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Speaker: The Honourable Donald Taylor



The Yukon Legislative Assembly

Tuesday, March 11, 1976

Whitehorse, Yukon Territory,
Tuesday, March 16th, 1976.

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

DAILY ROUTINE

Mr. Speaker: Prior to Orders of the Day this morning, the House photographer has requested permission to take a picture of this Legislature and, accordingly, I think at this time we would permit the House photographer to take his photographs.

We will proceed with the Order Paper. Are there any documents or correspondence for tabling? The Honourable Member from Hootalinqua?

Mr. Fleming: I rise on a point of privilege this morning, Mr. Speaker. Some time ago I asked for some papers on Information Services from Mr. Gillespie and there was some confusion as to whether I had gotten them or not. He did give them to me Thursday and I would like it be known to the House that I do now have these papers.

Mr. Speaker: Right. Are there any documents or correspondence for tabling? The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling this morning Legislative Return number 11.

Mr. Speaker: Are there any Reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution? The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I'd like to give Notice of Motion, seconded by the Honourable Member from Riverdale, that the Government of the Yukon review The Electrical Public Utilities Ordinance to determine if amendments are needed in order that the Electrical Public Utilities Board can function with the required authority on behalf of Yukon consumers.

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

Mr. Hibberd: Mr. Speaker, I'd like to give Notice of Motion, seconded by the Honourable Member from Pelly, regarding the Yukon participation in the Western Canada Lottery.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I'd like to give Notice of Motion, myself, the Honourable Member from Kluane, with respect to the Yukon Water Board.

Mr. Speaker: Are there any further Notices of Motion? The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Notice of Motion with respect to the Public Utilities Board submission, moved by myself, seconded by the Honourable Member from Kluane, that whereas the Yukon Public Utilities Board is considering evidence as gained from a recently held Public Hearing in connection with the N.C.P.C. proposed electrical rate increases and whereas a brief was presented on behalf of the Yukon Territorial Government, be it resolved that the Yukon Legislative Assembly submits to the Yukon Public Utilities Board copies of all resolutions passed during the 5th Session of the 23rd Legislature pertaining to the proposed electrical rate increases and a Yukon Power Authority and that this Assembly emphasizes to the Board that it is this Assembly's position that the Government of Canada should bear the cost of all expenditures incurred by the Northern Canada Power Commission in the development of projects which are attributed to national objectives, and further, this Legislative Assembly is firmly of the opinion that N.C.P.C. should be accountable to a Yukon public body which is representative of the consumer or user service.

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 to the question period. Have you any questions?

ORDERS OF THE DAY

QUESTION PERIOD

Mr. Commissioner: Mr. Speaker, with your permission I have an item here concerning a question

asked by Mr. Lengerke. On March 11th, Mr. Lengerke asked whether there was any change in the federal policy with respect to the leasing of lake front property at the Marsh Lake main beach area, the Army Beach and the McClintock Bay area.

Mr. Speaker, I have been informed by the Federal Lands Office that the only change in policy relates to the Minister's announcement last year that long term lease renewals will be available on approved recreational sub-divisions subject to compliance with the lease covenants. Long term lease renewals are therefore being made available and legally surveyed and properly designated recreational sub-divisions in the Marsh Lake area where, for example, any required water front allowance was made by survey and where proper access and other requirements are met.

In other cases, the present short term renewal will continue; however, the Department of Indian and Northern Affairs is reviewing these to determine whether any other— whether any are suitable for upgrading and designation as sub-divisions. Beyond that, Mr. Speaker, there has been no change in the federal policy concerning recreational leases and none to my knowledge is currently being contemplated.

Mr. Speaker: Have you any questions? The Honourable Member from Whitehorse West?

Mrs. Whyard: Mr. Speaker, I have a matter of information of interest to the House of— earlier during this session I referred to the fact that there was to be an appointment of a senior official from the Department of Federal Health and Welfare who would act as chairman on a committee to establish procedure and time tables for transfer of responsibilities for health services from the Federal Department to the Territorial Government Department.

We have now been informed by the Deputy Minister of Medical Services Branch in Ottawa that the Public Service Commission has appointed Mr. J. R. Fleming as Senior Consultant, Northern Health, and in addition to other duties he will act as the Branch's principal negotiator and advisor on the terms and timing of the transfer of the health service to the Territorial Government.

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

Mr. Hibberd: Regarding that to be, Honourable Minister, do we have any knowledge of the qualifications of this person regarding this matter?

Mr. Speaker: Honourable Member from Whitehorse West?

Mrs. Whyard: Yes, Mr. Speaker, Mr. Fleming has a background of service with the government of Alberta in a number of positions in Industry, Labour and Personnel Offices; joined the Federal Department of Health Medical Services in '68, when he was Chief of Finance and Administration of Prairie Region. The following year, the Members of the House will be interested to know, he was granted leave to undertake an

assignment with International Atomic Agency in Vienna, which may be very helpful for his duties in the North. While with this organization, he was responsible for planning and implementing, as part of an overall United Nations plan to improve its financial management methods, a program planning and budgeting and performance budgeting system, Mr. Speaker, I would think that he is eminently qualified to assist in transfer of medical health services.

Mr. Speaker: Are there further— the Honourable Member from Whitehorse North Centre?

Question re: Leasing

Hon. Mr. McKinnon: Mr. Speaker, supplementary to the question answered by the Commissioner this morning, am I to understand, Mr. Commissioner, from your answer that only an approved subdivision by the federal government that they have subdivided and constructed and leased well long term 30 years leases be available, and all the other leaseholders in the Tagish-Marsh area, even though they've had short term leases for some 30 years, will still only be eligible for short term leases?

Mr. Commissioner: Mr. Speaker, reading from the answer, I would feel that the third paragraph is the item of interest to the Honourable Member; in other cases, the present short term renewal will continue; however, the Department of IAND is reviewing these to determine whether any are suitable for upgrading and designation as subdivisions. So I think that the basic question as asked by the Honourable Member, which I personally quite understand, Mr. Speaker, would appear to me that the areas in which these are located are being subject to review to see if they can be upgraded to permit long term leases.

Hon. Mr. McKinnon: Well, supplementary, Mr. Chairman, that means even if the - Mr. Speaker to Mr. Commissioner - even if people do not want the upgrading, whatever that maintains, to subdivision status that the Federal Government wants, that in those instances they will not be eligible for long term leases unless the Federal Government designates it through upgrading that it is now going to be a recreational subdivision.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, on the basis of what I have before me, it would appear that the assumptions made by the Honourable Member are correct but I would like to have the opportunity of checking that out just a little bit further, please, Mr. Speaker.

Hon. Mr. McKinnon: Mr. Speaker, another supplementary, was that the understanding that Mr. Commissioner had when the Minister's announcement came through, that long term leases were going to be available not only to people in the new Federal Recreational Subdivision but also to legitimate leaseholders other than in the new recreational subdivision on Tagish-Marsh Lake chain, and indeed all other Lakes in the Yukon Territory.

Mr. Commissioner: I must admit that my original understanding of the Minister's announcement was that, so long as the lease was in good standing, that the conversion from short term to long term was to be effectively on an automatic-- maybe that's not the right word, Mr. Speaker, but it was to be a taken-for-granted type of transaction.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Supplementary to that too, Mr. Speaker, I've asked the Commissioner then, would it be your understanding Mr. Commissioner that from the information that you've got that really what would happen is that people would be required to move their buildings off some of the front of the lake front lease to a lease behind that? Is that what you think is interpreted by an updating?

Also, Mr. Commissioner, would a classification for a subdivision be, would you feel that calling it a non-conforming type of subdivision, would that be an acceptable classification for a subdivision and in fact then could the existence of those leases be held?

Mr. Commissioner: Well, Mr. Speaker, with respect I think that the questions related by the Honourable Member are detailed examples of what the Honourable Member on my right was seeking clarification for as well. I have your permission, Mr. Speaker, to seek some further information on this and I would be pleased to do so.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Other Areas for Recreational Land

Mrs. Watson: Mr. Speaker, further supplementary to the Commissioner regarding the plans that the Federal Land People have, do they have any plans for opening up subdivisions for recreational land lease in other areas other than the Marsh Lake-Tagish area?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I would have to bring definitive answers back to that. There have been plans from time to time, Mr. Speaker, but whether these are in the process of imminent implementation or not I can't say. I would be pleased to get that information.

Mr. Speaker: Are there any further questions? We will then proceed to Motions.

MOTIONS

Motion Number 23

Mr. Speaker: We have on the Order Paper Motion number 23. I have given consideration to Motion number 23 and I find that it is in some conflict with a motion already concurred to by the House, namely Motion number 3, and in general content they are one and

the same. And of course, a motion or amendment cannot be brought forward which is the same in substance as a question which has already been decided by the House, because a proposition once being submitted and carried in the affirmative or negative cannot be questioned again but must stand as the judgment of the House, more particularly at the Session, assembled.

Motion number 23 would appear to the Chair to be in conflict with Motion number 3 as carried by the House and I would accordingly unfortunately have to rule it out of order.

May we now proceed to Public Bills.

PUBLIC BILLS

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

BILL NUMBER 16 - FIRST READING

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill number 16 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill number 16 be now read a first time. 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: When shall the Bill be read for the second time?

BILL NUMBER 16 - SECOND READING

Hon. Mr. McKinnon: Now, Mr. Speaker; I move, seconded by the Honourable Member from Whitehorse West, that Bill number 16 entitled An Ordinance to Amend the Community Assistance Ordinance be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill number 16 be now read a second time. 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: The Honourable Member from Whitehorse North Centre?

BILL NUMBER 6 - THIRD READING

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill number 6 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill number 6 be now read a third time. The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, as this is the last opportunity we will have to speak on this Bill, I think I must again raise the objections I raised yesterday. In doing so, I am going to just merely say today that this is one of the most discriminatory pieces of legislation I have ever seen or heard of and, hopefully, some day we can prove this; I am sure that, in at least the next session, if it is at all possible, there will be some amendments brought forth for this Bill to make it possibly worthwhile.

Mr. Speaker: The Honourable Member from Klwane?

Mrs. Watson: Mr. Speaker, I must again take the opportunity to voice my objections to this Bill. I find it most unfortunate that the type of homeowner assistance that is being offered in the Bill and the taxation imposed to help pay for the program make it impossible for me to support the Bill. I realize full well, as every member in this House, that many people in the territory will be assisted through this Bill, but I think the Honourable Member from Hootalinqua and other members in this House share the thought with me that the assistance, under this homeowner grant, is not equitably distributed amongst the homeowners.

The assistance is giving— the maximum assistance is being given to the people who have the greatest investment, and I think we feel that the people who have the greatest investment also have the capability and the ability to pay for that investment. I would have liked to have seen different homeowner grants that would have taken into consideration other people within the territory who require assistance to pay for the taxation that is levied regarding the shelter that they are occupying. This, again, takes into consideration the people who are renting either private homes or are renting apartments, and many of these people do require assistance also.

I have to remark again, the taxation that is being imposed on property outside of the municipality and regardless what the members say that these do not go hand-in-hand, they do go hand-in-hand and, as every member that stood up yesterday said, they didn't want to have a conflict of rural and urban within the territory.

Mr. Speaker, nothing has brought this to the fore more than these two pieces of legislation.

Mr. Speaker, the feelings in the rural areas are very bitter and very deep and will take a long time to overcome. Whether the intention of the government, and I would hope it was not the intention of this government, to inflict upon the rural people extra taxations, specifically because, as statements were said here, they are not paying enough. I have stood up time after time during this debate and said ten mills, what for? If you look at some of the rural areas, you would understand why I say what for? I don't think they expect - because they are very isolated and they have a small population - I don't think they expect, nor want, enriched municipal services but, Mr. Speaker, when they don't have municipal services, when they are negligible and someone says they are not paying enough, that government must be prepared to define why they are not paying enough and what for will they be paying the ten mills. This has come out in our discussions regarding the L.I.D.s when I tried to get a definition from the government, what are municipal services. Let's identify them. When you say you are not paying enough, you are being funded liberally.

I would like to know just what should we be paying for, in your estimation, and it is leaving a big question in the minds of a lot of people.

Again, I must express the view that the business community in the outlying areas who are having one tough time are going to be bearing the brunt of this. It may be insignificant to you that the revenue from them with the ten mills may be just ten or twenty thousand, but that ten or twenty thousand is as a result of their blood, sweat and tears. I don't think we can just unilaterally say, fine, they are not paying enough. That's why I am not supporting the homeowner grant. I find it very difficult because I do realize that many of the people in the municipalities are bearing a heavy burden for property taxes. I would have been very happy to support the program of assistance to home owners, even if it would only have applied to home owners in municipalities, if you had not gone for the unilateral, heavy-handed type of taxation on the rural areas. Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate? The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, I did not have an opportunity to speak on this Bill while it was before Committee, but I would like to have the opportunity to speak on it now because I do favour the Bill. I think there are things that have been stated that have not been brought forth forcefully enough and that require reiteration. And I think one of these things is facing us today in a piece of paper that is lying before us, called the Hamlet Allowance. I would like this read, Mr. Speaker.

The Hamlet Allowance is a schedule to reduce the assessment of real properties on a percentage scale with Whitehorse as the base. The assessment of comparable buildings are reduced by a percentage in each of the communities. The Government recognized the need for such an adjustment due to the lack of amenities, recreation, social, shopping and other facilities that are normally found in a fully-serviced

urban community. For illustration-- for illustration purposes, if the building, not land, in the City of Whitehorse was assessed for \$50,000.00 and this very same building was located in Haines Junction, the assessment on the building would be reduced by 18%. A few examples of the percentage decrease from the Whitehorse base is as follows: Faro, 28%; Teslin, 19%; Beaver Creek, 40%; Haines Junction, 18%; Carmacks, 26%; Dawson, 35%; Clinton Creek, 40%; Destruction Bay, 35%; Old Crow, 60%; Pelly Crossing, 40%; Ross River, 40%; Stewart Crossing, 35%; Watson Lake, 17%; Mayo, 27%; Keno, 35%; Carcross, 13%.

Mr. Speaker, under these circumstances I can hardly feel that the Members who are from Whitehorse are trying to act in the discriminatory manner against the communities outside of Whitehorse.

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

Hon. Mr. McKinnon: Mr. Speaker, just a few words before question is called on the third reading of the Bill for the Home Owners' Grant. Mr. Speaker, if I thought that the program of home owners grant and increased mill rights outside of municipalities would split the Yukon, in perpetuity in an urban versus rural type of situation, I would have no qualms, Mr. Speaker, in trying to urge the Government to remove these pieces of legislation from the statutes books or introducing them to the statutes books. We just can't afford that type of animosity or that type of split when we're trying to struggle towards a responsible Government situation in the Yukon Territory. Any time, Mr. Speaker, taxation is increased upon the people, whether it comes from the Federal level, whether it comes from the Territorial level, or from the Municipal level, there is always and inevitably, and well there should be, a cry from the people who are having a further imposition placed upon them by taxation. And I don't know of one in the history of democratic government when any type of a mill right or new taxation is introduced or imposed that that type of opposition to a government tax measure doesn't come in. That's the normal, healthy, democratic flow of events and one that a government must accept because it is always not a decision, when you make or impose more taxes upon the people, it is not a decision that is taken lightly, and of course it is never an easy decision and it is never one that is accepted by the group of people that are having the taxes put on them.

The Honourable Member from Hootalinqua says that it is a discriminatory piece of legislation. I agree with the Honourable Member from Hootalinqua. It is a discriminatory piece of legislation. It discriminates for a group of people who, in my estimation, have too long been ignored by all governments, whether they be Federal, Territorial or Municipal. I say, Mr. Speaker, that through this Bill we are not even doing enough for that people; it's a start that we recognize that there is a group of people who do pay their way, who do have problems meeting mortgage payments and raising a family. We say that now is a time for government to recognize this fact and start programs that discriminate in favour for this group of people who has too long been ignored by governments at all levels.

I also agree with the Honourable Member from Kluane that it would be nice, if we had the pot of money, if we could use the Home Owners Grant as a vehicle to give some respite to tenants and also to renters in apartments.

I believe, Mr. Speaker, that if you look through some of the Provincial legislation that programs such of this type have been expanded to take that target group into consideration also, as the money is available.

Mr. Speaker, there's never been a piece of legislation, I don't think, that has been involved or brought forward by the Territorial Government, whether there was a different Executive Committee or this present Executive Committee, that wasn't a living ordinance. If we find that that Ordinance is not workable, we think that we've done our homework properly on this home owner grant. I think members can see that we did a lot of work to try to come up with a program that we thought was going to get to the target group that we thought needed help at this time. If there are monies available and we can expand the program or, if some Honourable Members are correct, it just doesn't work out, then I don't think there would be any problems at all in finding a different vehicle or amending the vehicle or expanding the vehicle.

Mr. Speaker, I think that it's been a good debate. I hope and I really believe this, and if I didn't, as I say, I would be urging the government to withdraw the legislation so that there is no permanent animosities or splits between rural and urban members. I think it's the normal reaction to taxation imposed upon a certain segment of the population, and you're going to hear the very same outcry from the people in the municipalities when the municipal mill rates go up in the near future. In fact, I think Dawson's just went some three or four mills this year. And I'm sure we haven't heard the end of municipal mill rates rising in the future in the Yukon Territory.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate? Prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mrs. Watson: Disagreed.

Mr. Speaker: Division has been called. Madam Clerk would you poll the House?

Madam Clerk: The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Agreed.

Madam Clerk: The Honourable Member from Mayo?

Mr. McIntyre: Disagree.

Madam Clerk: The Honourable Member from Klondike?

Mr. Berger: Disagree.

Madam Clerk: The Honourable Member from Hootalinqua?

Mr. Fleming: Disagree.

Madam Clerk: The Honourable Member from Kluane?

Mrs. wwatson: Disagree.

Madam Clerk: The Honourable Member from Ogilvie?

Ms. Millard: Disagree.

Madam Clerk: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Agree.

Madam Clerk: The Honourable Member from Pelly River?

Mr. McCall: Agree.

Madam Clerk: The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Agree.

Madam Clerk: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Agree.

Madam Clerk: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Agree.

Madam Clerk: Mr. Speaker, the vote is 6 yae, 5 nay.

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

MOTION CARRIED

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill number 6 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill number 6 do now pass and the title be as on the

Order Paper. 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: May I have your further pleasure?

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

Mr. Lengerke: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Members from Whitehorse Riverdale, that Mr. Speaker do now leave the Chair and the House resolve into 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 is 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.

(RECESS)

Mr. Chairman: I now call this Committee to order. We are at present in the second reading of Schedule A of Bill number 2, Vote number 7, and on the floor of committee is at present the motion that I will now read. It was moved by the Member from Whitehorse Riverdale, seconded by the Member from Pelly: it is the opinion of this Assembly that the Takhini Library Association or supporting appropriate organization be provided with an operating grant of \$3,400.00, subject to the Association's providing to the Yukon Territorial Government a comprehensive and operating budget coupled with the Association's commitment to provide the balance of funds required to operate the library to its present standards and level of service. Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, with that difficulty I think I should withdraw the motion and I think that is exactly what I am going to do. I have the consent of the seconder: we will withdraw the motion because I just want to say that I have spoken to Mr. Gillespie, I have discussed with members of the Association, the Library Association, the situation. They are awaiting at this moment a reply from the Minister of Education, who's responsible for the Yukon Tourist Advisory Committee of— Sports Advisory, I am sorry— who have reviewed an application from the Association, so they are awaiting the Minister's official reply. I think that the assurance that I was given by Mr. Gillespie just leaves it with us that something will be done for the library, I am sure.

Mr. Chairman: Mr. McCall, are you in agreement?

Mr. McCall: Yes, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, you know I am not quite satisfied with that. No, I am not. I have some very basic reasons for this. Now, the government came forward and said that they are not going to fund a branch library in the Takhini area. Now, Mr. Gillespie has said that he is going to be speaking and working with the Takhini area. Well, that's just fine. I can bring you a couple of instances where I was asked last weekend how are our chances of getting some money to assist us in establishing not just a book depository system but where we can have a little bit more meaningful library service in our community.

I said, well, really we don't have a program within the government that defines this. We have branch libraries and we have book depository systems, but if we have something in-between I want to know about it because then, I think, I am going to advise my constituents to get with Mr. Gillespie. If that's all you have to do.

Now, I am very, very serious about this and I am also serious about the recreational aspect of it. Fitness and Amateur Sport Advisory Committee, and I support the Fitness and Amateur Sport Advisory Committee in their press release, where they were a little upset when government people advised organizations to apply to them for grants. Where really government people should know the terms of reference on which that advisory group are permitted to give recreational and amateur and cultural grants. Under our structure of government in the territory recreation is a responsibility of the municipality. Recreation and culture.

Is this government saying, then, you know, forget about it, overlook that part but give them a recreation grant so they can help pay for the cost of the library, and I don't think this is right. I mean, if we are going to change the rules, fine, but let's change the rules for everyone, and I am going to keep— and not that I am opposing Takhini's library. What I am opposing is, look, if we are going to have a one shot type of thing, well maybe the one shot type of thing can apply to another community.

If this is the attitude and this is how we want to run this grant structure, fine, but you can rest assured this community is going to be getting with Mr. Gillespie too.

So, you had be better looking for a little bit more money than what it is going to cost to keep the Takhini Library alive. I think we have to consider this.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I think I had better clarify one thing in respect to what the Honourable Member from Kluane says. Mr. Gillespie's comments really were, the assurance that he gave was the assurance that further consideration, and that's the only assurance, further consideration would be given, depending on the Association's submission in which I would hope they would state what they are going to do and what the aspirations of that Association are. I think that is the only assurance. I don't think there is any guarantee involved in this and certainly, as I say, we are waiting a reply from the Minister.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman, further to the remarks of the Honourable Member from Kluane, I can understand her concern, but I would like to point out that, under the Commissioner's Order number 1975(100) which governs Fitness and Amateur Sport Ordinance and lays down the conditions for recreational grants, under the sub-heading Programs, Activities and Special Projects Number 15 assistance may be granted for (e) cultural activities to assist recognized organizations in the performing of fine arts or other cultural, creative or intellectual fields of activity.

Now, I submit, Mr. Chairman, that the Takhini Recreation Centre and its Board are a recognized organization and when they approach the Recreation Committee for a grant they were approaching it on the basis that they were going to be performing a service in an intellectual field of activity and I would have assumed that approach was a legitimate one and I would have expected their submission to be given serious consideration on those grounds.

I cannot accept the fact that they would not be eligible for such a grant. On that understanding they were advised to approach the Recreation Committee and that was the reason for the advice being given to them. It was not a dumping of responsibilities from one government department to another. It was a matter of knowing that funds were available in one department where they were not available in another. And so it was felt that the advice was valid at the time and that approach was made.

The Honourable Member can certainly consult that Section under the Ordinance.

Mr. Chairman: Yes, I might add that the Fitness and Amateur Sports Council was approached, had a meeting on the weekend, and did not agree that they were eligible. I cannot give their reasons; if you wish, I can get in touch with their president and ask him to bring them along for us.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, in regards to a formal letter from myself to the Takhini Library Organiza-

tion, I have not received the recommendations yet from the Advisory Board which, I believe, the Honourable Member asked for in the House the other day and I'm looking forward to getting them here later on today, hopefully.

The other thing is that once I get the brief that was presented by the Library Association to the Advisory Board, then I will look at it accordingly. But it's in Mr. Gillespie's hands.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm rather amazed at the Honourable Member from Whitehorse West's interpretation of that legislation. I think there certainly should be a clarification for government people on what grants are available for what and where.

Now, the cultural activities have to be, in order to ask for funding from the Fitness and Amateur Sports, they have to be a cultural group with a Yukon base. I'm thinking about the Arts Council who operate in the Yukon as a whole, not just in the Whitehorse area.

Now, when you're thinking of the library as a cultural group, fine, but the Territorial Government is assuming library services. And there is no way that that can be taken, interpreted, so that these people have a right or are eligible for grants from that Fitness, from that group, at all.

The same thing with the City of Whitehorse; I can understand that with the City of Whitehorse turning them down. If you had library services, if you had a Yukon organization that was promoting library services, an enrichment of library services, they in their stead could apply to the Board but not just one group. And library services is a service of the Territorial Government.

I would certainly advise the Minister of Education to make sure that there is some clarification on who is eligible for these grants. And if my interpretation is wrong, I'd certainly like to know about it because, if my interpretation is wrong, again I can advise various organizations who I have said no, you don't qualify under this. Then I'm going to have to change my stand and they're going to have to, they'll be able to submit applications for assistance too.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Well, Mr. Chairman, I think the Honourable Member knows what she just said is true. There has to be a Yukon Society, there's criteria set down by the Advisory Board. But as far as the Takhini Library is concerned, I appreciate what the Honourable Member has said in reference to the Takhini Library and launching into a new program and we're going to have to look at it in that light.

Mr. Chairman, I will clarify that once again. We'll look into the light of the Takhini Library in context with the rest of the Yukon, whether or not we can carry it on, whether or not the library services could carry it on in the budget that they have. We're going to have to look at all these other variables.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, in response to that, Mr. Chairman. I would say that you take a good look at the Takhini Library and then take a good look at all of the rest of the libraries and how far they are out and what it cost. And then just wonder really is there a necessity for another library within three or four miles of the one you got downtown here.

Hon. Mr. Lang: This is going to be taken into account.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if you are going to be funding the Takhini Library I submit it should be an A 29; that it should be defined as a branch library or whatever you have, but let's get it in A 29 and next year the details on how the Takhini Library is being funded are made available, the terms of reference for this type of assistance so that the people of Teslin can apply and people of Carcross or whoever else wants to.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Department of Legal Affairs \$2,303,704.00.

Department of Highways and Public Works \$14,490,589.00. Clear?

Some Members: Clear.

Mr. Chairman: Yukon Housing Corporation \$2,039,531.00. Clear? Mrs. Watson?

Mrs. Watson: I just have to speak on a point that has been raised. I asked the question the other day about the seven houses at Destruction Bay and I was informed then that the people were not interested in acquiring their own homes. I was in touch with these people and that isn't-- that wasn't their reaction whatsoever. It's become a little more involved because the availability of land is a question but they certainly haven't cut themselves out of not wanting to build their own homes or buy homes that the Yukon Housing Corporation would construct. I think this is a concern that was expressed by the Honourable Member from Mayo, the Honourable Member from Dawson City, from Hootalinqua, from Watson Lake, is that the Yukon Housing Corporation's houses that they build, are they building them to a standard that people want to buy them? I think this is their biggest concern.

I think the Housing Corporation presently is looking at being in the double-wides and setting them up on pavement. This particular group of people I think would consider purchasing these houses but are very, very concerned about the construction, the insulation and this type of thing, because they know, once they buy them, they have to maintain them and pay the electrical and the fuel costs. This is the big thing that is giving great concern to people who are thinking of buying houses and also who will be moving into government houses and they will be responsible for their own light

and fuel bills.

I am sure that every Member here, who has people in their area who are living in government housing where they have to pay the fuel bill, is concerned about this thing. They don't want sub-standard construction. They want to make sure that they are going to be moving into well built, well insulated housing.

I wonder if the witness could give us some assurance of special attention that the Housing Corporation could be paying to this need and some, to looking at ways that they could overcome some of the deficiencies that have been evident in our building program. Let's face it, that certainly we can learn from doing and we have been doing it for three years now.

Mr. Miller: Mr. Chairman, if the intention of Destruction Bay is that these people want to build their own houses and land is the problem, surely we can find land for seven government houses; if three of them say they don't want government houses, they will build their own, I think we could probably sell them that land.

Now, with respect to building construction standards. These are all built to Northern Building standards. I don't know what further assurance I can give you. We are talking double-wides. They are fully insulated to northern standards, not southern standards. They are three-and-a-half inches in the wall, six inches in the ceiling, with insulation. I, you know, I can't give you any more assurance than the Housing Corporation builds houses to the best of the ability that they have.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman, perhaps I could advise the witness that one of the problems with the housing that has been constructed in the past is that there has been no on-site inspector. They get occasional visits from inspectors from Whitehorse to do various things. Sometimes the inspectors have gone down on complaints that had been reported to the territorial government, but basically the problem with a lot of it is that there is just no-one on site to ensure that the contractors are complying with the Northern Building Code. I think this is well illustrated by some of the defects in the housing in Mayo where pipes froze up this winter simply because the insulation hasn't been put in place.

Mr. Miller: Mr. Chairman, we're back to the old story again, of how often do you have to check a so called qualified contractor, if they're not qualified, and a lot of these are Yukon contractors, Mr. Chairman, I you know, you can stand over them with a whip, but it costs money to do so.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Berger, go ahead.

Mr. Berger: Thank you, Mr. Chairman. The thing is I have to agree with the Honourable Member from Kluane, on the figures the witness gave to us, I think clarifies this. The cost of repairs in Dawson of the housing units there, are out of this world. Up to date and that

another \$80,000.00 is appropriated for the repair of the housing again. This is what my concern is, that this type of housing cannot sell to anybody. You cannot use, for staff housing and expect people to buy junk like this, because they cannot keep up the maintenance cost on those things. And this is a concern that I think the Honourable Member of Kluane and from Mayo that those buildings were maybe built to a certain standard in the National Building code but they're not considering the weather conditions, the ground conditions, in the areas. The National Building Code, in lots of instances does not consider the permafrost conditions which is different in every community in the Territory. Those are the things I think we need, a close inspection, an on site inspection on the site of construction, just about every day.

Mr. Chairman: Clear? Mrs. Watson?

Mrs. Watson: Mr. Chairman, would it be better if there was a recommendation from this House that there be as a part of the cost of each project built into it, on site inspection constantly. I think that most of the members here would be prepared to consider that, have one less house built in the building season, but to make sure that in every project there's an on site inspector, who never leaves the place.

Mr. Miller: Mr. Chairman, I would hate to give in to that situation, I think you're going to have to trust the administration to do the best we can with this, because you do end up in situations where you can't physically get a project inspector, and what do you do, close the job down until you get one? The other consideration that you have to keep in mind, is the fact that just because you've got a project inspector, doesn't mean that you're going to get any better a job, even if you don't have one. It depends upon the quality the inspector, the quality of the contractor, and a lot of other factors.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I would like to clear something up to, I would not like to leave a doubt in peoples mind that I'm blaming the Territorial Administration and the Territorial Inspecting Survey, service of failing on the job. In most, in the majority of instances, Dawson was not the Territorial Government, who was supposed to look after the inspection service, was CMHC that was supposed to look after it from Vancouver or Prince George, but I know in fact this inspector did not show up on the job until the house was finished. I do not want to blame the Territorial Inspection Service on this.

Mr. Miller: Mr. Chairman, I can only repeat again, CMHC sometimes has problems getting inspectors too, so you know, it's an endless cycle and we do the best job we can. The Housing Corporation is improving the quality of the houses that they're building, and certainly we have problems, you're going to have problems in every major construction project, I can show them to you here in town where private contractors are building. Government is not unique in this area.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Project Capital, \$11,251,500.00. Clear?

Some Members: Clear.

Mr. Chairman: Loan Capital, \$5,273,000.00. Clear?

Some Members: Clear.

Mr. Chairman: Loan amortization \$1,043,900.00. Total, \$71,694,908.00. Whereas it appears by message from James Smith Esquire, Commissioner of the Yukon Territory and in the estimates accompanying the same that the sums here and after mentioned in Schedule A of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the 12 months ending the 31st day of March, 1977. First Appropriation Ordinance, 1976-77. I will entertain a motion.

Hon. Mr. McKinnon: Mr. Speaker, I would move Bill Number 2 out of Committee without amendment.

Hon. Mr. Lang: I'll second that.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mr. Lang, that Bill Number 2 be moved out of committee without amendment. Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Motion is carried.

MOTION CARRIED

Mr. Chairman: We will deal with consideration of Bill Number 3.

BILL NUMBER 3

Mrs. Watson: Mr. Chairman, for the record I want my disagreement recorded on the record.

Mr. Chairman: Very well, Mrs. Watson.

Mr. Lengerke: Mr. Chairman, I would like to ask the witness a question with respect to the preparation of the budget. It is just a very general question, and I just thought it might be an opportune time to get that. Mr. Miller, I don't know what the policy of the Territorial Government has been in the past, or what it is going to be in the future, but I would like to know if you have considered, in preparing a budget for the consideration of the Assembly and for consideration of all your department heads, that you do it by objective and prog-

rams. In other words, you split this out and you show in greater detail what you are going to accomplish each year, and the dollars involved, rather than just a page that says \$1,745,653, Yukon Health Insurance Plan Zip. I think something that a lot of municipalities, a lot of governments, a lot of private enterprise are now looking to, and I know that you're the, certainly the budgetary expert in this, and I am just looking for an answer and your opinion, but I personally think that it would be a very good exercise in the future, if indeed this government undertook to do that kind of budget.

Mr. Miller: Mr. Chairman, I have worked under many budget systems, both within government and the industry. I find it very difficult in government to think that you can do things by objectives or goals. The Federal Government, for example, introduced the Northern National Objectives and they have been the curse of the North ever since they were announced, because it is an excuse for every Federal Department to do any damn thing they like, any time. That's how they are used. In industry goals and objectives were great, because if you don't conform you are out of the door. In government it doesn't work quite that simply.

So, while goals and objectives are a nice thing to have, and everybody should have them, you must be very careful not to use them as the panacea, if you like, of running the operation.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I don't want to get into debate at all with the witness, but I just, I think that he misunderstood the objectives and the programs that I have in mind are not the national aspirations or national concern. I think they are more of a detailed situation with respect to the goals, if you like, that you have already displayed within this budget. But, I am saying that I would suggest that this could be broken down where you could break the, as I said, the \$850,000.00 down into further segments which would show, clearly, that you, what you are going to do, and when you are going to do it. As I say, I don't think there is too much difficulty in that, regardless of what your opinion may be, Mr. Miller, but however.

Mr. Miller: Mr. Chairman, certainly we can expand this budget to include that type of information. I can recall when I came to this government our budget book was something like four inches thick on ten by fourteen paper, and it used to take anywhere up to six weeks to get the thing through because everybody questioned every line.

You have to reach a point, at some time where, and we shrunk it back, it went back a long way further than what's here now. We are now adding to it again. This will gradually be brought into a more meaningful document. I think, primarily, as you get more elected representation in the Executive Committee, you will find that this type of information will come and go depending upon the group that is in the Executive Committee. From an administrative standpoint, we are expanding it. We are trying to get you more information and we will continue to do that.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, would it be possible to even consider taking one department or two departments and going into the program, defining your programs within your department, and associating your programs with the costs, and then a person would be able to ask for an evaluation of the program, because I think that too often governments, you are spending money and governments continue because it was done the last year. You had the program last year. Is time ever taken to evaluate the program and all the information compiled so that you can make a just evaluation.

I think that this government is going to have to really be looking at this type of thing more, budgeting by program, or giving more program information, because it could well be that they will be coming forward to try to cut some of the programs. I am sure that the program has to be defined before you can really try to cut the program, and also give your information on the evaluation of the program. Why it was chosen to be cut. You know, I think that some of this detail would certainly be most helpful. I can realize we, it takes a great deal of time to prepare a budget and give all the detail. It's taken us long enough now, this would have been twice as thick, we would have been here 'til after the Arctic Winter Games, I am sure. We wouldn't want to do that.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman. Perhaps it would be a good idea for the Executive Committee to take a look at the proposition that evolved in some other governments of taking one department, each year, with a detailed budget so that that department, could get a close-up scrutiny of its expenditures but not all departments. Just one department of government, because I am sure that with some of the information we've received from some of the witnesses, we certainly would like to scrutinize how some of the money is being spent.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman I guess we all get our two bits worth here on this one. As most of the members know this was my first budget experience as a member of the Executive Committee and it was a revelation to me, because I have always operated as a private citizen where you assess the amount of money available and then you go out and buy what you can afford to buy.

In government, you look at statutory requirements for services you must provide, and programs which you feel are beneficial to everyone in the Yukon, which you want to provide. You add up how much that comes to and then you try to find the money to pay for it. Now, in this particular budget, I would like to tell all members that there was a great deal of soul searching and heart rendering planing went on for some months. And after the final figures had been assembled and approved in the Financial Advisory Committee, we still went back and carved out close to another million dollars from

programs and services that we wanted in the Yukon. And that's not fun.

There are a lot of things there that everybody around this table would have liked to be able to afford, I assure you, as did the ExCom Members.

Then we brought the package to this Council for approval and it was not a matter of any light decision, believe me. If you are talking about including your goals and objectives in the budget, I think most of that is pretty apparent. In my own department, I think it's been self-explanatory, all through this Session what our objectives are in Welfare and Health Services and Rehabilitation. And because it's people department, all our programs deal with the needs and services that we have to consider, applying to individual Yukoners.

It is a completely different approach in this department from the one that you would take in Public Works, or in Education or in Local Government. The Honourable Member from Mayo has a very interesting suggestion there. If he wants to take further action on that I think the House might support him. I don't know how much longer you're going to take to get through the budget session. No, I didn't mean this Session.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, in conclusion I would hope I asked the question, I'm not, didn't raise the question with respect to budgeting by objective and programming to be critical by any means. I am not being critical of this budget. I would think that this budget is a very, very realistic budget, is a very responsible budget, that's indicative by the fact that we didn't make any amendments to this budget.

I think, you know, all I was suggesting and I'm suggesting it for, I would say, betterment of what might come. It's a very simple thing to put together a budget by program and objective and as I wanted to point out, and maybe I'm not explaining myself clearly enough. It is not tied to the national objectives or the Yukon goals in the future in the broadest sense. It's something that deals with the every day programs and it does specify very simply, what is going to be done, how it's going to be done. It probably would eliminate such thing as an appendix because it could well be incorporated into probably one or two more pages.

This is all as I say I didn't stand up here to be critical, I was asking a question of Mr. Miller. I suggested that there is another way and I'm sure that he knows. He knows better than I and maybe some day it will be incorporated. Thank you.

Mr. Chairman: Before proceeding with clause by clause of Bill Number 3, arrangements have been made with Committee's concurrence to proceed this afternoon with the clause by clause reading of Bill Number 8 at which time the Public Service Alliance would like to appear as witnesses. Do I have Committee's permission for these arrangements? That would then be at 1:30.

We will now proceed with Bill Number 3.

One, One.

(Reads Clause 1 (1))

Mr. Chairman: Two, one.

(Reads Clause 2 (1))

Mr. Chairman: Three, one.
(Reads Clause 3 (1))

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, three, one (a) (ii) this is thirty percent of the income tax that is paid by Yukon residents. Is this thirty percent of the income tax that was paid in 1973 fiscal year or '74 or '75? It would be '74, would it not Mr. — the witness:

Mr. Miller: No, Mr. Chairman, this is an estimate and the amount of income tax that will be paid in 1976. It's purely and simply an estimate, and represents thirty percent of the estimated personal income tax that will be paid in the Territory, ten percent of the corporation income tax.

Mrs. Watson: Mr. Chairman, when does the estimate become a reality? When at what time is the adjustment made, how many years does that take?

Mr. Miller: Mr. Chairman, the personal income tax is two years, the actual figures are available two years after the tax year. Corporation income tax is available three years after the tax year.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes this question maybe a little bit unassociated, Mr. Chairman, but it's dealing with income tax and I'm going to ask with respect to the Home Owner Grant. How is the Home Owner Grant affected by income tax, do you have to pay tax on that? I think I know the answer but I'd like that clarified Mr. Miller for a lot of people that have asked this question.

Mr. Miller: Mr. Chairman, there is no connection between a home owner grant payable by this government and income tax, no connection at all.

Mrs. Watson: Mr. Chairman, to the individual.

Mr. Chairman: Order please.

Mr. Miller: Mr. Chairman, there is no connection between the home owner grant paid to the individual by the government and the income tax that has to be filed by that individual. It is not considered income.

Mr. Chairman: Four, one.

(Reads Clause 4)

Mr. Chairman: Five, one.

(Reads Clause 5)

Mr. Chairman: Six, one.

(Reads Clause 6)

Mr. Chairman: Seven, one.

(Reads Clause 7)

Mr. Chairman: Eight, one.

(Reads Clause 8)

Mr. Chairman: Nine, one.

(Reads Clause 9)

Mr. Chairman: Ten, one.

(Reads Clause 10)

Mr. Chairman: Eleven, one. Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would like-- I should know this, but I just want some clarification again. The operating grant in 3(1)(i), that is what we normally call our deficit grant. We are not paying amortization payments on the half of that deficit grant at this time, are we?

Mr. Miller: No, Mr. Chairman, this is a grant, an outright grant, to the Territorial Government; there is no interest payable on it.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, is the Federal Government keeping an accounting of the deficit grants that are being provided to the Yukon Territory so that some day they may be coming to us to say, well, this is going to affect the operation of the Yukon in the future when we, hopefully, gain the revenue from our resources.

Mr. Miller: Mr. Chairman, I don't know what the Federal Government is doing, but I would suggest, once the Parliament of Canada votes the deficit grant requirements of the Yukon, that for all intents and purposes that is money spent, they have no vote authority under which to recover that money and no legislative authority presently under which to recover that money. So, for all intents and purposes, I think we can consider it to be finished once that they have voted the money.

Mrs. Watson: Mr. Chairman, does the capital grant-- is it applied in the same way?

Mr. Miller: No, Mr. Chairman. Up until two years ago, all of your capital funds came into us as loans, the Federal Government then gave us money with which to pay back those loans. As of two years ago, they now give us a capital grant, the old outstanding loans have not been paid off but they have suspended any payments of amortization of principal and interest for a five-year period ending in 1979, at which time, as we understand it, it would be their intention to write this amount of money off.

Mrs. Watson: Mr. Chairman, does it make any difference now that the capital has become an outright grant rather than a loan in the amount of capital funding that is available to us?

Mr. Miller: No, Mr. Chairman, we continue to get the capital funds that we require and I think the major difference when this is done is that it's cut out about three man-years of labour on both the side and the federal side. If that's an advantage, I guess we got it.

Mrs. Watson: Mr. Chairman, the Community Capital Assistance Program or the Community Assistance Program falls within this capital grant.

Mr. Miller: That's correct, Mr. Chairman; there's three million dollars.

Mrs. Watson: Mr. Chairman, some of that capital is being used by the Government of the Territory for capital, for public works, local improvements; I was thinking about frontage costs and the Government of the Territory is charging interest on the use of that capital, right?

Mr. Miller: No, Mr. Chairman, the Community Assistance Ordinance covers our portion of the cost, the local improvement portion of the cost we cover under third party loans.

Mrs. Watson: Mr. Chairman, if I could ask another question. If you're embarking upon a sewer and water project in the community of Whitehorse, then only a portion of that project is being funded out of the capital grant and the rest of it is amortized as a loan by the Territorial Government?

Mr. Miller: That's correct, Mr. Chairman. Our portion of the cost, the forgivable portion, i.e. 90% if you're talking water and sewer, the main facility, comes out of our Community Assistance and goes to the City as a grant, straight outright payment. The City would then borrow their share or charge it to their general purpose or their general revenue. But normally they would borrow their share to cover the frontage portion from us under a third party loan, which we pay interest on, they pay interest on, it's handled as a normal business transaction.

Mrs. Watson: One final question then, are Capital Assistance Program, or community assistance, is our agreement is that it's three million dollars a year, out of the Capital Grant, but actually it is virtually more than three million when you include the amount that we borrow and amortize particularly for the use within the territory?

Mr. Miller: Mr. Chairman, the original study that was done, and I can't quote the precise figures, but it was something in the neighbourhood of a total cost of \$30,000,000.00, of which \$21,000,000.00 was coming from the Territorial Government under the Community Assistance Ordinance. The remaining \$900,000.00 would be paid for by the users or the beneficiaries of that service, through either fundage tax or increased general purpose mill rates.

Mr. Watson: So that really the Community Assistance is more than \$3,000,000.00 a year?

Mr. Miller: That's right, Mr. Chairman.

Mr. Chairman: Eleven, one.

(Reads Clause 11(1) - preamble)

Mr. Chairman: Now I will entertain a motion.

Hon. Mr. McKinnon: I would move Bill number 6 out of Committee without amendment.

Mr. McCall: I second that.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mr. McCall, that Bill number 3 be moved out of Committee without amendment. Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Motion is carried.

MOTION CARRIED

BILL NUMBER 16

Mr. Chairman: We have a very brief Bill, number 16, perhaps we can continue with it before we recess? One.

(Reads Clause 1)

Mr. Chairman: Two.

(Reads Clause 2)

Some Members: Clear.

(Chairman reads preamble)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if I could ask the Minister of Local Government regarding this amendment. I wonder if the Government has made a decision whether they will be amending the Community Assistance Ordinance to provide assistance for unorganized areas for curling rinks, or whether you will assist them for grant. You said the other day that you would be considering it and I wondered when this Bill—whether this was the amendment. I wonder whether the decision has been made at this time?

Hon. Mr. McKinnon: No, Mr. Chairman, with the House in session it was impossible to be running Executive Committee Documentation to Executive Committee for those decisions.

Mr. Chairman: Well, I entertain a motion.

Hon. Mr. McKinnon: Mr. Chairman, I move Bill number 16 out of Committee without amendment.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mr. Lang, that Bill number 16 be moved out of Committee without amendment. Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Motion is carried.

MOTION CARRIED

Mr. Chairman: We will recess until 13:30 hours.

(RECESS)

Mr. Chairman: I now call this Committee to order. I apologize for the delay. We were expecting some witnesses; they will be here imminently.

BILL NUMBER 8

Mr. Chairman: In the meantime, we will begin with the clause-by-clause reading of Bill number 8. One, Part I.

(Reads Clause 1, part I)

Mr. Legal Advisor: Mr. Chairman, the word should be 'interpretation' of the heading immediately under Part I; it was a bit of a mistake.

Mr. Chairman: Interpretation. Two.

(Reads Clause 2)

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, it is intended that the-- by definition, a casual employee is not an employee.

Mr. Legal Advisor: Yes, Mr. Chairman, it's drafted in that way, in such a way that casual employees will be treated in a different manner, although for a couple of technical reasons they must be included as persons within this Ordinance.

Mr. Chairman: Part II - Management and Direction. Three.

(Reads Clause 3)

Mr. Chairman: Part III - Public Service Commission. Four.

(Reads Clause 4)

Mr. Chairman: Five.

(Reads Clause 5)

Mr. Chairman: Six.

(Reads Clause 6)

Mr. Berger: I'd like to go back to Part I here if I may, Mr. Chairman. I'd like to ask Mr. Legal Advisor why wasn't the bargaining unit defined in Part I?

Mr. Legal Advisor: The bargaining unit is defined in Public Service Staff Relations Ordinance. And the section here says anything that is not defined in Section 2 of this Bill automatically takes the meaning which it has under the existing Public Service Staff Relations Ordinance. So, bargaining unit carries the same meaning throughout the two Ordinances.

Mr. Chairman: Mr. McCall?

Mr. McCall: I'd like to go to Section 5 of Part III, the Public Service Commission shall consist of a Public Service Commissioner and such officers and employees as may be appointed to administer the provisions of this Ordinance. Could we have some further clarification on that? Where these officers and employees are going to come from? From within the Government or from the outside of the Government structure?

Mr. Legal Advisor: Mr. Chairman, this Ordinance would apply to those people who are employees of the Commission. They will be public servants in the normal way.

Mr. McCall: But at what level, Mr. Chairman?

Mr. Legal Advisor: The whole structural level below the Public Service Commissioner himself. His assistants, his branch heads and the staff of his department. They will all come under that expression in Section 5.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, just for clarification: when the Commissioner establishes the, under Section 6, the appointment of the Commissioner, is this the Commissioner speaking on behalf of the Federal Government or is this the Commissioner acting on the advice given to him by a majority of the Executive Committee?

Mr. Commissioner: Well, Mr. Chairman, in this particular instance the Commissioner has the authority to do these things under the Yukon Act. Parliament of Canada has said that he can do these things in the normal course of the conduct of his authority or the exercise of his authority; he seeks the advice of the Executive Committee.

Hon. Mr. Taylor: Yes, but would the Commissioner feel bound by the advice or consensus of the majority of the Executive Committee in making such an appointment?

Mr. Commissioner: Well, Mr. Chairman, with respect, the Executive Committee is a consensus making body, there's no voting goes on there, and these kinds of things come, in the normal course of events, for a decision making purposes and while the ultimate authority or the ultimate decision has, the responsibility for it has to be born by the Commissioner, it is the normal practice, the routine and the wishes of the Commissioner, in the exercise of those authorities that he has the consensus for what he is doing among those people that he works with on a daily basis. Namely, the members of the Executive Committee. Mr. Chairman, I don't know how further I would attempt to clarify that particular situation.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, I would like to go to 6 sub 1. I'd like to know where this amount of time was derived from, not exceeding 10 years. I find that rather excessive.

The Commissioner: Not exceeding

Mr. McCall: Not exceeding ten years, is still too much as far as a figure.

The Commissioner: Well, Mr. Chairman, I think that the advice that came to the Executive Committee from the sub committee on legislation, was that instead of defining a particular period of years, you know three years firm, or five years firm, that it would be much better to have a limit for the length of the appointment and then the particular circumstances that surrounded the appointment and the discussions of the Commissioner would anticipate having with the individual chosen and the Executive Committee, would then determine within the framework of that limit of what the actual period of time would be.

Mr. McCall: Mr. Chairman, I would differ with the Commissioner on that point. I would find that, not exceeding five years, would be a more appropriate figure, in this time that we are going through.

The Commissioner: Well, of course you know if you want to talk about the term of appointment for the Commissioner, I fully agree that ten years is too long, Mr. Chairman. But this is another kind of a commissioner, and I would like to suggest that the flexibility that is allowed here would be subject to the prudent examination of all the facts surrounding it by the people who are involved in the appointment procedure of this.

Mr. McCall: Well, no Mr. Chairman, I would not agree with this particular language, at this point, and I would recommend that consideration be given to the and that amendment for five years instead of ten.

The Commissioner: We will consider this.

Mr. McCall: Mr. Chairman, I look at from sub 4 part 3 to the last paragraph I'm left with the impression that the Commissioner appointed, to fill this particular role is going to have full autonomy. Is this correct? So he would have no control whatsoever, or nobody else would have any control over him.

Mr. Legal Advisor: The particular sections here are a copy from the sections which we use in giving independence to the Magistrate, and that is the purpose, the purpose was to give him a measure of independence from the Government, so the honourable member is correct, and that's where the drafting comes from.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: A question for the Legal Advisor, why not just the Public Service Commissioner shall be appointed by the Commissioner.

Mr. Legal Advisor: It is a policy question, Mr. Chairman, my instructions were to draft it in such a way that the Public Service Commission was protected from influence by the employees on the one hand and by the government on the other. He was to be person in between. So that's why it is drafted in this particular way.

Mr. Lengerke: That's okay.

Mr. Chairman: Mr. Berger?

Mr. Berger: The subject, to Mr. Legal Advisor is that he should be free of influence on both sides of, but in another jurisdiction or in special provinces the Public Service Commission is responsible to the elected minister?

Mr. Legal Advisor: He would be, but it would be a Commission still independent on those responsible in the doing of his work for the Minister. His appointment, however, is protected to give him that independence. The responsibility, of course, must always be to a Minister, and, in this case, it is to a group of Ministers in the real sense.

Mr. Berger: Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: If I make quote from Alberta Act here, it says the Lieutenant-Governor in council shall appoint the Public Service Commissioner who shall administer this act subject to the general direction of the Minister.

Mr. Chairman: Mr. Berger?

Mr. Berger: One further point I would like to make also subject to Mr. McCall, the Honourable Member from Pelly, those other acts and there is no time limit set, and in most cases the appointment is on the behaviour of the Public Service Commissioner. So, in other words, the time limit could be set indefinitely or at one

or two years. I don't think there should be a time limit set on the appointment.

Mr. Legal Advisor: Mr. Chairman, when you say during good behaviour. It is an expression of protection and it gives the same tenure of office as a judge of the Supreme Court. Which means, that unless you can bring a charge against him, he goes on indefinitely until retiring age. In effect, this is a drafting compromise between an indefinite appointment until the incumbent is 70 years of age, and a chance for a government to reconsider the matter in groups of years to be set by itself. It is a compromise section in a sense. It is neither absolute protection nor is it a power of the government to dismiss at will. It is an in between situation.

Mr. Chairman: Mr. McCall?

Mr. McCall: My prime concern here, as far as the matter of time, is that I don't want to see a Public Service Commissioner appointed that is biased, and I can see that coming if we are not careful.

Hon. Mr. Lang: Can the Honourable Member explain?

Mr. Chairman: I don't think the members heard or understood what you said Mr. McCall.

Mr. McCall: It doesn't really matter Mr. Chairman.

Mr. Chairman: You said that Mr. McCall? Mr. Taylor?

Hon. Mr. Taylor: I was just simply going to make the point, Mr. Chairman, that in the section from the, I believe it was the, Alberta Act, that reference is made to the Lieutenant-Governor making the appointment, and I think that this House has already recognized an established precedence is that the Commissioner is considered a Quasi Lieutenant-Governor in as much as he is given the Power to Assent to Bills, and this has been recognized in the changes made by this particular legislature and recognized in Speeches from the Throne and so forth. So, in fact, it would be, to me, or seem to be to me, to be quite in concert with the Alberta Legislation.

Mr. Chairman: Mr. Berger?

Mr. Berger: In respect to what the Honourable Member just said, I also said that the Public Service Commissioner is responsible to elected Minister. He is appointed by a Lieutenant-Governor, but the responsibility lies with a Minister not with the Lieutenant-Governor.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, but in this respect I don't know whether we're talking chicken and eggs or not, Mr. Chairman, but it would occur to me that with the promise of the Minister, or the commitment of the Minister, that the Executive Committee would be a majority of elected people advising the Commissioner or

quasi lieutenant-governor as you wish. That no doubt this would solve the problem equally as well.

Mr. Chairman: Mr. Berger?

Mr. Berger: The Honourable Member assumes things. Right now we have no majority in the Executive Committee here. We have a stand-off of three by three and then going on the facts that we have right now that we're going to have a year from now.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I think it's the understanding in the life of this Assembly there will be a majority of elected members on the Executive Committee. That is a commitment.

Mr. Chairman: Mr. Berger?

Mr. Berger: But we're passing this legislation right now and at the present time we have no majority there.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman with all due respect, we must be responsible electors and responsible representatives, provide this for, the Minister has made a commitment, we hold the Minister to that commitment. I am reasonably confident notwithstanding that he will live up to that commitment and I'm prepared on behalf of those that I represent to provide for that. And I see no problem here at all.

Mr. Chairman: Mr. Berger?

Mr. Berger: With all due respect to the Honourable Member but I find it kind of curious in the question that he's asked Mr. Commissioner before, if he was doing it on behalf of the Federal Government or the Territorial Government. And I can't see there's any connection there with his statements there.

Hon. Mr. Taylor: Well in response Mr. Chairman, with all due respect to the member, perhaps he is confused. I asked the Commissioner if he was acting as Commissioner solely or on the advise of the Executive Committee.

I have found in practice, in the past, that the Commissioner, from what we've been able to learn around this table, has indeed listened to the representatives from this Legislature, the three Cabinet Ministers we have in the House, and has abided generally by their decisions and I'm prepared to accept that. I'm prepared to accept it in relation to this Bill.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I'm sorry I have to stand up again. I don't think the Honourable Member realizes that we have in effect a change of Commissioners coming up. I do not know the person, neither does the House know the person, neither does the Territory know the person. I think that Mr. Commissioner, up to this

date. I fully agree with the Honourable Member. The upcoming change could change the whole subject of this Bill.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman could I ask the Honourable Member from Klondike what is his great fear? Could he explain to me what his great fear is in this regard in very concise terms? Why is he afraid of allowing the Commissioner to make this appointment? What could go wrong?

Mr. Berger: Mr. Chairman, as the Honourable Member from Pelly River pointed out, this Commissioner has a lot of power, on top of it it's not responsible to an elected member. It's responsible to an appointed member. This is my fear.

Hon. Mr. Taylor: What could go wrong either way?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman could I just ask a question of the Honourable Member from Klondike. In his reference to the fact that in Alberta the Public Service Commissioner is responsible to an elected minister. Am I to infer from that that he is assuming that when an election changed power in that House the Public Service Commissioner would change?

Mr. Chairman: Mr. Berger?

Mr. Berger: I hope not, Mr. Chairman.

Hon. Mrs. Whyard: Well then --

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I would like to ask the Legal Advisor a question here. I presume hypothetically that in Section 4, the Commissioner suspends the Public Service Commissioner, in sub 5, does this mean this Assembly would not receive any reports, even though inquiries had been conducted, before the Commissioner was suspended? Does this mean we would not get any reports for that particular period of time?

Mr. Legal Advisor: No, Mr. Chairman, a report would be in order of the factual matter of what had occurred. That question, it would take somewhat a form of, a question has arisen concerning the conduct of the Public of Commissioners and the matter been referred to as Supreme Court Judge, who had been appointed on the advise, of say of the Chief Justice of Alberta an inquiry is being held. Then that judge will then be the master of his own inquiry would make a report and recommendation and then the Commissioner must lay that judges report on the table together with any order he made, as a result of it, so it's making it a public matter.

Mr. McCall: So what Mr. Legal Advisor's saying, Mr. Chairman, is that even though our commissioner

has been suspended for a period of time, the reports will still normally be tabled. Is this correct or given to us?

Mr. Legal Advisor: I'm not sure I'm making myself clear, there would be, what in effect is a mini law case an inquiry, people would be heard, the inquiry would be carried on, I would anticipate it would be somewhat improper for anybody to discuss in detail what was happening at an inquiry, until it had been concluded and a report had been made, but immediately the inquiry is over, the results are layed before the House. And are then open to debate, in similar manner to what would happen if a judge was to be in, or any other public officials as often happens, not in this jurisdiction, of course, but in other jurisdictions.

Mr. Chairman: 7.

(READS CLAUSE 7)

Mr. Chairman: 8.

(READS CLAUSE 8)

Mr. Chairman: 9 (1)

(READS CLAUSE 9)

Mr. McCall: I'd like to go to sub B of 9 (1). To test and certify qualifications of candidates for admission to or promotion in the Public Service. Just how is an individual going to determine that as far as the qualifications, what qualifications do they have in order to determine that.

Mr. Legal Advisor: Mr. Chairman, perhaps we could respect the honourable member is slightly misreading the section, when a person is being sought, we'll say that the Hospital Administration has taken over and a number of Doctors are being sought for employment. And people then send in their names through qualifications. It's up to the Public Service Commission to check whether they meet the qualifications which the Hospital Administration have said are necessary for the holding of a particular post. They go through the qualifications and read all the data supplied by the applicants. Then if the applicants meet the minimum qualifications set, then they certify that that person is qualified for the appointment, and he then is put into a list of people who are available for the competition. It's not checking out the individual's except in that regard. They do not make the choice, they fill out a form this person meets certain minimal minimum qualifications.

Mr. McCall: Thank you, Mr. Chairman, sub C, take any necessary action to ensure compliance with this ordinance or the regulation. I would like to know what action do you have in mind, Mr. Chairman.

Mr. Legal Advisor: I don't know exactly what action he has in mind, but examples would occur where Department Heads who are severely limited in what they can do within this ordinance, often do not take kindly to advice from the people they should ask it from.

And they may be then told by the Public Service Commissioner to do the thing correctly. And I think the honourable member knows exactly what I mean.

Mr. McCall: Supplementary, Mr. Chairman, would that also include an incorporate court action?

Mr. Legal Advisor: That's a question of judgment.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I would just like to with just a bit of clarification on Sub (K), to administer a program of security, as you know I've always risen in the table and accused the Government of being more like a Secret Service than a Government, and I'm just wondering what is inferred by the program of security, is this to lock up buildings, or is this to hide away documents, what is it?

Mr. Legal Advisor: To lock up buildings, Mr. Chairman.

Hon. Mr. Taylor: Then I am firm that under section (K) it's not inferred that this is to withhold documents from public scrutiny and the public availability?

Mr. Legal Advisor: Not so intended, Mr. Chairman.

The Commissioner: We've given up on that, Mr. Chairman.

Hon. Mr. McKinnon: The Honourable Member has already shown at this session, he usually knows about it before we do..

Hon. Mr. Taylor: Mr. Chairman, I didn't want to see my espionage organization subdued as a result of this legislation. I thank you.

The Commissioner: Mr. Chairman, neither do we.

Mr. Chairman: Mr. Taylor it would appear all the time that you have legalized your subversive activities. Mr. McCall?

Mr. McCall: May I have some further clarification on sub I to negotiate on behalf of the with the territory with any authorized bargaining pursuant to any Ordinance of the Territory. My previous question before, as to the appointees, in essence, is what you're saying here that the same individuals is working on a daily basis with most of these people in the Government, are now going to be in a position to negotiate a contract, that's suicidal.

Mr. Commissioner: Mr. Chairman, with respect they have the authority to negotiate the contract and the procedures that have become firmly established for our negotiating stance, and the manner in which these things are conducted is not in question, Mr. Chairman. I think that is really what the Honourable Member is looking for.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I will disagree with that piece of language. I do not concur with the government, as far as that idea on concept.

Some Members: Clear.

Mr. Chairman: Two.
Reads Clause 9.(2)
Reads Clause 9.(3)

Mr. McCall: Would that also include the private files of any particular person in our Health Department?

Mr. Legal Advisor: No Mr. Chairman, it wouldn't be broad enough for that.

Mr. McCall: Mr. Chairman, that's what it says here.

Mr. Legal Advisor: Mr. Chairman, with respect, it says Personnel Matters. We are dealing just with personnel matters, and employees private file within a department are his own property, or the property of the department which is handling it, such as health.

Mr. McCall: Mr. Chairman, I don't think so.

Mr. Chairman: I think Mr. Legal Advisor he does have point where there is considerable overlap between, what might be considered matters of health and matters of personnel and their competence to do their job, and I think that is what the Member is referring to.

Mr. Legal Advisor: If that is intended the meaning shouldn't be taken out. The Member can suggest a method of determining that the Public Sewrvice Commission does not have the right to go to a government hospital and take a file belonging to an individual who is being treated in the hospital. Then, I am sure the government would consider it, but it was not intended in this draft to give that wide power to go right through and take a file which is not a personnel matter but is a private file between a doctor and his patient. I think that the other Ordinance dealing with that will protect those files.

Mr. McCall: Mr. Chairman. I think we should consider amendments of this particular language to allow a restriction to prevent the interference into the medical files of any individual.

Mr. Chairman: One of the problems I think, Mr. Legal Advisor, that you yourself alluded to was, that these are not personal files between the physician and the patient, they are the files that belong to the government agency. They do not belong to either the doctor or the patient.

Mr. Legal Advisor: But, with respect, Mr. Chairman, it says files relating to personnel matters. Personnel matters to me relate to the employment of an

individual and his employer and for that purpose only. I cannot see how when a person goes to a doctor to get a boil lanced that that becomes a personnel file. It is a medical file.

Mr. McCall: Mr. Chairman, I think the Legal Advisor is getting off on the wrong track here. He is leaving me with the impression that the government does not carry on medicals for their employees, or something along that nature, which is part of his personnel and private file, and there is slight separation here. You have to consider that.

Mr. Legal Advisor: Mr. Chairman, there is the power taken to require a civil servant to subject himself to medical examination. That is quite a different matter. That would be part of the personnel records, what the result was, submitted by the medical officer appointed, and they would be properly kept within the file. That is the only kind of medical file I can think of, they would have, other than medical certificate tendered by an employee in respect to certain matters. Say, sick leave or early retirement or such like. They can send in a medical certificate. But, that wouldn't be the medical file that the Honourable Member is thinking of.

Mr. Chairman: Mr. Legal Advisor, those medical certificates, as they are usually formulated, do contain a section which the patient himself has no knowledge of what goes on it, and which goes directly to the employer.

Mr. McCall: Mr. Chairman, I could clarify it further on that point. I have seen medical documentation used against an employee in a discriminatory manner. Simply because it was put on his personnel file, which it should never be there. You are saying, I am left with the impression the Legal Advisor intends to use this same type of documentation which I feel is wrong.

Mr. Chairman: If I might interject for a moment. Both the Chairman and Deputy Chairman are getting in debate with the Legal Advisor which is not their role. I would suggest a brief recess while we try and iron this out.

Recess.

Mr. Chairman: I now call this Committee to order. For the moment I would like to pass the chairmanship over to Mr. McCall.

Mr. McCall becomes Chairman

Mr. Chairman: You had a question Mr. Hibberd?

Mr. Hibberd: Thank you, Mr. Chairman. Prior to recess the discussion centred over the problem of whether the Public Service Commissioner, or his delegate would have access to personnel matters of every department, branch or division of Public Service and may examine and take extracts thereof.

I would like to bring it to the attention of the members of the Committee that we have a habit, it is known to be of a habit of copying senior government in many

areas. I would like to bring to attention the document has been in use for at least seventeen years, to my knowledge by the Federal Government, in which a physician is required to fill out a document of the absence of an employee. The top part is the usual, the name, classification, etcetera, but as to the diagnoses it asked for the doctor to sign it and put his address down.

It's followed by a dotted line and you tear it on the dotted line. Physicians confidential report which go directly to the employer and the employee has no knowledge that this has gone to or what is on it, whatsoever.

This is the danger that we are facing by making such a move as listed in this article.

Mr. Chairman: Yes, Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman could I say this that when we were drafting this, we were not aware of this problem. Could the matter be considered in the light of what was said so that we can consider whether or not we need a protective sub-section to be added to this.

Mr. Chairman: Definitely, Mr. Legal Advisor, that will hopefully be considered. I'd like to pass the chair back to Mr. Hibberd.

Mr. Hibberd becomes Chairman

Mr. Chairman: Thank you, Mr. McCall. We have with us in the Gallery, three members of the Yukon Territorial Public Service Alliance and we had agreed that they could appear as witnesses during the reading of this Bill. At this time they would like to present a brief to Committee, if Committee is in agreement.

Some Members: Agreed.

Mr. Chairman: Could we now have with us as witnesses, three members of Y.T.P.S.A. Mr. Rick Lampshire, business agent, Mrs. Kay Campbell, president and Mr. Jim McCullough chief shop steward.
Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman perhaps for the stenographic staff they could be identified so that they know which is speaking, who is who.

Mr. Chairman: Very well, I think Mr. Lampshire has a brief to present at the moment.
Carry on Mr. Lampshire.

Mr. Lampshire: Okay, thank you Mr. Chairman. All right first of all I'd like to apologize. Apparently I was, had my wires crossed and we were supposed to be here at 1:30 and I'd like to apologize and thank you for waiting for us.

We do have a brief and first of all, it's a fairly lengthy brief and it mentions a few things about the Public Civil Service at the Federal level but just to exemplify our position on this Ordinance at this time. If you will bear with me, I'd like to go through my brief. First of all I'd like to read it and any questions you have on the brief, I'd like to answer those questions, if I can.

First I'd like to thank the Yukon Legislative As-

sembly for the opportunity to appear and represent the position of the Y.T.P.S.A. on a proposed new Public Service Commission Ordinance. Legislation is extremely important to our over 700 member employees of the Y.T.G. It is also important to the other employees who do not fall into the collective agreement between the Y.T.G. and the P.S.A.C. The importance of this Ordinance cannot be minimized. The employee, employer relations with the Y.T.G. are determined mainly by this Ordinance. The Public Service Staff Relations Ordinance, the personnel's policies and directives manual from which Commissioner's Orders flow and of course the collective agreement which is negotiable between the two parties.

Public Service Staff Relations Ordinance enshrines in law the right to collective bargaining, formation of powers of the Public Service Staff Relations Board, the process of dispute settlement, i.e. conciliation arbitration the process of union certification, decertification, prohibition during lawful and unlawful strike, the grievance procedure and adjudication process.

Personnel policies and directives deal with conditions of employment for non-bargaining employees i.e. managerial, confidential exclusions, to directors outlining policies on travel, housing, etcetera, that affect all employees of the Y.T.G. The collective agreement deals only with those terms and conditions allowed under the Public Service Staff Relations Ordinance.

This leaves the Ordinance that we are now considering, the Public Service Commission Ordinance, At present better known as the Public Service Ordinance.

This is, in effect, the Ordinance that determines the condition of employment for Yukon Territorial civil servants. It should be emphasized that the title Public Service Commission Ordinance is not a truly descriptive title. It could more aptly be called Public Service Employment Ordinance. Many of the sections in the Ordinance.

Mr. Chairman: Excuse me, Mr. Lampshire, our recorders are having a little difficulty. If you could slow down a bit.

Mr. Lampshire: Slow down. Sorry.

Hon. Mr. McKinnon: Mr. Chairman, are copies of the brief available for recording staff members?

Mr. Lampshire: I am sorry, they are not. I could make copies for it after.

Mr. Chairman: Is it the wish of the Committee that copies be made available now? Please continue Mr. Lampshire.

Mr. Lampshire: Okay, I will slow down a bit, Mr. Chairman. This is, in effect, the ordinance that determines the conditions of employment for Yukon Territorial civil servants. It should be emphasized that the title Public Service Commission Ordinance is not a truly descriptive title. It could more aptly be called the Public Service Employment Ordinance. Many of the sections in the Ordinance deal with specific employment conditions of an employee upon entering the Public Service.

Sections on probation, retirement, resignation, transfer, suspension and dismissal, political partisanship, layoffs, contracts of employment all deal directly with the employment conditions of the public servants.

We are, perhaps, fortunate in the timing of this Ordinance. At the Federal level of the public service a very comprehensive study is taking place right now on employer employee relations in the Public Service of Canada.

Jacob Finkleman, who was Chairman of both the Federal and Yukon Staff Relations Board, has been asked to suggest legislative changes to the Federal Public Service Staff Relations Act and the Federal Public Service Employments Act.

It should be noted these two acts are quite similar to the Yukon's Public Staff Relations Ordinance and Public Service Ordinance. The process of examining the employer employee relations in the Federal Public Service has been taken very seriously. Along with the aforementioned Finkleman Report, the Government of Canada established in October 1974, a special joint committee of the Senate and the House of Commons on employer employee relations. This Committee has been sitting since then, for the purpose of hearing briefs, presented by trade unions and other interested parties. On the recommendations contained in the Finkleman Report. As you can see this has been a long and involved process.

The main emphasis in the Finkleman Report has been based on share decision making. In the Chairman's opinion, the old legislation has become inoperable with the passing of time and the changing of conditions. He emphasizes the reasonableness of participating unions, in the past, and the great need for joint decision making in the future. In almost all recommendations, he has suggested that unions be awarded more participation in the working conditions of their members. Which brings us to the Ordinance at hand. The Public Service Commission Ordinance.

The alliance, YTPSA, has some very strong objections to several sections of this Ordinance. This Ordinance in its present form does not consider in any way a stronger and more formalized joint decision making process. What I mean to say, is it does not consider employer employee relations, i.e. share decision making, as has been outlined and recommended in the Finkleman Report.

It has, in fact, consolidated and entrenched the old beliefs of arbitrariness and the unilateral decision making for the employer. The YTPSA finds it very difficult to live with this type of retrogressive legislation.

The time allowed for our representation has been far too short. At present, the Public Service Alliance of Canada, to which our union is affiliated, is working on a brief to present to you, the elected officials of the Yukon to outline our objections, fears and recommendations. This takes time, but this time is necessary in order to present our case in as logical and comprehensive manner as possible.

The Legislative Assembly, along with YTG and the YTPSA have a great opportunity before us. We can be leaders in a field of labour relations and Canadian Public Service. In order to accomplish this the YTPSA and the PSAC need more time to research and formulize

their presentation.

I would like to give you some indication of what we believe to be contentious issues. I should stress that these are the ideas of the YTPSA which has been submitted to the PSAC for inclusion in their brief should we be given the time and opportunity to submit that brief.

Number one, our major concern has already been indicated, is the total lack of participatory decision making? Number two, casual employees. Their length of service and the terms and conditions of employment are in question.

Number three, Section 102, the delegation of authority to unite heads or officers of the department and how that delegation will be handled.

Number four, classification. It should be bargainable and, if not, it should be done in formalized consultation and the decision should be adjudicable.

Number five, organization and establishment. It should involved the bargaining agent to a greater degree because of its potential adverse effect on our members.

Six, appointments. There should be some type of appeal and an effort should be made to pick qualified people from within the Territorial Public Service rather than through the normal and often abused practice of open competition.

Number seven, the merit principle. There should be some safeguard to police the merit system, or this seniority system should be inaugurated.

Number eight, probation. In question here is the length of probation period and the rights of the employee during that period.

Number nine, resignations. We totally agree, disagree with Section 131.

Number 10 transfer, we totally disagree with the Sections 136 and 137.

Number 11, suspensions and dismissals; we'd like to introduce a different concept, i.e. the grievance procedure over the appeal procedure; we also oppose the expanded definition.

Number 12, political office; we would like absolute freedom.

Number 13, layoffs; we disagree with the expanded definition; we would like layoffs to be done on seniority and would like an appeal procedure on re-hires. Also, leave section 182, which is notice of layoff, in the collective agreement where it presently stands.

Number 14, contracts of employment; a safeguard that these contracts will not be entered into where the job security and pure aspirations of the existing employee is jeopardized.

As you can see by our lists of concerns, they are extensive; because of the complexities of our change, we're asking this Legislative Assembly to consider our request for an extension. The ramifications of many of these sections could adversely affect a large number of employees. The unilateral decision-making afforded the Public Service Commission could have a greatly adverse effect on the morale of the public servant and this in turn would affect the now high quality of service given to the Yukon public. That's our brief, Mr. Chairman.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. Mr. Lampshire, you mentioned that you had too short a time to prepare. Could I ask you this; how, in your estimation, how long do you require to fully come to a report, considering all these points that you have put forward?

Mr. Lampshire: Well, what we do is we would send down-- we sent down our submission to the Public Service Alliance of Canada and they would have their researchers in Ottawa, first of all, formalize our complaints and put in reasons for our complaints and arguments for our complaints. They, in turn, would also have-- are also having their legal advisors look at the ordinance to determine any wording that is an adverse wording or wordings that we have some contentious issues on. And how long this will take, I couldn't say for sure, but a month, two months.

Mr. Lengerke: Would you think a month would be satisfactory?

Mr. Lampshire: Yes, Mr. Chairman, we could probably have a brief within a month.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it seems to me that when we embarked on this Ordinance that some notice was given and obviously, I always get a little uptight when I talk about hearing of more decisions from Ottawa, I like to see decisions here at the home base level and more particularly, in this case, by the employees of the Yukon Public Service Association, rather than the Federal scene. And it seems to me that the Yukon Public Service Association have given a great deal of consideration to this matter, as outlined in the 14 points that have been raised by Mr. Lampshire. I think that's very credible. I think that really, if we're going to be responsible at all, I think we should sit here and, as these points arise, ask questions of the witnesses and start resolving something here at home for a change instead of looking at Ottawa all the time for decisions. And it's this public service of the territory working in the territory that we should be concerned about; I think we should try and effect a piece of legislation which is equitable and fair and honest on both sides. But to wait for a brief from Ottawa, I just can't somehow acquaint that in my own mind. I think that the public service of the territory have enough credibility and enough responsibility - they have listed 14 points here - to be able to sit down with this Committee and go through it with us point by point and raise these points. That's what we're here for. I put more faith in the public service of the territory than I ever would in the Federal Public Service who, maybe, are trying to sell a dream to Canada.

Mr. Lampshire: Mr. Chairman, could I answer that question?

Hon. Mr. Taylor: Mr. Chairman, the witnesses are here to answer questions, not to debate; however, I would like an opinion from the witness on that.

Mr. Chairman: Mr. Lampshire?

Mr. Lampshire: Thank you, Mr. Chairman. I think, first of all, I'd like to explain the structure of the YPSA in relationship to the Public Service Alliance of Canada. The Public Service Alliance of Canada is the parent body of our union, and we are but a local of that union. Whenever we run into problems, the expertise, outside of myself, who is the only hired business agent in the territory for federal or territorial government employees and who works for the Public Service Alliance of Canada, we always submit our complaints to the Public Service Alliance of Canada in order to get interpretations and if we have an interpretation problem they send up the grievances officers who are expertise in that field.

At present, we pay approximately \$5.25 for union dues and, of that, we get \$2.25 back and it just doesn't afford us the money to have legal counsel in the territory to go over this legislation and look at this legislation. The Public Service Alliance applies a service to its members through its expertise, and this service is paid by the members through their union dues that go to Ottawa, in the Public Service Alliance. I must suggest, Mr. Chairman, that we will have a very big amount of input into this ordinance from the Yukon Territory. But we still need an interpretation on wording; we still need an interpretation on have we missed anything that might adversely affect us.

The Public Service Alliance has just recently made a submission to the Finkleman Report and they have a lot of recommendations and they have a lot of information already compiled that we could use in our arguments. Secondly, we could argue, we have contentious issues and we have found contentious issues that we would want some resolution on; our arguments would be of a verbal nature and it would not be put down in a logical form; that would be done in brief form.

And I think this is the most important part of the argument is that we could argue verbally but we'd rather have it in brief form and then explain the brief at that time.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, perhaps we should all recognize the fact that, with due respect to our esteemed Legal Advisor, that he's the man that has prepared no doubt this legislation and that leaves the rest of us-- we, as a legislature, we have no independent advice other than that given us by the poor unfortunate Legal Advisor who serves two masters. And perhaps serves the government the best.

I'm still offended when I-- you know, I'm a believer that we should give the unions back to the working men, and I've always believed that. I've said it before at this table and I might as well say it right now. And every time

Mr. Chairman: Mrs. Watson would like to go back to work, Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, every time the questions of organized labour come up, I think of people in New York running things in the Yukon and people in Los Angeles running things in the Yukon, and in this

case I'm thinking about people in Ottawa running things in the Yukon.

As I tried to state before, and perhaps my words were not clearly heard, I think that within the Yukon Public, the Yukon Territory Public Service Association, we have the expertise to sit down with the employer, which is the government.

Mr. Chairman: Order, Mr. Taylor, order, Mr. Taylor. Do you have a question for the witness?

Hon. Mr. Taylor: Yes, Mr. Chairman, when I finish I'll ask a question. ... And I think that there is the expertise here within the Yukon Territory to sit down and deal with this legislation at this time. And I would think that we should go through it, certainly, Mr. Lampshire and the other two witnesses if they can bear with us, and raise these points as they come; perhaps we may find that we have something

Mr. Chairman: Mr. Taylor, I'm sorry, you will have to sit down.

Hon. Mr. Taylor: Thank you, Mr. Chairman. Could Mr. Chairman explain to me why I have to sit down? On a point of order.

(LAUGHTER)

Mr. Chairman: You're welcome to stand again if you have a question of the witnesses.

Hon. Mr. Taylor: Well, Mr. Chairman, on a point of order I'm not prepared to take this. I'm in an unfortunate position to ask or to question your ruling, Mr. Chairman. This is a Committee of the Whole and it has always been held, up until this last short while, that members could debate in this Committee. If it is now becoming the policy of the Committee that it is not, perhaps, possible to debate, then perhaps we're breaking tradition, parliamentary tradition, and I would like from the Chairman to know why?

Mr. Chairman: Mr. Taylor, while witnesses are present before Committee, it is our responsibility to question those witnesses and pursue debate thereafter. I would like to appeal to Committee for their feelings about this.

Some Members: Agreed.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: A suggestion has been made by Mr. Lampshire that the Public Service requires further time to complete their study and brief on this proposed ordinance. Earlier in this session we heard requests from other members of this House that similar action should be taken, that there should be time to study and work on this ordinance and that, in fact, a special committee should be named to do so. A committee of this House.

I was one of the people who supported that idea, Mr. Chairman, and I would like to hear other members

today on this repeated suggestion.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman, I am completely in sympathy with the request for time to have a brief prepared by the advisors of this union who, unfortunately, live in Ottawa. I think that it is quite a reasonable request.

Mr. Chairman: Perhaps, if we have no further questions for the witnesses, the witnesses could be excused and we could continue with the debate as Mr. Taylor would like. Are there any further questions at this moment for the witnesses? Thank you very much. Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I think, before we go any further into this Bill, I'd like to throw out a motion for the Members to consider if you would at this time. And the motion is to allow Bill 8 to die in Committee.

Mr. Berger: I second that.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mr. Berger, that Bill number 8 be allowed to die in Committee. Any further discussion? Mrs. Watson?

Mrs. Watson: Mr. Chairman, I don't know how I would even vote on this. I know that there is a great deal of work being done on this legislation. I know that we may not ever have the opportunity to establish a Public Service Commission. I think we have to make some very profound decisions at this time.

I certainly wouldn't want to take a vote on that motion today. I'd like to have the opportunity to think about it and be prepared to vote on it tomorrow.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, I wonder how the Administration and the Executive Committee feels about the possibility of doing something with this - withdrawing the Bill at this time and preparing to re-submit it in a month's time.

Hon. Mr. McKinnon: Mr. Chairman, if the Bill were left to die in Committee, I think all members of the Executive Committee would take the position that there would be a Spring Session of Council, that this Session was probably prorogue, and there would be two, three pieces of legislation, one of them being this very important ordinance, that would be before a Spring Session of the Assembly. And if it were the members' wish that they thought a month was in the area of time that would be necessary for the proper work to be done, then we would feel that this would probably be the time period that we're given.

I might say that on the remarks of the members of the P.S.A.C. that I would like some time, too, to examine the work that they have already done. I think that we're going to have some very interesting points of debate

around the Assembly. I'm sure that all members will want to be as prepared as they possibly can be to discuss this very important piece of legislation. Make no mistake about it, it is an important piece of legislation.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, this is my very point - it seems that we are just going to waste a great deal of time by shelving the Bill at this time. It was my understanding, and it had always been as long as I stood in this House, you take the Bill, you get all the parties concerned, all the information you can, you go through it section by section, find the sections that are objectionable or in contention, then the administration have an opportunity to sit down and consider what their position is in this regard and perhaps recess a couple of weeks and come back and find the solutions to these problems. It was for that reason I suggested we carry on with the Bill.

So, okay, what we are really doing by delaying this thing a month or two months is putting it to May or June, at which time we will arrive at a question that we should be arriving at right now, which will further delay the Bill and then it will be fall before anything is done with it, and it doesn't make sense to me. Why not just throw it off to the Fall Session and be done with it.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. In view of what the Honourable Member has just stated, the intent behind the Motion is to allow it to die in Committee in order to get each of the Members and other interested parties appearing at that time where we can do further research because the intent at the beginning when this Bill was first presented in the House was to strike a committee to do this particular work while we were in Session, and the Honourable Member again is contradicting himself with his intent and philosophy behind his amount of work he doesn't do.

Hon. Mr. Taylor: On a point of order, Mr. Chairman, it is quite contrary to the rules of this House to impute the motives of any Member, and I think that the Honourable Member from Pelly River should be censured and asked to withdraw those remarks as being objectionable.

Mr. McCall: I will withdraw those remarks if they are painful. That's no problem. To go on to what I was saying, Mr. Chairman, like I said, the intent of the motion is to allow it to die in Committee and I am hoping the Members will then do the research before the Spring Sitting.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I haven't got much to add to this. This is what my intent was in seconding the motion and to see that this Bill will come back again in a month's time, or a month and a half's time, but it will not disappear. I think it is too important a legislation to disappear and the past legislation is high

time to be updated, but we need the co-operation of both sides, the government side and the people involved in the whole thing. I would like to point out to the Honourable Member from Watson Lake. I don't think he understands the structure of unions these days. YTPSA hasn't got the research staff available in the Yukon. The research staff is located in Ottawa and it is a matter of fact, and nothing the Honourable Member can do at this time.

Hon. Mr. Taylor: Perhaps, then, this should be deferred to a session next November.

Mr. Chairman: Unfortunately, I think there are a couple of questions that I would have liked to ask the witnesses before they disappeared from our presence, so I would like to call a brief recess while I could get those questions answered.

(RECESS)

Mr. Chairman: I now call this committee to order. During the recess, the YTPSA gave us the information that they presented in their brief today, they have also agreed to, on receipt of their information from Ottawa to redistribute that to the members of Committee, so that it might be available for reconsideration before the bill again would come up for the Committee. I have pointed out that if this motion is successful, to the members of YTPSA, that the Government will probably want the Legislative Assembly to sit in fairly short order, which would be within a month or something of that nature. So, that they would have to be prepared within that time frame.

Some Members: Question.

Hon. Mrs. Whyard: I'm sorry, Mr. Chairman, would you repeat that, what motion?

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, there is a motion on the floor here?

Mr. Chairman: No, there's not a motion on the floor.

Mr. Lengerke: Yes, there is.

Mr. Chairman: Mr. McCall.

Mr. McCall: I would like to re-emphasize that motion at this time. Would you read the motion please.

Mr. McCall: The motion is that Bill number 8 die in Committee.

Mr. Legal Advisor: Mr. Chairman, it might be advisable if he didn't formally present his motion, because being a procedure of motion, it's not subject to debate.

Mr. Chairman: The seconder?

Mr. Berger: I second that.

Mr. Chairman: It was moved by Mr. McCall, seconded by Mr. Berger that Bill Number 8 be allowed to die in Committee. All those in Favour? A show of hands please.

Some Members: Agreed.

Hon. Mrs. Whyard: I don't think there is such a motion but I'll agree.

Mr. Chairman: Contrary. Motion is carried.

MOTION IS CARRIED

Mr. Chairman: It is a procedural motion and non-debatable. We will proceed with the clause by clause reading of Bill number 9.

BILL NUMBER 9

Mr. McCall: Mr. Chairman, I would like to move that Bill Number 9 die in committee without debate.

Mr. Lengerke: I'll second that.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mr. Lengerke that Bill Number 9 die in committee. All those in favour.

Hon. Mrs. Whyard: Mr. Chairman, there is no such motion, Mr. Chairman. No, there is not a die in committee, that's not parliamentary procedure.

Hon. Mr. Taylor: Perhaps this should have been left to die in committee as the proper phraseology.

Mr. McCall: I will revert it Mr. Chairman. Motion was to be left in to die in committee without debate.

Mr. Chairman: It's an undebateable motion.

Hon. Mr. Lang: Mr. Chairman, am I to understand that we're not even going to discuss this even in the principal.

Mr. Chairman: It was committee's vote that it be left to die in committee. The motion carried.

Hon. Mrs. Whyard: Was it even moved into committee? Oh, well all right, Mr. Chairman, I rise on a point of order, and I protest this action.

Hon. Mr. Lang: I second that, Mr. Chairman.

Mr. McCall: Can we proceed to the next Bill, please?

Hon. Mrs. Whyard: No, Mr. Chairman.

Mr. Chairman: I would ask Mr. Speaker to resume

the Chair.

MR. SPEAKER RESUMES CHAIR

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

Mr. Hibberd: Yes, Mr. Speaker. Committee as a whole was about to embark upon the clause by clause reading of Bill Number 9, when it was moved and seconded that Bill Number 9 be left to die in Committee, the motion was duly carried, this Motion has been protested. The result of this motion has been protested.

The Speaker: Does the Chair have it that the motion, that the Bill in question be left to die in committee did carry in committee?

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: Then that would have to be the decision of the Committee and the Committee is bound by that decision. Is there anything further to report? The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: May I ask if division was called on that vote and was it recorded Mr. Speaker?

Mr. Speaker: Yes, under the rules of the House, votes of individual members are not recorded in the Committee of the Whole. Only in the House.

Hon. Mrs. Whyard: I call that closure, Mr. Speaker.

Mr. Speaker: Is there any further discussion on this matter, may I have your further pleasure. The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, if it's any consolation to the members across the table from me, I am very concerned that this Bill was not discussed in committee, as I would have liked to have seen it done.

Mr. Speaker: May I have your further pleasure at this time. The Honourable Member from Pelly River?

Mr. McCall: Mr. Speaker, I would now move that Mr. Speaker do now leave the Chair, and the House resolve back into committee.

Mr. Speaker: For what purpose?

Mr. McCall: For considering Bills, Sessional Papers and motions.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that Mr. Speaker do now leave the Chair and that the House resolve into the 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 is carried.

MOTION CARRIED.

MR. SPEAKER LEAVES THE CHAIR

COMMITTEE OF THE WHOLE

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

Hon. Mrs. Whyard: Mr. Chairman, it seems to me that we now have a whole new philosophy in this House, that if Members don't like a piece of legislation that is brought before them, they simply move it die in Committee and then zap you don't even read the Bill. I call that irresponsible. Mr. Chairman.

Mr. Chairman: I bring it to your intention, Mrs. Whyard, that there was a motion before Committee and it was voted on and passed. I would declare a brief recess where I figure out where we go next.

RECESS

BILL NUMBER 13

Mr. Chairman: I call this Committee to order. We have one further Bill for consideration, Bill No. 13. One.

(READS CLAUSE ONE)

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I would like to ask the Legal Advisor of these three figures in Sub (a) of \$15,000.00, \$500.00 per month, and \$25,000.00. How was the figure \$500.00 per month calculated between these two figures?

Mr. Legal Advisor: Mr. Chairman I don't know how the relationship was calculated. For all the time that we have been negotiating with Canada it was \$15,000.00 or \$500.00 a month, and we signed the agreement and we drafted the Bill, but we drafted it to conform with the agreement, which has been agreed to, but somebody had left out of the agreement the upper limit of \$25,000.00. How they forgot about it I don't know, but then when it came to sign the Bill on the re-draft, we found this. It meant we had to change it. Precisely, how they arrived at \$500.00, I just don't know, it was just a figure that was talked about, and we don't know the reason behind it.

Mr. McCall: Mr. Chairman, supplementary to that, these three figures shall not exceed \$15,000.00, would leave me a victim who was claiming compensation to choose to take the \$500.00 a month, because the figure of \$25,000.00 is more attractive than the \$15,000.00. Well there seems to be a little disparity there with the two

figures.

Mr. Legal Advisor: Mr. Chairman there is no disparity in pension payments under Workmen's Compensation and other similar type of legislation. The amount payable over a long period, always totals up more than the quick settlement, because the person gets a bird in the hand rather than a bird in the bush, or whatever the expression is. Cash now is better than postponement over a long period.

Mr. McCall: Mr. Chairman, supplementary to that. To get away from the birds and the bushes, this \$25,000.00, I feel wouldn't it be more appropriate as a standard set figure where a person or a victim could claim I'd say a lump sum or over a period of time not exceeding \$25,000.00.

Mr. Legal Advisor: No, Mr. Chairman, actuarially speaking you try to make it attractive to take a lump sum, but not too attractive. It is easier administratively to take the lump sum, so you try to attract them to do that, but if they cannot for some reason or another, maybe under a disability they may not be able to do it, then you pay them for a period. This is in conformity with actuarial experience.

Mr. Chairman: Mr. McCall?

Mr. McCall: But, in event this does, is used to a large extent, there would be more compensation victims going on a monthly payment basis than a lump sum claim. So, you know, you basically would only be dealing with one set figure.

Mr. Legal Advisor: Perhaps, Mr. Chairman, it is hard to formulate experience, since we only had payment, and that gentleman didn't want any money at all. He just wanted medical bills paid as he was leaving, a stranger passing through leaving the territory. So we just have this one single item of doctors and hospital bills to pay and we can't formulate it.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I have great reluctance to accept a ceiling on something like this. I have forgotten, in the original ordinance is the victim allowed also to sue us if it is a part of that circumstances so that he could raise the compensation that he might be allowed.

Mr. Legal Advisor: Yes, Mr. Chairman, he can sue, but then the Commissioner is subrogated to his rights to collect up to that amount. He could get a hundred thousand dollars, and then if he has already been paid money under this, then he accounts for that back.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I don't know. Maybe the Legal Advisor could advise me. Does the judge when he makes his award, does he indicate whether it will be a lump sum or it will be over periodic payments or

monthly payments over a period of time. Is the victim given the choice or is the award designated by the judge?

Mr. Legal Advisor: Mr. Chairman, it would be a limited choice. The person would normally be represented by a legal advisor who would calculate what he thought best for his client and ask the judge to make an award of that nature. It would have regard to the circumstances. It might be a temporary injury that would be capable of being cured in two years time, in which event periodic payments would be best. It might be loss of a leg, an eye, or an arm, in which event a lump sum might be better to enable the person to invest his money or do something with it. It is a matter for the judge in combination with the legal advisors of the person who was making the application. With the consent, I presume, of whoever the counsel for the Crown was at the time.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I presume Civil Legal Aid would be applicable in this case also?

Mr. Legal Advisor: Yes and no, Mr. Chairman, I'd just as soon not answer that question.

Ms. Millard: Well, maybe if Mr. Legal Advisor could just expand a bit on the yes and no?

Mr. Legal Advisor: The reason, Mr. Chairman, I answered yes and no, is because I would just as soon not answer the question.

Ms. Millard: Is that possible?

Mrs. Watson: Now we're curious.

Ms. Millard: Is that possible in a free country, in a democracy, in a legislature that some members that ask a question as an advisor can say he would just as soon not answer. That's ridiculous.

Mr. Chairman: The Legal Advisor can.

Ms. Millard: Well can someone else answer perhaps then?

Mr. Chairman: Perhaps a member of the Executive Committee could assist us. Perhaps Ms. Millard you'd like to repeat your question for the benefit of the members of the Executive Committee who are in attendance in spirit -

Hon. Mr. McKinnon: I move that question die in Committee.

Ms. Millard: Mr. Chairman, the question is, would Civil Legal Aid apply to someone who wants to receive compensation for being a victim of a crime?

Hon. Mr. McKinnon: Mr. Chairman, I don't know of anything in the Civil Legal Aid Ordinance that pre-

vents such an application. I think it's --

Ms. Millard: Well, Mr. Chairman I think the Ordinance is pretty straight forward and the Civil Legal Aid from what I remember from last session. And there was a list of things that were applicable, obviously some one should be familiar with that Ordinance.

Mr. Legal Advisor: I'm very familiar with the Ordinance. Perhaps the answer should be there's nothing in the Civil Legal Aid Ordinance which would prevent a person getting Civil Legal Aid for such an application.

Ms. Millard: Mr. Chairman, I wonder why the hesitancy because certainly a victim of crime could be a poor person who just can't afford a lawyer. I can't see why there's so much hesitation to just say yes it's applicable and I would have sat down and there wouldn't have been this attention drawn to it. I think it's only fair that a person who is, what's the purpose of Civil Legal Aid if it isn't for things like this?

Hon. Mr. McKinnon: Well, Mr. Chairman, it's always been Mr. Legal Advisor's point that he doesn't give free legal advice in the House. What I'm saying there's nothing in that Civil Legal Aid that prevents a person applying for compensation as a victim crime.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think there is. I think there are going to be regulations which state what people are eligible for Civil Legal Aid and I think your income is certainly going to define who is eligible for Legal Aid. But if some one does who is eligible for Legal Aid and who does take this case for compensation and they receive compensation, then Legal Aid, costs of Legal Aid will be reimbursed out of the compensation. I would hope, is that correct?

Mr. Legal Advisor: Normally speaking yes, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, perhaps one of us will just have to become a victim and test the whole case before we'll know the answer.

Mrs. Watson: Mr. Chairman, she she's too affluent to apply for Civil Legal Aid anyway.

Ms. Millard: Where, how?

Mr. Chairman: Mr. McCall?

Mr. McCall: What?

Mr. Chairman: Would you take the chair for a moment please?

Mr. McCall: By all means Mr. Chairman.

Mr. McCall becomes Chairman

Mr. Chairman: Mr. Hibberd, have you got a question?

Mr. Hibberd: Thank you, Mr. Chairman. I do rise on the same point that I rose when this Bill was with us before. The purpose of this Bill is to aid a victim of crime. The person who suffers most is the victim of crime is the person who's going to need the most money. He is the one who is going to be most crippled and that is the one person you're cutting out. The very principle of insurance is that it should have no other limit, the person who really needs it is the guy who really is taking the beating.

So I would like to be considered although I see it is not in accordance with the Government of Canada where legislation drawn up, but it should be considered. This is the actual forum we should be thinking.

Hon. Mr. McKinnon: Mr. Chairman I couldn't agree more with the principle that the Honourable Member has espoused. The problem is that just like in all of the agreements with Canada such as the medicare and the other agreements, that they will cost share up to a certain limit. So if we have five victims that all needed a hundred thousand dollars in the course of a year, would mean that from the taxpayers of the Yukon Territory after the limit has reached that, the total expenditure would have to come out of General Revenues. And that's the problems with the agreements with Canada that those are in effect the same as the Honourable Member knows the cost sharing agreement under the Yukon Health Care Insurance Plan with the Federal Government.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Thank you, Mr. Chairman, I was quite aware as I did allude to in what I said, that this was the principle. But I do think that it must be stated on the floor of this House --

Mr. Chairman: Thank you, Mr. Hibberd. I will pass the chair back to you.

Mr. Hibberd becomes Chairman

Mr. Chairman: Thank you, Mr. McCall. Two.

(Reads Clause two)

(Chairman reads Preamble)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: This again bothers me where we are back dating it to April 1st, 1975, can we do that?

Mr. Legal Advisor: Legally and properly speaking, Mr. Chairman, yes. Our agreement with Canada extends back to that date. We have received no formal application for compensation of many victims. So there is no case at hearing, no case control, but it could happen and known to us some victim might be waiting to make his claim, but then he could be governed by the

rules that came into force after he made his application.

Mr. Chairman: I will entertain a motion.

Hon. Mr. McKinnon: Mr. Chairman, I would move Bill No. 13 out of Committee without amendment.

Hon. Mr. Lang: I'll second that.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mr. Lang, that bill No. 13 be moved out of Committee without amendment. Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you in favour?

Some Members: Agreed.

Mr. Chairman: Motion is carried.

MOTION CARRIED

Motion Number 19

Mr. Chairman: We will proceed to Motion No. 19. Moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Klondike that it is the opinion of this House that education in the Yukon Territory should directly reflect the needs and the desires of the communities it serves, and further that the document "Barriers to Education" be referred to the Department of Education for a review with interested organizations with the understanding that a written commentary will be forth coming to the Yukon Legislative Assembly. Ms. Millard?

Ms. Millard: Mr. Chairman, I have stood so many times on this Motion that I only feel I am repeating myself. My main contention, at this point, is that we should have a reply from the Department of Education on the issues which were brought up in the document "Barriers to Education". I find it unacceptable that there hasn't been any reply up to this point. It is almost a little beyond the fact now, any credibility that the Department may have had with the Indian People has gone out the window, I am afraid, because they haven't replied to the very important questions that have been brought up. I am just hoping that this afternoon there might be some kind of reply to the things that we have been discussing and the evidence that we have that the communities are wanting some kind of reply and some kind of action on these matters.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I won't go that far actually, but the thing is that, I think the motion says just about everything that needs to be said, and in seconding the motion my stress is that I would like to get assurance from the Department of Education that there will be a reply. There will be a meeting with the people interested in this particular subject, especially since

this report a "Barrier to the Education" came out. Now those people may have some thing to talk about, that they didn't have in the past, and I think that all I am actually looking for is an assurance from the Minister of Education that such a consultation will take place.

Mr. Chairman: Mr. Lang?

Hon Mr. Lang: Mr. Chairman, I haven't had an opportunity to speak to the report "Barriers to Education". At this time I only want to make one comment in reference to it, and I would like to suggest, Mr. Chairman, that it is quite obvious that Mr. Parnell makes his living writing reports. The reason I say this he has been in the Yukon six months and has written two reports.

I would like to suggest, Mr. Chairman, that if Mr. Parnell is going to write any more reports in the future, about the government, and its policies, I would suggest that he come to the department responsible, to discuss those policies in order that he can analyse them thoroughly, rather than attempt to analyse them through the news media or press clippings.

A person would think this would only be fair to his clients, as well as, the public at large. As far as the motion is concerned, Mr. Chairman, I really can't see any reason for the motion. I have assured this House that I would come back with an analysis of the paper "Barriers to Education" and I will do that. The timing, I cannot guarantee at the present time, my superintendent is not all that well, and, also, my two assistant superintendents will be going outside for teachers' interviews, which is approximately a three week process. Mr. Chairman, as far as the motion, I'd like to refer the Honourable Members to the School Ordinance which specifically states the duties of school committees.

The Department attempts to accommodate the needs of the school committees wherever possible, and I think this has been demonstrated for the last couple of years. If it is not possible to comply with the request, it is the policy of the department to let the school committee know what the decision is and why they have made that decision.

I would also like to suggest, Mr. Chairman, that if the Department's policies are so oppressive, which some Honourable Members seem to think that they are, I would suggest it would be to the benefit of areas, which are unhappy with the department, to apply for school board status, which is available through the present school legislation. The Department of Education would be more than happy to cooperate in helping form the necessary jurisdictions.

Once they have accepted the obligations inherent in the formation of a School Board, they will have more responsibility in running the school system. As I stated earlier during the discussions of the report in Committee, I undertook to bring back a Departmental Position Paper on allocations contained in that report. I did not commit my department officials to further discussion with interest groups or whatever. We're prepared to bring, if they're prepared to bring up papers or presentations to a department, we are prepared to accept them. But I think it is up to this Committee to give the department an opportunity to air its point of view. In other words, what I'm asking this Committee is to give

the Department of Education equal time - because it has not had that up to this point.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I will be supporting Motion number 19: I see nothing wrong with it whatsoever and I would hope that it does not conflict with present policy, and I don't believe it does.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I will not be supporting Motion 19 for one very basic reason and that is, part of the wording in the second paragraph; I have a very strong reason for wanting to delete the words that the document "Barriers to Educations" be referred to the Department of Education for review with interested organizations with the understanding that a written commentary will be forthcoming to the Yukon Legislative Assembly by the next session of the Yukon Legislative Assembly. I would hope that the Department of Education, we have hired, our Government hired, qualified educators. They should be qualified educators if they're on the staff.

Now the "Barriers to Education" report is basically a political report on education but it does have a background and a very extensive bibliography referral as part of that report, and that is the meat of the report, that is the techniques of education, that is the area of education that we want examined. We can- we've had the political pitch, which is fine, that's part of our democratic process; but I want to make a decision, not on just a political lobby or a political pitch, and I think Mr. Parnell did an excellent job in that instance by giving all of the references that he used to substantiate the statements that he made regarding education. And that is the thing that we're very concerned about, is education.

I asked Mr. Parnell when he was here whether he had done some work with children who come from a different cultural background and who go into a school system where their native tongue is not used in the school system, have they done some work and how you can overcome that difference, and he said yes they have, there has been research done on it and he'd be very happy to send this information to me.

I haven't received it but it is evident that Mr. Parnell realizes there are things in education, principles of education, that are at stake. And what I would like our educators that are on our staff to do, to forget the politics of it and to take the report, to go through the bibliography, to assess the comments that Mr. Parnell has made, and come back to the Minister of Education so that he can table in this Assembly a report on the education principles to the "Barriers of Education". It's on this type of thing.

We have to have advice on this. When we have that advice, then we take into consideration the politics of it and then you make your decisions. And I would hate to think that we are not going to be able to get an assessment on the principles of the educations that are used in the "Barriers to Education". I would move an amendment to Motion number 19, to delete "with interested organizations with the understanding that a written

commentary will be forthcoming to the Yukon Legislative Assembly by the next session" and I would substitute- Mr. Chairman, may I just take a few minutes to write down my amendment?

Mr. Chairman: Sure.

Hon. Mr. Lang: Mr. Chairman, can I just make a few points here?

Mr. Chairman: I think you'd better hold it. She is proposing an amendment.

Hon. Mr. Lang: I just want to make one comment. Mr. Chairman, the only thing that concerns me here, other than the fact that I think that the education department should get a fair hearing, the other thing that concerns me is the time factor - any guarantee of time. I'll do my best to have it coming in the next session when it's called, but I want to point out that my two superintendents, urban and rural, are at the present time evaluating teachers and going out presently in the next week or so to interview teachers for the forthcoming year.

Now, they are not-- I just got a memo from one of the superintendents stating that he is not sure of whether or not he can evaluate all the teachers, and this is a crucial part of our education system, to see all our new teachers get evaluated this year. And I know they're working very hard and working at night.

Another point, I think, has to be brought up in regards to the time factor is that we will be going in to negotiations with the Yukon Teachers Association, which is going to take a lot of time and a lot of effort on behalf of the Department.

We have in the Department four qualified educators. So I'm just saying, to you, as far as any guarantee or time, I really don't think I can give it to you. I'd like to but I don't think-- I know I'm not in that position to guarantee it.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I certainly didn't ask for a book. All I want even is a page - all I want, I don't know what the other members would want. But there are accusations in here that I feel should be immediately answered if possible. We've certainly given the Department well over a month of discussion of this document, whether they're sick or in the field or interviewing teachers, if that's the case, if they can't spend a little while looking at a book and making some comments on it I think that we'd better hire some more people. There are some very important things in here that need to be answered and should have been answered by now. It's amazing to me that the political acumen of the Department is so low that they can't see the responsibility that they have towards the people. Order - there's no disorder at the moment, not yet.

I really don't see that this written commentary has to be taken so terribly seriously that it has to be 50 pages long or anything else. We have Legislative Returns coming back all the time of 7, 8, 9, 10 pages - why not one of those? It seems simple enough to me to reply because

the Department should know these answers. They should be able to stand up right now and say why they have an anti-racist, so called, policy. Why is it? It would be easy enough to answer right away--

Hon. Mr. Lang: Mr. Chairman, I take an objection to that, to what the Honourable Member has said, and I'd like a retraction right now because that is not the case at all.

And if the Honourable Member did her homework, I'll tell you she'd be a hell of a lot, excuse me, a lot better off.

Ms. Millard: Well, Mr. Chairman, I'll just ignore that comment because it really didn't supply me with any information.

Hon. Mr. McKinnon: Mr. Chairman, on a point of privilege. A question of privilege. Mr. Chairman, I stated on the House on many occasions and I'll continue to state it, that I am not going to be a member of a government that has anti-racist policy and if there are any anti-racist policies in this government I want to know about them so that they can be purged from the Statute Books. Mr. Chairman, if I thought for one minute that any of my colleagues on the Executive Committee had those kinds of feelings, I would not be a member of this government and a member of the Executive Committee. And I think this calls-- there was a charge made clearly, that this government has anti-racist policies and I just as a part of the government cannot accept that. I think an apology is in order, Mr. Chairman, from the member who made that remark.

Mr. Chairman: Ms. Millard, are you willing to reply to that?

Ms. Millard: I don't recall saying anything that needs retracting except that I would-- all that I've been saying is that I would like some reply to the questions which are brought up in the documents.

Mr. Chairman: There are accusations made on your behalf and there has been a question of privilege raised.

Ms. Millard: Mr. Chairman, I apologize for any embarrassment to the Department of Education.

Mr. Chairman: That was not what was asked of you.

Ms. Millard: I'm sorry, could I have a read-back then, because I was busy trying to keep

Mr. Chairman: The accusation was a prejudice, racial prejudice.

Ms. Millard: Oh yes, well, yes, one of the accusations in this paper is that -- not of racial prejudice. The question that I brought up was that according to newspaper reports and everything else there is, the Department of Education stands.

Hon. Mr. McKinnon: I think that the only way of dealing with it is as for the remark to come in and then the Chair has to deal whether there was a, whether the charge was made that the government of the Yukon Territory has a racist policy and if so whether an apology is in order. I don't think we can do anything until the remark is given to the Chair.

Mr. Chairman: The statement made by Ms. Millard "They should be able to stand up and say why they have an anti-racial so called policy. Why is it? It should be easy enough to answer right away." At that point an apology was requested from the Minister. I think on the question an apology is forthcoming.

Ms. Millard: Mr. Chairman, I have already apologized for any comments that I have made that embarrassed the Department. I apologize again if that's necessary. Perhaps, it is my way of saying things, because what I really meant to say at that point and what it still says to me, unfortunately, is that the Department has consistently persisted in saying that they have an anti-racist policy. That they do not have a racist.

Hon. Mr. Lang: Mr. Chairman, this is not the case at all.

Mr. Chairman: Order please.

Ms. Millard: Well.

Mr. Chairman: Order please, Ms. Millard. The question of privilege has been raised that there is a racist or anti-racist involved in the Department of Education. You have not answered that charge. I will ask Mr. Speaker to resume the Chair.

MR. SPEAKER RESUMES THE CHAIR

Hon. Mr. Lang: Mr. Speaker, what has been stated by our department is that we have a non-discriminatory policy.

Ms. Millard: Mr. Chairman, I will accept the word "non-discriminatory" if that helps.

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

Mr. Hibberd: Yes, Mr. Speaker, on discussion of Motion No. 19, the statement was made by the Honourable Member from Ogilvie, "they should be able to stand up and say why they have an anti-racist so called policy." At that point a question of privilege was raised of whether there is this anti-racist policy present, and there has been no reply to that forthcoming from the Member.

Mr. Speaker: Might I know who has raised the question of privilege?

Mr. Hibberd: The Honourable Member from

Whitehorse North Centre.

Hon. Mr. McKinnon: Mr. Speaker, the question was originally raised by the Honourable Member from Whitehorse Porter Creek, and Mr. Chairman on hearing the remark played back, I am of personally the opinion that there was no question of privilege because I think a non-discriminatory policy and an anti-racist policy can be synonymous and those are the types of programs that we hope that all government programs are towards all the people of the Yukon Territory.

Mr. Speaker: I believe the question that the Chair should consider is whether the Chairman on considering a question of privilege had asked the Member to withdraw the statements or has anything of this occurred?

Mr. Hibberd: The request was made for an apology for that statement, Mr. Speaker.

Mr. Speaker: Was an apology forthcoming for that statement?

Mr. Hibberd: That, Mr. Speaker, can only be answered indirectly. An apology was made as described by the Member from Whitehorse North Centre.

Mr. Speaker: Perhaps, if I may be permitted, would the Honourable Member from Ogilvie be prepared to withdraw or apologize for the statements that have seemed offensive to the Members in Committee? The Honourable Member from Ogilvie?

Ms. Millard: Yes, Mr. Speaker, for about the fourth time I will say I apologize for any embarrassment I caused by using the term "anti-racist". Non-discriminatory might be an easier thing to accept.

Mr. McCall: A point of order, Mr. Speaker?

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Mr. Speaker, the member was asked a question was she proposed was she prepared to withdraw the statement.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I have made so many statements in the last ten minutes that it is hard to find which one I am supposed to withdraw. I have been trying to reorganize my thoughts and make the definitions a little clearer so that no one gets upset by them, to this point, I certainly withdraw anything that I have said this afternoon that has caused embarrassment and I certainly have no way of, I am not trying to imply that the Department is racist.

Mr. Speaker: Is the Honourable Member from Whitehorse North Centre prepared to accept this apology? The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: I will accept that apology on behalf of the Member.

Mr. Speaker: What is your wish at this time? May we have a report from the Chairman of Committees?

Mr. Hibberd: Yes, Mr. Speaker, Committee convened at 10:50 A.M. to discuss Bills, Sessional Papers, Motions.

Mr. Miller was in attendance while Committee pursued, with enthusiasm, the reading of Bill Number 2. It was moved by Mr. McKinnon, seconded by Mr. Lang, that Bill Number 2 be reported out of Committee without amendment. This motion was duly carried, with glee.

Bill Number 3 was then read. It was moved by Mr. McKinnon, seconded by Mr. McCall, that Bill Number 3 be reported out of Committee without amendments and this motion carried.

Committee then read Bill Number 16. It was moved by Mr. McKinnon, seconded by Mr. Lang, that Bill Number 16 be reported out of Committee without amendments. This motion carried.

Committee recessed at 12 noon and reconvened at 2 p.m. accompanying Mr. Commissioner was Mr. John McPhail Personnel Director as a witness during Committee clause by clause reading of Bill Number 8.

Mr. Rick Lampshire, business agent for Y.T.P.S.A., Mrs. Kay Campbell, president of Y.T.P.S.A. and Mr. Jim McCullough, chief shop steward, Y.T.P.S.A. presented a brief to Committee on Bill Number 8.

It was moved by Mr. McCall, seconded by Mr. Berger, that Bill Number 8 be left to die in Committee. This motion carried.

It was moved by Mr. McCall, seconded by Mr. Lengerke, that Bill Number 9 be left to die in Committee, this motion carried.

Committee then read Bill Number 13. It was moved by Mr. McKinnon, seconded by Mr. Lang, that Bill Number 13 be reported out of Committee without amendment. This motion carried.

Committee considered Motion 19. This item has been left in Committee. Mr. Speaker then resumed the chair by request of the Chairman.

Mr. Speaker: You have heard the report of the Chairman of Committee; are you agreed?

Some Members: Agreed.

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

Mr. Lengerke: 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 Whitehorse Riverdale, 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 now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

LEGISLATIVE RETURN NO. 11
(1976 First Session)

March 12, 1976

Mr. Speaker
Members of Council

On March 10, 1976, Councillor Fleming asked the following question:

“What is being done to the old Tagish bridge now? Is there going to be a new bridge at another location and what kind of bridge will it be? Would the government make the plans for a proposed bridge available to Council before the tender is let?”

The answer is as follows:

Soil testing is now being carried out for a proposed new bridge to be built in the same location as the present bridge. The design and cost estimates will be developed based on the soil conditions found in this testing process. Plans will be available to Council when the appropriation is placed before the House.

M.E. Miller,
Assistant Commissioner
(Administrative)

