



The Yukon Legislative Assembly

Number 11

7th Session,

23rd Legislature

Debates & Proceedings

Monday, November 22, 1976

Speaker: The Honourable Donald Taylor

November 22, 1976.
Whitehorse, Y.T.

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.
We will now proceed with Prayers.

(Prayers)

Mr. Speaker: Before proceeding this morning with the Routine Proceedings, I have a matter I would draw to your attention. On Thursday, November the 18th, the Chairman of Committees reported to the House that an Honourable Member had appealed a decision of the Chairman, relating to the putting of a question in Committee, of the Whole, and Mr. Speaker was asked to rule on this question.

Having determined that the vote in question was taken in accordance with the rules and practices of the House, I ruled, as Speaker, that the Chairman's ruling was in order.

Standing Order 45(4) states that "The Chairman shall maintain order in Committee of the Whole Assembly, deciding all questions of order, subject to an appeal to the Assembly".

Annotation 232(1) of Beauchesne tells us that from the Chairman's decision no appeal shall be made to the Speaker. In the case of an Appeal to the House, it is the duty of the Chairman to leave the Chair immediately and report in writing the point of order which he has decided. The Speaker must then submit the matter to the determination of the House, in the language reported to him, and put the question that the decision of the Chairman be confirmed. No discussion is allowed on the appeal.

A review of Debates and Proceedings on Page 331 thereof indicates that, following a vote taken during the clause by clause consideration of the Bill in Committee, an Honourable Member rose to suggest, "I would hope that Mr. Chairman would reconsider rephrasing the question as it is put to the House".

Mr. Chairman then ruled as follows: "You had the opportunity to bring in amendments to these clauses as we were going through them. You also had the opportunity, as the procedure has been, through the reading of every Bill. I call out each clause, then I ask if the clause shall be carried; a vote was taken and it was defeated. If you wish, I will have the Speaker take the Chair."

It is then for the House now to decide, without debate, if the Chairman's ruling on the point of procedure and not the subject of the Bill is to be confirmed. Accordingly, I will call the question, that the decision of the Chairman be confirmed.

Madam Clerk, would you kindly poll the House?

Madam Clerk: The Honourable Mr. McKinnon?

Hon. Mr. McKinnon: Yea.

Madam Clerk: The Honourable Mrs. Whyard?

Hon. Mrs. Whyard: Yea.

Madam Clerk: The Honourable Mr. Lang?

Hon. Mr. Lang: Yea.

Madam Clerk: The Honourable Member, Mr. McIntyre?

Mr. McIntyre: Yea.

Madam Clerk: The Honourable Member, Mr. Berger?

Mr. Berger: Yea.

Madam Clerk: The Honourable Member, Mr. Hibberd?

Mr. Hibberd: Yea.

Madam Clerk: The Honourable Member, Mr. Fleming?

Mr. Fleming: Yea.

Madam Clerk: The Honourable Member, Ms. Millard?

Ms. Millard: Nay.

Mr. Speaker, I'm afraid I don't understand what — I thought we were voting the same way we did in Committee?

Mr. Speaker: The question before the House is as to whether the procedures were correct, as I take it, by the Chairman of Committees?

Ms. Millard: Mr. Speaker, I beg your pardon. Then, yea.

Madam Clerk: The Honourable Member, Mr. McCall.

Mr. McCall: Yea.

Madam Clerk: The Honourable Member, Mrs. Watson.

Mrs. Watson: Nay.

Madam Clerk: The Honourable Member, Mr. Lengerke.

Mr. Lengerke: Nay.

Madam Clerk: Mr. Speaker, the vote is nine yea, two nay.

Mr. Speaker: I shall have then to declare that the Speaker's ruling has been upheld — or that the Chairman's ruling has been upheld.

We'll now proceed to Routine Proceedings.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents for tabling this morning? Are there any Reports of Committees?

Petitions? Are there any Introduction of Bills?
The Honourable Minister of Local Government?

BILLS

Introduction and First Reading

Hon. Mr. McKinnon: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse West, for leave to introduce a Bill entitled "An Ordinance to Amend the Municipal Ordinance".

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, for leave to introduce a Bill entitled "An Ordinance to Amend the Municipal 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 as carried.
(*Motion carried*)

Mr. Speaker: When shall we receive first reading of this Bill?

Hon. Mr. McKinnon: Now, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that a Bill entitled "An Ordinance to Amend the Municipal Ordinance" be read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that a Bill entitled "An Ordinance to Amend the Municipal Ordinance" be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(*Motion carried*)

Mr. Speaker: Are there any further Bills for introduction this morning? Are there any Notices of Motion for the Production of Papers? Notices of Motion or Resolution? Are there any statements from the Ministers?

Hon. Mr. McKinnon: Notice of Motion.

Mr. Speaker: I'm sorry. The Honourable Member from Kluane?

NOTICES OF MOTION OR RESOLUTION

Mrs. Watson: Yes, Mr. Speaker; I'd like to give Notice of Motion that Legislative Return Number 3 be moved into Committee for discussion.

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

This brings us up to the question period. Have you any questions this morning? The Honourable Member from Hootalinqua?

QUESTION PERIOD

Question re: Federal Fisheries Survey of Teslin Lake

Mr. Fleming: Yes, I have a question, I think, this morning, for the Commissioner. Mr. Commissioner, there was a survey taken last summer by the Federal Fisheries on Teslin Lake and I'm wondering how far they've gone with it — came up with the paper work by now, and if, when that paper work is finished, could myself and Members of the House have a copy of that — the findings?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I will take the question under advisement and shall obtain the information for the Honourable Member.

Mr. Speaker: Are there any further questions this morning?

The Honourable Member from Whitehorse South Centre?

Question re: Federal Land Claims Negotiations

Mr. Hibberd: Yes, Mr. Speaker. I understand the Federal Land Claims Negotiator has now been in Whitehorse. I am asking the Commissioner, has there been any dialogue between that Negotiator and this Government?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, the Chief Land Claim Negotiator for the Yukon Comprehensive Land Claim, met with the Executive Committee and has had dialogue with the representatives of this House and the Executive Committee.

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

Mr. Hibberd: Supplementary, Mr. Speaker. Is this House to be apprised of what went on regarding those meetings?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, we simply became acquainted with the Land Claim Negotiator and reviewed past proceedings, and I would be more than pleased to inform the Honourable Member as to that situation.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Lowering Mill Rates

Mrs. Watson: Yes, Mr. Speaker. I have a question for the Minister of Local Government.

Many of the people in the Territory have received new assessment notices, and a reassessment has been done in various areas of the Yukon. Since it is the practice in other jurisdictions that, after a new assessment is completed or done in an area, then the mill rate structure is reviewed.

Is it the intention of this government to lower the mill rate in the areas that have had a new assessment?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Chairman, I believe that the only area which is going to have the problem of reassessment this year is within the bounds of a municipality. They set the tax rates, we do the assessments; so any appeal on the taxes would have to be to the municipal governments, not this government, Mr. Speaker.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: A supplementary question. Assessment has been completed in other areas of the Yukon, and when the Honourable Member becomes aware of this will the government be prepared to lower the mill rate in these areas?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: No, Mr. Speaker.

Mr. Speaker: The Honourable ...

Mrs. Watson: Supplementary, why?

Mr. Speaker: The Honourable Minister of Local Government.

Hon. Mr. McKinnon: Mr. Speaker, I will take that question as notice and bring in a reply.

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

Mr. Hibberd: A supplementary to my question to the Commissioner. I thank him for his answer, but I was asking him if the House was to be apprised of what went on during these discussions, not merely me as a Member.

Mr. Commissioner: Mr. Speaker, it was not the intention that we would bring in an official, blow-by-blow discussion of what went on at this particular meeting. It was not the beginning of Land Claims negotiations. If the Honourable Member had specific questions that I might be able to answer, I would be certainly willing to do that.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Televising of Football Game

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Local Government. He may not have the answer, but I would certainly appreciate it if he undertook to find out. Why did CBC TV Service not televise the Western Conference Semi-Final football game between Saskatchewan and Edmonton in the communities of Carmacks, Teslin and Haines Junction?

Hon. Mr. McKinnon: Mr. Speaker, I have no idea and I'd be very happy to receive the answer. I was in Fort Nelson over the weekend and the game was televised Saturday at Fort Nelson by Anik Satellite.

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, I would like to table answers to written questions number seven, number nine and number nineteen.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Wages for Part-Time Nurses

Mr. Fleming: Yes, Mr. Speaker, I have a question for the Minister of Health and Welfare on the, in respect of part-time, I think you would call them, nurses in the community such as Teslin and the small communities where they have Health Centres and where the nurse goes to work when the regular nurse is away or some such. I'm wondering if she could inform me as to how much pay these nurses receive and if that pay is standard for this type of work right across the ...

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, as the Honourable Member knows, these are Federal employees, but I will attempt to bring that information into ...

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Agreement re: Inter-use of Recreational Facilities

Mr. Lengerke: Mr. Speaker, I have a question for the Minister of Education. I understand that the City and the Territorial Government are working on an agreement for the exchange or inter-use of recreation and other facilities. I'm wondering if you could tell me what the status is of that agreement and when it's going to be signed or, if it has been signed, just what progress is being made.

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, the agreement was

sent to the City and the City subsequently sent it back, and at the present — presently, the Department is reviewing it and once we've come up with a decision of whether or not we're going to go with it, then at that given point it will be signed.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Just how long do you think that's going to take before you get your decision?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, it should be prior to the New Year.

Mr. Speaker: The Honourable Member from Kluane?

Question re: General Application of Laws regarding Indians

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Commissioner, and I refer to Section 22(2) of the Yukon Act. That section states "All laws of general application enforced in the Territory are, except where otherwise provided, applicable to and in respect of Eskimos in the Territory."

My question, Mr. Commissioner — is there a similar section which expresses the same intent for Indians in any other Legislation of Canada, Act of Canada?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I would appreciate taking that question under advisement, and respond at a later date.

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

Question re: Meeting Between Y.T.P.S.A. and Government Regarding Restraints

Mr. Hibberd: Mr. Speaker, the Member of the Executive Committee to whom I would like to direct this question, is not present, and so I would appreciate an answer from any of the Executive Committee or the Commissioner.

The recently announced government restraints on spending for the remainder of the fiscal year, caused considerable concern to the Yukon Territorial Public Service Association, and I understand there was a meeting between that Member of the Executive Committee and the Members of the Union.

I am wondering, Mr. Speaker, if there were any changes brought about as a result of that meeting, and secondly, is there to be a continuing dialogue between the government and Y.T.P.S.A. regarding these budgetary restrictions?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, we would be happy to provide that information to the Honourable Member from Mr. Miller.

Mr. Speaker: The Honourable Member from Klondike?

Question re: Monitoring Fall-out

Mr. Berger: Yes, Mr. Speaker. A written question to the Honourable Member from Whitehorse West.

How many monitors are set up in the Yukon to check on possible danger levels from nuclear fall-out, and if there are any, where are they located? If there are none, is the Territorial Game Department doing any checking on the fall-out level in lichen, the main diet of caribou?

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: I realize that there is a letter, Mr. Speaker, but to allay any fears of the public at this time, I think we are all familiar with the fact that there are such monitors, and the one that is closest, I believe, is on the roof of the Federal Building in downtown Whitehorse.

I will bring in further information on where the others are located. Mr. Speaker, this is a matter for the Federal Department of the Environment, and we rely upon their services.

Mr. Speaker: Are there any further questions? The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, on November 18th, Mrs. Watson asked the following question: "Re Plans for Development of the MacPherson Subdivision. Part of the plan was provision of telephone service, is it the plan of C.N.T. to add an extra exchange to accommodate the extra subscribers that will be on that exchange?"

Mr. Speaker, the MacPherson Subdivision will be serviced from the existing Porter Creek exchange, and I have been told that there is sufficient capacity available in this exchange for the additional lines required.

On November 18th, Mrs. Watson also asked, "Would you personally undertake to inquire of C.N.T. whether they were considering providing better and additional service for the residents of Yukon who live on the Mayo Road and Takhini Hot Springs Road?"

Mr. Speaker, I have done so, and the residents of Mayo and Takhini Hot Springs Roads areas will be receiving an upgraded multi-party line service. Equipment is now arriving to permit the maximum multi-party service line to service four parties.

On the same day, Mr. Speaker, Mr. Berger asked the following question: "The City of Dawson was given a deadline of 1980 for sewage treatment facilities", and he asked if there was more information available on the study done.

The firm of Stanley Associates are presently conducting a study on the water and sewer system of Dawson, which will include recommended sewage treatment system. The report will be tabled with the Council of the City of Dawson and the Territorial Government, who

are funding it, as soon as it has been completed and the anticipated completion time is January of 1977, Mr. Speaker.

Mr. Speaker: The Honourable Member from Klondike?

Question re: Unemployment

Mr. Berger: Yes, Mr. Speaker, I have a further written question to the Honourable Minister of Health and Welfare.

What lands has or will the Yukon Territorial Government develop to combat the very high unemployment figures, especially in the native communities, and help people to lead a more meaningful life, like year round employment, instead of the piecemeal approach of L.I.P. grants etc.?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Yes, Mr. Speaker. On November 16, Ms. Millard asked the following question: "How many complaints have been received to date by the administration concerning rent controls, and may we expect legislation in this regard in the near future"?

The answer to the above question is as follows. Since November, 1975, the Territorial Secretary has received a total of 15 rental complaints. Of this total, 11 referred to the specific accommodation in which the complainant resided, one referred to Y.T.G. accommodation, one referred to the rental situation throughout the Yukon, another was a union question about the legality of a company removing rental subsidies, and one from a landlord complaining about tenants. The introduction of rent control legislation now is not contemplated.

On November 16, 1976, Mr. Fleming asked the following question: "In the past, there has been a card which was given to some of the native people when they asked to lose their actual franchise of being an Indian person and become what we call a 'white man'. My question this morning is, what status does the Federal Government consider that person today and the other one is, what status does the Territorial Government consider that person today?"

The answer is as follows. The Federal Government consideration of any individual becoming enfranchised under Section 110 of the Indian Act is that individual is no longer deemed to be an Indian within the meaning of the Indian Act, or under any other Statute of law.

Upon enfranchisement, the individual concerned is issued a card, verifying the said enfranchisement. The Yukon Territorial Government does not recognize the differentiation between the citizens of the Yukon on the basis of race. It is acknowledged, however, that many Indian people in Yukon are in economic and social circumstances inferior to those of the majority of Yukon residents.

Through many of its programs, the Y.T.G. is attempting to alleviate this differentiation, where its within its jurisdiction to do so by providing expanded services and programs on the basis of need. Such services and programs are, of course, limited by budgetary restraints.

Mr. Speaker: The Honourable Minister of Health and Welfare.

Hon. Mrs. Whyard: Mr. Speaker, the Member from Whitehorse Riverdale asked a question regarding cost of medical travel, travel for medical treatment in the Yukon and outside and the figures I have for him today indicate that for the six months of this year, from April 1st to September 30th, in-Territory Medical Travel cost \$24,452.00. Out of Territory medical travel, \$50,772.00, for a total of \$75,224.00. Breaking down these figures we find that they were charters in the Territory for \$7,724, out of Territory, \$3,846, for a total of \$11,570.00.

The mileage travel by surface was 31,958 miles. The patients who used this service were 365 and there were 70 escorts travelled with them. For an average cost per trip of \$206.00.

Mr. Speaker, while I'm up on this subject, I would like to assure the Honourable Member from Ogilvie that her petitions on behalf of residents for an increased subsidy on mileage will certainly be given another very serious look.

If we deal with the number of miles travelled by Yukoners within the Territory, at the present rate of \$.10 a mile, you have a cost of \$3,195.80 for the six months of this current period. Doubling it, roughly, you would have about \$7,000.00 per year for the mileage rate.

If you increase that amount to the rate being paid by other departments of this Government, which I feel we can justify, you will be adding another half of that amount. I assure the Honourable Member and other Members of this House that this matter will be considered in the very near future.

Mr. Speaker: The Honourable Member from Klondike.

Question re: Y.T.G. Setting up a Corporation to Control Energy

Mr. Berger: Mr. Speaker, I have a written question for the Honourable Minister of Local Government. When can we expect legislation from the Yukon Territorial Government that brings in the existence of a Corporation that has the power,

(a) to take over existing electrical generating facilities;

(b) to extend existing facilities and to build new ones when needed;

(c) to explore the nonrenewable resources and possible takeover of known location of such resources, or is the Yukon Territorial Government visualizing two or three such corporations so we can safeguard for our future needs and not expose ourselves to the danger of running out of reusable energy.

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

Question re: Evacuation of Escarpment Areas

Mr. Hibberd: Yes, Mr. Speaker, I have a question for the Minister of Local Government this morning regarding the escarpment area. I would like to know at what stage the removal of people from the escarpment area has now reached. Are there many difficulties encountered in this evacuation process? I would also like to know how many of these homes are being disposed of as some of them are of considerable value.

Mr. Speaker: The Honourable Minister of Local Government.

Hon. Mr. McKinnon: Mr. Speaker, the entire removal program is under the authority of the Municipal Government. We are only providing the funding for it. I would be happy to get the information from the Municipal Authority.

Mr. Speaker: The Honourable Member from Klondike.

Question re: Energy Policy Paper

Mr. Berger: Yes, Mr. Speaker, a question for the Honourable Minister of Local Government. Who was the author of this so-called Energy Policy Paper and did ExCom approve of this paper?

Mr. Speaker: The Honourable Minister of Local Government.

Hon. Mr. McKinnon: Mr. Speaker, the author of the Energy Paper was Mr. Jim Mitchelson, who was employed on the staff of Y.T.G. as an economic planner and has now left the employ of the Government of Yukon. It was not accepted by Executive Committee but was a draft for discussion to be able to bring to this House for their comments.

Mr. Speaker: The Honourable Member from Ogilvie.

Question re: White Paper on Energy Policy

Ms. Millard: Mr. Speaker, a verbal question for the Minister of Local Government. I understood that in this House a tabling of a White Paper was tabling of policy. Could we have some explanation why it's a questionable thing, why it was not put in as a Green Paper, the Energy Paper?

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Because it isn't policy, Mr. Speaker, a Green Paper is Government policy.

Mr. Speaker: Are there any further questions? We will then proceed under Orders of the Day to Motions.

ORDERS OF THE DAY

MOTIONS

Madam Clerk: Motion Number 21, standing in the name of the Honourable Member, Mr. McIntyre.

Mr. Speaker: Is the Honourable Member prepared to proceed with this Motion?

Mr. McIntyre: No, Mr. Speaker, I wish to withdraw this Motion.

Mr. Speaker: Is it the wish of the House that this Motion be withdrawn? Are you agreed?

Some Members: Agreed.

Mr. Speaker: The Motion is accordingly withdrawn.
(*Motion withdrawn*)

Madam Clerk: Motion Number 22, standing in the name of the Honourable Member, Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to discuss Motion 22 this morning?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, that Y.T.G. liquor inspectors who are required to assist in the administration and enforcement of the Liquor Ordinance, be established forthwith under the sole jurisdiction and control of the General Manager and the Board of Directors of the Liquor Corporation.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker, I would like to move that Motion Number 22 be referred to Committee of the Whole.

Mr. Speaker: Is there a seconder?

Mr. Fleming: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Hootalinqua, that Motion Number 22 be referred to Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(*Motion carried*)

Madam Clerk: Motion Number 23, standing in the name of the Honourable Member, Ms. Millard.

Mr. Speaker: Does the Honourable Member wish to proceed?

Ms. Millard: I would simply ask question, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Hootalinqua, that the Green Paper on Policy for Recreation Development be moved into Committee of the Whole for discussion.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion Number 24, standing in the name of the Honourable Member, Mr. Lengerke.

Mr. Speaker: Is the Honourable Member prepared this morning to deal with Motion Number 24?

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 an independent committee be appointed under the provisions of the Yukon Act, and Public Inquiries Ordinance, in accordance with the wishes of this Assembly, as expressed by their approval of Motion 17 on December 10th, 1975 and that the Committee be known as the Committee for Yukon's Economic and Social Future, in its responsibility of defining a pattern of strategy for Yukon's resource, economic and social development, and by virtue of its terms of reference, bring up-to-date the Carr Report, examine the questions of provincial status in terms of economic and social factors, and provide direction with respect to the essential and required participation of Yukon's native people.

The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, I would move that Motion Number 24 be moved into Committee of the Whole.

Mr. Speaker: A seconder?

Ms. Millard: I second that Motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Ogilvie that Motion Number 24 be referred to Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion Number 25, standing in the name of the Honourable Member, Ms. Millard.

Mr. Speaker: Is the Honourable Member prepared to discuss 25?

Ms. Millard: I would call question, Mr. Speaker.

Mr. Speaker: We will first, I'm afraid, have to read the Motion.

Ms. Millard: Yes.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Klondike, that the White Paper on Energy Policy for Yukon be moved into Committee of the Whole for discussion.

This should read, "be referred to Committee of the Whole for discussion". 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: Motion 26, standing in the name of the Honourable Member, Mr. Fleming.

Mr. Speaker: Is the Honourable Member prepared to discuss 26 this morning?

Mr. Fleming: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Whitehorse South Centre, that the matter of the Teslin sewer eductor truck and sewage lagoon be discussed in Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion 27, standing in the name of the Honourable Member, Mr. Lengerke.

Mr. Speaker: Is the Honourable Member prepared to discuss 27?

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 regulations be developed with respect to a domestic animal herd law, which can be enforced under the provisions of the High-

ways or Pounds Ordinance, and that these regulations be introduced by the next session of the Yukon Legislative Assembly.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Yes, Mr. Speaker, I think the Motion pretty well explains what we are after. I would say that, in view of the fact that over the last few years, that there have been numerous incidents with respect to accidents involving domestic animals running loose, running free, on our roads and throughout some of our Municipal areas, and I think it's time that we did examine to enforce a herd law in Yukon.

I know that this is a question of grave concern on many sides, certainly to people involved in the transportation industry in Yukon. I also know it's a very serious question to people that are in the business of guiding, and that do maintain herds of horses as well, and I know that it's a difficult question, but I would hope that we are now moving into the area, or into the times when in fact we should have some control on our roads with respect to animals running at large.

I would hope that the House would concur that we give direction to the administration to bring some regulations forth that we can take a look at and consider.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Mr. Chairman, I think — I wished I had looked at the Motion a little more carefully to start with. The implication that the regulations shall be developed and brought forward, I think the intent was that the regulations would not be brought into force until they were brought into this House for consideration.

It might be much better to amend that Motion by changing regulations to policy, because I think there are many ramifications of a herd law that certainly have to be taken into consideration, and before we embark upon regulations and enforcement of the herd law we had better have a look very thoroughly at all of the ramifications.

I know it's a problem; it has become quite a problem for people who are — driving on our highways, there's animals on the road. I know that it's quite a problem in certain areas in my constituency, and I know it is in every other person's constituency outside of the municipalities, where you have someone else's animals trampling on your garden and on your lawn and this type of thing, and it becomes a very irritating thing, but again a very difficult type of legislation or regulation to enforce.

So, Mr. Speaker, I would hope very much that the regulations be changed to policy, so that we can consider it before in fact it becomes law.

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, we've received complaints so of course we have looked at the changing of the open range policy in the Yukon, and we are the only area in Canada now that has the open range policy. Every other jurisdiction in Canada has gone into the relief of the problem that has been stated by the Mem-

bers, very simply, by making it mandatory that fencing be done, so that they keep the animals on the property.

If that's the Honourable Members' wishes at this time, it's the easiest thing in the world to bring in regulations, but I can warn Honourable Members I only hope they are ready for their constituents complaining bitterly about the cost of fencing having to be utilized in every area of the Yukon.

So if there's a problem, there's a solution; the same problem which existed in every other jurisdiction in Canada, the same solution is present in the Yukon; if the Honourable Members want it, we are willing to introduce it.

Mr. Speaker: The Honourable Member from Mayo?

Mr. McIntyre: Mr. Speaker, I was just going to point out to the Honourable Members that it's not possible to change anything by regulations, that it requires an amendment to the Pounds Ordinance to change the situation, the Pounds Ordinance is quite specific in what is required and regulations can't alter the policy that's set out in the Act, or the Ordinance.

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, I recall some months ago that a number of the Honourable Members met with representatives from the National Head Office of the National Society for the Prevention of Cruelty to Animals on this same topic, and it seems to me, Mr. Speaker, that Members agreed that day that they would look with interest at legislation adopted in other areas controlling this kind of problem; and, furthermore Mr. Speaker, I was under the impression that one particular Honourable Member was going to bring this forward and keep active on the subject, and we have heard nothing more.

I wonder if he would care to say anything this morning, Mr. Speaker, about how far we are proceeding down that lane?

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Well, Mr. Speaker, I think we are getting off the subject, but I haven't been approached by the local organization with their draft legislation, and I've been waiting on that.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker. I would like to move that Motion 27 be moved into Committee of the Whole for further discussion.

Mr. McIntyre: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Mayo, that Motion Number 27 be referred to Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion 28, standing in the name of the Honourable Member, Dr. Hibberd.

Mr. Speaker: Is the Honourable Member prepared to discuss 28 this morning?

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse Riverdale, that the functions of the Department of Highways and Public Works be brought under the jurisdiction of an elected Member of the Executive Committee.

The Honourable Member from Whitehorse South Centre? The Honourable Member from Kluane?

Mrs. Watson: Mr. Speaker, I would move that this Motion also go into Committee of the Whole for discussion.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Klondike, that Motion Number 28 be referred to Committee of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

(Motion carried)

Madam Clerk: Motion 29, standing in the name of the Honourable Member, Mr. Lengerke.

Mr. Speaker: Is the Honourable Member prepared to proceed on that?

Mr. Lengerke: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Member from Whitehorse Riverdale — oh, pardon me, moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Whitehorse South Centre, that a Department of Resources, Industry and Development be created within the Yukon Government and brought under the jurisdiction of an elected Member of the Executive Committee.

The Honourable Member from Whitehorse South

Centre?

Mr. Hibberd: Mr. Speaker, I would also move that this Motion be moved into Committee of the Whole.

Mr. Speaker: Is there a seconder?

Mrs. Watson: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Kluane, that Motion Number 29 be referred to Committee of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Motion 30, standing in the name of the Honourable Member, Dr. Hibberd.

Mr. Speaker: Is the Honourable Member prepared to discuss 30 this morning?

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centr, seconded by the Honourable Member from Whitehorse Riverdale, that the Yukon Housing Corporation be brought under the jurisdiction of an elected Member of the Executive Committee.

The Honourable Member from Klondike?

Mr. Berger: Mr. Speaker, I would like to move that Motion Number 30 be referred to Committee of the Whole for discussion.

Ms. Millard: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Ogilvie, that Motion Number 30 be referred to Committee of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

Madam Clerk: Second reading of Bill 11, an Ordinance to Amend the Public Service Staff Relations Or-

dinance.

Mr. Speaker: Could we have the Bill number again?

Madam Clerk: Second reading of Bill 11, an Ordinance to Amend the Public Service Staff Relations Ordinance.

Bill Number 11 — Second Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 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 — could I have the Bill Number again, please. That Bill Number 11 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)

I think you caught me on that one.

As there are no further Bills at this time, what is your pleasure?

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, Sessional Papers and Motions, Mr. Speaker.

Mr. Fleming: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve in the Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

(Mr. Speaker leaves the Chair)

COMMITTEE OF THE WHOLE

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

We have received correspondence from C.Y.I. regarding their appearance before Committee. I would like to read to you that correspondence.

"Further to your letter of November 16, please be advised that I have received instructions from the General Assembly to appear before the Territorial Councilors. I would suggest that Monday, November 22, at 2 p.m. be the designated time. In the event that this is not suitable, please advise."

Is this suitable for Committee?

Some Members: Agreed.

Mr. Chairman: We will be proceeding this morning with the further clause by clause reading of Bill Number 10, Financial Administration Ordinance.

Mrs. Watson?

Mrs. Watson: Mr. Chairman. I think that last day we pretty well, or the ruling was that we were finished with Bill Number 5, I believe it was. An Ordinance to Amend the Liquor Ordinance, and a normal procedure in a Committee, usually you go through the clause by clause and amendments are considered and the clauses are considered, and then an opportunity is given for new clauses to be introduced after you've gone through the clause by clause discussion.

Also, I think before we let the administration take the Bill back, to bring forth the areas that we asked to have amended that we failed to discuss one very, very important thing that was brought up, and was not voted upon, the section was not voted upon. That was the section regarding liquor stores, establishment of liquor stores and the authority of the corporation to make regulations. This is section — and it was not voted upon when we went through the clause by clause, that was 28(1) and (2). We voted on sub (3) but we did not vote or discuss (1) and (2) so they have not really been dealt with.

Mr. Chairman: What page are they on?

Mrs. Watson: Mr. Chairman, they're on page 20. Mr. Chairman, I would hope that you, that we could finish off Bill Number 5 this morning so that when the administration takes it back they can come forward with all of the amendments and the adaptations that we have requested, rather than have them bring it back and then we bring up discussions on the establishment of liquor stores and the authority to make regulations, plus, also, permitting Members to introduce a new clause, if they so wish.

Mr. Chairman: Mrs. Watson, my understanding is that, when we did go through the clause by clause reading, this was stood over at that time with the consent of Committee.

Mrs. Watson: But, Mr. Chairman, it was not taken back and discussed and I have some very strong views on this and on establishment of liquor stores and I would hope that we can bring this to the floor before, so it would give the administration time to deal with it. I think it would be advantageous to get a consensus of the Members here and then, of course, the big thing is that

we should be given the opportunity to bring in new clauses to the Bill.

Mr. Chairman: This is not the usual procedure, Mrs. Watson, but with the consent of Committee, we can refer back to Clause 28, before it's referred back to the ExCom for further consideration.

Is this the wish of Committee?

Some Members: Agreed.

Hon. Mr. McKinnon: Mr. Chairman, that is a double barrelled approach there, there was also the indication that new clauses would be brought in before Committee, and certainly this Member is not going to give his consent to subject matter that has already been dealt with in Committee, that a new section be brought in dealing with the same subject matter.

It would just be against all the policies and rules and regulations that this House has at this time.

Mr. Chairman: Mrs. Watson, was it the intent that you were bringing in new clauses with material that already had been before Committee?

Mrs. Watson: No, Mr. Chairman, the new clause has a different intent than the Section that the Honourable Member is referring to.

Mr. Chairman: It is not the intent, Mrs. Watson. Is the same subject material involved?

Mrs. Watson: No, Mr. — some of it is, but the intent in Section 103(52) is quite different and I think that Mr. Chairman, before the Honourable Member, the Minister of Local Government can rule on the Motion, I think we should at least be given the opportunity to bring in the new clause.

Now, he doesn't even know what it is, and he's objecting to it.

Mr. Chairman: All I'm asking you, Mrs. Watson, is this material that has already been considered by Committee. If it is embodied in material that has been considered by Committee, we cannot then consider it again without reference from the House as a whole. This Committee's terms of reference are, to deal with this material, to vote on the material, and dispose of it in that manner. If it involves bringing in new material that you wish to add to this Bill, yes, you can, but if it involves material that has been covered by other clauses that have already been considered and voted on by Committee, then we are unable to consider it further.

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, for clarification, are you ruling that only those sections which have been set aside for further consideration can be still discussed?

Mr. Chairman: What I am ruling is that the sections that have been voted on and carried by this Committee cannot be considered again, and the contents of those clauses that have been considered, cannot again be considered without further direction from the House.

Mrs. Watson: Mr. Chairman, this is a new clause, and Section 52 deals with an area enforcement order, or exemptions to consumption of liquor in public places.

Now, if you look at Section 52, sections 4, 5, 6, 7, 8, 9 and 10 of that whole section, deal with nothing else but the mechanics of arriving at an area enforcement order, or the repealing of an area enforcement order.

The new clause which we want to introduce has nothing to do with an area enforcement order, and Section 52 is — the whole section is based on the criteria for an area enforcement order.

Mr. Chairman: Mrs. Watson, I have already made my ruling. If your new material does come under — does repeat what has already been dealt with, it is out of order, but I will permit you to introduce your new clause and will make a ruling at that time.

I will declare a brief recess.

Mr. Berger: Mr. Chairman, I was trying to get your attention before you declared your brief recess, but you were looking the other way.

Since you are on the ruling, Mr. Chairman, could I get a ruling on Section 84 as it never was dealt with this in the House? It's in the old section, can we discuss Section 84?

Mr. Chairman: Yes, we can. Is this a section of the old Ordinance?

Mr. Berger: That's correct, Mr. Chairman.

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

(RECESS)

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

The agenda that had been established prior to recessing, we were considering the Financial Administration Ordinance. Now, as you know, I have received representation regarding reopening of the Liquor Ordinance at this time. This is not, as the agenda has outlined, but if this is the concurrence of Committee, we can refer back to the Liquor Ordinance. Is that the wish of Committee?

Some Members: Agreed.

Mr. Chairman: We'll have a show of hands. Those who wish to refer back to the Liquor Ordinance at this time. One, two, three, four, five.

Well, when we recessed on Thursday, we had begun the consideration of Bill Number 10, but as you have heard this morning, there are Members who wish to refer back to the Liquor Ordinance on areas that are still open. They wish to do so at this time, prior to the Bill going back to the Legislative Programming Committee.

Mrs. Watson.

Mrs. Watson: Maybe I could explain. I have requested to have the opportunity to go back to new Section 28(1) and (2). We dealt with 28(3) because of the motion that was on the floor. The motion was defeated, but we did not deal with subsections (1) and (2). I would hope that the Committee would be prepared to consider

further information on (1) and (2) before the Bill is taken back to Leg. Prog. to do the required amendments. I think in that way it would save some time rather than having it come back here for further discussion and then go back again.

I think there are two very pertinent things in section 28(1) and (2) that we should adjust, that we should address ourselves to before the Bill goes to Leg. Prog.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman, I have a new section that I'd like to be considered, but I believe that all clauses of the Bill should be considered before any new clauses are brought up and I would hope that I would have your assurance that we will go through, as Mrs. Watson, has indicated, then I would have the opportunity certainly to ask that a new clause be added. After the Bill ..

Mr. Chairman: As I have indicated, the agenda had been set on Thursday. Now, if we wish to return to reconsideration of some clauses that are now open or other clauses on the Liquor Ordinance, then I would have to have the concurrence of Committee to do so.

Those who wish to return to the consideration of these areas, would you please indicate by a show of hands?

We will return to consideration of these clauses of the Liquor Ordinance.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, Section 28 (1) and (2), is the section where we are giving the Corporation in its discretion, the authority to issue a licence allowing retail of liquor in any licensed premise for off-premise consumption. We are giving the Corporation the authority to make regulations to establish hours, prices and serving facilities.

Now, my biggest concern with this is that we are handing over an authority to the Corporation to set prices for off-premise sales. I have no quarrel with this whatsoever, but I do have a concern, because so many people in the Territory, in order to buy liquor, must buy through an off-premise outlet. They don't have a liquor store in their community, and therefore we have retained the right, by regulation, to establish the prices in liquor stores, so a certain portion of the Territory, prices of liquor, will be governed through regulation made pursuant to this Ordinance.

But eh other portion who do not have a liquor store, will have to pay off-premise prices and before the legislation goes back to Leg. Prog. I would like them to look at it and to come forward with some proposals or policies, on how we can — people living in communities not now served by a liquor store, can obtain liquor and beer at liquor store prices during normal liquor store hours.

If this Bill goes through and comes back this way, we have lost our ability to establish any criteria for establishment of liquor stores, or we have lost our ability to provide the opportunity for these people in these communities, and there are many of them; there is Carmacks, Teslin, Destruction Bay, Beaver Creek, Stewart Crossing, many of these people, they do not have the opportunity to buy at a liquor store.

So I would hope that when the Committee brings this

Bill back, they will either come forward with proposals of how these people can be served, and pay prices at the same levels as everyone else, or make provision in the legislation so that our right to do this is not taken away.

The way the Bill reads now, this is our last chance to deal with these people so that they can obtain a benefit of purchasing liquor at liquor store prices. This is why I thought it so important to bring up this section right now and that's 28(1) and (2) which is where we are handing over this authority to the Corporation.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the Honourable Member made her concern on this section known earlier during discussion and I have made some notes based on her remarks at that time.

Is she now offering to give us further clarification on how she would suggest that the operator of a licensed premise be required to sell a product at the price he paid for it?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: No, Mr. Chairman, I am not presuming that. I just want to make sure that when this legislation is amended we amend it so that we retain this authority to be able to bring in various proposals and I would also hope that, when the Committee comes back, that you come forward with some proposals. It may be too short a time and we may have to take 'til budget session, 'til the next session. But I think this is something we have to face up to. It's so necessary that the amendments be made now. Because, Mr. Chairman, if we look at our regulations, there are no regulations at the present time, established by the Commissioner, that would even carry regarding the establishment of a liquor store.

There's no criteria whatsoever that the government has been following where you could say while the Board will now take over the establishment of liquor stores but they must follow the regulations which we now have, because we have none. We've never faced the problem. We have to face the problem now or for ever forget about it. And I'm not prepared to.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, the Honourable Member of Health and Welfare says that, if the Member from Klwane had any further adjustments, I think this was myself that made a suggestion, that we utilize in places where there is no government liquor store at present, we utilize grocery stores or garages or anything like this and the government could quite easily give those outlets a ten percent cut on the wholesale price of liquor and those people could sell it at the same price as anywhere else in the Territory.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I agree a certain amount with the Member from Klondike, although I don't really think that it is necessary in all the stores, but this is my context of what I've been speaking about for the last week — was to have the liquor sold at the

proper prices all over the Territory.

The government has the power to issue certain licences to certain places so that they could be liquor stores that weren't large government institutions. However, Section 28, in my point of view, the whole section is not good. I think, due to the misunderstanding of the government's side of the picture in this respect when the Ordinance was being made, and all respects to them, I think they really were trying to do the very best they could for the people; people have been asking them to — if they could open their stores at certain hours and asked them if they could have the power to say yes, we want to close our stores at a certain hour. They've been doing this and I agree, they have done this for a couple of years now, been at it, and of course I think the government felt that we'll give them some chance to do this.

I admit it was, I think, no intention of the government to just drop it on them maybe, but it did happen this way and I think this Section, it's away over in 28(3)(a), in the case of a premises within a municipality or local improvement district by resolution of the Council of a Municipality or the Board of Trustees of a District, now that is

Mr. Chairman: Excuse me, Mr. Fleming, this — that, has already been considered and can no longer be discussed in Committee.

Mr. Fleming: In Section 28?

Mr. Chairman: Twenty-eight (3), Twenty-eight (1) and (2) are

Mr. Fleming: Is all we're discussing, Mr. Chairman?

Mr. Chairman: Yes.

Mr. Fleming: I'm very sorry.

However, we come back to the same thing in (1) actually. If we're going to deal with (1), the Board is going to have the discretion and if we change that, by any chance, where the Board don't have the discretion, then I think we're going to have to go and work on 3(2). Therefore, I think it is relevant — you can't change one without doing something to the other one, I'm sure, so I leave it at this time, until I can maybe speak later on the matter, but

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, for clarification, in our earlier discussions of this 44(1), we got the message from our Honourable Members that they wished the legislative drafting process to ensure that we inserted somehow the understanding that these powers would be subject to regulations which this House has authority over.

We are now hearing today additional requests to specify how these regulations should be drafted to cover new subjects, such as establishment of liquor stores. I would appreciate any further direction from the Honourable Members if they have further submissions on what restrictions you wish in the regulations.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I really don't think the Honourable Member understands the friction, and I don't think you understand that what has been taken out and what we are putting in and we are asking — we are asking that, as far as making regulations for off-premise sales, we have no quarrel with that, if the Board has that authority, or I don't — but I do want some direction from the government so that we can accommodate people who do not have liquor stores in communities, who must rely on off-premise sales.

Now, surely, the administration would be in a better position in their drafting to see whether you amend 28(1)(2) or whether you provide some section in the regulation section, or whether you do something in the powers that are given to the Corporation, and I said the mechanics of how you deal with off- — with prices in areas, the Honourable Member from Klondike has made a suggestion.

I am asking for the administration to bring proposals forward, and I said maybe, not even this Session but surely the next one, how we could accommodate these people, but we must retain the authority to be able to do it.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, that's my point, and we got that message some time ago, so what additional information is required today? We got that message, the notes have been made, the Committee is ready to consider that section when we go back to the redrafting. Why is it being raised again today, Mr. Chairman?

Mrs. Watson: Mr. Chairman, it is quite obvious the Honourable Member doesn't understand it from the question she has asked, but I am sure the draftsman does, so possibly we would hope that when it comes back from Leg. Prog. it would have in it what we would like to see in it.

Mr. Chairman: Very well, we will reconsider that when the amendments are brought in, and if you have further amendments at that time, we will consider them.

Mr. Berger?

Mr. Berger: Am I right to consider that we have finished with Section 28 now?

Are we finished with Section 28 now, Mr. Chairman?

Mr. Chairman: Yes.

Mr. Berger: Well then, Mr. Chairman, may I refer the Committee to Section 84 of the old Liquor Ordinance?

Mr. Chairman, if we may read — it's Section 84, subsection (3) that I'm really concerned with. Subsection (2) reads: "No person shall be in an intoxicated condition in a public place". Section (3) reads: "No prosecution shall be taken against any person pursuant to Subsection (2) of this Section except under written consent of the Commissioner or an officer authorized by him in that behalf".

Now, we are all quite concerned with the drinking habits in the Territory, and we are all quite concerned about the drinking in public. The Administration came

forward with a new section prohibiting drinking in public, but I asked a question of all witnesses in this House, what solution do they have? The answer unanimously was: none; nobody had a solution.

I also asked the witness what are we going to do with offenders, and I was referred to this particular section. Well right now we have this section, there's nothing being done with the offenders. The R.C.M.P. in most cases don't even bother picking people up for being more than intoxicated in a public place, unless somebody is willing to lay a charge against that person, because there's nothing in this Ordinance that really puts teeth to the Ordinance.

I would propose, Mr. Chairman, that we change Section (3) to read: "No prosecutions shall be taken against first offenders", and I also would propose a new section, a Section (4) that reads: "Multiple offenders shall be on recommendation by a court committed to Crossroads or a similar institution for a minimum stay of 30 days". I think this is one way to go about it.

There is no use coming up with new legislation prohibiting drunkenness on the street when we have nothing in the 'Offenders' section to really put teeth in an Ordinance. Like I said before, all we have been trying to do with new Ordinances and with new Sections in the Ordinances is to act like an ostrich — bury our head in the sand and act like it doesn't exist anyway.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: I'm not sure that I can provide a satisfactory answer to the concerns of the Honourable Members. There's no way in this Ordinance, or in any Ordinance, that we can legislate away the alcohol problem, nor can we, the way it's written at the moment, look to the police to be able to very effectively deal with people who drink, who are intoxicated in a public place, because they have certain problems they face in the courts when trying to prove that a person was or was not intoxicated.

We do have — it has been the practice of the police when dealing with a first offender not to prosecute, as the Member suggests the police should not do. It has been their practice, generally on the third offence, to seek leave of the Territorial Government or of the Commissioner, to prosecute, and that leave when requested is always granted.

That does not solve the problem either, as the Member has suggested. If a fourth section is added to require that the repeat offenders are committed for a minimum of 30 days to Crossroads or to a detox centre or some similar institution, it seems to me we are going to be facing problems that are unsurmountable in terms of overcrowding and also trying to deal through two institutions — a detox centre or a Crossroads facility — with people that will not respond to that kind of treatment.

Detox centres and Crossroads are only effective in dealing with people who want to do something about solving their own problems, and if a person does not want to — is a concerned alcoholic, a chronic alcoholic, much as we would like to as a government use these facilities to help that person, if that person does not want to respond, there's nothing we can do.

So the problem remains, as the Member has said, and we can't in my view do anything with the legislation to

absolutely solve it. We can just help as best we can to reduce the level of that problem.

Mr. Chairman: I would suggest to the Honourable Member that if he has any amendments to be brought forward that he do it in the normal manner at the time when the Bill is reconsidered.

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would only ask the Honourable Member whether or not he has had time to discuss this proposal with the people who operate Crossroads, because we should all be aware of the fact that no-one can be committed or sent to Crossroads. It is up to the individual entirely to go there on a voluntary basis and they will only be accepted there if they ask to go there, and I think it would be a matter for consultation between the Honourable Member and the people at Crossroads regarding this proposal.

Thank you, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I would like to ask the Minister of Health if this has been investigated at all and whether other jurisdictions do this. I am inclined to believe that they do, that they do have sections dealing with committal to alcoholic institutions.

Is it possible to have some, at least a cursory investigation into the effectiveness of the procedures in other jurisdictions?

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, the practice we have used and — I should say, the practice we are establishing now — is one of co-operation between the police and ourselves. The police are co-operating as much as they can to ensure the people who should go to the detox centres do go and those that there is no point in sending to a detox centre are dealt with in other ways.

I really don't see anything further that this government can do at this time to deal with this problem.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, in addition to that, the Honourable Member was asking what other jurisdictions do in this situation, and I don't have complete knowledge across Canada but I do know that in some provinces where their numbers of course are far greater than ours to deal with, there is an attempt made to put people into places where they can receive treatment for alcoholism, but it comes back down to the same basic situation. If you are not there voluntarily, you're not going to benefit from the program.

I have investigated a number of these places, on behalf of people with problems in the Yukon, and in each instance the very first question on any forms for application to go to such places is whether or not they are prepared to submit themselves to this kind of treatment. It requires co-operation or it isn't going to work.

If the Honourable Member wants further information about institutions across Canada, we can bring that in.

Mr. Chairman: I think I'd close discussion on this. It's really not appropriate to what we are considering. You can bring in amendments to the amendments to the Liquor Ordinance when they are reconsidered.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: I think discussion on why 84 reads as it does in the Ordinance is appropriate at this time, and I think before amendments are brought in that Honourable Members should know why Section 84 is written as it is and I was one of the prime proponents of Section 84 as it now is and I still believe wholeheartedly in it.

I still make the point, and used to through my political life, of going to Magistrate's Court at least once a month on Monday morning to see what is actually happening in a Magistrate's Court situation. Before Section 84 was put in, there was about 90% of the charges that were for being intoxicated in a public place, were the Indian people of the Yukon. I knew perfectly well that they were not committing 90% of the infractions, but it was the simplest thing in the world, put an Indian person up on the stand and say — were you drunk in a public place, are you guilty, yes, and go to the Whitehorse Correctional Institute for seven days to get fed and get dried out and back on the street again.

Some of the people had been up there 100, 200, and I think one had been up 300 times for being intoxicated in a public place with the same continual wheel effect, the person was picked up, he was always convicted, he went up for 7, 14, 21, 28 days. The taxpayers money was being wasted completely, nothing was being accomplished by putting a person over and over again into the Correctional Institute. The time of the courts was being wasted completely in dealing with, not a criminal matter, but a social problem, and Section 84 was the result of seeing actually what was being done in the Yukon Territory.

I couldn't agree to going back to the old system after one conviction, that the person went through this whole court business over and over again, and people on the streets setting records about how many times they had been picked up and incarcerated for public drunkenness. It was a farce and would be a farce once again. I would really like to hear Mr. Chairman on the subject of compelling people to go to institutions because I've had discussions with him and other people involved in alcohol problems and it's always been unanimous from those people that if the person is not willing to help himself there's just no hope of forcing them into an institution and attempting to force them to straighten out. All we would be doing is plugging people like the Detox Centre and Crossroads with people who didn't want to be there and taking away from the program of the people who were seriously had admitted that they had a drinking problem and were trying to do something about it. So I just can't agree with any proposed amendments to 84 along the lines that I have heard this morning.

I think that the Honourable Member from Klondike talks about being ostriches, I think that that's exactly what we would be doing once more, pretending that through stiff penalties and the courts, through forcing people who don't even recognize they have a drinking

problem into institutions, that then we would be really attempting to hide our heads, Mr. Chairman.

Mr. Chairman: Thank you. The reason I do not want any further discussion on this debate, there is a procedural problem whether we can actually open up that clause at this time, so I would request Members to withhold any further discussion on this until a future time when I can make a ruling on that. Is there any further consideration of the amendments to the Liquor Ordinance?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I would ask for your assistance. There is one subject I would like to comment on. It is not a section in this Ordinance, it is a section that used to be in Territorial Ordinances. Would that be permitted at this time?

Mr. Chairman: No, Mrs. Whyard.

Hon. Mrs. Whyard: Thank you.

Mr. Chairman: Is there any further discussion, debate on the Liquor Ordinance at this time?

Committee will now recess and we will commence with the further readings of Bill Number 10 at 1:30 p.m.

(RECESS)

Mr. Chairman: I call this Committee to order.

We will proceed with the clause by clause reading of Bill Number 10, the Financial Administration Ordinance.

At the time of recess we had the reading of clause Number 1 and were in general debate on the Bill.

Mr. Taylor:

Hon. Mr. Taylor: Yes, Mr. Chairman, I had one general question I could perhaps direct to our witness today. I was wondering if this Bill is going to make any provision with respect of taxing of community associations and community clubs. Will this Bill offer any relief in respect of this?

Mr. Miller: Mr. Chairman, taxing of community clubs comes under the Taxation Ordinance. This Bill is for the general management of the Consolidated Revenue Fund. It does not include any taxing provision per se.

Mr. Chairman: Are there any amendments to Clause 1?

Shall Clause 1 carry?

Some Members: Agreed.

Mr. Chairman: Clause 2 (1).

(Reads Clause 2)

Mr. Berger?

Mr. Berger: Yes, on revenues there, (a) revenues of the Territory includes interest and investment, my question would be what investment does the Territory have at the present time and what interest the Territory receives on those investments?

Mr. Miller: Mr. Chairman, our general policy on investment is that we invest any surplus cash funds that we have in short term, thirty to sixty day bank deposits.

The present rate of interest is something in the neighbourhood of 7%, it could be slightly higher, I don't have the current rate but it's around, and if I recall correctly, on this year's estimates, we were anticipating \$400,000.00 investment income.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, is this the time when we may speak on — I'll call it the general Bill at this time? No, I'm sorry, I missed it. Okay, fine. I'll word it differently.

Mr. Chairman: Okay, try again.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, we aren't quite at that section yet.

Mr. Chairman: Shall Clause 2 carry?

Some Members: Agreed.

Mr. Chairman: Part I, Organization.
Clause 3(1).

(Reads Clause 3)

Mrs. Watson?

Mrs. Watson: Mr. Chairman, just a question for the witness. Clause 3(1), "appointed by the Commissioner", that's the Territorial Treasurer. That's still the appointment of the Territorial Treasurer to determine who would obtain the position of Territorial Treasurer, would still have to fall within the Public Service Commission Ordinance, but the actual — this is just the mechanics so the actual appointing is done by the Commissioner?

Mr. Miller: That's correct, Mr. Chairman. Because it's a Department of the Public Service, it would be subject to the Public Service Ordinance.

Mr. Chairman: Shall Clause 3 carry?

Some Members: Agreed.

Mr. Chairman: Clause 4(1).

(Reads Clause 4)

Is there any debate on Clause 4?
Shall Clause 4 carry?

Some Members: Agreed.

Mr. Chairman: Clause 5(1).

(Reads Clause 5)

Shall Clause 5 carry?

Some Members: Agreed.

Mr. Chairman: Part II, Public Money.
Clause 6(1).

(Reads Clause 6)

Mrs. Watson?

Mrs. Watson: Mr. Chairman, number 5, this is a different section. Now there are provisions for interest for late payments in certain legislation such as the Taxation Ordinance. What other areas would this be used? I wonder if the witness could give us some examples?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, we currently carry out work for third parties, for example our Highways Department, we do a sufficient amount of third party work, and at the present time, we have no ability to impose any penalty for late payment of that account, and I'm not suggesting that this will apply to everything.

What we are saying is that this will have to be done by regulation and so the provision is there to allow us to do it, if we find that our accounts receivable are not paid in sufficient time. It would allow us the opportunity to impose a penalty, if required.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: This, of course, brings in the converse. When the Territorial Government owes money for late payment, and they have quite a reputation for that, I understand, and the agency that is billing the Territorial Government as part of the Bill includes an interest payment, say at 10%, does the Territorial Government have the authority to pay the interest as part of the Bill?

Mr. Chairman: Mr. Miller?

Mr. Miller: Well, Mr. Chairman, I don't know whether we have the authority to do it or not. It's our general policy not to pay interest, unless it is pre-arranged that we will do so, and there are occasions where we have pre-arrangements for late payment, we will pay interest in those cases.

But as a general rule of thumb, we do not pay interest.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, Section 3, "Every person who collects or receives public monies", does this apply also to cooks in highway camps, and if this is the case, then I think there should be a new job description made out, because he also has to become a book-keeper.

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, I don't consider the fact that an individual has to keep a record of what he collects and when he sends it in, as being a bookkeeper's function. I think that's just good common sense which would protect the individual.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. Just back to 5, third party payments that you were speaking of, Mr. Miller, that would be mainly with — that type of work is mainly with the Federal Government, is that right?

Mr. Miller: Not necessarily, Mr. Chairman. For example, we plough along the highway, we plough the areas in front of lodges for the individual. Now, at the present time, if that individual decides not to pay his bill, the only thing we can do is stop ploughing his lodge — ploughing the next time, and he may have a valid reason for not wanting to pay it for a couple of months, like he is short of cash. But that doesn't mean that we should use taxpayers' money to carry his account.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: So then as I understand, up until this time, you weren't able to go back and try and collect that money, you could do so by probably I guess a letter, but you really didn't have any legal way to do it?

Mr. Miller: We had a legal way of collecting the money, it was just that we had no penalty provision, we had no ability to impose a penalty for late payment.

Mr. Lengerke: Thank you.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, but by the same token, the government does expect an individual or a private business to carry the government's accounts without any penalty.

Mr. Miller: Well, Mr. Chairman, our current record, a recent record of paying bills, to my knowledge, has been very good. Now I can recall years ago when it was not good. Anybody can find an instance where, today, we have probably missed paying a bill for some reason or another, but as a general matter of policy we pay our bills now within 30 days and that's normal business practice. I'm not suggesting that in this case that we would impose a penalty or an interest unless it exceeded 30 or 60 days. It's, you know, it's got to be pretty severe.

Mrs. Watson: Mr. Chairman, one more question.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: That if you get a bill from a business and the bill said unpaid accounts after 60 days an interest rate of so much will be charged. Do you pay that interest rate if your account is not paid within 60 days?

Mr. Miller: Not as a general rule, Mr. Chairman, what we would normally do would be to not allow the interest charge unless we had prearranged with the party to pay interest.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: I think that is terrible. You know, that this is, that's terrible when you don't pay your taxes, you have to pay an interest on it and if you're late applying for some certain benefit you don't get them, but if the Government is late they don't feel that they should have to pay a penalty. If there, if it is part of the arrangement and if your billing says 60 days, surely ..

Mr. Miller: Mr. Chairman?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, I can assure the Honourable Member that, as a personal situation, if somebody sent me a bill that said if you don't pay it within 60 days you're going to be paid interest, I'd refuse to pay the interest at that point, too.

Mrs. Watson: But it's on the bill.

Mr. Miller: Unless I'd prearranged to pay interest.

Mr. Chairman: Mr. O'Donoghue?

Mr. Legal Advisor: In a question of law, the original contract is to sell something at a certain price so that is what is legally due. It is a change in the terms of the contract you add on to a bill interest at 5% if overdue for 60 days. That's a new contract that has not been agreed to by the responding party, and in the government's case, the government, without a prearrangement, would not be legally bound to pay it.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, I was wondering, Mr. Chairman, just to come back to the tax problem again, and of course I'm wondering if this is in here for any reason, maybe to collect some more money on taxes.

In the case of a tax bill being presented to a person in, you might say, the middle of the year, and the taxes are due and payable at that date, although they are for that current year five months later, then the interest is put on from the date when the taxes would have been due and payable that year, or does the interest go right back to the beginning of the year? Does it have any effect in here?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, it has to do with the Taxation Ordinance. The Taxation Ordinance spells out that the tax demand has to be out of the Treasurer's office by March 31st of a year. Taxes are due and payable without penalty or interest by the end of June of that year. The penalty is effective July 1st normally applied on July 2nd, and interest accrues on a pro-rata

basis starting the end of July.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I simply wanted to rise and ask if some of the Members could speak up. It's very, very difficult to hear. Everybody's got it down to a whisper this afternoon, and it is rather difficult to understand Members when they are speaking.

Mr. Chairman: Perhaps their voices are wearing out, Mr. Taylor.

Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I would like to go back to 3 again, because I was thinking about the answer that was given. I'm just thinking of a place like the Dempster Highway, my understanding is there is a new policy in effect that anybody who has no business in the camp has to pay for their meals, and this could actually be considered quite an additional job to the cook.

I mean, I'm thinking of Federal Government employees going up, the D.P.W., who eat in the camp sometimes and even Federal Government employees traveling through the camp, and by having to keep books or records of all the money collected, it's quite a bit of extra work for this person, and in the original job description it was never in there.

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, to my knowledge, the number of people that this individual would have to keep a record of, he would have to keep the record of who ate there anyway if they weren't a camp employee, so all we're not asking them to do is put a note beside it as to how much they charged and collected.

I don't see it as being a major issue.

Mrs. Chairman: Mr. Berger?

Mr. Berger: Well, Mr. Chairman, it's been my past experience in the past that all that a visitor had to do in a camp was sign a meal sheet and state the department where he came from, or the government where he came from, but now when the cook has to collect addition — in addition to this, funds, and keep the funds and keep a record of the funds, make change and so, I think it's quite a bit to ask for this.

Mr. Miller: Mr. Chairman, if this individual — or let me put it another way, if it's a government employee, all that will be required is the individual will continue to sign the meal sheet and that will be billed out from Whitehorse to the department, to the government department involved.

If it's an individual who has no connection with the government, they will continue to pay the bill in cash at that time.

Mr. Chairman: Is there any further debate on Clause 6?

Shall Clause 6 carry?

Some Members: Agreed.

Mr. Chairman: Clause 7(1).

(Reads Clause 7)

Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. Just one question with respect to 7(1). I would like to know what the significance is in the word changing — the word "changes", I should say, because I can't see the clause really meaning anything different than the original, however, there may be some reasoning for it.

Also, in 7(3), I wonder if Mr. Miller could tell me the difference between net profit and net income?

Mr. Miller: Mr. Chairman, in 7(1), I didn't get the Member's point.

Mr. Lengerke: Mr. Miller, I noticed that there is a change in the wording, but I really don't see — I can't grasp the significance of it, so I'm just wondering if there is something that I don't see, or I don't know why you did change it from what it was originally.

Mr. Miller: Okay, the change is in prescribed security, and prescribed securities in the context of government means specific things. In other words, we wouldn't be out investing on the stock market, we would be investing in those things which normally fall under the Trust Law of Canada. So that's the only change we've made there.

And 7(3), the net income, would really be net profit in the true sense. The word can be interchangeable in that sense.

Mr. Lengerke: I just wanted to know, thank you.

Mr. Chairman: I would again caution Members that they should only speak when recognized by the Chair and they should address their remarks to the Chair.

Mr. Taylor.

Hon. Mr. Taylor: Yes, Mr. Chairman, my only question at this point was in 7(1) and why the words were inserted, "when he deems it advisable for sound and efficient management of public money" as being the only change over the original draft in the existing Ordinance.

Mr. Chairman: Mr. Miller.

Mr. Miller: Well, I think, Mr. Chairman, that that infers that you just can't go out and buy it unless it is advisable for sound and efficient management of money. In other words, if you had surplus monies, you might want to do this. If you don't have money, then I would think that wouldn't be advisable. It restricts it, Mr. Chairman, a little further than the old one.

Mr. Chairman: Mrs. Watson.

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

Mr. Chairman: Yes.

Mrs. Watson: Is this section used very often by the administration and have you ever had an instance where section 4(4) comes into play?

Mr. Chairman: Mr. Miller.

Mr. Miller: Mr. Chairman, our general policy is not to invest in securities other than short term bank notes. Subsequently, we have never had to use any of the section except section 1 and 3.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman. Section 1, "when he deems it advisable" and my interpretation would be that there's now going to be some advisors to the Commissioner to advise him on this. Who will those advising people be?

Mr. Chairman: Mr. Miller.

Mr. Miller: Mr. Chairman, in fact, this section is exercised by the Treasurer under the Commissioner's direction, general policy direction. So it is in fact the Treasurer and his staff that determine what excess funds we have and for what period and do the investment.

Mr. Chairman: Is there any further debate on — Ms. Millard?

Ms. Millard: Mr. Chairman, on that section 7(1) also, I'd like to ask the witness who prescribes the prescribed security?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, in the general law of Canada there are trust laws which limit you to what securities you can purchase under a trust situation and that's what we would normally use. What we're talking about is guaranteed bank notes, Government of Canada bonds, that type of thing, that which is secure under the laws of Canada.

Mr. Chairman: Is there any further debate on Clause 7?
Shall Clause 7 carry?

Some Members: Carry.

Mr. Chairman: At this time I would like to interrupt the proceedings in the clause by clause reading of this Bill, as our guests have arrived.
I will declare a brief recess.

(RECESS)

Mr. Chairman: I now call this Committee to order.
We now have appearing with us, representatives from C.Y.I., Mr. Daniel Johnson and Mr. Ken Kane. I would like to welcome you to this Assembly. It has been a considerable concern, the problem of the lack of dialogue between this Assembly and your organiza-

tions, and it was a result of a Motion put forward by Mrs. Whyard requesting you to appear here with us.

I understand, Mr. Johnson, that you have a brief that you wish to present to us? Would you like to carry on?

Mr. Johnson: I would like to thank you all for inviting me in to make our presentation.

Mr. Chairman: Mr. Johnson, you may remain seated as you present your brief.

Mr. Johnson: Yes, thank you.

We are thankful to have been given this opportunity to speak to you, our Members who have been elected to office in the Government of the Yukon Territory.

It is my pleasure at this time to address you, to express our point of view, the views of many Indian people here in the Yukon. Just glancing back approximately three weeks to the 3rd of this month, we have heard many significant speeches made in this Assembly, we have heard many opinions expressed concerning the land claims here in the Yukon, and we have listened to many remarks that have been made about our organization, the Council for Yukon Indians.

These words that we have heard and listened to, will be the subject of much of what we have to say here. As you will find out, many of those words carry many different meanings to those of us who view the political realities of the Yukon and other parts of Canada from a different perspective.

Our General Assembly and its Board of Directors, to which I am responsible, have approved our appearance here today, so that a number of the issues which have been raised may be dealt with. It is our intention and our hope that we will be able to offer you some positive and logical means by which to carry out some of the strong suggestions made to you by the Honourable Minister of Indian Affairs and Northern Development, Mr. Warren Allmand, and by the Commissioner of the Yukon Territory, Mr. Art Pearson.

However, before doing so, I wish to take a moment to touch upon some of the development of our people here in the Yukon Territory, during the past seven or eight crucial and very significant years. Those of you present here today, who were living here in the Yukon in the late 1960's, may have been aware that our people had Band Councils, but no central organization.

In 1969, the Yukon Native Brotherhood was formed, followed in 1970 by the Yukon Association for Non-Status Indians, and in 1973 by the Council for Yukon Indians.

The C.Y.I. essentially a synthesis of our first two organizations, is dedicated to negotiating the land claims and aboriginal rights settlement for those Indian people with ancestral rights in the Yukon, and for the protection of that land and those rights.

The Y.N.B. and YANSI presently carry out the administrative duties and the delivery of programs to the registered and non-registered Indians respectively. It is our goal that these three organizations will eventually be synthesized to form one strong Yukon Indian organization.

In 1969, the Government of Canada was confronted by the Yukon Native Brotherhood with the legal opinion that we still retained ownership in this Territory, as there had never been a Treaty signed relinquishing that

ownership. The Government of Canada countered with the reply that according to the opinion of their Justice Department, there existed no such thing as a legal aboriginal right to their knowledge, and that their only obligation to our people was one of a moral nature.

Needless to say, we did not agree, but at the same time, we were convinced that we did not have to go to the courts to settle this matter. Instead, we began to develop a proposal to the Government of Canada, indicating the kind of settlement that we felt would be beneficial to all concerned. The completion and presentation of this brief called "Together Today for our Children Tomorrow", coincided very closely with the Supreme Court of Canada decision in the Calder case, or as it is referred to by many people, the Nishga case.

Many of you may recall that the Prime Minister of Canada personally accepted our brief in January of 1973, and agreed to commence negotiations immediately. Our claim was and still is, on behalf of all Indian people with ancestral rights in the Yukon Territory, regardless of whether they are registered or non-registered.

This position was opposed by many of the native organizations across Canada, not to mention the Government of Canada, and the Yukon Territorial Government. It was stated that it was unrealistic and contrary to the Indian Act and the Treaties. Unfortunately, those in opposition misconceived the source of these rights.

We persisted in our view, and have proven to all concerned, that the source of our rights, is our original occupation on this land, not from any Act of Parliament or Treaty, as these were created because of the right, and did not in fact create the right.

The Government of Canada and many native organizations outside of the Treaty areas are now beginning to follow our lead. We also hope that the Yukon Territorial Government will begin to see and understand our position in this regard.

Our Council for Yukon Indians has diligently worked toward a negotiated land claims settlement against some tremendous odds. A few years ago, a very few people in the Yukon Territory understood what an aboriginal land claim was all about, nor believed that there was any legal reason to negotiate. Today, most people understand that there is a land claim right and are prepared to see that the negotiation end in a settlement which is just to the Indian people.

It has taken a considerable amount of work and effort by our people to educate and convince those people in the Yukon Territory and elsewhere to develop the claim to date. This should not be considered a small accomplishment.

The Indian people in the Yukon Territory, I should think, are justly proud of having developed administrative organizations and a policy-making organization which has been able to carry out many of the needs of our people over these past few years. I know that it makes me proud to say that I am an Indian.

The speech of the Minister of Indian Affairs and Northern Development in this Assembly on November 3rd, 1976, created a considerable stir and many positions have been taken opposing the Minister's words. We, in our Indian communities, have waited many years for an official in a high position as that of the Minister's to make the kind of public statements that

you heard. It is the first time official recognition has been given to the need that positive constructive action be taken by Yukoners.

On many occasions, we have indicated that we were not represented at the Territorial Government level in the Yukon, in any meaningful way. We asked that the Department of Education, Local Government, Health, Welfare and Rehabilitation, Game and Territorial Finance recognize that we should have some input at the decision-making level so that the shape of the decisions made would reflect our views as well as those of the non-Indian people in the Yukon Territory.

We wanted to be, to at least to be asked, "What do you think of this?" We could cite many cases of inequities and injuries due to this lack of participation. We will not do so, as we are looking ahead, not back. The only time the Council for Yukon Indians is prepared to look back will be to touch on the past, only in reference that we should not indulge in things that have happened to us. We only wish to say that, to date, this Indian input has not happened, but the future looks much brighter now that the official stamp of approval from the Minister of Indian Affairs and Northern Development has been placed on this kind of communication.

I also wish to point out at this time, that we have carefully noted the position of both the Senator for the Yukon and the Commissioner on these matters and must say that their views are encouraging and we commend them for their courage in stating their position so clearly. All parties appear now to agree that the land claims negotiation and settlement is the number one priority item in this Territory. We, of course, wholeheartedly agree.

May I spend now, a few moments expressing my views concerning statements which have been made by Territorial Councillors during this Session.

Firstly, a number of people have indicated that the relationship between the Indian and non-Indian people is deteriorating in the Yukon Territory. I disagree. The relationship prior to the 1970's was one of the white people totally ignoring the Indian people and the Indian people resenting this but saying nothing.

In the early stages of development of our land claim, there was a tremendous emotional backlash by the white people against the Indian people because we were attempting to exert some degree of control over our own affairs and be treated as equals in this Territory. Now that we have developed our legal claim to the point where it is clear we do have rights and this has been considered and understood by the white people in the Yukon Territory, the relationship has certainly changed, but it has not deteriorated.

In fact, the relationship has improved. We find now on a very regular basis that white people who previously could not or would not talk to Indian people discuss their position in Yukon society, or even consider becoming involved in any manner with Indian people, are now finding that it is very easy to do so, and our opinions are being considered on an objective basis rather than on an emotional basis.

Therefore, in my view, the relationship with the white people in the Yukon Territory is much better today than it has been in the past, but those people who are diametrically opposed to any Indian participation in the economic, cultural or social life of the Yukon of course will believe that relationship has deteriorated because

of personal reasons. However, those people are few and far between at this time in the Yukon Territory in my view, and it is our hope that soon our point of view will be understood.

Secondly, some of the Territorial Council members have indicated that the Government of Canada is attempting to divide the people of the Yukon by setting up two government systems. The rationale appears to be that the Federal Government wants to control the Yukon Territory.

We do not see it this way. The Government of Canada now controls the Yukon Territory completely and totally, and so does not have to attempt to do so. During our negotiations with the Government of Canada, I can publicly state that we have never received any indication from their negotiators that they want two governments in the Yukon. On the contrary, they have indicated that they would prefer to see one government, but if there's a choice between having a land claim settlement with two governments or having no land claim settlement because there cannot be an agreement on a one government system, then they would settle with the Indian people without the Yukon Territorial Government's participation.

If any particular group has opposed a one government system, or in fact opposed the land claims settlement entirely, it has been the Yukon Territorial Government under its former administration. It is our sincere hope that the present Territorial Councillors, Executive Committee Members and Commissioner will respond in a more favourable and positive manner.

I do not wish to open old wounds at this time, but simply wish to set the record straight so that there is no doubt where some delays in settling the land claims have come from over the past three years.

The Council for Yukon Indians sent a representative in February of 1973, to speak to the then Executive Committee Members on Council to indicate that, on an informal basis, the C.Y.I. and the Y.T.G. should be getting together to discuss how the land claims could be settled to their mutual benefit. That representative was bluntly told by the Commissioner and the two elected Executive Committee Members that there would be no land claim settlement in the Yukon Territory prior to the question of provincial status being resolved.

It has only been very recently that the Territorial Government appears to have softened its view. I can assure you that the Council for Yukon Indians will never agree to any form of constitutional development occurring in the Yukon, prior to a land claims settlement.

Thirdly, it has been suggested by one of your Council that the Government of Canada was funding the C.Y.I. and other native organizations, for the establishment of an Indian government, and referred to it and other Indian organizations as being political organizations. One point that must be made clear is that the C.Y.I. is operating on money borrowed, which must be repaid.

The Y.N.B. and YANSI receive funding, as does the Y.T.G. I agree with that Member that the Indian organizations in the Yukon are political in nature, but they are formed to organize the Indian people in such a manner that they will be able to voice their concerns in a united way.

The Indian Act of Canada has already established an Indian government in the Yukon Territory, and it exists in every one of the Bands. The funding of the organiza-

tions is simply to provide people with the means to direct their attention to the job at hand. The job, of course, is to develop our people so that we may have a voice and for that voice to be heard. A job which has, until the last seven years, been left to the Yukon Territorial Government and the Department of Indian Affairs and Northern Development at the local level.

I leave it to you to decide whether or not these two bodies were successful in carrying out their duties.

Fourthly, another Member indicated that the Indian people in the Yukon Territory were disinterested in becoming involved in Territorial politics, and pointed out that four of the new constituency boundaries were set up in such a manner as to specifically provide a majority of Indian people within those electoral boundaries, so that an Indian as opposed to a white person could be elected.

It is hoped that by now those Members who have stated that position and believe it have had the opportunity to look at the voting lists for the 1974 Territorial election, to determine the percentage of Indian and non-Indian voters.

The C.Y.I. hired a private consultant to make an objective report on those voters' lists, using the lists of people of Yukon Indian ancestry who have made application for enrollment to date. The Band lists and the personal knowledge of local Indian people, to determine the percentage figures of Indians versus non-Indian voters in each constituency.

Below are the eight constituencies in which a significant number of Indians live, and the percentages of Indian people to non-Indian people is taken from the voters' lists:

Klondike, 40 percent Indian, 60 percent non-Indian; Hootalinqua, 40 percent Indian, 60 percent non-Indian; Ogilvie, 34 percent Indian, 66 percent non-Indian; Watson Lake, 34 percent Indian, 66 percent non-Indian; Kluane, 29 percent Indian, 71 percent non-Indian; Mayo, 27 percent Indian, 73 percent non-Indian; Whitehorse North Centre, 26 percent Indian, 74 percent non-Indian; Pelly River, 22 percent Indian, 78 percent non-Indian.

The figures speak for themselves. However, I would be remiss if it were not pointed out to this group that the Electoral District Boundaries Commission, during its deliberations in Whitehorse, received a brief suggesting electoral boundaries which would, in fact, allow us to elect one of our own people in this Council. Each and every recommendation made was refused in the final analysis.

There are several people still in this Council who were present at that time and who should have personal knowledge of why those recommendations were refused.

Fifthly, another Member has complained that the civil servants in the Welfare Department are very unfairly accused of not responding to Indian people in a positive way. We sympathize with this Member's position and admire the support given to the civil servants, but we are far more sympathetic and concerned about our people who must be subjected to a system which is totally foreign to our culture and traditions.

Sixth, it was announced in this Assembly that the Government of the Yukon Territory must tighten its belt, as must all of the residents of the Yukon Territory, because of the fiscal problems in the Yukon. As the Indian people represent approximately one-third of this

population, I cannot help but comment on the lack of concern by the elected representatives in reference to this very important matter.

It is my understanding that the coffers of the Yukon Territorial Government have been depleted by several millions of dollars over last year, and there is little doubt that at some time that services will be cut because of that depletion.

On the other hand, we have heard many comments made about the right to independent, responsible government, that is, provincial status. It appears that the present Councillors do not wish to ask for further funding from the Government of Canada in the form of a supplementary budget because this would show their dependence on that government in times of need and may jeopardize their positions in reference to Constitutional Reform.

I cannot agree with this position, as I do not believe the two are related in that manner. In my view, the Government of Canada knows it has a responsibility to maintain services for people in the Yukon Territory, and is prepared to do so when it receives requests from the local Territorial governing body, in the form of requests showing what the money is required for.

On the other hand, the Government of Canada is prepared to give as much independent control to the Government of the Yukon Territory as it can show it is capable of handling.

I come to these conclusions because that is the way the Government of Canada has been dealing with the Indian people in the Yukon Territory, and from all indications that I have, it is the way they are dealing with the white people in the Yukon Territory. They do not see the funding of programs and services in the Yukon Territory as being related to the independent action of people here.

It is my view that the Government of Canada is aware that we, as a small population of people in a remote area of Canada, have not shown that the majority of the population is sufficiently stable to operate totally independently at this time.

All one has to do is analyze the voters' lists over the past 15 years and you will see, although there appears to be a stable number of non-Indian people in the Yukon Territory, the names and faces consistently change and only a very small number of people are permanent residents who intend to live out their years here.

I suggest to you that, for the good of both the Indian and the white people in the Yukon Territory, this Council should be happy to be a mere colony of the Government of Canada at this time of financial need and should be going to that government, with hat in hand, requesting a supplementary budget to replenish the Territorial coffers. This will not injure, in any way, shape or form, your future possibility for a constitutional reform.

The greatest roadblock to constitutional reform today is your disagreement with the Indian people and their position. Resolve that and constitutional reform will come as quickly as we, under the revised Yukon Territorial Government system, are capable of accepting it.

It is hoped that my pertinent comments concerning some of the issues that have been raised by the Territorial Counsellors in this Assembly, and the opinions given, will not be construed as offensive or antagonistic. You must understand that our voice must be heard and that

we are attempting to communicate to you and to the general public through this form some of the concerns of myself and the Council for Yukon Indians' members. The Honourable Warren Allmand made a sincere request to you to consider ways and means that the Indian people may participate effectively in the political life of the Yukon.

I now wish to turn my attention to this grave and complex problem. The C.Y.I. has publicly stated there are four major areas of negotiation in order to reach a land claim settlement. They are: land, programs and the delivery of those programs to Indian people, government control of Indian lands and Indian people, and, finally, compensation for past grievances and lands given up.

The issue which most directly affects the Yukon Territorial Council is that of how the present Territorial Government structure may be affected by a land claims settlement and the means by which you, as a group, can assist in producing a settlement which will be beneficial to all people in the Yukon Territory. A part of the onus is on you. As the control of the land is in the hands of the Government of Canada and programs to registered Indian people are the responsibility of the Government of Canada under the B.N.A. Act, and compensation is the responsibility of the Government of Canada.

The issue which we would, and in fact must, deal with is that of how the Indian and non-Indian people can possibly grow and develop under a one government system at the Territorial level. If you and we concentrate on this one issue, leaving the remainder to the Government of Canada and the C.Y.I. to work out, we may possibly make great progress and history for all Canadians.

Many of my people are friends and neighbours with many more non-Indian people and others have intermarried with non-Indian people in the Yukon. It is not our wish to break those ties of friendship nor to disrupt the family ties of those who have bridged the cultural gap and married into the white community or have taken up many of the economic and cultural attitudes of the white people. Similarly, many people have married into Indian families and have taken up our economic, cultural and social attitudes and we do not wish to cause those people concern.

Our people are prepared to work very hard at coming at an arrangement which will allow both the Indian and the white people in this Territory to live under a Territorial government system provided there are sufficient guarantees to assure that our minority position will not be used against us after the settlement has been made.

I do not wish to propose here that there be any constitutional changes made in the Yukon Territory at this time. Rather, it is suggested that we commence by having informal discussions outside of the formal negotiating chambers in a sincere attempt to communicate with each other so that you will know what we really mean when we say we want to have meaningful input at the decision-making level in the different departments of the Territorial Government.

With the greatest respect to the Members of this House, I am sure most of you do not, at this time, understand what we mean when we make these comments. This can only be clarified through our very human faculties provided for relating to our environment.

Rather than talk in generalities, I believe it is time to speak specifically and to use examples to show you how we may go about this complex and delicate matter.

I wish to use as an example the Game Branch of the Department of Tourism, Conservation and Information Services. As you are aware, our people are extremely concerned about, and have a direct interest in, the large game animals, the fur-bearing animals and the upland game birds, as well as all wildlife.

I have picked this particular Department because it is of tremendous concern to our people, and is of little concern to the white people in the Yukon, except to the extent of a few trappers, outfitters and sport hunters. Its economic significance to the white people in the Yukon Territory is very small, but to the Indian people it is extremely significant. It is a part of our lifestyle, culture and livelihood.

Your government is at this time, looking for a Director of Game to replace Mr. Fitzgerald, who has recently retired. In mentioning his name, I wish to indicate that he was and continues to be a great friend of many of the Indian people in the Yukon Territory.

When the C.Y.I. heard that Mr. Fitzgerald was retiring, we contacted your Commissioner and indicated to him the great significance of the Game Branch in the lives of our people, and requested that we have input into the drawing of the job application form for the new Director, and the choosing of that person.

Although the Commissioner has, in his statements made to our General Assembly meeting in August, indicated that he wanted to open lines of communication, we were rather appalled at his paltry offer, after he had an opportunity to meet with his Executive Committee and get a consensus. Executive Committee Member, Peter Gillespie appeared at our offices and indicated that your government was prepared to allow one Indian person to sit on a six person Committee that would choose the new Director. There was very little indication that there would be any possibility of revising the requirements of that job application.

It is obvious there are no Indian people in the Yukon Territory who have university degrees in biology sufficient to meet the present job application requirements. However, we are quite sure that many of our people know more about the conservation of game than do most of the young people who graduate from universities with biology degrees, but who have never lived in the bush and watched the animals and birds live, produce and die year after year.

This kind of experience can only be gained from nature herself. We are not convinced that the Director of Game must be a biologist. There was input from our organization, but little indication that we were heard, and there can't be meaningful input by us in reference to this matter simply by having one person on a six man Committee. Plainly, we have not been heard nor understood.

I propose to you that this Territorial Council use the Game Branch as a pilot project in which we and the C.Y.I. and you in this government will take it upon ourselves in the next few months, to work out a proposal of completely revamping, revising, reworking that entire Branch, until such time as we have come to a mutual agreement that the newly organized Branch can properly represent the Indian people after a settlement has been reached. If we are successful, it will be a precedent

for other Departments. If we are not successful, it may prove to both you and to us, that our attempt at a one government system is doomed to failure.

Assuming that we are successful, we can then move on to other Departments, such as Education, Health, Welfare and Rehabilitation, Finance and Local Government, reworking each one until such time as the entire government structure is organized at the administrative level in such a way that the Indian people are represented at the day-to-day decision-making levels in the bureaucracy.

When this is done, we can then discuss how we will participate in the political section of the government, that is the Territorial Council.

I must caution you that more harm than good will be done if the Territorial Councillors in this Assembly pay mere lip service to this kind of proposal, and do not give it full and total priority over all other items before you. We cannot stress how important it is to be sincere in our attempts in dealing with people honestly. We do not want to participate in Territorial Government in a minority position without guarantees or rights being spelled out.

We appreciate your initial move with a meaningful government paper, but it does not fit our definition of the words. Do you want to know what we mean? Just ask us.

The foregoing comments and recommendations will hopefully provide for you, a better understanding of what we mean when we say we want to talk about the reorganization of the Game Branch. It is this kind of reorganization that is required in all the other Departments, in order for proper, continued communication and understanding to take place.

It is my view, at this time, that it may take five years to work out completely a government system in the Yukon Territory that is mutually agreeable. In the meantime, the remaining issues of the land claim settlement that I have noted, will be dealt with, and hopefully an agreement will be reached so that everyone in the Yukon will know where they stand in reference to land programs and money compensation to the Indian people.

During this period of Territorial Government reorganization, I propose that the Members of the Council for Yukon Indians continue to carry on, under the government structures as they exist today. In the event at the end of the five year period no agreement has been reached, and the parties cannot mutually agree to a one government system, then the members of the settlements should have the right to opt out of the Territorial Government system and set up their own government.

When you have had the opportunity to review and discuss the merits of the proposal placed before you today, I will be pleased to have a delegation from the C.Y.I. meet with the Territorial Councillors in caucus, to carry on an informal dialogue on this entire matter.

It should be made perfectly clear at this time to the general public that the communications which we are proposing to be commenced with the Territorial Council are not negotiations in the formal sense. We are not negotiating with the Territorial Government as it has nothing which we require, nor does it have the power to provide any concessions which we may want to gain. Our reason for communicating is to try to build a relationship with our white friends in the Yukon that, if properly nurtured will develop into a one government

system so that the Yukon can move ahead, strong and united to face the challenges of the future. I'm sure it would be gratifying to everyone to have a government system some day which speaks with one voice for all Yukon people, both Indian and white.

In closing, I must advise that this Assembly, by its rules, cannot allow open and free dialogue, but rather is a system of its Members questioning witnesses. Furthermore, the matters which I have placed before you are so complex and in some areas so delicate in nature, that to have public discussion would, in my opinion, be detrimental at this time. Therefore, I must regretfully decline any questions.

I sincerely thank you for listening to me and look forward to an opportunity to a more open dialogue with you either at our offices or in yours in the near future. The doors of the C.Y.I. office are always open, the coffee pot is hot. I extend to you a warm and open welcome at any time.

Thank you very much.

Mr. Chairman: Thank you, Mr. Johnson.

I think Mr. Johnson expressed a desire to answer no questions at this time.

Hon. Mrs. Whyard: Mr. Chairman, I'm not asking questions.

Mr. Chairman: Mrs. Whyard. Just a minute Mr. Johnson.

Hon. Mrs. Whyard: Mr. Chairman, I just wanted to express the appreciation of all Members to Mr. Johnson and Mr. Kane for coming today. I think we've all learned a great deal and some of the stuff I've learned I've never heard before.

I think we all need an opportunity to study this brief and see how it hits each one of us. It's, Mr. Chairman, my motion that has resulted in the presence today of Mr. Johnson and this information from the C.Y.I., and I think if I never accomplish anything else in this House, it's been worth it. I would like very much to pursue with Mr. Johnson and the C.Y.I. arrangements for further discussions.

Thank you, Mr. Chairman.

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

(RECESS)

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

Mrs. Watson: Mr. Chairman, I still consider financial matters as a Territorial Government very important, regardless of the comments that we got today. And I think that we should take a lot of care when we're going through the Financial Administration Ordinance because I think everyone of us here realizes the value of a dollar and that every time we're talking about a dollar, we're talking about somebody else's dollar.

Thank you, Mr. Chairman

Mr. Chairman: Before proceeding with the clause by clause in the Financial Administration Ordinance, I would like to draw attention to Members, as we well know we have just heard a political speech and we did

appreciate hearing the views even though we might not embrace them, but I think there are two things that we must consider at this time.

I think that we should have the opportunity to respond and I think that it's important that we should debate it and I think it should be debated in public because I think that's the sacred trust of what is a democracy. It must be done in public.

Now I think that should be given consideration as to the timing, if you wish to do this, and when you wish to do it.

The second consideration is that Mr. Johnson offered to appear in caucus and I am wondering the wishes of the Members when they, if and when they wish this to occur.

Those are the two considerations that occur to me at this time.

Mrs. Watson?

Mrs. Watson: I'd be happy to call a meeting of the caucus to determine this question.

Mr. Chairman: Good. Does that also apply to the question of general debate on the floor of this House.

Mr. McCall: I think it would be appropriate for the Chairman of Caucus to suggest that at the time we have caucus meetings over this particular matter.

Mr. Chairman: You mean both questions would be decided in caucus. Very well.

Mr. Lengerke.

Mr. Lengerke: Just a question with respect to that. Could we hold a caucus meeting almost immediately? Could I suggest that we adjourn the House today a little earlier and have a caucus meeting to respond to that?

I'm not saying at this point in time, but a little earlier. Maybe after an hour or so?

Mr. Miller, I want you to stay, honest.

Mrs. Watson: Mr. Chairman, I think we can accommodate caucus after, as I've said before, financial matters are very important to this House and every time that we take away from this House to deal with caucus we are using taxpayer's money. While we are using taxpayer's money, I think we should deal with the business before us and that is financial matters. We have to be responsible because we realize that we have very limited financial capability at our disposal and that we have to set up legislation so that we can use it to the best of our advantage.

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

Hon. Mrs. Lang: Mr. Chairman, the Member from Kluane said about what I was going to say.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I'd just like to clarify that for both Members. Mrs. Watson, I certainly didn't infer that we adjourn today and right now, but I think that we can accommodate a caucus meeting sometime today and I would hope that we can.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I would suggest at this time that the Standing Committee meeting scheduled tomorrow at lunch be held over until Thursday and we have it then.

Mr. Chairman: I have some objection to that, Mr. McCall in that we have a lot of business to do at Standing Committee and I really hate to, unless it is necessary. Some other time perhaps.

Whatever the wishes of Committee are.

I would suggest something like 4:30 tonight or something like that would be appropriate. Does that suit the wishes of Committee? 4:30?

Some Members: Agreed.

Mr. Chairman: Good. Financial Administration Ordinance. Clause 8.

(Reads Clause 8)

Is there any debate on Clause 8?
Shall Clause 8 carry?

Some Members: Agreed.

Mr. Chairman: Clause 9(1).

(Reads Clause 9)

Mr. McCall?

Mr. McCall: I would like some clarification from the witness as to Sections (2) and (3).

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, all we're referring to there is that where a public officer has received money for a particular purpose, that that money is to be used for that purpose, or if not used for that purpose, it may be repaid to the individual who paid it in.

For example, we do work on behalf of Canada in a number of instances, and they pay us in advance for that work. Now, if we don't use the money for that particular purpose, we then repay it to Canada.

Mr. Chairman: Mrs. Watson?

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

Mr. Chairman: Very well, Mrs. Watson.

Mrs. Watson: Subsection (4), have you an example where money is not public money in the Consolidated Revenue Fund?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, we do get occasions where money paid to the government, for example the Public Administrator, is public which is not public money, and in that case we can repay it, without vote

authority. Monies held in trust.

Mr. Chairman: Is there any further debate on Clause 9?

Shall Clause 9 carry?

Some Members: Agreed.

Mr. Chairman: Clause 10(1).

(Reads Clause 10)

Mrs. Watson?

Mrs. Watson: Mr. Chairman, now that does not apply to the liquor fund, does it, the liquor fund I believe once it goes in from the liquor fund into consolidated revenue fund that you cannot use it forward to accommodate the operations of the Liquor Ordinance?

Mr. Chairman: I have the distinct impression that the Member is really preoccupied with this business of the liquor ..

Mr. Miller?

Mr. Miller: Mr. Chairman, the Liquor Ordinance provides that all the money from sales of liquor go into the liquor account, as part of the Consolidated Revenue Fund, and in the Liquor Ordinance, there is provision to pay out of those monies for the administration of the Liquor Corporation, so in fact, those are monies paid in for a special purpose, they may be paid out for a special purpose.

Now, any profits that are then transferred to the general Consolidated Revenue Fund, must remain within that fund unless appropriated by this House.

Mr. Chairman: Mr. McCall?

Mr. McCall: I was just wondering, Mr. Chairman, if Mr. Miller could give us maybe a couple of examples of these special purposes, where this particular section would apply.

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, again I would refer Members to the Engineering Services Agreement under which we operate our highways system, particularly the capital side, where the money is received from Ottawa for a particular purpose.

Technically, we do not need vote authority to spend that money. We have always sought vote authority from this House to spend it, as a matter of precedent and information for all Members, but in the true legal sense that is money that is paid to us for a special purpose and it would not require vote authority, but we do in fact seek your vote authority to spend that money.

Mr. Chairman: Shall Clause 10 carry?

Some Members: Agreed.

Mr. Chairman: Eleven (1):

(Reads Clause 11)

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman. A question for the witness, or more clarification I think is required for me on Clause 8. I was wondering, I see that's a new clause in this Section, and I would like to have a little bit of interpretation of what you're doing here?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, all we're attempting to do here is to ensure that the Members of this House are aware of any remissions that may have been granted in the previous year. At the present time, there is no requirement in the Ordinance to publish this information, and it's our intention to publish it in future.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I have a question for the witness. This whole Section and the right to remission, is all at the discretion of the Commissioner, am I correct?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, when we use the term "Commissioner" in this sense, we're using it in its legal sense; the Territorial Treasurer recommends to the Commissioner, normally through the ExCom Member responsible for treasury, that these items or these things be remitted, and there are generally well-documented reasons why they should be done in that fashion, so it's the Treasurer's recommendation to the Commissioner.

Mrs. Watson: A further question, Mr. Chairman; would this include writing off debts?

Mr. Miller: Mr. Chairman, there is a provision further on for the deletion of bad debts.

Mrs. Watson: Well, Mr. Chairman, would the witness have an example of when this would be used, or has it been used?

Mr. Miller: Yes, Mr. Chairman, this is used, not fairly often but it is used. For example, once a tax is imposed under the Taxation Ordinance, if the person's dwelling burns down or whatever during the course of the year, or they remove the physical properties from it, we can and do remit — in other words, we forgive the tax for the balance of the year.

Another example that comes to mind that I think we're all familiar with, when the Territorial Government ran water and sewer systems in some of the smaller communities years ago, the billing went on and on and on, regardless of whether the system worked.

Now, in a number of instances, the systems were frozen up over the winter. As a matter of practical recourse, we remitted the bills; in other words, by law we had to charge, but we in fact, because the system didn't work and the people didn't get the service, we reduced their bill for the proportionate period of the year when it was not operating.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I would be interested, Mr. Chairman, in having the witness explain the part which would be played by the informer in Section 10 on page 8.

Mr. Miller: Mr. Chairman, we have no law which allows us to do that at the present time, at least, but in the case of Canada, and there's nothing to stop us from putting the law into effect, in the case of Canada if you want to inform under the Income Tax Ordinance you get a percentage of what they collect. If you want to inform under the Customs and Excise Act, you get a percentage of what they collect, as a result of you informing.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I think this point is of interest, and I wonder if Mr. Miller could explain how such a forfeiture might be payable to the informer.

I don't — I get the point the witness has been making, Mr. Chairman, regarding Canadian law. I'm just trying to visualize what kind of situation would present itself where he could inform the Y.T.G. Treasurer, and they would take action and he would also get paid from that source?

Mr. Miller: Mr. Chairman, we have no law at the present time which would allow us to exercise this type of thing, but it is possible that this House, in the future, decide to pass a law. For example, under the Tobacco Tax Ordinance, to allow for payments for informers.

We do not have that at the present time and it is not our intent to bring it forward, but, as this Bill, the Finance Admin. Ordinance, is one which you do not want to open every year, it's wise to have this sort of provision there in case the House ever decides to pass another piece of legislation to allow this.

Mr. Chairman: Is there any further debate on Clause 11? Shall Clause 11 carry?

Some Members: Agreed.

Mr. Chairman: Twelve (1):

(Reads Clause 12)

Ms. Millard?

Ms. Millard: Mr. Chairman, in other sections we've been told that the word "Commissioner" also really means the Treasurer in practice. Why here, then, are there two separate sections, one stating Treasurer and one Commissioner?

Mr. Miller: Mr. Chairman, what we are attempting to do here is to allow the Treasurer the discretion on his own signature of deleting those bad debts which do not exceed \$1,000.00. In the second case, he would recommend to the Commissioner that the Commissioner, by his signature, delete those over \$1,000.00. It's an ad-

ministrative thing and it saves, really, the technicalities, that's all.

Mr. Chairman: Ms. Millard?

Ms. Millard: So, we would expect in practice that actually the Treasurer would only sign for minimal amounts, not for up to \$1,000.00.

Mr. Miller: That's correct, Mr. Chairman, we're talking about the Treasurer looking after the smaller amounts and the Commissioner being responsible for those over the one thousand dollars.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, my question is going to be with respect to the \$1,000.00 and again I think that in the prior Ordinance it was \$250.00. We multiplied that by four now and I was wondering if that was just because of the inflationary situation or, in fact, you're saying that maybe not as much effort was going to be put into picking up the lesser amounts any more.

Mr. Chairman: Mr. Miller.

Mr. Miller: Mr. Chairman, there's no intention of changing our practice with bad debts and I think I must remind all Members of Committee that our past practice has been to seek the authority of the House to delete bad debts by vote authority. This provision, the previous provision and this one would be where the Treasurer or the Commissioner did not want to seek the House authority to write off a bad debt and by past precedent we have always sought vote authority to write off bad debts and I would hope that the Territory would continue to do that.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, we've deleted the requirement of ten years. Would you sooner leave it flexible to determine when it is a bad debt?

Mr. Miller: That's correct, Mr. Chairman; ten years is not a magic thing. If somebody goes bankrupt tomorrow, there's no point in carrying the debt on the books for ten years until you can write it off.

Mr. Chairman: Shall Clause 12 carry?

Some Members: Agreed.

Mr. Chairman: Part Three — Public Disbursements — 13(1):

(Reads Clause 13)

Mr. Chairman: Shall Clause 13 carry?

Some Members: Agreed.

Mr. Chairman: Fourteen (1):

(Reads Clause 14)

Mr. Chairman: Shall Clause 14 carry?

Some Members: Agreed.

Mr. Chairman: Fifteen (1). Sorry
Mrs. Watson.

Mrs. Watson: I'm sorry, under sub one of 13, it says that "except as provided, no payment shall be made without the authority of the Commissioner and Council". Then 14(1), "no public money is by an Ordinance appropriated for any purpose or contracted to be paid".

Now, that Ordinance, the first time the Ordinance passes the Legislature, it would likely be in the budget of that year in getting permission from the Council, or the Legislature. Now, would it be a requirement of every year that this item be part of the estimates for the following year?

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

Mr. Chairman: Fifteen (1):

(Reads Clause 15)

Mr. Chairman: Shall Clause 15 carry?

Some Members: Agreed.

Mr. Chairman: Sixteen (1):

(Reads Clause 16)

Mr. Chairman: Shall Clause 16 carry?
Mr. McIntyre?

Mr. McIntyre: What is the mechanism, Mr. Chairman, if the supplementary estimates covering this item were not passed? Would that result in the resignation of the Commissioner?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, I don't know whether I can answer that question. Certainly in a Parliamentary sense it would normally mean the fall of the government in power.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, as you pointed out, the Section is a very important Section in relation to this Ordinance because it makes it mandatory to report at the end of the year. Up to this given point in time, various departments and this type of thing have had the ability of possibly waiting two or three years for the monies to build up, and then they come in for a supplementary and it's way past time; it could have happened in a different legislature, for that matter.

It's a very important principle that we're putting into effect here.

Mr. Chairman: I agree, Mr. Lang.

Hon. Mr. Lang: But I still don't know if the Commissioner would resign or not.

Mrs. Watson: Mr. Chairman, I wonder if Mr. Lang would resign.

Hon. Mr. Lang: I personally wouldn't have the choice.

Mr. Chairman: Shall Clause 16 carry?

Some Members: Agreed.

Mr. Chairman: Seventeen (1):

(Reads Clause 17)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, a question for the witness. I believe it has been the practice of the administration to report this in their supplementary budgets or their interim appropriations when they are brought before the House, where there has been a transfer?

Mr. Chairman: Mr. Miller?

Mr. Miller: Yes, Mr. Chairman, this covers two things. One, it is the actual detailed main estimates that are presented to the House, that is the division of the appropriation into allotments, and then secondly the transfer of allotments that have been approved prior to the end of the year are in fact tabled in here as a supplementary estimate.

Mr. Chairman: Is there any latitude to the limitation of such alterations?

Mr. Miller: Mr. Chairman, the procedure now in effect for transfer of allotment is that these are made through the Executive Committee, so that all Members of Executive Committee are aware of the transfers before they are in fact signed by the Commissioner.

Mr. Chairman: Shall Clause 17 carry?

Some Members: Agreed.

Mr. Chairman: Eighteen (1):

(Reads Clause 18)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, you referred to certificate under subsection (1). I can't see that in subsection (1). What do you mean?

Mr. Miller: The certificate referred to under subsection (1) is in fact that there are funds available in his appropriation to pay for that which he is contracting for.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, a question for the witness. Is this then interpreted as the use of a commitment advice voucher, and the funds then would be deemed to be spent? In other words, if the contract's made and we are obligated by it, that at that point in time the dollars are

deemed to have been spent?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, I don't think I used the word "deemed". I would suggest that what we're asking our deputy heads here in most cases to do is to actually certify that they have sufficient unencumbered funds within their appropriation to meet the obligation that they are signing at that time.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, is it within the appropriation or within the allotment? This does provide for transfer within an appropriation doesn't it?

Mr. Miller: Mr. Chairman, what we're asking them here is out of an appropriation.

Now, most contracts that we're talking about here would be of a capital nature, and we have delegated to our deputy heads the right to sign contracts under the Finance Admin. Ordinance, up to certain limits, but we have never asked them in the past to ensure that they had funds with which to sign that contract, or to cover that contract.

So we're spelling it out. They now have to certify that they do, in fact, have funds to pay the bills when they're presented.

Mr. Chairman: Shall Clause 18 carry?

Some Members: Agreed.

Mr. Chairman: Nineteen (1):

(Reads Clause 19)

Mr. Chairman: Shall Clause 19 carry?

Some Members: Agreed.

Mr. Chairman: Twenty (1):

(Reads Clause 20)

Mr. Chairman: I understand from that, Mr. Miller, that the government sometimes goes ahead and pays for services or goods before the actual completion of the ...

Mr. Miller: That's correct, Mr. Chairman; in cases, we are obligated to do so. For example, the purchase of school textbooks, which we buy through the Department of Education of the Province of British Columbia; they insist on a prepayment before they will send the books.

Mr. Chairman: Our credit rating leaves something to be desired, Mr. Miller?

Mr. Miller: Mr. Chairman, I would take it that this is their standard practice in dealing with their School Boards who don't like to pay their bills.

Mr. Chairman: Shall Clause 20 carry?

Some Members: Agreed.

Mr. Chairman: Clause 21(1).

(Reads Clause 21)

Shall Clause 21 carry?

Some Members: Agreed.

Mr. Chairman: Clause 22(1).

(Reads Clause 22)

Mrs. Watson?

Mrs. Watson: How long do they keep cheques? How long does it have to be before you destroy them?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, our practice has been to keep them forever, but by the Statute of Limitations, you only in fact need to keep them for seven years.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Are any of them kept in the records for Archives?

Mr. Miller: Mr. Chairman, as I recall the destruction process now, they are available to the Archives after 25 years, I believe.

Mr. Chairman: Shall Clause 22 carry?

Some Members: Agreed.

Mr. Chairman: Clause 23(1).

(Reads Clause 23)

Shall Clause 23 carry?

Some Members: Agreed.

Mr. Chairman: Clause 24(1).

(Reads Clause 24)

Shall Clause 24 carry?

Some Members: Agreed.

Mr. Chairman: Clause 25(1).

(Reads Clause 25)

Shall Clause 25 carry?

Some Members: Agreed.

Mr. Chairman: Clause 26(1).

(Reads Clause 26)

Shall Clause 26 carry?

Some Members: Agreed.

Mr. Chairman: Clause 27(1).

(Reads Clause 27)

Shall Clause 27 carry?

Some Members: Agreed.

Mr. Chairman: Part IV, Public Property. Clause 28(1).

(Reads Clause 28)

Shall Clause 28 carry?

Some Members: Agreed.

Mr. Chairman: Clause 29(1).

(Reads Clause 29)

Shall Clause 29 carry?

Some Members: Agreed.

Mr. Chairman: Clause 30(1).

(Reads Clause 30)

Shall Clause 30 carry?

Some Members: Agreed.

Mr. Chairman: Clause 31(1).

(Reads Clause 31)

Mr. Lengerke?

Mr. Lengerke: It's a question of interest. Why did you move from the five years to the four years? Is this tied to some other fiscal requirements or advice from an auditor?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, the Auditor General's people wanted us to do it every three years. We didn't feel that we could do it every three years, at least at the present time, so we compromised at four.

Mr. Chairman: Shall Clause 31 carry?

Some Members: Agreed.

Mr. Chairman: Clause 32(1).

(Reads Clause 32)

Shall Clause 32 carry?

Some Members: Agreed.

Mr. Chairman: Part V, Assignment of Territorial Debts. Clause 33(1).

(Reads Clause 33)

Mr. Miller, could you offer some explanation to this Territorial Debt?

Mr. Miller: Basically, Mr. Chairman, what we're suggesting here is that this is a debt that is due to someone else. For example, under a contract we are indebted to someone else. In this context, we're dealing with Territorial debts that are assignable and are not assignable.

Mr. Chairman: "And any other chose in action in respect of which there is a right of recovery."

Mr. Miller: Mr. Chairman, that should read, "and any other choice in action in respect of which there is right of recovery."

Mr. McIntyre: Mr. Chairman, what was the answer the witness gave?

Mr. Miller: Mr. Chairman, that should read "and any other choice in action", not chose.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, a chosen action is an action in court.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, I thought I was reading wrong in the section before this, but I notice now that the Bill that I have is different from the Bill of my neighbour and I would really like to know why? In section 31(1), I have "once in every five years, inquire into the state of public property", and it seems that everybody else has four and I wonder what other mistakes I may have in my Bill.

Mr. Chairman: I don't think I can answer that question, Ms. Millard.

Ms. Millard: Does anyone else have five years? There must be other changes. I must have a draft copy which has been given to me instead, but it doesn't say draft on it.

Mr. Chairman: In Clause 31(1), yours says five years?

Ms. Millard: Yes.

Mr. Chairman: You probably have the old Ordinance.

Ms. Millard: Mr. Chairman, I'll just take notice of your reading more closely, and if there is any drastic change, I will get another copy.

Mr. Chairman: I am sorry, you will have to stay awake, Ms. Millard.

Mr. Miller: Mr. Chairman, I'm not sure which draft the Honourable Member has, but I can guess that it's the one prior to three amendments that took place just recently. The four, the change in the section you just noted is one of them.

There were two other changes, one was in the definition of "receivable", which we now have added into the new Bill, and the other one was in connection with Section 15(1) and (2) and it was just a clarification point.

Ms. Millard: Thank you.

Mr. Chairman: Part V, Assignment of Territorial Debts. Clause 33(1).

(Reads Clause 33)

Shall Clause 33 carry?

Some Members: Agreed.

Mr. Chairman: Clause 34(1).

(Reads Clause 34)

Shall Clause 34 carry?

Some Members: Agreed.

Mr. Chairman: Clause 35(1).

(Reads Clause 35)

Mr. Chairman: Shall Clause 35 carry?

Some Members: Agreed.

Mr. Chairman: Clause 36(1).

(Reads Clause 36)

Shall Clause 36 carry?

Some Members: Agreed.

Mr. Chairman: Clause 37(1).

(Reads Clause 37)

Shall Clause 37 carry?

Some Members: Agreed.

Mr. Chairman: Clause 38(1).

(Reads Clause 38)

Shall Clause 38 carry?

Some Members: Agreed.

Mr. Chairman: Part VI, Territorial Accounts. Clause 39(1).

(Reads Clause 39)

Shall Clause 39 carry?

Some Members: Agreed.

Mr. Chairman: Clause 40(1).

(Reads Clause 40)

Shall Clause 40 carry?

Some Members: Agreed.

Mr. Chairman: Clause 41(1).

(Reads Clause 41)

Mrs. Whyard?

Hon. Mrs. Whyard: May we go back to Section 40 please?

Mr. Chairman: Yes.

Hon. Mrs. Whyard: I wonder if the witness could explain to us where we are going to report the income received from financial agreements, which are not taxes, fees, penalties or services.

Mr. Miller: Mr. Chairman, the money we get under agreements with Canada are not shown as revenues, they are shown as recoveries of expenditures, or expenditure recoveries.

We make the distinction, Mr. Chairman, between revenues which are those items which are imposed by this House, in the form of taxes, fees, etc. and expenditure recoveries, which are those monies we receive after we have paid out something.

Mr. Chairman: Shall Clause 41 carry?

Some Members: Agreed.

Mr. Chairman: Part VII, Civil Liability and Offences. Clause 42(1).

(Reads Clause 42)

Mr. Lengerke?

Mr. Lengerke: Yes, just clarification. This just really emphasizes the role of the Treasurer, does it not? It means the Treasurer more so than the Commissioner in some sections, I think? Is that the ..

Mr. Miller: Mr. Chairman, what we're intending here is that the Treasurer would have the initial responsibility to look at the situation, and if the individual who had not paid the money over, does not pay it to the Treasurer, then the appeal, if you like, is to the Commissioner.

Mr. Chairman: Shall Clause 42 carry?

Some Members: Agreed.

Mr. Chairman: Clause 43(1).

(Reads Clause 43)

Shall Clause 43 carry?

Some Members: Agreed.

Mr. Chairman: Clause 44(1).

(Reads Clause 44)

Clause 44 carry?

Some Members: Agreed.

Mr. Chairman: Clause 45(1).

(Reads Clause 45)

Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I wonder if the Committee, in preparing this section has referred to the Criminal Code, because it strikes me that the penalties under the Criminal Code for some of the offences stated here are much more severe than the ones you have in the Ordinance.

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, I did not personally look at the Criminal Code. I can only assume our Legal Advisor, who was with us at the time that this was put together, that in fact he is aware of the Criminal Code and has duly noted any problems that might have arisen.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I had assumed, Mr. Chairman, that this was taken from the Financial Administration Act.

Mr. Miller: Mr. Chairman, the Financial Administration Act is slightly different than this in terms of the amount of penalty. I believe their penalty is \$1,000.00 rather than \$5,000.00

Mr. Chairman: Shall Clause 45 carry?
Mr. McIntyre?

Mr. McIntyre: In reply to Mrs. Whyard, I don't think it's that important because the charges would be laid under the Criminal Code anyway. In a case of bribery and corruption, I don't think that they'd bother to lay it under the Ordinance, they'd lay it under the Criminal Code.

Mr. Chairman: Shall Clause 45 carry?

Some Members: Agreed.

Mr. Chairman: Clause 46(1).

(Reads Clause 46)

Shall Clause 46 carry?

Some Members: Agreed.

Mr. Chairman: Clause 47(1).

(Reads Clause 47)

Shall Clause 47 carry?

Some Members: Agreed.

Mr. Chairman: Part VIII, Miscellaneous. Clause 48(1).

(Reads Clause 48)

Shall Clause 48 carry?

Some Members: Agreed.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Clause 47(1), is that the authority for a garnishee of a person's salary?

Mr. Chairman: Mr. Miller?

Mr. Miller: No, Mr. Chairman, this particular section deals with a party indebted to the Territory, and the Territory is indebted to that party in return, where we can offset one against the other.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if it were an employee, you would still have to go through the garnishee procedure if you wanted to deduct it from their salary?

Mr. Miller: Mr. Chairman, this has nothing to do with the salaries in 48(1). It's strictly debts due to the Territory, to be offset against monies payable by the Territory, other than wages to the individual.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, is it other than wages or is it necessary to say that?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, there's no need to say it in this case, because monies that we owe to an employee are not our monies. We're talking about the Territory's monies, not an individual's money.

Mr. Chairman: Shall Clause 48 carry?

Some Members: Agreed.

Mr. Chairman: Clause 49(1).

(Reads Clause 49)

Shall Clause 49 carry?

Some Members: Agreed.

Mr. Chairman: Clause 50(1).

(Reads Clause 50)

Shall Clause 50 carry?

Some Members: Agreed.

Mr. Chairman: Clause 51(1).

(Reads Clause 51)

Shall Clause 51 carry?

Some Members: Agreed.

Mr. Chairman: Financial Administration Ordinance. Shall the title carry?

Some Members: Agreed.

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

Some Members: Agreed.

Mr. Chairman: Bill Number 10, Financial Administration Ordinance, passes this Committee without amendment.

I will not ..

Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I just would like to express the wishes of all Members of this House, the acknowledgement and appreciation which should be extended to Mr. Miller at this time and I think that he is heaving a sigh of relief, having got this Ordinance before this House for approval, prior to his departure from this Government, because it gives us a sound base on which to continue and without his strong hand there, God knows we're going to need it.

(Applause)

Mr. Chairman: I will now entertain a motion, Mr. Lengerke.

Mr. Lengerke: I move that Mr. Speaker now resume the Chair.

Mr. Chairman: Seconder.

Ms. Millard: I second it.

Mr. Chairman: It has been moved by Mr. Lengerke, seconded by Ms. Millard that Mr. Speaker do now resume the Chair. Are you now ready for the question?

Mrs. Watson: The witnesses could be excused.

Mr. Chairman: The witness may be excused. Thank you, Mr. Miller.

Are you in favour?

Some Members: Agreed.

Mr. Chairman: Motion is carried.

(Motion carried)

(Mr. Speaker resumes Chair)

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

Mr. Hibberd: Mr. Speaker, Committee of the Whole considered Bill Number 5, An Ordinance to Amend the Liquor Ordinance, and directed me to report progress on same and ask leave to sit again.

Committee of the Whole has also considered Bill Number 10, Financial Administration Ordinance, and directed me to report the same without amendment.

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure at this time?

The Honourable Member from Whitehorse Riverdale?

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

Ms. Millard: I second that Motion.

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 question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

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

(ADJOURNED)

THE FOLLOWING LEGISLATIVE RETURNS HAVE BEEN TABLED

76-3-18

Labour and Management Relations

(Written Question Number 7)

76-3-19

Cancellation of Trapline Licences

(Written Question Number 9)

76-3-20

Exploration in Yukon

(Written Question Number 19)

LEGISLATIVE RETURN #18
1976 (Third) Session

Mr. Speaker
Members of the Assembly

On November 10, 1976, Mr. Berger asked the following question:

"How much money does the Government expect to save by recommending to the Departments to fill vacancies with casuals? In the light of all the talk from Government and other people about better labour and management relations, was this suggestion discussed with the Union in question?"

Even if both of these conditions were not met by a registered trapline holder, a licence was rarely cancelled unless another suitable applicant was interested in the trapline in question. Such suitability needed to be demonstrated by the possession of necessary trapping equipment as well as by experience in trapping, usually gained by having worked as assistant trapper.

Trapline cancellation is done without regard to racial status. No bias toward one group is intended.



Peter J. Gillespie
Member, Executive Committee

The answer to the above question is as follows:

It is not the Government's intention to fill permanent vacant positions with casual employees. The intent of our restraint program is to ensure that Departments use the alternatives that are available when seeking recruitment action. Discussions on the restraint program were held with the Y.T.P.S.A. on November 17, 1976.

LEGISLATIVE RETURN #16
1976 (Third) Session

Mr. Speaker
Members of the Assembly

On November 17, 1976, Mr. Berger asked the following question:

"How will the Territorial Government encourage exploration, especially for oil and gas, in the Yukon? How will the Territorial Government go about keeping these non-renewable resources if found in the Yukon available to the local consumer?"

November 18, 1976.



M. E. Miller,
Member, Executive Committee.

The answer to the above question is as follows:

As the responsibility for Northern Economic Development and the issuance of Land Use Permits rests with the Federal Government, there is little that this government can do to encourage exploration for oil and gas in Yukon except to attempt to ensure that unnecessary restrictions are not placed in effect which would deter this type of activity.

If oil and gas of sufficient quantities are found, local consumers would only benefit if it was economically feasible to provide Yukon product at a lower cost than imported products.

LEGISLATIVE RETURN #17
(1976 Third Session)

November 17, 1976

Mr. Speaker
Members of Council

On November 15, 1976, the following question was asked in Council

1. Due to the cancellation of some YANSI-held trapline licences, would it also be the intention of the government to cancel native status licences also?

The answer to the above question is as follows:

Very few trapline registrations have so far been cancelled by the Game Branch, and where it was done the holder did not meet the following two requirements:

- a) Section 68 (1) of Game Ordinance: He did not actively engage in trapping.
- b) Section 44 (1) of Game Ordinance: He did not largely depend on hunting and trapping for a livelihood.

November 18, 1976.



M. E. Miller,
Member,
Executive Committee.