

Property of
M. L. A. Lounge



The Yukon Legislative Assembly

Number 3

6th. Session

23rd Legislature

Debates & Proceedings

Wednesday, May 19, 1976

Speaker: The Honourable Donald Taylor

Published under authority of the Council of the Yukon Legislative Assembly by the Yukon Printing Press

Volume 1
1987-1988



The Yukon Legislative Assembly

1987-1988

Volume 1

Part 1

Debates & Proceedings

Wednesday, May 28, 1987

Whitehorse, Yukon Territory
Wednesday, May 19, 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: We will proceed with the Order Paper. Are there any documents or correspondence for tabling this morning? The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today Legislative Return Number 1.

Mr. Speaker: Are there any reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the production of papers? We will then proceed to the Question Period.

ORDERS OF THE DAY

QUESTION PERIOD

Mr. Speaker: Have you any questions this morning? Mr. Commissioner.

Mr. Speaker: Proceed.

Mr. Commissioner: Yesterday Councillor Watson asked the following question: What information does the Yukon Territorial Government have about federal plans repaving of the Haines Road. The answer to that question is, and to begin with a little bit of background, Mr. Speaker, there has been no formal announcement of a cabinet decision on the matter, this is a federal cabinet decision, on this matter as yet. There is a potential unresolved problem with the British Columbia Gov-

ernment regarding the right of way. I think the Honourable Members are aware that certain portions of the road lie within the Province of British Columbia.

The Federal Department of Public Works' Deputy Minister has undertaken discussions with officials of the present British Columbia Government and the Federal Department of Public Works Environmental Steering Committee on which Y.T.G. has representation, has held two meetings since its establishment in September of 1974. And is undertaking preliminary work on environmental assessment guidelines.

The United States Government has passed a bill increasing the funding authorization from fifty-seven million to one hundred and twenty-seven million dollars. Now the current status Mr. Speaker, is the Department of Indian Affairs and Northern Development has been requested by Y.T.G. to keep us advised of the current status of this proposed project. There is no new activity to report except what I've given here as background to date. The Federal Department of Public Works of Vancouver advises that as soon as the British Columbia cabinet deals with the right way issue and gives their approval, negotiations between Canada and the United States will be re-activated hopefully leading to the signing of an agreement.

The second question had to do with questions set by Mr. Berger and Ms. Millard about the lack of calcium chloride treatment of the Stewart Crossing-Dawson Road. The formula for determining traffic is applied to the north on a May through October basis. This is not confined to any one particular road, but is a generalization across our road responsibilities. This is generally considered to be the period when traffic volumes are most representative, and also when calcium chloride treatment is required. There have been no attempts to change this formula within the past few years. The cost of calcium chloride treatment to this road would be approximately \$220,000.00 per annum.

The Stewart Crossing-Dawson Road has never had full calcium chloride treatment. We have treated areas in front of highway lodges and the airport to city boundary in past years.

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

Hon. Mr. Lang: Yes, Mr. Speaker. I have an answer to a question raised by the Honourable Member from Pelly yesterday, what was the cost of the public hearing held in Faro recently with regard to the teachers? The question cannot be answered, Mr. Speaker, fully at the present time. However, the Government of the Yukon Territory incurred direct costs of \$683.50 for the charter of an aircraft from Whitehorse to Faro return.

It should be noted that in addition to Yukon Territorial Government personnel utilizing the charter, the three members and the Secretary of the Yukon Teachers' Staff Relations Board and two executive members of the Yukon Teachers' Association, were transported to Faro in the aircraft. Non-government personnel were not charged for seats on the aircraft.

The actual costs incurred by the board, which will ultimately be paid by the Y.T.G., will not be available until March 31st, 1977. A final audited accounting of the board's costs are presented to the Y.T.G. at the end of the fiscal year. Details of the costs incurred by the board relative to the Faro hearing can be provided to this legislature at the spring session in 1977.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Remedial Tutor Program.

Mr. Lengerke: Thank you, Mr. Speaker. Yesterday, members of this Assembly were -- a letter was circulated from the Yukon Native Brotherhood, and it said we have ascertained that the Motion number 10 passed by the Yukon Legislative Assembly on February 28th, '76 regarding the remedial tutor program has been overruled by certain persons, persons behind closed doors who appear to have greater powers than our own, or your own.

My question this morning, Mr. Speaker, could be directed to the Commissioner or to the Minister of Education. Have you any comment about this particular article, or just what is the explanation?

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

Hon. Mr. Lang: Mr. Speaker, I received the letter at the same time that the Honourable Member from Riverdale received it. The only thing insofar as the remedial tutoring program, since the last session has happened, is that the Department of Indian Affairs made an informal inquiry about the program to the department, and if fact, my department, last week, was asking what was happening as far as remedial tutoring program so we could plan for the coming school calendar year.

As for the letter sent to the M.L.A.'s, I can't comment on it until it has been explained.

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

Hon. Mr. McKinnon: Mr. Speaker, I have an answer for the Honourable Member from Klondike concerning the use of Abate 2-G for mosquito control. I've been advised, Mr. Speaker, by qualified entomologists that because the Abate 2-G is an insecticide, it is indeed toxic to birds and other animals at some level.

However, the insecticide has been used in northern applications at a rate up to five pounds, 2.268 kilograms per acre, with no noted harmful effect on birds, mammals or fish. The rate of application in the Yukon is two and a half pounds, or 1.134 kilograms per acre.

Environmental Protection Service has reviewed the program and highly recommended the use of Abate 2-G for many reasons. The chemical is a larvacide rather than an adulticide, and it attacks the mosquito larva in the pools. It has the lowest toxicity of all chemicals available today, and can be accurately applied to specific wet areas. The granular chemical slowly disperses in water when applied, and is much less dangerous than liquid, as liquid is subject to wind drift, and as well as absorbed by birds through the feet in nesting and sitting in trees.

The only way Abate 2-G can be taken in by birds or animals is by mouth. There has been a reported bird kill in Sawson City allegedly attributed to use of Abate 2-G, however the cause of death has not been established, and there is some doubt that it can be attributed to Abate, as the dosage necessary to kill 50 percent of birds requires 80 to 100 mgs. per kilogram of body weight, which is an incredibly high intake, according to Environmental Protection Services.

Mr. Speaker: The Honourable Member from Pelly River?

Question re: Canadian Armed Forces Counsellor.

Mr. McCall: Yes, Mr. Speaker, I have two written questions, directed to Mr. Commissioner. They are concerning the recent advertising in a local newspaper of the Canadian Armed Forces, and dated May the 12th, 1976, concerning the counsellor and which communities he will be visiting in the Yukon.

My questions are, when was the last time a Canadian Armed Forces Counsellor visited the communities of Faro and Ross River for the purposes of recruiting, and is it the Canadian Armed Forces -- is the Canadian Armed Forces considering sending a counsellor to these communities in the near future?

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Remedial Tutor Program.

Ms. Millard: Mr. Speaker, I have a question for the Minister of Education, further to the question from the Member from Whitehorse Riverdale. On the letters that we received which are signed from the C.Y.I., Y.N.B. and Y.A.N.S.I., is there any truth to the presumption in the letter that the Yukon Territorial Government does not in fact support the continuation of the remedial tutor

program?

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

Hon. Mr. Lang: Mr. Speaker, if the federal government is prepared to fund it, we have no problems. As I said in the last sitting of the House, I said that we didn't have any money. I also said, if you recall, that if we had the money at our disposal, which is in the area of \$250,000.00, the Department of Education would definitely look at either revamping the program or doing something that the educators of the Yukon feel is proper for the kids of the Yukon.

As far as the federal government, if they're prepared to fund it like they fund everything else, we're prepared to take it, I guess.

Mr. Speaker: The Honourable Member from Klondike?

Question re: Vehicle Count on Stewart Crossing-Dawson Road.

Mr. Berger: Yes, Mr. Speaker, I have a written question for Mr. Commissioner, Could I have a day by day count of the vehicles for the months of June, July and August, 1975, on the Stewart Crossing-Dawson Road?

Mr. Speaker: That is a written question?

Mr. Berger: Yes.

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

Question re: Remedial tutor program.

Mr. Hibberd: A supplementary, Mr. Speaker. Regarding the letter that the Minister of Education himself had directly communicated to the federal government regarding the value of the remedial tutor program?

Hon. Mr. Lang: Personally myself, Mr. Speaker, no.

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

Question re: Medical Evacuation Plan.

Mr. Hibberd: I have a verbal question for the Minister of Health. Recently the Federal Regional Department of Health had announced their intention of having Yukon patients with TB treated at the local level, that is at Yukon Hospitals, rather than being evacuated to Edmonton. At that time there was considerable concern expressed about the value of such a move and the problems that it would create. Can the Minister tell us whether this plan is to be implemented or what alternatives are now being considered?

Mr. Speaker: The Honourable member from Whitehorse West?

Hon. Mrs. Whyard: We have received a communication now from the Regional Director of Medical Services, Federal Health and Welfare in the Yukon, regarding the arrangements that the Camsell Hospital in Edmonton to which our TB patients have been sent.

There has now been an internal rearrangement in that hospital and provision is still made for patients from the Yukon who require long term care for tuberculosis.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Alcan Pipeline Route.

5Mr. Lengerke: Written question for the Commissioner if he wants to take it as such. Is the government of the Yukon doing anything to actively pursue or promote on its own, or through the Federal Government, the Alcan Pipe Line Route in corporation with the efforts of the States of Alaska, Oregon and the Province of British Columbia. And if not, why not and if yes, what are you doing?

Mr. Commissioner: Mr. Speaker, I, we're approximately I don't know, six years or pretty close to that, I took the opportunity of suggesting to the Federal Government of the day, through my Minister at that time, that there was other portions of North America that lay between the sub-sources of gas and oil of the North and the southern places where it was going to be used. I'm afraid at that time it fell on deaf ears, but fortunately six years later, I think that maybe it would be about time to kind of drag it back out into the light again. I would like to suggest that if the Honourable Member would allow me the opportunity of not answering his question the way he has asked it right now, perhaps before this Session of Council is over with we will of had an opportunity to examine a little bit more up to date interest that is presently being exhibited by our neighbours both to the North and to the South in connection with the use of the Yukon as a part of the land bridge between those who want this product and those who want to get rid of it, Mr. Speaker.

Mr. Speaker: Would this be acceptable to the Honourable Member? The Honourable Member from Ogilvie?

Question re: Remedial tutor program negotiations.

Ms. Millard: Further to the questions to the Minister of Education concerning the letter we received, if there has been no negotiations with anyone on caring on the Remedial Tutor Program through the federal funding or anything else, why hasn't there been since the intent of Motion 10 was that some investigation be made by the Department of Education.

Hon. Mr. Lang: Mr. Speaker, I don't have a copy of the Motion here but the intent of the Motion was to do a basic assessment of the skills in the elementary grades in the Yukon schools. As far as the Remedial Tutoring was concerned the Motion if you recall correctly, I don't have the proper phraseology here, but if I recall correctly, stated that the Federal Government could fund the Remedial Tutor Program and the Department of Education would continue it on like they have it in the past in an administration role.

I felt that the Motion was well enough worded that the Department of Indian Affairs and Northern Development could make their own decision.

Ms. Millard: Just a supplementary to that then. Then the presumption of the Department of Education has been that they have had no responsibility towards investigating funding of the Remedial Tutor Program and thus have not done any investigating. Is that the right presumption?

Mr. Speaker: I'm just a little doubtful about allowing that question. I don't think that we could allow questions relative to presumptions. I don't think that would especially in the case of a Cabinet Minister. Would you care to rephrase your question?

Ms. Millard: Can we assume then that the Department of Education has presumed no responsibility in investigating funding of the Remedial Tutor Program?

Hon. Mr. Lang: Mr. Speaker, a little earlier in this question period I said that the Department of Indian Affairs and Northern Development made a brief inquiry from where I don't know, from what office or whatever, but an inquiry was made. We sent a copy of the Votes and Proceedings, an analysis of the Votes and Proceedings, and what happened up to this point, I don't know, as I say. But earlier I asked, I made an inquiry approximately a week ago to find out where the program stood so that we could plan for the oncoming year.

From that point on, Mr. Speaker, I don't know. There seems to be a lot of other organizations that seem to have a lot of other information that apparently the Legislature doesn't get at the right time.

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

Question re: Responsibility for sewage problems within the Yukon Housing Corporation.

Mr. Fleming: Yes, I have a written question for Mr. Commissioner. Who is responsible within the Yukon Housing Corporation for sewage problems at the houses in the Teslin L.I.D.?

Mr. Commissioner: Mr. Speaker, I don't see how you can separate a sewage problem from any other problem in connection with housing that is -- and if the housing in particular is the responsibility of the Housing

Corporation, I would suggest that there's no question as to where that responsibility lies. The immediate administrative officer is the Manager of the Housing Corporation, and of the policy making body to whom he looks for guidance, is the Board of Directors of the Housing Corporation, and the Chairman of that Board.

So I wouldn't want any misunderstanding to exist with regard to where that responsibility lies, if indeed the housing in question is housing that is sponsored and owned by the Housing Corporation.

Mr. Speaker: Is this answer satisfactory to the Honourable Member?

Mr. Fleming: The answer is satisfactory, Mr. Speaker, but I wanted a written answer. I asked for a written answer.

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

Question re: Yukon house in Vancouver.

Mr. Hibberd: Mr. Speaker, I have a written question for the Commissioner. Could the Commissioner supply us with information regarding Yukon House in Vancouver. One, what is the cost of operation of Yukon House; two, what are the purposes of maintaining Yukon House, particulars, is it designed to serve as a promotional centre for the Yukon, or merely as an information centre? Three, has there been any auditing done to assess the efficiency of Yukon House in carrying out these aims, and four, what are the costs to the Yukon Territorial Government of operation of Yukon Day at the Races? Does the Yukon Government plan to continue the sponsorship of this event?

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Housing coordinators.

Ms. Millard: Mr. speaker, I have a question for Mr. Commissioner concerning the Housing Corporation. up til last spring, the Housing Corporation employed some people in the various communities called Housing Coordinators. I understand that they have been laid off. is there any intention on re-employing the Housing Coordinators in the Housing Corporation?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, this is a decision that is entirely within the competence of the Board of Directors of the Housing Corporation. I will endeavour to secure an answer but, I want to make it abundantly clear this is not something that the Commissioner has the direction over.

By the legislation passed in this House, the Board of Directors of the Housing Corporation has that particular competence to deal with that problem.

Mr. Speaker: Are there any further questions this morning? The Honourable Member from Whitehorse South Centre?

Question re: Remedial tutoring program.

Mr. Hibberd: Mr. Speaker, as a supplementary for clarification regarding this letter that has been received by all of us, am I to understand that the Department of Education has been awaiting a reply from the Minister as to what direction is to be taken? In other words, the onus at this stage has been on the Minister to reply to the Motion put forward from this council. Is that the position that the Department is now taking?

Hon. Mr. Lang: Yes, Mr. Speaker. The government is awaiting a reply whether or not they are going to continue on with the program.

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

Question re: Challenges to Members of the House.

Hon. Mrs. Whyard: Members of this House have received two challenges in the current session, and I'm wondering what action is going to be taken, Mr. Speaker. One is from the press to meet them on the baseball diamond, and the other is from Her Worship, the Mayor of Whitehorse, regarding a little competition of picking up garbage.

Is any official action contemplated, Mr. Speaker?

Mr. Speaker: Is that question directed at myself?

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

Mr. Speaker: Well this I could not ascertain. I believe all members have been informed and can pass copies of the documents referred to by the Honourable member from Whitehorse West, and I would imagine that the members themselves would get together and give me an answer, and I would be pleased at that time to forward to the parties involved, any answer you may wish to give.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, in response to that, I would hope that we do accept the challenge for the ball game, but the other challenge is rather interesting. I would say that we should issue a new challenge to the Mayor, and suggest the the City Council, if they want that kind of a challenge, will have to then help all the Members of the Assembly to clean up their respective communities as well, because I think it rather --

Mr. Speaker: Order, please. I must remind Honourable Members that this is a Question Period. If you have a question -- this is not the time for debate.

The Honourable Member from Whitehorse South

Centre?

Mr. Hibberd: Mr. Speaker, in view of your rather nebulous reply to the question raised by the Member from Whitehorse West, does Mr. Speaker intend to participate in these events himself?

Mr. Speaker: Mr. Speaker at this time has no comment.

Order, please. The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker, in answer to the Minister's question, there are two questions that were raised. One was the challenge by the press. My answer to the Minister is affirmative.

In answer to the second question it is negative, because I do not see any of the Whitehorse Councillors coming out to the Town of Faro last week when we cleaned up our garbage.

Mr. Speaker: Order, please. Order, please. Is there any further questions? We will then proceed on the Order Paper to Motion Number 1.

MOTIONS

MOTIONS NUMBER 1

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane, that the regulations relating to Yukon Government contracts, and in particular those dealing with local employment programs, as set out in Commissioner's Order 1973-75, be more strictly enforced where possible under present circumstances.

Further -- that should read, and further that the administration be instructed to review and to bring about amendments by the next Legislative Session that will ensure a more desirable level of enforcement or governing of the regulations as pertaining to local hiring policies.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Thanks, Mr. Speaker. The basis for this Motion is that recently there have been a number of inquiries with respect to the local hiring policies pertaining to Yukon Territorial Government contracts, and we do in fact have regulations that do govern that.

I just want to correct one thing with respect to this Motion. I see here an error, it should be Commissioner's Order 1973/71, rather than 75, I believe. Those are the -- Financial Administration Ordinance, and the regulations relating to Yukon Government contracts.

Mr. Speaker: I am just wondering if the rest of the Councillors would like to move this particular Motion

into Committee of the Whole. I can't move it myself, I don't think, for further discussion. Does anybody want to so move?

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I would like to move that Motion number 1 be moved into Committee of the Whole for discussion, seconded by the Honourable Member from Pelly River.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Pelly River, that Motion number 1 be referred to Committee of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

(MOTION CARRIED)

We shall now proceed to Public Bills.

PUBLIC BILLS

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

Bill Number 2, First Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 2 be now read a first time.

Mr. Spaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 2 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 the Motion as carried.

(MOTION CARRIED)

Mr. Speaker: When are you prepared to give second reading to this Bill?

Bill Number 2, Second Reading

Hon. Mr. Lang: Now Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 2 entitled "An Ordinance to Amend the Motor Vehicles Ordinance" be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 2 be read now 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 West?

Bill Number 3, First Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 3 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 3 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 the Motion as carried.

(MOTION CARRIED)

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 3, Second Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek that Bill Number 3 entitled "Young Offenders' Welfare Agreement Ordinance" be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that

Bill Number 3 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 4, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 4 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 4 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 the Motion as carried.

(MOTION CARRIED)

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 4, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 4, entitled "Land Acquisition Fund 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 4 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 the Motion as carried.

(MOTION CARRIED)

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

Bill Number 5, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 5 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 5 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 the Motion carried.

(MOTION CARRIED)

Mr. Speaker: When shall the Bill be read for the second time.?

Bill Number 5, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 5 entitled "An Ordinance to Amend the Taxation 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 5 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: May I have your further pleasure at this time? The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker, I would now move that

Mr. Speaker leave the Chair and the House resolve into Committee of the Whole, for the purpose of 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, that 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 will call the Committee to order and declare a brief recess.

(RECESS)

Mr. Chairman: I will call this Committee to order. We will proceed with the clause by clause reading of Bill Number 1. We are at present on page 26 Probation. One Sixteen.

(Reads Clause 116)

Mr. Chairman: One seventeen.

Reads Clause 117)

Mr. Chairman: One eighteen.

(Reads Clause 118)

Mr. Chairman: One Nineteen.

(Reads Caluse 119)

Mr. Chairman: One twenty.

(Reads Caluse 120)

Mr. Chairman: One twenty-one.

(Reads Caluse 121)

Mr. McCall: Yes, Mr. Chairman, I would like to go back to 118 and Section 119. And also 117. Reading these particular pieces of language here, has there been any consideration given to the security of an employee?

That is job security.

Mr. Commissioner: You mean Mr. Chairman, what regard to the time that he's on probation, Mr. Chairrna?

Mr. McCall: Possibly yes, Mr. Chairman. What I'm concerned about here in reading of Section 117, I'm left with the impression that if it is the government's intent, they could keep an individual on a shoestring for for a complete full year without security. Is that the intent?

Mr. Chairman: Mr. McPhail.

Mr. McPhail: No, Mr. Chairman, the period of the probation is six months, and it only can be extended with justification. And if it is extended the employee is aware of the reasons why, gets a copy of it, the ratings discussed and the purpose behind the extension is hopefully that both parties, the employee and the supervisor, can through mutual cooperation improve the performance of the employee.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, my question is on the lenght of period of probation. Since there seems to be ample evidence that not many other jurisdictions have a six months probation in there, and in private enterprise they don't either, What is the justification for six months probaton?

Mr. Chairman: Mr. McPhail.

Mr. McPhail: Mr. Chairman, it was passed in the previous legislation in this House as six months with an extension. I'm, frankly, I'm not sure of the probatio-nary period in other jurisdictions, the one I came from was a year.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, if Mr. McPhail has the appendixes to the brief that we've received from the Public Service Alliance, he will note that in many of them there is a one month, three months, four months, to an average of about three or four months probation.

Mr. McPhail: Mr. Chairman, if you'll note in the statistics I think they are talking about textile manufacturing, veneer, plywood, et cetera. To be honest we don't have those kinds of employees in the Public Service. It may very well be probationary periods of one month in the textile industry but not in the Civil Service.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, further to the question of the Honourable Member from Pelly River has raised and the answer he has received from it is, I think, did any problems in the evaluation of the person that

couldn't be solved in six months, I think it would be just too fair that the employee should be notified in the first six month period of probation. That either he should pull up his shoestrings or he's not going to get the job. I don't think it will help any at all to extend his probationary period for another six months.

Mr. Chairman: Mr. McPhail.

Mr. McPhail: Mr. Chairman, during the first six months the supervisor must rate the employee. If he is unsure, you know, if there's some doubt about the employee's performance, he has the latitude to extend that probationary period for a further six months. So the maximum the probationary period could be one year. If he extends the probationary period, he could extend it for one month, three months, but not beyond the first six months. If he extends it, it's the trial period both for the employee, so if it's good for the employee probably it's good for the supervisor.

Mr. Chairman: Mr. Berger.

Mr. Berger: Further on this Mr. Chairman, the employee won't be notified until the second trial period of his performance, eh? Is this what I understand?

Mr. Commissioner: Mr. Chairman, that is not correct.

Mr. McPhail: It must be the first, he must be notified in the first six months.

Mr. Commissioner: Mr. Chairman, with respect this is the employee's option. If at the end of the first six months he doesn't like a rating that's he's been given and doesn't want to go along with a further extension of his probationary period, he doesn't have to.

Mr. Chairman: Mr. Berger.

Mr. Berger: Just one further question to this, Would he get his evaluation papers on the day six months are up or could he possibly get them sooner than that?

Mr. McPhail: He must get them within the first six months, Mr. Chairman.

Mr. Chairman: Ms. Millard.

Ms. Millard: Further to this statistics at the back of our brief, it does say that the statistics cover all agreements covering 200 employees or more plus all collective agreements under the jurisdiction of the Canada Labour Code, excluding construction, which I think is a pretty broad analysis of what's going on. Why is it more essential for Territorial Government employees to have a longer probation than people that are covered under the Canada Labour Code?

Mr. Commissioner: Because for a very simple

reason, Mr. Chairman, that once an employee has permanence given to him in the Public Service, his security of tenure is far greater in the Public Service than what it is in working for the Canada Starch Company if I may use that term. I guess I better out of the Votes and Proceedings.

(LAUGHTER)

Mr. Chairman: Mr. McCall.

Mr. McCall: While we're on the subject, Mr. Chairmann I heard the Commissioner mention a moment ago, is that the option of the individual employee. Well that's not what the language says and if that is the case as Mr. Commissioner has pointed out, well it should be part of I would suggest at this point of 117. Now as far as I'm concerned if we are, if the government's intent is to seek individuals of the highest calibre to fulfill said positions within the government administration. I think it would be rather foolish to make a statement as to saying six months probation period is quite adequate, sufficient and quite acceptable to an employee, because if I was applying for a position with the government and that was mentioned to me, I would be catching the next bus out of town. If you're hiring on merit, you don't put six months probationary period.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well Mr. Chairman, with respect, I'm sorry, I must take exception with that because in the Public Service at certain levels, particularly at the higher levels, the managerial levels in the Public Service. It is not possible to have a complete and total cycle of an employee's responsibilities in many instances within a scope of six months time. And those of you here who have worked at the managerial level of the Public Service and there are some of you present here who have, know that it is closer to a year for a complete cycle of the employee's responsibilities, particularly as it applies to budgeting, the program forecasting and the implementation of these things and that is the time it takes.

So with regard to the time element that is concerned, I think that in some levels of employment possibly the comment made by the Councillor from Faro would not an improper appraisal in other levels certainly it is totally unfair to the employee, to say he is to be judged strictly on the basis of six months performance when in actuality it takes many months more than the six months to give him a proper exposure to the complete work cycle that he is responsible for. So there's two sides to it, Mr. Chairman, and I think that the employee is entitled to the benefit that is available to him by having the total exposure that is required on his job.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I might ask Mr. McPhail on the probationary period, I presume there is

no appeal?

Mr. McPhail: That's correct. There's no appeal to adjudication for release on probation for cause, Mr. Chairman.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. Lengerke is first.

Mr. Lengerke: Question for Mr. McPhail. I'm curious on that probationary period as well, and I could have made an observation some-what like the Commissioner did, but I'll ask this. What is the frequency of extending that probationary period? What has been that within the Territorial Government?

Mr. McPhail: I honestly don't know the answer to the question, but from general knowledge, I would say really quite limited. You know, it's not often you extend the probationary period. If you extend the probationary period, you are usually attempting to give the employee additional assistance, to help him out, help him become familiar with the job, to set up guidelines and that kind of thing.

Most people pass a probationary period in the civil service.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Well out of say 1,500, how many have you extended?

Mr. McPhail: Lucky if we extended one.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I have a question for Mr. McPhail. Is there any figures available on how many people are on managerial staff, and how many people are not?

Mr. McPhail: On managerial staff is approximately 100 and confidential approximately 50, and approximately 750 in the bargaining unit.

Mr. Chairman: Mr. Berger?

Mr. Berger: Further to this, Mr. Chairman. It's obvious that the majority of the people are not managerial level. Do you think this wouldn't be just too fair to put the managerial staff on a different type of probation period, do you think it's necessary to extend it to one year, and have all the people in the lower levels exposed to this type of thing?

Mr. McPhail: In terms of consistency, from a practical point of view, I think the probationary period should be standard, from an administrative point of view, and in conjunction with the broad nature of the jobs in the civil service.

Mr. Chairman: Mr. Berger?

Mr. Berger: The thing is that there's quite a few jobs in the Territorial Government. Non-clerical, janitorial, we have labourers, operators, and obviously you can rate an operator the first week he is on the job, if the supervisor is good enough to do this, and that obviously does not need a six months' probation period for that.

Mr. Commissioner: Mr. Chairman, with respect, once that person has been accorded the permanence that he has, once he becomes a permanent appointee in the public service, I don't think there is anything unreasonable at all, as far as his supervisory staff are concerned for that initial six month period. As far as beyond that is concerned, it is an option of the employee if indeed the supervisor feels that there is further time required. This is an option of the employee, and I think that we are tending to suggest that hasty judgement is the proper way to recruit and retain the very best possible people in the public service, and my experience, Mr. Chairman, is that there is nothing unreasonable about this.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, in view of what Mr. McPhail said a few moments ago about, in answer to a question that Mr. Fleming brought up, I'm a little concerned, having no appeal for probationary employees. Then he goes further to reply to another question brought up by Mr. Lengerke, from an administrative point of view.

I have heard the same remarks made to me at a bargaining table, and I made this particular same individual eat his words, because an individual who's on probation period has no security whatsoever, and I would believe that this is what the government intended.

Mr. McPhail: Mr. Chairman, to answer that first part of that question, the Yukon Public Service Staff Relations Ordinance governs the fact that an employee cannot appeal his release to a adjudication or probation. He can grieve up to and including the Commissioner, but he cannot appeal it beyond that point.

With respect to the second question, with a standard probationary period, all appointments, all officers and all employees in the government know what the period of probation is, and when I said it eases administration, really I am talking ease of communication, that everyone has a clear understanding what the period of probation is.

Mr. Chairman: Mrs. Whyard?

Hon. Mr.s. Whyard: Yes, Mr. Chairman, the Honourable Member has far more experience in labour matters than I have. My experience has been limited in this government to dealing with the management level through my office. I see a great dispensation in this

section for management level in the civil service, because you have to take into consideration that you do not in industry, the fact that people in charge of various departments in government come and go. They are politically elected, they may move in and out over a period of one year.

In the department I happen to be responsible for, there have been four in four years coming and going, and they are responsible for assessing senior positions in their own areas.

Now, it is absolutely unfair to suggest that someone who arrives this week is going to do an assessment on a senior government official, whom they've only seen in action for a few days, and that is it's a very useful thing to be able, for the sake of the employee, to extend the probation and give them an opportunity to demonstrate their management ability.

There is another saving clause farther on, which benefits them as well, 120, which points out that if the probation is not confirmed, if they are not confirmed in the position, they have a position open to them at the same level they had before. I would say that this is a protective device for people at that level.

I am in no position to comment how it affects people at the labour end.

Mr. Chairman: Mr. McCall?

Mr. McCall: In answer to the Minister, Mr. Chairman, Section 120, it's quite obvious. The Minister made a remark about four individuals in four years coming and going in a particular position. If they were hired off the street, they have no other position to go to from the Section 120.

As far as the separation, one should consider the amount of employees in the public service and the managerial staff, which we hear at a figure of 100 is a very small portion of the percentage as to 750 employees, which this particular Bill is going to affect. I suggest that when you start making comparisons and consideration, don't use the top level as the generalized description of all the situations that may arise.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I only say that I am speaking from my own experience, as I said earlier, and you are speaking from your own experience.

My final comment on this particular Section would be that I feel it's very important to have the proper and best qualified people in those management levels, because they in turn are handing on the policy to the people under them, and if you have the right policy affecting them it's going to go on right through the civil service.

Mr. Chairman: Mr. McCall?

Mr. McCall: My only answer to that, Mr. Chairman, is

that if everybody is on probationary period, according to this language, you are not going to attract anybody here of the highest calibre.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman. I'm curious in Section 118, the reply given by Mr. McPhail, that an employee has no appeal if he's dismissed during the probationary period for cause. But supposing the employee says there was no cause. Wouldn't that be a matter of adjudication of some kind?

Mr. McPhail: Mr. Chairman, if that's the case, then the matter is raised, yes, and the employer has to demonstrate cause.

Mr. Chairman: To whom, Mr. McPhail?

Mr. McPhail: To the adjudicator if he's called in. The Alliance, if they feel there isn't any cause, they are very quick to -- you know, they want to ensure that we are doing things properly.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, my question regards Section 117. Could Section 117 be used as a disciplinary action type of thing, so that the probation period -- for example, an employee fills their first six months of probation. They go on staff and they are a permanent employee for two years. They don't really shape up; can the deputy head revert them to a probationary period for six months?

Mr. McPhail: No. Mr. Chairman, once you pass the probationary period in the civil service, that's it, unless you are repromoted.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: The wording in 117 doesn't clarify that, though, does it, that it has to be a concurrent extension after the first probationary period?

Mr. Legal Advisor: Mr. Chairman, the language reproduced, in my respectful opinion, it has always been so understood and no-one has ever contested it, that the two periods we are talking about must be consecutive and the extension must occur before the end of the first six months' period. It cannot be done afterwards. It's been held to be an improper extension that the employee has been confirmed.

Furthermore, they automatically, if the employee is not rejected, he is deemed to be permanent if he passes the six month point, because it's too late for rejection. The mechanism operation and too late for an extension.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I was more or less confused as to just

who we're speaking of here. I would like to ask Mr. McPhail, is this probation period new employees, and is this probation period also for old employees, being reclassified?

Mr. McPhail: Mr. Chairman, it's for all new employees appointed to the civil service and for all present employees who are promoted on an internal competition within the government or an open competition. If you're promoted, you must serve a new probationary period, not reclassified.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Supplement to that question, just a remark, I guess.

Under the six months under 117, and extend the probationary period, I myself as an employee many times, not only for the government but in many other places, find that in that area there it explains what the government or what the Board can do if they wish to do it. But I'm going to give you an example of a person that is on a job and is really needed on the job, that would be a new employee especially, putting in that first six months, and then they decide that they don't really think he's qualified, but they need him for another six months, because they don't have anybody to fill that vacancy right away. I can see whereas they could more or less play games with him for another month or two or three or four, just to keep him on the job.

Now, he has the right to quit, I know this; anybody has, but if he don't know what's really going on I can see that being used by the government. I don't care for that 117 at all.

Mr. Chairman: Mr. McPhail?

Mr. McPhail: Mr. Chairman, generally speaking, employees have a fairly good understanding of whether they are doing a proper job. They know, and if the employer is going to extend the probationary period, the employer must give reasons. He can't just extend it on a whim; he's got to do an official rating that comes to us. And if the employee's not happy about that rating, the employee will go to his union.

Mr. Chairman: Ms. Millard?

Ms. Millard: I'm curious about what happens in the federal service. What is the length of probation in the federal service, and do they have a second probation on promotion?

Mr. McPhail: Frankly, I do not know, Mr. Chairman.

Ms. Millard: Mr. Chairman, is there any consideration of reducing the probation once the person is in a permanent position, and then gone into a promotion? Has there been any consideration of the necessity of reducing it to, say, three months or two months, especially on a promotion? Is there any consideration at all?

Mr. Chairman: I think Mr. McIntyre might be able to shed light on your question regarding the federal civil service.

Mr. McIntyre: Yes, Mr. Chairman. Although it may have changed. When I was a manager in the federal civil service, the probationary period was six months and, speaking of the manager, it was usually granted to employees who were not particularly efficient in order to save their jobs and give them a chance to improve themselves so they could get the jobs. It was never used to hold somebody with the object of firing them at the end of the second probation period.

Mr. McPhail: The answer to the last question, Mr. Chairman, is no.

Mr. Chairman: Ms. Millard?

Ms. Millard: Could we have the reasons why it's never been considered? Is there some absolute that makes it necessary for a second probationary period? This is the section that really bothers me, is the probation after having been, say, on the job for five years and then being promoted, to go to a second probation. Where, if he fails that probation, he's no longer an employee, and it really is—

Mr. Chairman: Mr. Commissioner?

Mr. Commissioner: Well, Mr. Chairman, with respect, the second probation in my estimation is far more important than the first one because, let's face up to it, we are under not exactly pressures but we are being encouraged to promote from within the service, and personally I'm a very strong supporter of it.

But the fact remains that an individual doing a very competent job at the present level of responsibility that he or she is exercising is no guarantee that when they get that jump up the ladder that they are going to be able to perform with the same level of effectiveness. And if that second probation, or the probation upon promotion, is an absolutely vital element in the ability or the continued ability of this employer to heed the requests that we are continuously getting from Council, from the staff association and from our own employees, that we promote from within wherever possible and practical.

If promotion doesn't infer a further period of probation, I am afraid that the whole internal workings of attempting to promote them within would fall flat because the supervisor or the managerial people higher up level without that ability, without that protection with regard to their ability to assess the individual in a new position, they would be very, very reluctant to accept people on the basis of internal promotion.

Mr. Chairman: Ms. Millard?

Ms. Millard: Just a supplementary to that. In Section 120 it states that a person who is on that secondary probation and then fails is entitled for a period of one

year from the date of his rejection to be reappointed to a position at the same class level, et cetera.

I would like some clarification on that. What does entitled mean? Does that actually mean that the person has -- will not be fired at all, that he has every right to go back to his first position, and does say only for a period of a year that he can work at that former position, or does it mean during that year he can be either fired or put back to that position, according to the whims of the Commission?

Mr. McPhail: No, Mr. Chairman, if the employee was promoted and cannot successfully pass the probationary period and, assuming that his prior position was filled which is a good probability, what we are saying is if that previous position was vacant, we would put him back in his former position, or we would attempt to put him at an equivalent position within the civil service, if one was vacant.

If one was not vacant, what we are saying is that, for a period of a year, we will give prior consideration to bringing that individual back into the civil service at a position that he had prior to promotion.

Mr. Chairman: Ms. Millard?

Ms. Millard: I might just point out that it doesn't say "or equivalent position".

Mr. McPhail: Oh, it does. Same class level, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I just about lost my train of thought.

I want to go back to 118 again and to the question the Honourable Member from Mayo asked Mr. McPhail: they reject the employee for cause by written notice, and the answer he received from Mr. McPhail was that the Alliance can represent the person. There is such a concern around this table about managerial staff. Managerial staff does not belong to the Alliance. What right does the managerial person have?

Mr. McPhail: Mr. Chairman, a manager has the right to go to adjudication. If there is -- Mr. McIntyre's question was, what if there was no cause. If there's no cause, then obviously if he was dismissed and he felt there was no cause, he would either appeal it to the Commissioner, or I am sure that he would end up getting a lawyer and he would be seeing Mr. O'Donoghue.

Mr. Chairman: Mr. Berger.

Mr. Berger: Well it doesn't say this in here. It says under Section 119 'An employee who has been rejected under section 118 ceases to be an employee on the termination date mentioned in the notice.' It doesn't say that he has any right of appeal.

Mr. McPhail: No it's covered under the Yukon Public Service Staff Relations Ordinance, Mr. Chairman.

Mr. Chairman: Mr. McCall.

Mr. McCall: Yes, Mr. Chairman, I'd like to go back to what I was discussing before. Some of the explanations that Mr. McPhail is giving us, I don't think is totally right. This for cause termination, for instance, there is no method of appeal from what we understand.

Mr. McPhail: Mr. Chairman, I think the question was put to me if there was no cause. If there's cause, then the employee cannot appeal it to adjudication in the other Ordinance. But the question that Mr. McIntyre put before me was what if there was no cause.

Mr. Chairman: Mr. McCall.

Mr. McCall: Okay, Mr. Chairman. I'd like to go into an example and I'd like to get down to a level that I understand. For instance, if a labourer was employed by the government, he was on probation. No, there is a classification for labourer. He's on a probationary period and that probationary period gets extended for some unknown reason, that would mean a full year. Keeping in mind that there is no security. If this man decides, or this person decides to move, elect to move to a higher competitive job like a heavy equipment operator. He goes through a same situation, another six months probationary period with an extension which has to be considered. So he's worked for the government for two years without security. Why?

Mr. McPhail: Well, Mr. Chairman my only answer is obviously it must be based on the employees performance. But if we promoted him, obviously I would have to assume that he had demonstrated some confidence to get from a labourer to a heavy equipment operator, it would only be extended Mr. Chairman, for sufficient reasons, you know, if you're going to extend a probationary period you must indicate the reasons why. You don't extend it because you don't like the fellow's color of his hair.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: With respect, Mr. Chairman, the theoretical situation which I enjoyed from the Honourable Member from Faro here, could carry on at infinitum. I wouldn't be at all surprised if probably we looked at the history of employment here in the Territorial Government, we may find that people have gone for several years, moving upward, ever onward and upward in the hierarchy they might have even got elected to the Territorial Council at some point in time and lost all their security. But it would be theoretically impossible that they would never have any security as they took the opportunities of participating in internal competitions and by their competence and the respect that they had gained from their supervisors continued

to get promotions within the government. This is very highly possible, Mr. Chairman.

Mr. Chairman: Mr. McCall.

Mr. McCall: Yes, Mr. chairman, but highly unnecessary.

Mr. commissioner: But still possible if I may say, Mr. Chairman.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. Mc. Kinnon: Thank you Mr. Chairman. I'm a little disturbed with the way the comments have been going, from both the people who are defending this Ordinance and the people who have been attacking us. And we seem to have got into the adversary role that it's us against them or the employer against the employee. I've heard over and over again from the Commissioner defending the Ordinance and Mr. McPhail and from people attacking it, that there's two sides to this question putting the adversary type of employer against employee relationship.

Well maybe I'm a little old fashioned, more even than I thought of, maybe I'm still a little naive, but I think, that the most important side of the total Ordinance has been completely ignored in the debate so far and that's the public of the Yukon Territory. As I say I'm naive enough to think that the Public Service are paid by the taxpayers of the Yukon to serve the public of the Yukon. I find it appalling and I know what the result would be if the Department of Local Government, because I've seen the reaction from the seven members from outside the Whitehorse area. When we loose inspectors or local government advisors upon the public of the Yukon, without them having a thorough knowledge of the rules, the regulation, the Ordinances and a background in the people of the Yukon Territory.

If anybody here can tell me that that doesn't take at least six months to become minimally competent in, then you don't know, or know the Yukon a lot better than I do because I've been here twenty years and I learn something new about the Yukon every day that I remain here. I can just hear the hues and the cries and the bellyaching if probationary periods for non-managerial staff, which inspectors are, were loose upon the public of the Yukon without a proper probationary period and local government advisors the same way. So I'm just talking for my department, I'm sure every other department can present the same case.

So let's look one step beyond this adversary type of attack and defence of this piece of legislation, the public of the Yukon has, up to this point in time in debate, has been completely forgotten. I'm telling you here's one member of this Assembly who is thinking primarily of the results upon the public of the Yukon and not whether it's to the administrative advantage of the employer, or whether it's to the administrative advantage of the employer, or whether it's for the advantage of the employee. A normal adversary type relationship of labour

versus management does not apply across the board when you're dealing with the Public Service of any federal, provincial or territorial jurisdiction, because it's the public of the Yukon, the taxpayer of the Yukon who has to be of primary concern and the one who has to be served.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I think the Honourable Minister got carried away.

I have no comment about the probationary period, I am merely asking questions to find out about the probationary period, and I don't really like the extended six months. However, I have another problem in 120 where it says that an employee with not less than five years' continuous service in the public service of the Territory, and who is appointed to a different position on probation, and is later rejected during or at the end of his probationary period, is at the discretion of the Commission entitled for a period of one year from the date of his rejection to be reappointed to a position at the same class level as the position he occupied prior to the probationary appointment.

Now, I would like to know what if, at their discretion, they decide that he is not going to be there. In other words, they are firing somebody, you might say, after reclassifying that person to a different job, feeling that he was competent to do that job, then they decide to reject him, and I think back further here, I understood that they would put that person back to that class that he had originally.

This paragraph reads that at their discretion they can do away with him entirely and he has one whole year, he has a year or he is entitled for a period of one year, to be reappointed. He is entitled the year, he can sit for a year - he is not going to sit there, naturally, and wait a year to be reappointed to a job if he hasn't got no job at all and that's the way that reads to me, that he may not have a job at all. If he has no appeal, too, I think he's in a pretty bad position.

I'm not an adversary of this paper or the government or the employee or anybody else, I'm just in the middle. I would like to know the answers.

Mr. Chairman: Mr. McCall, or Mr. McPhail?

Mr. McPhail: I thought I had already answered that, but to clarify it again, Mr. Chairman, if the employee's previous position was vacant following his promotion, and he was released on probation and his position was vacant, he would get very serious consideration to occupying his former position. If the positions are filled at that level, obviously the employer cannot offer him, guarantee him a position, because there is just not a position available.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, I was hoping the Minister would be here, Mr. Chairman, or he might comment. I disagree

with what his comments were. I think the Minister himself is losing sight of the fact that the Bill in its present form is very arbitrary.

The suggestions about, or his comments on the inspectors, for instance, or for example, about having time during the probationary period to familiarize themselves with the specific job, well maybe we should consider changing the six months' probationary period to six months' training period. That might be far more suitable, because if we are hiring individuals that are not familiar with the job as an inspector, you might as well go into a training period.

The other comment the Minister made on the intent behind this Bill, well, I'm assuming that the intent behind this Bill is not to create good labour relations, just to increase bad labour relations.

Mr. Chairman: Mr. Berger?

Mr. Berger: But what he overlooked in his statement was that the public in this particular case is the employer, and if you have proper labour relations, the public and the taxpayer in this particular case are going to get the proper jobs done. Happy people work much better, but under those proposed legislation, nobody is going to work happy, because they are going to feel suppressed, they are going to feel insecure, and the taxpayer is not going to get his money.

So I think if the Honourable Minister is really concerned about the taxpayer, I think he should make sure that better looking legislation comes before this House.

Hon. Mr. McKinnon: Mr. Speaker?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I can only go to the background that I have had in dealing with employees as an employer at the managerial level.

Mr. Chairman, there is no doubt in my mind that the employee that came under the management of any company that I have been involved with felt secure, they felt that they had input into the policy making of that company, and I think without a doubt that they considered themselves happy employees.

I think that the same attempt will be made by this member to ensure that the Public Service of the Territory have the same input, have the same rights, and be happy employees doing a constructive job.

I can only say that the policies that were initiated, which were unique and sometimes novel, by myself at the management level in private enterprise, I would like to see more of these types of innovative procedures also developed at the Territorial level. So I cannot accept what I consider to be pretty unwarranted and almost unfounded charges considering the background that I have had in employee relations and managership up until this point in time, and the only thing that I can stand on when I run for public office, or when I defend myself, is my record, and I don't think that it's all that bad.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: The House is not open for amendments now, is it, Mr. Chairman?

Mr. Chairman: No.

Mr. Fleming: Thank you.

Mr. Ckigman: One twenty-two:

(reads Clause 122)

One twenty-three:

(Reads Clause 123)

Mr. Berger?

Mr. Berger: Just a question. The whole thing relates back to the same thing we talked about in the past few minutes here. Take the case of a person applying, outside the civil service applying for a position in the civil service. He's going to be put on a six months' probationary period. What protection does this person have? He doesn't belong to any bargaining agent, because he doesn't belong to the civil service. What protection does this person have? Does he receive the same treatment as a casual?

Mr. Chairman: Mr. McPhail?

Mr. McPhail: Mr. Chairman, if I understood the question, I could be correct, I thought that Mr. Berger said if someone came from outside the civil service and was appointed to a position --

Mr. Berger: Applied.

Mr. McPhail: -- applied on a position, if he applied on a position and was eventually appointed to that position, he's appointed and he serves a probationary period. From day one he's a permanent civil servant. If he passes his probationary period, he's there, I suppose indefinitely until he decides to terminate.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I don't know who might answer this question in regard to 123, and I would ask I guess Mr. Commissioner, how many now in the employ of the government would this 65 years affect anyway?

Mr. Commissioner: Well I think, Mr. Chairman, if I understand the question, is how many people over 65 do we have in the permanent employ of the Government of the Yukon Territory at the present time? I am personally not aware of any, perhaps Mr. McPhail may be aware of someone, but I'm not aware of any, Mr. Chairman.

Mr. McPhail: I'm not aware of any, Mr. Chairman.

Mr. Charman: Retirement. 124:

(Reads Clause 124)

One twenty-five:

(Reads Clause 125)

One twenty-six:

(Reads Clause 126)

One twenty-seven:

(Reads Clause 127)

One twenty-eight:

(Reads Clause 128)

Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, There seems to be a little bit of contradiction here, I'm seeking a clarification. 123, 125, If an individual is kept on another five years, are we to assume that this individual also has no security?

Mr. McPhail: Mr. Chairman, 123 talks about a first appointment to a permanent position in the civil service. No one over the age of 65 is eligible for appointment to a permanent position.

One twenty-five talks about the very rare occasions that an employee's service, a present employee in the civil service in a permanent position whose service may be extended, Mr. Chairman.

Mr. Chairman: Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, with respect, I would like to give you an example of where this conceivably occurs. We possibly employ an individual say immediately after their 60th birthday, and in order to get five years of continuous service to qualify for five years of pension benefits, they need an extension of maybe six months after their 65th birthday, and this is the kind of a thing that 125 is used for, and there is a section in our present Ordinance and this is used.

In fact, I remember one situation here, I don't think it was any more than a year ago or so, that it was used in connection with an employee at one of the health care institutions that comes under Mrs. Whyard's jurisdictions, and that is the type of thing that we are really talking about.

Mr. Chairman: Ms. Millard?

Ms. Millard: I'm interested in the Sections 126, 127 and 128, which I find totally discriminatory. I wonder

what protection the individual has against abuse, apart from the regular grievance procedure. Is there any documentation that's required from a couple of doctors to say that the person is too ill to carry on in his employment? Also, if all that's needed is a notice that he is fired on the effective date contained in the notice, is there no time limit to that or anything? I find it terrible.

Mr. Chairman: Mr. McPhail?

Mr. McPhail: Mr. Chairman, every employee in the civil service earns a 15-day sick leave accumulative and before any employee is released on ill health he must use up all his accumulative and unearned sick leave. So, for example, if we're talking about an employee with 10 years of service, it's possible that he may have 130 days' sick leave. He'd be on paid full leave for 130 working days, and our policy then states that he's eligible to go on leave of absence without pay for a further six months, or alternatively he may qualify for disability insurance and, if he's acceptable, he ends up receiving 70 percent of his salary. So, to answer to the Member's question, the employer just unilaterally doesn't say to an employee you're retired for ill health or you're fired for ill health. We have a long history of getting documentation, doctors' certificates, doctors' information when there's a question of rehabilitation, et cetera, period.

Mr. Chairman: Ms. Millard.

Ms. Millard: Could this section and has this section been used for employees who may be alcoholic?

Mr. McPhail: No, Mr. Chairman.

Mr. Chairman: Ms. Millard.

Ms. Millard: Just a further to my first question, has any consideration been given to changing this section to read that they must go through sick leave and leave without pay and all the other processes or is this just presumed because of the Public Service Relations Ordinance.

Mr. McPhail: It's automatically required that they use their sick leave, Mr. Chairman.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, I'd like further clarification on the last part of 128. An explanation as to what you're implying there.

Mr. McPhail: Mr. Chairman, we have employees who have been retired for ill Health or, sorry, I should say retired for ill -- okay, one. We've had employees who qualified for disability insurance. As a result they have resigned from the Public Service. They may be age 58. A year later, through successful medical operations, they're seeking employment because they've had

perhaps a history of good, a good employment record, we've attempted to hire them back.

This means that they are in receipt of a pension; their pension stops, they're re-employed and we have cases where we have done that. That's to allow us to consider these people.

Mr. Chairman: Resignations: One twenty-nine (one):

(Reads Clause 129(1))

Mr. Chairman: One thirty (one):

(Reads Clause 130(1))

Mr. Chairman: One thirty (two):

(Reads Clause 130(2))

Mr. Chairman: One thirty-one:

(Reads Clause 131)

Mr. Chairman: One thirty-two (one):

(Reads Clause 132(1))

Mr. Chairman: One thirty-three (one):

(Reads Clause 133(1))

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman. 131. I'm surprised this language was even presented because an oral resignation is not even worth the paper it's written on.

I would expect the administration could come up with a little better language than this.

Mr. Legal Advisor: Mr. Chairman, it's not clear whether the Honourable Member is talking about the language or the intent. As I understand it, orally means in spoken words. Verbally means by the use of words, either written or spoken. So, so far as the drafting is concerned, I think it's impeccable.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. Maybe the Legal Advisor sat in court at the time he drafted this piece of language up, because as I said an oral resignation isn't worth the paper it's written on. And the intent behind that language is blankety-blank as far as I am concerned.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, as I understand this Section, especially Section 131, a person could, in an argument with their deputy head, with no witnesses, say "I

quit" and walk out of the office, have no appeal and there is no adjudication. If the deputy head or director wants to sit down and write a letter to that employee immediately afterwards and say, okay, fine, I accept your oral resignation. I really find that -- if I understand that correctly, I'd like to know.

Mr. Chairman: Mr. McPhail?

Mr. McPhail: Mr. Chairman, two or three times per year we have employees, particularly outside of Whitehorse, who orally resign. They have no intention of abandoning their position; they are requested by the road foreman or the supervisor to put their resignation in writing. The individuals have said no and they make it very clear. They said, now I am not being dishonest, I intend to resign on June 28th at 5:00 p.m. and so we write it out for him and ask him to sign it. His answer is no, he's resigning, there's sufficient notification, he's going elsewhere. He's being very positive about it, but he doesn't wish to put it in writing.

So, sure enough, June 28th at 5:00 p.m. the individual has resigned and he's gone. But he hasn't abandoned his job; he's given the government notice, he just does not wish to put it in writing, so we had to have some mechanism confirming the resignation or documentation, for superannuation, for everything else.

Mr. Chairman: Ms. Millard?

Ms. Millard: Oh, I'm certain that the administration has many cases where these elements are involved and that it's a good thing to have it, but at the same time I think, when it opens it to abuse, there should be some kind of right of the employee to at least adjudication. I really find the last section totally unacceptable - the decision of the Public Service Commissioner shall be final and binding and shall not be subject to adjudication.

I don't see why that should even be there, if you are really considering the employees.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman. The witness answered Ms. Millard's question a little backwards, and it always seems to me that he seems to be flipping the other side of the coin as far as explaining the situation.

An example that I -- not actually stated, where this can be abused quite considerably, is an example that happened to me as a representative to an individual, where the foreman had stated that the individual had quit after a heated argument. In essence, that's what he said; he verbally said he quit; in essence he hadn't quit. The foreman concerned tried to make it stick, and there's no way.

But the point is that this language is wide open for that to be abused, which I'm concerned about. That is completely unfair as far as language.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: In such a situation, would not, if the employee was aggrieved and felt that he was misunderstood, would he not immediately go beyond the foreman to the superintendent and make his point clear and the matter be resolved?

I mean, there's obviously process here. I can't buy the argument that was just presented by the Honourable Member.

Mr. Chairman: Mr. McPhail?

Mr. McPhail: I would have to say, Mr. Chairman, that I think Mr. Taylor's remarks are very factual.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Well, Mr. Chairman, I was just seeking some information because I'm not well enough informed about the repercussions of this particular aspect. If you say, I'm not quitting but I won't be here as of June the 15th, you know, this indicates to me that you want to be released from that position but the onus would not be on you. Has this got something to do with unemployment insurance?

Mr. McPhail: Perhaps.

Mr. Commissioner: Mr. Chairman, with respect, the motivation of the individual concerned is something that we would not attempt to define at this time.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Thank you, Mr. Chairman. I'm also concerned, because I don't think it really needs to be in here. I don't think that this "orally notifies" means anything. I have to agree with the Honourable Member from Pelly. Because it doesn't mean anything.

If I am the deputy head and I am on the job today and he or you says to me, I'm quitting, that's fine, I can take that and give him a written notice, then he can accept it. But in the same token I can say, and I'm not suspicious of everyone but I believe the thing should be written out exactly the way they can be, I can say the man did give me an oral doing the other day, so there he goes.

You know, this is giving a hole for somebody to do whatever he wishes to do and I don't think it should be, and I don't think it's even necessary because he's going to get a written notice anyhow before anything comes, except an argument, so why not have the written notice only and never mind this oral submission at all. I don't see any sense in it in there.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, an awkward situation is created of an oral resignation or even an oral firing. It can be created. If you say to a man in a mine, go and take your shower, does that mean he's dismissed

for the day or he's just told to clean up? An argument gets into court as to what are the meanings of these words.

If the person says I did not resign, he'd be able to get, notwithstanding anything that we put in this Ordinance, he'd be able to get to the courts to prove his point. He'd be able to say I said something, it could be French or English or was a joke or something. The question is the intention. But from the government's point of view, in order to start the process going to give the man his pay, then they've got to have a fixed date, if that's at all possible. But the person won't write down I quit and he won't sign it. So they're only procedural questions to deal with awkward situations which very seldom occur. They are not intended in that way to be oppressive.

Mr. Chairman: Mr. McCall.

Mr. McCall: Mr. Chairman, I've got to differ with the Legal Advisor's comment. I have seen cases where management has even perjured itself on the stand at an arbitration hearing when they have heard a verbal statement made by an employee. Cases have been lost because of that. Where one word against another, orally, has been taken at a hearing. And you are saying we should also consider that and allow that to apply in the government administration of this Bill. I say no way.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I think that we're missing a very important point here. If a person resigns orally and he, as Mr. McPhail explained, he gave his two weeks' notice and whatever, and he's gone at 5 o'clock on June the 30th, he's not there any longer. Then if we don't put this into the Ordinance, we have to, I would assume, and correct me if I'm wrong Mr. McPhail, we would have to assume that he had abandoned that position. So therefore, if he came back to the Y.T.G. for another job, we wouldn't be able to give him one. And with-- I mean, it would definitely be taken into account, let's put it that way. Is that not correct?

Mr. McPhail: In the particular case, Mr. Chairman, there would be a letter on the employee's file saying that he had abandoned his position when the employee, frankly, had no intention and did not abandon his position.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: But, Mr. Chairman, it would definitely have an effect on whether or not he was re-hired.

Mr. McPhail: That's right. Well, it's on his file and someone would certainly have to inquire.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: With respect to, Mr. Chairman, the employee in this verbal exchange wants to set into

motion a whole series of things that have to do with his pay, his terminal pay, and a whole series of other things. With due respect to the approach that the Member from Faro has taken, and I don't disagree with what his last statement was, that these things can happen.

The facts of the matter are that there may be a whole series of reasons in which an employee does not want to state his intent in writing, but is quite prepared to give his intent verbally. And surely to goodness it is only right that we should be in some kind of a position to acknowledge that verbal intent and give that employee, as a consequence of that verbal intent, the opportunity or, as his employer, setting in motion the wheels to make it possible for him to secure those things which accrue to him or would accrue to him upon the day that he wants to be terminated so that he can do as he so pleases at that particular time.

Now, there has to be a mechanism to permit this to happen, Mr. Chairman.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, in view of what Mr. Commissioner has just stated: I don't want to be a party of any piece of legislation that's going to put the government in a position where they're going to be sat in court discussing this piece of legislation because of verbal commitments on either side. If the intent behind this piece of legislation is to avoid these sort of circumstances or keep them to the minimum, it would be rather foolish to have that type of language in there in the first place.

Hon. Mrs. Whyard: Sorry, just one quick question.

Mr. Chairman: Yes, Mr. Whyard?

Hon. Mrs. Whyard: Section 131. At the top of 29, the resignation, this oral resignation, shall be effective upon written acceptance by the deputy head or the unit head. Could I ask Mr. McPhail to explain whether a copy of that written acceptance would be sent to the employee who gave the verbal resignation?

Mr. McPhail: The original goes to the individual, and a copy goes to Personnel.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, in view of what the Minister just said and the Minister of Education made a point along the same lines, if you read 133, sub 2, that covers all that type of thing. You don't need double language in there.

Mr. Chairman: Committee stands recessed until 1:30 this afternoon.

(RECESS)

Mr. Chairman: I will now call this Committee to order. Part IX, Transfer.

One thirty-four (1):

(Reads Clause 134 (1))

One Thirty-five:

(Reads Clause 135)

One thirty-six:

(Reads Clause 136)

One thirty-seven:

(Reads Clause 137)

Ms. Millard?

Ms. Millard: Mr. Chairman, I'm curious to see again how this -- these sections cannot be abused, where a deputy head wants to transfer somebody, knowing that the transfer will be refused, and using that refusal as an excuse to fire the person. Is there any recourse of the employee to grievance in this for a transfer?

Mr. McPhail: In terms of adjudication, no, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. I'm really curious about Section 137. What I can't understand is why the employer wants to have the power to transfer people from one town to another one, and why does it have to put the employee in a position that he has to agree to the whole thing and go to an adjudicator. Why isn't the emphasis laid more on better public relations, better labour relations, instead of having to go through all sorts of proceedings and lower the morality of the work force?

Mr. McPhail: Mr. Chairman, I think from a practical point of view, at least with my experience in terms of transfer, most transfers are acceptable to the employee, and in many cases -- or in some cases the employees are requesting the transfer and asking management to agree.

Mr. Chairman: Mr. Berger?

Mr. Berger: It doesn't say that. It doesn't say it in here, this is what I am concerned with, it is really a matter of concern that the statement is not in writing --

The whole thing is that this Section could be really abused, without the approval of the employee. The employee in an outlying area could have a house there, he could have all sorts of things there and all of a sudden his department head comes around and says you're trans-

ferred, you're gone.

Mr. McPhail: Mr. Chairman, if the employee had a house and we transferred the employee, as you know, we are prepared to buy the employee's house.

Mr. Chairman: Mr. Berger.

Mr. Berger: This is not the point. The whole point is that the power is in here, it's laid out that the head can transfer the employee without his consultation.

Mr. McPhail: That's correct, Mr. Chairman, and it's from an operational view point. That the employer must, if he has, to would like to retain the right to transfer employees. But from the practical point of view, you try not to transfer employees who don't want transfers.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I always hear from operations view point. I never heard anybody mention the human view point, aren't the employees working for the Territorial Government human?

Mr. Chairman: Ms. Millard.

Ms. Millard: I'm interested in Section 137, where it says that the Public Service Commissioner may transfer an employee from one work location to another location or from one position to another position in the Public Service, with the approval of the Deputy Head. Isn't that reclassification without any discussion?

Mr. McPhail: No, Mr. Chairman, that's why it talks about one position to another in the same class.

Ms. Millard: It does not say within the class. It just says from one position to another position in Public Service.

Mr. McPhail: My apologies, Mr. Chairman, that's correct. The Public Service Commissioner couldn't arbitrarily transfer an employee from one position to another position of a higher level because that would be a promotion.

Ms. Millard: Mr. Chairman, I'm not concerned about them being transferred from a lower level to a higher, but the opposite. And here is what it says, that it can be changed from one position to another. I would like to see some consideration being given to putting, at least defining it down to within the same classification.

Mr. McPhail: I think that's a fair statement, it should be.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I can't understand why that is necessary, I can see from one work location to

another work location, but from one position to another, I think maybe, we should have a more thorough explanation of the requirements of that section

Mr. McPhail: Mr. Chairman what happens, employees come to personnel, they may have, for example, worked two or three years. They would like a transfer to another area, perhaps the reasons for the transfer they're prepared to disclose to personnel, but they're not prepared to have the issue raised in the department. They have confidentially requested a transfer, if we see an opening in another department, we can approach the other department and say we're got an employee with a good record of service who for a number of reasons would like a transfer. She's put her name on the transfer list, she's eligible and I would like to with your concurrence transfer the employee.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I would hope that we look at the brief the P.S.A. has offered us here, and that before we do finish this piece of legislation here, that we do adopt some of the things that they have asked in here, which in this particular area can be a transfer but with a request and possibly the employee, and not all just the other way. I am concerned about 137 because, I find in here, and I found it back farther but we didn't get a chance to talk about it, other areas the same thing, where there just is no choice for anybody, you do just whatever, hopefully, the government wants to do.

Hon. Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: I would like to ask a question here. What would the Honourable Member suggest if the job has terminated and there's another job in another centre. What do you suggest, the government carrying on with that job, if the job has come to an end?

Mr. Berger: Mr. Chairman?

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, it does not say this in the article on this particular section. The whole thing is when it comes to this particular point, then you would assume the employer would talk with the employee about the possibility and the need of the transfer.

But this particular section gives the whole power to the employer, and completely ignores the human factor of people in the public service.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I'm interested in the remarks of Honourable Members, and I admit, I have some difficulty with this section too, and I would like to know the way around in both the P.S.A.C. for

certain reasons is unacceptable to me, because I could see like a company I used to work for, a Crown Corporation, CNT where because of technology, they started closing the repeater stations along the way.

Now, if you had the employees voluntarily agree to a transfer, would that take care of the position where the position in that community was being abolished, that the employee, if he didn't voluntarily accept to go, that the government would have to maintain him in that area?

Mr. Berger: Mr. Chairman, the answer to this thing, all I am asking is the courtesy of the employer to talk to the employee, and this section does not give that courtesy, because the employee could possibly have the alternative of quitting, or maybe has another job position to go to. But at least have the courtesy to treat the people as people, not as numbers.

Mr. Chairman: Mr. McPhail?

Mr. McPhail: With all due respect, before a transfer is made, the employee is aware that the employer intends to transfer the employee, and normally a long notice is given. It's not just suddenly today you are on a long distance phone call and Charlie, you're transferred.

Mr. Chairman: Mr. Berger?

Mr. Berger: It does not say this in 137.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman. It seems to me that this is one of the points that was at issue when the School Ordinance was being revised, and that the teachers raised the same objections and they won their case, that there should be no transfers, not even within a district from one school to another, and I don't think that we can do any less for the rest of the public servants than we did for the teachers.

Mr. McPhail: I don't think that's quite correct, Mr. Chairman. I believe that frankly transfer was never really appropriately dealt with in that Ordinance.

Mr. Chairman: Part X, Suspension and Dismissal. One thirty-eight:
(Reads Clause 138)
Ms. Millard?

Ms. Millard: Mr. Chairman, I thoroughly object to Section (d) where it says where the employee is charged with a criminal offence. It does not say that he has been found guilty of a criminal offence, he may have been wrongly charged. Is there no recourse for the person who is found not guilty?

Mr. Chairman: Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, with respect, you have to read the whole thing and it says "the circumstances thereby created render it inadvisable for him to continue his duties". You have to read the whole thing, you can't just stop at one particular point.

Ms. Millard: With due respect, Mr. Chairman, I feel that the circumstances created by a simple charge, which may be found not guilty in a court of law, should not have any imposition on a man's employment, persons's employment.

Mr. Commissioner: I would refer you to the Staff Association Brief in which it was clearly indicated, I think the statement was it would hardly seem practical that someone who was under a charge, say a drug charge or something of this nature would be left with the key to the hospital supply of drugs.

Mr. Chairman: Suspension by Unit Head. Mr. Berger.

Mr. Berger: But it also says in the brief that the Deputy Head or the unit head can use his head on this particular instance too. And in all cases it doesn't have to apply to drug charges. There's maybe a traffic charge against the person, which could be a criminal offence and because of something like this the government has the right with this section to dismiss this person.

Mr. Legal Advisor: Mr. Chairman, this is a preliminary section. He can suspend, dismiss an employee for so and so and so, but there's no question that if a person is convicted of a charge he would be dismissed merely because the charge is laid. The basis power must remain effectively to remove him of his duties, if he's found guilty, then of course he goes back and, of course, gets full pay for the period within which he was not working.

Mr. Chairman: Mr. Berger.

Mr. Berger: Well if this is the case I can't see why we have to spell it out in so many sections.

Mr. Legal Advisor: It depends on the particular case, it may or may not be a work related case. But if for example a person was charged with an offence which results in the suspension of their license for a period of six months or a year, and driving was part of their work, they were a truck driver or something. It might render dismissal obligatory, it might, but it must be a work related offence or something to cause say, supposing a lawyer was charged with fraud and he's employed by the government, if a doctor is charged with malpractice. Even though not in a government related position you may have to dismiss him. There's a number of these cases which arise but the simple cases which didn't cause any work related problem, probably would not result in dismissal.

Mr. Chairman: Mr. Berger.

Mr. Berger: Supplementary question I would like to get a legal definition of the word unsatisfactory.

Mr. Legal Advisor: Mr. Chairman we've got to finish the Bill within a reasonable period. The definition would be so exhausted to try and exhaust it, it's chosen as a word which is capable of a number of meanings. All of which everybody here with respect, Mr. Chairman probably understands.

Mr. Berger: Mr. Chairman, this is the reason I asked for it, because it also could be interpreted by a department head or unit head in so many ways.

Mr. Legal Advisor: Yes, Mr. Chairman, but this group of sections goes to an independent adjudicator who decides as a matter of law what the position is. There is a rather quick method in this Ordinance as opposed to last one of getting fairly straight forward to an adjudicator. So it's cited as a matter of law and you know. I can see one Honourable Member looking at me and he knows that the books that contains definitions of unsatisfactory conduct for dismissal of cases would fill 12 feet of an average man's library.

Mr. Chairman: Mr. Berger.

Mr. Berger: With all due respect to the Legal Advisor, I cannot see why we need all those sections in here, because if there's so many definitions of one particular word, why do we need all those things in there. I think that if we make one sentence in there, that employee could be dismissed with cause and it would resolve the whole problem.

Mr. Legal Advisor: Mr. Chairman, the brief made that point and the Honourable Member makes the point and it's a perfectly sound point. One sentence would do it. But then it would take a lawyer then, each time to construe what was meant by the sentence. We drafted it in this way so that it makes it reasonably clear why a person can be suspended or dismissed for misconduct and neglected duties, incapacity for unsatisfactorily performing his duties and for committing a criminal offence. This is to spell it out rather than to just leave it.

Mr. Chairman: Mr. Berger.

Mr. Berger: Again Mr. Chairman, with all due respect to Mr. Legal Advisor, I think that under those circumstances he has before us it takes a Philadelphia lawyer to figure this thing out.

Mr. Chairman: Suspension by Unit Head.
Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I just was going to say that Section 138 as proposed in the brief, if this Ordinance had come in, saying a deputy head may dis-

cipline or dismiss an employee for cause, we would have had members on their feet screaming here that this was an injustice and who is going to determine what the cause is?

I see no -- I beg your pardon, Mr. Chairman. I see absolutely no agreement from the three people who have been opposing the Section of the Bill, on what they are proposing in its place.

Mr. Chairman: Order, please.
Suspension by Unit Head.

One Thirty-nine:

(Reads Clause 139)

One forty:

(Reads Clause 140)

One forty-one:

(Reads Clause 141)

One forty-two:

(Reads Clause 142)

One forty-three:

(Reads Clause 143)

One forty-four:

(Reads Clause 144)

One forty-five:

(Reads Clause 145)

One forty-six:

(Reads Clause 146)

One forty-seven:

(Reads Clause 147)

One forty-eight:

(Reads Clause 148)

Suspension or Dismissal by Deputy Head alone.
Mr. McCall?

Mr. McCall: 139 to 148, that's a lot of grabe to explain one thing, and that is that if there is descipline applied to an employee, he had the right to appeal, subject to the time limit. This is what it means, so why all the waste of paper?

Mr. Legal Advisor: There's an assumption of waste of paper, Mr. Chairman. This is not so. These sections are written out as a practical application of what is presently occurring. There is a detailed code set out in the present Public Service Ordinance. The union consistently asks that the code be abrogated, so that when something occurs, they will have rapid appeal and skip the intervening periods.

Many contracts between industry and their employees, there are similar sections setting out a specific code from the foreman to the deputy manager and to the manager and so on, and consistently in any kind of an important case, the whole process is skipped and they go directly to the manager or the independent adjudicator or arbitration. This allows that to be done very rapidly, and it represents a workable code which is working presently in practice. So it's not garbage in that sense, it's a practical code.

Mr. Chairman: Mr. McCall?

Mr. McCall: In view of what the Legal Advisor has just stated, Mr. Chairman, I'm of the opinion that even after this Bill has passed this House, there will still be organized confusion on the part of the government.

Mr. Chairman: Suspension or Dismissal by Deputy Head Alone.

One forty-nine:

(Reads Clause 149)

One fifty:

(Reads Clause 150)

One fifty-one:

(Reads Clause 151)

One fifty-two:

(Reads Clause 152)

One fifty-three (1):

(Reads Clause 153 (1))

(Reads Clause 153 (2))

Mr. Fleming?

Mr. Fleming: I'm a little concerned as to the amount of time, the 10 day request. On the date of receipt of notification, that's fine. He is notified and of course upon receipt of that which would be a registered letter, I'm presuming, we will say he's not where the deputy head is in the Yukon Territory, he could be at the other end of the Yukon Territory, and he would have no course except to pick it up in the mail, I'm presuming.

So, "the employee may, by notice in writing within ten

days from the date of receipt of the notification", he has 10 days from that, see, but 10 days to when he posts it, or 10 days to when it is received by the head. I'm a little interested, due to the fact that 10 days, and I will reassure you of this, many many times in the Yukon Territory doesn't get a letter from here to Watson Lake, or from here to -- I don't know, I won't say anything about up the other way, because I don't know -- but I do know this way, that 10 days may not even get it there, and I'm wondering is possibly, you know, there is a thought to -- when does that 10 days expire? Here or when he mails it?

Mr. Legal Advisor: It commences at the time when he receives the notice. If the employee is an employee, he is working, he must get a notice of dismissal or suspension. He gets 10 days to appeal from that point in time to the deputy head. It's two weeks in practice.

Section 158 is the cure-all section. It allows time limits of all kinds through-out this portion to be abrogated by consent. What happens in practice tends to be that the employee or the union is hurrying up the appeal with a view to getting it decided because he may be under suspension. There's no problem usually from the employee's point of view on time, but if he asks for an extension of time, he always gets it. We've never had a problem with respect to a time limitation, to my knowledge.

Mr. Chairman: Ms. Millard?

Ms. Millard: I'm a little disturbed that the appeal simply goes to the person who's made the decision to suspend. It simply goes to the deputy head again. It seems to me a lot of paper work and stuff for nothing, because who in his right mind is going to really change his mind after having made a decision to suspend the person simply because an appeal has come through, especially a deputy head whose reputation is at stake and everything else.

Can't they appeal go to more than that, and go through the Public Service Commission?

Mr. Chairman: Mr. McPhail?

Mr. McPhail: I appreciate the comment, Mr. Chairman. Now, the intention was that in some cases the deputy head would be required to take an immediate action by a suspension without knowing -- because of the particular circumstances and then subsequently when the employee appealed, the employee has an opportunity to present all facts, to have a counsel there if he so wished, perhaps his union if he so wishes, et cetera.

Based on the evidence before him, it's reasonable to assume that the deputy head would change his opinion. Secondly, if you carry on in the brief, you'll discover that the Public Service Commissioner has the right to have a commission officer, if he so wishes, at those hearings, to ensure that there's a third party for the very reason the member raised the question.

Mr. Legal Advisor: Mr. Chairman, it's not an empty thing, although I can understand it appears strange to the members. On at least two occasions in my own department, I have taken action and then on an appeal back to me, have aborted the action, and on a number of occasions when we have become aware the department heads have acted, and consider that they acted either excessively or harshly, and it has come to either Mr. McPhail or myself, we have counselled the department head to be cautious and merciful, and he has been.

So it does avoid all of the higher-up appeal, if you give them one second chance to cool off. It's a very valuable group of sections.

Mr. Chairman: Result of Adjudication. One fifty-four:
(reads Clause 154)

One fifty-five:
15
(Reads Clause 155)

One fifty-six:
(Reads Clause 156)

One fifty-seven:
(Reads Clause 157)

One fifty-eight:
(Reads Clause 158)

One fifty-nine:
(Reads Clause 159)

One sixty (1):
(Reads Clause 160 (1))
(Reads Clause 160 (2))

Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. I have a question to either to Mr. Legal Advisor or to Mr. McPhail. In the Public Service Staff Relations Ordinance, Section 86, sub (2), it says "any regulation made by the Commissioner under sub-section (1) in relation to the procedure for the presentation of grievances, shall not apply in respect of employees included in the bargaining unit, for which a bargaining agent has been certified by the Board", and they go on and on.

I was wondering just what regulations we're talking about. Who do they really apply to? The managerial staff only?

Mr. Chairman: Mr. McPhail?

Mr. McPhail: Mr. Chairman, I believe the Section the

Honourable Member read, refers to grievances with respect to the interpretation of a collective agreement. The agreement doesn't cover disciplinary matters. The Public Service Ordinance covers disciplinary matters.

Furthermore, in the Yukon Public Service Staff Relations Ordinance, it does state that the Board shall appoint adjudicators for an appeal coming through this Ordinance. Further on, I believe, Section 81.

Mr. Chairman: Part XI. Political Office. One sixty-one.

(Reads Clause 161)

Mr. Chairman: One sixty-two.

(Reads Clause 162)

Mr. Chairman: One sixty three.

(Reads Clause 163)

Mr. Chairman: One sixty four.

(Reads Clause 164)

Mr. Chairman: One sixty five.

(Reads Clause 165)

Mr. Chairman: One sixty six.

(Reads Clause 166)

Mr. Chairman: One sixty seven.

(Reads Clause 167)

Mr. Chairman: One sixty-eight:

(Reads Clause 168)

Mr. Chairman: One sixty-nine:

(Reads Clause 169)

Mr. Chairman: One seventy:

(Reads Clause 170)

Mr. Chairman: One seventy-one:

(Reads Clause 171)

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I would like to ask a question of Mr. McPhail. 162, I was reading with interest the Y.T.P.S.A. brief where they have an employee may be granted annual leave with pay in circumstances described under 1 Have you any objections to

this?

Mr. Legal Advisor: Mr. Chairman, we have some legal doubts about this as to whether or not if a person is still getting paid from the government of the territory while actually a candidate and possibly, if his leave is long enough, actually sitting in this House still drawing his monthly cheque from the government, whether or not either that would be proper or (b) whether or not it would leave him open for an attack. So we left it as it was in the former Ordinance.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. We have, I believe, 10 sections covering what 3 sections covered before, so instead of becoming progressive we went backwards. We had nailed down, again I have to use the word second class, citizenships of Public Servants. We talk about becoming independent from Canada, becoming a province, self-government. We're restricting the Public Service from running for political office by having to seek permission. Just like in the serf days to run for political office. It was maybe fine in the eighteen and nineteen century to say "Yes, mister, yes sir, fine sir, thank you sir, kick me again sir." 1976 we come up with, dare come up with, legislations like this, restricting people to say what they feel like. To running for political office, it is totally unacceptable to me.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I'm not going to engage at any length in such a debate. It's quite clear that you are either working for the administrative arm of government or the political arm of government. I know, as a Member of this House and I've been a Member of this House for some fifteen years, that properly so I cannot receive any revenues from the government or the Consolidated Revenue of the Yukon Territory and this goes to the point of making volunteer workers, volunteer firemen and this type of thing. It's just not permitted and it's just one of the sacrifices of the persons dedicated to the people, the human being that has been discussed around this table this morning. It is one of the sacrifices that one must make when they go to public office.

And you can't serve two masters and if you suggest to me that all you have to do to run in a Territorial Election and if you are an employee at the time of a Government of the Yukon Territory, and you say, well I don't like what my boss or I don't like this or the other thing, so I'll run for election and get paid for it, to see, you know during this period to see if I'm going to get elected. And then get elected and I'm assured that if I get booted out in the next election, I've got my job back and this type of thing, as this would suggest in the brief. Then I certainly couldn't go along with it.

If you're going to stand and represent the people of the Yukon, you must make the sacrifices that go along with the job. And if you're really interested in representing

the people of the Yukon in truth and sincerity, you'll have no problem about quitting your job with the Government and running and taking your chances. That's it.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I think that we all know that this is going to be quite a contentious part of the Ordinance. I don't think I'm telling any tales out of school when I say it was a very contentious issue in the Executive Committee Chambers when it came about. I'm not completely and totally satisfied that either the government legislation as it now stands nor the brief from the Public Service Association really meets the, I think for lack of a better term, the compromise that we'd all like to see reached and certain limitations upon the local activity out of necessity of public servants, but giving as free a hand as is possible under the circumstances that we face in the Yukon.

I think it's interesting to note that the Western Provinces are much more progressive in the field of political involvement of Public Servants than any province east of the Manitoba-Ontario border.

In the four Western Provinces, an employee can work on behalf of a Provincial or Territorial Political Party or be a candidate for an election to the Legislative Assembly, whereas in Ontario, it's leave without pay. New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, the Northwest Territories and the Federal, it's just a straight flat no. They just can't do it.

Can an employee be a candidate for a municipal election without requesting leave without pay, providing no conflict exists. Again in the Western Provinces they're much more liberal in this regard. Or employ work on behalf of a Provincial or Territorial Political Party, I'm sorry, or a candidate for an election to the House of Commons. In the four Western Provinces it's yes, and right across from the Ontario-Manitoba border through to the Federal Government, a straight no, it can't be done.

The government draft has attempted compromise between the two positions and I can't understand why the Honourable Member from Klondike says it's more restricted than it was before because I understand the Public Service Ordinance prior, that that person could not work as a Territorial Government employee on behalf of a Federal Political Party. And that restriction has been completely lifted from the present Public Service Ordinance that we are discussing.

So, as the government draft now stands, we've gone halfway. We still put the limitations on the Territorial level and there's certain problems in this area that I have a lot of difficulties with. The concept of a person, take the department which I represent, of Local Government, running for political office against myself and condemning publicly the policies of local government and then I have to hire him back on after he's lost the election. I mean, why have problems in that, because if in private enterprise if a guy sat in the bar and ran down the company that I happened to manage and was paying

his salary, he was fired.

I mean, goodness sakes, how could you have that person going around and condemning the policies of the person who was paying his pay cheque? I can't accept that, and I'm willing to listen to arguments against what I'm saying, and as I've said, I'm not happy with either draft that we've seen, either from the P.S.A.C. or from the Government of the Yukon; I still think there's another area that we haven't hit on yet that possibly can be the position we're looking for.

I have trouble under any circumstances for a Territorial Public Servant, even if he's on his own hours, and even if it— really you say it doesn't deal with his department, soliciting funds on behalf of a party or on behalf of a candidate. I think that if we accept that we're just leaving ourselves wide open to every type of abuse, because there is nobody in the Department of Local Government, no-one in the Department of Purchasing, no-one in the Department of Treasury, who should be going out in any way, shape or form whatsoever, even hinting at soliciting funds for any political party or for a political candidate. I'm telling you, if that's accepted it's impossible to be policed and we are just leaving the Government of the Yukon Territory open to all types of abuses and challenges in the future.

So it's probably the most difficult position, the position on the political office, one that we faced when dealing with the Public Service Ordinance. We became much more lenient than we were in the restrictions and we have also progressed farther along than most of the provincial authorities, but not all of them, particularly the western provinces. So, as I say, I think it should be very interesting debate on this issue on Part Eleven and we're certainly open to suggestions as to the position that we can reach that we can all agree on and I don't find it before me at the present time.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I'm a little lost here. In view, Mr. Chairman, of what the Honourable Member from Watson Lake has commented on, and the Minister, I'm under the impression -- I'm left with the impression that we are not dealing with the Public Service Commission Bill. It sounds as though we are dealing with the Secrecy Act, because you still want to apply the old-fashioned method of restricting employees to pursue a choice that they would make themselves freely, being involved in the political field, or career.

Mr. Chairman: Order, please.

Mr. McCall: What I'm concerned about, I'm not really concerned about the payment for time off; I don't -- I'm not allowed that. I don't accept that principle either, but what I'm concerned about is a man should have his right, you can't take that away from him because he's involved in the government field, whether it is administrative.

The Honourable Member over here is always complaining about the administrative arm of the govern-

ment. Well, let them have a right to decide and be involved like we have.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I'm very interested in both remarks from the government side and from the Honourable Member across the way. I don't see any problem in the Ordinance here with the fact of soliciting money, and many others. There's only one part that I am concerned about - when that employee decides to run for political office and is going to be working for the people if he wins that office, he takes his leave and he has his leave and it has been allowed to him. He is not drawing pay, I go along with all that, but when he goes, I think that employee -- not employee any more, but that person, should have the right, other than secret documents or anything that was given to him while he was employed, to speak the same as any of his opponents. He should have that right, and in here it don't give him that right, and that is the only part that I am actually concerned about, that he don't even -- in fact, I don't think he should even bother trying to run if he can't say something about the government.

Because, if he's going to run for a job for the people, he's going to have to speak somewhere, sit on one side of the fence or the other, and I think he should have that right to say so, and in here it doesn't give him that right.

Mr. Chairman, with respect, I hear some remarks behind me, and I think I must answer them while I'm here. It is not necessary that a man must quit his job and go; he should have also the right to take his leave and go, as it says in here, and of course it's his own prerogative if he wants to go, I realize that.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would like to stand up and reiterate what Mr. McKinnon said a little earlier in regards to running for political office. If a person is defeated and they are a complete different philosophy, that individual that wants to take over the portfolio, and that person has to come back -- is capable of coming back to that job, guaranteed to come back to that job. I find it very difficult, it would be a very difficult situation to be in when there were two opposing philosophies, and I think it's very well known that during the Diefenbaker eras the civil servants decided they didn't want to work for the administration of the day so they didn't, and that was the most power they had, was do nothing.

I think it's very important that you know the concept of guaranteeing a person a job if they lose the election, I can't go along with that.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, it still hasn't been made too clear to me why it cannot be acceptable that a person can go and take their holidays and run for office. The question has been brought up that he could be elected and still be obtaining holiday pay. That's impossible,

because it states here that he has -- he is no longer an employee, so that he receives his holiday pay and whatever else he has coming to him, on the date that he was elected. He certainly can't be receiving government money from two sources, so anyway it hasn't been explained to me why you cannot take your holidays and run for office?

Mr. Chairman: Mr. McPhail?

Mr. McPhail: I believe, Mr. Chairman, that the Legal Advisor indicated from just a legal interpretation there may be some problem if an employee of Y.T.G. got authorized leave to run as a political candidate and took his earned vacation leave, and hence received pay while he was campaigning. It was because of this conflict that Mr. O'Donoghue indicated that he felt that it should remain as in the present Ordinance, leave without pay.

Mr. Chairman: Ms. Millard?

Ms. Millard: And what is the objections to him receiving holiday pay while he is campaigning? Is he much less of a -- you know, why should his rights to run be affected by the pay?

Mr. McPhail: Because in Mr. O'Donoghue's opinion, Mr. Chairman, there's a conflict on that very issue, that he's receiving pay while politically campaigning.

Mr. McIntyre: There was a case where a veteran who was on leave from the forces, actually discharged from the forces, but still receiving pay and allowances during his retirement period was disqualified from running in a federal election, and I think that same ruling would apply in this particular case.

Mr. Commissioner: Mr. Chairman, with respect, there's other Ordinances that apply in this particular instance. It's the Elections Ordinance.

Mr. Chairman: Mr. Berger?

Mr. Berger: Order please, Mr. Chairman. I realize there's other Ordinances, that's why I never mentioned the pay, reference to that previously. I never expected any employee to receive pay when he's running for political office and gets elected or so, and I think it was very naive for some members to mention that he is going to get paid when he's in political office. I never thought about this because I realized there's an Elections Act which forbids to receive money on two sides.

But I do have objection and my gravest concern is for people in the outlying areas, outside of Whitehorse, where the only employer in lots of cases is the Territorial Government. If a person wants to run for political office there, and he's elected, he sits his term for four years, and he decides he wants to go back to work again, and the possibility exists that he could not get his job back again. Because as some voices were raised around here, the person thinks independently, he has a different

point of view of the employer's side of it, and it's difficult for some members to accept a different point of view obviously, because otherwise they would never have made the comment on it. I think this is the wrong of the whole civil service in this Territory right now, that people cannot think independently and discuss it with their foremen or supervisor in a lot of cases, because my own experience was -- and a lot of other people's experience in this civil service is, you do not think independently. You do as we tell you, we don't want a human person there who has a brain and thinks differently.

This is the whole problem what I'm concerned with.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, if the Honourable Member is so concerned at this stage of our development, what on earth is he going to do when political parties become powerful in this House?

Mr. Berger: This is what my concern is, Mr. Chairman.

Mr. Chairman: I'm rather concerned about the Elections Act as Mr. McIntyre interpreted it. Does this mean that an old age pensioner could never run for office in Canada?

Mr. McIntyre: No, no, I'm an old age pensioner.

This man had been discharged from the army, but he was still drawing pay and allowances, for say two or three months after discharge, and he was running in the Yukon, as a matter of fact, and he was disqualified from running in that election because he was still receiving pay. Not the pension, that's a different thing altogether, but he was still receiving pay.

Mr. Chairman: Ms. Millard: Mr. Chairman, that brings up an awful lot of discrepancies, say, a doctor receiving Medicare payments.

Mr. Chairman: I considered that but chose not to mention it.

Part XII, LayOffs.

One seventy-two:

(Reads Clause 172)

One seventy-three:

(Reads Clause 173)

One seventy-four:

(Reads Clause 174)

One seventy-five:

(Reads Clause 175)

One seventy-six:

(Reads Clause 176)

One seventy-seven:

(Reads Clause 177)

One seventy-eight:

(Reads Clause 177)

One seventy-eight:

(Reads Clause 178)

One seventy-nine:

(Reads Clause 179)

One eighty:

(Reads Clause 181)

One eighty-two(1):

(Reads Clause 182 (1))

One eighty-three (1):

(Reads Clause 184 (1))

Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, I would like clarification on 172 sub (c) "the abolition of a position" Is this another arbitrary decision that the government wishes to retain on their behalf without transferring an individual?

Mr. Chairman: Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, a government in transition, such as this one, from time to time positions are being created and positions are being abolished. It is an inadvertent fact of life, and these things are subject, from time to time, to policy recommendations or policy rejection or acceptance in the Executive Committee, and likewise to the acceptance of the non-acceptance of programs here on the Council floor. at budget time or at other times, and everyone of these things has a direct bearing on the number of employees that are required to conduct the duties that are involved.

If the duties are eliminated, for whatever reason, very obviously the employees are the first ones to be affected.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, in view of what Mr. Commissioner has just stated, Mr. Chairman, am I to assume then that

a person that feels an injustice because there's been an abolition of a certain particular job. he would have to go through the appeal education, and whatever else goes with it, in order to get a satisfactory answer from the government, in order that he can transfer and maybe retrain? Do we have to go through all that formality in order for that particular problem to be resolved?

Mr. Commissioner: Well, Mr. Chairman, I would see no other route to go, because for the administration is effectively a tool of the legislature, and if for any reason the legislature saw fit to discontinue funds, discontinue a program, the administration has no alternative but to affect the employees accordingly.

I would see no alternative to the routine as suggested by the Honorable Member.

Mr. Chairman: Mr. McCall?

Mr. McCall: The next point I raise, Mr. Chairman, is Section 178, another area I'm concerned with. As far as compiling a report when it comes down to shall we say, in the point I brought up a moment ago about the, shall we say, elimination of a job or a particular job or jobs, when individuals are being considered like who should go first, you starting drafting up the list.

What I'm concerned about here, reference to subsection (b) says "any other documents on the employees' personnel files relevant to the performance of the employees' duties and responsibilities", and let's try an example here. Two individuals, one has worked for the government for, shall we say, seven years, and one individual has worked for the government, shall we say, for five years, and somewhere down the line the individual who has an acceptable performance with the government, as far as his duties, say after three years had a serious medical problem which rectified itself within that year and he was back on the list as he was in the first three years he worked for the government. Would it mean that that individual would be knocked to the bottom of the list, in other words be one of the first to go, because that was on his record, as to the individual that was there for five years and had nothing like that at all?

Mr. Chairman: Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, with respect, I think the Section is very, very clear. It says that relevant to the performance of the employees' duties and responsibilities, there's nothing there at all that has any that pertains to anything other than these things that are relevant to his performance and to his responsibilities.

Mr. Chairman: Mr. McCall?

Mr. McCall?

Mr. McCall: I would suggest, Mr. Chairman, that that can be construed as an obstacle for an individual as I

pointed out as an example. He could lose out along that lines, because that wording is not explicit enough.

Mr. Commissioner: Well, Mr. Chairman, I'm sure that you could dream up ten more things too, but I think that what we are down to here is a value judgment, and there is no other way that we are aware of that you put this thing down so that there are certain things that have to be plugged in before that value judgment is made.

I think the Honourable Member is aware, just the same as all the rest of us, that at some point in these kinds of things, value judgments have to be made, and someone has to make them, and you can't just keep on going forever an ever and ever, without that value judgment being made. To say that it is not possible, that some potential injustice would be incurred, would be an absolutely incorrect statement, Mr. Chairman. Undoubtedly at some time, an injustice may conceivably be done. This is human beings you're talking about, it's one human being evaluating another. There's no question at all about it.

Mr. Chairman: Mr. McCall?

Mr. McCall: I can only say that's the first time I've heard any reference made to human beings concerning this Bill, with all due respect.

Mr. Commissioner: Mr. Chairman, with respect, I have conducted the affairs of the Government of the Yukon Territory for the last ten years, and I am very proud of the fact that I have attempted to deal with everyone in the government as an individual and as a human being, for which I have nothing but respect, including the members that sit around this council table.

Some Members: Hear, hear.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, my question is with 176 where it says an employee ceases to be a lay-off, et cetera, down to "if he declines an appointment to a position in the Public Service with the same or higher maximum rates of pay as the position held by him at the time he was laid off"

I wonder if it's been considered that not only pay should be one of the qualifications, but that the qualifications of the job should be one of the things that are taken into consideration. A man, person, could be paid at the same rate of pay, but be in a totally different job, and they could offer a lay-off a totally different job that he probably could be incapable of performing, and say okay, you're no longer a lay-off because you're not going to do that job. It shouldn't be just pay.

Mr. Commissioner: With respect, I mean we heard a great harangue here yesterday, Mr. Chairman, about the equity that must be introduced into the evaluation system for the assignment of positions to classes, and

now we are being told, as I would understand it from the Honourable Member's question, that indeed this would not be the case, that jobs with varying responsibilities may conceivably have the same rate of pay. If I understand the question.

Mr. Chairman: Ms. Millard?

Ms. Millard: In the collective agreements that I've read, yes, there are lots of positions that are paid the same but are quite different jobs. I --

Mr. Commissioner: Oh, you are talking about the qualifications for the job?

Ms. Millard: Yes. I don't see why money is the only consideration. If the person is offered a job -- say, I don't know the rates of pay, but say if the rates of pay for labourer are the same as for Clerk 2, and he's a labourer and he's offered a position of a Clerk 2 and he doesn't know how to type, and he turns it down, he's no longer a lay-off, he's considered unemployed.

Mr. McPhail: Mr. Chairman, he has to be qualified.

Ms. Millard: This isn't stated in the section.

Mr. McPhail: Through the previous sections, Mr. Chairman, we talk about the lay-off being qualified.

Ms. Millard: Could Mr. McPhail point out the section

Mr. McPhail: Yes, 173, "for which he is qualified", 174, "to enter any competition for which he would have been eligible". In the previous sections under Appointment, we talked about a candidate had to be certified, which means he has to be qualified for appointment, and from a practical point of view, Mr. Chairman, I don't suppose anyone would believe that we should appoint a labourer to a typing position when the labourer can't type.

Ms. Millard: But Mrs. Chairman the possibility is there. If someone wants to shortcut a firing instead of going through the dismissal procedure, you could use 176 to simply do it, to offer a typing job to a labourer.

Mr. McPhail: In 175, Mr. Chairman, again it says "notwithstanding anything in this Ordinance, a lay-off shall be considered for appointment to a position for which he is qualified".

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman, I would like to put a question to Mr. Legal Advisor, on a legal definition on the word "considered".

Mr. Legal advisor: I'm glad you asked me that question, Mr. Chairman, We had some consideration given

to the use of the phrase in this, because the P.S.A. made a point in their brief, and they wanted to knock out the work "considered", and in our opinion, -- when I say "our opinion", I'm talking about the technical opinion, not the political opinion.

We would prefer to have the word "considered" there because it transfers an onus. It means that the person who is seeking this job must apply in order to be considered. In industry, in some companies they have in their collective agreement, a right to appointment, so that if for instance, White Pass lay off people at the end of the summer, they hand in their names, and then they have the right of the first refusal of the job, wherever they may be in the world. What they have to do is leave a certain address, and then when a job opens up within that category, they must be notified by registered mail, and I think they have 48 hours or 72 hours within which to accept, and this procedure must go forward,

We were doing it the other way around. We were saying considered for appointment, because in order to consider a person, the person must apply, because we didn't want the onus that we would have to maintain a register for people who had left the Yukon and were moving from point to point. So that's what we mean by considered in that context.

Mr. Chairman: Ms. Millard?

Ms. Millard: I notice in the brief that it states that presently found in Article 29(5) of the Public Service Ordinance, there is a statement of two years, for the period of time that you can be a lay-off. Is this going to be amended to coincide with the 12 months that's found in here?

Mr. Chairman: Mr. McPhail?

Mr. McPhail: Mr. Chairman, we took a look at the time periods and in view of the turnover in the civil service I'm not sure of -- I'm not sure of the section the Honourable Member is referring to but we decided the period -- a reasonable period would be 12 months as opposed to two years.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, this has really nothing to do with this proposed Ordinance, but Mr. McPhail made the second time the mention of the high turnover in the civil service. Would it be possible to give us a reason or his thoughts on why there is such a high turnover in the civil service?

Mr. Chairman: Mr. Commissioner?

Mr. Commissioner: I think, with due respect Mr. Chairman, if we're going to start to talk about turnover rates, I want to see Y.T.G.'s turnover rates per category compared to other industry in the Territory. And we have a very good record.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, with all due respect to Mr. Commissioner, nothing meant as an offence on the whole thing. But the whole thing was Mr. McPhail who mentioned it a second time as to high turnover rate.

Mr. Commissioner: That's right.

Mr. Chairman: Thirteen, Contracts of Employment. One eighty-five, one.

(Reads Clause 185(1))

Mr. Chairman: One eighty-six, one.

(Reads Clause 186(1))

Mr. Chairman: One eighty-seven, one.

(Reads Clause 187(1))

Mr. Chairman: One eighty-eight, one.

(Reads Clause 188(1))

Mr. Chairman: Mr. Berger?

Mr. Berger: I beg your pardon, Mr. Chairman. Under contracts, does it mean, what type of contract are we talking about right now. Is it possible to get an explanation?

Mr. Commissioner: A contract for services, Mr. Chairman, and those services to be of all variety of natures, no differently than what we contract for at the present time. I think I could give Honourable Members a few examples. We publish them in the newspaper, that they become published along with all the rest of the contracts, I think they're once a month or something like that they're published. But, for example, in Mr. Lang's department, we have a whole series of various educational programmes that are given for a specific period of time, in specific communities in the Territory. We have found that the only effective way of doing this is by a contracting system and we contract with individuals or groups of individuals to provide this service.

I believe that we have a similar type of, not entirely similar, but a kind of arrangement that results in a contract with I believe it's the University of Alberta with regard to the provision of certain post secondary education programmes here in the Territory. We have similarly small contracts that are effectively labour contracts in connection with campground maintenance, things of this nature. They are no different than what we are currently doing, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, would this include the contracts which you have with group home parents?

Mr. Commissioner: Mr. Chairman, that is not a contract for labour. That's a contract for service, maybe Mr. Legal Advisor doesn't agree with the words that I use, but that's basically a contract for a service to be provided and it's a different kind of a situation altogether than the contracts that we're referring to here. I want to make that abundantly clear, Mr. Chairman, that we're talking about straight out-and-out labour contracts here. With regard to the group homes, you run into a little bit different type of a situation.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: In regard to contracts of employment, where is this particular money concealed in the budget?

Mr. Commissioner: Mr. Chairman, not necessarily concealed. In fact, very, very obvious. I believe in the education budget; I believe there's an item Special Education; I believe that is where the money is available for these special services. And likewise in the terminology Professional and Special Services which I think applies in every vote, I believe that's where you will find it, Mr. Chairman.

Mr. Chairman: With reference to the Special Education, one would not wonder where the funds were, but the results of what those funds achieved.

Mr. Commissioner: Well, that is another consideration, Mr. Chairman.

Mr. Chairman: I will now declare a brief recess.

(RECESS)

Mr. Chairman: I now call this Committee to order. Part XIV - General. One eighty-nine, one.

(Reads Clause 189(1))

Mr. Chairman: One ninety-one, one.

(Reads Clause 191(1))

Mr. Chairman: One ninety-two, one.

(Reads Clause 192(1)(2)(3))

Mr. Chairman: One ninety-three.

(Reads Clause 193)

Mr. Chairman: One ninety-four.

(Reads Clause 194)

Mr. Chairman: One ninety-five, one.

(Reads Clause 195(1)(2))

Mr. Chairman: One ninety-six.

(Reads Clause 196)

Mr. Chairman: One ninety-seven.

(Reads Clause 197)

Mr. Chairman: One ninety-eight.

(Reads Clause 198)

Mr. Chairman: One ninety-nine.

(Reads Clause 199)

Mr. Chairman: Two hundred.

(Reads Clause 200)

Mr. Chairman: Two oh one.

(Reads Clause 201)

Mr. Chairman: Two oh two.

(Reads Clause 202)

Mr. Chairman: Two oh three.

(Reads Clause 203)

Mr. Chairman: Two oh four.

(Reads Clause 204)

Mr. Chairman: Two oh five.

(Reads Clause 205)

Mr. Chairman: Two oh six.

(Reads Clause 206)

Mr. Chairman: Two oh seven.

(Reads Clause 207)

Mr. Chairman: Two oh eight.

(Reads Clause 208)

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I'm a little concerned again as to the time element here on the notice served upon him in the five days again. I find most other things through the Ordinance is ten days and I even found a little problem with the ten days. I definitely find fault with the five days because I can definitely state and know that there is no possibility of getting that

notice in that time. I wonder if possibly it wouldn't be considered that ten days also in this area beyond 192(2).

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, this is a technical matter and the object is not to wrong the employee but to make sure that a notice is served and that it is served rapidly. The Alliance has a suggestion which has merit, adding the words unless the employee can show that the notice was received at another day consideration will be given to adding those words in an appropriate place, somewhere within this to give way of the point.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: A point of clarification on 191. Example of what type of document not supplied would dictate dismissal? It's very obvious probably.

Mr. Legal Advisor: Mr. Chairman, a case occurred in the Northwest Territories in Inuvik in respect to a medical doctor. Presumably he was called for his certificate and failed to produce it.

Mr. Lengerke: Thank you.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, 197. Why wasn't it considered to have the Commission consult with the bargaining agent on training of employees?

Mr. McPhail: Mr. Chairman, pursuant to the collective agreement under joint consultation, if my memory serves me right, impact on technological change, I believe education leave, and matters related to training, are appropriate for joint consultation.

Mr. Commissioner: But only as it applies to members of the bargaining unit. This applies to everyone.

Mr. Chairman: Mr. Berger?

Mr. Berger: One further question, Mr. Chairman. 203, it says, "The Commission, with the approval of the Commissioner, may loan any employee to another government or an agency thereof or to any other person". Again it fails to consider the person involved in that particular transaction, and I think it again should be the employee involved in this proposed transaction also consulted.

Mr. Commissioner: Well, Mr. Chairman, very obviously if we are going to be talking about an employee being loaned to another government or another agency, why it's pretty obvious that if the employee in question doesn't want to be loaned, why there's nothing going to force him to be loaned. But we certainly want to have the opportunity of discussing with other agencies such a possibility for the mutual benefit of both.

In fact, we have similar situations that have gone on here over the years with other governments. For example, Mr. Levers, who was the Director of Education for a period of one year, was basically an intergovernmental exchange between ourselves and the Government of British Columbia. We have a man who is with us on a contractual basis at the present time in the Department of Local Government, that is basically an intergovernmental exchange with the Government of the Province of Manitoba. These are the types of things that we are talking about.

Mr. Chairman: Mr. Berger?

Mr. Berger: Supplementary, Mr. Chairman. I realize that in some instances you would consult with the employee, but I think again it should be clearly spelled out under Section 203 that it should only take place with the consultation of the employees.

Mr. Commissioner: Well, we are quite prepared to add "with the employee's consent", Mr. Chairman. There's no question about it.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, on the contrary, I was trying to figure out how I could get loaned to some other government. It seems to me we just borrow them from elsewhere, we never get any requests to loan anybody.

Mr. Commissioner: Mr. Chairman, with respect, that is not quite true. We had one of our employees from the trade school on loan to a project that was sponsored by Arctic Gas or Gas Arctic here for approximately one year, on a training programme, and I believe that the individual was in Calgary. I could be wrong on the location, but I believe that's where this was, and likewise we have school teachers that are on a loan situation. I believe it's handled by contract with the Department of National Defence, where they are teaching in Europe at the military schools there, so this is not without it being a two-way street.

But I would bring to the Honourable Member's attention that some of her predecessors around this table here chose not to be subject to the Public Service Ordinance and, as a consequence, she has been eliminated from this -- from the provision.

Mr. Chairman: I would also presume that the office of the Commissioner could not be seconded to the Federal Government?

Some Members: It already is.

Mr. Commissioner: Mr. Chairman, he's already part of a package.

Maybe it would be a good idea, Mr. Chairman, if you were to ask that the Commissioner be seconded to the Territorial Government --

Some Members: Hear, hear.

Mr. Commissioner: -- it might make it more attractive.

Mr. Chairman: That might apply to the present circumstances, Mr. Commissioner, but it might change in a couple of months.

Mr. McIntyre?

Mr. McIntyre: Yes, Mr. Chairman, I wonder if the typographical error in 203, where it says "may loan" could be changed to "may lend".

Mr. Legal Advisor: We considered the matter, Mr. Chairman. I'm not sure it's a typographical error.

Mr. Chairman: Ms. Millard?

Ms. Millard: I'm curious about 192 (3) where a notice can be deemed to be served, if just simply left at the latest postal address. I sthis how any legal notice can also be served?

Mr. Legal Advisor: I didn't hear the question, Mr. Chairman.

Ms. Millard: Are the same circumstances for serving a legal notice to a person, are they approved in the same manner, where a notice can be deemed to have been served personally if it's just left at the latest postal address?

Mr. Legal Advisor: This particular section is taken from the Criminal Code, but on comparing it with the precise details of the Criminal Code, how you serve a summons, there are key words missing in the transfer across. It should have been left with an adult person at the person's address. That would make it exactly the same as the Criminal Code. We thought that was good enough as service, and we will change that to pick up the typographical error.

Ms. Millard: You will change that?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, Sections 200, 201 and 202, I am to understand that 200 gives the Commission the authority to negotiate on behalf of the government with the Y.T.A. under the Schools Ordinance?

Mr. McPhail: Yes, Mr. Chairman.

Mrs. Watson: And then 201, would this also apply to the grievance procedure for teachers under the Schools Ordinance?

Mr. McPhail: No, Mr. Chairman.

Mrs. Watson: That's a different structure then?

Mr. McPhail: Yes. The answer to the question is no. There's a different structure under the School Ordinance.

Mrs. Watson: Mr. Chairman, wouldn't it be advisable at some time to correlate these two so that you have the same using the Commission?

Mr. Commissioner: Not necessarily. Mr. Chairman, not necessarily, because I think that the ultimate aim with regard to the School Ordinance would be the establishment of school boards or first, I think the establishment of School Districts and then of School Boards, so that while the present circumstances prevail, the point raised by the Honourable Member has merit, but I would be certainly hopeful, that not too far down the line, that the -- an examination at least would take place around this table of the possibility of establishing school districts where many of these functions -- practically all of these functions would become the responsibility of the trustees of the school district as opposed to it being kept in the hands of the Commissioner.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, may I have an example for 195 sub 1, just an example. I can't think of one. Sub one.

Mr. McPhail: Mr. Chairman, it could be -- that was 195 (1)? For example under the buy back scheme I believe Territorial employees may bid upon under another statute passed by this House.

Mr. Commissioner: Mr. Chairman, there are several ordinances that are specifically aimed at employees that result in financial transactions being conducted with the government but on a competitive basis. For example, the purchase of land when we put up land for competitive bidding. The idea is that there is no, there is to be no prohibition by virtue of the individual being employed by the government that they cannot bid on that particular land. Or for example the housing situation where there's a money transaction based upon a third party's evaluation of a home. I believe also the contract that is entered into when one goes into a liquor store to purchase a bottle of liquor, no prohibition on this by virtue of being an employee of the government.

There are other specifics that are mentioned in Ordinances and this is what we're referring to.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, I wonder if the Commissioner could clarify if the Federal Government employees, I think they are under a different ruling. I don't think they can buy land at the present time, can they?

Mr. Commissioner: Mr. Chairman, subject to the

technical correction that Mr. McIntyre can give me on this, I believe that a Federal Government employee in the purchase of Crown land, still, I believe, that there is still a requirement that there be an Order In Council to permit that to happen. He's not prevented from doing it though, Mr. Chairman, I think this is the important point but in order for the transaction to be completed, it requires that an Order-In-Council be passed.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, section 198. I like that section, I'm very happy that it's in here. However, my concern again and I expressed it yesterday and I think that I will be suggesting making this a little more restrictive so that we are looking at mentally and physically handicapped people.

Mr. McPhail: Mr. Chairman, the section isn't written to exclude people, it's written to include people.

Mrs. Watson: I know it -- Mr. Chairman exactly. I want you to include mentally and physically handicapped people. I do not think we should start in on the socially handicapped.

Mr. Chairman: Mr. Berger.

Mr. Berger: Just a question to Mr. Legal Advisor, wouldn't this include all those people in the handicapped people, as the Honourable Member from Kluane mentioned?

Mr. Legal Advisor: Mr. Chairman, handicapped is a very, very broad word. Pretty well everyone is handicapped in some particular way. Even a bald man is handicapped. But this is intended to restrict it to certain types of handicapped, mental and physical, so as such as the wishes of the House, it can be changed, but this is what it's intended to be.

Mr. Chairman: Part XV. Regulations. Two oh nine (1).

(Reads Clause 209 (1) (2))

Mr. Chairman: Section two ten.
(Reads Clause 210)

Mr. Chairman: Ms. Millard?

Ms. Millard: I was wondering if we could have an example of what 210 describes?

Mr. Legal Advisor: Mr. Chairman, historically, so far as I know, there's been two or three exemptions. One possible one would be the magistrate, one possibly would be a member of the civil service who became a member of the Executive Committee. There might be other examples from time to time.

Mr. Chairman: Part XVI, Application.

Two eleven:

(Reads Clause 211)

Two twelve:

(Reads Clause 212)

Two thirteen (one)

(Reads Clause 213 (1))

Two fourteen (one):

(Reads Clause 214 (1))

Two fifteen (one):

(Reads Clause 215 (1))

Two sixteen (one):

(Reads Clause 216 (1))

Two seventeen (one):

(Reads Clause 217 (1))

Two eighteen (one):

(Reads Clause 218 (1))

Public Service Commission Ordinance. Schedule.

(Reads Schedule)

I will declare a brief recess.

(RECESS)

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

It would appear that with the debate that has already taken place, there are several areas of revision that can be undertaken, but the people that wish to do this require time to do it, and the request is that we now call it 5 o'clock so that they have time for their revision, and we recommence tomorrow morning on Bill Number 1.

Now, is Committee in agreement with this? I'll entertain a motion.

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

Mr. Berger: I second that.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mr. Berger, that Mr. Speaker do now resume the Chair. Are you in favour?

Some Members: Agreed.

Mr. Chairman: The motion is carried.

(MOTION CARRIED)

(MR. SPEAKER RESUMES CHAIR)

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

Mr. Hibberd: Yes, Mr. Speaker. Committee convened at 10:35 a.m. to discuss Bills. Mr. Commissioner and Mr. McPhail were present as witnesses. The Committee recessed at 12:00 p.m. and reconvened at 1:35 p.m. I can report progress on Bill Number 1.

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

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

Some Members: Agreed.

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

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

Ms. Millard: I second that.

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

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I 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. 1
1976 Second Session**

May 12, 1976

Mr. Speaker

Members of Council

On March 1, 1976, Councillor Lengerke asked the following question:

In discussions with Minister of Indian and Northern Affairs with respect to Yukon's resource development and revenue sharing has any opinion been expressed by either parties that the boundaries of Kluane National Park, as proposed or now set out, should be reviewed and established taking into account the possibilities of energy and mineral resources in the eastern section of the park area? It is the intention of this Government (Yukon) to make further recommendations with respect to the park development and is a plebiscite being considered to determine public desires?

The answer to the above question is as follows:

We are advised by the Department of Indian Affairs and Northern Development that the boundaries of Klunae National Park, having been reviewed and debated by both a Senate committee and the Standing Committee on Indian Affairs and Northern Development, now await proclamation. They, the Department, are reasonably satisfied with them as now drawn and no plebiscite is intended.

As for the mineral resources of Kluane's eastern section, we are referred to Operation St. Elias which, when completed, will enable both industry and government to better evaluate mineral potential of the whole area.

The possibility always exists that this government may, in the future, make recommendatons with respect to the development of Kluane National Park owing to the impact that any development may have on Yukon.

P.J. Gillespie,
Member,
Executive Committee

