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Debates & Proceedings

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Speaker: The Honourable Donald Taylor

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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: We will now proceed with the Order Paper, and under Daily Routine, are there any Documents or Correspondence for tabling this morning?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling this morning, Sessional Paper Number 9, "Restrictions on Recruitment and Outside the Territory Travel".

Mr. Speaker: Are there any further Documents or Correspondence for tabling? Are there any Reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution?

The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I would like to give Notice of Motion respecting mileage paid to individuals outside the public service.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I would like to give Notice of Motion, seconded by the Honourable Member from Riverdale re the Government of the Yukon Territory Analysis and the Position of the Yukon Indian Land Claim, and further I would like to give Notice of Motion that Sessional Paper Number 9 be moved into Committee.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I would like to give Notice of Motion re goals for Yukon's Economic and Social Future, moved by myself, seconded by the Honourable Member from Kluane.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion

for the Production of Papers? We will then proceed on the Order Paper to Orders of the Day.

ORDERS OF THE DAY

Motion Number 10

Mr. Speaker: We have Motion Number 10, moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie, that it is the unanimous opinion of this House that the program of Alcohol Problem Prevention outlined in Sessional Paper Number 4, be carried out by the Yukon Territorial Government within approved budgetary limits.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker. In speaking to the Motion, it really does not need much explanation. The Sessional Paper Number 4 as presented, indicated clearly the needs for a comprehensive program of alcohol problem prevention. Certainly I feel that the discussion that went forth through this House was indicative of the concerns that we all have with regard to this problem. Therefore, I suggest the Motion be adopted.

Mr. Speaker: Any further discussion? 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

Motion Number 11

Mr. Speaker: The next Motion is Motion Number 11. Moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Hootalinqua, that the Legislative Assembly of the Yukon, request the Canada Radio Television Commission and the Minister of Communications to give immediate and favourable approval to the application on behalf of the Teslin Community Club for an interim licence to operate and maintain a broadcast transmitter and earth receiving station at Teslin, Yukon, pending the C.R.T.C. hearing in January, 1976, and further that favourable consideration be given to the

final application.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Again, Mr. Speaker, this Motion needs really no explanation other than the fact that it's a typical reaction to action taken by a community on their own. I think the initiative shown by the people of Teslin, certainly the initiative shown by this government in working along with the people of Teslin is part of this Motion.

I strongly hope the House will support it. Further to that I have information from Ottawa via telex this morning, that the Federal Communications Department says it is trying to facilitate authority for a community television receiver in Teslin, to rebroadcast signals from the Anik satellite. A spokesman for the Department said it is interested in having the service approved. Necessary application have been made, of course, and the other important part of it is that a formal notice that it will hold a public hearing in Toronto January 13th to hear an application from Teslin Community Association. It is for a licence to rebroadcast the CBC Northern T.V. Service on Channel 13 with a transmitter power of 5 watts.

Now, I think the Motion again just suggests that they do that very swiftly and give favourable support to the application.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker. In seconding this Motion, I feel that we have come a long ways in the last 20 years or so that we have been trying to get television into the small communities in the Yukon Territory. I must just say that I think it goes to prove that if you are right and you will pursue the matter and don't give in that some day somebody will see it somewhere to help you out.

As I say, we have had a lot of help at Teslin, and now through Teslin doing this, I feel that it is going to help the rest of the communities, and as I say, that's about all we said. I think the Honourable Member has said the rest of it.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker.

I don't know whether the people around this House are aware that every person in the small communities in the Yukon Territory is aware of the test station at Teslin, and are watching it breathlessly. They are very hopeful for Teslin that the interim licence and eventually a permanent licence will be granted to them, because we all realize this is the test, and if Teslin is able to win the battle, then every other community in the Yukon Territory will be able to have the service of a T.V. reception.

Mr. Speaker: Is there any further discussion? Are you prepared for the question?

Some Members: Question.

Historic c/w
Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

Motion Carried

Motion Number 12

Mr. Speaker: The next Motion is Motion Number 12. It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Watson Lake, that matters relevant to the Historic Sites and Monuments Board be discussed in Committee of the Whole. Is there any discussion?

Mrs. Watson: Question, Mr. Speaker.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Question.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Motion Number 13

The next Motion is Motion Number 13. Moved by the Honourable Member from Kluane, seconded by the Honourable Member from Hootalinqua, that whereas adoption of the metric system of measuring highway distances has resulted in the removal of Alaska Highway mileposts, and whereas the milepost is regarded by many residents as a link with a significant era in the development of the Territory; therefore be it resolved that the Yukon Government replace key mileposts removed from the Alaska Highway through metrication, with an enlarged replica of the original milepost in order to retain the historical significance of the Yukon Highway Milepost.

The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker.

If you recall, I asked the Commissioner the question regarding the removal of the mileposts, and on the basis that our first whereas was very premature, the removal of the mileposts, was certainly premature. I would really prefer to have this Motion state that the mileposts be put back, but I realize this is not possible, and so I have adopted a Motion or a resolution came from the Yukon Advisory Committee on Tourism who met in Whitehorse last week.

These people also were concerned about the mileposts, as it affects their businesses and operations along the Alaska Highway, and they have suggested rather than putting back the milepost signs per se, that historical type of mileposts be put up along the Alaska Highway, in key positions.

I know that this Motion leaves it fairly wide open for the administration to determine what the key positions are, but I am very hopeful that the administration does

not deal with this motion in a token manner. In other words, I want some—I am looking forward to some very realistic types of historic mileposts put at fairly close strategic areas along the Alaska Highway.

I think that we could be accomplishing two things. We could be assisting in the promotion of tourism, and also putting back the milepost signs to indicate locations on the highway if we adopt this Motion.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: I rise in support of the Motion. I also say that in talking with the tourism industry, that they are very concerned on this matter, that engineers and contractors have expressed concern that the mileposts were taken down. People responsible for publications outside of the Yukon Territory, that set out locations and explain various locations and significant locations within the Yukon, have said—have expressed concern at the swiftness that the posts were taken down, and also further expressed the concern that they wished some posts were put back up.

So therefore I can certainly support this Motion.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I can also support this Motion. At the time the mileposts were taken down, which was a very bad time, I must say, due to the tourist people coming into the country, and this is, or was something that could be an historical fact. Those posts have been there since the highway started, and they were something that the people looked forward to.

Signs and all these other things didn't mean too much, but the mileposts meant a lot to any traveller because he knew when he looked at his travel agent's book and so forth, that the was going, milepost so and so, more so than a name of a place.

Now, when they were taken down, it was dealt with in a token manner, I felt, because there was certain posts offered to museums and so forth as more or less to keep for historical significance. But in many instances, those very posts that they wanted them to have to keep, were not even on the highway when they were giving them away. They were more or less offering them to the people. I think that this idea of placing something that will be permanent, and possibly can be moved when the highway is all straightened out and will be for a long time and possibly forever, an historical thing in this Territory.

So I fully support the Motion.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Chairman, or Mr. Speaker, I'm sorry, just to give a little of the background of the government's position on this controversial item. I am very happy that members brought this item to the table at this Session. When I had heard of the rapidity by which the milepost signs

had been removed, particularly from the Alaska Highway, I don't think I am telling any tales out of school when I say that I raised the matter in Executive Committee, in support of exactly the type of motion that has been brought here to us today, that at least some of the mileposts of significance be maintained on the highway.

I don't think that I am telling any tales out of school either, but the Assistant Commissioner in charge of the Department of Highways, Mr. Miller, said well we will look into it, but somehow I can't get very excited about your suggestion. It seems to me that when Assistant Commissioner Miller doesn't get very excited about an idea, that other members have brought forward to the Executive Committee, that not too much happens in that respect, Mr. Speaker.

So I am very happy to see the Council or the Assembly bring this matter forward as an instruction to the government that these things happen. As a person who worked many, many years on the Alaska Highway and saw the transition of a place on the Alaska Highway like Blueberry, which became known as 101 because it was milepost 101, and the name of the whole community changed from Blueberry to 101, because that was what everybody knew it to be.

I don't think I will ever know Haines Junction as anything else but milepost 1016 or the reason for a lodge being at milepost 777.7, is exactly because that was the only attraction of the place to put a lodge was the milepost, the four sevens.

When we were on the highway in the bush and the girls would arrive at Beaver Creek for their summer, it was always "let's go to one two over twice for a party on the weekend". You know, these things really have some significance, some meaning to a person who has worked and travelled for many, many years along the length and breadth of the Alaska Highway. I can only say, Mr. Speaker, that I support the Motion wholeheartedly, and I hope that there will be a watchdog on the Executive Committee, to make sure that there isn't only tokenism given to the Motion, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Yes, Mr. Speaker, I have to rise in support of the Motion. I think there is one important factor that we are missing, and this is in regards to the population, the permanent population of the Yukon. I know I have had many comments from people of the Yukon who said I go down the road and I don't know where I'm at, and sometimes I'm in that position as well. We go down the road and you look and you see the kilometre posts and you say just where are we, and then we look at our speedometers and there's no coordination at all. I think that this is a very important fact, Mr. Speaker, that we do get these signs up in the significant points along the highway, so that we can give our Yukon residents as well, some direction in regards to where they are at along the highway.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: I am the little old white haired mother of the mileposts, after all I should be allowed to speak at great length on this motion.

I refuse to introduce any crass commercialism into this House, Mr. Speaker. I did at one time have the honour once of being the editor of a well known Canadian publication which based its entire existence on this symbol.

I would be tempted, if I were in that position now, to instigate some kind of legal action against the government that had removed my means of livelihood.

I can't think what title is going to be used in the unhappy day when we have nothing but kilometres on that road, maybe the "meter reader," I don't know.

Quite seriously I was enraged with the speed and efficiency which some unknown members of this government attacked those mileposts a year ahead of any announced plan for their removal, for no reason anyone here has been able to pin down. I think we must lay it at the feet of an eager beaver who was so immersed in metrification for this government that we were breaking all records.

In fact, my objection was that the Canadian government has not, as yet, passed the Metrification Act which makes it a federal law and there is no reason why we should be jumping in ahead of them on this floor.

Mileposts are, as other members have pointed out, definitely a part of the history of this country. We would have holes in our head if we removed them for any stupid reason of substituting a system which is not accepted yet in this country.

I just like to add my little two bits worth and I am happy to say that the shape in which this motion has been drafted can certainly receive my approval.

Had it said restore the original I would have had to give back mile 917.

Mr. Speaker: Is there any further discussion? 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: This brings us to the end of the Order Paper. May I have your pleasure at this time?

A Member: No question period?

Mr. Speaker: Oh I am sorry, I am sorry, I almost forgot the question Period.

QUESTION PERIOD

Mr. Speaker: We have with us Mr. Administrator this morning. Would you proceed with your questions? Have you any questions this morning?

Mr. Administrator?

Mr. Administrator: Mr. Speaker I have an answer to a question raised yesterday by Councillor Millard, who wished to know whether the recently announced program which will train local residents to operate air strips in their communities will be implemented in the Yukon.

The answer, Mr. Speaker, is that the M.O.T. training program involves all the facets required in the running of total airport systems. For example, air strips, air services, radio, telecommunications, et cetera. The program is designed to operate all across the north, including the Yukon.

In Yukon trainees for Y.T.G. airstrips will be hired as Territorial employees and recruited from the appropriate community as and when required.

Thank you, Mr. Speaker.

Mr. Speaker: Are there any questions?

This then brings us to the end of the Order Paper. What is your pleasure?

The Honourable Member from Pelly River?

Mr. McCall: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and the House resolve itself in Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Hibberd: Seconded.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Whitehorse South Centre that Mr. Speaker do now leave the Chair and the House resolve in a Committee of the Whole for the purpose of discussing 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 the motion as carried.

Motion Carried

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call this Committee to order and declare a brief recess.

Mr. Chairman: I now call this Committee to Order.

Bill Number 20 Continued

It is our intention this morning to carry on with Bill Number 20, "An Ordinance to Amend the Labour Standards Ordinance". For this purpose, Sessional Paper Number 8 has been supplied to Committee members. This paper was never moved into Com-

mittee, but if, with the unanimous consent of the Committee members, we will be in a position to use the contents of this paper. Is that the wish of the Committee?

Some Members: Agreed.

Mr. Chairman: 1. Section 2 of the Labour Standards Ordinance is amended by deleting the definition "shop" therefrom.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I had hoped that Mr. Legal Advisor might be here. Maybe he could give us -- we could continue reading the Bill and he could give us the reason for the deleting the definition "shop"

Mr. Chairman: 2. Section 2 of the said Ordinance is further amended by repealing the definition "standard hours of work" and substituting the following therefor:

(Reads Section 2)

Mr. Chairman: 3. Subsections 5(1), (2), (3) and (4) of the said Ordinance are repealed and the following substituted therefor:

(Reads Section 5.(1))

Mr. Chairman: Two:
(Reads Section 5.(2))

Mr. Chairman: Three:
(Reads Section 5.(3))

Mr. Chairman: Four: Section 8 of the said Ordinance is repealed and the following substituted therefor: 8.(1):
(Reads Section 8.(1))

Mr. Chairman: Mr. Legal Advisor, we are reviewing Bill Number 20. It has been requested by Committee if you could give us a definition of "shop"?

Mr. Legal Advisor: Mr. Chairman, basically they divide in controlling the Labour Standards Ordinance, only for the Sections that are under discussion, into a "shop" which means a place where the public are accustomed to come and be served, and all of the other places which are not shops.

If this change goes through in the form in which it is suggested, then it would be unnecessary to have this definition kept alive, because then we would be dealing with all places where people work.

The Commissioner would know more about this because he was closely involved at a point in time when this was being discussed some eight or nine years ago, and at that time, the question arose as to whether a baker who was baking was a shop or was not a shop, and it was held that he was in a shop situation when he was selling bread in the front portion of it, but he was not when he was manufacturing the bread at the back. But where it's mixed, the shop definition takes over.

The same thing has arisen in respect of the preparation of meals in a restaurant, where in one part of the business they prepared meals for transmission

of the packed article to an aircraft on contract, and the people who are doing that were not a shop, but the chef who was preparing meals for service in the area where the people were actually eating, was deemed to be in a shop. This has a big influence on the number of hours of work.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to ask the Legal Advisor a question. It's on a lot of the members' minds here. Do you find anything technically or otherwise wrong with these proposed amendments?

Mr. Legal Advisor: No, Mr. Chairman, I didn't. I drafted it.

Mr. Speaker: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in relation to Section 1 and the suggestion that we delete the definition "shop", what effect does this have? I mean, were this to happen, what effect would it have on the balance of the Ordinance wherever shop is referred to?

Mr. Legal Advisor: It's not referred to anywhere else, Mr. Chairman, except in the particular area we are dealing with.

Hon. Mr. Taylor: M'hmm, okay.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I would like to ask either Mr. Chairman or Mr. Legal Advisor a question before we go too far, as to the legality of myself speaking on this Bill, and also possibly voting on this Bill, as I do have, I think a conflict of interest. I would like to know, can I speak and not vote? Can I speak and vote? Well, I won't vote, I will put it this way, I am not voting, but can I speak on the Bill?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Anything which I would give would only be an opinion, Mr. Chairman, but it would appear to me that research into the practice involved in other legislative assemblies could give rise to this statement, but where a law-making body is discussing legislation, even on voting on it, then when the members present are made aware of the possibility of a special interest that an individual member may have, he has done his duty to the Assembly. There is no conflict in voting for an Ordinance, or voting against an Ordinance purely by reason of the fact that a particular individual may be said, or alleged to be a special gainer in some facet of his private life, other than his public life.

The situation is quite different than the decision maker in an Executive Committee or a cabinet who behind closed doors will be making decision, which may personally affect him, unknown to the outside world. It's quite different, so that a shareholder in a company that's imposing -- where the question arises,

will we impose a tax on tobacco, and he might be a shareholder in a company, he may or may not gain an advantage.

He is not forbidden by the conflict of rules, in any way from voting or not voting on this. What I am saying is, basically the practice of the British Parliament over the years, and that is the members **should indicate his conflict, and then his duty is done.** Subsequently, it's up to the House to control him or set its own rules or standards, but he is a law unto himself.

Mr. Chairman: The Yukon Chamber of Mines has requested to be witnesses for this Ordinance. Is it the wish of Committee that they do attend?

Some Members: Agreed.

Mr. Chairman: Would the members then—
We now have present with us, Mr. Cam Ogilvie and Mr. Paul White.

Mr. White: Mr. Chairman, Members of Council, Mr. Legal Advisor, Ladies and Gentlemen.

I would like to make clear that I am here both as a Member of the Chamber of Mines, but really as an individual citizen, and an employer and an employee, who has not been consulted on this legislation, and would thus like to present some views,

My first complaint about the legislation is essentially with Section 5, sorry Section 3, which amends certain sub-sections of Section 5 of the Labour Standards Ordinance. I wonder what consultation has been done with the public of the Yukon that might be affected with relation to these Sections.

I have had in the past, particular trouble with the lack of clarification of Section, sub-section (3) to Sub-section (5), Item (b) being the individuals who search for minerals, since that was originally intended, as I understood it, as a one man prospector exemption, which in these complicated times, has resulted in some confusion by the many service people who are technically, in my mind, engaged in the search for minerals, but who in the opinion of the Labour Standards Ordinance Inspectors may not be engaged in the search for minerals. I cite the case of a diamond driller or a soil sample gatherer, who is not really engaged in the search for minerals, he is engaged in the collection of samples, as a means of making a living. I don't think the point has to be belaboured, but it has caused a lot of trouble in the past. I express concern about it, since I have, on many occasions, had myself and employees in the position where we were in trouble with the Labour Standards Ordinance, when we thought we were engaged in the search of minerals, and the Labour Standards Ordinance administrators did not think we were engaged in that search.

I'm also concerned with the passing of a Bill, which provides at the end of the Bill for sub-section (f) of Sub-section 3 of sub-section (5) of Section 3 of this proposed Bill, that such other persons or classes of persons as may be designated by the regulations as persons or classes of persons to which this part does not apply.

At the present time, there are at least four of those exempted by Commissioner's Orders, in addition to those listed in the proposed Bill. There are, oddly

enough, and I find it hard to comprehend, certain drilling companies named by companies, not by occupation, which I find an interesting and confusing situation, since over the last six months, I have been an employer of drillers, and not one of these companies, and see a natural conflict there.

There are certain collective agreement employees exempted by Commissioner's Order 1974-240. There are land surveying industry exemptions under Commissioner's Order 1974-175, and the guiding and outfitting businesses exempted under Commissioner's Order 1972-304. So we have five exemptions under the existing legislation or proposed Bill. We have additional exemptions by Commissioner's order, and we have other exemptions that can be obtained by applying to those industries which the federal government controls. I have been through that exercise in the past, in which I have exempted all my employees who were in any way engaged with the transportation industry, by federal labour order.

I would suggest that this Bill be, if the Council sees fit, taken back into Committee to try to tighten up the whole situation before simply passing a Bill which will only have more exemptions applied for and thus create confusing problems for those who do not know which exempt class or which non-exempt class they fall into.

In general principle, I find the Bill restrictive. I wonder about the case, the cases that I have been involved in, where one must by economic necessity, replace an employee at the end of 40 hours, with a lesser skilled or perhaps even unavailable employee. I suppose that's what the exemptions under the Commissioner's order are intended to cover, but I express concern that the confusion that attends these exemptions, as far as occupational performance in the Territory, that there is some reason for concern.

Those in general, are my concerns, and I would not like it to be confused that I am interested in causing employees to work long hours. I am interested in the practicalities of some minority groups that have not been consulted with relation to this Bill.

Mr. Chairman: Thank you, Mr. White.

Mr. Ogilvie, do you have anything you would like to add?

Mr. Ogilvie: No, thank you.

Mr. Chairman: Are there any questions of the witnesses? **Mr. McCall?**

Mr. McCall: Thank you, Mr. Chairman.

What the witness has brought up is quite interesting. As far as research, if we look at the Private Member's Bill, which it is, it is strictly dealing with the hours of work. As far as the other exemptions and the tightening up of this Bill, that would have to come from the government, as a Public Bill.

The intent of this Bill is to clear up once and for all, the hours of work for all employees in the Yukon. Some employees are very fortunate—

Mr. Chairman: Excuse me, Mr. McCall?

Mr. McCall: Yes, Mr. Chairman?

Mr. Chairman: Do you have any questions of the witnesses?

Mr. McCall: No, I haven't. I am speaking on behalf of my Bill

Mr. Chairman: Are there any further questions for the witnesses?

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman.

Inasmuch as we are discussing the content of Sessional Paper Number 8, it states there that the amendment changing the hours of work to a maximum of 40 in the week, affects almost all employees and employees in the Territory who are not in the mining business. It occurs to me from my own experience, that indeed this would, in effect, affect many people who are in the mining business, and yet not working under a collective agreement.

Perhaps Mr. Ogilvie might have some comment on that subject?

Mr. Ogilvie: It could affect two different categories of people, referring to the Ordinance itself, you will see there is an exemption under 5 sub (4) sub (b), "individuals who search for minerals", and the only reason I came here today was hopefully that there would be some clarification of exactly what that means.

It seems to me that a prospector or a kid who is employed to go out and search for minerals is clearly excluded, but there are two that I am not clear about at all. One of them would be another person working in that camp whose own individual duties do not put him—a cook, for example. I don't know, I don't know whether he is or is not exempt. That would be one kind of thing.

I might point out that one of the conditions of his hire usually is a recognition that he is going to be working long hours, and that's why he gets anywhere from \$900.00 to \$1,400.00 a month. He would probably get about \$600 if he was on a 40 hour week. It seems to me that's already included in his conditions of hire, but I think cases are beginning to come up now where after they get back to the city and are getting a little broke, they find this and think they might have some cause to come back and get time and a half after 48 or 44 or 40, when a lot of people might think they had already got provision for that.

So that's one kind, and I think as Paul said, I think the clarification of it, if you ever decide to open up the whole Act, the whole Ordinance might be worthwhile.

Now, the other one that would specifically be affected by I think the amendment itself, is diamond drillers who are not governed normally by collective bargaining agreements. I think we have to be careful on this one in that the diamond drillers themselves, the individuals are out there solely for the reason of seeing how many hours they can get, and how much total gross money they can get. If you restrict them to 60 or 48 or 44 or 40 hours a week, it doesn't create more jobs, it just means that those guys won't be there. They all want to work at least 70 hours a week.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, perhaps the Legal Advisor could clarify that one point for me. That was going to be the question that Mr. Ogilvie cited as an example.

Individuals who search for minerals, for instance, if it was a ten man crew and they had a camp cook and some support help, would those particular people be exempt?

Mr. Legal Advisor: I don't know, Mr. Chairman. The actual operation of the Ordinance, I don't do on a day-to-day basis, but the origin of the expression "individuals who search for minerals", is to exclude companies. That's how it's drafted in that way, and it's intending to mean prospectors.

Mr. Lengerke: Correct.

Mr. Legal Advisor: But you would really want from the Labour Standards people themselves what they do on a day-to-day basis and how they attribute the exemption back or forward, I don't know.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, is the Legal Advisor really telling me then that we need a further clarification from the Federal Labour—

Mr. Legal Advisor: No, Mr. Chairman, what I'm suggesting that you need is you want to have Mr. Taylor or a Chief Inspector in his department find out exactly how they applied that exemption on a day-to-day basis; whether it is claimed, and if claimed, on what grounds they grant it?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to assist the Legal Advisor in answering the question of Mr. Lengerke. If he reads the regulations, it's very explicit.

Also one point I am concerned about, with no disrespect to the witnesses, we are discussing items that are not being repealed in this Bill. The Private Member's Bill I have in for debate, we are not going to debate items that are already in the Labour Standards Ordinance. That is not the reasons why I presented this Bill.

Mr. Chairman: I think, Mr. McCall, once the Labour Standards Ordinance is before us, we are at liberty to discuss whatever is there.

Are there any further questions for the witnesses?
Mrs. Watson?

Mrs. Watson: I would like to ask the witnesses whether basically the thrust of your presentation today, is that the whole section, the whole part, requires very badly clarification for people who have to work with it?

Now, if we make the amendment that is proposed

here, will further complicate the situation without clarifying the deficiencies that are there? Is this the thrust of your presentation?

Mr. White: It is difficult to sum up that quickly, but the thrust of my presentation is that for those people who already have a problem dealing with the 48 hour week maximum or minimums, as you wish to look at it, will have even more trouble with the 40 hours a week, and it's not because of the number, it's because of the Ordinance.

Mr. Chairman: Thank you, Mr. Ogilvie and Mr. White, you are excused.

It was not the intention of the Chair, Mr. McCall, to interfere with your speaking in support of your Bill, but now is the opportunity if you so wish to do so.

Mr. McCall: Mr. Chairman, I think Mr. Berger has something to say.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I would just suggest to the Committee maybe we should get Mr. Taylor for further clarification of this particular item that we are discussing, before we go any deeper into the Bill.

Mr. Chairman: Is this the wish of Committee?

Some Members: Agreed.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I disagree. This Section needs a great deal of work, and there's no way that I could even consider the amendment that is here before us today, without giving this Bill back, this whole Section back to the administration and say by the time we have our next Session of Council, please, we want some clarification on what you are trying to do. If they want to put in the 40 hours, you know, this is something that can be debated at that time, but I think that the members made a very good—the witnesses made a very good point.

When I reviewed the Section that was being amended, and I tried to interpret what was meant in the legislation, and apply the amendments that are suggested here there's just no way that I could get any sense out of it. That is why I asked for background material, and we have it in Sessional Paper Number 8, and if you think that provides any clarification, and we have to remember that this is very important. People work under this legislation, employers and employees, and we have to be fair to both sectors of our population.

I would suggest the Bill go back to the administration, and if clarification is required, let them come forward with some clarification on the sections that are even in question now. I couldn't even consider this until that's clarified, and we cannot do it by having Mr. Taylor here.

I refuse to bring in a midnight amendment, by amending a Labour Standards—amending it from this floor after we hear one brief presentation by Mr.

Taylor. We have got to be out of our minds, the ramifications of it.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I can find no difficulty in having Mr. Taylor here to try and straighten out some of the questions that have occurred, both to those who were witnesses this morning, and those that arise in the eyes of members.

I think we must remember very clearly that we are not sending this Bill back to the administration, because it didn't come from us in the first place. This is a Private Member's Bill from one of the Members of the House, and I think it behooves us to give it every consideration we can, to either accept it or reject it, on the basis of our feelings, having been given all the pertinent data, and having all the questions asked that we can.

I find no difficulty in accepting the suggestion that Mr. Taylor come forward to answer questions of the House.

Mr. Chairman: Is it the wish of Committee that Mr. Taylor be requested to appear as a witness?

Some Members: Agreed.

Mrs. Watson: Disagreed, disagreed.

Mr. Chairman: Can I have a poll, please? All those in favour? I will now declare a brief recess.

Recess

Mr. Chairman: I now call this Committee to order. We now have with us, Mr. Herb Taylor, the Territorial Secretary.

Are there any questions for the witness? Mr. Fleming?

Mr. Fleming: Yes, I would like to ask Mr. Taylor if he can tell me what employers who are members of the employer's family actually means. Now, I am asking this because Mr. Legal Advisor a moment ago I think said that individuals who search for minerals, includes more or less a company, therefore I would ask too, does employers who are members of an employer's family, is that any difference, than if they are working for a father who has a company, or if he is just a private individual with a small business? Is there any difference?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, on a point. I said the exact reverse, I think, at least I meant to. It includes an individual as a person, because if you said person, person is defined in the Companies Ordinance including a company, so we want to make it clear that it is a human person.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: In response then, Mr. Chairman, I

must apologize to Mr. Legal Advisor for misunderstanding him. I still would like the question answered that I gave about employers who are members of an employer's family, if this family is working for say, their father who owns a company. Are they also exempt, or is it just working for a private concern?

Mr. Herb Taylor: Well, if they are working for a company, they are working for a company. They -- as far as I am aware, they can't be a member of the employer's family, because the employer is the company. That would include the father, the son and the Holy Ghost and everybody else, but if they are working for a company, but if they are working for an individual, that's the man has his son or his daughter and what-not working for him, and he's not a company, that's what that is.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have a question for the witness.

Under the Commissioner's Order under Section 5(h), there are certain companies, specific companies exempt from this Section. Now, when you exempt a company, do you exempt all of their employees? For example, a drilling company who probably has a cook out there, who may have a bookkeeper in Whitehorse, by exempting the company, would you be exempting all the classes of employees that company has?

Mr. Herb Taylor: Did you say 5(3), 5 sub (3)(e), did you mean?

Mrs. Watson: Yes. (h), (h), no, that's farm labourers, such other persons or classes as may be designated by regulations?

Mr. Herb Taylor: Oh yes, we exempt the whole company, everybody that works for the company.

Mrs. Watson: That means the cooks, the bookkeepers are all exempt then?

Mr. Herb Taylor: All the company's employees, yes.

We have some, I believe you are referring to some of these regulations where we have exempted a specific company for the purposes of working their employees a four day week would be one of them, and that includes all the company's employees.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to ask Mr. Taylor, in the discussions we have had prior to presenting this Bill, do you see any problems with the exclusion of domestic servants and farm labour?

Mr. Herb Taylor: Problems such as what, would you be referring to? Do you mean with enforcement of the Ordinance, or do you mean specifically concerning this one Section of the Ordinance, taking the exemption out of that Section?

Well I don't see any problem there, because taking the exemption out of that Section really doesn't do anything, because they are exempted under Section 3, so I would say that it really doesn't matter whether that specific exception is in that Section or not, because they are exempt under 3.

When I say that, I mean we would take the view that an industrial establishment doesn't include a farm or a home where a domestic servant would be employed.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, the question arose earlier in discussions in Committee, realting to the clarification of individuals who search for minerals, and whether or not this is restricted to a prospector, or whether it could be construed as to include someone who is taking soil samples in the pursuit of a mineral deposit, diamond drillers who are drilling in pursuit of finding an economic ore deposit.

How far does the administration go in interpreting who is under sub (b), "and individual or individuals who search for minerals"?

Mr. Herb Taylor: Well, I would hesitate to say just how far this exemption can be carried, but it originally read "Persons who search for minerals", and as the Legal Advisor explained, persons then could be interpreted as being a corporation, so it was amended to read individuals because we did not want to exempt companies who sent crews out searching for minerals. They, we feel, are covered.

This part, this Section or this exemption only exempts individuals who search for minerals, and individuals mean individuals because we did not want to exempt companies who sent crews out searching for minerals. They, we feel, are covered.

This part, this Section or this exemption only exempts individuals who search for minerals, and individuals means individual people like prospectors, but not companies.

Hon. Mrs. Whyard: Mr. Chairman—

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: —I have a little problem with that explanation, because if this applies only to individuals and not companies who are prospecting.

We have heard people who are actually out in the field are exempt, including all the employees of companies. What's the difference? Where do you draw the line, Mr. Chairman?

Mr. Herb Taylor: We draw the line if somebody is working for a company, They may be working, they may be out in the field, but if they are working for a company, if there's a crew out there and they are employed by a company, they are not exempt under this Section. That has been our view.

This only exempts individuals who are not connected with the company. They are working for themselves. That was the intent of the amendment.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I'll have to come back on that.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, but we have heard that there are some companies that are exempted. How does a company become exempt?

Mr. Herb Taylor: Under this particular Section?

Ms. Millard: M'hhmm.

Mr. Herb Taylor: Do you mean under this, where it says "individuals who search for minerals"?

Ms. Millard: No, under anyone designated in the regulations under (f). Is there an application, and —

Mr. Herb Taylor: They make an application and the company itself is specifically exempted.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Ms. Millard.

Ms. Millard: And then the application goes to you, or does it have to go through the Commissioner and be regulated?

Mr. Herb Taylor: It has to go through the Commissioner and then the regulation has to be prepared.

As I say, I think the only ones who are exempted now, are companies who wanted to put their employees on the four day week, and the regulation in these particular cases states that they may work their employees as much as a 10 hour day, four days a week only. That gives them a 40 hour week. If they work one hour over that 40 hours, they are not exempted, and then they must pay all their employees who worked more than the 40 hours, two hours overtime every day.

In other words, they are back to the eight hour day, if they go over the 10, or the 40 in the week. That's —

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I would ask the witness to just — he has more or less answered it in a way, and yet what specific reason would the company have to have for being exempt from these regulations? What would he be doing? What can he do? What's his actual occupation, or what — he must have something, he must be mining, he must be digging in the ground, he must be doing something. What is it that can cause him to be — to get a Commissioner's order or anything else to exempt him? What is he doing?

Mr. Herb Taylor: The only thing that the company, the only requirement up to now is that the company wishes to work its employees and allow them to work a four day week. They would have three days off then every week, so we allowed them, and we are not the first jurisdiction, it's in some of the provinces also.

They allow them to work four days with a maximum of 40 hours. That's a maximum of 10 hours per day, and only for the purposes of working a four day week, not because of any specific type of work they do.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder, your interpretation or the administration's interpretation of Section (h) is very different from my interpretation of it, and that's the exemptions, and I'm sure this is where the confusion arises with the employers and employees.

After reviewing the legislation and the proposed amendments, I had a different interpretation of that Section completely, and it's rather interesting to see the information that we are getting back today.

One question, you say that by Commissioner's Order exemptions are made, and that it is the decision of the administration. Isn't there a provision in the legislation for a labour advisory committee, and do not these applications for exemption go to that committee?

Mr. Herb Taylor: Not in this particular part, Mr. Chairman. The Labour Standards Advisory Board has certain duties which they are asked to perform, and they have certain responsibilities that are set out in this Act, in this Ordinance, and they are not under that particular Section.

The section reads that "This part does not apply to such other persons or classes of persons as may be designated by the regulations, as persons or classes of persons to which this part does not apply".

Now, in other words, any employer can apply to alter the hours of work, away from the eight hour day, and 44 or 48 hour week, under this Section, and he may then be exempted by regulation.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, the witness stated that the only firms that were exempt were those who wanted to work a four day week, and it's my understanding that both firms of land surveyors are exempt under this particular Ordinance, and they certainly work more than a four day week.

Mr. Herb Taylor: They weren't exempted by regulation under this particular Section. They have been treated under another Section of the Ordinance, and with the approval and with the recommendation of the Labour Standards Advisory Board, these land surveyors were treated as a special class of employee with an entirely different type of work, where they are out in the bush all the time, and there were a couple of drilling companies who were exempted also, and they were even allowed to work a 12 hour day, up to a certain number of days, with the specific requirement that after that period, they were forced to give their employees a certain number of days off.

But that was at the discretion of the Labour Standards Advisory Board.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Supplementary to that. Then there is another Section in this Ordinance that provides for exemptions as well?

Ms. Millard: What is the Section?

Mr. Herb Taylor: Yes, there is.

Mr. Herb Taylor: Yes it would be 6.(2). These applications are put to the Labour Advisory Board and if the Labour Standards Advisory Board advises the Commissioner that they feel that these companies should be exempt, the Commissioner gives them an exemption.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, to quote a famous author, this gets interestinger and interestinger. I would like to ask for further clarification then. Am I given to understand that people working in the field in a short summer season are actually asking for a four day week?

Mr. Herb Taylor: No, not necessarily, people that are working in the field in the summer on a very seasonal work are asking for a six or seven day week, 12 hours a day.

The people, one particular class of employee that asked for a 4 day week were the City of Whitehorse employees. They put them on for the summer season for a four day week. I think they only work then, somewhere around nine hours a day. I think it was about a 36 hour week.

In the field they are asking for extensions rather than reduction in their number of hours worked. The Mid-West Drilling Company and some other companies asked on behalf of their employees to work 12 hours a day, seven days a week for two or three weeks at a time and they would give them a full week off and bring them into town somewhere, where they could have some relaxation.

Mr. Chairman: Ms. Millard?

Mr. Millard: Are we to understand then, there are two routes that some company or an individual could go to have the exemptions imposed?

One is through the Labour Standards Advisory Board and the other is directly through the Commissioner?

Mr. Herb Taylor: That is right. One is under section 5 and one is under section 6.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I have one question. Going back to that section under individuals being exempt, individuals who search for minerals.

I wonder if you can give me an example of an individual who is searching for minerals, this doesn't

apply to companies, the only individuals that I can think of who search for minerals are people who are self-employed. You know, they can work as long as they like. The section must be almost meaningless to me, now, maybe my interpretation is wrong.

I would like to -- what is the administrations interpretation?

Mr. Herb Taylor: Well I am afraid that I would have to agree with you. The idea that we wanted to get across was that companies were not exempt. What we could have done was remove that 3(b) entirely and we would have accomplished the same thing, is that not right?

Mr. Legal Advisor: Yes, Mr. Chairman. It is there not because it does anything, but prevents something being done.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I would like to ask the witness a question, who is in charge of the administration of this legislation, do you think it could be redrafted to clarify it so that there would be better understanding from the administration parts and the parts of the people who use the legislation?

Mr. Herb Taylor: This particular section here might be redrafted, or reconstructed by just striking out that particular section that causes you some concern and it would improve it, as far as I am concerned. It really doesn't do anything. Individuals are exempted now, but when it was amended that was the intent to keep companies from feeling that they were exempt.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman I think I wouldn't agree to lift this exemption from the ordinance if it is only intended to help the prospector. Perhaps there are other aspects to this that we have not heard. I would certainly disagree with lifting out of the existing ordinance, not discussing this Bill here, but lifting out of the existing ordinance the provision for individuals who search for minerals.

I think it has worked reasonably well. I don't think it has caused the administration any great problem. Perhaps I am wrong, but I haven't heard of any. I think it should remain.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman I wonder if I could be informed roughly how many applications for exemption are dealt with annually under this section now, at the current rate. Having learned that can we project what would be anticipated if the working week is reduced to 40.

Mr. Herb Taylor: Mr. Chairman, do I understand you want to know how many applications under Section 6 or under Section 5?

Hon. Mrs. Whyard: All right, both.

Mr. Herb Taylor: Under Section 5, there have been very few. I could probably enumerate them from memory, but I would sooner not because I might miss one or two, but the thinking at one time a couple of years ago was that a lot of different industries were working around to a 40 hour week, to a four day week, but this seems to have backed off. There is not so much talk about that any more, but on the other hand, under Section 6, there has been a considerable number of applications for exemption, so that they could work longer hours with the longer periods off work in between, say they might work for two or three hours, or two or three weeks straight and then have a full week off.

To give just a snap judgment or an opinion, I would say that the trend is to more and more companies who work seasonal, wanting to work longer hours than those who want to work shorter hours.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: So, Mr. Chairman, are we being told then, in effect, that the majority of these applications for exemption come from the mineral industry or tourism, seasonal occupations?

Mr. Herb Taylor: Under Section 6, yes.

Hon. Mrs. Whyard: So therefore, Mr. Chairman, these are the industries that would be most affected by this Bill?

Mr. Herb Taylor: I would think so, yes.

Mr. Chairman: Thank you, Mr. Taylor. The witness is excused.

Mr. Herb Taylor: Thank you.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I think it is reasonable to say that myself, who presented this Bill, has been very patient and understanding to Members that do not understand the Labour Standards Ordinance and what it implies, to people that don't know what it's like to work for a company, that forces you to work 48 hours at a very minimal rate of pay.

It's also very interesting to find that surprisingly enough, that big business is trying to scuttle something else for the working person in this Territory, and it seems to provide a significant amount of impact on some of our members in this House. I'm rather surprised at the intelligence of some of these Members when they see that a private bill is being presented on behalf of their constituents, that are not in a position like those in a bargaining unit, who have had 40 hours for many, many years. In fact, some have had 35 hour weeks.

Some of the questions brought up today by some of the members, which were asked of some of our witnesses present, has no bearing whatsoever on this

Private Bill. I think I have shown that I have had more patience with some members than others.

As far as I am concerned, Mr. Chairman, I think this Bill should go forward, with all due respect to all Members. I think we should show our initiative to the people we are supposedly representing in the Yukon, and I don't mean businesses, I mean people. People that elected us; people that we are answerable to. I'm not answerable to big business, I'm answerable to my constituents.

Fortunately, the large percentage of my constituents are organized, so it doesn't affect them it doesn't affect me personally. What it does affect is the people that are not organized. The poor unfortunates who are still on a basic subsistence rate of pay, like \$2.70, or \$3.00 per hour. These same people that are asked to work still a 48 hour week, and are still going on in the Yukon, still going on.

I got many compliments when this Bill came out in the public, from managers of hotels in Whitehorse. I was very surprised. I think some of the members, when they checked back on their own constituents found that even their own employees had been on 40 hours and they didn't even know about it.

So, Mr. Chairman, as far as I am concerned, I did enough research and work on this minor amendment, and I say minor. We are dealing mostly with the hours of work; yes, some people may compare with the provinces, but we are in a very significant situation up here. We are dealing with seasonal employees, and nobody stops to think about the people that are here 12 months of the year like myself and all the Honourable Members here. We are not seasonal, we are here 12 months in the year.

I'm not a tourist, I don't like to be classified as one, although some of my constituents think I am. The point I am trying to say here, Mr. Chairman, is this, that I am quite surprised that witnesses with very insignificant information should be presented here at the request of members, which have no bearing to this particular amendment, and I say that this Bill is to help the unorganized people more than anybody else in the Yukon, and I believe in it.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman.

I rise as one of the uninformed and ununionized. I seek information from every source available, Mr. Chairman. Labour matters and union matters are not my particular field.

I would like to take the Honourable Member on in a debate some day on my own ground, however, speaking as someone who has never had the opportunity to go onto a union, and has chosen their own terms of employment, and their own hours of work, which for a period of years were up in the 70's and 80's per week, no 40, there is something that's got to be said for being in control of your own conditions, and you make up your own mind about your own priorities, whether you want to make a lot of money working overtime, or whether you want to do the kind of thing you want to do in your own way.

There are other compensations for good honest toil besides money. I have found a great deal of com-

pensation in a sense of satisfaction which I have got out of working my butt off for very little money. I may be unique, I may be like the dodo, the last of an extinct type, but I am not going to sit here and pretend that I know the things that I am not informed about. I am going to ask for information, and I don't think I need to make any apology whatsoever for that.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the Honourable Member from Pelly River gave a very eloquent speech. There is one section here that we really haven't discussed. I would like to know, since we do have a labour leader in our midst, and we are, whether the Honourable Member is aware of it or not, the economy is based, the economy of the Yukon is based on industry.

Section 4, "section 8 of the said Ordinance is repealed and the following substituted therefor." I want to know, how does this fit into a collective agreement in regards to at least two full days of rest in the week and wherever practical Sundays should be one of the normal days of rest in week.

In other words, if an individual is working in a mine and he is on a swing shift, so he works Thursday, Friday, Saturday, Sunday, and Monday and he gets the Tuesday and Wednesday off, or maybe has to work overtime or something further to that.

What I am saying is, is that Saturday and Sunday — would that be time and a half?

Could the Honourable Member who has done so much research on this give me an answer?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman, I would like to answer the question that the Honourable Member has just brought up, twice if I may. The first answer is a simple one. As to the language in the amendment, you have to cover off the extra day without defining it like Saturday and Sunday. Sunday has already been established in the Ordinance. You have to cover off, as far as language, the other day. There is a five day, 40 hour week, that is Monday to Friday, that is office hours.

Okay, to answer it secondly, as to how does it affect an individual, shall we say, working in an operation like a mining operation. In our particular case, shall we say, at Cyprus, the situation is on a continuous operation. It is 365 days in a year.

This works out to a 4 shift system, which works out to seven days on and two days off. It works in such a way that in any given part of the week, no matter where you start your shift, if you work through the weekend you are on normal straight time. You are not on an overtime rate.

It works out on a 21 day cycle over a period of one month, it would mean that you would get one overtime shift in a 21 day cycle.

Therefore you could work for 2 weekends without any overtime rate.

If that is answering your question.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I am a little confused as to how that comes to seven days.

I do have some comments to make. I sympathize with the member and the problem he is having with his Bill. I think maybe he is trying to help people in the right place. On the other hand, I would like to see these people helped, which is the people that are at the bottom of the heap.

I find that whenever legislation of this type is brought in, or whenever a union or anything in that way negotiates anything for the people, in the long run, somehow it does end up by hurting the economy of the country.

I find here, now, if it is a small group it won't hurt too much. I find in this little piece here where we are going to say no 48 hour week, you will pay overtime at 40 hours a week. People have been paying, we will say, 48 and then overtime.

Immediately they do this, we will take for instance, the industry, the light companies out here, or some essential services, where they will get on Friday or Saturday, if they work 5 days, they will draw, say ten dollars an hour standard, they will get another five dollars an hour for that day, which means forty dollars a week per person in that company has to be paid by somebody.

On the other hand, the little fellow who is working for three dollars and twenty-five cents, which is a minimum wage, will get a dollar sixty-five. Again, I say if this is a small group it won't mean much. On an overall picture, if it was taken all over the Yukon and it hit all at once, you would find that the cost of living and everything would go up to accommodate the five dollars an hour for that eight hour day, and the little fellow is getting a dollar sixty-five to pay for it.

I think this is the problem, I don't think anybody can deny this. This is the problem that we are in today over a hundred years, or fifty years or twenty years of negotiating with unions and drawing overtime and such things as this.

I am all for a fair wage for everybody, but I am not for any overtime situation in any case because of this effect it will have on the country.

I would like to ask the Member a couple of questions now as he brought the Bill in. I think this is allowed, is it not? Due to the fact that you brought the Bill in?

I would say how many employees will it affect in the Yukon Territory now in making a little more money, and hopefully, I would like this.

The second question is, how many companies or private enterprises would it affect in reverse?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I think in answer to the first question how many employees does it affect? There is one thing I want to make quite clear. This is not being presented to encourage a company to pay an employee overtime rates. The effect of this Bill is to standardize a work week, the effect of this Bill is to allow an individual time to himself without being restricted to a six day week, seven day week like some of our industries are getting away with.

The percentage of industry who it affects, it is the

small percentage that is not in a position where they can, shall we say, bargain for themselves as an association or a union or whatever stigma, as some people call it, want to attach to it.

I want to make one other thing quite clear, Mr. Chairman, which I may not have done before. This is to assist and help the unorganized people in the Yukon, people that the Honourable Member employes himself, with all due respect. This is not to jeopardize industry, this is not to push up prices. This is to standardize and recognize that a work week is 40 hours, and nothing else.

It does not affect me, it doesn't even help me. I'm not presenting it on my behalf. I'm presenting it for people who have never presented, even by some of their elected members here, are never presented or represented, that's what it's for.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Supplementary, Mr. -- yes, I agree substantially with that, but it does, I think the fact that it may cause overtime to be paid in cases where it is not now, I think will affect everybody. It's got to affect everybody, and not only -- the direction is going -- you are trying to do the right thing, but I am not so sure that this is the way it is going to end up.

As for affecting myself, as I say, my employees are being paid on a 40 hour week, and I'm quite happy about it, and as I think he spoke before, I didn't know about it. I'm not getting my nose into my business that close, but it's a very good thing, they should be paid.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman.

That was one of the points I wanted to make. If an employer at this time wished to go into a 40 hour week situation, he has every opportunity to do so, because there is nothing which excludes him in this Ordinance, in this legislation at this time, from doing that.

But I heard comments made about wanting to help, that this Bill is intended to help people who are unorganized. I have stood in this House year after year after year, perhaps not before this particular assembled group, trying to promote ways and means to help the people who live in unorganized areas, that is out in the hinterlands of this country, trying to find, as I found in British Columbia, the ways and means of extending the hours of work and giving additional time off for people who live and work in remote areas.

People don't want to go to work and work for an eight hour day, five or six days a week, and then sit for 16 hours a day and sit through a Sunday out in the bush. They want time off, they want to be able to work as long as they can, and then get the days off and come to town and enjoy themselves for 2 or 3 days, and I think there isn't a member here who wouldn't understand that position.

To suggest to me that we would enforce legislation which would curtail this trend, this trend I have fought for so long, I find that entirely repugnant, and not indeed in the interests of the people who are unorganized and live in the unorganized areas.

I might say that perhaps these people are

unorganized because they truly wish to be unorganized, and I know of many situations, I know of many people who feel that the unions no longer belong to the working man. I sometimes in many instances agree with them. I think we found that out in the postal strike.

So, you know, I think you have got to view this from all sides, and view it from the view of the affected individual. I think it was pointed out before Committee this morning, Mr. Chairman, that by at least one segment of the community that said he was an affected individual, and he would have liked to have been consulted in this matter.

Before we bring down any major revision to the Labour Standards Ordinance, I feel it's incumbent upon this Committee and the House to ensure that enough of the segment, or a good cross-section I should say, of the people affected by the labour legislation should have some opportunity, some advance knowledge, advance warning, if you will, of the suggested changes to the Labour Standards Ordinance, so that they can make representations to government, make representations to individual members, as to their feelings in the matter, so that we could make a comprehensive change perhaps, but at least bring in legislation which is fair, and works in the best interests of the people of the Yukon.

For these reasons, among others, Mr. Chairman, I wish to state to members of Committee, I cannot support this Bill.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. The Honourable Member from Pelly when he spoke, he indicated that this legislation was for people and that he represented people, not big business.

I represent people, but I include in my definition of people, people who have often invested their life's earnings in a business and people who work their gut out to keep that business going, and people who would only wish that they were able to limit themselves to a 48 hour or a 60 hour week.

So I think in a certain degree we have to take these people into consideration. It is well and good for the Honourable Member to classify the employer with the employer that he is familiar with, but we have other employers in the Yukon Territory that require attention.

Now, I can understand the goals that the Honourable Member was trying to achieve by bringing in this legislation. I wished that he would have used his capabilities, and capable he is or he wouldn't be holding the job he has, I hope, his intelligence and his research ability, to look at these specific sections and if he had read the Bill, he would know what I mean.

The sections that were brought before us today by the witnesses, the sections that we all zeroed into when we reviewed the amendments and as they applied to the Bill. That is where the work is required. That is where the clarification is required.

That section is the section which injures more employee-employer relationships within the Yukon Territory. The interpretation, most of your court cases

under the Labour Standards are on those sections. In many instances, employers' interpretation is wrong, and they pay through the nose when they get before the Labour Standards—through the courts and it hasn't been a deliberate action on their part.

I am sure that any of you here, who went through that section this morning, and if you were an employee and an employer, I think all 12 of us would interpret it a little differently.

That is where the work is required and I wish the Honourable Member would use these capabilities that he has in providing recommendations to the administration on what sort of clarification is required, then he would be in a position to bring forward the type of Bill he has here today.

On the basis of this I just find it impossible to support his Bill.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I might as well have my kick at the cat. I just want to make it clear to this House that I was probably very much part of, one of the witnesses mentioned a four day work week for the City of Whitehorse, I think in my history, I think you could find that I have supported Bills such as this. Certainly trends such as this to improve, what I think is quality of life.

I would like to emphasize that in this day and age, and especially in the north, we as a society should be trying to provide a better quality of life for all our citizens.

To some people that applies to the number of hours that they work. To others, that applies to the amount of leisure time that should be available.

There is no doubt in my mind that there is a trend across this country to further reduce the work week. I have no difficulty with that concept. I do know, however, that cases exist, particularly in the north, whereby longer hours of work over a specified time frame or season are required, but still falling in line with the overall annual goals of productive hours.

I believe there are mechanisms available for that kind of exemption and perhaps those exemptions should be further clarified.

I would like to make my position clear that I do agree with the reduced work week concept, providing we can find ways of encouraging and accelerating production during those hours of work. Perhaps we would do well to put that kind of thing in place.

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: Mr. Chairman, we are supposed to go for lunch and I would like to speak on the subject. I would suggest that we call it lunch time right now.

Mr. Chairman: The Committee now stands adjourned until 1:30.

Mr. Chairman: I now call this Committee to order. We will proceed with the discussion on Bill Number 20. Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I find it quite amazing that some members of this House, say I am elected to do a certain job, I didn't mind working so many hours. This is fine, but in the labour force that Canada has right now, of about 9 million people, if everybody would do the same thing, where would Canada be today?

Somebody has to do the menial jobs, which is certain Member selected not to do, and I think it's our obligation to look after those people.

The other thing is, I find it also amazing to say it's quite all right to have the Chamber of Mines here, and the Chamber of Commerce, a Legal Professions Association, a Medical Professional Association, it's quite all right, the unions we run down. Unions have outlived their usability and have been useful to society. What are we doing here? We are playing with words. What are associations? Nothing but unions, because one doctor, one lawyer, one mind decided they couldn't do anything themselves, so they formed a union. We call it differently, so if it's all right for those people to form an association or union, it should be all right for the ordinary man on the street, who serves a meal at lunchtimes, who goes out and makes the bed when you stay in a hotel, and I think it's our obligation to look after them people.

The other thing, the main part of the Bill is disappearing in the discussion altogether. We are talking about a 40 hour week, to reduce the work hours from 48 presently set down to 40 hours. We are picking around on something, 5 3(b) and (b) and all sorts of things. That's been in legislation for years. None of those members found it worthwhile to pick around in the thing, not even the Chamber of Mines came around and said this was no good. Why now?

Mr. Chairman: Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I rise in firm support of this Bill. I think we have been drawn into an argument like the Honourable Member from Klondike has said, that has no relevance here. The relevant part is Section 5(1). We can bring back the other Sections if we have to, let's talk about the 40 hour week, not about the exemptions or anything else.

We can bring that back when the government feels it's necessary, obviously the government hasn't felt it necessary to bring in these exemptions. Whether they have had any petitions from the Chamber of Mines or Chamber of Commerce, et cetera, on these exemption, obviously it's waited until today when this Bill has come forward, which is to me, one of the most important things that should be passed in this Territory.

I don't know how people who can sit around here who have never worked for two-seventy an hour in a restaurant washing dishes, cleaning floors, working shift work, can say that 40 hours a week is too little in a job like that. I have worked in those jobs, and I know how difficult it can be for someone, especially, it's impossible for a person to raise a family on that, so at least we can give them the consideration of a wage -- a restriction on the number of hours that they are working, so that they can spend their time with their family, so they can make a decent wage after those hours.

I think 40 hours a week is certainly a maximum that

we should be considering here.

Again, Mr. Chairman, I would like to add my firm support to this, and we can start discussing the other matters at a time more convenient.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, may I say how pleased I was to see the Private Member's Bill come forward, because I'm sure, knowing if it had of gone through Executive Committee, the dog fight that we would have had prior to the amendments coming to the table.

How pleasant it is, almost after a year, to be able to speak freely, unhampered and unfettered by government policy, Mr. Speaker. It is a very real pleasure. The government has, as you know, taken no policy on this Private Member's Bill, and all Members are going to be allowed to -- will vote according to whatever arguments are made and the dictates of their conscience.

Mr. Speaker, or Mr. Chairman, I have no problem at all in supporting the principle of the Bill as presented by the Honourable Member from Pelly. I think that we can go back as far as about 10 years ago, in about 1965, when we could prove, at that point in time, that probably some 80 percent of the people of the Yukon were unionized in some form or another, either under a government union organization, P.S.A.C., or the various larger union organizations that had moved into the Yukon Territory.

Even though the Labour Standards Ordinance called for some 48 hours in some instances and 44 in the other, the facts of the matter are that with the strength of the union agreements, the vast majority of the people in the Yukon, as far back as 10 years ago, have enjoyed the benefits of only having to work a 40 hour week.

There is no protection for those people who do not have the advantages of having an organization to look after their needs, such as a union or such as a government organization, other than this Yukon Legislative Assembly. I think that in the year 1975, when the unions and other organizations are demanding less than 40 hours, some of them down to thirty-seven and a half hours a week, some of them down to 35 hours a week, that certainly it's the time for this Legislative Assembly to be able to move to 40 hours a week, where most of the people of the Yukon have been protected, and have enjoyed these benefits for some 10 years.

I think there's, with respect, some red herrings being raised in the other Sections of the Bill at this time. We are debating 40 hours a week. I like the flexibility of the Labour Standards Ordinance under the Section which do now allow under the Labour Advisory Board or the Commissioner, for different organizations for different purposes to be able to go and get exemptions.

A case in point, when I worked for the Communications company, they told us flat out they were only going to pay us for 40 hours a week, and if we wanted to work any longer, they would be agreeable to it, and we could work up to 60 hours, but we would get paid straight time for it. We as workers, made the

decision that we didn't want to work 40 hours a week. We were all going to university, we would rather work 60 hours a week in the bush to be able to get that money, even though it was straight time, and had something to do instead of just sitting around twiddling our thumbs. So the point was made, and the employer and the employees and the Labour Standards Board agreed and that was allowed and permissible.

So, with that type of flexibility under the Ordinance, I have no qualms at all, Mr. Chairman, in supporting the terms of the amendment. I am quite proud of my involvement in the terms of the Labour Standards Ordinance. I remember it distinctly as my first fillibuster in this House, back in 1961, where there was no provisions in the Labour Standards Ordinance for a labour standards office. It was quite exciting for me at that time to stand up and say that the Labour Standards Ordinance would not go through until such provision was made for the working people of the Yukon Territory. I think my record as both an employer and as a legislator since that time, will back up that I do have a record of supporting amendments and supporting legislation that I think on behalf of those people who, because they are not members of a union organization, or because they are not members of a powerful organization, or are not members of a government organization, that there is only one group of people who can protect them, and that is this body. I accept that responsibility and hope that in the field of progressive labour legislation, that I will always support those types of policies.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. McCall? Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. Being in a position, as I said this morning, where I felt that I did not have a vote on this Bill due to a conflict of interest, and was informed that actually I guess I can vote, but my feeling still holds, I will not be voting, but I must voice my opinion again, and I wish it to be known.

I think I am possibly all alone in this, that is why I probably haven't brought some things to this House that would raise the wages of the people that are working for nothing today, which is the people that are working for three and a quarter in hotels and motels and cafes and such. I have no qualms about paying overtime, myself even in my own business, because it is the only way that I can see to give them people what they have coming today. I would much sooner see where the wages were paid to them as to what they are worth and what they should be getting, according to the cost of living today, and no overtime, and no rises which consisted of a 10 percent or 15 percent, whereas the richer get richer and the poorer get poorer.

That is all that I wish to understand, because in a few years time, I think we are going to see some changes, because you can see today where the federal government has had to bring in something to try to stop the inflation. I think you will find that wages is one of the things, and one of the places, and it isn't that we don't want the people to be paid, but it's the system, the way we have been running the country for many years. I have spoken on it before here, I won't elaborate any

more.

As I say, I will not be voting on the Bill. I just want it understood that I don't disagree with the 40 hour week under the circumstances, because there's no other way that I can pay my employees what I should pay them, because the government won't allow me to pay them \$9.00 an hour for a 60 hour week, so I am stuck with it. I won't be voting.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

There's just one thing that I would like to say. I am quite alarmed at the reaction that this Bill has received. I have been left with very mixed feelings on it, whether I should withdraw the Bill or not. Because the manner in which some of the Honourable Members have reacted, has shown me that they are not representing people of the Yukon. They are only representing their own selfish needs or industry.

I didn't come to the Yukon just for the industry. I came to the Yukon because I liked the Yukon.

Yes, I am involved in unions, we have a lot of power, some people seem to think, but we are responsible to people like everybody else. We consider the little guy, that doesn't want to be involved with organization, but that wants to live his own private life, that want to wash dishes in a hotel and live out in a lodge in the middle of the Alaska Highway.

I'm concerned with these people, this is why I presented the Bill. As the Honourable Member, a moment ago, mentioned, that the government is not opposed to this Bill, I made sure that my research showed that we do have a parallel with government, to consider the same people that I am considering, more so than some of our Honourable Members.

As I say, I have very mixed feelings, and the reaction I have received has taken me by surprise, because if we are representing people, we should be formulating legislation for the people.

Mr. Chairman: Mr. Taylor?

Mr. Taylor: Mr. Chairman, in the face of it, I still just wish to reiterate that I feel the Bill is premature at this time.

I reassert my position that I feel that some of the people whom this Bill will affect, should have an opportunity to be consulted prior to making it into law. I think it's too hasty, and for these reasons I wish to reassert my position that I will not vote for the Bill.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman.

The statement that the Honourable Member from Watson Lake made just now amazes me. I can't get over that.

The Honourable Member from Pelly River has said, and some other Honourable Members, that this Bill is mostly concerned with the unorganized people.

Now, how are we ever going to get unorganized people up here to present their case? The only way they could is if they form a union, then they don't need us. The only thing what the members seem to be con-

cerned with, and I have to say it over and over again, is the Chamber of Mines and the Chamber of Commerce and nothing else.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in reply to the Honourable Member from Klondike, there are a lot of people who are not involved -- I am not talking for the Chamber of Mines, I am not speaking for the Chamber of Commerce. I just wish to make it clear that I am speaking for people, not only in my own constituency but some people throughout the Yukon, whose circumstances I know, whose opinions I have some knowledge of, but certainly not in the total content of this bill. I find this bill will work a hardship on many people in the bush. It is not the Chamber of Mines and the Chamber of Commerce, however I did appreciate their remarks this morning. It is everybody, people working in highway lodges, stores and this type of thing throughout the territory and people who do not live within the municipal boundaries of the City of Whitehorse, from which the thinking of government, it doesn't extend beyond the municipal boundaries of this place.

Yes, there is a Yukon besides Whitehorse and I am thinking of those people.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wasn't going to speak again, but I just had to in the light of the remarks made by the Honourable Member from Pelly again, that he represents people.

That no one else, or anyone who seems to not be prepared to support the bill does not represent people.

I don't know whether he was fishing to draw my attention, well, he succeeded.

Also with the Honourable Member from Dawson, your coming in here saying it shall be 40 hours. You are saying Chamber of Commerce came in here and made representation, all of the rest of the big corporate structure came in here and made representations, but the little guy who is being affected didn't come in here and make representation. That is true, and some of the small business people weren't in here to make representation neither, neither were the employees that we are talking about.

I would like to know whether these people actually would like a 40 hour week or would like to have the 44 or the 48. You can rest assured, particularly in Whitehorse, the employers are not going to pay that four hour overtime if they are on shift work. They will just hire extra personnel.

So their earning power is going to be reduced by your 40 hour week.

Here is one other thing that you people haven't considered, is that the fact in outlying areas, outside of the Whitehorse, you can't -- if they have to hire more personnel to accommodate workers working a 40 hour week to cover a certain number of hours, they not only have to find the employee, they also have to provide the accommodation for them.

Which in itself is a great thing. These are the things I think should be taken into consideration. This is why

this morning I was questioning the legislation, the exemptions that are being used.

Mind you, I think, that in some instances the exemptions are being abused. I think some review should be made of the seasonal employee within the territory.

I think these are the ones that the Member from Riverdale was speaking about. One does not have too much hang-ups on a 40 hour week as far as permanent employees are concerned. I do have hang-ups, it would apply across the board and so many of our seasonal workers would be affected by it.

This is why I was saying I can't support the bill. I would be prepared to have a review made and have some seasonal employee structure established, in consultation with some of the employees who work only seasonally, and some of the employers who have to have a labour force on a seasonal basis, come up with something and then go for your 40 hour week for full time employees.

I think you would get unanimous support from this House on this type of a motion.

I would ask the Honourable Member not to pursue this bill at this time and to let the administration come back, or come forward, not back, they haven't done anything yet, come forward with a review of that section. To put the 40 hour week in for permanent employees and to put some provision in the legislation that is clear, and is understandable, on seasonal employees.

I would really request the Honourable Member to consider this and in February handle the situation on a permanent-seasonal employee basis.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, it amazes me, the unrealistic opinions that people have from their ivory towers, that are sitting here.

I have worked in this industry for many years. Until I was elected I was working as a labourer. I have worked as a cook, waitress, a bar maid, a cleaning and I think that I can witness to the fact that I represent that industry. I represent it here and now. We don't need to have any -- we can bring in waitresses from down the street if you like. They will be saying the same thing that I am saying, they are the lowest paid people they have trouble with overtime, they cannot receive overtime. A lot of times they are being misused.

The only protection that is afforded to them is this Assembly. We are throwing that right out the window for those people that serve us. It disgusts me that a woman can stand and say the things that are being because 99 percent of the people in this industry are women. It is a women's issue as well as a labour issue.

It is something that has to be really thoroughly understood, is that, women have been used in all kinds of ways, and this is just another way that they are being used. Not being allowed the exemptions that every other union gives them.

It is amazing to me that the Honourable Member from Kluane can expect that we are going to be organizing these unorganized people who have never been organized and never every probably will be. One

union has been trying to organize the people in one hotel in this town, for many many months and has finally been successful, but it had a long uphill climb to do so.

We are not ever going to be able to have them represented, especially the seasonal employees.

I will give you a good example of what happened in Dawson City when I first came there. Yukon Consolidated Gold Corporation used to hire seasonal employees, men, who were paid to work on the dredges for the summer. Most of them were university students. They had a union which met in the wintertime, so that the only members of the union who met were the bosses.

The guys who came up and worked in the summer were left with the decisions that were made in the winter time by their bosses. They were being paid, when I arrived in Dawson in 1965, a dollar sixty-five an hour for labour that was brought up. They had to pay their own way out of their first pay cheque. They were really enslaved to that company for the summer months.

There are things like this that are happening all along the highway with waitresses. They are brought up, they have to pay their own way out again. So they have to pay their way up, their way out, they are stuck to that lodge for several weeks at a time. They are not given any benefits. No medical coverage. No anything. A meal a day, three meals a day while they are cooking, while they are scrubbing floors, while they are being treated as second class citizens as waitresses.

I just appeal to the humanity of this Assembly to think of what is happening to those people, and lets get down out of our ivory tower and take a real look at what the real Yukon.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I have to rise again because I can't understand how we are going to conduct a survey on the wishes of the seasonal employees. Are we going to bring up one or two people, as we know they are not going to work 40 hours, they like to work 80 hours just like the 1900's, or are we going to create second class citizens, as we have already in some sections in the government?

Because when you are a casual employee, you have no rights. You are at the whim of anybody, because you are casual. Is that what we want to do? Create second class citizens in this day and age?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I don't have very much to say, in respect to the Honourable Member from Kluane, I think she is thinking in the wrong direction. I don't think this debate is leading us anywhere. I think the attitude of some here, as to the union organization, is being dragged into this debate, I don't think it's necessary.

All I say is that when the vote is taken, each member should consider whether they can live with their conscience and their constituents afterwards.

Mr. Chairman:
(Reads Preamble)

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, I move that Bill 20 be moved out of Committee without amendment.

Mr. Chairman: May I have a seconder?

Ms. Millard: I second it, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. McCall and seconded by Ms. Millard, that Bill Number 20 be moved out of Committee without amendment. Are you ready for the question?

Some Members: Question.

Mr. Chairman: I'll ask for a show of hands. Those in favour? I declare that Bill Number 20 is now out of Committee.

We will proceed now to the --

Motion Carried

Mr. Fleming: Excuse me, Mr. Chairman. Point of privilege, I think, I would -- or maybe I didn't understand quick enough -- I should have brought it up before, but I would like it brought for the record that I abstained in this case, for the reasons I have given before here in this House.

Mr. Chairman: Thank you, Mr. Fleming.

Amendments to Bill Number 8

We will proceed with the amendments to the Medical Profession Ordinance, Bill Number 8. Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I have received a request from Mr. Richard Avison, the Regional Director for Medical Services, Health and Welfare of Canada, to be with us during our discussion of these amendments.

Mr. Chairman: Is that the wish of the Committee?

Some Members: Agreed.

Mr. Chairman: I would ask Mr. Avison to join us from the gallery.

I would suggest at the same time we are considering the amendments to Bill Number 8, that we also consider Legislative Return Number 5, because it concerns the same witness.

Hon. Mrs. Whyard: Legislative Return Number 5?

Mr. Chairman: Yes, Medical Services Provided to Status Indians.

Mrs. Watson: Mr. Chairman, I haven't been able to hear a word down here with the window open, and the

noise in the gallery. I just can't hear.

Mr. Chairman: We are going to discuss the amendments to Bill Number 8, the amendments to the Medical Profession Ordinance, and at the same time, Legislative Return Number 5, Medical Services Provided to Status Indians.

Mr. Chairman: I will declare a brief recess

Recess

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

We have present with us, Mr. Richard Avison, Regional Director for Northern Health Services. Would you proceed, Mr. Avison?

Mr. Avison: The reason I asked to be permitted to comment is because the Medical Professions Ordinance is in the process of being amended. I wanted particularly to speak on how that Ordinance will apply to federal medical officers, those employed by Yukon Region Medical Services.

Before getting into the substance of it, I wanted to say a couple of things which are—for instance, the federal medical officers employed in the Yukon, have traditionally been registered and licensed to practice medicine under the Medical Profession Ordinance, and that practice should, of course continue.

The Medical Profession Ordinance at the moment, applies to such a medical officer, when he practices medicine on his own behalf, not in connection with his government duties. I believe that also should definitely continue and so there's not at all commenting upon that.

I did want to talk particularly about how the amending Ordinance presently being considered will apply to such a federal medical officer. Particularly, on the fact that the disciplinary provisions of the present amending Ordinance, would apply to such an employee, even though all the work he did was as directed by the government, his employer, and for which his only compensation would be his basic salary.

It would seem to be to be undesirable to have these disciplinary provisions, and I'm referring here to the appointing of the Board of Inquiry, to have these provisions apply to such a government salaried medical officer, and there are two reasons for this. The work and competence of such a medical officer are subject to departmental review and evaluation, both locally and by senior medical staff who visit from Ottawa.

In that sense, it would be to impose a second level of review, to subject such a medical officer to discipline as recommended by a Board of Inquiry under the Ordinance.

The second reason is this: In some situations, it's the job of a government medical officer to take decisions which are going to be unpopular, unpopular with doctors in private practice. If the medical officer, in carrying out those duties, is going to be made sub-

ject to a Board of Inquiry, appointed upon the signature of three doctors in private practice, then there's the possibility that the freedom of that medical officer to carry out his responsibility as directed, will be limited, and that would be a bad arrangement.

As written in the present amending Ordinance, three doctors may request that a Board of Inquiry be appointed. The Ordinance says that the Commissioner shall appoint the Board of Inquiry, and in another Section says "The Commissioner shall carry out the recommendations of the Board of Inquiry". I think it's significant that this wording doesn't leave room for discretion by Y.T.G. officials.

So in summary, what I am saying is that a government salaried medical officer, whether federal as now, or in the future Territorial salaried, is subject to the discipline of his own department, so that a further mechanism for discipline is perhaps not indicated, and that such a medical officer ought to be protected from pressure, so that he will be in the best possible position to carry out his responsibilities.

Mr. Chairman: Thank you, Mr. Avison. Are there any questions for the witness? Ms. Millard?

Ms. Millard: Mr. Chairman, I wonder if we could have an example of a situation where a doctor in public service with the government is going to be in conflict, will have an unpopular position to maintain in the face of private practice?

Mr. Avison: Well there's a number of examples. One of them is when, for instance, a Regional Director is also a Medical Officer, and it happens to be a time of budgetary cut-backs, then it falls to his lot to be the executive person to implement some of those unpopular changes.

Another circumstance is in the administration of a number of programs, by the way they are cost shared kind of programs, cost shared with the Territory, infectious disease control and tuberculosis control and so on, the example at the moment is the medical officer now employed with the Yukon Region Medical Services, is right involved at the case level, directing where a particular patient will be cared for.

In those kinds of circumstances, there clearly can arise, and occasionally does arise, a difference in interest.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, am I to understand that what Mr. Avison is telling us here is that he seriously believes that three qualified members of the medical profession operating here in the Yukon, would actually make themselves available to demand an inquiry under the terms of this Ordinance, because they were personally annoyed by an action of senior medical officers?

Mr. Avison: I'm not suggesting that. What I am raising for your consideration is whether the amending Ordinances which provides for that, is in a desirable format.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I would think that in recent months, there has certainly been cause, if that's the kind of thing that you are considering a vulnerability, and in each case I think that the medical profession has acted with maturity and gone to the place from which the action initiated. They have not offered up upon the sacrificial altar, the medical officer who had to carry out the orders.

I do not understand the concern of your department. I would like to add further that if we are going to eliminate from our jurisdiction, every federal officer operating in the Yukon, we might as well fold up and go home.

Surely, if we are competent to have a Medical Professions Ordinance, through which the medical profession has volunteered to discipline itself, any qualified, registered and licenced medical practitioner, whether he is federal or territorial or from Timbuctu, should come under the terms of that Ordinance, and I cannot imagine any set of circumstances such as you are describing, ever actually taking place.

I would consider that if one member of the medical profession was annoyed by an edict from the senior medical officer, he would probably blow off steam and complain and go through the usual performance, but I cannot seriously accept a suggestion that three such medical practitioners would combine forces on such a petty basis to demand an inquiry into a colleague's professional competence.

I would think that the terms that we have been inserting into this Ordinance, in order to bring the practice of medicine under scrutiny, and to bring the possibility of improvement of such services down from the requirement of malpractice and gross misconduct to the level where we have it now of competence, in the public interest, that's miles away from any such petty conflict of personality where you are suggesting.

I think the three doctors here would say then let's get this guy, and go to the Commissioner and demand an inquiry. Even if they did, which seems a little far out to me, even if they did, I cannot see that any Board of Inquiry appointed to look into it would give it the time of day. They are there on serious medical incompetence grounds. They are not there to look into a frivolous -- I just can't understand that, Mr. Avison. Maybe I'm completely misinterpreting your remarks.

Mr. Chairman: I would like to pass the chairmanship over to the Deputy Chairman at this point.

(Mr. McCall takes Chair)

Mr. Chairman: Thank you, Mr. Chairman. I believe Mrs. Watson has a question.

Mrs. Watson: No, Mr. Chairman.

Mr. Chairman: No? Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I have a question of the witness.

I'm concerned about this, in the outlying areas. We had the cases like where, I'm from Dawson City, where we had no medical practitioner up there, and the Chief Medical Officer had to make a trip on a bi-monthly basis to Dawson.

In actual fact, he was practicing medicine, and I cannot see how it would be accepted in this Ordinance as soon as he practiced medicine.

Could you explain how you would make this possible?

Mr. Avison: Well, I make these comments, that under the Ordinance now in force, he is exempted, and the other comment is that I'm not suggesting that such a medical officer practicing clinical medicine in pursuit of his employed duties, should not be registered, because I believe he should be registered.

I was merely suggesting that if it comes to a matter of disciplining him in relation to the duties that he carries out, and for which he is paid, that there is a mechanism of review and evaluation of his work within the department already.

To institute disciplinary action in the way described in the Ordinance, would be to institute a second level of review.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Thank you, Mr. Chairman.

I would like to ask the witness what is wrong with a second level of review? There is certainly enough precedence that every doctor who is practicing in the Territory today has other areas which he is still subject to review on a professional basis.

I would think that the medical officer of health is at this stage a federal employee then he should welcome the opportunity to be reviewed by his peers.

This is the whole thrust of what the medical Ordinance is trying to do. It is trying to obtain a high standard of qualification and I think that anyone who is in the jurisdiction in the Yukon should be subject to these same high standards. I don't understand why the witness is objecting to it.

Mr. Chairman: Mr. Avison, do you wish to comment on that point?

Mr. Avison: Yes, Mr. Chairman.

A medical officer practicing in the Department of Health and Welfare, is subjected to a review appraisal, by his colleagues, by management, by his seniors within that department.

Now, the particular point of concern arises from the fact that a federal medical officer is required, in addition to carrying out clinical duties, to carry sometimes onerous responsibilities, to take sometimes unpopular decision at the same time, and that the peer review by the medical profession in this context doesn't really have applicability.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. Part of this subject was touched on, that was meant

as a supplementary thing and the question I asked before is -- I'm sorry for the truck underneath the window, it's not mine. Could we possibly insert something which would in this way shape could administrate a medical officer, possibly a practitioner. Say, for example in case of emergency as a chief medical officer he had to go out in the field to practice medicine so could we possibly come up with a compromise of administrator and practitioner?

Mr. Chairman: Do you wish to comment on that, Mr. Avison?

Mr. Avison: Well I think it would be an improvement if it was clear-cut, that disciplinary action would be in relationship only to clinical practice of medicine.

Mr. Chairman: Mr. Lang, do you have a question?

Hon. Mr. Lang: Yes, Mr. Chairman.

My understanding is that we are strictly speaking of medical competence, and you alluded to a senior management of the federal department. Now, when they review the medical officer, do they have a Board of Inquiry to review the medical competence of that individual, or do they just review the administrative abilities of that individual?

Mr. Avison: No, it's not really a Board of Inquiry, but periodic appraisal, and the medical officer's performance in all spheres are considered.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Thank you, Mr. Chairman.

I think the primary thrust again of the Ordinance is professional qualifications of an M.D. who is going to practice. Now, what you are alluding to is his competence in his job. We are not interested in that. What we are interested in is that he carries on a level of professional qualifications, and I don't think that your objection on the basis of a review by his peers is the same thing whatsoever. It's a different field.

We are asking for his professional qualifications, and if he is in the Yukon Territory, I would submit that he should be subject to the same legislation as all doctors have to follow. You yourself are not a doctor, therefore you don't have to face these problems. It's incumbent on him that he does have an M.D., that he is subject to this legislation.

Mr. Chairman: Mr. Avison, do you wish to comment?

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, if we could just go back a step or two with Mr. Avison, under the terms of this Medical Profession Ordinance, a Board of Inquiry can be instituted on the basis of a complaint from an individual in the community, or from the three medical professional people.

I understand your point, and that is that a federal employee should be disciplined, if you like, but at least

assessed by a federal department officer. Are you saying then, that if a member of the public in the Yukon felt that there was a grievance or a complaint against the medical care received from a federal medical officer, they would have to go through the federal department of lay that compalint, and that it would not be the property of this jursidiction?

Mr. Chairman: Mr. Avison?

Mr. Avison: I think it would be desirable that they go through the federal department, in that that's the department that employs the medical officer, that assigned him the duty of carrying on clinical care in that area.

Hon. Mrs. Whyard: Mr. Chairman? Mr. Chairman?

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: All right, let's take this a little farther. There are a number of federal agencies operating within the Yukon. Take the Armed Forces. If a member of the Armed Forces in any country, in any province, under any jurisdiction, breaks a law of that jurisdiction, he not only has to face his own firing squad, but also civilian authorities. There are not two laws for members of federal government departments.

If you are a professional, you also face the judgment of your professional peers. If you, for example, are a civil engineer, or a land surveyor, and you are considered to be guilty of conduct unbecoming that profession, it's the professional group that deals with you. Your employer will be guided by what the professional group decision was.

If they say you are not competent to operate in that profession, then your employer is going to take that advice.

Now, you are asking us to reverse that position and let the employer make the decision without any professional group.

Mr. Chairman: Mr. Avison, do you wish to comment on that?

Mr. Avison: Yes, particularly on the last part, because it lies—the option lies with the employer to obtain information from knowledgeable people, which he certainly could do, so I would say that I wasn't precluding the employer from obtaining information from knowledgeable, in this case, medical practitioners on site.

Mr. Chariman: Mrs. Watson?

Mrs. Watson: A question for Mr. Avison.

Mr. Avison: your federal medical health officers, I think what you are referring to are the people more at the administrative level, rather than the practicing level, right?

Mr. Avison: Yes, that's where my concern comes.

Mrs. Watson: Okay, now, I think basically your concern then is that medical health officers, federal, at

the administrative level often—tell me if I am right or not, are in the position where they question the professional competence of doctors who are working within the institution in which they have administrative jurisdiction? Is this where some of the problems could be?

Mr. Avison: Well, as we are presently structured, that is a very unlikely event, and I should clarify.

For instance, we have an organized medical staff of the Whitehorse General Hospital, which are self-disciplining, so that there is—it doesn't arise, the particular medical administrator would be in the position to criticize as you described.

I could see instances where this might arise, but very infrequently.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I think we are really in the wrong field, when we are looking at professional discipline, because to me professional discipline is a positive thing. It's not something that is just rapping people on the fingers and fining them and everything else, it's something that is called for by the medical profession, and we have seen the legal profession, to discipline themselves, so tht the person has a professional group to refer to, a professional standard to refer to, something that is known intimately by his peers, what he is up against in every section.

I don't see how anyone but another doctor can actually feel competent to do that sort of thing, and I think it's great that they are carrying that on and taking that on themselves, because as a professional person, that's what they should be doing. They should be self-disciplining and self-growing and should become a more positive entity because of it.

I don't think we should always look on the negative side of this thing. I can see where some administrator who has been pushed up through the ranks and has three or four doctors under him, really could be in National Health and Welfare and not understand what an actual doctor faces int he field in the Yukon. He might be sitting in Ottawa in his nice, little warm office, and he has no idea what's going on.

How can he actually discipline a medical person? I'm sorry, that's not really a qesiton of the witness, editorializing.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: I don't really see that we are making any headway here, and it would be my suggestion that we read the amendment and get the opinion of this House.

Mr. Chairman: Is that the wishes of the Committee?

Yes, Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, is it necessary to have the witness with us while we are reading this amendment?

Mr. Chairman: Yes, Mr. Fleming?

Mr. Fleming: If I thought the witness was about to be excused at this time, Mr. Chairman, and possible due to the fact that I did bring Legislative Return Number 5 to this House, and I did have a few questions on that, I wondered if it could be discussed at this time, or could I ask a question or two at this time?

Mr. Chairman: If there's no objections, Mr. Fleming. Please proceed if you wish to ask the witness more questions.

Mr. Fleming: Yes, Mr. Chairman.

As you know, I asked a question in this House as to number 4 and 2 of National, Health and Welfare Department provides the following, and it is the provision or financial support for supplementary medical assistance to Status Indians, including drugs, air transport, both regular and charter, vehicle transportation, boarding accounts, dental care, optometrist treatment and hospitalization for mental sickness. That is the way the Ordinance reads.

The question I ask is what is meant by provision of financial support for supplementary medical assistance to Status Indians, including drugs, air transport, both regular and charter, vehicle transportation, boarding accounts, dental care, optometrist treatment and hospitalization for mental sickness. The answer I got from, I think Mr. Avison's Department, down through our Health and Welfare Department to this House -- up to, okay, sorry, the term, financial support refers to payment by the Department of National Health and Welfare of costs or part of the cost of the listed medical supplies and services for medically indigent Status Indians.

The Department provides support, in that it pays what the individual is unable to pay. Employed Status Indians are able to pay and do pay for a considerable number of these supplies and services themselves.

Now, in that question, I don't feel I got much of an answer, because what I would like to know, and I think I will just give these questions now and there are four of them altogether, I'll take the two that deals with this part, and I would like to know, who is going to decide who is unable to pay, and who is not able to pay? Who decides that, because it isn't answered here, it is just "individual who is unable to pay".

I would like that answered, and how are they to decide if there is such a body, and where it is to come from?

Mr. Chairman: Is that the second question?

Mr. Fleming: That is two questions, and I will give Mr. Avison time to write them down, I am sorry if I am going too fast, and another question, what would be the case of an Old Age Pensioner, or also people that are on welfare, and I'm speaking of Status Indians?

Now, my question number two to the Commissioner was on another, on the same, in the same area actually, and I asked what is included in terms of optometrist's treatment, and the answer I received, "included within the term 'optometrist's treatment' are refractions, the provision of glasses and repair of glasses".

Now, that is very good, but the question there again

is, where is the cut-off, where do you find out if they are able to pay or not able to pay again for say a pair of glasses worth \$65.00 or \$75.00, and I'm asking this question because we have had the problem, and Mr. Avison is aware of it too, I think, and we would just like a few answers.

I think that's about all.

Mr. Chairman: Before Mr. --

Mr. Fleming: But I would like clarification in simple language, if possible, so I can understand it.

Mr. Chairman: Thank you, Mr. Fleming. Before Mr. Avison answers, if there's no objections from the Committee, I would like Mr. Avison to answer all four questions before any more questions are put to Mr. Avison.

Mr. Avison?

Mr. Avison: Mr. Chairman, I'll try and answer in simple language, but I would alert you that we are in an area where the policy is not precise.

If I could give a little background. The federal government annually votes a sum of money for financial support to medically indigent Status Indians. It has done so for a large number of years, and at an earlier stage it was perhaps possible in the votes, to identify this, which is not at the moment possible, because these sums have been lumped in with total budgets.

There is very little guidance available, as to definition of medically indigent Status Indians, and very little guidance on how to administer.

Speaking to your question, who is going to decide who is unable to pay, generally the time arises at the time of the delivery of the service. The person, present is an employee of the Health side so generally, therefore is the employee of the Health Department.

In certain instances, it is possible that advice from Indian Affairs Branch can be obtained.

The second question is how are they to decide? There are really very few guidelines except to say, that is generally acceptable to ask the person in question, are they able to pay, would they like to make a contribution to the such and such cost of this supply or service.

The third question, what would be the case of an Old Age Pensioner or people on welfare? I will take the easier one first. People on welfare generally, the—that is taken to be fully adequate definition of medically indigent.

Old age pensioner is questionable. Certainly if the supply or service is an expensive one, it would usually be assumed that an old age pensioner should receive support in meeting the cost. Many old age pensioners do make a contribution to supplies and services provided.

The fourth question, where is the cut off, for instance, for a pair of glasses worth sixty-five to seventy dollars, this is an example of a more expensive item, and it is the practice to ask for a contribution according to what—to the individuals own circumstances. Having clarified that matter to provide the remainder of the

rather high sum of as I say sixty-five or seventy.

Mr. Chairman: Mr. Fleming are you satisfied with those?

Mr. Fleming: Very satisfied, yes, Mr. Chairman.

Mr. Chairman: Yes, Mr. Hibberd?

Mr. Hibberd: Mr. Avison, with the information that you have just supplied us with really amazes me. I think there must have been a basic policy shift on the part of the department. It had been my understanding for several years, that the Status Indians enjoyed the prerogative of having these services paid for them by the Government of Canada. But what has happened, apparently, in recent months, I gather is there has been a change in the policy, that I am disturbed by the unequal application of these policies that you give us today.

I know, and I think you might be aware too, of the circumstances where in some communities the Indian people are not asked to pay anything, other places they are asked, as you suggest, and in other places, payment is demanded of them.

It is completely inconsistent. There seems to be no pattern to this. I would think that if I was a Status Indian I would be very concerned what my actual status was under the provisions of the Medical Assistance.

Mr. Chairman: Mr. Avison?

Mr. Avison: I don't know of any change in policy. There are, certainly, in this area, are considerable difficulties in administering this kind of approach. I would say that we have not even come close to achieving the ideal of uniform administration across the Yukon. However, our people continue to do as best they can in that respect.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: I still have problems, and I don't think that I have got the answer that I requested from the witness.

I will give an example. A patient leaving a doctor's office to go to the hospital to get an x-ray is given a voucher without question to take a taxi over there. Whereas if a person has pneumonia in Teslin, they have to pay for their drugs. Now there is a lot of inconsistency here, is there no direction given these people?

Mr. Chairman: Mr. Avison?

Mr. Avison: Well, we do attempt to give direction, which is extremely difficult to do in the absence of a more clearly defined overall policy. One thing I would say is that in the area of payment for drugs, and we are talking to medically indigent status Indians, we are really not attempting to receive a contribution in that context. The particular difficulty that you refer to I am fairly confident will not continue in the future. Your point of the requirement of the medically indigent

status Indian to pay for drugs, for medically required drugs.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman I think Mr. Avison is in a very difficult position. He put his finger on the root of the problem here when he says that the federal policy is not precise. That is the understatement of the year. He is in a difficult position of trying to administer a policy which is unadministerable, if you want. The crunch here occurs in the health centres and the nursing centres where the nurse has to make a decision based on this phoney policy. It began with free and subsidized health care for all status Indians, because it is one of the original responsibilities of the Department of Indian Affairs. Now, of course, in changing times, as you will see in one of the sections here, premium assistance is supplied for the Indians who are not in the employable force where it is deducted to all employees pay towards Medicare.

So you have a split here now. You have some employed native people who are paying their own medicare via deductions from their pay cheques. So you extend that a little further to the point where from the point of view of the health nurse, who is handing out the drugs or the medical services, that is an employed person who is economically competent to pay for what he or she is getting.

They you have the difficulty right there, because, if the health nurse then says, look Joe, this is going to cost you three fifty for this bottle of cough syrup or whatever, if he is a responsible Canadian, he says okay and he pays for it. But if he wants to sit on his duff and do nothing all year long he can get it for free because he is an Indian. It is a very unjust situation for those who are paying and trying to assume responsibility when they see others who do not under the same service, under the same policy in the same nursing centre. This is the point that the Honourable Member from Hootalinqua has raised at this Table, and it is a very good point.

I have every sympathy for Mr. Avison because if I were in his position I couldn't administer that policy and make it look sensible.

I don't think anyone could. It is just another one of our growing pain problems in this country where we are trying to move forward to the day when we will all be under the same treatment and under the same policy for medical services.

It is one more argument, as far as I am concerned, for the transfer of health responsibility to this Territory.

Thank you Mr. Chairman.

Mr. McCall: Mr. Avison, do you wish to comment? Mr. Hibberd?

Mr. Hibberd: Mr. Avison, with regard to the medical services, there has been a problem arising again in the field of chronic diseases, which again refers to quite innocent in policy. I just don't understand again where the government accepts its

responsibility in terms of what is considered a chronic disease that receives financial support.

Now there again has been a shift in policy. There are many people who have contracted certain diseases, who at one time had their drugs paid for, but this again, there has been a shift. There are people that are dropped off the list. They don't know whether they are on the list, they don't know whether they are going to have their drugs paid for. Again, there seems to be a lack of consistency in policy.

Mr. Chairman: Mr. Avison?

Mr. Avison: I don't particularly want to comment except to acknowledge that that's a correct description.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, just for clarity, because for four years in Dawson I was a social worker there and I had a lot to do with white, Status and Indian people also, who were medically covered.

I would like to point it out to members that there are, there is medical coverage for white status indigents, and the only difference that I can see was the administration of the policies. The policies were pretty parallel. The person had to be indigent, and certainly we as social workers had a definite system where we had an application, if the person passed the application, they were qualified for medical coverage.

However, in the Indian Affairs Department that was not the case. We very seldom even saw an Indian agent, so that it was up to the poor little public nurse down the road, and in a lot of cases, the presumption was that because they were Indians, they were indigent, and that to me is the wrong. It's not that the policy wasn't written down somewhere or that it shouldn't -- it was just not applied right down in the field where it should have been, the way it was with the Welfare Department.

So, I would certainly like to make it clear to the people here that Indians have not been favoured in any way, because in that policy they are actually being prejudiced against, because they were being presumed as being indigent, when in a lot of cases they weren't, and we can see the damage that has been done by that kind of presumption.

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

Mr. Lengerke: Yes, Mr. Chairman. With respect, I had hoped that you, Mr. Avison, would have as your priority the immediate establishment of a policy for the delivery of medical services to the Indian, and I would just ask you this, could this House possible help you in any way by communicating to your Minister, its observations that we have noted here?

Mr. Chairman: Mr. Avison?

Mr. Avison: Generally, we are in an area where thinkers greater than myself have grappled for a long

time. The other thing, in response to your second question, is that we are in a recognized area of federal jurisdiction, so I think that perhaps is a guidance on that point.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, I wonder if Mr. Avison is in a position to give us a progress report on the transfer of medical facilities from the federal jurisdiction to the Territory?

A Member: Very good.

Mr. Chairman: Mr. Avison, do you wish to comment?

Mr. Avison: No, I am really in no position to do that.

Mr. Chairman: Mrs. Watson, do you have a question?

Mrs. Watson: Mr. Avison, I would just like to remark that I think that we are all aware of the very cloudy nature of your policy regarding delivery of services, particularly to Status Indian people, and it falls upon the health nurse at the local level in the health station, and from any observations that I have been able to make, I think that they are doing a very creditable job in this regard.

They have a very poor policy, and they are being as fair, and I haven't heard too many complaints against it.

Mr. Chairman: Thank you, Mrs. Watson.

Is there any further questions for the witness? I would like to thank Mr. Avison for attending today.

Before we go into the reading of the amendments clause by clause, I would declare a brief recess.

Recess

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

We will go through the reading of the amendments. We will start with amendment 2, sub-section (1). This is amendments to Bill Number 8. 2. (1):

(Reads Section 2. (1))

Mr. Chairman: Three, sub-one:
(Reads Section 3. (1))

Mr. Chairman: Four, sub-one:
(Reads Section 4. (1))

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, is it a requirement for 2 and 3, this is what I asked last time and I didn't get it clear, is it a requirement of (b), sub (2) and (3), do they also have to be a Licentiate of the Medical College of Canada?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: No, Mr. Chairman, that's not the intention. The intention is to reduce the present five methods of qualification to three, and either of those three would qualify a person.

In the first one, he has to graduate from an approved university, and approved is now defined, and he has to be either a Licentiate of the Medical Council of Canada, or a Certificat of the Fellow—or a Fellow of the Royal College of Surgeons.

Now, the intention there is that the normal 99.9 percent of individuals will be graduated from approved universities, and will be a Licentiate of the Medical Council of Canada, which in fact vets whether or not the person is of good character and has got the qualifications.

There is said to be a very narrow class of case where a person might have a very narrow speciality, and there might be a case where the person would be a graduate from an approved school and be a Certificat or Fellow, but not be a Licentiate.

Now, the question is the Yukon Medical Association recognizes this is so. The Federal Advisors think it would be better for us to eliminate the fellowship, because the everybody should in this category be a Licentiate because then they would approve of their qualifications as well as their graduation, so there's a slight difference of opinion on this point.

Mr. Chairman: Clear?
Four sub-section (2):
(Reads Section 4. (2))

Mr. Chairman: Three:
(Reads Section 4. (3))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: It's okay, I had a question that was just answered.

Mr. Chairman: Clear?
Five, sub-section (1):
(Reads Section 5. (1))

Mr. Chairman: Eight, four:
(Reads Section 8. (4))

Mr. Legal Advisor: Mr. Chairman, this has the automatic effect of allowing a single permit to be issued at 12 months, but the renewal will be limited to one renewal, which is a total, as the Medical Association asked for, of two years.

Mr. Chairman: Did you have a question?
Fifteen, sub-section (1):
(Reads Section 15.(1))

Mr. Chairman: Sub-section (5) of 15:
(Reads Section 15.(5))

Mr. Chairman: Twenty, sub-section (2):
(Reads Section 20.(2))

Mr. Chairman: Twenty-four, sub-section (2):
(Reads Section 24.(2))

Mr. Chairman: Twenty-six, sub-section (1)(c):
(Reads Section 26.(1)(c))

Mr. Chairman: Twenty-nine, sub-section (2):
(Reads Section 29.(2))

Mr. Legal Advisor: Mr. Chairman, there's a misprint in the second line, it's to be Yukon Medical and not "Mecial Association".

The amendment as made there is to permit the Commissioner to consult with the Yukon Medical Association, when he is considering the restoration, but it appeared somewhat improper that a judge at a hearing should be forced to consult with anybody, so that the language reflects this thought.

Mr. Chairman: Thank you, Mr. Legal Advisor.
Thirty, sub-section (1):
(Reads Section 30.(1))

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I have just found the solution to the problem we were discussing earlier today.

Mr. Chairman: Good, we can go home.

Hon. Mrs. Whyard: And that is that any federal medical officer could be practicing under the Gospel according to the Federal Department of National Health and Welfare.

Mr. Chairman: Clear?
Thirty-one, sub-section (2):
(Reads Section 31.(2))

Mr. Chairman: Clear?

Mr. Legal Advisor: Mr. Chairman, the particular section that I mentioned there, sub-sections (4), (3) and (5) are the ones which require him to pay a fee, and then to renew his fee every year.

Mr. Chairman: Thank you, Mr. Legal Advisor.
Ms. Millard?

Ms. Millard: When we went through this Bill the first time, there was a question in my mind about the board meeting, and that there is no provision for them to come back within a reasonable time with a finding to the person who is being charged. I wonder if the administration could tell me why this hasn't been considered?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, it was considered and debated exhaustively by the people who were considering it, but it was felt that there may be good reasons for an unduly long delay when the board is sitting. It is not uncustomary in such a case that they indefinitely postpone a hearing pending certain things being done, and this is one of the hidden disciplinary powers that such a board had, and we thought it better

not to limit them in the terms of time.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Yes, Ms. Millard?

Ms. Millard: I don't really think that the quotation "a reasonable time" is limiting anyone. If they can prove to an appeal board or a judge that it was within a reasonable time, according to the -- I mean, you can't just adjourn and adjourn without some sort of reason, so I would think that they should have to be accountable for those reasons.

They could adjourn for 10 years, as long as they had reasonable reasons to go by.

Mr. Legal Advisor: Mr. Chairman, sometimes the object of the exercise is to adjourn the matter indefinitely. Sine die is the Latin expression, and provided something has continued to happen, such as a person does courses, does not offend again, the Board would not reconvene, and then the matter dies by the inflection of time.

It's a technique of this particular type of jurisdiction.

Ms. Millard: Yes, Mr. Chairman --

Mr. Chairman: Ms. Millard?

Ms. Millard: --supplementary to that, then why does it not read that the Board has the power to adjourn sine die?

Mr. Chairman: Mr. Legal Advisor, do you wish to comment on that?

Mr. Legal Advisor: I just don't know a good answer to that one, Mr. Chairman.

Mr. Chairman: Mr. Taylor, do you have a question?

Hon. Mr. Taylor: Mr. Chairman, perhaps if there is -- or when the debate is concluded on the Bill, I would then move the appropriate amendment which would involve all the amendments.

Mr. Chairman: I was coming to that, Mr. Taylor.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Yes, Ms. Millard?

Ms. Millard: Are we going to accept the amendment 31. (2), after all the discussion that went on? I believe it should be simply deleted and federal employees included in that.

I'm confused here.

Mr. Chairman: Mr. Hibberd, do you wish to comment?

Mr. Hibberd: Mr. Chairman, I think this qualifies under what we have -- the Committee actually wished,

the disqualifications don't refer to the areas under discussion.

Mr. Chairman: Is that satisfactory, Ms. Millard?

Ms. Millard: Yes, thank you.

Mr. Chairman: Seeing that there is no further question -- yes Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would refer to Section 24. (2), the amendment, and I--

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: -- am a little concerned with the Commissioner consulting with the Yukon Medical Association, which is fine, but I am wondering if in some instances we have to ensure that there shouldn't be any undue delay in a reply from the Yukon Medical Association.

You know, I can see that the protection of the public is of importance there to suspend someone until the inquiry is held. If there's undue delay with the Medical Association, if it is a dicey thing within their own Association, and they just delay without giving a reply, is there anything that we can do to protect the public?

Mr. Chairman: In your suggestion, Mrs. Watson, are you suggesting that we in 24 sub-section (2) that we restrict the communications between the Commissioner and the Yukon Medical Association?

Mrs. Watson: Mr. Chairman, no I'm not, the Commissioner consultation with the Medical Association, but how long does he consult before action is taken?

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think that the undertaking of the Yukon Medical Association, and their desire to set a high standard, automatically takes care of the problem which is in Mrs. Watson's mind. They most certainly want to have the responsibility, and it's incumbent on them to react with alacrity.

Mr. Chairman: Does that answer your question, Mrs. Watson?

Does it answer the question?

Mrs. Watson: No, it doesn't.

Mr. Chairman: Ms. Millard?

Ms. Millard: Well I think it is actually right in this Section, because it says the "Commissioner may, after consultation, suspend". They are not suspended before the consultation, it's after it's been consulted, they are suspended until the Board makes a decision and there again is my problem, that I think that the Board can sit on that decision, which is really the crunch of the issue, not whether or not the Commissioner is talking with the

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think the Honourable Member has a valid point. There is no time reference in there, in that Section. We do provide for the person to apply for a rehearing, and a be reinstated, but we do not have a time frame there, Mr. Legal Advisor.

I wonder, Mr. Chairman, I hate to delay the passing of these Ordinances. I wonder, Mr. Chairman, if you could assist us in this problem, because there is not ime frame there, during which the man may be suspended.

Mr. Legal Advisor: Mr. Chairman, can I give two instances from the Legal Profession Ordinance?

Mr. Chairman: By all means.

Mr. Legal Advisor: There are two lawyers who -- against who charges were brought some years ago, and when the matter went to court, difficulties arose on the proof for 15 charges, in respect of the lawyers concerned, not all against the same individual, and after the first day of hearings, the two lawyers made an offer to the judge, to the court, and said "We will give an undertaking never to practice law again, and we will resign from the profession", and the judge then adjourned the matter sine die.

I presume the judge felt that justice was done.

Now, there would be cases parallel to that, but if the judge had to make a finding within a measurable time, then he wouldn't have the option to make that particular finding.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, the particular Section under consideration at the moment only refers to the question of mental competence or otherwise. It doesn't refer to the general problem of suspension for other reasons.

Mr. Chairman: Mrs. Whyard, in answer to your question, as far as my -- my own suggestion would be as far as 24 sub (2), my interpretation and suggested answer to it would be that we should consider it as the language sits in sub (2), because I would consider that if we add a restriction on time, each case would have to be dealt with on its own merits, and to add a restriction as far as the time factor, you could add a lot of problems to any case that may come before the Medical Association, or the Commissioner or whatever.

Hon. Mrs. Whyard: Mr. Chairman, I wonder if the Honourable Member would agree with me then that in the section above, 24 (1), the word "promptly" would suffice for her purposes? "The Commissioner shall promptly appoint a Board of Inquiry"?

That does put some time limit on what is gong to happen, and from there on, I think every provision is

made to protect the rights of the individual concerned.

Mr. Chairman: Mrs. Whyard, I don't want to enter into a debat with you, but you are suggesting putting a word in 24, subsection (2)?

Hon. Mrs. Whyard: No, Mr. Chairman, there is a word in Section 1, promptly.

Mr. Chairman: Okay, as long as I know what we are discussing.

Mrs. Watson, do you want to comment on that point that Mrs. Whyard brought up?

Mrs. Watson: Mr. Chairman, I didn't want to delay this. We must get through with this promptly. I am quite prepared to accept it as it is.

It may be a problem, it may not, I don't know. I brought it up and I think there are two areas where there could be undue delays. There could be an undue delay with the Commissioner's consultation with the medical profession, and there could be an undue delay with the hearing being held and this person who is being suspended, so we have two areas there.

I think maybe we should have a look at it and see whether the draughtsman is able to come up with soemthing for the morning.

Mr. Chairman: I can see we do not have a consensus. Is that the wishes of the Committee?

Mr. Berger?

Mr. Berger: I can't really agree, and I have to agree with the Honourable Member from Whitehorse South Centre. I mean, we are dealing here with a mental problem, and I can't see anybody dragging his feet on a problem like this. It's a serious matter. I really can't see that it's necessary to put anything in there.

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, perhaps inasmuch as this is a Bill as originated with the government, perhaps we could leave that to the discretion and the opinion of the Minister of the Department.

Hon. Mrs. Whyard: Mr. Chairman, my opinion is—

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: —the Commissioner shall promptly appoint a Board of Inquiry, as soon as this complaint has been made. I would expect that that would be a prompt appointment and the Board would then proceed.

The Honourable Member's concern was that a person would be in limbo for some period of time, but I don't think so reading this Section. The Board would proceed to examine his mental state and would either suspend him or not, and reinstate, and I think it's safe.

Mrs. Watson: Mr. Chairman, I'm quite prepared to accept the amendment as presented, the whole

amendment paper, I'm quite prepared to accept it.

Mr. Chairman: My suggestion at this time would be each one to consider the language as it sits, and give it a whirl, the amendment.

Okay? Okay, if there's no further questions I would like to hand the Chair back over to Mr. Hibberd to read the Preamble.

(Mr. Hibberd resumes Chair)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I'm not clear on what's happening here, Mr. Chairman. Is it the wish of Committee now to deal with the amendments?

I would then move, Mr. Chairman, that the amendments to Bill Number 8 as read from the Chair be adopted as written.

Mr. Chairman: A seconder?

Mr. McCall: I'll second that, Mr. Chariman.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman:
(Reads Preamble)

Mr. Chairman: Could we have a Motion to report the Bill out of Committee as amended?

Mr. McCall: Mr. Chairman, I would move that Bill Number 8 be moved out of Committee.

Mr. Chairman: A seconder?

Mr. McCall: Be reported out of Committee as amended.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Hon. Mr. Taylor: With respect, it's first necessary to restate the Motion, the Motion not being a Motion before it is read from the Chair.

Mr. Chairman: It has been moved and seconded that Bill Number 8 be moved out of Committee as amended, or reported out of Committee as amended. Question?

Some Members: Question.

Mr. Chairman: In favour?

Some Members: Agreed.

Amendments to Bill Number 1

Mr. Chairman: We will proceed with the amendments to Bill Number 1, the Highways Ordinance.

Section 12. (6) (c):
(Reads Section 12. (6) (c))

Mr. Chairman: Twenty, one:
(Reads Section 20. (1))

Mr. Chairman: Two:—

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: One moment.
(Reads Section 20. (2))

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I just wonder how far that 20. section (1) would go, because if the road were closed improperly, and proper signalling devices weren't put in, and a person had a motor vehicle accident due to that, does this mean that he wouldn't be able to collect any damages, either from the government or from the insurance company or whatever?

Mr. Legal Advisor: Not in my opinion, Mr. Chairman. What they are talking about is damage resulting from the fact that the road is closed for a day and somebody can't get to the place he designs, but the negligence of the manner of closing the road would leave the person open to damages.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm pleased to see that 19 is not included in the amendment that in fact anyone aggrieved under 19 can seek compensation. However, I do not agree with 19. (1), and I feel that we must amend or cause some changes to be made to 19. (1). I feel that 19. (1) offends the civil rights and liberties of the individual.

I stated yesterday on another Bill, that in the Canadian Bill of Rights, it's stated or it deals with the right of the individual to life, liberty, security of the person, enjoyment of property and the right not to be deprived thereof, except by the due process of law.

We, of course—our function as Parliamentarians, Mr. Chariman, is not only to approve legislation which has been forwarded to us by the administration, but it is our singular duty to ensure that no bad legislation hits the law books. In this regard, I think you will recall that a Court of Law in attempting to interpret those edicts which flow from this House, must resolve questions with absolutely no doubt whatsoever, no reasonable doubt in their minds, or the plaintiff—or I should say the defendant goes free.

In this case, I think we must satisfy ourselves that we are doing the right thing in permitting Section 19 to

continue. I think you will all agree that all fundamental civil rights in this country have flown from the Magna Carta and are in our care and custody, insofar as the legislation we make can be interpreted in this Territory. These protections must be accorded our citizens.

If you look at 19. (1), and let's just restate it again, "Where a peace officer finds—underline—upon any land," now that's private land, public land, any land, conditions existing which may, and I underline "may" cause danger to life or property of any person travelling on a territorial highway, no cause is shown here.

Now, if that was to state that which may—or if he has to show probably cause, perhaps that would take on a different meaning, or have reasonable cause to assume that danger to life or property could result from something in this situation, then I could say perhaps it could be more palatable. But what you are doing, you are just saying which may cause danger. Who says it might? The constable says it might, or the peace officer says it might. t.

There may be something happening which is a danger to the public or on the highway, but you are leaving a wide discretionary power, which involves itself with civil rights, in this Section.

Now it goes on to say the "peace officer may enter upon the land with such equipment and persons as he deems necessary and do any acts necessary". Now you give him discretionary power in two more fields, to pick up this equipment and persons as he deems necessary.

Then the end all, and do any acts necessary to remedy the condition. You've given three options of discretionary power here. As I say, although I feel that this bill is exceedingly important bill to the people of the Yukon in its other aspects. I don't think in conscience, that any member here, faced with a situation as grave as this, could permit this bill to go through with 19.(1).

Let me show you. The Criminal Code provides, under section 232, "everyone who, with intent to endanger the safety of any person places anything upon, or does anything to any property that is used for, or in connection with the transportation of persons or goods by land, water or air, that is likely to cause death or bodily harm to persons, is guilty of an indictable offence, and is liable to imprisonment for life."

So the Criminal Code has already provided for a situation, or one of the situation that may have been envisaged by the draftsman, or the architect of this bill.

This is provided for already in the Criminal Code. There are other sections in the Criminal Code, 241; "everyone prevents or impedes or attempts to prevent or impede any person who is attempting to save his own life or without reasonable cause, prevents or impedes or attempts to prevent or impede any person who is attempting to save the life of another person, is guilty of an indictable offence."

Well a peace officer can, under certain conditions, I would submit, come onto property and if anyone in fact impedes him, there is provision there as well.

Under section 42(1) of the Criminal Code, "everyone is justified in peaceably entering a dwelling

house or real property by day to take possession of it, if he or some person under whose authority he acts is lawfully entitled to possession of it."

Now here they state the interesting subject "by day to take possession", and only to take possession, if they can show a piece of paper, something they can prove legally they have that right.

I submit if you are going to embark on a clause as broad as this, then cause should be shown and the warrant from a court, jurisdiction or something should be provided before entry is obtained by the peace officer.

After all we are talking about a man's home and property and a man's home and property were always held inviolate, except under certain circumstances which may be provided for in the Criminal Code.

Section 73(1) could perhaps fall back on the peace officer. "A person commits forceable entry when he enters real property that is actual and peaceable possession of another in a manner that is likely to cause a breach of the peace or reasonable apprehension of a breach of the peace whether or not he is entitled to enter."

So you are into a whole bag of tricks here. I haven't had the opportunity to research farther into the Criminal Code, but I find that provision is made, for what I believe is intended to be found in Section 19.(1).

I restate the position that inconsidering the whole question that there is too much power given, and discretionary power given to a peace officer in 19. I say that this section offends the Canadian Bill of Rights. I say that if the Government of the Yukon Territory cannot, conclusively, tell me that it does not, then the Government of the Yukon Territory should withdraw the section and come in with something more compatible along the lines I am talking about, or it will be my intention to -- it is my duty, I have no other course, as a sitting member of the House, than to propose that 19.(1) be deleted.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman we looked at this very seriously on sub-committee on legislation. When you take a look at 19.(1) the terms are so narrow, you know, we are just stretching our imagination to come up with examples where it would apply. It is like the insurance policy where the only time you collect is if you get hit by a snowball thrown by a blind person in Acapulco in July or some such clause in the insurance.

19.(1) says where a peace officer finds upon any land conditions existing which may cause danger to life or to property of any person travelling on a territorial highway. Now the only way he can enter that land, if upon that land there are conditions which may cause danger to life or to property, not on the land in any way, shape or form, but on that land, conditions that may cause danger to life or property that is on a territorial highway.

The only example we could use is in the case of an avalanche or a snow slide or some such instance where a police car comes along and there is a rock slide. He has no ability of running around and finding where the person lives or whose land it is or anything else. He just allows the equipment that is going to clear away the

rock slide, or the snow slide, to go onto that property to cut the fence so that there is no danger to the person travelling the highway.

That is the only instance the person is capable, the peace officer is capable of doing it. We added a section that in that instance, that there would be compensation allowed for the fence that is damaged or anything that takes place upon that land. It is just so absolutely narrow to take care of an eventuality of an Act of God. Really there is no one who supports the whole thrust of the whole civil libertarian movement more than I do, but this section is narrowed to the point where it has to be a major calamitous act of God that a police officer finds and is able to move on. He has to have that ability to move on in this instance, and we even broadened the section to allow compensation to be paid in this instance.

If other members have more vivid imaginations than the members of the sub-committee on legislation and give us other examples in these narrow parameters where this power can be used.

The Criminal Code does apply. If an officer doesn't have these conditions and does move on that guy is going to get nailed in a court of law, if the citizen brings action against him.

You know, we have so many instances where the civil liberties of a person are really being trod upon. Now let's not go into the imaginative process in this area where they could be, because we can't find examples of where they could be.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I have to disagree with the Honourable Member from Whitehorse North Centre, because I have a vivid imagination, that spells out to me this peace officer could possibly remove my house. If he thinks that my house is too close to the highway and it obstructs the view of a vehicle and he thinks that it is dangerous, he could possibly go there and remove it.

He could possibly remove a tree, a fence, anything that is on my property there, if he thinks it is endangering anybody's life or property on the highway. I have to agree with the Honourable Member from Watson Lake on this.

Hon. Mr. McKinnon: The right-of-way where you are allowed to build that fence and that house is how many feet? I don't know the actual number of footage away from the highway, and that's what the legislation says is the safe distance from the highway.

Now, how can a police officer come up and say, you know, that you're off the right-of-way, you're off the highway, but I have decided -- you know, the police officer just could not make that argument wash in a court of law, in no way, shape or form, he would get drummed out of the force if he attempted, because of a personal vendetta against you, to make you move your house or your fence or any other piece of property.

You know, there still is, you know, I know it has been there for sometime, and sometimes I do question it, but there still is in those instances, in this country, a pervailing sense of justice and the courts just do not allow a police officer to act in this manner, or the

person agrees not to seek the benefit of the law in these instances. They just don't happen.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, the record will show that I rose in this House on a number of instances with respect to the clause, and with due respect to the member from Watson Lake and the Klondike, I just see no difficulty whatsoever. I really don't.

I can think of many illustrations, but really I would be quite happy to amend the thing to, in some other form in which it would say exactly the same thing. There's just no problem with it.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, the power that the Honourable Member from Whitehorse North Centre was talking about and the discretion of the court is one thing. The discretion of an individual peace officer is another.

For instance, I can recall standing in this House not too long ago, and asked to approve a Bill which would have made peace officers out of every officer of the government of the Yukon Territory.

Hon. Mr. McKinnon: And I opposed it.

Hon. Mr. Taylor: And Mr. Chairman -- that's right, and the House in its wisdom said oh no, absolutely not, we have got to get rid of that little item and we did very quickly and promptly.

Now, I'm still saying that another House may not be as objective as was the one that threw out this, in which case any officer of the Government of the Yukon Territory, had this been in force, could have walked into a premise, so we are not just talking about police officers. We are talking about peace officers, and there are many people who exercise the powers of peace officers beyond police officers.

But in any event, I am still saying, and I am asking you to take a look at 19.(1), because I want to vote for this Bill, but I can't in conscience vote for a Bill which in my opinion offends, or could, through the discretionary powers you are giving to a peace officer, offend the civil liberties and rights of the people of the Yukon Territory in this case. I just can't do it in conscience.

I'm just not prepared to accept from the administration the idea, well there is one instance, and we are going to have an avalanche and that's what it's there for. If that's what it's going to be for, spell it out and say what it is going to be for. I think in any event, no matter what you do with it, you have got to give, or make the peace officer show probable cause or something of this nature, or go and get instructions or permission from the Commissioner of the Yukon, or from a court of jurisdiction, from somewhere, but I can't buy the argument that he has to have this authority for an on the spur of the moment decision, because under the Criminal Code and other Acts of Canada, he has right of entry.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, it occurs to me that the Honourable Member from Watson Lake is a member of Emergency Measures Organization in Watson Lake --

Hon. Mr. Taylor: That's right.

Mrs. Watson: -- and I would hope in performing your function in emergency measures, you would be prepared to enter upon property and take the necessary measures to protect life of people on a highway without running to the Commissioner, without running to all sorts of people. If you are not prepared to do that, I don't think you should be on the Emergency Measures.

You must, you are there because you can interpret what an emergency is. Peace officers should be able to interpret what an emergency is. You know, we are not giving them any more power here, than you people on the Emergency Measures Organization have. I would hope that you are not going to run for advice when there is an emergency.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, my only point on this is that Mr. McKinnon has put it very well, and as he said, the sub-committee of legislation looked at it very hard and though well, how can we change this?

Would the Honourable Member from Watson Lake please come up with an alternative from what we have here? To me, it covers everything that you have asked.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I just rise to state that the Honourable Member from Kluane must be right out of her tree. She knows as well as I do that there is provision for emergencies, and Emergency Measures functions under that Ordinance, and we don't run around with sections like this and marching across people's property and--

Mrs. Watson: You don't?

Hon. Mr. Taylor: Well just have a nice big laugh, and when you get finished of it, start thinking about the responsibilities you have as members to the protection of the life and civil liberties of this Territory.

That's what I'm here for, and I hope to God that some day you will realize that maybe that's a consideration of some of you that scoffed today.

Yeah, I have an alternative, delete Section 19. (1).

Mr. Chairman: I would ask the--Mr. Taylor to also accept the responsibility as a Member of this House in his reactions to other Members.

Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I have no problem in accepting this amendment. I would suggest that in order to terminate this somewhat useless and specious arguments we are hearing from Mr. Taylor, that he make a Motion as he chooses and see if he will get a

seconded and we can then vote on it.

Hon. Mr. Taylor: Yes, I will make the effort. I would move that Section 19, sub-section (1) be deleted from Bill Number 1.

Mr. Chairman: Is there a seconder?

(Reads Preamble)

Mr. Chairman: Highways Ordinance.

Hon. Mr. McKinnon: Mr. Chairman, I would move that Bill Number 1 be reported out of Committee as amended.

Mr. Chairman: Seconder?

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Being as how everybody appears to be in such a rush to get rid of this thing, you just have one problem. You forgot to adopt the amendment to the Bill.

Mr. Chairman: I will entertain a motion to that effect.

Hon. Mr. McKinnon: Mr. Chairman, I would move that the amendments to Bill Number 1 be adopted as read.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mr. Lengerke that the amendments to Bill Number 1 be adopted as read.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Hon. Mr. Taylor: Disagreed.

Hon. Mr. McKinnon: Mr. Chairman I would move that Bill Number 1 be reported our of Committee as amended.

Mr. Lengerke: I second that.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mr. Lengerke that Bill number 1 be reported out of Committee as amended.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Amendments to Bill Number 2

Mr. Chairman: We will proceed with the amendments to Bill Number 2 the Legal Aid Ordinance. Twenty-three, two.
(Reads Section 23.(2))

Mr. Chairman: Three.
(Reads Section 23.(3))

Mr. Chairman: I will entertain a motion.
Mrs. Watson?

Mrs. Watson: Mr. Speaker, before we proceed to move the Bill, to report it out of Committee as amended, I would like to again, draw the committee's attention to my opposition to the Bill.

Basically we have no idea of the amount of money that we are looking at. Could, not this coming year, but the year after, and the year after that, we have no idea of the increase in court costs that we will be faced with.

Again that is my one objection.

Secondly, too many of these programs get out of hand, are difficult to control, and there is an abuse of public funds.

Those two basic reasons are my objections to the Bill. My first reason, when we have no idea of the possible expenditure in the past, makes me refer to the Sessional Paper we have today. I believe it is Sessional Paper number 9 where the over expenditure we have, we will be having this year, and the amount of money that the government will be expected to sort of make up by restricting existing programs and existing staff. We know that the Government of Canada is embarking upon a program of cut backs and restrictions. We know that the Government of Canada is looking now at decreasing their cost sharing in the medical scheme. We know that they pulled back out of the Arctic Winter Games. We know that they are talking about new agreements for R.C.M.P. protection.

What is there to say that they are not going to go back on this fifty percent cost sharing. It is the indecision of the whole thing that prompts me to ask this Council to consider delaying this bill until we have some idea of the financial picture with the existing program for the next fiscal year.

It appears to me we are having problems, we are going to have problems paying for the programs this year. Here we are looking at putting in a new program for next year.

I would really ask the members to consider just leaving the Bill in Committee, and considering again when we go back to the budget in February, if at that time we can see it financially possible to embark upon such a program.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I would like to rise in support of the member, as she just spoke now, for the same reasons. I won't go on and on about them. I do rise in support of those very same reasons. I don't think it would be too bad a situation if we did keep this bill aside for say, another three or four months. After all, we have been many many years without it. I am a little leery of many parts that could be abused. I find many programs like that that have been abused. As the

member has spoken, we don't know how much money we are going to have in the next year. We don't know whether they are going to continue to pay these things or not in cost sharing them. I would say I don't support the bill either, today.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I have to raise an objection to not passing this Bill. I think it's high time that we had this Bill in the first place. Why is it every time a question of cutting down the budget, it comes to humanitarian things, where —things where we are trying to help people. Why don't we not build a few more bridges? Why do we have to pave all the way to Lac LaBerge, there are all kinds of things that should have other, less priority than the things that we are here to help the people in the Territory, and this is going to be a very essential part of the legal system as it is in other jurisdictions.

It isn't true that we don't have anything to go on, that we have no knowledge of how much it's going to go on, that we have no knowledge of how much it's going to be used or abused, because we do, because there are all kinds of examples in the provinces where this system has been in existence for a long time, and I would have faith enough in the administration that they have looked into this matter, and they have gotten information from outside.

So I think any question of money, we have to look at all things to cut back on, not just the ones that involve helping people in the Yukon, which there are too few programs of already, as far as I am concerned.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to make a comment before I make a Motion.

I believe in the concept of Bill Number 2. I think at this time it would not be appropriate to move it out of Committee. We are not quite sure of the assets we are going to be using, as far as the funding of this particular Bill, which I find is a very good Bill, to be quite honest with you, but in view of the concern which has been moved around the Committee today on Bill Number 2, I would like to make a Motion on this point in time.

I would move that Bill Number 2 be tabled until such a time that we are accountable as far as budget estimates.

Mr. Chairman: A seconder?

Mr. Fleming: I will second it.

Mr. Chairman: I will declare a brief recess.

Recess

Mr. Chairman: I now call this Committee to order.
Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, due to a little bit of

misunderstanding on the Motion I presented a moment ago, I would like to reword my Motion if I may, and just a brief comment on it.

As I see it, Bill Number 2 is a good piece of legislation, and at this particular time I don't think we are quite prepared for it, so I would like to move that Bill Number 2 die in Committee at this time.

Mr. Chairman: Mr. Fleming, as seconder, do you consent to the withdrawal of this Motion?

Mr. Fleming: Yes, Mr. Chairman, in respect to this. I'm, you know—

Mr. Chairman: We have to have a seconder for the present Motion. If we could have a seconder, and then we could go on.

Mr. Fleming: But do we not, Mr. Chairman, remove the other Motion first?

Mr. Chairman: Yes, we have a Motion that is not seconded—

Mr. Fleming: And that in no way is going to jeopardize this Bill?

Mr. Chairman: No.

Mr. Fleming: I remove my first second.

Mr. Chairman: Do we have a seconder?
Mrs. Watson?

Mrs. Watson: Mr. Chairman, I will second it.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mrs. Watson, that Bill Number 2 be left to die in Committee.

Hon. Mr. McKinnon: Mr. Chairman, I would like to speak on the Motion to let this Bill die in Committee.

I'm quite in agreement with this Bill being processed at this time, the reason being that all Members should remember that in the spring budget session we voted a total of \$70,000.00 for the provision of legal aid in the Yukon Territory.

That is combined, the Territorial and the Federal government share, \$35,000.00 coming from the Territory, and the cost sharing arrangement being agreed to with the federal government that would provide the \$35,000.00 from their coffers. The only way that they would and will contribute to a scheme or share any money to the Government of the Yukon Territory, is if a comprehensive civil and criminal legal aid program is entered into.

We have only got how many months to go now until next fiscal year, four or five months, and there is no possible way that the total costs of the involvement of the federal government can be cost shared in that period of time, so the monies are there and are more than ample monies for the provision of this program under the vote of the Department of Legal Affairs in the present year's estimates.

It seems to me, Mr. Chairman, that many of us, and I think that we all recognize that this was the reason why the \$70,000.00 was voted in this year's estimates,

that there was pressure from many of the members that before this fiscal year was out, such a program should be introduced to the Yukon Territory. I agree with those arguments, and I still agree with them, because there is no way that much of the legislation which we now have on our statute books can be enforced without the involvement of a civil legal aid program.

I was one of the movers for having this type of a program initiated to the Yukon Territory, because I have run into instances where constituents, and I can just go no further with them, they need the help of a solicitor, they can't afford one, and they are being screwed by government and government agencies because of it.

The money was budgeted for these reasons, prior to being in the Executive Committee, and a member of the government, I was for this program, I have not changed my attitude in any way, shape or form since becoming a member of this administration and government, and I still say that at this moment, at this time in the Yukon's history, that people are suffering because of their inability to be able to finance a lawyer under civil programs on which they have been wrong. I think that with the money already voted for the program, because we intended to have it initiated in this fiscal year, that we are going to have no problem in meeting the demands upon the public purse of the Territory, because we planned this program to go into effect this year, but because there are people in the Territory presently suffering because there is not a program of civil legal aid in the Territory, that we should not allow this Bill to die in Committee, and should process it and let it go.

All members have the ability at every budget session, of reviewing the programs for the twelve months, of seeing if we ran along the parameters in the budget which we said we were going to. If we are not, then we can cut it down or we can eliminate the program, or do anything that Members want.

I just would close, Mr. Chairman, by saying that I support this Bill at this time, that I do not want to see it die in Committee, that there is no fiscal problem in meeting the obligations of this Bill if passed at this point in time, and we could have the Commissioner assenting to a civil legal aid program in the Yukon at prorogation of this House, and I think that's a responsibility that should not rest lightly on any of our shoulders, and it's one that we should allow to go into practice.

Thank you, Mr. Chairman.

Mr. Chairman;
(Reads Preamble)

Mr. Chairman: Legal Aid Ordinance.

Hon. Mr. McKinnon: Mr. Chairman, I would move that Bill Number 2 be reported out of Committee as amended.

Mr. Berger: I will second that.

Mr. Chairman: It has been moved by Mr. McKin-

non, seconded by Mr. Berger that Bill Number 2 be reported out of Committee as amended.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: We will proceed with the amendments to Bill Number 4.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, just before we consider the amendments, I have a question -- I see Mr. Legal Advisor in the House, respecting this Bill, and I am wondering at his time if I could quickly ask a question?

I would like to direct a question to Mr. Legal Advisor, Mr. Chairman. I have received, during the course of the summer, a letter from a company who is a transportation company, who was told that he could no longer have his company registered in the Yukon Territory, and I am wondering if I could know why.

Now, in a letter to this company from the Registrar of Joint Companies, it said,

"It has been brought to my attention that an amendment to the Yukon Act some time ago removed the legislation-making powers of the Commissioner-in-Council, as it pertained to incorporation of air transport companies in the Yukon Territory. It may be advisable, therefore, if your company is not already incorporated outside the Yukon Territory, to have it incorporated either in a province or as a federal company".

Quite briefly, I received a covering letter with this. This would appear to be a great step backward in our fight to gain some degree of self-government. We have always been a Yukon company, we have no desire to become a B.C. company, Alberta Company of federal company.

My question is, what gives rise to this? What was taken from the Yukon Act, when, and is it indeed possible for this company to continue to be registered as a Yukon company? It is an air transport company.

Mr. Legal Advisor: Mr. Chairman, the Yukon Act sets out the kind of companies we can control in our legislative powers, and I'm not sure when the amendment was made, but it was made in such a way that puts it outside our power to deal with it.

We are also not able to deal with steamship companies, telegraph companies, and so on, and air transportation companies is included in that class, in that we have lost our power to deal with them.

How long ago the amendment was made, I don't know, but it was probably made a long time ago.

Hon. Mr. McKinnon: It was 25 or 30 years ago. They finally caught up with him.

Hon. Mr. Taylor: Then, Mr. Chairman, --

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: -- I can conclude that there is no conceivable way or round-about way that this company can be registered. Could it be registered federally and then registered as an extra-territorial company perhaps?

Mr. Legal Advisor: I think it could do that, yes, Mr. Chairman.

Hon. Mr. Taylor: That would be legal? Thank you, Mr. Chairman.

Mr. Chairman: Seventeen, one: (Reads Section 17. (1))

Mr. Chairman: Ms. Millard?

Ms. Millard: I must be blind, I can't see any change from the original.

Mr. Legal Advisor: Mr. Chairman, I was just trying to read the small print, and I can't catch up with it. It was a spelling error in calculation.

Mr. Chairman: One forty-seven, one: (Reads Section 147. (1))

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

In considering Bill Number 2 and the seemingly can of worms I seem to have kicked over, some of the remarks the Honourable Member has just stated, I would agree with.

My prime concern in presenting this Motion was although we have budgeted this fiscal year, with approximately four or five months left, for an amount of money to cover this particular program in order to get it off the ground, what I am concerned about is out next budget and our next fiscal year.

Knowing the inflationary rules that are being brought down, I am wondering just are we going to be able to make or carry on with the commitment in presenting this Bill to the public at this particular time?

If the Minister of Local Government can assure me that what he can see on the horizon as to help or maintain this program, I would be only too pleased to withdraw my Motion.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, haven't we been assured that if we pass civil legal aid, the federal government will pay 50 percent running cost? Up to this point, I have assumed that we have been paying the \$35,000.00 a year that it's cost for criminal legal aid.

If we pass civil legal aid, we will get it all paid for by the federal government, the civil part, so it's not going to cost us a cent now or five years from now -- I don't know how long the program is, three years probably if it's a federal program, but we don't have to worry

about money.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, that's what I am most worried of, money, and like I say, if the Honourable Minister for Local Government can assure me that this good piece of legislation can be maintained, or even improved upon, in his own opinion -- I'm not asking him to commit himself as far as his responsibilities as a Minister, but if he can assure me, I would be quite prepared to withdraw this Bill, or this Motion.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I could no sooner look into my crystal ball and assure the Honourable Member of that, than the Honourable Member from Pelly can assure me that the union he represents will not be going for any wage increases with the company, Cyprus Anvil, during the next five year period.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Hon. Mrs. Whyard: Mr. Chairman, I'm sorry. I missed the Motion, I was out.

Mr. Chairman: I am going to read it.

It was moved by Mr. McCall, and seconded by Mrs. Watson, that Bill Number 2 be left to die in Committee. All those in favour?

Contrary?

Some Members: Agreed.

A Member: We can't hear you.

Mr. Chairman: I'm sorry, I will re-read the Motion; that Bill Number 2 be left to die in Committee. All those in favour?

Some Members: Agreed.

Mr. Chairman: Contrary?

Mr. Chairman: The Motion is defeated.

Motion Defeated

Mr. Chairman: I will now entertain a Motion regarding amendments to Bill Number 2.

Hon. Mr. McKinnon: Mr. Chairman, I would move that the amendments to Bill Number 2 be adopted as read.

Mr. Chairman: Secunder?

Mr. Berger: I will second that.

Mr. Chairman: Bill Number 2, it was moved by Mr. McKinnon, seconded by Mr. Berger, that the amendments to Bill Number 2 be adopted as read.

Are you in favour?

Some Members: Agreed.

Mr. Legal Advisor: This is also an error in the printing out originally when the Bill was being typed up. We are talking about in the original Bill, the filing of a certain matter prescribed by paragraph blank, and when we found the blank it turned out to be the statement we are talking about in this amendment.

Mr. Chairman: One fifty-four, one:
(Reads Section 154. (1))

Mr. Chairman: One fifty-seven, one:
(Reads Section 157. (1))

(Reads Section 157. (1))

Mr. Legal Advisor: The number was wrong, it should have been 157 instead of 156.

Mr. Chairman: Clear?

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Was it not in this Section where we were discussing the question about attorneys.

Mr. Legal Advisor: Not necessarily in that Section, no it wasn't that Section, Mr. Attorney -- Mr. Chairman. The question of how to handle the request made by the Honourable Member, to make it clear to the public that the expression "filing a Power of Attorney" or that an attorney must do something, was exhaustively discussed and no solution was arrived at by the people who discussed it, other than something to say that an attorney is not a lawyer or some such thing, which is a statement of law, which they could gather for themselves.

In fact, there has been no change as a result of the question of the Honourable Member.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, what I think I did finally offer as a solution to it was under this Section, 150 -- pardon me, under this Section anyway under 154, that attorney be clearly defined as including an agent, rather than just a lawyer, because I think I made the point that attorney to the average person on the street means a lawyer.

If someone was considering the formation of a company and saw that he had to have an attorney, he would

immediately be led to believe that he had to have a lawyer, and could not have, in fact, a person to act in that capacity as an agent. I think it's - I still think it's important that you spell it out, and in the interpretation section involved, which I believe is 154.

Mr. Legal Advisor: Well, Mr. Chairman, it appears that the only kind of company that has to deal through an attorney is an extra-territorial company, or a company coming from outside which has to register itself here the second time, and under normal circumstances, they would be using a lawyer to transfer the papers of the company from one jurisdiction to another, but they don't have to have lawyer to continue to be the agent of a company and to have that as its registered office.

So it was decided by the administration that there was no solution to it, and it didn't seem a correct solution to define who an attorney was or not, because an agent is not an attorney, and an attorney is not an agent for all purposes, and it would add a lot of confusion.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I can certainly say that my battling average today isn't all that good, but I still think that when we make laws we should make laws that can be understood by the people. If you are going to say something in law, say it, and if you mean attorney means lawyer, that's what everybody assumes, it means a lawyer.

We know at this table, and those of us who have been involved in this discussion, that that could mean an agent, but the man in the street doesn't know and will never know, so I conclude that this is just another way that we will ensure a good prosperity for the lawyers in the Yukon Territory.

Mr. Chairman: One sixty-five point one, one, (f):
(Reads Section 165.1 (1) (f))

Mr. Legal Advisor: That was just a misspelling that occurred, Mr. Chairman.

Mr. Chairman: Three thirty-seven five:
(Reads Section 337. (5))

Mr. Legal Advisor: One of the Honourable Members scored a strike in that one, Mr. Chairman.

Mr. Chairman: Three thirty-seven, twelve:
(Reads Section 337. (12))

Mr. Legal Advisor: It was a typo, Mr. Chairman.

Hon. Mr. McKinnon: Mr. Chairman I would move that the Amendments to Bill Number 4 be accepted as read.

Mr. Chairman: Seconder?

Mr. McCall: I second that.

Mr. Chairman: It was moved by Mr. McKinnon, seconded by Mr. McCall, that the Amendments to Bill Number 4 be adopted as read.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman:
(Reads Preamble)

Hon. Mr. McKinnon: Mr. Chairman I would move that Bill Number 4 be reported out of Committee as amended.

Mr. McCall: I second that.

Mr. Chairman: It was moved by Mr. McKinnon, seconded by Mr. McCall that Bill Number 4 be reported out of Committee as amended.

A Member: Question.

Mr. Chairman: Are you in favour?

Some Members: Agreed.

Amendments to Bill Number 9

Mr. Chairman: We will proceed with the amendments to Bill Number 9, The Motor Vehicles Ordinance.

Five, six.
(Reads Section 5. (6))

Mr. Chairman: Fourteen, one.
(Reads Section 14. (1))

Mr. Chairman: Sixteen, one.
(Reads Section 16. (1))

Mr. Chairman: Forty-four, one.
(Reads Section 44. (1))

Mr. Chairman: One sixty-four, two.
(Reads Section 164. (2))

Mr. Chairman: One seventy-one, one.
(Reads Section 171. (1))

Mr. McCall: Mr. Chairman, I move that we accept the amendments as read.

Mr. Chairman: Seconder.

Mr. Lengerke: I second that.

Mr. Chairman: It was moved by Mr. McCall, seconded by Mr. Lengerke that the Amendments to Bill Number 9 be adopted as read.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. McCall: Mr. Chairman, if I could draw your attention or a second.

I would move that Bill number 9 be reported out of Committee as amended.

Mr. Lengerke: I second that.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mr. Lengerke that Bill Number 9 be reported out of Committee as amended.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. McCall: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

Ms. Millard: I second that.

Mr. Chairman: Question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Carried.

Motion Carried

Mr. Speaker resumes the Chair.

Mr. Speaker: I will call the House to Order. May we have a report from the Chairman of Committees?

Dr. Hibberd: Mr. Speaker, Committee convened at 10:40 a.m. to consider Bills, Sessional Papers and Motions.

Committee reviewed Private Members Bill Number 20. Mr. Cam Ogilvie and Mr. Paul White representing the Yukon Chamber of Mines were present as witnesses. The witnesses made representation then were excused. Mr. Herb Taylor, Labour Standards Officer was called as a witness.

Committee recessed at 12:00 noon and reconvened at 1:30 p.m. when discussion of Bill Number 20 continued.

It was moved by Mr. McCall, seconded by Ms. Millard that Bill Number 20 be reported out of Committee without amendment. This motion was carried.

Committee was advised that Mr. Avison, Regional Director of National Health and Welfare was available

as a witness on Bill Number 8, and on Legislative Paper Number 5. Committee agreed to hear Mr. Avison. After the witnesses presentation the Chair passed to Mr. McCall. The witness was excused and at 3:00 and the Chairman declared a brief recess.

Committee resumed at 3:20 with a clause by clause reading of Amendments to Bill Number 8. At the close of debate Mr. McCall handed the Chair back to Mr. Hibberd. It was moved by Mr. Taylor, seconded by Mr. McCall that the Amendments to Bill Number 8 be accepted by Committee and that motion carried.

It was then moved by Mr. McCall seconded by Mr. Lengerke that Bill Number 8 be reported out of Committee as amended and this motion carried.

Committee then read the Amendments to Bill Number 1. It was moved by Mr. McKinnon, seconded by Mr. Lengerke that the Amendments to Bill Number 1 be adopted as read and that motion carried. It was then moved by Mr. McKinnon seconded by Mr. Lengerke that Bill Number 1 be reported out of Committee as amended and this motion carried.

The Chairman then proceeded with the amendments to Bill number 2. It was moved by Mr. McCall, seconded by Mrs. Watson that Bill Number 2 be left to die in Committee. That motion was defeated.

It was then moved by Mr. McKinnon, seconded by Mr. Berger that the Amendments to Bill Number 2 be adopted as read and this motion was carried.

It was then moved by Mr. McKinnon, seconded by Mr. Berger that Bill Number 2 be reported out of Committee as amended and that motion was carried.

Committee then proceeded with the Amendments to Bill Number 4. It was moved by Mr. McKinnon, seconded by Mr. McCall that the Amendments to Bill Number 4 be adopted as read that that motion carried.

It was moved by Mr. McKinnon, seconded by Mr. McCall that Bill Number 4 be reported out of Committee as amended and this motion carried.

The Amendments to Bill Number 9 were then read from the Chair. It was moved by Mr. McCall, seconded by Mr. Lengerke that the Amendments be adopted as read. This motion carried.

It was then moved by Mr. McCall, seconded by Mr. Lengerke that Bill Number 9 be reported out of Committee as amended and this motion was carried.

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

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure? The Honourable Member from Ogilvie.

Ms. Millard: Mr. Speaker, I move that we now call it five o'clock.

Mr. Speaker: Is there a seconder?

Mr. Fleming: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Hootalinqua that we do now call it five o'clock. 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: This House stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned



The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy auditing of the accounts.

Furthermore, it is noted that regular reconciliation of the books is essential to identify any discrepancies early on. This process involves comparing the internal records with bank statements and other external sources.

In addition, the document highlights the need for clear communication between all parties involved in the business. Regular meetings and updates help to keep everyone informed of the current financial status and any upcoming obligations.

Finally, it is stressed that maintaining a good relationship with creditors and suppliers is crucial for the long-term success of the business. Timely payments and clear communication go a long way in building trust and ensuring a steady flow of goods and services.

The second part of the document provides a detailed overview of the company's financial performance over the past year. It includes a comprehensive analysis of the income statement, balance sheet, and cash flow statement.

The income statement shows a steady increase in revenue, primarily driven by the expansion of the product line and the entry into new markets. However, there has been a corresponding increase in operating expenses, which has resulted in a narrower profit margin than in previous years.

The balance sheet indicates that the company's assets have grown significantly, particularly in the form of inventory and property. This growth is a result of the company's investment in infrastructure and its focus on expanding its production capacity.

The cash flow statement shows that while operating activities have generated a positive cash flow, there has been a significant outflow of cash for capital expenditures. This suggests that the company is investing heavily in its future growth, which is a positive sign for long-term prospects.

Overall, the financial performance has been mixed, with strong growth in revenue and assets, but also increased expenses and capital outlays. The company remains committed to its strategic goals and is confident in its ability to overcome these challenges and achieve sustained success in the future.

LEGISLATIVE RETURN NO. 8

(1975 Third Session)

(tabled Dec. 8)

December 4, 1975

Mr. Speaker...Members of Council On Friday, November 28, the following question was asked in Council:

In the next months, is the Game Department going to be investigating the possible ecological damage to wildlife which will ensue if a proposed dam is put on the Stewart or Pelly Rivers? If so, what is the outline of their investigative program?

Answer to the above question is as follows:

During the winter of 1974 the Yukon Game Branch began a series of river surveys as part of its Territory-wide wildlife inventory program.

Many river valleys are of great importance for wildlife, in particular for wintering areas of moose, breeding and staging areas of waterfowl and other birds and as year-round ranges of many furbearers. The carrying capacity of many river valleys and their biological productivity exceeds that of neighbouring uplands by 5 to 10 times.

These surveys will allow the Game Branch to make comparisons between different river valleys; they will

point out the more significant biological features of the area; and they will provide some baseline information on which more detailed studies can be based.

To show the seasonal trends that ecological systems undergo these surveys are done three times during the year: 1) a late June survey is designed primarily to catalogue the various bird species that utilize the area for breeding purposes and to establish indices on moose productivity based on calf to cow ratios; 2) a late September survey serves to investigate the importance of the valley for migratory purposes of birds (primarily waterfowl), survival of moose calves and sex ratio of moose during the rutting season, and lastly, to describe plant communities which were submerged during the "high water" surveys during June; 3) a late winter survey to estimate the numbers of moose using the valley as winter range and to document furbearer activity based on frequency of tracks and other signs.

During this winter and next summer the following rivers will be investigated: Pelly-Macmillan, Stewart, Teslin-Yukon, Nisutlin and Old Crow-Porcupine. Work on the Nisutlin and Pelly-Macmillan Rivers has already begun.

From these investigations, preliminary comparisons could be made of the ecological damage to certain river valleys, should they be subject to damming for hydro electric purposes.

P.J. Gillespie,
Member, Executive Committee

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SESSIONAL PAPER NO. 8 1975 (3rd) SESSION
(TABLED DEC. 8)

December 5, 1975.

Mr. Speaker... Members of Council Motion No. 5

On Tuesday, December 2, 1975, Councillor H. Watson proposed Motion No. 5, which read as follows:

That Administration provide for this House, background information required for Bill No. 20, namely:

1. What classes of employees will be affected
2. What labour laws other jurisdictions have in force re: hours of work and any other pertinent information.

The reply to the Honourable Member's question is as follows:

1. The amendment changing the hours of work to a maximum of 40 in the week affects almost all employees and employers in the territory who are not in the mining business. Mining companies that have union agreements set out a maximum of 40 hours in a week and 8 hours in a day.

This, in other words, affects all garages, retail stores, highway lodges, hotels, motels, wholesalers, and local governments that are not covered by union agreements. The few other industrial establishments that are not either covered by a union agreement or that are not wholesalers or retailers are restricted to a 48 hour week. The territorial and federal government

departments and agencies are not governed by the Labour Standards Ordinance.

2. Subject to minor exemptions the maximum hours in the provinces are as follows:

Alberta, British Columbia, Manitoba, New Brunswick and the Northwest Territories set out maximum hours for all employees at 44 hours per week and 8 in any one day.

In Saskatchewan the maximum hours are set at 40 per week in the retail food trade and 44 hours per week for all other employees.

In Newfoundland the maximum hours for employees in shops has been set at 40 hours with a maximum for all others being 48 hours.

In Nova Scotia, Ontario and Prince Edward Island the maximum hours have been set at 48 hours for all other employees.

All of the above are subject to a maximum of 8 hours in a day.

3. The amendment to subsection 5 (3) which deletes the exemption of domestic servants and farm labourers does not have any effect as these two classes of employee are exempt from the Ordinance by virtue of Section 3 which states that the Ordinance applies to the operation of any industrial establishment. This definition does not include private homes or farms.

J. Smith,
Commissioner

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SESSIONAL PAPER NO. 9 (1975 THIRD SESSION)

(TABLED DEC. 9)

December 8, 1975.

Mr. Speaker...Members of Council

As I indicated at the opening of this session, the rapidly rising cost of government has been a source of increasing concern to the Executive Committee. Despite our efforts to restrain costs, we are presently projecting over-expenditures in operation and maintenance of approximately \$2,600,000 for the current fiscal year. This over-expenditure is attributable to the recent settlement with the Public Service Alliance and unexpected increases in cost due to inflation. Of the total \$2,600,000 overrun, approximately \$1,600,000 will be received from the Federal Government by an increase in our deficit grant. The remaining \$1,000,000 will be taken from our rapidly depleting working capital.

In order to reduce our over-expenditures in this budget year and to lessen the impact on the 1976-77 budget, the Executive Committee has decided to impose internal restraints at this time on expenditures which will not adversely affect the public.

We therefore intend to institute a freeze on all vacant positions including those currently advertised which have not been filled and any further vacancies for the remainder of the fiscal year. Any exception to this freeze will be based on "the Governments commitment to provide an immediate and on going service to the public, which cannot be delayed". It is estimated that this measure will save approximately \$220,000 in salaries and fringe benefits and an additional \$35,000 in recruitment costs for an estimated total saving of \$255,000.

In conjunction with this move, virtually all government travel outside the Territory will be eliminated until March 31, 1976. This should provide at least another \$32,000 in savings in this fiscal year.

Undoubtedly, certain inconveniences will result from the imposition of these restraints. However, we hope that Council will understand the need for strong measures at this time and will support the government in its efforts to reduce costs without sacrificing the level of government service which the public may reasonably expect.

P.J. Gillespie,
Administrator.

