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# The Yukon Legislative Assembly

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Debates & Proceedings

**Thursday, April 14, 1977**

Speaker: The Honourable Donald Taylor

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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 at this time with the Order Paper.

Are there any documents or correspondence for tabling?

#### TABLING OF DOCUMENTS

**Mr. Speaker:** The Honourable Minister of Local Government.

**Hon. Mr. McKinnon:** Mr. Speaker, I have for tabling today a White Paper on Community Pastures.

**Mr. Speaker:** Are there any further documents or correspondence?

Are there any reports of Committees?

#### REPORTS OF COMMITTEES

**Mr. Speaker:** The Honourable Member from Hootalinqua.

**Mr. Fleming:** Yes, Mr. Speaker, I have the honour to present the third report of the Standing Committee on Statutory Instruments.

**Mr. Speaker:** Any further reports of Committees? Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion or Resolution?

#### NOTICES OF MOTION

**Mr. Speaker:** The Honourable Member from Hootalinqua?

**Mr. Fleming:** Yes, this morning, I would like to give Notice of Motion, seconded by Mr. Berger, that the third report of the Standing Committee on Statutory Instruments, presented April 14th, be concurred in.

**Mr. Speaker:** The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Speaker, a Notice of Motion this morning, moved by myself, seconded by the Member from Klondike, that whereas it appears that citizens of both Yukon and Alaska are desirous in having the Carcross/Skagway Road opened and maintained on a year-round basis, be it resolved that the Yukon Territorial Government contact the Government of the State of Alaska and attempt to arrange for a preliminary joint investigation and report to be completed, outlining the required maintenance schedules and costs in order to provide for a year-round traffic movement along the Carcross/Skagway Road.

And further, that a cost-sharing agreement be discus-

sed and implemented if all parties can accept the terms of such an agreement.

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

The Honourable Member from Klondike?

**Mr. Berger:** Yes, Mr. Speaker, it's moved by myself and seconded by the Honourable Member from Pelly, whereas the present situation of non-available and very expensive insurance creates a hardship to the people in Yukon;

Be it resolved that it is the opinion of this House that the Socio-Economic Planning Unit examine in detail and appraise the economic possibility of establishing a Yukon Government owned insurance corporation and report back with their findings at the Fall sittings of this House.

**Mr. Speaker:** Any further Notices of Motion or Resolution?

The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Speaker, Notice of Motion, moved by myself, seconded by the Member from Ogilvie; whereas a petition has been presented to this House on March 7th, 1977 and whereas on a number of occasions in the past, requests have been directed to the Government of the Yukon to enact forceable legislation establishing animal control laws or associated control measures; be it resolved that Yukon Government prepare and introduce at the Fall Session of this Assembly appropriate amended or new legislation to provide for a realistic animal control law and to incorporate provisions for the establishment of community pastures within the framework of the joint Federal/Territorial Agricultural policy scheduled for completion by early 1978.

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

Are there any Statements by Ministers?

This then brings us to the question period.

#### QUESTION PERIOD

**Mr. Speaker:** The Honourable Member from Pelly River?

#### Question re: Changes in Coroners' Ordinance

**Mr. McCall:** Yes, Mr. Speaker. I have a number of questions for the Commissioner, but I see he's not in the House and I'm just wondering if the Minister for Local Government would convey the questions to the Commissioner.

Due to a recent statement by Mr. Gillespie, the Assistant Commissioner, as to changes that have been made dealing with the Coroner's inquest jurors, would the Commissioner provide the House the information to the following:

What recent changes have there been to the Coroner's Ordinance regulations with respect to inquest jurors; and are amendments being considered to the Coroner's Ordinance?



**Mr. Speaker:** Is this a written question?

**Mr. McCall:** Yes it is, Mr. Speaker.

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

**Question re: Native School Children in Haines Junction**

**Ms. Millard:** Mr. Speaker, an oral question to the Minister of Education.

Will the Minister comment to this House on the situation in Haines Junction concerning the threatened non-attendance of Native children in the school.

**Mr. Speaker:** The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, I just received the press release that was put out by the Yukon Native Brotherhood last evening. I haven't had a chance to review it and until such time that I have had a chance to review it, I am not prepared to comment on the situation.

**Mr. Speaker:** Have you any further questions?  
The Honourable Member from Klondike?

**Question re: Freeze on Agricultural Land**

**Mr. Berger:** Yes, Mr. Speaker, I have a question for Mr. Commissioner this morning. He is not available I guess.

On March 23rd, I received an answer to a question which I had put to Mr. Commissioner on March 3rd about the land freeze in the Yukon. Part of the answer was that on agricultural land, the federal government had to identify the agricultural land first before they could release it and I was wondering whether agricultural land that has already been identified for the last seventy years, is this land also frozen or does it need a special identification mark on it that it is suitable for it?

**Mr. Speaker:** The Honourable Minister of Local Government?

**Hon. Mr. McKinnon:** Mr. Speaker, I don't even want to attempt to answer for federal policy but I think all Members are aware that the former Minister of Indian Affairs and Northern Development, the Honourable Judd Buchanan put a freeze on agricultural land in both the Yukon and the Northwest Territories that was under the Department of Indian Affairs and Northern Development's control.

I have seen nothing or heard nothing to this day that that freeze on agricultural land in both territories has been lifted.

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

**Question re: Cost of Transfer of Health Services**

**Mr. Hibberd:** Mr. Speaker, I have a question for the Minister of Health this morning.  
There has been considerable apprehension regarding

the cost of the transfer of health care from the federal to the territorial government. I wonder if the Minister could tell us how they envisage the costing of this to be borne and specifically, will there be any increased cost to the taxpayers of the Yukon?

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

**Hon. Mrs. Whyard:** Mr. Speaker, it is not a matter of transferring costs which we are discussing in our negotiations with the federal department. It is a transfer of facilities and responsibility for services which, up until now, have been the responsibility of the Yukon Region of Health Services Branch of the federal Department of Health and Welfare.

As for actual costs, the Yukon is already bearing the same share of costs that any province would for their health services. The only deduction from 100 per cent payment by Yukoners, in the usual way as a province, would, is for the direct share of the cost of services to Native people which the federal Department of Indian Affairs reimburses or picks up rather than the Yukon Government picking it up.

As for the precise details of the dollars and the values in capital investment being transferred, we are having a conference tomorrow on that subject in connection with the meeting here arranged between our territorial officials and federal departmental officials on the new cost-sharing agreement which will apply to us for hospital and health care. And this, of course, as all Honourable Members know, is necessary because the new cost-sharing agreement announced in Ottawa which are to become effective now, applied mainly to provincial jurisdictions and we must work out specific arrangements which apply to a territorial jurisdiction because we do not have in place at the moment, provincial income tax for the transfer of tax points and we must also work out the details of the block funding proposed by the federal departments for the cost-sharing involved under Mr. Lalonde's new arrangements.

But as for the actual cost of the transfer, I can see no particular threat there to the Yukon department since we are already picking up the tab for our health services costs.

**Mr. Speaker:** The Honourable Member from Hootalinqua?

**Mr. Fleming:** Mr. Speaker, supplementary to that. Does the Minister -- or who has been, to this date, paying the O and M costs on all of the health stations, nursing stations in the outlying communities?

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

**Hon. Mrs. Whyard:** Mr. Speaker, the Yukon taxpayer has been picking up at least 70 per cent of the operating costs in all our health facilities. The other 30 has been assumed by the federal government on behalf of the services rendered to the native people.

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



## ORDERS OF THE DAY

## MOTIONS

## Item No. 1

**Madam Clerk:** Item Number 1, standing in the name of the Honourable Member, Mr. McCall.

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

**Mr. McCall:** Yes, Mr. Speaker.

**Mr. Speaker:** It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike, that the Standing Committee on Statutory Instruments review and make recommendations respecting any proposed regulations.

The Honourable Member from Pelly River?

The Honourable Member from Hootalinqua?

**Mr. Fleming:** Yes, Mr. Speaker, this Motion came from the Committee on Statutory Instruments and since it was presented to the House, we have been slightly worried over the wording, some of us, on it. I have an amendment I would like to put forth at this time, to the Motion by myself, seconded by the Honourable Member from Kluane.

I shall read it: that all words after the word "that" be deleted and the following words be substituted therefor: "the Standing Committee on Statutory Instruments review all Statutory Instruments including draft Statutory Instruments, which are circulated to bodies outside the Government for comment before being promulgated."

The reason for this, Mr. Speaker, is that having checked into it, we feel that the first, I feel that the first Motion is asking for almost any papers in the Government which is actually not what we were really intending to do. So, we are asking now for the actual papers that we wish to -- on this amendment.

**Mr. Speaker:** Is there any further debate on the amendment?

It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Kluane that all the words after the word "that" be deleted and the following words be substituted therefor: "the Standing Committee on Statutory Instruments review all Statutory Instruments including draft Statutory Instruments, which are circulated to bodies outside the Government for comment before being promulgated."

The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Speaker, I would like to move Motion Number 1, as amended, into Committee for discussion.

**Hon. Mr. Lang:** I will second that.

**Mr. Speaker:** It has been moved by the Honourable Member from -- I'm sorry, I'm not so sure I can receive that. We are considering an amendment to a motion at this time.

**Hon. Mr. McKinnon:** Mr. Speaker, I think I said the amendment to the Motion Number 1, or the amended Motion Number 1.

**Mr. Speaker:** I'm afraid the Motion has yet to be amended. Perhaps we could have some debate on the amendment?

Yes, the Member rising once again will close the debate on the amendment.

The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Speaker, on a point of order, I think that all of us want to have the fullest debate on the regulation making authority and also what the Standing Committee on Statutory Instruments should be doing. I'd just like to have the direction of the House of how to get that debate into Committee. I think we all want to do that.

**Mr. Speaker:** I must say from the Chair that you have me in a position which I've never encountered before and I have found no precedent for it.

Perhaps I would, if it be the wish of the House, yes, perhaps it would be in the interest of the House then to propose a motion which would move Motion Number 1 and the proposed amendment into Committee of the Whole. Perhaps we could get around it this way.

**Hon. Mr. McKinnon:** Mr. Speaker, I would like to move Motion Number 1 and the amendment to Motion Number 1 into Committee for discussion.

**Hon. Mr. Lang:** I second that, Mr. Speaker.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse Porter Creek, that Motion Number 1 and proposed amendment to Motion Number 1 be referred to Committee of the Whole for consideration.

Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** The Honourable Member from Pelly River?

**Mr. McCall:** Thank you, Mr. Speaker. I do not concur with the motion that was just put forward.

**Mr. Hibberd:** Mr. Speaker, this is a procedural motion and not debatable.

**Mr. Speaker:** Yes, this is quite correct. I'm sorry. You've been outwitting me this morning.

Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agree.

**Some Members:** Disagree.

**Mr. Speaker:** Division has been called.



**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse Porter Creek, that Motion Number 1 and proposed amendment to Motion Number 1 be referred to Committee of the Whole.

Madam Clerk, would you please kindly poll the House.

**Madam Clerk:** The Honourable Mr. McKinnon.

**Hon. Mr. McKinnon:** Agreed.

**Madam Clerk:** The Honourable Mrs. Whyard.

**Hon. Mrs. Whyard:** Agreed.

**Madam Clerk:** The Honourable Mr. Lang.

**Hon. Mr. Lang:** Agreed.

**Madam Clerk:** The Honourable Member Mr. McIntyre.

**Mr. McIntyre:** Yea.

**Madam Clerk:** The Honourable Member Mr. Berger.

**Mr. Berger:** Agreed.

**Madam Clerk:** The Honourable Member Mr. Hibberd.

**Mr. Hibberd:** Agreed.

**Madam Clerk:** The Honourable Member Mr. Fleming.

**Mr. Fleming:** I disagree.

**Madam Clerk:** The Honourable Member Ms. Millard.

**Ms. Millard:** I agree.

**Madam Clerk:** The Honourable Member Mr. McCall.

**Mr. McCall:** Disagree.

**Madam Clerk:** The Honourable Member Mrs. Watson.

**Mrs. Watson:** Disagree.

**Madam Clerk:** The Honourable Member Mr. Lengerke.

**Mr. Lengerke:** Agreed.

**Madam Clerk:** Mr. Speaker, the results of division are eight yea, three nay.

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

*(Motion carried)*

**Mr. Speaker:** We will proceed further with motions.

#### Item Number 2

**Madam Clerk:** Item 2, standing in the name of the Honourable Member, Mr. Fleming.

**Mr. Speaker:** Is the Honourable Member prepared to discuss Motion Number 2 this morning?

**Mr. Fleming:** Yes, Mr. Speaker, due to the circumstances, I will just say that I would like the second report to be concurred in and I think it's been passed through the House and they have read it and that's all I have to say.

**Mr. Speaker:** It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Klondike, that the second report of the Standing Committee on Statutory Instruments, presented April 12th 1977, be concurred in.

The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Chairman, as the second report of the Standing Committee is in direct conflict with the amendments to the Motion Number 1 proposed this morning, I would move that Motion Number 2 be moved into Committee for discussion also.

**Hon. Mr. Lang:** I will second that, Mr. Speaker.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse Porter Creek, that Motion Number 2 be referred to Committee of the Whole for further consideration.

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:** May I have your further pleasure at this time?

The Honourable Member from Pelly River?

**Mr. McCall:** I would move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.

**Mr. Fleming:** I second that.

**Mr. Speaker:** It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve 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 call this Committee to order and declare a brief recess.

*(Recess)*

**Mr. Chairman:** I now call this Committee to order. We will continue with discussion of the Recreation Development Ordinance and, as Committee requested, we have with us as witness this morning Mr. Frank Turner, Recreation Director of the Yukon Native Brotherhood.

Mr. Turner has a brief. Mr. Turner, could you proceed with your brief now?

**Mr. Turner:** There appears to be a growing sense of awareness as to the important role which recreational development plays to enhance the quality of life for all members of the Yukon community. It's hopefully recognized that the definition of recreation is not restricted to only organized sporting activities, as is often the common conception, but equally vital are activities of non-competitive, often cultural, nature.

In short, the definition of recreation, i.e. where and how people spend their time in the pursuit of meaningful activity, should be left to the people themselves and not to some extraneous governing body. That is the basic tenant to a community approach to recreation.

In the past, and as it presently exists today, a substantial proportion of money allocated for recreational purposes from the Territorial Government has had relatively little impact beyond the boundaries of Whitehorse. This clearly has been to the detriment of meaningful recreational development for all people in the communities outside of Whitehorse. The inherent philosophy of a policy obviously will exert tremendous impact upon implementation of that policy. At times, there can develop discrepancy between the avowed intent or philosophy of a policy and its more subtle implications. In many occurrences, this may be inadvertent. It is hoped that this point can readily be demonstrated.

The Yukon Native Brotherhood welcomes the avowed intent of the Green Paper to more clearly focus on the recreational development in the outlying communities. This is reflected by the policy statement. With the implementation of the proposed policy, the local populace will be able to determine the program priorities. As well, they will have the financial capabilities of implementing local recreation programs.

This statement will be carefully examined in order to determine whether or not there may exist a serious discrepancy between the avowed intent and its im-

plementations.

A further significant illustration of possible discrepancy is reflected by the policy statement contained under the heading "Political and Social Implications". The field of recreation is one in which cultural differences are more easily overcome and the policy will bring various segments of Yukon populace together. It is suggested that recreation not be viewed as a means of overcoming cultural differences, but rather to enhance the richness of uniqueness of cultural differences to foster a greater appreciation of culture and this would provide a more effective vehicle for bringing various segments of the Yukon populace together.

To clarify, it would seem the intent of the Green Paper is at least three-fold. One, to channel more monies directly to the local communities. Two, to give increased determination to the local communities on how these monies are to be spent. And three, to bring the populace of the communities closer together in the promotion of a recreational development.

With keeping these substantial points in mind, the content of the Green Paper shall now be examined.

With respect to proposed structure, the following is a verbatim from the Green Paper:

The Community Assistance Program will assist local governments (on a cost-sharing basis) to provide (as directed by their residents) a variety of recreation services at reduced program costs.

Since the Department of Local Government, in cooperation with the various governing bodies, is responsible for the operation and maintenance of recreation facilities, assistance under this program will be confined to recreation programming except for the following special cases. The present Square Footage Grant will continue to apply only to those facilities which have not been financed under the Community Assistance Ordinance. Community clubs and Local Improvement Districts, the grant will be available until March 31st, 1980, at which time it shall be reviewed with respect to the applicable sections of the Community Assistance Program.

The same grant to community clubs and unorganized communities will also be continued. Subject to review by the Recreation Advisory Committee, which will also take into account the applicable sections of the Community Assistance Program, to qualify for assistance under this program, the local government (municipality and Local Improvement Districts) must create by bylaw a local recreation co-ordinating committee or recommend that a community organization be the responsible agent for the delivery of this program. In unorganized communities, the community club or its equivalent will be recognized as a local recreation co-ordinating committee.

Provisions shall be made in the policy to allow the development of a regional recreation committee that may incorporate a combination of a recognized local government and a private agency.

The local recreation committee will be comprised of a minimum of three persons and should be a representative cross-section of the community. To ensure there is no duplication of services at the local level, the recreation branch will work in close liaison with each community recreation committee. The final component of



the Community Recreation Assistance Program is the provision of an annual grant on a cost-shared basis to assist local recreation co-ordinating committees of a capital nature, e.g. potter's wheel, trampolines.

Examination of the above allows several different discrepancies to surface. Firstly, it's the underlying philosophy of a cost-share basis. This is based on the premise that people should pay for the privilege of using recreational facilities or participating in recreational activities. Notwithstanding that they are already paying for these services through their taxes is the argument, but perhaps recreation, in constituting a highly important aspect of life in the community, should be seen in a preventative light. This is to say that, presently, tremendous resources are expended in the field of treatment oriented services and programs. This can clearly be seen in the areas of drug and alcohol abuse, corrections and probation services and family breakdown — the list is almost inexhaustible. Tremendous expenditures of resources. Perhaps the same type of commitment to the allocation of financial resources should be appropriately applied to the field of recreation.

Few people in the field of treatment services would dispute this. Recreation does not have to be viewed solely in terms of being competitively sports oriented, but emphasis could be directed to relevancy in terms of mass participation and cultural significance.

Furthermore, the cost-shared basis would seem to favour those communities which are in the best financial situation. For these communities will have the least difficulty in raising their required shares; however, the community with a somewhat tenuous or seasonal economic base, relatively high unemployment rate and likely a significant level of social discord, in short a community with obvious need for recreational development, will be in a much less favourable position to raise the required share to qualify for full assistance. Again this points to philosophy. In the past, recreation policy has been criticized as being too much geared to the elitist group approach with respect to emphasis on competitive sports.

The same elitist attitude is reflected in the Green Paper in an economic sense, the context here being that the most affluent communities will receive full benefit while, ironically, the communities which are in the greatest need for such assistance are in the least favourable position to receive full financial assistance.

There appears to be a discrepancy here of the intent of the philosophy of the Green Paper and the socio-economic reality of the smaller Yukon community.

No mention has been made in the Green Paper of applying the Square Footage Grant to the operation and maintenance of Indian Band halls. This is despite the fact that the Band halls have not been financed under the Community Assistance Ordinance nor do they receive any direct operating and maintenance costs from any other government source. In many communities, these facilities could be much more effectively used with assistance supplied towards the operating and maintenance costs.

Presently, funding under the Square Footage Grant proceeds with little knowledge of what actual benefit these facilities are having for the total communities. Many of the community clubs which presently receive direct assistance provide little more than the occasional dance or bingo. Several of these clubs have persistently

been on the verge of being struck from the Societies Ordinance for failure to comply with regulations. A check with the Registrar will verify this.

Community clubs in the main, with only a few exceptions, serve the interests of a relatively small segment of the populace and should be more accurately referred to as private clubs. The provision of a Square Footage Grant should not be based on an annual guarantee but rather based on the efforts of the recipients in providing a beneficial community service. These auspices could appropriately be the function of the Recreation Advisory Committee.

To qualify for assistance, and this is taken from the Green Paper, the municipality or Local Improvement District must create, by bylaw, a local recreation co-ordinating committee. This committee should be a representative cross-section of the community. Let us carefully examine the above, for it is this which effectively constitutes the heart of the policy statement. This refers to the basic decision-making process.

Several illustrations will be presented to demonstrate the discrepancy between the avowed intent and the implementation. Last year, the Dawson City Recreation Board was formed by bylaw of the City Council. This committee received direct financing from the Yukon Territorial Government. This was a seven-person committee, yet there is not one Indian person sitting on this board. It is encouraging that, presently, a review of that board's total composition is being carried out at the local level. Unfortunately, however, this is already after the fact and representation was not included in its inception.

Recently, the City of Whitehorse formed a seven-person recreation board. This, again, must have occurred in a complete social vacuum because here, as well, there is no representation from the Indian segment of the population, nor were any Indian people approached regarding the possible representation on the committee. This seems to be in keeping with the historical pattern of decision-making. If the process is opened up, it occurs after the fact.

The Green Paper is not seriously focusing the attention on this decision-making process or, if it has, it implicitly supports the funding of bodies which supposedly pass themselves off as being representative of a community.

The existing community clubs are not any more representative in terms of decision-making than the boards described above. If boards or committees are to be funded by the Yukon Territorial Government on the basis of them being representative of the community, then they should be exactly that — representative.

The Capital Cost Grant referred to in the final paragraph of Section One deserves close scrutiny. The avowed intent of the Green Paper, we must remember, is to give more control of the decision-making process to the local community. Again, does it in fact do this?

A decision embodied in the Green Paper has been made to limit the amount available to the community in the form of a Capital Expenditures Grant. This, despite the knowledge that in any community, one of the basic resources which is lacking is equipment or the means to sufficiently purchase enough equipment to meet the needs of a particular community. Here again, there appears to be a discrepancy between the avowed intent to meet community needs and the actual implementation of the program.



The situation arises whereby a community, with limited local resources, may find itself in need of equipment and would find itself in a situation of being able to hire, for instance, a cross-country ski coach but not in a position to provide enough skis to effectively encourage mass participation. Why can't there be enough flexibility that the community, through a truly representative body, decides where its greatest financial priorities lie?

The Territorial Government, through its Approach a Coach program, could be instrumental in upgrading the technical skills and knowledge to allow for effective use and management of community equipment. The argument that it is a negative influence to provide something for nothing reflects an attitude more accurately than the real situation. This seems to overlook that the grants being allocated to the community come from gathered revenue that rightly belong to all people in the communities in the first place.

As well, the system could be implemented whereby an individual would donate his or her time in the form of services rendered for use of equipment he or she would otherwise be unable to use. An example with respect to cross-country skiing would be to help with the trail preparation. This approach would seem to indicate a much clearer commitment to mass participation than a purely economic one.

The Yukon Recreation Advisory Committee. This advisory committee is one of extreme importance and it will be making decisions which will have vital bearing on the direction of recreational development in the Yukon.

As a decision-making body, it is imperative that decisions reached should be truly representative of those of the total populace of the Yukon. It is by an opening up and sharing a decision-making process with full Indian participation that the populace of the Yukon will come closer together.

The members of the Recreation Advisory Committee are important in that they provide a close liaison between the community and a territorial recreation department. They provide a channel through which much needed information could be channelled directly into the communities. Collectively, they could serve as an evaluation instrument in assessing the development of recreation in the Yukon.

Coordination and the Role of the School: Although the school, without exception, plays a local role in the community, no mention has been directly made to the role the school can play in the development of recreation. There exists today a good deal of cooperation between the schools and community groups in the promotion of recreation.

In Dawson and Whitehorse at least, the local Indian bands have donated recreational equipment to the schools for the use of all students within that school. The school would seemingly be in an excellent position to serve many of the recreational needs of the community with respect to facilities and equipment.

In the formation of a comprehensive policy, it seems too difficult to understand why reference at a local school has not been included.

In summation, there appears to be several serious discrepancies contained in the Green Paper on policy for recreation development with respect to the avowed intent and actual implementation. The Yukon Native Brotherhood supports the ideas of (a) channelling more monies directly to the local communities; (b) giving

increased determination to the local committees on how these monies are to be spent; and (c) to bring the populace of the communities closer together in the promotion of recreational development.

There is however, serious questions as to how these goals and objectives are to be obtained. There are serious strains existing today in the communities because many people feel the decision-making process has not been sensitive to their particular interests and needs, nor encourage their involvement. Implementation of recreational policy must be cognizant of the reality of this situation and efforts expended in coordination and cooperation with other native organizations to involve more meaningful participation of all people in communities in the development of a comprehensive recreation policy.

Just in ending, I'd like to say that I'm here today as an employee of the Brotherhood and Mr. Willie Joe, who's the acting president of the Brotherhood was called out of town last night and probably it would have been more appropriate for him to be here in person to answer any questions you may have, particularly of a political nature.

**Mr. Chairman:** Any questions for the witness?  
Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I found this a most interesting brief. Some of the points I don't agree with, but I think they hit on some very pertinent issues. They prepared a summation of their brief, but I was rather disappointed there were no specific recommendations included in the brief and I'm wondering whether those recommendations have been prepared?

**Mr. Turner:** Nothing other than the brief has been prepared. What's been happening is we have been talking with the recreation department for the last little while and looking at ways that we may be able to be a little more effective, I think, in delivering recreational services to communities and looking for solutions. I don't think that we propose that, at this point, of having strong recommendations to present, but we're eager to sit down, I think, with the people involved in recreation in the different communities and with the Territory and look at different things that may be presented at a later time and form our recommendations.

I think that should have been done in a preliminary preparation to the report.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Yes, Mr. Chairman, I too found the brief most interesting and the only thing I was disappointed in was there weren't some specific recommendations.

I have a question for the witness, however, and it's with respect to the statement on Page 8. I understand that the Whitehorse Recreation Board now have had, I think a vacancy has occurred and I understand that something has gone forward to the Indian Brotherhood asking them to participate on that Board and I'm wondering what the reaction is. Are you in fact going to be able to participate?

**Mr. Turner:** Well, on the Board, I don't think it would be us that participates, but I think the Band or the



local organization should be approached to participate as a member of the community. I haven't had anything formally presented through our department about the-- I've heard of the vacancy, but I haven't seen anything.

Am I allowed to make comments?

**Mr. Chairman:** Yes.

**Mr. Turner:** I think there are several, maybe not presented under the sub-heading of recommendations, but I think there are certain things that are contained in this paper. Specifically, I think one on equipment and the use of equipment, I think there's little doubt that that's one of the priorities in terms of getting people on equipment, particularly my own pet thing, which is cross-country skiing, because I think we should be introducing some of the best cross-country skiing programs in terms of the facilities, natural facilities that we have here and in people that want to go up in a competitive type of program could do that here.

What sort of situation I have in mind is say for a kid in a small community. I think everybody professes to concern for juveniles, but say he comes from a large family, a family that's engulfed in a number of problems in terms of coping. The type of child that you would like to be able to experience some type of recreational, a positive constructive experience. I don't see how that person under the existing proposal is going to be, is going to have any more freedom to participate in that. He certainly can't participate in it on an economic type of level. He's not going to be able to come forth with a set of cross-country skis and boots and whatever, that's going to require him and his family to put out \$100.00 and it seems that there are systems that could be amenable, that they've been developing in other places, where equipment could be available to that type of child, and it's at that point of intervention. I think that's what we're trying to get at with the preventative versus treatment oriented approach. It's a point of intervention, where you want to come in.

I think there are some recommendations in there, maybe they haven't been made as explicit as they possibly could.

**Mr. Chairman:** Mrs. Whyard?

**Ms. Millard:** Yes, Mr. Chairman, I notice that in the brief it mentions funding of Band halls. There seems to be a lot of confusion in understanding just how these things are funded. I'm wondering if you could give us a brief explanation of how Indian Affairs funds the Band halls and does that differ from recreation funding.

**Mr. Turner:** You want a breakdown of Indian Affairs involvement in recreation? Is that what you're asking for?

**Ms. Millard:** I'd like to know, does Indian Affairs fund recreation and does it fund Band halls and are those two things separate? Just what does it involve?

**Mr. Turner:** They are separate. There is no direct funding for operating and maintenance costs of Band halls.

On occasion, they have provided the Capital Cost Grant for initially constructing, not all locations, but I think in a great many of occasions or instances -- fund-

ing for the capital costs of the building has come from Indian Affairs. After that, the operating and maintenance cost is left up to the Band and what they've done is they've rented out to say Blade programs or whatever as a means of trying to garner some income.

The only instances where there could be indirect funding for Band halls, is where the Band office, which does receive funding under the C.O.R.E. program of DIAND, are contained in the same building. In terms of involvement in recreational programs, Indian Affairs provides, I think what it is right now, Per Capital Grant to the Bands and I think that's \$7.80 per person, and that money is available directly to the Bands. The instances that I've mentioned say for instance in Dawson or Whitehorse where they've purchased skis and made those skis available, that would come from the capital -- or the Per Capita Grant. There is no direct financing of community halls.

**Mr. Chairman:** Ms. Millard?

**Ms. Millard:** So, supplementary to that, the Per Capita Grant that Indian Affairs gives to the Band halls is for --

**Mr. Turner:** The Per Capita Grant goes to the Band and it can be used for capital costs, say for the purchase of equipment. There aren't really any restrictions on how that money is to be used.

**Ms. Millard:** Can that Per Capita Grant be used to finance the running of a hall, of a recreation hall?

**Mr. Turner:** I would imagine a lot of times that's what's happening right now, yes.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, some of my questions have been answered because I was going to check on the federal grants in the support of recreation to the Bands and it is \$7.00, I think, or something, now and was geared to \$5.00. It has been raised. It's similar to what the government is doing in this paper, and from what I gather from some of the Bands is that it is to be used pretty well at their discretion. They don't tie it down too tight.

However, I would ask the witness if he finds anywhere in the Ordinance or the Regulations, is there an area that does conflict with the federal grants in any way and being able to obtain these, such as an area of where it is strictly a native village, and due to the federal grants, I will have to get my answer probably from the Minister of Education, but do you see in the Ordinance, or in the Regulations anywhere an area where it would conflict and you wouldn't be able to get that grant?

**Mr. Turner:** To get the grant from the federal government?

**Mr. Fleming:** From the territorial government, Mr. Chairman.

**Mr. Turner:** No, I don't think so.

**Mr. Chairman:** Mrs. Whyard?



**Hon. Mrs. Whyard:** Mr. Chairman, I was concerned by the implication in Mr. Turner's remarks that there are children in the Yukon wishing to participate in specific areas of recreation and barred from it economically, of native status. I wonder if he could be a little more specific because in my experience, when my own kids used to envy the equipment provided for the kids at the Yukon Hall, for example were skates and hockey sticks and all the gear, I have always been under the impression that this kind of equipment was provided for those kids and if it isn't, I'd like to hear where it isn't.

**Mr. Chairman:** Mr. Turner?

**Mr. Turner:** One is, to comment on your statement, and I think there's more than just native kids that are being excluded because of an economic inability to acquire the equipment. I think that's an economic reality of some of the communities. If we look at participation in things like the Canada Games, I would imagine the Arctic Games, you can take a look and see where your representation in terms of participants are from. They're not primarily from the outlying communities, there's just incredible over-representation from Whitehorse. And as to what happens at Yukon Hall, the equipment stays in Yukon Hall and it doesn't go with the kids when they go out to the community and the people that I've been, or my experience in communities is that equipment just isn't available. It's not there.

Does that answer your question?

**Hon. Mrs. Whyard:** Not really, Mr. Chairman.

**Mr. Turner:** Well, I think it's -- I'm not sure where you've gotten the -- developed the conception that there's an abundance of equipment available to native kids because your own particular children have been envious of the equipment available in Yukon Hall. I don't think the amount of equipment that's been available in Yukon Hall has been particularly representative and I can give an illustration.

This past winter we were interested in trying to develop a cross-country ski program based on Father Mouchet's, the original intent for the TEST program, using the kids in Yukon Hall, and we had to stop it because we couldn't get cross-country skis from Yukon Hall to get the kids out. They didn't have enough skis and they weren't prepared to get additional skis and we were in a position of supplying instructors. One is a very professional, well qualified person in training native people with her in conjunction to place them in coaching roles and the program had to be disbanded for lack of equipment.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** But surely, in this specific instance, you are implying that it was the administration of Yukon Hall that was the barrier. They must have access to some funds for those purposes.

**Mr. Turner:** Well, according to the administration, their budget was - for sports equipment - was very severely tapped and they couldn't come up with -- we were looking at basically ten sets of cross-country ski equipment, that would fit into the training procedures that are used by TEST. And they had a few sets of equipment and they couldn't refurbish them or supply new equip-

ment.

I only use that as an illustration, that I don't think there's as much equipment around as some people may be under the impression.

**Mr. Chairman:** Mrs. Whyard, I trust you're not going to enter into debate with the witness.

**Hon. Mrs. Whyard:** No, I'm not, Mr. Chairman, please don't misunderstand. I'm just trying to visualize the situation and see how it could be improved. It would be my immediate reaction if I were trying to organize cross-country skiing for the students in residence there, to discuss with the administration, plans for the coming season and see whether or not arrangements couldn't be made. And I realize the restrictions within which they work and you can't just walk in today and say we want to start a program tomorrow. It takes some planning and some time and some arranging of the financing. But, my point, Mr. Chairman, was that there are ways to provide this equipment if you go at it properly.

**Mr. Turner:** Well, we're looking for the ways. Maybe we could look together.

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

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Yes, Mr. Chairman. I'm glad to see that the Brotherhood agrees with the philosophy of the policy paper on the Ordinance that is presented today, in the overall concept. I understand there's going to be a few problems and hopefully they'll be ironed out in a year or two.

I would like to make one correction in relation to the Canada Summer Games. As all Members know, we do have a committee representing all areas in the Yukon, organizing the Canada Summer Games and it's my understanding that we have well over a hundred participants and the ratio is about two-thirds Whitehorse versus one-third in the outlying communities, which, when you take representation by population, isn't that bad a ratio. They are working very hard to get people from the outlying communities involved.

I have a series of questions for, Mr. Chairman, -- of the witness. In relation to your community halls, you make reference to them, how many Band offices are located in community halls throughout the Territory?

**Mr. Turner:** I'd have to check up on that. I can't tell you right off-hand.

**Hon. Mr. Lang:** Mr. Chairman, would it be the majority of the Band halls?

**Mr. Chairman:** Mr. Turner?

**Mr. Turner:** Let me just check. Can you give me a few minutes? I'll have to go through each community in my mind. Just off-hand, I'd have to say it's pretty well split. There's one community that doesn't have their own community hall at all, it's just a Band office. I think roughly it would be about half -- about half the offices would be separate from the Band hall.

**Mr. Chairman:** Mr. Lang?



**Hon. Mr. Lang:** Another -- just raising another question: do the Band halls, the members of the Band, pay taxes on the Band halls?

**Mr. Turner:** You'd have to ask them. I'm not familiar.

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, for Members' information, the reason I've raised this is that this is one of the problems with some of the community halls in the outlying areas, is the taxation structure.

The other question, is there -- I understand that there is a possibility that the per capita allocated to members of the Bands will be raised here. I understand it's supposed to go from \$7.80 to \$10.00. Is that correct?

**Mr. Turner:** It's \$7.80 right now and whether it's going up or not I haven't received anything official.

**Hon. Mr. Lang:** Mr. Chairman, then it would be fair to say that, in reference to the operation and maintenance of these halls with this money on a per capita basis, some of that money could be allocated to the operation and maintenance of these halls as opposed to other community halls which do not get a Per Capita Grant at the present time.

**Mr. Turner:** Well, if you want to take from one pocket to try to put into the other pocket, yes.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Mr. Chairman, I think, as some other Members have stated in this debate, that I, as other Members are, am appreciative of concern reflected in the brief as appears before us today.

I have some very grave concerns about it, however, and I feel prompted to make comment upon them and ask a question or two myself. I think the Honourable Minister of Education has raised the point about Band halls and in listening to the presentation it was stated that the Indian Band halls have no finance other than perhaps through rentals to, I believe, the Blade program and this type of thing, as mentioned.

Is this not in fact the way a community hall functions? They rent their halls out too, as well, as part of their function. I am extremely disturbed to find, on page 7, for instance, "community clubs in the main with only a few exceptions serve the interests of a relatively small segment of the populace and should more accurately be referred to as private clubs".

I take umbrage to that remark. I have lived in small communities and have neighbours in small communities all over the Yukon, Mr. Chairman, and we don't consider these as private clubs, we consider these as facilities for all people in the community, be that native or non-native. I certainly, in my community of Watson Lake, have enjoyed this for many, many years. The inference that the Green Paper has not seriously focused attention on this decision-making process or, if it has, "it implicitly supports the funding of bodies which supposedly pass themselves off as being representative of the community". I really, honestly, feel, Mr. Chairman, that all our community clubs have made an honest effort to be fully representative of the com-

munity.

I know of no community club which has ever barred its doors to anyone by reason of race, creed or colour. The only time I've ever known a community club to bar anyone, and that's generally for a short period of time, is for their conduct within the premises and this is where I'm worried. Are we talking about now funding duplication of facilities or are we talking about funding a facility which is to the general benefit of the total community?

In other words, we have ice arenas combined with these community clubs; I mean indoor arenas -- we have hockey rinks, we have curling rinks, and we encourage its use by all members, native and non-native alike. This is where I'm having difficulty with the presentation made by the Brotherhood, is that it suggests that there be, unless I'm wrong and I'd like clarification from the witness, Mr. Chairman, on this, that there is a difference and perhaps I've erred in that I don't see the difference. I see the members of the community working together hand-in-hand as we all have done in the past and hopefully can continue to do in the future, and I don't see any separation between these two. I see the community clubs as serving the needs and being representative of the community.

Perhaps, if I am wrong, perhaps I could be put straight by the witness, Mr. Chairman.

**Mr. Turner:** That statement I think was derived from many comments made by people in the outlying communities in terms of their perception of how the community clubs are serving their needs and how sensitive I think the community clubs were being to their needs. I'm trying to answer and I think it's a perceptual thing. Your perception may be that the community clubs are very open and providing a very valuable service to the community. I think the people that I've talked to, their perception is slightly different from that.

**Mr. Chairman:** Mr. Taylor, I don't want you to get involved in debate with the witness. If you're persisting in this line of questioning, I'll have to call a halt to it. You are here to ask questions of the witness; if you wish to debate his brief, then that will come after the witness has been excused.

**Hon. Mr. Taylor:** Well, Mr. Chairman, with the deepest respect, I haven't -- it had not been my intention to debate with the witness.

**Mr. Chairman:** You're coming very close, Mr. Taylor, I'm just warning you.

**Hon. Mr. Taylor:** If it's not possible to ask questions, then I'll simply sit down; but I will ask one, and you can rule on whether it's a legitimate question or not. I would ask the witness, Mr. Chairman, whether or not he would feel that the problem would be more in willingness to involve in community, the involvement of all people, is that not the root of the problem, or is the problem as he sees it here?

**Mr. Turner:** Mr. Chairman, basically I think that's the problem, that I think the Recreation Ordinance has to adjust itself to the process by which people are going to become involved together in searching for that pro-



cess. And it doesn't seem to have happened up to this point.

There aren't any ready-made answers to that question.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, I don't have a brief before me, I'm sorry, but it seems to me as I listened, there's quite an emphasis on the economic side of recreation programs and I'm wondering if there is, or has there been, any consideration given to the fostering of programs that do not require economic support?

One of my pet projects which I drag out at every opportunity is trying to foster a particular interest in mountains and mountaineering in this country which is so beautifully situated. It distresses me there are so few young Yukoners being attracted to those mountains where we have people from every part of the world coming to climb them. I don't like to compare native Yukoners to Sherpas, but I've always felt that there was a very special thing there that they could be best qualified for in the whole north. I have, as yet, never seen any indication of interest or of leadership in approaching that kind of sport.

I know that we have at the moment at least four highly qualified mountaineers who are respected the world over for their experience and their expertise and we're not using them. I would wonder if the Native Brotherhood has made any approach in that direction?

**Mr. Turner:** Into specifically mountaineering?

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

**Mr. Turner:** No. What we would do, though, if an interest came from either a group or an individual, we would try to facilitate development of that interest in providing the structure where that could be, that interest could be brought along. But the interest would have to come from the person or the particular group.

**Hon. Mrs. Whyard:** I would just add, Mr. Chairman, that that field is wide open; it requires no financing. There are people willing and able and ready to give such instruction.

**Mr. Chairman:** Mr. Fleming.

**Mr. Fleming:** Yes, Mr. Chairman, in the brief presented to us, I'd say that some of the problem with the Native Brotherhood was the forming of boards and such in small villages and I was wondering if the witness is aware that, under Section 7(1) in the Development Ordinance, the Recreation Development Ordinance, that you may -- just the local authority, and I may have to be corrected on this by the Minister, but I think that the local authority itself may be able to, in lieu of establishing recreation boards, just put forth the proposals to obtain the monies, which is granted under this Ordinance. I'm wondering if the witness was aware that this is the case and that you do not necessarily, I think, have to form a recreation board as such in every little community.

Are you aware of this?

**Mr. Turner:** Yes.

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

**Mrs. Watson:** Mr. Chairman, a question for the witness. I believe you stated that, Mr. Chairman, you stated that Mr. Turner was the Recreation Director for the Yukon Native Brotherhood, am I correct?

**Mr. Chairman:** Yes.

**Mrs. Watson:** My question -- since you are the Recreation Director, you must have a recreation program for members of the Yukon Native Brotherhood and I believe, and correct me if I'm wrong, that you do have financial assistance from the Federal Government for this -- you do get a grant from the Federal Department of Health and Welfare. Am I correct in that?

**Mr. Chairman:** Mr. Turner?

**Mr. Turner:** We don't get -- there is a grant, it's not from Health and Welfare any more, it's for amateur sports and fitness and it's an administrative grant rather than a program grant.

**Mrs. Watson:** Mr. Chairman, am I to understand that it is just an administrative grant, then?

**Mr. Turner:** That's what it's intended as, yes.

**Mrs. Watson:** Mr. Chairman, then would it be possible for your organization, in your request for additional grants or on a continuing basis, that you try to obtain some program grant or even use some of your administrative grant for programs so that they could be tied together. I'm looking at our legislation as the Territorial Government's Legislation as a framework for a structure. I'm wondering whether -- how you feel that your recreation program, and you're the director of it, would fit into this framework or structure that is being proposed here?

**Mr. Turner:** That's what we've been talking to the Recreation Department of the Y.T.G. for the last little while about in defining our respective roles and how we are going to be able to more effectively deliver at the community level.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, would the Recreation Director then envision pooling the resources in a community so that you can have a better, viable program for all members of the community?

**Mr. Turner:** I don't think there's any problem in that. I think that's been put forth by the duly elected representatives of the Brotherhood. The programs aren't envisioned as being splitting the communities together. When the Band at the local level looks at a program, it's for all children. They're not making a distinction as to who will participate and who won't participate. If they acquire equipment through their Per Capita Grant fund from D.I.A., they don't put a provision on it -- who can use and who cannot use it. It's made available and I think that's the people from the smaller communities I think know that that's generally the case.



**Mrs. Watson:** Thank you.

**Mr. Chairman:** Ms. Millard?

**Ms. Millard:** Mr. Chairman, I'm interested in the part which was discussing the Yukon Recreation Advisory Committee and suggesting that there could perhaps be better sharing in the decision-making process by the native people in Yukon. I'm wondering if the witness has any idea of how this could be brought about, if that's being discussed at this moment.

**Mr. Chairman:** Mr. Turner?

**Mr. Turner:** It's not being --

**Ms. Millard:** Mr. Chairman, it's about page 10.

**Mr. Turner:** Could you repeat your question again, please?

**Ms. Millard:** Yes, I'm wondering if the Brotherhood has any thoughts on how sharing could be done in the decision-making body called the Yukon Recreation Advisory Committee? At present, of course, the twelve members are appointed by each M.L.A. I'm wondering if any thought has been given to the process -- to change that process to make it more representative of native thought?

**Mr. Turner:** I guess I can best answer that -- I have talked to different groups in the communities and they're not aware of the existence of the Yukon Recreation Advisory Committee, and if they have sort of heard the name briefly they're generally not aware of who the person representing them is on that committee. What we would like to see, I suppose, would be that, if that person is representing the interests of a grouping of people, then at least the people that interest is representative of know who the person is. That generally isn't the case. It seems that, largely, those people are operating in vacuums. They are only listening to a small number of people and their input into the Board, per se, is based on input from a small number of people.

We'd like to see them be a little more effective in having a broader appreciation of the views that people may express where in many instances it's not going to be in any conflict with the views that they're presently exposed to, but at least the opportunity should be there.

**Mr. Chairman:** Ms. Millard?

**Ms. Millard:** Just supplementary, so the Brotherhood doesn't really envisage a radical change in the structure, but a change in philosophy or attitude of the Members of the Board to communicate better with the whole community. Is that correct?

**Mr. Turner:** I think the whole thing hinges, the whole Paper hinges on improving and enhancing a process of communication within the community amongst all groups of people and the basic problem now is to start working on improving the communication.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Yes, Mr. Chairman, my question has

been answered in part by the answers given to Mrs. Watson by Mr. Turner, but I wanted to ask further is, he is the recreation director for the Native Brotherhood. One of my questions, are there other recreation directors that work under you for the Brotherhood, is one? And the other thing is, on what sort of a basis are you involved with the YTG Recreation Director and the City of Whitehorse Recreation Director? Do you, and other recreation directors across the Yukon, do they meet, or do you meet on some sort of a regular basis once in awhile to discuss recreation policies? Is this kind of thing going on? If not, have you got any comments about it or are you satisfied at this time?

**Mr. Chairman:** Mr. Turner.

**Mr. Turner:** Our department is composed of myself and the director's role, and there is one co-ordinator that's employed by the Brotherhood.

With respect to, first, with the City, our point of juncture, or--let me go back. Our involvement with the City would be through the Band in the City's involvement with the band because it's a municipal level. Our involvement with the YTG would be much closer because it's on a territorial level in looking at their policies. It's a much more informal level with the city. There isn't that, presently, that much co-ordination, but what I would like to see, and other people would like to see,

, would be a closer co-ordination between the band in looking at enhancing the recreational picture down there is.

In regards to meeting, yes, we've met quite often with the Director of Recreation for the YTG. We've discussed different approaches to recreation. As to meeting with all people, or all people who are involved in the field of recreation, our closest involvement would be with the Director of Recreation for YANSI and I think that last November there was a workshop entitled "There must be a better way." One of the recommendations that came out of the recreational workshop was that there should be a regular getting together, professional type of development of the people involved in recreation throughout the Yukon and I think that's probably going to be happening fairly imminently.

**Mr. Chairman:** Mr. Lengerke.

**Mr. Lengerke:** Yes, just supplementary to that, Mr. Chairman, I'm glad to hear that Mr. Turner's saying this is going to happen because I'm certainly familiar with where there is a provincial recreation director and all his staff, you know, to me that sort of is the apex of it. Under that, you would have the municipal recreation directors, the band council recreation directors, the Native Brotherhood and this, in other jurisdictions, is the way it works. You don't have a provincial recreation department just dealing with the municipalities underneath and then over here you have a Native Brotherhood kind of situation on the same parallel. It has to flow accordingly and that's the way you're going to get some co-ordination and some policies. What you're talking about is the inter-use of the equipment and monies, and I think, I would hope that this is happening in Yukon because I can see it, it's a very desirable thing, it's something that's essential to have to happen, because otherwise, we're going to end up with, again, as in so many instances, Mr. Chairman, to duplications, groups



going each which way, and, again, nothing accomplished.

Just one question before, one further question, it just interests me with regard to the Band halls. Mr. Turner, are the Band halls in Yukon generally open to all people?

**Mr. Turner:** Sure. When they're open, though. Which is a little more in the summertime than it is in the wintertime.

**Mr. Lengerke:** Thank you.

**Mr. Chairman:** Mr. Lang.

**Hon. Mr. Lang:** Yes, Mr. Chairman, a little earlier in the comments by the witness he referred to the Fitness and Amateur Sports Advisory Board representing just maybe a small segment of population and, personally, I've got to take exception to that because I believe the members worked very hard on that board and they're doing it voluntarily and have been appointed by members from this House to act on the particular board in question.

I'm just curious, Mr. Chairman, if the witness is aware that this particular board has been making an honest effort to get out to the small communities during the year and at the same time, have public meetings for people to come and to discuss these various issues with the board? For an example, I understand that happened in Dawson City and I understand at the same time they made provisions to do the same thing in Haines Junction, so they are making an effort to get out to the outlying communities. Are you aware that this has been happening?

**Mr. Turner:** I'm glad to hear that it is happening.

**Hon. Mr. Lang:** Mr. Chairman, in view of the comments also made about the Fitness and Amateur Sports Advisory Board, has the witness in his capacity as the Director of Recreation, made an effort on his behalf to notify the various Band councils who the Members are in those particular areas? If people are not aware of who's on the Board.

**Mr. Turner:** What we've done is, the YTG publishes a Who's Who in the recreational field and we have taken those out for the communities and try to explain the structure of the existing system and who the contact people are. That's one of the occasions--In discussing that, the people aren't familiar with the names in the book.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman my question was asked by the Minister. Actually it was on the Advisory and I was wondering if the witness did know they were going in that direction now which they haven't been doing before. The meetings have been held in Whitehorse most of the time and this--the next one will, I think, be in Haines Junction. That was my question, however, I have a few comments too.

I think possibly another question, almost the same. I have a feeling that somewhere we must get together with possibly the Federal Government, the native peo-

ples and--we must get together first before we can really go very far, they must get together on their recreational grants as such, to be able to use them together before any committee on either side can actually be doing a proper job without being slightly modest.

I think we have a good committee now of twelve members and I think they were a very, very good committee and I believe they did everything they could, but their hands are slightly tied, or had been in the past, due to the fact that one group is being given money, of course, for recreation in one little village say, and right along side of them is along community hall which is built by the white people and the native people possibly too, however there is no way they can actually get together and say now we're going to try to get a grant for both of these places. So in a sense they were more or less left out. The Advisory Committee was left out of the Indian Village concept, you know, even though they were free to go and see them and tell them they were going, I think that the person--if I were put in that place--I'm sure that he did very well in his job, and I'm sure the others did too, but I think their hands are slightly tied and as I say, my question was asked so I don't really have a question.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman. My question to the witness is he stated in his presentation to us about Dawson City and Whitehorse recreation committees. Well, I would like to straighten one thing out. The recreation committee in Dawson was not formed last year. It was formed two and a half years ago. It was revamped last year, and I know it took two and a half years to get replies back from the native community in Dawson when the city recreation committee asked for representation from that particular group of people. I was wondering if the witness could possibly tell us, how we could possibly force people to participate in outlying communities?

**Mr. Turner:** I can't tell you that.

**Mr. Chairman:** I don't think that's a fair question, Mr. Berger. We'll let that one go.

**Mr. Turner:** I'd like to make a comment, though, in terms of what's happening in Dawson. I think it's a very healthy thing that's happening and I've personally noticed a great deal of enrichment, I think, in the communication that is happening now in looking at recreation in Dawson. I think it's pretty exciting and there's some good things that are happening.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman. I really didn't get my question answered.

Another question I have is on equipment. The witness stated that there's a lot of kids in the outlying areas and possibly in Whitehorse are not under an economic condition to purchase equipment. Well, it's been brought to my attention and I think Mr. Turner was in Dawson at the time, that the Band donated a substantial amount of money to the Dawson Ski Club for equipment. My question would be how was the Band in Dawson able to come up with a substantial amount of money for equipment



and the other groups of people in the Territory could not do the same thing?

**Mr. Turner:** I think you'd have to ask them in Dawson.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, I suppose I should have asked this question at the beginning, but I wonder if Mr. Turner wouldn't mind telling us if he wrote this brief for the Brotherhood and what his qualifications are to be Recreational Director?

**Mr. Turner:** I can do that. I think that would take away from the brief, I think you'll have to consider the brief on the merit of the brief itself. I'm just here to try to answer the questions.

**Mr. Chairman:** I should state that Mr. Turner is in a somewhat difficult position. He was just, at the last minute, he is appearing on behalf of the Brotherhood and it was not his intention to do so. It was the intention of the Acting President of the Brotherhood to appear. He's just appearing.--

**Hon. Mrs. Whyard:** Mr. Chairman, I can appreciate that in terms of the brief, but could we ask what his qualifications are to be a Recreation Director?

**Mr. Chairman:** You don't have to answer.

**Mr. Turner:** I'm not going to answer, but would like to make comments on it, that I don't really see what type of relevance that has to the brief itself. I think you're getting off the track and I would be more than happy to answer questions specifically on the brief, rather than on my own background and my own history at this particular time. That's what I'm here for.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** A very quick and simple question, did I understand you to say that YANSI also had a director of recreation?

**Mr. Turner:** Yes.

**Mrs. Watson:** Supplementary. Does the Department of Recreation or the Director of Recreation, do they operate also by an administrative grant from Health Canada?

**Mr. Turner:** There is some money, yes, I think they're supported. There's a special program to provide assistance to native organizations. It's --

**Mrs. Watson:** Go ahead.

**Mr. Chairman:** I think the witness raised a good point. We certainly are wondering from the presentation he has made to us and I think the questions are really not appropriate.

**Mr. McKinnon?**

**Hon. Mr. McKinnon:** Mr. Chairman, all I can say with all the recreational organizations going around

there may still be room for an aging jock like myself to go on a few trips yet.

**Mr. Chairman:** I'd like to ask a few questions, particularly on the brief that has been presented and, Mr. Chairman, on page 5, it says the cost-share basis would seem to favour those communities which are in the best financial situation, for these communities will have the least difficulty in raising their required shares. However, the community with a somewhat tenuous or seasonal economic base, a relatively high employment rate, and likely a significant level of social discord; in short, a community with obvious need for recreational development, will be a much less favourable position to raise their required share to qualify for full assistance.

**Mr. Chairman:** in preparing the regulations and the Recreation Development Ordinance, we thought that we had tried to answer this consideration which we knew of in that we knew that the native communities, some of them, which were having difficulties with the points raised in the brief, were eligible for a Per Capita Grant. We also wanted to make them eligible for a territorial grant which they weren't, prior to the legislation. So we did really attempt to try and answer this and we don't seem to get any credit for it at all. I wonder if the witness could say whether they did recognize that the government had made an attempt in this regard.

**Mr. Chairman:** Mr. Turner?

**Mr. Turner:** In discussing with the Director of YTG, I've been aware that there has been a great deal of thought that has gone in behind this.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, I think there's also another very important point, which hasn't been mentioned at this time or in the brief, and that is when the government was looking at the organizations that would be recognized, we realized that governments generally want to set up a similar structure and have it homogenous. If there's not a community club, build a community club; if there's not an L.I.D., create an L.I.D.; if there's not a municipality, create a municipality. So we're all happy and know who we're dealing with.

I think that this is the first time in any legislation or regulations under the aegis of the Yukon Territorial Government, that the Band Councils are recognized as approved community organizations that the government of the Y.T.G. will be dealing with. I think that this is a significant advancement in government's thinking towards dealing with the smaller communities and I would wonder whether the members of the Y.N.B. were aware of this break in impasse philosophy and were cognizant of this fact, Mr. Chairman.

**Mr. Turner:** There is, I believe, a statement that Mr. Willie Joe prepared that was presented to the Members of the House. He refers to that specific break.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, I also, like the Member from Watson Lake, was a little surprised at the comment on the top paragraph of page 7, having been one of those that the Honourable Member from Watson Lake probably has seen under questionable conduct in



most of the community clubs of the Yukon. I can honestly state, and that's right up until this year, and I visited quite a few of the community clubs throughout the Yukon, and in the different communities, that I haven't found them serving a small segment of the populace, and I'm talking about functions ranging from everything from mini rendezvous and dances that I just recently attended. I can't agree that in the main, that they act as private clubs. I just don't believe that to be a factual statement.

Mr. Chairman, just to sum up my feelings of the brief that has been presented, I wonder if Mr. Turner could state that actually it seems that the policies and the philosophy represented by the brief, by the Y.N.B., and the policy and philosophy as represented in the regulations and the Green Paper and the Ordinance by the Y.T.G. are similar. All that we're worried about is that we will provide the administrative framework to make sure that those philosophies and policies which we agree on come to fruition.

Would that be a correct summation, Mr. Chairman?

**Mr. Turner:** I think that would be fairly accurate.

**Hon. Mr. McKinnon:** Thank you, Mr. Chairman.

**Mr. Chairman:** Are there any further questions for the witness? Thank you for your presentation, Mr. Turner.

Prior to recessing, I would like to draw to Committee's attention that the Committee on Statutory Instruments has scheduled meetings for this weekend and the two motions that were referred to Committee this morning have really undermined their terms of reference. They really do require direction before they go into these meetings, so I would like Committee to discuss those two motions this afternoon. Does Committee agree?

**Some Members:** Agreed.

**Mr. Chairman:** Committee will recess until 1:30.

*(Adjourned)*

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

Before continuing with the Recreation Development Ordinance, we wish to consider the two Motions on Statutory Instruments that were referred to Committee this morning.

Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, with the permission of the Committee, I would like to introduce some background information which this government uses in preparation of Statutory Instruments and I have available for tabling from the Clerk, copies of a book called "How to Prepare Statutory Instruments" prepared by the Regulations Review Committee. I am not sure, Mr. Chairman, whether all Members are familiar with the operations of the Regulations Review Committee in this government or who is on the Committee. With your permission, I would like to just go quickly through parts which are pertinent to these two Motions.

There is, in fact, a Regulations Review Committee, which was established in June, 1975, by the Chairman of the Executive Committee, to assist the Committee in

approving proposed Commissioner's Orders prior to their signature by the Commissioner. The members named by Commissioner James Smith to that Review Committee were the Secretary to Executive Committee and the Solicitor. The Review Committee sits on a weekly basis to make recommendations respecting the disposition of Commissioner's Orders. And this is the procedure, Mr. Chairman, the proposed orders are forwarded from the originating department to the Secretary of ExCom, who ensures that all prescribed accompanying documentation for the proposed order is present and complete. A completed fact sheet assists the Executive Committee Member responsible to approve, in principle, the orders submitted.

Please note, Mr. Chairman, that this document has now moved from the department concerned to the Secretary of ExCom and then to the Member responsible, who in most cases is an elected Member of ExCom. That Member is required to approve, in principle, the Statutory Order.

The detailed information on the fact sheet makes the Executive Committee aware of the administrative necessity and the action taken on the part of a department head that resulted in the drafting of the order. As well, the fact sheet assists the Regulations Review Committee which I have already referred to, to locate the statutory authority on which the order is based and that is the statute which this House must have approved, has legislation to confirm that Executive Committee policy approval has been obtained, if required, and again you have elected Members on Executive Committee, and to relate the purpose to its legal requirements. Then, the Regulations Review Committee examines the proposed orders according to the following policy and procedures criteria.

This is the crunch, Mr. Chairman, I believe, and this is partly what is concerning the Members who have proposed these Motions.

The Regulations Review Committee ensures that a Statutory Instrument is authorized by the Ordinance pursuant to which it is made; does not constitute an unusual or unexpected use of the authority pursuant to which it is to be made; does not trespass unduly on existing rights and freedoms or discriminate against, or favour any segment of the population without the authority of the Legislative Assembly and complies with Executive Committee policy approval.

Further, the regulations Review Committee recommends to the sub-committee on legislation that certain regulations be considered for inclusion in legislation. It recommends that the substance of the regulation be a policy directive and gives legal advice to the Executive Committee respecting Statutory Instruments.

The Regulations Review Committee also goes through some procedural forms, ensuring that the draft is in the right order and that the order doesn't duplicate or conflict with others and so on. But the point I'm making, Mr. Chairman, is that none of these Instruments can possibly arrive at a point where they have been prepared for final signature by the Commissioner without having gone twice before elected Members of this Legislative Assembly in their capacity as Executive Committee Members.

I thought that might reassure some Members to know that there is such a process in place now.

Now in addition, Mr. Chairman, to that process, what we have is our new Standing Committee on Statutory



Instruments in this House. I am very pleased to see that they are operating in such an effective way so early in their history, because, Mr. Chairman, if I may say so, I was one of the people who suggested that such a committee be formed.

In order to assist members of that committee, I would respectfully request that they consider at this time, the recommendation in Chapter 26, of a very famous report, The Royal Commission on the Inquiry on Civil Rights, which the Province of Ontario established in 1968, with Mr. Justice McRuer as chairman. And Chapter 26, of which you now have a copy, surveys all the jurisdictions in which committees on such regulations as Statutory Instruments have been established throughout the world, not just Canada, but all the other parts of the Commonwealth.

If you will just take a quick look through this review of subordinate legislation by the Legislature, you will see that in Canada no scrutiny committee has been established by our Parliament. In practice, the Opposition has adopted various systems for review of regulations. And opportunities for debate on those regulations are limited to the General Debate.

However, in Manitoba, in 1960, a Standing Committee on Statutory Regulations and Orders was established by the Legislative Assembly. And Mr. Justice McRuer's Commission examines the work of that Committee and recommends, having done so, that a committee of a Legislative Assembly, and now we are referring to Ontario, for whom he conducted this Commission, should be established in Ontario under an appropriate name to scrutinize subordinate legislation. And he is taking many of the recommendations he is making here from the practice in Manitoba.

I think, Mr. Chairman, if Members will just examine those recommendations, they will see that in many areas they are similar to what this new Committee in the Yukon is attempting to achieve.

The terms of reference are there and the principles for their conduct in examination of Regulations and how they go about it and that they should have power to sit between Sessions and so on.

But, I think, Mr. Chairman, from the point of view of the discussions in this House this morning, one of the things that I would like to refer to the attention of the Honourable Members is that these Regulations which are examined by, that the Committee in Manitoba have been filed under the act before they are referred to the Standing Committee.

This may be of some assistance to Members and I think, Mr. Chairman, if there are any additional questions, we have the Legal Advisor with us.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Yes, Mr. Chairman, I appreciate the remarks and I appreciate the material that has been brought forward. I just recall the, the Camp Commission I believe it was, and I can't recall if they were formulated after this particular group was commissioned or before and they had said that the Ontario Assembly had come very close to being a group that was expected to give approval to Government proposals rather than to be constructive and creative and a meaningful arm of the democratic system. I was just wondering if anybody knows when Camp had his Commission in effect?

**Mr. Chairman:** Mr. Legal Advisor?

**Mr. Legal Advisor:** Mr. Chairman, I don't want to add to anything that the Honourable Minister has said, but so far as I know, almost every province in Canada has adopted similar guidelines to the guidelines that were suggested by Chief Justice McRuer and none of them become involved in the drafting, but they do become involved at the point in time when it becomes law and it's filed.

Canada has not yet adopted any formal review in the same way as Manitoba and the McRuer Commission suggested, but they refer them to the Attorney General of Canada who has a special committee which sits to review it which is attached to the Privy Council office, and it consists of lawyers in his department, independent of the department which drafts legislation.

**Mr. Chairman:** One observation, Mrs. Whyard, perhaps might be that you did mention that the Executive Committee Member has twice had the opportunity to peruse these Regulations. I think what we are doing here, the important feature here, is that this is a legislative function and the Executive Committee Member at that time is functioning as a Member of the government which is quite a distinct function and should be kept separate.

**Mr. Chairman:** Mr. McIntyre.

**Mr. McIntyre:** Mr. Chairman, I'm looking at the amendments and I wonder if the intent of the Standing Committee is that they actually receive all Statutory Instruments for comment, because the clause beginning "including drafts", Statutory Instruments is subordinate to the main part which is a review of Statutory Instruments, which is the one that applies. So that, if this amendment were approved as it stands, the government would be faced with supplying you people every Statutory Instrument which is issued by the government before it's promulgated. And I think this would almost bring the government to a standstill.

If you mean that the Committee should review the Statutory Instruments which are draft instruments and being circulated to bodies outside of the government before being promulgated, I can agree with that, but I think the wording of the amendment leads me to believe that what that means is all Statutory Instruments before being promulgated.

**Mr. Chairman:** Mr. Fleming.

**Mr. Fleming:** Yes, Mr. Chairman, now I have the same problem with that "all" in there, but to word -- you know, I'm no expert, I don't know just how you would word that. However, I have a comment which was the same as the Chairman's. I've written it down here when she was speaking. I realize that all of these things go through the Executive Committee, which are elected members, and I realize that they are all inspected dozens of times over and everything before they are brought; however, when she said that they are brought to this House -- actually, the regulations, I don't think, are brought to this House at all times before they are in effect, because I have received many regulations that I have never seen in this House. And they are in effect, I'm sure, you know, I'm not going to say definitely be-



cause I haven't been here that long, but I know I have been receiving many regulations I'm sure I've never seen in here.

However, to go on with that same thing, the reason for the Committee of course would be to study them again because, after all, as the Chairman has said, we are the Opposition, in a sense, in this government, because it is not the same as the Parliament of Canada even though it is on a democratic process, but it is not the same. You are working for the government, for a senior government. You are not really an elected member in there, free to do as you wish for the people, completely. You have a senior government over you where the Parliament of Canada doesn't have a senior government over them. They are the government. There is a difference.

I would be quite prepared to, if somebody did move a motion to have "all" out of there, if it could be worded by possibly the Legal Advisor or something. It is not the intention of the Committee to have all the government paper given to them because that is why the amendment is here because the motion itself that we had before did say that we wished to have all. "Your Committee respectfully recommends that its order be expanded to include the renewal of any of the proposed regulations", which is any and everything, I would think. However, I would need an expert again. And as I say, if there is a better wording, I'm quite prepared to listen.

**Mr. Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, as I mentioned earlier, this is one of the real problems plaguing all democratically elected legislatures, is how to keep control of subordinate legislation. Of course, there is books and books and books written on it by different political scientists and nobody seems to have come up with a satisfactory answer at this time.

I'm concerned with the wording of the amendment. I agree wholeheartedly with the principle that if there are draft regulations being sent out to various lobby groups to test the wind and see what their reaction is to them, that as a matter of first priority those should be sent to all Members of the Legislative Assembly. I'm surprised that this isn't a common practice amongst government.

I know I tried this kind of approach with the Electrical Regulations that we said that they weren't going to be promulgated until a month following and they were sent to all Members of the Legislative Assembly, which would include the members who form the Committee on Statutory Instruments, plus the other Members of the Legislature, plus the various interest groups who are concerned with them, and asked for their comments and all Members' comments, prior to them being promulgated a month later.

I've seen the report of the third report of the Committee on Statutory Instruments and this kind of a process seems to work well because there was very little changes, very few changes that had to be made, or were made, with this type of approach.

So, I agree totally with the principle if that is what the motion means. However, as the Honourable Member from Mayo says, it could say something else and if it does say "all" Statutory Instruments, then for all intents and purposes you have brought the government to a standstill because if I understand all Statutory Instruments would be the referral to committal for insanity by the Commissioner that would have to be given to a

Standing Committee prior to it being promulgated to the Commissioner.

It would mean every Agreement for Sale, every Lease Agreement, every Title Agreement, and anything of this nature which is, under the broad definition, a Statutory Instrument, and I don't believe that this is what the intent of the motion is. As I understand it, it's to make available to members of the committee, I'd be prepared to draft on that, as a matter of courtesy and to the prime lobby group in the Territory, all Members of the Legislature, it should be a fact that if any proposed regulations are going out to anybody that, number one, they go to the Members on the Statutory -- on the Standing Committee on Statutory Instruments and more than that to all Members of the Legislative Assembly.

So, if that's the point of the motion, I agree with it totally, but I think some wording changes should be made and I have no problem at all in supporting the amendment if its 'all' Statutory Instruments which fall under that broad category, then I think we're going to have to look at some delineation of exactly what Statutory Instruments the Committee wants because if it has the whole gamut of them then they would have to be sitting permanently in Whitehorse on a weekly basis, Mr. Chairman.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman, we found, both myself and the Clerk, in looking at these motions, found ourselves in a great dilemma because even were this Motion Number 1 to pass it is still not binding upon the administration. The Legislature does not have the competence to insist upon the administration that they indeed bring these regulations forward in any event, and even with the amendment the amendment is not binding upon the administration. But in looking at this question, we determined that it would be, as a matter of courtesy, a good thing for the administration when they create Regulations, and particularly the reference was, I believe, on Regulations, when they are creating draft Regulations and when they are sending them around to the general public that they be transmitted, as a matter of courtesy, to the Standing Committee for their consideration as well.

In an effort to resolve the problem, because of course in no legislature of Canada is this possible, where the legislature combined the administration in this regard, we sought out the advice of the experts, or one of the experts, Phil Laundry in Ottawa, who is the Research Director with the Library of Parliament, and he pondered it for an hour or two and it was at his suggestion that the wording, generally, of this amendment came forth and it is really a dilemma and I just don't know how you get around it. I would hope that we can, but the assurances that have been given by the Minister this afternoon are very well received and I'd like to hear an opinion from someone on the Standing Committee as to what they feel of these, with these assurances, if this is really required.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, if it is required, although I suppose it would not be required maybe in our terms of reference if we know we can do this. If we have that assurance from the Government I suppose



would be -- that would be, I suppose, due us; however, you know we have to think a little sometimes maybe too, are they going to give us the drafts and so forth? We have that to answer all the time.

I would like at this moment to ask Mr. Legal Advisor if you left out "Standing Committee on Statutory Instruments review draft Statutory Instruments which are circulated to the bodies outside the Government for comment before being promulgated", if you were to leave out all Statutory ...

**Hon. Mr. McKinnon:** Leave "all" in. — "Review all draft Statutory Instruments."

**Mr. Fleming:** Could Mr. Legal Advisor give us an interpretation of it to see what it sounds like?

**Mr. Chairman:** Mr. Legal Advisor?

**Mr. Legal Advisor:** Mr. Chairman, what is intended to be meant by the words "draft Statutory Instruments"?

Draft Statutory Instruments have flowed through this government like confetti and we may reach up to 17 or 20 draft Statutory Instruments in various stages and pages and from the knowledge of my office, if you don't have a lawyer and a clerk and two or three typists to deal with the flow of paper, the Members of this Committee will be permanently -- would have to have permanent office and would have to change their residence from Teslin or elsewhere to come here.

This thing would have to be tied down very, very precisely as to what will be required and, in turn, amendments will have to be made to the Ordinance, particularly the Regulations Ordinance, to ensure that the government does carry out the wishes of this House, because as one of the Honourable Members pointed out, the government is not bound by the terms of a motion and may or may not carry it out. There's no checking whether the government carries it out because the government is not merely composed of the Members of the Executive Committee; they're composed of all manner and stages of people and these drafts float through the Department of Local Government, through the Territorial Secretary's Office, through the Engineering Department, through the Treasury Department, and so forth, from office to office and person to person. All of them are to draft Statutory Instruments in that sense and lots of them are circulated unofficially or officially to outside bodies. People are called in, either casually or on the telephone, and they're asked what particular sections, how it would affect them. You've got all of this difficulty if this is left broad. It's a very, very tricky subject to deal with unless one knows precisely what the intentions of the Committee are in involving themselves in this.

Because this is only a Committee, the Standing Committee to review Statutory Instruments, it doesn't carry the obverse of the coin which obligates anyone to give them sight of a Statutory Instrument except through courtesy. And hitherto, the Committee has been reduced to sending personal letters from the Chairman of the Committee to individual members of the Civil Service. Some are saying, please supply me with copies of this particular draft or that particular draft.

So it's a very, very tricky thing to get involved with and as one of the Honourable Members pointed out to us

who was involved in the Public Service in a different capacity and a different government, could bring the government to a standstill.

I just couldn't undertake, on my feet, to draft something which would meet the wishes of the particular sponsoring group or the compromise which could possibly be effected after discussion in this House.

**Mr. Chairman:** Mr. Berger.

**Mr. Berger:** Yes, Mr. Chairman, this dilemma was actually imposed on this Committee by Mr. Chairman himself, by coming forward with a motion, which was approved of by this House, to review a draft copy of the Regulations on Recreation. We considered it and found out that we didn't have the power to consider regulations like this in the Committee under the statute we had.

Since then, we've attempted to go in another direction, also on a draft copy. And we also found out we're in a dilemma; we cannot review it properly without getting, asking, direction of this House. So actually, so the end result was this particular motion.

All that we're asking for is the direction of the House and to find out the wishes of the Members of this House, which way we're supposed to go. Do we want this Committee to review all the draft copies or do we want it only to review established Regulations?

I would like to point out to the Members, a Paper we received from the Honourable Member, Mrs. Whyard, the "Review of Subordinate Legislation", and I would refer this Committee to page 377, in chapter 26. I think it spells it out in there what we're thinking. "The terms of reference for the Committee should exclude from review any consideration of the policy of the parent act of the merits of regulation."

It also states in there that it's not proposed that the function of the Committee should be to supervise the operation of the departments of government, but I think it's up to this House to come up with a decision which way this Committee wants to go.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** I've been a member of this particular Committee. I have made my particular feelings known to a number of the Members of this House and I'm not prepared to waste government money, my time, away from where I live, and sit around waiting for people in this government to keep coming up with amendments to regulations that we are supposed to be scrutinizing or going over on behalf of this House as a Committee.

I'm not prepared to seek continuous changes in regulations once a set of regulations has passed through the Committee with recommendations to this House and to be changed continuously by this government which is also wasting money like the Legal Advisor aptly pointed out, wasting government money, time and probably many tons of paper, which is completely unnecessary.

I'm not prepared to see the amendment changed or the original motion changed, if they both are defeated or passed and I am not prepared to continue on a Committee that's going to be chained down without any lateral understanding of just what we are trying to achieve and that is to curtail regulations to the point that the legislation is important and not the regulations. As I pointed out yesterday, it's the other way around.



I think this was the main thrust of the Committee, why it was established in the first place.

As Mr. Berger pointed out, we either get direction from this House that the Committee goes in the proper direction on behalf of the House, keep it in mind that they are responsible to the House. We're well aware of the other terms of reference we have just like any other committee that is functioning at present, but we want direction and we want proper and responsible direction. We're not going to sit around in a committee room pussy-footing, wondering when the next set of amendments are coming through. We want the opportunity to look at any amendments that are coming in, proposed drafts, that's what the amendment is saying. If you can give it to the private sector, what's wrong with giving it to a committee?

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I wonder if anyone has a copy of the motion which established the committee to start with, the terms of reference. Has anyone got a copy of that? What are we amending?

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, I'd like to have a few points clarified possibly by the Chairman of the Statutory Committee or the Honourable Member from Pelly.

It was my understanding that the Statutory Committee was designed, number one, to check and see if the regulations coming into force, whether or not they were ultra vires of the intent and purpose of a particular Ordinance.

Now, my understanding is, they want to expand their terms of reference so that they can examine draft Statutory Instruments which are circulated to bodies outside the Government to comment, is that not correct?

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, we cannot sit in that committee. It's a waste of time to sit in that committee and study a Regulation in effect today if while, we're sitting there, we know or have the feeling that at that very moment somewhere else, there is being another Regulation made that would do away with whatever we brought forward to this House and that could happen. That is why we want to study them.

We want to see them in draft and know that they are coming forward. We can look at them there and maybe we have a recommendation and maybe we can look at the ones that are in effect now, but if you are in there and we are trying to maybe remedy one and the Government upstairs is already doing the same thing, then that would be a wasted effort. Of course after reading the motion and the amendment over here, I'm not prepared to back down either.

It says, including the draft Statutory which are circulated to bodies outside the Government for comment before being promulgated, those are the ones. That is what we are asking for, is the ones that are being circulated. Actually, even though we have all Statutory Instruments, including draft Statutory Instruments which are circulated, we're not asking for what the Legal Advisor might have been talking about a while

ago that is just anything he might have—we're asking for the ones that have been given already to the public, so therefore I don't think we're asking for too much.

**Mr. Chairman:** I think in terms of—I think for clarification, the terms of reference that Mrs. Watson referred to do not include what you are asking for, but what you are asking for is an extension of the terms of reference of your committee. Am I right?

**Mr. Fleming:** Exactly, Mr. chairman.

**Mr. Chairman:** And that you do not wish to undertake the obligation to review all Statutory Instruments, you merely wish to have the opportunity to review any of those to be promulgated. Is that right?

**Mr. Fleming:** Yes, Mr. Chairman.

In no way, I don't think we would be able to review all Statutory Instruments, however, the word "all" is in there, but we would have the choice to review them if we wish. I don't think we're tied down so that we have to go through every one of them. If there's nothing wrong with them and we feel there is nothing wrong, there's been no complaints brought to us from the public, or from anywhere else or if we find something wrong, then naturally we wouldn't be reviewing those possibly, but we are only asking for the opportunity to be able to review them.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Yes, Mr. Chairman, in answer to what the Minister was saying, I'd like to elaborate a little more than what Mr. Fleming did as to an example why this committee is in an untenable position.

We called to review the Regulations governing worker's compensation and we found, as I think I stated yesterday or the day before, that even though we were looking at the original Regulations, there were two sets of amendments already out to the public while we were going through the original regulations, they are, because that's how I acquired a copy. The first set of amendments, draft amendments supposed to have been enacted January 1st, 1976, has been distributed publicly for comment.

The second set is being drafted right now, which were reviewed on March 25th for comment, publicly. Yet we're restricted in only being able to review the original regulations. That is stupidity on our part, the way we feel. If that's the way you want the Committee to function, fine, but we're not prepared to do it.

If the administration of this government is going to proceed at a highball speed to change amendments continuously, there is no point having a Statutory Regulations Committee because it cannot function.

**Mr. Chairman:** I think to resolve this matter, what we really have to do is have the clarification of this amendment and then we would be in a position to vote on it one way or the other, but we do require clarification of the amendment, so I would suggest—I do have an amendment here. I would suggest that we recess briefly and that the Committee undertake to have a look at it.

**Hon. Mr. McKinnon:** Mr. Chairman, just for clarification, the Committee is working under an order of



reference which stipulates, in part, that a Standing Committee on Statutory Instruments be established to review all regulations as they are published. If, in addition to that, was read, "and draft statutory instruments which are circulated to bodies outside of the government for comment before being promulgated". Is that what we're looking for? There's no argument, no disagreement. We're in complete agreement with this type of a review by the Committee. It's the way that I operate and the Department of Local Government, where the members of this Legislature and the Members of Statutory Committee have those regulations before them to be able to review and make comments and if that is what is being asked for and that's the way we go about it, fine, great. I'm all for it.

**Mr. Chairman:** Mr. Fleming.

**Mr. Fleming:** Mr. Chairman, that is what's being asked for in the motion.

**Mr. chairman:** Okay, I'll declare a brief recess.

RECESS

**Mr. Chairman:** I call this Committee to disorder.

(Laughter)

**Mr. Chairman:** We are now going to try again to deal with the amendment to the motion.

Mr. McCall?

**Mr. McCall:** Thank you, Mr. Chairman. I think before we go into a knock-down fight on the proposed amendment to the amendment to the motion, there's a few clarifications that I want, or I would like anyway. Under our terms of reference, it states, "a Standing Committee on Statutory Instruments be established to review all Regulations as they are published." We have had great difficulty, as most Members are now aware, that the committee has the power to report from time to time to call for persons, papers and records and to print such papers and documents as may be ordered by the committee.

I would like, if I may, Mr. chairman, to refer Members to the Regulations Ordinance which makes reference to the principle of definition of "publish" and further in sub 9 of Regulations it goes on:

"a publication of a regulation in any consolidation or supplement thereto shall be deemed publication within the meaning of this Ordinance."

It is the Committee's feeling that anything that is circulated, whether it be by Commissioner's Order or otherwise, by the meaning intent of section 9(1), or sub 2 I should have said, means exactly what the amendment which we proposed this morning.

I would like, Mr. Chairman, an interpretation from the Legal Advisor as to what section 9, sub 2 means.

**Mr. Legal Advisor:** Mr. Chairman, I'm familiar with the terms of the Regulations Ordinance. What's intended by that section, or what was intended at the time was to provide that where a consolidation of regulations is prepared as was intended and is still intended by the

Government, similar in form to the consolidation of statutes which we get out from time to time, but publication in that would be equivalent to normal publication. But it does not stop normal publication from being publication. In other words, under Statutory Instruments Ordinance, the Government is obligated to publish its Instruments as they are made and that is publication.

In addition to that, any consolidation changes which are made is also publication. Now it so happens that when the consolidation of the ordinary statutes are prepared, there are sometime sections taken out or renumbering occurs in order to make the statute a cohesive whole. It was intended that this would happen when regulations are consolidated.

Now, for instance, a number of regulations were recently made under the provisions of the Financial Administration Ordinance. The method that was adopted by the department to put these regulations through was by a series of, I think it was 12 or 15 sets of regulations, some dealing with purchase of goods, some dealing with accounting methods, some dealing with the boards which condemn goods and a series of things like this.

It would be intended by that department, during the summer, to put all of those regulations into a single regulation containing perhaps, a hundred and fifty or two hundred sections, instead of ten, each with ten or twelve or fifteen sections. Now that would be a consolidation and the intention would be that when the government would consolidate that group into a single instrument, that that also would be an Instrument and that would be a publication or re-publication, if you like, and the Committee would have the jurisdiction --well, the Committee, if it was reviewing regulations, would treat that as a new regulation and look at it in case, in the consolidation, something had been snuc in by the draftsmen. Well, of course, not by the draftsman, by the department.

**Mr. McCall:** Mr. Chairman.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** Then what the Legal Advisor is saying then, that the principle of "Supplement thereto" would only count after publication. Is this correct?

**Mr. Legal Advisor:** I'm not exactly sure what the question means. In the case of a consolidation, there would be two publications. There would be the original publication, say in 1976, and then when several of them were consolidated into one in 1977, there would be a second publication.

**Mr. chairman:** Mr. McCall.

**Mr. McCall:** In our original terms of reference, it says that we can call on any persons, papers or records and the Committee's interpretation of that is that that means any drafts proposed by any department of this government. We have the opportunity to look at those drafts.

Now there seems to be a complete misunderstanding as to what is deemed published and not published. And this is where the confusion arose where we sought further direction from the House. I do not concur with the interpretation of the Legal Advisor, Mr. Chairman, because under the offence of Section 4 (3) it says "no



regulations or regulation is invalid by reason only that it is not published". And this is where we have a serious hang-up as far as the Committee is concerned. And we say under our original terms of reference, irrespective of the amendment that was put forward this morning, that we have the opportunity, the right to look at any draft that may be forthcoming from any department according to the Regulations Ordinance. We have the opportunity under our original terms of reference to demand a look at those drafts whether it be one or five hundred, prior to the publication, as it says in here.

Prior to the publication, we have that right to do that as a committee.

**Mr. Legal Advisor:** Mr. Chairman, it's not for me to enter into a debate as to the rights of any committee set up by this House, but if the terms of reference of the committee are to look at Statutory Instruments or to look at Regulations, it means just that, and anything which is less than a perfect regulation enacted into law by the Commissioner is an incomplete thing. It's a draft, it's like a fetus to a new born child. It's not complete in itself and if I had been asked for an opinion, I would have thought that the committee's jurisdiction was intended to be from the meaning, if I hadn't known what is in the Honourable Member's mind, but when they have the power to look at Regulations, it means Regulations and not the preliminary work attached to it.

I concur with the Honourable Member if that is what he sees as the meaning of it, that he sees something or wishes to see something which is prior to the Regulation, then perhaps clarification is needed for the guidance of the committee, because it that's what they want and that's what the House is prepared to give them, then they may need extra words to make that clear.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** That is really not totally what I meant. Mr. Chairman, and I don't think that's what the committee meant. What we are saying is prior to publication of the final Regulation, that is, draft proposal which are also circulated to the public prior to the final Commissioner's Order being exercised on any final Regulation.

This is where we are running into problems as to our terms of reference and according to the Regulations Ordinance there is a question of doubt there also.

**Mr. Chairman:** Mr. McCall, in view of the confusion, is your amendment meant to clear that confusion up?

**Mr. McCall:** I think so, Mr. Chairman.

**Mr. Chairman:** Then perhaps you could proceed with it.

**Mr. McCall:** I don't have the amendment, Mr. Berger has the amendment.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman. I'm the lucky one to propose an amendment, seconded by the Honourable Member from Hootalinqua.

**Mr. Chairman:** This is an amendment to the amendment.

**Mr. Berger:** It's an amendment to the amendment by deleting all words after "all" and inserting the following therefor:

"Regulations and any draft Regulations that may be circulated to bodies outside the Government before being promulgated."

**Mr. Chairman:** The amendment, moved by Mr. Berger, seconded by Mr. Fleming, that the amendment to be amended by deleting all the words after "all" and inserting the following therefor:

"Regulations and any draft Regulations that may be circulated to bodies outside the government before being promulgated."

Now for clarification, I'll read what the amendment would then say.

"The Standing Committee on Statutory Instruments review all regulations and any draft regulations that may be circulated to bodies outside the government before being promulgated."

Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman. In shortening that down we have taken out the Statutory Instruments, things like this that the Legal Advisor told us might include almost everything. We have come right down to regulations and any draft regulations that may be circulated to bodies outside, which explains for itself, that is merely all that it is saying.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** I think, Mr. Chairman, one further explanation is that, as Mr. Legal Advisor pointed out, there is sometimes hundreds of proposed draft regulations and regulations floating around this building and maybe in the Territory and we have no -- we're not interested in getting all those proposed drafts. All that we're interested in is to get a draft of the regulations before it's been signed by the Commissioner and this is, I think, we're hoping is spelled out in this amendment to the amendment and final amendment to the motion.

**Mr. Chairman:** Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** Mr. McIntyre?

**Mr. McIntyre:** I'm still not clear on this wording. Do I understand that what the Committee wants is all regulations, leave out the draft stuff, all regulations before being promulgated? Because that's what it says. This says exactly the same thing as it said before. It says that you want to review all draft regulations that are being circulated to bodies outside of the government, and in addition to that you want to review all regulations before being promulgated. You've still got exactly the same thing as you had in the first place.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, again, they have



not the intention of reviewing all draft regulations. What we're intending on doing, leaving the door open for us to put our hand in there to get some proposed draft regulations before it comes to the final signing, if we really need it. This is all that this motion is all about.

**Mr. Chairman:** I'm not sure, Mr. McIntyre, that I agree with you. From my understanding, a regulation is not a regulation until it has been signed. Therefore, the last half of this amendment is one thing the regulations actually refer to afterwards, after they have actually been signed in and what they're referring to in the later part of their motion here is referring to the draft period.

Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, if I understand the Legal Advisor's definition of a regulation, it's not a regulation until it's signed, sealed and delivered and promulgated. I have no problem at all with the motion. Right, fine, so that's what the interpretation says and I just say that it's a matter of common courtesy of this government and every department should give to the Standing Committee on Statutory Instruments, the courtesy of first look at any drafts that are going circulating to anybody outside of this government. And I'm in full support if that's what the motion says, I have no problem with it.

**Mr. Chairman:** I think that's what the motion does say.

**Mr. McIntyre:** It could be clearer

**Mr. Chairman:** It could be clearer, but that's the intent of it and that's what it says.

Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, I'm totally confused here, I have two pieces of paper here, one called the Amended Amendment, and the other one is the Amendment. Could you please read out the motion that --

**Mr. Chairman:** If you give me a chance, I will, Mr. Lang.

Amendment to the amendment. It has been moved by Mr. Berger, seconded by Mr. Fleming, that the amendment be amended by deleting all words after "all" and inserting the following therefor:

"Regulations and any draft regulations that may be circulated to bodies outside the government before being promulgated."

Now, to avoid confusion, I won't read the amended amendment. We'll just vote on this one now, okay?

Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** Are you in favour?

**Hon. Mr. Lang:** Mr. Chairman, on a point of order, I'm not too sure, are we going to vote this one, then we're going to vote on this one?

**Mr. Chairman:** Exactly. That is exactly what you are supposed to be doing. That is standard procedure, Mr. Lang.

**Hon. Mr. Lang:** I'm sorry, Mr. Chairman, I'm kind of tired today.

**Mr. Chairman:** Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** Are you agreed?

**Some Members:** Agreed.

**Mr. Chairman:** The amendment to the amendment is carried.

*(Amendment to the amendment carried)*

**Mr. Chairman:** I will now read the amended amendment.

"The Standing Committee on Statutory Instruments review all regulations and any draft regulations that may be circulated to bodies outside the government before being promulgated."

Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** Are you agreed?

**Some Members:** Agreed.

**Hon. Mr. Lang:** Mr. Chairman, on a point of order I am not.

**Mr. Chairman:** I declare the amendment carried.

*(Amendment carried)*

**Mr. Chairman:** We will now go to the motion. Motion Number 1 as on the Order Paper:

"That the Standing Committee on Statutory Instruments review all regulations and any draft regulations that may be circulated to bodies outside the government before being promulgated."

Are you ready for the question?

**Some Members:** Question.

**Hon. Mr. Lang:** Mr. Chairman, on a point of order, I have to agree with the Honourable Member from Mayo. It appears to me to say the same thing as it did earlier. We've wasted two hours of time.

**Some Members:** Question.

**Mr. Chairman:** 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:** I think we'd better deal with Motion



Number 2.

It is moved by Mr. Fleming:

"That the Second Report of the Standing Committee on Statutory Instruments presented April 12, 1977 be concurred in."

Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** Are you agreed?

**Some Members:** Agreed.

**Hon. Mr. Lang:** Mr. Chairman, this contradicts this motion. The way I understand it, what the House just passed contradicts the report. The motion flows into the report.

**Mr. Chairman:** They are actually one and the same thing, so we can carry this. It is not contradictory.

**Mrs. Watson:** Well, Mr. Chairman, you'll have to read the Report before you can vote on Motion Number 2.

**Mr. Chairman:** No, no I just have to read the Motion. I don't have to read the Report. The Report has been tabled.

Actually the question has already been carried, and I declare the Motion as carried.

*(Motion carried)*

**Mrs. Watson:** Mr. Chairman, on a point of order, it says, "the Second Report of the Standing Committee on Statutory Instruments be concurred in." Now your Second Report says, "your Committee respectfully recommends that its order of reference be expanded to include the review of any proposed regulations." That is not what your motion has said. That was the one we amended in Motion 1, so you have to amend your report in order to be able to concur in it.

**Mr. Chairman:** No, we can't. We're not in a position to amend the report. The Committee is, but not ourselves. We can accept or reject the report and that's all. Mr. Taylor?

**Hon. Mr. Taylor:** Yes, just for clarification, Mr. Chairman, perhaps we got the one resolution ahead of the other but, in fact, by our actions today, Mr. Chairman, by now concurring with the Second Report, we've concurred that the Committee has recommended that its order of reference be expanded and we have expanded it only to the degree that the House or the Committee felt it would go and I see no problem with concurrence in the Report at all.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Mr. Chairman, just to clarify, the two motions are just on the Order Paper the wrong way around, that's all. It has to be concurred with in order to take it off the Order Paper.

**Mr. Chairman:** That's right.

**Mr. McCall:** That's a procedure. It has to be concurred in, otherwise it will stay on the Order Paper forever.

**Mr. Chairman:** That's been done. Let's call it quits. The matter has been voted on and passed and it has now been dealt with and finished. Okay?

We'll return to the Recreation Development Ordinance.

We were still in consideration of Clause 1. This Ordinance may be cited as the Recreation Development Ordinance.

Is there any further debate?

Mr. Taylor.

**Hon. Mr. Taylor:** Yes, I believe we're still on the General.

**Mr. Chairman:** We are.

**Hon. Mr. Taylor:** I've spoken with my constituents, or some of my constituents, in this matter and further to the meeting with the Minister of Education when he was in Watson Lake to explain the program, and perhaps our greatest concern is that the grants, under this Ordinance, would be levied on a per capita basis and this would be established by using DBS figures and we find ourselves in the extremely unfortunate position of only having part of our people recognized by DBS figures.

In other words, they took the number of people that they counted in the Watson Lake Local Improvement district and established that figure and then all the other people who live on the peripheral areas to the Local Improvement District, the Airport Road, the Airport and the Liard, they somehow form part of Ross River. They took them and lumped them in with Ross River. So if we were to agree to the proposals contained in this Ordinance, we would find ourselves perhaps trying to provide for 12, 1,500 people and getting grants covering 500 people. And, so this is the type of situation we find. We are very, very concerned about it and I'm wondering if the--and I'm quite sure that the Minister is aware of it and I'm wondering if the Minister has found any alternative ways of dealing with this very, very important question?

**Mr. Chairman:** Mr. Lang.

**Hon. Mr. Lang:** Mr. Chairman, I was aware that this was the major question facing the people in Watson Lake in relation to the new program that we propose to introduce, and at the present time we are making inquiries to Statistics Canada to get a breakdown of figures so that we can take into consideration, for an example, in Watson Lake and Watson Lake Airport Road. And we're just in the process of making inquiries at this time, but we have to go by some guideline and be consistent with government policy, we're going along with Statistics Canada.

**Mr. Chairman:** Mr. Taylor.

**Hon. Mr. Taylor:** Mr. Chairman, I'm pleased to hear it and I hope the Minister includes Upper Liard in this survey as that is part of our community too. But I still don't see where the assurances are that if we concur with this Bill in its other facets, that this will in fact be



done or will we, in concurring with the Bill, perhaps wind up on the short end of the stick. What, in other words, what assurances have we that all our people will be considered in this per capita funding?

**Mr. Chairman:** Mr. Lang.

**Hon. Mr. Lang:** Mr. chairman, as I said earlier, we are making the inquiries and we're going to try our best to get the figures, the breakdown as requested by the Member from—the Honourable Member from Watson Lake. That's all I can say to this particular point at the present time. As you know, the census was taken and the figures are due to be released officially in June, and also at the same time, I should point out that we have in the Regulations designated Upper Liard as a separate area because of the distance from Watson Lake. But there are provisions in the Regulations flowing from the Ordinance for Upper Liard to get together with Watson Lake in order to pool their resources, as the Honourable Member from Klwane asked the witness earlier today. So the two communities can work together.

**Hon. Mr. Taylor:** It's nice to see the government splitting our community up. I didn't know that they'd gone that far, because we were always part of one community. It's interesting to know that you've now broken it into two.

**Mr. Chairman:** Mr. Fleming.

**Mr. Fleming:** Yes, Mr. chairman, I'm very interested in the remarks that have been made. I am not aware that they're trying to do anything like that, hopefully they aren't.

However, I do have a problem with the same old story again, the native situation and our situation, which seems to clash due to senior governments above our head that we can't really do anything about. And I'm wondering, in an area where there are say two community halls and more or less two community organizations, however, possibly under one L.I.D., and we class them and they class themselves as all one peoples too, but however, we'll say that they do decide and this can happen and will happen I'm afraid in some places, but decide that we are a community and you are a community, even though you live under the same L.I.D. and in the same district. The native people will say we will put in a claim for a recreational grant and the other portion will put in a claim for a grant. How are you going to divide them? How are you going to decide between the two? How is the government going to say to one or the other, no, you can't have it, but you can both have it, if they decide to split it up? What do you do?

**Mr. CHAIRMAN:** Mr. Lang.

**Hon. Mr. Lang:** Mr. Chairman, and the Honourable Member raises a very good point. We spent a lot of time in this particular area. In relation to municipalities, we are recognizing the municipal fathers, the city council. In relation to the Local Improvement Districts, we are prepared to either recognize the local district or a community organization that they designate in order to deliver the recreation program because we realize some of the L.I.D.'s that are in transition period. Also at the same time, in relation to the unorganized com-

munities where the possibility may exist, we have outlines in legislation what we would tentatively propose in relation to the recognition of community organizations in a particular area and we have tried to follow the historical background in relation to recreation, how we have been funding in the past.

So, subsequently, if you will note in Section 2 (1), Recreation Services says, "means the planned use of community resources to satisfy the needs or interests of citizens during their leisure", and what we're saying is we're prepared to recognize one community organization in a particular area. We're not prepared to recognize two or three or four.

**Mr. Fleming:** I have to agree with the Minister and I sympathize with him and the problems he may have later because I can see a problem coming up possibly someplace and I'm wondering how we are going to handle it then. I think that—I realize that he has an answer but that answer will not probably satisfy all people because the majority in a case may be native people or the majority may be white people, and it depends on who has that community organization put together at the time. I hope that I'm not taking the Minister's word that he is actually going to say—and I'll give you an example, there's no use beating around the bush. Teslin has a community association now. The native people also have a Band, an organization, and it's just as big as ours.

Now, I realize that if we get along fine together that's good. Hopefully we will and I'm sure we will, but in the case where someplace you might not get along, you are going to have a problem when you say no, I'm going to give it to the community association, which is the white fellow and keep it there. Now, I would be opposed to this, very much so. I don't know, I would sympathize, maybe you haven't got an answer, but I think somewhere we've got to find an answer and my answer would be that let's get together and stay together and hopefully we can.

There's one thing that I find very hard to get along with in this world is governments. They are the ones that don't get along, not the people. Hopefully the government will hear somewhere along the line and get along with their senior governments. Get together with them in this type of thing because so far, it has not happened. The federal government issue a grant now to the native people. They don't issue us a grant. We're trying to do the same thing with our people, you might say now. On a different size, a five dollar grant instead of a seven, which they get. You know, nothing, we don't seem to get together or they don't seem to get together. And I think it's their responsibility to get together first and try to fit their programs in together so that we are all equal.

I realize you have a problem, Mr. Minister, I think we all had a problem for many years. But I think at the local level, we are trying to get along and I think it's the federal government, and I've always said it's the federal government's responsibility more or less to try and get along a little more than they have. They are quite willing to just dole out money and, I don't know, you know, they don't even worry about what it's used for. And I think it's time they do. I'm not referring this to you, Mr. Minister, this is the federal government I'm speaking of now in the case of something like this which will effect this—the regulations and this Ordinance very much so in the future, if they don't wake up and start to



realize that we want to get along and try to get together with you people and see that we all have the same thing.

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

**Mrs. Watson:** Mr. Chairman, I won't continue this because it specifically deals with one section, but I wonder if the Minister, for Monday, and it looks like we're still going to be on this Bill on Monday, whether he could bring in the DBS figures for the communities that they have listed in the Regulations. And if you could give us some indication on what areas, for example, they say Hinaes Junction or they say Teslin, does it—is it just the L.I.D. or is it the community or what radius is involved? If you would be able to give us this information on Monday, I would appreciate it.

**Mr. Chairman:** Mr. Lang.

**Hon. Mr. Lang:** Mr. Chairman, I'd be glad to provide all members with the information. The only information I have at the present time in relation to the population figures are the municipalities and the four L.I.D.'s for the 1976 census. The other ones are 1971 because I haven't gotten them broken down yet. The Honourable Member from Watson Lake raised a point and we are making inquiries to get them broken down into specific areas. For an example, Pelly Crossing and this kind of thing.

So that's all I can provide members with and I think the Honourable Member has raised a good point in relation to the L.I.D., of say, for an example, of Haines Junction or, for an example, Watson Lake. We've got to get the other figures for the people who are living right close within that particular community.

But at the same time, I think you have to remember, Mr. Chairman, is that it is on a cost-shared basis so if there is \$10,000.00 available, the community has got to raise another, say, \$4,000.00, so it's a total of \$14,000.00 must be spent in that recreational assistance to the community in order to fully maximize the amount of money that would be available to that particular community because it's not an outward grant. So in some cases in relation to your per capita, it may not really mean that much to get to the maximum because you may not be able to raise that amount of money. It depends on the interest in that particular community. But all I can say is that we're trying to get the figures.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman, the comment made by the Honourable Minister a little while ago of splitting our community into two, into Upper Liard and Watson Lake, for recreational purposes bothers me a little bit because there is no community club there and the members from Liard are part of our community club and it distresses me that now that we won't be able to receive a grant on their behalf because they apparently are not to be included, so perhaps they shall, for free, with no assistance from them, be able to continue to enjoy the recreational facilities at Watson Lake.

Is it not so, and perhaps Mr. Legal Advisor could enlighten me here, is it not so, somewhere in the Financial Administration Ordinance, no monies can be paid from the Government of the Yukon Territory, certainly in grants, to any community club, shall you say, or

whatever unless they have first registered under the Societies Ordinance.

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, the Legislation under Section 9(1) -- that's taken care of, Mr. Chairman. You have to be registered as a Society.

**Hon. Mr. Taylor:** Mr. Chairman, I'm just wondering then, what you're really doing is saying to the people of Upper Liard from, from now on, if you're going to enjoy the benefits of any monies, territorial monies, for recreation, you have to form a separate Society and I don't think that's really fair.

You'd have to set up your own community club, duplicate facilities, and the whole issue. I don't really agree that that's fair.

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** I think that we're getting into specifics in the Bill. I think we should go through section by section if people are finished speaking to the policy.

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

**Some Members:** Agreed.

**Mr. Chairman:** Interpretation, two.

*(Reads Clause 2)*

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I don't know if this is where I come in for mine or not, but it's been quite obvious from the letters that have been circulated to Members of the House and it was quite obvious that the meeting that the Minister had with the community, that the community does not want to have their recreation under the direction of the Local Improvement District. They have been working on an amalgamation for over two years now and I would dare say eventually it will happen. But I would hope very much that when we discuss this goal from 2 down to 6 and 7, that we can make amendments so that there can be a choice, where they do not have to -- where your local authority does not have to be your L.I.D. Board, in an L.I.D. district. Now, I'm not going to belabour it here, I'm going to refer to it again when we get to 6 and 7.

**Mr. Chairman:** Shall Clause 2 carry?

**Mrs. Watson:** It's not clear, no don't carry it.

**Mr. Chairman:** Okay.  
Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, I merely ask who's in charge here?

**Mrs. Watson:** Well, Mr. Chairman, with your permission, I would prefer that 2(1) not be carried so that it can't be amended in case we agree that the local authority in a Local Improvement District must be the Board.



**Mr. Chairman:** Does Committee concur?

**Some Members:** Agreed.

**Mr. Chairman:** Clause 3.

*(Reads Clause 3)*

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Yes, Mr. Chairman, while we're on Section 3(1) and sub (1), I am rather curious. Understanding the language and intent of Section 3, sub one, why on earth do we need Section 11, sub one?

**Hon. Mr. Lang:** Mr. Chairman, I think we get back into the world of regulations once again and we have to have the ability to make Regulations to flow from the Ordinance.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Then why adopt the principle of Section 11, sub one. Do we need Section 3, sub one?

**Mr. Legal Advisor:** Everyone is looking at me, Mr. Chairman, as if I was the Angel Gabriel.

*(Laughter)*

**Mr. Legal Advisor:** We need Section 3 because this is the policy which the Commissioner was following. And, in carrying out that policy, he makes regulations to establish the policy and then the Committee which the Honourable Member is a member of, he can compare the Regulations made under Section 11 and see do they or do they not fit square within the ambit of Section 3. And then he has his work made easy for him.

**Mr. McCall:** Then we don't need Section 11(1) because it spells it right out in Section 3(1).

**Mr. Legal Advisor:** With respect, no, Mr. Chairman, but you could put in Section 11(1) to be transferred to Section 3(2), in a sense. But it's the custom here in that in the penultimate section that's where we put the regulations, the regulation-making power. The policy we put early on so that Members can debate it while they're still fresh.

**Mr. McCall:** Mr. Chairman.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** It spells it out in Section 3(1), the powers of the Commissioner, you don't need a section referring to regulations. That's just redundant language and I -- what you're saying is, you're saying twice in two separate sections, the same thing, "the powers of the Commissioner". It spells it right out. Read it.

**Mr. Legal Advisor:** With respect, no, Mr. Chairman. It's maybe a matter of opinion, but opinion is in the negative.

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

**Mrs. Watson:** With respect, Mr. Chairman, actually all you need in that Bill is Section 3 and Section 11 and you can do the rest as regulations.

**Mr. Legal Advisor:** That is correct, Mr. Chairman.

**Mrs. Watson:** Yes.

**Mr. Chairman:** Shall Clause 3 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Clause 4(1).

*(Reads Clause 4)*

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman, how big a department is this one going to be, because generally in this government in the past you appoint first a director and then you appoint two secretaries and then an assistant director, and how far, how many people will be involved in this function?

**Hon. Mr. Lang:** Mr. Chairman, I thought we discussed this at budget time. We're looking at one director of recreation and another man-year to assist the director of recreation not only in this area but in the area of games and this kind of thing, which we always seem to get into at the last minute. So that's the department.

**Mr. Chairman:** Mr. Taylor.

**Hon. Mr. Taylor:** Mr. Chairman, my question -- where are we going with this department? I understand that this year we're talking about one person, but what is -- what happens -- does this thing proliferate, is this the start of another great department, or just what is foreseen for the future?

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, at the present time, I only have the ability to foresee for about another year and a half, that's the term of my office, and all I can say is that I would -- if I last that long, ...

**Mr. Chairman:** Order, please.

**Hon. Mr. Lang:** Then all I can say is that that will be the department and it will consist of two man-years as far as I'm concerned and five years down the road if they make another decision, that's a way out of the -- down the road.

**Mr. Chairman:** Will Clause 4 carry?

**Some Members:** Agreed.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, I would like to ask the Minister whether this Section 4(1) could actually read, "The Commissioner shall assign a member of the public service who currently is known as the Recreation Director, to be the Director of Recreation."



**Mr. Chairman:** Mr. Lang.

**Hon. Mr. Lang:** No comment.

**Mr. Chairman:** Does Clause 4(1) carry?

**Some Members:** Carry.

**Mr. Chairman:** Five (1).

*(Reads Clause 5)*

**Mr. Chairman:** Mr. Fleming.

**Mr. Fleming:** Yes, Mr. Chairman, I'm a little concerned about this. The members of the Board may be paid such remuneration, you know, such travel and other expenses. And I'll give you an example of here this spring, I think it was a week or so ago, we had some people from the L.I.D. boards and there was also some people who were just in here because they were water delivering people or something. In other words, private enterprise, actually, that is, not government employees, taking a course on how to put pills in water or how to pour water out of -- put 12 gallons in a 10 gallon bucket, I don't know, this type of thing. And this cost a lot of money to the taxpayer.

I'm wondering if this Board, possibly, once they are formed, the Commissioner can say, well, we'll bring them in to take a little phys. ed. and we'll start them out and, you know, make them into teachers or something and I'm wondering just how far that Board will go and how much we're going to be allowing ourself in paying money and teaching them this and that?

**Mr. Chairman:** Mr. Lang.

**Hon. Mr. Lang:** Mr. Chairman, this is a provision in the legislation to allow for the Fitness and Amateur Sports Advisory Board, the Committee and also at the same time, it allows us the latitude if there's a commitment to, say, for an example, Canada Winter Games and this kind of thing to prescribe by regulation some remuneration for the people who are volunteering their time and this kind of thing, organizing, say, for an example, the Arctic Winter Games or the Canada Summer Games, because we appear to be in the position that we're going to be organizing the Games for the government rather than, for an example, the Sports Federation, who I think I mentioned earlier. It's decided that they don't want to perform that function any longer.

**Mr. Chairman:** Mr. Berger.

**Mr. Berger:** Yes, Mr. Chairman, I think I am correct in assuming there's also Yukon Recreation Advisory Committee on this Board and, as the Honourable Minister of Local Government pointed out to us before lunch, it's a new concept being established of recognizing Bands in the Territory, Indian villages. And the present set-up, we're appointing the board members, committee members, through each elected person in this House and I'm having a little difficulty in my riding for one thing, there's two different communities in the riding and I'm only appointing one. I have three communities actually, and I'm only appointing one member out of one community.

I think there could be great difficulties arising out of that because the other two communities are not really represented on the Regulation Advisory Committee. I'm proposing an amendment to section 5 that the Members to this Board or Committee is to be appointed by the Commissioner, an advisor from each approved community organization.

I think that making this proposal, I think that we would get a much better cross section of people on this committee and it was pointed out to us earlier in the day that there is not really a real cross section of the people in the Yukon and there's lots of those committees and boards. My proposal I think would overcome some of this.

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, the Recreation Advisory Board presently consists of twelve members and in working with the Board, I have heard none of them, at least there have been no recommendations put forth in relation to the expansion of that Board, and I would suggest, Mr. Chairman, that we continue at least for the next year or two years with the present make-up of the Board in view of the concept of the new program that we plan to introduce and assess it after two or three years. I think that a number of twelve is at time possibly unwieldy. If you increase it to twenty or twenty-five, well it's going to make it very difficult and I think that they're doing a very good job and I know that these people--they're volunteering their time and working at it very hard. I think that we should just leave the number of people on the Board the way it is presently constituted and after possibly a year or two years down the road, assess it and see how it's working, but I feel it's working very well now. I know they're making an honest attempt to attempt to accommodate the rural communities. As I said earlier, they were instrumental in the drawing up of the present policy that is in legislation here and it shows that the Members of the Board are concerned with the smaller communities in relation to the recreation assistance that would be available to the communities if this Ordinance is passed.

So, I think they are doing a fine job and I personally cannot support it in that nature, because I think I would like to hear, first of all from the Board themselves and what they thought about it before I amended the Legislation.

**Mr. Chairman:** Is it Committee's wish to hear this amendment, this proposed motion at this time?

Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman, this proposal, as raised by the Honourable Member from Klondik, is not new to the House and we've always determined, finally, that one member representing each constituency was the only answer. We even had trouble with twelve when we increased the size of the Legislature to twelve members.

I agree with the remarks of the Honourable Minister that the Board is doing a pretty good job and it is difficult, but if you had one representative from each community in the Yukon, you would have such an unwieldy board that you couldn't work and if you went into a constituency that had three communities and you had three representatives on it, then certainly every other



constituency should be entitled to the same type of thing and then pretty soon, you'd find yourself with twenty or thirty people on a Board. You know, it would just become totally unworkable.

I, too, commend those who have served the Board, particularly in my area. I think that they work very unselfishly and work very hard to represent all the aspects of sports. I mean there is a lot of coverage, everything from badminton to curling through hockey and all the many aspects of sport and I wouldn't like to see the suggestion raised at this time that would have the effect of changing this.

I was concerned, I had one question on this matter, Mr. Chairman and that is I'm wondering if the Minister could assure me that it is in no way intended by the acceptance of section 5(1) or (2) that the Commissioner would cease his practice of permitting the constituencies to, through their representatives, to appoint members to the Board.

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, there is no intention to discontinue that practice, it's all laid out in the draft Regulations.

**Mr. Legal Advisor:** Under the terms of the amendment, it's proposed that the approved community organizations supply the membership. They are listed in the draft form of the Regulations and there's only nine of those and they do not include Watson Lake, Teslin, Dawson or Whitehorse. So, perhaps the Honourable Member might want to consider this point in the terms of putting forward his Motion.

**Mr. Chairman:** My concern here Mr. Berger is that as a question directed to you, as to advise the approved community organizations, I think, all constituencies are covered by the advisory committee at this time, and my question would be, do you not feel it would be parallel to the advisory committee presently into force which this House recommends?

**Mr. Berger:** Mr. Chairman, with all due respect to this committee, it doesn't. Up until now the Indian communities were not represented or considered by this Government. This is something new.

If you go back on page 7 of the proposed draft Regulations, as the Legal Advisor pointed out, there's nine approved community organizations. I assumed, or maybe I made a mistake on it, that the other communities are automatically in that, because I came to a total of sixteen. There was Old Crow, Pelly Crossing and Ross River and Burwash if there were Indian Communities, and Upper Liard, they were not considered by this Government to my knowledge. They were always considered as the Federal Government and Indian Affairs was looking after them, and I think it's just fair, at least that's the way I feel about it, to give them proper representation under this new legislation.

**Mr. Chairman:** Ms. Millard?

**Ms. Millard:** Mr. Chairman, I quite agree with the Motion. I think it's an excellent one. I think we could get out of the difficulty very easily by just adding the term "local authority" as it's defined in the Ordinance and I,

too, come up with a total of sixteen. There's nine approved communities, four LID's and three municipalities and I think it's an excellent workable Board and certainly representative of the Yukon.

**Mr. Chairman:** Yes, Ms. Millard?

**Ms. Millard:** I would like to move that, if possible. The words "and local authorities" be added to the motion.

**Mr. Chairman:** I think the motion itself has not been seconded at this point, but I also suggest that this Motion has to be drafted properly before it comes forward as an amendment.

I would suggest a five minute recess.

(Recess)

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, I propose myself that Bill Number 12 be amended in Clause 5 as follows: by adding thereto the following new subsections:

I should actually read - "(3) There shall be a committee called the Yukon Recreation Advisory Committee to be appointed by the Commissioner consisting of one person nominated by each local authority and each approved community organization;

(4) The provisions of subsection (1) and (2) shall apply to the Yukon Recreation Advisory Committee."

**Mr. Chairman:** I think there's a number mistake there, I think it should be (5) nor (4).

**Mr. Legal Advisor:** Yes, Mr. Chairman.

**Mr. Chairman:** Is there a seconder to the motion?

**Ms. Millard:** I second that motion.

**Mr. Chairman:** You second that motion?  
Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, I have to rise, not in support of the motion. I think that since we have been in these Council Chambers and we have appointed already, appointed or have an advisory committee which has been placed there by this part of the government, that we should stay with that one and respect it until such time as at least our term of office is over because I think they have done a good job. They are attempting now to, I think, go out and do more than they have before. In fact, by going to the smaller communities, they are going to see some of the native peoples more than they did before and possibly get some advice that way.

I think that they had a problem. As I said once before in this House, they have a problem because of the situation where the federal government is giving recreation grants to the native peoples and consequently, when this board was put together they did not have actual input to it. I agree with that, I agree with what the Brotherhood says about that, that at that time they didn't really have input. Places such as, possibly, the Pelly, possibly Burwash, possibly Liard, some places that were just strictly Indian villages.

However, I also must say that we, as people who were



bringing forth names for this Committee, really didn't have the opportunity to go there and even select the person from there, because they're under entirely different regulations than we are with the federal government, as far as recreation is concerned.

As far as the Territorial Government is concerned, we include every person in the Territory; therefore, it would be no problem even to pick a native and put him on this advisory committee, which some of us may do.

As far as the Federal Government is concerned, they have an entirely different outlook. Their money does not go into any of our recreation area or anything like this. I think the Advisory Committee, as I say, is doing a good job the way it is. I can't vote for the motion at this time.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Yes, Mr. Chairman, I will be voting in opposition to the motion. I'm certainly opposed to large committees. I've said this before and Boards, I always find them to be very unwieldy and the more you build on these things, the worse it gets.

I just feel that the Advisory Board, as it stands today, is working very well. I commend them and I've heard a lot of good comments about them. I know that they are very preoccupied right now with trying to get information out to the rural areas and are trying to certainly make every attempt to involve as many as they can and certainly I don't want to adopt the concept of this motion, because otherwise we would end up with something like thirty-six or so on there. I think money spent for people on Boards, certainly in this instance, if it was going to be a larger Board, the money would be better spent for recreation use and not have members travelling around. I'm opposed to it.

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, I just want to rise and say that I am opposed to the motion to amend Section 5. I would like to reiterate once again I think the Advisory Board is doing a fine job.

I just want to correct one statement that the Honourable Member from Hootalinqua made in relation to the monies available through the Territorial Government; even in the past, it has been available to anyone as long as they follow the guidelines. In fact, if they had formed an organization, affiliated themselves with a sports governing body, they would have been available to that money just like anybody else to put applications forth. At the same time, in relation to putting anybody on the Board the way it stands, that is the prerogative of each member here. You can take any citizen in the Yukon, no matter what colour, race, creed or religion.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman, I just simply wanted to reiterate what I said perhaps earlier, is that I feel that the Board, as presently constituted of twelve members representing each of the constituencies of the Yukon, has been doing and continues to do what can only be called an exemplary job and is I think functioning in the very, very best interests of the people of Yukon. It would not be in the best interests of the Yukon -- in my opinion as an MLA, it would not be in their best interest to adopt the procedures as suggested in the amendment

and I will, as a result, be voting contrary to this amendment.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Yes, Mr. Chairman, I am not going to be supporting the motion but I think the Honourable Member from Klondike has stirred up some great thought by bringing in this motion.

The Yukon Recreation Fitness and Amateur Sport Advisory Committee, as was its original title, was established primarily to determine how money that was being given by the Territorial Government grants should be disbursed and allocated. At one time, they functioned under some very, very poor regulations and did a very good job. The regulations were tightened up and the Advisory Committee performed this function and what it did, it took the heat off the Territorial Government who would get how much, and they set some very good standards, besides the ones that were in the regulations.

Now that the concept of recreation is changing in this Legislation and the funding will be going to local organizations on a cost-sharing basis, the amount of money that the recreation committee will be asked to allocate and disperse will certainly not be as extensive and I was looking for the chart that the Minister gave us, and I think that if any of you looked at it, you'll see that they will not be that responsible for that much money.

So my question is then, what will be the function of the recreation advisory -- Yukon Recreation Advisory Committee? And the legislation itself says the Commissioner may appoint advisory boards or committees to carry out such duties subject to such conditions as may be prescribed.

Now, if you look at your regulations, the regulations tell us how they shall be appointed. They tell us about the chairman and the vice-chairman. They tell us a majority is a quorum, the term of office. They tell us that the committee may make its rules governing its own procedure, but it does not tell us what the duties, what the government sees as the duties and functions of that Recreation Advisory Board will be. And I think that this is the key, because how can you determine how large an advisory board you need when you don't know what you want your advisory board to do?

Now, if we're looking at a board or a committee of citizens to more or less be an -- to operate in an advisory capacity to the Director of Recreation and to the Minister who is responsible, then we're looking at a different structured board and I would question then whether we even need 12. I question even now whether we even need 12 and this is why I agree with the Honourable Member from Klondike. It becomes a very difficult situation when you have various communities in your constituency, what community -- who are you going to appoint, because you're not going to satisfy anyone.

So, I would suggest -- I suppose we can vote on this motion, but I would also suggest that before we finish dealing with the bill and dealing with this section in the Ordinance, that the government be asked to bring forward some indication in regulations or in policy statements of what function you want the Recreation Advisory Board to perform for you.

**Mr. Chairman:** Mr. Lang.



**Hon. Mr. Lang:** Mr. Chairman, the Honourable Member has raised some good points, but it is outlined in the regulations the duties of the Recreation Advisory Committee in relation to their sports governing bodies, allocating money for external travel, special projects and this kind of thing on a territorial nature. The only area that they will not be responsible for, as they have in the past, is the local programs and internal travel. These are the two areas which is in the area, I understand, in the area of about maybe \$30,000.00.

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

**Mrs. Watson:** Mr. Chairman, but there's going to be quite an extensive difference, because the amount of money that's going to be available for the travel and for the outside for the sports governing bodies is going to be not as great because you're going to give more of the money to your local authorities. So I think you really have to wonder what you want this advisory committee to do.

**Mr. Chairman:** Mr. Hibberd.

**Mr. Hibberd:** Mr. Chairman, with reference to this same advisory board and the figures that Mrs. Watson's referring to, this advisory committee will still be responsible for the disbursement of over \$90,000.00 in funds and I think that's a fair responsibility.

I would also like to point out, as other Members have, that they have been doing an excellent job and they've certainly shown a good deal of strength and leadership in this field. And, as a corollary to that, I would like to see them move it more into the direction of policy formulation as far as sports and recreation in the Yukon is concerned, subject to approval, of course, of the department.

In this way, this very able board, can serve a very useful function, if they can evolve policies in this field. They're a responsible group, they know what's going on, they're the ones who should be directly involved in doing this. This is where I think they should be directing their energies, if they have a lesser role to play as far as the disbursement of funds is concerned.

**Mr. Chairman:** Mr. Berger.

**Mr. Berger:** Yes, Mr. Chairman. I never heard so many compliments flying around in this House in all the time I'm here. Everybody has compliments to say about everybody. The thing is, I would like to get on record that this motion was never meant to be running down the present Yukon Advisory Board. I think they're doing a very good job. I would like to see a little bit more democracy in the country. This is what the whole intent of this motion was all about. I think they still have a responsible job ahead of them, and I think it is spelled out in the regulations to some extent. I would like to see it spread out a little more. The scares that some of the Members have of having 32 and 40 and 50 on there, I could never see, because all that we have at the present time is 16 possibilities, and that's all.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, I was going to rise earlier to say that I think that the Honourable

Member has an idea here, which will probably find its time and place as this Ordinance fits into the picture throughout the Territory, probably down the road a year, maybe a year and a half, I don't know. When we find how this new system is working, you will see that it may evolve into that kind of an advisory board from the community organizations which are actually directly concerned with the programmes.

I can't vote for it at the moment because we already have another body in place, but I could see that this could possibly develop in another year or two under this new programme with this Ordinance. I think that we could all keep it in mind and see how the programme works out.

**Mr. Chairman:** It has been moved by Mr. Berger, seconded by Ms. Millard, that Bill Number 12 be amended in Clause 5 by adding thereto the following new subsections:

5(3) There shall be a committee called the Yukon Recreation Advisory Committee to be appointed by the Commissioner, consisting of one person nominated by each local authority and each approved community organization.

5(4) The provisions of subsection 1 and 2 shall apply to the Yukon Recreation Advisory Committee.

All those in favour?

Against?

Show of hands, please.

Motion is defeated.

*(Motion defeated)*

**Mr. Chairman:** Mr. McCall?

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

**Mr. Chairman:** It has been moved by Mr. McCall, seconded by Mr. Fleming, 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. Speaker resumes Chair)*

**Mr. Speaker:** I will now call the House to order.

May we have a report from the Chairman of Committees?

**Mr. Hibberd:** Mr. Speaker, the Committee of the Whole have considered Bill Number 12, a Recreation Development Ordinance, and directed me to report progress on same.

The Committee have also considered the following motions and directed me to report the same: that the second report on the Standing Committee on Statutory Instruments presented April 12, 1977 be concurred in.

The Committee have also considered the following



motion and directed me to report the same, as amended: that the Standing Committee on Statutory Instruments review all regulations and any draft regulations that may be circulated to bodies outside the government before being promulgated.

The Committee have 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:** Leave is so granted.

May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale?

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

**Ms. Millard:** I second that, Mr. Speaker.

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

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

*(Motion carried)*

**Mr. Speaker:** This House now stands adjourned until ten a.m., Monday next.

*(ADJOURNED)*



