OBJECTION? WOULD THE WITNESS AGREE TO A SECTION WHICH SAYS "A TEACHER SHALL NOT BE TRANSFERRED FROM ONE SCHOOL TO ANOTHER AS A PUNITIVE MEASURE", OR WORDS TO THAT EFFECT? THIS WOULD GIVE THEM AN APPEAL AGAINST THAT.

MRS. WATSON: MR. CHAIRMAN, THE COMMITTEE ON EDUCATION RECOMMENDS, AND I THINK THE TEACHERS DIDN'T HAVE ANY REACTION TO THE RECOMMENDATIONS, THAT A) "PROBATION AND TENURE PROVISIONS BE DELETED FROM THE SCHOOL ORDINANCE;" AND B) "THAT SOME FORM OF IMPARTIAL APPEAL BOARD BE SET UP TO HEAR ANY APPEALS AGAINST SUSPENSION, INVOLUNTARY TRANSFER." IT'S THE INVOLUNTARY TRANSFER THAT YOU ARE CONCERNED ABOUT IS IT NOT, MR. HERON?

MR. HERON: YES MRS. WATSON.

MRS. WATSON: YES. AND DISMISSAL OF A TEACHER. I DON'T THINK WE HAVE TO BE CONCERNED ABOUT A MUTUAL TRANSFER. THERE WAS SOME INDICATION FROM THE SCHOOL COMMITTEES THAT THEY WANTED TO BE CONSULTED BEFORE A TRANSFER TOOK PLACE. I THINK THAT IT COULD BECOME SORT OF A COMPLICATING FACTOR IF A TEACHER WANTED A TRANSFER AND THERE WAS A POSITION THEY COULD BE TRANSFERRED TO OR IF THE DEPARTMENT WANTED A TEACHER TO TRANSFER TO SOME OTHER AREA AND THEY WERE AGREEABLE, THERE WOULD BE NO PROBLEM. IT WOULD BE THE INVOLUNTARY TRANSFERS. I DON'T SEE TOO MANY OF THEM HAPPENING. ONE NEVER KNOWS, PARTICULARLY WHEN WE DO HAVE A SHIFT OF POPULATION. EVEN IN THE WHITEHORSE AREA SOMETIMES WHEN YOU ARE ASKING A TEACHER TO

TRANSFER FROM ONE SCHOOL TO ANOTHER, THEY ARE NOT THAT HAPPY BECAUSE THEY LIVE CLOSE TO THE SCHOOL, THEY DON'T HAVE TO DRIVE, AND THIS TYPE OF THING. BUT STILL OCCASION DOES COME UP WHEN YOU DO HAVE TO TRANSFER THEM. I THINK IT IS THE INVOLUNTARY TRANSFER WE HAVE TO ACCOMMODATE IN THIS INSTANCE.

I WOULD SUGGEST, AND AS I SAID YESTERDAY I WOULD EVEN ACCEPT THE APPEAL BOARD THAT MR. LEVIRS RECOMMENDED IN HERE, OR WE COULD MAKE IT AS A GRIEVANCE. THIS IS ONE AREA I WOULD LIKE TO ASK THE LEGAL ADVISER WHETHER AN INVOLUNTARY TRANSFER WOULD BE A GRIEVANCE? THEN YOU WOULD AUTOMATICALLY HAVE THE PROTECTION OF THE ADJUDICATION.

MR. HERON: MR. CHAIRMAN, IF I CAN COMMENT ON THAT. I THINK YES I AGREE WHOLEHEARTEDLY THAT WE CERTAINLY NEED AN APPEAL BOARD TO BE SET UP HERE. I THINK IT WOULD PROBABLY BE MUCH MORE FLEXIBLE THAN USING THE PUBLIC SERVICE STAFF RELATIONS BOARD IN THESE CASES. WE WOULD AGREE WITH THE APPEAL BOARD AS SET UP AND RECOMMENDED IN THE COMMITTEE'S REPORT ON EDUCATION. WE DEFINITELY NEED AN APPEAL, YES.

MR. CHAMBERLIST: MR. CHAIRMAN, THE DANGER IN THAT NO (1) AS I SEE IT, IT'S LIKE SOMEBODY GETTING SENT TO SIBERIA FOR MISBEHAVIOUR. THE SUPERINTENDENT MAY TRANSFER A TEACHER FROM ONE SCHOOL TO THE OTHER. REALLY IT IS SOMETHING THAT IS BEING PLACED IN THE HANDS OF THE SUPERINTENDENT WHO MAY WELL SAY NO THIS IS NOT AS PUNISHMENT; THIS IS BECAUSE THERE IS A NEED. IT MAY BE THAT HE WANTS TO BRING A SPECIFIC TEACHER FROM A DIFFERENT AREA INTO ANOTHER AREA. YOU CAN HAVE AS A RESULT OF THIS SECTION THREE TEACHERS BEING MOVED AROUND IN THE MIDDLE OF THE SCHOOL YEAR TO TAKE UP DIFFERENT JOBS. YOU ARE JUST MOVING THREE TEACHERS AROUND AND DISRUPTING THE LIVES OF NOT ONE TEACHER, BUT DISRUPTING THE LIVES OF THREE OR MORE.

IF THAT IS DONE BY VOLUNTARY MANNER NOBODY IS BOTHERED BY IT. IF THERE IS SOME COMPULSION UPON THESE TEACHERS TO DO THAT, I THINK THEY HAVE A LEGITIMATE BEEF. WITH THE THREAT THAT IS ENCLOSED WITHIN SUBSECTION (4) OF 95, (MR. CHAMBERLIST READS SUBSECTION). OF COURSE HE MAY RESIGN. HE'S FORCED INTO THE POSITION THAT IF HE DOESN'T GO HE HAS DISOBEYED THE SUPERINTENDENT SO HE CAN BE DISMISSED. WHAT TYPE OF THING ARE YOU SUGGESTING? YOU PUT PEOPLE UP AGAINST A WALL AND SAY DUCK THE NEXT

SHOT IF YOU CAN. THIS IS AN IMPROPER TYPE OF THING.

MR. TANNER: MR. CHAIRMAN, THE SUGGESTED AMENDMENT FROM THE YTA I THINK HAS A GREAT DEAL OF VALIDITY FOR THE SUBJECT MATTER WHICH IT IS CONCERNED AND THAT IS THE MUTUAL TRANSFER. I WOULD HAVE THOUGHT A MUTUAL TRANSFER DOESN'T EVEN HAVE TO APPEAR IN LEGISLATION. BUT IF IT DOES AND IT WILL MAKE THE TEACHERS HAPPY, THAT IS FINE.

THE REAL AREA WE ARE DISCUSSING TODAY OR DISCUSSING NOW IS THAT VERY SMALL MINORITY OF INVOLUNTARY TRANSFERS. AS I SEE IT THE MEMBER FROM CARMACKS-KLUANE HAS GIVEN THE HOUSE TWO OR THREE OPTIONS. 1) THERE SHOULD BE AN APPEAL BOARD; 2) WE SHOULD USE THE GRIEVANCE PROCEDURE. I THINK WE CAN PROBABLY FIND A VERY SIMPLE SOLUTION TO THIS PROBLEM. IN ACTUAL FACT AGAIN WE ARE TALKING ABOUT A VERY VERY SMALL MINORITY OF CIRCUMSTANCES AND CASES.

MRS. WATSON: MR. CHAIRMAN, I WOULD BE QUITE PREPARED TO. I WOULD LIKE TO ASK THE LEGAL ADVISER WHETHER IT WOULD BE NECESSARY, UNDER THE PUBLIC SERVICE, TO HAVE IT AS A GRIEVANCE PROCEDURE OR WHETHER WE COULD DEFINE IT IN THE LEGISLATION TO GO TO AN APPEAL BOARD AS SUGGESTED BY THE COMMITTEE ON EDUCATION? WE ARE QUITE PREPARED TO MAKE THAT AMENDMENT. I THINK THAT THE YTA WOULD AGREE TO THAT. I DO THINK THAT WE HAVE TO GIVE A TEACHER ALSO THE RIGHT TO RESIGN IF THERE IS AN INVOLUNTARY TRANSFER, THEY APPEAL IT AND THEY LOSE IT. THE TEACHER SHOULD HAVE THE RIGHT, IF THEY DON'T WANT THE INVOLUNTARY TRANSFER, IF THEY LOSE THE APPEAL, THAT THEY SHOULD HAVE THE RIGHT TO RESIGN IF THEY DON'T WANT TO \_\_\_\_\_

MR. CHAMBERLIST: AFTER THE APPEAL.

MRS. WATSON: THAT'S RIGHT. IN THE NORMAL PROCEDURE THEY WOULD HAVE TO GO FOR SIXTY DAYS' NOTICE, AND I DON'T THINK WE SHOULD HOLD THEM TO THAT. I THINK THEY HAVE THE RIGHT TO RESIGN IF THEY DON'T WANT IT.

MR. HERON: YES, MR. CHAIRMAN, WE WOULD AGREE.

MRS. WATSON: YES. SO I THINK WE CAN ACCOMMODATE THAT.

MR. TANNER: MR. CHAIRMAN, COULD THE WITNESS GO ON WITH THE OTHER POINTS. I THINK WE HAVE COVERED THIS.

MR. CHAMBERLIST: WELL LET HIM SPEAK.

MR. CHAIRMAN: WELL THAT IS JUST WHAT I WAS ASKING THE WITNESS.

MR. HERON: SECTION 96(1), HOWEVER, (MR. HERON READS SECTION). MR. CHAIRMAN, THAT MUST BE CHANGED TO "SHALL" IF WE ARE BEING TRANSFERRED.

MRS. WATSON: THERE WAS NO INTENT FOR DISCRETION. IT WAS JUST A NORMAL THING THAT CAN HAPPEN.

MR. HERON: MR. CHAIRMAN, SECTION 98(1), SUBSECTION (2). HAS THAT BEEN AGREED NOW THAT THAT WORD "MAY" WILL DEFINITELY BE CHANGED TO "SHALL"?

MR. TANNER: I THINK IT HAS MR. CHAIRMAN.

MR. CHAIRMAN: "THE COMMISSIONER SHALL", YOU MEAN?

MR. HERON: YES. IT CAME UP THE OTHER DAY AND MR. TANNER SAID HE THOUGHT THAT WOULD BE AGREEABLE.

SECTION 99(1) AND (2). WILL THIS ENTIRE SECTION NOW BE DELETED MR. CHAIRMAN?

MRS. WATSON: I'M SURE THAT IT HAS TO BE DELETED BUT I WOULD LIKE TO HAVE THE LEGAL ADVISOR HAVE A LOOK AT IT BUT I DON'T SEE WHY IT NEEDS TO BE IN THERE?

MR. HERON: MR. CHAIRMAN, SECTION 102 ON THE TEACHER QUALIFICATION BOARD. THERE'S SECTION 102, SUB-SECTION (1). "THERE SHALL BE A TEACHER QUALIFICATION BOARD CONSISTING OF A CHAIRMAN AND TWO MEMBERS TO BE APPOINTED BY THE COMMISSIONER PURSUANT TO THIS SECTION."

MR. CHAMBERLIST: THEY MUST BE QUALIFIED. WE HAVE ALREADY DISCUSSED THAT POINT.

MRS. WATSON: MR. CHAIRMAN, THAT WAS THE BOARD OF EXAMINERS.

MR. HERON: AND USUALLY THESE TEACHER QUALIFICATION BOARDS MR. CHAIRMAN, THEY HAVE A CHAIRMAN OF THE BOARD USUALLY ARRANGED BY MUTUAL CONSENT, ONE PERSON FROM THE ASSOCIATION AND THE PERSON RECOMMENDED BY THE GOVERNMENT.

MR. TANNER: MR. CHAIRMAN, I THINK IF YOU READ SECTION 102 (3), "THIS IS GIVING AUTHORITY FOR WHEN THE RECOMMENDATION COMES FROM THE TEACHERS THAT HE CAN BE APPOINTED." YOU'VE GOT TO GIVE THE COMMISSIONER THE LEGAL RIGHT TO APPOINT AND I THINK, AS I UNDERSTAND ANYWAY, THE POINT THAT MR. HERON IS MAKING, IS TAKEN CARE OF IN 102(3).

MR. CHAMBERLIST: EXCEPT THAT IT PUTS INTO THE COMMISSIONER'S HAND, AND WHERE YOU HAVE "TWO MEMBERS RECOMMENDED BY THE GOVERNMENT AND ONE BY Y.T.A.", THE SUPERINTENDENT IS AUTOMATICALLY CHAIRMAN. THE COMMISSIONER APPOINTS SOMEBODY ELSE AND THE Y.T.A. APPOINTS ONE AND MAKES THEIR RECOMMENDATION. REALLY IT SHOULD BE, "THE SUPERINTENDENT AND Y.T.A. AND SOMEBODY APPOINTED BY THEM JOINTLY."

MR. TANNER: MR. CHAIRMAN, THAT'S A GOOD POINT.

MR. HERON: RIGHT, THAT'S THE POINT I WAS MAKING.

MRS. WATSON: MR. HERON, DO YOU REALIZE THAT NO. (5) "A TEACHER WHO IS ELECTED AS A MEMBER OF THE HOUSE," NO. WHERE ARE WE NOW? "A TEACHER IS NOT ELIGIBLE FOR APPOINTMENT AS A MEMBER OF THE BOARD." DO YOU REALIZE THE IMPLICATION THERE THAT NO ONE WHO IS ACTIVELY ENGAGED IN TEACHING IN THE YUKON IS ELIGIBLE?

MR. HERON: WE UNDERSTAND THAT MRS. WATSON --- THERE WAS SOME DISCUSSION OF IT BUT WE ARE WILLING TO LEAVE THAT AS IT IS.

SUBSECTION (7) UNDER THAT SECTION 102 ON PAGE 41. WE ARE MOST CONCERNED WITH THE PARLIAMENTARY PROCEDURE WHICH IS PRESENT IN THIS PARTICULAR SUBSECTION. "IN THE ABSENCE OF A MEMBER OR HIS INABILITY TO ACT, OR IN THE CASE OF A VACANCY IN THE OFFICE, THE REMAINING MEMBERS SHALL EXERCISE THE POWERS OF THE BOARD." IF THE Y.T.A. REPRESENTATIVE WAS TAKEN SERIOUSLY ILL AND COULD NOT BE PRESENT WHILE THE BOARD WAS SITTING AT THAT PARTICULAR DATE, WE THINK THERE SHOULD BE SOME ACCOMMODATION SO THAT AN ALTERNATIVE COULD BE SENT IN HIS PLACE OR HER PLACE.

MRS. WATSON: I THINK (8) TAKES CARE OF IT, MR. HERON.

MR. CHAMBERLIST: THERE AGAIN, IT'S THE COMMISSIONER AGAIN THAT MAKES THE APPOINTMENT AND IT SHOULD BE THE "COMMISSIONER MAY APPOINT BY MUTUAL ARRANGEMENT". BECAUSE HERE'S THE POSITION,

SUPPOSING THE SUPERINTENDENT THERE AND THE ONE THAT'S APPOINTED BY BOTH OF THEM IS AWAY, OR THE REPRESENTATIVE OF THE TEACHERS IS AWAY, THEN THE COMMISSIONER APPOINTS SOMEBODY ELSE. THIS IS THE WAY I READ IT: "THE COMMISSIONER MAY APPOINT A PERSON TO ACT IN THE STEAD OF ANY MEMBER OF THE BOARD, WHO IS UNABLE AT ANY TIME TO PERFORM THE DUTIES OF HIS OFFICE." ANY MEMBERS.

MR. CHAIRMAN: JUST FROM THE CHAIR, COULD YOU NOT RESOLVE THIS BY SAYING; "THE COMMISSIONER MAY APPOINT ON THE RECOMMENDATION OF THE BOARD, A PERSON TO ACT"?

MRS. WATSON: NO, MR. CHAIRMAN, NO. THE COMMISSIONER HAS TO APPOINT, BUT IF THE TEACHERS' REPRESENTATIVE IS ABSENT, HE WOULD GO BACK TO THE TEACHERS AND SAY, LOOK YOUR MEMBER ISN'T THERE, WHO DO YOU WANT ME TO APPOINT? THIS IS WHAT THIS MEANS.

MR. CHAIRMAN: I WOULD THINK THAT'S WHAT THE BOARD WOULD RECOMMEND.

MR. STUTTER: WELL NO, MR. CHAIRMAN, I THINK THAT WHAT MR. HERON IS TRYING TO GET ACROSS IS THAT THE ALTERNATE PERSON SHOULD BE APPOINTED IN THE SAME MANNER AS THE ORIGINAL PERSON.

MR. HERON: YES.

MR. TANNER: MR. CHAIRMAN, THAT COULD BE EASILY ACCOMMODATED IN THE SAME MANNER. YOU COULD WRITE INTO (8). THIS AGAIN THE SAME THING, MR. HERON, WE'RE GIVING THE COMMISSIONER THE LEGAL POWER TO APPOINT. THE POINT THAT YOU'RE MAKING, THAT THEY SHOULD COME FROM EITHER SIDE WHERE THEY WERE ORIGINALLY APPOINTED, FROM HOW THEY WERE ORIGINALLY APPOINTED, COULD EASILY BE ACCOMMODATED IN THERE. I DON'T SEE ANY PROBLEM IN THAT AT ALL.

MR. CHAMBERLIST: BUT YOU SHOULD SAY IT.

MRS. WATSON: YES, O.K.

MR. CHAIRMAN: NEXT?

MR. HERON: SECTION 103, SUBSECTION (6). (MR. HERON READS THE SECTION). PRESENTLY WE DO HAVE AN APPEAL TO ANY FINAL DECISION. IS THERE ANY POSSIBILITY THAT THE TEACHER CAN APPEAL THE DECISION?

MRS. WATSON: MR. CHAIRMAN, NO. WE THOUGHT NOT IN THIS INSTANCE BECAUSE IN PROVINCIAL JURISDICTIONS THERE IS NOT AN APPEAL. THIS IS REALLY AN APPEAL BOARD. THEY MAKE A DECISION AND THAT'S IT. HOWEVER, I THINK THERE ARE PROVISIONS IN HERE WHERE IF THE QUALIFICATIONS CHANGE WHERE YOU CAN ASK FOR A REVIEW OF A DECISION THAT THE BOARD HAS MADE. IF THERE IS MORE INFORMATION THAT YOU DIDN'T HAVE, THEN YOU CAN ASK TO GO BACK AND HAVE A REVIEW MADE OF THE CATEGORY.

MR. HERON: WELL, MR. CHAIRMAN, YES. THAT OBJECTION IS NOT TOO STRONG NOW ESPECIALLY THAT THE CHAIRMAN IS GOING TO BE MUTUAL. WE WERE MOST CONCERNED BEFORE WHEN THE GOVERNMENT HAD TWO MEMBERS AND WE ONLY HAD ONE.

HOWEVER, MR. CHAIRMAN, SECTION 106, SUBSECTION (2). BECAUSE THERE IS NO TIME FACTOR SET ON HOW LONG THE TEACHER QUALIFICATION BOARD WILL SIT TO DECIDE UPON A CATEGORY QUALIFICATION, WE BELIEVE THAT THIS SUBSECTION (2) WHICH READS (MR. HERON READS SUBSECTION), MR. CHAIRMAN, OUR EXPERIENCE WITH APPEAL BOARDS NOW IS THAT A TEACHER HAS OFTEN - IT'S TAKEN TWO OR THREE YEARS BEFORE HE HAS FINALLY BEEN RE-ASSIGNED. NOW THE PRESENT SITUATION IS THAT HIS SALARY IS RETROACTIVE ALL THE WAY BACK TWO OR THREE YEARS IF NEED BE. YET THIS ONE SAYS "ONLY IN THE COMMENCEMENT OF THE SCHOOL YEAR." YET WHAT IF HE STARTED HIS APPEAL PROCEEDINGS A YEAR AND A HALF OR TWO YEARS BEFORE?

MRS. WATSON: MR. HERON, THERE IS A POINT TOO. WHEN YOU ARE SAYING THAT SOME OF THEM ARE GETTING RETROACTIVE PAY THEY DIDN'T ASK FOR AN APPEAL EITHER. THERE ARE SEVERAL INSTANCES WHERE TEACHERS HAVE BEEN ON STAFF FOR SEVERAL YEARS AND DIDN'T REALIZE OR DIDN'T QUESTION THE CLASSIFICATION. THEN THEY HAVE COME BACK FOR A REVIEW AND HAVE GONE TO THE APPEAL BOARD, HAD IT REVIEWED, HAD THE CLASSIFICATION CHANGED AND THEY HAVE GONE BACK ALL OF THOSE YEARS. NOW I THINK IT SHOULD GO BACK TO THE YEAR THAT YOU'VE ASKED FOR THE REVIEW TO BE TAKEN. THAT'S UP TO YOU IF YOU LOSE IT.

MR. HERON: YES THAT'S RIGHT. BUT THAT'S NOT WHAT THIS SAYS. MR. HERON READS THE SECTION.

MR. CHAMBERLIST: IT SHOULD BE REVIEWED.

Mrs. Watson: I don't mind reviewing it. I'm not completely convinced but I think you have to read the whole thing to understand this. I think the point you are trying to make is---

Mr. Heron: Mr. Chairman, section III, subsection (I). I heard from rumours that this was a typing error and it should be five hours rather than six. Is that right?

Mrs. Watson: That's correct.

Mr. Chairman: Okay next item.

Mr. Heron: Yes, Mr. Chairman. There are just several additional comments we would like to make before our submission is completed. One is the Principals and Vice-Principals Association who are most concerned that the Vice-Principals that is, they have not been mentioned in the new School Ordinance whereas, if I can find my copy here somewhere, whereas in the old School Ordinance or the present School Ordinance the Vice-Principals are mentioned in section II(1) and subsection (3). I don't know whether they feel they have been slighted or whether they feel there is something sinister behind the omission of vice-principals in the proposed amendments? Would the Honourable Member please comment?

Mrs. Watson: Mr. Chairman, that was brought up by the other committee and we have agreed to put a subsection in under "Principals shall be appointed and vice-principals may be appointed pursuant to the regulations, where you set a number of staff and when you have a certain number of staff, this is likely how it will be done. Then you are entitled to a vice-principal. But there will be mention and recognition given to the vice-principals in the legislation.

Mr. Tanner: Was it an oversight, Mr. Chairman?

Mrs. Watson: No.

Mr. Chamberlist: I wonder though whether it would also indicate on vice-principals that the vice-principal acts in the capacity of the principal if the principal is absent? If you don't have that in the legislation,

you wouldn't be able to indicate that the vice-principal is fulfilling that function. For instance we have in our present ordinance that the Deputy-Superintendent takes the place of the Superintendent. We have the vice-principal takes the place of the principal. I think you should make that clear as well in the legislation that this is the function of the vice-principal. They are like the administrator in place of the commissioner.

Mr. Chairman: Order please, next item please.

Mr. Heron: Yes, Mr. Chairman. The teachers have asked me to see if we can have clarification on the agreed termination clause; "that a teacher must give sixty days written notice of resignation and must receive sixty days written notice of dismissal, in both cases the date of termination being at any time in the school year." They want to know if that particular clause was included would this mean that a teacher could give his notice on June 30 or July 1st I should say, July 1st, as the school year is defined from July 1st to June 30?

Mrs. Watson: Mr. Chairman, before I make any comment on that I want to have a look at it. We have that down that sixty day notice both by the employer and the employee, and before the end of the school year whether the school year would be taken June 30th or August 30th. That's fine. I really wouldn't like to make a comment on that at this time.

Mr. Heron: The concern they wanted to bring up was that in many outside jurisdictions right now when they are applying for jobs they feel at a disadvantage, because presently our resignation is at the end of April here, and at the end of May elsewhere. The least we want is to have it at least by the end of May to correspond with other jurisdictions. It's very difficult to get jobs otherwise. That's why they wanted that particular section cleared up.

Mr. Chairman, I think it is the final item here. A leave of absence clause which is most appealing in the British Columbia Public Schools Act which says that "the Superintendent of Education may grant at his discretion

LEAVE OF ABSENCE TO A TEACHER A) WITHOUT PAY FOR A STATED PERIOD OF TIME; OR B) WITH PAY FOR A STATED PERIOD OF TIME NOT EXCEEDING SIX MONTHS; OR C) WITH THE PRIOR APPROVAL OF THE COMMISSIONER WITH PAY FOR A STATED PERIOD IN EXCESS OF SIX MONTHS FOR THE PURPOSE OF PROFESSIONAL IMPROVEMENT, FOR MATERNITY OR FOR ANY OTHER PURPOSE ACCEPTABLE TO THE SUPERINTENDENT." IT'S JUST A VERY VERY GENERAL LEAVE OF ABSENCE CLAUSE WHICH DOES NOT NEGATE ANY SPECIAL LEAVE OF ABSENCE CLAUSE WHICH WOULD BE NEGOTIATED BY OUR NEGOTIATING TEAM. WE THOUGHT THERE MIGHT BE SPECIAL CIRCUMSTANCES WHICH MIGHT ARISE AND IT IS AT THE DISCRETION OF THE SUPERINTENDENT WHICH MIGHT ARISE WHICH COULD NOT BE COVERED UNDER NEGOTIATED CONTRACT. THIS IS WHY IT IS IN THE B.C. PUBLIC SCHOOLS ACT. FROM TIME TO TIME SOMETHING SPECIAL DOES COME UP. A TEACHER IS GIVEN A FELLOWSHIP TO GO SOMEWHERE OR SOMETHING ALONG THE EDUCATIONAL OR PROFESSIONAL IMPROVEMENT LINE THAT PERHAPS HAS NOT BEEN COVERED IN THE LOCAL CONTRACT. THEN THE SUPERINTENDENT OF EDUCATION EXAMINES HIS REQUEST AND ACCORDING TO THE SCHOOL ACT HE IS ABLE, AT HIS DISCRETION, TO GRANT THE REQUEST. WE WOULD VERY MUCH APPRECIATE IF THAT PARTICULAR GENERAL CLAUSE IN "LEAVE OF ABSENCE" COULD BE PLACED IN THE SCHOOL ORDINANCE, EMPHASIZING THAT IT IS AT THE DISCRETION OF THE SUPERINTENDENT.

Mrs. WATSON: Mr. CHAIRMAN, POSSIBLY I SHOULD BE THE ONE TO COMMENT ON THAT. I THINK THAT LEAVE OF ABSENCE AND SICK LEAVE AND THIS TYPE OF THING SHOULD BE NEGOTIATED. IF YOU REMEMBER THE PRESENT ORDINANCE DOES HAVE PROVISION FOR SICK LEAVE, LEAVE OF ABSENCE. IN THE ORDINANCE WE DELIBERATELY HAVE LEFT IT OUT SO THAT IT IS A NEGOTIABLE ITEM. WE ARE TYING PEOPLE. THIS LEAVING IT TO THE DISCRETION OF SOMEBODY IS JUST A TERRIBLE THING. I'M SURE THAT Mr. HERON MUST REALIZE TOO THE NUMBER OF APPLICATIONS THAT COME ACROSS THE DESK OF A SUPERINTENDENT, AND MANY OF THEM ARE WORTHWHILE AND HE HAS TO USE HIS DISCRETION AND IF YOU DON'T ACCEPT ALL OF THEM YOU ARE PUTTING YOURSELF IN A VERY BAD POSITION. I KNOW OF WHERE TEACHERS HAVE ASKED FOR A LEAVE OF ABSENCE FOR SOME RELIGION CONVENTION, A VERY VERY LEGITIMATE ONE AND IT MEANS EVERYTHING IN THE WORLD TO THIS PERSON. ON THE OTHER HAND YOU HAVE SOMEBODY WANTING LEAVE OF ABSENCE FOR A

WRESTLING TOURNAMENT AND THIS TYPE OF THING, IF YOU ARE GOING TO LET ONE PERSON GO, YOU REALLY HAVE TO LET EVERYONE GO. I'M SURE THAT NO COMMISSIONER OR NO SUPERINTENDENT OR NO-ONE WOULD WANT THAT DISCRETIONARY POWER.

Mr. CHAMBERLIST: Mr. CHAIRMAN, I WONDER IF I CAN JUST COMMENT ON THAT IN JUST A MINUTE. THERE IS ANOTHER QUESTION I WANT TO PUT IN THIS. FIRSTLY, IT WOULD SEEM TO ME THAT IF YOU GIVE DISCRETIONARY POWER IN THE GENERAL TONE OF NON-DISCRIMINATION, WHEN DISCRETIONARY POWER COMES INTO EFFECT AN EXPECTED MOTHER IS GIVEN SPECIAL LEAVE SHOULD NOT AN EXPECTED FATHER BE GIVEN THE SAME TYPE OF LEAVE? IT MIGHT SOUND A LITTLE RIDICULOUS BUT ONE HAS TO LOOK AT IT IN THAT PARTICULAR AREA.

MY FINAL QUESTION, Mr. CHAIRMAN, BECAUSE WE WILL BE LEAVING IT, IS WHETHER OR NOT Mr. HERON HAS ANY COMMENTS TO MAKE IN RELATION TO THOSE AREAS OF THE BILL THAT WOULD BE INCORPORATED WITH THIS NEW BILL THAT ALREADY EXISTS? THAT IS THOSE AREAS THAT HAVE BEEN REMOVED AND ARE INTENDING TO BE REMOVED FROM THE NEW LEGISLATION.

Mr. HERON: NOT AT THIS TIME Mr. CHAIRMAN, WE WOULD LIKE TO LOOK AT THE TOTAL AMENDMENT AGAIN WHEN THEY COME BACK TO THIS HOUSE IN JUNE. IT'S VERY DIFFICULT RIGHT NOW. I'D JUST LIKE TO MAKE ONE FINAL POINT AGAIN ON THIS LEAVE OF ABSENCE CLAUSE, THAT IT WAS OUR UNDERSTANDING THAT 99% OF THE CONDITIONS OF LEAVE OF ABSENCE FOR EXPECTANT MOTHERS AND FATHERS, Mr. CHAMBERLIST, WOULD BE COVERED IN OUR NEGOTIATED CONTRACT, SO THAT THE SUPERINTENDENT WOULD SELDOM, IF EVER HAVE TO USE THAT CLAUSE. THAT WAS THE POINT I WAS TRYING TO MAKE. ANYWAY, THIS IS THE UNDERSTANDING THAT THE BRITISH COLUMBIA TEACHERS' FEDERATION HAS GIVEN ME AS WHY THAT CLAUSE IS IN THE B.C. SCHOOL ACT.

Mr. CHAIRMAN: ANY FURTHER QUESTIONS Mr. HERON?

Mrs. WATSON: Mr. CHAIRMAN, I WOULD LIKE TO ASK ONE LAST QUESTION OF Mr. HERON. I WOULD LIKE TO THANK HIM FOR THE GOOD PRESENTATION THAT HE'S MADE. I THINK THEY'VE DONE A LOT OF WORK. I THINK THEY'VE BROUGHT SOME VERY GOOD POINTS UP. BUT I WOULD WONDER, WOULD YOUR ORGANIZATION, WOULD THEY LIKE TO SEE THIS SCHOOL BILL PASSED THIS YEAR WITH THE AMENDMENTS?

Mr. Heron: Before I answer that question, I'm sorry, Mr. Chairman, I forgot one very important amendment or inclusion that the teachers would like to see. I don't know how I could have forgotten. That we would like to see membership in the Yukon Teachers' Association as a condition of employment of a teacher employed by the Yukon Territorial Government. Now even Mr. Tanner himself the other day, thought that we should be exercising our disciplinary powers as professionals, but as it stands, we cannot. This is also a recommendation by not just us, but by the advisory committees and by other professional groups here in the Yukon. It's not going against the grain of other teachers' associations in Canada because almost every single one now, do have compulsory membership. And I think I can assure this House that the quality of education could even be positively effected by giving us this type of membership. And I would appeal to the House that we do be given this type of status and compulsory membership.

Mr. Stutter: I just wanted to make the one point that Mr. Heron is saying, it should be Y.T.A. or the majority group that's representing the majority of teachers, not necessarily Y.T.A.

Mr. Chairman: Mr. Heron.

Mr. Heron: We would concede on that point Mr. Chairman. I would like to say once again it's not an exception to teacher associations and it's not an exception to other unions. Certainly if you want to go and get a job at Aishihik, unless you go and join the union, there is no way that they're going to employ you. And you know we're not taking away anybody's democratic rights. Most teachers are aware all across Canada that when they accept employment, they automatically become part of their professional association.

Mr. Chamberlist: You say union. Do you classify yourself as a union?

Mr. Heron: We recognize our dual nature, Mr. Chamberlist, as a union on one hand and as a professional association on the other.

Mr. Tanner: Mr. Chairman, since Mr. Heron mentioned that I said that teachers should

discipline themselves, I think teachers should discipline themselves, but I don't think that teachers or anybody in Canada should be compelled to join a union. That's my personal view on that.

Mr. Chamberlist: No, no, lawyers have to join their association before they can practice.

(Some members confusion)

Mr. Chairman: Order please. Order please. Do you have any further questions Mr. Heron?

Mr. Tanner: Mr. Chairman, I wonder if Mr. Heron could comment on the question that the member from Carmacks-Kluane asked?

Mr. Heron: Yes, I am willing to comment on that question because we did discuss this. We have been in consultation with Ottawa as well on this particular question because they had representation to the Minister of Indian Affairs and Northern Development and it is our feeling that if what we have discussed if the amendments go through and especially if we can compromise on that lay-off and transfer section, then yes, we would like to see a new school ordinance. Because certainly the present one is not acceptable and has many many weak hazy areas which are not conducive to quality education in the Yukon.

Mr. Chairman: Anything further? I wonder if Mr. Heron could be excused at this time?

Some members: Agreed.

Mr. Chairman: I would like to thank you very much Mr. Heron for the excellent presentation you have made on behalf of the Yukon Teachers' Association to committee and we wish you well and we hope that when the bill does return that many of your proposals will be embodied in it.

Mr. Heron: Thank you Mr. Chairman and on behalf of the Y.T.A. and would like to thank your indulgence during this time.

Mr. Chairman: I think in view of the time, we will stand committee in recess until 2 o'clock.

RECESS

MR. CHAIRMAN: AT THIS TIME WE WILL CALL COMMITTEE TO ORDER.

THE FIRST ITEM OF BUSINESS IS BILL NO. 8, THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. I BELIEVE IT'S AGREED THAT WE WILL BE DEALING ONLY WITH THE FIRST FOUR SECTIONS.

1. THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE IS AMENDED BY ADDING TO SECTION 2 THE FOLLOWING DEFINITION:

"DEPUTY CHAIRMAN" MEANS A DEPUTY CHAIRMAN OF THE BOARD."

CLEAR?

"2. THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE IS AMENDED BY REPEALING SUBSECTION 7(1), 7(2) AND 7(3) THEREOF AND SUBSTITUTING THE FOLLOWING THEREFOR:

7(1) THERE SHALL BE A BOARD TO BE CALLED THE YUKON PUBLIC SERVICE STAFF RELATIONS BOARD CONSISTING OF A CHAIRMAN, A VICE-CHAIRMAN, NOT MORE THAN THREE DEPUTY CHAIRMEN AND NOT LESS THAN FOUR NOR MORE THAN EIGHT OTHER MEMBERS TO BE APPOINTED AS BEING REPRESENTATIVE IN EQUAL NUMBERS OF THE INTERESTS OF THE EMPLOYEES AND OF THE INTERESTS OF THE EMPLOYER RESPECTIVELY."

MR. CHAMBERLIST: COULD I ASK YOU A QUESTION ON THIS ONE?

MR. CHAIRMAN: PROCEED.

MR. CHAMBERLIST: HOW MANY THEN WOULD BE THE MAXIMUM NUMBER OF MEMBERS OF THIS BOARD?

MR. LEGAL ADVISOR: THERE ARE EIGHT BOARD MEMBERS AND A CHAIRMAN AND A VICE-CHAIRMAN OR ONE OF THE DEPUTY CHAIRMEN AND A VICE-CHAIRMAN. SO THAT SITTING TOGETHER THE MAXIMUM NUMBER WOULD BE TEN.

MR. CHAMBERLIST: THIS IS NOT CLEAR IN THIS MR. CHAIRMAN, BECAUSE IT INDICATES TWELVE. THAT'S WHAT I GOT. YOU SEE THE WAY THIS INDICATES IT SAYS. A CHAIRMAN, A VICE-CHAIRMAN, NOT MORE THAN THREE DEPUTY CHAIRMEN, THAT MAKES IT FIVE AND NOT LESS THAN FOUR OR MORE THAN EIGHT, THAT WOULD MAKE IT THIRTEEN, THE WAY THAT'S WRITTEN.

MR. LEGAL ADVISOR: THERE ARE RULES AS TO HOW THE BOARD SITS, MR. CHAIRMAN. THESE ARE MEMBERS POTENTIAL MEMBERS, BUT AT ANY ONE TIME IT'S

LIMITED AS TO HOW THEY SIT.

MR. CHAMBERLIST: WHAT I WANT TO MAKE CLEAR IS THAT THERE WILL NOT BE MORE THAN EIGHT MEMBERS SITTING AT ANY ONE TIME. THE WAY THIS IS, IT COULD BE THIRTEEN SITTING. COULDN'T IT?

MR. LEGAL ADVISOR: IT DOESN'T SAY THAT. IT JUST SAYS; "THERE SHALL BE A BOARD CONSISTING OF SO AND SO". THEN THE RULES FOR SITTING ARE CONTAINED IN SUBSECTIONS HERE AND IN OTHER SECTIONS.

MR. CHAMBERLIST: WHERE WAS THAT? WHERE'S THE RULES?

MR. LEGAL ADVISOR: EITHER IN THE ORDINANCE OR IN THE SUBSECTIONS.

MR. CHAMBERLIST: LET'S MAKE SURE OF THAT.

MR. CHAIRMAN: ALRIGHT I WILL PROCEED READING THE SECTIONS.

"(2) THE CHAIRMAN, THE VICE-CHAIRMAN, THE DEPUTY CHAIRMAN AND THE OTHER MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE COMMISSIONER TO HOLD OFFICE DURING GOOD BEHAVIOUR FOR SUCH PERIOD NOT EXCEEDING FIVE YEARS AS MAY BE DETERMINED BY THE COMMISSIONER."

WHAT DO YOU MEAN BY HOLDING OFFICE FOR GOOD BEHAVIOUR?

MR. LEGAL ADVISOR: IT GIVES THE PERSON HOLDING THE OFFICE, THE SAME RIGHTS TO HOLD OFFICE AS A JUDGE OF THE SUPREME COURT.

MR. CHAMBERLIST: IS THAT AN OFFICE? BEING A MEMBER OF A BOARD. IS THAT AN OFFICE?

MR. LEGAL ADVISOR: YES, MR. CHAIRMAN, IT'S AN OFFICE. IN THE CASE OF THE MEMBERS OTHER THAN THE CHAIRMAN AND VICE-CHAIRMAN, THEY ARE PART-TIME OFFICERS, BUT THEY ARE STILL OFFICERS.

MR. CHAIRMAN: "(3) A RETIRING CHAIRMAN, VICE-CHAIRMAN, DEPUTY CHAIRMAN OR OTHER MEMBER MAY BE REAPPOINTED TO THE BOARD IN THE SAME OR ANOTHER CAPACITY."

MR. CHAMBERLIST: I HAVEN'T GOT THIS CLEAR. IS MR. LEGAL ADVISOR SAYING THAT THE MEMBERS OF A BOARD ARE OFFICERS BECAUSE IF HE SAYS THAT, I CAN'T SEE THE RELATIONSHIP. SOMEBODY THAT WORKS FOR THE BOARD BECOMES AN OFFICER OF THE BOARD.



BUT DOES A MEMBER OF THE BOARD BECOME AN OFFICER?

MR. LEGAL ADVISOR: WHEN HE HOLDS OFFICE, AND IF A PERSON WHO HOLDS OFFICE IS AN OFFICER, THEN HE'S AN OFFICER. BUT IT'S ONE OF THE MOST DIFFICULT WORDS TO DEAL WITH IN LEGISLATION IS THE WORD OFFICE, AND THE OTHER WORD OFFICER. THERE'S ACRES OF LAW CASES IN THE LIBRARY ABOUT WHO OR WHAT IS AN OFFICER, ESPECIALLY IN MUNICIPAL LEGISLATION. YOU ARE DEALING WITH PEOPLE WHO ARE MEMBERS OF COUNCIL AND MANAGERS AND OFFICIALS AND SUCH.

THESE WERE THE WORDS THAT WERE CHOSEN AND DRAFTED. AND THE OTHER SECTIONS, EXCEPT FOR THE INSERTION THE WORD "DEPUTY CHAIRMAN" HAVE STILL THE TEST OF TIME.

MR. CHAMBERLIST: WELL DON'T WORRY ABOUT STANDING A TEST OF TIME. IF WE ARE MEMBERS OF A COUNCIL, THIS DOESN'T MAKE US OFFICERS. THERE ARE OFFICERS OF THIS COUNCIL. YOU ARE AN OFFICER OF THIS COUNCIL. BUT THE COUNCIL MEMBERS THEMSELVES ARE NOT OFFICERS. AND I'M SUGGESTING THAT WE SHOULD CLARIFY IT, BECAUSE IT ISN'T CLEAR HERE, THAT A MEMBER OF THE BOARD IS AN OFFICER. WHAT'S THE DIFFERENCE THEN BETWEEN AN OFFICER WHO IS EMPLOYED BY THE BOARD?

MR. LEGAL ADVISOR: IT SAYS, MR. CHAIRMAN, THAT THEY HOLD OFFICE DURING GOOD BEHAVIOUR. IT DOESN'T SAY THEY'RE OFFICERS.

MR. CHAMBERLIST: YOU SAID IT. THAT'S WHY I'M QUESTIONING IT.

MR. LEGAL ADVISOR: WELL YOU ASKED ME WERE THEY OFFICERS.

MR. CHAMBERLIST: WELL, NOW I WANT TO KNOW WHETHER THEY ARE OFFICERS. ARE THEY OFFICERS? THIS IS WHAT I WANT TO KNOW.

WELL, YOU KNOW, A SHRUG OF THE SHOULDER CAN'T BE RECORDED IN THE VOTES AND PROCEEDINGS.

MR. CHAIRMAN: POSSIBLY THE MEMBER WOULD SIT DOWN - -.

MR. LEGAL ADVISOR: NO TAPE WILL RECORD A SHRUG. MR. CHAIRMAN I DON'T KNOW AND I DON'T REALLY CARE.

MR. CHAMBERLIST: WELL I DO MR. CHAIRMAN. I

DO CARE. I THINK IT'S IMPORTANT TO KNOW WHETHER OR NOT THE BOARD IS AN OFFICER, A MEMBER OF THE BOARD IS AN OFFICER OF THE BOARD. AND IT'S DIFFERENT BETWEEN SOMEBODY WHO IS EMPLOYED BY THE BOARD TO CARRY OUT CERTAIN FUNCTIONS. THEY BECOME OFFICERS OF THE BOARD.

MR. LEGAL ADVISOR: MR. CHAIRMAN, I KEEP GETTING FORCED TO MY FEET AND GIVING ANSWERS. IT DOESN'T APPEAR TO ME TO BE IMPORTANT TO THE LEGISLATION TO SAY WHETHER THEY ARE OR THEY AREN'T OFFICERS. IT'S GOT NOTHING TO DO WITH IT. THEY ARE PEOPLE WHO ARE HOLDING OFFICE. THEY ARE MEMBERS OF THE BOARD.

MR. CHAMBERLIST: THAT'S ALRIGHT. AS LONG AS THEY ARE MEMBERS OF THE BOARD, NOT OFFICERS. THAT'S WHAT I WANTED TO GET FROM YOU.

MR. CHAIRMAN: ARE WE CLEAR ON (2)?

MR. CHAMBERLIST: JUST A MINUTE NOW. I DIDN'T GET AN ANSWER.

MR. TANNER: YOU WANTED SOMETHING ON SECTION 2, DID YOU GET IT CLEARED UP?

MR. CHAMBERLIST: NO, I HAVEN'T GOT THAT CLEARED UP YET. IT'S THE MAXIMUM. WHERE IN THE LEGISLATION DOES IT SHOW THAT THERE IS A MAXIMUM OF EIGHT MEMBERS?

MR. LEGAL ADVISOR: IN SECTION 7 SUBSECTION (1).

MR. CHAMBERLIST: IN THE NEW SUBSECTION 7(1).

MR. LEGAL ADVISOR: YES, MR. CHAIRMAN.

(SOME CONFUSION)

MR. CHAMBERLIST: MR. CHAIRMAN, LET'S BREAK THIS DOWN. LET'S BREAK THIS PARTICULAR SECTION DOWN BECAUSE IT STARTS OUT WITH; "THERE SHALL BE A BOARD", ALRIGHT NOW THE BOARD SHALL CONSIST OF A CHAIRMAN, THAT'S ONE; A VICE-CHAIRMAN, THAT'S TWO; NOT MORE THAN THREE DEPUTY CHAIRMEN, THAT MAKES IT FIVE; AND NOT LESS THAN FOUR AND NO MORE THAN EIGHT OTHER MEMBERS. SO THERE COULD BE EIGHT OTHER MEMBERS, MAKING IT A POSSIBLE TOTAL OF THIRTEEN. NOW THAT'S WHAT IS SAYS IN THERE.

MR. LEGAL ADVISOR: POTENTIALLY THE BOARD COULD CONSIST OF THIRTEEN.

MR. CHAMBERLIST: ALRIGHT NOW DOESN'T THIS MAKE

IT TOO UNWIELDY FOR A BOARD TO CONSIST OF THIRTEEN? SHOULD WE NOT SAY THAT THERE SHALL BE NOT MORE THAN EIGHT IN TOTAL BUT THEY CAN BE CHOSEN FROM THOSE PARTICULAR NUMBERS.

Mr. TANNER: Mr. CHAIRMAN, ISN'T THE WHOLE POINT OF HAVING THAT NUMBER OF MEMBERS IS THE MERE FACT THAT WHEN MEMBERS ARE ABSENT AND SO FORTH OR OTHERWISE OCCUPIED IN OTHER AREAS, THAT YOU CAN GET SOME PEOPLE TO WORK FOR YOU,

Mr. CHAMBERLIST: I AGREE. BUT I'M SAYING THAT AT LEAST WE SHOULD SAY TO THE BOARD, WHEN SITTING AS THE BOARD, IT'S NOT MORE THAN EIGHT. I AGREE THAT THERE SHOULD BE OTHERS TO STEP IN.

Mr. LEGAL ADVISOR: AS THE HONOURABLE MEMBER WILL NO DOUBT RECALL, SOME TWO YEARS AGO WE INTRODUCED AMENDMENTS TO ORGANIZE THE BOARD INTO DIVISIONS WHERE APPROPRIATE. THE FULL BOARD VERY SELDOM SITS. WHAT HAPPENS IS THAT IT DIVIDES ITSELF INTO DIVISIONS APPROPRIATE FOR A CASE. AS A MATTER OF FACT THE FULL BOARD DID SIT RECENTLY TO DECIDE A CASE IN RESPECT OF THE UNION. A UNION DISPUTE WITH THE GOVERNMENT. AND ONLY SEVEN MEMBERS VOTED AND THE GOVERNMENT WAS DEFEATED BY FOUR VOTES TO THREE IN THE EVENTUAL HEARING.

WHAT HAPPENS IN EVERY DAY PRACTICE IS THAT A NUMBER OF MEMBERS FOR AN IMPORTANT CASE, THE WHOLE BOARD WILL SIT. THE PRESIDING OFFICER IS A CHAIRMAN, THE VICE-CHAIRMAN WILL ALSO SIT BUT WHERE THE CHAIRMAN SITS AND VOTES THE VICE-CHAIRMAN DOES NOT VOTE. THE OTHER MEMBERS THEN, DOWN THE LINE VOTE. SO IT LEAVES THE CHAIRMAN ALONE. THE PROVISION HERE IS THAT WHEN THE CHAIRMAN VOTES THE VICE-CHAIRMAN WILL NOT VOTE. IF THE VICE-CHAIRMAN VOTES, THE DEPUTY CHAIRMAN WILL NOT VOTE, IF THE VICE-CHAIRMAN VOTES THE DEPUTY CHAIRMAN OR VICE-CHAIRMAN WILL NOT VOTE.

IT MAY SOUND COMPLICATED BUT THE DESIGN IS TO BE FOUND IN THE SUCCEEDING SUBSECTIONS.

Mr. CHAMBERLIST: IT DOESN'T ANSWER THE QUESTION THAT I ASKED. AND THE QUESTION THAT I'VE ASKED IS - WHERE ARE WE LIMITING IT TO EIGHT MEMBERS MAXIMUM AT ANY ONE TIME SITTING ON THE BOARD? AND THIS WAS THE ANSWER THAT WAS GIVEN BY Mr. LEGAL ADVISOR AT FIRST. HIS FIRST ANSWER WAS; "THERE WOULD BE EIGHT IN ACCORDANCE WITH SECTION 7(1)." NOW THAT HE'S TAKEN A LOOK AT IT, HE AGREES THAT THERE

COULD BE THIRTEEN.

Mr. LEGAL ADVISOR: NO, Mr. CHAIRMAN. THERE CAN BE EIGHT ORDINARY MEMBERS WITH A PRESIDING OFFICER AND A CO-PRESIDING OFFICER MAKING A MAXIMUM POSSIBILITY OF TEN PEOPLE SITTING AT A MEETING.

Mr. CHAMBERLIST: NO WAY!! NOW Mr. CHAIRMAN, NOW LOOK. IF THIS IS PLAIN ENGLISH THEN THERE IS SOMETHING THE MATTER WITH SOMEBODY NOT TOO FAR AWAY FROM ME IN HIS IDEA OF WHAT IS PLAIN ENGLISH. BECAUSE THE PUNCTUATION MAKES THIS THIRTEEN MEMBERS MAXIMUM. YOU'VE GOT; "OF THE CHAIRMAN" COMMA; "A VICE-CHAIRMAN" COMMA; "NOT MORE THAN THREE DEPUTY CHAIRMEN"; THAT MAKES IT FIVE. I'M SURE NOBODY DISAGREES WITH THAT. AND PLUS ON TOP OF THOSE FIVE; "NOT LESS THAN FOUR", EVEN IF IT WAS NOT LESS THAN FOUR IT WOULD STILL MAKE IT NINE. YOU SEE. IT WOULD STILL MAKE IT NINE. "AND NO MORE THAN EIGHT". SO THAT IT COULD MAKE IT THIRTEEN. SO IT COULD IT COULD MAKE IT NOT LESS THAN NINE IN ANY EVENT AND NOT MORE THAN THIRTEEN. WHAT I WANT TO KNOW IS WHEN IS THE NUMBER OF MEMBERS OF THE BOARD, THAT SITS ON THE BOARD, SIT AT A GIVEN TIME. IS IT GOING TO BE THIRTEEN AT ANY TIME? OR IS IT GOING TO BE NINE AT ANY TIME?

Mr. LEGAL ADVISOR: Mr. CHAIRMAN, IT'S IN THE ORDINANCE THAT - - -(INTERRUPTED).

Mr. CHAMBERLIST: WHICH SECTION? TELL ME WHICH SECTION AND THEN I CAN FOLLOW IT!

Mr. LEGAL ADVISOR: IT'S IN SECTION 7 AND THE SUCCEEDING SECTION.

Mr. CHAMBERLIST: WHICH SECTION 7 AND THE SUCCEEDING SECTION?

Mr. LEGAL ADVISOR: THE NEXT REVISED SECTION. Mr. CHAIRMAN, WE HAVE A SUPREME COURT OF THE YUKON TERRITORY AND ACCORDING TO MY CALCULATIONS, IT IS POSSIBLE THAT COULD BE FIFTEEN JUDGES OF THE SUPREME COURT OF THE YUKON TERRITORY. BUT TO MY KNOWLEDGE IN ALL THE YEARS IN WHICH IT HAS BEEN EXISTING, ONLY ONE JUDGE HAS EVER SAT AT A TIME. AND THE ONLY TIME THAT THE OTHER MEMBERS SIT TOGETHER WITH THAT JUDGE IS AT DINNER.

MR. CHAMBERLIST: MR. CHAIRMAN, I'M SORRY, I'M GOING TO STAY WITH THIS BECAUSE I THINK THIS IS SO IMPORTANT. IT IS CLEARLY DESIGNATED IN THIS PARTICULAR SUB-SECTION THAT IS PROPOSED AFTER 7-1, 7-2 AND 7-3 ARE THE APPEALS TO HAVE 13 MEMBERS ON THE BOARD. I WOULD BE SATISFIED IF SOMEWHERE IN IT IT SAID, "NO MORE THAN 9, OR 10 OR 11 WILL BE SITTING AT ANY ONE TIME." THE WAY IT IS INDICATED NOW YOU CAN HAVE A BOARD OF 13 PEOPLE SITTING AT ONE TIME. NONE OF THE SUBSEQUENT SECTIONS ARE DEALING WITH THIS BOARD IN THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AS IT EXISTS NOW, INDICATE THE NUMBER OF MEMBERS ON THE BOARD AT ANY ONE TIME. IT SAYS WHAT THE BOARD CAN CONSIST OF.

MY QUESTION, TO PUT IT BLUNTLY, IS IT THE INTENTION OF HAVING A VARIABLE AMOUNT OF MEMBERS OF THE BOARD AT ANY ONE GIVEN TIME OR HAVE A SET NUMBER OF MEMBERS ON THE BOARD? SURELY THERE MUST BE A DEFINITE ANSWER TO THAT ONE WAY OR ANOTHER.

MR. LEGAL ADVISOR: IT DEPENDS ON WHAT IT IS, THE BOARD OR A DIVISION. ACCORDING TO SECTION 12, "AT ANY MEETING OF THE BOARD FOR CONDUCTING BUSINESS, THE MEMBERS" THAT IS (A) THE CHAIRMAN OR THE VICE-CHAIRMAN, (B) ONE MEMBER BEING APPOINTED AS BEING A REPRESENTATIVE OF THE EMPLOYEES AND ONE MEMBER REPRESENTING THE EMPLOYERS, "SHALL BE PRESENT." BUT FOR THE PURPOSE OF FACILITATING A HEARING AND THE DETERMINATION OF ANY MATTER THEY CAN BE BY A DIVISION CONSISTING OF EITHER THE CHAIRMAN OR THE VICE-CHAIRMAN AND AT LEAST TWO OTHER MEMBERS; ONE OF WHOM IS REPRESENTING THE EMPLOYEES AND ONE OF WHOM IS CHOSEN FROM THE GROUP REPRESENTING THE EMPLOYERS.

A DECISION OF A MAJORITY AT ANY MEETING IS FINAL. THAT IS WHAT IT SAYS ABOUT IT.

MR. CHAMBERLIST: SO IT IS A SUGGESTION THEN, MR. CHAIRMAN, TO GET THIS CLARIFIED SO THAT WE KNOW WHAT WE ARE TALKING ABOUT. THE MEMBERS OF THE BOARD CAN BE A MAXIMUM OF 13 BUT THE BOARD CAN BE ANY WHERE UP TO, AS IT IS LAID OUT IN SECTION 12. A CHAIRMAN, ONE MEMBER WHO HAS BEEN APPOINTED AS BEING REPRESENTATIVE UNDER THE INTEREST OF THE EMPLOYEE, THAT MAKES TWO, AND ONE MEMBER WHO HAS BEEN APPOINTED AS BEING REPRESENTATIVE UNDER THE INTEREST OF THE EMPLOYER. SO WE HAVE A MINIMUM OF 3 A MAXIMUM OF 13.

MR. LEGAL ADVISOR: NO, MR. CHAIRMAN.

MR. TANNER: MR. CHAIRMAN, THAT IS NOT THE WAY THAT I READ IT. I READ IT, THERE IS A CHAIRMAN, A VICE-CHAIRMAN, THERE COULD BE A DEPUTY CHAIRMAN IF EITHER THE VICE-CHAIRMAN OR THE CHAIRMAN CAN'T SERVE AND THEN NOT MORE THAN 8 AND NOT LESS THAN 4. THE MAXIMUM THAT YOU CAN HAVE THAT I CAN SEE AS SERVING OFFICERS ON THE BOARD IS 10.

MR. CHAMBERLIST: OH, I BEG YOUR PARDON. THERE IS A WORD THERE "CONSISTING". "THERE SHALL BE A BOARD TO BE CALLED THE YUKON PUBLIC SERVICE STAFF RELATIONS BOARD CONSISTING" THAT SPELLS OUT WHAT THAT BOARD CONSISTS OF. IT SPELLS OUT THE NUMBER OF PEOPLE WHO CONSIST OF THAT BOARD. THE CONSISTING OF THAT BOARD IS A CHAIRMAN, A VICE-CHAIRMAN, NOT MORE THAN THREE DEPUTY-CHAIRMEN, WHICH IS 5 AND NOT LESS THAN 4 OR MORE THAN 8 OTHER MEMBERS.

MR. TANNER: MR. CHAIRMAN, I UNDERSTAND THE CONFUSION THAT DOES ARISE TO SOME EXTENT. THIS IS MY UNDERSTANDING OF IT. WHAT WE ARE CONSTITUTING HERE, WE ARE CONSTITUTING THE TOTAL BOARD. AFTER THAT WE ARE GOING TO HAVE A PROCESS OF HOW THEY SIT. IT ISN'T NECESSARILY SO, ALTHOUGH THE BOARD CONSISTS OF 13 PEOPLE, THEY WOULD SIT AS 13 PEOPLE. THE WAY I READ IT AGAIN, WHAT I SAID BEFORE. WHEN THEY ARE SITTING THERE IS A CHAIRMAN, A VICE-CHAIRMAN, A DEPUTY-CHAIRMAN IF ONE OF THE OTHERS CAN'T SERVE AND THEN 4 TO 8 MEMBERS. THAT IS WHAT SITS BUT THE BOARD, YOU NEED THE DEFINITION OF THE TOTAL MEMBERSHIP OF THE BOARD SO YOU CAN GET THESE OTHER PEOPLE IN WHEN SOMEBODY ELSE IS AWAY.

MR. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN. IT DOESN'T SAY THAT. THIS IS THE WAY YOU MIGHT INTERPRET WHAT IT MEANS BUT IT DOESN'T SAY THAT. AS FAR AS I AM CONCERNED, I AM JUST USING THE LANGUAGE AS IT IS WRITTEN. THE LANGUAGE AS IT IS WRITTEN THERE SHOWS A TOTAL BOARD MEMBERSHIP OF 13 PEOPLE.

IN SECTION 12 IS SHOWS THAT THERE ARE 3 MEMBERS WHO CONSIST OF THE BOARD AT ANY ONE TIME. THE QUESTION THAT I AM ASKING HERE IS WHETHER THE BOARD IS LIMITED TO THAT AMOUNT OF 3 OR IS IT LIMITED TO 8 OR IS IT LIMITED TO 9 OR CAN THE BOARD HAVE MORE THAN THE 3. SECTION 12 SAYS, "AT ANY MEETING OF THE BOARD FOR THE CONDUCT OF ITS BUSINESS AT LEAST THE FOLLOWING MEMBERS MAY MEET."

Mrs. WATSON: THAT IS THE LEAST NUMBER.

Mr. CHAMBERLIST: THIS IS WHAT I HAVE ALREADY SAID. THAT THE LEAST IS THREE. NOW WHAT I WANT TO KNOW IS WHEN IS THERE TO BE A FIXED NUMBER OF PEOPLE THAT WE KNOW IS GOING TO BE ON THE BOARD? IF A BOARD STARTS SITTING CAN IT DURING THE SITTING AND REVIEWING OF A BOARD BRING IN EXTRA MEMBERS?

Mr. TANNER: Mr. CHAIRMAN, IF I COULD SUGGEST. IF THE MEMBER LOOKS IN THE EXPLANATORY NOTES IN THE OLD SECTION 7- 1,2, & 3, PARTICULARLY THE OLD SECTION 7-1 HE WILL READ THAT IN THE PAST THERE WERE 10 MEMBERS. WHAT IS BEING DONE HERE IS 3, THE THREE DEPUTY-CHAIRMEN ARE BEING PUT IN FOR DIFFERENT REASONS. WHEN WE COME TO A VICE-CHAIRMAN AND A CHAIRMAN. THE WAY I READ IT, AND I DON'T THINK IT IS ANY DIFFERENT FROM THE LAST ONE, IT IS MERELY GIVING RECOGNITION TO THE BOARD THAT THERE ARE THREE DEPUTY-CHAIRMEN.

Mr. CHAMBERLIST: BUT THE EXPLANATORY NOTE IS NOT THE LEGISLATION.

Mr. LEGAL ADVISOR: Mr. CHAIRMAN, IF THE HONOURABLE MEMBER WOULD READ THE AMENDMENTS THE THING WOULD BE CLEAR. SUB-SECTION 3, THE NEW SUB-SECTION 3 WILL SAY "WHERE BOTH THE CHAIRMAN AND THE VICE-CHAIRMAN ARE PRESENT ONLY THE CHAIRMAN WILL VOTE. WHERE BOTH A VICE-CHAIRMAN AND A DEPUTY CHAIRMAN ARE PRESENT ONLY A VICE-CHAIRMAN WILL VOTE. WHERE BOTH A CHAIRMAN AND A DEPUTY CHAIRMAN ARE PRESENT ONLY THE CHAIRMAN SHALL VOTE," THAT LIMITS IT DOWN TO A SINGLE VOTE FOR ANY OF THOSE THREE. PLUS THE BLIND MEMBERS, THE MAXIMUM OF WHOM MAY BE 8 THE MINIMUM 4. THE MAXIMUM PEOPLE ABLE TO VOTE AT A MEETING IS 9.

Mr. CHAMBERLIST: I AM NOT TALKING ABOUT THE NUMBER WHO ARE VOTING. I AM SAYING THE NUMBER WHO CAN BE ON THE BOARD. THE WAY THIS IS WRITTEN YOU CAN HAVE UP TO 13 PEOPLE ON THAT BOARD. IS THERE ANY ARGUMENT ABOUT THAT POINT.

Mr. LEGAL ADVISOR: NO, Mr. CHAIRMAN.

Mr. CHAMBERLIST: NOW, BY THE SAME TOKEN, THERE COULD BE ONLY 3 ON THE BOARD. IS THERE ANY ARGUMENT ON THAT POINT?

Mr. LEGAL ADVISOR: NO, Mr. CHAIRMAN.

Mr. CHAMBERLIST: ALRIGHT. SO THAT ANYWHERE BETWEEN 3 AND 13 CAN BE THE MAKE-UP OF THE BOARD. MY QUESTION IS, HOW CAN WE ALLOW A BOARD OF THIS DESCRIPTION WITHOUT HAVING A FIXED NUMBER AT ANY ONE PARTICULAR TIME? IF FOR INSTANCE, IN THE OLD SECTION; THE OLD SECTION WAS CLEARER BECAUSE IT STATED THERE WOULD BE SOMETHING LIKE 10.

I DON'T SEE WHAT PEOPLE ARE TRYING TO SAY. NO IT IS NOT THE OTHER WAY. WHEN ACTUALLY YOU BROUGHT THE LEGISLATION FORWARD, YOU BROUGHT THE WORDING IN. WHEN I SAY THIS I AM SAYING THE GOVERNMENT BROUGHT IT IN. THEY BROUGHT THE WORDING IN. I DIDN'T PUT THE WORDING IN. I THINK THAT THE WORDING OF SECTION 7-1 INDICATES A MEMBERSHIP OF THE BOARD OF 13. WE HAVE ALREADY GOT AGREEMENT TO THAT. WE HAVE GOT AGREEMENT THAT THE MINIMUM AMOUNT IS 3. WHAT I WANT TO KNOW IS WHEN DO WE GET, AND WHERE IN THE LEGISLATION IS THERE A FIXED AMOUNT AT ANY PARTICULAR TIME ACTUALLY SITTING ON A HEARING?

Mr. LEGAL ADVISOR: THERE IS NO FIXED AMOUNT. DEPENDING ON THE IMPORTANCE OF THE OCCASION AND WHAT IS HAPPENING. THE INTENTION OF THE BOARD IS TO BREAK ITSELF UP INTO DIVISIONS. THEY FIND IT VERY CUMBERSOME TO HAVE TOO MANY PEOPLE FOR THE RATHER UNIMPORTANT THINGS THEY ARE LOOKING AT.

Mr. TANNER: Mr. CHAIRMAN, COULD I SUGGEST THAT MAYBE IT WOULD SOLVE SOME OF THE PROBLEMS IF THE CHAIRMAN COULD READ THE REST OF THE AMENDMENTS. I AM NOT TRYING TO STOP THE ARGUMENT ON THIS. THEN GO BACK.

Mr. CHAIRMAN: SECTION 3.

Mr. CHAIRMAN READS SECTION 3 AND 4.

Mr. CHAMBERLIST: COULD WE HOLD IT RIGHT THERE A MOMENT. I HAVE NEVER HEARD OF WHERE THE VICE-CHAIRMAN DOESN'T BECOME THE DEPUTY CHAIRMAN IF THE CHAIRMAN IS ABSENT. WHAT IS THE POINT OF HAVING A VICE-CHAIRMAN? SO HE CAN STEP INTO THE CHAIRMAN'S PLACE. NOW WE HAVE ADDED ANOTHER BODY. WE'VE ADDED A VICE-CHAIRMAN AND A DEPUTY CHAIRMAN.

Mr. LEGAL ADVISOR: WE HAVE THREE DEPUTY CHAIRMEN.

Mr. CHAMBERLIST: THE POINT IS JUST THAT IF YOU HAVE A VICE-CHAIRMAN THERE HE WOULD ACT AS

THE CHAIRMAN IN PLACE OF THE CHAIRMAN IF THE CHAIRMAN IS ABSENT. ISN'T THIS THE GENERAL IDEA?

MR. LEGAL ADVISOR: Yes, Mr. Chairman.

MR. CHAMBERLIST: IT APPEARS NOW THAT THE QUESTION OF WHO CAN VOTE HAS NO BEARING ON MY ORIGINAL QUESTION RELATING TO THE NUMBER OF PEOPLE AT ANY ONE TIME WHO ARE SITTING ON THAT BOARD. SOMEHOW OR ANOTHER I CAN'T GET IT ACROSS THAT THERE ISN'T SUFFICIENT CLARITY TO SHOW AT WHAT TIME IS THERE A MAXIMUM NUMBER OF MEMBERS SITTING ON A BOARD DOES IT MEAN THAT AT ANY TIME THE MEMBERSHIP CAN CHANGE?

MR. LEGAL ADVISOR: IT IS NOT A CONSTANT CHANGING THING. THERE ARE APPOINTMENTS GOING THROUGH CONSTANTLY BECAUSE THERE ARE, AT PRESENT, THERE ARE 10 MEMBERS. THE DEPUTY CHAIRMAN HAS NOT YET BEING APPOINTED IN THE PRESENT BOARD.

MR. CHAMBERLIST: I AM TALKING ABOUT THE LEGISLATION.

MR. LEGAL ADVISOR: I ANTICIPATE THAT ONLY ONE DEPUTY CHAIRMAN OR POSSIBLY TWO DEPUTY CHAIRMEN WILL EVER, IN FACT, BE APPOINTED.

THE INTENTION WAS TO RELIEVE THE CHAIRMAN OF ACTIVE DUTY IN A NUMBER OF OCCASSIONS AND TO BRING IN ANOTHER PROFESSIONAL CAPABLE OF ACTING FOR HIM. THE VICE-CHAIRMAN IS NOT A PROFESSIONAL LAWYER AND THEREFORE CANNOT ACT IN CERTAIN SITUATIONS. THIS IS WHAT WE WILL ANTICIPATE THE BOARD WILL HAVE AND THAT IS A MAXIMUM OF 10 PEOPLE, HOWEVER IT IS MADE UP.

MR. CHAMBERLIST: I AM NOT ARGUING AGAINST THE SUPPOSITION OF WHAT MIGHT HAPPEN. TO ME IT IS CLEARLY DEFINED THAT THERE CAN BE 13 MEMBERS ON THAT BOARD. BECAUSE OF THE WAY THAT HAS BEEN WRITTEN. WHAT I WANT TO KNOW IS WILL THERE BE ANYTHING, SHOULD THERE NOT BE ANYTHING IN THE LEGISLATION TO STATE CLEARLY AT NO TIME SHALL THERE BE MORE THAN 10 MEMBERS SO THAT YOU KNOW WHAT THE MAXIMUM OF THE BOARD SITTING. IN OTHER WORDS, HAVE YOUR 13 BUT SPELL IT OUT LIKE THIS FOR THE CONVENIENCE OF MAKING SURE THAT THERE IS GOING TO BE SUFFICIENT PEOPLE THERE. SURELY THERE MUST BE PROVISION THERE TO LIMIT THE AMOUNT OF NUMBER AT ANY TIME.

SUPPOSING THESE PEOPLE ARE ALL APPOINTED.

MRS. WATSON: YOU ARE DEFEATING THE PURPOSE OF THE AMENDMENT IF YOU TRIED TO RESTRICT IT. THIS IS WHY THEY ARE ADDING THREE.

MR. CHAMBERLIST: THE PURPOSE FOR THE ADDITIONAL PEOPLE IS THAT YOU HAVE MORE PEOPLE TO DRAW. THIS IS THE PURPOSE. READ THE ORIGINAL SECTION AND THE AMENDED SECTION. SO THAT YOU HAVE MORE PEOPLE TO DRAW. BUT IT STILL DOESN'T SAY AT WHAT PARTICULAR TIME IS THERE A MAXIMUM NUMBER OF MEMBERS SITTING. THIS IS ALL I WOULD LIKE TO SEE IN THERE. I WOULDN'T LIKE TO SEE THE 13 MEMBERS SITTING AT THE SAME TIME. IT WOULD MAKE IT UNWIELDY. I SEE NO REASON WHY THERE CAN'T BE A MAXIMUM OF 10 SITTING AT ONE PARTICULAR TIME.

MR. LEGAL ADVISOR: MR. CHAIRMAN, IT IS TREATED THE SAME AS, IT IS A BENCH AGREEMENT. IT IS TREATED THE SAME AS THE SUPREME COURT OF CANADA, OR THE SUPREME COURT OF B. C. THERE IS SOMETHING LIKE, I THINK IT IS OVER 20 JUDGES CAN BE APPOINTED, 22 TO THE SUPREME COURT OF B. C. USUALLY THEY SIT IN DIVISIONS OF 3. THEY CAN SIT IN DIVISION OF 5 1/2. FOR ENORMOUS CASES ONE CAN CONCEIVE OF 7 JUDGES BEING QUOTED TO SIT. BUT NO WAY COULD THEY FIND SEATS IN THE COURT HOUSE FOR 22. YOU HAVE GOT TO LEAVE SOMETHING TO THE CHAIRMAN AS TO HOW HE DOES HIS BUSINESS. HOW MANY HE ASSIGNS FOR A PARTICULAR CASE.

MR. CHAMBERLIST: I JUST SIMPLY WANT TO MAKE CLEAR THAT I AM NOT OPPOSED TO THAT CONCEPT AT ALL. BUT I WOULD LIKE IT IN THE LEGISLATION TO SAY THAT THERE WILL NOT BE MORE THAN SO MANY AT ONE PARTICULAR TIME. THAT ISN'T SPELT OUT. I WONDER IF MR. LEGAL ADVISOR WOULD AGREE WITH ME THAT THAT ISN'T SPELT OUT? WHAT IS THE MAXIMUM NUMBER THAT CAN SIT AT ANY ONE TIME. NEVER MIND ABOUT THE SPACE OF THE ROOM IN WHICH THEY HOLD THE BOARD. THEY HOLD BOARDS IN BEDROOMS NOWADAYS. THESE BOARDS CAN'T ALWAYS SIT, THE FULL BOARD, BECAUSE THERE MIGHT NOT BE ENOUGH ROOM IN THE BEDROOM.

THIS IS THE THING. THE ONLY THING THAT BOTHERS ME IS THIS SECTION. THE FACT THAT THERE IS NOTHING IN THERE TO SAY THE MAXIMUM NUMBER OF MEMBERS OF THE BOARD THAT CAN SIT IN REVIEW AT ANY ONE PARTICULAR TIME. IT SHOULD BE SPELT OUT.

MR. STUTTER: MR. CHAIRMAN, IF THE LEGISLATION

READ, NO MATTER HOW MANY CAN SIT THERE ARE NO MORE THAN 9 CAN VOTE. IF ALL 13 ARE THERE 9 IS THE MAXIMUM NUMBER THAT CAN VOTE. IT DOES SEEM TO ME THAT AFTER WHAT THE LEGAL ADVISOR HAS SAID THAT VERY RARELY WOULD THERE EVER BE MORE THAN ONE DEPUTY CHAIRMAN. WHY ARE WE SAYING ANYTHING ABOUT 3? YOU KILL THEIR VOTES ANYWAY. THEY ARE NOT ALLOWED TO VOTE.

MR. LEGAL ADVISOR: WHAT HAPPENS IN FACT IS WE ARE APPOINTING A BOARD WHICH IS CARRYING OUT NATIONWIDE FUNCTIONS AND WE WANT TO HAVE THE SAME CHOICE, THE SAME FLEXIBILITY AS THE BOARD HAS IN ITS PARENT FUNCTIONS. WE ARE IMPLEMENTING HERE RECIPROCAL AMENDMENTS TO THE PARENT LEGISLATION WHICH FOUNDED THE BOARD ITSELF. IT IS A VERY PLEASANT BOARD. I HAVEN'T MET THE VICE-CHAIRMAN YET OR THE DEPUTY CHAIRMAN YET BUT I'M SURE THEY ARE VERY PLEASANT. I SUGGEST THAT WE JUST GIVE THEM WHAT THEY WANT.

MR. CHAMBERLIST: WHY CAN'T THESE OTHER MEMBERS BE THE DEPUTY CHAIRMAN IF THE DEPUTY CHAIRMAN CHOSE FROM AMONGST THEM?

MR. LEGAL ADVISOR: MR. CHAIRMAN, THAT IS CUT. I AM SORRY ABOUT THAT. THE SCHEME IS THAT YOU CHOOSE EVEN NUMBERS FROM THE EMPLOYEES SIDE AND THE EMPLOYERS SIDE AND THIS WOULD HAVE AN UNBALANCING EFFECT.

MR. CHAMBERLIST: I THINK YOU ARE WRONG. GO AHEAD, GET YOURSELVES INTO A MESS. I WILL STRAIGHTEN IT OUT FOR YOU IN FOUR YEARS TIME.

MR. CHAIRMAN: I THINK AT THIS POINT IT WAS AGREED BY COMMITTEE THAT THE BALANCE OF THE BILL WOULD BE DELETED AND A MOTION TO THAT EFFECT SHOULD BE IN ORDER DELETING SECTIONS 5 TO 11 INCLUSIVE.

MR. TANNER: MR. CHAIRMAN, THAT IS THE UNDERSTANDING THAT I HAVE.

MR. STUTTER: MR. CHAIRMAN, I WILL MOVE, IN REGARDS TO BILL NO. 8 THAT SECTIONS 5 TO 11 INCLUSIVE BE DELETED.

MR. TANNER: HOLD ON A MINUTE. WE NEED SOMETHING TO BRING THIS ORDINANCE INTO FORCE SURELY.

MR. LEGAL ADVISOR: IF THAT IS SO THEN IT WILL

COME INTO FORCE BY ITSELF.

MR. CHAMBERLIST: I WILL SECOND THAT.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR STUTTER SECONDED BY COUNCILLOR CHAMBERLIST THAT BILL NO. 8 BE AMENDED BY DELETING SECTIONS 5 TO 11 INCLUSIVE. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. CHAIRMAN: ARE YOU AGREED?

SEVERAL HONOURABLE MEMBERS: AGED.

MR. CHAIRMAN: I SHALL DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. CHAIRMAN: DO YOU WISH I READ THE PREAMBLE TO THE BILL?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN READS THE PREAMBLE TO BILL NO.8.

MR. CHAIRMAN: WHAT IS YOUR FURTHER PLEASURE?

MRS. WATSON: MR. CHAIRMAN, I WOULD MOVE THAT BILL NO. 8 BE MOVED OUT OF COMMITTEE AS AMENDED.

MR. CHAIRMAN: IS THERE A SECONDER?

MR. TANNER: I WILL SECOND THAT, MR. CHAIRMAN.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR WATSON SECONDED BY COUNCILLOR TANNER THAT BILL NO. 8 BE REPORTED OUT OF COMMITTEE AS AMENDED. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. CHAIRMAN: ARE YOU AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. CHAIRMAN: I THINK AT THIS TIME WE WILL MOVE TO BILL NO. 21 - THE SECOND APPROPRIATION ORDINANCE. PARDON ME, IS THE TOBACCO TAX ORDINANCE. I BELIEVE WE HAVE NOW THE NEW AMENDED SHEETS.

MR. LEGAL ADVISOR: COULD YOU TAKE US THROUGH THESE AMENDMENTS?

MR. LEGAL ADVISOR: I AM NOT SURE WHAT SECTION THAT DEFINES.

MR. CHAIRMAN: I BELIEVE WE STARTED, THE ONES I HAVE NOTED, THE FIRST ONE IS SECTION 2 AND IT RELATES AROUND SUB 1 AND SUB 2. I DOUBT IF IT CHANGED IN ANY EVENT. I WILL READ THAT SECTION.

THIS ORDINANCE, SECTION 2 (1) "CONSUMER" MEANS A PERSON WHO PURCHASES OR ACQUIRES TOBACCO FOR HIS OWN USE OR CONSUMPTION OR FOR THE USE OR CONSUMPTION BY OTHERS AT HIS EXPENSE;

MR. TANNER: MR. CHAIRMAN, YOU WILL NOTICE THAT WE HAVE TAKEN OUT ALL THE REST OF THAT SECTION BECAUSE WE'VE ACCOMPLISHED WHAT WAS ASKED BY COUNCIL LATER ON IN SECTION 7.

MR. CHAIRMAN: THE NEXT AMENDMENT I HAVE NOTED IS IN SECTION 5.

MR. TANNER: WELL MR. CHAIRMAN, THE MEMBER, I HEARD HIM WHISPER IN MY EAR SOMETHING ABOUT THE DEALER. WE HAD A LONG DISCUSSION ON THE DEALER BUT WE CAME TO THE CONCLUSION THAT IT WASN'T ANY PARTICULAR POINT, THERE WASN'T ANY CHANGE BUT THE MEMBER IS RIGHT.

MR. CHAIRMAN: I BELIEVE, I JUST NOTED HERE IN SECTION 4 (7) THERE IS A CHANGE. (MR. CHAIRMAN READS SECTION 4 (7)).

MR. CHAMBERLIST: WELL, JUST A MINUTE. I RAISED A QUESTION THE OTHER DAY ON THAT. IF SOMEONE HAD HIS OWN TOBACCO AND HE GAVE SOME OF THAT TOBACCO TO SOMEBODY ELSE. THE POINT IS FOR CONSUMPTION.

MR. TANNER: MR. CHAIRMAN, NO. THE MEMBER, .. IT APPEARS THAT'S HOW IT IS BUT AND IT'S TAKEN QUITE A WHILE TO GET THIS CORRECT. THE WAY WE HAVE IT SET OUT IS WHERE HE HAS PERSONALLY ACQUIRED OR RECEIVED. THAT MEANS, THAT'S THE PART WHICH THE HONOURABLE MEMBER BROUGHT UP ABOUT A GIFT. WE HAVE COVERED IT UP THAT WAY. THE EXCEPTION IS FOR BOTH PEOPLE BRINGING IT THEMSELVES AND PEOPLE WHO RECEIVE IT AS GIFTS.

MR. CHAMBERLIST: BUT SUPPOSING THAT A PERSON HAS BROUGHT IT IN THEN GIVES IT AS A GIFT TO SOMEBODY ELSE. IS HE LIABLE FOR PROSECUTION?

MR. LEGAL ADVISOR: THERE IS NO EVIDENCE BECAUSE IF HE HAS GIVEN IT AWAY OR SMOKED IT THEN YOU COULD HARDLY HAVE A CASE AND THE PERSON IN WHOSE POSSESSION IT WAS FOUND COULD SAY HE HAD ACQUIRED IT FROM OUTSIDE THE TERRITORY. CAN HE NOT?

MR. CHAMBERLIST: NO, THE POINT, ONE OF THE POINTS THAT I RAISED IS THAT SOMEBODY COMES IN FROM ABROAD AND BRINGS A BOX OF CIGARETTES OR A BOX OF CIGARS AND, YOU KNOW, HE GOES, MY SON GOES AND BRINGS A BOX OF CIGARS FROM ENGLAND AND HE BRINGS IT HERE AND SAYS, "HERE DAD, THIS IS FOR YOU." SO, I AM LIABLE TO PAY FOR THAT?

MR. TANNER: NO, MR. CHAIRMAN. I DON'T THINK THAT'S TRUE. HE HAS ACQUIRED IT HIMSELF AND THEN WHEN HE GIVES IT YOU, YOU RECEIVED IT. SO YOU CAN'T BE PROSECUTED.

MR. CHAMBERLIST: OH? ON THE CONTRARY. NOT THE WAY THIS READS. THIS READS NOTWITHSTANDING SUBSECTION (6),: EVERY PERSON RESIDENT IN THE TERRITORY OR CARRYING ON BUSINESS IN THE TERRITORY, MAY HAVE IN HIS POSSESSION AT ANY ONE TIME, FOR HIS OWN CONSUMPTION". NOW, THAT'S THE POINT I'M MAKING. HE MAY HAVE IT FOR HIS OWN CONSUMPTION. BUT SUPPOSING HE GIVES IT AWAY. WHAT HAPPENS THEN?

MR. TANNER: MR. CHAIRMAN, THE CASE THE MEMBER ILLUSTRATES IS THAT THEN YOU'VE GOT IT IN YOUR POSSESSION FOR YOUR OWN CONSUMPTION AND THAT YOU HAVE RECEIVED IT.

MR. CHAMBERLIST: ALRIGHT, O.K.

MR. CHAIRMAN: I DON'T BELIEVE THERE IS ANY, I HAVE NOTED SECTION 5 WITH A QUESTION MARK.

MR. TANNER: MR. CHAIRMAN, THERE WAS A QUESTION IN SECTION 5 BUT IT WASN'T SO MUCH AS LOOKING FOR AN ALTERNATIVE AS A REQUEST OF WHY WE HAVE TO HAVE IT THERE AND THERE ARE BASICALLY TWO REASONS. THIS TAX IS BEING IMPOSED ON THE CONSUMER AND THE CONSUMER HAS TO BE AWARE THAT THERE IS A TAX ON TOBACCO, OTHERWISE IT'S A TAX ON SOMEBODY OTHER THAN A CONSUMER. NOW, IF SOMEONE IS SELLING TOBACCO AND SAYS WE ARE GOING TO SELL IT FOR 40 CENTS INSTEAD OF 60 CENTS HE MUST NOT ADVERTISE WE ARE PAYING THE TAX BECAUSE YOU'VE GOT THIRD PARTY TAX THEN.

MR. CHAIRMAN: CLEAR? NEXT AMENDMENT I HAVE NOTED IS ON SECTION 10.

MR. CHAMBERLIST: No, I think I raised a question on 6 (2) "No person shall sell or offer for sale, in the Territory, tobacco to a consumer unless he holds a retail dealer's permit."

Now why did I ask that question?

MR. TANNER: Mr. Chairman, that's one thing we don't know.

MR. CHAMBERLIST: Now just a minute. No, I've got it marked for a reason. I think we were speaking about, just a minute.

MR. CHAIRMAN: Section 10 is the next item I have noted here for amendment. Section 10 (2), Mr. Legal Advisor?

MR. TANNER: Mr. Chairman, excuse me, just before Mr. Legal Advisor speaks, Mr. Chairman, I think you have to read 10 (2) because we've made a change there as far as I am concerned.

MR. CHAIRMAN: Well this is what I am saying, Section 10 (2) has been amended and I would ask Mr. Legal Advisor if he could draw the attention of the Committee to the specific amendment.

MR. CHAMBERLIST: Oh yes, the reason why I raised this, it gives the Commissioner the discretion to say in what procedure it may be deemed adequate and expedient.

MR. CHAIRMAN: I will have to read this section in any event so maybe this will (left unsaid), Mr. Chairman reads Section 10 (2).

Mrs. Watson: Mr. Chairman, you can take it at your own risk but the dealer is losing the protection. The inspector then can use any method that he wants to.

MR. CHAMBERLIST: He can't, that's a point I'm raising and the reason why I'm objecting to the way it was because in using the discretion which may be deemed adequate and expedient from one situation he can use one method, for another situation the Commissioner would be using a different method according to who were friends and who weren't. This is why it has to be taken out.

MR. CHAIRMAN: Alright, the next item is 13 (1), I'm not sure what happened but I have it circled. I have underlined the word 'Treasurer'.

MR. CHAMBERLIST: What about 12 (1)? It reads: "Every person who collects any tax under this Ordinance shall be deemed to hold such tax in trust for the Treasurer" and I say the money is not held in trust for the Treasurer. It's held in trust for the Yukon Consolidated Revenue Fund or the Commissioner.

MR. TANNER: Mr. Chairman, the Member is half right and half wrong. I'm afraid I'm going to make an explanation something like the Legal Advisor has. In actual fact you could write Commissioner but we write Treasurer in that case because under the Yukon Consolidated Revenue Fund and the Financial Administration Ordinance, the Treasurer is in charge of the physical funds.

MR. CHAMBERLIST: But under the Yukon Act, it's the Yukon Consolidated Revenue Fund that receive the funds and the Commissioner is the only man, the only officer that's responsible for those funds.

MR. CHAIRMAN: Do I take it then there is no change in 12, 13, or 14?

MR. TANNER: There are changes, Mr. Chairman, there's changes in 13. Mr. Chairman, it's our opinion that we should leave it 'Treasurer' and because it is technically correct but if the Honourable Member insists on changing that one word to Commissioner, we have to change it in other places wherever we possibly could. Perhaps we should have a vote on it because really we would prefer to have it 'Treasurer'.

MR. CHAMBERLIST: I don't care what you prefer. I'm telling you what's legislatively required of you and that's the Commissioner because Mr. Legal Advisor has already indicated, and quite properly too, that only the Commissioner can be responsible for any signing.

MR. LEGAL ADVISOR: I didn't say that. I said I certainly had no objection to it being the Commissioner. I have no objection, you know, either the Commissioner or the Treasurer could do it. It's a question of taste.

MR. CHAMBERLIST: It's not a question of taste. You know what the law would uphold. That the Commissioner is responsible for those funds, not the Treasurer. We have to comply with the Yukon Act. It's more important than the Financial Administration Ordinance.



IN ANY EVENT, EVEN THE AMENDMENT OF 13 (1) THE WORD 'TREASURER' HAS NOT BEEN CHANGED.

MR. TANNER: MR. CHAIRMAN, COULD THE CHAIRMAN SEEK THE ADVICE OF THE HOUSE ON THIS OR ASK FOR A VOTE OR SOMETHING?

MR. STUTTER: WELL, MR. CHAIRMAN, IT SEEMS TO ME IT'S A HIGHLY TECHNICAL POINT IN ANY EVENT BUT I WOULD LIKE TO HEAR FROM MR. LEGAL ADVISOR WHETHER OR NOT IT SHOULD BE IN FACT.

MR. LEGAL ADVISOR: I DON'T THINK IT MAKES ANY DIFFERENCE. IT'S JUST THAT IT'S IN THE TREASURER'S NAME IN OUR ORDINANCE AS BEING IN CHARGE OF THE FUNDS AND HE WAS CHOSEN TO BE THE PERSON IN HAVING THE TRUST FUND. THE COMMISSIONER COULD EQUALLY DO IT. IT DOESN'T MAKE ANY DIFFERENCE.

MR. CHAMBERLIST: WELL, THE COMMISSIONER WOULD HAVE TO BE, I SAY, BECAUSE THAT'S WHAT THE YUKON ACT SAYS. HE IS RESPONSIBLE FOR THE YUKON CONSOLIDATED REVENUE FUND.

MR. CHAIRMAN: ARE WE CLEAR THEN ON 12 (1)?

MR. TANNER: NO, MR. CHAIRMAN, WE ARE NOT CLEAR ON 12 (1). THIS HOUSE HAS GOT TO DECIDE WHAT IT WANTS TO PUT IN THERE. WHETHER IT WANTS TREASURER OR COMMISSIONER. NOW THE GOVERNMENT SAYS WE WOULD PREFER TREASURER AND WE THINK THAT'S TECHNICALLY CORRECT.

MR. CHAIRMAN: RIGHT, AND I THOUGHT THIS WAS PRETTY WELL AGREED ON.

MR. CHAMBERLIST: NO, IT WASN'T AGREED ON THAT. IT WAS AGREED THAT TREASURER BE REMOVED AND COMMISSIONER REPLACED. THAT'S WHAT WAS AGREED.

MR. TANNER: NOW MR. CHAIRMAN, JUST A MINUTE. ALL THESE RECOMMENDATIONS THAT CAME DOWN AND ALL THESE AMENDMENTS YOU HAVE HERE WE SAID WE WOULD LOOK AT AND WE HAD A GOOD DISCUSSION ON THEM PREVIOUSLY. WE WOULD LOOK AT THEM AND SEE IF WE COULD INCORPORATE THEM. THE MOST IMPORTANT AMENDMENTS THAT HAVE BEEN MADE IS THE ONE YOU GOT THE EXEMPTION FOR TOBACCO AND BRINGING IT IN. AND THAT HAS BEEN MADE BECAUSE THE HONOURABLE MEMBER MADE A VERY, VERY GOOD POINT. AS A MATTER OF FACT, IT'S THE ONLY PLACE IN CANADA AS WE FOUND OUT, THAT'S GOT THAT EXEMPTION IN IT, AND EVERY PLACE IN CANADA IS MAKING WHAT WE ARE NOW DOING AND IT'S LEGAL EVERYWHERE ELSE IN CANADA.

ON THIS PARTICULAR POINT THE GOVERNMENT FEELS THAT 'TREASURER' IS THE RIGHT PHRASEOLOGY.

MR. CHAIRMAN: ARE WE THEN CLEAR?

MR. CHAMBERLIST: NO, (AND MRS. WATSON INTERRUPTS).

MR. CHAIRMAN: WELL LISTEN. JUST A POINT OF ORDER HERE. THIS IS A LEGISLATURE AND I'M SURE THAT ALL MEMBERS HAVE BEEN HERE FOR AT LEAST THREE YEARS SO YOU MUST REALIZE HOW TO DEAL WITH MATTERS OF THIS NATURE. YOU JUST CAN'T LEAVE THE CHAIR HERE WONDERING WHAT EVERYBODY IS GOING TO DO. SOMEONE MUST TAKE SOME SORT OF ACTION IN THIS REGARD AND I DON'T THINK THAT AFTER THREE YEARS, I THINK THAT PEOPLE SHOULD KNOW WHAT TO DO.

MR. TANNER: MR. CHAIRMAN, WOULD YOU PUT IT TO MEMBERS OF COUNCIL THEN THAT THE WORDING AS IN THE AMENDED VERSION WITH 'TREASURER' IS ACCEPTABLE TO COUNCIL?

MR. CHAIRMAN: ALRIGHT. IS THE WORDING AS OF 'TREASURER' IN SECTION 12 (1) ACCEPTABLE TO COMMITTEE? WILL THOSE TO WHOM IT IS ACCEPTABLE KINDLY INDICATE.

SOME MEMBERS RAISE HANDS.

MR. CHAIRMAN: WILL THOSE TO WHOM IT IS OBJECTIONABLE KINDLY INDICATE.

MR. CHAMBERLIST RAISES HIS HAND.

MR. CHAIRMAN: THE WORD SHALL REMAIN AS TREASURER. THE NEXT AMENDMENT NOTED WAS SECTION 13, (1). DO YOU HAVE AN EXPLANATION MR. LEGAL ADVISOR?

MR. LEGAL ADVISOR: NO PARTICULAR EXPLANATION, MR. CHAIRMAN.

MR. CHAIRMAN: ARE WE CLEAR THEN ON 13 (1)?

MR. CHAMBERLIST: NO, MR. CHAIRMAN. I WANT TO KNOW WHY THE TREASURER IS IN THERE. NOW, THERE IS A LEGISLATIVE REQUIREMENT FOR THE COMMISSIONER TO BE RESPONSIBLE UNDER THE YUKON ACT AND I DON'T CARE WHAT MR. LEGAL ADVISOR SAYS ABOUT THIS OR NOT. WITH RESPECT I SAY THAT HE KNOWS FULL WELL THAT THE COMMISSIONER SHOULD BE THE PERSON NAMED IN ANY PIECE OF LEGISLATION WHERE FUNDS ARE THE RESPONSIBILITY OF THIS LEGISLATIVE BODY. WE DON'T VOTE MONEY

TO THE TREASURER. WE VOTE MONEY TO THE COMMISSIONER TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE YUKON TERRITORY. WE DON'T VOTE IT TO THE TREASURER. THAT'S WHY ANYTHING THAT COMES TO FUNDS, AND THIS IS A TAX ORDINANCE, THAT IT BE AN INSTRUCTION TO THE COMMISSIONER TO DO CERTAIN THINGS. NOT ONE OF HIS OFFICERS.

MR. CHAIRMAN, IT'S ABSOLUTELY WRONG THAT THIS COUNCIL SHOULD EVEN GO AHEAD AND ALLOW THE TREASURER TO BE NAMED IN AN AREA WHERE THE COMMISSIONER IS SUPPOSED TO BE NAMED. QUITE FRANKLY, I WOULDN'T LIKE TO SEE THE COMMISSIONER NAMED. I WOULD PREFER AN ELECTED MEMBER OF COUNCIL TO BE NAMED. I WOULD BE QUITE HAPPY BUT THAT WOULD EQUALLY BE AS WRONG UNDER OUR PRESENT SYSTEM OF GOVERNMENT AND UNDER WHAT'S STATED IN THE YUKON ACT.

NOW, LET'S NOT PLAY GAMES. THIS IS A LEGISLATIVE REQUIREMENT UNDER THE FEDERAL ACT, THE YUKON ACT. THIS SHOULD BE CARRIED OUT AND NEVER MIND ABOUT WHAT IS EASY AND WHAT IS NOT EASY AND WHAT IS MORE CONVENIENT AND WHAT ANOTHER ORDINANCE SAYS. JUST TAKE REFERENCE TO THE FACT THAT THE YUKON ACT MAKES THE COMMISSIONER RESPONSIBLE AS A CHIEF EXECUTIVE OFFICER FOR THE ADMINISTRATION OF THIS GOVERNMENT.

MR. TANNER: MR. CHAIRMAN,

MR. CHAIRMAN: JUST FOR THE EDIFICATION, IF I MIGHT FOR THE MOMENT, MAYBE THIS WILL SETTLE THE THING A LITTLE BIT. SECTION 6 OF THE FINANCIAL ADMINISTRATION ORDINANCE. SUBJECT TO THIS PART ALL PUBLIC MONEY SHALL BE PAID TO THE TERRITORIAL TREASURER AND DEPOSITED AND CREDITED TO THE YUKON CONSOLIDATED REVENUE FUND.

MR. CHAMBERLIST: WHICH ARE YOU READING? THE FINANCIAL ADMINISTRATION ORDINANCE?

MR. CHAIRMAN: THE FINANCIAL ADMINISTRATION ORDINANCE.

MR. CHAMBERLIST: RIGHT, AND I'M SAYING THE YUKON ACT. THIS IS WHERE THE MONEY IS PAID TO THE TREASURER BUT WHEN YOU PREPARE LEGISLATION YOU NAME THE COMMISSIONER. YOU DON'T NAME THE TREASURER. NOT WHEN YOU PREPARE LEGISLATION, YOU PAY IN TO THE TREASURER AND THE HONOURABLE MEMBER, MR. CHAIRMAN, YOU KNOW BETTER, THAT EVERYTHING THAT PERTAINS TO FUNDS GETS PAID

TO THE COMMISSIONER. NOT TO THE TREASURER. IT GETS PAID TO THE COMMISSIONER AND THE YUKON CONSOLIDATED REVENUE FUND. THIS IS WHAT THE ACT SPEAKS OF AND I SAY THAT YOU ARE DOING WRONG. IT MIGHT NOT MATTER VERY MUCH BECAUSE YOU ARE GOING AHEAD WITH IT IN ANY CASE. YOU KNOW THE STUBBORNNESS OF SOME OF THESE MEMBERS IN NOT RECOGNIZING WHAT THE ACT. NOBODY HAS LOOKED AT THE ACT. LET'S TAKE A LOOK AT THE ACT AND BREAK THIS DOWN A LITTLE BIT. PERHAPS WE CAN HAVE A LESSON IN BRINGING DOWN, IN BRINGING FORWARD THE VARIOUS ITEMS IN THE ACT ITSELF. PERHAPS THIS WILL ASSIST.

MRS. WATSON: MR. CHAIRMAN, ON A POINT OF ORDER.

MR. CHAMBERLIST: POINT OF ORDER? GO AHEAD IF YOU WANT A POINT OF ORDER. YOU JACK-IN-THE-BOX, GO AHEAD.

MRS. WATSON: MR. CHAIRMAN, WE ARE NOT DEALING WITH THE YUKON ACT. WE ARE DEALING WITH THE TOBACCO TAXATION AND I WOULD SUGGEST THAT WE GO ON TO SECTION 13 AND HAVE OUR QUESTION AND GO ON WITH IT.

MR. CHAMBERLIST: MR. CHAIRMAN, THE HONOURABLE MEMBER SHOULD LEARN THAT WHEN WE ARE DEALING WITH ANY ORDINANCE IN THIS COUNCIL, WE'RE DEALING WITH ORDINANCES AND THE MANNER IN WHICH THOSE ORDINANCES ARE PASSED THROUGH THIS HOUSE UNDER THE YUKON ACT. AND WHEN SHE REMEMBERS THAT AND GETS THAT IN HER LITTLE MIND, SHE'LL UNDERSTAND THAT SHE STILL HAS A FUNCTION TO PERFORM IN THIS COUNCIL ALTHOUGH SHE IS SECURE FOR ANOTHER FEW MONTHS UP AT THE OTHER END. FOR A SHORT FEW MONTHS.

MR. CHAIRMAN: ORDER PLEASE. I WONDER IF WE COULD GET BACK TO MATTERS AT HAND.

MR. CHAMBERLIST: WELL, YOU WANT TO CORRECT THESE PEOPLE AS WELL, MR. CHAIRMAN. SO I WOULD SUGGEST THAT WE TAKE A LOOK AT THE YUKON ACT AND SEE IF WE CAN

MRS. WATSON: MR. CHAIRMAN, ON A POINT OF ORDER. I OBJECT REVERTING TO THE YUKON ACT AT THIS TIME AND I THINK WE SHOULD QUESTION THE HOUSE TO SEE WHETHER WE WANT TO DISCUSS THE YUKON ACT. JUST BECAUSE THE HONOURABLE MEMBER WANTS TO READ THE YUKON ACT IS NO REASON WHY THE REST OF US HAVE TO SIT HERE AND PUT UP WITH IT.

MR. CHAIRMAN: ORDER PLEASE. IT IS QUITE WITHIN PREROGATIVE OF ANY MEMBER TO DISCUSS ANYTHING.

HE WISHES IN RELATION TO THIS BILL AS LONG AS IT IS RELEVANT TO THE BILL.

MRS. WATSON: MR. CHAIRMAN, IT IS NOT RELEVANT TO THE BILL.

MR. CHAIRMAN: WELL, I WOULD RULE THAT IT IS. HOWEVER, I MUST ADMIT THAT WE ARE WASTING A GREAT DEAL OF TIME IN THIS BUT THE MEMBER MAY CONTINUE.

MRS. WATSON: LET'S TAKE A MOTION ON THIS.

MR. CHAMBERLIST: NOTWITHSTANDING, MR. CHAIRMAN, I AM PLEASSED THAT MR. CHAIRMAN CONSIDERS THAT WE ARE WASTING TIME. IT'S STILL MY PREROGATIVE IF I FIND IT NECESSARY TO EXPLAIN THE YUKON ACT AND I'M GOING TO.

MR. CHAIRMAN, SECTION 4 OF THE YUKON ACT MAKES IT QUITE CLEAR THAT THE COMMISSIONER SHALL ADMINISTER THE GOVERNMENT OF THE YUKON TERRITORY UNDER INSTRUCTION FROM TIME TO TIME GIVEN HIM BY THE GOVERNOR IN COUNCIL OR THE MINISTER.

MRS. WATSON: MR. CHAIRMAN, ON A POINT OF ORDER. IT'S NOT THE PREROGATIVE OF THE HONOURABLE MEMBER TO DO WHAT HE WANTS TO DO IF THE REST OF THE MEMBERS DON'T WANT HIM TO READ THE YUKON ACT. I THINK IF WE WANT TO GO ON WITH THE TOBACCO TAX BILL WE SHOULD BE ABLE TO.

WE ARE DEALING WITH THAT PARTICULAR AREA. LETS LOOK AT THE SECTIONS OF THE YUKON ACT THAT DEALS WITH FUNDS. I WOULD LIKE IT RECORDED THAT I BELIEVE THAT THE STUPIDITY OF THE HONOURABLE MEMBER FOR CARMACKS-KLUANE WHEN SHE SAID I DON'T KNOW THE NUMBERS SHOW HOW LITTLE REGARD SHE HAS FOR WHAT IS GOING ON IN THIS HOUSE.

MR. CHAIRMAN: ORDER PLEASE. RETURN TO THE QUESTION AND STOP THIS FIGHTING PLEASE.

MR. CHAMBERLIST: FIGHTING. I WOULD LIKE TO KNOCK HER TEETH IN FOR HER. YUKON CONSOLIDATED REVENUE FUND.

MR. CHAMBERLIST READS SECTION 23 TO SECTION 24 INCLUSIVE OF THE YUKON ACT.

MR. CHAMBERLIST: THANK YOU. SECTION 25.

MR. CHAMBERLIST READS SECTION 25 TO 26 (2)(B) INCLUSIVE.

MR. CHAIRMAN: ORDER PLEASE. IF THERE IS ANY MORE OF THIS NONSENSE FROM ANY PART OF THIS COMMITTEE I AM GOING TO PUT AN END TO IT AND I WILL START NAMING MEMBERS. AND WHEN I NAME MEMBERS YOU WILL BE NAMED BEFORE THE HOUSE AND GO BEFORE THE CHAIR. I AM QUITE SERIOUS IN THIS MATTER. I THINK THAT THIS IS NO JOKING MATTER. I'VE HAD JUST ABOUT ALL I CAN STOMACH FROM THE CHAIR FROM ALL MEMBERS THAT ARE CAUSING THIS RUCOUS IN COMMITTEE. LET'S OPERATE THIS COMMITTEE AS A LEGISLATIVE BODY, NOT AS A POKER GAME. WOULD YOU CONTINUE.

MR. CHAMBERLIST: I AM JUST POINTING OUT THAT EVERYWHERE IN THE ACT IT IS THE COMMISSIONER WHO IS RESPONSIBLE FOR ACCOUNTS AND FOR THE ACCOUNTING OF THE FUNDS OF THIS TERRITORY. THAT IS WHY I SAY, MR. CHAIRMAN, IT IS SO BLATANTLY WRONG TO JUST ACCEPT THE TREASURER AS A DEEMED PERSON. I SAY UNDER THE ACT YOU CAN'T DO IT.

MR. LEGAL ADVISOR SAYS IT DOESN'T MATTER WHICH ONE. IF IT DOESN'T MATTER WHICH ONE LETS DO THE RIGHT ONE. THAT IS THE COMMISSIONER AS INDICATED IN THE YUKON ACT. WHAT IS THE OBJECTION TO THAT. THE COMMISSIONER HAS BROUGHT FORWARD THIS BILL. THIS TAXATION SO HE IS RESPONSIBLE FOR THE FUNDING.

MR. TANNER: MR. CHAIRMAN, THE COMMISSIONER HAS BROUGHT FORTH THIS BILL. IT IS UP TO THIS HOUSE TO PASS THE BILL. IN THIS BILL THE COMMISSIONER HAS DELEGATED THAT AUTHORITY IN CERTAIN AREAS OF THE BILL TO THE TREASURER THROUGH THE FINANCIAL ADMINISTRATION ORDINANCE.

MR. CHAMBERLIST: MR. CHAIRMAN, THE HONOURABLE MEMBER FOR WHITEHORSE NORTH HAS MADE A STATEMENT THAT IT DIFFICULT TO UNDERSTAND. HE IS SAYING THE COMMISSIONER HAS DELEGATED THE AUTHORITY. IT IS THIS COUNCIL THAT DEALS WITH BILLS NOT THE COMMISSIONER. WE DEAL WITH BILLS AND WE COMPLY WITH THE LAW. THE YUKON ACT MAKES IT QUITE CLEAR THAT THE COMMISSIONER IS RESPONSIBLE FOR ALL FUNDS IN THE YUKON TERRITORY. TO GO AND NAME THE TREASURER IN THAT PARTICULAR WAY. I MIGHT AS WELL SAY, "WHY SHOULD I BOTHER" AND LET YOU STEW IN YOUR OWN JUICE. THAT WOULD BE IN NEGLECT OF WHAT I STILL CONSIDER MY RESPONSIBILITY TO POINT OUT THAT THE COMMISSIONER IS THE ONLY PERSON THAT CAN BE PUT IN THIS PARTICULAR AREA. THE COMMISSIONER IS

RESPONSIBLE FOR THE YUKON CONSOLIDATED REVENUE FUND, MR. CHAIRMAN. MR. CHAIRMAN I BELIEVE SHOULD POINT OUT NOT WHAT IS IN THE FINANCIAL ADMINISTRATION ORDINANCE BUT WHAT IS IN THE YUKON ACT.

MR. CHAIRMAN: JUST FROM THE CHAIR. "THERE SHALL BE A DEPARTMENT OF THE PUBLIC SERVICE OF THE TERRITORY CALLED THE DEPARTMENT OF THE TERRITORIAL TREASURER OVER WHICH THE TERRITORIAL TREASURER APPOINTED BY THE COMMISSIONER SHALL PRESIDE. THAT IS SECTION 3 OF THE FINANCIAL ADMINISTRATION ORDINANCE.

MR. CHAIRMAN READS SECTION 4 AND 6 OF THE FINANCIAL ADMINISTRATION ORDINANCE.

MR. CHAMBERLIST: I DISAGREE WITH WHAT THE HONOURABLE MEMBER IS SAYING. HERE WE ARE PUTTING INTO, FOR INSTANCE SECTION 13, MAKING PROVISION THAT THE TREASURER CAN IMPOSE A PENALTY. IT IS THE COMMISSIONER WHO IMPOSES THE PENALTIES BECAUSE IT IS THE COMMISSIONER IN COUNCIL WHO IMPOSES THE PENALTIES NOT THE TREASURER IN COUNCIL.

MR. CHAMBERLIST READS SECTION 13 (1)

MR. CHAMBERLIST: IT IS NOT THE TREASURER WHO ASSESSES THE PENALTY, IT IS THE COMMISSIONER WHO ASSESSES THE PENALTY. IT IS THE COMMISSIONER WHO SAYS WHAT CAN BE DONE AND WHAT CAN'T BE DONE. HERE AM I DEFENDING THE COMMISSIONER IN THAT PARTICULAR AREA.

MR. CHAIRMAN, IF IT WAS READ OUT, I AGREE WITH HIM. THE TREASURER HAS THE RESPONSIBILITY OF THE FUNDS BUT THE TREASURER HASN'T THE RESPONSIBILITY OF LEGISLATION CONTRARY TO THE YUKON ACT TO PROVIDE THE PENALTIES THAT HE CAN GIVE. THE WAY YOU HAVE GOT THIS SET UP RIGHT NOW IS THAT THE TREASURER CAN MAKE PENALTIES. I BET IF ONE DAY IF SOMEBODY JUST CHALLENGES THIS IN COURT THEY WILL FIND THAT THE COURT WILL HOLD THAT THE TREASURER HASN'T THE POWER TO CREATE A PENALTY. THE POWER IS NOT GIVEN TO HIM BY THE YUKON ACT TO CREATE A PENALTY.

MR. TANNER: MR. CHAIRMAN, WOULD THE HONOURABLE MEMBER LIKE TO REFER TO THE FUEL TAX ORDINANCE. YOU WILL FIND VIRTUALLY THE SAME WORDING.

MR. CHAMBERLIST: YOU WILL FIND IN THE FUEL TAX ORDINANCE THAT IT IS THE COMMISSIONER.

THE HONOURABLE MEMBER FROM WHITEHORSE NORTH SAID, PERHAPS IF HE COULD FIND ME THE FUEL TAX ORDINANCE, I HAVEN'T GOT IT AVAILABLE, AND SHOW ME THE PARTICULAR SECTION WHICH SAYS THAT IT IS THE TREASURER THAT IMPOSES THE PENALTY.

MR. CHAIRMAN, THIS IS THE MAIN POINT OF MY OBJECTION. THAT IT IS THE TREASURER WHO IS THE ONE WHO IS CREATING THE PENALTY INSTEAD OF BEING THE COMMISSIONER IN COUNCIL.

MR. TANNER: MR. CHAIRMAN, LET ME TELL YOU WHAT WE HAVE DONE IN THIS. THE POINT WAS MADE BY THE HONOURABLE MEMBER LAST TIME THAT WHERE WE HAVE IN SOME PLACES TREASURER HE WANTED COMMISSIONER AND HONOURABLE MEMBERS AGREED WITH HIM. WE'VE GONE THROUGH THE ORDINANCE AND IN FOR EXAMPLE, 14 (1) WE HAVE CHANGED TREASURER TWICE TO COMMISSIONER BECAUSE IT IS CONSISTENT. BUT IT IS INCONSISTENT WITH THE WHOLE WAY THIS LEGISLATION IS LAID OUT NOW TO WRITE COMMISSIONER INTO 13 (1).

WHILE THE HONOURABLE MEMBER MAKES HIS POINTS STRONGLY, IT APPARENTLY DOESN'T HAVE CONCURRENCE OF THE MAJORITY OF COUNCIL. DON'T REALLY THINK WE SHOULD GET HUNG UP ON COMMISSIONER OR TREASURER ON THIS POINT. THE MEMBER MAKES THE POINT THAT HE SAYS WE ARE WRONG BUT NOBODY ELSE AGREES WITH HIM. NOBODY DOUBTS HIS ABILITY. TO THE BEST OF MY KNOWLEDGE AND TO THE BEST OF OTHER MEMBERS KNOWLEDGE THE WAY WE HAVE GOT IT SET UP IS CORRECT. THE HONOURABLE MEMBER IS AT PERFECT LIBERTY IF HE THINKS IT IS WRONG TO CHALLENGE IT IN THE COURT BUT IT IS MY OPINION AND THE OPINION OF EVERY OTHER MEMBER IN THIS HOUSE THAT HE WON'T WIN THE CASE. HOWEVER, WE HAVE BEEN WRONG BEFORE.

MR. CHAMBERLIST: I SAY THAT 14 (1), THERE IS NOTHING WRONG IN LEAVING THE TREASURER IN THAT AREA. I SAID THIS IN ANSWER. YOU READ THE VOTES AND PROCEEDINGS. I AGREED WITH MR. LEGAL ADVISOR WHERE, FOR INSTANCE THE DEALER HAS FAILED TO COLLECT AND REMIT TAX IN ACCORDANCE WITH THE ORDINANCE, THE TREASURER MAY REQUIRE HIM TO DEPOSIT. I THINK THIS SHOULD BE HIS RESPONSIBILITY. I AM JUST SAYING IN THOSE AREAS WHERE FOR INSTANCE, IN SECTION 4, THAT SUCH STUFF IS IN TRUST FOR THE TREASURER. I SAY THAT THE MONEY IS NOT BEING HELD IN TRUST FOR THE TREASURER. THE MONEY IS BEING HELD IN TRUST FOR THE YUKON

CONSOLIDATED REVENUE FUND AND IT IS FOR THE COMMISSIONER THAT IT IS BEING HELD IN TRUST FOR. IN SECTION 13, I SAY THAT THE TREASURER CANNOT IMPOSE THE PENALTY BUT THE COMMISSIONER IN COUNCIL CAN IMPOSE THE PENALTY.

I HAVE NO ARGUMENT ABOUT 14 (1). THAT IS ALL. I AGREED WITH MR. LEGAL ADVISOR WHEN HE SAID NOT IN ALL PLACES. WHEN YOU REVIEW THAT IT IS EASY TO SEE WHY THE TREASURER SHOULD HAVE THE RIGHT THERE. I CAN'T ARGUE WITH THAT.

MR. TANNER: MR. CHAIRMAN, THIS IS REALLY STRANGE. I COMPLETELY DISAGREE WITH THE MEMBER NOW BECAUSE IF THERE IS ONE PLACE, I WOULD THINK, THAT YOU DON'T WANT TREASURER THE GUY WHO IS DOING EVERYTHING, THE GUY WHO IS GOING TO IMPOSE THE TAX AND SEE THAT IT IS ENFORCED, THE ONE PLACE I WOULD SAY IS THAT IN 14 (1) IS WHERE YOU WOULD WANT TO GO BEYOND THE TREASURER. WE ARE TRYING TO GIVE SOME SORT OF A RECOURSE TO SOMEBODY WHO FEELS THE TREASURER IS TRAMPLING ON HIM. HERE THE COMMISSIONER COMES IN AS SENIOR OFFICER TO THE TREASURER TO APPEAL TO. IT IS SO DIFFICULT TO ARGUE WITH THE HONOURABLE MEMBER BECAUSE HE CHANGES HIS TACT FROM ONE DAY TO THE NEXT.

THE LAST TIME WE SAT HERE HE WANTED COMMISSIONER ALL THE WAY THROUGH. WE SAID WE WOULD REVIEW IT AND WE REVIEWED IT. TO THE BEST OF OUR ABILITY WE HAVE ACCOMMODATED THE MEMBER WHEREVER WE CAN. NOW HE HAS GONE BACK AND HE IS SAYING HE WANTS TREASURER WRITTEN BACK INTO 14 (1). HOW CAN YOU COPE WITH THAT SORT OF AN ARGUMENT?

MR. CHAMBERLIST: MR. CHAIRMAN, I THINK IT IS VERY WRONG OF THE MEMBER FOR WHITEHORSE NORTH TO SAY THAT I WANTED THE WORD COMMISSIONER USED RIGHT THE WAY THROUGH. THAT IS NOT TRUE. I AGREED AFTER IT WAS POINTED OUT BY MR. LEGAL ADVISOR THAT THERE WERE SOME AREAS WHERE THE TREASURER SHOULD BE LEFT IN. I DIDN'T SAY THAT IT SHOULD BE ALL THE WAY THROUGH.

I SEE NO REASON WHY THE TREASURER SHOULD NOT ADMINISTER IN SECTION 14 HE IS ADMINISTERING SOMETHING. IN SECTION 12 AND 13 IT IS NOT AN ADMINISTRATIVE FUNCTION. IT IS A LEGISLATIVE FUNCTION. I SAY WE CANNOT CLOSE OUR EYES TO THIS. THAT THERE IS A REQUIREMENT THAT THE MONEY IS HELD IN TRUST FOR THE COMMISSIONER, THE MAN THAT IS RESPONSIBLE UNDER THE YUKON ACT FOR THE CONSOLIDATED REVENUE FUND.

UNDER 13, I SAY THE TREASURER HASN'T THE POWER TO IMPOSE PENALTIES HIMSELF. ONLY THE COMMISSIONER IN COUNCIL CAN IMPOSE PENALTIES.

I AM NOT GOING TO SAY ANYTHING MORE BECAUSE I JUST WANTED IT RECORDED WHAT I WANT. IT WILL BE AT A LATER DATE THAT THE WARNING WILL COME TO THE FALL. THIS OFTEN HAPPENS.

MR. CHAIRMAN: ALRIGHT THE NEXT CHANGE IS IN SECTION 14, CHANGING THE WORD TREASURER IN SUB 1 TO COMMISSIONER AND CHANGING THE WORD TREASURER IN SUB 2 TO COMMISSIONER.

MR. CHAMBERLIST: THAT IS NOT NECESSARY. THAT IS WHERE IT IS NOT NECESSARY.

MR. CHAMBERLIST: THE NEXT ITEM I HAVE NOTED IS SECTION 16, SUB (D). THE WORDS "AND THE REGULATIONS" HAVE BEEN DELETED. IS THIS CORRECT? MR. LEGAL ADVISOR?

MR. TANNER: MR. CHAIRMAN, AS THE HONOURABLE MEMBER FROM WHITEHORSE EAST POINTED, I'M SORRY I'M NOT THE LEGAL ADVISOR. AS THE HONOURABLE MEMBER FROM WHITEHORSE EAST POINTED OUT YOU DON'T NEED "AND THE REGULATIONS" THERE. IN FACT WE HAVE PICKED IT UP IN A COUPLE OF OTHER PLACES AND DROPPED IT.

MR. CHAIRMAN: YES, I REALIZE THIS. I AM JUST ASKING MR. LEGAL ADVISOR, IS THIS THE TOTAL OF THE AMENDMENT? IS THERE ANY OTHER CHANGES TO THIS SECTION?

MR. STUTTER: MR. CHAIRMAN, ALSO IN 16 (3).

MR. CHAIRMAN: ARE WE CLEAR ON 16 (1)?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN: ALRIGHT, NOW WE GO TO 16 (3). THE-

MR. STUTTER: MR. CHAIRMAN, IT DID SAY, "A CERTIFICATE SIGNED BY THE TREASURER" AND NOW IT SAYS, "A CERTIFICATE PURPORTING TO BE SIGNED."

MR. CHAIRMAN READS SECTION 16 (3).

MR. CHAIRMAN: ARE YOU CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN: ARE THERE ANY FURTHER AMENDMENTS?

MR. TANNER: 17 IS THE NEXT ONE, MR. CHAIRMAN.

MR. CHAIRMAN: WHAT IS YOUR AMENDMENT TO 17?

MR. TANNER: I'M SORRY, I'M WRONG. IT IS ...

MR. CHAMBERLIST: I ASKED FOR NO. 18. THAT WAS DEALING WITH THE THREE YEARS.

MR. CHAIRMAN: ARE THERE ANY CHANGES TO 17  
MR. LEGAL ADVISOR?

MR. LEGAL ADVISOR: NO, MR. CHAIRMAN.

MR. CHAIRMAN: ALRIGHT, NOW WE WILL DEAL WITH 18.

MR. TANNER: MR. CHAIRMAN, I DID MAKE THE SAME POINT LAST TIME. THE HONOURABLE MEMBER IS QUITE RIGHT, IN FACT OTHER MEMBERS OF THE HOUSE SAY WE CAN ONLY MAKE IT TWO YEARS. THE FUEL TAX ORDINANCE IS PRESENTLY TWO YEARS. WE ARE HAVING PROBLEMS WITH THAT. WE ARE FINDING PEOPLE AFTER TWO AND A HALF YEARS WHO HAVE NOT PAID THE FUEL TAX. WE SUSPECT THE SAME THING MIGHT HAPPEN WITH THE TOBACCO TAX.

WE HAVE TWO ALTERNATIVES AND THE FACT IS IT IS NOTHING TO DO WITH LAW, IT IS A MATTER OF PRIORITIES. I WOULD MENTION THE FUEL TAX, THERE WILL PROBABLY BE AN AMENDMENT COMING NEXT TIME TO MAKE IT THREE YEARS. IF THE COUNCIL SO WISHES, IF WE MAKE IT, LEAVE IT AT TWO YEARS, WE WILL PROBABLY HAVE TO HAVE MORE INSPECTIONS. IF WE MAKE IT THREE YEARS, IT SOUNDS LIKE IT IS AN EXCUSE TO BE SLACK BUT IN ACTUAL FACT, IT WILL PROBABLY BE EASIER TO MAKE IT THREE YEARS SO THAT THE INSPECTIONS ARE NOT SO FREQUENT.

IT IS UP TO THE HOUSE, WHICH EVER THEY WANT TO GO. WE DON'T THINK THREE YEARS IS TOO MUCH AND ALSO WE PROBABLY WILL BE BRINGING FORTH AN AMENDMENT, NEXT TIME, TO THE FUEL TAX ORDINANCE TO MAKE THAT THREE YEARS.

MR. CHAMBERLIST: MR. CHAIRMAN, I THINK IT IS WRONG TO HAVE TO ATTEMPT TO IMPOSE A PENALTY ON SOMEBODY THREE YEARS AFTER AN ALLEGED OFFENCE TOOK PLACE. I THINK THAT IS AN ABHORRENT TYPE OF SECTION TO HAVE IN THERE. TO ALLOW GOVERNMENT THREE YEARS IN WHICH TO MAKE UP THEIR MIND TO WHETHER THEY ARE GOING TO PROSECUTE SOMEBODY. WHAT ARE WE COMING TO, WE'VE GONE ON - FIRST FUEL OIL WAS ONE YEAR.

I RECALL IT WAS A ONE YEAR PENALTY AND THEN IT WAS INCREASED TO TWO YEARS BECAUSE YOU COULDN'T GET HOLD OF HIM.

THERE WAS SOME REASON THERE FOR TWO YEARS BECAUSE IN SOME AREAS WHERE THE OIL WAS BEING USED, IT WOULD BE USED IN PARTICULAR PIECES OF EQUIPMENT THAT PERHAPS COULD BE NON-TAXABLE BUT CAN AN EXAMPLE BE GIVEN AS TO WHY A PERSON COULDN'T BE PROSECUTED IN TWO YEARS UNDER AN OFFENSE UNDER THE TOBACCO ORDINANCE?

MR. TANNER: NO, MR. CHAIRMAN, I CAN'T GIVE YOU AN ACTUAL EXAMPLE. I WOULD GIVE YOU ANOTHER EXAMPLE IN ANOTHER CASE IN THE FEDERAL TAXATION ORDINANCE. THEY CAN GO BACK SIX YEARS.

MR. CHAMBERLIST: THE POINT IS THIS. I SAY THAT ANY TIME THERE IS A PENALTY PLACED IN LEGISLATION, THERE HAS TO BE SOME JUSTIFICATION WHY THAT PENALTY SHOULD BE PLACED IN THERE.

I HAVE ASKED THE HONOURABLE MEMBER IF HE CAN GIVE AN EXAMPLE AND HE SAYS NO. THEREFORE, WE HAVE AN EXTENDED PENALTY CLAUSE WITHOUT JUSTIFICATION AND THIS DOESN'T SEEM PROPER.

MR. TANNER: MR. CHAIRMAN, IT IS NOT A PENALTY CLAUSE. IT IS AN EXTENDED PERIOD OF TIME IN WHICH TO INVESTIGATE A POTENTIAL AVOIDANCE OF PAYING THE TOBACCO TAX. I CAN'T GIVE YOU AN EXAMPLE BECAUSE ONE DOESN'T READILY COME TO MIND. BUT I CAN GIVE YOU AN EXAMPLE OF EXPERIENCE THAT WE HAVE HAD UNDER THE FUEL TAX ORDINANCE. THE EXPERIENCE HAS BEEN THAT WE CANNOT COPE IN TWO YEARS AND CERTAINLY NOT IN THE FIRST TWO YEARS WE WERE VOTED.

WE COULDN'T COPE WITH THOSE ONE OR TWO OCCASIONAL TIMES WHEN SOMEBODY HAS GOT AWAY WITH IT. I WOULD ASK MEMBERS TO KEEP IN MIND. IT IS NOT THE PERSON THAT IS GETTING AWAY WITH IT IS COMPLAINING TOO MUCH, IT IS THE PEOPLE WHO HAVE PAID THEIR TAXES WHO ARE SAYING, HOW COME THAT GUY GOT AWAY AND IS NOT PAYING THEIR SHARE?

MR. CHAMBERLIST: MR. CHAIRMAN, WITH RESPECT. AT THIS TIME SAY THAT BECAUSE WE WERE HAVING SOME DIFFICULTY WITH THE FUEL TAX WE NOW ARE GOING TO PENALIZE DEALERS IN TOBACCO TAX. THERE IS NO REASON FOR THAT TYPE OF DECISION TO BE MADE. IF THE GOVERNMENTS SAY, LOOK WE HAVE SOUND REASONS HOW THIS MIGHT BE AFFECTED BY THE CORRECTION OF TAXES. I THINK THAT IF

THAT IS BROUGHT FORWARD AND COUNCIL RECOGNIZES, THAT WOULD BE REASONABLE.

I THINK IT IS TOTALLY UNREASONABLE WITHOUT ANY JUSTIFICATION TO EXTEND THE PERIOD OF PROSECUTION TIME TO THREE YEARS. MR. CHAIRMAN I WOULD HOPE THAT MEMBERS REDUCE THIS TO THREE YEARS AND I WOULD MOVE THAT SECTION 18 READ: NO PROSECUTION FOR OFFENCE UNDER THIS ORDINANCE BE COMMENCED AFTER TWO YEARS FROM THE DATE OF THE COMMISSION OF THE OFFENCE, EXCEPT THAT IN THE CASE OF FRAUD, NO LIMITATION APPLIES.

MR. STUTTER: I WILL SECOND THAT.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR CHAMBERLIST, SECONDED BY COUNCILLOR STUTTER THAT BILL NO. 21, SECTION 18, SUBSECTION (1) BE AMENDED BY REPLACING THE WORD "TWO" FOR THE WORD "THREE".

MR. TANNER: IT'S THE OTHER WAY AROUND ISN'T IT?

MEMBERS: AGREED.

MR. CHAIRMAN: JUST A MINUTE HERE. YOU WANT TO TAKE AWAY THE WORD "THREE" AND PUT "TWO" IN. THAT'S WHAT I SAID, CH, I'M SORRY I GOT IT BACKWARDS.

BY REPLACING THE WORD "THREE". NO, I'M SORRY, I WAS RIGHT THERE.

WE CAN DO IT A DIFFERENT WAY HERE,

MR. STUTTER: MR. CHAIRMAN, COULDN'T WE SEE IF IT PASSES AND IF IT DOES, TREAT IT AS A TYPOGRAPHICAL ERROR?

MR. CHAIRMAN: WELL THAT IS THE MOST LOGICAL WAY OF DOING IT RIGHT. SO THOSE AGREED TO CHANGE THE WORD "THREE" TO "TWO" PLEASE INDICATE.

MRS. WATSON: DISAGREE.

MR. CHAIRMAN: ALRIGHT WILL YOU PROCEED THEN.

MR. STUTTER: THAT IS CORRECTED THEN?

MR. TANNER: YES, MR. CHAIRMAN, THAT'S A TYPOGRAPHICAL ERROR NOW.

MR. CHAIRMAN: THAT'S RIGHT. CORRECTED FROM "THREE" TO "TWO".

MR. TANNER: MR. CHAIRMAN, ON NO. 19, THE HONOURABLE MEMBER FROM WHITEHORSE EAST, WE'RE GOING TO THE NEXT ONE AND THE GOVERNMENT'S JUST ABOUT FALLEN. WE'LL HAVE - - (INTERRUPTED).

MR. CHAIRMAN: ORDER. ORDER PLEASE!!

MR. TANNER: MR. CHAIRMAN, IN 19 THE MEMBER SAID THAT HE DIDN'T LIKE THE USE OF AN APPLICATION FORM AS PRIMA FACIE EVIDENCE THAT A PERSON IS A DEALER. WELL THE APPLICATION FORM, MR. CHAIRMAN, IS MADE OUT IN SUCH A WAY THAT THERE IS A BOX ON THE BOTTOM OF IT WHICH INDICATES WHETHER OR NOT THE PERMIT HAS BEEN TAKEN OUT, WITH A NUMBER OF THE PERMITEE AND THE DATE IT WAS TAKEN OUT.

MR. CHAMBERLIST: WITH RESPECT, IT IS NOT IN THE LEGISLATION. IT'S ALRIGHT TO SAY THAT, BUT WHEN ONE RESISTS LEGISLATION, IT WOULD APPEAR THAT ANY PERSON WHO TAKES OUT AN APPLICATION FORM, THAT IS PRIMA FACIE EVIDENCE THAT THE PERSON IS A DEALER UNDER THIS ORDINANCE. THIS CANNOT BE. IF A PERSON TAKES OUT AN APPLICATION FORM, UNLESS HE IS GRANTED A PERMIT, THEN HE BECOMES A DEALER. NOW NO PERSON CAN BE REFUSED AN APPLICATION FORM. MR. LEGAL ADVISOR WILL BEAR ME OUT OF THE MANY INSTANCES WHERE PEOPLE HAVE GONE TO MUNICIPALITIES AND HAVE ASKED FOR AN APPLICATION FORM AND WHERE THERE HAVE BEEN MUNICIPALITIES WHO HAVE REFUSED TO GIVE AN APPLICATION FORM. HAVE BEEN HARASSED BY THE COURTS BECAUSE THEY DON'T KNOW WHAT IS IN THE APPLICATION UNTIL THE FORM IS COMPLETED,

SO CONSEQUENTLY IN THIS AREA, SOMEBODY COMES ALONG AND SAYS, "I WANT AN APPLICATION FORM FOR A DEALERS PERMIT." IF HE JUST GETS THE APPLICATION FORM THIS DOESN'T MEAN THAT HE'S A DEALER, UNTIL SUCH TIME AS THE GOVERNMENT HAS ACTUALLY GRANTED HIM A PERMIT. NOW WOULD MR. LEGAL ADVISOR AGREE WITH THAT POINT THAT I'M MAKING?

MR. TANNER: MR. CHAIRMAN, THE MEMBER IS ABSOLUTELY RIGHT BUT THIS IS THE WAY IT'S DONE IN ALL THE OTHER LEGISLATION AND ALL THE OTHER JURISDICTIONS AND IN ACTUAL FACT, THE APPLICATION FORM IS PART AND PARCEL OF THE PERMIT, BECAUSE THE PIECE THAT'S TAKEN OFF AT THE BOTTOM INDICATES THAT THE APPLICATION FORM HAS BEEN TAKEN OUT AND THAT THE PERMIT HAS BEEN ISSUED.

Mr. Stutter: Then, Mr. Chairman, in this particular instance, the application and the permit are one in the same thing.

Mr. Tanner: No, they're not Mr. Chairman, not one in the same thing. They're not one in the same thing but they are part and parcel of the same form.

Mr. Chamberlist: What a comedian, this guy, Mr. Chairman, now there's two documents that are involved. There's the application form and the permit granted after the application has been approved. Surely, there is a decided difference between both documents, whether they are together by way of a perforation. It must be recognized and the ordinance doesn't recognize this. The ordinance doesn't say that upon application a permit will be granted. Then you can say that the application form is proof of a dealership because without the applicant asking for it, then of course he's not going to get the permit.

But the way this is reading and it reads quite clearly to me, that this application form for a dealers' permit is prima facie evidence. How can that be? Perhaps Mr. Legal Advisor can go over this.

Mr. Legal Advisor: I can understand it Mr. Chairman. A single page is filled in in two sections by the guy and then somebody tears it apart and we keep one-half and he's supposed to take away the other half. I can understand it.

Mr. Chamberlist: And supposing then, supposing I'll just tear a page that I'm not using here, supposing then we just take this one-half and he said; "oh, this is your application form, just a minute I'll go and talk to my boss." In the meantime the applicant takes a walk. Now he hasn't got the permit because it hasn't been issued to him. But he can get prosecuted on the basis that the application form that he's asked for is already part of the permit.

Mr. Legal Advisor: Mr. Chairman, this can't happen.

Mr. Chamberlist: Oh! Oh! In government circles anything can happen. Time and time again, people have gone and got themselves application forms for various things. I remember take the instance of land. Because somebody

goes and applies by an application form for land, has got everything dealing with the application form and the granting of the application on the same form. Now can it be said because a man has applied for a piece of land, that it shall be deemed to be that he has the land?

Mr. Legal Advisor: In this case, Mr. Chairman, what actually happens is that the government will retain the application form only when it's given into the government, filled in by the applicant. All applications will be granted.

Now if a man wants to take away ten spare forms, they are evidence of nothing because they're not application forms because they haven't come into the government's hands. And the government can't get a hold of them to use them in this awful way of prosecuting non-dealers. They have a pile of these forms.

Mr. Chamberlist: Mr. Chairman, I don't care what they have. I'm not interested when they have millions of them. All I'm interested in is the passage of this piece of legislation and the statement that's made here, that the application form, the way it's written; "in any proceedings against a person pursuant to this ordinance, his application form for a dealers' permit". Not the granting of the permit. His application form for the permit is prima facie evidence. Why don't we say; "his permit or copy of his permit is prima facie evidence that the person is a dealer". Why just his application form? And it's wrong.

Mr. Legal Advisor: Mr. Chairman, there would be no copy of the permit. No copy.

Mr. Stutter: Mr. Chairman, there's just one thing that I need to ask and you pretty well covered it. When an applicant makes out the application form, it's an automatic thing then that he gets the permit. Is this so?

Mr. Legal Advisor: Automatic, except he may have a conviction and there may be a specific decision in rating him. This doesn't happen in practice. He sends in the form and the thing is torn-off and he gets the other half.

Mr. Stutter: No, but then there are some instances where an applicant can make out an application form and yet not receive a permit.



Mr. LEGAL ADVISOR: I CAN CONCEIVE THIS AS BEING AN UNLIKELY POSSIBILITY, BUT OF COURSE I CAN CONCEIVE IT HAPPENING. THERE IS PROVISION FOR IT.

Mr. STUTTER: Mr. CHAIRMAN, IF IT'S EVEN A POSSIBILITY I WOULD HAVE TO DISAGREE WITH THAT SECTION ALSO. BECAUSE IF IT ISN'T AN AUTOMATIC THING, THEN HOW CAN THE GOVERNMENT TAKE THE VIEW THAT BECAUSE A PERSON HAS FILLED OUT AN APPLICATION FORM, HE IS A DEALER?

Mr. LEGAL ADVISOR: IT'S NOT THAT HE HAS FILLED OUT AN APPLICATION FORM THAT HE IS A DEALER, THIS IS PRIMA FACIE EVIDENCE WHICH MEANS THAT UNLESS HE IS PREPARED TO SAY; "I AM NOT A DEALER", THEN IT WILL BE EVIDENCE THAT HE WAS A DEALER, PRIMA FACIE MEANS AT FIRST GLANCE.

Mr. CHAMBERLIST: BUT WHY SHOULD HE BE PLACED IN THE POSITION OF PROSECUTION Mr. CHAIRMAN? THIS IS THE THING, THIS AGAIN IS THE OLD THING THAT I'M SAYING, ADMINISTRATIVE CONVENIENCE, THE PROSECUTION COMMENCES AND NOW YOU SAY TO THE MAN; "WELL YOU DIDN'T GET A PERMIT, O.K. WE'LL WAIT UNTIL YOU GET INTO COURT," SO HE MIGHT HAVE TO GET HIMSELF A LAWYER, HE GOES THROUGH THE PROCEDURE OF GETTING INTO COURT SIMPLY TO SAY I MADE AN APPLICATION FORM, BUT YOU KNOW, I WASN'T GIVEN A PERMIT.

NOW WHY SHOULD HE BE FORCED INTO THAT POSITION?

Mr. LEGAL ADVISOR: IT WOULDN'T HAPPEN Mr. CHAIRMAN BECAUSE THE NUMBER OF THE PERMIT IS ENDORSED ON THE APPLICATION FORM.

Mr. STUTTER: Mr. CHAIRMAN, I THINK I SEE A WAY OUT OF IT. IF WHAT THE LEGAL ADVISOR SAYS IS SO, THEN WHY CAN WE NOT WRITE IN THERE THAT A PERSON TO WHOM A DEALERS' PERMIT HAS BEEN ISSUED HIS APPLICATION FORM SHALL BE. AND IN THAT CASE, BECAUSE ALL YOU'RE TRYING TO SAY REALLY IS THAT IF YOU CAN'T PRODUCE THE PERMIT ITSELF, YOU WANT TO BE ABLE TO PRODUCE SOMETHING THAT SHOWS THAT A PERMIT WAS ISSUED TO HIM. AND IN THIS CASE IT WOULD BE THE APPLICATION FORM. SO WHY NOT SAY IN LEGAL PHRASEOLOGY THAT TO WHOM A PERMIT HAS BEEN WRITTEN, HIS APPLICATION FORM THEN WILL BE PRIMA FACIE EVIDENCE THAT A PERMIT WAS ISSUED.

Mr. LEGAL ADVISOR: Mr. CHAIRMAN, IT WOULD BE SIMPLER WOULDN'T IT TO SAY TAKE OUT THE WORD "PERSON" AND PUT IN "DEALER". "IN ANY

PROCEEDING AGAINST A DEALER PURSUANT TO THIS ORDINANCE, APPLICATION FORMS FOR A DEALER'S PERMIT IS PRIMA FACIE EVIDENCE".

Mr. CHAMBERLIST: ALRIGHT, O.K.

Mr. CHAIRMAN: TAKE OUT THE WORD "PERSON" AND PUT IN "DEALER" IN LINE ONE. WOULD THAT BE CONSIDERED A TYPOGRAPHICAL ERROR?

SOME MEMBERS: AGREED.

Mr. CHAIRMAN: ALRIGHT THE NEXT SECTION IS SECTION 20. IT IS HERE I BELIEVE THAT WE HAVE THE REGULATION PROVISIONS SPELLED OUT.

Mr. LEGAL ADVISOR: YES, Mr. CHAIRMAN.

Mr. CHAIRMAN: Mr. CHAIRMAN READS SECTION 20(1) (A), (B), (C), (D) AND (E) OF BILL No. 21 TOBACCO TAX ORDINANCE.

WHAT IS YOUR PLEASURE IN RELATION TO BILL 21? DO YOU WISH I READ THE PREAMBLE?

SOME MEMBERS: AGREED.

Mr. CHAIRMAN: Mr. CHAIRMAN READS PREAMBLE OF BILL 21, TOBACCO TAX ORDINANCE.

Mrs. WATSON: Mr. CHAIRMAN, I WOULD MOVE THAT BILL No. 21 THE TOBACCO TAX ORDINANCE BE MOVED OUT OF COMMITTEE AS AMENDED.

Mr. CHAIRMAN: IS THERE A SECONDER?

Mr. STUTTER: I SECOND THE MOTION, Mr. CHAIRMAN.

Mr. CHAMBERLIST: Mr. CHAIRMAN, SPEAKING TO THE MOTION. I WON'T SAY TOO MUCH, I HAVE ALREADY MADE MY POINT THAT I WILL NOT SUPPORT THE MOTION OF FURTHER TAXATION ON THE PEOPLE OF THE YUKON. I THINK THAT WHAT HAS BEEN DONE HAS BEEN DONE BY WAY OF A FALSE TAX UPON THE PEOPLE AND I WILL BE VOTING AGAINST THE MOTION.

Mr. CHAIRMAN: ARE YOU PREPARED FOR THE QUESTION?

Mrs. WATSON: Mr. CHAIRMAN, JUST ON A POINT OF ORDER. DO WE CONSIDER THIS TOBACCO TAX ORDINANCE AS BEING AMENDED, THESE NEW SECTIONS.

Mr. CHAIRMAN: IT HAS BEEN AMENDED. IT WAS MOVED BY COUNCILLOR WATSON, SECONDED BY COUNCILLOR STUTTER, THAT BILL No. 21 BE REPORTED OUT OF COMMITTEE AS AMENDED. ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME MEMBERS: AGREED.

MR. CHAMBERLIST: DISAGREE. I WOULD ASK THAT MY DISAGREEMENT BE RECORDED.

MR. CHAIRMAN: I'M SURE THE MINUTES WILL BE RECORDED.

I SHALL DECLARE THE MOTION CARRIED.

RECESS

MR. CHAIRMAN: I WILL NOW CALL COMMITTEE TO ORDER AND WE'LL GO TO BILL NO. 9, SECOND APPROPRIATION ORDINANCE 1974/75.

BILL NO. 9

MR. CHAIRMAN READS BILL NO. 9, SECTIONS 1,2, AND 3.

MR. CHAIRMAN: DO YOU WISH I READ THE PREAMBLE TO THE BILL? MR. CHAIRMAN READS THE PREAMBLE.

MRS. WATSON: MR. CHAIRMAN, I WOULD MOVE THAT BILL NO. 9, SECOND APPROPRIATION ORDINANCE 1974/75 BE MOVED OUT OF COMMITTEE WITHOUT AMENDMENT.

MR. TANNER: I SECOND THAT.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR WATSON, SECONDED BY COUNCILLOR TANNER THAT BILL NO. 9 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. CHAIRMAN: THE NEXT BILL IS BILL NO. 11.

MR. TANNER: MR. CHAIRMAN, JUST AS A MATTER OF PROCEDURE, IT WOULDN'T IT BE INTERESTING TO PASS, AND ALSO WE SHOULD DISCUSS SESSIONAL PAPERS ...

MR. CHAIRMAN: ALRIGHT, AT THIS TIME WE WILL DEAL WITH THE SESSIONAL PAPER THEN, IN RELATION TO THIS BILL. COUNCILLOR STUTTER.

SESSIONAL PAPER NO. 24

MR. STUTTER: MR. CHAIRMAN, THERE IS JUST ONE POINT. IT'S BEEN POINTED OUT THAT ONE POINT THAT WAS NOT COVERED IN THE SESSIONAL PAPER AND THAT WAS THE MATTER OF THE POSSIBILITY OF INTEREST ACCRUING TO THE FUNDS. NOW, I'VE

TAKEN THAT UP AGAIN BRIEFLY WITH MR. MILLER AND IT APPEARS THERE IS NO REASON WHY, AS A SEPARATE APPROPRIATION, THE AMOUNT OF INTEREST THAT WOULD ACCRUE TO ANY FUNDS ON DEPOSIT COULD THEN, OR SHOULD BE THEN VOTED TO THE FUND. AS I SAY, AS A SEPARATE APPROPRIATION AND THAT'S THE WAY THAT WOULD HAVE TO BE HANDLED.

MRS. WATSON: MR. CHAIRMAN, THE SESSIONAL PAPER NO. 24 AS PRESENTED, I FIND OBJECTION TO ONLY ONE AREA AND I WISH THAT THE HONOURABLE MEMBERS WOULD GIVE A VERY SERIOUS CONSIDERATION AND POSSIBLY WE CAN GET AN ALTERNATIVE FORTH. I LOOKED AT SECTION 2. THE ADMINISTRATION OF THE YUKON'S INVOLVEMENT IN WESTERN CANADA LOTTERIES SHOULD COME UNDER THE DIRECTOR OF RECREATION AND AMATEUR SPORT, AND I CAN UNDERSTAND WHY THIS RECOMMENDATION WAS MADE BECAUSE THE DIRECTOR OF RECREATION AND AMATEUR SPORT IS THE CHAIRMAN OF THE ADVISORY COMMITTEE FOR FITNESS AND AMATEUR SPORT. HOWEVER, IF WE DO THIS, THEN REALLY WE ARE VIRTUALLY ALMOST MAKING AN ADMINISTRATION OFFICER OUT OF OUR DIRECTOR OF RECREATION AND AMATEUR SPORT AND I THINK WE WOULD BE PUTTING EXTRA FUNCTIONS AND DUTIES ON HIM AND THEN HE WOULDN'T BE ABLE TO PERFORM FULLY AS A DIRECTOR OF RECREATION AND AMATEUR SPORT. THIS IS HIS SPECIALIST AREA. IT ISN'T IN ADMINISTRATION. WE ARE PROVIDING FUNDING IN THE APPROPRIATION TO HIRE AN ADMINISTRATOR AND EVEN IF THE ADMINISTRATOR IS ONLY ANSWERABLE TO THE DIRECTOR OF RECREATION AND AMATEUR SPORT, HE STILL IS RESPONSIBLE AND I'M AFRAID HE'S GOING TO BE CHASING LOTTERY TICKETS AND THIS TYPE OF THING AND NOT BEING ABLE TO CARRY ON HIS FUNCTION AS A DIRECTOR OF RECREATION.

IF YOU WILL REMEMBER THE POLICY PAPER THAT I BROUGHT DOWN DURING THIS SESSION REGARDING FITNESS AND AMATEUR SPORT IN THE TERRITORY THAT WE ARE HOPING TO REALLY BEGIN FITNESS AND AMATEUR SPORT IN OUR SCHOOL SYSTEM AND WE ARE MAKING PROVISIONS SO THAT THIS DIRECTOR CAN SUPERVISE THE PROGRAM WITHIN THE SCHOOL SYSTEM. SO WE ARE ADDING AN EXTRA FUNCTION TO HIM ALREADY. NOW, IF WE MAKE HIM RESPONSIBLE FOR THE LOTTERY, I JUST DON'T THINK HE IS GOING TO BE ABLE TO FUNCTION FULLY IN HIS SPECIALIST AREA.

I REALLY DON'T KNOW THE ALTERNATIVE. WHO SHOULD BE RESPONSIBLE FOR THE ADMINISTRATION OF THE WESTERN CANADA LOTTERY BUT I REALLY WOULD RECOMMEND THAT IT NOT BE HIS RESPONSIBILITY. HE COULD ACT AS THE CHAIRMAN OF THE ADVISORY COMMITTEE AS HE DOES NOW, WHEN THEY ARE ACTING

AS A LICENCING BOARD BUT TO BE IN CHARGE OF THE ADMINISTRATION, I WOULD QUESTION VERY MUCH.

MR. CHAIRMAN: COUNCILLOR STUTTER.

MR. STUTTER: WELL, MR. CHAIRMAN, PERHAPS WE WERE WRONG BUT I THOUGHT THAT THE FEELING OF COMMITTEE, NOT SO MUCH AS I READ IT NOW BUT IT APPEARED THAT WAY, THAT HE SHOULD BE THE ACTUAL ADMINISTRATOR. I THINK THAT THE FEELING WAS THAT HE SHOULD BE IN CHARGE OF IT. HE WOULDN'T BE DOING THE ADMINISTRATION. HE WOULDN'T BE DOING OTHER THAN KEEPING HIS THUMB ON THE THING AT ALL TIMES AND THAT I THOUGHT WAS THE CONSENSUS OR OPINION OF COMMITTEE.

MRS. WATSON: MR. CHAIRMAN, THE ADMINISTRATION OF THE WESTERN CANADA LOTTERY IS A PURELY FINANCIAL ADMINISTRATIVE THING AND IF IT IS THE RESPONSIBILITY OF THE DIRECTOR OF RECREATION THEN IT COMES UNDER THE DEPARTMENT OF EDUCATION. HE WOULD BE RESPONSIBLE FOR IT THEN. THE ACCOUNTING OF THE TICKETS OF ALL OF THIS AND IT WOULD BE IN THE APPROPRIATION ALSO FOR THE DEPARTMENT OF EDUCATION.

I WOULD REALLY, NOT THAT I DON'T THINK THE PERSON IS NOT CAPABLE OR ANYTHING, BUT I DON'T THINK IT WOULD BE FAIR. WE WOULD CERTAINLY TAKE AWAY FROM HIS FUNCTIONS AS A DIRECTOR OF RECREATION FOR THE YUKON AND I DON'T THINK WE WANT TO DO THAT.

MR. CHAMBERLIST: MR. CHAIRMAN, LET ME SAY THAT I AM QUITE PREPARED TO ACCEPT THE REPORT OF THE COMMITTEE AND GO ALONG WITH THE RECOMMENDATIONS THEY HAVE MADE.

MR. CHAIRMAN: COUNCILLOR STUTTER WILL YOU TAKE THE CHAIR A MOMENT?

MR. STUTTER: COUNCILLOR TAYLOR.

MR. TAYLOR: MR. CHAIRMAN. ON THIS LOTTERY QUESTION. ON THE QUESTION OF NO. 2, IT WAS MY OPINION THAT THIS WOULD BE AGREEABLE TO ALL MEMBERS AND AS I SEE IT THE DIRECTOR OF PHYSICAL FITNESS AND AMATEUR SPORT, OR DIRECTOR OF RECREATION AND AMATEUR SPORT I SHOULD SAY, IS THE LOGICAL MAN AS THE GOVERNMENT REPRESENTATIVE TO HEAD UP THIS PARTICULAR OPERATION. AND HE WOULD BE PROVIDED WITH THE STAFF WHO WOULD CARRY ON THE FUNCTIONS OF CHASING LOTTERY TICKETS, AS THE MEMBER HAD STATED EARLIER. THIS TYPE OF THING. I FAIL TO SEE ANYTHING WRONG WITH THIS. IF IT'S GOING TO PLACE QUITE

AN IMPOSITION ON THE EDUCATION DEPARTMENT, MAYBE THE FUNCTION OF THE RECREATION DIRECTOR SHOULD BE TAKEN AWAY FROM EDUCATION AND PLACED UNDER SOME OTHER DEPARTMENT.

MRS. WATSON: MR. CHAIRMAN, I THINK YOU ARE JUST TRYING TO MISINTERPRET. I AM SAYING IT WILL TAKE AWAY FROM THE FUNCTION OF THE DIRECTOR OF RECREATION. IT'S MONEY. IT'S JUST ADMINISTRATION OF MONEY THAT'S COMING IN, THAT'S GOING OUT. THE TICKETS. I JUST DON'T WANT TO SEE THE DIRECTOR OF RECREATION, HE WOULD BE RESPONSIBLE, IF IT WAS UNDER HIM. HE WOULD THEN HAVE TO KEEP A CHECK ON THE WESTERN CANADA LOTTERY AT ALL TIMES, YOU KNOW, JUST TO OVERSEE THE DAY-TO-DAY THING AND MY GOODNESS, WE DON'T WANT HIM TO DO THAT.

RECREATION IN THE TERRITORY, WE'RE JUST NOW GETTING IT ORGANIZED. WE'RE GETTING THE GOVERNMENT TO PLAY AN IMPORTANT ROLE IN THE RECREATION AND FITNESS AND SPORTS PROGRAM IN THE TERRITORY AND NOW WE ARE THINKING OF SORT OF SADDLING THIS PERSON WITH THE HANDLING OF MONEY TO SUPERVISE THE LOTTERY.

IT'S NOT THAT THE DEPARTMENT OF EDUCATION DOESN'T WANT TO. IT ISN'T THAT OR THAT THEY FEEL IT WOULD BE TOO MUCH. I THINK WE WOULD REALLY BE DILUTING OUR SPORTS PROGRAM IN THE TERRITORY AND I'M SURE, I KNOW I'M RIGHT ON THIS AND I DON'T THINK THAT IS WHAT THE HONOURABLE MEMBERS WANT TO DO. YOU WANT TO SORT OF CONTROL THE FUNDS SO THAT THE PROPER LICENCING IS GIVEN CONSIDERATION BUT LEAVE THAT BOARD, LEAVE THE FITNESS AND AMATEUR SPORT AS THE LICENCING BOARD. FINE. I'LL SUPPORT THAT COMPLETELY BUT TO SUPERVISE THE ADMINISTRATION OF THAT LOTTERY, THAT'S REALLY THE MONEY. GETTING THE TICKETS AND SELLING THEM. THE ADVERTISING AND ALL OF THIS TYPE OF THING, DO THE DIRECTORS OF RECREATION DO THAT?

MR. TANNER: MR. CHAIRMAN, WHILE I UNDERSTAND THE HONOURABLE MEMBER'S TROUBLE, UNLESS THE MEMBERS OF THIS COUNCIL HAVE AN ALTERNATIVE SUGGESTION OR SHE HERSELF HAS ONE, THE PROBLEM THAT ALL MEMBERS HAVE IS WHO ELSE CAN WE GIVE IT TO?

MRS. WATSON: MR. CHAIRMAN, I WOULD SUGGEST PUTTING IT UNDER THE TREASURER AND THEN IT CAN BE PUT ON THE COMPUTER BECAUSE IF YOU DON'T PUT IT ON THE COMPUTER YOU HAVE TO HAVE EXTRA HELP, CLERICAL HELP. THIS IS REALLY WHERE IT SHOULD GO. IT'S MONEY THAT'S COMING IN.

MR. CHAMBERLIST: MR. CHAIRMAN, YOU SEE, IT'S AUTOMATIC THAT IT GOES TO THE COMMISSIONER WHO GIVES IT TO ONE OF THE DEPARTMENTS, WHO HAPPENS TO BE THE TREASURER. YOU KNOW, WE'RE JUST PLAYING WITH WORDS. THIS IS WHERE IT GOES TO. THE INTENT OF THE REPORT THAT COMES BACK IS THAT THE DIRECTOR OF RECREATIONAL ACTIVITIES IS THE MANAGER OF THE OPERATION. HE'S NOT THE MAN WHO HANDS OUT THE MONEY AND COUNTS THE MONEY AND THINGS LIKE THAT. HE'S NOT IN THAT CAPACITY AT ALL. THESE THINGS ARE GOING TO WORK OUT ALL RIGHT. I THINK IT'S A GOOD REPORT AND GOOD SUGGESTIONS HAVE BEEN MADE ON IT.

MRS. WATSON: MR. CHAIRMAN, I DON'T THINK THE ADVISORY COMMITTEE ON FITNESS AND AMATEUR SPORT WOULD CARE FOR IT THIS WAY EITHER BECAUSE THEY ARE THE LICENCING BOARD AND IF THE CHAIRMAN OF THAT BOARD IS THEN THE MANAGER OF THE ACTUAL LOTTERY, THEY WILL BE GETTING ALL KINDS OF COMPLAINTS ON THE ADMINISTRATION OF THE LOTTERY AND THEY DON'T WANT THAT. I'M SURE THEY DON'T AND THERE WILL BE MIX-UPS AND ADMINISTRATIVE TIE-UPS, I'M SURE DURING THE FIRST YEAR OF THE WESTERN CANADA LOTTERIES.

I JUST REALLY THINK YOU ARE DOING A GREAT DIS-SERVICE TO THE SPORT AND RECREATION PROGRAM IN THE TERRITORY BY TAKING THIS ROUTE."

MR. TAYLOR: WELL, MR. CHAIRMAN, I THINK THAT IS A SKELETON IN THE CLOSET. I DON'T SEE THE PROBLEMS AS THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS JUST INDICATED. I JUST DON'T SEE IT AT ALL. I THINK IT'S A MATTER OF ADMINISTRATION, MR. CHAIRMAN, AND I WOULD THINK THAT CERTAINLY IF THE DIRECTOR OF RECREATION AND AMATEUR SPORT PROVES TO BE A GOOD ADMINISTRATOR THEN THERE SHOULD BE NO DIFFICULTY AT ALL. IT'S LIKE THE MEMBER FROM WHITEHORSE EAST HAS SAID THAT FINE, HE'S A MANAGER IN A SENSE AND HE IS GOING TO HAVE, BY VIRTUE OF THE BUDGET THAT HAS BEEN APPROPRIATED FOR THIS PURPOSE, HE IS GOING TO HAVE AT LEAST TWO ASSISTANTS WHO WILL BE IN FACT, RUNNING THE WHOLE SHOW. ALL HE DOES IS COME IN WITH POLICIES AND HIS RELATIONSHIP WITH THE PHYSICAL FITNESS AND AMATEUR SPORT BOARD IS EXCELLENT. I CAN SEE NOTHING WRONG WITH IT.

I DO SAY THIS. I CONCUR AS WELL WITH THE RECOMMENDATIONS MADE IN THE SESSIONAL PAPER BUT IF THERE IS GOING TO BE ANY CHANGE THEN I THINK IT SHOULD BE LEFT TO IDLE AWAY AND RECESS UNTIL COUNCILLOR MCKINNON RETURNS, IF THERE IS

GOING TO BE A CHANGE. IF, INDEED, THERE IS GOING TO BE A VOTE ON THIS THING, THAT'S GOING TO CHANGE THE THING. IF NOT, I WOULD SUGGEST WE ACCEPT THE PAPER AND CARRY ON. IF THERE IS GOING TO BE A VOTE ON THIS ISSUE, I THINK THE HONOURABLE MEMBER SHOULD BE GIVEN THE PREROGATIVE OF BEING HERE TO VOTE ON IT.

MRS. WATSON: MR. CHAIRMAN, YOU ACTUALLY SAID EXACTLY, WHEN YOU SAID THE DIRECTOR OF RECREATION WILL HAVE TO BE A GOOD ADMINISTRATOR. WE DON'T HIRE HIM AS AN ADMINISTRATOR. WE HIRE HIM AS A RECREATION SPECIALIST AND YOU'RE SADDLING HIM WITH SOMETHING THAT HE IS NOT TRAINED TO DO AND I THINK IT'S MOST UNFAIR. I THINK IT'S ABSOLUTELY RIDICULOUS. WE'VE GOT A GOOD RECREATION DIRECTOR, NOW WE'RE NOT GOING TO USE HIM FOR RECREATION. WE'RE GOING TO TIE HIM UP AS PART OF THE LOTTERY LICENCING BOARD AND THEN TIE HIM UP TO SUPERVISE THE MANAGEMENT OF WESTERN CANADA LOTTERIES. I'VE NEVER HEARD OF A GREATER WASTE OF TALENT.

MR. CHAIRMAN, WE HIRE HIM AS-

MR. CHAIRMAN: ORDER, ORDER.

MRS. WATSON: MR. CHAIRMAN, WE HIRE THEM AS RECREATION.

MR. TAYLOR: MR. CHAIRMAN, IF THE HONOURABLE MEMBER INDICATES THAT HE IS GOING TO FUNCTION IN AN ADMINISTRATIVE CAPACITY TO THE EXTENT OF SOME MEMBERS OF THIS ADMINISTRATION, I CAN SEE THAT SHE PROBABLY HAS A VERY VALID POINT. BUT I WAS SAYING I HOPE THAT THIS PERSON WOULD BE A GOOD ENOUGH ADMINISTRATOR TO HANDLE SUCH A CHORE. CERTAINLY HE HAS A GOOD COMMITTEE TO WORK WITH. A REAL GOOD COMMITTEE. THESE ARE PEOPLE WHO DON'T THINK GOVERNMENT AND DON'T WORK GOVERNMENT. THEY THINK PRIVATE ENTERPRIZE AND THEY AFFECT ECONOMIES AND THEY DO ALL SORTS OF THINGS. THEY DON'T WASTE TIME DOING IT.

I WOULD THINK FIRST OF ALL WE SHOULD GIVE THIS GENTLEMAN A CHANCE AND APPOINT HIM AS A MEMBER. GIVE HIM A CHANCE. SEE HOW IT GOES. IF THERE IS ANY DIFFICULTY WELL FINE, IT'S UP TO COUNCIL TO MAKE THE NECESSARY CHANGES, BUT ALLOW HIM A STAFF TO DO THE WORK LEAVING HIM ONLY WITH THE GENERAL MANAGEMENT OF THE THING. I'M SURE AN EFFICIENT STAFF WOULD TAKE ALL THIS LOAD OFF HIS SHOULDERS. HE WOULD HAVE PLENTY OF TIME TO DO HIS RECREATION AND AMATEUR SPORT FUNCTION.

Mrs. WATSON: MR. CHAIRMAN, NOW IF THERE ARE ANY COMPLAINTS ON THE RECREATION PROGRAM BEING NEGLECTED IN THE YUKON, I'LL SEND THEM ALL TO THE HONOURABLE MEMBER FROM WATSON LAKE.

Mr. TAYLOR: I WOULD BE VERY PLEASED - - -

Mr. CHAIRMAN: ORDER.

Mrs. WATSON: AND THE HONOURABLE MEMBER FROM WATSON LAKE WILL THEN STAND UP IN THE NEXT COUNCIL SESSION AND SAY WHAT ARE YOU DOING, YOU ARE MAKING AN ADMINISTRATOR OUT OF OUR RECREATION DIRECTOR. THAT'S EXACTLY WHAT HE IS DOING.

Mr. CHAMBERLIST: WELL WE'VE BEEN TRYING TO DO THAT WITH YOU.

Mrs. WATSON: IT'S ABSOLUTELY RIDICULOUS. I THINK ONE OF THE SADDEST DAYS AS FAR AS RECREATION AND AMATEUR SPORTS IN THE YUKON TERRITORY IS CONCERNED. WE'RE NICELY GETTING ROLLING ON A GOOD PROGRAM. WE'VE GOT THE FITNESS AND AMATEUR SPORT ADVISORY COMMITTEE WHO ARE WORKING VERY WELL WITH THE CHAIRMAN. AS THE HONOURABLE MEMBER FROM WHITEHORSE WEST SAID IT IS ONE OF THE MOST EFFICIENT COMMITTEES. AND WHAT ARE YOU DOING? YOU ARE TYING THEM UP WITH ADMINISTRATIVE DETAILS. - IT'S TYPICAL. IT'S JUST A TYPICAL DECISION. I THINK IT IS ABSOLUTELY TERRIBLE. NEXT YEAR YOU WILL HAVE A REQUEST FOR AN ASSISTANT TO THE ASSISTANT TO THE RECREATION DIRECTOR BECAUSE YOU HAVE MADE YOUR RECREATION DIRECTOR INTO A LOTTERY ADMINISTRATOR. I THINK IT'S JUST ABSOLUTELY A TRAGEDY FOR SPORT IN THE YUKON. I'M SURE THAT THE HONOURABLE MEMBER FROM WHITEHORSE WEST WOULD AGREE WITH ME.

Mr. CHAIRMAN: COUNCILLOR TANNER.

Mr. TANNER: MR. CHAIRMAN, I'VE GOT A FAR GREATER RESERVATION ABOUT THIS PAPER WHICH I'M PREPARED TO SWALLOW UNTIL WE GET SOME OF THE PROGRAMS GOING AND LET'S SEE WHAT WE CAN HAVE. I'M NOT GOING TO EXPRESS IT BECAUSE I DON'T THINK THERE IS ANY POINT GETTING INTO AN ARGUMENT.

THE SITUATION IS BASICALLY THIS. NOBODY KNOWS WHAT THE REPERCUSSIONS OF THE LOTTERY ARE GOING TO BE, AS FAR AS FINANCES ARE CONCERNED AND SECONDLY, AS FAR AS ADMINISTRATION IS CONCERNED. WOULD COUNCIL AGREE THAT WE ACCEPT THIS PAPER AS IT IS. AFTER THE FIRST LOTTERY, ONE LOTTERY

IS BEING RUN IN SEPTEMBER, THAT THE NEXT COUNCIL CAN THEN LOOK AT IT WHEN THEY HAVE A LITTLE EXPERIENCE AND SOME CIRCUMSTANCE TO DEAL WITH AND LET THEM MAKE A FURTHER DECISION.

Mr. CHAMBERLIST: IT'S UP TO THEM AT THAT TIME.

Mr. TAYLOR: MR. CHAIRMAN, THIS IS THE VERY POINT. I THINK THAT THE NEXT COUNCIL ARE THE PEOPLE WHO ARE REALLY GOING TO HAVE TO COME TO GRIPS WITH THIS WHOLE THING. WE CAN ONLY GET IT STARTED. I THINK THE RECOMMENDATIONS MAY HAVE THE EFFECT OF GETTING IT STARTED. BY THE TIME THE NEXT COUNCIL COMES TO THE TABLE AND HAVE AN OPPORTUNITY TO COME TO THIS TABLE MANY THINGS WILL CHANGE AND SO FORTH. THEY WILL HAVE - - -

Mrs. WATSON: IT WILL BE SUCH A MESS.

Mr. TAYLOR: HOPEFULLY THEY DO HAVE A MESS. I WOULD LOVE TO SEE A GOOD MESS BECAUSE THEN THEY WILL REALLY STRAIGHTEN IT OUT. THEY WILL HAVE ALL THE BENEFITS OF EXPERIENCE, TRIAL AND ERROR ON THIS THING. ALSO HOPEFULLY THEY WON'T HAVE ANY PROBLEM AT ALL. THIS IS THE POINT. THE NEXT COUNCIL ARE THE PEOPLE WHO ARE REALLY GOING TO HAVE TO COME TO GRIPS WITH THIS. THIS GETS IT STARTED. I WOULD CERTAINLY SUGGEST WE GO AHEAD AS THE HONOURABLE MEMBER FROM WHITEHORSE NORTH HAS STATED WITH THE PROGRAM BASED ON 1, 2, 3 AND SESSIONAL PAPER No. 24.

Mrs. WATSON: MR. CHAIRMAN, I JUST THINK IT IS A TRAGEDY THAT THIS COUNCIL CAN'T COME TO GRIPS WITH IT. IT'S JUST A TRAGEDY THAT THE HONOURABLE MEMBER SAID THAT HE HOPES IT IS A MESS. I DON'T THINK THAT IS FAIR AT ALL TO THE PEOPLE OF THE TERRITORY. WE ARE EMBARKING UPON A PROGRAM WHICH WE THINK SHOULD BRING QUITE A BIT OF REVENUE TO SPORT AND RECREATION IN THE TERRITORY. AND WHAT DOES HE SAY? HE SAYS HE HOPES IT IS A MESS, AND HE IS PREPARED TO STAND BEHIND THAT DECISION AND SAY HE HOPES IT IS A MESS. WHAT A RIDICULOUS THING.

Mr. TANNER: MR. CHAIRMAN, I WOULD MOVE THAT COUNCIL ACCEPT PAPER No. 24.

Mr. TAYLOR: I'LL RESUME THE CHAIR AT THIS TIME.

MR. STUTTER: I WOULD LIKE TO ASK MR. CHAIRMAN WHAT THE COMMITTEE WOULD LIKE TO DO WITH YOUR COMMITTEE AS IT WERE. I SHOULD POINT OUT THAT UNTIL COUNCIL HAS ACCEPTED OR REJECTED THE PROPOSALS IN THIS PAPER, COUNCILLOR MCKINNON AND MYSELF, NEITHER OF US HAVE CONTACTED THE BOARD AS SUCH YET. I MEAN ONCE THE PAPER IS ACCEPTED WE WOULD NEED TO CONTACT OR AT LEAST I'M SEEKING YOUR DIRECTION. DO YOU WANT US TO CONTACT THE BOARD? DO YOU WANT US PERSONALLY TO CONTACT MR. NOBLE OR JUST EXACTLY WHAT DIRECTION DO YOU WANT TO GIVE YOUR COMMITTEE?

MR. CHAIRMAN: JUST FROM THE CHAIR THAT DIRECTION WAS GIVEN IN THE MOTION APPOINTING THE TWO MEMBERS TO MEET WITH THE PHYSICAL FITNESS AND AMATEUR SPORT BOARD.

MR. CHAMBERLIST: MR. CHAIRMAN, I'M GLAD IN MY HEART TO HEAR FOR THE FIRST TIME THE HONOURABLE MEMBER FROM CARMACKS-KLUANE SHOW SOME CONCERN FOR THE PEOPLE OF THE YUKON. SHE HASN'T UP TO THIS TIME. I THINK THE CONCERN THAT I HAVE IS FOR THE PROGRAM AT LEAST GETTING OFF THE GROUND. AFTER ALL THE VERBIAGE HAS BEEN SPOKEN I THINK THIS IS THE KEY AS FAR AS AGREEING WITH WHAT THE HONOURABLE MEMBER FROM WATSON LAKE HAS SAID.

MRS. WATSON: WISH-WASHY DECISION.

MR. CHAMBERLIST: I AGREE THAT THE COMMITTEE HAVE STILL GOT THE FUNCTION TO CONTINUE WITH SPEAKING TO THE ADVISORY COMMITTEE. WE SHOULD ACCEPT THE PAPER, ALLOW THEM TO CONTINUE AND THEN WE CAN GO ON WITH THE PASSAGE OF THE LEGISLATION.

MR. CHAIRMAN: DOES COMMITTEE CONCUR WITH THE RECOMMENDATION OF SESSIONAL PAPER No. 24.

MRS. WATSON: DISAGREE AND I WOULD LIKE TO HAVE IT SO RECORDED.

MR. CHAIRMAN: WOULD THOSE AGREED KINDLY SIGNIFY.

MR. CHAMBERLIST: YOU ARE IN THE COLD - - -

MR. CHAIRMAN: IS IT YOUR WISH THEN THAT WE GO TO BILL NO. 11?

MR. STUTTER: WHAT ABOUT THE LOTTERIES BILL, MR. CHAIRMAN.

MR. CHAIRMAN: THE LOTTERIES BILL IS NOW READY FOR THIRD READING IN THE HOUSE. I BELIEVE IT WAS THE INTENTION OF LEAVING THE BILL IDLING SHALL WE SAY IN THE HOUSE UNTIL SUCH TIME AS THIS REPORT WAS BROUGHT DOWN IN CASE ANY OTHER CHANGES WERE TO BE EFFECTED TO IT.

BILL NO. 11

THIS IS BILL NO. 11. (THE CHAIRMAN READS THE BILL). UNDER TERRITORIAL SECRETARY AND REGISTRAR GENERAL, WE HAVE AN AMOUNT OF \$58,400.00 UNDER SCHEDULE A. IS IT YOUR WISH THAT I READ THE PREAMBLE?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: (MR. CHAIRMAN READS THE PREAMBLE.)

MR. TANNER: MR. CHAIRMAN, I WOULD MOVE THAT BILL NO. 11, THIRD APPROPRIATION ORDINANCE, 1974-75, BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT.

MRS. WATSON: I'LL SECOND THAT, MR. CHAIRMAN.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR WATSON, THAT BILL NO. 11 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I SHALL DECLARE THAT THE MOTION HAS CARRIED.

MOTION CARRIED

BILL NO. 19

MR. CHAIRMAN: THE NEXT BILL IS BILL NO. 19. THE HONOURABLE MEMBER FROM WHITEHORSE WEST HAS EXPRESSED AN INTEREST IN PROPOSING AN AMENDMENT TO THIS BILL. WOULD IT BE AGREEABLE THAT THIS BILL REMAIN IN COMMITTEE WITH THE SCHOOL ORDINANCE?

MR. TANNER: MR. CHAIRMAN, WE HAVE GOT A DILEMMA HERE. IT'S NOBODY'S FAULT APART FROM CIRCUMSTANCE. I WOULD MAKE THE SUGGESTION, WITH THE HONOURABLE MEMBERS' CONCURRENCE, THAT WE SHOULD PASS THIS BILL ANYWAY. THE MEMBER'S MOTION IS STILL IN COUNCIL. IF HE

IS BACK ON MONDAY WE CAN DEBATE IT. IF HE ISN'T BACK ON MONDAY THEN HE CAN BRING IT UP IN JUNE. THERE IS NO ULTERIOR MOTIVE. I WANT TO MAKE MEMBERS QUITE CLEAR. I DO THINK THAT ALL MEMBERS WANT TO PASS THAT BILL. THIS PARTICULAR PART OF IT ANYWAY.

MR. CHAIRMAN: THE QUESTION WOULD BE FROM THE CHAIR IN REFERENCE TO WHAT THE MEMBER HAS SAID, IS THIS OF SUCH IMPORTANCE THAT IT CANNOT WAIT TWO OR THREE MORE WEEKS UNTIL THE MEMBER HAS AN OPPORTUNITY, TO SIT WITH THE SCHOOL ORDINANCE DURING RECESS.

MR. TANNER: MR. CHAIRMAN, WE ARE NOT LOOKING AT TWO OR THREE WEEKS. WE ARE PROBABLY LOOKING AT SIX OR EIGHT WEEKS. IT'S UP TO MEMBERS OF THIS COUNCIL. WE ARE NOT COMING BACK UNTIL - MR. CHAIRMAN, WE WON'T BE BACK HERE ANYWAY AND ANYBODY CAN SEE UNTIL WE GET THE REPORT BACK FROM THE COMMISSION, THE ELECTORAL COMMISSION. THEIR BEST ESTIMATE, AS I UNDERSTAND IT, IS SOMEWHERE AROUND THE BACK-END OF JUNE. NOW THE CONCERN THAT WE HAVE IS THAT WE WANT TO - WELL IT IS UP TO MEMBERS. IF MEMBERS DON'T WANT TO PASS IT, IT'S UP TO THEM. I PERSONALLY THINK WE SHOULD PASS IT. WE'VE GOT A RESPONSIBILITY TO PASS IT. I KNOW THE MEMBER FROM DAWSON HAS GOT A VERY BIG INTEREST IN PASSING IT.

MR. STUTTER: MR. CHAIRMAN, I THINK MR. CHAIRMAN'S QUESTION, HIS OWN QUESTION TO THE ADMINISTRATION, IS A GOOD VALID QUESTION. IS THERE SOME REASON FOR THE ADMINISTRATION'S PART OF THE ORDINANCE THAT REQUIRES TO BE PASSED WITHIN THE NEXT TWO MONTHS. THE PART THAT I HAVE BROUGHT UP, THE AMENDMENT THAT'S MY CONCERN, HAS BEEN ONE THAT HAS BEEN GOING ON AS NEAR AS I KNOW FOR YEARS. THE LAW HAS BEEN DELIBERATELY IGNORING THE STIPULATIONS UNDER THE ORDINANCE, AND HAVE BEEN DOING SO DELIBERATELY IN NOT MAKING CHARGES UNDER IT. I IMAGINE THERE IS NO CHANGE THERE.

MR. TANNER: MR. CHAIRMAN, THERE IS ONE IMPORTANT POINT IN MY OPINION AND THAT'S THE FACT THAT PEOPLE ARE NOT COVERED BY INSURANCE. THERE WILL BE THOUSANDS OF THEM COMING UP HERE THIS SUMMER. THEY ARE NOT COVERED BY INSURANCE. RESIDENTS OF THE YUKON ARE IN DANGER OF BEING INJURED WITHOUT BEING COMPENSATED.

MR. CHAIRMAN: WELL IT HAS BEEN REPORTED TO ME IN CONVERSATION WITH THE SECRETARY OF THE BOUNDARIES COMMISSION THAT IT IS ENTIRELY

POSSIBLE THAT THE OUTSIDE DATE IS JUNE 21, BUT IT IS ENTIRELY POSSIBLE IT COULD BE FINISHED BEFORE THAT, POSSIBLY AROUND THE 10TH, DEPENDING ON HOW MANY HEARINGS THEY HOLD. IN THIS CASE WE ARE TALKING ABOUT 5 WEEKS OR A MONTH.

MR. TANNER: MR. CHAIRMAN, EVERYBODY HOPES AND PRAYS IT WILL BE BY TOMMORROW. BUT IF IT ISN'T THE POINT IS YOU ARE GOING TO GET A GOOD PART OF THE TRAVELLING PUBLIC COMING THROUGH HERE. PEOPLE OUTSIDE OF THE YUKON COMING THROUGH THE YUKON. I THINK THERE IS A GENUINE CONCERN ON THE PART OF THE ADMINISTRATION AND ON THE PART OF THE MANY MEMBERS AND THE PUBLIC ITSELF IS THE FACT THAT WE HAVE PEOPLE DRIVING WITHOUT INSURANCE AND IT GETS WORSE IN THE SUMMER. THE SUMMER IS UPON US SO TO SPEAK. IT'S UP TO MEMBERS. WHATEVER THEY WANT TO DO.

MR. STUTTER: MR. CHAIRMAN, NOW THAT THE INSURANCE BIT HAS BEEN BROUGHT UP, I FOR ONE WOULD AGREE TO THE READING AND THE PASSAGE OF THE BILL ON ONE CONDITION ONLY. THAT IS IF COUNCILLOR MCKINNON'S MOTION WHEN IT IS BOUGHT UP WHENEVER WE GET BACK TOGETHER, IF THAT MOTION IS PASSED CAN WE GET SOME SORT OF ASSURANCE FROM THE ADMINISTRATION THAT THEY WOULD TAKE CARE OF THAT AND BRING FORWARD AN AMENDMENT TO THE ORDINANCE AT THAT SESSION. IT WOULD BE A VERY SHORT ONE. IT WOULD ONLY REQUIRE ONE PAGE OF LEGISLATION.

MR. CHAIRMAN: JUST FROM THE CHAIR, THE REAL PROBLEM IS THAT THE ONLY TIME A MEMBER WHO IS A NON-GOVERNMENT MEMBER IN ANY HOUSE HAS AN OPPORTUNITY TO GET AT A BILL IS WHILE THE BILL IS UP FOR AMENDMENT. IF THIS BILL IS PASSED THEN, OF COURSE, IT WOULD LEAVE COMMITTEE AND THERE WOULD BE NO OPPORTUNITY FOR ANY MEMBER TO PROPOSE ADDITIONAL AMENDMENTS TO IT. THIS IS THE RIGHT THAT YOU TAKE AWAY FROM THE HONOURABLE MEMBER. THIS IS WHY I'VE ASKED FROM THE CHAIR ON HIS BEHALF IF THIS BILL IS NOT TOO IMPORTANT TO LET IT IDLE FOR ANOTHER MONTH, IF THIS COULD BE DONE AND LEFT WITH THE SCHOOL ORDINANCE IN RECESS.

MR. CHAMBERLIST: MIGHT I SUGGEST, MR. CHAIRMAN, THAT HERE IS A WAY WE MIGHT OVERCOME IT. WE CAN GIVE THIS - READ THIS TODAY. THEN IF IT PASSED OUT OF COMMITTEE, WITH RESPECT, THEN IT WOULD GO ON THE ORDER PAPER FOR THIRD READING ON MONDAY. IF COUNCIL IS JUST GOING TO RECESS, IT STILL REMAINS ON THE ORDER PAPER.

Mr. CHAIRMAN: LEAVE IT IN COMMITTEE THEN.

Mr. CHAMBERLIST: NO BECAUSE AMENDMENTS, Mr. CHAIRMAN, CAN BE MADE IN THE HOUSE. THERE IS NO REASON WHY AMENDMENTS CAN'T BE MADE IN THE HOUSE IF THERE IS AN AMENDMENT FELT. I WOULD RATHER SEE AND I AGREE THAT THERE ARE SOME AREAS WHERE PEOPLE ARE BEING INJURED AND NOT BEING ABLE TO MAKE ANY CLAIM AS A RESULT OF THERE NOT BEING INSURANCE COVERAGE. I THINK THIS IS IMPORTANT TO THE PEOPLE OF THE YUKON. THE PEOPLE WHO COME THROUGH HERE HAVE GOT TO HAVE COVERAGE FOR INSURANCE. THE QUICKER WE PASS THIS TYPE OF LEGISLATION THE BETTER BECAUSE THIS IS PEOPLES' LEGISLATION. THERE IS NO DOUBT ABOUT THAT.

Mr. CHAIRMAN: JUST AGAIN FROM THE CHAIR. THIS IS THE QUESTION. CAN IT BE HELD OVER THE RECESS WITH THE SCHOOL ORDINANCE BILL AND THEN JUST LEAVE IT IN COMMITTEE. IT'S THEN OPEN FOR DEBATE AND DISCUSSION. IF YOU MOVE IT INTO THE HOUSE WITH THE INTENTION YOU ARE GOING TO MOVE IT BACK IN COMMITTEE, YOU JUST DEFEAT - - -

Mr. CHAMBERLIST: BUT YOU CAN DO IT. THAT IS THE POINT.

Mr. TANNER: Mr. CHAIRMAN, THE SUGGESTION THE HONOURABLE MEMBER FROM WHITEHORSE EAST IS MAKING DOESN'T REALLY ACCOMPLISH WHAT WE WANT TO DO. IT WOULD BE EASIER AS HAS BEEN SUGGESTED BY THE CHAIRMAN, TO EITHER LEAVE IT IN COMMITTEE OR MOVE IT OUT WITH THE FULL KNOWLEDGE THAT WE ARE GOING TO TAKE IT AND GIVE IT THIRD READING SO WE CAN ACCOMPLISH THOSE THINGS. I THINK THE NEXT STEP, IF THAT IS WHAT YOU WANT TO DO, IS YOU WOULD LIKE SOME GUARANTEE ON THE PART OF THE MEMBER FROM CARMACKS-KLUANE AND MYSELF THAT IF THE MOTION Mr. MCKINNON HAS IS PASSED, THEN WE WILL BRING THIS BILL BACK AGAIN TO INCORPORATE THAT MOTION.

Mr. CHAMBERLIST: OR TO MAKE A SEPARATE BILL ANYWAYS.

Mr. CHAIRMAN: WELL YOU COULD PERMIT THE INTRODUCTION OF A PRIVATE MEMBER'S BILL. HOWEVER, THERE MAY BE OTHER THINGS WHICH MEMBERS WISH TO ATTACH TO THAT BILL AT ANOTHER TIME.

Mr. TANNER: Mr. CHAIRMAN, I THINK IN THE CIRCUMSTANCES WE HAVE GOT TO LET THIS BILL STAY IN COMMITTEE.

Mrs. WATSON: Mr. CHAIRMAN, ISN'T IT CORRECT THAT WHEN YOU HAVE A BILL IN COMMITTEE IN ONE SESSION YOU CANNOT BRING IN ANOTHER BILL - - -

Mr. CHAIRMAN: THAT'S RIGHT, WELL FOR THIS - - -

Mr. STUTTER: NOT ON THE SAME SUBJECT.

Mr. CHAIRMAN: NOT ON THE SAME SUBJECT.

SOME HONOURABLE MEMBERS: SHOUTING.

Mr. CHAMBERLIST: WITH RESPECT, Mr. CHAIRMAN. YOU CAN BRING AMENDMENTS TO THE SAME BILL IN AT ANY TIME ONCE IT HAS BEEN INTRODUCED. IN OTHER WORDS YOU COULD EXPAND IN EXACTLY THE SAME WAY YOU CAN AMEND BY REDUCING, YOU COULD ALSO AMEND BY INCREASING. PERHAPS Mr. LEGAL ADVISER WOULD AGREE WITH ME. THAT YOU CAN AMEND BY INCREASING THE BILL, THE SECTION, IF IT IS SO REQUIRED. IS THIS NOT SO?

Mrs. WATSON: Mr. CHAIRMAN, THE POINT I WAS TRYING TO MAKE IS IF WE PASS THE BILL, GAVE IT THIRD READING ON MONDAY, BROUGHT IT INTO FORCE, AS THEY WERE SAYING THERE IS A NEED FOR IT RIGHT AWAY, THEN IF WE RECESS AND COME BACK IN AGAIN THEN WE CAN'T BRING THE MOTOR VEHICLES BACK IN AGAIN.

Mr. CHAMBERLIST: BUT YOU CAN BRING A NEW BILL IN. SURE YOU CAN BRING A NEW BILL IN.

Mr. CHAIRMAN: ORDER. I THINK JUST FROM THE CHAIR IF IT IS NOT THAT URGENT, I WOULD CERTAINLY RECOMMEND THAT THE MATTER BE LEFT WITH THE SCHOOL ORDINANCE AND BE DEALT WITH AS ONE OF THE FIRST ITEMS AFTER RECESS. BUT WHEN THE HONOURABLE MEMBER IS HERE AND HAS AN OPPORTUNITY TO INTRODUCE HIS PROPOSED AMENDMENTS.

Mr. CHAMBERLIST: IT IS AN IMPORTANT PIECE OF LEGISLATION.

Mr. CHAIRMAN: IT MAY BE THAT HE JUST WISHES TO INTRODUCE AMENDMENTS RATHER THAN EVEN DEALING WITH THE MOTION. I DON'T KNOW.

Mr. TANNER: Mr. CHAIRMAN, THE ONLY OTHER THING I WOULD POINT OUT IS THAT COUNCILLOR MCKINNON'S MOTION, I THINK IT STILL IS IN COMMITTEE. IT HASN'T BEEN DISPENSED WITH. WE COULD DEAL WITH THAT ON MONDAY IN SPITE OF PASSING THIS BILL.



MR. CHAMBERLIST: IF HE'S HERE.

MR. TANNER: I MEAN IF HE'S HERE.

MR. CHAIRMAN: NO, APPARENTLY COUNCILLOR MCKINNON INDICATED THAT IT WAS VERY VERY UNLIKELY HE WOULD BE HERE. HE COULDN'T GET BACK FROM WINNIPEG IN TIME. SO I LEAVE IT WITH COMMITTEE AS A COURTESY TO THE MEMBER. IF IT IS NOT VITALLY THAT IMPORTANT WHY - -

MR. CHAMBERLIST: I THINK IT IS IMPORTANT.

MR. CHAIRMAN: SO WHAT IS COMMITTEE'S DECISION IN THIS MATTER?

MRS. WATSON: LEAVE IT IN COMMITTEE.

MR. STUTTER: I STILL DON'T SEE THE HANG-UP. IT SEEMS TO ME THAT IF WE PASS THIS BILL, REGARDLESS OF WHAT THE MEMBER FROM CARMACKS-KLUANE IS SAYING. I DON'T AGREE WITH HER AT ALL. I THINK AS LONG AS SHE AND COUNCILLOR TANNER GIVE A COMMITMENT THAT IF THAT MOTION OF COUNCILLOR MCKINNON'S PASSES WHEN WE NEXT GET TOGETHER, THEY CAN BRING BACK AN AMENDMENT TO THIS BILL AT THAT TIME. IT IS CERTAINLY NOT COVERING A SUBJECT THAT HAS ALREADY BEEN COVERED IN THIS SESSION.

MRS. WATSON: MR. CHAIRMAN, I CERTAINLY WILL DO THAT IF IT'S LEGAL AND PROPER TO DO IT THAT WAY. WE CERTAINLY WILL.

MR. CHAMBERLIST: WE WOULDN'T TELL YOU TO DO ANYTHING ILLEGAL. NO WAY.

MR. CHAIRMAN: WELL HE WOULD HAVE TO BRING IN A PRIVATE MEMBER'S BILL. I'M NOT SO SURE - -

SOME HONOURABLE MEMBERS: NO, SHOUTING.

MR. TANNER: MR. CHAIRMAN, NO HE WOULDN'T. HE HAS STILL GOT HIS MOTION IN COUNCIL EVEN IF WE PASS THIS BILL, AND THAT CAN BE THERE FOR JUNE TOO.

MR. CHAIRMAN: THE QUESTION I THINK MEMBERS ARE MISSING HERE IS THE DIFFERENCE BETWEEN A MOTION. WHEN THIS BILL IS SITTING HERE, IF THE MEMBER WAS HERE HE COULD AT THIS POINT IN TIME, IF WE DEALT WITH IT, INTRODUCE AN AMENDMENT WITHOUT DEALING WITH THE MOTION WHATSOEVER. THAT WAS HIS INTENTION. UNFORTUNATELY HE IS NOT HERE TO DEFEND THAT POSITION.

RATHER THAN DEALING WITH THE MOTION HE WAS PREPARED TO AMEND THIS BILL. NOW IF YOU PASS THIS OUT HE HAS NO LONGER THAT OPPORTUNITY. THAT'S MY POINT.

MR. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN. THERE IS NOTHING TO STOP ANY MEMBER FROM COMING FORWARD WITH A MOTION AND DEALING WITH THE MOTION, AND THEN COUNCIL MAKING A RECOMMENDATION THAT ANY AMENDMENT THAT HE WISHES TO PUT IN AND IS AGREED WITH BY COUNCIL BE BROUGHT IN AS ANOTHER BILL, SEPARATE TO THE ONE THAT IS HERE.

NO REASON WHY THAT CAN'T BE DONE. THAT IS DONE TIME AND TIME AGAIN.

MR. CHAIRMAN: THERE IS A PROCEDURAL QUESTION HERE BUT I WOULD RATHER NOT SAY WHAT IT IS. THAT IS A MEMBER'S OWN. HE HAS A REASON WHY THIS BILL SHOULD BE LEFT AND ITS WHETHER YOU CAN CONCUR OR NOT.

MR. CHAMBERLIST: DID HE ASK FOR IT TO BE LEFT?

MR. CHAIRMAN: HE ASKED ME TO ASK THAT IT BE LEFT. HE IS LEFT, HE IS GONE. HE ASKED US AS A COURTESY IF THIS COULD REMAIN.

MR. CHAMBERLIST: THAT IS A DIFFERENT THING.

MR. CHAIRMAN: THAT IS WHAT I HAVE BEEN TRYING TO SAY HERE FOR THE LAST LITTLE WHILE BUT WHATEVER YOU WANT TO DO THAT IS FINE.

MR. CHAMBERLIST: ALRIGHT, IF HE ASKED IT BE LEFT WITH YOU.

MR. CHAIRMAN: THAT IS RIGHT AND AS A MATTER OF FACT, HE INDICATED THAT WHEN WE LAST MADE OUR LITTLE REVIEW THROUGH ALL THE MOTIONS.

HE DIDN'T KNOW HE WAS LEAVING. I SAY HE INDICATED HE WANTED TO AMEND IT AND DISCUSS IT WHEN THE BILL CAME UP. ALRIGHT, THE NEXT BILL IS NO. 22, THE LABOUR STANDARDS ORDINANCE. ONE. THIS BILL IS INCOMPLETE MR. LEGAL ADVISOR.

MR. CHAMBERLIST: NO PREAMBLE.

MR. CHAIRMAN: I AM AFRAID WE CANNOT DEAL WITH THIS BILL UNTIL WE HAVE A PROPER BILL.

MR. LEGAL ADVISOR: CAN'T WE DEAL WITH THE TIME WHEN WE COME TO READ THE PREAMBLE MR. CHAIRMAN?

MR. CHAIRMAN: I DON'T THINK YOU CAN PROCEED WITH THE BILL UNTIL YOU HAVE THE BILL IN ITS COMPLETE FORM. I IMAGINE, IT WOULDN'T TAKE A MOMENT TO HAVE THIS TYPED UP. WE WILL PROCEED WITH ANOTHER BILL AT THIS TIME WHILE THIS IS DONE.

BILL NO. 23

WE GO TO BILL No. 23, (1). THIS ORDINANCE MAY BE CITED AS THE FOURTH APPROPRIATION ORDINANCE, 1974/75. (2) FROM AND OUT OF THE YUKON CONSOLIDATED REVENUE FUND THERE MAY BE PAID AND APPLIED A SUM NOT EXCEEDING IN THE WHOLE, \$60,000 FOR DEFRAYING THE SEVERAL CHARGES AND EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY FOR THE TWELVE MONTHS ENDING MARCH 31ST, 1975 AS SET FORTH IN SCHEDULE 'A' OF THIS ORDINANCE. SUCH SUMS SHALL BE APPLIED ONLY IN ACCORDANCE WITH THE SCHEDULE.

MR. CHAIRMAN READS (3).

MR. CHAIRMAN: UNDER SCHEDULE (A), APPROPRIATION OF ITEM, TREASURY \$60,000.

MR. CHAMBERLIST: MR. CHAIRMAN I AM GOING TO VOTE AGAINST IT. NOT BECAUSE I AM AGAINST THE PRINCIPLE OF THE BILL BUT BECAUSE IT DOESN'T GO FAR ENOUGH. I THINK THE GOVERNMENT HAS TAKEN ADVANTAGE IN NOT DISTRIBUTING THE \$1.25,000,000 THAT THEY ARE HOLDING IN A MORE EQUITABLE MANNER. I THINK THAT IT IS IMPROPER FOR THE GOVERNMENT TO UTILIZE JUST A PART OF THE INTEREST ONLY AND KEEP THE BALANCE OF THE MONEY TO BE DISPOSED OF AT IT'S LEISURE WHEN THE CONSUMERS SHOULD BE ENTITLED TO GET MORE FUNDING BACK FOR THE MONIES THEY HAVE BEEN SPENDING ON ELECTRICITY CONSUMPTION.

MR. CHAIRMAN: DO YOU WISH I READ THE PREAMBLE?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN READS THE PREAMBLE.

MR. CHAMBERLIST: MR. CHAIRMAN I AM SURE THAT MR. CHAIRMAN WILL AGREE WITH ME THAT THE OFFICE OF THE ADMINISTRATOR DOESN'T EXIST TODAY AS WE READ THIS BILL. THEREFORE, WE CAN'T DEAL WITH IT. IT MUST NOW COME WHERE IT APPEARS BY MESSAGE FROM THE COMMISSIONER OF THE YUKON TERRITORY. HE IS THE ONE NOW THAT HAPPENS TO BE AN OFFICER.

MR. CHAIRMAN: ORDER PLEASE. I THINK WE HAVE GOT TO ACCEPT THIS BILL ON THE BASIS THAT IT

WAS INTRODUCED INTO THE HOUSE AND THE COMMISSIONER WAS NOT PRESENT. I WILL JUST LOOK UP THE DATE.

MR. TANNER: MR. CHAIRMAN, WITHOUT LOOKING IT UP IT WAS INTRODUCED ON MAY THE 6TH. THE COMMISSIONER WAS NOT IN THE TERRITORY. MR. FINGLAND, THE ADMINISTRATOR AT THAT TIME GAVE THE MESSAGE TO COUNCIL AND CONSEQUENTLY WHAT YOU ARE READING THERE IS EXACTLY WHAT HAPPENED.

MR. CHAIRMAN: THIS IS QUITE IN ORDER.

MR. CHAMBERLIST: WITH RESPECT MR. CHAIRMAN, THE SECOND PART. YOU SEE, ITS EITHER ONE OR THE OTHER, SHOULD BE BOTH THE SAME. NOW, THE MESSAGE IS FROM THE ADMINISTRATOR. THE COMMISSIONER IS NOW BEING ADVISED FOR THE ADVICE AND THE CONSENT OF THE COUNCIL TO DO A CERTAIN MATTER. I THINK THERE MIGHT BE SOME QUESTION THERE THOUGH. OK LET IT GO.

MR. TANNER: MR. CHAIRMAN, I WOULD MOVE THAT BILL No. 23, AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENTS.

MR. CHAIRMAN: IS THERE A SECONDER?

MRS. WATSON: I WILL SECOND THAT MR. CHAIRMAN.

MR. CHAIRMAN: JUST BEFORE I PUT THE QUESTION I MUST READ THE TITLE OF THE BILL. THIS IS BILL No. 23, OR PARDON ME, THIS IS AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY. ARE YOU PREPARED FOR THE QUESTION? PARDON ME, I HAVEN'T EVEN READ THE MOTION OR HAVE I? YES, IT WAS MOVED BY COUNCILLOR TANNER SECONDED BY COUNCILLOR WATSON THAT BILL No. 23 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. NOW ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED

MR. CHAMBERLIST: DISAGREED

*MOTION CARRIED*

MR. CHAIRMAN: THE NEXT BILL IS BILL No. 22 AGAIN. THE ONE WE NEED THE PREAMBLE FOR. MR. LEGAL ADVISOR HAVE YOU A PREAMBLE FOR THIS BILL?

MR. LEGAL ADVISOR: IT IS BEING DONE MR. CHAIRMAN.

MR. CHAIRMAN: ALRIGHT WE WILL JUST DECLARE A VERY BRIEF RECESS.

RECESS

BILL NO. 22

MR. CHAIRMAN: WE WILL CALL COMMITTEE BACK TO ORDER AND WE ARE NOW DEALING WITH BILL No. 22, (1) SECTION 31 IS REPEALED FOLLOWING SUBSTITUTED THEREFORE; AND OF COURSE THIS IS AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE.

MR. CHAIRMAN READS 31.(1)

MR. CHAIRMAN: CLEAR?

MR. CHAMBERLIST: NO IT ISN'T.

MR. LEGAL ADVISOR: MR. CHAIRMAN THE ONLY ADDITION OF THAT RATE IS THE CONTINUOUS OPERATION. THE DEFINITION OF 'CONTINUOUS OPERATION' IS PUT INTO THE REGULATIONS. A REGULATION MAKING POWER IS ADDED IN THE NEXT SECTION. THE DEFINITION OF 'CONTINUOUS OPERATION' IS THE SAME AS THE B.C. REGULATION WHICH IS AN OPERATION WHICH IS CARRIED ON EVERY DAY INCLUDING SUNDAYS AND HOLIDAYS. THAT DOESN'T MEAN 24 HOURS A DAY BUT EVERY DAY OF THE WEEK.

MR. TANNER: MR. CHAIRMAN I WANT TO MAKE IT QUITE CLEAR, TO SATISFY MYSELF, THE CHOICE IS UP TO THE EMPLOYEE NOT THE EMPLOYER.

SOME HONOURABLE MEMBERS: No.

MR. CHAMBERLIST: THIS IS VERY BAD BECAUSE (B) SAYS; IF YOU START READING, 'WHERE AN EMPLOYEE IS EMPLOYED OR IN RELATION TO', LEAVE OUT (A), (B), (C), (D), 'HE SHALL, IN ADDITION TO THIS REGULAR RATE OF PAY FOR THE HOURS WORKED BY HIM ON THAT DAY' AND IF YOU READ (B).

MR. CHAMBERLIST READS 31 (B).

MR. CHAMBERLIST: WHICH IS AN EMPLOYEE. THIS IS THE WAY IT READS. I THOUGHT YOU SAID EMPLOYER.

MR. TANNER: IT'S EMPLOYEE, MR. CHAIRMAN.

MR. CHAMBERLIST: THIS MEANS EMPLOYEE.

MR. TANNER: THAT IS WHAT IT SHOULD BE.

MR. LEGAL ADVISOR: IT USED TO BE AT A TIME CONVENIENT TO HIM AND HIS EMPLOYER. IN VIEW OF THE CHANGE THAT THE FRESH HOLIDAY BE CONVENIENT TO THE EMPLOYEE BECAUSE THE WORK ON THE HOLIDAY IS CONVENIENT TO THE EMPLOYER, IT IS A SALVE.

MR. CHAMBERLIST: AS LONG AS THAT IS WHAT IT MEANS.

MR. CHAIRMAN: CLEAR?

MR. CHAIRMAN READ 31.(2).

MR. CHAIRMAN: CLEAR?

MR. CHAMBERLIST: HAVEN'T WE GOT THAT IN ALREADY THERE? PRESCRIBING CUSTODIAL WORK. ISN'T IT EXACTLY THE SAME? THE WORDS ARE THE SAME.

MR. CHAIRMAN: ORDER PLEASE.

MR. CHAMBERLIST: I HAVE A PRIVILEGE OVER HERE BUT THAT IS ALRIGHT.

MR. CHAIRMAN: IT MAKES IT RATHER DIFFICULT FOR THE PEOPLE TRANSCRIBING THESE PROCEEDINGS IF EVERYBODY IS HOLLERING.

MR. LEGAL ADVISOR: MR. CHAIRMAN, I AM NOT SATISFIED THAT THIS SECTION IS CORRECT.

MR. CHAMBERLIST: IT ISN'T CORRECT. YOU ARE REPEALING IT AND THEN YOU HAVE IT IN THERE AGAIN.

MR. LEGAL ADVISOR: NO, MR. CHAIRMAN, THAT IS NOT THE POINT. I THINK IT SHOULD READ: 'WHERE AN EMPLOYEE EMPLOYED IN A RELATION TO SO AND SO AND SO AND SO, IS REQUIRED TO WORK ON A DAY THAT IS A HOLIDAY UNDER THIS PART, HE SHALL IN ADDITION'. I THINK THERE IS A LINE MISSING.

MR. CHAMBERLIST: YEA, RIGHT.

MRS. WATSON: EVEN IF HE DOESN'T WORK HE HAS GOT TO GET PAID.

MR. CHAMBERLIST: I AGREE.

MR. CHAIRMAN: POSSIBLY WE COULD LEAVE THIS UNTIL MONDAY MORNING. IF IT IS AGREEABLE WE

WILL DEAL WITH IT ON MONDAY PRIOR TO THE FISHER-FLEMING ITEM. WOULD THAT BE AGREEABLE?

MR. TANNER: WE COULD DO THAT BUT AS LONG AS IT IS UNDERSTOOD THAT THIS BILL IS IN AS A REQUEST OF MOST MEMBERS OF THIS HOUSE. IT IS NOT THE GOVERNMENT BILL. SECONDLY IS THE FACT THAT WE ARE GOING TO HAVE TO GIVE IT THIRD READING ON MONDAY AS WELL. IS THAT AGREEABLE?

MR. CHAIRMAN: THIS CAN BE DONE. IT CAN BE DONE FOLLOWING THE ORDERS OF THE DAY. NO PROBLEM ON THIRD READING.

MR. CHAMBERLIST: HOW?

MR. CHAIRMAN: PARDON ME, FOLLOWING COMMITTEE IN THE EVENING.

MRS. WATSON: YES, WHEN WE REVERT BACK TO THE HOUSE.

MR. CHAIRMAN: IS THIS AGREEABLE TO COMMITTEE? THIS WOULD GIVE THE ADMINISTRATION TIME TO REVIEW THIS CASE.

MR. CHAMBERLIST: CAN WE READ THE REST JUST IN CASE THERE IS ANYTHING ELSE?

MR. LEGAL ADVISOR: YES, THE REST OF IT APPEARS TO BE ALRIGHT MR. CHAIRMAN.

MR. CHAIRMAN: (3) SECTION 5 IS AMENDED BY ADDING THE FOLLOWING NEW SUBSECTION. I WONDER IF MAYBE WE SHOULDN'T JUST BREAK IT AT THIS POINT AND GET THIS FIRST PART CLEARED UP AND WE WILL BE DEALING WITH THE BILL ON MONDAY IN ANY EVENT.

MR. LEGAL ADVISOR: IT WOULD ONLY TAKE A FEW MINUTES TO TYPE IN THE LINE.

MR. CHAIRMAN: THE ADMINISTRATION COULD REVIEW THE WHOLE BILL.

MR. CHAMBERLIST: NO, NO, NO. WE CAN...

MR. TANNER: WE CAN TYPE IN THE LINE THAT IS MISSING RIGHT AWAY AND FINISH IT UP TONIGHT. IT WOULD ONLY TAKE ANOTHER FEW MINUTES.

MR. CHAIRMAN: THIS IS A RATHER ODD WAY OF MAKING LEGISLATION BUT IF THIS IS WHAT COMMITTEE WANTS.

MR. CHAMBERLIST: ITS LIKE A MIDNIGHT AMENDMENT BUT THAT IS OK.

MR. CHAIRMAN: I WOULD SUGGEST THAT YOU LEAVE THIS MATTER UNTIL MONDAY MORNING, AS YOUR CHAIRMAN, BECAUSE I DON'T THINK THIS IS IN THE INTERESTS OF GOOD LEGISLATION TO BE DOING THIS TYPE OF THING. AS LONG AS COMMITTEE WOULD.

MRS. WATSON: MR. CHAIRMAN IT IS JUST A TYPING ERROR. THE LINE WAS LEFT OUT BY TYPISTS.

MR. CHAIRMAN: IT IS ALSO A LAW.

MR. CHAMBERLIST: BUT SUPPOSING WE READ NO. 3 AND THEN WE CAN LEAVE IT UNTIL MONDAY. WE ARE ALL GETTING A LITTLE BIT TIRED TODAY. THE HONOURABLE MEMBER FOR CARMACKS-KLUANE CAN BE SO ANNOYING. READ 3.

MR. CHAIRMAN READS 31.(3).

MR. CHAIRMAN: WHAT IS YOUR FURTHER PLEASURE? DO YOU WISH I REPORT PROGRESS ON THIS BILL?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAMBERLIST: MR. CHAIRMAN, I WOULD MOVE THAT MR. SPEAKER DO NOW RESUME THE CHAIR.

MR. STUTTER: I SECOND THAT MOTION MR. CHAIRMAN.

MR. CHAIRMAN: WHO MOVED WHAT HERE?

MR. CHAMBERLIST: I MOVED THAT MR. SPEAKER DO NOW RESUME THE CHAIR.

MR. CHAIRMAN: IS THERE A SECONDER?

MR. CHAMBERLIST: AND MY VENERABLE FRIEND HERE SECONDED IT.

MR. CHAIRMAN: ORDER PLEASE. IS THERE A SECONDER? COUNCILLOR STUTTER. IT HAS BEEN MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR STUTTER THAT MR. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME HONOURABLE MEMBERS: AGREED

*NOTION CARRIED*

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. MAY WE HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEES.

MR. TAYLOR: MR. SPEAKER COMMITTEE CONVENED AT 10:45 A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. MR. MIKE HERON OF THE YUKON TEACHERS' ASSOCIATION ATTENDED COMMITTEE TO DISCUSS MATTERS RELATED TO BILL NO. 7. COMMITTEE RECESSED AT 12 NOON AND RECONVENED AT 2:05 P.M. IT WAS MOVED BY COUNCILLOR STUTTER SECONDED BY COUNCILLOR CHAMBERLIST THAT BILL NO. 8 BE AMENDED BY DELETING SECTIONS 5 TO 11 INCLUSIVE AND THIS MOTION CARRIED.

IT WAS MOVED BY COUNCILLOR WATSON SECONDED BY COUNCILLOR TANNER THAT BILL NO. 8 BE REPORTED OUT OF COMMITTEE AS AMENDED AND THIS MOTION CARRIED.

IT WAS MOVED BY COUNCILLOR WATSON SECONDED BY COUNCILLOR STUTTER THAT BILL NO. 21 BE REPORTED OUT OF COMMITTEE AS AMENDED AND THIS MOTION CARRIED.

IT WAS MOVED BY COUNCILLOR WATSON SECONDED BY COUNCILLOR TANNER THAT BILL NO. 9 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT AND THIS MOTION CARRIED.

IT WAS MOVED BY COUNCILLOR TANNER SECONDED BY COUNCILLOR WATSON THAT BILL NO. 11 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT AND THIS MOTION CARRIED.

IT WAS MOVED BY COUNCILLOR TANNER SECONDED BY COUNCILLOR WATSON THAT BILL NO. 23 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT AND THIS MOTION CARRIED.

I CAN REPORT PROGRESS ON BILL NO. 22. IT WAS MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR STUTTER THAT MR. SPEAKER DO NOW RESUME THE CHAIR AND THIS MOTION CARRIED.

MR. SPEAKER: YOU HAVE HEARD THE REPORT OF THE CHAIRMAN OF COMMITTEES. ARE WE AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER I BELIEVE IT IS THE INTENTION OF YOUR COMMITTEE TO FURTHER CONSIDER BILL NO. 22 ON MONDAY MORNING, THEN FOLLOWING WITH THE DEBATE ON THE FISHER-FLEMING FILE.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. STUTTER: I WOULD MOVE MR. SPEAKER THAT WE NOW CALL IT FIVE O'CLOCK.

MRS. WATSON: MR. SPEAKER I WILL SECOND THAT.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR DAWSON SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT WE NOW CALL IT FIVE O'CLOCK. ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME HONOURABLE MEMBERS: AGREED.

*MOTION CARRIED*

MR. SPEAKER: THIS COUNCIL NOW STANDS ADJOURNED UNTIL 10:00 A.M. MONDAY MORNING.

*ADJOURNED*

MONDAY, MAY 13, 1974

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED? ARE THERE ANY REPORTS OF COMMITTEES? ARE THERE ANY NOTICES OF MOTION OR RESOLUTIONS? ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS? AS THERE ARE NO MOTIONS FOR THE PRODUCTION OF PAPERS OR MOTIONS, WE COME TO THE QUESTION PERIOD.

MADAM CLERK, WILL YOU PLEASE ASCERTAIN IF MR. COMMISSIONER IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY QUESTIONS?

QUESTION RE HAINES JUNCTION L.I.D.

MR. TAYLOR: YES, MR. SPEAKER. I'M WONDERING IF MR. COMMISSIONER COULD ADVISE COUNCIL THIS MORNING AS TO WHETHER IT IS HIS INTENTION OF TABLING THE REPORT ON THE HAINES JUNCTION L.I.D. THIS MORNING?

MR. COMMISSIONER: MR. SPEAKER, AS I TOLD THE HONOURABLE MEMBER ON FRIDAY, WHEN THE QUESTION WAS ASKED, I'M NOT UP TO DATE ON EXACTLY WHERE THIS MATTER STANDS AND I'M NOT IN THAT POSITION AT THIS TIME, MR. SPEAKER.

MR. TAYLOR: SUPPLEMENTARY, MR. SPEAKER. ON APRIL 1ST LAST, WHEN THIS QUESTION WAS ASKED, MR. COMMISSIONER REPLIED "THE ANSWER IS IN THE AFFIRMATIVE, IT IS BEING REVIEWED BY MY OFFICERS AT THE PRESENT TIME AND IN THE NOT TOO DISTANT FUTURE THERE WILL BE A PROPER ANNOUNCEMENT." HE WENT ON TO SAY, WHEN ASKED WHEN THE NOT TOO DISTANT FUTURE WOULD BE, HE SAID, "WHEN YOU START TO GET DOWN TO SPECIFIC THINGS LIKE THAT, MR. SPEAKER, YOU KNOW THIS IS ANOTHER ELEMENT BUT WITHIN THE NEXT FEW DAYS." THAT WAS ON APRIL 1ST. IS THERE ANY REAL REASON WHY WE CANNOT HAVE THAT REPORT?

MR. COMMISSIONER: MR. SPEAKER, I SIMPLY HAVE

TO GO BACK TO THE ANSWER I HAVE ALREADY GIVEN HIM. I'M SIMPLY JUST NOT UP TO DATE ON THE THING AND NOTHING HAS COME TO ME THAT WOULD CLEARLY INDICATE WE ARE IN A POSITION TO GIVE AN ANSWER TO THIS QUESTION.

QUESTION RE MR. OBOMSAWIN, SUPERVISOR OF NATIVE CURRICULUM.

MR. CHAMBERLIST: MR. SPEAKER, A FEW WEEKS AGO I PUT A WRITTEN QUESTION AND I ASKED FOR ANSWERS. ONE WAS TO PROVIDE AN EXPLANATION FOR THE REFUSAL OF THE ADMINISTRATION TO SUPPLY THE MATERIALS THAT WERE REQUISITIONED BY MR. OBOMSAWIN REQUIRED IN THE DUTIES OF THE PERSON IN CHARGE OF THE NATIVE CURRICULUM. THERE HAS BEEN NO ANSWER FORTHCOMING AS YET AND TO PROVIDE COUNCIL WITH WRITTEN REASONS FOR DISMISSING MR. OBOMSAWIN IN VIEW OF THE FACT HE WAS SUFFICIENTLY CARRYING OUT THE JOB FOR WHICH HE WAS HIRED.

NOT ONLY ARE THERE NO ANSWERS, THERE ARE NONE OF THE WRITTEN QUESTIONS THAT WERE PUT ON THE ORDER PAPER. AN ANSWER WHETHER WE ARE GOING TO HAVE THE ANSWERS TO THESE QUESTIONS.

MRS. WATSON: MR. SPEAKER, I'LL ANSWER THAT QUESTION. THE ANSWERS ARE BEING PREPARED AND THEY WEREN'T COMPLETED IN TIME TO BE TABLED AND SENT TO THE HONOURABLE MEMBERS.

QUESTION RE LAND DISPOSAL IN THE RIVERDALE AREA

MR. CHAMBERLIST: MR. SPEAKER, I WISH TO PUT A QUESTION TO MR. COMMISSIONER WITH REFERENCE TO THE LAND DISPOSAL IN THE RIVERDALE AREA. IT'S MY UNDERSTANDING, MR. COMMISSIONER THAT MANY PEOPLE ARE WAITING TO PURCHASE LOTS. AS A RESULT OF THE DELAY IN PUTTING THESE LOTS UP FOR SALE AND THE INTEREST RATES THAT HAVE NOW INCREASED FOR THE CONSTRUCTION OF HOMES, IS MR. COMMISSIONER AWARE THERE ARE MANY PEOPLE NOW WHO ARE GOING TO SUFFER AS A RESULT OF THE SLOWNESS IN BRINGING THESE LOTS FOR SALE?

MR. COMMISSIONER: WELL, MR. SPEAKER, I'M NOT ENTIRELY AWARE OF THE PARTICULAR POINT THAT THE HONOURABLE MEMBER MAKES BUT CERTAINLY I GAVE A COMMITMENT HERE TO COUNCIL THE OTHER DAY THAT I WOULD DO EVERYTHING IN MY POWER TO REMOVE WHATEVER IMPEDIMENT THERE IS THAT IS HOLDING UP THE LOTS COMING UP FOR PUBLIC DISPOSAL. I INTEND TO CARRY OUT THAT PLEDGE, MR. SPEAKER, BECAUSE WE HAVE A BUILDING SEASON THAT IS UPON US HERE RIGHT NOW. I CAN ASSURE YOU I WILL DO EVERYTHING

IN MY POWER TO BRING THIS DISPOSAL ABOUT AS QUICKLY AS POSSIBLE, MR. SPEAKER.

MR. CHAMBERLIST: SUPPLEMENTARY, MR. SPEAKER. WOULD THE COMMISSIONER INDICATE WHEN THIS CAN BE DONE BECAUSE THERE MAY BE MORE INCREASED RATES WHICH IS HURTING THE PEOPLE WHO WISH TO BUILD. I THINK IT'S UP TO THE GOVERNMENT AT THIS TIME TO MAKE SURE THAT THE COST OF CONSTRUCTION AND THE COST OF REPAYMENT IS KEPT TO AN ABSOLUTE MINIMUM. THE ADMINISTRATION IS APPARENTLY NOT RECOGNIZING THAT PARTICULAR POINT.

MR. COMMISSIONER: WELL, MR. SPEAKER, THERE IS NO USE IN ME TRYING TO MISLEAD COUNCIL WHEN I KNOW WHAT THE REASONS ARE FOR THE HOLD-UP IN THIS DISPOSAL BUT I GIVE YOU MY ASSURANCE THAT I AM MOST ANXIOUS TO SEE THE DISPOSAL PROCEEDED WITH AS PROMPTLY AS POSSIBLE. I ENTIRELY AGREE WITH THE POINT RAISED BY THE HONOURABLE MEMBER THAT IMPEDIMENTS NOT ONLY OF EVER INCREASING COSTS AND EVER INCREASING INTEREST RATES AND AN EVER LESSENING NUMBER OF DAYS IN WHICH YOU CAN BUILD IN THIS CLIMATIC CONDITION. THEY ARE ALL MITIGATING AGAINST THE INDIVIDUAL ON THIS PARTICULAR MATTER AND I AGREE ENTIRELY WITH THE QUESTION RAISED; I'LL DO EVERYTHING IN MY POWER TO GET THE DISPOSAL PROCEEDED WITH PROMPTLY, MR. SPEAKER.

QUESTION RE: OVERDUE ANSWERS TO QUESTIONS RAISED

MR. TAYLOR: MR. SPEAKER, MY DAILY QUESTIONS SEEM TO BE SURROUNDING SEVERAL AREAS OF CONSIDERATION AND I WOULD LIKE TO ASK MR. COMMISSIONER IF, DURING THE RECESS, WE COULD KEEP THIS INFORMATION COMING THE MINUTE IT IS AVAILABLE IN RELATION TO SUCH ITEMS AS THE RECREATIONAL DEVELOPMENT QUESTION AT FOX LAKE AND ALONG THE ROAD FROM WHITEHORSE TO CARMACKS. THIS TIED UP LAND THAT WE CAN GET SOME RELEASED. THE PROVISION OF THE LAND DISPOSITION MAPS IN RELATION TO THE LAND CLAIMS, AND THE TAXATION OF THE COMMUNITY CLUBS QUESTION. I'M WONDERING IF WE COULD HAVE THIS AS SOON AS THE INFORMATION IS AVAILABLE, THIS DATE, AND MAILED OUT TO MEMBERS DURING RECESS.

MR. COMMISSIONER: MR. SPEAKER, THIS WAS A SUBJECT OF DISCUSSION BETWEEN THE CLERK OF THE COUNCIL AND MYSELF PRIOR TO COUNCIL THIS MORNING AND I'M AFRAID THAT THE LIST IS MUCH LONGER THAN WHAT THE HONOURABLE MEMBER HAS JUST STATED. WE WILL CERTAINLY DO EVERYTHING IN OUR

POWER TO MAINTAIN SOME KIND OF A FLOW OF INFORMATION TO THE HONOURABLE MEMBERS IN THIS REGARD BUT I WOULD ALSO POINT OUT THAT THE LIST IS A PRETTY LONG AND HEAVY ONE. IT IS NOT QUITE AS SHORT AS THE HONOURABLE MEMBER HAS JUST LISTED. I THINK THE FACT THAT IT HAS BEEN BROUGHT TO MY ATTENTION BY THE CLERK IS A SUFFICIENTLY CLEAR INDICATION THAT THE ADMINISTRATION IS WELL AWARE OF THE NUMBER OF, SHOULD I SAY, UNRESOLVED MATTERS IN THIS REGARD. WE WILL CERTAINLY DO EVERYTHING WE CAN TO ASSIST MEMBERS IN THIS MATTER.

QUESTION RE: MAIN-STEEL LOTS

MR. CHAMBERLIST: MR. SPEAKER, I WISH TO ASK THE COMMISSIONER A QUESTION BUT WILL PREAMBLE IT FIRST. IT RELATES TO THE MAIN-STEEL LOTS THAT WE SEE EMPTY AT THIS TIME.

MR. COMMISSIONER, ARE YOU AWARE THAT PUBLIC LAND WHETHER IT BE FEDERAL, TERRITORIAL OR MUNICIPAL, IS AVAILABLE FOR PUBLIC USE WHEN IT IS NOT USED FOR ANY SPECIFIC PURPOSE. AND WOULD MR. COMMISSIONER INSTRUCT THE MUNICIPAL INSPECTOR TO CONSULT IMMEDIATELY WITH THE MAYOR OF THE CITY OF WHITEHORSE, ADVISING HIM THAT THE OBSTRUCTIONS TO PUBLIC LAND THAT HE HAS NOW ORDERED PUT UP IS CONTRARY TO MUNICIPAL LAW.

MR. COMMISSIONER: WELL, MR. SPEAKER, I APPRECIATE THE POINT THAT THE HONOURABLE MEMBER IS MAKING AND I AM NOT EVEN REMOTELY GOING TO SUGGEST THAT WHAT HE IS SAYING IS NOT POSSIBLY CORRECT. I THINK THAT IN THE FIRST INSTANCE I WOULD WANT TO HAVE SOME CONVERSATION WITH THE LEGAL ADVISOR AND THE DEPARTMENT OF LOCAL GOVERNMENT BECAUSE I THINK THE TERMINOLOGY OF PUBLIC LAND WOULD BE A VERY KEY DEFINITION WITH REGARD TO THE POINT THE HONOURABLE MEMBER RAISES. I WONDER IF THE HONOURABLE MEMBER WOULD BE SATISFIED IF I WAS TO SAY I WOULD BE PLEASED TO TAKE UP THE QUESTION THAT HE RAISED WITH THE APPROPRIATE OFFICERS IN MY ORGANIZATION BEFORE COMMITTING MYSELF ANY FURTHER ON THIS SUBJECT, MR. SPEAKER.

MR. CHAMBERLIST: YES, MR. SPEAKER, THAT WOULD BE SATISFACTORY.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS? WE WISH TO THANK MR. COMMISSIONER FOR HIS ATTENDANCE.

AS THERE ARE NO PRIVATE BILLS AND ORDERS WE COME TO PUBLIC BILLS AND ORDERS.

BILL NO. 8, AMENDMENT, FIRST READING

Mrs. WATSON: Mr. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER THAT THE AMENDMENT TO BILL NO. 8 INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE BE GIVEN FIRST READING.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, THAT FIRST READING BE GIVEN TO AMENDMENTS TO BILL NO. 8 INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

Mr. SPEAKER: WHEN SHALL THE AMENDMENTS BE READ FOR THE SECOND TIME?

BILL NO. 8, AMENDMENT, SECOND READING

Mrs. WATSON: NOW, Mr. SPEAKER. I MOVE, SECONDED BY COUNCILLOR TANNER THAT THE AMENDMENTS TO BILL NO. 8, INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE BE GIVEN SECOND READING.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT SECOND READING BE GIVEN TO THE AMENDMENTS TO BILL NO. 8, INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. ARE YOU PREPARED FOR THE QUESTION? I DECLARE THE MOTION CARRIED.

Mr. TANNER: Mr. SPEAKER, ON A POINT OF ORDER, YOU DIDN'T CALL FOR THE MOTION.

Mr. SPEAKER: I BEG YOUR PARDON?

Mr. TANNER: YOU DIDN'T PUT THE MOTION ON SECOND READING, Mr. SPEAKER.

Mr. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIEDBILL NO. 8, THIRD READING

Mrs. WATSON: Mr. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER THAT BILL NO. 8, AN ORDINANCE

TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, AS AMENDED, BE GIVEN THIRD READING.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THIRD READING BE GIVEN TO BILL NO. 8 INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED

Mr. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO BILL NO. 8?

Mrs. WATSON: YES, Mr. SPEAKER. I MOVE, SECONDED BY COUNCILLOR TANNER, THAT BILL NO. 8, INTITULED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE BE ADOPTED AS WRITTEN.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, THAT THE TITLE TO BILL NO. 8, AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED AND THAT BILL NO. 8 HAS PASSED THIS HOUSE.

MOTION CARRIED.BILL NO. 9, THIRD READING

Mrs. WATSON: Mr. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER THAT BILL NO. 9 INTITULED SECOND APPROPRIATION ORDINANCE 1974/75 BE GIVEN THIRD READING.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THIRD READING BE GIVEN TO BILL NO. 9 INTITULED SECOND APPROPRIATION ORDINANCE 1974/75. ARE YOU PREPARED FOR THE QUESTION? AGREED?

Mr. CHAMBERLIST: BEFORE THE QUESTION IS PUT, Mr. SPEAKER. Mr. SPEAKER, I WILL SPEAK AGAIN AGAINST THE PASSAGE OF THIS BILL. I SAY THAT THE FUNDS WERE AVAILABLE WITHIN THE BUDGET SYSTEM THAT WE HAD FOR THIS YEAR. THAT THE MANNER IN WHICH THIS BILL WAS BROUGHT FORWARD WAS A FORM OF BLACKMAIL IN THIS COUNCIL. THAT THE PEOPLE REQUIRE KINDERGARTEN. THAT NO MEMBER OF COUNCIL WOULD BE OPPOSED TO IT.



THIS METHOD OF BRINGING FORWARD A BILL FOR A SEPARATE TAXATION ON KINDERGARTEN IS MOST IN-APPROPRIATE. IT'S OBVIOUS THAT ALTHOUGH THE BILL ITSELF DOES NOT RELATE TO KINDERGARTEN, THE PURPOSE FOR WHICH THE BILL DID COME FORWARD TO RAISE THE SPECIFIC AMOUNT OF MONEY HAS CLEARLY BEEN INDICATED IN THE EXPLANATORY NOTE. FOR THE INTRODUCTION OF KINDERGARTEN INTO THE YUKON SCHOOL SYSTEM. WHEREAS THE EDUCATION ITEM IN THE BUDGET COULD HAVE DEALT QUITE CLEARLY WITH THAT AREA, I HAVE ALREADY SAID MY PIECE MR. SPEAKER ON THIS MATTER. I'M GOING TO VOTE AGAINST IT AND I HOPE THAT THE TIME WILL COME ALONG WHEN MEMBERS OF COUNCIL WILL RECOGNIZE THAT THEY HAVE BEEN HOOD-WINKED IN THIS PARTICULAR AREA BY THE MANNER IN WHICH THIS TAXATION HAS BEEN RAISED.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME MEMBERS: AGREED AND DISAGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO BILL NO. 9?

MRS. WATSON: YES, MR. SPEAKER. I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 9 INTITULED SECOND APPROPRIATION ORDINANCE, 1974-75 BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THE TITLE TO BILL NO. 9 SECOND APPROPRIATION ORDINANCE, 1974-75 BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED AND THAT BILL NO. 9 HAS PASSED THIS HOUSE.

MOTION CARRIED

BILL NO. 10, THIRD READING

MR. TANNER: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT BILL NO. 10 INTITULED THE LOTTERIES ORDINANCE BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT THIRD READING BE GIVEN TO BILL NO. 10 INTITULED THE LOTTERIES ORDINANCE. ARE YOU PREPARED FOR

THE QUESTION? AGREED. I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE OF BILL NO. 10?

MR. TANNER: YES, MR. SPEAKER. I MOVE, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 10 INTITULED LOTTERIES ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT THE TITLE OF BILL NO. 10 LOTTERIES ORDINANCE BE ADOPTED AS WRITTEN.

ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED, AND THAT BILL NO. 10 HAS PASSED THIS HOUSE.

MOTION CARRIED

BILL NO. 11, THIRD READING

MR. TANNER: MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 11 INTITULED THIRD APPROPRIATION ORDINANCE, 1974-75 BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT THIRD READING BE GIVEN TO BILL NO. 11 INTITULED THIRD APPROPRIATION ORDINANCE, 1974-75. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO BILL NO. 11?

MR. TANNER: YES, MR. SPEAKER. I MOVE, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 11 INTITULED THIRD APPROPRIATION ORDINANCE, 1974-75 BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT THE TITLE TO BILL NO. 11 THIRD APPROPRIATION, 1974-75 BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED AND THAT BILL NO. 11 HAS PASSED THIS HOUSE.

MOTION CARRIED

BILL NO. 21, AMENDMENT, FIRST READING

Mrs. WATSON: Mr. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER, THAT THE AMENDMENTS TO BILL No. 21 INTITULED THE TOBACCO TAX ORDINANCE BE GIVEN FIRST READING.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, THAT THE AMENDMENTS TO BILL No. 21 INTITULED AMENDMENTS TO THE TOBACCO TAX ORDINANCE BE GIVEN FIRST READING AT THIS TIME. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED

Mr. SPEAKER: WHEN SHALL THE AMENDMENTS BE READ FOR A SECOND TIME?

BILL NO. 21, AMENDMENT, SECOND READING

Mrs. WATSON: NOW, Mr. SPEAKER. I MOVE, SECONDED BY COUNCILLOR TANNER, THAT THE AMENDMENTS TO BILL No. 21 INTITULED THE TOBACCO TAX ORDINANCE BE GIVEN SECOND READING.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THE AMENDMENTS TO BILL No. 21 INTITULED AMENDMENTS TO THE TOBACCO TAX ORDINANCE BE GIVEN SECOND READING. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIEDBILL NO. 21, THIRD READING

Mrs. WATSON: Mr. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER THAT BILL No. 21 INTITULED THE TOBACCO TAX ORDINANCE BE GIVEN THIRD READING.

Mr. TAYLOR: Mr. SPEAKER, JUST ON SPEAKING ON THIRD READING AS I DID ON SECOND READING OF THIS BILL, I REALLY DEPLORE THE FACT THAT THIS BILL HAS COME BEFORE THE HOUSE, NOTWITHSTANDING THAT IT'S PURPOSES ARE DIRECTED IN THE GENERAL AREA OF KINDERGARTENS. BUT WHILE I SUPPORT KINDERGARTENS, I ALSO DEPLORE THE FACT THAT THE ADMINISTRATION OF THE GOVERNMENT OF THE YUKON TERRITORY WAS UNABLE TO FIND FUNDS IN BUDGET PREPARATION FOR KINDERGARTENS AND FOUND IT TO

THEIR LIKING TO COME TO THE PEOPLE OF THE YUKON FOR ADDITIONAL TAXATION AT A TIME WHEN INFLATIONARY TRENDS AND SPIRALING COSTS HAVE ALREADY PLACED TOO HEAVY A BURDEN UPON THE TAXPAYER AND THE PEOPLE OF THE YUKON TERRITORY.

IT IS ALSO RECOGNIZED THAT FUNDS, THAT THE PEOPLE HAVE ALREADY BEEN TAXED THIS YEAR WITHOUT PERMISSION OF THIS HOUSE. AND IT WAS DONE BY THE RAISING OF A QUARTER OF A MILLION ADDITIONAL DOLLARS FROM THE TAXPAYERS POCKET UNDER THE MOTOR VEHICLES LICENCING AND SO FORTH.

I DEPLORE THE BILL. I DEPLORE THE FACT THAT IT IS HERE AND I WILL CERTAINLY VOTE NEGATIVE ON THIRD READING.

Mr. CHAMBERLIST: Mr. SPEAKER, IT IS MY INTENTION TO VOTE AGAINST THIS BILL. NOT ONLY FOR THE REASONS THAT HAVE BEEN EXPUNDED BY THE HONOURABLE MEMBER FOR WATSON LAKE, BUT ALSO BECAUSE MEMBERS OF THIS EXECUTIVE COMMITTEE THAT EXISTS TODAY, HAVE BROKEN THEIR FAITH AND THEIR WORD TO MEMBERS OF COUNCIL.

Mr. SPEAKER, IT WAS MADE QUITE CLEAR THAT THERE WOULD BE NO OTHER TAXATION THIS YEAR. THIS IS SOMETHING THAT IT'S A PROMISE THAT HAS BEEN BREACHED. A PROMISE THAT HAS BEEN BREACHED BY ALL MEMBERS OF THE EXECUTIVE COMMITTEE. THE PROMISE THAT HAS BEEN BREACHED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE IN PARTICULAR THAT SHE WOULD NOT BRING FORWARD ANY TAXATION THIS YEAR AT ALL. Mr. SPEAKER, THE WORST THING ABOUT THIS SITUATION AS I SEE IT, IS THAT THE PERSON THAT'S BEING HIT IS THE LITTLE MAN IN THE STREET. AND REALLY BEING HIT. PERHAPS IT WILL MAKE HIM A LITTLE BIT MORE HEALTHY IF HE DOESN'T SMOKE SO MUCH AND THE COST WOULD BE HIGH TO DISCOURAGE HIM TO SMOKE. BUT THAT ISN'T THE CRITERIA. THE CRITERIA IS THE FAILURE OF THE EXECUTIVE COMMITTEE WHO BROUGHT THIS BILL FORWARD TO KEEP THEIR PROMISE TO THE PEOPLE OF THE YUKON. A PROMISE THAT WAS GIVEN IN THIS HOUSE.

AND THAT'S WHAT I DEPLORE. AND Mr. SPEAKER, IT'S BECAUSE OF THE BAD FAITH THAT HAS BEEN SHOWN BY THE MEMBERS OF THE EXECUTIVE COMMITTEE IN BRINGING FORWARD A BILL ON TAXATION OF ANY DESCRIPTION, I WILL OPPOSE THAT BILL.

Mr. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THIRD READING BE GIVEN TO BILL No. 21 INTITULED THE TOBACCO TAX ORDINANCE. ARE YOU PREPARED FOR THE

QUESTION? AGREED?

SOME MEMBERS: AGREED AND DISAGREED.

MR. SPEAKER: MADAM CLERK, WILL YOU POLL THE HOUSE?

MADAM CLERK: THE HONOURABLE MEMBER FROM CARMACKS-KLUANE?

MRS. WATSON: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WATSON LAKE?

MR. TAYLOR: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM DAWSON?

MR. STUTTER: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE EAST?

MR. CHAMBERLIST: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE NORTH?

MR. TANNER: AGREED.

MADAM CLERK: MR. SPEAKER THE POLL IS THREE YEA, TWO NAY.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

NOTION CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO THIS BILL?

MRS. WATSON: YES, MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER, THAT BILL NO. 21 INTITULED THE TOBACCO TAX ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, THAT THE TITLE TO BILL NO. 21 THE TOBACCO TAX ORDINANCE BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED AND THAT BILL NO. 21 HAS PASSED THIS HOUSE.

NOTION CARRIED

BILL NO. 23, THIRD READING

MRS. WATSON: MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER, THAT BILL NO. 23 INTITULED AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY BE GIVEN THIRD READING.

MR. CHAMBERLIST: MR. SPEAKER, I RISE ON A POINT OF ORDER. THAT THIS ORDINANCE MAY BE INTITULED IN THAT MANNER, BUT I WOULD SUGGEST MR. SPEAKER, THAT THE APPROPRIATE THING TO DO IS TO ASK THE HOUSE FOR AGREEMENT THAT THE ORDINANCE BE GIVEN IT'S PROPER NAME, AND THAT IS THE FOURTH APPROPRIATION ORDINANCE. OTHERWISE, IT WILL BE NECESSARY IN ANY EVENT FOR EVERY MEMBER TO VOTE AGAINST A BILL THAT IS NAMED IN ONE WAY AND THEN THE CONTENTS SHOWING IT AS A BILL IN A DIFFERENT WAY. AND I THINK THE PROPER MANNER IN DOING THIS SHOULD BE CARRIED OUT AT THIS TIME.

MR. TAYLOR: MR. SPEAKER, JUST IN SPEAKING TO THE QUESTION THAT HAS BEEN PROPOSED. THE ORDINANCE IS QUITE IN ORDER BECAUSE IN SECTION 1 OF THE ORDINANCE IT STATES THAT THIS ORDINANCE MAY BE CITED AS THE FOURTH APPROPRIATION ORDINANCE. AND THE OLD FORM IS USED IN THE TITLE OF THE BILL. EITHER WAY IT WOULD BE QUITE CORRECT.

MR. CHAMBERLIST: I BEG TO DISAGREE WITH THE HONOURABLE MEMBER AND I'M SURPRISED THAT HE WOULD SHOW HIS LACK OF KNOWLEDGE IN THIS PARTICULAR AREA. WHEN THE CONTENT OF AN ORDINANCE CLEARLY DEFINES WHAT THE ORDINANCE MAY BE CITED AS, SURELY THE NAME CAN ONLY BE THAT WHICH THE ORDINANCE CITES IT AS. AND I'M SURE THAT THE AGREEMENT IF THIS WAS CORRECTED IMMEDIATELY.

MR. SPEAKER: DO WE HAVE AGREEMENT?

MRS. WATSON: MR. SPEAKER, I WOULD SUGGEST WE GIVE IT THIRD READING UNDER THE EXISTING TITLE AND THEN TO ADOPT THE TITLE, WE ADOPT THE TITLE FOURTH APPROPRIATION ORDINANCE, 1974-75.

MR. CHAMBERLIST: YOU CAN'T GIVE THIRD READING TO A BILL IN THIS MANNER SURELY. YOU CAN'T GIVE READING TO A BILL CALLING IT AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY AND THEN IN THE BODY OF THE BILL, SAY THAT THIS ORDINANCE MAY BE CITED

AS THE FOURTH APPROPRIATION ORDINANCE. NOW IT'S EITHER ONE OR THE OTHER.

MR. TAYLOR: MR. SPEAKER, RATHER THAN GET INTO A BIG PROCEDURAL HAGGLE OVER SOMETHING WHICH IS REALLY NO GREAT PROBLEM AT ALL, I WOULD MOVE AT THIS TIME THAT THE TITLE TO BILL NO. 23 BE AMENDED TO READ THE FOURTH APPROPRIATION ORDINANCE, 1974-75.

MR. SPEAKER: ARE WE IN AGREEMENT?

MR. TAYLOR: WE WOULD NEED A SECONDER MR. SPEAKER.

MR. TANNER: MR. SPEAKER, YOU DON'T HAVE A SECONDER FOR THAT MOTION.

MR. STUTTER: I WILL SECOND THAT.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE FOR WATSON LAKE, SECONDED BY THE HONOURABLE MEMBER FOR DAWSON, THAT BILL NO. 23 BE INTITLED FOURTH APPROPRIATION ORDINANCE, 1974-75. ARE YOU PREPARED FOR THE QUESTION? AGREED. I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MRS. WATSON: MR. SPEAKER, I WOULD MOVE, SECONDED BY COUNCILLOR TANNER, THAT BILL NO. 23 INTITULED THE FOURTH APPROPRIATION ORDINANCE 1974-75 BE GIVEN THIRD READING.

MR. CHAMBERLIST: MR. SPEAKER, SPEAKING ON THE MOTION OF THIRD READING, I WOULD WISH TO RECORD THAT I'M OPPOSED TO THE PASSAGE OF THE ORDINANCE BECAUSE IT DOES NOT GO FAR ENOUGH. THAT I SAY THAT TO PROVIDE AN ORDINANCE TO APPROPRIATE WHAT REALLY IS ONLY 50% OF THE ACCRUED INTEREST ON THE 1.25 MILLION OF DOLLARS THAT IS AVAILABLE IN THE FUND AND USE THAT TO MAKE IT APPEAR THAT A GIFT IS BEING GIVEN TO THE PEOPLE OF THE YUKON IN THE AREA OUTSIDE THE WHITEHORSE AREA, TO ASSIST THEM IN THE PAYMENT OF THEIR ELECTRICAL ACCOUNTS, IS VERY VERY WRONG AND IS JUST A SHROUDING OF A VERY IMPORTANT ISSUE.

THE FUNDS THAT HAVE BEEN PROVIDED HAVE BEEN PROVIDED SIMPLY BECAUSE THIS MIGHT CLOSE THE COMPLAINTS OFF OF MANY OF THE PEOPLE IN THE OUTSIDE AREAS TO THE FACT THAT THEY HAVE BEEN CHARGED EXORBITANT RATES OF ELECTRICITY THAT THEY HAVE CONSUMED. MR. SPEAKER, I WOULD HAVE BEEN MUCH HAPPIER IF A REALISTIC AMOUNT OF

FUNDING WOULD HAVE BEEN MADE FOR THIS PURPOSE SO THAT PEOPLE COULD HAVE GOT SOME BENEFITS NOT ONLY THOSE IN THE OUTSIDE AREAS, BUT THE COMMERCIAL AND INDUSTRIAL USERS IN THE CENTRAL AREAS. THAT IS THE GREATER WHITEHORSE AREA, BECAUSE THAT IS WHERE MOST OF THE FUNDS HAVE COME FROM. AND IT MEANS THAT \$1,250,000 IN CONTINUING INTEREST FALLS INTO THE LAP OF THE TERRITORIAL GOVERNMENT TO USE AS IT SEES FIT FOR OTHER PURPOSES AS LONG AS IT MAKES UP IT'S BALANCE AND THE MONEY IS THERE ON PAPER IN THE ACCOUNTING.

MR. SPEAKER, WHAT HAS HAPPENED HERE IS CLEAR. THAT THE TERRITORIAL ADMINISTRATION BEING THE KEEPER OF THE BOOKS AND THE KEEPER OF THE MONIES, HAVE USED IT IN THE MANNER THAT THEY THINK IS BEST FOR THEIR CONVENIENCE, AND NOT FOR THE BENEFIT OF THE PEOPLE TO WHOM THIS FUND WAS IN THE FIRST PLACE TO GO. THE WHOLE PRINCIPLE OF HAVING TAX MONEY PAID BACK TO THE TERRITORY FROM THE INCOME TAXES THAT WERE PAID BY THE ELECTRICAL UTILITY WAS TO ASSURE THAT THE PEOPLE OF THE YUKON, THE USERS, WOULD GET SOME FINANCIAL MONETARY BENEFIT BY HAVING THESE MONIES DISTRIBUTED OVER A PERIOD OF TIME TO THOSE CONSUMERS. AND THERE IS NO ARGUMENT MR. SPEAKER, THAT THERE IS A NEED TO CONSERVE A CERTAIN PORTION OF THOSE FUNDS FOR ANYTHING THAT MIGHT UNTOWARD, THAT MIGHT TAKE PLACE. BUT TO SUGGEST THAT IT IS CORRECT TO MAINTAIN ONE AND A QUARTER MILLION DOLLARS PLUS THE INTEREST ACCRUING TO USE AT SOME DATE WHEN THERE MAY BE SOME TROUBLE AND THEY MAY NOT BE ABLE TO HAVE THE FUNDING COMING IN, THE EXCUSE THAT THE CITY OF WHITEHORSE MAY TAKE OVER THE ELECTRICAL DISTRIBUTION AND THAT THEREFORE THEY WOULD HAVE NO FURTHER INCOME TAX REPAYMENTS COMING BACK. THESE ARE ALL JUST DREAMS IN THE SKY. I THINK THE PEOPLE OF THE CITY OF WHITEHORSE, THEY KNOW FULL WELL THAT THE CITY WOULD NOT TAKE OVER A TYPE OF OPERATION OF SUCH A NATURE BECAUSE THEY WOULDN'T BE ABLE TO OPERATE IT AS EFFICIENTLY AS IT IS BEING OPERATED TODAY.

MR. SPEAKER, I MUST PROTEST MOST STRONGLY BECAUSE IF THERE WAS ANY REASONABLE IDEA THAT THE MONEY ACCRUED IN INTEREST WAS TO BE TURNED OVER, THAT APPROXIMATELY \$113,000 A YEAR IN INTEREST, THEN AT LEAST YOU KNOW THAT ALMOST TWICE THE AMOUNT OF THAT \$60,000 IS BEING DISTRIBUTED. BUT THIS ADMINISTRATION HASN'T DONE THAT, THIS ADMINISTRATION KEEPS THE 1.25 MILLION AND 50% OF THE INTEREST AS WELL, SO THAT THE INTEREST THE FOLLOWING YEAR ACCRUES TO THEM AND BENEFITS THEM.

I JUST ASK, MR. SPEAKER, AND I HOPE THAT WHOEVER SITS ON THIS COUNCIL NEXT YEAR WILL BE LOOKING AT THE THINGS THAT SOME OF US HAVE SAID AROUND THIS TABLE IN RELATION TO THIS PARTICULAR MATTER AND SIMILAR MATTERS AND TAKE NOTE AND DO THEIR BEST TO KEEP THE ADMINISTRATION IN THEIR PLACE, ALTHOUGH IT'S GOING TO BE JUST AS DIFFICULT TO DO NEXT YEAR AS THIS YEAR, BECAUSE WE'RE GOING TO BE ALL IN THE SAME PIECRUST FOR SO MANY YEARS TO COME.

THANK YOU, MR. SPEAKER.

MR. TANNER: MR. SPEAKER, I DON'T NORMALLY SPEAK TO THIRD READING, BUT I CAN'T LET SOME OF THE REMARKS GO THAT THE HONOURABLE MEMBER WHO HAS JUST SPOKEN HAS MADE.

FIRST OF ALL THE \$60,000 IS ONLY EXCESS OF THE \$246,000 WHICH WAS VOTED IN THIS BUDGET FOR THOSE PEOPLE OUTSIDE THE CITY OF WHITEHORSE. SECONDLY, IT IS KEPT IN A SEPARATE FUND. THE INTEREST ACCRUES TO A SEPARATE FUND AND THAT FUND WILL NOT BE DEALT WITH IN ANY OTHER WAY UNTIL THE NEXT APPROPRIATION COMES BEFORE THE NEXT COUNCIL.

THERE WAS AN EXTENSIVE EXAMINATION AND AN EXTENSIVE EXPLANATION GIVEN AS TO WHY MORE MONEY COULDN'T BE APPROPRIATED FOR THIS PURPOSE THIS YEAR.

THAT THE FINANCIAL ADVISORY COMMITTEE, WHO ARE THE THREE MEMBERS OF THIS HOUSE, DISCUSSED THIS SUBJECT EXHAUSTEDLY AND WE CAME TO THE CONCLUSION, I PERSONALLY THINK CORRECTLY, THAT WITHOUT JEOPARDIZING THE FUND FOR THE FUTURE THIS WAS AS FAR AS SHOULD BE GONE IN A CONSERVATIVE AND REASONABLE MANNER NOW. I USE THE WORD CONSERVATIVE WITH SOME HESITATION, MR. SPEAKER, BUT HOWEVER IT HAS TO BE USED.

THE NEXT COUNCIL, IN THEIR WISDOM, CAN CHOOSE AND I HOPE CHOOSE RIGHTLY TO DISPENSE THE FUNDS MORE GREATLY THAN HAVE BEEN DISPENSED THIS TIME. IT WILL BE FOOLHARDY OF THIS COUNCIL TO MAKE THAT DECISION AT THIS TIME. WITH SO MANY UNKNOWNNS AND SO MANY IMPROBABLES AVAILABLE IN THE NEXT FEW MONTHS. MR. SPEAKER, I URGE ALL MEMBERS TO SUPPORT THIS BILL.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THIRD READING BE GIVEN TO BILL NO. 23 INTITULED FOURTH APPROPRIATION ORDINANCE 1974-75. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO THIS BILL?

MRS. WATSON: YES, MR. SPEAKER, I MOVE SECONDED BY COUNSELLOR TANNER THAT BILL NO. 23 INTITULED FOURTH APPROPRIATION ORDINANCE 1974-75 BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THE TITLE FOR BILL NO. 21 - FOURTH APPROPRIATION ORDINANCE 1974-75 BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED AND BILL NO. 23 HAS PASSED THIS HOUSE.

MOTION CARRIED

MR. SPEAKER: MR. COMMISSIONER, THE COUNCIL OF THE YUKON TERRITORY HAS AT ITS PRESENT SITTINGS THEREOF PASSED A NUMBER OF BILLS TO WHICH IN THE NAME OF AND BEHALF OF THE SAID COUNCIL I RESPECTFULLY REQUEST YOUR ASSENT.

MADAM CLERK: BILL NO. 8 - AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. BILL NO. 9 - SECOND APPROPRIATION ORDINANCE 1974-75. BILL NO. 10 - LOTTERIES ORDINANCE. BILL NO. 11 - THIRD APPROPRIATION ORDINANCE 1974-75. BILL NO. 21 - TOBACCO TAX ORDINANCE. BILL NO. 23 - FOURTH APPROPRIATION ORDINANCE 1974-75.

MR. COMMISSIONER: MR. SPEAKER, I AM PLEASED TO GIVE ASSENT, AT THIS TIME, TO THE BILLS AS ENUMERATED BY THE CLERK.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I MOVE THAT MR. SPEAKER DO NOW LEAVE THE CHAIR AND COUNCIL RESOLVE IN COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS, AND MOTIONS.

MR. STUTTER: I SECOND THE MOTION, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT MR. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN COMMITTEE OF THE WHOLE TO DISCUSS PUBLIC BILLS, SESSIONAL PAPERS AND MOTIONS. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

NOTION CARRIED

MR. SPEAKER: THE HONOURABLE MEMBER FOR WATSON LAKE WILL PLEASE TAKE THE CHAIR IN COMMITTEE OF THE WHOLE.

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. WHEN LAST WE SAT IN COMMITTEE WE WERE DEALING WITH BILL NO. 22. IT WAS NOTED THAT THERE WAS A TYPOGRAPHICAL ERROR IN IT. I WILL PROCEED WITH THE READING OF THE CORRECTED PART. THE CHANGE IS IN SECTION 1. SECTION 31 IS REPEALED AND THE FOLLOWING SUBSTITUTED THEREFORE: SECTION 31 (1), "WHERE AN EMPLOYEE EMPLOYED IN OR IN RELATION TO (A) CUSTODIAL WORK (B) ESSENTIAL SERVICES, OR (C) A CONTINUOUS OPERATION, IS REQUIRED TO WORK ON A DAY THAT IS A HOLIDAY UNDER THIS PART HE SHALL, IN ADDITION TO HIS REGULAR RATE OF PAY FOR THE HOURS WORKED BY HIM ON THAT DAY (A) BE PAID NOT LESS THAN TIME AND ONE HALF HIS REGULAR RATE OF PAY, FOR ALL HOURS WORKED BY HIM ON THAT DAY, OR (B) BE GIVEN A HOLIDAY WITH PAY IN ACCORDANCE WITH SECTION 26, AT SOME OTHER TIME WHICH MAY BE ADDED TO HIS ANNUAL VACATION OR GRANTED AS A HOLIDAY WITH PAY AT A TIME CONVENIENT TO HIM."

MR. STUTTER: MR. CHAIRMAN, I HAVE ONE QUESTION FOR MR. LEGAL ADVISOR. I JUST WANT TO MAKE ABSOLUTELY SURE IN MY MIND THAT UNDER SECTION 31 (B) IT IS ENTIRELY THE OPTION, IT IS ENTIRELY UP TO THE WORKER IN THIS PARTICULAR INSTANCE IF HE WANTED TO TAKE THE NEXT DAY OFF THEN

AFTER THE RECOGNIZED HOLIDAY, HE COULD DO SO AND AT PAY?

MR. LEGAL ADVISOR: YES, MR. CHAIRMAN. HE CAN TAKE THE NEXT DAY CONVENIENT TO HIM.

MR. CHAIRMAN: DO YOU WISH I READ THE PREAMBLE TO THE BILL?

MR. CHAMBERLIST: I WISH TO ASK ONE FURTHER QUESTION. IN SUPPOSITION. IF THE DAY FOLLOWING THE HOLIDAY WAS A CONVENIENT DAY FOR THE EMPLOYEE BUT IT WASN'T CONVENIENT FOR THE EMPLOYER AND IF THE EMPLOYEE TOOK THAT DAY NEVERTHELESS AND THE EMPLOYER FIRED HIM FOR TAKING THAT DAY, WHAT PROTECTION HAS THE EMPLOYEE IN THIS PARTICULAR INSTANCE?

MR. LEGAL ADVISOR: THE EMPLOYEE OR THE EMPLOYER?

MR. CHAMBERLIST: THE EMPLOYEE. THE EMPLOYEE WANTS TO TAKE THE DAY OFF FOLLOWING THE HOLIDAY AND THE EMPLOYER SAYS IF YOU TAKE THAT DAY OFF I DON'T WANT YOU AT ALL. WHAT PROTECTION HAS THE EMPLOYEE AGAINST THAT TYPE?

MR. LEGAL ADVISOR: AS IT ALL STANDS, MR. CHAIRMAN, AN EMPLOYER CAN DISMISS AN EMPLOYEE AT ANY TIME WITHOUT REASON. BUT IF HE DOES THIS HE MUST GIVE NOTICE OR MONEY IN LIEU OF NOTICE. AN EMPLOYER CAN DISMISS A PERSON BECAUSE HE DOESN'T LIKE THE COLOR OF HIS HAIR.

MR. CHAMBERLIST: I AM REALLY CONCERNED NOW BECAUSE OF THE FACT THAT ALTHOUGH IT SAYS "CONVENIENT TO THE EMPLOYEE", IF THE EMPLOYEE FINDS IT CONVENIENT TO HIMSELF AND THE EMPLOYER DOESN'T CONSIDER IT CONVENIENT TO HIM THE EMPLOYER CAN FIRE THE MAN. NOTWITHSTANDING THAT THE LEGISLATION IS THERE TO ALLOW THE MAN TO TAKE HIS HOLIDAY AT SOME OTHER TIME.

I AM JUST WONDERING WHAT PROTECTION THE EMPLOYEE WOULD HAVE. UNFORTUNATELY, HE DOESN'T HAVE ANY AGAINST AN UNSCRUPULOUS EMPLOYER WHO WOULD DO THAT.

MR. LEGAL ADVISOR: I AM NOT SURE THERE IS ANY WAY OF PROTECTING THAT SITUATION, MR. CHAIRMAN.

MR. TANNER: MR. CHAIRMAN, IT SEEMS TO ME THAT THIS IS THE LESSER OF TWO EVILS. AS THE LEGAL ADVISOR HAS POINTED OUT AN EMPLOYER CAN DISMISS AN EMPLOYEE WITH, BY EITHER GIVING HIM NOTICE OR BY GIVING HIM MONEY IN LIEU OF NOTICE. IN

THIS PARTICULAR CASE WE ARE TRYING TO SOLVE A PARTICULAR PROBLEM AND IT SEEMS LIKE A REASONABLE SOLUTION TO THE PROBLEM. IT DOESN'T APPEAR TO ME THAT THERE IS ANY WAY YOU COULD POSSIBLY WRITE IN ALL THE OTHER POSSIBILITIES OF IT. FOR EXAMPLE, THE CASE THE HONOURABLE MEMBER FROM WHITEHORSE EAST HAS CITED. I THINK WHAT HAS BEEN SUGGESTED HERE IS THAT IT WILL WORK FOR MOST REASONABLE EMPLOYERS AND EMPLOYEES. OBVIOUSLY THERE IS GOING TO BE THE ODD EXCEPTION WHICH IS GOING TO BE PERHAPS ABUSED AND THAT IS A CHANCE YOU TAKE WHEN YOU TRY TO ACCOMMODATE THE VARIOUS INPUT THAT WE HAD INTO THESE AMENDMENTS.

MR. CHAIRMAN: DO YOU WISH I READ THE PREAMBLE?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN READS THE PREAMBLE TO BILL NO. 22 - A BILL TO AMEND THE LABOUR STANDARDS ORDINANCE.

MR. TANNER: MR. CHAIRMAN, I WOULD MOVE THAT BILL NO. 22 AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE BE REPORTED OUT OF COMMITTEE.

MR. CHAMBERLIST: NO, IT IS AMENDED.

MR. TANNER: MR. CHAIRMAN, I UNDERSTAND THAT THIS ISN'T AN AMENDMENT. IT IS A TYPING ERROR.

MR. CHAMBERLIST: WHAT, TWO PARAGRAPHS?

MR. CHAIRMAN: NO, IT WAS TWO LINES THAT WERE OMITTED IN THE FIRST AND THEY WERE READ INTO THE RECORD THIS MORNING.

IS THERE A SECONDER?

MRS. WATSON: I WILL SECOND THAT.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR TANNER SECONDED BY COUNCILLOR WATSON THAT BILL NO. 22 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. CHAIRMAN: ARE YOU AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. CHAMBERLIST: ALTHOUGH THIS DOESN'T AMEND WHAT WE HAD BEFORE THERE IS AN AMENDMENT. THE ORIGINAL BILL THAT WAS BROUGHT FORWARD, FOR INSTANCE ONLY HAS ...

MR. CHAIRMAN: THE ONLY ADDITION WAS THE EXCLUSION THAT WAS POINTED OUT BY THE LEGAL ADVISOR.

MR. CHAMBERLIST: I BEG YOUR PARDON. THAT IS RIGHT.

MR. CHAIRMAN: THE WORDS "BE REPORTED TO WORK ON A DAY THAT IS A HOLIDAY UNDER THIS PART". NOW MAY I CONTINUE?

THE NEXT ITEM OF BUSINESS FOR TODAY IS THE MATTER OF G. K. FISHER-FLEMING. DO YOU REQUIRE ANY WITNESSES FOR THIS DISCUSSION?

MR. TANNER: MR. CHAIRMAN, I WOULD ASK WHETHER IT IS THE INTENTION OF THE MEMBER WHO HAS PUT THIS IN FRONT OF COMMITTEE WHETHER OR NOT HE IS GOING TO ASK MR. FLEMING TO COME BEFORE COMMITTEE. I WOULD THINK IT WOULD BE IMPORTANT.

MR. CHAMBERLIST: I WILL CARRY MY ARGUMENT TO THIS HOUSE IN THE MANNER I THINK APPROPRIATE. IF MEMBERS WISH TO ASK FOR ANYBODY TO BE HERE THEY CAN DO SO. I INTEND TO GIVE A CLEAR, CONCISE, DESCRIPTION OF A SITUATION AND THEN IT IS UP TO THE MEMBERS WHETHER THEY WANT WITNESSES OR WHETHER THEY WANT TO QUESTION ANYBODY. I WOULD SUGGEST THAT THEY HEAR THE REPRESENTATION THAT IS BEING MADE AND THEN THEY CAN DECIDE.

MR. TANNER: MR. CHAIRMAN, THEN I WOULD SUGGEST THAT WE HEAR THE MEMBERS BRIEF AND THEN WHEN WE ADJOURN AT LUNCH TIME, WE SHOULD GIVE CONSIDERATION THEN, HAVING HEARD HIS INFORMATION, WHETHER OR NOT WE WANT MR. FLEMING HERE AFTER LUNCH. ALSO, I POINT OUT TO COMMITTEE THAT ONE REASON THIS HAS TAKEN SO LONG TO COME BEFORE COUNCIL IS THE FACT THAT I, FOR ONE, THOUGHT WE SHOULD HAVE THE COMMISSIONER HERE, WHO IS VERY CLOSELY INVOLVED IN THIS, TO GIVE INFORMATION TO OTHER MEMBERS OF COMMITTEE.

MR. CHAMBERLIST: THE COMMISSIONER AND MR. FINGLAND AND ALL THE EXECUTIVE COMMITTEE MEMBERS CAN BE HERE IF THEY WISH. WHETHER OR NOT MR. FLEMING SHOULD BE HERE IS A DIFFERENT

MATTER BECAUSE THIS MAY BE A RESULT OF, THE RESULT OF THIS MAY BE FURTHER AREAS OF DISCUSSION IN ANOTHER FORM. I BELIEVE WE HAVE THE RESPONSIBILITY THAT I WILL OUTLINE TO HAVE THIS DEALT WITH HERE FIRST.

Mr. TANNER: Mr. CHAIRMAN, WITHOUT HEARING THE EVIDENCE I WANT TO MAKE MY OWN POINT OF VIEW CLEAR. I DON'T THINK THIS IS A FORM THAT SHOULD BE HEARD, HOWEVER, WE WILL LISTEN TO THE HONOURABLE MEMBERS RECITATION BUT PERHAPS WE COULD HAVE SOME COFFEE BEFORE WE GET GOING.

Mr. CHAIRMAN: THE CHAIR HAS IT THEN THAT THERE IS NO WITNESSES REQUIRED AT THIS TIME. COMMITTEE WILL TAKE A BRIEF RECESS.

RECESS

Mr. CHAIRMAN: I WILL NOW CALL COMMITTEE TO ORDER. INVOLVED IN SESSIONAL PAPERS A SERIES OF QUESTIONS AND ANSWERED IN PART IN SESSIONAL PAPERS AND LEGISLATIVE RETURNS AND BY MOTION INVOLVING G.K. FISHER-FLEMING. YOU MAY PROCEED.

Mr. CHAMBERLIST: Mr. CHAIRMAN, I BELIEVE PEOPLE WHO ARE ELECTED TO OFFICE, HAVE A RESPONSIBILITY TO OBTAIN A DEGREE OF FAIR-PLAY FOR THE PUBLIC SERVICE AND WE MUST AS INDIVIDUALS AND COLLECTIVELY RECOGNIZE OUR RESPONSIBILITY IN THIS REQUIREMENT. THE SOMETIMES NECESSITY OF BRINGING BEFORE THIS HOUSE THE NEED FOR RE-EXAMINATION OF THE ADMINISTRATION WILL BE SHOWN IN THE STORY THAT I'M ABOUT TO UNFOLD. AND I'M ABOUT TO RELATE A TRUE STORY OF ADMINISTRATIVE ABUSE. A STORY OF CALLOUS INDIFFERENCE. A STORY OF AUTOCRATIC EXTREMISM. A STORY OF BUREAUCRATIC OPPORTUNISM. IT'S A SAD STORY OF THE NEAR DESTRUCTION OF A SENIOR CIVIL SERVANT WHO HAS SERVED HIS COUNTRY IN THE ARMED FORCES, THE COMMUNITIES THAT HE HAS LIVED IN AND THE YUKON TERRITORY AS A CONCERNED CANADIAN AND A LOYAL PUBLIC SERVANT. A STORY OF A MAN WHO BECAME ILL WHILE IN THE SERVICE OF THE YUKON TERRITORIAL GOVERNMENT AND HAS BEEN PENALIZED FOR THIS UNFORTUNATE HAPPENING.

I WILL OUTLINE THIS STORY TO SHOW THAT A MAN, BECAUSE OF SICKNESS, HAS BEEN DEALT WITH BY THE COMMISSIONER AND THE ADMINISTRATOR IN THE MOST DASTARDLY MANNER POSSIBLE. IN THE SERVICE OF ONE'S COUNTRY, WHEN ONE RECEIVES A WOUND, HE IS NOT DOWNGRADED AND REDUCED TO THE RANKS. YET IT WILL CLEARLY BE SHOWN THAT THIS HAS BEEN THE ULTIMATE THAT COMMISSIONER SMITH HAS ATTEMPTED TO DO TO Mr. KEITH FLEMING,

ASSISTANT COMMISSIONER.

Mr. CHAIRMAN, I WOULD LIKE TO GIVE SOME BACKGROUND OF Mr. FLEMING. Mr. FLEMING WAS BORN IN EDMONTON, ALBERTA, A CANADIAN CITIZEN. HIS FATHER WAS KILLED IN ACTION FIGHTING FOR HIS COUNTRY IN WORLD WAR I IN THE CANADIAN FIRST DIVISION. HE RECEIVED HIS EDUCATION PARTLY IN THE UNITED KINGDOM. HE WAS AT LIVERPOOL UNIVERSITY WHERE HE RECEIVED COURSES IN POLITICAL SCIENCE AND ECONOMICS AND IN GERMAN LANGUAGE. HE WAS AT THE UNIVERSITY OF BRITISH COLUMBIA AND RECEIVED A JUNIOR DIPLOMA COURSE IN MUNICIPAL ADMINISTRATION, ACCOUNTING ADMINISTRATION, FINANCE AND LAW. AND LATER ON AT THE UNIVERSITY OF BRITISH COLUMBIA, HE RECEIVED HIS SENIOR DIPLOMA COURSE IN MUNICIPAL ADMINISTRATION, ECONOMICS AND LAW.

IN 1965 HE RECEIVED HIS SENIOR CERTIFICATE IN MUNICIPAL ADMINISTRATION AND THERE ARE ABOUT SEVEN PEOPLE IN BRITISH COLUMBIA TODAY TO HOLD THAT PARTICULAR CERTIFICATE. IN 1969 HE WAS ADMITTED AS FELLOW OF THE CHARTERED INSTITUTE FOR SECRETARIES AND HE RECEIVED HIS CERTIFICATE FROM THE ADVANCED SCHOOL OF ADVANCED MANAGEMENT. HE SERVED IN THE ARMY IN THE SEVENTH ARMoured DIVISION IN THE MIDDLE EAST WESTERN DESERT, SYRIA AND LIBIA. HE WAS WOUNDED IN ACTION FOUR TIMES.

HE HAS BEEN A SELF EMPLOYED BUSINESSMAN. HE IS RETIRED FROM THE ARMY, THE RANK OF MAJOR. HE OWNED BUSINESSES AND OPERATED BUSINESSES IN DAWSON CREEK. HE WAS THE CITY CLERK AT DAWSON CREEK FOR SIX YEARS AND FOLLOWING A CANADIAN WIDE YUKON TERRITORIAL GOVERNMENT PUBLIC SERVICE COMPETITION, HE WAS APPOINTED TO BE ADMINISTRATIVE ASSISTANT TO THE THEN COMMISSIONER OF THE YUKON TERRITORY, GORDON CAMERON.

INCIDENTALLY, IN THIS CAPACITY, HE WAS SUCCESSFUL IN GETTING THIS APPOINTMENT OVER THE PRESENT COMMISSIONER JAMES SMITH WHO ALSO APPLIED FOR THAT POSITION, BUT FAILED TO GET THAT POSITION.

FROM 1967 HE'S BEEN ASSISTANT COMMISSIONER AND CARRIED OUT HIS VARIOUS DUTIES UNDER THAT CATEGORY AND EARLY IN JANUARY OF 1973 HE BECAME SICK.

THE CONTENTS OF THE DOCUMENT THAT COPIES HAVE BEEN GIVEN TO ALL MEMBERS OF COUNCIL, GIVE DETAILS OF EVENTS THAT HAVE OCCURRED SINCE Mr. FLEMING BECAME SICK IN 1973 RELATING TO HIS ILLNESS, HIS SICK LEAVE, THE MEDICAL RECOVERY AND THE CONTINUING ENDEAVOURS TO OBTAIN A



POSITION COMMENSURATE WITH HIS PERMANENT POSITION OF ASSISTANT COMMISSIONER. THE DOCUMENTS THEMSELVES SHOW QUITE CLEARLY THAT THERE HAVE BEEN STATEMENTS, PROMISES, REPUDIATIONS AND HAVE SHOWN DELAYS WHICH DELIBERATELY, I WOULD SUGGEST IN VIEW OF THE RECORD, SHOW THAT IT WAS THE INTENTION OF THE COMMISSIONER TO RUN HIM OUT OF TIME AS A PUBLIC SERVANT. AND THOSE ARE THE AREAS COVERED BY THE POLICY MANUAL OF THE GOVERNMENT OF THE YUKON TERRITORY BY THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AND THE PUBLIC SERVICE ORDINANCE.

THE CORRESPONDENCE WILL SHOW THAT MR. FLEMING WAS READY TO RETURN TO WORK IN HIS PERMANENT POSITION, RETURN TO HIS DUTIES IN ANY OTHER POSITION THAT WAS COMMENSURATE WITH THE SENIOR POSITION THAT HE HELD. AS A RESULT OF MUCH OF THE CORRESPONDENCE AND AS A RESULT OF THE SUGGESTIONS THAT WERE MADE BY THE DIRECTOR OF PERSONNEL THROUGH THE COMMISSIONER, HE APPLIED FOR LONG-TERM DISABILITY, CANADIAN PENSION PLAN AND IMMEDIATE DISABILITY ANNUITY. ALL THESE THINGS HE WAS CUDGELLED INTO BECAUSE HE WAS TOLD THAT THIS WAS THE NORMAL PROCEDURE WHEN A PERSON WAS SICK AND THIS WAS THE WAY TO GO ABOUT IT.

THE VARIOUS DEVICES THAT WE USED TO GET MR. FLEMING TO RESIGN HIMSELF FROM THE PUBLIC SERVICE WAS RESISTED BY HIM. CORRESPONDENCE WILL SHOW THAT TIME AND TIME AGAIN HE RESISTED ALL ATTEMPTS TO FORCE HIS RESIGNATION AND IT WAS ONLY BECAUSE OF THE GUTS OF THE MAN IN STANDING FAST AGAINST WHAT WILL BE SHOWN TO BE THE ALMOST AUTOCRATIC HUNDRED PERCENT ATTITUDE OF THE COMMISSIONER THAT THE POSITION NOW COMES BEFORE THIS HOUSE.

WHEN MR. FLEMING COMPLIED WITH THE REQUIREMENTS OF MAKING VARIOUS APPLICATIONS FOR LONG-TERM DISABILITY, ETC., HE ACTED IN GOOD FAITH ON THE INFORMATION GIVEN TO HIM BY THE DIRECTOR OF PERSONNEL. THE CONTINUED ATTEMPTS TO TERMINATE HIS SERVICES INFACE OF THE DEFINED POLICIES THAT HAVE BEEN ISSUED BY THE COMMISSIONER AND AS I WILL SHOW LATER ON, MR. CHAIRMAN, MANY OF THOSE POLICIES HAVE BEEN CHANGED TO MAKE IT APPEAR THAT WHAT TOOK PLACE, TOOK PLACE PRIOR TO SPECIFIC DATES. THE POLICIES RELATING TO PERSONNEL HAVE BEEN CHANGED. THE SHEETS HAVE BEEN CHANGED. I WILL REFER TO THE OLD SHEETS AND THE NEW SHEETS AND ONE WILL SEE WHAT HAS HAPPENED THERE.

THE FUTURE OF A SENIOR PUBLIC SERVANT HAS BEEN JEOPARDIZED TO SUCH AN EXTENT THAT AT THE AGE OF 58, IT WOULD BE WELL NIGH IMPOSSIBLE FOR A MAN TO FIT HIMSELF BACK AGAIN INTO A POSITION OF THAT SENIORITY THAT HE HELD HERE, AT THAT SALARY BRACKET AND THAT POSITION OF RESPONSIBILITY TO WHICH HE HAD BEEN ACCUSTOMED TO HAVING.

HE WAS FORCED, - -

MR. TAYLOR: I JUST WONDER THAT AT THIS TIME I COULD PASS THE CHAIR TO COUNCILLOR STUTTER.

COUNCILLOR STUTTER WOULD YOU TAKE THE CHAIR? I'M WONDERING IF I COULD BE EXCUSED AT THIS POINT IN COMMITTEE?

SOME MEMBERS: AGREED.

MR. TAYLOR: THANK YOU, MR. CHAIRMAN.

MR. CHAMBERLIST: HE WAS FORCED BY PROMISES BY DELAYS, BY FRUSTRATING HIM IN HIS ATTEMPTS TO GO BACK TO HIS WORK WITHIN TWO MONTHS AFTER HE HAD BECOME SICK. TO USE UP ALL HIS ACCUMULATED SICK-LEAVE. TO USE UP ALL HIS HOLIDAY LEAVE.

IT WILL BE SHOWN AS HAS HAPPENED SO OFTEN WITH THIS ADMINISTRATION THAT NATURAL JUSTICE IS DENIED PEOPLE WHO WORK IN THE PUBLIC SERVICE OF THIS TERRITORY.

MR. FLEMING HAS TIME AND TIME AGAIN ASKED THAT EQUITY BE RESTORED TO HIM IN THE MANNER THAT WOULD NORMALLY BE AVAILABLE TO ANY PUBLIC SERVANT.

MR. FLEMING TO USE HIS OWN WORDS IN THE INTRODUCTION TO HIS FILE HAS SAID THIS: "IN BRINGING ATTENTION TO THIS MATTER IT IS HOPED THAT THE CALLOUSNESS SHOWN TO ME WILL NOT BE CONDONED WHEN I HAVE SHOWN LOYALTY AND HONESTY TO MY SUPERIORS, AND HAVE BEEN CONSCIENTIOUS IN CARRYING OUT MY DUTIES AND FUNCTIONS."

MR. CHAIRMAN, THERE HAS NEVER BEEN ANY SUGGESTION THAT MR. FLEMING HAS ACTED OTHERWISE. I HAVE BEEN A MEMBER OF THE EXECUTIVE COMMITTEE WITH MR. FLEMING AND I FOUGHT WITH HIM ON EXECUTIVE COMMITTEE MATTERS, AND FOUGHT VERY STRONGLY. BUT I'M PLEASED TO SAY THAT WE WERE ALWAYS FRIENDLY ENEMIES WHEN IT CAME TO MATTERS OF EXECUTIVE NATURE.

MR. CHAIRMAN, AFTER MUCH CORRESPONDENCE AND AFTER EXAMINING THE CORRESPONDENCE FROM THE GOVERNMENT OF THE YUKON TERRITORY, FROM THE COMMISSIONER, FROM THE DIRECTOR OF PERSONNEL AND SOME RECENT CORRESPONDENCE, VERY RECENT CORRESPONDENCE THAT HAS BEEN SENT BY MR. FINGLAND TO MR. FLEMING, AND A LETTER FROM THE MINISTER TO MR. FLEMING, A COPY OF WHICH WAS FORWARDED TO THE COMMISSIONER, I HAVE COME TO BUT ONE CONCLUSION, THAT IS THAT THE COMMISSIONER HAS DELIBERATELY ABUSED THE FUNCTION OF HIS OFFICE. I HAVE COMPLAINED ABOUT THIS BEFORE. HERE WE HAVE IN CHRONOLOGICAL ORDER CORRESPONDENCE SHOWING QUITE CLEARLY THAT THIS IN FACT IS THE CASE. SO CONCERNED WAS I EARLY IN APRIL OF WHAT WAS TAKING PLACE THAT I PRESENTED A SERIES OF QUESTIONS TO THE COMMISSIONER IN THIS HOUSE AND ASKED THAT THESE QUESTIONS BE ANSWERED. I PUT THEM IN WRITING BECAUSE, MR. CHAIRMAN, THE COMMISSIONER HAD OBJECTED TO ME GIVING HIM QUESTIONS ORALLY IN THIS HOUSE THAT WERE IN THE NATURE OF A SERIES OF QUESTIONS BUT HE WAS HAVING DIFFICULTY IN ANSWERING THEM, I COMPLIED WITH HIS REQUEST AND PUT THEM IN WRITING.

ALL MEMBERS OF COUNCIL HAVE WATCHED I'M SURE WITH SOME CONCERN THE Demeanor IN WHICH BOTH THE ADMINISTRATOR AND THE COMMISSIONER HAVE DEALT WITH THE SUBSEQUENT QUESTIONS THAT HAVE BEEN ASKED THEM IN RELATION TO THIS SERIES OF NINETEEN WRITTEN QUESTIONS. YOU WILL RECALL, MR. CHAIRMAN, THAT THE COMMISSIONER AT FIRST SAID THAT WHEN HE GETS THE QUESTIONS HE WILL ANSWER THEM, AND THEN LEFT THIS COUNCIL AT A MOST IMPORTANT TIME INOPPORTUNE FOR THIS COUNCIL BUT CERTAINLY OPPORTUNE FOR HIM SO THAT HE WOULDN'T HAVE TO FACE THE WRATH OF MEMBERS OF THIS COUNCIL IN VARIOUS MATTERS OF GOVERNMENT BUSINESS WHERE THE ADMINISTRATION HAD FAILED TO LIVE UP TO ITS REQUIREMENTS FOR THE PEOPLE OF THE YUKON, AND CERTAINLY DID NOT WISH TO FACE THE QUESTIONS THAT HAD BEEN PUT TO HIM IN WRITING.

MR. CHAIRMAN, MEMBERS WILL ALSO RECALL THE MANNER IN WHICH THE ADMINISTRATOR REFUSED POINT BLANK TO ANSWER ANY OF THESE QUESTIONS, AND MADE IT AS AN EXCUSE THAT THIS WAS A MATTER OF A PERSONAL NATURE AND SHOULDN'T BE DISCUSSED IN THIS HOUSE. WELL THEY ARE GOING TO BE DISCUSSED IN THIS HOUSE NOW. I AM PLEASED THAT ALL MEMBERS OF COUNCIL HAVE RECOGNIZED THAT IT SHOULD BE ALLOWED THIS WHOLE FILE TO GO INTO COMMITTEE OF THE WHOLE FOR DISCUSSION.

WHAT CAN PEOPLE THINK, MR. CHAIRMAN, OF THE ADMINISTRATOR WHO STANDS UP AND SAYS "THE ADMINISTRATION HAS NO INTENTION OF ANSWERING THOSE QUESTIONS." WHAT WOULD HAPPEN IF THAT ADMINISTRATOR HAPPENED TO BE AN ELECTED PERSON. WASN'T THAT SOMEWHAT ARROGANT THAT A PERSON APPOINTED FROM OTTAWA COMES HERE AND ACTUALLY NOT ONLY DIRECTS THE AFFAIRS OF THIS COUNCIL, BUT DIRECTS THE AFFAIRS OF THE PEOPLE OF THE YUKON AND FRUSTRATES THIS COUNCIL AND THE PEOPLE BY REFUSING TO ANSWER QUESTIONS THAT IS OF PUBLIC INTEREST NOT ONLY TO THE GENERAL PUBLIC BUT TO THE PUBLIC SERVICE OVER WHICH WE HAVE CONTROL BY WAY OF VOTING MONIES TO MEET THE EXPENSES INCURRED IN HAVING THAT PUBLIC SERVICE.

AND WHAT OF THE SUBSEQUENT ANSWER GIVEN BY MR. COMMISSIONER, MR. CHAIRMAN, WHEN HE RETURNED AFTER BEING AWAY FOR SO MANY WEEKS AND THEN SAYS "AS FAR AS I'M CONCERNED YOU ARE NOT GOING TO GET THE ANSWERS AND THAT'S IT." OBVIOUSLY HE DOESN'T CARE FOR THE MEMBERS OF THIS COUNCIL. HE CERTAINLY MIGHT CARE FOR ONE OR TWO BUT HE DOESN'T CARE FOR THE PRINCIPLE OF AN ELECTED BODY SUCH AS THIS TERRITORIAL COUNCIL. AS A RESULT WE ARE FACED NOW WITH THE COUNCIL HAVING TO FIND OUT HERE WHAT ARE THE ANSWERS TO THESE NINETEEN QUESTIONS THAT HAVE BEEN PUT. THE ANSWERS CAN EASILY BE FOUND IN THE FILE, IN THE CORRESPONDENCE, IN DETAIL.

I FIRST, MR. CHAIRMAN, DEAL WITH THE EXHIBIT ONE OF MR. FLEMING'S FILE WHICH IN ACTUAL EFFECT IS A SUMMARY OF WHAT HAS TAKEN PLACE FROM JANUARY 23RD WHEN MR. FLEMING BECAME SICK UNTIL MID-MARCH OF THIS YEAR. THERE IS OTHER CORRESPONDENCE SINCE THAT DATE. ON JANUARY 25TH MR. FLEMING WAS ADMITTED TO THE WHITEHORSE GENERAL HOSPITAL, AND AS A RESULT OF TREATMENT THAT WAS SOMEWHAT SUCCESSFUL ON MARCH 2ND A MEMO WAS SENT TO THE COMMISSIONER. THAT IS EXHIBIT 2. THE MEMO WAS SENT BY MR. FLEMING'S SECRETARY WHICH WAS AN INTER-OFFICE MEMO ADDRESSED TO COMMISSIONER SMITH FROM MRS. SPARKS, SECRETARY TO THE ASSISTANT-COMMISSIONER ADMINISTRATIVE, AND READS AS FOLLOWS:

"MR. FLEMING TELEPHONED TO SAY THAT THE DOCTOR HAS SANCTIONED HIS RETURN TO WORK ON MONDAY, MARCH 5TH. APPARENTLY HE CAN COME BACK TO WORK ON A FULL-TIME BASIS PROVIDED HE TAKES CARE AND GETS MEDICAL ATTENTION AT THE FIRST WARNING OF ANY PAIN."

IT'S OBVIOUS THEN THAT MR. FLEMING WAS READY TO RETURN TO HIS DUTIES WITHIN SIX WEEKS OF CONTRACTING HIS AILMENT OF JANUARY 25TH. ON MARCH 3RD A MESSAGE WAS SENT TO MR. FLEMING BY THE COMMISSIONER THAT HE WOULDN'T BE PERMITTED TO RETURN TO WORK AS ASSISTANT-COMMISSIONER UNTIL HE HAD RECEIVED AN UNRESTRICTED MEDICAL CLEARANCE. ON APRIL 9TH THAT MEDICAL CLEARANCE WAS FORWARDED BY DR. MARTIN TO THE COMMISSIONER AND THEN CLEARED WITH DR. NORELL, RATHER IT WAS CLEARED WITH THE MEDICAL OFFICER OF HEALTH. BETWEEN MARCH 3RD AND MARCH 20TH, THE COMMISSIONER MET WITH MR. FLEMING AT HIS HOME. THEY HAD GENERAL DISCUSSIONS ABOUT THE TWO AND VARIOUS POSITIONS THAT MR. FLEMING MIGHT TAKE COMMENSURATE AND ALTERNATIVE TO THE POSITION OF ADMINISTRATIVE COMMISSIONER IF HE WASN'T ABLE TO FULFILL THE FULL FUNCTION OF ADMINISTRATIVE COMMISSIONER. THESE INCLUDED A SECRETARY OF THE INTERDEPARTMENTAL COMMITTEE, SECRETARY OF THE INDIAN LAND CLAIMS COMMITTEE, THE MANAGER OF YUKON HOUSE, AND SPECIAL ASSISTANT TO THE COMMISSIONER TO INTER-GOVERNMENTAL AFFAIRS. INCLUDED IN THAT DISCUSSION WAS THE EARLY RESUMPTION OF DUTIES TO THE PERMANENT POSITION OF ASSISTANT-COMMISSIONER ADMINISTRATIVE.

THE COMMISSIONER ASKED HIM TO PREPARE A REPORT WITH THE PROPOSED DUTIES, AUTHORITY CLASSIFICATION AND PAY OF THE SPECIAL ASSISTANT COMMISSIONER POSITION. THIS POSITION WAS SUPPOSED TO BE ONE THAT WOULD BE COMMENSURATE WITH THE POSITION HELD AS ASSISTANT COMMISSIONER.

SO WE COME TO A POSITION UP TO THE END OF MARCH IN 1973. BECAUSE OF THE MEDICAL DIAGNOSIS AND BECAUSE IT MIGHT BE A FEW MONTHS BEFORE MR. FLEMING COULD OBTAIN COMPLETE MEDICAL CLEARANCE, THE PERSONNEL DIRECTOR ADVISED HIM TO OBTAIN LONG-TERM DISABILITY JUST IN CASE IT WAS NEEDED. HE ADVISED MR. FLEMING THAT IT WAS A ROUTINE INSTRUCTION GIVEN TO ALL TERRITORIAL GOVERNMENT EMPLOYEES WHO MIGHT USE UP THEIR ACCUMULATED SICK-LEAVE BEFORE RETURNING TO WORK. ACTING UPON THAT ADVICE MR. FLEMING MADE THE NECESSARY APPLICATIONS.

IN JUNE AS A RESULT OF THE LONG-TERM DISABILITY REQUIREMENTS A REPRESENTATIVE OF THE REHABILITATION SERVICES ARRIVED IN THE MIDDLE OF JUNE TO MEET WITH THE COMMISSIONER, AND ALTHOUGH SHE HAD COME ALL THE WAY FROM OUTSIDE TO MEET WITH THE COMMISSIONER THE COMMISSIONER WOULDN'T

MEET HER. HE PASSED THE BUCK AS HE IS SO WANT TO DO TO MR. FINGLAND AND MR. MCPHAIL, DIRECTOR OF PERSONNEL. THE WOMAN WHO WAS A REPRESENTATIVE OF THE REHABILITATION SERVICES ADVISED MR. FLEMING THAT EVERY EFFORT WAS BEING MADE TO GET HIM BACK TO WORK AS QUICKLY AS POSSIBLE. DURING APRIL AND JUNE MR. FLEMING MET WITH THE COMMISSIONER TWICE AND HAD A NUMBER OF TELEPHONE CONVERSATIONS WITH HIM. THE COMMISSIONER WAS TOLD HE WAS PREPARED TO RESUME HIS DUTIES REGARDLESS OF MEDICAL RESTRICTIONS, AND EVEN THOUGH THE MEDICAL ADVICE WAS CAUTIOUS IT WAS NOT PREVENTATIVE OF RESUMING HIS WORK. AS LONG AS THERE WERE ANY ADVERSE SYMPTOMS PROPER ATTENTION COULD BE TAKEN FURTHER.

IN THAT FINAL DISCUSSION MR. COMMISSIONER INDICATED THAT HE DIDN'T WANT MR. FLEMING TO ENDANGER HIS HEALTH. OF COURSE, THIS IS COMING TO THE END OF JUNE AS NEARLY SIX MONTHS HAS GONE BY. BUT HE DID HAVE AN EXCELLENT COMMENSURATE POSITION IN MIND AND THAT A DECISION WAS IMMINENT. THAT POSITION, I'M INFORMED BY MR. FLEMING, WAS THAT OF SPECIAL ASSISTANT COMMISSIONER WHO WOULD HAVE VARIOUS RESPONSIBILITIES OF CO-ORDINATION BETWEEN OTTAWA AND THE YUKON BETWEEN YUKON HOUSE AND TOURIST'S DEPARTMENT HEAD OFFICE HERE.

ON JUNE 22ND, THIS IS A MATTER OF DAYS AFTER THESE DISCUSSIONS WERE HELD AND I WILL BE REVIEWING THIS CORRESPONDENCE LATER, A LETTER WAS RECEIVED FROM THE COMMISSIONER BY MR. FLEMING ADVISING HIM THAT HE WAS REMOVING HIM FROM HIS POSITION OF ASSISTANT COMMISSIONER EFFECTIVE JULY 2ND, AND THAT HE WAS HOPING THAT HE COULD RETURN AT AN EARLY DATE IN ANOTHER CAPACITY. HE ALSO STATED IN HIS LETTER THAT HE HAD SEVERAL POSSIBLE ALTERNATIVES IN MIND.

ONE MUST STOP AND THINK OF WHAT FEELINGS ONE WOULD HAVE IF THE COMMISSIONER OF THE YUKON TERRITORY ADVISES A PERSON THAT HE IS GOING TO REMOVE HIM FROM HIS POSITION WHEN THE POLICY AS TO HOW THIS COULD BE DONE IS CLEARLY LAID DOWN IN THE POLICY MANUAL THAT THE PROCEDURES THAT ARE OPEN UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AS TO WHAT CAN BE DONE WITH PEOPLE IN MANAGEMENT POSITION. ONE MUST WONDER WHERE THIS AUTOCRATIC METHOD THAT HAS BEEN ADOPTED BY THE COMMISSIONER COULD BE ALLOWED TO CONTINUE. ONE MUST WONDER HOW MANY PEOPLE WERE ALSO DEALT WITH IN THIS PARTICULAR WAY.

I WONDER, MR. CHAIRMAN, IF WE COULD RECESS AT THIS TIME.

MR. CHAIRMAN: COMMITTEE AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: WE NOW STAND COMMITTEE IN RECESS UNTIL 2:00 P.M.

RECESS

MR. CHAIRMAN: I WILL NOW CALL COMMITTEE BACK TO ORDER AND WE ARE PRESENTLY DEALING WITH THE FISHER-FLEMING FILE. COUNCILLOR CHAMBERLIST.

MR. CHAMBERLIST: THANK YOU, MR. CHAIRMAN. MR. CHAIRMAN, AT RECESS THIS MORNING I WAS REFERRING TO THE PERIOD OF TIME OF A LETTER THAT WAS RECEIVED FROM THE COMMISSIONER ON MR. FLEMING WHICH IS EXHIBIT 6. GENTLEMEN, THERE ARE A COUPLE OF SECTIONS THAT I WOULD LIKE TO READ INTO THE RECORD. SECOND PARAGRAPH STARTS AS FOLLOWS: "WITH RESPECT TO YOUR POSITION AS ASSISTANT COMMISSIONER (ADMINISTRATIVE), I MUST STATE HONESTLY THAT I CANNOT CONTINUE TO APPOINT SENIOR DEPARTMENT HEADS ON AN ACTING BASIS. IN REVIEWING YOUR SITUATION AND IN VIEW OF THE PRESSING NEED TO FILL THE POSITION ON A PERMANENT FULL TIME BASIS, I THINK IT BEST TO REMOVE YOU FROM YOUR PRESENT ASSIGNMENT OF WORK AND DECLARE THE POSITION AS VACANT EFFECTIVE JULY 2, 1973."

MY FIRST COMMENT, MR. CHAIRMAN, ON THAT PARTICULAR PARAGRAPH IS THE POLICY THAT IS INCORPORATED IN THE POLICY MANUAL, IN ANY EVENT, SHOWS QUITE CLEARLY THAT THERE IS A NEED FOR A PERIOD OF SIX MONTHS TO ELAPSE PRIOR TO A POSITION BEING DECLARED VACANT. THIS WAS COMPLETELY DISREGARDED. FURTHER, THAT THE POSITION BEING DECLARED VACANT, WHEN IN FACT, ON THREE OCCASIONS IT WAS INDICATED BY MR. FISHER-FLEMING THAT HE WAS READY TO RETURN TO WORK, SHOWS AGAIN THE MANNER IN WHICH THIS CORRESPONDENCE WAS PUT FORWARD AND I WOULD SUGGEST TO DO ONE THING AND ONE THING ONLY TO ATTEMPT TO PUT ON THE RECORD THAT MR. FLEMING WAS NO LONGER CAPABLE OF FULFILLING THAT POSITION.

AS WE READ ON IN THAT PARTICULAR LETTER OF JUNE 22ND BY THE COMMISSIONER THE NEXT PARAGRAPH SAYS THIS. "ALTHOUGH THE POLICY INDICATES THAT YOU HAVE SIX MONTHS IN WHICH TO RETURN TO WORK FROM THE DATE OF THE EXPIRY OF YOUR SICK LEAVE." NOW, WHAT A CONTRADICTION. FIRST HE SAYS, "I AM GOING TO TERMINATE YOUR POSITION

AND DECLARE IT VACANT" AND FOLLOWS IT IMMEDIATELY BY SAYING THAT THE POLICY INDICATES THAT THERE IS SIX MONTHS. THAT PERIOD WAS LESS AND IN FURTHER EVENT THAT YOU HAVE A PUBLIC SERVANT WHO STILL HAS A FURTHER SIX MONTHS WITHOUT PAY AND SICK LEAVE WHICH WAS GRANTED.

THE COMMISSIONER WENT ON TO SAY, "I AM HOPEFUL THAT YOU WILL BE ABLE TO RETURN AT AN EARLY DATE IN ANOTHER CAPACITY. I HAVE SEVERAL POSSIBLE ALTERNATIVES IN MIND AND I WILL BE PREPARED TO DISCUSS THEM WITH YOU IN THE NEAR FUTURE." OBVIOUSLY THE ALTERNATIVE IN MIND MUST BE THAT OF COMMENSURATE WITH THE POSITION THAT HE WAS HOLDING. HE SAYS FURTHER, "WHILE YOU ARE IN RECEIPT OF DISABILITY PAYMENTS, I WILL CONSIDER THAT YOU ARE ON SICK LEAVE WITHOUT PAY FROM THE YUKON TERRITORIAL GOVERNMENT."

IT IS INTERESTING TO NOTE THAT ALTHOUGH THIS HAS BEEN SAID, MR. FLEMING IS STILL ON DISABILITY PAYMENTS BECAUSE THIS DISABILITY PAYMENT HAS BEEN GRANTED AND NOT BEING WITHDRAWN. SO THEREFORE, BASED ON THAT PARTICULAR SENTENCE, IT WOULD APPEAR FROM WHAT THE COMMISSIONER HAS WRITTEN, THAT HE WILL CONSIDER THAT HE IS ON SICK LEAVE WITHOUT PAY FROM THE YUKON TERRITORIAL GOVERNMENT. IT'S OBVIOUS, THE CONTRADICTION THERE. SO HERE IS THE COMMISSIONER SAYING IN JUNE 22ND OF 1973.

ALL THE TIME THAT YOU ARE ON DISABILITY PAY YOU ARE CONSIDERED A MEMBER OF THE TERRITORIAL GOVERNMENT. LATER ON WE WILL COME TO THE AREAS WHERE HE SAYS "YOU ARE NOT A MEMBER OF THE TERRITORIAL GOVERNMENT".

HE WENT ON TO SAY IN THAT LETTER, THE BOTTOM PARAGRAPH OF THE FIRST PAGE, HE SAID, "I WILL BE ADVERTISING THE POSITION OF ASSISTANT COMMISSIONER ADMINISTRATIVE INTERNALLY AND IT IS MY INTENTION TO INDICATE THAT YOU WILL NOT BE RETURNING AS THE ASSISTANT COMMISSIONER DUE FOR MEDICAL REASONS. IT IS MY HOPE THAT YOU WILL BE ABLE TO RETURN IN THE VERY NEAR FUTURE TO ASSUME OTHER RESPONSIBILITIES, HEALTH PERMITTING." HERE IS THE COMMISSIONER MAKING THE MEDICAL DECISIONS WHEN THE MEDICAL DECISIONS WERE ALREADY MADE.

CAN IT BE BELIEVED THEN THAT IT REALLY WAS THE COMMISSIONER ACTING IN A RESPONSIBLE MANNER OR WAS HE MAKING SURE THAT THE VICTIM THAT HE HAS ALREADY CHOSEN WAS GOING TO BE THE ONE THAT WAS GOING TO BE OBLITERATED FROM THE GOVERNMENT SERVICE?

Mr. FLEMING PRIOR TO THAT HAD RECEIVED A LETTER DATED JUNE 18TH, JUST A FEW DAYS PRIOR TO THE ONE I HAVE JUST READ. AT THE BOTTOM OF PAGE 3 OF THAT LETTER IT SAYS THIS, "THE EMPLOYER HAS INDICATED IN A POLICY FORMAT THAT IF THERE IS A REASONABLE POSSIBILITY THAT AN EMPLOYEE MAY RETURN WITHIN SIX MONTHS OF RECEIVING LONG TERM DISABILITY BENEFITS, THE EMPLOYER WILL ASSUME THAT THE EMPLOYEE IS ON LEAVE WITHOUT PAY FROM HIS POSITION WITH THE YUKON TERRITORIAL GOVERNMENT. SHOULD THE EMPLOYEE NOT RETURN FOR A PERIOD IN EXCESS OF SIX MONTHS FROM THE DATE HE RECEIVED LONG TERM DISABILITY PAY, THE EMPLOYERS OBLIGATION TO FIND THE EMPLOYEE EMPLOYMENT WITHIN THE PUBLIC SERVICE WILL CEASE."

WHAT A CONTRADICTION WITHIN FOUR DAYS. THE DIRECTOR OF PERSONNEL WRITES IN ONE MANNER, THE COMMISSIONER FOUR DAYS LATER WRITES THAT HE WILL BE CONSIDERED IN THE PUBLIC SERVICE. THEN A POSITION COMES ALONG AT A LATER DATE, THAT I WILL RECOUNT, WHERE THEY DENIED EVEN SAYING WHAT THEY HAVE PUT DOWN IN THE RECORD AS FAR AS THIS MAN IS CONCERNED.

Mr. FLEMING TELEPHONED THE COMMISSIONER REGARDING THE LETTER OF THE 22ND OF JUNE. THE COMMISSIONER ASSURES HIM THAT IT WAS MERELY A MOVE TO CLEAR THE DECKS PRIOR TO FINDING A NEW APPOINTMENT TO A NEW POSITION. THIS NEW POSITION, AS HAS ALREADY BEEN INDICATED, WAS AN ALTERNATIVE TO HIS EXISTING POSITION.

NOT A DIFFERENT POSITION AT A DIFFERENT STAGE OR A DIFFERENT BRACKET, BUT AN ALTERNATIVE.

Mr. FLEMING INDICATED THAT THE COMMISSIONER SHOULD TAKE NO ACTION WHICH WOULD DEPRIVE HIM OF HIS PERMANENT POSITION AS ASSISTANT COMMISSIONER BEFORE HE WAS GIVEN A FULLY COMMENCED REPOSITION OF EQUAL CLASS AND PAY. THE REPLY OF THE COMMISSIONER, HE WANTED Mr. FLEMING TO TRUST HIM IN HIS JUDGEMENT.

THE COMMISSIONER ASKED Mr. FLEMING TO MEET WITH Mr. FINGLAND TO DISCUSS THE POSITION OF SPECIAL ASSISTANT COMMISSIONER IN CONTROL OF INTER-GOVERNMENTAL RELATIONSHIPS. Mr. FINGLAND AGREED THAT IT WOULD BE A FINE AND IDEAL JOB AND IT WOULD MAKE FULL USE OF Mr. FLEMING'S TRAINING, EXPERIENCE AND IT REQUIRED A SENIOR CIVIL SERVANT HAVING KNOWLEDGE OF THE YUKON PLUS HAVING EXECUTIVE COMMITTEE EXPERIENCE. NOW ALL THIS IS BEING DENIED.

ON JULY 4TH, IT CAN BE SEEN IN EXHIBIT 7, Mr. FLEMING WROTE TO THE COMMISSIONER ASKING FOR A MEETING. AND ASKING TO SET A DATE OF SEPTEMBER 1ST AS THE DEAD-LINE SO THAT HE COULD RETURN TO HIS POSITION AS ADMINISTRATIVE ASSISTANT COMMISSIONER ON A COMMENSURATE POSITION.

I WOULD LIKE TO READ THIS INTO THE RECORD BECAUSE IT SHOWS THE SINCERITY OF Mr. FLEMING IN HIS CONTINUAL ATTEMPTS TO GET BACK TO HIS WORK. HE SAID ON JULY 4TH, "DEAR JIM, THANK YOU FOR YOUR LETTER DATED JUNE 22ND FOR YOUR KIND SENTIMENTS EXPRESSED THEREIN AND FOR OUR SUBSEQUENT TELEPHONE CONVERSATION. I HAVE ENJOYED MY WORK WITH YTG AND WOULD LIKE IT TO CONTINUE. YOU HAVE INDICATED THAT WE SHOULD MEET AND DISCUSS THE FUTURE. I WOULD BE HAPPY TO DO SO AS I FEEL THAT I COULD BE A VALUE TO YTG AND YOURSELF IN THE YEARS TO COME UNTIL I REACH NORMAL RETIREMENT. I TRUST THAT A JOB COMMENSURATE WITH MY PREVIOUS POSITION WILL BE MADE AVAILABLE TO ME SO THAT I CAN BE FULLY EMPLOYED FOR THE BENEFIT OF YTG.

IF POSSIBLE A DEAD-LINE DATE OF SEPTEMBER 1ST SHOULD BE CONSIDERED AS DR. GONZALES WOULD THEN NOT OPPOSE MY RETURN TO WORK OR TO DUTIES THAT I BELIEVE I COULD HANDLE.

I WILL TELEPHONE Mr. SLATER AND MAKE AN APPOINTMENT TO SEE YOU DURING THE WEEK OF JULY 9TH AT A TIME WHICH YOU INDICATED WOULD BE SUITABLE TO YOU."

THEN WHAT HAPPENS AS FAR AS APPOINTMENT IS CONCERNED. NOTHING. DURING THE WEEK OF SEPTEMBER 1ST ALMOST TWO MONTHS AFTER, Mr. FLEMING CALLS THE COMMISSIONER'S OFFICE, ASKS TO MEET WITH HIM. HIS ANSWER WAS THAT THE COMMISSIONER WAS VERY BUSY BUT HE WOULD LET HIM KNOW IN DUE COURSE WHEN HE COULD SEE HIM. IT WASN'T UNTIL NOVEMBER 9TH THAT A MEETING WAS HELD WITH THE COMMISSIONER AT 4:30 IN THE AFTERNOON.

BY SEPTEMBER 1ST, OF COURSE, Mr. FLEMING WAS GETTING VERY CONCERNED BECAUSE WITHOUT ANY WORD FROM THE COMMISSIONER AS TO WHAT WAS HAPPENING HE WAS RUNNING OUT OF THE TIME OF THE UNPAID SICK LEAVE THAT WAS GRANTED HIM, WHICH WAS DUE TO END ON DECEMBER 28TH.

Mr. CHAIRMAN, WHAT TOOK PLACE AT THIS MEETING OF NOVEMBER 9TH? THE COMMISSIONER ADVISES Mr. FLEMING THAT HE IS GOING ON HOLIDAY TO

VANCOUVER. BEFORE HE LEFT HE WANTED TO CONFIRM WHETHER MR. FLEMING WERE INTERESTED IN THE PROPOSED POSITION OF ASSISTANT COMMISSIONER SPECIAL? MR. FLEMING ADVISED HIM THAT HE WAS QUITE ENTHUSIASTIC ABOUT IT AND THAT THEY WERE READY TO MOVE TO VANCOUVER IF THEY HAD TO AS SOON AS THE APPOINTMENT WAS MADE.

WHEN SPEAKING OF THIS COMMENSURATE POSITION AS MR. COMMISSIONER SO OFTEN HAS DONE REITERATES HIS HONESTY, HE SAID, I WILL REFER TO HIS LETTER OF JUNE 22ND, " I HAVE MADE A PROMISE TO YOU. I AM A MAN OF MY WORD AND I WILL KEEP THE PROMISE I HAVE MADE." ONE WONDERS WHETHER THE COMMISSIONER HAS BEEN SHOWN TO BE A MAN OF HIS WORD CONSIDERING THAT WE ARE NOW IN THE MONTH OF MAY AND THE SICKNESS OF MR. FLEMING STARTED AND CLEARED UP WITHIN A FEW MONTHS EARLY IN 1973 ?

MR. COMMISSIONER ADVISED MR. FLEMING THAT HE WAS APPOINTING MR. MILLER TO THE PERMANENT POSITION OF ASSISTANT COMMISSIONER THERE WAS SOME ASTONISHMENT SHOWN BECAUSE MR. FLEMING WAS STILL ON OFFICIAL SICK LEAVE AS GRANTED UNDER THE POLICIES LAID DOWN BY THE COMMISSIONER HIMSELF AND AS INDICATED IN SECTION 15 OF THE POLICY MANUAL. WHEN THE PROTEST WAS MADE THE COMMISSIONER THEN QUALIFIED HIMSELF BY SAYING "MR. MILLER ONLY HAS A JOB ON A MONTH TO MONTH BASIS" YOU WILL RECALL, MR. CHAIRMAN, THAT I MADE SOME INQUIRIES OF THE ADMINISTRATOR IN THIS REGARD ABOUT THE APPOINTMENT OF MR. MILLER ON A MONTH TO MONTH BASIS. IT SEEMS SOMEWHAT EXTRAORDINARY THAT THE APPOINTMENT SHEET WHICH DEPRIVED MR. FLEMING OF HIS APPOINTMENT AS ASSISTANT COMMISSIONER WAS DATED THE 4TH DAY OF OCTOBER 1973. IT WAS SOMEWHAT SURPRISING THAT ON THE 4TH OF OCTOBER 1973, MR. FLEMING WAS STILL BEING REFERRED TO AS THE ASSISTANT COMMISSIONER ADMINISTRATIVE. IT READS AS FOLLOWS: "COMMISSIONERS ORDER 1973/413 THE APPOINTMENT OF G. KEITH FLEMING AS ASSISTANT COMMISSIONER ADMINISTRATIVE TO BE A MEMBER OF THE EXECUTIVE COMMITTEE OF THE YUKON TERRITORY BEING COMMISSIONERS ORDER 1970/6 IS HEREBY REVOKED." THAT IS DATED, AS I SAY, THE 4TH DAY OF OCTOBER 1973.

HERE THE APPOINTMENT OF ASSISTANT COMMISSIONER TO MR. MILLER IS GRANTED BEFORE THE OCTOBER 4TH DATE WHEN MR. FLEMING IS STILL BEING REFERRED AS THE ASSISTANT COMMISSIONER.

THE DATES THAT I HAVE GIVEN YOU, OF SEPTEMBER 1ST, TO WHEN MR. FLEMING INDICATED HE WANTED THE MATTER SETTLED BEFORE THAT DATE, MIGHT NOT HAVE ANY SIGNIFICANCE EXCEPT FOR THE FACT THAT THE APPOINTMENT OF MR. MILLER WAS MADE AS A PERMANENT APPOINTMENT ON THE 27TH OF AUGUST 1973 JUST A FEW DAYS BEFORE THAT DEAD-LINE.

WHY WAS THIS DONE? AGAIN I SAY IT WAS TO TRY AND CREATE A RECORD WHICH MIGHT JUSTIFY THE AUTOCRATIC AND BUREAUCRATIC ACTIONS OF THE ADMINISTRATION. ON NOVEMBER 22ND THE COMMISSIONER HAD RETURNED AND MR. FLEMING HAD MADE INQUIRIES FROM HIS SECRETARY REGARDING THE APPOINTMENT THAT HAD BEEN PROMISED. THE ANSWER, IT WAS STILL SCHEDULED AND THE COMMISSIONER WOULD BE IN TOUCH WITH HIM IN DUE COURSE.

DECEMBER 4TH, NOTHING WAS HEARD, AND AGAIN MR. FLEMING, I REFER TO EXHIBIT 11, WROTE ASKING FOR A MEETING. I WILL READ THAT INTO THE RECORD. "DEAR JIM, FURTHER TO OUR LAST CONVERSATION PRIOR TO YOUR HOLIDAYS WE WERE TO MEET AGAIN SUBSEQUENT TO YOUR RETURN ON THE 22ND OF OCTOBER. TO THIS EFFECT I FORWARD AND ADVISED YOUR OFFICE OF THE PROJECTED MEETING AND I WAS TOLD THAT YOU WOULD BE IN TOUCH WITH ME IN DUE COURSE. SEVERAL FRIENDS HAVE TOLD ME OF THEIR DIFFICULTY IN CONTACTING ME BY TELEPHONE AND I KNOW NOW THAT THERE HAS BEEN TROUBLE WITH MY PHONE. POSSIBLY YOUR OFFICE HAS HAD THE SAME PROBLEM. I WILL AWAIT FURTHER WORD FROM YOU."

IT WAS A VERY NICE WAY, I THINK, TO ATTEMPT TO GET THE COMMISSIONER OFF THE HOOK AND SAY HE HAD AN EXCUSE TO OFFER.

DECEMBER 14TH, THE DIRECTOR OF PERSONNEL VISITED MR. FLEMING IN HIS HOME TO TALK FURTHER ABOUT THE ASSUMPTION OF WORK. MR. FLEMING SHOWED HIM CORRESPONDENCE BETWEEN THE COMMISSIONER AND HIMSELF. THE DIRECTOR WAS VERY MUCH SURPRISED BECAUSE HE HADN'T SEEN THOSE LETTERS PREVIOUSLY AND INDICATED HE WOULD TALK TO THE COMMISSIONER ABOUT IT.

MR. TANNER: MR. CHAIRMAN, ON A POINT OF ORDER. THE HONOURABLE MEMBER HAS BEEN SPEAKING FOR A CONSIDERABLE LENGTH OF TIME, SOMETHING LIKE FORTY-FIVE MINUTES NOW, I THINK HE SHOULD ASK THE PERMISSION OF MEMBERS TO CONTINUE.

MR. CHAIRMAN: IS IT THE WISH OF THIS COMMITTEE THAT COUNCILLOR CHAMBERLIST SHOULD CONTINUE?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAMBERLIST: UNLESS THE HONOURABLE MEMBER OBJECTS. HE SHOULD PERHAPS STATE HIS OBJECTION, I WOULD LIKE TO HEAR HIS OBJECTION.

MR. TANNER: MR. CHAIRMAN, ON A POINT OF ORDER. WE DO HAVE RULES OF THE HOUSE, WHICH THE HONOURABLE MEMBER IS ALWAYS THROWING UP IN EVERYBODIES FACES, SINCE HE HAS GONE ON FOR FORTY MINUTES I THINK IT IS ONLY REASONABLE THAT HE SHOULD ASK THE HOUSES' PERMISSION.

MR. CHAMBERLIST: I WOULD LIKE TO POINT OUT TO THE HONOURABLE MEMBER THAT WE STARTED ABOUT QUARTER AFTER TWO AND IT IS ONLY TWENTY MINUTES. WHEN YOU BREAK YOU START AGAIN. PERHAPS HE IS NOT AWARE OF THAT.

MR. IANNER: MR. CHAIRMAN, ON A POINT OF ORDER. I DISAGREE WITH THE MEMBER. HE WAS SPEAKING FOR AT LEAST HALF AN HOUR IF NOT THIRTY-FIVE MINUTES BEFORE LUNCH AND WHEN WE BROKE, I CONSIDER IT WHEN HE COMES BACK HE IS CONTINUING.

MR. CHAMBERLIST: YOU CONSIDER IT. THE HONOURABLE MEMBER TALKS ABOUT THE RULES OF THE HOUSE, HE DOESN'T EVEN KNOW WHAT HE IS TALKING ABOUT.

MR. CHAIRMAN: ORDER, ORDER PLEASE. IS IT THE WISH OF THIS COMMITTEE THAT COUNCILLOR CHAMBERLIST SHOULD CONTINUE AT THIS POINT?

THOSE THAT AGREE PLEASE INDICATE BY A SHOW OF HANDS. DISAGREE. COUNCILLOR CHAMBERLIST WILL YOU CONTINUE PLEASE.

MR. CHAMBERLIST: THANK YOU, MR. CHAIRMAN. ONE WOULD WONDER IN VIEW OF THE EXPRESSIONS OF DISAGREEMENT WHETHER SOME MEMBERS TAKE THIS MATTER IN THE SERIOUSNESS OF IT, OF THE SUBJECT? IT TENDS TO SHOW WHAT A SAD STATE HAS TAKEN PLACE IN THIS HOUSE WHEN PROTECTION, OR ATTEMPTED PROTECTION OF A SENIOR PUBLIC SERVANT IS OPPOSED BY EVEN THE SMALLEST MEASURE, SUCH AS WHAT HAS BEEN DISCLOSED AT THIS TIME.

MR. CHAIRMAN, ON DECEMBER 20TH, 1973 MR. FLEMING WROTE TO THE DIRECTOR OF PERSONNEL CONFIRMING MEETING WITH THE COMMISSIONER ON DECEMBER 7TH, A SUBSEQUENT MEETING WITH THE DIRECTOR. AT THAT TIME IT WAS SOMETHING EXTRAORDINARY TO SEE THE SPEED WITH WHICH THE

COMMISSIONER AND THE DIRECTOR OF PERSONNEL WERE ACTING TO COMPLETE THE ERRADICATION OF MR. FLEMING FROM THE PUBLIC SERVICE.

THERE WAS NO SHOW OF SPEED AND EFFICIENCY OF ANY EFFORTS TO MAINTAIN THE EMPLOYMENT OF THIS MAN WHO HAS A RIGHT TO HAVE HIS EMPLOYMENT MAINTAINED WITH THE PUBLIC SERVICE. THAT IN ITSELF SHOWS DIRECT BIAS. THAT LETTER OF DECEMBER 14TH WHICH IS EXHIBIT 13A, MR. FLEMING FOUND IT NECESSARY TO WRITE TO CANADA PENSION PLAN TO MAINTAIN HIS POSITION AS HAD BEEN SUGGESTED BY THE DIRECTOR OF PERSONNEL. THIS WAS ALL WHERE MUCH OF THE MISDIRECTION THAT WAS GIVEN TO HIM ALWAYS WITH AN OBVIOUS PLANNED ATTITUDE TO DAMAGE HIS POSITION AS A MEMBER OF THE PUBLIC SERVICE.

ON DECEMBER 10TH A LETTER WAS WRITTEN TO MR. FLEMING BY MR. MCPHAIL. AFTER ALL THESE STRUGGLES THAT WERE GOING ON BETWEEN THE COMMISSIONER AND MR. FLEMING TO GET THE SITUATION WORKED OUT HE RECEIVED THIS LETTER. AND I'M GOING TO READ IT ALL INTO THE RECORD BECAUSE IT'S NECESSARY FOR THIS TO BE DONE. IT'S ADDRESSED TO MR. FLEMING.

"DEAR KEITH:

AS YOU ARE AWARE, YOUR SICK LEAVE EXPIRED ON JUNE 28TH, 1973 AND YOU WERE PLACED ON APPROVED SICK LEAVE WITHOUT PAY FOR A FURTHER PERIOD OF SIX MONTHS TO DECEMBER 28TH, 1973, IN ACCORDANCE WITH THE GOVERNMENT'S POLICY ON PROLONGED ILLNESS."

I'M GOING TO STOP THERE. THE COMMISSIONER DECIDED THIS WAS GOING TO BE A PROLONGED ILLNESS AND ALTHOUGH THIS WAS NOT SO, GRANTED THIS EXTENSION OF LEAVE BECAUSE HE DIDN'T WANT MR. FLEMING TO TAKE BACK THE POSITION THAT WAS HIS. AND CERTAINLY THE POLICY SHOWS QUITE CLEARLY THAT THESE POSITIONS REMAIN WITH A PERSON WHO IS SICK, HAS HIS LEAVE OR HAS BEEN GRANTED EXTENSION LEAVE. AND HERE COMES THE CRUNCH. AND HERE IS THE DIRECTOR OF PERSONNEL WRITING THE NEXT SENTENCE.

"ALTHOUGH I APPRECIATE THE CIRCUMSTANCES YOU FIND YOURSELF IN, I UNFORTUNATELY HAVE NO ALTERNATIVE BUT TO RETIRE YOU FOR ILL HEALTH EFFECTIVE DECEMBER 28TH, 1973."

HERE WE HAVE THE DIRECTOR OF PERSONNEL SAYING TO THE MOST SENIOR PUBLIC SERVANT IN THE TERRITORIAL SERVICE, "I AM GOING TO RETIRE YOU FOR ILL HEALTH EFFECTIVE DECEMBER 28TH," AND

THIS LETTER IS SENT ON DECEMBER 10TH, EVEN BEFORE THE SICK LEAVE HAS EXPIRED. AND ALTHOUGH MR. FLEMING HAD SHOWN QUITE CLEARLY THAT HE WAS READY TO GO BACK TO WORK.

NOW I'LL READ THE FOURTH PARAGRAPH, "UPON YOUR RETIREMENT". NOW HERE'S THE MAN SAYING "I'M RETIRING YOU" AND THEN PUTTING IN THE LETTER, "UPON YOUR RETIREMENT". JUST AS IF IT'S A VOLUNTARY SITUATION, "YOU WILL BE ENTITLED TO FOUR WEEKS SEVERANCE PAY, ETC."

THEN TWO PARAGRAPHS LATER. IT STARTS OFF IN THE LETTER - "WHERE AN EMPLOYEE RETIRES FROM THE PUBLIC SERVICE DUE TO ILL HEALTH,". MR. FLEMING DIDN'T RETIRE FROM THE PUBLIC SERVICE DUE TO ILL HEALTH, HE DIDN'T RETIRE FROM THE PUBLIC SERVICE AT ALL. HE HAS BEEN GIVEN A FORCED RETIREMENT AND THIS IS WHAT THE COMMISSIONER AND THE DIRECTOR OF PERSONNEL, UNDER THE COMMISSIONER'S INSTRUCTIONS IS SAYING TO MR. FLEMING. "YOU ARE BEING FORCEABLY RETIRED. WE'RE PLAYING YOU OUT OF TIME."

I WAS GOING TO READ IT ALL IN BUT I THINK THOSE FEW AREAS THERE SHOW AT THIS STAGE TO WHAT END. THIS ADMINISTRATION HAS GONE TO FORMULATE A DESTRUCTIVE POLICY OF IT'S OWN, CONTRARY TO THE POLICIES THAT ARE LAID OUT IN THE POLICY MANUAL, CONTRARY TO THE AREAS UNDER THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE AND I WILL DEAL WITH THOSE SHORTLY SO THAT YOU HAVE A FULL STORY.

IN JANUARY, EXHIBIT 16, MR. FLEMING WROTE TO THE DIRECTOR OF PERSONNEL CONFIRMING DISCUSSIONS HELD SINCE DECEMBER 7TH AND HE STATED HIS RIGHTS TO AN EARLY RESUMPTION OF DUTIES IN HIS PERMANENT CAPACITY.

MR. FLEMING WROTE:

"DEAR MR. McPHAIL:

FURTHER TO OUR RECENT CONVERSATION AND TODAY'S TELEPHONE CONVERSATION, I WISH TO CONFIRM THAT I HAVE RECEIVED NO OFFERS OF EMPLOYMENT ALTERNATE TO MY PERMANENT POSITION WITH THE YUKON TERRITORIAL GOVERNMENT. HOWEVER, SEVERAL INTERESTING POSSIBILITIES HAVE BEEN SUGGESTED FROM TIME TO TIME.

THE MOST RECENT POSITION DISCUSSED WITH THE COMMISSIONER AND MR. FINGLAND IS THAT RELATING TO INTER-GOVERNMENTAL AFFAIRS WITH, IN ADDITION, THE SUPERVISION OF THE OPERATIONS AT YUKON HOUSE, VANCOUVER. THE POSITION IS OF GREAT INTEREST TO ME AND IT WOULD BE A JOB IN WHICH MY EXPERIENCE AND TRAINING COULD BE PUT TO FULL USE IN THE SERVICE OF THE GOVERNMENT. I CONFIRM THE STATE-

MENT MADE TO YOU ON JANUARY 4TH THAT, IF I AM OFFERED THIS POSITION, I WILL ACCEPT IT.

ENCLOSED YOU WILL FIND A COPY OF MY LATEST MEDICAL REPORT. THE ORIGINAL HAS BEEN FORWARDED TO GROUP ADMINISTRATION. THE MEDICAL OPINION IS THAT, WHILE I AM TOTALLY DISABLED FOR MY REGULAR OCCUPATION (ASSISTANT COMMISSIONER ADMIN.), I AM MEDICALLY FIT FOR OTHER EMPLOYMENT. BASICALLY IT IS THE SAME AS THE PREVIOUS REPORT DATED APRIL 9TH, 1973, OF WHICH YOU ALREADY HAVE A COPY.

I WOULD APPRECIATE AN EARLY REPLY TO THIS LETTER AND THAT OF DECEMBER 20TH, 1973."

SO AT THAT TIME THE MEDICAL REPORT WAS THAT THE ADMINISTRATIVE ASSISTANT'S JOB MAY BE TOO SEVERE FOR HIM, BUT THE JOB THAT HAD BEEN PROPOSED AS SPECIAL ASSISTANT COMMISSIONER WAS NOT.

MR. TANNER: WHAT'S THE DATE OF THAT LETTER?

MR. CHAMBERLIST: JANUARY 9TH.

ON ABOUT FOUR DIFFERENT OCCASIONS MR. CHAIRMAN, THE DIRECTOR OF PERSONNEL ATTEMPTED TO SERVE SEVERANCE PAPERS AND SEVERANCE CHEQUES ON MR. FLEMING. THEY WERE ALWAYS REFUSED. UNTIL FINALLY WERE TAKEN PERSONALLY BY REGISTERED MAIL AND ALL SORTS OF WAYS. UNTIL A LETTER FINALLY INDICATED THAT, FROM THE TERRITORIAL TREASURER ON FEBRUARY 12TH OF THIS YEAR, THAT HE WAS HOLDING THE CHEQUES AND DOCUMENTS IN THE SAFE PENDING INSTRUCTIONS.

MR. CHAIRMAN, THERE WAS AN INVESTIGATOR FROM THE REHABILITATION SERVICES BRANCH INTO WHITEHORSE TO MEET WITH THE COMMISSIONER AND THERE WAS A DATE SET. THE COMMISSIONER HAD INFORMED HER THAT HE WOULD ONLY MEET WITH HER WHILE THE DIRECTOR OF PERSONNEL WAS THERE. I WAS ASKED BY THIS LADY IF I WOULD CARE TO BE THERE WITH HER AND I TOOK IT UPON MYSELF TO SAY THAT AS A REPRESENTATIVE OF THIS MAN WHO LIVED IN MY CONSTITUENCY AND IN ANY EVENT AS A PERSON THAT IS INTERESTED IN THE PUBLIC SERVICE GETTING A FAIR DEAL AND KNOWING SOMETHING OF THE CIRCUMSTANCES SURROUNDING THIS POSITION, I WISHED TO BE THERE. THE LADY TELEPHONED THE COMMISSIONER. THE COMMISSIONER'S REPLY WAS: "I AM NOT GOING TO HAVE ANY POLITICAL PEOPLE INVOLVED IN THIS MATTER AT ALL." CONSEQUENTLY, THIS WOMAN HAD TO MEET ON HER OWN IN CARRYING OUT AN INVESTIGATION WITH BOTH THE COMMISSIONER AND THE DIRECTOR OF PERSONNEL.



AND WHAT AN ANSWER TO GIVE THAT HE'S NOT INTERESTED IN PEOPLE WHO ARE POLITICALLY INVOLVED. AND YET I'M SURE THAT BOTH THE PRESENT EXECUTIVE COMMITTEE MEMBERS WILL HAVE SOMETHING TO SAY, BECAUSE THEY TOO ARE POLITICALLY INVOLVED JUST AS I AM IN THESE COUNCIL CHAMBERS HERE. AND QUITE RIGHTLY THEY SHOULD HAVE TO SAY WHATEVER THEY FEEL SHOULD BE SAID IN THIS AREA. BUT THE COMMISSIONER, HE DOESN'T THINK SO. HE DOESN'T WANT POLITICAL PEOPLE INVOLVED IN HIS AUTOCRATIC DECISION MAKING.

THEN WE CAME TO A POSITION WHERE THERE WERE MORE DISCUSSIONS ABOUT THE PIPELINE APPOINTMENT. ONE LOOKS AT EXHIBIT 35. THE LETTER WAS ADDRESSED TO MR. COMMISSIONER FROM MR. FLEMING.

"DEAR JIM:

DURING YOUR MEETING WITH THE REPRESENTATIVE OF REHABILITATION SERVICES, MRS. KITCHEN, YOU INDICATED THAT YOU WANTED A LETTER FROM ME CONCERNING MY JOINING THE PIPELINE ASSESSMENT TEAM AS THE YUKON TERRITORIAL REPRESENTATIVE.

IN MY LETTER OF FEBRUARY 25TH, I OUTLINED THE CONDITIONS UNDER WHICH I COULD ACCEPT THE SECONDMENT. PERHAPS I SHOULD CLARIFY MY POSITION.

I AM, AND HAVE BEEN AT ALL MATERIAL TIMES, THE PROPERLY APPOINTED PERSON HOLDING THE POSITION OF ASSISTANT COMMISSIONER (ADMIN) IN THE EMPLOY OF THE GOVERNMENT OF THE YUKON TERRITORY. I HAVE NOT RESIGNED THIS POSITION, NOR HAVE I BEEN TERMINATED FROM IT FOR ANY REASON PURSUANT TO THE PROVISIONS OF THE PUBLIC SERVICE ORDINANCE, THE REGULATIONS THERETO, OR ANY POLICIES OF THE GOVERNMENT OF THE YUKON TERRITORY.

I HOLD MYSELF READY TO RETURN TO FULL DUTY AS ASSISTANT COMMISSIONER (ADMIN) AND STATE THAT I HAVE REPEATEDLY ADVISED THE APPROPRIATE PERSONS, BOTH VERBALLY AND IN WRITING, OF MY EARNEST DESIRE TO GET BACK TO WORK AND THIS NOTICE WAS GIVEN WITHIN THE PRESCRIBED PERIOD.

THEREFORE, AS I AM THE PROPERLY APPOINTED EMPLOYEE, AND AS I AM WILLING TO RESUME WORK IMMEDIATELY, NO IMPEDIMENT EXISTS WHICH WOULD PREVENT ME FROM BEING DIRECTED TO RESUME MY DUTIES AS ASSISTANT COMMISSIONER (ADMIN). I WOULD BE AGREEABLE, ON AN INTERIM BASIS, TO BEING SECONDED AS A PUBLIC SERVICE EMPLOYEE IN THE CLASSIFICATION OF ASSISTANT COMMISSIONER (ADMIN) TO THE ASSIGNMENT AS THE YUKON GOVERNMENT REPRESENTATIVE ON THE PIPELINE ASSESSMENT TEAM.

MY HEALTH HAS BEEN MEDICALLY CERTIFIED AS GOOD AND I THEREFORE ACCEPT THE RESPONSIBILITY OF RETURNING TO FULL DUTY. I WAS WRONGLY ADVISED REGARDING AN APPLICATION FOR AN IMMEDIATE DISABILITY ANNUITY. THIS APPLICATION HAS, THEREFORE, BEEN CANCELLED.

PLEASE ADVISE ME OF YOUR INSTRUCTIONS AS TO WHEN I SHOULD RETURN TO WORK AND THE DUTIES YOU WISH ME TO PERFORM."

THE LETTER OF THE 25TH OF FEBRUARY. THE LETTER FOLLOWS:

"DEAR JIM:

THANK-YOU FOR YOUR LETTER DATED FEBRUARY 20TH, 1974.

WHILE IN EDMONTON, I MET WITH THE REPRESENTATIVE OF THE REHABILITATION SERVICES, MRS. KITCHEN, AND DISCUSSED WITH HER LONG TERM DISABILITY AND MY EVENTUAL RETURN TO FULL EMPLOYMENT WITH Y.T.G. I UNDERSTAND THAT MRS. KITCHEN WILL ARRIVE IN WHITEHORSE NEXT WEEK, AND THAT SHE WILL BE MEETING WITH YOU ON MARCH 8TH.

I HAVE RETURNED TO Y.T.G. ALL PAPERS AND CHEQUES RELATING TO THE ATTEMPT TO RETIRE ME FROM THE SERVICE OF THE YUKON TERRITORIAL GOVERNMENT ON THE GROUNDS OF ILL HEALTH. THE MEDICAL EVIDENCE, WHICH WAS FIRST GIVEN TO THE DIRECTOR OF PERSONNEL ON APRIL 9TH, 1973, WILL NOT SUPPORT SUCH AN ACTION. ALSO, I HAVE REPEATEDLY BOTH VERBALLY AND IN WRITING TO YOURSELF AND THE DIRECTOR OF PERSONNEL EXPRESSED MY WILLINGNESS TO GO BACK TO WORK WITH Y.T.G. THEREFORE, ANY MOVE TO DISMISS ME FROM GOVERNMENT SERVICE WITH THE YUKON GOVERNMENT WOULD CONSTITUTE A BREACH OF THE TERMS AND CONDITIONS OF MY APPOINTMENT, AND OF THE PUBLIC SERVICE ORDINANCE OF THE YUKON TERRITORY.

THE ADVICE GIVEN TO BOTH YOU AND ME BY MR. MCPHAIL CONCERNING L.T.D. AND RELATED MATTERS HAS BEEN GROSSLY IN ERROR, AND HAS LED TO SERIOUS MISTAKES.

YOUR LETTER TO ME OF JUNE 22ND, 1973, IN WHICH YOU SAID, "WHILE YOU ARE IN RECEIPT OF DISABILITY PAYMENTS, I WILL CONSIDER THAT YOU ARE ON SICK LEAVE WITHOUT PAY FROM THE YUKON TERRITORIAL GOVERNMENT," WAS A CORRECT STATEMENT OF FACT. SUBSEQUENT LETTERS PREPARED BY MR. MCPHAIL DEPARTED FROM THIS STATEMENT, AND CONTRIBUTED TO THE ENSUING ERRORS.

MEDICALLY, I AM COMPLETELY FIT TO BE SECONDED TO THE PIPELINE ASSESSMENT TEAM IN OTTAWA, AND I AM WILLING TO TAKE THE JOB IMMEDIATELY PROVIDED:

- (A) THAT I AM SENT THERE AS A PUBLIC SERVICE SECONDMENT,  
AND (B) THAT THE SECONDMENT IS TO BE AN INTERIM APPOINTMENT PENDING MY RETURN TO FULL DUTY WITH THE YUKON TERRITORIAL GOVERNMENT EITHER AS ASSISTANT COMMISSIONER (ADMINISTRATIVE), OR TO A COMMENSURATE POSITION.

THE SALARY MENTIONED IN YOUR LETTER OF FEBRUARY 20TH WOULD APPEAR SATISFACTORY, AND I BELIEVE THAT L.T.D. WILL FUND ME THE BALANCE DURING THE INTERIM POSTING. THEY WILL, NO DOUBT, REGARD THE SECONDMENT AS BEING PART OF MY REHABILITATION.

THE PORTIONS OF YOUR LETTER RELATING TO MEDICAL AND SALARY REQUIREMENTS CAN THEREFORE BE CONSIDERED RESOLVED. THERE NOW REMAINS ONLY THAT PART CONCERNING PUBLIC SERVICE SECONDMENT, AND THIS, I AM SURE, CAN BE POSITIVELY AND IMMEDIATELY DETERMINED.

I AM KEEN TO GET BACK TO WORK FOR Y.T.G. AS QUICKLY AS POSSIBLE, AND A SECONDMENT TO THE PIPELINE ASSESSMENT TEAM WOULD BE AN EXCELLENT START."

OBVIOUSLY, MR. CHAIRMAN, FROM THOSE CORRESPONDENCES, ONE CAN SEE THAT HERE WE HAVE A MAN WHOSE ONLY CONCERN IS TO GET BACK TO WORK IN THE PUBLIC SERVICE WHERE HE WAS UNTIL AS A RESULT OF ILL HEALTH HAD TO GET AWAY FROM FOR A SHORT WHILE. AND JUST BY A STROKE OF A PEN, THE COMMISSIONER COULD HAVE CREATED THAT SECONDMENT AND THE DIFFERENCE IN PAY EVEN WASN'T OF CONCERN BECAUSE THE PAY IS MADE UP BY THE INSURANCE COMPANY THAT GUARANTEES THE L.T.D.

BUT IN ANY EVENT, THE MONEY WAS NOT PAID BY THE TERRITORIAL GOVERNMENT FOR THE SECONDMENT ON THE PIPELINE. IT'S PAID BY OTTAWA. AND ALL MEMBERS OF COUNCIL WILL RECALL THAT I RAISED A NUMBER OF QUESTIONS RELATING TO THE POSITION OF THIS PIPELINE SECONDMENT AND ASKED MR. FINGLAND WHY THE SALARY WAS BEING REDUCED BY ABOUT 50%. AND HE SAID "NO" AND YET IT'S IN CLEAR WRITING THE AMOUNT OF MONEY THAT'S INVOLVED. JUST RECENTLY A LETTER DATED APRIL 26TH, OFFERED HIM ANOTHER JOB AT 50% AND I HAVE MADE SOME COPIES SO THAT EACH MEMBER CAN HAVE A COPY OF THIS LETTER BECAUSE IT WILL BE SEEN

FROM THIS LETTER THAT A FURTHER BREACH HAS BEEN MADE WHERE FIRST THE COMMISSIONER, THE ADMINISTRATOR AND THE DIRECTOR OF PERSONNEL IS SAYING THAT HE HAS CEASED TO BE AN EMPLOYEE OF THE GOVERNMENT SERVICE AND HERE IS A LETTER DATED APRIL 26TH OF THIS YEAR OF A JOB POSITION AS BEING OFFERED TO HIM IN A JUNIOR POSITION.

HERE'S THE LETTER SIGNED BY MR. FINGLAND, DATED APRIL 26TH.

"DEAR KEITH:

I HAVE RECEIVED YOUR LETTER OF APRIL 24TH. (ALL MEMBERS HAVE A COPY OF THAT, IT WAS READ IN THIS HOUSE WITH IT'S ENCLOSURES). I AM GREATLY RELIEVED TO HEAR THAT YOU HAVE NOTHING MORE WORSE THAN THE FLU'. I ASSUME THAT THE SEALED ENVELOPE ACCOMPANYING YOUR LETTER CONTAINS A COPY OF THE BRIEF YOU SENT TO THE MINISTER. I HAVE PASSED IT TO THE COMMISSIONER'S SECRETARY TO HOLD FOR HIM UNTIL HE RETURNS.

AS I INDICATED TO YOU IN OUR TELEPHONE CONVERSATION JUST BEFORE EASTER AND AGAIN, APPROXIMATELY A WEEK AGO, THERE IS A NEW POSITION OF PARKS PLANNER/RESEARCH AND PLANNING OFFICER IN THE 1974-75 ESTIMATES OF THE TOURISM AND INFORMATION BRANCH. NOW THAT THESE ESTIMATES HAVE BEEN PASSED BY THE COUNCIL, I CAN MAKE A FIRM JOB OFFER TO YOU AND THIS LETTER CONSTITUTES SUCH AN OFFER.

AN OUTLINE OF THE DUTIES IS ENCLOSED FOR YOUR INFORMATION. THE PRESENT PAY RANGE FOR THIS POSITION IS PAY RANGE 24 COMMENCING AT \$13,353 PER ANNUM WITH A MAXIMUM OF \$16,180 PER ANNUM. I AM PREPARED TO OFFER YOU THIS POSITION EFFECTIVE MAY 13, 1974 AT \$16,180.00 THROUGH AN EXEMPTION FROM COMPETITION. FURTHERMORE, I AM PREPARED TO RECOMMEND THAT DUE TO YOUR PREVIOUS SERVICE, THE PROBATIONARY PERIOD ASSOCIATED WITH THE POSITION WOULD BE WAIVED ON YOUR BEHALF. AS I EXPECT YOU ALREADY KNOW, THE CREATION OF THIS POSITION, IS A NEW DEPARTMENTURE FOR THE TERRITORIAL GOVERNMENT. THIS IS A BEGINNING OF WHAT WE HOPE WILL BECOME THE EQUIVALENT OF FULL PROVINCIAL PARKS SYSTEM AND WILL PROVIDE FAIRLY WIDE OPPORTUNITIES FOR INDEPENDANT INITIATIVE.

IF YOU ACCEPT THE POSITION, I AM PREPARED TO HAVE YOU REINSTATED EFFECTIVE FROM DECEMBER 28TH, 1973, ON AUTHORIZED SICK LEAVE WITHOUT PAY UP TO AND INCLUDING MAY 12, 1974. IN THIS MANNER THE GOVERNMENT WOULD MATCH YOUR SUPER-

ANNUATION AND RELATED FRINGE BENEFITS CONTRIBUTIONS AND YOU WOULD BE REQUIRED TO PROVIDE A MATCHING DOLLAR AMOUNT BY CHEQUE. THE CONTRIBUTIONS WOULD BE BASED ON YOUR FORMER SALARY AND EFFECTIVE MAY 13, 1974, IF YOU ACCEPT THE POSITION, YOUR SUPERANNUATION CONTRIBUTIONS WOULD THEN BE BASED ON AN ANNUAL SALARY OF \$16,180.

I WOULD APPRECIATE HEARING FROM YOU PRIOR TO MAY 13TH. IF YOU DO NOT WISH TO ACCEPT THIS JOB OFFER, I WOULD BE GRATEFUL IF YOU WOULD LET ME KNOW SO THAT WE CAN GET IT PUT UP TO COMPETITION?

NOW WHAT A BUNCH OF CONTRADICTIONARY BALDER DASH. HERE WE HAVE CORRESPONDENCE AFTER CORRESPONDENCE WHERE THE COMMISSIONER AND THE ADMINISTRATOR ARE SAYING , NO, WE HAVE TO COMPLETE YOU OFF, YOU ARE NO LONGER A PUBLIC SERVANT AFTER DECEMBER 28TH, NOW THEY ARE SAYING HE CAN BE REINSTATE HIM AS A JUNIOR POSITION AND AS I SAID IN MY OPENING REMARKS,"A MAN THAT'S WOUNDED IN ACTION DOESN'T GET REDUCED FROM THAT OF AN OFFICER TO A PRIVATE AND THIS IS WHAT IS BEING DONE." THIS IS THE DISGRACEFUL THING ABOUT THE SITUATION ENTIRELY.

MR. CHAIRMAN, IT IS SOMEWHAT IRONICAL THAT THE MINISTER WHO OBVIOUSLY HAS BEEN VERY DISTURBED AS A RESULT OF THIS SITUATION, MADE HIS POSITION CLEAR IN A LETTER THAT HE HAD SENT TO MR. FLEMING. THE MINISTER WROTE THIS ON APRIL 22ND AND IT'S SOMEWHAT SURPRISING THAT THIS LETTER OF THE 26TH EITHER CAME BEFORE THE LETTER WAS RECEIVED FROM THE MINISTER OR PERHAPS IT WAS IN VIEW OF SOME CONVERSATIONS THAT MIGHT HAVE BEEN MADE. BUT THE MINISTER WROTE IN THIS MANNER: "DEAR MR. FLEMING: I HAVE HAD A THOROUGH REVIEW MADE OF THE EXTENSIVE BRIEF YOU ATTACHED WITH YOUR LETTER TO ME OF MARCH 28TH.

I CAN APPRECIATE THAT THE CHAIN OF EVENTS HAS PUT YOU UNDER SOME CONSIDERABLE STRAIN AND THAT YOU ARE ANXIOUS TO HAVE THE MATTER RESOLVED AS QUICKLY AS POSSIBLE. I AM SURE THAT COMMISSIONER SMITH, AS WELL, WOULD LIKE TO RESOLVE THIS PROBLEM IN A WAY WHICH TAKES INTO ACCOUNT YOUR INTERESTS AS WELL AS THOSE OF THE TERRITORIAL GOVERNMENT. IN BOTH CASES CONSIDERATION WILL HAVE TO BE GIVEN TO THE RECOMMENDATIONS CONTAINED IN YOUR MEDICAL REPORT."

AND I INTERJECT HERE, HOW TRUE IT IS WHAT THE INDICATIONS WERE IN THE MEDICAL REPORT THAT THERE WAS NOTHING WRONG WITH THE POSITION COM-

MENSURATE WITH THE POSITION OF ADMINISTRATIVE ASSISTANT COMMISSIONER. THE MINISTER WENT ON TO SAY.

"I FEEL SURE THAT COMMISSIONER SMITH EARLIER PROMISED TO FIND YOU ALTERNATIVE EMPLOYMENT "

NOW, ALTERNATIVE EMPLOYMENT. WHAT DOES THAT MEAN? THAT MEANS SOMETHING ALTERNATIVE TO THAT OF AN ASSISTANT COMMISSIONER. IT SPEAKS FOR ITSELF.

"IN THE TERRITORIAL GOVERNMENT IN A LESS DEMANDING ROLE STILL HOLDS AND I WOULD HOPE THAT YOU CAN ARRANGE YOUR RETURN TO WORK WITH HIM IN THE VERY NEAR FUTURE.

I AM SENDING A COPY OF THIS LETTER TO THE COMMISSIONER SO HE WILL NO DOUBT BE EXPECTING YOUR FOLLOW-UP."

NOW, IF THAT'S THE TYPE OF FOLLOW-UP, HERE IS THE MINISTER WHO IS TELLING HIM THAT THERE SHOULD BE A PROMISE OF ALTERNATIVE POSITION TO BE COMPLIED WITH AND THERE YOU HAVE THE ADMINISTRATOR WRITING THAT LETTER OFFERING A POSITION OF \$16,000 AND HIS PAY, IN THE REGION OF ASSISTANT COMMISSIONER, MR. FLEMING'S PAY WOULD BE IN THE REGION OF \$31,000. IF THAT'S NOT 50%, YOU KNOW, I DON'T KNOW WHAT IS. YET, WHAT DO WE GET? WE GET UNTRUTHS. DELIBERATE EVASIONS TO THE ANSWERS.

MR. CHAIRMAN, I HAVE MORE TO GO ON WITH BUT I THINK I WOULD LIKE TO REST. MY THROAT IS GETTING A LITTLE SORE ON THIS. THIS IS A VERY LONG BRIEF THAT HAS TO BE PUT FORWARD BECAUSE OF ALL THE CIRCUMSTANCES INVOLVED AND I WOULD TRUST THAT THE MEMBERS OF COUNCIL APPRECIATE THAT IT DOES TAKE TIME TO PUT THIS FORWARD SO STRONGLY. IN THE MEANTIME, I WOULD LIKE TO HAND OUT SOME COPIES OF THIS LAST EPISTLE THAT WAS SENT OUT.

I WOULD REST AT THIS TIME IN CASE ANYONE ELSE WOULD LIKE ANYTHING TO SAY.

MR. TAYLOR: MR. CHAIRMAN.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: I AM A LITTLE NONPLUSSED. I REALIZE THE GRAVITY OF THIS SITUATION AND THERE IS A GREAT DEAL OF INFORMATION GOING INTO THE RECORD BUT WHAT I'M WAITING FOR FIRST IS TO FIND OUT WHAT ACTIONS ARE INTENDED BY THE

HONOURABLE MEMBER AND WHAT CAN THIS COUNCIL DO BECAUSE WE ALL HAVE COPIES OF THIS DATA? I'M SURE ALL THE MEMBERS HAVE A FILE AND ARE TAKING AN EXTREMELY LONG TIME TO READ ALL THESE THINGS IN THE RECORD BUT WHAT IS THE END RESULT OF THIS? WHAT IS INTENDED TO BE DONE?

MR. CHAMBERLIST: WELL, MR. CHAIRMAN, I REALLY WANTED TO GET SOME REACTION BECAUSE MEMBERS HAVE HAD THIS FILE FOR SOME TIME NOW AND I WOULD LIKE TO GET SOME REACTION FROM ALL THE MEMBERS OF WHAT THEIR FEELINGS ARE IN RELATION TO WHAT HAS OCCURED BASED ON THE RECORD? I HAVE SUGGESTIONS TO MAKE. I HAD HOPED THAT COUNCILLOR MCKINNON WOULD BE HERE TO MAKE SOME COMMENTS ON THIS AS WELL AND IT MAY NOT BE POSSIBLE FOR THE MOTION THAT I INTEND TO BE PUT PRIOR TO THE TIME WE HAVE THE FULL COUNCIL HERE. I AM GOING TO WAIT.

WHAT I WANT TO DO IS GIVE THE GENERAL IDEA OF WHAT HAS TAKEN PLACE AND PUT THAT INTO THE RECORD. I HAVE NOT PUT ALL THE CORRESPONDENCE INTO THE RECORD. IT WOULD TAKE, INDEED, TWO DAYS TO READ ALL THE CORRESPONDENCE INTO RECORD. I HAVE TAKEN JUST SOME OF THOSE IMPORTANT AREAS THAT WILL SHOW QUITE CLEARLY WHAT HAS OCCURRED IN THIS PARTICULAR MATTER, WHERE THE MOST SENIOR PUBLIC SERVANT HAS BEEN TREATED WITH THE MOST CALLOUS DISREGARD THAT ANYBODY COULD EVER BE TREATED IN. WE KNOW THAT MEMBERS OF THE PUBLIC SERVICE ARE OFTEN BERATED IN AREAS OF WHERE THEY HOLD RESPONSIBILITY AND HERE IS A MAN WHO HAS CARRIED OUT HIS WORK AND AS A RESULT OF THE STRENUOUS WORK THAT HE HAD TO CARRY OUT, GOT INTO A POSITION OF SICKNESS.

MR. CHAIRMAN, IT'S THE TREATMENT ACCORDED HIM AS A RESULT OF THIS UNAVOIDABLE SICKNESS THAT I AM CONCERNED WITH AND THE MANNER IN WHICH THIS MAN HAS BEEN DEALT WITH THAT CONCERNS ME.

CERTAINLY, THE HONOURABLE MEMBER FROM WATSON LAKE IS QUITE RIGHT TO MAKE THAT QUERY. WHAT CAN WE DO IN THE SITUATION, BUT BEFORE I SAY WHAT EXACTLY YOU CAN DO, I CANNOT HELP BUT THINK THAT THE RESULT OF HAVING BECOME ILL IN THE SERVICE OF YTG SHOULD NOT BE A PERMANENT DOWN GRADING POSITION, TO A JUNIOR POSITION, IN THAT WHEN A MAN'S PROFESSIONAL REPUTATION IS BEING DAMAGED TO SUCH AN EXTENT, WHERE WOULD A MAN OF 58 WHO HAS GIVEN HIS YEARS OF SERVICE, FIND HIMSELF TO BE ABLE TO BE PLACED IN A POSITION OF GETTING ANOTHER JOB AND ANOTHER START IN THIS PARTICULAR POSITION?

MR. CHAIRMAN, MR. FLEMING COULD SIT BACK WITH THE MONEY HE IS RECEIVING FROM THE LONG-TERM DISABILITY AND SAY WHY SHOULD I WORRY ABOUT IT? BUT IT SHOWS THE QUALITY OF THE MAN WHEN HE DOESN'T WANT TO DO THAT; THAT HE WANTS TO GET BACK TO WORK. I WOULD LIKE TO GET SOME FEELINGS FROM MEMBERS OF COUNCIL RELATED TO THE WHOLE INCIDENTS THAT HAVE TAKEN PLACE AND GET THEIR FEELINGS. THIS IS WHY I'VE REALLY BROUGHT THIS FORWARD.

MR. TAYLOR: WELL, MR. CHAIRMAN, I CAN ONLY RE-STATE THAT THESE DOCUMENTS ARE ALL A MATTER OF RECORD BECAUSE THEY HAVE BEEN TABLED IN THE HOUSE. SO WE ARE DUPLICATING BY READING EACH ONE OF THESE AND CONSUMING A GREAT DEAL OF TIME AND WE STILL HAVEN'T GOT TO THE NITTY-GRITTY OF OF THE THING. I PERSONALLY FEEL THAT KEITH GOT A REAL BUM DEAL AND I THINK HE SHOULD BE RE-INSTATED AND SOMETHING SHOULD HAPPEN. BUT TO SIT HERE ALL AFTERNOON AND LISTEN TO A COURT-ROOM TYPE OF THING, THIS IS NOT A COURT ROOM. THIS IS A LEGISLATIVE CHAMBERS AND IT JUST AMOUNTS TO WHAT IS A FILIBUSTER. LET'S GET DOWN TO THE NITTY-GRITTY AND DECIDE WHAT WE'RE GOING TO DO ABOUT THIS THING, IF ANYTHING.

MR. CHAMBERLIST: WELL, MR. CHAIRMAN, I'M ANFULLY SURPRISED THAT THE MEMBER SHOULD SPEAK LIKE THAT. I MEAN, HERE IS A MATTER WHILE WE HAVE THE FORMS ON RECORD, BUT THROUGH THIS LEGISLATIVE BODY, GOES THE COMPLAINTS OF PEOPLE WHO HAVE BEEN UNJUSTLY TREATED. OF MEMBERS OF THE PUBLIC SERVICE WHO HAVE BEEN DEPRIVED CONTINUOUSLY OF THE NATURAL JUSTICE THAT THEY'RE ENTITLED TO HAVE. WHILE I AM ABLE TO I WANT TO PUT FORWARD THEIR CASE IN THIS HOUSE. TO LEAVE IT IN AN ENCLOSED FILE JUST ISN'T GOOD ENOUGH. TO BRING IT OUT IN THE OPEN SO THAT THE PUBLIC AT LARGE CAN UNDERSTAND WHAT HAS BEEN TAKING PLACE IN THIS ADMINISTRATION, NOBODY COULD ACCUSE ME OF DOING THIS FOR ELECTIONEERING. I AM NOT RUNNING FOR POLITICAL OFFICE. BUT I AM CONCERNED ABOUT THE DAMAGE THAT IS DONE TO ALL MEMBERS OF THE PUBLIC SERVICE WHEN A SITUATION SUCH AS THIS CAN DEVELOPE. CERTAINLY I AM PLEASED TO HEAR THE HONOURABLE MEMBER HAS READ THE FILE AND KNOWS THAT MR. FLEMING HAS RECEIVED, AS HE PUT IT, A BUM DEAL. HE CERTAINLY DID, MR. CHAIRMAN.

I WOULD JUST LIKE TO GET THE COMMENTS OF OTHERS. I DON'T WANT IT TO BE SUGGESTED THAT I AM JUST SPEAKING FOR THE SAKE OF SPEAKING AND PUTTING THE CORRESPONDENCE IN THE RECORD. I THINK

IT IS NECESSARY FOR PEOPLE TO KNOW WHAT HAS OCCURRED WITH THIS MAN AND THE MANNER IN WHICH AS I SAID, THE CALLOUS DISREGARD FOR HIS FUTURE. THEY ATTEMPTED TO DESTROY THIS MAN. THE SAME TYPE OF ATTEMPT THAT WAS MADE BY THE COMMISSIONER AND THE ADMINISTRATOR TO DESTROY OTHER PEOPLE IN THIS GOVERNMENT SERVICE. HERE IS AN OPPORTUNITY RECORDED OF WHERE PEOPLE SHOULD KNOW ABOUT IT. I ASK NO MEMBERS TO BE UPSET BECAUSE IT IS BEING RECORDED SO THAT PEOPLE CAN READ ABOUT IT AFTERWARDS IN THE VOTES AND PROCEEDINGS. SO THAT THE MEDIA CAN LET THE PUBLIC KNOW WHAT IS TAKING PLACE IN THIS ADMINISTRATION AND HOW A MAN HAS BEEN DESTROYED.

MR. TAYLOR: STILL AGAIN, MR. CHAIRMAN, I ASK AT WHAT POINT IN TIME, HOW MUCH LONGER DO WE HAVE TO GO ON UNTIL WE FIND OUT JUST WHAT THE MEMBER PROPOSES BE DONE? THIS IS WHAT WE ARE ALL SITTING HERE WAITING FOR.

MR. CHAMBERLIST: I HAVE TO KEEP REPLYING, I KNOW THAT THE HONOURABLE MEMBER IS FEELING OUT OF SORTS TODAY AND I SYMPATHIZE WITH HIM IN THE SAME WAY THAT ANYBODY ELSE WHO IS FEELING OUT OF SORTS, THIS IS WHAT HAPPENED TO THIS MAN AS WELL.

CERTAINLY WHAT HAS TO COME IS A RECOMMENDATION FROM THIS COUNCIL. BUT BECAUSE, MR. CHAIRMAN, I BELIEVE THAT ALL MEMBERS OF COUNCIL SHOULD BE AVAILABLE TO MAKE THIS TYPE OF RECOMMENDATION SO THAT IT DOESN'T HAPPEN IN THE FUTURE, I JUST WANT TO FINISH EVERYTHING THAT I HAVE HAD TO SAY. THEN WHEN WE COME BACK AGAIN, THEN PUT A MOTION TO THE FLOOR. GIVE PEOPLE MORE TIME TO CONSIDER THE SITUATION.

MR. TAYLOR: I WILL RESUME THE CHAIR AT THIS TIME. COUNCILLOR STUTTER?

MR. STUTTER: THERE ARE A COUPLE OF QUESTIONS THAT I WOULD LIKE TO ASK. FROM READING THE CORRESPONDENCE, I HAVE READ IT, I READ EVERY WORD OF IT RIGHT FROM START TO FINISH, I HAVE EVEN SEEN A LITTLE BIT MORE THAT SHOCKED ME AND I HAVE TO AGREE THAT FROM APPEARANCE IT DOES APPEAR THAT MR. FLEMING HAS HAD A REAL RAW DEAL. THERE ARE A COUPLE OF QUESTIONS I WOULD LIKE TO ASK. IF WE JUST REFER BRIEFLY TO EXHIBIT 16. IN THAT ONE, THIS IS DATED JANUARY 5TH, 1974 THAT IS THIS YEAR. THE THIRD PARAGRAPH OF THAT LETTER SAYS, "ENCLOSED YOU WILL FIND A COPY OF MY LATEST MEDICAL REPORT. THE ORIGINAL HAS BEEN FORWARDED TO GROUP ADMINISTRATION. THE MEDICAL OPINION IS THAT WHILE I AM TOTALLY DISABLED FOR MY REGULAR OCCUPATION (ASSISTANT COMMISSIONER

ADMINISTRATIVE) I AM MEDICALLY FIT FOR OTHER EMPLOYMENT." THEN IT GOES ON TO SAY, "BASICALLY IT IS THE SAME AS THE PREVIOUS REPORT DATED APRIL 9TH, 1973." PRIOR TO APRIL 9TH, 1973, TO BE EXACT ON MARCH 2ND, 1973, EXHIBIT 2 IS AN INTER-OFFICE MEMO. IT IS FROM MRS. SPARKS TO THE ASSISTANT COMMISSIONER ADMINISTRATIVE. "MR. FLEMING TELEPHONED TO SAY THAT THE DOCTOR HAD SANCTIONED HIS RETURN TO WORK ON MARCH 5TH." YET, WE DON'T HAVE THESE MEDICAL REPORTS HERE AS PART OF THE FILE, YET ON MARCH 9TH, WHICH IS SIX WEEKS AFTER THIS INTER-OFFICE MEMO. HE APPARENTLY DID HAVE A MEDICAL REPORT WHICH SAID THAT HE WAS TOTALLY UNFIT TO ASSUME HIS WORK AS ASSISTANT COMMISSIONER ADMINISTRATIVE. THIS IS WHERE MY QUESTION COMES IN. IF HE WAS TOTALLY UNFIT TO RESUME THAT POSITION WHAT WORK ACTUALLY AS FAR AS THE MEDICAL REPORT WAS CONCERNED, WHAT WORK COULD MR. FLEMING DO AT THAT POINT? WHAT WORK WOULD HE BE ALLOWED TO DO?

MR. CHAMBERLIST: THE TOTALLY UNFIT WORDS THAT WERE USED BY MR. FLEMING WERE USED IN REGARDS TO THE MEDICAL REPORT SAID "THAT HE IS NOT FIT TOTALLY TO CARRY OUT THE SAME WORK THAT HE WAS CARRING OUT BEFORE." BUT THERE WAS A LETTER THAT SHOWS THAT HE WAS ALL RIGHT TO CARRY IT OUT BUT IF THERE WAS ANY RECURRENCES HE SHOULD SEEK MEDICAL ATTENTION. THAT WAS THE SUBSTANCE OF THAT PARTICULAR QUESTION.

MR. STUTTER: MR. CHAIRMAN, THAT ISN'T WHAT IT SAYS. IN MR. FLEMING'S OWN WORDS "IT IS THAT HE ISN'T TOTALLY FIT IT IS THAT HE IS TOTALLY DISABLED." THAT IS A COMPLETELY DIFFERENT THING. THIS IS WHY I COME BACK AGAIN TO THIS QUESTION. "IF HE WAS TOTALLY DISABLED, THIS IS IN HIS OWN WORDS" AND SAYS IT IS FROM THE MEDICAL REPORT, IF HE WAS TOTALLY DISABLED TO RESUME HIS REGULAR OCCUPATION AS ASSISTANT COMMISSIONER ADMINISTRATIVE, I WOULD LIKE TO KNOW WHAT THE MEDICAL REPORT INDICATES WHAT KIND OF WORK MR. FLEMING AT THAT POINT COULD UNDERTAKE?

MR. CHAMBERLIST: THIS IS THE WAY I HAVE ANSWERED "THAT HE WAS ABLE TO CARRY OUT HIS NORMAL WORK BUT IF HE WAS IN A STATE WHERE HE WAS RESUMING THE PAINS BACK IN HIS CHEST HE SHOULD NOT CARRY ON HIS WORK." I CAN CERTAINLY GET TO THIS COUNCIL A COPY OF THE ACTUAL REPORT OF THE MEDICAL DOCTOR IF THAT IS REQUIRED. I AM QUITE PREPARED TO GET THESE REPORTS FOR YOU.

MR. STUTTER: I HAVE A COUPLE OF OTHER QUESTIONS, MR. CHAIRMAN, LIKE I SAY, FROM READING THE

CORRESPONDENCE I THINK THAT Mr. FLEMING HAS HAD A BAD DEAL BUT I NEED TO HAVE THESE QUESTIONS ANSWERED TO TO BE ABSOLUTELY SURE. IT SEEMS TO ME FROM READING THE CORRESPONDENCE THAT Mr. FLEMING WAS TRYING TO GET BACK TO HIS WORK AS ASSISTANT COMMISSIONER ADMINISTRATIVE EVEN THOUGH THE MEDICAL REPORT SAID HE SHOULDN'T GO BACK TO WORK. THIS IS THE POINT. WHY WOULD Mr. FLEMING BE GOING COMPLETELY AGAINST THE DOCTORS TO GET BACK TO WORK? THE DOCTOR SAID, "NO YOU CAN'T GO BACK TO THE ASSISTANT COMMISSIONER ADMINISTRATIVE". WHY WAS Mr. FLEMING TRYING TO GET BACK TO THAT POSITION? OR WAS HE TRYING TO GET BACK TO THAT POSITION?

Mr. CHAMBERLIST: HE WAS NOT TRYING TO GET BACK TO THAT POSITION APOSSING THE ADVISE OF THE MEDICAL PRACTITIONERS. HE WANTED TO GET INTO A POSITION WHICH WAS COMMENSURATE WITH THE STANDING OF THE POSITION THAT HE HAD HELD. THERE WAS MANY PROMISES THAT A POSITION HAD BEEN CREATED FOR THAT PARTICULAR PURPOSE. HE CERTAINLY DID NOT WANT TO BUT HE SAID, "NOTWITHSTANDING IF I HAVE TO I WILL TAKE THAT POSITION BACK AGAIN AND GO BACK TO MY POSITION."

IT IS IMPORTANT TO HAVE A LITTLE MORE DETAIL OF THE DOCTOR'S REPORT BECAUSE FROM AN EMPLOYER'S POINT OF VIEW, IF IT HAS BEEN INDICATED FROM THE MEDICAL REPORT THAT A MAN SHOULD NOT BE GOING BACK TO WORK IN AN ADMINISTRATIVE POSITION THEN I WOULD LIKE TO KNOW JUST WHAT EXACTLY THE MEDICAL REPORT INDICATED AS TO THE TYPE OF WORK HE COULD UNDERTAKE. BECAUSE THIS IS HERE IT REALLY BECOMES IMPORTANT THAT THE MEDICAL REPORT SAYS NO YOU CAN'T TAKE THAT KIND OF A JOB BUT YOU CAN TAKE A MUCH LESSER JOB. NOW, I'M GOING TO BE A BIT RIDICULOUS BUT IF IT WAS A JOB THAT HAD ABSOLUTELY NO STRAIN ON IT AT ALL, SOMETHING LIKE A WATCHMAN'S JOB OR SOMETHING LIKE A SECURITY POSITION, WHERE THERE WAS NO STRAIN AT ALL, MEDICAL STRAIN. THEN REALLY AS AN EMPLOYER I CAN SEE WHERE THE GOVERNMENT PERHAPS MIGHT SAY WELL, THAT'S FINE BUT YOU CAN'T HAVE A JOB AT \$31,000 DOING THAT PARTICULAR WORK.

THIS IS THE AREA WHERE I AM CONCERNED AND WHERE I WOULD LIKE TO GET A LITTLE MORE DETAIL.

Mr. CHAMBERLIST: I'M SURE, Mr. CHAIRMAN, THE HONOURABLE MEMBER DOESN'T RECOGNIZE THERE IS JUST AS MUCH STRAIN IN BEING A SPECIAL ASSISTANT COMMISSIONER, THE JOB THAT WAS SUPPOSED TO BE WHERE THERE IS RESPONSIBILITY ATTACHED; THE PIPELINE PERSON WHO IS BEING ATTACHED TO THE OTTAWA COMMITTEE WHERE THERE IS RESPONSIB-

BILITY ATTACHED, THE PROPOSITION OF EVEN THIS PLAN OF PROVINCIAL PARKS WHERE THERE IS RESPONSIBILITY ATTACHED. ONE MUST TAKE THE WHOLE SITUATION TOGETHER IN THIS AREA, Mr. CHAIRMAN, BECAUSE THE CORRESPONDENCE WHICH SAYS YOU KNOW, YOU ARE NO LONGER A MEMBER OF THE PUBLIC SERVICE AND THEN A LETTER SAYING, WE WILL REINSTATE YOU IN THE PUBLIC SERVICE IF YOU TAKE 50% OF YOUR PAY.

THE POINT THAT I MAKE, IF THE MAN IS INCAPABLE FOR ILL HEALTH TO BE A MEMBER OF THE PUBLIC SERVICE, HE IS INCAPABLE FOR ILL HEALTH TO BE A MEMBER OF THE PUBLIC SERVICE RIGHT ACROSS THE BOARD. BUT IT GOES MUCH BEYOND THAT. ONE ONLY HAS TO EXAMINE THE METHOD AND THE MANNER IN WHICH THESE PIECES OF CORRESPONDENCE ARE PUT TOGETHER. THE DIFFERENT TERMINOLOGY INVOLVED BETWEEN DIFFERENT PEOPLE. THE CONTRADICTIONS BETWEEN ONE PIECE OF CORRESPONDENCE AND ANOTHER SHOWS IN EFFECT WHAT HAS TAKEN PLACE.

AS I SAY, THERE ARE MANY OTHER AREAS WHICH COULD BE GIVEN CONSIDERATION. I'M PREPARED TO LEAVE THIS NOW AND WHEN WE COME BACK INTO COUNCIL AFTER OUR RECESS, AFTER TODAY, THEN I WILL BRING THE MEDICAL REPORTS I HAD HOPED NOT TO USE BECAUSE THEY WERE SUPPOSED TO BE USED IN SOME FUTURE PROCEEDINGS THAT MIGHT TAKE PLACE BY WAY OF A DAMAGE ACTION. BUT I'M QUITE PREPARED TO BRING THESE FORWARD AND THEN BRING FORWARD A MOTION AS COUNCILLOR TAYLOR HAS WANTED TO HAVE SOMETHING DONE THAT THIS COUNCIL COULD DO, SHOWING QUITE CLEARLY WHAT I FEEL IS THE RESPONSIBILITY OF THIS COUNCIL IN SUPPORTING A MAN OF THIS DESCRIPTION AND CERTAINLY RAPPING THE TERRITORIAL ADMINISTRATION ON THE CONDUCT OF THIS PARTICULAR MATTER.

Mr. STUTTER: Mr. CHAIRMAN, I THINK THAT FOR MY PART, AFTER READING THE FILE, THE THING THAT CONCERNS ME MORE THAN ANYTHING ELSE PROBABLY IS THAT THE MANNER IN WHICH Mr. FLEMING WAS SQUEEZED OUT OF THE PUBLIC SERVICE AND THAT REALLY IS AN IMPORTANT THING. AS TO THE POSITIONS THAT HE WAS OFFERED, THE POSITIONS THAT HE WAS MEDICALLY ABLE TO ACCEPT, TO ME THAT ALL HINGES AROUND THE MEDICAL REPORTS AND PERHAPS ONE SHOULDN'T ASK THAT THESE THINGS BE PRODUCED. I DON'T SEE HOW ONE CAN COMPLETELY GO OVER THE WHOLE FILE UNLESS IT IS ABSOLUTELY COMPLETE.

Mr. CHAIRMAN: FROM THE CHAIR, I THINK THAT ONCE THIS INFORMATION IS FORTHCOMING, IT SHOULD BE KEPT CONFIDENTIAL AMONG MEMBERS. THAT'S ALL.

SOME MEMBER: I AGREE TO THAT.

MR. CHAIRMAN: WELL, IS IT YOUR WISH WE TAKE A BRIEF RECESS, I GUESS, AT THIS TIME?

RECESS.

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE BACK TO ORDER. WHAT IS YOUR PLEASURE AT THIS TIME?

MR. TANNER: MR. CHAIRMAN, I WOULD MOVE THAT MR. SPEAKER DO NOW RESUME THE CHAIR.

MR. STUTTER: I WILL SECOND THAT.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR TANNER SECONDED BY COUNCILLOR STUTTER THAT MR. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. CHAIRMAN: ARE YOU AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. MAY WE HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEES?

MR. TAYLOR: MR. SPEAKER, COMMITTEE CONVENED AT 11:00 A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. IT WAS MOVED BY COUNCILLOR TANNER SECONDED BY COUNCILLOR WATSON THAT BILL No. 2 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. THIS MOTION CARRIED. COMMITTEE RECESSED AT 12:00 NOON AND RECONVENED AT 2:15 P.M.. IT WAS MOVED BY COUNCILLOR TANNER SECONDED BY COUNCILLOR STUTTER THAT MR. SPEAKER DO NOW RESUME THE CHAIR. THIS MOTION CARRIED.

MR. CHAMBERLIST: MR. SPEAKER, I WONDER IF THE HONOURABLE MEMBER WOULD LIKE TO CORRECT HIS REPORT? HE SAID BILL No. 2.

MR. TAYLOR: BILL No. 22.

MR. SPEAKER: YOU HAVE HEARD THE REPORT OF CHAIRMAN OF COMMITTEES. ARE WE AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I BELIEVE IT IS THE INTENTION OF YOUR COMMITTEE TO STAND WITH THE HOUSE IN RECESS. I WOULD BELIEVE THAT WHEN WE RETURN AT THE CALL OF THE CHAIR WE WILL BE FURTHER DISCUSSING BILLS, SESSIONAL PAPERS AND MOTIONS.

BILL NO. 22, THIRD READING

MRS. WATSON: MR. SPEAKER, I WOULD MOVE SECONDED BY COUNCILLOR TANNER THAT BILL No. 22 INTITULED AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THIRD READING BE GIVEN TO BILL No. 22 INTITULED AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. SPEAKER: ARE YOU PREPARED TO ADOPT A TITLE TO BILL No. 22?

MRS. WATSON: YES, MR. SPEAKER, I WOULD MOVE SECONDED BY COUNCILLOR TANNER THAT BILL No. 22 INTITULED AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THE TITLE FOR BILL No. 22 - AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE BE ADOPTED AS WRITTEN? ARE YOU PREPARED FOR THE QUESTION?

SEVERABLE HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERABLE HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED AND BILL No. 22 HAS PASSED THIS HOUSE.

*MOTION CARRIED*

MR. TAYLOR: MR. SPEAKER I WONDER IF IT IS THE INTENTION OF THE ADMINISTRATION TO ASSENT TO THE BILL AT THIS TIME?

MR. SPEAKER: MADAM CLERK WILL YOU ASCERTAIN IF MR. COMMISSIONER IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

*RECESS*

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. MR. COMMISSIONER, THE COUNCIL OF THE YUKON TERRITORY HAS AT ITS PRESENT SITTING THEREOF PASSED A BILL TO WHICH IN THE NAME OF AND BEHALF OF THE SAID COUNCIL I RESPECTFULLY REQUEST YOUR ASSENT.

MADAM CLERK: BILL No. 22 - AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE.

MR. COMMISSIONER: MR. SPEAKER, I WOULD GIVE ASSENT TO THE BILL AS ENUMERATED BY THE CLERK AT THIS TIME.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I THINK IN VIEW OF THE TIME I MOVE THAT WE ADJOURN TO THE CALL OF THE CHAIR.

MR. STUTTER: I SECOND THAT MOTION, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE, SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT WE NOW ADJOURN TO THE CALL OF THE CHAIR. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MRS. WATSON: MR. SPEAKER, A POINT OF ORDER. SHOULD IT NOT BE TO THE CALL OF THE SPEAKER?

MR. TAYLOR: NO, MR. SPEAKER, IT IS TO THE CALL OF THE CHAIR.

MRS. WATSON: MR. SPEAKER, I WOULD MOVE THAT WE AMEND THAT TO THE CALL OF THE SPEAKER.

MR. TAYLOR: THAT WOULD BE HIGHLY UNUSUAL BUT THERE ARE MANY HIGHLY UNUSUAL THINGS DONE HERE. THE MOTION I HAVE QUOTED IS QUITE IN ORDER TO THE CALL OF THE CHAIR.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

*MOTION CARRIED*

MR. SPEAKER: THIS HOUSE NOW STANDS ADJOURNED UNTIL THE CALL OF THE SPEAKER OF THE CHAIR.

*ADJOURNED*



