



The Yukon Legislative Assembly

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Debates & Proceedings

Wednesday, March 16, 1977

Speaker: The Honourable Donald Taylor

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Whitehorse, Yukon Territory.
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Mr. Speaker: I will now call the House to order.
We will proceed with Morning Prayers.

(Prayers)

Mr. Speaker: We will proceed with the Order Paper.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents for tabling?

TABLING OF DOCUMENTS

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

Mr. Hibberd: Mr. Speaker, I would like to table a draft paper entitled, "Recreation Grants Regulations."

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

REPORTS OF COMMITTEES

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, I have the honour to present second report of the Standing Committee on the Yukon Land Claims.

Mr. Speaker: Are there any further reports of committees?
Are there any Petitions?
Introduction of Bills?

BILLS: INTRODUCTION AND FIRST READING

Mr. Speaker: The Honourable Member from Pelly River.

Mr. McCall: Yes, Mr. Speaker. Mr. Speaker, I move, seconded by the Honourable Member from Klondike, that Private Members' Public Bill, entitled "An Ordinance to Amend the Liquor Ordinance" be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that a Bill, entitled "An Ordinance to Amend the Liquor Ordinance", be introduced and now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

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

Mr. McCall: The next sitting, Mr. Speaker.

Mr. Speaker: Are there any further introduction of Bills?

Notices of Motion for the Production of Papers?
Notices of Motion or Resolution?
The Honourable Member from Kluane?

NOTICES OF MOTION

Mrs. Watson: Yes, Mr. Speaker. I give Notice of Motion that the second report of the Standing Committee on Yukon Land Claims, presented March the 16th, 1977 be concurred in.

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

Any Statements by Ministers?

This then brings us to the oral question period. Have you any questions?

QUESTION PERIOD

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

Hon. Mrs. Whyard: Mr. Speaker, I would like to table the answer to written question number 5, relating to the Cyprus Anvil Mining Corporation.

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

Question re: Consumer Price Index for Yukon

Mr. Hibberd: Yes, Mr. Speaker, the Anti-Inflation Board has been bound to use Stats Canada as their method of adjudicating wage settlements here in the Yukon, and this has often imposed considerable difficulty on Yukoners, because of the known higher cost of living here, and to avoid that problem, I believe a Consumer Price Index had been worked out for the Yukon, at least it was started, at one time.

To my knowledge, it only happened once, and I would like to know if this is going to be a continuing thing, or just what has happened to this. If anyone on the government benches could tell us.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, yes, the survey in the Yukon was entitled "A Spacial Price Index", mini-consumer price index, and it will be continued on an annual basis. Hopefully the survey will be done in June again this year, and will give us exact information as to the change in the cost of a representative basket of goods in the Yukon.

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

Mr. Hibberd: Supplementary, Mr. Speaker. Mr. Commissioner, would this information be eligible for use by the Anti-Inflation Board?

Mr. Speaker: Perhaps the Honourable Member intended that question to be directed through the Chair?

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I can't answer for the Anti-Inflation Board, but the Statistics Canada, or Statistics Canada were instrumental in establishing the criteria and the methodology for collecting the information.

It follows precisely their recommendations, and if their information is good enough for A.I.B., I would hope that ours would be as well.

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

Question re: T.B. Medication

Mrs. Watson: Yes, Mr. Speaker, I have a written question for the Minister of Health. One: how many people in the Yukon are presently on medication for T.B.? How long will they be required to be on the medication? Why are they on the medication and what is the medication supposed to do?

Mr. Speaker: If there are no further questions, we will proceed to orders of the day.

ORDERS OF THE DAY

Mr. Speaker: As there are no orders of the day, we will now go to Motions.

MOTIONS

Item Number One

Madam Clerk: Item 1, standing in the name of the Honourable Member, Mr. Hibberd.

Mr. Speaker: Inasmuch as the Honourable Member is not present, perhaps this matter could be stood over to the next sitting day.

Madam Clerk: Second reading, Bill 13, General Development Agreement Ordinance.

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

Bill Number 13 - Second Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 13, be now read a second time.

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

Bill Number 13 be now read a second time.

Are you prepared for the question? Oh, pardon me, the Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, I believe it's in order at the present time to speak on the principle of the Bill.

Mr. Speaker: This is correct.

Mrs. Watson: Thank you, Mr. Speaker.

Mr. Speaker, I have mixed thoughts on this Bill. My first reaction and the reaction as of now to the Bill is that I couldn't agree with it at all. The powers, the sweeping powers that are given to the Commissioner to enter into agreements on behalf of the Territory, absolute sweeping powers, there's no provision for being answerable to anyone.

If you note, I said I am opposed to the Bill at the present time. I would support the Bill wholeheartedly, in a different political atmosphere in the Yukon.

Mr. Speaker, this Bill, this framework, this structure, would be most adequate, helpful, if the people on the Executive Committee, and the people in this legislature had a mandate on policies and priorities. But the situation we have today, there is no one who has a mandate or who is accountable to anyone.

There is no accountability to, in any form, to the public of the Territory. The only accountability there is, is to each other, on an individual basis, and on a day to day basis, and I found it interesting, when the Commissioner stated, when he was interviewed on this agreement, and on the enabling legislation, that he stated that in order to embark upon this type of a program, it would be necessary to do an inventory of the resources of the Territory. I agree with him, and also to do an inventory of what the people in the Territory, what their priorities are, what areas they want development to proceed in, and how should that be accomplished.

But I noted he said, we will go to the people of the Territory. I also noted when we met with the Minister, when we were supposed to talk on the goals and objectives of the Yukon Territory, our catch phrase then was "We will go to the people of the Territory."

I note when we established our Standing Committee, we said we will go to the people of the Territory. When we had our Constitutional Committee, "We'll go to the people of the Territory."

I wonder whether the people of the Territory are going to continue to be governed by public hearings, by inquiries, by Commissions, by questionnaires, or by representatives who have been duly elected through the democratic process, who are accountable to their constituents, or whether we will have the other type of situation that we have today.

Mr. Speaker, I maintain that the best democratic way of going to the people, is to go on the hustings, and I maintain that until we do have an election where people run on groups or parties, or whatever you may call them, where they have common philosophies, common goals, priorities that they set and give to the people of the Territory, and let the people make their decision, and if they have a majority, then they have the mandate and the support of their electorate to come in and advise the Commissioner what the priorities are. Advise the Commissioner what agreements he should enter into.

At the present time, if this goes in as it is now, and at our present situation, the Commissioner's position is completely — well, who would want it? I say, who would want it, but if we went through the democratic process of an election, and got a mandate, the Commissioner's role would be quite simple. He would be told where to sign and when, and the political flak would be taken by the people who have, are accountable to their constituents.

Mr. Speaker, day after day, this becomes more evident. The lack of direction, the lack of policy, because there is no one that has a mandate to really do anything, and when I think of the Department of Education that is torn because there are no concrete political decisions being made on the type of education we have in our schools, and the small — and I say small resolution that came from this House yesterday, was just something to hide behind on the National news. It didn't satisfy a policy which defined the role of culture and languages in our schools and which defines --

Mr. Speaker: Order, please, I must advise the Honourable Member that the Member is ranging beyond the debate at hand.

Mrs. Watson: Mr. Chairman.

Every day, when I see this General Development Agreement, and I see the potential in it, Mr. Speaker, the potential for the Yukon, if we pull up our socks politically and take advantage of it. The people of the Territory are getting tired of hearings, questionnaires, and Green Papers and White Papers. The people of the Territory deserve something better.

I think we should get ourselves into action and trigger the boundary, the Electoral Boundary Commission to get the electoral boundaries defined and go to the people to get direction of how the people want to use this opportunity that's here. Not the Commissioner and the Planning Unit, but the people. And I think this is a very serious thing.

I'm going to vote against the Bill now. I hope very much that some of the points that I have made this morning will be heeded by the government so that we can get on with the development of the Yukon, through the democratic process.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate?

The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Mr. Speaker, many of the fears that the Honourable Member from Kluane has raised concerning the General Development Agreement were exactly the fears that were raised by the elected Members of the Executive Committee when we looked at the General Development Agreement, the Ordinance and also the whole principle of a General Development Agreement with the Department of Indian Affairs and Northern Development.

Mr. Speaker, as I understand the situation presently, is that the General Development Agreement, as people can see by the Ordinance, is an umbrella framework whereby subsidiary agreements specify specific projects and planning can be signed on a very favourable monetary base to the Yukon, with the Department of

Indian Affairs.

Mr. Speaker, the subsidiary agreements are the meat and potatoes that come under this General Development Agreement. Most subsidiary agreements naming specifics cannot come about unless the umbrella agreement, the General Development Agreement is signed by Government of Yukon with the federal government.

There is no specific planning project, no specific expenditure of funds in the General Development Agreement. It is now up to the government of Yukon to name and to outline the specific projects that fit under a General Development Agreement in a subsidiary agreement for cost sharing of funds with the federal government, to bring those projects into reality.

The Commissioner in his interview the other day, outlined that there is no real base line data on which to make sensible, long-term planning objectives for the Yukon. That should be, in my opinion, the first type of subsidiary agreement signed with the federal government, to allow the federal government to cost share the majority part of the funding in obtaining that base line data, and inventory, so that sensible planning decisions, such as the Honourable Member from Kluane suggests, can be made by this government in the future.

I have looked, Mr. Speaker, at some of the agreements that the provinces have signed with the federal government, in the subsidiary agreements, under the blanket of the General Development Agreement. The Honourable Member of Riverdale, as an ex-resident of Manitoba, and has been active in some of these agreements that have been signed, is well aware that in that province, they got, on a very favourable funding basis, the total inventory and resource potential of that province, funded under a subsidiary agreement and all that base line data is now available to the Government of Manitoba, that they can make sensible planning decisions.

If they did not have a General Development Agreement signed, and if a subsidiary agreement was not signed following that General Agreement, that whole cost would have been the responsibility of the Province of Manitoba, the same as it is presently the responsibility and costs, I would suggest, if anybody is going to do it, because we haven't been able to get the money up to this time, of the territorial government if such a study were to be undertaken.

The General Development Agreement, and the corresponding subsidiary arrangements will allow for this type of project, and this type of funding to be come available to Yukon for the first time.

Mr. Speaker, the other fear that the Honourable Member suggested before she went into the political party part of her suggestion, which I don't understand how we got to from the General Development Agreement Ordinance, was that the subsidiary arrangement, if the General Development Agreement is signed, will allow the Commissioner the absolute latitude in signing these arrangements.

Mr. Speaker, I guarantee that as long as I am a Member of the Executive Committee and these, my two colleagues are Members of the Executive Committee, that there will be no subsidiary agreements signed by the Commissioner until those are ratified by a majority of Members in this House. And if that isn't the democratic way of doing things and getting the input from the

people of the Yukon, then I don't know what is. We consider this to be such an important matter that any subsidiary arrangements will be given to this House and will be agreed to by the House before they are signed into law by the Commissioner and the Government of Canada.

I think that if it's used wisely, and as I say when I rose at the beginning, I have fears and I'm sure all Members do, if it is used wisely by this House and by this government, then I think that it can really lend to the eventual sound economic and social planning of government of Yukon, and I hope, Mr. Speaker, that that's the way it will be used and it will not become a political football.

Mr. Speaker: Is there any further debate?

The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Thank you, Mr. Speaker.

I listened with interest to both Members and their comments about this and I can certainly concur that there are concerns on both sides as the Member from Kluane expressed. When you're having to deal in specifics and are these the kinds of powers that you want to just give to the Commissioner. How do the people enter into this type of thing?

Of course, the Member, the Honourable Minister of Local Government has pointed out that subsidiary agreements to follow, an umbrella agreement such as this, would come before this House and he is setting out guarantees that they would do so. I think that certainly would have to be done and it must be made known to the people that that is a commitment and that is the way that this type of agreement or agreements will be handled.

I welcome the fact that there is a General Development Agreement. I have stood in this House many times and suggested that we have to go ahead with the planning of Yukon and what kind of Yukon do we want. I have stressed many, many times that it will be done by the people of Yukon and it will be dictated how they want Yukon to be made up, and not by a socio-economic planning unit that is an in-house unit of this government.

I think, Mr. Speaker, that we have to move ahead with it. I have some reservations about it, in the wording of the Agreement, and it's too bad that our political climate was not, or our constitutional makeup was not such that we could put different wording in here. I understand what the Member from Kluane is saying; however, we have not reached that point but we must progress. We must move ahead in developing Yukon and so therefore, Mr. Speaker, I suggest that we do move ahead with some caution as to how we deal in this particular area.

I do stand at this point and say I'm in favour of the General Development Agreement Ordinance.

Mr. Speaker: Any further debate?
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mrs. Watson: Disagreed.

Mr. Speaker: I shall declare that --

Mrs. Watson: Mr. Speaker, I hope you heard my disagreement.

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

(Motion carried)

Mr. Speaker: Shall the Bill be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: This brings us to the end of the Order Paper.

May I have your further 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 in Committee of the Whole.

Mr. Fleming: I second that, Mr. Speaker.

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 the House resolve into 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)

(Mr. Speaker leaves Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I declare this Committee open, and I declare a brief recess.

(Recess)

Mr. Chairman: I call this Committee to order.
I will proceed to read Bill Number 101, An Ordinance to Amend the Medical Profession Ordinance.

(Reads Clause 1)

Mr. Chairman: Yes, Mr. Hibberd.

Mr. Hibberd: Mr. Chairman, I would submit that this matter is now before a public Board of Inquiry; that it has been previously subject to a Board of Inquiry; that it will involve the same witnesses, the same mater-

ials that were before that previous Board and that it is just not appropriate that we should be shifting horses in midstream, so to speak.

Morally, I do not think that this should be discussed in the public forum at this time. I would therefore submit that Bill Number — I would move that Bill Number 101 be not considered further.

Mr. Chairman: Mr. Hibberd, I think we should complete reading the clause, which we have given to motion.

Mr. Hibberd: On a point of order, Mr. Speaker, this is the very reason I don't want it considered. I have a motion, seconded by Mr. Berger that Bill Number 101 be not considered further.

Mr. Chairman: Do you have a copy of your motion, Mr. Hibberd?

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, this is the kind of under-the-rug stuff I was talking about yesterday and was so berated for suggesting.

I would like to say in speaking to the Motion, that has just been presented --

Mr. Hibberd: Point of order, Mr. Chairman.

Mr. Chairman: Yes, Mr. Hibberd.

Mr. Hibberd: This is the procedural motion, Mr. Chairman. It's not debatable.

Mr. Chairman: You're out of order, Mr. Taylor.

Hon. Mr. Taylor: I rise on a point of order, Mr. Chairman. On a point of order is that the fact that the questions raised by the Honourable Member in this regard, Mr. Chairman, is in fact not *sub judice*. I have the authority before me and in hand.

Mr. Hibberd: Point of order, Mr. Chairman. There's a motion before this House, that is a procedural motion that is not debatable.

Mr. Chairman: That is correct, Mr. Hibberd. Mr. Taylor, please sit down.

Hon. Mr. Taylor: Mr. Chairman, on a point of order, I once again rise on a point of order to point out that the motion is out of order at this time, Mr. Chairman, and I have the authority to quote from in this regard, if I may be heard as the elected Member of Watson Lake.

Mr. Chairman: Carry on, Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I refer you to, first of all, the Rules of our House, and the Rules state:

"In all cases not provided for hereafter, or by sessional or other orders, the usages and customs of the House of Commons of Canada, as in force at the time, shall be followed as far as they may be applicable to this Assembly."

From the House of Commons, the Sub Judice Convention in the House of Commons proclaims that:

"There are some situations in which the application of Sub Judice Convention in Canada seems fairly straightforward,"

Mr. Chairman,

"All the principal authorities, including Erskine May, John Borino and Arthur Beauchesne, agrees that the Convention does not apply to bills, as the right of Parliament to legislate must not..."

and I repeat, must not...

"...be limited."

The reference has been made to a Board, and the Board is somewhat like a Royal Commission, and this question was discussed in the House of Commons on the 2nd of May, 1966, when Speaker Lamoureux gave what should probably be regarded as the definitive ruling in the matter.

He pointed out that creation of a Royal Commission is purely an administrative matter, as is the case here.

"That the Commissioners are not called upon to render decisions on what has been submitted to them, but are only asked to make recommendations which the government is free to act upon or not, as it wills."

In other words, Mr. Chairman, Parliament is still the highest court in the land, one of its traditional rights is to express its power by the enactment of legislation.

It is stated also that when there is doubt in the mind of the Chair, Mr. Chairman, I believe there is an obligation on the part of the Speaker to give the benefit of whatever doubt there may be in his mind to the Honourable Member who wishes to discuss such a matter in the Chambers.

Further, Mr. Speaker, another former Speaker of the Commons, Mr. Marcel Lambert, stated, and ruled:

"That no restriction ought to exist on the right of any Member to put questions respecting any matter before the courts, particularly those relating to a civil matter, unless and until that matter is at least at trial."

In this case, this is not the case, Mr. Chairman. There is nothing at trial here. This is not a court of record, this is an administrative board, Mr. Chairman.

Mr. Hibberd: On a point of order, Mr. Chairman.

Hon. Mr. Taylor: The matter is clearly not *sub judice* --

Mr. Hibberd: We're discussing the motion, not the bill, at this time.

Hon. Mr. Taylor: I am pointing out, Mr. Chairman, that the motion is quite out of order at this time.

The motion would, in effect create closure on a matter of concern to many people in this Territory, and indeed a matter involving the civil rights under the Canadian Bill of Rights.

Mr. Chairman: Are you speaking on a point of order, Mr. McKinnon?

Hon. Mr. McKinnon: Yes.

Mr. Chairman, speaking to the point of order, the Honourable Member from Watson Lake, I think, has raised some points to the motion, that I know for one I could not vote on at the moment without having some work done by the Chair, as to the points that he has raised, and to the point of order, I would have problems

making a decision on the points raised without some research having been done by the Chair into the points that the Honourable Member has raised at this time, Mr. Chairman.

Mr. Chairman: Are you speaking to the point of order, Mr. Hibberd?

Mr. Hibberd: Yes, I am, Mr. Chairman.

During a previous session, the fifth session in 1976, a motion was put to Committee that a bill not be considered further. The ruling of the Chair at that time, was that the motion was in order, the motion was dealt with, voted on, the bill was not considered further.

The point was contested, the Speaker made a ruling. I would like to quote the Speaker's ruling:

"In dealing with the question, I made a ruling on this question yesterday, but perhaps for the guidance of the Honourable Member, who may not be aware of the manner in which motions are made in the Committee, and in the differences between procedural motions and substantive motions and so forth, when a bill or matter, or motion for that matter, is referred from this House to a Committee of the Whole or any committee of this House, certain actions must be taken upon it, and these actions must be reported back to this House."

In essence, I will try and capitulate what the ruling of the Speaker was at that time and what he did say from our Votes and Proceedings, Mr. Chairman, was that it had been the precedent, established by over fifteen years of his experience in this House, that this was a motion that had always been considered in order and because of the precedent that had been set over those years he would consider it so in order.

Mr. Chairman: Thank you, Mr. Hibberd. Are you speaking on the point of order, Mrs. Watson?

Mrs. Watson: Point of order.

Mr. Chairman: Go on.

Mrs. Watson: Mr. Chairman, I'm not going to be looking at the rule book or in past references; I just feel, on a point of order, that the Honourable Member from Watson Lake should be given the opportunity to speak.

Point of order, too often I've been cut off and I know what it feels like.

Mr. Chairman: I didn't cut you off, Mrs. Watson.

Mrs. Watson: Point of order. I hope the Speaker takes this into consideration the next time he tries to cut me off.

(Laughter)

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

Hon. Mrs. Whyard: Speaking to the point raised by the Honourable Member across the way, it was my Bill, Mr. Chairman, which suffered such a sad fate at the hands of the Speaker at the last Session. I was just as affronted at the time as he probably is today. I felt it was a good Bill; I was not allowed to have it read in

Committee; it was dumped by Mr. Chairman's motion, if I recall correctly. And it was perfectly legal; it was ruled legal by Mr. Speaker. I have a very clear recollection of the incident.

Hon. Mr. Taylor: Mr. Chairman, before you give a ruling or put the question, I should say, in this matter, I would just like to say that this Bill has been given introduction, first and second reading, basically on the premise, I assumed from this House, that I would as the Honourable Member from Kluane has pointed out, have the consideration of allowing Members to give me a hearing in this matter, this constitutional and most important matter.

The motion that is before us is based on the suggestion and allegation that the matter is *sub judice*; I point out that it is not, in fact, *sub judice*, and I would ask that, in voting on this motion, Members would do me the courtesy of allowing me to continue in Committee with my presentation of this important matter.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, that's exactly the direction that I'm asking for the Chair to give me as a Member of this House.

The Honourable Member from Whitehorse South Centre has obviously moved the motion at the present time because he considers this matter to be *sub judice* at this time. The Honourable Member from Watson Lake says don't support the motion because the matter is not.

Now, how I am going to vote on that motion depends on the ruling of the Chair, whether it is or not, and it's obvious that the Honourable Member from Watson Lake has done considerable research in the matter, and I don't expect the Chair to give me that answer at this moment without a corresponding amount of research, if the Chair needs time to do so.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, as the seconder of both the Private Member's Bill and this particular motion we have in front of us, I would like to put my two bits' worth in there too.

I felt the Honourable Member from Watson Lake had a fair question raised with the Private Member Bill, and he deserved discussion in the House. At that particular time, there was no Board established yet. There's a Board established now, and it's my feeling, this is the reason I seconded the other motion, that we are interfering with this particular Board, and I would like to suggest to the Chairman, if possible, to get a ruling or advice from Mr. Legal Advisor, so that we can further -- take in what Mr. Legal Advisor has to say on this particular thing.

Some Members: Agreed.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I believe, in this matter, perhaps

the Legal Advisor could be prejudiced.

Mr. Chairman: Yes, Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, still on the point of order, I don't think that this House has to give direction to the Chair to get advice from anyone. The Chair has been asked to come back with a ruling on the points raised, and where he gets his advice is up to him.

Mr. Chairman: Thank you, Mr. McKinnon, I was going to come to that. I would like to advise the Committee that I will take this matter under advisement and I will be coming back this afternoon to give my decision as to the motion.

Hon. Mr. Lang: Mr. Chairman, on a point of order...

Mr. Chairman: Yes, Mr. Lang?

Hon. Mr. Lang: ... I think, prior to leaving this particular topic, I think there should be some clarification in relation to some of the remarks made by the Honourable Member from Watson Lake.

He's equated a Board of Inquiry to a Royal Commission, where the government has the discretion...

Mrs. Watson: Point of order, point of order.

If you are going to give a ruling, Mr. Chairman, wouldn't it be in order for you to give your ruling, that we adjourn until you bring your ruling in?

Mr. Chairman: Seeming Committee doesn't want to allow me to do that, but you're out of order, Mr. Lang. As I have already advised you, I will come back this afternoon with a ruling on the matter.

Mr. Chairman: Go back into the reading of the Main Estimates. We are now, I believe we left off yesterday at 515.

Mrs. Whyard, do you wish to comment on 515 before we go into debate on the matter?

Hon. Mrs. Whyard: Mr. Chairman, if I may have the indulgence of the Members, there were one or two questions I have answers for from the discussions yesterday, if I may just get them into the record before we begin the new establishment?

Mr. Chairman: Okay.

Hon. Mrs. Whyard: I was asked yesterday, regarding a number of our students in the Rehabilitation Centre and some other questions about them. I can now provide a summary of the statistics in the Rehab Centre and Rehabilitation Services generally.

The Rehabilitation Services under this Department had a total caseload at March 15, 1977 of 109 people. The number at the Yukon Vocational Technical Training Centre is 23. The number at the Yukon Rehabilitation Centre is 18. The number of Yukoners outside for special care or training is 13. We have two training on the job, two at other schools, four in hospitals, four in the Correctional Institute, six being assessed, 14 awaiting training, which was one of the areas under discussion, 11 at home, on our caseload, six working and six are

Workers' Compensation Board cases.

Vote 510, Mr. Chairman? Are we at 510, Mr. Chairman?

Mr. Chairman: Five fifteen.

Hon. Mrs. Whyard: I wanted to have one final word on 510. There was some, very little discussion about the number of people in the Administration and concern was expressed about perhaps the growth of that area of the Vote, in the Department.

I would just like to quote for the benefit of the Honourable Members from an internal audit, which was conducted by the Audit Services Bureau, Supplies and Services, Canada, January 1976, of the Health Branch and its operations. And it's quite a weighty tone, I understand that the services that the two highly qualified and expert auditors who came from Ottawa to conduct this task cost the taxpayers a lot and I am very proud to be able to tell this House that the introductory sentence in that report reads as follows, and I quote: "Operations within the Health Services Branch have been highly geared to providing service to the public, to the detriment of administrative effectiveness, efficiency and control".

I consider that the supreme accolade, Mr. Chairman, for a government branch to be putting service to the public at the top of the list and I want to pass on my congratulations to the Health Branch for that service.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, I found the statistics the Honourable Member brought in very interesting and rather surprising. I didn't think there was that large a caseload.

My question is, these people who require rehabilitation are physically, mentally, and do we include 'socially' handicapped people, or is it just the physically and mentally handicapped?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the Co-ordinator of Rehabilitation Services doesn't need to go out looking for socially handicapped. He has his hands full with those who are mentally and physically handicapped in this world, and that is not a priority in our caseload.

It would not be a person who was only socially handicapped being rehabilitated through that branch of this Government.

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

Mrs. Watson: Mr. Chairman, the reason I asked it is because I believe the agreement does provide for rehabilitative services for socially handicapped, and I think that alcoholism is considered a social handicap rather than a physical or mental handicap, and this was the reason for my question, under the terms of that agreement.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I don't wish to quibble but I would consider anybody with alcoholism as something physically -- it is a disease.

Mr. Chairman: Does that finish the discussion on 515?

Mrs. Watson: Mr. Chairman?

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: I would appreciate it if the Honourable Member would determine whether we are treating people for, handicapped people under the Rehabilitation Services, under the description of 'socially handicapped'.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, if it might assist the Member, the terms of reference of the Rehabilitation Centre Society is to deal with the physically, emotionally and socially handicapped.

Mr. Chairman: Do you wish to comment, Mrs. Whyard?

Hon. Mrs. Whyard: No.

Mr. Chairman: Are we clear on 515?

Some Members: Agreed.

Mr. Chairman: We then go to 525. Mrs. Whyard? Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think everyone who has looked at 515 wonders where are we going, 1975, 2,319,000, this is for Yukon Hospital, in-patients, out-patient services.

'76, 4,484,000, and in '77-78, 5,142,000. The increase is tremendous, and it concerns me, because we've been carrying this, and if this increases at the same rate for the next three years, we're going to be faced with a major financial problem in this area.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: I can assure the Committee, Mr. Chairman, that you're not alone in the concern about rising costs of hospital care. The whole country has an equal concern.

Increases in costs at Whitehorse General Hospital alone amount to \$400,000.00 this year. That includes basic increase in salaries, tremendous increases in costs of fuel and electricity. There is no way I know of to control those three factors.

There is no way I know of, either, to control the numbers of people who get sick or what kind of treatment they need.

We have a mandate to provide the best possible health care to Yukoners, and that's what's being done. We have made a couple of attempts to reduce the costs of acute care by providing alternative extended care, such

as the small program for home nursing, home care, that I had studied for this House, but basically your acute care costs cannot be, cannot be reduced any more than they are being. I have every confidence in the Administrator and the staff in that hospital, who are Yukoners and are paying taxes to help support that institution.

I know that they are reliable in the financial field and that they must be making every possible attempt to control such costs, but you cannot control the cost of heating oil and the cost of electricity, or the cost of salaries which go up annually.

I am not in charge of that institution, but I would certainly doubt that there's any great amount of fat to be cut from its budget.

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

Mrs. Watson: Mr. Chairman, my remarks were not an implication that there was waste or fat, and I'm aware as the Minister points out, that these are costs that can't be controlled and that it's a problem across the country.

I'm wondering if the Minister could outline what type of cost-sharing arrangements are now being talked about at least, with the Government of Canada, because it's my understanding that they are going to be changing these arrangements for cost-sharing of Health Services with the provinces. Can she give us any indication of the type of arrangements that are going to be made and are we going to be better off than what we are now or are we going to be worse off?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the Administrator of our Health Branch is going to Ottawa on Monday, or this weekend, for discussions on that very point, when we hope, finally, to have some detailed explanations of how the new financing agreements will operate. I would be very pleased to bring the factual information to this House, as soon as it is available to us next week.

But in the meantime, as I believe I mentioned during discussions in supplementaries, we are hopeful that the plans, as proposed by the federal Minister, are going to cover a number of gray areas where we didn't pick up cost-sharing before and these will be unveiled to us in the next few weeks.

Now there's no way I can stand here and second guess Mr. Lalonde and I must wait on the actual information being passed to us by the departmental official. We're all in a very awkward position. The same thing applies to the provinces. There are some frantic scurrings going on, I think, down in that federal department right now, Mr. Chairman, because certain portions of the hospital plan cost-sharing will be changing the first of April and somebody has got to get their signals clear. You don't just suddenly change your bookkeeping systems and your cost-sharing and your monies available overnight. That is exactly what the situation is at this moment, Mr. Chairman and until Mr. Duncan returns next week with the information from Ottawa, I cannot be any more hopeful than that.

Mr. Chairman: Well, Mr. Williams, did you wish to add anything to the Minister's comments?

Mr. Williams: Mr. Chairman, I was just going to say that part of the reason why there has been such a large increase between 1976-77 actual figures and the '77-78 projected figures is that during 1976-77, we did go to a budget review basis for hospitals, which meant that the deficits which in the past have been picked up by the federal department of National Health and Welfare, starting in 1976-77, went through YTG's books. So while the Member is correct, hospital costs have been rising very quickly in the past few years, that there was also this other factor which makes the increase look a lot higher than what it really was.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, wasn't the Whitehorse General Hospital on a budget review hospital before '76?

Mr. Williams: Mr. Chairman, in 1976-77, there were four hospitals added and I don't believe Whitehorse General was on before. I'm not absolutely certain, but there was a major change in 1976-77, which saw an increase in expenditures to YTG of approximately a million and a half dollars because of the shift to budget review. I don't believe Whitehorse General was on a full budget review basis prior to that.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Well, Mr. Chairman, in the light of the remarks of the Honourable Member, then the recovery, under YHIS, is just based on the existing type of recovery that you have. You're just almost — why, you're guessing. But there's, again, such a significant difference in '76-77 and then the recovery, there must be some explanation. Is it tied into this budget review, too?

Mr. Chairman: Mr. Williams?

Mr. Williams: Yes, Mr. Chairman, it is tied into budget review. First of all, as far as the 1977-78 recovery goes, we've made our calculation on the basis of the existing cost-sharing arrangements, which as we all know, are changing. The reason why the 1976-77 recoveries seem so high is that, during 1976-77, we received from the Department of Indian Affairs, a payment outside of the normal financial agreement, in the amount of a million two. For 1977-78, the payments, with respect to budget review hospitals are included in the regular deficit grant.

So, the 1976-77 recoveries include the recoveries under the normal cost-sharing formula, plus a one point two million dollar special payment from Indian Affairs.

Mrs. Watson: Mr. Chairman, how did we swing that?

Mr. Chairman: Mr. Williams?

Mr. Williams: Mr. Chairman, it's my understanding that it's been a precedent established that whenever we take over a federal program, in the first year of the

takeover, rather than having our deficit grant increased through the financial agreement, they finance it outside the agreement, just to make sure they know exactly what the costs are.

I believe a similar sort of thing happened, for instance, with the federal inter-departmental coordinating committee. In the initial year it was funded outside the agreement. Now it's funded inside the agreement. With the budget review hospitals, in the initial year, it was funded outside the agreement and after one year's experience, it's inside the agreement. I understand it's just traditional.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, we could easily be looking at another half a million dollars, or whatever, until we know, with Y.H.I.S. what the cost-sharing arrangements are. We could be looking at more money, we could be looking at less required.

Mr. Chairman: Mr. Williams?

Mr. Williams: Mr. Chairman, we still don't know the exact amount of money we're going to get, but one thing for certain is that the mix of our money is definitely going to be different, that the general principle being followed is that the federal government is surrendering tax points to the provinces, and cutting back on shared cost programs, so there will be a definite mix in our financial structure, but we just don't know how the totals are going to compare with what we would have got under previous financial arrangements, as vis-a-vis what we're going to get under the new arrangements. There will be a change in the mix though.

Mrs. Watson: Mr. Chairman, are they talking tax points with us?

Mr. Chairman: Mr. Williams?

Mr. Williams: Mr. Chairman, yes and no. You'll see that our operating grant, which includes a component for grant in lieu of taxes, have gone up, so that the total part of the operating grant attributable to grant in lieu of taxes is going up.

But since we don't really levy our own income tax, the net adjustment is going to have to be made inside the operating grant as a whole.

Mr. Chairman: Clear on 525?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: If it's any comfort to the Honourable Members those are the same questions I asked in Ottawa, but the answers I got weren't nearly as clear.

Mr. Chairman: Thank you, Mrs. Whyard. We're clear on 525?
526?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: If I may, before we leave this area, the Honourable Member from Ogilvie, had asked, not a formal question really, but she was inquiring about charges for physiotherapy for out-patients. Pardon?

Mrs. Watson: Mr. Chairman, I raised the question of the physiotherapy.

Hon. Mrs. Whyard: Oh well, it was Ms. Millard who raised a point on March the 10th in the House, concerning information about the schedule fees for physiotherapy, Mr. Chairman, and the charges for physiotherapy are for electrodiagnosis, \$6.00; electromyogram, major 25 and electromyogram, minor \$20.00.

I don't know if that's the information she wanted. I think probably what she needed to know was that these charges are insured services, and the person using that service would not be billed directly or be paying the physiotherapist directly.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mrs. Whyard. Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, maybe the Honourable Minister has a reply to my question regarding rehabilitation services for people who have the physical handicap of cerebral palsy.

Hon. Mrs. Whyard: No, I'm sorry, Mr. Chairman, I don't have that yet.

Mr. Chairman: It will be forthcoming, though, will it, Mrs. Whyard?

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

Mr. Chairman: Yes, Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, there has been some concern regarding physiotherapy services that are now available in the hospital setting. I would like to ask the Minister if there is any plan for the physiotherapy facilities to be made available as a paid for service outside of the hospital setting.

Mr. Chairman: Do you wish to comment, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I haven't heard of this, but I will inquire.

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

Mrs. Watson: Mr. Chairman, a question to that, if it was, would that mean that it wouldn't fall under Y.H.I.S. or health care scheme?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'd certainly like the

answer to that.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Yes, Mr. Chairman, that's part of the answer.

Mr. Chairman: Are you going to bring the answer?

Hon. Mrs. Whyard: Mr. Chairman, I will endeavour to obtain that information. It's all part of one question, as far as I'm concerned. If you're extending the service out of there, who pays for it?

Mr. Chairman: We will proceed now to 526. Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I'm wondering if we have, at this time, a reply to my question Number 7 in the House, and if not, then this matter be stood over until such a reply has been received.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I don't have a copy of the question before me, but I don't have any answer to table to any question number 7.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, then in light of the fact that the question still stands on the Order Paper as unanswered, I would ask that Establishment 526 be stood over, inasmuch as the question relates directly to 526.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, could I ask what the question was?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I will reread the question.

"The administration is respectfully requested to provide to the House the following information relating to the recent inquiry into Dr. Stephen Wigby under the Medical Profession Ordinance of the Yukon Territory:

- (1) the rate per day paid to Members of the Board;
- (2) the rate per day paid to lawyer John Steeves;
- (3) the rate per day paid to investigator Purdy;
- (4) the total cost paid or owing to Members of the Board, including transportation and expenses;
- (5) the total cost paid or owing to lawyer John Steeves;
- (6) the total cost paid or owing to investigator, Purdy;
- (7) the total cost paid or owing respecting the attendance of witnesses;
- (8) the total cost paid or owing in respect of recording and printing of transcript of proceedings;
- (9) the total cost paid or owing in respect to the appeals heard by the Judge of the Court;
- (10) the total cost paid or owing in respect of the entire Inquiry, including the appeal."

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I assume from the final question that we would have to wait for the total cost, Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, you note that I say paid or owing, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, we inadvertently left this list, Establishment 525, but it might be interesting for the Honourable Member from Watson Lake, since it appears he hasn't read his Supplementary, we did vote \$30,000.00, \$29,000.00 I think, for that. We were informed that was the total expenditure as of that date, and the estimated expenditure for that Vote. So if the Honourable Member wants to go back into his Supplementaries, it may assist him.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I thank the Honourable Member for drawing that to my attention. I had also noted the same, but that would appear to be a small part of the cost. I would like to know, when we're getting a \$100.00 here, I'd just like to know how much money we're actually going to be spending and the, or have spent, I should say. And if, you know, these are questions I want answered and these questions were asked on March 7th.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I would submit that if the Member from Watson Lake is inquiring as to the costs of the total inquiry before we have considered this Establishment, we might as well not consider this Establishment during this session.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: May I say again that the total cost will not be available until the Board of Inquiry is completed and it will not be completed for some time. And when it is completed, the total cost will be available to the Honourable Member.

Hon. Mr. Taylor: Mr. --

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, with respect. What again is everyone trying to hide in this government? There isn't a soul, I don't think in the Yukon Territory that has read a newspaper, Mr. Chairman, or has heard any part of the media, that doesn't know that the Inquiry, that Inquiry, is over.

Now it is the cost of that inquiry I want to know. It is the cost of that inquiry, we, as a Legislative body, are entitled to know. And how many times in this House

have we stood and been asked to vote the sum of, not \$100.00, but \$1.00 for these items. It's like a blank cheque.

Now, if we know, as I'm sure the government should be by now able to pick up these figures, inasmuch as that Inquiry is over, finished and done with, if we know that amount, then we'll have a pretty good idea of what any other inquiry is going to cost.

Now this is a reasonable request. Please don't throw this one under the rug. The people are entitled to know and I'm entitled and I demand to know as the elected representative of Watson Lake.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I assure the Honourable Member that if that information was available I would be bringing it in, but he is asking for bills which have been paid, he says, and we are awaiting submission of such accounts. I cannot tell him what bills have been paid until they've been paid. I'm not quibbling. I'm not trying to hide anything under the rug but anybody with any common sense would know that this matter has not been completed. The bills have not been paid because they aren't through yet. The costs are not finalized, the professional people involved have not finished their services.

I cannot provide the Honourable Member with information that I haven't got. If he wants to go and ask those individuals how much money they've received, maybe the individuals will be interested in telling him. I don't know, they haven't told me. As soon as I get this information, the Honourable Member will have it.

Mr. Chairman: Thank you, Mrs. Whyard, I appreciate those comments.

Mr. Lengerke:

Mr. Lengerke: Yes, Mr. Chairman. I really have no problem with some of the questions that the Honourable Member from Watson Lake is asking for and he wants some answers.

I think we were advised when we were dealing with the Supps that there was a figure of \$29,000.00, and perhaps maybe the Treasurer could tell us now, is that \$29,000.00, what portion of the Inquiry represent? I realize there are bills owing and the Honourable Minister has said that she cannot advise what those amounts are. But, to date, what have we paid? Is it the \$29,000.00?

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

Mr. Williams: Mr. Chairman, the Members will probably recall that the original Vote for Establishment 526, 1976-77, was \$1.00. At the time that we had to prepare the Supplemental Estimates, the Department didn't know what the final figure would be, but thought that it would not exceed the \$30,000.00, therefore they requested a supplemental for 29,999, bringing the total to \$30,000. We're now trying to find out exactly what the cost was and there are still one or two large invoices which haven't been submitted to us and that's the only problem we have right now.

We've got some of the figures, but the last word I received from the Department was that, for instance, Mr. Steeves still hadn't submitted his account and there were one or two things like this still outstanding, therefore I don't have an exact figure yet.

Mr. Chairman: Yes, Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, perhaps then the Government of the Yukon Territory could communicate with Mr. Steeves and ask him what his bill is for that hearing, which concluded with the appeal, as indicated on the paper.

Certainly, any government should be able to obtain this information, very, very quickly and I think this House is entitled to know what the price of such things as this are.

Mr. Chairman: Thank you, Mr. Taylor.

Hon. Mr. Taylor: May it be stood over, Mr. Chairman.

Mr. Chairman: Mr. Chairman: Mrs. Watson.

Mrs. Watson: I would hope, I would sincerely hope that the government does make an effort to bring some answers back to the questions the Honourable Member from Watson Lake has asked. He has a right to ask those questions and that information should be supplied and even if some of the major invoices are not finalized and in, certainly there can be an estimate. There must be some idea of the per day cost and I think we're making mountains out of mole hills. You know, let's get the information out and stop fooling around with it.

Hon. Mrs. Whyard: Mr. Chairman, I said it three time, I will bring the information as soon as I have it.

Mr. Chairman: Thank you, Mrs. Whyard.
Is it Committee's wish that 526 be stood over?

Some Members: Agreed.

Mr. Chairman: Very well.
Committee will recess until 1:30.

(RECESS)

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

With reference to our previous vote, I was asked this morning about 525, 525 was cleared through this morning. We are now debating 526.

Yes, Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think there was some confusion and I think if I understand Members correctly, they did wish to have something to say regarding 525 and -- due to that misunderstanding, would Committee concur that we could go back to consider 525?

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

Hon. Mr. Taylor: Yes, Mr. Chairman, prior to, or earlier, before rising for noon recess, it was the under-

standing of the House that a decision would be brought in following the noon hour on the question of a Motion before the floor.

Will this be considered, and if so, when?

Mr. Chairman: Mr. Taylor, as I advised Committee, I will be bringing that ruling forward this afternoon, and it is being prepared now for my further consideration, before I advise Committee.

Hon. Mr. Taylor: Thank you, Mr. Chairman.

Mr. Chairman: Is is the Committee's wish we proceed on 525?

Some Members: Agreed.

Mr. Chairman: Very well.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, yes, 525, Yukon Health Care Insurance Plan, what was the contribution to the plan for '76, the total premiums and the Federal contribution, based on what average per capita, funds per population, what was the average per capita?

And the contribution from the Department of Indian and -- Indian Affairs and Northern Development, and from that, we should be able to determine what the deficit was for the operation in '76.

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

Mr. Williams: Mr. Chairman, I'm not sure we have all that information. Some of the information was contained in the Supplemental. For 1976-77, we are still projecting a premium revenue of \$810,000.00.

Mr. Chairman: Are you referring to the Supplemental, Mr. Williams?

Mr. Williams: Yes, Mr. Chairman, I believe the question related back to the 1976 fiscal year.

Mr. Chairman, perhaps what we could do is actually bring in the calculation of the fund balance. I don't have all the information here to actually come up with the calculation.

Mrs. Watson: Yes, Mr. Chairman, I would like to know what the various components are and what our deficit position would have been in '76, and then relating it to our forecasts for '77-'78.

And one further question, while I'm on my feet, Mr. Chairman. I understand presently where negotiations going on regarding the fee structure for the medical people involved in this scheme, have we built in the normal 6 per cent increase or will that have to be voted as a supplementary next year?

Mr. Chairman: All right, Mr. Williams.

Mr. Williams: Mr. Chairman, just as last year, the budget does not contain an estimate for that amount. When the negotiated figure is available, it will be brought forward as a supplemental. So the 1878.4 is based on the present fee schedule, not the one which is

currently being negotiated.

Mrs. Watson: Mr. Chairman.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Another question. But you do build in a 6 per cent in salaries, I believe, am I correct?

Mr. Chairman: Mr. Williams?

Mr. Williams: Mr. Chairman, with respect to salaries, yes, we have allowed 6 per cent, even once again, even though those contracts are up for negotiation, but with respect to the doctors, we haven't built in a figure yet. It's not quite as straightforward a figure to arrive at.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, if I may speak to that point, I'm happy to inform the Members of this House that -- well, they are not negotiations, Mr. Chairman, but the contract considerations between this branch and the medical profession, who serve us through this Ordinance, were conducted yesterday, and it is an indication of the rapport, I believe, between the medical profession in the Yukon and this government, that they arrived at a very satisfactory agreement within one day.

Our negotiator was able to come in on the morning flight and leave in the afternoon, and I will be happy to bring before this House, the details of that agreement, as soon as I have received them in writing.

It's a matter of great satisfaction to me to realize that we can come to such an understanding in such a short time.

Thank you, Mr. Chairman.

Mr. Chairman: If it's not negotiations, Mrs. Whyard, would you call it joint planning group?

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, in view of the increasing costs of Medicare, can the Minister assure us that there will be no increase in the premiums for the plan? Is there no consideration been given to any increase in premiums?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: There certainly was consideration given, Mr. Chairman, by the Members of this government, but in preparation of this budget, the point was carefully considered and the decision was made that there would be no increase in the Medicare premiums this year for the people of the Yukon.

We know that this will result in a deficit in this particular Establishment, but the decision was made in the light of increasing costs to all persons living in the Yukon, and we felt that this government would pick up

the tab for that deficit in this current year, which we estimate will be approximately \$200,000.00.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I'm a little concerned, a question to the Minister on the cost sharing.

Are they cost sharing on a basis of so many people in the Yukon, or if perhaps we will say 200 people in the Yukon did not pay their seven fifty or six fifty a month, or whatever the fees may be, consequently this would have to be considered as a bad debt or something else. Would the government then still give you your cost sharing on those same people, that amount of people?

Mr. Williams: Mr. Chairman, I can explain how the present cost-sharing system works, but as we indicated this morning, this whole business of cost-sharing on this type of program is currently being revised. But with respect to Medicare, we receive an amount equal to the fifty per cent of the National per capita average medicare cost times the DBS population. So our recovery isn't based upon our actual costs; it's based upon the average national cost. We receive fifty per cent of the national average costs times the DBS population.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Chairman, just a comment to the government. I am a little concerned that they are very, very far behind in their book work and in their collections of the fees and that, as an example I might give you, a person in this country and if you live here and you are owing, say, a year or so in fees to the government and then you all of a sudden disappear by leaving the country, I don't think there's going to be any possible chance of collecting that back. I would say today that there is a considerable sum of money out.

I would like, if it was available, for the government to bring forth how much money they didn't pick up last year, due to these types of cases.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, we can bring that figure for the Honourable Member, but I think we've discussed this point at other Sessions with the Honourable Member, and at that time I believe I asked for his assistance in tracking down some of the people who have not been paying premiums from his area of the country. I don't know that we've had any, but, Mr. Chairman, it is a continuing concern.

If he can tell us how he can get people to pay their bills, we'd be happy to hear from him. We do, in some cases, finally go to court to try to assure residents that they are responsible for this amount. It is their duty to pay it, it is the law of the land, and it seems to be a very costly way to collect the premiums they haven't paid. And if there's any better way, I would like to hear about it.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I have looked around and found that there has been quite a few that

have gotten away. However, I do feel that if the government was a little more prompt with their, you know, in, when you are behind, not let it go for three or four years at a time before you finally say we're going to catch up to that fellow. But to catch up with him, say, give him, say, six months or so and that is it. Because this is what happens, if the person is that type of person and doesn't intend to pay and doesn't care too much, he very likely isn't going to stay too long anyway and then he's gone. That's the only thing that I might say, that they might be a little more prompt in going after the individuals.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I have a question related to Primary 21, and that is, of course, hospitalization and insured services, and I'm wondering if we could be provided with a list of the total amounts of monies paid, Mr. Chairman, to individual physicians under the plan for services rendered for the fiscal years 1975-76 and to date for the fiscal year '76-77?

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, in view of the fact that this plan is universal and compulsory, does the Minister have any idea of how close they aspire, percentage-wise, to the hundred per cent level?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, that went right by me, I didn't get it. Try again, please, Mr. Chairman.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: I was inquiring of the Minister, in view of the fact that we have universal and compulsory legislation applicable to all Yukon residents, how closely do we come to that hundred per cent figure?

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

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: ... am I to assume that the question is, what percentage of residents pay for their Medicare premium?

Mr. Chairman: Are you asking him to repeat it?

Hon. Mrs. Whyard: If that is correct, I will bring in that information, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I know that it hasn't been the practice of the Medicare scheme to bill people, to send out statements. Once a year, the only time they seem to send out a statement is if you make a payment, and you're always owing more. I can't seem to keep track of my own. I just automatically pay and then get a bill back and say you haven't, you're not up-to-date, so I pay some more.

Everyone I seem to talk to who doesn't have a payroll

deduction seems to have the same type of problem, and I brought it up before, and I've always been told it would add considerably to the administrative costs to bill people even on a quarterly basis, send them statements on a quarterly basis.

I wonder if we could get an estimate of how much more this would cost, because I am sure that this would pick up a lot of people who are not making their payments, because if there isn't a payroll deduction, if nobody is billing them, they forget all about it, until they have to go see a doctor, and that's when everything falls into place, and then they've got a big sum to pay. But I would really like to know how much it would cost to do quarterly billing.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, this wouldn't be through payroll deductions and a lot of the people in the Territory pay their premiums through payroll deductions so we are not looking at too many people.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I can investigate this for the Honourable Member. It seems to me that everyone who benefits from this plan knows what the monthly charge is. They know that they should be paying it. They know how much it adds up to per year. If you think that nobody should be expected to pay the bill without being sent a notice, we can look into this. It's just one more administrative job requiring some more bodies who will have to be paid to do this work.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. Sherlock?

Mr. Sherlock: Mr. Chairman, if I just may add, the Department of Health has in fact requested that Treasury look at this problem and perhaps the solution to it when we in fact look at the receivables, which we intend to do within the next year. And perhaps we can tie these two things together. So there would be -- a bill would go out quarterly or whatever, together with collection of receivables.

Mr. Chairman: Thank you.
Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I tend to have this feeling distinctly that I am not wanted in these Chambers today, for some strange reason, but I am just wondering ...

Mr. Chairman: Order, please.

Hon. Mr. Taylor: Yes, it cost me 500 for the privilege.

Mr. Chairman: Order, please, Mr. Hibberd.

Hon. Mr. Taylor: I'm wondering, Mr. Chairman, if I could still have an answer to the question I asked a short while ago?

Mr. Chairman: What was the question, Mr. Taylor.

We've been so busy.

Hon. Mr. Taylor: I'm sure the Honourable Minister has the question.

Mr. Chairman: Would you repeat it please?

Hon. Mr. Taylor: If she so wishes, I could re-state it.

Mr. Chairman: If you would. What is the question, Mr. Taylor?

Hon. Mr. Taylor: I asked, Mr. Chairman, if it wouldn't be too much to ask, under Primary 21 in this Establishment, inasmuch as this is public monies, if I could be and the House could be provided with the list of the total monies paid by individual physicians, to individual physicians, I should say, for services rendered to date for this fiscal year and the last fiscal year, '75-76?

Mr. Chairman: Mrs. Whyard, so you wish to comment?

Hon. Mrs. Whyard: I don't have such a list, but I could inquire.

Mr. Chairman: Thank you.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: I thank the Honourable Minister for inquiring, but certainly there must be a list of monies paid and I'm wondering if she could give us the assurance that this information would be made available to the House.

Mr. Chairman: Mr. Taylor, I think that the Minister's already given you that assurance.

Hon. Mr. Taylor: Not as yet, Mr. Chairman. She said she would inquire. I'm asking her if she would provide this information to the House.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: I have no problem, Mr. Chairman; it's just I don't think that this Branch keeps records in that particular way. We pay for services rendered to thousands of patients each month and I would have to find out how much time it will take to compile that kind of a list, but I will get it.

Mr. Chairman: Thank you.
Clear on 525? For the second time. 526.

Hon. Mr. Taylor: This has been stood over, I believe, Mr. Chairman.

Mr. Chairman: Very well.
Yes, Mrs. Whyard.

Hon. Mrs. Whyard: If I could speak to that item. I did inquire at noon whether it would be possible for me to bring this information in immediately, in view of the

urgency the Honourable Member is giving this question, and I was informed that they are putting all these facts together for me as soon as possible. Roughly, if I could just give you this before the figures come in to me, roughly I believe we have paid out something like \$8,000.00 to date, for this particular Vote. There are still some outstanding accounts to be received, but I can give you an interim figure by probably later today.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Did the Member say \$80,000.00, or \$8,000.00?

Hon. Mrs. Whyard: Mr. Chairman, the Member said 'eight'.

Mr. Chairman: The Committee has advised the Chair it will be stood over and we will wait for that material.

We then go to 530, Administration. Do you wish to comment, Mrs. Whyard, before we go into debate?

Hon. Mrs. Whyard: No, Mr. Chairman, I had considered introducing the whole Department of Welfare with a philosophic statement at this time, but I find that I'm not in the mood.

Mr. Chairman: Clear on 530?
Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, there's an increase of four and a half man years in 530.

Mr. Chairman: Do you wish to comment, Mrs. Whyard?

Hon. Mrs. Whyard: For the entire 530, Administration, General, Mr. Chairman?

Sorry, I ask the indulgence of the House for a moment until I get myself organized for the Welfare Vote. We've been on Medical for two days now, and I'm really not oriented. Could I ask for just a moment or two, please?

Mr. Chairman: Mr. Lengerke, I think you had a comment?
Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, maybe it would be an advantage for the Minister to have a brief recess so that she can organize this thing.

Hon. Mrs. Whyard: It shouldn't be that much of a problem.

Mr. Chairman: I think the Minister would have advised the Chair of that if she wished.

Hon. Mrs. Whyard: I don't have the man year breakdown in front of me. Could Treasury assist, please?

Mr. Chairman: Mr. Williams?

Mr. Williams: Mr. Chairman, I do have a schedule, and there are a number of changes. I'll read through the

list that I've got.

There was .25 man years of clerical time eliminated at Mayo; there was a social service worker, one man year, added at Watson Lake; there was half a man year of clerical time added at Faro; one and a half clerical casual man years in Whitehorse were eliminated; two social workers have been added to the Metro Division; one field social services worker has been added; one special placements social worker has been added.

There is an allowance of one man year for an alcohol and drug worker, which I believe it's their intention to transfer that to the Alcohol Establishment, but there is an allowance of one man year for an alcohol and drug worker in that Establishment.

There has been an additional one man year of clerical time eliminated in Whitehorse, and then there have been miscellaneous adjustments totalling .75 man years, to some of the various part-time positions. All of those components account for the 4.5 man year total difference.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, was I correct in hearing that there is an additional social worker to be placed in the field, and if that's the case, where will it be?

Mr. Chairman: Mr. Williams?

Mr. Williams: Mr. Chairman, in addition to the social services worker in Watson Lake, there is an allowance for one field services worker, one man year. I'm sorry, I don't know where that position -- where that person will be stationed.

Mr. Chairman: Ms. Millard?

Ms. Millard: If I could inquire, what is the difference between a social service worker and a field services worker?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Field services worker?

Mr. Williams: Field Services Branch, I believe, or Division.

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

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: ... there is nothing in here, we have field supervisors on the highways, north and south, who supervise the work of the social workers in each of the areas and cover the ground in-between. I can't answer that question, Mr. Chairman.

Mr. Chairman: Mr. Williams?

Mr. Williams: Mr. Chairman, I think we're getting lost in terminologies.

It's my understanding that the social workers are divided into a number of divisions, one division for instance being Metro Services, and those are social workers which are -- who provide services to the people in

the Whitehorse area. Then there's a field services division, and I gather they are the social workers that provide social work, or social services, to people in the outlying areas.

Where that one person is being, specifically in which community that one field service worker is being added to, I don't know. I don't know if it's a person in Whitehorse who's going to be working in the outlying areas, or if it's a person that's going to be stationed in an outlying community. I'm sorry, I don't have that.

Ms. Millard: Well, Mr. Chairman, if I might suggest ...

Mr. Chairman: Ms. Millard?

Ms. Millard: ... I think it's fairly important, certainly it is to me, and perhaps if the Minister could bring back a breakdown of the man years and a way where we can expect some improvement in service.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I apologize, but I don't have all this before me at the moment, and I should have, and I do have it available.

I will have to bring it in, I'm sorry.

Mr. Chairman: Thank you.
Mr. Lengerke?

Mr. Lengerke: Thanks, Mr. Chairman, I was just wondering while the Honourable Minister is looking for that other information or will be getting it, I would like to know what the special placement worker will be doing. What does this involve, what is special placements?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: The special placements division deals with children who require being put in some kind of special facility. The special placement supervisor has a staff who deal with children who need to be put into group homes, be put into therapeutic group homes, to be put into the homes for handicapped children, in other words, needing special care other than straight foster home or adoption or institutional.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Supplementary to that, this is a new position, I understand, is that correct? Who was handling that in the past?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: No, Mr. Chairman, it's not a new position. We have a special placement supervisor who has been with us for some time, that position's been there.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I would find it a great assistance to us if we could have the breakdown of the

man year complement that was outlined to us just now by Mr. Williams. It would assist us a great deal in dealing with the administration.

Well, Mr. Chairman, why don't we just give the Honourable Member an opportunity to go get the material? Mr. Chairman, no offence is meant, it is just a suggestion.

Some Members: Agreed.

Mr. Chairman: As I've been doing all day, Mrs. Watson, I'll take it under advisement.

Ms. Millard?

Ms. Millard: Mr. Chairman, that's under advisement. If Committee agrees on something, don't we go ahead on it?

Mr. Chairman: I don't think the Committee's agreed on anything yet.

Ms. Millard: Several of us did say we agreed that perhaps the Member should have the opportunity -- the Minister should have the opportunity --

Mr. Chairman: It was a suggestion, Ms. Millard.

Ms. Millard: -- of getting her material.

Mr. Chairman: If that is the consensus of Committee?

Some Members: Agreed.

Mr. Chairman: I shall declare a brief recess.

(RECESS)

Mr. Chairman: I call this Committee to order.

Mrs. Whyard, are you prepared with your information?

Hon. Mrs. Whyard: Mr. Chairman, thank you, I do appreciate the time offered us by the Honourable Members. I now have two sets of everything. The set that was in my desk and the set my staff has hastily provided as well.

I apologize to Members for this delay.

One of the reasons that I do not have the usual material available is that ever since the appointment of the new director of Social Welfare last summer, there has been a reassessment ongoing of the Branch and its staff and their responsibilities, and its policies in general. The director has spent a considerable amount of time also examining our program and the needs for same. And he has done this in the following way: supervisory staff have examined their respective programs, discussed program requirements and submitted it in reports. The focus here was to maintain an adequate level of service, not enhancement or enrichment, but in each instance, additional staff was requested.

Field staff have been involved in a number of meetings regarding programs and improvement in service. Most of their requests were unable to be met within existing staffing arrangements.

The Director travelled with a highway worker as he visited his caseload and subsequently met with workers

who serviced the outlying communities such as Dawson City, Mayo, Faro and Watson Lake. The Director and his appropriate supervisors have met with personnel for health, RCMP, education, and local residents in outlying communities and in Whitehorse. The focus in each of these discussions has been social service requirements in these communities.

Caseload statistics have been thoroughly examined for the first time in some years.

The Administrative Officer has completed an audit on the administrative office staff, and has examined the staffing requirements in the lodges. So all this ongoing assessment and study has resulted in transfers of positions from one area to another, in reclassifications from one job to another, in a change in emphasis, in some cases from one program to another, all within the branch.

This conflicted, I must say, with the requirements, the times and deadlines of requirements for the subcommittee on finance, when you final submissions for additional man years and costs must be in for approval for this budget.

There were still some complications between the Public Service Commission and this Branch in staff transfers. I don't need to bother you with all these details, but I am offering this as an explanation of why we may not have the normal figures and support information which has been provided in budgets before for this particular area. We have the information, and we can tell you where the dollars are going, it's just that it is in a different form this year, and I hope that as an outcome of all this assessment and study and reassignment, you are going to find a social welfare branch which is doing its job more competently, and more economically, and more efficiently for all concerned.

Now, I think the questions we had earlier, and I may have misled the House, one question regarding special placements officer, and if I may, Mr. Chairman, I would like to read the description into the record?

Mr. Chairman: Please do, Mrs. Whyard.

Hon. Mrs. Whyard: The special placements staff,

"This Department carries responsibility for recruiting intake, assessment, placement, probation, supervision and finalization of all adoptions in the Whitehorse area, and recruiting, placement and finalization of all adoptions in the Yukon Territory.

"Recruiting intake processing, referrals for placement, closure and supervision between placement of all foster homes in the Whitehorse area. Supervision of children in care in all special resources in and out of the Territory, of children waiting for adoption placement, of children in group homes in Whitehorse and of area children placed in Wolf Creek. Supervision of group homes in Whitehorse, overall administration of the Social Welfare Branch group homes in the Territory and processing of all referrals for children in care requiring placement."

There was another question, Mr. Chairman, regarding services, a field services worker. The field services department is the most difficult to organize in our branch because of geographical spread. Service is provided from offices in Dawson City, Faro, Mayo and Watson Lake. The Haines Junction office is unmanned,

but is used by the visiting north highway worker. The north and south highway communities are served by the two workers from the Whitehorse office. All workers carry generic caseloads.

The additional field service staff position we were discussing would be a senior worker with caseload responsibility on the north highway, the area of Carmacks, and would also be expected to be responsible for service in area offices when workers are on vacation or the positions are unfilled. And I needn't remind the Honourable Members of the problems we've had in the last six months, trying to recruit replacement for workers in Mayo and Dawson, and this problem is recurring annually in all these areas.

The hiring of this worker will allow us to develop a plan to man the Haines Junction office from within existing staff. And this worker would also act for the supervisor in his absence.

Mr. Chairman, I have also available here for Honourable Members a reply to a question from the member from Kluane. A breakdown, it's a very rough figure breakdown, but if you care to see these, these are the figures for the actual man years in 536 and 530.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, while Members are receiving that breakdown, perhaps I could ask Mr. Williams to explain how we show an overall reduction in staff in this Branch, but in this breakdown we have actually an increase. This is something that only Treasury can explain, Mr. Chairman.

Mr. Chairman: Mr. Williams.

Mr. Williams: Mr. Chairman, for the Welfare Branch as a whole there's been a net decrease of man years, about six and a half man years. Within Establishment 530, there is an increase of four and a half man years and the accounting for that increase is on a list which has just been distributed. Within Establishment 536, there has been a net decrease of eleven man years and once again, the accounting for that decrease has just been distributed.

So, even though there is an increase of four and a half man years in Establishment 530, that is more than offset by a decrease of eleven man years in Establishment 536, meaning that the Welfare Branch as a whole has a decrease of man years of six and a half.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, could we have some explanation of the \$20,000.00 in Primary 62?

Mr. Chairman: Mr. Williams?

Mr. Williams: Mr. Chairman, the charges under Primary 62 are internal pool car charges. In previous years, pool car charges were never broken out separately, they were usually lumped in with Primary 30, or in some cases in with Primary -- I can't recall the other Primary, but some Departments used a primary other than Primary 30, so throughout the budget for this year, we've identified pool car charges separately. So that \$20,000.00 represents what the Welfare Department is

going to be charged for the pool cars which they use.

Mr. Chairman: Ms. Millard?

Ms. Millard: Also, if I could have a comment on Primary 31, Transportation of Non-Government Employees. I would be given to understand that that is also transportation for wards, and it would seem very low to me.

Mr. Chairman: Mr. Williams?

Mr. Williams: Mr. Chairman, the travel related to wards will appear in other Establishments. This \$2,000.00 is an allowance made for costs incurred when interviewing applicants for group home parent job, and this sort of thing, so the travel expenses in relation to wards will appear elsewhere in the various Establishments which are to follow.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. Even though there has been a decrease, a net decrease of six and a half man years, there actually has been an increase of four and a half man years in the administration side of this Vote.

Now, the Minister was telling us that there has been some shuffling of positions, reassessment of the operation of the Department, and I think the question comes to mind, is there a justification by the work load for such a large increase in manpower?

I can understand two man years as a result of re-shuffling or a reassessment, but four and a half, really does require some justification in the work load that's before the Department.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the Honourable Member is not asking for justification of decreases. Nobody seems to even be interested in how we manage to do that, but if you would like a justification for the increases, my Director presented the following justification:

In the Metro Services area, three positions, field services one and special placements one. The Metro Services is the most complex department providing service to more than half the branch clientele. Existing workers carried mix case loads consisting of child welfare, social assistance, family service and protection. They also are mainly responsible for the intake service and the emergency after-hours service.

Present work loads allow for a less than adequate level of service and do not permit the opportunity to stress prevention or rehabilitation.

As a result, staff morale may become extremely low.

The additional staff would be used to create a team approach to service and would specialize in three areas. Back to work programs for selected clients, clients chronically dependent upon social assistance, and youth.

The team leader would be a senior worker who, in addition to team and caseload responsibilities, would act for the Metro Supervisor.

Mr. Chairman, when this matter was being discussed

prior to being placed within the Budget, we were told that there is an average caseload of 100 or more for the Metro worker, who cannot possibly give first line service to that number of clients. I cannot really acknowledge that we are increasing by that many man years in this area. A number of these positions have been transfers and reclassifications. They are not a total number of new bodies working in the social welfare branch.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, just for diversion, if the Minister is looking for criticism of decreases, it will happen when we get to MacDonald Lodge.

Under 530 however, I was led to believe when we were talking about alcoholism services that in Dawson there would be not only be an alcohol and drug worker, but as well as social service worker. I don't see that listed under 530.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, that is quite correct. There will be an alcohol community worker. There is also a social worker in Dawson, plus the clerical assistance.

Mr. Chairman: Ms. Millard?

Ms. Millard: Does this mean that the alcoholism worker will be viewed as a social service worker then?

Hon. Mrs. Whyard: No, Mr. Chairman, that's another classification. We are trying a new approach to be called a community worker under our alcoholism and welfare branches jointly.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Well, Mr. Chairman, from the remarks that the Minister has made, there actually has not been a total increase in the caseload that the welfare branch is now carrying in the Yukon Territory, in numbers, in caseloads, there hasn't been an increase. You are not requiring workers, individually to carry as many caseloads. Am I correct?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, that is the point. In order to decrease the case load for workers, we require the additional staff.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, but I had hoped, when we went into the alcohol and drug problem, and we voted considerable money in that area, that that to some degree would take off the pressure and some of the work load that formerly had been carried by the Welfare Branch.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I don't know how I can comment on the Honourable Member's hope. Obviously, not all people with alcohol problems were on our case load before.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Why would we have an alcohol and drug worker within the administration of the Welfare Branch? Why would they not be in the alcohol program?

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, because this is a combined community position, working under the Social Welfare Branch and the alcohol and drug section. They are going to be working, not just as an alcohol counsellor and alcohol program instructor, but also in community areas. This is a new approach, admittedly, Mr. Chairman, and the Honourable Member from Ogilvie has had quite a few discussions on the subject with the administrator of this program.

We agreed that it was worth a try. It's a coordinated effort, utilizing two branches of the same department, to work with people in one community.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, in those many discussions with the people involved in this, the people in Dawson were led to believe, first of all, that there was going to be an activities coordinator associated with the MacDonald Lodge. It was even advertised for.

Then we were led to believe that there would be a full time alcoholism worker and a full time social service worker, who would be doing geriatric work and community work.

Now, we are being told that there is an alcohol and drug worker under the Welfare Vote, who will also be doing social service work. In other words, we have a half a man year for alcoholism worker, a half a man year for social service worker, presumably, both being in the same person, and nothing for an activities coordinator for the geriatric problem in Dawson. It's been shuffled off into a corner and forgotten about, and I'm really concerned about the position of the activities coordinator in the MacDonald Lodge that's not being filled.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: The subject, Mr. Chairman, was not shuffled off into a corner and forgotten about. In the past year, we have recruited, first of all we established the position of Geriatric Supervisor, which there had never been before in the Branch. We then added a special geriatrics worker, and in recent months, we have added the community worker for the senior citizens' lodges, and if the Honourable Member were in Dawson City this week, she would be seeing that person in Dawson, because that's where the worker is at the moment, together with the Geriatric Supervisor. That

position has been filled, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Well, Mr. Chairman, there were two positions advertised; one for Whitehorse, who was to supervise the activities coordinator in Dawson. There was supposed to be two positions, one has been hired for Whitehorse. He happens to be, at the moment, traveling to Dawson, but I don't think any community worker can deal with Dawson from Whitehorse.

If we can be assured even, that this person in Dawson, who presumably is going to be half alcoholism worker, half social service worker, will at least be attending to some of the geriatric problems in Dawson.

Hon. Mrs. Whyard: Mr. Chairman --

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: -- I don't know if the senior citizens in Dawson require the position of an alcohol counsellor, perhaps the Honourable Member does.

I'm at a loss here, because if I must say so, Mr. Chairman, quite frankly, that position was advertised in Dawson, and there were no applications. We had a great deal of difficulty in filling positions for Dawson from any applicants in Dawson. There was a great lack of interest in doing such work by local people, and that is one reason we had to look elsewhere.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I beg to differ, because there were applications put in. They were told that the position was done away with and it was not proceeded with.

There were certainly applications, and there was definitely people in Dawson who were led to believe by yourself in Dawson in a public meeting, or semi-public meeting, because some people were not admitted to that meeting, but an activities coordinator for the MacDonald Lodge would be hired.

Now the position has disappeared into the woodwork somewhere, and all I can see in return is an alcoholism worker, which we need, there is no question - I don't know if the Minister said that maybe I needed one personally, but I don't think that she meant that at all. I will ignore that completely, but I know that Dawson certainly needs an alcoholism worker full time, and I've been in long discussions with the Director of the Alcoholism Services over this.

But as well, if all we're going to get is an alcoholism worker, I would really feel that Dawson needs some assurance at this time that the positions that have been shuffled into the corner are going to be at least worked upon by this person, and in the alcoholism vote, I was led to believe there was going to be another person in that office called a social service worker, who was also going to be working on other problems.

It doesn't look that way, but I would certainly go with some assurance that at least the alcoholism worker will be half time, and the other half will be dealing with the general problems in Dawson, because they're just as important.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would really have welcomed the Honourable Member's assistance while we tried to convince the Public Service Commissioner that we needed a full man year for some of those jobs, and that is the final crunch.

I am not placing any blame at that door, it's up to us to repair our case and to make it convincing enough to get the man year approval.

I would like to make one correction, Mr. Chairman. I am positive that I have never promised a full time community coordinator worker out at the lodge in Dawson City. I did say I would do my very best to ensure that the positions which were removed from the lodge in Dawson, would be filled for other worthwhile community purposes, and we have attempted to do that, to the very best of our ability.

There are, as the Honourable Member knows, several positions resulting now from those transfers. The thing I did hope for was a community service position which would utilize the facilities in that lodge, in that very well equipped kitchen, for some kind of Meals-on-Wheels and home care in outgoing community projects, and we are certainly actively concerned in that area, and I hope within a very few weeks or months, Mr. Chairman, that system will be in operation, but you do not require a full man year in order to implement some of those programs.

You use the resources that are already there in the community, your social service worker, and your social worker and your alcohol community worker. So, Mr. Chairman, with respect, we are trying very hard to give good service to Dawson City in the areas in which they asked for it, and I would ask for the Honourable Member's indulgence until we get this system underway.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, my not criticism, but my comments are certainly going to be contrary to the ones of the Honourable Member from Ogilvie. I have a sneaking suspicion that we are gradually being over social serviced. I can't get clarified in my own mind how many social or social service workers we do have in Dawson. For the number of people in Dawson, they've got health, they've got geriatric workers, community workers we hear talk about, we hear alcohol and drug workers and geriatric workers and social service workers.

I am quite confused and I have a sneaking suspicion we're getting a little heavy on the social service of worker type of program. Because our alcohol and drug abuse program actually is a social service type of program and we have \$101,000.00 in there for personnel. Some of that personnel, of course, are required here in town, but then you have your field people. And then we find today, without any clear justification in the work load or of any new program, that we're getting another four and a half man years.

And I, actually I don't know where to direct my criticism, but I just feel that this thing is beginning to grow a little like Topsy and that we'd better get a handle on it.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I understand the Honourable Member's concern. I will bring in a list of where everybody works in the social welfare branch so that Members will be able to see how many staff are located where. I think that is certainly a reasonable request, but I would still like to point out, Mr. Chairman, to all Honourable Members, there is an overall staff reduction in this Branch and we cannot be accused of increasing our man years.

Mrs. Watson: Mr. Chairman, but there is a reduction in services. When you reduce staff you reduce services, by eleven man years. So when you reduce a specific service, such as in the lodge, senior citizen home, you're not reducing staff in the existing service, you're increasing staff in your existing service.

Mr. Chairman: Clear on 530?

Some Members: Clear.

Mrs. Watson: Mr. Chairman, no. I would ask to stand this over until the Minister has an opportunity, she really hasn't had that much of an opportunity to bring forward the total picture of the social services program.

Mr. Chairman: Is that the Committee's wish, that we stand over 530?

Some Members: Agreed.

Mr. Chairman: Before we go on to the next item, I was asked to make a ruling on a procedural matter this morning. If there is consensus of Committee, I would like to give you this ruling at this point.

Some Members: Agreed.

Mr. Chairman: As Honourable Members know, a point of order was raised this morning in relation to Bill 101 "An Ordinance to Amend the Medical Profession Ordinance."

Mr. Hibberd submitted, and I quote from today's Hansard, "That the matter is now before the public Board of Inquiry, was previously subject to a Board of Inquiry; that the matter should not be discussed in the public forum at this time." and moved a motion that "Bill 101 be not further considered."

Mr. Hibberd claimed this motion was a procedural motion and was not subject to debate. Mr. Taylor, then, on a point of order, said the motion was out of order and presented arguments in support of the fact that Bill 101 was not subject to *sub judice* rules of this House.

I do not agree with all the Honourable Members' arguments, particularly in the comparison of the Board of Inquiry to a Royal Commission and in stating that the motion that Mr. Hibberd was out of order.

It appears that two questions were, in fact, raised during the Committee's consideration of Bill 191: One, the question of *sub judice*; two, the question of procedural acceptability of the motion "that the Bill be not further considered."

In respect to the *sub judice* question, I quote from

Erskine, May, (19th Edition, Page 427,) which states:

"Matters awaiting the adjudication of a court of law, should not be brought forward in debate, subject to the right of the House and further, Erskine, May on Page 368 says:

"That a matter awaiting, or under adjudication by a court of law should not be brought before the House by a Motion....but this rule is subject to the right of the House to legislate on any matter," meaning that the *sub judice* convention does not apply to Bills. The right of Parliament to legislate must not be limited.

Mr. Speaker Lamoureux, on October 4th, 1971, (House of Commons Journals, Page 847-48) stated, and I quote:

"A bill is legislation, and the *sub judice* rule should not apply so as to prevent discussion of the Bill or an amendment to the Bill, or any proceedings under that Bill at the present time."

I also submit, that it is my opinion that the Board of Inquiry established under the Medical Profession Ordinance, is not a course of law, but merely an advisory body to the Commissioner, and I quote the Medical Profession Ordinance, Section 16, sub (7):

"A Board of Inquiry shall, after investigation of a complaint, pursuant to this Section, make a finding and shall immediately reports its finding to the Commissioner."

For these reasons, I say that Bill 101 is not subject to the *sub judice* rule and is therefore quite in order.

Mr. Hibberd's Motion is also in order. Beauchesne defines a "dilatatory Motion" as one "designed to dispose of the original question, either for the time being or permanently."

The question of whether this Motion is debatable or not, is answered by the Parliamentary Law of Erskine, May, and I quote (19th Edition, Page 627 - 28):

"A Motion, that the Committee do not proceed (or proceed further) with the consideration of a Bill, is debatable, but may not be amended." Parliamentary law is practiced by legislators for the prime purpose of not being obstructive, but to allow every opportunity for freedom of expression by all Members. This is an accepted democratic process.

My ruling is that Bill 101 is in order, and that Mr. Hibberd's Motion is also in order. Therefore, I will read the Motion from the Chair, and entertain debate thereon before putting the question on Mr. Hibberd's Motion.

Further reading of the Clauses of Bill 101 will depend on the result of the vote on the Motion.

It was moved by Mr. Hibberd and seconded by Mr. Berger, that Bill Number 101 be not considered further. Mr. Taylor?

Hon. Mr. Taylor: Thank you, Mr. Chairman. Thank you for the work that has gone into your ruling in this matter.

The suggestion behind the proposing of the Motion this morning was, in fact, the mover, I believe, at that time did believe and felt that the matters contained in Bill 101, which are indeed very important as they in-

volve civil rights, were felt by him at that time to be sub judice.

We have since --

Mr. Chairman: Mr. Taylor, are you speaking on the Motion, or an observation as to my ruling?

Hon. Mrs. Taylor: I'm speaking on the Motion, Mr. Chairman. That was my understanding, for the reason given for proposing the Motion.

It has been clearly shown that in fact the Bill is quite in order, and ought to receive discussion, and I would ask, once again, the same courtesy that the House gave in the House state, of allowing me, through introduction and first reading, to permit this for discussion in Committee, to allow me that privilege to in fact discuss this matter at this point in Committee of the Whole, and I would ask for support of my position by rejecting this Motion, Mr. Chairman.

Mr. Chairman: Are you prepared for the question on the Motion?

Yes, Mr. Hibberd.

Mr. Hibberd: Mr. Speaker, in proposing the motion, it wasn't a question of whether this was sub judice or not. The problem is, to my mind, an ethical one. We have had a Board of Inquiry, there were findings made, there has been a good deal of publicity given to this, this is an ongoing thing, it's going to go through the whole process again. It's about in the third stage of the second inquiry now. All this is going on and anything that is said in this forum is undoubtedly going to be picked up by the media. It can't help but have some influence on those same witnesses that were there for the first inquiry, who are going to be there for the second inquiry.

I have no desire whatsoever to prohibit the Member from Watson Lake from limiting his privileges as a legislator here, but I would suggest to him that there is a more appropriate time for him to bring those things forward, not in midstream. We simply cannot change the rules in the middle of the game.

The amendment that he is proposing is a very, very major amendment and will receive a good deal of consideration and a good deal of debate will ensue.

I must be sure, Mr. Chairman, that nothing, absolutely nothing that can be construed as a harassment of a witness is ever flowing from this Chamber. That is my concern, that this should not proceed at this time.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Yes, Mr. Chairman. I wish to point out at this point in time, nothing is contemplated respecting harassment of witnesses and it was not my intention to have anything of this nature occur.

I would like to point out, though, that there is as yet no hearing. What has happened is that on March 3rd, of this year, the Supreme Court concluded and that was the only time this matter under the Public Health Ordinance or any matter under that Medical Profession Ordinance, I should say, was even under consideration. That hearing, essentially, was concluded by a judge's decision on March 3rd.

On March 4th, the Commissioner issued a press release, stating and I quote, "Commissioner Pearson said

that the new Board would be constituted as soon as possible. He said it will be up to the Board members to establish a date for the hearing."

Now, this gives reference to a new hearing forthcoming. It was then, following, when this matter was out of court, that I came to this House, Mr. Chairman, with Bill Number 101. And I received, through the courtesy of the House, Introduction and First Reading on the eighth day of March. It was given Second Reading by the House and referred to Committee of the Whole on the 9th day of March. Then following that, for some reason, on March 14th, another press release emanated from the Government of the Yukon Territory, which stated a new inquiry board has been named. The Board was appointed last Thursday, March 10th, by the Commissioner's Order, under the Medical Profession Ordinance. It will be up to the Board to decide when and where the inquiry is to be held and whether or not it will be conducted in public.

In fact, Mr. Chairman, I submit for the consideration of Committee, there is as yet no inquiry, because the Board, to my knowledge, has not yet decided when to hold an inquiry. And I would add that for the interest of Committee.

I would once again ask that this motion be defeated in order that I may bring before Committee the serious questions involving civil rights in the Ordinance.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman. I share the Honourable Member's concern that every consideration should be given to his request. I mentioned this morning that I would like to bring before him again, Mr. Chairman, the fact that I went through exactly the same painful process a year ago when members, after a first and second reading of a Bill, after it had been introduced for study in Committee, immediately rose and moved that the Bill should die in Committee, over my objections.

It was moved and seconded and, Mr. Chairman, strangely enough, as I examine the records, there was never any vote called on that question. I think we still have the hotel and motel room tax before us, if I'd like to go to court and get a decision on this. There was never any vote called on the question, but it was reported by the Chairman that the Bill should die in Committee and it was moved and seconded and the Chairman then proceeded to the next matter of business without calling any vote. And when reporting to the Speaker at the close of the day, it was reported that it had been moved and seconded that the Bill die in Committee, and that's all that even happened.

Mr. Chairman, that is beside the point. The point I am making is that I know exactly how frustrated I felt when there was not even a reading of the Bill, no discussion of the Bill. I felt then, and I'm sure the Honourable Member from Watson Lake feels now, that this is an unfair procedure, even if it is legal and Parliamentary. You would expect at least to read the thing, and then defeat it if you're opposed to it, and that's the way I'm feeling today, despite the fact that I have no intention of approving what the Honourable Member is proposing in his legislation, I cannot at one time object to having this procedure applied to me, and then on the other hand, applying it to another Member. I could not do that, Mr.

Chairman, I would be hypocritical in doing so.

I'm afraid that we must accept what is before us, and at least read and study the clauses before we express our opinion on whether or not we wish to entertain them, and Mr. Chairman, I have to rise to say that at this time.

Mr. Chairman: Thank you, Mrs. Whyard. Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I just wanted to make one remark on the matters raised by the Honourable Member from Whitehorse West, and that the two situations that she alludes to, this one and the one in which she was personally involved, bear no relationship, inasmuch as in this situation we have an involvement, we have an involvement affecting Section 2 (e) of the Canadian Bill of Rights.

This is a matter of civil liberties, and I would ask, once again, that the House reject this Motion in order that Committee can listen and debate a matter of such seriousness.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, my concern is for the same thing. The witnesses also have civil liberties, and that is where my concern is.

I submit to this Committee, that there was harassment of witnesses in the prior hearing, and I would submit that I do not want to have that happen again.

I would also submit that the findings of the judgement at that time, on eleven counts of appeal, ten were turned down. Only one was accepted, and I would quote from what the judge said:

"Had I the jurisdiction to send the matter back to the Board for re-hearing, I would do so."

In other words, Mr. Chairman, he did consider the one point in the appeal was valid. He also felt that the Board had addressed itself properly to the problem, and had dealt with it in a proper manner, and he felt that the Board was competent to do so, and if he had been able to do so, he would have referred it back to that Committee.

It is therefore, Mr. Chairman, I would submit, still in the same process.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I think again at this point, I would like to say something I have tried to state throughout any debate on this matter. It is not my intention, and was not my intention to debate the matters raised now by the Honourable Member from Whitehorse South Centre.

I am debating a point in law, which bears no relationship whatsoever to the last hearing, but could have some effect on any future hearings involving anybody. I'm not making any reference to anything that happened at this last hearing, it is not my intention to discuss that subject at all, and it just keeps coming up here somehow.

If that is to be debated, certainly I would be more than pleased to debate it, but I don't feel it should be, because it bears no relationship to this Bill. This Bill involves

itself around civil liberties. I know of no way that this was ever infringed upon at the last hearing. If it had, it hasn't been brought to my attention. So it bears no relationship at all.

I have reviewed the Ordinances, I have found an inconsistency, I've found something on our law books that ought not to be there. I am trying to bring it to the attention of my fellow colleagues and legislators, so that you may judge, and if you feel, after my presentation, that I haven't made a sound enough argument, then it is your duty to reject it.

If you feel alternately that my proposals are sound, reasonable, rational, and in fact we have something on the law books in the Yukon Territory that ought not to be there, then perhaps I will find the support in giving third reading to this Bill.

But by the Gods of war, Mr. Chairman, certainly if we are to be legislators, we must have the opportunity of hearing this one out, especially in the case of civil liberties.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if the Chairman could read the Motion.

Mr. Chairman: Yes, I will.

I would like to ask Committee, before I read Motion -- call the Vote, if they would do it by show of hands, so that we may record it.

Mr. Fleming?

Mr. Fleming: Mr. Chairman, before you do, I would like to know just what I'm going to be voting on, whether it's going to be that Motion, or whether it's the Motion --

Mr. Chairman: I'm going to read the Motion now.

Mr. Fleming: I hope so.

Mr. Chairman: Everybody seems to be in a hurry, all of a sudden.

It was moved by Mr. Hibberd, seconded by Mr. Berger, that Bill Number 101 be not considered further.

Mr. Chairman: All those in favour of the motion? Those against? Motion is defeated.

(Motion defeated)

Mr. Chairman: While we are on the subject, I'd like you to go into the reading, clause by clause, of Bill 101. Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, could I ask that the Legal Advisor of the Y.T.G. be present at the reading of this Bill? I'll have some questions to ask him.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: Very well. We'll have a few minutes recess while we wait for the Legal Advisor.

(Recess)

Mr. Chairman: I call this Committee to order. We have with us the Legal Advisor.

I will now go on with the reading, clause by clause, of Bill 101.

(Reads Clause 1)

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would like, you know, at the outset to perhaps clear up one matter and one Member has, well, more than one Member now, has alluded to the fact or to the suggestion, I should say, that the Bill is designed to correct a situation arising from a Board of Inquiry that was held recently under this Ordinance. And I wish to assure the House at this time, Mr. Chairman, that I have no knowledge of any discrepancy or deficiency in relation to that particular hearing with respect to its procedure on receiving evidence.

I did, however, review the Ordinance and spotted the offensive passage contained in Section 17 which could, if it remained in the Ordinance, result in an injustice, Mr. Chairman, to any respondent before the Board in the future.

The section, as it stands, would for instance allow the admission of hearsay evidence in the proceedings. The Section 17(1) states: "A Board of Inquiry appointed pursuant to Section 16 may make rules and regulations under which the inquiry is to be held and has power...", and we'll go down to Section (e), "to receive and accept such evidence and information on oath, affidavit or otherwise as, in its discretion, it sees fit, whether admissible in a court of law or not. And the Board may refuse to accept any evidence that is not presented in the form or at the time required."

This is what I found when I reviewed the Ordinance. If you look at the existing section, it's clear that hearsay is quite admissible. The amendment that I propose ensures that the Board of Inquiry, in receiving and accepting evidence and information, must do so in a manner similar to proceedings in a court of civil jurisdiction. And that phrase, "a court of civil jurisdiction", I have extracted from the Public Inquiries Ordinance, which speaks of a court of record in civil cases.

It is important that we understand, Mr. Chairman, that Boards of Inquiry, like government licensing boards, are in fact quasi judicial boards and they possess, I think, far too broad powers, because of the consequence of their findings.

The decisions reached by these Boards can have far-reaching effect and impact both on companies and individuals who are considered, I suppose, to be respondents before these Boards.

For instance, in the case of Criminal Court proceedings, penalties are levied. You get a fine. You might be incarcerated for sixty days, but unless the crime is of such severity, there's very, very little likelihood that the court would take away your livelihood, you would simply pay your fine or, perhaps, be incarcerated for thirty or sixty days or whatever, and you would be back enjoying the rights of your livelihood.

Now, this is in a court with criminal proceedings. In courts of civil proceedings, perhaps in a law suit, you can lose money, lots of money. You can lose your house. But the courts, in civil courts, do not as a rule have the power to take away your right to a livelihood.

A licencing board has a right to take away your rights to a livelihood. This is a power, this is a great power. And the board that we speak of here does the same thing. It involves itself with the lifting of licences which could, irrespective of who stands before it, could take away that licence. All right. You know, the weight of the penalties resulting from these decisions, the suspension or the refusal of this licence, could have far-reaching effects.

It's therefore my submission and the reason behind me bringing this Bill down, that we've got to ensure that the Boards, and this is just one of money, but at least this Board, when it hears evidence, must do so with procedural fairness.

When I say procedural fairness, Mr. Chairman, I mean conducive to the manner and procedure evidence is given in a court, a civil court, and a civil court, I do not believe, would permit hearsay. I have never known, in the record of British justice, that this has ever been permitted.

It's our duty, I submit, Mr. Chairman, as legislators, it's our duty, when considering laws such as this for the people of the Territory, that we guarantee such procedural fairness.

I said it earlier, Mr. Chairman, that a citizen of Canada has certain rights, and I would draw the attention of Committee, Mr. Chairman, to Section 2(e) of the Canadian Bill of Rights, and it provides that no law of Canada shall be deemed to deprive a person of the right to a fair hearing, in accordance with the principles of fundamental justice for the determination of his rights and obligations.

It is, then, Mr. Chairman, our duty to ensure that these rights are protected. This is a fundamental requirement, which is already generally recognized in the public laws of Canada.

In the new Constitutional Bill of Rights, it might well be placed in association with the fundamental rights to life, liberty and property. That's the important Bill, and the Bill makes no allegations of any wrongdoings in relation to any former boards -- if it, I certainly have no knowledge of such wrongdoings, if that be the case. And I would be amazed to find that the government would be opposed to this Bill for any reason, because the Bill does provide for fair practices.

I note in the Province of Saskatchewan, under their Medical Profession Act, they state:

"Except as may be otherwise provided in this Act, the Rules of Evidence for the inquiry, and the proceedings and penalties in the case of disobedience to any of the Writs mentioned in sub-section (4), shall be the same as in civil cases in the Court of Queen's Bench."

And I looked up Ontario, and there they make it permissive; they don't make it mandatory. They say in Ontario that the hearings of the Committee or Commission:

"... shall follow such procedure as the Chairman considers most conducive to the proper acceptance of the facts, and the determination of the charge made or subject matter of the inquiry, and may be in accordance with the practice and procedure followed in the trial of a civil action in a court."

So it's my submission, Mr. Chairman, that we ought not to allow, on the books, Section 17(1)(e) as it now sits, but that we accept the proposal contained in this Private Member's Bill, in order to ensure and safeguard the

rights of anyone coming before this Board by saying, and what we're saying is here that the Board still has the right to decide what it will receive and accept as evidence, but what it does say is that when it does receive evidence it must practice the proceedings followed in a court of record in civil cases, and I would be interested in hearing what remarks other Members may have on this Bill, Mr. Chairman, and I thank you.

Mr. Chairman: Thank you.
Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I have two questions to Mr. Legal Advisor. The first one would be why does the present Section 17(1)(e) read as it now does, and was it put in the present Medical Professions Ordinance for a specific reason?

And my second question, following that, Mr. Chairman, would be what difference to a Board of Inquiry held under the Medical Professions Ordinance will the proposed amendment have?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman, it was put in for a reason. The reason is because the Board would be composed of laymen and not lawyers, and it's up to them to decide on the weight to be given to any evidence, and they should not be governed entirely by the technicalities of the admissibility and — of this, and the admissibility of that.

Opinion evidence, copies of documents, as the Honourable Member says, reasonable hearsay evidence, would be admissible in this type of inquiry. For example, in a court of law, it's not admissible evidence to produce a newspaper showing that an earthquake took place; to prove that an earthquake took place, you must call factual evidence, perhaps engineering evidence, that in fact an earthquake took place.

In an inquiry, it's sufficient to raise the issue, unless denied by the production of a newspaper, of a public event, that that event did, in fact, take place. And it leaves it open to a host of technicalities, on appeal. It also leads to a tremendous worry on the part of the Members of the Board if they're tied down by the precise rules which nobody can ever say what they are, of a court of record in a civil case.

The law books are six feet high with cases as to what is admissible and what is not admissible, and counter to what one of the Honourable Members said a minute ago that hearsay evidence is not admitted in a civil case or a criminal case, there are perhaps 13 main heads of exception which permit hearsay evidence to be admissible, so that perhaps 25 per cent of all the evidence which is admitted in a court is, in fact, hearsay evidence of one sort or another, right down to copies of certain types of documents, but not copies of others. A copy of a letter is admissible although it's hearsay when the original is not capable of being produced.

But in order to make an office, a government office copy admissible, it must be proved in court what happened to the original, which may or may not be lost, which may or may not be available, and it may require a special witness for that purpose alone.

It's not enough for somebody to say, such and such a doctor is licensed, and then it's taken by the Board that

he is licensed unless the person denies it. In a court of law, somebody must bring in the licence and prove it, or somebody must say it from records.

So that the potential, not the act but the potential, cost is inflated by the requirement to call technical witnesses on a number of items, plus the inquiry would last longer, plus the doctors who would be composing this Board would be reluctant to sit.

The history of inquiries in Canada took a marked turn by the publication of the Royal Commission on Human Rights, published in Ontario, which was chaired over by Chief Justice McRuer, and all of the — Volume III, Volume IV, is completely taken up by discussion in that of what rights a citizen should have under natural justice in an inquiry.

The doctrines laid down have been followed by this government, at least since I came and probably before it, that in setting up any Board of Inquiry and giving it powers, the recommendations of the McRuer Report should be followed, and in every case they have been followed. What Chief Justice McRuer laid down as the criterion is this: That the total inquiry must be fair in that the person who is summoned before it must be given a clear notice of what the inquiry is about, and then must be given full opportunity, either by cross-examining witnesses or having counsel at his side, of being able to call contradictory evidence to refute the allegations which are made.

Now, that's what you call the rules of natural justice, and the rules of natural justice have very little to do with what's done in a court of record. You know, the Law Reform of Canada has gone on record as opposing the present Rules of Evidence, and has made a wide slate of recommendations to improve the Rules of Evidence which are now, to some extent, strangling the operation of the courts and making the proceedings extraordinarily lengthy, and it's for this reason that this section was drafted in the manner it has been.

Now, what precisely was the second question?

Hon. Mr. McKinnon: I think perhaps it was partially answered, or maybe even fully answered, by the Legal Advisor's explanation of the first question.

My follow-up question was, what difference to a Board of Inquiry held under the Medical Professions Ordinance will such a proposed amendment as we have in front of us do?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: It's liable to make the inquiry longer, it's liable to result in the calling of extra witnesses, it's likely to make the doctors timid who are sitting on the Board, in any approach to decision-making in the everyday hearings when they have counsel before them, jumping up and down saying I object to this, I object to that, and there's a law case here and there's a law case there, that you can't admit this.

Whereas, under the present section, what they can do is use the rules of justice and common sense to guide them, and then fairness is enough.

Now, these are the results of the inquiry, plus one major one, is that if the doctors, who are sitting on these Boards, become aware that they must go precisely according to the rules of the High Court, of a Supreme Court in the Territory, then it may be extremely dif-

ficult to find any doctor who will sit on such a board.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I listened with some interest to the remarks made by the Legal Advisor. I just would like to point out that it is, I believe, unless Mr. Legal Advisor advises me otherwise, the very same person who is just advising us that instigates and terminates these hearings. Is this correct, Mr. Chairman?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I'm not sure what the question is, but my instinct suggests that I answer the word 'no'.

Hon. Mrs. Whyard: Mr. Chairman?

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

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: In considering this, this is the case, this is the advice we're getting. He has stated that the Board are not lawyers. Well, neither is the Public Licensing Board, and the P.S.V. Boards and all these other Boards; they're not laymen either, but they do possess powers, powers far in excess of many of the courts of the land.

Now, when a Board such as we suggest here in Bill 101 is convened and hears evidence, certainly there are lawyers present. The last time that this Board sat, it had a lawyer of its own, on behalf of the Government, or on behalf of the Board, I'm not sure which, but it had its lawyer, and the defendant had his lawyer, and the lawyers were there, and I'm sure as long as they are bound to follow the Rules of Evidence as given in a court that between the two of them they will restrict their evidence to only those things which ought to be presented in the manner that they should be presented to any hearing. Particularly in the point of hearsay.

Now, Mr. Legal Advisor has suggested that there are 13 situations where hearsay may be permissible. Well, if that be the case, Mr. Chairman, by accepting this amendment at least we'd restrict the possibility of hearsay being introduced into evidence to 13 areas, rather than leaving this broad spectrum available to anybody who wanted to introduce hearsay into a Board hearing such an important matter, affecting a person's life, lifetime and livelihood.

I can't see anything in the arguments raised. If, as Mr. Legal Advisor says, it may make the doctors timid, I can't buy that argument. I don't think you put civil rights up because somebody might be timid who might otherwise sit on a Board.

I'm thinking of the person who is before this Board; I'm thinking of his rights, and I think that we ought to think about those rights, and that's why this Bill is before us.

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: And one thing, the drafting of this Ordinance was done before consultation with the Yukon Medical Association. But they were closely con-

cerned with the draft and, prior to presentation of this original Bill, I think perhaps a year ago, to the House, it was discussed in detail with the YMA who were the protagonists of the Bill, and the doctors were -- this makes it tough on a doctor. Well, then, so far as the YMA is concerned, so be it. They're asking for tough regulations to govern the conduct of doctors, and they deserve some praise for making it tough on themselves.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I attempted to rise earlier to clarify for the Honourable Members the misunderstanding that has been left here. The Legal Advisor of this government does not instigate Boards of Inquiries. The Boards of Inquiries are appointed by the Commissioner upon the request of medical practitioners as laid down in the Ordinance, which was approved by the Honourable Members, and there is no way that this should be imputed to a member of this government's staff.

Mr. Chairman, I think we have all heard an explanation from the Legal Advisor that every consideration is given to the rights of any individual appearing before this Board. That the recommendations McRuer Study and Commission are always followed without exception. I have nothing to worry about regarding human rights of any individual appearing before the Board as it is established now under our Ordinance. And, Mr. Chairman, I cannot accept any suggestion that the rules should be changed when a Board has already been constituted under the terms of the present Ordinance. It should be allowed to carry out its commitments as it was instructed to do. And, Mr. Chairman, I would move this Bill die in Committee.

Mr. Chairman: Secunder to your motion, Mrs. Whyard?

Hon. Mrs. Whyard: I have a seconder, Mr. Chairman.

Mrs. Watson: Mr. Chairman, I just hope we're not getting into another procedural wrangle.

Mr. Chairman: Are you speaking on a point of order, Mr. Taylor?

Hon. Mr. Taylor: No, Mr. Chairman, I'm debating. A motion was proposed and there was no seconder.

Mr. Hibberd: Point of order. It doesn't require a seconder on a motion in Committee, Mr. Chairman.

Hon. Mr. Taylor: Mr. Chairman, would you read the motion, and then we can debate it?

Mr. Chairman: I do not have it in writing, Mr. Taylor.

If Mrs. Whyard would care to put it in writing?

Hon. Mrs. Whyard: Mr. Chairman, I'm informed that other Members wish to participate in this debate and I will withdraw my motion in order to give them that opportunity.

Mr. Chairman: I appreciate that, Mrs. Whyard, if you have consent of seconder, whoever that was.
Okay, Mr. Taylor.

Hon. Mr. Taylor: Yes, Mr. Chairman, just in the question. I think we ought to make it abundantly clear, the Honourable Minister has stated that I am very discreditable, perhaps, or inferred that I was, by discrediting a member of the government when I suggested that the Legal Advisor instigated and terminated hearings such as we are discussing here in this Ordinance. And I will, I note that Justice Madison stated on the 3rd, in part of his decision, he mentions the fact that there was reference in Mr. O'Donoghue's evidence to his role in government in instigating and subsequently terminating previous inquiries. And I don't know who's right and who's wrong around here, but I don't think the Judge is very wrong. The Legal Advisor says no, he doesn't, the Minister says no, he doesn't, and the Judge says he does.

Now, this is the kind of information that does get me a little steamed up. And I was sent up here by the people of Watson Lake to first and foremost represent them in this House and I've been doing that since 1961, albeit at times I have been very unsuccessful on their behalf, and other times I have been successful; but my duty doesn't lie just with the people of Watson Lake. My duty lies with the people of Yukon Territory, from north to south, from east to west, as does each and every Member in this House.

Again, I say I cannot understand why motions, and I respect and I very much thank the Honourable Minister for withdrawing her motion which would effect closure in this matter, but I still can't understand why government wants the lid on this thing, and quick. I've got to be hitting a sore point somewhere. I'm talking civil liberties. The government doesn't agree that civil liberties are important here and I have yet to hear why. Why is government afraid of this Bill? Why are government afraid to allow a person before these Boards their rights, their civil rights granted them under an Act of Canada, the Canadian Bill of Rights? There is a direct relationship, but again, it's under the rug.

I would ask for support of a majority of Members in this matter, and if there's any questions that I can answer within my capability -- I am not a lawyer, I have done a lot of research on this question, but I'm not a lawyer and I can't sit and argue with Mr. O'Donoghue. But if it's necessary, I will attempt to argue with him and make my point in laymen's terms, as I am sure the Board Members --

Mr. Chairman: Order, Mr. Taylor.

Hon. Mr. Taylor: -- would be able to.

Mr. Chairman: Order, Mr. Taylor. The Legal Advisor is a witness here.

Hon. Mr. Taylor: Well, I wasn't suggesting he was, Mr. Chairman, but he has been asked to give, as a witness, give information here to the House and he has given it, and I am just stating quite factually, I'm not capable of dealing with the Legal Advisor. He's spent a lifetime in law.

But I do know the principles behind law, and that's why I'm arguing.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, in defence of Mr. Legal Advisor, the same judgement handed down by the judge in this case states:

"Nothing in this transcript persuades me to the conclusion that the Board was in any way tainted by any such bias...."

if there can be said to be any bias on the part of Mr. O'Donoghue.

Hon. Mr. Taylor: On a point of order, Mr. Chairman. Again, the Honourable Member raises, I'm not discussing anything about bias, I just --

Mr. Chairman: Order. Order, Mr. Taylor, order.

Hon. Mr. Taylor: Well, I have a point of order.

Mr. Chairman: You are recognized by the Chair.

Mr. Hibberd: The Member from Watson Lake --

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: -- is very concerned. He talks about Boards, he talks about livelihoods. He's quite eloquent, it sounds great, but you know, there's one thing in this profession that he seems to forget, and one thing that must be maintained above all else, and we're dealing with human life, and you don't talk about a Board, you don't talk about air brakes in the same way that you talk about human life.

It's not a question of his livelihood, it's a question of other people's life.

I would also submit, Mr. Chairman, that all medical opinion in dealing with such matters as a Board of this, are indeed medical opinion, and in a civil court, they would have not had the same effect, as they would have in a Board such as this.

It is the medical opinion in itself that the conclusions are formed from, and therefore hearsay evidence is, what you might call hearsay evidence, is the very backbone of the opinions that are given.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, this is probably one of the most ridiculous statements I've ever heard in the House, that hearsay evidence is the backbone, and result of such hearings.

When you talk about human life, this is all well and good, and I respect what the Honourable Member has said about human life, because I certainly am as concerned as any other citizen ought to be with human life, but what about the human life of the person that's standing in front of this Board? Is he not entitled to justice?

Sure, justice, the fundamental principle behind, that lies behind British justice, is that it is not what is the law, it is what is just and right in the eyes of reasonable

men.

All I ask here is to put a safeguard in, which is a reasonable safeguard, that he gets a fair, judicial type hearing insofar as the presentation of evidence is concerned. It doesn't deal with any other part of this hearing. It doesn't say how they come in the courtroom and where they sit, or what they do, and even what evidence they're willing to hear. It only says when they hear evidence, they must hear it in a manner concurrent with the practices in the courts of our land.

Now, that, Mr. Chairman, is certainly not too much to ask.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, it's very interesting what the Honourable Member from Watson Lake has to say, but he has not convinced me that any civil liberties have been misused.

I feel, Mr. Chairman, that after examining many Professional Ordinances, after having had some discussion with a number of lawyers on this matter, that I think the way it stands now, it's correct, and Mr. Chairman, there is an appeal to the Judge under the Medical Professions Ordinance as it stands to date, and a person who has a finding made against him under a Board of Inquiry such as this can go to a judge, and there is a final valve that if they feel that their civil liberties have been again imposed upon, that there is an appeal.

Mr. Chairman, I would move that this Bill die in Committee.

Mrs. Watson: Mr. Chairman, I would second that. Oh, it's not required.

Hon. Mr. Taylor: On a point of order, Mr. Chairman, point of order. I would have something to say on that Motion, once it is read from the Chair.

Mr. Chairman: Mr. Lengerke, do you have that Motion written out?

Mr. Lengerke: Mr. Chairman, I would move that Private Member's Bill Number 191, an Ordinance to Amend the Medical Profession Ordinance --

Mr. Chairman: May I have a copy of that motion, please.

Mr. Lengerke: Yes, you may. Give me a minute to write it out.

Mr. Legal Advisor: I have an appointment at 4 p.m. May I be permitted to go?

Mr. Chairman: If the Committee agrees, yes.

Some Members: Agreed.

Mr. Chairman: Thank you, Mr. Legal Advisor, I appreciate you here.

Mr. Chairman: It's been moved by Mr. Lengerke that Private Members' Public Bill 101 be allowed to die in Committee.

Some Members: Question.

Mr. Chairman: Question has been called.

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Question has been called.

Hon. Mr. Taylor: On a point of order, Mr. Chairman, I have indicated to the Chair that I wish to speak on this matter as soon as the motion was read from the Chair. Am I to be denied this as well?

Mr. Chairman: Mr. Taylor, there is a motion on the floor. The question has been called.

Hon. Mr. Taylor: Then I am to understand, Mr. Chairman, that I'm also being denied my right and privilege as a Member in this regard as well. God help this legislature.

Mr. Chairman: All those in favour of the motion?

Some Members: Agreed.

Mr. Chairman: A show of hands, please. Motion is duly carried.

(Motion carried)

Mr. Chairman: I'll declare a brief recess.

(Recess)

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

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

Ms. Millard: I second that.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Ms. Millard, that Mr. Speaker do now resume the Chair.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: The motion is carried.

(Motion carried)

Mr. Chairman: The witnesses are excused. Thank you.

(Mr. Speaker resumes Chair)

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

Mr. Hibberd: Mr. Speaker, the Committee of the Whole have considered Bill Number 2, Appropriation Ordinance 1977-78 and directs me to report progress thereon.

The Committee has also considered Bill Number 101, "An Ordinance to Amend the Medical Profession Ordinance" and directed me to report that the Committee adopted the following motion in relation thereto: That Private Members' Public Bill Number 101 be allowed to die in Committee.

The Committee has also directed me to ask leave to sit again.

Mr. Speaker: You have heard the report of the Chairman of Committees.

Are you agreed?

Some Members: Agreed.

Mr. Speaker: And leave is so granted.

May I have your further pleasure?

The Honourable Member from Ogilvie.

Ms. Millard: Mr. Speaker, I move we call it 5:00.

Mr. Lengerke: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Whitehorse Riverdale that we do now call it 5:00.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

(Motion carried)

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

(Adjourned)

LEGISLATIVE RETURN # 4
1977 (First) Session

Mr. Speaker
Members of the Assembly

At the March 7, 1977 sitting of the Yukon Legislative Assembly, the Honourable Member from Pelly River asked the following written question of the Commissioner:

"In view of the fact that the President of Cyprus Anvil Mining Corporation met with the Minister, Mr. Warren Alland, prior to the Minister coming to the Yukon, would the Commissioner provide this House with the information to the following:

-Did the President of Cyprus Anvil advise the Minister or yourself as to when their mining operation in Faro will be closing down?

and

-Can we expect the mine to close this fall, or the following spring?"

The answer to the above question is:

The President of Cyprus Anvil has never mentioned to me the possibility of their mining operation in Faro closing down. If he raised the matter with the Minister prior to his visiting Yukon, the Minister did not relay that information to me.

On March 8, 1977, I telephoned Mr. Eruk, the President of Cyprus Anvil, and asked him if there was any consideration of closing their mining operation in Faro. He informed me in an unequivocal way that there was no notion of this happening, and he assured me that if it were ever to be considered, the Government of the Yukon Territory and the Union representing the people employed at the Mine would be the first to be so informed. He further volunteered to make himself available to appear as a witness before the Legislative Assembly to fully explain the corporate policy of Cyprus Anvil and to answer questions posed to him by members of the Legislature.

March 11, 1977.


A.M. Pearson, Commissioner