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Speaker: The Honourable Donald Taylor

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Mr. Speaker: I will now call the House to order.
 We will proceed at this time with Morning Prayers.

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents for tabling?

TABLING OF DOCUMENTS

Mr. Fleming: Yes, Mr. Speaker, I have for tabling this morning, the Ninth Report of the Standing Committee on Regulations.

Mrs. Watson: Yes, Mr. Speaker, I have for tabling this morning a letter from John Steeves of the law firm, Russell and DuMoulin, to myself. I am tabling this with the permission of Mr. Steeves and this letter will show us where the other letters that I tabled the other day, the source of those other letters.

Mr. Speaker: Are there any further documents for tabling?

Hon. Mr. Hibberd: Mr. Speaker, I have for tabling a copy of the agreement that YTG has covering the operation and maintenance of petroleum facilities at Yukon airports.

Mr. Speaker: Are there any further documents for tabling?

Reports of Committees?

Petitions?

Introduction of Bills?

Are there any notices of motion for the production of papers?

Notices of motion or resolution?

Are there any statements by Ministers?

STATEMENTS BY MINISTERS

Hon. Mr. McKinnon: Mr. Speaker, and Members of the Legislative Assembly, as Minister of Local Government, I recently agreed that a review of the property tax system is necessary. Accordingly, I have arranged for a study to be conducted under the direction and control of an independent advisory committee of Yukoners.

I am pleased to announce today, Mr. Speaker, that the committee will be chaired by Mr. Merv Miller, former Territorial Treasurer and Assistant Commissioner.

The Chairman, Mr. Speaker, will be naming the two other Members of the Commission as quickly as possible.

The terms of reference for the study permit a full review of the assessment process, taxation methods, timing and the use of property taxation as a source of revenue and the proposed terms of reference will be made available to all Members of the Assembly, Mr. Speaker, today.

The final report and recommendations will be made available to the public and will be tabled in the Legislative Assembly at the earliest possible opportunity. The study results will be the basis for detailed discussion and the preparation of amendments to the taxation system.

Mr. Speaker: Are there any further Statements by Ministers?

This then brings us to the Question Period.

Question Period

Question re:

Recommendation of local lawyer for Stratton Inquiry

Mr. Lang: Yes, Mr. Speaker, I have a question for the Commissioner this morning. Yesterday, I asked specifically to the Commissioner, and I would like to refer back to it, Mr.

Speaker, you have indicated your required council in the conduct and inquiry. In this regard, you have asked me to recommend three names of Yukon lawyers.

The direct question was put to the Commissioner: did Mr. Musgrove recommend a name of a lawyer to Mr. Stratton to be the legal council to the Stratton Inquiry?

I see that we do not have any legislative return tabled here, Mr. Speaker.

Hon. Mrs. Whyard: Mr. Speaker, we do have a legislative return. There has not been one opportunity yet to table it. I will do so if it is the Speaker's wish.

Mr. Lang: On a point of order, Mr. Speaker, I thought that particular legislative return was to be tabled at Tabling of Documents. Is that not correct?

Mr. Speaker: Many of these documents have been, in the past, tabled at the commencement of the Question Period. However, no one had indicated to the Chair, up to this point, that they had documents for tabling.

Perhaps the Honourable Member would permit the tabling of any additional Legislative Returns at this time.

Mr. Lang: Please, Mr. Speaker.

Hon. Mrs. Whyard: Mr. Speaker, I would like to table the answer to a question asked by Mr. Lang concerning Mr. Stratton's request for names of lawyers to serve as counsel for the Inquiry.

Mr. Speaker: Are there any further documents?

Hon. Mr. McKinnon: Mr. Speaker, I would like to table the answers to the following questions: one, a question by Mr. Lengerke concerning the breakdown of costs of the Porter Creek lots; two, a question by Mr. Fleming concerning deposits on contracts; third, a question by Mr. Berger concerning Dawson Water and sewer replacement and fourth, a question by Mr. Berger concerning cancellation of a lease of the Callison Airport property.

Question re: Staking claims and prospecting in Alaska

Mr. Berger: Yes, Mr. Speaker, I have a question for Mr. Commissioner this morning. On the news, it came across that an 80 year old agreement between the United States and Canada has been cancelled. The agreement was that Canadian citizens have the right to stake claims and prospect in Alaska. I wonder if Mr. Commissioner can inform this House, if he has any information, what affect will this cancellation of the agreement have in the Yukon on American citizens owning placer claims and mineral claims and also prospecting in Yukon?

Is it the Federal Government's intention to cancel all of those claims also like the Americans' intention is?

Mr. Commissioner: Mr. Speaker, I am unaware of this issue at the moment but I will try to get that information as quickly as possible and an opinion from the Government of Canada for the Honourable Member.

Question re: Day care funding

Ms. Millard: Mr. Speaker, a question for the Minister of Health and Human Resources: could she give the Assembly an update on the day care funding situation in Yukon at the moment?

Mr. Speaker: The question is rather, order please, this question is rather broad and the Question Period is not a time for lengthy replies, but, perhaps I will give the Honourable Minister the opportunity to answer.

Hon. Mrs. Whyard: Mr. Speaker, I thank you for your graciousness. It is my last opportunity to speak in this House, because I believe it will be my last day here in this room.

Update on daycare: Mr. Speaker, following the earlier discussions in this Spring Session, the Yukon Childcare Association, has undertaken, through its new executive and working very closely with members of the Human Resources Branch, reassessment of the financial status of the clients using daycare. I mean, working parents.

They are, at the moment, compiling statistics which we require, and which we have asked for, urgently, to show to members of this House, who will be discussing and considering any possible grants to them in future, to show to Members in this House how many of their clients are within an income bracket which this House feels merits assistance in the form of a subsidy grant to daycare.

They are also taking a step which, Mr. Speaker, we have been recommending for some time and that is they are going to finally face the facts of life, economically, and charge the costs of daycare to their clients. Up until now, Mr. Speaker, they have been operating at a loss in a number of daycare centres, which (a) is not business-like, and (b) does not encourage government support.

So, Mr. Speaker, there are two positive steps being taken. I am expecting some very pertinent data to be available soon.

As all Members know, I have in the program forecast, an amount which could be appropriated for a subsidy system as we once considered before in this House, and I certainly hope that this time everything will jell and it will be a successful program.

I would just like to say, Mr. Speaker, and I will not prolong it, that last week, when I was in Yellowknife, I had an opportunity to look at daycare there, and there is a straight fee, of \$14.50 per day per child charged there to working parents who do not receive a subsidy as welfare clients.

Thank you, Mr. Speaker.

Question re: Actions by Mr. Musgrove re Stratton Inquiry

Mr. Lang: Mr. Speaker, I received the legislative return and I would like to read it out for the record.

Mr. Speaker: Order, please, that is not permitted. Would the Honourable Member kindly keep his questions non-argumentative and straight to the point.

Mr. Lang: Well, Mr. Speaker, yesterday, you will recall, I asked the question: did Mr. Musgrove provide Mr. Stratton with the names of lawyers to serve for council for the Inquiry.

It has come to my attention that the answer is yes, and that Mr. Musgrove supplied Mr. Stratton with names of three respected members of the Yukon Bar presently practising in Whitehorse.

Mr. Speaker, my question is to the Commissioner. In view of the legislative return, were Mr. Musgrove's actions contrary to advice given on this matter by the Executive Committee?

Mr. Commissioner: Mr. Speaker, not to my knowledge. My knowledge of the situation is that Mr. Musgrove's given to Mr. Stratton occurred before Executive Committee became aware of the situation.

Mr. Speaker: Are there any further questions?

Mr. Lang: Mr. Speaker, then, supplementary, I would like to address a question to the Minister of Local Government, in view of the legislative return, I would like to repeat the question: were Mr. Musgrove's actions contrary to advice given on this matter by the Executive Committee?

Hon. Mr. McKinnon: Mr. Speaker, I have not seen the legislative return. I know that an Executive Committee decision was that the Yukon Bar Association should be approached by Mr. Stratton for any help that he needed.

I understand that this recommendation was forwarded to Mr. Musgrove. Mr. Musgrove had, prior to that decision being made by the Executive Committee, had responded to Mr. Stratton's request of providing the names of three lawyers.

So, in the time and consideration, I see no breach at all of the Executive Committee consideration which the Commissioner agreed with. It had already been acted on independently of that decision having been reached, Mr. Speaker.

Question re: Dempster Highway

Mr. Berger: Mr. Speaker, a question for the Minister of Consumer and Corporate Affairs concerning the Dempster

Highway: it is my understanding that the Dempster Highway has another month and it will be finished and it is possible that the highway is going to open this fall.

Has this Government or has the Federal Government any plans in the making, or do they have plans already of controlling the flow of traffic on the Dempster Highway and with the traffic, the influx of people on the Dempster Highway?

Mr. Speaker: The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, the Honourable Minister of Renewable Resources is taking care of the Porcupine for me and I am sure that he is prepared to answer that.

Hon. Mr. Hibberd: Mr. Speaker, the Member, I am sure, is referring to the fact that there has been a committee formed of which Renewable Resources is acting as chairman and that committee has been acting in conjunction with a similar committee from the Northwest Territories to regulate the use of the Dempster Highway.

There have been no decisions made as to what form that will take. My understanding is, Mr. Speaker, that the highway is going to be ahead of schedule and it will be open for traffic very shortly. As yet, Mr. Speaker, there is no money available to maintain the road in the wintertime, as yet.

Question re: Yukon Hostel Association Grant

Ms Millard: A question for the Minister of Health and Human Resources: sometime ago, quite a healthy grant was awarded to the Yukon Hostel Association. I wonder if she could tell the Assembly where this is found in the Budget?

Hon. Mrs. Whyard: Mr. Speaker, if it was a three-year grant, the first year being 1978-79, the amount, as I recall, is being shared between two votes, one in the Department of Education which covers recreation as well, and one in the Department of Human Resources for the flow of transients.

Question re: Extension of power to Marsh Lake

Mr. Lengerke: Mr. Speaker, I have a question for the Minister of Consumer Affairs. The other day, I was asking the Minister with respect to the extension of power to the Marsh Lake area and he informed me that he was awaiting a report from NCPC. I neglected to further ask him, I was going to ask him, what was the reaction of Yukon Electrical with respect to that matter and have they indicated that they would be willing to extend power to the Marsh Lake area? Could you elaborate a little further, Mr. Minister?

Hon. Mr. Hibberd: Mr. Speaker, as I indicated at that time, both NCPC and Yukon Electric, I have been in consultation with both groups. They have both indicated an interest in bringing the power along the road to that area and they have also indicated an interest in distributing the power at that site. We have not costs available. I do not have that report and at this time, it is impossible to make any decisions regarding who would do it or when it will come into effect.

I would hope, Mr. Speaker, that with the imminence of the report, we will be looking at it in a very short while. We will be able to give a definitive answer as far as when power will be available very shortly.

Mrs. Watson: Mr. Speaker, a supplementary question: when the decision is made on who shall supply and distribute the power, will the decision be referred to the Electrical Public Utilities Board for approval as required under that Ordinance?

Hon. Mr. Hibberd: Mr. Speaker, as the Member has indicated, as required by the Ordinance, they certainly will.

Question re: Property taxation review committee

Mrs. Watson: Mr. Speaker, this is a question of the Minister of Local Government regarding the advisory committee that he announced the structure of this morning on the review of the property taxation. My question regarding this committee: will this committee, within its terms of reference, be able to review, thoroughly, the present assessment in the City of

Whitehorse and will this committee have the ability to recommend some adjustments for some of the people withing the City of Whitehorse who have been so unduly hit by such large increases in property taxation for this year?

Hon. Mr. McKinnon: No, Mr. Speaker, this is to review the present inequities in the *Taxation Ordinance*, which the Honourable Member brought into effect when she was one of the Members of Government, Mr. Speaker.

Mrs. Watson: Mr. Speaker, a supplementary question for the Minister of Local Government: does the Minister of Local Government not realize that the *Taxation Ordinance*, within its structure, gave the ability to the Government of the Yukon to give direction to the assessors, and if the Government of Yukon had told the assessors to update and use an updated manual, the improvements would not have been assessed at 15 percent. Is it not right that that was a political decision that was made by this Government?

Hon. Mr. McKinnon: There was a Commissioner's Order, Mr. Speaker, prior to me being a Member of this Government, that asked that the current Alberta Assessment Manual be used and that was the Commissioner's Order which continued into effect, and the current Alberta Assessment Manual was used in this last assessment in the City of Whitehorse, Mr. Speaker, the current Alberta Assessment Manual.

Mrs. Watson: Mr. Speaker, is the Minister not aware that the clause in the *Taxation Ordinance*, and if the Minister had done his review of the *Taxation Ordinance* as he should have, giving the ability to let the Commissioner's Order roll indefinitely from year to year, was put in there as a correction for one year when the Commissioner's Order had not been updated. And that was contrary to the spirit of the *Taxation Ordinance*. The original *Taxation Ordinance*, and he was a member at that time, provided for an updating of the legislation. Is that not so?

Hon. Mr. McKinnon: No, Mr. Speaker, my legal officers, my officers in the Department of Local Government, say that everything was done as far as my enforcement of the *Taxation Ordinance* according to law. If I had of been lax in my duties, the Honourable Member from Kluane would already, probably, have me in court for not having enforced the terms of the *Taxation Ordinance* properly, which I have been instructed to do under the *Taxation Ordinance*. She was a member of government, which passed this House. Mr. Speaker, we are lucky that the Alberta Assessment Manual had not been updated and we had to by the Commissioner's Orders, use a new updated Alberta Assessment Manual, because the inequities would have even been worse than they presently are using the outdated Alberta Assessment manual, Mr. Speaker.

Mr. Lang: Mr. Speaker, supplementary question on a Legislative Return. I would like to refer a question to the Minister of Local Government. When was the Minister advised that the recommendation of the Executive Committee had not been followed?

Hon. Mr. McKinnon: I understand from talking with the Commissioner this morning that it was after the Executive Committee decision had been made. Mr. Musgrove was doing all of the correspondence and all of the flow of conversation with Mr. Stratton, because Executive Committee had stated that the Commissioner must keep at arm's length completely from Mr. Stratton. Mr. Commissioner was following those instructions of the Executive Committee to the letter of the instruction. He was advising Mr. Musgrove that Executive Committee had thought that to keep this arm's length that we should not be suggesting legal officers, but that they should go directly to the Yukon Bar Association, sound those matters out, and Mr. Commissioner was informed, that acting independently upon the request of Mr. Stratton by letter, that Mr. Musgrove, prior to that decision having been made by Executive Committee, had already given the names as instructed by Mr. Stratton before a decision to Mr. Stratton.

Mr. Lang: A Supplementary Question, Mr. Speaker. This

is to the Commissioner. Obviously, the Executive Committee, in view of the statements made by the Minister of Local Government, were not advised that a recommendation had not been followed. I would like to ask the question why Mr. Commissioner had not advised Members of the Executive Committee until this morning.

Mr. Commissioner: Mr. Speaker, I am not aware that the Executive Committee was not advised. This issue arose not through a formal, as the Member is well aware and I think he is getting very close to trying to have material that was discussed at the Executive Committee, which is privileged, brought into the public here and I am a little worried about that position, Mr. Speaker, but, I think he is well aware that this is issue was not raised in a formal Executive Committee memorandum. It was brought in as a piece of information in other business, and this meant that there was no formal record of recommendation.

I am not at all sure that this information, that this suggestion that arose from Executive Committee, had already been outdated by the fact that names had been given to Mr. Stratton, previous to our even considering it in Executive Committee.

Mr. Speaker: Are there any further questions?

Question re: Dempster Highway

Mr. Berger: Thank you, Mr. Speaker. It is more or less a supplementary regarding the Dempster Highway again, Mr. Speaker, directed at the Minister of Consumer and Corporate Affairs.

Is the Minister aware of any intention of the NWT Government to keep their section of the Highway open on a year-round basis and is the Minister aware of any plan for controlling traffic on this Highway by the NWT?

Hon. Mr. Hibberd: Mr. Speaker, as I indicated, the joint committee that has been meeting has been discussing various alternatives that might be available to them.

The NWT Government might very well be concerned about keeping this Highway open in the wintertime. We have not had any decision on behalf of their Government, their Executive Committee, nor has there been a decision made by the Executive Committee of the Yukon Government as to what manner this road will be handled, in terms of keeping it open in the wintertime.

Question re: Committee to study taxation

Mrs. Watson: Mr. Speaker, a supplementary to the Minister of Local Government, regarding the committee that he has formed or the commission he has formed to study the proper taxation.

Would the Minister consider including within the terms of reference the ability of the committee to recommend some type of compensation to those people who have been so unfairly hit by such a large increase in property taxation this year? We must admit there is a segment of the City of Whitehorse that has been hit in this manner.

Hon. Mr. McKinnon: Mr. Speaker, I agree with the Honourable Member that were certain segments that were unfairly hit. I will state until the day I am removed from here that the Territorial Government, through amendments and through appeals, did everything in their power, everything, to make sure that those inequities were treated through the normal Court of Revision and Appeal Court provisions.

Mr. Speaker, I hate the concept of everybody running around laying the finger and the blame, but I am going to state publicly and I will state it as long as I am here, that the Territorial Government is not to blame and did everything in their power. This House, and this meant everything, to make sure that those inequities were resolved and they were not and they were not because my Department, my officers, my assessors and this Government did not do everything in their power. Let the blame lie where it deserves.

Question re: Legal fees of Mr. Allan Lueck and C.Y.I.

Mr. Lang: Yes, a question to the Commissioner, this morning, Mr. Speaker: on the Order Paper, there is a resolution requesting that the legal fees of Mr. Allan Lueck and the Council for Yukon Indians not be paid.

If that particular resolution is carried here, during discussion during the day, Mr. Speaker, I would like to ask the Commissioner if he is prepared to abide by the decision of the majority of the members of this House.

Mr. Commissioner: Mr. Speaker, I think I would consider that to be a hypothetical question and, as such, I do not feel that I should answer it at this time.

Mr. Speaker: Yes, I think the question is pretty borderline and, obviously, the Commissioner, as witness, is not a Member of the House and not required by any order of the House to reply.

Question re: Equalization of power rates

Mr. Fleming: Yes, Mr. Speaker, I have a question for, it would be either the Minister of Local Government or Consumer Affairs.

At the time there was a question asked by myself on the situation of power in the Yukon Territory and the rate structure and if the Yukon Territorial Government had any intention of trying to equalize the power rates, I think it was the beginning of this Session, not this last sitting, but this Session.

He stated at that time that Territorial Government was in some sort of negotiations with Yukon Electric, with NCPC, and the powers involved, to set up some sort of structure whereas the rate would change and it would change in different areas to different rates.

I am wondering just what happened to those negotiations and where they are today?

Hon. Mr. Hibberd: Mr. Speaker, as the Member well knows, this was well discussed earlier in this Session and I am sure that he is also aware that the Minister of Northern Affairs has announced a subsidy plan for diesel generated power.

We are not aware of the details of what his plan is. I do not think they have been worked out yet, but, in the meantime, we have undertaken the responsibility to thoroughly study this area of equalization of power rates and that study is, at present, underway.

Mr. Fleming: Supplementary, Mr. Speaker, if that situation comes forth and the Minister does come up with a plan, is this Government prepared to see that commercial users and residential users are treated alike, in a fair manner?

Hon. Mr. Hibberd: Mr. Speaker, the Member is again referring to the NCPC announcement and this is the Federal Government that is instituting this plan and will be running that plan and we have no control over how they chose to administer that plan.

Mr. Speaker: The Honourable Member from Hootalinqua, with a final supplementary.

Mr. Fleming: Yes, Mr. Speaker, a final supplementary, to the Minister in respect of this Government and his office: is he prepared to back the people of this Territory to have a fair rate structure between residential and the others, even though the Minister may not. Is he prepared to, in other words, just stand behind that situation and say I would like to see it fair?

Hon. Mr. Hibberd: Mr. Speaker, I have no choice. I am under direction of this House to investigate such a plan and bring about methods to implement it. That was the direction given to me by this House very recently and I intend to follow that.

Mrs. Watson: Mr. Speaker, one supplementary to that. Who has undertaken to do that study, and within what time-frame can we expect some report on that study?

Hon. Mr. Hibberd: Mr. Speaker, the study has been undertaken. I am not sure of the name of the firm. It is on a contract basis. It has been just recently undertaken and we would ex-

pect a report to come back within three or four months.

Question re: Committee on ARDA

Mr. Lang: Mr. Speaker, I have a question to the Minister responsible for Renewable Resources. You will recall last Session, a Special ARDA agreement was passed through this Legislature. I have a question for the Minister: I understand that there is to be committee struck to review all applications for that source of financial aid to applicants. Is the Government going to put people from the business sector on that committee?

Hon. Mr. Hibberd: Mr. Speaker, the committee that the Member is referring to is designed to consist of Members from the native community, from the Department of Regional and Economic Expansion and from the Yukon Territorial Government. Our representation on that committee, I have been working on getting the representations from the various groups and the committee will very shortly be formed.

It is my believe that we should have representation on the committee from the business community and they will form part of the YTG representation on the committee.

Question re: Pending strike by nurses

Mr. Berger: Yes, Mr. Speaker, I have a question for the Minister of Health and Human Resources. In the light of the possible strike action by the Federal nurses in Yukon, is the Minister aware of what emergency action the Federal Government Health Department is planning for the Yukon?

Hon. Mrs. Whyard: Mr. Speaker, we have been keeping in close touch with the regional director of Medical Services and National Health and Welfare, who is the administrator of this Federal Health staff in Yukon. As usual, there have been emergency plans readied for action if required.

As usual, Mr. Speaker, there are supervisory staff who are ready to keep the services going as best they can if there is a strike action called.

I would like to add, Mr. Speaker, if I may, to all Members of the House, that I investigated this situation some weeks ago and discussed it with representatives of the Federal Nurses' Staff Association and have received approval in principle from the Executive Committee of this Government to support their approach to their Federal employers if the conciliation report, which I have not been informed of to date, is not meeting their requirements for increasing staff salaries.

Mr. Speaker, we are quite concerned about these 100 Federal nurses in Yukon and I have ready a message to send to the Federal Minister in their support which, I have composed so that we are joining hands with the Northwest Territorial Government in supporting the Federal nurses in their battle for increased pay, and we would approach the Honourable Monique Begin on their behalf unless the results are in their favour.

I could not resist, Mr. Speaker, making the comment that if we had the house transfer in place by now, those people would have been receiving the salaries they are battling the Federal Government to get.

Mr. Berger: Yes, Mr. Speaker, supplementary. Is the Minister of Health... when are negotiations starting up again on the possible health transfer plans for the Yukon?

Hon. Mrs. Whyard: Mr. Speaker, we have representations to the Federal Government but we have received no reply.

Mr. Fleming: Mr. Speaker, a supplementary to the Minister of Human Resources on the ARDA program.

In the event that there are applications of course, for the ARDA program, and certain amounts of money and certain programs, and at the time now the information services are giving out a lot of information as to certain things that happen in the Yukon, are going on, and so forth. Will this be coming to the Members also through information services during the time they are not sitting in this House, so they have some knowledge of what is actually going on in the program. Will the applications, the amount of applications, say in that month, or something like that, be published in any way that we may find them,

without coming straight to the government.

Hon. Mr. Hibberd: Mr. Speaker, I think that I will take that question, even though it was addressed to the Minister of Human Resources, as special ARDA is my province.

At the present time, the committee, as I said, has not yet been set up. There has been applications received, several applications have been received. Most of them at this stage of the game have been, as yet, inadequate for assessment and have been returned with the assistance been given to those applicants, so that there applications might be properly processed. At the present time, to my knowledge, only two have filled the criteria by which they can now be judged.

I would consider that the information of the number of applications, etc. will certainly be available at any time for a member, but I have no intention at the present time of publishing a monthly report on how many applications are coming forward.

Mrs. Watson: Mr. Speaker, supplementary to the Minister of Consumer Affairs.

How much money has been allocated to the Yukon region under the ARDA program by the Federal Government, how much is available?

Hon. Mr. Hibberd: Mr. Speaker, the answer to that question has not changed since it was debated in this House. There is no limit and the Minister from the Department of Regional Economic Expansion, when he was here earlier this month, and signed the Special ARDA agreement on behalf of the Federal Government, indicated at that time, as we had previously indicated here, there is no limit imposed on it. The monies are available and will be processed according to the applications, but there is no ceiling on the amount of money that will be available.

Question re: Constitutional review

Mr. Lang: Mr. Speaker, I have a question for the Commissioner this morning. In view of the fact that there is all sorts of rumour going around that the Minister is still considering the constitutional review process, and in view of the fact that Mr. Commissioner met with Mr. Barber for 40 minutes and they did not discuss whether or not the constitutional review process was going to go ahead, could the Mr. Commissioner make a commitment to this House that, prior to any constitutional review process being implemented in Yukon, that he would make very strong demands to the Minister that it would have to be officially sanctioned by the Legislature?

Mr. Commissioner: Mr. Speaker, I did not catch the last sentence of the question. Could I have it repeated, please?

Mr. Lang: Mr. Speaker, what I am asking the Commissioner is if he, on behalf of the people of Yukon, would make strong demands to the Minister that if he is intending to go with the constitutional review process, that it must be ratified by this Legislature, prior to it being put into place.

Mr. Commissioner: Mr. Speaker, I will certainly pass that message on to him on behalf of this House. It is not for me to demand the Minister to do anything and he is, under his responsibility, the decision is his, as the Member well knows, but I will certainly pass along that expression.

Mrs. Watson: Mr. Speaker, a short supplementary to the Minister of Consumer Affairs, and continuing on the ARDA program. Since the ARDA program does use public funds and it is a very specific public agreement that had to be agreed to in this House, would the Minister consent to make public, on a continuing basis, monthly or bi-monthly, whatever, quarterly or so on, the number of applications that have been made for ARDA funding and the applications that have been approved and the amount of money involved in each approved application, without disclosing specifically the names of the companies and people.

Actually, I could see nothing wrong with disclosing the name of the company or the person who was embarking upon a

commercial enterprise, who receives our public funding, and the amount of public funding they are receiving. There is nothing wrong with it.

Are you prepared to make this information public?

Hon. Mr. Hibberd: I am glad you finally got your question in at the end.

Mr. Speaker, I certainly do, but what I indicated to the Member from Hootalinqua was that I was not going to do it on a bi-monthly basis or whatever, but I will certainly be releasing the information, precisely as the Member is alluding to. Yes, because we do want this program to receive wide publicity, so the most number of people possible will get the benefit from it.

So, we will be indicating, yes, indeed what applications have been received and what the amounts would be.

Mr. Lengerke: Mr. Speaker, just a supplementary to what the Minister of Consumer Affairs, on that very subject: I am sure that the Minister is aware that that is the practice, that the successful applications are published and the amounts of money... Is the Minister not aware of that? That has been the common practice of DREE.

Hon. Mr. Hibberd: Mr. Speaker, I have been managing to read the newspapers, too. Indeed, I am aware of it.

Mr. Fleming: Yes, Mr. Speaker, on the question of the turnover of Health Services, supplementary, I think the Minister said that they had approached the Government now, again, on the situation. My question would be to the Minister that are you actually prepared to ask the Government to still turn over the Health Services to you and would you be prepared to take those services if they offered them to you, that is two questions, before the land claims are settled?

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

Question re: Meeting minister of Indian Affairs and Northern Development

Mr. Lang: Mr. Speaker, a question to the Commissioner this morning: has he met with the Minister of Indian Affairs and Northern Development in the last month?

Mr. Commissioner: Yes, Mr. Speaker.

Mr. Lang: A supplementary, Mr. Speaker, in reference to the instructions that were given to the Commissioner when he first took office, it states: "I am sure you will agree that it is most important that the residents are kept fully informed of your Government activities and, conversely, that you are kept fully informed of the needs and aspirations of the people."

I would like to ask the Commissioner if this instruction still stands and if it does still stand, could please report to this House, just exactly what was discussed if any further instructions were given to the Commissioner?

Mr. Commissioner: Mr. Speaker, there has been no further instruction to the Commissioner on that matter.

Mr. Lang: A supplementary, Mr. Speaker: was there anything of importance about Yukon discussed, if there was, what were they and were there any decisions made?

Mr. Commissioner: Mr. Speaker, the most important thing was that the Minister is indeed going to visit Yukon and I referred to him a number of issues that Members of the Executive Committee had asked me to inform him about. These were issues that the Executive Committee would like to speak to the Minister about when he is here and he is going to be here and we hope that we will be able to address some of these questions that are of concern to all Yukoners, address them with the Minister on his visit.

Mr. Speaker: I must advise the House that the time has now expired for questions.

We will proceed then on the Order Paper to Orders of the Day.

ORDERS OF THE DAY

MOTIONS

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

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

Mr. Lengerke: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Pelly River: THAT the House, at its rising, do stand adjourned until it appears to the satisfaction of Mr. Speaker that the public interest requires that the House shall meet. Mr. Speaker may give notice that he is so satisfied, and thereupon, the House shall meet at the time stated in such notice and shall transact its business as though it had been duly adjourned to that time; and

THAT in the event of Mr. Speaker being unable to act, owing to his illness or other causes, the Deputy Speaker shall act in his stead for the purpose of this order.

Mr. Lengerke: I would call question, Mr. Speaker.

Motion agreed to

Madam Clerk: Item Number 2, standing in the name of the Honourable Member, Mrs. Whyard.

Mr. Speaker: Before we proceed with item 2, I should draw to the attention of the House that items 2 to 7 found on the Order Paper this morning would normally be found on the Notice Paper but it was clearly the intent of the House, before rising last sitting, by suspending Standing Order 34, that they wish to proceed today with these resolutions. For the information of all Members, that is why they appear on the Order Paper.

Mr. Speaker: Is the Honourable Member prepared to discuss Item 2?

Hon. Mrs. Whyard: Yes.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources THAT IT IS THE RECOMMENDATION of this Assembly that Mr. Gordon McIntyre serve as the representative of the Yukon Legislative Assembly on the Whitehorse General Hospital Advisory Board.

Hon. Mrs. Whyard: Mr. Speaker, I will not delay the vote on this resolution, it is fairly straightforward. I would just like to preface it by saying that I am very pleased to see the Whitehorse General Hospital Advisory Board being reactivated. It has been dormant for some time.

At the request of the City of Whitehorse Health Board, steps have been taken to reform that body and they have worked their way through rules and constitution which had to be federally approved and that package has now been completed and we have been requested to name a Member of the Legislature who is not a member of the Executive Committee to be nominated to this Board.

I am very pleased to see that Mr. McIntyre has accepted this nomination from this Assembly because, as the Member from Mayo, he will also represent outside interests, as well as being a resident of Whitehorse. I think this is important because I know a number of members are concerned about the interests of their constituents, when they come into this Territorial hospital.

Thank you, Mr. Speaker.

Motion agreed to

Item Number 3

Madame Clerk: Item Number 3, standing in the name of the Honourable Mr. Fleming.

Mr. Speaker: Is the Honourable Member prepared to proceed with Item 3?

Mr. Fleming: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Mayo, that it is the recommendation of this Assembly that Ms Eleanor Millard be appointed to serve on the Executive Committee of the Government of the Yukon Territory.

Mr. Fleming: Yes, Mr. Speaker, I will not elaborate and take up any time on this, either.

The recommendation, of course, was made by this whole House in caucus and there is no need to exploit anything for the Honourable Member or anything. She has been picked as that representative.

The only thing I can say is that, under the concept of this Government, God help her, and I hope she has good luck there. The very best.

Mrs. Watson: Mr. Speaker, the last time a motion like this went before the House and I had the audacity to stand up and speak, I was chastized quite firmly by one or two members of this House for standing up and breaching caucus solidarity, or what the heck you call it, but I still will not be silenced.

I would like to say that, even though I do not particularly share the educational philosophy of the Member who is going to be taking the portfolio, I give her my wholehearted support. The Member is a very, very hard worker. She is very fair and what she does not know, she is certainly going to find out.

I think that she is going to make every effort to find out, and I think that we, in this House, who will be supporting her, the people who will be supporting her, know that she will give it everything that she will possibly have.

We also know that she is going into the position with just a few short months remaining. She is picking up someone else's philosophy and policy and is going to have to try to adapt herself to the situation as it exists today.

I think she will probably, personally, have some problems, herself, with herself, but I have every confidence in her and in the way in which she is going to handle the job. I will certainly be supporting this resolution.

Motion agreed to

Applause

Mrs. Watson: Stay here.

Item Number 4

Madame Clerk: Item Number 4, standing in the name of the Honourable Member, Mr. McCall.

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

Mr. McCall: At the next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

Item Number 5

Madame Clerk: Item Number 5, standing in the name of the Honourable Member Mr. McCall.

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

Mr. McCall: At the next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

Item Number 6

Madame Clerk: Item Number 6, standing in the name of the Honourable Mr. McIntyre.

Mr. Speaker: Is the Honourable Member prepared to deal with Item Number 6.

Mr. McIntyre: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse Riverdale, that it is the recommendation of this Assembly that Mr. Jack Hibberd be appointed to the Advisory Committee on Finance to replace Mr. Dan Lang.

Mr. McIntyre: I would call question, Mr. Speaker.

Motion agreed to

Item Number 7

Madame Clerk: Item Number 7, standing in the name of the Honourable Member Mr. Lang.

Mr. Speaker: Is the Honourable Member prepared to proceed with Item Number 7.

Mr. Lang: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Hootalinqua, THAT IT IS THE OPINION OF THIS HOUSE THAT the Commissioner of the Yukon Territory not pay the legal fees and disbursements of legal council for Mr. Allan Lueck and for the Council for Yukon Indians, as recommended in Chapter 15, Special Application for Costs, of the Stratton Report, dated May 24th, 1978.

Mr. Lang: Mr. Speaker, the resolution, as you know, comes out of the recommendations put forth by Mr. Stratton, in respect to the Inquiry which just came to a close here not too long ago.

I think it is a very important principle that we are looking at here, Mr. Speaker, and I think it needs a great deal of scrutiny. I personally do not believe that we should be paying the legal fees of Mr. Lueck.

The terms of reference for the Inquiry stated specifically that the actions of public officials was to be investigated and ruled upon and there was no intention of this Inquiry to investigate or rule upon Mr. Lueck's actions.

Therefore, Mr. Lueck was a witness to the proceedings and it was his choice whether or not he wanted legal advice.

At the same time, I should point out that there were other people involved in the Inquiry and it may be at a minor level but, at the same time, they did not have lawyers at that particular Inquiry because they could not afford them. These happened to be civil servants and other people of that nature.

I should also point out, Mr. Speaker, that Mr. Stratton stated in his report that, and recommended that 50 per cent of the legal fees be paid to the CYI and he stated very specifically that "I am not satisfied that the CYI needed representation throughout the hearings".

Mr. Speaker, there is a major principle involved here, and if the legal fees are paid, no matter what the costs are, I think that the Government must be fully aware that in any future inquiries, and if someone is in the periphery of an inquiry, he or she can appear and have legal counsel there and expect that that those legal fees be paid.

At the same time, I think that it is important, Mr. Speaker, to realize that we had a previous Inquiry here approximately a year or two years ago and I did not see anyone recommending that Dr. Wigby's lawyer fees be paid.

I think that is very important as well and I personally believe that the people that were involved, they were there, one was there as an interested bystander to just ensure that the internal workings of an organization was not discussed and the other one was a witness. I think it was their decision whether or not they wanted legal counsel at that particular Inquiry and I do not believe that it is incumbent upon the people of Yukon to have to pay for those costs.

Mr. Fleming: Mr. Speaker, on seconding the resolution, I think that Mr. Lang has stated very clearly exactly why we do not feel that we should pay it. I can only utter those same comments which does not really do much good in this House. It has been said and I think it is very plain.

Allen Lueck is not part of this Government and is not part, he was not actually a part of the Stratton Inquiry other than as a witness. He was called there and I have no problem whatsoever in stating that I have no intention myself, and do not think anybody else in the Yukon Territory should be obliged,

out of public monies, to pay for an individual who is called to that type of thing, as Mr. Lang has said. The same goes for the Council of Yukon Indians, as he has said. It is definitely in the report that they ever recommended possibly that this should not be so.

So it is just a simple thing and I say we do not pay the bill.

Mrs. Watson: Mr. Speaker, I support the concept of this motion. I think that we have a typographical error in the motion. I do not think the motion intends that the Commissioner of Yukon personally should be paying Mr. Lueck's fees. I think the intent of the motion is the Government of the Yukon and I would hope that the Members would be willing to regard that as a typographical error.

I will be supporting the motion on the simple fact that if the terms of reference, which were unanimously adopted by this House, had been let flow in the Stratton Inquiry, then it would not have necessitated the other individuals and their lawyers being part of the Inquiry. I think we have to have some responsibility because we requested that the Inquiry be held but we did not request that all of these other parties should be involved and had Mr. Stratton, as he was going through the Inquiry, felt that the terms of reference were too narrow for him to come forward with a decision, then he could have made a request, which is not unusual, to expand them and to have these other people appear.

At that time, if we had agreed, then we would be agreeing to accept the costs of their legal fees, but their appearance there were not any part of any decision that we made and on the basis of that, even though we have responsibility for the Stratton Inquiry, I will support the motion.

Hon. Mr. McKinnon: Mr. Speaker, I will not be supporting the motion as it stands. If someone else had called the Inquiry, or if somebody else had named the Inquirer, Mr. Speaker, it would be the simplest thing in the world for me, and there is nothing that I would rather more enjoy doing than supporting such a motion.

However, Mr. Speaker, regardless of what the Honourable Member from Klunene says, Stratton, in his report, says that "I reached the conclusion that the terms of reference should, before being concluded, be changed and broadened. I was satisfied that to do otherwise, might unduly restrict the Inquiry in an examination of the entire problem."

It was common knowledge of all concerned that, under the laws governing the Territory the inquiry required an order of the Commissioner to bring it into existence. Therefore, the said resolution of the Yukon Legislative Assembly was not the final definitive instrument.

As a result of my suggestions, the terms of reference of the inquiry were altered in the Commissioner's Orders to that set forth in Chapter 1 of this report.

Mr. Speaker, the unassailable fact, no matter how much we do not like to go along with some sections of the Stratton Inquiry, are that this House voted unanimously for that Inquiry. That this House, Mr. Speaker, named the inquirer, a unanimous choice of this House.

Mr. Speaker, we went into the Inquiry with our eyes wide open. We committed the taxpayers of Yukon to a large sum of money which we all knew was going to be committed because of the Inquiry taking place. Of course, we all knew what the results of lawyers' fees, of time commitments and of the expense of such an Inquiry.

Mr. Speaker, it seems to me that if we talk about responsibility that responsibility has to be a two-way street. We spent a lot of time yesterday talking about responsibility and I just do not believe, Mr. Speaker, with us being the architects of the Inquiry and appointing the inquirer, that now that we do not like certain aspects of the report we can just take this out, take that out, throw away what we do not like, accept what we do not like.

If Mr. Stratton had have said everything in the report that

some Honourable Members, all Honourable Members would have liked to see in the report, I do not think there would be a question at all, Mr. Speaker, about accepting the total of the Stratton Report and the Inquiry.

Mr. Speaker, I do not think that this is a popular decision that I am taking. I often do not make popular political decisions. I am told by a lot of people that this is running against the grain. I, however, think it is right and I think it is the responsible stand.

Mr. Speaker, I do not question the motives of the other Members and Mr. Speaker, I just want to say that I think that, in this instance, even regardless, though it may not be the politically popular route to go, that I think it is the responsible route for the Government of Yukon to go and the right way for us to go, having been the architects, as I suggested earlier, of the Inquiry, and after having unanimously supported the name of the inquirer.

It looks as if we are kind of trying to duck out a little bit from those responsibilities because, Mr. Speaker, we may not like the report says.

Mr. Lengerke: Mr. Speaker, I will not be supporting the motion either. I thought I was going to be the only one who would not support it, but the words that Mr. McKinnon used, I am not going to elaborate any further. I think that they are really my feelings.

I feel that the Executive Committee of this Government were very much part of the changing of the terms and were aware of it and I think that there is a responsibility on our part to support that. I feel that we do have a responsibility for these fees.

Mr. Speaker: Any further debate?

Mr. Lang: Mr. Speaker, I cannot accept that argument in the principle that the Honourable Member is stating.

I think it is very basic that this Government, that the Government through legislation at one time, in the past year, when an inquiry was called on one certain doctor and there was no thought at that time that the Government would pay the legal fees of that doctor whether he was exonerated or whether he was going to lose his livelihood, which subsequently he did.

So, if you take the principle, Mr. Speaker, that the Government of Yukon is responsible for paying the legal fees of people who decide to go to an Inquiry because perhaps their name may be mentioned or maybe they are a witness, then you must recognize the fact, Mr. Speaker, that you are accepting the full responsibility in the broad policy of people showing up at an inquiry and you had better be prepared to pay for their legal fees.

Furthermore, Mr. Speaker, the idea that we have to follow the recommendations of every report that is brought to this House, I cannot agree with. If that were the case, Mr. Speaker, the various reports and commissions commissioned by the Government of Canada, including this Government in this Legislature, should be followed to the letter and, subsequently, Mr. Speaker, there would be no need for this Legislature. We are here to make decisions and this is a decision we should make today.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek having twice spoken has now closed the debate.

I shall put the question.

Mr. Speaker: Division has been called.

Hon. Mr. McKinnon: Disagree.

Hon. Mrs. Whyard: Agree.

Hon. Mr. Hibberd: Agree.

Mr. McIntyre: Agree.

Mr. Berger: Disagree.

Mr. Lang: Agree.

Mr. Fleming: Agree.

Ms Millard: Agree

Mr. McCall: Agree.

Mrs. Watson: Agree.

Mr. Lengerke: Disagree.

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

Motion agreed to

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

PUBLIC BILLS

BILL 18: Third Reading

Madame Clerk: Third reading Bill 18, Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Speaker, I move that the amendments to Bill 18, *Pioneer Utility Grant Ordinance*, be now read a first and second time.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources that the amendments to Bill Number 18 be now read a first and second time.

Are you prepared for the question?

Some Members: Question.

Motion agreed to

Mr. Speaker: When shall the bill be read for the third time?

Hon. Mrs. Whyard: Mr. Speaker, I move that Bill Number 18 *Pioneer Utility Grant Ordinance* be now read a third time.

Mr. Speaker: It has been moved by the Hon. Minister of Health and Human Resources that Bill No. 18 be now read for the third time.

Mr. Fleming: Mr. Speaker, I will to speak on the Bill this morning. I would like to make some things clear before I do. Very clear so that there is no misunderstanding as to why I am speaking about the Bill, and in some cases against the Bill. I will be voting for the Bill with some very, very strong reservations, but I will be supporting it. Because, I know, I am sure, that the Minister who brought this Bill forward, fully intended that this Bill do the things that really are needed in the territory, and I commend her for it, and I am sure that there is no way that it was her herself that has made a mess of this Bill. She has done everything she can to do something for the elderly, and I commend her for it. So anything I say is definitely not against the Minister, it is for the Bill.

The principle of the Bill is to make it possible to help people in their elderly years and, more or less totally, for utility costs and things because they are so high in this territory. I think that was the intent. And I have to agree there can be nothing better. But, in doing so, somewhere along the line they have forgotten some people and have come up with a Bill that just really says one thing, and the Government is saying another.

I will explain that very clearly. The government has said that they want it for the people who need it and are the needy, and the Bill allows, unless it is changed by regulation, allows almost anybody to get the money, almost, due to that one section that we had the controversy over. On the other hand, the government says we are prepared to pay any person, who, or two people we will pay them one grant, who live in a home, whether they own it or not, they have said that they will come through. The Minister has said herself, they will. They will take the word of the person, or something to this effect. They will do that. They will pay that person. However, the Bill says no such a thing. Contradictory again, the Bill does not say that anywhere in the Bill.

Consequently, there are going to be these people I spoke of and they are going to possibly have a problem, they will probably need the money but will not even come forward because somebody will say to them, the Bill does not say you can have it because you are not an owner, you are not renting, so it is a mess. I cannot say anything else for it, but it is not written up the way it was really intended to be, and as I say, I am sure that our Minister really intended to do it right, it was not her problem. However, I must refer to the regulation powers in the Bill, because that is where I think the other problem is going to come from.

As the Chairman for the Committee on Statutory Instruments studying regulations and trying to straighten out some of the terrible things that we have in Yukon, due to regulations, I have just got to wonder what maybe the next Committee is going to have to do to this Bill to straighten out the regulations or to somehow get the Government to change this Ordinance to read it is supposed to say and say absolutely fact that you get it, you do not get it, how much, anyway.

I am sure that if I had been a little smarter, and I think the Honourable Member behind me from Kluane did bring up the subject once and I did not catch it or would have been diving right into it, we may have convinced the people that voted against the amendment that the amendment was good, because in the regulations is where people are going to be told whether they can have the money or not. Maybe, if there is no regulation made, the Bill will stand and it will just go on what the Government has said here. They have said that they will give it to people so they will give it to them. That is a very poor program.

If they straighten it out to straighten the Bill out to be able to give the people the money, legally, the way it is supposed to be given to them and to define anybody in there, they are going to have to come up and do it in the regulations. It is not the place to decide who and what is to get money in the Yukon Territory. It should be in the Ordinance where it belongs to say who is going to get it and who is not.

That type of thing should not be in regulations.

Thank you, Mr. Speaker. I will be supporting the Bill, however.

Mr. Speaker: Is there any further debate?

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mrs. Whyard: Mr. Speaker, I move that Bill Number 18 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources that Bill Number 18 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 18 has passed this House.

Madame Clerk: Third reading Bill 19, Dr. Hibberd.

Bill 19: Third Reading

Hon. Mr. Hibberd: Mr. Speaker, I move that Bill Number 19, *An Ordinance to Amend the Elections Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member of Consumer and Corporate Affairs that Bill Number 19 be now read a third time.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. Hibberd: Mr. Speaker, I move that Bill Number 19 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Consumer and Corporate Affairs that Bill Number 19 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 19 has passed this House.

Mr. McCall: Thank you, Mr. Speaker. I 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 Hootaliqua, that Mr. Speaker do now leave the

Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: Would Committee come to order?

This morning, we will continue our discussion of Bill 103, *Executive Authority Ordinance* and we will recess now until 11:30 and I would like you all to be promptly back into the House at 11:30 because we are going to be short of time.

Recess

Mr. Chairman: I call Committee to order.

Yesterday we had cleared 1 and 2 and were discussing 3. We will carry on with the discussion of 3.

Mrs. Watson: Mr. Chairman, there was some question regarding sections (3) and probably (4). However, I will address myself to (3). I can understand why there would be some question in people's minds regarding 3.(3). However, some of the comments that were expressed yesterday was that were stripping the Commissioner or taking the power away from the Commissioner in this Bill. We are not taking power away from the Commissioner. This has to be remembered. It is very important. All we are doing is asking the Commissioner to share that power, to work with, in concert with, elected people, to exercise that power in areas where we have legislative authority and where we are delegating power to him.

Now, this Bill is not nearly as far-reaching and demanding as the resolution that we unanimously adopted in this House yesterday. The resolution yesterday says that the instructions to the Commissioner should be that in all matters, not just the ones where we have delegated discretionary power to the Commissioner, in all matters pertaining to the areas in which the *Yukon Act* gives legislative authority to the Yukon Legislative Assembly, that the Commissioner must seek the advice of the Executive Committee and be bound by that advice.

This piece of legislation, for a change, rather than be general as we always are, is an attempt to sit down and start being a little more specific and taking this step towards more responsibility in a gradual way.

I would say this is step number one. If we get step number one completed, we are going to have some essence of responsible government in the areas where we have legislative authority. That is a long way from provincehood, as some people were talking yesterday, that we are looking at provincial autonomy in this. This is a long, long way from there.

If anyone understands or perceives the concept of the Executive Committee and how it operates, you can certainly understand 3.(3). A good question was brought in there, into the House yesterday. Is it practical? Is it possible to, it is fine in words in the bill, but how would you apply it?

I have given an awful lot of thought to it and there would not have to be checklists to make sure that you have done everything. I think, if this Bill goes through, there would be a requirement of the executive authority, who we would certainly hope would be the Executive Committee also would receive both appointments, and the Advisory Committee on Finance would receive all three appointments. The Chairman of that Executive Committee, the Commissioner, to sit down and review the departments that are involved where we have legislative authority and to agree upon a philosophy and a direction and some goals for those departments and those areas for that Executive Committee to strive.

Every Minister knows that that is the direction, that is the thinking of the government, and if items come up within his departmental responsibilities, or in areas where the Commissioner has responsibilities over which we have legislative authority. And the discretionary power that is given to the Commissioner is used by the Minister, and it is contrary to what was

agreed to by the Executive Committee in their general philosophy, then he can be called back into the Executive Committee and told now look, you are out of line on this, and the Commissioner can say, I am not going to sign this, I am not going to be part of this action. You bring that into the Executive Committee and get your colleagues to approve it, then I will sign it. If the Commissioner goes off on a tangent and interferes in a department without getting the approval of the Executive Committee, specifically, where we have delegated powers to him. Then the Executive Committee can say, no way, that order is not going through, you know that it is void, we had better bring that thing back to this Executive Committee, and we agree on a direction to go.

It is forcing the Executive Committee and the Chairman to work as a team in areas where we have legislative authority. It is simple to set up an administrative procedure, you could say, as far as regulations go, the Honourable Member from Mayo pointed this out yesterday. You could set almost a checklist if you do this and this, because regulations emanate from the various departments, and right not, regulations are being signed by the Commissioner that Executive Committee probably have not any idea what the philosophy behind or the concept behind those regulations were. The policy behind those regulations should be adopted in the Executive Committee and then let them roll.

Is that being done? I do not think that it is necessarily going to be that easy. Nothing is ever easy. It is easy for us to unanimously adopt the resolution because we do not have to start really looking at it and say what we mean.

If you think about our Fathers of Confederation who were endeavoring to create a country and who had to write an Act that made a country out of these various segments of a land mass and they wrote the *British North America Act*, I am sure that they did not completely envision, and could have sat down and said, "It shall work this way in all instances, this is how it shall be done." There is no way but they knew that they had a challenge before them and that there was an element of risk in the *BNA Act*. It has served us for over 100 years. There are areas where it needs some changes but they are having a very difficult time coming forward and saying specifically where the changes should be and over this 100 years, we have developed into a fairly good, strong country.

I say to you, there is an element of risk in this Bill but we cannot sit back and think that Ottawa, or someone else, is going to come and give it to us on a platter. They are not. We have to begin just in a small way, to specify what in fact we see as a more responsible type of Government and this is an attempt to do that. I cannot vouch for how the Executive Committee or the Commissioner will set up their structure within their Executive Committee to work 3.(3) and (4).

I know how I would do it and I would say if we adopted Resolution 21 yesterday morning, we certainly should not have any doubts about giving our support to this Bill.

Mr. Fleming: Yes, Mr. Chairman, just a few words on the section which I feel is absolutely a necessity, it is a wonderful thing, if this Bill passes, that section 3. We are really not going to hurt a Commissioner who wants to be a Commissioner of the Yukon Territory by that section if his ideals and his thoughts are with the people of the Yukon Territory. We are merely saying that the Commissioner, with the Executive Authority, sit down and discuss things that go through this House and problems, and say there will be—or if there is a resolution, he will say "yes" or "no" and they will decide together and it is time that that is really being done.

It puts the Commissioner in the position whereas the Minister is responsible in the final analysis, the Minister will be the responsible party.

I do not think that any Commissioner would really be against this Bill, I am sure. The only possible way that anyone would be against this Bill is because of political reasons.

If the Commissioner was a Liberal and the Minister was Liberal, I could see them saying no, we do not like that kind of a Bill because you can just phone me and I will say do not pass so and so and that is simple.

If a Commissioner happened to be in a different field than a Liberal or in a Conservative Party or in another party, which he is allowed to be, maybe, and the Minister was in the other Party, I think he would welcome the fact that he would sit down with three or four people and discuss a matter and say, now, we have all agreed. The responsibility is with the Minister. I do not care who he is, for taking some of that out of the political field.

Mr. Speaker, I am just really happy and I will be stiking right with it and I am sure that there are commissioners that might, or people that might be commissioners in this Territory who would welcome this Bill and welcome that section in there, that does take away some of their authority.

I will agree, there is no question, it is time it was taken away and I think it is being placed where they can make a decision that has already been made in this House. They can stand by that decision. The Commissioner does not have to take the boom on the head one way or the other. He can thrash it out. The Minister is responsible, in the final analysis, let him take the whack if there is any problem. Let him make the final decision.

Hon. Mrs. Whyard: Mr. Chairman, we went around on this section for a considerable portion of time yesterday afternoon and it was my understanding when we adjourned that the deputy chairman had said the sponsor would have an opportunity to look at that subsection again and I was looking forward to something new or some change being proposed, but, as I gather, the sponsor of the Bill is staying with the exact wording of 3.(3) and it has already been pointed out by yourself, Mr. Chairman, yesterday in debate, that this automatically means that the Bill is *ultra vires* and that it has no hope of being passed because of the wording of 3.(3) specifically, which removes all powers from the Commissioner.

I wonder if the sponsor has any suggestions as regards any amendment of this section or whether it is, in fact, going to stand verbatim?

Mrs. Watson: Mr. Chairman, the whole concept of the Executive Committee and the Executive Authority is expressed in this Bill.

This section specifically does not necessarily make it *ultra vires* to the *Yukon Act*. It does not take power away from the Commissioner. It is asking him to share it.

In many instances, asking only that power where we have legislative authority and where we have delegated power to him. Only in those areas must he share it. We would hope that he would share it in all instances.

If the section was taken out, I do not see any need for it. I do not see any need for rewording it. As I said, this section specifically is less encompassing than the motion that the Honourable Member had no problem supporting yesterday.

If the Minister can buy a ministerial directive, give that instruction to the Commissioner, would not his ministerial directive be *ultra vires* to the *Yukon Act* then also?

But the Minister can give the directive and I think it would be most interesting to see what specific reasons could be given to why this, in fact, would be *ultra vires* to the *Yukon Act*. It is a concept which can be accommodated within the *Yukon Act* as it is written today, it depends on the person who is reading the *Yukon Act* and what concept they want to read into it. That is basically what it boils down to.

In this Bill, many people say, well, she is bringing it in now because of the problems the Legislature seems to feel they have with the present Commissioner. This is not completely fair, because you may have a Commissioner who may not want to work as a team, but it is not too hard to imagine that you could as ly have an elected member who is a maverick and would

ant to go off on a tangent on their own. That is not hard to conceive at all.

This then would force that elected person, also, to come back to the Executive Committee and to get approval for that use of that delegative power. The Commissioner can withhold his approval, legitimately.

In regulations, we give some tremendous, in the past, to the Commissioner alone, many times that supreme power we have given to the Commissioner weighs very heavily on the shoulders of the Commissioner because those regulations often entail a political direction.

Now, if the Commissioner of the day feels that he knows what political direction it should be, he, right now, can go that way. From now on, if this Bill passes, and is Assented to, he will not be able to. He will have to get the concurrence of that team.

If we have regulations and discretionary power of the Commissioner taken that are contrary to what some of the people of the Territory think is right, the elected Members of this House can then stand up and say to their colleagues across the row, "Why did you support that?" And no more can they say, "We did not know about it." Because, if they did not know about it, then they had better have a look at whether they want to work on that team or not. It will not take long to find out that there is a weak link in the team.

I think many of us, during the last few years, have been completely frustrated. Why? What is happening across there? Do they not know or are they covering up?

This legislation tells them they better not and they better be answerable to the rest of the Members of this House, to the elected people.

Mr. Chairman, I think it is really necessary to leave the Bill intact because it does not go nearly as far as Resolution Number 21.

If the concept is not what the Commissioner and the Minister of the day want to approve, they are not going to seek Assent and they are going to say that it is constitutionally unsound. At that stage of the game, then we are going to have to make a decision, regardless of what we have written in here. If they do not like the concept, they are going to refuse Assent. We know that. It is going to be a political decision on the part of the Commissioner and his Minister, regardless of how it is worded.

Mr. Fleming: I have one question to the sponsor of the Bill and that is on the (3) and (4), they are both in 3 but there is (3) and we have agreed to that, however, in 3.(4) where you more or less repeat the same thing. I think I brought it to your attention last night, just in case you could find the answer, but you say in 3 that "in the manner advised and consented to by the Executive Authority" which covers quite a broad area, and then you say that the "Executive Authority...then be deemed to be exercised in the manner advised and consented to by the Executive Authority."

In other words, whatever takes place will then be deemed to be proper because the Executive Authority said one thing and the Commissioner did another. Then you go on in 3.(4) to say almost the same thing but at the last, you change it and say that "it will be deemed to be void" and I have kind of confused the two, that they do not both mean the same thing and end up with two different decisions and I am wondering if 3.(4) is actually essential to be in the Bill. Possibly it is.

I would like some explanation on that.

Mr. Chairman: Mr. Fleming, I think (3) deals with the situation where the Commissioner fails or neglects something. Section (4) deals where he does something. In (3), he neglects to perform his duty but in (4), he does something that he is not authorized to do. There are two different situations. In one, he takes a positive step and in the other, negative.

Mr. Fleming: Mr. Chairman, then I take it from you, and I

am willing to accept your advice because I think you understand the wording. "Inconsistent" and "manner" is not in the same area then. When he has done something in a manner that is not proper and yet he does something inconsistent from the way it is suppose to be, is two different things entirely, you say?

Thank you, I will go along with that.

Mr. Chairman: Anyone else?

I do not have as much problem with the content of the Ordinance, knowing full well what is going to happen to it next, as I do with some of the terminology in it.

I have a lot of problem with Executive Authority. I find nothing, in anything I have done in constitutional, historical precedents, that means executive authority. It is as innocuous a term as "Executive Committee".

If one looks into the history of this country, the carving out of any kind of responsible government from the old Northwest Territories was held up for periods of years because the Federal Government refused to accept a term such as executive committee as meaning responsible government.

It was not until long after an Executive Committee concept was realized in the old Northwest Territories which was as early as 1873, that in 1897, Sir Clifford Sifton introduced the *Executive Council Act*, which formally recognized the responsibility of that executive authority to do exactly what the Honourable Member wants this Executive Authority to do.

I do not know the reasons, because maybe there are too many councils involved, an executive council of the council. They had that same problem in the Northwest Territories but an executive council means something constitutionally. It means something exactly as it does in the Dominion and in the provinces. Even though there are no references to an executive council, as we all know, in the *BNA Act* or any of the acts which form part of our constitution, the history and tradition and historical precedents concerning an executive council are all well established and well written into the constitutional background of this country.

I think we are getting ourselves in an awful lot of trouble with semantics that we do not have to by not using a well defined term that everybody interested in constitutional development and anybody who knows anything about the development of British Cabinet institutions from beforehand representative but irresponsible governments, knows exactly where we are going when we mention that term which is the term which was fought for for the carving of any of the provinces out of the old Northwest Territories and exactly what we are heading for in this direction.

Exactly the things which Ministers, since the time of Arthur Laing have said to Members of this Assembly, that it has been accepted that the forms of government for the Territory should, as far as possible, accord with that British constitutional practice which is represented in our own parliament and government.

Mr. Chairman, I would suggest that, except by a straining of almost every parliamentary rule, a committee of council could hardly exist such as executive committee, which exists only by executive fiat of the Minister when the Assembly of which it is a committee had come to an end.

Unless, and I submit to you, Mr. Chairman, and to the Member sponsoring the Bill, that even though we have executive committee guidelines which have been sponsored and agreed to in this House, that there is no establishment for an executive committee or a Committee of this House, after the life of this House has terminated, would be a simple way out of the Executive Committee concept, if the Minister so desired.

Hon. Mr. McKinnon: Mr. Chairman, I submit that the use of the name Executive Committee presented many difficulties in the struggle for responsible government in the old Northwest Territories. The Federal Government used the estab-

lishment of a name, which was unprecedented in constitutional development. They used it as a stop gap to delay the recognition of the fact of responsible government in those territories until the establishment of the Executive Council.

The granting of responsible government, I believe, demands an executive council, analogous to that in use in the dominion and in the provinces.

It seems to me Mr. Chairman, that there is little value in the almost novel creation of what we have in Executive Committee or now in executive authority, when a proven institution is available, which is known, which is recognized, which has gone through the course of the difficulties of history in exactly the same situation we find ourselves in today and that has worked along well known and recognized constitutional lines. And I would suggest, Mr. Chairman, for all of these reasons, if we want the people in the courts and the constitutional experts, and the Ministers and his members of justice to know what we are doing and what we are about, there is no clearer recognition than of the term Executive Council, and I would strongly submit that this Ordinance wherever Executive Authority appears, should be changed to Executive Council. Why try to hide behind the skirts. We all know what we are trying to do, the federal government knows what we are trying to do, we are just presenting them with some opportunity to delay and not be able to come up with the decisions which we hope they will if we are trying to create something which seems to be a new animal in the evolution of the development of constitutional democracy in the Yukon. And I do not know what the arguments that the Honourable Member will bring for not using Executive Council rather than Executive Authority, but I suggest if it is just for a flow of semantics, we are one heck of a lot better off using a well defined constitutional term, which is Executive Council, which is exactly the term when the Executive Council authority was given in the old North West Territories, they had responsible government, they had Executive Committees before, which were Executive Authorities, but the people in Canada, and the government of Canada, refused to say that there was actually responsible government in the territories until that Executive Council Authority was given a constitutional meaning in an Act, Mr. Chairman.

Mr. Chairman: That should provide some food for thought that we can digest along with our meal until 1:30.

Recess

Mr. Chairman: I will call Committee to order. We will proceed with discussion of Bill 103, *Executive Authority Ordinance*. We had just heard from Mr. McKinnon dealing with the possibility of changing the name. Did anything come out of that over the noon recess.

Mrs. Watson: I have no objection, whatsoever, to the suggested change of name coming from the Member.

Hon. Mr. McKinnon: Mr. Chairman, I will be putting forward the appropriate motion as soon as it is drafted.

Mr. Chairman: Is there any further discussion on the Bill then?

Committee will recess until this paper comes back.

Recess

Mr. Chairman: I call Committee to order.

Mr. McKinnon, where do you propose that this amendment should be introduced? It is not an amendment to a specific clause. I was wondering if we could do it when we deal with the title of the Bill and change the title of the Bill to the *Executive Council Ordinance* and then all reference to Executive Authority would be replaced, therefore, by the words "Executive Council".

It is pretty awkward to deal with a general amendment when we have cleared some sections that deal with this particular name.

Hon. Mr. McKinnon: Mr. Chairman, I am completely at

the wish of the Chair, if that is the way to handle it, that when the title section is called, to move that amendment, that follows suit, then I would more than happy to proceed in that manner.

Mr. Chairman: We can go ahead and clear 3.

Mrs. Watson: Mr. Chairman, that is fine. I am just jumping the gun again.

Mr. Chairman: Pardon me?

Mrs. Watson: I am just jumping the gun again. I am sorry.

Clause 3 agreed to

Clause 4 agreed to

Mr. Chairman: The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: this Ordinance may be cited as the *Executive Authority Ordinance*.

We have cleared that part of it, so what we want to clear now is that, pluse the preamble.

The amendment then would read: Moved by Mr. McKinnon that Bill Number 103, a Bill entitled *Executive Authority Ordinance*, be amended as follows:

delete all reference to executive authority and replace therefore the words "executive council".

This would have the effect then of changing the name of the Ordinance to the Executive Council Ordinance, and in every clause that has been cleared, executive authority would be changed to the executive council.

Shall the amendment carry?

Amendment agreed to

Mr. Chairman: Shall the preamble and title carry as amended?

Some Members: Agreed.

Mr. Chairman: I declare the preamble and title carried as amended. Shall the Bill be reported with amendment?

Some Members: Agreed.

Mr. Chairman: We will now go on to Resolution Number 2, THAT IT IS THE OPINION OF THIS HOUSE THAT the Honourable Hugh Faulkner, Minister of Indian Affairs and Northern Development, relieve Dr. Arthur Pearson of his duties as Commissioner of the Yukon Territory and appoint an acting Commissioner who has had experience in, and is familiar with, the administering of the Yukon Territory pursuant to Section 4 of the *Yukon Act*; and

THAT the relief of Dr. Pearson as Commissioner of Yukon continue until the Stratton Inquiry has completed its investigation into the role of the Commissioner and other persons leading to the discontinuance of proceedings in the Supreme Court concerning the alleged professional misconduct of Allan Lueck, a barrister and solicitor of the Court; and its decision rendered, and until the investigation of the R.C.M.P. regarding possible forgery and falsification of affidavits in which the Commissioner may have been involved is concluded.

Mr. Chairman: There is an amendment to this resolution, moved by Ms Millard, seconded by Mr. Berger, that Resolution Number 2 be amended by deleting all words after "and" in line four and adding the words, "not appoint another Commissioner unless he is an elected person". Ms Millard has indicated that she wishes to withdraw the amendment.

Is that still your wish?

Ms Millard: Yes, Mr. Chairman, it appears unrealistic that we will be passing that amendment so I would ask permission to withdraw it.

Mr. Chairman: Do you agree, Mr. Berger?

Mr. Berger: I disagree.

Ms Millard: If my seconder agrees.

Mr. Lang: Could you clarify for me just exactly what the

procedure is? I do believe that at this time, I would be in order if I amended the amendment, would I not?

Mr. Chairman: Yes.

Mr. Lang: Then I would like to move an amendment to the amendment stating that all the words following the word "Territory" in line four be deleted. That is seconded by the Honourable Member from Watson Lake, Mr. Don Taylor.

Mr. Chairman: The amendment will have to deal with the amendment. It would be a sub-amendment. You already have an amendment to the motion which we are now dealing with.

Mr. Lang: Mr. Chairman, I am not too good on these procedures but for clarification, do I have to move a sub-amendment to the amendment?

Mr. Chairman: Yes. Well, if we are dealing with the amendment, you would have to move a sub-amendment.

I think we should recess for ten minutes to let the people here get their heads together on what they are going to do.

Mr. Lang: On a Point of Order, Mr. Chairman, it is my understanding that the as a Member here I have the right to amend an amendment to a resolution.

I would therefore move, seconded by the Honourable Member from Watson Lake, to delete all the words following the words "that" and to replace with the words, "all the words following the word "Territory" in line 4 be deleted."

Mr. Fleming: I am just questioning that amendment because yesterday I tried to bring in an amendment to an amendment and it was stated that the amendment we were dealing on first would have to be settled and there is another amendment on the Order Paper here now to either be washed up, thrown out, done whatever, but does not that amendment have to be dealt with first before the other amendment can come in?

Mr. Chairman: This is a somewhat different situation, however, I find that the amendment submitted by Mr. Lang really deals with the main part of the resolution and is not a proper amendment to the amendment. In other words, it is not a sub-amendment.

I cannot deal with it.

I think what we will have to do is discuss the amendment that is under consideration and either accept it or defeat it. If it is defeated, then I would be prepared to accept an amendment from the Honourable Member--

Mr. Lang: From Porter Creek.

Mr. Fleming: Right on.

Mr. Chairman: ...starting over again.

So, the resolution, as amended, would delete all the words after "and", in line 4 and add the words "not appoint another Commissioner unless he is an elected person". You all have copies of that amendment.

Is there any discussion on the amendment?

Some Members: Question.

Mr. Chairman: Shall the amendment carry?

Some Members: Disagree.

Mr. Chairman: Let us have a show of hands.

Hon. Mr. McKinnon: That this motion as amended does now carry? You want an agreement on that?

Mr. Chairman: We are voting on the amendment. Shall the amendment carry?

Some Members: Agreed.

Mrs. Watson: Just the amendment on appointing another Commissioner, that is the part we are voting on?

Mr. Chairman: Right.

If the amendment carries, then I will call for a vote on the resolution as amended.

Mr. Fleming: I wonder, Mr. Chairman, if Mr. Chairman could read the amendment that we are actually voting on.

Mr. Chairman: It is in your Order Paper.

Mr. Fleming: Yes, I have it plain but I am sure some of the Members do not because they are speaking on the amendment and they are speaking on the Resolution Number 2 and this is only the amendment and I am quite certain some of them want to get rid of it so that they can go on with the business and get the right one in there that they want, which I want too and if we could just understand where we are at and then vote.

Mr. Chairman: It would have made it a great deal simpler if Mr. Berger had agreed to withdraw the original amendment.

Hon. Mr. McKinnon: I want to know, Mr. Chairman, if what I am voting on now simply says that the Minister of Indian Affairs and Northern Development not appoint another Commissioner unless he is an elected person. Is that what I am voting on.

Mr. Chairman: You are voting on that amendment.

Hon. Mrs. Whyard: Mr. Chairman, with respect, I think that is the crunch of this whole situation because this amendment takes you down to line four and still includes relieving the present Commissioner of his appointment. I think that is considerably different from simply recommending to the Minister that no other Commissioners be appointed unless they are elected. This is a two-fold situation.

Mrs. Watson: Mr. Chairman, would you mind very much if we took ten or fifteen minutes to clarify this in our minds because I think it is too important for us to do it on—. If you do not mind?

Mr. Chairman: I will declare a recess for ten minutes.

Recess

Mr. Chairman: Will Committee please come to order.

We will now vote on the amendment that is on the Order Paper and if that is defeated, then it allows Mr. Lang the opportunity to bring his amendment in.

Is it all clear?

Some Members: Clear.

Amendment defeated

Mr. Lang: Mr. Chairman, I believe you have copies of my amendment to the resolution, and I would like to have them passed out, if you could.

Mr. Chairman, the resolution will read, moved by myself, seconded by the Honourable Mr. Taylor, that all the words following the word "Territory" in line four be deleted and it will read, "that it is the opinion of this House that the Honourable Hugh Faulkner, Minister of Indian Affairs and Northern Development, relieve Dr. Arthur Pearson of his duties as Commissioner of the Yukon Territory.

Mr. Chairman, you will recall, a number of months ago now, it was a decision of the legislature to call what is now commonly referred to as the Stratton Inquiry. Since that time the inquiry has come to a close and we have received the results of the deliberations of the Chairman of the Inquiry.

Mr. Chairman, it is my opinion that some people in the news media, and other people, have not taken this report as seriously as it should be.

In fact, I know some people refer to it as a whitewash.

Mr. Chairman, there has been no one that has been investigated in, the public officials who have been exonerated. Nobody was termed that they were commendably motivated. It states very specifically that there were errors of judgment of all the public officials involved in the situation and, if I might add, a very unfortunate incident for Yukon.

The resolution reads asking for the Commissioner's resignation, and the reason that no other public officials were named in that particular resolution is because the Chief Executive Officer is responsible for the civil service for the Government of the Yukon Territory.

At the same time, Mr. Chairman....

Mr. Berger: Mr. Chairman, we are not discussing the main resolution. On the Order Paper, in front of the Committee right now is an amendment, not the main resolution.

Hon. Mr. McKinnon: Mr. Chairman, I know that this is an important and delicate, sensitive matter, but I just cannot sit by without a Chairman ruling of watching the rules of this Committee being totally and absolutely abrogated.

Mr. Chairman, anybody who even has the basest knowledge of parliamentary democracy in committee work knows that one of the oldest rules of parliament is that a question, being once made and carried in the affirmative or negative cannot be questioned again, but must stand as the judgment of the House.

Unless such a rule were in existence, the time of the House might be used in the discussions of motions, of the same nature, and contradictory decisions would be sometimes arrived at in the course of the same Session.

Mr. Chairman, I would submit that if you examine this rule in all conscience and what has transpired up until now and also got in a skull session with the oldest living resident of this House, the Speaker, that you would find that what I am stating is correct, that we have dealt with the matter by the disagreement of the amendment and if Honourable Members made mistakes or did not do their parliamentary homework, Mr. Chairman, that is too bad, but I do not think that we can continue on with this course of absolutely and totally not abiding by the rules of the House that we have set, Mr. Chairman. At this present time we are totally and absolutely abrogating those rules.

Mr. Chairman: Mr. McKinnon, the first amendment we dealt with added words to the Resolution. The amendment that we are dealing with now does not add any words to the motion. I think, therefore, it is in order for us to deal with this second amendment.

Mr. Lang: Mr. Chairman, the amendment is there to say exactly what I think the public of Yukon want to be said to the Federal Government. It is quite obvious to me that the behavior that has gone on in the past here is unacceptable, and I do not believe that the people of Yukon want it to continue.

Unless this Legislature, the elected Members of the people of Yukon are prepared to stand up and say what they think, and speak to the principles that have been violated in this particular report, then, as far as I am concerned, we have really no right to be standing up as spokesmen for the people of Yukon.

Mr. Chairman, it is quite obvious to me that in view of the decision that I had to make yesterday, which was a very difficult decision, it was one that I did not enjoy making, but at the same time, I stated very clearly that I felt that there was a breach of trust.

The report, and if one reads the Inquiry, it does not deal with why the Executive Committee was not told what was going on when it came to the attention of the elected Members of the Executive Committee. We were told that it was a routine proceeding. Later on, as we all know, the Commissioner swore under oath that it was because of a politically sensitive issue.

Mr. Chairman, I do believe that Mr. Stratton wrote this document in such a manner that we, the political people of the Yukon, would have to examine it and judge, from a moral standpoint, just exactly how important we felt these errors of judgment were. In my estimation, it is enough to ask the Commissioner to resign.

If you choose to ignore the situation and the results that have come forth, or if you choose to condone them, I think all Members should be aware, it is my opinion that what you are doing is you are telling the chief executive officer of this Government that it is not really a conflict to help a friend but if you get caught, we will just call it an error in judgment.

At the same time, Mr. Chairman, I have to mention something else here that is reflected in the report, and it states, very specifically, in respect to the evidence given from the assistant

in the legal department. Here is the chief executive officer going around the deputy head of a department, requesting information on a confidential basis, and then subsequently, the evidence at a later date came out that it was done.

Now, it is my understanding, Mr. Chairman, that this has been done in other cases as well, where a deputy head has not been involved and it has gone to the lower managerial level, so you can imagine what the morale of the people that are working in the managerial level of this Government is at the present day. They do not know who is saying what, who is talking to who or where the decisions are being made.

Mr. Chairman, I do not relish asking anyone to resign. I think it is a very distasteful task, but I think it is one that must be done.

Quite obviously, the Minister of Indian Affairs and Northern Development has chosen, at least up until this date, to do nothing. I believe we have a responsibility to ask him, on behalf of the people of Yukon, to have this man removed.

I think there is one other point that should be made, Mr. Chairman, is that the problems that are going to become evident in the Government of the Yukon Territory will not really, truly hit the man on the street until probably a year and a half from now, the way Government works.

But right now, I would suggest that we could be in some very difficult financial situations unless we get a man at the helm who has an idea of the financing of government.

So, for the sake of the people, Mr. Chairman, I do believe that this man must be removed so we can carry on with the governing of this country the way it should be.

Mr. Chairman: I think I will have to make some kind of a ruling right now on this because it is very difficult for anybody to speak to the amendment, because the amendment really is obvious that we cannot really deal with the part that is being deleted, in the proper fashion. The justification of the amendment would be for the deletion of these things.

So, I think I will allow anybody that wants to speak generally or on the amendment to speak at this time. Normally we would just allow you to speak on the amendment, but I realize it is almost impossible to speak on the amendment itself. So, I will permit general discussion of the amendment and the motion as amended.

Any other discussion?

Mr. Fleming: Yes, Mr. Chairman, I do have a problem with the motion because I think the Minister is absolutely right because I feel, as much as I hate to feel that way, maybe, but I feel that we are, we have voted on a deletion of that area and we are, in turn, voting on a deletion on that area again, regardless of how you look at it. I think that once it has been either defeated or accepted, that to go over it again is not...

However, I will not speak anymore on it, myself, because I just think it is wrong and I could not make a decision sitting in that position. I just will not make a decision. I want to know when I make a decision that it is right or wrong. I will not go along with the way it is written now, I just cannot.

Mr. Chairman: Mr. Fleming, I have been informed that it was not this particular situation that Mr. McKinnon was referring to. It was another motion which he thinks we voted on, dealing with the same subject.

Hon. Mr. McKinnon: Mr. Chairman, on a point of order. I am not trying to cut off debate on this. I am just saying that if you are going to, please, let us abide by the rules of House and if we are breaking them, then let us get the unanimous consent of the House to continue debate because this motion, because I am so concerned and positive that it is acting against the rules of the House that it is going to be a meaningless motion.

Mr. Chairman, correct me if I am wrong, but I think that we voted on an amended motion which read that it is the opinion of this House that the Honourable Hugh Faulkner, Minister of

Indian Affairs and Northern Development, relieve Dr. Arthur Pearson of his duties as Commissioner of the Yukon Territory and not appoint another Commissioner until he is an elected person.

We voted on that. We disagreed with it, regardless of what Members wanted to do or did not want to do, they disagreed with that motion and turned right around and put in another amendment to the motion, which read: "IT IS THE OPINION OF THIS HOUSE THAT the Honourable Hugh Faulkner, Minister of Indian Affairs and Northern Development, relieve Dr. Pearson of his duties as Commissioner of the Yukon Territory".

Mr. Chairman, a question being once carried in the affirmative or negative cannot be questioned again, but must stand as the judgment of the House. The judgment of the House has been made on that question and five minutes later we are debating exactly the same question, Mr. Chairman.

Mr. Chairman: Just a moment, you are reading the whole motion Mr. McKinnon. What we voted on was the amendment. We did not vote on the main motion. We did not vote on the main resolution at all, we voted on an amendment to it. The amendment was defeated.

Hon. Mr. McKinnon: The amendment was exactly the same as this amendment.

Mr. Chairman: No, it is not.

Mr. McCall: I understand the position you are in, being the Deputy Chairman myself. What you are saying is absolutely correct. You cannot, once the amendment to a motion has been defeated, it then leaves the resolution wide open for any further amendments dealing with the same resolution, because the actual resolution has not been disturbed or destroyed. So, any further amendment whether it be one or a dozen, can be further proposed to the same resolution, because the actual resolution has not been disturbed. So, therefore, if an amendment has been defeated without disturbing the original resolution, then therefore the amendment can be quite acceptable by the Chair.

Mr. Chairman: That is what I ruled.

Mr. Taylor: Yes, Mr. Chairman, I am sorry that we have got ourselves bound up into such a procedural debate at this point on such an important matter.

I, in anticipation of this resolution, coming particularly at this session, have given a great deal of thought to this matter. I have been very concerned about it. The resolution is probably one as important as we have ever faced in this legislature. Its seriousness needs not to be elaborated upon by myself here, because it relates to some very, very questionable activities undertaken by some members of this administration, apparently, without the consent of the Executive Committee, and it obvious follows, and logically follows, that perhaps regrettably, that the Commissioner is the Chief Executive of the Territory, must in fact, bear the responsibility for any of these actions.

The very fact, Mr. Chairman, that activities of the administration have once again come into question by the House, just simply points out the unworkability of a system of Government which continually denies the citizens of Yukon the inherent right to free and unfettered control of its own executive and its own administration.

It was with very deep regret that I listened yesterday to the resignation of at least one Member of the Executive Committee, who found, for the reasons stated by that Honourable Member in the House, that he could no longer work with the chief executive of this Territory, to the extent that he felt, as a matter of honour, he must resign.

You know, as long as we have the Feds in this country, Mr. Chairman, this type of thing is going to go on and if our faces are not in this Chambers, there will be other people who will find this system as unworkable and as repugnant as many of us do.

I have repeatedly spoken in these Chambers of my firm conviction that the Federally appointed office of Commissioner is as archaic today, in these modern times, as is the ongoing practice of political and economic colonialism that we continue experiencing at the hands of our landlords in the East.

The principle, Mr. Chairman, of imposed and appointed leadership by the Federal Government is simply no longer practical, nor is it acceptable. Surely, now, the time has arrived that this colonial office of Commissioner must be abolished for all time and replaced by an elected official, duly elected in the accepted democratic manner, Mr. Chairman. When this occurs, as well it must, this House will no longer find itself preoccupied with the resolution of misfortunes befalling our Federally appointed bureaucrats. Then perhaps, maybe we could direct our energies and ambitions to the full attention of the many serious problems affecting the well being of the people here in Yukon, not Ottawa based, but being the people we serve, namely the citizens of Yukon.

Yes, Mr. Chairman, I have given a great deal of consideration to the matter before us and in all fairness, I would commend the Honourable Member from Kluane, which I seldom do in this House, I might say, but I do commend her today. She was alert and concerned enough to bring this question to the attention of the House and that is the duty of an MLA, not to shirk from the responsibility but to bring it before the House so that it may be viewed and dealt with.

I had lots of trouble with it at the outset, too. I questioned motives, and I sincerely doubted at some point that in fact the people who have done what they have done, have indeed done it.

In response to a question raised by the Honourable Member from Whitehorse South Centre, a legislative return was received over the signature of the Commissioner, which identified to me that in fact some form of interference into the judicial system had taken place.

We know, Mr. Chairman, that in Canada there is a separation of powers and one just simply does not interfere with the other. If that were to occur, that is starting down the road to anarchy.

That none of our elected ministers were consulted or involved in any way relative to this interference was a blessing, and this is normal. Our elected representatives have done, and are doing, a great job, even under the confines and restrictions that are placed upon them on that top floor of this building.

So, the administration simply had not felt it necessary to consult with these people and, in spite of the directives which the Honourable Member from Whitehorse Porter Creek has been referring to, which I will not restate, they have been stated long enough in this House, the directions to Mr. Commissioner from the Minister upon the appointment as Commissioner and how he would administrate and how he is to take the advice, at all times possible, of his Executive Committee. Otherwise, why have an Executive Committee.

That matter is clear, and one can only speculate, Mr. Chairman, as to why no consultation took place and so I can only assume that such action was undertaken in the federal, or perhaps, self-interest. Whatever the case, the strange series of events surrounding this unusual affair would indicate to me that there was indeed federal interest and concern involved, and let us face it.

This has, of course, has been borne out by the sequence of events which followed the introduction of this matter into the Assembly. For instance, Mr. Chairman, you will recall that in an attempt to get at the root of the problem, the Assembly passed a Bill, which it was lawfully entitled to do, providing for a public inquiry and establishing the terms of reference for that inquiry.

At this point, the federal government became very involved and concerned, I should say, for, as all Honourable Members

will recall, Mr. Commissioner, acting in the role as Lieutenant-Governor, immediately refused to give royal assent to the Bill, stating at the time that his refusal was based on instructions he had received from the Minister, the Honourable Hugh Faulkner, Minister of Indian Affairs and Northern Development, concurrent with Section 4 of the *Yukon Act*.

The Speaker was then directed, Mr. Chairman, by the House, to forward an appeal to the Governor-General of Canada on behalf of the Assembly and, astonishingly, the Governor-General, after consultation with the Prime Minister, decided not to alter or interfere in the refusal of assent to our Bill.

Here again the Federal Government was involved and exhibited deep sensitivity to the issue, at the highest possible political level in the land, and, in effect, killed the bill, and this is federal interference.

These are the people Mr. Commissioner works for, not the people of Yukon but the people in Ottawa. Well, the next move was made by Mr. Commissioner when he instituted the Stratton Inquiry by Commissioner's Order and altered the terms of reference as well. In as much as there exists no evidence to the contrary, I must accept the assertion by Mr. Stratton that the terms of reference were changed at his request and not at the insistence of Mr. Commissioner or his special Federal assistant, Musgrove.

When the Stratton Inquiry got underway, I was really surprised that more documents and files relating to the matter were not produced and in the case of the Horton opinion, the document had conveniently disappeared. It had vanished into thin air, very conveniently.

I noted as well that the Legislative Return provided to the House was not appended to the final report, although perhaps it might have been considered in the Inquiry, I do not know, but I found that the fact that that Legislative Return, the first document this Assembly ever got on the matter, was not there. You know, a couple of these observations, Mr. Chairman, with the conflicting testimony and the sudden loss of memory prevalent in the evidence provided to the Inquiry, as the participants all dove for cover, makes one wonder if we shall ever learn the true story of this very, very unfortunate affair.

In the end, Mr. Stratton did not find, from the evidence presented to him, that Mr. Commissioner was indeed guilty of dishonourable conduct, however, he did conclude that Mr. Commissioner had exercised an error in judgment, an error in judgment, Mr. Chairman.

Not having acquired a copy of the press release of the *Whitehorse Star* of May 29 until two days ago, I might say that I was extremely shocked, having read the Stratton Report, and poked through it on many occasions, to see a statement by Commissioner Pearson, the chief executive of this Territory, in which he states: "I am now obviously pleased that I have been exonerated of any wrongdoing and that Mr. Stratton has found me commendably motivated. I feel that I have been completely vindicated." Trash! And anyone that will stand in this Chamber at any time and tell me that that Stratton Report, that can be interpreted in any way that would indicate that the Commissioner was exonerated, has got a lot of convincing to do to me and a lot of convincing to do to the man out on the street.

Anybody that can say that in that Report that Mr. Stratton has found the Commissioner commendably motivated, is reading the wrong report. It does not exist. There is no evidence, even within the document, to even get the remotest opinion that the Commissioner was commendably motivated, and if he thinks he is completely vindicated, well that is the calibre of chief executive that we are dealing with now and if the people of Yukon have to be saddled with that type of thing, and that attitude, do not count me with them. That is how important this issue is.

You know, so what? So they said that the Commissioner was

guilty of an error in judgment. At this juncture, Mr. Chairman, I am reminded that the judiciary of this land are dealing on a daily basis with citizens, many of whom, in fact, exercised errors in judgment in running afoul of the laws of our country, impaired drivers, you name it, and they are paying the penalties for these errors of judgement, today, and it must be clearly recognized that these so-called errors of judgement at such a high level of government, are a most serious, very, very, very serious, inasmuch as the honour, the dignity, the credibility and respect of the office of Commissioner are brought into doubt and questioned, as they are today, Mr. Chairman.

So then are we to assume that a certain few of our citizens should be above the law, moral or otherwise? Does there in fact exist in this country a protective umbrella of federal authority designed to right all wrong doings for a privileged few?

Well, Mr. Chairman, I would sincerely doubt that our constitution, whatever that may be, at this time, would imply any such assumption. But remember this, it certainly leaves us with a serious point to ponder.

I am reminded of a recent statement made in the House of Commons by the Right Honourable John Diefenbaker, which seems appropriate to this instance. While putting a question to the Prime Minister involving the Peter True case, he stated, "Justice must be done and justice must appear to be done".

Well, I am personally not satisfied that justice has been done in the matter we discussed today.

During the very same Question Period, and this is only a couple of weeks ago, on the very same subject, the Prime Minister, in replying to a question from the Leader of the Opposition, pointed out that there exists a separation of powers in this country, between the Legislature, the Administration and the Judiciary.

It is interesting to me, Mr. Chairman, that this expression came from the same Prime Minister who denied this Legislature our lawful right to investigate a similar anomaly here in Yukon, in this House, just a few months ago.

Who is covering up for who? Who is protecting who? Look around and see who wants to shove this one under the rug and you might have your answer.

Mr. Chairman, there can be no doubt that the judicial process was interfered with in what has been termed "The Lueck Affair". There can be no doubt that this interference was perpetrated by some members of this Administration, particularly without the knowledge, authority or consent of the Executive Committee.

In particular, I once again refer to the elected ministers responsible to this House and thereby the people of Yukon to whom they are answerable in this Assembly.

There can be no doubt that the full burden of responsibility must be assumed by the Office of Commissioner, who, in turn, must be answerable for the conduct of himself and his officers. The only doubt that remains, Mr. Chairman, is that related to why the whole thing began in the first place, and I doubt that we shall ever know whatever gave rise to this unfortunate affair.

Mr. Chairman, it is with these thoughts and observations in mind, and based on some of the points that I have raised in this debate at this time, that I have no alternative, as seconder as well to this amendment, to endorse it wholeheartedly, as I feel any responsible citizen in this Territory would do at this time.

Thank you, Mr. Chairman.

Mr. Lengerke: Mr. Chairman, it is certainly not difficult to realize at all why this government, under the present Commissioner and the present Executive Committee, are probably in difficulty. And a difficulty, I think Mr. Chairman, that is really not attributable to one matter or one person, because certainly it is a combination of a lot of events, and most important, as I said before in this House many, many times, it is because there is no leadership.

Yesterday we witnessed the resignation of an Executive Committee Member, and I stated that it was regrettable. I also stated that I respected his motivation at the time, but I also know that that particular Member is politically astute, that he probably used that particular resignation at an opportune time as well. I do not have any reflections there but I often wonder why he did not resign in November or December, when he had indicated at that time that he was having some difficulty.

However, I think I respect him for trying to stay on and keep the Executive Committee concept alive.

I am sure that his resignation was because there was a lack of confidence, as he said in trust, and it was a resignation—.

Mr. Chairman: Mr. Lengerke, we are not discussing at this time the resignation of the former Minister of Education. We are discussing Resolution Number 2 by Mrs. Watson.

Mr. Lengerke: I realize that Mr. Chairman, if I may continue. If you do not want me to continue, I will not.

Mr. Chairman: Well stick to the subject.

Mr. Lengerke: I will just tell you at this point that I will not be in favour of this motion.

Mrs. Watson: Yes, Mr. Chairman, and I am not deviating, I do not think, from the motion because it does involve the Stratton Report. I must say that I am getting quite tired of talking about the Stratton Report and talking about the Commissioner and his involvement with it.

However, I feel strongly enough that we cannot be worn down and I think that is what everyone hopes will happen. We just cannot push it under the rug, because we know we have a Pandora's Box here, as the Honourable Member from Watson says, we will probably never get to the bottom of it. But the picture is becoming more and more clear all the time, that in order for us to get on an even keel within Yukon again, so the government can operate with the trust and confidence of the elected people and the people of the Territory, this resolution must be supported and acted upon.

The other day in this House, on Monday, I tabled some correspondence between Mr. Stratton and Mr. Musgrove. Today, I tabled another letter which indicated the source of the correspondence, which indicated that the letters were not confidential, stolen government documents. The letter I tabled this morning indicated the source, that they had been sent to me by one of the lawyers who was involved in the Stratton Inquiry and that, with his permission, I have tabled them in this House. It is quite obvious why I tabled them. I think there is information in those letters that every Member should have been aware of.

Mr. Chairman, I make no apologies to this House, to the people of the Territory, nor to the press for taking the opportunity to table those documents in the House, because I felt quite strongly that those documents really should have been part of the official records of the Stratton Inquiry.

I telephoned Mr. Stratton, I wrote Mr. Stratton a letter to confirm our telephone conversation. Mr. Stratton made that letter part of the official records. It is unfortunate that he had not made the correspondence between he and Mr. Musgrove part of the official record.

Mr. Chairman, I am going to be supporting the motion and whenever a decision is made regarding a motion, or a bill or a policy, you have to have reasons in your own mind, and they have to be logical reasons. And I would like to very briefly outline some of the reasons why I am supporting this motion. Now that everyone wants an opportunity to speak and probably the topic will become a little tedious. So I will try to brief.

I feel, my first reason, is that I feel that there has been a very definite breach of the code of ethics of the Executive Committee by the Commissioner, and that is the first one listed in Schedule (C), and that is, A member of the Executive Committee shall ensure that all of his affairs are conducted so no

conflict arises and no conflict appears to arise, between his private interests and his public duties.

His private interests in this case were certainly his friendship with Mr. Lueck. His public duties were to recognize the laws that exist in this Territory and the law that existed in this Territory at that time, the *Legal Professions Ordinance*, removed the disciplining of lawyers from the Government of the Territory. Yet, the Chief Executive Officer of the Government of the Territory, felt that because of the sensitivity of the land claims negotiations, that he should interfere with actually that legislation.

To me, that not only appears to be a conflict, but it is a definite conflict. His friendship affected his public duty, under the laws of this Territory.

Also, if he had even gone to the Executive Committee or even to senior federal officials and said we have a situation here, we have a sensitive situation with the Indian land claims, I do not know what is going to happen to them because of the laying of the charges. I am a friend of Mr. Lueck's. What course of action should I follow.

But no, he did his investigation on the golf course by talking to Mr. Lueck about it. He did not do his investigation by taking it and considering it with the Executive Committee, the people he should have. He did not even consult Mr. Bell about it. He secretly talked to Mr. Horton about it and then swore Mr. Horton into his confidence, or attempted to.

So there certainly was a breach of the code of ethics.

Another reason, because there has been a demonstrated abuse of powers of the Commissioner with regard to the power which we have delegated to him in legislation. In the Inquiry, and this is what disturbs me more than any other part of this whole affair, he interfered with the judicial system, he admitted to interfering in seven other occasions, on behalf of friends, and these were with regard to the *Lands Ordinance* and the *Game Ordinance*.

Land and game, two of the most sensitive topics in the Territory, where you must completely follow the word of the law, and yet he felt that he, as an individual, had the right to go around the delegated power, because the power was delegated to certain officials within the Land Department, and the power was delegated to the Director of Game.

To go around that or above that and use his influence is an abuse of power and it is something that we cannot condone.

I do not know how many of you have heard, when you are speaking to people, the general public of the Territory, and as I said the other day, confidence in Government, any Government these days, is not very high and when anyone hears of someone getting a piece of land, it usually is "I wonder who they knew." To me, it is so important that government, as far as land, particularly, and game, follows the rules right down to the letter, the policy and the rules. There shall be no deviation, whether it is by the Commissioner or by the lowest clerk. The sin becomes more intolerable, the higher up the official is.

Another reason why I feel I must support this motion, because I sincerely feel that the Commissioner seems to edge away from the word of truth. When I read this letter where Mr. Musgrove is apologizing for me and saying that it appears that I agreed with the change in the terms of reference, I would never have gone up into the Commissioner's office if I had known he had wanted to discuss the terms of reference, and I do not think that anyone here in this House believes that I ever agreed or, as they say, "appeared to agree with the change in the terms of reference." Nothing is further from the truth.

I think everyone also realizes that if you try to argue with the Commissioner, it is hopeless. So I certainly did not agree with the change in the terms of reference. Yet, Mr. Musgrove indicated to Mr. Stratton that it appears that the new terms of reference were satisfactory to me.

Also in the testimony in the Stratton hearings, you read the testimony about the orders that were given or the consultation that was taken regarding the withdrawal of the charges. Someone is lying. One of those people, conveniently, all the way through the hearing, lost their memory.

While you cannot accept circumstantial evidence, the leanings in this regard are pretty strong.

Also, the Legislative Return that came before this House, and I brought it to the House's attention, in which it said "the unvarnished truth of the situation", when the Legislative Return was picked to smithers at the hearing, yet the Commissioner had the audacity to table it in this House to the elected people and say, "This is the unvarnished truth."

Another thing that really disturbs me, and this is something that we have no control over, any person, who is a chief executive officer, whose personal aid carries the condescending attitude that is expressed in that letter to Stratton, of the elected people, you begin to wonder about.

After reading that letter, I am sure Mr. Stratton must have thought we were a bunch of kooks. You know, I am very sorry for how they acted. I am very sorry that the debate was made that she only gave them an hour's notice before they debated the motion while notice was given a full 24 hours ahead of time.

I do not think anyone, much less some two bit civil servant who is a personal aide of the Commissioner needs to apologise to anyone for the actions of this House. I will apologise to the people of the Territory, if my actions are not honourable, and I think every other Member will.

I do not think that any Member of this House wanted anyone to apologise to Mr. Stratton for what they said or did not say or how they conducted themselves in this House.

If you think, and sometimes I have a great sympathy for Mr. Stratton, you do not know anything about the Yukon Territory. You do not know anything about the Yukon Legislative Assembly and someone who is setting up an inquiry sends you newspaper clippings. I sent him the *Yukon Act*, the *Public Service Commissioner Act*. I sent him the *Public Inquiries Act*, to Mr. Stratton. I sent him copies of the laws of the Territory, so he would have a better understanding of the government structure of the Territory. That is what I sent to him.

Newspaper articles were sent to him and copies of the debates were sent to Mr. Stratton. Now, you can imagine, Mr. Stratton knows nothing about it. He reads these newspaper articles, reads the debates, and reads this letter: "While I have no mandate to speak on behalf of Mrs. Watson or other members of the Assembly, I do offer you my personal apologies for any embarrassment this action by the Assembly may have caused you."

Any Commissioner who would let a personal aide of his act in this way, or regard the elected Assembly in this way, really should not be working within the Government structure of the Territory.

Then, my other reason for supporting this motion is the fact that I sincerely believe that the people of the Territory have lost confidence in the Commissioner.

I think that most people, when the Commissioner was first appointed there was a cloud. He came into the office with a cloud. Many people, all people, I think, in Yukon, were prepared to say, well, fine, that is all right, he is our Commissioner, we will give him a chance. But, as this thing has been growing and growing and growing, people are just saying, you know, let us get back and get some honour and some respect into our government. Why does the Minister not come in and look at the situation and replace the Commissioner so that Yukoners can settle back and then the Government of the Territory can go on a day to day basis, where there is some confidence, where people in the government have confidence in the Government

and the people outside of government that they serve have confidence in it.

Thank you, Mr. Chairman.

Mr. Chairman: Any further discussion.

Mr. Fleming: Yes, Mr. Chairman, now that you have clarified the fact that it is going to be proper to vote on the amendment and also the motion, I am not going to say very much and I have not up until this time, because I find, in many cases, that people get personal views and things into these things that I do not appreciate and do not even want to hear, in some cases.

I will say that I will be voting for the motion and I would have voted for the motion no matter who or what was Commissioner or anything else because I do not believe in that concept that has been in this Government. I do have my reservations about the Stratton Inquiry, as many other Members had, because I have always lived by a code of ethics that says there is nothing gets in the way of honesty or of facing the facts and the truth and speaking out exactly and saying it exactly as it is.

When I read the Stratton Inquiry and find that there is some doubt in my mind, of course, as to whether that person, even in the Inquiry, was doing his duty wholly and as he should, when he says that there is, certainly, a possible doubt that somebody had some error in judgment, but, because of the land claim or because of any situation, I do not care what it is, political or anything else, but because of that and especially political, it is sensitive enough to not really do what you should do, but in judgment and do something else, is not an excuse.

There is no excuse in my book, for anything of this type. If it was sensitive, then it must be sensitive and if it hurts the Indian land claim or hurts anybody else, if it is a fact of life and there has been something wrong or something to be spoken out for then say so and do so.

Another point, Mr. Chairman, is that the law once said there was an inquiry to be held and I do not think that that should ever have been touched by the Commissioner or anybody else.

I have absolutely nothing against the Commissioner in this sense, but I think that he should be replaced. The Minister should have done it a long time ago or there would not have been the embarrassment to the Commissioner himself, as far as I am concerned, and I feel sorry for him.

He is another human being and a friend of mine and I do not mind admitting it, but there is no way that he should be Commissioner of the Yukon Territory today, under these circumstances and I would hope that he might resign before we could get this through.

I will be voting for it.

Mr. Chairman: Any further discussion.

Hon. Mr. McKinnon: Mr. Chairman, I am sorry to go back to a point that I have made several times, but I do feel so strongly about it and I went to my other source, Bourinot, that definitely says "An amendment, once negated by the House, cannot be proposed a second time." It is as simple as that. The Honourable Member from Teslin is right, so rather than go through pages of argument and reason and logic that other people had, even though I believe the motion is not in order, I will be voting because I think Members should say where they stand on it, regardless of the meaninglessness of the motion as it stands because it is not valid in this Committee at the present time.

I think that out of all of the very real and complicated and inter-related and yet countering forces and pressures that all of the Members have mentioned and debated on, I think that any elected Member of the Executive Committee, really it all boils down to one pretty simple question that must be answered, and that is, can an elected Member of the Executive Committee continue after all that has transpired at this time, to work in any kind of area of mutual trust and confidence with the present

incumbent filling the role of the Commissioner.

Mr. Chairman, if this question had have been asked of me, probably a year ago or so, had a simple no confidence motion come before this House, I think that I probably would have supported such a motion and would not have been able to answer that question in the affirmative.

Mr. Chairman, it has been a long, it has been a slow, it is has been an excruciatingly painful learning experience, for all of us on Executive Committee over the past few years, after the very good friends of Yukon and this House, the former Commissioner, James Smith and the former Territorial Treasurer and Assistant Commissioner, Mr. Miller, decided to leave the public service of this Territory.

However, I do feel, Mr. Chairman, that particularly over the last few months, that the Commissioner has got the message, that he has stood along side of the elected Members of the Executive Committee and in particular, Mr. Chairman, he stood completely and totally solid with the position of the elected Members on the Executive Committee at the IGC meetings in Ottawa last month where the most important and immediate problem facing Yukon, namely the financial problems facing the Government of Yukon in the next few years, were faced solidly and were faced on a united front with the Commissioner leading the way on behalf of the elected people and all of the people of Yukon.

Mr. Chairman, I almost think that his, I almost also think that his admission, admittedly in hindsight, that he sees the problems that occurred by not seeking the advice of the elected members on the Executive Committee over what we all know now as the "Lueck Affair", also leaves me, Mr. Chairman, optimistic, that the remaining few months will be a little easier for all of us on the Executive Committee than that in the last few years.

So, Mr. Chairman, without going into great detail, which I did have prepared, and I just am so positive that our motion and the amendment which we are debating at this time, as the Honourable Member from Teslin has also pointed out, is not a proper motion, that I will be giving an affirmative, or I will be answering in the affirmative, that I can, in conscience, continue to serve the people of the Yukon as an elected member on the Executive Committee.

Mr. Chairman: Anything further.

We will know vote on the amendment? Shall the amendment carry?

Amendment agreed to

Mr. McCall: Mr. Chairman, I have a further amendment.

I wish for it to be read out from the Chair, Mr. Chairman.

Mr. Chairman: Presented by Mr. McCall, seconded by Mr. Berger, that Resolution Number 2 be amended by adding after the word "Pearson" in line 3, the following: "and the present elected Members of the Executive Committee."

Any discussion?

Mr. McCall: This may be one of the last items on the Order Paper and, after four years of being an elected representative, I think the amendment that followed today is a very appropriate amendment, after what we have been listening to, Mr. Chairman, on previous amendments dealing with the same resolution.

To start of with, Mr. Chairman, I am not about, and I am not going to be a party of, a witch hunt, or what is termed as a Betta. I do not believe, and it is not part of my own makeup, to get into personality conflicts, and use it as a disguise.

It was this House that passed a resolution calling for an inquiry into irregularities of individuals filling public offices, whether they be appointed or otherwise. That inquiry came down. I have read it a number of times, it does not single out

any one individual to be the person where we put the noose around his neck, so it leaves another major question which really is the substance of this resolution, the amendments prior to this one that is before us now, just what are we going to do? Just who is at fault? Just what has been happening? Just what has been going on?

When you look at our mini-cabinet, that is one terminology used, we call it the Executive Committee, consisting of approximately five people, it will be six, probably, before long. What have they been doing while all this is going on? Carrying on with the everyday business like has been expressed many times in this House? Perhaps, but as an individual who has sat here for four years with these same elected people that are here today and watched the complete and total disintegration of what we have known or come to know, the Executive Committee, by their own volition, nothing else.

It is fine to sit here and criticize the Commissioner for not answering questions, I have done it myself. It is fine to resign from a position because of total and complete frustration but where is the support, where is the cry for help? Where is the so-called leadership that everybody seems to want to express and talk about?

I will tell you right now, Mr. Chairman, in the small amount of time I have lived in the Yukon, which is approximately a little over seven years, I have yet to see, in my elected position, leadership coming from the Executive Committee. A small amount of leadership perhaps was demonstrated yesterday because one person who was totally and completely frustrated with what had been going on and he said, "Enough is enough." It took him a long time to work that one out for himself and he did not get any help from his previous Executive position he held, along with the other blind mice, with due respect.

I do not think we need to keep bantering around, accusing the Commissioner of the day being the guilty person. I think we are all guilty.

I think we are all responsible, or irresponsible, whichever approach you wish to take, and that includes myself, Mr. Chairman. I do not see why we should allow this Executive Committee to go on any longer, because they are just as responsible for allowing it to go on for so long.

Think back these last eight or nine months. How many times did the Executive Committee come to this House, come to any Member of this House with a cry for help, like we have got problems. We have got dead, very serious problems. I do not recall once, publically or otherwise.

So, did we really have problems? Is it all in the mind that the Commissioner of the day is the big bad guy? I do not think it is quite correct, although he is not going to be exonerated from his involvement of irregularities. Many things are said behind closed doors and they use the principle of the oath of secrecy to cover up. I am talking about senior elected people of this House, Mr. Chairman, that should be setting examples, not wondering around like a boulder in a fog.

Any Member of the Executive Committee, Mr. Chairman, could have come to this House and maybe called for a plebiscite, let us go public, or called for an election, or requested an election, if they felt irregularities were going on. If they felt they were not part and parcel of this whole mess that we are in right now.

You know, we came in 1974, we came in here on a whisper. It looks like we are going to go out with a big bang. Total irresponsibility, that is all you can say, and we are all to blame for it, but we want to throw it off on to the present Commissioner of the day. I say no.

Some of the reasons why I feel that the resolution that I have put forward is very, very necessary. One out, all out, let us clear the decks. You know, we have got four or five months before an election, we could even have an early election. Let us go to the people. Let us see what they have to say about the

Commissioner of the day, about our so-called Executive Committee, that are sitting on their assets, doing what? Running a government? We have got a lot of capable people in this government that could run it while we get on going back to the public who elected us in the first place and find out what their opinions are, whether we were right, whether it was as bad as it seemed, whether the inquiry was justified, whether the outcome of the inquiry was justified.

I mean, let us do something a little more positive, which is termed, really, as leadership, which is what we were elected to do. Let us just stop playing games. Let us, to me, it does not make sense.

I do not hold the Commissioner of the day responsible. I hold the Executive Committee responsible for allowing it to go for so long, without coming back to this House, without, you know, to me leadership is a very delicate thing and you have to be adult enough to demonstrate what leadership is.

I have had a lot of experiences and have been accused of many things, but I have also been accused of being a type of leader. If there was something wrong, I would never use an oath of secrecy to tie my hands to the people that I am responsible to, if there was some irregularities.

Hon. Mrs. Whyard: It means nothing to you to take an oath.

Mr. McCall: Exactly. If it was detrimental to the public, exactly. So the question arises, what has gone on, if it has gone on, was it detrimental to the public? Seemingly not, because the Executive Committee still sat the way they are, the way we put them in in the first place. Do not worry about the ship even though it is sinking. We have got lots of lifeboats. I think that is irresponsible, Mr. Chairman, and really that is one of the reasons why I have waited, I have not really got involved in the petty debates, the childishness that has been displayed on these amendments to the amendments, even though I was the seconder of the original resolution, things have happened since. The inquiry, as I have said before, to me, I have read it, it means nothing. We spent a lot of money, wasted a lot of time, and everybody had his finger in the pie, so no one person can be singled out and we start playing the vigilante group.

So, shall we clear the decks, Mr. Chairman? That is why I suggested the amendment at this time.

Mr. Chairman: Mr. McCall, I have allowed you to speak to your amendment, but the amendment, in its present form, does not make any sense at all, because you are requesting that the present elected members of the Executive Committee be relieved of his duties as Commissioner. And I am sure that is not what your intention is.

Mr. McCall: Mr. Chairman, if you read it out in its entirety as it would be amended it reads as follows: It is the opinion of this House that the Honourable Hugh Faulkner, Minister of Indian Affairs and Northern Development, relieve Dr. Arthur Pearson and the present elected Members of the Executive Committee. Relieve them of their duties. Is that what you are saying is missing?

Hon. Mr. McKinnon: I believe that we know the intent of the motion. I think that that is the way that we should end this House on an amendment to an amendment to an amendment which is all out of order. I mean, if our colleagues, Mr. Chairman, have no confidence in the ability of the people that they chose to serve them as elected Members on the Executive Committee, there is no way, and I think that I speak for my colleagues, that we want to remain here in any way, shape or form. We have had an interesting time, a very difficult time, an exasperating time, but we have worked our butts off for you and the people of Yukon. Those people who know us, know that to be the truth, Mr. Chairman, and you know the concept of what you are doing, it is rather ironic that the Federal Government's interest has been pressuring us so badly to throw in the towel, because they want to get rid of the only buffer

between the Federal Government and the people of Yukon which is the elected members of the Executive Committee. The Executive Committee is going to self destruct on orders and instructions from the elected Members of the people of the Yukon Territory. Of course, they are playing right into the Federal Government's hands. The Minister of Indian Affairs and Northern Development says, look it, we tried the experiment, they self destructed themselves, what is the use of doing anything?

I guarantee, that within five months, the federal interest which is just all pervading, and I have made speeches in this House and if that is not trying to provide leadership, I do not know what it is, about the federal interest moving in. It is all-encompassing. The only bastion against that intrusion, the federal interest, has been my colleagues and the Honourable Member across from me well knows that, the Honourable Member from Kluane knows it, the Honourable Member from Mayo, the former Commissioner, Mr. Smith knows it, Mr. Miller knows it, Mr. Hodgkinson, all of the federal people know it, everybody who has been involved in Executive Committee and the history and the records of the Territory of the Yukon will show the fight and the ability that we had on behalf of the people of Yukon to represent their interests.

Mr. Chairman, now let us get on with the vote. I am not going to even vote on the motion because if it took my vote to keep me in my position, I just consider that to be farcical, and Mr. Chairman, I think this is just the way we should be going, throw the baby out with the bath water.

After all of two terms of frustration and hard work on a motion, an amendment to an amendment to an amendment, a motion which is already out of order, that is the way we should end. Not with a bang, as the Honourable Member says, with a pathetic whimper.

Hon. Mr. Taylor: Mr. Chairman—

Mrs. Watson: On a point of order, Mr. Chairman, the Honourable Member keeps saying everything is out of order and everything, but he keeps using the opportunity to talk.

Mr. Chairman: Well, what we are discussing now is—

Mrs. Watson: Mr. Chairman, could I have your ruling?

Mr. Chairman: It is Mr. McCall's motion, or amendment, rather.

Mrs. Watson: Well, Mr. Chairman, is it in order. Can we speak on it or...

Mr. Chairman: Well, the way the motion reads, as amended, it would be THAT IT IS THE OPINION OF THIS HOUSE THAT the Honourable Hugh Faulkner, Minister of Indian Affairs and Northern Development, relieve Dr. Arthur Pearson, and the present elected Members of the Executive Committee, of his duties as Commissioner of the Yukon Territory.

As I say, that does not make sense, so, I do not know what to do with it.

Mr. Lengerke: Let us go home.

Mrs. Watson: Mr. Chairman?

Mr. Chairman: And I should further point out that the Minister of Indian Affairs and Northern Development does not appoint the Members to the Executive Committee, they are appointed by the Commissioner and further, that they are only appointed to the Executive Committee on the advice of this Assembly.

Therefore, I find this amendment out of order. We will not discuss it any further.

We will go back now to the motion, as amended by Mr. Lang's amendment. Shall the amendment carry?

Mrs. Watson: Mr. Chairman, are we voting on the amendment or the amended resolution?

Mr. Chairman: This is the amendment first, Mr. Lang's amendment. Is that carried?

Amendment agreed to

Then we will vote on the resolution, as amended.

Mrs. Watson: Would you read it, please, Mr. Chairman?

Mr. Chairman: I will read it. THAT IT IS THE OPINION OF THIS HOUSE THAT the Honourable Hugh Faulkner, Minister of Indian Affairs and Northern Development, relieve Dr. Arthur Pearson of his duties as Commissioner of the Yukon Territory", is the motion as amended.

All in favour signify by showing your hands.

I must have missed one. Those in favour? Six.

Motion agreed to

Mr. McCall: For the record, in respect of that, the amendment that I put forward, it happened to be typed in the wrong area, that is all, but I will accept your ruling.

Mr. Chairman: I will now declare a recess.

Recess

Mr. Chairman: Would Committee please come to order.

That concludes the business we have on hand for today and if we could have a motion.

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

Mr. Fleming: I will second that.

Mr. Chairman: It has been moved and seconded that Mr. Speaker resume the Chair.

*Motion agreed to**Mr. Speaker resumes the Chair*

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

May we have a report from the Chairman of Committees?

Mr. McIntyre: Mr. Speaker, the Committee of the Whole has considered Bill Number 103, *Executive Council Ordinance* and directed me to report the same, with amendment.

The Committee also considered Resolution Number 2, and directed me to report the same with amendment. This motion now reads: THAT IT IS THE OPINION OF THIS HOUSE THAT the Honourable Hugh Faulkner, Minister of Indian Affairs and Northern Development, relieve Dr. Arthur Pearson of his duties as Commissioner of the Yukon Territory.

The Committee 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.

Mrs. Watson: Yes, Mr. Speaker, I would ask to rise and ask consent of the House, under Standing Order 58, to proceed with first and second reading of the amendments and of the third reading of Bill 103.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member of Hootalinqua, for leave to give first and second reading to the amendments to Bill Number 103.

In order to accomplish this, the Honourable Member would require the assent of the House. Would the House agree?

Some Members: Agreed.

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

Bill 103: Third Reading

Mrs. Watson: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, that Private Member's Public Bill Number 103 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Hootalinqua, that Bill Number 103, be now read a third time.

Mr. Berger: Mr. Speaker, I am very sorry, but I cannot support this Bill because, as I stated before, especially Section

3.(3) makes us look like a bunch of fools in here.

To think that the Federal Government would just allow a Bill like this to go through, no. I think it was a waste of time to even debate it.

I agree with what the intention that the Honourable Member from Kluane had with the Bill, partially, but not with the whole.

So, Mr. Speaker, I will not support this Bill.

Mr. Fleming: Mr. Speaker, I certainly will be, as a seconder, will also be supporting this Bill, because the concept of this Bill is something that I have wanted to see in this House for the last four years almost now.

I am only sad and sorry and everything else that I did not think of such a way to have the Assembly in a situation where they could enact their day to day business in a much better fashion than they can now.

The concept of the Executive Committee and, I think, Mr. Taylor, yourself, Mr. Taylor, and Mr. McKinnon and some others will remember the first day that you went to Ottawa to have Executive Members in the House, and when you came off that plane that night, I was in Whitehorse, and I well remember my exact words, "we've been taken again."

The concept of that type of a government did not fit into my way of liking even though I was not in this House and it never will and never would.

There is one reason, for the last four years, I have never offered to sit on the Executive Committee, maybe nobody would ask me because I am not that smart but nevertheless, I would not have sat on it. I said so to start with that I would never and I will never if I ever come back, will sit on the Executive Committee under those circumstances and under the situation as it has been.

If this Bill is passed and I was lucky enough, or unlucky enough to be elected again by the people of the Yukon Territory, I would be willing, at any time, to sit on the Executive Committee or anywhere else in this House because, to me the concept of the Commissioner and this Assembly being a group of more or less one, and coming to a consensus together, and being a part and parcel of what is going on in the Yukon Territory is something I would like to see.

I cannot see even the situation in the Territory today, with this concept, if we end up with party politics, I cannot see it working. I cannot see the Executive Committee working as it is today with a Commissioner that is appointed from Ottawa by the party in power in Ottawa.

Mr. Speaker, if we get a group in the House who is not of that party, who is the controlling group in this House, you think we have a mess now, we will have a bigger one when the politicians get into each other and get at it.

I say the concept, as I said this morning, of this Bill, and it may be *ultra vires* a little bit, I have no qualms there. I am afraid that it is. I do not understand the *Yukon Act* maybe that well but I am a little leary, but I am also a little bit of a revolutionist and I say it is time that we stood up on our feet and say "Let us have it. Let us have it. Let us get it over with."

Are they going to Assent to the Bill or are they not going to Assent to the Bill? Can they see the justice in the Bill and can they see the common sense that is in the Bill?

For those people to sit down with the Commissioner and him, as a group of those four, five people, come to a consensus and then if the Minister in Ottawa does not like it, let the Minister decide, but not here in Yukon. Let us not even have the Commissioner in that position where he has to do these things.

If this was the situation today, if the situation was the way this Bill wants it to be today, there would not be any problem as to whether the Commissioner Assented or did not Assent. That problem would be over, as an example today. He would not have to worry, really, about standing up there and maybe going

against what the people in the Yukon Territory would like to see, because he could just normally Assent to this Bill if the authority wished him to. Let the Minister in Ottawa decide if he wants to veto the Bill.

But, no, today Mr. Commissioner has to, except in here, Assent to the Bill or not Assent to the Bill and I think that is just a deplorable position to even put a Minister in, but because of politics, because the political group in Ottawa has him in there, then they seem to say, "Mr. Commissioner, do what we say", and I do not agree.

I will be supporting the Bill wholeheartedly.

Hon. Mrs. Whyard: Mr. Speaker, I was not going to rise to speak at this time, but I have to because of my friend from Hootalinqua who always puts everything into a nutshell and has a remarkably clear approach to difficult and complex situations. He simplifies them for us. Often after we have been tied into procedural knots, it is the Member from Hootalinqua who stands up and makes it very simple.

I want to thank him for doing that for the past four years.

I would also like to add to what he has said that the elected Members on the Executive Committee have stuck to their posts through the last difficult times because they felt that if they showed responsibility by staying there and trying to improve conditions, then the ultimate objective, which all of us are striving for in different words here today, through this Bill, through the motion that we have already passed, we would be a little closer to achieving that because we had shown a federal minister and a federal cabinet that we were competent now to govern ourselves as elected people.

It was no longer necessary to appoint a Commissioner over us and, Mr. Speaker, I just want to make that one point very clear. I thought, by sticking to our guns and staying with the job and showing ourselves to be responsible, whether or not some Members interpret that as leadership or not, we were thus forwarding the objectives of this House, which was to achieve our own form of Government and our own control of our own affairs and that it would be self-evident, not only to the Minister of Indian Affairs and Northern Development, but to everybody else in this country, that Yukoners have grown up and reached the point where they could, in fact, run their own government.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate?

Division has been called.

Madam Clerk, would you poll the House?

Hon. Mr. McKinnon: Agreed.

Hon. Mrs. Whyard: Agreed.

Hon. Mr. Hibberd: Agreed.

Mr. McIntyre: Agreed.

Mr. Berger: Disagree.

Mr. Lang: Agreed.

Mr. Fleming: Agreed.

Ms Millard: Agreed.

Mr. McCall: Disagree.

Mrs. Watson: Agreed.

Mr. Lengerke: Agreed.

Madam Clerk: Mr. Speaker, the results of the division are nine yea, two nay.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the Bill as amended?

Mrs. Watson: Mr. Speaker, I move that Private Member's Public Bill Number 103 now pass and the title be as on amended.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member

from Hootalinqua, that Bill Number 103 do now pass and that the title be as amended.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 103 has passed this House.

The House is now prepared to receive Mr. Commissioner in his role as Lieutenant Governor, to give Assent to certain Bills which have passed this House.

MR. COMMISSIONER ENTERS THE CHAMBERS ANNOUNCED BY THE SEGEANT AT-ARMS

Mr. Speaker: Mr. Commissioner, the Assembly has passed a number of Bills to which, in the name of and on behalf of the Assembly, I respectfully request your Assent.

Madam Clerk: Bill Number 18, *Pioneer Utility Grant Ordinance*, Bill 19, *An Ordinance to Amend the Elections Ordinance*, Private Member's Public Bill Number 102, *An Ordinance Respecting the Council of the Yukon Territory*, Private Members Public Bill Number 103, *Executive Council Ordinance*.

Mr. Commissioner: Mr. Speaker, I hereby give Assent to all of the Bills, with the exception of Private Member's Public Bill 103. For the *Executive Council Ordinance*, I reserve Assent.

Mr. Speaker: The House will now come to order.

Mrs. Watson: Yes, Mr. Speaker, I seek the concurrence of the House to revert to Orders of the Day, and further, Mr. Speaker, that Standing Order Number 34 be waived, enabling the House to deal with a motion which determines the future of Bill 103.

Mr. Speaker: Does the Honourable Member have unanimous consent?

Some Members: Agreed.

Mr. Speaker: Are there any disagree?

The Honourable Member shall proceed.

Mrs. Watson: I would move, seconded by the Honourable Member from Ogilvie, that it is the opinion of this House, that the Yukon Government Department of Justice make an appropriate application to the Supreme Court of the Yukon, to determine the constitutional validity of *Private Members Public Bill No. 103* entitled *The Executive Council Ordinance*.

Mr. Speaker: Could the Chair have a copy of these resolutions, please.

Resolution in order, it has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Ogilvie, that it is the opinion of this House that the Yukon Government Department of Justice make an appropriate application to the Supreme Court of Yukon to determine the constitutional validity of Private Members Public Bill No. 103, entitled *The Executive Council Ordinance*.

Mrs. Watson: Mr. Speaker, I am going to be very brief. The motion is certainly self-explanatory and this is the normal procedure that provincial jurisdictions follows. They take their bills to their own Supreme Courts to determine, in the first instance, the constitutional validity. I have named the Department of Justice of the Yukon Territory Government to carry out this function for us. We have capable people within that department, who are capable of doing this for us. It would mean there would not be an additional expenditure for the tax payers of the Yukon Territory, and I think that we should be able to expect an answer from the Supreme Court of the Yukon. And in that answer, if, in fact, the judgement was against this bill, certainly we would have some details on why the constitutionality of the bill is not valid. I would hope we can have support for this motion, Mr. Speaker.

Mr. McCall: Mr. Speaker, I would like to reiterate what I said in the Committee, and I wish to abstain myself from being

involved in debate or voting on this particular motion. I do not wish to be a part and parcel of cloak or disguise of what I interpret as a vendetta.

Mr. Speaker: Is there any further debate?

Mr. Fleming: Mr. Speaker, if I could just have a moment or two, because I have a funny feeling that somehow we are going into something that maybe not quite needed at this time.

I think there was a, definitely the Bill did not pass the House entirely, but judgment is reserved on that Bill. It has not been thrown out yet, however, the motion is merely to determine the constitutionality of the Bill, so, with a moment to think, no, I think that the motion is not a vendetta at all.

Some Members: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

Motion agreed to

Mr. Speaker: There being no further business at this time, this House now stands adjourned.

Adjourned

The Following Legislative Returns were Tabled on June 29, 1978

78-1-42

Lawyers to serve as Counsel for Stratton Inquiry
(Oral Question - June 28, 1978 - Page 552)

78-1-43

Porter Creek Subdivision Lots
(Oral Question - June 26, 1978 - Page 504)

78-1-44

Bid Bond
(Oral Question - June 27, 1978 - Page 524-525)

78-1-45

Dawson City Sewer and Water System
(Oral Question - June 26, 1978 - Page 501)

The following Sessional Papers were Tabled on June 29, 1978

78-1-53

Ninth Report of Standing Committee on Statutory Instruments

78-1-54

Correspondance from John Steeves re Stratton Inquiry

78-1-55

C.T.G. Agreement on Yukon Airports

LEGISLATIVE RETURN # 42
1978 (First) Session

On June 28, the Honourable Member from Porter Creek asked if Mr. Musgrove, Special Advisor to the Commissioner had responded to Mr. Stratton's request for the names of lawyers to serve as Counsel for the Inquiry.

The answer to the above question is as follows:

Yes. Mr. Musgrove supplied Mr. Stratton with the names of three respected members of the Yukon Bar presently practicing in Whitehorse and, on the advice of several people canvassed the name of Mr. Ralph Hudson as a respected member of the Yukon Bar who no longer had a practice here.

Of the four names supplied Mr. Hudson was selected by Mr. Stratton.

June 29, 1978

A.M. Pearson
Commissioner

LEGISLATIVE RETURN # 44
(Spring, 1978 Session)

Mr. Speaker,

Members of the Assembly

On June 27th 1978, Mr. Fleming asked the following question:

Oral question from Mr. Fleming concerning deposits to be put down on contracts. Specifically wanted to know if a Canada Savings Bond is fully paid up, could this be used as a deposit on a contract.

The answer to the above question is as follows:

This Government would consider "Canada Savings Bonds" as an adequate form of deposit on government contracts providing the bonds are assignable and the assignment to this Government is authorized by both the bond owner and the Bank of Canada. It is however, the experience and understanding of the Department of Finance that assignments of Canada Savings Bonds are not permitted.

28/6/78 19
Date Signature

LEGISLATIVE RETURN # 45
(Spring 1978 Session)

Mr. Speaker,

Members of the Assembly

On June 26th 1978, Mr. Berger asked the following question:

1. Mr. Berger asked if the Minister could elaborate on the replacement of Dawson sewer and water system and how the situation now stands - understood it had been postponed for a while.
2. Why was the land lease cancelled at Callison's airport for the Klondike Racing Association? He realized the Industrial Zone Development has not yet been approved but wanted to know why the lease was cancelled.

The answer to the above question is as follows:

1. Dawson Water and Sewer Replacement Program --
In accordance with Federal fiscal policy all capital items in excess of One Million Dollars requires approval from Treasury Board. This approval has not yet been received, although the Territorial Budget which included this project has been previously approved. It is anticipated that the delay in receiving this approval may cause a slight delay in completing the project; however, tenders for the project will be called this week.
2. The Sunset Strip Racing Association have developed an auto racing track on Callison Airfield over the past couple of years. An application for lease was initiated in 1976 but was not completed until this year. Prior to the lease document being prepared for signature an application for a Block Land Transfer for the same area was forwarded by YTG to the Federal authorities. Discussions have been held between officials of the Department of Local Government and the president of Sunset Strip Racing Association to resolve the situation and it is expected that an agreement will be reached soon.

20/6/79 19
Date Signature

