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Monday, March 24, 1975

Speaker: The Honourable Donald Taylor

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Yukon Legislative Assembly

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Mr. Speaker Reads Daily Prayer

Mr. Speaker: Madam Clerk, is there a quorum present?

Madam Clerk: There is, Mr. Speaker.

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

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents or correspondence for tabling this morning?

Are there any reports of Committees?

Introduction of bills?

Are there any Notices of Motion or Resolutions?

Are there any Notices of Motion for the production of papers?

We will proceed to orders of the Day,

ORDERS OF THE DAY

Mr. Speaker: There being no motions, today, we will proceed to the question period.

QUESTION PERIOD

Mr. Speaker: Madam Clerk, could you ascertain if Mr. Commissioner would be available to the House this morning.

Madam Clerk leaves room

Mr. Speaker: At this time I will declare a brief recess.

Recess

Mr. Speaker: At this time we will call the House to order. We have with us this morning, Mr. Commissioner to assist us with the question period. Have you any questions?

The Honourable member from Whitehorse Porter Creek.

Question re: Crossroads

Mr. Lang: Yes, I have a written question for the Minister of Health and Welfare. What is taking place in relation to Crossroads in respect of: (a) the lot that was to be set aside for the proposed building, (b) receiving home that was to be made available for the interim period and (c) when will this information be put into writing for Crossroads so they can formulate their plans?

Mr. Speaker: Are there any further questions? The Honourable Member from Ogilvie.

Question re: Indian Education

Miss Millard: I have a question to the Minister of Education. Will the Honourable Minister -- a written question -- Mr. Speaker.

Will the Honourable Minister supply details of the Executive Committee's position and future plans in the following areas of Indian education. (1) Indian language curricula, (2) native content text books (3) Indian heritage classes, (4) home school co-ordinator (5) separate Indian schools (6) special native achievement testing (7) community development training at vocational school (8) encouragement to native teacher training (9) research into areas which affect education such as social adjustments, health, speech problems, cultural differences and poverty (10) adult education for the native (11) dormitory living for the natives.

Mr. Speaker: Are there any further questions? The Honourable Member from Whitehorse West.

Mrs. Whyard: Mr. Speaker, I have a question for the Commissioner this morning.

Mr. Speaker: Order please.

Question re: C.N. Telecommunications

Mrs. Whyard: Is the administration aware that the Crown corporation C.M. Telecommunications is once again withdrawing a service from the north by instituting a centralized accounting centre in Edmonton and adding more employees there which means CNT customers here can no longer pay their bills locally without adding a bank service charge.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker this one is all news to me, but I certainly wouldn't be at all surprised that is, you know, what is going on. I don't think that CNT are the only people who are going for centralized accounting, lots of private businesses are doing it as well but if the Honourable Member would give me the opportunity of time on this I'd be very pleased to get a detailed answer back, Mr. Speaker.

Mr. Speaker: Any further questions this morning? I would then like to thank Mr. Commissioner for joining with us for our question period this morning. What is your further pleasure?

Mr. Lang: Mr. Speaker, I move that Mr. Speaker do now leave the chair and the House resolve into committee of the whole for the purpose of seeing bills, sessional papers and motions.

Mr. Speaker: Is there a seconder?

Mr. Fleming: I second the motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Hootalinqua that Mr. Speaker do now leave the chair and the House resolve in the Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: And the Honourable Member from Whitehorse Riverdale will take the chair in Committee of the Whole.

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call the Committee to order and declare a ten minute recess.

Recess

Mr. Chairman: I will now call the Committee to order and subject to your approval, it seems that we should possibly do a clause by clause of the remaining short Bills, I'm referring to Bill No. 17, 18, 21 and the private members Bill, 23. Is that agreed?

Some Members: Agreed.

Mr. Chairman: Also, if we can finish with those bills this morning, like to go back to Bill No. 16, where I understand that Ms Millard will be moving an amendment, but we can leave that until we finish these other Bills. So I would ask the members to turn to Bill No. 17, the Custody of Federal Parole Violators Agreement Ordinance.

Bill Number 17

Mr. Chairman: We'll do a clause by clause.
1(1)
(Reads Clause 1(1))

Mr. Chairman: 2, subsection 1
(Reads Clause 2(1))

Ms. Millard: Mr. Chairman?

Mr. Chairman: Ms. Millard?

Ms. Millard: In this section 2(1) (b), "such other terms and conditions as may be agreed upon by the Commissioner." Does that imply with the parole board's consent or in agreement with the parole board?

Mr. Legal Advisor: Mr. Chairman, an agreement consists of approximately two or two and a half pages and there will be a number of minor things in that agreement, how the cheques be paid and billing twice yearly, and so forth. It's just the general terms of the agreement but the main term is set out in paragraph (a) but every agreement has a few minor terms.

Mr. Chairman: Thank you, anything arising?
3(1)
(Reads Clause 3(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: The Preamble.
"The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows. The Title to Bill 17 is: Custody of Federal Parole Violators Agreement Ordinance.
Clear?

Some Members: Clear.

Mr. Chairman: I'll now entertain a motion. Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, I would move that Bill No. 17 be moved out of Committee without amendment.

Mr. Chairman: Is there a seconder?

Mr. McCall: I'll second it.

Mr. Chairman: Moved by Mrs. Watson and seconded by Mr. McCall, that Bill No. 17, entitled Custody of Federal Parole Violators Agreement Ordinance be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Bill Number 18

Mr. Chairman: To Bill No. 18, Supervision of Federal Parolees Agreement Ordinance. And a clause by clause, 1, subsection 1.
(Reads Clause 1(1))

Mr. Chairman: 2(1)
(Reads Clause 2(1))

Ms. Millard: Mr. Chairman?

Mr. Chairman: Ms. Millard.

Ms. Millard: Actually this is where my last question should have been I think. In Section 2(1) (b) "such other terms and conditions as may be agreed upon by the Commissioner," That's for supervision of the persons and is that with the agreement of the Parole Board?

Mr. Legal Advisor: Agreement is perhaps Mr. Chairman, the wrong term to use. This is being administered completely under the direction of the Parole Board, who have the legal authority to do these things so that our officials, in acting under this agreement, will be acting as agents of the Parole Board of Canada and accepting their instructions within the ambit of their own employment.

Mr. Chairman: Mrs. Whyard.

Mrs. Whyard: Mr. Chairman, could we have an indication as to how much money is involved in this agreement?

Hon Mrs. Watson: Mr. Chairman, just a fee for service basis, I don't know what the fee structure is for parole, supervision of parolees, but it is a fee for service and at the end of every year we bill Canada for it.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: We have not been paid this until now?

Hon. Mrs. Watson: Mr. Chairman, yes in fact, we have, we have been doing this type of thing but have never had the formal agreement for it. This is why we are anxious to have this legislation passed.

Mr. Chairman: Thank you, Mrs. Watson.
Anything arising?

Some Members: Clear.

Mr. Chairman: Section 3, sub-section 1.
(Reads Clause 3 (1))
Clear?

Some Members: Clear.

Mr. Chairman: Preamble, "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:"

The Title of Bill Number 18, "Supervision of Federal Parolees Agreement Ordinance."

Clear?

Some Members: Clear.

Mr. Chairman: I would now entertain a Motion.

Hon. Mrs. Watson: Mr. Chairman, I would move that Bill Number 18, Supervision of Federal Parolees Agreement Ordinance be moved out of Committee without amendment.

Mr. Chairman: Is there a Seconder?

Mr. Berger: I second that motion.

Mr. Chairman: It has been moved by Mrs. Watson, seconded by Mr. Berger that Bill Number 18, entitled Supervision of Federal Parolees Agreement Ordinance be reported out of Committee without amendment.
Question?

Some Members: Question.

Mr. Chairman: Is it agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Bill Number 21

Mr Speaker: We will now go to Bill number 21 Court Worker Agreement Ordinance clause by clause.

One, sub one.

(Reads Clause 1 (1))

Clear?

Some Members: Clear.

Mr. Chairman: 2, subsection 1.
(Reads Clause 2 (1))

Mr. Chairman: Are there any comments? Mr. Fleming?

Mr. Fleming: Mr. Chairman, I am a little confused as to where it says "Program to provide advice and counselling services, other than legal advice.." could, Mr. Chairman, Mr. Donaghue maybe explain that?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, it an offence for people to practice as lawyers who are not qualified under the Legal Professions Ordinance. This is to make it clear to these people, and to anyone dealing with them, that they are not qualified to provide legal advice. When legal advice arises they must be referred to the Legal Aid system which is already in force.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, this raises a

question. It has been held, I believe, in the courts, that where a person is charged with an offence and goes to court and, for instance, wishes--does not wish to have a lawyer or can't afford a lawyer, for whatever the reason is, he can have an agent speak for him as long as no fee is charged. Any citizen has that right to have another citizen as an agent, would this prohibit in any way that particular structure?

Mr. Legal Advisor: Yes, Mr. Chairman, it would prevent the Court Worker from acting as the defence counsel in a law case. It is the intention that this person should be a friend of the accused and help him, but should not actually appear in Court on his behalf. That is the job of the Legal Aid Service to provide that kind of service.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman I must say that I cannot, at this point, knowing what I know now, agree with this Bill in any way, shape or form. We have Justices of Peace Courts throughout the Yukon Territory where these facilities, obviously, are not available. I would be very reluctant to take away the privilege of an accused to have a fellow citizen speak on his behalf before the Court. It may be that the person who is accused, knows what he wants to say and can't get the point over so he goes to a friend and the friend goes with him to the Court and speaks on his behalf. If this right is to be taken away from a citizen, then I would think that I would have to oppose the Bill.

Mr. Legal Advisor: Mr. Chairman, with respect, this right is not being taken away. It does prevent a person, who in effect would be a salaried officer of the joint government services and of the operating service which is Skookum Jim Hall, from acting as his defence counsel or agent. The ordinary person in the street can appear for him. He can have his friend.

Hon. Mr. Taylor: Fine, Mr. Chairman, I think that is very important to have that understanding because it is involved with the rights and freedoms of the individual -- yes, under those circumstances I would agree.

Mr. Chairman: Thank you, Mr. Taylor. Any further-- Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, just for clarification. This is the enabling legislation for the vote for fifteen thousand, right, in the Estimate, to provide funds for a Court Worker Program. I understand when we were considering that amount we were told that this was to be a service to all Yukoners, white, red or black, and not just solely as a Skookum Jim Court Worker Program.

I would assume then that this applied to anybody who needs this kind of service? This is the specific Court Worker?

Mr. Legal Advisor: Yes, Mr. Chairman, that is correct, but, the format which the program takes is that there will be a handling operating agency to whom money will be made available jointly by the two governments and they then will be supervising the

administration of the services. It happens that it will be the Skookum Jim Hall that will be doing the supervision, but that does not limit to native persons in anyway whatsoever.

Mr. Chairman: Anything arising? Mr. Fleming?

Mr. Fleming: Mr. Chairman. Mr. Legal Advisor I don't quite get the--this Skookum Jim Hall. Could you explain just why, more or less just why it is that Skookum Jim Hall--I am not clear on just how they got in there other than--you know, why is it just handled by them, as you say?

Mr. Legal Advisor: Mr. Chairman, attempts were made to find an operating agency, which is a permanent agency, and approaches were made to a number of different organizations over a period of about a year. The initial impetus came from the organization which is known as Skookum Jim Hall which is basically a charitable organization providing a service to people, not just to Indian persons.

The other organizations did not have the facilities to supervise this individual because the person needs office space, he needs help. He may need the use of a telephone, office space and a headquarters from which to operate. It is not the government's intention that this person should be a government servant. He is to be an independent person, completely independent of the government because in many cases his particular client will be prosecuted by one or other governments.

As a basic policy it should be an independent organization which should be fostering this, even though, to receive an annual subvention of \$15,000.00 to operate the service.

Mr. Chairman: Thank you. Let me just add. I feel that the independent aspect is very important. Mrs. Watson.

Hon. Mrs. Watson: Mr. Chairman, last year I believe, there was a native court worker program, and in the Territorial Government was asked to cost share in this program, the court worker program, we were very emphatic in stating that if we were going to cost share in a court worker program, it would have to be a court worker program for all residents of the territory and the Skookum Jim Hall last year, were the agency, the independent agency who administered the program. So they had some background experience with it. So they were quite anxious to carry on and to provide this service for all residents and this is how they became involved, because they do have some experience in it.

Mr. Chairman: Thank you. Mr. Lang?

Mr. Lang: Mr. Chairman, I'm kind of curious to find out what credentials are necessary in order to become a court reporter, is there a program set up, do they go outside for schooling or --

Mr. Legal Advisor: Mr. Chairman, there was a year's training program operated last year. The individual who was delivering the particular service resigned and was replaced by another person. The

basis of the training is to familiarize the person with the services which are available from governments or non-government sources to assist the person who is in trouble because of involvement with an offense or the courts or some such thing.

They run now an education program for this in British Columbia, in, I think Vancouver Island and there is a very forward moving program in operation in Alberta, and another program, less forward moving in Manitoba. It is a constant link to and fro, and this person is being sent down and has been sent down for courses, intensive livid courses in his work and during the course of the operation of the program will be sent down for further courses. But the basis of it is that the person must have some kind of experience and training and familiarity with the work before he's chosen for this mixed service and training program.

Mr. Chairman: Thank you, anything arising?

Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, I have to rise to comment that I think this is an admirable philosophy that the government should pay the salary of a worker who will serve the people of the Yukon without -- not coercion or intervention by government departments, but the big daddy breathing down the neck feeling.

This is the philosophy which the Yukon Social Service Society would love to see implemented in the field of social service.

Mr. Chairman: Thank you, Mrs. Whyard. Any further comments or questions?

Mr. Taylor?

Hon. Mr. Taylor: I just have one question, Mr. Chairman, relating to the ordinance itself. Will this ordinance be administered by the Department of Legal Affairs or will this be administered by the Welfare Department or what department of government?

Mr. Legal Advisor: Mr. Chairman, originally it was thought that the best department would be the Department of Social Services. But later decisions involved a question of the familiarity of the organization, particularly courts, and the decision of government has been that the program as a program would not have the individual reported to the Department of Legal Services, but through a series of monthly reports, coming into the Department of Legal Affairs, the government as a whole will get reports to familiarize itself with the ongoing and hopeful success of this particular program. It's not a day to day thing but the appropriate officer to assist would be the Director for the Department of Legal Affairs who has some control over the court system and has an influence with the police and generally with the handling of the relationships of other government departments into the court structure. So that this person will be a very valuable adjunct to the services provided in the courts which in turn are administered but not controlled by the Department of Legal Affairs.

Mr. Chairman: Anything arising?
Section 3, subsection 1.

(Reads Clause 3(1))

Mr. Chairman: Is that clear?

Some Members: Clear.

Mr. Chairman: Preamble.

"The Commissioner of the Yukon, by and with the advice and consent of the Council of the Said Territory enacts as follows, and the title of Bill No. 21, Court Worker Agreement Ordinance.

Clear?

Some Members: Clear.

Mr. Chairman: I'll now entertain a motion.
Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman - I would move that Bill No. 21 be moved out of Committee without amendments.

Mr. Chairman: Is there a seconder?

Mr. Fleming: I second it.

Mr. Chairman: It has been moved by Mrs. Watson and seconded by Mr. Fleming that Bill No. 21 entitled Court Worker Agreement Ordinance be reported out of Committee without amendments. Question?

Some Members: Question.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: The next Bill is Bill No. 23, Mr. McCall would you like a brief adjournment or are you ready?

Mr. McCall: I'm willing to take a crack at it, Mr. Chairman.

Bill Number 23:

Mr. Chairman: Bill No. 23 an Ordinance to Amend the Mining Safety Ordinance. Clause by clause. 1.
(Reads Clause 1)

Mr. Legal Advisor: For the benefit of members who are consulting the blue book, subsection 3 does not appear in the Blue book, it is an amendment which was brought into force last year. It has not yet reached the blue book standard.

Mr. Chairman: I'm sorry, Mr. Legal Advisor, there is a subsection 3 in the book.

Mr. Legal Advisor: Is there? In some editions, yes but I can see some members haven't got it in their books.

Mr. Chairman: Could Mr. Legal Advisor give us a reading of subsection 3 then, do you have that available.

Mr. Legal Advisor: I myself don't have it in my hands, Mr. Chairman.

Mr. Legal Advisor: Subsection 3 reads as follows, Mr. Chairman. Perhaps I better read 2 and 3. Subsection 2 reads,

"No female person shall be employed in underground work in any mine."

Subsection 3 reads,

"Subsection 2 does not apply to a female (a) holding a position of management who does not perform manual work, (b) employed in health services (c) who, in the course of her studies, spends a period of training in the underground parts of a mine; and (d) who may occasionally have to enter the underground parts of the mine for the purpose of a non manual occupation."

Mr. Chairman, the effect of the repeal of subsections 2 and 3, will be that there will be no distinction whatsoever in this ordinance in relation to female workers as opposed to male workers.

Mr. Chairman: Thank you, Mr. Legal Advisor. Are there any questions or comments arising?
Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, I wonder if we could get the Legal Advisor to explain why this section is retained in the Mining Safety Ordinance. I think there's quite a definite reason for it and I think before people make a decision on this they should know the reason why it was retained.

Mr. Legal Advisor: Yes, Mr. Chairman, the original restriction on women going underground was adopted uniformly throughout Canada as a result of recommendations which came forward arising out of a treaty into which Canada entered for the protection of women in all countries, including underdeveloped countries, where because of the lack of union protection, the mine owners were employing women and children and children were also included in the protections, employing women and children at cheap rates that men were not prepared to work for. And overworking them and lacking any kind of mining safety regulations, lacking any kind of labour standards safety regulations, to provide against their standard of employment, the standard of wages to be paid, representations were made by benevolent societies and organizations and trade unions throughout the world, that a convention be entered into in connection with the International Labour Office and Canada became a signatory to the convention and requested the provinces to then introduce appropriate legislation to see that the terms of the convention were met which were that each country would prevent the employment of women underground.

Now some provinces have pulled back from that and the present proposal would mean that insofar as the Yukon was concerned and possibly as far as the convention was concerned, that Canada's ratification was no longer valid at least in this area.

Mr. Chairman: Thank you Mr. Legal Advisor, I'm sure that Mr. McCall can attest to the fact that we have adequate union protection.

Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. There is one question I'd like to ask the legal advisor if I may. At the time the treaty was signed, the conditions you've just described, would you say that those conditions are still in existence?

Mr. Legal Advisor: I don't know, Mr. Chairman. You're asking me a question about something like 179 countries and I honestly couldn't tell you what the situation is in all of those countries.

Mr. Chairman: Mr. McCall.

Mr. McCall: What I mean by that Mr. Chairman, is, are the conditions in the Yukon, would you say the legislation is that poor that we have still the same conditions?

Mr. Legal Advisor: No, Mr. Chairman, there's no question but that so far as the Yukon is concerned there would be no reason for having to keep this.

Mr. Chairman: Thank you, are there any further questions on it arising? Preamble,

"The Commissioner of the Yukon Territory by and with the advice and consent of the council of the said Territory, enacts as follows. Title, Bill No. 23, An Ordinance to Amend the Mining Safety Ordinance. I'll now entertain a motion -- is that clear?"

Some Members: Clear.

Mr. Chairman: I'll now entertain a motion.

Mr. McCall: I move that Bill 23 be moved out of the Committee without amendment.

Mr. Chairman: Do we have a seconder?

Hon. Mr. Taylor: I will second that.

Mr. Chairman: It has been moved by Mr. McCall and seconded by Mr. Taylor that Bill No. 23 entitled an Ordinance to Amend the Mining Safety Ordinance be reported out of the Committee without amendment. Question.

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Bill Number 20.

Mr. Chairman: I think we should then turn back to Bill No. 20. An Ordinance to Amend the Taxation

Ordinance, clause by clause. 1.

(Reads Clause 1)
Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, this amendment to the Taxation Ordinance is a companion piece to the Community Assistance Ordinance, Section (2) presently of the Taxation Ordinance reads that "the Commissioner may not levy taxes pursuant to subsection (1) at a different rate than the rate levied in the immediately preceding year unless the Territorial Council has by resolution approved the different rate."

Subsection 3, Mr. Chairman reads "that whereby a resolution, the Territorial Council has so approved, the Commissioner may vary the rate of tax levied under this section according to the location of the real property to be taxed." Mr. Chairman, Section 50, subsections (2) and (3) have been the subject of long and heated debate, before this assembly as to where the real taxing powers lie in the Yukon Territory with the Assembly and the people of the Yukon or the Commissioner.

This amendment presently before you does not want to get into that rather philosophical argument at the time but rather says that where the Municipality, the LID's or the unorganized areas, have agreed already by plebiscite or by agreement of the majority of people in the area to a further increase in the mill rate for the assistance under the Community Assistance Ordinance, then the Commissioner may set the proper mill rate at the levels that they have agreed to so Mr. Chairman, that's rather a minor amendment to the ordinance just placing into legislation the fact that the people have decided that because of the Community Assistance Program, and because of them taking benefit of it, they have already agreed to a further increase in the mill rate and the taxation rate.

Mr. Chairman: Thank you Mr. McKinnon, any further questions or comments?
Clear?

Some Member: Clear.

Mr. Chairman: Preamble, "The Commissioner of the Yukon Territory by and with the advice and consent of the said Territory enacts as follows. Title of Bill No. 20, An Ordinance to Amend the Taxation Ordinance.

I'll now entertain a motion?

Hon. Mr. McKinnon: Mr. Chairman, I would move Bill No. 20, an Ordinance to Amend the Taxation Ordinance out of Committee without amendment.

Mr. Chairman: Thank you, is there a seconder.

Mr. Berger: I second it.

Mr. Chairman: It's been moved by Mr. McKinnon and seconded by Mr. Berger that Bill No. 20 entitled an ordinance to amend the Taxation Ordinance be reported out of Committee without amendment.
Question.

Some Members: Question.

Mr. Chairman: Is it agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Bill Number 16 Continued

Mr. Chairman: We'll turn back to Bill No. 16 which almost cleared this Committee. I understand that Ms. Millard would like to move on this.

Ms. Millard: Yes, Mr. Chairman. I beg to move, seconded by the Honourable Member from Whitehorse Porter Creek that Section 2(1) of Bill No. 16 entitled Transfer of Prisoners Agreement Ordinance be amended to include provisions for appeal to a Magistrate or Judge of a prisoner affected by Section (b) prior to confinement in another institution.

Mr. Chairman: Thank you Ms. Millard. May I have a copy of your motion?

It was moved by Ms. Millard, seconded by Mr. Lang that Section 2, subsection (1), of Bill No. 16 entitled transfer of Prisoners Agreement Ordinance be amended to include provision for appeal to a Magistrate or Judge of a prisoner affected by Section (b) of Section 2, subsection (b) of Section 2, prior to confinement in another institution.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it seems only right and fair that an amendment as suggested by the Honourable Member from Ogilvie should be considered in this ordinance and I can think of situations where possibly a prisoner being transferred to -- from one institution to another institution may be simply by his own circumstances dangerous to his well being, or indeed his life and I think that some procedure could well be -- some procedure could be followed whereby through the prisoner's lawyer or even by the prisoner himself, he should have access to the courts to explain the nature of his fear or grievance as it relates to moving him from one place to another and I really can't find anything at this point, unless someone could show me something different, I couldn't find anything wrong with the amendment suggested by the Honourable Member and I would certainly support it.

I think the administration would possibly have to draft it in its proper form in order to make it clear what is intended by the amendment.

Mr. Chairman: Thank you. Mrs. Watson?

Hon. Mrs. Watson: Yes, Mr. Chairman, before I think I'll ask the Legal Advisor to explain what the amendment could involve, the appeal structure. But before we go into that, maybe there should be a little further explanation on this Bill.

Actually, I feel that this Bill leaves quite a number of alternatives open for the incarnation of people in

institutions in the Territory. And I think that we have to be -- the fact that the Honourable Member from Olgivie is concerned about prisoners being transferred against their will is a very valid one, and in other jurisdictions, the prisoners are given an opportunity to make representation to the director of Corrections, and first of all, the prisoners are not really consulted but the institution indicates to the prisoner that they are planning or would plan to exercise some transfer powers.

At that stage of the game, the prisoner would be given the opportunity to make representation to explain whether he would agree or not want to transfer. Often the transfer is done for the prisoner's own benefit. The type of training that is available in some of the institutions here in the Yukon Territory is quite limited and if a prisoner is sentenced to this institution, and there is training that is available to him in another institution, it may be to his benefit to be transferred.

And there's one very, very great thing that we must consider that would prevent unnecessary transfers is the cost involved in order to transfer a prisoner to another institution, we must be prepared to pick up the cost. At the present time the cost was \$35 a day, current, that's just -- and they could probably go up. That's over \$12,000 a year, plus transportation and this type of thing. So surely, the Yukon Territory would not even embark upon a transfer unless they felt it was absolutely necessary. Because this is beyond the cost of operation of our correctional institutions. That is not normally budgeted for.

So I would wonder if you would take into consideration the remarks that the Legal Advisor will be making on the involvement for an appeal structure and the fact that transfers will not be made easily and idly and that the prisoners will be given the opportunity to make representation on the suggestion that a transfer be made. Another thing that we must consider too, is that in all likelihood, if the courts are aware that these transfers are possible, the court sentencing might be more lenient so that they could actually sentence them to two years less a day but know that they would be getting help in other institutions which the courts would have to make a more stronger sentence than two years less a day in order to get them into the institution and I think this should be taken into consideration too.

So I would ask the Legal Advisor, if he would explain the appeal structure.

Mr. Chairman: Mr. Legal Advisor and then Ms. Millard.

Mr. Legal Advisor: Mr. Chairman, if we put an appeal structure in here going to the courts, I think it's encumbant upon the house to make it a realistic appeal procedure. A realistic appeal procedure means that the government would have to set out their specific reasons for the transfers and would have to show to a court what those reasons were and if necessary back it up by evidence and then on the opposite side I think the prisoner would be entitled to call evidence and to meet this case.

Now transfer from one place to another is a form of punishment. But it would involve that if it's a question of a psychologically affected prisoner, mentally retarded in some way, that it would be encumbant for

the government to call evidence from a psychiatrist and if necessary, back up doctors, before the magistrate, it would mean we would have to give the magistrate jurisdiction to make an order one way or another, it would mean that the prisoner would be entitled to get legal aid in this, it would have to be because otherwise it couldn't be a realistic procedure, and should be entitled to call another psychiatrist and what have you to deal with it.

Now this doesn't exist anywhere in Canada at the moment. There is no appeal, what does happen is there an in house re-examination of it, as it goes up the line. The classification officer in an institution informs the prisoner what is in train if he doesn't already know. Then it's dealt with on the basis, usually of the prisoners wishes. Now in respect of women, for example, any woman here, we have the capacity to transfer her to British Columbia if she is serving a sentence of more than five weeks. And there is an agreement in existence with British Columbia which will accept women prisoners. That has been done for two or three different reasons. But the main reasons are: That the woman involved will be together with other women because we wouldn't have more than two or three women sentenced in the course of a year here, and when you have one single woman, in the Correctional Institute, it means that you have to have three or four or five matrons guarding that particular individual and it's cheaper to send her out to a women's prison elsewhere.

Now we also have mental prisoners and they must be transferred, either to a mental institution capable of taking them in British Columbia or in Alberta where our agreement currently runs. They may have to go to specialized mental institutions, and any person who is transferred out who is serving a sentence of less than two years, that is two years less a day, and below, that prisoner is sent out at the expense of this government and these decisions are not taken lightly.

Now in respect of junior prisoners, you might say, that is persons who are not below the age of 16 years and don't qualify as juveniles, we have very little facilities to handle them here. There were two prisoners recently sentenced to 18 months each and in the course of formulating the sentence, the magistrate was aware of the fact that we were in the course of making an agreement with Canada, and it was within his mind on transferring them out.

But the cost of transferring those two boys, I think they were 17 years old each, is \$35 a day, that's \$70 a day for a period of 18 months, this Territory must incur. That's an expenditure which is not lightly incurred by this government.

Now I don't think there's any way that those two prisoners would not contest the fact of their transfer because they are people living within their homes are within 40 or 50 miles of Whitehorse and they would wish it that they would serve the balance of their terms here, that is 18 months.

Now a number of prisoners will want to go outside. They are people who are transient people, who are found guilty of an offense, single men, or single women, and various people who would want to serve their sentences outside. Because their wives or families were resident in some place where there

would be a federal institution which would be able to take them.

There are a number of prisoners who in the who in the contra of this agreement paragraph, (a) who are serving longish terms, say four or five year terms, in a federal penitentiary, sentenced outside or sentenced here, it doesn't matter which, would want to be moved back to an area where they want to get their families nearby, their wives, their children, maybe to be on a work release program to move out into the world to prepare themselves for their release and they may want to get back into a situation here.

Now the whole negotiations of the agreement has been on the basis that it's government to government, as is customarily the case when a prisoner is transferred say from Calgary jail to Edmonton or to Fort Saskatchewan or Vice versa. There has been no procedure anywhere in Canada to my knowledge whereby this procedure of appeal arises. There is no appeal anywhere in the prisoners life whereby he can come back to the court except if he's wrongly held in custody by virtue of an invalid order of some such thing so this would be the start of a prisoner's procedure, which would be a first in Canada. But would completely disrupt the normal administration which operates on in house reviews of what's happening.

I would not think there would be more than a small number of prisoners who would contest the fact of their transfer to a federal institution. But included in those would be a prisoner whose conduct was such as to require him to be confined in a high security area. And there's only -- at a time there would be only one or possibly two, secured in the part of the institution we have with which I'm sure members who have visited the institution are familiar and they require constant attention. It's a very expensive method of holding and a very uncomfortable method of holding a particular prisoner, to have one, two, three or four correctional institute guards currently assigned to look after him.

Now he should be transferred to a place with more security, and a place where it can be done relatively cheaply because \$35 a day is not too much to pay to transfer such a prisoner into a more amiable area with other prisoners and what have you.

I'm not sure if the Bill could pass in its present form, if this procedure was instituted because it would mean restructuring the agreement, it would mean going back to Canada, and it might mean talks with other provincial institutions as to what is happening.

But the alternative is, to arrange that any prisoner who was to be -- where there was a transfer in contemplation, should be notified ahead of time as to what was in contemplation and be given an opportunity to make representations, either alone, with a friend or with a lawyer, to the people who will be taking that decision, and then he would be given a reasonable opportunity to contest what is happening to him.

Now there would be no objection to that being done policy wise, or by Commissioner's regulation. But to write it into a Bill, means a lot of subsidiary sections, that it must go to court and be dealt with in a full manner, once it comes out, into the public and the person would have to be given a proper opportunity of calling psychiatric evidence at the cost of the Crown and it would mean in fact that, probably, use would not be taken as a matter of practice of paragraph (b) to

transfer any prisoner out of the correctional centre.

A prisoner who asks for it, yes but any prisoner who objects to it would just be laughed at.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I am really dismayed to see that Mr. Legal Advisor has so little faith in our magistrates that when they hear an appeal they're automatically going to go for the prisoner's side. I would think that I have faith that if an appeal would lead to a magistrate, that he would sit there and look logically at both sides, the administration as well as the legal implications and everything else.

It is an appeal to a magistrate it is not giving the prisoner the right to decide where he goes, it's giving the magistrate to decide the right.

I should point out also to Mr. Legal Advisor that Section 6(6) of the Rehabilitation Services Ordinance which we will be considering as a bill later on, institutes an appeal to a magistrate for an application for rehabilitation services, certainly we're not giving retarded people and crippled people any more right than we are a prisoner, Why should we?

It seems to me that why should one Bill have a section where -- there's several sections in the Rehabilitation Services Ordinance which provides for an appeal to a magistrate. Certainly we have faith enough that he can understand the psychiatrist, the doctor and all the rest of the people who might be putting presentations to him to decide whether an application for rehabilitation services is needed.

However, we're not giving him the right to know the legal system and the prisoner system well enough that he knows where the prisoner should go.

Perhaps, Mr. Legal Advisor has not been inside the Lower Mainland Regional Correctional Institution. I have. I am shocked that he can say that women are sent out from the territory on a five month sentence to the Lower Mainland because it seems to me -- I don't know, any women, or very few women in the Yukon who could cope with the situation that's out there. It's a shocking situation in those prisons. Especially in the B.C. Penitentiary, we know that there -- a lot of improvements have to be made in the whole system before we can all it a rehabilitation system at all. I feel that the more we protect a disturbed person such a prisoner might be, the better it is for them.

I would make an appeal to the sense of fairness of every Member here that certainly we're not leaving it up to the prisoner to decide where they go, we are simply allowing a magistrate to review a decision of administration and I think that's more than fair, if it's the first time it's done in Canada, all the better for us.

Mr. Legal Advisor: Mr. Chairman, I don't want to answer in detail, just to point out that this does not affect transfers to provincial institutions. This particular bill only affects transfers to federal institutions and vice versa. Therefore, in this case a woman would go to Kingston, if it's under this, or a man would usually go to the federal penitentiary in Alberta, under this.

Ms. Millard: All the worse, all the worse. I understood. asking a question when this Bill first came

up, that it was not confinement only to a penitentiary, I asked that and it says "or other institution of Canada". I presume Institution of Canada covers that, but I was told by Mr. Legal Advisor the last time I questioned this that it could be to any institution. Certainly you're not going to be sending children out to the B.C. Penitentiary. You mentioned children would be transferred.

Mr. Legal Advisor: We're not really talking about children in this. But our age for juveniles closes off at 16 and some other places it closes off at 17 or 18. So it does pick up our people, other than people sentenced under the Juvenile Act, that is a person of 16 or over can go to a federal institution and it's correct to say that they can go to any federal institution, of all the various ones, and there are a number being rebuilt and realigned in Canada. This particular Ordinance does not deal with provincial institutions, under the control of the B.C. Government or the Alberta Government. There will be other provisions dealing with that, but not in this particular Ordinance.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, I had a couple of questions I would like to ask the Minister whether there are not plans for a different type of treatment for women prisoners in the Yukon in the near future, rather than sending them outside. I understand they're already well on the way? I was going to ask the Legal Advisor, Mr. Chairman, if I'm to assume from his remarks that at present, the prisoner is not given notice that he is going to be transferred?

Mr. Legal Advisor: No, Mr. Chairman, the prisoner is given notice well ahead of time and is given a choice where a choice is applicable and it's discussed in detail with him because it's part of the rehabilitation process, he doesn't make the decision, but he's consulted on a day to day basis and in fact, as letters go out from the department asking for facilities, he's usually informed, as a matter of routine, because he is interested in the decision and he is usually attempting to get the administration to transfer him out.

Mr. Chairman: Mrs. Watson?

Hon. Mrs. Watson: Yes, Mr Chairman, I'd like to answer the Honourable Member from Whitehorse West. At the present time, the Juvenile Detention Home is being constructed and part of the juvenile detention home building is a wing for women prisoners. I think when this facility is completed, the necessity to transfer women will not be there. We will have an adequate facility to accommodate them over a longer period of time.

So I think the question with women being transferred is not that great, unless they are women whose home is outside of the Yukon Territory and who would want to be transferred to an area in Canada that is closer to their families, but as far as Yukon people staying here, we will be able to accommodate them.

Ms. Millard: Mr. Chairman, it seems that I have to keep pointing out that this is only when a prisoner is

not wanting to go outside. There are certainly many positive aspects of sending prisoners outside and again, I'm acquainted with the Allouette River Unit, the Alcoholism Unit that the B.C. Government employs. But, I understand Mr. Legal Advisor has told us that it will be only federal institutions now, although he said before that it would be both.

So that I don't know of any provision by the people in Canada, the Government of Canada which is not a more punitive situation than what we have here. Certainly the magistrate knows enough to sentence a person to more than two years should he want that prisoner to be sent to the B.C. Penitentiary or to Kingston Penitentiary, certainly he shouldn't have to be held up through our Ordinances this way.

I would really like it cleared up just where, if it is confined to federal penitentiaries or whether we have the facility to move these prisoners to, say, the Allouette River Unit or to somewhere where they are getting rehabilitation services which we don't have here.

Mr. Legal Advisor: Mr. Chairman, I thought I was being clear, this particular Ordinance is an agreement Ordinance enabling us to make an agreement with Canada and have Canada make a counter agreement with us. So the matter before the house now, only deals with Federal Institutions of all natures. And our own institutions. There are other agreements which deal with provincial transfers back and forth but not this particular Bill.

So far as the magistrate knowing is concerned, not with the present magistrate, but with some magistrates in the past, they had a habit which some people objected to, that when they wanted to get rid of somebody who should get a six month sentence, they calmly gave him a flat two years just to get rid of him.

Now we would prefer that the sentence be a realistic sentence and if he deserves six months, he get six months, not two years merely to get rid of him into a federal or provincial institution.

Ms. Millard: Mr. Chairman, surely Mr. Legal Advisor would be well aware of the appeal system that we have in our court system which works fairly well.

Mr. Chairman: Mrs. Watson.

Hon. Mrs. Watson: Mr. Chairman, this can work in the reverse too. If our courts, our magistrates are aware that we have this agreement, and they are aware of the rehabilitation services, limited ones, that we have in the territory, for all the various different types of people, the various different age levels, and in order, sometimes, to get prisoners to an institution that will provide them with the rehabilitation services they require, we're almost forced into sentencing them more than two years. This way, they will be able to give them a realistic sentence and assure that these people will get the help and the training through the rehabilitation institution that we will be able to enter into an agreement with. And it certainly has an advantage this way.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I'm sorry, but it still isn't clear to me that federal penitentiaries have

rehabilitation services which are adequate. We know there are riots, we know that the Kingston Penitentiary for instance for women, is a disgrace. The B.C. Penitentiary is embarrassing. There is no way that you've explained to me that the prisoner who goes from here is going to be rehabilitated in any way, he's going to be associated with hardened criminals, and a lot of types which are, to me, are never going to do him any good. You say there are other agreements for provincial institutions, fine, we will consider those when they come up.

This is the Bill we are considering, the Bill says that we can send people who are normally sentenced to less of a term to the B.C. Penitentiary or to federal institutions which are admittedly shocking.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well Mr. Chairman, I can see the argument on both sides. Mr. Legal Advisor advised here a short while ago that in light of this amendment, it would mean going back to Canada and virtually renegotiating the actual agreement, in order to provide for this. He also stated that perhaps a policy could be formulated and spelt out by regulation, how the development, if we chose rather to then accept this amendment, and yet wished to ensure the rights and prerogatives of the prisoner we are bound somewhere in law. What assurance would we have that a regulation could be forthcoming on the subject, and secondly, would this in effect, have an effect on the actual agreement?

Mr. Legal Advisor: I'd prefer if I didn't answer the question of policy one, but to deal with the agreement itself, I think we would be committed, in view of the fact we're putting through legislation, to notify Canada what was entrusted. I think, so far as operating internal procedures are concerned, we could negotiate our own, you know, operate our own internal procedures by regulation, without having to go back to an agreement. Now, so far as the question of implementing, by regulation, some form of internal review procedure to ensure that each prisoner was (a) notified in advance and (b) given an opportunity to make representations if he did not agree with the decision, I think perhaps the House would hear what Mrs. Watson has to say and whether she would be prepared to give that undertaking to the House.

Mr. Chairman: Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, I'd be very happy to give you that undertaking, that this type of procedure would be defined in regulations and I can see that they will be forwarded to the Honourable Members or tabled at the next session. I'm quite prepared to do this. So that there is a very defined procedure, the prisoner is aware of the procedure, and so that there is some protection so that the administration doesn't unilaterally go in and say, tomorrow you're going to Kingston or something like this.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I cannot agree that

regulations, would make that much of a change in the system. I do have faith in the regulations, there's no question about that, but I would rather see that the Bill be changed, simply because it's consistent with the Rehabilitation Services Ordinance which we will be passing, no doubt, which as an appeal to the magistrate, not to the Director of Welfare or the Minister of Health, Welfare and Rehabilitation, but to a magistrate. Why is the difference? Why are rehabilitators--applications being appealed to a magistrate when a poor prisoner has only the right of policy manual.

Mr. Legal Advisor: Mr. Chairman, perhaps I may answer that. An appeal in relation to the refusal of a right of a citizen to an allowance is a matter of law. He has been deprived of his rights or says he has and he's entitled to be heard. In this case the prisoner is sentenced to a term of imprisonment and then it's a question of administrative convenience plus an attempt to rehabilitation, how you transfer from point to point. He might go to a work relief camp; he might be transferred to a forestry camp; he might be put in the Chilkoote trail, he might be sent back to school; he might be sent to vocational school; he might be put on a special training program if it was available; there's a 101 different things which are in contemplation in relation to a prisoner.

But there are methods to rehabilitate him, they are not rights that you give a prisoner merely because a magistrate says, 12 months imprisonment.

Ms. Millard: Mr. Chairman, again I'm confused. The rehabilitation services which you are describing are provincially provided, not by the federal government. There are very few forestry camps that the B.C. Penitentiary runs and its shocking to me that you should be that confused about what services are available, you keep telling me this is for Canadian institutions, and yet you keep describing rehabilitation services which are only provided through the provincial institutions. I would really like to have that cleared up.

Mr. Legal Advisor: I was only detailing out the variety of the ways in which a prisoner can serve his period of incarceration in a particular institution. Nowadays it would be very, very rare indeed for a prisoner to serve his whole term within the walls of an institution. Every effort is made to take him outside, and we ourselves have in our own Department of Corrections, a variety of programs which they need to have to help to rehabilitate prisoners. But there are many gaps because of the small nature of our service and we want to be able to, in a completely free manner, take advantage of the services which are provided by other governments. This particular Bill is to enable us to take advantage of the Canadian services, whatever they happen to be at that time.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I hate to point out again but the provincial services are simply not provided, for prisoners in federal institutions. Most prisoners in federal institutions to my knowledge, remain within the walls; there are vocational treat-

ment, so called, centres, within the B.C. Penitentiary and the rest of them but there are very few outside services provided for prisoners in Canadian institutions. Only provincial institutions.

I would beg to point out that simply because it's an administrative convenience, that we shouldn't do away with the rights of anyone, they are still human beings, they are Canadian citizens, whether or not they've been sentenced to a sentence. I still very much doubt the Honourable Members will just have to take my word for it, I've been within those institutions and I wasn't sentenced, but I was a probation officer and we found them disgraceful.

The provincial institutions, yes, fine, they're fine, but it's been pointed out several times that these prisoners will be sent to Canadian Institutions not provincial ones.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, it is a very interesting debate. I would just like to caution member of Committee on one issue. That is putting the question for the amendment at this time. I think you might be coming very close to throwing the baby out with the bath water. I have always found that in the federal agreements and, I think, those Members of Council who have been around the table for sometime have found that when we have tried to put an amendment on an agreement, which is already standard, between the federal and the provincial authorities, that we have been told by Canada, that there is no way that we can make the amendment on the agreements which are already in force between the separate provinces and Canada.

I think we have to be cautious here and get the advise of Justice of whether or not the agreement would be in force and whether they would be prepared to sign an agreement with the Government of the Yukon if we asked for the amendment as put forward by the Honourable Member from Ogilvie.

I think that is extremely important because then we will be faced with a decision of a yea or a nea from the Federal Government, then we will have to make our decision as to whether the amendment is important enough in principle that we are going to let the whole program fall.

I would just caution against putting the question on the amendment right at this point. We may be in danger, as we have in other cases, of losing the whole program for the stand that we are taking at the particular time.

Mr. Chairman: Thank you, Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman. I think we are getting carried away with this little bit too. We are talking about prisoners whose rights have been taken away because they have broken laws which have been put in to protect society.

I think we should provide humane treatment with these people. Sometimes, someone has to make a decision which may be contrary to what they want and we must also continue to protect society. We do have some responsibility in this instance. Now there are institutions, as I said before, our rehabilitative

program is limited in the Yukon Territory. There are institutions in conjunction with federal institutions that these people can be sent to.

Actually it is one way of circumventing, having them sentencing to federal penitentiaries and then have them classified through the penitentiaries so they go into a special institution.

Now the federal system is going into more specialization for rehabilitation. We have the opportunity, with Canada, to get in on these rehabilitative institutions. I don't think we should throw them aside by saying we want to write something into the agreement. I don't know whether Canada will go along with it. We could be losing the whole program and the humane treatment that we can give to some of these prisoners.

I would be prepared to put it in regulations, but I don't think we will be able to amend the legislation and be able to enter into an agreement with Canada.

Mr. Chairman: Thank you, Mrs. Watson. Mr. Fleming?

Mr. Fleming: Mr. Chairman, I rise in support of our Minister from Kluane and also Whitehorse North Centre on both counts. I am sorry now I haven't got too much to say because I was going to say the exact things that Mrs. Watson said.

As a citizen in this country and when you are going to be sentenced for something I can see all the help in the world, but once I go before that judge and I have been sentenced, I think, there is one way to do it and that is pay you bill. I have always looked everybody square in the eye in the morning and say I don't owe you a damn cent. I think if the prisoner would look at it a little bit more that way too, because I think we are giving too much to some of -- in some of these cases.

We have got a law and gradually through soft heartedness we are making it so we don't have any laws anymore and no teeth in them. I don't support the Bill.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, I had no understanding at the outset of this debate, and it has been a very interesting debate, that the relationship between the Bill and the Agreement but, I think, I would be prepared to accept the undertaking that the Honourable Minister has given that regulations would be developed under this Ordinance.

Perhaps we should have a regulation section appended as a further amendment to the Ordinance to provide for this. A regulation, or a series of regulations be provided to provide the right that we are looking for for the prisoner to appeal to a court or to a magistrate or to some body, his transfer. I would be satisfied at this point if that was done.

I only rise to point out that certainly a regulation section should have to be added to this Bill to provide for that.

Mr. Legal Advisor: Mr. Chairman. Just one point. The regulations would not provide for an appeal to the Court. It would provide for a review and an appeal

within an organization so that it comes to the Director of Corrections or somebody so that he personally has to interview the prisoner and listen to him and allow him an opportunity to bring in somebody, a lawyer or otherwise, to make representations concerning the matter.

We do want to avoid having the courts become a second and third and fourth time back into the system when in fact, more and more these powers are being given to Parole Boards.

We would expect that shortly we would have our Parole Board within this territory who would be dealing with prisoners. At that time there will be no objection to providing for an appeal to a Parole Board if we see fit to institute one within the territory, but not back into the court structure which has already dealt with it.

Mr. Chairman: Thank you. Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, I would consider at this time that a motion to hold this Bill in Committee until we see a draft of such regulation might be in order.

Mr. Chairman: Miss Millard? Would you like to withdraw your motion?

Ms. Millard: Mr. Chairman, no I am not willing to withdraw the Motion --

Mr. Chairman: Okay.

Ms. Millard: However, I would certainly agree with the Honourable Minister from Whitehorse North Centre, who says that we should investigate and find out just what effect it is going to have. I would agree that this is probably the best method to see if there is a method without affecting the agreement to do this and if there isn't then we can consider a further step. Regulations or a policy manual or something put into the policy manual or something like that.

I would just like to see this thing for our own edification also. We have to start using the rights we have as a government. We can't just simply say the Government of Canada isn't going to agree with this and worry ourselves to death about that. Why not challenge it and see what happens. We can always redo the thing.

Mr. Legal Advisor: Mr. Chairman, I don't want to stampede the House into doing something, but it just so happens that we have two prisoners who are awaiting the passage of this particular Bill who are being held, and who, I understand, and I had no part in this whatsoever, I understand they are being held for transfer to a federal institution. It would be impossible, and I don't think the House would expect me to rush off and draft policy directive or regulations before the House would rise because I would expect the House to rise within a day or two. I would ask the Honourable Members to allow the Bill to go through unamended and perhaps Mrs. Watson would undertake to produce a draft regulations and then when next the House meets they can be circulated, or spoken to.

Ms. Millard: Mr. Chairman, this is simply accommodating ourselves to administrative procedure again and I am getting very frustrated with it. I think we have some rights under the Yukon Act, and I think that we should be using them. I don't think that we should be trying to push legislation through simply because it is convenient to anyone.

Mr. Legal Advisor: It is not convenient to the Administration, Mr. Chairman. It is convenient to two particular 17 year old boys who were sentenced, and the government had no input into the sentence whatsoever, but at the time this legislation happened to have been tabled, the Courts were aware of the fact and the government had nothing to do with the sentence whatsoever. They were prosecuted by the Crown in the Right of Canada and not by this government.

It just so happens that, I have been informed and this is the position. I am just bring that to the attention of the Members. I am not really asking them to do anything I am just telling the facts of life as they are.

Mr. Chairman: Mrs. Watson is next.

Hon. Mrs. Watson: Mr. Chairman I would like to hear what the Honourable Member from Faro has to say first.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman, I can assure you it won't be anything significant or impressive.

Hon. Mrs. Watson: Oh, I don't know.

Mr. McCall: All I was going to say, or comment on, was what the Legal Advisor has just said. I feel as though I am in a position, as an Honourable Member of this House, that you are holding a gun at my head as far as passing legislation. I don't think this is being very very fair.

A Member: Hear, hear.

Mr. Chairman: What I would like to do now is declare a five minute recess and we can back to what we are going to do with this Motion then.

Recess

Mr. Chairman: I will call the Committee to order again.

I think possibly the next issue is whether or not the House would like to hear what the Department of Justice's reaction would be to the proposed amendment before entering the question on the Motion.

I am asking the House whether or not, in effect, they are in agreement with what Mr. McKinnon said that perhaps we should hear what the Department of Justice would have to say about the effect of a possible amendment, whether they would go along with it.

Is that agreeable to Committee that we ask the Legal Advisor to phone Ottawa --

Mr. Legal Advisor: Mr. Chairman, without interrupting you, it is basically the Department of the Solicitor-General which controls the making of the agreement with us.

Mr. Chairman: I am sorry. You are quite right.

Mr. Lang: How long would this take in order to find out whether or not this could be put into effect.

Mr. Legal Advisor: Mr. Chairman, what I would propose to do, if this was the wish of the House, would be to contact him by telex and telephone to find out what the reaction was. We couldn't guarantee that in the next couple of days the particular people who would be the decision makers in the Department of the Solicitor-General would be available to give us input. We could at least try by telex and telephone to get this done.

Mr. Chairman: Are there any other comments about the suggestion? Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, I just can't help but having to get up again to say that this type of legislation, there is an urgent need for it at the present time.

There is an extremely urgent need for it because of the two young people that are too old for a juvenile detention home and really too young to be in our correctional institution. We are not able to accommodate these people unless we do have the authority to enter into an agreement with Canada to send them to some Vocational School institution that is under the Federal penitentiaries system. It is a vocational school.

I would suggest that we proceed with the Bill and that I will bring in the regulations at the next sitting and we can review the Bill at that time.

At the time the Legal Advisor would have the information that you require. At least then we would be in a position to give you more information and the Bill can be tabled at that time with the regulations and you can make your decision, with the information from the Solicitor-General.

With that, Mr. Chairman, I would move at the present time that the Bill be moved out of Committee--

Mr. Chairman: The issue really, at this time, I think, Mrs. Watson, is whether or not we wish to put the question now or wait until tomorrow, I would suggest. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, as Mr. Legal Advisor has stated it may take some time to get this reply and it would have a tendency to tie this Bill right up.

Again, I would just restate my own personal position, I would accept the undertaking that the Honourable Minister has made to the House. Maybe in this case, we are not getting all the pie, we are getting half the pie at this time and it may be possible to find what we are looking for embodied in those regulations.

In other words, we are just taking a different route to achieve the same objective. I think, in view of the complexities surrounding the agreement, the ap-

plication of the two prisoners whom this Bill immediately effects and everything else, I would suggest that we ask the mover, or I personally would ask the mover and seconder to withdraw at this time, and accept the undertaking of the Minister.

Ms. Millard: Mr. Chairman this Bill has been before us since March 7th, I believe, or March 5th, when it was first introduced. Certainly two more days waiting for a telephone call to Ottawa is not going to discommode anyone that much.

I would be prepared to withdraw my motion once we have information from Ottawa saying that the agreement cannot be amended.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I seconded the amendment by the Honourable Member from Ogilvie. I felt that it was essential on behalf of the prisoner and in the aspect of the correctional institute cases where I was thinking of a personal vendetta by a guard upon a prisoner and therefore forcing him to leave the correctional institute against his will.

I go along with the Honourable Member from Watson Lake with what he has said in reference to the Minister of Health, Welfare and Rehabilitation in the aspect, to see if in regulations and as well, to see, at the next sitting, to review the bill itself and the regulations and see what we can do and by that time, as the Honourable Member from Watson Lake said, we will have the response from the Justice. I think it has to be remembered once again too, as the Honourable Minister said, that we do have two juveniles who are in need of rehabilitation and if this bill is not passed, they could quite conceivably be spending another month or two months up there where they could quite conceivably be getting some vocational training. I think that the Honourable Minister from -- Member from Ogilvie should withdraw her motion and what time, a month from now when we sit again, to review the regulations that are put forth by the Honourable Minister.

Mr. Chairman: Thank you, Mr. Lang. Mrs. Watson is next. Miss Millard?

Ms. Millard: Mr. Chairman, I understood Mr. Legal Advisor to say about half a minute ago that it would take probably two days for a telex to telephone to Ottawa. Certainly it is not going to take a month. If it is that cumbersome a system, I don't know. Two days is not too much to ask and these prisoners, apparently, have been waiting since March 5th or long before that when the Bill was worked upon.

I am even willing to say that if there is no answer by the end of the week I will withdraw the Motion. Then that proves to me that we certainly live under a much different system than I would hope. Certainly we can make a telephone call to Ottawa and get their agreement to the amendment, or their disagreement. I presume that 99 per cent of the time it will be a disagreement, then we can go on from there.

Mr. Chairman: The issue before the House is whether or not we want to put the question at this time

or whether or not we are agreed to delay the question pending this information.

I would -- I ask the Honourable Members wishes, do they wish to delay the question or not? Perhaps I could put it in the affirmative. Are we agreed to delay the question pending hearing from Ottawa.

Some Members: Agreed.

Mr. Chairman: Do you wish to speak on that Mr. Fleming?

Mr. Fleming: I would like to ask, Mr. Chairman, just to clarify before that and then I am prepared to do one way or the other.

I would like to ask what we did in other cases before this. We have been speaking here of a couple of children that probably need help one way or the other, but I don't know -- before this went through, or goes, , about to go through what did we do before?

Mr. Legal Advisor: We didn't have the capacity to do this before, Mr. Chairman. Territorial prisoners, that is to say, prisoners sentenced to a term of imprisonment of less than two years, were not in a position to be sent out to any federal institution.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Do I understand, then, Mr. Legal Advisor, without this, you more or less, you can't do the job on these two children right now?

Mr. Legal Advisor: That is correct, Mr. Chairman.

Mr. Fleming: Thank you.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman it was my suggestion. I have no disagreement at all in waiting to see whether we can have an answer or not prior to the prorogation of this Council. I think the Honourable Member from Ogilvie has conceded that that if there is not that answer prior to the prorogation of this House -- or this session that she would be happy to withdraw the Motion before Committee so that, at least, the legislation could have effect following its passage by this House.

I think that is a very fair concession on the Honourable Member's part and I think she has also agreed to another fact of life which I still have trouble accepting around this table, that 99.9 per cent of the time that you don't get changes in agreements that you make with Canada.

Mr. Chairman, I think that all House Members should give their concurrence to the suggestion that has been made and the arrangements that have been made with the Honourable Member from Ogilvie. It is just too often that Members get the feeling, and I know that I still do, of being stampeded into certain fields where they have a few problems. If we can do anything to alleviate this type of impression that we are trying to put these pressures on individual Members, I think that we would be happy to do that, Mr. Chairman.

Mr. Chairman: Any further discussion?

A Member: Agreed

The Chairman: Is it agreed?

Some Members: Agreed.

Mr. Chairman: Fine. Mr. Legal Advisor will you try to get that information for us.

Mr. Legal Advisor: I will draft the appropriate telex, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Legal Advisor.

That being the case I declare a recess until two o'clock this afternoon when we will be hearing from the witnesses on Bill 12 and 13.

Recess

Mr. Chairman: I will call the Committee to order and before getting into Committee business, I've been asked by Madam Clerk to advise that this do for Don Twa and his rink is to be at the Travelodge in the Bonanza Room, 7:00 cocktails, 8:00 dinner and they want an RSVP from us today. So would you like to indicate whether or not you intend to attend at that function tomorrow night now. And I can --

Hon. Mr. Taylor: Mr. Chairman, I would suggest that at the first recess maybe the members could be polled as to whether or not they will be attending, and possibly we could facilitate the matter in this way.

Mr. Chairman: Very well. You can ponder it at this time.

Ms. Millard: Do we get an escort?

Mr. Chairman: Certainly.

Ms. Millard: Better find us a couple of men.

Mr. Chairman: Now as I understand this afternoon's proceedings, as members will recall, we got to Bill No. 12, an Ordinance to Amend the Rehabilitation Services Ordinance and at that time, it was the desire of the members that we invite some witnesses, namely Mr. Parker, Mrs. Joan Brannigan, and Mr. Putters. And the -- what seems to me would be the best way of approaching this area, is to invite the witnesses to come before us at this time and enter into discussion on the main under education, particularly page 15 of the Green Book, item 313, the Special Educational Program for Exceptional Children.

While we have these witnesses also to have any questions relating to page 18, Item 324, Rehabilitation Services, and that is the Item for \$204,183. So what we'll do, if we're in agreement, is call these witnesses at this time and any questions that might come under those two Items can be asked of them.

Then when we finish asking questions, without entering into debate, we can allow them to go about their business, we can either debate if that is required

at this time under either of the two items or move into a clause by clause on Bills 12 and 13, which is related to Bill 12. Is that agreed?

Some Members: Agreed.

Mr. Chairman: I'll then ask the witnesses, Mr. Parker, Mrs. Brannigan and Mr. Putters if they could come forward.

Mr. Chairman: We will proceed with the Item in the budget, Special Educational Programs for Exceptional Children, \$415,963. Are there any questions of these witnesses.

Ms. Millard: Yes, Mr. Chairman.

Mr. Chairman: Miss Millard.

Ms. Millard: I think I was probably the instigator of most of the questioning that has been going on on these two items in the budget. So if you'll permit me, I'll do a rundown of what's happened so far.

I've asked a few questions of Mr. McIntyre and I've received under the 313 Establishment, Number 2, items of information, the first one was, which wasn't given to all of us, it was just given to me, indicated that there were plans made for a centre, a special education centre, for 23 children who mostly had speech defects. I have since learned that this has probably been not being considered at this time.

The other piece of information that I have is entitled Special Education Programs for Exceptional Children and it says, that we have several teachers on full time basis, in several schools who are being used as specialists for several children.

My main concern is -- I'll get back to this piece of paper that we have here, because there's a lot of questions in that, but my main concern, the first thing that strikes my eye is 313, last year's budget was \$30,000.00, this year's is \$415,900. With no explanation of this increase.

There's a lot of confusion in my mind because I know that there is a L.E.A.P. program that is going on for children with learning disabilities, which I understand is under the Special Education Program. I've been told that that costs \$212,000 and I know that that's been going on, for at least two years.

So I simply cannot see the difference in the two years in the budget between 30,000 and \$400,000. There must be some either mistake in the budget or else something that we're not being told about, why it's been increased so much. So perhaps Mr. Parker could give us some indication, of the changes in the budget from last year to this year.

Hon. Mr. Taylor: With respect, Mr. Chairman, I don't believe that the witness has built this budget. I think the question should properly be directed to the Minister of that Department.

Ms. Millard: Yes, that's fine, Mr. Chairman.

Hon. Mr. McIntyre: Mr. Chairman, it was explained that when we were discussing this, the particular Bill, that the special education program for

exceptional children had been in effect in the last fiscal year, and that in order to establish it as a separate program, the costs had been broken out, for this year's budget, out of the main thing. If we had left the \$415,963 in the regular education program, it wouldn't have raised a question, but because we broke it out to show you how much was being spent for special education, it becomes obvious that the amount of money that's involved, but it is just broken out of the regular education program. And if you'll notice, in the personnel section at the back, you'll see that in the number of teachers, the number of teachers has been reduced from 250 to 234, and that slack has been taken up by the Special Education into 313, where we're showing 22 teachers. So there has been 22 teachers taken out of the regular program and put into separated or segregated into a special education program, and that accounts for the reduction in the number of man years involved in the regular education budget, and also accounts for the increase in 313.

Mr. Chairman: Thank you, Mr. McIntyre. Ms. Millard?

Ms. Millard: Thank you. That makes things a little clearer. So that we can understand that actually about \$400,000 was being spent last year on this same program?

Mr. McIntyre: Approximately-yes, it wouldn't be that much.

Ms. Millard: Thank you. I notice on the piece of paper that was provided, that we have a list of a number of teachers and their salaries and the name of schools that they teach in, on the exceptional children. My concern is their qualifications. For five teachers, the first item in Whitehorse Elementary, the average salary is \$15,000. In Jeckell the highest one, average, it works out to three teachers at 64,000 which is 21,500 dollars per teacher. It goes right down to the low of Christ the King portable two teachers for 21. So that the salaries go from \$10,800 to 21,500 and then below is said that we have several remedial instructors whose salaries amount to \$58,000 which averages out to \$8,300 per teacher. So that we indeed have a range from 8,000 to 21,000 in their salaries. Does this reflect their qualifications or does this simply mean that those are the only teachers we can get, that they actually aren't qualified, they aren't specially trained for this kind of work?

Hon. Mr. McIntyre: Mr. Chairman, the teacher's salaries are based on their professional qualifications

Mr. Chairman: Ms. Millard?

Ms. Millard: So we can assume that Christ the King has people who are 50% the quality of Jeckell. Is the range of salaries in teachers that much, from 8,000 to 21,000. I thought we were the only people on earth that got 8,000 a year.

(Laughter)

Hon. Mrs. Watson: We have a special class.

Hon. Mr. McIntyre: I don't know offhand what the minimum salary for teacher is, it's laid out in our agreement with the teachers, and it is readily available. The top salary would probably in the neighbourhood of 20 odd thousand. The teachers are paid on the basis of their professional qualifications.

I believe, and I could be correct in this, but some of the -- for example, in the kindergarten, we have people employed who do not have professional qualifications in the sense that they have been graduated from an educational institute. Or teacher training. But I think that that basically is the way in which they pay everybody in the program, is on their professional qualifications.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, perhaps then, since we've gone through the financial details, we could have some kind of description of what special education means in the Territory and what programs there are. I was hoping to be provided with some kind of background information in what the policy is on special education, what is the description of a person who needs special education, and certainly how L.E.A.P. is involved in this program, what they are doing in the communities and that sort of thing.

Hon. Mr. McIntyre: Perhaps Mr. Parker could get into that. His field is special education, and explain the program.

Mr. Chairman: Thank you. Mr. Parker?

Mr. Parker: Considerable detail on that subject was laid out in the memorandum to Ex-Com of July 25, 1974, number 6376 which was approved by the Executive Committee. This laid out the various types of exceptionality, types of exceptional students who would be included within special education as well as an approved method for budgeting for special education and approving particular kinds of classes. I could go into considerable more detail on that, at this time, or I could spell out in more detail each of the many individual programs operating now, if you so wish, if that is not adequate information.

Mr. Chairman: Ms. Millard?

Ms. Millard: I'd be happy with any information, the more the better.

Mr. Chairman: Just before we do get into that, is that going to be very pertinent to the --

Ms. Millard: To the budget?

Mr. Chairman: Yes, or is it something you just want to know, is it something you intend to --

Ms. Millard: Well it seems to me, Mr. Chairman that \$400,000 -- we should have some explanation of how that is being spent. I would certainly like to know before I spend 400,000 of the taxpayer's money that I know what it's for.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, perhaps it would be useful to inform Mr. Parker that any papers for Ex-Com are not made available to us. So we would need a brief recap.

Mr. Chairman: Mr. Parker, go ahead.

Mr. Parker: Okay, I can provide you with that. First, just to give you a brief idea of what the memorandum 6376 dealt with, the title was A Proposed Procedure for Funding and Approval of Special Education Classes and Services. The object was as follows: The object of this memorandum is to provide an alternative procedure for both the funding and approval of special services within the Department of Education. This alternative procedure includes budgeting for all special services within a separate establishment of the education vote, the budget available for special services would be based upon a proportion of the budget for the regular education program in the Yukon. It is proposed that these new procedures be applied in increments from 1975-76 through 1977-78. And the approval of this proposal reads as follows:

The Executive Committee recommends that the British Columbia procedure for funding be adopted, special education classes and services will be applied and the three year plans for gradual implementation of the procedure is approved. It was further agreed the setting up of the new establishment is to be cleared with Treasury personnel.

This is a lengthy -- besides that, it's a lengthy document of some 30 to 40 pages.

Would you like me to briefly spell out the programs that are now in existence, or could this, would this better be circulated in paper form.

Hon. Mr. McIntyre: Do you have enough copies?

Mr. Parker: No I don't. But copies could be made.

Mr. Chairman: Perhaps we could ask Madam Clerk if she could make copies.

Mr. Parker: I have the original here.

In the interim, I could do a brief summary of what's contained on these two sheets. The first is the actual special education budget expenditures for 74-75. The amount in the budget of some \$30,000 is I admit a little bit deceiving since programs to the amount of approximately \$347,000 were operating, or have been operating during this 1974-75 year. If I could go into a brief explanation, the reason for the \$30,000 figure is that during 74-75 and years previously, there was an Establishment number which was designed to include nothing more than the grant to the Association for the Mentally Retarded to operate a classroom for trainably mentally retarded. Including the salary of the teacher, et cetera.

After approval of the Ex-Com memorandum, which number 6376 it was decided that a new Establishment number was to be given to special education by treasury and instead of giving an actual new number, this same number 313 was merely enlarged, both enlarged obviously in dollars and in terms of the number of programs which were to be included within 313.

And that's where the 30,000 comes from.

Mr. Chairman: Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, quite a few of the people around our chambers today would like a little information of what actually is special education and you're talking about the Whitehorse Elementary School with five teachers. How many classes, what's the enrollment, why are these children in these classes, what type of instruction has to be given. I think this is the type of thing that we're very interested in. We realize that we have to spend the dollars and that we have spent quite a number of dollars in the past and they haven't been identified as being dollars for special education, although they were being spent. And I think this whole area of special education, I wonder if you could enlarge in a little more detail and probably deal with them as Whitehorse Elementary, to the various schools and then would you explain the specialist classes, remedial instruction, compensatory, I believe that's the L.E.A.P. program. The para professionals is it, and maybe we could have some explanation on that. I think this would more or less alleviate some of the doubt and misunderstanding that we have at the present time.

Mr. Chairman: Thank you. Mr. Parker?

Mr. Parker: Certainly. In very general terms, special education is simply the education of youngsters who are not being provided adequately with education in the regular system. Modifications of the regular system to the extent of self contained special classes, from that to simply auxilliary help, short term and short time tutoring nature are necessary for these -- for the students to actually to achieve the general goals of education that we have for most students, including learning basic skills and for some students, as basic as learning to speak and talk walk motor movement, et cetera, adequately.

In a typical population in Canada, school age population, it's estimated that from 9 to 11 percent of the students grades 1 through 12 and most lately it's been special education, has extended down into the kindergartens, from kindergarten to grade 12, will need some sort of auxilliary support, to make it by almost any standards through the school system.

We are now in the Yukon, at the stage of having fulfilled this special education program, to the extent of three quarters to four fifths, I would say, of what is found in a well provided Alberta or British Columbia school divisions. Within the area of education, a number of kinds of exceptional children fall, including those with speech and language difficulties, those who because of slow maturation are legally of school age but simply not ready for a grade one curriculum. Those who are educatably mentally retarded. And a brief definition of that would be students who can learn basic academic skills, but usually at a rate of from one half to three quarters that of a normal student. For them a fairly different educational program is needed and separate curriculum are well defined, have been published.

At the senior secondary level, it requires work

experience program. The trainable mentally retarded are more severely mentally handicapped, for them we have operating one special class located in Whitehorse Elementary School which is funded through a grant to the Mental Retardation Association. I mentioned educably mentally retarded, we do have four classes of that operating, three in Whitehorse Elementary, one in Jeckell Junior Secondary, the classes do proceed from the primary class to the junior intermediate to senior intermediate, all located within Whitehorse Elementary School and to the one junior secondary class located in Jeckell.

To go back two steps as well, of the primary readiness classes, for those students who are legally of school age, but simply not ready for a grade one curriculum, we have three classes operating, two in Whitehorse Elementary School and one in Watson Lake.

You probably have a copy of this by now and I can -- this will help guide in my talking, beginning again on page one, the preschool language delay class is really some form of the -- is a more limited form of a proposal made by Dr. K.L. Asante, which again was in the form of an ex-com memorandum, last year. He recommended that a special facility for handicapped children be set up, in the Yukon and you mentioned a list of 23 names. This is part of his proposal. I myself had a look individually at that most of the children listed by Dr. Asante and met with him personally on a trip up here as well.

After looking individually at all of the children on the list it was found that in fact the number was much smaller than 23. The number of students who could be contained in the special facility. As well it was noted that I believe three or four of those youngsters were being fairly adequately taken care of within special classes, in the public school system currently. With the exception of a lack of physiotherapists, help.

The proposal presented by Dr. Asante was therefore revamped and what was approved by ex-com was a more limited program in which one teacher, one special teacher and one aide who happened, by luck happened to be a physiotherapist as well, are operating a morning kindergarten program for pre-school children, children of pre-school age, with language delays, usually fairly severe, often accompanying speech difficulties and usually severe motor problems as well.

During the afternoon, these two, the specialist teacher and the physiotherapist aide, are operating in the public schools. They have a very small class, in the morning now, of approximately seven students, during the afternoon they see approximately 15 students. Small numbers but they are the most severe cases in the Whitehorse area.

Again, maybe I should move on down through the T.M.R. class, the class for Trainable Mentally Retarded, which again, traditionally in the Yukon has been a separate class through its manner of funding. In other words, it is funded indirectly through a grant to the Mental Retardation Association and through Establishment number 313. That, at one time was the only thing contained within Establishment 313, of specialist teachers, teachers who do have teacher credentials and as well specialist training in special education or remedial education who are not working

with the retarded. We have three. One located at Selkirk Street School acting as a remedial teacher. One in Mayo who is working, not really as a remedial specialist, but has two primary functions, one is to supervise three remedial tutors, para-professional remedial tutors located in Mayo.

The second function is as a half time teacher of a group of outdoor education non-academic students at the age 12, 13 level.

The specialist teacher at Selkirk Street School does work as a remedial teacher pulling children from the regular classroom for short daily periods of some 20 to 40 minutes.

We do have one -- we have no specialist in the area of Deaf and Hard of Hearing. We do however, have three to four children with this handicap in the Whitehorse area.

What we do have is one half time aid, one aid working on a half time basis only. The other half time she is teaching kindergarten. She is however, able to sign and finger spell, has this particular skill and is the closest we can come at this time to a specialist in that area.

There are, as well, non-academic classes. Classes which are of a pre-vocational nature usually a non-academic emphasis and often involving some degree of outdoor education, or an emphasis upon manual skills, three teachers as well and three programs. One operating in Mayo, one at Jack Hulland School and another at Whitehorse Elementary School.

We initiated at the beginning of last school year the 73-74 school year, a compensatory training in the area of language and school readiness in several kindergartens through the Yukon. An evaluation of the effectiveness of that program cannot occur until these students have finished grade one, which is at the end of this, the 1974-75 school year.

We will be engaging in testing of academic performance at the end of this year to see if this training in kindergarten has had the desired effect. I am quite hopeful though and the results that we have seen thus far have been quite promising.

The expenditure then during the 1974-75 was really to replace that part of the initial Materials Allowance which was consumed--which was consumable.

A pre-vocational program is operating at F.H. Collins and involves one teacher on staff at F.H. Collins and one field co-ordinator, again a qualified teacher, in the area of shop, wood and metal shop, who spends most of his time supervising his students in the community, and spends very little time in a classroom situation.

The next item, I think, has been a source of some confusion. What is on the paper is the share, the Yukon Territorial Government's share of, minimal share for 74, and if you will turn the sheet, minimal as well for 75-76, a share then of the federal government Department of Manpower and Immigration L.E.A.P. sponsored program. L.E.A.P. stands for Local Employment Advancement Program and its cost to the federal government during 1974-75 was estimated at over a hundred eighty-five thousand dollars. It will probably expand during 75-76 to the maximum allowable under L.E.A.P. programs which is two hundred thousand dollars.

The part of this cost borne by the Territorial

Government during 74-75 was \$11,880.00 which went toward training and toward purchase of instructional materials. This is a maximum three year Manpower program, special Manpower program, which must be reviewed and applied for at the end of each year of operation. It can, again, be funded by the federal government for a maximum of three years. The last year will be the 1975-76 school year. At the end of that school year we hope that that the Territorial government will be able to honour a verbal commitment of picking up all or the majority of the costs of this program at that point. This involves, by the way, 16 tutors in 12 different schools. There is one tutor per school with the exception of Mayo School, in which there are three tutors supervised by, again, on a half time basis, by this one specialist teacher.

Two tutors located in Whitehorse Elementary School, two in Christ the King Elementary School and one in a number of other schools, which I could list. The schools were determined on the basis of lowest academic performance, especially in the primary years, and other signs of need, basically, academic need.

Transportation for the handicapped. The students enrolled in the class for the trainable retarded, many of whom are housed in the handicapped Childrens' Home require special transportation to and from school as do now a growing number of students in the pre-school class. The first class listed on this sheet, the pre-school language delay and motor retarded class operating in a portable classroom adjacent to Christ the King High School.

As well we will have increased expenses for students enrolled in pre-vocational programs at, well the only one which is now operating at F.H. Collins School.

We have presently one student one deaf student at Jericho School for the Deaf and the Blind in Vancouver British Columbia. We anticipate that during the 1975-76 school year, that his -- the cost of maintaining him at Jericho will be picked up by rehabilitation since he is -- he's some 16 years and he's becoming an adult.

We do however, if you could turn briefly to the 75-76 year, the second page, there is forced growth in that area. We do have one physically multiply handicapped child, who will probably be located in Glenrose, and we have a different child who is deaf, of school age who will probably have to be located in -- preferably Edmonton School for the Deaf I think rather than Jericho School in Vancouver. This is a very minimal estimate. We may have as many as two additional students of school age who will have to be maintained educationally through special education monies, the Department of Education, will have to be maintained in institutions outside the territory.

This is by the way a very minimal number in terms of similar school divisions in say British Columbia of approximately 5,000 school enrollment.

Other areas of growth on the second page, for 1975-76, includes simply the last item, testing and evaluation terms for all programs which I think is essential, urgent if we're to continue operation of the materials and as well, if we're to expand them as was recommended by the proposal. Which was approved by Ex-Com, number 6376.

The other increases from \$334,000 to \$415,000 are

taken up by increases in teachers' salaries which average out to between 12 and 14 per cent and an increase in operating expenditures, which aside from the forced growth areas, of maintaining students outside, which amount to some 30 to 35 percent.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, I would appreciate a clarification. I had always understood that there was an upgrading program at the vocational school which brought incoming students to a level where they could receive vocational training. But I see we have pre vocational programs and L.E.A.P. programs, all of them leading to the same end? I wonder if I could be informed on that one.

Mr. Parker: Yes certainly. The purpose of the L.E.A.P. program, the largest program there is, and it's emphasis I should say first is upon the first three and four grades of school. The emphasis is upon upgrading, and the basic, well perhaps it's the wrong word but remediation of the basic skills of language, reading and arithmetic to allow a student to function adequately within the regular school system, within his regular class. To operate again, successfully within the period, or after a period of one or two years of remedial work. The purpose for these students at that level certainly is not vocational training and is not entering into any particular vocational training program. It's to allow a successful full participation in a regular school program. Were there questions on any other?

Mrs. Whyard: Yes, Mr. Chairman. The non academic classes. Why are they not under a vocational heading?

Mr. Chairman: Yes, go ahead, I'm sorry.

Mr. Parker: For a few good reasons I think. First being that they deal with students of school age. The one class in Whitehorse Elementary is dealing with the students as young as grade 4 and 5 levels. For all but the one pre-vocational class at F.H. Collins, for all but that one class, the term pre vocational would be a misnomer. They are in some school divisions, these programs are called Programs for the Behaviourally Disturbed, for the Emotionally Disturbed for the Pre Delinquent, et cetera. A number of the students in fact will enter vocational and vocational training programs. The majority will in fact, we know from past cases, rather than further academic training.

But the purpose until a late junior high, early senior high level, the purpose continues to be reintegration of the students into the existing school program. For example, the program at Whitehorse Elementary, the non academic program we call it, is designed for those students in the school who are the most behaviourally handicapped in the entire school. Those who are behaviourally destructive, who are not always, who are emotionally upset to a degree and the purpose of the program then is on a short term basis, hopefully for one year, perhaps two years, to give the students a very different kind of program, both for the sake of the regular class and the school, and the regular classroom teachers and in hopes that an opportunity to

engage in different activities and pulling the student out from the immediate stress of academic achievement will allow his reintegration.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: Thank you Mr. Chairman. I only have one final question and that is, I see we have, we're spending close to half a million dollars for special education and all of this is for below normal or problem students, what is there for the gifted, above average student?

Mr. Chairman: Mr. Parker?

Mr. Parker: That's a touchy question. I see it basically as a matter of priorities. We have a far greater number of students who are not achieving in the school division and are being hurt by it and our society consequently is being hurt by it then I feel we are -- than of students who require more of an educational experience because of being gifted in one way or another. Basically I think it comes down to a matter of priorities and the consequent destructive effect that not meeting these priorities will have on society. We do have obviously approximately two to -- depending upon the definition, two to .05 percent of the school population, could be defined as gifted, and at present, I feel we're best taking care of these students by providing adequate libraries in as many schools as possible, by providing upgrading of, and in service to our own teaching staff and seeking to hire the most competent teaching staff that we're capable of. Besides that, no particular special programs, separate programs for the gifted.

Mr. Chairman: Thank you, Mr. McCall.

Mr. McCall: I'm just curious about one item, I'd like to go back to it right at the beginning of your explanation.

Who sets these special standards for the children in the various programs, like their inabilities, evaluation, this sort of thing, I'm just curious.

Mr. Parker: The evaluation, since I came on staff and since our educational psychologist has come on the Department of Education staff, has been usually a joint venture between the two of us. A primary criteria however, is near total failure to cope with a regular classroom situation. In other words, we don't set relatively arbitrary criteria and seek students who might fit a special separate program. We see students on the basis of referral. If they're of school age, referral by a school principal, through a school principal, by classroom teachers. If the children are not of school age, we encourage parents to come see us directly.

Mr. Chairman: Mr. Lang?

Mr. Lang: I'm curious to know how many students actually fit under this program.

Mr. Parker: Okay, I can see that as two questions, the first question being, what part of, let's say in a well suited school division, with a fully developed special

education system for instance in British Columbia, what proportion of the students would be dealt with to some degree by special programs. Again that usually is between 9 and 11 percent of your school age population. The number of students, I should say again, the Yukon is not a typical -- does not have a typical school age population. We have a greatly disproportionate number of children that would be termed disadvantaged, and that has for simplification, for conceptual development, for the development of language and basically learning all of the basic core school tasks in the primary areas, that is the major, I think that's the major difference between this school population and most of the provinces. There are now, the second way I can interpret your question is, is how many students are right now being dealt with by these special programs and during the 74-75 year, I have added up 506 students.

Mr. Lang: Over 10 percent eh? Does this program take the students that say, obtain the grade of, say grade 10 and are unable to read. They're having a problem in B.C. apparently in writing entrance exams to universities and they find that -- well they can read, but barely. Does this take this in?

Mr. Parker: If a student is -- maintains himself or is maintained in the school at the grade 10 level, without being able to read, he would be dealt with through a Senior High Learning Assistance Program which are operating in most provinces. We were hoping, were special services allowed to expand during the 75-76 school year, we were hoping to institute one such position at F. H. Collins but as of yet, there are no positions in the upper grades to deal with students for remediation of the basic skills. Presently our focus and our emphasis and our priorities have been upon the kindergarten, grade one, two, three, four level.

Mr. Lang: So we're saying that quite conceivably in the next seven or eight years, when a person obtains say grade 10 or grade 12, we will find that the proportion of kids that can't read will be definitely down, is that correct?

Mr. Parker: I certainly hope so, yes. I can see for instance, our efforts at language compensation and readiness skills at the kindergarten level, I can see that hopefully being a terminal program after some five or six years.

Tutoring, the fair number of tutors which we have operating through a number of schools of grade one, two and three level, I hope to see again, in the period of three or four years, I hope to see that number decrease. That doesn't necessarily mean the programs will decrease, they should but what it means in the Yukon is that problems of lesser severity will be able to be picked up.

Mr. Chairman: Thank you. Any further questions arising? Perhaps we could move then onto--oh, sorry, Mrs. Watson.

Hon. Mrs. Watson: One more question. Mr. Parker, when a child is referred to you or the educational psychologist, by a principal of the school, and you do an

assessment of the child's needs, when is the parent involved?

Mr. Parker: The parent is involved before we see the child, in every case, before we assess the child we have a permission slip from the parent. A permission slip which explains the purposes for which the student is to be assessed, as well, following every assessment, a report is sent to the principal parties involved. If a parent makes the referral, the parent gets the copy of the assessment directly. If the parent does not we ask the principal either to make available to the parent or to interpret, read for and interpret to the parent particular parts of the assessment, of the assessment report.

In many cases as well, either Dr. Simonson or myself or both of us meet with parents following an assessment of the child. And often meet jointly with the parent and the school.

Mr. Chairman: Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, one more question. I think this is an inter-departmental weakness, I don't think the pediatrician who comes here under our health services is aware that we have the assessment services here within the Department of Education. I am familiar with cases where they have recommended children outside for an assessment. And that then of course, the outside assessment then doesn't follow through with the recommendations to the School System of the Yukon Territory. It's a weakness and it should be corrected so that health people and pediatricians, a pediatrician here that comes up here, knows that we have these facilities and we are capable of performing this function here in our Department of Education.

Mr. Chairman: Thank you Mrs. Watson, Mrs. Whyard.

Mrs. Whyard: Mr. Chairman, my question had to do with how much involvement there is for the teacher, as well as the parents of the child. So that they can all work together towards remedial treatment.

Mr. Chairman: Mr. Parker?

Mr. Parker: Yes, My assessments, the referrals to me are dealing largely with school failure of the child, largely in the academic areas. And in I believe every case, I could be mistaken, and I may be caught upon this, but I think in every case of referral, my assessment write up has accompanied either a fairly specific recommendations or those plus materials for the classroom teacher. You may be referring, I'm guessing you're referring to the typical problem in educational psychology and special education of lack of follow through from the assessment to the remediation in the classroom. In most jurisdictions this is a major problem and it's one that we're constantly striving to overcome, one that we're very aware of and I don't think we have completely solved it. I myself, neither myself nor Dave Simonson can follow through in each individual school in the Territory with the needed remediation, nor work individually with that teacher for sufficient time to

assure adequate treatment of the child.

We are largely dependent upon working through specialist staff in the communities and schools involved. We're assuming, in other words, some specialist expertise in each locale. Now, in a number of schools in the Yukon we don't have this specialist expertise and so it's up to Dr. Simonson and, or myself to spend some time in Pelly, Ross River, Old Crow, et cetera, to spend time personally with the teachers in working through the recommended remediation procedures.

Mr. Chairman: Mrs. Millard.

Mrs. Whyard: We do have an item for 75-76 which covers such in-servicing. \$7,000 for 18 and a half staff in eight different schools. That would be your indoctrination of special remedial work.

Mr. Chairman: Ms. Millard.

Ms. Millard: I was wondering if Mrs. Brannigan might be able to give some indication about the tutors, particularly how they're trained and how often they're retrained.

Mr. Chairman: Mrs. Brannigan?

Mrs. Brannigan: This has varied over the two years of the program, we run in-service training sessions and we may have one further session at the end of the school year.

As well, we are depending on specialist teachers, such as Mr. Parker has mentioned, to supervise the tutors while they're in the schools as well. This pretty well makes up the whole of the training.

Mr. Chairman: Thank you, anything arising?
Mrs. Watson?

Hon. Mrs. Watson: Mr. Chairman, I'd like to draw attention to the fact that the tutor training program is not a program of the Department of Education. It's a program of the Association of children with learning disabilities. Mrs. Brannigan is the representative of that association who provides the administrative service for the association. Mr. Parker provides the professional advice, and I think this association is carrying on a great service for the children in the Territory with learning disabilities. And I think they need to be congratulated.

Mr. Chairman: Thank you, Mrs. Watson. Any further questions or comments?

We will then turn to page 18 of the main, Item 324, Rehabilitation Services, 204,183. Any questions of these witnesses.

Ms. Millard: Yes, Mr. Chairman.

Mr. Chairman: Ms. Millard.

Ms. Millard: I have several questions. We have been given a letter from Mr. Putters which is quite explanatory of the program. I hope everyone has it, March 12. The response to my question.

Mr. Chairman: That was handed out on Friday.

Ms. Millard: Um-hmm. My main concern is again, financial to begin with, there are some questions in the budget that I don't feel have been answered. There is an increase of wages from \$23,000 to 50,000 which I have had explained to me is for training on the job so that I understand the people that are being rehabilitated will be in training and will be paid while they're in rehabilitation programs, is that true?

Mr. Putters: Yes.

Ms. Millard: Thank you. And that works out to a salary, wage increase in the budget of \$27,000 and I see that there will be ten training on the job clients. So that means that each client will over a period of a year, receive approximately \$2,700 is that also true?

Mr. Putters: Yes.

Mr. Chairman: Mr. Putters?

Mr. Putters: It's fairly difficult to estimate. You'll have some clients who will be on for perhaps, 12, 16 weeks, other clients may be on for 40 to 50 weeks. An average was taken, based on what would be the norm for the period of time and also what the estimated hourly rate would be. Basically it is \$3 an hour which is above the minimum wage but below the lowest classification as a clerk in the Territorial Government and incidentally, these are for training on the job within the territorial government, any department that could come up with an estimate is our department, so that's why we are funding it, for the salary, even though these people are employed in other departments, of the territorial government.

It's a contract that is entered into with Canada Manpower and usually recovers around 85 percent.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Ms. Millard.

Ms. Millard: Thank you, that seems fairly clear. In other words, I can understand that there won't be just one person who is training all of these same people but that they will be spread throughout the system and have different supervisors and will actually be learning right on the job?

Mr. Putters: That's right.

Ms. Millard: That's really clarifies it a lot.

My other big problem, there is one subsistence in maintenance from \$15,000 last year to 65,000 this year. Could we have that clarified?

Mr. Putters: The -- since the vocational rehabilitation program is for adults, there is a requirement to pay them a subsistence allowance. The program last year, we had just hired a vocational rehabilitation co-ordinator, and the program had not really got to the point where it was, as you might say, rolling. Therefore this year we're anticipating more clients, who once they will be assessed, will either go into the vocational school, or upgrading or skill

training, or to outside institutions, or other outside sheltered workshops or sheltered workshops if this is in fact, operating within the next fiscal year.

So it's a sum of money estimated which here again is difficult to estimate, because you are not too sure what candidates are going to require subsistence allowances, and if I can expand that a little bit, for instance, at the vocational school right now, a person is either a Manpower client or a Territorial client, and I'm speaking about a student, and not rehabilitation.

If he's a Manpower client, then the subsistence allowances are totally paid by Manpower. If he's Territorial government, we the Territorial government, pays it and there are no recoveries on it.

Now if a client is recognized, and about 30 per cent of our clients last year were recognized through the vocational system, as being requiring or can benefit from rehabilitation services, if they're Manpower we attempt to keep them under Manpower. Because their subsistence allowances are paid for and the total course cost is paid for. If they're not, if they're Territorial, then we would attempt to put them under rehabilitation because the recoveries would be greater and the recoveries, for instance, of subsistence allowances, 50 per cent, whereas if they were not under rehabilitation, there would be no recoveries for subsistence allowances.

Now I don't want anyone to assume that perhaps we're judging our clients and slipping them in on the basis of recoveries, this is taken into consideration, but the first consideration is what that client requires.

Mr. Chairman: Thank you. Mr. McCall?

Mr. McCall: Thank you Mr. Chairman. While we're on the point of recovery for this, am I to assume then that all aspects expense of this program, that they're all recoverable, 50 per cent from the Federal Government?

Mr. Putters: Basically yes. There is very little that isn't, in fact, I'm not sure if there's anything in here that wouldn't be at least 50 per cent, with the training on the job, being 85 per cent but through a different Federal Department.

Mr. Chairman: Thank you, anything further, Mr. Lang?

Mr. Lang: What I can't understand, why would a person go through the rehabilitation services in order to go to the vocational school and get through Manpower. I can't understand why they would go through this if they can go through ---

Mr. Putters: Quite often we have people, and this has been the advantage of the vocational rehabilitation as well, we have had people who have not -- have had difficulties, learning difficulties in the vocational school, they -- we don't discover this until they've been on for awhile and find out they're having difficulties. Before, we had just been losing them and never knowing why. Now we're able to do some assessments and determine that they do have a learning difficulty or disability or a handicap of some nature.

But by the time we recognize it, that person will probably be either on Manpower or on Territorial. In other words, he's already in the school system.

Now these are people who have been referred, within the vocational school. In other words, they've enrolled, they've found out there's problems, they're already a Manpower or a Territorial person. There's another 34 per cent approximately of last years who were referred by Social Welfare. That referral usually goes directly to the vocational rehabilitation. Does that answer your question?

Mr. Lang: Yes, Mr. Chairman, to a certain extent. I'd like to know how are you going to find these people before they enroll? Like it says in the bill here, later on, when we get to that.

Mr. Putters: Well right now they are coming in as referrals. As I mentioned, we've had 34 per cent of them referred by Social Welfare. Ten percent by probation, and six per cent National Health and Welfare. When I say Social Welfare, a lot of these are from other outlying communities. The program has yet to become better known to people in the Territory so that they can recognize in fact what is available to the people out in the communities as well as in Whitehorse when they run into someone who is having difficulty, they can refer it so that we can get them into an assessment and evaluation, but it is a difficult thing to identify these people and to know how many we're talking about.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, my other great difficulty with this program has been the definitions under which you are operating. The brief one that we have in the book is Disabled and Disadvantaged Persons, which is fairly broad. It's broken down to more things in your letter to us, retardation, psychosis, emotional disorders, physical or psychological, dependency on drugs, perceptual disabilities, et cetera. It just seems to me that that is quite a broad definition, for just about everybody, particularly since --

Mr. Chairman: Speak for yourself Miss Millard.

Ms. Millard: There are some Members here who don't necessarily have psychosis. Restoration on the second page it says that psychiatric treatment will be used, alcohol or a drug addiction treatment. Now, I can understand that your object is to employ people in a job, but isn't this an overlapping of services that we already have, psychiatric treatment, alcohol and drug addiction treatment. It seems to me that it's not just a physical rehabilitation service, it's a complete rehabilitation service for all adults. In other words, you're going to have a psychiatric division, a dependency on drugs, the whole thing, is this true?

Mr. Putters: Actually it is making use of the existing services. Once you have identified what, through an assessment in evaluation, what the particular person requires, it is making use of the existing services. If those services are already available without cost, well and good. If there is a cost then it is recoverable.

If I may refer to -- when you say that we could all be included, if you are referring to the disadvantage quite

often, in fact, in the greater majority of the cases where there is a disability, one of the problems is that the person has also got a social disability and if you are going to try and get that person to an employable situation, you can't just deal with the one disability and say that it is dealt with, when in fact he hasn't got the employment. Usually, quite often the disability in itself has had its influence in creating the social disability. You just can't cut it with a knife and say you do this part but not that part because you are not achieving employability for him.

Mr. Chairman: Miss Millard?

Ms. Millard: Thank you. That is very clear. Do you have some hope in the future that it will become a referral team kind of thing where referrals are made to this section, this rehabilitation services to be channelled into other treatments such as psychiatric or alcoholic treatment facilities?

Mr. Putters: I think we are largely that now. They are referred either to the Vocational School under the direct counselling of the Rehabilitation Coordinator and the Vocational School Coordinator. We are looking towards, and recognizing that there needs to be a rehabilitation centre that is set up and geared, which is commonly referred to as sheltered workshop, which again people can be referred to. The sixty-five thousand, for instance is in order to get it operating. In the following years there won't be grants, we would hope that it would be by basis of a funding. In other --- a purchase of spaces referring somebody there being charged by the shelter facility and paying them for that charge and that is how they would operate.

We are primarily a referral agency now, I think, and would continue to be, yes.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would like to go back to a moment ago, Mr. Putters, the particular point that you brought up about social welfare involvement. I think you mentioned a figure of 30 percent. I am just curious as to the success percentage wise of rehabilitation as to the 30 percent involvement.

Mr. Putters: I can't give you that breakdown as to what percentage, how the referral by social welfare were successful but, of all the cases dealt with last year, 37 percent are employed, 22 percent are still in classes or in vocational rehabilitation either here or in Calgary. Eleven percent are in the hospital. Nine are still under assessment and 17 --- 17 percent we don't know where they are.

In other words they were referred and we didn't go too far on them.

Mr. Chairman: Mr. McCall?

Mr. McCall: Would you term them, Mr. Putters, as drop outs?

Mr. Putters: Well dropouts or never reachables. You know they didn't come to us or --

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, someone mentioned earlier this program is not too well known throughout the Territory at this stage. I would assume that all of your information is mailed automatically to all medical practitioners. They are always in touch with training programs available?

Mr. Putters: Yes, all the medical people are aware of this because we are dealing with them through, either a medical assessment or what have you. In fact, about 3 percent were referred by medical practitioners.

Mr. Chairman: Miss Millard?

Ms. Millard: Mr. Chairman, just one last question. Under your section in your letter of Shelter Workshop -- you say a group of citizens representing 3 organizations, I wonder if Mr. Putters could tell us which organizations those are?

Mr. Putters: That is the Yukon Association for Mental Retarded, Yukon Social Service Society, and Yukon Learning Disabilities Association.

Mr. Chairman: Thank you, any further questions or comments?

If not I would like to thank the three witnesses for attending and for their assistance.

I will declare a recess at this time.

Recess

Mr. Chairman: I will now call Committee to order and if it's agreed we will proceed now with a clause by clause of bill 12, the Ordinance to Amend the Rehabilitation Services Ordinance. And we'll start with --

Some Members: Do you think we will need the Legal Advisor?

Mr. Chairman: I thought he was here.

Well I think we can carry on. It's understood he's attending. I guess we can't carry on without him. Just hang on.

Bill Number 12

Mr. Chairman: Clause 1:

(Reads Clause 1)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, one question of Mr. Legal Advisor. Why do you say substantially gainful occupation rather than gainful occupation?

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: I don't know, Mr. Chairman, is the answer to that one, except I suppose that it makes it a matter of opinion, that if a person is in a gainful

occupation or not. Substantially means that they must be reasonably occupied in a gainful occupation. Must get something of substance I suppose. Particularly of the dollar class.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it's still a series of assumptions and guesses, why could you just not delete the word substantially and make it quite clear that as a result of technological changes and capable of pursuing regularly any gainful occupation. Why substantially?

Mr. Legal Advisor: That's too narrow, Mr. Chairman, because then you're down to, if he gets a dollar a year he's out of it.

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Yes, I think Mr. Chairman that the reason this is the -- the word substantially is used is that the gainful occupation that the man has been following may no longer be substantially gainful. In other words, he could say be a trapper, and the price of furs could -- the market for furs could go completely to pieces. He could still be employed as a gainful occupation of trapping but it wouldn't be substantially gainful and it would require retraining him so he could earn a substantially gainful living.

Mr. Chairman: Thank you Mr. McIntyre. Any further comments or questions arising?
Two:

(Reads Clause 2)

Mr. Legal Advisor: Mr. Chairman, could you put in the words "enter into agreements" in the first line please.

Mr. Chairman: We'll treat that as a typographical error, Mr. Legal Advisor.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Yes.

Ms. Millard: Perhaps we could have some qualification of the words "undertaking projects". Does this include the projects that we've just been discussing with Mr. Putters, the sheltered workshop and sort of thing?

Hon. Mr. McIntyre: Yes, Mr. Chairman.

Mr. Chairman: Any thing further? Mr. McCall.

Mr. McCall: Yes, Mr. Chairman. I would like to ask the Legal Advisor that change or typographical error, did you say may enter into an agreement or agreements?

Mr. Legal Advisor: Agreements in the plural, Mr. Chairman.

Mr. Chairman: Any further questions or comments. Three:

(Reads Clause 3)

Mr. Chairman: Any questions or comments? Four:

(Reads Clause 4)

Mr. Chairman: Any questions or comments? Five:

(Reads Clause 5)

Mr. Chairman: Any questions, Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, who would it be foreseen, who would be the two members would they be drawn from where?

Hon. Mr. McIntyre: Mr. Chairman, I think that the two members would be selected by the Commissioner and obviously would be two members or two people, who would have some experience in the field. Now it could very easily be staff members of vocational training or people from within the government or it could quite easily be people from outside the government.

Mr. Chairman: Any further questions or comments?

Some Members: Clear.

Ms. Millard: Mr. Chairman, just a small point. Would these two members in Section 7, would they be quite separate from the Board, that they couldn't be both on the Board and on the selection committee.

Hon. Mr. McIntyre: Mr. Chairman, it's my understanding that they're separate.

Mr. Chairman: Anything further? Six:

(Reads Section 6)

Mr. Chairman: Ms. Millard.

Ms. Millard: Back to the beginning of Section 6(1), "any person directly affected", does that mean simply the applicant or does it might mean -- might it mean relatives also, it refers in the second section to "the Board shall meet and consider the matter and shall give the applicant and the Committee an opportunity to be heard." I would presume that there are some cases of rehabilitative nature where the applicant couldn't obviously be present at court, could this be changed, sorry about that, could it include, under Section 1, relatives, under directly affected?

Mr. Legal Advisor: Yes, Mr. Chairman, in an appropriate case it would include a father on behalf of a son, a husband or wife on behalf of their respective spouse, because they would be directly affected and they would have an interest in furthering the decision

on behalf of their relative, but it would not necessarily include third cousins.

Mr. Chairman: Mr. McCall.

Mr. McCall: Mr. Chairman, I would like to comment on this particular part of this Ordinance but before that, would you complete this wording language please.

Mr. Chairman: Do you wish to comment on it?

Mr. McCall: When you finish off the wording.

Mr. Chairman: You are not usurping the functions of the Chairman.

Mr. McCall: I hope not.

Mr. Chairman: Were there any further questions on these subsections of Section (6)?

Mr. Lang?

Mr. Lang: Mr. Chairman, I can't understand why it's been to me it's been quite difficult to become a member of the rehabilitation project. Why are all the safeguards. Is everybody going to apply in the Yukon or something? I can't understand why all these safeguards are put in to see if this applicant is acceptable for training.

Mr. McIntyre: Mr. Chairman, is the Honourable Member referring to Section (8) --

Mr. Lang: I'm referring to the whole Bill.

Mr. McIntyre: -- or to the whole Bill?

Mr. Lang: I can't understand why all the safeguards.

Mr. McCall: Mr. Chairman, Section 8 and 9 has not yet been read.

Mr. Chairman: Yes, you've pointed that out Mr. McCall. Is it the wish of the Members that we read those subsections?

Subsection 8.

(Reads Subsection 8)

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. Lang, Mr. McCall is first on these two subsections.

Mr. McCall: I would just like to comment on this, Mr. Chairman. I'm under the impression that this particular language pertaining to this Ordinance has changed in mid-course. There's one helluva lot of wording here to say that we are now going to have an Appeal Board.

Mr. Legal Advisor: It is, Mr. Chairman, it's a long section. But basically a decision of the Government of an ongoing nature is this. That where a decision affecting a citizen is concerned, and that decision has to

be arrived at by a civil servant, by a public servant. That some form of appeal should be written into the legislation giving the power to make that decision.

The sections dealing with the Appeal to the Magistrate's Court are taken and reflect the policy of the Federal and Territorial Governments to have the Courts decide on points of law where these arise in the course of appeals and when it becomes necessary.

So the wording parallels, as perhaps the Chairman will confirm, parallels the wording of the power of appeal from all Boards in Canada set up by the Federal Government to the Federal Court as a general thing.

It's not to make it easy -- sorry, it's not to make it hard to apply, it's to make it hard to refuse a proper case.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall.

Mr. McCall: It may not be very hard to apply, but it's very difficult to read to the layman.

Mr. Legal Advisor: Perhaps, Mr. Chairman.

Mr. Chairman: Mr. Lang.

Mr. Lang: Mr. Chairman, back to the question I asked previously, I want to know why all these safeguards are here for -- becoming a part of this program. As Mr. Putters pointed out it was to be a referral agency, to me, my concept when he says, to be a referral agency, to me, that is my concept of what he says, it was more or less to be a referral agency.

Mr. McIntyre: Mr. Chairman, under the section that we're repealing there was a Board. There is a Board at the present time, Mr. Chairman, on such applications. It's not a very involved process. A person just makes the application to the Board for this particular service. Then it's only if he's refused that this horrible bunch of appeals comes into effect.

But normally you wouldn't be refused.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I think that Miss Millard did ask the question I was going to ask, 2 and 3. I don't see any reason for having the two. "On receipt of the Notice of Appeal pursuant to Subsection 1, the Board shall meet and consider the matter and shall give the applicant and the Committee an opportunity to be heard respecting the decision." And they start out again, 3, "At the hearing of the Appeal, the parties may appear in person or may be represented by counsel or agent," I don't know why they can't put it all in one paragraph, it would save a lot of trouble, or a lot of reading.

Ms. Millard: Mr. Chairman, back to Mr. Lang's question. I would take the opposite view, as I have in several occasions, with Mr. Lang, and say that this part of the legislation is the excellent part of it and the part that I would like to have seen in some previous legislation which we were talking about today. I don't have the trust in the Administration and system the way you have. I really think that there are many cases

where the well-meaning people who are given -- they aren't given their true rights. Because they are disadvantaged, disabled.

The definition of disabled here is so broad reaching that it disturbs me. The result of technological change could mean in a lack of preparation. Could mean any Indian that we come across today. I think there's a very broad mandate and has to be controlled some way. I wish that our previous legislation had the same kind of controls.

Mr. Chairman: Thank you Miss Millard, any further questions or comments?

Mr. Legal Advisor: Nothing except to say that the Government doesn't know whether to bow or curtsy, Mr. Chairman.

(Laughter)

Mr. Chairman: Anything further?
Seven.

(Reads Clause 7)

Mr. Chairman: Anything arising?

Some Members: Clear.

Mr. Chairman: Preamble. "The Commissioner of the Yukon Territory by and with the advice and consent of the Council of the said Territory, enacts as follows;" Title: Bill number 12, an Ordinance to Amend the Rehabilitation Services Ordinance. Clear?

Some Members: Clear.

Mr. Chairman: I will then entertain a Motion.

Mr. McIntyre: Mr. Chairman I move that Bill number 12 an Ordinance to Amend the Rehabilitation Services Ordinance be reported out of Committee without amendment?

Mr. Chairman: Thank you, a seconder?

Ms. Millard: I second that.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Miss Millard that Bill number 12 entitled an Ordinance to Amend the Rehabilitation Services Ordinance be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: We will then proceed to Bill number 13 which is An Ordinance to Amend the Labour Standards Ordinance for a clause by clause.

Bill Number 13

Mr. Chairman: One
(Reads Clause 1)

Ms. Millard: Mr. Chairman?

Mr. Chairman: Miss Millard?

Ms. Millard: I have to rise in objection wholeheartedly to this Bill. What it does, I presume, is to give the Commissioner the right to make regulations exempting disabled people from Labour standards which to me is far too great an authority. I can understand there is some difficulties under the sheltered workshops, where there should not be perhaps age restrictions or hours of work I doubt.

Most of them have listed hours of work -- doesn't seem to me that should apply, maximum hours certainly should the disabled person be working more than the regular hours they should be paid overtime. Minimum wages, we've been told by Mr. Putters that they will be receiving \$3.00 an hour, but if they aren't protected by legislation to receive the \$3.00 an hour, I would feel we aren't giving them their full rights.

Also they should be given holidays on the general days that everyone is given holidays if that's -- Apparently if they're going to be working within our system, within the Civil Service system, which is what Mr. Putters said. Why should they be treated differently?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would like to ask the Legal Advisor if he would give an explanation as to this wording please, to clarify and clear up a few things?

Mr. Legal Advisor: Mr. Chairman. This Labour Standards Ordinance does not apply to people who are employed in the service of the Territory. It only applies to people who are employed in private employment by companies or individuals. It is customary in undertaking a project to take a group of people who are in some way not able to take their place with the other members of society in a sheltered employment to make a special deal with them whereby we may pay part of their salaries by way of grant, the employer only pays a proportion of it. They may be training teams and such like. It is for the purpose of these agreements that we need this exemption power.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: What you are saying, Mr. Legal Advisor, is this is more like a protection than a hindrance, is this correct?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Miss Millard?

Ms. Millard: I hate to harp on an old theme but I

wonder if we could be assured that the regulations would actually have the consent of the disabled person in any minimumization of their wages or a maximumization of their hours of work et cetera?

Mr. Legal Advisor: I think they will always have the consent of the people as a group, but individual consent would be hard to give an assurance on, but as a group, certainly.

Mr. Chairman: Anything arising? Miss Millard?

Ms. Millard: Mr. Chairman, perhaps Mr. Legal Advisor could just expand on the phrase "a system of promotion of rehabilitation"? Mr. McCall seems to understand how it can assist a person to lose some rights but I can't understand that at this point.

Mr. Legal Advisor: I am sorry, I don't see that it occurred in this particular Ordinance, Mr. Chairman.

Ms. Millard: Oh that is, I am sorry, under the explanatory notes. In the Bill it reads "as part of their rehabilitation process"

Mr. Legal Advisor: Well it may be, perhaps Mr. Chairman, that we have a number of blind people and we may be seeking employers to employ these people in a sheltered occupation and the people who are organizing it may have to, in effect, promote a deal, to go out to the private sector and say, "if you agree to accept blind people who have been trained by us for specific occupations, we will do the following things". So they are promoting, as far as possible, the employment of people who require rehabilitation or a sheltered occupation. It is a deal that is actually going to be handled when the time arises.

Now, so far as the Territorial Government is concerned they will do their part equally with private employment, but basically you are attempting to make the people competitive in this competitive world.

Mr. Chairman: Miss Millard?

Ms. Millard: Mr. Chairman, I still can't understand how reducing their rights as a labourer, as a person in employment is really going to help. The Labour Standards Ordinance sections are hours of work, minimum wages, age restrictions, vacation pay, it seems to me that is quite a bit of protection that the disabled person should have rather than someone making a deal for them simply because they are blind or -- it seems to me rather incomprehensible.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman. Mr. McCall will probably shake his head at this too, but I still can't clear anything that says to exempt anybody - individual. And if you will clear up who they are going to exempt and why, then I think I may have a little better picture.

Mr. Legal Advisor: People who are being named as individuals or a group of individuals are the people who have perhaps one arm, one leg, one eye or no eyes, and

so forth. They are the people who will be exempt. They are the people who will be employed. So they're exempt from it. So there are provisions elsewhere in the Ordinance to exempt people from say, the length of time in a work week, to make an agreement with a group of employers with the consent of the people who are employed to work say, a 96-hour two-week period. Or certain periods where they intensively work during the Winter and relax in the Summer or vice versa.

These provisions have already built into exempt people at certain industries from certain provisions of the Ordinance.

Now this may be required as part of the scheme for attracting employers to employ these people in accordance with the scheme.

Mr. Chairman: Mr. McCall.

Mr. McCall: Yes I'd like to comment further, Mr. Chairman, as to what the Legal Advisor said in most areas, especially the area I work in, employees are very reluctant to employ handicapped people. And this provision in here I can see of more useful purpose than anything else. In order to encourage the employers to work. In most organized established industry you'll find it more or less is unionized. So they have added protection.

I have a number of employees like myself, with the company I have worked for, who are going through rehabilitation. Incentives are created by ourselves and the company. This I feel enhances it.

Mr. Chairman: Any further questions or comments? Is it clear?

Some Members: Clear.

Mr. Chairman: Preamble. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:"

Title of Bill number 13. An Ordinance to Amend the Labour Standards Ordinance.

Mr. Chairman: I will then entertain a Motion.

Hon. Mr. McIntyre: I move that Bill number 13, An Ordinance to Amend Labour Standards Ordinance be reported out of Committee without amendment.

Mr. Chairman: Seconder?

Mr. McCall: I second that Mr. Chairman.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. McCall that Bill number 13, entitled An Ordinance to Amend the Labour Standards Ordinance be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: The Motion is carried.

Motion Carried

Mr. Chairman: Is it the wish of this Committee that we recess in order to have a caucus this afternoon?

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

Mr. McCall: I second that Mr. Chairman.

Mr. Chairman: It has been moved by Mr. Lang, seconded by Mr. McCall that Mr. Speaker do now resume the Chair. Question?

Some Members: Question.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Speaker resumes the Chair.

Mr. Speaker: At this time I will call the House to order.

May we have a report from the Chairman of Committees?

Mr. Phelps: Yes, Mr. Speaker, the Committee convened at 10:15 a.m. to consider Bills, Papers and Motions. It was moved by Mrs. Watson, seconded by Mr. McCall that Bill Number 17 entitled Custody of Federal Parole Violators Agreement Ordinance be reported out of Committee without amendment. That Motion was carried.

It was moved by Mrs. Watson, seconded by Mr. Berger that Bill number 18 entitled Supervision of Federal Parolees Agreement Ordinance be reported out of Committee without amendment. That Motion was carried.

It was moved by Mrs. Watson, seconded by Mr. Fleming that Bill number 21 entitled Court Worker Agreement Ordinance be reported out of Committee without amendment and that motion was carried.

It was moved by Mr. McCall seconded by Mr. Taylor that Bill number 23, entitled An Ordinance to Amend the Mining Safety Ordinance be reported out of Committee without amendment. That motion was carried.

It was moved by Mr. McKinnon, seconded by Mr.

Berger that Bill number 20 entitled An Ordinance to Amend the Taxation Ordinance be reported out of Committee without amendment and that was carried.

I can report progress on Bill number 16.

The Committee recessed at 12 noon and reconvened at 2:10 p.m.

We had as witnesses, Mr. Parker, Mrs. Brannigan and Mr. Putters. I can report progress on Bill number 2.

It was moved by Mr. McIntyre, seconded by Ms. Millard that Bill number 12 entitled An Ordinance to Amend the Rehabilitation Services Ordinance be reported out of Committee without amendment. That was carried.

It was moved by Mr. McIntyre, seconded by Mr. McCall that Bill number 13 entitled An Ordinance to Amend the Labour Standards Ordinance be reported out of Committee without amendment. That was carried.

It was moved by Mr. Lang, seconded by Mr. McCall and carried that Mr. Speaker do now resume the Chair.

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

Some Members: Agreed.

Mr. Speaker: What is your further pleasure?

Mr. Fleming: Mr. Speaker I now move that we call it 5 o'clock.

Mr. Speaker: Is there a seconder?

Ms. Millard: I second that Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Ogilvie that we now call it 5 o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare that the Motion is carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned

