The Yukon Legislative Assembly

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HANSARD

Wednesday, November 7, 1979 — 7:30 p.m.  
Thursday, November 8, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor
Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake
DEPUTY SPEAKER — Geoffrey Lattin, MLA, Whitehorse North Centre

CABINET MINISTERS

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Government Members

(Progressive Conservative)

- Al Fallo	Hootalinqua
- Jack Hibberd	Whitehorse South Centre
- Geoffrey Lattin	Whitehorse North Centre
- Grafton Njoottli	Old Crow
- Donald Taylor	Watson Lake
- Howard Tracey	Tatchun

Opposition Members

(Liberal)

- Iain MacKay	Whitehorse Riverdale South
- Alice P. McGuire	Kluane

(New Democratic Party)

- Tony Penikett	Whitehorse West

(Independent)

- Maurice J. Dyblew	Faro
- Robert Fleming	Campbell

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ERRATUM

Reference Page 629 - November 7, 1979
Left Column, fourth line from bottom of page:

“$48 million” should read “4 to 8 million dollars”

Published under the authority of the Speaker of the Legislative Assembly by the Queen's Printer for Yukon.
Mr. Chairman: I shall call Committee of the Whole to order. When we recessed, I said that I would bring in a ruling. I will bring the ruling in later. In the meantime we will consider Bill Number 12, Medical Profession Ordinance. I will anticipate general debate on Clause 1.

On Clause 1

Mr. MacKay: My memory is quite good about some things, and my memory tells me that when this Bill was introduced by the Government last spring that the then Minister, who I think is Minister two or three times removed now, gave no speech at Second Reading indicating what the Government’s intentions were and why they thought this Bill was necessary.

I am looking forward now to hearing from the present Minister a full exposition as to the principles behind this Bill and why the Government thinks that it is necessary, and why they are making the changes that they are making and for what purpose. I will sit down in reverent silence and wait to hear these words.

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

Mr. MacKay: He is not the present Minister.

Hon. Mr. Graham: He told me. Mr. Chairman, he assured me that he was going to sit in silence. I realize that it is very, very difficult but if the Member opposite will bear with me, I will give him a short dissertation.

Mr. Chairman, over the period of the past several years it has been generally accepted that the Yukon Medical Profession Ordinance was in serious need of major amending. In fact, what really required was a complete redrafting of the legislation and the separation of the Ordinance into a new Ordinance and regulations to support that Ordinance.

The Ordinance itself should be capable of standing by itself without substantial amendment for several years, and the regulations supporting and interpreting the Ordinance should be capable of amendment to adapt to changing conditions and needs in the Yukon Territory. The method that has been employed to accomplish that was set up, some years ago, a small working task force to advise Government as to the redrafting of the Ordinance.

The task force was composed of members of the Public Service in the Department of Justice, Consumer and Corporate Affairs employees and advisors from the Yukon Medical Association and a medical consultant from British Columbia.

Consultation was held, Mr. Chairman, with the Medical Associations in most of the provinces from across Canada. The first duty of the task force was to review, briefly, the evolution of medical and related legislation in the English speaking world, and legislation throughout the provinces of Canada and plagiarize that which was thought to be most appropriate to the needs of the Yukon Territory. It is very simple.

The general principle underlying the legislation was that the responsibility for the conduct of medical affairs in the Yukon should devolve upon a Yukon medical council responsible to the people through the Medical Ordinance. This principle is in harmony with the philosophy of government in the Yukon, that the Yukon Territory should govern itself through an elected assembly and be responsible to the people through that assembly.

Indeed, Mr. Chairman, this piece of legislation is an expression of confidence by the Yukon Government that it is able to order its own affairs and in an expression of confidence that the medical profession...with help and a certain amount of guidance, can also order its own affairs. Any negation of this fundamental premise is a vote of no confidence in the existing Ordinance of the Territory. It goes without saying that this principle also applies to other professions and callings in public life in the Yukon.

The construction of the Medical Ordinance presented some difficult problems unique to the Territory. The Territory is a very large and mass and has a relatively small population. It follows, therefore, a small medical population which, at the present time, numbers about twenty-five resident physicians. We also have roughly seventy-five non-resident members including consultants to the Yukon.

It is for this reason, Mr. Chairman, that it is neither possible nor yet practical to organize a college of physicians and surgeons, as a body, to administer a Medical Ordinance, together with a registrar, as a Physician Administrator. Logistics and finance do not permit this solution.

The Yukon Government has, in the past, identified the Yukon Medical Association as a resource and indeed has delegated to that association some responsibility for discipline and inquiry procedures.

The heart of the new Ordinance is that a Medical Council of Yukon Territory is placed in Legislation. Three members of that council will be appointed on the recommendation of the Yukon Medical Association representing organized medicine in the Territory. There is nothing to prevent that body nominating a non-member, a resident of one of the outside provinces, to the Council but this Government is sensitive to the resource that that body represents.

One member of the Council will be appointed from the medical profession who may be from outside of the Territory. This will allow, or at least in the initial instance and perhaps for several years, the identification of a physician with administrative and judicial experience to act as a resource to the council. The Council will be further strengthened by the addition of two non-medical members of the public who will represent the public interest and increase public confidence.

This Government has confidence that the public and medical members of this Council will act as a registering, regulating and judicial body to ensure the highest quality of physician and medical practice in Yukon Territory. It is not anticipated that the numbers on council will present a problem but that the Council, in discharging its duties, will act in a judicial and dispassionate manner.

It is anticipated that the Medical Council, in registering physicians in the Yukon, will obtain for the public the highest qualities and best qualified physicians in Canada who will provide, for the Yukon public, the highest standard of care commensurate with the resources available to us.

The Yukon Medical Council will have a unique place in medical legislation in Canada as it represents an amalgamation of the public, the medical profession and administration. I think this is particularly suited to the needs of the Yukon Territory.

With regard to the registration of physicians and the recognition of training, both general practitioner and specialist, the Ordinance removes the present ambiguity and uncertainty with regard to definitions. It will allow the Council, by regulation to impact further provision to requirements and yet allow flexibility to adapt and react to changes in needs and requirements in the Yukon Territory over the next few years.

Provisions are made for the construction of several registers tailored to the needs of the Yukon Territory.

In summation, the underlying basic requirement for family physicians in Yukon is the LMCC examination which is the basic qualification for all Canadian physicians. Besides this, family physicians are required to have fulfilled the basic requirement of the rotating internship taken the first post graduate year. A family practice residency, where taken, will be regarded as being equivalent.

This provision ensures that all family physicians will have experience in the general spectrum of medicine, surgery, obstetrics, and paediatrics.

The basic requirements for specialists in Yukon will be the possession of the Certificate of Fellowship Examination of the Royal College of Physicians or the Royal College of Surgeons of Canada. Flexibility is allowed to permit the registration of those specialists who may have the LMCC nor yet have served a rotating internship. In doing so, those specialists who have no general practice background will confine their activities to their chosen specialty.

What is of great concern to this Government, and to the people that it represents, is that the Medical Profession is subject to reasonable accessible, and evident audit and scrutiny. Provision is made for the protection of the public from a physician who is incapacitated. Provision is also made for the protection of the public from a physician who is incompetent or who displays inadequate judgment.

The standard of care will be that which is optimum in the Yukon
Mr. MacKay: I have a couple of Points of Order, Mr. Chairman. Mr. Graham is sponsoring this Ordinance. I am wondering which portfolio he is doing that under. Mr. MacKay: Am I not to understand that this Ordinance is being presented by the Department of Consumer and Corporate Affairs? I would like to have an answer because I would like to know what the thrust of this legislation is. Is it a Bill that the Consumer and Corporate Affairs Department is sponsoring and do they feel that this is something that comes under that Department? Surely, I can ask that question and get an answer.

Hon. Mr. Graham: Mr. Chairman, I do not see any Point of Order there. I am sponsoring the Ordinance. It is very simple.

Mr. MacKay: I will ask the question directly to the Minister of Consumer and Corporate Affairs. Is this a Bill from your Department?

Hon. Mr. Hansen: The Minister has already spoken. I do not think it is a Point of Order at all.

Hon. Mr. Graham: Mr. Chairman, I might add that this legislation is as a Bill from this Government. I am the sponsoring Minister. I was the Minister of Consumer and Corporate Affairs when this legislation was being discussed in the Cabinet; therefore I will sponsor the Bill.

Mr. MacKay: So, I take it from the Minister’s answer that he considers this as part of his former duties as Minister of Consumer and Corporate Affairs. I want to establish which Department is bringing this Bill forward. Is it the Department of Justice or is it the Department of Consumer and Corporate Affairs? It is quite important because it affects the criticisms that may be levied at this Bill.

Hon. Mr. Graham: Mr. Chairman, I am doing it as the former Minister of Corporate Affairs.

Mr. Penikett: I have no interest in getting embroiled some silly dispute. Let me tell you there is, under our Standing Orders through, a Minister who is no longer a Member. If a Department is not accountable to the action of that department nor is the present Minister responsible for things that were done when a former Minister held the portfolio.

I do not have a problem with who defends the legislation. I want to make that clear.

On strictly technical grounds, Mr. Chairman, I think that the sponsor of any Bill that we have ought to be the Minister of the responsibility of that department then whoever defends it when we come to the committee a matter of greatest irrelevance to me. It is a small technical point. I submit, Mr. Chairman, but it is an important because a former Minister of the Department is not accountable for what happened once he changed his portfolio in that department, nor is the incumbent Minister accountable for what may have happened in that department prior to his taking office. I think Dr. Hibberd will confirm that.

Dr. Hibberd: Mr. Chairman, I think we are really mixing things up here. Obviously the Opposition is most concerned that they get the best answers to the questions that are available and under those circumstances, I am sure they would rather have Mr. Graham explain what has been going on. He is the one who is most intimately involved.

Now, if you want Mr. Hanson’s view on it, I am sure he would be happy to do it and you are going to go away with a lot of question marks. Is it just to expedite the matter as far as the government is concerned and I cannot understand what the concern on the other side of the House is.

Hon. Mr. Pearson: Mr. Chairman, speaking on the same vein, it is our intention and we have asked Dr. Hibberd, who has been intimately involved in the drafting of this Bill over a long course of time, to assist as well for benefit of all Members of the House. Now if the Honourable Member has problems with that, please let us know.

Mr. MacKay: I have a couple of Points of Order. The Members opposite should not be so sensitive. I am asking which department is sponsoring the Bill and I get a barrage of who should answer questions. I was asking simple questions it seems to me. It has now been answered. Thank you very much.

My next Point of Order is in respect to two Members of the opposite side, whom I think may have a conflict of interest on this bill. I would like the Chairman to rule on two things with respect to these members.

Dr. Hibberd, who is the member of the profession that we are about to discuss and Mrs. McCall, whose husband is a member of that profession.

I am on a Point of Order, Mr. Chairman. I would ask the Chairman to consider whether: (a) these Members should be permitted to vote on this Bill, and (b), whether they should be able to debate the Bill.

Dr. Hibberd: Mr. Chairman, on that very same Point of Order, I would be pleased to follow what we usually do under these circumstances which is usually reference to our own Standing Orders or, indeed, to Beauchesne and so perhaps I could quote from Beauchesne as far as this particular situation is concerned.

Section 231. (1) A Member’s right to vote on questions is that he is otherwise involved in a subject before the House must be a direct pecuniary interest and separately belonging to the persons whose votes were questioned, not in common with the rest of Her Majesty’s subjects or on a matter of state policy.

(2) Disallowance of a vote on a score of personal interest is restricted to cases of pecuniary interest and has not been extended to those occasions when the dictates of self-respect, and of respect due to the House, might demand a Member should refrain from taking part in a division.

(3) The Member whose vote is questioned, having been heard in his place, should withdraw before the question has been proposed.

(4) An objection on the ground of personal interest was taken by a substantive motion that the vote given be disallowed; it may not be raised as a point of order.

The point, Mr. Chairman, I think, is fairly obvious that the conflict of interest in this situation is related to direct pecuniary interest only and to no other circumstance.

Also, Mr. Chairman, in normal circumstances, of course, the Member is allowed to debate the issue and he is, indeed, allowed to vote for it. It is only at the conclusion of that vote that a substantive motion be made whether that vote be disallowed or not and that is the time at which there should be some consideration.

Now, in my particular instance, here, Mr. Chairman, I recognize that it might be construed in some ways as a conflict, although certainly not by Beauchesne, is there a conflict because there is no direct pecuniary interest involved in this situation.

I had intended, Mr. Chairman, to offer what expert advice I might have in this matter and then withdraw from the vote, but seeing how I have been challenged, I have no intention of withdrawing.

Mr. Chairman: We will conclude with that ruling.

Mr. MacKay: Was that a ruling, Mr. Chairman? I did not realize that.

Mr. Chairman: Well a ruling or the advice.

Mr. MacKay: I would probably give notice that I consider this Ordinance has a direct pecuniary interest to the Honourable Member above and to the Member below and so if they do vote, I will be making a substantive motion.

Mr. Penikett: Mr. Chairman, as the Leader of the Opposition said, I think that is one of the most unfortunate things about this Ordinance is that it might have passed this spring without any of us fully understanding what it was all about, with the exception of Dr. Hibberd and one or two Members opposite. I think one of the reasons for that was an unfortunate one which had more to do with the inexperience of the House than anything else. That was the fact that we did not really have a Second Reading debate on the Bill.

There was no Second Reading speech from the Minister sponsoring the Bill at the time; therefore, there was not really the proper Parliamentary opportunity for Members on this side to consider what was said and then reply.

It was, perhaps, in a sense, a happy accident that we had this
intervening period to think about the legislation.

The Minister who spoke to the Ordinance just a minute ago, I think, read quite a good statement of the Government's intentions. I was one of those Members who is obviously not a member of the medical profession and not an expert and wanted to consult whatever people I could find in the profession to see what they had to say about it.

I was surprised, in my initial reaction, how strong feelings were on both sides of the question but not surprised that a lot of those emotional responses locally tended to be dictated by some other social relationships that would perhaps in some ways predispose people to have those kinds of attitudes.

I think that suggests something serious about the principle of this legislation. I think it is worth a clause discussion, I might like to raise some of those questions.

I did consult one person outside the Territory; someone who is a fairly senior member of the profession; someone who has been involved in the fairly high ranks of the medical profession in the province in which he resides; a person who is an MB, PhD, FRCS, LRCP, MRCP, Member of the College of Pathologists, Director of the Laboratory of Public Health for Southern Alberta, Foothills Hospital, and Professor of Medicine at the University of Calgary. The person also happened to have practiced medicine in the rural Yukon. He sent me a letter on the Bill which began, "Dear Son...," I would like to read it at the appropriate time.

Dr. Hibberd: Point of Order. I suggest that I think the Honourable Member might have a conflict as well as myself in this instance.

Mr. Penikett: Mr. Chairman, before Dr. Hibberd begins to quote from Beauchesne, I was quite prepared to ask that any ruling Mr. Chairman made that I might be included.

I think, with respect, though, my father would be more inclined to think that he had a pecuniary interest in me rather than the other way around, given the expense of education and so forth which I suffered.

Anyway I would like to read the letter because I think it is a serious comment from someone who has practised here. He now has regained his objectivity after a number of years outside.

He says, "I tend to think the lack of a critical mass of practitioners in the Yukon, at the moment, detracts from the ability of the council to be impartial and broadly based in a constituency sense."

He goes on to say, "There is a lot of legislative diarrhea which might be best left to regulation under the Ordinance so that they could be changed without the whole cumbersome system of amendment to the Bill." That is a clearly a professional speaking rather than a politician. "I enclose a copy of Alberta and some of the Ordinances which you will see are not dissimilar."

Finally he said, "I would certainly argue for some arrangement of convenience with Alberta or the British Columbia colleges because of my first concern which is a serious problem of scale in this Ordinance."

In my subsequent telephone conversations with him, he did say, quite frankly, that this was an excellent Ordinance for a much larger jurisdiction. He then went on to point out to me the kind of problems that are experienced in Alberta, in towns, communities which are much larger than this in the population sense, with some of the issues which we are seeing here; hospital privileges, so forth. He pointed out that, not with any, if you like, real viciousness or venom, there are many, many circumstances in many parts of this country in communities, towns perhaps, three, four, five, six, seven times the size of this Town as a whole where there is one dominant medical clinic for example.

It is a historically common phenomenon and it so happens, because of the growth of that clinic in the community, they may have an awful lot of influence in who gets hospital privileges at a hospital. It may well happen that some new practitioner coming to town may have to go through getting those hospital privileges.

Now, the profession does not want to wash its dirty linen in public, but this is the kind of issue that often does end up in public and often it ends up being discussed by people who are not discussing the profession on its merits or on its facts.

The major problem that I see in the Ordinance, and perhaps I will leave it now and deal with it clause by clause as it comes up, but the major problem, I submit, notwithstanding what the Minister said and notwithstanding the various discussions I have had with members of the Yukon Medical Association, is the problem of scale.

Now, as a layman, it seems to me in any kind of quasi-judicial process, then there is an element of that if you want to be talking about the operation of the council, it seems to me that two principles must be observed. It seems to me the people making judgment on any other person have to be objective and disinterested.

It seems to me that would be the criteria for any judge and any jury. I do not think that in the British legal system you would ever have a person be allowed to sit on a jury, for example, who had intimate knowledge, positive or negative, of a person being judged.

I think in the British judicial system, a judge would almost certainly disqualify himself if he had any acquaintance at all with the person being judged.

It seems to me that the problem we have here is the problem that the Minister described of twenty-five doctors. It is a nice thing, I think, that we live in a small community. I think there are a great many advantages in that. I think in many instances "small is beautiful." We realize that it is much easier to come to get to know people, problems much more easily than in large communities. Things ought to be less complex here, ought to be less difficult.

I think, unless I can be persuaded otherwise by Members Opposite, that it is a mistake to establish a structure here which, in terms of the size of the design, there is not a great deal wrong with it, but it is imposing a structure which has essentially evolved from outside models which do not really fit our small community.

I have problems, knowing some of the feelings that some of the members of the medical profession have for and against each other in this community. I think all of us, as members of the community, come in contact with those feelings.

I have some problems believing, even at their professional best, that those feelings can, without the serious business with or in business competition against someone else, people who may, because they have frequent and pretty intimate knowledge of them in this community, achieve the kind of disinterested pose and objectivity in judging their colleagues that I think would be desirable in any body which is going to have disciplinary action.

This is a feeling. Mr. Chairman, which has been growing in me about this Ordinance. I think, in fact, it touches on the kind of constitutional concerns that I have sometimes, and I have said this in previous debates. It is not a particularly partisan remark, but I think it is something that we are going to have to look at more and more as we are trying to develop institutions in this Territory. There are some models from outside which really have evolved to fit much larger communities, they really are designed for much larger communities.

And there are times, it seems to me when we have to look for a simpler way of doing things, a smaller scale way of doing things, and to look for arrangements of convenience.

I have said to the Government Leader in private conversations, I think that there are some things which, if I were the provincial premier, might be more than happy to leave in the hands of the Federal Government even though technically had the power. I might want to contract out of the thing.

I am coming to the conclusion slowly that there are some areas under this Ordinance that perhaps we would be far better off while taking upon ourselves and assuming the power for some of those very difficult and critical decision making things, such as the disciplining of members of the profession, perhaps we would be better off, in serious disciplinary matters, deferring to a senior medical body in some other jurisdiction, some body that could look upon a dispute about the propriety of some practice, or the efficacy of some practice, or the efficiency of some practice, with a wholly objective eye, something I think that with the best will in the world may not always be possible here.

Mr. Chairman, I have not gone into a number of other broad areas of this legislation which I think are difficult whether it is designed for the doctors or designed for the consumers or whether it is possible to have a perfect piece of legislation which is suitable for both. I would like to take a look at what everybody else does and try to improve and plagiarize on it and adopt it here." We should be simply saying, "Well, let's start down that road, but let's agree that there are some areas here where we cannot achieve the kind of
objectivity and distance and professional detachment that is possible. I would guess, almost every other place in Canada, with the possible exception of Prince Edward Island and the Northwest Territories, let’s recognize that, let’s look at the possibility of saying, on questions of discipline, perhaps we ought to, while establishing an Ordinance such as this, contract out of the disciplinary power and defer the disciplinary power to another senior body to the south.

All of this is on the assumption, Mr. Chairman, which may be a wrong one, that these kinds of serious disciplinary questions are not going to be that frequent, that unless there is some kind of malicious prosecution between members of the profession, they ought to be that can either then the senior medical body be few and far between. Territories, let’s recognize that; let’s look at the possibility of senior medical body would be the exception rather than the rule and the number of occasions which we would have to call upon the advice and council of some

I will leave it at that now, Mr. Chairman. I will have more questions as we go through clause by clause reading.

Dr. Hibberd: Mr. Chairman, if I might make a few preliminary comments apropos to what Mr. Penikett has said, he has spent most of his time in speaking about what the central thrust of this Ordinance is, so the council, in actual fact, the creation of a council which would serve as a body for licensing and discipline of physicians practicing within the Territory.

Mr. Chairman, if we were to use the model of what exists in the provinces at the present time we would not be looking at the same type of model. We, indeed, have had to consider the unique situation here. As it exists in the Territory, it is envisaged that the Medical Council that acts in this area is composed exclusively of doctors. But, because of the unique situation here, it was felt that, indeed, that would not be the best move, there should be some input from other areas of the community, and as such, this is one of the fears, if it has been designed differently for the Yukon Territory.

The principle reason, Mr. Chairman, why this council was created was that there were problems that were arising fairly frequently because the methods by which licensing and discipline were carried out with doctors in the Territory fell on the shoulders of the Government itself. Inevitably, if this is where the decisions had to be made, perhaps it would have been less than ideal, and of course, this is one area that I do not think it is at all wise that there should be any political influencing whatsoever, pro or con.

So, some mechanism had to be developed whereby it was removed from that political influence, removed from the Government itself. In the Council, in actual fact, the creation of a council which would serve as a body for licensing and discipline of physicians practicing within the Territory.

We have many instances in the past years where we have had considerable difficulty with licensing, primarily with licensing but also with discipline, of doctors in the past and, inevitably, it has come to my mind whereby it was not left in the hands of the professional body, that is the council, and of course, this is one area that I do not think it is at all wise that there should be any political influencing whatsoever, pro or con.

The consideration, again, has been raised several times and particularly tonight by Mr. Penikett regarding, as he says, contracting this out to a province. Mr. Chairman, we are talking about a registration responsibility. There is no way that the College, in this instance B.C., because that is where we do have our primary affiliations, can take over a licensing procedure in an area that is outside of their jurisdiction. They neither have the competence to do it nor would they want to do it. It is not a possibility.

They can offer advice; they can go that far, but they cannot be involved in the actual saying of whether somebody can practise medicine in the Territory because, as you well know, we do not have the competence to do it as much as any other area, and we should be exercising that prerogative.

I think for those routine things such as registration and the more common complaints, say a doctor registered against doctors, these complaints are generally dealt with directly and easily without carrying the matter any further.

It is only in the area of where we have major problems, perhaps regarding discipline of a doctor, where you might be concerned about the smallness of the jurisdiction in which we are operating. This is only a very, very small wedge of the whole pie what this council is doing. This is only the area where only smallness might become a problem in terms of conflicting interests which might be an argument.

Dr. Hibberd: You could look at it from the point of subdividing it. The council which you would create outside this jurisdiction cannot possibly deal with ninety-five per cent of the business that would be faced by the council as it is envisaged in our legislation. It is not a possibility. They would not want to.

On the other hand, I do not accept the premise that six people who are from a fairly pure mixture of our society are in the position not to take a disinterested and objective analysis of a small jurisdiction which is your primary concern. If such is the case we obviously have recourse to the courts as natural justice would allow.

I find it distressing, Mr. Chairman, that it takes Progressive Conservative caucus thirty seconds to get my jokes.

Mr. Chairman, the point I was making was, I think, in the area of discipline, which I think is a serious area because we are talking about someone’s livelihood and their ability to practice profession and their reputation. Dr. Hibberd concluded by talking about natural justice and the resort to the courts, something which in terms of medical disputes, I must say frankly disturbs me a little bit because of another aspect of the profession which is the confidentiality of the doctor/patient relationship. I do not think that, inevitably, if you end up in the courts, that confidentiality, one way or another, ends up being betrayed somewhat or could be betrayed.

I, in fact, as I would say with respect to the good Doctor, am not terribly frightened about the registration power. It seems to me that you can set objective standards pretty easily and the council can very easily determine whether someone meets those standards or not.

I might be concerned a little bit about what I thought was some ethical provisions there because I always worry about people making ethical judgments about other people.

The point about discipline though, and perhaps, Mr. Chairman, we will no doubt get more into this when we get into the clause by clause stage, is that one that concerns me quite a lot because to say, again, my point was not that the Council would be incompetent, I certainly am not making that judgment at all. I am sure that person for person they would be as competent as any six people you might find in Ontario, British Columbia, or Alberta. My point was that you can set objective standards pretty easily and the council can very easily determine whether someone meets those standards or not.

I might be concerned a little bit about what I thought was some ethical provisions there because I always worry about people making ethical judgments about other people.
Now, Dr. Hibberd talked about removing the question from politics. Now, I do not know, but I have heard it alleged that medical politics are among the most lively theatres in the country and to suggest that simply because something was in the boundaries of the profession that somewhere there would be no political process going on. I think, is something I am sure the doctor would not want to suggest that you have there. It is important that the professional person will tell you that there is an awful lot of politics inside their professions and inside their professional associations. So, I do not think you are ever going to free the thing totally of politics.

If a political issue gets heated up enough inside some small laboratory or some small environment like the YMA, no doubt it is going to leak out into the atmosphere around and infect the community as a whole. I do not doubt, whether we like it or not at some point if some issue gets hot enough concerning someone's fitness to practise or fitness to operate at a hospital or any number of other things, that the community will hear about it and probably get drawn into it one way or another.

So, Mr. Chairman, I would say with respect, I would like to hear a little bit more from Dr. Hibberd. He talks about separating out the functions but does he not see it as a protection for the Yukon community and the profession, on serious disciplinary questions, some kind of separation automatically refer to it to a senior body or have guarantee that representatives of a senior body would be impanelled by the Council to hear it.

I am not talking about, if you like, the first stage of grievance but a more serious matter, rather than having people being ruled on, their practice being ruled on by this council and then having to go to the courts. I am not saying only be it a lengthy process but an expensive one and one in which, unless a lot of witnesses are called, does not have the immediate advantage of it being decided by people who are professionally expert and professionally objective.

In the same regard, Mr. Chairman, in passing, it occurs to me that in a community of physicians of 25 people there may be, in number of specialties, only one or two people. On the same grounds for discipline, it would worry me a little bit, someone who is a specialist in some area being judged by a couple of people who are not specialists in that area or did not share the same education and might have very different opinions about what was the right way to do something, certainly do not share the same kind of experience and knowledge and therefore cannot judge it as equals. The principle of being judged by your peers, it seems to me in the case of specialists, ought to be a concern here too.

Dr. Hibberd: Mr. Chairman, I think that Mr. Penikett is wrong on this particular point regarding the extended inquiry. Perhaps we can leave it because it is becoming rather specific in its issue and perhaps we should deal with that when we get to the clause by clause.

I might mention, the last point that Mr. Pennikett raised, indeed, the council has the ability to appoint a board to inquire into a particular point regarding the extended inquiry. Perhaps we might mention, the last point that Mr. Pennikett raised, indeed, the council has the ability to appoint a board to inquire into a particular point regarding the extended inquiry. Perhaps we might mention, the last point that Mr. Pennikett raised, indeed, the council has the ability to appoint a board to inquire into a particular point regarding the extended inquiry. Perhaps we might mention, the last point that Mr. Pennikett raised, indeed, the council has the ability to appoint a board to inquire into a particular point regarding the extended inquiry.
unique Yukon thing. Let us not try and say that.

Discipline, there are a number of areas in the disciplinary procedures, just in terms of how you get a complaint in motion and how you proceed from there, which, when we come to the detailed consideration, I will be discussing. The difficulty I see of having to say, have three doctors lodge a complaint against one other doctor, whereas one layman can lodge a complaint and produce the same result, is that there is not to be any interference. It seems to me one doctor should be able to lay a complaint against another doctor without having to have the backing of two others to do so. I cannot see why you need to have three to do that. Indeed, many communities only have one doctor. It is hard.

I think you have a throwback from the Watson Lake case there protruding in here. That area should be cleaned up. I think the best information is how you get a complaint against him and how you would handle it from there on allowing for him to have the rights of appeal, to have the right to be heard, can be improved. The business of taking evidence can be improved.

These are areas you get into but the central, and I come back to this, and it was addressed so well by friend to the left here, the central problem of objectivity and disinterestedness cannot be resolved. I think, with the number of doctors we have in the Territory now. We have twenty-five doctors, one preponderant clinic for forty per cent of the doctors operate.

We have isolated doctors in rural communities who feel, I must say the ones that I have talked to by and large, somewhat negative towards that Ordinance. The Member from Mayo is looking as some of the problems in the major sides. I think that the rest indeed, there were problems in the major sides. I think that the rest may well produce an exoneration for something that really would not consider whether they want to put the public interest to you.

I really think that we are faced next week with dealing with another profession who have exactly the same disciplinary problems that we are talking about here. We are dealing with another profession whom we are told have to bring in their Ordinance as a private Bill. I think that would have been a more appropriate treatment for this. We could then have a much more disinterested debate. I mean, I am not suggesting that many of the Members over there already have their minds made up. I know that the good Doctor has his mind made up because it is impossible for him to separate himself from the very particular provisions of this Bill. I am sorry that he is leaving right now, but I will leave that alone right now.

I think that the whole way this Bill has come in coinciding with quite an eruption in the medical community over an unrelated matter, but nonetheless one that people will see as having a direct effect upon the quality of their medical care. Many people feel that their medical care is being reduced; it is being affected by not being able to have their local doctor at the local hospital. That has been brought about over the last few months and has been in the newspapers constantly. It is a very emotional issue which I do not think that we should drag into this except to point out that it does lend force to the argument that it is very hard for the public to perceive the medical profession as being objective and disinterested about their fellow colleagues.

Too many hard things have been said for and against by the various players in that other scene. It leaves a great doubt in the public’s mind, I put forward, that the medical profession is in a position, in today's numbers, to be disinterested and to be objective.

To summarize: the structure of the Bill, what is being attempted, has very little objection. We could offer lots of suggestions for small improvements, things that could make it better. And, we now come back to the central problem, which I really treat the other Members not to ram down our throats because I suspect that would be a tempest will heat up later but I think that our point of view should be listened to. The doctor, I thought almost conceded the point that, indeed, there were problems in the major sides. I think that the rest of the Caucus should now consider it.

Mr. Chairman: I think, that seeing it is halfway through the evening I will call a recess at this time. Mr. Fleming, I will have you next speak on this Bill.

Recess

Mr. Chairman: I shall call Committee of the Whole to order.

We are still considering the Medical Profession Ordinance.

Mr. Fleming: Thank you, Mr. Chairman.

I will be supporting this Ordinance; however, I did have, as I had when it was first brought in the last Session, a couple of areas that bothered me slightly. Of course, as my two colleagues in front of me have very profoundly worked this Ordinance over carefully. I do not have too much left to say.

Not being a person to make speeches, I think I would starve to death if I got $5.00 a word for every word I spoke. I would not be able to buy a sandwich for a chowder.

I expect, however, a very long rebuttal from somebody. I do have a problem with the board being three members of the medical profession who are in the Yukon and resident in the Yukon Territory. I am not too sure. I cannot really feel that this board would not be swayed somehow by the three members in the medical profession. I am slightly worried that in the Ordinance, there are areas that are fairly loosely defined as to what the board may do, of course, in the case of exempting a doctor from operating here, other than maybe something to do with his medical profession, using a sharp knife or a dull knife or whatever. Possibly the doctors say, “No, you cannot operate here.”

I am slightly worried that possibly, and I am always saying “possibly” because it may not happen, but somewhere along the line, there may be some argument between the doctors and our Government that our Medicare system is fine and dandy but they would like to opt out of it, possibly.

I would just caution the Government that maybe bringing in this
Ordrinance and allowing three doctors in this country to more or less completely control the situation, that it may come back to haunt them if it was decided by the doctors that they did not want to go along with Medicare and wanted to operate on their own somewhere. Sometimes they may say yes; sometimes they may say no; and, the Board may say that it is best you go along without us or else there is a possibility there that that might happen. I am a little worried about that.

I do not appreciate the idea of the corporation. I am not going to dwell on it because in going through the Ordinance we are probably going to get into all these sections.

Those were my concerns. Other than that, I expect that everything will be fine.

Mr. Penikett: Mr. Chairman, I would like to ask one question at this point which Dr. Hibberd may be able to answer, or perhaps the Minister. If they cannot, I would appreciate them taking it as notice before we get further in this Ordinance.

Some constituent some time ago, I think in the spring when we were dealing with this Ordinance, communicated with me and wanted to know if this Ordinance would have a Samaritan Clause. Unfortunately I have never been able to get in contact with that person again; so, I do not really know what a Good Samaritan Clause is. I would appreciate some advice from Dr. Hibberd as to what it is and whether such a thing is contemplated in this Ordinance.

Dr. Hibberd: Mr. Chairman, the Good Samaritan Clause to which I think the Member is referring is to the situation where someone renders, on a voluntary basis, aid at the scene of an accident or something of that nature. That is covered by a Good Samaritan Ordinance which exists, itself, as a separate Ordinance. It is my recollection that it is not covered in this Ordinance, but it is covered as a separate Ordinance.

Mr. Penikett: In that case, all that I would want to make clear is that this Ordinance would not supersede it or replace it in any way.

Dr. Hibberd: No, Mr. Chairman, it would not.

I might comment at this time on one remark that Mr. Fleming raised regarding the practice of medicine being controlled by three doctors and he mentioned the particular instance of Medicare. This Ordinance does not, in any way, deal with Medicare which really refers to another point which the Leader of the Opposition was alluding to when he said that we are not in unique circumstances as far as the Council of lay members.

When we do get into other areas such as the management of Medicare funds, which are the taxpayers' dollars, then we have the wider variety of representation on this kind of Board. That is the kind of thing that is evolving in some of the provinces now, albeit with considerable resistance from the profession. Those are the type of Boards that do have lay representation on them but not a Board like this.

I might add, Mr. Chairman, one other comment that I heard earlier regarding the number of doctors in the outlying areas. It was mentioned that there was a balance that were pro or con this Ordinance. I would just like to bring to Committee's attention that, to my knowledge, there are no doctors in the outlying areas who have stated that they are in any way against this Ordinance.

Mr. Chairman: As there appears to be no further general debate, I will conclude that general debate on this Ordinance has ended.

I was asked to make a ruling this afternoon. I would like to read the ruling. As I am reading out the ruling, I am having copies passed out to each Member.

This afternoon the Chair was asked to rule on certain questions concerning Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance. The specific questions addressed to me by the Government Leader were:

"(1) Is it a Money Bill in the truest meaning of the word Money Bill?

(2) Can a free vote on such a Bill be held?"

It would appear that the underlying question is whether or not the passage or defeat of this Bill implies a matter of confidence in the Government.

Before entering into a discussion the Chair would like to inform Members that, aside from reviewing the usual Parliamentary authorities, advisors on Parliamentary matters were contacted in Regina, Edmonton and Ottawa. This ruling is a combination of the advice received from the advisors and the direction provide by Beauchesne, Bourinot and May.

The guiding principle which emerges is that the Government does, in fact, have the competence to determine what it will consider as matters of confidence. At one time in Parliamentary History Governments were fairly uniform in judging a vote on any Money Bill to be so considered. There has been a rather major shift in this perception with the passage of time. By way of example, in 1968, a Taxation Bill was defeated in the House of Commons. The Government of the day did not treat this as a loss of confidence and, in fact, introduced a definite motion of confidence the following day which was passed.

Also, the former Labour Government in Britain suffered several such defeats on Money Bills but did not feel immediately compelled to go to the electorate.

The general ruling on confidence now seems to be that a Government would fall if one of its major financial measures were defeated; for example, the Appropriation Bills.

In the specific case before us now there can be no doubt that Bill Number 33 is a Money Bill because, quite simply, it required a money message or recommendation for it to be ruled in order. That does not mean, though, as I have explained, that its defeat would automatically be a loss of confidence in the Government.

In fact the Government Leader has quite properly informed the House that he does not view it as a matter of confidence and, also, that he would be releasing his Caucus Members from traditional party discipline for a free vote. It would seem, in this case, to be quite justifiable in that the question of a indemnities for Members really relates to the constitution of the Assembly and is not a matter of government policy. As well, it should be noted that this Bill is rather restricted in scope and does not have a general public import which would again serve as an argument for the matter not being one of confidence.

In conclusion, then, it is not for the Chair to decide whether this Bill is a matter of confidence. Instead, that is a decision for the Government to make. If the Bill was defeated and the House wished to test the confidence of the House in the Government it could quite easily do so through an appropriate substantive motion.

On a related matter, it has come to the attention of the Chair that a private member intends to introduce certain amendments which would have the effect of increasing certain financial provisions in Bill Number 33. The Chair would like to inform the Committee that such amendments, in order to be accepted, would have to be accompanied by a Money Message. Only Ministers of the Crown may obtain a Money Message from the Administrator and such message would be attached to measures introduced by such Ministers. However, research has shown that a Minister could bring a Money Message to the House on behalf of a private member on amendments to be proposed by that member.

The procedure would be for a Minister, having met the request of the private member, to signify receipt of such a Money Message to the Assembly with the Speaker in the Chair. The amendments, if otherwise in order, would then be accepted by Committee of the Whole with introduce there.

The Chair would like to inform the House that this particular ruling does not necessarily mean that all amendments to Money Bills will be ruled on in such a strict manner. The concept of contingent liability can be carried to an extreme sufficient to frustrate entirely the ability of the House to consider any amendments to Money Bills. The Chair will review any future amendments on an individual basis to determine the necessity of a money recommendation.

Hon. Mr. Graham: I move that you report progress on Bill Number 33 and on Bill Number 15 and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham that the Chairman do report progress on Bills 33 and 15 and beg leave to sit again.

Motion agreed to

Hon. Mr. Graham: I move that Mr. Speaker do now resume the Chair.

Mr. Chairman: It has been moved by Mr. Graham that Mr. Speaker do now resume the Chair.

Motion agreed to

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

May we have a report from the Chairman of Committees?

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered Bill Number 15 Day Care Ordinance and directed me to report the same without amendments.
The Committee has also considered Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance and Bill Number 12, The Medical Professional Ordinance and directed me to report progress on same and beg leave to sit again.

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

Are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, that we do now call it 9:30.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that we do now call it 9:30.

Motion agreed to

Mr. Speaker: This House now stands adjourned until 1:30 p.m. tomorrow.

The House adjourned at 9:18 o'clock p.m.
Mr. Speaker: I will now call the House to order. We will proceed at this time with Prayers.

Prayers

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

DAILY ROUTINE

Mr. Speaker: Are there any Returns or Documents to Tabling? Reports of Standing or Special Committees? Presentation of Petitions? Reading or Receiving of Petitions? Introduction of Bills?

INTRODUCTION OF BILLS

Mr. Penikett: Thank you, Mr. Speaker.

I move, seconded by the Honourable Member for Campbell, that a Bill entitled Fairweather Friends Ordinance, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member for Campbell, that a Bill entitled Fairweather Friends Ordinance, be now introduced and read a first time. Motion agreed to.

Hon. Mr. Hanssen: Mr. Speaker, I have the honour to communicate to the House the reception of a Money Message, recommending certain amendments to an Ordinance to Amend the Yukon Council Ordinance.

Mr. Speaker: So tabled.

Are there any further Introduction of Bills? Notices of Motion for the Production of Papers? Notices of Motion? Are there any Statements by Ministers? This then brings us to the Question Period. Have you any questions?

QUESTION PERIOD

Question re: White Pass Inquiry

Mr. MacKay: I have some questions, Mr. Speaker. My first question is to the Honourable Government Leader, respecting the CTC inquiry that is under way, into the White Pass and Yukon Route.

The deadline for submissions to this inquiry is tomorrow, Mr. Speaker. The Government Leader has, in the past, said that he would be making a submission. I would like to have him now confirm that he has now made this submission.

Hon. Mr. Pearson: Mr. Speaker, the deadline for submissions is tomorrow and we have indicated to the CTC that we intend to make a submission and that the deadline for our submission is not necessarily tomorrow but as soon as we can get it to them. I will be advising the House of our submission, Mr. Speaker.

Mr. MacKay: Could I ask the Government Leader to clarify if he will be advising if the submission has been made or will he be advising the House of the contents of that submission?

Hon. Mr. Pearson: Mr. Speaker, I will attempt to advise the House of the contents of the submission but I think we are going to have to use some care in respect to that. I want all Honourable Members to be apprised of exactly what we are doing in this respect and will undertake to ensure that that is done.

Mr. MacKay: Has the Government Leader and his Department come to any firm decision with respect to whether or not they would support the request for subsidies by White Pass?

Hon. Mr. Pearson: No, Mr. Speaker, we have not come to any other decisions. We indicated earlier that we agree with the findings of the previous Government in respect to a subsidy to White Pass. We have not addressed that question once again.

Question re: Alexander Street Senior Citizen Home Staff

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Municipal Affairs. In the case of the Alexander Street Senior Citizens' Home, does the Yukon Housing Corporation employ contract as opposed to permanent managers as a matter of policy?

Hon. Mr. Lang: Mr. Speaker, I would have to take that question under notice. I do not know what the arrangements are for the individual who is in charge of the home at the present time.

Mr. Penikett: Thank you, Mr. Speaker. When the Minister is obtaining his answer, I would like to ask him if he would also find out if, in the absence of the contract manager or managers for reasons of work or illness, Yukon Housing Corporation has a practice of supplying an interim manager?

Hon. Mr. Lang: Mr. Speaker, I can answer that. It is my understanding that yes, in respect to that particular home the Member is referring to, I understand there is an illness on behalf of one of the employees. Depending on the case, I would have to check that aspect of it, but my understanding is that there is somebody else who is also employed, I would imagine on a contractual basis, to review and to look at the home as well in view of the illness and the situation that the Member speaks of.

Mr. Penikett: Thank you, Mr. Speaker. Would the Minister also, if he can now or if not now, later, advise the House if the Yukon Housing Corporation has a policy that permits contract managers of senior citizens homes to operate other businesses from the premises?

Hon. Mr. Lang: Mr. Speaker, I would suggest that is policy to my knowledge, and I go back once again in respect to the home which the Honourable Member speaks of. The way I understand it, it is a husband and wife team who take care of the home and subsequently the individual involved also, at the same time, does take the odd contract during the summer. That is my understanding, so I would suggest that that has been an ongoing policy of the Yukon Housing Corporation.

Question re: First Ministers' Conference on Energy Pricing

Mr. MacKay: Thank you, Mr. Speaker. My question is to the Honourable Government Leader.

As Government Leader, has he received any requests to attend the First Ministers' Conference in Ottawa next week on energy pricing?

Hon. Mr. Pearson: No, Mr. Speaker.

Mr. MacKay: Since the Honourable Government Leader has not received such an invitation and has previously indicated that it appears that no one from this Government will be attending this conference, will he be making any submission to the conference, through the Minister of Indian Affairs, with respect to Yukon's position on energy pricing?

Hon. Mr. Pearson: Mr. Speaker, we have not addressed the question directly at all.

Mr. MacKay: Since the Government Leader admits that he has no policy on this very important area, would he be prepared to adopt the policy of our incumbent MP, Mr. Speaker, who presently has been forwarded as suggesting that we should share in the oil import fund, as do the Maritime Provinces?

Hon. Mr. Pearson: Mr. Speaker, the Honourable Member is asking me for a personal opinion that I am not prepared to give him at this time.

Mr. Speaker: This is quite correct.

Question re: Dental Hygienists

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Economic Development, for which I have given him notice.

In view of the recent passage of the Dental Profession Ordinance, for which the Minister is now responsible, I wonder if the Minister could confirm that for a year and a half, prior to May 1979, there were no dental hygienists registered and practising in the Yukon Territory?

Hon. Mr. Hanson: Mr. Speaker, I was not in office at that time, so I cannot answer for that period, but I will take the question under

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Mr. Penikett: Thank you very much, Mr. Speaker, I have a supplementary.

The Minister's Department has received a complaint that there may be at least dental assistants cleaning teeth in Whitehorse, in apparent violation of Section 22 of the Dental Profession Ordinance. Has the Minister had this complaint brought to his attention yet, and, if so, what action has he taken?

Hon. Mr. Hanson: Mr. Speaker, it is just at about ten minutes to one that I received this message and I am still waiting the results. I will advise this House as soon as I am made aware of the situation.

Mr. Penikett: Thank you, Mr. Speaker. Will the Minister also undertake to report to the House on any investigation he conducts into the complaint that dentists have, in this City, been charging professional fees as high as $60 to $90 an hour for cleaning of teeth, work done by unregistered dental assistants who are earning as little as $6 an hour?

Mr. Speaker: Order, please. I believe the Honourable Member has been making a speech.

Question re: Crossroads

Mr. MacKay: Thank you, Mr. Speaker. I have a question for the Minister of Human Resources. The Minister of Human Resources received a letter, I believe, from the Director of Crossroads in August in which a number of points were raised. I would like to question the Minister on several of these points. In the letter it was said the Crossroads was not in a position to hire a full-time manager because of the instability of its financing. Have any steps now been taken by the Minister to provide sufficient funding, in the long run, to assist them in this problem?

Hon. Mrs. McCall: Mr. Speaker, the funding to Crossroads has not changed in any way.

Mr. MacKay: We can infer then that the instability still continues. The Minister also indicated, Mr. Speaker, that the relationships between the Alcohol and Drug Services Branch of the Minister's Department and Crossroads were "frigid". What steps has the Minister taken to improve this relationship?

Hon. Mrs. McCall: Mr. Speaker, there is a new board at Crossroads. I enjoy a very good relationship with that board. They are trying to be very constructive. I think that any continued questioning on this question is destructive rather than constructive. They are doing their best and so is my Department.

Mr. MacKay: I am pleased to hear that the Minister's Department is doing its best. Is the Government still considering moving the detox function into the building that Crossroads is presently housed in?

Hon. Mrs. McCall: Mr. Speaker, there has been no decision made on that.

Question re: Dawson City Sewer and Water System

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Municipal Affairs. In connection with the combined operation of both the new and old sewer and water systems in Dawson City, has the Minister received any representation from Dawson residents concerning winter freeze-up and spring flooding problems?

Hon. Mr. Lang: No, Mr. Speaker. I know it has been a problem, the fact that the contract was not completed over the course of this year. I think we all recognize the variables and the reasons why it was not completed.

Mr. Speaker, it is a concern of the Department. I know my Department is working very closely with the City of Dawson to ensure that there are no major inconveniences over the course of the winter.

I am hopeful that they can resolve a lot of the problems before they actually do become problems, but I cannot speak for the future, Mr. Speaker.

Mr. Penikett: Thank you, Mr. Speaker.

Can the Minister confirm that, in the event of a freeze-up this winter, there is, at present, in Dawson, no backhoe or dragline capable of digging up to 18 feet down to the new sewer and water lines and that such equipment will have to come from Whitehorse, at considerable cost in time and money?

Hon. Mr. Lang: Mr. Speaker, I will have to take the question under advisement.

Mr. Penikett: Thank you, Mr. Speaker.

When the Minister is seeking advice on that question, would he also be prepared to return to the House an estimate, if one is available, of the annual projected Operation and Maintenance costs of the new sewer and water system in Dawson?

Hon. Mr. Lang: Mr. Speaker, I think that that was dealt with at fair enough length last Budget Session. I believe we were looking at approximately $150,000. That was the cost that accrued directly to this Government.

My understanding, with the installation of a new water and sewer system, that was to bring it down to approximately in the area of $100,000 to $125,000, depending upon all sorts of variables. Mr. Speaker, which he could probably project, if he wanted to be a pessimistic, and I could also be here very optimistic and project various things in the future.

Question re: Tourists coming to Yukon

Mr. MacKay: Thank you, Mr. Speaker. I have a question for the Minister of Tourism and Economic Development.

In view of the recent press release that indicated quite a substantial decline in the number of visitors coming to Yukon, can the Minister tell us if his department is concerned about it and, if so, what steps are they presently taking to try and reverse this trend?

Hon. Mr. Hanson: Mr. Speaker, there are several things in the workings. We are aware that the amount of tourists coming into the Territory is down because we prepared the statistics for that, so, we are pretty well aware of what is going on.

As to us being concerned, I think we are very deeply concerned. We have programs now that we are talking about in Ottawa. My Delegations are in Ottawa today talking about it.

We hope we can increase tourism. So, time is going to tell on that, but we are very actively concerned about it and are about to do things that have not been done before.

Mr. MacKay: I love a mystery, Mr. Speaker, and there are some things that have not been done before that intrigue me. Could the Minister perhaps give us, in the House, some inkling of the kind of things that is discussed when we are talking about a subagreement under the DREE program and if so, what kind of approaches is the Government considering to offset the decline of visitors on the highway?

Mr. Speaker: It would appear the question would require a rather broad answer. However, if the Minister wishes to answer, I will permit it.

Hon. Mr. Hanson: I think the mystery is the man across the floor. However, Mr. Speaker, he will find out when we come up with the budget just exactly what we have got in the works. We do not know ourselves yet. Most of the money has to come from Ottawa so it depends on how much they are going to give us. At that time, we will know. We are a benevolent Government, easy to get along.

Mr. MacKay: I have to say I am finding it increasingly difficult to get along with this particular Government and this particular Minister. He seems to feel that such a matter is one that can be kept secret.

Will he be tabling this subagreement as soon as it has been reached, before the budget, or will he be waiting for six months while everybody does not know what the Government's plans are?

Hon. Mr. Hanson: Subagreement? Tell me, I am interested.

Question re: Snowmobile Club Raffle

Mr. Penikett: Thank you, Mr. Speaker. Since he is in such a spontaneous and benevolent mood, I would like to ask a question of the Minister of Economic Development.

In connection with his public statement today concerning an infamous raffle, I would like to ask the Minister if the prize offered in this raffle has yet been located?

Hon. Mr. Hanson: No, we do not know where the prize is. I do not know where it ever was supposed to be. However, we have pretty near got to the point now where we have got all the money that we think there should have been in the raffle but you will have to wait another week for the answer to that one. As it stands right now, it does not look as if anything criminal was done and as soon as I have the answer I will present it. As I said before, I would like to get out of this too.

Mr. Penikett: Thank you, Mr. Speaker. The Minister's statement said they would need a few days to finish the final accounting on the raffle and I appreciate that statement from the Minister.

I would like to know if the Minister is, at this point, considering, in lieu of a prize, either the refund of the money or the distribution of the revenue collected from the lottery as a prize.

Hon. Mr. Hanson: I would sure like to refund the money. I am not in the lottery business, myself and I would like to give the money back, as soon as I have all that I can get out of it.
Mr. Penikett: Mr. Speaker, I am sure the Minister would like to repeat that or rephrase that last assertion, otherwise he might have to rewrite his release.

I would like to ask the Minister, in light of his statement, if there is any other outstanding problem, other than the problem of final accounting, which would have caused the Minister to have delayed the decision on this question?

Hon. Mr. Hanson: The only problem, as far as I can see, was poor management of the whole lottery. I mean, it was a big thing for the first few days and, after that, everybody sort of went their own way and we are hoping to get everybody involved together and find out what did actually take place, because we are not sure yet ourselves.

Question re: Lead Sample for Capital Building
Mr. Byblow: I have an action question for the Minister of Economic Affairs.

Since I represent a community that is famous for for getting their lead out, I would like to ask, in view of a presentation made to this Government on the occasion of the official opening of this building in 1976, which, incidentally, was a large lead sample that is still in a packing case under the basement stairs, when will the Honourable Minister ensure that this Government will get this lead test out, that is, put it on display?

Hon. Mr. Hanson: I think I will just inform the Honourable Member across the floor that it is three years to election yet. We will get it there eventually.

Question re: Land Claims/YTG Policy Statement
Mr. Penikett: Thank you, Mr. Speaker. I just have one brief question for the Government Leader.

On a number of occasions, Members of this House have asked the Government when they can expect a policy statement of the Government of Yukon on the land claims question.

The Minister has suggested one is forthcoming. I would like to ask the Government Leader if we can expect it in this Session.

Hon. Mr. Pearson: No, Mr. Speaker. I do not anticipate that there will be such a statement during this Session. As all Members are aware, it is hoped that Land Claims negotiations will be started again in the very near future and the target date of April 30th has been set for an agreement in principle.

Until there is some sort of agreement, I doubt very much that I, as a Member of the Government, am going to have very much to say about Land Claims.

Mr. Penikett: Thank you, Mr. Speaker. Since this Government is employing the same negotiator on its behalf as the previous Government, may this House and the public of Yukon then assume that the bargaining position of this Government is essentially the same as that of the previous?

Hon. Mr. Pearson: No, Mr. Speaker. The Honourable Member's initial assumption was wrong. We are not employing the same negotiator that the previous Government had.

Mr. Penikett: Thank you, Mr. Speaker. In that case, since there is a new negotiator, he must have received some new instructions. I would like to ask the Minister, beyond betraying the confidentiality of the negotiations, if the Government will shortly be making some policy statement on the broad principles which this Government would hope to achieve on a Land Claims settlement?

Hon. Mr. Pearson: Mr. Speaker, the one and only thing that I can say, and the only parameter that our negotiator did receive was what did actually take place, because we are not sure yet ourselves.

Mr. Speaker: There being no further questions, we will proceed on the Order Paper to Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS
Bill Number 15: Third Reading
Mr. Clerk: Third Reading, Bill Number 15, standing in the name of the Honourable Mrs. McColl.

Hon. Mrs. McColl: Mr. Speaker, I move, seconded by the Minister of Municipal and Community Affairs, that Bill Number 15, Gay Care Ordinance, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill Number 15 be now read a third time.

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

Hon. Mrs. McColl: Mr. Speaker, I move, seconded by the Minister of Municipal and Community Affairs, that Bill Number 15 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill Number 15 do now pass and that the title be as on the Order Paper.

Motion agreed to.

Mr. Speaker: I declare that Bill Number 15 has passed this House. May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to.

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I shall call the Committee of the Whole to order. At this time we shall have a short recess.

Recess

Mr. Chairman: I shall call the Committee of the Whole to order. This afternoon we will be discussing Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance. On Clause 1(1) I shall anticipate general debate.

On Clause 1

Hon. Mr. Pearson: Mr. Chairman, I do not have anything further to say on general debate. As you will recall we got hung up just a little bit on the procedural question. I have just expressed the opinion of the Government in respect to the Bill.

Mr. Mackay: I think if I could just clarify for my information and for everyone else's information that it has now been established that this is a Money Bill. It has also been established that if the Bill fails that it would not be regarded as a test of confidence of the Government.

It has also been established that the Government has declared, I think, that their Members are free to vote in any way they wish. I think what flows from that is that we have today a Money Message presented by the Administrator who acts with the consent and by the advice of the Cabinet, so, in fact, we now have Government supported amendments before us. As long as we are clear in recognizing the fact that these amendments are not backbencher amendments, but are Government approved amendments, as long as that is clearly recognized, then we can agree to proceed from here, or agree to disagree.

Hon. Mr. Pearson: Mr. Chairman, the passage and content of this Bill really has nothing to do with Government policy or who the Government is.

I think I would like to quote from your ruling last night. It was stated very clearly that the Bill is one that deals entirely with this House. It does not deal with the Government. It is not an appropriation money bill of this Government.

It is something that is entirely within the purview of this House. I would suggest, respectfully, Mr. Chairman, that it is irrelevant where the amendments came from, who sponsors them. The major question will be whether a majority of the Members of the House support the amendments or not.

Mr. Penikett: Mr. Chairman, the Government Leader will forgive me if I may be still left with some confusion on this issue.

It seems to me, given a Money Message, that while it may not be a vote of confidence, it seems to me that the Government is probably obliged to support the amendments, that is, certainly the Ministry, because they come from the Ministry.

I do not believe, in Canadian Parliamentary tradition, any Minister can bring a money message to the House, independent of the support of his other colleagues. I think the only way that can be done is with a private Bill. I am not even sure it can be done with a private Bill.
It seems to me, and it is important that that point be clear, because I want to understand what we are doing here, if I may. Mr. Chairman, just for a minute, I would like to review what I think the situation is relative to what we have been engaged in.

We had the Standing Committee on Rules, Elections and Privileges, by order of the House, to deal with this question. The Committee spent some considerable length of time deliberating on the question. I think the House probably wanted the Committee to do it because committees are broadly representative of the membership of the House, that the different parties have their columns of representation and that, hopefully, in that kind of process, some kind of consensus will emerge.

The Committee, while there may not have been an absolute consensus, did reach certain conclusions. Those conclusions made up the Report. The Chairman of the Committee, quite properly, on behalf of the Committee, brought that Report to the House. The Report was accepted by the House.

I think this is a significant point. The Report was not referred back to Committee with instructions to do something differently or to reconsider any point or to re-examine any point. The Report was accepted.

Subsequently, in the course of time, we had come up to us a Bill based on the Report. That is well and good. Yesterday, the Government leader advised the House that, while it may be a Money Bill, that it was going to be a free vote, that it was not a test of confidence in the Government.

I was quite properly concerned on procedural grounds and I raised a proper Point of Order rather than protract a long debate. The Chairman sought some advice on the question, gave his ruling and the ruling I am prepared to abide by.

For my own mind, this morning, in attempting to clarify what is meant by the Money Message and so forth, the Government amendments, historically, what that means is, in fact, the Cabinet of Ministers, in fact, in our case the Cabinet, that the different parties have come to the House and may pass through the House, is something that we can all learn from. I am afraid that it is going to be a painful process for some of us. I think especially for those members of the Committee, and they are all here, who spent many hours working on this question.

Mr. Chairman, at this point I am so confused about whether the Government, as a whole or the Government caucus, is, in fact, subtly behind these amendments or whether just the Ministry is the sponsor of the money things or in fact committed to them, even though I do have a free vote on this side. There is a kind of arithmetic here. Mr. Chairman, without the aid of my calculator I am probably not competent to completely work out.

I express those views; I express those concerns at this time. Mr. Chairman, because I frankly think we are in a very unusual situation here, a very unusual ball game. If I think there are some unfortunate ramifications from what is happening.

Mr. Fleming: Yes, I can only repeat what the Honourable Member has said, probably in a little less time.

However, I do feel that that Committee did bring a report to this House and it was accepted by the majority of this House. In fact, I would not be surprised, and I think I am right when I say it was accepted by the whole House in its entirety, other than myself. I did have some thoughts on that to the effect that it might not be too good in some areas and I said so at the time.

I would feel, at this time, that if that Committee voted on any one of these amendments at this time, they certainly should resign. I would say to the Government across the floor, that if they backed any one of these amendments, after accepting that Report from that Committee, I think maybe they should all resign.

I possibly do not agree with some of the amendments anyway and I possibly did not agree entirely before, with the Report, but I said our only reason for it. I am prepared to abide by it.

So, given that, what we have is an expression of opinion in the sponsoring of these Ministers, it seems to me, by the Ministry, of essentially non-confidence in the Committee which considered this question.

It seems to me, at this late date, even though there has been a resolution of the House, what is essentially happening is that the Government is saying that it does not accept, upon reflection, does not accept the Committee's Report, that it must debate in the Committee, to come to a consensus, to come to a conclusion. It is nullified.

I do not think I would be going beyond the bounds of protocol to say the most heated issues in Committee have been resurrected by a member of that Committee in these amendments. They are a reflection on the conclusions of the Committee. The Government, by supporting these amendments, supporting that reflection on the conclusion of the Committee, is thereby, it seems to me, expressing a lack of confidence in the Committee. The only conclusion and the only proper course, it seems to me at that point then, Mr. Chairman, is for any self-respecting member of the Committee to therefore submit their resignation from the Committee, since their work has clearly been rejected by the Government.

If in fact that is the conclusion of the House, that their findings are repudiated, not referred back for consideration, but essentially repudiated, it seems to me that the Committee members are probably faced with no other choice.

We are engaged in general debate here, but I am, in some sense, Mr. Chairman, perhaps speculating aloud on the implications of what is happening on this. I do so, well, I think it is not a bad idea for us to do this because we are doing something somewhat unusual here. It is probably new to all of us. It is not the normal passage of the kind of legislation, and I think the kind of peculiar circuitry in process by which this Bill and these amendments have come to the House, and may pass through the House, is something that we can all learn from. I am afraid that it is going to be a painful process for some of us. I think especially for those members of the Committee, and they are all here, who spent many hours working on this question.

Mr. Chairman, at this point I am so confused about whether the Government, as a whole or the Government caucus, is, in fact,
I think that is quite obvious.

Mr. Penikett: Thank you, Mr. Chairman. Mr. Lang was kind enough to remind us of the process in other legislatures in this country. I would just remind Mr. Lang, to my knowledge, there is no negotiation, no legislation in this country where a committee report would be reviewed by a Government Caucus before it comes to the House, no other legislature.

Hon. Mr. Lang: Mr. Chairman, on a Point of Order. I think that is an accusation that is being made. I would suggest, Mr. Chairman, that it is totally an inaccurate statement that the Honourable gentleman has made.

Mr. Penikett: Mr. Chairman. I think the Minister has not thought about what he just said. Obviously, what is happening here today is the result of a Government caucus review of a committee report. I think that is quite obvious.

Hon. Mr. Lang: Mr. Chairman, on a Point of Order. I think the Honourable Member is putting forward to me that the report was reviewed prior to coming into the House. I would suggest, Mr. Chairman, if that is the intention of the remarks by my honourable colleague, I would suggest that that is inaccurate.

Mr. Penikett: Thank you, Mr. Chairman.

What we are talking about here, it seems to me, is a pretty unusual piece of legislation. We are talking about salaries, not just of the Government Members, but of everybody here.

It seems to me it is highly appropriate, when you are dealing with a salary question, to have a consensus. I am sure to members of the public, this whole wrangle in public looks pretty obscene. I think the way to probably do it is to do it in the cool, rational environment of a committee.

But what is happening here and what appears to be happening here is that the Committee Report gets accepted by the House, and then, oh, it does not mean anything. The Government Caucus can bring in amendments. We are talking about a free vote here. It does not look like it is going to be a free vote because these are Ministry sponsored amendments.

What we are talking about here is saying that the Committee wasted its time, wasted its time. The Member talks about how much time we have to do in things and he is quite right. We do not get paid for caucus meetings and committee meetings.

There ain't much point in us spending hours and mornings and so forth coming and dealing with difficult questions in committee, in a relatively non-partisan, cool, rational way, trying to come to sensible conclusions, not on behalf of the Government Members, but on behalf of Members on both sides of the House, to then reach those conclusions and to find that, in the Government caucus, they can be completely abandoned. We are not party to those kinds of decisions.

The terrifying prospect, Mr. Chairman, is that what could happen, if this continues, is that the only committee of the House that means anything is the Government Caucus. That is not public committee. That is not a committee that the public has access to, nor should it and that is well and good.

But it seems to me that the basic, the genius of the parliamentary system, is not that you do things behind closed doors, inside partisan ranks. The genius of the parliamentary system is that you bring the best ideas available in the Legislature, from several points of view, on questions like this, which is not an issue of confidence. It is not government policy.

This is something to do with all Members in the House, no matter what the numbers are on either side. What the Government is now, in effect saying, the Ministry, by supporting these amendments, that the intervention, the input by Opposition Members in the Committee, whatever it was and it does not matter what it was on one particular issue, is now nullified, is now redundant. It is now just unnecessary.

We are not permitted, nor should we be, to go into the Conservative Caucus and recreate the arguments and duplicate the arguments all again. The place we have to do this is in this House, taking time from this House.

Now, that is unfortunate, but it seems to me that the proper thing to do, unless, I say, the House has lost the confidence in the Committee, the proper thing to do, if Members were unhappy with Committee’s report, was to refer the report back to Committee with instructions.

That is the procedurally acceptable way to go. That is what should have been done. That way we would not have had this debate in this House in public. We could have done it in the quiet dispatch of the Committee.

But the House, with its majority, could have properly ruled that
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there were some areas that they were unhappy about. They could have sent the report back to the Committee, having expressed their trust and confidence in the Members, having said that we think you have erred or concluded wrongly in some areas.

They have not done that.

This side of the House has expressed its support for the Committee report. What it seems to me is that Government side of the House, protestations about free vote notwithstanding, is that they lack confidence in the Committee, because they have not referred it back. They lack confidence in the Committee on the second count because they are, in fact, rejecting their recommendations on.

Mr. Chairman, the most sensitive and difficult areas that we had to deal with is:

That is not to make a remark about the contents of the Committee proceedings. That is, in fact, to conclude the obvious that the most sensitive and difficult areas were the ones that any Committee is obviously going to spend the most time on.

What it is saying is that the human energy, whatever intelligence we brought to bear, whatever discussion and debate that went on in that Committee, was a waste of time, an absolute waste of time.

Now, I value my time as much as anybody. There does not seem to be much point of spending time in Committee and having good and healthy arguments with other members and reaching conclusions, hard fought, hard won conclusions in Committee on things, then, with the best will in the world, bringing the Report into the House, having the Report accepted, then sometime later saving a Bill introduced on the basis of that Committee, then having the Bill amended, in effect, by a Government amendment. These are Government sponsored amendments.

That seems to me a total, a total expression of lack of confidence in the Committee. It seems to me that what we have are not only some profoundly difficult questions here, but that we have got ourselves in an awful box. I think most members of the public would think that a public brouhaha about our own indemnities and salaries is probably just about the most distasteful thing that we can be involved in.

That is why parliamentarians refer these things to Committee and vote in that Committee. What we now have and what is astounding is that they come from a member of the Committee, a vote of absolute no confidence in the Committee.

I think, Mr. Chairman, let me state it no more strongly than this, that is profoundly disappointing to those people who spent a lot of time in that Committee.

Mr. Mackay: I think that much of the heat that we are generating over a procedural matter is really being misdirected.

I think that really underlying all of this are two issues.

The first one is that the amendments amount to the backbenchers. Kind of the party requesting more money than were rendered to this Assembly, Mr. Chairman. That in itself is understandable. I am sure that they would be free to express these opinions within caucus and be listened to there.

The second thing that is obvious is that the Government frontbenchers have decided to listen to the Government backbenchers and, in fact, have admitted, it appears to me, that the tail is now wagging the dog.

By allowing this Message to come forward, which took, as my friend here has explained, Cabinet consent by allowing that Message to come forward, they have said, “We do not care what embarrassment it causes us in public because we know that we have to abide by the wishes of the backbenchers.”

They are prepared to do that, they are prepared to risk savaging the Committee system, they are prepared to go through the procedural wrangling that we have gone through, for the sake of satisfying one or two members of their backbench.

I think that is an observation that should be made. It really does not do to be standing here debating about our own salaries. We referred the matter, I thought, as a House, to the Committee to try and work out all the basic things that we had to do, to resolve the change in party system, to allow for Government Leaders, to allow for Opposition Leaders, leaders of recognized parties.

These were some of the things that had to be done, the reasons why this whole thing was put into committee. But, in addition to that, other issues had to be considered, too. Those were the basic pay scales.

There were a number of different and divergent views. I am not a member of the Committee, but I did sit in on a number of meetings, and though I do not want to discuss what went on in Committee, let me just say that the final report is a result of many different points of view being moulded into one final report.

It was tabulated by the Chairman of the Committee, who I would suggest really has very little option but to support his Committee’s findings. I think that is what he has basically stated. Other members of the Committee did not agree with him either, but that is what happens when you get into a negotiating, compromising situation. You wind up agreeing that the whole balance of the package is agreeable and that is what has to go to the House.

He brought it forward to the House and he should be standing up defending that Report. He should not be trying to downgrade it. He should be defending it. He is the Chairman of that Committee. He does not have an opinion. That is the Committee’s opinion he is supposed to express.

So, I think that there is a denigration of the process by that particular member, that Chairman of the Committee. I am sorry to say that, because he should be expressing the will of Committee to this House.

I think that, when we get to the actual amendments, that we will hear repeated in public, for all those who want to hear, and I am sure that the public is very well aware of this debate. I am sure that they are the ones that have been writing to their MPs and MPAs have opened a number of people’s eyes as to what we are doing here.

It may well be that they will acquire a greater appreciation of the work that we do out of that. It may well be that, on the other hand, they think, holy smokes, these guys are lining their own pockets. We do not know.

I had hoped to avoid a rather distasteful open discussion about the pros and cons of whether or not the Government Leader should get X number of dollars or whether or not the Opposition Leader should get X number of dollars or whether or not the backbenchers from outside of town should get X number of dollars. That is what we had hoped to avoid. If the Government wishes to go forward with the amendments, so be it, we shall repeat, for the edification of the public, all of the things that we said in Committee.

Hon. Mr. Graham: Mr. Chairman, I just want to make one point very clear. So far, the only discussions that have taken place in public have come from the other side.

Mr. Fleming: Mr. Chairman, I agree with the Minister there. It has come from this side. I think that possibly, if we speak about the Report or speak about the Bill or speak about the Amendments, that maybe this side of the House has taken a look at some things, and maybe this will be a lesson when reports come to this House. Maybe they should be read before you accept those reports.

The Minister of Community Affairs said an interesting thing a while ago when he said that the backbenchers may be having a problem in Caucus and so forth, not being paid enough expenses, I take it, or something to that effect. I possibly would agree with that. I think, maybe a member of this type coming in here for that very purpose, I may have said, well, it may not have been on the Report but, this is something over and above that has come up, but to bring in this type of a thing, I cannot go along with it.

Of course I cannot go along with it in more ways that one, anyway, because I think we are about the most overpaid and underworked bunch of fellows that has ever hit the Yukon Territory, as far as I am concerned.

Possibly, you are going to say it, go ahead, that this Member does not work hard enough at his job, but I will defy any of you to prove that too. I would expect that to be said in rebuttal. However, I do not think so. I think that to do the best of my ability and you can say it might not be very good.

I just cannot go along with this type of thing and if I thought that there was some way that I could make a motion at this time to have these Amendments moved out of Committee and forgotten about, if I just knew the way to go about it, I think I would be doing it right now.

Mr. Chairman: I think it would be appropriate at this time to have a recess.

I declare a recess.

Recess

Mr. Chairman: I shall call the Committee of the Whole to order.

Bill Number 33. Is there any further general discussion?

If there is no further general discussion we will continue on to a clause by clause discussion.

Clause 1 agreed to
On Clause 2(1)  
Clause 2(1) agreed to  
On Clause 3(1)  
Mr. MacKay: I am just a little unclear, are we discussing 40.1(1) as amended?  
Mr. Chairman: We are discussing 40.1(1). The Chair is not aware of any amendments. There are no amendments before the Chair.  
Mr. Fleming: Can we just slow down slightly so that we do not pass a vote on something that is shooting at us. please, just a wee bit?  
Mr. Chairman: You had no objection to the last one we cleared, though, Mr. Fleming?  
Mr. Fleming: No, no objection, Mr. Chairman.  
Mr. Chairman: I will try to go a little slower.  
Hon. Mr. Graham: I would like this subsection 40.2(2) set aside, if I may, Mr. Chairman. There is a small drafting problem.  
Mr. Penikett: Mr. Chairman, on a purely procedural point, could the Minister advise us of the exact problem?  
Hon. Mr. Graham: Yes, Mr. Chairman, the Speaker and Deputy Speaker are dealt with here in one section as one and the same, and I believe they should be separate sections, where we deal with the Speaker and the Deputy Speaker.  
Subsection 40.2(2) of Clause 3(1) stood over.  
Mr. Chairman: In subsection 40.3(3), it has been pointed out to me that, on line 3, the “on” should not be there and we will consider it a typographical error. the second “on”. The last “on” after the word “Committee”, that “on” should be deleted.  
Mr. Fleming: On subsection 40.4(1), this is, of course, an addition, as I take it, for the Government Leader in his position as the Leader of that group. I have no bone to pick at all with that principle of his being the Leader and being paid certain amounts of money.  
I do not know just how things may go from here on. I am not too sure just how this works, but that salary, to me, as they call it by the old method of 10 per cent here, and 10 per cent to the little fellow too, and of course, the rich get richer and the poor get poorer, I would have some problem.  
I would hope that $5,000 is the pay for what we call Constitutional Development and more responsibility. You can use all sorts of words and that is what we are paying for really, that responsibility. That responsibility though, Mr. Chairman, does not get any larger than it is for any Member of this House as far as I am concerned. When you step in here the first day, you have a responsibility to the people of the Yukon; it remains so.  
I realize that there is more work attached to it; if there are more shovelfuls of dirt out of the hole, he should get paid a little more, but I am not so sure that in the last while, what I have seen here through the political process that we went through, that have we really, any of us, done any more work. I am including those over there and over here, that we have really had any more work to do than ever in this House.  
I know that the Honourable Member for the Government on the right will not agree. I realize this. He has not agreed many times on this same principle. However, I see that in my way, and that is the way it is going to stand. I will be voting, of course, at another time and if I change that principle I would have to be voting against it. I am not going to vote against this; I am not going to vote against the Bill. I accepted what the report was from the Committee at that time with these reservations that I am stating now.  
Mr. Njoottli: I would just like to express my opinion on this particular section.  
I have served on the Executive Committee before in this Government. I understand, in this size of the Government. I also have experienced the amount of work to run the government.  
I know the Honourable Member who spoke, from Campbell, does not realize just exactly how much work it involves to be in the Executive Committee.  
Not to forget the Leader, he does double the work. There is a continuous paper flow. He is on call 24 hours a day for four years and I do not see any difficulties in having this increase in this particular section.  
I have to inform the House, Mr. Chairman, from my experience, that it is logical for a Government Leader to have an increase in the amount of work to have an effective government, to have a strong government and to have an effective one, for the interest of people in the Yukon Territory.  
Hon. Mr. Graham: Thank you, Mr. Chairman.  
I do not think the Member opposite expressed any great concern over the fact that the Government Leader was going to get an additional $5,000. He was talking about the Government Leader’s salary being incremented.  
I think if he would have read the report and if he would have read this legislation, Section 40.6(2) indicates that only salaries and indemnities are pegged, nothing else.  
Mr. Fleming: I do not disagree and I do not disagree that the work is not worth it when you get on the Government side and get into the House as a Minister. I am not quite that dumb yet. Perhaps a little bit, but not that dumb yet.  
I realize that there is more work there and a lot more work than we have to do on this side. We have a lot more free time. That is one reason why I said we were overpaid, because of that free time that we have, more or less, if we wish to use it.  
However, I will not let anybody stand up and say, without a rebuttal, that I do not know what the work is. I think I know what the work is on that side of the House and I also think that I know pretty well when it is being done and when it is not, too.  
Mr. Penikett: Mr. Chairman, just so that this section does not pass and the record containing any confusing commentary about this proposal, I think that I should make it clear that I think this entire amendment, if you like, is perfectly in order and thoroughly acceptable. To put it in the proper context, I would just remind Members that the latest recommendation of the Independent Sal­ary Commission in the Province of Alberta has recommended a similar amount, simply for clothing the Premier of the Province of Alberta.  
Mr. Fleming: On subsection 40.4(2). Mr. Chairman, same view as the section before.  
Hon. Mr. Graham: Mr. Chairman, maybe I am misunderstanding the Member opposite. What you have to realize, Mr. Fleming, is that that $5,000 will stay the same, year after year after year. The increment that is presently applied, applies only to the salaries and indemnities. It does not apply to the Executive Council’s salaries or the Government Leader’s additional salary.  
Mr. Fleming: I am happy to hear that, they are the best words I have heard today. Thank you.  
Hon. Mr. Graham: Well, read the legislation.  
Mr. Fleming: I do have a right to ask the odd question or make the odd comment. I am quite happy with what the Member said.  
Hon. Mr. Lang: Mr. Chairman, I would just like to make one comment, and it may sound facetious, but I think that it is fair to say that, from my perspective and the Members in this House, I believe that the Members earn their salary and even their indemnity. I do not agree with the Member who suggested it was not worthwhile putting on the record what it actually says. Well, read the legislation.  
Mr. Fleming: Mr. Chairman, you know, I realize that the Members earn their salary, and I hope that the Member who misunderstood me so badly does earn his salary. I hope so, just for the taxpayers’ benefit. I will put it that way.  
Mr. MacKay: On this subsection 40.5(1). I had hoped to spare anybody else the trouble of rising to say what a great job the Leader of the Opposition was doing, but apparently, nobody will do it so...  
Mr. Fleming: On subsection 40.5(2). Mr. Chairman, the same comments. I would hope that being recognized and paid as the Leader of a Party, in the Opposition or anywhere else, that this Member also earned his pay.  
Mr. MacKay: I would just like to rise in support of section 40.6(2) because I think it may be somewhat misunderstood and it is proba­bly worthwhile putting on the record what it actually says.  
It is a provision to allow the Members’ salaries to be maintained at a level to help offset what has become a fact of life these days, and that is inflation. Hopefully, with this section, we will not have to refer Members’ salaries back to Committee for a long time and this will help keep things up.  
The section, in fact, puts a ceiling of 7 per cent on the individual Member’s salary; it excludes all Executive Committee salaries and Leader’s salary. It is just applied to the Members’ salaries and indemnity. It is based on the lower of seven per cent or the average of the previous two years’ composite average weekly wages published by Statistics Canada. I think it is a fair section, and I rise in
support of it.

Mr. Tracey: Mr. Speaker, I also rise in support of pegging the Members' salaries to take into account inflation, but seven per cent is quite a bit less than the inflation that we have had in the past few years. I think that actualy what is happening is that the Members are voting themselves a cut in salary every year.

Mr. Penikett: I think what is happening Mr. Chairman, in this regard is that the Committee has quite seriously taken all governments, both national and local, at their word, and that we will be doing something very shortly about inflation so that the Member's concern will be put to rest.

Mr. Falls: I have to rise on this point here. Salaries, it is a great idea, if you get seven per cent this year on $1,000 you have $700 more or whatever it comes to, or $70, and you are actually losing money because the rate of inflation, that $1,000 this year will buy more goods than that $1,070 will next year. If we are going to be honest about it, let us be honest. We are taking a cut in pay.

Mr. MacKay: Just one final comment: I forgot to mention that this particular formula is based upon what is used by the House of Commons of Canada.

Mr. Fleming: In 40.7(2), I might just ask, if the sponsor of the Bill could answer, the actual expenditures for accommodation, I take that it is possibly the same as we are doing now? Or is that the actual bill for food and lodging, both?

Hon. Mr. Graham: Yes, Mr. Chairman.

Subsection 40.7(3), Mr. Chairman, sets a maximum on the amount you can claim in any one year.

Mr. MacKay: This is just a technical point in 40.9(1), a non-controversial question, I hope.

This reference to the Elections Ordinance, 1977, is that a different Election Ordinance than is being referred to in Section 5(1), at the end, the one that is being repealed?

Hon. Mr. Graham: Yes, Mr. Chairman, it is.

Mr. Chairman: Thank you, Mr. Graham.

Hon. Mr. Graham: Mr. Chairman, the section that I requested to be held over, I have now got an amendment to. I wonder if I could first of all explain what this amendment does. This amendment breaks the speaker and the Deputy Speakers apart as far as the period during which they shall be paid. It is necessary to have the Speaker on staff after Council is dissolved but before a new Speaker is in place for purposes of being a Deputy Head for the Clerk of Council's office. This section just takes the Deputy Speaker out of that class.

Mr. Chairman: It has been moved by Mr. Graham that Bill Number 33, entitled An Ordinance to Amend the Yukon Council Ordinance, be amended in Clause 3(1)40.2 at page 4 by deleting in subsection 40.2(2) the words "or Deputy Speaker" and by adding the following new subsection thereafter:

"40.2(3) For the purpose of computing the amount of salary payable under this section, a Deputy Speaker shall be deemed to occupy the position up to and including the earlier of

(a) the day preceding the polling day following the dissolution of the Council of which he is a member, or

(b) the day on which he dies, resigns, is disqualified, or otherwise ceases to occupy the position."

Motion agreed to

Clause 3(1) agreed to

On Clause 4(1).

Clause 4(1) agreed to

On Clause 5(1)

Clause 5(1) agreed to

On Clause 6(1)

Clause 6(1) agreed to

Preamble and Title agreed to

Mr. Chairman: I now declare that Bill Number 33 has passed through Committee of the Whole.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance, as amended, to the House.

Mr. Chairman: It has been moved by Mr. Pearson that I do report Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance, with amendment, to the House.

Motion agreed to

Mr. Chairman: At this time, I think we should have a short recess.