



The Yukon Legislative Assembly

Number 3

7th Session,

23rd Legislature

Debates & Proceedings

Thursday, November 4, 1976

Speaker: The Honourable Donald Taylor

Corrigendum:

Number 2, 7th Session 23rd Legislature

Page 5 - The following should be inserted in column 2 between '(Motion carried)' (line 3) and "Mr. Speaker: When shall the Bill be read the first time?" (line 4):

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse Porter Creek, for leave to introduce the following Bills: An Ordinance to Amend the Liquor Ordinance; An Ordinance to Amend the Justice of the Peace Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, for leave to introduce an Ordinance to Amend the Liquor Ordinance; an Ordinance to Amend the Justice of the Peace Ordinance. 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)

Whitehorse, Yukon Territory.
November 4th, 1976.

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.

(Prayers)

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed at this time with the Order Paper, and under Routine Proceedings are there any documents or correspondence for tabling?

Are there any reports of Committees? Are there any Petitions? Introduction of Bills?

Are there any Notices of Motion for the Production of Papers? Are there any Notices of Motion or Resolution? The Honourable Member from Whitehorse West?

NOTICE OF MOTION

Hon. Mrs. Whyard: Mr. Speaker, I give notice that on Monday, November the 8th, 1976, I shall move the following Motion: That representatives of the Council of Yukon Indians be invited to appear before Committee of the Whole at the earliest mutually convenient time to discuss the subject of communications between this government and the C.Y.I.

Mr. Speaker: Are there any further Notices of Motion or Resolution? The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I would like to give Notice of Motion that the Government of the Yukon amend Policy Directive, Volume 22, titled "Access to Files" to accommodate the specific needs of the Members of the Legislative Assembly who need to have access to government information, in order to carry out their responsibilities as the elected representatives of the Yukon people, and furthermore that the amendments be tabled in this House during the life of this Session.

Mr. Speaker: Are there any further Notices of Motion or Resolution?
The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I would like to give Notice of Motion that the Community Assistance Ordinance and the Homeowner Grant Ordinance be moved into Committee of the Whole for discussion.

Mr. Speaker: Are there any statements from the Ministers? This brings us then to the question period? Have you any questions?

QUESTION PERIOD

Question re: Deadline for Application for Home Owners' Grant

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Local Government. My first question is: What was the deadline date set for the application for Home Owners' Grant?

Hon. Mr. McKinnon: Mr. Speaker, I haven't the information the Honourable Member wants concerning specific dates; I wonder if I could bring written answers to the Honourable Member.

Mr. Speaker: Would this be agreeable to the Member?

Mrs. Watson: Mr. Speaker, I have supplementary questions to that. Should I just handle them as written questions?

Hon. Mr. McKinnon: I would be very happy to take the questions and give a written reply.

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

Question re: French Language Program

Mr. Hibberd: Mr. Speaker, in view of the reprimands we've been receiving regarding our lack of communications in various areas, I was wondering if the Minister of Education could give us an update on the French language program and how much money is being spent on it and how much and whether it has been used for anything else besides teaching the French language?

Mr. Speaker: The Honourable Member from Porter Creek?

Hon. Mr. Lang: Mr. Chairman, this would be a lengthy reply. I wonder if the Honourable Member would allow me to bring in a written reply.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Selkirk School Gymnasium

Mr. Lengerke: I have a question for the Minister of Education this morning. I was just wondering if he could bring me up to date with respect to the planned expansion in the gymnasium at Selkirk school?

Mr. Speaker: The Honourable Member from Porter Creek?

Hon. Mr. Lang: Mr. Speaker, I have nothing further to add to what correspondence I've had with the Honourable Member other than the fact that we are doing the pre-design of the gymnasium for the Selkirk Street school and it will all be subject to the monies available in the forthcoming budget session.

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

Mr. Hibberd: Mr. Speaker, is it the intention of the Department of Education to develop a full-sized facility at that school or, in other words, what kind of a facility is it your intention to be the building at Selkirk School?

Hon. Mr. Lang: Mr. Speaker, it would be a gymnasium of a regular size, I would expect. I haven't seen any plans, Mr. Speaker, and I am unable to answer that question at the present time.

Mr. Speaker: The Honourable Member from Mayo?

Question re: Indian Land Claims

Mr. McIntyre: Mr. Speaker, I have a question for the Commissioner, as the Indian Land Claims negotiator for the Yukon: Is the Commissioner prepared to put forward the views and policies as approved by this Assembly?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I am fully prepared to put forward the views established by this Assembly and there will be a White Paper to the Assembly indicating that, as Chief Negotiator, I represent the views of the Executive Committee, and the three Members who sit before you; I also represent the views, I hope, of this Assembly.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Rural and Remote Housing Program

Ms. Millard: Mr. Speaker, I have a question to Mr. Commissioner: At what stage of progress is the rural and remote housing program in the Yukon?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I'd appreciate the chance to take that question under notice and reply with a written response.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Transportation Expenditures for Private Vehicles

Mr. Fleming: Mr. Speaker, I have a question for the Minister of Education. I wonder if you could tell me today, or it could be a written question, the amount of money that has been spent for the transportation of children to schools other than the buses. In other words, through private vehicles.

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

Hon. Mr. Lang: Yes, Mr. Chairman, this area of concern is presently under review. If you will recall, during the last budget session, there was an amount of approximately \$25,000 voted for transportation sub-

sidies and, in our review, we have found that there are more children living outside the boundaries where the bus stops are and, subsequently, I will be coming to the House probably for a supplementary in the area of \$25,000. So, I would suggest that the transportation subsidy for the year of 1976-77 will cost in the area of \$50,000.

Mr. Speaker: The Honourable Member from Klondike?

Question re: Historic Sites Master Plan

Mr. Berger: Yes, Mr. Speaker, I have a question to Mr. Commissioner this morning.

In 1971, the Yukon Historic Sites and Monument Board passed a Resolution asking for establishment of a Master plan concerning historic sites in the Yukon Territory, and my question would be, was there ever such a Master plan under taken in the Territory?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I could answer that in an ordinary way, but I would prefer to answer in more detail. To my knowledge, there is not a master plan; this is something that is being attended to at the current time to revamp the function of the Board, to make it more meaningful in preparation of such a master plan; it is still very much in our mind, but I would be willing to prepare a detailed report for you on it.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Northern Development Conference

Mr. Lengerke: Question for the Commissioner this morning. Mr. Commissioner, I wonder if you could tell me who is the representative, or if we are being represented, at the Northern Development Conference in Edmonton that's being held this week? Who is the Y.T.G. representative?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, there is no representative of the Yukon Territorial Government at the Northern Development Conference this week.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Transportation Policy

Mrs. Watson: Mr. Speaker, a further supplementary question to the Minister of Education. You indicated that there would be an increase in the amount of expenditure for transportation beyond the school busing establishment. Have you changed your policy, and has this policy been made available to us?

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

Hon. Mr. Lang: Mr. Speaker, there is no change in

policy; this is the present policy we are following to date, which is \$6.00 per vehicle per day. What is causing the increase is the number of students that are living outside the regular bus runs.

As far as any policy changes, in reference to this area, if there is any changes, they will be very, very minor. This is presently under review.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: A supplementary to that. I think the Minister gave some indication that he would be reviewing the transportation policy.

Now, we have all been waiting for that review for at least six months. The allowance was cut a great deal and the Department said they would be carrying on a review, and I would like to have some definite statement on the results of the review that was carried on by the Government.

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

Hon. Mr. Lang: Mr. Speaker, I would like to point out that I made a commitment to review this present policy approximately two or three months ago, not six months ago, and that once it has been reviewed, and I have to take it into the Executive Committee if there are to be any changes, I will present it to this House.

I would like to think it would be during the life of this Session.

Mr. Speaker: A further supplementary? The Honourable Member from Kluane?

Mrs. Watson: Supplementary. I understand, and I would like the Honourable Member to affirm this if it is correct, that the Department of Indian Affairs has now entered into the field of funding transportation of school children to Yukon schools. Is this rumour that I've heard — is it correct?

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

Hon. Mr. Lang: Mr. Speaker, I'm presently attempting to find out all the information about this, but to my knowledge the Honourable Member is correct.

Mr. Speaker: Perhaps the Chair will permit one more supplementary in this.

Mrs. Watson: Thank you, Mr. Speaker.

Is this, the Department of Indian Affairs entering into the funding of transportation, will they be assuming the funding of transportation for all Indian children, or are they only doing it in one specific instance?

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

Hon. Mr. Lang: Mr. Chairman, I'll have to bring in a reply to that question.

Mrs. Watson: Thank you.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Economic Development

Mr. Lengerke: A question for Mr. Commissioner.

Mr. Commissioner, during last Session there was considerable discussion, debate, about economic development, economic opportunities and one of the things we were talking about was the housing situation in Yukon, and it was demonstrated that possibly a pre-fab housing program could be instituted in Yukon, and I think a resolution or ...

Mr. Speaker: Order, please. Could the Honourable Member get to his question?

Mr. Lengerke: Yes I can, Mr. Speaker. I think a Resolution emanated from this House that asked the government to look into this, and I'm just wondering, has there been any response to that?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I'm unaware of the Resolution, but I'll take it under notice and attempt to find out for you.

Mr. Lengerke: Thank you.

Mr. Speaker: If there are no further ... the Honourable Member from Whitehorse South Centre?

Question re: Dempster Highway

Mr. Hibberd: Mr. Speaker, I have a question which perhaps the Minister of Local Government can answer. In view of the publicity that has been going on in various organizations regarding progress of the Dempster Highway, can he give us any information as to whether there is any valuation going on at the present time regarding the completion of this highway, and what is now the projected completion date for that highway?

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

Hon. Mr. McKinnon: I would be prepared to take the question to the Executive Committee Member in charge of highways and ask whether he would bring an answer to the Assembly.

Mr. Speaker: As there are no further questions, we will proceed under Orders of the Day to Motions.

ORDERS OF THE DAY

MOTIONS

Madam Clerk: Motion Number 3, standing in the name of the Honourable Member, Mr. Lengerke.

Motion Number 3

Mr. Speaker: Is the Honourable Member prepared to proceed with Motion Number 3 today?

Mr. Lengerke: Yes, Mr. Speaker.

Mr. Speaker: Motion Number 3, moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane, that WHEREAS the Yukon Legislative Assembly is desirous in knowing what the exact policy of the Federal Government is with respect to economic and social development in the Yukon while the Native Land Claims settlement is in progress and pending BE IT RESOLVED that the Minister of Indian Affairs and Northern Development be requested to communicate to this Assembly an official statement of the Federal Government's policy for Yukon's economic and social development during the period of Land Claims negotiation, and to clarify and state the goals desired thereafter.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Thank you, Mr. Speaker. I think, in view of our meeting with the Minister of Northern Affairs yesterday, and certainly our questioning, that this Resolution would — is in order, and I believe the quickest way to handle it would be to certainly communicate to the Minister our wishes, and our request, and get back from him something in writing that possibly will clarify the answers he gave us yesterday.

That's about my only comment at this point, Mr. Speaker.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I agree with the mover of the Motion that all our Motion is going to do is to request that the answer be put in writing, and it's going to be very interesting, Mr. Speaker, to see whether the Minister is able to be as ambiguous in his written reply as he was in his oral reply.

Mr. Speaker: Is there any further debate? 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)

Motion Number 4

Madam Clerk: Motion Number 4, standing in the name of the Honourable Member, Mr. Lengerke.

Mr. Speaker: Is the Honourable Member prepared to proceed with Motion Number 4 at this time?

Mr. Lengerke: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane, that WHEREAS a lengthy period of time has lapsed since the Yukon Territorial Government submitted the position paper entitled "Meaningful Government for all Yukoners" to the Federal Government, BE IT RESOLVED that the Minister of Indian Affairs and Northern Development be requested to communicate forthwith to the Yukon Legislative Assembly, the Federal Government's official reaction to the position paper and to specify what action, if any, from the Federal Government's point of view is deemed applicable at this time.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Thank you, Mr. Speaker.

Again, in view of the discussions that we had with the Honourable Minister and the answers that we did receive from him, I would expect that this Resolution is in order and I would like to see it handled in a positive manner.

Certainly, the comments that we've heard unofficially are from many diversified views. There's a lot of reaction, but again we require, I would think in this Assembly, an official answer.

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

Hon. Mr. McKinnon: Mr. Speaker, I will support the Motion of the Honourable Member from Whitehorse Riverdale, and I think that it's necessary to put the facts on the table that the Meaningful Government position paper of the Yukon Territorial Government was presented to the negotiations, the Federal Government negotiators, and the Council for Yukon Indians on January the 20th of this year, and at that time the Y.T.G. asked for a response at the earliest opportunity from both the Federal Government and the C.Y.I. The reason being that we were listening constantly to the representations made from both the Federal Government and from the C.Y.I., that the Y.T.G. really had no plan as to how the future of the Yukon should evolve, following any land claim settlement.

We thought it was absolutely necessary to get a discussion paper in the negotiating forum, so that we could ease the problems of communication that we were having with one another, and that we would present a draft document for discussion, and we could have the meaningful dialogue and continuity, and permanently as to where the Yukon was going.

To this point in time, Mr. Speaker, we have not received an answer or any response to that paper from either of the bodies that we asked a response for it, and I just find it a little difficult to keep hearing over and over from the different bodies involved as to how the Territorial Government will not present methods and present ideas as to where we should be going in the Yukon, when I would have to say that if anyone has done their homework and presented at least drafts for discussion it has been the Government of the Yukon.

As one of the Executive Committee members, I can

only say that my colleagues and I hope that we are going to have this communication and dialogue and response in the not-too-distant future because it's always been our opinion that that's the only way that we're going to get this thing settled — by discussion and by communication: and we keep putting documents on the table so we can have this discussion and communication, and we'd only be too happy to get into it. Mr. Speaker.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I'm certainly going to support this Motion. I think that an official request from this body should go to the Minister, so that we have a written official reply to the submission that was made by our Government.

There is one thing that concerns me though: the C.Y.I. has had a copy of the proposal or the draft proposal, a talking position. The Minister of Indian Affairs, the Government of Canada has had a copy of that proposal. We have had a copy of that proposal, but the people of the Yukon Territory, as far as they are concerned, it is still supposed to be a confidential document. How absolutely ludicrous this type of situation is.

Surely, we should be able to table our own document in our own House, to make it available to our people, and I would hope that the member, one member of the Executive Committee, sees fit on Monday morning, to table the document, "Meaningful Government".

Mr. Speaker: I'll take that as a question. The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: There was a question raised by the Honourable Member, and I think it's important to be answered in the Assembly, Mr. Speaker.

We have been asked by both parties, the C.Y.I. and the Federal Government, the other parties involved in the negotiation, to keep the document confidential until there was a response. Every document concerning Land Claims has been leaked, it has been put out, it has been given in secrecy, and there is one thing that the Federal Government and the C.Y.I. agree on, that in the area of not leaking information that the Y.T.G. has been absolutely the only body that has lived up to every agreement that has been made.

I can only promise the Honourable Member that the tabling of meaningful government will be discussed at Ex Com on Friday, and I am in complete agreement and sympathy with her that I want to see that document tabled to the people of the Yukon as quickly as humanly possible.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Fine, Mr. Speaker, we can call question.

Mr. Speaker: 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: We will now proceed to Public Bills.

PUBLIC BILLS

Madam Clerk: Second reading of Bill Number 2, Electrical Protection Ordinance

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

Bill Number 2 — Second Reading

Hon. Mr. McKinnon: Mr. Speaker I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 2 be 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 2 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

Madam Clerk: Bill Number 2 has now been read a second time.

Second reading of Bill Number 3, an Ordinance Respecting the Institute of Chartered Accountants.

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

Bill Number 3 — Second Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable member from Whitehorse West, that Bill Number 3 be 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 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)

Madam Clerk: Bill Number 3 has now been read a second time.

Second reading of Bill Number 4, an Ordinance to Amend the Insurance Premium Tax Ordinance.

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

Bill Number 4 — Second Reading

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

Madam Clerk: Bill Number 4 has now been read a second time.

Bill Number 5, second reading of Bill Number 5, an Ordinance to Amend the Liquor Ordinance.

Mr. Speaker: The Honourable Member from Whitehorse West?

Bill Number 5 — Second Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 5 be 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 5 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mrs. Watson: Mr. Speaker, are we not going to have

the opportunity to speak on the principle of the Bill at this time?

Mr. Speaker: Yes. Before I call the question, I will recognize the Honourable Member from Klwane.

Mrs. Watson: Thank you, Mr. Speaker.

I would very briefly like to comment on the proposed amendments to the Liquor Ordinance, to the policy of the Bill, and I must say that it is a very difficult situation, in order to come up with some types of amendments that would suit all sectors of our population. On this one you're not going to win, no matter what you do.

But on the other hand, I don't think the approach to take is almost a type of cop-out type of approach, where we hand the decision down to a local authorities. I think the Liquor Ordinance and the problem of liquor is one of the big responsibilities of every member of this Chamber, and we knew this when we ran for office, people who voted for us or voted against us, knew this when we ran for office, and I think it is our responsibility to accept the responsibility of the laws controlling the Territories.

Thank you, Mr. Speaker.

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

Hon. Mr. McKinnon: Mr. Speaker, there are two principles in this Bill that I think should be stated at this time.

The first one is the question of the enforcement of legislation under the Liquor Ordinance. There was a principle accepted by the drafters of the Ordinance, that as the Y.T.G. under the Yukon Act is charged with the responsibility of intoxicants in the Territory, that they should be responsible for the enforcement of any legislation under the Liquor Ordinance.

There is nothing in the Bill that puts the enforcing authority in the hands of municipalities, L.I.D.'s or unorganized areas. The enforcing authority of the Liquor Ordinance as a Territorial Statute will still be totally under the jurisdiction of the R.C.M.P., regardless of the amendments that are presently before the Members in the Liquor Ordinance.

If we accept the responsibility of making money out of booze, then I think that we should take the responsibility of enforcing the Liquor Ordinance and the liquor regulations.

The other point, Mr. Speaker, that I think should be made, that of course as my portfolio duties as Minister of Local Government, I travel through the Yukon a great deal, and I am also meeting with the members of the L.I.D.'s and the Municipalities constantly. It becomes apparent to me, Mr. Speaker, that there are certain municipalities that have no difficulties whatsoever in the area of public drinking.

I bring to your attention the municipality, the Town of Faro. Their representatives and their Mayor are quite adamant, they have no problems whatsoever enforcing the present regulations found under the Liquor Ordinance.

That's completely different when we talked to the representatives of the people of Dawson and of Whitehorse for very different reasons. We get down to

the L.I.D.'s area, where the Watson Lake people through their elected member there and their elected members on the L.I.D. tell me that they have no problems at all in the enforcement of the public drinking sections of the Ordinance. I hear completely differently from the Honourable Member from Teslin, and from the L.I.D. people in Teslin.

Mr. Speaker, in my total career in politics in the Yukon Territory, I've not been one to try and shove the wishes of Big Brother Daddy Government in Whitehorse down the throats of the people in the outside areas. I would be a hypocrite if I did it from this end when I'm crying for responsibility from the Federal Government in Ottawa.

This is an attempt — the principle of this Bill is an attempt to keep the enforcement at the Territorial level. It will be a level of enforcement by the R.C.M.P. throughout the Territory, but to allow local option as to what direction different municipalities, L.I.D.'s and other areas want to go under the terms of the Liquor Ordinance. To try to make a homogenous type of regulation throughout the Yukon Territory at this time, I think, would just be inviting disaster and would be absolutely impossible to do.

There's another point on principle, Mr. Speaker. I've always found in my dealings with the Municipalities and the L.I.D.'s and the way that we deal with Ottawa too, that it's so easy to make noises and to yell and to scream against the senior government, but it's a different approach when you have to accept the responsibility, and I'm of the opinion that perhaps all the hues and the cries that we hear about the way that the Liquor Ordinance is being abused in the Yukon Territory, might not be just a little bit of political flack that certain people think that it would be politically expedient to hurl at the Territorial Government from time to time.

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

Mr. Hibberd: Yes, Mr. Speaker, I would like to draw attention to the Minister that I think the problem that will arise as a result of each locality being able to institute their own wishes will indeed, as you say, result in a good deal of confusion, because if someone is now travelling the highway, and they come into the Territory, and they find that they can drink in Watson Lake, and they travel farther up the highway and they are doing the same thing in Teslin, and they are breaking the law in Teslin, and as he travels up the highway, there will be a considerable confusion on the part of anyone travelling through.

I think that this Bill really does not — there's a lot of good in the Bill, Mr. Speaker, but I think it begs the question, I think the government imposing this legislation is putting their head in the sand.

I would like to commend the Minister of Health and Welfare regarding her program for education in alcohol, I think this is the proper approach to take, but I don't think that if we hide the drinking from the public, it has any effect whatsoever on the alcohol problem. It used to be against the law to drink in public in the Yukon. At that time, there was considerably more drinking on the streets than there is now.

It is still breaking the laws to be intoxicated in a public place. We have that legislation, let's enforce that legislation. We will have legislation regarding litter, let's enforce that legislation. That's the problem that we have to face, that is what we are concerned about.

I don't really think this Bill is going to solve any problems as far as the alcohol problem in the Territory is concerned.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker. I have the same concern as the member on my right who has just spoken on the principle of the Bill, and the fact that it may change this whole Territory into just a bunch of little jurisdictions running a liquor business and that doesn't work I agree.

The L.I.D.'s are not capable yet, and not being paid enough to take the responsibility, so I agree with that principle of the Bill, that it should be still under the Territorial Government at the top level, and I myself have been into this House with this same problem two or three times already, and the same question always arises as to somehow the public drinking the streets is the actual problem. They don't seem to be able to get rid of it, they don't seem to be able to enforce the regulations that are here, and I agree again, that is where we've got to step on it.

I think every individual that has a problem with drinking is breaking our regulations, if he abuses it, therefore I do agree with the Section, and I'm hopeful that during this Council that that principle of just turning it over to the L.I.D.'s and just having them more or less run it, I hope that don't get through at all.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, just briefly regarding the principle of this Bill. It's been my understanding, since I've been a member of this House, that the legislation brought in should be a result of input from Members and from the people of the Yukon, and it's my firm belief, Mr. Speaker, that the legislation you have before you now is that product.

We have listened very carefully to the petitions and letters and requests and pleas, in some cases, from every area of the Yukon for the last year and a half on this subject, and it has all been considered very carefully in the drafting of this legislation.

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker.

I have very little to add to what has been stated, but I am in concurrence with the Honourable Minister for Local Government. I think this is necessary legislation, or amendments to the legislation which we need, in order to show our responsibility to the people of the Yukon. I think this is our position and I think we should recognize that fact first, instead of being, shall I say, too easy.

I think that it is necessary legislation at this point in

time, because of the substantial abuse of alcohol and what it stands for.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Thank you, Mr. Speaker.

I certainly agree with the principle of the Bill, but hopefully I think the debate that will follow will bring about some amendments to that Bill that are required.

Mr. Speaker: Any further debate? 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)

Madam Clerk: Bill Number 5 has now been read a second time.

Second reading of Bill Number 6, an Ordinance to Amend the Justice of the Peace Ordinance.

Mr. Speaker: The Honourable Member from Whitehorse West?

Bill Number 6 — Second Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 6 be 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 6 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)

Madam Clerk: Bill Number 6 has now been read a second time.

Second reading of Bill Number 7, Insurance Ordinance.

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

Bill Number 7 — Second Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by

the Honourable Member from Whitehorse North Centre, that Bill Number 7 be 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 7 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 carried.

(Motion Carried)

Madam Clerk: Bill Number 7 has now been read a second time.

The second reading of Bill Number 8, an Ordinance to Amend the Highways Ordinance.

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

Bill Number 8 — Second Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8 be 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 8 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)

Madam Clerk: Bill Number 8 has now been read a second time.

Second reading of Bill Number 9, An Ordinance to Amend the Securities Ordinance.

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

Bill Number 9 — Second Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 be 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 9 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)

Madam Clerk: Bill Number 9 has now been read a second time.

Mr. Speaker: This brings us to the end, on the Order Paper today, of Public Bills, and inasmuch as some members have indicated to the Chair that it is their desire today to reply to the Speech from the Throne, at this time the Chair would entertain any replies to the Speech from the Throne.

The Honourable Member from Whitehorse Porter Creek?

Hon. Mr. Lang: Mr. Speaker, I was very taken back by a comment which was made about the Throne Speech. The comment I'm referring to is that some members have referred to it as a "do nothing" speech.

I must take exception to this statement. The elected members of the Executive Committee chose to bring in three controversial but important policy changes to be debated by this legislature. You have before you, a complete rewrite of the Liquor Ordinance, as well as a comprehensive piece of legislation, the Electrical Protection Ordinance.

Also, you will be presented with a Green Paper on recreation. All three of these areas are going to be a great deal of concern to all Yukoners.

Mr. Speaker, a lot of long hours of work have gone into these areas of concern, and in my opinion, the work accomplished has been a major achievement, expressing the view of many of the changes we have had to adapt to, both Territorially and Federally.

In the last 24 hours, we have had the opportunity of listening to two major addresses. Both these speeches have expressed concern over the land claims and the potential ill effects which could occur if the situation is not handled properly.

As you know, the Territorial Government has been very responsible in this area, and has made new and innovative proposals to the negotiating table in order to ensure that a settlement will be a positive step for Yukon and Yukon's future. Both organizations, the Federal Government and the Council for Yukon Indians, promised in January that they would reply to our proposal, but up to this time have chosen to ignore it.

To Mr. Allmand's credit, has he committed his government to respond as soon as possible. Hopefully, this is not an idle promise.

Earlier, I mentioned the many changes in government which we, the elected Members on the Executive Committee, have had to adapt to. Government patron-

age in the important areas of federal government appointments are causing grave concern to all Yukoners.

In the Senate, we have an individual claiming he is representing all Yukoners, without going to the electorate. He claims he has been giving the legislature free advice. This is untrue.

Mr. Speaker, he told all Canada, and I quote, "The challenge facing the Territorial Government and its elected representatives, is to realize that when a land claims settlement is made, the governmental structures in the Yukon Territory as they know them today, will no longer exist".

Mr. Speaker, I want to make it very clear that if there are to be any changes in our government, and I have said our government, we will initiate the changes, and we do not need the obvious destructive advice of our appointed gentleman in the Senate.

It is interesting to note that the Federal Minister has been advised that the Indian population of the Yukon is deprived of participating in our society. We all know this is not true.

Presently, there are four constituencies which have a majority of native constituents. They have chosen to vote for the individual who they feel will best represent them, rather than along racial lines. Those four people are now presently sitting in this legislature, and I would like to add, are more than adequately representing their constituents.

In the school system, we have a number of people of native ancestry who have been elected to school committees, not because of race, but because of ability. The reason I point this out, Mr. Speaker, is I believe that it is essential it go on record that people of the Yukon believe in integration, and not the present Federal Government policy which can only lead to premediated apartheid.

In the last two years, we have had two years of economic decline. I was very disappointed that the Minister was not prepared to outline a Federal government policy on economic development. All Yukoners will be awaiting his return late this fall or early next spring to announce a Federal government policy on economic development in order that we can carry on the everyday business of Yukon.

Mr. Speaker, in closing, I would like to say to all Members that it is up to this Legislature to show our Yukon residents, as well as the rest of Canada, that we are prepared to become masters of our own destiny. With Mr. Miller's resignation, we have the opportunity now and it's up to us to prove it.

Mr. Speaker: Are there any further replies at this time?

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, the other day, you yourself referred to the Yukon Territorial Government as a ship of state. I believe that there are many indications that tell us that our ship of state is drifting aimlessly, battered between the Federal Government and the C.Y.I., and it looks like it's weakened by the mutiny of its crew. It also appears that there is a need for the hand of a strong, steady captain to get it on its course again so

we can weather the storms that lie ahead. I was very disappointed in the Throne Speech. I thought the amount — that there was an insignificant amount of business of the Yukon people placed before us for our consideration. Actually, there are only four or five Bills of any consequence and I was looking forward to a review, a significant review, of the Taxation Ordinance. Now, if you recall last May, when we were discussing the taxation, when I brought forward section after section after section that was ambiguous, that contradicted another section, and if you will recall, that one section we amended twice ourselves last Session. And if — I'm sure that there's only one person that can really interpret our Taxation Ordinance and that's the Legal Advisor of the Yukon Territory who has written it. I think it's high time that our government undertook to review that piece of legislation so that it can be read and understood. It has to be simple: people have to know and be able to understand a taxation ordinance.

Another area that I brought up in May and I'm bringing it up again, is the L.I.D. legislation. There must be a review of the Local Improvement District legislation. The Territorial Government must be commended in their endeavours to hand over decision-making powers to the local level. They must be commended for it and it's a good indication, but I think that they've put the cart before the horse and in many instances they are handing responsibilities and decision-making powers to boards of trustees when the boards of trustees do not have that power defined by law. My biggest concern is that one of these days a whole board of trustees or an individual is going to find himself in a court of law, find themselves in a court of law, because they made decisions and that they made orders when they did not have the legal authority to make them. Also, in the L.I.D. legislation, there have been requests from communities to review and look at the size of the board of trustees because, at a local level, many issues are very sensitive; I think we all realize when politics get to a local level it becomes sensitive and often quite personal. When you have a three-man board, and if one is away, you have two people: one seconding it — one moving it and one seconding. And then the other one moves it and the other one seconds it. So, you really, really need to look at that piece of legislation and I was really quite disappointed that it wasn't brought before us today. And also, I was hopeful that maybe the Government would give us some indication that they at least recognize the need to establish more local parameters for labour and management relations. At least recognize that there is a need for something, at least do some review of the situation to see if whether we should even get into it. But it's been a question that's been bandied around the Territory for six months now. Surely the Government has done some homework on this. We've been given Bills, a few White and Green Papers, and told that the relationship between the Indians and the non-Indians in the Yukon is deteriorating and it's all because we haven't been talking to the Indian organizations.

It's rather interesting that the Minister and the Commissioner just realized that the relationships between the Indian and non-Indian were deteriorating. They don't realize how badly, unfortunately.

The Federal Government has raised the aspiration of these Indian organization. They have acceded to every

whim and wish of these Indian organizations. Money has flowed freely and in unlimited quantities and now they've reached a point where they're going to have to make a decision. And it was very interesting that the Minister had the audacity, and I mean the audacity, to refer the fact that Indians aren't represented in any visible way in the political life of the Yukon. He had the audacity to say that when his department has been breaking their necks to spend and to fund the establishment of an Indian government. They fund C.Y.I., they've encouraged it to be established. I'm not criticizing the C.Y.I., but it has been the Federal government money that has done it. They have funded the Yukon Native Brotherhood, they've encouraged it; I'm not criticizing. They have funded the YANSI organization. Those are political organizations with political people elected by the Indian people. They fund and encourage Band Councils where you have a Band chief and counsellors. They fund Band managers. All of a sudden, he realizes, or they realize, we've got Indian government, but we really don't have Indian people in the Yukon government at the local and Territorial level where there really should be. And now, all of a sudden, it's because we haven't communicated. I think, if you look at the file, that I must defend the Yukon government. They have attempted in every way at the local government level, school committee level, territorial level, to have Indian people get involved in the political structures of the Yukon. The mechanism is there, the opportunities are there. All that is needed is the desire. The Indians can field the candidate and if they will support their candidate in many, many areas they are in the majority. I think every Member in this Chamber resented, and every person almost in the Yukon, resented the almost veiled threat that was implied in the Minister's address.

It's a very interesting thing. Canada is prepared to spend millions to ensure that the people of Rhodesia get a democratic structure of government, a government where there's rule by the majority and the majority and where the right to vote is given to all people and there is no difference by race. And Canada is committed and has supported internationally the support to get this type of government in Rhodesia. What are they doing up here? They are virtually spending millions to break down that democratic process to have a government defined along racial lines, to take away one man, one vote principal. And the reaction I have from the phone calls of people in my constituency have given me a great deal of concern. They didn't like it, they didn't like the veiled threat.

I think, Mr. Speaker, that we got the message. You'd better shape up or we might just cut the purse strings. And I wonder, really, how important is money to people in the Yukon Territory. It is very, very important. It's nice to say you don't need it when you've got it, but I think that the breed of people in the Yukon Territory is the kind whose principals are not going to be destroyed by a threat of restrictions or financial assistance. And I feel quite sure that this message would come forward from the people of the Yukon if they ever have the opportunity through the ballot box to give their representative that message.

I think that we are in a position where we are going to make a choice; we are at the breaking point. Are we

going to consider a two-government structure for the Yukon or a one-government structure for the Yukon? Always we have hoped and almost prayed that the Indian people would not take the direction and follow the direction that they were pushed by the department of Indian Affairs for a two-government structure. But I think that we've been backed up against the wall and that we are going to have to look very, very carefully at the alternatives and under which system, a one-government system which the Minister is holding up his finger and shaking at us, or a two-government system. Which would bring the greatest peace and harmony to the Yukon?

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Thank you, Mr. Speaker. In responding to the opening address as presented by Commissioner Art Pearson, it also presents me with an opportunity to welcome him here and to tell him that I'm quite happy to work with him and I offer my co-operation and assistance in his role as Commissioner of the Yukon.

I must admit the other day my initial reaction to the Commissioner's address, my comment was something to the effect that it was something of a nothing address in that it didn't really impress or say something that most Yukoners didn't really know already. I did say, however, that there was a definite message, and though I cannot totally agree with some of the statements, I think it will auger well for this Council if we react and take action in a constructive and positive manner to the issues outlined in this address. Certainly, the ordinances, the legislation, that was put forth is a very positive and major achievement and will serve to be of major consequence, I'm sure.

First, I cannot argue that the next few years will prove to be the most important and critical years for Yukon in finding the solution to and settling the Indian Land Claims, in settling the Indian Land Claims and providing without doubt that Yukon people have the capacity, the capability and the maturity to run their own government. I only hope that some of that maturity, capability and capacity will come out and prove successful in connection with the current Cyprus Anvil situation.

Evidence that the private business and labour sectors are facing up to the challenge of Yukon's economic slowdown is certainly correct and I'm confident that we'll see further efforts from those segments of our population in trying to keep Yukon's economy as healthy as possible at this time. In other words, the Chamber of Commerce and the Yukon Chamber of Mines should be commended, other organizations should be commended in their actions.

I'm somewhat disappointed, however, with the Territorial Government's part as identified by the Commissioner in advising that we are in the process of establishing an economic research and planning unit. Only in process. To me, that's not good enough. I'm concerned that this was not done long before now. I've certainly, during my short time as Counsellor, urged the Government that we'd better take some positive steps and get this show on the road with respect to Yukon's develop-

ment strategy in economic and related social development. Much debate has already taken place in regard to the goals and objects and I anticipate further debate will probably take place this Session.

I'm seriously concerned that the establishment of a research and development unit will shortchange the much-required public input that's required. It's only through direct involvement of the people, of the citizens of the Yukon, all across this Territory, that we will gain the ability to respond in a meaningful and competent manner, to major developments such as the mines, new mines or pipelines, smelters, significant tourist developments and so on.

I urge the government, I urge the government to heed that advice and employ this method if you wish to negate the need of — for further major expenditures by using consultants and so on. Let's use our own local ingredients, our grass roots expertise and involve them, people activity, involved in the activities in which we wish to identify further opportunities and to establish Yukon policy.

I also believe, Mr. Speaker, that we now have a prime opportunity in the naming of a fourth elected Member to Ex Com, to take on the responsibilities of industrial and resource developments, along with tourism, highways and Public Works. In other words, the time is right to create an industry, commerce and tourism portfolio.

In addition, as the opportunities available in these activities involve all Yukon people, non-Indian and Indian alike, I think a responsibility in this portfolio would be providing a constant liaison and working relationship with the native organizations of Yukon as well, is essential.

It will provide an opportunity to take advantage of funding and technical programs that today are available and geared to this kind of people involvement.

I think a statement of policy or recognition for sake of a better phrase is required to clarify to the tourist industry of the Yukon just exactly how the government views and appreciates the impact that they have on the economy of the Territory. I think recent actions or inactions, if you like, by the Territorial Government in this regard have dampened somewhat their enthusiasm and I believe people in this industry are waiting for a government statement.

I view the tourist industry as the number one industry, right alongside the mining and the transportation fields.

I suggest we take a cue from the results that have been obtained in connection with the Department of Local Government. Certainly, since that responsibility has been given to an elected Member, things have happened in a positive manner and I think that people involved are at least satisfied that they have a person they can talk to and understands their problems.

I have never experienced such frustration as exists in dealing with the land claims issue. I personally agree with the basic analysis and position that was first put forth in October of '74, but not made public, and only tabled in the legislature a few Sessions ago.

I have really never been able to sincerely discuss the most recent Yukon paper entitled "Meaningful Government for all Yukoners" because it was never tabled and I tried on many occasions to do this, as you all know.

I believe that this information must be available so

that all Yukoners can react, and react through communication with each other, express their views. So there's no doubt that the efforts around the land claims negotiating have been sincere and honourable, but I think the method of negotiating is quite acceptable, but it was never started without proper communication in the first place.

I think the Commissioner, in his address, as well as the Minister of Indian Affairs the other day, stressed the need for communication. I personally can't argue with that, but I suggest to them that we'd better first decide how that vital ingredient is going to be provided at this stage of the game. It almost appears that we had better start a new page.

I think we must all tell the Federal government in no uncertain terms how we expect this to occur.

You know, Mr. Speaker, for most of my professional working life, and for that matter during my boyhood, I've certainly been involved with the Indian people. I've been involved with the economics and resource development of their lands across the west, at their request, and not in any way attached to Indian Affairs.

I recall problems of regional and municipal expansion, in other words problems that we were looking for land for resources, for reservoirs and irrigation, land for industrial parks, land for housing, land for recreation, land for shopping complexes, not always land for the white person, but land for the Indian person as well. Not once in my recollection, were we ever successful in our negotiations until the parties directly involved did some talking themselves, in other words, communication, and that's been mentioned quite often lately in this Legislature.

But don't be fooled by communicating. It doesn't mean that you're weak. By communicating, a common ground can be found, and sure, it takes a lot of time, but in the process a lot of other things will get done, essential in the process of Territorial development.

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

Hon. Mr. McKinnon: Thank you, Mr. Speaker.

I was interested in remarks made by all the Members who have replied to the Speech from the Throne. I was especially interested, Mr. Speaker, with some of the remarks made by the Honourable Member from Kluane. I remember as we went through the Legislative Programming Committee with my colleagues, that Departments kept bringing in legislation and I said no, you know I agree with the Honourable Member from Kluane that there is too much government in the Yukon, there's too much legislation, there's too many regulations, and I know exactly what she'll say if we bring in all these pieces of legislation. She'll say here we go again, we are being over-governed, there's too much legislation, there's too many regulations, so we said only those things that are absolutely essential and necessary we'll bring to the Assembly this time.

I know, Mr. Speaker, after a long career in politics, the only thing you can be sure of is that you just can't win. If you bring in too much, you get it, if you bring in too little on the other side, you get it too.

At any rate, Mr. Speaker, I think that there were many constructive things that were said in the

speeches. I think that the legislation that we have brought was necessary and important legislation. The Honourable Member alluded to other areas, the Taxation Ordinance and the Local Improvement District Ordinance. We are actively working on both these pieces of legislation, and I hope that they will be presented in an acceptable form to the Members of the House as of the Spring Session.

I was also very interested in many of the things that the Honourable Minister of Indian Affairs and Northern Development said to the House the other day. They are not any different than I think many Honourable Members have been saying in this House for many years. I know I've said them in this House, and I've said them on the public platform.

I agree wholeheartedly that we have to find a way to involve all the people of the Yukon in the government and the democratic process. I think this government has looked at many different ways of doing that: in some areas, we've been eminently successful and some areas we haven't. I think we have a paper, the "Meaningful Government" paper, which I hope that we will be able to make public at this session, before the federal negotiators and the C.Y.I. at this time, I think it is a good discussion draft for communication, and I only hope out of all the remarks that have been said in this House and were said by the Honourable Minister, that there will be this communication and dialogue that we all want so much for the future of the Yukon to begin immediately.

But I did do a little research on how successful the Honourable Minister of Indian Affairs and Northern Development has been on the policies that he has been espousing across the country, and I went just to the local offices of the Yukon Branch of the Northern National Resources Environmental Branch of Indian and Northern Affairs in the Yukon.

There's about 180 permanent positions, Mr. Speaker, in this Branch, and there are 18 of them presently filled by people of Indian ancestry. I said well you know, that's probably a little unfair, because he has only been in the portfolio for six weeks, so let's go back to the portfolio that he used to be in before, because if these are his responsibilities, probably he's really in the couple of years he's been there, this attitude is reflected, and he was the Solicitor General and responsible for the R.C.M.P.

So I took a look at his success in that area, and it really wasn't all that good, Mr. Speaker. The R.C.M.P. staffing, the permanent staff personnel employed in the Yukon, shows that there are presently some 104 permanent personnel, and of that, 1 is of Indian ancestry at this time. So it's a little less interesting to hear the pot call the kettle black and vice-versa, Mr. Speaker.

I am disturbed, and I don't make any bones about it, you know, I am scared of the directions that Land Claims are going. I'd just like to read to you a short statement that was published in the "DRUM", the Inuvik paper, after the Dene Nation declaration and after the Dene Land Claims was presented to the government. When the interviewer asked the Brotherhood President, George Erasmus, if this would be a sort of government separate from the Territorial government — "Do you foresee, in other words, the native of the Dene Nation would have it's own government, separate from the Territories from that of the white people?" He

answered, Mr. Speaker, as in one clear word, "Precisely."

I think that that should frighten all the people of the North who think that it is still possible for the Indian and white people, as they say in the song, to be able to "we can work it out". I was glad that the Honourable Member from Kluane alluded to the situation as they find it in Rhodesia because I've been using these arguments with the federal government, but nobody has ever been able, in those departments, to give me a sensible and rational answer to the questions that I have asked. I think from my reading of history and my understanding of the Black movement in the United States, they were objecting to and they were against the separate but equal apartheid facilities in the United States, and they said that we have the ability, we have the people, we have all the rest to be able to get in with, absolutely into the system and get apart from the apartheid and the separate but equal facilities that are present. I see the same thing as the Honourable Member says in the countries of the world of Africa, of South Africa and in Rhodesia, that they say no longer can we abide by, are we going to allow the separate but equal and apartheid rule. Twenty years ago, Mr. Speaker, this was the case in the Yukon Territory. When I first came to this House, the concept of Indian Affairs and Northern Development was to go and take the children from the settlements and the homes and bring them into separate mission schools. Any of us who have been here for any length of time, still see the scars upon the people and the families that were treated in this manner. As far as I'm concerned, it was inhumane and it was a blot to think that this happened only twenty years ago. No matter what people say, the concept now of integrated schools within the community is a vast improvement on the capturing of Indian children and bringing them into an apartheid situation. And now it seems, when we've finally made this improvement, that we want to go right back to the area that we've improved so vastly on in the last few years. I can't accept that, the whole course of history cries against it Mr. Speaker, and how anybody can think that we should knowledgeably and wittingly rush into an area where we know that history has proven it would only be disastrous. This to me, is probably the most irresponsible action that one could take in the history of the Yukon, particularly at this time. I think, Honourable Members are honest when they say they are frightened at the direction that they are going and I think that the Honourable Members say they are correct when they will do anything in their power to get the dialogue and the communications going so that this apartheid system of government will not happen in the Yukon Territory.

And it's interesting, Mr. Speaker, to look at the dealings of the successive ministers of Indian Affairs and Northern Development over the years. I remember arguing with dear old Art Lang, God bless his soul, when he told me that, to come back and argue with him when I got dry behind the ears, sonny boy, and there was no way that the guy who paid the piper called the tune. The federal government was paying the cost of the Yukon and by God we were going to listen to what the federal ministers said and that's all there was to it. That's fine! That was an honest approach if we knew where we stood. Then the next minister of course — when the

great economic development in the Yukon came about — and Jean Chretien who happened to be the next minister. And it was amazing! The arguments went just 360 degrees around and Jean Chretien said, "We can't allow you any kind of responsible government or any kind of democratic institutions because you're just too darn rich and we can't allow you people to become the Kuwait of Canada." So that was fine. At least we knew where we stood. Then of course, Judd Buchanan came along. Well, he didn't do or say anything, so we don't know actually where he stood on any issue at any time. Then we came to Mr. Allmand who at least presents us with an interesting proposition that if we involve all of the peoples of the Yukon Government structures that we could then have responsible government.

Well I think that the Honourable Member from Kluane alluded to it and I agree with her. I think she used even kinder terms than I would like. I find it rather a subtle form of political blackmail and I think it would be just like going over to the Indian people and saying unless you're in favour of constitutional reform, then we're not ready to settle Land Claims. I think that we're all smarter than to accept this type of a statement from the Honourable Minister of Indian Affairs and Northern Development. I'm used to this kind of approach from the feds and it doesn't bother me too much.

I know and I am convinced that if both of us, the Indian people and the white people of the Yukon can get the feds, Mr. Speaker, just out of our hair for a little piece of time, that the majority of all Yukoners, regardless of race, are anxious to get about the business of running this Yukon together today for our children tomorrow.

I believe that this is possible and it will happen and I can just see the Yukon and the history. We've finally been responsible, proven ourselves capable administrators, proven ourselves responsible, proven ourselves to raise most of our revenue, we've worked out our problems with the Indian people, because we know that we have to and we know that we are going to. We know that there's the majority of all Yukoners, regardless of race, that are determined that we are not going to allow the Federal Government to split this country apart.

We know what they are doing, we know what their game is, divide and conquer and we are too smart to fall for it and we're not going to and we're going to work it out and then all of this happens, and then we say, well can we have provincial status and responsible government?

I bet at that time, Mr. Speaker, that just appointed to the Ministry of Indian Affairs and Northern Development will probably be a Canadian of Ukrainian ancestry or something of that nature and he'll take a look at the Yukon and say now what excuse can we possibly use not to allow democratic type institutions and responsible government and provincial status in the Yukon. And they say, well goodness, you know, there's an awful lot of Ukrainians who are driving trucks for White Pass in the Yukon and I don't think that we can allow any kind of responsible government until their considerations are taken care of in any part of the democratic processes that the Yukon Territorial Government follows.

The point I'm trying to make, Mr. Speaker, is that every time we've had the ability to make constitutional progress, there's always been a monkey wrench thrown

in the works, and I think the Federal Government, until the present administration is swept out from Ottawa, are going to keep the Yukon exactly where they want it, right in their place, as a policy subservient to the Crown of Canada, and I think all Members agree that Yukoners can work things out a heck of a lot better than having the involvement of those guys down in Ottawa and the faster they get rid of that bunch, the better we all are.

Thank you, Mr. Speaker.

Mr. Speaker: Are there any further replies to the Speech from the Throne?

The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: If there are no further replies, Mr. Speaker, I would enjoy the prerogative of having the last word.

We have heard from both our new Commissioner and our new Minister in the last couple of days, that the operative word is "communication". I've been in the communications business most of my life and I have always believed it was a two-way street. You can't communicate from one direction only.

It has concerned me in the last few days, Mr. Speaker, that we are getting communication from one side only and that is the reason that I proposed — I gave Notice of Motion this morning that we endeavour to get a two-way dialogue in operation in this House and that we endeavour to hear some of the statements which are being made in the media and via the Yukon network of the CBC, made also here to us because they concern us and they reflect upon us and we have not been given an opportunity to reply.

I am very hopeful, Mr. Speaker, that by the process of this dialogue we may come to some understanding between the native spokesmen and the Members in this House that some of the criticism which has been levelled at Members of this House may be clarified and that the Members will be given an opportunity to do so.

But I don't think that any more rhetoric on the floor of this House is going to get us anywhere until we pin it down and have it on record and have some logical replies from the Members of this House to what is being said outside of this House. I had hoped that some Member of the Assembly this morning would give me the privilege of asking to proceed with the Motion today, rather than waiting the normal length of time, so that we could get it moving immediately.

However, we have not missed that opportunity I believe, Mr. Speaker. I am only going to add that as of Monday, I hope that this House can say for the benefit of the Minister who is new and who is unfamiliar with our history and our operations here, for his benefit we are conducting meaningful dialogue and that communication is definitely working in the Yukon.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Pelly River?

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

Mr. Speaker: Is there a seconder?

Mr. Lengerke: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Whitehorse Riverdale, that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering Public Bills.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

Motion carried)

Mr. Speaker leaves the Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call this Committee to order, and we'll have a brief recess.

Recess)

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

Before we break for lunch, I would like to just give you an idea of the agenda that we will be having this afternoon.

First of all, we have had two representations for witnesses to appear before Committee. One of them is regarding the Insurance Ordinance, and the Insurance Ordinance will therefore be discussed on Monday.

We have also had representation from the Hotelmen's Association to appear as witnesses for the Liquor Ordinance. The date has not as yet been set but that will be following, probably about the middle of the week.

It is our intention this afternoon to proceed with clause by clause discussion of Bills 1 and 7, 8 and 9. As there's only a few minutes left before the lunch break, we ... Mr. Lang?

Hon. Mr. Lang: Excuse me, Mr. Chairman, I thought the Insurance Ordinance was going to be held over until Monday until we get the necessary expertise here?

Mr. Chairman: I'm sorry, that's what I intended. What ...

Hon. Mr. Lang: It's Bill Number 7.

Mr. Chairman: Oh, I'm sorry, yes it is.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: Am I to assume that these witnesses

have already made arrangements with the Chairman of Committees for next week?

Mr. Chairman: Yes, they have, but it requires the concurrence of Committee, of course, before they can appear.

Mr. McCall: I was wondering, Mr. Chairman, if it is at all possible, we could hold that maybe in the middle of the week also?

Mr. Chairman: I beg your pardon?

Mr. McCall: The witnesses coming before the Committee later on in the week?

Mr. Chairman: Which ones?

Mr. McCall: The ones from the insurance, Mr. Chairman.

Mr. Chairman: Why, Mr. McCall? Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, it's my understanding that the individual that is going to come up to help us discuss the Insurance Ordinance is prepared to come up on Monday, and I think we should make use of his services while we can.

Mr. McCall: Mr. Chairman, what I am concerned about at this point in time, if we are laying aside Monday for the reading of the Insurance Bill, what if we are already in the middle of a Bill already being read. This is where my concern is, plus a number of other things.

Mr. Chairman: Mr. McCall, this is a problem that is going to be constantly coming up in arranging for witnesses, and we have to arrange it as best we can, to accommodate the wishes of Committee and the witnesses who will be coming from out of town.

Now, is it the wish of Committee that we have the Insurance Ordinance on Monday?

Some Members: Agreed.

Mr. Chairman: Then that will be on Monday, Mr. McCall.

Mr. McCall: Thank you, Mr. Chairman.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I think that there are two Ordinances that are before Committee that will require witnesses, at least I'm positive that witnesses will request appearance before Committee, and I think they are the Liquor Ordinance and the Electrical Protection Bill, and I was wondering with the concurrence of Committee whether we could keep these towards the end of the business of the House to make sure that all those bodies who would like to make representations have had a chance to look at the legislation and decide whether or not they want to make representations before Committee?

Mr. Chairman: Is that the wish of Committee, that the Electrical Protections Ordinance and the Liquor Ordinance be deferred until later consideration?

Some Members: Agreed.

Mr. Chairman: Mr. Berger?

Mr. Berger: I gather from your remarks that one of the witnesses will be coming from out of town. Is Mr. Chairman prepared to tell us who this witness is and where he comes from?

Mr. Chairman: Mrs. Whyard, I believe you have the correspondence on this?

Hon. Mrs. Whyard: I'm sorry, I don't have that information before you; but the man's name is Kennedy and he is the head of Watt Insurance organization.

Mr. Chairman: The Insurance Bureau of Canada.

Hon. Mrs. Whyard: The Bureau of Canada and they have been consulted in the preliminary drafting of this legislation for their expertise in the field and they have asked permission to be here when we discuss it and we're very grateful to have their assistance at that time.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you very much Mr. Chairman for the information, but I think I do understand Mr. McCall's concern and I think in the light of what goes on he shouldn't be a privilege of discussion in this House right now. I think we should consider his request, too, that we should maybe hold it after Tuesday or Wednesday.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: The reason that we're doing this is because Mr. Kennedy has a very busy itinerary and we are considered fortunate to get him here at the beginning of our Session to go through the Bill with him. I'm not sure when he would be available at any later time.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, wouldn't it be possible to proceed on Monday with the expert the government has arranged for and then also when the other witnesses are available and just not, you know, just not make any final decision on the Bill and go back to it again when the other witnesses are available? Surely we can accommodate all witnesses before we make a decision?

Mr. Chairman: Mr. McCall?

Mr. McCall: I have no objections, Mr. Chairman.

Hon. Mr. McKinnon: I don't think we'll get through it in a day.

Mr. Chairman: The Committee will now adjourn until 1:30 p.m.

(Adjourned)

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

We will begin by clause by clause reading of Bill Number 1, Emergency Medical Aid Ordinance.

One (1):

(Reads Clause 1)

Mr. Chairman: Two (1):

(Reads Clause 2)

Mrs. Watson?

Mrs. Watson: Mr. Chairman, Section 2(1)(a), where it states "in any other jurisdiction" — does that mean any other jurisdiction in the world? For example, a medical practitioner from one of the countries in Europe, the United States, Mexico, who are entitled to practice medicine in that jurisdiction, is that how sweeping it is?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would think that was the interpretation. The whole point of this Section is that we are trying to give some protection to qualified people to stop and assist, if there has been an accident or injury, and in other parts of the world this is becoming a moot point because of all these horrendous malpractice and legal suits which are taking place.

I think there has to be some kind of inducement to citizens, as well as medical practitioners, that there's some protection under the law if they do assist, they're not going to be sued for doing so.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: A further question then. In Section 3(1)(b), where we are referring to a person other than a medical practitioner, now in what category would our lay dispensers and our paramedics that we have now who are assisting on their emergency calls, they would now be covered under (b). Does that mean up until this time, these people were open to court action if they thought that the services they gave was not properly given?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Probably that is the case. Your ambulance drivers or attendants who were not public health nurses, for example, could well have been in this position. This is a protection for them.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. The Honourable Minister stated that she believes, to the first question that the Honourable Member from Kluane and the second question the same thing. Does she mean to say that this legislation had to be proved first in court

before we can say this is what we're going to do?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I think that it's time that we got some assistance on this point. This is not really my Bill. It was Mr. Gillespie's legislation, but I would suggest that we ask for a legal interpretation if the Members wish.

Mr. Chairman: Okay. We will stand Bill Number 1 over until a witness is available.

Hon. Mrs. Whyard: Could we not have Mr. O'Donoghue, Mr. Chairman?

Mr. Chairman: Certainly.

Mr. Chairman: Mr. Legal Advisor, we are — concerning the Emergency Medical Aid Ordinance, could you interpret the intent of this Bill for the committee?

The Legal Advisor: Yes, the intent of the Bill is to enable doctors and other persons who are called to assist a person who is in distress by reason of an accident or otherwise, to freely give aid without risk of being sued by that person afterwards because, by reason of the emergency, they may not have the equipment, they may not have procedures available to them and they may do something that the person may think is slightly wrong medically but, unless it's gross carelessness on their part, then the person is protected completely from any legal action. This would include ambulance attendants and such like people in an emergency situation.

Hon. Mrs. Whyard: That's what I thought.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, in this particular answer it seems to me that the protection of this Bill would be granted to a person who comes to aid in an emergency of this nature, but it seems to me that a person who is a paid ambulance attendant would not come under the protection of this Ordinance because he is doing something for which he is paid.

The Legal Advisor: Perhaps that could be argued, but he is giving it involuntarily and he is not paid to render medical assistance; he is paid to drive the people, person, from where he picks him up to the hospital, so it is outside of his normal scope of duties but personally he could not be sued.

Mr. Chairman: This poses the question to my mind, Mr. Legal Advisor, that doesn't this constitute assault because there is not consent necessarily involved?

Mr. Legal Advisor: Yes, sir, it might.

Mr. Chairman: Would it be covered under this Ordinance?

The Legal Advisor: You cannot sue him for negligence. Perhaps you could sue him for assault.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I'd like some legal dissertation on the definition of gross negligence.

Mr. Legal Advisor: It is very difficult to say what gross negligence is. It's what a judge says it is, and the judicial interpretation varies from case to case.

The particular place where it comes to be discussed is commonly where a driver of a car voluntarily brings a passenger in his car, and causes an accident. A passenger cannot sue the driver for ordinary negligence, only for gross negligence.

Now, I think the House can understand that it varies from case to case what a judge interprets gross negligence to be. If the driver falls asleep after a long journey, one judge will say that's gross negligence because he should have known in advance that he was going to fall asleep. Another judge is likely to say in a different case in a different province, well who can anticipate that they will happen to fall asleep. He didn't set out to fall asleep, it was an accident, just a slight accident, so there is no real answer to it because it varies from point to point.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, maybe I could address the question to the Legal Advisor. I'm going back to the paid ambulance attendant. Is it part of the paid ambulance attendant's job requirements to give some first aid at the scene of an accident, and also now your lay dispensers, who are paid people hired by the Department of Health, who are taken by the ambulance people who have had no training, a lot of them, in first aid, who drive the ambulances in the smaller communities. They get a lay dispenser to go with them if there isn't a registered nurse available, a Public Health nurse.

Now, will these people because they are paid, have their protection under (a) or (b), or because of their job requirement will they not be protected?

Mr. Legal Advisor: No, Mr. Chairman, in my respectful opinion they would be protected. If the Honourable Member would cast his attention to the difference in the drafting between (a) and (b), you will see that the medical practitioner voluntarily, and without expectation of compensation, he's protected.

The ambulance attendant is a person other than a medical practitioner. He renders it voluntarily, and the words "without expectation of compensation" is not included in respect of the ambulance attendants. Voluntarily means willingly, so that the compensation really doesn't affect the ambulance driver or anyone else, other than the medical practitioner.

Mrs. Watson: Mr. Chairman, that clouds it a little bit more then, there is no protection for the people, the lay dispensers and the ambulance attendants, there isn't any, because they are not medical practitioners.

Mr. Legal Advisor: The extent of the Section, Mr. Chairman reads, "where, in respect of a person who is ill or injured, as a result of an accident, a person other

than a medical practitioner renders first aid, and the assistance is rendered at the scene of the accident," then that person is protected unless through gross negligence.

There is no question in respect to the ambulance attendant of the expression "expectation of compensation or reward". There's two different sections, one for doctors and one for the other people.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, it seems to me that the ambulance attendant who is paid to render first aid as part of his duty, would not be protected. He would be, probably would also be guilty if he did nothing. He has to do something, he's compelled by the very nature of his job to do it, and I don't see how this wording would protect him. It's part of his duty.

Mr. Legal Advisor: Perhaps, Mr. Chairman, if it says voluntarily it says willingly. The Section might be easier to read if in the third line of paragraph (b) it was broken into a sub-paragraph (c), then paragraph (b) would just be a short paragraph, "A person other than a medical practitioner voluntarily renders emergency first aid assistance", and then (c) at the side of the page, and (c), "That assistance is rendered at the immediate scene of the accident or emergency".

There's no question in my mind but that the word "voluntarily," means "willingly" and is not related to compensation. The opposite of voluntarily is "involuntarily".

Mr. Chairman: Mrs. Watson?

Mrs. Watson: If he wasn't an ambulance driver, and he came upon the scene of the accident, if it wasn't part of his job he might drive right by. You know, it doesn't necessarily imply that he is going to stop, but because he is an ambulance driver he is not doing it voluntarily. He's paid to do it.

Mr. Legal Advisor: Mr. Speaker, I don't know what ambulance drivers are paid to do or not to do, perhaps the Chairman might know that, but what we are talking about is emergency first aid assistance.

Mrs. Watson: Yes.

Mr. Legal Advisor: And I was not aware that ambulance drivers were paid to render first aid assistance. So far as my recollection goes, the impetus for the first time consideration round of this particular Bill, came from that area in the first instance, as to what was the responsibility in the event of a personal suit by a person who was an ambulance driver or other person, or perhaps a staff member who renders first aid to another staff member, were they protected, and if they were negligent, they were not protected, and if they went beyond certain limits, they would be giving medical attention which they were unlicensed to give.

In addition to that then on consideration it turned out a doctor coming through this Territory, an American say, who wasn't licensed to practice in Canada or the Territory, might be committing an offence if he rendered aid

to a person.

The impetus so far as my recollection is that it did not come from the medical practitioners in the Territory, but on the original time round, about three years ago when it was discussed, the doctors in Whitehorse said they did not need the legislation, because they always in fact did render emergency first aid without question of fee, and they would face up to the risks if they didn't think they were much.

The second time 'round more recently when it was being discussed, it was discussed as a result of impetus from the ambulance driver area -- who specifically I don't know, so then we researched the legislation.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, that is correct, because I know in my community, and in some of the communities on the North Alaska Highway, where the people who drive the ambulance are people who are not trained to give first aid.

I also am aware of the fact that the Public Health Nurse is not required to go on an emergency call with the ambulance, so a lot of these ambulance drivers who are being paid, it's not part of their job, they're members of our Territorial Highways Branch. They are paid, though, when they take the ambulance run, as it's called. The Public Health Nurse doesn't have to accompany them. You have two lay people embarking upon an ambulance call to pick up someone at an accident, and they're very reluctant to go, because they don't know what they are going to find at the accident. They don't know what kind of treatment or assistance they're to give, and this is the question that's being raised by these men right now.

Look, you know, are we sticking our neck out, by driving that ambulance? Could we be sued? I think this whole thing should be taken back and looked at. The ambulance drivers in the Whitehorse area are a different kettle of fish. I think there is a requirement for them to have some emergency first aid and this type of thing, but the fellows who are almost -- who are assuming the responsibility for ambulance driving in the outlying areas, many of them do not have this training, and I think the Minister of Health will have to look at the responsibilities of the Public Health Nurse, as far as accident calls are concerned.

I'm quite sure that the Public Health Nurse is not required to accompany the ambulance on an emergency call. Now, is the lay dispenser? Now they go pick up the lay dispenser quite often, just to have someone. Now, is the lay dispenser open to court action? I think this really has to be looked at.

When you say voluntary, these men are volunteering in a way to take the ambulance, but they're still being paid by the hour. So it's for their protection I'm sure, that this section is in here, and if we're going to protect them, let's make sure we do protect them, and maybe we should sort out this, who accompanies the ambulance call.

And another thing, when we are at the ambulance situation, is an ambulance required to go out when a person is dead? Is this why we have ambulances? This problem, this is the problem -- these are the types of things that have to be ironed out.

Hon. Mrs. Whyard: Mr. Chairman.

Mrs. Watson: Mr. Chairman, I'm directing the question to anyone who has some answers.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: We're looking at a three-pronged question here as the Honourable Member knows. Ambulances are not under my jurisdiction, nor are Public Health Nurses, and I don't know why they aren't all in one jurisdiction but they aren't, and at the moment, ambulances come under Local Government, and perhaps the Minister would like to give some clarification on what drivers have first aid and who don't and why.

I have no compunction at all about this Bill. It seems to me to provide protection for those who need it, and in my interpretation, the ambulance driver is hired to drive the vehicle under the terms of his employment in my colleague's department, and therefore is covered by this Section where he is rendering first aid which he is not being paid to render, just like any other citizen stopping at the side of the road to help.

If that's a simplistic point of view, then I'm wrong, but that is my understanding of the purpose of this Bill, so that anyone who comes along and does the Good Samaritan bit, whether they are in a uniform or whether they are driving a government vehicle or whether they are driving their own car, will have some kind of protection for the service they render.

I know from my own personal experience that most members of the public are getting so constrained by the threat that what they might do is going to be wrong, that we are leaning over backwards not to do it, and in many cases, more recently in large cities as you all know, Mr. Chairman, people are dying because bystanders are afraid to lift a finger to help them.

And this is the kind of situation I don't want to see in the Yukon. I have one member of my family, Mr. Chairman, who is alive today because a bystander came along the highway after an accident and actually moved her before the vehicle fell over on where she had been. You know, and if that person had stopped and said no, I'm not going to touch anything because I may not be under the right section of the ordinance, by gosh, we would all have some very serious thoughts about it.

Now, the Honourable Member is far more familiar with ambulance drivers in her area than I am, but my interpretation, and I would like Mr. Legal Advisor to assist me, is that this section is referring to people who stop to give first aid who are not being paid to give that first aid and therefore we are covering them. I would still say, Mr. Chairman, that the ambulance driver is hired to drive the vehicle, in fact he is on duty as a member of the road crew probably, he's not even dignified by the name of ambulance driver - he's on call and he's called out to drive a vehicle and he's not being paid to provide first aid. Is that the interpretation?

Mr. Legal Advisor: Yes, Mr. Chairman, this is a voluntary act, it is not part of his duty. The question of money doesn't enter into voluntary end of the section.

The number of cases cited in this, the standing case which occurred when the research of the bill occurred in Montreal where a doctor was charged with criminal negligence for allowing a person to bleed to death in a corridor of a hospital because he wouldn't touch the patient. He was charged with criminal negligence and he was found not guilty because he hadn't volunteered his services. The reason he didn't volunteer his services was because he didn't want to get involved, because it was a difficult case and something might have gone wrong. This is what we are attempting to cure - to give them the legal protection.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I just wanted to rise to verify what the Honourable Member from Klwane has spoken about, for the problem arose in the case of the nurse not going on the ambulance call and I will verify that this is very true because we had the problem, from the federal point of view of the medical health services here and the director, this is the case, the nurse does not necessarily have to go. So, therefore, it is sometimes definitely the ambulance driver or somebody that does have to render some sort of first aid to get that person to a hospital. The only thing that bothers me is that this medical practitioner voluntarily renders what — as I think I understand it — don't really cover the person that might be paid for this job but is — would it not be very simple to state that it does cover such people as paid. Other than an ambulance driver, it's not only an ambulance driver that might be paid; it might be anybody that might be paid for something but he can still give — you know that's what this Bill is for. It's not to cover any individual that gives a first aid on the — anywhere it is needed and necessary. Am I right? Mr. Chairman?

The Legal Advisor: Mr. Chairman, that is not the intention of the Bill. The intention of this Bill is to cover people who do it outside of their duties. If it is their duty to do it and they are not allowed to be negligent. This permits, without suit, negligence, ordinary negligence that cannot be sued for, but gross negligence can be sued for. If that person is employed and it is part of his duty to deliver first aid or emergency first aid, then he must do it properly, and if he doesn't do it properly, he can be sued. That's the ordinary law. That's what he's paid to do. So an ordinary doctor who is called into an accident to one of his patients, in the patient's home, and who is negligent, is liable for the negligence. It's only the person who is not paid for it and who renders it outside of the course of their duty, that's protected by the bill. That's the intention, Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I really think that makes it worse. You're not going to have anyone, if they're paid to do it, because you do have some ambulance drivers and I believe the L.I.D. at Watson Lake has someone who is in charge of the ambulance and they have to have some first aid. And so, some requirements are going to have to have some emergency treatment. Now are these people open to a court action for neglig-

ence? They're not medical practitioners. This is the point we're trying to make. Everyone who has the right, or is paid to render first aid isn't a medical practitioner. And the people who are not doing it voluntarily, they're paid for it, and I really think that we should review, first of all, who - what the terms of reference of our ambulance drivers are. The ones who are designated as ambulance drivers, what requirements they have as part of their function in their duties. Lay dispensers again. Now lay dispensers do not have to be a trained nurse and they are often called out on an accident and yet lay dispensers are paid people. Now will they be covered under this? I think these are the things - I am not disagreeing with the philosophy of the Bill, I think it's absolutely necessary. But if we're going to put the Bill in, let's make sure we're doing what we want to do so that we're not leaving any loopholes for it. And really, I don't think that the Government people realize how many different classes of medical practitioners you have in the Yukon Territory. You've got hears drivers, ambulance drivers, lay dispensers and so on and we have - even looking at para-professionals or paramedicals, so, you know, really, are these people all considered medical practitioners?

Mr. Legal Adviser: No, Mr. Chairman, they're not considered medical practitioners.

Mrs. Watson: I hope not.

Mr. Legal Adviser: The purpose of the Bill is not to relieve a person who is paid to do a job from doing a proper job, and in the case of a nurse and what have you, employed for a certain purpose, if they do the job negligently, then they and their employer is liable because one must think and have regard for the protection of the patient. The patient is entitled to the best care it is possible to give him, having regard to the circumstances and if a person is paid to deliver that care and does not deliver that care, I think it is proper that the law should not be changed, that the person who delivers the improper care and the employer of that person, which would be the Territorial or the Federal government as the case might be, should be liable for the damages which ensue.

So that would be changing the basic law in a way in which was not the purpose of this Bill, Mr. Chairman, which is limited to a very, very narrow field indeed.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman.

I think I may be able to clarify some of the argument about ambulance drivers and volunteers. Up to a few years ago, people working for the Territorial Government, they were deducted the time off of being a volunteer ambulance driver, which created a lot of hardship on some people. It was through union negotiation that those people achieved not losing any time on their job.

So I think you can still say that those people are volunteers driving those ambulances, even though they do get paid on their regular jobs. They do not get paid for driving that ambulance.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I sympathize with the Honourable Member to my left, as to the problems that she may foresee. What I'm concerned about is if we start separating and pinning down certain functions as to the ambulance drivers, which most of them are voluntary, I think we would be moving into an area of even bigger problems.

I think Section (b) here or sub-section (b) is very explanatory and I think it should be kept in that type of form under the legislation as I can see some very difficult areas ahead.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. Mr. Legal Adviser did answer my question with his previous comments but I certainly appreciate again the concern of the Member from Kluane and she is really looking for a better interpretation, I think.

What I would like to ask Mr. Legal Adviser is — is it common among the Provinces to have this type of Good Samaritan legislation and did you draw any of your ideas from some of that legislation?

Mr. Legal Adviser: Mr. Chairman, it's gradually becoming common. It could hardly be said to be common as yet. There are various societies who put it forward. The one that we looked to was Alberta and we widened Alberta's beyond what Alberta had, so our Bill is wider than Alberta's.

There are several American jurisdictions that have this general type of legislation as well and in the United States the push for the legislation is from the medical profession itself, as they have a very heavy burden to bear in the law courts in that particular jurisdiction.

Mr. Chairman: It's the lawyers that put them there, Mr. Legal Adviser.

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I'm having some difficulty in 1(b), line 4, where we are talking about that assistance is rendered at the immediate scene of the accident or emergency.

The very nature of our Territory and remoteness of some areas in the Territory, particularly along our highways, and perhaps in some of the camps throughout the Territory, create unusual and unique situations in terms of evacuating people who have been injured or for one reason or another are incapacitated.

I'm considering the case of, for instance, a pilot, who has come across a situation whereby a person has been injured in a camp, a remote camp or something of this nature, attempts to give first aid, then attempts to evacuate this person, and a pilot runs into perhaps bad weather trying to get this patient to a properly recognized and adequate medical facility.

Would the pilot then be liable or could he be considered to have created gross negligence simply by the fact that he was unable to complete a chore that he had set out to do.

Also, we have the case on the highways where — and I know I have and many others living in what we call the hinterland — have come across accidents where some very terrible things have occurred and you really don't

know what to do. You try to do your best and in some cases you may put this person or persons in your own vehicle and start them in towards a community where there is medical assistance available or where there is an airplane that you could evacuate these people by that means. Perhaps these people get relayed in somewhere, are each one of the people that relay these people to the medical facility, are they liable, are they protected under the Ordinance, or what is the situation in the scenario that I've generally given?

Mr. Legal Adviser: Mr. Chairman, I would imagine that in the case of a pilot who picked the person up and he's travelling in a plane, and then an emergency happens like the person cannot breathe or something, that is the emergency he's facing, not the scene of the accident itself. It's accident or emergency.

I would prefer to look at it and consider it because, reading it over here, it seems to me that perhaps consideration should be given to the word voluntarily in paragraph (b). I don't know whether we can take it out or not to eliminate the doubt which has been created in the mind of some members, and whether or not in view of what the Honourable Member has just said, the expression "immediate scene of the accident" might not be too restrictive, in view of the fact that he points out that a person is going to be moved even if it's only half a mile into possibly a house. That may not be the immediate scene of the accident but consideration could be given to something like the immediate scene of the accident or a place as near as practicable to that place, something like that.

Perhaps when the discussion is ended, if it ended without being going full through, the government would be prepared to look at it and see can it meet with the wishes of the Members and perhaps improve the drafting.

Mr. Chairman: Is it the wish of Committee that we stand this Bill over until the Government has brought in this revision?

Some Members: Agreed.

Hon. Mr. McKinnon: Mr. Chairman, can I get the feeling of the Committee of the House? It was the feeling of the Government that they want this as wide open as possible and not restricted. We were trying to make it as open as possible. Is that the feeling of the Members of the Committee?

Mr. Chairman: Yes, I think it is, Mr. McKinnon.

Hon. Mr. McKinnon: Thank you.

Mr. Chairman: We'll ...

Mrs. Watson: Mr. Chairman, I would agree with the Legal Adviser that (a), (b) and section (c) would be much easier to interpret.

Mr. Chairman: Mrs. Whyard, would you bring a written amendment?

Hon. Mrs. Whyard: Mr. Chairman, this will have to

be reviewed by the Legislative Committee before it comes back.

Mr. Chairman: Then we'll stand the Bill over.

We will proceed with the reading of Bill Number 3 and for that purpose, I have asked the Assistant Commissioner, Mr. Merv Miller to attend as a witness. Does that suit the wishes of Committee?

Some Members: Agreed.

Mr. Chairman: Bill Number 3 is an Ordinance Respecting the Institute of Chartered Accountants.

For the record, Mr. Miller is now attending as witness.

One (1):

(Reads Clause 1(1))

Mr. Chairman: Is there any debate on the Ordinance? Section 1 is carried.

Two (1):

(Reads Clause 2(1))

Mrs. Watson: Mr. Chairman, this is a dumb question, but I'm sure everybody is sort of wondering why is it "any province or territory of Canada or of Bermuda"?

Mr. Miller: Mr. Chairman, there's an arrangement between the Institute of Chartered Accountants of Canada and of the Provinces of Canada with an Institute in Bermuda. It's the one exception.

Mrs. Watson: Reciprocal type of

Mr. Miller: Reciprocal type arrangements.

Mrs. Watson: Thank you.

Mr. Chairman: Section 2 carried? Are you agreed?

Some Members: Agreed.

Mr. Chairman: Three (1):

(Reads Clause 3(1))

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I would just like to ask the witness, Mr. Chairman, the legislation has been brought forward as a result of requests by chartered accountants operating in the Yukon, is this mainly the thrust behind it, or is it really a strictly government action?

Mr. Miller: No, Mr. Chairman, this has been brought forward, based on representation of the Chartered Accountants who are operating within the Yukon Territory.

Mr. Chairman : Three (2):

(Reads Clause 3(2))

Section 3 carried. Agreed?

Some Members: Agreed.

Mr. Chairman: Four (1):

(reads Clause 4(1)(a))

(Reads Clause 4(1)(b))

(Reads Clause 4(1)(c))

(Reads Clause 4(1)(d))

Section 4 carried?

Some Members: Clear.

Mr. Chairman: Five (1):

(Reads Clause 5(1)(a))

(Reads Clause 5(1)(b))

(Reads Clause 5(1)(c))

Clear?

Some Members: Clear.

Mr. Chairman: Six (1):

(Reads Clause 6(1))

(Reads Clause 6(2))

(Reads Clause 6(3))

(Reads Clause 6(4))

(Reads Clause 6(5))

(Reads Clause 6(6))

Clear?

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: There is just one question, Mr. Chairman, on subsection 6(2). "A majority of the council shall be members resident within the Territory". Why was it suggested that the Council should consist of anybody who is not a resident of the Territory?

Mr. Miller: Mr. Chairman, one principle that the Chartered Accountants use is that anybody operating within the Territory and using the designation "C.A.", regardless of where their residence must be — or where their residence is — must be registered with this Institute, so they become a full member by registration, but this is restricting the number of members who can be

from outside the Territory on the Council.

Mr. Chairman: Clear?

Seven (1):

(Reads Clause 7(1))

Mr. Chairman: Is Section 7 clear?

Eight (1):

(Reads Clause 8(1))

(Reads Clause 8(2))

(Reads Clause 8(3))

(Reads Clause 8(4))

Mr. Chairman: Is Section 8 clear?

Some Members: Clear.

Mr. Chairman: Section 9(1):

(Reads Clause 9(1))

(Reads Clause 9(2))

(Reads Clause 9(3))

Mr. Chairman: Is Section 9 clear?

Ten (1):

(Reads Clause 10(1))

(Reads Clause 10(2))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. We speak in (a) and (b), we have a situation which could create in fact a closed shop. Are there any safeguards to protect the chartered accountant who wishes to become a Fellow, and is by his very — what's the words — by his ability and experience and his credentials entitled to become a Fellow, is there any way he could still be refused for any reason, if the group of accountants felt that they just simply didn't want him there?

Mr. Miller: Mr. Chairman, the intent of Subsection (2) is to have the ability within the institute to recognize any member who has done conspicuous service to the profession by offering him the additional title of "fellow". He then is able to carry the designation of "F.C.A." instead of just "C.A." So it's an honorary position.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, that wasn't my question. My question relates to 1(a) and (b). Where this person is entitled to be registered as a member of the Institute and so forth. Do I read it to say though that the Institute could refuse him membership, notwithstanding he possesses the credentials of membership?

Mr. Miller: Mr. Chairman, the practice in all the provinces is, if you are a member of any provincial institute, and this would apply now in the Yukon after passage of this Bill, if you're a member of the Yukon Chartered Accountants Institute, you are automatically granted, upon registration, payment of appropriate fees, a similar standing in any province in which you wish to practice.

Hon. Mr. Taylor: Mr. Chairman, what I'm getting at, is there a compulsion with an applicant having, again, I use the word credentials, having proven he is indeed eligible to become a member of the institute, is there not, or ought not there to be a compulsion that he is allowed to join? In other words, I'm thinking of the situation whereby a chartered accountant in Dawson that nobody really in Whitehorse thought a great deal of, and yet if he did possess the qualifications that he could join, he couldn't be shut out. This is the type of situation I'm talking about.

Mr. Miller: That is correct, Mr. Chairman; he cannot be shut out if he holds his degree in good standing, meets the terms and conditions. In other words, he is prepared to register with the society or with the institute, pay his annual dues and be a fellow who is prepared to follow the professional conduct rules; there is no way he will be shut out or can be shut out.

Hon. Mr. Taylor: Okay, thank you, Mr. Chairman.

Mr. Chairman: Is Section 10 carried?

Some Members: Carried.

Mr. Chairman: Eleven (one).

(Reads Clause 11(1))

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I wonder if we could have clarification on the use of the word "certified"?

Mr. Miller: Mr. Chairman, I'm not sure just where the Honourable Member is referring to in the text, but there used to be a society or institute in Canada operating under the name "Certified Public Accountant". Now, they were primarily operating in the Ontario region about seven — six or seven years ago. There was an arrangement made between the Chartered Accountants and the Certified Public Accountants under which they melded or merged their two institutes with those people who were in practice at the time as certified public accountants automatically receiving the designation "Chartered Accountant". As such, there are no Certified Public Accountants or any institutes of Certified Public Accountants in Canada. There are CPA's or Certified Public Accountants in the U.S. but not in Canada.

Hon. Mrs. Whyard: Thank you, Mr. Chairman, that's what I wanted to hear.

Mr. Chairman: Is Section Eleven carried?

Some Members: Agreed.

Some Members: Clear.

Mr. Chairman: Twelve (One).
(*Reads Clause 12/1*)

Mr. Chairman: Is Section Twelve clear?

Some Members: Clear.

Mr. Chairman: Thirteen.
(*Reads Clause 13*)

Mr. Chairman: Is Section Thirteen clear?

Some Members: Clear.

Mr. Chairman: Fourteen (One).
(*Reads Clause 14/1*)

Hon. Mrs. Whyard: Could we be told where the register will be kept?

Mr. Miller: Mr. Chairman, it will be kept at the head office of the Council which will be contained in the bylaws which will be available.

Mr. Chairman: Section Fourteen clear?

Some Members: Clear.

Mr. Chairman: Section Fifteen (One).
(*Reads Section 15/1*)

Mr. Chairman: Section 15 clear?

Some Members: Clear.

Mr. Chairman: Section Sixteen (One).
(*Reads Section 16/1*)

Mr. Chairman: Clear?

Some Members: Clear.

Hon. Mrs. Whyard: May I ask a general question?

Mr. Chairman: If it is the consent of the Committee, the general questions should commence with the reading of the first clause, Mrs. Whyard.

Hon. Mrs. Whyard: It's so peaceful here, Mr. Chairman, I'm nearly asleep and I lost out on Section. It's not an important question, Mr. Chairman.

(*Reads Preamble*)

Mr. Chairman: Is Bill Number 3 carried?

Some Members: Agreed.

Mr. Chairman: Should I report the Bill without amendment?

Some Members: Agreed.

Mr. Chairman: We'll proceed to Bill Number 4, An Ordinance to Amend the Insurance Premium Tax Ordinance.

Mr. Chairman: One.
(*Reads Section 1*)

Mr. Chairman: Is there any debate?

(*Reads Preamble*)

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I move that Bill Number 4 be moved out of Committee without amendment.

Mr. McCall: I'll second that.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

(*Motion carried*)

Mr. Chairman: We will proceed to Bill Number 6. Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, could I suggest that if we are clearing away the small easy ones, we might move on to Bill Number 9 — 8, the Highways Ordinance.

Mr. Chairman: Do you want to consider that before Bill Number 6?

Hon. Mrs. Whyard: You want to get into the Liquor Ordinance?

Mr. Chairman: No, no, no, no. Bill Number 6.

Hon. Mrs. Whyard: Oh, thank you, Mr. Chairman. Quite right.

Mr. Chairman: Section One.
(*Reads Clause 1*)

Ms. Millard: I think for the edification of the Assembly, this Committee, we should have some kind of idea of what a juvenile judge does, in comparison to a Justice of the Peace. Is it possible to have the Legal Adviser give us some kind of outline?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, a juvenile judge has, by law, all the authority that a Magistrate would have in dealing with juveniles when the Magistrate is dealing with that kind of a case. The total power is not always exercised, but it's there. An Ordinary Justice of the Peace does not have any authority to deal with juveniles, other than to remand them for the first time around. That's the difference.

So what we have gone onto in Whitehorse for quite a

few years now, is to have one of the Justices of the Peace act on a Sessional basis as the main Juvenile Court Judge closely with the Magistrate but trying all the cases which are assigned to her by the Magistrate. This is a common practice now.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, what concerns me here is perhaps the fact that Justices of the Peace throughout the Territory are often — they have limited training, and perhaps that a Justice of the Peace in this case does not have the understanding or the techniques involved in dealing with juvenile offenders.

It occurs to me that a Juvenile Court Judge certainly has been obviously selected for their ability to understand law and perhaps too, in this case, to understand the juveniles and the social effects of whatever has occurred, and I am a little hesitant about approving this Ordinance. I've got mixed emotions on it.

I think that perhaps you are extending a greater amount of authority than ought to be extended to untrained J.P.'s for instance in the juvenile field, and I would like to hear some argument from someone on this subject.

Mr. Legal Advisor: Mr. Chairman, the power to make this appointment has always existed, but it has been exercised by the Government of Canada until now. It was overlooked during the transmission of the administration of justice in 1971 that, under the provisions of the Juvenile Delinquents' Act of Canada, the power had been previously exercised and one, occasionally two, Justices of the Peace were authorized to deal with juveniles and an appointment was made in each of the mining districts, the mining district of Dawson, the mining district of Mayo and the mining district of Dawson and the mining district of Whitehorse.

Now, some time after 1971, the administration decided that they would attempt to have one particular justice given some training, who would understand the needs of juveniles, although we didn't have the resources to employ a full-time lawyer for the purpose and, as the House knows, Mrs. Christiansen was given that appointment, but that appointment was made at the request of the Government of the Territory, by the Government of Canada, who had the jurisdiction to do it.

When it came to making the next appointment, then it was suddenly noted that this government did not have the authority, legally, to make the appointment and had to ask the Government of Canada to make it. This drew the matter to attention, and then this Government requested the Government of Canada to appoint Mrs. Tanner as a Juvenile Court Judge, her first appointment being as a Justice of the Peace, so this is not intended to expand the power in any way — merely to repatriate to the Territory, the power which the Territory always should have had from the transfer administration of justice in 1971.

I'm just saying that we have this, not as a full-time appointment, but as a long-term appointment, expressing that this is the policy followed in the administration of the courts at this time. It is not intended to have a Justice of the Peace outside Whitehorse, at least at pre-

sent, doing very much in the way of Juvenile Judge Courts, but it is necessary to have one person with the basic authority to start the case off in each of these districts, so the appointment comes up and it will be just one single J.P. in each of the main districts who will be given this authority, as required, but exercised subject to the Magistrate's supervision and will only be for a limited purpose.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm still not satisfied. I mean, we are asked here to approve a piece of legislation which I think is desperately important, and I can see a situation whereby you could have a J.P. or several J.P.'s, for that matter, in the smaller communities.

Again, I state perhaps without having a legal background or the other backgrounds that may be involved in dealing with juvenile offenders, and I'm just a little afraid that perhaps one of these people could be so biased, as a result of this lack of understanding generally in dealing with juveniles, and take them as a — or juvenile offenders, I should say — and take them in block as being a bunch of very bad young people, and would bias their decisions when these juvenile offenders came before them in court.

This is where I'm having my difficulty. It seems to me that there ought to be somewhere in this Ordinance a compulsion again upon the Commissioner who can make the appointment by order, to satisfy himself that some very specific requirements are met before that individual J.P. was indeed appointed. I see it as a safeguard, because I'm concerned about the court, the relationship between the court and the juvenile offender.

Sociologically, it's a very delicate area, and a wrong move by perhaps a Justice of the Peace upon a juvenile offender could well change the course of the juvenile's life in the future, if that juvenile has been wrongly dealt with.

There are social implications here that I'm sure most Members could appreciate, and here is where I'm having my difficulty. I don't think, at this point in time, unless as I say I can have some very solid assurances that this type of thing would be done, that I could in honesty and in moral conscience, vote for this piece of legislation at this time.

Mr. Legal Advisor: Mr. Chairman, I cannot see the government giving the assurance that only legally qualified people will be appointed as Juvenile Court judges. We don't have the amount of juvenile work to justify it, and we don't have the money to pay such a person what it would require.

We require the person has been some time as a Justice of the Peace, works closely with the Magistrate for a period either before or immediately after first appointment and then, of course, as the Honourable Member knows, they have experience with children, because most J.P.'s have been children themselves.

Hon. Mr. Taylor: Well, Mr. ...

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I must rise in support of the Member from Watson Lake in this debate. I really feel that, in my experience as a Probation Officer, many of the J.P.'s that I've worked with were also Juvenile Judges and they were quite inadequate.

I think that, before I could vote for this piece of legislation, I would have to be assured that there's going to be some kind of course or training whereby the individual is at least well acquainted with the Juvenile Delinquents' Act. In my experience, that's been very hard to find — a J.P. who is really well acquainted with Federal legislation.

I can understand putting over very serious cases to a Magistrate, but again in some areas this might take three or four months and in dealing with juveniles it must be done quickly, in most cases. So the only procedure I can see is by furthering the training of the J.P.'s to include something specifically to do with juveniles.

I wonder if Mr. Legal Advisor could give us some assurance of a change in attitude in the Legal Department towards more training for J.P.'s?

Mr. Legal Advisor: Mr. Chairman, I've been asked for something which I don't have that kind of authority on. We do the best we can with the money we have, and we are satisfied that the people who hold these appointments are doing an excellent job, and unless we're given substantial sums of money, I don't think we can use qualified people.

We can train them, and we can send them on courses, and we do this, but we can't undertake to do it for every person for every appointment.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, as a suggestion, is there anything we could do in the area of insisting that in juvenile cases, that the J.P.'s have only the power to remand over to the Juvenile Court itself, where for instance, it was felt by the court that a juvenile should be kept in custody for some reason, maybe because of the severity of the crime this juvenile is alleged to have committed, or perhaps for their own safety or medical reasons or whatever; that the Justices of the Peace perhaps be given only the power to remand and be forced through the judicial process, to send this juvenile offender to the appropriate court?

Mr. Legal Advisor: It's a difficult question to answer, Mr. Chairman. We don't ever encourage a Juvenile Court judge, who is not the person who is holding the practically full time appointment in Whitehorse to deal with any serious case.

But on the other hand, there are people — children may be up for very minor things which can be dealt with by no sentence at all, an uncontested case where it's a plea of guilty and all that happens is that the person gets a warning. I think it's wrong to limit them down to dealing with that case and just dismissing the case out of hand.

It's a difficult thing to deal with and a highly technical thing to deal with, and I can't really give undertakings, except to say that the policy is that a Juvenile Court judge outside Whitehorse, is not allowed by the Magis-

trate to handle any form of a serious case whatsoever. But to stop him legally is quite a different thing.

Hon. Mr. Taylor: Well, Mr. Chairman?

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. I'll ask a question first of the Legal Advisor, just in response to some of the comments that have been made. What is the mechanism available to us now in the event that we wanted to get rid of one of these Juvenile Court judges?

Mr. Legal Advisor: I'm not sure how you get rid of a Juvenile Court judge, Mr. Chairman, but you could cut the ground from under the person's feet by ending his appointment as a Justice of the Peace. That can be done easily, and then their jurisdiction is just destroyed.

Mr. Lengerke: Mr. Chairman? The reason I asked that is I was hoping the Legal Advisor could tell me something that it would probably be at the response of a community that you know, if you had an unsatisfactory performance by one of these judges going on, that we would soon have notice of this and appropriate action would be taken. Would this not be the case?

Mr. Legal Advisor: Appropriate action would be taken, Mr. Chairman, but there is no question that merely because a complaint was made by somebody that the government is going to terminate an appointment. The matter would be dealt with in a judicial fashion, with appropriate recommendations and a chance for the person to be heard and everything else.

But in the final analysis, the Commissioner would take away the appointment of a Justice of the Peace, if sufficient cause existed.

Mr. Lengerke: Yes. Mr. Chairman, again I'm not inferring that it would be one complaint. It would be a number of them, I'm sure, and they would have to be substantiated. My comment, Mr. Chairman, was going to be anyway, that I thought that — I'm in full agreement with the Ordinance, and I think it's again another one of those significant steps where it shows that Yukon is maturing, and we are capable of running some of our own affairs, and I'm in full accord with the Ordinance.

Mr. Chairman: Mrs Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I've been trying to get in for some time, and I'm a little after the fact now, but an Honourable Member earlier raised a point that there are incompetent J.P.'s who are not trained or competent to deal with juveniles, and I would like to draw to her attention the fact that there is training provided for all J.P.'s. They are also provided with manuals and directives, and they have all kinds of legal restrictions within which they must stay. They are not just set on a bench and given three bucks for each person that appears before them and deal with them out of hand.

They are very stringent regulations indeed. I would like, Mr. Chairman, to point out to Honourable Mem-

bers, that the purpose of this Bill is not to figure out how we appoint J.P.'s, the purpose of this Bill — nor how we train them, nor what their competency may be. The purpose of this Bill is to give the Yukon Government, the power to name Juvenile Court judges, rather than the Government of Canada, and I'm all for that.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, my problem isn't with the power, as the Honourable Member who has spoken before has said, to appoint a Juvenile Court judge necessarily, but my concern is around the appointment of the Justice of the Peace is that judge, and perhaps this could work into a blanket situation.

There is nothing here that says it won't, and what is not expressed is certainly not implied in legislation.

When a juvenile offender — I'm thinking more particularly in the outlying areas, of course, and when a juvenile offender is brought before a Justice of the Peace who has now been appointed and given the powers of a Judge of the Juvenile Court, that the young person is faced in court with what obviously must be a fairly traumatic experience for that person, with a Crown prosecutor, no — perhaps a policeman who is acting on behalf of the Crown in the prosecution, Mr. Chairman, and is facing, as I say in the first instance, a policeman who may have a general knowledge of the Juvenile Delinquents' Act, but still indeed is not fully perhaps conversant with it as would be perhaps a Crown prosecutor.

Then you have this young person being judged by a Justice of the Peace, who no doubt is not conversant with the Juvenile Delinquents' Act, or whatever charge might be involved, and so now you have two people which you cannot say with any assuredness, are really fully conversant with the Act, passing judgment or involving the passing of judgment upon the young offender.

This is what I'm trying to get at, Mr. Chairman, is that I don't want to leave too much room in here for this type of thing to happen. I think that there must be a way with further additional amendment to the Justice of the Peace Ordinance and this Bill, whereby we can write in those safeguards and assurances that I'm looking for. Otherwise at this point in time, I just can't add my support to those who might vote for this Bill.

Mr. Chairman: Mr. Berger.

Mr. Berger: Thank you, Mr. Chairman. I do agree with the concerns of the Member from Watson Lake that it doesn't spell it out in here at all and just want to point out to the Honourable Members here it says any Justice of the Peace, it does not spell out any qualifications. I think it would be just so easy for us now to send it back, the Bill back to the Legal Advisor to put on sound qualifications and how Justices of the Peace can be appointed to the Juvenile Court.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: A question, Mr. Chairman, the question that I had has been answered, however I have another. I would like to maybe from Mr. Legal Advisor as to the case of a juvenile being tried by a Justice of the

Peace who is now appointed to this position in say an outlying district. Would that juvenile not under the present system be allowed to ask to go to a higher court or to a higher judge? Would he have to take that, what ever was handed to him there?

The Legal Advisor: No, Mr. Chairman, I think when he comes up before the person who is due to try him, he has to accept that jurisdiction — he has the right to appeal, but if he comes up before the juvenile court judge, just like anyone else, I think he's got to accept the jurisdiction. Otherwise, you've got a sort of selection process of submitting the names of the various judges to the juveniles and saying which one will you have? And, you know, we really haven't got to that stage yet because, in practice, nothing much happens to juveniles who come before juvenile judges, and I thought that the debate would turn around that when we were discussing it, but a juvenile judge who does something can't do any harm in the light of the present way that the law is running.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Fine, Mr. Chairman.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, I think we have to take a look at the realities of a J.P. working in a small community. I know that when I was a probation officer of an area where there was no one who wanted to be a J.P. so we had to go to the next jurisdiction continually, thirty miles away to have a J.P. or a juvenile judge, or any kind of legal proceedings, and, to me, I think I remember it lasting for about five or six years, that kind of circumstance where there was no one in the community who wanted to be a J.P. So I can really understand the federal government's position in appointing a J.P. also a juvenile judge, because it is a difficult situation. And I can also understand that they're doing that already so why don't carry it on and just get it to the Territorial Government as a — and that's all we're doing. I still think that at this time we could take a close look at what's actually happening in those communities and whether or not it's a detrimental effect that's being made, and we should make a choice between whether or not it's worthwhile to wait for the magistrate to come because the child certainly has better protection in his right, because the magistrate is better acquainted with that sort of situation and, also because the juvenile judge, J.P., is many times far too acquainted with the community and far too prejudiced against certain families, in my experience, to really sit wisely. And unless there's some assurance of really thorough training, especially in the juvenile area, I really feel reluctant to help pass this Bill.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I wish to thank the Honourable Member for her support of the intent of this particular amendment. I think that we're getting a message here from our other Honourable Members, and that is that they wish clarification as to the training

and duties of J.P.'s and/or the need for any further training, and/or the possible source of any funds to provide that training, I would undertake, Mr. Chairman, on behalf of my colleague who is responsible for this department, to assure you that some further information on the subject of current training programs, etc. for J.P.'s will be brought in.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I have sat here and listened to this criticism of the Justices of the Peace of the Yukon Territory and I know of a lot of good Justices of the Peace who are contributing their time to their community, and I'm sure that if they'd have heard the remarks here today, you'd have trouble getting another one. There's no way, it's getting very, very bad when we have community-minded people who volunteer their services, and they're really volunteering their services, and they volunteer their services and they spend a lot of time at it, and then somebody in the political arena wants to make a big issue of it and start bandying it around. And I'd like to defend these people — the Justices of the Peace in the Yukon, who don their suits, take off their coveralls and don their suits and go down because it's necessary to have a hearing. It's done for the convenience of justice in the Yukon, and I don't think I know of one that probably wouldn't handle a juvenile delinquent in a community just capably as any magistrate from Whitehorse. I have no problems supporting this Bill.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I'd like to compliment the Honourable Member from Kluane on the eloquent speech, and I must say that I do share the thoughts that were expressed in her last words in respect to the sacrifice and difficulties facing the J.P.'s across the Territory. But I'm not here today to defend the J.P.'s because I never understood that they were ever to be questioned in the first place. I would like to return to my original argument, is the defense of the juvenile offender. This is who I'm talking about. And I'm still saying today that quite often I've heard in this House and also in other places, for instance in the resource field, why should a hippie come along and tell a mining engineer to shut his mining operation down because this very young person and inexperienced person perhaps didn't understand the Act that he was supposed to be looking at or the regulations he was supposed to be enforcing. We've had other areas where we've questioned inspectors going into the field and inspecting without having assured knowledge that that inspector knows what he's inspecting and has a suitable qualifications. Your electrical inspector, your fire inspector, these people all have to have qualifications before they pass judgements on the people of the Yukon in their respective areas.

All right. What about the juvenile? Mr. Chairman, ought not the person who passes judgement of any kind on this juvenile, no matter what, ought not that person to be fully knowledgeable and have some experience in this field? This is what I'm talking about. It's not the protection for the J.P.'s, but the protection for the juvenile

himself. I see no protection here and I still say that there ought to be some compulsion of requirement on the J.P. who's to be appointed. This person must possess certain specified qualifications or he ought not to be permitted to sit in judgement on juvenile offenders. And perhaps, there may be J.P.'s who don't necessarily want this position either, I don't know. But it's for those reasons that I'm having trouble accepting the — I accept the spirit of the Bill, but I can't accept the Bill until those safeguards are there.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I hasten to reassure the Honourable Member from Watson Lake that we do not lightly appoint Juvenile Court judges. The most recent incumbent of this position took many months to arrive at the point where she felt that she could competently accept the appointment, and that was many months after sitting in and training and attendance of conferences and much legal study. It was a matter of conscience on her part, to assure herself that she was competent before she accepted the appointment.

I would just like to ask, Mr. Chairman, if the Honourable Member would accept some guidelines as to how you would determine whether or not a J.P. was competent to sit on a case involving a juvenile delinquent. Would you, for example, Mr. Chairman, say are you now or have you ever been a juvenile?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I don't want to belabour this particular debate, but I'm concerned by the comment that the Honourable Member from Watson Lake just made. I would like some clarification from the Honourable Member as what he calls a hippie.

When one considers most of our mining engineers after spending a considerable amount of time doing their duties look like hippies also, I would like your clarification, if I may?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Is the Honourable Member becoming embarrassed for some strange reason?

Mr. McCall: On the contrary, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, to get away from the levity and back to something more serious, and something which I consider terribly serious, is the termination of appointments of juvenile judges and J.P.'s and again in my experience this has been almost impossible.

I am wondering if there is legislation on the books now that covers this procedure. Is there a real procedure, or does one just write a letter to the Commissioner and say this, this and this is wrong with our juvenile judge or our J.P., and we would like to have the appointment terminated.

I know that I have made suggestions to the R.C.M.P. and to Magistrates, this type of thing, but there didn't

seem to be any real legal procedure to follow. If I could be advised if there is, I would appreciate it.

Mr. Legal Adviser: Mr. Chairman, the power rests in the Commissioner to terminate an appointment.

Mr. Chairman: Ms. Millard?

Ms. Millard: Well then, Mr. Chairman, perhaps that could be put in this section even, that we have appointments here, why not terminations as well?

Mr. Chairman: Mr. Miller?

Mr. Legal Adviser: It's already in the legislation, this is merely adding a section 11 to an existing Ordinance. It's already in the legislation earlier that a J.P. appointment can be terminated. This only limits his appointment, it's a designation of an individual J.P. to be clothed with these powers but his appointment as J.P. is terminated, any other powers he had arising out of it would automatically go too.

Mr. Chairman: Ms. Millard?

Ms. Millard: So Mr. Chairman, as I understand it, one would only have to write a letter to the Commissioner and the Commissioner on his own consideration would either terminate or keep on that position. Is there no recourse for the poor J.P. or Juvenile Judge who is being maligned? Is there no appeal to that? It's just simply a decision, a straight decision of the Commissioner?

Mr. Legal Adviser: Mr. Chairman, I understood she asked me what the legal authority was, that's what the legal authority was, but the Commissioner, I would have no doubt, would not simply terminate an appointment in answer to a letter from somebody from the public. He would go through quite a difficult procedure to investigate the matter and give the person concerned an opportunity to be heard and would take advice almost certainly from the Judge of the Supreme Court of the Territory or the Magistrate in the case, and this is how it would be done.

There is no formality set out how to do it, but this is how it would be done.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, as an old J.P., I could tell you how they get rid of J.P.'s, they don't. They just appoint another one in the same district and use him.

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

Mrs. Watson: Mr. Chairman, I have one question. Yesterday and the day before, we went through an exercise where we were chided for not having Indian people involved in the decision-making process in the Yukon Territory, and in the political process of the Yukon Territory.

Now I see and I believe there is at least one Indian Justice of the Peace, two Indian Justices of the Peace in

the Yukon. I wonder if I could have comments from the Honourable Member from Ogilvie, who represents an area where they do have an Indian Justice of the Peace, whether she thinks it would be in order for the Government to even consider appointing these Indian Justices of the Peace as Juvenile Court judges when so many of the young offenders in that area would naturally be Indian people. We are always hearing that Indian people should be more or less come before people of their own understanding and culture.

I would like to get the remarks from the Honourable Member?

Mr. Chairman: Ms. Millard?

Ms. Millard: Well, Mr. Chairman, I'm certainly not making any personal comments about the Juvenile Judge or the J.P. in the Old Crow area. I have never worked under him, so any of my comments were not related to him specifically.

As well, I really feel again that if any Juvenile Judge, Indian, green or orange, were given the proper training and the proper perspective on court procedure, there would be an assurance in my mind that they would be judging that person wisely, whether again they were of any race, colour, creed or sex. I would love to have that assurance from our Government that before we are appointing Juvenile Judges, we at least give them some kind of training in that direction, in that specific area, which is a tremendously important area in the courts.

Hon. Mrs. Whyard: Mr. Chairman, I thought I had made it very clear that that training has been made available, and has been utilized.

I would just like to make one further comment on the subject of this Bill, aside from inviting the Honourable Member from Watson Lake to attend a session of Juvenile Court some day, please, when the Judge is presiding with her permission, because that court is closed normally.

But I think it might be edifying to see in what way the court operates and the protection provided for every juvenile who appears before that court. He doesn't appear alone, or unrepresented. But I would just like to point out in the context of the Honourable Member from Ogilvie's remarks about qualifications, one of the chief dangers involved and one of the things we are trying to eliminate with this amendment, is any smacking or iota of political patronage entering this appointment field, and that is one of the most important reasons for this amendment, Mr. Chairman.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I don't know whether I should stand up here or not because we are getting far into something which has nothing to do with it I believe, but I would like to know, ask somebody whoever has the answer to my question, is where are the qualifications spelled out for such appointment?

Mr. Legal Adviser: Mr. Chairman there are no qualifications spelled out certainly for Juvenile Court Judges or for J.P.'s except that in order to be designated as a Juvenile Court Judge, you must first have been a

J.P. That's all.

Mr. Chairman: Mr. Berger?

Mr. Berger: Well then, Mr. Chairman, I have to go back to what I said before. I think now would be the time to spell out certain qualifications in this Ordinance.

Mr. Legal Advisor: Mr. Chairman, when I say there is no formal qualification, this is not to say that there are no qualifications sought before an appointment goes forward for anyone as a Justice of the Peace, but as the Honourable Member said a moment ago, patronage is not one of them.

There is a search carried out by the Department of Legal Affairs, for available people to act as Justices of the Peace throughout the Territory. As the Honourable Member also points out, we have had two appointments recently of Indian people as Justices of the Peace and except for one person who had held an appointment for many years, we had failed from 1971 until today, to find anyone else who would act, who was an Indian, to act as a Justice of the Peace, notwithstanding frequent and regular invitations, and we had asked the intervention of the Government of Canada to try and help us and they had failed.

In the end, we found two people who were willing to come forward themselves because it's a very, very onerous task. But the qualification which we look for is that the person must have sufficient education to be able to read the Criminal Code and understand the procedures, and be able to accept instruction. A person must be thought highly of in the community within which he resides and be publicly accepted by the people among whom he lives and whom he'll have to deal with in court.

Then there's a check made as to his past record and he must make a written application, setting out that he's willing to act, what he's willing to do and he's willing to have his past life investigated by the R.C.M.P. prior to the appointment. At that point then, the appointment goes forward.

So that it's an onerous thing for a person to offer himself for public service as a Justice of the Peace.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I have a question I would perhaps direct in the direction of Mr. Legal Advisor, Mr. Chairman and perhaps he could tell me, it seems to me in subsection 11(1), there's two powers being granted in that one subsection. First it states that this person can now deal with juvenile delinquents.

I would like to know just how wide that power is, what is that meant to encompass, the words "to deal with juvenile delinquents".

In the second part of it, it seems fairly straightforward. First, this person can deal with juvenile delinquents, then it does on to say that they can — that the person can then be appointed or is a Judge of the Juvenile Court for all the purposes of the Juvenile Delinquents' Act of Canada and is that expressed as only that Act?

Could I have just a summation from Mr. Legal Advisor, as to what these powers are and how they are identified and how broad they are? What do they mean?

Mr. Legal Advisor: Mr. Chairman, the whole matter is highly technical. There are two methods of appointing a Juvenile Court Judge. One is under provincial authority which this would be, to designate or authorize a Justice to act, or under Section 43, at the end of the Act, the Government of Canada may, notwithstanding the absence of any provincial authority, designate a Justice of the Peace in any province or portion thereof, where the Governor-in-Council is satisfied there are facilities for dealing with juveniles, that is in the Juvenile Court Act.

Now, we had no authority under the first head, nor had we — because we had no provincial or Territorial legislation in force. So, all appointments were made under the last head that is where the Government of Canada was satisfied that there were facilities for dealing with Juvenile Courts, they could authorize any justice to act under that.

So the Section is not intended to be any different from the existing authority of the Justice of the Peace under the Juvenile Delinquents' Act of Canada. It is merely picking up, for jurisdictional purposes, the exact wording that's used in the Juvenile Delinquents' Act of is what he purports to be, and that is a Juvenile Court Judge. It's not to give any special jurisdiction, it's just to tie the string around it and to dot the "i's" and cross the "t's".

Hon. Mr. Taylor: Mr. Chairman, with respect, it doesn't answer my first question about the "to deal with". I don't recall seeing this terminology before in law in the Yukon. What powers does this encompass?

You've given the Justice of the Peace, by order, the power to deal with juvenile delinquents. Now, what does that infer? How broad are those powers specifically? Are there any limits to those powers? What does "deal with juvenile delinquents" really mean?

Mr. Legal Advisor: It's too short an answer to say that the person is a Juvenile Court Judge. This is the way the person is defined, and we are using this form of appointment, merely because that is used in the Canadian statute.

So this is a long-winded way of saying the person is a Juvenile Court Judge, and then right throughout the Juvenile Delinquents' Act, a Juvenile Court Judge this and a Juvenile Court Judge that, but a Justice of the Peace who is not a Juvenile Court Judge, is mentioned in a couple of sections and given certain minimal powers.

Hon. Mr. Taylor: What's "deal with" mean?

Mr. Legal Advisor: "Deal with" means whatever it means in English. It's a very difficult word to define. It's not intended to be a word of art, it's just intended as its ordinary dictionary meaning to do all that's necessary, to handle.

Hon. Mr. Taylor: Well, Mr. Chairman, with respect, if the Legal Advisor can't define it, it ought not to go into law. I will be voting contrary to the Bill.

Ms. Millard: Mr. Chairman, just for clarification, the way I read that is to deal with juvenile delinquents.

dot, dot, dot, for all the purposes of the Juvenile Delinquents' Act. In other words, it's defined within the Act.

Mr. Chairman: Is there any further debate? Shall this clause carry?

Some Members: Disagree.

Some Members: Agreed.

Mr. Chairman: We will have a show of hands. Those in favour of this clause carrying? The clause is carried.

Mr. Fleming: Mr. Chairman, you are asking now if this clause is carried, is it not? I didn't hear you.

Mr. Chairman: This clause is now carried.

Mr. Fleming: I didn't hear you.

Mr. Chairman: Twelve (1):

(Reads Clause 12(1))

Mr. Chairman: Shall this clause carry?

Some Members: Agreed.

Mr. Chairman:

(Reads Preamble)

Mr. Chairman: Shall the title carry?

Some Members: Agreed.

Mr. Chairman: Shall I report the Bill without amendment? Are you agreed?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Chairman: The Bill is now carried. I'll declare a brief recess.

(RECESS)

Mr. Chairman: I now call this Committee to order. We will proceed with the reading of Bill Number 8. One:

(Reads Clause (1))

Mr. Chairman: Shall the clause carry?

Some Members: Carried.

Mr. Chairman: Two:

(Reads Clause (2))

Mr. Chairman: Shall the clause carry? Mrs. Watson?

Mrs. Watson: Mr. Chairman. I was a little late in getting in, with my apologies. Why are we having this now? I'm suspicious of the metric conversion ...

Mr. Chairman: Order, Mrs. Watson.

Mrs. Watson: ... because of the ...

Mr. Chairman: Order, Mrs. Watson. General debate is permitted after the reading of clause 1. If it is the consent of Committee, you can pursue a general debate on it now, but it should be after the first clause is read.

Mrs. Watson: Mr. Chairman, though, if I'm opposed to the whole darn thing, how can I accept 2?

Mr. Chairman: The opportunity is after the reading of the first clause, unless you have concurrence of Committee otherwise.

Mrs. Watson: Mr. Chairman, I'm on the Rules Committee, and it's a new rule to me.

Mr. Chairman: No, it is not.

Hon. Mr. McKinnon.: That is why you are on the Rules Committee.

Hon. Mr. Lang: Mr. Chairman, I think that possibly there should be some discussion on the principle of the Bill, so that all Members are clarified.

Mr. Chairman: Then I would remind Members that the principle of the of the Bill is discussed after the first clause is read, at the time and at that time only. We will permit general discussion now because this is the first instance this has occurred.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm permitted now to speak now on the principle of the Bill?

Mr. Chairman: Yes.

Mrs. Watson: Which I should have done after second reading?

Mr. Chairman: You should have done after the reading of the first clause.

Mrs. Watson: All right, I'm suspicious of this because of the way we leaped into the metric system in our mileposts on the Alaska Highway and do we need it now? Do we have to have it? Is it just going to bring in more confusion?

I really don't know, but I wish that somebody were able to — we were able to get some input from some people who would be directly affected by this or if somebody has comments from people who would be directly affected by this. Do we have to go into this right now?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, in my Department I happen to have the Metrication Committee in my

bailiwick, because the Chairman of the Metrication Committee happens to be the Assistant Superintendent of Education.

We felt that this Bill should be presented at this Session, as we are trying to coordinate our metrication throughout the Yukon with the general national policy, which for instance, for this amendment to the Highways Ordinance, would not come into effect until September 1st, 1977.

If you will go further into the Bill in clause 4, "This Ordinance or any portion thereof shall come into force on a day to be fixed by the Commissioner". At that given point in time, in concert with the rest of the provincial jurisdictions, we would, as a Government, authorize the Bill to come into effect.

I think it's fairly important and I informed members of the Committee that at the present time, I have — a member of my department is down in Toronto, at a conference on metrication, discussing the possibilities of contracting an individual to come to the Yukon, or be hired in the Yukon as a Metrication Officer, in order to coordinate metrication in the Yukon, with the national policies as they are expressed in Ottawa.

The contract would be federally funded over a period of time. As soon as I get more information on this, I'm expecting to get more information next week, I'll bring it to the Committee, so that everyone is aware of what is going on.

I think it's unfortunate what's happened in the past, in relation — I know the Honourable Member from Klauane is referring to the highway signs. I think it's essential that we attempt to coordinate our efforts on a national scale, so that we're in concert with all the provincial jurisdictions.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, it would have been nice to be in concert with the other jurisdictions, because we were far ahead, and here we are now, September, '77.

Hon. Mr. Lang: Well, Mr. Chairman ...

Mrs. Watson: If this is the date ...

Mr. Chairman: Order, please.

Mrs. Watson: ... that this is supposed to come into effect, what are we doing it now for?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the reason this is being introduced now is in order to get the Department of Public Works and Highways starting to prepare for the eventual changeover. It will not come into effect until September 1st, 1977.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I'm concerned with this. We certainly had some reaction from the general public on it already and those are the people who have been involved in the transportation industry and

they have expressed some concern that their drivers and people of this nature are going to have some difficulty with some of these sections as they are implemented.

So I would suggest here that possibly we should look at rather than deleting 20 feet and substituting the words "six meters", that we take, attack that we would say by leaving the 20 feet and adding the words "six meters". In other words, let's use the dual definitions for a while, and that would certainly allow people to get orientated to what is going on.

I think, Mr. Chairman, if that in fact is what we are trying to do is to educate the public in the metrication system, that that's one way of doing it and we can eventually eliminate the one side of it.

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, I might point out that the policy that has been taken by the Metrication Commission of Canada in introducing metric to Canada and they have found this from experience, you don't use dual measurements, because the old measurement will never disappear.

You have to, if you're going with it, take the bull by the horns and go with it, and that way everyone will gradually, but they will become accustomed to the new system. If we are going to use dual forms, it will never come about.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I want to make the comment that that may be good in principle and it sounds fair, but I think even in the case of temperatures, for instance, I think most people went out and purchased a different type of thermometer and had the dual thermometers for as long as they could.

Just because we had an enactment that says you can't do this, they still go out and do it and I suggest that this would happen here.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman.

Mr. Miller said more or less what I wanted to point out to the Honourable Members, that he gets the publication from the metric system, that if he was reading there, that he would find out it points out in there, do not use a dual system and just change over and make people read the new system as it's supposed to be.

I would also like to point out to the Honourable Members, that by having the time to next year, September, 1977, I think it would be nice for all the transportation companies to take the time and educate their drivers, if necessary.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I think that we could get into a lot of legal problems if we did use the old system, because in my small knowledge of math, I don't think 20 feet exactly measures six meters, so that you might have all kinds of legal cases going on where it could go on forever, in discussing it in meters and feet.

Mr. Chairman: Mr. Taylor?

MHon. Mr. Taylor: Just one general question that I'm not yet clear on, has the Federal Metrication Act passed the Parliament of Canada? Is that in fact law as yet?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, to my knowledge, it has not. What happened was that the Federal Government put forth a policy paper on metrication, subsequently that policy paper was accepted. My understanding is the reason that no Act has been presented to the — presented to Parliament, is because of the fact that so much of the legislation, various aspects of legislation, different acts have to be changed.

How they are going to go about in the field of law, attempting to put it into law, I don't know, but this is the reason that no Act has been passed in the House of Parliament.

I think another point that I would like to point out is that the metrication officer, if the Federal Government is prepared to fund this particular individual to be hired by the Territorial Government, what would happen is that he would be here to coordinate the Government of the Yukon Territory's changeover to metrication as well as disseminate information to the public, like for example, to the sector that the Honourable Member of Whitehorse Riverdale was referring to.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I just can't help but feel that we are jumping the gun on this. Going into other provinces of Canada last summer, very, very few kilometers or kilometers — kilometer it is, isn't it, signs were seen on the road and often there were dual signs.

The temperature, this is true, you've got the Celsius on the radio and you've got the Fahrenheit and I just wonder, you know, maybe this is because we are sort of a satellite, a colony of Canada, that we are sort of a guinea pig for the metric conversation? I'm beginning to think maybe we are, and I think we are being rushed into something.

You don't see — there isn't any evidence of it in the Provinces.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, all I have to do is to reiterate once again that we are attempting to stay in concert with the rest of the provincial jurisdictions. It's unfortunate what happened with the highway signs. The target date for the changeover of highway signs throughout Canada is September, 1977 and I imagine at that given point in time, all signs will be changed.

Mrs. Watson: Mr. Chairman, don't any of us know the kilometers better now than when they were changed. I still talk about miles on the Alaska Highway and I'm sure ninety percent of the people do.

Mr. Chairman: Is there any further general debate?

Mr. Chairman: Shall clause (2) be carried?

Hon Mr. McKinnon: Agreed.

Some Members: ADisagreed.

Mr. Chairman: Subsection 3(30).

(Reads 3(30))

Mr. Chairman: Shall clause 3 carry?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Chairman: An Ordinance to Amend the Highways Ordinance.

(Reads Preamble)

Mr. Chairman: Shall the title carry?

Some Members: Agreed.

Mr. Chairman: Shall I report the Bill without amendment?

Mrs. Watson: May I have one question before we vote on that? It is on the wording of the Bill in section (1) and it states the Highways Ordinance is amended by the deleting in subsection 2(1) on Overload. Now does that mean that the word "overload" is being deleted?

Mr. Chairman: Order please. You lost your chance Mrs. Watson. You can't refer back at this stage.

Mrs. Watson: Mr. Chairman, if you see a mistake just because of a silly rule, we can't correct it?

Mr. Chairman: You might call them silly rules, but if you'd like to refer to your handbook.

Mrs. Watson: No, Mr. Chairman, I wouldn't like to.

Mr. Chairman: TBill Number 8 is reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I call division.

Mr. Chairman: There is no division in Committee.

Mrs. Watson: Mr. Chairman, I would like to register my vote against this Bill.

Mr. Chairman: You already have, Mrs. Watson.

M Bill Number Nine. Clause one:

(Reads Clause (1))

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, I would certainly like some clarification and explanatory note. It says simply

to add credit unions to the list of corporations exempted from control and security trading in Part Three of the Ordinance. I just wonder if we could have some clearer definition of that, in a more common language.

Mr. Chairman: Mr. Miller.

Mr. Miller: Mr. Chairman, the chartered banks, trust companies and insurance companies in the Yukon can now sell securities such as trust documents, certificates of trusts, registered retirement saving plans document, registered home owners' plan document, this type of thing, because they're selling these on a prospectus they have filed elsewhere in Canada. They are exempt under our Securities Ordinance from filing a similar prospectus in the Yukon. All we're doing with this is offering the same opportunity to the credit unions in the Yukon. Again they would have filed their prospectus in another province in Canada.

Mr. Chairman: Is there any further debate? Shall the clause carry?

Some Members: Agreed.

Mr. Chairman:

(Reads Preamble)

Mr. Chairman: Shall the title carry?

Some Members: Agreed.

Mr. Chairman: Shall I report the Bill without amendment?

Some Members: Agreed.

Mr. Chairman: Bill Number 9 is now reported out of Committee without amendment.

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

Mr. Chairman: Secunder.

Mr. Fleming: I'll second that.

Mr. Chairman: It has been moved by Mr. McCall and seconded by Mr. Fleming that Mr. Speaker do now resume the Chair. Do you agree?

Some Members: Agreed.

Mr. Chairman: The motion is carried.

(Motion Carried)

Mr. Chairman: I'm sorry Mr. Miller, you are excused.

(Mr. Speaker resumes the Chair)

Mr. Speaker: I will call the House to order. May we have a report from the Chairman of Commit-

tees?

Mr. Hibberd: Yes, Mr. Speaker. The Committee of the Whole have considered Bill Number 3. An Ordinance Respecting the Institute of Chartered Accountants; Bill Number 4. An Ordinance to Amend the Insurance Premiums Tax Ordinance; Bill Number 6. An Ordinance to Amend the Justice of the Peace Ordinance; Bill Number 8. An Ordinance to Amend the Highways Ordinance; and Bill Number 9. An Ordinance to Amend the Securities Ordinance, without amendment.

The Committee of the Whole have also considered Bill Number 1. Emergency Medical Ordinance and directed me to report progress on the same and asked leave to put again.

Mr. Speaker: Are you agreed with the Report of the Chairman of Committees?

Some Members: Agreed.

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

Mr. Lengerke: Mr. Speaker, I move that we now call it 5:00 o'clock.

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 5:00 o'clock.

Are you prepared for the motion?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion Carried)

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

(ADJOURNED)

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: This House now stands adjourned until 10:00 a.m. Monday morning next.

(ADJOURNED)