



YUKON LEGISLATIVE COUNCIL

VOTES & PROCEEDINGS

22ND WHOLLY ELECTIVE COUNCIL

1974 SECOND SESSION

VOLUME 3

SPEAKER: MR. R.A. RIVETT

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THURSDAY, APRIL 25, 1974

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK IS THERE A QUORUM PRESENT?

MADAM CLERK: YES THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER.

MR. CHAMBERLIST: MR. SPEAKER, I RISE ON A QUESTION OF PRIVILEGE. YESTERDAY I WAS ASKED TO PRODUCE A LETTER WITH REFERENCE TO THE TABLING OF DOCUMENTS DEALING WITH MR. G.K. FISHER-FLEMING. I HAVE THE FOLLOWING LETTER. I WILL READ IT FOR THE RECORDS. "63 TESLIN ROAD, RIVERDALE, WHITEHORSE, YUKON. COUNCILLOR N. CHAMBERLIST, MEMBER OF THE COUNCIL OF THE YUKON TERRITORY. DEAR COUNCILLOR CHAMBERLIST: THIS LETTER WILL CONFIRM THAT I APPROVE OF YOUR TABLING FOR THE INFORMATION OF THE COUNCIL OF THE YUKON TERRITORY, THE INTRODUCTION, SUMMARY AND EXHIBITS AS PER THE TABLE OF CONTENTS TO NUMBER 37.

THESE CONCERN DETAILS OF EVENTS WHICH HAVE OCCURRED SINCE MY ILLNESS ON JANUARY 25, 1973. A COPY OF ALL THE MATERIAL WHICH YOU HAVE TABLED HAS BEEN SENT TO THE COMMISSIONER BY DOUBLE REGISTERED MAIL THIS MORNING. I THEREFORE HAVE NO OBJECTION TO COUNCIL BEING EQUALLY APPRISED.

ATTACHED FOR THE FURTHER INFORMATION OF COUNCIL IS A COPY OF A LETTER TO THE ADMINISTRATOR ALSO SENT BY DOUBLE REGISTERED MAIL WHICH YOU WILL FIND TO BE SELF-EXPLANATORY. I SINCERELY REGRET THAT I SHOULD HAVE BEEN FORCED BY CIRCUMSTANCE TO FIGHT SO HARD FOR SO LONG TO OBTAIN ELEMENTARY JUSTICE AND FAIR PLAY.

IT IS I THINK A MATTER OF MY RETURN TO EXCELLENT HEALTH THAT I HAVE BEEN ABLE TO SUBSTAIN SO MANY DELAYS, BROKEN PROMISES AND FRUSTRATIONS. I TRUST THAT THIS UNFORTUNATE BUSINESS WILL SOON BE ENDED EQUITABLY SO THAT MY FAMILY AND I MAY ONCE AGAIN ENJOY THE PEACE OF MIND THAT HAS BEEN DENIED TO US DURING THESE PAINFUL AND ARDUOUS MONTHS.

I WANT TO TAKE THIS OPPORTUNITY TO THANK YOU FOR YOUR FRIENDSHIP AND SUPPORT DURING THESE TRYING TIMES. WHEN I LOOK BACK UPON OUR MANY BATTLES IN THE EXECUTIVE COMMITTEE AND ELSEWHERE IT IS GOOD TO KNOW THAT WE BOTH SURVIVED THEM WITHOUT

RANCOUR BUT WITH A MUTUAL RESPECT FOR EACH OTHER. THAT IT IS POSSIBLE TO DIFFER IN OPINION AT TIMES WITHOUT BECOMING THE ENEMY. YOURS SINCERELY, G.K. FISHER-FLEMING."

MR. SPEAKER, I WON'T READ INTO RECORD THE COPY OF THE LETTER ADDRESSED TO THE ADMINISTRATOR. IT IS LONG. BUT I HAVE PREPARED COPIES OF BOTH LETTERS FOR ALL MEMBERS OF COUNCIL AND I HOPE TO BE ABLE TO DISTRIBUTE THEM AFTER MR. SPEAKER HAS FINISHED.

MR. SPEAKER: ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MRS. WATSON: MR. SPEAKER, I HAVE FOR TABLING LEGISLATIVE RETURNS NO. 45 TO 48 INCLUSIVE. I ALSO HAVE FOR TABLING FIRE MARSHAL'S REPORT PURSUANT TO SECTION 4 OF THE FIRE PREVENTION ORDINANCE.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEES? ARE THERE ANY BILLS TO BE INTRODUCED? ARE THERE ANY NOTICES OF MOTION OR RESOLUTION?

MR. STUTTER: YES, MR. SPEAKER. I WOULD LIKE TO GIVE NOTICE OF MOVING LEGISLATIVE RETURNS 45, 46, 47, & 48 TO COMMITTEE OF THE WHOLE FOR FURTHER DISCUSSION.

MR. SPEAKER: ARE THERE ANY FURTHER NOTICES OF MOTION OR RESOLUTION? ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS? AS THERE ARE NO NOTICES FOR THE PRODUCTION OF PAPERS, WE COME TO MOTION NO. 20.

IT WAS MOVED BY COUNCILLOR MCKINNON SECONDED BY COUNCILLOR TAYLOR THAT IT IS THE OPINION OF COUNCIL THAT SUB-SECTION 2 OF SECTION 3 OF THE TRAVEL FOR MEDICAL TREATMENT OUTSIDE THE TERRITORY REGULATIONS BE DELETED THAT SUB-SECTION 2 OF SECTION 3 OF THE TRAVEL FOR MEDICAL TREATMENT WITHIN THE TERRITORY REGULATIONS BE DELETED. THAT SUB-SECTION 2 OF SECTION 3 OF THE TRAVEL MEDICAL EVACUATION REGULATIONS BE DELETED. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. MCKINNON: YES, MR. SPEAKER. AS I UNDERSTAND THE SUBJECT IN QUESTION THAT THE PRESENT DRAFT REGULATION FOR TRAVEL FOR MEDICAL TREATMENT OUTSIDE THE TERRITORY AND TRAVEL FOR TREATMENT WITHIN THE TERRITORY CONTAIN THE CLAUSE SUB-SECTION 2 SECTION 3 TO WHICH I OBJECT.

THE THIRD PART OF THE MOTION ARE DRAFT REGULA-

TIONS THAT HAVE BEEN GIVEN TO COUNCIL FOR THEIR CONSIDERATION BUT AS YET HAVE NOT BEEN PROMULGATED BY COMMISSIONER'S ORDERS. TO BE ENTIRELY CORRECT THE THIRD PART OF THE MOTION SHOULD READ SUB-SECTION 2 SECTION 3 OF THE PROPOSED TRAVEL MEDICAL EVACUATION REGULATIONS BE DELETED. IF COMMITTEE WOULD LIKE TO CONSIDER THAT AS A TYPOGRAPHICAL ERROR AND HAVE IT INSERTED I WOULD BE MOST AGREEABLE TO IT. I THINK THAT THE MEANING OF COUNCIL ON THIS MOTION CAN NOT BE MISUNDERSTOOD BY THE ADMINISTRATION AT ANY RATE, MR. SPEAKER.

AS PRESENTLY CONSTITUTED, RESIDENCY REQUIREMENTS UNDER THE REGULATIONS READ THAT, "SUBJECT TO THESE REGULATIONS A PERSON SHALL BE DEEMED TO BE A RESIDENT OF THE TERRITORY AFTER HE HAS COMPLETED THREE MONTHS OF CONTINUOUS RESIDENCE FROM THE DATE OF ENTRY INTO THE TERRITORY FOR THE PURPOSE OF ESTABLISHING RESIDENCE THEREIN." SUB-SECTION 2 READS, "NOT WITHSTANDING SUB-SECTION 1, A PERSON OF LANDED IMMIGRANT STATUS WHO MOVED DIRECTLY TO THE YUKON TERRITORY ON ENTRY INTO CANADA SHALL BE DEEMED TO BE A RESIDENT FROM THE DAY OF ARRIVAL IN THE TERRITORY."

MR. SPEAKER, AS I SEE THE PRESENT REGULATIONS THEY ARE DISCRIMINATORY TOWARD CANADIAN CITIZENS. A RESIDENCY CLAUSE IN THE YUKON, OR RESIDENCY HAS TO BE ESTABLISHED IN THE YUKON BEFORE A PERSON IS ELIGIBLE FOR TRAVEL FOR MEDICAL TREATMENT WITHIN THE TERRITORY, FOR TRAVEL FOR MEDICAL TREATMENT OUTSIDE THE TERRITORY, AND MEDICAL EVACUATION. BUT A PERSON WHO IS A LANDED IMMIGRANT COMING FROM OUTSIDE THE COUNTRY IS IMMEDIATELY ELIGIBLE FOR THESE BENEFITS UPON SETTING HIS FEET IN THE YUKON TERRITORY.

THERE ARE TWO WAYS OF DEALING WITH IT MR. SPEAKER, IN MY ESTIMATION. THAT IS REMOVING ALL RESIDENCY REQUIREMENTS FROM THE MEDICAL TRAVEL REGULATIONS WHICH I THINK WOULD NOT BE THE WAY TO HANDLE IT. THERE IS ALREADY A STRAIN UPON THE FUNDS THAT ARE AVAILABLE FOR THIS VERY IMPORTANT PROGRAM. THE PROPER WAY TO GO ABOUT IT IS AS MOTION 20 DOES IN REMOVING THE DISCRIMINATORY SECTION WHICH ALLOWS FOR LANDED IMMIGRANTS TO HAVE PREFERENTIAL TREATMENT OVER CANADIAN CITIZENS. I THINK THAT WHAT THIS MOTION DOES IS TO ESTABLISH THE SAME RESIDENCY QUALIFICATIONS FOR EVERYONE UNDER THE TRAVEL FOR MEDICAL TREATMENT REGULATIONS. IT MEANS SIMPLY THAT EVERY PERSON, NO MATTER WHETHER HE IS ANOTHER CANADIAN CITIZEN OR A

LANDED IMMIGRANT, HAS RESIDENCY QUALIFICATIONS OF THREE MONTHS PRIOR TO BEING ELIGIBLE FOR THESE BENEFITS UNDER THE TRAVEL FOR MEDICAL TREATMENT REGULATIONS. THANK YOU, MR. SPEAKER.

MR. TANNER: MR. SPEAKER, I DON'T WANT TO TECHNICALLY MUDDLE UP ANY FURTHER WHAT HAS BEEN PROPOSED. HOWEVER, MR. SPEAKER, THE SUGGESTION THAT YOU HAVE A TYPOGRAPHICAL ERROR IN THE THIRD SECTION ALSO IN ACTUAL FACT APPLIES TO THE FIRST TWO SECTIONS TOO. WOULD COUNCIL APPROVE OF THE FACT THAT THERE IS A TYPOGRAPHICAL ERROR AS FAR AS PROPOSED REGULATIONS IN BOTH THE SECTIONS BECAUSE THE TITLE UNDER THE PRESENT REGULATIONS ARE SLIGHTLY DIFFERENT THAN THE TITLES UNDER THE PROPOSED REGULATIONS.

WHAT I AM ASKING FOR IS CONCURRENCE OF COUNCIL TO PUT PROPOSED INTO ALL THE REGULATIONS. I'LL GIVE THE ASSURANCE OF THE HOUSE THAT AS SOON AS THESE REGULATIONS ARE EFFECTIVE AND IT WILL APPLY TO THE PRESENT REGULATIONS AND THESE NEW ONES WILL BE IN EFFECT AS SOON AS POSSIBLE.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION?

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: MOTION NO. 21. IT HAS BEEN MOVED BY COUNCILLOR MCKINNON SECONDED BY COUNCILLOR TAYLOR THAT IT IS THE OPINION OF COUNCIL THAT SUB-SECTION 4 OF SECTION 155 OF THE MOTOR VEHICLE ORDINANCE BE DELETED AND A NEW SECTION ADDED TO THE MOTOR VEHICLE ORDINANCE TO PROVIDE THAT THE COMMISSIONER IN COUNCIL PRESCRIBE THE FEES TO BE ESTABLISHED UNDER THE TERMS OF THE MOTOR VEHICLE ORDINANCE. ARE YOU PREPARED TO PROCEED WITH THIS MOTION?

MR. MCKINNON: YES, MR. SPEAKER, THIS MOTION OF COURSE IS THE RESULT OF WHAT I CONSIDER AND SOME OTHER COUNCILLORS DID, OF AN UNWARRENTED INTRUSION BY THE ADMINISTRATION INTO WHAT IS A LEGISLATIVE FUNCTION; NAMELY THE RAISING OF

TAXATION AND IMPOSING OF TAXATION UPON THE PEOPLE THAT WE REPRESENT. THIS RIGHT IS GIVEN IN THE MOTOR VEHICLES ORDINANCE UNDER SECTION 4 WHICH ALLOWS THE COMMISSIONER TO PRESCRIBE THE FEES TO BE ESTABLISHED UNDER THIS ORDINANCE. THAT RIGHT WAS GIVEN, MR. SPEAKER, IN 1971 AT THE FIRST SESSION OF COUNCIL. I WAS VERY INTERESTED, MR. SPEAKER, TO READ THE REMARKS PARTICULARLY OF THE HONOURABLE MEMBER FROM CARMACKS-KLUANE WHEN I WAS MAKING THE POINT OF HOW I DIDN'T AGREE WITH THIS ITEM APPEARING IN THE BUDGET. I WOULD LIKE TO QUOTE FROM THE VOTES AND PROCEEDINGS, MR. SPEAKER, OF APRIL 23 WHEN THE HONOURABLE MEMBER FROM CARMACKS-KLUANE SAID, "MR. CHAIRMAN, I AM DISGUSTED WITH THE TWO PREVIOUS PIOUS SAYINGS. TO STAND UP AND SAY THAT THIS ACT OF TAXATION WASN'T BROUGHT BEFORE THE COUNCIL, WHEN BOTH THESE MEMBERS AND PARTICULARLY THE HONOURABLE MEMBER WHO SPOKE LAST, BROUGHT IN THE LEGISLATION THAT GAVE THE POWER TO FIX THESE BY REGULATION. THIS HONOURABLE MEMBER WAS ALSO A MEMBER OF THE HOUSE WHEN THE MOTOR VEHICLE ORDINANCE WAS AMENDED AND FEES FOR LICENSING WAS TAKEN OUT OF THE LEGISLATION ITSELF AND PUT INTO REGULATION. NOW THEY ARE STANDING UP AND SAYING HOW WE SHOULD COME BACK TO THE HOUSE WITHIN THE BUDGET TO GET APPROVAL TO INCREASE THE LICENSING, THAT THIS IS A FORM OF TAXATION."

MR. SPEAKER, I AM NOT CALLED PIOUS VERY OFTEN BUT I THINK THAT IN THIS INSTANCE IT PROBABLY WAS AN APT DESCRIPTION OF THIS MEMBER FROM THE YUKON LEGISLATIVE COUNCIL REPRESENTING WHITEHORSE WEST, WHEN THE AMENDMENTS TO BOTH THE AMENDMENTS TO BOTH THE PUBLIC SERVICE VEHICLES ORDINANCE AND THE MOTOR VEHICLES ORDINANCE WERE INSTITUTED BEFORE THIS HOUSE.

I WOULD LIKE TO READ SOME OF THE COMMENTS THAT I HAD IN VOTES AND PROCEEDINGS OF THE FIRST SESSION 1971, PAGE 300 ON IT, "THERE WAS NOT ONE STONE UNTURNED IN EITHER OF THE AREAS THAT A PERSON CAN FUNCTION WITHOUT HAVING SOME ROAD-BLOCK PUT IN HIS WAY TO BE ABLE TO OPERATE A BUSINESS IN THE YUKON. I AM REALLY GETTING CONCERNED ABOUT THE AUTHORITY AND THE GIVING UP OF THE POWERS OF THIS HOUSE AND TO QUASI JUDICIAL AND TO THE COMMISSIONER'S REGULATIONS I AM TELLING YOU THAT ONCE IT IS GONE IT IS JUST AN IMPOSSIBILITY TO GET IT BACK AND WE ARE GOING TO FIND OUT THAT WE ARE GOING TO HAVE SO MANY COMPLAINTS FROM OPERATORS THAT ARE FACED WITH NAMELESS, FACELESS REGULATIONS MADE BY BUREAUCRATS THEY DON'T KNOW. IT IS AN

IRRESPONSIBLE ACT OF THIS HOUSE TO BE GIVING UP EVERY BIT OF CONTROL THAT IT HAS EVER HAD UNDER LEGISLATION TO REGULATORY BODIES AND TO THE COMMISSIONER. I HAVE NEVER YET BEFORE THIS COUNCIL SEEN AN ORDINANCE WHICH COMPLETELY AND ABSOLUTELY AND UNILATERALLY REMOVES ALL ASPECTS OF THE LEGISLATIVE AUTHORITY IN LEGISLATION IN ANY SHAPE OR FORM. THERE IS JUST NOTHING LEFT FOR THIS HOUSE AT ALL BUT JUST TO BE A PARTY TO GIVING UP THEIR POWERS TO BOARDS AND TO THE COMMISSIONER."

THAT IS EXACTLY WHAT WE ARE DOING IN THIS INSTANCE. WHEN THE VOTE WAS CALLED ON THE QUESTION, MR. SPEAKER, I SAID THERE IS NOT A PERSON, THERE IS NOT A COMPANY, THERE IS NOT A FAMILY IN THE YUKON TERRITORY THAT ISN'T GOING TO SUFFER THROUGH AN INCREASED COST OF LIVING BECAUSE OF THE GOVERNMENT'S UNNECESSARY ACT AT THIS TABLE AT THIS TIME. OF COURSE, MR. SPEAKER, I SAID I AM GOING TO BE CONSTANT IN MY STAND AND I WILL BE VOTING AGAINST THE AMENDMENT TO THE MOTOR VEHICLE ORDINANCE AT THIS TIME BECAUSE I JUST DON'T BELIEVE THAT IT IS PROPER FOR THE GOVERNMENT OF THE YUKON TERRITORY TO BE RAISING THIS TYPE OF TAXATION AT THIS TIME IN YUKON'S HISTORY."

MR. SPEAKER, WHEN THE HONOURABLE MEMBER SAID THAT I WAS A PARTY TO AND IN AGREEMENT TO THE LEGISLATION WHICH ALLOWED THIS HOUSE TO GIVE UP ITS POWER TO THE COMMISSIONER THEN I THINK THE HONOURABLE MEMBER FROM DAWSON ALSO IMPLIED THAT THIS WAS THE CASE. I ASSURE YOU THAT THERE WAS NO WAY THAT THIS MEMBER GIVES UP THE POWERS OF THIS HOUSE UNLESS, AS HE HAS HONESTLY STATED IN THIS HOUSE, HE HAS BEEN SUCKED IN BY THE ADMINISTRATION IN SEVERAL INSTANCES.

I GO BACK TO THE INSTANCE WHERE I REALLY DID GOOF ON BEHALF OF THE PEOPLE OF THE YUKON TERRITORY THROUGH WHAT I THOUGHT WAS GOING TO BE A ONE SHOT DEAL TO ALLOW THE PEOPLE OF THE YUKON TERRITORY TO BUY HOUSES IN THE HILLCREST AREA. IT TURNED AROUND THAT THE ADMINISTRATION WENT AND DID EXACTLY WHAT THEY DID UNDER THE MOTOR VEHICLES ORDINANCE. THAT THEY USED IT TO INCREASE TAXATION, PROPERTY TAXATION, THROUGHOUT THE YUKON TERRITORY.

THE BATTLE RAGED IN THIS HOUSE FOR ABOUT THREE YEARS BEFORE ALL MEMBERS OF THIS COUNCIL FINALLY AGREED THAT WE HAD GIVEN UP SOMETHING THAT WE SHOULDN'T HAVE AND IT WAS TIME TO BRING IT BACK TO THE PEOPLE OF THE YUKON. SOME OF THE REMARKS IN THE DEBATE IN THAT AREA, MR. CHAIRMAN, I

READ FROM PAGE 358 OF THE VOTES AND PROCEEDINGS OF THE FIRST SESSION 1972. " I STILL WOULD LIKE TO MAKE A POINT. I AM REALLY DOING MYSELF A DISFAVOR BY TRYING TO GET THIS IN VIA A RESOLUTION OF THE HOUSE. WHEN IT COMES OUT TO THE PUBLIC THAT IT IS NOTHING BUT THE COMMISSIONER'S ORDER ALLOWING THE COMMISSIONER, WHICH IT DOES COME OUT, WILLY NILLY TO SET THE MILL RATE. IT IS BEAUTIFUL FOR POLITICAL POPULARITY TO SAY, DAMN THE COMMISSIONER. LOOK WHAT HE HAS DONE AGAIN WITHOUT ANY SAY TO THE HOUSE AT ALL. HE HAS JUST GONE WILLY NILLY AND RAISED THE MILL RATE A COUPLE OF MILLS AGAIN.

I DON'T KNOW IF THAT'S THE TERM I USED MR. SPEAKER OR NOT BUT THAT'S RECORDED IN THE VOTES AND PROCEEDINGS. "ISN'T THAT SOMETHING. WE SHOULD HAVE THE RIGHT TO DO THIS IN THIS HOUSE AND WE SHOULD BE ABLE TO STAND UP AND BE ACCOUNTED FOR, DEFEND OR OBJECT TO THE MILL RATE. INSTEAD THE COMMISSIONER TAKES IT ALL ON HIS SHOULDERS BECAUSE IT'S DONE BY COMMISSIONER'S ORDER AND THE HOUSE ESCAPES UNSCATHED FOR ANY MILL RATE INCREASE THAT COMES ABOUT. FOR GOODNESS SAKE, LET US ACCEPT OUR RESPONSIBILITY AND PUT THE TAXING POWER IN THE MEMBERS OF THE HOUSE WHERE IT BELONGS AND STAND UP AND SAY WE SUPPORT THIS MILL RATE AS SUCH AND SUCH OR THAT WE OBJECT TO IT. BY A RESOLUTION OF THIS HOUSE WHERE IT SHOULD BE COMES A TAX RATE FOR THE YUKON TERRITORY FOR ANY GIVEN YEAR. LET US DO IT THE PROPER WAY."

FURTHER ON PAGE 360, MR. SPEAKER. "MR. CHAIRMAN ONE THING THAT I CAN'T DENY, THE HONOURABLE MEMBER", AND THIS WAS SPEAKING OF THE HONOURABLE MEMBER FROM WHITEHORSE EAST, "THAT ALL HIS ABILITY AS LONG AS HE HOLDS THE MAJORITY OF THIS HOUSE TO ACT AS A GOVERNMENT. THAT'S WHAT HE SHOULD BE DOING. I HAVE NO TIME TO EVEN DENY HIM THE ABILITY AND HIS RIGHT TO BE ABLE TO DO THAT, BUT IF WE ARE GOING TO ACT AS A GOVERNMENT IN THE NORMAL SENSE OF THE WAY, LET'S ACT AS A GOVERNMENT. LET US TAKE ALL THE RESPONSIBILITY ON OUR SHOULDERS THAT IS AVAILABLE TO US UNDER THE YUKON ACT. LET US BRING IN BY RESOLUTION IN THIS HOUSE WHAT THE TAXES SET BY THE GOVERNMENT SET BY THIS GOVERNING BODY IS GOING TO BE FOR ANY FISCAL YEAR. DEBATE IT AND THEN PASS IT ON TO THE PEOPLE. LET'S NOT HIDE BEHIND THE POOR OLD TIRED FIGUREHEAD OF THE COMMISSIONER, THROUGH COMMISSIONER'S ORDER TO DO OUR DIRTY WORK FOR US. IT'S BETTER FOR ME IF YOU LEAVE IT THE OLD WAY, BUT I AM TELLING YOU ALL OF US ARE RENEGING OUR RESPONSIBILITIES THAT ARE DIRECTLY GIVEN TO US UNDER THE YUKON ACT AND ONE WHICH WE ARE DUTY BOUND TO ASSUME."

MR. SPEAKER, THE ARGUMENT HELD FORTH AT THAT TIME AND COUNCIL UNANIMOUSLY AFTER A LONG DEBATE AGREED TO THE AMENDMENTS IN THE TAXATION ORDINANCE WHICH PUT THE TAXING POWER BACK IN THE HANDS OF THIS HOUSE. UNFORTUNATELY MR. SPEAKER, I WAS UNABLE TO CONVINCE MEMBERS OF THE SAME ARGUMENT FOR THE SAME REASONS WHEN THE POWER WAS TAKEN OUT OF THE MOTOR VEHICLE ORDINANCE AND GIVEN TO THE COMMISSIONER TO SET FEES BY REGULATIONS. I THINK ALL OF US HAVE SEEN THE RESULTS OF THE ADMINISTRATION BEING ALLOWED TO DO THIS. WE'VE SEEN A QUARTER OF A MILLION DOLLARS BEING ADDED IN TAXATION AND LET'S FACE IT, LICENCING FEES ARE TAXATION NO MATTER WHAT WAY YOU WANT TO CUT THE SEMANTIC PIE AND WE HAVE ALLOWED THE ADMINISTRATION TO SNEAK IN A QUARTER OF A MILLION DOLLARS IN TAXES UPON THE PEOPLE OF THE YUKON WITHOUT HAVING THE COURAGE AND THE RESPONSIBILITY TO STAND UP IN THIS HOUSE AND SAY - WE THINK WE HAVE TO HAVE THIS IMPOSED UPON THE PEOPLE OF THE YUKON TERRITORY FOR WORTHWHILE PROGRAMS. WE TAKE THE RESPONSIBILITY FOR IT AND WE'RE PREPARED TO STAND UP IN THE POLITICAL ARENA AND BE COUNTED FOR IT. WE'RE JUST BEING CHICKEN, MR. SPEAKER AND ALL HONOURABLE MEMBERS KNOW IT. AND FOR THE SAME REASON, THE SAME PRINCIPLE THAT HAS BEEN DEBATED SO LONG AND SO OFTEN IN THIS HOUSE, WE HAVE SO FEW POWERS AT ANY RATE, LET'S NOT GIVE THE FEW THAT WE HAVE TO THE ADMINISTRATION BY DEFAULT. MR. SPEAKER, I WOULD LIKE THE SAME COURTESY OF THE HOUSE IN THIS AREA AS WAS GIVEN IN THE AREA OF TAXATION THAT THE POWERS AND RIGHT OF THE DULY ELECTED MEMBERS TO SET THE TAXATION AND IMPOSE UPON THE PEOPLE OF THE TERRITORY BE RETURNED TO THE PEOPLE OF THE TERRITORY. THANK YOU, MR. SPEAKER.

MR. CHAMBERLIST: MR. SPEAKER, BECAUSE THERE ARE SOME OTHER AREAS OF THE MOTOR VEHICLE ORDINANCE THAT SOME MEMBERS WISH TO DISCUSS AND BECAUSE IT MAY WELL BE THAT THERE WILL BE OTHER COMMENTS TO BE MADE ON THIS PARTICULAR MOTION, I WILL MOVE BY PROCEDURAL MOTION THAT THE MOTION BE PASSED INTO COMMITTEE OF THE WHOLE FOR FURTHER DISCUSSION.

MR. STUTTER: MR. SPEAKER I WILL SECOND THAT MOTION.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM WHITEHORSE EAST AND SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT MOTION NO. 21 BE REFERRED TO COMMITTEE OF THE WHOLE FOR FURTHER DISCUSSION. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: WE NOW COME TO THE QUESTION PERIOD. MADAM CLERK, WILL YOU ASCERTAIN IF MR. ADMINISTRATOR IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: I WILL NOW CALL THIS HOUSE TO ORDER. ARE THERE ANY QUESTIONS?

QUESTION RE: PROBLEM ARISING AT THE PELLY RIVER SCHOOL

MR. MCKINNON: YES, MR. SPEAKER, I WOULD LIKE TO QUESTION THE HONOURABLE MEMBER FROM CARMACKS-KLUANE WHO IS IN CHARGE OF THE DEPARTMENT OF EDUCATION, ON THE PROBLEM ARISING AT THE PELLY RIVER SCHOOL. MR. SPEAKER, I WAS WILLING TO ALLOW IT TO GO BY AS JUST A MINOR DISPUTE UNTIL I HEARD THE NEWS REPORT THAT AS OF MARCH 14TH, THAT THE SELKIRK BAND HAD PASSED A RESOLUTION ASKING FOR THE REMOVAL OF THE TEACHERS FROM PELLY RIVER FOR CAUSE MR. SPEAKER. THE CAUSES GIVEN WERE THAT DOORS TO THE SCHOOL WERE LOCKED IN SUB-ZERO TEMPERATURES, THAT THERE WERE STRAPPINGS, THAT CHILDREN WERE BEING SENT HOME SIMPLY FOR BEING LATE, THAT CHILDREN WERE BEING SENT HOME FOR ANY REASON AND THAT THE TEACHERS WERE PREJUDICIAL AGAINST THE INDIAN CHILDREN.

MR. SPEAKER, I WOULD LIKE TO ASK THE HONOURABLE MEMBER WHEN SHE FIRST BECAME AWARE OF THE BAND RESOLUTION PASSED ON MARCH 14TH AND MR. SPEAKER, I WOULD LIKE HER TO ANSWER WHAT SHE HAS DONE SINCE SHE BECAME AWARE OF THE BAND RESOLUTION IN THOSE AREAS WHICH CALL FOR THE REMOVAL OF TEACHERS FROM THE PELLY RIVER SCHOOL FOR CAUSE, MR. SPEAKER.

MRS. WATSON: MR. SPEAKER, I'M VERY GLAD THE HONOURABLE MEMBER ASKED THE QUESTION. I'D LIKE TO GIVE THAT INFORMATION. I WAS AWARE OF THE BAND RESOLUTION THAT WAS PASSED BY THE SELKIRK INDIAN BAND AS SOON AS IT WAS POSSIBLE FOR THE RESOLUTION TO ARRIVE IN WHITEHORSE BY MAIL, SO THAT WAS SHORTLY AFTER THE BAND RESOLUTION WAS PASSED.

NATURALLY THE ACCUSATIONS AND THE STATEMENTS ON THE BAND RESOLUTION WERE INVESTIGATED THOROUGHLY AND THE PEOPLE IN QUESTION, THE TEACHERS AT THE SCHOOL WERE CERTAINLY GIVEN AN OPPORTUNITY TO PRESENT THEIR VIEWS. AND IT APPEARS THAT THE STATEMENTS THAT WERE MADE BY THE SELKIRK BAND

WERE BASED ON INFORMATION GATHERED FROM CHILDREN. THEY WERE CHECKED OUT, THE ACCUSATIONS ABOUT BEING LOCKED OUT OF THE SCHOOL IN COLD WEATHER, THE STRAPPINGS, THE PERMISSION BEING WITHHELD FROM GOING TO THE BATHROOM, WERE NOT TRUE. IT WAS JUST THROUGH CASUAL CONVERSATION WITH CHILDREN THAT THESE CHARGES WERE RAISED BY THE CHILDREN AND WERE GIVEN TO THE EDUCATION CONSULTANT FOR THE NATIVE BROTHERHOOD WHO SPENT CONSIDERABLE TIME WITHIN THE COMMUNITY OF PELLY RIVER, BUT WITH NO TIME WHATEVER WITH THE STAFF AT THE SCHOOL. THERE IS ONE AREA THAT I FEEL RATHER BADLY ABOUT IN SO FAR AS THE GOVERNMENT IS CONCERNED AND THIS IN FACT IS THAT WE HAD ON STAFF A NATIVE CURRICULUM SUPERVISOR WHO SHOULD HAVE BEEN ACTING OVER THE PAST FEW MONTHS SINCE SEPTEMBER, SINCE THE INCEPTION OF THE SCHOOL YEAR AS A CATALYST BETWEEN THE SCHOOL AND THE COMMUNITY TO TRY TO ARRANGE SOME UNDERSTANDING, MUTUAL UNDERSTANDING. THIS WAS ONE OF THE FUNCTIONS OF A NATIVE CURRICULUM SUPERVISOR. ALSO TO HELP THE STAFF WITHIN THE SCHOOL TO MAKE THE NECESSARY ADAPTATIONS WITHIN THE SCHOOL PROGRAM THAT THE PEOPLE OF THAT AREA WISHED. UNFORTUNATELY, AND IT WAS NOT UNTIL THESE INVESTIGATIONS WERE MADE, THIS INDIVIDUAL DID NOT. HE VISITED PELLY RIVER, BUT DID NOT VISIT THE SCHOOL. HE VISITED THE SCHOOL ONLY ON ONE OCCASION VERY BRIEFLY AND AT THAT TIME HE WAS ACCOMPANIED BY THE EDUCATION CONSULTANT FOR THE NATIVE BROTHERHOOD.

ON TWO SEPARATE OCCASIONS, THE TEACHERS OF THE SCHOOL PERSONALLY MADE REQUESTS TO OUR NATIVE CURRICULUM SUPERVISOR TO COME OUT TO THE SCHOOL TO STAY THERE, THEY OFFERED THEM THE ACCOMMODATION AT THEIR OWN HOME TO PROVIDE SOME ASSISTANCE TO SEE IF HE WAS ABLE TO HELP THEM UNDERSTAND BETTER THE PEOPLE WHOSE CHILDREN THEY WERE PROVIDING INSTRUCTION. UNFORTUNATELY, THIS INDIVIDUAL DID NOT FOLLOW THROUGH WITH THE REQUEST MADE BY THE TEACHERS.

AFTER THE INVESTIGATION, AND WE WERE SATISFIED THAT THESE STATEMENTS WERE GIVEN BY CHILDREN TO MR. RAMGOOLAN, THE EDUCATION CONSULTANT FOR THE NATIVE BROTHERHOOD, WHO REQUESTED THESE STATEMENTS FROM THE CHILDREN, I SHOULDN'T SAY REQUESTED THEM. HE WENT AROUND AND QUESTIONED CHILDREN AND WE ALL KNOW IF YOU GO TO ANY CHILDREN THEY'LL COMPLAIN ABOUT THE SCHOOL SITUATION. IF THESE WERE TRUE THEN IT WAS SERIOUS. BUT I FEEL QUITE CONFIDENT THAT THESE ARE NOT TRUE STATEMENTS. WHETHER THERE WAS A LACK OF UNDERSTANDING BETWEEN THE TEACHERS AND THE COMMUNITY, THIS PROBABLY IS TRUE. BUT AN EFFORT

HAD BEEN MADE BY THE TEACHERS AT THE SCHOOL TO GET THEM ASSISTANCE SO SOME MEANS OF COMMUNICATION COULD BE SET UP. THE TEACHERS ARE CONFIDENT, THE PROGRAM WITHIN THE SCHOOLS IS VERY GOOD. THE DEPARTMENT QUESTIONED THE TEACHERS AND GAVE THEM THE OPPORTUNITY TO LEAVE AT EASTER IF THEY FELT THAT THE PROBLEM WAS GOING TO BE TOO MUCH FOR THEM TO OVERCOME AND THE TEACHERS THOUGHT THAT THEY HAD PERFORMED A VERY GOOD FUNCTION IN THE SCHOOL AND THAT THIS UNREST THAT HAD BEEN CREATED IN THE COMMUNITY WOULD PROBABLY PASS OVER AND THE NORMAL FUNCTIONS OF THE SCHOOL COULD BE CARRIED OUT. AND I'M QUITE CONFIDENT THAT THESE FUNCTIONS CAN BE CARRIED OUT. I KNOW THAT INDIAN AFFAIRS HAVE BEEN OUT TALKING TO THE PEOPLE. I KNOW THAT OUR PEOPLE HAVE BEEN OUT. I KNOW THAT THE NATIVE BROTHERHOOD HAS BEEN OUT AND I ALSO KNOW THAT THE NATIVE BROTHERHOOD CONSULTANT HAS BEEN OUT. I ALSO KNOW THAT THE NATIVE BROTHERHOOD ARE VERY CONCERNED ABOUT THE ACTIONS THAT HAVE BEEN TAKEN BY THEIR CONSULTANT. AND I THINK IF WE JUST ABIDE AND GIVE THESE TEACHERS AN OPPORTUNITY AND PROVIDE SOME ASSISTANCE, SOME MEANS OF COMMUNICATION WITH THE COMMUNITY, THAT WE CAN STILL HAVE A VERY PROFITABLE SCHOOL YEAR FOR THE CHILDREN. UNFORTUNATELY IN SITUATIONS LIKE THIS, IT'S ALWAYS THE CHILDREN WHO PAY BY BEING ABSENT FROM SCHOOL AND THEY ARE ALWAYS THE ONES WHO ARE BEING ROBBED.

MR. McKINNON: MR. SPEAKER A SUPPLEMENTARY QUESTION. THE PELLY RIVER COMMUNITY ALSO HAPPENS TO BE IN THE HONOURABLE MEMBER'S CONSTITUENCY. I WONDER MR. SPEAKER, IF SHE HAS BEEN OUT PERSONALLY TO ASSESS THE PROBLEM AND WHETHER SHE WOULD ASSURE THE HOUSE THAT SHE WILL GIVE HER PERSONAL ATTENTION TO WHAT IS, I WOULD SAY, A VERY SERIOUS PROBLEM. AND WHETHER SHE COULD ASSURE THIS HOUSE THAT THE PROBLEM WILL BE RESOLVED AT A VERY EARLY DATE.

MRS. WATSON: MR. SPEAKER, I WOULD BE VERY HAPPY TO GO OUT TO PELLY RIVER AND ON MANY MANY OCCASIONS DURING THIS PERIOD I THOUGHT WELL MAYBE IT WOULD BE BETTER IF I WENT OUT AND SPOKE TO THE PEOPLE. HOWEVER, I DIDN'T SEE IT THAT BECAUSE THE NATIVE BROTHERHOOD WERE OUT THERE, BECAUSE THEIR EDUCATION CONSULTANT WAS OUT THERE AND I THINK THAT THE NATIVE BROTHERHOOD SORT OF GUARD SELFISHLY, GUARD THEIR RIGHT TO SOME OF THESE INDIAN COMMUNITIES, THAT I DIDN'T WANT TO GET IN AS ANOTHER ELEMENT, PARTICULARLY A POLITICAL ELEMENT TO SORT OF CONFUSE THE ISSUE A LITTLE BIT MORE. IT WASN'T BECAUSE I FELT I WANTED

TO SHIRK MY DUTIES AT ALL, THAT I DIDN'T GO. I WOULD BE VERY HAPPY TO GO OUT TO PELLY RIVER AND MEET WITH THE PEOPLE IF I DIDN'T THINK THAT THE NATIVE BROTHERHOOD THOUGHT THAT I WAS DELIBERATELY TRYING TO INTERFERE. AND THIS OF COURSE, I DON'T WANT TO DO. YOU'RE SORT OF SITTING ON A HOT SEAT.

MR. McKINNON: A FURTHER SUPPLEMENTARY. IS THERE ANY INDICATION AT ALL AT WHAT POINT IN TIME THE PROBLEM IS GOING TO BE RESOLVED?

MRS. WATSON: MR. SPEAKER, I THINK THE PROBLEM IS PARTIALLY RESOLVED NOW. I THINK THAT THE ELEMENTS THAT HAVE GONE OUT TO DISTURB THE PEOPLE THERE HAVE HAD, I FEEL QUITE SURE BUT I CAN'T BE POSITIVE ON THIS AND HAS HAD INSTRUCTIONS NOT TO CONTINUE WITH THIS TYPE OF THING. WE HAVE HAD HALF OF THE CHILDREN BACK IN SCHOOL. WE HAD TWELVE BACK THE FIRST DAY, THIRTEEN THE NEXT DAY AND IF PEOPLE STAY OUT OF IT, AND IF THE TEACHERS COULD GET SOMEONE TO GO OUT AND THIS IS WHERE WE WOULD HAVE HOPED THAT THE NATIVE BROTHERHOOD WOULD HAVE PROVIDED SOME ASSISTANCE AND THIS IS WHERE WE WOULD HAVE HOPED OUR NATIVE CONSULTANT SUPERVISOR WOULD HAVE PERFORMED HIS FUNCTION TO SET UP AND START THE COMMUNICATIONS BETWEEN THE COMMUNITY AND THE STAFF AT THE SCHOOL.

MR. CHAMBERLIST: MR. SPEAKER, SUPPLEMENTARY TO THE HONOURABLE MEMBER FOR CARMACKS-KLUANE. DOESN'T THE HONOURABLE MEMBER CONSIDER THAT IT'S HER FUNCTION AS A TERRITORIAL COUNCILLOR REPRESENTING THE PELLY RIVER COMMUNITY THAT SHE SHOULD BE GOING THERE AND DISCUSSING THE PROBLEMS WITH HER CONSTITUENTS.

MRS. WATSON: MR. SPEAKER, I CERTAINLY DO. BUT I JUST FELT THAT MAYBE SOME OTHER FACTOR SHOULDN'T BE CONFUSING THE ISSUE ANY MORE AND I DIDN'T KNOW WHETHER IT WOULD BE FAIR TO THE PEOPLE OF PELLY RIVER OR NOT. AND I WOULD BE VERY HAPPY TO GO. IF I HAD ANY INDICATION FROM THE PEOPLE AT PELLY RIVER THAT THEY WOULD WANT TO COME TO A MEETING. AT ONE TIME WE EVEN HAD INSTRUCTION FROM THE PELLY RIVER BAND THAT THEY DIDN'T WANT ANYONE TO COME OUT. THEY WOULDN'T ATTEND A MEETING. AND THIS WAS A WRITTEN INSTRUCTION. THEREFORE, I JUST THOUGHT WELL I'LL JUST WAIT AWHILE AND IF I HAVE ANY INDICATION FROM THE PEOPLE THERE, I WOULD BE MOST HAPPY TO GO OUT.

MR. CHAMBERLIST: MR. SPEAKER, IS THE HONOURABLE MEMBER INDICATING THAT HER CONSTITUENTS IN THE PELLY RIVER DON'T WANT HER TO BE THERE AT ALL?

Mrs. Watson: No, Mr. Speaker, I'm not indicating that at all. And the Honourable Member knows full well, they didn't want anyone to come out to talk about the school problem.

Mr. Chamberlist: A further supplementary Mr. Speaker, wouldn't the Honourable Member from Carmacks-Kluane now recognize that the need for a Professional Teachers Ordinance would be the proper type of legislation so that a teacher can be disciplined if there is any proof of professional teacher misconduct.

Mrs. Watson: Mr. Speaker, this has nothing to do with this issue whatsoever.

Mr. Chamberlist: Well the suggestion, with respect Mr. Speaker, is that there has been accusations made by the people in the Pelly area that there has been misconduct on the part of teachers. I am simply putting to the Honourable Member from Carmacks-Kluane that there is a possibility that if there was a Professional Teachers' Ordinance, the teachers themselves can investigate the matter and discipline the member if it was found to be true. In this particular area, this is where there is an association of thought in that thing. Does the Honourable Member agree with that point?

Mrs. Watson: Mr. Speaker, does the Honourable Member imply that the YTA should be investigating accusations such as this or should the employer, the people who are responsible for the staff, should they be investigated?

Mr. Chamberlist: Is this a question to me Mr. Speaker? The way I would answer that question is this way, I'm not talking about the YTA....

Mrs. Watson: Mr. Speaker, we are not entering into a debate. This is a question period. A point of order.

Mr. Chamberlist: I was asked to answer a question Mr. Speaker. You gave me authority to answer the question.

Mrs. Watson: Mr. Speaker, I withdraw the question.

Mr. Chamberlist: (Laughter)

Mr. Speaker: Are there any further questions?

QUESTION RE: MR. FLEMING

Mr. Chamberlist: Yes, Mr. Speaker. My question Mr. Speaker, is to Mr. Administrator. Mr. Administrator yesterday when I asked you questions relating to the employment of Mr. Fleming, I asked whether he was in fact being offered employment at about 50% of his salary. You said no. Mr. Administrator are you familiar with a letter dated February the 8th of 1974 signed by the Commissioner, offering Mr. Fleming employment at \$718 bi-weekly which would work out to about \$18,000 a year when his pay is in the region of \$32,000 a year.

Subsequently confirming that offer on a letter of February the 20th?

Mr. Administrator: Mr. Speaker, I was aware that there were being offers made to Mr. Fleming and I myself, was involved in discussions with Mr. Fleming about the possibility of taking a contract. The amount of money involved was not 50% of his former salary as I indicated. Indeed, the amount of money was not based on his former salary at all.

Mr. Chamberlist: Mr. Speaker, when I said about 50%, I wasn't going to the dollar Mr. Speaker. The indication was that there was no offer of approximately 50% of his former salary. The answer to the question was no, Mr. Speaker, it is not correct. Mr. Speaker I would suggest that Mr. Administrator again misled this House.

Mr. Speaker: Councillor Taylor

QUESTION RE: CAMPGROUND FEE

Mr. Speaker: Mr. Speaker my question this morning to Mr. Administrator relates to the potential danger to the forests of the Yukon Territory as a result of the imposition of the campground fee. I would like to ask Mr. Administrator this morning, Mr. Speaker, if in the interests of forest protection, this coming season during critical fire periods, for instance, in the month of June or in any particular prolonged dry spell if the Administration would consider dropping the campground fee during these periods, in order that we encourage all fires and all people possible to get into those campgrounds with their fires.

Mr. Administrator: Mr. Speaker, we are very

MUCH AWARE OF THE HAZARD OF PEOPLE CAMPING IN THE BUSH AS A RESULT OF THE CAMPGROUND FEE. WE WERE PARTICULARLY INTERESTED IN SEEING WHAT THE EFFECTS OF THE CAMPGROUND FEE WOULD BE IN THIS REGARD. I HAVE SEEN NO EVIDENCE THAT THE CAMPGROUND FEE IS FORCING PEOPLE TO CAMP IN THE BUSH, THEREBY CREATING A FIRE HAZARD. IT IS CERTAINLY A FACTOR IN THE CAMPGROUND FEE SITUATION AND WE ARE VERY MUCH AWARE OF IT AND WE ARE VERY CONSCIOUS OF IT. I THINK AT THIS PARTICULAR POINT, MR. SPEAKER, I COULDN'T GIVE A COMMITMENT THAT WE WOULD IN FACT DROP THE CAMPGROUND FEE FOR THAT REASON ALONE.

QUESTION RE: TERRITORIAL GOVERNMENT PROJECTS THAT HAVE BEEN TENDERED

MR. TAYLOR: MR. SPEAKER I HAVE ANOTHER QUESTION I WOULD LIKE TO DIRECT TO MR. ADMINISTRATOR THIS MORNING THAT HAS RELATION TO SOME TERRITORIAL PROJECTS WHICH HAVE BEEN TENDERED TENDERS HAVE BEEN RECEIVED AND THE GOVERNMENT RATHER THAN AWARDED A CONTRACT, HAVE DECIDED TO DO THE PROJECTS ON A DAY LABOR BASIS. I WOULD ASK MR. ADMINISTRATOR IF HE DOES NOT FEEL THAT THIS IS SOMEWHAT OF AN INFRINGEMENT ON FREE ENTERPRISE AND SMALL BUSINESSES AND CONTRACTORS AND INDEED WORKS A HARDSHIP EVEN ON THE SUBTRADES THAT ARE INVOLVED IN THESE PROJECTS.

I AM WONDERING HOW THE ADMINISTRATION CAN JUSTIFY A SAVING TO THE TAXPAYER INASMUCH AS A LOT OF THESE HIDDEN COSTS ARE NOT READILY EXPOSED IN TERMS OF GOVERNMENT PARTICIPATION IN THESE AFFAIRS.

I WONDER IF MR. ADMINISTRATOR COULD ENLIGHTEN US A LITTLE BIT ON THIS SUBJECT.

MR. ADMINISTRATOR: YES, MR. SPEAKER, QUITE FRANKLY THE GOVERNMENT IS IN A DILEMMA IN THIS PARTICULAR SITUATION. WE ARE VERY CONSCIOUS OF THE WORK INVOLVED IN PREPARING BIDS ON GOVERNMENT PROJECTS AND WE ARE VERY MUCH CONCERNED ABOUT HAVING TO CANCEL IT, FOR A CONTRACT AT THE SAME TIME. SOME OF THESE BIDS ARE COMING IN SO HIGH AND THE AMOUNTS OF MONEY ARE SO MUCH MORE THAN WHAT IS AVAILABLE TO US THAT WE SIMPLY HAVE NO ALTERNATIVE MR. SPEAKER, EXCEPT TO PROCEED BY DAY LABOR IF IN FACT WE CAN CARRY OUT THE WORK MORE ECONOMICALLY THAT WAY.

MR. TAYLOR: A SUPPLEMENTARY, CAN THE ADMINISTRATION SHOW THAT INDEED THESE BIDS ARE TOO HIGH, EVEN THE LOW TENDERS, THAT THEY ARE TOO

HIGH, THAT THE ADMINISTRATION CAN SHOW SOME REASONABLE CAUSE WHY THEY FEEL THEY CAN PRODUCE THE PROJECT AND STILL RESULT IN THE SAVING TO THE TAXPAYERS?

MR. ADMINISTRATOR: NO, MR. SPEAKER, AT LEAST IN THE INSTANCES OF WHICH I AM FAMILIAR, THERE IS CLEAR EVIDENCE THAT IT CANNOT BE DONE WITHIN THE AMOUNT OF MONEY THAT IS ESTIMATED BY THE TERRITORIAL DEPARTMENT OF PUBLIC WORKS AND THE AMOUNT OF MONEY THAT WE HAVE PUT IN THE ESTIMATES. BY THAT I MEAN, SUBSTANTIALLY DIFFERENT. WE ARE NOT TALKING HERE ABOUT A MARGINAL DIFFERENCE, WE ARE TALKING ABOUT A SUBSTANTIAL DIFFERENCE. IN THESE CASES, IF BY DAY LABOR WE CAN DO THE WORK REASONABLY CLOSE TO THE AMOUNT OF MONEY AVAILABLE, THEN WE FEEL WE HAVE NO ALTERNATIVE.

QUESTION RE: RESIGNATION OF TEACHERS

MR. CHAMBERLIST: MR. SPEAKER, I HAVE A QUESTION FOR THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION. CAN THE HONOURABLE MEMBER INDICATE AT THIS TIME, HOW MANY TEACHERS ARE CONTEMPLATING OR HAVE INDICATED TO THE DEPARTMENT THEIR RESIGNATIONS IN THE COMING YEAR? HOW MANY TEACHERS THAT SHE MIGHT KNOW OF THAT ARE LOOKING FOR JOBS ELSEWHERE AS A RESULT OF THE DISSATISFACTION IN THE MANNER IN WHICH SHE HAS OPERATED THE DEPARTMENT?

MRS. WATSON: MR. SPEAKER I WILL ANSWER THE QUESTION, BUT I WILL MAKE A POINT OF ORDER ON THE LAST PHRASE OF THE QUESTION, THE DISSATISFACTION I'VE HEARD. THERE IS NO DISSATISFACTION WITHIN THE TEACHING STAFF. WE HAVE HAD TWENTY RESIGNATIONS. THE RESIGNATIONS ALL INDICATED THE REASON FOR RESIGNATION AND NONE OF THE RESIGNATIONS THAT I AM AWARE OF, WERE BASED ON THE FACT THAT THEY DID NOT LIKE THE WORKING CONDITIONS OR THE ADMINISTRATION IN THE YUKON TERRITORY. MOST OF THEM WERE FOR PROMOTIONS, PREVIOUS DECISIONS TO MAKE MOVES MUCH LONGER BEFORE THE SCHOOLS ORDINANCE WAS EVER MADE PUBLIC. SO THAT IS NOT TOO BAD, TWENTY OUT OF 256.

MR. CHAMBERLIST: I TAKE IT MR. SPEAKER, THAT THE HONOURABLE MEMBER WILL INDICATE THIS IS WHAT SHE HAS SO FAR. IS SHE CONTEMPLATING ANY FURTHER RESIGNATIONS?

MRS. WATSON: MR. SPEAKER, I CAN'T PREDICT, THE DEADLINE IS AT THE END OF THE MONTH. I CAN BRING THE INFORMATION FORWARD AFTER THE DEADLINE.

Mr. Stutter: A supplementary Mr. Speaker, I wonder if the Minister of Education could tell us just how many applications have been put in for vacant jobs in teaching staff in the Territory?

Mrs. Watson: Yes, Mr. Speaker, we don't recruit or advertise that much any more. We don't advertise east of the western provinces and from the western provinces alone, we had more than 700 applications. Our recruiting team was out in Alberta and Saskatchewan. They interviewed, this was after the screening process that took place here within the Department, they interviewed 100 applicants. When Mr. Holden was in a conference in Victoria, he interviewed 30 applicants.

Mr. Taylor: A supplementary to the last question Mr. Speaker. In view of the fact that very recently, it has come to my attention, at least that the Government of the Yukon Territory has been blacklisted on teachers coming to the Yukon. What effect would this have on teacher recruitment in the opinion of the Executive Committee in charge of Education?

Mrs. Watson: Mr. Speaker, I don't see where this is going to affect our teacher recruitment to that great a degree. This is being done quite often by the BCTF. The pink letter is sent out and it doesn't seem to make that much difference. We must remember that we have a salary schedule which is one of the highest in Canada. This in itself, I am sure will entice quite a few people here. We have extremely good working conditions. We have good schools and we have supplies and teaching aids that are required.

I don't anticipate any problem whatsoever.

Mr. Chamberlist: Is the Honourable Member making, Mr. Speaker, making application for one of those teacher's jobs?

Mrs. Watson: I would like to

Mr. McKinnon: Coming from Manitoba Mr. Speaker, I assure the Honourable Member that it is the Yukon and not the Honourable Member that is attracting them.

QUESTION RE: YUKON WATER BOARD AND NCPC PLANS ON LEWIS RIVER DAM

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Administrator whether the Territorial Government has received the copy of plans from either the Yukon Water Board or the NCPC of their proposed plans to rebuild the Lewis River Dam?

Mr. Administrator: Not to my knowledge Mr. Speaker.

Mr. McKinnon: A supplementary question Mr. Speaker. I have it on extremely reliable authority Mr. Speaker, the reason the NCPC withdrew their application to the Yukon Water Board to raise the level of Marsh Lake, is that the design of the new Lewis River Dam will accomplish this without having to seek the permission of the Water Board to do so.

Mr. Speaker, this is a serious allegation and it is not frivolously made. I wonder if Mr. Administrator could assure Council that he will obtain the design plan plus a statement from NCPC on what the result of the new dam will be for the water level of Marsh Lake.

Mr. Administrator: Mr. Speaker, I would be glad to take that question as notice.

QUESTION RE: THE PROLIFERATION OF GOVERNMENT EMPLOYEES

Mr. Taylor: Mr. Speaker I have one further question relating to the proliferation of Government employees within the Territory. I would like to ask Mr. Administrator this morning if he could advise me, if any of the new positions contained in Bill No. 3, the Budget, could be filled by the private enterprise section of the Yukon. In other words are we hiring employees into the Territorial Civil Service when we could be indeed getting this service supplied by private enterprise?

Mr. Administrator: Mr. Speaker, this is a problem that we have been constantly faced with in determining whether or not to ask for positions in our Estimates. It applies most particularly, in relation to term programs or term projects. I think that our normal practice is to withhold any requests for positions as such, which become an ongoing part of the establishment of the public service. If there is any possibility of doing work by contract in allowing private enterprise to do the work,

Mr. Taylor: A supplementary Mr. Speaker, it has come to my attention also, there are many inter-departmental, federal/territorial committees. That is something else that is proliferating. I am wondering, that these different units, shall we say, are providing units to each other again to the exclusion of the citizen of the Yukon or the small businessman in the Yukon. I am wondering if the Administration would take under advisement, the possibility of reviewing this particular situation and taking a look at Government and seeing where indeed, we can start cutting down on this proliferation of Government. This Government is expanding at a terrible rate and the population is not in proportion to that expansion. I am wondering if Mr. Administrator would agree to that.

Mr. Administrator: Mr. Speaker, this is an ongoing review every year, when we look at our manpower establishment so that I think it is quite safe to say that the kind of comprehensive examination that is being requested is in fact being carried out on a continuing basis.

I think that to deal with the specifics of the matter Mr. Speaker, I would like to suggest that perhaps the Honourable Member would bring to our attention specific instances where he knows that private enterprise has been precluded from doing work for the Government because the Government is in fact hiring staff or dealing with the matter by means of inter-departmental committees.

Mr. Taylor: I would be more than pleased to delineate for the Executive Committee Member some areas in which I think that this is being abused.

QUESTION RE: SOUNDPROOFING OF CHIEF EXECUTIVE OFFICES

Mr. McKinnon: Mr. Speaker I was extremely interested in the answer to Legislative Return #37 on the soundproofing of the Commissioner's office. One of the parts of the answers states that the practice of incorporating soundproofing in Chief Executive Offices and Board Rooms in all Government and private industry is a recognized procedure to ensure some measure of privacy and security. I wonder if I could ask Mr. Administrator, where he got his information that all private industry offices are also being soundproofed because I am involved in quite a few companies in the Yukon and I see

no rush in any way, shape or form to soundproof those offices.

Mr. Administrator: Mr. Speaker, I can't say just at the moment with regard to private enterprise. Our information about Government came from the R.C.M.P. and Indian Affairs and Northern Development.

Mr. McKinnon: Would he be prepared to concede Mr. Speaker that all private industry executive offices are not being soundproofed at this time?

Mr. Administrator: Yes, Mr. Speaker I would be prepared to concede that.

QUESTION RE: COMMISSIONER'S FRENCH LESSONS

Mr. Taylor: I have just one final question Mr. Speaker of Mr. Administrator this morning. I would like to ask him if he could tell Council today, as to how the Commissioner is coming along with his French lessons and when he may return to his duties as Commissioner of the Territory.

Mr. McKinnon: Totally bilingual.

Mr. Administrator: Well Mr. Speaker, he will be returning to his duties a week from this coming weekend. I don't know how well he is getting along in French. I may be talking to him in the next day or two in which I would be glad to ask him. If the Commissioner wishes to engage in conversation in French I would be glad to do so.

Mr. Speaker: Are there any further questions? We wish to thank Mr. Administrator for his attendance. As there are no private bills in order, we come to public bills in order.

BILL NO. 3: THIRD READING

Mrs. Watson: Mr. Speaker, I would move seconded by Councillor Tanner that Bill No. 3 intitled First Appropriation Ordinance 1974-75 be given third reading.

It has been moved by the Honourable Member for Carmacks-Kluane, seconded by the Honourable Member for Whitehorse North that Bill No. 3 intitled First Appropriation Ordinance 1974-75 be given third reading.

Mr. Taylor: I would like to say a few words on third reading of this Bill. First of all I would like to say that this Bill, Bill No. 3,

THE MAIN ESTIMATES REPRESENTS A TOTAL DEPARTURE FROM THE LEGISLATIVE RIGHTS TO FULLY CONSIDER ANY QUESTION IN RELATION TO IT. A MEASURE OF CLOSURE WAS EXERCISED IN COMMITTEE DURING DISCUSSION ON THIS SUBJECT, WHICH VIRTUALLY ISOLATED IN THE SECOND REVIEW OF THE BUDGET TWO IMPORTANT DEPARTMENTS. MEMBERS, WISHING TO QUESTION THE ADMINISTRATION IN RESPECT TO THESE, WERE NOT GIVEN THE OPPORTUNITY TO DO SO. THIS IS IN DEFERENCE TO

Mr. SPEAKER.

I DON'T KNOW WHETHER THE MOVE FOR CLOSURE CAN BE TERMED AS IRRESPONSIBLE ARROGANCE OR INCREDIBLE STUPIDITY. I AM JUST NOT TOO SURE WHICH, IF EITHER.

ALSO, THE CONTINUED GROWTH OF THE PUBLIC SERVICE DOES NOT RELATE TO THE GROWTH OF THE POPULATION OF THE TERRITORY. THIS BUDGET, BILL NO. 3, IN MY OPINION AND THOSE I REPRESENT Mr. SPEAKER, PLACES TOO HEAVY A BURDEN AND OFFERS NO RELIEF TO THE YUKON TAXPAYER.

THE BUDGET, BILL NO. 3 IN NO WAY REFLECTS ANY ATTEMPT TO CURTAIL OR MODIFY THE SPIRALLING INFLATIONARY TREND UNDER WHICH THE PEOPLE OF THE YUKON LIVE TODAY.

ALREADY, PEOPLE ARE ALMOST PRICED OUT OF EXISTENCE, TAXED OUT OF EXISTENCE AND LIVE UNDER EXTREMELY DIFFICULT CONDITIONS. IF YOU ARE NOT A CIVIL SERVANT, YOU ARE IN TROUGH, TOUGH, TOUGH TROUBLE IN THIS TERRITORY.

WHILE PROVIDING FOR THE GENERAL WELL-BEING OF THE PUBLIC SERVICE Mr. SPEAKER, AS I HAVE STATED, THE BUDGET DOES LITTLE TO AID THE NON-GOVERNMENT EMPLOYEE IN THIS TERRITORY. IT DOES CERTAINLY LITTLE TO EASE THE TAX BURDEN THAT FALLS UPON HIM.

THE BUDGET DOES NOT PROVIDE FOR ANY LONG TERM LOW COST, LOW INTEREST LOANS FOR PEOPLE TO BUILD HOUSES OF THEIR CHOICE THROUGHOUT THE TERRITORY, NOTWITHSTANDING THAT FUNDS COULD BE FOUND TO THE HOUSING CORPORATION. THE GOVERNMENT IN THIS BUDGET HAS SAID, "WE ARE GOING TO BUILD HOUSES, SOME FOR OUR CIVIL SERVANTS, SOME FOR THIS PERSON AND SOME FOR THAT PERSON, AND IF YOU CAN AFFORD A HOUSE, WE WILL LET YOU LIVE IN ONE OF OUR HOUSES. A HOUSE OF OUR DESIGN, ON THE LOCATION OF OUR CHOOSING."

THIS IS NOT ENOUGH. DEFINITELY NOT ENOUGH. ESPECIALLY FOR THE YOUNG PEOPLE WHO COME TO THE TERRITORY TO TRY AND MAKE A HOME AND ESTABLISH THEMSELVES IN LIFE AS RESIDENTS OF THIS TERRITORY.

THE BUDGET DOES NOT REFLECT ANY CONSIDERATION OF THE REAL PROBLEMS, PEOPLE PROBLEMS, IN THE HINTERLAND. HERE AGAIN, DURING BUDGET DISCUSSIONS AND OTHER DISCUSSION IN THIS HOUSE, ATTEMPTS HAVE BEEN MADE TO DEAL WITH THESE. THEY HAVE BEEN MET, AGAIN, WITH THE SAME ARROGANCE OR STUPIDITY THAT I REFERRED TO EARLIER. WE HAVE MUNICIPALITIES, I CITE IN PARTICULAR THE MUNICIPALITY OF FARO WHO IS RECEIVING A DEFICIT GRANT BASED ON A POPULATION OF APPROXIMATELY 860 PEOPLE ATTEMPTING TO PROVIDE A MEASURE AND LEVEL OF SERVICES TO A MUNICIPALITY CONTAINING SOME 1200 PEOPLE. THERE IS NO AID FOR THIS MUNICIPALITY OR THE MUNICIPALITY OF DAWSON OR THE MUNICIPALITY OF WHITEHORSE. NO CONSIDERATION IS BEING GIVEN TO THESE PEOPLE AND CERTAINLY NOT IN THIS BILL, BILL NO. 3.

THE BUDGET NEGLECTS MANY OF THE OUTLYING COMMUNITIES THROUGHOUT THE TERRITORY. THERE HAVE BEEN CRYING NEEDS IN THESE COMMUNITIES FOR YEARS AND YEARS AND YEARS AND STILL NOTHING IS DONE. I CITE FOR EXAMPLE, THE NEEDS OF CARMACKS AND TESLIN AS WE RAISED, DURING BUDGET DISCUSSION, FOR THE FACILITIES OF A TERRITORIAL AGENT. THIS HAS BEEN IGNORED. STREETS HAVEN'T BEEN BUILT. THERE IS NO DELINEATION OF BUDGETS FOR THE INDIVIDUAL SMALLER COMMUNITIES SO THAT THE PEOPLE MIGHT KNOW WHAT MONIES HAVE BEEN PROVIDED FOR THEM AND THEN ALL WOULD BE ABLE TO ASSESS WHETHER THE WORK WAS DONE OR NOT. THE GOVERNMENT IN THIS RESPECT HAS GONE UNDERGROUND.

AS FAR AS I AM CONCERNED THEY HAVE LOST TOUCH WITH THE PEOPLE THEY SERVE AS A PUBLIC SERVICE. SO FOR THESE AND MANY OTHER REASONS, Mr. SPEAKER, SOME OF WHICH I HAVE DELINEATED DURING DISCUSSIONS OF THIS BUDGET. I COULD NOT IN CONSCIENCE VOTE FOR THIS BILL AND INDEED, I SHALL NOT.

Mr. CHAMBERLIST: Mr. SPEAKER, AHEAD OF TIME, IT'S GOT TO BE MADE QUITE CLEAR THAT I AM NOT GOING TO SUPPORT THE BUDGET. BUT I THINK I HAVE TO REALLY STATE THE REASONS WHY I HAVE NO INTENTION OF SUPPORTING IT.

THE KEY REASON IS THAT THE MANNER IN WHICH THE TWO EXECUTIVE COMMITTEE MEMBERS IN PARTICULAR AND SUPPORTED BY TWO MEMBERS, ONE WHO HAD A DOUBT IN HIS MIND AND WASN'T PREPARED. THE HONOURABLE MEMBER FROM DAWSON, WHO WASN'T PREPARED TO GIVE THE PEOPLE OF THE YUKON TERRITORY THE BENEFIT OF THAT DOUBT THAT HE HAD IN HIS MIND IN VARIOUS MATTERS. THE OTHER MEMBER FROM MAYO WHO HAS TAKEN THE CONTINUOUS ATTITUDE THAT WHAT THE EXECUTIVE COMMITTEE MEMBERS SAY WILL BE SATISFACTORY TO HIM WITHOUT QUESTION AT ALL.

Now, I know when I was a Member of the Executive Committee the Honourable Member from Mayo used his thinking power and prerogative to oppose the Executive Committee Members when there was reason to oppose them. Today, he's in the bag and it's somewhat regrettable that the people of Mayo have lost now completely, ample representation on this Council. He could have shown quite clearly, Mr. Speaker, that there was indeed, in his mind, the need to speak in a representative manner for the people of his constituency. This he failed to do.

I believe this is the first time I have spoken in open criticism of him.

When the Honourable Members for Carmacks-Kluane and Whitehorse North, by motion, moved that two of the votes, 4 and 5, be passed through the Committee of the Whole, using the actual words 'without any further questions'. To me that was the most innocuous piece of wording used in any motion that I have heard brought before this Council and any Council that I have sat on in my years in the Territory.

Under the Health and Welfare Establishment, I had worked long and hard to make provision so that additional services, such as chiropractic treatment, assistance in drugs, teeth care and optometry could be brought into effect. I was denied the opportunity to ask questions relating to that vote to find the additional funds that I know are there and can be used for that purpose.

The Honourable Member for Carmacks-Kluane, and indeed, the Honourable Member for Whitehorse West, related to a prior situation where Council sat on an evening session to complete the Budget. But at the session where all the Members had an opportunity to be there and ask questions that they didn't turn up because they had other areas that they felt were more important. But they had the opportunity to be there.

Now, there was no closure as far as the similar type of closure that was instituted when this matter went to Committee because there was no time that any motion was passed that a vote be passed without any further questions. This is the distinction that I make. Mr. Speaker, notwithstanding whether Members agree or disagree with my interpretation at that time of what took place, there can be no doubt, Mr. Speaker, that what took place yesterday was a blotch on the legislative procedure that has always been adopted in this House.

The Honourable Member from Watson Lake, as Chairman of Committee, was absolutely correct when he declared quite clearly and specifically that the procedure that has been adopted at all times is a first review and then a final review, in any event, as long as any Bill is still in Committee and any matter pertaining to the Bill is still in Committee, at no time should there be and it hasn't been in the past, any closure of questions.

As it already has been suggested that there has been either an area of gross arrogance, an arrogance of which I was accused of often enough and abject stupidity, that's something that I was never accused of but it's applicable in this instance to the Honourable Members that sit as elected members of the Executive Committee. There was always the opportunity given, Mr. Speaker, for Members of this Council to thoroughly investigate all aspects of the Budget requirements.

Now, I hear laughter coming but I must remind Mr. Speaker that while I was on the Executive Committee I did act as watchdog for this Territorial Council and not as a squeaking Chihuahua or a panting puppy dog. I want Members to remember that, Mr. Speaker, I say this. This Budget, of course, will go through I have no doubt that Mr. Speaker, the Honourable Member from Mayo will get into the position of having the casting vote again and I can only appeal to him once more to remember that his function is much more important in the position he is in of being just a Speaker to cast the split vote. He must consider that the people of Mayo are watching him at this time. Are watching him very closely and listening to him to see whether he has the guts to do what is right for the people of the Yukon. Thank you, Mr. Speaker.

Mr. Tanner: Mr. Speaker, the Budget you have before you, which I hope will be passed very shortly, is a reasonable Budget. Other than a small increase in fees, there is no increase in taxes. There is approximately \$900,000 being taken out of the working capital to support the Budget and I would remind all Members, Mr. Speaker, that this Budget was put together by three Members of this Council.

When Members stand up and say there is no input by the people, three elected members of this Council had some input of this Budget. They made the decisions. The decisions you see in front of you and I think all Members should for

ONCE IN THEIR LIVES, PARTICULARLY THOSE WHO HAVE SPOKEN IN OPPOSITION TO THE BUDGET, ACCEPT THE RESPONSIBILITY THAT THE HONOURABLE MEMBER FROM WHITEHORSE WEST WAS TALKING ABOUT THIS MORNING AND VOTE FOR THE BUDGET AND BRING THE PROGRAMS IN SO THAT THE PEOPLE IN ALL AREAS OF THE YUKON CAN BENEFIT.

MR. SPEAKER, THERE WAS SOME CRITICISM AND I'VE GOT TO ADMIT, IN SOME WAYS JUSTIFIED. PREVIOUSLY WHEN WE CAME TO THE SUPPLEMENTARY AS TO THE FACT THAT SOME HONOURABLE MEMBERS, PARTICULARLY THE MEMBER FROM WHITEHORSE WEST, WASN'T INFORMED OF THE CIRCUMSTANCE OF THE PROJECT CAPITAL BEING MADE AVAILABLE TO THE CITY OF WHITEHORSE. I PERSONALLY THEN, AND I REPEAT IT NOW, I APOLOGIZE. I THINK HE MADE A GOOD POINT AND I THINK IF IT OCCURS AGAIN DURING NEXT COUNCIL, THE MEMBERS OF THE EXECUTIVE COMMITTEE THEN SHOULD, WHEREVER POSSIBLE, KEEP THOSE MEMBERS WHO ARE INVOLVED, INFORMED. HOWEVER, THIS MORNING THE HONOURABLE MEMBER FROM WATSON LAKE SAID THERE WAS NOTHING IN THIS BUDGET FOR THE COMMUNITIES.

THE EXECUTIVE COMMITTEE WHICH WAS THEN COMPOSED OF MY PREDECESSOR, WHILE HE SAYS HE DIDN'T VOTE THE MONEY, HE CERTAINLY VOTED FOR THE OBJECTIVE THAT THE MONEY WAS GOING TO BE SPENT FOR, PUT COMMUNITY PLANS INTO INVESTIGATIONS SO THAT THE MONEY THAT IS BEING SPENT IN THIS BUDGET COULD BE SPENT ON AN INTELLIGENT, PLANNED BASIS. WHEN THE HONOURABLE MEMBER FROM WATSON LAKE SAYS THERE IS NO MONEY IN THIS BUDGET FOR THE OUTLYING COMMUNITIES, I SAY, "YOU ARE WRONG, SIR." THERE IS MONEY IN THIS BUDGET AND THE COMMUNITY PLANS WHICH HAVE NOW BEEN DEVELOPED ARE AVAILABLE. THERE WILL BE MORE MONEY ON AN ONGOING BASIS FOR THE FOLLOWING YEARS.

MR. SPEAKER, I WOULD URGE ALL MEMBERS FOR ONCE IN THEIR LIVES TO SHOW A LITTLE RESPONSIBILITY AND VOTE FOR WHAT I THINK IS A VERY GOOD BUDGET.

MRS. WATSON: MR. SPEAKER, THIS IS A MOMENTOUS BUDGET AND IT WILL GO DOWN IN HISTORY FOR THE SIMPLE REASON THAT NEVER BEFORE, CONTRARY TO THE ACCUSATIONS OF CLOSURE THAT HAVE BEEN MADE CONSTANTLY FOR THE PAST WEEK. NEVER BEFORE IN ALL THE HISTORY OF COUNCIL WHERE I HAVE BEEN ABLE TO RESEARCH AND I HAVE GONE BACK AS FAR AS I CAN, HAD ANY BUDGET EVER HAD THE THOROUGH REVIEW THAT THIS BUDGET HAD. IT WAS PULLED APART, TAKEN INSIDE OUT AND TRIED TO BE PUT BACK TOGETHER IN A DIFFERENT WAY. IT'S BEEN A STRUGGLE TO GET IT PUT BACK TOGETHER INTO THE TYPE OF BUDGET THAT

WE BROUGHT INTO THIS HOUSE BUT I DON'T THINK ANY MEMBER CAN HONESTLY SIT HERE AND SAY THEY WERE NOT GIVEN AN OPPORTUNITY TO INVESTIGATE AND GO INTO ALL DETAILS.

I'M SURPRISED. WE WENT THROUGH THE WELFARE BUDGET WHEN THE HONOURABLE MEMBER WAS ABSENT FROM HOUSE. AT THAT TIME ANY OF THE MEMBERS WOULD HAVE HAD THE OPPORTUNITY TO ASK ANY QUESTIONS THEY WANTED TO. THE HONOURABLE MEMBER WHO WAS ABSENT COULD HAVE LEFT QUESTIONS TO BE DEALT WITH. HOWEVER, I'M RATHER SURPRISED THAT THE HONOURABLE MEMBER WOULD EVEN WANT TO QUESTION THAT BUDGET BECAUSE WE MUST REMEMBER THAT HE HELPED PREPARE IT IN THE FIRST PLACE.

MR. CHAIRMAN, I WAS SOMEWHAT CONCERNED BY THE POLITICAL MANOEUVERS THAT HAVE GONE ON DURING THE DISCUSSION OF THE BUDGET IN ORDER TO GET FUNDING FOR TV INSTALLATIONS IN SOME OF THE SMALLER COMMUNITIES IN THE YUKON. AS I HAVE SAID BEFORE, I AM CONCERNED. THIS IS A SERVICE I WOULD LIKE TO HAVE THESE COMMUNITIES HAVE. HOWEVER, I DO NOT FEEL THE TERRITORIAL FUNDS SHOULD BE USED FOR THIS SERVICE AND YESTERDAY THE MOTION THAT WAS PUT FORWARD TO TAKE \$100,000 FROM PROJECT CAPITAL FOR GROUND IMPROVEMENTS TO PAY FOR INSTALLATION OF TV STATIONS WAS A VERY IRRESPONSIBLE PROMOTION.

THE MEMBERS KNOW FULL WELL THAT WE WOULD NEVER HAVE HAD PROJECT CAPITAL APPROVED FOR TV STATIONS WHEN THEY KNOW THAT THIS IS A RESPONSIBILITY OF A FEDERAL DEPARTMENT. WHAT THEY WOULD HAVE DONE, THEY WOULD HAVE DELETED \$100,000 FROM PROJECT CAPITAL AND THEY WOULD HAVE DENIED OUR CHILDREN ASPHALT SURFACING AND SOME OF THEIR PLAYGROUNDS. THEY WOULD HAVE DENIED OUR CHILDREN LANDSCAPING AND GRASSED AREAS ON WHICH TO PLAY. THEY WERE PREPARED TO DO THIS JUST TO PLAY POLITICS WITH THE TAXPAYERS MONEY.

I WOULD ALSO LIKE TO REFER TO THE PART OF THE BUDGET THAT I THINK IS VERY GOOD AND THE POLICY THAT THE GOVERNMENT HAS BEEN FOLLOWING OVER THE PAST TWO OR THREE YEARS AND THAT IS TO TRY AND DEVELOP ALL COMMUNITIES IN THE YUKON. THE FIRST STEP THAT HAS TO BE TAKEN IS TO HAVE LOCAL GOVERNMENT GO TO ALL THE COMMUNITIES IN THE YUKON AND I'M VERY PROUD TO LOOK AT OUR BUDGET. THIS YEAR WE HAVE TO BUDGET FOR TWO EXTRA COMMUNITIES WHO HAVE ESTABLISHED L.I.D.'S, A FORM OF LOCAL SELF-GOVERNMENT. OTHER COMMUNITIES ARE GIVEN THE OPPORTUNITY BUT IT HAS TO BE A DECISION OF THE COMMUNITY ITSELF.

I'M ALSO VERY HAPPY TO SEE THAT THERE IS CONSIDERABLE FUNDING FOR THESE L.I.D. COMMUNITIES TO PROVIDE MUNICIPAL SERVICES. SOMETHING THAT THEY HAVE NEVER HAD BEFORE. TESLIN NEVER HAS HAD THE FUNDING THAT THEY HAVE NOW FOR MUNICIPAL SERVICES. WHEN WE ARE LOOKING AT A BUDGET OF \$30,000 OR \$40,000, IN THE PAST THE BEST THEY COULD DO WAS ROAD WORK AND TO PAY THE FEW STREET LIGHTS THAT THEY HAVE WHICH PROBABLY DIDN'T EVEN TOTAL \$10,000.

SO I'M VERY PROUD OF THAT ACCOMPLISHMENT. I'M VERY PROUD OF THE FACT THAT WE HAVE DONE SOME WORK ON THE CAPITAL IMPROVEMENT PROGRAM AND THIS IS ONE OF THE REASONS WHY THERE WASN'T MORE ASSISTANCE PROVIDED FOR MUNICIPALITIES. IT'S VERY IMPORTANT. I THINK THIS PROGRAM AND THE COUNCIL BE MADE FAMILIAR WITH ALL OF THE DETAILS OF IT. WE HAVE BEEN WORKING VERY HARD TO GET THE FUNDING FOR THIS. SO THAT MUNICIPALITIES AND SMALL COMMUNITIES CAN GET ASSISTANCE FOR CAPITAL WORKS PROJECTS, SUCH AS SEWER AND WATER, RECREATIONAL FACILITIES, BLACKTOP, SIDEWALKS AND SO ON.

I THINK THIS BUDGET INDICATES GOOD MANAGEMENT AND I WOULD LIKE TO POINT OUT THAT IT IS A BUDGET THAT IS PRESENTED BEFORE AN ELECTION YEAR. CONTRARY TO WHAT SEEMS TO BE THE MODERN PHILOSOPHY OF ALL POLITICIANS EMBARK UPON A GIVE-AWAY PROGRAM IN YOUR LAST BUDGET. I DON'T CONCUR WITH THIS AND I DON'T THINK THE PEOPLE OF THE COUNTRY ARE CONCURRENT WITH THIS VERY MUCH. THEY ARE A LITTLE CONCERNED WITH THE GIVE-AWAY AND THE FREE STANDING OF OUR GOVERNMENT AND I THINK THAT THE BUDGET THAT WE HAVE BEFORE US TODAY IS A SOUND BUDGET. IT ISN'T A POLITICAL BUDGET AND I THINK ALL MEMBERS SHOULD CONSIDER SUPPORTING THE BUDGET.

MR. STUTTER: MR. SPEAKER, IT HAS BEEN SUGGESTED THAT I HAVE HAD SOME DOUBTS ON THE BUDGET. I'VE HAD NO DOUBTS ON THE BUDGET AT ALL. HOWEVER, YESTERDAY WHEN THE MOTION CAME FORWARD TO TRY TO DELETE ONE PORTION OF THE BUDGET IN ORDER TO PROVIDE TELEVISION FOR THE OUTER AREAS OF THE TERRITORY, I AM SYMPATHETIC WITH THE AIMS OF THAT MOTION, THE SECOND PART OF IT. TO PROVIDE THE TELEVISION. FOR THAT REASON I HAD DOUBTS AND IF AT ALL POSSIBLE I WOULD HAVE GONE ALONG WITH THAT MOTION TO TRY TO GET THE TELEVISION SERVICE AT THE EXPENSE OF DELETING THAT ONE PART OF THE BUDGET. HOWEVER, IN DISCUSSING THIS WITH THE ADMINISTRATION AND WITH THE EXECUTIVE COMMITTEE MEMBERS I AM ALSO CONVINCED THAT THERE ARE

POSSIBLY OTHER WAYS THAT THIS TELEVISION SERVICE CAN BE PROVIDED. FOR THAT REASON I WAS NOT ABOUT TO PULL OUT THE BOTTOM CARD, AS YOU MIGHT SAY, OF A CARD HOUSE AND TOPPLE THE WHOLE HOUSE. THEREFORE, THAT WAS THE ONLY AREA OF THE BUDGET WHERE I DID HAVE SOME DOUBT. AS A MATTER OF FACT, THE PREPARATION OF THIS BUDGET HAS PROBABLY HAD MUCH MORE WORK ON IT THAN ANY OTHER BUDGET. SIXTEEN MEETINGS THAT WE HELD IN THE PREPARATION OF THE BUDGET WERE RULED OUT BY JUDGE MORROW AS NOT BEING CORRECT MEETINGS. AS A RESULT OF THIS WE HAD TO GO AND LOOK INTO THE BUDGET, THE PREPARATION OF IT, AGAIN. SO IT HAD A DOUBLE GOING OVER.

FURTHERMORE, I BELIEVE THE BUDGET THIS TIME HAS BEEN IN THE HANDS OF MEMBERS OF COUNCIL FOR A LONGER PERIOD OF TIME, CERTAINLY, THAN ANY OTHER BUDGET IN THE LAST FOUR YEARS. SO THERE HAS BEEN AMPLE OPPORTUNITY TO LOOK THROUGH THE BUDGET. THERE HAS BEEN MORE DISCUSSION ON THE BUDGET, THERE HAS BEEN A LOT OF QUESTIONS ANSWERED ON THE BUDGET. I THINK THE ANSWERS THAT HAVE BEEN GIVEN HAVE BEEN GOOD ANSWERS. THEY HAVE BEEN ACCURATE ANSWERS. AS FAR AS I AM CONCERNED I HAVE NO QUALMS WHATSOEVER OF SUPPORTING THIS BUDGET. I BELIEVE IT TO BE A GOOD BUDGET.

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. MCKINNON: MR. SPEAKER, I DIDN'T INTEND TO SPEAK ON THE BUDGET BECAUSE I MADE MY CASE KNOWN ON SEVERAL OCCASIONS THAT I AM NOT GOING TO SUPPORT THE BUDGET FOR VARIOUS REASONS. THERE WERE SEVERAL THINGS THAT WERE SAID THIS MORNING THAT JUST MADE ME RISE TO DEBATE. I HAD TO BE PREPARED TO AT LEAST ATTEMPT TO ANSWER THEM.

I WOULD BE PREPARED TO ACCEPT THE FACT, MR. SPEAKER, THAT IT WAS THE ADMINISTRATION WHO HAD LED THE EXECUTIVE COMMITTEE MEMBERS AND THE FINANCIAL ADVISORY COMMITTEE ALONG THE GARDEN PATH IN THE PREPARATION OF THE BUDGET. WHAT EVEN MAKES IT WORSE IS NOW THEY ARE TRYING TO GIVE THEIR APPROVAL AND THEIR STAMP OF HAVING BEEN INVOLVED IN THE PREPARATION OF THE BUDGET TO THIS BUDGET. WHEN I SEE THE COMPLETE AND ABSOLUTE DIRT OF PEOPLE POLICIES IN THE BUDGET, WHEN I SEE THE ATTEMPT TO TAX THE PEOPLE A QUARTER OF A MILLION DOLLARS THROUGH COMMISSIONER'S ORDER, I WOULD BE THOROUGHLY ASHAMED TO COME TO THIS COUNCIL AS AN ELECTED MEMBER AND SAY THAT I HAD HAD SOME INPUT AND THAT I ACCEPT THE TERMS OF THIS BUDGET IN TOTAL.

THE OTHER AREA, MR. SPEAKER, WHICH I AM VERY CONCERNED IN AND WHICH I HAD EXPECTED HAD COME TO PASS, WAS THAT EVEN THOUGH THEY THINK THEY ARE HAVING SOME INPUT INTO FINANCIAL MATTERS IN THE YUKON TERRITORY THEY ARE IN EFFECT HAVING NONE. I AM HERE TO TELL YOU, MR. SPEAKER, THAT WHEN I HAD THE SUPPORT OF THE HOUSE AS CHAIRMAN OF THE FINANCIAL ADVISORY COMMITTEE THAT THE FINANCIAL ADVISORY COMMITTEE IN PRACTICE CHANGED CONSTANTLY CAPITAL LOAN PROJECTS WITHIN THE BUDGET JUST TO PROVE TO THE ADMINISTRATION, AND PROVE TO THE COUNCIL, THAT WE WERE ACTUALLY TAKING A MOVE IN THE DIRECTION OF RESPONSIBLE GOVERNMENT, AND ACTUALLY SETTING PRIORITIES ON CAPITAL SPENDING IN THE YUKON TERRITORY. WHEN I FIND NOW THAT \$100,000.00 FROM THE FINANCIAL ADVISORY COMMITTEE CANNOT BE FOUND IN A BUDGET OF \$60,000,000.00 TO PROVIDE TELEVISION SERVICE FOR FIVE SMALLER COMMUNITIES I SAY, MR. SPEAKER, THAT WE ARE RETROGRESSING ALL THE TIME TOWARDS INPUT FROM THE TAXPAYERS OF THE YUKON TO HOW THE BUDGET IS BEING PREPARED.

YOU, THE HONOURABLE MEMBER FROM DAWSON CITY. YOU TELL THE PEOPLE IN DESTRUCTION BAY THAT THEY WOULD RATHER HAVE PAYING OF THE PARKING AREA AT THE WATSON LAKE ADMINISTRATION BLDG. THAN HAVE TELEVISION RECEPTION. YOU TELL THE PEOPLE OF CARMACKS THAT THEY WOULD RATHER HAVE A CHAIN-LINK FENCE AT THE TUTICHUA GRADER STATION THAN RECEIVING A TELEVISION SIGNAL. YOU TELL THE PEOPLE AT CARCROSS THAT THEY WOULD RATHER HAVE TWELVE FLAGPOLES AT THE GRADER STATIONS AROUND THE YUKON THAN RECEIVE A TELEVISION SIGNAL. THEN YOU TELL ME THAT YOU ARE SETTING THE PRIORITIES THAT THE PEOPLE OF THE YUKON WANT. THEN YOU TELL ME THAT I AM ENGAGED IN POLITICAL MOTIONS. I SAY TO THIS HOUSE, AND I SAY IT AS BLUNTLY AS I CAN, THAT AT ONE TIME THE PEOPLE HAD THE ABILITY OF CHANGING CAPITAL PROJECTS FROM ONE AREA TO ANOTHER WHERE THEY SAW THE GREATER NEED FOR THE PEOPLE OF THE YUKON TERRITORY. AS I SAY, MR. SPEAKER, I HAVE MADE MY POINTS ON MANY OCCASIONS WHY I AM NOT SUPPORTING THIS BUDGET. THE LAST POINT, MR. SPEAKER, IS THAT EXACTLY WHAT I HAD FEARED THAT THE COUNCIL IS DOING RETROGRADE WORK WHERE THEY HAD THE ABILITY TO SET POLICIES CONCERNING THE TAXPAYERS OF THE YUKON'S MONEY. THEY NO LONGER HAD IT. THEY ARE JUST STOOGES OF THE ADMINISTRATION. THERE IS NO WAY THAT A RESPONSIBLE MEMBER OF THIS COUNCIL CAN SUPPORT THIS ADMINISTRATION BUDGET THAT IS BEING PRESENTED TO US.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? DIVISION. MADAM CLERK WILL YOU POLL THE HOUSE.

MADAM CLERK: THE HONOURABLE MEMBER FROM CARMACKS-KLUANE.

MRS. WATSON: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE WEST.

MR. MCKINNON: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM WATSON LAKE.

MR. TAYLOR: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM DAWSON.

MR. STUTTER: AGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE EAST.

MR. CHAMBERLIST: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE NORTH.

MR. TANNER: AGREED.

MADAM CLERK: MR. SPEAKER, THE VOTE IS THREE YEA, THREE NAY.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. CHAMBERLIST: HOORAY FOR MAYO.

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE FOR BILL NO. 3?

MRS. WATSON: YES, MR. SPEAKER. I WOULD MOVE, SECONDED BY COUNCILLOR TANNER, THAT BILL NO. 3 INTITULED FIRST APPROPRIATION ORDINANCE, 1974-75, BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH, THAT THE TITLE TO BILL NO. 3, AN ORDINANCE INTITULED FIRST APPROPRIATION ORDINANCE, 1974-75, BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED THAT BILL NO. 3 HAS PASSED THIS HOUSE.

MOTION CARRIED

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I MOVE THAT MR. SPEAKER DO NOW LEAVE THE CHAIR AND COUNCIL RESOLVE IN COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS AND MOTIONS.

MR. STUTTER: I SECOND IT.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM WATSON LAKE, SECONDED BY THE HONOURABLE MEMBER FROM DAWSON, THAT MR. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN THE COMMITTEE OF THE WHOLE TO DISCUSS PUBLIC BILLS, SESSIONAL PAPERS AND MOTIONS. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED. THE HONOURABLE MEMBER FROM WATSON LAKE WILL PLEASE TAKE THE CHAIR FOR THE COMMITTEE OF THE WHOLE.

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. MADAM CLERK HAVE WE RECEIVED ANY REPLY FROM THE HONOURABLE MR. JUSTICE BERGER AS YET?

MADAM CLERK: NO, MR. CHAIRMAN, I HAVE NOT HEARD FROM HIM.

MR. CHAIRMAN: COULD WE POSSIBLY ARRANGE FOR THE ATTENDANCE OF THE WITNESSES AT THIS TIME AND I WILL DECLARE A BRIEF RECESS,

RECESS

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. WE HAVE WITH US MR. HUBERDEAU AND MR. MILLER TO ASSIST US IN DISCUSSIONS RELATED TO BILL NO. 4, THE FINANCIAL AGREEMENT. I BELIEVE THAT ALL MEMBERS NOW HAVE A COPY OF THE REQUESTED AGREEMENT ITSELF. COULD WE PROCEED.

MR. CHAMBERLIST: MR. CHAIRMAN, NOW THAT WE HAVE THIS AGREEMENT THERE'S A PRETTY LENGTHY INTERPRETATION OF CORPORATION TAX. I WONDER IF IT WOULD NOT BE APPROPRIATE TO HAVE IN THE ORDINANCE, IN THE DEFINITION SECTION, "CORPORATION TAX" MEANS AS DEFINED IN THE AGREEMENT.

MR. MILLER: MR. CHAIRMAN, THAT COULD BE DONE. I'M NOT ENTIRELY SURE THAT IT IS NECESSARY, BUT IT COULD BE ADDED IN.

MR. CHAMBERLIST: WHATEVER IT SAYS IN THE AGREEMENT IT'S NOT DEFINED IN THE LEGISLATION.

MR. LEGAL ADVISER: I DON'T THINK IT MATTERS. I PERSONALLY, I'M NOT SAYING WHAT THE GOVERNMENT WOULD DO, BUT I PERSONALLY WOULD HAVE NO OBJECTION TO PUTTING A DEFINITION IN THE ORDINANCE.

MR. CHAIRMAN: I ALSO NOTICE IN THE AGREEMENT WE ARE BACK TO THE SAME PROBLEM, SPEAKING FROM THE CHAIR, OF A REFERENCE TO THE GOVERNMENT OF THE YUKON TERRITORY. THERE IS NO SUCH ENTITY AS THE GOVERNMENT OF THE YUKON TERRITORY. I FIND GREAT DIFFICULTY IN GETTING THIS POINT ACROSS TO THE ADMINISTRATION.

MR. MILLER: MR. CHAIRMAN, I CAN ONLY SAY IN THIS REGARD THAT THIS BILL WAS DRAFTED BY THE DEPARTMENT OF JUSTICE OF CANADA. THIS AGREEMENT.

MR. CHAIRMAN: SO WHAT?

MR. CHAMBERLIST: THAT DOESN'T MATTER. I'VE PROVED THAT THEY HAVE BEEN WRONG A NUMBER OF TIMES, MR. CHAIRMAN. MR. LEGAL ADVISER HAS HIMSELF GONE BEFORE THE COURT ON A PARTICULAR CASE AND HAS WON A CASE ON THE BASIS THAT THE WRIT WAS ISSUED IMPROPERLY WHEN THE GOVERNMENT OF THE YUKON TERRITORY WAS MADE A PARTY TO AN ACTION.

MR. LEGAL ADVISER: YES, THIS IS CORRECT, MR. CHAIRMAN. ANY WRIT SHOULD BE DIRECTED TO THE COMMISSIONER.

MR. CHAMBERLIST: THE COMMISSIONER. SURE.

MR. LEGAL ADVISER: BUT THAT IS NOT TO SAY THAT THERE IS NO SUCH ENTITY AS A GOVERNMENT OF THE YUKON TERRITORY. ANY JUDGMENT MADE DECISIONS TO THE CONTRARY ARE INCORRECT.

MR. CHAIRMAN: BUT DOES IT NOT FOLLOW FROM THE CHAIR THAT THERE CAN BE NO AGREEMENT OF ANY NATURE BETWEEN CANADA AND THE GOVERNMENT OF THE YUKON TERRITORY WHEN THERE IS INDEED NO ENTITY STYLED OR KNOWN AS THE GOVERNMENT OF THE TERRITORY. SHOULD THIS AGREEMENT NOT BE BETWEEN CANADA AND THE COMMISSIONER OR COMMISSIONER IN COUNCIL HEREINAFTER CALLED THE TERRITORY.

Mr. Legal Adviser: Mr. Chairman, it is between Canada and the Commissioner. The Commissioner represents the Government of the Territory.

Mr. Chamberlist: Does Mr. Legal Adviser, Mr. Chairman, agree that the Agreement should be the Government of Canada on the first part, and the Commissioner for the Government of the Yukon Territory on the second part.

Mr. Legal Adviser: No, Mr. Chairman. I think the convenient thing is to keep the phraseology we use customary on Agreements, and have used for many years the Government of Canada, the Government of the Territory.

Mr. Chamberlist: Well this is not so. I can show Mr. Legal Adviser that I was involved with cases that are made between different parties and the Commissioner of the Yukon Territory.

Mr. Legal Adviser: This is true.

Mr. Chamberlist: Of course it is.

Mr. Legal Adviser: There are some agreements that are made by the Commissioner. I think so that the public would understand what we are talking about and not be misled by idle phrases, I think it should be Government to Government, not just the Commissioner. As I say there is no legal objection to changing the title because in effect the Commissioner represents the Government of the Territory. It matters not whether you say the Government of the Territory represented by the Commissioner or the Commissioner on behalf of the Government of the Territory. It's merely mellifluous English in question.

Mr. Chairman: Well just from the chair though, it's still a point that if there is no Government of the Yukon Territory styled and known as such, this Agreement would then be inconsistent with constitutional fact.

Mr. Chamberlist: I beg to differ. I don't think that matters very much you know in this type of Agreement. But I would be concerned that an Agreement exists between two parties, one of which is not a legal entity which Mr. Legal Adviser has proved before the Courts himself. The Government of the Yukon Territory is not a legal entity. Otherwise why would the Courts continually turn down any writs

where the Government of the Yukon Territory as such has been made a party to an action. Mr. Legal Adviser is aware of this. All I think we should do is not to waste time. Make the Agreement the Commissioner acting for the Government of the Yukon Territory because he is the man who is a party.

Mr. Legal Adviser: I have no objection to that but being an Agreement we would have to obtain the consent of the other party to the Agreement to change the title to being the Commissioner on behalf of the Government of the Territory instead of the Government of the Territory as represented by the Commissioner.

Mr. Chamberlist: You can do that by telex.

Mr. Legal Adviser: Perhaps. But it is only a question of name, Mr. Chairman.

Mr. Chairman: Mr. Miller.

Mr. Miller: I would warn you that if you attempt to tamper with this you may delay the proceedings of the signing of this Agreement by two to three months because - - -

Some Honourable Members: Shouting.

Mr. Miller: And we might not have any money to pay the payroll of the Territory - cash money because I can't pay the cash until we sign - - -

Mr. Chamberlist: You have got \$6,000,000.00 in cash in the bank.

Mr. Miller: I warn you that it may.

Mrs. Watson: Mr. Chairman, this is just a red herring. We know that we've had this Agreement for years. This Agreement was the one that they signed while you were on the Advisory Committee on Finance. Why are you just throwing extra delays in here now?

Mr. Chamberlist: Because I notice that it is wrong.

Mrs. Watson: Let's get off it and get on with the business of the House.

Mr. Chamberlist: Mr. Chairman, because I've been wrong in the past doesn't mean that I have to continue being wrong. I'm one of

THESE PEOPLE THAT ONCE I SEE MY ERRORS I TRY TO CORRECT MY ERRORS. IF I'VE ALLOWED THIS TO GO THROUGH BEFORE, I WAS IN ERROR AND I ADMIT TO BEING IN ERROR. MR. CHAIRMAN, MR. LEGAL ADVISER IS WELL AWARE. HE HAS ALREADY SAID THAT THE QUESTION OF WHETHER THE AGREEMENT - THE PARTIES TO THE AGREEMENT IS THE GOVERNMENT OF THE YUKON TERRITORY, IS IN QUESTION. IT IS THE COMMISSIONER WHO IS THE PARTY. EVERYTHING IN THE YUKON ACT RELATES CLEARLY TO THE FACT THAT THE COMMISSIONER IS THE CHIEF EXECUTIVE OFFICER AND THE MAN IN CHARGE OF THE ADMINISTRATION. ONLY THE COMMISSIONER CAN DO THINGS RELATING TO MONEY AND ENTER AGREEMENTS.

MR. LEGAL ADVISER: MR. CHAIRMAN, THE FACT THAT I SAY IT MATTERS NOT WHETHER YOU CALL THE ORIGINAL PARTY AT THE TOP OF THE PIECE OF PAPER THE GOVERNMENT OF THE TERRITORY REPRESENTED BY THE COMMISSIONER OR THE COMMISSIONER REPRESENTING THE GOVERNMENT OF THE TERRITORY, DOES NOT MEAN THAT THE PARTICULAR STYLE AT THE TOP OF THIS AGREEMENT IS WRONG. IT IS CORRECT. IF THE HOUSE WISHES TO CHANGE THE STYLE, WELL THEN THAT'S THE WILL OF THE HOUSE AS SUCH. IT HAS NO LEGAL EFFECT TO DO EITHER ONE THING OR THE OTHER.

MRS. WATSON: MR. CHAIRMAN, THE HOUSE DOES NOT WISH TO CHANGE THE TITLE.

MR. CHAMBERLIST: OH, SHE IS THE HOUSE. HAVE YOU EVER HEARD ANYTHING LIKE THAT? WHAT A HOUSE THAT IS.

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. CHAMBERLIST: MR. CHAIRMAN, THERE ARE OTHER AREAS - WELL I HAVE JUST SPOTTED IN THE AGREEMENT ITSELF NOW. IN SECTION 3 - - -

MRS. WATSON: MR. CHAIRMAN, I WOULD MOVE THAT WE ACCEPT - - -

MR. CHAIRMAN: ORDER PLEASE. THE MEMBER HAS THE FLOOR.

MRS. WATSON: MR. CHAIRMAN, POINT OF ORDER. I DON'T WANT TO BE CALLED A HOUSE.

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. CHAIRMAN: MAY I HEAR THE POINT OF ORDER?

MRS. WATSON: I WOULD MOVE THAT THIS AGREEMENT BE ADOPTED WITHOUT AMENDMENTS.

MR. CHAIRMAN: I WOULD HAVE TO RULE THAT MOTION OUT OF ORDER. THAT IS NOT A POINT OF ORDER. WOULD MEMBERS KINDLY REMEMBER THEIR POINTS OF PRIVILEGE AND ORDER IN THE RULES APPLICABLE TO SAME. CONTINUE.

MR. CHAMBERLIST: MR. CHAIRMAN, I JUST NOTICED ANOTHER AREA IN THE AGREEMENT. I THINK THAT IF THE GOVERNMENT OF CANADA HAS MADE THIS MISTAKE, AND, YOU KNOW, NO GOVERNMENT OF CANADA IS BEYOND MAKING MISTAKES. IN 3 IT SAYS "DURING THE FISCAL YEAR 1974-75, CANADA WILL LEND TO THE TERRITORY FOR CAPITAL EXPENDITURES", AND CANADA CAN'T LEND TO THE TERRITORY. CANADA LENDS TO THE COMMISSIONER WHO IS RESPONSIBLE FOR SPENDING THE MONEY FOR THE TERRITORY. THERE IS AN ERROR EVEN THERE. THAT THE GOVERNMENT OF CANADA DOES NOT LEND TO THE TERRITORY IN EXACTLY THE SAME WAY. WHEN WE PASS LEGISLATION HERE TO ALLOW THE COMMISSIONER TO ALLOW THE COMMISSIONER TO EXPEND MONEY, WE PASS LEGISLATION WHICH ALLOWS THE COMMISSIONER TO SPEND THE MONEY TO MEET THE REQUIREMENTS OF THE PUBLIC SERVICE. YOU SEE, IT'S THE COMMISSIONER. NOW I AGREE WE SHOULD DISPEISE WITH THE COMMISSIONER. AS A MATTER OF FACT WE SHOULD COLLECT TOGETHER AND GIVE HIM ENOUGH MONEY SO THAT HE KEEPS IN VANCOUVER. YOU KNOW, WE DON'T WANT COMMISSIONERS. BUT WHILE WE HAVE GOT HIM IN THAT POSITION THAT EVERYTHING THAT HAS TO BE DONE, I SAY, HAS TO BE DONE IN ACCORDANCE WITH THE LAW. IT'S UP TO LEGAL ADVISER.

MR. LEGAL ADVISER: MR. CHAIRMAN, WHEN YOU LOOK AT A LAWN YOU SEE A LOT OF GRASS. YOU SEE A DIFFERENT THING IF YOU GET DOWN AND PUT YOUR NOSE IN AND SEE EACH INDIVIDUAL BLADE. THE TITLE TO THIS AGREEMENT SAYS THE GOVERNMENT OF THE TERRITORY HEREINAFTER CALLED "THE TERRITORY". SO FOR THE EXPRESSION "THE TERRITORY" THROUGHOUT THE AGREEMENT ONE MUST READ THE GOVERNMENT OF THE YUKON TERRITORY. AND THE GOVERNMENT OF THE YUKON TERRITORY IS REPRESENTED BY THE COMMISSIONER. SO FOR "TERRITORY" OR FOR "GOVERNMENT OF THE YUKON TERRITORY" READ COMMISSIONER, AND THEN IT'S EASY UNDERSTOOD BY NORMAL ENGLISH STUDENTS, WHAT IT MEANS.

MR. CHAMBERLIST: WELL THIS IS THE POINT THAT I AM MAKING. BECAUSE THE AREA IS WRONG, BECAUSE OF THE INDICATION THAT THE GOVERNMENT

OF THE YUKON TERRITORY HEREAFTER CALLED "THE TERRITORY". IT WOULD APPLY, AND THIS IS THE POINT I AM MAKING, SECTION 3 WOULD APPLY IF IT DEALT WITH THE COMMISSIONER BECAUSE IT IS COMMISSIONER ACTING FOR THE GOVERNMENT OF THE YUKON TERRITORY HERINAFTER CALLED "THE TERRITORY". BUT THE AGREEMENT IS BEING MADE BY A NON-EXISTENT PARTY AND IT NEEDS TO HAVE THE WORDS "THE COMMISSIONER". DO WHATEVER IS NECESSARY BUT THIS IS A POINT THAT EVEN - I THINK MR. LEGAL ADVISER SHOULD BE TAKING THIS UP WITH THE DEPARTMENT OF JUSTICE, NOT FINDING A WAY TO GET AROUND IT.

MR. CHAIRMAN: FROM THE CHAIR, I NOTICE ON PAGE 5, SUB. (D) ABOUT ONE-THIRD OF THE WAY DOWN THE PAGE - - -

MR. TANNER: PAGE 5 OF WHAT? THE AGREEMENT?

MR. CHAIRMAN: YES, OF THE AGREEMENT. ABOUT ONE-THIRD OF THE WAY UNDER (D) "LOCAL ADMINISTRATIVE DISTRICT MEANS THE CORPORATION OF A CITY, A MUNICIPALITY, A SCHOOL DISTRICT, ANY BOARD . . .", AND IT SAYS COMMISSIONER. SHOULD THAT JUST NOT BE COMMISSION?

MR. MILLER: NO, MR. CHAIRMAN. THAT SHOULD READ COMMISSIONER AS IT DOES. IF YOU CARRY ON " . . . OR OTHER AUTHORITY CREATED BY THE TERRITORY", CREATED BY THE TERRITORY.

MR. CHAMBERLIST: I WILL LET IT GO.

MR. MILLER: CREATED BY THE TERRITORY; NOT CREATED BY THE GOVERNMENT OF CANADA.

MR. TANNER: MR. CHAIRMAN, SHALL WE GET BUSY AND MOVE THIS BILL OUT?

MR. CHAIRMAN: I'M AT THE DIRECTION OF COMMITTEE.

MRS. WATSON: MR. CHAIRMAN, WOULD YOU READ THE PREAMBLE UNDER TITLE TO THE BILL THEN?

MR. CHAIRMAN: COMMITTEE AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN READS THE PREAMBLE TO BILL NO. 4.

MRS. WATSON: MR. CHAIRMAN, I WOULD MOVE THAT BILL NO. 4, THE FINANCIAL AGREEMENT ORDINANCE, 1974, BE MOVED OUT OF COMMITTEE WITHOUT AMENDMENT.

MR. TANNER: I'LL SECOND IT, MR. CHAIRMAN.

MR. CHAMBERLIST: OH, JUST A MOMENT. WE HAVE ALREADY AGREED TO HAVE AN AMENDMENT PUT IN THERE. WE AGREED THAT THERE WOULD BE AN INTERPRETATION PUT IN DEALING WITH THE WORDS "CORPORATION TAXES". WE AGREED THAT IT WOULD BE PUT IN. YES WE DID. MR. LEGAL ADVISER STOOD UP AND SAID THAT HE SEES NO OBJECTION TO PUTTING IT IN AND EVERYBODY AGREED TO IT.

MR. TANNER: MR. CHAIRMAN, THAT WASN'T - THE LEGAL ADVISER DOESN'T SAY WHAT GOES IN AND OUT OF THIS ORDINANCE. WE SAY WHAT GOES IN AND OUT OF THIS ORDINANCE, PERHAPS WITH HIS ADVICE.

MR. CHAMBERLIST: THAT'S TELLING YOU OFF, MR. LEGAL ADVISER.

MR. TANNER: WHEN THE LEGAL ADVISER SAYS WE COULD PUT THAT DEFINITION IN I THINK SOME MEMBERS SAID WE COULD PUT THAT DEFINITION IN. THERE WAS NO OBLIGATION TO PUT IT IN. THE HONOURABLE MEMBER HAS HAD HIS FUN. HE'S MADE SOME VERY GOOD POINTS. I KNOW HE'S GOING TO TAKE IT TO COURT LATER ON. LET'S GET THIS BILL OUT AND GET ON WITH THE WORK OF THE COUNCIL.

MR. CHAMBERLIST: HE ALSO KNOWS IF I DO TAKE IT TO COURT, I WILL WIN. I USUALLY DO AGAINST THE GOVERNMENT. MR. CHAIRMAN, I WONDER IF MR. LEGAL ADVISER COULD NOT SAY WHETHER OR NOT HE FINDS ANY OBJECTION TO HAVING "CORPORATION TAX" PUT IN THE DEFINITION SECTION SO THAT IT IS CLEARLY UNDERSTOOD THAT IT MEANS AS DEFINED IN THE AGREEMENT.

MRS. WATSON: MR. CHAIRMAN, THERE IS A MOTION BEFORE THE HOUSE THAT THE BILL BE MOVED OUT OF COMMITTEE WITHOUT AMENDMENTS.

MR. CHAMBERLIST: YES, BUT WE ARE DISCUSSING THE MOTION.

MR. CHAIRMAN: THIS IS QUITE PROPER. COULD YOU PROCEED.

MR. CHAMBERLIST: I WONDER IF MR. LEGAL - -

MR. LEGAL ADVISER: MR. CHAIRMAN, I HAVE NO OBJECTION TO IT. I DON'T THINK IT IS NECESSARY SINCE IT IS DEFINED IN THE AGREEMENT. MY OBJECTIONS OR OTHERWISE DO NOT CONTROL WHAT THE HOUSE WANTS. I WOULD NOT LIKE TO THINK THAT MERELY BECAUSE I SAY

SOMETHING IS NO HARM TO PUT INTO AN ORDINANCE THAT THAT MEANS THE HOUSE HAS CONSENTED TO IT.

MR. CHAMBERLIST: ALRIGHT. I WOULD LIKE TO PUT THIS QUESTION TO MR. LEGAL ADVISER. IS IT NOT SO THAT WITHOUT AN INTERPRETATION OF THE WORDS "CORPORATION TAX" WITHIN THE LEGISLATION, THERE IS NO MEANING AS TO WHAT CORPORATION TAX MIGHT INFER UNLESS IT IS TIED TO THE FINANCIAL AGREEMENT OF WHICH WE ARE DEALING. SHOULD THEY NOT BE TIED IN TOGETHER?

MR. LEGAL ADVISER: I WILL PUT IT ANOTHER WAY, MR. CHAIRMAN. IF IT WASN'T A QUESTION OF URGENCY AND SO ON, ONCE THE HONOURABLE MEMBER HAS BROUGHT THESE QUESTIONS TO OUR ATTENTION I THINK, IF I WAS DRAFTING FROM SCRATCH AGAIN, I MIGHT DO IT THE OTHER WAY AROUND AND PUT THE DEFINITION OF CORPORATION TAX INTO THE ORDINANCE. I AM SURE THAT WILL BE DONE NEXT TIME AROUND. THAT'S NOT TO SAY THAT IT'S WITHOUT LEGAL EFFECT. A JUDGE WOULD BE GUIDED IN ASSIGNING A MEANING TO THE EXPRESSION "CORPORATION TAX" BY THE MEANING GIVEN TO IT BETWEEN THE PARTIES TO THIS AGREEMENT WHICH IS THE GOVERNMENT OF CANADA AND THE - - -

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. LEGAL ADVISER: AND THE GOVERNMENT OF THE YUKON TERRITORY.

MR. CHAMBERLIST: I AM GOING TO DO THIS BY WAY OF MOTION. COULD I HAVE JUST A MINUTE PLEASE, MR. CHAIRMAN, TO - - -

MR. TANNER: MR. CHAIRMAN, WE HAVE GOT A MOTION ON THE FLOOR.

MR. CHAMBERLIST: IT WILL BE A PROCEDURAL MOTION THAT I WILL PUT.

MR. CHAIRMAN: ORDER PLEASE. PLEASE CONTROL YOURSELVES. I HAVE A MOTION BEFORE ME, AND THE MOTION IS THAT IT'S BEEN MOVED BY COUNCILLOR WATSON, SECONDED BY COUNCILLOR TANNER, THAT BILL NO. 4 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENTS.

MR. CHAMBERLIST: I HAVE AN AMENDMENT TO THE AMENDMENT. RATHER I HAVE AN AMENDMENT TO THE MOTION THAT I WOULD LIKE TO BRING FORWARD. I WOULD LIKE A MINUTE TO WRITE IT.

MR. CHAIRMAN: PREPARE YOUR AMENDMENT.

MRS. WATSON: MR. CHAIRMAN, YOU HAVE TO DEAL WITH PROCEDURAL MOTION FIRST, DO YOU NOT?

MR. CHAIRMAN: THIS MOTION IS QUITE AMENDABLE.

MRS. WATSON: THIS ONE?

MR. CHAMBERLIST: SURE.

MRS. WATSON: THIS IS A PROCEDURAL MOTION. IT'S NOT DEBATABLE OR AMENDABLE.

MR. CHAIRMAN: IT IS QUITE DEBATABLE AND IT IS SUBJECT TO AMENDMENT.

SOME HONOURABLE MEMBERS: SHOUTING.

MR. CHAIRMAN: ORDER PLEASE. WOULD YOU CONTINUE AND WOULD YOU PRESENT YOUR AMENDMENT.

MR. CHAMBERLIST: YES. COULD I JUST HAVE ONE MINUTE PLEASE. WAIT. I WILL WITHDRAW THAT.

MR. CHAIRMAN: ARE YOU PREPARED FOR THE QUESTION ON THE MOTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I SHALL DECLARE THAT THE MOTION IS CARRIED.

MOTION CARRIED

MR. CHAIRMAN: I DON'T BELIEVE THERE IS ANY WORD AS YET TO WHETHER OR NOT THE MCKENZIE VALLEY PIPELINE PEOPLE AND THE HONOURABLE JUSTICE DERGER WILL BE WITH US AT 2 O'CLOCK. HOWEVER, I WILL STAND COMMITTEE IN RECESS UNTIL 2 P.M.

RECESS

Mr. CHAIRMAN: At this time I will call Committee to order. We are discussing Bill No. 5 intitled Loan Agreement Ordinance. We will proceed with the reading of the Bill.

Mrs. WATSON: Mr. CHAIRMAN, before you read I think it is customary to read the explanatory notes into the record.

Mr. CHAIRMAN: It is not necessary but if you wish to do so, this is fine.

Mrs. WATSON: "The purpose of this Bill is to authorize the Commissioner to borrow up to \$2,350,000. for the purposes of (1) relending to municipalities, (2) loan on C.M.H.C. Second Mortgages and (3) for the development of sub-division land for sale as residential lots."

Mr. CHAIRMAN reads Section 1 and 2 (1) of Bill No. 4.

Several Honourable Members: Clear.

Mr. CHAMBERLIST: I wonder could we get a breakdown of these expenditures or a copy of the agreement?

Mr. MILLER: Mr. CHAIRMAN, there is no agreement involved in this particular area. What we are referring to here are the items covered in the main budget under loan capital.

Mr. CHAMBERLIST: But this is referred to as a Loan Agreement Ordinance?

Mr. MILLER: Mr. CHAIRMAN, there is no specific agreement signed. What we are talking about here is borrowing from Canada and the agreement becomes a promissory note as the funds are drawn down.

Mr. CHAMBERLIST: Have we got a breakdown?

Mr. MILLER: Yes, Mr. CHAIRMAN, on page 66 of the main estimate, page 67. We indicate that we were borrowing funds for loans to the City of Whitehorse in the amount of \$1,125,000; to the town of Faro \$400,000.; loans on second mortgages, C.M.H.C. \$100,000.; and loans for the purpose of land development \$725,000.

Mr. CHAMBERLIST: This is on what page?

Mr. MILLER: 66 and 67.

Mr. CHAMBERLIST: This particular section, although the explanatory note says it is for the development of sub-division land for sale as residential lots, the section doesn't limit it to residential lots. It says, "and for development of land." Could we have this clearly defined in the ordinance itself, that it is for development of residential lots only. I'm sure this is the intent but it doesn't say that.

Mr. MILLER: Mr. CHAIRMAN, this is for the development of land which is laid out again in the estimates under project capital. As far as I recollect we don't intend to do anything this year except residential lots, develop residential lots. We are not developing any commercial property.

Mrs. WATSON: A-50 is the detail for the land development.

Mr. MILLER: Right.

Mr. CHAMBERLIST: I don't see any reference in A-50 to residential lots. It makes reference to lots. It seems that the lots are not clearly delineated for what purpose they are going to be used for. This is why I am raising the question. If it is to be for residential lots I think it should have it quite clear that it is for residential lots.

Mr. MILLER: Mr. CHAIRMAN, as far as I know, and I am going by memory, all of this is for residential lots. It might be clearer to have the explanatory note read, "for the development of sub-division land for sale as lots and delete the residential. That way it could be any type of lots.

Mr. CHAIRMAN: Clear?

Several Honourable Members: Clear.

Mr. CHAIRMAN reads Section 3 (1).

Mr. CHAMBERLIST: I have already asked where is the agreement. I'm told there is no agreement. Then we read in another section that authorizes the Commissioner to enter into an agreement. Let's get it told properly. Is there going to be an agreement or not. If there is going to be an agreement I would like to see the agreement as to what is entailed within the agreement itself.

MR. MILLER: MR. CHAIRMAN, THERE IS NO OVERALL AGREEMENT FOR THIS MONEY. EACH OF THESE AMOUNTS ARE DRAWN DOWN AS REQUIRED FOR THE PURPOSE OF LENDING TO A MUNICIPALITY OR OTHERWISE. AT THAT TIME THE COMMISSIONER SIGNED A PROMISSORY NOTE WHICH BECOMES THE AGREEMENT.

MR. CHAMBERLIST: MR. CHAIRMAN, I DON'T CARE WHAT MR. MILLER IS SAYING IN REGARDS TO THIS. THERE IS AN INTENTION IN THIS LEGISLATION THAT THERE BE AN AGREEMENT. WE HAVE ALREADY SEEN WHAT AN AGREEMENT IS LIKE IN THE LAST ORDINANCE WE DEALT WITH. NOW WE ARE BEING TOLD IT IS JUST A PROMISSORY NOTE. SO WE CAN DEAL WITH PROMISSORY NOTES ON EVERYTHING THAT HAPPENS IN THE TERRITORY. WAS THERE AN AGREEMENT LAST YEAR?

MR. MILLER: MR. CHAIRMAN, WE HAVE BEEN BORROWING MONEY IN THIS FASHION AND FOR THIS PURPOSE SINCE 1962 AND THERE HAS NEVER YET BEEN AN AGREEMENT.

MRS. WATSON: MR. CHAIRMAN, THE FORMAT OF THE ORDINANCE HAS BEEN SIMILAR TO THIS.

MR. MILLER: THAT IS CORRECT.

MR. CHAMBERLIST: THERE HAS NEVER BEEN AN AGREEMENT OF ANY DESCRIPTION AND YET WE HAVE A LOAN AGREEMENT AUTHORIZING THE COMMISSIONER TO ENTER INTO AN AGREEMENT.

MR. MILLER: MR. CHAIRMAN, I DON'T KNOW WHAT THE LEGAL TECHNICALITIES OF THIS ARE. I CAN ONLY SAY THAT WE HAVE NEVER YET SIGNED AN AGREEMENT TO COVER THIS TYPE OF THING. WE HAVE BEEN ABLE TO BORROW MONEY AND LEND MONEY IN THIS FASHION FOR SOME 12 YEARS. I DON'T KNOW WHAT THE LEGAL TECHNICALITIES ARE SURROUNDING IT.

MR. CHAMBERLIST: ARE WE SAYING NOW THAT UNDER 3-1 C, "SUCH OTHER TERMS AS MAY BE AGREED UPON BY THE COMMISSIONER" SO THAT COUNCIL THEN IS PASSING LEGISLATION NOT KNOWING WHAT TYPE OF AN AGREEMENT THE COMMISSIONER CAN ENTER INTO. WE ARE JUST SAYING TO HIM, AND DOING WHAT WE HAVE DONE IN THE PAST; "JUST GO AHEAD AND DO WHATEVER YOU LIKE AND PUT WHATEVER YOU LIKE IN THE AGREEMENT WITHOUT ANYBODY KNOWING WHAT IT IS ALL ABOUT." YET WE PASS LEGISLATION TO THAT EFFECT.

MR. MILLER: MR. CHAIRMAN, THE ONLY THING THAT THE COMMISSIONER HAS EVER DONE UNDER THIS, PREVIOUS ORDINANCES REGARDING THIS, IS SIGN THE PROMISSORY NOTE WHICH ARE STANDARD PROMISSORY NOTES.

MR. CHAIRMAN READS SECTION 4 (1).

MR. CHAMBERLIST: THERE WE GO AGAIN. IT REALLY IS BECOMING RIDICULOUS. WE HAVE A PIECE OF LEGISLATION DEALING WITH AN AGREEMENT, EVERY SECTION DEALS WITH AGREEMENT, NOW WE ARE BEING TOLD THERE IS NO AGREEMENT. WHY HAVE THE LEGISLATION?

I THINK IT IS AN IMPORTANT POINT THAT HAS TO BE, THAT SOMETHING HAS TO BE DONE ABOUT IT. WE WERE TOLD NO AGREEMENT.

MR. MILLER: MR. CHAIRMAN, THE MAJOR REASON WHY WE DON'T SIGN AN AGREEMENT IS BECAUSE THIS COUNCIL'S AUTHORITY FOR THE COMMISSIONER TO BORROW MONEY WHEN REQUIRED TO LOAN MONEY TO THE MUNICIPALITIES OR FOR SECOND MORTGAGE LOAN OR TO DEVELOPMENT LAND.

IF WE SIGNED AN AGREEMENT WE MAY BE COMMITTED IN THAT AGREEMENT TO DRAW THIS MONEY DOWN EVEN IF IT WASN'T NEEDED.

MR. CHAMBERLIST: I MUST SAY IMMEDIATELY, ON THE BASIS OF THE FACT THAT THERE IS NO AGREEMENT, THAT THIS IS A SUPERFLUOUS PIECE OF LEGISLATION, TO CALL IT THE LOAN AGREEMENT ORDINANCE WITHOUT ANY AGREEMENT.

MR. CHAIRMAN: DO YOU WISH I READ THE PREAMBLE? THE COMMISSIONER OF THE YUKON TERRITORY BY AND WITH THE ADVISE AND CONSENT OF THE COUNCIL OF SAID TERRITORY ENACTS AS FOLLOWS. THIS IS INTITULED LOAN AGREEMENT ORDINANCE 1974 No. 1.

MRS. WATSON: MR. CHAIRMAN, I MOVE THAT BILL No. 5 LOAN AGREEMENT ORDINANCE 1974 No. 1 BE MOVED OUT OF COMMITTEE WITHOUT AMENDMENTS.

MR. TANNER: I SECOND THE MOTION, MR. CHAIRMAN.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR WATSON SECONDED BY COUNCILLOR TANNER THAT BILL No. 5 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. CHAIRMAN: ARE YOU AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAMBERLIST: DISAGREED.

MR. CHAIRMAN: I SHALL DECLARE THAT THE MOTION IS CARRIED.

MR. CHAMBERLIST: POSITION.

MR. CHAIRMAN: WOULD THOSE IN AGREEMENT WITH THE MOTION KINDLY SIGNIFY? THOSE WHO ARE DISAGREED KINDLY SIGNIFY? MOTION CARRIED.

MOTION CARRIED

MR. CHAIRMAN READS SECTION 1 AND 2 (1).

WOULD NOT A VILLAGE FALL INTO THIS CATEGORY AS WELL?

MR. MILLER: YES, MR. CHAIRMAN, IT WOULD BUT WE DON'T HAVE ANY SO THERE IS NO NEED TO PUT IT IN.

MR. CHAMBERLIST: YOU MIGHT HAVE.

MR. CHAIRMAN READS SECTION 2 (2).

CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN READS SECTIONS 3 (1) AND 4 (1).

MR. CHAMBERLIST: PRIOR TO BEING PASSED BY WHICH COUNCIL. OH, THE COUNCIL OF THE MUNICIPALITY.

MR. CHAIRMAN: CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN READS SECTION 5 (1) AND 5 (2).

CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN READS SECTION 6 (1).

CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN READS SECTION 7 (1), 7 (2) AND 8 (1).

CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN READS SECTION 9 (1).
CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN: I JUST HAVE A QUESTION FROM THE CHAIR, OF MR. MILLER. THIS BILL WOULD PROVIDE FUNDS TO MUNICIPALITIES, AS YOU STATE IN THE EXPLANATORY NOTE, TO ENABLE THEM TO CARRY ON A PROGRAM IN MUNICIPAL WORKS. WHAT TYPE OF EQUAL OPPORTUNITY DO MUNICIPALITIES HAVE IN GETTING THESE FUNDS? IS IT POSSIBLE FOR ONE MUNICIPALITY TO COME IN AND, FOR INSTANCE, TAKE THE WHOLE SUM OF \$1,625,000, LEAVING THE OTHER TWO MUNICIPALITIES WITH NO OPPORTUNITY AT ALL. WHAT IS THE BASIS UPON WHICH THESE FUNDS ARE DISPERSED?

MR. MILLER: MR. CHAIRMAN, WE HAVE NEVER YET RUN INTO A SITUATION WHERE WE COULDN'T GET SUFFICIENT FUNDS TO LOAN TO A MUNICIPALITY. THE \$1,625,000, IS AN ESTIMATED AMOUNT. WE DON'T EVEN KNOW YET WHAT THE MUNICIPALITIES MIGHT WANT THIS YEAR IN THE WAY OF LOANS. IF ANY MUNICIPALITY OR COLLECTIVELY THEY ALL COME IN AND ASK FOR FURTHER FUNDS IN EXCESS OF THIS WE WOULD COME BACK TO THIS COUNCIL, AND I CAN ASSURE YOU THAT WE HAVE NO PROBLEM GETTING THE MONEY FROM THE FEDERAL GOVERNMENT. WE WOULD COME BACK TO THIS COUNCIL AND ASK FOR FURTHER AUTHORITY TO BORROW AN ADDITIONAL AMOUNT FROM THE FEDERAL GOVERNMENT.

MR. CHAIRMAN: WELL THIS IS THE SAME PROBLEM I RAISED RELATED TO IN THE MAIN ESTIMATES TO THE CAPITAL GRANT CONTRIBUTION PLAN OF THE 90 - 10 COST SHARE. IT IS THE CONCERN I'M SURE OF THE MUNICIPALITY OF FARO AND I'M QUITE SURE THAT DAWSON WOULD AGREE. THAT THEY HAVE EQUAL OPPORTUNITY IN THE AVAILABILITY OF THESE FUNDS AND IT'S IN THAT RELATION THAT I ASKED THE QUESTION IN RESPECT OF THIS BILL.

MR. MILLER: MR. CHAIRMAN, UNDER THIS BILL AND THE FUNDS THAT WE ARE TALKING ABOUT HERE, THE LOAN FUNDS, I CAN ASSURE ALL MEMBERS WE HAVE NO PROBLEM GETTING THESE TYPES OF FUNDS. GRANT FUNDS ARE QUITE A DIFFERENT THING AND WE'RE LIMITED TO THE TOTAL DOLLARS IN THAT CASE THAT WE CAN GET FROM THE FEDERAL GOVERNMENT. BUT FOR LOAN FUNDS, NO PROBLEM AT ALL.

Mr. McKinnon: Certainly, Mr. Chairman, this is the reason that the municipal people that I've talked to have given for the association of the Yukon municipalities because then they all know of the various programs that are available for the Territorial Government and they can thrash it out amongst themselves what the share of the monies is going to be or

whether they want to apply for more or less, as the case may be and from what I understand from at least the Whitehorse members of this City Council that this is going to be one of the real advantages of the Association of the Yukon municipalities that for the first time all these programs will be made aware to all the Yukon municipalities and also a decision can be made as to how to split up the pie.

Mr. Chairman: Yes this of course might be the absolute answer.

Mr. Miller: Well it will be part of the answer Mr. Chairman. We still have the limitation of course on the grant side of only having a fixed number of dollars and having to satisfy both the municipalities and the local improvement districts in unorganized areas. So we are going to have restrictions for a few years. Dollar restrictions which none of us may be happy with, but they will be there.

Mr. Chamberlist: Mr. Chairman, they can only borrow up to the borrowing power that each municipality has by way of assessment.

Mr. Miller: Mr. Chairman, I wasn't referring to that side of it. The borrowing side as I say, we have no problem, it's the grant funds that we hope to have available for this community service to the improvement program.

Mr. Chairman: Is there anything further? Do you wish I read the preamble of the Bill?

Some Members: Agreed.

Mr. Chairman: Reads the preamble of Bill No. 6 - Municipal General Purposes Loan Ordinance.

Mrs. Watson: Mr. Chairman, I would move that Bill No. 6 the Municipal General Purpose Loan Ordinance be moved out of Committee without amendment.

Mr. Tanner: I second that motion.

Mr. Chairman: It has been moved by Councillor Watson, seconded by Councillor Tanner, that Bill No. 6 be reported out of Committee without amendment. Are you prepared for the question? Agreed? I shall declare the motion as carried.

CARRIED

Mr. Chairman: Where do you wish to proceed at this point?

Mr. Chamberlist: Let's knock out the Societies Ordinance.

Mr. Chairman: I wonder if the witnesses could be excused at this time?

I would like to thank you gentlemen for your time and assistance in discussions on these bills.

Mr. Tanner: I think the suggestion from the member from Whitehorse East is a good one. Perhaps we could pick up a few of those smaller ordinances that are quite easy to pass and get them out of the way.

Mr. Chairman: Which is the first one you wish to deal with? 14 will be fine? Yes, as soon as we get a clerk back. I'll just declare a recess.

RECESS

Mr. Chairman: Alright at this time we'll call Committee back to order. We are proceeding now to Bill No. 14, an Ordinance to amend the Societies Ordinance.

1. Section 30 of the Societies Ordinance is repealed and the following substituted therefore.

Mr. Chairman reads Sections 30 (1) of the Societies Ordinance.

Mr. Legal Advisor?

Mr. Legal Advisor: There's nothing to this Bill Mr. Chairman. It's just an ongoing thing in the Territorial Secretary's office. Copying the Companies Ordinance transferring these annual reports from a given day in the year to be spread over a period during the whole year. And there is always some faults.

Mr. Chairman: Do you wish I read the preamble?

Some Members: Agreed.

MR. CHAIRMAN: MR. CHAIRMAN READS THE PREAMBLE OF BILL NO. 14, AN ORDINANCE TO AMEND THE SOCIETIES ORDINANCE.

MR. TANNER: MR. CHAIRMAN, I MOVE THAT BILL NO. 14 AND ORDINANCE TO AMEND THE SOCIETIES ORDINANCE BE MOVED OUT OF COMMITTEE WITHOUT AMENDMENTS.

MRS. WATSON: I SECOND THAT MOTION.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 14 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION? AGREED? I SHALL DECLARE THAT THE MOTION IS CARRIED.

CARRIED

MR. CHAIRMAN: THE NEXT BILL IS BILL NO. 15. THIS IS AN ORDINANCE TO AMEND THE INTERPRETATIONS ORDINANCE.

MR. TANNER: MR. CHAIRMAN, IN THIS PARTICULAR CASE, WITH THE CHAIRMAN'S PERMISSION, I THINK I SHOULD READ THE EXPLANATORY NOTE BECAUSE IT IS QUITE INTERESTING.

MR. TANNER READS EXPLANATORY NOTE OF BILL NO. 15.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF MR. LEGAL ADVISOR COULD INDICATE THAT THIS DOESN'T IN ANY WAY INTERFERE WITH THE LABOUR PROVISIONS ORDINANCE AND THE STATUTORY HOLIDAYS WHICH ARE STATED IN THAT ORDINANCE.

MR. LEGAL ADVISOR: MR. CHAIRMAN, I THINK IT DOES INTERFERE WITH THE LABOUR STANDARDS ORDINANCE.

MR. CHAMBERLIST: THAT'S WHAT I WANTED TO FIND OUT.

MR. LEGAL ADVISOR: IT DOES BECAUSE THEN YOU HAVE MONDAY TRANSFERRED FROM SUNDAY. I WOULD CONSIDER THAT UNDER THE LABOUR STANDARDS ORDINANCE AS IT PRESENTLY IS, IF REMEMBRANCE DAY FALLS ON A SUNDAY, THEN A PERSON DOES NOT GET ANY THING EXTRA FOR THAT HOLIDAY, BUT UNLESS YOU HAVE A UNION CONTRACT. IT'S COMMON IN UNION CONTRACTS ESPECIALLY THE STEELWORKERS UNION TO PROVIDE IN ANY EVENT REMEMBRANCE DAY IS NOT TAKEN AS A HOLIDAY BUT BOXING DAY IS SUBSTITUTED FOR IT. BOXING DAY IS NOT ONE OF THE STATUTORY HOLIDAYS. SO THIS IS A COMMON

FOLLOW OF LABOUR AGREEMENT. BUT IF THIS CHANGE IS MADE, IT DOES HAVE THAT EFFECT OF MAKING THE MONDAY A STATUTORY HOLIDAY FOR WHICH TIME WILL HAVE TO BE PAID, OR TIME OFF GIVEN.

MR. CHAMBERLIST: WELL THE THOUGHT THAT I HAD MR. CHAIRMAN IS THAT IN THIS PROPOSED CHANGE, WE HAVE THE WORD "HOLIDAY" INCLUDES SUNDAY, NEW YEAR'S DAY, GOOD FRIDAY, ETC. AND IN THE LABOUR STANDARDS ORDINANCE THE REFERENCE IS TO "GENERAL HOLIDAY". SHOULD THERE NOT BE A SIMILAR INTERPRETATION HEADING FOR BOTH SO THAT THERE IS NO MIX UP AT ANY TIME?

MR. LEGAL ADVISOR: MR. CHAIRMAN, I'M UNAWARE OF THAT BUT IT'S NOT NECESSARY THAT THE HOLIDAYS WHICH ARE DEFINED IN "HOLIDAYS" IN THE INTERPRETATION ORDINANCE TO BE EXACTLY THE SAME AS THE HOLIDAYS WHICH ARE DEFINED IN THE LABOUR STANDARDS ORDINANCE. THEY ARE TWO DIFFERENT THINGS. WHAT WE ARE TALKING ABOUT HERE IS A HOLIDAY IS A DAY ON WHICH FOR LEGAL PURPOSES SOMETHING WHICH OTHERWISE WOULD REQUIRE TO BE DONE, NEED NOT BE DONE UNTIL THE DAY FOLLOWING THE DAY NAMED HERE AS A HOLIDAY. IT DOESN'T GOVERN WORK AND SUCH LIKE THINGS. THE LABOUR STANDARDS ORDINANCE GOVERNS THAT BIGGER ASPECT OF IT. AND IT HAS BEEN CONSIDERED IN THAT LIGHT.

MR. CHAMBERLIST: WELL THERE DOES APPEAR TO BE A LITTLE BIT OF A CONFLICT. NOW WHICH IS GOING TO TAKE PRECEDENCE, THE INTERPRETATION ORDINANCE OR THE LABOUR STANDARDS ORDINANCE?

MR. LEGAL ADVISOR: IT DEPENDS ON THE CONSTRUCTIONS. I NEED TIME TO LOOK AT THIS AND TELL YOU EXACTLY WHAT A HOLIDAY MEANS IN THE LABOUR STANDARDS ORDINANCE BECAUSE I DON'T CARRY IT AROUND IN THE TOP OF MY HEAD.

MR. CHAMBERLIST: WOULD A COPY HELP?

MR. CHAIRMAN: ORDER PLEASE.

MR. CHAIRMAN: I WILL PROCEED WITH THE READING OF THE BILL.

1. SECTION 20 OF THE INTERPRETATIONS ORDINANCE IS AMENDED BY REPEALING THE DEFINITION "HOLIDAY" AND SUBSTITUTING THE FOLLOWING THEREFORE. MR. CHAIRMAN READS SECTION 20 OF THE INTERPRETATIONS ORDINANCE.

MR. CHAMBERLIST: THE QUESTION I WANT TO ASK MR. LEGAL ADVISOR IS, IF THAT PARTICULAR

MONDAY HAPPENS TO FALL ON A DAY WHICH HAS ALREADY BEEN DECLARED UNDER THE LABOUR STANDARDS ORDINANCE AS A STATUTORY HOLIDAY, WHAT IS THE POSITION THEN?

MR. LEGAL ADVISOR: SCIENTIFIC MR. CHAIRMAN, WHAT HAPPENS THEN, BECAUSE THERE ARE SOME DAYS WHICH CANNOT BE TRANSFERRED. EASTER FOR INSTANCE IS A MOVEABLE DAY. GOOD FRIDAY IS A MOVEABLE DAY. NOW I DON'T WANT TO BE FACEOUS BUT YOU CAN UNDERSTAND THAT FRIDAY CAN FALL ON A MONDAY BUT EASTER MONDAY MIGHT BE MADE INTO A HOLIDAY AND THEN MIGHT FALL ON A DIFFERENT DAY. A DAY DETERMINED BY THE GOVERNOR GENERAL OR SOMETHING. BUT WHEN TWO HOLIDAYS FALL ON THE SAME DAY, THE WORKER ONLY GETS THE BENEFIT OF ONE.

MR. CHAMBERLIST: THIS IS WHAT I WANT TO GET AT BECAUSE THERE MIGHT BE A PROBLEM WHERE YOU MIGHT HAVE TWO STATUTORY HOLIDAYS AS A RESULT OF THIS FALLING ON THE SAME DAY.

MRS. WATSON: NOT LIKELY.

MR. CHAMBERLIST: BUT IT COULD YOU SEE.

MR. CHAIRMAN: ORDER PLEASE.

MR. TANNER: MR. CHAIRMAN, I CAN'T THINK OF AN INSTANCE WHERE IT MIGHT HAPPEN PERHAPS THE HONOURABLE MEMBER HAS ONE IN MIND.

MR. CHAMBERLIST: I HAVEN'T. BUT YOU SEE THE POINT IS THIS, THAT THE WAY IT'S WRITTEN, YOU KNOW, I HAVEN'T TAKEN THE TROUBLE TO WORK OUT THE DIFFERENT DAYS BUT THE WAY IT'S WRITTEN IT COULD BE THAT THE DAY, THE THIRD MONDAY MAY BE ANOTHER STATUTORY HOLIDAY AND I'M JUST TRYING TO FIND OUT IF IT DID OCCUR WHAT WOULD BE THE POSITION OF THE EMPLOYER AND THE EMPLOYEE IN RELATION TO PAY FOR THAT PARTICULAR DAY? I THINK IT'S A VERY LOGICAL QUESTION THAT REQUIRES A LOGICAL ANSWER BECAUSE IT MAY HAPPEN. I CAN'T GIVE YOU, YOU KNOW IMMEDIATELY, I HAVEN'T STUDIED IT BUT IT JUST DAWNED UPON ME WHILE THIS WAS BEING READ AND SEEING THE DIFFERENT INTERPRETATION BETWEEN HOLIDAY AND GENERAL HOLIDAY. THAT'S WHY I RAISED IT.

MR. TANNER: MR. CHAIRMAN, THE ONLY POSSIBLE DAY THAT I COULD SEE IT COULD EVER BE WOULD BE THE QUEEN'S BIRTHDAY. BUT THAT'S ALWAYS TRADITIONALLY IN JUNE. NO MATTER WHEN THEY SAY IT'S GOING TO BE PROCLAIMED IT'S ALWAYS TRADITIONALLY IN JUNE. AND OTHER THAN THAT - -

MR. CHAMBERLIST: IT'S IN MAY.

MR. TANNER: OR MAY OR SOMETIME EARLY IN THE YEAR. OR SOME OTHER UNIMPORTANT TIME. WHEN DOES THE MEMBERS THINK THAT THIS HAS EVER HAPPENED AND WE COULD THINK OF ALL SORTS OF CASES AND PROBLEMS THAT WE COULD HAVE.

MR. RIVETT: THE PROBLEM ARISES WHEN THE 17TH FALLS ON THE 17TH.

MR. LEGAL ADVISOR: MR. CHAIRMAN, THE QUEEN'S BIRTHDAY IS NOT A HOLIDAY. VICTORIA DAY AND DOMINION DAY ARE.

I CANNOT THINK FROM THE LIST IT COULD HAPPEN THAT TWO HOLIDAYS WOULD FALL ON THE SAME DAY, TWO OF THE HOLIDAYS IN THIS LIST IN THIS PARTICULAR SECTION OF THE ORDINANCE.

MR. TANNER: MR. CHAIRMAN, PERHAPS THE LEGAL ADVISOR SINCE HE BECOMES AN EXPERT ON HOLIDAYS, COULD NOW TELL US, LET'S GO THROUGH THEM ONE AT A TIME AND HE COULD IDENTIFY WHEN EASTER IS GOING TO BE IN THE MIDDLE OF AUGUST OR CHRISTMAS IS GOING TO BE IN THE MIDDLE OF AUGUST. PERHAPS HE COULD TELL US WHICH ONE HE THINKS.

MR. LEGAL ADVISOR: MR. CHAIRMAN, I THOUGHT I SAID MR. CHAIRMAN, THAT I DO NOT THINK THAT ANY TWO OF THESE DAYS CAN FALL ON THE SAME DAY.

MR. MCKINNON: MR. CHAIRMAN, THE BILL IS BROUGHT IN FOR THIS SPECIFIC PURPOSE OF DEALING WITH DISCOVERY DAY WHICH IS TRADITIONALLY AUGUST 17TH. NOW I THINK THAT THIS HAS BEEN DISCUSSED AT THIS TABLE AT LEAST FIVE TIMES SINCE I'VE BEEN HERE AND WE HAVE ALWAYS DONE THE WRONG THING. SO ONCE AGAIN I WOULD LIKE THE HONOURABLE MEMBER FROM DAWSON TO LEAD US DOWN THE GARDEN PATH ONCE AGAIN AND GET US IN ALL KINDS OF TROUBLE AND ALL THE PEOPLE IN DAWSON AND ALL THE PEOPLE IN THE YUKON TERRITORY ONCE AGAIN. AND I WANT TO SAY ONCE AGAIN THAT ALWAYS IN THE PAST I'M WILLING TO GO ALONG WITH WHAT THE PEOPLE OF DAWSON CITY WHO HE REPRESENTS WANT AND BY THE TIME HE TELLS US WHAT THEY WANT AND WE DO WHAT THEY HAVE TOLD HIM WHAT THEY THINK THEY WANT, WE STILL ALWAYS SEEM TO END UP IN AN AWFUL LOT OF TROUBLE.

MR. STUTTER: MR. CHAIRMAN, THIS COMES ABOUT AS A RESULT OF A MOTION AND ALSO LETTERS FROM THE YUKON ORDER OF PIONEERS BOTH IN DAWSON AND HERE IN WHITEHORSE. AND THIS HAS BEEN THE REQUEST FROM BOTH OF THOSE DIVISIONS

OF THE YUKON ORDER OF PIONEERS THAT THE DISCOVERY DAY SHOULD BE THE THIRD MONDAY IN AUGUST AND THEY HAVE REPEATEDLY REQUESTED THIS. THIS HAS JUST COME ABOUT AS A RESULT OF THOSE REQUESTS. I CAN ONLY GO BY WHAT THEY REQUEST ALSO.

MR. MCKINNON: DID THE VANCOUVER AND TORONTO ORDER FOR ALL PIONEERS AGREE WITH THIS DECISION, MR. CHAIRMAN?

MR. CHAIRMAN: HAVE YOU ANYTHING FURTHER ON THIS BILL?

DO YOU WISH I READ THE PREAMBLE?

SOME MEMBERS: AGREED.

MR. CHAIRMAN: MR. CHAIRMAN READS THE PREAMBLE OF BILL NO. 15 AND ORDINANCE TO AMEND THE INTERPRETATIONS ORDINANCE.

MR. TANNER: MR. CHAIRMAN, I MOVE THAT BILL NO. 15, AN ORDINANCE TO AMEND THE INTERPRETATIONS ORDINANCE - - -

MR. MCKINNON: MAKE MIKE DO IT.

MR. CHAMBERLIST: YEAH, THAT'S A GOOD IDEA.

MR. STUTTER: MR. CHAIRMAN, I WOULD MOVE THAT BILL NO. 15 AN ORDINANCE TO AMEND THE INTERPRETATIONS ORDINANCE BE PASSED OUT OF COMMITTEE WITHOUT AMENDMENT.

MR. CHAIRMAN: IS THERE A SECONDER?
DO WE HAVE A SECONDER FOR THIS MOTION?

MR. CHAMBERLIST: THERE IS SOMEBODY IN THE NORTHWEST TERRITORIES THAT MIGHT SECOND IT.

MR. TANNER: MR. CHAIRMAN, BECAUSE I FEEL SO WARMLY TOWARDS MY FRIEND FROM DAWSON I WILL HAVE THE PRIVILEGE OF SECONDING IT.

MR. CHAMBERLIST: AH! GET ME THE BUCKET!

MR. CHAIRMAN: ORDER PLEASE.
IT HAS BEEN MOVED BY COUNCILLOR STUTTER, SECONDED BY COUNCILLOR TANNER THAT BILL NO. 15 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION? AGREED?
I SHALL DECLARE THE MOTION AS CARRIED.

CARRIED

MR. CHAIRMAN: THE NEXT BILL IS BILL NO. 16. THIS IS AN ORDINANCE TO AMEND THE NOTARIES ORDINANCE.

1. SUBSECTION 6(1) OF THE NOTARIES ORDINANCE IS REPEALED AND THE FOLLOWING SUBSTITUTED THEREFORE.

MR. CHAIRMAN READS SECTION 6(1) OF AN ORDINANCE TO AMEND THE NOTARIES ORDINANCE.

MR. CHAMBERLIST: MR. CHAIRMAN, I KNOW THAT WHAT WE'RE DOING IS WE'RE JUST AMENDING ONE WORD AT THIS TIME BY ADDING THE WORDS "OR MAGISTRATE" BUT WHAT REALLY BOTHERS ME IN THIS AND THIS IS A MISTAKE THAT I THINK PERHAPS WE SHOULD CORRECT AT THIS TIME. IF THIS MAKES PROVISION FOR A NOTARY PUBLIC TO ONLY BE GIVEN HIS NOTARY AUTHORITY IN A PARTICULAR AREA, NOW WHAT I'M ASKING AT THIS TIME TO GET SOME CLARIFICATION, IS WHETHER WHEN WE TALK

ABOUT AN AREA, IS IT AN AREA GEOGRAPHICALLY OR IS IT AN AREA OF PARTICULAR BUSINESS OR ACTION, WHEN WE SAY AN AREA OF A GOVERNMENT PERSONNEL OR AN AREA OF GENERAL MATTERS. DOES IT MEAN A FIXED AREA SUCH AS A PARTICULAR DISTRICT.

MR. LEGAL ADVISOR: MR. CHAIRMAN IT MEANS A GEOGRAPHICAL AREA BUT IN PRACTICE IT INCLUDES THE WHOLE TERRITORY. THIS IS FOR THE PURPOSE OF A DISPUTE, IF YOU REALLY HAD PRACTICING NOTARIES, YOU COULD AUTHORIZE ONE TO PRACTICE AT ONE END OF TOWN AND ONE AT THE OTHER END OF TOWN, ARE TWO DIFFERENT PLACES OF DISPUTE. IN REAL LIFE THIS JUST DOES NOT ARISE. WHEN A NOTARY, ONCE HE HAS AFIXED THE SEAL TO THE DOCUMENT, IS ENTITLED TO IT NO MATTER WHERE HE GOES IN THE TERRITORY.

MR. CHAMBERLIST: AND EVEN OUTSIDE THE TERRITORY? IF HE HAPPENS TO BE A NOTARY FOR THE TERRITORY AND HE IS SIGNING A DOCUMENT PERTAINING TO MATTERS OF THE TERRITORY.

MR. LEGAL ADVISOR: YES, THIS IS CORRECT. I THINK WE HAVE MADE OUR OFFICERS IN VANCOUVER TO BE NOTARIES FOR THE PURPOSE OF AUTHORIZING DOCUMENTS SWORN IN VANCOUVER TO BE USED UP HERE.

MR. CHAIRMAN: IS IT YOUR WISH I READ THE PREAMBLE TO THE BILL?

SOME HONOURABLE MEMBER: AGREED.

MR. CHAIRMAN: THE COMMISSIONER OF THE YUKON TERRITORY BY AND WITH THE ADVICE AND CONSENT OF THE SAID TERRITORY AND ACTS AS FOLLOWS: (THIS IS AN ORDINANCE TO AMEND THE NOTARIES ORDINANCE.) WHAT IS YOUR PLEASURE?

MR. TANNER: MR. CHAIRMAN I WOULD MOVE THAT BILL NO. 16, AN ORDINANCE TO AMEND THE NOTARIES ORDINANCE BE MOVED OUT OF COMMITTEE WITHOUT AMENDMENT.

MR. CHAIRMAN: IS THERE A SECONDER?

MRS. WATSON: MR. CHAIRMAN, I WILL SECOND THAT MOTION.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR TANNER SECOND BY COUNCILLOR WATSON THAT BILL NO. 16 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MOTION CARRIED

MR. CHAIRMAN: WE WILL PROCEED TO BILL NO. 17. THIS IS AN ORDINANCE TO AMEND THE FAIR PRACTICES ORDINANCE.

MR. TANNER: MR. CHAIRMAN I WOULD LIKE TO DO THE EXPLANATORY NOTE, PLEASE.

MR. CHAIRMAN: PROCEED.

MR. TANNER: (READS THE EXPLANATORY NOTE)

MR. CHAMBERLIST: EXPLAIN.

MR. CHAIRMAN: WE WILL PROCEED WITH THE READING OF THE BILL. (MR. CHAIRMAN READS SECTION 1, "3.(1) & (2)."

MR. CHAMBERLIST: MARTIAL STATUS, ATTENTION!

SOME HONOURABLE MEMBERS: LAUGHTER

MR. McKINNON: HE'S GOT IT RIGHT.

MR. CHAMBERLIST: YEA, HE'S GOT IT RIGHT. COME ON GIRLS, MARCH ON.

MR. TANNER: YOU WERE RIGHT THE FIRST TIME, MR. CHAIRMAN.

MR. CHAIRMAN: IS IT NOT JUST IN RELATION TO SUB (2) IN MANY FORMS OR APPLICATIONS YOU HAVE TO SAY WHETHER YOU ARE MALE OR FEMALE ON THE APPLICATION. IS THIS NOT DONE, A NORMAL THING?

MR. LEGAL ADVISOR: ITS ILLEGAL. YOU CAN'T ASK HIM WHAT SEX HE IS.

SOME HONOURABLE MEMBERS: LOTS OF LAUGHTER.

MR. CHAMBERLIST: AND THIS HERE IS THE BRITISH MILITARY REGIMENT.

MR. McKINNON: DOES IT MEAN MR. CHAIRMAN, THAT A LOCAL NIGHT CLUB HAS TO ADVERTISE FOR A GO-GO PERSON FROM NOW ON?

MR. LEGAL ADVISOR: I THINK SO, YES, MR. CHAIRMAN.

MR. McKINNON: AND IS SUBJECT TO FINE OR IMPRISONMENT IF THEY ADVERTISE FOR A GO-GO GIRL?

MR. LEGAL ADVISOR: I WOULDN'T LIKE TO COMMIT MYSELF ON THAT BUT THERE ARE EXCEPTIONS THAT MAY APPLY TO THIS TYPE OF WORK OR SPECIAL PURPOSES.

MR. TANNER: MR. CHAIRMAN THEY AREN'T SUBJECT TO FINE UNLESS SOMEBODY LAYS A COMPLAINT. MAYBE THE GIRLS THAT ARE DANCING MIGHT LAY THE COMPLAINT.

MR. CHAMBERLIST: A GO-GO GIRL IS DIFFERENT FROM A GO-GIRL-GO.

MR. CHAIRMAN: (MR. CHAIRMAN READS SECTION 1, (3) & (4).) ARE YOU CLEAR ON SECTION 1?

MR. CHAIRMAN: (MR. CHAIRMAN READS SECTION 2, (1).) DOES THIS MEAN WE GET INTO THE LADIES WASHROOM NOW.

MR. TANNER: IF THAT IS WHERE YOU WANT TO GO.

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. CHAIRMAN READS SECTION 2, (2), (A) & (B).

MR. CHAIRMAN: WHY IS THE FIGURE OF SIX SELF-CONTAINED DWELLING UNITS USES?

MR. LEGAL ADVISOR: IT WAS IN THE ORDINANCE ALREADY. THE DECISION HAD ALREADY BEEN MADE.

MR. CHAIRMAN: THAT HASN'T ANSWERED MY QUESTION. WHY?

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. LEGAL ADVISOR: MR. CHAIRMAN I AM GIVING YOU THE REASON WHY IT IS IN THIS SECTION. I CANNOT ANSWER WHY IT IS IN THE SECTIONS THAT CAME IN 1967 OR 1962. I WASN'T HERE MR. CHAIRMAN.

MR. CHAIRMAN READS SECTION 2, (3).

MR. CHAMBERLIST: MR. CHAIRMAN COULD I GO BACK JUST A MINUTE. THAT WAS A SERIOUS QUESTION THAT WAS ASKED BY COUNCILLOR TAYLOR BECAUSE IF WE READ THAT 2 (B), IT WOULD APPEAR THAT IF THERE IS LESS THAN SIX SELF-CONTAINED DWELLING UNITS, YOU ARE ALLOWED TO DISCRIMINATE. THAT IS HOW IT READS. WHY NOT JUST SAY, ANY BUILDING THAT CONTAINS SELF-CONTAINED DWELLING UNITS.

MR. LEGAL ADVISOR: MR. CHAIRMAN I THINK THE REAL REASON BEHIND PICKING A LOW NUMBER IS THAT YOU MAY HAVE AN INDIVIDUAL HOUSE AND PEOPLE MAY WANT THE PEOPLE THE SAME AGE OR THE SAME NATIONALITY IN A SMALL HOUSE, WITHOUT LIVING ON A DAY TO DAY BASIS. WE ARE TALKING ABOUT A FACILITY, WE JUST WIDELY OPEN TO THE PUBLIC A BLOCK OF APARTMENTS. SIX WAS THE CHOSEN NUMBER OF THAT.

MR. CHAMBERLIST: THE POINT THAT I'M MAKING IS NOW WE ARE PUTTING IN SEX, MARITAL STATUS IN THERE, THE WAY THE SECTION READS NOW, UNLESS THERE WERE LESS THAN SIX UNITS, THEN YOU CAN DISCRIMINATE. THE IDEA IS TO SAY, NO DISCRIMINATION AT ALL. REALLY WHAT WE ARE SAYING IS, ITS OK NOW, YOU CAN DISCRIMINATE IF ITS LESS THAN SIX UNITS. IT SAYS, AND LET'S READ THIS CAREFULLY, 'TO ANY TERM OR CONDITION OF OCCUPANCY OF ANY APARTMENT IN ANY BUILDING THAT CONTAINS MORE THEN SIX SELF-CONTAINED DWELLING UNITS, BECAUSE OF THE RACE, RELIGION, RELIGIOUS CREED, COLOUR, ANCESTRY, SEX, MARITAL STATUS, '

ITS OK, YOU CAN SAY, WE DON'T WANT YOU IN HERE BECAUSE WE ARE ALLOWED TO DO THAT BECAUSE WE HAVE ONLY GOT FOUR APARTMENTS IN THIS BUILDING, SHOULD WE NOT TAKE THAT OUT?

MR. LEGAL ADVISOR: THAT IS A SEPARATE QUESTION, MR. CHAIRMAN AND AS I SAY, THE POLICY DECISION WAS NOT CHANGED FROM THE OLD ORDINANCE TO THIS ORDINANCE, THAT WAS, IN A SMALL BUILDING SOME DISCRIMINATION IS PERMITTED.

MR. CHAMBERLIST: BUT NOT WITH REFERENCE TO SEX AND MARITAL STATUS. THIS IS WHAT WE DON'T WANT, DO WE?

MR. MCKINNON: YES.

MRS. WATSON: NOT NECESSARILY.

MR. CHAMBERLIST: DO WE LISTEN TO THE LESS THAN SIX THEN?

MR. LEGAL ADVISOR: IF IT'S LESS THAN SIX YOU ARE TALKING ABOUT, FIVE.

MR. MCKINNON: I THINK YOU HAVE TO ALLOW A LITTLE BIT OF DISCRIMINATION INTO THE ORDINANCE AND I SAY THIS IN ALL SINCERITY AND SERIOUSNESS. I THINK THAT IF A PERSON IS GOING TO GO INTO THE BUSINESS OF APARTMENT BUILDINGS AND THEY ARE GOING TO RENT A LARGE NUMBER OF APARTMENTS, HE HAS TO BE MADE TO RECOGNIZE THAT THERE IS NO WAY THAT HE IS GOING TO EARN HIS LIVING ON DISCRIMINATORY TECHNIQUES. AS I UNDERSTAND THE ORDINANCE AS IT IS NOW, THAT MARITAL STATUS WOULD INCLUDE, FOR INSTANCE, PEOPLE LIVING COMMON LAW. THERE MAY BE PEOPLE WHO HAVE A SELF-CONTAINED SUIT WHO HAVE VERY STRONG AND SERIOUS RELIGIOUS OBJECTIONS TO PEOPLE LIVING COMMON LAW.

I DON'T THINK THAT THOSE PEOPLE FOR RENTING THEIR BASEMENT SUITE SHOULD BE BROUGHT TO COURT UNDER THIS ORDINANCE BECAUSE OF THEIR RELIGIOUS BELIEFS. I BELIEVE THAT IF THEY ARE GOING IN WITH A FOURPLEX OR AN APARTMENT BUILDING, THEN THEY ARE GOING IN TO MAKE THEIR LIVELIHOOD OUT OF RENTING SUITES, THEN THEY SHOULD REALIZE THAT THEY ARE LIABLE FOR PROSECUTION IF THEY USE ANY KIND OF DISCRIMINATORY TECHNIQUES WHICH APPEAR IN THIS ORDINANCE.

I'M FOR A LITTLE BIT OF DISCRIMINATION. I AM FOR THE POINT THAT THE LEGAL ADVISOR MEANT, THAT THERE MAY BE PEOPLE WHO ARE ELDERLY WHO WANT ANOTHER ELDERLY COUPLE LIVING IN THEIR BASEMENT SUITE. THERE MAY BE ANY NUMBER OF ETHNIC REASONS THAT THEY ARE NEWLY ARRIVED FROM THE OLD COUNTRY AND WANT ANOTHER COUPLE WITH THE SAME ETHNIC BACKGROUND AS THEM IN THE BASEMENT SUITE.

I THINK THAT WE DO A DISSERVICE IF WE ALLOW IT TO BE WITHOUT ANY NUMERICAL TYPE OF BARRIER, WHETHER IT IS TWO, FOUR, SIX, WE COULD ARGUE ABOUT THE NUMBER OF UNITS. LET'S NOT EXCLUDE IT ALTOGETHER. I WOULD EVEN GO ALONG FOR A SINGLE SELF-CONTAINED SUITE OR A DUPLEX, MAYBE IT SHOULDN'T BE AS HIGH AS SIX BUT CERTAINLY THERE ARE INSTANCES AND THERE ARE EXAMPLES. I THINK THAT SOME OF THEM HAVE BEEN RELATED TO COMMITTEE WHERE IT SHOULDN'T BE UNIVERSAL THAT THERE SHOULDN'T BE ALLOWED SOME FLEXIBILITY IN THIS AREA.

MR. CHAMBERLIST: I DON'T DISAGREE WITH WHAT THE HONOURABLE MEMBER SAID. I AM JUST SIMPLY SAYING THAT THE IDEA THAT THIS PIECE OF LEGISLATION PRIMARILY, AS A RESULT OF THE REQUEST THAT HAS BEEN MADE BY THE WOMEN'S ASSOCIATION,

HERE WHAT WE ARE DOING IS PUTTING IN SEX AND MARITAL STATUS, ADDING TO IT, YET BY DOING IT WE ARE SAYING THAT WHERE THERE IS THE SIX SELF-CONTAINED UNITS IS A DIVIDING LINE BETWEEN WHETHER SEX AND MARITAL STATUS IS APPLICABLE BY WAY OF DISCRIMINATION OR NOT.

I AGREE WITH WHAT THE HONOURABLE MEMBER SAYS IN THE OTHER AREAS. BUT HERE YOU ARE DEALING WITH THE SEX OF A PERSON.

MR. TANNER: MR. CHAIRMAN, THESE CHANGES ARE ALMOST WORD FOR WORD, THE CHANGES OF THE STATUS OF WOMEN, COUNCIL ASKED US TO MAKE.

MR. CHAMBERLIST: THAT IS ALRIGHT, IF THEY'RE CONTENT WITH IT.

MRS. WATSON: MR. CHAIRMAN, THERE WAS NO QUESTION ON THAT FACTOR AT ALL BY THE STATUS OF WOMEN'S ASSOCIATION.

MR. CHAMBERLIST: STRANGE. I THINK THEY MESSED UP.

MR. LEGAL ADVISOR: MR. CHAIRMAN, IF YOU CUT OUT THIS SECTION, THE EFFECT WOULD BE THAT TWO GIRLS WERE LOOKING FOR A THIRD GIRL IN THE APARTMENT CAN'T HAVE A GIRL, IF A GIRL DOESN'T TURN UP FIRST, THEY MUST HAVE TWO MEN.

MR. MCKINNON: I AGREE WITH THAT.

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. CHAMBERLIST: ALL THE MORE REASON THAT IF YOU ARE LOOKING TO BENEFIT THE FAIR PRACTICES ORDINANCE, YOU DON'T MAKE IT ONE-SIDED. I'M JUST SURPRISED THAT THE STATUS OF WOMEN'S COUNCIL DOESN'T RECOGNIZE THE POINT THAT I'VE MADE WHEN THEY ARE MAKING THESE SUGGESTIONS. WHAT IT DOES DO, NOTWITHSTANDING, THERE IS A DISCRIMINATION THAT THEY HAVE CREATED THEMSELVES AND IF THEY ARE CONTENT WITH IT, FINE AND DANDY.

MR. LEGAL ADVISOR: THEY HAVEN'T CREATED IT, ITS JUST BEEN KNOWN TO EXIST.

MR. CHAMBERLIST: THAT IS FINE.

MR. CHAIRMAN: I WONDER MR. LEGAL ADVISOR, IF YOU WOULD NOW HAVE A GO AT SUB 3, THE NEW INCLUSION.

MR. LEGAL ADVISOR: YOU MEAN TO EXPLAIN IT MR. CHAIRMAN?

MR. CHAIRMAN: YES.

MR. TANNER: YOU HAVEN'T READ IT YET.

MR. CHAIRMAN: YES, ITS BEEN READ.

MR. LEGAL ADVISOR: THERE ARE MANY INSTANCES WHERE YOU ARE HAVING ONLY PEOPLE OF ONE SEX OCCUPY OR DO A CERTAIN THING AND YOU ARE INTITUATED TO PROVIDE THAT SERVICE FOR THAT SEX.

MR. CHAMBERLIST: Y.W.C.A. FOR INSTANCE, WHERE THEY HAVE BOYS IN THERE.

MR. CHAIRMAN: I JUST WANTED TO SEE HOW YOU WOULD GET AROUND THAT.

SOME HONOURABLE MEMBERS: LAUGHTER

MR. CHAIRMAN: ARE WE CLEAR ON 2?

MR. CHAIRMAN READS SECTION 3, (1).

MR. CHAIRMAN: CLEAR?

MR. CHAIRMAN READS SECTION 4, (1).

MR. CHAIRMAN: COULD WE JUST HAVE AN EXPLANATION ON THAT MR. LEGAL ADVISOR? A REPEAL?

MR. TANNER: MR. CHAIRMAN, THAT SECTION READS, WHERE THE EMPLOYER EMPLOYS FEWER THAN FIVE EMPLOYEES.

MR. CHAIRMAN: HOW DOES IT RELATE IN THIS SECTION? WHY WAS IT DELETED?

MR. LEGAL ADVISOR: IT WAS AN EXCEPTION. IF YOU EMPLOY FEWER THAN FIVE EMPLOYEES, YOU COULD EXERCISE DISCRIMINATION. BUT NOW YOU CAN'T.

MR. CHAIRMAN: I SEE. RIGHT. THIS OPENS IT UP.

MR. CHAIRMAN READS SECTION 4 (2).

MR. TANNER: MR. CHAIRMAN THIS IS EXACTLY THE SAME AS LAST TIME EXCEPT THAT AGAIN YOU HAVE ADDED SEX AND MARITAL STATUS. OBVIOUSLY, THERE HAS GOT TO BE SOME TYPES OF EMPLOYMENT WHERE YOU HAVE GOT TO BE ABLE TO MAKE THE DISTINCTION, PARTICULARLY IN THE CASE OF SEX.

MR. CHAMBERLIST: THAT'S EASY. THERE IS ABOUT THIS MUCH DIFFERENCE.

MR. CHAIRMAN: THIS PROVIDES THAT A WOMAN MAY WORK UNDERGROUND, IN THE MINES?

MR. LEGAL ADVISOR: NO, THAT IS A DIFFERENT ORDINANCE, MR. CHAIRMAN. THERE ARE MANY CASES. ITS HARD TO THINK OF WHERE A PARTICULAR ETHNIC, NATIONAL OR SEXUAL STATUS IS NECESSARY. A LEADING CASE IN ENGLAND WHERE A SCOTTISH DOCTOR WORKING IN LONDON, WAS FINED BECAUSE HE ADVERTISED FOR A SCOTTIS COOK OR A COOK TO COOK SCOTTISH PORRIDGE BECAUSE THAT IS WHAT HIS FAMILY ATE EVERY DAY. AND HE WAS HELD TO BE DISCRIMINATION TO EMPLOY A SCOTTISH COOK. THIS WOULD ALLOW THAT DOCTOR TO EMPLOY A SCOTTISH COOK, TO COOK SCOTTISH PORRIDGE.

MR. MCKINNON: HE DIDN'T REALIZE HOW LUCKY HE WAS.

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. TANNER: MR. CHAIRMAN, THE MATTER THAT THE CHAIRMAN IS REFERRING TO IS IN THE NEXT ORDINANCE, IT DOESN'T ALLOW WOMEN TO WORK UNDERGROUND NOW.

MR. CHAIRMAN: IS IT YOUR WISH THAT I READ THE PREAMBLE TO THE BILL?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN READS THE PREAMBLE TO BILL NO. 17, AN ORDINANCE INTITULED AN ORDINANCE TO AMEND THE FAIR PRACTICES ORDINANCE. WHAT IS YOUR PLEASURE?

MR. TANNER: MR. CHAIRMAN, I WOULD MOVE THAT BILL NO. 17, AN ORDINANCE TO AMEND THE FAIR PRACTICES ORDINANCE BE PASSED OUT OF COMMITTEE WITHOUT AMENDMENT.

MR. CHAIRMAN: IS THERE A SECONDER?

MRS. WATSON: MR. CHAIRMAN, I WILL SECOND THAT.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 17 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MOTION CARRIED

MR. CHAIRMAN: I BELIEVE AT THIS TIME, WE

WILL STAND COMMITTEE IN RECESS.

RECESS

MR. CHAIRMAN: WELL, AT THIS TIME WE WILL CALL COMMITTEE BACK TO ORDER. WE ARE NOW ON BILL NO. 18.

BILL NO. 18

THIS IS AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE. SUBSECTION 10(1) OF THE MINING SAFETY ORDINANCE IS REPEALED AND THE FOLLOWING SUBSTITUTED THEREFOR: (MR. CHAIRMAN READS).

I'M JUST WONDERING, MR. LEGAL ADVISOR, IN THE QUESTION, ORDER PLEASE. I'M JUST WONDERING IN THE QUESTION OF WHERE PEOPLE AND I'M THINKING IN PARTICULAR OF CANADA TUNGSTEN'S MINE IS SITUATED IN SUCH A MANNER THAT THE MILL IS CONSIDERED AS PART OF THE MINE, I BELIEVE, AND THERE ARE MANY CHILDREN, OR I SHOULDN'T SAY CHILDREN BUT PEOPLE UNDER SIXTEEN YEARS OLD DOING OTHER THINGS ABOUT A MINE. NOT NECESSARILY RELATED TO THE MINES.

MR. LEGAL ADVISOR: THIS SECTION DOESN'T APPLY TO THAT. IT'S JUST UNDERGROUND OR THE WORKING FACE.

MR. CHAIRMAN: YOU SAY IN OR ABOUT A MINE.

MR. LEGAL ADVISOR: NOT ESPECIALLY UNDERGROUND OR THE WORKING FACE OF ANY OPEN PIT IN OR ABOUT A MINE.

MR. CHAIRMAN: THAT IS GOOD BUT, THE IN OR ABOUT A MINE, IS WHAT I AM HAVING TROUBLE WITH. THAT COULD BE VERY BROAD.

MR. LEGAL ADVISOR: NOW, A MINE IS DEFINED IN A COMMISSIONER'S ORDINANCE AND IT'S A BIT TOO LONG TO READ OUT.

MR. CHAIRMAN: BUT IT INCLUDES A MILL AND THIS IS THE PROBLEM.

MR. LEGAL ADVISOR: AN OPEN QUARRY EXCAVATION. A BED OF EARTH, CLAY, SAND OR GRAVEL, AND ALL THESE WORKS, MACHINERY PLANTS, BUILDINGS BELOW AND ABOVE GROUND BELONGING AND USED IN CONNECTION WITH THE MINE. AND ANY ROAST YARD, SMELTING FURNACE, MILL WORK OR PLACE USED IN CONNECTION WITH SMELTING, REFINING OR TREATING ANY MINERAL BEARING OR OTHER SUBSTANCE. SO IT'S VERY, VERY WIDE.

MR. CHAIRMAN: YES, BUT THIS IS THE PROBLEM. IN OR ABOUT A MINE, IT PRECLUDES THE EMPLOYMENT OF YOUNGSTERS IN ACTIVITIES WHICH ARE NOT DANGEROUS. I'M WONDERING IF THIS SHOULDN'T BE REVIEWED IN THAT LIGHT.

MR. CHAMBERLIST: WELL, PEOPLE UNDER SIXTEEN CAN'T BE EMPLOYED IN ANY EVENT.

MR. TANNER: MR. CHAIRMAN, THIS HAS BEEN ON THE BOOKS FOR SOME TIME. THE ONLY DIFFERENCE IS WE ARE ELIMINATING FEMALES FROM THIS.

MR. CHAIRMAN: I AGREE WITH THAT BUT I'M SAYING IS IT FAIR BECAUSE IT LEAVES ITSELF TO PRETTY BROAD INTERPRETATION WHEN YOU CONSIDER THAT A MILL OR A CORE SHACK OR ANYTHING OF THAT NATURE IS INCLUDED IN THE DEFINITION OF A MINE. IN OR ABOUT A MINE.

MR. LEGAL ADVISOR: THERE'S NO QUESTION IT'S BROAD, MR. CHAIRMAN, BUT THE PURPOSE OF THIS SPECIAL AMENDMENT IS MERELY TO IMPOSE A RESTRICTION ON GIRLS AS WELL AS BOYS.

MR. CHAIRMAN: I REALIZE THAT BUT I'M SAYING THIS SECTION 'IN OR ABOUT A MINE' DOES BOTHER ME.

MR. LEGAL ADVISOR: IS IT THE HONOURABLE MEMBER'S SUGGESTION THAT WE REVIEW IT OR DO SOMETHING ABOUT IT?

MR. CHAIRMAN: WELL, IN THE CONTEXT THAT A MINE INCLUDES A MILL OR ANY OTHER OPERATION RELATED TO A MINE AND IN THINKING OF SUMMER EMPLOYMENT WHERE PEOPLE, MAYBE 14 OR 15 YEARS OLD MIGHT BE DOING SOME MENIAL CHORE, THIS WOULD MAKE IT UNLAWFUL FOR THEM TO DO SO. EVEN THOUGH THEY ARE IN PLACE OF SAFETY NOT RELATED TO THE PIT, THE MINE OR THE OPEN FACE.

MR. LEGAL ADVISOR: THIS MAY BE SO, MR. CHAIRMAN, BUT THAT WAS ALWAYS THE LAW.

MR. CHAIRMAN: PUT THAT DOESN'T MEAN IT WAS RIGHT. THAT'S WHY I'M ASKING. MAYBE IT SHOULD BE REVIEWED IN LIGHT OF WHAT IS HAPPENING.

MR. LEGAL ADVISOR: WELL, WITHOUT A POSITIVE DIRECTION, I DON'T THINK THE GOVERNMENT WOULD REVIEW IT. ON THE DIRECTION OF THIS HOUSE, OF COURSE, THEY WOULD.

MR. MCKINNON: MR. CHAIRMAN, I AGREE WITH THE HONOURABLE MEMBER THAT IN ALL KINDS OF INSTAN-

CES WHERE, AFTER SCHOOL, KIDS MAY WORK IN A LAB, A MILL, SURE, THEY WORK PART TIME IN THE SUMMER TIME. THERE IS NOTHING WRONG WITH A PERSON UNDER SIXTEEN WORKING PART TIME AND THERE ARE QUITE A FEW OF THEM AND I ASSURE YOU THEY ARE RESPONSIBLE WORKERS. MANY BUSINESSES IN TOWN EMPLOY PART TIME HELP UNDER SIXTEEN AND I SEE NO REASON WHY IN OR AROUND THE MINE THEY SHOULD BE EXCLUDED FROM MAKING SOME POCKET MONEY. IF THIS LEGISLATION EXCLUDES THEM, THEN I SAY IT'S DISCRIMINATION AGAINST THEM TOO. BUT IT WE'RE ON THIS ANTI-DISCRIMINATION KICK LET'S MAKE SURE THEY ARE NOT DISCRIMINATED AGAINST.

MR. TANNER: MR. CHAIRMAN, I WOULD SUGGEST THAT UNDER THE LABOUR STANDARDS ORDINANCE YOU WOULD PROBABLY FIND ALL THOSE EXCLUSIONS ANYWAY.

MR. CHAMBERLIST: I WOULD MOVE THAT THE WORDS 'OR OR ABOUT' BE DELETED. LET'S HAVE A SECONDER THEN.

IT SOLVES THE PROBLEM BECAUSE IT SAYS "SHALL BE EMPLOYED IN A MINE". SEE, IT KEEPS THEM OUT OF THE MINE BUT NOT "ABOUT THE MINE".

MR. CHAIRMAN: BUT A MINE IS STILL DEFINED AS A MILL OR ANYTHING ELSE. FOR EXAMPLE: I WILL JUST GIVE YOU ONE EXAMPLE FROM THE CHAIR. LIKE AT CASSIAR, IN THE SUMMER TIME THEY HIRE YOUNG STUDENTS TO GO UP AND HAND PICK FIBRE FROM STOCK PILES.

THAT'S IN B.C. MIND YOU. IT'S OUT OF THE TERRITORY BUT THAT TYPE OF THING DOES EXIST. IT'S A REAL PROBLEM. COUNCILLOR STUTTER.

MR. STUTTER: MR. CHAIRMAN, COULD I ASK THE MINISTER OF EDUCATION ONE QUESTION? IT SEEMS TO ME THAT THE MINING COURSE THAT IS PUT ON AT THE VOCATIONAL SCHOOL. YOU'RE QUITE ELIGIBLE TO TAKE THAT COURSE AT THE AGE OF 17 AND THAT INCLUDES A LOT OF TRAINING UNDERGROUND AT THE GRAY MOUNTAIN SITE AND THESE PEOPLE ARE 17.

MR. CHAMBERLIST: THAT'S A GOOD POINT.

MRS. WATSON: MR. CHAIRMAN, THEY ARE NOT BEING EMPLOYED. THEY ARE BEING TRAINED. NOW, I WOULD HAVE TO CHECK FOR SURE WHETHER YOU HAVE 17 YEAR OLD'S IN THERE.

MR. CHAMBERLIST: COULD WE REPORT PROGRESS ON THIS ONE AND LET THE LEGAL ADVISOR LOOK INTO IT?

MRS. WATSON: MR. CHAIRMAN, I THINK WE SHOULD HAVE SOME DIRECTION THOUGH. WE DON'T KNOW

EXACTLY WHAT YOU WANT. I KNOW THE HONOURABLE MEMBER IS GOING TO IMPLY THAT THE YOUNGSTERS, OR YOUNG PEOPLE UNDER SIXTEEN OF AGE, BE THEY MALE OR FEMALE, BE ALLOWED TO WORK IN 'AROUND A MINE' BUT YOU ALSO I'M SURE DON'T WANT THEM TO BE PERMITTED TO WORK IN A DANGEROUS AREA IN A MINE. THIS IS GOING TO BE RATHER DIFFICULT TO PROVIDE OR TO DEFINE.

MR. LEGAL ADVISOR: MR. CHAIRMAN, IT'S A DIFFERENT AGE. SIXTEEN YEARS, UNDER SIXTEEN YEARS IN OR ABOUT A MINE WHEREAS IT'S UNDER EIGHTEEN YEARS UNDERGROUND. THERE'S A SLIGHT DIFFERENCE.

MR. CHAIRMAN: AGAIN, FROM THE CHAIR. THERE ARE CIRCUMSTANCES IN MINING COMMUNITIES WHERE THE YOUNGER PEOPLE IN THE SUMMER MONTHS PICK UP EXTRA MONEY DOING MENIAL CHORES NO DOUBT. BUT NEVERTHELESS. THEY DO CHORES IN THE LAB IN OR AROUND THE MILL OR WHEREVER.

MR. STUTTER: MR. CHAIRMAN, MIGHT I MAKE A SUGGESTION. IF THE ADMINISTRATION WOULD COME IN WITH A BOTTLE COLLECTION SYSTEM AND IT'S LEGAL THEN ALL THESE KIDS UNDER SIXTEEN COULD MAKE LOTS OF MONEY PICKING THOSE UP.

MR. CHAIRMAN: THE PROBLEM LIES OF COURSE, IN THE BROAD INTERPRETATION OF WHAT IS A MINE.

MR. MCKINNON: WELL, MR. CHAIRMAN, IT SEEMS THAT WE ARE JUST SITTING HERE LOOKING FOR DIRECTION. I THINK IT'S THE CONSENSUS OF COUNCIL THAT THEY WOULD LIKE TO SEE PEOPLE UNDER THE AGE OF SIXTEEN HERE BE ABLE TO NOT WORK IN THE DANGEROUS AREAS OF A MINE BUT IN A MINING OPERATION.

NOW, IS THERE ANY WAY OF AMENDING THIS ORDINANCE, MR. LEGAL ADVISOR, OR ARE WE GETTING TOO CLOSE TO THE TIME WHEN YOU BECOME TIRED TOWARDS THE END OF THE DAY TO BE ABLE TO DO THIS?

MRS. HATSON: MR. CHAIRMAN, I WOULD SUGGEST THAT YOU PUT YOUR PERIOD AT THE END OF "QUARRY" AND LEAVE THE SECTION AS IT IS FROM THERE ON IN. NO PERSON UNDER THE AGE OF EIGHTEEN YEARS SHALL BE EMPLOYED UNDERGROUND OR THE WORKING FACE OF ANY OPEN PIT OR QUARRY, PERIOD.

MR. TANNER: MR. CHAIRMAN, I THINK IF MEMBERS WILL LOOK AT THE LABOUR STANDARDS ORDINANCE, I THINK YOU WILL FIND IT'S PRETTY DIFFICULT. THERE ARE ONE OR TWO VERY MINOR THINGS THAT CHILDREN UNDER SIXTEEN CAN WORK AT. BUT THEY ARE SPECIFIED IN QUITE A FEW AND I THINK YOU WILL FIND THAT ONE OF THEM COULD BE...

MR. STUTTER: THERE IS ONE OTHER DANGER TOO, MR. CHAIRMAN, AND THAT IS THAT AN UNDER SIXTEEN PERSON DOES NOT HAVE TO BE PAID THE MINIMUM WAGE AND THERE COULD BE INSTANCES ...

SOME MEMBER: UNDER WHAT?

MR. STUTTER: UNDER SIXTEEN DOESN'T HAVE TO BE PAID THE MINIMUM WAGE.

MR. CHAMBERLIST: IT'S SEVENTEEN. MR. CHAIRMAN, IF WE LOOK AT SECTION 13 OF THE LABOUR STANDARDS ORDINANCE, IT READS: (MR. CHAMBERLIST READS THAT SECTION) SO, THERE IS A LIMITATION HERE AT SEVENTEEN. I THINK YOU WOULD HAVE TO LOOK TO THE REGULATIONS.

MR. MCKINNON: THEY AREN'T IN REGULATIONS SO YOU CAN EMPLOY THEM.

MR. TANNER: MR. CHAIRMAN, I'M SURE THEY ARE IN REGULATIONS. PERHAPS THE HONOURABLE MEMBER IS NOT LOOKING IN THE CORRECT PLACE.

MR. LEGAL ADVISOR: MR. CHAIRMAN, I DON'T THINK ANY REGULATIONS HAVE EVER BEEN REQUIRED IN THIS AREA.

MR. MCKINNON: MR. CHAIRMAN, WITH RESPECT, IT'S RIGHT THAT KIDS UNDER SEVENTEEN BE ALLOWED TO BE EMPLOYED ON A PART TIME BASIS. EVEN IN SOME INSTANCES, DURING SUMMER HOLIDAYS, ARE IN FULL TIME JOBS BECAUSE, YOU KNOW, IF YOU DON'T THINK FIFTEEN AND SIXTEEN YEARS OF AGE ARE NOT PERFECTLY CAPABLE OF BEING RESPONSIBLE ENOUGH, FULFILLING A RESPONSIBLE POSITION, AND GETTING PAID A FULL TIME SALARY THEN YOU ARE UNDER ESTIMATING PEOPLE WHO I HAPPEN TO KNOW AND HAVE EMPLOYED ON SOME OCCASIONS.

DON'T DISCRIMINATE AGAINST THOSE WHO ARE AMBITIOUS AND HAVE ENOUGH INITIATIVE TO TRY AND MAKE, AND NEED SOME POCKET MONEY. FOR GOODNESS SALES, WE'RE TRYING TO FIGHT ANTI-DISCRIMINATORY LEGISLATION. DON'T DISCRIMINATE AGAINST THOSE WHO WANT THIS KIND OF WORK, WHO ARE CAPABLE OF DOING THE WORK AND ARE BEING PAID A FAIR WAGE FOR THE WORK THEY ARE DOING.

MR. STUTTER: MR. CHAIRMAN, SURELY YOU ARE DISCRIMINATING AGAINST THOSE YOUNGER PEOPLE IF YOU DO NOT PAY THEM THE MINIMUM WAGE. THE POINT I WAS MAKING A WHILE AGO IS THIS AND YOU HAVE THE ORDINANCE MAKES IT YES BUT IT'S SEVENTEEN AND OVER. BUT UNDER SEVENTEEN THERE IS NOTHING THERE THAT SAYS THEY HAVE TO BE PAID THE MINIMUM WAGE.

MR. McKINNON: THEN YOU GET IN OTHER PROBLEMS THAT WE'VE ALREADY DISCUSSED AROUND THIS HOUSE BECAUSE THERE ARE CERTAIN AREAS WHERE A PERSON IS WILLING TO TAKE A PERSON WHO HAS DROPPED OUT OF SCHOOL AT THE AGE OF FIFTEEN AND SIXTEEN, IS IT WORTH THE MINIMUM WAGE THAT THE PERSON IS WILLING TO TRAIN HIM TO BRING HIM UP TO A STANDARD OF MAKING HIM WORTH AND SURPASSING THE MINIMUM WAGE. IF WE GET TOO STICKY IN THAT AREA, WE PRECLUDE THIS TYPE OF OPERATION ALSO AND BELIEVE YOU ME, IT'S A CONTENTIOUS ISSUE AT THIS TABLE AND ONE THAT IS NOT EASILY ANSWERED IN ANY WAY, SHAPE OR FORM.

MRS. WATSON: BUT, MR. CHAIRMAN, SINCE THE LABOUR STANDARDS ORDINANCE DOES COVER IT WHERE YOU COULD PRESCRIBE THE VARIOUS OCCUPATIONS FOR ANYONE UNDER SEVENTEEN SHOULD NOT BE EMPLOYED, THERE IS PROVISION FOR IT. YOU COULD PRESCRIBE IN THE JOB AND UNDER REGULATIONS SO THAT REALLY, THERE IS NO NEED TO ADD THAT SECTION 'UNDER SIXTEEN'. WE COULD JUST LEAVE THAT SECTION UNDER 'QUARRY' AND WE WOULD BE ...

INTERRUPTION.

MRS. WATSON: THEN WE WOULDN'T HAVE TO SOLVE OR MAKE A DECISION.

MR. CHAMBERLIST: I WOULD MOVE THAT ALL THE WORDS AFTER THE WORD 'QUARRY' BE DELETED.

MR. CHAIRMAN: ORDER PLEASE. IS THERE A SECONDER TO THE MOTION?

MR. CHAMBERLIST: I WITHDRAW THE MOTION IN VIEW OF ...

MR. McKINNON: NO, MR. CHAIRMAN. I WILL SECOND THE MOTION.

MR. CHAIRMAN: IT WAS MOVED BY COUNCILLOR CHAMBERLIST, SECONDED BY COUNCILLOR McKINNON THAT ALL THE WORDS AFTER THE WORD 'QUARRY' BE DELETED. WHAT'S YOUR PLEASURE? ANY DEBATE?

SOME MEMBERS: AGREED.

MR. CHAIRMAN: I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

MR. CHAIRMAN: WHAT IS YOUR FURTHER PLEASURE? DO YOU WISH I SHOULD READ THE PREAMBLE TO THE BILL?

MR. STUTTER: MR. CHAIRMAN, BEFORE YOU READ THE PREAMBLE OF THE BILL, YOU YOURSELF HAVE A MOTION IN COMMITTEE AT THE MOMENT. IT DEALS WITH THE MINING SAFETY ORDINANCE AND I'M JUST WONDERING WHETHER OR NOT THE SUBJECT MATTER OF YOUR MOTION CAN BE COVERED IN REGULATION OR WHETHER IT TAKES A CHANGE IN THE ORDINANCE.

MR. CHAIRMAN: I'M NOT SURE WHERE IT PROPERLY FITS. THIS SILICOSIS-ASBESTOSIS REGULATION.

MR. LEGAL ADVISOR: WORKMEN'S COMPENSATION, MR. CHAIRMAN.

MR. CHAIRMAN: THEN THIS WOULD BE BY REGULATIONS.

MR. TANNER: MR. CHAIRMAN, I WILL BRING INFORMATION TO THE HOUSE WHEN THAT MOTION COMES UP WHICH WILL, I THINK, SATISFY THE HONOURABLE MEMBER. WE'RE ALL READY TO DO IT.

MR. CHAIRMAN: ALRIGHT, THE COMMISSIONER OF THE YUKON TERRITORY

MR. CHAIRMAN: I WOULD THINK - I'M NOT SURE WHERE IT PROPERLY FITS, THIS SILICOSIS-ASBESTOSIS REGULATION.

MR. LEGAL ADVISOR: WORKMEN'S COMPENSATION, MR. CHAIRMAN.

MR. CHAIRMAN: YES, I WAS THINKING - THEN THIS WOULD BE BY REGULATION.

MR. TANNER: MR. CHAIRMAN, I'M BRINGING INFORMATION TO THE HOUSE WHEN THAT MOTION COMES UP WHICH I THINK WILL SATISFY THE HONOURABLE MEMBER.

MR. CHAIRMAN: ALRIGHT, THE CHAIRMAN CONTINUES READING THE BILL.

MR. TANNER: MR. CHAIRMAN, I WOULD MOVE THAT BILL NO. 18, AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE, BE REPORTED OUT OF COMMITTEE AS AMENDED.

MR. CHAIRMAN: IS THERE A SECONDER?

MRS. WATSON: I WILL SECOND THAT, MR. CHAIRMAN.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR WATSON, THAT BILL NO. 18 BE REPORTED OUT OF COMMITTEE AS AMENDED. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. CHAIRMAN: ALRIGHT THE NEXT BILL IS BILL NO. 19.

MR. TANNER: MR. CHAIRMAN, I WOULD SUGGEST THAT WE DON'T PROCEED WITH BILL NO. 19 IMMEDIATELY.

MR. CHAMBERLIST: WHY NOT?

MR. TANNER: MR. CHAIRMAN, THERE IS A MISTAKE IN THE BILL. IT HAS GOT TO BE CORRECTED.

MR. CHAMBERLIST: WELL LET'S DEAL WITH IT.

MR. CHAIRMAN: COULD IT BE CORRECTED HERE BY AMENDMENT?

MR. STUTTER: MR. CHAIRMAN, MIGHT I SUGGEST WE STILL PROCEED WITH THE BILL BECAUSE I AM SURE THAT THE HONOURABLE MEMBER FROM WHITEHORSE WEST IS GOING TO BE PROPOSING AMENDMENTS, AND I AM ALSO GOING TO BE PROPOSING AMENDMENTS TO THE BILL NOW THAT IT IS IN COMMITTEE. IF IT HAS TO COME BACK IN, IT MIGHT AS WELL COME BACK IN WITH THESE AMENDMENTS IF THEY ARE ACCEPTED BY COMMITTEE.

MR. MCKINNON: I HAVE NO STRONG FEELINGS ON IT. IF MEMBERS WANT TO DEAL WITH IT NOW AND DEAL WITH SUBJECT MATTER THAT I RAISED IN THE HOUSE THIS MORNING AND WHICH IS NOW IN COMMITTEE, AND ALSO DEAL WITH SUBJECT MATTER WHICH THE HONOURABLE MEMBER FROM DAWSON SAYS THAT HE IS GOING TO BRING FORWARD, I HAVE NO OBJECTION TO THAT. IF OTHER HONOURABLE MEMBERS WANT THE BILL TO STAND OVER UNTIL THEY WISH TO BRING IT IN IN A CORRECTED FORM AND STILL ALLOW US TO DEAL WITH AMENDMENTS, IT JUST DOESN'T MAKE THAT MUCH DIFFERENCE TO ME.

MR. TANNER: MR. CHAIRMAN, MY POINT IS THAT THERE IS A MISTAKE IN THE BILL, OUR BILL. WE HAVE MADE A MISTAKE. I'M NOT TRYING TO STOP DEBATE ON IT. I WOULD ALSO SUGGEST THAT THERE IS PROBABLY GOING TO BE QUITE A BIT OF DEBATE AND WE COULD CLEAN UP A COUPLE OF THE SMALLER ONES RIGHT NOW FOR THE REST OF THE AFTERNOON.

MR. CHAMBERLIST: THERE'S ONLY ONE LEFT.

MR. MCKINNON: THEN WE COULD GO TO THE HOCKEY GAME AT 4:30 P.M.

MR. TANNER: YES, THERE'S A HOCKEY GAME AT 4:30 P.M.

MR. MCKINNON: WE'VE DONE A GOOD DAY'S WORK.

MR. CHAIRMAN: WHAT'S THE DIRECTION . . .

MR. STUTTER: YES, MR. CHAIRMAN, I WOULD AGREE THAT IT COULD COME BACK IN.

MR. MCKINNON: THERE'S NO-ONE IN THE GALLERY ANYWAYS.

MR. CHAIRMAN: ORDER PLEASE.

MR. STUTTER: MY ONLY POINT WAS THAT IF IT HAD TO COME BACK IN ANY EVENT WITH THE CORRECTION, AND THEN WE TURN AROUND AND AMEND THAT BILL THAT COMES IN IT MEANS THAT IT IS GOING TO GO BACK AGAIN AND BE BROUGHT BACK A THIRD TIME.

MR. CHAMBERLIST: IT MAY HAPPEN IN ANY EVENT.

MRS. WATSON: MR. CHAIRMAN, THE BOO BOO IN THIS IS SO TERRIBLE THAT I WOULD HATE TO THINK IT WOULD HAVE TO BE AN AMENDMENT. I WOULD LIKE TO CORRECT THE PAGE.

MR. CHAMBERLIST: I THINK YOU SHOULD.

MR. CHAIRMAN: WOULD THIS BE AVAILABLE FOR TOMORROW DO YOU THINK OR WILL IT TAKE SOME TIME? MR. LEGAL ADVISER?

MR. LEGAL ADVISER: I WOULD SAY ABOUT TWO MINUTES, MR. CHAIRMAN. MAYBE ONE MINUTE.

SOME HONOURABLE MEMBERS: NO. LAUGHTER.
A COUPLE OF DAYS.

MR. CHAIRMAN: COMMITTEE AGREE WE MOVE ON TO BILL NO. 20?

MRS. WATSON: MR. CHAIRMAN, AREN'T WE GOING IN PROPER SEQUENCE? WE'VE MISSED BILL NO. 7 SOMEWHERE ALONG THE LINE.

MR. CHAMBERLIST: WE ASKED TO DEAL WITH THE SMALL ONES FIRST.

MR. CHAIRMAN: BILL NO. 20, AN ORDINANCE TO AMEND THE COURT OF APPEAL ORDINANCE. THE CHAIRMAN READS THE BILL. HOW IS THAT PRO-
NOUNCED?

Mr. Legal Adviser: PUISNE JUDGES.

Mr. McKinnon: IS THIS THE FIRST RESULT OF THE COMMISSIONER'S ATTEMPT AT BILINGUALISM?

Mr. Chamberlist: IT'S A STANDARD RECOGNITION.

Mr. Chairman: COULD YOU EXPLAIN, Mr. Legal Adviser.

Mr. Legal Adviser: TO BE PERFECTLY FRANK I THINK THE SECTION IS PERFECTLY ALRIGHT AS IT WAS BEFORE. BUT WE GOT A LETTER FROM THE DEPARTMENT OF JUSTICE POINTING OUT THAT IN MAKING APPOINTMENTS UNDER OUR COURT OF APPEAL ORDINANCE, THEY DIDN'T KNOW WHAT TO CALL THE JUNIOR JUDGES, THAT'S THE JUDGES OTHER THAN THE CHIEF JUSTICE. THE SECTION SAID EVERY JUSTICE OF APPEAL SHALL BE CALLED SO AND SO YOU SEE, AND THAT WE USE TWO DIFFERENT EXPRESSIONS. SO THEY ASKED US TO LINE THEM UP SO WE ARE JUST LINING IT UP.

Mr. McKinnon: IT'S LEGAL POLITICS.

Mr. Legal Adviser: CORRECT.

Mr. Chamberlist: FOR 75 YEARS WE HAVE HAD JUDGES IN THE YUKON AND THEY HAVE ONLY JUST DISCOVERED THAT THIS IS THE WAY TO DEAL WITH IT. FANTASTIC.

Mr. Legal Adviser: NO, IT'S NOT QUITE LIKE THAT. YOU CALL A JUDGE Mr. JUSTICE SO AND SO AND YOU REFER TO HIM QUITE COMMONLY AS THE JUSTICE OF APPEAL OR JUDGE OF APPEAL. YOU HAVE GOT TWO KINDS OF JUDGES IN THE COURT OF APPEAL, A CHIEF JUSTICE AND OTHER JUDGES. WHAT DO YOU CALL THE OTHER JUDGES?

Mr. Chamberlist: JUSTICES.

Mr. Legal Adviser: THEY HAVE GOT TO BE THE SAME SO THEY SUGGESTED WE CHANGE IT. IT'S LEGAL IN THAT SENSE. I DIDN'T WANT TO OFFEND THE DEPARTMENT OF JUSTICE SO I PUT A PROPOSAL FORWARD TO THE GOVERNMENT IF THEY ACCEPTED IT THAT WE LINE IT UP SO THAT THEY KNOW HOW TO GET OUT THEIR APPOINTMENTS FROM THE FEDERAL CABINET.

Mr. Chamberlist: LET'S GIVE THEM UNANIMOUS CONSENT ON THIS ONE.

Mr. Chairman: IS IT YOUR WISH I READ THE PREAMBLE? THE CHAIRMAN READS THE PREAMBLE.

WHAT IS YOUR FURTHER PLEASURE?

Mr. Tanner: Mr. CHAIRMAN, I WOULD MOVE THAT BILL No. 20, AN ORDINANCE TO AMEND THE COURT OF APPEAL ORDINANCE, BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENTS.

Mr. Stutter: I'LL SECOND THAT, Mr. CHAIRMAN.

Mr. Chairman: IT WAS MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR STUTTER, THAT BILL No. 20 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED

Mr. Chairman: WHAT IS YOUR PLEASURE AT THIS TIME?

Mr. Tanner: Mr. CHAIRMAN, I WOULD MOVE THAT THE SPEAKER DO NOW RESUME THE CHAIR.

Mr. McKinnon: I SECOND THAT MOTION, Mr. CHAIRMAN.

Mr. Chairman: IT HAS BEEN MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR MCKINNON, THAT Mr. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

Mr. Chairman: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

Mr. Speaker: COUNCIL WILL NOW COME TO ORDER. MAY WE NOW HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEE?

Mr. Taylor: Mr. SPEAKER, COMMITTEE CONVENED AT 11:30 A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. Mr. MILLER AND Mr. HUBERDEAU ATTENDED COMMITTEE TO DISCUSS BILL No. 4. IT WAS MOVED BY COUNCILLOR WATSON, SECONDED BY COUNCILLOR TANNER, THAT BILL No. 4 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT AND THIS MOTION CARRIED. COMMITTEE RECESSED AT 12:00 NOON AND RECONVENED AT 2:00 P.M. IT WAS MOVED BY COUNCILLOR WATSON, SECONDED BY COUNCILLOR TANNER, THAT BILL No. 5 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT, AND THIS MOTION CARRIED. IT WAS MOVED BY

COUNCILLOR WATSON, SECONDED BY COUNCILLOR TANNER THAT BILL NO. 6 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT AND THIS MOTION CARRIED. IT WAS MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR WATSON, THAT BILL NO. 14 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT, AND THIS MOTION CARRIED. IT WAS MOVED BY COUNCILLOR STUTTER, SECONDED BY COUNCILLOR TANNER, THAT BILL NO. 15 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT, AND THIS MOTION CARRIED. IT WAS MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR WATSON, THAT BILL NO. 16 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT, AND THIS MOTION CARRIED. IT WAS MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 17 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT, AND THIS MOTION CARRIED. IN RELATION TO BILL NO. 18, IT WAS MOVED BY COUNCILLOR CHAMBERLIST, SECONDED BY COUNCILLOR MCKINNON, THAT ALL THE WORDS AFTER THE WORD "QUARRY" BE DELETED, AND THIS MOTION CARRIED. IT WAS THEN MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR WATSON, THAT BILL NO. 18 BE REPORTED OUT OF COMMITTEE AS AMENDED. THIS MOTION CARRIED. IT WAS MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR STUTTER, THAT BILL NO. 20 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. THIS MOTION CARRIED. IT WAS THEN MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR MCKINNON, THAT MR. SPEAKER DO NOW RESUME THE CHAIR. THIS MOTION CARRIED.

MR. SPEAKER: YOU HAVE HEARD THE REPORT OF THE CHAIRMAN OF COMMITTEE. ARE YOU AGREED? MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, IN RESPECT OF THE AGENDA, I BELIEVE IT'S YOUR COMMITTEE'S WISH TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS TOMORROW.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TANNER: MR. SPEAKER, I WOULD MOVE THAT WE CALL IT 5 O'CLOCK.

MR. MCKINNON: I SECOND THAT MOTION, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE WEST, THAT WE NOW CALL IT 5 O'CLOCK. ARE YOU PREPARED FOR THE QUESTION? ARE YOU

AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: THIS HOUSE STANDS ADJOURNED UNTIL 10:00 A.M. TOMORROW MORNING.

ADJOURNED



FRIDAY, APRIL 26, 1974

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MRS. WATSON: YES, MR. SPEAKER, I HAVE FOR TABLING LEGISLATIVE RETURN NO. 49.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEES? ARE THERE ANY BILLS TO BE INTRODUCED? ARE THERE ANY NOTICES OF MOTION OR RESOLUTION?

MR. CHAMBERLIST: YES, MR. SPEAKER. I WISH TO GIVE NOTICE OF MOTION THAT THE CONTENTS OF THE FILE TABLED ON THE 25TH OF APRIL RE: THE EMPLOYMENT OF MR. G. K. FISHER-FLEMING, ASSISTANT COMMISSIONER BE REVIEWED AND DISCUSSED IN COMMITTEE OF THE WHOLE.

MR. SPEAKER: ARE THERE ANY FURTHER NOTICES OF MOTION OR RESOLUTION? ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS? AS THERE ARE NO MOTIONS FOR THE PRODUCTION OF PAPERS WE COME TO MOTION NO. 22.

IT WAS MOVED BY COUNCILLOR STUTTER SECONDED BY COUNCILLOR WATSON THAT LEGISLATIVE RETURNS NO. 45, 46, 47, & 48 BE MOVED INTO COMMITTEE OF THE WHOLE FOR DISCUSSION. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. STUTTER: YES, MR. SPEAKER.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: WE NOW COME TO THE QUESTION PERIOD.

MR. CHAMBERLIST: MR. SPEAKER, POINT OF ORDER. I NOTE ON THE ORDER PAPER, UNDER WRITTEN QUESTIONS, WHAT HAS BEEN DELETED ARE THE 19 QUESTIONS THAT ARE STILL OPEN FOR ANSWER. EVEN IF, AS MR. ADMINISTRATOR HAS SAID, THE ADMINISTRATION HAS NO INTENTION TO ANSWER THE QUESTIONS IT SHOULD REMAIN ON THE ORDER PAPER AND AN ANSWER SHOULD BE GIVEN IN WRITING THAT THE ADMINISTRATION HAS NO INTENTION OF ANSWERING THE QUESTIONS.

I WOULD ASK, MR. SPEAKER, THAT THEY BE PUT BACK ON THE ORDER PAPER IN THE MANNER THAT IT IS USUALLY DONE IN PARLIAMENTARY HOUSES.

MR. SPEAKER: MADAM CLERK WILL YOU PLEASE ASCERTAIN IF MR. ADMINISTRATOR IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY QUESTIONS?

QUESTION RE COST OF TOURIST PROMOTION AD IN TIME MAGAZINE

MR. MCKINNON: MR. SPEAKER, IF I COULD ASK MR. ADMINISTRATOR WHAT IS THE COST FOR THE FULL PAGE TOURIST PROMOTION ADVERTISEMENT ON THE YUKON IN THIS WEEKS ISSUE OF TIME MAGAZINE?

MR. ADMINISTRATOR: MR. SPEAKER, I DON'T KNOW THE ANSWER TO THAT QUESTION JUST OFF HAND BUT I WILL TAKE THE QUESTION IN NOTICE.

QUESTION RE CONTRACT FOR BUILDING OF DAWSON AIRPORT BUILDING

MR. STUTTER: MR. SPEAKER I WOULD LIKE TO ASK THE ADMINISTRATOR IF THE CONTRACT HAS BEEN LET YET FOR THE BUILDING OF THE DAWSON AIRPORT BUILDING AND WHAT WAS THE PRICE OF THE CONTRACT AND WHO WAS THE LOW BIDDER?

MR. ADMINISTRATOR: AGAIN, MR. SPEAKER, I WONDER IF I COULD TAKE THAT QUESTION IN NOTICE AND GIVE A WRITTEN REPLY?

QUESTION RE HOTELS FOR FEDERAL AND TERRITORIAL EMPLOYEES IN TOWN FOR CONFERENCES ETC.

MR. MCKINNON: MR. SPEAKER, I WONDER IF I COULD ASK MR. ADMINISTRATOR WHETHER THERE IS A POLICY ON TERRITORIAL AND FEDERAL EMPLOYEES COMING INTO

TOWN FOR VARIOUS CONFERENCES AND SCHOOLS AND AREAS LIKE THIS; WHETHER THEY CAN STAY AT ANY OF THE HOTELS IN WHITEHORSE OR WHETHER THERE IS A LIST OF HOTELS THAT THEY HAVE TO STAY AT?

MR. ADMINISTRATOR: MR. SPEAKER, WITH REGARD TO THE FEDERAL GOVERNMENT THERE IS A STANDING POLICY DIRECTIVE THAT ACCOMMODATION BE PROVIDED BY CENTRAL TRAVEL SERVICE OF THE FEDERAL GOVERNMENT WHICH IS LOCATED IN OTTAWA. THERE IS ALSO AN ARRANGEMENT WHICH I DO NOT BELIEVE EXISTS IN THE YUKON, BUT WHICH EXISTS ELSEWHERE ACROSS THE COUNTRY, WHEREBY FEDERAL EMPLOYEES ARE EXPECTED TO STAY AT HOTELS WHERE THERE IS A NEGOTIATED GOVERNMENT RATE. WHICH IS, AS I UNDERSTAND IT, LESS THAN THE NORMAL RATE.

MR. MCKINNON: WHAT ABOUT TERRITORIAL?

MR. ADMINISTRATOR: MR. SPEAKER, WITH REGARD TO TERRITORIAL CIVIL SERVANTS IT IS OUR POLICY, AN UNWRITTEN POLICY AT THE PRESENT TIME, THAT WE TRY TO TAKE ADVANTAGE OF THAT FEDERAL POLICY WHEREVER WE CAN AND HAVE TERRITORIAL PEOPLE STAY AT HOTELS WHERE THERE IS A NEGOTIATED RATE.

MR. MCKINNON: I WONDER, MR. SPEAKER, IF MR. ADMINISTRATOR WOULD BE WILLING TO BRING THOSE ESTABLISHMENTS IN WHITEHORSE WHERE THE NEGOTIATED RATE IS IN EFFECT FOR MEMBERS OF COUNCIL.

MR. ADMINISTRATOR: MR. SPEAKER, TO THE BEST OF MY KNOWLEDGE THERE ARE NO NEGOTIATED RATES IN WHITEHORSE BUT, I WOULD BE GLAD TO LOOK INTO IT AND IF THERE ARE RATES I CAN MAKE THEM AVAILABLE TO COUNCIL.

MR. MCKINNON: I THINK, MR. SPEAKER, MAYBE MR. ADMINISTRATOR MISUNDERSTOOD THE POINT OF MY QUESTION. I WAS TALKING ABOUT PEOPLE FROM AROUND THE TERRITORY COMING INTO WHITEHORSE ON FEDERAL OR TERRITORIAL BUSINESS WHETHER IT BE BOARDS OR SCHOOL, CAN THEY STAY AT ANY HOTEL OF THEIR CHOOSING IN THE WHITEHORSE AREA?

MR. ADMINISTRATOR: YES, MR. SPEAKER, THEY CAN.

QUESTION RE EMERGENCY MEASURES ORGANIZATION

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION DIRECTED TO MR. ADMINISTRATOR THIS MORNING RESPECTING EMERGENCY MEASURES ORGANIZATION.

I AM WONDERING IF THE APPOINTMENT HAS NOW BEEN MADE OF THIS TEMPORARY POSITION RELATING TO E.M.O. THAT WAS CONTAINED IN THE MAIN ESTIMATES AND IF SO WHO THAT PERSON WOULD BE?

MR. ADMINISTRATOR: MR. SPEAKER, MY UNDERSTANDING WAS THAT THERE WAS NOT A POSITION AS SUCH IN THE ESTIMATES. MY UNDERSTANDING WAS THAT THERE WAS PROVISIONS FOR FUNDS WHEREBY WE COULD PROVIDE ADDITIONAL SUPPORT TO THE E.M.O. CO-ORDINATOR UNDER CONTRACT. WE DO NOT ANTICIPATE ENGAGING ANY ADDITIONAL STAFF ON THE ESTABLISHMENT OF THE TERRITORIAL GOVERNMENT BUT WE DO EXPECT THAT WE WILL HAVE TO GET ADDITIONAL SUPPORT UNDER CONTRACT.

QUESTION RE SECONDING OF MEMBER OF EDUCATION TO PIPELINE COMMITTEE

MR. CHAMBERLIST: MR. SPEAKER, A QUESTION TO MR. ADMINISTRATOR. IT HAS COME TO MY ATTENTION THAT IT IS PROPOSED TO SECOND THE MEMBER OF THE DEPARTMENT OF EDUCATION ADMINISTRATION TO THE PIPELINE COMMITTEE IN OTTAWA. IS THIS CORRECT?

MR. ADMINISTRATOR: MR. SPEAKER, THERE HAS BEEN NO AFFIRMED DECISION AS YET ABOUT WHO WE WOULD SECOND TO THE ASSESSMENT COMMITTEE TEAM IN OTTAWA.

QUESTION RE TRADESMEN BEING BROUGHT INTO YUKON

MR. MCKINNON: MR. SPEAKER, I HAVE RECEIVED TWO FURTHER COMPLAINTS THIS WEEK OF QUALIFIED PROFESSIONAL YUKON PEOPLE, TRADESMEN, WHO CANNOT FIND WORK IN THE YUKON WHERE TRADESMEN IN THEIR PROFESSION ARE BEING BROUGHT IN TO FULFILL FEDERAL CONTRACTS IN THE YUKON TERRITORY. WHAT RECOURSE DO THESE PEOPLE HAVE TO ANYONE IN HAVING PREFERENTIAL TREATMENT AS PROFESSIONAL TRADESPEOPLE IN THE YUKON TERRITORY?

MR. ADMINISTRATOR: MR. SPEAKER, I'M NOT SURE JUST WHAT PREFERENTIAL TREATMENT IS AVAILABLE TO THEM IN RELATION TO FEDERAL WORK. I THINK THAT WHAT I SHOULD SAY IS THAT IF THE CIRCUMSTANCES COULD BE BROUGHT TO MY ATTENTION I WOULD BE PREPARED TO TAKE IT UP WITH THE APPROPRIATE FEDERAL AUTHORITIES.

MR. CHAMBERLIST: SUPPLEMENTARY, MR. SPEAKER, IS MR. ADMINISTRATOR AWARE THAT THIS COUNCIL

PASSED LEGISLATION TO COMBAT THAT SITUATION AND THAT THE COMMISSIONER REFUSED TO GIVE CONSENT TO THAT LEGISLATION?

MR. ADMINISTRATOR: I THINK I AM AWARE OF THE LEGISLATION IN QUESTION, MR. SPEAKER. OF COURSE, EVEN IF SUCH LEGISLATION WERE PASSED I DOUBT VERY MUCH IF IT WOULD BE BINDING ON THE FEDERAL GOVERNMENT.

MR. MCKINNON: WOULD IT BE FAIR TO SAY, MR. SPEAKER, OR COULD MR. ADMINISTRATOR ANSWER THAT REALLY WHEN IT COMES TO FEDERAL CONTRACTS THAT THERE IS NO PROTECTION FOR YUKON TRADESMEN?

MR. ADMINISTRATOR: MR. SPEAKER, THERE IS NO PROTECTION TO MY KNOWLEDGE SPECIFICALLY FOR YUKON TRADESMEN AS SUCH BUT I DO KNOW THAT IN A NUMBER OF CASES, AN INCREASING NUMBER OF CASES, THERE ARE CLAUSES BEING PUT IN FEDERAL CONTRACTS WHICH REQUIRE THE CONTRACTOR TO ENGAGE A CERTAIN NUMBER OF LOCAL PEOPLE, OF NORTHERN PEOPLE.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS? WE WISH TO THANK MR. ADMINISTRATOR FOR HIS ATTENDANCE. AS THERE ARE NO PRIVATE BILLS IN ORDER WE COME TO PUBLIC BILLS IN ORDER.

BILL NO. 4 GIVEN THIRD READING

MRS. WATSON: YES, MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 4 INTITULED FINANCIAL AGREEMENT ORDINANCE 1974 BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT BILL NO. 4 INTITULED FINANCIAL AGREEMENT ORDINANCE 1974 BE GIVEN THIRD READING AT THIS TIME. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: WHEN SHALL WE ADOPT A TITLE TO BILL NO. 4?

MRS. WATSON: NOW, MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 4 INTITULED FINANCIAL AGREEMENT ORDINANCE 1974 BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THE TITLE TO BILL NO. 4 AN ORDINANCE INTITULED FINANCIAL AGREEMENT ORDINANCE 1974 BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED AND THAT BILL NO. 4 HAS PASSED THIS HOUSE.

MOTION CARRIED

BILL NO. 5 GIVEN THIRD READING

MRS. WATSON: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 5 INTITULED LOAN AGREEMENT ORDINANCE 1974 NO. 1 BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT BILL NO. 5 INTITULED LOAN AGREEMENT ORDINANCE 1974 NO. 1 BE GIVEN THIRD READING. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT A TITLE TO BILL NO. 5?

MRS. WATSON: YES, MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 5 INTITULED LOAN AGREEMENT ORDINANCE 1974 NO. 1 BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THE TITLE TO BILL NO. 5, LOAN AGREEMENT ORDINANCE 1974 NO. 1 BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED AND THAT BILL NO. 5 HAS PASSED THIS HOUSE.

MOTION CARRIED

BILL NO. 6 GIVEN THIRD READING

MRS. WATSON: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 6 INTITULED MUNICIPAL GENERAL PURPOSES LOAN ORDINANCE BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT BILL NO. 6 INTITULED MUNICIPAL GENERAL PURPOSES LOAN ORDINANCE BE GIVEN THIRD READING. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT A TITLE TO BILL NO. 6?

MRS. WATSON: YES, MR. SPEAKER. I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 6 INTITULED MUNICIPAL GENERAL PURPOSES LOAN ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THE TITLE FOR BILL NO. 6 INTITULED MUNICIPAL GENERAL PURPOSES LOAN ORDINANCE BE

ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED AND THAT BILL NO. 6 HAS PASSED THIS HOUSE.

MOTION CARRIED

BILL NO. 14 GIVEN THIRD READING

MR. TANNER: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT BILL NO. 14 INTITULED AN ORDINANCE TO AMEND THE SOCIETIES ORDINANCE BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT BILL NO. 14 INTITULED AN ORDINANCE TO AMEND THE SOCIETIES ORDINANCE BE GIVEN THIRD READING. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED. ARE YOU PREPARED TO ADOPT THE TITLE TO BILL NO. 14?

MR. TANNER: YES, MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT BILL NO. 14 INTITULED AN ORDINANCE TO AMEND THE SOCIETIES ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT THE TITLE TO BILL NO. 14, AN ORDINANCE TO AMEND THE SOCIETIES ORDINANCE BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED, AND THAT BILL NO. 14 HAS PASSED THIS HOUSE.

CARRIED

BILL NO. 15 GIVEN THIRD READING

MR. TANNER: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT BILL NO. 15 INTITULED AN ORDINANCE TO AMEND THE INTERPRETATIONS ORDINANCE BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED

BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT BILL NO. 15 INTITULED AN ORDINANCE TO AMEND THE INTERPRETATIONS ORDINANCE BE GIVEN THIRD READING. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO BILL NO. 15?

MR. TANNER: YES, MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 15 INTITULED AN ORDINANCE TO AMEND THE INTERPRETATIONS ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT THE TITLE TO BILL 15 INTITULED AN ORDINANCE TO AMEND THE INTERPRETATIONS ORDINANCE BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED, AND THAT BILL NO. 15 HAS PASSED THIS HOUSE.

CARRIED

BILL NO. 16 GIVEN THIRD READING

MR. TANNER: MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR WATSON, THAT BILL NO. 16 INTITULED AN ORDINANCE TO AMEND THE NOTARIES ORDINANCE BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT BILL NO. 16 INTITULED AN ORDINANCE TO AMEND THE NOTARIES ORDINANCE BE GIVEN THIRD READING. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO BILL NO. 16?

MR. TANNER: YES, MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR WATSON, THAT BILL NO. 16 INTITULED AN ORDINANCE TO AMEND THE NOTARIES ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT

THE TITLE TO BILL NO. 16, INTITULED AN ORDINANCE TO AMEND THE NOTARIES ORDINANCE BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED AND THAT BILL NO. 16 HAS PASSED THIS HOUSE.

CARRIED

BILL NO. 17 GIVEN THIRD READING

MRS. WATSON: MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER THAT BILL NO. 17 INTITULED AN ORDINANCE TO AMEND THE FAIR PRACTICES ORDINANCE BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT BILL NO. 17 INTITULED AN ORDINANCE TO AMEND THE FAIR PRACTICES ORDINANCE BE GIVEN THIRD READING. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO BILL NO. 17?

MRS. WATSON: YES, MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR TANNER THAT BILL NO. 17 INTITULED AN ORDINANCE TO AMEND THE FAIR PRACTICES ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT THE TITLE TO BILL NO. 17 INTITULED AN ORDINANCE TO AMEND THE FAIR PRACTICES ORDINANCE BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED AND THAT BILL NO. 17 HAS PASSED THIS HOUSE.

CARRIED

BILL NO. 18 GIVEN FIRST READING

MR. TANNER: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT FIRST READING BE GIVEN TO THE AMENDMENT TO BILL NO. 18 INTITULED AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT BILL NO. 18 INTITULED AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE BE GIVEN FIRST READING.

MR. CHAMBERLIST: CORRECTION. I UNDERSTOOD MR. SPEAKER, THAT IT WAS THE AMENDMENT TO THE ORDINANCE.

MR. SPEAKER: I STAND CORRECTED. IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH.

MR. CHAMBERLIST: THERE'S A POINT MR. SPEAKER WITH RESPECT, I THINK THE MOTION WAS BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH.

MR. SPEAKER: I STAND TO BE CORRECTED. IT WAS MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT BILL NO. 18 AN AMENDMENT TO AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE BE GIVEN FIRST READING. THANK YOU. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MR. SPEAKER: WHEN SHALL THE BILL BE READ FOR A SECOND TIME?

MR. TANNER: MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR WATSON THAT SECOND READING BE GIVEN TO THE AMENDMENT TO THE BILL NO. 18 INTITULED AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT THE AMENDMENT TO BILL NO. 18 INTITULED AN AMENDMENT TO AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE BE GIVEN SECOND READING. ARE YOU PREPARED FOR THE QUESTION? I DECLARE THE MOTION CARRIED.

MR. TANNER: MR. SPEAKER, ON A POINT OF ORDER. YOU DIDN'T PUT THE QUESTION MR. SPEAKER.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

BILL NO. 18 GIVEN THIRD READING

MR. TANNER: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT THIRD READING BE GIVEN TO BILL NO. 18 INTITULED AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT BILL NO. 18, AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE AS AMENDED BY GIVEN THIRD READING. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO BILL NO. 18?

MR. TANNER: YES, MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 18 INTITULED AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT THE TITLE TO BILL NO. 18 INTITULED AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED AND THAT BILL NO. 18 HAS PASSED THIS HOUSE.

CARRIED

BILL NO. 20 GIVEN THIRD READING

MR. TANNER: MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 20 INTITULED AN ORDINANCE TO AMEND THE COURT OF APPEAL ORDINANCE BE GIVEN THIRD READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT BILL NO. 20 INTITULED AN ORDINANCE TO AMEND THE COURT OF APPEAL ORDINANCE BE GIVEN THIRD READING. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MR. SPEAKER: ARE YOU PREPARED TO ADOPT THE TITLE TO BILL NO. 20.

MR. TANNER: YES, MR. SPEAKER, I MOVE, SECONDED BY COUNCILLOR WATSON THAT BILL NO. 20 INTITULED AN ORDINANCE TO AMEND THE COURT OF APPEAL ORDINANCE BE ADOPTED AS WRITTEN.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT THE TITLE TO BILL NO. 20 INTITULED AN ORDINANCE TO AMEND THE COURT OF APPEAL ORDINANCE BE ADOPTED AS WRITTEN. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED, AND THAT BILL NO. 20 HAS PASSED THIS HOUSE, AMEN.

CARRIED

MR. SPEAKER: MR. ADMINISTRATOR, THE COUNCIL OF THE YUKON TERRITORY HAS AT IT'S PRESENT SITTINGS THEREOF PASSED A NUMBER OF BILLS TO WHICH IN THE NAME AND ON BEHALF OF THE SAID COUNCIL, I RESPECTFULLY REQUEST YOUR ASSENT:

MADAM CLERK:

BILL NO. 3 - FIRST APPROPRIATION ORDINANCE 1974-75

BILL NO. 4 - FINANCIAL AGREEMENT ORDINANCE 1974

BILL NO. 5 - LOAN AGREEMENT ORDINANCE 1974 No. 1

BILL NO. 6 - MUNICIPAL GENERAL PURPOSES LOAN ORDINANCE

BILL NO. 14- AN ORDINANCE TO AMEND THE SOCIETIES ORDINANCE

BILL NO. 15- AN ORDINANCE TO AMEND THE INTERPRETATIONS ORDINANCE

BILL NO. 16- AN ORDINANCE TO AMEND THE NOTARIES ORDINANCE

BILL NO. 17- AN ORDINANCE TO AMEND THE FAIR PRACTICES ORDINANCE

BILL NO. 18- AN ORDINANCE TO AMEND THE MINING SAFETY ORDINANCE

BILL NO. 20- AN ORDINANCE TO AMEND THE COURT OF APPEAL ORDINANCE

MR. ADMINISTRATOR: MR. SPEAKER, I ASSENT TO THESE BILLS AS PASSED BY THE COUNCIL.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I WOULD MOVE THAT MR. SPEAKER DO NOW LEAVE THE CHAIR AND COUNCIL RESOLVE INTO COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS AND MOTIONS,

MR. SPEAKER: IS THERE A SECONDER?

MR. TANNER: I WILL SECOND THAT.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT MR. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN COMMITTEE OF THE WHOLE TO DISCUSS PUBLIC BILLS, SESSIONAL PAPERS AND MOTIONS. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MR. SPEAKER: WILL THE HONOURABLE MEMBER FOR WATSON LAKE PLEASE TAKE THE CHAIR IN COMMITTEE OF THE WHOLE.

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. FIRSTLY I HAVE ON BEHALF OF COMMITTEE, EXTENDED A NOTE TO MR. BERGER THANKING HIM FOR HIS COURTESY IN MEETING WITH MEMBERS OF COUNCIL YESTERDAY.

I'M WONDERING IF IT IS YOUR WISH THIS MORNING TO SEE IF WE CAN CLEAN UP SOME OF THE MOTIONS AND SESSIONAL PAPERS AND LEGISLATIVE RETURNS THAT WE HAVE. WOULD THIS BE AGREEABLE?

SOME MEMBERS: AGREED.

MR. CHAIRMAN: ALRIGHT THE FIRST MOTION IS MOTION NO. 5 RESPECTING THE PUBLIC DRINKING AND WE HAVE A RETURN OF TWO REPLIES, ONE FROM THE TOWN OF FARO AND THE OTHER FROM THE CITY OF DAWSON AND I ENQUIRED OF THE MAYOR OF THE CITY OF WHITEHORSE THIS MORNING AND HE INFORMS ME THAT THE COUNCIL OF MUNICIPALITIES WILL BE DISCUSSING THIS PROBLEM ON JUNE 15TH AND 16TH DURING THEIR DISCUSSIONS IN DAWSON CITY. SO I THROW THAT INFORMATION TO YOU FOR YOUR INFORMATION.

MR. CHAMBERLIST: I JUST WANT TO SAY, MR. CHAIRMAN THAT I THINK THE CITY OF WHITEHORSE MIGHT HAVE HAD THE COURTESY TO REPLY TO THE CORRESPONDENCE THAT WAS SENT TO THEM. THEY OFTEN COMPLAIN THAT THEY DO NOT RECEIVE REPLIES TO THEIR CORRESPONDENCE ADDRESSED TO THE GOVERNMENT OF THE YUKON TERRITORY. THEY MIGHT HAVE HAD THE COURTESY OF REPLYING TO THIS COUNCIL.

MR. CHAIRMAN: WHAT IS YOUR PLEASURE? YOU HAVE THE ALTERNATIVE OF ACCEPTING OR OBJECTING THE MOTION OR LEAVING IT DIE IN COMMITTEE.

MRS. WATSON: WHAT IS THE NUMBER OF THE MOTION AGAIN MR. CHAIRMAN.

MR. CHAIRMAN: THIS IS MOTION NO. 5. I WILL READ THE MOTION.

MR. CHAIRMAN READS MOTION NO. 5

MR. TANNER: MR. CHAIRMAN, THERE IS NO WAY THAT I'M GOING TO SUPPORT THAT MOTION. AND I THINK IT PROBABLY DOES WARRANT DISCUSSION WHEN WE DO HEAR EVENTUALLY, ONE HOPES, FROM THE CITY OF WHITEHORSE. I WOULD SUGGEST THAT WE LET THAT ONE GO FOR NOW AND GO ONTO SOMETHING ELSE AND SEE IF WE DO GET MAYBE SOME RESPONSE FROM THE CITY OF WHITEHORSE BEFORE THEIR JUNE MEETING.

MR. CHAIRMAN: DOES COMMITTEE AGREE?

MR. STUTTER: NO, MR. CHAIRMAN, IT SEEMS TO ME THAT THIS IS A GOLDEN OPPORTUNITY TO GET IN AGAIN AT THIS BOTTLE THING. I KNOW THAT THIS IS AT BOTH THE CITY OF DAWSON AND THE MUNICIPALITY OF FARO AND BOTH HAVE INDICATED THEIR WISHED THAT THERE SHOULD BE SOME KIND OF A BOTTLE DEPOT STARTED IN THE TERRITORY. NOW SINCE THE LAST TIME THERE WAS SOME DISCUSSION ON THAT I HAVE RECEIVED A LETTER FROM SOMEBODY IN WATSON LAKE THAT WAS RUNNING A BOTTLE DEPOT AND I WAS UNABLE TO CONTACT HIM BY PHONE LAST NIGHT. BUT RATHER THAN LET THIS DIE IN COMMITTEE AT THIS TIME, I WOULD LIKE TO GET PERMISSION FROM THE WRITER OF THIS LETTER TO GIVE COPIES TO ALL MEMBERS OF COMMITTEE BECAUSE IT DOES SEEM TO ME THAT THERE'S BEEN A LITTLE BIT OF SKULL DUGGERY GOING ON IN THE TERRITORY AS FAR AS COLLECTING BOTTLES IS CONCERNED AND AS FAR AS A DEPOT IS CONCERNED. I WOULD LIKE TO HAVE HIS PERMISSION TO MAKE THIS INFORMATION AVAILABLE TO ALL COMMITTEE MEMBERS AND ALSO I WOULD LIKE TO CHECK OUT A FEW OF THE POINTS THAT HE HAS RAISED IN HIS LETTER.

SO I WOULD ASK THAT RATHER THAN LETTING THIS DIE IN COMMITTEE AT THE MOMENT, IT BE ALLOWED TO BE ALIVE AS A VEHICLE FOR ME TO CONTINUE DISCUSSION IN THIS PARTICULAR AREA.

MR. TANNER: MR. CHAIRMAN, I THINK THE MEMBER MUST HAVE MISUNDERSTOOD ME. I DIDN'T SAY TO LET IT DIE. I SAID WE SHOULD LEAVE IT THERE AND GO ON WITH SOMETHING ELSE UNTIL WE HEAR.

MR. CHAIRMAN: WOULD COMMITTEE AGREE TO THIS?

SOME MEMBERS: AGREED.

MR. CHAIRMAN: ALRIGHT WE WILL STAND OVER MOTION NO. 5. THE NEXT MOTION IS MOTION NO. 14.

MR. CHAIRMAN READS MOTION NO. 14.

MR. TANNER: MR. CHAIRMAN, FOR THE INFORMATION OF ALL MEMBERS THE ADMINISTRATION HAS CHECKED OVER WHAT WE HAVE ON RECORD RIGHT NOW AND IT ISN'T VERY GOOD. I WOULD SUGGEST THAT ALL MEMBERS SUPPORT THIS MOTION AND ON THE ASSURANCE THAT WE WILL TRY TO HAVE SOMETHING IMPLEMENTED AS SOON AS POSSIBLE.

MR. CHAIRMAN: COUNCILLOR STUTTER.

MR. STUTTER: MR. CHAIRMAN, COULD I JUST GET THE ASSURANCE THEN OF THE ADMINISTRATION OR THE EXECUTIVE COMMITTEE MEMBER WHO JUST SPOKE THAT HE WILL DEFINITELY BE IN CONTACT WITH THE SAFETY ENGINEER OR SAFETY INSPECTOR FOR THE TERRITORY BECAUSE HE HAS A FAIR AMOUNT OF KNOWLEDGE IN THE AREA AND I THINK COULD BE OF GREAT ASSISTANCE TO ANY LEGISLATION THAT YOU DO WANT TO PREPARE IN THIS RESPECT.

MR. TANNER: MR. CHAIRMAN, WE'VE ALREADY BEEN IN TOUCH WITH THAT GENTLEMAN. THE FEDERAL GOVERNMENT, THE B.C. GOVERNMENT AND OUR OWN LOCAL ENVIRONMENTAL OFFICERS AND THE FEDERAL DEPARTMENT OF HEALTH AND WELFARE. IT'S JUST A MATTER OF BRINGING IN ALL THESE THINGS TOGETHER AND WRITING THE REGULATIONS. MR. CHAIRMAN, I THINK WE CAN HAVE THEM BY THE TIME WE NEXT SIT.

MR. CHAIRMAN: YES, JUST FROM THE CHAIR, I UNDERSTAND THAT THERE IS SOMEONE IN THAT STAFF THAT'S VERY GOOD AT THIS SORT OF THING AND THIS WILL BE UNDER THE WORKMEN'S COMPENSATION REGULATIONS?

MR. TANNER: THAT'S PART OF THE PROBLEM, MR. CHAIRMAN, THAT WE HAVEN'T REALLY IDENTIFIED UNDER WHAT LEGISLATION WE SHOULD WORK IT. IT WILL PROBABLY BE THE WORKMEN'S COMPENSATION - YES.

MR. CHAIRMAN: YES, I KNOW THAT IN BRITISH COLUMBIA THAT THIS IS THE WAY IT IS DONE AND I'LL GIVE A COPY OF THIS TO THE MEMBER. ARE YOU PREPARED FOR THE QUESTION AND THE MOTION? AGREED? ANY CONTRARY? I SHALL DECLARE THAT THE MOTION IS CARRIED.

CARRIED

MR. CHAIRMAN: THE NEXT MOTION IS MOTION NO. 18. MR. CHAIRMAN READS MOTION NO. 18.

MRS. WATSON: MR. CHAIRMAN, I WOULD LIKE TO MOVE AN AMENDMENT TO MOTION NO. 18 AND I WILL READ THE AMENDMENT AND I THINK THERE ARE COPIES AVAILABLE FOR THE MEMBERS OF COMMITTEE.

(MRS. WATSON READS THE AMENDMENT TO MOTION NO. 18 - BEGINS TO READ AMENDMENT TO MOTION NO. 18)

MR. TANNER: MR. CHAIRMAN, I DON'T INTEND TO INTERRUPT THE HONOURABLE MEMBER. ON A POINT OF ORDER, BUT COULD SHE HAVE THE COPIES CIRCULATED BECAUSE THEY APPARENTLY AREN'T ON THAT DESK AND WE COULD READ IT WITH HER.

MR. CHAIRMAN: MADAM CLERK COULD YOU SEE THAT COPIES ARE MADE AVAILABLE?

I WILL DECLARE A BRIEF RECESS.

RECESS

MR. CHAIRMAN: WE WILL NOW CALL COMMITTEE BACK TO ORDER. OPPOSED TO MOTION NO. 18.

MRS. WATSON: YES, MR. CHAIRMAN, I WOULD LIKE TO MOVE AN AMENDMENT TO MOTION NO. 18. AFTER THE WORDS IT IS, DELETE AND REPLACE WITH THE FOLLOWING WORDS:

IT IS THE RECOMMENDATION OF THIS COUNCIL THAT THE ADMINISTRATION:

1. ARRANGE FOR A CONSULTANT TO CARRY OUT THE NECESSARY FIELD WORK TO DETERMINE PATH AND SITE SUITABILITY, STUDY AND VERIFY THE PRACTICALITY AND COST, AND TO CO-ORDINATE WITH THE APPROPRIATE COMMUNITY ORGANIZATIONS THE LICENCING REQUIREMENTS FOR THE PROVISION OF TELEVISION SERVICES TO THE COMMUNITIES OF CARMACKS, CARCROSS, DESTRUCTION BAY, HAINES JUNCTION AND TESLIN.
2. THAT THIS COUNCIL AND THE ADMINISTRATION MAKE STRONG REPRESENTATIONS TO THE HONOURABLE JEAN CHRETIEN, MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT TO ENSURE THAT FUNDS ARE MADE AVAILABLE TO CARRY OUT THE PROJECT IN THE YEAR 1974-75; AND THAT THE ADMINISTRATION UNDERTAKE TO CO-ORDINATE AND SUPERVISE THE INSTALLATION AND PROVIDE ON-GOING MAINTENANCE OF THIS PROGRAM.

MR. CHAIRMAN: COUNCILLOR STUTTER, WILL YOU TAKE THE CHAIR?

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: YES, MR. CHAIRMAN, I WOULD BE MORE THAN PLEASED TO SECOND THE MOTION.

MR. CHAMBERLIST: MR. CHAIRMAN, I WOULD LIKE ONE WORD PUT IN HERE. RIGHT AHEAD OF THE WORD ARRANGE, TO SAY IMMEDIATELY ARRANGE BECAUSE LEFT AS IT IS, IT IS NO DEFINITE INSTRUCTION AS TO WHEN THIS SHOULD TAKE PLACE. OTHERWISE I THINK IT SHOULD BE SATISFACTORY.

MR. TAYLOR: MR. CHAIRMAN, I DON'T THINK THERE IS ANY REAL PROBLEM THERE. I HAVE THE CONCURRENCE OF THE ADMINISTRATION THAT THEY ARE GOING TO GET AFTER THIS FORTHWITH. I HAVE NO QUALMS ABOUT THE MATTER. THEY HAVE AGREED TO DO THIS IN ANY EVENT.

MR. CHAMBERLIST: IT WOULD BE REALLY ASKING FOR

IT TO BE DONE IMMEDIATELY. THIS IS WHAT I WANT TO BE ASSURED OF, THAT IT IS GOING TO BE DONE.

MR. CHAIRMAN: DOES COMMITTEE AGREE TO THE PUTTING OF THE WORD IMMEDIATE AT THE BEGINNING?

MR. TAYLOR: AGREED. MR. CHAIRMAN, THANK THE HONOURABLE MEMBER FROM CARMACKS-KLUANE FOR INTRODUCING THE AMENDMENT TO THE MOTION THIS MORNING. THE MOTION DOES AND IS INTENDED TO DO THREE PRINCIPLE THINGS. ONE IS TO GET THE PATHWAY EVALUATION AND TECHNICAL STUDIES DONE AS EARLY AS POSSIBLE, TO GET THE LICENCE APPLICATIONS PREPARED FOR SIGNATURE BY THE COMMUNITY CLUBS INVOLVED AND GET THEM INTO A CIRCUIT BECAUSE THIS DOES TAKE A LITTLE TIME.

IT INSTRUCTS THE ADMINISTRATION INTO SEE, IF THEY CANNOT FIND A WAY TO FUND THE PROGRAM, AN EQUITABLE WAY OF FUNDING IT. POSSIBLY WHEREBY THE COMMUNITIES THEMSELVES, MAY PARTICIPATE TO SOME SMALL DEGREE IN THE CAPITAL FUNDING

I, MYSELF, MR. CHAIRMAN HAVE DEVOTED A GREAT DEAL OF TIME AND STUDY INTO THIS QUESTION OVER THE PAST WEEKS. I HAVE EVEN FOUND A NAME I THINK IS MORE SUITABLE THAN CALLING THIS PROGRAM A MOUNTAIN TOP RELAY TELEVISION PROGRAM, I'VE SIMPLY COME UP WITH THE NAME, TIMBERLINE TELEVISION IN WHICH IMPORTS THE SAME THING IN A CLEARER MANNER.

MRS. WATSON: MR. CHAIRMAN, ON A POINT OF ORDER, I WOULD LIKE TO ADD AN AMENDMENT TO THAT, TAYLOR'S TIMBERLINE TELEVISION.

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. TAYLOR: I HAVE FOUND THAT IN DEALING WITH THIS QUESTION, MOST PARTICULARLY IN THE CASE OF TESLIN PUT MOTION AFTER MOTION AFTER MOTION AFTER MOTIONS THROUGH COUNCIL UP UNTIL THE START OF THIS SESSION OR THIS COUNCIL, EACH SESSION, ASKING THE CBC IF THEY WOULD PUT TELEVISION INTO TESLIN. IT HAS BECOME QUITE APPARENT THAT THEY ARE NOT GOING TO UNTIL THE POPULATION IS OVER 500, WHICH APPARENTLY IS A REQUIREMENT FOR AN ANIK FACILITY.

THE MORE YOU THINK ABOUT IT, THE MORE YOU SEE HOW MUCH GOOD A SYSTEM OF THIS NATURE CAN DO IN THE SMALLER OUTLYING COMMUNITIES, MORE PARTICULARLY IN THE WINTERTIME, DURING THE LONG WINTER MONTHS. I ENVISION THIS PROGRAM THAT WE ARE NOT EMBARKING ON AS A PILOT PROGRAM FROM

WHICH, WITH THESE FIVE COMMUNITIES BEING SERVICED IN THE NEXT YEARS TO FOLLOW, WE CAN POSSIBLY EXTEND IT WHERE IT IS PRACTICAL TO DO SO INTO OTHER COMMUNITIES. THIS ISN'T JUST RELATED TO THE WHITEHORSE ANIK FACILITIES BUT FOR INSTANCE, IN DAWSON, IT MAY BE POSSIBLE TO SHOOT A SIGNAL UP TO DEMPSTER AND AROUND TO WHERE THERE A CONCENTRATIONS OF POPULATIONS THAT WOULD WARRANT THIS.

I WOULD HOPE TO SEE THAT IF THE PROGRAM DOES GET OFF THE GROUND THIS YEAR, THAT NEXT YEAR IT COULD BE FURTHER EXPANDED. THE REAL PROBLEM OF COURSE, WITH CBC, IS THAT THE CORPORATION STANDARDS ARE JUST TOO HIGH FOR THE PEOPLE IN THE NORTH AND MORE PARTICULARLY, THE PEOPLE IN THE YUKON.

A GOOD EXAMPLE OF THIS MAY BE FOUND IN RELATION TO THE ROSS RIVER PROGRAM WHICH WE ARE ALL AWARE OF. YOU GET A BEAUTIFUL PICTURE IN ROSS RIVER. I WOULD STATE THAT IT IS EVERY BIT AS GOOD AS ANYTHING I CAN SEE IN WATSON LAKE SITTING RIGHT UNDER THE ANIK TYPE TRANSMITTER. BUT CBC DOESN'T FEEL THAT WAY. IN A LETTER, FOR EXAMPLE, FROM ANDREW COWEN, THE DIRECTOR OF NORTHERN SERVICE OF CBC TO THE ROSS RIVER COMMUNITY ASSOCIATION. IN PART, HE SAYS, WHILE I AND MY COLLEAGUES APPLAUD THE INITIATIVE OF YOUR ASSOCIATION, WE CANNOT AGREE WITH YOUR STATEMENT THAT THE SIGNAL IN ROSS RIVER IS COMPARABLE TO THAT RECEIVED BY VIEWERS IN FARO AND WHITEHORSE. OUR ENGINEERING ASSESSMENT IS THAT THE SERVICE IS NOT EVEN MINIMUM CBC STANDARDS.

WITH A STATEMENT OF THAT NATURE, YOU CAN SEE THE FUTILITY OF EXPECTING ANY SERVICE FROM CBC. HERE, THEY HAVE A BEAUTIFUL PICTURE IN ROSS RIVER, ABSOLUTELY MAGNIFICENT BUT CBC DON'T EVEN RECOGNIZE THAT AS EVEN MEETING A MINIMAL STANDARD. THAT IS A POINT TO PONDER. IF FOLLOWS THAT CBC ARE NOT PREPARED IN ANY EVENT TO FUND ANYTHING, ANYWHERE, UNLESS IT IS ONE OF THESE MASSIVE, VERY HIGHLY SOPHISTICATED AND COMPLEX SYSTEM.

WE HAVE GOT TO LOOK TO OTTAWA FOR FUNDING AND IN THE AMENDMENT TO THE MOTION. WE ARE ASKING THAT THE ADMINISTRATION GO TO JEAN CHRETIEN, THE HONOURABLE MINISTER, TO SEE IF HE CANNOT FIND WAYS AND MEANS TO COST SHARE THIS WITH THE COMMUNITIES INVOLVED IN THE TERRITORY.

I REALLY THINK THAT THE COMMUNITY CLUBS INVOLVED,

WE HAVE OF COURSE, CAPITAL FUNDS, WHICH ARE NOT FUNDED BY OTTAWA. THAT IS THE COMMUNITY DEVELOPMENT FUNDS. I THINK THAT WE SHOULD BE ABLE TO ASSIST COMMUNITIES THAT ARE FINANCIALLY IN THE DOLDRUMS, SO TO SPEAK WITH \$2,000 OR \$3,000 OR WHATEVER IT MIGHT BE THAT'S INVOLVED SO THAT THEY AS A COMMUNITY MIGHT BE ABLE TO MAKE A CONTRIBUTION TOWARDS THE CAPITAL FUNDING OF THIS THING. I DON'T SEE ANY REAL PROBLEM THERE.

I THINK THAT THE TERRITORIAL GOVERNMENT ALSO HAS A RESPONSIBILITY IN THIS MATTER. AS WE LEARNED DURING BUDGET DISCUSSIONS, THAT THE TERRITORIAL GOVERNMENT ARE RECOGNIZING IN THE MORE ISOLATED CAMPS THROUGHOUT THE TERRITORY, THAT RECREATION AND ENTERTAINMENT IS A RATHER DIFFICULT THING. THEY WERE ENDEAVORING TO LOOK INTO THE PLACEMENT OF TAPING, VIDEO-TAPE TYPE TELEVISION FOR SOME OF THESE CAMPS. I BELIEVE THEY ARE STILL LOOKING INTO THIS QUESTION.

WELL, THROUGH THE IMPLEMENTATION OF THIS TIMBERLINE TELEVISION SITUATION, IT MAY BE POSSIBLE TO SERVE SOME OF THESE CAMPS. IN THAT LIGHT, WE WOULD ASK THAT THE GOVERNMENT OF THE YUKON TERRITORY UNDERTAKE THE ANNUAL MAINTENANCE COST. POSSIBLY, IN CONJUNCTION WITH THEIR OWN VHF COMMUNICATIONS SYSTEM.

IN PURSUING THIS, I FOUND THAT SOME ECONOMIES COULD BE AFFECTED FOR INSTANCE, THE JUBILEE TOWER ON THE WAY TO TESLIN COULD WELL SERVE ATLIN, BRITISH COLUMBIA. IF ATLIN, B.C., DO DECIDE ON THEIR OWN INITIATIVE TO ASK FOR TELEVISION, I AM SURE THEY COULD GET IT OFF THIS SYSTEM. THEY COULD SHARE HALF THE COST OF THE TOWER. AT SOME POINT IN TIME, THERE WOULD BE A RECOVERY.

I HAVE FOUND ALSO THAT IT MAY BE POSSIBLE TO GET A C POWER IN JUBILEE WHICH KNOCKED ABOUT \$5300 OFF THAT TOWER AND THAT IS ANOTHER ECONOMY. THESE FIGURES I BELIEVE, I HAVE CIRCULATED A COST SUMMARY BREAKDOWN BY COMMUNITIES AND THE TOWERS THAT WOULD BE THE RESPONSIBILITY OF THE COMMUNITIES. THESE FIGURES ARE HIGH AND I'VE BEEN TOLD THAT THEY ARE AT TOP LIMIT. SO, WE MIGHT BE LOOKING AT LESS MONEY THAN YOU SEE HERE.

THERE IT IS AS FAR AS I CAN GIVE YOU NOW. WE'VE GOT TO GET IMMEDIATELY UNDERWAY WITH THE PATHWAY EVALUATIONS AND TECHNICAL STUDIES. WE HAVE GOT TO GET THE LICENCES FILLED OUT, READY FOR

SIGNATURE BY COMMUNITY CLUBS AND ON THEIR WAY, AS SOON AS THE EVALUATION IS FINISHED, SHOWING THE PRACTICALITY AND SO FORTH OF THE TIMBERLINE PROGRAM.

THE GOVERNMENT THEN, MUST SIT DOWN AND FIND WAYS IN CONJUNCTION WITH THE FEDERAL GOVERNMENT OF FUNDING THE PROGRAM. ALL I CAN SAY IS, IT IS GOING TO MEAN THAT WE CAN GIVE TO SOME OF THESE SMALLER COMMUNITIES, A GOOD MEASURE OF EDUCATION AND ENTERTAINMENT. SOMETHING I THINK THEY REALLY DESERVE.

MR. CHAMBERLIST: MR. CHAIRMAN, I WANT TO MAKE IT CLEAR THAT THERE IS A SPECIFIC REASON WHY I AM SUPPORTING THIS MOTION. I AM SUPPORTING IT BECAUSE AS A RESULT OF THE REAL MANNER IN WHICH CERTAINLY, I THINK, MONEY SHOULD HAVE BEEN FUNDED FOR TELEVISION HAS BEEN REFUSED BY THE EXECUTIVE COMMITTEE. I WOULD MUCH RATHER TO HAVE PREFERRED TO HAVE FOUND THE MONEY IN OUR OWN BUDGET. I BELIEVE THAT THE SUGGESTION THAT WE HAVE COME UP WITH, WHERE TO DELETE THE FUNDS IN THE BUDGET TO CARRY OUT THIS WORK WOULD HAVE BEEN FAR PREFERABLE.

I DON'T WANT IT TO APPEAR THAT I HAVE SIMPLY AGREED WITH THIS MOTION JUST BECAUSE I AM IN AGREEMENT WITH THE METHOD THAT HAS BEEN SUGGESTED BY COUNCILLOR WATSON IN THIS PARTICULAR INSTANCE.

WHY I AM REALLY SURPRISED IS THAT COUNCILLOR TAYLOR, WHO IS THE SECONDER OF THE MAIN MOTION HAS NOW SECONDED THE AMENDMENT TO THE MOTION HE HAD SECONDED IN THE FIRST PLACE. I FIND THAT A LITTLE BIT STRANGE. HOWEVER, THE KEY, I THINK, IS WE HAVE TO GET TELEVISION COMMUNICATION INTO THESE SMALLER COMMUNITIES THAT WE HAVE NAMED.

I HOPE THAT NEVER AGAIN, WILL WE BE FORCED IN THE POSITION TO HAVE TO FIND AN ALTERNATIVE TO DO SOMETHING THAT WE HAD WITHIN OUR POWER TO DO OURSELVES.

MR. TAYLOR: JUST ONE THING BY WAY OF EXPLANATION ON THE MATTER OF THE SECONDING OF THE AMENDMENT, I FELT A COURTESY TO THE HONOURABLE MEMBER FROM CARMACKS-KLUANE. SHE HAD DONE SOME WORK ON THIS MATTER AND IS VERY ENTHUSIASTIC ABOUT IT. I THOUGHT IT ONLY APPROPRIATE THAT SHE SHOULD MOVE THE AMENDMENT.

MR. CHAIRMAN: COUNCILLOR TAYLOR, WILL YOU RESUME THE CHAIR?

MR. TAYLOR: I WILL RESUME THE CHAIR AT THIS POINT.

MR. STUTTER: MR. CHAIRMAN, I DON'T HAVE ANY INTENTIONS OF PROPOSING AN AMENDMENT TO THE AMENDMENT. I RECOGNIZE IT AS A PILOT PROJECT AND IT HAS BEEN STATED BY YOURSELF AND OTHER COMMITTEE MEMBERS THAT IT IS BEING TREATED AS A PILOT PROJECT. I WOULD LIKE TO REQUEST THAT THE ADMINISTRATION, THAT THE SAME TIME THAT THE SERVICES OF A CONSULTANT ARE BEING SEEKED OR THAT THEY ARE USING THE SERVICES OF A CONSULTANT, THAT PERHAPS HE CAN LOOK INTO THE POSSIBILITY AND THE FEASIBILITY OF PROVIDING THIS SAME SERVICE IN OTHER AREAS OF THE TERRITORY. IN PARTICULAR, OF COURSE, I AM THINKING OF PELLY AND STEWART AND OTHER PLACES SUCH AS THIS.

I THINK THAT THEY SHOULD BE INCLUDED IN THAT FIRST PART OF THEM. AS I SAY, I AM NOT GOING TO PROPOSE AN AMENDMENT BUT I THINK THEY SHOULD BE LOOKED AT BY THE CONSULTANTS AT THE SAME TIME SO THAT WE ARE NOT PERHAPS CAUSING A WHOLE BUNCH OF DUPLICATIONS A YEAR OR TWO YEARS FROM NOW, IF THIS PILOT PROJECT PROVES SUCCESSFUL, WHICH IT SEEMS IT HAS EVERY INDICATION OF DOING. I HAVE EVERY INTENTION OF SUPPORTING THE AMENDMENT AS WORDED.

MR. CHAIRMAN: IS THERE ANYTHING FURTHER?

MR. MCKINNON: MR. CHAIRMAN, AS ONE OF THE ORIGINAL SUPPORTERS OF TAYLOR'S TREETOP TELEVISION NETWORK, I AM CERTAINLY GOING TO SUPPORT THE AMENDMENT.

I FIND IT A TYPICAL GOVERNMENT REACTION, YOU KNOW, YOU COME UP WITH A BOLD, IMAGINATIVE PLAN AND YOU GET PROCRASTINATION AND STUDIES IS WHAT YOU END UP WITH. WE'VE ALL BEEN AROUND HERE LONG ENOUGH TO KNOW THAT'S THE WAY MOST GOVERNMENTS WORK EVEN THOUGH YOU WOULD LIKE TO THINK ONCE IN A WHILE WE CAN TAKE THE INITIATIVE AND CUT THROUGH ALL THIS BUREAUCRACY AND RED TAPE AND ACTUALLY GET A PROGRAM TO THE PEOPLE.

UNFORTUNATELY, THIS GOVERNMENT LIKE SO MANY OTHER GOVERNMENTS JUST DOESN'T WORK THAT WAY. I AM HAPPY TO SEE ALSO THAT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE IS ATTEMPTING TO HAVE SOME SORT OF A POLITICAL FACE SAVING ON THIS BY MOVING THE MOTION BUT I THINK THE FACT REMAINS THAT ALL MEMBERS KNOW THAT FIVE COMMUNITIES IN THE YUKON COULD HAVE BEEN SER-

VICED WITH A TV SIGNAL THIS YEAR IF THE MEMBERS OF THE EXECUTIVE COMMITTEE HAD HAD THE BOLDNESS AND IMAGINATION TO CARRY OUT THE PLAN AS WAS SUGGESTED BY OTHER HONOURABLE MEMBERS AROUND THIS HOUSE.

I SAY, OF COURSE, I'LL SUPPORT THE MOTION BECAUSE ANYTHING IS BETTER THAN NOTHING AND NOTHING IS WHAT THOSE PEOPLE HAVE AT THIS VERY MOMENT.

MRS. WATSON: MR. CHAIRMAN, JUST TO CLARIFY, INCIDENTALLY, BY THIS MOTION WE PLAN TO HAVE TELEVISION IN THESE COMMUNITIES. THE SECOND PART OF THE MOTION STATES THAT THIS COUNCIL AND THE ADMINISTRATION MAKES STRONG REPRESENTATION TO THE MINISTER.

I THINK WE SHOULD HAVE SOME DECISION NOW IN THE COUNCIL THAT THE METHOD OF REPRESENTATION TO BE MADE TO THE MINISTER. WHETHER THE COUNCIL WANTS A LETTER OR WHETHER THEY WANT REPRESENTATION BY PEOPLE ACTUALLY GOING DOWN TO SEE THE MINISTER.

MR. STUTTER: MR. CHAIRMAN, THE MINISTER IS DUE IN WHITEHORSE ON MAY 5TH WHICH IS ONLY A WEEK AWAY. IF WE CAN'T GET SOME PORTION OF HIS TIME WHILE HE IS HERE, I'M SURE THAT HE WOULD.

MRS. WATSON: MR. CHAIRMAN, THIS IS EXACTLY THE POINT THAT I MAKE. WE MUST RESOLVE THIS NOW. WHETHER WE HAVE A DELEGATION MEET WITH THE MINISTER SPECIFICALLY ON THIS OR WHETHER AS A COUNCIL WE MEET WITH THE MINISTER TO DISCUSS THIS SPECIFIC THING. I THINK WE SHOULD HAVE THAT DECISION.

MR. CHAIRMAN: JUST FROM THE CHAIR, IT SEEMS TO ME THIS IS A DIRECTION TO THE ADMINISTRATION TO CONTACT, ON OUR BEHALF, THE MINISTER.

MR. CHAMBERLIST: THIS COUNCIL AND THE ADMINISTRATION.

MR. TANNER: MR. CHAIRMAN, I THINK THE INTENT OF THE MOTION IS VERY OBVIOUS. I THINK WE SHOULD HAVE THE WISH OF COUNCIL AS WELL AND THE ADMINISTRATION WILL DO THAT BUT I THINK YOU SHOULD HAVE SOMETHING ELSE.

MR. CHAIRMAN: THE MINISTER, AGAIN FROM THE CHAIR. THE MINISTER IS TO BE IN WHITEHORSE ON THE FIFTH. NO DOUBT HE CAN MEET WITH COUNCIL.

MR. STUTTER: WELL, MR. CHAIRMAN, IT'S BEEN STATED IN THE MEDIA THAT HE IS GOING TO BE HERE ON THE FIFTH.

MR. CHAMBERLIST: DON'T BELIEVE EVERYTHING YOU READ.

MR. CHAIRMAN: WELL POSSIBLY THEN THE MATTER CAN BE TAKEN UP AS A MATTER OF ANOTHER RESOLUTION, UNDER ORDERS OF THE DAY, FOLLOWING, ONCE WE CAN DETERMINE WHERE THE MINISTER WILL BE IN ANY GIVEN TIME, WOULD THAT BE AGREEABLE?

ANY FURTHER DISCUSSIONS ON THE AMENDMENT?

SOME MEMBERS: QUESTION.

MR. CHAIRMAN: I'LL HAVE TO READ THE AMENDMENT AGAIN. (MR. CHAIRMAN READS THE AMENDMENT TO MOTION NO. 18 (1) (2).

ARE YOU PREPARED FOR THE QUESTION ON THE AMENDMENT. ARE YOU AGREED? I SHALL DECLARE THAT THE AMENDMENT HAS CARRIED.

ARE YOU PREPARED FOR THE QUESTION ON THE MOTION AS AMENDED? ARE YOU AGREED? I SHALL DECLARE THAT MOTION NO. 18 IS CARRIED.

MOTION CARRIED

MR. CHAIRMAN: I WILL DECLARE A BRIEF RECESS.

RECESS

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE BACK TO ORDER. NEXT MOTION IS MOTION NO. 21. IT HAS BEEN MOVED BY COUNCILLOR MCKINNON SECONDED BY COUNCILLOR TAYLOR THAT IT IS THE OPINION OF COUNCIL THAT SUB-SECTION W OF SECTION 155 OF THE MOTOR VEHICLE ORDINANCE BE DELETED AND A NEW SECTION ADDED TO THE MOTOR VEHICLE ORDINANCE TO PROVIDE THAT THE COMMISSIONER AND COUNCIL PRESCRIBE THE FEES TO BE ESTABLISHED UNDER THE MOTOR VEHICLE ORDINANCE. COUNCILLOR MCKINNON?

MR. MCKINNON: I UNDERSTOOD THAT THIS WAS GOING TO BE IN COMMITTEE WITH THE BILL ON THE MOTOR VEHICLE ORDINANCE.

MR. TANNER: MR. CHAIRMAN, WE AGREED YESTERDAY WE WOULD BRING THIS IN WITH THE BILL.

MR. CHAIRMAN: WE WISH THIS STOOD OVER THEN, THAT LEAVES US TWO MOTIONS IN COMMITTEE: THE MATTER OF MOTION NO. 5 AND MOTION NO. 21.

NOW WE WILL PROCEED TO SESSIONAL PAPERS. THE FIRST SESSIONAL PAPER IS SESSIONAL PAPER NO. 5. I AM JUST NOT SURE OF WHO HAS MOVED ALL OF THESE IN SO IF THE MEMBERS THAT ARE...

MR. STUTTER: I THINK, MR. CHAIRMAN, YOU WERE THE ONE WHO MOVED THIS IN. IF YOU WISH ME TO TAKE THE CHAIR...

MR. CHAIRMAN: JUST FROM THE CHAIR, I BELIEVE THAT THIS WAS RESOLVED IN THE BUDGET DISCUSSION WAS IT NOT?

SEVERAL HONOURABLE MEMBERS: YES.

MR. CHAIRMAN: SO WE MAY CLEAR, THEN, SESSIONAL PAPER NO. 5. NEXT IS SESSIONAL PAPER NO. 6 - NORTH COAST.

MR. TANNER: SAME THING, MR. CHAIRMAN.

MR. CHAIRMAN: WE ARE CLEAR ON THAT ONE?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN: NEXT IS SESSIONAL PAPER NO. 8 WHICH RELATES TO HEALTH AND WELFARE REGIONAL OFFICE.

MR. TANNER: MR. CHAIRMAN, THAT IS MORE OR LESS AN INFORMATION ONE. I DON'T THINK, UNLESS ANYONE WANTS TO DISCUSS IT, THERE IS AN AWFUL

LOT TO DISCUSS. IT IS MERELY INFORMING COUNCIL THAT WE HAVE A REGIONAL ESTABLISHMENT, YUKON REGION.

MR. CHAMBERLIST: ONLY ONE MAJOR COMMENT I WANT TO MAKE. IT SEEMS BY WHAT HAS BEEN SAID IN COUNCIL, WHAT HAS BEEN SAID THROUGH THE MEDIA, WHAT HAS BEEN SAID IN HERE THAT COUNCILLOR TANNER HAS TAKEN THE RESPONSIBILITY AND THE QUOTAS FOR WE HAVING COME TO THIS PARTICULAR PHASE IN THE HEALTH SERVICES. I WOULD JUST LIKE TO MENTION THAT THERE HAS BEEN A LOT OF WORK DONE OVER THE PAST THREE AND A HALF YEARS TO GET TO THIS PARTICULAR STAGE. I WANT IT RECORDED THAT IT HAS NOT JUST HAPPENED IN THE LAST FEW MONTHS.

MR. TANNER: MR. CHAIRMAN, THE HONOURABLE MEMBER IS INCORRECT. ACTUALLY I THINK IT WAS A DAY WHILE HE WAS AWAY THAT I GAVE FULL CREDIT TO HIM AND I THINK HE DESERVES FULL CREDIT. HIS WORK WAS WHAT HELPED TO GET IT HERE AND IT IS COINCIDENTAL TO MY APPOINTMENT THAT IT CAME AFTER I WAS HERE.

MR. CHAMBERLIST: THANK YOU.

MR. CHAIRMAN: I HAVE ONE QUESTION IN RELATION TO THIS PAPER, IF I MIGHT FROM THE CHAIR. DOES THIS MEAN, NOW THAT THE YUKON HAS BECOME, I BELIEVE IT WAS APRIL 1ST, A REGION UNDER NORTHERN HEALTH THAT POLICIES CAN BE ESTABLISHED AT THE LOCAL LEVEL.

MR. TANNER: NO, MR. CHAIRMAN UNFORTUNATELY IT DOESN'T MEAN THAT. I DO THINK WE CAN HAVE MORE BEARING ON THE POLICY BECAUSE WE HAVE TAKEN OUT THE INTERVENING STEP OF EDMONTON BUT AS TO POLICIES BEING MADE ON THE LOCAL LEVEL - NO.

MR. CHAMBERLIST: ONE OF THESE THINGS THAT IS HAPPENING, I UNDERSTAND, ADMINISTRATIVELY IT IS GOING TO BE DEALT WITH IN VANCOUVER. THE ADMINISTRATION OF THIS.

MR. TANNER: I WILL BRING IT ALL TO YOU.

MR. CHAMBERLIST: WELL, PERHAPS IF I UNDERSTAND FROM THE HONOURABLE MEMBER FROM WHITEHORSE NORTH THAT THE ADMINISTRATION OFFICE FOR THE REGION IS GOING TO BE BROUGHT HERE BUT I HAVE ALSO BEEN TOLD THAT THE ADMINISTRATION WAS GOING TO BE HANDLED IN THE VANCOUVER OFFICE.

MR. TANNER: NO, MR. CHAIRMAN, THE HONOURABLE MEMBER IS NOT CORRECT. THE ADMINISTRATION IS

GOING TO BE HANDLED HOPEFULLY RIGHT ACROSS THE ROAD FROM US IN THAT BUILDING OVER THERE. THEY ARE BRINGING IN THE STAFF TO DO IT HERE. IT IS NOT GOING TO HAPPEN OVERNIGHT BECAUSE IT IS DIFFICULT TO GET PEOPLE TO COME TO THE YUKON WITH THE SPECIFIC EXPERIENCE THAT WE WANT HERE. I WOULD THINK OVER THE NEXT SIX MONTHS IT WILL BE FULLY ESTABLISHED HERE.

MR. CHAMBERLIST: IS THERE A GUY TO BE APPOINTED, MR. CHAIRMAN, FOR REGIONAL DIRECTOR? IS THIS TAKING PLACE.

MR. TANNER: YES, MR. CHAIRMAN. THEY HAVEN'T GOT HIM YET BUT THEY ARE ATTEMPTING TO FIND SOMEONE.

MR. CHAIRMAN: I TAKE IT THEN THAT SESSIONAL PAPER NO. 8 IS CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN: THE NEXT IS SESSIONAL PAPER NO 9 RELATING TO THE BLADE PROGRAM. COUNCILLOR WATSON?

MRS. WATSON: NO, MR. CHAIRMAN, IF THE HONOURABLE MEMBERS WANTED TO DISCUSS IT THAT WOULD BE FINE. WE WENT THROUGH IT WHILE WE WERE DISCUSSING THE SUPPLEMENTARY BUDGET AND THE BUDGET BUT IF THERE ARE ANY FURTHER QUESTIONS.

MR. CHAIRMAN: HAVE YOU ANYTHING ON SESSIONAL PAPER NO. 9? CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN: NEXT SESSIONAL PAPER THEN IS SESSIONAL PAPER NO. 10 - REMEDIAL PROGRAM.

MRS. WATSON: MR. CHAIRMAN, I WOULD JUST LIKE TO ADD HERE, THIS IS THE REMEDIAL TUTOR TRAINING PROGRAM THAT WE BROUGHT IN THIS FALL. IT WAS A RESULT OF THE, RESULTS OF SOME OF THE TESTS THAT WE WERE RECEIVING FROM OUR SCHOOLS. TESTS ON THE CANADIAN BASIC SKILLS. IT IS A THREE YEAR PROGRAM IN CONJUNCTION WITH MANPOWER AND ACTUALLY IT IS ADMINISTERED BY THE YUKON ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES WHO HAVE BEEN MOST COOPERATIVE.

WE HAVE HAD RESULTS, WE HAVE DONE MORE BASIC SKILLS TEST IN THIS YEAR. I HAVE JUST HAD THE RESULTS THE OTHER DAY AND THERE HAS BEEN A MARKED INCREASE IN THE RESULTS OF THE TESTS THIS YEAR. YOU CAN'T CONTRIBUTE IT IMMEDIATELY

AND SOLELY TO THE FACT THAT WE HAVE THIS TUTOR TRAINING PROGRAM BUT THERE ARE THE INDICATIONS THAT THERE IS SOME BENEFIT FROM THIS PROGRAM. AFTER THREE YEARS WE HOPE THAT WE CAN HAVE A CLEAR CUT INDICATION THAT IT CERTAINLY IS A WORTHWHILE PROGRAM.

MR. TANNER: MR. CHAIRMAN, I'VE GOT ONE QUESTION FOR THE MEMBER IN CHARGE OF EDUCATION. HAS THE ASSOCIATION BEEN ASSURED OF FUNDS OR DO THEY NOT KNOW WHAT THEIR FUNDING IS GOING TO BE UNTIL JUNE OF THIS YEAR?

MRS. WATSON: MR. CHAIRMAN, THAT IS RIGHT. THEY HAVEN'T HAD A COMPLETE AFFIRMATION OF THE FACT THAT THEY WILL HAVE THE FUNDS FROM MANPOWER BUT THEY PRETTY WELL HAVE AN UNDERSTANDING THAT THE PROGRAM WILL BE A CONTINUING ONE. IT IS DEPENDENT FROM YEAR TO YEAR BY APPROVAL FROM MANPOWER. BASICALLY IT IS A THREE YEAR PROGRAM.

MR. TANNER: I DON'T THINK I HAVE TO ASK BUT I WILL ASK THE QUESTION ANYWAY JUST TO GET SOME PUBLICITY, IF YOU LIKE. COULD THE HONOURABLE MEMBER ASSURE THE HOUSE THAT SHE WILL DO EVERYTHING IN HER POWER TO MAKE SURE THE ASSOCIATION GETS ALL THE ASSISTANCE THEY CAN IN APPLYING FOR THE FUNDS AGAIN THIS YEAR?

MRS. WATSON: YES, MR. CHAIRMAN, WE ARE DOING ALL THE WORK THAT WE POSSIBLY CAN TO HELP THESE PEOPLE AND THEY HAVE BEEN MOST COOPERATIVE. IT HAS INVOLVED A CERTAIN SECTION OF THE POPULATION IN A SPECIFIC PROGRAM IN OUR SCHOOL SYSTEM. I THINK THERE IS BENEFIT DERIVED THERE AND IT IS CONSIDERABLE.

MR. CHAIRMAN: CLEAR:

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN: NEXT IS SESSIONAL PAPER NO. 12 - COMMUNITY SERVICES IMPROVEMENT.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF IT COULD BE INDICATED, I MUST INTERRUPT MYSELF. IT MIGHT APPEAR THAT I AM HARPING ON A SUBJECT THAT WE HAVE ALREADY DISCUSSED. IN THE SURVEY THAT WAS DONE BY THIS STAND THE ASSOCIATES ENGINEERING LIMITED FOR THE PROVISION OF SUPPLYING SERVICES TO ALL COMMUNITIES. WAS THERE ANY REFERENCE TO RADIO AND T.V. COMMUNICATION PUT IN THE TERMS OF REFERENCE FOR THIS CONSULTANT FIRM AT THAT TIME?

MRS. WATSON: MR. CHAIRMAN, I BELIEVE THERE WAS. I BELIEVE COMMUNICATIONS WAS ONE FACTOR THAT THEY UNDERTOOK. I COULD GET THE ANSWER BUT I AM QUITE POSITIVE THIS IS TRUE.

MR. CHAMBERLIST: I WOULD LIKE TO FIND OUT WHAT THEIR ANSWER WAS IN THEIR REPORT. IT WOULD BE INTERESTING TO GET THAT.

MR. TANNER: MR. CHAIRMAN, THE REPORT IS TABLED I THINK. THE HONOURABLE MEMBER COULD PROBABLY FIND OUT.

MR. CHAMBERLIST: I HAVEN'T HAD TIME TO READ IT. I WAS WONDERING IF SOMEBODY ELSE HAD TIME TO READ IT. THAT'S FINE, I JUST HAVEN'T HAD TIME TO READ IT.

MR. MCKINNON: MR. CHAIRMAN, THAT IS ONE REPORT THAT I THINK ALL COUNCILLORS SHOULD HAVE A COPY OF IF THEY CAN BE MADE AVAILABLE.

MR. CHAMBERLIST: I HAVE ONE.

MR. MCKINNON: I HAVE JUST READ THROUGH THE ONE THAT HAS BEEN TABLED AND IT IS ONE THAT I THINK ALL MEMBERS OF COUNCIL SHOULD BE PROVIDED WITH IF THAT IS POSSIBLE. I'VE HEARD AND READ THAT IT IS IN VERY SHORT SUPPLY. BUT I REALLY DO BELIEVE THAT IT IS ONE THAT SHOULD BE GIVEN TO ALL COUNCILLORS.

MR. CHAMBERLIST: MR. CHAIRMAN, I'VE GOT ONE. I DIDN'T ASK FOR ONE.

MR. TANNER: MR. CHAIRMAN, I THINK THE HONOURABLE MEMBER MAKE A GOOD POINT. IT IS A VERY GOOD REPORT. ONE OF THE BEST THAT THE ADMINISTRATION HAS EVER HAD, I THINK AND I THINK THE MEMBER MAKES A GOOD POINT. HOWEVER I'VE GOT A SUSPICION THAT THEY ARE FEW IN NUMBER BUT IF ANYBODY WANTS TO BORROW MINE UNTIL WE CAN GET SOME MORE PRINTED UP I WOULD BE HAPPY TO LEND IT TO THEM.

MR. MCKINNON: I WONDER COULD MADAM CLERK ASSURE THAT ALL MEMBERS OF COUNCIL RECEIVE A COPY OF THE REPORT. MR. CHAIRMAN, I WOULD LIKE TO DRAW THE PRESENCE IN THE GALLERY, CERTAINLY NO STRANGER IN THIS HOUSE, THE EX-MEMBER FROM DAWSON, MR. SHAW.

MR. CHAIRMAN: FROM THE CHAIR, IS IT THE INTENTION OF THE ADMINISTRATION TO USE THE RESULTS OF THIS PARTICULAR STUDY AS A BASIS FOR COMMUNITY IMPROVEMENT. THAT WOULD BE THE

SKELETON OF THE ... ANYTHING FURTHER ON COMMUNITY SERVICES IMPROVEMENT?

Mrs. WATSON: Mr. CHAIRMAN, I AM SURE THAT THE ONLY COMMENT ANY MEMBER HAS HERE IS, WHEN DO WE START. THE SOONER THE BETTER. I THINK THAT IS THE BIG KEY, WHEN WILL THE POLICY BE BROUGHT DOWN AND LETS GET GOING ON IT.

Mr. CHAIRMAN: I NOTE IT CALLS FOR A TEN BED GENERAL HOSPITAL AT WATSON LAKE.

THE NEXT IS MEDICARE CHANGES - SESSIONAL PAPER No. 13.

Mr. TANNER: I AM AT THE MERCY OF MY FRIEND ON MY RIGHT HERE. IF ANY MEMBERS WANT TO DISCUSS THIS LATER ON THERE IS NO PROBLEM. I WOULD POINT OUT THAT WE DID HAVE A PRETTY FULL DISCUSSION ON THE SUPPLEMENTARY.

Mr. CHAIRMAN: IS IT AGREED THEN THAT WE DEAL WITH THIS THIS AFTERNOON?

SEVERAL HONOURABLE MEMBERS: AGREED.

Mr. CHAIRMAN: THE NEXT ITEM IS LEGAL AID - No. 14.

Mr. TANNER: Mr. CHAIRMAN I THINK THIS NEXT PAPER IS AN IMPORTANT ONE, AS HONOURABLE MEMBERS KNOW, I HAVE WRITTEN A LETTER TO THE LEGAL FRATERNITY IN TOWN SAYING THAT WHEN WE DID DISCUSS THIS THAT THE HOUSE REQUIRES THAT WE HAVE WITNESSES. I WOULD SUGGEST THAT WE STAND THIS ONE OVER TOO, TO GIVE THEM SOME NOTICE.

Mr. CHAIRMAN: WOULD COMMITTEE AGREE, THIS AFTERNOON THEN, AND THESE PEOPLE CAN BE NOTIFIED?

Mr. TANNER: IT IS AGREEABLE TO THE HOUSE THAT WE WANT SOME WITNESSES BUT YOU ALSO MUST REMEMBER THAT SOME OF THE GENTLEMEN WHO MIGHT WANT TO COME AND TALK TO US COULD HAVE COMMITMENTS IN COURT TODAY. I DON'T THINK A FEW HOURS NOTICE IS ENOUGH. I WOULD SUGGEST WE HAVE TO LEAVE IT UNTIL NEXT WEEK.

Mrs. WATSON: Mr. CHAIRMAN, I THINK POSSIBLY THE COUNCIL SHOULD DISCUSS IT AND THEN DECIDE AFTER WE HAVE DISCUSSED IT WHETHER WE WANT WITNESSES HERE. WE ARE JUST SORT OF PRESUMING THAT WE WANT WITNESSES NOW. I THINK IT WOULD BE BETTER TO HAVE A GENERAL DISCUSSION AND THEN IF WE DO WANT TO HAVE WITNESSES, MAKE AN APPOINTMENT WITH THEM.

Mr. STUTTER: Mr. CHAIRMAN, I WONDER IF I COULD BACKTRACK JUST A MINUTE TO SESSIONAL PAPER No. 13. SINCE WE ARE GOING TO BE BRINGING IT IN THIS AFTERNOON THERE IS ONE AREA THAT I WOULD LIKE THE MINISTER TO LOOK INTO PERHAPS BEFORE IT IS DISCUSSED. THAT IS ON PAGE 2, SECTION 3. IT DOES STATE THAT EXTENDED BENEFITS ARE AVAILABLE TO MEMBERS OF THE PUBLIC AT AN EXTRA COST. NOW HE WAS GOOD ENOUGH TO GIVE ME THE ADDRESSES OF THREE DIFFERENT COMPANIES THAT DO PROVIDE THESE EXTENDED BENEFITS. I HAVE WRITTEN TO ALL THREE OF THE COMPANIES ASKING FOR THEIR BROCHURES AND THE EXTENDED BENEFITS THAT ARE AVAILABLE TO INDIVIDUALS, NOT TO GROUPS OR EMPLOYEES OF COMPANIES. I HAVEN'T AS YET RECEIVED ANYTHING BACK. IF THE MINISTER DOES HAVE ANYTHING THAT WOULD HELP IN THAT LINE, I WOULD LIKE HIM TO PRODUCE IT; THAT IS BROCHURES IF AT ALL POSSIBLE.

Mr. TANNER: I'LL DO SO, Mr. CHAIRMAN, IF THEY ARE AVAILABLE. I THINK WE HAVE GOT A COUPLE IN THE OFFICE BUT I'M NOT SURE IF WE HAVE GOT ALL THE ONES OF THE NAMES WE SUGGESTED TO YOU.

Mr. CHAIRMAN: WHAT'S YOUR DISPOSITION OF LEGAL AID? DO YOU WISH TO PROCEED WITH IT AT THIS TIME?

Mr. CHAMBERLIST: I THINK IT IS TOO EARLY. I THINK THIS IS SOMETHING THAT THERE SHOULD BE CONTINUITY, Mr. CHAIRMAN. I'M AFRAID WITH THE TIME FACTOR YOU WOULDN'T GET CONTINUITY DEBATE OF THIS DESCRIPTION. PERHAPS IF WE CAN GO ON AND SEE IF WE CAN DEAL WITH ANYTHING ON A SHORT-TERM THING.

Mr. CHAIRMAN: DO YOU WISH TO DISCUSS THIS THEN THIS AFTERNOON?

SOME HONOURABLE MEMBERS: AGREED.

Mr. CHAIRMAN: NEXT SESSIONAL PAPER No. 15, GRANTS TO NON-GOVERNMENT SOCIAL SERVICES

AGENCIES.

Mr. TANNER: Mr. CHAIRMAN, THIS AGAIN WAS A BUDGET ITEM. I DON'T THINK WE HAVE ACTUALLY HAD A DISCUSSION ON THE PHILOSOPHY THAT YOU CAN SEE OUTLINED IN THIS PAPER, AND IT'S UP TO HONOURABLE MEMBERS WHETHER THEY WANT TO PURSUE IT FURTHER.

Mr. CHAIRMAN: HAVE YOU ANYTHING ON THIS MATTER? IS THE SESSIONAL PAPER THEN CLEARED?

Mr. CHAMBERLIST: NO. I'M JUST WAITING TO SEE MY COPY. I HAVEN'T GOT A COPY, AND CLIVE IS GETTING IT.

Mr. McKINNON: THE FIRST THING I WOULD LIKE IS THE DEFINITION OF WHAT A COMMUNITY SOCIAL SERVANT AGENCY IS. IT WOULD BE INTERESTING TO KNOW HOW BROAD OR HOW RIGID THIS PROGRAM WAS, AND ACTUALLY WHAT AGENCIES AND WHAT ORGANIZATIONS WILL BE ELIGIBLE FOR THE GRANT POLICY.

Mr. TANNER: Mr. CHAIRMAN, THE DEFINITION OF THE SOCIAL SERVICE AGENCY IS VERY DIFFICULT. TO GIVE AN ILLUSTRATION IT IS PRESENTLY THOUGHT UP ALL THE WAY FROM SOMETHING LIKE THE DIRMAN COFFEE HOUSE TO SOMETHING LIKE THE FAMILY PLANNING SERVICE TO OUTREACH TO YUKON SOCIAL SERVICE AGENCY, CROSSROADS, IT IS VERY BROAD. IN FACT, I THINK Mr. CHAIRMAN, ONE OF THE PROBLEMS I FORESEE IN THIS PAPER IS THAT WHEN WE GET TO THE AREA OF RECREATION AND LOTTERIES AND FINANCING, WE ARE ALLOWING STOPS BETWEEN RECREATION AND THE SUBJECT OF SOCIAL SERVICE AGENCY BEGINS. I THINK WE ARE GOING TO HAVE A PROBLEM WITH IT. Mr. CHAIRMAN, I DON'T SUPPOSE I HAVE ANSWERED THE HONOURABLE MEMBER'S QUESTION BUT IT IS VERY DIFFICULT TO ANSWER BECAUSE THERE IS SUCH A BROAD RANGE OF ACTIVITIES ENCOMPASSED WITHIN THAT DEFINITION.

Mr. CHAMBERLIST: HOW MANY OF THESE TYPE OF OPERATIONS EXIST NOW THAT WE ARE PAYING GRANTS TO?

Mr. TANNER: FOUR, Mr. CHAIRMAN.

Mr. CHAMBERLIST: NAME THEM.

Mr. TANNER: YUKON SOCIAL SERVICES CENTRE, CROSSROADS, DIRMAN COFFEE HOUSE AND DAYCARE CENTRE. BUT THE DAYCARE CENTRE ACTUALLY ISN'T FUNDED UNDER THIS PLAN. IT'S FUNDED UNDER SOCIAL ASSISTANCE.

Mr. CHAIRMAN: JUST FROM THE CHAIR, PARDON MY IGNORANCE IN THIS MATTER BECAUSE I REALLY DON'T KNOW. I'VE HEARD AND SEEN IN THE PAPER ABOUT THIS SPONSORING OF A COFFEE HOUSE. IS THIS LIKE A CAFE OR WHAT IS IT?

Mr. CHAIRMAN: NO, Mr. CHAIRMAN. WELL IT IS LIKE A CAFE INSOFAR AS THEY SERVE COFFEE. BUT IT ISN'T LIKE A CAFE IN THE NORMAL SENSE OF THE WORD BECAUSE BASICALLY IT'S A PLACE FOR YOUNG PEOPLE, PARTICULARLY FROM THE AGES OF 14 TO AROUND 18 OR 19 WHERE THEY CAN GO AND MEET EACH OTHER AND WHAT - KNOW THEY DON'T DO THAT, AND SOCIALIZE. IT'S BEING REASONABLY SUCCESSFUL; IT WAS VERY SUCCESSFUL LAST SUMMER. IT HAS BEEN REASONABLY SUCCESSFUL THIS YEAR FOR THE TWO MONTHS THAT THEY HAVE BEEN IN OPERATION. WE SEEM TO BE ATTRACTING THE SORT OF PEOPLE WHO ARE DRIFTING AROUND AND WHO DON'T HAVE ANYTHING TO DO. WE FEEL IT IS BETTER FOR THEM TO HAVE SOMEWHERE TO GO AND HAVE SOMEWHERE TO MEET RATHER THAN LOOKING FOR TROUBLE ON THE STREET.

Mr. CHAIRMAN: WHAT IS THE DIFFERENCE? YOU KNOW, WHY IS THIS NOT A PRIVATE ENTERPRIZE OPERATION? WHY IS THIS BEING GOVERNMENT FUNDED?

Mr. TANNER: Mr. CHAIRMAN, BASICALLY IT IS A PRIVATE ENTERPRIZE OPERATION. THEY WENT OUT. FIRST OF ALL I SHOULD TELL THE CHAIRMAN THAT LAST YEAR THERE WERE FUNDED ON A LIP PROGRAM, AND THIS YEAR THEY WEREN'T ABLE TO GET LIP FUNDS. THEY WENT OUT AND RAISED I THINK, GIVE OR TAKE A FEW DOLLARS, SOMETHING LIKE \$5,000.00 OF THEIR OWN MONEY. THEY REALIZED THAT IF THEY WERE GOING TO DO A PROPER JOB OF IT THEY WOULD NEED MORE FUNDS, AND THEY CAME TO THIS GOVERNMENT. THEY WENT TO THE FEDERAL GOVERNMENT. THEY WENT TO THE MUNICIPAL GOVERNMENT. THE FEDERAL GOVERNMENT WASN'T ABLE TO IMMEDIATELY HELP THEM EXCEPT INSOFAR AS THEY DID GIVE THEM A C.Y.C. GRANT, A COMPANY OF YOUNG CANADIANS GRANT FOR THE SALARY OF ONE OF THE PEOPLE WHILE IT'S IN THE EXPERIMENTAL STAGE SO TO SPEAK. THE MUNICIPAL GOVERNMENT COULDN'T SEE THEIR WAY CLEAR TO GIVE THEM ANY GRANTS, AND WE GAVE THEM A GRANT OF \$750.00 A MONTH FOR SIX MONTHS WITH THE ONE MAJOR CONDITION THAT AFTER SIX MONTHS WE WOULD WANT TO LOOK AT IT AGAIN AND SEE WHAT, SEE HOW WELL THEY HAVE DONE, AND WHAT RESULTS THEY HAVE HAD. INCIDENTALLY WE

HAVE HAD A REPORT AFTER TWO MONTHS.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF THE MEMBER FROM WHITEHORSE NORTH CAN INDICATE WHETHER THIS SOCIAL SERVICES ADVISORY BOARD HAS BECOME ACTIVE AS YET OR IS IT FORMED?

MR. TANNER: MR. CHAIRMAN, ONE OF THE MOST SATISFYING THINGS TO ME PERSONALLY IS THE FACT THAT HAVING COME UP WITH THIS PARTICULAR SUGGESTION, I HAVE ALREADY BEEN CONTACTED BY A NUMBER OF THEM AND THEY ALREADY HAVE SET UP A MEETING FOR THE LATTER PART OF MAY. THEY ARE VERY ENTHUSIASTIC ABOUT IT. BASICALLY WHAT YOU ARE DOING HERE IS YOU ARE GOING TO THESE PEOPLE WHO ARE CONTINUALLY COMING TO THE GOVERNMENT AND ASKING FOR GRANTS. WE ARE SAYING "LOOK, WE HAVE THIS AMOUNT OF MONEY AVAILABLE FOR YOU. YOU ADMINISTER." OBVIOUSLY WE ARE GOING TO BE HAVING A WATCHFUL EYE. IT'S LETTING THE PEOPLE ASKING THE MONEY THROUGHOUT THE TERRITORY TO GRANT THE FUNDS INSTEAD OF HAVING TO ASK THE GOVERNMENT ON A POLITICAL BASIS OR ON AN ADMINISTRATIVE BASIS. THE PEOPLE THEMSELVES IN THE PLANS THEMSELVES AND IN THE PROGRAMS THEMSELVES WILL BE ALLOCATING THE FUNDS.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF WE CAN HAVE, IF WE CAN KNOW WHO MAKE UP THIS SOCIAL SERVICES ADVISORY BOARD.

MR. TANNER: I'M SORRY. I DIDN'T MEAN TO MISLEAD THE HOUSE. THEY HAVEN'T MADE UP THE BOARD YET BUT THEY ARE GETTING ALL THE AGENCIES TOGETHER WHO ARE INTERESTED. ALL THE SOCIAL SERVICE AGENCIES OR ALL THE PEOPLE WHO HAVE BEEN INTERESTED CONTINUALLY OVER THE LAST TWO OR THREE YEARS IN SOCIAL SERVICES AGENCIES ARE GETTING TOGETHER TO SET UP THE BOARD SOMETIME IN THE LATTER PART OF MAY.

MR. CHAIRMAN: DOES THIS PROGRAM, FROM THE CHAIR, EXCLUDE DAYCARE CENTRES.

MR. TANNER: MR. CHAIRMAN, YES IT DOES. IT DOESN'T SPECIFICALLY EXCLUDE DAYCARE CENTRES BUT RIGHT NOW TO MY KNOWLEDGE - WELL MAYBE I BETTER BACKTRACK. DAYCARE CENTRES HAVE NOW FORMED A SOCIETY AND THEY WILL HAVE SOME MEMBERS COMING TO THIS BOARD TO REQUEST FUNDS, AND THE BOARD WILL MAKE THAT DECISION. PRESENTLY, ON AN INDIVIDUAL BASIS, PARENTS WHO HAVE CHILDREN IN DAYCARE CENTRES WHO ASK FOR HELP

UNDER SOCIAL ASSISTANCE ARE BEING FUNDED, BUT IT IS ON AN INDIVIDUAL BASIS AND NOT ON A DAYCARE CENTRE BASIS.

MR. CHAMBERLIST: MR. CHAIRMAN, I GET CONCERNED BECAUSE ABOUT SEVENTY NOW ADVISORY BOARDS, COMMITTEES AND THE LIKE. YOU KNOW WE COULD EASILY RUN INTO SO MANY BOARDS THAT THE WHOLE OF THE COMMUNITIES CONSIST OF BOARDS. THE FIRST QUESTION I WOULD LIKE TO ASK IS IS THERE ANY STATUTORY REQUIREMENT ANYWHERE FOR A SOCIAL SERVICES ADVISORY BOARD TO BE SET UP?

MR. TANNER: NOT TO MY KNOWLEDGE NO.

MR. CHAMBERLIST: WHERE DOES THE AUTHORITY COME TO PROVIDE FOR AN ADVISORY BOARD OF THIS DESCRIPTION?

MR. TANNER: MR. CHAIRMAN, IT WAS MY ASSUMPTION, PERHAPS ERRONEOUS, THAT IF THE MEMBERS OF THIS COUNCIL ACCEPTED THE INCREASE IN FUNDS WHICH WE HAVE VOTED FOR THIS PLAN, THAT THAT IN ITSELF WOULD CONSTITUTE AN ADVISORY - THAT WOULD GIVE US THE AUTHORITY TO CONSTITUTE AN ADVISORY BOARD.

MR. CHAMBERLIST: THIS IS WHERE I THINK, MR. CHAIRMAN, WE WOULD HAVE TO BE CAREFUL. ALTHOUGH WE CAN SAY WHERE FUNDS CAN BE SPENT, UNLESS THERE IS A STATUTORY AUTHORITY FOR THE SETTING UP OF ADVISORY BOARDS OR COMMITTEES, WE WOULD BE IN GREAT DANGER OF ALLOWING A BODY WHO HAVEN'T THE LEGISLATIVE POWER TO UTILIZE THE FUNDS THAT WE HAVE VOTED. YOU ARE SPENDING THOSE FUNDS. I THINK YOU HAVE TO BE CAREFUL.

MR. TANNER: MR. CHAIRMAN, I BEG YOUR PARDON. I MISLEAD THE HONOURABLE MEMBER. WHAT WOULD HAPPEN IS THAT THE BOARD WILL MAKE RECOMMENDATIONS TO US AND WE WILL BE SETTING THE FUNDS.

MR. CHAMBERLIST: OH. THAT'S DIFFERENT. WE DON'T GIVE THE FUNDS TO THE BOARD FOR THEM TO USE. RIGHT.

MRS. WATSON: MR. CHAIRMAN, THERE'S JUST ONE THING IN THIS PAPER. I WONDER IF THERE IS GOING TO BE ANY EFFORT MADE BY THIS ADVISORY BOARD TO HAVE REPRESENTATION FROM A COMMUNITY OTHER THAN WHITEHORSE? THIS IS MY BIG

CONCERN BECAUSE MOST OF YOUR SOCIAL SERVICE AGENCIES ARE CENTERED IN WHITEHORSE. I WOULD HOPE THAT THERE WOULD BE REPRESENTATION FROM OUTSIDE OF WHITEHORSE ON THIS BOARD.

MR. TANNER: YES, MR. CHAIRMAN. THAT IS A VERY SERIOUS CONSIDERATION OF OUR OWN. I THINK THE BOARD WILL MAKE THAT ATTEMPT. CERTAINLY THE GOVERNMENT WILL ASK THE BOARD TO MAKE THAT ATTEMPT. I WILL GIVE YOU AN ILLUSTRATION RIGHT NOW. THE HONOURABLE CHAIRMAN ASKED HOW WE ARE FUNDING THE DURNAM COFFEE HOUSE. WELL THERE ARE TO MY KNOWLEDGE AT LEAST ONE OTHER COFFEE HOUSE IN THE TERRITORY IN FARO, IN FACT. I DO BELIEVE THAT THERE IS AN ASSOCIATION WHICH COULD BE SIMILARLY DESCRIBED AS A COFFEE HOUSE IN DAWSON. THEY HAVEN'T MADE AN APPLICATION FOR ANY FUNDS. PERHAPS THEY ARE BEING ABLE TO RUN IT SELF-SUFFICIENTLY ON THEIR OWN BASIS. IF THEY DID, THEN I THINK THEY WILL BE MAKING IT TO THIS BOARD AND THE ADVISORY BOARD WILL BE ADVISING THE GOVERNMENT ON IT. AS FAR AS THE OUTSIDE AREAS THERE IS AN ATTEMPT ALREADY BEING INITIATED TO GET OTHER PEOPLE WHO MIGHT BE INTERESTED OUTSIDE OF WHITEHORSE INTERESTED IN THE BOARD.

MR. CHAMBERLIST: MR. CHAIRMAN, ON PAGE 2 OF THE PAPER, SECTION 3. THERE'S REFERENCE MADE, "THE PROCEEDS OF THIS FUND WOULD BE EQUITABLY DIVIDED AMONGST THE PARTICIPATING AGENCIES." WELL WHAT WOULD BE AN EQUITABLE DIVISION WHEN THE COMMUNITIES, LET'S SAY A SERVICE AGENCY IN A COMMUNITY OUTSIDE OF WHITEHORSE WHICH MAY HAVE A GREATER NEED; YOU KNOW, WHO'S TO SET THE PARTICULAR NEED. HOW IS THIS DONE?

MR. TANNER: MR. CHAIRMAN, BY ASKING THAT QUESTION THE MEMBER HAS ILLUSTRATED WHAT WE ARE TRYING TO ATTEMPT HERE. THAT DECISION WILL BE MADE BY THE PEOPLE ON THE BOARD WHEN THEY GIVE THE GOVERNMENT ADVICE ON HOW TO SPEND THE FUNDS. ONE HOPES WITH THE KNOWLEDGE THAT IS NOT ALWAYS AVAILABLE TO GOVERNMENT BECAUSE THEY ARE LIVING IN THE COMMUNITIES, AND THEY ARE WITH THE COMMUNITIES ALL THE TIME. NOW THERE IS ONE OTHER POINT I SHOULD MENTION HERE. WE DO HAVE A MEMBER OF THE DEPARTMENT AS AN ADVISOR TO THE ADVISORY BOARD. HE IN TURN WILL HAVE INFORMATION AVAILABLE TO HIM FROM THE TOTAL SOCIAL SERVICES BRANCH WHICH AGAIN COULD BE OF ASSISTANCE TO THE BOARD. THE DETERMINATION WILL BASICALLY BE MADE BY THE BOARD FROM THE BEST KNOWLEDGE THEY HAVE

AVAILABLE TO THEM.

MRS. WATSON: MR. CHAIRMAN, I THINK TO ADD TO THAT ON PAGE 1, "THE SOCIAL SERVICE BOARD RESPONSIBLE FOR . . .". I THINK THAT IS A VERY GOOD SECTION. "CONSIDERATION OF ALL APPLICATIONS", AND THIS I THINK SPECIFICALLY ANSWERS THE QUESTION THE HONOURABLE MEMBER HAS ASKED. "ASSESSMENT OF THE COMMUNITY'S NEED FOR FURTHER SERVICE." NOT EVERYBODY THAT GETS AN IDEA IS GOING TO GET FUNDING. IF THERE IS NO NEED FOR THE SERVICE, IF THE ADVISORY BOARD FEELS THAT THERE IS NO NEED FOR THAT SERVICE, THAT IT'S BEING PROVIDED OR THEY SHOULDN'T BE ENTERING INTO THAT FIELD. "OBJECTIVES AND EFFECTIVENESS OF PROPOSED PROGRAMMES", AND AGAIN "REVIEW OF AGENCY'S BUDGET AND PREVIOUS FINANCIAL STATEMENTS", SO AS AN ONGOING THING THEY ARE ABLE TO ASK ANY AGENCY WHO HAS RECEIVED FUNDS FOR THEIR FINANCIAL STATEMENT OF THE PREVIOUS YEAR'S ACTIVITIES. "ESTABLISHMENT OF ACCOUNTABILITY GUIDELINES". I THINK THIS IS MOST IMPORTANT BECAUSE THESE ARE PUBLIC FUNDS THAT ARE BEING HANDED OUT. HERE WE SAY "RECOMMENDING THE ACCEPTANCE OR REJECTION OF THE APPLICATION FOR ASSISTANCE." THEY JUST DO THE RECOMMENDING. I THINK THAT'S A VERY VERY GOOD SECTION AND IT REALLY DEFINES QUITE CLEARLY WHAT WE WILL EXPECT THE BOARD TO DO.

MR. TANNER: MR. CHAIRMAN, THERE'S ONE OTHER THING I THINK I BETTER SAY ABOUT THIS PROGRAM. QUITE FRANKLY IT'S EXPERIMENTAL IF YOU LIKE. WE DON'T KNOW WHETHER IT IS GOING TO WORK. WE HOPE IT WORKS. BY THIS TIME NEXT YEAR COUNCIL WILL HAVE - THERE WILL BE EVIDENCE MADE APPARENT TO COUNCIL OF WHETHER OR NOT THE PROGRAM IS WORKING. COUNCIL WILL HAVE TO DECIDE AT THAT TIME WHETHER OR NOT IT WANTS TO CONTINUE IT. IT IS REALLY AN EXPERIMENTAL PROGRAM.

MR. CHAMBERLIST: MY QUESTION, MR. CHAIRMAN, WAS KEYED TO THE WORD "EQUITABLY". WHEN YOU ARE TALKING ABOUT AN EQUITABLE SHARE OF FUNDS YOU ARE TALKING ABOUT AN EQUAL AMOUNT OF FUNDS PER AGENCY. IT WOULD BE PRETTY DIFFICULT IF THERE WAS NO WAY OF MEASURING BY YARDSTICK WHICH PARTICULAR AGENCY REQUIRED A LITTLE MORE FUNDS THAN THE OTHER. I WOULD HAVE THOUGHT THAT IF THE WORD "EQUITABLY" WOULD HAVE BEEN LEFT OUT THERE THAT IT - THIS FUND WOULD BE DIVIDED AMONG THE PARTICIPATING AGENCIES AND THEN IT'S CLEARLY LEFT TO

THE ADVISORY BOARD TO DO THAT SHARING. BUT THE MOMENT YOU TALK ABOUT EQUITABLE IN THERE YOU ARE TALKING ABOUT AN EQUAL AMOUNT OF FUNDING WHICH MAY TIE THE SITUATION UP. THAT'S WHY I RAISE THAT PARTICULAR POINT. I MEAN THE DEFEAT, MR. CHAIRMAN, OF WHAT THE INTENTION IS IN THE FIRST PLACE.

MR. CHAIRMAN: CLEAR IN THE ITEM NOW? NOW THERE'S ONE FURTHER SESSIONAL PAPER, NO. 18. THE CHAIR HAD RECEIVED SOME DAYS AGO A REQUEST FROM A MR. BILL MUELLER WHO WISHED TO BE PRESENT, OR IN THE GALLERY AT LEAST, WHEN WE DISCUSSED THIS ITEM AND AVAILABLE TO COMMITTEE FROM THE CANADIAN RESTAURANT ASSOCIATION, I BELIEVE.

MR. TANNER: MR. CHAIRMAN, I THINK THE HONOURABLE MEMBER IS REFERRING TO THE PRESIDENT OF THE HOTEL AND MOTEL ASSOCIATION. HE'S THE MANAGER OF THE TRAVELodge, MR. MUELLER.

MR. CHAIRMAN: WOULD YOU CARE TO SET A TIME THAT WE COULD DISCUSS THIS QUESTION, POSSIBLY THIS AFTERNOON AND WE COULD ADVISE MR. MUELLER.

MR. CHAMBERLIST: TELL HIM AT 2 O'CLOCK, AND WE COULD DEAL WITH IT RIGHT AWAY.

MR. STUTTER: MR. CHAIRMAN, YOU SAID THAT THE NEXT PAPER IS 18. I DON'T KNOW WHETHER SESSIONAL PAPER NO. 16 HASN'T BEEN MOVED INTO COMMITTEE, BUT IT WAS DISCUSSED DURING THE BUDGET THAT AT SOMETIME THAT WE WOULD PERMIT H. HOFFES OR MR. FITZGERALD TO COME BEFORE COUNCIL. IT SEEMS TO ME THAT THAT WOULD BE AN IDEAL VEHICLE TO GET HIM INTO COUNCIL. IT SEEMS TO ME THAT SOME OF THE QUESTIONS THAT WERE ANSWERED THE OTHER DAY BY MR. M. HOFFES WILL ALSO ADD TO A GOOD, LIVELY DISCUSSION WITH EITHER HIMSELF OR MR. FITZGERALD.

MR. CHAIRMAN: THE MATTER HAVING BEEN RAISED IN THE MAIN ESTIMATES I WOULD THINK THAT WOULD BE AGREEABLE, IF COMMITTEE AGREED.

MR. TANNER: IT'S AGREEABLE TO ME ANYWAY, MR. CHAIRMAN, BUT I WAS WONDERING WHY THE CHAIRMAN PASSED UP - HAVE WE PASSED NO. 16 OUT?

MR. CHAIRMAN: NO, IT ISN'T IN COMMITTEE AT THE MOMENT. NO-ONE HAS MOVED IT IN. INASMUCH AS WE HAVE DISCUSSED THE TOTAL MATTER IN COMMITTEE I THINK THAT THE SESSIONAL PAPER WOULD BE AVAILABLE IN DISCUSSION WITH - WHAT'S THE NAME

AGAIN?

MR. STUTTER: HOFFES, MANFRED HOFFES, MR. CHAIRMAN.

MR. CHAIRMAN: WOULD YOU WISH TO SET A TIME OR DO YOU WISH TO DO THAT THIS AFTERNOON AS WELL? NOW WHAT DO WE DO WITH SESSIONAL PAPER NO. 18? DO YOU WANT TO SET THAT UP FOR 2 O'CLOCK?

MR. TANNER: I THINK THE SUGGESTION IS A GOOD ONE, MR. CHAIRMAN.

MR. CHAIRMAN: IN THAT CASE WE WILL STAND COMMITTEE IN RECESS UNTIL 2 O'CLOCK.

MR. STUTTER: MR. CHAIRMAN, WITH RESPECT, IF WE ARE TO SEE OR IF MR. HOFFES IS GOING TO BE INVITED TO COUNCIL, I WONDER IF WE COULDN'T SET SOME TENTATIVE TIME FOR THAT ALSO THIS AFTERNOON. MAYBE HE NEEDS A LITTLE NOTICE.

MR. CHAMBERLIST: WELL SAY 3 O'CLOCK FOR HIM.

MR. CHAIRMAN: IT'S HARD TO SAY WHEN WE FINISH THESE THINGS. IF HE COULD BE SOMEWHERE AVAILABLE, WE COULD HAVE A SHORT RECESS UNTIL HE DROPS OVER.

MR. STUTTER: PERHAPS THE CLERK COULD SEE IF HE IS AVAILABLE.

MR. CHAIRMAN: SURE. FINE.

MR. TANNER: MR. CHAIRMAN, JUST BEFORE YOU RECESS I'M GETTING CONFUSED NOW. ARE WE - WHAT WAS THE DECISION OF COUNCIL AS FAR AS THE LEGAL AID WAS CONCERNED? WE ARE NOT GOING TO INVITE - - -

MR. CHAIRMAN: WE ARE GOING TO DISCUSS AT SOME VARYING TIME SESSIONAL PAPER NO. 13, MEDICARE CHANGES, NO. 14, LEGAL AID, NO. 18 LABOUR STANDARDS, AND ALSO HAVE A DISCUSSION WITH MR. HOFFES.

MR. TANNER: MR. CHAIRMAN, I WOULD JUST SUGGEST THAT PERHAPS WE SHOULD TAKE THE LEGAL AID ONE OUT OF THERE. I DON'T THINK WE ARE GOING TO GET ANY WITNESSES THIS AFTERNOON ON SUCH NOTICE.

MRS. WATSON: MR. CHAIRMAN, I THOUGHT WE

AGREED WE WOULD DISCUSS IT WITHOUT WITNESSES.

MR. CHAIRMAN: I BELIEVE THE IDEA WAS TO - WE WERE GOING TO DISCUSS IT AND THEN DECIDE. ALRIGHT WE WILL STAND COMMITTEE IN RECESS UNTIL 2 O'CLOCK.

RECESS

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE BACK TO ORDER. THE FIRST ITEM ON THE AGENDA IS SESSIONAL PAPER NO. 18 RESPECTING THE LABOR STANDARDS ORDINANCE. WE HAVE AVAILABLE TO US, SHOULD COMMITTEE REQUIRE, MR. BILL MUELLER AND MR. LEN MARSH, SHOULD COMMITTEE DECIDE THEY WISH TO HAVE ANY REPRESENTATION.

WHAT IS YOUR PLEASURE IN THIS REGARD?

MR. TANNER: MR. CHAIRMAN, I WOULD SUGGEST WE NOT ONLY HAVE THE LEGAL ADVISOR BUT WE SHOULD HAVE THE WITNESSES IF IT IS AGREEABLE TO COUNCIL SO THAT WE CAN HEAR WHAT THEY HAVE TO SAY ABOUT THIS LEGISLATION.

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: AT THIS TIME THEN I WILL DECLARE A BRIEF RECESS.

RECESS

MR. CHAIRMAN: AT THIS TIME WE CALL COMMITTEE TO ORDER. WE HAVE WITH US TODAY TO ASSIST US IN OUR DELIBERATIONS ON SESSIONAL PAPER NO. 18, MR. BILL MUELLER AND MR. LEN MARSH, REPRESENTING THE CANADIAN RESTAURANT ASSOCIATION AND THE YUKON MOTEL AND HOTEL ASSOCIATION. PROCEED.

MR. CHAMBERLIST: MR. CHAIRMAN, PERHAPS THE WITNESSES WOULD LIKE TO SPEAK ON THEIR OWN BRIEF.

MR. CHAIRMAN: YES, WOULD YOU LIKE TO DO THAT.

MR. MUELLER: THANK YOU VERY MUCH. FIRST OF ALL I WOULD LIKE TO APOLOGIZE FOR OUR BRIEF AS IT IS PRESENTED TO YOU IN ITS PRESENT FORM. YOU WILL NOTICE THAT THE DATE ON THE COVER COPY IS MAY 25, 1973.

THIS BRIEF WAS ORIGINALLY PRESENTED TO ANOTHER DEPARTMENT OF THE TERRITORIAL GOVERNMENT ON THIS DATE, WHO AS WE WERE TOLD BY THEM, WOULD

MAKE OUR PRESENTATION TO YOU. JUST A FEW SHORT WEEKS AGO WE WERE INFORMED BY MR. TANNER THAT OUR BRIEF HAD NOT BEEN PRESENTED TO THE RIGHT CHANNELS. AS TIME TO US WAS OF THE ESSENCE AND OUR ORGANIZATION DOES NOT, AS YET, HAVE A FULL-TIME PAID EXECUTIVE WE SIMPLY CHANGED THE FIRST PAGE OF OUR BRIEF WITH THE EXCEPTION OF THE DATE AND SUBMITTED IT TO YOU IN ITS ORIGINAL FORM.

BECAUSE OF OUR MISDIRECTION I FEEL THERE IS ANOTHER APOLOGY IN ORDER. ON BEHALF OF THE C.R.A. YUKON BRANCH AND THE YUKON MOTEL, HOTEL ASSOCIATION, I WOULD LIKE TO PUBLICALLY APOLOGIZE TO YOU, AS MEMBERS OF THE COUNCIL, FOR ANY UNDUE CRITICISM DIRECTED TOWARD THE COUNCIL THROUGH THE PRESS CAUSED BY OUR COMMENTS TO THEM. IT WAS NOT YOUR FAULT THAT OUR ORIGINAL BRIEF WAS MISDIRECTED. IT DID NOT COME BEFORE YOU UNTIL NOW. AGAIN, WE APOLOGIZE.

NOW FOR OUR OUT-DATED BRIEF. OUT-DATED BECAUSE SINCE MAY OF 1973 OUR MINIMUM WAGE HAS BEEN RAISED FROM \$2.00 TO \$2.30 PER HOUR WHICH WE STILL FEEL IS A JUST RATE AND THAT EMPLOYEES IN THE YUKON ARE ENTITLED TO AN ADDITIONAL INCREASE OVER THE NATIONAL LEVEL. OUT-DATED AGAIN BECAUSE OF OUR STATEMENT ON PAGE 2 THAT RESTAURANTS HERE IN THE YUKON HAVE NEVER AS A GROUP BEEN CLOSED ON STATUTORY HOLIDAYS. WE DID LAST CHRISTMAS AND NEW YEARS.

OUR POINT HOWEVER REMAINS THE SAME. WE ARE A CONTINUOUS OPERATION. IF WE WERE TO CLOSE ON HOLIDAYS WE WOULD CREATE AN EXTREME HARDSHIP TO MANY LOCAL PEOPLE DEPENDING UPON OUR INDUSTRY FOR BREAKFAST, LUNCH, AND DINNER AND OF COURSE, OUR VISITORS WHO HAVE NO ALTERNATIVES WHATSOEVER. THEY MUST DEPEND UPON OUR HOTEL ROOMS TO SLEEP IN AND OUR RESTAURANTS TO EAT IN.

PLEASE KEEP IN MIND THAT OUR BRIEF IS DIRECTED TO THE CONTINUOUS OPERATION. IT DOES NOT INCLUDE BANKS, DEPARTMENT STORES, HARDWARE STORES AND SO ON. CONTINUOUS OPERATION.

IN READING OVER OUR OWN LABOR STANDARDS ORDINANCE THE OTHER DAY I WAS SURPRISED TO FIND THAT THE R.C. LAW COVERING CONTINUOUS OPERATIONS IS JUST ABOUT, OR COULD BE THE SAME, AS OUR OWN SECTION 31 ON PAGE 9. WITH YOUR PERMISSION I WOULD LIKE TO READ THIS SECTION TO YOU. IT IS INTITULED CUSTODIAL WORK AND ESSENTIAL SERVICES SECTION 31, PAGE 9. IT READS AS FOLLOWS: "WHERE

A PERSON EMPLOYED IN OR IN RELATION TO CUSTODIAL WORK OR ESSENTIAL SERVICES AS PRESCRIBED BY REGULATIONS IS REQUIRED TO ON A DAY THAT IS A HOLIDAY, UNDER THIS PART, HE SHALL BE GRANTED THE HOLIDAY WITH PAY IN ACCORDANCE WITH SECTION 26 AT SOME OTHER TIME. WHICH MAY BE ADDED TO HIS ANNUAL VACATION OR GRANTED AS A HOLIDAY WITH PAY AT A TIME CONVENIENT TO HIM AND HIS EMPLOYER. IN OTHER WORDS, DOUBLE TIME." NEITHER 'CUSTODIAL WORK' NOR 'ESSENTIAL SERVICES' IS DEFINED. THE FIRST OFF ON CUSTODIAL WORK TO ENTER MY MIND WAS JANITORIAL. IN CHECKING THE DICTIONARY I FIND IT DEFINED AS ONLY RELATING TO GUARDIANSHIP. I FEEL THAT THIS COULD COVER A LOT OF TERRITORY. UNDER THIS DEFINITION ALMOST EVERY EMPLOYEE IN HIS EVERYDAY DUTIES WOULD QUALIFY AS CUSTODIAL. THE TRUCK, TAXI, AND BUS DRIVERS THAT ARE RELATED IN THE RESPONSIBILITY OF NOT ABUSING AND OF PROTECTING THEIR EQUIPMENT. THE STORE CLERKS IN WATCHING FOR SHOPLIFTERS AND PROTECTING COMPANY FUNDS. THE ROOM CLERKS, WAITRESSES, BAR MAIDS, ROOM MAIDS, COOKS, DISHWASHERS AND SO ON. PROTECTING THEIR EMPLOYERS' FURNISHINGS, EQUIPMENT, SUPPLIES, AND CASH ARE A BIG PART OF THEIR EVERYDAY DUTIES. YOU AS COUNCILLORS AND COUNCIL WOMEN ARE THE PUBLIC GUARDIANS.

SHOULD CUSTODIAL BE DEFINED AS JANITORIAL; IT IS DEFINED IN THE DICTIONARY AS 'DOORKEEPER; ONE WHO KEEPS THE PREMISES OF AN APARTMENT, OFFICE, OR OTHER BUILDINGS CLEAN, TENDS TO THE HEATING SYSTEMS, MAKES MINOR REPAIRS.' THIS WOULD CERTAINLY INCLUDE EMPLOYEES SUCH AS MAIDS, HOUSEMEN, GARDENERS, LAUNDRY WORKERS, MAINTENANCE MEN AND SO ON. THEY CLEAN AND KEEP THE HOUSE LOOKING NEAT. HOWEVER, THIS MIGHT ALSO INCLUDE A COOK WHO CLEANS A STOVE AND EQUIPMENT, A DISHWASHER WHO SWEEPS AND MOPS THE FLOORS, A WAITRESS OR A BUS GIRL WHO CLEARS, CLEANS AND RESETS TABLES. OR A ROOM CLERK WHO IN ANY WAY CLEANED OR DUSTED HIS OR HER DESK.

WHAT IS MEANT BY ESSENTIAL SERVICES? IF I MAY AGAIN REFER TO THE DICTIONARY, ESSENTIAL IS DEFINED AS FOLLOWS: "OF THE UTMOST IMPORTANCE, BASIC, INDISPENSABLE, NECESSARY, VITAL; IT SUGGESTS SOMETHING THAT IS NECESSARY TO A THINGS CONTINUED EXISTANCE AS AIR, FOOD, WATER, IS TO LIVING THINGS."

SERVICE IS DEFINED: "THE OCCUPATION OR FUNCTION OF SERVING; A WORK OR AN ACTION PERFORMED BY

ONE WHO SERVES; A FACILITY SUPPLING SOME SORT OF PUBLIC DEMAND."

I WOULD CERTAINLY THINK THAT IF ANY BUSINESS WOULD QUALIFY UNDER SECTION 31, IT WOULD BE THE HOTEL AND RESTAURANT BUSINESS. IF IT IS UP TO YOU AS COUNCIL, I WOULD RESPECTFULLY ASK YOUR CONSIDERATION IN AMENDING SECTION 31 TO INCLUDE HOTELS AND RESTAURANTS. IN OTHER WORDS; IF WE CAN BE COVERED UNDER SECTION 31 THEN LETS FORGET ABOUT THE R.C. ORDINANCE WHICH WE ENCLOSED WITH OUR BRIEF TO YOU.

IN CONSIDERING THIS AMENDMENT, PLEASE TAKE INTO CONSIDERATION THAT FIVE OF THE NINE STATUTORY HOLIDAYS FALL INTO A POOR HOTEL AND RESTAURANT BUSINESS CLIMATE. NEW YEARS; GOOD FRIDAY IN APRIL, THANKSGIVING IN OCTOBER, ARMISTICE DAY IN NOVEMBER, AND CHRISTMAS IN DECEMBER. TWO FALL WITHIN THE BORDER-LINE; VICTORIA DAY IN MAY, AND LABOR DAY IN SEPTEMBER. THE REMAINING TWO; DOMINION DAY AND DISCOVERY DAY IN AUGUST ARE IN THE HEIGHT OF OUR BUSY TOURIST SEASON.

I DID A BREAKDOWN OF MY OWN RESTAURANT OPERATION LAST DISCOVERY DAY, AUGUST 17. WE HAD A GREAT VOLUME OF FOOD BUSINESS AND THE HOTEL WAS BOOKED TO CAPACITY. MY GROSS PROFIT BEFORE TAXES WAS LESS THAN 1%.

MY POINT IS, EVEN DURING THE PRIME BUSINESS PERIODS, A RESTAURANT DOES NOT MAKE THEIR USUAL NET PROFIT OF THE NATIONAL AVERAGE OF 5% WHEN PAYING THEIR EMPLOYEES DOUBLE TIME AND A HALF.

YOU MIGHT SAY I AM AGAINST ANYTHING THAT HAS TO DO WITH LOWERING OF THE WORKING MAN'S WAGE. WHICH THIS PROPOSED AMENDMENT WILL DO BY 1/2% ON NINE DAYS OUT OF THE YEAR.

IN ANSWER TO THIS I MIGHT REMARK THAT SHOULD ONLY 50% OF OUR YUKON OPERATIONS CLOSE ON STATUTORY HOLIDAYS RATHER THAN OPERATE AT A LOSS, MANY OF THE EMPLOYEES WOULD BE PAID ONLY THEIR REGULAR STRAIGHT TIME INSTEAD OF THE DOUBLE TIME IF WE WERE TO AMEND SECTION 31. I CAN ONLY SEE THAT THIS PROPOSED AMENDMENT

IS A BENEFIT RATHER THAN A DETREMENT TO OUR WORKERS. THANK YOU VERY MUCH FOR ALLOWING US TO GIVE OUR VIEWS TO YOU AND AGAIN I RESPECTFULLY ASK YOUR CONSIDERATION IN AMENDING SECTION 31, AS OUTLINED IN MY PRESENTATION.

MR. CHAIRMAN: THANK YOU MR. MUELLER. MR. MARSH DID YOU HAVE ANYTHING YOU WISH TO SAY AS A MATTER OF INTRODUCTORY REMARKS?

MR. MARSH: I DON'T BELIEVE AT THIS TIME. I AM PAST PRESIDENT OF THE RESTAURANT ASSOCIATION AND IT'S BEEN A SHORT NOTICE AND I'VE BEEN QUITE BUSY BUT I THINK BILL AND I HAVE TALKED ABOUT THIS SEVERAL TIMES. I THINK BILL MUELLER HAS COVERED MY VIEWS AND I DON'T THINK I CAN ADD ANYTHING TO IT. I MIGHT AT A LATER TIME IF I'M ASKED ON MY OWN OPERATION, I WOULD BE GLAD TO GIVE YOU SOME INFORMATION.

MR. CHAIRMAN: VERY FINE. COUNCILLOR CHAMBERLIST.

MR. CHAMBERLIST: MR. CHAIRMAN I WONDER IF EITHER OF THE WITNESSES RECOGNIZE THAT SECTION 31 IS ONLY SPECIFIC WHEN THE ESSENTIAL SERVICES OR CUSTODIALS WORK. IT'S PRESCRIBED IN THE REGULATIONS. IS THE WITNESS AWARE OF THAT? THE SECTION READS - WHERE A PERSON - I'LL READ IT SO THAT YOU WILL SEE FAIRLY QUICKLY MR. CHAIRMAN, THE WITNESS WILL SEE PRETTY QUICKLY WHAT I'M GETTING AT. "WHERE A PERSON EMPLOYED IN OR IN RELATION TO CUSTODIAL WORK OR ESSENTIAL SERVICES AS PRESCRIBED BY REGULATIONS IS REQUIRED TO WORK ON THE DAY, ETC." BUT THERE IS NO REGULATIONS PRESCRIBING THAT. I WONDER IF THE WITNESSES RECOGNIZE THIS?

MR. MUELLER: I'M AFRAID I DIDN'T AND I DON'T GET YOUR POINT THERE SIR. SECTION 31 DOES NOT DESCRIBE ANY BUSINESS AS AN ESSENTIAL SERVICE AND ALL I'M ASKING IS THAT WE BE DESCRIBED AS AN ESSENTIAL SERVICE BECAUSE I THINK WE ARE SIR.

MR. CHAIRMAN: I THINK IT'S A LEGAL POINT THAT COULD BE TAKEN UP WITH MR. LEGAL ADVISOR.

MR. CHAMBERLIST: WELL COULD I FIRST CLARIFY THE POINT SO THAT MR. LEGAL ADVISOR CAN GET MY POINT HERE. IN THIS SECTION, THE EMPLOYMENT OF A PARTICULAR PERSON IN A PARTICULAR CATEGORY, CUSTODIAL WORKERS ESSENTIAL SERVICES, WILL ONLY COME INTO PLAY IF PRESCRIBED AS SUCH IN A REGULATION. NOW IN THE REGULATIONS WHICH ARE ON TAB 60, THERE IS NO REGULATION PRESCRIBING ANY

OF THE ESSENTIAL SERVICES OR CUSTODIAL WORK SO I'M SUGGESTING THAT THE SECTION ITSELF DOESN'T COME INTO PLAY AT ALL BECAUSE THERE IS NO PRESCRIBED REGULATION TO THAT EFFECT. WOULD MR. LEGAL ADVISOR AGREE WITH THAT POINT?

MR. LEGAL ADVISOR: I DON'T KNOW MR. CHAIRMAN. IT'S VERY HARD TO CONSTRUE THIS SECTION OR THE SUB-SECTION. WHERE A PERSON IS EMPLOYED IN OR IN RELATION TO CUSTODIAL WORK, APPEARS TO BE PART OF A SENTENCE OR IT THEN SAYS OR ESSENTIAL SERVICES AS PRESCRIBED BY REGULATION. SO EITHER OF TWO MEANINGS CAN BE TAKEN FROM THIS AND WITHOUT A COURT DECISION I WOULDN'T BE ABLE TO GUESS. IT MIGHT BE THAT IT MEANS THAT ANY PERSON EMPLOYED IN CUSTODIAL WORK HAS TO GET A DIFFERENT DAY AS A HOLIDAY. OR IT MIGHT MEAN A PERSON ON CUSTODIAL WORK AS PRESCRIBED BY REGULATION. IT CAN MEAN EITHER. I DON'T KNOW WHICH BUT I WOULD HAZARD AN OPINION, HOPING NOT TO BE BOUND OR NAILED TO THE CROSS FOR IT. THAT CUSTODIAL WORK IS COVERED WHETHER OR NOT IT'S PRESCRIBED BUT THE ONLY ESSENTIAL SERVICES WHICH ARE COVERED ARE ESSENTIAL SERVICES WHICH ARE PRESCRIBED. THAT'S MY GUESS.

MR. CHAMBERLIST: MR. CHAIRMAN, THIS IS THE POINT THAT I'M MAKING THAT WHERE THERE ARE NO ESSENTIAL SERVICES PRESCRIBED, THIS SECTION DOESN'T COVER IT.

MR. CHAIRMAN: JUST FROM THE CHAIR. SHOULD IT NOT BE IN THE INTEREST OF GOOD LEGISLATION TO MAYBE REDRAFT THIS PARTICULAR SECTION AND MAKE IT QUITE CLEAR WHAT IS INTENDED?

MR. LEGAL ADVISOR: AS A GENERAL PROPOSITION, YES MR. CHAIRMAN. BUT I WOULD HATE TO HAVE TO GO THROUGH THE ORDINANCE AND WHATEVER A DOUBT WAS RAISED AS TO THE PRECISE MEANING, START A SERIES OF AMENDMENTS BECAUSE USUALLY SOMEBODY IS GOING TO TAKE A CASE AND A JUDGE WILL SAY WHAT IT MEANS AND THEN THAT'S THE WAY YOU GET TIED IN YOUR LEGISLATION. YOU CAN'T ALWAYS ACHIEVE IT BY DRAFTING.

MR. CHAMBERLIST: WHAT I'M SUGGESTING MR. CHAIRMAN AND PERHAPS MR. LEGAL ADVISOR WILL AGREE WITH THIS POINT. THAT I AGREE WITH WHAT HE SAYS IN RELATION TO CUSTODIAL WORK BECAUSE THERE IS AN ALTERNATIVE TO CUSTODIAL WORK WHEN WE HAVE THE WORDS "OR ESSENTIAL SERVICES" AND THEN THE NEXT PART "AS PRESCRIBED BY REGULATIONS" WOULD BE THE TEE REQUIREMENT THAT UNLESS THEY ARE PRESCRIBED BY REGULATION, THE ESSENTIAL SERVICES PORTION DOESN'T COME INTO PLAY, BECAUSE

THEY ARE ESSENTIAL SERVICES AS PRESCRIBED BY REGULATION. THERE IS NO STOP OR ABBREVIATION AFTER ESSENTIAL SERVICES. IT'S COMPLETE WORDING "OR ESSENTIAL SERVICES AS PRESCRIBED BY REGULATION". AND I THINK THE EASY WAY TO OVERCOME THE PROBLEM THAT HAS BEEN PUT IS TO PRESCRIBE BY REGULATION WHAT ARE ESSENTIAL SERVICES. WOULD THIS NOT BE THE ANSWER?

MR. LEGAL ADVISOR: THE HOUSE WELL KNOWS IT WOULD NOT BE FOR ME TO PRESCRIBE REGULATIONS WHICH DID NOT FIT IN WITHIN THE SPIRIT OF THE ORDINANCE. OR ATTEMPT BY LEGAL EASE TO TRY AND DO SOMETHING WHICH THE ORDINANCE DOES NOT CONTEMPLATE. SO IF ANY REGULATION IS PASSED THROUGH MY HANDS DEALING WITH ESSENTIAL SERVICES, I WOULD ADVISE THE COMMISSIONER NOT TO SIGN, THAT'S IN MY OPINION. THE PARTICULAR SERVICES MENTIONED WERE IN FACT ESSENTIAL SERVICES AND SOME OPERATIONS IN THE RESTAURANT BUSINESS AND IN HOTELS ARE IN VIEW, ESSENTIAL SERVICES. SOME ARE NOT. SO, SO FAR AS DEALING WITH SAY THE RESTAURANT AND HOTEL BUSINESS IS CONCERNED, I DON'T THINK IT WOULD BE FAIR TO THIS HOUSE TO CARTE BLANCHE PRESCRIBE THAT ALL THE EMPLOYEES WERE PART OF THE ESSENTIAL SERVICES SET UP. NOW WITHIN A HOTEL, I THINK THE PEOPLE WHO ARE OPERATING THE BOILER ROOM OR FURNACE, ESSENTIAL COOKING FOR RESIDENT GUESTS COULD BE CALLED ESSENTIAL. PEOPLE WHO OPERATE ELEVATORS AND SUCH LIKE THINGS ARE ESSENTIAL TO THE OPERATION OF THE BUSINESS BECAUSE PEOPLE ARE ALIVE AND LIVING IN THE HOTEL COMPLEX AND NEED TO BE LOOKED AFTER. BUT I DON'T THINK IN THE NORMAL CASE THOSE EMPLOYEES LOOKING AFTER THE TRAVELLING PUBLIC COULD BE DESCRIBED AS ESSENTIAL SERVICES BECAUSE PEOPLE CAN EAT ELSEWHERE AND SUCH LIKE THING. IT'S A HARD LINE. BAR SERVICE WOULD NOT BE CONSIDERED ESSENTIAL. NOT EVEN BY ME MR. CHAIRMAN.

MR. CHAMBERLIST: JUST TO FOLLOW THIS, MR. CHAIRMAN. DO I UNDERSTAND MR. CHAIRMAN FROM THE WITNESSES THAT THE - - I'LL PUT IT THIS WAY MR. CHAIRMAN. I WONDER IF THE WITNESSES THEN COULD INDICATE WHAT MEMBERS OF THEIR WORKING STAFF THEY WOULD CONSIDER AT THIS TIME ARE ESSENTIAL SERVICES FOR THE OPERATION OF THE PUBLICS NEEDS?

MR. CHAIRMAN: MR. MUELLER.

MR. MUELLER: I WOULD CONSIDER THE MAN OR WOMAN AT THE FRONT DESK WHO HAS TO SIGN IN OR CHECK OUT THE TRAVELLING PUBLIC WHO TRAVELS 365 DAYS A YEAR. I WOULD CONSIDER THE

WAITRESS, THE COOKS, THE DISHWASHERS, THE BUS GIRLS, THE MAIDS, THEY HAVE TO SERVICE THESE PEOPLE. WE HAVE TO BE OPENED 24 HOURS A DAY, 365 DAYS A YEAR IN THE HOTEL. OUR RESTAURANTS DO NOT HAVE TO BE OPENED 24 HOURS A DAY, BUT IN ORDER TO SERVICE THE PEOPLE IN THE HOTEL THE RESTAURANT IS OBLIGATED TO BE OPEN. AN INDIVIDUAL RESTAURANT WITHOUT A HOTEL, WE FEEL IS OBLIGATED TO BE OPEN TO SERVE THE MANY NEEDS OF THE LOCAL PEOPLE WHICH IS AS I OUTLINED IN THE PRESENTATION. JUST ABOUT EVERY EMPLOYEE IN A HOTEL OR A RESTAURANT, I FEEL QUALIFIES AS AN ESSENTIAL - VERY ESSENTIAL SERVICE.

MR. MCKINNON: MR. CHAIRMAN, I THINK THIS IS THE FIRST TIME IN THIS SESSION THAT I WOULD AGREE WITH MR. LEGAL ADVISOR. I AGREE WITH HIM THAT IT SHOULD BE DONE BY REGULATION, THE CLASSIFICATION OF ESSENTIAL SERVICES. IF WE'RE GOING TO MAKE THE DECISION OF THE HOUSE AND DECLARE THE POLICY, LET'S MAKE IT AS CLEAR AS POSSIBLE IN THE LEGISLATION BY AN AMENDMENT OR BY THE ADDITION OF A SUB-SECTION THAT IF THE CONTINUOUS SERVICE OPERATION WE GIVE THE CHOICE OF THE EMPLOYER PAYING THE DOUBLE TIME OR PAYING THE DOUBLE TIME AND A HALF OR GIVING THE EMPLOYEE THE DAY'S WAGES PLUS A DAY OFF IN LIEU OF THE DAY THAT HE WORKED. I AM IN COMPLETE SYMPATHY WITH THE PEOPLE OF THE YUKON RESTAURANT ASSOCIATION AND I KNOW FROM RUNNING A CONTINUOUS TYPE OPERATION THAT WE RUN INTO EXACTLY THE SAME PROBLEM AS YOU DO. UNDER THE CANADA LABOUR CODE WHICH BROADCASTING IS UNDER WE ACTUALLY DON'T HAVE TO PAY OVERTIME BY LAW, YET BECAUSE OF THE HARMONIOUS RELATIONS THAT WE WOULD LIKE TO KEEP WITH OUR EMPLOYEES WE WORK IT EXACTLY AS THE CONTINUOUS OPERATION WORKS IN MOST OF THE PROVINCES. WE EITHER PAY THE DOUBLE TIME AND A HALF OR HAVE THE EMPLOYEE WORK AND GIVE HIM A DAY OFF IN LIEU OF THAT DAY WORKED. IT WORKS OUT VERY WELL WITH THE EMPLOYEE AND IT WORKS OUT WELL WITH MANAGEMENT. AND THERE REALLY AREN'T THAT MANY HASSLES THAT COME INTO THE OPERATION BECAUSE OF IT. I THINK THAT YOU JUST HAVE TO RECOGNIZE THAT THE - - I'M JUST IN SYMPATHY WITH PERSONS PARTICULARLY IN THE SMALLER OPERATIONS, BUSINESS OPERATIONS IN THE YUKON TODAY WITH A MASS OF GOVERNMENT REGULATIONS, A MASS OF INSPECTORS AND A MASS OF BOOKWORK AND STATISTICS THAT THEY HAVE TO DO FOR GOVERNMENT, FOR GOODNESS SAKE IN A CONTINUOUS OPERATION AND THIS ISN'T REALLY MUCH OF A BREAK. YOU'RE EITHER PAYING DOUBLE TIME AND A HALF OR IN ESSENCE PAYING DOUBLE

TIME FOR THE PRIVILEGE OF KEEPING THAT OPERATION GOING AND YOU'RE STILL NOT GOING TO MAKE ANY KIND OF A PROFIT MARGIN IN THOSE DAYS BY JUST HAVING THE ONE LITTLE GRATITUDE FROM GOVERNMENT THAT YOU HAVE A CHOICE OF EITHER PAYING DOUBLE TIME OR DOUBLE TIME AND A HALF. IT'S JUST - I DON'T THINK IT'S WORTH A LARGE ARGUMENT OVER IT AND I SEE THAT JUST ABOUT EVERY PROVINCE IN CANADA DOES IT EXACTLY THE WAY THAT THE CANADIAN RESTAURANT ASSOCIATION IS ASKING FOR. I THINK THAT A LOT OF INDIVIDUAL MEMBERS, INCLUDING MYSELF, KNEW OF THE PROBLEM AND COULD HAVE ON THEIR OWN INITIATIVE BROUGHT IT TO THE HOUSE EVEN THOUGH THE GOVERNMENT DIDN'T BRING IT AND I THINK THE TIME THAT'S BEEN WASTED ON THIS AND THE TROUBLE THAT THE RESTAURANT ASSOCIATION HAS HAD GETTING IT TO COUNCIL AND THE PATIENCE THAT THEY'VE HAD, I WOULD SUGGEST THAT MR. LEGAL ADVISOR DRAW UP AN AMENDMENT TO THE SECTION TO PROVIDE THIS IS THE THINKING OF THE HOUSE IN THE WAY THAT THE B.C. GOVERNMENT GETS DRAFTED.

MR. CHAIRMAN: MR. LEGAL ADVISOR.

MR. LEGAL ADVISOR: I DON'T LIKE THE EXPRESSION 'CONTINUOUS OPERATION' BECAUSE I'M NOT SATISFIED THAT THE OPERATION OF A RESTAURANT, AN INDEPENDENT RESTAURANT SUCH AS THE NOBLE COLONEL OPERATES DOWN NEAR THE BRIDGE, IS A CONTINUOUS OPERATION. I THINK IT'S INTERMITTENT RATHER THAN CONTINUOUS. IT GOES ON REGULARLY EVERY DAY SO I WOULD PREFER THE LEE-WAY TO TRY AND DRAFT UP A DEFINITION AND MAKE IT PRECISELY CLEAR, FOR ANY SUCH MEMBER WHO IS RECOGNIZED. AND IN THAT REGARD I WOULD POINT OUT TO THE HOUSE THE INTENT OF THE ORDINANCE IS NOT IN THIS PARTICULAR PART OF IT DESIGNED TO GIVE PAY TO AN EMPLOYEE. IT'S DESIGNED TO GIVE HIM A HOLIDAY. THAT'S THE INTENT OF THE ORDINANCE. THE INTENT OF THE ORDINANCE PROVIDES FOR MINIMUM RATES OF PAY AND IT PROVIDES FOR CERTAIN HOLIDAYS, SUNDAYS, GENERAL HOLIDAYS AND SUCH LIKE AND THIS SECTION IS LARGELY DESIGNED TO BE SORT OF A FINE ON AN EMPLOYER WHO INSISTS ON HIS EMPLOYEES WORKING ON A DAY THAT WOULD OTHERWISE BE A HOLIDAY. IT'S NOT AGAINST THE SPIRIT OF THE ORDINANCE TO DO WHAT THE HONOURABLE MEMBER SUGGESTS WHICH IS TO GIVE THE PARTIES AN ALTERNATIVE BECAUSE THE OBJECT IS TO PROVIDE A HOLIDAY AND IF A HOLIDAY IS PROVIDED TO YOU, THE OBJECT OF THAT PART OF THE ORDINANCE THEN WOULD BE FULFILLED. BUT IT'S A QUESTION OF DESIGNING IT AND WHAT THE

HOUSE WISHES TO HAVE DONE. PROVIDED I'M GIVEN SOME LEE-WAY. I DON'T WANT TO USE THE EXPRESSION 'CONTINUOUS' BECAUSE THAT IS SURE TO GIVE RIGHT TO LITIGATION.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF MR. LEGAL ADVISOR WILL INDICATE THAT THE ACT OF B.C. AND WE HAVE AT THE BACK OF THE BRIEF A SECTION 5 WHICH IT DEALS WITH ALTHOUGH IT MAKES REFERENCE TO CONTINUOUS OPERATION, ISN'T THAT WITHIN THE SPIRIT OF WHAT WE WOULD LIKE TO DO. EVEN IF WE DON'T USE THE WORD CONTINUOUS. YOU KNOW, IS THAT WITHIN THE SPIRIT? AND IF THAT'S WITHIN THE SPIRIT CAN WE NOT AMEND SO THAT IT WILL COMPLY WITHIN THE WISHES OF COUNCIL AND SATISFY THE NEEDS OF THE ASSOCIATION.

MR. LEGAL ADVISOR: THIS COULD BE DONE MR. CHAIRMAN. IT JUST SO HAPPENS THAT THE B.C. DRAFTING IN THIS INSTANCE IS NOT AS SOUND AS I WOULD LIKE TO SEE IT IF I WAS DOING IT MYSELF.

MR. CHAMBERLIST: WE REALIZE WE'RE BETTER THAN THEM IN DRAFTING OF COURSE.

MR. STUTTER: THERE IS ONE POINT I WOULD LIKE TO ASK OF THE LEGAL ADVISOR. IN THE B.C. ACT AND IT SAYS - "THAT WHERE AN EMPLOYEE EMPLOYED IN A CONTINUOUS OPERATION IS REQUIRED TO WORK ON A GENERAL HOLIDAY, HE SHALL IN ADDITION TO HIS REGULAR RATE OF PAY FOR THAT DAY;

A) BE PAID NOT LESS THAN TIME AND ONE-HALF HIS REGULAR RATE OF PAY FOR ALL HOURS WORKED BY HIM ON THAT DAY OR"

AND IT GIVES AN ALTERNATIVE. AT WHOSE DISCRETION IS THAT ALTERNATIVE, THE EMPLOYER OR THE EMPLOYEE'S REQUEST. IF THE EMPLOYEE WANTS TO BE PAID THAT TIME AND A HALF, DOES HE HAVE THAT RIGHT OR IS THIS COMPLETELY THE RIGHT OF THE EMPLOYER?

MR. LEGAL ADVISOR: I THINK IT'S THE EMPLOYER'S RIGHT BECAUSE HE IS SAYING WORK AND THEN THE COMPENSATION FOR THAT IS AT THE EMPLOYER'S DISCRETION. I WOULD THINK, TAKING IT FROM THESE REGULATIONS.

MR. TANNER: MR. CHAIRMAN, YOU CAN GET THAT CLARIFIED BY READING THE PREVIOUS 5(1). IT'S TALKING ABOUT WHERE AN EMPLOYEE HAS TO DO THIS AND THIS IS WHAT HAPPENS.

MR. STUTTER: MR. CHAIRMAN, IF THE EMPLOYEE DOESN'T WANT TO WORK THAT DAY. I MEAN YOU'RE SAYING IN THIS SECTION THAT WHERE HE IS REQUIRED TO WORK, IN OTHER WORDS WHERE THE EMPLOYER SAYS YOU WILL WORK AND THEN ON TOP OF

THAT THE EMPLOYER ALSO SAYS AT THE SAME TIME, AND YOU'RE NOT GOING TO GET TIME AND A HALF OR YOU'RE NOT GOING TO GET DOUBLE TIME AND A HALF FOR THIS DAY, LATER ON YOU'RE GOING TO GET A HOLIDAY.

Mr. McKINNON: - - - - EMPLOYEE IF HE WANTS TO WORK ON SATURDAY OR SUNDAY OR A GENERAL HOLIDAY, WHAT AM I SUPPOSED TO DO? SHUT THE DOORS TO THE BUSINESS AND GO HOME? DOESN'T AN EMPLOYER HAVE ANY RIGHTS ANY LONGER? WHAT'S THIS? PRIVATE ENTERPRISE OUT THE WINDOW? IS PROFIT A DIRTY WORD?

Mr. MUELLER: I HAVE A COPY OF SOMETHING SIMILAR TO THIS PROBLEM FROM ONTARIO, IF YOU WOULD LIKE ME TO READ IT. IT'S QUALIFICATIONS TO BE PAID FOR A STATUTORY HOLIDAY.

Mr. CHAMBERLIST: IS THIS IN LEGISLATION, Mr. CHAIRMAN?

Mr. MUELLER: I GOT IT OUT OF THE NATIONAL NEWS SIR. IT COVERS THE LABOUR ORDINANCE OF ONTARIO.

Mr. CHAMBERLIST: OH. AS LONG AS WE HAVE THAT IN THE RECORD ON WHERE IT COMES FROM.

Mr. MUELLER: YOU SHOULD HAVE IT SIR, "TO QUALIFY FOR A PAID STATUTORY HOLIDAY A WORKER MUST BE EMPLOYED FOR THE THREE MONTHS IMMEDIATELY PRIOR TO THE HOLIDAY" - I THINK OURS IS TWO WEEKS, I'M NOT SURE.

Mr. CHAMBERLIST: A MONTH.

Mr. MUELLER: 30 DAYS. "WORK ON TWELVE OF THE 30 DAYS PRECEDING THE HOLIDAY AND WORK ON HIS OR HER REGULAR DAY OF EMPLOYMENT PRECEDING AND FOLLOWING THE HOLIDAY. IF AN EMPLOYEE AGREES AND AN EMPLOYER MAY WITHIN 30 DAYS SUBSTITUTE ANOTHER WORKING DAY FOR THE HOLIDAY. IF A QUALIFIED EMPLOYEE WHO DOES NOT HAVE A SUBSTITUTE ARRANGEMENT WORKS ON A STATUTORY HOLIDAY, PAYMENT MUST BE AT THE REGULAR RATE PLUS TIME AND A HALF. AN EMPLOYEE WHO DOES NOT QUALIFY FOR A PAID HOLIDAY MUST BE PAID TIME AND A HALF FOR EACH HOUR WORKED ON A STATUTORY HOLIDAY."

Mr. CHAMBERLIST: THAT'S TIME AND A HALF OVER HIS NORMAL TIME.

Mr. MUELLER: NO. IT SAYS "AN EMPLOYEE

DOES NOT QUALIFY FOR A PAID HOLIDAY, IF HE HASN'T BEEN THERE THREE MONTHS. HE GETS PAID TIME AND A HALF."

Mr. CHAMBERLIST: ALL THE SAME Mr. CHAIRMAN, BECAUSE THEY DO THAT IN ONTARIO, IT DOESN'T MEAN TO SAY THAT WE DO.

Mr. MUELLER: I JUST THOUGHT IT MIGHT SHED SOME LIGHT SIR.

Mr. CHAMBERLIST: WELL AS A MATTER OF FACT IT BRINGS DARKNESS INTO LABOUR RELATIONSHIP AS FAR AS I'M CONCERNED. IT DOESN'T SHED ANY LIGHT. I THINK WE HAVE TO GIVE LABOUR A BENEFIT AS WELL. WE HAVE TO THINK OF EMPLOYERS BUT WE HAVE TO THINK OF EMPLOYEES TOO. I THINK THAT THE SUGGESTION THAT HAS ALREADY BEEN MADE Mr. CHAIRMAN IN REGARDS TO THIS SECTION AND IF Mr. LEGAL ADVISOR CAN COME UP WITH AN AMENDMENT THAT HAS BEEN SUGGESTED BY THE HONOURABLE MEMBER FROM WHITEHORSE WEST THAT AS LONG AS WE'RE WITHIN THE SPIRIT OF THAT PARTICULAR SECTION IN THE B.C. ACT AND FIND ANOTHER WORD TO REPLACE THE WORD CONTINUOUS, CERTAINLY THIS IS WHAT WOULD SUFFICE.

Mr. LEGAL ADVISOR: I THINK THE AMENDMENT SHOULD BE MADE TO SECTION 31 Mr. CHAIRMAN. BUT I THINK THE RIGHT WAY TO DO IT IS BY A SUB-SECTION TO SECTION 31 AND POSSIBLY TO MAKE IT CLEAR, LEAVE IN THE REGULATION MAKING POWER IN CASE THERE IS A DIFFERENCE OF OPINION THAT CAN BE STRAIGHTENED UP AFTERWARDS.

Mrs. WATSON: Mr. CHAIRMAN, I WOULD LIKE TO GET ONE THING CLARIFIED. WE'RE REFERRING TO GENERAL HOLIDAYS AS DEFINED IN THE LABOUR ACT, IN OTHER WORDS A STATUTORY HOLIDAY. YOU'RE NOT TALKING ABOUT A SUNDAY?

Mr. CHAMBERLIST: NO, BECAUSE WE HAVE SEPARATE PROVISIONS FOR SUNDAY IN THE ACT ITSELF. AND IT WOULDN'T INTERFERE IN ANY WAY WITH THOSE PARTICULAR DAYS. IT MUST NOT INTERFERE WITH THAT BECAUSE THAT IS REFERRED TO AS A HOLIDAY AS I RAISED THE OTHER DAY AND THESE ARE TERMED GENERAL HOLIDAYS WHICH ARE STATUTORY HOLIDAYS.

Mrs. WATSON: WELL THAT'S CORRECT THEY ARE CALLED GENERAL HOLIDAYS AND THE GENTLEMEN WERE REFERRING TO STATUTORY AND I WONDERED YOU WERE INCLUDING SUNDAY OR WHETHER YOU WERE JUST MEANING GENERAL HOLIDAYS?

Mr. Mueller: No Ma'am, just the statutory holidays.

Mr. McKinnon: I wonder, Mr. Chairman with the amount of time that this has taken to get before Council whether we could have the assurance of Government, that this amendment will be brought to this session of Council.

Mr. Tanner: Mr. Chairman, I don't think that is an unreasonable request but it is a little hard to tell right now or this afternoon, how long this session of Council will last.

Mr. Chamberlist: Make it last until we get it.

Some Honourable Members: Laughter.

Mr. Tanner: Mr. Chairman, all joking aside, if the decision is that we are not going to be sitting more than another week or so. If that should be the decision of this Council, I don't know whether we can get it through in that time. I'll tell you why. I've got a real personal problem here because, so that all members understand my position, my wife has a 50% interest in a company which has a restaurant, so I didn't really feel that I should speak to it.

However, I have a couple of points of view of my own...

Mr. Chamberlist: Let's hear them. Sure, you can express your points of view.

Mr. Tanner: First of all, I have got to agree entirely with this amendment, but what I was going to speak about is another part of the same legislation.

Mr. McKinnon: Can we agree with this?

Mr. Chamberlist: Can we get it even if we talk about it, can we get these amendments done in this session. I think it is important that we do it.

Mrs. Watson: Mr. Chairman, I am sure that we can squeeze this through.

Mr. Chairman: Councillor Tanner, will you proceed.

Mr. Tanner: Yes, Mr. Chairman, there is a second part to the Hotel Motel Association

briefs. I think maybe we can talk about that and then if the witnesses don't want to stay, they don't need to stay, and I can cover the point that I am particularly interested in, myself.

Mr. McKinnon: Agreed.

Mr. Chamberlist: Mr. Chairman, could we hear now with reference to the age. If we could speak to the section dealing with the age limit and the earnings of under 17 which also forms part of the brief.

Mr. Mueller: You didn't want me to cover the second part of the brief.

Mr. McKinnon: That is the second part, isn't it Bill?

Mr. Mueller: Well, the second part of the brief that I spoke on just a moment ago, we asked the qualification of salaried personnel.

Mr. Chamberlist: Oh, we aren't going to do that.

Mr. Tanner: Mr. Chairman, that is the point that I'm going to talk on. I think that I can illustrate to Honourable Members a real inadequacy in the legislation that we've got here. Mr. Mueller, what I was referring to is the second part of your brief insofar as age.

Mr. McKinnon: With the second part of the brief, deals specifically with this problem of classification on the last page of it.

Mr. Chairman: Maybe we should catch these things in order of consideration. I am becoming lost here. What are we speaking of at this point?

Mr. McKinnon: On page three of the brief, the brief for the subject ordinance provides the labor standards for the Yukon Territory. We've dealt with the one point in it where amendments are going to be forthcoming. On the final page, there is a final point in making this presentation. It deals with the salaried employment. The segment of our interest are usually employed in a supervisor class and paid at a higher rate than the regular staff. That is the section that the Honourable Member for Whitehorse North wishes

TO DEAL WITH PLUS THE WITNESSES FROM THE HOTEL MOTEL ASSOCIATION.

MR. CHAIRMAN: POSSIBLY WE COULD HEAR FROM MR. MUELLER FIRST ON THIS SUBJECT.

MR. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN, I THOUGHT THAT WE COULD LEAVE THAT TO THE LAST. THERE IS ANOTHER REFERENCE THAT IS BEING MADE BOTH BY THE JOINT ASSOCIATIONS, DEALING WITH THE PAY OF PEOPLE UNDER THE AGE OF 17. BECAUSE OF THE QUESTION BEING INVOLVED THAT WHERE, IF THERE WAS A CHOICE BY THE EMPLOYER OF EMPLOYING SOMEBODY WHO IS MATURE AT THE MINIMUM WAGE OF \$2.30 AND SOMEBODY OF 16 ARE BEING EMPLOYED, IT WOULD MEAN THAT THE EMPLOYER WOULD ONLY CHOOSE THE MORE MATURE BECAUSE THEY WOULD HAVE TO PAY THE MINIMUM.

I THINK THE ATTITUDE WAS, THERE SHOULD BE SOME PROVISION FOR PAYING STUDENTS WHO WISH TO WORK AND EARN SOME MONEY A LITTLE BIT LESS, SO THAT IT WOULDN'T KEEP THEM OUT OF THE LABOR FORCE. WAS THIS THE GENERAL IDEA THAT HAS BEEN INDICATED?

MR. MUELLER: YES, TO THE BEST OF MY KNOWLEDGE, MOST PROVINCES HAVE IT SPELLED OUT IN THEIR ORDINANCES. FOR INSTANCE, ONTARIO AGAIN, I REFER TO THIS NATIONAL NEWS, THEY CALL IT STUDENT RATE. AN HOURLY RATE WHICH IS \$1.65 IN ONTARIO. WE SIMPLY FEEL THAT WHEN WE EMPLOY THE STUDENT, MAYBE IT IS HIS FIRST JOB. IF WE HAVE TO PUT HIM TO WORK, AND WE DO HIRE A LOT OF STUDENTS, AND IF WE HAVE TO PAY HIM OR HER \$2.30 AN HOUR, THE MINIMUM WAGE. POSSIBLY, WE HAVE AN EXPERIENCED WAITRESS WHO HAS JUST STARTED WITH US, WHO IS PRODUCING TWICE AS MUCH AS THE STUDENT, IT SIMPLY IS NOT FAIR.

WE MIGHT SUGGEST, OUR MINIMUM WAGE IS \$2.30 AN HOUR NOW, IT BEING SPELLED OUT AS BEING \$1.90 AN HOUR FOR STUDENTS BETWEEN 15 AND 17.

MR. CHAIRMAN: COUNCILLOR STUTTER.

MR. STUTTER: MR. CHAIRMAN, JUST AS A SUGGESTION THAT RATHER THAN PUTTING THAT MINIMUM WAGE AT A CERTAIN FIGURE, WOULD IT NOT BE BETTER TO PUT IT AT A PERCENTAGE OF THE RECOGNIZED MINIMUM WAGE BECAUSE THAT IS CHANGING AUTOMATICALLY.

MR. CHAMBERLIST: 75% OF THE...

MR. STUTTER: IT WORKS OUT JUST ABOUT WHAT YOU ARE LOOKING FOR.

MR. MUELLER: THAT'S IT. VERY GOOD.

MRS. WATSON: MR. CHAIRMAN, THERE IS NO MINIMUM WAGE.

MR. LEGAL ADVISOR: I MAYBE MISINTERPRETED THE LABOR STANDARDS ORDINANCE BUT THERE IS CERTAINLY NO MINIMUM WAGE AT ALL IN RESPECT OF PEOPLE 15 AND 16. YOU HAVE TO BE 17 YEARS OR OLDER FOR THE MINIMUM WAGE TO COMMENCE TO OPERATE.

MR. CHAMBERLIST: WELL, THEY CAN BE EMPLOYED.

MRS. WATSON: THAT'S RIGHT BUT THERE IS NO MINIMUM WAGE.

MR. LEGAL ADVISOR: THERE IS NO PROHIBITION AGAINST THE EMPLOYING OF A 15 OR 16 YEAR OLD NOR IS THERE ANY MINIMUM WAGE IN RESPECT OF 15 AND 16 YEAR OLDS. BUT THERE IS IN RESPECT OF 17 YEARS OR OVER. I THINK THAT THE ASSOCIATION HAS A SOLUTION HERE IN A SENSE.

MR. MUELLER: THE WAY I INTERPRET THE ORDINANCE ANYONE YOU EMPLOY, YOU HAVE TO PAY \$2.30 AN HOUR WHICH IS THE MINIMUM WAGE NOW.

MRS. WATSON: NO, READ SECTION 13, MR. MUELLER.

MR. MUELLER: SECTION 13.

MRS. WATSON: SECTION 13 (B) AND YOU SEE WE HAVEN'T DEFINED ANY BE REGULATIONS.

MR. MCKINNON: IT WOULD HAVE TO BE DEFINED BY REGULATIONS. NO ONE HAS BEEN DEFINED.

MR. CHAMBERLIST: THEY HAVE TO BE DEFINED. THAT'S RIGHT. THIS IS THE SAME POINT THAT I RAISED WITH REFERENCE TO 31. UNLESS THEY ARE DEFINED BY REGULATIONS, YOU ARE NOT LIMITED TO THE MINIMUM THAT YOU CAN PAY UNDER 17. THERE IS NOTHING TO STOP YOU FROM PAYING THEM NOW.

MR. LEGAL ADVISOR: THAT IS HOW I SEE IT, MR. CHAIRMAN. AS I SEE IT THE GOVERNING SECTION FOR THE MOMENT IS SECTION 11, WHICH DOES NOT APPLY MINIMUM WAGE TO PEOPLE WHO DO NOT MEET WITH THE REQUIREMENT OF BEING 17 YEARS OF AGE OR OVER.

MR. MUELLER: IF THIS IS THE CASE LET'S FORGET ABOUT THIS BRIEF BECAUSE WE ARE HAPPY.

MR. MCKINNON: IT IS THE CASE BECAUSE THIS TIME I KNOW WE CONDUCTED OUR OPERATION AND I

CHECKED WITH THE LABOR STANDARDS PEOPLE BEFORE WE DID ANY HIRING OF UNDER 17 YEARS OF AGE, AND I AM HAPPY TO SAY THAT EVERYONE OF OUR EMPLOYEES UNDER THE AGE OF 17 IS WELL OVER THE MINIMUM WAGE NOW BECAUSE OF THEIR ABILITY AND THEIR RESPONSIBILITY IN HANDLING THE CHORES THAT WE HAVE ASSIGNED TO THEM.

MR. CHAMBERLIST: ONE POINT MR. CHAIRMAN THAT THE EMPLOYER MUST TAKE NOTE OF. IF HE ABUSES BY USING CHEAP LABOR AND GIVING PEOPLE \$1 AN HOUR BECAUSE THEY HAPPEN TO BE UNDER 17, THEN SECTION 13 CAN BE BROUGHT INTO PLAY AND REGULATIONS MADE TO PREVENT THE EMPLOYER FROM ABUSING YOUNG PEOPLE. THAT IS WHAT IT IS THERE FOR.

MR. CHAIRMAN: THAT SEEMS TO HAVE CLEARED UP THAT POINT, I WONDER IF WE COULD GET BACK NOW TO PAGE THREE AND THE QUESTION OF THE SALARIED EMPLOYEE. MR. MUELLER, MAYBE YOU WOULD LIKE TO SPEAK TO THIS FIRST.

MR. MUELLER: OUR THOUGHTS HERE, REFERRING MAINLY TO OUR DEPARTMENT HEADS, SUCH AS A CHEF, A HOUSEKEEPER, A BAR MANAGER, A RESTAURANT MANAGER AND EVEN MYSELF AS THE GENERAL MANAGER, WE ARE ALL EMPLOYED, GIVEN A JOB TO DO FOR X NUMBER OF DOLLARS. WE ALL HIRE AND FIRE AND RUN OUR DEPARTMENTS TO THE BEST OF OUR ABILITIES, EFFICIENTLY AS POSSIBLE. IN MY CASE, IF LONGER HOURS THAN THE NORMAL ARE NEEDED TO COMPLETE THE JOB, I GO AHEAD AND PUT IN THE NECESSARY HOURS BUT I CAN ALWAYS GOOF OFF ANOTHER DAY WHEN THE BUSINESS IS NOT THERE.

THIS IS WHAT OUR MANAGERS, OUR DEPARTMENT HEADS CAN DO. THEY ARE HIRED AT \$X AND MOST GENERALLY AWAY ABOVE THE NORMAL WAGE. WE ARE JUST ASKING FOR A CLARIFICATION AS TO WHETHER, FOR INSTANCE MYSELF, DO I PAY MYSELF DOUBLE TIME AND A HALF ON A STATUTORY HOLIDAY. ITS NOT FAIR TO MY BOSS WHO HIRED ME AT \$X A MONTH TO DO THIS.

MR. MCKINNON: IF HE IS GOING TO LET YOU GET AWAY WITH IT, WHY NOT.

MR. CHAIRMAN: MR. LEGAL ADVISOR,

MR. LEGAL ADVISOR: MR. CHAIRMAN, THE POSITION IS, IN VIEW OF THE PROPOSED AMENDMENT TO SECTION 31, THE EMPLOYER WOULD HAVE THE OPTION EITHER TO PAY ALL HIS EMPLOYEES, INCLUDING MANAGERIAL STAFF FOR THE HOLIDAY AT 2 1/2 TIMES THE PRICE OR GIVE HIM ANOTHER DAY IN LIEU. IT WOULD APPEAR TO ME THAT WHAT THE MAN WHO HAD THE BRIEF, IS AIMING AT IS TO GIVE

HIMSELF THAT FREEDOM IN RESPECT OF HIS CHIEF OFFICERS, TO GIVE THEM A DAY IN LIEU OF THE HOLIDAY. AM I CORRECT IN THIS SIR?

MR. MUELLER: YES SIR THAT IS SO.

MR. LEGAL ADVISOR: IF THAT IS SO IT WILL HAVE BEEN ACHIEVED BY THE AMENDMENT TO SECTION 31.

MR. CHAMBERLIST: WITH RESPECT, YOU SEE IN THE CASE OF A CORPORATION THAT EMPLOYEES MANAGE TO OPERATE THE CORPORATION, MR. MUELLER IS IN THE POSITION OF BEING THE EMPLOYER ON BEHALF OF THE CORPORATION THAT HE WORKS FOR. BUT HE IN TURN, HIMSELF, IS AN EMPLOYEE OF THAT CORPORATION. THE QUESTION AS I UNDERSTOOD IT WAS WHETHER OR NOT HE, AS AN EMPLOYEE IS ENTITLED TO THE DOUBLE RATE. IS THIS THE...

MR. MUELLER: NO SIR, I WAS JUST INCLUDING MYSELF WITH THE DEPARTMENT HEADS.

MR. CHAMBERLIST: WITH THE DEPARTMENT DEPARTMENT HEADS. THE DANGER AS I SEE IN THERE WITH DEPARTMENT HEADS AND WHAT MANAGEMENT CAN DO WITH REFERENCE TO DEPARTMENT HEADS, AND THIS IS WHERE SOME PROTECTION MUST BE GIVEN TO THE EMPLOYEE TO WHAT EXTENT DO YOU BREAK DOWN DEPARTMENT HEADS. YOU MIGHT GET INTO A COCKTAIL LOUNGE AND YOU SAY TO THE GIRL WHO WORKS BEHIND THE BAR, YOU ARE THE MANAGER OF THE BAR, AND YOU SAY TO THE GIRL THAT IS ON THE FLOOR, YOU ARE THE MANAGER OF THE TABLE. SO THEY CEASE TO BE EMPLOYEES AND THEY BOTH BECOME MANAGERS.

THIS IS THE DANGER THAT CAN HAPPEN. A GOOD EMPLOYER WOULDN'T DO THAT. BUT AN EMPLOYER WHO THINKS HE HAS GOT TO CUT DOWN ON THE EXPENSES, HE WILL DO THAT. I AM HOPING THAT I AM NOT GIVING YOU IDEAS. THIS IS QUITE LIKELY WHAT COULD HAPPEN BECAUSE I KNOW OF OPERATIONS WHERE A MAN HAS GOT FOUR EMPLOYEES AND HE HAS MADE THEM ALL MANAGERS OF A DIFFERENT PART OF HIS OPERATION. CONSEQUENTLY THEY ALL COME INTO THE MANAGEMENT AREA AND NONE OF THEM WOULD BECOME ELIGIBLE FOR THE OVERTIME AND WHAT NOT.

I AM NOT WHOLLY IN AGREEMENT WITH THE SUGGESTION THAT IS BEING MADE BECAUSE I THINK THOSE PEOPLE HAVE TO HAVE SOME PROTECTION AS WELL.

MR. CHAIRMAN: COUNCILLOR STUTTER,

MR. STUTTER: MR. CHAIRMAN I ONLY WANT TO POINT OUT THAT THE KEY WORD IN THAT PARTICULAR INSTANCE

IS SALARIED. IT SEEMS TO ME THAT ANYBODY THAT IS ON A MONTHLY SALARY IS GENERALLY FITTED IN THAT SORT OF ADVISORY OR SUPERVISORY CAPACITY AS AGAINST SOMEBODY BEING PAID BY THE HOUR.

MR. CHAIRMAN: COUNCILLOR TANNER.

MR. TANNER: MR. CHAIRMAN, I AM AFRAID THAT MR. MUELLER WASN'T TELLING THE, HE WAS CONCERNED WITH A SPECIFIC AREA OF STATUTORY HOLIDAYS. I AM CONCERNED WITH A FAR LARGER AREA THAN THAT. THE WAY THE ORDINANCE IS BEING INTERPRETED NOW BY OUR INSPECTORIAL STAFF, MEMBERS WILL REFER TO PART 1, SECTION 5, SUBSECTION 3 (F), ON PAGE 925. THAT READS, SUBJECT TO THIS PART, THE PREAMBLE READS, "NO EMPLOYER SHALL CAUSE OR PERMIT AN EMPLOYEE TO WORK IN EXCESS OF STANDARD HOURS OF WORK." THIS PART DOES NOT APPLY TO INDIVIDUALS WHOSE DUTIES ARE SOLELY OF A SUPERVISORY OR MANAGERIAL CHARACTER.

IN MY OPINION, WRONGLY SO, OUR INSPECTORIAL STAFF IS INSPECTING BUSINESSES, NOT ONLY THE HOTEL BUSINESS, IT INSPECTED MANY BUSINESSES THROUGHOUT WHITEHORSE. THEY ARE SAYING TO HOURLY PAID EMPLOYEES TO MONTHLY PAID EMPLOYEES FOR EXAMPLE, BOOKKEEPERS, IF YOU WORK SOME PART OVERTIME THAT THEY MUST BE PAID ON AN HOURLY AND A CALCULATED HOURLY BASIS FOR THAT OVERTIME.

YOU GET THE SITUATION, WELL I'LL USE SPECIFICALLY A BOOKKEEPER, WHO MIGHT OCCASIONALLY, PARTICULARLY AT THIS TIME OF YEAR, WORK A FEW HOURS OVERTIME ON SOME VERBAL CONTRACT BETWEEN THEMSELVES AND THE EMPLOYER AND SHE DOESN'T EXPECT TO BE PAID OVERTIME. IF SHE DOES, SHE DOESN'T EXPECT TO BE PAID AT ANY HOURLY RATE. BUT THE INSPECTORS ARE COMING IN AND SAYING, IRRESPECTIVE OF THE FACT THAT YOU HAVE BEEN PAID ON A MONTHLY SALARY, WE WILL DIVIDE HOW MANY HOURS YOU HAVE WORKED OVER THE PAST YEAR, 12 TIMES AND THEN DIVIDE IT AGAIN IN A HOURLY RATE AND THAT IS WHAT YOUR EMPLOYER MUST PAY YOU FOR THAT OVERTIME.

IF YOU FOLLOW THEIR THINKING TO A LOGICAL CONCLUSION, A SUPERVISOR WHO DOES WORK SOLELY IN A SUPERVISORY CAPACITY WOULD INCLUDE, FOR EXAMPLE IN EVERY DEPARTMENT STORE IN THIS TOWN, EVERY MANAGER OF EVERY DEPARTMENT. IF HE PICKS UP A PAIR OF SOCKS IF HE IS IN THE SOCK DEPARTMENT, HE THEN IS NOT SOLELY SUPERVISING. CONSEQUENTLY, THE INSPECTORS INSIST THAT HE SHOULD BE PAID ON AN HOURLY BASIS.

ANYBODY IN BUSINESS KNOWS THAT'S RIDICULOUS. YOU CAN'T OPERATE A BUSINESS IN THAT FASHION.

THERE HAVE TO BE SOME EMPLOYEES, THAT IS SUPERVISORY EMPLOYEES, WHO DO BOTH PHYSICAL WORK AND SUPERVISING WORK. THEY ARE PAID ON A MONTHLY BASIS. THERE IS JUST NO WAY THAT THE WAY THAT OUR INSPECTORIAL STAFF IS INTERPRETING THAT SECTION OF THE ORDINANCE THAT THEY ARE DOING ANYTHING BUT HARM, PARTICULARLY TO THE SMALL BUSINESSES IN THE YUKON.

MR. CHAMBERLIST: I THINK MR. CHAIRMAN, THAT THE HONOURABLE MEMBER SHOULD TAKE IT UP WITH THE EXECUTIVE COMMITTEE BECAUSE HE HAS THE POWER TO DO THAT. BUT ITS A POINT THAT WOULDN'T GO DOWN FOR THE SIMPLE REASON THAT IF THE PERSON IS A BOOKKEEPER AND HE IS GETTING PAID A MONTHLY SALARY, IT MATTERS NOT, HE IS STILL AN EMPLOYEE WITHIN THE MEANING OF THE ORDINANCE. ANY OVERTIME SHE DOES OVER AND ABOVE THE NUMBER OF HOURS THAT IS DESIGNATED IN THE ORDINANCE AS OVERTIME HOURS.

AGAIN, WE HAVE A SECTION HERE WHICH IS NEVER USED AND THAT IS THE SUBSECTION H, 5, 3 (H), SUCH OTHER PERSONS OR CLASSES OF PERSONS AS MAY BE DESIGNATED BY THE REGULATIONS AS PERSONS OR CLASSES OF---, THIS IS THE IDEA OF THAT PARTICULAR SECTION, SO THAT IF ANY OTHER SPECIFIC AREA CAME UP, THEN IT COULD BE PUT IN THE REGULATIONS.

I THINK THAT THE HONOURABLE MEMBER FOR WHITEHORSE NORTH IN BRINGING THIS PARTICULAR SECTION UP, HAS REALLY ANSWERED THE QUESTION THAT WAS PUT BY THE WITNESS. IT EXCLUDES INDIVIDUALS WHOSE DUTIES ARE SOLELY OF A SUPERVISORY OR MANAGERIAL CHARACTER. I WILL AGREE WITH COUNCILLOR TANNER ON THIS PARTICULAR POINT. THE ENTHUSIASM OF THE INSPECTORS IN THE GOVERNMENT ARE SO GREAT, THAT THEY ARE ACTING IN AREAS WHERE IT DOESN'T APPLY AT ALL. THEY ARE CREATING OFFENSES FOR PEOPLE.

THIS IS, I KNOW OF ONE PARTICULAR CASE VERY SIMILAR, WHERE AN INSPECTOR WENT INTO A PARTICULAR PLACE WHERE A WOMAN WAS CARRYING A TRAY. SHE WAS ASKED BY THE INSPECTOR IF SHE WORKED THERE AND SHE SAID YES. HE SAID WHERE DO YOU WORK? I'M AT THE DESK, WELL WHAT ARE YOU ACTING AS A WAITRESS FOR, AS IF IT WAS ANY OF HER BUSINESS IN ANY EVENT.

MR. MCKINNON: BECAUSE SHE WAS A GOOD EMPLOYEE.

MR. CHAMBERLIST: THAT'S RIGHT. YOU HAPPEN TO COME OUT FROM BEHIND THE DESK TO ASSIST THE, TO CLEAR SOME OF THE TABLES BECAUSE THEY WERE SHORT STAFFED IN THERE. THIS IS THE AREA WHERE INSPECTORS SHOULD KEEP THEIR NOSE OUT OF IT. THEY ARE SUPPOSED TO BE ENFORCING THE LAW, NOT MAKING THEIR OWN LAW UP AS THEY GO.

THIS, UNFORTUNATELY, IS WHAT IS HAPPENING. THEY ARE MAKING THEIR OWN LAWS AS THEY GO ALONG. THIS ISN'T THE FUNCTION. WE HAVE CREATED AN INSPECTION DEPARTMENT SO THAT THE LAWS CAN BE ENFORCED. WE DIDN'T CREATE THEM SO THEY CAN SUBSTITUTE THEMSELVES FOR THIS LEGISLATIVE BODY. THIS IS WHERE THEY SHOULD REALLY BEGIN TO RECOGNIZE WHAT THEIR FUNCTIONS ARE.

I AGREE WITH WHAT HAS BEEN SAID BUT I THINK THAT ANSWERING MR. MUELLER'S QUESTION, IF HE READS SECTION 5. PERHAPS IF HE READS THAT, HE CAN SEE WHERE IT IS COVERED IN THE PARTICULAR AREAS.

MR. MCKINNON: MR. CHAIRMAN, I JUST RISE IN SUPPORT OF BOTH THE HONOURABLE MEMBERS FROM WHITEHORSE NORTH AND WHITEHORSE EAST. I WOULD LIKE TO PUBLICLY SAY NOW, THAT ANY EMPLOYERS, AND THEY HAVE COME TO ME BEFORE WITH THIS SAME PROBLEM. I HOPE THAT BY NOW THE INSPECTORIAL STAFF HAS BEEN TOLD TO KEEP THEIR COTTON-PICKING NOSES OUT OF AREAS WHICH DON'T CONCERN THEM AT ALL AND IT IS NONE OF THEIR BLOODY BUSINESS. AND IF ANY EMPLOYERS FIND THAT THEY ARE STILL HAVING PROBLEMS UNDER THESE AREAS, I HOPE TO GOODNESS, THAT THEY TAKE IT UP WITH THEIR MEMBER OF THEIR YUKON LEGISLATIVE COUNCIL BECAUSE I'LL SUPPORT ANY OF THEM 100% IN THESE AREAS.

I THINK THAT ALSO, AND I AM SO HAPPY THAT IT WAS A MEMBER WHO HAS, AS THE OFFICE TRIED TO TELL US, REAL INPUT INTO GOVERNMENT CIRCLES OF THE TERRITORIAL LEVEL, THAT HE WILL LET IT BE KNOWN IN NO SHORT ORDER THAT THIS IS NOT TO CONTINUE THE PRACTICES IN THE AREAS WHICH HE MENTIONED, WHICH ARE HAPPENING.

MR. LEGAL ADVISOR: MR. CHAIRMAN, WHAT AREAS ARE WE DISCUSSING?

MR. TANNER: MR. CHAIRMAN, I WILL GIVE YOU A SPECIFIC INSTANCE BUT THE REASON I HAVEN'T BROUGHT IT UP TO THE EXECUTIVE COMMITTEE IS BECAUSE, AS I SAID TO MEMBERS BEFORE, I HAVEN'T ALTHOUGH MY WIFE HAS AN INTEREST AND I DIDN'T FEEL LIKE I COULD DO THAT. YOU KNOW, I'M OUT OF A JOB.

I'LL GIVE YOU A SPECIFIC INSTANCE. A BUSINESS ESTABLISHMENT IN TOWN WAS INSPECTED IN THE USUAL WAY THIS YEAR AS THEY WERE A YEAR AGO AND AFTER THE INSPECTION A YEAR AGO A LETTER OF RECOMMENDATION WAS SENT IN THE MANNER THAT ALL THE VARIOUS REGULATIONS HAVE BEEN FULFILLED INSOFAR AS MEDICARE PREMIUMS AND WORKING CONDITIONS AND SO FORTH. A LETTER OF COMMENDATION WAS WRITTEN.

THIS YEAR THE INSPECTOR WENT IN THERE, SPENT THREE DAYS IN THERE, TOOK THE BOOKS AWAY, WHICH THEY CAN DO UNDER THE ORDINANCE. MADE THE DECISION THAT A MONTHLY PAID EMPLOYEE SHOULD HAVE BEEN PAID OVERTIME. THEN WHEN SHE WORKED OUT WHAT THE OVERTIME AND REALIZED WHAT THE OVERTIME WAS, THAT THE ESTABLISHMENT HAD PAID MORE THAN WHAT WAS REQUIRED ON AN HOURLY BASIS, HE THEN WENT TO THE EMPLOYEE AND ASKED HER TO LAY A CHARGE.

THE EFFECT OF THAT WAS THAT THE INSPECTORS WERE USING THE LABOUR STANDARDS ORDINANCE, NOT TO PROTECT EMPLOYEES BUT TO ATTACK EMPLOYERS. THEY WERE CREATING A BAD EMPLOYEE/EMPLOYER RELATIONSHIP WHERE NONE EXISTED, UNTIL THE INSPECTORS CAME IN. IF THEY WERE DOING IT TO HELP THE EMPLOYEES, THE EMPLOYEE HAD ALREADY MADE MORE MONEY AND HAD A BETTER INCOME THAN WHAT THE ORDINANCE CALLED FOR. IN SPITE OF THIS, THEY WANTED TO MAKE A CASE OUT OF IT AND THIS IS JUST DAMNED RIDICULOUS. THAT IS NOT WHAT INSPECTORS ARE FOR.

MR. CHAIRMAN: JUST FROM THE CHAIR. THIS IS SIMILAR TO THE QUESTION I RAISED EARLIER IN THE SESSION AND MAKING THE POINT THAT THE GOVERNMENT OF THE YUKON TERRITORY IS EVOLVING INTO ONE MASS OF LAW ENFORCEMENT AGENCIES AND THE INSPECTORIAL SERVICES ...

MR. LEGAL ADVISOR: MR. CHAIRMAN, THE INSPECTION SERVICES DO NOT COME UNDER MY CONTROL, BUT CERTAINLY THEY COME TO ME FOR ADVICE AND IN THE LAST TWO OR THREE YEARS THE NUMBER OF CASES LAID UNDER THE LABOUR STANDARDS ORDINANCE HAS VERY

MATERIALLY DECREASED. LARGELY BECAUSE OF REGULAR CALLS BY THE INSPECTION SERVICES TO EMPLOYEES PREMISES AND A COMPLETELY DIFFERENT ATTITUDE OVER THE LAST EIGHTEEN MONTHS AND TWO YEARS OF GOING TO EMPLOYERS AND EXPLAINING TO THEM IN ADVANCE HOW THEY SHOULD GO ABOUT HANDLING THE BUSINESS OF PAYING THEIR EMPLOYEES, AND SO FORTH.

IT'S UNUSUAL NOW TO HAVE ANY PROSECUTIONS UNDER THE LABOUR STANDARDS ORDINANCE WHEREAS MY TIME WAS CONTINUED TO BEING TAKEN UP BY PROSECUTIONS BEFORE THIS. WE HAVE VERY FEW CASES.

THE PARTICULAR THING THAT OCCURS HERE IS A PROBLEM THAT PEOPLE WHOSE DUTIES ARE OF A SOLELY SUPERVISORY OR MANAGERIAL CHARACTER ARE EXCLUDED FROM THE ORDINANCE AND MISTAKENLY WHERE A PERSON'S BUSINESS IS OF A MIXED CHARACTER. A QUESTION ARISES WHICH CAN BE RESOLVED BY A COURT AND THE LEADING CASE ON THE SUBJECT HAPPENED TO INVOLVE A CERTAIN MR. SMITH WHO WAS CHARGED IN RESPECT TO A FIRM IN TOWN. THE ISSUE AROSE OVER HIS CHIEF BAKER. HIS CHIEF BAKER WAS RUNNING A BAKERY ATTACHED TO THE PREMISES AND WAS RUNNING THE PREMISES BUT HE WAS ALSO THE CHIEF BAKER AND WAS BAKING THE BREAD OR TAKING CHARGE OF IT.

THE ISSUE AROSE AS TO WHETHER HE WAS SOLELY A SUPERVISOR OR WHETHER HE WAS NOT. IT WAS BROUGHT TO A CONCLUSION IN COURT AND I THINK TAKEN ON APPEAL FOR MR. JUSTICE PARKER AND HIS DECISION WAS DECIDED UPON AT THAT TIME, AND THEY OPERATED ON THE STRENGTH OF THAT DECISION, THAT LEGAL DECISION OVER THESE MANY YEARS.

IT'S A CONTINUOUS SOURCE OF PROBLEMS BUT IT'S A FACTUAL PROBLEM. THE DECISION WAS THAT THE PARTICULAR PERSON WAS FINED FOR NOT PAYING OVERTIME OR WHATEVER IT WAS, TO THIS PERSON BECAUSE HIS WORK WAS NOT SOLELY OF A SUPERVISORY NATURE. HE WAS MAINLY A BAKER.

NOW, THE LAW IS DIFFERENT IN B.C. IN BRITISH COLUMBIA IT IS DIFFERENT. THEY SAY THEY HAVE A DEFINITION OF SUPERVISORY PERSONNEL THAT IS DIFFERENT FROM THE DEFINITION HERE AND IN SOME PLACES AND IT VARIES FROM PROVINCE TO PROVINCE. SPECIFICALLY THEY TALK MAINLY OF A SUPERVISORY NATURE AND SO FORTH TO DIFFERENTIATE THESE PEOPLE. BUT NO WHERE SO FAR AS I AM AWARE IS THERE A MONTHLY PAID EMPLOYEES BEING IN ONE AREA AND HOURLY PAID EMPLOYEES BEING IN THE OTHER AND IN THE TERRITORIAL GOVERNMENT'S SERVICE IT'S SO. EVEN THOUGH PEOPLE ARE BEING PAID

ANNUALLY, FOR CALCULATION PURPOSES THEIR TIME IS DIVIDED INTO AN HOURLY RATE IN CASE SOMETHING HAPPENS. IT CAN BE BROUGHT RIGHT DOWN AND THE ONLY WAY YOU CAN WORK WHEN YOU ARE DEALING WITH SMALL QUANTITIES OF TIME,

NOW, I DON'T WANT TO BE PUT IN THE POSITION OF DEFENDING THE LABOUR STANDARD OFFICERS BUT UNLESS SOME SPECIFIC CRITICISM CAN BE MADE AND NOTICES GIVEN AND THE HEADS OF THE DEPARTMENTS OR SOMEONE IS HERE TO DEAL WITH SPECIFIC CASES, I THINK IT A LITTLE BIT UNFAIR TO TAKE ISOLATED, UNNAMED CASES AND EXAMINE THEM, TAKING ONE VERSION AS AGAINST ANOTHER. THE COURTS ARE THERE IN ANY EVENT TO ENFORCE THE LAW AND IF THE PERSON DOESN'T LIKE THE DECISION OF THE LABOUR STANDARDS OFFICER, HE IS ALWAYS AT LIBERTY TO GO TO COURT.

MR. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN. NOBODY SHOULD BE FORCED TO GO TO COURT, AND THIS GOVERNMENT FORCES PEOPLE TO GO TO COURT TO GET REDRESS FOR THE MANY THINGS. THIS IS WHY THERE IS MORE AND MORE REASON FOR AN OMBUDSMAN SITUATION TO BE DEVELOPED IN THIS TERRITORY BECAUSE OF THE ABUSE THAT TAKES PLACE.

NOW, MR. CHAIRMAN, TO ME THE CHANGE IN THAT SECTION (F) THERE IS ONE WORD THAT SHOULDN'T BE IN THERE WHICH WOULD CLARIFY IT. THE WORD 'SOLELY' AND YOU SEE, THIS IS THE BAD WORD THAT'S IN THERE. THAT SHOULD BE TAKEN OUT. IF THAT WORD WAS TAKEN OUT IT WOULD READ: "INDIVIDUALS WHOSE DUTIES ARE OF A SUPERVISORY AND MANAGERIAL CHARACTER". NOW THE WAY IT READS: "SOLELY OF A SUPERVISORY AND MANAGERIAL CHARACTER". IT MAKES A DIFFERENCE.

MR. TANNER: MR. CHAIRMAN, I CAN ASSURE HONOURABLE MEMBERS THAT THERE IS VIRTUALLY NOBODY IN THE YUKON THAT IS SOLELY OF A SUPERVISORY NATURE. THERE MAY BE IN SOME OF THE LARGER MINES BUT I'M SURE AS GOD MADE LITTLE APPLES, THERE IS NONE IN THE YUKON. THERE IS NONE IN WHITEHORSE BECAUSE THE MANAGER OF ANY DEPARTMENT STORE FOR EXAMPLE, OR THE FLOOR MANAGER FUNNILY ENOUGH THEY DO SOMETHING THAT MAKES THEM OTHER THAN 'SOLELY OF A SUPERVISORY CHARACTER'.

MR. MCKINNON: REALLY, MR. CHAIRMAN, MR. LEGAL ADVISOR SAYS IT'S IMPOSSIBLE UNDER THE LABOUR STANDARDS ORDINANCE TO BE EITHER A GOOD EMPLOYER OR A GOOD MANAGER HERE IN THE YUKON TERRITORY. THIS IS ACTUALLY WHAT YOU SAY.

MR. LEGAL ADVISOR: ON THE CASES THAT THEY HANDLE

WHERE A PERSON IS BASICALLY A MANAGER, A SENIOR FOREMAN. THE FACT THAT HE DOES OCCASIONALLY HAVE TO HELP OUT DOES NOT CHANGE HIS CHARACTER. IT'S ONLY WHEN HIS DUTIES ARE OF A MIXED NATURE AND HE IS DEFINITELY EMPLOYED AS THIS BAKER WAS WITH THE INTENTION OF BEING PARTLY A MANAGER AND PARTLY A WORKER THAT HE IS CAUGHT BY THE ORDINANCE. IF HE IS MAINLY A MANAGER AND IT OCCASIONALLY HAPPENS THAT SOMEONE HAS AN ACCIDENT OR SOMETHING LIKE THAT, OR DO A SMALL JOB, OR SOME LADY COMING INTO THE STORE, HE DOESN'T DESTROY HIS CHARACTER AS A MANAGER.

SO FAR AS I KNOW AND I'M QUITE CERTAIN AT THIS STAGE INSTRUCTIONS ARE GIVEN TO THE INSPECTORS ARE; THAT IN THAT KIND OF A CASE THEY ARE NOT TO TAKE ANY PROCEEDINGS OR THINK OF THE PERSON'S CHARACTER AS BEING CHANGED.

MR. CHAMBERLIST: BUT, MR. CHAIRMAN, I WONDER IF WE CAN HAVE AN AGREEMENT IN THIS COMMITTEE THEN THAT IN THE PREPARATION OF THE AMENDMENTS THAT WE'VE ASKED FOR THAT THE WORD 'SOLELY' BE REMOVED FROM THERE.

MR. LEGAL ADVISOR: I'M NOT SURE, MR. CHAIRMAN, IN WHAT CAPACITY I SPEAK NOW. IS IT ADVICE OF THIS COUNCIL OR ADVICE OF THE COMMISSIONER. I CAN JUST SAY I COULD NOT THINK THE GOVERNMENT WOULD AGREE JUST LIKE THAT WITHOUT REALLY CONSIDERING THIS. TO ACCEPT THE WISHES OF COUNCIL AS A CASUAL MEMBER I THINK IT SHOULD BE GIVEN TIME ON THIS ONE. THIS IS A DIFFERENT MATTER FROM THE MATTER WHICH WAS BROUGHT BY THE TWO WITNESSES HERE. IT NEEDS A LOT MORE THOUGHT AND CONSIDERATION, HONOURABLE MEMBERS AND I WOULD ASK THE HOUSE NOT BE EXTRICABLY MIXED IN THEIR WISHES AS CONVEYED TO ME AS A DRAFTSMAN TO DO THIS BECAUSE I THINK IT WILL PUT THE GOVERNMENT IN AN AWFUL SPOT.

I WOULD ASK THE COUNCIL TO TAKE THE OTHER AMENDMENTS AND LEAVE THEM TO ONE SIDE AND ACCEPT THEM AND THIS THORNY PROBLEM PUT BACK, EITHER FOR THE CONSIDERATION OR MAKE IT A SEPARATE AND DISTINCT AMENDMENT TO ALLOW THE GOVERNMENT TO TAKE TIME TO CONSIDER. IF THE HOUSE INSISTS, I WILL DO IT BUT PLEASE BE CAUTIOUS.

MR. CHAMBERLIST: MR. CHAIRMAN, I WOULD LIKE TO FIND OUT FROM MR. LEGAL ADVISOR BECAUSE HE HASN'T MADE ANY REFERENCE WITH THIS PARTICULAR POINT. THERE HAS BEEN A LITTLE BIT OF DANCING AROUND THE POINT. WHY DOES HE OBJECT TO THE WORD BEING REMOVED. THIS IS THE ANSWER I WOULD LIKE. BUT A REAL REASON, NOT PERHAPS THE

GOVERNMENT DOESN'T LIKE IT, WHY IS HE OBJECTING TO THE WORD BEING REMOVED.

MR. LEGAL ADVISOR: MR. CHAIRMAN, THIS HAS BEEN GOVERNMENT POLICY FOR A CONSIDERABLE NUMBER OF YEARS. ISOLATED COMPLAINTS HAVE BEEN MADE OF A PARTICULAR INDIVIDUAL WHO HAS, AS FAR AS THE FIRM IS CONCERNED, HAD TO BE CONSIDERED AS A PERSON WHO GETS OVERTIME AND I MYSELF HAVE COME ACROSS A FEW CASES WHERE I THOUGHT THAT QUITE UNDESERVEDLY AN EMPLOYEE WAS ABLE TO CLAIM TO BE WITHIN THE LABOUR STANDARDS ORDINANCE AND THEREBY GO BACK FOR A YEAR AND COLLECT LARGE AMOUNTS OF MONEY FOR OVERTIME AND IT HAS BROKEN MY HEART A LITTLE BIT TO HAVE HIM IN A POSITION TO MAKE A COMPLAINT AND HAVE OUR LEGAL DEPARTMENT OR THE INSPECTOR ACT ON HIS BEHALF. SOMETIMES IT HAS GONE TO SEVERAL THOUSAND DOLLARS. SO I THINK AN EXAMINATION SHOULD BE MADE OF THE SITUATION BUT I WOULD ASK FOR DELAY BECAUSE OF THE LONG STANDING POLICY IN THIS REGARD UNDER WHICH MANAGEMENT AND EMPLOYEES HAVE BASED THEIR NORMAL OPERATIONS AND NOT JUST A HASTY SUMMER AFTERNOON DECISION MIXED IN WITH OTHERS.

MR. MCKINNON: WELL, MR. CHAIRMAN, PERHAPS WE CAN GET THE ASSURANCE THAT THE INSTRUCTIONS TO THE INSPECTORS WILL CONTINUE AS THEY ARE WHEN THEY SEE MANAGERS AND SUPERVISORS HANDLING AND ACTUALLY DOING THINGS THEY WILL NOT SUGGEST, THEY WILL NOT EVEN THINK OF THAT AS A BREACH OF THE LABOUR STANDARDS ORDINANCE.

MR. LEGAL ADVISOR: YES, MR. CHAIRMAN, I'M NOT EXACTLY SURE WHAT MY RELATIONSHIP WITH THAT DEPARTMENT IS. GOOD OR BAD RELATIONSHIP BUT I CERTAINLY WOULD GIVE IT AN OPINION AS TO WHAT THEY COULD DO AND I AM PREPARED TO COME TO COUNCIL TO SEE WHAT THE OPINION WOULD BE ON THAT ONE.

MR. CHAIRMAN: ALRIGHT THEN, MR. LEGAL ADVISOR, THEN DO YOU FEEL YOU HAVE SUFFICIENT DIRECTION FROM COUNCIL TO DEAL WITH THE OTHER MATTERS DELINEATED THIS AFTERNOON?

MR. LEGAL ADVISOR: YES, MR. CHAIRMAN, I HAVE SUFFICIENT DIRECTION ON THOSE MATTERS. THERE IS JUST ONE THING THAT WASN'T PICKED UP. I ASKED THE WITNESS AND IT WASN'T ACCEPTED BY ONE OF THE HONOURABLE MEMBERS, THE POINT DEALING WITH DEPARTMENTAL HEADS WAS SUFFICIENTLY TAKEN CARE OF, THAT THE EMPLOYER HAD THE OPTION TO EITHER PAY OR GIVE A HOLIDAY IN LIEU. THAT WAS MY UNDERSTANDING OF IT. THAT THE AMENDMENT TO SECTION 31, TO GIVE THE EMPLOYER AN OPTION IN RESPECT OF A GENERAL HOLIDAY TO EITHER WORK,

WHICH MEANT MONEY, OR TIME OFF WHICH DID NOT, WAS SUFFICIENT TO COVER THE LAST PART OF THE BRIEF OF THE WITNESS. STATUTORY HOLIDAY.

MR. MUELLER: YES, YES. CORRECT. IN OTHER WORDS, DOUBLE THAT.

MR. CHAIRMAN: I WONDER IF THE WITNESSES MAY BE EXCUSED AT THIS TIME.

SOME MEMBERS: AGREED.

MR. CHAIRMAN: I WOULD LIKE TO THANK YOU BOTH, MR. MUELLER AND MR. MARSH, FOR YOUR ASSISTANCE AND I HOPE THAT THIS WILL BEAR SOME FRUIT AND FORM OF APPROVAL TO THE ORDINANCE.

MR. MUELLER: THANK YOU VERY MUCH.

MR. CHAIRMAN: ORDER PLEASE. I'M WONDERING NOW WOULD YOU CARE TO INVITE MR. HOFFES OVER FOLLOWING COFFEE BREAK?

SOME MEMBERS: AGREED.

MR. CHAIRMAN: WOULD YOU DO SO, MADAME CLERK? I WILL STAND COMMITTEE IN A BRIEF RECESS.

RECESS.

MR. CHAIRMAN: I NOW CALL COMMITTEE TO ORDER. WE HAVE MR. HOFFES OF THE GAME DEPARTMENT HERE WITH US TODAY TO ANSWER QUESTIONS IN RELATION TO THE GAME DEPARTMENT AND SESSIONAL PAPER 16. WOULD YOU PROCEED?

MR. MCKINNON: MR. CHAIRMAN, BEFORE WE GET INTO THE SESSIONAL PAPER I HAVE QUITE A FEW QUESTIONS THAT I ASKED OF THE GAME BRANCH AND WAS PROVIDED ANSWERS WITH. I WAS WONDERING WHETHER THE RESIDENT BIOLOGIST COULD EXPAND ON THE ANSWER TO QUESTION 8 THAT, 'DURING THE PAST FISCAL YEAR A TOTAL OF 48 CHARGES WERE LAID BY GAME BRANCH OFFICIALS. OF THESE 29 RESULTED IN CONVICTION AND 5 ARE STILL PENDING.' DOES HE HAVE A BREAKDOWN OF WHAT SECTION OF THE ORDINANCE THE MAJORITY OF CHARGES WERE LAID UNDER?

MR. HOFFES: THE ANSWER WE SENT OVER TO THE ASSISTANT COMMISSIONER INCLUDED ALL THE SECTIONS THE CHARGES WERE LAID UNDER. YOU MUST HAVE A DIFFERENT PAPER.

MR. MCKINNON: NO, WE DIDN'T RECEIVE THEM.

MR. HOFFES: THE MAJORITY OF VIOLATIONS WERE NO. 4 AND NO. 8 OF THE ORDINANCE, SECTIONS 4 AND 8.

MR. MCKINNON: WHICH ARE, SPECIFICALLY?

MR. HOFFES: ONE IS THE FIREARMS IN GENERAL. THINGS LIKE A LOADED FIREARM IN A TRUCK AND THE OTHER ONE IS LICENSES. HUNTING WITHOUT A LICENSE.

MR. MCKINNON: MR. CHAIRMAN, I HAVE NO FURTHER QUESTIONS RESULTING OUT OF THE ANSWERS THAT WERE PREPARED BY MR. HOFFES FOR COMMITTEE. IF WHOEVER MOVED THE SESSIONAL PAPER INTO COMMITTEE WANTS TO LEAD OFF THE DISCUSSION ON IT.

MR. STUTTER: MR. CHAIRMAN, THE SESSIONAL PAPER, I DON'T THINK, WAS MOVED INTO COMMITTEE. THE REASON THAT I WAS SUGGESTING THAT MR. HOFFES COME TO THE MEETING WAS A RESULT OF REMARKS THAT HAD BEEN MADE DURING DISCUSSION OF THE BUDGET. AT THAT TIME THE COUNCILLOR FROM WHITEHORSE WEST WAS THE ONE WHO EXPRESSED THE WISH TO HAVE AT LEAST A DISCUSSION BEFORE THE END OF THIS COUNCIL WITH A MEMBER FROM THE DEPARTMENT. THIS MORNING HE WAS ABSENT FROM THE CHAMBER AT THAT TIME.

I DO HAVE A FEW QUESTIONS TO ASK MR. HOFFES PARTICULARLY, NOT TOO MUCH WITH THIS SESSIONAL PAPER, BUT I AM INTERESTED TO KNOW WHAT PROGRESS IF ANY OR WHAT CORRESPONDENCE YOUR DEPARTMENT HAS HAD REGARDING THE POSSIBLE EXTENSION OF THE GAME RESERVE IN THE NORTHEAST CORNER OF THE TERRITORY? MR. CHAIRMAN, THAT IS THE ARCTIC INTERNATIONAL WILDLIFE RANGE. THERE HAS BEEN CONSIDERABLE WORK DONE ON IT, AS I AM SURE MR. HOFFES IS COMPLETELY AWARE. I AM WONDERING WHAT HIS DEPARTMENT HAS HEARD FROM THE SOCIETY IN REGARDS TO THIS RANGE.

MR. HOFFES: WE HAVEN'T HEARD ANYTHING RECENTLY EXCEPT A LETTER WHICH WAS SENT TO ALL THE MEMBERS OF THE ASSOCIATION. AS YOU KNOW, A NUMBER OF OTHER PEOPLE HAVE AN EYE ON THE AREA. IT IS ALSO A PROPOSED TERRITORIAL PARK.

MR. CHAMBERLIST: IS THAT THE INTERNATIONAL WILDLIFE RANGE?

MR. HOFFES: YES.

MR. CHAIRMAN: JUST A QUESTION FROM THE CHAIR. IT RELATES TO THE DEVELOPMENT FINALLY OF THE BIG GAME MANAGEMENT AREA. HOW IS THIS COMING

ALONG AND WHEN DO YOU THINK THAT YOU WILL BE ABLE TO ACTUALLY ESTABLISH THE BIG GAME MANAGEMENT ZONES?

MR. HOEFFS: WE HAVE SENT PROPOSALS TO A NUMBER OF GOVERNMENT DEPARTMENTS WHICH HAVE INTEREST IN THE LAND. FOR INSTANCE, FORESTRY, FISHERIES AND ENVIRONMENT PROTECTION BOARD, LAND USE BRANCH AND ALSO TO A NUMBER OF PRIVATE INTEREST GROUPS. THE OUTFITTERS, THE HUNTERS ASSOCIATION, AND THE CONSERVATION SOCIETY. WE ARE WAITING FOR ALL THEIR ANSWERS.

THE ZONES THEMSELVES WILL NOT BE CHANGED BECAUSE THEY HAVE TO BE ENFORCEABLE AND, FOR INSTANCE, HIGHWAYS HAS BOUNDARIES BUT THE REGULATIONS WITHIN THE ZONES WILL REALLY CHANGE TO SOME DEGREE TO ACCOMMODATE THE DIFFERENT ORGANIZATIONS. BUT I DON'T THINK WE WILL GET ANYWHERE. IT WILL BE TOO LATE TO DO ANYTHING FOR THE '74 HUNTING SEASON. WE HOPE THEY WILL BE IN EFFECT FOR '75.

MRS. WATSON: MR. HOEFFS, I DON'T KNOW WHETHER YOU HAVE A COPY OF THE SESSIONAL PAPER THAT WE ALL HAVE. ON PAGE 3 IT SAYS - WE'RE TALKING ABOUT TRAPPING. AND IT SAYS THIS ASPECT OF GAME MANAGEMENT SHOULD RECEIVE PRIME IMPORTANCE IN ANY FUTURE EXPANSION IN PLANS OF THE YUKON GAME BRANCH AS WELL AS IN ITS ALLOCATION OF FUNDS. AND I'M JUST WONDERING IN WHAT AREAS WOULD YOU, WHAT TYPE OF IMPORTANCE WOULD YOU GIVE IT AND WHAT WOULD YOU USE YOUR ADDITIONAL FUNDING FOR? I WAS JUST RECENTLY IN THE AREA WHERE ALSO THE VOCATIONAL SCHOOL MANPOWER HAD A FUR GRADING COURSE AND IT WAS SO OBVIOUS AT THAT TIME THAT THERE IS AN AWFUL LOT OF WORK REQUIRED IN THE YUKON IN TEACHING PEOPLE HOW TO PREPARE THEIR FURS FOR MARKET SO THAT THEY GET THE TOP PRICE. I AM WONDERING WHETHER ANY PLANS OF THE GAME BRANCH WOULD INCLUDE THAT TYPE OF THING OR WOULD YOU BE LEAVING IT MORE OR LESS FOR AN EDUCATIONAL PROGRAM, AN ADULT EDUCATIONAL PROGRAM?

MR. HOEFFS: EDUCATION IS CERTAINLY IMPORTANT AND WE WOULD LIKE TO HAVE THESE COURSES CONTINUED. BUT IN THIS PARTICULAR CONNECTION WE REMAIN PROPOSING. THERE IS ONE OR TWO PEOPLE ON OUR STAFF FULL TIME WORKING ON TRAPPING ISSUES WHICH MEANS PROPER TRAPLINE AND FURTHER MANAGEMENT. IT'S A PRETTY COMPLICATED PROJECT AND IT IS VERY DIFFICULT FOR BIG GAME MANAGEMENT BECAUSE TO FURTHER UNDERGO CYCLE AND ITS VERY CONSIDERABLE FROM ONE AREA ACROSS

THE YUKON TO THE OTHER AREAS. I NEED A VERY COMPETENT MAN TO ADVISE ON MATTERS OF HOW TO HARVEST AND PROPERLY SO THAT THEY DON'T BECOME DEPLETED. THE FUR PRICES ARE VERY HIGH AND THERE IS A DANGER THAT THE TRAPPERS MAY RUN THEIR LINES DOWN AND THEN THEY'RE LEFT WITH NOTHING AFTER.

IT HAS HAPPENED IN THE YUKON BEFORE SOME YEARS BACK WHEN THE BEAVERS WERE TRAPPED OUT AND THAT IS THE REASON WHY WE AT THAT TIME, THE GAME MANAGEMENT INTRODUCED A TAG FOR BEAVERS. WE SHOULD BE ABLE TO ADVISE THE TRAPPERS HOW MANY ANIMALS TO TAKE PER YEAR FROM A GIVEN AREA. SO THAT IT IS A CONTINUOUS SORT OF INCOME FROM THEN. SO WE SHOULD HAVE A TECHNICAL PERSON AND HE SHOULD BE ASSISTED BY SOMEBODY WHO IS FULL TIME INVOLVED WITH ALL THE ADMINISTRATION PROBLEMS THAT GO WITH IT. YOU HAVE SOMETIME 389 - - - .

MR. TANNER: MR. HOEFFS HAS YOUR DEPARTMENT NOT PERFECTED THIS BILL, DO YOU KNOW?

MR. CHAIRMAN: IS THIS NOT THE FUNCTION OF THE GAME WARDENS? WHAT DOES A GAME WARDEN DO? I WOULD CONSIDER THAT THIS WOULD BE A FUNCTION OF THE GAME WARDEN.

MR. HOEFFS: WELL THE GAME WARDENS ARE NOT TRAINED BY THAT MANAGEMENT. THEY HAVE TO ENFORCE TRAPPING REGULATIONS BUT THEY ARE NOT - - - - - WHERE YOU CAN ONLY TAKE SO MANY LYNX PER SQUARE MILE OR SO MANY BEAVERS FROM HOMES.

MR. CHAIRMAN: WELL THIS WAS MY VERY POINT DURING THE DISCUSSION ON THE GAME ESTIMATES IS THAT WE HAVE A GAME DEPARTMENT FULL OF POLICEMEN AND WE HAVE VERY FEW PEOPLE DOING GAME WORK IT WOULD APPEAR. IT SEEMED TO ME THAT THE GAME WARDEN SHOULD BE TRAINED AT LEAST TO DO THE GROUND WORK IN THESE AREAS. THIS IS WHAT I UNDERSTOOD A GAME WARDEN TO BE DOING INSTEAD OF RUNNING AROUND WITH A GUN AND BADGE JUST SIMPLY PINCHING PEOPLE. HE SHOULD BE WORKING WITH THE TRAPPER, ADVISING HIM ON THE METHODS, PROCEDURES AND THIS TYPE OF THING, AND GAME HARVEST.

MR. HOEFFS: WELL THAT IS THE FUNCTION THAT THEY DO SERVE IN MOST OF THE GAME BRANCHES WHERE TECHNICAL PEOPLE ARE ON STAFF AND THEY TELL THE WARDENS OF THE AREA THAT THEY TAKE SOME MEN AND LOOK AFTER IT. BUT THE WARDENS THEMSELVES CAN'T DO EVERYTHING.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF MR. HOFFS CAN INDICATE IN THE ISSUING OF TRAPPER LICENCES HOW MANY NON-NATIVES OWN TRAPPER LICENCES AT THIS TIME IN THE YUKON?

MR. HOFFS: I DON'T KNOW THE EXACT NUMBER BUT I THINK IT'S CLOSE TO 50-50 NOW.

MR. CHAMBERLIST: CLOSE TO 50-50 NOW. HAS THE GAME DEPARTMENT CONTROL OVER TRAPPING IN THAT AREA WHERE THE NATIVES HAVE TRAPPING LICENCES? IN OTHER WORDS DOES THE JURISDICTION OF THE GAME ORDINANCE CONTROL THE CONDUCT IN WHICH THOSE OF STATUS INDIANS WHO HAVE TRAPPER'S LICENCES?

MR. HOFFS: WELL WE HAVE VERY FEW REGULATIONS WHEN IT COMES TO TRAPPING AND I THINK MOST NATIVES COMPLY BY THEM BECAUSE THEY ARE MEANT TO HARVEST THE GAME AT THE MOST APPROPRIATE TIME WHICH ARE MAINLY RESTRICTIONS ON THE SEASON. FOR INSTANCE THE LYNX SEASON WAS OVER IN LATE MARCH BECAUSE IF SOMEBODY GETS A LYNX AFTER THAT, HE MOST LIKELY WON'T BE ABLE TO SELL IT. BUT AS FAR AS NUMBERS TAKEN FROM THE TRAPLINES THERE IS NO RESTRICTION AT ALL NEITHER ON INDIANS OR ON WHITE.

MR. CHAMBERLIST: I DIDN'T ASK THAT. WHAT I'M TRYING TO ASCERTAIN MR. CHAIRMAN, IS WHETHER YOUR DEPARTMENT HAS JURISDICTION OVER STATUS INDIANS WHO HAVE TRAPPER'S LICENCES WHO HAVE THE RIGHT TO TRAP? THAT'S WHAT I WANT TO KNOW WHETHER YOU HAVE THE JURISDICTION OVER THOSE PEOPLE?

MR. CHAIRMAN: THAT WOULD BE A QUESTION MORE APPROPRIATELY PUT TO THE LEGAL DEPARTMENT OR SOMEONE OF THAT NATURE.

MR. CHAMBERLIST: WELL YES, I AGREE WITH MR. CHAIRMAN, BUT YOU KNOW I WANT TO KNOW WHETHER THE DEPARTMENT KNOWS WHETHER THEY HAVE JURISDICTION OR NOT?

MR. CHAIRMAN: ORDER PLEASE. I THINK THAT'S A QUESTION MORE PROPERLY DIRECTED TO THE GAME DIRECTOR OR HIS..

MR. CHAMBERLIST: I UNDERSTAND HE IS THE ASSISTANT, ISN'T HE?

MRS. WATSON: NO, MR. CHAIRMAN, HE IS A BIOLOGIST. HE IS A TECHNICIAN AND REALLY THIS ISN'T HIS AREA AT ALL.

MR. CHAMBERLIST: RIGHT, I'M VERY SORRY MR. CHAIRMAN. I APOLOGIZE. I WAS UNDER THE IMPRESSION HE WAS THE ASSISTANT HEAD OF A DEPARTMENT. I'M SORRY MR. HOFFS. I WOULDN'T HAVE PUT THAT QUESTION UP FOR YOU.

MR. CHAIRMAN: JUST FROM THE CHAIR. I HAD ANOTHER QUESTION THAT AROSE OUT OF OUR SERIES OF QUESTIONS THAT THE HONOURABLE MEMBER FROM WHITEHORSE WEST REFERRED TO AND THAT IS WOLF CONCENTRATIONS THIS WINTER. AND I KNOW PARTICULARLY IN MY AREA IN THE ISLAND RIVER AND THE FRANCISE RIVER AND THE SOUTHEAST YUKON IN GENERAL THAT THERE WAS AN UNUSUALLY LARGE WOLF POPULATION AND AGAIN OVER IN TOWARDS ROSS RIVER AND THE PELLY AND UP IN THAT AREA. DID THE GAME DEPARTMENT DO ANYTHING AT ALL ON THESE CONCENTRATIONS? I AM WONDERING IF WE CAN BE ENLIGHTENED AS TO WHAT THE RESULT MIGHT BE IF ANY STUDIES WERE UNDERTAKEN.

MR. HOFFS: NO WE DIDN'T SPECIFICALLY STUDY WOLVES BUT WHENEVER POSSIBLE COMPLAINTS RECEIVED WERE LOOKED AFTER IN SOME WAY. I THINK ONE OF THE QUESTIONS ANSWERED DEALT WITH THE QUESTION THE GAME BRANCH HAD BAITS OUT IN A NUMBER OF AREAS IN A NUMBER OF AREAS PRIMARILY WEST OF WHITEHORSE. I'M NOT AWARE OF ANY BAITS IN WATSON LAKE.

MR. CHAMBERLIST: MR. CHAIRMAN, I'M SURE I COULD ASK - - OH, I'M SORRY.

MR. CHAIRMAN: I WAS JUST WONDERING ABOUT THE CONCENTRATIONS, IF THEY WERE NOTICED BY THE GAME DEPARTMENT, PROBABLY THEY WENT ON THE ROAD.

MR. HOFFS: IT'S PART OF THE WOLF'S BEHAVIOUR TO CONCENTRATE DURING MATING SEASON AND LARGE PACKS HAVE BEEN SEEN IN MANY AREAS OF THE YUKON AT THAT TIME.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER NOW IF MR. HOFFS CAN INDICATE GENERALLY WHAT IS THE HEALTH OF THE WILDLIFE OF THE YUKON. IS IT GOOD HEALTHY WILDLIFE THAT WE HAVE UP HERE?

MR. HOFFS: YES, I THINK THE POPULATION IN GENERAL IS STILL IN GOOD HEALTH. THAT DOESN'T MEAN THAT YOU CAN EXPECT THE POPULATION AS IT STANDS FURTHER SOUTH. YOU KNOW THEY ARE RESTRICTED BY THEIR HABITAT. BUT WE HAVE NEVER HAD MAJOR DIE OFFS DUE TO DISEASE OR PARASITES OR EVEN - - - .

Mr. Tanner: Mr. Chairman, pursuing the same line of questioning. Are we getting to a point in the Yukon now particularly around the Whitehorse area where species are either disappearing because they've been hunted out or they are getting further and further away from the metropolitan area?

Mr. Hoeffs: About 80% of the moose are shot along roads and along major rivers and lakes and around such areas they are getting thin. Sheep are getting thin in certain areas particularly around Whitehorse but I'm not aware of any area where the animals have been eliminated completely due to hunting. We have a problem that the entire Yukon is hunted by both outfitters and resident hunters and also that the Indians can take meat anytime and we have no control where they take it and how much they take. So it is very difficult to include that figure in our management proposals. But in general we still have, perhaps with the exception of goats, the distribution the game has always had. They have not been removed from certain areas.

Mr. Tanner: Are you personally concerned that this situation won't exist much longer unless something is changed or do you think that the game life will be able to bare those hunters ad infinitum?

Mr. Hoeffs: Well if we do get the co-operation from Indians, if they tell us how many they take and where and when they are taking them and if they would respond to suggestions to move away from areas which have been depleted and hunt in areas which still have a surplus and that will be the purpose of this zoning. Sometime in the future the time will come when we will not be able to have outfitting and resident hunting in the southern Yukon and along population centres. So I guess we have to come up with the money somehow to compensate the outfitters but it won't work for a long time.

Mr. Chairman: Mr. Hoeffs there is one further question from the chair that has bothered me for some time and it involves the Klauke Game Sanctuary which is now considered as a National Park reserve. In my travels throughout the country over the years in the remoter areas of the country and in this case more particularly in the Northwest Territories east of

our boundary. I have hit sheep areas over there different years, where the sheep have over-populated and over-browsed and lung worms have taken over and killed these sheep. Could this happen in Klauke and what actions are being taken by the game department to ensure that there is no such situation occurs.

Mr. Hoeffs: It is highly unlikely that it would take place in Klauke as long as they maintain full balance between predator and prey and as long as we prevent competition with livestock. And in areas where major die offs occurred in B.C. and in Alberta and in the western states, it always could be attributed by either predator control or predator elimination or to severe competition with domestic animals which destroys the winter range and the animals came back from summer range and had nothing to eat in winter. It's unlikely to occur here for a while yet unless the horse problem gets out of hand.

Mr. Chamberlist: Mr. Chairman, have we any idea of what our buffalo count is in the Yukon. We did bring some buffalo in a few years ago and we had one of our people here, by accident, got rid of one. I don't know if any came to replace it.

Mr. Hoeffs: No, the last one we know of was seen two years ago and in the Teslin area and it was only one. No observation since.

Mrs. Watson: What area did they see him?

Mr. Hoeffs: In the Nisling River.

Mr. Chamberlist: They were dropped off at Teslin, weren't they? And not in Haines Junction, in that area there. What, about seven years ago?

Mr. Cameron: Down near Braeburn, six were brought in from Alaska.

Mrs. Watson: When was that, Mr. Cameron?

Mr. Cameron: Back in the early 50's. '52, '53 I guess.

Mr. Chairman: How are the elk managing? Has any work been done with them?

Mr. Hoeffs: We try to keep track of the elk and we know we have about 50 but it could be as many

AS 100. THEY ARE NOT DOING WELL ENOUGH TO CONSIDER HUNTING.

Mr. McKinnon: Mr. Chairman, I know Mr. Hoeffs is extremely worried about the goat population which has been declining steadily and now I think that the Game Department's estimation is about 500 goats left in the Yukon Territory.

I know that his Department has considered regulations on the size of the horns on the goats that will be hunted. Is this contemplated for next year? In fact, is this in Regulations for this hunting season?

Mr. Hoeffs: That's one of the Regulations we would like to get through for the '74 season already because it wouldn't be necessary for there to be zones. It can just be a change in Regulation to protect the Nanny and its kids and raise the minimum and make a legal goat 8 inches. For that we don't need zones, it's just a change in Regulations.

Mr. McKinnon: It was 6 inches prior?

Mr. Hoeffs: 5.

Mr. McKinnon: 5 inches and that, a yearling would have 5 inches on them.

Mr. Chamberlist: It's difficult to measure that, before you bump them off.

Mr. McKinnon: But in that Mr. Chairman was that the goats with kids were getting it and the kids weren't getting weaned and the declining population was brought about.

I pursued this question with Mr. Finland and it's a real interesting point with me and I made the point that I'm happy to see the work being done in the Yukon that I thought needed doing long before it was, namely the game census and by seeing the actual game that we have in the distribution of it, making sure that we maintain a healthy and a viable game population. When I see the number of non-resident hunters from 1954 rising from 64 to 423 in 1973 and the Department's prediction that there is indirect evidence in the form of decreasing hunter's success indicating that at least certain outfitting areas are over harvested. Now when the Game Department finally decide that this area is over-harvested

if it keeps on being over-harvested, there is just no longer going to be a game population in that area. What is the action that the Game Department is going to take when that point is reached? We then deprive and have to if we want to keep a viable population, an outfitting of using that area until the population comes back. Has the Game Department gone that far in their thinking? And what are their suggestions in this regard?

Mr. Hoeffs: We have been in contact with Mr. Finland about this and told him that in the southern Yukon we may in the long run not be able to accommodate both resident and non-resident hunters particularly in Whitehorse and we have suggested that it should be looked into to buy up outfitting areas or not to renew their leases and in which case it probably would come to a court case and we would probably have to come up with the money the outfitting areas are traded for. But, it is looked into.

Mr. McKinnon: It's not impossible then to see the items of the estimates in future years when the Government of the Yukon will be buying back the outfitter that they originally gave permission to hunt it.

I agree. I see the inevitability of it along the line because there is just no way. The non-resident hunters have a high degree of success don't they, when you see the indications that it has gone from 64 to 423. Those 423 non-resident hunters have a pretty good degree of success going with the big game hunting.

Mr. Tanner: How do our non-resident hunters' fees compare to fees which would be comparable, for example, to the Northwest Territories or to B.C.?

Mr. Hoeffs: That is proposed too. Right now we have the lowest fee structure and we have sent the fee structure in Alaska, B.C., Alberta, Manitoba and that will be part of the new regulations for '75. It's too late to do it for '74 but for instance, we charge 65 for bear now. In B.C. it's \$300. In Alaska it's \$200.

Mr. Chairman: Order please. I missed that. One at a time.

Mr. Hoeffs: I said we have the lowest fees. We charge \$25 for sheep, moose, etc. and \$65 for

BEAR. IT IS PROPOSED TO RAISE IT TO A LEVEL TO COMPARE IT WITH B.C., ALBERTA AND ALASKA WHICH MEANS THE BEAR MAY BE BETWEEN \$200 AND \$300 AND MOOSE \$100 AND THE SHEEP \$150.

MR. CHAMBERLIST: IS THAT FOR NON-RESIDENTS YOU ARE TALKING ABOUT?

MR. TANNER: YES. SHOULD BE TOO. MR. HOFFES I HAVE JUST ONE FINAL QUESTION AND IT'S RELATED TO THE TAGGING PROGRAM WHICH WE INTRODUCED TWO YEARS AGO. HAS THERE BEEN MUCH PUBLIC REACTION AGAINST IT OR HAS THERE BEEN MUCH PUBLIC COMMENT ON IT?

MR. HOFFES: WELL I WASN'T HERE THE YEAR WHEN IT WAS INTRODUCED. I EXPECT THERE WAS SOME REACTION LIKE IN ANY OTHER CHANGE IN REGULATION. I THINK NOW THE HUNTERS ARE USED TO IT.

MR. TANNER: AND ACCEPT THEM.

MR. HOFFES: YES.

MR. CHAMBERLIST: IS THERE RECOVERY FOR TAGS THAT ARE NOT USED? IF A TAG ISN'T USED DO PEOPLE GET REFUNDED?

MR. HOFFES: NO.

MR. CHAIRMAN: THAT'S LIKE GETTING YOUR FISHING LICENSE BACK IF YOU DON'T CATCH A FISH.

MR. RIVETT: YOU DON'T GET A REFUND ON A MARRIAGE LICENSE EITHER.

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. CHAMBERLIST: THAT'S WHY SOME PEOPLE DON'T GET THEM.

MR. CHAIRMAN: WILL THERE BE ANY FURTHER QUESTIONS?

MR. RIVETT: MR. CHAIRMAN, MIGHT I ASK JUST A GENERAL QUESTION? WHO SETS THE SEASON FOR WATER FOWL IS IT CALLED - FOR WATER FOWL.

MR. HOFFES: WATER FOWL IS UNDER FEDERAL JURISDICTION. IT'S REGULATED BY THE MIGRATORY BIRD SECTION. THERE'S A CONFERENCE EVERY YEAR, PROVINCIAL WILDLIFE CONFERENCE, AND THE SEASONS ARE DISCUSSED AND THEN ANY CHANGES ARE PROPOSED.

MR. CHAIRMAN: DO WE STILL HAVE THE RECIPROCITY BETWEEN THE WESTERN PROVINCES AND THE YUKON IN RESPECT OF BIRD LICENSES, PROVINCIAL BIRD LICENSES? WE HAD A RECIPROCITY FOR A LONG TIME. IT WAS BASED ON - I THINK THE PREMISE THAT THE NORTH ARE WHERE THE WATER FOWL NESTS. THERE REALLY ISN'T GOOD HUNTING HERE. CONSEQUENTLY, THE ARRANGEMENTS WERE MADE WITH THE PROVINCES SO THAT A RESIDENT OF THE YUKON, UPON SHOWING HIS RESIDENCE LICENSE, COULD GET A RESIDENT LICENSE IN ALBERTA. DOES THIS STILL PREVAIL?

MR. HOFFES: I DON'T KNOW. I HAVE NEVER HEARD OF IT.

MR. MCKINNON: ARE YOU SURE IT DID? REALLY?

MR. CHAIRMAN: YES. I'VE BEEN DOWN THERE A COUPLE OF TIMES. I WOULD BE INTERESTED IN KNOWING THE ANSWER TO THAT. IF WE COULD GET THAT ANSWER THROUGH THE GAME DEPARTMENT, I WOULD LIKE TO GET IT.

MR. HOFFES: JUST PHONE OVER THERE.

MR. CHAIRMAN: ANY FURTHER QUESTIONS? MAY THE WITNESSES BE EXCUSED AT THIS TIME?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I WOULD LIKE TO THANK YOU VERY MUCH FOR COMING OVER MR. HOFFES.

MR. STUTTER: MR. CHAIRMAN, BEFORE WE GO ON WITH IT I DO HAVE SOMETHING ELSE IN THIS PARTICULAR AREA, BUT I DIDN'T THINK THAT THE WITNESS WAS REQUIRED AT THAT. THAT IS, IT'S DEALING WITH THE WILDLIFE RESERVE IN THE NORTHEAST PART OF THE TERRITORY. THERE HAS BEEN CORRESPONDENCE BETWEEN THE INTERNATIONAL ARCTIC WILDLIFE RESERVE AND THE COMMISSIONER'S OFFICE. I WOULD LIKE TO READ INTO THE RECORD A COUPLE OF THE COMMENTS FROM THE LAST LETTER THAT WAS RECEIVED BY MEMBERS OF THE ASSOCIATION AND THIS WAS DATED IN JANUARY, 1974. IT STATES IN HERE THAT "AN ORDER-IN-COUNCIL WAS DRAFTED SETTING THE LANDS ASIDE UNDER THE TERRITORIAL LANDS ACT USING SECTION 3(A)(B) AND 19(3). THIS ORDER-IN-COUNCIL WAS SENT TO THE MINISTER AND THE DEPUTY-MINISTER IN AUGUST, 1972. FROM THERE IT WAS REFERRED TO THE COMMISSIONER OF THE YUKON TERRITORY. COMMISSIONER SMITH COMMENTED UPON THE PROPOSED ORDER-IN-COUNCIL AND EXPRESSED HIS FEELINGS THAT THE RANGE CONCEPT COULD BE CARRIED OUT UNDER THE

TERRITORIAL GAME ORDINANCE. HE RAISED SOME OBJECTION TO THE NAME OF THE RANGE WHICH RAN AFoul OF THE DEPARTMENT OF JUSTICE. HE SUGGESTED THAT THE RANGE NAME BE THE YUKON WILDLIFE RANGE AND REQUESTED THAT THIS MATTER BE SENT BACK TO THE SOCIETY. HE SUGGESTED THAT 19(e) OF THE TERRITORIAL LANDS ACT BE NOT USED TO ESTABLISH THE WILDLIFE RANGE. SUBSEQUENT TO THIS AN ORDER-IN-COUNCIL WAS DRAFTED AND REFERRED TO COMMISSIONER SMITH WHO RESPONDED IN JANUARY, 1973. HE STATED THAT THE CONCEPT OF THE RANGE WOULD LIKELY RUN INTO SERIOUS POLITICAL OBJECTIONS AS A RESULT OF RECENT LAND WITHDRAWALS FOR THE KLUANE-NATIONAL PARK, AND BECAUSE OF THE IMPLEMENTATION OF LAND USE REGULATIONS, RECENT RESTRICTIONS ON THE MINING INDUSTRY AND RECENT DEVELOPMENTS CONCERNING INDIAN LAND CLAIMS. HE RECOMMENDED THAT THE MATTER OF THE RANGE, BEING OFFICIALLY DESIGNATED, BE WITHDRAWN AND PUT FORWARD IN A YEAR'S TIME WHEN POLITICAL OPPOSITION MIGHT BE LESS."

THEN IT GOES ON, "THE DIRECTOR'S MEETING CAREFULLY CONSIDERED COMMISSIONER SMITH'S OBJECTIONS AND RECOMMENDATIONS AND DECIDED THAT THE PRESIDENT SHOULD GO TO WHITEHORSE AND MEET WITH COMMISSIONER SMITH AND THE YUKON TERRITORIAL COUNCIL TO REVIEW THE AIMS OF THE SOCIETY AND PUT FORWARD THE MEMBERSHIP VIEWS THAT OFFICIAL DESIGNATION SHOULD NOT BE DELAYED. REPRESENTATIVES OF THE PETROLEUM AND MINING INDUSTRIES AT THE DIRECTOR'S MEETING REAFFIRMED THEIR SUPPORT OF THE WILDLIFE RANGE CONCEPT. NATIVE LAND CLAIMS SHOULD, IT WAS STRESSED, NOT BE CONSIDERED AS AN OBJECTIVE TO THE WILDLIFE RANGE CONCEPT.

THE AIMS OF THE SOCIETY WERE TO PROMOTE THE INTEREST OF THE NATIVE PEOPLE IN THE AREA AND IF ANYTHING, THE WILDLIFE RANGE SHOULD RESULT IN STRENGTHENING THE NATIVE PEOPLES' CLAIMS TO THE AREA." IT SEEMS TO ME, MR. CHAIRMAN, THAT SINCE THAT MEETING FOR SOME REASON THE PRESIDENT OF THE SOCIETY DID NOT GET AS FAR AS SEEING THE COUNCIL. ANYWAY I WONDER IF THE EXECUTIVE COMMITTEE MEMBERS CAN INDICATE WHETHER THEY ARE AWARE OF ANY MEETINGS BETWEEN THE SOCIETY OR THE PRESIDENT OF THE SOCIETY AND THE COMMISSIONER'S OFFICE. IT'S APPARENT THAT THE SOCIETY WAS QUITE PREPARED TO COME BEFORE COUNCIL AND PUT THE DETAILS BEFORE COUNCIL OF JUST EXACTLY WHAT THE WHOLE PROPOSAL ENTAILED.

IT DOES SEEM TO ME THAT THIS PROPOSAL IS CERTAINLY WORTHWHILE, IS WORTH CONSIDERATION. IF AT ALL POSSIBLE, I THINK WE SHOULD HAVE MEMBERS OF THE SOCIETY EXPLAIN TO COUNCIL JUST EXACTLY WHAT THEY ARE TRYING TO DO IN THE NORTHEAST PART OF THE TERRITORY. ANDY THOMPSON WAS INVOLVED AT THAT TIME.

MR. CHAMBERLIST: HE'S A PROFESSOR OF LAW AT THE UNIVERSITY OF BRITISH COLUMBIA.

MRS. WATSON: MR. CHAIRMAN, I'M NOT AWARE OF ANY REQUEST OR OF ANY VISIT MADE. NOW IT MAY HAVE BEEN, BUT I'M CERTAINLY NOT AWARE OF IT.

MR. STUTTER: WELL, MR. CHAIRMAN, I DON'T WANT TO PURSUE IT TOO MUCH HERE. I WILL MAKE SOME OTHER INFORMATION AVAILABLE TO COUNCIL AND I WILL PROBABLY COME FORWARD WITH A MOTION REQUESTING THAT SOMEBODY FROM THE SOCIETY DO COME AND MAKE REPRESENTATION TO COUNCIL AND MAKE ALL OF THE MEMBERS AWARE OF JUST EXACTLY WHAT THEIR AIMS ARE IN THAT AREA.

MR. MCKINNON: MR. CHAIRMAN, I WAS WONDERING WHETHER THE LETTER THAT WAS SENT WAS A DECISION OF THE EXECUTIVE COMMITTEE TO WHICH WE HEAR SO MUCH ABOUT THE INPUT THAT ALL MEMBERS HAVE TO THE COMMISSIONER NOW OR WAS THAT A DECISION OF THE COMMISSIONER HIMSELF TO SEND THAT LETTER.

MR. STUTTER: THIS WAS MORE OR LESS MY POINT, MR. CHAIRMAN. I WAS TRYING TO FIND OUT WHETHER SOMETHING HAD GONE WRONG, AND THAT THE PRESIDENT OF THE SOCIETY FOR SOME REASON DID NOT COME TO WHITEHORSE OR WHETHER OR NOT THEIR REQUESTS TO MEET WITH COUNCIL FELL AFoul OR JUST WHAT HAPPENED.

MRS. WATSON: MR. CHAIRMAN, I CAN ENDEAVOUR TO DO SOME RESEARCH TO SEE WHETHER THERE IS ANYTHING ON FILE.

MR. MCKINNON: YOU WEREN'T INVOLVED?

MRS. WATSON: AS FAR AS I CAN RECALL - I DON'T RECALL NOW. WE RECEIVE MASSES AND MASSES OF THINGS BUT I WOULD CERTAINLY BE PREPARED TO DO THE RESEARCH.

MR. STUTTER: WELL I WOULD BE PREPARED TO GIVE ANY OF THIS INFORMATION TO ANY OF THE MEMBERS. I HAVE AN EXTENSIVE FILE ON THIS.

Mr. Chamberlist: Well you should have. You are a member of the Arctic International Wildlife Range Program.

Mr. Stutter: I know I am.

Mr. McKinnon: Vested interest.

Mr. Chamberlist: Sure.

Mr. Chairman: Will there be anything further in this matter? The next item then is Sessional Paper No. 13, respecting medicare changes.

Mr. Chamberlist: Mr. Chairman, I intend to bring forward sometime next week a Private Member's Bill which will bring into effect the interest that is being accrued on funds that are in the - that are paid into the Government as a result of the medicare program so that further benefits can accrue to the people of the Yukon as a result of those additional funds.

Mr. Tanner: Mr. Chairman, that will be quite interesting, but I imagine it is going to be ruled out of order if it's a money bill.

Mr. Chamberlist: It's not a money bill, Mr. Chairman. It will not be a money bill. It will simply amend the existing bill, and will have a similar clause that exists in other legislation dealing with interest in specific funds.

Mr. Tanner: Well I wish the Honourable Member good luck. Does he want to discuss this paper now or are you suggesting we should wait until then.

Mr. Chamberlist: No way. No way.

Mr. Chairman: The next item then - is this paper cleared?

Some Honourable Members: No. It will be discussed.

Mr. Chairman: Okay, it will be discussed. Now the next one is 14, Legal Aid. Sessional Paper No. 14, Legal Aid.

Mr. Chamberlist: Mr. Chairman, I would like to hear the Government's thoughts on

Sessional Paper 14 as I would like to hear one of the Executive Committee Members give some indication as to what the Government's feeling is with reference to legal aid and the concept of legal aid.

Mr. Tanner: Mr. Chairman, I am not speaking as a Government Member, but I would draw the Member's attention to page 3 at the end. This is virtually the same paper that was presented to Council a year ago in which Council's opinion was solicited, and it wasn't forthcoming. Really, basically what the Government is doing is we want to hear some expressions of opinion from the Council as a whole. If you want to hear my personal opinion, I think we should bring legal aid in in civil cases.

Mr. McKinnon: Agreed. I do too. No use talking.

Mr. Chamberlist: Well exactly. But I thought, Mr. Chairman, it's of such vast importance that there be a much greater discussion coming from some members as to what really is required for the people of the Yukon in this particular area. So I suppose I will have to start off on this.

Mrs. Watson: Mr. Chairman, I don't mind at all. I think the Honourable Member is implying to myself. That's just fine. I don't mind expressing my opinion. The Honourable Member knows full well that this is the third time legal aid has been brought before Council. He knows full well every time Council has asked for a decision on it. He also knows, I imagine this is what he is implying, that I am not in favour of civil legal aid. I think that we have - - -

Mr. Chamberlist: That's what we want to get recorded.

Mrs. Watson: That's fine. That's just fine. I don't mind stating my opinion. I think that we have had many, many social programs in the past. As the Honourable Member from Whitehorse West, I think it is, so often says I think the taxpayer is getting fed up in funding these - continually funding more and more social programs, and where the state is assuming more and more of the responsibilities.

Mr. McKinnon: To protect ourselves against

THE STATE NOW.

MR. CHAMBERLIST: THAT'S WHAT WE NEED CIVIL LEGAL AID FOR.

MRS. WATSON: IT WOULD BE VERY VERY NICE FOR A CHANGE TO TAKE HOME PAY REASONABLY - BE THE SAME AS WHAT YOUR EARNINGS ARE, JUST REASONABLY THE SAME. WITH CIVIL LEGAL AID THERE WOULD HAVE TO BE SOME TYPE OF FORM OF REVENUE FOR THIS. I DON'T KNOW WHAT IT WOULD BE. IT IS A COST-SHARED PROGRAM WITH THE FEDERAL GOVERNMENT, BUT IT'S OPEN-ENDED. WE DON'T KNOW WHAT THE COSTS ARE THAT ARE INVOLVED IN THIS. WE WOULD HAVE TO PAY 50% OF THE COST. PERSONALLY, I'M JUST VERY VERY MUCH AFRAID OF IT. PEOPLE WHO WOULD BE ABLE TO USE CIVIL LEGAL AID WOULD HAVE TO HAVE A MEANS ALMOST - HAVE TO UNDERGO A MEANS TEST TO SEE WHETHER THEY WOULD NEED TO HAVE FREE LEGAL AID. I THINK, MY OWN PERSONAL FEELING IS THAT THE AVERAGE PERSON CAN'T AFFORD LEGAL AID. YOU KNOW, THE AVERAGE WAGE EARNER IN THE \$10,000.00 - \$12,000.00 RANGE. IF THEY HAVE TO HAVE LEGAL AID, THEY CAN'T AFFORD IT. BUT THEY WOULD NOT QUALIFY FOR THE TYPE OF ASSISTANCE UNDER THIS PROGRAM. THIS IS MY VIEW ON IT.

MR. CHAMBERLIST: MR. CHAIRMAN, THE FUNCTION OF LEGAL AID IS NOT TO PROVIDE AN ADDITIONAL AREA WHERE PEOPLE TAKE ADVANTAGE OF A SOCIAL SERVICE. LEGAL AID IS TO ASSIST PEOPLE SO THAT THEY DON'T BECOME A CHARGE ON GOVERNMENT. LEGAL AID SHOULD BE GRANTED NOT ONLY BECAUSE PEOPLE, AND I'M TALKING IN CIVIL MATTERS AT THIS TIME BECAUSE I WILL TALK ABOUT CRIMINAL MATTERS IN A MOMENT, NOT BECAUSE THEY SHOULD BE PLACED IN A POSITION WHICH IS EVEN WORSE THAN THE POSITION OF A PERSON WHO IS CHARGED CRIMINALLY AND CAN GET LEGAL AID. CONSEQUENTLY, YOU FIND THAT LAW ABIDING CITIZENS WITHIN THE CRIMINAL FIELD, PEOPLE THAT DON'T DISOBEY THE LAW, DON'T BREAK THE LAW AND DON'T BECOME CRIMINALLY INVOLVED WITH THE LAW, ARE PLACED AT A FAR GREATER DISADVANTAGE THAN THE PERSON CHARGED WITH A CRIMINAL OFFENCE.

THE PERSON CHARGED WITH A CRIMINAL OFFENCE IS GIVEN LEGAL AID. PROVISION IS MADE FOR HIM NOW TO HAVE HIS PROBLEM RE A CRIMINAL CHARGE DISCUSSED WITH A LAWYER. THE COURT ORDERS SOMEBODY TO DEAL WITH A LAWYER. NOW THE PERSON THAT NEEDS LEVAL ADVICE SHOULD GET THAT LEGAL ADVICE EVEN IF HE CAN'T AFFORD IT.

OTHERWISE THERE COMES A LAW FOR THE RICH AND A LAW FOR THE POOR.

MR. CHAIRMAN: THERE IS ANYWAY.

MR. CHAMBERLIST: THE PERSON THAT CAN AFFORD TO GO TO A LAWYER, HE CAN GET THAT LEGAL ADVICE BEFORE HE ENTERS INTO A LEGAL BATTLE IN THE COURT WHICH MIGHT BE COSTLY TO HIM. IT ONLY COSTS HIM SOME MONEY, BUT THERE IS NO PROVISION AT ALL FOR A PERSON TO GET HELP TO EVEN DISCUSS WITH A LAWYER WHETHER OR NOT THIS CASE IS SOUND AND WHETHER OR NOT HE SHOULD TAKE THE CASE BEFORE THE COURT, AND WHETHER OR NOT HE CAN TAKE THE CASE BEFORE THE COURT BECAUSE HE CAN OR CANNOT AFFORD TO BUY IT. NOW THIS MIGHT APPLY TO A LITIGANT WHETHER HE IS A DEFENDANT OR PLAINTIFF. IT MIGHT BE THAT A PERSON HAS HAD A CIVIL SUIT FILED AGAINST HIM, AND HE DOESN'T KNOW WHAT TO DO WITH IT BECAUSE HE HASN'T GOT THE FUNDS TO GO AND DEAL WITH A LAWYER. A LAWYER ONLY HAS TIME TO SELL. SOME LAWYERS MIGHT TAKE THE CASE ON THE BASIS THOUGH IF YOU WILL THEN I WILL GET PAID. BUT WHAT ABOUT THE PERSON WHO WANTS TO SUE SOMEBODY BECAUSE SOMETHING HAS BEEN TAKEN AWAY FROM HIM, WHETHER IT'S BEEN TAKEN AWAY LEGALLY OR IMPROPERLY OR ILLEGALLY OR PROPERLY. THERE ARE MANY WAYS. THERE IS A MORAL ASPECT ATTACHED TO IT. HE CAN'T GO BEFORE A COURT. HE MAY WANT TO SUE THE GOVERNMENT OF THE YUKON TERRITORY, THE COMMISSIONER. HE CAN'T GO BEFORE THE COURTS BECAUSE HE HASN'T GOT THE MONEY TO GET A LAWYER. PERHAPS HE'S NOT ABLE TO CARRY THE CASE HIMSELF. SO WHAT HAPPENS. HE'S DEPRIVED OF NATURAL JUSTICE BECAUSE HE HASN'T GOT THE POCKETBOOK. AND THAT'S MORALLY WRONG.

PUBLIC SYMPATHY IS ALWAYS EXTENDED TO A PERSON WHO IS CHARGED WITH A CRIME. ESPECIALLY IF ITS A SERIOUS CRIME AND HE HASN'T GOT A LAWYER TO DEFEND HIM. PEOPLE WILL SAY, "OH, THATS WRONG. HE'S GOT TO HAVE A LAWYER TO DEFEND HIM." AND QUITE PROPERLY SO. HE MAY NOT HAVE THE AVAILABILITY OF FINANCE TO GET HIMSELF PROPER COUNCIL FOR HIS DEFENCE. HE MIGHT HAVE TO GET COUNCIL THAT IS QUALIFIED IN THAT PARTICULAR AREA OF CRIME WITH WHICH HE HAS BEEN CHARGED WITH.

AS I SAID, THERE ARE HUNDREDS OF PEOPLE THAT HAVE BEEN SUED AND THEY SIMPLY HAVEN'T HAD THE FUNDS TO DEFEND THEMSELVES AND JUDGEMENT AS A RESULT OF THEM DEFENDING THEMSELVES HAS BEEN REGISTERED AGAINST THEM. MANY OF THESE

PEOPLE HAVE LOST THEIR HOMES AND THEIR CARS BECAUSE A FACT ONCE JUDGEMENT IS IN DEFAULT HAS BEEN FILED IN THE COURT THEN THE PROCESS OF LAW IS THE SHERIFF STEPS IN, MAKES A SEIZURE. HE SELLS THEIR HOME, HE SELLS THEIR BELONGINGS SUBJECT TO THE FEW MINOR THINGS A SHERIFF CANNOT SEIZE IN ACCORDANCE WITH LEGISLATION, BUT HE IS OUT IN THE COLD SIMPLY BECAUSE HE DIDN'T HAVE THE MONEY TO SEE A LAWYER, HE DIDN'T HAVE THE MONEY TO GET ADVICE WHAT TO DO. IT MAY BE, AS IN MANY INSTANCES, THAT THE CLAIM AND THE WRIT THAT IS ISSUED AGAINST HIM IS TECHNICALLY NO GOOD IN ANY EVENT.

WHAT HAS HAPPENED IS THAT PEOPLE HAVE BEEN SUED, AND IT HAPPENS OFTEN, AND THE DAMAGE HAS BEEN DONE TO THEMSELVES, THEIR HOME, THEIR FAMILIES. THEY HAVE BEEN GARNISHED, THEIR PAY HAS BEEN TAKEN FROM THEM BECAUSE THERE HAD BEEN JUDGEMENT IN DEFAULT. ALL BECAUSE THEY HAVEN'T HAD THE MONEY TO GET PROPER LEGAL ADVICE AND HAVE A PROPER DEFENSE FOR THE ACTION THAT HAS BEEN AGAINST THEM.

LET ME TELL YOU THIS. I HAVE NOTICED THAT THIS TYPE OF THING IS MORE PRONOUNCED IN THE YUKON THAN IN ANY OTHER JURISDICTION BECAUSE IN OTHER JURISDICTIONS THE ABILITY TO GO TO A POLITICAL HEAD OF GOVERNMENT AND COMPLAIN ABOUT THE SITUATION AND THEN HAVE A DEPARTMENT LOOK INTO IT AND GET SOME ASSISTANCE THROUGH THE VARIOUS LAWYERS THAT SET THEMSELVES IN A MANNER TO GIVE ASSISTANCE TO THESE PEOPLE, IS NOT EVEN AVAILABLE IN CIVIL MATTERS IN THE YUKON.

IN DISCUSSING WITH MANY AREAS, THE AREAS OF CANADA, THE DAMAGE THAT THE LACK OF LEGAL AID IN CIVIL MATTERS HAS DONE TO PEOPLE. I WAS IMPRESSED WITH VARIOUS DETRIMENTAL EFFECTS TO PEOPLE WHO ARE UNABLE TO GET LEGAL ADVICE BECAUSE OF FUNDS. NEVER MIND ABOUT ACTUALLY GOING INTO COURT. THERE WERE AREAS SHOWN UP WHERE, IF A PERSON WAS ABLE TO GET JUST LEGAL ADVICE; PERHAPS GET IN TOUCH WITH THE LAWYER WHO HAD ISSUED A WRIT AND SAID, "LOOK JOE THAT WRIT YOU HAVE ISSUED IS NO GOOD BECAUSE-" BETWEEN THE LAWYERS THIS COULD BE CORRECTED.

ALL THAT HAS BEEN DONE AT THAT STAGE IS JUST ADVICE HAS BEEN LOOKED FOR, ADVICE HAS BEEN GIVEN, AND SOMEBODY HAS BEEN ASSISTED. BUT HERE THERE IS NOTHING LIKE THAT. CONSEQUENTLY WE FIND THAT PEOPLE HERE IN THE YUKON HAVE GOT A FEAR OF ANY PIECE OF PAPER THAT IS SERVED ON THEM ISSUED FROM OUT OF ANY OF THE COURTS.

I KNOW AS WELL THAT THERE HAVE BEEN CONFLICTS IN WHICH LAWYERS HAVE BEEN INVOLVED IN VARIOUS DISTRICTS AND JURISDICTIONS WHERE LAWYERS THEMSELVES WERE CONCERNED. VERY EASILY ONE CAN SEE WHERE A PERSON MIGHT DECIDE TO GO AND DISCUSS WITH A LAWYER, A PROBLEM THAT HE HAS. HE WANTS TO SUE A LARGE COMPANY FOR SOMETHING THAT HAS BEEN DONE BUT HE HASN'T GOT THE FUNDS TO DO IT. HIS FIRST STEP, HE FEELS, HE HAS GOT ENOUGH MONEY TO GO AND PAY FOR THE ADVICE OF A LAWYER. HE HAS GOT SUFFICIENT TO DO THAT. SO HE GOES TO A LAWYER AND A LAWYER LISTENS TO HIM FOR ABOUT A HALF HOUR, GETS THE WHOLE STORY, AND THEN SAYS TO HIM AFTER HE'S GOT THE STORY, "I'M SORRY. IN ANY EVENT I CAN'T ACT FOR YOU BECAUSE I REPRESENT THE COMPANY THAT YOU WANT TO SUE." INSTEAD OF THE LAWYER SAYING FIRST, "WHAT COMPANY IS IT THAT YOU ARE COMPLAINING ABOUT?" AND THEN SHOULD SAY AHEAD OF TIME, "I'M SORRY I CAN'T HELP YOU BECAUSE I ACT FOR THE OTHER SIDE."

THIS AGAIN, IS WHERE LEGAL AID FOR CIVIL ACTIONS IS REQUIRED. I THINK THAT THE ORDINARY LAYMAN THAT SEEKS ADVICE SHOULDN'T BE PENALIZED IN A MANNER WHERE LACK OF FUNDS FOR THE ADVICE IS NOT AVAILABLE TO HIM. I KNOW OF INSTANCES, MR. CHAIRMAN, RIGHT IN THE YUKON I KNOW OF ONE PARTICULAR CASE OF ABOUT FIVE YEARS AGO. WHERE A MAN HAD MARRIED A WIDOW WITH TWO CHILDREN, HE HAD A COUPLE OF CHILDREN ON HIS OWN, WANTED TO GET THE CHILDREN ADOPTED; WENT TO THREE LAW FIRMS. ONE ASKED HIM FOR \$350.00, ONE ASKED HIM FOR \$325.00, AND ANOTHER ONE ASKED HIM FOR \$325.00. ALL THESE AMOUNTS OF MONEY WAS OUTSIDE HIS EARNING CAPACITY. HE COULDN'T SAVE ENOUGH MONEY EVEN TO MEET THAT COMMITMENT OVER SIX OR SEVEN MONTHS. HE COULDN'T AFFORD TO HAVE THAT DONE.

WHEN IT WAS BROUGHT TO ME I DID THE NECESSARY FORM WORK AND GOT THE ADOPTION WORK DONE AND IT ONLY TOOK A MATTER OF \$21.25 IN FORM WORK THAT THEY PAID INTO THE COURT FOR THE DOCUMENTATION.

I AM NOT SUGGESTING THAT LAWYERS SHOULDN'T EARN FOR THEIR TIME, I REPEAT THEY ONLY HAVE TIME TO SELL. BUT HERE WAS A CASE OF A FAMILY, BECAUSE THEY COULDN'T GET HOLD OF LEGAL ADVICE MIGHT HAVE BEEN IN THE POSITION WHERE THE CLOSENESS OF A FAMILY LIFE COULD HAVE BEEN AFFECTED.

THERE ARE MANY INSTANCES LIKE THAT WHERE THE NEED FOR LEGAL AID SHOULD BE GIVEN. GENERALLY

I WOULD SAY THIS IN DEALING WITH CIVIL AREAS, WE SHOULD HAVE THREE REASONS WHY CIVIL AID SHOULD BE GIVEN. FIRSTLY, THEY SHOULD BE GIVEN TO PEOPLE WHO ARE UNABLE TO AFFORD THE COST OF GETTING ADVICE. IF ON THE BASIS OF THE ADVICE RECEIVED THAT THERE IS A NECESSITY FOR LEGAL ACTION THROUGH THE COURTS LEGAL AID SHOULD BE GIVEN THEN. THERE CAN ALWAYS BE A PROVISION THAT SHOULD THE APPLICANT BE SUCCESSFUL IN HIS LEGAL AID CASE THAT PROVISION FOR THE PAYMENT OUT OF THE COSTS AWARDED SHOULD BE A PAYMENT BACK TO THE LEGAL AID COMMITTEE THAT GRANTED THE ASSISTANCE IN THE FIRST PLACE.

I HAVE INDICATED, MR. CHAIRMAN, IN A REPORT THAT ALL MEMBERS HAVE A COPY OF, THAT THE COST TO THE YUKON OF HAVING A LEGAL AID COMMITTEE WOULD BE VERY HEAVY. SO I HAVE SUGGESTED THAT BECAUSE OF THE NECESSITY AS WELL TO HAVE AN OVERSEER, AN INVESTIGATOR, INTO MISMANAGEMENT OF GOVERNMENT AFFAIRS AS THEY AFFECT THE INDIVIDUAL CITIZEN, WHETHER THE GOVERNMENT AFFAIRS IS BY TERRITORIAL OR MUNICIPAL, OR IN FACT ANY BOARDS SET UP UNDER THE JURISDICTION OF THESE GOVERNMENTS, AND IF THERE IS ADMINISTRATIVE ABUSE DELIBERATELY OR BY ACCIDENT THAT THERE SHOULD BE SOMEBODY WHO SHOULD BE ABLE TO EXAMINE ON BEHALF OF A COMPLAINING CITIZEN WHETHER OR NOT THE GOVERNMENT OR THE BOARD HAS ACTED IN A PROPER MANNER. I HAVE SUGGESTED THAT WE HAVE FOR THIS PURPOSE AN OMBUDSMAN APPOINTED.

I THINK MEMBERS OF THIS COUNCIL KNOW FULL WELL IN MANY AREAS AN OMBUDSMAN HAS BEEN SHOWN UP TO BE ONE OF THE GREATEST NEEDS OF THIS TERRITORY. IT HAS SHOWN UP IN MUNICIPAL GOVERNMENT, IT HAS SHOWN UP IN TERRITORIAL GOVERNMENT, IT HAS CERTAINLY BE SHOWN UP IN VARIOUS BOARDS AND COMMITTEES AND THE ACTIONS THAT HAVE BEEN TAKEN AS A RESULT OF THOSE COMMITTEES AND THOSE GROUPS. I SAY THAT WE CANNOT AFFORD TO HAVE AN OMBUDSMAN ON HIS OWN AND A LEGAL COMMITTEE ON ITS OWN.

I HAVE SUGGESTED THAT WE HAVE AN OMBUDSMAN WHO WOULD BE A LEGAL AID COMMITTEE OF ONE, WHO WOULD BE ABLE TO EXAMINE THE COMPLAINT THAT HAS BEEN MADE TO HIM AND IF NECESSARY HAVE THE PERSON GO SEE A LAWYER AT THE REQUEST OF THE OMBUDSMAN WHO WILL HAVE ALL THE LAWYERS IN THE YUKON WHO ARE CAPABLE OF FULFILLING THE FUNCTION OF GIVING ADVICE. ONCE HE HAS FOUND OUT WHETHER OR NOT THOSE LAWYERS ARE ACTING IN A CAPACITY FOR THE OTHER SIDE TO DEAL WITH THOSE SPECIFIC MATTERS.

I THINK THAT CITIZENS ALSO REQUIRE BEFORE CRIMINAL CHARGES ARE LAID AGAINST THEM, OR BEFORE CIVIL ACTIONS ARE LAID AGAINST THEM, ADVICE. MAYBE THAT A PERSON IS CHARGED WITH AN OFFENCE. IT MAY BE THAT THAT PERSON DOESN'T KNOW WHETHER HE IS GUILTY OF AN OFFENCE OR DOESN'T KNOW WHETHER HE SHOULD PLEAD GUILTY TO THE OFFENCE. HE DOESN'T KNOW WHETHER WHAT HE HAS DONE IS NOT A GUILTY OFFENCE IN THE SENSE OF THE WORD THAT THE HE KNEW THAT HE HAD COMMITTED AN OFFENCE. IF HE WAS ABLE TO GO TO A LAWYER AND DISCUSS IT WITH HIM AHEAD OF TIME IT WOULD SAVE THE GOVERNMENT TIME AND MONEY IN THE COURTS. IT MAY SAVE THE GOVERNMENT MUCH MONEY BY MAKING THE PERSON A WELFARE CASE. IN CIVIL ACTIONS, CERTAINLY, IT WOULD SAVE A LOT OF MONEY AND A LOT OF HEARTACHE FOR THE PEOPLE WHO GET INVOLVED.

QUITE OFTEN, MR. CHAIRMAN, THE POLICE SUGGEST TO A PERSON THAT HE IS GOING TO BE CHARGED WITH A CRIMINAL ACTION BUT THEY DON'T MAKE THE CHARGE. I THINK THAT A PERSON SHOULD BE PLACED IN THE POSITION OF OBTAINING ADVICE FROM A LAWYER AND SAYING IT HAS BEEN INTIMATED TO ME THAT I AM GOING TO BE CHARGED WITH A CRIMINAL OFFENCE. WHAT IS MY POSITION? IF HE IS UNABLE TO PAY FOR THE ADVICE A LAWYER SHOULD GIVE HIM ENOUGH RESPECT THAT THIS SHOULD BE A MATTER OF THE STATE'S RESPONSIBILITY TO MAKE SURE THAT NO PERSON CAN BE PLACED IN JEOPARDY SIMPLY BECAUSE HE HASN'T GOT THE FUNDS TO GET LEGAL ADVICE.

WE HAVE A PROBLEM HERE. WE FIND FROM TIME TO TIME OUR LEGAL ADVISOR IS FORCED TO GIVE ADVICE TO PEOPLE WHO GO TO HIM. THEY GO TO HIM BECAUSE THEY CAN'T AFFORD TO GO TO A LAWYER AND THEN HE GETS HIMSELF INTO TROUBLE WITH THE ADMINISTRATION WHO TELL HIM THAT HE IS NOT TO GIVE ADVICE TO ANYBODY ELSE BUT MEMBERS OF THE EXECUTIVE COMMITTEE OR THE TERRITORIAL COUNCIL OR MEMBERS OF THE GOVERNMENT.

QUITE FRANKLY, I DON'T THINK IT IS IN THE INTEREST OF THE GOVERNMENT OR PUBLIC AT LARGE IF A LAWYER EMPLOYED BY THE GOVERNMENT GIVES LEGAL ADVICE IN MATTERS NOT OF A GOVERNMENT NATURE. THE CIRCUMSTANCES SURROUNDING THE GIVING OF THE ADVICE MIGHT BRING INTO QUESTION THE PROPRIETY OF THE ADVICE GIVEN. THE COURT MAY QUESTION MATTERS THAT MIGHT HAVE BEEN DISCUSSED IN A CONFIDENTIAL MANNER WITH A GOVERNMENT OFFICER.

IN THE YUKON IT IS A SAD SITUATION INDEED, MR. CHAIRMAN, WHEN PEOPLE CAN'T SEEK ADVICE BECAUSE THEY CAN'T AFFORD IT. THERE IS A RELUCTANCE, MR. CHAIRMAN, FOR PEOPLE TO GO TO LAWYERS BECAUSE OF THE FACT THAT THEY CAN'T AFFORD IT. ANOTHER POINT WE MUST CONSIDER THAT THE LOADS ON OUR COURTS ARE INCREASING AND THEY ARE INCREASING BECAUSE MANY OF THE MATTERS THAT COME BEFORE THE COURT COULD BE DEALT WITH PRIOR TO GETTING INTO COURT. WHERE LAWYERS CAN ANSWER THE QUESTIONS AND HAVE THE MATTERS DEALT WITH OUT OF THE COURT. IN MATTERS OF CIVIL LITIGATION MANY HEARINGS OF OUR COURT COULD BE SUSPENDED OR SETTLED IN AN AMICABLE MANNER LONG BEFORE THEY EVER GET TO COURT BY THE OPPOSING FACTION.

MR. CHAIRMAN, I WOULD RATHER STOP AT THIS STAGE AND SEE WHETHER OTHER MEMBERS OF COUNCIL CAN INDICATE IN SOME WAY WHETHER THEY HAVE APPROVAL OF THE GENERAL CONCEPT THAT I AM SUGGESTING. THAT THERE BE AN OMBUDSMAN AND THAT THERE BE A LEGAL AID COMMITTEE OF ONE. AND THAT THE OMBUDSMAN AND LEGAL AID COMMITTEE OF ONE BE THE SAME OFFICER BECAUSE OF THE COST FACTOR INVOLVED IN CREATING THESE THINGS. PERHAPS WE CAN HAVE A DISCUSSION ON THIS MAIN POINT BEFORE I GO ON WITH MY GENERAL SYNOPSIS OF WHAT THE LEGAL AID PROGRAM SHOULD BE.

MR. MCKINNON: MR. CHAIRMAN, I CAN ONLY SAY THAT I AM IN FULL ACCORD WITH THE HONOURABLE MEMBER OF WHITEHORSE EAST. OF COURSE, THIS IS ONE AREA WHERE HE TRULY IS THE DEAN OF THIS LEGISLATIVE COUNCIL BECAUSE I DON'T THINK THAT EVERY MEMBER OF THE COUNCIL, PERHAPS ALL THE MEMBERS WITH THEIR KNOWLEDGE COMBINED OF THE COURTROOM AND THE SYSTEM OF JUSTICE IN THE YUKON, COULD HAVE MATCHED THE HONOURABLE MEMBER.

I KNOW OF TOO MANY INSTANCES WHERE IN BOTH THE AREA WHERE AN OMBUDSMAN WOULD ACT AND THE FIELD WHERE GOVERNMENT AGENCIES HAVE WRONGED HIM AND ALSO IN THE FIELD OF CIVIL LEGAL AFFAIRS WHERE FAMILIES AND PEOPLE HAVE JUST REACHED ALL THE HARDSHIPS THAT THE HONOURABLE MEMBER HAS STATED BECAUSE OF NOT HAVING THE ABILITY TO SEEK LEGAL ADVICE.

I WOULD ACCEPT THAT THIS IS THE DIRECTION IN WHICH WE SHOULD INITIATE AGAIN SOME FORM OF LEGAL AID. I WOULD HATE TO SEE A PROGRAM WHERE THE PROTECTION AGAINST BUREAUCRACY WASN'T THERE AND ANOTHER PROGRAM WHERE THE PROTECTION AGAINST LOSING ALL YOU HAVE BECAUSE

OF YOUR INABILITY TO SEEK LEGAL ADVICE IN CIVIL AREAS. I THINK THAT BOTH OF THEM HAVE TO BE PROTECTED TO PROTECT ONE AND NOT THE OTHER I DON'T THINK THAT WE WOULD REALLY BE DOING THE PUBLIC ALL THAT MUCH GOOD.

AND I THINK THAT THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SAID THAT SHE WOULD LIKE TO SEE SOME MONIES SAVED, AN AREA WHERE GOVERNMENT DIDN'T GET INVOLVED. THE WHOLE POINT OF THE ARGUMENT THAT I'VE BEEN TRYING TO MAKE FOR YEARS AND YEARS AT THIS TABLE, IS IF YOU DIDN'T HAVE THE HUGE VOLUME OF REGULATIONS, THE MASSIVE LAWS ON THE BOOKS WHICH WE DON'T NEED, ALL OF THE REGULATIONS AND ALL OF THE LAWS. I HAVE SPOKEN LOUD AND HARD AGAINST MANY OF THE LAWS THAT HAVE BEEN BROUGHT IN DURING THE LAST TEN YEARS IN THE YUKON. THE REGULATIONS THAT HAVE BEEN BROUGHT IN. WE WOULDN'T REALLY NEED TO SPEND THE MONEY ON THE PROTECTION OF THE PUBLIC IN AN EVER-INCREASING MASS OF REGULATIONS AND LEGISLATIONS THAT THE MIDDLE INCOME WORKER CAN'T COPE WITH.

IT'S AS SIMPLE AS THAT. THE GOVERNMENT HAS BECOME SO HEAVY. THERE IS SUCH A PROPENSITY OF RULES AND REGULATIONS THAT EVEN PEOPLE IN THE MANAGERIAL AREA OF BUSINESS CAN NO LONGER COPE WITH ALL THE SCHEMES AND ALL THE REGULATIONS AND ALL THE LAWS OF GOVERNMENT.

THERE IS NO POSSIBLE WAY THAT THE MIDDLE INCOME WORKER WITH EVERYTHING ELSE ON HIS MIND CAN HOPE TO COPE WITH ALL THE RULES, LAWS AND REGULATIONS AND BOARDS. AND IF THERE HADN'T BEEN SUCH A PRELIFERATION OF LEGISLATION AND OF BOARDS AND OF BUREAUCRATS AND OF REGULATIONS, THEN WE WOULDN'T NEED THE KIND OF LEGISLATION THAT WE ARE DISCUSSING NOW.

IT SEEMS THAT WE ARE GETTING FURTHER AND FURTHER AWAY FROM TRYING TO EASE THE BURDEN OF LEGISLATION AND OF REGULATIONS AND OF BOARDS. BUT WE ARE EVER-INCREASING THE NUMBERS IN ALL OF THESE AREAS. I SEE NO POSSIBLE WAY THAT IT CAN BE COPE WITH EXCEPT BY ACCEPTING THE SUGGESTION WHICH THE HONOURABLE MEMBER FROM WHITEHORSE EAST IS PUTTING BEFORE THIS TABLE.

I STATED PRIOR TO THE ADVENT OF THE YUKON HEALTH CARE INSURANCE PLAN AND I TRULY BELIEVE IT AND MORE STRONGLY TODAY OF THE SYSTEM OF LEGAL AID. THE SYSTEM OF OMBUDSMEN WAS MORE IMPORTANT TO THE PEOPLE OF THE YUKON TERRITORY. THERE HAD BEEN MORE SUFFERING UNDER GOVERNMENT MISMANAGEMENT AND UNDER THE LACK OF MONIES TO

SEEK LEGAL ADVICE THAN THERE WERE IN THE MEDICAL TREATMENT OF PEOPLE IN THE YUKON TERRITORY.

I AM STILL OF THAT OPINION. I THINK IT IS A NECESSARY PROGRAM AND IT IS AN ESSENTIAL PROGRAM AND ONE THAT THE GOVERNMENT OF THE YUKON TERRITORY HAS JUST GOING TO HAVE TO PUT IN THE STATUTE BOOKS OF THE YUKON.

MR. CHAIRMAN: WHAT IS YOUR PLEASURE?

MR. CHAMBERLIST: CAN I CONTINUE? IN SHORT, I WOULD LIKE TO HAVE OTHER MEMBERS EXPRESS MORE VIEWS.

MR. TANNER: MR. CHAIRMAN I THINK WE AGREED THIS MORNING THAT WE SHOULDN'T CLOSE UP THIS DEBATE AND THAT WE SHOULD CARRY THE SESSIONAL PAPER ON TO SOME DAY NEXT WEEK. I PERSONALLY THINK WE SHOULD HAVE WITNESSES FROM THE LEGAL PROFESSION. I THINK THEY HAVE SOME POINTS THEY WANT TO MAKE AND I THINK ALL MEMBERS OF THE HOUSE SHOULD HEAR THEM.

MR. MCKINNON: MR. CHAIRMAN, I AGREE THAT WE HAVE LET THIS SLIP AWAY IN PAST YEARS. LET'S COME TO A CONCLUSION AT THIS SESSION OF COUNCIL. LET'S KEEP IT ALIVE, LET'S BRING THE WITNESSES IN. LET'S HAVE THE VIEWPOINTS AND LET'S DECIDE IN OPEN VOTE FINALLY WHETHER WE ARE GOING TO ACCEPT THE PRINCIPLES OF LEGAL AID IN THE YUKON TERRITORY OR NOT AT THIS TIME.

MR. CHAIRMAN: WITH COMMITTEE, POSSIBLY WE COULD RESOLVE IT THIS WAY. WOULD COMMITTEE AGREE IF I WAS TO UNDERTAKE TO, THROUGH MADAM CLERK TO CONTACT THE LAW SOCIETY AND FIND OUT WHO WOULD BE AVAILABLE POSSIBLY FOR DISCUSSION ON MONDAY, WHEN WE NEXT SIT, FOLLOWING ORDERS OF THE DAY.

MR. TANNER: MR. CHAIRMAN, I WOULD SUGGEST THAT WOULD BE A GOOD IDEA. I THINK IF YOU DIRECT YOUR INQUIRIES THROUGH MR. PITZEL WHO IS THE PRESIDENT OF THE LAW SOCIETY,

MR. CHAIRMAN: WOULD THIS BE AGREEABLE TO COMMITTEE?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: WHAT IS YOUR FURTHER PLEASURE?

MR. CHAMBERLIST: PERHAPS THEN IF WE HAVE A FEW MINUTES, PERHAPS I CAN CONTINUE FOR A FEW MINUTES LONGER. BEFORE TRIAL, FOR INSTANCE

IN CRIMINAL MATTERS, I BELIEVE THAT THERE SHOULD BE PRE-TRIAL CONFERENCES BETWEEN THE PERSON WHO IS ACCUSED AND THE LAWYER. QUITE OFTEN, IN OUR COURTS, THERE HAS BEEN INADVERTANT MISCARRIAGE OF JUSTICE BECAUSE THERE HAS BEEN NO PRE-TRIAL CONFERENCE OR DISCUSSIONS OR ADVICE GIVEN TO A PERSON THAT HAS BEEN GRANTED AID BY THE MAGISTRATE. WHAT OFTEN HAPPENS IS THAT THE MAGISTRATE SUGGESTS THAT SOMEBODY ACT FOR A PARTICULAR ACCUSED PERSON AND THE ACCUSED PERSON DOESN'T EVEN HAVE THE LAWYER SPEAK TO HIM UNTIL JUST A FEW MINUTES BEFORE HE GETS UP TO FACE THE MAGISTRATE. THERE ISN'T A REAL CLIENT-LAWYER RELATIONSHIP EXISTING.

THIS IS ONE OF THE WEAKNESSES OF WHAT WE HAVE AS CRIMINAL LEGAL AID AT THIS PARTICULAR TIME. I BELIEVE THIS IN ITSELF, IS AN UNSATISFACTORY SITUATION AND PLACES AN ACCUSED PERSON IN JEOPARDY, NOT ONLY BEFORE HE IS CHARGED WITH AN OFFENSE, BUT AFTER HE IS CHARGED BECAUSE HE HASN'T HAD TIME TO CONSULT WITH A LAWYER BECAUSE THE LAWYER IS JUST TAKING IT UPON HIMSELF AS A DUTY IMPOSED BY THE MAGISTRATE AND NOT GIVING THE FULL CLIENT-LAWYER RELATIONSHIP.

I THINK THE MINIMUM REQUIRED OF A LEGAL AID, A PERSON BEING CHARGED WITH A CRIMINAL OFFENSE OR PERSON SEEKING AS A PLAINTIFF OR DEFENDANT, A DEFENDANT IN A CIVIL ACTION. THE MINIMUM REQUIREMENT OF BEING ADVISED OF WHAT HIS RIGHTS ARE. WITHOUT THERE BEING ASSISTANCE TO THOSE PEOPLE WHO CAN'T AFFORD THIS, THERE IS A SITUATION DEVELOPED WHERE THERE IS A CLEAR AND DISTINCT DEPRIVATION OF THE NORMAL OR NATURAL JUSTICE TO ANY PARTICULAR PERSON.

I CONSIDER IT ESSENTIAL IN PROPOSING THIS TYPE OF SYSTEM OF LEGAL AID, THAT THERE BE CERTAIN EXCLUSIONS. I THINK THESE EXCLUSIONS SHOULD BE DEFINED IN ANY LEGISLATION WHERE WE'D BE ADOPTING A LEGAL AID PROGRAM. THE YUKON TERRITORIAL GOVERNMENT CAN HELP ADDITION RE BY A REMISSION OF ALL CROWN FEES AND CHARGES PAID IN PROCEEDINGS TAKEN UNDER A LEGAL AID PLAN. AFTERALL THE MONEY COMES BACK INTO THE TERRITORIAL GOVERNMENT, ITS TERRITORIAL GOVERNMENT MONEY AND IT SHOULD BE ALLOWED TO BE A TYPE OF A GRANT TO A PERSON WHO GOES BEFORE A COURT, SO THAT IN FACT, THEY ARE ABLE TO PROCESS AN ACTION WITHOUT HAVING TO PAY THE COURT FEES.

I KNOW OF ONE PARTICULAR ACTION THAT SOMEBODY FROM OLD CROW HAS BEEN TRYING TO GET BEFORE THE COURT BUT BECAUSE OF HIS INABILITY TO PUT

THE PAPERWORK INTO PROPER PERSPECTIVE, HE IS UNFORTUNATELY UNABLE TO GET IT BEFORE THE COURT BECAUSE THE COURT CAN'T DIRECT HIM IN THE MANNER IN WHICH HE DOES HIS PAPERWORK. MR. CHAIRMAN, AT THIS TIME AND I HOPE TO CONTINUE MONDAY, I BELIEVE THAT THE POSITION NOW WITH THIS THOUGHT TO MEMBERS OF COUNCIL FOR OVER THE WEEKEND, IS THAT CONSIDERATION MUST BE GIVEN, I SUBMIT, TO THE GENERAL PRINCIPLE THAT EVERY PERSON SHOULD HAVE A RIGHT TO SEEK REDRESS BEFORE OUR COURTS OR HAVE A RIGHT TO DEFEND HIMSELF AGAINST ANY ACTION TAKEN BY THE COURT OR ANOTHER PERSON. I WILL LEAVE IT REST AT AFTER THIS POINT MR. CHAIRMAN. THANK YOU.

MR. CHAIRMAN: WHAT IS YOUR FURTHER PLEASURE?

MR. CHAMBERLIST: MR. CHAIRMAN I WOULD MOVE THAT MR. SPEAKER DO NOW RESUME THE CHAIR.

MR. CHAIRMAN: IS THERE A SECONDER?

MR. STUTTER: YES.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR STUTTER THAT MR. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION? AGREED?

MOTION CARRIED

MR. SPEAKER: THE COUNCIL WILL NOW COME TO ORDER. MAY WE HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEE.

MR. TAYLOR: MR. SPEAKER, COMMITTEE CONVENED AT 10:30 A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. MOTION No. 14 WAS CARRIED IN COMMITTEE. MOTION No. 18 WAS AMENDED BY REMOVING ALL THE WORDS AFTER THE WORDS 'IT IS' AND SUBSTITUTING THE WORDS THEREFORE THE RECOMMENDATION OF THIS COUNCIL THAT THE ADMINISTRATION IMMEDIATELY ARRANGE FOR A CONSULTANT TO CARRY OUT THE NECESSARY FIELDWORK TO DETERMINE PATH AND SITE SUITABILITIES, STUDY AND VERIFY THE PRACTICALITY AND COST AND TO CO-ORDINATE WITH THE APPROPRIATE COMMUNITY ORGANIZATIONS, THE LICENCING REQUIREMENTS FOR THE PROVISION OF TELEVISION SERVICES TO THE COMMUNITIES OF CARMACKS, CARCROSS, DESTRUCTION BAY, HAINES JUNCTION AND TESLIN.

MR. TAYLOR READS MOTION No. 18, SECTION (2)

MR. TAYLOR: THE AMENDMENT WAS CARRIED AND MOTION No. 18 THEN CARRIED IN COMMITTEE. COMMITTEE RECESSED AT 12 NOON AND RECONVENED AT 2:05 P.M. MR. BILL MUELLER AND MR. LEN MARSH ATTENDED COMMITTEE TO DISCUSS SESSIONAL PAPER No. 18. MR. HOFFES ATTENDED COMMITTEE TO DISCUSS MATTERS RELATED TO THE GAME DEPARTMENT. IT WAS MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR STUTTER THAT MR. SPEAKER DO NOW RESUME THE CHAIR AND THIS MOTION CARRIED.

MR. SPEAKER: I HAVE HEARD THE REPORT OF CHAIRMAN OF COMMITTEES. ARE WE AGREED? MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER IN RESPECT OF THE AGENDA, I BELIEVE IT IS THE WISH OF YOUR COMMITTEE TO CONTINUE DISCUSSION ON SESSIONAL PAPERS ON MONDAY, MORE PARTICULARLY LEGAL AID. OTHERWISE IT WOULD BE BILLS, SESSIONAL PAPERS AND MOTIONS.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TANNER: MR. SPEAKER, I MOVE THAT WE CALL IT FIVE O'CLOCK.

MR. STUTTER: I SECOND THE MOTION MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT WE NOW CALL IT FIVE O'CLOCK. ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MOTION CARRIED

MR. SPEAKER: THIS COUNCIL NOW STANDS ADJOURNED UNTIL 10:00 A.M. MONDAY MORNING.



MONDAY, APRIL 29, 1974

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS MR. SPEAKER

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER.

MR. TANNER: MR. SPEAKER, I RISE ON A POINT OF PRIVILEGE. I LEARNED THIS MORNING OF THE UNTIMELY DEATH OF VICTOR OGISON, DIRECTOR OF CORRECTIONS. MR. OGISON HAS BEEN ASSOCIATED WITH THE DEPARTMENT OF CORRECTIONS SINCE JUNE OF 1966, FIRST IN THE CAPACITY OF DEPUTY SUPERINTENDENT, THEN AS THE CORRECTIONS INSTITUTE SUPERINTENDENT AND FROM NOVEMBER 1968 AS THE DIRECTOR OF CORRECTIONS.

WHILE MR. OGISON SERVED WITH THE DEPARTMENT OF CORRECTIONS HE WAS ACTIVE IN THE ESTABLISHMENT OF THE WHITEHORSE CORRECTIONS INSTITUTE, THE JUVENILE TRAINING HOME, THE UTILIZATION OF INMATE HELP ON THE RESTORATION OF THE CHILKOOT TRAIL, INITIATING LEADERSHIP AND TRAINING COURSES FOR INMATES. MR. OGISON HAS ALSO BEEN ACTIVE IN COMMUNITY AFFAIRS INCLUDING ROTARY, THE YUKON FAMILY COUNCIL, AND THE WHITEHORSE SOCCER LEAGUE.

A MEMORIAL SERVICE FOR MR. OGISON IS PLANNED FOR LATER THIS WEEK. I UNDERSTAND COUNCILLOR CHAMBERLIST WOULD LIKE TO ADDRESS COUNCIL ON THIS MATTER.

COUNCILLOR CHAMBERLIST ADDRESSED SOME REMARKS TO COUNCIL CONCERNING MR. VICTOR OGISON.

MR. SPEAKER: MAY I HAVE COUNCIL'S FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, IN RESPECT OF MR. OGISON I MOVE THAT WE ADJOURN THIS HOUSE.

MR. CHAMBERLIST: I SECOND THAT MOTION MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE AND SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE EAST THAT THIS HOUSE ADJOURN. ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: THIS COUNCIL NOW STANDS ADJOURNED UNTIL 10:00 A.M. TUESDAY.

ADJOURNED



TUESDAY, APRIL 30, 1974

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MRS. WATSON: YES, MR. SPEAKER, I HAVE FOR TABLING LEGISLATIVE RETURN NO. 50 AND SESSIONAL PAPERS NO. 19, 21, & 22.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEE? ARE THERE ANY BILLS TO BE INTRODUCED?

BILL NO. 9, INTRODUCTION

IT WAS MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH FOR LEAVE TO INTRODUCE BILL NO. 9 INTITULED THE SECOND APPROPRIATION ORDINANCE FOR 1974-75.

LEAVE GRANTED

BILL NO. 10, INTRODUCTION

IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE FOR LEAVE TO INTRODUCE BILL NO. 10 INTITULED THE LOTTERIES ORDINANCE.

LEAVE GRANTED

BILL NO. 11, INTRODUCTION

IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE FOR LEAVE TO INTRODUCE BILL NO. 11 INTITULED THE THIRD APPROPRIATION ORDINANCE FOR 1974-75.

LEAVE GRANTED

BILL NO. 21, INTRODUCTION

IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH FOR LEAVE TO INTRODUCE BILL NO. 21 INTITULED THE TOBACCO

TAX ORDINANCE.

LEAVE GRANTED

MR. SPEAKER: ARE THERE ANY NOTICES OF MOTION OR RESOLUTION?

MR. MCKINNON: YES MR. SPEAKER, I WOULD LIKE TO GIVE NOTICE OF MOTION TO MOVE A VOTE OF NON CONFIDENCE IN THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION.

MR. SPEAKER: ARE THERE ANY FURTHER NOTICES OF MOTION OR RESOLUTION?

MR. TAYLOR: YES MR. SPEAKER, I WOULD LIKE TO GIVE NOTICE OF MOTION THIS MORNING, THAT IN THE OPINION OF COUNCIL, THE ADMINISTRATION UNDERTAKE IMMEDIATE NEGOTIATIONS WITH CANADA RESPECTING A FULL RETURN FOR THE TERRITORY OF 20% OF ALL ROYAL REVENUES ACCRUING FROM EXTRACTIVE RESOURCE PRODUCTION IN THE TERRITORY. THAT SUCH RESULTING REVENUE BE MADE AVAILABLE FOR CAPITAL FUNDING OF SOCIAL, RECREATIONAL PROGRAMS THROUGHOUT THE TERRITORY.

MR. CHAMBERLIST: MR. SPEAKER, I WOULD GIVE NOTICE OF MOTION RE LEGISLATIVE RETURN NO. 15.

MR. SPEAKER: ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS? AS THERE ARE NO MOTIONS FOR THE PRODUCTION OF PAPERS WE COME TO MOTION NO. 23.

IT WAS MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR TAYLOR THAT THE CONTENTS OF THE FILE TABLED ON THE 25TH OF APRIL, RE THE EMPLOYMENT OF MR. G.K. FISHER-FLEMING, ASSISTANT COMMISSIONER BE REVIEWED AND DISCUSSED IN COMMITTEE OF THE WHOLE. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. CHAMBERLIST: YES, MR. SPEAKER, BEFORE CALLING THE QUESTION, I WOULD LIKE TO MAKE A FEW COMMENTS. MR. SPEAKER, IN REFUSING TO ANSWER THE 19 QUESTIONS REGARDING MR. FLEMING, THE ADMINISTRATION HAVE LOST AN OPPORTUNITY TO SHOW HONESTY AND GOODWILL IN DEALING WITH A MATTER CONCERNING A SENIOR OFFICER OF THIS GOVERNMENT. INSTEAD, THEIR REFUSAL TO ANSWER CAN BE CONSTRUED AS A PRESUMPTION OF GUILT. THEY HAVE THEREBY ADMITTED THEIR CREDIBILITY TO BE ERODED AND REPLACED BY AN IMPLICATION OF BIAS AND MALICE.

IT IS NO WONDER THAT HAVING SEEN HOW SEVERAL

OF THEIR MEMBERS HAVE BEEN TREATED BY THIS ADMINISTRATION, THAT THE MORALE OF THE PUBLIC SERVICE OF THIS TERRITORY IS AT ITS LOWEST EBB.

THE ATMOSPHERE OF ALL OUR GOVERNMENT BUILDINGS IS PERMEATED WITH FEAR. OUR STAFF, WHICH IS ONE OF THE BEST IN CANADA, IS FREE TO WONDER WHO WILL BE THE NEXT VICTIM TO A DICTATORIAL CONDUCTED ADMINISTRATION, DRUNK WITH POWER AND INSENSITIVE TO THE FEELINGS OF OTHERS WHETHER THEY WORK FOR THE GOVERNMENT OR NOT.

A GREAT NUMBER OF PUBLIC SERVANTS HAVE INVESTED HEAVILY IN BUILDING THEIR OWN HOMES IN THE YUKON AND THIS THEY HAVE BEEN ENCOURAGED, THAT IS THE WORD THAT CAN BE USED BY THE HOUSING POLICIES OF THE COMMISSIONER. THESE POLICIES REGARDING GOVERNMENT HOUSING, THESE POLICIES SET THE LIMITS OF THE TIME WHICH A PUBLIC SERVANT CAN OCCUPY GOVERNMENT HOUSING.

HOWEVER, WITH THIS ADMINISTRATION, THERE ARE EXCEPTIONS TO EVERY RULE. SOME NOTABLY FORTUNATE AND FAVORED INDIVIDUALS HAVE BEEN ALLOWED BY COMMISSIONER SMITH TO EXCEED MANY YEARS OF LIMITATIONS. THESE INEQUITIES EXIST MR. SPEAKER BECAUSE OF THE LIKES AND DISLIKES AND THE ATTITUDE OF THE COMMISSIONER.

I SAY, MR. SPEAKER, THAT THERE IS NO LONGER ANY NEED FOR THE ADMINISTRATION TO ANSWER THE 19 QUESTIONS THAT HAVE BEEN PUT. COUNCIL CAN NOW FIND THE ANSWERS IN THE MATERIAL THAT I HAVE TABLED IN WHICH THIS MOTION SUGGESTS, WILL BE DISCUSSED IN COMMITTEE OF THE WHOLE.

I WOULD ASK, MR. SPEAKER THAT ALL MEMBERS CONCUR THAT BECAUSE OF THE NATURE OF THE SITUATION INVOLVING MR. FLEMING THAT THE FILE AS TABLED AND THE MOTION BE APPROVED AS BEING DISCUSSED IN COMMITTEE OF THE WHOLE.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

MR. TAYLOR: MR. SPEAKER JUST AS SECONDER OF THE MOTION, I FEEL THAT IN THIS CASE IT IS VERY DISTRESSING TO HEAR OF THE DIFFICULTIES. I REALLY WASN'T AWARE THAT THE SITUATION WAS AS GRAVE AS IT IS INDEED WHEN ONE PERUSES THIS FILE.

I HAVE KNOWN MR. FLEMING FROM THE DAYS WHEN HE WAS WITH THE MUNICIPALITY OF DAWSON CREEK AND DID A VERY COMMENDABLE JOB DOWN THERE. I HAD FELT THAT HE HAD DONE IN THE SERVICE OF THE TERRITORY, A VERY COMMENDABLE JOB HERE TOO.

I STILL THINK HE HAS. I THINK IT BEHOOVES COUNCILLORS, ALL ELECTED MEMBERS TO SIT DOWN, AND AS HE HAS STATED IN HIS LETTER OF 24TH OF APRIL, TO QUOTE HE SAYS, 'I SINCERELY REGRET THAT I SHOULD HAVE BEEN FORCED BY CIRCUMSTANCES TO FIGHT SO HARD AND FOR SO LONG TO OBTAIN ELEMENTARY JUSTICE AND FAIR PLAY.' I THINK IN THE INTERESTS OF ELEMENTARY JUSTICE AND FAIRNESS FOR MR. FISHER-FLEMING AND IN THE INTERESTS OF DEMOCRACY IN GOVERNMENT IN THE YUKON TERRITORY THAT WE SHOULD GIVE THE FULLEST SUPPORT TO TAKING THIS MATTER INTO COMMITTEE AND GIVING IT OUR EVERY CONSIDERATION IN ORDER THAT WE CAN SMOOTH THE TROUBLED WATERS, AND TO ONCE AGAIN GET THIS MATTER RESOLVED.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

MR. MCKINNON: MR. SPEAKER, I AM SURE THAT ALL MEMBERS ARE GOING TO VOTE TO ALLOW THIS MATTER TO BE DISCUSSED IN COMMITTEE. I THINK IT IS A SHAME THAT IT HAS TO COME TO THIS STAGE FOR THE ONLY RECOURSE THAT MR. FLEMING HAS, IS IN THE MEMBERS OF THE YUKON LEGISLATIVE COUNCIL, ACTUALLY ACTING AS OMBUDSMEN, FOR HIM TO HAVE REGRESS FOR GOVERNMENT.

THAT IS ONE OF THE FAULTS THAT WE SUFFER UNDER, THAT THERE IS NO PROCESS OF LEGAL AID IN CIVIL MATTERS IN THE YUKON TERRITORY. THERE IS NO OFFICE OF OMBUDSMAN IN THE YUKON TERRITORY. THERE IS ACTUALLY NO RECOURSE IN THIS TYPE OF COLONIAL GOVERNMENT FOR A PERSON WHO IS WRONG TO HAVE EVEN A HEARING EXCEPT THROUGH BRINGING HIS NAME IN THE COMMITTEE OF THE YUKON LEGISLATIVE COUNCIL.

IT IS ONE OF THE AREAS WHERE I THINK ALL MEMBERS KNOW THAT IN THE FINAL ANALYSIS THAT THEY HAVE TO ACT. IT IS THE ONLY RECOURSE WHEN ALL ELSE FAILS, THAT A MEMBER OF THE PUBLIC HAS IN BRINGING HIS CASE AND HIS WRONGS FROM GOVERNMENT TO THE ATTENTION OF THE PUBLIC. I DON'T THINK IT IS THE IDEAL SITUATION AND HOPEFULLY THROUGH A SYSTEM OF LEGAL AID IN CIVIL MATTERS OR THROUGH A SYSTEM OF OMBUDSMEN, THAT WE CAN STOP THIS FROM HAPPENING IN THE FUTURE.

I KNOW THAT THERE HAS BEEN CONSTITUENTS OF MINE AND OTHER PEOPLE WHO HAVE GENUINELY BEEN WRONGED BY BUREAUCRATS AND BY GOVERNMENT OFFICIALS ACTING UNWITTINGLY BUT STILL HARMING AN INDIVIDUAL. ONE FACES THE MAZE OF BUREAUCRACY EVEN AS A MEMBER OF THE LEGISLATIVE COUNCIL AND CAN'T GET RECOURSE, A MEMBER OF THE LEGISLATIVE COUNCIL, WITH ALL THE THREATS AND ALL

THE ABILITY HE SHOULD HAVE IN BRINGING GOVERNMENT TAKEN AND THE INDIVIDUAL WHO WAS INVOLVED HAD TO ITS KNEES, HAS NO RECOURSE BUT EVENTUALLY BRINGING THAT INDIVIDUAL CASE TO THE COUNCIL HEARING IN THIS MATTER.

TABLE AND PARADING PERSONAL HURTS OF HIS CONSTITUENTS IN PUBLIC SO THAT PUBLIC PRESSURE CAN BE BROUGHT AND RECOURSE GIVEN TO THE PERSON WHO IS WRONGED. IT IS NOT THE PROPER WAY TO DO IT, MR. SPEAKER, BUT IN CERTAIN INSTANCES IT IS THE FINAL COURSE AND THE FINAL CHANCE THAT A PERSON CAN HAVE, TO BRING HIS CASE BEFORE THE PUBLIC AND BRING HIS CASE BEFORE THE YUKON LEGISLATIVE COUNCIL.

I KNOW THAT THE COUNCIL HAS ACTED IN THIS TYPE OF ROLE IN TOO MANY OCCASIONS TO SAY THAT ANOTHER SYSTEM DOESN'T HAVE TO BE FOUND. THANKFULLY THAT THERE STILL IS DEMOCRATICALLY ELECTED MEMBERS WHO CAN MOVE INTO COMMITTEE A CASE SUCH AS MR. FLEMING'S AND HOPEFULLY FIND A SOLUTION TO A VERY REAL PROBLEM WHICH FACES EACH AND EVERY CONSTITUENT OF THE YUKON TERRITORY.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED?

MOTION CARRIED

MR. SPEAKER: WE COME TO THE QUESTION PERIOD. MADAM CLERK WILL YOU ASCERTAIN IF MR. ADMINISTRATOR IS AVAILABLE. WE WILL NOW HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY QUESTIONS?

MR. MCKINNON: YES, MR. SPEAKER, I WOULD LIKE TO ASK THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION WHETHER SHE WILL INTERVENE IN THE RIDICULOUS TERMINATION OF MR. JOHN DUNPHY'S SERVICES AND WHETHER SHE WILL USE HER AUTHORITY TO RE-INSTATE HIM FORTHWITH.

MRS. WATSON: MR. SPEAKER, I'M GLAD THE HONOURABLE MEMBER ASKED THE QUESTION AGAIN. MY REPLY TO THAT QUESTION IS NO, FOR THE SIMPLE REASON THAT THIS WAS A SERIOUS SITUATION. PARENTS WHO FEEL VERY STRONGLY BOTH WAYS ARE INVOLVED IN IT AND IN ORDER TO HAVE A THOROUGH INVESTIGATION AND IN ORDER TO GIVE THE PERSON AN OPPORTUNITY TO HAVE THIS MATTER THOROUGHLY INVESTIGATED WITH WITNESSES CALLED.

IT WAS NECESSARY TO TAKE THE ACTION THAT WAS

MR. MCKINNON: SUPPLEMENTARY, MR. SPEAKER. IS THE HONOURABLE MEMBER AWARE, ONE, THAT IT WAS DURING THE EASTER HOLIDAYS THAT THIS ALLEGED EVENT TOOK PLACE. SECONDLY, THAT IT WAS NOT AT A SCHOOL EVENT THAT THE ALLEGED EVENT TOOK PLACE. THIRDLY, THAT THE TEACHER IN QUESTION DID NOT PROVIDE THE ALCOHOL IN QUESTION. FOURTHLY, THAT THE TEACHER IN QUESTION DID NOT BRING THE ALCOHOL IN QUESTION INTO THE DRESSING ROOM INVOLVED. ALL THESE FACTS AT HER KNOWLEDGE IS THE HONOURABLE MEMBER STILL GOING TO CONVICT ONE OF THE FINEST TEACHERS THE GOVERNMENT OF THE YUKON TERRITORY HAS EVER EMPLOYED BY TERMINATING HIS EMPLOYMENT WITH THE GOVERNMENT OF THE YUKON TERRITORY?

WOULDN'T SHE ADMIT IT WAS JUST A HASTY DECISION AND NOW THAT THE FACTS HAVE BEEN BROUGHT TO LIGHT THAT THIS PERSON SHOULDN'T STAND CONVICTED ANY LONGER AND HE SHOULD BE REINSTATED IMMEDIATELY.

MRS. WATSON: MR. SPEAKER, IT CERTAINLY WAS NOT A HASTY DECISION AND IT WAS NOT A DECISION I HAD TO MAKE. IT WAS A DECISION THAT HAS TO BE MADE BY THE ADMINISTRATION, PEOPLE WHO ADMINISTER THE LEGISLATION.

I AM AWARE OF THE FACTS THE HONOURABLE MEMBER ENUNCIATED AND I AM ALSO AWARE OF OTHER FACTS SO THIS IS THE POSITION I'VE HAD TO TAKE.

MR. CHAMBERLIST: SUPPLEMENTARY, MR. SPEAKER, TO THE HONOURABLE MEMBER FROM CARMACKS-KLUANE. SHE INDICATED THAT THE PROCEDURE WAS TO GET HIM INTO THIS POSITION OF BEING TERMINATED SO THAT A THOROUGH INVESTIGATION CAN TAKE PLACE AFTERWARDS. MY QUESTION, MR. SPEAKER, TO THE HONOURABLE MEMBER IS THIS. DO YOU CONSIDER THAT IT IS THE RIGHT THING TO DO WITHOUT OBTAINING LEGAL ADVICE FROM THE TERRITORIAL GOVERNMENT'S LEGAL ADVISOR TO TERMINATE THE TEACHER'S EMPLOYMENT FORTHWITH AND THEN CARRY OUT A THOROUGH INVESTIGATION AFTERWARDS?

MRS. WATSON: MR. SPEAKER, I BELIEVE THE ADVICE WAS RECEIVED FROM THE LEGAL COUNSEL. I'M NOT SAYING THERE WASN'T A PRELIMINARY INVESTIGATION MADE. I AM SAYING IT IS A VERY SERIOUS SITUATION.

THERE IS ANOTHER GROUP OF PEOPLE WHO THINK JUST AS STRONGLY OF THE OPPOSITE VIEW TO THE VIEW

EXPRESSED HERE THIS MORNING AND TO THE VIEW THAT IS EXPRESSED IN THE DEMONSTRATIONS. THESE PEOPLE ARE NOT OUT IN THE STREETS DEMONSTRATING BUT THEY FEEL JUST AS STRONGLY IN THE OTHER WAY. THEREFORE, THIS IS A DECISION THAT I THINK HAS NOT COME BY LIGHTLY BY THE ADMINISTRATION. BUT THEY HAD TO MAKE A DECISION AND THIS WAS THE DECISION THEY MADE.

NOW, IF IT'S A WRONG DECISION, THAT CAN BE DETERMINED.

MR. CHAMBERLIST: MR. SPEAKER, A FURTHER SUPPLEMENTARY TO THE HONOURABLE MEMBER. DOES THE HONOURABLE MEMBER CONSIDER IN HER POSITION AS AN ELECTED MEMBER, RESPONSIBLE FOR THE ADMINISTRATION OF THE DEPARTMENT OF EDUCATION THAT SHE WOULD PERMIT HARSH AND UNJUST TREATMENT WITHOUT GOING INTO THE MATTER THOROUGHLY PRIOR TO THAT HARSH AND UNJUST TREATMENT BEING METED OUT.

MRS. WATSON: MR. SPEAKER, THE MATTER WAS GONE INTO.

MR. TAYLOR: MR. SPEAKER, I HAVE A SUPPLEMENTARY QUESTION THAT ARISES OUT OF THE FACT THAT I BELIEVE THERE IS CURRENTLY A PROTEST BEING UNDERTAKEN BY THE YOUNG PEOPLE OF OUR COMMUNITY, CURRENTLY IN FRONT OF THE CITY HALL. I AM WONDERING, IN LIGHT OF WHAT THE HONOURABLE MEMBER HAS SAID, IF SHE WOULD BE PREPARED TO WALK OVER THERE AND EXPLAIN THE POSITION THAT SHE HAS EXPLAINED IN COUNCIL, TO THOSE YOUNG PEOPLE.

MRS. WATSON: MR. SPEAKER, I MET WITH A REPRESENTATIVE GROUP OF THE YOUNG PEOPLE YESTERDAY. THE ADMINISTRATIVE PEOPLE CAME OVER AND SPOKE TO THE YOUNG PEOPLE AT AN ASSEMBLY. A MEETING WAS HELD WITH THE ADVISORY COMMITTEE OF THE SCHOOL LAST EVENING.

MR. CHAMBERLIST: MR. SPEAKER, A FURTHER SUPPLEMENTARY TO THE HONOURABLE MEMBER. THE ADVISORY COMMITTEE OF THE SCHOOL WAS NOT ELECTED AS AN ADVISORY COMMITTEE IN ANY DEMOCRATIC FORM. IT WAS JANUARY OF 1973 WHEN THE PERSON WHO WAS THE PROPOSED PRINCIPAL SENT A MESSAGE AROUND TO STUDENTS AT F.H. COLLINS ASKING FOR NOMINATIONS FOR THE COMMITTEE.

THIS COMMITTEE THAT MET LAST NIGHT AND HEADED BY A MEMBER OF THE TERRITORIAL GOVERNMENT, WORKING IN ANOTHER DEPARTMENT, CAME OUT JUST SIMPLY TO SUPPORT THE SUPERINTENDENT OF EDUCATION AND FOR NO OTHER REASON. NOW, WOULD THE HONOURABLE MEMBER MAKE IT QUITE CLEAR THAT WHEN SHE MET WITH THE CHILDREN YESTERDAY WHO I HAVE SPOKEN TO,

THEY TOLD HER IN NO UNCERTAIN TERMS THAT THEY WERE VERY DISSATISFIED WITH THE ATTITUDE THAT HAS BEEN ADOPTED BY THE ADMINISTRATION BECAUSE THIS TEACHER WAS IN NO WAY RESPONSIBLE FOR WHAT HAD TAKEN PLACE. ISN'T THIS CORRECT?

MRS. WATSON: MR. SPEAKER, THE SITUATION WAS EXPLAINED TO THE YOUNG PEOPLE. I THINK THERE WAS SOME MEASURE OF SATISFACTION THAT I WAS PREPARED TO SIT DOWN AND TALK TO THEM ABOUT IT. I THINK THE ACCUSATIONS THE HONOURABLE MEMBER HAS MADE ABOUT THE ADVISORY COMMITTEE TO JECKELL SCHOOL IS VERY UNJUST AND VERY UNFAIR.

WHEN THE ADVISORY COMMITTEE WAS ELECTED, BEFORE THE SCHOOL WAS COMPLETED, IT WAS UPON THE REQUEST OF A GROUP OF PARENTS OF CHILDREN WHO WERE ATTENDING F.H. COLLINS AT THAT TIME BUT WHO WOULD BE ATTENDING THE JECKELL JUNIOR SECONDARY SCHOOL. THE REQUEST WAS MADE TO HAVE AN ADVISORY COMMITTEE ELECTED AT THAT TIME IN ORDER THAT THEY COULD ASSIST AND ADVISE THE PRINCIPAL IN THE PLANNING OF THE SCHOOL OPERATIONS AT JECKELL.

THE ADVISORY COMMITTEE WAS NOT CALLED OUT TO SUPPORT THE ADMINISTRATION. THE ADVISORY COMMITTEE WAS CALLED OUT IN ORDER THAT THE SITUATION COULD BE EXPLAINED TO THEM. JUST AS THE SITUATION WAS EXPLAINED TO THE STUDENTS AT AN ASSEMBLY YESTERDAY AFTERNOON AT 3 O'CLOCK AT THE JUNIOR JECKELL SCHOOL.

MR. CHAMBERLIST: SUPPLEMENTARY, MR. SPEAKER, WOULD THE HONOURABLE MEMBER INDICATE WHETHER OR NOT, AT THIS ASSEMBLY, WAS THE TEACHER INVOLVED GIVEN THE OPPORTUNITY AT THE ADVISORY COMMITTEE MEETING LAST NIGHT? WAS THE TEACHER INVOLVED GIVEN AN OPPORTUNITY TO SPEAK; WASN'T THIS IN FACT WHAT WE NORMALLY TERM A 'KANGAROO COURT' WHERE AN ACCUSED PERSON DID NOT GET THE RIGHT TO SPEAK ON HIS OWN BEHALF? ISN'T THIS THE TYPE OF ADMINISTRATION THAT IS EXISTING TODAY IN THE DEPARTMENT OF EDUCATION?

MRS. WATSON: MR. SPEAKER, IT WASN'T A HEARING. THE HONOURABLE MEMBER, IS THE HONOURABLE MEMBER INSINUATING THE ASSEMBLY WAS TO BE A HEARING? NOW, IF THE TEACHER HAD WANTED TO APPEAR AT THE ASSEMBLY, I'M SURE THERE WOULD HAVE BEEN NO OBJECTION.

MR. MCKINNON: IT WOULD HAVE BEEN A REVOLUTION.

MR. SPEAKER: ORDER, PROCEED.

MR. CHAMBERLIST: MR. SPEAKER, WOULD THE MEMBER INDICATE WHETHER OR NOT WHEN THE ASSEMBLY WAS

CALLED TO MEET WITH THE ADMINISTRATIVE PEOPLE, WHETHER THE OPPORTUNITY WAS GIVEN TO THE TEACHER INVOLVED, WHETHER HE WAS ADVISED TO BE THERE SO THAT HE COULD EXPRESS HIS VIEW OF WHAT HAPPENED. WHETHER AT THE ADVISORY COMMITTEE MEETING THAT HAPPENED LAST NIGHT, WHETHER THE MEMBERS OF THE ADVISORY COMMITTEE HAD THE OPPORTUNITY OF SPEAKING TO THE TEACHER INVOLVED?

THIS IS WHAT CONCERNS ME, MR. SPEAKER. DID THIS TAKE PLACE?

MRS. WATSON: MR. SPEAKER, I BELIEVE WHEN THE DELEGATION WENT TO THE SUPERINTENDENT OF EDUCATION YESTERDAY AFTERNOON THAT A TELEPHONE CALL WAS MADE TO THE INDIVIDUAL AND HE WAS ASKED IF HE WANTED TO COME DOWN AND SIT IN ON THE MEETING WITH THE SUPERINTENDENT AND AT THAT TIME HE DECLINED.

MR. CHAMBERLIST: MR. SPEAKER, IS THE HONOURABLE MEMBER AWARE OF THAT HERSELF OR IS IT JUST HEARSAY ON HER PART? DID SHE PARTICIPATE IN MAKING THAT TELEPHONE CALL? BECAUSE IF SHE DID NOT SHE SHOULDN'T COME INTO THIS HOUSE AND SAY THAT CERTAIN THINGS HAPPENED UNLESS SHE PARTICIPATED HERSELF. OTHERWISE IT'S JUST PLAIN HEARSAY.

MRS. WATSON: THE HONOURABLE MEMBER ACCUSES ME OF BEING A LIAR.

MR. CHAMBERLIST: I GUESS THAT'S RIGHT.

MRS. WATSON: I RESENT THAT.

MR. SPEAKER: ORDER.

MR. MCKINNON: MR. SPEAKER, THAT'S CERTAINLY NOT HEARSAY ON MY PART BECAUSE I ATTENDED THE ASSEMBLY YESTERDAY AFTERNOON. I CERTAINLY, AFTER HEARING THE SUPERINTENDENT OF EDUCATION, DIDN'T UNDERSTAND AND I DON'T THINK ANY OF THE CHILDREN AT THE ASSEMBLY UNDERSTOOD, AFTER HE HAD SPOKEN, WHY MR. DUNPHY WAS TERMINATED AS A TEACHER WITH THE YUKON TERRITORIAL GOVERNMENT.

THE ONLY GOOD THING YOU CAN SAY ABOUT THE WHOLE SAD AFFAIR IS THE RISING CROP OF YOUNG REVOLUTIONARIES IN THE YUKON TERRITORY WHICH I THINK IS GOING TO BODE WELL FOR THE YUKON'S FUTURE. BUT I WOULD LIKE TO ASK THE HONOURABLE MEMBER IN CHARGE OF HEALTH, WELFARE AND REHABILITATION WHETHER HE WAS AWARE OF THE GOVERNMENT'S ACTION. WHETHER HE WAS INVOLVED AT ALL AND WHETHER HE PERSONALLY FEELS THAT THE TERMINATION OF MR. DUNPHY WAS A WISE DECISION.

MR. TANNER: MR. SPEAKER, THIS WHOLE QUESTION AROSE WITHIN THE DEPARTMENT OF EDUCATION AND THE MEMBER RESPONSIBLE MAKES HER OWN DECISIONS IN THAT DEPARTMENT.

I WAS NOT AWARE UNTIL SOME TIME AFTERWARDS THAT MR. DUNPHY HAD BEEN LET GO AND I WOULD SAY THAT I CONCUR WITH THE DECISION MADE BY THE SUPERINTENDENT OF EDUCATION AND I CONCUR WITH THE METHODS AND THE ATTEMPTS OF THE MEMBER IN CHARGE OF EDUCATION IN HIS HOUSE AND WHAT SHE HAS DONE I BELIEVE IS QUITE CORRECT.

MR. CHAMBERLIST: MR. SPEAKER, WITH RESPECT. I WISH TO PUT A QUESTION TO THE HONOURABLE MEMBER FROM WHITEHORSE NORTH. IS THE HONOURABLE MEMBER FROM WHITEHORSE NORTH INDICATING THAT WHATEVER OCCURS IN ANOTHER DEPARTMENT, HE AS A QUASI MEMBER OF A CABINET, HAS INDICATED HE IS NOT INTERESTED IN THE DECISION THAT AFFECTS THE WELFARE OF THE YUKON GENERALLY?

MR. TANNER: NO, MR. SPEAKER.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS?

QUESTION RE: TAXATION OF COMMUNITY HALLS AND FACILITIES

MR. TAYLOR: YES, MR. SPEAKER. I'M JUST WONDERING THIS MORNING OF MR. ADMINISTRATOR AND I'M WONDERING IF HE COULD TELL ME WHEN WE MIGHT HAVE A DECISION RELATING TO THE TAXATION OF COMMUNITY HALLS AND COMMUNITY FACILITIES THROUGHOUT THE YUKON TERRITORY?

MRS. WATSON: MR. SPEAKER, I DON'T THINK THE ADMINISTRATOR IS FAMILIAR WITH THE DISCUSSIONS THAT TOOK PLACE IN THE ADVISORY COMMITTEE WHEN WE WERE IN COMMITTEE, WHEN WE WERE DISCUSSING THAT SECTION OF THE BUDGET.

MR. TAYLOR: THAT IS REALLY NOT MY PROBLEM, MR. SPEAKER. MY PROBLEM IS, AS AN ELECTED MEMBER, TO ASK QUESTIONS OF THE ADMINISTRATION AND THE QUESTION I ASKED IS, I UNDERSTAND THAT THE ADMINISTRATION IS GOING TO BRING BEFORE COUNCIL SOME SORT OF A POLICY RELATING TO THIS AND I'M ASKING WHEN THIS POLICY WILL BE FORTHCOMING?

MR. ADMINISTRATOR: MR. SPEAKER, I'M NOT AWARE OF THE SUBJECT MATTER INVOLVED AND I WOULD HAVE TO TAKE THE QUESTION AS NOTICE.

QUESTION RE: REPORT ON HAINES JUNCTION LID

759 A *this book of the book*

AS THERE ARE NO PRIVATE BILLS AND ORDERS, NO PUBLIC BILLS AND ORDERS, MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I WOULD MOVE THAT MR. SPEAKER DO NOW LEAVE THE CHAIR AND COUNCIL RESOLVE INTO COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS AND MOTIONS.

MR. STUTTER: I SECOND THAT MOTION.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE, SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT MR. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN COMMITTEE OF THE WHOLE FOR THE DISCUSSION OF PUBLIC BILLS, SESSIONAL PAPERS AND MOTIONS. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

THE HONOURABLE MEMBER FOR WATSON LAKE WILL PLEASE TAKE THE CHAIR IN COMMITTEE OF THE WHOLE.

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. THE FIRST ITEM OF BUSINESS TODAY I BELIEVE IS SESSIONAL PAPER NO. 14 RELATED TO LEGAL AID AND WE HAVE INVITED REPRESENTATIVES FROM THE YUKON LAW SOCIETY SO AT THIS TIME I WILL DECLARE A BRIEF RECESS WHILE WE SUMMON THE WITNESSES.

RECESS

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. WE ARE DISCUSSING SESSIONAL PAPER NO. 14 LEGAL AID AND WE HAVE WITH US TO ASSIST US IN DISCUSSIONS, THREE WITNESSES TODAY, MR. PHELPS, MR. VEALE AND MR. MCBRIDE. WOULD YOU PROCEED.

MR. CHAMBERLIST: I WONDER, MR. CHAIRMAN, IF I CAN COMPLETE MY REMARKS ON THIS SESSIONAL PAPER. MR. CHAIRMAN, I HAVE INDICATED THAT I SUPPORT THE GENERAL THEME THAT ADVICE IN CIVIL CASES PRIOR TO THE COMMENCEMENT OF ANY ACTION BE GIVEN TO ANY PERSON WHO IS UNABLE TO AFFORD TO PAY FOR THAT LEGAL ADVICE FROM SOURCES AVAILABLE IN A PROFESSIONAL LAW OFFICE. I BELIEVE THAT NO LITIGANT SHOULD BE ON A DIFFERENT FOOTING BECAUSE HE IS UNABLE TO SEEK LEGAL ADVICE WHERE HE IS BEING SUED OR WHERE HE WISHES TO SUE. LEGAL ADVICE SHOULD NOT BE CONSIDERED AS A CHARITABLE CONTRIBUTION

ALTHOUGH CAUTION MUST BE USED IN PREVENTING A PERSON WHO IS FINANCIALLY STABLE FROM BEING SUED BY AN INDIVIDUAL WHO FEELS THAT HE MIGHT GET A GRUB STAKE FROM PROCEEDINGS THAT MIGHT BE CONSIDERED VEXATIOUS AND WITHOUT MERIT.

MR. CHAIRMAN, THERE ARE THOSE PEOPLE WHO MIGHT TAKE ADVANTAGE OF FREE LEGAL AID BY GETTING THE SERVICES OF A LAWYER TO SUE SOMEBODY WITHOUT IT NECESSARILY HAVING A CASE OF ANY MERIT. THAT OF COURSE IS WHERE THE LAWYER WHO WOULD BE ACTING AS HIS LEGAL AID WOULD BE ABLE TO TELL HIM OR NOT WHETHER HE HAS A CASE IN POINT.

MR. CHAIRMAN, SOME LITIGANTS SHOULD BE EXPECTED TO PAY A PART OF THE NORMAL FEES AND IT WOULD BE UP TO THE LEGAL AID COMMITTEE TO PRERATE THE LAWYER'S FEES AND THEN GIVE THE GO AHEAD ON THE BASIS OF WHAT THE LITIGANT HIMSELF CAN AFFORD. AND ALSO PROVIDE THAT IF THE LITIGANT WHO HAS BEEN AWARDED LEGAL AID ASSISTANCE AND IS SUCCESSFUL, THAT THE COSTS OR THE CLAIM THAT HE GETS WOULD BE USED TO PAY BACK THE COSTS OF THE LEGAL AID THAT HE HAS RECEIVED. I THINK THAT THE NEED FOR LEGAL ADVICE IN ALL MATTERS IS THE ROOT OF LEGAL AID BECAUSE AS I'VE ALREADY INDICATED, THE ADVICE GIVEN PRIOR TO LITIGATION IN CIVIC MATTERS AND THE ADVICE GIVEN PRIOR TO PROCEEDINGS IN CRIMINAL MATTERS MAY WELL BE BOTH BENEFICIAL TO A PERSON CHARGED WITH A CRIMINAL OFFENCE OR A PERSON ACTING AS PLAINTIFF OR BEING IN A DEFENDANT POSITION IN CIVIL MATTERS.

I HAVE INDICATED IN THE REPORT THAT I PRESENTED TO EXECUTIVE COMMITTEE THAT THE LIMITATIONS IN LEGAL AID SHOULD BE SET DOWN BY WAY OF CRIMINAL MATTERS, CIVIL MATTERS AND ALSO IN LEGAL ADVICE. AND I HAVE INDICATED THAT THERE SHOULD BE NO RIGID LIMITATIONS IN GRANTING LEGAL AID WHEN A PERSON HAS BEEN CHARGED WITH A CRIMINAL OFFENCE. ANY PERSON SO CHARGED WHETHER IT BE BY THE CRIMINAL CODE OR ANY OTHER STATUTE, SHOULD BE ELEGIBLE FOR COUNSEL IF HIS FINANCIAL ABILITY TO PAY FOR A LAWYER IS SUCH THAT IT WOULD IMPAIR HIS CAPABILITIES TO SUPPORT HIS FAMILY. BUT I THINK THIS HAS TO BE A KEY CONSIDERATION, WHETHER OR NOT IT WOULD BE AN ADDITIONAL PENALTY PRIOR TO BEING JUDGED AS GUILTY OF AN OFFENCE CRIMINAL MATTERS IF A PERSON WAS FORCED TO MEET A COMMITMENT THAT WOULD PUT IN DANGER THE NORMAL LIVING STANDARDS OF HIS FAMILY. IN CIVIL MATTERS OF COURSE THERE MUST BE PROVISIONS FOR EXCLUSIONS AND THESE SHOULD BE CLEARLY DELINEATED SO THAT THE LEGAL AID COMMITTEE WOULD HAVE FOR

IT'S GUIDANCE, CLEAR AND SPECIFIC AREAS OF CIVIL MATTERS WHERE ASSISTANCE OF COUNSEL CAN BE MADE UNDER A LEGAL AID PROGRAM.

AND OF COURSE I THINK THAT THE SPECIFIC EXCLUSIONS SHOULD BE AREAS LIKE CONTROVERTED ELECTIONS, RECOVERIES OF JUDGEMENTS AND BANKRUPTCY MATTERS. ALTHOUGH A COPY OF JUDGEMENT SHOULD NOT BE EXCLUDED WHERE COUNSEL HAS BEEN APPOINTED IN OTHER AREAS OF CIVIL ACTION AND RECOVERY OF JUDGEMENT IS PART OF THE ACTION. I THINK THAT SMALL DEBT CASES AS WELL SHOULD BE EXCLUDED BECAUSE OF THE COST INVOLVED IN HAVING TO PAY FOR A LAWYER TO JUSTIFY A VERY SMALL CLAIM, BUT THERE IS NO REASON WHY THE SMALL DEBT COURTS CAN'T ASSIST THOSE PEOPLE WHO ARE EITHER BEING SUED OR HAVE TO DEFEND THEMSELVES IN A SMALL DEBTS CLAIM BY ASSISTING THEM IN THE MAKING OUT OF THE SMALL DEBTS CLAIMS FORMS AND THE STATEMENTS OF CLAIMS AND ALSO FILING THE NECESSARY PAPERS AFTER THEY HAVE RECEIVED SERVICE OF A CLAIM FROM THE SMALL DEBTS COURT.

BUT I THINK AGAIN THAT GIVING LEGAL ADVICE IS THE MOST IMPORTANT PREREQUISITE FOR THE GRANTING OF LEGAL AID. IT'S BEEN APPARENT THAT A LEGAL AID SYSTEM WHICH DOESN'T INCORPORATE LEGAL ADVICE PRIOR TO AN ACTION TAKEN IS A BAD SYSTEM. THIS IS WHY YOU HAVE TO GIVE LEGAL AID. IT'S VERY VERY BROAD INTERPRETATION IN AS MUCH AS LEGAL AID IS FROM THE TIME THAT ADVICE IS LOOKED FOR TO THE COMPLETION OF THE MATTER. JUST TO ISOLATE, IN MY OPINION, LEGAL AID AS THE COURT ACTION ITSELF, IT PUTS A STOP ON THE WHOLE IDEA OF ASSISTING PEOPLE BECAUSE IT MEANS THAT WITH A NORMAL CASE WHETHER IT BE CRIMINAL OR CIVIL, IT'S MY OPINION THAT IT'S THE WORK THAT TAKES PLACE BEFORE AN ACTION GOES INTO COURT AND THE COMPLETION OF THE WORK AFTER THE ACTION HAS BEEN HEARD IN THE COURT THAT IT'S ALL PART OF THE SAME LEGAL REQUIREMENT TO ASSIST PEOPLE IN THIS PARTICULAR AREA.

I THINK THAT THE OFTEN USED TERM OF NATURAL JUSTICE HASN'T GOT MUCH REAL MEANING WHEN IT DOESN'T BECOME AVAILABLE AND IT'S NOT APPLICABLE TO ALL PEOPLE. AND I THINK THAT NATURAL JUSTICE MUST BE MADE AVAILABLE TO ALL, NOT THE STANDINGS AND THE PERSON'S ABILITY TO PAY FOR IT IN AS I SAY, IT MUST COMMENCE WITH THE LEGAL ADVICE BEING AVAILABLE WHEN IT'S FIRST NEEDED.

I HAVE SUMMARIZED WHAT I HAVE SAID IN MY REPORT, MR. CHAIRMAN BY SAYING THAT WE SPEND HUNDREDS OF THOUSANDS OF DOLLARS IN VARIOUS

SOCIAL SERVICE AREAS IN THE YUKON, BUT VERY LITTLE MONEY INDEED IS SPENT ON THIS TYPE OF SOCIAL SERVICE WHICH WOULD SAVE HUNDREDS OF THOUSANDS OF DOLLARS BY HAVING THE LEGAL AID PROGRAM WHICH IN MANY INSTANCES WOULD PREVENT PEOPLE FROM SEEKING ASSISTANCE FROM WELFARE DEPARTMENTS. AND THIS IS VERY IMPORTANT.

THE RECOMMENDATIONS THAT I HAVE MADE AND I FEEL VERY STRONGLY THAT THERE IS MUCH MERIT IN THEM, NOT SIMPLY BECAUSE I HAVE MADE THEM BUT BECAUSE IT HAS BEEN SHOWN OVER THE PAST NUMBER OF YEARS THAT THE REQUIREMENTS OF ASSISTING PEOPLE IS MORE IMPORTANT THAN THE REQUIREMENTS OF HAVING LAWYERS JUST ACT FOR THOSE WHO ONLY CAN PAY THEM.

NOW WE HAVE THREE MEMBERS OF THE LAW SOCIETY HERE WHO ARE WITNESSES MR. CHAIRMAN, AND I KNOW THAT THEY WILL RECOGNIZE WHAT I SAY. AND I HAVE ALREADY SAID THAT LAWYERS ONLY HAVE TIME TO SELL. THAT LAWYERS HAVE THEIR COMMITMENTS AND THEIR FAMILIES TO KEEP. AND I DON'T BELIEVE THAT LAWYERS SHOULD BE PLACED IN THE POSITION OF HAVING TO SUPPLY THEIR TIME WHOLELY ON A FREE LEGAL AID BASIS THAT OCCURS IN MANY JURISDICTIONS WHEN A COURT OR PERHAPS A LAW SOCIETY ITSELF DESIGNATES CERTAIN LAWYERS TO TAKE CERTAIN CASES. AND FOR THE LAWYERS WHO HAVE SOUND BUILT UP PRACTICES WITH A LARGE NUMBER OF LAWYERS IN THE FIRM, THIS BECOMES A LITTLE BIT EASIER. BUT AS WE HAVE IN THE YUKON WHERE THERE ARE ONE, TWO AND THREE LAWYER FIRMS EXISTING, WHERE EACH AND EVERYONE OF THEM HAS TO MEET HIS OWN WAY TO MEET THE COST AND THE OVERHEAD OF OPERATING THEIR OFFICES WHICH IS JUST AS HIGH AS IN ANY OTHER BUSINESS, WE CANNOT EXPECT THEM TO GIVE COMPLETELY OF THEMSELVES WITHOUT BEING PAID FOR THE SERVICES THEY RENDER.

AND I HAVE PUT DOWN BY WAY OF RECOMMENDATIONS FOUR SPECIFIC AREAS THAT I THINK WOULD COVER THE SITUATION OF BOTH THE OMBUDSMAN I HAVE SPOKEN ABOUT AND A LEGAL AID COMMITTEE, USING THE LEGAL AID COMMITTEE OF ONE REALLY AS AN ADMINISTRATOR OF THE LEGAL AID PROGRAM. HE WOULD NOT BE THE ONE THAT WOULD BE APPEARING IN COURT, BUT HE WOULD CERTAINLY HAVE AT HIS DISPOSAL, LEGAL ADVICE THAT HE CAN PURCHASE IN MATTERS OF WHERE THERE IS A NEED FOR INVESTIGATION AND WHERE HE CAN HAVE LAWYERS IN THE TERRITORY OR IF NECESSARY THOSE LAWYERS WHO ARE MEMBERS OF THE BAR, OF THE YUKON BAR AND NOT IN THE TERRITORY IF THE MATTER IS SERIOUS ENOUGH FOR FINDING A MORE QUALIFIED LAWYER AND EVEN

LAWYERS WILL AGREE THAT THERE ARE SOME LAWYERS BECAUSE OF THEIR EXPERIENCE, HAVE SPECIALIZED MORE IN SOME AREAS OF LAW THAN OTHERS. AND THIS IS WHERE HIS FUNCTION WOULD COME IN.

MY RECOMMENDATIONS ARE THEREFORE THIS. THAT AN OMBUDSMAN FOR THE YUKON TERRITORY BE LEGISLATED FOR AT THE EARLIEST POSSIBLE TIME SO AS TO GIVE TO THE CITIZENS OF THE YUKON, THE OPPORTUNITY TO HAVE CORRECTED ANY ERROR ON THE PART OF GOVERNMENT, MUNICIPALITIES OR THEIR BOARDS.

2. THAT THE GOVERNMENT OF THE YUKON TERRITORY INSTITUTE A LEGAL AID SYSTEM TO PROVIDE LEGAL AID IN ALL ITS FACETS WHICH SPECIFY LIMITATIONS.

THAT THE GOVERNMENT SUPPLY COUNSEL IN CRIMINAL AND CIVIL MATTERS AND MAKE LEGAL ADVICE AVAILABLE TO ALL PERSONS AFTER REVIEWS OF THEIR ABILITY TO PAY BY A LEGAL AID COMMITTEE.

NOW I WILL INTERJECT HERE, MR. CHAIRMAN, BECAUSE THIS IS VERY IMPORTANT. I THINK IT IS NECESSARY TO HAVE THE PERSON WHO APPLIES FOR LEGAL AID EXAMINED AS TO HIS CAPABILITIES TO MEET THE COSTS OUT OF HIS OWN POCKET SO THAT THE TAXPAYERS ARE NOT BURDENED WITH AN ADDITIONAL COST WHEN THE PERSON INVOLVED CAN IN FACT MEET THOSE COMMITMENTS. LEGAL AID IS FOR PEOPLE WHO CANNOT AFFORD TO OBTAIN A LAWYER TO SEEK REGRESS OR TO DEFEND HIMSELF IN ANY ACTION.

3. THAT THE OMBUDSMAN BE DECLARED A LEGAL AID COMMITTEE OF ONE TO ADMINISTER A LEGAL AID PROGRAM. AND YOU WILL NOTE THAT I'VE SAID TO ADMINISTER A LEGAL AID PROGRAM, NOT TO BE THE PERSON WHO WILL IN FACT BE TAKING THE LEGAL AID MATTERS.

NOW THIS SHOULD BE DONE BECAUSE IN VIEW OF THE SIZE OF THE POPULATION OF THE YUKON, IT WOULD NOT BE APPROPRIATE TO HAVE A SEPARATE OMBUDSMAN AND LEGAL AID DEPARTMENT. WITH THE POSSIBLE SET UP OF THIS DESCRIPTION AND AS EXISTS IN OTHER JURISDICTIONS WHERE THEY HAVE A PERSON WHO DEALS WITH LET'S SAY FIXED RENTAL SITUATIONS, THEN YOU HAVE TO FIND SOMEBODY TO DO THAT TYPE OF JOB PERHAPS THIS COULD BE INCLUDED IN THE AREA OF THIS PARTICULAR OFFICE.

4. I SAID THAT THE OMBUDSMAN BE APPOINTED FOR A MINIMUM TERM OF THREE YEARS AND HIS POSITION TO BE TERMINATED ONLY BY UNANIMOUS CONSENT OF THE YUKON LEGISLATIVE COUNCIL. THIS IS SOMETHING THAT COUNCIL WOULD HAVE TO DECIDE.

BUT THE KEY IS THAT THE OMBUDSMAN AND THE LEGAL AID COMMITTEE OF ONE MUST NOT BE IN ANY WAY DIRECTED BY GOVERNMENT. NOW THIS IS ONE OF THE INSTANCES OF EVERY OMBUDSMAN AND EVERY MEMBER OF THE LEGAL PROFESSION THAT I HAVE SPOKEN TO, IS THE ABSOLUTE NEED TO KEEP GOVERNMENT OUTSIDE SO THAT THERE IS NO CONTROL OF GOVERNMENT. THAT THE POSITION BECOMES ENTIRELY INDEPENDENT AND THAT THE FUNDING IS BY THE LEGISLATIVE BODY, THAT THE TERM OF OFFICE IS BY THE LEGISLATIVE BODY, THAT THE OMBUDSMAN AND LEGAL AID COMMITTEE REPORT DIRECTLY TO COUNCIL NOT TO AN ADMINISTRATIVE OFFICER, NOT TO THE COMMISSIONER, SO THAT THE COUNCIL ITSELF IS THE DECISIVE BODY IN THIS PARTICULAR AREA. THANK YOU MR. CHAIRMAN.

MR. CHAIRMAN: DOES ANYONE ELSE HAVE ANY INTRODUCTORY REMARKS? WE HAVE WITH US TODAY, THREE WITNESSES AS I HAVE STATED. WHAT IS YOUR PLEASURE?

MR. CHAMBERLIST: PERHAPS, MR. CHAIRMAN, WE CAN HEAR THE VIEWS OF THE MEMBERS OF THE LEGAL PROFESSION.

MR. CHAIRMAN: MR. PHELPS.

MR. PHELPS: THANK YOU MR. CHAIRMAN. WE ARE HERE TODAY TO REPRESENT THE VIEWS OF THE YUKON LAW SOCIETY WHICH IS A SOCIETY FORMED UNDER THE SOCIETIES ORDINANCE. ALL THE RESIDENT LAWYERS ARE MEMBERS OF THIS SOCIETY AND A LARGE PERCENTAGE OF THE LAWYERS THAT ARE MEMBERS OF THE BAR HERE BUT THAT RESIDE IN B.C. AND ALBERTA AND SO ON; A LARGE NUMBER OF THEM ARE MEMBERS AS WELL. WE ARE HERE TODAY REALLY TO MAKE CERTAIN REPRESENTATIONS ABOUT THE PRESENT CRIMINAL LEGAL AID SYSTEM. AND JUST TO NARROW THE FRAME OF REFERENCE THAT WE ARE HERE TO DISCUSS, WE ARE ONLY DISCUSSING AT THIS POINT CRIMINAL LEGAL AID. THE REASON FOR THIS IS SIMPLY THAT THIS IS THE ONLY AREA OF LEGAL AID THAT THE SOCIETY AS A WHOLE HAS A FIRM STAND ON AND THE VIEWS OF ALL MEMBERS ARE PRETTY WELL AGREED UPON.

THE LAW SOCIETY POSITION IS THAT THE PRESENT SYSTEM OF LEGAL AID IS COMPLETELY UNSATISFACTORY. THERE ARE SEVERAL REASONS FOR THIS. FIRSTLY, WE'RE GETTING \$75.00 PER DAY FOR A FULL FIVE HOURS IN COURT AND THAT'S THE MAXIMUM.

WE AREN'T GETTING PAID ANYTHING FOR RESEARCH OF ANY KIND OR PREPARATION AND AS MR. CHAMBERLIST HAS JUST SAID, A VERY LARGE PART OF ANY CRIMINAL CASE OR ANY CASE AT ALL FOR THAT

MATTER IS PREPARATION.

TO GIVE YOU AN IDEA HOW FINANCIALLY INADEQUATE THE SYSTEM IS, THE OVERHEAD PER LAWYER IN TOWN RUNS FROM APPROXIMATELY \$80.00 TO \$100.00 PER DAY. AND THAT IS BEFORE THE LAWYER GETS PAID ANYTHING. THE OVERHEAD BASED ON A 22 DAY MONTH IS \$80.00 TO \$100.00 PER DAY.

I MIGHT ALSO SAY THAT OUR PRESENT LEGAL AID SYSTEM IS BY FAR THE LOWEST IN CANADA, AND THE TARIFF WHICH WE ARE PLACED UNDER AT THIS TIME HASN'T BEEN CHANGED SINCE THE INCEPTION OF LEGAL AID, I BELIEVE IT WAS IN 1961.

NOW THE POSITION OF THE MEMBERS OF THE LAW SOCIETY IS THIS. THAT WE FEEL THAT THE PRESENT SYSTEM IS SO UNSATISFACTORY THAT WE'RE PREPARED TO WITHDRAW FROM THE SYSTEM WITHIN THREE MONTHS. AND THAT MEANS THIS. THAT THE INDIVIDUAL MEMBERS WOULD CONTINUE TO TAKE CERTAIN CASES ON A MORAL BASIS. THIS OCCURRED IN B.C. UP UNTIL ABOUT FOUR YEARS AGO AND WHAT THE LAWYERS IN B.C. WERE DOING WAS INTERVIEWING LEGAL AID CANDIDATES AND TAKING ONLY THOSE CASES WHICH HAD MERIT AND WHERE THE ACCUSED PERSON HAD NO CRIMINAL RECORD FOR THE PREVIOUS FIVE YEARS UP TO THE DATE OF INTERVIEW. THAT WAS THE SYSTEM IN B.C.

I THINK THAT HERE WE WOULD BE PLACED, IF WE WITHDRAW FROM THE SYSTEM AND WE CERTAINLY WILL. IT WOULD VARY FROM LAWYER TO LAWYER AS TO WHAT HE FELT HIS MORAL POSITION WAS. A LOT OF US DO FREE WORK NOW IN THE CIVIL FIELD AND WE DO RECOGNIZE RESPONSIBILITY TO CERTAIN MEMBER OF THE COMMUNITY. ON THE OTHER HAND, A LEGAL AID SYSTEM WHICH GIVES EVERY ACCUSED A RIGHT TO COUNCIL, IS A SOCIAL SERVICE. IT IS A POLITICAL THING. OUR POSITION IS SIMPLY THAT IF WE ARE FORCED TO WITHDRAW THEN, OF COURSE, THE BALL IS FIRMLY RIGHT HERE WITH THE POLITICAL REPRESENTATIVES OF THE YUKON TERRITORY.

OUR POSITION IS THAT FINANCIALLY, IF WE ARE GOING TO PARTICIPATE IN LEGAL AID SYSTEMS, IF THAT IS WHAT YOU WANT, WE OUGHT TO BE LOOKING AT A SCHEDULE OF FEES IN THE CRIMINAL AID SIDE COMPARABLE TO THAT OF ONTARIO PLUS A PERCENTAGE TO SHOW THE DIFFERENCE IN THE COST OF LIVING AND THE COST OF OPERATING BETWEEN ONTARIO AND THE YUKON TERRITORY. WE WOULD INDICATE A FAIR FEE WOULD BE SOMETHING IN THE ORDER OF 15% TO 20% MORE THAN THE ONTARIO SCHEDULE OF FEES.

BEFORE WE APPEARED HERE, I BELIEVE THAT YOU EACH GOT A COPY OF THEIR TARIFF. THE POSITION

OF THE LAW SOCIETY, ALL THE MEMBERS OF THE LAW SOCIETY IS SIMPLY THIS. THE ROCK BOTTOM THAT WE WOULD BE WILLING TO PARTICIPATE IN LEGAL AID WOULD BE THE BARE BONED ONTARIO SUMS.

THE OTHER POINT THAT I AM DIRECTED TO MAKE IS THAT UNLESS SOMETHING IS DONE TO GIVE US THAT KIND OF FEE STRUCTURE WITHIN THREE MONTHS, THEN THE LAWYERS WILL BE WITHDRAWING FROM THE SYSTEM. THIS SIMPLY MEANS THAT WE WILL BE LOOKING AFTER PEOPLE ON OUR OWN BUT THE PERCENTAGE OF PEOPLE THAT ARE GOING TO GET COUNSEL, ACCUSED PERSONS, WILL BE SOMETHING IN THE ORDER OF 10% OF THE PEOPLE THAT NOW GET COUNSEL.

THE REASON FOR THIS IS VERY SIMPLE. WE JUST CAN'T AFFORD TO CARRY THE GOVERNMENT AND CARRY THEIR DUTIES, FINANCIALLY. BECAUSE LEGAL AID, AGAIN, FOR EVERY ACCUSED IS A SOCIAL SERVICE AND IS RECOGNIZED AS A SOCIAL SERVICE IN ALL THE PROVINCES OF CANADA AND IN THE NORTHWEST TERRITORIES. THERE HAS BEEN TALK ABOUT THE GOVERNMENT COMING FORTH WITH A PUBLIC DEFENDER SYSTEM. THE LAW SOCIETY'S POSITION IS FINE. WE ARE WILLING TO GO ALONG WITH THE ONTARIO TARIFF. IF YOU WOULD PREFER A PUBLIC DEFENDER SYSTEM OR AN OMBUDSMAN LEGAL AID SYSTEM, THAT IS AGAIN, YOUR POLITICAL DECISION.

A PUBLIC DEFENDER SYSTEM IN OUR VIEW, HAS VERY LITTLE MERIT AS OPPOSED TO A LEGAL AID SYSTEM. I AM SPEAKING AGAIN, OF ONLY CRIMINAL MATTERS. THERE IS THE ASPECT OF THE FREEDOM OF CHOICE, WHICH WOULD BE ENTIRELY TAKEN AWAY FROM THE ACCUSED IN THE YUKON. AS TO THE COST, IT IS OUR FEELING, YOU WOULD END UP SPENDING AS MUCH OR MORE ON A PUBLIC DEFENDER SYSTEM AS YOU WOULD IF YOU INVOKED A PROPER FEE TARIFF. BECAUSE YOU WOULD BE MAINTAINING AN OFFICE, AT LEAST TWO LAWYERS AND A SECRETARY AT THE OUTSET.

AS YOU KNOW, GOVERNMENT DEPARTMENTS TEND TO GROW. YOU ARE LOOKING AT OFFICE RENT, YOU ARE LOOKING AT LEGAL SECRETARIES, YOU ARE LOOKING AT ALL KINDS OF THINGS, YOU ARE LOOKING AT ALL KINDS OF THINGS THAT ARE GOING TO COME INTO THE COST PICTURE. THERE IS VERY LITTLE ELSE I CAN SAY. AGAIN THERE HAS GOT TO BE A DISTINCTION MADE CLEAR TO YOU THAT EACH LAWYER, IF WE DO WITHDRAW, WOULD TAKE SUCH CASES AS HE FELT HE MORALLY HAD THE OBLIGATION TO TAKE AND MY ESTIMATION ON THE CRIMINAL SIDE IS SOMETHING IN THE ORDER OF 10%, AT LEAST THAT'S MY FEELING OF THE CASES I TAKE AND IT VARIES FROM LAWYER TO LAWYER. I MIGHT ALSO ADD THAT A LOT OF US ARE DOING A LOT OF CIVIL LEGAL AID ON THE CUFF AND

A LOT OF IT, WE'RE SAYING TO PEOPLE O.K. WE'LL TAKE THIS CASE, YOU PAY OUR DISBURSEMENTS. IF WE ARE SUCCESSFUL, WE'LL TAKE A FEE, IF WE AREN'T SUCCESSFUL, WE WILL FORGET ABOUT OUR FEE. AND THAT'S AN UNHEALTHY SITUATION AS WELL. THERE ARE MANY MANY INSTANCES THAT COME TO MIND ON THE CIVIL LEGAL AID SIDE, WHERE PEOPLE ARE DENIED FUNDAMENTAL RIGHTS, WHERE THEY HAVE GOOD CASES AND SIMPLY CAN'T PROCEED BECAUSE THEY DON'T HAVE THE FUNDS AND THE LAWYERS ARE NOT ALLOWED BY THE RULES OF ETHICS TO FINANCE CIVIL LEGAL AID. IN OTHER WORDS LAWYERS CAN'T PUT OUT THE MONEY FOR DISBURSEMENTS AND SOMETIMES THESE DISBURSEMENTS MOUNT UP. WE ARE SIMPLY NOT ALLOWED. IT'S CALLED CHAMPERTY. WE'RE ALLOWED TO TAKE A CONTINGENCY FEE AND THAT'S ALL. REALLY THAT'S ALL I HAVE TO SAY FROM THE LAW SOCIETY. DO YOU HAVE ANY QUESTIONS?

Mr. PHELPS: IN OTHER WORDS, LAWYERS CAN'T PUT OUT THE MONEY FOR DISBURSEMENTS. SOMETIMES THESE DISBURSEMENTS MOUNT UP. WE JUST SIMPLY AREN'T ALLOWED - IT IS CALLED CHAMPERTY. WE ARE ALLOWED TO TAKE A CONTINGENCY FEE AND THAT IS ALL. REALLY THAT IS ALL I HAVE TO SAY FROM THE LAW SOCIETY. DO YOU HAVE ANY QUESTIONS?

THERE IS ANOTHER POINT AND THAT IS THAT THERE IS A VERY UNSATISFACTORY METHOD OF SCREENING LEGAL AID APPLICANTS. OFTEN WHAT HAPPENS IS THAT A PERSON WILL COME INTO LAW OFFICES AND SAY THAT THEY HAVE A JOB OR THAT THEY HAVE SOME RESOURCES AND THEY ARE ALMOST AT COURT AND THEY DON'T HAVE RESOURCES. THEN THE LAWYER GOES AND APPLIES FOR LEGAL AID. THERE ARE PROBABLY PEOPLE GETTING LEGAL AID THAT DO HAVE THE RESOURCES TO PAY FOR LEGAL SERVICES. WE THINK THAT THERE SHOULD BE SOME KIND OF A SCREENING COMMITTEE SET UP.

Mr. CHAIRMAN: THANK YOU, Mr. PHELPS, COUNCILLOR McKINNON?

Mr. McKINNON: Mr. CHAIRMAN, ONE OF THE DISTURBING THINGS ABOUT BEING A BACK-BENCHER IN THIS HOUSE IS THAT YOU NEVER SEEM TO KNOW ANYTHING UNTIL SOMEBODY COMES UP AND GIVES YOU AN ULTIMATUM AND SAYS THAT IF SOMETHING ISN'T DONE IN A PERIOD OF TIME THEN WE ARE WITHDRAWING. CERTAINLY THE LAW SOCIETY MUST HAVE BEEN HAVING NEGOTIATIONS WITH SOMEONE IN THE GOVERNMENT OF THE YUKON AS TO AN UPING OF THE FEE STRUCTURE OVER THE YEARS TO BRING IT IN LINE WITH DIFFERENT JURISDICTIONS. I AM JUST WONDERING WHO YOU WERE NEGOTIATING WITH AND

WHY THIS QUESTION HAS NEVER REACHED THE YUKON LEGISLATIVE COUNCIL?

Mr. PHELPS: WHAT HAPPENED IS THE FEDERAL GOVERNMENT PUT FORTH A PROPOSAL FOR CRIMINAL AND CIVIL LEGAL AID. THE NORTHWEST TERRITORIES ACCEPTED THAT SYSTEM. WE MADE NUMEROUS REPRESENTATIONS TO Mr. SAMUELS. HE WAS UP HERE IN '71. ON EACH OCCASION HE WENT AND SAW THE ADMINISTRATION OF THE GOVERNMENT OF THE YUKON TERRITORY. INDIVIDUALLY WE HAVE SPOKEN OUT TO MEMBERS. OTTO LANG HAS MADE REPRESENTATION TO THIS GOVERNMENT. IT SIMPLY HAS REACHED THE STAGE WHERE WE RECEIVED ABSOLUTELY NO COOPERATION FROM THE GOVERNMENT OF THE YUKON TERRITORY ABOUT INCREASING LEGAL AID. I THINK ONE OF THE OBJECTIONS THAT THE ADMINISTRATION HAD WAS THAT THE FEDERAL GOVERNMENT WAS WILLING TO SHARE 50-50 UP TO A \$75,000. MAXIMUM. BECAUSE OF THIS OPEN-ENDEDNESS THIS ADMINISTRATION WAS UNWILLING TO HEAR OF IT. I MIGHT SAY FURTHER THAT THE LAW SOCIETY OFFERED TO TAKE ON THIS SYSTEM AND ADMINISTER IT AND ALLOW FEES AT A MAXIMUM OF \$75,000. IF WE COULD HAVE RUN IT WHAT WE WOULD HAVE DONE WAS SIMPLY PAY EVERYBODY ON THE CRIMINAL SIDE AND ON THE CIVIL SIDE. HAD IT GONE OVER THE \$75,000, WE WOULD HAVE JUST TAKEN A PERCENTAGE OF OUR FEE SO THAT THE WHOLE THING WOULD HAVE ADDED UP TO \$75,000. WE WERE WILLING AT THAT TIME TO OPEN AN OFFICE, HAVE A SECRETARY PART-TIME, AND RUN THE WHOLE SHOW. OF COURSE, THIS WOULD HAVE TAKEN POWER AWAY FROM THE YUKON GOVERNMENT.

Mr. McKINNON: I AM VERY INTERESTED, Mr. CHAIRMAN, IN HEARING THE VIEWS OF THE WITNESSES ON, I AGREE WITH THEM, IN THE AREA OF MAKING THE RATES STANDARD, AT LEAST BRINGING THEM UP TO DIFFERENT JURISDICTIONS. I AGREE WITH THEIR FEELING IN THE AREA OF CRIMINAL LEGAL AID, AND AS THEY HAVE MENTIONED, CIVIL LEGAL AID.

I AM WONDERING WHAT THEIR FEELING IS, MAYBE THIS IS AN UNFAIR QUESTION TO ASK, BUT THAT DOESN'T COVER ALL THE AREAS WHERE INDIVIDUALS LOSE THEIR RIGHTS. I AM THINKING OF THE AREA OF GOVERNMENT BOARDS AND BUREAUCRATIC DECISION WHERE THE ONLY AREA WHERE THIS COULD BE RESOLVED IS IN THE FIELD OF AN OMBUDSMAN. CERTAINLY THERE WOULD HAVE TO BE A... IF WE ARE LOOKING AT THE FIELD AND TRYING TO COVER ALL THE AREAS WHERE A PERSON'S RIGHTS ARE INFRINGED UPON BECAUSE OF HIS INABILITY TO PAY FOR CRIMINAL OR CIVIL LEGAL AID THEN ONE SHOULD ALSO BE LOOKING AT THE SAME TIME AT AN AREA WHERE PEOPLE'S RIGHTS

ARE INFRINGED UPON BECAUSE OF DECISIONS MADE BY GOVERNMENT BOARDS AND AUTHORITIES WHICH HE ALSO HAS NO RECOURSE TO.

I WONDER IF ANY OF THE WITNESSES HAVE ANY THOUGHTS IN THESE AREAS?

MR. PHELPS: THERE ARE TWO PROBLEMS HERE. NUMBER ONE IS THAT OFTEN WHEN THE GOVERNMENT DOES MAKE A DECISION THAT AFFECTS THE RIGHTS OF AN EMPLOYEE OR OF ANY PERSON THERE IS NO RECOURSE TO ANY KIND OF A FORUM. A NATURAL JUSTICE IS DENIED AND NORMALLY THERE OUGHT TO BE SOME FORM WHERE THE PERSON WHO IS HAVING HIS RIGHTS LIMITED OR TAKEN AWAY CAN BE GIVEN A FAIR HEARING. THAT IS ONE ISSUE.

THE SECOND ISSUE IS GIVEN THAT KIND OF A BOARD OR TRIBUNAL OR EVEN AN OMBUDSMAN, THEN IF CIVIL LEGAL AID WERE ENVOYED OF COURSE, THE PERSON ACCUSED OR ABOUT TO BE DENIED HIS RIGHTS WOULD BE ABLE TO HAVE A LAWYER COME TO PREPARE A BRIEF BEFORE THE HEARING.

IT IS ALWAYS A DIFFICULTY WITH THE GOVERNMENT. NORMALLY THE HEARING THAT IS PROVIDED IS NOTHING LIKE THE ONE YOU WOULD GET IN A COURT ROOM. THERE IS A WHOLE FIELD OF LAW THAT EVOLVES AROUND THIS. NORMALLY A PERSON HAS A RIGHT TO A HEARING AND WHAT OFTEN HAPPENS IS THAT A PERSON HAS HIS RIGHTS TAKEN AWAY. HE GOES TO A LAWYER, THE LAWYER GOES TO COURT, THE COURT ISSUES A MANDAMUS SAYING THE GOVERNMENT AGENCY WILL HEAR THE PERSON THAT HAS LOST HIS RIGHTS. SO THE GOVERNMENT AGENCY HEARS HIM AND TAKES THE RIGHTS AWAY AGAIN.

THIS IS THE CASE THROUGHOUT CANADA.

MR. CHAMBERLIST: MR. CHAIRMAN, THE GENTLEMAN FROM WHITEHORSE WEST WAS MAKING A POINT, NOT WITH REFERENCE TO THE COURTS BEING USED TO SEEK REGRESS IN AN ADMINISTRATIVE AREA WHERE A BOARD HAS RULED OR HAS NOT RULED, BUT WHERE ADMINISTRATION HAS EITHER PROPERLY OR IMPROPERLY MADE A DECISION AFFECTING A PERSON WHICH IS NOT SUBJECT TO COURT RULE.

MR. PHELPS: AGAIN, THERE MAY BE AN EASIER... THE DIFFICULTY THAT WE FACE AT THIS TIME IS THAT ANYTHING THAT WE SAY AS A GROUP ON THAT SUBJECT WOULD NOT NECESSARILY REFLECT THE POSITION OF THE YUKON LAW SOCIETY. WE DON'T HAVE A POSITION ON THE OMBUDSMAN QUESTION AT THIS TIME. THERE IS DEFINITELY A NEED BECAUSE WE DO HAVE A VERY LARGE GOVERNMENT POPULATION

IN THE YUKON PERCENTAGE WISE. SO NATURALLY THERE IS GOING TO BE EVENTUALLY SOME NEED FOR SOME KIND OF A COMMITTEE OR AN OMBUDSMAN OR SOMETHING LIKE THIS. ALL I CAN SAY, I'M SPEAKING FOR THE YUKON LAW SOCIETY AND WE DO NOT HAVE A UNITED STAND ON WHAT THE SOLUTION MIGHT BE AT THIS TIME.

MR. CHAMBERLIST: MR. CHAIRMAN, RIGHT NOW, WHAT I GATHER THE WITNESSES ARE JUST SPEAKING ABOUT CRIMINAL LEGAL AID AND THE FEE STRUCTURE THAT IS PAID TO THE LEGAL PROFESSION. I DON'T THINK THEY HAVE GONE ANY FURTHER THAN THAT AT THIS TIME.

WHAT I WOULD LIKE TO ASCERTAIN, MR. CHAIRMAN, IS WHETHER THEY ARE AWARE THAT THE FEE STRUCTURES THAT ARE SET UP AS PROVIDED HERE IS SOMETHING THAT THE LAW SOCIETY IS PROPOSING, IS THIS WHAT I UNDERSTAND?

MR. CHAIRMAN; MY UNDERSTANDING IS THE JUDGE OF THE TERRITORIAL COURT SETS THE FEES NOT THE GOVERNMENT OF THE YUKON TERRITORY.

MR. PHELPS: WE CAN CLARIFY THAT ONE SIMPLY I THINK IN CIVIL MATTERS UNDER THE AGREEMENT WITH THE NORTHWEST TERRITORIES, 75% OF COURT COSTS IS WHAT IS PAID TO THE LAWYER FOR DOING THE CIVIL WORK BUT THEY ALSO HAVE A SEPARATE TARIFF FOR CRIMINAL WORK.

MR. CHAMBERLIST: I RECALL, MR. CHAIRMAN, THAT AT ONE TIME THE COURT WAS SETTING UP THE FEE STRUCTURE AND WE AMENDED THE JUDICIAL ORDINANCE. THIS MUST HAVE BEEN ABOUT 6 OR 7 YEARS AGO. SO THAT THE JUDGE SETS THE FEES. I AM JUST TALKING FROM MEMORY IN CIVIL CASES.

THIS IS WHY I WAS ASKING WHETHER OR NOT THE CONCERN, MR. CHAIRMAN, OF THE WITNESSES ARE JUST FOR THE STRUCTURE OF FEES IN CRIMINAL CASES AND NOT IN CIVIL CASES. OUR CONCERN IN THE SESSIONAL PAPER WITH WHICH WE ARE DEALING, MR. CHAIRMAN, DEALS WITH LEGAL AID FOR CRIMINAL AND CIVIL MATTERS. PERHAPS, MR. CHAIRMAN, THE WITNESSES CAN INDICATE WHETHER OR NOT THE SOCIETY HAS A STAND ON LEGAL AID IN CIVIL MATTERS.

MR. PHELPS: YES, WHAT MR. CHAMBERLIST IS REFERRING TO IS THE FACT THAT THE JUDGE HAS THE POWER NOW UNDER THE JUDICIAL ORDINANCE TO SET THE TARIFF OF COSTS IN CIVIL MATTERS. THAT IS WHEN ONE GOES TO COURT AND WINS THE CASE THEY ARE AWARDED COSTS AGAINST THE OTHER SIDE AND THESE ARE CALLED PARTY AND PARTY COSTS. THEY

NORMALLY DON'T REALLY REFLECT THE FEE THAT THE WINNER IS GOING TO BE PAYING HIS LAWYER. THEY ARE NORMALLY ABOUT A THIRD TO HALF OF THAT FEE. THE REASON FOR THIS IS THERE IS A PUBLIC PRINCIPLE INVOLVED THAT PEOPLE SHOULD BE DISCOURAGED FROM GOING TO COURT.

THERE IS ANOTHER TARIFF. IT IS APPENDIX M IN THE RULES, AND THAT IS A TARIFF FOR SOLICITOR-CLIENT COSTS. THE JUDGE HAS POWER TO SET THAT TARIFF AS WELL. THAT TARIFF TAKES PLACE NORMALLY WHERE A CLIENT GOES TO SEE A LAWYER AND THE LAWYER CARRIES OUT CERTAIN DUTIES AND RENDERS AN ACCOUNT WITHOUT EVER DISCUSSING THE ACCOUNT TO THE CLIENT. IF THE CLIENT IS UNHAPPY WITH THE ACCOUNT THEN HE TAXES THE BILL BEFORE THE CLERK, MR. WORSSELL, IN THIS CASE.

IF HOWEVER, A CLIENT GOES TO SEE A LAWYER AND THE LAWYER SAYS "LOOK, THIS IS GOING TO COST YOU SO MUCH," AND THE CONTRACT IS STRUCK FOR THE LAWYER'S SERVICES THEN THE CLIENT CANNOT GO AND TAX THE ACCOUNT.

THE COSTS THAT WE ARE SPEAKING OF, THE JUDGE HAS CONTROL OVER SETTING THOSE TWO TARIFFS. I MIGHT ADD, THAT THE YUKON LAW SOCIETY HAS RECOMMENDED CERTAIN CHANGES IN BOTH THOSE TARIFFS AT THIS TIME.

NOW, THE NORTHWEST TERRITORIES SYSTEM ON CIVIL LEGAL AID, WHAT THE GOVERNMENT IS SAYING IS, "OKAY, YOU'LL GET 80% OF THE SOLICITOR-CLIENT TARIFF. 75% PARDON ME." SO THE TARIFF IS SET FOR EVERYBODY. THE SOLICITOR IS IN NO POSITION TO MAKE A CONTRACT WITH HIS CLIENT AS TO WHAT HIS FEES WILL BE AND HIS FEES ARE THEREFORE TAXED AT THE NORMAL RATE AND THE LAWYER IS PAID 75% OF THAT TAXATION.

MR. MCBRIDE: IF I JUST MIGHT ADD, MR. CHAIRMAN, I THINK THAT IT WOULD BE FAIR TO SAY THAT, ALTHOUGH MR. PHELPS' THE MAIN THRUST, OF MR. PHELPS' REMARKS HAVE BEEN IN RESPECT TO CRIMINAL LEGAL AID THE POSITION OF THE LAW SOCIETY IS VERY MUCH IN FAVOUR OF A CIVIL LEGAL AID PROGRAM. WE FEEL THAT THERE IS MERIT IN IT, WE FEEL THAT IT IS A SOCIAL SERVICE THAT SHOULD BE PROVIDED IN TODAY'S WORLD AND THAT THE LAW SOCIETY IS VERY MUCH IN FAVOUR OF IT. BUT WE HAVEN'T MADE ANY SUBMISSIONS WITH RESPECT TO IT BECAUSE AS MR. PHELPS INDICATED THAT THE ONLY PROGRAM IN EFFECT CURRENTLY IS THE CRIMINAL LEGAL AID PROGRAM. IN GENERAL PRINCIPLE WE FEEL THAT THERE IS VERY LITTLE DIFFICULTY IN INSTITUTING A CIVIL LEGAL AID SCHEME. THE VARIOUS SCHEMES ACROSS CANADA

SEEM TO BE MORE OR LESS UNANIMOUS IN THE TYPES OF SERVICE PROVIDED. THERE ARE CERTAIN CIVIL REMEDIES THAT ARE EXCLUDED FROM A LEGAL AID SCHEME AND THEY ARE FAIRLY CLEARLY SET OUT IN THE ONTARIO AND THE B.C. LEGAL AID PLAN.

I THINK THAT THE LAW SOCIETY IN GENERAL IS IN ACCORD WITH THIS POSITION. BUT OUR MAIN THRUST THIS MORNING HAS BEEN ON CRIMINAL LEGAL AID BECAUSE THAT IS WHAT CURRENTLY IS AFFECTING THE LAW SOCIETY AT THE MOMENT.

MR. CHAIRMAN: THANK YOU, JUST A MOMENT PLEASE, JUST SO THE RECORD SHOWS THAT THE SPEAKER WAS MR. MCBRIDE.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF THE WITNESSES CAN INDICATE WHAT THEIR OWN FEELINGS ARE OR PERHAPS WHAT THE SOCIETY'S FEELINGS ARE IN RELATION TO THE SUGGESTION THAT I HAVE PUT FORWARD THAT THERE BE AN OMBUDSMAN AND A LEGAL AID COMMITTEE OPERATING IN CONJUNCTION SO THAT THE COST OF ADMINISTERING THE PROGRAM DOESN'T FALL HEAVILY ON THE TAX-PAYER BY HAVING TWO SEPARATE OFFICES. THAT IS AN OFFICE FOR THE OMBUDSMAN AND AN OFFICE FOR THE ADMINISTRATION OF LEGAL AID.

MR. MCBRIDE: ONE PROBLEM I CAN SEE IMMEDIATELY WITH RESPECT TO THAT IS THE POSSIBLE DENIAL OF RIGHTS. AN INDIVIDUAL WHO SEEKS LEGAL AID FROM THE OMBUDSMAN IS DENIED IT AND THEN HAD TO GO TO THE OMBUDSMAN TO HAVE AN INQUIRY INTO WHETHER OR NOT HIS RIGHTS WITH RESPECT TO LEGAL AID HAVE BEEN PROPERLY TAKEN AWAY. I THINK THAT THE INDIVIDUAL WEARING TWO HATS HAS A CONFLICT THERE AND THAT IS A PROBLEM THAT COULD POSSIBLY BE CONSIDERED.

MR. CHAMBERLIST: MR. CHAIRMAN, PERHAPS I GAVE MR. MCBRIDE THE WRONG IMPRESSION. I HAVE ALREADY INDICATED THAT THE OMBUDSMAN WOULD BE THE ADMINISTRATOR OF THE LEGAL AID COMMITTEE OF ONE. WHAT WOULD HAPPEN IN EFFECT IF SOMEBODY WENT TO HIM FOR LEGAL AID HE WOULD HAVE A SUB-COMMITTEE THAT WOULD BE DEALING WITH WHETHER OR NOT THAT PERSON IS ENTITLED TO LEGAL AID. HE WOULDN'T MAKE THE DECISION BUT HE WOULD BE ADMINISTERING THE PROGRAM.

MR. PHELPS: PERHAPS I COULD ASK THE HONOURABLE MEMBER WHO IS GOING TO BE ON THE SUB-COMMITTEE AND WHETHER OR NOT IT NEEDED TO BE AN OMBUDSMAN IF YOU ARE GOING TO HAVE A SUB-COMMITTEE?

MR. CHAMBERLIST: NO, THE SUB-COMMITTEE OF THE

LEGAL AID PROGRAM COULD BE MADE UP OF A MEMBER OF THE LAW SOCIETY, A MEMBER OF THE GENERAL PUBLIC, AND THE OMBUDSMAN IN THAT AREA.

Mr. PHELPS: I DON'T SEE ANYTHING WRONG WITH THAT SYSTEM, AGAIN IT IS A POLITICAL DECISION THAT THE COUNCIL HAS TO MAKE. THE ISSUE REALLY IS WHETHER OR NOT THE EXPENSE OF AN OMBUDSMAN IS IN YOUR OPINION REQUIRED. GIVEN THE SUB-COMMITTEE THEN THE PERSON THAT WAS DENIED COULD PRESUMABLY GO TO THE OMBUDSMAN AND SAY, "I WAS DENIED THE RIGHT TO LEGAL AID," THERE WOULD BE A FORM OF APPEAL IN THAT SENSE. IS THAT YOUR CONCEPT?

Mr. CHAMBERLIST: I AGREE THAT EVERY DECISION THAT IS MADE SHOULD BE SUBJECTED TO APPEAL IN ANY EVENT.

Mr. TANNER: MAY I ASK THAT Mr. PHELPS COME TO QUESTION. IT IS NOT CLEAR TO ME CURRENTLY WHAT YOU ARE CHARGING YOUR CLIENT, Mr. PHELPS OR THE LAW SOCIETY IS CHARGING THEIR CLIENTS. THIS IS A TARIFF FROM ONTARIO AND THIS IS WHAT YOU ARE SUGGESTING YOU SHOULD BE USING, OR SOME PORTION OF IT, YOU SHOULD BE USING...

Mr. PHELPS: THAT SHOULD BE IT, YES.

Mr. TANNER: IS THIS THE SAME TARIFF YOU WILL BE USING IF A CLIENT CAME TO YOU WHO WASN'T ON LEGAL AID?

Mr. PHELPS: FOR CRIMINAL MATTERS, NO. IF SOMEBODY CAME AND THEY WEREN'T ON LEGAL AID THEY WOULD BE CHARGED ANYWHERE FROM 50% OR MORE DEPENDING ON THE CASE. FOR EXAMPLE, YOUR MAXIMUM IN A CAPITAL MURDER CASE IS \$1,700. IF A PERSON WERE TO COME TO A LAWYER ON A MURDER CASE THEY WOULD HAVE TO PAY ANYWHERE FROM \$3,000 TO \$10,000.

Mr. TANNER: HOW DO YOU DETERMINE WHAT YOU ARE GOING TO CHARGE HIM. WHAT THE TRAFFIC WILL BEAR OR WHAT'S THE CRITERIA?

Mr. PHELPS: NO, EACH LAWYER HAS HIS RATE WHICH HE CHARGES PER HOUR AND HIS RATES THAT HE CHARGES FOR COURT TIME AND PREPARATION AND HE SETS HIS RATE BASICALLY ON THE MARKET, WHAT HIS EXPERIENCE IS. I CAN SAY THIS, THAT MOST LAWYERS IN TOWN CHARGE A RATE PER HOUR WHICH IS FAIRLY CONCURRENT TO VANCOUVER. IT WOULD VARY FROM INDIVIDUAL LAWYERS.

FOR EXAMPLE, IN VANCOUVER, IT IS NOT VERY

UNCOMMON FOR A FRAFFICKING CASE WHICH WOULD TAKE ABOUT A COUPLE OF WEEKS ALL IN ALL FOR A LAWYER TO CHARGE AS MUCH AS \$12,000. FOR THE HEARING.

WE HAVE NEVER HAD ANYTHING LIKE THAT UP HERE BUT EXPERIENCED COUNSEL IN VANCOUVER CHARGE TREMENDOUS AMOUNTS.

Mr. TANNER: I HAVE TWO QUESTIONS. IF I WALKED INTO YOUR OFFICE OR A LAWYER IN TOWN AND SAID WHAT'S IT GOING TO COST ME IF YOU DO THIS, THIS AND THIS. DO YOU HAVE A SCHEDULE OF FEES OR DO YOU LOOK THE CLIENT OVER AND SAY WELL I THINK WE CAN CHARGE THIS GUY 10% MORE THAN THE LAST GUY. THAT'S THE FIRST QUESTION. THE SECOND QUESTION IS IF I DON'T LIKE THE FEE THAT YOU HAVE CHARGED ME, WHO DO I APPEAL TO?

Mr. PHELPS: WELL FIRSTLY, WE BASE OUR FEES ON ALL CIVIL MATTERS ON A BOOKLET THAT IS ISSUED BY THE VANCOUVER BAR ASSOCIATION. IT'S CALLED THE VANCOUVER BAR ASSOCIATION AVERAGE FEE STRUCTURE. THAT'S MAINLY IN CIVIL MATTERS. AS TO CRIMINAL MATTERS MOST LAWYERS IN TOWN, I THINK ALL AS FAR AS I KNOW, WHEN YOU COME IN AND SAY YOU WANT ME TO REPRESENT YOU ON THIS IMPAIRED CHARGE OR THIS RAPE CHARGE OR WHATEVER, WE WILL TELL YOU WHAT THE ESTIMATED FEE WILL BE. BEFORE HE TAKES THE CASE YOU WILL AGREE. NOW IF YOU DON'T AGREE UPON THAT YOU GO TO ANOTHER LAWYER. IT'S THAT SIMPLE.

Mr. TANNER: ON APPEAL?

Mr. PHELPS: NO YOU SIMPLY GO TO SOME OTHER LAW FIRM.

Mr. TANNER: Mr. CHAIRMAN, IF HAVING ESTABLISHED THE FACT THAT THE FEE IS GOING TO BE CHARGED, MAYBE I HAVE OMITTED TO ASK YOU IN THE FIRST PLACE. THEN YOU SEND ME AN INVOICE OR BILL OR STATEMENT, AND I DON'T LIKE THE FEE THEN. DO I HAVE ANY COURSE OF RECOURSE?

Mr. PHELPS: YES. THIS GOES BACK TO THIS ITEM OF COSTS THAT THE JUDGE HAS PREPARED ON CIVIL MATTERS. YOU CAN GO TO THE COURT HERE AND ASK TO HAVE YOUR BILL OR YOUR ACCOUNT TAXED. YOU WILL PAY WHAT THE ITEMS SET FORTH IN THAT TARIFF INDICATE WHAT YOU SHOULD OR OUGHT TO PAY. IT'S NOT UNCOMMON, LET ME SAY THIS, WHERE NO CONTRACT HAS BEEN

STRUCK BETWEEN THE SOLICITOR AND THE CLIENT FOR FEES TO BE REDUCED BY AWESOME PERCENTAGES.

Mr. TANNER: Mr. CHAIRMAN, THROUGH YOU TO THE WITNESS. IF THE FELLOW WHO WALKS IN OFF THE STREET, AND THIS HAPPENS TO HIM ONCE IN HIS LIFETIME, HE'S GOT A CRIMINAL CHARGE AGAINST HIM AND WANTS TO BE DEFENDED. HOW CAN HE JUDGE NUMBER ONE THE VALUE OF THE LAWYER HE IS GETTING OTHER THAN BY REPUTATION OF WHAT HE MIGHT HAVE HEARD ON THE STREET OR FROM ANOTHER LAWYER OR TWO, THE FEE THAT HE IS BEING CHARGED FOR THE SERVICES RENDERED. HOW DOES THE MAN ON THE STREET REALLY KNOW UNLESS THERE IS SOME TABLE OF FEES THAT HE CAN REFER TO. FROM WHAT THE WITNESS IS SAYING IT'S SORT OF A HIT AND MISS METHOD OF THE COST OF LEGAL HELP IN THE TERRITORY PRESENTLY IN THE CRIMINAL FIELD.

Mr. PHELPS: ALL YOU CAN SAY TO THIS IS SIMPLY IN THE YUKON THE LAWYERS OPERATE UNDER A COMPLETELY LAISSEZ-FAIRE SYSTEM. ANY PERSON THAT PRACTICES LAW IN CANADA, IS CALLED TO ANY BAR, CAN GET CALLED TO THIS BAR WITH TWO WEEKS ADVERTISING AND PAYING SOMETHING LIKE \$300.00. ALMOST EVERY OTHER JURISDICTION IS A CLOSED JURISDICTION. IF ANYBODY HERE WISHES TO BRING IN A LAWYER SAY FROM VANCOUVER, PRINCE GEORGE, WHEREVER, IF THEY ARE UNHAPPY WITH THE FEES OR THE PERFORMANCE OF ANY OF THE LAWYERS HERE, THERE IS NO PROBLEM. EXCEPT THE AIR FARE OR WHATEVER THE LAWYERS DOWN THERE MIGHT CHARGE. THIS HAPPENS QUITE OFTEN. QUITE OFTEN YOU HAVE PEOPLE BRINGING IN LAWYERS - COUNSEL FROM VANCOUVER AND PRINCE GEORGE. IT'S SIMPLY AN OPEN-MARKET SITUATION. IF SOMEBODY IS UNHAPPY WITH YOUR FEES, THEY CAN SHOP AROUND TOWN. THEY CAN MAKE INQUIRIES OUTSIDE. IT'S VERY MUCH LIKE ANY OTHER BUSINESS WITH NO CONTROLS ON IT. THAT'S THE WAY IT SHOULD BE.

Mr. TANNER: ONE FINAL QUESTION. I'M NOT COMPLETELY CONVINCED THAT THAT'S THE WAY IT SHOULD BE. WOULD THE SAME SITUATION EXIST IN VANCOUVER OR ANY OTHER PROVINCE? IF I WALKED INTO A LAWYER'S OFFICE ON A CRIMINAL MATTER, HE COULDN'T SAY THAT'S WHAT IT IS GOING TO COST YOU FOR THE SERVICES THAT ARE GOING TO BE RENDERED AND USE SOME SORT OF TARIFF.

Mr. PHELPS: NO. IF YOU WALKED INTO A LAWYER'S OFFICE IN VANCOUVER, THE SAME SITUATION APPLIES. THEY JUST TELL YOU THIS IS MY FEE FOR DOING THIS. IF YOU DON'T LIKE IT GO ELSEWHERE. YOU CAN ASK HIM WELL DOES EVERYBODY

CHARGE THIS? THEN HE WILL SAY NO, SOME PEOPLE CHARGE AS LITTLE AS HALF AS I CHARGE. OR IF HE SAYS YES, EVERYBODY CHARGES IT AND YOU FIND OUT THEY DON'T, THEN YOU HAVE RECOURSE, LEGAL RECOURSE BECAUSE IT'S AN INVALID CONTRACT. SO YOU CAN GO BACK AND HAVE THE BILL TAXED. NORMALLY WHEN A PERSON COMES IN YOU TELL THEM WHAT YOU ARE GOING TO CHARGE. IF IT'S PER HOUR WHAT YOU CHARGE PER HOUR. IF IT'S PER DAY IN COURT AND PREPARATION, WHAT THE FEE IS GOING TO BE. AND THEY AGREE OTHERWISE YOU DON'T GO AHEAD.

Mrs. WATSON: Mr. CHAIRMAN, ONE QUESTION. DID I HEAR YOU SAY B.C.'S SCHEDULE OF FEES? THIS IS FOR CIVIL MATTERS, RIGHT?

Mr. PHELPS: YES.

Mrs. WATSON: YOU WERE REFERRING TO A P.C. SCHEDULE OF FEES STRUCTURE. THIS IS NOT FOR CRIMINAL, THIS IS FOR CIVIL.

Mr. PHELPS: THERE IS A BOOKLET THAT IS PUT OUT BY THE VANCOUVER BAR ASSOCIATION. IT GIVES MORE OR LESS THE AVERAGE FEE CHARGED IN VANCOUVER FOR ALMOST ALL AREAS OF WORK INCLUDING CRIMINAL CASES. IT'S A FAIRLY LOOSE THING. IF ANYBODY ASKS ME, I WILL SHOW IT TO THE CLIENT AND VERY OFTEN WE USE THEM. WE BASE OUR FEES ON A LARGE PART ON THAT FEE STRUCTURE.

Mrs. WATSON: IS IT AVAILABLE TO THE PUBLIC?

Mr. PHELPS: OH YES. OH YES.

Mr. TANNER: Mr. CHAIRMAN, JUST ONE LAST QUESTION. EITHER I MISSED THE POINT. THESE SCALE OF FEES ARE THE ONTARIO SCALE OF FEES FOR LEGAL AID. IS THAT CORRECT?

Mr. CHAIRMAN: FOR CRIMINAL LEGAL AID.

Mr. MCKINNON: PLUS 20%, Mr. CHAIRMAN.

Mr. PHELPS: NO. NO. WE ARE SAYING IN ALL FAIRNESS THAT IT SHOULD BE MORE BECAUSE OF THE HIGHER COSTS UP HERE. THAT'S UP TO YOU. OUR POSITION IS THAT'S ROCK BOTTOM. WE LOSE MONEY. LET ME JUST SAY THAT, I'M SPEAKING AS AN INDIVIDUAL, BUT MY FEELING IS THAT THE SCHEDULE THAT WE HAVE GIVEN YOU THE LAWYERS WILL NOT MAKE MONEY ON. THEY WILL BE LOSING MONEY BECAUSE EVERY FIRM HERE IS BUSY. THAT THEY WOULD BE BILLING UNDER THIS SCHEDULE WOULD BE LESS THAN WHAT THEY WOULD BE OTHER-

WISE BILLING IN DAY-TO-DAY WORK. THE LAW SOCIETY IS WILLING TO ACCEPT THIS TARIFF AS A ROCK-BOTTOM TARIFF AND MAKE THE SACRIFICE BECAUSE WE DO FEEL THAT THERE OUGHT TO BE A FREEDOM OF CHOICE TO THE ACCUSED PERSON. BUT IF YOU WOULD RATHER HAVE A PUBLIC DEFENDER SYSTEM, MY PERSONAL FEELING IS FLY AT IT. I'D BE HAPPY TO DO NO LEGAL AID. NONE, EVEN IF THIS WERE THE ALTERNATIVE.

Mr. CHAMBERLIST: Mr. CHAIRMAN, IT PLEASES ME TO KNOW THAT THE MEMBERS OF THE LAW PROFESSION ARE PREPARED TO ACCEPT SACRIFICIAL TREATMENT. Mr. CHAIRMAN, THIS DISCUSSION AND THE WITNESS'S REMARKS HAVE REALLY NOT BROUGHT TO US THE ANSWERS THAT WE ARE SEEKING TO COVER SESSIONAL PAPER No. 14 INASMUCH AS THE WITNESSES ARE APPEARING BEFORE US JUST ON A BASIS, I'D SAY WITH RESPECT, TO ATTEMPT TO UPGRADE THE FEE STRUCTURE FOR THE WORK THAT THE PROFESSION DOES IN LEGAL AID MATTERS TO INCREASE THE FEE STRUCTURE THAT THEY ARE RECEIVING NOW. I WOULD LIKE TO FEEL THAT THE LAW SOCIETY IS CAPABLE OF SOME INPUT INTO WHAT TERRITORIAL COUNCIL IS TRYING TO ACCOMPLISH. THAT IS TO ANSWER A SESSIONAL PAPER WHICH WOULD TELL THE ADMINISTRATION WHETHER OR NOT A LEGAL AID PROGRAM OR AN OMBUDSMAN PROGRAM IS REQUIRED FOR THE TERRITORY. I THINK THIS IS WHAT WE ARE SEEKING. THIS IS WHERE WE ARE ATTEMPTING TO GET A SYSTEM. I'M NOT GOING TO SUGGEST THAT THE WITNESSES HAVE TAKEN A SELFISH ATTITUDE, BUT CERTAINLY THEY ARE SPEAKING WITH REFERENCE AT THIS TIME, AS WITNESSES, ONLY IN REGARDS TO THE UPGRADING OF THEIR FEE STRUCTURES FOR THE WORK THEY ARE DOING PRESENTLY UNDER OUR PRESENT LEGAL AID WHICH IS AVAILABLE IN CRIMINAL MATTERS.

I WONDER IF WE CAN GET THE GENERAL IDEA FROM THEM, Mr. CHAIRMAN, AS TO WHETHER OR NOT IN THE CONTEXT OF AN OVERALL LEGAL PROGRAM, LEGAL AID PROGRAM, AND TAKE IT INTO CONSIDERATION THE REQUIREMENTS FOR INCREASING THE FEE STRUCTURE. I AGREE WITH THEM. FOR A LAWYER TO GO INTO COURT AND SPEND A DAY IN COURT FOR \$75.00, AND HAVING NOTHING ELSE BESIDE AND ONLY 5 HOURS IN COURT AND 20 HOURS RESEARCH, I MEAN THIS IS A RIDICULOUS SITUATION. THERE'S NO DOUBT ABOUT IT THAT WE SHOULD RECOGNIZE THAT. I WOULD LIKE TO GET REALLY THEIR INPUT TO THE GENERAL NEED IN THE TERRITORY FOR THE PEOPLE TO HAVE A LEGAL AID PROGRAM THAT WOULD ONE, PROTECT THE INDIVIDUAL FROM ADMINISTRATIVE WRONGS PERPETRATED BY GOVERNMENT, MUNICIPALITY OR BOARDS, EITHER DELIBERATELY OR BY

MISAPPREHENSION IN THE NEED FOR MAKING SURE THAT ALL PEOPLE SHOULD HAVE THE OPPORTUNITY TO SEEK LEGAL ADVICE WHETHER THEY CAN AFFORD TO PAY FOR IT OR NOT. IF THEY CAN'T AFFORD TO PAY FOR IT, THEY SHOULD NOT BE DEPRIVED OF WHAT SHOULD BE A NORMAL NATURAL JUSTICE IN NOT BEING ABLE TO GO AND GET LEGAL ADVICE FROM A LAWYER. THIS IS WHERE I THINK WE SHOULD TRY AND GET SOME INPUT FROM THEM IN THIS AREA.

Mr. VEALE: Mr. CHAIRMAN, I THINK WE SHOULD ESTABLISH HOW THE LAW SOCIETY APPEARED TODAY. WE SENT A LETTER TO THE CLERK OF THE COUNCIL AND VARIOUS COUNCILLORS ASKING TO APPEAR ABOUT A MATTER THAT WE FELT WAS VERY PRESSING BECAUSE THE NORTHWEST TERRITORIES ENTERED INTO A SCHEME FOR CRIMINAL LEGAL AID AND CIVIL LEGAL AID IN 1971. WE ARE SOMEWHAT BEHIND THEM. WE WERE NOT, IN FACT, DIRECTED TO INDICATE ANY PARTICULAR VIEWS ON OTHER AREAS. WE CAME. WE ASKED TO APPEAR AND YOU ALLOWED US TO APPEAR. WE WOULD CERTAINLY BE WILLING TO GO BACK AND GET FURTHER OPINIONS SO THAT IF YOU WANT A LAW SOCIETY OPINION ON THE OMBUDSMAN SITUATION ALL WE CAN OFFER RIGHT NOW IS PERSONAL OPINIONS ON THE TIE-IN BETWEEN OMBUDSMAN AND LEGAL AID. IF YOU ARE INTERESTED IN THOSE, WE WOULD BE PREPARED TO GIVE THEM.

IF I MAY SPEAK ON THE ISSUE OF THE OMBUDSMAN, MY ONLY PERSONAL CONCERN IN THAT AREA WOULD BE THAT A POPULATION OF 20,000 PEOPLE MAY NOT BE ABLE TO AFFORD THAT SYSTEM. THIS, OF COURSE, IS SOMETHING YOU COULD MAKE YOUR MINDS UP ON WHEN YOU DETERMINE HOW MUCH IT WOULD COST. IT WOULD SEEM TO ME WITH AN EXPANDED LEGAL AID SYSTEM TO INCLUDE CIVIL LEGAL AID, AND WITH AN EXPANDED COUNCIL OF TWELVE MEMBERS, THAT I THINK THAT NO PERSON SHOULD HAVE THEIR RIGHTS TROD UPON IN THIS TERRITORY. I PLACE THE OMBUDSMAN POSITION ON EACH ONE OF YOU MEMBERS PRESENT. I THINK THAT YOU ALL HAVE THE ABILITY AND THE POWER TO RIGHT WRONGS THAT ARE ADMINISTRATIVE, WRONGS DEALING WITH THE TERRITORIAL GOVERNMENT.

Mr. McKINNON: WANT TO BET?

SOME HONOURABLE MEMBERS: LAUGHTER.

Mr. VEALE: WELL IF YOU CAN'T, YOU SHOULD BE DOING SOMETHING. YOU SHOULD BE DOING SOMETHING BECAUSE YOU ARE A POLITICIAN.

Mr. McKinnon: That's exactly why we want the views.

Mr. Chairman: Order please. One at a time.

Mr. Veale: My position is that a politician should be able to handle the complaints of his constituents in a very satisfactory manner. If there is a legal problem involved, then the legal aid system would handle it.

Mr. Chairman: Thank you Mr. Veale.

Mr. Tanner: The only criticism I have in what Mr. Veale has just said is that he has stolen my thunder because I was saying - that's my point of view entirely. Particularly when you get, as he pointed out, twelve people and they will be representing approximately 1,600 constituents apiece. It seems to me that the need for an ombudsman doesn't appear as apparent with the expanded Council. However, my personal opinion as far as legal aid is concerned is entirely, as it apparently is with most members, is the fact that it is needed. It is needed now. In fact, it was needed yesterday. The faster that we can find some way of implementing it, both the criminal and certain civil cases, the faster this Council will be fulfilling its duty.

Mr. McKinnon: With respect, Mr. Chairman, you know within the next few days we are going to have discussion at this table towards one person who certain members of Council feel whose rights have been infringed upon by bureaucratic action. Now there is no way through the maze of territorial, federal government bureaucracy that this could have been handled outside of the final recourse of bringing it before committee of the whole in Council. I'm just saying that this isn't the proper way that a person's personal thought should be granted to a public peer; that this should be handled by an ombudsman role rather than a territorial Council committee role because there are other individuals whose personal lives and files have been dragged out in public before committee because that was the only recourse left to an individual councillor after, bang he has had for months and sometimes years against the bureaucratic maze of territorial and federal government involvement in the Yukon Territory.

I don't enjoy this type of an exercise in bringing a person's life and personal file out before public scrutiny, committee of the whole, when that's the only recourse that members of this legislative Council have because of the government situation in the Yukon Territory. I would much rather have an ombudsman role that can protect the right of this aggrieved person rather than bringing this up in the committee of the whole.

I would like to ask the Director of Legal Affairs wearing that hat now whether he has been involved with discussions with the Yukon Law Society towards upping the fees charged in criminal matters under the Yukon Legal Aid structure and whether he has been aware that the Yukon Law Society is prepared to remove their services from the courts of the Yukon Territory in legal aid matters in criminal affairs if the fees do not receive an upward revision. In other words, to put it bluntly it appears that the Yukon Law Society is going on strike in the field of legal aid in criminal matters within three months. Certainly somebody must have known something about it. Somebody must have been attempting to do something so this ultimatum wasn't given, and this impasse not reached.

Mr. Chairman: The legal adviser.

Mr. Legal Adviser: Mr. Chairman, to say that I was involved in discussions with the Law Society over a period with regard to the upgrading of their fees would be an exaggeration. I have not. They have made a submission back many years ago with which I agreed and still agree, so there was nothing to discuss except to try and get the fees up to a reasonable point. I was unsuccessful in this. In the second part of the question which was did I know of the potential - - -

Mr. McKinnon: Strike.

Some Honourable Members: Laughter.

Mr. Legal Adviser: It's not a strike, Mr. Chairman. Mr. Phelps, as a courtesy, as a courtesy to myself, gave me this first information the other day to warn me that something was coming. He didn't give it to

ME AS OFFICIAL GOVERNMENT INFORMATION. THIS WOULD BE THE LAST TIME I SAW MR. PHELPS IN THE CORRIDOR. WAS IT THREE OR FOUR DAYS AGO, MR. PHELPS? A WEEK MAYBE?

Mr. McKinnon: Mr. Chairman, supplementary. Could I ask the Director of Legal Affairs where the decision was made that they would - because it certainly wasn't made at the Council table. There's never been an item in this Budget under Department of Legal Affairs asking for the upward revision of fees paid to lawyers serving under the Legal Aid Plan in the Yukon Territory. Evidently then an executive decision prior to a Council decision that this would not even be presented to Members of the Yukon Legislative Council.

Mr. Legal Adviser: No, Mr. Chairman. I think Members are familiar with the way Government works.

Mr. McKinnon: Not this one - never will be. Laughter.

Mr. Legal Adviser: There was a scheme put forward quite a few years now for a comprehensive scheme of legal aid, both civil and criminal. Part of this scheme which I prepared at that time involved a substantial increase in fees on the criminal side and also, of course, a setting out of the fees for the civil side as to how that would be governed. It became a package. I presume that the Government hesitated to take a unilateral decision on one aspect of it rather than put the whole package. I think that Councillors should be fair enough to remember that Sessional Papers were, in fact, placed with the greatest regularity before this House and this is the first time they appear to be even veering within an asses' screech of a decision.

Mr. McKinnon: Well, Mr. Chairman, if you can tell me where the upward revision in fees under Legal Aid, under 2, that it was presented as a legal aid paper - was a comprehensive document that we weren't to take one aspect out of it and agree with that. It was given what is your total opinion on the legal aid package from the Administration, not whether the legal aid fees at the present

time in criminal matters should be increased or whether they should not. It was either accept the whole package or reject the whole package, not part or parcel of the paper that was presented to it. You are asking us for our indication of what the philosophy we felt should be behind a comprehensive legal aid package. If you think it is unfair of this Committee, I say it's unfair of the Administration to now say that they could have taken part of this paper and agreed with it when the Administration asked for acceptance of a comprehensive legal aid program.

Mr. Legal Adviser: That's quite correct, Mr. Chairman. Administration could have segregated out a portion and asked for a decision on that. In fact, few people thought that the decision would be delayed for these many years. Each time it was coming forward for a decision whoever was in charge, it might have been me, would think that we would get a decision today or tomorrow and then the whole thing goes through. Nobody thought to bring to the Council a separate deal because I suppose maybe politically it was thought that it might hamper with the thing and damage its affect. I don't know.

Mr. McKinnon: It's a possibility, Mr. Chairman, you could get a legal argument here with the opposing viewpoints, but what would be the situation where a person appealed to the Judge for legal aid in a Court of Law in a criminal matter and the Judge directed, after due consideration, that this person should be given legal aid and instructed one of the Members of the Yukon Law Society to take this person's case and that Member of the Law Society refused because he said that because of the fee structure we have removed our services from the Legal Aid Program of the Government of the Yukon Territory?

Mr. Legal Adviser: Mr. Chairman, I can't quite conceive of the Judge doing it or of a lawyer doing it. I think he would be up on the hill for awhile if he disobeyed.

Mr. Chairman: Order please. Mr. Phelps,

MR. PHELPS: I WAS JUST GOING TO GET TO THAT. WHAT WE ARE SAYING IS THAT WE ARE NOT GOING ON STRIKE AS IT WERE. WE ARE WITHDRAWING FROM THE SYSTEM. RIGHT NOW IN THE NON-SYSTEM ALL OF US ARE TAKING CIVIL CASES ON FOR NOTHING. THIS SHOULD NOT BE BUT WE ARE DOING IT AS A MORAL THING. LIKewise, WITH THE CRIMINAL. WE WOULD TAKE SOME. IF THE JUDGE WERE TO PHONE UP AND FEEL THAT CONCERNED ABOUT A SPECIFIC CASE, WE WOULD PROBABLY TAKE IT. WE WOULD RATHER NOT BE PAID ANYTHING THAN BE SUBJECTED TO A \$75.00 A DAY FEE. IT'S JUST A JOKE. WE ARE BEING TAKEN ADVANTAGE OF. WHAT HAS HAPPENED IS THIS. THE GOVERNMENT IS EXPECTING US TO PERFORM A FUNCTION THAT COMES UNDER A SOCIAL SERVICE. NOW MORALLY I WOULD TAKE AND EVERYBODY IN THE LAW SOCIETY WOULD TAKE CERTAIN CASES, BUT YOU CAN BET IT WOULD BE LESS THAN 10% OF THE CASES WE ARE TAKING NOW. I AGAIN SAY IN P.C. BEFORE THE GOVERNMENT FINALLY CAME TO GRIPS WITH THE PROBLEM, NOBODY BUT NOBODY WHO HAD ANY RECORD IN THE PAST FIVE YEARS COULD GET LEGAL ASSISTANCE PERIOD. AT LAST SOME LAWYER TOOK IT UPON HIMSELF, BECAUSE OF THE OUTSTANDING SITUATION - EQUITIES INVOLVED. THAT'S OUR POSITION. WE AREN'T WITHDRAWING COMPLETELY BUT THERE IS GOING TO BE - SOMEBODY HAS GOT TO BE BLAMED. OUR POSITION IS IF THERE IS NO SOCIAL SERVICE OR A VERY LIMITED SOCIAL SERVICE GRANTED THEN THE BLAME RESTS ENTIRELY WITH YOU.

MR. CHAIRMAN: I THINK AT THIS POINT IN TIME, IT'S NOW PAST 12:00, POSSIBLY WE WILL HAVE THE WITNESSES, IF THEY SO DESIRE TO, IF THEY COULD BE WITH US AT 2:00 TO CONTINUE THIS DISCUSSION.

SOME HONOURABLE MEMBERS: LAUGHTER. SHOUTING.

MR. CHAIRMAN: ORDER PLEASE. COMMITTEE STANDS ADJOURNED UNTIL 2 O'CLOCK.

RECESS

MR. CHAIRMAN: AT THIS TIME, WE WILL CALL COMMITTEE TO ORDER. WE ARE DISCUSSING LEGAL AID. WOULD YOU PROCEED?

MR. STUTTER: MR. CHAIRMAN BEFORE WE RECESSED AT DINNER TIME, I WAS VERY INTERESTED IN A COMMENT THAT HAD BEEN MADE BY MR. VEALE. WE ARE TALKING ABOUT TWO DIFFERENT THINGS AT THE MOMENT, ONE IS LEGAL AID AND THE OTHER IS THE POSSIBILITY OF AN OMBUDSMAN. I THINK COUNCILLOR CHAMBERLIST HAD ASKED WHAT THE INDIVIDUAL OPINIONS WERE AS FAR AS AN OMBUDSMAN IS CONCERNED.

MR. VEALE POINTED OUT THAT AS FAR AS HE WAS CONCERNED, HE FELT THE COUNCILLORS IN MOST INSTANCES WERE, IN EFFECT, OMBUDSMEN FOR THEIR OWN PARTICULAR CONSTITUENCIES AND I WOULD HAVE TO AGREE WITH HIM IN PROBABLY 9 CASES OUT OF 10. IT WAS POINTED OUT BY COUNCILLOR MCKINNON THAT WE DO HAVE A CASE BEFORE US NOW WHERE COUNCIL AS THE WHOLE IN ACTUAL FACT, WILL BE OPERATING AS AN OMBUDSMAN.

THE POINT THAT COMES TO MY MIND IS THAT I'M WONDERING, IN THIS PARTICULAR CASE THAT WE HAVE BEFORE US IN COUNCIL, IF THAT HAD BEEN TAKEN TO AN OMBUDSMAN RATHER THAN, IF WE HAD AN OMBUDSMAN, RATHER THAN TO COUNCIL AS A WHOLE WHAT WOULD REALLY AN OMBUDSMAN HAVE DONE? THIS IS A QUESTION THAT I SHOULD ADDRESS PERHAPS TO COUNCILLOR CHAMBERLIST BECAUSE I NEED TO GET MY MIND CLEAR EXACTLY WHAT THE FUNCTION OF AN OMBUDSMAN IS. I HAVE READ YOUR REPORT BUT....

MR. CHAMBERLIST: MR. CHAIRMAN, WHAT THE OMBUDSMAN WOULD HAVE DONE IN A CASE OF THAT DESCRIPTION, HE WOULD HAVE STUDIED ALL THE DOCUMENTATIONS. HE WOULD HAVE HAD THE RIGHT TO EXAMINE ALL GOVERNMENT RECORDS RELATING TO THE MATTER. THIS IS THE RIGHT THAT IS GIVEN IN THE OMBUDSMAN ACT OF EVERY JURISDICTION AND THEN WOULD HAVE MADE A RECOMMENDATION TO THE GOVERNMENT ON HIS FINDINGS.

IF THE GOVERNMENT WOULD THEN NOT ACT UPON HIS FINDINGS, HE WOULD THEN MAKE THE RECOMMENDATION THAT ACTION BE TAKEN BEFORE THE COURTS TO HAVE THE MATTER PROPERLY ADJUDICATED BY A COURT OF LAW. THIS IS THE PROCEDURE THAT IS USED.

MR. LEGAL ADVISOR: SAME AS HERE. I DON'T LIKE TO INTERRUPT BUT DO I UNDERSTAND THAT THE OMBUDSMAN HIMSELF WOULD HAVE TAKEN A LAW ACTION?

Mr. Chamberlist: No, I didn't say that. What I said was that the ombudsman would make a recommendation to the Government as to what his findings were and then if the Government did not act upon it, he would then advise the person to take an action before the Court, to seek regress. In the case of a person who would not have the funds to go before the Court, then he would recommend that legal aid be given so that the person could take it before the Court.

The ombudsman's function is purely one of investigating a complaint of an administrative wrong that has been performed against a person.

Mrs. Watson: Mr. Chairman, just one question for clarification. You are saying that the ombudsman could recommend that he take it to the Court, that he would not qualify for legal aid if he would be able to stand the cost of taking to Court himself.

Mr. Chamberlist: That is correct. The ombudsman's function is to examine everything that has taken place with reference to a specific complaint against the Government of the Yukon Territory, against the municipality or one of the boards emanating from out of those Governments. Upon making his findings, he would advise the Government or the municipality or the board, what his findings are.

If the findings were not dealt with to correct an administrative wrong, he would advise the person that has been aggrieved to take the matter before the Court. If that person, who is aggrieved hasn't the funds to take the matter to the Court himself, then in the capacity that I set up, as Administrator of the Legal Aid Committee, would then tell him to go to a specific lawyer who has specialized in that type of action to have a look at it and see what was required and the Government would come up with the finance to carry the legal action to the Courts.

The ombudsman would not be the one to go into Court.

Mr. Tanner: Mr. Chairman, I have two questions for the witnesses. First of all, have they read the Legal Aid paper that was presented to Council two years ago? If they had, I don't think Mr. McBride has covered it personally on what his recommendation was. The second one is, getting back to the very reason that

the three gentlemen are here, have they made any estimate of the cost of criminal legal aid under the new regulations that they are including in this page?

Mr. Chairman: Mr. McBride.

Mr. McBride: With respect to your first question, I have personally read the report and the only thing that I can say is that I am certainly in agreement in principle with an ombudsman. I think that the need for that particular office has been shown over and over again in modern society in every jurisdiction where Government plays such a large role.

I think that the question that should be asked in the Yukon Territory is whether it is economically feasible. On that point, I do not have an opinion. Whether or not there are the grievances that would arise with conflicts between the individual and the administration are sufficient to warrant a budget of whatever is proposed for an ombudsman. It is a political decision and one that at this time I am not prepared to enter into any discussion with respect to that.

As far as whether or not an ombudsman is a good thing per se, yes I personally feel and I think probably most of the members of the Law Society would feel that it is a good thing.

With respect to your second question, the matter of costs, I would anticipate that with the qualifications in where legal services are provided and if legal services are not provided in summary conviction matters or for individuals of second and third offenders and so on and so forth which are riders which appear on several of the legal aid programs throughout Canada, that although the fee schedule is increased, although an individual lawyer would be receiving more for a particular case, the overall budget of legal aid would not be affected that much. As I understand it at this time, there are a number of individuals who receive legal aid in summary conviction matters in sentence submissions and any number of other things that possibly would not receive legal aid under an Ontario or a B.C. program. Money that is paid out now for legal counsel for these individuals would not be paid out. It would amount to

A SAVING, IN EFFECT. IT WOULD TO A CERTAIN EXTENT OFFSET THE INCREASE IN FEES THAT ARE PAID TO COUNCIL, LEGAL COUNSEL, IT'S A GUESS WHETHER OR NOT THE ACTUAL BUDGET WOULD INCREASE. THE ONLY GUIDELINES THAT I COULD REFER YOU TO ARE THE FIGURES FOR THE N.W.T. WHICH INDICATE ON A COMPARABLE POPULATION, WHAT THEIR BUDGET IS FOR AN APPROXIMATE FEE SCHEDULE IS UNDER THE FEDERAL PROGRAM.

Mr. TANNER: I'M SORRY, I DIDN'T PUT MY QUESTION QUITE CLEARLY. IN THE CIRCUMSTANCES THAT WE HAVE TODAY, WITH THE LEGAL FEE SCHEDULE AS PROPOSED THAT YOU HAVE GIVEN COUNCIL, I WAS WONDERING WHETHER YOU HAVE LOOKED AT THE COST IMPLICATIONS WITHIN THE PRESENT BUDGET OF THESE PROPOSED NEW FEES. IRRESPECT OF LEGAL AID IN THE EXPANDED PROGRAM, JUST SPECIFICALLY ON THESE PAGES THAT YOU HAVE GIVEN US TODAY.

Mr. McBride: I THINK THE SHORT ANSWER TO THAT QUESTION IS NO.

Mr. TANNER: THAT IS A VERY SHORT ANSWER.

SOME HONOURABLE MEMBERS: LAUGHTER.

Mr. TANNER: IN THE AMOUNT VOTED IN THIS PAST BUDGET IS \$18,000 IF I AM CORRECT. WHAT I AM SAYING IS, HOW MUCH WOULD YOU VISUALIZE THAT SHOULD BE INCREASED TO ACCOMPLISH WHAT YOU GENTLEMEN WANT US TO DO FOR THE LEGAL FRATERNITY IN THE YUKON TODAY, WITH THOSE RATES. HAVE YOU MADE ANY ESTIMATES? IS THE ANSWER STILL NO?

Mr. Chamberlist: WHAT IS THE PERCENTAGE INCREASE, Mr. CHAIRMAN? PERHAPS THAT WOULD HELP. WHAT IS THE PERCENTAGE INCREASE BASED ON THE STRUCTURE THAT IS EXISTING NOW AND THE STRUCTURE THAT IS NOW PROPOSED?

Mr. McBride: I WOULD SAY MYSELF, APPROXIMATELY 200% TO 300%.

Mr. Chamberlist: THAT IS A VERY BIG AREA.

Mr. McBride: OK, I WOULD HAVE TO SAY ON THE CRIMINAL RATE ALONE YOU BUDGETED \$18,000.00. NOW SOME OF THAT IS DISBURSEMENT MONEY, TRAVELLING ALLOWANCE. I DON'T KNOW HOW MUCH OF IT IS. THERE'S A NUMBER OF A THOUSAND DOLLARS JUST FOR TRAVELLING FROM COMMUNITY TO COMMUNITY IN THAT.

Mr. LEGAL ADVISER: IT'S AN ADDED SUM FOR TRAVELLING. I WOULD SAY YOU KNOW, AT THE TOP OF MY HEAD, THAT ON THIS SCALE OF FIGURES WE WOULD BE LOOKING AT BETWEEN \$40,000.00 AND \$50,000.00.

Mr. McBride: I WAS GOING TO SAY APPROXIMATELY \$45,000.00 TO \$50,000.00.

Mr. LEGAL ADVISER: TAKE A GUESS AND SAY \$45,000.00.

Mr. McBride: I WAS GOING TO SAY \$45,000.00 TO \$50,000.00 BECAUSE YOU WOULD BE IN EFFECT DOUBLING THE COURT TIME ALLOWANCE AND ADDING PREPARATION TIME. YOU SEE WHAT HAPPENS NOW IS THIS. IF A PERSON HAS A CASE SET FOR 2 O'CLOCK IN THE AFTERNOON AND IT'S A FAIRLY SHORT CASE, HE NORMALLY SPENDS THE MORNING PREPARING AND INTERVIEWING WITNESSES AND TALKING TO THE CROWN, THE POLICE AND SO ON AND SO FORTH. THEN HE GOES TO COURT AT 2 O'CLOCK IN THE AFTERNOON AND FINISHES SAY AT 4 O'CLOCK, 4:30 OR 5 O'CLOCK. HIS FEE IS \$37.50, HALF A DAY. HE HAS BLOWN A FULL DAY. HIS EXPENSES, NOT COUNTING ANY WAGE FOR HIM, IN THE OFFICE FOR THAT DAY AMOUNT TO APPROXIMATELY \$80.00 TO \$200.00, AND HE'S GETTING PAID \$37.50. UNDER THIS SYSTEM HE WOULD BE PAID A FULL DAY FOR PREPARATION AND FOR HIS TIME IN COURT SO HE WOULD GET APPROXIMATELY \$150.00. IT'S QUITE A DIFFERENCE.

Mr. TANNER: IN THE TALKS THIS MORNING YOU OR SOMEONE WERE TRYING TO ILLUSTRATE A CASE BY SAYING THE JUDGE MIGHT APPOINT A SPECIFIC LAWYER TO TAKE A SPECIFIC CASE. AS I UNDERSTOOD IT, AS IT'S WORKING PRESENTLY IN PARTICULARLY THE MAGISTRATE'S COURT, THE MAGISTRATE WILL ASK THOSE LAWYERS PRESENT IF ANYBODY WILL TAKE A PARTICULAR CASE AND HE HAS THE RIGHT OF REFUSAL I BELIEVE. ISN'T THAT CORRECT?

Mr. McBride: THAT'S CORRECT. WE WOULD EXPECT THAT, YOU KNOW, THIS WOULD BE THE SAME BASIS. BECAUSE IF A PERSON IS GOING TO BE DEFENDED PROPERLY THE LAWYER HAS TO HAVE THE TIME OR MAKE THE TIME AND AT CERTAIN TIMES YOU JUST CAN'T DO IT. ALSO, I THINK IT'S ONLY FAIR THAT THE BURDEN SHOULD BE SPREAD FAIRLY EVENLY ACROSS ALL MEMBERS OF THE BAR. ONE LAWYER SHOULDN'T BE DOING ALL THE WORK.

Mr. Tanner: In effect what does happen. Does it usually involve one, two or three lawyers and the others are usually too busy.

Mr. McBride: No what happens in effect . . . lawyers that don't go to court or very seldom go to court. The other members of the firm take up the slack so to speak.

Mr. Tanner: One last question, Mr. Chairman. In the drug business, when you are setting up a drugstore you usually use some sort of denominator of about how many drugstores you need per population. For an example, if you are setting up a news agent, one per hundred thousand would be a very good basis to work on. But

in the legal fraternity, if you have 20,000 people in the Yukon, would you say you would need one more per thousand people? Is there any rule of thumb?

Mr. Phelps: Yes, there is. You hear one lawyer for approximately a thousand and twelve hundred people. In the Yukon you have a rather different situation because you do have a capital and separate jurisdiction and any company that would come from outside in here on a contract or to do mining work, etc., has to deal with the law firm and get approval to work here. So you have an extra work load. I would think that one lawyer per thousand would be about right up here and as you know there are approximately 15 private practitioners in the Yukon and there are a number of lawyers who come up here to take trials and so on.

I would say that probably one civil case in the Supreme Court and approximately four or five involves outside counsel.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Advisor can indicate whether the Federal Government will supply 50% of the overall program of legal aid, both criminal and civil or whether it would just be 50% of the fees and disbursements only. In other words, does it also include the administration of the 50% cost-sharing basis?

Mr. Legal Advisor: To this extent Mr. Chairman. The basic discussion of the Federal Government has involved a scheme which is similar to the Northwest Territories which is a little dissimilar to the committee system and this involves payment for the non-government personnel

of per diem fee for meetings. The total cost is estimated to be a certain figure and they indicated they would pay half of this.

Now, in civil actions and in criminal actions, the lawyer has disbursements to make, that are technically called disbursements. These are payments he makes to an expert witness from outside. The payment for a witness to come in the ordinary course of events and so forth. That's called a disbursement because the lawyer charges on the bill his own personal fee and then disbursements from his funds to carry the cost of the trial. Then he is reimbursed for all these disbursements.

Now in a civil legal aid case there may be disbursements. There is a case at the moment under consideration where a lawyer may have to go to New Orleans and to do a portion of a case which is a Yukon case but the purpose of taking testimony in New Orleans to fill out a case which eventually will come to trial here. That would be heavy disbursement.

At the trial itself, they may have to subpoena a lawyer to come here for the trial. That is a disbursement. So, that total bill in our estimate is set out here and one of the things in the system administering as different the ombudsman we've drawn attention to the fact that we are just talking about the legal aid section. We think an ombudsman and staff accommodation will come to \$40,000 independently.

I don't think the Federal Government would pay \$20,000 of the \$40,000 cost as matters stand in the conversation between the two governments at this moment.

Mr. Chamberlist: It was information but, with respect, I didn't get the answer, Mr. Chairman. What I want to know is whether the overall program is 50% cost shared and this is the key, I think, in whether or not the territorial government can afford to support a complete legal aid program or just a portion of it.

Mr. Legal Advisor: Mr. Chairman, if you are asking me which program you are talking about, I could tell you how much the Federal Government would pay in respect of it.

Mr. Chamberlist: Well, on page 2, half way down it reads: the paper presented to Council during the first session of 1973, requested the

COUNCIL'S ADVICE AS TO WHETHER (A) IT IS IN FAVOUR OF A 50-50 SHARED COST COMPREHENSIVE LEGAL AID SYSTEM TO BE FUNDED EQUALLY BY THE YUKON TERRITORY AND THE FEDERAL GOVERNMENT, THAT IS THE QUESTION I AM ASKING. WHETHER IT'S THE COMPREHENSIVE LEGAL AID PROGRAM, THAT INCLUDES CRIMINAL AND CIVIL LEGAL AID, WHETHER ALL THE COSTS INVOLVED, ADMINISTRATIVE COSTS, THE DISBURSEMENTS COSTS, AND THE ACTUAL FEES OF THE MEMBERS OF THE LEGAL PROFESSION ARE INVOLVED IN THE 50-50 COST SHARING?

Mr. LEGAL ADVISOR: Mr. CHAIRMAN, IN RESPECT TO THIS SCHEME, LOOK AT TOP OF PAGE 2, YOU WILL SEE FIVE SCHEMES LISTED. I WOULD EXPECT THAT THE FEDERAL GOVERNMENT WOULD PAY \$40,000 TOWARDS THAT SCHEME ON THE ASSUMPTION THAT THE TOTAL COST IS \$80,000. THAT INCLUDES A FULL COMPREHENSIVE CIVIL SCHEME AND A FULL COMPREHENSIVE CRIMINAL SCHEME.

SO FAR AS NO. 1 IS CONCERNED I WOULD EXPECT THEY WOULD PAY HALF THE COST OF THAT EQUALLY BECAUSE THE DIFFERENCES VARY, VERY SLIGHTLY ONLY FROM THE SCHEME THE DEPARTMENT OF JUSTICE HAS IN MIND. I THINK WE WOULD HAVE TO RE-NEGOTIATE WITH THE FEDERAL GOVERNMENT WHAT THE POSITION WOULD BE IN RELATION TO A PUBLIC DEFENDER SYSTEM AND A NEIGHBORHOOD LAW CLINIC OR A SYSTEM ADMINISTERED IN CONJUNCTION WITH AN OMBUDSMAN.

I THINK WE WOULD HAVE TO GO BACK TO THE FEDERAL GOVERNMENT AND ASK THEM FOR MORE INFORMATION.

Mr. TANNER: Mr. CHAIRMAN, DOES THE LEGAL ADVISOR KNOW WHAT THE EXPERIENCE HAS BEEN IN THE FIRST YEAR OF OPERATION OF THE NORTHWEST TERRITORIES IN SO FAR AS THEIR ESTIMATED BUDGET COSTS AND THEIR ACTUAL COSTS?

Mr. LEGAL ADVISOR: THEIR ESTIMATES IN THE FIRST YEAR OF OPERATION WAS \$75,000. THEY DIDN'T PICK THAT BECAUSE THE SCHEME WASN'T IN OPERATION FOR A FULL YEAR. THEY CONTINUED THE ESTIMATE FOR \$75,000 FOR THE SECOND YEAR AND THEY WENT OVER THE BUDGET. I DON'T KNOW. I SEE MY ADMINISTRATOR DOWN THERE, HE MAY KNOW THE ANSWER.

Mr. STUBBINS: I BELIEVE IN THE FIRST FULL YEAR OF THE OPERATION SCHEME IT COST \$90,000 IN THE NWT AND THE POPULATION BEING APPROXIMATELY DOUBLE OF THE YUKON, THE DISBURSEMENTS WERE THAT MUCH GREATER BECAUSE OF THE AIR TRAVEL CHARTERS EXPLORATION.

Mr. LEGAL ADVISOR: NOW, NOTWITHSTANDING THE

FACT THEY WENT \$15,000 OVER, I THINK THE FEDERAL GOVERNMENT WAS GENEROUS AND MET THEIR SHARE OF THE COSTS, AFTER A LITTLE BIT OF HAGGLING. I THINK THEY MET IT.

Mr. TANNER: Mr. CHAIRMAN, THEN I ASSUME THAT INITIALLY WITH THE NWT PROGRAM THERE WAS A CEILING AND AS I UNDERSTAND IT, THERE IS NO CEILING ON THE PROGRAM THAT THE FEDERAL GOVERNMENT IS PROPOSING TO THE YUKON GOVERNMENT.

Mr. LEGAL ADVISOR: NO, Mr. CHAIRMAN. Mr. LAING CAME DOWN HERE AND HAD CONVERSATION WITH COMMISSIONER SMITH AND COMMISSIONER SMITH, IN THE COURSE OF CONVERSATION, INDICATED THAT HE PERSONALLY HAD A HANG-UP OVER THE CEILING AND HE DIDN'T THINK THE COUNCIL WOULD LIKE TO SEE A CEILING PUT ON IT WHICH COULD MEAN THAT THE CEILING WOULD ONLY APPLY TO THE FEDERAL CONTRIBUTION AND NOT TO OURS AND THE GOVERNMENT INDICATED, THE FEDERAL GOVERNMENT INDICATED TO THE COMMISSIONER THAT THEY WOULD BE WILLING TO PUT FORWARD A SCHEME TO CABINET WHICH WOULD REMOVE THE CEILING.

Mr. CHAMBERLIST: Mr. CHAIRMAN, IN SCHEME NO. 4, ON PAGE 2, THIS WOULD SHOW A TOTAL COST OF \$100,000. NOW, WAS THIS \$100,000 BASED ON THE FEES IN CRIMINAL MATTERS AS THEY EXIST NOW OR WOULD IT INCLUDE FEES IN CRIMINAL MATTERS AS PROPOSED BY THE LEGAL PROFESSION?

Mr. LEGAL ADVISOR: Mr. CHAIRMAN, WE PROPOSED, IN OUR DEPARTMENT WE CONSTRUCTED A MORE GENEROUS SCHEME WHICH DID IN EFFECT, IN OUR OPINION, DOUBLE MOST OF THE FEES CURRENTLY BEING CHARGED BY THE LAWYERS. IN OUR VIEW IT IS A GENEROUS SCHEME. IT WASN'T AS GENEROUS WHEN COMPARED BY GOVERNMENT OFFICERS AS THE SCHEME AS PREPARED BY THE LAWYERS THEMSELVES. OF COURSE, THAT MAY ONLY BE HUMAN.

Mr. PHELPS: WELL, WITH RESPECT, THE SCHEME WE INTRODUCED HERE TODAY OF COURSE, IS THE SCHEME THAT WAS INTRODUCED BY THE ONTARIO LEGISLATURE.

I WOULD POINT OUT THAT THE LAW SOCIETY WROTE THE JUSTICE DEPARTMENT IN OTTAWA, I THINK IT WAS ONE YEAR AGO, AND WE UNDERTOOK TO TAKE OVER THE LEGAL AID SYSTEM AND ADMINISTER AND RUN THE LEGAL AID SYSTEM BASICALLY SIMILAR TO THAT NOW IN THE NORTHWEST TERRITORIES FOR \$75,000 A YEAR. NOW WE FEEL THAT \$80,000 A YEAR WOULD BE ADEQUATE, BOTH CRIMINAL AND CIVIL LEGAL AID ON THAT SCALE.

I WAS NOT ON THE LEGAL AID COMMITTEE OF THE LAW SOCIETY BUT I DO RECALL SOME DISCUSSIONS WE HAD AT THAT TIME AND IT SEEMS TO ME THAT THE CRIMINAL SIDE OF IT WOULD AMOUNT TO APPROXIMATELY \$45,000 OR \$50,000. USING THIS SCALE, THE CIVIL SIDE OF IT, I THINK THAT ONE THING YOU'VE GOT TO LOOK AT IS THAT YOU WOULD HAVE A FAIR PERCENTAGE OF VICTORIES ON THE CIVIL SIDE AND IF YOU DID WIN A CASE YOU WOULD BE AWARDED THE COSTS AND THESE COSTS WOULD GO BACK INTO THE FUND TO OFFSET THE FEES AND ALL THE DISBURSEMENTS ON THAT PARTICULAR CASE WHICH WAS WON.

MR. TANNER: MR. CHAIRMAN, I WONDER IF ALL THE MEMBERS WILL JUST SEE IF I'VE GOT THE RIGHT SUMMARY OF THE SITUATION. AS WE'VE GOT IT HERE, WE HAVE TWO PROBLEMS, FIRST OF ALL THE INITIAL PROBLEM IS THAT THE LAW SOCIETY IS NOT PREPARED TO CONTINUE UNDER THE PRESENT FUNDING ARRANGEMENT WHICH IS \$18,000 THAT WE HAVE IN OUR BUDGET AND HAVE COME UP WITH A WHOLE SET OF NEW FEES FOR CRIMINAL AID, WHICH AS I SAY, IF THEY CAN'T HAVE THEY CAN'T OPERATE AFTER THREE MONTHS. SO WE'RE LOOKING AT A COST OF, I THINK, OF ABOUT \$45,000, IF WE WENT FOR THEIR PRESENT FEES. NOW, IF WE WENT FOR A COMPLETE PROGRAM AS I ITEMIZED FOR EXAMPLE IN PARAGRAPH 5 ON PAGE 2, WE ARE LOOKING AT AN ESTIMATE OF \$80,000 WHICH THE FEDERAL GOVERNMENT WILL FUND \$40,000. WE PRESENTLY HAVE \$18,000 IN THE BUDGET SO THE TERRITORIAL GOVERNMENT WILL BE LOOKING FOR APPROXIMATELY ANOTHER \$22,000.

NOW, IF YOU PUT THOSE FACTS TOGETHER, IT WOULD APPEAR LOGICAL TO ME THAT IF THE TERRITORIAL GOVERNMENT CAN COME UP WITH \$22,000 AND THE FEDERAL GOVERNMENT IS PREPARED, IN FAIRLY SHORT ORDER, TO ENTER INTO AN AGREEMENT WITH THE TERRITORIAL GOVERNMENT, WE CAN HAVE BOTH CIVIL AND LEGAL AID FOR A PRICE, AND THAT PRICE IF YOU LIKE IS RATHER CRASS, IT DOESN'T MATTER, OF \$22,000 TO THE TERRITORIAL GOVERNMENT. IS THAT THE SCHEME AS I'VE GOT IT?

MRS. WATSON: YOU ALREADY HAVE \$18,000. WELL, ANOTHER \$22,000.

MR. LEGAL ADVISOR: I HAVEN'T CHECKED INTO THE MATHEMATICS BUT THE PRINCIPLE IS CORRECT, MR. CHAIRMAN.

MR. CHAMBERLIST: BUT THAT WOULD ONLY DEAL WITH CRIMINAL MATTERS.

MR. TANNER: MR. CHAIRMAN, THAT'S CRIMINAL AND CIVIL.

MR. CHAIRMAN: HAVE YOU ANY FURTHER QUESTIONS YOU WOULD LIKE TO DIRECT TO THE WITNESSES AT THIS TIME?

MR. STUTTER: MR. CHAIRMAN, I HAVE ONE BRIEF QUESTION. I PROBABLY COULD HAVE ASKED THE LEGAL ADVISOR BUT GOING BACK A MINUTE TO THE SCHEDULE WE HAVE BEFORE US, I NOTICE IN ALL INSTANCES IT TALKS ABOUT PER DAY. NOW, WHEN WE ARE TALKING ABOUT A 'PER DAY' IN THIS INSTANCE, HOW WOULD YOU DEFINE A DAY. I MEAN, AT THE MOMENT I UNDERSTAND YOU ARE BEING PAID \$75 A DAY FOR ANY CASE TAKEN UNDER THE LEGAL AID, CRIMINAL. IS THIS SO AND IS THAT 'DAY' THEY ARE TALKING ABOUT THERE THE SAME AS WHAT YOU ARE NOW BEING PAID FOR?

MR. PHELPS: THAT'S MY UNDERSTANDING. RIGHT NOW TO APPEAR IN COURT, YOU ARE PAID FOR ONE HOUR. IN OTHER WORDS, IF YOU GO TO COURT, MAKE AN APPEARANCE, SET A TRIAL DATE AND SO ON, YOU GET PAID \$15.00. I PRESUME THAT THE SYSTEM YOU HAD BEFORE, IF YOU APPEARED FOR HALF A DAY, YOU WOULD BE PAID FOR HALF A DAY BUT IF YOU SPENT THE OTHER HALF DAY IN PREPARATION, YOU WOULD BE PAID PREPARATION TIME.

IT'S BROKEN INTO TWO CATEGORIES. ACTUAL COURT TIME AND PREPARATION TIME. THAT'S ONE OF THE BIG PROBLEMS WITH THE SYSTEM RIGHT NOW. YOU SPEND PROBABLY THREE TO ONE IN TERMS OF HOURS, PREPARING.

MR. TANNER: SO, JUST TO GET IT ABSOLUTELY CLEAR, MR. CHAIRMAN. YOU MENTIONED THAT IF YOU JUST APPEAR IN COURT AT THE MOMENT YOU GET PAID FOR ONLY ONE HOUR, \$15.00. I WOULD TAKE IT THEN THAT A DAY AS FAR AS THE COURT IS CONCERNED, IS FIVE HOURS AND YOU COULD GET PAID FOR ANYTHING FROM ONE TO FIVE HOURS.

MR. PHELPS: YES, THAT'S CORRECT.

MR. CHAMBERLIST: DO I UNDERSTAND, MR. CHAIRMAN, FROM MR. PHELPS THAT YOU JUST GET PAID THE FLAT \$75.00 NOTWITHSTANDING THAT YOU HAVE TO PREPARE ALL THE DOCUMENTATION AS WELL? YOU DON'T GET PAID FOR ANY OF THE DOCUMENTATION AT ALL? THAT IS LUDICROUS.

MR. PHELPS: IT USED TO BE ON THE RECORDS, NO, WE GET PAID FOR NOTHING BUT ACTUAL COURT TIME LOGGED. IF IT IS FOUR HOURS, WE GET \$60.00.

MR. LEGAL ADVISOR: THIS ISN'T TOTALLY ACCURATE.

MR. CHAMBERLIST: WELL, WHAT IS ACCURATE THEN?

Mr. McKinnon: Mr. Chairman, I don't know whether the appearance of members of the Law Society had anything to do with the news item I heard the other day that the plumbers in Vancouver are going for \$10.90 an hour. However, I wonder if the representatives of the Law Society could tell me if the Government decides to go into the total program of civil and criminal legal aid and their program will reflect an upwards revision in the rates that now goes back to the legal profession and if, because of the time element involved in the passage of this philosophy by the House of putting into practice, with the agreements of the Federal Government which has to be negotiated and signed, would the members of the Law Society undertake in good faith with the agreements going to be signed and the philosophy having been accepted from this House that they would be thinking of withdrawing the ultimatum that there would be a three-month hiatus before, and then they would withdraw their services under the criminal legal aid program in the Yukon Territory.

Mr. Phelps: My answer is, most certainly. We have been pushing to get this system for approximately three years now. Behind the scenes, we would definitely go along in good faith.

Mr. Chairman: Are there any further questions of the witnesses. I wonder then if the witnesses may be excused.

Some Members: Agreed.

Mr. Chairman: I would like to thank you very much, gentlemen, for a most informative and ..

Mr. Chairman: What is your further pleasure in respect of Legal Aid?

Mr. McKinnon: Mr. Chairman, could we report progress on this and leave time for members to prepare a motion on the principle of the program. I've been trying to bring a motion at this time and running into all the difficulties that we always do when we start a motion in committee like this?

Mr. Chairman: It's really not necessary to report progress in this matter but committee could be stood over for another time. Agreed?

Some Members: Agreed.

SESSIONAL PAPER NO. 13.

Mr. Chairman: Alright. The next item. This leaves Sessional Paper No. 13, Medicare changes. What is the decision of committee. Mr. Stutter.

Mr. Chamberlist: Mr. Chairman, I hope by tomorrow morning or the morning after, I will have typed up and ready for introduction into Council a private member's bill which will indicate what I think about the Sessional Paper and what changes should be made so that the additional items and benefits can be given to people on the Medicare program as a result of the proposal I intend to make. In exactly the same way as the Liquor Fund is in the Yukon Consolidated Revenue Fund. A separate fund that the Medicare fund will be in the Yukon Consolidated Revenue Fund as a separate fund in that the interest on that fund will accrue to the fund itself and by that means provide additional money to give additional benefits under the Health Care Program.

Mr. Tanner: Mr. Chairman, as I said the last time if the member is going to introduce the Money Bill I hope all members of Council will find they won't be able to support it because he knows that he hasn't got the right, unfortunately none of us have, to introduce the Money Bill.

Mr. Chamberlist: I just repeat that it is not a Money Bill. It will be just an amendment in exactly the same way as we have legislation that has been produced before this Council before. Using exactly the same words and presented in exactly the same manner.

Mr. Chairman: Alright then this leaves in committee at the moment two Sessional Papers, Legal Aid and Medicare changes. In motions at the moment we have the motion to amend the Liquor Ordinance and this I believe we are waiting on a reply from the City of Whitehorse. I am wondering Madam Clerk if there was any direction given in this matter on Friday and that maybe on behalf of committee a letter could be written to the City asking when we might receive their decision in this regard.

Mr. Tanner: Mr. Chairman just for committee's information, I was at the City Council meeting when they made their decision and their deci-

sion was to make no decision and refer it to the Association of Municipal Councils. And I would personally express the opinion I think that was a pretty shameful decision because both the other municipalities managed to make a decision and I think the City of Whitehorse should make one.

Mr. McKinnon: As they pass the buck Mr. Chairman they have made note of the Territorial Council passing the buck onto the shoulders of the City of Whitehorse Aldermen. But I really believe that the Motion as it is now, I think there is two things that should be done. One, that I hope that the Honourable Member from Dawson isn't giving up on his idea of seeing a bottle depot return system prepared for this summer and if that is done in conjunction with the enforcement which has been stated is going to come about from discussions with the municipalities in the Yukon and the R.C.M.P. plus the discussion, the full discussion of the idea with the Yukon Association of Municipalities. I would like to see the results of the three things prior to doing anything on the Motion and when these three things came to pass and perhaps we could see the results of them at the special session in the summer or either they leave it for a new Council to deal with, because I'm convinced in my mind that these three; the enforcement, with the bottle return, with the Yukon Association of Municipalities taking a kick at it, that the problem just isn't going to exist after this summer hopefully.

Mr. Chairman: The Chair is left in somewhat of a predicament in that we have a Motion that could be dealt with three ways. A vote could be taken on it or it could be left to die in Committee.

What is the Committee's pleasure in this regard?

Mr. Tanner: Mr. Chairman might I suggest that perhaps - maybe I was a little hasty in jumping up and criticizing the Chairman, for suggesting to the Clerk to write. Maybe the Clerk could write then in that case and see if the City of Whitehorse does want to express their opinion and if it does then we could, having solicited all three opinions, perhaps discuss the Motion.

Mr. Chairman: Do Committee agree to this proposal?

Mrs. Watson: Mr. Chairman, it's quite obvious that you're not going to get a reply. They've made a decision that they're going to wait until they have a meeting of the Association of Municipalities and I think it's rather foolish to pursue that part of it. I would just as soon leave the Motion to die in Committee if that's the agreement of all the rest of the Members.

Mr. Stutter: Mr. Chairman, it may be necessary to use the Motion as it's worded to bring in an amendment to save time to bring about the desires of the House regarding at least a bottle depot if I can get more information out of the Administration. I believe we do have though, a Sessional Paper and too a very brief one that could also be used as a vehicle or it could bring in a straight Motion through Council. So there are several options open to us. It's immaterial to me whether the Motion dies.

Mr. Chairman: Just from the Chair, there is just a possibility in my mind, maybe we should just let the Motion idle away in Committee until we see what development may take place.

Mr. McKinnon: I would think that if it were still in Council following the discussion by the Yukon Association of Municipalities that perhaps we will want to deal with it. But I would think, Mr. Chairman, what will probably happen that this discussion won't have taken place by the time this House prorogues and it will die a natural death in Committee. Hopefully, as I say, we can either deal with it at a summer session if necessary or a new Council can tackle the problem which we have been rather unsuccessful at.

Mr. Chairman: Alright then we have Motion No. 5. The next one is Motor Vehicles. What did we decide on Motion No. 21?

Mr. Chamberlist: Mr. Chairman, I wonder on a point of privilege whether I can interrupt the proceedings. I have had some news brought to me. I'm advised that the Superintendent of Schools has refused to discuss anything any further with any of the students of the Allen Jeckell School. Now I would like to know whether this has been an instruction given to him by the Executive Committee Member for Education because of the concern that is being felt by some of the children and the parents that the children go and have

A FURTHER DISCUSSION WITH HIM. I WANT TO JUST GET THE ANSWER WHETHER THE REFUSAL IS ON DIRECTION OF THE HONOURABLE MEMBER?

MRS. WATSON: MR. CHAIRMAN, I THINK IT'S HIGHLY IMPROPER TO BRING THE QUESTION UP IN COMMITTEE BUT I'M QUITE PREPARED TO ANSWER IT. CERTAINLY NOT, THE SUPERINTENDENT IS CHARGED WITH THE ADMINISTRATION OF THE SCHOOL SYSTEM UNDER THE SCHOOL ORDINANCE AND I DO NOT GIVE INSTRUCTION ON THE ADMINISTRATION OF THE SCHOOL SYSTEM.

MR. CHAMBERLIST: I DIDN'T ASK THAT MR. CHAIRMAN, AND I ROSE ON A QUESTION OF PRIVILEGE AND ONE CAN ASK THAT AT ANY TIME. I SIMPLY WANT TO KNOW WHETHER OR NOT THAT SHE HAD GIVEN ANY INSTRUCTIONS. IF SHE HASN'T, ALL SHE HAS TO SAY IS NO. THIS IS JUST TO SPEAK TO THE CHILDREN, NOT WITH REFERENCE TO THE SCHOOL SYSTEM, BUT JUST TO SPEAK TO THE CHILDREN.

MRS. WATSON: MR. CHAIRMAN, THE SUPERINTENDENT SPOKE TO THE CHILDREN YESTERDAY AFTERNOON. THE SUPERINTENDENT HAS A MEETING ARRANGED TO SPEAK TO THE PARENTS THIS EVENING. I SPOKE TO THE CHILDREN YESTERDAY. I SPOKE TO THE CHILDREN AGAIN AT NOON HOUR TODAY SO I DON'T THINK THAT THE CHILDREN HAVE BEEN DENIED A HEARING.

MR. CHAMBERLIST: I HATE TO PRESS THIS BUT THE CHILDREN WANTED TO SPEAK TO HIM, THAT'S TO THE SUPERINTENDENT TODAY AND I JUST WANT TO GET IT. I'M GETTING SUSPICIOUS BECAUSE EITHER A YES OR A NO WOULD BE THE APPROPRIATE ANSWER AND I WOULD BE SATISFIED IF IT'S NO. I JUST WANT TO KNOW WHETHER SHE HAD DIRECTED HIM NOT TO SPEAK TO THE CHILDREN. IT'S AS SIMPLE AS THAT.

MRS. WATSON: MR. CHAIRMAN, I GAVE MY ANSWER. I THINK A FULL ANSWER.

MR. CHAMBERLIST: SO ONE CAN TAKE IT THAT HE'S ACTING UPON HER INSTRUCTION, BECAUSE SHE HASN'T ANSWERED TO THE CONTRARY.

MRS. WATSON: MR. CHAIRMAN, I DID NOT SAY THAT. I VERY EMPHATICALLY SAID I DO NOT. THE SUPERINTENDENT IS IN CHARGE OF THE ADMINISTRATION OF THE SCHOOL SYSTEM UNDER THE SCHOOLS ORDINANCE. AND I DO NOT INTERFERE WITH THE ADMINISTRATION OF THE SCHOOLS SYSTEM AND I DO NOT INTERFERE WITH THE FUNCTIONS OF THE SUPERINTENDENT. I ANSWERED IT VERY CLEARLY AND VERY EMPHATICALLY.

MR. CHAMBERLIST: DID THE HONOURABLE MEMBER INSTRUCT - I'LL JUST ASK. DID THE HONOURABLE MEMBER INSTRUCT THE SUPERINTENDENT THIS AFTERNOON NOT TO SPEAK TO THE CHILDREN? YOU KNOW IT'S AS SIMPLE AS THAT. YES OR NO?

MRS. WATSON: MR. CHAIRMAN, I BELIEVE I GAVE MY ANSWER.

MR. CHAMBERLIST: YOU SURE HAVE.

MR. CHAIRMAN: ALRIGHT THEN THE NEXT ITEM THEN WHAT IS YOUR PLEASURE IN RESPECT OF MOTION NO. 21 RESPECTING THE MOTOR VEHICLES ORDINANCE?

MR. MCKINNON: MR. CHAIRMAN, I WANTED THE QUESTION CALLED IN THE HOUSE BUT I THOUGHT OTHER MEMBERS WANTED FURTHER AMENDMENTS TO THE MOTOR VEHICLE ORDINANCE AND WANTED TO USE THE VEHICLES OF THIS MOTION TO BRING THEM IN AT THIS TIME. I EXPLAINED MY POSITION FULLY ON THE MOTION AND I'M READY WITH THE AGREEMENT OF COMMITTEE TO HAVE QUESTION CALLED ON IT AT ANY GIVEN TIME.

MR. TANNER: MR. CHAIRMAN, I THINK THE UNDERSTANDING WAS THAT WE DISCUSS IT AT THE SAME TIME THAT WE BROUGHT THE MOTOR VEHICLES ORDINANCE IN. AS MEMBERS WILL RECALL WE HAVE ANOTHER AMENDMENT TO MAKE TO THE MOTOR VEHICLES ORDINANCE. WE HAVEN'T BROUGHT IT IN AND I HOPE THAT IF WE'RE EVER GOING TO NEED IT AGAIN THAT IT WILL BE IN IN THE NEXT DAY OR SO AND I WOULD ASK MEMBERS TO LET THAT MOTION RIDE UNTIL WE BRING THE MOTOR VEHICLES ORDINANCE IN.

MR. CHAMBERLIST: WELL WHY CAN'T WE AGREE TO IT?

MR. STUTTER: WE ALREADY HAVE MR. CHAIRMAN. WE'VE ALREADY AGREED TO THAT IN ANY EVENT. THERE WAS NO NEED TO BRING IT UP. WE AGREED TO THIS TWICE I THINK, TO TELL YOU THE TRUTH.

MR. CHAIRMAN: I'M SORRY, I JUST KIND OF LOST TRACK ON THINGS.

THE ONLY REMAINING MOTION THEN OTHER THAN MOTION NO. 5 AND MOTION NO. 21 IS MOTION NO. 23 RESPECTING FISHER-FLEMING. DO YOU WISH TO DEAL WITH THAT NOW OR AT A LATER TIME?

MR. CHAMBERLIST: I THINK MR. CHAIRMAN WE WOULD REQUIRE A FULL DAY TO DEAL WITH THIS.

MR. TANNER: MR. CHAIRMAN, I PERSONALLY DON'T

THINK IT SHOULD BE IN COMMITTEE AND I DON'T THINK IT SHOULD BE IN COUNCIL, BUT I CAN'T UNDERSTAND WHY WE REQUIRE A FULL DAY. IF THE HONOURABLE MEMBER SUGGESTS THAT WE MIGHT REQUIRE THE COMMISSIONER WHO IS IN CHARGE OF PERSONNEL OF THIS GOVERNMENT AND HE'LL BE BACK NEXT WEEK, THAT WOULD MAKE MORE SENSE TO ME THEN HAVING TO THINK ABOUT IT FOR A FULL DAY. OTHERWISE IF THE HONOURABLE MEMBER DOESN'T WANT THE COMMISSIONER HERE AND HE DOESN'T WANT ANY OTHER WITNESSES, I CAN'T SEE ANY REASON IF HE WANTS TO DISCUSS IT AND I DON'T THINK IT SHOULD BE, THAT WE CAN'T PURSUE THIS NOW.

MR. CHAMBERLIST: IT IS NOT, MR. CHAIRMAN, FOR THE HONOURABLE MEMBER TO SAY WHEN IT CAN BE DISCUSSED. IT'S MY MOTION AND I WANT COUNCIL TO UNDERSTAND THIS HAS TO BE GIVEN A FULL CONSIDERATION AND THAT IT NEEDS A FULL DAY. WE NEED TO START EARLY ON THIS BECAUSE WHAT HAS TO TAKE PLACE MIGHT REQUIRE THE CALLING OF MANY WITNESSES. IT'S BEEN AGREED THAT IT WILL BE DISCUSSED IN COMMITTEE OF THE WHOLE AND IT WILL HAVE A FULL DISCUSSION.

MR. CHAIRMAN: WELL DOES THE CHAIR THEN TAKE IT THAT YOU WISH TO PUT THIS MATTER OVER UNTIL SOME OTHER TIME?

SOME MEMBERS: AGREED.

MR. CHAIRMAN: ALRIGHT THEN THIS LEAVES US WITH LEGISLATIVE RETURNS. THE FIRST ONE IS NO. 3. QUESTIONS CONCERNING ROLE OF ASSISTANT COMMISSIONER.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF IN THIS AREA WE CAN HAVE MR. FINGLAND HERE?

MR. CHAIRMAN: COMMITTEE AGREED?

SOME MEMBERS: AGREED.

MR. CHAIRMAN: MADAM CLERK WOULD YOU SEE IF MR. FINGLAND WOULD BE AVAILABLE?
I'LL JUST DECLARE A BRIEF RECESS.

RECESS

MR. CHAIRMAN: I WILL NOW CALL COMMITTEE BACK TO ORDER, AND WE'RE DISCUSSING LEGISLATIVE RETURN NO. 3 AND WE HAVE MR. ADMINISTRATOR WITH US.

MR. CHAMBERLIST: MR. CHAIRMAN, WHAT I HAVE TO SAY IN THIS LEGISLATIVE RETURN WILL DEAL MAINLY

WITH QUESTIONS THAT I WILL ASK OF MR. ADMINISTRATOR.

MR. CHAIRMAN, I WOULD LIKE TO FIND OUT FROM MR. ADMINISTRATOR THE RESULT THE ANSWER THAT HAS BEEN GIVEN HERE IN THIS LEGISLATIVE RETURN. MY QUESTION WAS, WOULD YOU INDICATE UNDER WHAT AUTHORITY MR. FINGLAND ACTS IN HIS CAPACITY AS ASSISTANT COMMISSIONER? THE ANSWER TO THAT QUESTION WAS; MR. FINGLAND ACTS IN HIS CAPACITY AS ASSISTANT COMMISSIONER UNDER THE AUTHORITY OF THE COMMISSIONER.

NOW MR. ADMINISTRATOR, COULD YOU INDICATE WHERE THAT AUTHORITY CAN BE FOUND?

MR. ADMINISTRATOR: YES, MR. CHAIRMAN, IT'S MY UNDERSTANDING THAT COPIES OF THE APPOINTMENTS OF MEMBERS OF THE EXECUTIVE COMMITTEE, IF NOT NOW, ARE INTENDED TO BE DISTRIBUTED IN THE BOOKS OF REGULATIONS AND THERE IS A SPECIFIC APPOINTMENT TO THIS EFFECT.

MR. CHAMBERLIST: I'M AWARE, MR. CHAIRMAN THAT THERE IS A SPECIFIC APPOINTMENT. BUT THE QUESTION I ASKED IS WHERE IS THE AUTHORITY TO MAKE AN APPOINTMENT AS ASSISTANT COMMISSIONER NOW IN YOUR PARTICULAR CASE.

MR. ADMINISTRATOR: WELL I THINK IN THIS PARTICULAR SITUATION, MR. CHAIRMAN, WE'RE TALKING ABOUT THREE THINGS, AT LEAST THREE THINGS. WE'RE TALKING ABOUT THE APPOINTMENT TO A POSITION ON THE ESTABLISHMENT OF THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT WHICH IS AN APPOINTMENT OF THE PUBLIC SERVICE COMMISSION OF CANADA. WE'RE TALKING ABOUT THE APPOINTMENT, THAT'S A FEDERAL POSITION. WE'RE TALKING ABOUT THE APPOINTMENT TO THE EXECUTIVE COMMITTEE OF THE YUKON TERRITORY WHICH IS AN APPOINTMENT OF THE COMMISSIONER. WE'RE TALKING ABOUT AN APPOINTMENT AS ADMINISTRATOR WHICH IS AN APPOINTMENT OF THE GOVERNOR-IN-COUNCIL PURSUANT TO THE YUKON ACT. SO THERE ARE REALLY THREE HATS AS IT WERE THAT THE PARTICULAR INCUMBENT OF THIS POSITION CARRIES AT ANY ONE TIME.

MR. CHAMBERLIST: MR. CHAIRMAN, I'M NOT TALKING ABOUT THE THREE HATS, I'M TALKING ABOUT THE ONE HAT, THE APPOINTMENT OF ASSISTANT COMMISSIONER. THE PUBLIC SERVICE ONLY PROVIDE IN THE YUKON TERRITORY, THAT THERE BE ONE ASSISTANT COMMISSIONER. I WANT TO KNOW WHERE IN THE ORDINANCES OF THE YUKON TERRITORY OR IN FACT ANY FEDERAL ACT, IS THERE AUTHORITY FOR THE COMMISSIONER TO APPOINT YOU ASSISTANT

COMMISSIONER. NOW I'M NOT TALKING ABOUT ADMINISTRATOR.

MR. CHAIRMAN: I THINK YOU SHOULD BE ADDRESSING TO THE CHAIR.

MR. CHAMBERLIST: YES, MR. CHAIRMAN, I AM SPEAKING TO THE CHAIR. I'M SPEAKING TO THE CHAIR, MR. CHAIRMAN. NOW WHERE IN ANY OF THE TERRITORIAL LEGISLATION OR IT'S REGULATIONS OR INDEED ANY FEDERAL ACT MR. CHAIRMAN, THAT THERE IS PROVISION FOR THE APPOINTMENT OF THE ADMINISTRATOR INTO THE POSITION OF ASSISTANT COMMISSIONER. THIS IS WHAT I'M ASKING AND CAN MR. ADMINISTRATOR INDICATE WHERE THERE IS A SPECIFIC APPOINTMENT PROVIDED FOR THAT OF ASSISTANT COMMISSIONER?

MR. ADMINISTRATOR: WELL THERE IS A POSITION ON THE ESTABLISHMENT WHERE THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT KNOWN AS ASSISTANT COMMISSIONER (EXECUTIVE). NOW THAT IS PROVIDED IN THE ESTIMATES OF THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT. IT'S A FEDERAL PUBLIC SERVICE POSITION AND THE APPOINTMENT IS MADE BY CERTIFICATE OF THE PUBLIC SERVICE COMMISSION.

MR. FINGLAND: NOW THAT POSITION IS FILLED IN THE NORMAL WAY BY THE PUBLIC SERVICE COMMISSION BY INTERNAL COMPETITION OR BY OPEN COMPETITION, AS THE CASE MAY BE, THE SUCCESSFUL CANDIDATE IN THAT PARTICULAR COMPETITION IS THEN APPOINTED BY THE COMMISSIONER AS A MEMBER OF THE EXECUTIVE COMMITTEE. HE IS ALSO THEN, APPOINTED ADMINISTRATOR BY THE GOVERNOR IN COUNCIL. THAT IS ALL THAT I CAN EXPLAIN. THERE IS NOTHING MORE TO IT THAN THAT. THERE IS NO TERRITORIAL LEGISLATION.

MR. CHAMBERLIST: MR. CHAIRMAN, I WISH TO CORRECT THE ADMINISTRATOR, THAT THE APPOINTMENT UNDER THE PUBLIC SERVICE ACT IS FOR THAT OF AN ADMINISTRATOR OF THE YUKON TERRITORY NOT AS ASSISTANT COMMISSIONER. AM I CORRECT IN SAYING THAT?

MR. FINGLAND: NO, MR. CHAIRMAN THAT IS NOT CORRECT.

MR. CHAMBERLIST: I WONDER IF MR. ADMINISTRATOR WILL BE ABLE TO PROVIDE THAT PARTICULAR INFORMATION INTO COMMITTEE TO BACK UP WHAT HE HAS SAID. I HAVE EXAMINED THE APPOINTMENT. THE APPOINTMENT IS THAT OF ADMINISTRATOR. THERE IS NO REFERENCE WHATEVER, OF ASSISTANT COMMISSIONER EXECUTIVE IN THE APPOINTMENTS IN THE PUBLIC SERVICE OF CANADA. PERHAPS I HAVE AN OLD COPY

BUT THE COPY THAT I HAVE SHOWS AN ADMINISTRATOR APPOINTED TO THE YUKON TERRITORY OF THE INDIAN AFFAIRS BRANCH SERVICE BUT NOT THAT OF ASSISTANT COMMISSIONER EXECUTIVE. CAN MR. ADMINISTRATOR, MR. CHAIRMAN, BRING THAT INFORMATION TO US?

MR. FINGLAND: ALL I CAN DO MR. CHAIRMAN, IS REPEAT FOR THE THIRD TIME. THERE ARE TWO FEDERAL POSITIONS PROVIDED FOR IN THE ESTIMATES IN THE NORTHERN PROGRAMS FOR THE YUKON ADMINISTRATION. ONE OF THEM IS A STRAIGHT ORDER IN COUNCIL. THE OTHER IS AN APPOINTMENT UNDER THE PUBLIC SERVICE ACT OF CANADA. WHETHER IT IS REFERRED TO IN WHATEVER DOCUMENTS THE HONOURABLE MEMBER MAY HAVE AS ASSISTANT COMMISSIONER OR ADMINISTRATOR, IT IS ONE AND THE SAME POSITION.

IT IS AN ESTABLISHED POSITION ON THE ESTABLISHMENT OF THE NORTHERN PROGRAM OF THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT AND IT'S A PUBLIC SERVICE POSITION.

MR. CHAIRMAN: I WOULD THINK THAT THE QUESTION HAS BEEN FAIRLY ANSWERED.

MR. CHAMBERLIST: WITH RESPECT MR. CHAIRMAN, THE QUESTION HAS NOT BEEN ANSWERED BECAUSE WE NOW HAVE A SWITCH. MR. FINGLAND HAS SAID, MR. CHAIRMAN, THAT WHETHER IT IS THAT OF ASSISTANT COMMISSIONER OR ADMINISTRATOR, IT IS ONE AND THE SAME THING. I SAY THIS MR. CHAIRMAN, THAT THE POSITION OF ADMINISTRATOR IS A POSITION THAT THE YUKON ACT PROVIDES FOR. THERE IS NO LEGISLATION OR AUTHORITY FEDERALLY OR TERRITORILY, FOR THE COMMISSIONER TO APPOINT THE ADMINISTRATOR ASSISTANT COMMISSIONER. AS A MATTER OF FACT, MEMBERS WHO HAVE BEEN ON THIS COUNCIL LONG ENOUGH WILL KNOW, THAT THE APPOINTMENT OF ASSISTANT COMMISSIONERS, WERE APPOINTMENTS THAT WERE MADE BY COMMISSIONER SMITH. THAT NEVER EXISTED BEFORE.

HE PULLED THAT OUT OF THE HAT BECAUSE IT WAS AN EXECUTIVE ASSISTANT TO THE COMMISSIONER, I THINK THOSE ARE THE WORDS ORIGINALLY, THE EXECUTIVE TO THE COMMISSIONER. THERE IS NO APPOINTMENT WHATEVER AS ASSISTANT COMMISSIONER.

THE REASON WHY I BRING THIS QUESTION INTO BEING IS BECAUSE I AM CHALLENGING AT THIS TIME THE AUTHORITY OF MR. FINGLAND TO BE ACTING AT ALL IN ANY CAPACITY EXCEPT IN THE CAPACITY THAT HE IS IN NOW. AS ADMINISTRATOR, HE TAKES THE PLACE OF THE COMMISSIONER AS THE PERSON RESPONSIBLE AS THE CHIEF EXECUTIVE OFFICER AND IN CHARGE OF THE ADMINISTRATION OF THE YUKON TERRITORY AS IS PROVIDED FOR IN THE YUKON ACT.

When the Commissioner is here, there is no authority in the Territorial Legislation or Federal Legislation for him to do anything at all. In fact, there is no authority for him to take the supervisory power over any of these departments. The Act Mr. Chairman, is very specific, that he shall only act in that capacity as Administrator.

I am saying this and I will make it quite clear, so that it can be understood. When the Commissioner comes back, I want to know at that time, what is Mr. Finland's function in the Government of the Yukon Territory. The moment that the Commissioner is back, then the office of Administrator and the powers that is given to the Administrator, ceases. At that time, I want to know where he fits in, in the overall concept of Territorial Government. I will leave that now but I have given..

Mr. Chairman: This is fine. I think as Chairman of Committee I should properly make the point. Mr. Finland is really not on trial here and that indeed we are talking about the office of an Executive Assistant to the Commissioner. I just want to make that point. We couldn't permit the trend of debate to leave the view. Mr. Finland is a witness here to answer questions where possible. That is it. He's not on trial.

Mr. Chamberlist: Mr. Chairman, I hope you don't take this attitude because this Sessional Paper, answers dealing with Mr. Finland. Therefore, I am staying in this particular area, that is the Sessional Paper. My question two on this Sessional Paper was; would Mr. Commissioner also ascertain whether or not the Assistant Commissioner, who is appointed only when he is absent, has the power under the Public Service Ordinance to act in any other capacity. The answer, the Assistant Commissioner Executive has the same power under the Public Service Ordinance as other Members of the Executive Committee.

He has the same powers as the Commissioner, only when the Commissioner is unable to act because of absence, illness or other capacity. I have no question to ask. Mr. Chairman, with reference to the second portion of that answer. My question Mr. Chairman, to the Administrator is; where, under the Public Service Ordinance, has the person acting in the position of Assistant Commissioner, the same power as other Members

of the Executive Committee, when no reference to the Executive Committee is made in the Public Service Ordinance itself? Perhaps, Mr. Administrator can give an answer to that one.

Mr. Finland: I think Mr. Chairman, the analogy is quite clear. None of the Members of the Executive Committee have specific authority under the Public Service Ordinance except by virtue of the powers given to them or delegated to them by the Commissioner.

Mr. Chamberlist: Mr. Chairman, that is very good. What he has said Mr. Chairman, is this; that the answer is wrong because it says, has the same power under the Public Service Ordinance as other Members of the Executive Committee. He has said they have no power under the Public Service Ordinance as other Member of the Executive Committee. If the Assistant Commissioner has the same powers, then he has the same powers, that is no powers.

I think the analogy is correct. I agree with him. This is the point I'm making, that he has no powers under the Public Service Ordinance. He has agreed with me. He has said so himself and yet this is the type of answer that we get forthcoming. My question therefore, Mr. Chairman, must be, in view of the answer and in view of the agreement that I have received from Mr. Finland in this matter, could I take it then that of course, he will not bother the Public Service after the Commissioner comes back. He has already said that he has not power in that capacity, in the Public Service.

Can I get an answer if he agrees with me on the point?

Mr. Chairman: I don't think the

Mr. Chamberlist: I think it speaks for itself, does it not?

Mr. Chairman: I don't think Mr. Finland has to answer that question, nor should he because that cannot be considered a direction of this Committee of the Council.

Mr. Chamberlist: Oh, shame it be that this Committee give direction at all. It seems to speak for itself that the Sessional Paper, I am merely pointing out, more than anything else, the stupidity of an attempt to blind

THE MEMBERS OF THIS COMMITTEE BY PROVIDING SESSIONAL PAPER WITH AN ANSWER OF THIS DESCRIPTION. TO THINK FOR ONE MOMENT THAT TYPE OF ANSWER WOULD GET BY ME, WITH RESPECT MR. CHAIRMAN, MR. FINGLAND OF COURSE REALIZES THAT HE FELL RIGHT INTO THE TRAP AND ANSWERED IT HIMSELF.

AS I SAY, I MUST AGREE WITH HIM. THE DISTINCTION IS VERY, VERY CLEAR. THERE IS NO POWER UNDER THE PUBLIC SERVICE ORDINANCE. I WILL WAIT UNTIL THE COMMISSIONER COMES BACK MR. CHAIRMAN, AND I ASK THAT THIS LEGISLATIVE RETURN BE LEFT HERE SO THAT WHEN THE COMMISSIONER COMES BACK, AGAIN, I WILL ASK HIM TO WHETHER HE SUPPORTS THE PRINCIPLE THAT IS NOW BEEN STATED BY MR. FINGLAND, THAT HE HAS NOW POWERS UNDER THE PUBLIC SERVICE ORDINANCE. THANK YOU MR. CHAIRMAN.

MR. TANNER: MR. CHAIRMAN, THE ANSWER THAT THE ADMINISTRATOR HAS GIVEN THIS COMMITTEE SATISFIED ME THAT THERE IS NO PROBLEM HERE.

AS FAR AS I'M CONCERNED, THIS LEGISLATIVE RETURN CAN BE PASSED OUT OF COMMITTEE.

MR. CHAMBERLIST: MR. CHAIRMAN, THIS IS WHERE THE HONOURABLE MEMBER FOR WHITEHORSE NORTH MAKES A GREAT MISTAKE. IF AT ANY TIME HE ATTEMPTS TO COVER UP SOMETHING THAT HE KNOWS, IF HE LISTENS CAREFULLY, HE KNOWS THAT THERE IS A GREAT BIG HOLE THAT HAS BEEN UNCOVERED AND HE ATTEMPTS TO COVER IT UP, HE IS NOT SHOWING MUCH RESPONSIBILITY. HERE IS AN OPPORTUNITY TO SAY THAT BECAUSE THE PUBLIC SERVICE ORDINANCE DOES NOT PROVIDE FOR ANY ASSISTANT COMMISSIONER, TO RELIEVE OURSELVES ONCE MORE OF ANOTHER APPOINTED MEMBER FROM OTTAWA IN THE AREA OF GOVERNMENT.

HE SHOULD RECOGNIZE IT AND SAY NOTHING UNTIL THE OPPORTUNITY COMES ABOUT TO QUESTION THE COMMISSIONER ON THIS. THE HONOURABLE MEMBER FROM WHITEHORSE NORTH MUST AGREE WITH WHAT MR. FINGLAND HAS SAID. IT IS USELESS TO SAY, THERE IS NO POINT IN THIS. IT IS USELESS TO SAY THERE SHOULDN'T BE ANY FURTHER DISCUSSION ON IT. I THINK IS A VERY IMPORTANT CONSTITUTIONAL POINT HERE, MAKES IT QUITE CLEAR THAT WE HAVE BEEN GIVEN THE BUM STEER IN THIS PAPER.

IT SHOULD BE CORRECTED. MR. CHAIRMAN, I WOULD ASK THAT IT BE LEFT HERE SO THAT I CAN ASK THE COMMISSIONER THESE QUESTIONS AND HE WILL BE NOW AWARE THE QUESTIONS THAT WILL BE ASKED OF HIM.

MR. CHAIRMAN: THESE LEGISLATIVE RETURNS CAN REMAIN IN COMMITTEE UNTIL THE END OF THIS SESSION IN ANY EVENT. DO I TAKE IT THEN THAT THE MATTER HAS BEEN CLEARED FOR THE MOMENT?

SOME HONOURABLE MEMBERS: AGREED.

LEGISLATIVE RETURN NO. 4

MR. CHAIRMAN: I WOULD LIKE TO THANK MR. FINGLAND FOR ATTENDING COMMITTEE IN THIS MATTER. THE NEXT SESSIONAL PAPER IS, PARDON ME THE NEXT LEGISLATIVE RETURN IS LEGISLATIVE RETURN NO. 4, ADVISORY COMMITTEE, EDUCATION APPOINTMENTS, COUNCILLOR CHAMBERLIST.

MR. CHAMBERLIST: AS THERE IS A SUBJECT MATTER DEALING BEFORE THE LORDS, I CONSIDER IT SUBDUED AND I WILL NOT ASK ANY FURTHER QUESTIONS.

MR. TANNER: WHAT DID YOU ASK THE QUESTION FOR?

MR. CHAMBERLIST: AT THE TIME IT WASN'T SUCH A IT IS NOW.

MR. CHAIRMAN: IS THIS MATTER THEN CLEAR?

MR. LEGAL ADVISOR: IT'S NOT REALLY BEFORE THE COURTS. THE STATEMENT CLAIMED DOES NOT MAKE THE POINT THAT MR. RIVETT'S APPOINTMENT WAS INVALID. IT MAKES THE POINT THAT HIS APPOINTMENT WAS VALID.

MR. CHAMBERLIST: WELL, I'M NOT GOING TO ARGUE THE POINT ANY LONGER BUT AS FAR AS I AM CONCERNED, THIS MIGHT BE PART OF THE CASE OF THE OTHER SIDE, OF THE Y.T.A. AND I DON'T WANT TO COMMENT AT THIS TIME. I THINK IT WOULD BE IMPROPER FOR ME TO DO SO.

MR. TANNER: IS IT NOW CLEAR, MR. CHAIRMAN?

LEGISLATIVE RETURN NO. 7

MR. CHAIRMAN: ALRIGHT. THE NEXT ITEM IS, 7 I THINK HAS BEEN PRETTY WELL DEALT WITH AND I THINK BOTTLE CONTROL, IT'S BEEN INDICATED BY THE MEMBER FROM DAWSON THAT HE STILL WISHES TO PURSUE THIS SUBJECT.

MR. STUTTER: YES, MR. CHAIRMAN, I AM GOING TO HAVE SOME SUGGESTIONS EVEN IF ADMINISTRATION DOESN'T COME FORWARD WITH ANY FURTHER DETAILS.

LEGISLATIVE RETURN NO. 17

MR. CHAIRMAN: ALRIGHT, THE NEXT ITEM IS 17, AND IT RELATES TO THE ROBERT CAMPBELL BRIDGE. MR. CHAMBERLIST.

MR. CHAMBERLIST: WELL, THIS IS BEING DEALT WITH NOW BY WAY OF A PLEBISCITE WHICH IS PROPOSED. I DON'T THINK I COULD ADD ANYTHING TO IT NOW, UNTIL SUCH TIME AS THE PEOPLE OF WHITEHORSE HAVE THE OPPORTUNITY TO SPEAK.

MR. CHAIRMAN: THE NEXT ONE IS LEGISLATIVE RETURN NO. 18. INSTRUCTIONS OF THE MINISTER ON THE EXECUTIVE COMMITTEE. MR. CHAMBERLIST.

LEGISLATIVE RETURN NO. 18

MR. CHAMBERLIST: WELL, THIS IS A QUESTION I WISH TO DEAL WITH THE COMMISSIONER BECAUSE HE SIGNED IT AND HE GAVE THE ANSWERS AND I WOULD LIKE TO LEAVE THIS.

MR. CHAIRMAN: THE NEXT IS LEGISLATIVE RETURN NO. 19. COUNCILLOR CHAMBERLIST.

LEGISLATIVE RETURN NO. 19

MR. CHAMBERLIST: YES, THIS IS THE SAME THING AGAIN, MR. CHAIRMAN. IT'S FOR THE COMMISSIONER.

MR. CHAIRMAN: THE NEXT IS LEGISLATIVE RETURN NO. 20. THIS RELATES TO MR. FLEMING.

LEGISLATIVE RETURN NO. 20

MR. CHAMBERLIST: THIS WILL BE DEALT WITH WHEN WE ARE DEALING WITH MR. FLEMING'S FILE, MR. CHAIRMAN.

MR. CHAIRMAN: LEGISLATIVE RETURN NO. 13.

SOME MEMBERS: 13?

MR. CHAIRMAN: YEP, 13.

LEGISLATIVE RETURN NO. 13

MR. CHAMBERLIST: MR. CHAIRMAN, WHEN I ASKED THE QUESTION THAT COUNCILLOR TANNER HAD INDICATED THAT THERE WERE TWELVE DIFFERENT AGENCIES VISITING ONE FAMILY, I ASKED COUNCILLOR TANNER TO NAME THESE TWELVE DIFFERENT AGENCIES IN THIS ONE PARTICULAR FAMILY AND HE ANSWERED "THE FAMILY I HAVE IN MIND IS RESIDENT IN THE INDIAN VILLAGE AND THE FOLLOWING AGENCIES HAVE BEEN INVOLVED OVER THE PAST TWO OR THREE YEARS."

WELL, YOU KNOW, THAT WAS AS ASSININE TYPE OF

ANSWER TO GIVE.

MR. TANNER: MR. CHAIRMAN, ON A POINT OF ORDER. IF THE HONOURABLE MEMBER WANTS TO TALK TO ANY MEMBER OF THIS COUNCIL, IF HE WANTS TO TALK TO ME AS AN EXECUTIVE MEMBER AND IF, PARTICULARLY, HE WANTS TO TALK TO WITNESSES SUCH AS MR. FINGLAND, I THINK HE CAN SHOW A LITTLE MORE RESPECT.

NOW, HE HAS HAD THE HABIT, IN THE PAST TEN DAYS, TO TWO WEEKS, OF CALLING PEOPLE LIARS, OF CALLING PEOPLE STUPID, OF CALLING THEM ASSININE AND I DON'T THINK, IT CERTAINLY HASN'T BEEN MY HABIT TO SAY THE SAME THINGS THE HONOURABLE MEMBER HAS SAID. NOW, IF HE JUST WANTS TO ASK THE QUESTION OR HE WANTS TO QUESTION MY KNOWLEDGE AS TO WHAT THIS IS, FINE. IF I CAN ANSWER IT, I WILL BUT I DON'T THINK HE HAS TO GO TO ALL THESE PERSONAL REMARKS HE HAS BEEN MAKING. PARTICULARLY TO THE MEMBER FROM CARMACKS-KLUANE AND MYSELF.

MR. CHAMBERLIST: MR. CHAIRMAN, I SAID THE ANSWER WAS AN ASSININE ANSWER. ONE IS ABLE TO BE DESCRIPTIVE OF A PARTICULAR ANSWER. AND IT IS ASSININE TO SUGGEST THAT, FIRST OF ALL THE IDEA, THE QUESTION WAS HE WAS TALKING ABOUT 12 DIFFERENT AGENCIES AND THIS WAS A REASON GIVEN FOR SPENDING THE GOVERNMENT'S MONEY TO DO AN EXAMINATION OF THE SOCIAL WELFARE DEPARTMENT. THE REASON WHY HE DOES AN EXAMINATION OF THE SOCIAL WELFARE DEPARTMENT, HE SAYS,

MR. TANNER: POINT OF ORDER, MR. CHAIRMAN. IF THE HONOURABLE MEMBER WILL REMEMBER, HE ASKED THE QUESTION AND I QUOTE FROM THE NEWSPAPER, "YOU CAN'T TAKE THE QUOTE FROM A NEWSPAPER AS WHAT I SAID." THAT'S WHAT THE PAPER REPORTED I SAID AND FOR THE HONOURABLE MEMBER'S INFORMATION, I SAID THAT AMONG OTHER THINGS AND IT WASN'T RELATED TO THE TASK FORCE THAT WE HAD INVESTIGATED THE WELFARE DEPARTMENT.

MR. CHAMBERLIST: WELL, THE INDICATION HAS BEEN QUITE CLEAR AS FAR AS I AM CONCERNED THAT HE ATTEMPTED TO PULL THE WOOL OVER THE EYES OF THE PUBLIC BY SAYING THAT HERE ...

MR. TANNER: POINT OF ORDER, MR. CHAIRMAN. LET THE HONOURABLE MEMBER GET ON WITH HIS QUESTION. IF HE WANTS ME TO ANSWER IT, THAT'S FINE BUT I WASN'T TRYING TO PULL THE WOOL OVER ANYBODY'S EYES. I'VE YET HAD TO DO THAT, MR. CHAIRMAN. I'M NOT LIKE THE HONOURABLE MEMBER WHO HAS DONE IT REPEATEDLY FOR YEARS. I HAVE NEVER, EVER TRIED TO PULL THE WOOL OVER ANYBODY'S EYES.

MR. CHAMBERLIST: MR. CHAIRMAN, THE SESSIONAL PAPER IS THE PAPER IN COMMITTEE FOR DISCUSSION AND I'M COMMENCING THE DISCUSSION ON IT AND I INDICATE THAT IN MY OPINION THAT THE WOOL WAS TYING TO BE PULLED OVER THE EYES OF THE PUBLIC.

BY INDICATING THAT THESE ARE THE DIFFERENT AGENCIES THAT ONE FAMILY OVER A PERIOD OF THREE YEARS WERE BEING BOTHERED BY AND THE INDICATION WAS FIRST THAT IT WAS THE DEPARTMENT OF SOCIAL WELFARE THAT WAS RESPONSIBLE FOR ALL THIS HAPPENING. I SIMPLY RAISE THE QUESTION BECAUSE IT BECOMES LUDICROUS WHEN HE INCLUDES THE R.C.M.P., INDIAN AFFAIRS, THE PROBATION OFFICER, THE CHURCH, WELFARE OFFICERS, THE DEPARTMENT OF EDUCATION, PUBLIC HEALTH NURSE, SOCIAL ASSISTANCE OFFICER, HEALTH INSPECTOR, ALCOHOLISM CONSULTANT, CITY BY-LAW ENFORCEMENT OFFICER, UNEMPLOYMENT INSURANCE OFFICE, YUKON FAMILY COUNSELLING SERVICE. HE FORGOT THE WATER DEALER AND THE DOG-CATCHER AND A FEW OTHERS THAT HE COULD HAVE. I'M JUST SHOWING HOW RIDICULOUS AN AN ANSWER FROM A SUPPOSEDLY RESPONSIBLE EXECUTIVE COMMITTEE MEMBER, THIS TYPE OF ANSWER IS.

THIS IS WHAT I WANTED TO POINT OUT, FORWARD THE QUESTION AS AN ARGUMENT TO THIS COMMITTEE AND THAT'S ALL I HAVE TO COMMENT ON IT. I WOULD HAVE BEEN FINISHED A LONG TIME AGO IF HE HADN'T BEEN JUMPING UP AND DOWN.

SOME MEMBER: HE SHOULD HAVE BEEN FINISHED TEN YEARS AGO.

MR. CHAIRMAN: CLEAR THEN ON THIS MATTER? WE WILL NOW TAKE A BRIEF RECESS.

RECESS.

LEGISLATIVE RETURN NO. 25

MR. CHAIRMAN: AT THIS TIME WE WILL CALL COMMITTEE BACK TO ORDER. LEGISLATIVE RETURN NO. 25 DEALS WITH THE FARO MUNICIPAL AID GRANT QUESTION WHICH I HAVE NOTICED, SPEAKING FROM THE CHAIR, I'VE RAISED ON MANY OCCASIONS. I DON'T SEEM TO BE GETTING ANYWHERE WITH IT, OTHER THAN I HOPE THAT THE COUNCIL OF MUNICIPALITIES ONCE AGAIN RAISES THE QUESTION AT THEIR MEETING IN DAWSON. I BELIEVE IT'S IN MAY OR JUNE. SO UNLESS ANYONE ELSE HAS ANYTHING ELSE, I HAVE NOTHING AT THE MOMENT ON THIS PAPER. HOWEVER, I'LL KEEP BRINGING THE QUESTION UP.

THE NEXT ITEM IS SESSIONAL PAPER NO. 29. OR LEGISLATIVE RETURN, I'M SORRY. THIS DEALS WITH THE MONTHLY NEWSLETTER. COUNCILLOR STUTTER.

MR. STUTTER: THE MAIN REASON WHY I RAISED THIS QUESTION MR. CHAIRMAN, WAS BECAUSE A NUMBER OF YEARS AGO I HAD, WELL I SHOULDN'T SAY A NUMBER OF YEARS AGO, TWO YEARS AGO, I HAD SPECIFICALLY REQUESTED THAT THIS NEWSLETTER BE SENT OUT TO THE LIBRARY IN DAWSON BECAUSE THEY HAD GIVEN INDICATION THAT THEY WOULD LIKE TO HAVE AT LEAST ONE COPY ON HAND. THERE WAS SOME INDICATION TO ME THAT THEY HAVEN'T BEEN RECEIVING IT. THIS WAS THE QUESTION. THE REASON I HAD ASKED THE QUESTION. I HAVE SINCE FOUND OUT THAT THE LIBRARY IS RECEIVING IT BUT THERE ARE OTHER ORGANIZATIONS AROUND THE TERRITORY THAT PROBABLY WOULD BE INTERESTED AND I'M SPECIFICALLY THINKING OF ALL ELECTED PERSONS IN THE TERRITORY. I'M SURE THAT ALDERMEN ON ALL OF THE COUNCILS AND PROBABLY EVEN THE ELECTED PERSONS IN LID WOULD BE VERY INTERESTED IN SEEING WHAT THE GOVERNMENT IS DOING IN ALL AREAS OF THE TERRITORY. I WOULD LIKE TO SUGGEST THAT AT LEAST ALL ELECTED PERSONS BE PUT ON THE MAILING LIST FOR THE NEWSLETTER. I WOULD LIKE TO HEAR WHAT OTHER COMMENTS OTHER MEMBERS MIGHT HAVE. I FIND THIS NEWSLETTER VERY INFORMATIVE AND IT'S SOMETHING THAT'S REALLY WORTH LOOKING AT EACH MONTH.

MR. CHAMBERLIST: MR. CHAIRMAN, I BELIEVE IF THERE IS NOTHING CONFIDENTIAL IN IT, WHY SHOULD NOT AS MANY PEOPLE GET THE BENEFIT OF KNOWING WHAT'S GOING ON IN TERRITORIAL GOVERNMENT WORK AS POSSIBLE.

MR. STUTTER: AGAIN MR. CHAIRMAN, I WOULD JUST LIKE TO SAY THAT AS FAR AS I'M CONCERNED I WOULD AT LEAST LIKE TO SEE ALL ELECTED PERSONS PUT ON THAT MAILING LIST SO THEY AUTOMATICALLY GET IT WITHOUT REQUESTING IT. WELL I SAY

ELECTED PERSONS, LID'S AND MUNICIPALITIES.

MR. CHAIRMAN: JUST A QUESTION TO MR. LEGAL ADVISOR. THE QUESTION AROSE EARLIER IN THE FORMAT OF THE MAGAZINE AS BEING SOMETHING WHICH WAS NOW HIGHLY SECRET. I WONDER WHAT IS THE PLAN OF THE ADMINISTRATION IN RESPECT OF THIS ASPECT OF IT?

MR. LEGAL ADVISOR: I THINK IT'S JUST AN EXCESSIVE ZEAL IN A SENSE. I THINK PRIMARILY THERE SO THAT IT CAN'T BE REPRODUCED WITHOUT GOVERNMENT PERMISSION. I THINK IT'S REALLY INTENDED TO BE NO DIFFERENT FROM WHAT WOULD BE ON A MAP OR A DIAGRAM OR SOME SUCH THING THAT'S PUBLISHED BY ANY GOVERNMENT DEPARTMENT OR THE FEDERAL GOVERNMENT, OR THE PROVINCIAL GOVERNMENT AND THIS FORMAT WAS CHOSEN AND THERE IT IS. IT DOESN'T APPEAR TO BE OFFENSIVE.

MR. CHAMBERLIST: MR. CHAIRMAN, I HAVE AS PROMISED MADE A DOZEN COPIES AND I HAVE GIVEN IT TO DIFFERENT PEOPLE. I'M WAITING NOW FOR PROSECUTION.

MR. LEGAL ADVISOR: MR. CHAIRMAN, PROSECUTION IS NOT THE ANSWER. IT'S A CIVIL ACTION FOR DAMAGES.

MR. CHAMBERLIST: O.K. GO AHEAD.

MR. LEGAL ADVISOR: OR AN INJUNCTION TO PREVENT THE MULTIPLICATION OF THE COPIES. ALL OFFICE HAVE THIS PRIVILEGE.

MR. RIVETT: CAN HE MAKE AN APPLICATION FOR LEGAL AID ON HIS OWN BEHALF?

MR. CHAIRMAN: ORDER PLEASE.

MR. TANNER: MR. CHAIRMAN, THIS NEW FORMAT WAS MERELY PUT IN FRONT OF COUNCIL AS A SUGGESTION. AS IT SAYS ON THE TOP, WHERE EVERYBODY GOT EXCITED, RIGHT AT THE VERY TOP. IT SAYS THIS IS A DRAFT. THE REASON IT IS IS THAT WE WANTED TO GET COMMENTS FROM COUNCIL AND THE ONE MADE BY THE HONOURABLE MEMBER FROM DAWSON, I THINK IS AN EXCELLENT ONE. WE WANTED TO GET ANY COMMENTS ON THIS FORMAT LIKE THIS AND THE GOVERNMENT HAS HAD OCCASION IN THE PAST WHERE AN ITEM WAS TAKEN OUT OF THE NEWSLETTER WHEN IT WAS SENT TO THE NEWS MEDIA, PUBLISHED IN THE NEWSPAPER AND AN ACTION WASN'T STARTED BUT WAS SUGGESTED IT SHOULD BE STARTED AGAINST THE GOVERNMENT ON INFORMATION PUT IN QUITE INNOCENTLY BY A DEPARTMENT HEAD. SO, I FOR ONE AM IN 100% AGREEMENT

AGREEMENT THAT AS MANY PEOPLE AS POSSIBLE SHOULD READ THIS. HOWEVER, I THINK YOU WILL FIND THAT THE INFORMATION WILL HAVE TO BE MORE CAREFULLY SCRUTINIZED SO THAT THE GOVERNMENT CAN'T BE SUED FOR SOMETHING THAT IS INNOCENTLY PUT IN BY SOME DEPARTMENT. I DON'T THINK THAT'S AN UNTENABLE POSITION AT ALL.

MR. CHAMBERLIST: MR. CHAIRMAN, THE GOVERNMENT IS NEVER INNOCENT.

MR. CHAIRMAN: WHAT DIRECTION DOES COMMITTEE HAVE IN THIS REGARD?

MRS. WATSON: MR. CHAIRMAN, I WOULD CERTAINLY SUPPORT THE SUGGESTION THAT THE HONOURABLE MEMBER FROM DAWSON MADE REGARDING MAKING COPIES AVAILABLE TO ELECTED PEOPLE. I WOULD BE PREPARED TO SUPPORT ANY RESOLUTION FROM THE COMMITTEE ON THIS. I THINK IT IS MOST IMPORTANT THAT GOVERNMENT INFORMATION BE GIVEN OUT TO AS MANY PEOPLE AS POSSIBLE. PEOPLE AREN'T AWARE OF WHAT'S GOING ON AND I THINK THAT ANYTHING THAT THE GOVERNMENT CAN PROVIDE IN THIS FORM SHOULD CERTAINLY BE SUPPORTED BY ALL MEMBERS AND I'M SURE IT IS GOING TO BE SUPPORTED BY ALL MEMBERS IN COMMITTEE. I WOULD CERTAINLY SUPPORT IT.

MR. STUTTER: MR. CHAIRMAN, I WOULD LIKE TO ADD TO THAT. I SHOULD HAVE MENTIONED WHEN I SAID ABOUT THE DAWSON LIBRARY, I UNDERSTAND THAT'S THE ONLY LIBRARY THAT IS GETTING IT BECAUSE I SPECIFICALLY ASKED THAT THEY BE PUT ON THE MAILING LIST. NOW I SEE NO REASON WHY EACH PUBLIC LIBRARY IN THE TERRITORY SHOULDN'T GET A COPY OF IT AS WELL. WE'RE ONLY TALKING ABOUT PROBABLY 30 OR 40 COPIES IF YOU INCLUDE THE PUBLIC LIBRARY BRANCHES IN THE TERRITORY AS WELL AS THE ELECTED PERSONS. AS FAR AS THE FORMAT IS CONCERNED I THINK THIS IS A MUCH BETTER FORMAT, LEAVING OFF OF COURSE WHAT'S WRITTEN INSIDE THE FIRST PAGE, BUT THE FORMAT ITSELF IS GREAT. IT'S JUST THE SAME SIZE AS OUR NEW VOTES AND PROCEEDINGS AND EVERYTHING ELSE. IT'S AN IDEAL SIZE FOR STORING IF YOU WANT TO KEEP THEM AND I'VE KEPT MOST OF MINE OVER THE YEARS. I THINK IT'S A MUCH BETTER SIZE FOR LOOKING AFTER THAN THE 8 1/2 BY 14.

MR. TANNER: MR. CHAIRMAN, I WANT TO MAKE MY POSITION CLEAR. ONE OF THE CRITICISMS I HAD WHEN I CAME ON THE EXECUTIVE COMMITTEE WAS THAT THERE WAS FAR TOO MUCH CONFIDENTIALITY

UP AGAINST IT, SUPPOSED CONFIDENTIALITY. AND QUITE FRANKLY I THINK IT WAS PROBABLY AT MY INSTANCE THAT THIS IDEA WAS FORMULATED OF CHANGING IT AROUND AND BEING ABLE TO MAKE IT TO THE NEWS MEDIA. BUT THE CASE WAS POINTED OUT TO ME OF THE CIRCUMSTANCE A FEW YEARS AGO WHERE THE GOVERNMENT LEFT ITSELF LIABLE TO PROSECUTION BECAUSE IT GAVE INFORMATION WHICH MAYBE SHOULD HAVE BEEN PRIVY. IN FACT WHAT IT CONCERNED WAS THE CONTRACT THAT HAD BEEN LET AND WITHDRAWN AND IT WAS MENTIONED IN THE ENGINEERING REPORT OF THE MONTHLY NEWSLETTER AND THE PERSON FROM WHOM THE CONTRACT HAD BEEN WITHDRAWN, USING A NICE ENGLISH EXPRESSION, TOOK UMBRAGE AND DECIDED HE WOULD OR WAS GOING TO GO TO COURT AND SUE THE TERRITORIAL GOVERNMENT. NOW THE INTENT OF THE NEWSLETTER TO MY MIND, IS TO GIVE AS MANY PEOPLE INCLUDING THE NEWS MEDIA, AS MUCH INFORMATION ABOUT GOVERNMENT AS POSSIBLE AND I THINK THAT GOVERNMENT SHOULD FOLLOW THAT IN ALL AREAS OF IT'S ENDEAVOURS.

HOWEVER, IT WAS MY SUGGESTION MR. CHAIRMAN, I TAKE FULL CREDIT OR WHATEVER YOU LIKE FOR IT, FOR THE INSERT NOT NECESSARILY EXACTLY HOW IT'S WRITTEN. MR. FINLAND WAS BLAMED FOR IT OR LAUGHED AT BY CERTAIN MEMBERS WERE PUTTING IT IN. IT WAS MY SUGGESTION THAT WE COULD OVERCOME SOME HESITATION THE GOVERNMENT HAD INsofar AS GIVING AS MUCH NEWS AS POSSIBLE AND MY SUGGESTION THAT WE SHOULD GET IT DISTRIBUTED AS WIDELY AS POSSIBLE.

NOW AS I UNDERSTAND THE RESTRICTION, IF YOU LIKE, THAT'S BEEN PLACED ON THE INSIDE COVER, IT MERELY SAYS THAT YOU CAN'T DUPLICATE EXACTLY AS IT SAYS IN HERE, ANYTHING THAT'S WRITTEN IN HERE. BUT I DON'T SEE ANY REASON AT ALL THAT FOR EXAMPLE A NEWSPAPER CAN'T TAKE INFORMATION OUT OF THERE AND USE IT AS LONG AS IT DOESN'T QUOTE VERBATUM AS BEING AN OFFICIAL DOCUMENT OF THE TERRITORIAL GOVERNMENT. I REALLY DON'T SEE ANY PROBLEM WITH IT AND AS I'VE SAID THE REASON IT'S HERE, THE NEW FORMAT IS A SLIGHTLY DIFFERENT INFORMATION A LITTLE MORE INFORMATION THAN THERE HAS BEEN IN THE PAST AND WE WANT IT TO COME BEFORE COUNCIL ON THAT SUGGESTION.

MR. CHAMBERLIST: MR. CHAIRMAN, THE VERY FACT THAT IT HAS THOSE REMARKS ON THE INSIDE IT DOESN'T MATTER IN CASE OF AN ACTION WHETHER IT'S COPIED OR NOT. THE VERY FACT THAT IT'S PRINTED AND IF THERE WAS A SLANDEROUS STATEMENT IN THERE IT'S STILL SLANDEROUS WHETHER IT WAS PRINTED IN ONE COPY OR FIVE HUNDRED COPIES. THAT'S WHY IT BECOMES A RIDICULOUS FEW LINES TO PUT IN THERE.

BECAUSE IT STILL DAMAGES SOMEBODY, IF IT'S PRINTED JUST ONCE. THE FACT THAT SOMEBODY ELSE, A THIRD PARTY CAN READ IT MAKES THE DAMAGES AVAILABLE THERE.

YOU KNOW, IT'S JUST THE IDEA THAT THIS WHICH IS PUBLIC INFORMATION CANNOT BE PROVIDED TO THE PUBLIC AT LARGE IS SOMEWHAT ANNOYING TO ME. AND IF WE SAY THAT JUST ELECTED PEOPLE ARE GOING TO HAVE YOU KNOW FULL WELL THAT ELECTED PEOPLE WHETHER THEY BE FROM A MUNICIPALITY OR WHETHER THEY BE FROM A LID, SOMEBODY ELSE IS GOING TO READ IT. THEY'RE NOT JUST GOING TO TAKE IT AND LOCK IT TO THEMSELVES AND NOT LET ANYBODY ELSE SEE IT. SO WHETHER IT'S PRINTED AND MADE INTO COPIES OR NOT, HAS NO BEARING ON THE SITUATION AT ALL. AND I AGREE WITH EVERYBODY. LET PEOPLE SEE WHAT'S GOING ON IN GOVERNMENT AND CERTAINLY IT'S UP TO THE GOVERNMENT TO SEE THAT THEY DON'T PUT ANY MISLEADING INFORMATION IN. THAT THEY DON'T PUT WRONG INFORMATION IN AND THEY DON'T DAMAGE PEOPLES' CHARACTERS. THAT'S THE ONLY PROTECTION THATS NEEDED AND I WOULD SUGGEST THAT WHICH PERHAPS DOESN'T HAPPEN THAT THEY SOULD MAKE MORE USE OF THE LEGAL ADVISOR BECAUSE NOBODY IS ASKING THE LEGAL ADVISOR OR FOR LEGAL ADVICE IN ANYTHING. IT SEEMS THAT THIS GOVERNMENT JUST GOES AHEAD AND MAKES DECISIONS AND AFTER THEY GET INTO TROUBLE THEY'RE YELLING OUT - HELP!!

MR. LEGAL ADVISOR: MR. CHAIRMAN, THE LEGAL ADVISOR DOESN'T WANT TO EDIT THIS GUCK, EVERY MONTH BY NO MEANS.

MR. CHAMBERLIST: NO, NO. I'M NOT SUGGESTING MR. LEGAL ADVISOR SHOULD EDIT THE DOCUMENT, BUT CERTAINLY SOMEBODY IN HIS OFFICE CAN TAKE A LOOK AT ANY SPECIFIC POINT THAT SOMEBODY MIGHT RAISE. YOU KNOW IS THIS ALRIGHT TO WRITE THIS IN THIS PARTICULAR MANNER OR IS IT ALRIGHT TO PUT THESE FEW LINES IN THE FRONT OF IT? GET SOMETHING FROM LEGAL COUNSEL, I'VE FORGOTTEN HOW MUCH MONEY WE PAY ALTOGETHER FOR THE LEGAL ADVICE THAT WE GET, BUT IF NOT ENOUGH, MAYBE WE SHOULD GIVE HIM A FIVE DOLLAR RAISE SO HE CAN LOOK AT THESE THINGS. BUT YOU KNOW, JOKING ASIDE, WE HAVE GOT TO START GIVING THE PEOPLE AS MUCH INFORMATION AS POSSIBLE. PRINT SOME EXTRA ONES, IF THEY RUN OUT, THEY RUN OUT. IF PEOPLE DON'T TAKE THE TROUBLE TO GO AND FIND THE INFORMATION, THAT'S JUST TOO BAD. BUT AS LONG AS IT'S THERE IT'S AVAILABLE FOR PEOPLE.

Mr. Stutter: Mr. Chairman, I would like to put forward a motion in just a second.

Mr. Chairman: Alright.

Mr. Stutter: My motion, Mr. Chairman, if I can find a seconder, is that public libraries within the territory, elected members of municipal councils and local improvement districts be placed on the mailing list for the government of the Yukon territory monthly newsletter.

Mr. Chairman: Is there a seconder?

Mr. Chamberlist: I will second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by councillor Stutter, seconded by councillor Chamberlist that public libraries within the territory, elected members of municipal councils and local improvement districts be placed on the mailing list for the government of the Yukon territory monthly newsletter. Are you prepared for the question? Agreed? I shall declare the motion carried.

CARRIED

LEGISLATIVE RETURN NO. 31

Mr. Chairman: Is there anything further on legislative return 29?

Next is legislative return 31, the appointment of deputy superintendent of schools. Councillor Chamberlist.

Mr. Chamberlist: I wonder if I can have some information now, who is the person appointed to be deputy superintendent of schools?

Mrs. Watson: Mr. Chairman, Mr. John Ferbey was appointed as the deputy superintendent of schools.

Mr. Chamberlist: Thank you.

LEGISLATIVE RETURN NO. 45

Mr. Chairman: Clear?

Next is sessional paper No. 45, Pardon me legislative return. I'm sorry I keep saying sessional paper.

Mr. Stutter: Mr. Chairman, I was the one who asked to have this put into committee of the whole, but just more or less for discussion purposes. I have nothing in particular to bring up in it, other than that I and other members in Dawson who signed a petition to get their complaints before the board in Dawson were

terribly dissatisfied with the results they got back from the board.

Mr. Chamberlist: How recently were the complaints made?

Mr. Stutter: Mr. Chairman, I had the petition all typed up and ready for signatures about the time that we passed the ordinance and it took one year to get it before the board. So this was now a year and a half ago, that we got the letter back from the board and basically all the letter said was that after looking into the rates at Dawson they felt that they were quite comparable to those rates being charged in other areas of similar population. That's what it boiled down to.

Mr. Chairman: I don't know who to address this question to, but in sub 3 of the legislative return it's pointed out that the board has decided that expert advice is required. In sub 4 further research was necessary and in sub 5 financial experts will be necessary. Do committee have the assurance that the administration are providing them with this necessary research, advice and this type of thing?

Does anyone in the administration or the executive committee, is there anyone who can answer this question?

Mrs. Watson: Mr. Chairman, they have the authority to get this advice as they can get technical people under the legislation.

Mr. Chairman: True, but are they going to get it from the administration?

Mr. Legal Advisor: Especially when a limp horse can get grass Mr. Chairman.

They have the authority to get the advice but consultants expect to be paid. I don't know what their budget situation is.

One of the big things is that if they have to give an opinion as to whether or not the rates being charged by any new franchisee, for instance the city of Whitehorse is a reasonable rate and to examine it properly, they need extremely competent specialist financial advice going through the proposal as well as the financial situation in relation to the proposal and the company which makes the proposal. They are not experts themselves on the board and they need to hire an expert, but I don't know what the financial position is when they

COME TO HIRE AN EXPERT. I THINK THEY'VE GOT TO ASK THE GOVERNMENT TO DO IT FOR THEM.

MR. CHAIRMAN: WELL I WONDER THEN IF PAPER 45 LEGISLATIVE RETURN CAN STAND ON THE ORDER PAPER OR STAND IN COMMITTEE UNTIL WE CAN GET THIS INFORMATION. I THINK IT'S VERY IMPORTANT THAT THAT INFORMATION BE FORTHCOMING.

MR. CHAMBERLIST: MR. CHAIRMAN, I DID WANT TO RAISE SOME QUESTIONS ABOUT THE APPLICATION FORMS THAT ARE NOW BEING USED FOR LICENCES AND THE VARIOUS ITEMS WHERE THE GOVERNMENT IS NOW PROBING INTO THE PERSONAL LIFE OF PEOPLE IN RELATION TO APPLICATIONS. AND I FIND - -

MR. TANNER: YOU'VE GOT THE WRONG LEGISLATIVE RETURN.

MR. CHAIRMAN: WE ARE TALKING ABOUT THE ELECTRIC PUBLIC UTILITIES BOARD.

MR. CHAMBERLIST: OH, I'M SORRY, THE LITTLE LICENCES. I'M VERY VERY SORRY. I THOUGHT YOU SAID 35.

MR. CHAIRMAN: 35 IS NOT IN COMMITTEE YET. SO WOULD THE ADMINISTRATION UNDERTAKE TO GET THAT ADVICE FOR COMMITTEE, OR THAT INFORMATION, HADON ME.

MR. LEGAL ADVISOR: WHAT SPECIFICALLY IS THE QUESTION MR. CHAIRMAN? SO THAT THE ADMINISTRATION WILL KNOW.

MR. CHAIRMAN: WE WOULD LIKE TO KNOW BASICALLY IN SUB 3 - IT SAYS THAT EXPERT ADVICE IS REQUIRED BEFORE DECISIONS CAN BE MADE PURSUANT TO SECTION 23(1). I WOULD LIKE TO KNOW IF THIS IS FORTHCOMING. I WOULD LIKE TO KNOW ABOUT WHAT IS BEING DONE TO ASSIST THE BOARD WITH RESEARCH IT IS SEEKING IN SUB 4 AND ALSO WHAT IT SAYS IN SUB 5 - IT IS ALSO THE BOARD'S FEELING THAT PRELIMINARY STUDIES INDICATE THAT ADVICE FROM BOTH LEGAL AND FINANCIAL EXPERTS WILL BE NECESSARY. I WOULD LIKE TO KNOW WHAT'S BEING DONE IN RESPECT OF SUB 5 AS WELL.

MR. LEGAL ADVISOR: YES, THAT INFORMATION WILL BE FORTHCOMING MR. CHAIRMAN.

MR. CHAMBERLIST: MR. CHAIRMAN, I HAVE A COUPLE OF QUESTIONS WHICH I THINK ARE ASSOCIATED WITH THIS SESSIONAL PAPER. THE CITY OF WHITEHORSE HAS SOME 20 YEARS AGO, ISSUED A FRANCHISE TO THE YUKON ELECTRIC COMPANY LTD. FOR THE AREA OF

THE CITY OF WHITEHORSE THAT EXISTED AT THAT TIME. THE TERRITORIAL GOVERNMENT ISSUED THE FRANCHISE TO YUKON ELECTRIC FOR THOSE AREAS OUTSIDE THE CITY OF WHITEHORSE THAT EXISTED AT THAT TIME. AT THE PRESENT TIME PART OF THE OUTER AREA THAT WAS UNDER FRANCHISE TO THE TERRITORIAL GOVERNMENT IS NOW IN THE NEW CITY OF WHITEHORSE BUT PART OF IT IS STILL OUTSIDE THE CITY OF WHITEHORSE.

MR. CHAMBERLIST: WHAT IS THE POSITION AS FAR AS THE TERRITORIAL GOVERNMENT'S FRANCHISE THAT IT HAS GRANTED TO YUKON ELECTRIC AND THE MUNICIPAL FRANCHISE AND THE MUNICIPALITY NOW IN RENEWING THE FRANCHISE DEAL WITH THE AREA THAT WAS PRIOR IN THE TERRITORIAL GOVERNMENT'S RESPONSIBILITY. WHAT IS THE SITUATION IN REGARDS TO THIS WHOLE THING?

MR. LEGAL ADVISOR: FRANKLY, I DON'T KNOW, MR. CHAIRMAN. THE COMMISSIONER'S AREA WAS A GEOGRAPHICAL AREA IN A CIRCLE FROM THE POST OFFICE. THE CITY INCLUDED THE WHOLE OF THE THEN CITY OF WHITEHORSE. SO FAR AS I KNOW THE CITY HAVE NOT ATTEMPTED TO AMEND THE FRANCHISE WHICH HAS BEEN GRANTED AND ARE WAITING UNTIL AUGUST OF THIS YEAR WHEN THE WHOLE THING COMES UP FOR RENEWAL. THEY HAVE THE POWER TO GRANT THE FRANCHISE FOR THE PERIOD OF TEN YEARS FROM AUGUST 1974. THERE MAY BE A MEDIAL POINT INVOLVED IN WHETHER OR NOT THE CITY IN GRANTING THE NEW FRANCHISE HAVE THE LEGAL POWER TO CANCEL THE FRANCHISE GIVEN BY THE COMMISSIONER.

THIS MIGHT OR MIGHT NOT REQUIRE LEGISLATION OR ONE MIGHT HAVE TO WAIT IN RESPECT OF THAT AREA FOR THAT LEGISLATION TO DIE OR THE COMMISSIONER'S FRANCHISE TO EXPIRE.

MR. CHAMBERLIST: SUPPLEMENTARY, MR. CHAIRMAN. I WONDER IF MR. LEGAL ADVISOR HAS HAD ANY QUESTIONS REGARDING THIS POSITION BROUGHT FORWARD FOR A LEGAL INTERPRETATION OF THE SITUATION AS IT EXISTS TODAY. KEEPING IN MIND, MR. CHAIRMAN, THAT THE CITY OF WHITEHORSE ARE PROPOSING TO DEAL WITH THE FRANCHISE QUESTION RELATING TO THE CITY OF WHITEHORSE AS IT EXISTS TODAY.

MR. LEGAL ADVISOR: NO, MR. CHAIRMAN. NOBODY HAS BROUGHT IT UP. MAYBE SOMETHING HAS BEEN LYING IN THE BUSHES BUT NOBODY HAS BROUGHT IT UP.

MR. TANNER: MR. CHAIRMAN, SOME 18 MONTHS AGO I HAD AN OCCASION, ONE OF OUR CONSTITUANTS

FELT THEY WERE IN THE FRANCHISE AREA, AND I HAD OCCASION TO LOOK AT THE AGREEMENT. IT SEEMED TO ME THAT THEY WERE COINCIDENTAL THAT THE CITY GRANTED FRANCHISES, AS THE HONOURABLE MEMBER SAYS, AND THE COMMISSIONER GRANTED FRANCHISES. THE GRANTING OF THE FRANCHISES WAS IN A TWELVE MILE RADIUS OF WHAT IS NOW THE POST OFFICE. IT WAS MY UNDERSTANDING AT THAT TIME THAT WHEN THE CITY WAS AMALGAMATED THEY AUTOMATICALLY TOOK THAT OVER. NOW THAT I THINK ABOUT IT NO PIECE OF PAPER SAID THAT. I CAN SEE THE HONOURABLE MEMBER'S PROBLEM BUT THE AREA COVERED AS I UNDERSTAND IT, BY THE PRESENT FRANCHISE, WHETHER IT BE FROM THE CITY OR THE COMMISSIONER IS A TWELVE MILE RADIUS FROM THE POST OFFICE.

Mr. CHAMBERLIST: I'M ALRIGHT ABOUT THE FACT THAT THERE IS TWO DIFFERENT SIGNATORIES. FIRST OF ALL ONE FRANCHISE IS BETWEEN THE COMMISSIONER OF THE YUKON TERRITORY AND YUKON ELECTRIC, ONE IS BETWEEN THE CITY OF WHITEHORSE AND YUKON ELECTRIC AND THEY ARE DIFFERENT TIME FACTORS INVOLVED AS WELL. SO THERE ARE THREE THINGS. THERE ARE THE DIFFERENT SIGNATORIES, THE DIFFERENT TIME FACTORS; THE DATES AND THE NUMBER OF YEARS, AND THE DIFFERENT AREAS. SOME AREAS CLASH AND SOME AREAS ARE WIDER IN FACT. IT SAID, IF I REMEMBER CORRECTLY I WOULD HAVE TO LOOK UP THE FRANCHISE, I HAVE A COPY OF IT, IT TAKES THOSE AREAS OUTSIDE THE CITY OF WHITEHORSE.

Mr. LEGAL ADVISOR: THERE COULD BE A PROBLEM AND IT IS A QUESTION OF CONTINUITY. I THINK THAT THE TERRITORIAL FRANCHISE ISSUED BY THIS HOUSE WOULD BE SUPERIOR TO ANY FRESH FRANCHISE. BUT, AS I SAY, IT MIGHT REQUIRE LEGISLATION TO DEAL WITH IT, IT MIGHT REQUIRE AN ELAPSE BUT WHERE TIME IS A PROBLEM. I'M GLAD IT HAS BEEN BROUGHT TO MY ATTENTION. THE MATTER IS ACUTE.

Mr. CHAMBERLIST: I WONDER IF, MR. CHAIRMAN, MR. LEGAL ADVISOR WILL ALSO EXAMINE WHETHER OR NOT THE MUNICIPALITY OF THE CITY OF WHITEHORSE HAS THE POWER INDEED TO GRANT A FRANCHISE UNDER OUR PRESENT MUNICIPAL ORDINANCE AND ESPECIALLY IN VIEW OF SECTIONS OF THE YUKON ACT.

Mr. LEGAL ADVISOR: MR. CHAIRMAN THERE IS NO QUESTION THAT THEY HAVE THE POWER TO DO IT. THIS HOUSE HAS THE POWER TO PASS THAT LEGISLATION TO GRANT THAT POWER. IT HAS DONE SO AND NOW THE CITY HAS THAT POWER AND UNDOUBTEDLY CAN USE IT.

Mr. CHAMBERLIST: DOES THE YUKON ACT SPECIFI-

CALLY GIVE THE POWER TO THE GOVERNMENT OF THE YUKON TERRITORY TO THE TERRITORIAL COUNCIL TO PASS LEGISLATION WHETHER THE ELECTRICAL FRANCHISE... AS A MATTER OF FACT I FIND, MR. CHAIRMAN, THAT THE LEGISLATION REMAINS SILENT IN THAT PARTICULAR AREA OF GRANTING A FRANCHISE BECAUSE THEY MAKE SPECIFIC EXCLUSIONS ESPECIALLY WITH REFERENCE TO RAILROADS, TELEGRAPH LINES, AND CERTAIN CORPORATIONS LIKE THAT. I WONDER IF MR. LEGAL ADVISOR WOULD TAKE A LOOK AT IT BECAUSE I THINK ...

Mr. LEGAL ADVISOR: MR. CHAIRMAN, WE DID IN FACT TAKE A LOOK AT IT DURING THE DRAFTING OF THE MUNICIPAL ORDINANCE AND WE WERE SATISFIED AT THAT TIME THAT THEY DO HAVE THIS POWER. THAT THIS HOUSE HAS THAT POWER TO GRANT THAT POWER.

LEGISLATIVE RETURN NO. 46

Mr. CHAIRMAN: ANYTHING FURTHER? 46.

Mr. STUTTER: MR. CHAIRMAN, I THINK THAT THIS HAS BEEN TAKEN CARE OF OR HOPEFULLY WHEN THE ORDINANCE IS INTRODUCED WE CAN TAKE CARE OF IT AT THAT TIME. I'VE GOT NOTHING TO ADD TO IT AT THIS POINT WE'LL WAIT UNTIL THEN.

Mr. TANNER: MR. CHAIRMAN, I THINK I CAN TELL THE HONOURABLE MEMBER THAT I THINK IT HAS BEEN TAKEN CARE OF.

LEGISLATIVE RETURN NO. 47

Mr. CHAIRMAN: 47 IS THE NEXT ONE. COUNCILLOR STUTTER?

Mr. STUTTER: MR. CHAIRMAN, I STILL WOULD LIKE TO SEE THIS POLICY PAPER. IT IS HERE WHAT THERE IS OF IT. THE BIG PART IS ON PAGE 2 WHEN WE GET TO 10-3. THERE APPEARS TO BE AN AREA WHERE IF THE SALE OF LOTS DOESN'T TAKE PLACE THE MINUTE THAT THEY ARE MADE AVAILABLE SO THAT, IN OTHER WORDS IF WE ARE DEVELOPING A WHOLE SERIES OF LOTS WITH THE IDEA OF TRYING TO CUT DOWN SPECULATION. TO THAT, FOR THE SAKE OF ARGUMENT, THERE ARE 50 LOTS THAT ARE SERVICED AND ARE READY FOR SALE AND ARE PUT UP FOR SALE BY THE TERRITORIAL GOVERNMENT OR BY THE DEPARTMENT OF ROADS AND GOVERNMENT AND THEY ARE NOT ALL SOLD THE FIRST DAY OR THE FIRST INSTANCE. THEN IT IS POSSIBLE FOR SOMEBODY ELSE TO COME ALONG AND WITH A DEPOSIT OF ONLY 20% FOR EACH LOT HE CAN TIE UP ANY NUMBER OF LOTS. JUST BY PUTTING DOWN 20% OF THE VALUE OF EACH ONE. PAYING A SMALL AMOUNT OF INTEREST - 5% WHICH IS A PRETTY

GOOD DEAL IN ANYBODIES BOOKS. HE CAN HANG ONTO THOSE LOTS AND THEN THE POOR PERSON WHO REALLY NEEDS A LOT TO BUILD A HOUSE COMES ALONG AND THERE AREN'T ANY AVAILABLE ON THE GOVERNMENT LEVEL. HE IS FACED THEN WITH HAVING TO GO TO THAT PERSON WHO WAS FORTUNATE ENOUGH TO GET MONEY TO BUY ALL OF THE LOTS WITH ONLY 20% DOWN AND HE HAS TO BUY THE LOTS FROM THAT PERSON. IN THAT INSTANCE THAT PERSON, THE PERSON WHO OWNS THE LOT, IS CHARGING WHATEVER HE WANTS TO AND GETTING HIS PROFIT OUT BY SELLING TO THE LITTLE GUY WHO REALLY NEEDS THE LOT. I DON'T AGREE WITH THAT POLICY. I THINK THAT IT IS GETTING AWAY COMPLETELY FROM THE WHOLE THOUGHT OF HAVING AMPLE NUMBER OF LOTS SERVICED AND READY FOR PEOPLE IN ALL AREAS WHERE THERE IS BUILDING GOING ON. IT PREVENTS SPECULATION. THAT CLAUSE 10-3B, AS FAR AS I'M CONCERNED AGAIN PUTS SPECULATION RIGHT BACK INTO IT. I WOULD LIKE TO HEAR COMMENTS FROM SOME OF THE OTHER MEMBERS.

MR. CHAMBERLIST: MR. CHAIRMAN, WHAT CONCERNS ME ABOUT 10-B IS THIS. THERE IS A DISCRETION GIVEN TO THE COMMISSIONER FOR HIM TO DECIDE WHO HE IS GOING TO MAKE PAY THE FULL PRICE AND WHO HE IS GOING TO ALLOW TO HAVE FIVE YEARS TO PAY IT OFF. I THINK THIS IS A DAMAGING AREA BECAUSE THIS A IS PAYMENT IN FULL AT THE TIME OF SALE OR B AT THE DISCRETION OF THE COMMISSIONER PAYMENT OF NOT LESS THAN 20%.

IF HE DOESN'T HAPPEN TO LIKE A PARTICULAR PERSON THEN HE SAYS, "I WANT YOU TO PAY ME RIGHT AWAY." OR A LARGE CORPORATION GETS IN. THEY GO AND BUY, LET'S SAY WE'VE GOT 300 LOTS AT \$1000. A LOT THAT'S \$300,000., HE ONLY HAS TO PAY 20%, ONE FIFTH OF IT, SO FOR \$60,000. HE HAS GOT 5 YEARS IN WHICH TO TIE UP ALL THIS LAND. BUT AN ENTREPRENEUR WOULDN'T WANT TO TIE UP LAND THAT IS WORTH THAT AMOUNT OF MONEY FOR ANY LENGTH OF TIME. HE WOULD BE A PRETTY BAD BUSINESS MAN IF HE TIED IT UP.

I TEND TO AGREE WITH THE HONOURABLE MEMBER FROM DAWSON THAT THERE SHOULD BE SOME AREA WHERE THE CONDITION OF CARRYING OUT THE WORK TO THE LAND WITHIN THAT FIVE YEAR PERIOD AT LEAST SHOULD BE MADE.

MR. STUTTER: MR. CHAIRMAN, I CAN SEE AREAS WHERE A DEVELOPER SHOULD HAVE THE RIGHT TO PURCHASE MORE THAN ONE LOT. IF YOU ZONE CERTAIN AREAS FOR ONE FAMILY RESIDENTIAL THAN I SEE NO REASON WHY ANYBODY, ANY ONE PERSON, SHOULD BE ALLOWED ANYMORE THAN TWO LOTS AT ONE TIME IN THAT PARTICULAR INSTANCE.

BUT IF YOU ARE ZONING IT FOR MULTIPLE DWELLINGS, RESIDENTIAL, THEN I CAN SEE WHERE A DEVELOPER NATURALLY SHOULD HAVE THE RIGHT TO GET MORE THAN TWO LOTS. HE MAY NEED FIVE HE MAY NEED TEN FOR WHATEVER HIS PLAN HAPPENS TO BE. BUT THE POLICY THE WAY IT IS AT THE MOMENT MAKES NO DISTINCTION BETWEEN AN AREA WHERE LOTS ARE SET ASIDE FOR SINGLE FAMILY DWELLINGS OR MULTIPLE DWELLINGS.

IT JUST ISN'T RIGHT AS FAR AS I'M CONCERNED BECAUSE RIGHT AWAY IT IS PUTTING SPECULATION BACK INTO THE BUILDING OF PROPERTY AND I DON'T LIKE TO SEE THAT.

MRS. WATSON: MR. CHAIRMAN, I HAVE TO AGREE AGAIN WITH THE HONOURABLE MEMBER FROM DAWSON CITY. I LIKE THE IDEA THAT YOU SAID THAT ONE PERSON SHOULD BE ALLOWED TO BUY MORE THAN TWO LOTS. I DON'T LIKE TO SEE THIS RESTRICTION FOR ONE LOT FOR ONE HOME BECAUSE SOME PEOPLE WANT MORE PROPERTY - IF THEY ARE BUILDING A FAIRLY LARGE PROTRUDING UNIT. IT MIGHT BE TWO ADJACENT LOTS. IT IS POSSIBLE THOUGH THAT A DEVELOPER MAY WANT SOME PROPERTY TO BUILD SOME RESEMENTS FOR RENT OR FOR SALE. OF COURSE, THIS IS ANOTHER THING THAT SHOULD BE TAKEN INTO CONSIDERATION. BUT EVEN IF YOU HAVE A DEVELOPER COMING IN THERE SHOULD BE A RESTRICTION THAT THEY USE THE PROPERTY. I THINK THIS IS THE BIG THING THAT WE ARE LOOKING AT.

WHEN THERE IS NO OBLIGATION TO DO ANYTHING WITH THE PROPERTY AT THE PRESENT TIME. THEY GIVE 10% DOWN, THEY DO NOT HAVE TO DO ANYTHING WITH THE PROPERTY AS FAR AS BUILDING ON IT TO INVEST ANY KIND OF MONEY IN IT AT ALL. I AGREE WITH THESE, THEY ARE REALLY JUST ASKING FOR SPECULATION.

BUT THEN ON THE OTHER HAND WHAT LIMITS SHOULD BE SET, AND I THIS SHOULD BE DISCUSSED HERE TO, JUST HOW LONG DO YOU THINK PEOPLE SHOULD BE GIVEN. AT THE PRESENT TIME HOW LONG DO YOU THINK IT WILL TAKE TO BUILD A HOME? WITH MATERIAL BEING AS SCARCE AS THEY ARE, WITH PEOPLE BEING AS DIFFICULT TO GET - TRADESMAN. YOU MUST BE LOOKING FOR AT LEAST LONGER THAN ONE YEAR. I AGREE WITH THE HONOURABLE MEMBER THAT THIS LEAVES IT WIDE OPEN FOR SPECULATION.

MR. STUTTER: JUST ONE FINAL COMMENT THAT I WANT TO MAKE, MR. CHAIRMAN, AND THAT IS THE WHOLE POINT IS THAT TO PREVENT SPECULATION YOU MUST HAVE LOTS AVAILABLE, SERVICED LOTS AVAILABLE FOR THE INDIVIDUAL

WHEN HE WANTS THEM. I'M NOT SUGGESTING THAT WE GO AHEAD AND DEVELOP 300 LOTS FOR THE SIMPLE REASON THEN YOU ARE TALKING ABOUT TYING UP A GREAT DEAL OF MONEY AND YOU ARE NOT GETTING THE PROPER USE OUT OF THE LAND.

THE WHOLE POINT IS THAT IT IS GOOD TO HEAR WHAT THE EXECUTIVE COMMITTEE MEMBER IS SAYING. SHE RECOGNIZES AT LEAST THAT THERE IS A REAL AREA OF CONCERN HERE AND AS LONG AS THE ADMINISTRATION OR THE EXECUTIVE COMMITTEE RECOGNIZE THAT I SUGGEST THAT THEY SIT TOGETHER SOMETIME AND TRY TO DEVELOP A BETTER POLICY IN THIS AREA. AS I SAY, IT IS JUST COMPLETELY GOTTEN AWAY FROM THE ORIGINAL CONCEPT OF HAVING LOTS AVAILABLE AND CUTTING OUT SPECULATION. IT JUST DOESN'T DO IT.

MR. TANNER: MR. CHAIRMAN, I THINK THAT I SHOULD INFORM THE HOUSE THAT WHEN THIS QUESTION WAS ASKED IT WAS ASKED, "WHAT IS THE POLICY?" THIS IS THE POLICY RIGHT NOW. I DON'T THINK I AM SPEAKING OUT OF TURN WHEN I TELL YOU THAT WE HAVE DISCUSSED THE SUBJECT IN THE EXECUTIVE COMMITTEE A NUMBER OF TIMES AND WE ARE CURRENTLY DISCUSSING IT. WE HOPE PERHAPS BEFORE THE END OF THIS COUNCIL, I HOPE VERY, VERY SHORTLY TO BRING YOU A SUGGESTED NEW POLICY DOWN.

IN THE MEANTIME, I PERSONALLY WOULD LIKE TO HEAR MEMBERS OPINION SO THAT WHEN THE DISCUSSION DOES COME UP AGAIN IN THE EXECUTIVE COMMITTEE WE CAN INCORPORATE THOSE OPINIONS. WE ARE IN THE PROCESS RIGHT NOW OF FORMULATING A NEW POLICY.

MR. CHAIRMAN: COUNCILLOR STUTTER WOULD YOU TAKE THE CHAIR PLEASE?

MR. CHAIRMAN, I JUST WANTED TO GET INTO THIS THING. PROBABLY THE REASON YOU ARE STUDDING WITH THIS IS BECAUSE I HAVE RAISED HELL OVER THIS IN RELATION TO WATSON LAKE. WE HAVE HAD A DEVIL OF A TIME TRYING TO GET THE ADMINISTRATION TO RELEASE LAND AND LOTS FOR SALE. YOU ONLY HAVE A CERTAIN BUILDING PERIOD. THIS SPRING THEY DECIDED TO FINALLY RELEASE SOME LOTS, OR THIS LAST WINTER, WHEN THEY DID SO THE COMMISSIONER SAID, "ALRIGHT WHAT WE WILL DO IS WE WILL RELEASE LOTS FIRST FOR ONE WEEK IN WATSON LAKE TO ALL THOSE PEOPLE WHO HAVE THE MONEY, WHO WILL GIVE US THE CASH FOR THESE LOTS. THEY WILL GET FIRST SHOT AT IT. THEN AFTER THAT, AND THIS DISCRIMINATED A LOT, THEN AFTER THAT THE POOR LITTLE GUY WHO IS SITTING IN WATSON LAKE IN RENTED PREMISES OR WHATEVER WHO FOR WHATEVER REASON DIDN'T HAVE THE MONEY

TO PUT DOWN WHO MUST TAKE ADVANTAGE OF THE 20% DOWN, THEN HE CAN HAVE WHAT IS LEFT." HE IS THE GUY THAT GETS DISCRIMINATED AGAINST. BECAUSE, AS YOU KNOW, IN LANDS ALL OVER THE TERRITORY, THAT GOOD LANDS ARE ALWAYS TAKEN BY THE GOVERNMENT FIRST. THE FEDERAL GOVERNMENT GET THE FIRST WACK AND THE NICEST CHUNK. THE NEXT ONE IS THE TERRITORIAL GOVERNMENT. THEY GET THAT FOR CAMPSITES AND FOR ANY PURPOSES THEY WANT. THEY GRAB THE BEST. THE NEXT BEST, THE MUNICIPALITY GENERALLY GETS. IF THERE IS ONE AROUND THEY GET IT. THE RICH MAN GETS THE NEXT CHUNK AND THE POOR LITTLE GUY YOU ARE REALLY TRYING TO HELP HE GETS WHAT IS LEFT AND MORE THAN OFTEN HE WINDS UP WITH A SWAMP AND IT COST HIM A GREAT DEAL OF MONEY TO LANDSCAPE THIS LAND OR MAKE IT SUITABLE FOR DEVELOPMENT.

I CAN SHOW YOU RIGHT IN WATSON LAKE, LOTS THAT ARE UP FOR SALE THAT ARE UNDER WATER. THIS IS THE WAY THIS GOVERNMENT OPERATES. IN THE TERMS OF DISPOSAL OF LAND I AM VERY PLEASED TO HEAR THAT SOMETHING IS GOING ON BECAUSE THERE HAS GOT TO BE SOME WAY FOUND WHEREBY THE LITTLE GUY - WE CAN HELP HIM. WE SAID IN FORMER COUNCILS AND I STILL PERSONALLY AGREE THAT IF YOU HAVE ONE PERSON IN ONE COMMUNITY THAT WANTS A PIECE OF LAND YOU SHOULD GIVE IT TO HIM FOR THE \$10. IT WOULD TAKE TO TRANSFER THAT LAND THROUGH THE OFFICE OF REGISTRY TO GIVE HIM TITLE TO IT. THIS SHOULD BE THE POLICY OF THIS GOVERNMENT. WHEN YOUNG PEOPLE WHO MAYBE AREN'T AS AFFLUENT AS OTHERS STILL WOULD HAVE THE OPPORTUNITY OF DEVELOPING A HOME. AND DON'T TELL THEM THEY HAVE TO HAVE \$5,000, WORTH OF WORK ON THE THING IN 2 YEARS OR WHATEVER IT MIGHT BE. ALLOW THEM TO BUILD THE HOMES TO THEIR OWN DESIGN AND THEIR OWN STANDARD IN KEEPING WITH THE NORMAL AREA DEVELOPMENT REGULATION. AT A PACE THAT THEY CAN AFFORD. THIS COUNCIL HAS GOT TO SIT DOWN AND RECOGNIZE ONE THING. YOU ARE TALKING TAXES YOU ARE TALKING EVERYTHING ELSE. THERE ARE ONE DEVEL OF A LOT OF PEOPLE IN THIS TERRITORY RIGHT NOW THAT JUST CANNOT AFFORD TO LIVE HERE AND THAT IS THE UNFORTUNATE PART OF IT. THEY DON'T HAVE THE MONIES TO BE ABLE TO LAY OUT BIG SUMS OF MONEY OR PAY LARGE SUMS OF INTEREST TO A BANK TO BE ABLE TO BUILD THESE HOMES.

ONE OF THE MOST IMPORTANT PARTS IS WHERE THEY CAN FIND LAND UPON WHICH TO BUILD THE HOME. ONCE THEY FIND THE LAND THEN THEY HAVE GOT TO CONSIDER WHERE CAN I GET THE MONEY NOW TO

BUILD A HOME, A GREEN HOME OR SOMETHING IN TO WHICH YOU CAN PUT A FAMILY, A WIFE AND CHILDREN AND DEVELOP A NEW COMMUNITY.

THESE THINGS HAVE ALL GOT TO BE TAKEN INTO ACCOUNT WHEN YOU DISCUSS THIS LAND DISPOSAL THING. I HAVE MANY AREAS OF CRITISISM THROUGH THE TOTAL LAND THING. I JUST DON'T KNOW WHAT WE'LL DO BUT I THINK THAT ONCE, AND I HOPE THAT THIS DECISION IS MADE IN THE EXECUTIVE COMMITTEE FAIRLY SOON, AND ONCE IT IS MADE I THINK THAT IT SHOULD COME BACK AND THIS PAPER LEGISLATIVE RETURN ALSO BE ALLOWED TO IDLE PENDING THAT DECISION AND THAT COMMITTEE MEMBERS THINKING ABOUT THEIR DISTRICT AND IN PARTICULAR THOSE THAT REPRESENT THE HINDERLAND, THE SMALLER COMMUNITIES AWAY FROM THIS PLACE, SHOULD TAKE A REAL GOOD CLOSE LOOK AT WHATEVER THEY COME UP WITH. IT IS PRETTY DARN IMPORTANT TO THE LITTLE PERSON.

MR. CHAIRMAN: COUNCILLOR McKINNON?

MR. McKINNON: MR. CHAIRMAN, I HAVE SPOKEN BEFORE ON THIS POLICY AND I JUST HOPE THAT FOR SURE THAT IT IS CHANGED PRIOR TO THE LOTS IN HILLCREST AND PORTER CREEK AND RIVERDALE GOING ON SALE THIS SPRING OR SUMMER. I'M TELLING YOU THAT THE GUY WHO WANTS A SINGLE DWELLING UNIT TO BUILD ISN'T THE PERSON WHO IS GOING TO RECEIVE THE LOT UNDER THIS POLICY.

WE DON'T WANT A DISCUSSION PRIOR TO THE FIRST COME FIRST CHOSE TYPE OF DISPOSAL OF LOTS BUT IT WAS A FAR MORE EQUITABLE OR BETTER SYSTEM OF GETTING SOME JUST MANNER OR RELEASING THE LOTS. I HAVE TO COUNTER THAT WITH THE OTHER PHILOSOPHY THAT I AM NOT ALL THAT EXCITED AGAINST A PERSON SPECULATING OR A PERSON BUYING MORE THAN ONE LOT OR A PERSON BUILDING ON MORE THAN ONE LOT AND SELLING THAT HOUSE ONCE HE HAS BUILT IT FOR A FAIR PROFIT. I THINK WHAT THE ANSWER SHOULD BE IS THE INITIAL SALE OF THOSE LOTS SHOULD BE BY TENDER. THE INITIAL SALE OF LOTS TO GO UP SHOULD BE, ONCE AGAIN, ON A FIRST COME, FIRST SERVED BASIS WITH THE DOUBLE ABILITY WHICH IT WAS BEFORE OF THE PERSON EITHER PAYING IN CASH OR THE 20% DOWN.

IT GETS INTO THIS ATMOSPHERE THAT PEOPLE SAY IT IS RIDICULOUS WHEN YOU HAVE 207 THOUSAND SQUARE MILES THAT YOU HAVE PEOPLE LINED UP OVER A TWO DAY PERIOD FOR THE CHOICE LOT.

BUT THAT IS HOW CONCERNED

THEY ARE IN GETTING THE LOT THAT THEY WANT. YOU TALK TO THE PEOPLE WHO HAVE BEEN IN THOSE LINEUPS WHICH I HAVE, AND SEEN THEM MORE THAN TWO DAYS, FOR FOUR DAYS AT ONE TIME PARKED OUT HERE WITH CAMPING GEAR TRYING TO GET LOTS. NOT ONE OF THEM WAS DISSATISFIED AND NOT ONE OF THEM WAS ANGRY AT HAVING TO DO THAT BECAUSE THEY KNEW, THEY HAD TRACKED OVER THE LAND AND THEY KNEW THE LOT THAT THEY WANTED AND THEY WERE PREPARED TO STAND IN LINE OR TO CAMP OUT TO GET THAT LOT TO BE ABLE TO BUILD THE HOME THAT THEY WANTED TO BUILD. I DON'T THINK THERE WAS ONE OF THEM WHO IS NOW LIVING ON THE LOT IN THE HOUSE OF HIS CHOICE WHO BEGRUDGED THE TIME THAT HE SPENT IN THAT LINEUP GETTING THE LOT.

THEN AFTER THAT IS DONE, MR. CHAIRMAN, THAT THOSE LOTS THAT ARE GIVEN TO THE INDIVIDUAL ON A ONE-LOT BASIS ON A FIRST COME FIRST SERVE WITH THE ABILITY OF EITHER FULL DOWN-PAYMENT BECAUSE HE IS GOING TO SAVE MONEY IF HE GIVES IT UP WITHOUT ANY INTEREST, OR BEING ABLE TO DO THE 20% DOWN WITH THE PAYMENTS TO THE GOVERNMENT. THEN AFTER THAT, THEN THE COMMISSIONER WILL BE ABLE TO OPEN THOSE LOTS FOR TENDER TO THE GENERAL PUBLIC. THEN I THINK YOU HAVE GOT BOTH AREAS SERVED. YOU HAVE GOT THE FIRST CHOICE GIVEN TO THE INDIVIDUAL WHO WANTS TO BUILD A SINGLE-DWELLING RESIDENCE ON THE LOT OF HIS CHOICE. IF HE WANTS A LOT THAT MUCH MORE THAN ANY OTHER LOT, THEN HE IS PREPARED TO LINE UP TO TAKE HIS CHANCES ON GETTING INTO THE LANDS OFFICE EARLY ENOUGH TO GET THE LOT OF HIS CHOICE. THE OTHER PEOPLE CAN GET THE LOTS THAT THEY WANT IN CONSIDERATION OF HOW MUCH THEY WANT IT WHEN THEY GO AND JOIN THE LINE-UP TO THE RUSH TO THE LANDS OFFICE. THEN FOLLOWING THAT INITIAL DISTRIBUTION OF LOTS THEN THE COMMISSIONER, BY TENDER, THEN ALLOWS FOR DIFFERENT PROPOSALS TO COME FROM THE PUBLIC FOR THE PRICE OF THE LOTS AND FOR BUILDING PURPOSES. THAT IS THE WAY I WOULD LIKE TO SEE IT. A COMBINATION OF THIS AND A COMBINATION OF THE ORIGINAL WAY THAT LOTS WERE DISPOSED OF. I THINK THAT BOTH SECTIONS OF THE PUBLIC AND THE ONE THAT WE WANT TO GIVE PRIME CONSIDERATION TO WOULD BE SERVED BY THIS

TYPE OF POLICY, MR. CHAIRMAN.

MR. TANNER: MR. CHAIRMAN, IT'S SORT OF INTERESTING BECAUSE RIGHT NOW WE HAVE THREE DIFFERENT OPINIONS OF HOW THE LOTS SHOULD BE DISTRIBUTED TO SOME EXTENT. THEY ARE ALL SLIGHTLY DIFFERENT BUT HAVE SOME VARIABLE IN IT. I CAN ASSURE HONOURABLE MEMBERS THAT NO MATTER WHAT POLICY WE BRING DOWN THERE'S GOING TO BE MEMBERS, NO MATTER WHICH WE GO, THERE ARE GOING TO BE SOME MEMBERS THAT ARE NOT GOING TO BE SATISFIED. THIS IS PROBABLY ONE OF THE MOST DIFFICULT AND BASIC QUESTIONS IN CANADA TODAY. ALL MEMBERS ARE AWARE RIGHT ACROSS THE COUNTRY EACH PROVINCE IS TAKING AN ENTIRELY DIFFERENT ATTITUDE TOWARDS IT. SOME OF THEM ARE NOT ALLOWING LAND TO BE SOLD TO ANYBODY OUTSIDE OF CANADA. SOME ARE NOT ALLOWING LAND TO BE SOLD AT ALL. SOME ARE FREEZING LAND UNTIL THEY MAKE A DECISION. IT'S A VERY VERY DIFFICULT DECISION. QUITE FRANKLY THE REASON THAT WE HAVEN'T GOT A NEW POLICY HERE IS WE HAVE HAD TO FACE THE SAME PROBLEM. IT'S BEEN AN ON-GOING PROBLEM. IT'S INTERESTING TO HEAR WHAT EACH MEMBER HAS GOT TO SAY. I CAN ASSURE THE MEMBERS THAT HAVE SPOKEN THAT I'M GOING TO READ THE VOTES & PROCEEDINGS VERY CAREFULLY TO GET THOSE POINTS OF VIEW. I AM SORT OF FOREWARNING YOU TO SOME EXTENT THAT NO MATTER WHAT WE DO, WE ARE GOING TO BE WRONG. WE WILL JUST HAVE TO DO THE VERY BEST WE CAN IN THE CIRCUMSTANCES THAT WILL SATISFY THE MOST NEEDS FOR THE MOST PEOPLE. INVARIABLY NO MATTER WHAT WE DO THERE IS GOING TO BE SOMEBODY WHO SAYS IT IS WRONG.

MRS. WATSON: MR. CHAIRMAN, ONE OTHER SUGGESTION I'D LIKE TO BRING IN. I REMEMBER LAST YEAR SOME LOTS WERE OFFERED AT TESLIN IN WHITEHORSE, FIRST COME FIRST SERVE TYPE OF THING. THEY HAD TO DRIVE ALL THE WAY IN FROM TESLIN. THERE WERE A LIMITED NUMBER OF LOTS, AND SO MANY PEOPLE JUST MADE A TRIP FOR NOTHING. THIS AGAIN IS A PROBLEM. MAYBE THESE LOTS SHOULD BE DISPOSED OF WITHIN THAT COMMUNITY. I DON'T KNOW WHETHER THAT CAN BE DONE. I THINK OF PEOPLE DRIVING ALL THAT WAY TO OBTAIN A LOT AND THEY HAVE TO LINE UP, FIRST COME FIRST SERVE, AND THEN TO BE AT THE END OF THE LINE OR YOU KNOW, SORRY THEY ARE ALL GONE TYPE OF THING. THEY HAVE MADE THE TRIP FOR NOTHING. THIS IS ANOTHER AREA WHEN YOU ARE OFFERING THESE LOTS IN THE OUTLYING COMMUNITIES, AND YOU ARE OFFERING THEM FOR SALE HERE IN WHITEHORSE. THIS REALLY RAISES

A LOT OF QUESTIONS AND A LOT OF PEOPLE REALLY OBJECT TO THIS. I CAN CERTAINLY UNDERSTAND THIS.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: MR. CHAIRMAN, I'M GLAD THAT THE HONOURABLE MEMBER FINALLY REALIZES NOW WHY SHE SHOULD HAVE ALLOWED THE LIQUOR STORE AND TERRITORIAL AGENT TO GO TO TESLIN TO FACILITATE THIS PROBLEM. THAT IS ONE OF THE JOBS THAT WE HAVE BEEN LOOKING FOR THE TERRITORIAL AGENT IN TESLIN TO DO FOR SEVERAL YEARS. BUT I MUST ADMIT SHE HAS A REAL QUESTION THERE AND THAT IS WHEN THESE THINGS ARE TENDERED OFTEN THEY ARE BOUGHT UP IN WHITEHORSE BEFORE ANYBODY IN THE COMMUNITY EVEN KNOWS THEY ARE UP FOR SALE, AND SOMEBODY WHO HAS AN EYE ON A LOT LOSES IT BY THAT METHOD.

YOU KNOW, I THINK BEFORE THIS SESSION IS OVER, I THINK WE SHOULD HAVE SOMEONE IN HERE. NOW I DON'T KNOW WHO TO ASK FOR TO SIT DOWN AND REALLY DISCUSS THESE THINGS LIKE AGRICULTURAL LEASES BEING RESTRICTED TO THIRTY ACRES OF LAND. I WOULD LIKE TO HEAR SOME REASONING BEHIND THIS. AND GRAZING LEASES - I WOULD LIKE TO KNOW HOW MUCH AN ACRE IS BEING CHARGED FOR GRAZING LEASES AT THE MOMENT. THERE ARE QUESTIONS RELATING TO THAT. AS A MATTER OF FACT THERE IS ONE VERY GOOD QUESTION RELATING TO GRAZING LEASES AND AGRICULTURAL LEASES AND THAT IS IN THE ATTITUDE OF THE EMPLOYEES OF OUR VARIOUS LAND DEPARTMENTS TOWARDS THE PEOPLE WHO COME IN IN RESPECT OF THESE TWO AREAS. I KNOW THERE WAS ONE CASE THAT WAS REPORTED TO ME SOME TWO OR THREE WEEKS AGO BY A PERSON WHO IS A GOOD OUTFITTER, A GOOD GUIDE. IN FACT HE TAUGHT THE GUIDING SCHOOL AT THE VOCATIONAL SCHOOL LAST YEAR; WHO WAS VIRTUALLY LAUGHED OUT OF AN OFFICE DOWN HERE BECAUSE HE WORE A COWBOY HAT, AND WAS CONSIDERED JUST SOME SORT OF A COUNTRY HICK. THIS ATTITUDE HAS GOT TO STOP WITHIN THE ADMINISTRATION BECAUSE THESE PEOPLE ARE VERY IMPORTANT PEOPLE. THEY ARE THE PEOPLE THAT, OF COURSE, NEED THE GRAZING LEASES IN ORDER TO LOOK AFTER THEIR LIVESTOCK.

THERE ARE SEVERAL QUESTIONS IN RELATION TO THIS POLICY. I AM HOPING THAT WHEN NEXT WE GO AROUND TO LEGISLATIVE RETURNS WE CAN HAVE SOMEONE IN WHO CAN EXPLAIN AND TALK TO THE

POLICIES IN RELATION TO LAND DISPOSAL.

MR. TANNER: MR. CHAIRMAN, AS FAR AS THE HONOURABLE MEMBER'S CONCERN ON GRAZING LEASES IS CONCERNED, I CAN GET THAT INFORMATION. I JUST ANSWERED A QUESTION TO ONE OF MY CONSTITUENTS ON IT. I CAN GET IT FOR HIM IN A FEW MINUTES IF HE WANTS IT.

COMMENTING ON WHAT COUNCILLOR McKINNON SAID ABOUT LINING UP, I LIVE IN A CRESCENT IN PORTER CREEK. THE FIVE BEST LOTS WHICH I WAS LUCKY ENOUGH TO BUY EVENTUALLY FROM ONE OF THE PEOPLE WHO LINED UP WERE AVAILABLE AND THE PEOPLE LINED UP FOR THREE DAYS. AMONGST THE FIVE OF THEM THEY GOT THE FIVE LOTS THEN WANTED. ONE OF THEM BUILT FOR SPECULATION WHICH IS THE ONE THAT I BUILT. THE OTHER - TWO OF THE OTHER FIVE LOTS HAVE STAYED VACANT ALL THAT TIME. THEY ARE STILL VACANT. ONE OF THEM JUST RECENTLY HAD A GARAGE BUILT ON TO FULFIL AN EXTENSION OF AN EXTENSION OF AN EXTENSION TO DO SOMETHING ON THE LOT. THE OTHER ONE IS STILL COMPLETELY VACANT ON A WATER SYSTEM IN PORTER CREEK IN A CHOICE AREA I CONSIDER, AND I THINK A LOT OF PEOPLE WOULD. SO THE SHORTCOMINGS OF THE FIRST COME FIRST SERVE DOESN'T - THERE ARE SHORTCOMINGS IN THAT ONE AND TWO, IF YOU DON'T HAVE SOME CONDITION IMPOSED UPON PEOPLE. I'M NOT SAYING THIS IS MY POINT OF VIEW. I'M MERELY TRYING TO EXPRESS THE VARIOUS PROBLEMS YOU HAVE. IF YOU DON'T HAVE SOME CONDITION IMPOSED UPON THE PEOPLE WHO BUY THE LOTS, THEY CAN AS THESE TWO PEOPLE DID, BUY THE LOTS, LET THEM SIT THERE AND OTHER PEOPLE WHO WANT A CHOICE LOT HAVE TO STILL GO SOMEWHERE ELSE AND TAKE AN INFERIOR LOT. ONE OF THE PROBLEMS IS THAT THERE DOESN'T SEEM TO BE ANY CUT AND DRIED SOLUTION.

MRS. WATSON: MR. CHAIRMAN, JUST TO ANSWER THE HONOURABLE MEMBER ON THE TERRITORIAL AGENT. I'M GLAD HE MENTIONED THE TERRITORIAL AGENT. IN FACT, IT HASN'T BEEN THE POLICY TO DISPOSE OF LAND THROUGH THE TERRITORIAL AGENT EVEN IF YOU HAVE HAD TERRITORIAL AGENTS IN THESE VARIOUS COMMUNITIES. THIS IS WHY I BROUGHT UP THE POINT. I THINK THAT AT LEAST WHERE YOU HAVE TERRITORIAL AGENTS CERTAINLY THEY SHOULD BE ABLE TO DISPOSE OF THE LAND WITHIN THAT COMMUNITY. OF COURSE, THIS WOULD THEN MORE OR LESS DISCRIMINATE AGAINST THE PEOPLE IN THE WHITEHORSE AREA WHO MAY BE DESIRING TO SETTLE IN THAT AREA. USUALLY THE PEOPLE IN THESE

SMALL COMMUNITIES ARE THE ONES WHO ARE LOOKING FOR THE PROPERTY.

MR. CHAMBERLIST: MR. CHAIRMAN, FIRST OF ALL I THINK WE SHOULD HAVE IT CLEAR THAT THIS POLICY ONLY RELATES TO LAND THAT IS IN THE CONTROL OF THE COMMISSIONER. IT'S NOT FEDERAL LEASING. YOU KNOW, GRAZING LEASES OR AGRICULTURAL LEASES THAT RARELY GIVE THE MAJOR TROUBLE BECAUSE WITH A FEDERAL LEASE YOU CAN ASK FOR MUCH MORE THAN THE THIRTY ACRES THAT ARE DELINEATED IN THE COMMISSIONER'S LEASE. THIS IS A LOCAL POLICY WHICH IS ENTIRELY DIFFERENT.

I AGREE WITH COUNCILLOR McKINNON WHEN THERE SHOULD BE AN ALTERNATIVE AS TO HOW A PERSON IS ABLE TO PAY. HE SHOULD HAVE THE CHOICE OF HOW HE SHOULD PAY. HE MAY NOT HAVE THE FULL PRICE. BUT HERE WHAT I DON'T LIKE IS THAT IT'S AT THE DISCRETION OF THE COMMISSIONER. THIS IS THE TYPE OF DISCRETION THAT SHOULD BE TAKEN AWAY. BECAUSE THE COMMISSIONER IS NOW SAYING WHETHER A PERSON SHOULD PAY THE FULL AMOUNT OF THE LOT OR WHETHER HE SHOULD NOT PAY THE FULL AMOUNT OF THE LOT. WE HAVE ALWAYS OF LATE IN THE LAST NUMBER OF YEARS HEARD FROM MR. LEGAL ADVISER THAT THE COMMISSIONER DOESN'T WANT TO USE HIS DISCRETION, THAT HE DOESN'T WANT TO DO IT. YET, THIS PAYMENT IS IN THE DISCRETION OF THE COMMISSIONER. CERTAINLY PEOPLE SHOULD HAVE THE OPPORTUNITY TO PAY IN FULL IF THEY CAN AFFORD IT OR TAKE TIME TO PAY THE AMOUNT OF MONEY THAT IS REQUIRED. AS I SAY THE DISCRETION OF THE COMMISSIONER SHOULD BE REMOVED FROM THIS 10 3(b).

MR. TANNER: MR. CHAIRMAN, TO ANSWER THE MEMBER FROM WATSON LAKE QUESTION ON GRAZING LEASES. IT'S A \$1.25 ON THE FIRST 100 ACRES, 50¢ ON ACRES BETWEEN 101 AND 500 ACRES AND 10¢ IN EXCESS OF ANYTHING OVER 500 ACRES.

MR. CHAMBERLIST: THAT'S FEDERAL?

MR. TANNER: NO THAT'S TERRITORIAL, MR. CHAIRMAN.

MR. TAYLOR: YES. MR. CHAIRMAN, I'M WONDERING IF WE COULD GET A TOTAL SCHEDULE OF FEES FOR YOU KNOW, APPROPRIATE TO THIS POLICY WHEN WE NEXT DISCUSS THE MATTER. THESE ARE THINGS I WOULD LIKE TO KNOW.

Mr. TANNER: Mr. CHAIRMAN, I THINK Mr. CHAIRMAN HIMSELF MADE THE POINT THAT HE WOULD LIKE TO HAVE SOMEBODY IN HERE WHO IS IN CHARGE OF THIS DEPARTMENT. IT IS Mr. MILLER. I WOULD SUGGEST THAT HE HAS PROBABLY GOT A GOOD POINT THAT HE LET THIS ONE LIE TO AS IT'S HOCKEY GAME TIME. WE COULD HAVE HIM BACK AGAIN TO DISCUSS THIS PAPER AND AT THE SAME TIME I WILL REMIND HIM TO BRING THAT INFORMATION WITH HIM.

Mrs. WATSON: Mr. CHAIRMAN, THERE'S JUST ONE THING. I KNOW EVERYBODY WANTS TO GO. I WOULD BE VERY INTERESTED IN HAVING A DISCUSSION ON IT BECAUSE RIGHT AT THE PRESENT TIME SO MANY JURISDICTIONS ARE TALKING ABOUT FOREIGN OWNERSHIP OF LAND. IT WOULD BE VERY INTERESTING TO SEE WHAT THE THINKING OF THE MEMBERS OF THIS COUNCIL ARE ON THIS. I KNOW IN MY COMMUNITY THERE ARE SEVERAL PARCELS AND SEVERAL LOTS, QUITE A NUMBER OF THEM, THAT ARE OWNED, WERE STAKED AND WERE BOUGHT, WHILE THE ALASKA HIGHWAY WAS BUILT. THE FABULOUS PRICES THAT THESE PEOPLE ARE ASKING - THE PEOPLE ARE LIVING IN THE UNITED STATES. THEY HAVE NEVER BEEN BACK SINCE. YET THIS PROPERTY IS BEING TIED UP. FOR MANY YEARS THEY HAVE PAID THE \$10.00 A YEAR NOMINAL TAX AND HAVE NEVER HAD TO DO ANYTHING WITH IT AT ALL. I'M JUST WONDERING - I KNOW THAT THERE IS QUITE A BIT OF THIS GOING ON. PEOPLE JUST PASSING THROUGH AND ACQUIRING LEASES OR ACQUIRING SOME PROPERTY. IT WOULD BE, I THINK, A VERY WORTHWHILE DISCUSSION IN THIS AREA ALSO.

Mr. CHAIRMAN: COUNCILLOR TAYLOR WOULD YOU --

Mr. TAYLOR: I WILL RESUME THE CHAIR AT THIS POINT.

Mr. STUTTER: I JUST HAD ONE THOUGHT I'LL JUST TRY ON FOR SIZE. THIS ONE HAS JUST COME TO ME RIGHT NOW WHEN YOU TALKED ABOUT TAXES. MAYBE, YOU KNOW IT MAY BE WORTH EXPLORING. THE SUGGESTION THAT A BUILDING BE PUT ON A PIECE OF PROPERTY WITH A CERTAIN VALUE WITHIN A CERTAIN TIME HAS NOT BEEN TOTALLY ACCEPTED. IT'S BEEN POINTED OUT THAT THIS IS DIFFICULT TO ENFORCE. WOULD IT NOT BE POSSIBLE, ONCE A LOT HAD BEEN SOLD, THAT RATHER THAN STIPULATE THAT THE BUILDING OF A CERTAIN VALUE HAS TO BE PUT ON THE PROPERTY WITHIN A GIVEN TIME THAT THE TAXATION ON THE PROPERTY BE INCREASED AS THOUGH THAT AMOUNT OF VALUE HAD BEEN PUT ON THE PROPERTY. NOW THIS WOULD STOP SPECULATION

IF SOMETHING TO THIS EFFECT WAS ADDED ON.

Mr. CHAMBERLIST: THEY DO THAT IN ENGLAND.

Mrs. WATSON: VARIOUS CITIES ARE NOW GOING INTO THIS. THE CITY OF EDMONTON JUST EMBARKED UPON THAT LAST YEAR.

Mr. STUTTER: WELL PERHAPS WE SHOULD BE LOOKING AT THIS ANGLE BECAUSE THAT WOULD CUT DOWN ON SPECULATION CONSIDERABLY. YET, FOR THE PERSON THAT WAS GENUINELY WANTING TO BUILD A HOUSE BUT DIDN'T HAVE THE FUNDS TO GO AHEAD AND PUT THE BUILDING ON THE FIRST YEAR, PERHAPS IT WAS IN HIS THIRD-YEAR PLAN OR WHATEVER, BUT IT WOULDN'T REALLY HIT HIM THAT HARD. BUT IT WOULD HIT THE PERSON THAT WAS DOING IT FOR NO OTHER REASON THAN SPECULATION. PERHAPS WE SHOULD EXPLORE THIS THEN.

Mr. TANNER: Mr. CHAIRMAN, IT'S AGAIN A PERSONAL POINT OF VIEW. IT SEEMS LIKE IF ANYBODY SAYS THAT SOMEBODY IS GOING TO MAKE A BUCK OR MAKE A PROFIT OR MAKE A DOLLAR AROUND IT THAT YOU GET FROWNED ON AND SHOUTED DOWN. I PERSONALLY DON'T SEE ANYTHING WRONG WITH SOMEBODY BUYING TWO OR THREE LOTS AND MAKING A DOLLAR OUT OF IT. IF THEY ARE PREPARED TO PUT THEIR MONEY WHERE THE LAND IS, I THINK THEY SHOULD HAVE THAT ABILITY IN THE SAME WAY THAT IF A SPECULATOR WANTS TO BUY TEN LOTS AND BUILD HOUSES AND RESELL THEM, HE MIGHT VERY WELL BE PROVIDING HOUSING THAT OTHERWISE SOMEBODY COULDN'T BUY. IT WAS PROBABLY GOING TO COST THEM A LITTLE MORE. THAT IS AS I SAY MY OWN POINT OF VIEW. BUT TO FIND SOME MEAN BETWEEN THAT POINT OF VIEW; THE POINT OF VIEW THAT SAYS THERE SHOULD BE NO SPECULATION WHATSOEVER AND THE POINT OF VIEW THAT SAYS IT SHOULD BE WIDE OPEN. AT THE SAME TIME THE HONOURABLE MEMBER FROM WATSON LAKE HAS SUGGESTED THAT WE SHOULDN'T BE IMPOSING ANY RESTRICTIONS AFTER THEY HAVE BOUGHT THEIR LOT. THE HONOURABLE MEMBER FROM DAWSON IS SAYING MAYBE WE SHOULD SOMEHOW GET SOME METHOD WHEREBY THEY HAVE TO DO SOMETHING. TO FIND SOME MEAN AVERAGE BETWEEN ALL THESE VARIOUS POINTS OF VIEW AS I SAID EARLIER IS POSING A PROBLEM WHICH HASN'T REALLY BEEN SOLVED IN THE WESTERN WORLD LET ALONE IN THE YUKON IN THE NEXT COUPLE OF WEEKS.

Mr. MCKINNON: Mr. CHAIRMAN, IT WOULD

SOLVE TO A LOT BETTER SATISFACTION PRIOR. THE MEMBERS FROM THE WHITEHORSE AREA IN LAND DISTRIBUTION WITHIN THE CITY BOUNDARIES THAT THE TERRITORIAL GOVERNMENT DEVELOPED YELLED AND SCREAMED FOR YEARS. FINALLY THE ADMINISTRATION SAID LOOK IT, WE ARE SICK AND TIRED OF LISTENING TO YOU GUYS YELLING, GET TOGETHER AND SET THE POLICY. IF WE CAN AGREE WITH IT, WE WILL. THE HONOURABLE MEMBER FROM WHITEHORSE EAST AND MYSELF REPRESENTING WHITEHORSE NORTH AT THAT TIME, THE MEMBER FROM WHITEHORSE WEST GOT TOGETHER AND WE BOUGHT IN A POLICY WHICH JUST ABOUT OUTLINED EXACTLY WHAT I HAD SAID PRIOR. IT BROUGHT INTO CONSIDERATION BOTH THE SMALL PERSON WHO WANTED TO GET ONE LOT FOR DWELLINGS AND HE WENT IN THE LINEUP. THE OTHER ONES, THE COMMISSIONER HAD THE ABILITY TO TENDER. FOR SOME REASON LAST YEAR CONSTITUENTS CAME AND SAID WHAT HAPPENED TO THE LAND POLICY AND THE REGULATIONS THAT IT USED TO BE? I SEE THAT THE ONLY WAY I CAN GET LAND NOW IS TO TENDER AND I HAVE TO TENDER AGAINST A SPECULATOR WHO HAS GOT UNLIMITED FUNDS, AND I DON'T EVEN HAVE THE ABILITY TO PAY IT OUT OF MY OWN POCKET. SO THE REGULATIONS WERE CHANGED THOUGH THEY SERVED THE WHITEHORSE AREA AND HAD BEEN INITIATED AND HAD BEEN DEVELOPED BY THE PEOPLE MOST IMMEDIATELY CONCERNED. WHERE AND WHY? I DON'T KNOW WHY THEY JUST CHANGE OVERNIGHT. THEY ARE NOT AS FAIR. THEY ARE NOT AS GOOD. THEY ARE NOT AS EQUITABLE AS THEY WERE WHEN THE WHITEHORSE COUNCILLORS GOT TOGETHER, SAT DOWN AND PROMULGATED THE POLICY FOR LAND DISTRIBUTION AT LEAST WITHIN THE WHITEHORSE AREA WHICH WAS A TREMENDOUS EXAMPLE OF THE ADMINISTRATION AND THE ELECTED MEMBERS WORKING TOGETHER. WHEN THOSE WERE DONE, AFTER ALL THE SALE OF LOTS, WE HAD BASICALLY MINIMAL COMPLAINTS. IN FACT, I CAN'T REMEMBER AFTER THOSE REGULATIONS WERE SET AND AFTER THEY WENT INTO EFFECT, THAT I RECEIVED ONE COMPLAINT ON THE DISBURSEMENT BECAUSE IT GAVE EXACTLY THE PERSON WE WANT TO HELP FIRST SHOT AND THEN IT GAVE THE SPECULATOR THE OPPORTUNITY TO MOVE IN WITH DEVELOPMENT PLANS AND TO GET MORE THAN ONE LOT TO DO IT.

YOU KNOW, THAT'S WHAT MYSTERIOUSLY HAPPENS IN THIS GOVERNMENT. YOU THINK YOU HAVE SET A GOOD POLICY AND ALL OF A SUDDEN WHAMMO, SOMEONE SAYS WE DON'T LIKE IT ANY LONGER. FOR WHAT REASON I DON'T KNOW. I ONLY FOUND OUT ABOUT IT BECAUSE I MUST CONFESS WITH THE

CLUSTER OF BROWN ENVELOPES THAT PILE INTO MY HOUSE THAT SOMETIMES I DON'T DIG RIGHT TO THE BOTTOM AND DON'T GO THROUGH EVERY REGULATION. THIS IS ONE OF THEM THAT I MISSED. I FOUND OUT ABOUT IT THROUGH A CONSTITUENT SAYING HEY, THEY CHANGED THE DISBURSEMENT OF LAND. SURE THEY HAVE. IT'S A BRAND NEW SET OF REGULATIONS. WHERE THEY CAME FROM NOBODY KNOWS.

MR. CHAMBERLIST: MR. CHAIRMAN, I THINK SOME HONOURABLE MEMBERS WILL RECALL WE HAD A LANDS DISPOSAL COMMITTEE. THIS WAS SOME - OH IN 1960. I WAS ON IT AS A MEMBER WHEN I WAS ON THE CITY COUNCIL AND THEN WHEN I CAME ON TERRITORIAL COUNCIL I WAS ON THAT FOR A SHORT TIME, A VERY SHORT TIME. THAT WAS ALSO ANOTHER WAY OF THE SITUATION BEING DEALT WITH. IT CAME TO A LANDS COMMITTEE. IT SAT ONCE A MONTH OR ONCE EVERY TWO MONTHS. EVERY APPLICATION WAS DEALT WITH AND DEALT WITH PROMPTLY. YOU KNOW, WE NEVER HEARD THE TROUBLES THAT ARE DEVELOPING NOW.

MR. CHAIRMAN: IS IT YOUR WISH WE HAVE FURTHER DISCUSSION ON THIS TOMORROW?

MR. MCKINNON: WITH MR. MILLER IN ATTENDANCE?

MR. CHAIRMAN: YES.

MR. TANNER: MR. CHAIRMAN, DON'T SAY TOMORROW. YOU KNOW, LET'S SAY WE WILL HAVE FURTHER DISCUSSION ON IT AS SOON AS POSSIBLE.

MR. CHAIRMAN: WHAT'S YOUR FURTHER PLEASURE?

MR. CHAMBERLIST: MR. CHAIRMAN, I WOULD MOVE THAT MR. SPEAKER DO NOW RESUME THE CHAIR.

MR. STUTTER: I SECOND THAT MOTION, MR. CHAIRMAN.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR CHAMBERLIST, SECONDED BY COUNCILLOR STUTTER, THAT MR. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER.
MAY WE HAVE A REPORT FROM THE CHAIRMAN OF
COMMITTEE?

MR. TAYLOR: YES, MR. SPEAKER. COMMITTEE
CONVENED AT 10:40 A.M. TO DISCUSS BILLS,
SESSIONAL PAPERS AND MOTIONS. MR. PHELPS,
MR. VEALE AND MR. MCBRIDE ATTENDED COMMITTEE
ON BEHALF OF THE LAW SOCIETY TO DISCUSS LEGAL
AID. COMMITTEE RECESSED AT 12:00 NOON AND
RECONVENED AT 2:10 P.M. IT WAS MOVED BY
COUNCILLOR STUTTER, SECONDED BY COUNCILLOR
CHAMBERLIST, THAT PUBLIC LIBRARIES WITHIN THE
TERRITORY, ELECTED MEMBERS OF MUNICIPAL
COUNCILS AND LOCAL IMPROVEMENT DISTRICTS, BE
PLACED ON THE MAILING LIST FOR GOVERNMENT OF
THE YUKON TERRITORY MONTHLY NEWSLETTER. THIS
MOTION WAS CARRIED. IT WAS MOVED BY
COUNCILLOR CHAMBERLIST, SECONDED BY COUNCILLOR
STUTTER, THAT MR. SPEAKER DO NOW RESUME THE
CHAIR AND THIS MOTION CARRIED.

MR. SPEAKER: YOU HAVE HEARD THE REPORT OF
THE CHAIRMAN OF COMMITTEE. ARE YOU AGREED?
MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: I BELIEVE IT IS THE INTENTION
TOMORROW TO FURTHER DISCUSSION ON BILLS,
SESSIONAL PAPERS AND MOTIONS.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. STUTTER: I MOVE THAT WE CALL IT 5 O'CLOCK,
MR. SPEAKER.

MR. SPEAKER: IS THERE A SECONDER?

MRS. WATSON: I SECOND THAT MOTION, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE
HONOURABLE MEMBER FOR DAWSON, SECONDED BY THE
HONOURABLE MEMBER FOR CARMACKS-KLUANE, THAT WE
NOW CALL IT 5 O'CLOCK. ARE YOU PREPARED FOR
THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: THIS COUNCIL STANDS ADJOURNED
UNTIL 10:00 A.M. TOMORROW MORNING.

ADJOURNED



WEDNESDAY, MAY 1, 1974

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MR. TAYLOR: MR. SPEAKER, JUST ON ONE QUESTION OF PRIVILEGE. I WOULD JUST LIKE TO POINT OUT TO THE HOUSE AND TO MADAM CLERK THAT IT WOULD APPEAR THAT IN VOTES AND PROCEEDINGS OF YESTERDAY, THERE IS ONE OR MORE PAGES MISSING BETWEEN PAGE 759, QUOTING THE QUESTION RE: REPORT ON THE HAINES JUNCTION LID TO PAGE 760, WHERE WE HAVE COMPLETED THE QUESTION PERIOD. I BELIEVE THERE IS ONE OR MORE QUESTIONS MISSING.

MR. SPEAKER: ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MRS. WATSON: YES, MR. SPEAKER, I HAVE FOR TABLING, LEGISLATIVE RETURNS 51, 52 & 53.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEE? ARE THERE ANY BILLS TO BE INTRODUCED? ARE THERE ANY NOTICES OF MOTION OR RESOLUTION?

MRS. WATSON: YES, I WOULD LIKE TO GIVE NOTICE OF MOTION THAT SESSIONAL PAPER NO. 19 BE MOVED INTO COMMITTEE FOR DISCUSSION.

MR. TAYLOR: MR. SPEAKER, I WOULD LIKE TO GIVE NOTICE OF MOTION THAT SESSIONAL PAPERS NO. 21 & 22 AND LEGISLATIVE RETURN 51 & 52 BE REFERRED TO COMMITTEE OF THE WHOLE.

MOTION NO. 24

MR. SPEAKER: ARE THERE ANY FURTHER NOTICES OF MOTION OR RESOLUTION? ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS? AS THERE ARE NO MOTIONS FOR THE PRODUCTION OF PAPERS, WE COME TO MOTION NO. 24.

IT WAS MOVED BY COUNCILLOR MCKINNON SECONDED BY COUNCILLOR CHAMBERLIST THAT THIS HOUSE NO LONGER HAS CONFIDENCE IN THE ABILITY OF THE MEMBER FOR CARMACKS-KLUANE TO DISCHARGE HER DUTIES AS THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION. ARE YOU PREPARED

TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. MCKINNON: YES, MR. SPEAKER I AM. MR. SPEAKER I WOULD LIKE ALL HONOURABLE MEMBERS TO NOTE THAT IN ALL THE YEARS THAT I HAVE BEEN AT THIS TABLE, THIS IS THE FIRST MOTION OF NON-CONFIDENCE THAT I MOVED AGAINST ANY INDIVIDUAL MEMBER OF THIS HOUSE.

MR. SPEAKER I SAY THAT BECAUSE I DON'T DO THAT FRIVOLOUSLY, I THINK THAT THE RESULTS OF THE LAST FEW MONTHS HAVE INDICATED QUITE CLEARLY THAT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS BEEN GIVEN AMPLE OPPORTUNITY TO COME INTO GRIPS WITH THE RUNNING OF THE EDUCATION DEPARTMENT OF THE YUKON TERRITORY. SHE HAS FAILED MR. SPEAKER, UNFORTUNATELY SHE HAS FAILED MISERABLY AND UNFORTUNATELY, AS SHE STATES WAS HER PRIME CONCERN, THAT IT IS THE CHILDREN THAT ARE GOING TO SUFFER.

MR. SPEAKER, I SPEAK NOW AS A PARENT WHO WILL HAVE A CHILD ENTERING THE YUKON EDUCATIONAL SYSTEM WITHIN THE NEXT TWO YEARS, ANOTHER ONE ON THE WAY THAT WILL BE ENTERING THE YUKON EDUCATIONAL SYSTEM IN THE NOT TOO DISTANT FUTURE AND HOPEFULLY OTHER MCKINNONS THAT WILL BE BURDENING THE EDUCATIONAL SYSTEM OF THE GOVERNMENT OF THE YUKON TERRITORY.

MR. SPEAKER, I WOULD ASK ALL MEMBERS TO SERIOUSLY EXAMINE THE DOCUMENTATION AND THE DETAILS THAT I WILL BE BRINGING BEFORE COMMITTEE TODAY. MR. SPEAKER I WOULD ASK THEM, AFTER IT HAS BEEN PRESENTED WHETHER THEY DO NOT AGREE WITH ME, THAT IF THE PRESENT SITUATION CONTINUES IN THE DEPARTMENT OF EDUCATION, THAT WE ARE GOING TO SUFFER FROM THE RESULTS OF THIS MANAGEMENT IN EDUCATION IN THE NEXT DECADE IN THE YUKON.

I WOULD PARTICULARLY MR. SPEAKER, LIKE TO ADDRESS MY REMARKS THIS MORNING TO THE HONOURABLE MEMBER FROM DAWSON CITY. I KNOW THAT HE IS FAIR AND HE IS RATIONAL AND WHEN HE REALIZES THE SEVERITY OF THE DETAIL THAT I AM BRINGING TO COMMITTEE THIS MORNING, THAT FOR THE FUTURE SAKE OF YUKON PARENTS AND YUKON CHILDREN, THAT WE JUST HAVE TO REMOVE THE MEMBER FROM CARMACKS-KLUANE FROM THE PORTFOLIO OF MEMBER IN CHARGE OF EDUCATION.

MR. SPEAKER, THE FIRST AREA WHICH WILL HAVE LITTLE COMMENT BECAUSE OF COURSE, IT IS SUB JUDICE RIGHT NOW IS THE COURT ACTION BROUGHT BY THE YUKON TEACHERS' ASSOCIATION AGAINST THE GOVERNMENT OF THE YUKON TERRITORY

IN THE AREA OF SALARY NEGOTIATIONS. THE ONLY MENTION I MAKE OF THIS, MR. SPEAKER, IS BECAUSE IT IS THE ONLY TIME SINCE I HAVE SAT AT THIS TABLE THAT BECAUSE OF THE LACK OF GOOD FAITH BETWEEN THE BARGAINING PARTIES, THE LACK OF CONCILIATION AND THE LACK OF UNDERSTANDING THAT SOMETHING THAT HAS BEEN HANDLED IN THE BEST INTERESTS OF BOTH THE GOVERNMENT OF THE YUKON TERRITORY AND THE TEACHERS OF THE YUKON TERRITORY HAS BROKEN DOWN, FAILED AND IS NOW BEFORE THE COURTS OF THE YUKON TERRITORY.

MR. SPEAKER, I WAS SURPRISED TO READ ON PAGE 678 OF HANSARD OF THE VOTES AND PROCEEDINGS OF THE HOUSE OF THURSDAY, APRIL 25 OF THIS YEAR. THE HONOURABLE MEMBER IN CHARGE OF EDUCATION WAS ASKED BY MR. TAYLOR, 'IN VIEW OF THE FACT THAT VERY RECENTLY IT HAS COME TO MY ATTENTION, AT LEAST THAT THE GOVERNMENT OF THE YUKON TERRITORY HAS BEEN BLACKLISTED ON TEACHERS COMING TO THE YUKON. WHAT AFFECT WOULD THIS HAVE ON TEACHER RECRUITMENT IN THE OPINION OF THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION?'

MRS. VATSON: MR. SPEAKER, I DON'T SEE WHERE THIS IS GOING TO AFFECT OUR TEACHER RECRUITMENT TO THAT GREAT A DEGREE. THIS IS BEEN DONE QUITE OFTEN BY THE B.C.T.F. THE PINK LETTER IS SENT OUT AND IT DOESN'T SEEM TO MAKE THAT MUCH DIFFERENCE.'

MR. SPEAKER, I FIND IT DIFFICULT THAT THE HONOURABLE MEMBER IN CHARGE OF THE DEPARTMENT OF EDUCATION DOES NOT EVEN REALIZE THAT THE DEPARTMENT IS NOT BEING BLACKLISTED AT THIS TIME. THERE ARE SIMPLY ADVERTISEMENTS BEING PLACED IN THE VANCOUVER PAPERS AND I WOULD READ INTO THE RECORD, ONE OF THEM. FROM THE VANCOUVER SUN OF SATURDAY, APRIL 27TH, WHICH SAYS, "ATTENTION YUKON APPLICANTS, NEGOTIATIONS BETWEEN THE YUKON TEACHERS' ASSOCIATION AND THE YUKON TERRITORIAL GOVERNMENT HAVE DISCONTINUED. A RATIFIED SETTLEMENT DOES NOT APPEAR LIKELY BEFORE OCTOBER. THE GOVERNMENT HAS ALSO TABLED THE PROPOSED NEW SCHOOL ORDINANCE. IN OUR OPINION, MANY SECTIONS ARE MOST DETRIMENTAL TO TEACHER WELFARE. BEFORE APPLYING OR ACCEPTING A POSITION IN THE YUKON, TEACHERS ARE ADVISED TO CONTACT THE YUKON TEACHERS' ASSOCIATION, 4051, 4TH AVENUE, WHITEHORSE."

MR. SPEAKER, THIS DOES NOT CONSTITUTE A BLACK LISTING. THE TEACHERS HAVE BEEN VERY RESPONSIBLE IN THEIR ACTIONS AFTER CASE AFTER CASE OF

HAVING FACED THE IMPLACABLE ATTITUDE OF THE MEMBER IN CHARGE OF EDUCATION AND THE DEPARTMENT OF EDUCATION. THEY ARE STILL CONCERNED ENOUGH IN EDUCATION IN THE YUKON THAT THEIR FINAL STEP WILL BE BLACKLISTING AND OF COURSE, THAT IS JUST AROUND THE CORNER WITH THE RESULTS OF THE LAST FEW MONTHS OF DETERIORATION IN THE DEPARTMENT OF EDUCATION.

MR. SPEAKER, I WOULD ALSO LIKE TO READ INTO THE RECORD, A TELEGRAM THAT ALL MEMBERS OF COUNCIL RECEIVED FROM THE PRESIDENT OF THE CANADIAN TEACHERS' FEDERATION. IT STATES THAT THE DIRECTORS OF THE CANADIAN TEACHERS FEDERATION REPRESENTING 210,000 TEACHERS IN EVERY JURISDICTION IN CANADA, HAVE NOTED WITH DEEP CONCERN THAT CERTAIN PROVISIONS IN A YUKON TERRITORIAL ORDINANCE TO AMEND THE SCHOOLS ORDINANCE, BILL NO. 7, APPEAR TO RUN COUNTER TO FUNDAMENTAL PRINCIPLES IN BODY IN LEGISLATION, REGULATIONS AND CUSTOMARY PRACTICES IN OTHER EDUCATIONAL JURISDICTIONS IN CANADA. THE CANADIAN TEACHERS FEDERATION HOPES THAT SUBSTANTIAL AMENDMENTS WILL BE MADE TO BRING THIS LEGISLATIVE INTO HARMONY WITH PREVAILING TRENDS. THE B.C.T.F. BOARD HAS AUTHORIZED THE CANADIAN TEACHERS FEDERATION TO GIVE THE YUKON TEACHERS' ASSOCIATION WHATEVER ASSISTANCE THAT IS DEEMED NECESSARY.'

MR. SPEAKER, IF THE HONOURABLE MEMBER IN CHARGE OF THIS DEPARTMENT IS LOOKING FOR NOTORIETY WHICH SHE IS RECEIVING REGULARLY NATIONALLY, SHE IS GOING TO GET MORE TODAY IF THE CANADIAN TEACHERS' FEDERATION ARE ISSUING A PRESS RELEASE OVER THE WIRE SERVICE INSTRUCTING THE WHOLE OF CANADA OF THE DETRIMENTAL ASPECTS OF THE NEW PROPOSED SCHOOL ORDINANCE AND SPECIFICALLY OUTLINING THE AREAS IN THE SCHOOL ORDINANCE WHICH RUN COMPLETELY COUNTER WITH CONTEMPORARY EDUCATIONAL THINKING ACROSS THE WHOLE OF THE COUNTRY.

WE ARE GOING TO HAVE A LENGTHY DEBATE ON THE SCHOOL ORDINANCE, I KNOW, IF IT COMES INTO COMMITTEE AT THIS SESSION. I WILL LIMIT MY REMARKS ON THE SCHOOL ORDINANCE SPECIFICALLY TO THE AREAS OF DISAGREEMENT BETWEEN THE YUKON TEACHERS' ASSOCIATION AND THE GOVERNMENT OF THE YUKON TERRITORY. IF HONOURABLE MEMBERS WILL RECALL RECOMMENDATION NO. 9, WHICH IS WRITTEN ON PAGE 124 OF THE LEVIRS' REPORT. IT STATES THAT THE YUKON TEACHERS' ASSOCIATION BE RECOGNIZED IN THE SCHOOL ORDINANCE AS THE LEGAL ASSOCIATION OF TEACHERS IN THE TERRITORY, MR. SPEAKER.

AND WHAT HAVE WE GOT, MR. SPEAKER IN THE NEW PROPOSED ORDINANCE CONCERNING TEACHERS? WE HAVE, MR. SPEAKER, AN ATTEMPT TO PLACE THE TEACHERS OF THE YUKON IN THE SAME CATEGORY AS PUBLIC SERVANTS.

THE ONLY JURISDICTION IN CANADA WHERE THE TEACHERS WILL BARGAIN AND WILL BE RECOGNIZED AS PUBLIC SERVANTS. I HAPPEN TO BE AT THE LAST GENERAL MEETING OF THE YUKON TEACHERS' ASSOCIATION, WHERE APPROXIMATELY 97% OF THE TEACHERS IN THE YUKON VOTED THAT THEY DID NOT WANT TO BECOME PUBLIC SERVANTS UNDER THE TERMS OF THE ACT. THEY DID NOT WANT TO BECOME A BARGAINING AGENT UNDER THE TERMS OF THE PUBLIC SERVICE ASSOCIATION. RATHER, THEY WANTED TO REMAIN AS A SEPARATE IDENTIFIABLE ENTITY AS A PROFESSIONAL GROUP UNDER THE TERMS OF THE EDUCATION ORDINANCE WITH THEIR BARGAINING SET OUT IN LEGISLATION UNDER THE TERMS OF THE SCHOOL ORDINANCE.

MR. SPEAKER, IS THAT TOO MUCH TO ASK? WOULD ANY OF THE MEMBERS MAKE AN ATTEMPT TO TREAT THE MEDICAL PROFESSION OR THE LEGAL PROFESSION IN THE CAVALIER MANNER IN WHICH THEY HAVE TREATED THE TEACHERS OF THE YUKON, GOING COMPLETELY AGAINST THE TERMS THAT MR. LEVIRS OUTLINED IN HIS REPORT. THAT THE TEACHERS STATED EMPHATICALLY AND ALMOST UNANIMOUSLY THAT THEY WANT IT.

WHAT WILL BE THE RESULT MR. SPEAKER, IF THE ORDINANCE IS NOT REMOVED? IF THE OFFENDING SECTIONS ARE NOT REMOVED? IT WILL GUARANTEE MR. SPEAKER, A BLACKLISTING OF THE YUKON BY PROFESSIONAL EDUCATORS ACROSS THE COUNTRY. MR. SPEAKER, I SAY THAT IT WILL BE A DECADE BEFORE THE YUKON TERRITORIAL GOVERNMENT CAN GET THE CONFIDENCE OF THE TEACHING PROFESSION BACK. IN THAT DECADE, THE ONLY ONES THAT ARE GOING TO SUFFER AND SUFFER MISERABLY ARE THE CHILDREN OF THE YUKON TERRITORY AND THE SCHOOLS OF THE YUKON TERRITORY.

AS I SAY, MR. SPEAKER, WE WILL BE DEBATING THE SCHOOL ORDINANCE AT A GREATER LENGTH LATER AND THERE ARE MANY AREAS OF THE LEGISLATION WHICH ARE COMPLETELY FOREIGN TO WHAT IS CONTEMPORARY THINKING ON EDUCATION IN CANADA TODAY AND COMPLETELY GOES AGAINST THE PHILOSOPHY AND THE POLICY OF GOOD SOUND EDUCATION OF POLICIES AND IN THE TREATMENT OF THE PEOPLE THAT WE HAVE TO DEPEND ON TO TEACH OUR CHILDREN, THE PROFESSIONAL TEACHERS OF THE YUKON TERRITORY WHICH

WE FORTUNATELY HAVE HAD A GREAT ABUNDANCE OVER THE LAST YEARS.

MR. SPEAKER, THE NEXT AREA THAT I WOULD LIKE TO GO INTO AND NOT THAT GREAT A DETAIL IS WHAT I THINK IS BEING NOTED NOW AS THE GREAT CHAMPAGNE CAPER. MR. SPEAKER, I BECAME TOTALLY AMAZED AT THE COMPLETE LACK OF UNDERSTANDING OF BOTH THE EXECUTIVE COMMITTEE MEMBER ON WHAT EXECUTIVE RESPONSIBILITY IS. EXECUTIVE RESPONSIBILITY IS THAT THEY ARE RESPONSIBLE FOR ALL THE OFFICERS OF THEIR DEPARTMENT AND THE POLICIES AND THE STATEMENTS COMING OUT OF THEIR DEPARTMENT.

ON PAGE 757 OF THE VOTES AND PROCEEDINGS OF YESTERDAY, MR. SPEAKER, MRS. WATSON SAYS, "IT CERTAINLY WAS NOT A HASTY DECISION AND IT WAS NOT A DECISION I HAD TO MAKE. IT WAS A DECISION THAT HAS TO BE MADE BY THE ADMINISTRATION, PEOPLE WHO ADMINISTER THE LEGISLATION."

MR. SPEAKER, IS THE HONOURABLE MEMBER REALLY THAT NAIVE THAT SHE DOESN'T RECOGNIZE THAT EVERYTHING, EVERY POLICY THAT COMES FROM ANY OF HER OFFICERS IN THE DEPARTMENT OF EDUCATION, IS THE RESPONSIBILITY OF THE MEMBER IN CHARGE OF THE DEPARTMENT OF EDUCATION? IF SHE HASN'T GOT ENOUGH COMMON POLITICAL SENSE TO REALIZE THAT ANY NATURE OF A CONTROVERSIAL, SENSITIVE AREA SUCH AS WAS THE CASE OF THE FIRING OF ONE OF THE FINE YOUNG TEACHERS IN THE YUKON EDUCATIONAL SYSTEM, THEN THE HONOURABLE MEMBER IF SHE DOESN'T UNDERSTAND THAT, AND WON'T ACCEPT THE RESPONSIBILITY OF THE SITUATION HAS NO REASON WHATSOEVER, OF BEING IN THAT POSITION.

THE CONCEPT OF THE EXECUTIVE COMMITTEE WAS TO REMOVE THE RESPONSIBILITY FROM THE CIVIL SERVANTS AND PUT IT ON THE HEADS OF THE ELECTED REPRESENTATIVES, WHERE IT SHOULD BE, AND WHERE IT IS IN EVERY NORMAL LEGISLATURE THAT FOLLOWS DEMOCRATIC PRACTICES.

AND WHAT HAVE WE GOT NOW? THE SUPERINTENDENT OF EDUCATION BEING THROWN RIGHT TO THE WOLVES AND THE HONOURABLE MEMBER IN CHARGE OF THE DEPARTMENT REFUSING TO TAKE THE RESPONSIBILITY FOR THE ACTIONS THAT THE DEPARTMENT OF EDUCATION HAS TAKEN.

MR. SPEAKER, I FIND IT SO DIFFICULT THAT THE HONOURABLE MEMBER WHEN SHE BECAME AWARE OF THE SITUATION, DIDN'T REALIZE THAT THERE HAD BEEN A TOTAL OVER REACTION BY THE SUPERINTENDENT OF EDUCATION. THERE HAS BEEN A TOTAL OVER KILL IN

THE MANNER IT WAS DEALT WITH AND CERTAINLY PARENTS HAD THE RIGHT TO COMPLAIN IF THEY HAD DIFFERENT MORAL STANDARDS THAN OTHER PARENTS WHO DIDN'T COMPLAIN. IF THIS WAS FOUND TO BE CORRECT, THEN MAYBE THE TEACHER DESERVED A REPRIMAND OR AN APOLOGY TO THOSE PARENTS WHO HAVE A DIFFERENT MORAL STANDARD THAN, I MAINTAIN, IS THE NORM IN THE YUKON AND THE CITY OF WHITEHORSE. AND IN FACT WHEN MOST OF THE PARENTS WERE ASKED AND I ASKED PERSONALLY IF THEY OBJECTED TO WHAT HAPPENED IN THE DRESSING ROOM, THE ANSWER IS IN THE NEGATIVE. INDEED, THE HONOURABLE MEMBER FROM WHITEHORSE NORTH TOLD ME THAT IF HIS CHILD HAD BEEN INVOLVED HE WOULD HAVE SAID "WHAT TYPE OF CHAMPAGNE WAS IT, DOMESTIC OR IMPORTED?"

I THINK PROBABLY THAT THAT IS THE ATTITUDE OF MOST OF THE PEOPLE IN THE YUKON TERRITORY. AND TO SEE THIS HUGE UPHEAVAL OF COMMON SENSE IN THE WHITEHORSE EDUCATIONAL SYSTEM OVER THE OVER REACTION OF AN OFFICER OF THE DEPARTMENT OF EDUCATION AND THE MEMBER IN CHARGE, NOT HAVING THE COMMON SENSE TO STOP IT WITHOUT HAVING THE ABILITY TO REALIZE THAT IT WAS AN ADMINISTRATIVE ERROR AND AN OVER REACTION AND IF A REPRIMAND WAS DUE TO THIS TEACHER, THAT WAS ALL THAT WAS NECESSARY. THE RUINATION OF A FINE YOUNG TEACHER'S CAREER BECAUSE OF THE ACTIVITIES AND BECAUSE OF THE DECISION THAT WAS MADE, IT DEFINITELY IS NOT IN THE BEST INTERESTS OF THE YUKON DEPARTMENT OF EDUCATION, MR. SPEAKER.

IT WAS ANOTHER CONFRONTATION THAT COULD HAVE EASILY BEEN AVOIDED AND BECAUSE OF THE INABILITY OF THE HONOURABLE MEMBER TO GET ON TOP OF THE SITUATION. A TEMPEST IN A CHAMPAGNE POT, BLOWN COMPLETELY OUT OF PROPORTION FOR WHAT IT WAS WORTH BECAUSE OF HER INABILITY TO ACT AND HER INABILITY TO ACCEPT THE RESPONSIBILITY IN THE SITUATION, THIS HAS BEEN CREATED.

THEN, MR. SPEAKER, WE COME TO THE REAL TRAGEDY AND THAT IS, OF COURSE, THE BOYCOTT OF THE PELLY RIVER SCHOOL BY THE INDIAN PEOPLE OF THE COMMUNITY. MR. SPEAKER, I ASK, IF THE SITUATION WAS REVERSED, IF THE COACH HAD BEEN A MEMBER OF THE PELLY RIVER SCHOOL STAFF AND THE TEAM HAD BEEN 14 AND 15 YEARS OLD OF THE PELLY RIVER SCHOOL AND IF A CHARGE FROM THE JEKELL ADVISORY COMMITTEE HAD COME BEFORE THE PUBLIC AND HAD COME BEFORE THE HONOURABLE MEMBER THAT CHILDREN WERE BEING PREJUDICED AGAINST. THAT THEY WERE BEING SENT HOME FOR BEING LATE. THAT THEY WERE BEING STRAPPED UNNECESSARILY. THAT THEY WERE BEING SHUT OUT IN FREEZING COLD WEATHER. THAT THEY WEREN'T ALLOWED TO GO TO THE BATHROOM WHEN

THEY HAD TO. I WONDER, REALLY, WHERE THE CONTROVERSY WOULD HAVE LAID. WOULD IT HAVE LAID IN THE GREAT CHAMPAGNE CAPER IN THE SCHOOL OR WOULD ALL THE ATTENTION AND ALL THE FORCES OF THE DEPARTMENT OF EDUCATION BE MOBILIZED TO TRY AND CORRECT A SITUATION WITH VERY SERIOUS CHARGES LAID BY A SCHOOL SUCH AS THE JEKELL SCHOOL.

I THINK THIS IS THE REAL TRAGEDY OF THE SITUATION. THE REAL ISSUE HAS BEEN SWEEPED UNDER THE RUG IN THE PUBLIC OUTCRY OF DETERMINATION OF JOHN DUNPHY AS A TEACHER WITH THE YUKON TERRITORIAL GOVERNMENT. MR. SPEAKER, IT GOES MUCH FURTHER THAN THAT AND I'M GOING TO DOCUMENT IN THIS INSTANCE IN SOME DETAIL BECAUSE ANOTHER YOUNG MAN'S CAREER HAS BEEN COMPLETELY DESTROYED BY THE INABILITY OF THE MEMBER IN CHARGE OF EDUCATION TO COPE WITH THE SITUATION AT PELLY.

REMEMBER HOW HAPPY ALL OF US WERE AND HAD ASKED FOR IT FOR YEARS WHEN WE SAW AN ADVERTISEMENT FOR A SUPERVISOR OF NATIVE CURRICULUM. YUKON, MEETING THE CHALLENGE OF THE '70'S. "APPLICATIONS ARE SOUGHT FROM PERSONS POSSESSING A THOROUGH KNOWLEDGE OF THE EDUCATIONAL NEEDS OF CHILDREN OF INDIAN BACKGROUND. THE SUCCESSFUL APPLICANT WILL ADVISE THE DEPARTMENT OF EDUCATION OFFICIALS ON DESIRABLE MODIFICATIONS OF THE CURRICULUM IN SCHOOLS WHERE A SIGNIFICANT NUMBER OF STUDENTS ARE OF INDIAN BACKGROUND AND RECOMMEND SUITABLE MATERIAL.

ASSIST TEACHERS IN PROVIDING SPECIFIC HELP NEEDED BY INDIVIDUAL INDIAN CHILDREN. ACT AS A LIAISON OFFICER WITH MEMBERS OF THE INDIAN COMMUNITY, INDIAN BANDS, AND INDIAN ORGANIZATIONS TO DETERMINE THEIR NEEDS AND DESIRES IN CURRICULUM MATTERS. FAMILIARITY AND EMPATHY WITH THE INDIAN PEOPLE. A DEMONSTRATED INTEREST IN EDUCATION AND SOME EXPERIENCE IN ORGANIZATION AND ADMINISTRATION ARE THE MOST REQUIREMENTS.

POSSESSION OF A VALID TEACHING CERTIFICATE OR FORMAL TEACHER TRAINING IS PREFERRED."

MR. SPEAKER, A YOUNG INDIAN FROM EASTERN CANADA, RAY OBOMSAWIN, WAS PUT INTO THE POSITION AS SUPERVISOR OF NATIVE CURRICULUM. THERE IS NO DOUBT IN MY MIND, MR. SPEAKER, THAT IT WAS A TOKEN APPOINTMENT. IT WAS A TOKEN INDIAN IN THE YUKON EDUCATIONAL SYSTEM.

I SAY THAT WITH SOME BACKGROUND, I WOULD SHOW YOU ORDERS FROM THE GOVERNMENT OF THE YUKON TERRITORY IN REQUISITION FORM. THERE WERE OVER

30 OF THESE, ASKING FOR SUCH MATERIAL THAT WAS, I GUESS, CONTROVERSIAL IN THE YUKON EDUCATIONAL SYSTEM, PERHAPS A SECRET, AS THE YUKON TERRITORIAL GOVERNMENT NEWSLETTER. I DON'T KNOW. WITH TITLES SUCH AS LITTLE WOLF AND THE THUNDER STICK, TALL BOY AND THE COYOTE, CHIPMUNK IN THE FOREST, NORMIE'S MOOSE HUNT, THE INDIANS IN WINTER CAMP. ALL REFUSED. OVER 30 ORDERS, BY THE DEPARTMENT OF EDUCATION WHERE A SUPERVISOR OF NATIVE CURRICULUM WAS TRYING TO SET UP DIFFERENT COURSES, SOME 12 COURSES IN THE AREAS UNDER WHICH HE WAS IN CHARGE OF DUTIES.

MR. SPEAKER, I QUOTE FROM A LETTER OF DECEMBER 4, 1973 FROM RAY OBOMSAWIN TO MR. HOLDEN, THE SUPERINTENDENT OF EDUCATION.

"IN RESPECT TO SOME RECENT ACTIVITIES IN WHICH MR. FERBEY PLAYED AN ACTIVE ROLE ABOUT WHICH I WAS NEITHER INFORMED NOR CONSULTED, I WISH TO LODGE FORMAL OBJECTION.

WHEN I ASSUMED MY POSITION IT WAS UNDERSTOOD THAT I HAD DIRECT INVOLVEMENT WITH ALL FACETS AND DEVELOPMENTS RELATED TO NATIVE EDUCATION. THIS IS STILL CLEARLY MY UNDERSTANDING. ABOUT 8 WEEKS AGO THE INDIAN TEACHER EDUCATION PROGRAM OF THE UNIVERSITY OF SASKATCHEWAN SPONSORED A TWO-DAY CONFERENCE ON TEACHER EDUCATION FOR NATIVE PEOPLE. I WAS NOT INFORMED OF THE CONFERENCE OR OF MR. FERBEY'S ATTENDANCE, NOR OF ANY RESULTING INFORMATION OR CONFERENCE RELATED ACTIVITIES.

APART FROM SEEKING APOLOGIES I BELIEVE IT ONLY FAIR TO MY POSITION TO YOUR STATED INTENTION AS WELL AS TO THE NATIVE PEOPLE WHOM I REPRESENT THAT HENCEFORTH FULL RECOGNITION OF MY RESPONSIBILITY BE GIVEN AND THAT I HAVE DIRECT INVOLVEMENT IN ALL DISCUSSIONS, CONFERENCES, AGREEMENTS AND MATTERS OF CONCERN TO NATIVE EDUCATION."

MR. SPEAKER, THE SUPERVISOR OF NATIVE EDUCATION, NOT EVEN BEING INFORMED THAT A TEACHER EDUCATION FOR NATIVE PEOPLE TO-DAY CONFERENCE WAS TAKING PLACE AT THE UNIVERSITY OF SASKATCHEWAN AND ONE OF THE OTHER MEMBERS OF SENIOR OFFICERS OF THE DEPARTMENT OF EDUCATION ATTENDING THE CONFERENCE IS A COMPLETE VIOLATION OF THE OPPORTUNITIES THAT THE SUPERVISOR OF NATIVE CURRICULUM WAS HIRED TO DO.

FURTHER, MR. SPEAKER, A LETTER FROM MR. FERBEY AGAIN TO MR. OBOMSAWIN.

"MY FINAL COMMENT CONCERNS THE MATERIALS WHICH YOU ARE HAVING PRINTED FOR DISTRIBUTION TO SCHOOLS. IT IS MY UNDERSTANDING THAT YOU HAVE HAD APPROXIMATELY 500 COPIES OF THE GRADE 2 STORY BOOK PRINTED FOR DISTRIBUTION TO THE SCHOOLS. I CANNOT MAKE ANY JUDGEMENT TO ITS OVERALL SUITABILITY IN OUR SITUATION OTHER THAN TO STATE THAT IN MY OPINION A KAYAK AND KOMATEK ARE AS FOREIGN TO OUR CHILDREN AS AN ESCALATOR.

FURTHERMORE, I FEEL THAT BECAUSE OF YOUR LACK OF TEACHER TRAINING AND TEACHING EXPERIENCE, YOU MAY INITIATE PROGRAMS, PROSCRIBE MATERIALS AND/OR TEXTBOOKS WHICH, FROM AN EDUCATIONAL POINT OF VIEW, COULD WELL BE DETRIMENTAL TO THE EDUCATIONAL GROWTH OF THE STUDENTS.

ALL MATERIALS WHICH YOU FEEL SHOULD BE INCLUDED IN A PARTICULAR PROGRAM SHOULD BE ADMITTED TO THE ASSISTANT SUPERINTENDENT FOR INSTRUCTIONAL SERVICES OFFICE ALONG WITH YOUR REASONS FOR THIS INCLUSION. A CO-OPERATIVE DECISION WILL BE MADE WITH REGARD TO THE MATERIALS IN QUESTION AND MATERIALS WILL BE DESTROYED, WITHDRAWN, REFUSED OR PURCHASED ON THE BASIS OF A DIRECTIVE ISSUED BY THE SUPERINTENDENT."

MR. SPEAKER, TOKENISM IN ITS WORST ASPECT. THE MEMBER, THE FELLOW HIRED TO BE THE SUPERVISOR OF NATIVE CURRICULUM CAN'T EVEN ORDER THE BOOKS THAT HE THOUGHT WOULD BE HELPFUL IN ESTABLISHING A PROGRAM. HE HAS TO GET PERMISSION FROM MR. FERBEY PRIOR TO EVEN ORDERING ANY MATERIALS.

MR. OBOMSAWIN REPLIED TO MR. FERBEY: "I'M ALWAYS IN A POSITION TO RECEIVE AND ACT UPON ANY AND ALL CRITICISMS OF A VALID, OBJECTIVE AND CONSTRUCTIVE NATURE. HOWEVER, YOUR STATEMENTS RESPECTING THE UNSUITABILITY OF THE SMALL STORY BOOK, SOMEONE IS GOING HUNTING, I FAIL TO REALIZE THIS CRITERIA.

YOU SEEM TO HAVE MISSED THE TRUE SIGNIFICANCE, VALUE AND POSITIVE USEFULNESS OF THIS MATERIAL. THE STORY OF A CARIBOO HUNT WRITTEN BY SECOND GRADE NORTHERN NATIVE CHILDREN IS FOR OBVIOUS REASONS, OF THE HIGHEST RELEVANCE.

YOUR OPINION THAT A KAYAK OR KOMATEK ARE AS FOREIGN TO OUR CHILDREN AS AN ESCALATOR IS PURE ABSURDITY. RESPECTING THE KAYAK, WOULD YOU TAKE THE NARROW CONCEPT AND LIMITED VIEW THAT OUR CHILDREN SHOULD BE GIVEN EXPOSURES ONLY TO THE IDENTICAL AND NOT THE VARIABLE IN OTHER NORTHERN NATIVE LIFE STYLES? WOULD YOU SUGGEST WE SHIELD

THEM FROM ANYTHING THAT IS NOT AN HISTORICAL IMPLEMENT PECULIAR TO THEIR PARTICULAR VILLAGES ANCESTORS? AS FOR THE WORD 'KOMATUK' I AM MOST SURPRISED THAT YOUR NEWLY AMBITIOUS CONCERN OVER THE CHILDREN SEEING ONLY THEIR LOCAL LANGUAGE WHILE RECEIVING DAILY EXPOSURE TO FRENCH BY THEIR ENGLISH SPEAKING TEACHERS.

THIS WORD ADMISSIBILITY NOT IN THE KASKA, NORTHERN OR SOUTHERN TUTCHICNE, TLINGIT, HAN OR LOUCHEUX TRADITION, NEVERTHELESS, IS AN INDIAN WORD BUT A VERY LOCAL ARTICLE, THE 'DOG-SLED' AND THUS SERVES THE VALUABLE TOOL BY IDENTITY. EVEN WHEN DESIGNING STRICTLY YUKON MATERIAL, ONE MUST CONSIDER THE REALITY OF MULTI DIALECTS AND SOME COMMUNITIES HAVING LANGUAGE INTER-MIXTURES WHICH MAKES IMPOSSIBLE ANY NATIVE WORD BEING SUITABLE ANYWAY.

EVERY MAN HAS A RIGHT TO HIS FEELINGS, BUT YOURS IS EXPRESSED OPENLY AND WOULD ATTRIBUTE MY ABILITIES, CAPACITY AND JUDGEMENT, THE STIGMA OF INCOMPETENCE BECAUSE I AM LACKING IN FORMALIZED TEACHER TRAINING AND EXPERIENCE.

I CANNOT UNDERSTAND HOW YOU CAN ALLOW YOUR FEELINGS TO BY-PASS THE EXPRESSED CONFIDENCE IN THE JUDGEMENT OF THE DEPARTMENT. WITH THE SUPPORT OF THE Y.N.B. AND YANSI I WAS APPOINTED TO THIS OFFICE. HOWEVER, SINCE YOUR STATEMENTS ARE OF A NATURE THAT A MAN'S PERSONAL DEFENSE, PLEASE ALLOW ME THAT FREEDOM.

OVER FIFTEEN YEARS OF IMMERSION IN A CLASSROOM DOES NOT HARDLY CLASSIFY ME AS AN IGNORANT INTRUDER IN NEW AREAS. I SHOULD ALSO MENTION THAT I DO HAVE SOME TEACHING EXPERIENCE, THOUGH ADMITTEDLY ALMOST ENTIRELY OUTSIDE OF REGULAR SCHOOL OPERATIONS. RECOGNIZING THE DEGREE OF TRAINING EXPERIENCE I MAY LACK, PROVIDES THE EXACT OPPOSITE TO YOUR IDEA THAT I WOULD PROSCRIBE CREATE, FURNISH DETRIMENTAL PROGRAMS AND MATERIAL FOR UNLIKE THOSE WHOSE LOST CONFIDENCE IS IN THEIR OWN JUDGEMENT AND IDEAS BY VIRTUE OF THEIR YEARS IN THE SYSTEM.

I AM MOST CAREFUL TO SEEK BOTH NEW AND TRIED IDEAS, JUDGEMENTS AND CONTRIBUTIONS OF MY PEERS AND ADDITIONALLY CONSULT NATIVE PEOPLE TO BE SURE OF THEIR CONCERN.

YOU HAVE ALSO FAILED TO CONSIDER THE FACT THAT LACKING SPECIFIC TRAINING AND METHODS, CONCEPTS AND CURRICULA THAT HAVE PROVEN THEMSELVES ALMOST TOTALLY INCOMPETENT TO MEET NATIVE CHILDRENS' NEEDS COULD PROVE FAR MORE AN ASSET THAN A

LIABILITY TO THIS POSITION. AS AFOREMENTIONED, I AM OPEN TO ALL CRITICISM AND ACTIVELY SEEK THE ADVICE AND COUNSEL AS NECESSARY OF OTHER RESPONSIBILITIES AND RESPONSIBLE AND REPRESENTATIVE PEOPLE BUT I MUST AND WILL BE ON FIRM GUARD AGAINST ANY ATTEMPT THAT IMPOSES STERILITY OR TOKENESS ON THIS POSITION."

MR. SPEAKER, THEN I THINK WE GET DOWN TO THE REAL REASON FOR THE TERMINATION OF MR. ODOMSANIN'S POSITION AS SUPERVISOR OF NATIVE CURRICULUM. THE STATEMENT THAT APPEARED THAT MR. ODOMSANIN VOLUNTARILY LEFT IS FALSE AND MISLEADING AND UNTRUE AS MANY OF THE OTHER STATEMENTS THAT WE HAVE HEARD AROUND THIS COUNCIL TABLE IN REGARDS TO THE DEPARTMENT OF EDUCATION.

I WOULD READ, MR. SPEAKER, A LETTER TO MR. HOLDEN, THE SUPERINTENDENT OF EDUCATION FROM MR. ODOMSANIN DATED JANUARY 8, 1974.

"IN RESPECT TO MRS. WATSON'S DIRECTIVE THAT I CUT OFF ALL COMMUNICATIONS BETWEEN MYSELF AND THE YUKON NATIVE BROTHERHOOD EDUCATION CONSULTANT, I WISH TO MAKE THE FOLLOWING STATEMENT:

IN OUR DISCUSSION OF THIS MATTER, YOU POINTED OUT THE REASON BEHIND THIS ORDER AROSE OUT OF THE CRITICISMS AND GRIEVANCES OF THE Y.N.B. EDUCATION BRIEF AS PRESENTED TO THE HOUSE OF COMMONS STANDING COMMITTEE ON INDIAN AFFAIRS ON DECEMBER 12, 1973. ALTHOUGH A GOVERNMENT DEPARTMENT HEAD MAY QUESTION THE VALIDITY OF SOME ASPECTS OF THIS BRIEF, IT IS NOT A MATTER OF QUANDRY AMONG THE NATIVE PEOPLE BUT RATHER, AN ACTIVE UNIFIED REPRESENTATION OF THEIR OWN DESIRE.

ON THE PRINCIPLE OF FAIR REPRESENTATION SOMEONE MUST STAND UP IN THE DEPARTMENT OF EDUCATION FOR WHAT THE NATIVE PEOPLE NEED AND HAVE EXPRESSED AS THEIR DESIRE.

IT IS MY UNDERSTANDING THAT MY POSITION HAS BEEN CREATED FOR THAT VERY PURPOSE AND SINCE I WAS HIRED BY THE DEPARTMENT FOR THE NATIVE PEOPLE, I COULD NEVER IN GOOD CONSCIENCE VIOLATE THEIR TRUST BY TAKING A CONTRARY POSITION TO THEIR CLEAR MANDATE EVEN IF IT DOES INCLUDE CONTENTIOUS GRIEVANCES.

HAVING CONFERRED WITH THE Y.N.B. CHIEF, ELIJAH SMITH, HE IS IN PERFECT ACCORD WITH WHAT WAS PRESENTED AND IN MY RESPECT TO COMMUNICATIONS WITH THE Y.N.B. HE HAS UNEQUIVOCALLY STATED THAT THE EDUCATION CONSULTANT IS A RESPONSIBLE

AGENT IN ALL MATTERS PERTAINING TO NATIVE EDUCATION.

AS YOU ARE AWARE, THIS ORGANIZATION IS THE PEOPLE'S CHOSEN AGENCY OF REPRESENTATION AND SO RECOGNIZED BY THE FEDERAL GOVERNMENT. THERE IS NO CHOICE IN THE MATTER FOR MY POSITION WOULD NOT BE ONE OF DUPLICITY A MERE TOKEN AT BEST. THERE IS NO WAY I CAN DISSOLVE WHAT HAS HERETOFORE BEEN A VERY INTIMATE RELATION WITH THE YUKON NATIVE BROTHERHOOD.

IT IS ASSUMED THAT PERSONAL VINDICTIVENESS IS A QUALITY FOREIGN TO THE FUNCTION OF RESPONSIBLE GOVERNMENT. IN LIGHT OF THAT, I HOPE THE AFOREMENTIONED FACTS HAVE CLARIFIED WHAT MUST HAVE BEEN OBSCURE AND TRUST YOU WILL UNDERSTAND MY POSITION AND THE REASON I MUST TAKE IT.

YUKON CAREER OPPORTUNITIES. ASSIST TEACHERS IN PROVIDING SPECIFIC HELP NEEDED BY INDIVIDUAL INDIAN CHILDREN. ACT AS A LIAISON OFFICER WITH MEMBERS OF INDIAN COMMUNITIES, INDIAN BANDS AND INDIAN ORGANIZATIONS. A DIRECTIVE THAT I CUT OFF ALL COMMUNICATIONS BETWEEN MYSELF AND THE YUKON NATIVE BROTHERHOOD EDUCATION CONSULTANT."

THE PROGRESS REPORT, MR. SPEAKER, ON THE 5TH OF FEBRUARY, 1974 ON MR. OBOMSAWIN'S WORK WHICH WAS UNSATISFACTORY. IN THE EMPLOYEE'S WEAKNESSES, WHY. "UNFAMILIAR WITH NATIVE STUDENTS IN THE SCHOOL AND HOSTEL SETTING. LACKS DETAILED BACKGROUND AND CURRICULUM DEVELOPMENT. TOO CONCERNED WITH THE PHILOSOPHICAL AND THEORETICAL ASPECTS OF INDIAN EDUCATION. HIRED, MR. SPEAKER, TO SET UP A CURRICULUM OF NATIVE STUDIES IN YUKON SCHOOLS, FIRED BECAUSE HE'S TOO CONCERNED WITH THE PHILOSOPHICAL AND THEORETICAL ASPECTS OF INDIAN EDUCATION.

MR. SPEAKER, IT WAS A DIRECT RESULT OF THE INABILITY OF THE HONOURABLE MEMBER FOR CARMACKS-KLUANE TO DEAL WITH THE NATIVE CURRICULUM SUPERVISOR AND TO DEAL WITH THE ASPECTS OF INDIAN EDUCATION IN THE YUKON TERRITORY WHICH LEAD TO THE UNFORTUNATE BOYCOTT OF THE PELLY RIVER SCHOOL WHERE THE CHILDREN WHO PROBABLY MOST NEED THE EDUCATIONAL SYSTEM WITH RESPECT TO THEIR IDENTITY IN THE YUKON HAVE NOW NOT BEEN AT SCHOOL FOR ALMOST THREE WEEKS.

WHAT IS THE HONOURABLE MEMBER'S ANSWERS?
THERE WAS ONE AREA THAT I FEEL RATHER BADLY

ABOUT INSOFARAS THE GOVERNMENT IS CONCERNED AND THIS IN FACT IS THAT WE HAD ON STAFF A NATIVE CURRICULUM SUPERVISOR WHO SHOULD HAVE BEEN ACTING OVER THE PAST FEW MONTHS SINCE SEPTEMBER, SINCE THE INCEPTION OF THE SCHOOL YEAR AS A CATALYST BETWEEN THE SCHOOL AND THE COMMUNITY TO TRY TO ARRANGE SOME UNDERSTANDING, MUTUAL UNDERSTANDING. THIS WAS ONE OF THE FUNCTIONS OF A NATIVE CURRICULUM SUPERVISOR. ALSO TO HELP THE STAFF WITHIN THE SCHOOL TO MAKE THE NECESSARY ADAPTATIONS WITHIN THE SCHOOL PROGRAM THAT THE PEOPLE OF THAT AREA WISHED. UNFORTUNATELY, AND IT WAS NOT UNTIL THESE INVESTIGATIONS WERE MADE, THIS INDIVIDUAL DID NOT. HE VISITED PELLY RIVER, BUT DID NOT VISIT THE SCHOOL. HE VISITED THE SCHOOL ONLY ON ONE OCCASION VERY BRIEFLY AND AT THAT TIME HE WAS ACCOMPANIED BY THE EDUCATION CONSULTANT FOR THE NATIVE BROTHERHOOD.

ON TWO SEPARATE OCCASIONS, THE TEACHERS OF THE SCHOOL PERSONALLY MADE REQUESTS TO OUR NATIVE CURRICULUM SUPERVISOR TO COME OUT TO THE SCHOOL TO STAY THERE, THEY OFFERED THEM THE ACCOMMODATION AT THEIR OWN HOME TO PROVIDE SOME ASSISTANCE TO SEE IF HE WAS ABLE TO HELP THEM UNDERSTAND BETTER THE PEOPLE WHOSE CHILDREN THEY WERE PROVIDING INSTRUCTION. UNFORTUNATELY, THIS INDIVIDUAL DID NOT FOLLOW THROUGH WITH THE REQUEST MADE BY THE TEACHERS."

MR. SPEAKER, WHAT ARE THE TRUTHS OF THE SITUATION? MR. OBOMSAWIN HAS ISSUED THE FOLLOWING STATEMENT. HE HAS EXPRESSED ASTONISHMENT AT MANY OF MRS. WATSON'S PUBLIC STATEMENTS ON THE PELLY INCIDENT THAT SHE DESCRIBES AS EVASIVE DISTORTIONS OR UNTRUTHS. HE SAID HER REMARKS INDICATING THE BAND RESOLUTION HAS BEEN THE RESULT OF A CHILD PRODING VENTURE IN THE COMMUNITY BY MR. RAMGOOLAN, IS IRRESPONSIBLE AND UNFOUNDED. WHILE IN THE COMMUNITY WE JOINTLY LISTENED TO STRONG GRIEVANCES WHICH CAME PRINCIPALLY FROM SEVERAL RESPONSIBLE ADULTS, PARENTS, MEMBERS OF THE BAND COUNCIL AND CHIEF. MR. OBOMSAWIN WENT ON TO SAY THAT THE BAND FORMATION OF THE RESOLUTION WAS A SINGULAR ACT, SELF INITIATED OF THEIR OWN VOLITION. MRS. WATSON'S REFERRAL TO ELEMENTS THAT HAVE GONE OUT TO DISTURB THE PEOPLE HE SITED TO BE A SLAP IN THE FACE TO THE PELLY COMMUNITY SUGGESTING THEY WERE INCOMPETENT DULLARDS UNABLE TO HANDLE OR INITIATE THEIR OWN AFFAIRS. MR. OBOMSAWIN FURTHER INDICATED THAT THE MEMBERS OF THE COMMUNITY ARE EMPHATIC IN POINTING OUT THAT MR. RAMGOOLAN'S PRESENCE THERE WAS AT THEIR REQUEST AND ACCEP-

TANCE. LIKEWISE ALL YUKON CHIEFS HAVE APPROVED OF THE TOTAL HANDLING OF THIS MATTER.

IN ANSWER TO MRS. WATSON'S STATEMENTS WHICH PLACE A LARGE AMOUNT OF THE BLAME FOR THE SITUATION ON MR. OBOMSAWIN, HE REPLIED 'THAT IS PREPOSTEROUS, I CAN'T BELIEVE ANYONE SHOULD BE PUBLICLY CENSORED FOR LACKING THE VISIONARY POWERS OF A PSYCHIC. THAT I SHOULD HAVE SINCE SEPTEMBER BEEN IN THAT COMMUNITY TO PREVENT OR QUELL SOMETHING THAT WASN'T APPARENT UNTIL FEBRUARY, IS AN INCREDIBLE FEASIBILITY.' AS REGARDS MRS. WATSON'S ASSERTION THAT THE NATIVE CURRICULUM SUPERVISOR VISITED THE SCHOOL ONCE VERY BRIEFLY. THE FORMER SUPERVISOR POINTED OUT THAT MOST OF HIS EFFORTS WERE SPENT IN THE COMMUNITY. THE TRUE ISSUE WAS HOPELESSLY IRRECONCILABLE BETWEEN THE TEACHERS AND THE COMMUNITY. I MADE AT LEAST FIVE OR SIX TRIPS TO PELLY AFTER THE PROBLEM ERUPTED. PRIOR TO AND NOT SO BRIEF FROM 1:15 TO 5:15 WHICH REPRESENTS FOUR HOURS TO ME, VISIT TO THE SCHOOL WITH THE YUKON BROTHERHOOD EDUCATION CONSULTANT. MY CONTACT WITH TEACHERS AND SCHOOLS INCLUDED A PRE DECEMBER SCHOOL VISIT WITH THE REGIONAL SUPERINTENDENT, LATE FEBRUARY DISCUSSIONS IN MY OFFICE WITH THE TEACHERS AND EARLY MARCH DISCUSSIONS IN THEIR HOME WITH OTHER DEPARTMENT OFFICIALS. MR. OBOMSAWIN SUGGESTS THAT THE BOYCOTT WOULD HAVE BEEN PREVENTED IF THE DEPARTMENT LISTENED TO THE COMMUNITY AND HAD TRANSFERRED IN NEW TEACHERS BEFORE EASTER.

I QUOTE FROM A LETTER OF APRIL 3RD, 1974 MR. SPEAKER, TO QUELL ANY STATEMENTS THAT MR. OBOMSAWIN GIVE OF HIS OWN ACCORD THE EMPLOYMENT OF THE GOVERNMENT OF THE YUKON TERRITORY.

"THIS IS TO ADVISE YOU THAT BECAUSE OF UNSATISFACTORY PERFORMANCE AS SUPERVISOR OF NATIVE CURRICULUM, YOUR EMPLOYMENT WITH THE YUKON TERRITORIAL GOVERNMENT WILL TERMINATE EFFECTIVE MAY 3RD, 1974 DURING THE EXTENSION OF YOUR PROBATIONARY PERIOD.

SIGNED
JOHN HOLDEN
SUPERINTENDENT OF EDUCATION
APRIL 3RD, 1974"

I WON'T READ INTO THE RECORD MR. SPEAKER, THE LETTERS OF COMMENDATION OF MR. OBOMSAWIN'S WORK.
THE SUPERVISOR OF ELEMENTARY EDUCATION
THE REGIONAL SUPERINTENDENT OF SCHOOLS
THE EDUCATIONAL PSYCHOLOGIST

THE TEACHER IN CHARGE OF NATIVE STUDIES
THE ANTHROPOLOGY RESEARCHER
THE INSTRUCTOR IN ARTS AND CRAFTS
THE CHAIRMAN OF THE YUKON TEACHERS' ASSOCIATION
INDIAN EDUCATION COMMITTEE.

MR. SPEAKER, A SENSITIVE, A COMPETENT, A CAPABLE YOUNG MAN, HIS CAREER IN TATTERS BECAUSE OF PETTY POLITICAL VENDETTIVENESS AND BECAUSE HE REFUSED TO ACCEPT WHAT THE DEPARTMENT WANTED AS PURE TOKENISM IN THE FIELD OF INDIAN EDUCATION IN THE GOVERNMENT OF THE YUKON.

THE "CHAMPAGNE CAPER", MR. SPEAKER, FADES IN COMPARISON WITH THE TRAGEDY OF THE PELLY SITUATION AND WHAT HAS BEEN ALLOWED TO HAPPEN OVER AND ABOVE THE ADVICE OF THE HONOURABLE MEMBER FOR CARMACKS-KLUANE RESPONSIBLE FOR THE DEPARTMENT OF EDUCATION AS RECEIVED.

MR. SPEAKER, THE EDUCATION DEPARTMENT OF GOVERNMENT OF THE YUKON TERRITORY IS IN ABSOLUTE DISARRAY AND TATTERED. THE GOVERNMENT IS IN COURT OVER SALARY NEGOTIATIONS WITH THE YUKON TEACHERS' ASSOCIATION. THE DUNPHY AFFAIR HAS BECOME A CLASSIC IN HOW TO BLOW UP, HOW TO MISHANDLE AN AFFAIR OUT OF ALL PROPORTION. A PERFECT EXAMPLE OF OVERREACTION AND OVERKILL BY THE DEPARTMENT. THEN THE HONOURABLE MEMBER WON'T ACCEPT THE RESPONSIBILITY FOR MAKING THE DECISION AND BEING RESPONSIBLE FOR THIS DECISION. THE NEW SCHOOL ORDINANCE COMPLETELY NEGATES WHAT IS ACCEPTED IN PRACTICE IN THE TOTAL COUNTRY. IT GOES COMPLETELY AGAINST THE FEELING OF ALMOST THE UNANIMOUS DECISION OF THE TEACHERS OF THE YUKON TERRITORY. THE PELLY RIVER SITUATION PROBABLY THE MOST TRAGIC OF ALL. FOR A YOUNG PERSON TRYING TO DO HIS JOB THE BEST HE COULD WAS MET WITH GOVERNMENT RESISTANCE, GOVERNMENT HYPOCRACY, GOVERNMENT DUPLICITY AT EVERY TURN THAT HE MAKES. HE FINALLY WAS TERMINATED BECAUSE HE WOULDN'T TOW THE LINE AND WOULDN'T BE THE YUKON'S TOKEN INDIAN IN THE DEPARTMENT OF EDUCATION SET UP.

THAT LOOKS TO ME LIKE FOUR STRIKES, MR. SPEAKER. I USED TO BE ON THE SAND LOT, WE USED TO HAVE THREE STRIKES AND YOU'RE OUT. FOUR STRIKES FOR BEGINNERS. WE GAVE THE HONOURABLE MEMBER FOUR STRIKES BECAUSE SHE WAS A BEGINNER. BUT I DON'T THINK THE PEOPLE OF THE YUKON, I DON'T THINK THE GOVERNMENT OF THE YUKON, I DON'T THINK THE CHILDREN OF THE YUKON, I DON'T THINK THE TEACHERS OF THE YUKON, I DON'T THINK THE PARENTS OF THE YUKON SHOULD HAVE TO PUT UP WITH THIS TOTAL MISMANAGEMENT, TOTAL INABILITY, TOTAL INCONSIDERATION ANY LONGER. MR. SPEAKER, AT LEAST FOUR STRIKES AND YOU'RE OUT.

MR. SPEAKER: IS THERE ANY FURTHER DISCUSSION ON THIS MOTION?

MR. CHAMBERLIST: MR. SPEAKER, I FEEL THAT EVERYTHING THAT COULD POSSIBLY HAVE BEEN SAID HAS BEEN SAID BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH. I THINK IT'S A CONDEMNATION OF THE HONOURABLE MEMBER FROM CARMACKS-KLUANE IN THE MANNER NOT IN WHICH SHE HAS CONDUCTED THE DEPARTMENT, BUT IN THE MANNER IN WHICH SHE HAS NOT CONDUCTED THE DEPARTMENT. VARIOUS AREAS THAT HAVE BEEN ELUCIDATED BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH ARE GOING TO TAKE THEIR COURSE IN VARIOUS WAYS. BUT I WOULD LIKE TO ADD A FEW REMARKS AS REFERENCE TO THE LAST MATTER THAT IS THE SUPERVISOR OF NATIVE CURRICULUM. I'M A FIRM BELIEVER THAT WHEN GOVERNMENT PERMITS INJUSTICE AGAINST AN INDIVIDUAL IN GOVERNMENT, IT SHOWS IT'S CAPABILITY OF COMMITTING INJUSTICES MR. SPEAKER AGAINST EVERYBODY THAT IT HAS THE RESPONSIBILITY TO GOVERN.

AND WHEN A MEMBER OF A GOVERNMENT SHOWS IN HIS OR HER ABILITY THAT THERE IS NOT ABILITY BUT INABILITY OF HANDLING HER SITUATION IN THE POSITION THAT SHE'S IN IN THIS CASE, IT SHOWS THAT IN THE AREA OF NEGLECT WHERE SHE SHOULD HAVE BEEN CAREFULLY ASSUMING THE RESPONSIBILITY THAT THE EXERCISE OF POLITICAL INPUT INTO THE EXECUTIVE COMMITTEE. SHE'S FAILED TO DO THIS. SHE'S FAILED AND DAMAGED THE CONCEPT THAT THE PEOPLE OF THE YUKON HAVE BEEN WORKING TOWARDS.

MR. SPEAKER, I WAS VERY PLEASED INDEED TO HAVE HAD BEEN ABLE TO GIVE MY AGREEMENT TO THE APPOINTMENT OF A SUPERVISOR OF NATIVE CURRICULUM. AND I WILL SAY HERE AND NOW I WAS OPPOSED TO THE YUKON NATIVE BROTHERHOOD HAVING ANYTHING TO DO WITH THE DEPARTMENT'S NATIVE CURRICULUM ACTIVITIES, BUT I DID WANT TO SEE LIAISON BETWEEN THE ORGANIZATIONS OF NATIVE PEOPLE AND THE DEPARTMENT OF EDUCATION. AND AS A RESULT THIS CLEAR OPPORTUNITY, SPELLED OUT IN OUR ADVERTISING FOR THE POSITION WHICH ALSO MADE IT CLEAR THAT YOU DIDN'T HAVE TO POSSESS A VALID TEACHING CERTIFICATE OR FORMAL TEACHING TRAINING BECAUSE THERE IS AT THE BOTTOM A NOTE 'INTERESTED PERSONS SHOULD NOT FAIL TO APPLY BECAUSE HE OR SHE CANNOT MEET ALL THE REQUIREMENTS STATED'. AND THIS PERSON THAT WAS CHOSEN AND I WOULD LIKE ALL MEMBERS OF COUNCIL TO MEET THIS YOUNG MAN. I MET HIM FOR THE FIRST TIME YESTERDAY AND I WAS VERY IMPRESSED WITH HIS GENERAL KNOWLEDGE OF THE REQUIREMENTS TO BRING FORWARD THE ASSISTANCE WITH NATIVE CURRICULUM AND WHEN I SPOKE TO HIM AND HE SHOWED ME SOME

DOCUMENTS, IT WAS DIFFICULT TO BELIEVE AS TO WHAT HAD HAPPENED. AND THEN WHEN I READ THIS LETTER OF APRIL 3RD THAT HAS BEEN REFERRED TO AND SENT BY MR. HOLDEN, WHO SAYS "YOUR EMPLOYMENT WITH THE YUKON TERRITORIAL GOVERNMENT WOULD TERMINATE EFFECTIVE MAY 3RD, 1974 DURING THE EXTENSION OF YOUR PROBATIONARY PERIOD." IMMEDIATELY, I SAID TO MYSELF, THERE IS A REASON FOR WANTING TO GET RID OF THIS YOUNG MAN. THEY DIDN'T EVEN WAIT UNTIL THE END OF HIS PROBATIONARY PERIOD, BUT ADVISING HIM THAT IT'S DURING HIS PROBATIONARY PERIOD.

NOW AS MOST PUBLIC SERVANTS HAVE, THEY HAVE A SIX MONTH PROBATIONARY PERIOD AND I USE THE WORD TOKEN AS WELL AT THIS TIME. A TOKEN THREE MONTHS ADDITION WAS GIVEN, BUT WITHOUT ANY REASON WHY THIS MAN STILL HAD TO BE IN A PROBATIONARY AREA. SUGGESTION WAS MADE MR. SPEAKER, THE OTHER DAY BY THE HONOURABLE MEMBER FROM CARMACKS-KLUANE THAT THE NATIVE CURRICULUM SUPERVISOR WAS AT FAULT BECAUSE PERHAPS HE SHOULD HAVE GONE MORE, NOT JUST THE ONCE. WHEN THE EVIDENCE WAS QUITE CLEAR TO ME THAT HE HAD BEEN OFTEN AND HAD CARRIED HIS JOB. BUT THEN WHEN THE REASON THAT IS GIVEN BY MR. HOLDEN OF UNSATISFACTORY PERFORMANCE AND THEN I HAVE ASCERTAINED THAT A DIRECTIVE WAS GIVEN BY MRS. WATSON TO MR. HOLDEN THAT IN FACT MR. HOLDEN DID TELL MR. OBOMSAWIN THAT HE WAS BEING RELEASED BECAUSE HE WAS ASSOCIATING WITH THE YUKON NATIVE BROTHERHOOD AND HE SHOULD STOP. AND THEN READING THE LETTER OF TERMINATION SAYING - THAT BECAUSE OF UNSATISFACTORY PERFORMANCE, AS SUPERVISOR OF NATIVE CURRICULUM.

AND I WILL NOT STOP AND NOT READ SOME OF THE RECOMMENDATIONS. BY ALL THE SENIOR OFFICIALS IN THE DEPARTMENT WHO ARE ALSO, MR. SPEAKER, WORK IN THE AREA OF THE DEPARTMENT OF EDUCATION AND MR. HOLDEN IS OBVIOUSLY ABOVE THEM AND HE RECEIVES HIS INSTRUCTIONS FROM ABOVE HIM. THE CLEAR DEFINITION OF WHAT IS GOOD WORK AND WHAT IS GOOD PERFORMANCE AND WHAT IS UNSATISFACTORY WORK AND WHAT IS UNSATISFACTORY PERFORMANCE, WHEN THE REGIONAL SUPERINTENDENT OF SCHOOLS, MR. FERGUSON WRITES A LETTER OF COMMENDATION NOT SAYING THAT HIS WORK IS UNSATISFACTORY, BUT SAYING IN ACTUAL EFFECT ONE OF MR. OBOMSAWIN'S MAJOR ROLES WAS THE PROVISION OF A LIAISON SERVICE BETWEEN THE YUKON DEPARTMENT OF EDUCATION AND A NUMBER OF LOCAL ORGANIZATIONS PRINCIPALLY THE YUKON NATIVE BROTHERHOOD AND THE YUKON ASSOCIATION OF NON-STATUS INDIANS. "HE WAS A VERY CAPABLE CHAIRMAN

OF A PANEL DISCUSSION AT THE 1973 TEACHERS' CONVENTION AND IN FACT HIS ABILITY AS A PUBLIC SPEAKER IS QUITE MARKED. HE IS COMMITTED TO A PAN-INDIAN APPROACH AND TO THE FUNDAMENTAL IMPORTANCE OF THE ROLE OF NATIVE LANGUAGE IRRESPECTIVE OF THE LIFE STYLE OF THE SPEAKER WITH AN EASTERN CANADIAN BACKGROUND AND WITH HIS NORTHERN EXPERIENCES I FULLY EXPECT TO HEAR MR. ODOMSAWIN MAKING SUBSTANTIAL CONTRIBUTIONS IN THE FIELD OF EDUCATION, INDIAN EDUCATION IN THE YEARS AHEAD."

AND HERE WE ARE READING FROM THE SUPERINTENDENT OF EDUCATION, THAT HE IS BEING DISMISSED BECAUSE OF UNSATISFACTORY PERFORMANCE.

I WILL JUST READ THE LAST LINE FROM A LETTER FROM THE SUPERVISOR OF ELEMENTARY INSTRUCTION, "RAYMOND HELD TO HIS CONVICTIONS AND WORKED TENACIOUSLY FOR THE OBJECTIVES HE FELT THE INDIAN PEOPLE WANTED AND NEEDED." THE DATE OF THE FIRST LETTER BY MR. FERGUSTON IS APRIL 19TH. THERE IS NO REASON, THERE IS NO REASON! THESE SHOW THAT THIS IS WHAT THE PEOPLE IN THE DEPARTMENT FEEL ABOUT HIM, NOW, AT THIS TIME, MR. GABER'S INSTRUCTIONS APRIL 11, 1974.

I HOPE MR. SPEAKER, THAT AS A RESULT OF THIS THERE WILL BE NO FURTHER ATTACKS MADE ON THESE INDIVIDUALS WHO HAVE GIVEN THESE REPORTS ON THEIR OWN FREE WILL.

FROM THE EDUCATIONAL PSYCHOLOGIST. HE SAYS "IN CONCLUSION I FEEL THAT RAY WILL OVER TIME MAKE A SIGNIFICANT CONTRIBUTION NOT ONLY IN THE AREA OF NATIVE EDUCATION BUT ALSO IN THE BROAD AREA OF THE CULTURAL DEVELOPMENT OF THE NATIVE PEOPLE IN GENERAL. EDUCATIONAL PSYCHOLOGIST."

TEACHER IN CHARGE OF NATIVE STUDIES FROM THE F. H. COLLINS SCHOOL. "I HAVE PERSONALLY KNOWN RAY ODOMSAWIN SINCE THE BEGINNING OF THE 1973-74 SCHOOL YEAR. DURING THIS TIME HE HAS BEEN PROVED TO BE MOST HELPFUL IN THE PROVIDING OF HIS TIME AND RESOURCES IN HELPING ME WITH MY PROBLEMS. RAY'S SINCERITY AND DEDICATION TO HIS TASK HAS ALWAYS BEEN MOST APPARENT. I WOULD HIGHLY RECOMMEND HIM FOR ANY POSITION INVOLVING NATIVES AND/OR NATIVE EDUCATION." THE DATE OF THAT ONE IS APRIL 24.

APRIL 28. THIS IS BY THE ANTHROPOLOGY RESEARCH CONTRACTED UNDER THE CURRICULUM DEVELOPMENT DEPARTMENT OF EDUCATION. "I HAVE KNOWN RAYMOND ODOMSAWIN FOR APPROXIMATELY ONE YEAR AND HAVE HAD A NUMBER OF

DISCUSSIONS WITH HIM IN THE COURSE OF MY RESEARCH. RAY IS VERY MUCH CONCERNED ABOUT INDIAN CHILDREN AND THE UNIQUE PROBLEMS THEY FACE WHEN CONFRONTED WITH THE REQUIREMENTS OF A CONVENTIONAL CLASSROOM. HE HAS A GENUINE RESPECT FOR ALL NORTH AMERICAN INDIAN CULTURES AND RECOGNIZES THE IMPORTANCE OF CULTURAL BACKGROUND IN A CHILD'S DEVELOPMENT. THE FACT THAT HE HAS EXPERIENCED THESE CONFLICTS AND CHANGES PERSONALLY IN HIS OWN LIFE BRINGS HIM MORE THAN JUST AN ACADEMIC UNDERSTANDING OF THE PROBLEM. IN THE YUKON RAY HAS SPENT A GOOD DEAL OF TIME TALKING WITH INDIAN PARENTS AND WITH THEIR CHILDREN IN SCHOOLS. HE HAS MADE EXTENSIVE EFFORTS TO MEET AND TALK WITH OTHER PEOPLE INVOLVED IN CROSS CULTURAL EDUCATION IN ALASKA AND NORTHERN CANADA. RAY IS EXTREMELY CONSCIENTIOUS AND WORKS VERY HARD. HE TREATS HIS WORK AS AN OPPORTUNITY TO LEARN. I FEEL THAT HIS EXPERIENCE IN THE YUKON AND HIS OWN PERSONAL COMMITMENT AND ABILITY WOULD MAKE HIM A VALUABLE PROFESSIONAL PERSON IN ANY POSITION DEALING WITH NATIVE OR CROSS CULTURAL EDUCATION." COMMENDABLE. THAT'S APRIL 28,

I MUST COME BACK TO THE - HIS TERMS OF REFERENCE WHEN HE WAS EMPLOYED AND THE TERMS OF REFERENCE ARE CLEARLY INDICATED IN THE CAREER OPPORTUNITIES, THE YUKON CAREER OPPORTUNITIES, THE AD THAT HAS BEEN MADE. I WANT TO SAY AGAIN IT READS "APPLICATIONS ARE SOUGHT FROM PERSONS POSSESSING A THOROUGH KNOWLEDGE OF EDUCATIONAL NEEDS OF CHILDREN OF INDIAN BACKGROUND." THE RECOMMENDATIONS HAVE BEEN MADE AND SHOW QUITE CLEARLY THAT THIS IS TRUE OF THIS MAN. "THAT THE SUCCESSFUL APPLICANT WILL ADVISE DEPARTMENT OF EDUCATION OFFICIALS OF DESIRABLE MODIFICATIONS TO THE CURRICULUM IN SCHOOLS WHERE A SIGNIFICANT NUMBER OF STUDENTS ARE OF INDIAN BACKGROUND, AND RECOMMEND A SUITABLE CURRICULUM AND MATERIALS." THIS HE HAS DONE. THERE IS A - HE HAS SUBMITTED A REPORT, A COMPLETE REPORT ON WHAT THE OBJECTIVES SHOULD BE IN YUKON SCHOOLS. NOTHING HAS BEEN DONE ABOUT IT. TIME AND TIME AGAIN HE HAS SUBMITTED ORDERS FOR MATERIALS. NOTHING HAS BEEN DONE ABOUT IT. IT GOES ON TO SAY "ASSIST TEACHERS IN PROVIDING SPECIFIC HELP NEEDED BY INDIVIDUAL INDIAN CHILDREN." HE HAS DONE THAT. HE HAS BEEN PENALIZED BECAUSE HE CARRIED OUT HIS JOB. "ACT AS A LIAISON OFFICER WITH MEMBERS OF INDIAN COMMUNITIES". HE HAS DONE THAT. "INDIAN BANDS AND INDIAN ORGANIZATIONS".

HE HAS BEEN PENALIZED BECAUSE THE SUPERINTENDENT OF SCHOOLS HAS STATED QUITE CLEARLY THAT ON THE INSTRUCTIONS AND DIRECTIVE OF THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HE HAS TO DIVORCE HIMSELF FROM THESE ASSOCIATIONS, MEN THAT WE ADMIRE VERY MUCH,

INSTRUCTOR IN ARTS AND CRAFTS, HE FINISHES UP IN HIS RECOMMENDATION - THIS IS DATED THE 22ND OF APRIL, BY SAYING "IN ANY PROFESSION REQUIRING A DEEP AND INTELLIGENT AWARENESS OF THE CANADIAN INDIAN CULTURE I FEEL THAT MR. OPOMSAWIN WOULD BE EMINENTLY SUITABLE." THE CHAIRMAN OF YUKON TEACHERS ASSOCIATION, INDIAN EDUCATION COMMITTEE. HE FINISHED UP BY SAYING THIS: "I WOULD HIGHLY RECOMMEND RAY OPOMSAWIN FOR ANY POSITION IN THE FIELD OF INDIAN EDUCATION REQUIRING AN INNOVATIVE, COMPETENT AND SINCERE INDIVIDUAL," APRIL 22ND.

SO THERE WE HAVE, MR. SPEAKER, THE SITUATION, ONE OF THE AREAS THAT SHOW QUITE CLEARLY THAT THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS NO LONGER ANY ABILITY TO OVERSEE AREAS OF OPERATION THAT SHE SHOULD BE DOING. AND WHEN YOU THINK THAT THE SCHOOL ORDINANCE WHICH WAS TO HAVE A GUIDELINE BY THE LEVIRS' REPORT AS TO WHAT WAS REQUIRED WAS NOT SATISFACTORY AND IS NOT SATISFACTORY. ALL IN ALL YOU ADD IT ALL UP INTO ONE BIG BALL. I CONCUR WITH THE HONOURABLE MEMBER FROM WHITEHORSE WEST BECAUSE SHE WAS A STARTER, SHE WAS GIVEN FOUR STRIKES, BUT SHE'S STILL A STARTER AND SHE SHOULD BE DECLARED OUT NOW. THANK YOU, MR. SPEAKER.

MR. SPEAKER: I THINK IN VIEW OF THE TIME WE WILL HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER.

MRS. WATSON: MR. SPEAKER, AS I SAID BEFORE IN THIS HOUSE, I WILL REPEAT IT AGAIN, I WELCOME A VOTE OF CONFIDENCE. I FEEL THAT I DO NOT WANT TO BE IN THIS POSITION OF BEING RESPONSIBLE FOR THE DEPARTMENT OF EDUCATION IF I DO NOT FEEL THAT I HAVE THE CONFIDENCE OF THE MAJORITY OF THE PEOPLE OF THE HOUSE. WHILE I DO NOT APPROVE OF GOING INTO SPECIFICS AND TO DISCUSS PEOPLE WHO DO NOT HAVE THE OPPORTUNITY TO SPEAK IN THE HOUSE I FEEL THAT I AM GOING TO BE FORCED INTO THIS POSITION. MAYBE THE VOTE WILL BRING A LOT OF THINGS OUT INTO THE OPEN AND WE WILL GET BOTH SIDES OF THE SITUATION AND WE WILL GET SOME CLARIFICATION ON SOME OF THE CONTROVERSY THAT HAS BEEN GOING ON. WE WILL BE ABLE TO PROCEED WITH THE SCHOOL ORDINANCE IN COMMITTEE.

THIS IS THE ONE THING THAT CONCERNS ME VERY MUCH. WHETHER I SIT WHEN WE ARE DISCUSSING THE SCHOOL ORDINANCE AS THE EXECUTIVE COMMITTEE MEMBER RESPONSIBLE FOR EDUCATION OR WHETHER I SIT AS THE TERRITORIAL COUNCILLOR REPRESENTING CARMACKS-KLUANE. I WOULD LIKE TO SEE THIS COUNCIL FACE THE ISSUE OF DISCUSSING AND MAKING BEFORE THEIR TERM OF OFFICE EXPIRES SOME DECISION ON THIS VERY IMPORTANT PIECE OF LEGISLATION.

A LOT OF WORK HAS BEEN DONE ON THIS IMPORTANT PIECE OF LEGISLATION. A LOT OF PEOPLE, AND NOT JUST MYSELF AND THE DEPARTMENTAL PEOPLE, A LOT OF PEOPLE IN THE REST OF THE COMMUNITY AND ALL OF THE YUKON ARE CONCERNED WITH. THEY PREPARED BRIEFS, THEY MADE PRESENTATIONS. I HAVE HAD MEETINGS WITH SOME OF THESE GROUPS FOUR AND FIVE TIMES TRYING TO GET A CONSENSUS TO TRY TO RESOLVE SOME OF THE ISSUES THAT THEY HAVE.

WE HAVE COME UP WITH THE ORDINANCE. WE ARE NOT SAYING THAT IT IS A PERFECT PIECE OF LEGISLATION, I HAVE ALWAYS SAID WE WOULD BE OPEN TO CONSIDER AMENDMENTS, BUT I THINK WE HAVE TO FACE THE ISSUE NOW. SOME OF THE PROBLEMS THAT WE ARE FACED WITH TODAY, SOME OF THE PROBLEMS THAT WERE BROUGHT UP BY THE HONOURABLE MEMBER ARE THERE SIMPLY BECAUSE OF A DEFICIENCY IN THE EXISTING LEGISLATION.

WHETHER WE LIKE IT OR NOT, WHETHER IT IS A CONTROVERSIAL SUBJECT OR NOT, IT IS A VERY DELICATE SUBJECT - EDUCATION. BUT I THINK

THIS COUNCIL HAS THE RESPONSIBILITY OF MAKING SOME DECISIONS IN THIS REGARD.

I WAS RATHER DISTURBED, AND I HAVE BEEN DISTURBED OVER THE PAST YEAR AND A HALF, AT THE ATTITUDE OF SOME OF THE MEMBERS OF THE YTA TOWARDS THE LEGISLATION AND TOWARDS ANY POSITION THAT I HAVE TAKEN. IN THIS I WOULD LIKE TO QUALIFY.

I DON'T THINK, AND I KNOW, IT IS NOT THE GENERAL MEMBERSHIP OF THE YTA. I KNOW THAT WE HAVE CERTAIN CORE-GROUP WHO ARE DETERMINED THAT THEY WANT TO HAVE EXACTLY WHAT THEY WANT IN THE LEGISLATION. THEY DO NOT WANT TO, THEY ARE NOT PREPARED TO LISTEN TO A COMPROMISE.

WE MUST REMEMBER THAT THE LEGISLATION, AND OUR SCHOOL SYSTEM, ARE NOT THERE JUST FOR TEACHERS. THERE ARE OTHER PEOPLE WHO HAVE GOT TO BE CONSIDERED TOO IN THE LEGISLATION.

I MUST ALSO SAY THAT WHEN THE LEGISLATION WAS BEING PREPARED WE USED AS OUR GUIDE BOOK THE REPORT ON THE COMMITTEE OF EDUCATION. MORE THAN ANY OTHER GROUP WE TRIED TO CONSIDER THE TEACHING PROFESSION, THE PEOPLE WHO ARE TEACHERS IN OUR SCHOOLS. WHETHER THIS COUNCIL IS AWARE OF IT OR NOT THE TEACHERS HAD INFORMATION, HAD PRIVY INFORMATION, ON THE DETAILS ON THE LEGISLATION WHICH PERTAINED PARTICULARLY TO THEM BEFORE THIS COUNCIL EVEN RECEIVED IT. THEY HAD THE INFORMATION TO REVIEW IT WHETHER ANY AMENDMENTS WERE NECESSARY.

THIS COUNCIL IS NOT AWARE OF THAT'S HOW VERY MUCH WE TRIED TO COOPERATE TO SEE THEIR POINT OF VIEW. IN TWO AREAS THAT THEY MENTIONED THEY HAD RAISED CONCERN - TRANSFER AND LAY-OFF. AT THAT TIME I SAID, "WELL, I WILL CONSIDER AFTER COUNCIL HAS AN OPPORTUNITY TO LOOK AT THIS THING." I DID NOT HAVE THE MEETINGS WITH THEM BUT I KNOW THAT THIS TYPE OF DISCUSSION WENT ON WITH THE TEACHERS. I DON'T THINK THAT THE COUNCIL HAS BEEN AWARE OF THIS AND I DON'T THINK THAT THE TEACHERS HAVE BEEN COMPLETELY HONEST IN THE ANSWERS OF SOME OF THE MEMBERS OF THE YTA, HAVE BEEN COMPLETELY HONEST WITH THE PUBLIC AND WITH THE TERRITORIAL COUNCILLORS. WHEN THEY ARE PURSUING THIS - WE MUST HAVE OUR OWN WAY, WE HAVEN'T BEEN LISTENED TO.

I MUST REMARK AGAIN I THINK THERE IS A HARD CORE WITHIN THE GROUP WHO ARE DETERMINED THAT THEY BE COINED TO BECOME A POLITICAL FORCE IN THE YUKON TERRITORY. THIS IS UNDERSTANDABLE BECAUSE THIS IS HAPPENING ALL ACROSS CANADA. BUT SURELY

THEY MUST HAVE THE SUPPORT OF ALL OF THEIR MEMBERSHIP AND SURELY THEY MUST REALIZE THAT THE SCHOOL ORDINANCE IS NOT JUST GOING TO BE WRITTEN SOLELY FOR THEM.

I AM VERY CONCERNED ALSO ABOUT THE SEVERAL AREAS IN THE REPORT OF THE COMMITTEE OF EDUCATION IN THAT WE WERE NOT ABLE TO FULFILL THE RECOMMENDATIONS OR WHICH WE DID NOT FULFILL. THE ONE AREA WAS THE RECOGNITION OF THE YUKON TEACHER'S ORGANIZATION AS A LEGALLY CONSTITUTED PROFESSIONAL ORGANIZATION UNDER THE SCHOOL ORDINANCE.

I HAVE ALWAYS FELT AND I THINK THAT MANY MEMBERS HERE FEEL THAT THE VARIOUS PROFESSIONS IN THE TERRITORY HAVE HAD RECOGNITION BY THE SEPARATE LEGISLATIONS. IF THE YUKON TEACHERS ARE GOING TO BE GIVEN RECOGNITION AS A PROFESSION THEY SHOULD BE GIVEN RECOGNITION UNDER A SEPARATE PIECE OF LEGISLATION.

THE YUKON TEACHERS' ASSOCIATION ARE NOT THE ONLY PROFESSIONAL GROUP WHO APPLIED TO THE TERRITORY FOR PROFESSIONAL RECOGNITION UNDER A SPECIAL PIECE OF LEGISLATION. I KNOW AT LEAST TWO OTHER PROFESSIONS WHO HAVE MADE SIMILAR APPLICATIONS AT THIS TIME. WE WERE FACED WITH THE QUANDRY; SHOULD WE PROCEED AND TRY AND RESOLVE THIS QUESTION WITH RECOGNITION OF TEACHERS PROFESSION, SINGLE OUT THE TEACHERS ALONE, OR DO YOU PREPARE THE LEGISLATION, MAKE YOUR DECISIONS AND GIVE YOUR RECOGNITION TO THE OTHER PROFESSIONS ALSO?

I THINK THAT THIS IS GOING TO HAVE TO BE A DECISION OF THE NEXT COUNCIL THAT SITS IN THESE CHAMBERS.

THE HONOURABLE MEMBER FROM WHITEHORSE EAST HAS TIME AND TIME AGAIN SAID THAT THE PROFESSIONS ORDINANCES WHICH ARE NOW ENFORCED IN THE TERRITORY, THE ORDINANCE WHICH WOULD COVER THE MEDICAL PROFESSION, THE LEGAL PROFESSION, THE DENTAL PROFESSION, - ALL NEED A COMPLETE REVIEW. THERE ARE MANY AREAS IN THESE PIECES OF LEGISLATION THAT JUST HAVE TO BE CHANGED AND HAVE TO BE REVIEWED. IT IS MY HOPE, AND I THINK IT IS THE HOPE OF THE ADMINISTRATION, THAT THIS WILL BE ONE OF THE TASKS THAT WILL BE UNDERTAKEN BY THE NEXT COUNCIL, FOR THE NEXT COUNCIL. TO REVIEW THE PROFESSIONAL ORDINANCES IN THE YUKON. AT THAT TIME THE DECISION WILL BE MADE ON THE LEGAL RECOGNITION FOR THE TEACHERS TEACHING AS A PROFESSION IN

THE YUKON. ALSO THE OTHER PROFESSIONS THAT HAVE MADE APPLICATION FOR THIS WILL BE CONSIDERED AT THAT TIME.

I WOULD ALSO LIKE TO QUALIFY THAT ONE OF THE DEMANDS OF THE YTA AS FAR AS RECOGNITION AS A LEGAL PROFESSION, IS ONE THAT I HAVE SOME VERY GRAVE DOUBTS ABOUT. AND THAT IS THE FACT THAT THEY WANT TEACHING IN THE YUKON TO BE DEPENDENT UPON BEING A MEMBER OF THE YUKON TEACHERS' ASSOCIATION. I MYSELF, AND I KNOW MANY PEOPLE, DO NOT LIKE THE CONCEPT OF HAVING A CLOSED TYPE OF CONCEPT AS FAR AS TEACHING IS CONCERNED WITHIN THE YUKON. I KNOW THAT THIS IS A DECISION THAT HAS NOT BEEN BROUGHT FORWARD TO THIS COUNCIL. I FEEL THAT THE NEXT COUNCIL WILL LIKELY HAVE TO MAKE THIS DECISION IN THIS REGARD. THAT IS THE REASON WHY THERE WAS NO LEGAL RECOGNITION GIVEN TO THE PROFESSION WITHIN THE SCHOOL ORDINANCE. I BELIEVE THAT IT SHOULD BE HANDLED BY A SEPARATE PIECE OF LEGISLATION IN ITSELF.

I WOULD LIKE TO MAKE ONE VERY BRIEF COMMENT ON PROFESSIONALISM, AND I THINK THAT PROFESSIONALISM IS A GOOD THING, I THINK THAT PRIDE IN A PROFESSION IS NECESSARY. BUT I OFTEN WONDER WHETHER PEOPLE REALIZE WITHIN THE PROFESSION THE DEMANDS THAT SHOULD BE MADE UPON THEM AND THE FACT THAT THEY SHOULD RECOGNIZE - THEY SHOULDN'T DEMAND PROFESSIONALISM AND THEY SHOULDN'T DEMAND THE PUBLIC TO LOOK UPON THEM AS A PROFESSION IF THEY ARE NOT PREPARED TO RECOGNIZE IT IN AMONGST THEIR OWN MEMBERSHIP.

IF MEMBERS HAVE READ THE WARRIORS WORD, THE PAPER THAT IS PUT OUT BY THE STUDENTS AT F. H. COLLINS, YOU HAVE A STAFF ADVISOR AND YOU CAN SEE THE IMPLICATIONS. THIS IS THE LAST ISSUE AND IF YOU HAVE BEEN READING YOU CAN SEE THE IMPLICATIONS AND THE SNIDE ACTIONS AGAINST SOME OF THE MEMBERS OF THE STAFF AT COLLINS. I WONDER IF THE STAFF ADVISOR TO THE STUDENTS WHO DO THE PAPER, WHETHER HE REALIZES THE UNPROFESSIONAL CONDUCT WHICH IS GOING ON.

MR. CHAMBERLIST: A POINT OF ORDER, MR. SPEAKER. I WAS WONDERING WHAT ANY OF THESE PREVIOUS REMARKS HAVE GOT TO DO WITH THE MOTION. IF THE HONOURABLE MEMBER COULD EXPLAIN HOW THAT HAS TO DO WITH THE MOTION?

MRS. WATSON: MR. SPEAKER, I WAS REFERRING TO PROFESSIONALISM AND THIS IS ONE OF THE AREAS

WHERE THE TEACHERS FELT THAT THEY HAVE BEEN NEGLECTED IN THE LEGISLATION, WAS THE FACT THAT THEY WERE NOT GIVEN RECOGNITION AS A PROFESSION.

HONOURABLE MEMBERS THERE ARE MANY PARTS OF THE LEGISLATION, MANY PEOPLE THAT YOU HAVE NOT HEARD ABOUT, AREAS OF CONCERN EVEN IN THE ORDINANCE. I AM SURE THAT WHEN THE ORDINANCE IS DISCUSSED THAT THE MEMBERS WILL BE WILLING TO GIVE AS MUCH ATTENTION TO THE OTHER PEOPLE WHO ARE AFFECTED BY THE LEGISLATION AS THEY ARE PREPARED TO GIVE TO THE TEACHERS AS THEY ARE ACCEPTED BY THE LEGISLATION. IT WILL HAVE TO BE A COMPROMISE TYPE OF SITUATION.

THE SITUATION WITH MR. DUNPHY, I WOULD ALSO LIKE TO REMARK ON IT ALSO. WE HAVE LEGISLATION NOW WHICH PROVIDES FOR DISMISSAL OF TEACHERS WHICH GIVES CAUSE. IT IS THE RESPONSIBILITY OF THE SUPERINTENDENT OF EDUCATION TO ADMINISTER THAT PIECE OF LEGISLATION. I DO NOT FEEL THAT I HAVE SHIRKED MY RESPONSIBILITY IN THIS WHATSOEVER. I DO NOT FEEL THAT I WOULD EVER, AND I AM GOING TO BE VERY EMPHATIC ON THAT, I DO NOT THINK THAT THE ELECTED MEMBER SHOULD MAKE DECISIONS, POLITICAL DECISIONS ON WHETHER A PERSON SHOULD BE EITHER HIRED OR DISMISSED OR TRANSFERRED OR LAID OFF OR REPRIMANDED OR DISCIPLINED. I DO NOT THINK THIS IS A POLITICAL THING.

THE GUIDELINES WRITTEN IN THE LEGISLATION, SO THAT ALL PEOPLE INVOLVED KNOW WHAT THEIR RIGHTS AND THEIR OBLIGATIONS ARE AND THEN IF THE RIGHTS ARE ABROGATE THEN IT CAN BE QUESTIONED AND IT CAN GO TO APPEAL. IT SHOULD NOT BE A POLITICAL DECISION. I WOULD HOPE THAT WHOEVER FOLLOWS ME IN THIS POSITION WOULD NEVER EVER LET IT BECOME A POLITICAL DECISION. IT HAS TO BE A DECISION THAT IS DEFINED BY LAW SO THAT RIGHTS OF EVERYONE ARE CLEARLY IDENTIFIED AND SO THAT IT ISN'T A WHIM OF AN ELECTED PERSON.

I DO ACCEPT THE RESPONSIBILITY OF THIS DEPARTMENT AND I ACCEPT THE RESPONSIBILITY OF THE ACTIONS OF THE DEPARTMENT BUT I DO NOT MAKE THE DECISIONS THAT THE DEPARTMENT HAS THE LEGAL AUTHORITY TO MAKE.

IN THE CASE HERE, WITH MR. DUNPHY, I SUPPORT THE DEPARTMENT'S DECISION. I THINK THE SUPERINTENDENT HAD NO OTHER COURSE OF ACTION OPEN TO HIM. I ALSO RESPECT THAT THERE IS PROVISION IN THE LEGISLATION THAT MR. DUNPHY

CAN ASK FOR A HEARING AND THAT HE DOES GET AN IMPARTIAL HEARING.

THE ONLY THING THAT I REGRET VERY MUCH IS THE DEMONSTRATIONS AND THE PUBLICITY THAT THIS HAS NOW RECEIVED, THAT IT IS GOING TO BE VERY VERY DIFFICULT TO NOT HAVE PREJUDICE EITHER AGAINST OR FOR MR. DUNPHY. THE HEARING WHICH MAY TAKE PLACE IF HE REQUESTS. THIS IS THE UNFORTUNATE PART AND THIS IS WHY I FEEL THAT IT WOULD BE VERY IMPORTANT IN THIS LEGISLATION WHEN WE DISCUSS IT, THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE, THE FACT THAT THERE ARE IMPARTIAL PEOPLE BROUGHT IN FROM OUTSIDE THE TERRITORY WHO ARE NOT FAMILIAR OR KNOW OR CARE A TINKER'S DAMN ABOUT THE POLITICAL SCENE IN THE YUKON TERRITORY. THEY EVALUATE A SITUATION ON THE FACTS BEFORE THEM. THIS IS THE ONLY FAIR WAY THAT SITUATIONS LIKE THIS CAN BE HANDLED.

WHEN THERE IS DISAGREEMENT OVER THE INTERPRETATION OF AN AGREEMENT BETWEEN THE TEACHERS OF THE GOVERNMENT THERE HAS TO BE AN IMPARTIAL BODY WHO HAS THE STRENGTH AND THE FORCE TO BIND BOTH PARTIES TO THAT AGREEMENT. THIS IS ONE OF THE REASONS, I WILL GO INTO THAT MORE WHEN WE DISCUSS THE LEGISLATION.

THE PELLY RIVER SCHOOL SITUATION IS COMPLICATED AND YET IT IS QUITE SIMPLE. THERE IS A DEFICIENCY IN OUR LEGISLATION TO GIVE US THE AUTHORITY TO DO TRANSFERS PARTICULARLY INVOLUNTARY TRANSFERS, AND THIS IS THE ONE AREA THAT THE TEACHERS ARE OPPOSING AT THIS TIME. I THINK THAT THIS IS ONE OF THE BEST EXAMPLES OF WHERE IT IS NECESSARY TO BE ABLE TO TRANSFER PEOPLE, EITHER VOLUNTARY OR INVOLUNTARY, THAT THE TERMS OF THE TRANSFER, THE LENGTH OF NOTICE AND THIS TYPE OF THING; THE RIGHT TO APPEAL, THAT IS A DIFFERENT THING. I THINK THIS IS QUITE OBVIOUS THAT IN THIS PELLY SITUATION OUR HANDS WERE ALMOST TIED WHEN WE BECAME AWARE OF THE SITUATION, THAT THIS IS WHERE I THINK AND I STILL THINK, THAT THERE WAS A DEFICIENCY IN THE PERFORMANCE OF ONE OF THE MEMBERS OF THE STAFF WHO COULD HAVE BEEN ON THIS SITUATION LONG BEFORE IT EVER AROSE AND INFORMED THE DEPARTMENT AND KEPT THEM INFORMED ON HOW IT WAS PROGRESSING. WHEN WE WERE FACED WITH THE SITUATION WE WERE TIED IN.

HOWEVER, WE'VE BEEN VERY FORTUNATE. WE'VE BEEN ABLE TO GET VOLUNTARY TRANSFERS NOW FROM THE PEOPLE OUT THERE. WE THINK TWO PEOPLE AND THE BAND ITSELF INCIDENTALLY, THE SELKIRK INDIAN BAND, WERE CONSULTED BEFORE THE PEOPLE WERE APPROACHED WHETHER THEY WANTED TO VOLUNTARILY TRANSFER. THEY WERE VERY HAPPY WITH THE SUGGESTION WE MADE. THE TEACHER AT WHITEHORSE ELEMENTARY AND I BELIEVE THE OTHER ONE, I THINK WE HAVE HAD FINAL WORD FROM THE OTHER ONE, AGREED THAT THEY WOULD GO OUT. THEY ACCEPTED IT AS A CHALLENGE. THEY FELT THEY COULD DO SOMETHING WITH THE SITUATION. THEY WOULD GET THE CHILDREN BACK INTO SCHOOL. THE PEOPLE AT PELLY RIVER AGREED THAT THEY WOULD COME IN. SO THE SITUATION HAS BEEN RESOLVED IN PELLY.

BUT I MUST SAY AGAIN THAT THIS WAS WHERE, I BELIEVE, THE NATIVE CURRICULUM SUPERVISOR COULD HAVE BEEN ON THE SITUATION LONG BEFORE IT EVER EVOLVED TO WHERE IT WAS. NOT SO MUCH AS TO INFORM THE DEPARTMENT, BUT TO DO SOME OF THE WORK BETWEEN THE PEOPLE IN THE COMMUNITY AND THE STAFF OF THE SCHOOL. HE WAS THE ONE PERSON WHO COULD GO INTO THE COMMUNITY. HE WAS THE ONE PERSON WHO COULD GO INTO THE SCHOOL. THIS IS WHERE I FEEL WE WERE SORT OF LET DOWN.

I'D LIKE TO GO NOW INTO THE SITUATION WITH MR. ODOMSAWIN. I WAS RATHER DISMAYED AND NOT TOO SURPRISED AT THE TACTICS THAT WERE USED TODAY. I'M NOT SURPRISED AT ALL AT WHAT WAS PRESENTED, AND THE MANNER IN WHICH IT WAS PRESENTED. I WAS QUITE AWARE OF SOME OF THE LETTERS THAT THE HONOURABLE MEMBER READ ABOUT. NOT BECAUSE THE LETTERS WERE DIRECTED TO ME. THEY WERE DIRECTED TO MR. HOLDEN. BUT MR. ODOMSAWIN TOOK THE PRIVILEGE TO ALWAYS DELIVER LETTERS TO ME WHICH IS NOT WHAT OTHER MEMBERS OF THE DEPARTMENT DO. THEY GO THROUGH THE SUPERINTENDENT OF EDUCATION. MR. ODOMSAWIN FELT THAT ANY CORRESPONDENCE HE HAD WITH MR. HOLDEN HE SHOULD SEND TO ME. ANY DIFFERENCE IN THE DEPARTMENT WHICH IS CERTAINLY NOT WHAT OTHER DEPARTMENTAL PEOPLE DO. BECAUSE MR. HOLDEN IS RESPONSIBLE FOR THE ACTION OF THAT DEPARTMENT, AND IT IS MR. HOLDEN WHO I HOLD RESPONSIBLE.

THERE ARE TWO AREAS, I SAID, IN THE COMMITTEE ON EDUCATION REPORT THAT I FEEL RATHER BADLY ABOUT. THAT WE HAVE NOT A PROPOSAL TO PUT FORWARD. ONE OF THEM IS WHAT CONSIDERATION

DID WE GIVE TO A NATIVE TEACHER TRAINING PROGRAM. NOW I DON'T AGREE THAT IT SHOULD BE JUST STRICTLY A NATIVE TEACHER TRAINING PROGRAM FOR ELEMENTARY TEACHERS. THIS IS ONE AREA WHERE I KEPT PRESSING MR. HOLDEN. I WANT A PROPOSAL FROM MR. OBOMSAWIN FROM THE DEPARTMENT, ON A NATIVE TEACHER TRAINING PROGRAM. IS IT FEASIBLE? WHAT ARE THE DEFICIENCIES? HOW MUCH WILL IT COST? CAN WE USE THE TEACHERS? HOW MANY TEACHERS SHOULD WE TRAIN? THIS TYPE OF THING, I HAD A PROPOSAL FROM MR. RAMGOOLAN WHICH WAS A GENERAL PROPOSAL. THERE WAS NO PROPER ANALYSIS DONE OF IT. IF WE HAD TAKEN THE PROPOSAL, WE WOULD HAVE HAD TO DO ALL THE WORK. I HAD SAID TO MR. HOLDEN ALRIGHT, IF WE WANT A NATIVE TEACHER TRAINING PROGRAM, IF WE WANT A NATIVE TEACHER TRAINING PROGRAM, I HAVE GOT TO HAVE SOMETHING SPECIFIC. I HAVE TO HAVE A PROPOSAL. THIS IS ONE OF THE AREAS I BELIEVE THERE WAS A DEFICIENCY. I HAVEN'T GOT A PROPOSAL. I HAVE NEVER RECEIVED A PROPOSAL TO EVEN ANALYSE WHETHER I SHOULD PRESENT IT TO COUNCIL; WHETHER WE SHOULD PROCEED WITH IT; WHETHER WE SHOULD TRY TO GET FUNDING FOR IT. WE ARE NOW A YEAR BEHIND TIME OR SIX MONTHS OR EIGHT MONTHS BEHIND TIME. I HAVE NOTHING FOR YOU ON IT. I HAVE NOTHING ON ADAPTATIONS. I HAVE NOTHING FOR THE SCHOOLS WHERE THEY HAVE A LOT OF NATIVE CHILDREN FOR SPECIFIC ADAPTATIONS THAT CAN BE MADE TO SOME OF THE CURRICULUM THAT THEY ARE FOLLOWING. THEY FOLLOW THE B.C. CURRICULUM. WHAT HAVE WE GOT? WE HAVE HAD NOTHING.

THIS IS MY CONCERN. I AM ANSWERABLE TO THIS HOUSE. I AM ANSWERABLE TO THE PUBLIC. PEOPLE ARE SAYING YOU ARE TALKING ABOUT ADAPTATIONS TO CURRICULUM. INDIVIDUAL TEACHERS CAN DO IT THEMSELVES. NOW A LOT OF THEM ARE DOING IT VERY SUCCESSFULLY. BUT SOME TEACHERS ARE NOT. AND WHERE SHOULD IT COME FROM BUT OUR NATIVE CURRICULUM SUPERVISOR. THAT'S WHY WE HAVEN'T GOT ANYTHING YET.

THE DIRECTIVE TO MR. OBOMSAWIN REFERRED TO IN HIS LETTER, IT WAS CERTAINLY A DIRECTIVE I GAVE TO MR. HOLDEN. HOWEVER, WHEN MR. OBOMSAWIN WAS HIRED ON THE STAFF OF THE DEPARTMENT OF EDUCATION, NATIVE BROTHERHOOD AND YANSI WERE REPRESENTED ON THE BOARD WHO INTERVIEWED THE APPLICANT. THEIR RECOMMENDATIONS WERE FOLLOWED. MR. OBOMSAWIN WAS EMPLOYED UPON THEIR RECOMMENDATION. WHEN MR.

OBOMSAWIN FIRST BECAME AN EMPLOYEE OF THE DEPARTMENT HE HAD ONLY BEEN IN THE YUKON, I THINK IT HAD BEEN FOR ONE OR TWO YEARS, AND HE WAS FAMILIAR WITH SOME OF THE YUKON. SOME OF THE SMALLER COMMUNITIES BUT NOT WITH ALL THE INDIVIDUAL PEOPLE. HE HAD, I BELIEVE, CONDUCTED A SURVEY, A HOUSING SURVEY. SO HE GOT OUT THROUGH THE YUKON. BUT HE FELT THAT IF HE WERE ABLE TO TRAVEL FOR THE FIRST WHILE, MR. OBOMSAWIN AND THE YUKON NATIVE BROTHERHOOD'S EDUCATION CONSULTANT, HE WOULD BE ABLE TO MEET THE PEOPLE HE SHOULD BE WORKING WITH. THE PEOPLE IN THE COMMUNITIES. THIS I AGREED TO. THIS WAS FINE. HE DID NOT HAVE TO TRAVEL WITH THE OTHER SUPERVISORS. REMEMBER THAT NATIVE CURRICULUM AND A NATIVE SUPERVISOR SHOULD BE PART AND PARCEL OF THE WHOLE SCHOOL PROGRAM. IT SHOULDN'T BE SEPARATE AND DISTINCT. THE WHOLE THING SHOULD BE ROLLED IN TOGETHER. WHEN I WAS NOT GETTING BACK SOME OF THE THINGS THAT I HAD BEEN PRESSING MR. HOLDEN FOR THEN I FOUND OUT THAT HE HADN'T RECEIVED THEM. THEY REALLY DIDN'T KNOW JUST EXACTLY WHAT WAS GOING ON AND WHAT KIND OF WORK WAS BEING PRODUCED. IT WAS AT THAT TIME I SAID YES, YOU BETTER SEE THAT HE NOW TRAVELS WITH THE OTHER SUPERVISORS AND HE DOESN'T CONTINUE TO TRAVEL WITH MR. RAMGOOLAN BECAUSE MR. OBOMSAWIN WAS RESPONSIBLE TO THE DEPARTMENT OF EDUCATION. HE WAS NOT RESPONSIBLE TO THE NATIVE BROTHERHOOD. WE EXPECTED HIM TO WORK WITH THE NATIVE BROTHERHOOD. WE EXPECTED HIM TO WORK WITH YANSI. WE EXPECTED HIM TO WORK WITH EVERY BAND IN EVERY COMMUNITY. BUT WE ALSO EXPECTED HIM TO CORRELATE ALL OF THIS WITHIN THE WHOLE SCHOOL PROGRAM.

THIS IS WHY THE CRITICISM OF PHILOSOPHY. PHILOSOPHY IS FINE, BUT YOU CAN'T BASE A PROGRAM ON PHILOSOPHY ALONE. YOU HAVE TO APPLY YOUR PHILOSOPHY INTO EVERYDAY SITUATIONS SO THAT YOU HAVE GOT SOME PROGRAM YOU CAN DO. THE ONE CRITICISM THAT I WOULD LIKE TO DISPEL, AND THE HONOURABLE MEMBER STATED THAT I SAID THAT MR. OBOMSAWIN HAD LEFT VOLUNTARILY. I DID NOT. WHEN I WAS ASKED WHETHER MR. OBOMSAWIN HAD RESIGNED OR WAS FIRED, I SAID I UNDERSTOOD THAT MR. OBOMSAWIN WAS SEEKING EMPLOYMENT OUTSIDE OF THE TERRITORY. THAT WAS MY COMMENT. I DID NOT SAY THAT HE LEFT VOLUNTARILY. HAD I BEEN ASKED THAT QUESTION IN THIS HOUSE I WOULD HAVE ANSWERED IT HONESTLY AS I HAVE DONE BEFORE.

IT WAS VERY INTERESTING TO LISTEN TO THE EXCERPTS THAT THE HONOURABLE MEMBER FROM WHITEHORSE EAST READ ON Mr. OBOMSAWIN. THESE EXCERPTS I AM SURE, THEY WERE DATED VERY RECENTLY, THEY WERE EXCERPTS FROM LETTERS OF RECOMMENDATION WRITTEN BY PEOPLE FOR Mr. OBOMSAWIN WHEN HE SEEKS NEW EMPLOYMENT. THEY WERE NOT EXCERPTS FROM REPORTS WRITTEN ON HIS PERFORMANCE WHILE HE WAS AN EMPLOYEE OF Y.T.G. THANK YOU, Mr. SPEAKER.

Mr. SPEAKER: IN VIEW OF THE HOUR, WE WILL NOW RECESS UNTIL 2 O'CLOCK THIS AFTERNOON.

RECESS

Mr. SPEAKER: I NOW CALL THIS HOUSE TO ORDER.

Mr. TAYLOR: Mr. SPEAKER IT HAD NOT REALLY BEEN MY INTENTION TO SAY TOO MUCH IN THIS DEBATE. BUT LISTENING TO THE ARGUMENTS PRO AND CON TODAY PROMPTS ME TO MAKE A FEW COMMENTS THAT ARE FAIRLY OBVIOUS.

FIRST OF ALL, I THINK I HAVE ALWAYS MADE IT CLEAR, MORE PARTICULARLY DURING THE PAST TWO YEARS, THAT I DID NOT AGREE IN THE MANNER THAT THE EXECUTIVE COMMITTEE, IRRESPECTIVE OF ITS CONSTITUTION WHERE THE ELECTED MEMBERS, I DIDN'T AGREE WITH WHAT THEY WERE DOING. I MUST SAY THAT I HAVE ALWAYS CLAIMED THAT THE APPOINTMENT OF ELECTED MEMBERS TO THIS EXECUTIVE COMMITTEE POSE NOTHING BUT PROBLEMS TO THE PEOPLE OF THE YUKON. IN FACT, WHEN YOU APPOINT THESE PEOPLE AND THEY DO TAKE THIS OATH OF SECRECY, THEY CEASE TO BE A REPRESENTATIVE OF THE PEOPLE IN THE SENSE THAT THEY HAVE IMMEDIATELY BEEN APPOINTED AS ADMINISTRATORS AS EXECUTIVE COMMITTEE MEMBERS AND IN FACT, THEY SEEM TO TRANSEND INTO BUREAUCRATS.

I HAVE SEVERAL REASONS WHY I WOULD SUPPORT THIS MOTION APART FROM THE EDUCATIONAL ASPECTS. I AM CONVINCED THAT THE HONOURABLE MEMBER WILL TRY AS SHE MAY HAVE, CERTAINLY HAS FAILED TO COPE WITH THE PROBLEMS WITHIN THE DEPARTMENT OF EDUCATION.

I AM MORE CONCERNED, AS I STATED BEFORE WITH THE INABILITY OF THE MEMBER AS A REPRESENTATIVE MORE PARTICULARLY, OF THE HINTERLAND DISTRICT TO PROVIDE FOR THE CONTINUANCE OF THE DEMOCRATIC PROCESS IN THE HOUSE, IN LIGHT OF THE POSITION SHE HOLDS IN PRESENTING LEGISLATION TO THE HOUSE. IT IS EVIDENT BY HER REFUSAL

FROM TIME TO TIME TO BRING FORTH INFORMATION TO COUNCIL. THIS WAS DONE DURING THE BUDGET DISCUSSION, WHEN INFORMATION WAS ASKED FOR AND WAS NOT PRESENTED, ALMOST BLACKMAILING COUNCIL INTO PASSING THE BUDGET. THEN YOU CAN HAVE THE INFORMATION.

IT WAS EVIDENT BY HER PREOCCUPATION WITH AFFECTING CLOSURE, PARTNERSHIP WITH HER COLLEAGUE IN THE EXECUTIVE COMMITTEE, MORE PARTICULARLY DURING THE BUDGET DEBATE. IT IS EVIDENT BY HER INVOLVEMENT AS AN ELECTED MEMBER IN PARTICIPATING AND SETTING FORTH NEW PROGRAMS WITHOUT HAVING PRIOR CONSENT OF COUNCIL, WHICH I AM SURE BOTH EXECUTIVE COMMITTEE MEMBERS KNOW, SHOULD HAVE BEEN DONE. PLACING A CHARGE UPON THE TAXPAYER OF THE YUKON WITHOUT FIRST HAVING BUDGETARY CONSENT OF THE HOUSE. A REAL BAD BLOW WAS THE FACT THAT THE HONOURABLE MEMBER ALSO AGREED TO AND VIGOROUSLY FOUGHT FOR THE RIGHT FOR THE COMMISSIONER TO RAISE THE TAXES OF THE TERRITORY BY 1/4 OF A MILLION DOLLARS THROUGH ADDITIONAL LICENCE FEES, CONTRARY TO THE PHILOSOPHIES OF DEMOCRATIC CONTROL IN LEGISLATIVE CONTROL IN FINANCE.

THESE TO ME ARE AMONG THE MANY THINGS THAT I FIND REPUGNANT IN RESPECT OF THE CONDUCT OF THE MEMBER IN AN EXECUTIVE ROLE. IN RESPECT OF EDUCATION AS I HAVE STATED, I DO NOT FEEL THAT THE MEMBER HAS BEEN ABLE, TRY AS SHE WILL, TO COPE WITH THE IMPORTANT FUNCTION OF THE EDUCATION DEPARTMENT.

I WAS ABOUT TO LEAVE IT AT THAT BUT HOWEVER, DURING DEBATE, SEVERAL IMPORTANT ITEMS HAVE COME UP, NOTWITHSTANDING WHATEVER ELSE HAS BEEN SAID,

FIRST OF ALL, THE MEMBER STOOD HERE THIS MORNING AND SAID HOW VERY IMPORTANT IT WAS AND HOW VERY IMPORTANT SHE THOUGHT IT WAS THAT THIS BILL BE DISCUSSED IN COMMITTEE AT THE EARLIEST POSSIBLE MOMENT TO GET SOME DIRECTION FROM COUNCIL. YET, IF ALL MEMBERS WILL RECALL, IT WAS THE SAME MEMBER WHO REFUSED TO PUT IT INTO COMMITTEE TIME AFTER TIME, DAY AFTER DAY AFTER DAY, BY MOVING SECOND READING TO THE BILL UNTIL IT WAS THE HONOURABLE MEMBER FROM WHITEHORSE EAST, OPPOSITE, WHO INDEED FINALLY GOT UP OUT OF ABSOLUTE FRUSTRATION AND GAVE THE BILL SECOND READING SO THE MATTER COULD GO INTO COMMITTEE OF THE WHOLE.

IN RESPECT OF THE PELLY, I KNOW ON MONDAY, APRIL 24TH, DURING THE QUESTION PERIOD, I

RAISED THE QUESTION OF WHAT WAS GOING ON IN PELLY. IN REPLY, THE HONOURABLE MEMBER FROM CARMACKS-KLUANE STATED, 'I DON'T THINK THE PROBLEM IS DIRECTLY INVOLVED WITH THE CURRICULUM OR THE TYPE OF INSTRUCTION WITHIN THE SCHOOL.' IN THE SAME PARAGRAPH OR RATHER IN THE SAME BREATH, 'MIND YOU, WE WOULD PREFER TO HAVE PEOPLE WHO HAVE AN UNDERSTANDING OF THE COMMUNITY AND ARE ABLE TO RELATE TO THE PEOPLE OF THE COMMUNITY. THIS IS WHY THE DEPARTMENT OFFICIALS HAVE BEEN OUT. WE ARE TRYING TO ADJUST THE CURRICULUM, MAKE THE NECESSARY ADJUSTMENTS WITHIN THE SCHOOL IN ORDER TO RESOLVE THE PROBLEM.' THERE WAS NO MENTION MADE HERE OF TRANSFERRING PERSONNEL OR ANYTHING AT THAT TIME.

THE MEMBER STATED TODAY, 'WELL IT IS THE TRANSFER OF PERSONNEL, THAT REALLY THEY HAVE BEEN WORKING FOR'. IF THEY ARE WORKING FOR THIS, WHY DON'T THEY SAY SO. ITS A CONJECTURE.

IN THE MATTER OF MR. DUNPHY AND THE TERRIBLE SERIES OF EVENTS THAT HAS OCCURRED IN JEKELL SCHOOL. YESTERDAY IN ANSWER TO THE HONOURABLE MEMBER FOR WHITEHORSE EAST, ON A QUESTION OF PRIVILEGE, SHE STATES, 'THE SUPERINTENDENT IS CHARGED WITH THE ADMINISTRATION OF THE SCHOOL SYSTEM UNDER THE SCHOOL ORDINANCE AND I DO NOT GIVE INSTRUCTION ON THE ADMINISTRATION OF THE SCHOOL SYSTEM.'

CLEARLY, WHY THEN, IF THIS IS THE CASE, THIS SHOULD NOT BE THE CASE. WAS A DIRECTIVE ISSUED CUTTING OFF COMMUNICATION WITH THE YUKON BROTHERHOOD EDUCATION CONSULTANT BY THE GENTLEMAN WHO IS IN CHARGE OF THE TERRITORIAL PARTICIPATION IN NATIVE EDUCATION AS WAS OUTLINED THIS MORNING.

THEN SHE WENT ON TO SAY YESTERDAY AFTERNOON, IN ANSWER TO THE HONOURABLE MEMBER FROM WHITEHORSE EAST AGAIN, 'THE SUPERINTENDENT IS IN CHARGE OF THE ADMINISTRATION OF THE SCHOOL SYSTEM UNDER THE SCHOOL ORDINANCE. I DO NOT INTERFERE WITH THE ADMINISTRATION OF THE SCHOOL SYSTEM AND I DO NOT INTERFERE WITH THE FUNCTIONS OF THE SUPERINTENDENT.'

IT LEAVES ONE AT A LOSS. ONE MOMENT WE ARE SAYING ONE THING AND ANOTHER MOMENT WE ARE SAYING ANOTHER. IT IS DIFFICULT TO HAVE CONFIDENCE IN A MEMBER WHO, AS I SAY MAYBE IS TRYING HARD, I DON'T DOUBT THAT. BUT I CERTAINLY CANNOT HAVE ANY CONFIDENCE AND I DO NOT HAVE CONFIDENCE IN THE MEMBER IN THIS POSITION.

I REALLY FEEL THAT THE HONOURABLE MEMBER SHOULD RETURN TO THE RANKS OF THE DIRECT REPRESENTATIVES REPRESENTING A CONSTITUENCY, FREE OF ENCUMBRANCE OF THE ADMINISTRATION. I FEEL THAT MR. DUNPHY SHOULD BE REINSTATED AND SOME INTERNAL INQUIRY HELD IN THE MATTER. I ALSO FEEL THAT THE FORMER DIRECTOR OF NATIVE EDUCATION OR WHATEVER THE TITLE WAS, WHO WAS DISMISSED BY THE ADMINISTRATION, SHOULD ALSO BE REINSTATED.

THOSE ARE MY SIMPLE THOUGHTS AND I AM NOT GOING TO SIT HERE AND GET INTO AN EMOTIONAL DEBATE. I WILL SIMPLY SUPPORT THE MOTION.

MR. STUTTER: MR. SPEAKER, AS FAR AS I'M CONCERNED THE TIMING OF THE INTRODUCTION OF THIS MOTION IS ALTOGETHER WRONG. I WILL ATTEMPT TO POINT OUT WHY I FEEL THAT WAY AND I FEEL THIS WAY STRONGLY. PRESENTLY THE YUKON TEACHERS' ASSOCIATION AND THE GOVERNMENT HAVE A CASE BEFORE THE COURT. ITS UP TO THE COURT, IN THIS PARTICULAR CASE, WHETHER OR NOT THE GOVERNMENT, DEPARTMENT OF EDUCATION OR IF YOU WANT TO STRETCH IT A LITTLE FURTHER EVEN, THE MINISTER OF EDUCATION, IS THE ONE THAT IS WRONG.

PERHAPS IT SHOULD NEVER HAVE GOTTEN TO THE COURT BUT THE FACT IS, THAT IS WHERE IT IS AND THAT DECISION IS GOING TO BE MADE BY THE COURT. IT SHOULD NOT BE MADE BY THIS COUNCIL. IT WAS ANNOUNCED AT NOON TODAY THAT MR. DUNPHY IS GOING TO APPEAL THE DECISION TO DISMISS HIM. TO SUPPORT THIS MOTION NOW WOULD BE TO PLACE ALL BLAME FOR THAT DECISION ON THE DEPARTMENT OF EDUCATION AND AGAIN, UPON THE SHOULDERS OF THE MINISTER OF EDUCATION.

THAT DECISION WILL BE MADE BY AN INDEPENDENT BOARD LOOKING INTO THE DECISION. AGAIN, THAT DECISION SHOULD NOT BE MADE BY THIS COUNCIL.

IN THE CASE OF MR. OBOMSAWIN AND THE PELLY RIVER SCHOOL BOYCOTT, I HONESTLY CAN'T FEEL THAT THERE HAS BEEN ENOUGH EVIDENCE ON EITHER SIDE PUT FORWARD TO MAKE A HASTY DECISION AS TO WHETHER IT IS SUFFICIENT FOR A VOTE OF NON-CONFIDENCE IN THE MEMBER IN CHARGE OF EDUCATION.

IT HAS BEEN SUGGESTED THAT THERE ARE FOUR STRIKES AGAINST HER. I WOULD LIKE TO LOOK AT THOSE FOUR STRIKES. THE FOUR STRIKES THAT WERE INDICATED WERE: (1) THE FIRING OF MR. OBOMSAWIN, (2) THE FIRING OF MR. DUNPHY (3) AND THE PELLY RIVER SCHOOL BOYCOTT. AS I SAY THE CASE OF MR. DUNPHY NOW, HE HAS DECI-

DED TO APPEAL THAT CASE. A DECISION TO WHETHER TO FIRE HIM WAS RIGHT OR WRONG WILL BE MADE BY THE BOARD. I AM NOT SATISFIED WITH MR. OBOMSAWIN OR THE PELLY RIVER BOYCOTT THAT THERE WAS ENOUGH INFORMATION PUT FORWARD TO MAKE A DECISION.

FINALLY, TO CALL THE SCHOOL ORDINANCE THE FOURTH STRIKE. TO MY WAY OF LOOKING AT IT, THAT IS UNJUST, IT IS IRRESPONSIBLE AND IT IS UNFAIR. THIS ORDINANCE IS JUST A PROPOSED ORDINANCE. I RECOGNIZED THE FACT THAT IT IS IMPOSSIBLE TO INCORPORATE IN THAT ORDINANCE ALL OF THE SUGGESTIONS, ALL OF THE PROPOSALS, ALL THE RECOMMENDATIONS OF THE VARIOUS GROUPS ACROSS THE TERRITORY THAT PUT IN BRIEFS AT THE TIME, SHORTLY AFTER THE LEVIRS REPORT WAS PUBLISHED. IT IS NOT POSSIBLE TO DO THAT ALL IN ONE ORDINANCE.

THIS IS A PROPOSED ORDINANCE. ITS UP TO ALL OF US TO HAVE INPUT INTO THAT ORDINANCE AND TO TRY TO TURN IT NOT INTO A STRIKE OR BE ABLE TO SAY IT WAS A STRIKE AGAINST ANYBODY. IT IS UP TO US TO DO OUR DARNDDEST TO TURN THAT ONE INTO A HOME RUN BECAUSE AS FAR AS I'M CONCERNED, IT IS ONE OF THE MOST IMPORTANT PIECES OF LEGISLATION THAT HAS COME BEFORE THIS COUNCIL IN THE LAST THREE YEARS. HERE, IN SUPPORTING THIS MOTION, WE WOULD CONDEMN IT, BEFORE EVEN GETTING IT TO THE FIRST READING STAGE.

IT WOULD BE MY SUGGESTION, MR. SPEAKER, THAT AS FAR AS THE ORDINANCE IS CONCERNED, THAT IT BE READ AND DISCUSSED AT SOME LENGTH AT THIS SESSION OF COUNCIL. AND AMENDMENTS PROPOSED BY ALL MEANS, BUT I WOULD NOT LIKE TO SEE PASSAGE OF THIS ORDINANCE AT THIS SESSION. I HAVE ALREADY HAD INDICATION PERSONALLY, THAT CLINTON CREEK AND OLD CROW, BOTH COMMUNITIES WANT TO GET TOGETHER WITH ME TO DISCUSS THE ORDINANCE AND FOR ME TO HEAR THEIR PROPOSALS RE POSSIBLE AMENDMENTS AND CHANGES TO THE ORDINANCE.

AGAIN, IT WOULD BE MY SUGGESTION, AFTER READING AN INITIAL DEBATE ON THE ORDINANCE, THAT WE BE ALLOWED TO STAND IT IN ABEYANCE UNTIL SUCH TIME THAT WE HAVE TO COME BACK AND DEAL WITH THE RECOMMENDATIONS THAT ARE TO BE PUT FORWARD BY THE BOUNDARIES COMMISSION BOARD.

AT THAT TIME ALL OF US WOULD HAVE HAD A CHANCE TO GET TOGETHER WITH GROUPS THAT NOW HAVE A CHANCE, OR WILL HAVE A CHANCE IN THE NEXT FEW WEEKS, TO READ THE ORDINANCE AND WE WILL BE ABLE TO COME BACK AND, AS I SAID BEFORE, HOPEFULLY TURN THIS ORDINANCE THAT IS NOW BEING LOOKED UPON AS A STRIKE AGAINST THE MEMBER OF EDUCATION INTO A HOME-RUN. AS I SAY, MR. SPEAKER, AT THAT TIME ALSO, WHEN THE GOVERNMENT HAS HANDED DOWN ITS DECISION IN THE PRESENT Y.T.A., THE GOVERNMENT CASE AND AFTER THE INDEPENDANT BOARD HAS REACHED ITS DECISION OVER MR. DUNPHY, I, AFTER I'VE ALSO HAD A CHANCE TO LOOK INTO MORE DETAIL REGARDING THE FIRING OF MR. OBOMSAWIN AND THE PELLY RIVER SCHOOL BOYCOTT, I WILL ONCE AGAIN SERIOUSLY CONSIDER A VOTE OF NON-CONFIDENCE IN ANY MEMBER OF THIS HOUSE.

UNTIL THAT TIME, MR. SPEAKER, I HAVE NO INTENTION OF SUPPORTING THE MOTION THAT IS PRESENTLY BEFORE THIS HOUSE.

MR. TANNER: MR. SPEAKER, EVERY MEMBER HAS SPOKEN AT SOME LENGTH AND I DON'T INTEND TO SPEAK FOR ANY LENGTH AT ALL.

THE MOTION MOVED BY COUNCILLOR MCKINNON AND SECONDED BY COUNCILLOR CHAMBERLIST SAYS THAT THIS HOUSE NO LONGER HAS CONFIDENCE IN THE ABILITY OF THE MEMBER FROM CARMACKS-KLUANE TO DISCHARGE HER DUTIES AS AN EXECUTIVE MEMBER IN CHARGE OF EDUCATION.

MR. SPEAKER, I DON'T AGREE. I THINK THE HONOURABLE MEMBER FROM CARMACKS-KLUANE, MRS. WATSON, HAS DISCHARGED HER DUTIES. I THINK SHE HAS DONE IT REASONABLY WELL UNDER THE CIRCUMSTANCES WITH CERTAINLY NO HELP FROM CERTAIN MEMBERS OF THIS HOUSE AND I WILL SUPPORT HER. I WILL NOT SUPPORT THIS MOTION AND I WILL VOTE A VOTE OF CONFIDENCE FOR MRS. WATSON.

MR. MCKINNON: MR. SPEAKER, I BELIEVE THE RULES OF THE HOUSE CAN BE ONE MORE 'KICK AT THE CAT' BEFORE THE QUESTION IS CALLED ON THIS VERY IMPORTANT MOTION. I'M STILL, MR. SPEAKER, GOING TO TRY AND MAKE AN ARGUMENT. THE HONOURABLE MEMBER FROM DAWSON CITY WHO OF COURSE HOLDS THE BALANCE IN THAT VOTE OF CONFIDENCE. I FIND IT RATHER STRANGE, HOWEVER, IF THE VOTE DOES SPLIT THREE TO THREE THAT THE HONOURABLE MEMBER FOR CARMACKS-KLUANE WINS THAT VOTE OF CONFIDENCE OF THIS HOUSE BY VOTING CONFIDENCE IN HERSELF, DOES THAT REALLY SAY THAT SHE HAS THE CONFIDENCE OF THE MAJORITY OF THIS HOUSE WHEN THE TIE VOTE COMES FROM THE HONOURABLE MEMBER FROM

CARMACKS-KLUANE. RATHER, I WOULD THINK SHE SHOULD ABSTAIN FROM THE VOTE AND SEEING WHETHER SHE REALLY AND IN FACT DOES HAVE THE CONFIDENCE OF THE MAJORITY OF THIS HOUSE, EXCLUDING HER OWN VOTE.

I WAS RATHER SURPRISED, MR. SPEAKER, THAT THE HONOURABLE MEMBER CHOSE THE TACK THAT SHE KNEW THIS WAS THE WAY THE CASE WOULD BE PRESENTED. I CAN ASSURE THE HONOURABLE MEMBER THAT THIS ONE MEMBER THAT A BACK SEAT IS TAKEN IN THE FIELD OF POLITICAL OPPORTUNISM OR THE FIELD OF POLITICAL VENDETTA, I FEEL, SINCERELY, THAT THE GOVERNMENT IS IN TRUE TROUBLE IN THIS FIELD OF EDUCATION AND I SAY THIS IS THE FIRST MOTION OF THIS TYPE I HAVE BROUGHT BEFORE A MEMBER SINCE I SAT IN THIS HOUSE. SO TO SAY THAT IT IS FRIVOLOUS, VEXATIOUS IN ANY MANNER AND TO CONDEMN THE TACTICS USED WHICH I THINK ARE WELL DOCUMENTED, WELL DETAILED, AND CERTAINLY A WELCOME TYPE OF CHARGE FROM SOME OF THE IRRESPONSIBLE AND SPECIOUS ONES THAT WE HAVE SEEN AROUND THIS HOUSE AND THOUGHT THAT THAT WAS AN EXTREMELY WEAK ARGUMENT THAT THE HONOURABLE MEMBER TRIED TO MAKE.

IT CAME TO MY ATTENTION OVER THE NOON HOUR, MR. SPEAKER, THAT EXACTLY THE RESULTS OF WHICH I WAS STATING PRIOR TO THE NOON RECESS, ARE TAKING PLACE. THE CANADIAN TEACHERS' FEDERATION HAS ISSUED A PRESS RELEASE STATING THAT THEY ARE ADVISING THEIR MEMBERS, 210,000 STRONG, NOT TO ACCEPT TEACHING POSITIONS IN THE YUKON AND NOT TO APPLY FOR TEACHING POSITIONS IN THE YUKON.

THIS IS, IN EFFECT, A BLACK LISTING OF THE YUKON TERRITORY BY ALL THE PROFESSIONAL TEACHERS IN THE YUKON TERRITORY. IF THIS IS NOT RESOLVED, MR. SPEAKER, I SAY AS I SAID THIS MORNING, THAT IT WOULD PROBABLY TAKE A DECADE TO GET THE YUKON EDUCATIONAL SYSTEM BACK INTO THE GOOD GRACES OF THE PROFESSIONAL INSTITUTION WHICH SPEAKS FOR THE MAJORITY OF CANADIAN TEACHERS.

I FIND IT SO DIFFICULT, MR. SPEAKER, TO CONTINUALLY HAVE TO LISTEN TO THE FENCE SITTING AND THE PROCRASTINATION OF THE HONOURABLE MEMBER FROM DAWSON CITY RATHER THAN MAKING UP HIS MIND IN THESE MOST IMPORTANT ISSUES. THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS STATED THAT SHE ACCEPTS FULLY THE RESPONSIBILITY IN ALL THE FOUR AREAS THAT I HAVE MENTIONED, WHICH WELL SHE HAS TO AS THE EXECUTIVE MEMBER IN CHARGE OF THAT DEPARTMENT. IT'S THE SAME AS ANYBODY ELSE IN EMPLOYMENT. IF THE MANAGER ISN'T GOING TO BE RESPONSIBLE FOR HIS EMPLOYEES' ACTIONS THEN HE SHOULDN'T BE A MANAGER AND HE SHOULDN'T BE THERE IN THE FIRST PLACE. IT'S AS SIMPLE AS THAT.

WE FIND A COURT CASE BETWEEN THE PROFESSIONAL TEACHING STAFF IN THE Y.T.A. NEVER BEFORE DID IT HAPPEN, BEFORE THE HONOURABLE MEMBER ASSUMED THE RESPONSIBILITY FOR THAT POSITION. MR. OBOMSAWIN AND THE YUKON NATIVE BROTHERHOOD ARE TAKING THE HONOURABLE MEMBER TO COURT WHICH PERHAPS I DIDN'T MAKE CLEAR THIS MORNING. "MAY IT HEREBY BE RESOLVED THE NATIVE SUPERVISOR OF CURRICULUM POSITION BE FILLED NO MORE AS THE DUTIES OF THIS JOB CAN BE HANDLED BY THE Y.N.B. BE IT FURTHER RESOLVED THE Y.N.B. GIVE THEIR FULL MORAL SUPPORT TO HIS COURT ACTION AGAINST THE Y.T.G. WE FEEL THAT MR. OBOMSAWIN WAS FIRED BECAUSE OF HIS REFUSAL TO OBEY THE UNREASONABLE DIRECTIVE THAT HE STOP COMMUNICATING WITH THE Y.N.B. WE ARE SATISFIED THAT HE HAS TRIED TO FULFILL THE SOCIAL, CULTURAL, AND LANGUAGE NEEDS OF INDIAN CHILDREN BY PRESENTING PROPOSALS WORKED OUT WITH THE ASSISTANT OF OUR EDUCATION CONSULTANT AND WHEREAS HE HAS DECIDED TO TAKE THE MATTER TO COURT WITH FULL KNOWLEDGE, THE FULL SUPPORT OF THE YUKON NATIVE BROTHERHOOD."

SO, ANOTHER COURT ACTION. ARE WE GOING TO WAIT TO TAKE ACTION UNTIL THAT COURT ACTION IS SETTLED TOO? WHICH COULD GO THE APPEAL COURT, WHICH COULD GO TO THE SUPREME COURT, WHICH COULD GO ON FOR YEARS BEFORE WE TAKE ANY ACTION AT ALL? DO WE SIT AROUND THIS TABLE AND KEEP PROCRASTINATING, KEEP SITTING ON THE FENCE, KEEP NOT MAKING ANY DECISIONS WHILE THE LIVES OF THE YUKON CHILDREN ARE BEING SO VITALLY AFFECTED.

THE PELLY RIVER BOYCOTT, MR. SPEAKER, HAS BECOME A NATIONAL DISGRACE, ON NATIONAL TELEVISION, WHERE IT SHOULD BE. THE CANADIAN TEACHERS' FEDERATION HAS BLACK LISTED THE YUKON TERRITORY AND THE HONOURABLE MEMBER FROM DAWSON SAYS THE MOTION IS ILL-TIMED. I THOUGHT I HAD BROUGHT PRETTY DEFINITE PROOF TO THE TABLE THIS MORNING, MR. SPEAKER. EXCEPT FOR THE HONOURABLE MEMBER'S INTELLIGENCE, HE WOULD SEE THAT OBOMSAWIN WAS USED AS A SCAPEGOAT FOR A POLITICAL VENDETTA THE MEMBER FROM CARMACKS-KLUANE HAD AGAINST THE YUKON NATIVE BROTHERHOOD EDUCATION CONSULTANT.

THE HONOURABLE MEMBER FROM DAWSON WAS AT THE STANDING COMMITTEE HEARINGS AND IF HE DIDN'T SEE THAT FROM THE MEETINGS THEN HE IS A LOT BLINDER THAN I THOUGHT HE WAS.

MR. SPEAKER, I DON'T THINK THINGS ARE TOO FAR GONE AT THIS TIME, IF WE CAN GET A VOTE OF NON-CONFIDENCE IN THE HONOURABLE MEMBER FROM CARMACKS-KLUANE BECAUSE THE NEXT MOTION TOMORROW WOULD BE THE VOTE OF THIS HOUSE TO MAKE SURE THAT THE EDUCATION ORDINANCE PRESENTLY IN COMMITTEE AT SECOND READING STAGE WILL BE LEFT TO DIE IN COMMITTEE SO THAT EXACTLY WHAT THE HONOURABLE

MEMBER SAYS THAT PEOPLE MAY HAVE FURTHER REPRESENTATION TO THEIR MEMBERS OF COMMITTEE AND IF WE HAVEN'T GOT TIME TO DISCUSS IT AT THE NEXT SESSION THEN A NEW COUNCIL COMES IN WITH A NEW LOOK AND THEIR FIRST ITEM OF BUSINESS TO DISCUSS THE EDUCATION ORDINANCE. AND IF IT WERE PUT INTO COMMITTEE I AM SURE THE BLACK LISTING AND THE WITHDRAWAL OF THE CANADIAN TEACHERS' FEDERATION AND PROBABLY THE COURT CASE FROM THE YUKON TEACHERS' ASSOCIATION COULD BE WITHDRAWN ON THE DAY FOLLOWING WITH THE FULL KNOWLEDGE THAT THE EDUCATION ORDINANCE AS PROPOSED HAS MET SUCH STRONG OBJECTIONS FROM THE CANADIAN TEACHERS' FEDERATION AND THE YUKON TEACHERS' ASSOCIATION, THAT THESE BLACK LISTINGS AND THESE OBJECTIONS WOULD BE WITHDRAWN ON THE DAY FOLLOWING THAT IT WAS KNOWN THAT THIS ORDINANCE WAS NOT TO BE PROCEEDED WITH.

IF THIS MOTION HAS SUCCESS, THAT WILL BE THE NEXT MOTION AS AT THE MOMENT, WHAT DOES IT MATTER, THE MOTION GOES TOMORROW NOT TO PROCEED WITH THE ORDINANCE THEN THAT'S AS GREAT A VOTE OF NON-CONFIDENCE AS THIS. SO THERE IS NO USE BRINGING THE MOTION TOMORROW BECAUSE IT WILL MEET WITH THE SAME FAILURE AS THIS MOTION DECLARING NON-CONFIDENCE IN THE MEMBER FROM CARMACKS-KLUANE.

MR. SPEAKER, THE HONOURABLE MEMBER FROM DAWSON MADE VALID ARGUMENTS WHEN HE HAD, AND HE SAT ON THE FENCE AGAIN, PROCRASTINATED ABOUT WHETHER OR NOT THIS HOUSE SHOULD BE DISSOLVED AND A NEW ELECTION CALLED. AND HE SAID WE COME SO CLOSE TO REFORMS AT THE FEDERAL LEVEL THAT IT WOULD BE SENSELESS TO THROW IT ALL AWAY NOW. WHAT DO WE DO IF WE VOTE NON-CONFIDENCE IN THE HONOURABLE MEMBER FROM CARMACKS-KLUANE AS EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION? WE'VE GOT OUR EXPANDED COUNCIL AND WE'VE GOT A PROMISE FROM THE MINISTER THAT AT THE NEXT COUNCIL THE EXECUTIVE COMMITTEE WILL BE RAISED TO THREE ELECTED MEMBERS. WHAT'S THE PROBLEM ANY LONGER IN EITHER DISSOLVING THIS HOUSE OR DECLARING NON-CONFIDENCE IN THE EXECUTIVE COMMITTEE SYSTEM AS IT IS WORKING TODAY IN THE YUKON, WHICH IT ISN'T? NONE WHATSOEVER. THE REFORMS AREN'T THROUGH. WE CAN BENEFIT THE TOTAL COMMUNITY BY DECLARING NON-CONFIDENCE, MAKING THE SCHOOL ORDINANCE DIE ON THE PAPER AND RELIEVING ALL THESE FRUSTRATIONS THAT ARE BEING FELT IN EDUCATION IN THE YUKON TERRITORY AT THIS TIME.

A NEW EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION DOESN'T HAVE TO BE IMPORTANT BECAUSE THE HONOURABLE MEMBER SAYS THE SUPERINTENDENT OF EDUCATION MAKES ALL THE DECISIONS ANYWAY,

WHICH IS A FARCE. WHY ARE WE PAYING HER 25 GRAND A YEAR FOR HER TO SIT IN AN EXECUTIVE COMMITTEE POSITION IF THE SUPERINTENDENT IS MAKING THE DECISIONS ANYWAY AND ALL SHE DOES IS FOR 25 GRAND A YEAR STAND IN THE HOUSE AND SAY, "I ACCEPT RESPONSIBILITY FOR DECISIONS WHICH I AM NOT MAKING BUT THE SUPERINTENDENT OF EDUCATION IS MAKING." WHAT A TRAVESTY OF AN EXECUTIVE POSITION. WHAT A TRAVESTY OF THE EXECUTIVE CONCEPT OF GOVERNMENT. WHAT A TRAVESTY OF RESPONSIBLE GOVERNMENT, WHEN THE EXECUTIVE COMMITTEE MEMBERS DON'T EVEN KNOW WHAT RESPONSIBLE GOVERNMENT AND EXECUTIVE COMMITTEE GOVERNMENT MEANS.

MR. SPEAKER, AS I SAID THIS MORNING, THAT THE WHOLE OF THE AREA OF EDUCATION IS IN TATTERS IN THE YUKON TERRITORY. COURT CASES ARE STARTING AS FAST AS YOU CAN STAND HERE. THERE'S BEEN OVER REACTION, THERE'S BEEN OVERKILL IN MATTERS WHICH SHOULD NEVER HAVE GOT TO THE PROPORTION WHICH THEY DID THROUGH THE PELLY RIVER BOYCOTT AND THROUGH THE CANADIAN TEACHERS' FEDERATION ACTIONS. THE YUKON EDUCATIONAL SYSTEM IS A NATIONAL DISGRACE AND IS BEING LAUGHED AT NATIONALLY AND BEING BOYCOTTED BY THE PROFESSIONALS THAT WE NEED TO RUN THE EDUCATION SYSTEM PROPERLY IN THE YUKON TERRITORY.

MR. SPEAKER, I CAN'T THINK OF MORE VALID REASONS FOR BRINGING FORWARD A MOTION OF NON CONFIDENCE AT THIS TIME AND I CAN'T THINK OF A GREATER REACTION FOR GOOD THAT WILL HAPPEN IF THE HONOURABLE MEMBER FROM DAWSON WILL GIVE SOME EMPATHY AND GIVE SOME CONSIDERATION AND GET SOME RESPONSIBILITY TO THE PARENTS, TO THE TEACHERS, AND TO THE CHILDREN OF THE YUKON TERRITORY. THANK YOU, MR. SPEAKER.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? MADAME CLERK, WILL YOU PLEASE POLL THE HOUSE?

MADAM CLERK: THE HONOURABLE MEMBER FOR CARMACKS-KLUANE?

MRS. WATSON: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FOR WHITEHORSE WEST?

MR. MCKINNON: AGREE.

MADAM CLERK: THE HONOURABLE MEMBER FOR WATSON LAKE?

MR. TAYLOR: AGREE.

MADAM CLERK: THE HONOURABLE MEMBER FOR DAWSON?

MR. STUTTER: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FOR WHITEHORSE EAST?

MR. CHAMBERLIST: I AGREE.

MADAM CLERK: THE HONOURABLE MEMBER FOR WHITEHORSE NORTH?

MR. TANNER: DISAGREE.

MADAM CLERK: MR. SPEAKER, THE VOTE IS THREE YEA, THREE NAY.

MR. SPEAKER: I DECLARE THE MOTION DEFEATED.

MOTION DEFEATED.

MOTION NO. 25

MR. SPEAKER: MOTION No. 25. IT WAS MOVED BY COUNCILLOR TAYLOR, SECONDED BY COUNCILLOR MCKINNON THAT IT IS THE OPINION OF COUNCIL, EXCUSE ME, THAT IN THE OPINION OF COUNCIL THE ADMINISTRATION UNDERTAKE IMMEDIATE NEGOTIATIONS WITH CANADA RESPECTING A FULL RETURN TO THE TERRITORY OF 20% OF ALL ROYALTY REVENUE ACCRUING FROM EXTRACTIVE RESOURCE PRODUCTION IN THE TERRITORY. AND THAT SUCH RESULTING REVENUE BE MADE AVAILABLE FOR CAPITAL FUNDING OF SOCIAL RECREATIONAL PROGRAMS THROUGHOUT THE TERRITORY.

ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. TAYLOR: YES, MR. SPEAKER. SOME TIME AGO, EARLY IN THE SESSION I REQUESTED INFORMATION AS TO HOW MUCH MONEY IN THE FORMS OF ROYALTY PRODUCTION WAS ACCRUING TO THE FEDERAL GOVERNMENT IN RELATION TO SEVERAL AREAS, MINE PRODUCTION, PETROLEUM PRODUCTION, AND I ALSO GOT SOME INFORMATION RELATING TO INCOME TAX.

NOW, WE HAVE SAT IN THIS COUNCIL AND WE FOUGHT FISCAL BATTLES AND WE'VE BEEN TOLD, "YOU'VE GOT TO RAISE TAXES, YOU'VE GOT TO DO THIS, YOU'VE GOT TO DO THAT." WHEN WE COME UP WITH PROGRAMS AIMED AT THE CIVIL SERVICE LEVEL THERE IS NO PROBLEM IN FINDING THE MONEY. WHEN WE SUDDENLY TALK ABOUT PEOPLE PROBLEMS, MR. SPEAKER, THERE ARE INDEED A GREAT DEAL OF PROBLEMS.

PROBLEMS WITH THE ADMINISTRATION. THEY SAY, WELL WE CAN'T FIND THE MONEY. NOW, ORIGINALLY I WAS LOOKING FOR SOMETHING IN THE AREA OF \$125,000 WITH WHICH TO FUND AN AREA AND A MUCH NEEDED AREA IN YATSON LAKE. THEN WE GOT INTO THE MATTER OF TIMBERLINE TELEVISION AND WE STARTED LOOKING FOR \$100,000 FOR THAT AND WE WERE TOLD NO, THERE IS STILL NO MONEY. WE NOW HAVE GOT OURSELVES DOWN TO A POSITION WHERE A TAX BILL IS ABOUT TO BE INTRODUCED TODAY INTO THE HOUSE ASKING FOR MONEY TO FUND A KINDERGARTEN PROGRAM WHICH FOR SOME REASON THE ADMINISTRATION WAS INCAPABLE OF FINDING FUNDS WITHIN THE BUDGETARY CONSIDERATION IN RESPECT TO THE CURRENT ESTIMATES.

NOW, WHAT WE ARE LOOKING FOR IS CAPITAL GRANTS MONIES FOR CAPITAL FUNDING OF WHAT MAY BE TERMED SOCIAL RECREATIONAL FACILITIES IN THE YUKON WHICH IS DESIGNED TO INCLUDE THOSE FACILITIES FOR THE OUTLYING COMMUNITIES MORE PARTICULARLY BUT CAN BE, YOU KNOW, LET'S SAY THE MUNICIPALITIES ARE SUBJECT TO GRANTS THAT THE LITTLE HINTERLAND COMMUNITIES ARE NOT AND WE'VE GOT TO FIND DOLLARS IN ORDER TO PROVIDE FOR THEM.

PRETTY SOON NOW THERE WILL BE A TWELVE-MEMBER COUNCIL AND IT WOULD APPEAR THAT THE COMMUNITY DEVELOPMENT GRANT, WHICH NOW IS BASED ON \$3,000 PER DISTRICT WILL DISAPPEAR AND SOME OTHER FORM WILL HAVE TO BE FOUND TO PROVIDE FOR THESE COMMUNITIES. NOW THERE WILL BE TWELVE ELECTORAL DISTRICTS INSTEAD OF SEVEN AND I KNOW WHAT'S GOING TO HAPPEN. I KNOW HOW THIS DICTATORSHIP WE CALL AN ADMINISTRATIVE FUNCTION AND WHAT THEY WILL DO IS SAY FINE, WE JUST DON'T HAVE ANY MONEY SO IF YOU WANT TO GO AND RAISE SOME TAXES THEN YOU CAN HAVE THE MONEY. THERE IS NO NECESSITY IN MY MIND FOR THAT.

THE OTHER QUESTION IS THAT WE DO HAVE CERTAIN POWERS IN THIS LEGISLATURE, FOR BETTER OR FOR WORSE, EVEN THOUGH IT IS IN CONTROL OF ADMINISTRATION, WHICH IS VERY IMPROPER, LET US EXERCISE SOME OF THOSE POWERS AND LET US INSIST AS THE MOTION SUGGESTS THAT WE DIRECT THE ADMINISTRATION TO ENTER INTO IMMEDIATE NEGOTIATIONS WITH CANADA FOR A DIRECT RETURN OF ROYALTY REVENUES TO THE TERRITORY.

NOW, I DON'T KNOW HOW ACCURATE THESE FIGURES ARE BUT I FIND IN PERUSING THE ACTUAL ROYALTIES PAID IN RESPECT OF PETROLEUM AND NATURAL GAS FROM PRODUCTION IN THE TERRITORY AND ALSO THE ROYALTY REVENUE ON MINE PRODUCTION, TOTALLED SOMEWHAT IN THE AREA, OR I SHOULD SAY, WOULD AT 20% GIVE US A TOTAL OF \$158,844 THIS YEAR IF WE WERE RECEIVING 20% OF THESE FUNDS.

I THINK THAT IS THE TYPE OF MONEY WE ARE LOOKING FOR. NOW, WHILE WE WERE IN OTTAWA AT THESE COMMITTEE HEARINGS, THE NORTHWEST TERRITORIES, WHEN THEY WERE BEFORE COMMITTEE, HAD SUGGESTED SUCH A THING AND I WOULD LIKE TO READ INTO THE RECORD THE REMARKS OF A MR. DARLING WHO STATED DURING THE COURSE OF THIS DEBATE, AND THIS IS FROM PAGE 362 OF THE REPORT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT STANDING COMMITTEE:

"MR. CHAIRMAN, CERTAINLY I HAVE THE GREATEST SYMPATHY AND I SUPPOSE I CAN REVERT BACK TO MY FRIENDS FROM THE YUKON WHO SPOKE THAT THEY ARE A PATIENT GROUP. I HAD THE PRIVILEGE OF VISITING IN DECEMBER, JUST IN THE ONE AREA IN THE YUKON, AND I CERTAINLY WAS MOST IMPRESSED.

I MET PEOPLE UP THERE WHO HAD REASONABLE INTELLIGENCE. I SAID IT UP THERE AND I WILL SAY IT DOWN HERE. I THINK THEY WOULD MATCH FAIRLY WELL WITH THIS SO CALLED BRAINS OF THE HOUSE OF COMMONS AND WOULD BE ENTITLED TO MAKE A FEW DECISIONS AND SPEND A DOLLAR HERE AND THERE WITHOUT CRANLING ON THEIR HANDS AND KNEES. THEY WOULD BE ALL HIGH AND THIS IS WHAT YOU WANT IN PLAIN UNVARNISHED ENGLISH.

HE FURTHER WENT ON TO SAY - 'I'M CERTAINLY HOPING THAT THIS COMMITTEE WILL AGREE TO THAT. I'M HOPING THAT SOMETHING CAN BE DONE TO PUT A LITTLE MORE TEETH IN THE BILL, (REFERRING TO BILL C-9) TO GIVE YOU SOME AUTHORITY. AS FAR AS I'M CONCERNED THERE'S ONE MEMBER I CERTAINLY AGREE 100% THAT YOU SHOULD HAVE AUTHORITY TO SPEND YOUR OWN MONEY. HOW YOU GET IT, YOU SAY WHETHER IT IS IN A LUMP SUM OR A TRANSFER OF PAYMENT OR AS YOU ALSO MENTIONED HERE, I BELIEVE A SUBSTANTIAL SHARE OF THE NATURAL RESOURCES WHICH ARE COMING FROM THE YUKON AND THE NORTHWEST TERRITORIES RESPECTIVELY. THAT WOULD NOT SEEM TO BE A TERRIBLE REQUEST TO MAKE.'

SO I POINT OUT MR. SPEAKER THAT THERE IS SOME SYMPATHY AMONG SOME MEMBERS AND SOME PARTIES IN OTTAWA TO THE SUGGESTION THAT I BRING FORTH IN MOTION NO. 25.

THERE'S LITTLE MORE TO BE SAID BY MYSELF ON THIS MOTION. I THINK IT SHOULD RECEIVE THE UNANIMOUS SUPPORT OF THE HOUSE. I THINK THAT THROUGH THIS CAPITAL RETURN AND EAR-MARKING THESE FUNDS FOR SOCIAL RECREATIONAL PROGRAMS THROUGHOUT THE TERRITORY AND MAKING IT CLEAR THAT I MEAN TO EAR-MARK CAPITAL FUNDS, SOME OF THESE PROJECTS WITHIN THE COMMUNITIES. WE COULD IN PART FUND A PORTION OF THE TIMBERLINE

TELEVISION FOR INSTANCE AND THIS TYPE OF ACTIVITY. THEN INDEED WE SHOULD GO AFTER IT. AND I WOULD ASK FOR THE FULL SUPPORT OF ALL MEMBERS OF THE HOUSE FOR MOTION NO. 25.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION?

MR. TANNER: MR. SPEAKER, I WONDER WHETHER WE CAN HAVE A SHORT RECESS. I HAVE A SLIGHT AMENDMENT WHICH I WANT TO GET TYPED TO THE MOTION AS IT NOW STANDS.

MR. SPEAKER: WE WILL NOW HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: I WILL NOW CALL THE HOUSE TO ORDER.

MR. TANNER: MR. SPEAKER, HAVING GIVEN THE MATTER SECOND CONSIDERATION I HAVE DECIDED NOT TO MOVE AN AMENDMENT TO THIS MOTION.

MR. SPEAKER: IS THERE ANY FURTHER DEBATE ON MOTION NO. 25?

MR. TAYLOR: JUST IN CLOSING MR. SPEAKER, THEN IF THERE IS NO ONE ELSE GOING TO SPEAK ON THIS MOTION, I WOULD LIKE TO THANK THE HONOURABLE MEMBER FOR NOT CONFOUNDING THIS MOTION. I THINK THE INTENT IS CLEAR AND I FEEL THAT THE ADMINISTRATION SHOULD GIVE IMMEDIATE PRIORITY TO ENTERING INTO THESE NEGOTIATIONS IF IT RECEIVES THE SUPPORT OF THE HOUSE AS I HOPE IT WILL AND THAT THIS WOULD PROVIDE THE CAPITAL FUNDS FOR THOSE PROGRAMS SUCH AS ARENA CONSTRUCTION AND COMMUNITY CLUB DEVELOPMENT. AS I SAY UNDER THIS, FUNDS COULD EVEN BE FOUND TO ASSIST US IN THE TELEVISION PROGRAM AS WELL.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED?

SOME MEMBERS: AGREED.

SOME MEMBERS: DISAGREED.

MRS. WATSON: MR. SPEAKER, I WOULD LIKE TO RECORD MY DISAGREEMENT. IT'S AN UNCONSTITUTIONAL MOTION. IT'S CONTRARY TO THE YUKON ACT.

MR. SPEAKER: MADAM CLERK WILL YOU POLL THE HOUSE?

MADAM CLERK: THE HONOURABLE MEMBER FROM CARMACKS-KLUANE.

MRS. WATSON: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE WEST.

MR. MCKINNON: I AGREE. MR. SPEAKER I'M JUST WONDERING IF THERE IS ANYTHING THAT WE CAN DO IN THIS HOUSE THAT'S RIGHT AND PROPER.

MADAM CLERK: THE HONOURABLE MEMBER FROM WATSON LAKE.

MR. TAYLOR: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM DAWSON.

MR. STUTTER: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE EAST.

MR. CHAMBERLIST: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE NORTH.

MR. TANNER: DISAGREE.

MADAM CLERK: MR. SPEAKER, THE VOTE IS FOUR YEA, TWO NAY.

MR. SPEAKER: I DECLARE THE MOTION AS CARRIED.

CARRIED

MR. MCKINNON: A QUESTION OF PRIVILEGE MR. SPEAKER. I WONDER IF WE COULD HAVE MR. LEGAL ADVISOR EXPLAIN AS HE EXPLAINED TO THESE MEMBERS FORMING THE GOVERNMENT WHY HE FELT THAT IT WASN'T A CONSTITUTIONAL MOTION.

MR. TANNER: ON A POINT OF ORDER MR. SPEAKER. THE LEGAL ADVISOR HASN'T SPOKE TO ME OR TO MY KNOWLEDGE TO THE OTHER MEMBER DURING THE RECESS.

MR. CHAMBERLIST: MR. SPEAKER, I RISE AT THIS TIME TO PRESENT A PRIVILEGED MOTION WHICH IS PERMITTED UNDER THE RULES AND I REFER TO BEAUCHESNE ANNOTATION 195, PAGE 165 IN THE FORM NO. 82 ON PAGE 392.

THE MOTION IS "FOR REJECTING THE VOTE OF AN INTERESTED MEMBER".

I MOVE THAT THE VOTE OF MRS. WATSON, MEMBER FOR CARMACKS-KLUANE, AGAINST THE MOTION--"THAT THIS HOUSE NO LONGER HAS CONFIDENCE IN THE

ABILITY OF THE MEMBER FROM CARMACKS-KLUANE TO DISCHARGE DUTIES AS THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION BE DISALLOWED INASMUCH AS THE SAID MEMBER HAS A DIRECT PECUNIARY INTEREST IN THE QUESTION, AND THAT THE VOTES AND PROCEEDINGS BE CARRIED ACCORDINGLY.

MRS. WATSON: MR. SPEAKER, I STAND ON A POINT OF ORDER. THE PRIVILEGED MOTION IS OUT OF ORDER AND I WISH THE SPEAKER WOULD TAKE IT UNDER HIS EYES AND LOOK AT BEAUCHESNE AND IF THE HONOURABLE MEMBER WOULD --

MR. CHAMBERLIST: I'LL GET A SECONDER FOR THE MOTION AND THEN WE'LL DEAL WITH IT FROM THERE.

MRS. WATSON: POINT OF ORDER. THE MOTION IS OUT OF ORDER.

MR. SPEAKER: WE WILL TAKE THE MATTER UNDER ADVISEMENT AND WE WILL HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: I HAVE CONSIDERED THIS MATTER DURING RECESS IN ACCORDANCE WITH THE REFERENCE MADE BY THE HONOURABLE MEMBER FROM WHITEHORSE EAST. I AM OF THE OPINION THAT THIS MOTION IS NOT A PRIVILEGE MOTION AND SO RULE. NEXT ON THE ORDER PAPER IS MOTION NO. 26.

MR. TAYLOR: MR. SPEAKER, JUST ONE ON A POINT OF PRIVILEGE. I AM WONDERING IF MR. SPEAKER HAS GIVEN REFERENCE TO RULE NO. 6 OF THE HOUSE, STANDING ORDER NO. 11, WHICH IS I THINK IMPORTANT TO YOUR WORSHIP'S DECISION THAT NO MEMBER IS ENTITLED TO VOTE UPON ANY QUESTION ON WHICH HE HAS DIRECT PECUNIARY INTEREST IN THE VOTE OR ANY MEMBER SO INTERESTED WILL BE DISALLOWED.

MR. SPEAKER: A PECUNIARY INTEREST IS INDIRECT AND I SO RULE.

MR. CHAMBERLIST: A QUESTION OF PRIVILEGE AT THIS TIME, MR. SPEAKER. IS IT NOT A PECUNIARY INTEREST WHEN A MEMBER OF COUNCIL RECEIVES \$9,000 OR \$10,000 AND THE HONOURABLE MEMBER RECEIVES OVER \$20,000. IS IT SUGGESTED THAT THAT IS NOT A PECUNIARY INTEREST?

MR. SPEAKER: ONLY INDIRECTLY.

MR. CHAMBERLIST: SHE GETS PAID DIRECTLY, WITH RESPECT.

MR. TANNER: SHOULD WE ARGUE WITH THE CHAIR?

MR. CHAMBERLIST: SHOULD WE ARGUE WITH THE CHAIR, BECAUSE IT SHOWS ONCE AGAIN WHAT THE POSITION IS WITH THE...

MOTION NO. 26

MR. SPEAKER: MOTION No. 26. IT WAS MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR TAYLOR THAT LEGISLATIVE RETURN No. 50 BE MOVED INTO COMMITTEE OF THE WHOLE FOR DISCUSSION. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME? ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: WE NOW COME TO THE QUESTION PERIOD. MADAM CLERK WILL YOU ASCERTAIN IF MR. ADMINISTRATOR IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. ARE THERE ANY QUESTIONS?

QUESTION RE: INCREASES IN PRICE OF PRODUCTS

MR. TAYLOR: YES, MR. SPEAKER, I HAVE A QUESTION I WOULD DIRECT TO MR. ADMINISTRATOR THIS AFTERNOON. I WOULD LIKE TO ASK IN LIGHT OF THE ANNOUNCED OR UNANNOUNCED, AS THE CASE MIGHT BE, THE INCREASES IN PETROLEUM PRODUCTS. EXCEPTING GASOLINE AND DIESEL FUEL, ARE STEPS BEING TAKEN BY THE ADMINISTRATION TO LOOK INTO THIS QUESTION? ALSO WHAT STEPS ARE BEING TAKEN BY THE ADMINISTRATION IN OFFERING RELIEF TO THE CITIZENS OF THE YUKON WHEN THE PRICE INCREASES ARE LIFTED ON MAY 15TH ON FUEL OIL AND GASOLINE?

MR. ADMINISTRATOR: MR. SPEAKER, I THINK I

MENTIONED SEVERAL DAYS AGO WHEN A SIMILAR QUESTION WAS ASKED. WE ARE IN CONTACT WITH THE OIL COMPANIES AND WITH OTTAWA ON THIS SUBJECT ON ALMOST A DAILY BASIS. THE INCREASES THAT I UNDERSTAND ARE ABOUT TO TAKE PLACE OUTSIDE ARE NOT NECESSARILY THE INCREASES THAT WE ARE ANTICIPATING HERE. I'M SORRY I AM NOT IN THE POSITION TO SAY WHAT THE ACTUAL INCREASES ARE HERE AS YET BECAUSE I DON'T KNOW WHAT THEY WILL BE. I CAN ASSURE THE HONOURABLE MEMBER THAT WE ARE DOING EVERYTHING WE POSSIBLY CAN TO KEEP ON TOP AND THEN TO DETERMINE WHAT WOULD BE THE APPROPRIATE STEPS TO TAKE TO PROVIDE RELIEF.

QUESTION RE: PRESS RELEASE RE: INDIAN AND NORTHERN AFFAIRS

MR. MCKINNON: MR. SPEAKER, I WOULD LIKE TO ASK MR. ADMINISTRATOR IF THE QUESTION CONCERNING A PRESS RELEASE OUT OF YELLOWKNIFE ON APRIL 23RD, INDIAN AND NORTHERN AFFAIRS. THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT ANNOUNCED THE ESTABLISHMENT OF A PROGRAM IN THE NORTHWEST TERRITORIES TO TRAIN RESIDENT INDIANS AND ESKIMOS FOR POSITIONS AS ASSISTANT RESOURCE MANAGEMENT OFFICERS WITH THE NORTHWEST LANDS AND FOREST SERVICE. OVER A TWO TO THREE YEAR PERIOD THE TRAINEES WILL RECEIVE INSTRUCTION IN LAND USE MANAGEMENT, FIRE SUPPRESSION, FOREST MANAGEMENT, WATER MANAGEMENT, OIL AND MINERAL EXPLORATION AND TECHNOLOGY AND ADMINISTRATION. THE TRAINEES WILL BE BASED IN INUVIK AND WILL DO CONSIDERABLE TRAVELLING THROUGHOUT THE NORTHWEST TERRITORIES. THE TRAINEES' POSITION IS CARRYING A TRAINING ALLOWANCE OF UP TO \$700 PER MONTH AND SINGLE ACCOMMODATION WOULD BE PROVIDED.

MR. SPEAKER, IT SEEMS TO ME THAT THIS IS EXACTLY THE TYPE OF PROGRAM THAT SHOULD BE UNDERTAKEN IN THE YUKON TO TRAIN PEOPLE PARTICULARLY AS PARK WARDENS WHEN THE KLUANE PARK IS ESTABLISHED. I WONDER IF MR. ADMINISTRATOR COULD TELL ME WHETHER THE ADMINISTRATION HAS GIVEN ANY CONSIDERATION TO SUCH A PROGRAM, WHICH I UNDERSTAND IS FINANCED BY THE FEDERAL DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS. WHETHER HE WILL USE HIS OFFICES TO SEE WHETHER SUCH A PROGRAM CAN BE UNDERTAKEN IN THE YUKON, WHETHER IT CAN BE FINANCED BY FEDERAL FUNDS AND WHETHER IT CAN BE SET UP IMMEDIATELY?

MR. ADMINISTRATOR: MR. SPEAKER, I HAVE SEEN THAT PARTICULAR RELEASE AND THE QUESTION THAT THE HONOURABLE MEMBER RAISED IS A QUESTION THAT

OCCURRED TO ME AT THE SAME TIME. THAT IS, WHETHER THAT PARTICULAR PROGRAM COULD BE INTRODUCED IN THE YUKON BY THE DEPARTMENT. I WILL CERTAINLY ENDEAVOR TO GET AN ANSWER TO THAT PART OF THE QUESTION.

THERE IS ALREADY A TRAINEE PROGRAM WHICH IS AVAILABLE FROM THE NORTHERN PROGRAM, THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT WHEREBY THE DEPARTMENT WILL PAY THE SALARY AND PERHAPS SOME OTHER FRINGE BENEFITS FOR NATIVE TRAINEES ENGAGED BY EITHER GOVERNMENT OR PRIVATE ENTERPRISE. THAT IS A PROGRAM THAT IS AVAILABLE IN BOTH TERRITORIES.

IT ISN'T SPECIFICALLY RELATED TO WHAT IS REFERRED TO IN THE PRESS RELEASE. I THINK ALL I CAN DO MR. SPEAKER, IS TO UNDERTAKE TO FIND OUT HOW FAR THIS PARTICULAR PROGRAM EXTENDS AND WHETHER OR NOT IT COULD ALSO BE MADE AVAILABLE IN THE YUKON.

QUESTION RE: YUKON TRAVEL ADVERTISEMENT

MR. MCKINNON: MR. SPEAKER, I WONDER IF MR. ADMINISTRATOR COULD TELL ME AT THIS TIME, WHAT WAS THE COST OF THE FULL PAGE ADVERTISEMENT FOR THE YUKON DEPARTMENT OF TRAVEL AND PUBLICITY IN LAST WEEK'S ISSUE OF TIME MAGAZINE. CERTAINLY, IT SHOULDN'T TAKE A WEEK TO FIND OUT THIS SUM.

MR. ADMINISTRATOR: MR. SPEAKER, I JUST SIGNED THE ANSWER TO THAT THIS MORNING. TO BE PERFECTLY HONEST THE FIGURE DIDN'T STICK IN MY MIND BUT THERE IS A WRITTEN REPLY COMING AND IT WILL BE AVAILABLE IMMEDIATELY.

QUESTION RE: BOARD OF REVIEW HEARINGS

MR. CHAMBERLIST: MR. SPEAKER TO MR. ADMINISTRATOR. MR. ADMINISTRATOR, THE COMMISSIONER'S ORDER, 1971/44, DEALING WITH THE BOARD OF REVIEW UNDER THE SCHOOL ORDINANCE, ITEM NO. 7 INDICATES THAT THE PUBLIC SHALL NOT BE ENTITLED TO ATTEND THE HEARING. WILL CONSIDERATION BE GIVEN BY THE ADMINISTRATOR TO ALLOW THE PUBLIC TO ATTEND THIS PARTICULAR HEARING AS A RESULT OF THE PUBLIC INTEREST IN THIS MATTER?

MR. ADMINISTRATOR: MR. SPEAKER, I AM PREPARED TO LOOK AT THAT PARTICULAR QUESTION, BUT I WOULD HAVE TO TAKE IT UNDER ADVISEMENT WHETHER OR NOT IT WOULD BE POSSIBLE TO ALLOW THE PUBLIC TO ATTEND BECAUSE I AM NOT FAMILIAR WITH THE REASONS WHY IT WAS PUT IN THAT WAY IN THE FIRST PLACE.

MR. CHAMBERLIST: THANK YOU, MR. SPEAKER, THE REASON WHY I ASK IS BECAUSE I DID NOT COME ACROSS THIS POINT; THE EXCLUDING OF THE PUBLIC FROM A BOARD OF REVIEW WHICH IS IN FACT ACTING AS AN APPEAL COURT.

QUESTION RE: APPOINTMENTS TO BOARD OF REVIEW

MR. CHAMBERLIST: A FURTHER QUESTION, MR. SPEAKER, I WOULD ASK OF MR. ADMINISTRATOR, IS IT UNDER SECTION 90, SUBSECTION 3 OF THE SCHOOL ORDINANCE THE COMMISSIONER WILL BE APPOINTING A BOARD CONSISTING OF THREE MEMBERS TO REVIEW ALL THE CIRCUMSTANCES AND HEAR SUCH APPLICANTS THAT THEY THINK NECESSARY? WHERE WOULD THE COMMISSIONER OR YOURSELF, IF THE COMMISSIONER IS NOT HERE, BE APPOINTING THOSE PEOPLE FROM? WOULD IT BE FROM THE PUBLIC AT LARGE OR IS IT THE INTENTION OF USING GOVERNMENT PERSONNEL TO ACT AS THE BOARD OF REVIEW?

MR. ADMINISTRATOR: IT IS MY UNDERSTANDING THAT THERE ARE TWO MEMBERS PRESENTLY APPOINTED TO THE BOARD. I AM OPEN TO CORRECTION ON THAT. IT WOULD CERTAINLY BE MY HOPE THAT WE WOULD INVOLVE MEMBERS OF THE PUBLIC AT LARGE TO THE FULLEST POSSIBLE EXTENT.

QUESTION RE: IMPARTIAL BOARD FROM VARIOUS AREAS

MR. CHAMBERLIST: MR. SPEAKER, I WONDER IF MR. ADMINISTRATOR COULD INDICATE THAT THERE WOULD BE AN IMPARTIAL BOARD FROM VARIOUS AREAS SO THAT THERE WOULD NOT BE ANY SUGGESTION THAT IT IS GOING TO BE A BIASED BOARD?

MR. ADMINISTRATOR: MR. SPEAKER, I WOULD CERTAINLY HOPE THAT IT WOULD NOT BE A BIASED BOARD. IT WOULD BE MY INTENTION TO GET A BOARD THAT WOULD BE AS OBJECTIVE AS POSSIBLE, IF THAT IS POSSIBLE AFTER WHAT HAS HAPPENED THE LAST COUPLE OF DAYS.

QUESTION RE: RECREATION LAND AT FOX LAKE AREA

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION I WOULD DIRECT TO MR. ADMINISTRATOR IF I MIGHT, THIS AFTERNOON. IT BEARS REFERENCE TO THE WHITE PASS AND YUKON ROUTE'S PRESIDENT'S STATEMENT LAST NIGHT THAT THEY HAVE NOT APPLIED FOR ANY RAIL RESERVE AND IT BEARS OUT ALSO THE FACT THAT THE ADMINISTRATION IN ANSWERING THIS QUESTION ON MANY, MANY, MANY OCCASIONS OVER MANY SESSIONS, SAID THAT THEY HAVE NOT.

IN LIGHT OF THE SESSIONAL PAPER BROUGHT DOWN ON THE MATTER POINTING OUT THAT D. I. A. N. D. IN FACT HAVE A RESERVATION, I AM WONDERING IF MR. ADMINISTRATOR CAN TELL ME WHETHER THE ADMINISTRATION IS TAKING STEPS TO MAKE AVAILABLE RECREATION LANDS AT FOX LAKE AND OTHER RECREATION AREAS ALONG THAT ROUTE, AS EARLY AS POSSIBLE FOR THOSE PEOPLE APPLYING FOR SAME.

MR. ADMINISTRATOR: I THINK, MR. SPEAKER, I'D HAVE TO TAKE THAT QUESTION ON NOTICE, IF I MIGHT BECAUSE I AM NOT FAMILIAR WITH THE ACTUAL RESERVATION AND WHAT ACTION MIGHT BE TAKEN AT THIS PARTICULAR POINT. I WOULD BE GLAD TO GET A REPLY.

QUESTION RE: ROSS RIVER NURSING FACILITY

MR. TAYLOR: I HAVE A QUESTION I WOULD DIRECT TO THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF HEALTH, WELFARE AND REHABILITATION. IT HAS REFERENCE TO THE QUESTION OF PERMANENCY FOR THE PROPOSED FACILITY OF A NURSING STATION AT ROSS RIVER. I AM WONDERING IF HE WOULD BE PREPARED TO TABLE THE PLAN FOR THIS NURSING STATION AT THE EARLIEST CONVENIENCE BEFORE COUNCIL.

MR. TANNER: MR. SPEAKER, I DON'T UNDERSTAND THE FIRST PART OF THE MEMBER'S QUESTION BUT IF PLANS ARE AVAILABLE IN TOWN, I WILL CERTAINLY GET THEM TABLED. AS TO THE PERMANENCY OF THE ESTABLISHMENT, I DON'T REALLY UNDERSTAND THE QUESTION.

MR. TAYLOR: WELL, IT WAS REPORTED TO ME LAST NIGHT THAT THE PEOPLE IN ROSS SEEM TO THINK THAT THERE IS GOING TO BE ANOTHER TRAILER PULLED INTO TOWN AND I AM JUST WONDERING ABOUT THE PERMANENCY. I WAS WONDERING IF WE COULD SEE THE PLANS, WE WOULD THEN KNOW WHAT THE FACILITY IS GOING TO BE IN ROSS RIVER.

MR. TANNER: MR. SPEAKER, THAT CAN BE DONE. AGAIN, IN THE SAME SITUATION THAT YOU HAVE WITH THE WATSON LAKE HOSPITAL. WE HAD SOME DIFFICULTY GETTING THE PLANS BECAUSE WE ARE IN THE DRAWING STAGE IN VANCOUVER. THE SAME MIGHT BE THE CASE WITH ROSS RIVER. I WOULD POINT OUT TO THE HONOURABLE MEMBER FURTHER, THAT I DON'T REALLY KNOW ANYTHING ABOUT A TRAILER BUT THERE MIGHT BE SOME CHANCE OF A TRAILER COMING IN BECAUSE AS THE HONOURABLE MEMBER KNOWS, WE HAVE A NURSE IN ROSS RIVER PERMANENTLY AND SHE MIGHT BE REQUIRED TO SLEEP IN IT.

QUESTION RE: PLANS FOR ROSS RIVER SCHOOL

MR. TAYLOR: I HAVE A QUESTION I WOULD DIRECT TO THE EXECUTIVE COMMITTEE MEMBER FOR THE DEPARTMENT OF EDUCATION AND ASK IF SHE HAS YET RECEIVED THE PLANS FOR THE ROSS RIVER SCHOOL?

MRS. WATSON: MR. SPEAKER, NO WE HAVE NOT, THE ARCHITECT HAS NOT SUBMITTED THEM.

QUESTION RE: AMENDMENTS TO LABOUR PROVISIONS ORDINANCE

MR. CHAMBERLIST: MR. SPEAKER, TO MR. ADMINISTRATOR, MR. ADMINISTRATOR IN THE JUDGEMENT HANDED DOWN JUST IN THE LAST DAY OR SO BY MR. JUSTICE MORROW, HE INDICATED THAT THERE WAS NO DEFINITION OF EMPLOY OR EMPLOYED IN THE LABOUR PROVISIONS ORDINANCE. WOULD THE ADMINISTRATION TAKE IT UNDER IMMEDIATE ADVISEMENT TO HAVE AN AMENDMENT IN THIS SESSION COMING FORWARD SO THAT THOSE TWO WORDS CAN BE INTERPRETED?

MR. ADMINISTRATOR: MR. SPEAKER, I THINK THAT WE WOULD BE PREPARED TO TAKE A LOOK AT THAT ALSO IN THE LIGHT OF THE JUDGEMENT.

QUESTION RE: LAND DISPOSITION MAPS

MR. TAYLOR: MR. SPEAKER, I HAVE ANOTHER QUESTION DIRECTED TO MR. ADMINISTRATOR. IN RECEIPT OF SOME DOCUMENTATION RECEIVED IN THE HOUSE, I NOTE THAT APPARENTLY THE LAND CLAIMS SECRETARIAT ARE HAVING PREPARED MAPS SHOWING VARIOUS CLASSIFICATIONS OF LAND DISPOSITION IN YUKON COMMUNITIES. I AM WONDERING IF MR. ADMINISTRATOR COULD EXPLAIN WHAT THIS INVOLVES AND ALSO WOULD HE ASSURE US THAT MEMBERS OF COUNCIL WILL RECEIVE COPIES OF THIS INFORMATION WHEN IT BECOMES AVAILABLE?

MR. ADMINISTRATOR: MR. SPEAKER, I AM NOT ENTIRELY CONVERSANT WITH THE DETAILS OF THE MAPS. I THINK I WOULD HAVE TO KNOW PRECISELY WHAT IT WAS THAT WAS BEING DONE AND WHY BEFORE I COULD MAKE ANY COMMITMENT.

MR. TAYLOR: WOULD MR. ADMINISTRATOR CONSIDER THIS QUESTION, THEN, AS NOTICE AND BRING IN A REPLY AT A LATER DATE?

MR. ADMINISTRATOR: YES, MR. SPEAKER.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS?

QUESTION RE: FACILITIES FOR CHIROPRACTORS

MR. TAYLOR: I HAVE JUST ONE MORE I WOULD DIRECT AGAIN TO THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF HEALTH, WELFARE AND REHABILITATION. I AM WONDERING IF HE HAS YET OBTAINED THE INFORMATION I HAVE REQUESTED IN OTHER QUESTION PERIODS RESPECTING THE USE OF CHIROPRACTIC, OR THE USE OF FACILITIES AND NURSING STATIONS FOR CHIROPRACTORS?

MR. TANNER: MR. SPEAKER, THIS SOUNDS LIKE A REPETITION BUT LIKE THE ADMINISTRATOR, I THINK I CAN ASSURE THE HONOURABLE MEMBER THAT IT WILL BE HERE TOMORROW OR THE DAY AFTER.

MR. SPEAKER: WE WISH TO THANK MR. ADMINISTRATOR FOR HIS ATTENDANCE. AS THERE ARE NO PRIVATE BILLS IN ORDER WE COME TO PUBLIC BILLS ON ORDER.

BILL NO. 9, FIRST READING

MRS. WATSON: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 9 INTITULED SECOND APPROPRIATION ORDINANCE 1974/75 BE GIVEN FIRST READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT FIRST READING BE GIVEN TO BILL NO. 9 INTITULED SECOND APPROPRIATION ORDINANCE 1974/75. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: WHEN SHALL THE BILL BE READ FOR A SECOND TIME?

BILL NO. 9, SECOND READING

MRS. WATSON: NOW, MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 9 INTITULED SECOND APPROPRIATION ORDINANCE 1974/75 BE GIVEN SECOND READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT SECOND READING BE GIVEN TO BILL NO. 9 INTITULED SECOND APPROPRIATION ORDINANCE 1974/75. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIEDBILL NO. 10, FIRST READING

MR. TANNER: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT BILL NO. 10 INTITULED LOTTERIES ORDINANCE BE GIVEN FIRST READING.

BILL NO. 10, SECOND READING

MR. TANNER: NOW, MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT BILL NO. 10 INTITULED LOTTERIES ORDINANCE BE GIVEN SECOND READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT SECOND READING BE GIVEN TO BILL NO. 10 INTITULED LOTTERIES ORDINANCE. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. TANNER: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT BILL NO. 11 INTITULED THE THIRD APPROPRIATION ORDINANCE 1974/75 BE GIVEN FIRST READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT FIRST READING BE GIVEN TO BILL NO. 11 INTITULED THIRD

BILL NO. 11, FIRST READING

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT FIRST READING BE GIVEN TO BILL NO 10 INTITULED LOTTERIES ORDINANCE. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: WHEN SHALL THE BILL BE READ FOR A SECOND TIME?

APPROPRIATION ORDINANCE 1974/75. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: WHEN SHALL THE BILL BE READ FOR A SECOND TIME?

BILL NO. 11, SECOND READING

MR. TANNER: NOW, MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR WATSON THAT BILL NO. 11 INTITULED THIRD APPROPRIATION ORDINANCE 1974/75 BE GIVEN SECOND READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH SECONDED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT SECOND READING BE GIVEN TO BILL NO. 11 INTITULED THIRD APPROPRIATION ORDINANCE 1974/75. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIEDBILL NO. 21, FIRST READING

MRS. WATSON: MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 21 INTITULED THE TOBACCO TAX ORDINANCE BE GIVEN FIRST READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACK-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT FIRST READING BE GIVEN TO BILL NO. 21 INTITULED THE TOBACCO TAX ORDINANCE. ARE YOU PREPARED FOR THE QUESTION?

SEVERABLE HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERABLE HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: WHEN SHALL THE BILL BE READ FOR A SECOND TIME?

BILL NO. 21, SECOND READING

MRS. WATSON: NOW, MR. SPEAKER, I MOVE SECONDED BY COUNCILLOR TANNER THAT BILL NO. 21 INTITULED THE TOBACCO TAX ORDINANCE BE GIVEN SECOND READING.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH THAT SECOND READING BE GIVEN TO BILL NO. 21 INTITULED THE TOBACCO TAX ORDINANCE.

MR. TAYLOR: MR. SPEAKER, I MOST FLATLY DISAGREE WITH THE SECOND READING OF THIS PARTICULAR BILL. MORE PARTICULARLY AT THIS PARTICULAR TIME. I CAN SPEAK AT SECOND READING AS TO THE PRINCIPLE OF THIS BILL AND THE PRINCIPLE OF THIS BILL IS CLEAR: TO LEVY ANOTHER TAX UPON THE PEOPLE OF THE YUKON AT A TIME WHEN THE PEOPLE OF THE YUKON CAN NO LONGER WITHSTAND ANY FURTHER TAXATION.

I DON'T THINK ANYBODY IS UNAWARE OF THE HIGH COST OF LIVING IN THE YUKON TERRITORY. COSTS FAR IN EXCESS OF ANYTHING EXPERIENCED BY PEOPLE IN THE PROVINCES TO THE SOUTH. THESE COSTS ARE SPIRILING DAILY UPWARDS TO THE POINT WHERE PEOPLE CAN NO LONGER AFFORD ANY FURTHER FORM OF TAXATION WHATSOEVER IN THE YUKON.

I DIDN'T LIKE AND, OF COURSE, MADE MY VIEWS WELL-KNOWN AS WELL AS I COULD ON THE SNEAKING OF THE QUARTER OF A MILLION DOLLARS INTO THE BUDGET UNDER THE GUISE OF LICENSE FEES. IN ACTUALITY IT IS A DIRECT TAX UPON THE PEOPLE OF THE YUKON TERRITORY. HOWEVER, HAVING DEALT WITH THIS GOVERNMENT FOR SOME TIME NOW I KNOW THAT IF THIS ORDINANCE DOES NOT GO INTO EFFECT, THAT THERE WILL BE NO KINDERGARTEN PROGRAM IN THE NEXT FISCAL YEAR. TO ME THE KINDERGARTEN PROGRAM, I MEAN THE EXPANDED KINDERGARTEN PROGRAM, TO ME THE EXPANDED KINDERGARTEN PROGRAM IS MORE IMPORTANT THAN THE PRINCIPLE OF THE TAX AND ADDED TAX UPON THE PEOPLE OF THE YUKON AT THIS TIME.

I HAVE SPOKEN LONG AND HARD IN FAVOUR OF AN EXPANDED KINDERGARTEN PROGRAM. OF THE KINDERGARTEN PROGRAM BECOMING AN INTEGRAL PART OF THE SCHOOL SYSTEM. I KNOW THAT THE DEFEAT OF THIS ORDINANCE WILL NOT ALLOW THAT SYSTEM TO COME INTO EFFECT IN THE NEXT FISCAL YEAR. MR. SPEAKER, WITH THOSE REMARKS BECAUSE I CONSIDER THE EXPANDED KINDERGARTEN PROGRAM SO MUCH MORE IMPORTANT THAN PAYING A FEW MORE CENTS ON MY CIGARS, EVEN THOUGH I SMOKE THEM AS I SAY LONGLY AND STRONGLY, AGAINST INCREASED TAXATION I AM GOING TO SUPPORT THE PRINCIPLE OF THIS BILL ON SECOND READING, MR. SPEAKER.

MRS. WATSON: MR. SPEAKER, I'M SURE THAT NO-ONE IN THIS HOUSE LIKES TO INTRODUCE OR EVEN DEAL WITH TAXATION BILLS. IT'S A PART OF OUR LIFE AND OUR SOCIETY TODAY. I THINK IT IS NECESSARY FOR US TO FACE THE PROBLEM THAT WE ARE FACED WITH OUR KINDERGARTEN PROGRAM. WHILE I SAID WHEN WE WERE DISCUSSING THE BUDGET, THE EDUCATION BUDGET, THAT WE DO HAVE AN ADEQUATE KINDERGARTEN PROGRAM AT THE PRESENT TIME. THERE IS FUNDING FOR THAT NOW. WE COULD CONTINUE AT THE SAME LEVEL. YET THERE ARE MANY DEFICIENCIES IN THE KINDERGARTEN PROGRAM. THE PROGRAM IS NOT AVAILABLE TO ALL OF THE CHILDREN BECAUSE OF THE DISTANCE THEY LIVE FROM THE CENTRE OR BECAUSE OF THE NUMBER OF CHILDREN WHO WOULD QUALIFY FOR ATTENDANCE. THEREFORE, THIS PROPOSAL HAS BEEN PUT FORTH. A COMPREHENSIVE PROGRAM, KINDERGARTEN AND PRE-KINDERGARTEN.

IF YOU ARE FAMILIAR WITH THE COMMITTEE ON EDUCATION'S REPORT, ONE OF THE TERMS OF REFERENCE WAS THE FUNDING OF EDUCATION TO DISCUSS THIS WITH COMMUNITIES AND WITH

INTERESTED GROUPS IN EDUCATION. ONE OF THE RECOMMENDATIONS THAT WERE MADE BY THE COMMITTEE IS WHEN THE EDUCATION PROGRAM UNDERTAKES NEW PROGRAMS, AND IN THIS INSTANCE WE WOULD BE EXTENDING OUR SCHOOL YEAR BY TWO - OUR SCHOOL GRADES ALMOST BY TWO. I SHOULDN'T SAY GRADES BUT WE ARE TAKING TWO MORE LEVELS OF AGES INTO OUR SCHOOL SYSTEM. THEN IT SHOULD BE NECESSARY TO LOOK FOR ADDITIONAL SOURCES OF REVENUE NOT TO BE EARMARKED WITH THAT PROGRAM BUT ADDITIONAL SOURCES OF REVENUE. ONE OF THE RECOMMENDATIONS WAS NOT TO LOOK AT PROPERTY TAXATION AS A SOURCE OF REVENUE FOR EDUCATION. THIS IS ONE THING THAT I COMPLETELY AGREE WITH. WHEN A DECISION HAD TO BE MADE THE PROPOSAL HAS TO BE PUT BEFORE COUNCIL TO MAKE A DECISION ON THE KINDERGARTEN. WE HAD TO LOOK AT A DECISION ON WHERE ARE WE GOING TO GET SOME OF THAT REVENUE. TOBACCO IS A LUXURY ITEM. NOT ALL PEOPLE WILL BE AFFECTED BY IT. IT'S NOT A NECESSITY OF LIFE. THIS IS WHY THIS BILL IS PUT FORWARD FOR YOUR CONSIDERATION NOW.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? MADAM CLERK WILL YOU POLL THE HOUSE PLEASE.

MADAM CLERK: THE HONOURABLE MEMBER FROM CARMACKS-KLUANE.

MRS. WATSON: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE WEST.

MR. MCKINNON: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WATSON LAKE.

MR. TAYLOR: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM DAWSON.

MR. STUTTER: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE EAST.

MR. CHAMBERLIST: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM

WHITEHORSE NORTH.

MR. TANNER: AGREED.

MADAM CLERK: MR. SPEAKER, THE VOTE IS FOUR YEA, TWO NAY.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, I THINK IN VIEW OF THE ACTIVITIES OF THE DAY AND UNTIL EVERYBODY KIND OF COOLS DOWN, I THINK IT WOULD BE THE BEST INTERESTS OF THE HOUSE TO NOW CALL IT 5 O'CLOCK. I WOULD MOVE THAT WE NOW CALL IT 5 O'CLOCK.

MRS. WATSON: MR. SPEAKER, WE HAVE ANOTHER HOUR WHERE WE COULD ACCOMPLISH WORK.

MR. CHAMBERLIST: I SECOND THE MOTION, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM WATSON LAKE, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE EAST, THAT WE NOW CALL IT 5 O'CLOCK. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED

SOME HONOURABLE MEMBERS: SHOUTING.

MR. SPEAKER: ORDER. PERHAPS MY HEARING IS NOT - - -

MR. STUTTER: MR. SPEAKER, MAY I SUGGEST THAT YOU POLL THE HOUSE IN THAT PARTICULAR VOTE.

MR. SPEAKER: MADAM CLERK WILL YOU PLEASE POLL THE HOUSE.

MADAM CLERK: THE HONOURABLE MEMBER FROM CARMACKS-KLUANE.

MRS. WATSON: DISAGREE.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE WEST.

MR. MCKINNON: MR. SPEAKER, I WON'T BE HERE FOR THE NEXT HOUR BECAUSE I HAVE A MEETING CONCERNING CONSTITUENTS TO ATTEND SO I'M GOING TO ABSTAIN FROM THE VOTE BECAUSE I DON'T CARE WHETHER YOU CONTINUE OR NOT.

MADAM CLERK: THE HONOURABLE MEMBER FROM WATSON LAKE.

MR. TAYLOR: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM DAWSON.

MR. STUTTER: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE EAST.

MR. CHAMBERLIST: AGREED.

MADAM CLERK: THE HONOURABLE MEMBER FROM WHITEHORSE NORTH.

MR. TANNER: AGREED.

MADAM CLERK: MR. SPEAKER, THE VOTE IS FOUR YEA, ONE NAY.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: THIS COUNCIL NOW STANDS ADJOURNED UNTIL 10:00 A.M. TOMORROW MORNING.

ADJOURNED

THURSDAY, MAY 2, 1974

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. AT THIS POINT I WOULD LIKE TO ANNOUNCE THAT COUNCILLOR TANNER IS INDISPOSED AND WILL NOT BE WITH US TODAY.

ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED?

MRS. WATSON: YES, MR. SPEAKER, I HAVE FOR TABLING LEGISLATIVE RETURNS NO. 54-56 INCLUSIVE AND SESSIONAL PAPER NO. 23.

MR. SPEAKER: ARE THERE ANY REPORTS OF COMMITTEE? ARE THERE ANY BILLS TO BE INTRODUCED? ARE THERE ANY NOTICES OF MOTION OR RESOLUTION?

MR. STUTTER: I WOULD LIKE TO GIVE NOTICE OF MOTION, MR. SPEAKER RE SESSIONAL PAPER NO. 23.

MR. TAYLOR: MR. SPEAKER, I WOULD LIKE TO GIVE NOTICE OF MOTION RESPECTING TELEVISION SERVICES IN THE YUKON TERRITORY.

MR. MCKINNON: MR. SPEAKER, I WOULD LIKE TO GIVE NOTICE OF MOTION CONCERNING COMPREHENSIVE CIVIL AND CRIMINAL LEGAL AID IN THE YUKON TERRITORY.

MR. SPEAKER: ARE THERE ANY FURTHER NOTICES OF MOTION OR RESOLUTION? ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS? IF THERE ARE NO NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS WE COME TO MOTION NO. 27.

IT WAS MOVED BY COUNCILLOR WATSON, SECONDED BY COUNCILLOR TANNER THAT SESSIONAL PAPER NO. 19 BE MOVED INTO COMMITTEE OF THE WHOLE FOR DISCUSSION. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MRS. WATSON: YES, MR. SPEAKER.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

MR. SPEAKER: MOTION NO. 28. IT WAS MOVED BY

COUNCILLOR TAYLOR, SECONDED BY COUNCILLOR CHAMBERLIST THAT SESSIONAL PAPERS NO. 21 AND 22 AND LEGISLATIVE RETURNS NO. 51 AND 52 BE REFERRED TO COMMITTEE OF THE WHOLE. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME? ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

MR. SPEAKER: WE COME TO THE QUESTION PERIOD. MADAM CLERK, WILL YOU ASCERTAIN IF MR. ADMINISTRATOR IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

RECESS.

MR. SPEAKER: I WILL NOW CALL COMMITTEE TO ORDER.

QUESTION RE SEWAGE AT ROSS RIVER SCHOOL

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION, I WAS GOING TO DIRECT TO THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF HEALTH WELFARE AND REHABILITATION BUT POSSIBLY MR. ADMINISTRATOR CAN ANSWER IT THIS MORNING RELATING TO THE SEWAGE PROBLEM AT ROSS RIVER SCHOOL.

I'M WONDERING IF STEPS ARE BEING TAKEN TO ALLEVIATE THIS PROBLEM AND IF SO, WHAT STEPS ARE BEING TAKEN?

MR. ADMINISTRATOR: SORRY, MR. SPEAKER, I DON'T HAVE INFORMATION IMMEDIATELY AVAILABLE BUT I'LL TAKE THAT QUESTION AS NOTICE AND LOOK INTO IT IMMEDIATELY.

QUESTION RE DISMISSAL OF TEACHERS

MR. CHAMBERLIST: MR. SPEAKER, A FEW DAYS AGO A TEACHER WAS DISMISSED AND I WOULD ASK OF MR. ADMINISTRATOR THIS TIME WHETHER IT IS THE INTENTION OF THE ADMINISTRATION TO TAKE STEPS THAT THERE WILL BE NO FURTHER TYPE OF DISMISSAL SUCH AS THIS TAKING PLACE WHERE MEMBERS OF A DEPARTMENT SIT TOGETHER AS A QUASI JUDICIAL BOARD AND DISMISS A PERSON IN THE PUBLIC SERVICE OR A TEACHER WITHOUT GIVING THAT PERSON THE OPPORTUNITY TO HEAR THE EVIDENCE AND QUESTION HIS ACCUSERS.

MR. ADMINISTRATOR: MR. SPEAKER THE PUBLIC SERVICE SITUATION IS DIFFERENT FROM THE SITUATION OF A TEACHER. AS I UNDERSTAND THE SITUATION WITH

RESPECT TO THE TEACHER, THE SUPERINTENDENT OF SCHOOLS HAS THE NECESSARY AUTHORITY AND THE RESPONSIBILITY FOR DEALING WITH A SITUATION OF THIS KIND. AS FAR AS I AM CONCERNED, MR. SPEAKER, IT'S THE RESPONSIBILITY OF THE SUPERINTENDENT OF EDUCATION TO DEAL WITH THIS SITUATION AND I CAN GIVE NO COMMITMENT THAT HE WOULD NOT DEAL WITH A SIMILAR SITUATION IN A SIMILAR WAY.

MR. CHAMBERLIST: MR. SPEAKER, SUPPLEMENTARY. BY THAT ANSWER DOES THE ADMINISTRATOR INDICATE THAT THE SUPERINTENDENT WILL BE ALLOWED TO SET UP A QUASI JUDICIAL BOARD AT HIS DISCRETION WITHOUT GIVING THE OPPORTUNITY OF THE ACCUSED TEACHER TO QUESTION HIS ACCUSERS? THIS IS MY QUESTION.

MR. ADMINISTRATOR: WELL, MR. SPEAKER, I DON'T THINK THAT ANYTHING THE SUPERINTENDENT OF SCHOOLS DID WAS IN THE NATURE OF A QUASI JUDICIAL BOARD. I THINK THE SUPERINTENDENT OF SCHOOLS IS QUITE ENTITLED TO SEEK THE ADVICE OF HIS STAFF AND HIS OFFICERS IN A PARTICULAR SITUATION. AS FAR AS I CAN SEE THIS IS ALL THAT HAS HAPPENED. A QUASI JUDICIAL BOARD IS THE REVIEW PROCEDURE THAT TAKES PLACE IF AND WHEN A TEACHER MAKES AN APPEAL TO THE COMMISSIONER.

MR. CHAMBERLIST: MR. SPEAKER, MR. ADMINISTRATOR HAS NOT ANSWERED THE KEY PART OF THE QUESTION THAT IS PUT TO HIM. WHETHER OR NOT THIS WILL CONTINUE TO TAKE PLACE WITHOUT THE TEACHER WHO HAS BEEN ACCUSED HAVING THE OPPORTUNITY OF DEFENCE BY QUESTIONING THOSE WHO HAVE ACCUSED HIM. TO THOSE WHO HAVE LAID COMPLAINTS TO THE SUPERINTENDENT AND HAVE ACCUSED HIM ACCORDINGLY, I WANT TO KNOW WHETHER THIS ADMINISTRATION IS GIVING NATURAL JUSTICE TO AN ACCUSED PERSON, ESPECIALLY WHEN HIS LIVELIHOOD IS AT STAKE.

MR. ADMINISTRATOR: WELL CERTAINLY, MR. SPEAKER, WE ARE INTERESTED IN GIVING NATURAL JUSTICE. I THINK THOUGH THAT THE SUPERINTENDENT OF SCHOOLS HAS A CERTAIN RESPONSIBILITY TO DISCHARGE AND THE RESPONSIBILITY IS SPELLED OUT IN THE ORDINANCE AND I CERTAINLY AM NOT GOING TO ISSUE ANY INSTRUCTIONS THAT WOULD SUPERSEDE OR INTERFERE WITH THE APPLICATION OF THE ORDINANCE.

MR. CHAMBERLIST: MR. SPEAKER, I WONDER IF MR. ADMINISTRATOR CAN STAY WITH THE IMPORTANT PART OF THE QUESTION THAT I HAVE PUT TO HIM. IT IS WHETHER OR NOT HE IS GOING TO SEE THAT THERE WILL BE NO RECURRENCE OF THIS TYPE OF SITUATION WHERE A TEACHER HAS NOT THE OPPORTUNITY TO CONFRONT OR BE CONFRONTED BY THE ACCUSERS. WHETHER HE INTENDS TO DO THAT OR WHETHER HE IS TO PARTICIPATE

IN THE AUTOCRATIC METHODS THAT TOOK PLACE AT THIS PARTICULAR HEARING?

MR. ADMINISTRATOR: WELL, MR. SPEAKER, I DENY MOST EMPHATICALLY THAT THERE WERE ANY AUTOCRATIC MEASURES TAKEN. AS FAR AS I AM CONCERNED, THE SUPERINTENDENT OF SCHOOLS ACTED WITHIN THE AUTHORITIES PROVIDED IN THE ORDINANCE AND I HAVE NO INTENTION WHATEVER OF INTERFERING IN THAT PARTICULAR SITUATION.

I AM NOT PREPARED TO MAKE ANY COMMITMENTS OF FUTURE SITUATIONS OF WHICH I KNOW NOTHING ABOUT AT THE PRESENT TIME. ALL I CAN SAY IS, THAT THE PARTICULAR TEACHER IN QUESTION HAS OPEN TO HIM AN AVENUE OF A FIELD AND THIS IS ALSO PROVIDED FOR IN THE ORDINANCE AND IF THERE IS SUCH AN APPEAL, HE WILL HAVE FULL OPPORTUNITY TO TAKE ADVANTAGE OF THAT PROCEDURE.

MR. CHAMBERLIST: MR. SPEAKER, I WONDER THEN IF MR. ADMINISTRATOR COULD INDICATE UNDER WHAT SECTION OF THE ORDINANCE OR THE REGULATIONS CAN THE SUPERINTENDENT SET UP A BOARD IN THE ACTUAL DISMISSAL OF THE TEACHER. WOULD HE NAME THAT, PLEASE?

MR. ADMINISTRATOR: WELL, I KNOW OF NO SUCH SECTION WHERE THE SUPERINTENDENT..

MR. CHAMBERLIST: RIGHT, RIGHT. THIS IS THE POINT MR. SPEAKER. THIS WAS DONE WITHOUT THE PROVISION IN THE ORDINANCE TO SET UP THE BOARD IN THE MANNER HE ACTED.

QUESTION RE: BOARD OF REVIEW

WHILE I'M ON MY FEET, MR. SPEAKER, I WISH TO GO TO A DIFFERENT QUESTION. IN THE ORDINANCE THERE IS PROVISION FOR A BOARD OF REVIEW BUT THERE IS NO PROVISION AS TO A TIME FACTOR WHEN THIS BOARD WILL, IN FACT, SIT TO HEAR THIS APPEAL THAT IS BEING PROPOSED. CAN WE HAVE ASSURANCE MR. SPEAKER, FROM THE ADMINISTRATION THAT THE BOARD OF REVIEW WILL SIT AS EARLY AS POSSIBLE AND THAT NO ADVANTAGE WILL BE TAKEN OF THE SILENCE OF THE ORDINANCE IN AS MUCH AS THERE IS NO TIME AS TO WHEN A BOARD OF REVIEW SHOULD BE HEARING THE APPEAL.

MR. ADMINISTRATOR: MR. SPEAKER, IT WOULD BE MY HOPE THAT A BOARD WOULD ACT AS EXPEDITIOUSLY AS POSSIBLE BUT THE ACTUAL TIME REQUIRED TO CARRY OUT A HEARING, IT WOULD BE ENTIRELY UP TO THE BOARD ITSELF.

QUESTION RE: RESIGNATION

Mr. Chamberlist: A further question, Mr. Speaker. Mr. Speaker, it's been brought to my attention that the wife of the teacher who has been dismissed has already, who is a member of and is a teacher as well, has already had her position given to somebody else by way of a promise because her husband would be leaving the Territory. Is the Administrator aware of that?

Mr. Administrator: This is the first I have even heard of such a thing.

Mr. Chamberlist: Well I would suggest, Mr. Speaker, that the Administration make contact with their Department of Education senior officers and ascertain what has happened in that regard.

Mr. Speaker: Are there any further questions?

QUESTION RE TELEVISION SERVICES IN THE YUKON

Mr. McKinnon: Mr. Speaker, last night we watched a live television presentation by Anik to Frobisher and Resolute Bay. I would like to ask Mr. Administrator why the same facilities aren't available in Yukon for two-way transmission via Anik.

Also, I would like to ask Mr. Administrator whether the Government is doing anything with the Canadian Broadcasting Corporation to assure that the same technical advantages of using Anik on a two-way transmission basis are available to the Yukon as they are in the Northwest Territories?

I wonder, Mr. Speaker, whether Mr. Administrator could answer why all these improvements go to our sister territory first?

Mr. Administrator: It is my present understanding, Mr. Speaker, that it is the intention of C.B.C. to develop a similar sort of arrangement in major communities across the entire North, including the Yukon. But I think to be more explicit and more specific I should take that as notice and get some further information for the Honourable Member.

Mr. Speaker: We wish to thank Mr. Administrator for his attendance. As there are no private bills and orders, public bills and orders, may I have your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that Mr. Speaker do now leave the chair and council resolve into committee of the whole for the purpose of discussing bills, sessional papers and motions.

Mr. Speaker: Is there a seconder?

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

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson that Mr. Speaker do now leave the chair for the purpose of convening in committee of the whole to discuss public bills, sessional papers and motions.

Are you prepared for the question? Agreed? I declare the motion carried and the Honourable Member for Watson Lake will please take the chair in committee of the whole.

MOTION CARRIED.

Mr. Chairman: I will now call committee to order. Is it your wish now to proceed with Sessional Paper No. 19, the Kindergarten Paper? Is it your wish to proceed?

SESSIONAL PAPER NO. 19

Mrs. Watson: Mr. Chairman, we have a proposal before us outlined in the Sessional Paper for a comprehensive Kindergarten Program within the Territory. We are proposing that kindergartens become a part of the school system and that the existing kindergarten instructors and the teachers, the qualified teachers, will be hired to perform the duties of teachers of the kindergartens will become part of our work force within our school system. We are suggesting that the Kindergarten Program be introduced into coming into effect in September of 1974. But we are suggesting that the Pre-Kindergarten Program not to come into effect until September of 1975.

The reasoning behind the one year delay would give the Department the ability to circulate throughout the community and to determine from the community the type of pre-kindergarten program that they would wish to have.

When you are talking about a pre-kindergarten program you are talking about children in the four year old age group and special considerations have to be given to this program. More

SPECIFICALLY, IN THE AREA OF TRANSPORTATION WHERE THE CHILDREN CAN GET TO SCHOOL. BECAUSE OF OUR SEVERE WINTERS, A FOUR YEAR OLD CAN HARDLY WALK UP A WALK. YOU CAN HARDLY TRUST A FOUR YEAR OLD TO WALK A BLOCK ON THEIR OWN. SO THESE ARE THINGS THAT ARE REALLY GOING TO BECOME MAJOR ITEMS IN THE PLANNING OF THE PRE-KINDERGARTEN PROGRAM. WE CANNOT RULE OUT THE FACT THAT MAYBE THE PRE-KINDERGARTEN PROGRAM MAY ONLY BE ESTABLISHED FOR CERTAIN MONTHS OF THE YEAR SO THAT THEY DO NOT OPERATE DURING THE COLD MONTHS. BUT THIS IS THE TYPE OF THING WE WOULD HOPE THAT THE DEPARTMENT PEOPLE WOULD BE ABLE TO RESOLVE WITHIN EACH COMMUNITY SO THAT THE PRE-KINDERGARTEN PROGRAM IN THE WHITEHORSE AREA MIGHT COMPLETELY BE DIFFERENT FROM THE PRE-KINDERGARTEN PROGRAM, SAY IN THE PELLY AREA OR IN OLD CROW, OR ROSS RIVER. AND THAT'S WHY WE'RE ASKING FOR ONE YEAR FOR THE PRE-KINDERGARTEN PROGRAM.

THE KINDERGARTEN PROGRAM WE HAVE HAD UP TO NOW IN OUR SCHOOLS, COMMUNITY KINDERGARTENS, WHERE THE ADVISORY COMMITTEE, EVERY COMMUNITY HAS AN ADVISORY COMMITTEE FOR KINDERGARTENS AND THEY DO THE HIRING OF THE INSTRUCTORS. WHERE THEY DON'T HIRE THE INSTRUCTOR, THE GOVERNMENT HIRES THE INSTRUCTOR, BUT THEY RECOMMEND, THEY REVIEW ALL THE APPLICATIONS. THE GOVERNMENT PAYS THE SALARY OF THE KINDERGARTEN INSTRUCTOR AND SUPPLIES THE SUPPLIES. THE GOVERNMENT IS NOT OBLIGED TO PROVIDE SPACE IN THE SCHOOLS FOR THE KINDERGARTEN PROGRAMS AND IN MANY COMMUNITIES THIS HAS CAUSED QUITE A PROBLEM. AT THE PRESENT TIME UP AT THE JACK HULLAND SCHOOL THERE WAS ROOM AVAILABLE IN ONE OF THE PORTABLE CLASSROOMS SO THEY ARE USING THE PORTABLE CLASSROOM FOR THEIR KINDERGARTEN. IN OTHER AREAS THEY HAVE TO USE A HALL AND THEY HAVE A LOT OF PROBLEMS WHEN THEY ARE NOT USING A SCHOOL FACILITY THAT ADD PROBLEMS THAT REALLY SHOULDN'T BE PART OF THE KINDERGARTEN PROGRAM AND THEY SEEM TO TAKE AWAY FROM THE PROGRAM ITSELF. BY THE TIME THEY RESOLVE THE JANITOR WORK AND THE HEATING PROBLEMS, THEY'RE NOT ABLE TO SPEND THE TIME ON THE ACTUAL KINDERGARTEN PROGRAM THAT'S REQUIRED.

SO WE ARE SUGGESTING IN OUR PROPOSAL THAT WE DO SET UP KINDERGARTENS IN THE WHITEHORSE AREA IN SEPTEMBER OF '75. THAT WE HAVE THEM PART OF THE SCHOOL SYSTEM. THEY WILL BE HELD WITHIN THE SCHOOL ITSELF. WE ARE ALSO SUGGESTING THAT WE HIRE FULLY QUALIFIED KINDERGARTEN TEACHERS, BUT WE ARE ALSO SAYING THAT WE HAVE A COMMITMENT TO THESE KINDERGARTEN INSTRUCTORS WHO HAVE BEEN PERFORMING A FUNCTION FOR THE GOVERNMENT OVER THE PAST SIX YEARS. THAT THESE PEOPLE

SHOULD BE GIVEN THE OPPORTUNITY TO CONTINUE IN THE ROLE AS KINDERGARTEN INSTRUCTORS AS LONG AS THEY DESIRE.

WE ARE SUGGESTING THAT THE KINDERGARTEN PROGRAM ITSELF MAY HAVE TO VARY FROM AREA TO AREA. THIS YEAR WE INTRODUCED INTO OUR KINDERGARTEN, A NEW METHOD OF INSTRUCTION KNOWN AS THE DISTAR METHOD WHERE CHILDREN ARE GIVEN READING READINESS AND LANGUAGE READINESS TRAINING AND THEY FOUND IT AND I THINK THAT WE'RE GOING TO FIND THAT IT'S INVALUABLE FOR CHILDREN WHEN THEY GO INTO GRADE ONE, PARTICULARLY CHILDREN WHO HAVE SOME PROBLEM WITH THE LANGUAGE. AND IF THEY ARE HAVING PROBLEMS WITH THE LANGUAGE AND IN MANY INSTANCES THEY HAVE PROBLEMS READING, LEARNING TO READ AND IF THEY ARE NOT ABLE TO ACQUIRE THIS SKILL IN THE FIRST FEW YEARS WHEN THEY ENTER SCHOOL, THEY ARE INHIBITED FOR THE REST OF THEIR TIME THAT THEY ARE IN THE SCHOOL.

THAT DOES NOT MEAN THAT IN AREAS WHERE CHILDREN DO HAVE THE HOME ENVIRONMENT THAT WOULD GIVE THEM THE NECESSARY INSTRUCTION FOR READINESS FOR LANGUAGE, READING AND FOR MATH, THAT THE PROGRAM CANNOT BE CHANGED AND BECOME MORE OF A SELF CONCEPT TYPE OF PROGRAM.

WE HAVE MADE VARIOUS RECOMMENDATIONS AND I WOULD LIKE TO GO OVER THE RECOMMENDATIONS ON PAGE 44, THE KINDERGARTEN PROGRAM THAT WE HOPE TO BEGIN IN SEPTEMBER OF '74.

"THAT A PUBLIC SYSTEM OF KINDERGARTEN BE ESTABLISHED AS A PART OF THE SCHOOL SYSTEM. THAT INSTRUCTORS PRESENTLY TEACHING UNDER A YUKON KINDERGARTEN CERTIFICATE BE PERMITTED TO CONTINUE IN THE SYSTEM ACCORDING TO REGULATIONS GOVERNING THEIR TENURE.

THAT THE KINDERGARTEN PROGRAM INCLUDES PROVISION FOR A READINESS PROGRAM FOR THE DISADVANTAGED. THAT A KINDERGARTEN PRIMARY CONSULTANT BE EMPLOYED." AT THE PRESENT TIME UNTIL THIS YEAR, THERE HAS BEEN NO SUPERVISION BY THE DEPARTMENT OF EDUCATION OF THE KINDERGARTEN PROGRAM. THE REGULATIONS THAT WERE ADOPTED WHEN THE COMMUNITY KINDERGARTEN WAS EXTENDED BY THIS COUNCIL, DID NOT MAKE PROVISION FOR SUPERVISION BY THE DEPARTMENT OF EDUCATION OF THE EXISTING PROGRAM. THE REGULATIONS WERE CHANGED LAST YEAR AND THIS YEAR THE SUPERVISORY PERSONNEL IN THE DEPARTMENT ARE PROVIDING SUPERVISION AND GUIDANCE TO THE PROGRAM. BUT IF WE'RE GOING TO GO INTO IT, A FULL PART OF THE SCHOOL SYSTEM, WE'RE GOING TO HAVE TO HAVE SOMEONE WHO IS A SPECIALIST IN THIS AREA AND WHO IS ABLE TO SUPERVISE IT ON A TERRITORIAL BASIS.

"THAT THE ENTRY AGE BE ONE YEAR PRIOR TO NORMAL ENTRY AGE.

THAT THE KINDERGARTEN FOLLOW THE CURRICULUM GUIDELINES LAID DOWN BY BRITISH COLUMBIA WITH YUKON MODIFICATIONS.

THAT INSTRUCTORS WITH TRAINING IN EARLY CHILDHOOD EDUCATION BE HIRED WHERE EVER POSSIBLE.

THAT THE ATTENDANCE OF KINDERGARTEN NOT BE MADE COMPULSORY.

THAT THE LENGTH OF THE KINDERGARTEN INSTRUCTIONAL YEAR, INSTRUCTIONAL DAY FOR EACH CHILD SHOULD NOT EXCEED TWO AND ONE-HALF HOURS."

AND I THINK THIS IS VERY IMPORTANT THAT TRANSPORTATION BE PROVIDED.

AND I THINK THAT IF WE HAVE APPROVAL FROM THE COUNCIL TO PROCEED ON THIS KINDERGARTEN PROGRAM WE WILL THEN HAVE TO SET UP A SYSTEM OF TRANSPORTATION WHICH WILL APPLY ONLY TO KINDERGARTEN CHILDREN. BECAUSE THAT WOULD INVOLVE AN EXTRA RUN SO THAT THE CHILDREN WHO ARE ONLY THERE HALF A DAY WILL HAVE TRANSPORTATION HOME. AT THE PRESENT TIME, WE HAVE CHILDREN ON THE MAYO ROAD WHO ARE OF KINDERGARTEN AGE WHO CANNOT AVAIL THEMSELVES OF THE KINDERGARTEN IN WHITEHORSE BECAUSE THEY JUST HAVE NO MEANS OF GETTING TO THE KINDERGARTEN.

"AND THAT SUPPLIES BE PROVIDED ANNUALLY ON A PER PUPIL BASIS AT ONE-HALF THE AMOUNT ALLOCATED TO A FULL TIME ELEMENTARY STUDENT."

I WOULD LIKE TO PERSONALLY SEE THE KINDERGARTENS BECOME PART OF THE SCHOOL SYSTEM. AT THE PRESENT TIME WE DO HAVE QUITE AN ADEQUATE PROGRAM, BUT WE DO HAVE THE CHILDREN WHO, BECAUSE OF TRANSPORTATION, ARE NOT ABLE TO ATTEND, AND THEN WE HAVE THE CHILDREN IN THE SMALLER COMMUNITIES. AT THE PRESENT TIME THE DEPARTMENT LIKES TO HAVE EIGHT STUDENTS BEFORE THEY WILL PROVIDE THE SALARY FOR AN INSTRUCTOR OF KINDERGARTEN STUDENTS. WE'VE GONE DOWN AS LOW AS SIX, BUT THERE ARE MANY COMMUNITIES WHERE WE HAVE FIVE, FOUR, THREE 5 YEAR OLDS. YOU CAN'T JUSTIFY ONE INSTRUCTOR FOR THREE CHILDREN. BUT BY THE SAME TOKEN, YOU MUST MAKE THE KINDERGARTEN PROGRAM AVAILABLE TO THEM. IT IS OUR HOPE THAT IN THESE SMALLER COMMUNITIES WE LEAVE IT UP TO THE DISCRETION OF THE SUPERINTENDENT BECAUSE IT VARIES FROM YEAR TO YEAR, BUT IF YOU HAVE A MINIMAL NUMBER SUCH AS TWO, THREE OR FOUR, THAT THE CHILDREN, THE KINDERGARTEN CHILDREN BECOME PART OF THE GRADE ONE CLASSROOM FOR A CERTAIN PERIOD OF TIME DURING THE DAY AND IF THAT CLASSROOM TEACHER WOULD THEN BE GIVEN A TEACHER AID TO ASSIST THEM IN THE WORK WITHIN THE CLASSROOM BECAUSE OF THE EXTRA LOAD OF THE KINDERGARTEN

CHILDREN.

IF WE LOOK AT THE SCHEDULE AT THE BACK OF THE SESSIONAL PAPER AND POSSIBLY I CAN RELATE IT TO WHAT WE HAVE AT THE PRESENT TIME AND YOU CAN UNDERSTAND WHY THE ESTIMATE WE'RE MAKING. AT THE PRESENT TIME IN WHITEHORSE, WE HAVE ELEVEN INSTRUCTORS, WE HAVE TWELVE SESSIONS. ONE INSTRUCTOR DOES TWO SESSIONS. WE HAVE TWELVE SESSIONS IN WHITEHORSE. IN THE OUTLYING AREAS WE HAVE FIFTEEN. WE HAVE A TOTAL OF TWENTY-SEVEN SESSIONS.

NOW WE ARE BUDGETING OR WE ARE PROPOSING EIGHT TEACHERS, KINDERGARTEN TEACHERS AND ONE TEACHER CAN TAKE TWO SESSIONS. SO IN THE WHITEHORSE AREA AND POSSIBLY FARO, POSSIBLY DAWSON AND WATSON LAKE THAT WE WILL LIKELY HAVE FULL TIME KINDERGARTEN INSTRUCTORS BECAUSE THERE WILL BE ENOUGH KINDERGARTEN CHILDREN IN THERE TO JUSTIFY HAVING A FULL TIME INSTRUCTOR. I CAN SEE WHITEHORSE EASILY GOING UP TO FOURTEEN, FIFTEEN SESSIONS AND WATSON LAKE, DAWSON AND FARO WOULD INCREASE.

THEN WE'RE LOOKING AT FOURTEEN AID INSTRUCTORS. AND THESE WOULD BE FOR THE OUTLYING COMMUNITIES, AND POSSIBLY IN SOME CASES AN AID INSTRUCTOR IN SOME OF OUR WHITEHORSE SCHOOLS.

WE'RE LOOKING AT TRANSPORTATION AT \$64,000 WHICH IS A CONSIDERABLE SUM OF MONEY, THAT WE WOULD HAVE TO PROVIDE. WE COULD NOT USE THE TWO MILE LIMIT FOR KINDERGARTEN CHILDREN. AND WE WOULD HAVE TO PROVIDE THAT TRANSPORTATION EITHER TO KINDERGARTEN AT NOON HOUR OR HOME FROM KINDERGARTEN AT NOON HOUR, SO THERE WOULD BE AN ADDITIONAL EXTRA RUN. AND THIS TRANSPORTATION WOULD NOT ONLY INCLUDE WHITEHORSE, BUT WE ARE BUDGETING FOR TRANSPORTATION IN THE OUTLYING COMMUNITIES ALSO.

WE WOULD ALSO HAVE TO CONSIDER AND PROVIDE TRANSPORTATION FOR THESE CHILDREN WHO TAKE A BUS TO SCHOOL FOR EXAMPLE AT WATSON LAKE, WHO TAKE THE BUS TO THE SCHOOL, IF THE KINDERGARTEN CHILDREN RODE THAT BUS WE WOULD THEN PROVIDE TRANSPORTATION BACK HOME AGAIN.

WE WOULD BE LOOKING AT THE PRIMARY SUPERVISOR OR KINDERGARTEN SUPERVISOR AT \$18,500.

AT SUPPLIES AT \$8,500.

WE ARE LOOKING AT NO CAPITAL EXPENDITURE THIS YEAR, BUT WE ARE LOOKING AT MOVING POSSIBLY FOUR RELOCATABLES IN ORDER TO ACCOMMODATE THESE EXTRA STUDENTS. AND WE ESTIMATE THE COST OF MOVING ONE RELOCATABLE AT \$10,000.

WE ARE LOOKING AT \$7,500 FOR SOME RENNOVATIONS IN A COUPLE OF OUR SCHOOLS TO ACCOMMODATE THE KINDERGARTEN.

SO ALL TOLD, WE LOOKING AT, FOR ONE YEAR'S OPERATION - \$309,000. THAT'S FOR THE KINDERGARTEN PROGRAM.

AND I MIGHT ADD AT THIS TIME TOO, THAT IN THE WHITEHORSE AREA WE DO HAVE KINDERGARTENS IN THE INDIAN VILLAGE AND WE DO HAVE A KINDERGARTEN IN THE KISHWOOT HALL. NOW WE HAVE HAD CONVERSATIONS WITH THE PEOPLE IN THE INDIAN VILLAGE AND SOME OF THE PEOPLE THERE INDICATE THAT THEY WOULD LIKE THEIR CHILDREN TO GO TO A SCHOOL. OTHER PEOPLE HAVE INDICATED THAT THEY WOULD LIKE TO RETAIN THEIR KINDERGARTEN THERE WITHIN THEIR COMMUNITY. AND I COULD SEE NO PROBLEM WHATSOEVER TO RETAINING THE KINDERGARTEN THERE. IT COULD BE CALLED A SORT OF A PART OF THE SCHOOL WHICH WOULD BE SUPERVISING THE PROGRAM. IT COULD BE DECLARED PART OF THE WHITEHORSE ELEMENTARY SCHOOL. AND I THINK IN THAT AREA WE WOULD CERTAINLY BE TALKING TO THE PEOPLE WITHIN THE INDIAN VILLAGE TO SEE EXACTLY WHAT THEY WANT. DO THEY WANT THEIR CHILDREN WHITEHORSE ELEMENTARY SCHOOL OR WOULD THEY SOONER RETAIN THEIR CLASS WITHIN THEIR OWN HALL WITHIN THEIR VILLAGE? I THINK THIS WOULD BE SOMETHING THAT THEY WOULD BE GIVEN THE PERMISSION TO DECIDE THEMSELVES.

THE PRE-KINDERGARTEN WAS RATHER HARD TO BUDGET FOR BUT WE THOUGHT THAT WE WOULD REQUIRE TWENTY-THREE PRE-KINDERGARTEN SESSIONS. WE'RE LOOKING A 600 HOURS AND WE'RE ESTIMATING \$6.00 PER HOUR WHICH WOULD COST THE SALARIES ABOUT \$85,000. AND WE ARE LOOKING AT TRAINING PEOPLE FROM WITHIN THE COMMUNITY TO SUPERVISE AND INSTRUCT THE PRE-KINDERGARTEN PROGRAM. WE ARE ESTIMATING THE COST OF STAFF TRAINING AT \$10,000. THIS IS WHY IT IS TO OUR ADVANTAGE NOT TO PROCEED IN 1974 WITH THE PRE-KINDERGARTEN PROGRAM. IT WOULD GIVE US A YEAR TO TRAIN THE PEOPLE THAT WE WOULD WANT TO USE IN THE PROGRAM. WE'RE LOOKING AT AN ADDITIONAL \$20,000 FOR TRANSPORTATION. AND WE'RE LOOKING AT AN ADDITIONAL \$8,500 FOR SUPPLIES. WE ESTIMATE THAT WE WOULD REQUIRE AN ADDITIONAL FIVE CLASSROOMS. NOW WE HAVEN'T SAID WHERE THEY ARE. WE HAVEN'T BEEN ABLE TO DETERMINE THAT. BUT JUST ON THE BASIS OF THE EXTRA PUPILS THAT WE WOULD BE TAKING IN, WE ARE ESTIMATING FIVE EXTRA CLASSROOMS AT \$50,000. AND AGAIN THE \$50,000 IS AN ESTIMATE. AND

THEN EQUIPMENT AGAIN AND THE EQUIPMENT THAT YOU WOULD USE FOR A PRE-KINDERGARTEN PROGRAM WOULD BE QUITE DIFFERENT FROM WHAT YOU WOULD USE IN A KINDERGARTEN AND WE ESTIMATE THE COST TO GET IT ROLLING WOULD BE APPROXIMATELY \$30,000.

SO ALL TOLD IF WE WENT INTO THIS KINDERGARTEN AND PRE-KINDERGARTEN PROGRAM WE ESTIMATE THE ANNUAL ADDITIONAL COST FOR EDUCATION IN THE TERRITORY, OPERATION AND MAINTENANCE WOULD BE \$432,500.

AS FAR AS WE CAN FORECAST, THE ADDITIONAL CAPITAL EXPENDITURES WOULD BE IN THE NEIGHBOURHOOD OF \$400,000. BUT OF COURSE THIS COULD VARY AGAIN BECAUSE IT'S VERY DIFFICULT TO PROJECT ENROLLEMENT AHEAD OF TIME.

AND THAT BASICALLY IS THE PROPOSAL THAT I WOULD LIKE YOU TO CONSIDER THIS MORNING ON THE KINDERGARTEN PROGRAMS.

I THINK THE EXISTING PROGRAM, I SAID IT WAS ADEQUATE, BUT I THINK IT BECOMES QUITE FRUSTRATING FOR PEOPLE WHO DO NOT UNDERSTAND WHY THE DEPARTMENT OF EDUCATION DOES NOT HAVE TO PROVIDE CLASSROOMS SPACE. PEOPLE DO NOT UNDERSTAND. WE'RE ALWAYS UNDER PRESSURE TO HAVE KINDERGARTEN WITHIN A SCHOOL. AND SOMETIMES IF WE'RE PRESSED FOR SPACE IN THE SCHOOL WITH A KINDERGARTEN, WE'RE GETTING PRESSURE FROM THE SCHOOL ITSELF. THEY'RE SAYING THAT KINDERGARTEN IS NOT PART OF THE SCHOOL PROGRAM. WHY IS IT IN HERE? SO IT REALLY IS NECESSARY TO RESOLVE THE KINDERGARTEN SITUATION. IF IT'S GOING TO CONTINUE AS A COMMUNITY KINDERGARTEN THEN I THINK WE BETTER LOOK AT CHANGING SOME OF THE REGULATIONS AND MAKE THIS A DIFFERENT POSITION.

IS IT GOING TO BECOME PART OF THE SCHOOL SYSTEM? THEN I THINK THIS IS THE QUESTION THAT THE HONOURABLE MEMBERS WILL HAVE TO DECIDE HERE TODAY, I WOULD HOPE. AND WE'VE HAD A GREAT DEAL OF PRESSURE FROM PEOPLE TO SAY IS THE KINDERGARTEN PART OF THE SCHOOL SYSTEM OR ISN'T IT? WHEN ARE YOU GOING TO MAKE UP YOUR MIND? AND THAT'S BASICALLY THE QUESTION THAT'S BEFORE YOU TODAY.

MR. CHAIRMAN: MR. STUTTER WOULD YOU TAKE THE CHAIR FOR A MOMENT.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: MR. CHAIRMAN, THIS KINDERGARTEN QUESTION HAS BEEN ONE THAT HAS BEEN CERTAINLY AS LONG IN COUNCIL AS I HAVE. AND WHILE I HAVE

NEVER OPPOSED KINDERGARTEN FOR THE SAKE OF OPPOSING KINDERGARTEN, BECAUSE I THINK KINDERGARTENS ARE GOOD, AND NEEDED IN THE COMMUNITY. OFTEN WE HAVE HAD TO TURN DOWN PROPOSALS IN RESPECT OF KINDERGARTENS BECAUSE OF COSTS, THE DOLLAR, THE MONEY.

NOW I AGREE THAT WE SHOULD IF AT ALL POSSIBLE, FIND THE MONIES WITH WHICH TO IMPLEMENT A KINDERGARTEN PROGRAM. A PRE-KINDERGARTEN PROGRAM IS SOMETHING OF ANOTHER MATTER. I FAIL TO UNDERSTAND WHY, IN COMPILING A \$60,000,000 BUDGET, WHY THE DEPARTMENT OF EDUCATION, WHY THE FINANCIAL ADVISORY COMMITTEE OR THE EXECUTIVE COMMITTEE OR ALL THE PEOPLE THAT WERE INVOLVED IN BUDGET PREPARATION COULD NOT FIND FROM WITHIN THE BUDGET, SUFFICIENT MONIES TO EXPAND AND START THE KINDERGARTEN PROGRAM, SEPARATE FROM THE PRE-KINDERGARTEN PROGRAM. I FAIL TO UNDERSTAND WHY THAT COULD NOT BE DONE IN THIS BUDGET, BECAUSE IT'S AGREED IT'S AN IMPORTANT PROGRAM.

I SUPPORT THE PROGRAM, BUT AS I SAY ON FUNDING I'D LIKE TO KNOW WHY THOSE FUNDS COULDN'T BE PROVIDED BECAUSE THERE ARE OTHER PROGRAMS WHICH COULD HAVE BEEN SCRUBBED IN FAVOUR OF THIS.

SECONDLY IS, OH I HAVE MANY QUESTIONS. I'D LIKE TO KNOW WHY YOU TAKE A KINDERGARTEN TEACHER AND AT \$15,000 A YEAR, WHEN SHE'S TEACHING MAYBE TWO AND A HALF HOURS A DAY DURING THE COURSE OF A SCHOOL YEAR. I DON'T KNOW, MAYBE THIS IS WHAT YOU HAVE TO PAY TO GET PEOPLE TO LOOK AFTER CHILDREN AND TO TEACH LITTLE CHILDREN OF THIS NATURE. BUT I FAIL TO SEE WHY \$15,000 A YEAR IS THE FIGURE THAT ONE MUST PAY.

THIRDLY, I HAVE VERY VERY GRAVE DOUBTS ABOUT COMMITTING THE NEXT COUNCIL TO A PROGRAM OF PRE-KINDERGARTEN. NOW I'M NOT SAYING THAT THIS IS A BAD PROGRAM, BUT I THINK THIS IS A LITTLE MUCH TO COME ROARING INTO COUNCIL WITH ALL IN ONE FELL SWOOP. AND SAY NOT ONLY ARE WE FINALLY GOING TO HAVE KINDERGARTENS, BUT INDEED WE'RE GOING TO HAVE PRE-KINDERGARTENS AND WE'RE GOING TO PRE-COMMIT THE NEW COUNCIL TO THIS PROGRAM. AND I WONDER WHY THIS IS BEFORE US AT THIS TIME, THE PRE-KINDERGARTEN SIDE OF IT?

AND I THINK THAT THIS IS SOMETHING THAT THE NEW COUNCIL SHOULD MAKE A DECISION ON BECAUSE IT IS A NEW PROGRAM. SO I'M JUST WONDERING IF THE HONOURABLE MEMBER MIGHT HAVE SOME REPLIES TO THOSE THREE AREAS OF CONSIDERATION.

MRS. WATSON: YES, MR. CHAIRMAN. THE REFERENCE TO THE TEACHERS AT \$15,000 AND THEY WOULD ONLY BE GIVING INSTRUCTION FOR TWO AND A HALF HOURS. THE \$15,000 IS BASED ON A FULL TIME TEACHER WHO WOULD TAKE TWO SESSIONS, ONE SESSION IN THE AFTERNOON AND ONE SESSION IN THE MORNING. SO WE WOULD BE LOOKING AT A FULL TIME TEACHER. IT'S JUST THAT HER CLASS WOULD CHANGE. SHE WOULD HAVE DIFFERENT CLASSES IN THE MORNINGS AND AFTERNOONS.

THE COSTS, I AGREE. WHEN THE HONOURABLE MEMBER SAYS YOU'RE LOOKING AT \$60,000,000 AND THEN YOU'RE LOOKING AT AN EDUCATION BUDGET FOR \$8,000,000, BUT YOU GO THROUGH YOUR EDUCATION BUDGET. AND THIS IS WHAT I SAID WHEN WE WERE DISCUSSING IT. THAT THE DEMAND NOW AND THE COSTS OF EDUCATION ARE GETTING SUCH THAT IT'S VERY FOOLISH TO GO INTO ANY NEW PROGRAM WITHOUT BEING ASSURED THAT YOU WILL HAVE THE ADDITIONAL FUNDING TO CARRY IT OUT. AND WE ARE COMMITTED TIME AFTER TIME. WELL CAN'T YOU DO THIS, CAN'T YOU DO THAT, WHAT ABOUT SPECIAL EDUCATION, WHAT ABOUT A GRANT FOR THIS, WHAT ABOUT THIS? OUR EDUCATION BUDGET, I THINK, WAS QUITE ACCURATELY, OUR ESTIMATES, PREPARED THIS YEAR. THEY WERE BASED ON PER-CAPITA, PER STUDENT COSTS. THERE ARE THINGS WE HAVE TO DO. WE HAVE TO TAKE CARE OF CHILDREN IN THE RETARDED SCHOOLS, THE RETARDED CHILDREN. WE HAVE TO HAVE ADULT EDUCATION PROGRAMS. WE HAVE TO PROVIDE FUNDING FOR IN-SERVICE TRAINING FOR TEACHERS. WE HAVE TO PROVIDE TEXT BOOKS. THE WHOLE THING. WE HAVE TO PAY THE LIGHT BILL, WE HAVE TO PAY THE FUEL BILL. THIS IS THE TYPE OF THING. THERE ARE THINGS THAT JUST HAVE TO BE PAID. IF I WERE ABLE TO SEE A POSSIBILITY TO GET A KINDERGARTEN PROGRAM INTO OUR SCHOOL SYSTEM WITHIN THE EXISTING BUDGET IT WOULD HAVE BEEN DONE A LONG TIME AGO. BUT THAT HAS BEEN THE PROBLEM. BECAUSE OF THE PRESSURES WE HAD WHEN THE COMMITTEE ON EDUCATION WAS TRAVELLING THROUGHOUT THE TERRITORY PEOPLE WANT THE KINDERGARTEN PROGRAM, OR MANY OF THE BRIEFS SIGNIFIED THEY WANTED THE KINDERGARTEN PROGRAM.

THIS IS WHY I FELT OBLIGATED TO BRING THE PROPOSAL BEFORE THE COUNCIL SO THAT THE COUNCIL COULD MAKE THE DECISION.

MR. TAYLOR: MR. CHAIRMAN, AGREED, THE PEOPLE AND THAT IS WHY WE ARE AT THIS TABLE, ARE ASKING FOR MANY OTHER PROGRAMS AS WELL AND FOR THOSE WE CAN FIND ABSOLUTELY NO FUNDING OR LITTLE CONSIDERATION WHATSOEVER. BUT I JUST WANT TO SAY THAT WHILE I AGREE THAT WE SHOULD HAVE SOME FORM OF A KINDERGARTEN PROGRAM, IT

HAS BEEN A LONG TIME COMING. I DO MAKE THE OBSERVATION THAT I STILL, NOT WITHSTANDING WHAT THE HONOURABLE MEMBER HAS SAID, THAT THE GOVERNMENT OF THE YUKON TERRITORY HAS SHOWN TO MY OPINION THEIR INEPTITUDE IN THAT THEY HAVE NOT FOUND MONIES FOR THE KINDERGARTEN PROGRAM WITHIN THE BUDGET THAT THEY HAVE PRESENTED AND HAD APPROVED BY THIS COUNCIL.

SECONDLY IS, I FEEL IT WOULD BE HIGHLY IMPROPER AND HIGHLY UNREASONABLE TO ASK THIS COUNCIL AT THIS TIME TO DEAL WITH THE MATTER OF THE PRE-KINDERGARTEN PROGRAM WHICH IS, I CONSIDER, A SEPARATE PROGRAM. IT IS A WORTHWHILE PROGRAM BUT I THINK THE NEW COUNCIL, IN THEIR WISDOM, ARE GOING TO HAVE TO TAKE A LOOK AT THIS. I THINK IF YOU GET THE KINDERGARTEN PROGRAM ITSELF ON THE WAY, WELL WE HAVE DONE SOMETHING.

YOU CANNOT COMMIT THOSE NEW TWELVE MEMBERS OF THIS HOUSE TO A PROGRAM. LET THEM DEAL WITH IT, LET THEM SEE HOW, AND THEIR REPRESENTATIVES SEE HOW THEY CAN WORK IT INTO THE BUDGET. LETS SEE WHAT OTHER PROGRAMS ARE GOING TO BE REQUIRED AT THAT TIME WHICH MIGHT TAKE PRECEDENTS OVER THE PRE-KINDERGARTEN PROGRAM, AS GOOD AND AS DESIRABLE AS IT IS. SO WITH THOSE COMMENTS I WILL, MR. CHAIRMAN, I WILL RESUME THE CHAIR. I WOULD LIKE MEMBERS TO GIVE CONSIDERATION TO WHAT I HAVE STATED.

MR. CHAIRMAN: COUNCILLOR CHAMBERLIST?

MR. CHAMBERLIST: MR. CHAIRMAN, I HAD ALREADY MARKED MY SHEET RE THE COSTING OF THE PRE-KINDERGARTEN IN A LIKE MANNER THAT THE HONOURABLE MEMBER FROM WATSON LAKE HAD.

I THINK THAT THE WAY THIS HAS BEEN PRESENTED IS WITH THE ATTITUDE THAT, "WELL WE KNOW THAT THE MEMBERS OF COUNCIL ARE NOT GOING TO CONSIDER 1975 SO A HALF A LOAF IS BETTER THAN NOTHING AT ALL." I THINK IT IS A LITTLE BIT OF A TRAVESTY WHEN ONE CAN CONSIDER THAT THE EXECUTIVE COMMITTEE AT THIS STAGE CAN COME FORWARD AND MAKE THIS TYPE OF RECOMMENDATION IN A SESSIONAL PAPER KNOWING FULL WELL MEMBERS OF THIS COUNCIL WOULD BE ACTING IN A MOST IMPROPER MANNER IF THEY PROVIDED NOW FOR PRE-KINDERGARTEN PROGRAM EFFECTIVE SEPTEMBER OF 1975. AND THEN IN CONJUNCTION WITH THIS SESSIONAL PAPER, THE SUGGESTIONS THAT HAVE BEEN MADE PROVIDE A TOBACCO TAX THAT HAS BEEN CLEARLY DELINEATED NOW AS A TAX FOR THE PURPOSE OF RAISING FUNDS TO MEET THE SUGGESTIONS THAT HAVE BEEN OUTLINED IN THIS SESSIONAL PAPER.

THE HONOURABLE MEMBER FROM DAWSON, THE OTHER DAY, MADE QUITE A CLEAR STATEMENT THAT HE WAS CONCERNED THAT THE KINDERGARTEN PROGRAM WAS BEING RELATED TO THE TOBACCO TAX. IT COULD NOT BE ANY CLEARER MADE THAN THE WORDS USED BY THE HONOURABLE MEMBER FOR CARMACKS-KLUANE THAT INDEED THIS IS THE METHOD OF FINANCING THE PRE-KINDERGARTEN AND THE PROPOSED EXPANDED KINDERGARTEN PROGRAMS. TO COME OUT OF THE TOBACCO TAX.

MY QUESTION, BEFORE I GO ANY FURTHER, TO THE HONOURABLE MEMBER FOR CARMACKS-KLUANE AT THIS TIME, MR. CHAIRMAN; I WANT TO KNOW NOW A QUESTION THAT I HAVE ASKED BEFORE DURING THIS SESSION AND HAVE BEEN REFUSED AN ANSWER. WHAT AMOUNT OF MONEY IS IT SUGGESTED THAT THE TOBACCO TAX IS GOING TO RAISE FOR THE KINDERGARTEN PROGRAM?

MRS. WATSON: MR. CHAIRMAN, I WOULD BE VERY HAPPY TO ANSWER THAT. I KNOW THERE IS SOME QUESTION IN THE HONOURABLE MEMBER'S MIND REGARDING THE PRE-KINDERGARTEN PROGRAM FOR 1975 COMMITTING A FUTURE COUNCIL. I THINK THIS IS WHAT THE QUESTION IS. I DO THINK THAT WE ALSO HAVE TO TAKE INTO CONSIDERATION, THERE WOULD HAVE TO BE A WHOLE YEAR OF PRE-PLANNING, IN CONCERT WITH THE COMMUNITY. THAT IS WHY IT IS PUT FORWARD AT THIS TIME.

ALSO, AND I KNOW THAT THE HONOURABLE MEMBER FROM WHITEHORSE EAST AND THE HONOURABLE MEMBER FROM DAWSON AND ALL OF THE HONOURABLE MEMBERS ARE QUITE FAMILIAR WITH THE METHOD OF BUDGETING THAT HAS TO BE USED. AND THEY ARE QUITE FAMILIAR THAT WHEN WE GO WITH OUR ESTIMATES TO OTTAWA FOR FUNDING A NEW PROGRAM WE HAVE TO BE ABLE TO JUSTIFY A NEW PROGRAM.

ALSO, VERY OFTEN WHEN YOU GO AND ASK FOR NEW PROGRAMS THEY SAY, "WHAT ADDITIONAL REVENUE ARE YOU PREPARED TO PROVIDE THE TERRITORY SIDE OF THE REVENUE?" THIS IS OUR PROPOSAL, WE CAN SAY, "YES, WE HAVE ADDITIONAL REVENUE FROM THE TOBACCO TAX ESTIMATED AT APPROXIMATELY \$225,000." NOW THIS IS JUST AN ESTIMATE - \$225,000-A YEAR.

THEN IF WE CAN HELP, THAT WE HAVE INCREASED THE REVENUE SIDE, THEN WE CAN PUT A NEW PROGRAM IN AND EXPECT THE FUNDING FROM, ASSISTANCE WITH THE FUNDING, ON AN ON-GOING BASIS. ONCE WE GET IT IN, WE GET APPROVAL, WE SHOW IN ORDER TO GET IT IN, WE SHOW THAT YOU HAVE ATTEMPTED TO PROVIDE SOME ADDITIONAL REVENUE. THEN THIS ALMOST A HALF A MILLION DOLLAR PROGRAM WOULD

THEN FLOW AND GET THE NORMAL APPROVAL OF FUNDS FROM OTTAWA. THIS IS THE REASON WHY I BROUGHT IT IN AS A TWO YEAR PROGRAM, AND ALSO BECAUSE THERE JUST HAS TO BE LEAD TIME TO GET THE DETERMINATION AND TO GET THE TRAINING OF THE PEOPLE, THE LOCAL PEOPLE, WE ARE ALWAYS SAYING, PUT LOCAL PEOPLE INTO THESE. SO WE CAN TRAIN THE LOCAL PEOPLE SO THAT THEY CAN TAKE OVER THE PRE-KINDERGARTEN PROGRAM IF IT IS APPROVED.

Mr. Chamberlist: Mr. Chairman, now I am very, very concerned about the figure that has been suggested as being raised.

A proposed \$225,000 estimated would be raised by the tobacco tax and this would be to pay for the cost of both the expanded kindergarten program and the proposed pre-kindergarten program.

From looking at my figures here, it would appear that the total operation cost for both programs is \$432,000. That the cost for the pre-kindergarten program would be \$280,000.

Perhaps the Honourable Member for Carmacks-Kluane could explain the figures showing the amount that is required for the pre-kindergarten program and the amount that is required for the expanded kindergarten program now.

Mrs. Watson: On a yearly basis the kindergarten program itself, on a yearly basis, the estimated annual cost is \$309,000. That is separate, that is the operation and maintenance part of it, that doesn't include your capital.

For the pre-kindergarten - \$123,500 yearly.

Mr. Chamberlist: Now, if \$123,000 is for the pre-kindergarten program and we do not proceed with the pre-kindergarten program and leave this as a decision of the incoming Council, to be their responsibility, we would then be seeking a \$123,000 less. So if we take that away from the \$225,000, this is \$225,000. This is the figure that the Honourable Member indicated that the tobacco tax would raise, which would leave \$100,000. So it means that all we would need to raise is \$100,000.

Why then if the Tobacco Tax Ordinance has been set up in such a way that we find that we have to find \$225,000. The point I am making is that the kindergarten program is being so closely associated with the tobacco tax, and we are being told that we need to raise the money for a program commencing September 1975-

18 months time, when there is another budget next year where a new Council will be dealing with that and where they will have the time to decide whether or not they should raise that for a pre-kindergarten program.

I feel that at this particular time I would move that we do not proceed with a pre-kindergarten program effective September 1975, and that this be left to the following Council. If we can deal with that question, Mr. Chairman, then we can deal with the question of the expanded kindergarten program. If we can have members of Council agree to delete that part of the Sessional Paper I think we would be getting close.

Mr. Stutter: Mr. Chairman, couldn't we have a little more discussion on this point before such a motion is put forward. It is a bit premature to put that motion in at this point.

I believe that I can show your figures are a little bit off.

Mr. Chamberlist: Her figures not mine.

Mr. Stutter: To begin with if you have looked at the Tobacco Tax Ordinance you will note that it doesn't in any way refer to the fact or the assumption that that tax is for nothing other than this complete program which combines both kindergarten and pre-kindergarten. There is absolutely no requirement for funding this year in the pre-kindergarten.

The back-up sheet that you have, or that we have here, with the Sessional Paper is showing the expenses or the amounts of money required to bring in an extended kindergarten program during this fiscal year - 74/75. The total cost of that, the annual cost is \$309,000 but it only requires \$227,000 of this year. We already have \$101,000 in this year's budget so actually the requirement this year is about \$125,000. You must remember that if the tobacco tax is brought in too, again it would only be for part of the year and it certainly would not be a revenue of \$225,000 in the initial year, in the first year.

Beyond that, once the kindergarten program and the tax ordinance are in full swing, then you get into the situation where the annual cost of the kindergarten program is \$309,000. That would be the annual cost as against the \$225,000.

MR. CHAMBERLIST: MR. CHAIRMAN, I JUST USED THE FIGURES THAT WERE GIVEN BY THE HONOURABLE MEMBER AND THAT STATEMENTS THAT SHE HAD MADE RELATING TO THE ASSOCIATION BETWEEN THE TOBACCO TAX ORDINANCE AND THE PROPOSITION THAT IS NOW BEFORE US.

IT IS VERY INTERESTING TO NOTE THAT THE HONOURABLE MEMBER FROM DAWSON SUGGESTED THAT IT IS NOT FOR A COMPLETE YEAR, NOR IS THE PROGRAM FOR A COMPLETE YEAR. THE PROGRAM IS EFFECTIVE SEPTEMBER 1974. THE POSITION THAT WE ARE FACED WITH IS THAT THE AMOUNT OF MONEY THAT HAS BEEN ASKED FOR IS MORE IN THE TOBACCO TAX ORDINANCE, IS MORE THAN FOR THIS CURRENT YEAR. THIS IS WHAT WE ARE CONCERNED WITH. THIS CURRENT YEAR, \$101,000 IS ALREADY IN THE BUDGET. THERE CAN BE NO DOUBT ABOUT THAT AT ALL.

IT IS QUITE CLEAR TO ME THAT THERE IS A NECESSITY AT THIS TIME TO RECOGNIZE THAT IT WOULD BE IMPROPER OF THIS COUNCIL TO COMMIT A FUTURE COUNCIL TO A PROGRAM IN ANY EVENT WHICH COMES INTO EFFECT IN 1975. I DON'T THINK THERE COULD BE MUCH DOUBT IN ANYBODY'S MIND THAT WE WOULD BE IN ERROR COMPLETELY IF WE SUPPORTED A PROPOSAL OF THIS PARTICULAR NATURE.

THIS IS WHY I FEEL THAT TO REALLY GET DOWN TO THE NITTY GRITTY OF THIS PAPER DEALING WITH THE EXPANDED KINDERGARTEN PROGRAM. WE SHOULD GET OUT OF THE WAY THAT PART OF THE PROGRAM, MR. CHAIRMAN, THAT IS SUPERFLUOUS TO THE DISCUSSION NOW DEALING WITH KINDERGARTENS. CERTAINLY WE HAVE A RESPONSIBILITY AT THIS TIME, THIS COUNCIL, TO DECIDE YEA OR NAY WHETHER OR NOT WE AGREE TO AN EXPANDED KINDERGARTEN PROGRAM. WE SHOULD DEAL WITH THAT NOW. BUT, AS I SAY, LET'S NOT GET OURSELVES INTO A POSITION OF HAVING A FUTURE COUNCIL SAY OF ANY OF US WHETHER WE WOULD BE IN THE COUNCIL AT THAT TIME, THAT WE EXERT THEIR FUNCTION 18 MONTHS AHEAD OF TIME.

THIS IS WHY I AM SUGGESTING THAT WE SHOULD AGREE TO REMOVE THAT PART OF THE PAPER SO THAT WE DO NOT HAVE TO ANSWER THAT, AND LEAVE THAT TO THE INCOMING COUNCIL, AND DEAL WITH THAT PART FIRST.

MR. CHAIRMAN: I WONDER IF WE COULD MAYBE AT THIS TIME TAKE A BRIEF RECESS.

SOME MEMBERS AGREED

RECESS

MR. CHAIRMAN: I WILL NOW CALL COMMITTEE BACK TO ORDER. WE ARE DISCUSSING SESSIONAL PAPER NO. 19. PROCEED. COUNCILLOR STUTTER.

MR. STUTTER: THERE'S ONE THING I WOULD LIKE THE MINISTER TO MAKE PERFECTLY CLEAR BOTH TO ME AND PROBABLY TO OTHER MEMBERS. THAT IS IF WE LOOK AT PAGE 3 OF THE SESSIONAL PAPER, RIGHT AT THE VERY BOTTOM. THE BOTTOM PARAGRAPH. IT SAYS, AND SHE HAS SAID HERSELF, THAT "WHEREVER POSSIBLE FOR THE KINDERGARTEN PROGRAM THERE SHOULD BE CERTIFIED TEACHERS". BUT I KNOW IN SOME OF THE OUTLYING AREAS THIS IS NOT GOING TO BE POSSIBLE, AND SO THE PRESENT TEACHERS IN ALL PROBABILITY WILL BE THE ONES THAT END UP TEACHING KINDERGARTEN. BUT IN THOSE AREAS THERE AREN'T TWO SESSIONS A DAY. THERE ARE JUST ENOUGH CHILDREN IN SOME OF THEM THAT THERE IS ONE SESSION A DAY. WOULD THESE PEOPLE ALSO RECEIVE THIS FULL SALARY, THIS \$15,000.00 A YEAR, OR CAN YOU JUST TELL US A LITTLE ABOUT WHAT WOULD HAPPEN THERE.

MRS. WATSON: NO. THE INSTRUCTORS AND I FEEL QUITE STRONGLY ABOUT THIS. WE HAVE TRAINED, THE GOVERNMENT HAS TRAINED, INSTRUCTORS FOR THIS PROGRAM. I THINK WE OWE SOMETHING TO THESE PEOPLE. THEY CARRIED ON OUR EXISTING KINDERGARTEN PROGRAM VERY FAITHFULLY AND I THINK WE OWE SOMETHING TO THESE PEOPLE. A LOT OF REPRESENTATION WAS MADE THAT NO ONE SHOULD BE ALLOWED TO TEACH IN A KINDERGARTEN UNLESS THEY WERE A FULLY QUALIFIED TEACHER. THESE INSTRUCTORS SHOULD BE GIVEN SOME RIGHTS. I THINK THE DEPARTMENT SHOULD BE OBLIGATED TO USE THESE INSTRUCTORS IF THEY WANT TO CONTINUE. THEY WOULD BE PAID AT A DIFFERENT SALARY SCHEDULE THAN TEACHERS, BUT THEY WOULD ONLY BE USED WITHIN THE KINDERGARTEN PROGRAM. IF THERE WAS A KINDERGARTEN SESSION FOR 2 1/2 HOURS AND WE NEEDED ONE INSTRUCTOR, THE INSTRUCTOR WOULD BE USED ONLY FOR THE KINDERGARTEN. THEY WOULD NOT BE ALLOWED TO TEACH IN THE CLASSROOM, IN AN ORDINARY CLASSROOM SITUATION.

I THINK THAT IS THE QUESTION. THERE MIGHT BE SOME CONCERN THAT WE ARE TRYING TO GET NOT QUALIFIED TEACHERS INTO OUR SCHOOL SYSTEM. NO. WHAT WE ARE DOING IS JUST CARRYING ON THESE INSTRUCTORS. WE WON'T BE TRAINING ANYMORE. BUT AS LONG AS THEY WANT TO WORK WITHIN OUR KINDERGARTEN PROGRAM I THINK THEY SHOULD BE GIVEN THE RIGHT TO WORK. THEY WOULD

BE PAID A DIFFERENT SALARY SCHEDULE THAN THE TEACHERS.

MR. CHAMBERLIST: MR. CHAIRMAN, YOU KNOW I'VE ALWAYS TAKEN THE STAND THAT PEOPLE WHO ARE ACADEMICALLY QUALIFIED ARE NOT NECESSARILY THE BEST TYPE OF PERSON IN THAT PARTICULAR AREA OF ENDEAVOUR. YOU KNOW THAT IS CHILDREN. FOR INSTANCE YOU MIGHT GET A YOUNG TEACHER OF 22 OR 23 WHO IS ACADEMICALLY QUALIFIED TO BE A KINDERGARTEN INSTRUCTOR. BUT IN NO WAY CAN SHE COMPARE IN MATURITY WITH A GROWN WOMAN THAT HAS A FAMILY OF HER OWN, THAT HAS RAISED CHILDREN OF HER OWN IN TAKING CARE OF CHILDREN. IT WOULD APPEAR TO ME THAT BECAUSE A YOUNG GIRL OF 22 HAS THE NECESSARY ACADEMIC QUALIFICATIONS SHE WOULD BE PAID MORE ALTHOUGH SHE IS LESS EXPERIENCED IN THE FIELD THAN A TEACHER WHO HAS PERHAPS HAD 15 OR 20 YEARS AT LOOKING AFTER CHILDREN. I THINK IT'S THE WRONG CRITERIA TO SET BY WAY OF SALARY BASIS IF YOU SAY IF THEY ARE QUALIFIED TEACHERS, AND THEN YOU QUALIFY THE QUALIFICATION BY SAYING THAT THEY HAVE TO HAVE A DEGREE OR PASS AN EXAM OF SOME SORT, AND SAY THAT THEY ARE MORE QUALIFIED BECAUSE OF THAT ACADEMIC TRAINING THAN THE TEACHER WHO HAS THE PRACTICAL EXPERIENCE AND THE MATURITY OF MOTHERHOOD. I THINK IT WOULD BE WRONG.

WHAT THE HONOURABLE MEMBER SAID, AND SHE MAY CORRECT ME IF I AM WRONG, IS THAT THESE TEACHERS WHO ARE IN THAT POSITION NOW WE WOULD KEEP THEM ON BUT WE WOULD NOT TRAIN ANYMORE. I THINK THAT'S WRONG. I THINK WE ARE MAKING A MISTAKE. BECAUSE AS THE HONOURABLE MEMBER FROM DAWSON SAID IT MAY WELL BE THAT YOU ARE NOT GOING TO BE ABLE TO GET THE PEOPLE WITH ACADEMIC QUALIFICATIONS IN THE SMALLER COMMUNITIES BUT CERTAINLY YOU WOULD BE ABLE TO GET MATURE MOTHERS WHO ARE IN THOSE COMMUNITIES TO FULFILL THE VERY FUNCTION THAT THIS PAPER APPEARS TO INDICATE IT HAS A REQUIREMENT TO FULFILL. I THINK THAT THE DEPARTMENT MUST NOT BE TOO RIGID IN THIS PARTICULAR AREA, AND NOT SET AN ACADEMIC QUALIFICATION AS A BASIS FOR EMPLOYMENT. GOD KNOWS THAT WE OFTEN GET IN VARIOUS GOVERNMENT DEPARTMENTS WHERE PEOPLE WITHOUT THE NECESSARY ACADEMIC QUALIFICATIONS ARE MUCH BETTER AT A SPECIFIC JOB AT WORK THAN THOSE THAT ARE. I'M NOT SAYING THAT IT ISN'T OF GREAT BENEFIT IN FUTURE YEARS FOR PEOPLE TO BE ACADEMICALLY QUALIFIED. BUT THERE SHOULDN'T BE A PENALTY IMPOSED ON MATURE PEOPLE BECAUSE FOR SOME

REASON OR OTHER THEY HAVE BEEN UNABLE TO OBTAIN THE DEGREES AND ACADEMIC TRAINING THAT IS REQUIRED IN THE RURAL PROGRAM. I THINK THAT CONSIDERATION SHOULD BE GIVEN IN THAT PARTICULAR AREA.

MRS. WATSON: MR. CHAIRMAN, I THINK THE HONOURABLE MEMBER HAS MADE A VERY VALID POINT. THIS POINT IS RAISED TIME AFTER TIME. BUT WE MUST REMEMBER THOUGH THAT IT WILL BECOME PART OF THE SCHOOL SYSTEM, AND THAT IT IS RECOGNIZED THAT PROFESSIONALLY QUALIFIED PEOPLE TEACH IN OUR SCHOOL SYSTEM. WE WOULD HAVE TO BE VERY CAREFUL WITH THE PROFESSION WHO IS INVOLVED TEACHING IN OUR SCHOOL SYSTEM WHERE WE WOULD BE TRYING TO BRING INTO PART OF THIS SYSTEM. PEOPLE THAT THEY DON'T FEEL ARE QUALIFIED TO PERFORM THE FUNCTIONS THAT THEIR PROFESSION PERFORMS WITHIN THE SCHOOL SYSTEM. I THINK THIS IS THE BIGGEST DANGER. OF COURSE, THE HONOURABLE MEMBER HAS BROUGHT UP A VERY VALID POINT WHICH IS RECOGNIZED BY THE PROFESSION IN MANY INSTANCES. BUT WHO MAKES THE DECISION WHERE THE PERSON WHO IS MATURE, WHO HAS HAD A FAMILY OF THEIR OWN, POSSIBLY WITH ONE YEAR OF TRAINING, COULD POSSIBLY PERFORM A BETTER JOB - DO A BETTER JOB, PERFORM A BETTER FUNCTION WITHIN THE KINDERGARTEN PROGRAM THAN A YOUNG PERSON WHO IS JUST NEWLY OUT OF AN ACADEMIC PROGRAM. THIS IS A VERY VALID POINT. BUT WHO MAKES THE DIFFERENTIATION? HOW DO YOU CLASSIFY THESE PEOPLE? DO YOU CALL THEM PROFESSIONAL PEOPLE? THE PROFESSIONAL ORGANIZATION HAS TO RECOGNIZE THEM.

MR. CHAMBERLIST: MR. CHAIRMAN, I DON'T THINK THAT THE PROFESSIONAL ORGANIZATION IS IN ANY WAY - WILL IN ANY WAY INTERFERE WITH FOR INSTANCE A FUNCTION OF WHERE NATIVE CHILDREN ARE TO BE TAUGHT. THE PROFESSIONAL ORGANIZATION KNOWS FULL WELL THAT THERE IS A LIMITED AMOUNT OF PEOPLE WHO ARE ACADEMICALLY QUALIFIED TO BRING INTO THE OVERALL SPHERE OF EDUCATION AS THIS PROGRAM REALLY IS SET TO DO. NATIVE CHILDREN. NOW YOU WOULD IMMEDIATELY DEPRIVE THE NATIVE PARENTS WHO ARE NOT AGAIN ACADEMICALLY QUALIFIED TO BECOME TEACHERS AND INSTRUCTORS IN THIS PARTICULAR FIELD SIMPLY BECAUSE THEY DON'T HAPPEN TO HAVE THE ACADEMIC QUALIFICATIONS. WHAT IS GOING TO HAPPEN AND I THINK QUITE RIGHTLY SO, WE ARE GOING TO HAVE A RESISTANCE CREATED BY NATIVE ORGANIZATIONS IF WE GET INTO A FIXED POSITION THAT ONLY THOSE WITH

SPECIFIC QUALIFICATIONS ARE GOING TO BE USED. I'M SURE THAT THE PROFESSIONAL ASSOCIATION ARE GOING TO RECOGNIZE AS WELL THAT THEY NEED ASSISTANCE FROM MATURE PEOPLE AS WELL AS PEOPLE THAT ARE QUALIFIED BY WAY OF THE SCHOOLING THAT THEY HAVE RECEIVED.

I THINK BEFORE PROVIDING FOR THAT PARTICULAR AREA IN SPECIFIC REGULATIONS THAT THIS WHOLE AREA BE EXAMINED SO CLOSELY THAT IT WOULD SET ASIDE EXCEPT FOR PERHAPS PROMOTION THE DIFFERENCE IN PAY AREAS AS FAR AS INSTRUCTORS ARE CONCERNED. ONCE A PROGRAM GETS UNDERWAY IT MAY WELL BE THAT THOSE WHO ARE ACADEMICALLY TRAINED ARE GOING TO SEEK THE ASSISTANCE OF THE MORE MATURE INSTRUCTORS IN THE EVERYDAY WORK WHICH I'M SURE THAT THEY DON'T GET TRAINING ON IN UNIVERSITIES. I HAVEN'T HEARD OF ANY CASE WHERE PEOPLE WHO ARE TRAINED AS KINDERGARTEN INSTRUCTORS ARE TAUGHT TO CHANGE A CHILD'S DIAPER. THAT ONLY COMES FROM EXPERIENCE, AND EVEN I'M SURE EVEN - - -

Mr. STUTTER: DIAPERS IN KINDERGARTEN?

Mr. CHAMBERLIST: THAT'S THE POSITION. DIAPERS IN KINDERGARTEN AS WELL BECAUSE YOU ARE GOING INTO AREAS WHERE YOU MIGHT HAVE CHILDREN WHO ARE PRETTY SICK AT TIMES AND YOU KNOW, TO USE THAT AS AN EXAMPLE, THEY MIGHT HAVE TO CHANGE DIAPERS TOO.

Mr. McKINNON: GOOD TIMING.

SOME HONOURABLE MEMBERS: LAUGHTER.

Mr. CHAMBERLIST: BUT I THINK BEFORE THAT IS JUMPED INTO THAT MUST BE DEALT WITH. I STILL WOULD LIKE TO NEVERTHELESS, WHILE I AM ON MY FEET, GET FROM COUNCIL A COMMITMENT THAT WE WOULD NOT PROCEED WITH THAT PART DEALING WITH PRE-KINDERGARTEN PROGRAMS TO BE EFFECTIVE SEPTEMBER, 1975. I THINK THAT'S IMPORTANT.

Mr. McKINNON: Mr. CHAIRMAN, I'VE BEEN ONE OF THOSE ADVOCATES OF INTRODUCING OR MAKING KINDERGARTENS AN INTEGRAL PART OF THE SCHOOL SYSTEM FOR ANY NUMBER OF YEARS. I THINK REALLY THAT I WAS INVOLVED WITH THE FIRST KINDERGARTEN THAT WAS EVER ORGANIZED IN THE WHITEHORSE ARFA WHICH WAS AT SKOOKUM JIM HALL WHEN I WAS ORIGINALLY ON THE OPERATING BOARD OF THE SKOOKUM JIM HALL. THE POINT WAS MADE AT THAT TIME THAT PARTICULARLY THE INDIAN CHILDREN WERE NOT AT THE SAME LEVEL ENTERING GRADE ONE

AS THOSE CHILDREN FROM A WHITE BACKGROUND BECAUSE OF THE CULTURAL DIFFERENCES. IT WAS FOUND THAT THE INDIAN CHILDREN REALLY HAD TWO OR MORE STRIKES AGAINST THEM BECAUSE THEY WERE DISADVANTAGED COMING FROM A DIFFERENT CULTURAL BACKGROUND AND MEETING A CULTURE WHICH WAS ALIEN TO THEM AS SOON AS THEY WENT INTO THE SCHOOL SYSTEM.

WE PROBABLY HAD THE MOST PROFESSIONAL GROUP OF KINDERGARTEN TEACHERS THAT ANY KINDERGARTEN HAS BEEN FORTUNATE ENOUGH TO GARNER BECAUSE IT WAS ALL DONE ON A VOLUNTEER BASIS AND A LABOUR OF LOVE. WE HAD THE PICK OF ALL THE PROFESSIONALS IN TOWN WHO HAD TRAINING IN KINDERGARTEN WORK AND KINDERGARTEN WORK ALL OVER THE COUNTRY. IT WAS A REMARKABLE INSTITUTION AND I THINK ONE OF THE FINEST KINDERGARTENS THAT EVER CAME TO BEING IN THE YUKON. AND BECAUSE OF THE WORK THERE I BEGAN AT THE COUNCIL TABLE ASKING FOR THIS TO BE AN INTEGRAL PART OF THE YUKON SCHOOL SYSTEM WHICH, I AM HAPPY TO SEE, IT WILL BECOME. I DO HAVE DIFFICULTY AS OTHER MEMBERS HAVE STATED WITH THE CONCEPT OF THE PRE-KINDERGARTEN CLASSIFICATION. HOWEVER, I WOULDN'T GO SO FAR AS TO THINK THAT IT SHOULD BE KNOCKED OUT OF REFERENCE ALTOGETHER. BECAUSE I THINK THERE COULD BE A CASE MADE WHERE THE PRE-KINDERGARTEN AREA COULD WORK WHETHER IT WOULD BE TRIAL OR EXPERIMENTAL BASIS. YOU SEE WITH THE KINDERGARTEN NOW BECOMING AN INTEGRAL PART OF THE SCHOOL SYSTEM IT MEANS STILL THAT CHILDREN FROM DIFFERENT CULTURAL BACKGROUNDS WILL GO INTO THE KINDERGARTEN DISADVANTAGED BECAUSE THEY ARE THEN ENTERING A FORMAL PART OF THE SCHOOL SYSTEM IN A CULTURE VALUE SYSTEM WHICH IS COMPLETELY DIFFERENT FROM THE ONE IN WHICH THEY ARE RAISED.

IN THOSE AREAS I THINK YOU CAN MAKE A VERY STRONG POINT TO DISALLOW THIS DISADVANTAGE WHICH WAS EVIDENT AT THE SCHOOL SYSTEM ALL OVER THE YUKON THAT IN THOSE AREAS, TRIAL AND EXPERIMENTAL PRE-KINDERGARTEN CLASSES SHOULD BE SET UP TO SEE PERHAPS WHETHER THAT WOULD BE PART OF THE ANSWER TO HAVE A SMOOTH TRANSITION INTO A DIFFERENT CULTURE FOR CHILDREN WHO WE KNOW IN THE YUKON DO COME FROM A CULTURE VERY DIFFERENT TO THAT WHICH MOST OF US HAVE BEEN BROUGHT UP INTO. SO I WOULD NOT LIKE TO SEE THE CONCEPT OF PRE-KINDERGARTEN IN THAT AREA DONE AWAY WITH BECAUSE I THINK A CASE CAN BE MADE. I THINK

IF A TRIAL AND EXPERIMENTAL PROGRAM WERE MADE IN THE AREAS IN WHICH I STATED, THAT IT COULD BECOME A VERY VALUABLE PROGRAM.

AS FAR AS BEING A FORMAL PART, AN INTEGRAL PART OF THE YUKON SCHOOL SYSTEM, I CAN'T IN CONSCIENCE ACCEPT IT AT THIS TIME. I'M JUST OF THE OPINION, IT IS A VALUE JUDGMENT BUT I THINK IT IS VALID. I THINK THERE ARE STUDIES TO BACK WHAT I SAY UP THAT AT FIVE YEARS OF AGE THAT THAT'S PLENTY YOUNG ENOUGH FOR A CHILD TO HAVE TO GET EMBODIED IN A FORMAL SCHOOL STRUCTURE WITH MOST OF THE PARENTAL INFLUENCE UP TO FIVE YEARS OF AGE WHERE THE PARENT DOES GIVE HIS CHILDREN A PRETTY GOOD LEARNING EXPERIENCE IN THE HOME IN ASSOCIATION ON A BASIS WITH OTHER CHILDREN IS EVIDENT THROUGHOUT, RIGHT UP UNTIL HE REACHES KINDERGARTEN. BUT TO BE WITHOUT A FORMAL STRUCTURED AREA WHERE HE HAS TO GO TO A PRE-KINDERGARTEN TRAINING EVERYDAY. I JUST THINK THAT AT FOUR YEARS OLD SOMEHOW TO ME IS TOO YOUNG TO BE LOOKING INTO THIS AREA. AS I SAY AT THIS TIME I WOULD NOT LIKE TO SEE THE WHOLE PROGRAM THROWN OUT BECAUSE I THINK THERE ARE AREAS IN WHICH IT CAN BE EMINENTLY SUCCESSFUL AND WHICH IT SHOULD BE TRIED ON AN EXPERIMENTAL BASIS. BUT TO THINK OF IT AS AN OVERRIDING, AN INTEGRAL PART OF THE SCHOOL SYSTEM, WHERE A CHILD OF FOUR YEARS OF AGE IS INVOLVED IN A MORE OR LESS FORMAL STRUCTURE AS A PARENT I JUST CAN'T AGREE WITH IT. I THINK A VAST MAJORITY OF CHILDREN ARE BETTER OFF GETTING THEIR LEARNING EXPERIENCE AT THAT AGE AT HOME AND ON THE STREET.

Mrs. Watson: Mr. Chairman, I THINK THE HONOURABLE MEMBER MADE A COUPLE OF GOOD POINTS THERE TOO. HE REFERRED TO THE KINDERGARTEN BECOMING A FORMAL STRUCTURE. IT IS NOT SUPPOSED TO BECOME A FORMAL STRUCTURE, BUT UNFORTUNATELY IT DRIFTS THAT WAY. I'M GLAD HE BROUGHT UP THE ASPECT OF A DIFFERENT CULTURAL BACKGROUND WHERE SOME CHILDREN ARE ADVANTAGED BECAUSE OF THIS. THIS IS THE PRECISE REASON WHY THIS PRE-KINDERGARTEN PROPOSAL IS IN HERE. I FELT THAT IF OUR VARIOUS AREAS IN THE YUKON TERRITORY THAT REALLY JUSTIFY AND NEED, WHERE YOU COULD JUSTIFY AND NEED A PRE-KINDERGARTEN PROGRAM, BUT IN CERTAIN AREAS OF THE YUKON TERRITORY THERE ISN'T A NEED FOR THE PRE-KINDERGARTEN PROGRAM. NOT AS DEFINED AS THESE OTHER AREAS. HOWEVER, TO BRING A PROPOSAL FORTH TO COUNCIL AND SAY I SUGGEST THAT YOU

WE KNOW PICK OUT THESE AREAS AND GIVE THEM - EXTEND THIS EXTRA YEAR OF ASSISTANCE FOR THAT CHILD, WOULD NOT HAVE BEEN FAIR TO THE COUNCILLORS. SO I BROUGHT IT FORWARD AS A PROPOSAL FOR THE ENTIRE YUKON TERRITORY.

I KNOW AND I HAVE BEEN IN CONTACT WITH THE NATIVE BROTHERHOOD AND A PRE-KINDERGARTEN PROGRAM IS ONE THING THAT THE INDIAN PEOPLE ARE QUITE INTERESTED IN. I THINK THAT THE ASPECT OF THE INSTRUCTORS IN THE KINDERGARTEN, AND THAT IS WHY FOR THE PRE-KINDERGARTEN PROGRAM WE ARE SAYING WE MUST TRAIN THEM HERE. THEY MUST BE LOCAL PEOPLE. AND IN THAT AREA WE WOULD GET INTO THE MORE MATURE PERSON THAT WE WOULD TRAIN. HOW LONG THE TRAINING WOULD TAKE I DON'T KNOW. THE CRITICISM ON THE ACADEMIC TYPE OF PERSON, THE REQUIREMENT FOR AN ACADEMIC PERSON IN THE KINDERGARTEN PROGRAM, IT COULD BE ARGUED TOO THAT THERE ARE CERTAIN THINGS IN ACADEMIC TRAINING THAT YOU ACQUIRE THAT YOU WOULDN'T ACQUIRE IN A SHORT COURSE THAT WE WOULD GIVE FOR KINDERGARTEN INSTRUCTORS. AND YET, WE HAVE KINDERGARTEN INSTRUCTORS, NATIVE KINDERGARTEN INSTRUCTORS AT KISHWOOT HALL, I BELIEVE OLD CROW HAD ONE, PELLY RIVER, WHO DID A REMARKABLE JOB. LAST YEAR WHEN WE WERE THINKING OF PUTTING IN KINDERGARTENS, WHEN WE HAD THIS FLOOD OF REQUESTS FROM PEOPLE WE MUST HAVE FULLY-QUALIFIED TEACHERS IN OUR KINDERGARTEN PROGRAM, WE WERE CONCERNED ABOUT THE INSTRUCTORS. AND AT THAT TIME THE INSTRUCTORS WERE GIVEN THE OPPORTUNITY TO UPGRADE THEMSELVES. IF THIS WAS THE ROUTE TO GO, MAYBE THE GOVERNMENT SHOULD PROVIDE A SYSTEM SO THAT THEY WOULD BECOME QUALIFIED TEACHERS. BUT THESE PEOPLE, AND NOT JUST THE NATIVE WOMEN WHO WERE INSTRUCTORS, JUST FOUND IT TOO DIFFICULT TO GO BACK INTO A SCHOOL SYSTEM AND UPGRADE THEMSELVES SO THAT THEY COULD TAKE UNIVERSITY COURSES.

SO THIS YEAR WE LOOKED AT IT AGAIN AND I SAID NO, THESE PEOPLE WILL BE KEPT ON IF WE GO INTO THE KINDERGARTEN PROGRAM REGARDLESS IF THEY HAVE THE ACADEMIC BACKGROUND OR WHETHER THEY HAVE THE PROFESSIONAL STATUS OF BEING A FULLY-QUALIFIED TEACHER.

THE PRE-KINDERGARTEN PROGRAM - I CAN SEE THE RELUCTANCE OF THE MEMBERS TO EMBARK UPON A FULL PROGRAM ACROSS THE TERRITORY. I CAN UNDERSTAND THIS. BUT MAYBE THE COUNCIL WOULD LIKE TO CONSIDER MAKING SOME RECOMMENDATIONS

AND POSSIBLY ASKING FOR SOME PILOT PROJECTS IN THIS AREA IN VARIOUS COMMUNITIES IN THE TERRITORY. I WOULD BE VERY HAPPY TO ACCEPT SOME TYPE OF PROPOSAL LIKE THIS.

MR. CHAIRMAN: COUNCILLOR STUTTER WOULD YOU TAKE THE CHAIR JUST A MOMENT.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: MR. CHAIRMAN, I DON'T KNOW. POSSIBLY THE WAY TO DEAL WITH THIS QUESTION WOULD BE TO - YOU KNOW IF WE ADOPT THIS PROGRAM, WE ARE GOING TO HAVE TO ADOPT IT BY RESOLUTION IN ANY EVENT TO GIVE INSTRUCTIONS TO THE ADMINISTRATION AS TO OUR ACCEPTANCE OR REJECTION OF THE PROGRAM. IT MAY BE WISE THAT WHOEVER DOES PREPARE A MOTION, I FEEL, SHOULD EMBODY IN THE MOTION THE FACT THAT NO DOUBT WE ARE GOING TO ACCEPT THE KINDERGARTEN PROGRAM BUT EMBODY IN THE MOTION THAT WHILE WE DO NOT ACCEPT THE PRE-KINDERGARTEN PROGRAM OR THE COMMITMENT FOR THE PROGRAM AT THIS TIME, THAT IN PHILOSOPHY WE AGREE WITH THE PHILOSOPHY BEHIND IT, AND WOULD ENCOURAGE ANY TYPE OF FURTHERANCE ALONG THE LINES SUGGESTED BY THE HONOURABLE MEMBER FROM WHITEHORSE WEST WITHOUT COMMITTING THE NEW COUNCIL OR THIS COUNCIL FOR THAT MATTER TO ANY GREAT EXPENDITURE IN THIS PARTICULAR AREA. YOU KNOW, WHILE I AGREE AS I SAY WITH KINDERGARTENS AS AN INDIVIDUAL I FEEL WE ARE GOING TOO FAR TOO FAST BY EMBODYING THE WHOLE THING AT THIS TIME. POSSIBLY, AS I SAY, WHOEVER IS MAKING THE RESOLUTION IN RESPECT OF THIS PAPER AND ITS CONCURRENCE OR OTHERWISE COULD BEAR THAT INTO CONSIDERATION.

MR. CHAMBERLIST: MR. CHAIRMAN, I'M NOT GOING TO SPEAK ON THE PROS OR CONS OF THE PRE-KINDERGARTEN PROGRAM BECAUSE I FEEL THAT THIS IS SOMETHING ENTIRELY THAT SHOULD BE LEFT TO GO TO COUNCIL WHO HAS TO RAISE THE MONEY TO PROVIDE FOR THAT PROGRAM. IT WOULD JUST BE AN ERROR, A TOTAL ERROR ON OUR PART IF WE DIDN'T RECOGNIZE THIS. I AGREE WITH WHAT THE HONOURABLE MEMBER FROM WHITEHORSE WEST HAS SAID IN REGARD TO KINDERGARTEN PROGRAMS. I CAN SHOW YOU ADVERTISEMENTS AT ELECTION TIME THAT I'VE ALWAYS ENDORSED, YOU KNOW, KINDERGARTENS MUST BE PART OF THE EDUCATION SYSTEM BUT I NEVER SAID THAT PRE-KINDERGARTEN PROGRAMS SHOULD BE PART OF THE EDUCATION SYSTEM.

MR. MCKINNON: WHAT A HARANGUE YOU'D GET.

MR. CHAMBERLIST: I WOULDN'T SAY IT EVEN THEN BECAUSE I HAVE DIFFERENT FEELINGS ON IT. THIS, I DON'T KNOW BUT PERHAPS I WOULD. PERHAPS I WOULD TAKE A LOOK AT IT AND SEE THE VALUE OF IT. SEE WHETHER, INDEED, AS SUGGESTED BY THE HONOURABLE MEMBER FROM CARMACKS-KLUANE, OTHER AREAS. PERHAPS IN THE AREA OF PELLY CROSSING. THIS MAY BE, WHERE THERE IS A PREDOMINANCE OF NATIVE CHILDREN, BUT NOT UNIVERSAL. I KNOW PERHAPS THIS COULD BE BUT I STILL DON'T THINK AT THIS TIME THAT IT WOULD BE PROPER FOR US TO COMMIT OR TO AGREE WITH THE PROPOSED PROGRAM EFFECTIVE SEPTEMBER, 1975.

THIS IS THE THING THAT REALLY BOTHERS ME. YOU KNOW, WE ARE BEING ASKED TO SAY HERE IS A PROPOSAL EFFECTIVE 1975 AND IT'S JUST WRONG. I'M GOING TO SUPPORT A PROGRAM OF KINDERGARTENS, THERE IS NO DOUBT ABOUT IT BUT I DON'T LIKE THE METHOD WITH WHICH THIS HAS BEEN BROUGHT IN BECAUSE IT'S A BLACKMAIL, AN ABSOLUTE BLACKMAIL, THE TAXATION ORDINANCE AND I'M SORRY THAT YESTERDAY THE HONOURABLE MEMBER FROM WHITEHORSE WEST BENT HIS KNEES TO THE BLACKMAIL. I THOUGHT HE WAS MUCH STRONGER BUT I DON'T SAY HE IS IRRESPONSIBLE. I THOUGHT HE COULD HAVE BEEN MUCH STRONGER BECAUSE I KNOW FULL WELL THERE IS GOING TO BE MONEY IN THE BUDGET TO DEAL WITH IT.

ALL THEY HAVE TO DO IS INDISCRIMINATELY FIRE HALF A DOZEN OF THE TEACHERS TO FIND THE MONEY. SURE, FIRE THESE PEOPLE, THIS IS HOW THEY CAN DO IT. THERE'S ALL SORTS OF WICKED WAYS THAT THE DEPARTMENT WORKS TO DO THESE THINGS.

I THINK WE SHOULD DEAL FIRSTLY WITH, OR GO BACK AND DISCUSS GENERALLY, THE KINDERGARTEN PROGRAM. WE SHOULD SAY AT THIS TIME THAT WE ARE NOT GOING TO APPROVE THIS SECOND PROPOSAL OF THE PRE-KINDERGARTEN PROGRAM. WE SHOULD DEAL WITH THIS AND THEN WE ARE CLEAR TO DISCUSS THE REST OF THE PROGRAM.

MRS. WATSON: MR. CHAIRMAN, I DON'T THINK WE SHOULD DROP IT COMPLETELY. NOW THIS IS UP TO COUNCIL BUT I DON'T THINK WE SHOULD DROP IT COMPLETELY. I THINK MAYBE THERE SHOULD BE MUCH MORE WORK DONE IN THIS DIRECTION AND THE DEPARTMENT SHOULD HAVE SOME DIRECTION IN THIS REGARD. IF YOU WANT TO DROP IT COMPLETELY OF COURSE, IT'S THE COUNCIL'S.. BUT I THINK SOME VERY DEFINITE INSTRUCTION SHOULD, OR RECOMMENDATION SHOULD COME FROM THE COUNCIL REGARDING THE TYPE OF KINDERGARTEN PROGRAM YOU DO WANT. WHETHER YOU WANT FULLY QUALIFIED KINDERGARTEN

TEACHERS OR WHETHER YOU WANT A FURTHER TRAINING PROGRAM FOR INSTRUCTORS AND I THINK THERE ARE MANY THINGS, YOU KNOW, YOUR RECOMMENDATIONS ARE GOING TO HAVE TO COME FORTH, IF YOU DON'T AGREE WITH THE PAPER COMPLETELY.

MR. CHAMBERLIST: THAT'S RIGHT. THIS IS WHAT I'M SAYING MR. CHAIRMAN. ONCE WE CAN AGREE THAT WE'RE NOT GOING TO SUPPORT THE PRE-KINDERGARTEN PROGRAM EFFECTIVE 1975, THEN WE CAN DEAL WITH THE OTHER AREAS. BECAUSE ONCE WE HAVE WIPED THIS OUT AND I WANT TO KNOW WHAT AMOUNT OF THE TAXATION THAT IS BEING ASKED FOR WOULD HAVE INCLUDED THIS PART OF THE PROGRAM AS WELL. BECAUSE THE TAXATION THAT'S BEING ASKED FOR IS BEING ASKED FOR FOR AN OVERALL. TO USE THE WORDS OF THE HONOURABLE MEMBER FROM CARMACKS-KLUANE SHE SAID "A COMPLETE KINDERGARTEN PROGRAM", WAS THAT THE WORD?

MRS. WATSON: A COMPREHENSIVE.

MR. CHAMBERLIST: A COMPREHENSIVE KINDERGARTEN PROGRAM WHICH INCLUDED BOTH THE PROGRAMS. AND I SAY IF WE DROP THAT SECOND PART DEALING WITH THE PROGRAM EFFECTIVE 1975, IMMEDIATELY THERE'S AN AREA OF SAVING FROM THE RAISING OF TAX MONEY. SO I THINK IF WE DEAL WITH THAT PARTICULAR PART THEN WE CAN GO ON FROM THERE MR. CHAIRMAN.

MR. TAYLOR: I'LL RESUME THE CHAIR.

MR. CHAIRMAN: COUNCILLOR STUTTER.

MR. STUTTER: THERE IS JUST ONE QUESTION I WOULD LIKE TO ASK THE HONOURABLE MEMBER MR. CHAIRMAN, AND THAT IS HOW LONG DOES SHE FEEL THAT IT DOES REQUIRE TO TRAIN SOMEBODY FOR A PRE-KINDERGARTEN PROGRAM? I MEAN WE ARE TALKING SEPTEMBER, 1975. WOULD IT BE POSSIBLE TO TRAIN SOMEBODY FROM LET'S SAY BETWEEN JANUARY OR FEBRUARY OF '75 AND SEPTEMBER OF '75?

MRS. WATSON: IT WOULDN'T BE THAT LONG, THE TRAINING PROGRAM. IT WOULD ONLY BE I'D IMAGINE A COUPLE OF MONTHS. I'M NOT SURE ON THE EXTENT OF THE TRAINING PROGRAM. THIS HASN'T BEEN DETERMINED YET EITHER. BUT IT WOULDN'T BE A FULL YEAR TRAINING PROGRAM.

MR. STUTTER: THEN, MR. CHAIRMAN, IT WOULD BE POSSIBLE THEN FOR A NEW COUNCIL TO MAKE A DECISION TO GO FOR PRE-KINDERGARTEN AND STILL HAVE TIME TO TRAIN SOMEBODY BY SEPTEMBER?

MR. MCKINNON: YOU CAN'T BIND THEM TODAY.

MR. CHAMBERLIST: YOU CAN'T BIND THEM AT ANY RATE.

MRS. WATSON: NO THAT'S TRUE. AND I DON'T THINK THAT IF WE DON'T PROCEED, I THINK THE DETERMINATION OF THIS TYPE OF PRE-KINDERGARTEN PROGRAM WOULD HAVE TO BE DONE FIRST. WHAT DO THE COMMUNITIES WANT? WHAT KIND OF A PROGRAM DO THEY WANT IN THEIR COMMUNITIES? THE WHITEHORSE PROGRAM IS VERY DIFFERENT FROM THE ONE AT OLD CROW. AND AFTER YOU DETERMINE THAT, THEN YOU DECIDE THE TYPE OF TRAINING THAT YOU HAVE TO GIVE THE PEOPLE. SO IT WOULD BE VERY DIFFICULT FOR A NEW COUNCIL TO MAKE THAT DECISION AND GET THE PROGRAM ROLLING.

MR. CHAMBERLIST: OH NO! YOU THINK TOO MUCH.

MRS. WATSON: WELL, I'M BEING HONEST.

MR. STUTTER: JUST ONE FURTHER QUESTION MR. CHAIRMAN. IT DOES APPEAR FROM THE PAPER, ALTHOUGH THE PAPER DOESN'T SPECIFICALLY SAY, THAT THE TWO PROGRAMS WOULD BE COMPLETELY DIFFERENT. THERE ARE MANY INDICATIONS IN THERE THAT THEY ARE IN FACT COMPLETELY SEPARATED AND NOT IN ANY WAY RELATED. THAT IS THE KINDERGARTEN AND THE PRE-KINDERGARTEN. YOU'RE EVEN TALKING ABOUT DIFFERENT QUALIFICATIONS FOR TEACHERS, A DIFFERENT SET OF RULES, DIFFERENT BUSSING I TAKE IT, BECAUSE YOU'VE ALSO GOT IN THERE TRANSPORTATION FOR PRE-KINDERGARTEN. SO IS IT A COMPLETELY DIFFERENT PROGRAM? THE KIDS WON'T BE IN THE SAME CLASSROOM OR ANYTHING LIKE THIS?

MRS. WATSON: NO, NO, I WOULD HOPE THAT THE PRE-KINDERGARTEN WOULDN'T BE WITH THE KINDERGARTEN. IT'S MORE A TYPE OF PLAY PROGRAM. A SPECIALIZED TYPE OF PLAY PROGRAM.

MR. MCKINNON: MR. CHAIRMAN, I REALLY CAN'T SEE. I THINK WE'VE GOT A PRETTY GOOD GO AROUND AT THE CONCEPT OF PRE-KINDERGARTEN. AND IT REALLY DOESN'T MATTER WHAT THE COUNCIL DOES ON THIS ANYWAY. IF THE DEPARTMENT OF EDUCATION WANT TO DO SOME MORE RESEARCH INTO IT, WANT TO LEAVE PAPERS AND DOCUMENTS AVAILABLE FOR THE NEXT COUNCIL AS TO THE RESEARCH THAT THEY HAVE DONE INTO IT AND AS TO THE ADVANTAGES AND LOCATION AND ANY OF THIS TYPE OF EXPERIMENTAL WORK THAT'S DONE. THAT'S FINE. BUT WE SHOULD JUST LEAVE THAT PART OF THE PAPER BECAUSE WE CAN'T BIND THE NEXT COUNCIL, NO MATTER WHAT WE DO. WE CAN PASS A MOTION, A FORMAL MOTION, SAYING THAT WE AGREE OR WE SUPPORT AND WE SAY THAT THERE

SHOULD BE A PRE-KINDERGARTEN PROGRAM STARTED IN 1975 AND THE NEXT COUNCIL COULD JUST COME IN AND RIP IT UP AND IGNORE IT COMPLETELY ANYWAY. SO WE'VE HAD THE DISCUSSION ON IT. LET'S LEAVE IT. IF THE DEPARTMENT OF EDUCATION WANTS TO GO INTO MORE WORK ON IT, TO LEAVE THE RESULTS OF THEIR WORK TO THE FUTURE COUNCIL. WHY, LET'S AFTER WE DISCUSSED THE KINDERGARTEN PROGRAM, JUST PASS A FORMAL MOTION THAT WE AGREE WITH THE KINDERGARTENS NOW BECOMING KINDERGARTENS BECOMING AN INTEGRAL PART OF THE SCHOOL SYSTEM. THAT'S ALL WE HAVE TO DO. WE DON'T HAVE TO DO ANYTHING ELSE. WE CAN'T ANYWAYS, BECAUSE WE CAN'T BIND THE NEXT COUNCIL.

MR. CHAMBERLIST: EXCEPT FOR ONE POINT. THAT THE TOBACCO TAX ORDINANCE AND THE MONEY THAT IT PROPOSES TO RAISE, IT'S TO COVER THE OVERALL PROGRAM. THAT IS THE HOOK.

MRS. WATSON: NOT NECESSARILY MR. CHAIRMAN, BECAUSE IF YOU'RE LOOKING AT THE COST OF A KINDERGARTEN PROGRAM, YOU'RE LOOKING AT \$309,000. AND MY POINT WAS THAT WHEN YOU PROPOSE A COMPLETELY NEW PROGRAM WITHIN THE BUDGET, THEN WHAT ADDITIONAL REVENUE WILL THE TERRITORY BE ABLE TO PROVIDE. AND ONCE YOU GET YOUR PROGRAM ACCEPTED AND INTO A BUDGET, THEN YOU HAVE IT ROLLING. BUT YOU JUST HAVE TO COME FORWARD WITH SOME ADDITIONAL REVENUE IN ORDER TO SELL THE PROGRAM. ESPECIALLY WHEN YOU'RE GOING TO THE KINDERGARTEN PROGRAM BECAUSE IT IS NOT PART OF THE SCHOOL SYSTEM. IN SOME PROVINCES IT IS RECOGNIZED AS PART OF THE SCHOOL SYSTEM. IN OTHERS IT IS NOT. AND MR. CHAIRMAN, YOU'RE LOOKING AT MONEY - - - .

MR. CHAMBERLIST: YOU'VE TIED YOURSELF UP HERE LADY. IF WE HAVE A LOOK AT THIS BREAKDOWN THAT HAS BEEN PROVIDED HERE, THERE'S AN ESTIMATED ANNUAL COST OF THE WHOLE PROGRAM, OF AN EXPANDED PROGRAM OF \$309,000. THE NEXT ITEM THERE IS AN ESTIMATED COST - SEPTEMBER 1974 TO 1975. NOW WE'VE ALREADY PROVIDED IN THAT, \$101,000. NOW THE \$101,000 IS NOT JUST FOR 1974-75, IT'S FOR THE WHOLE YEAR. BUT THERE IS ALREADY MONEY IN THE BUDGET OF LAST YEAR TO FINISH THE SCHOOL YEAR OF THIS YEAR. THIS IS WHAT HAPPENED AND IT HAS. THIS IS WHAT HAPPENS WITH BUDGETING WHEN IT COMES TO EDUCATION, BECAUSE IT'S BUDGETED NOT FOR THE FISCAL YEAR, IT'S BUDGETED FOR THE SCHOOL YEAR.

MRS. WATSON: NO, MR. CHAIRMAN. THE HONOURABLE MEMBER IS WRONG. THE HONOURABLE MEMBER TRIED BUT YOU DIDN'T MAKE IT. YOU ARE WRONG. THE

MONEY THAT'S IN THE BUDGET THAT WE APPROVE NOW IS PAYING THE KINDERGARTEN INSTRUCTORS' SALARIES IN THE BUDGET APPROVED THEY'RE PAYING THAT SALARY AS OF APRIL 1ST.

MR. CHAMBERLIST: MR. CHAIRMAN, WHEN THE BUDGET IS SET UP, THE OVERALL BUDGET IS SET FOR THE FISCAL YEAR. BUT IN THE CASE OF THE DEPARTMENT OF EDUCATION WHERE THE EDUCATION YEAR IS A SPECIFIC PERIOD OF TIME, THERE IS AN OVERRUN OF PAYMENTS MADE IN THE YEAR FOLLOWING, IN THE FEW MONTHS FOLLOWING, TO COMPLETE THE PAYMENTS OF THE PREVIOUS YEAR. SO THAT THEY HAVE ALREADY GOT MONEY IN THAT PART OF THE BUDGET FOR THIS YEAR. NOW COME ON, LET'S GET OFF OF THAT. BECAUSE THIS IS THE WAY THE DEPARTMENT OF EDUCATION IS OPERATED. EVERY YEAR SINCE I CAN REMEMBER, THEY HAVE HAD THE ADDITIONAL MONEY TO MEET THE COSTS OF APRIL, MAY AND JUNE.

MRS. WATSON: YES, BUT IF YOU LOOK AT THE EDUCATION'S BUDGET AND YOU LOOK AT THE SALARIES AND WAGES PER TEACHER, WE KNEW WHAT THE SALARIES AND WAGES FOR THE TEACHERS WERE AND WOULD BE FROM APRIL TO THE END OF AUGUST BECAUSE THAT'S THE AGREEMENT. BUT WE HAD TO ESTIMATE THE SALARIES AND WAGES FOR TEACHERS AND WE PUT THE NORMAL 5% WHICH IS DONE IN ALL BUDGETING. THE NORMAL 5% AND THEN AFTERWARDS, AFTER YOU HAVE YOUR SETTLEMENT, YOU BRING FORTH YOUR SUPPLEMENTARY OR TRY TO FIND ANOTHER DEFICIT GRANT. BUT WE HAD A CONSTANT FIGURE THAT WE KNEW FOR THE SALARIES OF TEACHERS FROM APRIL 1ST ON THE EXISTING AGREEMENT. OH NO, IT'S DONE BY FISCAL YEAR.

MR. CHAMBERLIST: WHEN THE MONEY IS APPROPRIATED BY THIS COUNCIL, IT'S APPROPRIATED FOR A FISCAL YEAR, BUT WHEN THE DEPARTMENT PREPARES IT'S ESTIMATES, IT PREPARES IT'S ESTIMATES ON THE BASIS OF HOW MUCH IT'S GOING TO COST FOR THAT SCHOOL YEAR TO OPERATE. NOW, THERE IS NO SUGGESTION - - .

MRS. WATSON: MR. CHAIRMAN, THAT IS WRONG!

MR. CHAIRMAN: ORDER PLEASE! ORDER PLEASE! PLEASE DON'T INTERRUPT EACH OTHER.

MR. CHAMBERLIST: YES. WHEN THE ESTIMATES ARE DONE, WHEN THE ESTIMATES ARE BROUGHT FORWARD AND THE MONEY IS APPROPRIATED, THE MONEY IS APPROPRIATED FOR THE COST OF THE REQUIREMENTS OF THE FISCAL YEAR 74-75. BUT WHEN THE DEPARTMENT SETS UP THE AMOUNT OF IT'S NEEDS, IT INCLUDES FOR THE AMOUNTS OF MONEY TO MEET THE OBLIGATIONS OF SALARIES IN PARTICULAR TO THE

COMPLETION OF THAT FISCAL YEAR. AND IT'S JUST A BOOKKEEPING ENTRY. SO THAT YOU FINISH UP WHERE YOU'VE GOT A LITTLE BIT OF MONEY OVER FROM THE YEAR BEFORE AND THEN YOU GO FOR A LONG PERIOD OF TIME FOR THE FOLLOWING YEAR. AND THERE'S NO DOUBT IN MY MIND THAT WHAT IS BEING LOOKED FOR IS A LITTLE BIT MORE MONEY TO OFF-SET THESE PARTICULAR NEEDS. AND THIS IS WHY I SAY THAT YOU HAVE INCLUDED IN THIS PROPOSED AMOUNT OF \$225,000 THAT YOU SAY THAT THE TOBACCO TAX WILL RAISE. AND YOU KNOW, I THINK YOU SEE NOW WHERE YOU'VE MADE AN ERROR IN EVEN SAYING THAT BECAUSE YOU'RE SAYING NOW THAT THAT \$225,000 DOESN'T APPLY TO THE PROPOSED PUBLIC KINDERGARTEN PROGRAM AND THE PROPOSED PUBLIC PRE-KINDERGARTEN PROGRAM. NOW YOU'RE SAYING WELL IT ONLY APPLIES TO THE FIRST PROGRAM AND NOT THE SECOND PROGRAM, YET IN THE BEGINNING YOU SAID IT'S FOR A COMPREHENSIVE PROGRAM.

NOW ARE YOU GOING TO SAY NOW PERHAPS THE HONOURABLE MEMBER WOULD LIKE TO STAND UP NOW AND SAY - I'VE MADE A MISTAKE. IT'S NOT FOR A COMPREHENSIVE PROGRAM.

MRS. WATSON: MR. CHAIRMAN, IF ANYONE UNDERSTOOD WHAT HE WAS SAYING, I WOULD LIKE TO KNOW. HOWEVER, I WOULD LIKE TO POINT OUT THAT WE SAY THE ESTIMATED COSTS, AND THIS IS FOR THE KINDERGARTEN PROGRAM ONLY THAT WE ARE TALKING ABOUT NOW. THE ESTIMATED COST OF MAKING THE KINDERGARTEN PROGRAM PART OF THE SCHOOL SYSTEM IN SEPTEMBER OF '74 WOULD COST \$227,000. WE HAVE \$101,000 IN THE VOTE NOW FOR KINDERGARTENS. RIGHT? WE HAVE AN EXISTING KINDERGARTEN PROGRAM GOING ON NOW WHICH HAS TO BE FUNDED OUT OF THAT \$101,000 TO THE END OF AUGUST. AND THAT IS THE COLUMN WHICH SAYS, "LAST EXISTING PROGRAM COSTS". AND IF THE HONOURABLE MEMBER WOULD LOOK AT "LESS EXISTING PROGRAM COSTS". IF HE WAS SUCH A WHIZ, WHY DID HE EVER BRING IN TAXATION BILLS? \$59,000, SO YOU NEED FOR THE KINDERGARTEN PROGRAM TO MAKE IT PART OF THE SCHOOL SYSTEM, WE NEED AN ADDITIONAL \$168,610 TO PROCEED IN SEPTEMBER OF '74.

MR. CHAMBERLIST: THAT'S EXACTLY WHAT I'M SAYING. THAT YOU NEED \$168,000 NOT \$225,000.

MR. MCKINNON: MR. CHAIRMAN, THIS ALL IS FINE. BUT I'M TELLING YOU THAT I EXPECT TO COME HERE IN JUNE AND WE'RE TALKING ABOUT THE ELECTORAL BOUNDARIES. I EXPECT TO SEE A MOTION, THAT I HOPE PASSES THAT WE HAVE A PROGRAM OF CIVIL AND CRIMINAL AID IN THE YUKON TERRITORY. I EXPECT TO SEE THAT THERE ARE GOING TO BE FUNDS

ALLOCATED FOR A PROFESSIONAL COMMUNICATIONS CONSULTANT TO UNDERTAKE THE STUDIES FROM WHICH WE ARE TALKING ABOUT TELEVISION. I DON'T EXPECT TO SEE ONE EXTRA TAX BILL OR ONE EXTRA SET OF TAXATION COMING FORWARD AT THAT TIME IN SUPPLEMENTARIES BECAUSE OF THOSE PROGRAMS THAT ARE INITIATED. AND THERE ARE SOME MONIES THAT ARE GOING TO BE FLOATING AROUND LOOSE AND SOME OF THAT CAN BE FOUND FOR THOSE TWO VERY IMPORTANT PROGRAMS WITHOUT ANY EXTRA IMPOST ON THE TAXPAYERS OF THE YUKON TERRITORY.

MR. CHAMBERLIST: THIS IS THE POINT THAT I MAKE MR. CHAIRMAN, THAT THE MONEY THAT IS GOING TO BE RAISED BY TOBACCO TAX IS GOING TO BE MORE THAN WE NEED AND THEREFORE, WE SHOULD USE IT IN ANOTHER AREA. NOT ASSOCIATE TOBACCO TAX WITH KINDERGARTEN ONLY.

MR. CHAIRMAN: ORDER PLEASE, ORDER PLEASE! ONE AT A TIME. COUNCILLOR WATSON.

MRS. WATSON: MR. CHAIRMAN, WE ARE LOOKING AT AN ADDITIONAL FUNDING FOR THE KINDERGARTEN PROGRAM OF \$168,000. RIGHT? IF YOU WANT TO MAKE IT PART OF THE SCHOOL SYSTEM. YOU'RE LOOKING AT AN ESTIMATED REVENUE FROM THE TOBACCO TAX, YOUR ESTIMATED REVENUE OF \$225,000, WHICH WILL NOT HAVE A FULL YEAR'S OPERATION. WHEN WILL YOUR TOBACCO TAX BE IN FORCE.

MR. CHAMBERLIST: JUNE THE 1ST, ACCORDING TO THE LEGISLATION.

MR. CHAIRMAN: WE ARE POSSIBLY OVER THE NOON HOUR, MAYBE ONE OF THE HONOURABLE MEMBERS MIGHT CONSIDER PROPOSING A MOTION IN RESPECT OF THIS MATTER. SO CONSEQUENTLY I WILL STAND COMMITTEE IN RECESS UNTIL 2:00 O'CLOCK.

RECESS

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER AND WE ARE DISCUSSING KINDERGARTENS.

MR. MCKINNON: MR. CHAIRMAN, I HAVE A MOTION THAT PEOPLE WANT MORE DISCUSSION ON THIS PAPER AND THEY DON'T FEEL IT'S TIME TO MOVE IT OR SECOND IT BUT I PUT IT BEFORE COMMITTEE TO SEE WHETHER IT'S THE GENERAL CONSENSUS OF COMMITTEE THAT THIS IS THE WAY WE ARE MOVING ALONG. IT WOULD READ THAT COMMITTEE AGREES WITH THE KINDERGARTEN PROGRAM OUTLINED IN SESSIONAL PAPER NO. 19, RECOGNIZES THAT THE PROGRAM OF PRE-KINDERGARTENS THOUGH DESIRABLE IN SOME AREAS MUST BE REFERRED TO THE NEXT COUNCIL FOR THEIR CONSIDERATION AND DECISION. NORM?

MR. CHAMBERLIST: YES, I'LL SECOND THE MOTION.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR MCKINNON, SECONDED BY COUNCILLOR CHAMBERLIST THAT COMMITTEE AGREES WITH THE KINDERGARTEN PROGRAM OUTLINED IN SESSIONAL PAPER NO. 19, RECOGNIZES THAT THE PROGRAM OF PRE-KINDERGARTENS THOUGH DESIRABLE IN SOME AREAS, MUST BE REFERRED TO THE NEXT COUNCIL FOR THEIR CONSIDERATION AND DECISION.

ANY DISCUSSION ON THE MOTION? THERE ARE NO QUESTIONS? ARE YOU AGREED? I DECLARE THAT THE MOTION IS CARRIED.

MOTION CARRIED.

MR. CHAIRMAN: ANYTHING FURTHER IN RELATION TO THE KINDERGARTEN PROGRAM? EVERYONE CLEAR?

SOME MEMBERS: CLEAR.

MR. CHAIRMAN: I'M WONDERING IF COMMITTEE WOULD BE PREPARED TO GO TO THE PAPER ON LOTTERIES AT THIS TIME?

SOME MEMBERS: AGREED.

SESSIONAL PAPER NO. 22

MR. CHAIRMAN: THAT IS SESSIONAL PAPER NO. 22. IT WAS MOVED IN THIS MORNING. THIS PAPER CAME INTO COMMITTEE THIS MORNING. YESTERDAY?

MR. CHAMBERLIST: NO, IT WAS MOVED INTO COMMITTEE THIS MORNING.

MR. CHAIRMAN: YEA, RIGHT. MR. LEGAL ADVISOR,

I'M WONDERING IF POSSIBLY YOU COULD GIVE US SOME BACKGROUND IN RELATION TO THIS MATTER? GENERALLY HOW IS IT PROPOSED THAT THE LOTTERY PROGRAM IS TO WORK AS IT AFFECTS THE YUKON?

MRS. WATSON: MR. CHAIRMAN, POSSIBLY I AM A LITTLE MORE FAMILIAR WITH IT AS I HAVE WORKED WITH IT, THAN THE LEGAL ADVISOR.

ACTUAL MECHANICS FOR THE LOTTERY HAS NOT BEEN DETERMINED AT THIS TIME. THAT IS WHY THE LEGISLATION IS VERY BROAD AND FOR REGULATION. THERE IS A PROPOSAL AND I KNOW THAT THE COUNCIL AND I KNOW THAT THE GOVERNMENT AND THE PUBLIC TOO THAT WE DO AN AWFUL LOT OF WORK BY BOARDS, BUT IF YOU CONSIDER WHO SHOULD BE LICENCED AS AGENTS AND YOU THINK OF THE VARIOUS RECREATION AND SPORTS AND SOCIAL ORGANIZATIONS, NON-PROFIT ORGANIZATIONS WHO SHOULD BE GIVEN THE OPPORTUNITY TO DERIVE SOME REVENUE FROM SALES OF LOTTERY TICKETS YOU WOULD REALIZE THAT SOMEBODY IS GOING TO SORT THEM OUT. ASK FOR APPLICATIONS FROM PEOPLE OR ORGANIZATIONS THAT ARE INTERESTED AND THEN TRY TO ALLOCATE THE LICENCING FOR LOTTERIES, POSSIBLY ON FOUR LOTTERIES IN A YEAR OR POSSIBLY JUST FOR ONE LOTTERY IN A YEAR.

THAT IS WHY WE ARE SUGGESTING THAT A BOARD BE ESTABLISHED. WE MAKE NO RECOMMENDATIONS ON WHO SHOULD SIT ON THE BOARD, WHO SHOULD NOMINATE THE BOARD, BUT THE MECHANICS OF LOTTERY I AM THINKING, COULD PROBABLY CAUSE US SOME HEADACHES AND I THINK THAT WE ARE GOING TO HAVE TO HAVE A YEAR OR TWO OF EXPERIENCE BEFORE WE ARE EVEN ABLE TO HAVE IT OPERATING EFFICIENTLY SO THAT THE ORGANIZATIONS WILL GET ALL THE MONEY THEY ARE LOOKING FORWARD TO FROM THE SALE OF LOTTERY TICKETS.

IF YOU LOOK UNDER THE AGREEMENT ON THE WESTERN CANADA LOTTERIES, 60% OF THE REVENUE FROM THE SALE OF TICKETS REMAINS IN THE YUKON TERRITORY, 40% WILL GO TO THE WESTERN CANADA LOTTERIES CORPORATION, 20% FOR THE PRIZE MONEY, 15% FOR THE ADMINISTRATION AND THEN 5% TO BE GIVEN TO NON-PROFIT ORGANIZATIONS.

OF THAT 60%, 33 1/3% OF TEN TICKETS WILL BE RETAINED BY THE AGENCY THAT IS LICENCED TO SELL THE TICKETS. NOW, WE ARE SUGGESTING THAT ONLY NON-PROFIT CHARITABLE ORGANIZATIONS AT THIS TIME BE LICENCED TO SELL THE TICKETS AND THERE CAN BE A GOOD ARGUMENT PUT UP TO LET PRIVATE ENTERPRISE ALSO BE LICENCED TO HAVE AGENTS SELL TICKETS. BUT ON THE OTHER HAND, POSSIBLY THE ORGANIZATIONS WILL GET PRIVATE BUSINESS FIRMS TO

ACT AS AGENTS FOR THEM. IT'S A SPLIT THEY MIGHT WANT TO TAKE.

SO, THERE IS A REAL POTENTIAL SOURCE OF REVENUE WHEN YOU THINK OF 33 1/3% TO GO TO THE SELLING AGENCY BUT I THINK YOU ALL REALIZE AND THIS IS WHERE I WOULD LIKE TO SEE DISCUSSION ON THE MECHANICS OF THIS. I HAVE THOUGHT OF SUGGESTING AT ONE TIME TO LET THE SPORTS FEDERATION HANDLE AND BE THE AGENCY FOR VARIOUS SPORT ORGANIZATIONS BUT THEN THE SPORTS FEDERATION WOULD HAVE TO HIRE SOMEONE, OR PART-TIME, TO CARRY OUT THE ADMINISTRATION. SO THERE YOU WOULD HAVE MORE ADMINISTRATION COSTS TO FALL ON.

I WOULD CERTAINLY WELCOME ANY DISCUSSION ON THIS AND ANY SUGGESTIONS. I THINK IT'S VERY IMPORTANT SO THAT A SOURCE OF REVENUE FOR RECREATION SPORTS AND CULTURAL ORGANIZATIONS IN THE TERRITORY IS AVAILABLE. IT'S JUST HOW ARE WE GOING TO HANDLE THE LICENCING OF THE AGENCIES SO THAT EVERYONE WILL HAVE AN OPPORTUNITY TO DERIVE SOME REVENUE FROM IT.

MR. CHAIRMAN: COUNCILLOR STUTTER, WILL YOU TAKE THE CHAIR A MOMENT?

MR. STUTTER: COUNCILLOR TAYLOR.

MR. TAYLOR: WELL, I HAVE NOT TOO MANY DIFFICULTIES IN RELATION TO THIS LOTTERY QUESTION, HOWEVER, IT OCCURRED TO ME THAT IF 30% OF THE REVENUE COMES BACK TO THE SELLERS, I FORGET THE ACTUAL PROPORTION BUT IF A THIRD COMES BACK TO THE SELLING AGENCY AND WITH A VIEW TO HAVING THESE FUNDS GOING TO WORK IN THE COMMUNITIES ALL THROUGH THE YUKON FOR CAPITAL OR O & M, I IMAGINE THAT IT DOESN'T BIND YOU TO EITHER OR FOR EITHER PURPOSE. THAT PROPERLY, THE COMMUNITY CLUBS THROUGHOUT THE TERRITORY SHOULD BE ONE OF THE MAIN SELLING AGENCIES.

I WOULD THINK THAT IF WE DID IT THIS WAY, THEN AT LEAST IN THE SMALLER COMMUNITIES, THEN THE COMMUNITY CLUBS COULD GO TO THE SERVICE CLUBS IN THEIR AREA TO ASSIST THEM IN SELLING. THAT IS THE LIONS CLUB, ROTARY CLUB, KIWANIS CLUB, BUT I DON'T KNOW HOW YOU WOULD PROVIDE THEN FOR THE MUNICIPALITIES SUCH AS DAWSON, FARO AND MAYO IN THIS RESPECT BECAUSE THEY DON'T HAVE, NECESSARILY HAVE COMMUNITY CLUBS AS SUCH. IN DAWSON THEY DO BUT IN WHITEHORSE FOR INSTANCE, THEY DON'T HAVE A COMMUNITY CLUB AS SUCH. HOW YOU WOULD DEAL WITH THIS QUESTION I DON'T KNOW. I DON'T KNOW WHAT WOULD BE THE FOSTERING AGENCY BUT I REALLY THINK THAT'S WHERE THE MONEY SHOULD GO. SO THEY

SHOULD BE THE EXCLUSIVE AGENCY. HOW ONE WORKS THIS I DON'T KNOW.

THE OTHER QUESTION IS THE AMOUNT OF MONEY THAT COMES TO THE GOVERNMENT AND WHERE THIS MONEY GOES. I THINK THIS MONEY SHOULD ALSO BE ALLOCATED FOR GENERAL, WE COULD SAY FOR CAPITAL PURPOSES ONLY FOR THE GOVERNMENT SIDE OF THE FENCE. IN ORDER TO GET ENOUGH MONEY TO START DEVELOPING STRUCTURES SUCH AS ARENAS, WHICH I SEEM TO HAVE AT THE TOP OF MY BONNET AT THE MOMENT. IF WE CAN GET ENOUGH CAPITAL FUNDS TO START DEVELOPING HOCKEY ARENAS AND THIS TYPE OF THING IN THE COMMUNITIES THROUGHOUT THE TERRITORY.

MR. MCKINNON: AND TELEVISION?

MR. TAYLOR: WELL CERTAINLY. THIS TELEVISION THING IS ANOTHER QUESTION BUT I THINK THE SELLING AGENCY SHOULD BE, AT LEAST IN THE OUTLYING DISTRICTS, RESTRICTED AT THE OUTSET, THE COMMUNITY CLUBS WITH THE AGREEMENT THAT THE COMMUNITY CLUBS THEN CAN MAKE ARRANGEMENTS WITH THE SERVICE CLUBS IN THEIR AREAS FOR THE DISTRIBUTION OF TICKETS.

SECONDLY, I WOULD LIKE SOME OPINION AS TO THE MONIES THAT ACCRUE TO THE GOVERNMENT OUT OF THIS SCHEME.

MR. CHAMBERLIST: MR. CHAIRMAN, I JUST WANT TO TAKE THIS PARTICULAR APPROACH. IF THE YUKON POSITION IS THAT THE TERRITORIAL GOVERNMENT CAN GROSS A \$100,000 AND THIS IS 26 2/3, THEN \$400,000, LET'S SAY 25%, IT WOULD BE IN ROUND FIGURES, \$400,000 THEN IS THE AMOUNT OF TICKETS THAT WOULD BE SOLD AND WOULD BE THE GROSS SALE OF TICKETS IN THE TERRITORY.

IT WOULD APPEAR TO ME THAT OUT OF \$400,000 OF TICKETS THAT ARE GOING TO BE SOLD, THAT AFTER THE ADMINISTRATION COSTS ARE DEDUCTED FROM THE YUKON POSITION OF GROSSING \$100,000 IT MEANS THAT THE TERRITORIAL GOVERNMENT JUST GETS \$42,000. IT WOULD APPEAR TO ME THEN THAT THERE ARE ONLY TWO AMOUNTS OF MONEY THAT IS GOING TO BE OF ANY BENEFIT. THAT IS A THIRD OF THE \$400,000 WHICH IS \$133,000 WHICH WOULD GO TO THE SELLING AGENCIES PLUS \$42,000 THAT THE GOVERNMENT WOULD NET MAKING THAT APPROXIMATELY \$175,000. IT MEANS THAT \$225,000, ABOUT 55% OF THE GROSS SALES ARE GOING TO THE PROVINCES OUTSIDE.

MRS. WATSON: 40%.

MR. CHAMBERLIST: WELL, NOT BASED ON THE FIGURES THAT ARE HERE. WELL, LET'S SAY 40% ARE GOING TO THE OUTSIDE, TAKEN IN ROUND FIGURES. THAT'S RIGHT, AT 33 AND A THIRD, AND THAT'S 26%, YOU ARE TALKING ABOUT 40%. IT SEEMS TO ME THAT'S AN AWFUL LOT OF MONEY THAT THE TAX PAYER OF THE TERRITORY IS SENDING OUT TO OTHER PROVINCES. NOW, WHY CAN'T WE SET UP THE SAME SCHEME TO CREATE THE SAME AMOUNT OF FUNDS AND HAVE THE FUNDS IN AN OVERALL AREA.

NOW, AT ONE TIME THERE WAS A SUGGESTION OF A LOTTERY HERE THAT WAS SET UP BY A SOCIETY CALLED THE YUKON BETTERMENT SOCIETY AND I OBJECTED MOST STRENUOUSLY NOT TO THE CONCEPT OF A LOTTERY BUT THE MANNER IN WHICH THE MACHINERY WAS SET UP SO THAT THE MAYOR OF THE CITY OF WHITEHORSE, THE TREASURER OF THE CITY OF WHITEHORSE, THE CLERK OF THE CITY OF WHITEHORSE WERE ALL FIXED DIRECTIVES. THAT WAS WHERE MY OBJECTION WAS. I HAD THOUGHT THAT IN GOING INTO THIS IT WOULD SEEM UNREASONABLE IN THIS WAY, THAT WE WOULD ALLOW 40% OF THE MONEY FOR THE SALE OF TICKETS TO GO OUT OF THE TERRITORY WHEN CERTAINLY THAT MONEY COULD BE HERE FOR PRIZES WITHIN THE TERRITORY GIVING MORE PEOPLE WITHIN THE TERRITORY THE OPPORTUNITY TO WIN.

I WONDER IF WE COULD GET SOME THOUGHTS AS TO WHY IT WASN'T DONE IN THIS PARTICULAR MANNER.

MR. TAYLOR: I WILL RESUME THE CHAIR AT THIS POINT, COUNCILLOR STUTTER?

MR. STUTTER: MR. CHAIRMAN, I WOULD LIKE TO TALK ON THAT JUST FOR A MINUTE. COUNCILLOR CHAMBERLIST POINTED OUT THAT APPROXIMATELY \$225,000 ANNUALLY WILL BE GOING OUT OF THE TERRITORY AND WOULD BE GOING TO THE PROVINCES. BUT WHAT ABOUT THE PRIZES?

IF YOU LOOK AT THE PAPER YOU WILL SEE THAT BEFORE THAT \$225,000, YOU ARE GETTING A CRACK AT THREE MILLION DOLLARS A YEAR IN PRIZES. THIS IS THE BIG THING WHEN IT COMES TO A LOTTERY. IT IS NOT KEEPING ALL OF THE DOLLARS WITHIN YOUR AREA BUT GETTING A CRACK AT A PRETTY GOOD PART. YOU SEE EXACTLY WHAT HAS HAPPENED RECENTLY IN THE LOTTERY IN CANADA, THE OLYMPIC LOTTERY. IT IS BECAUSE OF A MILLION DOLLAR PRIZE THAT THERE HAS BEEN SUCH FANTASTIC RESPONSE TO IT. IF THIS HAD BEEN A HUNDRED THOUSAND DOLLAR PRIZE FOR PEOPLE ALL ACROSS CANADA YOU WOULDN'T HAVE SEEN THE RESPONSE TO IT. IT IS BECAUSE OF THE MAGNITUDE OF THE PRIZE THAT THE THING IS SUCCESSFUL. IT IS THE SAME THING HERE.

IF WE CONDUCTED OUR OWN LOTTERY AND LET'S USE THE SAME FIGURES; THAT THERE IS A POSSIBILITY OF GENERATING \$400,000 IN A YEAR. AFTER YOU HAVE TAKEN ALL OF THAT EXPENSE OUT YOU COULD CONCEIVABLY HAVE ABOUT HALF OF IT TO PUT TO PRIZES. THAT'S \$200,000. IF YOU ARE GOING TO HAVE IT QUARTERLY, THAT'S \$50,000 TO A QUARTER. THIS WOULD BE THE MAXIMUM IN TOTAL PRIZES NOT JUST IN ONE PRIZE, IT WOULD BE IN TOTAL PRIZES.

I THINK THE RESPONSE TO THAT TYPE OF PRIZE WOULD NOT BE NEAR AS GREAT AS IT WILL BE TO THE POSSIBILITY OF \$3,000,000 IN PRIZES IN A ONE YEAR PERIOD. I THINK THAT IS THE SIMPLEST ANSWER.

MR. CHAMBERLIST: I WOULD AGREE WITH THAT EXCEPT FOR THE MAIN CONSIDERATION THAT THE ODDS AGAINST PEOPLE WINNING FROM THE YUKON HAS BEEN REDUCED TO SUCH A GREAT EXTENT BECAUSE OF THE POPULATION IN THE FOUR WESTERN PROVINCES. SO IT WORKS BOTH WAYS. I AM SAYING THAT TO GIVE PEOPLE IN THE YUKON A BETTER CHANCE OF WINNING A PART OF \$200,000 WOULD BE A GREATER OPPORTUNITY FOR THEM FOR 20,000 PEOPLE TO WIN A PART OF \$200,000 THAN IT WOULD BE TO GIVE THEM A CHANCE OF WINNING A PART OF THREE MILLION DOLLARS WHEN YOU TAKE INTO CONSIDERATION THE POPULATION OF THE OTHER PROVINCES.

IT WOULD APPEAR TO ME THAT IT IS THE TYPE OF GAMBLE WHERE WE CUT DOWN THE ODDS FOR THE BENEFIT OF THESE FOUR WESTERN PROVINCES, INSTEAD OF INCREASING THE ODDS FOR THE BENEFIT OF LOCAL PEOPLE. THIS IS THE OBJECTION THAT I HAVE. APART FROM THAT I'M ALL IN FAVOUR. AS FAR AS I'M CONCERNED I'VE ALREADY GIVEN MY OPINION. I WOULD LIKE TO SEE THE YUKON TURN INTO A NEVADA. I THINK THAT THE MONEY THAT CAN COME OUT OF A NEVADA TYPE OPERATION OPERATED PROPERLY AND EFFICIENTLY BY GOVERNMENT CONTROL AS IT IS IN THE STATE OF NEVADA WOULD BRING IN SO MUCH MONEY TO THE TERRITORY THAT IT WOULD PAY FOR EVERYTHING INCLUDING TOBACCO TAX.

MR. STUTTER: YOU COULD HAVE IT ALL IN WHITEHORSE.

MR. CHAMBERLIST: CONSEQUENTLY YOU'D FIND THAT THE PROGRESS OF COMMERCIAL AND INDUSTRIAL BUSINESSES THE GREATER EXTENT OF THE USE OF THE 207,000 SQUARE MILES OF LAND WE HAVE. OF COURSE SOME MEMBERS WOULD RATHER SEE THE TREES GROW THAN CUT DOWN FOR THE USE OF CONSTRUCTING BUILDINGS. THAT MIGHT BE ONE POINT OF VIEW AS WELL.

CERTAINLY THERE ARE VARIOUS AREAS OF GOVERNMENT

THAT NEED MONEY AND INSTEAD OF GOING TO THE 20,000 PEOPLE THAT WE HAVE AND PENALIZE THEM MORE BY THE METHOD OF TAXATION... PEOPLE ARE GAMBLING IN ANY EVENT, NOW TODAY, ON THIS AFTERNOON'S HOCKEY GAME THERE ARE ALL SORTS OF PEOPLE GAMBLING. WE ARE NOT PAYING ANY TAX TOWARD ANYTHING THAT GOES ON HERE. QUITE FRANKLY I DON'T THINK THAT THIS GOES FAR ENOUGH. EVEN IF THERE WAS SOME TYPE OF, MINI TYPE OF NEVADA SET UP. I THINK IT WOULD BENEFIT GENERALLY.

I AM NOT OPPOSED TO THE LOTTERY IN PRINCIPLE. I AM JUST SAYING THAT I THINK THAT WE CUT DOWN THE ODDS THAT WOULD BE GIVEN TO THE PEOPLE OF THE YUKON. I THINK THAT IF WE USE THIS FOR A YEAR OR TWO AND ONCE WE SEE HOW IT OPERATES WE SHOULDN'T CLOSE OUR EYES, OR THE FUTURE COUNCIL, SHOULDN'T CLOSE THEIR EYES TO THE FACT THAT IF IT IS SUCCESSFUL AND MONEY DOES GENERATE AS A RESULT OF IT, THAT IT SHOULD BE USED AS A TEMPERATE FOR ENLARGING THE POSSIBILITIES OF RAISING MORE MONEY IN THIS PARTICULAR AREA. THAT IS ALL I'VE GOT TO SAY.

Mrs. Watson: Mr. Chairman, I THINK THE HONOURABLE MEMBER IS SAYING THAT COMMUNITY CLUBS OR THESE VARIOUS AREAS WITHIN THE TERRITORY SHOULD BE LICENSED AGENCIES, I AGREE WITH HIM BUT THERE IS SOMETHING ELSE TO BE CONSIDERED.

WE HAVE OUR SPORTS ORGANIZATIONS, FOR EXAMPLE YOU HAVE THE YUKON AMATEUR HOCKEY ASSOCIATION, THEY ARE YUKON SPORTS ORGANIZATIONS. YOU HAVE THE MINOR HOCKEY, YOU HAVE THE BALL LEAGUES; YOU HAVE THE BASKETBALL LEAGUE, YOU HAVE THE FIGURE SKATERS. THESE PEOPLE ARE ALL PART OF THE SPORTS FEDERATION IN THE YUKON AND THESE ORGANIZATIONS WILL ALSO WANT TO GET SOME REVENUE FROM THE SALE OF THESE LOTTERY TICKETS. THIS ALSO HAS TO BE TAKEN INTO CONSIDERATION.

WE ALSO DON'T WANT TO LICENSE SO MANY ORGANIZATIONS FOR EACH LOTTERY THAT PEOPLE ARE GOING TO BE PLAQUED TO DEATH. EVERY TIME YOU TURN AROUND SOMEBODY IS WANTING TO SELL YOU A TICKET. THIS IS THE TYPE OF THING WE WANT TO KEEP AWAY FROM.

THIS IS WHY I AM SUGGESTING THAT YOU HAVE A THREE MEMBER BOARD, THAT THE GOVERNMENT GOES AHEAD AND GETS AN ADMINISTRATOR. WE HAVE TO HAVE SOME PERSON WHO ADMINISTERS THIS PROGRAM. IT HAS TO BE TAKEN CARE OF PROPERLY TO SEE THAT THE TICKETS ARE SENT OUT TO THE VARIOUS

AGENCIES, TO SEE THAT THE RECEIPTS COME IN, TO SEE THAT THE MONEY GOES TO THE WESTERN CANADA LOTTERY. THIS TYPE OF THING.

I THINK THAT A BOARD WITH POSSIBLY REPRESENTATION FROM THE SPORTS FEDERATION AND SO ON. THESE PEOPLE COULD, AS THE HONOURABLE MEMBER FROM WATSON LAKE SO OFTEN SAYS, SIT DOWN AND ASK FOR APPLICATIONS FROM PEOPLE WHO ARE INTERESTED IN BECOMING AGENCIES FOR THE SALE OF TICKETS AND THEN ALLOT TO THESE VARIOUS ORGANIZATIONS.

THIS IS JUST A SUGGESTION AND IF ANYONE ELSE HAS A BETTER IDEA I WOULD CERTAINLY BE HAPPY TO HEAR IT BECAUSE I HAVE SPENT HOURS TRYING TO SEE HOW WE COULD GET AROUND THIS AND MAKE IT FAIR FOR EVERYONE.

Mr. Chairman: COUNCILLOR STUTTER, WOULD YOU TAKE THE CHAIR AGAIN PLEASE.

Mr. Chairman: COUNCILLOR TAYLOR.

Mr. Taylor: Mr. Chairman, IT APPEARS TO ME THAT WE DO HAVE A BOARD THAT COULD HANDLE THIS MATTER WITH POSSIBLY THE ADDITION OF A MANAGER OR SOMEONE TO DO THE ACTUAL LEG WORK, AND THAT IS OUR PHYSICAL FITNESS/AMATEUR SPORT BOARD; WHO DEAL ANNUALLY WITH THE REQUIREMENTS OF ALL COMMUNITIES IN TERMS OF THEIR ASSISTANCE TO ALL THESE ORGANIZATIONS. I AM WONDERING IF THIS HAS BEEN GIVEN ANY CONSIDERATION. I AM WONDERING, ALSO, IF THEY COULD HANDLE THE DISTRIBUTION OF FUNDS TO THE MINOR HOCKEY, TO SOFT BALL, TO VARIOUS ASSOCIATIONS.

I STILL THINK THAT PROPERLY THE COMMUNITY CLUBS SHOULD BE THE SELLING AGENCIES. I ALSO FEEL THAT CERTAINLY THESE SPORTS GROUPS SHOULD BE RECIPIENTS OF A GOOD CHUNK OF THIS AS WELL. HOW ONE ACHIEVES THAT, I AM NOT TOO SURE. WHETHER YOU HAVE THE SELLING AGENCY REMIT BACK A CERTAIN PERCENTAGE OF THE FUNDS THAT THEY MAKE TO A GENERAL POT FOR ASSOCIATION CONTRIBUTIONS, I DON'T KNOW. BUT I DON'T THINK THAT IT IS SO DIFFICULT THAT WE COULDN'T WORK OUT SOME SORT OF A FORMULA TO PROVIDE FOR THAT.

I WOULD THROW UP THE IDEA THAT WE HAVE A BOARD REPRESENTING ALL THE TERRITORY. WE HAVE A BEAUTIFUL BOARD TO ALLOCATE FUNDS BECAUSE THAT IS WHAT THEY DO ANNUALLY. THEY KNOW BY ASSOCIATION WITH EACH OTHER AS MEMBERS OF THE BOARD; THEY KNOW WHO NEEDS WHAT FUNDS AND THIS IS A BEAUTIFUL WAY OF DISBURSING FUNDS TO ASSOCIATIONS.

AS FAR AS THE COMMUNITY CLUBS BEING THE PEOPLE, I THINK THAT THIS SHOULD BE THE PEOPLE WHO ARE THE LICENSED AGENCY FOR SELLING THE TICKETS. AS I SAY, WORK OUT A FORMULA AND COME BACK. IF WE BUY THAT CONCEPT WE STILL HAVEN'T RESOLVED THE PROBLEMS OF HOW WE DEAL WITH IT WITHIN THE MUNICIPALITY.

MR. CHAMBERLIST: MR. CHAIRMAN, I THINK WE HAVE ALL LEARNED A LESSON WHEN WE FIND WHERE MONEY IS GOING TO BE OBTAINED BY THE TERRITORIAL GOVERNMENT FOR A SPECIFIC PURPOSE.

WHAT I DON'T LIKE ABOUT THIS PAPER. IT DOESN'T INDICATE SPECIFICALLY WHAT THE MONEY IS GOING TO BE USED FOR AND WHETHER IT IS GOING TO BE IN A SEPARATE FUND IN THE YUKON CONSOLIDATED REVENUE FUND. I THINK WE SHOULD BE CAREFUL IN MAKING ANY RECOMMENDATIONS TO THE ADMINISTRATION IN REGARDS TO THIS PROPOSED LOTTERY. IF WE INDICATE QUITE CLEARLY WHERE THIS MONEY IS TO BE USED AND WHETHER OR NOT ANY INTEREST ON THE MONEY IS TO BE USED OTHER THAN FOR THE PURPOSE THAT WE DESIGNATED THE MONEY TO BE USED FOR.

THE WAY THIS IS WRITTEN IT WOULD INDICATE THAT THE TERRITORIAL GOVERNMENT COULD GROSS \$100,000 OR MORE A YEAR BUT AT LEAST THE SAME AMOUNT BEING REALIZED BY THE SELLING AGENCIES THROUGHOUT THE TERRITORY IN JUST THE COST OF ADMINISTRATION.

IT WOULD APPEAR TO ME THAT FROM THIS IT IS THE INTENTION OF THE ADMINISTRATION TO POUR THAT MONEY INTO THE YUKON CONSOLIDATED REVENUE FUND FOR THE TERRITORIAL GOVERNMENT TO USE AS AND WHEN IT WANTS TO. IT WOULD DEPART FROM THE VERY PRINCIPLE THAT THIS IDEA OF A LOTTERY WAS ORIGINALLY SUGGESTED. IN MAKING ANY SUGGESTIONS ON THIS, MR. CHAIRMAN, I WOULD SUGGEST ONE, THAT WE CLEARLY SAY THAT IN BRINGING FORWARD LEGISLATION TO JOIN THE WESTERN LOTTERY, THAT WE WOULD SAY IN THE LEGISLATION THAT THE MONIES THAT THE TERRITORIAL GOVERNMENT DERIVES FROM IT SHOULD BE USED FOR THE SPECIFIC PURPOSE THAT SHOULD BE DESIGNATED; AND THAT ANY MONIES THAT COME INTO THE FUND AND ARE HELD IN THE YUKON CONSOLIDATED REVENUE FUND ARE HELD IN TRUST FOR THOSE SPECIFIC PURPOSES. ANY INTEREST THAT ACCRUES FROM THAT MONEY BEING HELD IN TRUST BE ADDED TO THE FUND SO THAT THE FUND GROWS AND BECOMES A CONTINUING FUND AND IS PAID

OUT IN WHATEVER METHOD THAT THE SUGGESTIONS THAT WILL BE FORTHCOMING WILL BE MADE.

I THINK I SHOULD GET SUPPORT IN THIS PARTICULAR AREA BECAUSE WE KNOW WHAT HAS OCCURRED IN THE MEDICARE FUNDING PROGRAM WHEN WE ARE TOLD, "WELL, ITS NOT IN THE LEGISLATION SO THEREFORE THE INTEREST DOESN'T ACCRUE TO THE FUND." WE SHOULD BE CAREFUL ON THAT PARTICULAR POINT, MR. CHAIRMAN.

MR. TAYLOR: MR. CHAIRMAN, JUST ANOTHER POINT THAT HAS OCCURRED TO ME ALONG THE LINE OF THINKING. THE SELLING AGENCY RECEIVES ONE THIRD OR 33 1/3% OF THE TICKETS THAT THEY SELL. THEY ALSO HOLD SOME TICKETS IN EACH BOOK AND IF THEY BECOME A WINNER THAT IS EVEN BETTER FOR THEM.

WHY NOT SAY SIMPLY THAT NATURALLY THE SELLING AGENCY GETS THE DOLLARS THAT THEY PRODUCE. THE 6.67% THAT COMES BACK TO THE TERRITORIAL GOVERNMENT BE LEFT FOR ALLOCATION BY THE PHYSICAL FITNESS AND AMATEUR SPORTS BOARD, IN THEIR WISDOM, AS TO WHERE THEY WANT TO SPEND THE MONEY. THAT WOULD CLEAR UP THE PROBLEM.

MR. MCKINNON: THAT IS EXACTLY WHAT I WAS TRYING TO SUGGEST RIGHT DOWN TO DETAILED OUTLINE OF HOW THIS COULD BE HANDLED. I COULD SEE THE YUKON SPORTS COMMITTEE WHICH IS A, AS THE HONOURABLE MEMBER FROM WATSON LAKE HAS SAID, A YUKON WIDE BASED BOARD. THE ELECTION ON THAT BOARD PARTLY IS LEFT UP TO THE MEMBERS FOR THE YUKON LEGISLATIVE COUNCIL TO CHOOSE A REPRESENTATIVE FROM EACH OF THE ELECTORIAL RIDINGS ON IT.

I HAVE HAD LONG DEALINGS WITH THE BOARD, IT IS AN EXCELLENT ONE. ONE OF THE BEST IN THE GOVERNMENT. THEY SHOULD BE AND THEY COULD BE THE LICENSING AND THE DISTRIBUTION AND THE COLLECTION GROUP FOR THE TERRITORIAL GOVERNMENT UNDER PROFESSIONAL ADMINISTRATION. WHICH WOULD BE PROBABLY ONE OR TWO PEOPLE.

THEY WOULD HAVE THE AUTHORITY TO GIVE THE PERMISSION TO THE VARIOUS COMMUNITY CLUBS AND ORGANIZATIONS THROUGHOUT THE TERRITORY TO SELL THE LOTTERY TICKETS. THAT MEANS THAT THE COMMUNITY CLUBS SHOULD DEPENDING UPON THEIR INITIATIVE, SHOULD BE TAKEN CARE OF IN THE GRANTING OF CAPITAL FUNDS FOR THE BUILDING OF ARENAS, AND CURLING CLUBS AND DIFFERENT CAPITAL PROJECTS THROUGHOUT THE YUKON TERRITORY.

THE SPORTS COMMITTEE RECEIVES 26 2/3% OF THE REVENUE ACCRUED THROUGH THE TERRITORIAL GOVERNMENT. THEY TAKE THEIR ADMINISTRATION COSTS OUT OF THAT. THEY ARE GOING TO BE REALLY CAREFUL ABOUT THE ADMINISTRATION COSTS BECAUSE THEY REALIZE THAT THE HIGHER THE ADMINISTRATION COSTS THE LESS MONEY WILL BE ACCRUING TO THEM TO DISTRIBUTE AMONG THE SPORTS AND ORGANIZATIONS IN THE YUKON. SUCH AS THE DIFFERENT SPORTS ORGANIZATIONS LIKE THE FAST BALL, THE BASKETBALL AND THE MINOR HOCKEY, PLUS FUNDS AVAILABLE FOR ARCTIC WINTER GAMES, CANADA SUMMER GAMES AND THAT NATURE. I AGREE FULL HEARTEDLY WITH THE SUGGESTED PROGRAM THE HONOURABLE MEMBER FROM WATSON LAKE OUTLINED AND THAT I WAS PUTTING DOWN IN DETAIL BECAUSE I CAN SEE IT AS BEING AN EXTREMELY SUCCESSFUL DOUBLE-EDGED TYPE OF THING WHERE THE COMMUNITY CLUBS CAN RECEIVE THEIR CAPITAL MONIES TO BE ABLE TO GET GOING ON MUCH NEEDED PROJECTS THROUGHOUT THE TERRITORY. THE SPORTS ORGANIZATIONS WILL HAVE THE AMOUNTS AVAILABLE TO BE ABLE TO MAKE THE YUKON PROUD OF THEIR REPRESENTATIVES WHEN THEY ARE OUT TO VARIOUS SPORTS FUNCTIONS LIKE THE ARCTIC WINTER GAMES AND THE CANADA SUMMER GAMES AND ALSO WILL HAVE MONEY TO PROVIDE TO THE DIFFERENT SPORTS ORGANIZATIONS.

IF IT IS POSSIBLE TO WORK IT OUT ALONG THOSE LINES UNDER PROFESSIONAL ADMINISTRATION I WOULD THINK THAT IT WOULD BE NOTHING BUT A GREAT BENEFIT TO EVERYONE IN THE YUKON. IT WOULD EASE THE DEMANDS BEING MADE CONSTANTLY UPON THE PUBLIC PURSE OF THE TERRITORY AND UPON THE COMMUNITY DEVELOPMENT FUND AND THE MEMBERS OF THE YUKON LEGISLATIVE COUNCIL FOR MONIES THAT HOPEFULLY COULD BE FOUND IF THIS TYPE OF ORGANIZATION WAS SET UP FOR THE LOTTERY.

MR. CHAMBERLIST: THERE IS ONLY ONE QUESTION THAT YOU HAVE TO LOOK AT THERE, IS WHETHER OR NOT IN THE MANNER THAT THE YUKON ACT IS SET UP, WHETHER ANY PROGRAM OF THE GOVERNMENT THAT RAISES MONEY CAN BE PAID OUT TO ANYBODY FIRST BEFORE IT GOES INTO THE YUKON CONSOLIDATED REVENUE FUND.

MR. MCKINNON: THAT IS JUST BOOKKEEPING.

MR. CHAMBERLIST: BUT IT HAS TO COME INTO THE YUKON CONSOLIDATED REVENUE FUND. NO IF'S, AND'S OR BUT'S ABOUT IT. NO MONEY CAN BE RAISED

BY LEGISLATION OF THE TERRITORY THAT DOESN'T COME INTO THE YUKON CONSOLIDATED REVENUE FUND FIRST. THIS IS WHY I AM SAYING THAT IN THE LEGISLATION THAT WE SHOULD HAVE IT CLEAR THAT ANY FUNDS THAT ACCRUE FROM THE PROGRAM AND PAID INTO THE YUKON CONSOLIDATED REVENUE FUND SHOULD BE PAID OUT AS AND WHEN REQUIRED AT THE DIRECTION OF THIS COMMITTEE. I THINK THAT IS THE WAY IT SHOULD GO IN. I KNOW FOR SURE THAT WE CAN'T SET UP LEGISLATION TO MAKE THE MONEY GO DIRECTLY TO THE COMMUNITY. IT MUST COME INTO THE YUKON CONSOLIDATED REVENUE FUND AND THEN FROM THERE THE LEGISLATION SPELL OUT THAT THE MONEY MUST BE PAID OUT AS AND WHEN REQUIRED.

I AM SAYING, AND I THINK THIS SHOULD BE ABSOLUTELY SURE, THAT WHILE THAT MONEY IS IN THE YUKON CONSOLIDATED REVENUE FUND THE FUNDING OF THAT MONEY, INTEREST ACCRUED SHOULD BE FOR THAT SPECIFIC PURPOSE. THIS IS WHERE WE ARE GOING TO GET CAUGHT UP IN THE ARGUMENT THAT IT IS NOT SPELT OUT IN THE LEGISLATION AND THEREFORE THE INTEREST GOES INTO THE GENERAL FUND. THIS WOULD BE INCORRECT.

MRS. WATSON: MR. CHAIRMAN, YOU DEFINITELY WOULD HAVE TO HAVE SPECIAL LEGISLATION FOR THAT TO SET UP A SPECIAL FUND FOR THAT SO THAT THE COST OF THE ADMINISTRATION ALSO WOULD BE CHARGED TO THE FUND. THE SAME AS THE LIQUOR BOARD. THAT HASN'T BEEN DONE IN THE LEGISLATION THAT IS BEFORE YOU NOW.

MR. CHAMBERLIST: THIS IS NOT LEGISLATION. THIS IS JUST A SESSIONAL PAPER.

MRS. WATSON: THIS IS JUST THE SESSIONAL PAPER. THERE IS LEGISLATION. BY THE SAME TOKEN THEN I THINK THAT IT WOULD BE REALLY NECESSARY TO, POSSIBLY TO SPECIFY, WHAT SOME OF THESE FUNDS COULD BE USED FOR. I CAN SEE A LOT OF FUNDS. THIS COULD BECOME QUITE A SOURCE OF REVENUE. I DON'T THINK THAT WE WOULD WANT FUNDS BEING USED FOR ORGANIZATIONS THAT ARE NOT REALLY BENEFITING THE SPORTS PROGRAM ITSELF. I THINK WE HAVE TO BE CAREFUL OF THAT AND THIS IS WHAT THE PROVINCE OF MANITOBA FOUND OUT THAT SOME OF THESE ORGANIZATIONS IN THE COMMUNITIES HAD SO MUCH MONEY THAT THEY DIDN'T KNOW HOW TO SPEND IT AND THEY WERE USING A LITTLE BIT OF IT FOR SOME OF THEIR PARTIES. WE HAVE TO REMEMBER THAT WE ARE TALKING ABOUT NON-PROFIT ORGANIZATIONS NOT NECESSARILY JUST SPORTS ORGANIZATIONS. NOW THERE MAY BE SERVICE CLUBS. AND THIS IS WHY I'M BRINGING THIS UP AND YOU'RE TALKING ABOUT THE ADVISORY COMMITTEE ON FITNESS

AND AMATEUR SPORTS. I'M SURE THAT THEY'D BE CAPABLE OF HANDLING AND DOING THIS TYPE OF WORK THAT WE WOULD LIKE THEM TO DO TO ALLOCATE AND DETERMINE WHO SHOULD BE THE AGENCIES. SHOULD WE NOT HAVE A BOARD WITH REPRESENTATION FROM POSSIBLY A CULTURAL ORGANIZATION OTHER THAN JUST SPORTS?

BECAUSE THE FUNDS SHOULD BE GOING TO THE NON-PROFIT ORGANIZATIONS.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: THE ONLY PROBLEM THAT I FORESAW IN HAVING THIS THING SCATTERED THROUGH SO MANY ORGANIZATIONS WAS THAT IF YOU HAVE IN EACH COMMUNITY GENERALLY, OF ANY SIZE OR SUBSTANCE, THERE IS A COMMUNITY CLUB, OUTSIDE OF MUNICIPALITIES. AND IN SOME CASES YOU HAVE ALSO IN THE COMMUNITY ONE OR MORE SERVICE ORGANIZATIONS. SUCH AS A LIONS CLUB OR ROTARY CLUB OR A KIWANIS CLUB. AND IF YOU HAVE THEM ALL COMPETING WITH EACH OTHER, THAT DOESN'T WORK VERY WELL. SO YOU NEED THE ONE AGENCY AND IT OCCURS TO ME THAT THE SERVICE ORGANIZATIONS WOULD, AND MORE THAN LIKELY ALL OF THEM, AGREE TO, THEY WOULD GO TO THE COMMUNITY CLUB AS THE SELLING AGENCY IN THAT COMMUNITY AND MAKE SOME AGREEMENT WITH THEM IN TERMS OF WHERE THE MONIES GO. OTHERWISE, IF YOU DIDN'T HAVE THAT, YOU'D HAVE THESE MONIES GOING IN ALL SORTS OF DIRECTIONS, BUILDING NOT NECESSARILY SPORTS ORIENTED PROGRAMS, LIKE THE HONOURABLE MEMBER HAS SAID. BUT IF YOU HAD THE MAIN GROUP CONTROLLING ALL THE FUNDS THAT COME IN UNDER THE 6.67% FOR DISTRIBUTION TO ASSOCIATIONS AND THIS IS VIRTUALLY O & M I GUESS TO START WITH. AND THEN ONCE THEY'VE GOT ENOUGH MONEY TO SATISFY THE O & M NEEDS THEY COULD IN THEIR WISDOM, WELL ALRIGHT NOW WE'VE GOT SOME MONEY WE CAN SPEND FOR CAPITAL PURPOSES. I REALLY THINK THIS IS THE WAY TO WORK IT. IS TO TRY AND RESTRICT IT IN THE OUTLYING DISTRICTS TO LETTING THE COMMUNITY CLUBS BEING THE LICENCED AGENT AND THEN LET THEM MAKE ARRANGEMENTS WITH SERVICE CLUBS OR ANYONE ELSE. YOU KNOW, MAKE A DEAL SORT OF A THING WITH THEM ON HOW THESE MONIES WILL BE SPENT. THESE RETURN MONIES.

AND I SEE NO PROBLEM. I REALLY DON'T.

THE ONE THING THAT WILL HAVE TO BE DONE WITH THE MAIN BOARD, THE BOARD'S PHYSICAL FITNESS AND AMATEUR SPORTS. IT'S NOW CALLED THE YUKON SPORTS COMMITTEE. SOME FUNDS WOULD HAVE TO BE GIVEN FOR ADMINISTRATION FOR A MANAGER AND POSSIBLY A SECRETARY TO THE MANAGER OR AN ASSISTANT MANAGER AS YOU PREFER. TWO PEOPLE TO LOOK AFTER ALL THE ADMINISTRATION OF THE WHOLE PROGRAM.

MR. MCKINNON: IT'S THE BEAUTY OF IT, MR. CHAIRMAN, THE YUKON SPORTS FEDERATION, IS THAT YOU ARE THE PEOPLE, ELECTED REPRESENTATIVES THAT ARE SENDING THE MAJORITY OF THE COMMITTEE THERE. THAT'S THEIR DECISION THAT THEY WANT TO SAY AND I THINK IT'S A WISE ONE THAT THE COMMUNITY CLUB SHOULD BE THE GROUP IN THE COMMUNITY AND THE SERVICE CLUBS SHOULD BE HELPING THE COMMUNITY CLUB. I'M SURE THAT THEY CAN PUT THAT POINT ACROSS IN THE SPORT COMMITTEE AND DISSEMINATE THE MONEY ACCORDINGLY. AND I DON'T SEE THAT THERE IS ANY PROBLEM WITH THIS TAKEN IN LEGISLATION. THE MONEY DOES GO TO THE YUKON CONSOLIDATED REVENUE FUND ORIGINALLY, WHICH IS GOOD. BECAUSE IT PUTS A FURTHER CONTROL ON THE FUND THROUGH THE TERRITORIAL TREASURER AND THE AUDITOR GENERAL WHICH IS FINE BECAUSE THE BETTER THE THINGS OF THIS NATURE ARE CONTROLLED, I THINK THE HAPPIER THAT EVERYBODY IS. SO WITH THE SPECIFICS IN THE LEGISLATION AND THE CONCEPT ENUNCIATED, I CAN'T SEE ANY PROBLEMS AT ALL IN GETTING THE THING GOING AND GETTING THE MONEY TO THE COMMUNITIES AND GETTING SOME MONEY TO THE SPORTS COMMITTEE.

MR. CHAMBERLIST: MR. CHAIRMAN, I THINK THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS MADE A POINT THAT I HAVE TO AGREE WITH AS WELL BECAUSE OF THE IDEA OF THE FUNDS. AND PERHAPS IF THAT COMMITTEE WOULD BE RENAMED THE SPORTS AND CULTURAL COMMITTEE AND HAD INCLUDED IN IT'S STRUCTURE, PEOPLE OF A CULTURAL NATURE AS WELL, THEN OF COURSE, YOU'RE COVERING THE WHOLE SPHERE FOR WHICH THE LOTTERY MONEY WOULD BE USED. SO I SEE NO OBJECTION IF YOU DO THAT OTHERWISE YOU WOULD HAVE TO HAVE A SEPARATE CULTURAL COMMITTEE.

IF THIS IS THE IDEA OF THESE FUNDS TO PROVIDE TO MAKE FOR FORMAL GRANTS, TO NON-PROFIT ORGANIZATIONS OF A SPORTS OR CULTURAL NATURE.

MR. MCKINNON: MR. CHAIRMAN, THIS IS EXACTLY WHAT THIS COMMITTEE DOES. I HAVE SAID I WORKED CLOSELY WITH THEM OVER THE LAST YEARS AND THEY DON'T TAKE THEIR SPORTS COMMITTEE IN A NARROW SENSE WHATSOEVER. MONEY OUT OF THAT FUND HAS BEEN DISTRIBUTED TO SUCH DIVERSE THINGS UNDER MY COMMUNITY DEVELOPMENT AS THE FAMOUS DAY CARE CENTRE WHICH CERTAINLY DOESN'T COME INTO THE FIELD OF SPORTS IN ANY WAY, SHAPE OR FORM. BUT THAT'S HOW BROAD THEY'VE CONSIDERED THEIR TERMS OF REFERENCE TO BE, THAT THEY AREN'T TIED DOWN TO A NARROW SPORTS DEFINITION AND CULTURAL GROUPS AND ANY OTHER TYPE OF GROUP ARE ELEGIBLE FOR CONSIDERATION UNDER THEIR TERMS OF REFERENCE. SO THERE IS NO PROBLEM THERE. WHAT'S IN A NAME IF YOU WANTED TO ADD CULTURAL. AFTER IT DOESN'T MATTER, BUT I KNOW THAT THEY'VE USED THE WIDEST TERMS OF

REFERENCE IN THE DISBURSEMENTS OF FUNDS, THAT THEY CONSIDER THEMSELVES TO BE REPRESENTATIVE TO NOT ONLY SPORT GROUPS BUT EVERY GROUP IN THE COMMUNITY.

Mr. TAYLOR: I JUST MIGHT ADD TO THAT Mr. CHAIRMAN THAT MY EXPERIENCE WITH THE BOARD, IS THAT THEIR BIGGEST PROBLEM IS THAT THEY HAVEN'T GOT ENOUGH MONEY TO GO AROUND NATURALLY. THIS WAY WE'D GIVE THEM THE MONEY SO THAT THEY COULD ALLOCATE FULLY TO ALL THE COMMUNITIES, THE AMOUNTS OF MONEY THAT ARE REQUIRED.

Mr. McKINNON: THAT WOULD PROBABLY BE THE END OF THE SLUSH FUND TOO.

Mr. TAYLOR: THIS COULD WELL BE TOO. YES, AS THE HONOURABLE MEMBER HAS JUST STATED. THIS COULD BE THE END OF THE SLUSH FUND AND ACTUALLY THE SLUSH FUND SHOULD END IN ANY EVENT AND I THINK IT WILL PROBABLY END WITH THIS COUNCIL. BUT I WOULD LIKE TO SEE SOMEONE PREPARE A MOTION EITHER UNDER ORDERS OF THE DAY OR DURING THIS DEBATE, WHICH WOULD PROVIDE FOR THESE THINGS.

Mr. CHAIRMAN: COUNCILLOR WATSON.

Mrs. WATSON: I HAVE A LITTLE PROBLEM WITH THE 26 2/3%. MYSELF, I CAN SEE THE SPORTS COMMITTEE OR THE ADVISORY COMMITTEE WORKING WITH THE ADMINISTRATOR THAT IS HIRED TO ADMINISTER THE LOTTERY AND ALLOCATING VARIOUS AGENCIES, BUT I WOULD LIKE TO SEE THIS 26 2/3% LEFT TO SEE HOW MUCH MONEY YOU'RE LOOKING AT AFTER THE FIRST YEAR, AT THE END OF THIS FISCAL YEAR, AND LET THE NEXT COUNCIL MAKE THE DECISION ON THAT. I WOULD LIKE TO SEE THAT MONEY GO FOR SPORTS. I WOULD LIKE TO SEE THAT. BUT I WONDER WHETHER WE WOULD BE DOING THE WRONG THING. WE WERE TALKING THIS MORNING OF COMMITTING FUNDS FOR A PRE-KINDERGARTEN PROGRAM. WE HAVEN'T GOT A CLUE AS TO HOW MUCH MONEY WE'RE LOOKING AT AT ALL. AND I WOULD SAY, BECAUSE OF THE VARIOUS ORGANIZATIONS BEING INVOLVED IN WANTING TO SELL TICKETS, THAT AFTER THE FIRST YEAR, THEY'RE GOING TO GET A LITTLE BORED WITH IT. AND YOU KNOW, THE INCENTIVE IS GOING TO BE LOST. AND I WOULD SEE THAT EVENTUALLY IT MAY BE EVEN GOING TO PRIVATE ENTERPRISE WHERE THEY SELL FOR A CERTAIN PERCENTAGE AND THEN THE REVENUE GOES INTO WHATEVER KIND OF FUNDS YOU WOULD HAVE. BECAUSE I CAN SEE SO MANY OF THE ORGANIZATIONS ARE GETTING TICKETS, EVERYONE IS SELLING, FOR EXAMPLE IN WHITEHORSE, THERE WILL BE MORE PEOPLE SELLING TICKETS LIKELY, IF IT'S NOT CAREFULLY MANAGED AND EVEN IF IT'S CAREFULLY MANAGED, THERE WILL BE ABOUT TWENTY

ORGANIZATIONS EACH TIME, SELLING TICKETS AND YOU'LL BE BOTHERED. AND PEOPLE WILL GET TIRED OF SELLING TICKETS. AND THEY WILL GO DOWN TO THE BAR AND SAY TO THE BARTENDER, LOOK ARE YOU GOING TO SELL THESE FOR ME? AND THIS IS WHAT'S GOING TO HAPPEN. THE BARTENDER IS GOING TO GET A LITTLE TIRED OF IT AFTER THE FIRST YEAR AND HE'S GOING TO SAY WELL HELL, WHY DO I HAVE TO SELL? WHY DON'T I HAVE THE RIGHT TO SELL AND I GET A CERTAIN CUT? AND I THINK EVENTUALLY IT'S LIKELY GOING TO WIND UP AT THAT.

THEREFORE IF YOU COMMIT YOUR FUNDS BEFORE THAT, I THINK THAT YOU WOULD TAKE AWAY ALL YOUR FLEXIBILITIES. YOU DON'T KNOW HOW IT'S GOING TO WORK AND YOU COULD TIE YOURSELF IN SO THAT YOU COULD LOSE QUITE A BIT OF REVENUE. AND IT DOESN'T GIVE YOU AN OPPORTUNITY TO MOVE AND TO CHANGE THE ADMINISTRATION OF THE PLAN. I THINK THAT WE SHOULD BE VERY CAREFUL OF THE OUTSET OF THIS. WE'RE LOOKING ONLY AT TWO DRAWS THIS YEAR, THIS FISCAL YEAR. IT SHOULD BEGIN IN SEPTEMBER. OR THREE DRAWS.

Mr. CHAIRMAN: IT SAYS JUNE IN THE PAPER.

Mrs. WATSON: NO, THE DRAWS IN SEPTEMBER.

Mr. TAYLOR: Mr. CHAIRMAN, I CAN'T NECESSARILY AGREE WITH THE HONOURABLE MEMBER BECAUSE I THINK THAT'S GETTING A LITTLE PICKY PICKY, BECAUSE THERE'S NOBODY KNOWS BETTER HOW TO SELL TICKETS THAN THE SPORTS GROUP IN THE TERRITORY BECAUSE GENERALLY THEY'RE THE PEOPLE THAT DO HUSTLE TICKETS. THE OTHER THING IS THAT YOU HAVE A RESPONSIBILITY IN RESPECT OF WHO HAS THESE TICKETS AND THERE IS NOBODY BETTER THAN THE COMMUNITY CLUBS OR SOMEBODY FINANCIALLY AND SOUND ENOUGH TO ASSURE THAT THESE TICKETS ARE GOING TO BE LOOKED AFTER. THAT THEY'RE NOT THROWN AROUND THE TERRITORY. AND I HAVE EVERY CONFIDENCE IN THESE PEOPLE ENTIRELY.

BUT I DO THINK ON THE COMMITTING OF THE REVENUES THAT THIS MUST BE DONE AT THIS POINT. AND IF THIS IS A THIS YEAR LOTTERY, WELL THEN OF COURSE IT'S NOT A NEXT YEAR'S PROGRAM AND WE'VE GOT TO DO THAT. AND I THINK WE WOULD BE MORE THAN WISE TO ALLOCATE THOSE FUNDS WHICH ACCRUE TO THE GOVERNMENT DIRECTLY TO THE SPORTS AND AMATEUR OR THE YUKON SPORTS COMMITTEE FOR DISTRIBUTION IN THEIR WISDOM. AND I SEE NO PROBLEM WITH THAT WHATSOEVER. AND I THINK THAT'S THE WAY WE SHOULD COMMIT IT AT THIS TIME.

IF, WHEN THE NEW COUNCIL GET AT IT AND DECIDE

NOT TO PERMIT THAT, WELL THAT'S FINE. THEY CAN CHANGE THAT AT ANY TIME THEY SO PLEASE, BUT TO START THE PROGRAM, I THINK THOSE FUNDS SHOULD DIRECTLY GO FOR DISTRIBUTION TO THE YUKON SPORTS COMMITTEE.

MRS. WATSON: MR. CHAIRMAN, I OBJECT WHEN THE HONOURABLE MEMBER SAID THAT 26 2/3% BE GIVEN TO THE COMMITTEE TO DISBURSE AT THEIR WISDOM, I THINK HE WOULD BE PUTTING UP A GREAT RESPONSIBILITY ON THESE PEOPLE. THERE WOULD HAVE TO BE SOME GUIDELINE, AND THESE ARE PUBLIC FUNDS THAT YOU ARE TALKING ABOUT. AND DO YOU KNOW THAT LAST YEAR, OR FOR THIS YEAR FROM THE SPORTS ORGANIZATIONS, THEY REQUESTED FUNDS FOR THE OPERATION OF THEIR SPORTS ORGANIZATIONS, THERE WAS A TOTAL OF \$206,000 REQUESTED IN SPORTS ORGANIZATIONS. WE'RE NOT GOING TO GET THAT AMOUNT OF MONEY. SO WHAT ARE THE GUIDELINES FOR THIS? THERE ARE GUIDELINES NOW IN THE REGULATIONS. WOULD YOU LIKE TO ADD EXTRA GUIDELINES TO IT? NOW I DON'T THINK WE CAN JUST SAY, GIVE IT TO THEM, YOU GIVE OUT THE MONEY AT YOUR WISDOM. I THINK THAT'S NOT BEING VERY RESPONSIBLE. I WOULD LIKE TO SEE THIS ORGANIZATION. I WOULD LIKE TO SEE IT ROLLING FOR A YEAR. I WOULD LIKE TO SEE THAT MONEY IDENTIFIED AND THEN I WOULD LIKE TO SEE THE DECISION MADE WHEN THEY SEE APPROXIMATELY HOW MUCH THEY'RE GOING TO GET. HOW THEY ARE GOING TO DISBURSE IT AT THAT TIME.

MR. TAYLOR: I CAN'T AGREE, MR. CHAIRMAN. THE HONOURABLE MEMBER IS SAYING THAT SHE DOESN'T THINK THAT THESE PEOPLE VIRTUALLY ARE COMPETENT ENOUGH TO BE ABLE TO DISBURSE THESE FUNDS. THAT'S WHAT I - - -

MRS. WATSON: MR. CHAIRMAN, ON A POINT OF ORDER.

MR. CHAIRMAN: ORDER PLEASE.

MRS. WATSON: MR. CHAIRMAN, I HAVE WORKED QUITE CLOSELY WITH THIS COMMITTEE AND I DON'T THINK ANYONE AROUND THIS TABLE REALIZES HOW CAPABLE THESE PEOPLE HAVE BEEN AND HOW CAREFUL WITH PUBLIC FUNDS THESE PEOPLE HAVE BEEN OVER THE PAST FOUR YEARS.

MR. TAYLOR: MR. CHAIRMAN, THEY HAVE GUIDELINES AND THEY HAVE, AS THE HONOURABLE MEMBER HAS STATED, SO THERE WAS SOME TWO HUNDRED AND SOME ODD THOUSAND DOLLARS WORTH OF APPLICATIONS AND A MEAGER, I DON'T KNOW WHAT IT WAS, 30, 40, 50 THOUSAND DOLLARS TO DISPENSE. THEY SEEM TO HAVE NO PROBLEM WITHIN THE GUIDELINES THAT THEY

NOW LIVE UNDER TO DISBURSE THESE FUNDS. THEIR ONLY DIFFICULTY IS THEY HAVEN'T GOT ENOUGH TO MEET THE NEEDS, THE REQUESTS UPON THEM. THESE FUNDS JUST HAVE TO GO TO SOME GROUP AND IT SHOULD GO TO THAT COMMITTEE AND WE CAN ALWAYS TAKE A LOOK AND TAKE A LOOK AT THEIR GUIDELINES AND IF THEY NEED EXPANDING. GREAT! BUT THESE FUNDS MUST GO TO THAT COMMITTEE, FOR DISTRIBUTION BY THAT COMMITTEE EVENTUALLY.

MRS. WATSON: MR. CHAIRMAN, ARE YOU IMPLYING THAT THE FUNDS SHOULD BE GIVEN OUT AS THE RETURNS COME IN AND FROM THE SALE OF TICKETS WHEN YOU HAVE ONE LOTTERY AND THEN THE FUNDS COME IN? WHAT YOU SHOULD BE LOOKING AT AND I WOULD SEE THAT YOUR ORGANIZATIONS PREPARE THEIR BUDGETS JUST AS THEY DO. THEN YOU KNOW HOW MUCH MONEY YOU'VE GOT FOR THAT YEAR. BUT YOU HAVEN'T GOT ANY IDEA WHATSOEVER AT ALL. YOU DON'T KNOW WHAT YOU'RE GOING TO FIND. THEY MAY DECIDE, ARE YOU GOING TO FUND CAPITAL AND WE ARE PREPARING AND WE SHOULD HOPE TO HAVE FOR THE COUNCIL, THE CAPITAL DEVELOPMENT FUNDING THAT MR. MILLER WAS TALKING ABOUT. AND IN THAT, THERE WILL BE LARGE SUMS OF CAPITAL MONEY AVAILABLE FOR RECREATIONAL FACILITIES. AND DO YOU KNOW THAT YOU CAN'T BUILD AN ARENA TODAY FOR LESS THAN A HUNDRED THOUSAND DOLLARS.

MR. MCKINNON: TWO HUNDRED AND FIFTY, IF YOU TRY.

MRS. WATSON: WELL YOU'RE GOING TO HAVE TO SELL AN AWFUL LOT OF TICKETS IN WATSON LAKE TO GET \$250,000. THERE'S JUST NO WAY THAT YOU COULD USE IT FOR CAPITAL AND DO ANYTHING WITH IT. WE'RE RIGHT BACK TO PALTRY \$8,000 THAT YOU GET. THAT'S ABOUT WHAT YOU WOULD DERIVE. SO A CAPITAL, I DON'T THINK SHOULD BE CONSIDERED IN THIS. IT SHOULD BE FOR THE ON GOING ACTIVITIES FOR THE OPERATION OF THE VARIOUS COMMUNITY CLUBS, COMMUNITY ORGANIZATIONS, SPORT ORGANIZATIONS, ARTS COUNSEL, CULTURAL GROUPS. HERE WE HAVE THE WHITEHORSE SOUR DOUGH RENDEZVOUS. WE'RE THINKING OF HAVING A LOTTERY. SHOULD THEY BE INCLUDED IN THIS? WE HAVE THE K.D.A. SHOULD THEY BE INCLUDED? THESE ARE THE TYPES OF THINGS. RATHER THAN JUST TURN OVER THE MONEY AND SAY; LOOK, HERE IS YOUR WISDOM. I DON'T THINK IT'S FAIR TO THESE PEOPLE AT ALL.

MR. TAYLOR: POSSIBLY THE MEMBER MISUNDERSTANDS ME OR I MISUNDERSTAND HER. IT'S MY ASSUMPTION FROM WHAT I SEE IN THE PAPER THAT THE SELLER, THE SELLING AGENCY WILL GET A PERCENTAGE,

33 1/3%. Now this is what I expect would be directly returned to that community or that selling agency and this would be the community club. That's theirs. Bang. That's it. Now the remainder which accrues back to the Government, which comes back in, is the amounts of money which should be distributed by the Yukon Sports Committee. Now, I'm not saying that as fast as they get a dollar in, they throw it out and if anybody thinks that, that's a mother hen attitude. And that isn't right. I think that we have a little more - - - than that.

What I'm saying is, how, you know at what period of time they disburse these funds is something else. They can do it twice a year or they could do it once a year. They could do it four times a year. I'm not saying as fast as the money comes in, they just keep throwing it out. And I hope I didn't leave that inference. What I'm saying is the monies which accrue back to the Territorial Government should then be distributed on some basis by the Yukon Sports Committee and that's simply what I'm saying.

Mrs. Watson: Mr. Chairman, here's another thing. When you have a twelve man Council, right at the present time your Sports Committee is comprised of representatives from each constituency. It could well be twelve members on that Committee. Now do you think a twelve member Board, don't you think that it gets a little unwieldy to handle this type of thing. To call them all into town every time they have to.

Mr. McKinnon: No more than a twelve man Council.

Mr. Taylor: No. No problem at all Mr. Chairman. I will resume the Chair.

Mr. Chairman: Councillor Stutter.

Mr. Stutter: There was one point that was made by Councillor McKinnon that I particularly like and I would like to explore that point just a little bit further and that is that whatever Committee, whether it's the Yukon Sports Committee or any other Board or Committee that is formed, have some kind of control over the administration. It does seem to me that we're of \$58,000 here for administration. I'm going to ask for a complete breakdown of that if I can get it in a minute. But it does seem to me that that Board should in some way have

absolute access to the budget of administration and have some say in administration and in the preparation of administration budget. I can see where, on the one hand that perhaps has to be done on a Government level for the sheer organizations side of it and for the, you know, to make sure that the thing is on an on going basis. But I would like to explore this point just a little further to make sure that the Board or the Committee does have some control over administration. I would like to ask at this time too, Mr. Chairman, if the Member can tell us, if she can give us a breakdown of the \$58,000.

Mrs. Watson: Mr. Chairman, I can't break. At this minute I can't. However, I do think that it might be a good idea to have Mr. Miller in to explain some of this because one of the provinces you're talking about setting up a corporation very similar to a housing corporation. This is exactly what you're suggesting. And you have a Board and they have an administrator working for them. And I had wondered whether it wouldn't be wise to have Mr. Miller in so that we could ask him exactly what we are capable of doing and the type of legislation which would be required to do what you want to do.

Mr. Stutter: Well from the Chair, I see no reason why we couldn't have Mr. Miller and the Legal Advisor in.

Mr. Chairman: I'm in the Chair.

Mr. Chamberlist: At the same time, I wonder if we could get some - -, somebody must have come up with a figure of \$58,000 in some way.

Mr. Chairman: Let us possibly take a brief break now and then we can get this information and ask, is it Mr. Legal Advisor? Alright are there any other witnesses you might wish on this?

Mr. Chamberlist: Yes, Mr. Miller.

Mrs. Watson: It's not that I might wish them, but I think that they could explain the various aspects of it, the legal technicalities and the financial. What we can do financially and what legislation would be required.

Mr. Chairman: What I'm saying is there anyone else besides the Legal Advisor you would like?

Some Members: Mr. Miller.

MR. CHAIRMAN: AND MR. MILLER RIGHT. ALRIGHT WE WILL CALL A BRIEF RECESS.

RECESS

MR. CHAIRMAN: I WILL CALL COMMITTEE BACK TO ORDER AND WE ARE DISCUSSING SESSIONAL PAPER NO. 22 RESPECTING WESTERN CANADA LOTTERIES. WOULD YOU PROCEED?

MR. STUTTER: MR. CHAIRMAN, I WONDER IF MR. FINGLAND COULD GIVE US A BREAKDOWN OF THAT \$58,000 FIRST?

MR. ADMINISTRATOR: WELL, I MUST SAY I AM SORRY, MR. CHAIRMAN, THAT I DON'T HAVE EXTRA COPIES IN MY, THE COPY I HAVE HAS MY OWN HAND WRITTEN NOTES ALL OVER IT. PERHAPS I COULD JUST READ OUT THE PRIMARIES.

SALARY AND WAGES, \$28,000, TWO PEOPLE. FRINGE BENEFITS, \$1,960, TRAVEL AND RELOCATION COSTS, \$8,000. COMMUNICATIONS, \$6,500. ADVERTISING AND PUBLIC PROMOTION, \$5,000. OFFICE SUPPLIES AND SERVICES, \$6,500. RENTAL OF LAND AND BUILDINGS, \$2,100. REPAIR AND MAINTENANCE OF OFFICE EQUIPMENT AND MACHINERY, \$350. AND THE TOTAL IS \$58,410 WHICH WE HAVE ROUNDED OUT TO \$58,000.

MR. STUTTER: MR. CHAIRMAN, THERE IS ONE LARGE SUM THERE THAT I WOULD CERTAINLY LIKE TO QUESTION. ADVERTISING \$5,000. NOW, IF THIS IS ALL THE TICKETS BEING SOLD BY GROUPS ALL AROUND THE TERRITORY, WHY DO WE NEED \$5,000 IN ADVERTISING?

MR. ADMINISTRATOR: WELL, WE FEEL THERE IS GOING TO BE A SIZABLE AMOUNT OF ADVERTISING TO MAKE KNOWN THE AVAILABILITY OF THE TICKETS AND ALSO TO SOLICIT APPLICATIONS FOR LICENCES. PERHAPS I COULD START OFF MY REMARKS WITH REGARD TO ALL OF THIS BREAKDOWN BY SAYING TO SOME EXTENT WE ARE UNCERTAIN OURSELVES BECAUSE WE HAVE NO EXPERIENCE BUT WE DO EXPECT THERE WILL BE A FAIRLY SIZABLE BUDGET ADVERTISING INVOLVED AND THIS IS WHY WE HAVE SPLIT IT UP IN THIS PARTICULAR WAY.

NOW, WE COULD BE OUT. NO QUESTION ABOUT IT.

MR. CHAIRMAN: JUST FROM THE CHAIR. THE PRINTING OF THE TICKETS AND ALL THIS TYPE OF THING IS DONE BY THE LOTTERY ITSELF.

MR. CHAMBERLIST: MR. CHAIRMAN, WHAT I CAN'T QUITE GATHER IS THIS. FROM THIS 40% THAT IS

GOING TO BE SENT OUT, THE WESTERN LOTTERY ORGANIZATION HAS INDICATED ACCORDING TO NO. 4 ON PAGE 2, THAT 15% OF THAT 40% WILL COVER ADMINISTRATION COSTS. NOW, THEIR ADMINISTRATION.

NOW, IT SEEMS TO ME THAT BASED ON 40%, THAT WOULD BE ABOUT \$175,000, TAKING \$400,000 AS A ROUND FIGURE. THAT THEIR ADMINISTRATION COST IS GOING TO BE SOMETHING LIKE \$25,000 ON \$175,000 AND YET ON OUR \$100,000 THE ADMINISTRATION COST IS GOING TO BE \$58,000. CAN WE HAVE AN EXPLANATION OF WHY THERE IS SUCH A DIFFERENCE IN ADMINISTRATION COSTS?

MR. ADMINISTRATOR: I REALLY CAN'T ANSWER THAT QUESTION BUT I THINK THOUGH, THAT YOU HAVE TO LOOK AT THAT \$58,000 THAT WE'RE SUGGESTING AS THE AMOUNT OF MONEY WE MIGHT NEED AS REALLY IN RELATION TO \$200,000 BECAUSE THE \$100,000 COMING TO US IS ONLY ABOUT HALF.

MR. CHAMBERLIST: LET'S SUPPOSE THEN IT'S \$58,000 BASED ON \$200,000. IT'S STILL A LOT MORE THAN 15%. IT'S 15% OF WHAT THE PEOPLE ARE USING OUTSIDE. IT'S ONLY GOING TO COME TO ABOUT \$15,000 FOR EVERY \$100,000, HOW IS OURS GOING TO BE \$58,000 FOR \$200,000? YOU KNOW, \$400,000 IS GOING OUTSIDE. YOU CAN'T GET YOUR ADMINISTRATION COSTS TWICE. SO THESE FIGURES JUST DON'T WORK OUT. THEY DON'T BALANCE EQUALLY.

MR. ADMINISTRATOR: NO, I JUST CAN'T ANSWER THAT QUESTION, MR. CHAIRMAN, I DON'T KNOW. ALL WE HAVE DONE IS BUILT UP WHAT WE WOULD ANTICIPATE FROM WHAT IS KNOWN TO US AT THE PRESENT TIME. THE ESTIMATED AMOUNT OF MONEY THAT WE THINK WE WILL REQUIRE.

MRS. WATSON: MR. CHAIRMAN, IT'S QUITE OBVIOUS THAT WHEN YOU SET UP ONE OFFICE IT'S GOING TO COST YOU MORE THAN IF YOU SET UP A CHAIN OF OFFICES AND THEN DIVIDE THE COSTS. THE PEOPLE WHO WILL BENEFIT FROM IT. IT'S QUITE OBVIOUS. WELL, FINE, 15% ADMINISTRATION AND WE SET UP ONE OFFICE HERE SO IT'S QUITE OBVIOUS THIS OFFICE IS GOING TO HAVE TO TAKE CARE OF THE ADVERTISING AND TRAVEL AND EVERYTHING INVOLVED IN THIS PROGRAM. THAT'S THE MINIMUM, IT MAY BE TOO HIGH. THERE IS NO ONE SAYING IT ISN'T TOO HIGH BUT THIS IS WHAT WE ARE ESTIMATING AND THERE IS NO EXPERIENCE.

MR. STUTTER: MR. CHAIRMAN, I THINK IT SHOULD BE POINTED OUT TO THE ADMINISTRATOR THAT THERE HAS BEEN THE SUGGESTION AND I CONSIDER IT A VERY GOOD SUGGESTION THAT WHATEVER BOARD IS CREATED FOR THE DISBURSEMENTS OF THESE FUNDS SHOULD HAVE

SOME DIRECT INPUT INTO THE ADMINISTRATION. WE SHOULD BE ABLE TO MORE OR LESS CONTROL THE ADMINISTRATION. THEY SHOULD BE ABLE TO LOOK AT THE ADMINISTRATION'S BUDGET AND THEY SHOULD HAVE SOME SAY INTO WHETHER OR NOT THE ADMINISTRATION IS GETTING OUT OF HAND. WHETHER OR NOT CERTAIN PORTIONS OF THE ADMINISTRATIVE BUDGET ARE NEEDED. AS I SAY, I FEEL THAT'S A VERY GOOD SUGGESTION AND I WOULD LIKE TO HEAR YOUR COMMENTS ON IT TOO.

MR. ADMINISTRATOR: WELL, ACTUALLY I THINK WE ARE IN THE SITUATION WHERE ANY ADVICE OR SUPPORT FROM ALMOST ANY GROUP IS WELCOME. AT THIS STAGE WE ARE INTO A BRAND NEW BALL GAME ON THIS THING AND IF THE BOARD THAT WAS ESTABLISHED WANTED TO HAVE DIRECT INPUT INTO THE ADVICE AS TO HOW WE SHOULD ADMINISTER THE THING, I THINK IT WOULD BE MORE THAN WELCOME.

MR. MCKINNON: MR. CHAIRMAN, I'M INTERESTED IN THE MAKE-UP OF THE WESTERN CANADA LOTTERY FOUNDATION. THE FOUR WESTERN PROVINCES WILL HAVE EQUAL REPRESENTATION ON THE BOARD OF DIRECTORS. THE YUKON TERRITORY IS GOING TO BE INVITED TO PARTICIPATE WITH ONE MEMBER ON THE BOARD OF DIRECTORS IN AN EX OFFICIO CAPACITY FOR THE FIRST YEAR.

WHY AREN'T WE IN ON THE SAME LEVEL AS THE REST OF THE WESTERN PROVINCES?

MR. ADMINISTRATOR: WELL, MR. CHAIRMAN, I HAVE BEEN WRESTLING WITH THIS ONE FOR THE BETTER PART OF A YEAR AND THIS IS THE BEST WE HAVE BEEN ABLE TO DO WITH THE FOUR WESTERN PROVINCES. AT ONE POINT WE WERE EXCLUDED ENTIRELY. THEY SAID THEY WOULD BE GLAD TO HAVE US REPRESENTED AS AN OBSERVER ONLY AND I STRUGGLED WITH THIS AND RESISTED AS MUCH AS I POSSIBLY COULD SO THIS WAS THE BEST ARRANGEMENT WE COULD MAKE.

NOW, AT THE END OF THAT YEAR, IT IS OUR HOPE THAT THEY WILL AGREE TO LET US HAVE ONE MEMBER ON THE SAME BASIS AS THEIR MEMBERS.

MR. MCKINNON: I EXPECTED A LITTLE MORE FROM THE WESTERN PROVINCES, NOT THE SAME PATRONIZING ATTITUDE WE RECEIVE FROM OTTAWA CONSTANTLY, MR. CHAIRMAN. I WILL SPEAK TO A FEW OF MY FRIENDS. AT LEAST IN MANITOBA, THE NEXT TIME I SEE THEM, I'VE GOT MORE RELATIVES, THEY'RE NOT FRIENDS.

IN ORDER TO MAKE IT POSSIBLE FOR THE YUKON TO OBTAIN THE MAXIMUM FINANCIAL ADVANTAGE FROM THE PARTICIPATION OF WESTERN CANADA LOTTERY, PROPOSE

THAT NO OTHER LOTTERIES IN THE TERRITORY BE ALLOWED FOR THE FIRST FIVE YEARS IN EXCESS OF \$10,000. YET, ANY OF THE OTHER PROVINCES ARE ALLOWED A LOTTERY NOT IN THE EXCESS OF \$100,000. NOW, I CAN UNDERSTAND A LIMIT ON IT BUT I WOULD SEE A MORE REASONABLE LIMIT IN THE AREA OF \$25,000.00. I'M THINKING OF THE SOURDOUGH RENDEZVOUS COMMITTEE WHICH IS MAKING A VERY STRONG BID TO RUN SOME TYPE OF A PARA MUTUAL ON THE DOG RACES. I WOULD THINK THAT THEIR PRIZE WOULD BE MORE IN THE NEIGHBOURHOOD OF SAY \$25,000.00 THAN \$10,000.00, AND I WONDER IF THERE WOULD BE ANY OBJECTION TO PUTTING AN UPWARD LIMIT OF THIS TO SAY \$25,000.00.

MR. ADMINISTRATOR: NO, I DON'T THINK SO, MR. CHAIRMAN. I THINK THAT THIS IS ENTIRELY UP TO WHAT COMMITTEE MIGHT FEEL IS DESIRABLE. WE HAD PUT IT AT \$10,000.00 BECAUSE AT THE PRESENT TIME THERE ARE NO LOTTERIES IN THE TERRITORY WITH A PRIZE OF THAT AMOUNT EVEN OF THAT AMOUNT OR CERTAINLY ABOVE IT. OUR CONCERN, OF COURSE, WAS TO TRY AND PROTECT OUR ROLE IN THE WESTERN CANADA LOTTERY TO THE MAXIMUM EXTENT POSSIBLE. BUT IF IT IS THE FEELING OF THE COMMITTEE THAT THIS SHOULD BE \$25,000.00 THIS WOULD BE ALRIGHT.

MR. MCKINNON: THE OTHER POINT, MR. CHAIRMAN, I'M CONCERNED ABOUT LOTTERIES FOR WHICH TICKETS ARE CURRENTLY ON SALE WILL NOT BE AFFECTED. NOW IS THIS GOING TO BE THE SAME IN ALL THE WESTERN PROVINCES BECAUSE IT MEANS THAT THE LEGISLATION WILL HAVE IN IT THAT IT WILL BE BREAKING THE LAW TO CLIP OUT OF A MAGAZINE A TICKET APPLICATION FORM FOR THE OLYMPIC LOTTERY AND SEND IT IN WITH YOUR \$10.00. OR DOES THIS JUST MEAN THAT A PERSON SHOULDN'T BE ENGAGED IN ACTIVELY SELLING TICKETS ON SUCH AN OLYMPIC LOTTERY IN THE VARIOUS FINANCIAL INSTITUTIONS OF THE YUKON.

MR. ADMINISTRATOR: NO, MR. CHAIRMAN. THE ARRANGEMENT THAT HAS BEEN MADE AMONG THE MEMBERS OF THE WESTERN CANADA LOTTERY IS THAT THEY WILL PHASE OUT EXISTING LOTTERIES ON AN ORDERLY BASIS. THIS HAS BEEN PUT IN REALLY MAINLY AT THE REQUEST OF THE CALGARY STAMPEDE AND THE EDMONTON EXHIBITION. WE FELT HERE AS WELL THAT THE MOMENT THAT OUR LEGISLATION IS THROUGH AND WE BECOME A PARTICIPANT IN THE WESTERN CANADA LOTTERY THIS SHOULD NOT IN ANY WAY INTERFERE WITH ANY LOTTERIES FOR WHICH THERE ARE TICKETS PRESENTLY ON SALE IN THE TERRITORY. IT'S JUST TO ENABLE THOSE TO FINISH OFF IN AN ORDERLY MANNER.

Mr. McKinnon: The only western lottery that is handled as of now on a province-wide basis is the Manitoba lottery. Now I can understand this is going to be phased out of existence and that organization will go to the Western Lottery. But on something like the Olympic Lottery does this mean that all the four Western Provinces plus the Yukon will have in their legislation a clause precluding the sale and having it against the law that the tickets on such things as the Olympic Lottery being sold in their jurisdiction?

Mr. Administrator: No, Mr. Chairman. It won't be in our legislation. It is presently in the Criminal Code. It's the Criminal Code that gives the various jurisdictions the authority to authorize lotteries which otherwise would be prohibited. This is why in the case of the Olympic Lottery it's illegal for these tickets to be sold here. It's illegal for these tickets to be sold in any of the Western Provinces except Alberta which actually jumped into the thing before they realized what they were doing.

Mr. McKinnon: Is it illegal for a citizen of the Yukon to pull out an application form for one of the Olympic Lotteries and send it into the headquarters?

Mr. Administrator: No.

Mr. Chamberlist: I would say what's illegal is for the Yukon Territory to participate themselves in the lottery. But it's just like if somebody wants to come along and buy an Irish Sweepstake ticket. If they arrested everybody that bought an Irish Sweepstake ticket they haven't got enough cells right now to fill the cells with the people that buy Irish Sweepstake tickets. What really concerns me about that particular point is it's a matter of the individual who wants to spend his own money in his own way is being restricted. I'm against that part of the Canadian Criminal Code completely. If I want to go and spend my money it's my business. Why should I be legislated against spending my own money in whatever way I want to? Now I think we have to wake up. If we have the right to provide

that people in the Yukon can spend their money in whatever way they want to, why shouldn't we provide that type of legislation.

It's so wrong. We read it on two lines here. "In order to make it possible for the Yukon to obtain the maximum financial advantage from its participation in Western Canada etc. . . .". What's the matter with a person of the Yukon wanting to take advantage to obtain the maximum financial advantage. Why shouldn't he do this, Mr. Administrator.

Mr. Administrator: Well, Mr. Chairman, I have no objection to anybody who can lawfully purchase a ticket in the Olympic Lottery. I think though that our concern about the Olympic Lottery and the concern of the Western Canada Lottery is that the Olympic Lottery doesn't benefit anybody in the West or in the Yukon. The benefits of that go to the Olympic Lottery whereas participation in the Western Canada Lottery holds out the prospect of a very considerable return to organizations in the Yukon and to the Territorial Government.

Mr. Chamberlist: I wonder if I could, Mr. Chairman, get this point of clarified that I have already raised. The point that I have raised is does the money that is coming in, if this scheme is accepted, and that money is paid into the Yukon Consolidated Revenue Fund, would the interest on that money accrue to the fund for the specific purpose that this lottery is being put into force for or what we are anticipating.

Mr. Administrator: No, Mr. Chairman. It wouldn't. It would accrue to the Consolidated Revenue Fund.

Mr. Chamberlist: Well this is where I'm sure we are going to have opposition from members of Council on this particular item. We have already been told in this Council that interest on money from public funds paid in for a specific purpose are going to be used in the general fund for general purposes of the Yukon. And here we have come forward with a proposition for Western Lottery for a particular purpose, to benefit sports and cultural areas. I say, Mr. Chairman, I say

THIS TO ALL MEMBERS TO TAKE CONSIDERATION OF THIS VERY VERY SERIOUSLY. THAT UNLESS WE CAN HAVE WRITTEN INTO LEGISLATION CLEARLY AND DEFINITELY THAT ANY BENEFITS BY WAY OF INTEREST ON MONEY BEING HELD IN THE YUKON CONSOLIDATED REVENUE FUND AS A RESULT OF PARTICIPATION IN THIS LOTTERY SHOULD BE PART OF THE FUND SO THAT WE ARE ALWAYS HAVING THE BENEFITS OF THAT MONEY THAT IS COMING INTO THE FUND. I THINK THAT IT WOULD BE AN ABDICATION ABSOLUTELY ON EVERY TERRITORIAL COUNCILLOR'S POSITION IF THEY DIDN'T TAKE THAT STAND AT THIS TIME.

Mr. STUTTER: I WONDER, Mr. CHAIRMAN, IF WE CAN HEAR SOME COMMENTS ON THAT FROM EITHER THE ADMINISTRATOR OR THE LEGAL ADVISER.

Mr. ADMINISTRATOR: WELL FROM MY STANDPOINT, Mr. CHAIRMAN, IT WOULD BE QUITE WRONG TO ESTABLISH IT AS A SEPARATE, SELF-CONTAINED FUND WITH THESE MONEYS COMING INTO THE FUND FOR A SPECIAL PURPOSE BECAUSE UNDER THE FINANCIAL ADMINISTRATION ORDINANCE IF THAT HAPPENS WE COULD THEN TURN AROUND AND SUSPEND THAT MONEY WITHOUT EVEN COMING BACK TO COUNCIL. I THINK THAT WOULD BE QUITE WRONG. I THINK THAT WHAT WE SHOULD DO THOUGH, AND THIS WOULD BE QUITE EASY, IS TO HAVE THE FUNDS ACCOUNTED FOR. THERE IS ABSOLUTELY NO REASON WHY WE CAN'T KEEP A RECORD OF THE TOTAL ACCUMULATED BENEFITS FROM THIS PARTICULAR PROGRAM INCLUDING INTEREST SO THAT THE COUNCIL WILL KNOW AT ANY GIVEN MOMENT HOW MUCH HAS BEEN GENERATED FROM THIS PARTICULAR LOTTERY. THEN THE COUNCIL WILL KNOW HOW MUCH THERE IS TO SPEND WHEN THE APPROPRIATION COMES FORWARD.

Mr. CHAIRMAN: COUNCILLOR STUTTER.

Mr. STUTTER: WELL, Mr. CHAIRMAN, I THINK THEN THAT YOU PROBABLY ANSWERED THE PROBLEM. I THINK IT'S NOT SO MUCH WHERE THE MONEYS GO IN AND OUT BUT THE FACT THAT IF THERE IS A \$100,000.00 IN THE FUND AND IT'S AT 10% THAT THE FUND IN ACTUAL FACT IS CREDITED WITH \$110,000.00 AFTER A YEAR. NOW IS THIS THE FACT OR NOT?

Mr. ADMINISTRATOR: WELL EXCEPT THAT I THINK, Mr. CHAIRMAN, I HAVE TO MAKE IT QUITE CLEAR IT WOULDN'T BE ESTABLISHED AS A FUND AS SUCH UNDER THOSE CIRCUMSTANCES. BUT WE CAN KEEP A SEPARATE ACCOUNTING RECORD OF THE INTEREST

AND OF THE AMOUNT OF MONEYS.

Mr. STUTTER: WELL THAT'S NOT QUITE IT, Mr. CHAIRMAN. IT'S JUST NOT KEEPING AN ACCOUNTING RECORD OF WHAT THAT FUND WOULD HAVE GENERATED IN THE INTEREST. THE POINT IS WOULD THAT INTEREST, WOULD IT BE THERE TO SPEND IN THAT FUND OR IN THAT SCHEME?

Mr. ADMINISTRATOR: WELL I CAN'T MAKE THAT KIND OF COMMITMENT. THAT'S AT THE DISPOSAL OF THE COUNCIL.

Mr. CHAMBERLIST: RIGHT. SO IF IT'S IN THE LEGISLATION, Mr. CHAIRMAN, THIS IS WHAT I WANT TO GET. IF IT'S IN THE LEGISLATION YOU WOULD HAVE TO COMPLY WITH THE LEGISLATION JUST IN EXACTLY THE SAME WAY AS IT IS IN THE LEGISLATION IN OTHER LEGISLATION. I UNDERSTAND THAT IT ISN'T DESIGNATED AT THE PRESENT TIME. YOU KNOW I WOULD ASK MEMBERS OF COUNCIL TO SUPPORT THAT IT BE AMENDED SO THAT THE LEGISLATION ITSELF IS CLEAR AS TO WHAT COUNCIL WANTS IN THIS REGARD.

Mr. ADMINISTRATOR: Mr. CHAIRMAN, I SHOULD MAKE IT QUITE CLEAR THAT IF THAT IS PUT INTO THE LEGISLATION, THERE IS NO FURTHER NEED FOR THE ADMINISTRATION TO EVER COME BACK TO COUNCIL WITH EXPENDITURES. BECAUSE ONCE IT IS PAID INTO THE CONSOLIDATED REVENUE FUND FOR A PARTICULAR PURPOSE, A SPECIAL PURPOSE, THERE'S A SPECIAL SECTION THAT DEALS WITH THIS IN THE FINANCIAL ADMINISTRATION ORDINANCE, WE CAN THEN DISBURSE THAT MONEY FOR THAT PURPOSE.

Mr. CHAMBERLIST: BUT ALSO IN THE LEGISLATION WE WOULD ALSO SAY IN THE LEGISLATION WHAT THE MONEY IS FOR AND HOW IT IS TO BE DISBURSED. I MEAN NOW IS THE TIME. HERE'S A REAL GOOD OPPORTUNITY FOR COUNCIL TO SAY QUITE CLEARLY TO THE ADMINISTRATION THIS IS THE WAY YOU WILL CONDUCT YOURSELVES AND NO OTHER WAY. THIS IS AN OPPORTUNITY THAT WE MUST ALL TAKE ADVANTAGE OF AT THIS TIME. A WONDERFUL OPPORTUNITY TO SHOW TO THE ADMINISTRATION QUITE CLEARLY THAT COUNCIL DOES HAVE THE POWER TO DO THESE THINGS.

Mr. ADMINISTRATOR: WELL, Mr. CHAIRMAN, ALL I CAN SAY IS THAT THIS IS A VERY VERY DANGEROUS DEPARTURE BECAUSE THE VERY MOMENT WHEN WE START DESIGNATING SPECIFIC SOURCES OF REVENUE FOR PARTICULAR EXPENDITURES WE ARE GOING

TO BE FINANCING OURSELVES IN THE SAME WAY AS THE STATE OF ALASKA.

MR. CHAMBERLIST: SO WHAT.

MR. ADMINISTRATOR: WE ARE SUDDENLY GOING TO FIND OURSELVES ON A PARTICULAR DAY AT SOME POINT BEFORE THE END OF A FISCAL YEAR WHEN THERE IS NO MORE MONEY IN THAT PARTICULAR POT, AND AT THAT POINT WE ARE IN REAL TROUBLE. WE HAVE NEVER OPERATED THAT WAY IN THIS COUNTRY AND I AM VERY MUCH OPPOSED TO OPERATING THAT WAY.

MR. CHAMBERLIST: WE ARE DOING IT NOW.

MR. CHAIRMAN: COUNCILLOR STUTTER WILL YOU TAKE THE CHAIR.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: I'M BECOMING CONFUSED IN THIS THING AGAIN. DO I NOT SEE IT THAT THE MONEYS THAT ARE COMING IN FOR DISTRIBUTION AT SOME POINT BY THE YUKON SPORTS COMMITTEE THEY SHALL BE ACCOUNTED FOR. NOW I UNDERSTOOD THAT THEN WE WOULD SAY THAT THE INTEREST ACCRUING ON THOSE FUNDS FROM TIME TO TIME THAT ARE BEING HELD IN TRUST SHALL WE SAY OR IN ACCOUNT, ALL WE ARE SAYING IS THAT WE WANT THE INTEREST ON THOSE MONEYS TO REVERT BACK TO THE FUND. WITH THIS IN MIND THIS IS WHAT I THOUGHT. NOW AM I BEING TOLD THAT WE CANNOT DO THIS BECAUSE WE'VE CERTAINLY DONE IT IN I THINK WORKMEN'S COMPENSATION.

MR. ADMINISTRATOR: YES. BUT WORKMEN'S COMPENSATION IS AN ENTIRELY DIFFERENT SITUATION. THOSE REALLY ARE NOT OUR MONEYS. THOSE ARE REALLY NOT OUR MONEYS.

MR. CHAMBERLIST: WHAT IS THIS? THIS IS COMING OUT OF THE PEOPLES' POCKET, MR. CHAIRMAN. IT'S THE PEOPLE WHO ARE GOING TO BE PAYING FOR THE TICKETS. THIS IS WHY I WAS TALKING ABOUT THE SAME SITUATION WITH PREMIUMS IN MEDICARE. IT'S OUT OF THE PEOPLES' POCKETS.

MR. ADMINISTRATOR: WELL, OF COURSE, ALL TAX REVENUE OF ALL SORTS IS OUT OF PEOPLES' POCKETS. BUT WHAT WE DO FROM ALL SOURCES AND THERE ARE ANY NUMBER OF SOURCES OF REVENUE AND FUNDING, THEY COME INTO THE CONSOLIDATED REVENUE FUND. THERE IS AN ACCOUNTING KEPT OF THESE MONEYS

OF THESE SOURCES. THERE IS AN ACCOUNTING KEPT OF THE INTEREST THAT ACCRUES. THE DISBURSAL OF THOSE MONEYS IS ACCORDING TO AN APPROPRIATION WHICH IS SUBMITTED AND APPROVED BY COUNCIL. THIS IS WHAT WE ARE SUGGESTING HERE IS THAT THE REVENUES THAT COME IN AS A RESULT OF THIS WOULD GO IN TO THE CONSOLIDATED REVENUE FUND. WE CAN KEEP A SEPARATE ACCOUNT OF THAT. AND THEN WHEN WE COME TO COUNCIL FOR THE EXPENDITURE OF THAT MONEY WITH AN APPROPRIATION.

MRS. WATSON: MR. CHAIRMAN, IF YOU DO WHAT THE HONOURABLE MEMBER HAS INDICATED, YOU ARE LOCKING YOURSELF IN VERY MUCH AS YOU ARE WITH THE LIQUOR WHEN YOU DON'T HAVE AN APPROPRIATION FOR LIQUOR IN YOUR BUDGET. THE RECEIPTS AND DISBURSEMENTS FOR LIQUOR ARE CARRIED ON WITHOUT A NECESSARY APPROPRIATION. SO YOU WOULD BE SETTING UP A FUND WHERE MONEY WOULD BE COMING IN, MONEY COULD BE PAID OUT, AND YOU DON'T HAVE TO GO TO APPROPRIATION FOR IT AT ALL. SO YOU WOULD BE REALLY LOSING CONTROL OF IT UNLESS YOU WENT BACK AND CHANGED YOUR WHOLE LEGISLATION.

MR. CHAMBERLIST: LAUGHTER. EXCEPT, MR. CHAIRMAN, THAT IF WE PUT IT IN THE LEGISLATION THAT'S THE KEY. THE LIQUOR ORDINANCE, SECTION II OF THE LIQUOR ORDINANCE SAYS "THE WHOLE AMOUNT OF ALL MONEYS DERIVED FROM THE SALE OF LIQUOR BY VENDORS SHALL, AS DIRECTED BY THE COMMISSIONER, BE DEPOSITED TO THE CREDIT OF THE YUKON CONSOLIDATED REVENUE FUND IN A SPECIAL ACCOUNT DESIGNATED AS A LIQUOR ACCOUNT." AND THAT'S FINE. WHAT WE WANT IS THIS ACCOUNT TO GO INTO THE YUKON CONSOLIDATED REVENUE FUND TO BE DESIGNATED SPECIALLY AS THE LOTTERY FUND OR WHATEVER NAME BUT PLUS THE INTEREST FROM THE AMOUNT OF MONEY THAT IS IN THERE BE ADDED TO THE FUND SO THAT IS THE AMOUNT OF MONEY THAT IS TO BE SPENT FOR THE SPECIFIC PURPOSES THAT ARE DESIGNATED IN THE LEGISLATION. NOW THIS IS THE POINT THAT I MAKE. AND THIS IS WHERE I SAY WE HAVE THE RIGHT IN LEGISLATION TO SAY HOW THAT MONEY IS TO BE SPENT AND THIS IS WHAT WE WANT TO DO NOW. THIS LOTTERY LEGISLATION IS NOT A LOTTERY BILL NOR IS THE LIQUOR ORDINANCE A LOTTERY BILL. I BEG YOUR PARDON. NOR IS IT A MONEY BILL. NOR IS THE LIQUOR ORDINANCE A MONEY BILL. NOR IS THE WORKMEN'S COMPENSATION ORDINANCE A MONEY BILL, BUT IT DESIGNATES WHAT CAN BE DONE. AND I SAY WE HAVE THE POWER TO PROVIDE LEGISLATION

BECAUSE NOW'S THE TIME TO HAVE A REVOLUTION ABOUT MONEY. HERE'S AN OPPORTUNITY TO GET THE ADMINISTRATION TO REFUSE TO CAST LEGISLATION THAT THIS HOUSE PUTS INTO EFFECT AND HAS ASKED TO BE PUT INTO EFFECT. LET'S THEN SEE WHETHER THE COMMISSIONER OR THE ADMINISTRATOR WILL REFUSE TO GIVE ASSENT TO THAT TYPE OF LEGISLATION.

MR. TAYLOR: MR. CHAIRMAN, I DON'T KNOW HOW WE ARE GOING TO RESOLVE THIS THING. I THINK THAT PROBABLY A MOTION OR A RESOLUTION WILL FOLLOW WHEN WE DISCUSS THE BILL ITSELF. AND AS I SEE IT I THINK AS FAR AS WE'VE GONE FIRST OF ALL WE ARE SAYING THAT THE FUNDS ARE LARGELY - WE WANT THEM ALLOCATED TO SPORTS RECREATIONAL PROGRAMS THROUGHOUT THE TERRITORY. I THINK WE ARE GENERALLY AGREED ON THAT.

MR. CHAMBERLIST: SPORTS AND CULTURAL.

MR. TAYLOR: WELL SPORTS RECREATIONAL ALSO, YOU KNOW, TAKES IT INTO THE SPHERE OF CULTURAL ORGANIZATIONS AS THE HONOURABLE MEMBER FROM WHITEHORSE WEST HAS STATED. I THINK SECONDLY, I THINK WE ARE GENERALLY AGREED OR I ASSUME WE ARE, THAT THESE FUNDS SHOULD BE ALLOCATED BY THE YUKON SPORTS COMMITTEE WHICH IS I UNDERSTAND THE NEW NAME FOR THE PHYSICAL FITNESS AND AMATEUR SPORTS GROUP ALONG MUCH THE SAME GUIDELINES AS THEY CURRENTLY DISTRIBUTE FUNDS. THIRDLY, I THINK THAT, I APPEAR TO HAVE A CONSENSUS ANYWAY, THAT AN ADMINISTRATION OF TWO PEOPLE IS DESIRABLE TO ADMINISTER IT AND THAT THEY SHOULD COME UNDER THE DIRECTORSHIP OF THE SPORTS COMMITTEE. THAT'S ABOUT AS FAR AS I HAVE GOT IT. IN RELATION TO HOW WE DRAFT LEGISLATION I'M JUST NOT TOO SURE.

I THINK IT IS ALSO DESIRABLE THAT ANY EARNED INTEREST SHOULD BY SOME METHOD, HOWEVER WE WANT TO DRAFT IT, SHOULD ACCRUE BACK TO THE FUND BECAUSE IF FUNDS ARE LAYING IN THERE BUILDING THEY ARE PROBABLY ONLY LAYING THERE BUILDING SO THAT WE CAN ACCUMULATE ENOUGH MONEY SO WE CAN REALLY GET OUT AND SPEND IT PROPERLY. BUT I THINK THAT, YOU KNOW, THESE INTEREST REVENUES SHOULD ACCRUE.

NOW THOSE ARE THE FOUR POINTS AS I SEE IT. NOW IF I'M WRONG WHY SOMEBODY SAY SO.

MR. CHAIRMAN: COUNCILLOR WATSON.

MRS. WATSON: MR. CHAIRMAN, I WOULD MUCH SOONER SEE THAT A SPECIAL ACCOUNT BE KEPT OF THE REVENUE AND THE INTEREST AND THAT EVERY YEAR YOU VOTE AN APPROPRIATION. THEN THE COUNCIL HAS CONTROL OF WHAT THEY WANT TO DO WITH THAT MONEY. IF YOU SET UP A SPECIAL FUND, YOU LOSE THE CONTROL OF IT. I THINK YOU WOULD BE VERY WRONG IN DOING IT. THIS MORNING YOU DIDN'T WANT TO VOTE A PRE-KINDERGARTEN PROGRAM BECAUSE YOU FELT YOU WERE MAKING A DECISION FOR THE NEXT COUNCIL. WHAT YOU ARE DOING NOW IS YOU ARE COMPLETELY LOCKING IT UP SO THAT YOU CAN'T CHANGE AT ALL. I DON'T THINK THIS IS FAIR. IT SHOULD BE VOTED ON A YEARLY BASIS WHAT THAT APPROPRIATION - WHAT SHOULD BE DONE WITH IT.

MR. CHAMBERLIST: NOBODY IS OPPOSED TO THAT. I'M NOT OPPOSED TO IT. WHAT I'M SAYING, MR. CHAIRMAN, IS THIS. THE ADMINISTRATOR HAS CLEARLY INDICATED THAT THE INTEREST THAT ACCRUES TO THIS MONEY WILL NOT BE USED IN THE FUND. HE SAYS HE CAN'T MAKE A COMMITMENT OF THAT. HE WON'T USE IT IN THAT FUND. WHAT HE IS GOING TO DO IS HAVE THAT MONEY USED IN THE YUKON CONSOLIDATED REVENUE FUND IN THE GENERAL ATMOSPHERE OF IT. NOW ALREADY THERE IS SOME OF THAT THAT IS GOING INTO THE YUKON CONSOLIDATED REVENUE FUND. BECAUSE BASED ON A \$100,000.00 THERE'S \$42,000.00 OF IT, AT LEAST BASED ON ESTIMATED FIGURES, THAT ARE GOING INTO THE YUKON CONSOLIDATED REVENUE FUND.

MR. CHAMBERLIST: I AM TALKING ABOUT THE REST OF THE MONEY THAT IS IN THE FUND. THAT ACCRUES INTEREST. UNTIL, LET'S SAY THAT IT IS AGREED THAT IT ISN'T PAID OUT FOR A YEAR. UNTIL THAT MONEY IS PAID OUT THE INTEREST ON THAT MONEY SHOULD BE PART OF THE FUND SO THAT THERE IS MORE MONEY TO PAY OUT. WHY SHOULD THE GOVERNMENT EARN THAT EXTRA MONEY FOR ITSELF WHEN IT IS ALREADY EARNING PART OF THE TAKE. THAT IS PEOPLE'S MONEY THAT SHOULD BE GIVEN FOR THE PURPOSE THAT IS GOING TO BE SPECIFIED.

MR. CHAIRMAN, WHEN IT IS SUGGESTED THAT IT CAN'T BE DONE, I SAY THAT IS A LOT OF BALDERDASH. WE HAVE OTHER LEGISLATION WHERE IT IS DONE. WE JUST FOLLOW THE SAME PROCEDURE. AS I HAVE ALREADY INCLINED, THERE IS GOING TO BE ANOTHER BILL BROUGHT FORWARD HERE WHICH WILL AGAIN ASK MEMBERS OF THIS COUNCIL TO MAKE SURE THAT THE INTEREST ON THE MEDICARE FUND WHICH IS PEOPLE'S MONEY, ACCRUES TO THAT FUND SO THAT FUND SO THAT THERE ARE MORE BENEFITS MADE AVAILABLE.

IT IS A SIMILAR TYPE OF THING THAT I AM SUGGESTING. I KNOW THAT MEMBERS OF THIS COUNCIL ARE IN SYMPATHY WITH THE PRINCIPLE OF THAT. THIS IS WHY THERE SHOULDN'T BE ANY OPPOSITION. EVEN FROM THE HONOURABLE MEMBER FROM CARMACKS-KLUANE. SHE SHOULD RECOGNIZE THAT HERE IS AN OPPORTUNITY OF GREAT BENEFITS COMING OUT OF THIS WHOLE THING.

MR. TAYLOR: MR. CHAIRMAN, I JUST DIDN'T WANT TO LEAVE THE IMPRESSION THAT I WAS OPPOSED TO THE COUNCIL VOTING FUNDS BECAUSE CERTAINLY THESE FUNDS HAVE TO BE VOTED BY THE COUNCIL. THERE IS NO... IF I LEFT THAT IMPRESSION WITH THE HONOURABLE MEMBER FROM CARMACKS-KLUANE PLEASE BE AT REST.

OBVIOUSLY, AS I SEE IT, WE CAN'T AT ANY TIME OR THE NEW COUNCIL CAN'T AT ANY TIME, I DON'T THINK WE WILL BE INVOLVED IN ANY PART OF THIS BEYOND THIS POINT. THE COUNCIL SHOULD AT ANY TIME BE ABLE TO FIND OUT HOW MUCH MONEY HAS ACCRUED TO THAT FUND OR THAT ACCOUNT. THEN AT THAT TIME, IN THEIR WISDOM, IF THEY SAY, "ALRIGHT NOW FOR THIS ALLOCATION FOR THIS YEAR OR WHATEVER WE HAVE \$1,000 HERE." THEN THOSE FUNDS CAN BE VOTED TO THE EXPENDITURES RECOMMENDED BY THE YUKON SPORTS COMMITTEE. BUT THEY WOULD HAVE TO BE VOTED OUT. IS SOMETHING WRONG WITH THIS AT ALL.

MR. ADMINISTRATOR: THIS, MR. CHAIRMAN, IS EXACTLY WHAT WE ARE PROPOSING ACTUALLY. IF COUNCIL AUTHORIZES THE ADMINISTRATION TO PROCEED WITH PARTICIPATION IN THE WESTERN CANADA LOTTERY, MONIES WILL START TO ACCRUE. IF WE KEEP A CAREFUL RECORD OF WHAT THOSE MONIES ARE WE CAN KEEP A RECORD OF THE AMOUNT OF INTEREST THAT IS GENERATED BY THAT MONEY. THEN WHEN WE COME BACK TO COUNCIL WITH AN APPROPRIATION FOR THE EXPENDITURE OF THE FUNDS, COUNCIL WILL HAVE AN OPPORTUNITY TO LOOK AT THE AMOUNT OF MONEY THAT HAS ACCUMULATED AND INDEED THE AMOUNT OF INTEREST THAT HAS BEEN GENERATED BY THAT AMOUNT OF MONEY IN THE YUKON CONSOLIDATED REVENUE FUND, IN RELATION TO THE AMOUNT OF THE APPROPRIATION.

MR. TAYLOR: HOW DO WE SATISFY OURSELVES AND PUT ALL MEMBERS AT REST THAT THIS INTEREST WILL ACCRUE TO THE FUND?

MR. CHAIRMAN: IT WOULD HAVE TO BE VOTED TO IT.

MR. TAYLOR: OKAY, CLEAR.

MR. CHAIRMAN: FROM THE CHAIR. I THINK I SEE IT NOW. IT WOULD THEN BECOME ANOTHER APPROPRIATION. IT WOULD HAVE TO BE VOTED TO THE FUND BY THE COUNCIL.

MR. CHAMBERLIST: THAT IS WHAT I WANT TO GET. AS LONG AS I HAVE ASSURANCE THAT THE INTEREST WILL BE VOTED TO THE FUND AS PART OF THE FUND TO BE PAID TO THE SPORTS COMMITTEE. THE DISTRIBUTION...

MRS. HATSON: MR. CHAIRMAN, YOU CAN'T DO THAT. THE NEXT COUNCIL MAY NOT WANT TO VOTE THAT IN AS PART OF THE FUND. THAT IS UP TO THEM. BUT IF SPECIAL ACCOUNTING IS KEPT OF IT THEY WILL HAVE NO CHOICE.

MR. ADMINISTRATOR: WHAT IS CONFUSING, MR. CHAIRMAN, IS THAT WE KEEP TALKING ABOUT A FUND. THERE WILL BE NO FUND. IT WILL SIMPLY BE PART OF ALL THE BOOKKEEPING ENTERIES OF THE YUKON CONSOLIDATED REVENUE FUND. WE CAN IDENTIFY THE AMOUNT OF REVENUE, FIRST OF ALL, THE AMOUNT OF REVENUE FROM THIS SOURCE. WE CAN THEN ISOLATE, IF YOU LIKE, THE AMOUNT OF INTEREST OUT OF THE TOTAL INTEREST GENERATED BY THE YUKON CONSOLIDATED REVENUE FUND. THAT IS, IT SHOULD BE EQUITABLE TO THAT PORTION OF REVENUE...

MR. MCKINNON: WHICH IS THE TOTAL AMOUNT OF MONEY AVAILABLE TO THE SPORTS ASSOCIATION.

MR. CHAMBERLIST: MR. ADMINISTRATOR, ISN'T IT A FACT THAT WHEN THE AUDITOR GENERAL EXAMINES THE ACCOUNTS OF THE TERRITORIAL GOVERNMENT IT EXAMINES 16 TO 18 DIFFERENT ACCOUNTS. CAN I GET AN ANSWER TO THAT.

MR. ADMINISTRATOR: YES, MR. CHAIRMAN, THAT IS RIGHT.

MR. CHAMBERLIST: NOW, WE ALL KNOW THAT ALL THESE ACCOUNTS ARE PART OF THE YUKON CONSOLIDATED REVENUE FUND. WE ALL KNOW THAT. WHAT I WANT TO HAVE ASSURANCE ON IS THAT ONE OF THOSE ACCOUNTS THAT WILL BE EXAMINED BY THE AUDITOR GENERAL WILL BE THIS PARTICULAR ACCOUNT. AND FROM THAT INFORMATION WE WILL BE ABLE TO KNOW WHAT INTEREST HAS BEEN ACCRUED FOR THAT MONEY. THAT INTEREST THAT IS ACCRUED FROM THAT PARTICULAR MONEY COULD BE APPROPRIATED FOR THE PURPOSES FOR WHICH THIS WHOLE SCHEME IS BEING SET UP. THAT IS THE AMOUNT OF PRINCIPLE THAT IS IN THERE PLUS THE INTEREST. I CAN'T MAKE IT MUCH CLEARER.

MR. TAYLOR: AT THIS TIME I WILL RESUME THE CHAIR.

MR. ADMINISTRATOR: IT IS A DECISION FOR THE TERRITORIAL TREASURER WHETHER IT SHOULD ACTUALLY BE IN A SEPERATE ACCOUNT AS SUCH BUT THERE IS ABSOLUTELY NOTHING TO PREVENT US FROM KEEPING A SEPARATE ACCOUNTING RECORD IN THE OVERALL ACCOUNTS OF THE TERRITORIAL GOVERNMENT. IT MIGHT NOT, IN FACT, BE A SEPARATE ITEM.

MR. CHAIRMAN: I BELIEVE THAT TOMORROW MORNING, AT SOME POINT, WE WILL BE DEALING WITH THE BILL RELATING TO THIS. POSSIBLY AT THAT TIME THERE MAY BE RESOLUTIONS OR MEMBERS MAY CONSIDER MOTIONS AND RESOLUTIONS IN RESPECT OF THESE VARIOUS PROBLEMS THAT WE HAVE DISCUSSED THIS AFTERNOON.

MRS. WATSON: MR. CHAIRMAN, THE BILL IS VERY SHORT AND IF WE COULD READ IT TODAY AND THEN MAYBE WE COULD RESOLVE AND COME BACK WITH SOMETHING TOMORROW. IT IS A VERY SHORT BILL.

MR. CHAIRMAN: I FOR ONE WOULD LIKE TO GIVE A LITTLE THOUGHT TO WHAT HAS TRANSPIRED THIS AFTERNOON BEFORE I GIVE ANY THOUGHT TO THE BILL.

MR. CHAMBERLIST: I WOULD LIKE TO WRITE SOME AMENDMENTS MYSELF TOO.

MR. CHAIRMAN: THERE HAS BEEN A GREAT WEALTH OF KNOWLEDGE IN THIS SUBJECT OBTAINED THIS AFTERNOON AND I'M SURE THAT MEMBERS WOULD LIKE TO GIVE IT A LITTLE THOUGHT BEFORE THEY FINALIZE THE MOTION.

SEVERAL MEMBERS: AGREED.

MR. CHAIRMAN: WHAT IS YOUR FURTHER PLEASURE?

MR. MCKINNON: MR. CHAIRMAN, I WOULD MOVE THAT MR. SPEAKER RESUME THE CHAIR.

MR. CHAIRMAN: IS THERE A SECONDER?

MR. STUTTER: SECOND THAT MOTION.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR MCKINNON SECONDED BY COUNCILLOR STUTTER THAT MR. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. CHAIRMAN: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER. MAY WE HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEE?

MR. TAYLOR: MR. SPEAKER, COMMITTEE CONVENED AT TEN TWENTY A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. COMMITTEE RECESSED AT TWELVE NOON AND RECONVENED AT 2:10 P.M.

IT WAS MOVED BY COUNCILLOR MCKINNON SECONDED BY COUNCILLOR CHAMBERLIST THAT COMMITTEE AGREE WITH THE KINDERGARTEN PROGRAM OUTLINE IN SESSIONAL PAPER NO. 19, BUT RECOGNIZES THAT THE PROGRAM OF PRE-KINDERGARTEN, THOUGH DESIRABLE IN SOME AREAS, MUST BE REFERRED TO THE NEXT COUNCIL FOR THEIR CONSIDERATION AND DECISION. THIS MOTION CARRIED.

IT WAS THEN MOVED BY COUNCILLOR MCKINNON AND SECONDED BY COUNCILLOR STUTTER THAT MR. SPEAKER DO NOW RESUME THE CHAIR. THIS MOTION CARRIED.

MR. SPEAKER: YOU HAVE HEARD THE REPORT OF THE CHAIRMAN OF COMMITTEES. ARE WE AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER, IN RESPECT OF THE AGENDA I BELIEVE IT IS THE INTENTION OF COMMITTEE TO FURTHER DISCUSS BILLS, SESSIONAL PAPERS, AND MOTIONS TOMORROW.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. STUTTER: I MOVE THAT WE NOW CALL IT FIVE O'CLOCK, MR. SPEAKER.

MR. SPEAKER: IS THERE A SECONDER?

MR. CHAMBERLIST: I WILL SECOND THE MOTION, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR DAWSON, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE EAST THAT WE NOW CALL IT FIVE O'CLOCK. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: COUNCIL STANDS ADJOURNED UNTIL
TEN A.M. TOMORROW MORNING.

ADJOURNED

FRIDAY, MAY 3, 1974

MR. SPEAKER READS THE DAILY PRAYER.

MR. SPEAKER: MADAM CLERK, IS THERE A QUORUM PRESENT?

MADAM CLERK: THERE IS, MR. SPEAKER.

MR. SPEAKER: COUNCIL WILL NOW COME TO ORDER.

MR. TAYLOR: THIS MORNING I WOULD LIKE TO RISE ON A QUESTION OF PRIVILEGE AS AN ELECTED MEMBER OF THE COUNCIL OF THE YUKON TERRITORY AND DEPLORE THE ACTIONS OF THE ADMINISTRATION, NOTWITHSTANDING THE REPRESENTATIONS I HAVE MADE IN RELATION TO THE DEPRESSING SITUATION IN THE ROSS RIVER SCHOOL.

MR. SPEAKER, IN NOVEMBER 1973, I NOTICED THAT THERE WAS A BREAK IN THE SEWER LINE WHICH COMES FROM THE SEWER LINE TO THE SEPTIC TANK. THIS BREAK, INDEED, HAD BEEN NOTICED IN JUNE OF 1973 PRIOR TO SCHOOL RECESS AND APPARENTLY NOTHING WAS DONE ABOUT IT. IT WAS LEFT FOR THE SEASON. THIS RAW SEWAGE HAD GONE UNDER THAT SCHOOL BUILDING ALL DURING THIS PERIOD OF TIME. WHEN I CAME TO COUNCIL EARLY IN THIS SESSION, I IMMEDIATELY BROUGHT THE SUBJECT TO THE ATTENTION OF THE MEMBERS, THE ADMINISTRATION, THAT THERE WAS A PROBLEM.

ON APRIL 2 I ASKED THE MEMBER IN CHARGE OF THE HEALTH, WELFARE AND REHABILITATION IF HE WOULD LOOK INTO THE MATTER. HE DID AND HE REPLIED THAT ON NOVEMBER 26, 1973, A HEALTH INSPECTOR'S REPORT INDICATED THAT THERE WAS A BROKEN SEWER LINE UNDER THE SOUTH WING OF THE SCHOOL. A COPY OF THIS REPORT WAS SENT TO MR. J.W. FERBEY, ASSISTANT SUPERINTENDENT OF EDUCATION. A MR. UROUHART, CHIEF HEALTH INSPECTOR, SPOKE TO MR. COWAN, SCHOOL SERVICES INSPECTOR, YESTERDAY AND MR. COWAN INFORMED HIM THE MATTER HAD BEEN REFERRED TO MAINTENANCE AND HAD ALREADY BEEN ATTENDED TO. THAT IS DATED APRIL 2ND, MR. SPEAKER.

ON WEDNESDAY, THE FIRST DAY OF THIS MONTH, A MONTH LATER, I BROUGHT, AGAIN, ATTENTION TO THE HONOURABLE MEMBER REPRESENTING HEALTH, WELFARE AND REHABILITATION, AND BELIEVE ME I AM NOT CONDEMNING THE MEMBER AT ALL BECAUSE HE WAS AS MISINFORMED AS I WAS. I RAISED THE QUESTION IN THE HOUSE ON SEVERAL OCCASIONS AND AS RECENTLY AS YESTERDAY AND LAST NIGHT I FOUND, INDEED, THE PROBLEM STILL EXISTS. IT IS RECOGNIZED BY JUST

ABOUT EVERYBODY IN SIGHT IN THAT AREA AND NOTHING HAS YET BEEN DONE TO HELP THESE PEOPLE. THERE IS MUCH SICKNESS IN THE VILLAGE, PROBABLY THE FLU. EVEN THE NURSE IS DOWN AND HAD TO BE TAKEN BACK TO FARO AND THIS IS THE TIME WHEN PEOPLE ARE SUBJECT TO ANY DISEASES THAT COME AROUND TO COMMUNITIES.

THE GREATEST SEA OF TYPHOID HAS GOT TO BE IN THE BASEMENT OF THAT SCHOOL AND UNDER THE FLOOR OF THAT SCHOOL. ACCORDINGLY, MR. SPEAKER, AS AN ELECTED MEMBER ON BEHALF OF THE PEOPLE THAT I REPRESENT, I DEMAND AND I SAY AGAIN, MR. SPEAKER, I DEMAND THAT THIS ADMINISTRATION CLOSE THE SCHOOL FORTHWITH, IMMEDIATELY, NOW.

SECONDLY, THAT THE HEALTH AUTHORITIES BE DESPATCHED IMMEDIATELY TO ROSS RIVER TO ASSESS THE SITUATION. THAT THEY CLEAN IT UP AND IT'S GOING TO BE A TOUGH JOB. THAT THEY CLEAN OUT THE MESS UNDER THE SCHOOL AND THE SCHOOL REMAIN CLOSED UNTIL IT IS CLEANED UP AND ANYTHING THAT REMAINS, BE CHEMICALLED, LINED AND THE SCHOOL DO NOT RE-OPEN UNTIL SUCH A TIME AS THE CHIEF MEDICAL HEALTH OFFICER OF THE YUKON TERRITORY HAS GIVEN HIS FIRM APPROVAL FOR THAT SCHOOL TO OPEN.

I THINK THERE SHOULD BE A RECESS IN ORDER THAT THE ADMINISTRATION CAN FIND THE TIME TO IMPLEMENT THESE DEMANDS, MR. SPEAKER.

MRS. WATSON: MR. SPEAKER, POINT OF PRIVILEGE. SOME OF THE ALLEGATIONS THAT HAVE BEEN MADE HERE THIS MORNING ARE VERY UNFAIR AND ARE UNTRUE. WHEN THE LINE WAS FROZEN UNDER THE... INCIDENTALLY I AM GOING TO POINT OUT ONE THING TO THE HONOURABLE MEMBER AND TO ALL HONOURABLE MEMBERS TO THIS HOUSE THAT THE MAINTENANCE OF SCHOOL BUILDINGS, IS NOT THE RESPONSIBILITY OF THE DEPARTMENT OF EDUCATION.

THE DEPARTMENT OF EDUCATION REFERS THEM TO THE MAINTENANCE DEPARTMENT ASKING FOR PRIORITY TO BE GIVEN TO THESE MATTERS. NOW, THE MAINTENANCE DEPARTMENT HAS MANY PRIORITIES BROUGHT TO THEIR ATTENTION. BUT THIS IS NOT THE RESPONSIBILITY OF THE DEPARTMENT OF EDUCATION. NEITHER IS ACCOMMODATION FOR TEACHERS. THE MAINTENANCE AND THE PROVISION OF ACCOMMODATION FOR TEACHERS IS NOT THE RESPONSIBILITY OF THE DEPARTMENT OF EDUCATION.

TIME AFTER TIME THE DEPARTMENT OF EDUCATION IS CRITICIZED FOR THE LACK OF MAINTENANCE AND FACILITIES IN SCHOOLS AND FOR THE LACK OF MAIN-

TENANCE IN ACCOMMODATION FOR TEACHERS. BUT WE HAVE TO BE REALISTIC. THERE ARE ONLY CERTAIN THINGS THESE MAINTENANCE PEOPLE CAN DO IN CERTAIN TIMES OF THE YEAR.

NOW, THAT LINE WAS BROKEN AND FROZEN IN THE MIDDLE OF WINTER. AS SOON AS THEY COULD GET AT THE LINE, THE LINE WAS REPAIRED. AS SOON AS THE GROUND UNDERNEATH THE SCHOOL WAS THAWED OUT SO THAT THEY COULD GET IN THERE WITH A BACKHOE THEY ARE CLEARING IT OUT AND THE EQUIPMENT IS THERE RIGHT NOW. IT'S GOING TO BE CLEARED OUT, THE WHOLE THING. THERE WILL BE SAND HAULED IN AND IT WILL BE COMPLETED FOR MONDAY MORNING. BUT THE GROUND HAD NOT BEEN THAWED SO THAT THEY COULD MOVE IN ON IT.

I RESENT VERY MUCH THE INSINUATIONS THAT ARE BEING MADE BY THE HONOURABLE MEMBER AGAINST THE DEPARTMENT OF EDUCATION. THE DEPARTMENT OF EDUCATION IS RESPONSIBLE FOR THE EDUCATION WITHIN THAT SCHOOL. WE ARE NOT RESPONSIBLE FOR THE MAINTENANCE OF THE BUILDINGS. WE REFER TO THE ENGINEERING DEPARTMENT FOR THIS MAINTENANCE.

MR. TAYLOR: FURTHER TO MY POINT OF PRIVILEGE, MR. SPEAKER. I HAVEN'T BLAMED THE EDUCATION DEPARTMENT. APPARENTLY THE HONOURABLE MEMBER FEELS THAT SHE IS TO BE BLAMED. I ONLY SAY THAT THE SCHOOL SERVICES INSPECTOR, WHO MUST WORK FOR ENGINEERING IS THE PERSON WHO SAID IT WAS ATTENDED TO.

I ALSO SAY, HAD IT BEEN, AND IF THIS WAS A PROBLEM OF THE DEPARTMENT OF EDUCATION, THAT AT 9 O'CLOCK LAST NIGHT, MR. FERGUSON THE RURAL SUPERINTENDENT OF SCHOOLS, FROM THE DEPARTMENT OF EDUCATION, WHO I AM SURE WORKS FOR THE DEPARTMENT OF EDUCATION, AND MR. ROBERTS AND A MR. SIMONSON WHO I BELIEVE IS THE EDUCATION PSYCHOLOGIST, CHECKED INTO THE ROSS RIVER HOTEL, CHECKED OUT THIS MORNING, GASSED UP AND LEFT TOWN. THEY NEVER EVEN HAD THE COMMON DECENCY TO STOP AT THE SCHOOL OR COMMUNICATE WITH THE PRINCIPAL WHATSOEVER, OR THE PEOPLE OF ROSS RIVER, KNOWING THE PROBLEMS THAT EXIST IN ROSS RIVER. NOW, IF YOU WANT TO CALL THAT AN ACCUSATION...

I DEMAND THAT THE SCHOOL BE CLOSED, MR. SPEAKER, UNTIL SUCH A TIME AS THIS IS REMEDIED, NOTWITHSTANDING WHAT THE HONOURABLE MEMBER HAS SAID.

MRS. WATSON: POINT OF PRIVILEGE. THE SITUATION WAS AGAIN REFERRED INTO WHITEHORSE LAST NIGHT BY THE PEOPLE THAT THE HONOURABLE MEMBER IS SAYING WERE IN ROSS RIVER. THIS IS A SILLY ACCUSATION.

THE FACT THAT THE SCHOOL, I HAVE SAID, THAT THE MAINTENANCE PEOPLE ARE THERE RIGHT NOW. THEY PLAN TO HAVE IT ALL FINISHED FOR SCHOOL OPENING ON MONDAY MORNING AND YOU ARE SAYING TO CLOSE THE SCHOOL? TO DEPRIVE THE CHILDREN OF AN EDUCATION WHEN IT IS CLOSED? BUT EVERYTHING HAS BEEN DONE.

MR. TAYLOR: RIGHT NOW. RIGHT NOW. NOTHING HAS BEEN DONE. EFFECTIVE 9 O'CLOCK THIS MORNING, NOTHING HAS BEEN DONE.

MRS. WATSON: BUT, MR. SPEAKER, PEOPLE ARE THERE WORKING.

MR. TAYLOR: BALDERDASH.

MR. CHAMBERLIST: MR. SPEAKER, SPEAKING ON THE SAME POINT OF PRIVILEGE THAT HAS BEEN BROUGHT FORWARD BY THE HONOURABLE MEMBER FROM WATSON LAKE, I WOULD INDICATE, MR. SPEAKER, THAT IN A SITUATION WHERE , THE SAME SITUATION OCCURRED IN A TRAILER COURT, THE HEALTH DEPARTMENT IMMEDIATELY CLOSED DOWN THE TRAILER COURT AND HAD THE PEOPLE MOVE OUT OF THE TRAILERS.

IT WOULD APPEAR, MR. SPEAKER, THAT THE GOVERNMENT OF THIS TERRITORY MUST SET AN EXAMPLE AND I KNOW IT WOULD BE DAMAGING, CERTAINLY, TO CHILDREN TO LOSE THEIR EDUCATION BUT IT WOULD BE FAR MORE DAMAGING TO THE CHILDREN IF THEY ARE PLACED IN SUCH A CONDITION WHERE THEIR HEALTH IS IMPAIRED SO THAT EDUCATION TO THEM WOULD BE OF NO AVAIL AT ALL.

I CONCUR, MR. SPEAKER, THAT THE ADMINISTRATION BE INFORMED FORTHWITH THAT THEY CLOSE THE SCHOOL UNTIL SUCH TIME AS EVERYTHING IS TAKEN CARE OF AND THAT NO CHILDREN SHOULD BE ALLOWED TO BE IN THERE WHILE THIS CONDITION EXISTS.

MR. TAYLOR: THEY COULD MOVE INTO THE COMMUNITY HALL.

MRS. WATSON: MR. SPEAKER, THE SITUATION IS WELL IN HAND AND THE SCHOOL WILL BE OPEN ON MONDAY MORNING.

MR. SPEAKER: MAY WE PROCEED WITH THE ORDERS OF THE DAY? ARE THERE ANY DOCUMENTS OR CORRESPONDENCE TO BE TABLED? ARE THERE ANY REPORTS OF COMMITTEE? ARE THERE ANY BILLS TO BE INTRODUCED?

MRS. WATSON: YES, MR. SPEAKER. I BEG LEAVE, SECONDED BY COUNCILLOR TANNER TO INTRODUCE BILL NO. 8, AN ORDINANCE TO AMEND THE PUBLIC SERVICE

STAFF RELATIONS ORDINANCE.

BILL NO. 8, INTRODUCED

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR CARNAK-KLUANE, SECONDED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH, FOR LEAVE TO INTRODUCE BILL NO. 8, ENTITLED AN ORDINANCE TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ORDINANCE. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED.

MR. SPEAKER: ARE THERE ANY NOTICES OF MOTION OR RESOLUTION?

MR. TANNER: YES, MR. SPEAKER, I GIVE NOTICE OF MOTION THIS MORNING CONCERNING COMPENSATION TO VICTIMS OF CRIME.

MR. CHAMBERLIST: MR. SPEAKER, I GIVE NOTICE OF MOTION RE APPOINTMENT OF AN OMBUDSMAN.

MR. SPEAKER: ARE THERE ANY FURTHER NOTICES OF MOTION OR RESOLUTION? ARE THERE ANY NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS? AS THERE ARE NO NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS WE COME TO MOTION NO. 29.

MOTION NO. 29

MR. SPEAKER: IT WAS MOVED BY COUNCILLOR STUTTER SECONDED BY COUNCILLOR TANNER THAT SESSIONAL PAPER NO. 23, ELECTRIC RATE EQUALIZATION PLAN BE MOVED INTO COMMITTEE OF THE WHOLE FOR DISCUSSION. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME? ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

MOTION CARRIED.MOTION NO. 30

MR. SPEAKER: MOTION NO. 30. IT WAS MOVED BY COUNCILLOR TAYLOR, SECONDED BY COUNCILLOR WATSON, WHEREAS - MANY SMALL SETTLEMENTS WITHIN THE YUKON TERRITORY HAVE REPEATEDLY REQUESTED SOME FORM OF TELEVISION FACILITY FOR THEIR COMMUNITIES AS A MEANS OF INFORMATION, EDUCATION AND ENTERTAINMENT. AND WHEREAS - IT HAS BEEN ESTABLISHED THAT SUCH FACILITIES CAN BE PROVIDED TO FIVE SUCH COMMUNITIES ON AN ECONOMICAL BASIS BY MEANS OF A MOUNTAIN TOP RELAY SYSTEM OF COVERAGE, AND

WHEREAS - THE COUNCIL OF THE YUKON TERRITORY IN

SESSION ASSEMBLED HAVE BY RESOLUTION RECOMMENDED THAT THE ADMINISTRATION IMMEDIATELY UNDERTAKE THE NECESSARY FIELD WORK AND RELATED STUDIES AND TO MAKE STRONG RECOMMENDATIONS TO THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT TO ENSURE THAT FUNDS ARE MADE AVAILABLE TO CARRY OUT THE PROJECT IN THE YEAR 1974-75.

NOW THEREFORE BE IT RESOLVED: THAT THE CONTENT OF MOTION NO. 18 AS UNANIMOUSLY APPROVED BY THE COUNCIL OF THE YUKON TERRITORY IN SESSION ASSEMBLED BE FORWARDED TO THE HONOURABLE JEAN CHRETIEN, MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT AND THAT SAID COUNCIL OF THE YUKON TERRITORY DO STRONGLY REQUEST THE MINISTER TO MAKE AVAILABLE TO THE TERRITORY SUFFICIENT CAPITAL FUNDS WITH WHICH TO FULLY IMPLEMENT THE PROGRAM OF MOUNTAIN TOP RELAYED TELEVISION AS OUTLINED IN SAID MOTION NO. 18.

ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

MR. TAYLOR, YES, MR. SPEAKER. THE MOTION COMPLEMENTS MOTION 18 AND IT WAS PRETTY WELL AGREED BY COUNCIL, WHEN IN COMMITTEE, THAT A SECOND MOTION SHOULD FOLLOW ASKING THE MINISTER OF NORTHERN AFFAIRS FOR FUNDING OF THIS MOST IMPORTANT PROGRAM AND THIS IS WHAT THE MOTION INTENDS TO DO. I WOULD ASK FOR UNANIMOUS SUPPORT OF THIS HOUSE IN RELATION TO IT.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED. I DECLARE THE MOTION CARRIED.

MOTION CARRIED.MOTION NO. 31

MR. SPEAKER: MOTION NO. 31. IT WAS MOVED BY COUNCILLOR MCKINNON AND SECONDED BY COUNCILLOR CHAMBERLIST, THAT IT IS THE OPINION OF COUNCIL THAT A PROGRAM OF CRIMINAL AND CIVIL LEGAL AID SIMILAR TO THAT PRESENTLY IN OPERATION IN THE NORTHWEST TERRITORIES BE INTRODUCED IN YUKON.

AND BE IT FURTHER RESOLVED: THAT THE COUNCIL AGREES THAT THE GOVERNMENT OF YUKON SHOULD NEGOTIATE A 50/50 SHARED COST FORMULA BETWEEN THE TERRITORY AND THE FEDERAL GOVERNMENT TO OPERATE SUCH A PROGRAM.

AND BE IT FURTHER RESOLVED: THAT THE FEES PAID TO LAWYERS IN CRIMINAL AND CIVIL MATTERS UNDER THE LEGAL AID PROGRAM BE COMPARABLE TO THOSE NOW IN EFFECT IN PROVINCIAL JURISDICTIONS. ARE YOU PREPARED TO PROCEED WITH THIS MOTION AT THIS TIME?

Mr. McKinnon: Mr. Speaker, we have had a pretty healthy go-round on legal aid in the last few years in Council and it's not my intention to hold up the time of Council by further lengthy debate on this Motion. It seems to be a consensus of the Council at this time. It appears Mr. Speaker, that the passage of Motion No. 31 would be quite a bargain for the Government of the Yukon. As it is now, we spend \$18,000 a year in only taking care of legal aid in criminal matters.

Mr. Speaker, if we do have a shared cost program of a comprehensive criminal and civil legal aid program. The Federal Government is then willing to share on a 50-50 share cost basis where as now the \$18,000 for criminal legal aid totally comes out of the taxpayer of the Yukon pockets. Suggested maximum figure for the cost of legal aid in both the criminal and civil sphere for a year runs in the neighbourhood of some \$80,000. This would mean that the Federal Government would be willing to fork over \$40,000 of that cost. We already have \$18,000 in the budget, so \$25,000 further would be the only amount needed for a full comprehensive plan of criminal and civil legal aid in the Yukon Territory.

We also heard, Mr. Speaker, just a few days ago that the lawyers seem to have got into the walking out bit and more or less told the Government of the Yukon that if their fees aren't up within three months, that they will no longer be taking even the criminal legal aid cases that are referred to them by the Courts. Mr. Speaker, as you see the Motion suggests that the fees paid to lawyers in criminal and civil matters under the legal aid program be comparable to those now in effect in provincial jurisdictions. Some of the things that I've said about lawyers in the past in this House, Mr. Speaker, perhaps the threatened walk out of them, to the people of the Yukon Territory, wouldn't be all that bad. However, in the field of criminal and civil legal aid, I think that all Members do have to admit that the program is a necessary one, that there are real hardships being perpetrated upon people particularly who cannot afford the ability to hire legal help in the field of criminal matters. And I think that every one of us knows of lives and families' lives that have been completely ruined because of the inability of

people to match the full thrust of legal advice that is available to people who can afford it and companies who keep legal staff as retainers. And with the program that is suggested, I feel that this one area where we have not been as advanced as our sister territory and also most of the provincial jurisdictions in Canada, that we will have that gap in the Yukon.

The Motion doesn't bring in to the area of an ombudsman which I find is probably a separate Motion and the Honourable Member from Whitehorse East has given notice of an ombudsman Motion to be debated in the House tomorrow. Whether the Territory can afford the concept of criminal and civil legal aid at the same time of the appointment of an ombudsman, is one which will be interesting to debate. I think that one of the things that all Members should realize, that with the advent of twelve Members of Council, that most Members of Council will know just about every one of their constituents on a personal basis. I see that my riding which was formerly Whitehorse West has really been broken up into two separate ridings, and I think there was only about 1200 constituents voting in the last one. So that means that I've been cut into about five or six hundred constituents. And I can really honestly say that I think that I know probably every one of them and their problems on a personal basis almost. Talk about direct democracy, Mr. Speaker, and certainly a Member of Council with twelve Members will be even better able to act as ombudsman to constituents than he ever was before. I think Members of Council have generally done a pretty effective job of acting in an ombudsman role, as take the number of individual cases that have already been brought to this Council table for public debate in this Session.

Mr. Speaker, that leaves probably the only area where we do have a gap in so far as protection of the public under the justice area is the compensation to be paid for victims of crimes and I also see that the Honourable Member from Whitehorse North has a notice of Motion today and I believe that legislation will be brought forward to this Council to take care of that area. As I say this is one area where both the Honourable Member from Whitehorse East and myself have been very concerned over the years. I'm only happy to say that both the mover and the seconder hope that they will receive the unanimous consent of Council so that this much needed program gets into effect in the Yukon

TERRITORY AT THE EARLIEST OPPORTUNITY. THANK YOU MR. SPEAKER.

MR. CHAMBERLIST: MR. SPEAKER, I DON'T WANT TO ADD VERY MUCH TO WHAT THE HONOURABLE MEMBER FROM WHITEHORSE WEST HAS SAID. I THANK HIM VERY MUCH FOR GIVING A BIT OF A BREAKDOWN ALREADY IN THE DISCUSSION ON MY PROPOSED MOTION TOMORROW ON THE OMBUDSMAN. MEMBERS WILL HAVE THE OPPORTUNITY TO DEBATE THAT FULLY TOMORROW.

BUT THERE IS ANOTHER AREA THAT WHEN THE HONOURABLE MEMBER SPOKE ABOUT FUNDING THAT MUST BE CONSIDERED AND IT'S BEEN BROUGHT TO MY ATTENTION OVER A PERIOD OF TIME THAT CONTRARY TO WHAT THE PUBLIC FEEL THAT LAWYER'S TRUST ACCOUNTS ARE ACCOUNTS WHERE THE LAWYERS ARE MAKING MONEY BY INTEREST, WHICH IS NOT SO. BECAUSE THE BANKS DO NOT PAY LAWYERS INTEREST ON CLIENTS' TRUST ACCOUNTS. AS A MATTER OF FACT THEY CAN'T TAKE THIS. BUT IN SOME OTHER JURISDICTIONS THE BANKS ARE FORCED TO PAY THE INTEREST ON THOSE TRUST ACCOUNTS AND THOSE MONIES ARE TURNED IN FOR A PURPOSE OF ASSISTING IN THE VARIOUS AREAS OF THIS DESCRIPTION AND I HOPE BY TOMORROW I WILL BE ABLE TO GO INTO MUCH MORE DETAIL AS TO WHAT THESE INTEREST ON THESE TRUST ACCOUNTS COULD MEAN TO THE PEOPLE OF THE YUKON IN ASSISTING THEM IN GETTING A FORM OF ADDITIONAL PROTECTION IN THIS PARTICULAR AREA.

I DO HOPE THAT ALL MEMBERS OF COUNCIL WILL RECOGNIZE THAT THE MOTION THAT'S BEFORE THE HOUSE AT THIS TIME IS REALLY ONE FOR PEOPLES' BENEFITS, ALL PEOPLES' BENEFITS AND I HOPE THAT IT'S SUPPORTED UNANIMOUSLY. THANK YOU, MR. SPEAKER.

MR. SPEAKER: ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MR. SPEAKER: WE COME TO THE QUESTION PERIOD. MADAM CLERK, WILL YOU ASCERTAIN IF MR. ADMINISTRATOR IS AVAILABLE? WE WILL NOW HAVE A SHORT RECESS.

RECESS

MR. SPEAKER: I WILL NOW CALL COUNCIL TO ORDER.

QUESTION RE: REGULATIONS OF BOARD OF REVIEW

MR. CHAMBERLIST: MR. SPEAKER, MY QUESTION IS

DIRECTED TO THE ADMINISTRATOR. A FEW DAYS AGO MR. SPEAKER, I ASKED WHETHER THE ADMINISTRATION WILL BE GIVING CONSIDERATION TO AMENDING THE REGULATIONS OF THE BOARD OF REVIEW, ESPECIALLY SECTION 7 OF THOSE REGULATIONS DEALING WITH THE TEACHER'S DISMISSAL. WHETHER OR NOT THE PUBLIC WILL BE ABLE TO ATTEND AT THOSE HEARINGS BECAUSE OF THE DEFINITE EXCLUSION OF THE PUBLIC UNDER SECTION 7 OF THOSE REGULATIONS. THE ADMINISTRATOR, MR. SPEAKER, INDICATED THAT HE WOULD GIVE SOME CONSIDERATION TO IT. HAS THE ADMINISTRATOR COME TO A DECISION ON THAT AND IS THE REGULATIONS GOING TO BE AMENDED SO THAT THE PUBLIC WILL BE ABLE TO ATTEND AT THE HEARINGS AT THE TIME THAT IT IS SET?

MR. ADMINISTRATOR: MR. SPEAKER, I HAVE HAD NOW AN OPPORTUNITY TO TAKE A LOOK AT THESE REGULATIONS AND I CAN FIND NO AUTHORITY WHATEVER IN THE SCHOOL ORDINANCE FOR THESE REGULATIONS. AND IT IS MY INTENTION, MR. SPEAKER, TO SIMPLY APPOINT THE BOARD WHICH ARE THE POWERS PROVIDED TO THE COMMISSIONER UNDER THE ORDINANCE AND IT WILL BE ENTIRELY UP TO THE BOARD TO DETERMINE THEIR OWN PROCEDURE.

MR. CHAMBERLIST: THANK YOU VERY MUCH INDEED, MR. SPEAKER. I AM VERY PLEASED THAT THE ADMINISTRATION AGREES THAT THERE IS NO POWER UNDER THE REGULATIONS, UNDER THE ORDINANCE TO HAVE THESE REGULATIONS.

MR. SPEAKER, FURTHER TO THE ADMINISTRATOR. YESTERDAY IN ASKING CERTAIN QUESTIONS WITH REFERENCE TO THE MANNER IN WHICH THE SUPERINTENDENT HAD CONDUCTED THIS HEARING, MR. ADMINISTRATOR ANSWERED THAT IN THIS PARTICULAR WAY. I FIRST ASKED WHETHER, I SAID THIS. MR. SPEAKER, I WONDER THEN IF MR. ADMINISTRATOR COULD INDICATE UNDER WHAT SECTION OF THE ORDINANCE OR THE REGULATIONS CAN THE SUPERINTENDENT SET UP A BOARD IN THE ACTUAL DISMISSAL OF THE TEACHER. WOULD HE NAME THAT PLEASE.

MR. ADMINISTRATOR ANSWERED, "WELL I KNOW OF NO SUCH SECTION", AND THEREFORE HE HASN'T INDICATED WHY, SO I'M GOING TO PUT A WRITTEN QUESTION IN TO GIVE THE ADMINISTRATION TIME TO ANSWER IN THIS PARTICULAR MATTER. AND THE WRITTEN QUESTION FOR A WRITTEN ANSWER IS THIS: DETAIL THE SECTIONS OF THE SCHOOL ORDINANCE AND THE REGULATIONS GIVING AUTHORITY TO THE SUPERINTENDENT TO HOLD A HEARING IN THE MANNER IN WHICH HE DID IN THE MATTER PERTAINING TO THE DISMISSAL OF MR. JOHN DUNPHY.

QUESTION RE: MR. OBOMSAWIN

MR. CHAMBERLIST: AND MR. SPEAKER, WHILE I'M ON MY FEET, I HAVE TWO OTHER QUESTIONS THAT REQUIRE WRITTEN ANSWERS.

PROVIDE AN EXPLANATION FOR THE REFUSAL OF THE ADMINISTRATION TO SUPPLY THE MATERIALS REQUISITIONED BY MR. OBOMSAWIN REQUIRED IN HIS DUTIES AS THE PERSON IN CHARGE OF NATIVE CURRICULUM.

THE NEXT QUESTION: A WRITTEN ANSWER.

PROVIDE THE COUNCIL WITH WRITTEN REASONS FOR DISMISSING MR. OBOMSAWIN IN VIEW OF THE FACT HE WAS EFFICIENTLY CARRYING OUT THE JOB FOR WHICH HE WAS HIRED.

THANK YOU MR. SPEAKER.

QUESTION RE: TERRITORIAL FUEL CONTRACTS

MR. TAYLOR: MR. SPEAKER, I HAVE A QUESTION I WOULD DIRECT TO MR. ADMINISTRATOR THIS MORNING AND I WOULD LIKE TO ASK HIM IF THE TERRITORIAL FUEL CONTRACT HAS BEEN TENDERED AND IF SO, HAVE THEY BEEN TENDERED ON AN EQUITABLE BASIS BY COMMUNITY AND REGION AS IN THE PAST?

MR. ADMINISTRATOR: MR. SPEAKER, I DON'T KNOW THE ANSWER TO THAT JUST OFF HAND. I'LL HAVE TO TAKE THAT QUESTION AS NOTICE AND GIVE AN ANSWER LATER.

ANSWER RE: ROSS RIVER SCHOOL CONDITIONS

MR. TANNER: MR. SPEAKER, I HAVE SOME FURTHER INFORMATION ON THE SITUATION AT THE ROSS RIVER SCHOOL FOR THE MEMBER FROM WATSON LAKE. I HAVE JUST SPOKEN TO THE CHIEF HEALTH OFFICER AND HE INFORMS ME THAT IN THE OPINION OF HIS DEPARTMENT THERE IS NO HEALTH HAZARD AT THE ROSS RIVER SCHOOL. HE TELLS ME THAT AS THE HONOURABLE MEMBER FROM CARMACKS-KLUANE HAS INFORMED THE HOUSE, THE STAFF WILL BE THERE TO LOOK AT THE SITUATION AND CHLORINATE OF LIME IS GOING TO BE PLACED ON IT AND THAT HE HIMSELF, ALTHOUGH HE IS SHORT TWO MEMBERS IMMEDIATELY TWO MEMBERS OF HIS ENVIRONMENTAL STAFF, HE HIMSELF WILL BE IN ROSS RIVER ON MONDAY MORNING TO LOOK AT THE SITUATION WHEN THE LIME HAS BEEN PLACED.

MR. TAYLOR: SUPPLEMENTARY TO THE ANSWER GIVEN BY THE HONOURABLE MEMBER. COULD HE INDICATE TO ME WHO THE, I BELIEVE IT WAS THE CHIEF MEDICAL HEALTH OFFICER, MR. NORELL. IS THIS WHO?

MR. TANNER: NO, I BEG YOUR PARDON, MR. SPEAKER. IT WASN'T DR. NORELL. IT'S THE ENVIRONMENTAL HEALTH OFFICER, MR. DAVE URQUHART.

MR. TAYLOR: MR. SPEAKER, SUPPLEMENTARY THEN. HOW WOULD MR. URQUHART, CHIEF HEALTH INSPECTOR, BE ABLE TO SAY THAT THERE IS NO HEALTH HAZARD, THERE BEING NOBODY NEAR THAT SCHOOL FROM OUTSIDE OF THE COMMUNITY OF ROSS RIVER OTHER THAN THE THREE GENTLEMEN FROM THE EDUCATION DEPARTMENT LAST NIGHT. THEY WOULDN'T EVEN STOP AND GIVE THE COURTESY OF A VISIT.

MR. TANNER: MR. SPEAKER, I'M MERELY PASSING ON THE INFORMATION WHICH THE HONOURABLE MEMBER REFERRED TO INsofar AS THE HEALTH HAZARD IS CONCERNED. MR. DAVE URQUHART HAS THE AUTHORITY DELEGATED TO HIM FROM THE ZONE HEALTH DIRECTOR AND HE INFORMS ME THAT THERE IS NO HEALTH HAZARD IMMEDIATELY AT THE SCHOOL NOW.

MR. CHAMBERLIST: MR. SPEAKER, I WONDER IF THE HONOURABLE MEMBER FROM WHITEHORSE NORTH WILL INDICATE THE QUALIFICATIONS OF A ENVIRONMENTAL INSPECTOR TO SAY WHETHER A HEALTH HAZARD EXISTS OR NOT, WHEN IN FACT THIS IS TRULY AN ANSWER THAT MUST BE GIVEN BY THE CHIEF MEDICAL OFFICER OF HEALTH OR A MEDICAL OFFICER OF HEALTH QUALIFIED IN THIS PARTICULAR AREA.

MR. TANNER: MR. SPEAKER, MR. URQUHART IS COMPLETELY QUALIFIED TO ASCERTAIN WHETHER THERE IS A HEALTH HAZARD IN THE SITUATION AND HIS OPINION THERE IS NOT.

MR. TAYLOR: SUPPLEMENTARY AGAIN. I'M WONDERING IF THE HONOURABLE MEMBER WOULD TAKE IT UPON HIMSELF TO CONTACT MR. URQUHART, CHIEF HEALTH INSPECTOR AND ASK HIM IF THE STENCH THAT IS FILLING THE SCHOOL AT ROSS RIVER IS NOT COMING FROM SEVERAL INCHES OF RAW UNTREATED SEWAGE IN THE BASEMENT. COULD HE DETERMINE THAT FOR ME? MAYBE WE'LL GET IT GOING THIS WAY.

MR. TANNER: MR. SPEAKER, I ASKED MR. URQUHART THAT QUESTION AND HE SAID IT ISN'T.

MR. TAYLOR: THEN I ASSUME THE GOOD FAIRY BROUGHT IT, MR. SPEAKER.

MR. SPEAKER: ARE THERE ANY FURTHER QUESTIONS?

QUESTION RE: CAMPGROUND PROGRAM EMPLOYMENT

Mr. Chamberlist: Mr. Speaker, it's been brought to my attention that there are some citizens of the Yukon who are on welfare roles and have applied and are receiving welfare payments and have applied for employment in the Campground Program and have been denied employment. And the employment is being given to students primarily. I understand further Mr. Speaker, that the Canada Manpower has protested to the Personnel Department here and they have been informed that the positions are available for students. I wonder now whether the Administration through the Administrator could indicate whether he will examine the particular situation. I will name the people to him afterwards. As to why the Personnel Department are refusing to employ people because they happen to be older and because in any event, it is costing the taxpayer money by keeping them on welfare when there is employment available that they can carry on.

Mr. Administrator: Yes, Mr. Speaker, I would be glad to look into that matter.

QUESTION RE: ELECTRICAL FRANCHISES

Mr. Chamberlist: Further question, Mr. Speaker. In examining the past electrical franchises of the City of Whitehorse and those of the Territorial Government with the Yukon Electrical Company Limited, I find that there are provisions for deposits paid on Yukon Electric's account quite promptly. I would say that when they feel that they must be protected from people who perhaps don't pay their electric bill. I wish to put as a question to Mr. Administrator, Mr. Speaker, so that he can seek some information and then bring it forward to Council. Would Mr. Administrator attempt to ascertain why the Yukon Electrical Company has for many, many years, and in some cases for almost sixty years, held deposits for meters and without paying interest on the deposits and without people who have moved from the Territory having been refunded with interest on the deposits that have been held. Taking a rough, round figure I would say that the Yukon Electric has benefited over the years by some \$240,000 in interest.

Mr. Administrator: Yes, Mr. Speaker, we could look into that and get a written answer.

REPLY RE: QUESTION CONCERNING CONSULTANT STUDY OF DEPT. OF WELFARE

Mr. Tanner: Mr. Speaker, I have an answer to the question that the Member from Whitehorse East asked on March 31st concerning the consultant study of the Department of Welfare.

The answer is that Kates, Peate and Marwick Administrative Review Costs and Expenses are as follows, Mr. Speaker: Professional fees for the services rendered were \$9,500 and in this regard, Mr. Speaker, I would apologize to the Member in the House in that this information that I gave him previously I said it was \$8,000. The minimum was \$8,000 the maximum was \$10,000, Mr. Speaker, and the fee was \$9,500.

The out-of-pocket expenses: travel, hotel, mail, secretarial assistance, long distance phone calls - \$2,190. Making a total of \$11,690, Mr. Speaker.

Mr. Chamberlist: Supplementary, Mr. Speaker. I wonder if the Honourable Member is now prepared to provide Council with the results of that report especially in view of the fact that it is the Council that voted this money so that it could be spent in this improper manner?

Mr. Tanner: Mr. Speaker, it was not spent in an improper manner and that report is not going to be tabled in this House.

Mr. Chamberlist: Well, can we get some results of the report, Mr. Speaker, from the Honourable Member. At least the Council is entitled to know what were the results of the report? How the department is effected or any personnel in the department is effected?

Mr. Tanner: Mr. Speaker, the report is being used on a consultative basis with the Department Head, Mr. Murphy and we are still in the process of consulting with him.

QUESTION RE: EMPLOYMENT STANDING OF SCHOOL SERVICES INSPECTOR

Mr. Taylor: Mr. Speaker, I have a question I would direct to the Committee Member on Education. My first question would be: Is the School's Services Inspector an employee of the Education Department or the Engineering Department?

MRS. WATSON: MR. SPEAKER, HE IS AN EMPLOYEE OF THE DEPARTMENT OF EDUCATION.

MR. TAYLOR: THANK YOU.

QUESTION RE: POLICY PREVENTING COMMUNICATION WITH PRINCIPALS OR TEACHERS IN OUTLYING COMMUNITIES

MR. TAYLOR: MY NEXT QUESTION IS, MR. SPEAKER, DIRECTED TO THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF EDUCATION. I WOULD LIKE TO KNOW IF THERE IS ANY POLICY WITHIN HER DEPARTMENT WHICH PREVENTS MEMBERS OF HER DEPARTMENT FROM COMMUNICATING WITH PRINCIPALS OR TEACHERS IN OUTLYING DISTRICTS ON VISITS TO THOSE COMMUNITIES?

MRS. WATSON: MR. SPEAKER, I WONDER IF THE HONOURABLE MEMBER COULD REPEAT THE QUESTION?

MR. TAYLOR: YES, MR. SPEAKER, I WOULD LIKE TO ASK THE HONOURABLE MEMBER, THIS MORNING, IF THERE IS ANY POLICY WITHIN HER DEPARTMENT WHICH PREVENTS MEMBERS OF HER DEPARTMENT FROM COMMUNICATING WITH PRINCIPALS OR TEACHERS IN OUTLYING DISTRICTS ON VISITS TO THOSE DISTRICTS?

MRS. WATSON: THE ANSWER, MR. SPEAKER, IS NO. THERE IS NO SUCH POLICY.

MR. TAYLOR: THANK YOU, MR. SPEAKER, I AM GLAD TO LEARN THAT. THEN I WOULD ASK THE HONOURABLE MEMBER TO PROVIDE TO MEMBERS OF COUNCIL THE REASONS FOR THE VISIT TO ROSS RIVER BY THE REGIONAL SUPERINTENDANT OF EDUCATION - RURAL, AND HIS PARTY YESTERDAY OR SHALL WE SAY MAY 2ND?

MRS. WATSON: MR. SPEAKER, I WOULD BE VERY HAPPY TO PROVIDE THAT INFORMATION FOR THE HONOURABLE MEMBER.

MR. TAYLOR: THANK YOU, MR. SPEAKER.

QUESTION RE: LACK OF SHIPPING SERVICES TO SKAGWAY

MR. MCKINNON: MR. SPEAKER, I WOULD LIKE TO DIRECT A QUESTION TO MR. ADMINISTRATOR. AS A WHITE PASS SHIP HAS NOT SAILED FROM VANCOUVER TO SKAGWAY TO BRING GOODS AND SERVICES TO THE YUKON FOR SOME TWO WEEKS NOW, MR. SPEAKER, THERE ARE SOME 15 BUSINESS MEN WHO HAVE SENT SEPARATE TELEGRAMS TO THE HONOURABLE MINISTER OF INDIAN AND NORTHERN

AFFAIRS BECAUSE GOODS AND SERVICES ARE BECOMING IN SHORT SUPPLY IN THE YUKON BECAUSE OF THE LACK OF THE SAILING OF THE WHITE PASS SHIPS.

I WONDER IF THE GOVERNMENT OF THE YUKON HAS DONE ANYTHING TO COMMUNICATE TO THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT THE REAL URGENCY OF GETTING THE PARTIES BACK TO THE BARGAINING TABLE AND SETTLING THE STRIKE AT THE EARLIEST OPPORTUNITY.

MR. ADMINISTRATOR: MR. SPEAKER, IT WAS MY UNDERSTANDING THAT THE WHITE PASS WAS ENDEAVOURING TO MAKE AND HAD MADE ALTERNATIVE ARRANGEMENTS. THIS IS THE FIRST TIME THAT I AM AWARE OF THE FACT THAT THERE IS REPRESENTATION BEING MADE TO THE MINISTER. THE TERRITORIAL GOVERNMENT HAS MADE NO SUCH REPRESENTATION. IF THERE WAS ANYTHING THAT WE COULD OR SHOULD BE DOING IN THAT REGARD I WOULD BE GLAD TO DO SO.

QUESTION RE: SALARIES OF EXECUTIVE COMMITTEE MEMBERS

MR. MCKINNON: MR. SPEAKER, I WONDER IF I COULD ASK MR. ADMINISTRATOR WHETHER THE SALARIES OF THE EXECUTIVE COMMITTEE MEMBERS GET A BOOST ON A YEARLY BASIS AS DO THE ORDINARY PUBLIC SERVICE OF THE GOVERNMENT OF THE YUKON TERRITORY?

MR. ADMINISTRATOR: NO, MR. SPEAKER, THEY DON'T.

MR. MCKINNON: MR. SPEAKER, THE INDEMNITY, IS THAT FOR A FOUR YEAR PERIOD?

MR. ADMINISTRATOR: NOT NECESSARILY, MR. SPEAKER, IT COULD CHANGE IN THE INTERVAL IF IT SHOULD BE THE WISHES OF THE MEMBERS OF THE EXECUTIVE COMMITTEE INVOLVED AND THE TERRITORIAL COUNCIL BUT THEY DO NOT RISE AUTOMATICALLY.

MR. MCKINNON: THEY CAN BE REVISED BOTH UPWARDS AND DOWNWARDS, MR. SPEAKER?

MR. ADMINISTRATOR: YES. PRESUMABLY THAT IS CORRECT.

QUESTION RE: BOTTLE RETURN DEPOSIT SYSTEM

MR. MCKINNON: MR. SPEAKER, I HAVE A QUESTION FOR MR. ADMINISTRATOR. I WONDER IF MR.

ADMINISTRATOR YOU COULD TELL US WHETHER OR NOT THE ADMINISTRATION HAS GOT ANYTHING FURTHER YET TO REPORT ON A BOTTLE DEPOSIT RETURN SYSTEM?

MR. ADMINISTRATOR: MR. SPEAKER, I AM AFRAID THAT I DON'T HAVE TOO MUCH OF SUBSTANCE TO REPORT AT THIS PARTICULAR TIME. BUT SINCE THE HONOURABLE MEMBER ASKED THE QUESTION A FEW DAYS AGO I HAVE LOOKED AT THE SITUATION MYSELF. I HAVE MADE A RATHER HORRIFYING DISCOVERY. I FIND THAT THE COMMISSIONER PROMISED THE COUNCIL IN DECEMBER OF 1972 THAT HE WOULD PREPARE AND PRESENT TO THE COUNCIL A COMPREHENSIVE PACKAGE. I APOLOGIZE TO THE COUNCIL FOR THE FACT THAT THE ADMINISTRATION HAS NOT IN FACT DONE THAT.

WE HAVE TAKEN HOLD OF THIS ON AN URGENT BASIS AND WE ARE IN THE PROCESS OF PREPARING A COMPREHENSIVE PACKAGE THAT WAS PROMISED SO LONG AGO. WE ARE IN FACT, ACTUALLY, HOPING TO INITIATE SOMETHING WITH RESPECT TO BEER BOTTLES SOONER THAN IT MIGHT BE POSSIBLE TO DEAL WITH THE COMPREHENSIVE PROGRAM. I HAVE INSTRUCTED THE DIRECTOR OF LIQUOR CONTROL TO INITIATE DISCUSSIONS IMMEDIATELY WITH PACIFIC BREWERIES AND WITH THE LOCAL PRIVATE CONTRACTORS ENGAGED IN THE BUSINESS IN THE TERRITORY. I AM HOPEFUL THAT IN A VERY SHORT TIME WE WILL HAVE SOMETHING FURTHER TO REPORT.

MR. CHAMBERLIST: LET'S CAN THE COMMISSIONER.

MR. SPEAKER: ORDER.

MR. MCKINNON: MR. SPEAKER, MAYBE I SHOULD BRING TO THE ATTENTION OF THE HOUSE THE LATEST BOTTLE COUNT WHICH SEEMS TO BE QUITE A RAGE IN THE YUKON TERRITORY. LAST WEEKEND A COUPLE AND THEIR FAMILY TRAVELLING FROM CARCROSS TO JAKE'S CORNER PICKED UP JUST ONE SHORT OF 15 DOZEN BOTTLES EXCLUDING THOSE BROKEN AND STILL STUCK IN MUD AND AREAS WHERE THEY COULDN'T GET THEM. THE REPORT WAS ALSO THAT THIS WAS MINOR IN COMPARISON TO THE EMPTY SOFT DRINK CANS THE CARTONS, MILK CONTAINERS AND OTHER DEBRIS IN THE DITCH ALSO.

SO IF WE ATTACK THE BOTTLE SITUATION WE ARE JUST GETTING DOWN TO A SMALL PART OF THE HUGE LITTER PROBLEM IN THE ENTIRE YUKON.

QUESTION RE: NUMBER OF COMMITTEE MEMBERS UNDER NEW COUNCIL

MR. MCKINNON: MR. SPEAKER, I WONDER IF I COULD ASK MR. ADMINISTRATOR, WHEN THE CHANGE IN COUNCIL COMES ABOUT AND THERE ARE 12 MEMBERS OF COUNCIL; THERE ARE COMMITTEES SUCH AS, SOME I CAN THINK OF RIGHT OF THE TOP OF MY HEAD - THE YUKON SPORTS COMMITTEE, THE YUKON HISTORIC SITES AND MONUMENTS BOARD, THE YUKON TOURIST ADVISORY COMMITTEE, IF THEY ARE UNDER THE SAME MAKE-UP AS THEY ARE NOW WILL ALL CONTAIN 12 OR MORE MEMBERS. EACH MEMBER OF COUNCIL CHOOSES A NOMINEE FROM THEIR CONSTITUENCY TO SIT ON THESE BOARDS. I WONDER IF THE ADMINISTRATION COULD PREPARE A PAPER TO SEE HOW THESE BOARDS COULD BE CONSTITUTED IN THE FUTURE. I THINK WITH 12 MEMBERS THEY WILL PROBABLY BE AS UNWIELDY AS THE TERRITORIAL COUNCIL.

MR. ADMINISTRATOR: MR. SPEAKER, WE COULD CERTAINLY PREPARE A PAPER WHICH WOULD OUTLINE THE CIRCUMSTANCES AS THEY ARE AT THE MOMENT. I FEEL VERY STRONGLY THAT THIS IS AN AREA FOR THE COUNCIL ITSELF TO DETERMINE. JUST HOW THESE BOARDS SHOULD BE CONSTITUTED IN THE FUTURE. IF THE ADMINISTRATION WERE TO BRING ANYTHING FORWARD I THINK IT SHOULD BE SIMPLY OF A FACTUAL NATURE AND PERHAPS A REFERENCE FOR ADVICE. WE COULD CERTAINLY DO THAT.

MR. MCKINNON: YES, MR. SPEAKER, IF WE COULD SEE HOW MANY BOARDS WILL BE EFFECTED, HOW MANY BOARDS THERE ARE THAT ARE A MAKE-UP OF COUNCILLORS NOMINEES?

QUESTION RE: RIGHT OF ACCUSED TO QUESTION HIS ACCUSORS

MR. CHAMBERLIST: I WONDER, MR. SPEAKER, IF I COULD PUT A QUESTION TO MR. LEGAL ADVISOR. WOULD MR. LEGAL ADVISOR GIVE AN OPINION AS TO WHETHER OR NOT A HEARING WITHOUT THE PERSON WHO IS ACCUSED HAVING THE RIGHT TO SPEAK AND QUESTION HIS ACCUSORS CONTROVENES THE CANADIAN BILL OF RIGHTS?

MR. LEGAL ADVISOR: MR. SPEAKER, I DON'T WANT TO GIVE TOO SHORT AN ANSWER. THE ANSWER WOULD BE NO.

MR. CHAMBERLIST: NO WHAT?

MR. LEGAL ADVISOR: IT IS A FACT OF NATURAL JUSTICE OPERATED BY THE COURT THAT IF A PERSON IS ACCUSED OF SOMETHING, IN THE MODERN WORLD OF TODAY, MUST BE TOLD WHAT HE IS ACCUSED OF AND GIVEN A CHANCE TO EXPLAIN. THIS IS WHAT THE COURTS CALL NATURAL JUSTICE.

IF IT WAS A HEARING, I AM NOT SAYING THAT THE CIRCUMSTANCES INDICATED BY THE HONOURABLE MEMBER WERE IN FACT A HEARING. IF IT WAS A HEARING AND THIS WAS NOT DONE THEN ACTION IS LEFT FOR THE PERSON TO TAKE. THEY WOULD PROBABLY NOT BE SUCCESSFUL IN THAT ACTION BECAUSE HE WOULD BE TOLD TO GO AND USE THE APPEAL SYSTEM BUILT INTO THE PARTICULAR SYSTEM ITSELF.

QUESTION RE: PAVING OF CAMPBELL HIGHWAY

MR. TAYLOR: MR. SPEAKER, I WOULD LIKE TO DIRECT A QUESTION TO MR. ADMINISTRATOR. I'M WONDERING IF HE COULD FIND OUT FOR ME WHY THE PAVING PROGRAM FOR THIS YEAR ON THE FIRST SIX MILES OF THE CAMPBELL HIGHWAY OF WATSON LAKE WAS NOT INDEED UNDERTAKEN AND DELETED FROM THE BUDGET?

I AM ALSO WONDERING IF HE COULD DETERMINE FOR ME WHY THE CULVERT AND BRIDGE REPLACEMENT ON THE ANNIE LAKE ROAD WAS ALSO DELETED FROM THE BUDGET?

MR. ADMINISTRATOR: MR. SPEAKER, I EXPECT IT IS SIMPLY A MATTER OF PRIORITIES AND THE AVAILABILITY OF FUNDS. I COULD GIVE A MORE DEFINITE ANSWER IF THE HONOURABLE MEMBER COULD ALLOW ME TO TAKE THAT AS NOTICE.

MR. TAYLOR: I WOULD BE PLEASED TO GET THAT INFORMATION.

QUESTION RE: CUT-OFF DATE FOR LEGISLATION

MR. MCKINNON: MR. SPEAKER I WONDER IF I COULD ASK MR. ADMINISTRATOR IF THE GOVERNMENT IS GIVING ANY THOUGHT OF A CUT-OFF DATE FOR PRESENTING SESSIONAL PAPERS AND LEGISLATION TO COUNCIL. THEY ARE NOW COMING IN, I CAN SEE THE HONOURABLE MEMBER FROM WHITEHORSE EAST RECORD, WE'LL BE SITTING HERE FOR THE NEXT ELECTION, THE NEXT TERRITORIAL ELECTION PERHAPS.

MR. ADMINISTRATOR: MR. SPEAKER, I THINK I CAN REPORT THAT I SEE THE END IN SIGHT. WE HAVE A VERY FEW LEFT TO GO.

MR. SPEAKER: WE WISH TO THANK MR. ADMINISTRATOR FOR HIS ATTENDANCE. AS THERE ARE NO PRIVATE BILLS IN ORDER WE NOW COME TO PUBLIC BILLS IN ORDER. MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: MR. SPEAKER I WOULD MOVE THAT THE SPEAKER DO NOW LEAVE THE CHAIR AND THAT COUNCIL RESOLVE TO COMMITTEE OF THE WHOLE FOR THE PURPOSE OF DISCUSSING BILLS, SESSIONAL PAPERS AND MOTIONS.

MR. STUTTER: I SECOND THAT MOTION, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WATSON LAKE SECONDED BY THE HONOURABLE MEMBER FOR DANSON THAT MR. SPEAKER DO NOW LEAVE THE CHAIR FOR THE PURPOSE OF CONVENING IN COMMITTEE OF THE WHOLE TO DISCUSS PUBLIC BILLS, SESSIONAL PAPERS AND MOTIONS. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: THE HONOURABLE MEMBER FOR WATSON LAKE WILL PLEASE TAKE THE CHAIR IN COMMITTEE OF THE WHOLE.

MR. CHAIRMAN: AT THIS TIME I WILL CALL COMMITTEE TO ORDER. WHEN WE ROSE LAST WE WERE DEALING WITH SESSIONAL PAPER NO. 22 RESPECTING LOTTERIES. AT THIS TIME WE WILL CALL A SHORT RECESS.

RECESS

MR. CHAIRMAN: IS THERE ANYTHING FURTHER ON SESSIONAL PAPER No. 22 IN RESPECT OF LOTTERIES. ANY RESOLUTIONS UNDER THIS PAPER?

MR. CHAMBERLIST: WHAT IS REQUIRED, MR. CHAIRMAN, ON SESSIONAL PAPER No. 22?

MR. CHAIRMAN: I BELIEVE SOME DIRECTION IS REQUIRED UNDER 22 IN A FORM OF A RESOLUTION OF APPROVAL OR OTHERWISE. IS THAT NOT CORRECT?

MR. MCKINNON: MR. CHAIRMAN, I WOULD LIKE TO MOVE THAT THE PRINCIPLE OF SESSIONAL PAPER No. 22 BE ACCEPTED BY COUNCIL, AND THAT THE YUKON SPORTS COMMITTEE BE APPROACHED BY COUNCIL REPRESENTATIVES TO BECOME THE LICENSING AND DISTRIBUTION AGENCY OF THE WESTERN CANADA LOTTERY FOR THE YUKON TERRITORIAL GOVERNMENT.

MR. CHAIRMAN: IS THERE A SECONDER?

MR. CHAMBERLIST: I'LL SECOND THE MOTION, MR. CHAIRMAN.

MR. TANNER: MR. CHAIRMAN, I CONSIDER THAT A VERY IMPORTANT MOTION. COULD WE HAVE A WRITTEN COPY OF IT SO THAT WE COULD STUDY IT.

MR. CHAIRMAN: MADAM CLERK COULD YOU HAVE COPIES CIRCULATED.

MR. MCKINNON: MR. CHAIRMAN, THE REASON FOR THE MOTION IS THE HONOURABLE MEMBER FROM WHITEHORSE NORTH WAS ABSENT IN THE HOUSE TOMORROW OR YESTERDAY WHEN THIS RECEIVED QUITE LENGTHY DISCUSSION. NOW IT SEEMED TO ME THAT AFTER THE LENGTHY DISCUSSION THE CONSENSUS OF COUNCIL WAS THAT THEY WERE IN AGREEMENT WITH THE YUKON BEING PART OF THE WESTERN CANADA LOTTERY SYSTEM. BUT THEY SAW THE ADMINISTRATION OF THE LOTTERY GOING SOMETHING LIKE THIS. THAT THE YUKON SPORTS COMMITTEE WHICH IS MADE UP OF A MEMBERSHIP OF THE TOTAL YUKON SHOULD BE THE LICENSING AND THE DISTRIBUTION GROUP TO BE ABLE TO SAY TO DIFFERENT COMMUNITY CLUBS, TO DIFFERENT ORGANIZATIONS WITHIN THE COMMUNITIES, THAT YOU HAVE THE ABILITY TO SELL TICKETS WITHIN THIS JURISDICTION. THAT WOULD ALLOW THE COMMUNITY CLUBS IN THE VARIOUS AREAS TO GET THE 33 1/3% GIVEN TO THEM AS BEING LICENSED TICKET AGENTS IN THE COMMUNITY. IT WOULD PROVIDE MONEYS IN THOSE COMMUNITIES FOR THE DEVELOPMENT OF RECREATIONAL AND

CULTURAL ACTIVITIES.

THE YUKON SPORTS COMMITTEE WOULD BE RECEIVING THE 26 2/3'S WHICH COMES FROM THE GOVERNMENT. THEY WOULD DIRECT THE ADMINISTRATION AND BECAUSE IT WOULD DEPEND ON THEM TO CUT ADMINISTRATION COSTS TO RECEIVE AS MUCH BACK TO THAT ORGANIZATION. THEY WOULD BE VERY RIGID IN ANY TYPE OF ADMINISTRATIVE WASTE. BUT, OF COURSE, THE MONIES WOULD BE HANDLED IN THE YUKON CONSOLIDATED REVENUE FUND AND MEMBERS OF COUNCIL WOULD RECEIVE THE ALLOCATIONS AS THEY DO NOW FROM THE YUKON SPORTS COMMITTEE TOWARDS THE DIFFERENT GROUPS AND ORGANIZATIONS THAT THEY SAW FIT TO PASS OUT WHAT THEY HAD FROM THE 26 2/3% COUNCIL WOULD THROUGH A VOTE OF COUNCIL AGREE WITH THE DECISIONS MADE UNDER THE YUKON SPORTS COMMITTEE PROGRAM.

TO ME IT SEEMS A SENSIBLE METHOD OF USING A COMMITTEE WHICH HAS ALSO ALREADY PROVED ITS WORTH IN THE YUKON IN DOING THIS TYPE OF MONETARY DISTRIBUTION. IN FACT IT IS ONE OF TWO OR THREE BOARDS IN THE YUKON WHICH HAS BEEN VERY SUCCESSFUL IN ATTEMPTING TO DO THE FUNCTION WHICH THEY HAD SET OUT TO DO.

THE CONCEPT OF IT IS THAT IT'S STRICTLY UNDER GOVERNMENT CONTROL STILL. THE SPORTS COMMITTEE IS MORE OR LESS UNDER COUNCIL CONTROL BECAUSE COUNCIL HAS ELECTED THE MEMBERS TO SIT ON THAT SPORTS COMMITTEE. THE SPORTS COMMITTEE KNOWS FULL WELL, BEING A YUKON BASED ORGANIZATION, OF WHAT GROUPS IN EACH COMMUNITY SHOULD BE GIVEN THE LICENSING ARRANGEMENT THAT WILL DO THE MOST GOOD TO THE COMMUNITIES THAT THEY REPRESENT. AND THEN THEY WILL HAVE THE ABILITY OF ALSO HAVING MONIES TO BE ABLE TO DISTRIBUTE AS DIFFERENT SPORTS ORGANIZATIONS AND CULTURAL RECREATION ORGANIZATIONS ASK THEM FOR FUNDS WHICH THEY ALREADY DO NOW.

THE ADMINISTRATIVE SET-UP AND THE FINANCIAL SET-UP IS GOING TO TAKE A COMMITTEE OF COUNCIL, I WOULD THINK, TO BE ABLE TO WORK OUT THE BUGS IN ADMINISTRATION AND FINANCING WITH THE ADMINISTRATION; THEN PRESENT THE PLAN WHICH COUNCIL WOULD LIKE TO SEE THE YUKON SPORTS COMMITTEE TAKE RESPONSIBILITY FOR. I THINK THAT FOLLOWING THE PASSAGE OF THIS MOTION THAT PERHAPS A COMMITTEE OF COUNCIL SHOULD BE STRUCK TO MEET WITH THE ADMINISTRATION TO ARRANGE THE ADMINISTRATION, FINANCING PACKAGE AND THEN APPROACH THE YUKON SPORTS COMMITTEE AT THEIR NEXT MEETING IN AN ATTEMPT TO GET THIS

COMPLETED BY THE FIRST DRAW WHICH I UNDERSTAND BEGINS IN JUNE.

MR. TANNER: MR. CHAIRMAN. I THANK THE HONOURABLE MEMBER FOR HIS SUMMATION OF YESTERDAY'S DEBATE, AND I ALSO APOLOGIZE TO THE HOUSE FOR THE FACT THAT I WASN'T HERE. BUT ONE THING THAT DOES IMMEDIATELY OCCUR TO ME IS IN EFFECT IT APPEARS THAT WHAT YOU ARE CREATING IS ALMOST A SEPARATE CROWN CORPORATION ALBEIT WITH A DIFFERENT NAME THAN CROWN CORPORATION. IT WORRIES ME JUST A LITTLE BIT THAT THE SPORTS ORGANIZATION SHOULD HAVE THE ABILITY TO LICENSE. COULD THEY, FOR INSTANCE, LICENSE A PRIVATE ENTREPRENEUR OR A NUMBER OF PRIVATE ENTREPRENEURS TO SELL THE TICKETS FOR THE ORGANIZATIONS? I COULD SEE THEIR ADVISORY CAPACITY IN THE DISTRIBUTION OF THE FUNDS. BUT I'M NOT COMPLETELY SURE THAT WE SHOULDN'T RETAIN UNTO THE GOVERNMENT THE RIGHT TO LICENSE SOMEBODY OR APPOINT SOMEBODY OTHER THAN A BOARD OF TWELVE.

AS THE HONOURABLE MEMBERS POINTED OUT EARLIER TODAY THEY ARE GOING TO HAVE AT LEAST TWELVE MEMBERS FOR THE NEXT COUNCIL. IT IS GOING TO BE A LITTLE CUMBERSOME.

I THINK, BEFORE MAKING A DECISION ON THAT MOTION IF MEMBERS I HOPE WILL AGREE WITH ME, WE SHOULD GIVE SOME CONSIDERATION TO THE CONSEQUENCES OF THAT ADVISORY COMMITTEE, AND IT SOUNDS TO ME LIKE IT SHOULD BE ONE LIKE THAT. WHETHER OR NOT THEY SHOULD HAVE BOTH THE LICENSING AUTHORITY AND THE DISTRIBUTION OF FUNDS ADVISORY AUTHORITY.

MR. STUTTER: MR. CHAIRMAN, I WOULD JUST LIKE TO GET IT QUITE CLEAR. I THINK THAT WHAT COUNCILLOR MCKINNON IS SAYING IS THAT AFTER THIS MOTION OR AN AMENDED MOTION OR WHATEVER IS PASSED, THAT THERE WOULD BE CERTAIN RELATIVELY BROAD GUIDELINES SET UP. THERE ARE A NUMBER OF THINGS THAT YOU HAVE MENTIONED THAT SHOULD BE DRAWN UP FOR CONSIDERATION BY COUNCIL FIRST AND THEN BY THE BOARD, WHATEVER BOARD IT IS.

I THINK PERHAPS THE POINT THAT HAS BEEN BROUGHT UP BY COUNCILLOR TANNER, I DON'T REMEMBER THE EXACT WORDING OF THE MOTION, BUT IT DID SOUND AS THOUGH THE BOARD WAS GOING TO BE THE LICENSING AUTHORITY AS WELL. IT PERHAPS IS A GOOD POINT. MAYBE WE COULD

HEAR FROM MR. LEGAL ADVISER AND GET SOME ADVICE IN THAT ONE PARTICULAR AREA. IT DOES SEEM LIKE MAYBE WE SHOULD CONSIDER THIS - GIVING THEM THAT AUTHORITY.

MR. LEGAL ADVISER: MR. CHAIRMAN, PROPERLY SPEAKING, THE WAY OUR SCHEME OF THINGS OPERATES IS THAT IN SUCH A THING AS A LICENSING EFFORT YOU SET UP A BOARD. THE SUGGESTED METHOD IN THIS PAPER IS THAT A THREE-MAN BOARD BE APPOINTED. EQUALLY THIS SPORTS FEDERATION COULD BE APPOINTED AS AN ADVISORY BOARD. THE COMMISSIONER WOULD THEN LICENSE PEOPLE OF WHOM RECOMMENDATIONS HAD BEEN MADE IN RESPECT OF A LICENSE BY THE BOARD. WHAT WOULD WORRY ME IS THE SETTING UP OF THE ACTUAL ORGANIZATION OF GIVING THE SPORTS FEDERATION THE POWER TO DEAL ON AN ACTIVE DAY-TO-DAY BASIS WITH THINGS WHEREAS THE PAPER VISUALIZED THAT THERE WOULD BE A FULL-TIME PERSON APPOINTED TO BE THE PRIME ORGANIZER. HE WOULD HAVE TO BE EMPLOYED BY SOMEBODY EITHER ON A SALARY OR PERHAPS ON A COMMISSION BASIS SO FORTH. WHO DOES HE REPORT TO? IS HE EMPLOYED BY GOVERNMENT OR DO WE HAVE TO SET UP A CROWN CORPORATION SUCH AS THE HOUSING CORPORATION AND HAVE HIM ORGANIZE THIS WITH THE MEMBERS OF THE CORPORATION BEING SAY THE SPORTS FEDERATION AS THE DIRECTORS MEETING ANNUALLY AND DIRECTING THIS PERSON AS TO HOW TO CARRY OUT HIS FUNCTIONS.

THERE ARE VARIOUS METHODS OF DOING IT. IT WOULD BE HELPFUL TO THE GOVERNMENT TO KNOW WHICH METHOD THE COUNCIL PREFERS OR IF NOT A SPECIFIC DIRECTION, A DIRECTION THAT THE PRIMARY ADVISORY BODY IN THE WHOLE OPERATION WAS TO BE THE SPORTS FEDERATION, AND THE INFRA-STRUCTURE UNDERNEATH THAT AS TO HOW IT IS TO BE OPERATED WITHIN THE MATTER OF PRACTICAL OPERATION FOR THE GOVERNMENT TO SET UP.

MR. CHAMBERLIST: MR. CHAIRMAN, COULDN'T IT BE THAT THE SPORTS COMMITTEE IN ACTUAL EFFECT BECOMES THE BOARD?

MR. CHAIRMAN: YES RIGHT. THAT'S WHAT WE THOUGHT.

MRS. WATSON: MR. CHAIRMAN, I THINK THE LEGAL ADVISER HAS MADE A VERY GOOD POINT THERE. EITHER WHO IS GOING TO EMPLOY THIS PERSON THAT WE ARE TALKING ABOUT AND WHO IS GOING TO DIRECT HIM. IF YOU WANT THIS BOARD WHICH COULD BE THE ADVISORY COMMITTEE ON FITNESS AND

AMATEUR SPORT AND RECREATION, THEN YOU HAVE TO SET UP A CROWN CORPORATION. THEN THEY WILL BE RESPONSIBLE FOR THE WHOLE THING JUST AS THE HOUSING CORPORATION. BUT IF THIS PERSON IS TO BE EMPLOYED BY THE GOVERNMENT, THEN HE HAS TO BE PART OF THE ADMINISTRATION WORKING WITH THE BOARD. NOW I THINK WE HAVE TO CLEARLY DISTINGUISH WHAT WE WANT TO DO. YOU CAN'T HAVE IT HALF WAY BECAUSE THEN WE REALLY WOULD BE RUNNING INTO PROBLEMS. THEN THE PERSON YOU HIRE TO ADMINISTER THIS WESTERN CANADA LOTTERY REALLY WOULDN'T KNOW WHO HIS BOSS IS AND WHOSE DIRECTION HE FOLLOWS. I THINK WE HAVE TO HAVE SOME VERY CLEARLY DEFINED GUIDELINES IN THIS DIRECTION. IT IS BY REGULATIONS THE SPORTS COMMITTEE THAT THE HONOURABLE MEMBER IS REFERRING TO IS DEFINED AS THE ADVISORY COMMITTEE ON FITNESS AND AMATEUR SPORT AND RECREATION UNDER THE REGULATIONS.

MR. CHAIRMAN: COUNCILLOR STUTTER WOULD YOU TAKE THE CHAIR.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: MR. CHAIRMAN, YES, I WAS GOING TO NOTE THAT WE ARE NOT SPEAKING OF THE SPORTS FEDERATION IN THIS CASE. WE ARE TALKING ABOUT THE YUKON SPORTS COMMITTEE WHICH I THINK IS, IN FACT, THE ADVISORY BOARD ON PHYSICAL FITNESS AND AMATEUR SPORT. BUT I CERTAINLY HAD THE FEELING YESTERDAY, AND I THOUGHT MOST MEMBERS OF COUNCIL DID, THAT THE BOARD - THE COMMITTEE WOULD BE THE BOARD - AND THE EMPLOYEES WOULD WORK FOR THE BOARD. THERE WOULD BE A MANAGER AND SECRETARY OR MANAGER AND ASSISTANT-MANAGER OR SOMETHING OF THAT NATURE. THAT THEY WOULD WORK AT THE DIRECTION OF THE BOARD RATHER THAN AT THE DIRECTION OF THE ADMINISTRATION.

IF IT'S INDEED NECESSARY TO ESTABLISH SOME SORT OF A CORPORATION LIKE THE HOUSING CORPORATION IN ORDER TO DO THIS, WELL MAYBE THAT'S WHAT WE SHOULD DO. BUT IT WAS MY UNDERSTANDING THAT THAT'S THE WAY IT WAS GOING TO WORK.

MR. MCKINNON: WELL YOU SEE THERE ARE ALL KINDS OF AREAS THAT CAN BE EXPLORED. WE CAN ACTUALLY SIT AROUND THIS TABLE FOR DAYS GOING OVER AND OVER THE ONES. THERE SHOULD BE A COMMITTEE OF COUNCIL STRUCK TO MEET WITH ADMINISTRATION AND OUTLINE THE VARIOUS

AREAS THAT WE CAN GO. IT WOULD SEEM TO ME THAT THE MOST EFFECTIVE WAY JUST LOOKING AT IT RIGHT NOW WOULD BE THAT THE ADMINISTRATOR, THE PROFESSIONAL-PAID ADMINISTRATOR, BE EFFECTIVELY UNDER CONTROL OF THAT OUTFIT THAT HAS THE MOST TO GAIN BY MAKING SURE IT IS RUN IN AN EFFECTIVE AND EFFICIENT MANNER WHICH WOULD BE THE YUKON SPORTS COMMITTEE. IN THE FINAL ANALYSIS THE WAY THAT IT IS RUN IS GOING TO AFFECT THE AMOUNT OF MONEY THAT THEY HAVE TO DISTRIBUTE TO VARIOUS YUKON SPORTS ORGANIZATIONS.

AS I SAY I HAVE DEALT WITH THE SPORTS COMMITTEE IN THE PAST AND HAVE FOUND IT TO BE A VERY EFFECTIVE AND A VERY KNOWLEDGEABLE BOARD. THIS IS WHY I AM NOT FRIGHTENED TO GIVE THEM THE LICENSING PRIVILEGE BECAUSE THEY ARE NOMINATED BY MEMBERS, BY INDIVIDUAL COUNCIL MEMBERS. AND IF THE COUNCIL MEMBER WHO PUTS UP HIS NOMINEE CAN'T ALSO LOBBY HIM TO THE EXTENT OF WHO HE FEELS IN THE COMMUNITY, AND GENERALLY THIS WORKS IN CONJUNCTION THAT THEY BOTH AGREE, WHO IS THE MOST IMPORTANT GROUP IN THE COMMUNITY TO HAVE THE LICENSING AUTHORITY THEN I DON'T THINK THE INDIVIDUAL COUNCILLOR IS DOING A VERY GOOD JOB IN HIS NOMINATION TO THE SPORTS COMMITTEE.

THERE IS ADMINISTRATIVE PROBLEMS AS THE LEGAL ADVISER AND AS DIFFERENT MEMBERS HAVE MENTIONED, BUT I DON'T THINK THAT THEY CAN BE SETTLED IN A DEBATE IN COMMITTEE. THE ACTUAL ADMINISTRATIVE AND FINANCIAL BRAINWORK OF THE ORGANIZATION. BUT TO ACCEPT THE PRINCIPLE OF THE LOTTERY AND THE PRINCIPLE THAT IT LOOKS LIKE THERE IS A COMMITTEE WHICH IS EFFECTIVELY DOING A GOOD JOB NOW OF DISTRIBUTING FUNDS TO DIFFERENT SPORTS ORGANIZATIONS, THAT THIS SHOULD ALSO BE THE COMMITTEE THAT SHOULD HANDLE THE FUNDS THAT WILL BE ACCRUING TO THE GOVERNMENT FROM THE WESTERN CANADA LOTTERY. AS I SAY I THINK THAT WE CAN GO HERE FOR DAYS IN DEBATING THE INTRICACY OF THE ADMINISTRATIVE AND FINANCIAL DETAIL. BUT I THINK THE MOTION ENCOMPASSES WHAT THE FEELING OF COUNCIL IS. WE CAN COME BACK TO THEM WHOEVER IS ON THIS COMMITTEE; COME BACK TO COUNCIL WITH THE WHOLE PACKAGE OUTLINED AND LAYED DOWN FOR DISCUSSION AT THE JUNE SESSION.

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF MR. LEGAL ADVISER CAN GIVE US SOME INFORMATION IN THIS PARTICULAR AREA. FIRSTLY, BECAUSE

THE MONEY GOES INTO THE YUKON CONSOLIDATED REVENUE FUND AS WE HAVE ALREADY HAD THIS ESTABLISHED, CAN THE TERRITORIAL GOVERNMENT DELEGATE ITS LICENSING AUTHORITY TO SOMEBODY ELSE? IF IT CANNOT DO THAT CANNOT THE COMMISSIONER LICENSE THE GROUP THAT HAS BEEN RECOMMENDED BY THE COMMITTEE? THE COMMITTEE MAKES THE RECOMMENDATION AS TO WHO SHOULD BE LICENSED AND THE LICENSE IS ISSUED BY THE COMMISSIONER ONLY UPON THE RECOMMENDATION OF THAT COMMITTEE. COULD IT NOT BE DONE THAT WAY?

MR. LEGAL ADVISOR: I THINK, MR. CHAIRMAN, IT CAN BE DONE EITHER WAY. EITHER METHOD CAN BE DONE. EITHER THE DIRECT LICENCE CAN BE ISSUED ITSELF BECAUSE I'M BEGINNING TO VISUALIZE A CROWN CORPORATION AND A SEPARATE ORDINANCE COMING BACK TO THE HOUSE, SETTING UP CROWN CORPORATIONS SIMILAR TO THE YUKON HOUSING CORPORATION. BUT NOT LIMITING MEMBERSHIP FOR LOANS TO THE SPORTS FEDERATION BUT ALLOWING A BOARD TO BE APPOINTED, POSSIBLY AFTER ADVICE FROM THESE PEOPLE. ALL OF THESE PEOPLE MAY NOT WANT TO BE ON THIS TYPE OF A BOARD. IT'S QUITE A DIFFERENT KETTLE OF FISH FROM THE WORK THEY ARE CURRENTLY DOING. BUT A BOARD, THEN THE MEMBERSHIP OF THE BOARD CAN BE SOUGHT IN THE USUAL WAY AND WOULD BE HEAVILY INVOLVED WITH THESE PEOPLE.

THE COMMISSIONER WOULD ACT IN THE DISBURSEMENT OF FUNDS, AT LEAST IN THE FIRST INSTANCE, ON THE ADVICE OF THE SPORTS FEDERATION AS OPPOSED TO THE BOARD. BUT YOU WOULD HAVE A CROWN CORPORATION WHICH WOULD CARRY OUT THE DAY-TO-DAY WORK, HAVE A MANAGER WHO WOULD BE THE EFFECTIVE CHIEF ADMINISTRATOR, AND HE WOULD WANT TO BE A LIVE WIRE TYPE OF PERSON, AS APART FROM EVERYTHING ELSE, HE HAS A SALES JOB TO DO TO SELL TICKETS NOT ONLY TO THE PUBLIC BUT TO THE INDIVIDUAL ORGANIZATIONS WHO MAY HAVE TO BE CANVASSED THEMSELVES TO SELL TICKETS. NOT EVERYONE IS ANXIOUS TO SELL TICKETS AND THEREFORE, YOU WOULD HAVE A STRUCTURE CONSISTING OF A CROWN CORPORATION SET UP UNDER THE SAME ORDINANCE WITH EXTRA SECTIONS ADDED. APPOINTMENTS WOULD BE MADE IN THE NORMAL WAY. YOU WOULD THEN HAVE A SECTION POSSIBLY DEALING WITH ADVICE BEING SOUGHT ON THE DISBURSEMENT OF FUNDS BUT IN THE FINAL ANALYSIS, I THINK THE DISBURSEMENT OF FUNDS SHOULD COME BACK TO THIS HOUSE. IT SHOULD BE VOTED, IT HAS TO COME BACK HERE. ADVICE, YES, BUT ACTUAL DISBURSEMENT MUST ONLY BE ON THE AUTHORITY OF THIS HOUSE.

IT WOULD BE ON AN ANNUAL BASIS PUT FORWARD IN THE ESTIMATES WITH THE PROPOSAL IN THE ESTIMATES AS

TO WHERE THE MONEY WAS GOING TO GO WITH A CERTAIN AMOUNT HELD BACK IN RESERVE. NOW, THIS WOULD BE COMPARATIVELY SIMPLE TO DO IN RESPECT OF A CROWN CORPORATION BECAUSE YOU TEND TO HAVE A KIND OF A SEPARATE SYSTEM OF ACCOUNTS, WITH A PROFIT AND EXPENSES, INTEREST AND SO FORTH, AND AN AMOUNT OF MONEY COMING TO THE HOUSE TO DISBURSE.

IN THE LICENSING I SEE NO REASON WHY THE CROWN CORPORATION CANNOT BE GIVEN THE PART TO ISSUE LICENCES. BECAUSE THEY ARE DEALING WITH THEIR OWN AGENTS. THE PEOPLE TO WHOM THEY ARE DEALING WOULD BE, SAY THE WHITEHORSE CURLING CLUB, DAWSON CITY CURLING CLUB AND SO FORTH, AND THEY WOULD ISSUE LICENCES AND BE APPOINTED AGENTS IN FACT RATHER THAN, UNLESS THEY ARE APPOINTED AGENTS FOR SAY, TO SELL TICKETS, AND LICENCES MAY NOT BE ABSOLUTELY NECESSARY IN THE SENSE THAT WHAT YOU ARE LOOKING FOR IS NOT FOR PEOPLE WHO WILL APPLY FOR LICENCES BUT IT WILL BE APPOINTED AGENTS TO SELL THE TICKETS AND WILL GET A PROFIT THERE FROM. SO WE MIGHT EVEN BE ABLE TO MOVE AWAY FROM THE IDEA OF LICENCES ALTOGETHER, AND JUST APPOINT AGENTS.

MR. TANNER: MR. CHAIRMAN, THE LEGAL ADVISOR HAS BROUGHT UP A VERY, I THINK, AN IMPORTANT POINT AND ONE THAT HAD OCCURRED TO ME BUT HE EXPRESSED IT BETTER THAN I DID.

THE FACT IS YOU ARE COMMITTING COUNCIL NOW WITH THE RESOLUTION AS IT PRESENTLY READS TO USING THE YUKON SPORTS COMMITTEE AND THE MEMBERS OF THAT COMMITTEE MIGHT NOT WANT TO TAKE ON THAT RESPONSIBILITY BECAUSE I CAN SEE IT COULD BE A VERY HEAVY BURDEN. SO IF WE CAN RE-PHASE THE RESOLUTION OR THE MOTION IN SUCH A WAY THAT WE CAN INVESTIGATE IT IN THE FIRST PLACE BEFORE WE COMMIT OURSELVES ONE WAY OR ANOTHER.

MR. CHAIRMAN: COUNCILLOR WATSON.

MRS. WATSON: MR. CHAIRMAN. THERE ARE SO MANY UNKNOWNNS AND AS I SAID YESTERDAY WHEN I SPOKE ON THE PAPER, IT'S GOING TO TAKE SOME TIME BEFORE WE GET IT STRAIGHTENED OUT AND I THINK POSSIBLY THE KEY PERSON TO THIS WOULD BE THE ADMINISTRATOR. YOU WOULD BE HIRING SOMEBODY WHO IS KNOWLEDGEABLE IN THIS AREA AND IN THE FIRST INSTANCE, WHILE I LISTENED TO THE PROPOSALS ON CROWN CORPORATION AND SO-AND-SO WOULD WORK WITH SO-AND-SO, I'M VERY RELUCTANT TO SEE US TIE OURSELVES INTO A TYPE OF PATTERN WHICH WE WOULD HAVE TO FOLLOW FOR EVER AND A DAY.

WE'VE NEVER TRIED IT AND IT WOULD BE MY SUGGESTION THAT WE TRY, FIRST OF ALL, TO GET A GOOD

ADMINISTRATOR. THEN YOU WANT THE ADMINISTRATOR TO WORK WITH THE ADVISORY COMMITTEE ON FITNESS AND AMATEUR SPORT AND RECREATION IN THE FIRST INSTANCE TO HAVE THE REGULATIONS DRAWN UP, TO GO THROUGH TWO LOTTERIES AND AT THAT TIME, AFTER THEY'VE GONE THROUGH TWO, THEN MAKE THEIR RECOMMENDATIONS TO THE COUNCIL AT THAT TIME. THEN THEY WILL HAVE HAD EXPERIENCE AND SEE WHAT THE PROPER SOLUTION MIGHT BE. NOT THAT I'M TRYING TO SHELVE IT FROM MAKING A DECISION, IT'S JUST THAT WE ARE TRYING TO MAKE A DECISION ON SOMETHING WE HAVEN'T HAD ANY EXPERIENCE ON AT ALL AND WE JUST DON'T KNOW WHAT ALL OF THE PROBLEMS ARE AND WE MAY BE CREATING MORE PROBLEMS FOR OURSELVES BY SETTING UP A CORPORATION. MAYBE THERE MIGHT BE A DIFFERENT WAY OF HANDLING IT AND AFTER THEY TRY ONE OR TWO OF THEM, THERE WILL BE ONE IN JUNE, AND TIME IS OF THE ESSENCE, REALLY. IT WILL START IN JUNE AND THE DRAW IS IN SEPTEMBER SO WE REALLY WANT IT TO GET GOING.

I CAN SEE TWO OF THEM BEFORE THE NEW COUNCIL IS ABLE TO COME IN AND BEFORE THE ADMINISTRATOR OF THE LOTTERY, PLUS THE ADVISORY COMMITTEE CAN MAKE A REPORT AND THEIR RECOMMENDATIONS ON HOW THEY THINK IT SHOULD BE HANDLED IN THE FUTURE. AFTER THEY HAVE GONE INTO IT.

MR. TAYLOR: MR. CHAIRMAN, COLUMBUS, YOU KNOW, HAD EXPLORED A LITTLE BIT AND HE HAD NO EXPERIENCE IN NORTH AMERICA. AS A MATTER OF FACT, HE IS THE FELLOW WHO GOT US INTO THIS PROBLEM IN THE FIRST PLACE. BUT HE HAD VENTURED AND I DON'T THINK MUCH OF THE COMMENT MADE BY THE HONOURABLE MEMBER FROM CARMACKS-KLUANE IN THAT REGARD THAT WE JUST LOCK OURSELVES UP AND PREVENT OURSELVES FROM DOING ANYTHING.

I HAVE THE UTMOST FAITH IN IT AND I AM SURE MOST OTHER MEMBERS HAVE IN THE ABILITY OF THE YUKON SPORTS FEDERATION WHO HAVE DONE AN EXCELLENT JOB AND AN EXEMPLARY JOB IN HANDLING FAIRLY GOOD SIZED FUNDS AND THEY'VE ALLOCATED IT IN A VERY FAIR AND EQUITABLE MANNER THROUGHOUT THE TERRITORY. THEIR ONLY PROBLEM WAS THAT THEY DIDN'T HAVE ENOUGH FUNDS TO ALLOCATE, REALLY.

I AGREE WITH THE SUGGESTION THAT'S BEEN RAISED THAT WE, AND IT IS ALSO RAISED IN THE MOTION, THAT WE HAVE TWO REPRESENTATIVES OF COUNCIL TO GO AND MEET WITH THE SPORTS FEDERATION, GO AND MEET WITH THE LEGAL ADVISOR, GO AND MEET WITH ANYBODY AND SEE IF THEY CAN'T FIND A WAY, FIND A MEANS OF RESOLVING THIS WHOLE QUESTION, WHETHER IT SHOULD BE A CROWN CORPORATION. WHAT IT SHOULD BE. THE MOTION, OF COURSE, ASKS FOR THAT. IT

SAYS THAT THE PRINCIPLE OF SESSIONAL PAPER No. 22 BE ACCEPTED BY COUNCIL (WHICH I AM SURE WE HAVE ALL AGREED TO THE PRINCIPLE OF THE SESSIONAL PAPER) AND THAT THE YUKON SPORTS FEDERATION BE APPROACHED BY COUNCIL REPRESENTATIVES TO BECOME THE LICENCING AND DISTRIBUTION AGENCY FOR WESTERN CANADA LOTTERY FOR THE YUKON TERRITORIAL GOVERNMENT.

I THINK THIS THEN WOULD BE THE VEHICLE BY WHICH WE GET TO THE COMMITTEE AND AS THE MEMBER STATES, WE ARE NOT SITTING AROUND HERE TRYING TO GET PICKY-PICKY ON THIS, THAT OR THE OTHER THING. COME BACK WITH A FIRM PROPOSAL TO COUNCIL, EITHER AT THIS SESSION IF THAT CAN BE DONE OR AT THE SESSION UPON WHICH WE HEAR THE REPORT OF THE ELECTORAL BOUNDARIES COMMISSION IN JUNE AND CAN FINALIZE THE MATTER.

BEFORE I RESUME THE CHAIR I WOULD LIKE TO SUGGEST THAT TWO REPRESENTATIVES I THINK WOULD BE GOOD ON THIS WOULD BE COUNCILLOR MCKINNON AND I THINK THAT A MEMBER OF THE FINANCIAL ADVISORY COMMITTEE SHOULD BE ON THAT, AND I WOULD SUGGEST COUNCILLOR STUTTER.

MR. TANNER: MR. CHAIRMAN, I DON'T DISAGREE WITH WHAT THE HONOURABLE MEMBER SAYS. WE HAVE ALL GOT DIFFERENT POINTS OF VIEW. BUT THE ONLY THING THAT CONCERNS ME NOW IS THAT THE WAY THE MOTION READS, IRRESPECTIVE OF THE FACT THAT WE ARE GOING TO HAVE CONSULTATIONS WITH THE YUKON SPORTS FEDERATION, YOU ARE ALREADY COMMITTING THAT YUKON SPORTS FEDERATION OR COUNCIL TO A SYSTEM WHICH MIGHT NOT BE ACCEPTABLE HAD MORE INSIGHT TO IT.

MR. CHAIRMAN: THIS HAS BEEN MISINTERPRETED. I THINK IF THE HONOURABLE MEMBER RE-READS IT, HE WILL SEE THAT WE ARE ASKING THAT TWO REPRESENTATIVES OF COUNCIL, WE DON'T SAY TWO BUT I SUGGEST TWO, APPROACH THE YUKON SPORTS COUNCIL ON THIS MATTER. THAT'S ALL IT IS.

MR. MCKINNON: MR. CHAIRMAN, WITH RESPECT, WHEN YOU GET SESSIONAL PAPERS I CONSIDER THEM TO BE LIKE WHITE PAPERS OF THIS GOVERNMENT. GENERALLY WHAT THEY DO IS PRESENT TWO OR THREE ALTERNATIVES AND THE COUNCIL MAKES THEIR CHOICE. WE'VE DONE IT ON LEGAL AID ALREADY THIS SESSION. WE DO IT IN MANY OTHER AREAS. WE WILL DO IT ON ELECTRICAL RATE EQUALIZATION. BUT IN THIS PAPER THERE WAS NO SUCH THING AS A PROGRAM OF GOVERNMENT OUTLINED IN TWO OR THREE DIFFERENT AREAS THAT WE COULD MAKE A DECISION ON. SO I'M SAYING THIS IS THE THING

THAT HAS TO BE DONE. SOME GROUP OF A COMBINED EFFORT OF COUNCIL, ADMINISTRATION AND THE FINANCIAL PEOPLE AND THE LEGAL PEOPLE HAVE TO GET TOGETHER TO BE ABLE TO PRESENT TO THIS COUNCIL THE PRACTICAL ALTERNATIVE OF BRINGING THIS LOTTERY INTO EFFECT. AND THAT'S ALL THE PAPER IS SAYING REALLY. THE GOVERNMENT HASN'T PROVIDED US WITH ANY DIRECTIONS OR ANY ALTERNATIVES SO LET'S GO OUT AND GET THE ALTERNATIVES, GET THE DIFFERENT PROGRAMS THAT WE CAN EFFECTIVELY PUT INTO PRACTICE AND BRING THEM BEFORE THIS HOUSE AT THE VERY EARLIEST OPPORTUNITY SO THAT A DECISION CAN BE MADE.

MRS. WATSON: MR. CHAIRMAN, THAT'S A LEGITIMATE CRITICISM. BUT WE MUST REALIZE THAT THIS WESTERN CANADA LOTTERY WASN'T FIRMED UP UNTIL APPROXIMATELY A MONTH AGO.

MR. MCKINNON: LET'S GET GOING ON IT.

MRS. WATSON: SO IF THE HONOURABLE MEMBER WANTS TO HAVE SOME LEGISLATION, WANTS TO HAVE US BRING DOWN VARIOUS ALTERNATIVES AND HAVE LEGISLATION READY, IF LEGISLATION IS REQUIRED FOR THE VARIOUS ALTERNATIVES, FOR THE JUNE SESSION, AND IF THEY WANT THE GOVERNMENT TO GO AHEAD AND ADVERTISE FOR AN ADMINISTRATOR OF THIS PROGRAM I DON'T SEE ANY PROBLEM WITH THAT AT ALL.

MR. CHAMBERLIST: MR. CHAIRMAN, THIS MOTION IS SIMPLY TO FIND THE VEHICLE FOR WHICH TO CARRY OUT THE NECESSARY REQUIREMENTS THAT HAVE BEEN SUGGESTED. NOTHING - - -

MR. MCKINNON: IF THE EXECUTIVE COMMITTEE OR THE FINANCIAL ADVISORY COMMITTEE WANTS TO BE THE REPRESENTATIVES TO BRING IT DOWN, THAT'S FINE WITH ME. ALL I'M SAYING IS WE'VE GONE AS FAR AS WE CAN ON SESSIONAL PAPER NO. 22 AT THIS MINUTE. WE HAVE TO HAVE THE ALTERNATIVES LAID BEFORE US TO MAKE THE DECISION TO GET THE LOTTERY IN EFFECT.

MRS. WATSON: MR. CHAIRMAN, THAT'S WHY WE FELT WE HAD TO HAVE FURTHER DIRECTION FROM COUNCIL. WE WILL SEE WHAT WE CAN DO REGARDING THE ALTERNATIVES AND HAVE THE WHOLE PACKAGE READY FOR YOU IN JUNE.

MR. CHAMBERLIST: QUESTION ON THE MOTION.

MR. TAYLOR: I'LL RESUME THE CHAIR AT THIS POINT. I'LL HAVE TO READ THE MOTION FROM THE CHAIR. IT HAS BEEN MOVED BY COUNCILLOR

MCKINNON, SECONDED BY COUNCILLOR CHAMBERLIST, THAT THE PRINCIPLE OF SESSIONAL PAPER NO. 22 BE ACCEPTED BY COUNCIL, AND THAT THE YUKON SPORTS COMMITTEE BE APPROACHED BY COUNCIL REPRESENTATIVES TO BECOME THE LICENSING AND DISTRIBUTION AGENCY OF THE WESTERN CANADA LOTTERY FOR THE YUKON TERRITORIAL GOVERNMENT. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MRS. WATSON: MR. CHAIRMAN, IN THAT MOTION YOU ARE ONLY GIVING ONE ALTERNATIVE.

MR. MCKINNON: NO, MR. CHAIRMAN.

MR. CHAMBERLIST: NO. IT'S AN APPROACH THAT'S ALL.

MR. MCKINNON: AN APPROACH. WITH RESPECT, MR. CHAIRMAN, IF AN APPROACH IS REFUSED THEN I'M SURE THAT ALL MEMBERS OF COMMITTEE HAVE ABSOLUTELY - WE SUGGEST THAT THIS IS THE BEST VEHICLE AS WE SEE IT. IF YOU APPROACH THEM TO BE YOUR BRIDE AND THEY REFUSE, THEN YOU GO AND APPROACH SOMEBODY ELSE.

MR. TANNER: MR. CHAIRMAN, AS LONG AS IT IS UNDERSTOOD BY ALL MEMBERS THAT THAT'S WHAT IT IS THEN I HAVE NO HESITATION AT ALL.

MR. CHAMBERLIST: WELL IT SAYS SO.

MR. TANNER: OKAY. WE WILL GO ALONG WITH THAT AND SEE WHAT WE CAN COME BACK TO COUNCIL WITH. I HOPE ALL MEMBERS UNDERSTAND THAT IF IT DOESN'T WORK OUT WE ARE GOING TO HAVE TO HAVE SOMETHING ELSE.

MR. MCKINNON: WE SAY THEN IN OUR FIRST APPROACH BRING BACK OTHER ALTERNATIVES.

MRS. WATSON: MR. CHAIRMAN, ONE OTHER POINT. IT SEEMS PICKY BUT DON'T PUT YUKON SPORTS. PUT ADVISORY COMMITTEE ON FITNESS AND AMATEUR SPORT AND RECREATION. THAT'S HOW IT IS DEFINED IN REGULATIONS.

MR. MCKINNON: THAT'S WHAT THEY CALL THEMSELVES NOW.

MR. CHAIRMAN: IS IT YOUR PLEASURE - WE CAN EITHER NOW GO TO THE BILLS OR WE HAVE - - -

MRS. WATSON: MR. CHAIRMAN, I WOULD SUGGEST THAT WE DEAL WITH THE LOTTERIES BILL AND THE APPROPRIATION FOR THE ADMINISTRATOR AND GET THE LOTTERY QUESTION FINISHED.

MR. MCKINNON: MR. CHAIRMAN, CERTAINLY THE BILL COULD CHANGE DRAMATICALLY AS A RESULT OF ANY PROGRAM THAT IS ACCEPTED BY COUNCIL.

MR. LEGAL ADVISOR: MR. CHAIRMAN, WE NEED AT LEAST THE FIRST TWO SECTIONS AND PART OF THE THIRD SECTION. WE NEED TO SIGN AN AGREEMENT TO BE BOUND IN COMMON WITH THE OTHER MEMBERS OF THIS GROUP.

MR. CHAIRMAN: BILL NO. 10?

MR. TANNER: MR. CHAIRMAN, I'LL READ THE EXPLANATORY NOTES.

MR. TANNER READS THE EXPLANATORY NOTES.

MR. CHAIRMAN, IF I COULD JUST MAKE A PERSONAL COMMENT ON IT. I DON'T LIKE THIS SORT OF LEGISLATION. I EXPLAINED TO THE HOUSE THAT THIS IS THE ONLY POSSIBLE WAY WE CAN GET SOMETHING GOING SO THAT WE CAN ENTER THE AGREEMENT. I DON'T LIKE GIVING THE COMMISSIONER ALL THIS UNLIMITED POWER, AND I CAN ASSURE THE HONOURABLE MEMBERS THAT HE WON'T ABUSE IT ANYMORE THAN EITHER TWO MEMBERS OF THE EXECUTIVE COMMITTEE CAN HELP.

MR. CHAMBERLIST: LIKE HE'S NOT DONE IN THE PAST HEY?

MR. CHAIRMAN: THIS ORDINANCE MAY BE CITED AS THE LOTTERIES ORDINANCE. AGREED?

SOME HONOURABLE MEMBERS: AGREED.

MR. CHAIRMAN: MR. CHAIRMAN READS THE LOTTERIES ORDINANCE.

MR. STUTTER: JUST ONE QUESTION, MR. CHAIRMAN. WE'RE DEALING WITH THE FOUR WESTERN PROVINCES, THE WESTERN CANADA LOTTERY SYSTEM. NOW WHY ARE WE JUST NOT MENTIONING THAT IN THIS ORDINANCE RATHER THAN GOING TO A PHRASE LIKE "MANAGING LOTTERY SCHEMES" PLURAL. WE ARE ONLY BEING ASKED TO DEAL WITH ONE

PARTICULAR SCHEME AT THIS POINT. WHY ARE WE GIVING SUCH SWEEPING POWERS THEN?

MR. LEGAL ADVISOR: IT HADN'T OCCURRED TO ME, MR. CHAIRMAN, THAT THEY WERE SWEEPING POWERS. IT'S JUST A COMMON WAY OF DRAFTING THAT YOU JUST SET OUT TO DO WHAT YOU WANT TO DO. ONE OF THE PROVINCES MAY DROP OUT. ANOTHER ONE MAY MOVE IN. SO YOU JUST GIVE YOURSELF A LITTLE ROOM TO MANOEUVRE.

MR. STUTTER: BUT SURELY, MR. CHAIRMAN, IN THIS PARTICULAR INSTANCE, THIS PARTICULAR PIECE OF LEGISLATION IS FOR ONE PARTICULAR PURPOSE AND THAT IS TO ALLOW THE COMMISSIONER TO NEGOTIATE WITH THE WESTERN PROVINCES, WHETHER OR NOT THE MAKE-UP CHANGES SOMEWHAT, THE LOTTERY AND THAT SYSTEM IS ONE AND THE SAME. THAT'S WHAT THIS ORDINANCE IS FOR. THAT'S WHAT THE SESSIONAL PAPER WAS ALL ABOUT. NOW WHY IS IT NOT MENTIONED IN THE ORDINANCE?

MR. LEGAL ADVISOR: MR. CHAIRMAN, I ACCEPT THE RESPONSIBILITY FOR THIS. IT'S ANY PROVINCE. WE CAN SAY ANY WESTERN PROVINCE. YOU THEN SAY "WESTERN" MEANS ANY OF THE PROVINCES SO AND SO, SO AND SO. YOU ARE INTO A SORT OF A MORE DIFFICULT DRAFTING COMPLEX. AS FAR AS MANAGING LOTTERY SCHEMES IS CONCERNED THERE MAY BE MORE THAN ONE SCHEME IN THE GROUP. WE DON'T KNOW WHAT THE SCHEME IS GOING TO BE. NOTHING IS FIRMED UP AT ALL AT THIS POINT.

MR. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN, IN HERE WE PROVIDED FOR THE SESSIONAL PAPER DEALING SPECIFICALLY WITH ASSOCIATION IN FOUR WESTERN PROVINCES OF A LOTTERY. I'M SURE THAT ALL MEMBERS OF COUNCIL HAVE TAKEN IT THAT THE LEGISLATION WAS GOING TO DEAL SPECIFICALLY WITH THE AREA THAT THE SESSIONAL PAPER INDICATED. AND HERE WE FIND IN SECTION 2 THAT WE WOULD BE AUTHORIZING THE COMMISSIONER IN FACT TO ENTER INTO AN AGREEMENT WITH PRINCE EDWARD ISLAND OR NEWFOUNDLAND OR QUEBEC OR ONTARIO, NEW BRUNSWICK, NOVA SCOTIA. YOU KNOW WE'RE ASKED TO DO SOMETHING AND THEN, YOU KNOW, ONCE WE'VE AGREED OKAY WE WILL GO ALONG WITH IT THE ADMINISTRATION SEEMS TO CREEP IN BY WIDENING THE SCOPE BY LEGISLATION OF THE PRINCIPLE THAT WE HAVE JUST AGREED TO. I THINK IT IS IMPROPER FOR THE ADMINISTRATION TO BRING FORWARD THAT TYPE OF LEGISLATION WHEN YOU ASK US TO AGREE TO SOMETHING AND THEN YOU GO AND TRY TO PULL THIS TYPE OF THING.

MR. LEGAL ADVISOR HAS INDICATED THAT HE FEELS HE IS RESPONSIBLE FOR IT, AND I WOULD SAY THAT IMMEDIATELY THIS HAS GOT TO BE CORRECTED SO THAT THE LEGISLATION IS IN THE AREA OF WHICH WE ARE DEALING WITH NOW. IT SHOULD READ THE WESTERN PROVINCES AND INDICATE WHAT THE WESTERN PROVINCES ARE SO THAT WE KNOW IF THE COMMISSIONER WANTS TO GET INTO THE IRISH SWEEPSTAKES, AS HE MIGHT WELL DO - - -

MR. LEGAL ADVISOR: YOU CAN'T DO THAT WITH THIS.

MR. CHAMBERLIST: NO, I KNOW THAT. THAT'S QUITE TRUE. BUT A MAJOR SWEEPSTAKE. PERHAPS IT MIGHT BE BENEFICIAL TO HAVE THIS HERE SO THAT WE CAN ENTER INTO THE OLYMPICS SWEEPSTAKE BECAUSE NOTHING WOULD PREVENT US FROM DOING THAT THE WAY IT IS NOW. NOTHING WOULD PREVENT US. WE COULD GO AHEAD AND DO IT.

MR. TANNER: MR. CHAIRMAN, THE HONOURABLE MEMBER BRINGS UP A REASONABLY GOOD POINT BUT THERE AREA COUPLE OF THINGS TO KEEP IN MIND. NUMBER ONE IS THAT THE AGREEMENT AS I UNDERSTAND IT WITH THE WESTERN PROVINCES DOESN'T ALLOW US, FOR EXAMPLE DURING THE - IT'S PART OF THE DEAL. IT DOESN'T ALLOW US TO JOIN THE QUEBEC ONE. NOW THE SECOND THING IS ADMITTEDLY IT'S BROAD BUT WHAT HAPPENS IF ANOTHER PROVINCE, ONTARIO FOR EXAMPLE, DOES WANT TO JOIN. THEN WE HAVE GOT TO COME BACK IN AND AMEND THE LEGISLATION TO ENLARGE THE SCOPE OF THE LOTTERY. THE OTHER THING IS THAT EACH PROVINCE FUNNILY ENOUGH IN THE WEST HAS SET IT UP RATHER DIFFERENTLY. CONSEQUENTLY IN SOME CASES WE WILL BE MAKING AN AGREEMENT WITH A PROVINCE. IN SOME CASES WE WILL BE MAKING AN AGREEMENT WITH A CORPORATION ESTABLISHED BY THE PROVINCE. IN B.C. I DON'T THINK THEY HAVE PASSED THE LEGISLATION YET. IN ALBERTA THEY ARE DOING IT IN A DIFFERENT WAY THAN THEY ARE IN MANITOBA. SO CONSEQUENTLY THERE HAS TO BE SOME SCOPE UNTIL THESE THINGS ARE SATISFIED.

MR. CHAMBERLIST: WELL, MR. CHAIRMAN, WHAT THE HONOURABLE MEMBER DOESN'T SEE IS THIS. IF THIS WAS LEFT AS IT IS, THE COMMISSIONER CAN ENTER INTO AN AGREEMENT BUT NO AGREEMENT THAT THE COMMISSIONER ENTERS INTO RESTRICTS THIS COUNCIL FROM PASSING LEGISLATION EVEN IF IT WANTED TO, YOU KNOW, WANTED TO SUSPEND

THAT PARTICULAR AGREEMENT. THE WAY IT READS NOW THE COMMISSIONER COULD STILL ENTER INTO ANY OTHER AGREEMENT BESIDES THE ONE IN THE WESTERN PROVINCES. THIS ISN'T THE INTENT OF THE COUNCIL. THE INTENT OF THE COUNCIL IS SO THAT THERE IS AN AGREEMENT FOR A WESTERN LOTTERY. AND THE COMMISSIONER CAN ONLY GO THAT FAR AND NO FURTHER, IF IT'S THE WISH OF THIS COUNCIL. BUT WITH THIS LEGISLATION, IF WE PASS THIS LEGISLATION, HE CAN ENTER INTO ALL TYPES OF AGREEMENTS WITHOUT COMING TO US. WITH RESPECT, MR. LEGAL ADVISOR SHAKES HIS HEAD. THERE IS NOTHING IN THIS ORDINANCE AS IT IS NOW WHICH WOULD PREVENT THE COMMISSIONER, I SAY, FROM ENTERING INTO AN AGREEMENT WITH ANY OTHER PROVINCE.

YOU KNOW, WE'VE HAD THIS TYPE OF THING IN OTHER AREAS. WE GIVE PERMISSION TO THE COMMISSIONER TO DO SOMETHING AND HE FINISHED UP, YOU KNOW, BY INCREASING LICENSE FEES ALL OVER THE DARN PLACE WHEN THIS WASN'T THE INTENT OF COUNCIL BUT USED THE WORDS OF THE LEGISLATION IN THE REGULATIONS. MR. CHAIRMAN, I WOULD SUGGEST THAT WE EXAMINE SECTION 2 THOROUGHLY AND ASK MR. LEGAL ADVISER TO PUT IN WHAT THIS COUNCIL WANTS IN THIS AREA. IF THIS COUNCIL WANTS IT TO BE LIKE THIS THAT THE COMMISSIONER CAN ENTER INTO AGREEMENTS WITH ANY PROVINCE, FINE. BUT I SAY THAT THE WAY IT'S SET UP NOW DOESN'T RUN PARALLEL TO THE SESSIONAL PAPER.

MR. CHAIRMAN: MR. STUTTER.

MR. STUTTER: THERE IS JUST ONE POINT THAT I WANTED TO MAKE MR. CHAIRMAN AND THAT IS IF WE JUST MOMENTARILY REFER TO THE EXPLANATORY NOTE. IT SAYS - "THE PURPOSE OF THIS BILL IS TO ENABLE THE YUKON TO PARTICIPATE IN THE WESTERN CANADA LOTTERY." NOW EVEN IF THE MAKEUP OF THAT WESTERN CANADA LOTTERY WERE TO CHANGE, IF ONTARIO WANTED TO COME INTO IT OR IF ONE OF THE PROVINCES FOR SOME REASON DROPPED OUT, SURELY THE TITLE OF THE LOTTERY IS STILL THE WESTERN CANADA LOTTERY. AND UNDER THE TERMS AS EXPLAINED IN THE SESSIONAL PAPER, IT STATES THAT ONE OF THE REQUIREMENTS FOR US TO BE ALLOWED TO ENTER INTO THE WESTERN CANADA LOTTERY IS THAT WE WILL NOT ENTER INTO ANY OTHER MAJOR LOTTERY SCHEMES." I MEAN THAT'S IT IN A NUT SHELL.

MR. LEGAL ADVISOR: A SECTION OF THE CRIMINAL CODE SAYS THAT WE CAN ONLY DO THIS BY AGREE-

MENT WITH OTHER PROVINCES, OR THEIR AGENCIES. I'M NOT SURE WHAT THE WESTERN CANADA LOTTERY IS. WHETHER IT'S A CORPORATION SET ENTITY OR WHETHER IT'S AN AMORPHOUS BODY CONSISTING OF POTENTIAL AGREEMENTS WHICH HAVE NOT YET BEEN ENTERED INTO. I JUST DON'T KNOW. THE PRACTICAL METHOD OF DOING IT IS TO ALLOW US TO ENTER INTO AN AGREEMENT, A SERIES OF AGREEMENTS. ONE WITH B.C., ALBERTA AND SO FORTH, ALL WITH A CORPORATION SET UP BY THAT GROUP, WHICH AT TIME WOULD NOT INCLUDE US. OR SET UP A CORPORATION TO MAKE AN AGREEMENT WITHIN THE CORPORATION AFTERWARDS. I DON'T KNOW WHAT THE LEGAL FRAMEWORK IS GOING TO BE. SO BASICALLY WE'RE DEALING WITH EITHER A PROVINCE OR A CORPORATION ESTABLISHED BY THE GOVERNMENT. AND BY GOVERNMENT, I MEAN GOVERNMENTS AS WELL AS GOVERNMENT BECAUSE THE SINGULAR INCLUDES THE PLURAL AND VICE VERSA.

Mrs. Watson: Mr. Chairman, I believe the intent is to form a corporation and it will be called the Western Canada Lottery Foundation Ltd. We have the wrong title in here and we could be in trouble. But this is the intent to form a corporation of the four western provinces.

Mr. Tanner: Mr. Chairman, that's correct as I understand it. But within each province they still haven't determined what they're going to do themselves yet. And until such time as we know and they know, I think you'll find that each province is passing legislation very similar to this because nobody knows where anybody else stands yet. They haven't determined it yet.

Mr. Chamberlist: The key point that I'm making is that even what both the Honourable Member for Carmacks-Kluane and Whitehorse North have said. Supposing they are absolutely right. I'm arguing against the suggestion that the Commissioner may on behalf of the Territory, enter into the agreements with the Government of any province. It widens the scope of it to the whole of Canada instead of in that particular area of which we have talked. I would pull back my opposition if would clearly indicate it, that it was for those western provinces, who have indicated they would be part of that Western Canada Lottery Ltd.

Mrs. Watson: Mr. Chairman, I think that there are indications now that the Northwest Territories are interested in becoming part of this lottery. So there you go.

Mr. Stutter: Mr. Chairman, I see the hang up now and I realize it is a pretty genuine one. But until such time as the Western Canada Lottery Corporation Ltd, or whatever, has been struck and firmed up that it is a bit of a problem to tie it down too specifically. But I think it has to be made absolutely clear what the suspicion is on the part of this Commission or the part of this Committee. And that we're well aware of the fact that as far as we're concerned, the legislation is being brought forward and it's being put to us for one purpose only and that is to allow us to enter into this scheme. Perhaps the makeup maybe slightly and that it isn't in any way intended to go beyond that. And under those circumstances I can see where there is a bit of a hang up alright.

Mrs. Watson: Mr. Chairman, one of the conditions of becoming part of the Western Canada Lottery is that they do not enter into agreements for other lotteries so while you're a member in the Western Lottery, there is protection in this because that's one of the qualifications. So the Commissioner couldn't enter into other agreements unless he got the agreement with the Western Canada Lottery.

Mr. Chamberlist: Mr. Chairman, I want to go through with Mr. Legal Advisor on another area here. First of all I've raised the question in any event as to whether or not an agreement between the Commissioner and whether it be a corporation or whether it be a province, is firm if the way this Ordinance is written. This Council in its wisdom decides that another lottery is to take place; If this Council legislates in another area, the Commissioner's agreement doesn't mean anything, or does it? Does the Commissioner overrule what is legislation passed by this Council if it conflicts in any way with an agreement that he as the Chief Administrative Officer of the Administration has signed with a province? That's the first point.

The other point is that if we look at 2 again, "The Commissioner may on behalf of the Territory enter into an agreement with the Government of any province or any corporation established by the Government of any province." Now would that mean the Commissioner would have to enter into four separate agreements if they were separate corporations for each province? Or would the proposed Western National Lottery Ltd. or whatever it is, be

A FEDERAL CORPORATION? IF IT'S A FEDERAL CORPORATION, WE THEN HAVE LOCKED OURSELVES ONLY INTO SIGNING A CONTRACT WITH A CORPORATION ESTABLISHED BY THE GOVERNMENT OF A PROVINCE. SUPPOSING THE CORPORATION HAD A FEDERAL CHARTER. IT WAS ONE CORPORATION FOR THE FOUR WESTERN PROVINCES. THIS WOULD PERHAPS PREVENT THE COMMISSIONER FROM SIGNING WITH THAT CORPORATION BECAUSE IT IS NOT A CORPORATION OF A PROVINCE. DOES MR. LEGAL ADVISOR FOLLOW ME IN THIS AREA? IT MAY WELL BE THAT THE CORPORATION MIGHT NOT EXIST OUT OF THE JURISDICTION OF A PROVINCE. COULD THIS NOT TAKE PLACE?

MR. LEGAL ADVISOR: AS THE HONOURABLE MEMBER SAYS, IT'S JUST TO FOLLOW. IT'S LIKE STEEPLE CHASE.

MR. CHAMBERLIST: RIGHT.

MR. LEGAL ADVISOR: TO TRY AND GET THE QUESTION IN ORDER, HE'S SAYING DOES AN AGREEMENT SIGNED BY THE COMMISSIONER BIND THIS HOUSE? IF HE HAS THE LEGAL AUTHORITY TO SIGN THE AGREEMENT IN THE FIRST INSTANCE, IT DOES BIND THIS HOUSE. THAT IS NOT THE SAME. THE HOUSE CANNOT PASS FRESH LEGISLATION, ABROGATE IN THE AGREEMENT AND THEN THEY CAN APPOINT COUNSEL TO REPRESENT THE GOVERNMENT IN COURT AND PAY THE DAMAGES IF ANY DAMAGES ARE INCURRED. BUT IT'S AS IF THEY ARE A FREE AGENT TO BREAK A CONTRACT.

NOW SO FAR AS MAKING AGREEMENTS WITH GROUPS OF GOVERNMENTS IS CONCERNED FORTUNATELY OUR INTERPRETATION ORDINANCE SAYS, "THE SINGULAR INCLUDES THE PLURAL AND THE PLURAL INCLUDES THE SINGULAR." SO THIS SAVES US A LONG TECHNICAL WRITING OF SAYING ANY CORPORATION ESTABLISHED BY THE GOVERNMENT OR GOVERNMENTS OF ANY PROVINCE OR PROVINCES. WE CAN MAKE AN AGREEMENT WITH ONE, TWO, THREE, FOUR OR FIVE PROVINCES. I'M TALKING ABOUT THE WESTERN PROVINCES NOW, IN THIS REGARD. EITHER JOINTLY OR SEPARATELY. BUT WHAT WE VISUALIZE IS EACH OF US GETTING TOGETHER AND SETTING UP A SINGLE CORPORATION ESTABLISHED WITH CERTAIN RULES. IT MAY OR MAY NOT BE A FEDERAL CORPORATION WITHIN THE SAKE THAT IT MAY BE REGISTERED FEDERAL BECAUSE IT'S CROSSING BOUNDARIES. IT MAY NOT. I WOULD ANTICIPATE IT'S PROBABLY REGISTERED IN MANITOBA AND RE-REGISTERED THROUGH THE FOUR WESTERN PROVINCES. AND THEN WE'LL BE ALLOCATED AND THE OTHER WESTERN PROVINCES WILL BE ALLOCATED POSITIONS, AND WOULD SIGN AGREEMENT WITH THAT CORPORATION AGREEING TO DO CERTAIN THINGS. AND THEN WE'VE TAKEN THE POWER

TO DO THOSE THINGS WHICH WE AGREE TO UNDERTAKE AS PART OF THE AGREEMENT. AND THERE IS NO QUESTION THAT THIS AGREEMENT WILL BE TABLED I'M SURE AT THE FIRST OPPORTUNITY, IN THIS HOUSE.

MR. CHAMBERLIST: I WANT TO FOLLOW THIS UP, IS IT SUGGESTED THEN BY MR. LEGAL ADVISOR, MR. CHAIRMAN THAT THE WAY IT MAY BE IS THAT ONE CORPORATION WOULD BE THE REGISTERED CORPORATION IN A PARTICULAR PROVINCE AND THEN THAT CORPORATION WOULD REGISTER AS AN EXTRA-PROVINCIAL CORPORATION IN THE OTHER PROVINCES, SO THAT THERE WOULD ONLY BE ONE AGREEMENT WITH THE COMMISSIONER WITH ONE OF THE CORPORATIONS? OR WOULD THEY HAVE TO BE SEPARATE AGREEMENTS?

MR. LEGAL ADVISOR: THERE MIGHT BE TWO AGREEMENTS MR. CHAIRMAN. I COULD VISUALIZE THAT THERE WOULD BE AN AGREEMENT SIGNED BY EACH JURISDICTION TO SET UP A CORPORATION. A PRELIMINARY AGREEMENT AGREEING TO SET UP A CORPORATION AND HOW IT'S TO BE FORMED. FOLLOWED BY A CORPORATION SET UP AS A RESULT OF THAT AGREEMENT. OR ASSIGNED A DUTY IN EXISTING CORPORATIONS SUCH AS THE PRESENT MANITOBA CORPORATION. MAYBE ASSIGN THE DUTY OF CARRYING OUT THE WISHES OF THE FOUR PROVINCES. THEN IT IN TURN WOULD RE-ENTER INTO DETAILED AGREEMENTS WITH THE AGENCY APPOINTED IN EACH PROVINCE TO CARRY OUT THE PROVISIONS OF THE LOTTERY. SO SUPPOSING THAT WE HAD A CORPORATION HERE, THAT CORPORATION MIGHT BE TOLD BY THE COMMISSIONER, YOU SETTLE THE DETAILS OF THE HANDLING AND THE CHARGES AND EVERYTHING ELSE AS A SECONDARY AGREEMENT AND THEN IT WOULD HAVE TO OBEY THAT AGREEMENT. SO THERE MIGHT BE A WHOLE SYSTEM. THIS IS CLEARLY A BONANZA FOR A LAWYER SOMEWHERE, BUT UNFORTUNATELY NOT HERE, BECAUSE THIS BILL IS TOO SHORT.

MR. CHAMBERLIST: WOULD THE \$58,000 COVER THE LAWYERS FEES HERE?

MR. LEGAL ADVISOR: I'M NOT SURE THAT IT WOULD MR. CHAIRMAN.

MR. CHAMBERLIST: ALRIGHT. ARE WE GOING TO LEAVE THIS "OF ANY PROVINCE IN" THEN?

MR. TANNER: MR. CHAIRMAN, IF I COULD ASK COMMITTEE AGAIN TO LET US GO AHEAD AS IT SITS AND LET US COME BACK TO COUNCIL AFTER WE'VE MET WITH THE YUKON SPORTS COMMITTEE. BECAUSE WE'VE GOT TO PROCEED RATHER QUICKLY IF WE ARE GOING TO PARTICIPATE IN THIS WESTERN CANADA LOTTERY AND WE NEED THE AUTHORITY TO DO SO IMMEDIATELY.

MR. CHAIRMAN: ARE YOU CLEAR THEN ON SECTION 2?

SOME MEMBERS: AGREED.

MR. CHAIRMAN: READS SECTION 3 OF LOTTERIES ORDINANCE.

MR. TANNER: MR. CHAIRMAN, THIS IS THE ONE THAT I REALLY DON'T LIKE AS I SAID WHEN WE FIRST BROUGHT IT IN, BUT WE NEED THE POWER. AND WE HAVE IT AS THE LEGAL ADVISOR SAYS, WE HAVE IT IN OTHER LEGISLATION AND I DON'T LIKE IT. IT SHOULDN'T BE THERE. BUT WE'VE GOT TO MOVE RATHER QUICKLY AND AS I'VE SAID, IF COUNCIL WILL GO ALONG WITH IT, WE CAN GET THE THING GOING AND SIGN THE AGREEMENT AND THEN COME BACK WITH FURTHER INFORMATION ONCE WE GET ROLLING.

MR. CHAIRMAN: THAT SHOULD BE SECTION 2 MR. LEGAL ADVISOR.

MR. LEGAL ADVISOR: CORRECT.

MR. CHAIRMAN: READS SECTION 4 OF LOTTERIES ORDINANCE.
THIS WOULD HAVE TO BE DELETED.

MR. TANNER: MR. CHAIRMAN, AT FIRST GLANCE, THIS APPEARS TO RESTRICT THE MOTION THAT WE'VE JUST PASSED. IN ACTUAL FACT THE COMMISSIONER CAN MAKE THE REGULATIONS SAYING, IF THAT'S THE DECISION, THAT THE SPORTS SOCIETY COULD ISSUE THE LICENCES. SO I DON'T REALLY THINK THAT IT DOES RESTRICT US.

MR. CHAIRMAN: COUNCILLOR STUTTER WOULD YOU TAKE THE CHAIR A MOMENT?

MRS. WATSON: NO WE CAN'T DO IT BY REGULATION. YOU WOULD HAVE TO DO IT BY LEGISLATION. THEY CAN RECOMMEND, BUT WE CAN'T GIVE THEM THAT AUTHORITY WITHOUT LEGISLATION. NOT BY REGULATION.

MR. CHAIRMAN: COUNCILLOR TAYLOR.

MR. TAYLOR: MR. CHAIRMAN, UNTIL THIS MATTER HAS BEEN COMPLETELY RESOLVED I WOULDN'T THINK THAT THE COMMISSIONER SHOULD BE GIVEN THE POWER TO MAKE ANY REGULATIONS. HE HAS NOW THE POWER TO ENTER INTO NEGOTIATIONS TO GET THE THING GOING AND I THINK THAT SHOULD FOLLOW WHEN WE

HAVE MADE OUR DECISIONS AT THE NEXT SITTING IF NOT AT THIS ONE, AT THE NEXT ONE. AND I WOULD THEREFORE MOVE THAT SECTION 4 OF BILL NO. 10 BE DELETED.

MR. TANNER: MR. CHAIRMAN, WE'VE GOT A LOT OF THINGS TO DO. FOR EXAMPLE, IF HAVING SPOKEN TO THE SPORTS FEDERATION, THEY SAY GET YOUR MAN IN HERE. WE'VE GOT TO BE ABLE TO HAVE SOME REGULATORY POWER TO GET HIM TO WORK. IF YOU DELETE THAT SECTION, WE WON'T EVEN BE ABLE TO DO THAT.

MR. TAYLOR: MR. CHAIRMAN, YOU KNOW THE OBVIOUS MISTRUST I HAVE WITH THIS GOVERNMENT AND I'VE GIVEN GOOD CAUSE FOR IT ALL THROUGH THIS SESSION AND OTHER SESSIONS. IF YOU GIVE THE COMMISSIONER THE POWER UNDER SECTION 4, YOU CAN BET YOUR BOTTOM DOLLAR THAT THIS ADMINISTRATION, THE COMMISSIONER AND ANYONE ELSE IN THAT EXECUTIVE COMMITTEE COULD WELL TAKE OFF WITH THIS THING AND WE'D NEVER SEE THE END OF IT. ALL WE'D SEE IS DUST GOING DOWN THE ROAD. IT GIVES THEM BLANKET LICENCE TO DO ANYTHING HE WANTS. AND I DON'T THINK THAT THE COUNCIL SHOULD DO THIS. I THINK THEY SHOULD FIRST SHOW WHAT THEY ARE GOING TO DO AND THEN COME BACK TO COUNCIL AND ASK FOR THIS PREROGATIVE.

MRS. WATSON: MR. CHAIRMAN, IF THE HONOURABLE MEMBER WANTS TO WRITE THE REGULATIONS, HE WAS GIVEN THE OPPORTUNITY TO WRITE THE REGULATIONS, HE WAS GIVEN THE OPPORTUNITY TO MAKE MOTIONS, SPECIFIC DIRECTIONS IF HE WANTED TO. HE WAS GIVEN THAT OPPORTUNITY HERE. NOW IF YOU TAKE THIS SECTION OUT, YOU CAN'T EVEN PRINT APPLICATION FORMS FOR PEOPLE TO APPLY FOR LICENCING AUTHORITY TO SELL TICKETS. IT WOULD BE THE MOST RIDICULOUS THING YOU EVER HEARD OF.

MR. TAYLOR: WHAT WAS THAT MR. CHAIRMAN?

MR. CHAIRMAN: ORDER PLEASE.
ANY FURTHER COMMENT ON 4?

MR. TAYLOR: I'LL RESUME THE CHAIR AT THIS TIME.

MR. STUTTER: MR. CHAIRMAN, YOU KNOW, THE WHOLE BILL, I HAVE TO AGREE WITH THE COUNCILLOR FROM WHITEHORSE NORTH. IT ISN'T THE SORT OF BILL THAT ANY OF US LIKE TO SEE BEFORE US, BUT I REALLY CAN'T SEE THE DILEMMA THAT'S BEFORE COUNCIL AT THIS POINT. AND THAT IS UNTIL

THE WESTERN CANADA LOTTERY HAS BEEN FIRMED UP, IT IS PRETTY DIFFICULT TO COME IN WITH ANYTHING OTHER THAN A BILL THAT DOES APPEAR TO JUST BE SO DARN SWEEPING AND SO DARN BROAD. I DON'T THINK WE'VE GOT MUCH ALTERNATIVE AT THIS POINT.

MR. CHAMBERLIST: MR. CHAIRMAN, I'M SORRY. I MUST TELL YOU. I CAN'T SUPPORT IT THE WAY IT IS. IT WOULD BE AGAINST ALL THE PRINCIPLES THAT I'VE BEEN ARGUING FOR FOR YEARS. YOU JUST CAN'T DO IT. I DON'T KNOW HOW ANY MEMBER CAN SUPPORT IT. YOU KNOW, YOU'RE JUST THROWING AWAY THE PRINCIPLE OUT OF THE WINDOW.

MR. CHAIRMAN: YOU JUST GAVE ALL THE POWER BACK TO THE COMMISSIONER. THAT'S WHAT YOU WANT TO DO. GO AHEAD, I HAVE CEASED TO CARE.

MR. TANNER: MR. CHAIRMAN, THIS IS GOING TO SOUND LIKE WE'RE TRYING TO BLACKMAIL COUNCIL AND THIS ISN'T THE INTENTION AT ALL. BUT UNLESS WE GET THIS BILL THROUGH WE WON'T BE ABLE TO JOIN THE WESTERN CANADA LOTTERY IN TIME TO PARTICIPATE IN THE FIRST LOTTERY IN JUNE BECAUSE WE NEED THE AUTHORITY. IT'S AS SIMPLE AS THAT. AND I ENTIRELY AGREE WITH MEMBERS THAT DON'T LIKE PASSING LEGISLATION LIKE THAT. THAT'S EXACTLY WHAT I SAID WHEN WE BROUGHT IT IN. I DON'T LIKE IT EITHER. THE ONLY ASSURANCE THAT I CAN GIVE HONOURABLE MEMBERS FOR WHAT THEY THINK IT'S WORTH, IS THE FACT THAT THE MEMBER FROM CARMACKS-KLUANE AND MYSELF ARE ON THE EXECUTIVE COMMITTEE AND THOSE DECISIONS WILL HAVE TO COME IN FRONT OF US AS WELL AND WE'LL ABSOLUTELY ENSURE THAT THE COMMISSIONER WON'T RUN RIOT AND TAKE OFF TO MEXICO WITH THE DOLLARS.

MR. CHAMBERLIST: YES, BUT YOU TWO AREN'T GOING TO BE HERE VERY LONG.

MR. TANNER: I HOPE NOT.

MRS. WATSON: MR. CHAIRMAN, THAT'S WHY THIS MORNING, EARLIER I STATED THAT I THOUGHT MAYBE THE ADMINISTRATOR SHOULD WORK WITH THIS COMMITTEE TO RECOMMEND REGULATIONS TO SET UP THE STRUCTURE IN THE FIRST INSTANCE, TO RECOMMEND THE REGULATIONS THAT WOULD BE REQUIRED FOR THE COMMISSIONER TO BRING INTO FORCE, SO THAT THEY COULD GET ROLLING. THIS IS WHY I MADE THAT SUGGESTION.

MR. STUTTER: MR. CHAIRMAN, I'VE JUST JOTTED IN MY BOOK, YOU KNOW, AND I DID IT BEFORE I GOT UP TO SPEAK BEFORE. BUT I'VE JUST ADDED A FEW WORDS IN NO. 4. I WONDER HOW IT WOULD WORK TO PUT "THE COMMISSIONER MAY UPON THE RECOMMENDATION OF COUNCIL, MAKE REGULATIONS FOR ISSUING OF LICENCES AND SO ON AND SO FORTH."

MR. CHAMBERLIST: BUT THEN HE MAY NOT EITHER, IF HE SAYS HE MAY.

MR. STUTTER: WELL PUT "SHALL" THEN, I DON'T CARE.

MR. CHAIRMAN: JUST FROM THE CHAIR, I'M DISTRESSED AND AS AN INDIVIDUAL MEMBER OF THE COMMITTEE DEALING WITH THIS AND SPORTS FEDERATIONS, NOT A COMMITTEE CONSISTING PARTIALLY OF THOSE ON THE GOVERNMENT SIDE OF THE HOUSE AND ALSO ON THE OTHER SIDE OF THE HOUSE. BECAUSE VIRTUALLY PUTTING THIS IN THE HANDS OF THE FINANCIAL ADVISORY COMMITTEE, WE HAVE IN EFFECT GIVEN THE WHOLE THING BACK TO THE GOVERNMENT.

MRS. WATSON: MR. CHAIRMAN, THE FINANCIAL ADVISORY COMMITTEE ARE MEMBERS OF THIS COUNCIL!

MR. CHAIRMAN: I NOTICED THAT. IT ALSO SAYS THAT IN THE YUKON ACT. WHAT'S YOUR PLEASURE IN RELATION TO THIS BILL?

MR. CHAMBERLIST: WELL, LET'S LEAVE THIS UNTIL AFTER LUNCH, I WANT TO READ A COUPLE OF THINGS.

MR. CHAIRMAN: O.K. WE'LL STAND COMMITTEE IN RECESS UNTIL 2 O'CLOCK.

RECESS

MR. CHAIRMAN: AT THIS TIME WE WILL CALL COMMITTEE TO ORDER AND WE ARE DISCUSSING BILL No. 10, THE LOTTERIES ORDINANCE.

MR. CHAMBERLIST: MR. CHAIRMAN, DURING THE LUNCH HOUR I GAVE SOME CONSIDERATION TO THIS BILL AND I FEEL THAT WE SHOULD GIVE THE COMMISSIONER THE POWER TO ENTER INTO AN AGREEMENT BECAUSE OF THE URGENCY. I WOULD SUGGEST THAT WE GIVE HIM THAT AUTHORITY FOR SECTIONS (1), (2) AND (3) AND LEAVE OUT (4) WHICH CAN BE DEALT WITH AFTERWARDS. THIS WILL DEAL SPECIFICALLY WITH THE POWERS TO ENTER INTO AN AGREEMENT.

MR. TANNER: HOW DOES THE HONOURABLE MEMBER EXPECT THE ADMINISTRATION TO GET PROCESSING AND GETTING THE BUSINESS AND THEN GET GOING ON IT AND THEN GET THE FORMS ON IT AND SO ON AND SO ON, WITHOUT THE FOURTH SECTION?

MR. CHAMBERLIST: THAT WILL BE DONE AFTER THE MEETING TAKES PLACE, AFTER THE APPROACH TO THE COMMITTEE THAT HAS BEEN SUGGESTED IN THE MOTION THIS MORNING. THEN THAT CAN COME IN BY WAY OF ANOTHER PIECE OF LEGISLATION. SEPARATE ENTIRELY BUT THE AUTHORITY THAT THE COMMISSIONER NEEDS RIGHT NOW CAN BE GIVEN TO HIM IN SECTIONS (1), (2) AND (3).

MR. TANNER: IT COULD VERY WELL BE THAT THE AGREEMENT THAT THE COMMISSIONER IS GOING TO SIGN IS GOING TO NECESSITATE HIM TO TAKING SOME ADMINISTRATIVE STEPS EVEN WITHOUT ANY AGREEMENT WITH THIS OTHER GROUP.

MR. CHAMBERLIST: MR. CHAIRMAN, IT'S EXACTLY THE SAME TYPE OF LEGISLATION WITH (1), (2) AND (3) AS EXISTS WHEN WE GIVE POWER TO THE COMMISSIONER TO ENTER INTO AGREEMENTS WITH THE GOVERNMENT OF CANADA AND THERE IS NO REGULATIONS SECTION DEALING WITH THAT AT ALL. IT'S JUST THE POWER TO ENTER INTO AGREEMENT. THIS IS WHAT WE WANT TO GIVE HIM RIGHT NOW SO HE CAN GO AHEAD AND MAKE THE AGREEMENT.

THE REST OF IT, IT DEALS WITH ACTUALLY THE ADMINISTRATION OF THE PROGRAM ITSELF WHICH COMES SEPARATELY.

MR. TANNER: MR. CHAIRMAN, REALLY WHAT WE WOULD HAVE LIKED TO DO BUT, OF COURSE, ARE UNABLE TO DO IS HAVE THE COPY OF THE AGREEMENT ATTACHED BUT OBVIOUSLY WE CAN'T DO THAT UNDER THE CIRCUMSTANCES BECAUSE WE HAVEN'T SEEN ANY AGREE-

MENTS AND WE DON'T EVEN KNOW WHO THE AGREEMENTS ARE GOING TO BE WITH IN SOME CASES.

I THINK IF YOU ARE PREPARED TO GO AS FAR AS (3), I DON'T REALLY SEE ANY RESERVATION GOING AS FAR AS (4) BECAUSE DIRECTLY THE COMMISSIONER SIGNS AN AGREEMENT WHICH WE HAVEN'T SEEN, ADMITTEDLY, SURELY YOU CAN GO A STEP FURTHER SO WE CAN GET THE THING OPERATIONAL AND GIVE HIM THE POWER TO DO THAT. AS I SAID BEFORE, YOU HAVE TWO OF YOUR OWN MEMBERS FROM THE EXECUTIVE COMMITTEE WHO WILL BE DISCUSSING THIS WITH THE COMMISSIONER AND HE WON'T DO ANYTHING FURTHER THAN HE COULD. I CAN'T SEE GOING TWO-THIRDS OF A STEP WITHOUT TAKING A FULL STEP. I DON'T SEE THE POINT.

MR. CHAIRMAN: ANYTHING FURTHER ON THIS BILL?

MR. STUTTER: MR. CHAIRMAN, THERE IS A DANGER THAT WE WOULD WANT TO MOVE ALONG ON THIS. WE HAVE ALL AGREED IN PRINCIPLE TO THE AIMS OF THE SESSIONAL PAPER AND WHAT WE ARE TRYING TO DO WITH THE MONIES THAT ARE GOING TO BE DERIVED FROM THIS SCHEME. BUT THERE IS A REAL DANGER THAT WE MAY NOT BE ABLE TO GET INTO IT AT ALL AT THIS POINT IF WE DON'T ALLOW FOR THE SETTING UP OF SOME KIND OF MACHINERY ON THE MOTION THAT WE PUT FORWARD THIS MORNING OR THAT'S BEEN CARRIED. WE'VE SAID THAT WE ARE GOING TO APPROACH, AT LEAST THE YUKON SPORTS COMMITTEE. NOW, THAT IN ITSELF IS NOT AN EASY TASK FOR THE SIMPLE REASON THEY'VE HAD THEIR MEETING FOR THIS YEAR. NOW, TO GET THOSE SEVEN PEOPLE TOGETHER WITH THE REPRESENTATIVES FROM THIS COMMITTEE IS NOT IN ITSELF AN EASY TASK AND IF THE SALE OF THE TICKETS FOR THE FIRST DRAW ARE GOING ON SALE IN JUNE OF THIS YEAR, WHICH IS ONLY A MONTH AWAY AS A MATTER OF FACT.

SO, THERE IS A REAL DANGER THAT IF WE DON'T SOMEHOW SET UP, AND I SEE, I DEFINITELY SEE THE RESERVATIONS THAT COUNCILLOR CHAMBERLIST HAS BUT IF WE DON'T SET UP SOME KIND OF MACHINERY THERE IS A REAL DANGER THAT WE ARE NOT GOING TO GET IN ON IT TO BEGIN WITH AND I DON'T KNOW WHAT THE DELAYING PROCESS WOULD DO TO THE SCHEME IN TOTAL.

MRS. WATSON: WELL, MR. CHAIRMAN, WE PROBABLY WOULDN'T TAKE ADVANTAGE OF THE SEPTEMBER LOTTERY THE SEPTEMBER DRAW. WHAT YOU ARE SUGGESTING IS ENTERING INTO AN AGREEMENT WITH NO AUTHORITY TO CARRY OUT ANY OF THE MECHANICS THAT ARE REQUIRED TO CARRY ON A LOTTERY. THERE IS JUST NO WAY YOU CAN HAVE A LOTTERY WITHOUT HAVING SOME AUTHORITY FOR IT.

Mr. TANNER: Mr. CHAIRMAN, I SUSPECT THAT ONE IMMEDIATE EFFECT WOULD BE WE WOULD NOT BE ABLE TO DISTRIBUTE TICKETS, NOT BE ABLE TO HAVE THE FORMS, AND THE NECESSARY PAPER WORK TO EVEN SELL TICKETS IN THE YUKON WITHOUT THE NECESSARY POWER TO DO SO. THAT'S THE SAD TRUTH.

Mr. CHAMBERLIST: Mr. CHAIRMAN, NOBODY WANTS TO OBJECT TO GIVE THE COMMISSIONER THE RIGHT TO ENTER INTO AN AGREEMENT. WE DO THAT EVERY YEAR RELATING TO AGREEMENTS DEALING WITH THE GOVERNMENT OF CANADA AND CERTAINLY RELATING TO AGREEMENTS DEALING WITH OTHER AREAS AS WELL.

I FEEL THAT THE WORK OF SECTION (4) CAN BE PUT INTO A SEPARATE ORDINANCE AFTER CERTAIN MEETINGS HAVE TAKEN PLACE AND PEOPLE KNOW WHAT THE VEHICLE IS GOING TO BE SO THAT THEN THE LEGISLATION CAN BE PLACED UNDER DISCUSSIONS. BUT I SAY RIGHT NOW DON'T HOLD BACK THE RIGHT TO ENTER INTO AGREEMENT AND GIVE AGREEMENT TO THE FIRST THREE SECTIONS OF THIS BILL SO THAT THESE AGREEMENTS CAN BE ENTERED INTO. I THINK THAT WOULD ANSWER THE PROBLEM.

Mrs. WATSON: No, Mr. CHAIRMAN, EITHER WE WANT A LOTTERY THIS YEAR OR WE DON'T. THAT'S THE SIMPLE QUESTION BEFORE US RIGHT NOW. IF YOU HAVE AN AGREEMENT AND YOU DON'T HAVE THE AUTHORITY TO SET THE ADMINISTRATION ROLLING SO YOU CAN CARRY OUT THE LOTTERY IN THE YUKON TERRITORY, YOU HAVEN'T GOT A THING.

IF YOU THINK THE SPECIFICS OF ADMINISTRATION OF THE LOTTERY PROGRAM SHOULD BE PUT INTO AN ORDINANCE NOW WHICH WOULD BE THE MOST FOOLISH THING BECAUSE THE SPORTS COMMITTEE OR WHOEVER THEY ARE MAY DECIDE THAT CERTAIN REGULATIONS ARE REQUIRED. AFTER THEY RUN ONE DRAW THEY'LL SEE THAT THAT REGULATION HAS TO BE CHANGED AND THEIR RECOMMENDATIONS COULD BE MADE TO THE COMMISSIONER AND IF YOU HAVE TO CHANGE A PIECE OF LEGISLATION WE MIGHT AS WELL FORGET ABOUT THE LOTTERY THIS YEAR. JUST FORGET ABOUT IT.

Mr. CHAMBERLIST: THIS IS THE TYPE OF ULTIMATUM THAT I'M NOT GOING TO GO FOR. AN ULTIMATUM SAYING YOU EITHER ACCEPT IT AS IT IS OR YOU DON'T GET LOTTERIES. WELL, I SAY, Mr. CHAIRMAN, THAT THE HONOURABLE MEMBER IS WRONG WHEN SHE SUGGESTED, THE KEY POINT RIGHT NOW AS FAR AS I AM CONCERNED, AND THIS IS WHAT IS CLEAR. THE PURPOSE OF THIS BILL IS TO ENABLE THE YUKON TO PARTICIPATE IN THE WESTERN CANADA LOTTERY. NOW, THE WAY THAT PARTICIPATION IS GOING TO TAKE PLACE IS BY AGREEMENT, SIGNED BY THE

COMMISSIONER OF THE TERRITORY ON BEHALF OF THE GOVERNMENT OF THE YUKON TERRITORY AND THAT IS THE WAY IT TAKES PLACE.

ONCE THAT IS DONE, AT LEAST THAT PART IS CLEAR. THEN ONCE THE NECESSARY DISCUSSIONS HAVE TAKEN PLACE, THERE IS NO REASON AT ALL WHY IT THEN CAN'T BE PUT TOGETHER INTO A SEPARATE PIECE OF LEGISLATION AND PASSED THAT QUICKLY. AT LEAST THAT WOULD GIVE US THE OPPORTUNITY OF KNOWING WHAT'S GOING TO TAKE PLACE. THIS WAY IT'S TOO MUCH OF AN OPEN GATE AND I PERSONALLY HAVE HAD ENOUGH OF OPEN GATES TO THE COMMISSIONER AND NO WAY I'M GOING TO RUSH TO TRY AND CLOSE THE GATE AFTER I HAVE GIVEN HIM THE RIGHT TO KEEP THE GATES WIDE OPEN.

I'VE HAD IT AS FAR AS THAT'S CONCERNED. AS FAR AS THAT'S CONCERNED, I RECOGNIZE THE NEED FOR SIGNING AN AGREEMENT AND GIVING HIM THAT RIGHT BUT I'LL NEVER AGAIN GO FOR ANYTHING LIKE THAT, NOT FOR THE FEW SHORT MONTHS THAT I AM GOING TO BE HERE ANYWAY.

Mr. STUTTER: Mr. CHAIRMAN, I HATE TO SHELVE IT BUT MIGHT I SUGGEST THAT WE SORT OF REPORT PROGRESS ON THIS. WE'VE ALL, ALMOST UNANIMOUSLY AGREED TO THE TERMS OF THE SESSIONAL PAPER AND IT WOULD SEEM A PITY TO HAVE TO GO TO DIVISION ON THIS ONE. CAN'T WE REPORT PROGRESS AND SEE IF WE CAN'T COME UP WITH SOMETHING THAT WILL MEET WITH EVERYBODY'S APPROVAL AND COME UP WITH THE SAME AIMS WE ARE ALL AFTER. IT DOES SEEM A SHAME TO FORCE THE ISSUE AT THIS POINT IF THERE IS SOME WAY OF AVERTING IT.

Mr. CHAMBERLIST: I'M AGREEABLE TO THAT.

Mr. CHAIRMAN: DOES THE COMMITTEE WISH I REPORT PROGRESS ON THIS BILL?

Mrs. WATSON: Mr. CHAIRMAN, I WOULD LIKE TO SEE THE DISCUSSION CARRIED TO ITS CONCLUSION HERE TODAY BECAUSE WE KEEP SAYING WE'VE GOT TO REPORT PROGRESS BUT I THINK WE REALLY HAVE TO RESOLVE SOME OF THESE THINGS. CAN THE COUNCIL TAKE A POSITION? DO WE WANT A LOTTERY? WE DON'T HAVE AN ALTERNATIVE POSITION TO TAKE. WE KNOW THAT WE WANT TO GET IT GOING BY SEPTEMBER. WE KNOW THAT WE WANT A COMMITTEE TO WORK WITH THE ADMINISTRATOR. WE WANT TO GIVE THEM FREE REIN TO CARRY OUT AT LEAST TWO DRAWS.

WE ARE ASKING FOR LEGISLATION SO WE CAN ENTER INTO AN AGREEMENT SO THAT WE CAN HAVE A LOTTERY TO START WITH. WE'RE ASKING FOR THE RIGHT FOR

REGULATIONS SO WHO WOULD RECOMMEND THE REGULATIONS BUT THE COMMITTEE WHO IS SITTING WITH THE ADMINISTRATOR WHO IS PLANNING IN WHICH WAY THE LOTTERY WILL BE CARRIED OUT. THE LICENCING AND THE SALE OF TICKETS TO BE CARRIED OUT IN THE FIRST INSTANCE.

MR. TANNER: MR. CHAIRMAN, IT ALSO APPEARS TO ME, WOULD MEMBERS BE SATISFIED IF AS SOON AS THE AGREEMENT IS RECEIVED HERE AND SIGNED BY US IN RETURN WE SHOULD SEND A COPY TO MEMBERS SO THEY COULD GO THROUGH IT AND MAKE ANY COMMENTS TO THE COMMISSIONER. WOULD THAT BE OF ANY ASSISTANCE TO MEMBERS?

MR. CHAMBERLIST: THAT DOESN'T MEAN A THING, WITH RESPECT, MR. CHAIRMAN. AS FAR AS I AM CONCERNED I HAVE NO TRUST IN THE COMMISSIONER WHATEVER ANYMORE AND I WILL MOVE THAT SECTION (4) BE DELETED FROM THE BILL.

MR. CHAIRMAN: IS THERE A SECONDER?

MRS. WATSON: MR. CHAIRMAN, I AM GOING TO HAVE TO SPEAK ON THIS. I DIDN'T WANT TO BUT THE HONOURABLE MEMBER KNOWS FULL WELL WHEN HE WAS A MEMBER OF THE EXECUTIVE COMMITTEE AND HE HAD ANY REGULATIONS PERTAINING TO LEGISLATION THAT HE WAS RESPONSIBLE FOR, THOSE REGULATIONS WENT UP TO THE COMMISSIONER AND HE SIGNED THEM WITHOUT EVEN READING THEM. THAT IS HOW HE TRUSTS THE ELECTED PEOPLE AND THIS IS TRUE. THE HONOURABLE MEMBER KNOWS FULL WELL AND THEN THE COMMISSIONER HAS TO STAND UP AND ANSWER FOR THOSE REGULATIONS THAT AN ELECTED PERSON HAS PUT INTO EFFECT.

MR. CHAMBERLIST: MR. CHAIRMAN, AT THAT TIME I HAD A LOT OF TRUST IN THE COMMISSIONER BUT SINCE THAT TIME I HAVE FOUND THAT HE WAS AN ABSOLUTE MAKER OF UNTRUTHS TO SUCH AN EXTENT THAT I REGRET ANY TIME I HAVE PUT THE SLIGHTEST TRUST IN HIM AND I AM NOT GOING TO BE PLACED IN THE POSITION NOW BECAUSE OF WHAT I DID WRONG THAT I HAVE TO CONTINUE TO DO WRONG. I SAY I DO NOT TRUST THE MAN AND I DO NOT TRUST HIM IN THIS AREA.

MRS. WATSON: MR. CHAIRMAN, THE POINT I WAS MAKING THAT IF AN ELECTED PERSON HAD REGULATIONS DRAWN UP ON LEGISLATION THAT THE ELECTED PERSON WAS RESPONSIBLE FOR, THOSE REGULATIONS WERE SIGNED BY THE COMMISSIONER WITHOUT ANY QUESTION.

MR. CHAMBERLIST: BUT THIS ISN'T THE POINT. IT'S THE MANNER IN WHICH THE COMMISSIONER USES THE REGULATIONS OUTSIDE OF WHAT IS THE INTENT OF THIS COUNCIL IN GIVING HIM THIS POWER. THAT'S WHAT I COMPLAIN OF. TIME AND TIME AGAIN IT'S BEEN PROVED IN THIS HOUSE THAT MEMBERS OF COUNCIL HAVE GIVEN HIM IMPLICIT FAITH TO CONDUCT HIMSELF IN THE MANNER THAT WAS THE INTENT OF THIS COUNCIL AND TIME AND TIME AGAIN HE HAS ABUSED IT. THE MILL RATE THAT WE HAVE ALREADY SPOKEN ABOUT. FEES THAT WE HAVE ALREADY SPOKEN ABOUT. MORE AND MORE, OFTEN AND OFTEN. I JUST DON'T TRUST THE MAN.

MRS. WATSON: MR. CHAIRMAN, THE FEES WERE APPROVED BY THE ADVISORY COMMITTEE ON FINANCE. THREE MEMBERS OF THIS COUNCIL, THESE ARE THE EXECUTIVE PEOPLE WHO WERE INVOLVED IN THAT DECISION THAT WAS MADE. THE COMMISSIONER COULD NOT HAVE RAISED THOSE FEES UNLESS THE ADVISORY COMMITTEE ON FINANCE HAD AUTHORIZED IT AND THE SUB-COMMITTEE ON FINANCE.

MR. CHAMBERLIST: ON THE COMMISSIONER'S INSTRUCTIONS.

MRS. WATSON: RIDICULOUS.

MR. TANNER: MR. CHAIRMAN, HAS THE MEMBER GOT A SECONDER FOR THAT MOTION?

MR. CHAIRMAN: IS THERE A SECONDER FOR THE MOTION? THERE BEING NO SECONDER, THERE IS NO MOTION. IS THERE ANY FURTHER DEBATE ON THIS BILL?

MR. CHAMBERLIST: MR. CHAIRMAN, I AM GOING TO DEBATE FOR THE REST OF THE AFTERNOON. I AM NOT GOING TO LET THIS GO OUT OF THE HOUSE EVEN IF I HAVE TO TALK THE WHOLE DAY ON IT.

I HEAR MEMBERS BEING SILENT. WHEN IT COMES TO GETTING UP AND BEING COUNTED. I HEAR PEOPLE SAYING, "YES, I UNDERSTAND THE DIFFICULTY BUT WE ARE GOING TO GO ALONG WITH IT." TO ALLOW THE COMMISSIONER TO MAKE THE REGULATIONS PERTAINING TO THIS AREA.

WHO IS THE EXECUTIVE COMMITTEE MEMBER WHO IS RESPONSIBLE FOR THIS AREA. IT IS AN APPOINTED MEMBER WHO IS GOING TO BE MAKING THE DECISION ON THAT NOT AN ELECTED MEMBER BECAUSE IT COMES UNDER MR. FINGLAND'S AREA. YOU ARE GOING TO BE FACED WITH A SITUATION OF HAVING TIME AND TIME AGAIN REGULATIONS BEING BROUGHT IN TO SUIT THE ADMINISTRATION AND NOT TO SUIT THE PEOPLE OF THE YUKON. I FEAR FOR THIS.

THE ABUSE THAT HAS TAKEN PLACE TIME AND TIME AGAIN AS A RESULT OF GIVING TRUST TO THE COMMISSIONER, OR IN HIS PLACE, THE ADMINISTRATOR, HAS BEEN SHOWN AS OFTEN AS COULD POSSIBLY BE.

I WARN MEMBERS OF THIS COUNCIL THAT WHAT YOU ARE DOING NOW, IF YOU DO PASS THIS BILL, IS YOU ARE IN FACT LOCKING IN AND ALLOWING THE FUTURE COUNCIL OF THIS TERRITORY TO BE PENALIZED FOR ANY MISCONDUCT OF THE COMMISSIONER AS A RESULT OF NOT RECOGNIZING THAT THIS IS A PARTICULAR AREA WHERE THEY MIGHT, 12 MEMBERS OF COUNCIL SAY, "NO MORE WILL THERE BE ANY POWERS GIVEN TO THE COMMISSIONER TO PASS REGULATIONS."

OBVIOUSLY I AM NOT GETTING ACROSS TO MEMBERS OF THIS COUNCIL THAT THEY, EACH AND EVERY ONE OF THEM, HAVE SHOWN HOW THEY DON'T WANT TO EXTEND THE POWER INTO THE COMMISSIONER'S AREA. IT IS THIS PARTICULAR AREA, IF YOU DON'T SAY IT, YOU'VE GOT TO BE PENALIZED. I KNOW YOU ARE GOING TO BE PENALIZED. I KNOW THE PEOPLE OF THE YUKON ARE GOING TO BE PENALIZED. HERE IS AN OPEN-ENDED DEAL THAT YOU ARE GOING TO GIVE TO THE COMMISSIONER AND YOU ARE GOING TO BE SORRY FOR IT. EACH AND EVERY ONE OF YOU.

I'M SAYING, MR. CHAIRMAN, I WASN'T GOING TO SPEAK BECAUSE IT IS USELESS. IF YOU HAVEN'T GOT THE MESSAGE NOW, AND MEMBERS OF THIS COUNCIL DON'T RECOGNIZE THE DANGER THAT EXISTS, I DON'T KNOW THEN WHAT WE ARE DOING HERE.

I DON'T KNOW WHAT YOU ARE DEALING WITH ANY LEGISLATION FOR AT ALL. HERE IS AN OPPORTUNITY TO SHOW QUITE CLEARLY THAT YOU ARE PREPARED TO GIVE THE COMMISSIONER THE POWER TO SIGN THE AGREEMENT IN THIS WESTERN LOTTERY DEAL AND THE POWER TO IMPLEMENT EVERY OBLIGATION ASSUMED BY THE GOVERNMENT UNDER THAT AGREEMENT.

YET YOU WANT TO GO FURTHER. MEMBERS OF THE EXECUTIVE COMMITTEE, ELECTED MEMBERS, ARE SAYING, "NOT ONLY DO WE WANT THE COMMISSIONER TO HAVE THE POWER TO SIGN THE AGREEMENT, WE WANT TO GIVE HIM THE POWER TO ADMINISTER IT IN WHATEVER WAY HE LIKES." MAKE NO MISTAKE ABOUT IT, IT IS GOING TO BE IN EVERY WAY THAT HE LIKES. WHAT HE HAS DONE OVER THE YEARS, AND I'VE BEEN A PARTY TO IT, IS GET THE IDEAS PUT INTO THE HEADS OF OTHER MEMBERS OF THE EXECUTIVE COMMITTEE FOR WHAT HE WANTS AND THEN EVERYBODY PULLS IN LINE LIKE A BUNCH OF DARN DUCKS; FOLLOWING THE MOTHER DUCK.

IT IS ABOUT TIME YOU TOOK THE BULL BY THE HORNS AND SAID, "LOOK THIS IS THE TIME TO STOP THAT. LETS GIVE HIM THE POWER TO DO WHAT IS NEEDED TO BE DONE TO GET THIS WHOLE PROGRAM ROLLING." AND WE GO AND PASS THE MOTION, WE PASS A MOTION TODAY TO MAKE AN APPROACH TO THE COMMITTEE TO DECIDE WHETHER THEY ARE INTERESTED AND WHAT WAY TO GO ABOUT IT.

THEN IN THE MEANTIME YOU ARE GIVING THE POWER TO THE COMMISSIONER TO COME UP WITH ANY REGULATION THAT HE WANTS TO. WE HAVE NO ASSURANCE THAT THE COMMISSIONER WOULD ABIDE BY WHATEVER COMES OUT OF THE MEETING BETWEEN THE MEMBERS OF COUNCIL, THE MEMBERS OF THIS COMMITTEE. NO WAY AT ALL. AND QUITE FRANKLY MR. CHAIRMAN, I DON'T TRUST THE COMMISSIONER.

I'M NOT GOING TO SAY ANYTHING MORE ON IT. I THINK I'VE MADE MY DECISION CLEAR. I WOULD NOT SUPPORT IT. I WOULD SAY NO. IT IS A SHAME TO FEEL THAT WHILE EVERYBODY FOLLOWS THE PRINCIPLE THAT WE SHOULD HAVE A WESTERN LOTTERY THAT EVEN ONE MEMBER WOULD HAVE TO BE FORCED INTO A POSITION OF OPPOSING THE BILL ITSELF.

MR. MCKINNON: MR. SPEAKER, I DON'T THINK THERE IS ANYBODY, I'VE ALREADY READ INTO THE RECORD REMARKS THAT I HAVE MADE CONCERNING THE COMMISSIONER'S POWERS THAT THIS COUNCIL HAS WRONGLY GIVEN HIM. THE HONOURABLE MEMBER KNOWS HOW I FOUGHT FOR YEARS ON THE TAXATION

ORDINANCE TO FINALLY GET THE TAXING POWER BACK IN THE COUNCIL'S HANDS. HE KNOWS HOW STRONGLY I SPOKE AGAINST GIVING THE COMMISSIONER THE POWER TO MAKE REGULATIONS UNDER THE MOTOR VEHICLES ORDINANCE WHICH ALLOWED HIM, NOT THIS COUNCIL, TO SET THE FEES THAT PUT A QUARTER OF A MILLION DOLLARS MORE IN TAXATION IN THE BUDGET THIS YEAR. HE KNOWS THAT I HAVE A MOTION ON THE BOOKS ASKING THAT THE POWER ONCE AGAIN BE RIGHTLY PUT INTO THE COUNCIL'S HANDS.

HOW THIS LICENSING AND TAXATION POWER AND REGULATION TO THE COMMISSIONER CAN BE IDENTIFIED WITH THE REGULATING OF A LOTTERY TO PROVIDE REVENUE TO A BODY IN THE TERRITORY TO DISTRIBUTE TO RECREATIONAL AND CULTURAL PURPOSES. THESE ARE THE AREAS THAT I CAN'T SEE EQUATING ONE WITH THE OTHER ONE.

WE HAVE ALREADY BEEN TOLD BY MR. ADMINISTRATOR AND MR. LEGAL ADVISOR THAT THE FUND WILL EITHER BE A SEPARATE ONE UNDER A CROWN CORPORATION OR THE FUND WILL BE ONE IDENTIFIABLE IN THE MAIN ESTIMATE WITH INTEREST IN EITHER CASE ADDED AND COMING BEFORE THE COUNCIL FOR THEIR APPROPRIATION BEFORE ANY OF THE FUND IS ALLOCATED IN ANY WAY, SHAPE OR FORM.

THIS HONOURABLE MEMBER CAN'T EQUATE THAT TYPE OF DISCIPLINE AND THAT KIND OF CONTROL WITH THE GIVING OF THE POWERS OF THE COUNCIL TO THE COMMISSIONER FOR HIM TO BE ABLE TO SET THE MILL RATE, FOR HIM TO BE ABLE TO SET THE LICENSE RATE.

THIS IS GIVING HIM THE REGULATORY AUTHORITY TO SET UP THE DISTRIBUTION OF FUNDS, OR TO SET UP THE ADMINISTRATION OF A LOTTERY SYSTEM WHICH ALL MEMBERS OF COUNCIL HAVE AGREED TO UNDER THE CONTROL OF THE COUNCIL THROUGH A CROWN CORPORATION OR THROUGH AN ESTIMATE IN THE BUDGET. FRANKLY, I JUST CAN'T SEE THE CO-RELATION BETWEEN THE TWO OF THEM. I THINK, PERHAPS, THE AREA OF CONCERN IF, AS THE HONORABLE MEMBER FROM WATSON LAKE SUGGESTED, THAT PERHAPS IT BE A COMMITTEE OF COUNCIL OTHER THAN THE FINANCIAL ADVISORY COMMITTEE AND OTHER THAN THE EXECUTIVE COMMITTEE THAT PREPARES THE BACKGROUND AND THE WORK AND THE ADMINISTRATIVE AND THE FINANCIAL WORK ALONG WITH THE GOVERNMENT; ALONG WITH GOVERNMENT OFFICIALS, TO PRESENT THE ALTERNATIVES TO COUNCIL AT THE NEXT SESSION.

MANY OF THE FEARS OF THE HONOURABLE MEMBER HAS EXPRESSED MIGHT NOT BE AS OBVIOUS TO HIM, IF THAT WERE THE COURSE OF ACTION THAT WERE TO BE FOLLOWED. FOR ONE WHO HAS SPOKEN SO STRONGLY AS I HAVE AGAINST THE LICENSING AND THE TAXATION AREAS FOR THE COUNCIL TO GIVE UP THEIR PREROGATIVE AND THEIR RIGHTS IN THOSE AREAS; SOMEHOW IT JUST DOESN'T SEEM THE SAME TO ME AS LEAVING THE ADMINISTRATION WITH THE NORMAL REGULATORY AUTHORITY TO SET UP A LOTTERY SYSTEM OF GOVERNING.

REALLY, WHAT CAN THE COMMISSIONER DO IN THIS AREA. HE IS SETTING UP A LOTTERY SYSTEM TO BRING IN MONEY SO THAT IT CAN BE GIVEN TO AN AUTHORITY TO PASS OUT FOR RECREATIONAL AND FOR CULTURAL PURSUITS. WHAT IS THE PARALLEL IN THAT? IN SETTING UP FOR LICENSING AND FOR TAXATION IMPOST, I JUST DON'T HAVE THAT FEAR OF ALLOWING THE COMMISSIONER TO SET UP AND REGULATE THIS TYPE OF AN AREA. I DO, WHICH HAS BEEN PROVEN, I AGREE WITH THE HONOURABLE MEMBER; WHICH I HAVE FOUGHT AS STRONG AS ANY MEMBER BECAUSE THE HONOURABLE MEMBER HAS AGREED THAT THE MOTOR VEHICLE LICENSING AREA WHERE I WAS THE ONLY MEMBER TO PROTEST WHAT I THOUGHT WAS AN ABSOLUTE USURPTION OF COUNCIL'S FUNCTIONS. I JUST CAN'T GET THE JIST OF THE EXCITEMENT THAT THE HONOURABLE MEMBER BRINGS TO THIS BILL.

MR. CHAMBERLIST: MR. CHAIRMAN, PERHAPS THEN I WILL RELATE WHAT MY FEAR IS TO WHAT HAS BEEN THE FEAR IN THE PAST.

LET'S TAKE A LOOK AT SECTION 3. LET'S ANALYZE SECTION 3. THE COMMISSIONER IS EMPOWERED TO DO EVERY ACT AND EXERCISE EVERY POWER FOR THE PURPOSE OF IMPLEMENTING EVERY OBLIGATION ASSUMED BY THE GOVERNMENT OF THE YUKON TERRITORY UNDER ANY AGREEMENT MADE PURSUANT TO SECTION 2.

UNDER ANY AGREEMENT MADE UNDER SECTION 2. WE DON'T KNOW EVEN WHAT THE AGREEMENTS ARE. WE DON'T KNOW WHAT THE AGREEMENTS CONTAIN. WE DON'T KNOW ANYTHING ABOUT THE FUNDING. WE KNOW NOTHING AT ALL BECAUSE WE HAVEN'T GOT THE AGREEMENT. YET THIS 4-C WHICH IS THE REAL BAD SECTION. THAT THE COMMISSIONER MAY MAKE REGULATION FOR THE ISSUING OF C - "SUCH OTHER REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES AND PROVISIONS OF THIS ORDINANCE."

JUST IMAGINE WHAT THE PURPOSES OF THE PROVISIONS OF THE ORDINANCE THAT ARE IN SECTION 3. THE PROVISIONS OF THE ORDINANCE INCLUDE THE AGREE-

MENT THAT THE COMMISSIONER WILL BE SIGNING. WE DON'T KNOW WHAT THE COMMISSIONER IS SIGNING.

THE HONOURABLE MEMBER FROM WHITEHORSE WEST IS SAYING, "NOTWITHSTANDING THAT WE DON'T KNOW WHAT THE COMMISSIONER MAY BE SIGNING." IT STILL DOESN'T NEGATE THAT WE ARE DEALING WITH MONEY. HOW CAN HE SAY THAT. I KNOW HE IS NOT BLIND TO THE VERY FACT THAT THERE IS MONEY INVOLVED IN THIS. THIS IS WHERE I AM CONCERNED ABOUT IT.

IF WE KNEW AHEAD WHAT THE REGULATIONS WERE GOING TO BE IN REGARD TO THE ACTUAL FUNDS AND HOW THEY WERE BEING DISTRIBUTED, THIS IS WHY I SAY IT. IT SHOULD BE THE AGREEMENT ONE, TWO, AND THREE. THAT AUTHORITY SHOULD BE GIVEN FIRST. I SEE NOTHING AT ALL WRONG WITH THAT. I AM ABSOLUTELY IN FAVOUR OF IT BUT I JUST CAN'T BRING MYSELF TO GIVE THAT AUTHORITY UNDER 4-C AND ALLOW CARTE BLANCHE THE POWERS OF THE COMMISSIONER TO PROVIDE ANY TYPE OF REGULATION. IT IS SUCH OTHER REGULATIONS... LOOK AT THE ENLARGEMENT THAT CAN TAKE PLACE AS A RESULT. WE ARE SAYING "DO WHATEVER YOU LIKE AND IN WHAT EVER MANNER YOU LIKE. DON'T BOTHER TO COME TO COUNCIL. DON'T DO A THING."

SURELY THERE MUST BE SOME CORRELATION BETWEEN WHAT HAS BEEN INDICATED, WHERE HE HAS ABUSED HIS FUNCTIONS AT PREVIOUS TIMES AND TAKEN OVER WHAT HAS BEEN THE PROPER FUNCTIONS OF THIS COUNCIL, ACTED BY HIMSELF WHETHER WITH OR WITHOUT THE AGREEMENT OF ELECTED MEMBERS OF THE EXECUTIVE. THIS IS THE AREA THAT I AM CONCERNED ABOUT. JUST THAT ONE PARTICULAR SUB-SECTION 4-C. THAT IS WHAT I AM CONCERNED ABOUT. THIS IS THE PART THAT I FEEL THAT I CAN'T HONESTLY IN ALL CONSCIENCE SUPPORT THAT IN LEGISLATION, IN VIEW OF THE EXPERIENCES THAT THIS COUNCIL HAS ALREADY HAD. WHERE WE HAVE GIVEN THE COMMISSIONER THE POWER, THE WHITEHOUSE TO MAKE SUCH OTHER REGULATIONS THAT HE DEEMS NECESSARY.

I JUST CAN'T SUPPORT IT.

MR. MCKINNON: MR. CHAIRMAN, I'D AGREE WITH THE HONOURABLE MEMBER IF WE HADN'T UNANIMOUSLY PASSED A SESSIONAL PAPER IN PRINCIPLE TYING THE COMMISSIONER'S HANDS TO WHAT HE CAN DO. WE HAVE SAID THAT TEN TICKETS ARE SOLD FOR \$2.50 AND THAT IS \$25.00.

THE AGREEMENT IS GOING TO BE THAT 40% GOES TO THE WESTERN CANADA LOTTERY. OUT OF THE REMAINING \$15.00 THERE IS 33 1/3% THAT IS GOING TO GO TO THE SELLING AGENCY AND THE OTHER \$6.67 IS GOING TO COME TO SOME AGENCY OF GOVERNMENT FOR DISTRIBUTION FOR SPORTS, CULTURAL AND RECREATIONAL.

I MEAN IF IT CAME BACK THAT THROUGH REGULATION AND THROUGH LEGISLATIONS THAT THE COMMISSIONER HAD COMPLETELY GONE AGAINST WHAT WE HAD ACCEPTED IN PRINCIPLE I ONLY HOPE THAT THE MEMBERS OF THE EXECUTIVE COMMITTEE, THE MEMBERS OF THE FINANCIAL ADVISORY COMMITTEE WOULD HAVE ENOUGH COURAGE TO SAY THERE IS NO WAY, MR. COMMISSIONER THAT YOU CAN BRING LEGISLATION LIKE THIS. WE HAVE ALREADY AGREED THAT THIS IS THE WAY THAT WE ARE GOING TO DO IT. WE WOULDN'T EVEN INSULT THE COUNCIL'S INTELLIGENCE BY BRINGING THE LEGISLATION WHERE IT CLEARLY HAS GONE BEYOND ALL THE AUTHORITY THAT YOU HAVE BECAUSE WE HAVE ALREADY AGREED IN PRINCIPLE TO WHAT YOU CAN DO AND WHAT YOU ARE CAPABLE OF DOING BY LEGISLATION TO MAKE THE THING GO.

IF WE HADN'T HAD THE SESSIONAL PAPER, I WOULD BE ABSOLUTELY AS SUSPICIOUS AS THE HONOURABLE MEMBER FROM WHITEHORSE EAST AND SAY NO WAY THAT WE ARE GOING TO LET IN THAT, LET HIM GO AHEAD WITH THAT. BUT TO ME, HIS HANDS ARE TIED. IF HE COMPLETELY NEGLECTS AN UNANIMOUS DECISION FROM COUNCIL THAN I COULDN'T AGREE WITH YOU MORE. WHAT ARE WE DOING? I'VE OFTEN WONDERED SOMETIMES WHAT THE HECK WE ARE DOING HERE. WITH A COMPLETE UNANIMOUS, CLEAR STATEMENT OF PRINCIPLE FROM ALL THE MEMBERS OF THIS HOUSE; DOES THE HONOURABLE MEMBER IS STILL REALLY THINK THE COMMISSIONER IS GOING... I'VE BEEN SUCKED IN, I'VE STOOD UP AND ADMITTED IT, BUT AT THAT TIME I WAS NOT STATING A UNANIMOUS, I WAS TRYING TO AVOID THE VOTE, I WAS SAYING THIS IS WHAT IS GOING TO HAPPEN, AND OTHER MEMBERS WOULDN'T AGREE WITH ME. NOW WE HAVE GOT AN UNANIMOUS STATEMENT OF COUNCIL SAYING, "THIS IS WHAT YOU CAN DO."

IF THE HONOURABLE MEMBER STILL THINKS THE COMMISSIONER IS GOING TO DO THIS, EVEN THOUGH I AM SUSPICIOUS, HE IS MUCH MORE SUSPICIOUS THAN I AM.

MR. CHAMBERLIST: YOU SEE, MR. CHAIRMAN, I AGREE 100% WITH EVERYTHING THAT THE HONOURABLE MEMBER WHO HAS JUST SPOKEN HAS SAID, EXCEPT FOR A VERY IMPORTANT POINT. THAT WHAT IS IN THE SESSIONAL PAPER AND WHAT IS IN LEGISLATION ARE TWO

DIFFERENT AREAS ENTIRELY.

THE LEGISLATION IS THE LAW OF THE TERRITORY NOT THE SESSIONAL PAPER. THIS IS WHY I SAY I WOULD FIND NO WAY THAT I COULD POSSIBLY OBJECT IF THE PRINCIPLES ENUNCIATED IN THE SESSIONAL PAPER WERE INCORPORATED IN THE LEGISLATION. IF THIS IS THE INTENT OF THE COMMISSIONER THIS IS WHERE MY SUSPICION IS. IF THIS IS THE INTENT OF THE ADMINISTRATION WHY ISN'T IT SPELT OUT. THE ONLY TWO AREAS THAT ARE SPELT OUT THAT THE COMMISSIONER WILL MAKE REGULATIONS FOR THE ISSUING OF LICENSES RESPECTING THE SALE OF LOTTERY TICKETS AND THE SHARING OF THE PROCEEDS, THAT IS ALL.

WHAT ARE ALL THE OTHER AREAS FOR? WHAT DO WE NEED THEM FOR AT THIS TIME? ALL THAT IS NEEDED IS THE AUTHORITY FOR THE COMMISSIONER TO ENTER INTO AN AGREEMENT. THIS IS WHAT THE MAIN THRUST OF THIS BILL IS SUPPOSED TO BE. EVEN THE VERY BRIEF EXPLANATORY NOTE CLEARLY INDICATES THE PURPOSE OF THE LEGISLATION YET WITH THAT SECTION 4-C IN THERE IT GOES BEYOND THE EXPLANATION. THERE IS NO EXPLANATION NOW AS TO WHY THE OTHER REGULATIONS ARE NECESSARY OR MAY BE NECESSARY. WE HAVE RECEIVED NO EXPLANATION AS TO THAT.

I KNOW THAT THE HONOURABLE MEMBER FROM WHITEHORSE WEST IS NOT SO NAIVE THAT HE WILL ACCEPT THAT THE ONLY REASON THAT THAT SUB-SECTION IS IN THERE IS BECAUSE SOMETHING MAY BE REQUIRED. IT HAS BEEN A CATCH-ALL PHRASE FOR YEARS AND THE CATCH-ALL PHRASE HAS CAUGHT ALL THE MEMBERS OF THIS TERRITORIAL COUNCIL. THIS IS WHERE I SAY TO HIM AT THIS TIME, MR. CHAIRMAN, BE FIRM IN THE STANDING THAT YOU HAVE TAKEN TIME AND TIME AGAIN AND RECOGNIZE THE FACT THAT YOU ARE SOFTENING UP IF YOU GIVE THE COMMISSIONER THE POWERS UNDER THIS PARTICULAR SUB-SECTION. THERE IS A DANGER THERE THAT I THINK THAT MEMBERS SHOULD RECOGNIZE AND NOT ACCEPT THAT AND GO FOR THE REST OF IT. I WOULD TRY TO GET TO MOVE THE WHOLE OF THIS SECTION OUT BUT I WOULD BE QUITE SATISFIED IF SECTION 4-C IS OUT SO THAT AT LEAST THE PRINCIPLE SUCH AS A SALE OF THE LOTTERY TICKETS AND THE SHARING OF PROCEEDS WOULD SHOW IN THE SESSIONAL PAPER. THAT IS FINE BUT TO GO AND GIVE UNCONTESTABLY A CAST-LOT TYPE OF POWER SO THAT THE COMMISSIONER CAN MAKE SUCH OTHER REGULATIONS AS HE DEEMS NECESSARY TYPE OF THING. IT WOULD BE A HOPELESS SITUATION. JUST THINK HOW WE

ARE CONDEMNING FUTURE COUNCILS AND PERHAPS THE HONOURABLE MEMBER MAY BE ON. IT IS ALRIGHT FOR PERHAPS THE FEW OF US WHO ARE NOT GOING TO BE THERE. IT DOESN'T MATTER THAT MUCH. BUT I'VE STILL GOT THAT FEELING FOR THE PEOPLE OF THE YUKON WHETHER I AM GOING TO BE HERE DURING THE NEXT THREE YEARS OR NOT. I'D HATE TO FEEL THAT I HAD THE RESPONSIBILITY IN ALLOWING THE FURTHER RAKING DOWN OF THE LEGISLATIVE AUTHORITY BY SIMPLY PASSING A PIECE OF LEGISLATION AT THIS TIME TO GIVE THE COMMISSIONER THE POWER TO MAKE ANY REGULATION THAT HE FEELS THAT IS NECESSARY. WHAT A THING TO DO.

MR. MCKINNON: THE ONLY THING THAT I CAN SAY IS I GIVE THE COMMISSIONER FULL CREDIT TO BE ABLE TO DO A LOT OF THINGS TO A LOT OF AREAS AND A LOT OF PROGRAMS AND A LOT OF LEGISLATION. I JUST CAN NOT, I HAVE BEEN TRYING TO SEE THROUGH ALL THE DEBATE, JUST HOW THE COMMISSIONER CAN SCREW UP A LOT OF... I CAN'T THINK OF ANYTHING.

I UNDERSTAND THE HONOURABLE MEMBERS CONCERN. I SEE IT, BUT THE STAFF AND EVERYONE IS GOING TO REALLY HAVE TO BURN THE MIDNIGHT OIL AND REALLY DO A LOT OF OVERTIME TO DELIBERATELY TRY AND GET THE PEOPLE OF THE YUKON THROUGH REGULATIONS CONCERNING A LOTTERY, WHICH I'M... THEY ARE JUST IN FAVOUR OF IT. THE GOVERNMENT HAS BEEN AT IT FOR YEARS BY THE SPORTS ORGANIZATIONS AND BY THE DIFFERENT RECREATIONAL ORGANIZATIONS, THE CULTURAL ORGANIZATIONS. I JUST CAN'T SEE THEM GOING OUT OF THEIR WAY NOW NOT TO MAKE SURE THE MAXIMUM AMOUNT OF DOLLARS IS AVAILABLE THROUGH THE LOTTERY TO THESE ORGANIZATIONS TO GET THEM OFF THEIR BACKS FOR JUST ABOUT THE FIRST TIME IN THE GOVERNMENT OF THE YUKON'S HISTORY.

I REALLY CAN'T TAKE THE HONOURABLE MEMBER ALL THAT SERIOUSLY. IF IT WAS SPEAKING ON PRINCIPLE IN THE AREA OF TAXATION OR LICENSING WHICH I KNOW THAT I AM AS SINCERE AS HE IS ABOUT, I WOULD BE THE FIRST TO DEFEND HIM, BUT IN THE FIELD OF A LOTTERY SOMEHOW THE COMPARISON JUST ISN'T REACHING ME AND IT DOES PALE BESIDE THE AREAS THAT I HAVE SPOKEN OF.

MR. CHAMBERLIST: MR. CHAIRMAN, THE HONOURABLE MEMBER IS JUST TALKING ABOUT THE FIELD OF LOTTERIES. AND THAT IS NOT THE PRINCIPLE THAT I AM ENUNCIATING. I SUPPORT LOTTERIES. I SUPPORT THE FIRST THREE SECTIONS. I DON'T ARGUE AGAINST THAT. I'M OPPOSED TO GIVING THE COMMISSIONER POWERS TO MAKE REGULATIONS AS HE FEELS NECESSARY. IF THIS WAS WRITTEN IN SUCH A WAY THAT THE POWER TO MAKE REGULATIONS WAS SUBJECT TO THE COMMITTEE GIVING THE ADVICE ON THE REGULATIONS, THAT WOULD BE A DIFFERENT THING ENTIRELY. BUT IT'S NOT IN HERE. IT'S JUST GIVING THE POWER TO THE COMMISSIONER TO MAKE THE REGULATIONS AS HE WANTS TO. THIS IS THE PARTICULAR AREA THAT ALL MEMBERS OF COUNCIL SHOULD CONCERN THEMSELVES WITH. IS IT THE INTENT OF MAKING SURE THAT THE PEOPLE WHO ARE GOING TO ACT AS THE COMMITTEE WILL PROVIDE FOR THE REGULATIONS IN THE LEGISLATION OR IS THE COMMISSIONER WITH HIS APPOINTED STAFF GOING TO MAKE THE REGULATIONS? THIS IS THE CLEAR SITUATION THAT HAS TO BE CONSIDERED.

MR. CHAIRMAN: JUST SPEAKING FROM THE CHAIR, AND WE SEEM TO BE GOING AROUND AND AROUND. FOR MY OWN PART I AGREE WITH THE HONOURABLE MEMBER, BUT I WOULD FEEL MUCH BETTER FOR MY OWN PART IF COUNCILLOR STUTTER AND COUNCILLOR MCKINNON WERE THE TWO COUNCILLORS THAT DEALT WITH THIS MATTER ON BEHALF OF COUNCIL. I WOULD FIND IT MUCH MORE PALATABLE.

MR. TANNER: MR. CHAIRMAN, YOU KNOW IT'S UP TO COUNCIL TO CHOOSE THOSE MEMBERS THAT THEY WANT. I SUPPOSE YOU HAVE GOT TO REMEMBER TWO THINGS. I'M NOT - I'M JUST STATING THE FACTS OF THE CASE. MRS. WATSON AND I ARE HERE ALL THE TIME. WE HAVE FULL STAFF. OTHER MEMBERS AREN'T EXPECTED TO GO AND DO WORK OUTSIDE COUNCIL OTHER THAN IS NECESSARY. IF THE TWO HONOURABLE MEMBERS WANT TO VOLUNTEER, I SUPPOSE THEY CAN DO SO. BUT REALLY I DON'T SEE THE POINT OF IT. I DON'T REALLY FEEL THAT THE HONOURABLE MEMBER FROM WHITEHORSE EAST WHEN HE APPARENTLY HASN'T GOT ONE OTHER PERSON THAT AGREES WITH HIM SHOULD KEEP INSISTING ON THE SAME POINT. HE HAS MADE HIS POINT. IN MOST RESPECTS I AGREE WITH HIM. HOWEVER, IN THIS PARTICULAR CASE THERE IS NOT ANOTHER MEMBER OF COUNCIL AND IT'S MY FEELING - ALRIGHT, TWO MEMBERS OUT OF SEVEN AGREE, ARE IN AGREEMENT. BUT THE VAST MAJORITY OF COUNCIL WANTS TO PUT IT THROUGH AS IT IS WITH THE GUARANTEE THAT WE WILL KEEP

AN EYE ON THE COMMISSIONER. IF THERE IS ANY PERSONAL GUARANTEE THAT I CAN GIVE THE HONOURABLE MEMBER TO REASSURE HIM, I WILL BE QUITE HAPPY TO GIVE IT TO HIM.

MR. CHAMBERLIST: NO I WON'T - YOU KNOW VERY WELL I CAN'T TAKE ANYTHING FROM THE MEMBER FROM WHITEHORSE NORTH, NOT AT ALL. BUT LET'S NOT GO ANY FURTHER WITH THAT.

WHEN THIS DEBATE FIRST STARTED THE HONOURABLE MEMBER FROM WHITEHORSE NORTH HIMSELF SAID HE WAS UNHAPPY WITH THE LEGISLATION.

MR. TANNER: I AGREE.

MR. CHAMBERLIST: AND HE INDICATED THE SAME REASONS THAT HE IS UNHAPPY WITH THE LEGISLATION AS WHY I AM UNHAPPY WITH THE LEGISLATION. THE HONOURABLE MEMBER FROM DAWSON HAS ALSO SHOWN HIS RELUCTANCE THAT HE IS UNHAPPY WITH THE LEGISLATION. YOU KNOW, IN THIS PARTICULAR AREA THE HONOURABLE MEMBER FROM WATSON LAKE HAS SHOWN THAT AS WELL. NOW THAT'S FOUR. NOW WHY DOESN'T THE HONOURABLE MEMBER FROM WHITEHORSE NORTH SAY I AM UNHAPPY WITH THE LEGISLATION AND, YOU KNOW, IN ALL CONSCIENCE THAT HE CAN'T SUPPORT IT AND TRY TO CORRECT IT. NOT SAY WELL LET IT GO THROUGH IN THE HOPE. I MEAN THIS IS WHERE - IT'S A TIME FOR HIM NOW TO AT LEAST ONCE STAND UP AND BE COUNTED AND SAY LOOK THIS IS NOT THE THING THAT WE WANT AND CORRECT IT THERE. HE WOULD MAKE HIMSELF ANOTHER 2 AND 1/4 INCHES TALLER JUST BY DOING THE RIGHT THING. HE HAS AN OPPORTUNITY TO DO THAT.

I AM PLEASED THAT MEMBERS OF COUNCIL YOU KNOW ON MY LEFT AND MY RIGHT HAVE BOTH AGREED THAT THERE IS SOMETHING WRONG THAT THEY DON'T FEEL SURE ABOUT. I DON'T FEEL SURE ABOUT IT. THIS IS WHY I'M SAYING LET'S DON'T DAMAGE THE SITUATION. LET US GET 100% AGREEMENT FROM ALL OF US ON THE FIRST THREE SECTIONS. LET'S GET THAT PART OUT OF THE WAY IN THE ORDINANCE. IF AFTER A FEW DAYS OFF FROM THE MEETINGS HABIT, WE CAN ALWAYS THROW IT - OPEN IT UP FOR AMENDMENT WHILE WE ARE IN COUNCIL IF WE FEEL WE HAVE GOT A WAY TO OVERCOME IT. WHY NOT DO THAT?

MR. TANNER: MR. CHAIRMAN, I DID INDICATE THAT I WASN'T HAPPY WITH THE LEGISLATION AS IT IS WRITTEN. I DID BRING IT IN AND INTRODUCE IT

WITH SOME HESITATION. HOWEVER, I THINK YOU HAVE GOT TO BE REALISTIC. AND IN THESE CIRCUMSTANCES SOMETIMES YOU HAVE TO DO THINGS WHICH AREN'T NECESSARILY PALATABLE. THE POSITION IS QUITE SIMPLY STATED. THIS HAS BEEN STATED HALF A DOZEN TIMES. WE DON'T KNOW WHO WE ARE GOING TO MAKE THE AGREEMENTS WITH WHETHER IT BE THE GOVERNMENTS OF THE VARIOUS PROVINCES OR WHETHER IT BE THE CORPORATIONS. WE DON'T KNOW WHAT THE AGREEMENT IS SPECIFICALLY GOING TO SAY. BUT WE DO KNOW THAT WE HAVE GOT TO GET AN AGREEMENT VERY VERY QUICKLY IN ORDER TO PARTICIPATE IN THE FIRST LOTTERY. AND SO, THEREFORE, IN SPITE OF THE FACT THAT THE WAY THE LEGISLATION IS WRITTEN IS NOT PARTICULARLY PALATABLE TO ME I STILL FEEL IT'S WORTH THE RISK, IF YOU LIKE. IT'S WORTH THE RISK TO GET THE THING GOING, TO IMPLEMENT THE LEGISLATION AS IT IS PRESENTLY WRITTEN.

MR. CHAMBERLIST: WHY CAN'T THE HONOURABLE MEMBER GET IT ALL - GETTING ALL THE THINGS THAT HE WANTS DONE. GET IT DONE WITHIN THOSE FIRST THREE SECTIONS. JUST EXACTLY WHAT HE'S SPOKEN OF. EVERYTHING THAT HE SAID, MR. CHAIRMAN, I AGREE WITH. IT'S ALL INCORPORATED IN THE FIRST THREE SECTIONS. I AGREE WITH HIM. I HAVE NO ARGUMENT WITH HIM AT ALL. EVERYTHING THAT HE HAS SAID SO THAT THEY CAN GO AHEAD AND INCORPORATE IT IN THE THREE SECTIONS. I HAVE NO ARGUMENT WITH HIM AT ALL. NONE WHATEVER.

MR. CHAIRMAN: COUNCILLOR STUTTER.

MR. STUTTER: MR. CHAIRMAN, I JUST WANTED TO ANSWER SOME OF THE REMARKS THAT WERE MADE BY COUNCILLOR CHAMBERLIST WHEN HE SAYS THAT THE MEMBERS BOTH ON HIS LEFT AND RIGHT HAVE GOT SOME RESERVATIONS AS FAR AS THE BILL IS CONCERNED. I DO HAVE SOME RESERVATIONS AS FAR AS THE BILL IS CONCERNED. BUT IT'S ANOTHER ONE OF THESE DOUBLE-BARREL THINGS. IT'S SOMETHING LIKE KINDERGARTEN - TOBACCO TAX. WE HAVE HAD SEVERAL OF THESE DOUBLE-BARRELED AFFAIRS THAT HAVE COME IN. YOU KNOW, NOT JUST IN THIS SESSION BUT IN PREVIOUS YEARS. IT DOESN'T MEAN TO SAY THAT YOU HAVE TO ACCEPT THE THING IN TOTAL.

IN THIS PARTICULAR INSTANCE I'M SO CONVINCED THAT THE SESSIONAL PAPER AS OUTLINED OR THE AIMS OF THE SESSIONAL PAPER ARE SO GOOD, AND IT'S SOMETHING THAT WE HAVE BEEN AFTER FOR

SO LONG THAT I'M WILLING TO LOOK AT A BILL LIKE THIS THAT I ADMIT IS NOT THE BEST POSSIBLE BILL. BUT UNDER THE CIRCUMSTANCES THERE ISN'T THAT MUCH WE CAN DO ABOUT IT. YOU KNOW, YOU ARE QUITE RIGHT TO SAY THAT BECAUSE I DISAGREE WITH IT I SHOULD MAYBE VOTE AGAINST IT. BUT I SUPPORT THE REST OF IT TO THE EXTENT THAT I WILL SUPPORT THIS.

MR. CHAMBERLIST: I'M NOT ASKING THE - - -

MR. CHAIRMAN: ORDER PLEASE.

MR. CHAMBERLIST: I'M SORRY, MR. CHAIRMAN.

MR. CHAIRMAN: COUNCILLOR WATSON.

MRS. WATSON: YES, MR. CHAIRMAN. I THINK THAT WE SHOULD TAKE A VOTE ON THIS BILL AND FORGET ABOUT IT. I LOOK AT SECTION 4(c) THAT THE HONOURABLE MEMBER FROM WHITEHORSE EAST IS WORRIED ABOUT, "AND SUCH OTHER REGULATIONS AS MAY BE NECESSARY". AND, OF COURSE, WE DON'T KNOW THE TERMS OF THE AGREEMENT. THERE MAY BE WITHIN THE AGREEMENT, OR WITHIN THE REGULATIONS OF THE CORPORATION ITSELF THAT THE WESTERN CANADA CORPORATION HAS, THAT WE MAY HAVE TO PUT IN REGULATIONS HERE. FOR EXAMPLE, "STUBS MUST BE IN BY A CERTAIN DATE. UNUSED BOOKS MAY BE IN BY A CERTAIN DATE." THERE ARE MANY THINGS LIKE THAT BUT I'M SURE THAT THE CORPORATION ITSELF HAS REGULATIONS WHICH MUST BE PUT HERE INTO THE YUKON. SO IF WE SAID, YOU KNOW TOOK OUT 4(c), WE COULD ALMOST BE MAKING IT IMPOSSIBLE TO CARRY OUT THE TERMS OF THE AGREEMENT.

I KNOW THAT THE HONOURABLE MEMBERS HAVE SOME MISGIVINGS BECAUSE THEY DON'T KNOW THE TERMS OF THE AGREEMENT. THEY DON'T KNOW THE PLANS OF THE SPORTS COMMITTEE. BUT I DO THINK THAT WE HAVE A FAIRLY CONCISE OUTLINE OF THE PRINCIPLE THAT WE WANT OUTLINED IN THIS SESSIONAL PAPER. AND ON THE STRENGTH OF THAT I AM CERTAINLY PREPARED TO VOTE FOR THE LEGISLATION. IF I CAN SEE THAT SOME OF THE LEGISLATION, ESPECIALLY SECTION 4, IS NOT NECESSARY WHEN WE COME BACK IN JUNE AFTER THE PEOPLE HERE HAVE HAD AN OPPORTUNITY TO TALK TO THE SPORTS COMMITTEE AND IF ANY CHANGES WANT TO BE MADE TO THE LEGISLATION, THEN FINE. BUT LET'S NOT INHIBIT THEM NOW SO THAT WE CAN'T EVEN GET THE THING OFF THE GROUND. SO I WOULD SUGGEST THAT WE TAKE A VOTE. I'M PREPARED TO ACCEPT THE LEGISLATION AS IT IS.

MR. CHAMBERLIST: MR. CHAIRMAN, I WOULD NORMALLY, UNDER NORMAL CIRCUMSTANCES AGREE WITH EVERYTHING THAT HAS BEEN SAID, BUT THE CIRCUMSTANCES ARE NOT NORMAL. HERE WE HAVE A PHILOSOPHY BEING EXPOUNDED IN THE SESSIONAL PAPER. WE'VE AGREED TO THAT PHILOSOPHY. NOW WHAT IS THE PROBLEM IN PUTTING THAT PHILOSOPHY IN THE LEGISLATION SO THAT WE ARE ALL SATISFIED THAT THAT PARTICULAR PHILOSOPHY AND THE PRINCIPLES OF THE WESTERN LOTTERY ARE WHAT WE ARE ASKING FOR. BUT RIGHT NOW, AND I KNOW WHAT THE HONOURABLE MEMBER IS REFERRING TO, MAYBE THERE ARE REGULATIONS IN ALL FAIRNESS TO HER IN THAT PARTICULAR AREA THAT SHE SAID IT. IT MAY WELL BE. I THINK IT WOULD BE PRETTY FOOLISH NOT TO HAVE THE POWER OF REGULATIONS IN THOSE PARTICULAR AREAS. BUT I'M UPSET ABOUT "SUCH OTHER REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSE". BECAUSE WHO IS TO DEFINE THOSE REGULATIONS AS TO WHAT THEY ARE. IT'S BEING LEFT TO THE COMMISSIONER. I WOULDN'T AT ALL BE UPSET IN ANY WAY IF WE HAD LET'S SAY SUCH OTHER REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES AND PROVISIONS OF THIS ORDINANCE AFTER SOMETHING ELSE HAPPENS. THAT IS AFTER CONSULTATION WITH THE COMMITTEE LET'S SAY. BUT RIGHT NOW IT'S THE COMMISSIONER WHO MAY DO IT.

I THINK AND PERHAPS MR. LEGAL ADVISOR WILL INDICATE, ONCE BEFORE IN ANOTHER PIECE OF LEGISLATION, MR. CHAIRMAN, WE HAD SOMETHING LIKE THIS. THERE WAS A CONTROVERSY OVER, AND WE ADDED IN A FEW WORDS WHICH I THINK SATISFIED EVERYBODY AT THE END. I THINK MR. LEGAL ADVISOR - - -

MRS. WATSON: AMEN.

MR. CHAMBERLIST: PARDON.

MRS. WATSON: AMEN.

MR. CHAMBERLIST: HE SAID AMEN. DID HE SAY THAT?

MRS. WATSON: THAT'S THE WORD THAT WOULD SATISFY YOU, I'M SURE.

MR. CHAMBERLIST: YES. BUT I KNOW IT WENT BEYOND THAT. I THINK IT WENT BEYOND THAT. AMEN, THAT WAS THE END. THAT WAS THE END, AND I HOPE THIS WILL BE THE END OF THIS

LEGISLATION IF WE DON'T GET THE APPROPRIATE WORDS IN THERE. FOR INSTANCE IF WE KNEW THAT THIS COMMITTEE WAS GOING TO BE THE COMMITTEE, THEN WE COULD ADD IN IT "OUT OF THE PROVISIONS OF THIS ORDINANCE AS ADVISED BY SUCH AND SUCH". IT CAN MAKE - I DON'T - WELL THAT'S RIGHT. THAT'S WHY I SAY, MR. CHAIRMAN, THAT PERHAPS WE SHOULD JUST REPORT PROGRESS AND SEE IF THESE OTHER PEOPLE CAN GET TO THIS COMMITTEE. BUT LET'S NOT GO AND PASS THIS NOW UNTIL IT HAS BEEN GIVEN A THOROUGH GOING OVER. DOES THIS HAVE TO BE DONE TOMORROW? DOES THIS LEGISLATION HAVE TO BE DONE TOMORROW? THE COMMISSIONER DOESN'T KNOW WHAT AGREEMENTS HE IS GOING TO SIGN. HE DOESN'T KNOW WHO IS GOING TO SIGN IT. IS THERE AN AGREEMENT HERE? WHAT'S THE RUSH? HAS THE AGREEMENT BEEN PRINTED UP? HAS THE AGREEMENT BEEN TYPED? HAVE YOU GOT COPIES OF THE AGREEMENT? HAS MR. LEGAL ADVISOR GOT COPIES OF THE AGREEMENT? ALL OF A SUDDEN EVERYBODY IS IN A RUSH. YOU KNOW WE HAVE GOT TO HAVE THIS LEGISLATION OTHERWISE WE WON'T HAVE A LOTTERY. NOBODY HAS COME FORWARD WITH A PIECE OF PAPER THAT SAYS THERE IS AN AGREEMENT. WHAT IS THE RUSH, MR. CHAIRMAN? AND THIS IS WHY I'M GETTING DARN SUSPICIOUS. WE ARE BEING RUSHED INTO SOMETHING.

THE HONOURABLE MEMBER FROM WHITEHORSE WEST IF HE DOESN'T WATCH HIMSELF, MR. CHAIRMAN, HE'S GOING TO GO HELTER SKELTER UNDER A TRAP. HE WILL KICK HIMSELF AFTERWARDS. THERE ISN'T A RUSH. IF THE AGREEMENT WAS HERE AND THE AGREEMENT SAID, YOU KNOW, IF THERE WAS SOME SORT OF AN ULTIMATUM THAT THE AGREEMENT HAS TO BE SIGNED BY SUCH AND SUCH A DATE TO GIVE ASSENT TO THE LEGISLATION UNLESS, YOU KNOW, OTHERWISE THE AGREEMENT IS OUT THE WINDOW, I CAN UNDERSTAND THAT. BUT WHAT'S THE RUSH OTHERWISE? WHY CAN'T WE JUST REPORT PROGRESS AND LET THE MEMBERS THAT HAVE BEEN SUGGESTED BY THE HONOURABLE MEMBER FROM WATSON LAKE, COUNCILLOR MCKINNON AND COUNCILLOR STUTTER, GO AND MEET WITH THESE PEOPLE AND THEN BY THAT TIME THE AGREEMENTS MIGHT BE HERE. AND THEN AUTOMATICALLY WE CAN GET THROUGH THE NECESSARY PIECE OF LEGISLATION.

MR. CHAIRMAN: COUNCILLOR STUTTER WOULD YOU TAKE THE CHAIR FOR A MOMENT PLEASE.

MR. TAYLOR: MR. CHAIRMAN, I HAVE LISTENED WITH SOME INTEREST TO THIS DEBATE. IT SEEMS THAT WE ARE GOING IN CIRCLES AT THE MOMENT.

I FEEL AS THE HONOURABLE MEMBER WHO HAS SPOKEN. I HAVE SOME RESERVATIONS ABOUT THIS BILL MYSELF. ALTHOUGH I DO SEE THE POINT MADE BY THE HONOURABLE MEMBER FROM WHITEHORSE WEST THAT AT SOME POINT IN TIME WE HAVE TO ALLOW THE GOVERNMENT TO PROCEED UNTIL SUCH A TIME AS WE CAN MAKE UP OUR MINDS, IF YOU PREFER, AS TO HOW WE ARE GOING TO SET UP THE SPORTS COMMITTEE, HOW THIS IS GOING TO BE DONE. IT OCCURS TO ME THAT COUNCIL INVOLVEMENT FROM BOTH SIDES OF THE HOUSE WOULD BE DESIRABLE IN THIS MATTER. I WOULD LIKE TO MOVE AT THIS TIME IF THE COUNCILLORS INVOLVED AGREE, THAT COUNCILLORS MCKINNON AND STUTTER BE APPOINTED AS A SUBCOMMITTEE OF TWO TO LOOK INTO ALL ASPECTS OF THE WESTERN LOTTERY PROPOSAL INCLUDING DISCUSSIONS WITH THE YUKON SPORTS COMMITTEE, AND REPORT BACK TO COUNCIL AT THEIR EARLIEST CONVENIENCE.

MR. CHAMBERLIST: I'LL SECOND THE MOTION.

MR. TANNER: MAYBE SOMEBODY SHOULD ASK, MR. CHAIRMAN, SOMEBODY SHOULD ASK THE MEMBERS IF IT IS AGREEABLE TO THEM. I DON'T KNOW HOW THEY ARE GOING TO ATTEND COUNCIL AND DO THIS AS WELL, BUT ARE THEY AGREEABLE TO THAT?

MR. CHAMBERLIST: WELL IT'S A MOTION. I SECONDED IT.

MR. CHAIRMAN: IT'S BEEN MOVED THAT COUNCILLORS MCKINNON AND STUTTER BE APPOINTED AS A SUBCOMMITTEE OF TWO TO LOOK INTO ALL ASPECTS OF THE WESTERN CANADA LOTTERY PROPOSAL INCLUDING DISCUSSIONS WITH THE YUKON SPORTS COMMITTEE, AND REPORT BACK TO COUNCIL AT THEIR EARLIEST CONVENIENCE. IS THERE DISCUSSION ON THE MOTION?

MR. TANNER: MR. CHAIRMAN, COULD I ASK THE MEMBERS IF IT IS AGREEABLE TO THE TWO MEMBERS THAT ARE AGREED IN THE MOTION?

MR. CHAIRMAN: FROM THE CHAIR I CERTAINLY HAVE NO OBJECTIONS. IT IS A QUESTION OF TIME, BUT I CERTAINLY HAVE NO OBJECTIONS. AS I POINTED OUT AWHILE AGO IT'S, I DON'T THINK, AN EASY THING TO GET TOGETHER WITH THE SPORTS COMMITTEE. THEY HAVE HAD THEIR ANNUAL MEETING- - -

MR. CHAMBERLIST: JUNE?

MR. TAYLOR: SOMETIME IN JUNE.

MRS. WATSON: MR. CHAIRMAN, I WONDER WHAT VOTE THEY WOULD LIKE THAT CHARGED TO TO GETTING THE SPORTS COMMITTEE TOGETHER TO HAVE THEIR MEETING.

MR. TANNER: MR. CHAIRMAN, I MEAN WE'VE GOT TO BE ROLLING BY JUNE.

MR. TAYLOR: MR. CHAIRMAN, IT'S MY UNDERSTANDING THAT THIS IS GOING TO GET ROLLING. WE'RE TALKING OF A SUBCOMMITTEE OF THIS COMMITTEE OF COUNCIL TO GO OUT AND GATHER TOGETHER ALL THIS INFORMATION ON BEHALF OF COUNCIL AND COME BACK WITH A PROPOSAL AS TO HOW WE PROCEED. THIS IS BASED ON THE PREMISE THAT WE PASS THIS BILL AS IT IS.

MR. CHAMBERLIST: OH I DIDN'T SAY THAT. I DIDN'T MOVE THE MOTION ON THAT BASIS.

MR. TAYLOR: WELL I MEAN IT OFFERS THE COUNCIL SOME PROTECTION.

MR. CHAIRMAN: MIGHT I JUST MAKE A SUGGESTION FROM THE CHAIR. I HAVE THE MOTION BEFORE ME BUT MIGHT I MAKE THE SUGGESTION THAT WE DO COME TO SOME DECISION ABOUT THE BILL ITSELF. IT DOES SEEM FAIRLY IMPORTANT THAT THE PASSAGE OF THE MOTION DOESN'T IN ANY WAY AFFECT THE BILL BEFORE US AT THIS MOMENT.

MR. TAYLOR: WELL, MR. CHAIRMAN, JUST FOR MY OWN PART I WOULD FIND THE BILL MUCH MORE PALATABLE KNOWING THAT THE COUNCIL WAS REPRESENTED BY BOTH YOURSELF, MR. CHAIRMAN, AND COUNCILLOR MCKINNON. I FEEL THAT BOTH MEMBERS THAT HAVE BEEN SELECTED, ONE REPRESENTING THE FINANCIAL ADVISORY COMMITTEE OF COUNCIL AND THE OTHER AS A COUNCILLOR AT LARGE, WOULD MAKE A GOOD COMBINATION AND A GOOD MEANS OF DEALING WITH THIS QUESTION.

MRS. WATSON: MR. CHAIRMAN, I WOULD SUGGEST THAT THE HONOURABLE MEMBER FROM WATSON LAKE BE ON THAT COMMITTEE TOO. I DON'T THINK IT IS QUITE RIGHT JUST TO HAVE TWO PEOPLE. WE SHOULD HAVE AN ODD COMMITTEE.

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. CHAMBERLIST: I WONDER, MR. CHAIRMAN, WHETHER MR. LEGAL ADVISOR COULD INDICATE WHETHER THERE IS ANYTHING WRONG WITH HAVING A SHORT SECTION IN THIS LEGISLATION TO SAY THAT THIS LEGISLATION IS ONLY FOR THE FIRST LOTTERY.

MR. LEGAL ADVISOR: THAT'S REALLY ASKING ME TO GIVE A POLICY DIRECTION.

MRS. WATSON: HOW COULD YOU SIGN AN AGREEMENT FOR ONE LOTTERY ALONE.

MR. CHAIRMAN: ORDER PLEASE.

MR. LEGAL ADVISOR: MR. CHAIRMAN, AS THIS SECTION 4 IS DRAFTED, IT SETS OUT OF THE PRIMARY TO MAKE REGULATIONS IN RESPECT OF THE SALE OF LOTTERY TICKETS AND THE SHARE OF THE PROCEEDS. PERHAPS THERE SHOULD BE SOME ADDITIONAL DETAIL IN SECTION 4.

MR. CHAMBERLIST: THAT'S WHAT I'M ASKING FOR.

MR. LEGAL ADVISOR: BUT I WOULD SUGGEST THAT THE LAST CLAUSE (C) BE LEFT ALONE BECAUSE IT'S BEYOND THE WILL OF MAN TO PREDICT AT THIS STAGE WHAT WE WILL NEED, THE REGULATION-MAKING POWER TO DO. IT MAY BE TO TRANSFER MONEY FROM ONE PLACE TO ANOTHER; TO GIVE INSTRUCTIONS FOR REFUNDS, YOU KNOW - - -

SOME HONOURABLE MEMBERS: LAUGHTER.

MR. CHAIRMAN: ORDER PLEASE.

MR. LEGAL ADVISOR: WE JUST DON'T KNOW WHAT THEY ARE. IT'S REALLY LEGALLY AN EXCESS OF CAUTION JUST TO MAKE SURE THAT WE DON'T MAKE TOO BAD A MICKY OUT OF THE FIRST LOTTERY. IF WE HAVE TO ON THE FIRST LOTTERY IT TURNS OUT - THIS MAY VERY WELL HAPPEN. IT MAY BE HALF WAY THROUGH BEFORE WE CAN GET INTO THE MAIN SYSTEM OF HAVING A CORPORATION OF SOME SORT ORGANIZED. WE MAY BE WELL INTO IT.

MR. CHAMBERLIST: MR. CHAIRMAN, MR. LEGAL ADVISOR HAS JUST YOU KNOW, I DIDN'T WANT TO SAY IT. I LET HIM SAY IT. IT'S NICE TO KNOW IT'S COMING FROM THE ADMINISTRATION. THE THOUGHT THAT THEY MAY MAKE A REGULATION TO TRANSFER SOME MONEY SOMEWHERE ELSE. YOU KNOW, WE'VE ALWAYS GOT IN THE BACK OF OUR MINDS AND THERE ARE AT LEAST THREE MEMBERS OF THIS COUNCIL THAT KNOW, THAT THERE WAS 25¢ A BOTTLE OF BOOZE THAT WAS SET ASIDE FOR RECREATIONAL ACTIVITIES YEARS AND YEARS AGO. DO YOU THINK FOR ONE MOMENT THAT THE COMMUNITY DEVELOPMENT FUND IS GETTING THAT AMOUNT OF MONEY? ALL WE ARE GETTING NOW IS A FIXED AMOUNT AND THE MONEY IS GOING INTO THE GENERAL REVENUE. OTHERWISE ALL THAT MONEY

WOULD HAVE GONE. LOOK AT THE MONEY THAT THE PHYSICAL FITNESS PEOPLE WOULD HAVE HAD IF WE HAD GONE ON THE BASIS OF THE MONEY THAT WAS COMING IN OVER THE YEARS. COUNCILLOR MCKINNON AND COUNCILLOR TAYLOR REMEMBER THESE THINGS - HOW WE WERE SUCKED IN ON THAT JUST BY HAVING REGULATIONS AND AN ALTERATION OF MONEY. THAT WAS BEFORE I WAS ON THE EXECUTIVE COMMITTEE. YOU KNOW YEARS AGO. THIS IS WHAT MIGHT HAPPEN AGAIN. THE HONOURABLE MEMBER FROM WHITEHORSE WEST KNOWS OF WHAT I TALK. HE'S GOT A PRETTY GOOD MEMORY TOO.

MR. LEGAL ADVISOR: SUB-SECTION B, SAYS "SHARING OF THE PROCEEDS". PEOPLE ARE GOING TO BE SELLING TICKETS AND THEY'VE GOT TO BE ABLE TO EITHER DEBIT SUMS FOR THE PROCEEDS AND RETURN THE BALANCE TO THE TREASURER OF THE CORPORATION, OR WHOEVER IS OPERATING IT. ARRANGEMENTS MUST BE MADE FOR ISSUING OF CHEQUES AND FOR DEALING WITH MONIES AND IT HAS GOT TO BE DEALT WITH IN A PROPER AND BUSINESSLIKE FASHION. AND PROPER ACCOUNTS HAVE TO BE KEPT. INSTRUCTIONS HAVE TO BE ISSUED TO THE PEOPLE WHO ARE DEALING WITH THESE MONIES OF HOW TO HANDLE THEM. AND IT'S GOT TO BE DONE IN SHIP-SHAPE FASHION BECAUSE IT'S GOING TO AUDITED BY THE AUDITOR-GENERAL.

WE DON'T KNOW WHAT REGULATIONS WE NEED AT THIS STAGE BECAUSE WE'RE TOYING WITH THE IDEA OF SETTING UP A CORPORATION BUT WE WOULD BE OPERATING A TRANSIENT SITUATION PERHAPS. FROM MOVING FROM AN ORGANIZER WHO WAS APPOINTED BY THE COMMISSIONER TO CARRY THIS OUT, SUBJECT TO THE ADVICE OF THIS SPORTS FEDERATION AND HE WILL BE OPERATING TO SOME EXTENT ON THIS SUBJECT TO ADVICE. WE'VE GOT TO DEAL WITH THE DETAILS OF BRINGING THESE PEOPLE TOGETHER FOR MEETINGS. WE'VE GOT TO TRANSFER TO SOME VOTE AND WE'VE GOT TO ALLOW FOR THE PAYMENT OF EXPENSES. THERE IS A LOT OF MONEY FIGURES AND IT'S GOT TO BE HANDLED IN A VERY WATER TIGHT FASHION.

I DON'T KNOW AND I CAN'T PREDICT IT. I CAN FIND NOBODY THAT CAN ADVISE ME, EXACTLY HOW AT THIS TIME IT SHOULD BE SET UP IN DETAILED REGULATIONS. I JUST CAN'T PREDICT, SO I WOULD ASK THE HOUSE TO BEAR WITH THE DRAFTING AS IT IS, LEAVING IT, "THE REGULATIONS WE MAY NEED". NOW THE REGULATIONS WILL NOT EXCEED THE POLICY WHICH IS SET OUT IN THE POLICY PAPER. NOTHING WILL BE DONE WHICH CONFLICTS WITH THE POLICY PAPER AS AN UNDERTAKING OF THE GOVERNMENT. THERE

ARE THE PARAMETERS WITHIN WHICH ANY REGULATION WILL BE DRAFTED TO CARRY OUT THE SCHEME. IT SEEMS TO ME TO BE NONSENSE TO BE SUSPECTIVE IF THE COMMISSIONER WILL EVEN READ THE REGULATIONS. I DON'T THINK HE'LL EVEN SEE THEM. THEY WILL BE ALL TECHNICAL REGULATIONS OF A TECHNICAL NATURE. AND THEY WILL BE SUBJECT TO BE FILED AND FORWARDED TO THIS HOUSE TO BE PERUSED AND IN ANY EVENT THE HOUSE IS COMING BACK A SECOND TIME TO DEAL WITH THIS BILL A SECOND TIME AND AT THAT TIME ANY REGULATIONS WHICH HAVE BEEN MADE CAN BE DISCUSSED IN DETAIL AND THRESHED OUT BY THE HOUSE AND THE MEMBERS RESPONSIBLE CAN ACCEPT THEIR SHARE OF COME UPANCE IF THEY HAVE GONE BEYOND THE UNDERTAKING OF THIS HOUSE.

MR. TAYLOR: MR. CHAIRMAN, THEY CAN THRESH THEM OUT BUT THEY CAN'T NECESSARILY THROW THEM OUT. ONCE THE GOVERNMENT - THE GOVERNMENT HAVE THE POWER IN THIS COUNCIL AND THEY CAN JUST TELL US, YOU KNOW WHERE.

BUT HOWEVER, AS I SAY IT WOULD BE MUCH MORE PALATABLE TO ME AND I WOULD ACCEPT THIS BILL, BUT I REALLY FEEL THAT WE HAVE PASSED A MOTION THAT TWO REPRESENTATIVES OF COUNCIL MEET WITH THE LICENCING DISTRIBUTION AGENCY OF THE WESTERN CANADA LOTTERY. NOW THIS MOTION THAT SPEAKS OF APPOINTING TWO MEMBERS AND I WOULD SUGGEST THAT I CERTAINLY HAVE THE GREATEST CONFIDENCE IN BOTH MEMBERS AND I WOULD SUGGEST THAT COUNCIL SUPPORT THIS MOTION.

MR. TANNER: MR. CHAIRMAN, HAS THE OTHER MEMBER WHO IS MENTIONED IN THE MOTION, INDICATED THAT HE IS PREPARED TO DO IT?

MR. MCKINNON: MR. CHAIRMAN, I HAVE NO QUALMS AT ALL ABOUT SITTING WITH THE HONOURABLE MEMBER FROM DAWSON TO MAKE SURE THAT THE PRINCIPLES OUTLINED IN THE PAPER ARE FOLLOWED AND THAT WE COULD PRESENT ALTERNATIVE PLANS ALONG THE LINES OF THE POLICY PAPER TO COUNCIL AT IT'S MEETING IN JUNE. THAT WOULD BE DEPENDENT UPON THE BILL PASSING NOW SO THAT WE CAN BE ELEGIBLE FOR THE JUNE DRAW. IF THE HONOURABLE MEMBER FROM WHITEHORSE EAST ISN'T SATISFIED THAT WE HAVE DONE THE WATCH DOG TYPE OF WORK THAT HE WANTS TO MAKE SURE IS DONE SO THE COMMISSIONER DOESN'T EXCEED HIS AUTHORITY, THEN HE'S GOT A PRETTY GOOD KICK AT BOTH THE HONOURABLE MEMBER FROM DAWSON AND MYSELF AT THE JUNE MEETING OF COUNCIL ALSO.

MR. CHAIRMAN: IS THERE FURTHER DISCUSSION ON THIS MOTION THAT'S BEFORE US, AT THIS POINT?

ARE YOU PREPARED FOR THE QUESTION?
AGREED?

SOME MEMBERS AGREED.

MR. CHAMBERLIST: THERE IS ONE OTHER ASSURANCE I WANT FROM THE EXECUTIVE COMMITTEE MEMBERS.

MR. TANNER: WHAT? BLOOD?

MR. CHAMBERLIST: NO. I THINK YOU'VE JUST GOT WATER IN YOUR VEINS. WOULD THE EXECUTIVE COMMITTEE MEMBERS ASSURE COUNCIL AT THIS TIME THAT ANY REGULATIONS THAT ARE TO BE MADE, PRIOR TO THEM BEING PASSED, WOULD THEY ALLOW THE TWO MEMBERS, COUNCILLOR MCKINNON AND COUNCILLOR STUTTER, TO SEE THOSE REGULATIONS, TO APPROVE THEM PRIOR TO THEM BEING PUT INTO FORCE?

MR. TANNER: MR. CHAIRMAN, WE WOULD CERTAINLY TAKE INTO CONSIDERATION THE TWO MEMBERS' POSITION NOW THAT THEY HAVE BEEN MOVED ON THIS COMMITTEE AND CERTAINLY WE WOULD SHOW THEM THE REGULATIONS. DO YOU WANT TO GIVE THAT POWER TO THOSE TWO MEMBERS TO MAKE REGULATIONS FOR THE WHOLE HOUSE?

MR. CHAMBERLIST: RATHER TO THEM THAN TO THE COMMISSIONER. ABSOLUTELY!

MR. CHAIRMAN: I DIDN'T DECLARE THAT CARRIED.

MR. CHAMBERLIST: MR. CHAIRMAN, I MUST SAY THAT I HAVE MORE CONFIDENCE IN THE TWO MEMBERS THAT HAVE BEEN APPOINTED TO THIS COMMITTEE THAN THE TWO MEMBERS THAT ARE ON THE EXECUTIVE COMMITTEE. SO I'LL WITHDRAW MY OBJECTIONS AND I'LL GO ALONG WITH IT. BUT I CAN ASSURE BOTH MEMBERS THAT I'LL HAUNT YOU, EVEN IF I'M NOT HERE. IF YOU BREAK DOWN, YOU KNOW IN THIS PARTICULAR AREA, BECAUSE IT'S SO IMPORTANT.

MR. TAYLOR: IS IT YOUR WISH I READ THE PREAMBLE OF THE BILL?

SOME MEMBERS: AGREED.

MR. TAYLOR: IS THERE ANY FURTHER DEBATE ON THE BILL? (READS PREAMBLE OF BILL NO. 10)

MR. TANNER: MR. CHAIRMAN, I WOULD MOVE THAT BILL NO. 10, THE LOTTERIES ORDINANCE BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT.

MR. CHAIRMAN: IS THERE A SECONDER?

MRS. WATSON: I'LL SECOND THAT MR. CHAIRMAN.

MR. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR TANNER, SECONDED BY COUNCILLOR WATSON, THAT BILL NO. 10 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENT. ARE YOU PREPARED FOR THE QUESTION? AGREED? I DECLARE THE MOTION CARRIED.

CARRIED

MR. CHAIRMAN: THE NEXT BILL I HAVE LISTED HERE IS BILL NO. 9. THESE BILLS, THEY MAY NOT BE JUST IN SEQUENCE. THEY ARE IN SEQUENCE BY NUMBER BUT THEY RELATE TO THE KINDERGARTEN QUESTION AND THE LOTTERY QUESTION.

MRS. WATSON: MR. CHAIRMAN, MIGHT I SUGGEST WE DO THE APPROPRIATION BILL FOR THE LOTTERIES FIRST, TO CLEAN UP ALL OF THE LOTTERIES, SO THAT THEY CAN GO AHEAD AND ADVERTISE FOR THE POSITION OF AN ADMINISTRATOR OR A MANAGER OR WHATEVER YOU HAVE FOR THE LOTTERIES.

MR. CHAIRMAN: JUST FROM THE CHAIR. I THOUGHT THIS WAS GOING TO BE DECIDED WHEN THE SUB-COMMITTEE REPORTS BACK WHO IS GOING TO HIRE WHO. BUT WHAT I'M SAYING IS, IN COMMITTEE I'VE GOT THESE BILLS. I'M GOING 9, 11, 19 AND 21. I'M JUST DOING IT IN ORDER. JUMPING AROUND LIKE THIS MAKES IT AWFUL DIFFICULT FOR THE CHAIR TO REMEMBER WHERE EVERYTHING IS.

MR. TANNER: MR. CHAIRMAN, I APPRECIATE THE CHAIRMAN'S PROBLEM, BUT IRRESPECTIVE OF WHAT WE DO WITH THE LOTTERIES ORDINANCE, THEY'RE GOING TO NEED SOME MONEY TO WORK WITH. AND WE'VE GOT TO GIVE THEM SOME TO GET GOING AND THE TWO ARE A PACKAGE. WOULDN'T IT MAKE SENSE TO GET THAT OUT OF THE WAY?

MR. CHAIRMAN: WELL I WAS SPEAKING OF THE APPOINTMENT OF AN ADMINISTRATOR. I THINK THAT'S WHAT THE COMMITTEE IS SUPPOSED TO BE FINDING OUT IS HOW, WHO AND WHAT.

MRS. WATSON: MR. CHAIRMAN, REGARDLESS OF WHO APPOINTS HIM, WE'VE GOT TO HAVE MONEY TO DO IT WITH. LET'S PASS THE APPROPRIATION.

MR. CHAIRMAN: IT SEEMS THAT EVERYBODY ELSE FEELS THAT WAY. I'M JUST SAYING WHICH BILL DO YOU WISH TO DO? BECAUSE I TELL YOU - - ORDER PLEASE!! ORDER PLEASE!! I JUST ADVISED YOU THAT I AM NOT A CLAIRVOYANT. I'M JUST TRYING TO KEEP THIS THING IN AN ORDERLY MANNER AND IT'S RATHER DIFFICULT. I'VE SUGGESTED SOMETHING TO YOU. IF YOU DO NOT WISH TO DO THAT, WE CAN GO AND DO ANYTHING COMMITTEE SO DESIRES. JUST REMEMBER THE FELLA THAT HAS TO DO THE WORK AROUND THIS PLACE.

WHICH BILL DO YOU WISH TO GO TO NOW?

MR. TANNER: 11.

MR. CHAIRMAN: ALRIGHT WE'LL GO TO BILL NO. 11.

MR. CHAMBERLIST: WITH RESPECT. WE CAN'T GO TO BILL NO. 11. YOU CAN'T GO AND PASS THE THIRD APPROPRIATION BEFORE YOU PASS THE SECOND APPROPRIATION.

MRS. WATSON: MR. CHAIRMAN, YOU CAN SO. WE PASSED THE SECOND APPROPRIATION. - -

MR. CHAIRMAN: I ADMIT, IT'S A REVERSE, BUT HOWEVER, THIS IS WHAT COMMITTEE WISHES TO DO. ALRIGHT, THIS IS BILL NO. 11, THIRD APPROPRIATION ORDINANCE.

MR. CHAMBERLIST: WITH RESPECT MR!! IF YOU LIKE YOU CAN GO ON AND CHANGE THE NAME OF THE ORDINANCES. GO AHEAD AND DO IT. BUT YOU CAN'T VOTE FOR A THIRD APPROPRIATION AND PASS A THIRD APPROPRIATION WHEN YOU HAVEN'T GOT THE SECOND APPROPRIATION PASSED. IF YOU WANT TO CHANGE THE NAME OF THE ORDINANCES AND CALL BILL NO. 9 THE THIRD APPROPRIATION AND BILL NO. 11, THE SECOND APPROPRIATION, THAT'S DIFFERENT. BUT YOU CAN'T GO ALONG WITH IT IN THIS PARTICULAR WAY.

MR. TANNER: MR. CHAIRMAN, HOW ABOUT A RECESS FOR COFFEE?

MR. CHAIRMAN: ALRIGHT, WE'LL DECLARE A RECESS.

RECESS

MR. CHAIRMAN: I WILL NOW CALL COMMITTEE TO ORDER.

WE WILL DEAL WITH BILL NO. 9, SECOND APPROPRIATION ORDINANCE.

(READS BILL NO. 9.)

THE FIRST ITEM IS UNDER SCHEDULE A, DEPARTMENT OF EDUCATION - \$168,610.

NOW I BELIEVE THERE IS AN APPENDIX TO THIS. IS THERE NOT?

MRS. WATSON: MR. CHAIRMAN I WONDER HOW YOU CAN GO AHEAD WITH THIS BILL AND APPROPRIATE FUNDS WHEN THERE AREN'T ANY FUNDS UNTIL YOU DEAL WITH THE TAXATION ORDINANCE?

MR. CHAMBERLIST: THAT'S RIGHT.

MRS. WATSON: I KNOW. IT'S ABSOLUTELY RIDICULOUS. THIS IS WHAT I WAS TRYING TO POINT OUT. HOW CAN YOU PASS THIS, WHEN YOU HAVEN'T DEALT WITH THE TOBACCO TAXATION. BECAUSE IF WE DON'T DEAL WITH THE TOBACCO TAXATION, WE CAN'T VOTE ANY MONEY BECAUSE WE DON'T HAVE ANY TO VOTE. SO I WOULD SUGGEST THAT WE DON'T PROCEED WITH THIS BILL. READ THIRD APPROPRIATION. THE HONOURABLE MEMBER, HIS ARGUMENT IS SEMANTIC REALLY. LET'S GO ON WITH THE THIRD APPROPRIATION AS IT DEALS WITH THE LOTTERIES AND THEN GO ON TO THE TOBACCO LEGISLATION.

MR. CHAIRMAN: ORDER PLEASE. IN ANSWER TO THE MEMBER WHO HAS JUST SPOKEN, IF THIS BILL SHOULD FAIL THEN THE THIRD APPROPRIATION WOULD BECOME THE SECOND APPROPRIATION OF THE TERRITORY. IT IS NOT COMPETENT FOR THE COMMITTEE TO DEAL WITH THE THIRD APPROPRIATION UNTIL THE SECOND IS FIRST DEALT WITH. AND IF THE ADMINISTRATION WISH TO WITHDRAW THE BILLS AND RESUBMIT THEM, THIS IS FINE. IF YOU WISH TO GO TO THE TOBACCO ORDINANCE PRIOR TO THIS, THIS IS FINE.

MR. TANNER: WE COULD DO THAT. WHAT'S THE NUMBER MR. CHAIRMAN?

MR. CHAIRMAN: 1. THIS ORDINANCE MAY BE CITED AS THE TOBACCO TAX ORDINANCE.

MR. TANNER: MR. CHAIRMAN, WOULD YOU LIKE ME TO READ THE EXPLANATORY NOTE?

MR. CHAIRMAN: WELL I'M SURE IT'S NOT NECESSARY. IT'S CERTAINLY NOT NECESSARY.

MR. TANNER: IT'S SUCH AN INTERESTING ONE MR. CHAIRMAN. I DO FEEL I SHOULD READ IT INTO THE RECORD. (READS EXPLANATORY NOTE).

MR. CHAMBERLIST: OH! IS THAT WHAT OUR TOBACCO TAX ORDINANCE IS FOR? HE GOT IT RIGHT THE FIRST TIME.

MR. CHAIRMAN: ORDER PLEASE.

(READS SECTION 2 OF TOBACCO TAX ORDINANCE)

MADAM CLERK, WOULD YOU GET THE LEGAL ADVISOR PLEASE?

(MR. CHAIRMAN CONTINUES TO READ TOBACCO TAX ORDINANCE).

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER IF MR. LEGAL ADVISOR INTENDS TO SUGGEST THAT THIS TOBACCO ORDINANCE IS FOR A TAX ON TOBACCO EVEN IF A PERSON IS GIVEN TOBACCO AND BRINGS IT IN AS A GIFT FROM ABROAD OR ANOTHER PROVINCE? HE HAS TO PAY DUTY ON IT?

MR. LEGAL ADVISOR: YES, MR. CHAIRMAN. THERE HAS TO BE A DIRECT TAX. YOU'VE GOT TO SET IT UP IN THIS WAY SO AS TO KEEP IT WITHIN THE PROVINCIAL POWER. IF IT WAS A FEDERAL TAX, THEY COULD CHARGE IT ON TO THE VENDOR, BUT IT HAS GOT TO BE MADE CLEAR THAT IT'S THE CONSUMER WHO PAYS. THE LEGAL PART OF THE TAX HERE WITHIN THE TERRITORIAL JURISDICTION IS ONLY THE TAX UNDER SECTION 92 OF THE B.N.A. ACT. SO EVEN THOUGH THIS IS A FRAUD ON THE COURTS, IN A SENSE, THAT'S THE WAY IT'S GOT TO BE DONE.

MR. CHAMBERLIST: TO MY KNOWLEDGE AND PERHAPS I HAVEN'T FOUND IT, TO MY KNOWLEDGE THERE ISN'T A JURISDICTION IN CANADA THAT IMPOSES A TAX ON TOBACCO THAT IS BOUGHT OUTSIDE OF IT'S JURISDICTION. THE RIDICULOUS SITUATION THAT WOULD COME ABOUT HERE IS WHEN A PERSON TRAVELLING FROM BRITISH COLUMBIA INTO THE YUKON HAS GOT A PACKET OF CIGARETTES IN HIS POCKET AND HE WOULD HAVE TO PAY A TAX BECAUSE HE'S CONSUMING TOBACCO THAT HE'S BROUGHT INTO THE YUKON. IT IS ABSOLUTELY LUDICROUS THAT YOU SHOULD BRING FORWARD LEGISLATION WITH THAT TYPE OF INCLUSION IN IT.

MR. LEGAL ADVISOR: IT MAY BE LUDICROUS, MR. CHAIRMAN, BUT THAT'S THE FACT, AND I HESITATE TO SUGGEST THAT THE HONOURABLE MEMBER'S KNOWLEDGE OF THESE PROCEDURES IS FAULTY BECAUSE, AT THE MOMENT, WHEN YOU GO DOWN TO B.C., YOU'RE COMMITTING AN OFFENCE AND WHEN YOU'RE GOING INTO ALBERTA YOU'RE COMMITTING AN OFFENCE BECAUSE THEIR LAWS PROVIDE FOR THE SAME THING.

MRS. WATSON: IT IS PATTERNED ON THE B.C. AND ALBERTA LEGISLATION.

MR. CHAMBERLIST: THE ONLY THING IS, AND IT WOULD APPEAR TO ME IN ANY EVENT, THAT WE, WITH THE INSPECTION DEPARTMENT THAT WE HAVE, WOULD BE MORE LIABLE TO BE PROSECUTING PEOPLE FOR LITTLE THINGS LIKE THAT MORE THAN PEOPLE IN B.C. AND ALBERTA.

MR. LEGAL ADVISER: THAT'S NOT CORRECT, MR. CHAIRMAN. THE PLANES WILL BE REQUIRED TO TOUCH DOWN AT WATSON LAKE AND PAY THE DUTY ON IT FOR THE TERRITORY, OR THE CARS WILL DO THAT. IT'S NOT GOING TO BE ENFORCED IN THAT MANNER, BUT THEY RETAIN THE POWER.

MR. CHAIRMAN: IS THAT IT ON SECTION 2?

MR. CHAMBERLIST: NOBODY EVEN WANTS TO MAKE A REMARK ABOUT THAT. IT'S SERIOUS.

MR. MCKINNON: THE POINT THE HONOURABLE MEMBER MAKES ISN'T AS TRITE AS OTHER MEMBERS TRY TO LET ON BECAUSE THERE WAS A POINT IN TIME WHEN OUR LIQUOR ORDINANCE DIDN'T ALLOW IMPORTATION OF ANY AMOUNT OF LIQUOR FROM ANY PROVINCE OR FROM ANOTHER JURISDICTION, A FOREIGN JURISDICTION. SO, ALTHOUGH THE CUSTOMS ACT ALLOWED LIQUOR IN A CERTAIN AMOUNT TO BE BROUGHT INTO CANADA, THE TERRITORIAL ORDINANCE DIDN'T, AND PEOPLE WERE CHARGED UNDER THE TERMS OF THE TERRITORIAL ORDINANCE FOR FULFILLING THEIR LEGAL OBLIGATIONS BY DECLARING THE LIQUOR AT THE PORT OF ENTRY, AND AS FAR AS THE CANADIAN CUSTOMS, IT WAS BROUGHT INTO CANADA WITH FULL AUTHORIZATION OF A FEDERAL STATUTE, AND YET THERE WERE PROSECUTIONS UNDER THE TERRITORIAL LIQUOR ORDINANCE. SO, FOR MEMBERS TO SCOFF AND LAUGH AND SAY THAT THIS TYPE OF THING DOESN'T HAPPEN BY OVER-OFFICIOUS INSPECTORS AND CONSTABLES, JUST ISN'T A FACT. ARE THERE INSTRUCTIONS GIVEN TO THE VARIOUS POLICE JURISDICTIONS THAT THEY ARE NOT TO CHARGE UNDER THIS ACT, BECAUSE IT CERTAINLY HAS HAPPENED. I'VE SEEN IT HAPPEN; I'VE WATCHED COURT CASES WHERE IT HAPPENED, WHERE OVER-ZEALOUS CONSTABULARY HAVE ARRESTED WHERE THEY SHOULD NEVER HAVE ARRESTED, HAVE BEEN TOLD BY THE COURT WHERE THEY SHOULDN'T HAVE ARRESTED, AND A TOKEN FINE OF \$1.00 BEEN GIVEN UPON THE ACCUSED BECAUSE OF THE RIDICULOUSNESS OF THE SITUATION.

MR. LEGAL ADVISOR: THERE IS NO QUESTION THAT IT HAS HAPPENED IN THE PAST, AND THERE'S NO QUESTION THAT IT COULD HAPPEN AGAIN. I'M NOT TRYING TO DISGUISE THIS FACT. THE LIQUOR LAWS IN THE YUKON OF COURSE ARE SLIGHTLY DIFFERENT TO PROVINCIAL LAWS, BECAUSE BY FEDERAL LAW, THEY CONTROL THE IMPORTATION INTO THE TERRITORY FROM

ANY PLACE, OF ALCOHOL, BUT FEDERAL LAW DOES NOT DO THIS IN RELATION TO INTERPROVINCIAL TRANSPORT OF LIQUOR FROM PLACE TO PLACE. SO, THE POWER WE HAVE IN OUR ORDINANCE, OUR LIQUOR ORDINANCE IS QUITE DIFFERENT FROM THE POWER WHICH IS GIVEN TO THE PROVINCES WHO CANNOT PREVENT THE IMPORTATION INTO A PROVINCE OF INTERPROVINCIAL LIQUOR; OF INTERPROVINCIAL MANUFACTURED LIQUOR, THEY CANNOT PREVENT IT. COURT CASES HAVE DECIDED, IN RELATION TO QUEBEC AND ONTARIO, THAT THE TRANSFER OF CANADIAN MANUFACTURED WHISKEY FROM ONE PROVINCE TO ANOTHER COULD NOT BE CONTROLLED BY THE APPLICABLE PROVINCIAL LAW OF THE RESPECTIVE JURISDICTION. THIS IS NOT SO IN THE TERRITORY. IT'S DIFFERENT IN RELATION TO LIQUOR. BUT, IN RELATION TO THIS, I PRESUME THAT THERE MAY BE SOME DIFFICULTY IN ENFORCING IT IF IT WENT TO THE SUPREME COURT OF CANADA OR SOMETHING, AS TO OUR POWER TO PREVENT CANADIAN MANUFACTURED TOBACCO FROM BEING TRANSFERRED FROM POINT TO POINT, BUT THE FACT REMAINS THAT THIS IS THE ROUTE THAT IS TAKEN BY THE PROVINCES WHICH ARE KNOWN TO US AND WHOSE LEGISLATION WE ACCEPT, BUT THEY HAVE A FLAT BAN UNLESS TAX IS PAID ON ANY TOBACCO GOING ACROSS THE BORDER.

MR. CHAMBERLIST: MR. CHAIRMAN, THE POINT THAT HAS BEEN RAISED AND WHICH THE HONOURABLE MEMBER FROM WHITEHORSE WEST SPOKE ABOUT IN RELATION TO LIQUOR CAN WELL BE A PARALLEL HERE. THAT PARTICULAR INSTANCE WAS WHERE SOMEBODY HAD COME IN FROM JUNEAU WITH A SMALL CAN OF VODKA MIX THAT HE USED FOR KEEPING HIS ACCELERATOR DOWN IN THE CAR TO KEEP IT RUNNING, AND A CONSTABLE CHARGED THIS MAN WITH HAVING IMPORTED ... AS A MATTER OF FACT, I DEFENDED THE MAN AND GOT HIM OFF WITH A DOLLAR FINE AFTER I GOT THE CUSTOMS MAN IN THE BOX TO PROVE THAT HE HAD IN FACT DECLARED THAT HE HAD BROUGHT THIS CAN IN. THIS IS WHAT AN OVER-ZEALOUS R.C.M.P. CONSTABLE DID AT THE TIME. NOW, THEY'RE TRAINED AT TIMES NOT TO BE SO OVER-ZEALOUS BUT WE DON'T KNOW WHAT TRAINING OUR PEOPLE HAVE HAD. NOW, A LOT OF THE TOBACCO THAT IS SOLD IN CANADA IS NOT ONLY IMPORTED TOBACCO. THERE ARE MANY CIGARETTES, THERE ARE MANY TOBACCOS THAT ARE GROWN IN THE TOBACCO AREAS, AND SNUFF AS WELL, OF ONTARIO. AND THE SAME APPLICABLE RULE WHICH IS IN THE BRITISH NORTH AMERICA ACT THAT RELATES IT TO LIQUOR, AND THE RULINGS THAT WERE MADE BY THE SUPREME COURT OF CANADA IN RELATION TO WINES, ETC., THAT WERE GROWN AND MANUFACTURED AND FERMENTED IN CANADA. THERE COULD BE NO BREACH OF REGULATIONS OR LOCAL JURISDICTIONS TO PREVENT THIS HAPPENING AND TAKING PLACE. BUT, I'M JUST VISUALIZING, WHEN A MAN BUYS HIMSELF A HALF A DOZEN CIGARS, HE'S COMING IN FROM JUNEAU OR FAIRBANKS, AND THE GUY GETS OFF

THE PLANE AND A POLICEMAN GOES TO ARREST HIM. IT REMINDS ME REALLY OF THE WORST SHOW, "THIS IS THE LAW", AND THE NEXT THING I CAN VISUALIZE IS THAT THERE WILL BE A T.V. SHOW ON "THIS IS THE LAW IN THE YUKON". AND YOU'LL SEE SOMEBODY GRABBING A CIGARETTE OUT OF HIS MOUTH, AND SAYING "THIS MAN HAS BROKEN THE LAW BECAUSE HE DIDN'T PAY A DUTY ON THE CIGARETTE HE IS SMOKING AND HE HAS A FEW CIGARETTES IN HIS POCKET". JUST BECAUSE THIS TYPE OF THING IS DONE ELSEWHERE, MUST WE ACT IN THE SAME STUPID MANNER AND BRING IN LEGISLATION OF THIS DESCRIPTION AND HAVE IT HERE. CAN'T WE FIND A WAY WHERE WE DON'T HAVE TO FOLLOW THE STUPIDITY OF OTHER JURISDICTIONS?

MR. LEGAL ADVISOR: YES, MR. CHAIRMAN, I THINK A REGULATION-MAKING POWER COULD BE MADE TO GIVE POWER TO DEAL WITH TAXING THE PERSONS BRINGING IT IN FOR THEIR OWN CONSUMPTION IN SMALL QUANTITIES. THIS COULD BE DONE IN THE REGULATIONS. AS THE LAW IS DRAFTED, AS YOU GET ALONG THE THING A LITTLE BIT FURTHER, NOT ONLY HAS HE TO PAY A DUTY BUT HE'S GOT TO MAKE A WRITTEN REPORT TO THE TREASURER IF HE HAPPENS TO HAVE SEEN A CIGARETTE COMING THROUGH. HE MUST FORTHWITH SEEK OUT THE TREASURER AND MAKE A REPORT TO HIM AT ONCE. AND, IF HE DOESN'T DO IT ON TIME, IT'S WOE BETIDE HIM.

MR. CHAMBERLIST: DID MR. LEGAL ADVISOR DRAW UP THIS LEGISLATION?

MR. LEGAL ADVISOR: PUT IT THIS WAY: IT WAS A MIXED BAG OF DRAWING UP, BUT MAYBE IT'S BASED ON ALBERTA.

MRS. WATSON: MR. CHAIRMAN, I AGREE WITH WHAT THE LEGAL ADVISOR SAID, THAT WE COULD HAVE REGULATIONS WHERE, IF YOU'RE BRINGING A SMALL AMOUNT IN. BUT I JUST WOULDN'T WANT TO LEAVE ANY LOOPHOLES WHERE YOU COULD GET THIS SORT OF A SHIPMENT OF CARTONS AND CARTONS GOING IN AND OUT. THIS IS THE TYPE OF THING YOU WANT TO GUARD AGAINST, BUT WE CERTAINLY DON'T WANT PEOPLE WHO HAVE THREE OR FOUR PACKAGES OF CIGARETTES IN THEIR SUITCASE TO HAVE TO PAY A TAX ON THEM. THIS IS THE TYPE OF THING WE WANT TO GUARD AGAINST AND IF WE COULD DO IT WITH A REGULATION, WELL, THIS IS FINE.

MR. CHAMBERLIST: MR. CHAIRMAN, IT'S A REGULAR PRACTICE OF ANYBODY WHO SAY GOES TO THE U.K. OR GOES TO FRANCE OR GOES TO THE STATES, ON THEIR WAY BACK, IF THEY'VE BEEN OUT LONGER THAN THE HOURS, LONGER THAN THE DAYS THAT THEY'RE ALLOWED

TO, THEY BRING BACK A CARTON OF CIGARETTES OR A BOX OF FIFTY CIGARS. AND THEY BUY IT AT DUTY-FREE SHOPS SO THEY GET A LITTLE BIT OF ADVANTAGE OF BRINGING IT INTO CANADA. NOW, THEY CAN BRING IT INTO CANADA WHEN THEY LAND AT MONTREAL OR TORONTO, AND THIS IS FINE. THEY DECLARE IT; THEY DON'T HAVE TO PAY ANY DUTY ON IT AT ALL. THEY COME ALL THE WAY HOME TO COME INTO THE YUKON, AND THEN YOU SEE SOMEBODY THAT SAYS "Y.T.C. INSPECTOR, JUST A MINUTE, YOU'VE GOT FIFTY CIGARETTES IN YOUR POCKET. YOU PAY DUTY ON IT". YOU KNOW, IT'S GOING TOO FAR.

ARE WE GOING TO PROVIDE MORE RESTRICTIONS ON PEOPLE? IF YOU WANT TO TAX PEOPLE TAX THE SALE OF THE TOBACCO. YOU KNOW, I AM AGAINST TAXATION. BUT IF YOU HAVE TO DO IT, YOU KNOW, I'M NOT GOING TO SUPPORT THE TAXATION BILL IN ANY EVENT BUT IF YOU ARE GOING TO PROVIDE LEGISLATION, FOR GOD'S SAKE, PROVIDE LEGISLATION THAT'S SENSIBLE, BUT DON'T GET PEOPLE THINKING UP THOSE OF US THAT SIT AROUND THE TABLE HERE ARE STUPIDLY RESTRICTING THEM MORE. THE RESTRICTIONS ON PEOPLE IN THE YUKON ARE GETTING GREATER AND GREATER ALL THE TIME AND NOW LOOK WHAT IS HAPPENING IN THIS. SURELY THE EXECUTIVE COMMITTEE AND, YOU KNOW, THE MIND OF MR. LEGAL ADVISOR COULD HAVE STRAIGHTENED THIS OUT BEFORE IT GOT HERE SO HE WOULDN'T BE OPEN TO THIS CRITICISM FOR A PIECE OF LEGISLATION OF THIS DESCRIPTION.

MR. CHAIRMAN: ANYTHING FURTHER ON THIS?

MR. CHAMBERLIST: SURE. WE WANT TO KNOW WHAT'S GOING TO BE DONE ABOUT THIS, MR. CHAIRMAN. ARE WE GOING TO GO ALONG WITH THIS AND SAY NOTHING FURTHER? EVERYBODY KEEP QUIET, OR DO MEMBERS OF COUNCIL THINK THAT IT'S SUFFICIENTLY IMPORTANT TO PROTECT THE PEOPLE OF THE YUKON FROM THIS TYPE OF; A GREATER ATTACK BY THE ADMINISTRATION AGAIN?

MR. LEGAL ADVISOR: MR. CHAIRMAN, THERE WILL BE A SET OF REGULATIONS AND THE POWER TO MAKE REGULATIONS IS NEATLY CONTAINED IN SECTION 20. SO, THIS CAN BE DEALT WITH IN REGULATIONS. IT'S A QUESTION OF DECIDING ON THE AMOUNT AND I DON'T THINK IT IS REALISTIC IN A CANADIAN CITY TO HAVE A DIFFERENT AMOUNT DEPENDING ON THE LENGTH OF TIME A PERSON IS OUTSIDE. I THINK

IT'S JUST BASICALLY TRYING TO DETERMINE WHAT IS A REASONABLE QUANTITY THAT A PERSON CAN BRING IN, BECAUSE IT IS MY UNDERSTANDING THAT THEY ARE NOT GOING TO BOTHER WITH ORDINARY PASSENGERS BRINGING IN AND OUT UNLESS THEY ARE IN THE BUSINESS.

MR. CHAMBERLIST: THE POINT THAT I'M MAKING, I'M SORRY, MR. CHAIRMAN, I'VE GOT TO GO ON THIS BECAUSE THERE AGAIN WE ARE INTERFERING WITH THE LIBERTY ON INDIVIDUALS HERE AGAIN, AND THIS IS WHAT BOTHERS ME EACH TIME WHEN SOMETHING LIKE THIS COMES ALONG. WHY CAN'T WE MAKE IT CLEAR THAT THE AREA OF TOBACCO TAX THAT WE'RE AFTER IS WHERE THE TOBACCO IS BEING SOLD BY A WHOLESALER TO A RETAILER. NOW, DOES THE TAX HAVE TO BE PAID BY THE WHOLESALER AT THE TIME HE SELLS TO THE RETAILER AND THEN ONCE AGAIN BY THE RETAILER? YOU KNOW, THIS IS, AS WELL, SOMETHING THAT WILL HAVE TO BE CLARIFIED. LET ME CARRY ON FOR A MOMENT, MR. CHAIRMAN. NOW, WHY CAN'T WE SAY QUITE CLEARLY THAT WHAT WE ARE CONCERNED WITH IS TOBACCO THAT IS SOLD WITHIN THE TERRITORY OR SHIPPED INTO THE TERRITORY FOR RESALE. MAKE IT JUST CLEAR THAT ITS THOSE AREAS WHERE TOBACCO IS SOLD THAT THERE'S A TOBACCO TAX. IF THERE WERE JUST A FEW SERVICEMEN HERE FOR INSTANCE, IF THE ARMY OR THE AIR FORCE WAS STATIONED HERE, AND THEIR RELATIVES SENT THEM A CARTON OF CIGARETTES AS A CHRISTMAS PRESENT OR EVEN TODAY, I GET SENT A BOX OF CIGARS FROM SOMEBODY AT CHRISTMAS TIME. MY SON FROM BRITISH COLUMBIA MIGHT SEND ME A BOX OF CIGARS, DO I HAVE TO GO AND WRITE OUT A REPORT AND DECLARE TO THE YTC THAT MY SON SENT ME CIGARS FOR CHRISTMAS AND I HAVE TO GO AND PAY DUTY ON IT? YOU SEE, ITS RIDICULOUS THAT THIS TYPE OF THING SHOULD EVEN EXIST. LET'S GET RID OF THAT TYPE OF NONSENSE RIGHT AWAY AND CLEARLY DELINEATE THE AREAS THAT WE WANT TO RAISE A TOBACCO TAX ON, AND THAT IS FROM THE SALE OF TOBACCO WHETHER IT'S IN THE TERRITORY OR WHERE TOBACCO IS BEING SHIPPED IN FOR SALE. ISN'T THAT THE PRINCIPLE?

MRS. WATSON: EXACTLY WHAT WE'RE TALKING ABOUT.

MR. CHAMBERLIST: WE'RE NOT. WITH THIS, ITS THE CONSUMER THAT'S GETTING HIT IN THE NECK WHETHER IT'S GIVEN TO HIM, OR WHETHER IT'S.... WHAT A SETUP. THIS DARN THING.

MR. LEGAL ADVISER: THIS IS ALL VERY LAUDIBLE EXCEPT THAT IT'S PEOPLE LIKE THE HONOURABLE MEMBER THAT TAKE LAW CASES OVER OBSOLETE THINGS

THAT FORCE GOVERNMENTS INTO THIS TYPE OF LEGISLATION. UNDER OUR POWERS TO TAX, WE CAN ONLY TAX A DIRECT TAX. UNDER OTHER LAW CASES, WHEN WE IMPOSE A TAX IT MUST BE AN EVEN TAX AND EVERYONE MUST PAY EXCEPT FOR STATED EXCEPTIONS. SO, IF YOU'RE IMPOSING A TAX ON THE CONSUMER AS YOU MUST TO MAKE IT A DIRECT TAX, THEN YOU HAVE GOT TO IMPOSE IT ON ALL. ALTHOUGH YOU CAN HAVE THE POWER TO GIVE EXEMPTIONS BUT WE CANNOT HAVE THE SITUATION THAT SOME PEOPLE PAY TAX AND OTHER PEOPLE DON'T. UNLESS YOU HAVE IT EVEN FOR THE CLASS OF PERSON YOU ARE DEALING WITH AND THE CLASS THAT IS PICKED OUT FOR A TAX IN A DIRECT TAX IS THE CONSUMER. SO THAT ALL YOU CAN PROVIDE IS THAT THE TAX IS PAID BY THE CONSUMER BUT COLLECTED ON YOUR BEHALF BY IN THE FIRST INSTANCE, THE WHOLESALER AND IN THE SECOND INSTANCE, BY THE RETAILER, AND PASS ON BY THESE COLLECTORS, IN TURN, TO THE GOVERNMENT. AND FUEL TAX, THE SAME SYSTEM HAD TO BE DONE BECAUSE IT MUST BE THE PERSON WHO, THE CITIZEN, THE DIRECT CONSUMER, WHO PAYS THE TAX. THE MAN AT THE FUEL PUMP OR WHITE PASS, THE WHOLESALER, COLLECT ON BEHALF OF THE GOVERNMENT AND REMIT IT TO US. THIS IS LAID DOWN BY THE PROVISIONS OF A SERIES OF LAW CASES WHERE PEOPLE ATTACKED THE POWER TO IMPOSE TAX AT ALL AND WE CAN ONLY IMPOSE A DIRECT TAX AND NOT AN INDIRECT TAX. THE HONOURABLE MEMBER WAS INVOLVED IN AT LEAST THREE LAW CASES INVOLVING THE SAME THING OVER TRAILERS AND TRAILER COURTS WHERE THE SAME THING WAS THRASHED OUT FOR DAYS IN THE TERRITORIAL COURT WHEN AT THAT TIME HE ATTACKED THE POWER OF THIS HOUSE TO IMPOSE AN INDIRECT TAX. HE SAID IT WAS LIMITED TO A DIRECT TAX AND THIS WAS NOT A DIRECT TAX, AND YOU REMEMBERED IT WELL. THAT IF WE WERE TO CHANGE THESE RULES AND ATTEMPT NOW TO BRING IN THIS AS A INDIRECT TAX, WITHOUT ANY DISRESPECT TO THE HONOURABLE MEMBER, HE'D BE DOWN IN THE TERRITORIAL COURT AS SOON AS THIS SESSION WAS OVER.

MR. CHAMBERLIST: THAT'S RIGHT, AND I'M LIABLE TO BE DOWN AT THE TERRITORIAL COURT IN THIS THING AS WELL, BECAUSE THE WAY THAT THIS THING IS WRITTEN UP, HERE, LOOK AT THIS, LET'S JUST ANALYZE SECTION 2. CONSUMER, IN THE INTERPRETATION, "CONSUMER MEANS A PERSON WHO IN THE TERRITORY PURCHASES AND/OR ACQUIRES TOBACCO." OKAY, THAT'S FINE. "OR IN THE CASE OF A PERSON RESIDENT OR CARRYING ON BUSINESS IN THE TERRITORY "SEE, RESIDENT OR CARRYING ON BUSINESS, BUT IT WOULD SEEM TO ME THAT A PERSON WHO IS A RESIDENT, THAT'S ONE THING, BUT IF HE IS

RESIDENT OR CARRYING ON BUSINESS, THIS MAKES EVERY RESIDENT A CONSUMER FOR THE PURPOSE OF THIS ORDINANCE, ACTUALLY WHETHER HE USES TOBACCO OR NOT. AND EVEN IF HE BRINGS IT IN FOR SOMEBODY ELSE AS A GIFT, IF MAKES HIM A CONSUMER. NOW, HE HAS ACQUIRED OUTSIDE THE TERRITORY, FOR HIS OWN USE OR CONSUMPTION. I CAN UNDERSTAND FOR HIS OWN USE OR CONSUMPTION, BECAUSE HE'S LIABLE TO GET CONSUMPTION AFTER HAVING TO PAY FOR HAVING A GIFT PRESENTED TO HIM, OR FOR THE USE OR CONSUMPTION BY OTHERS AT HIS EXPENSE. NOW, WHAT DOES THAT MEAN? THE WHOLE IDEA OF THIS INTERPRETATION OF A CONSUMER IS WRONG. MR. CHAIRMAN, ALTHOUGH MR. LEGAL ADVISOR INDICATES THAT THE TAX HAS TO BE A DIRECT TAX, WHY CAN'T IT BE A DIRECT TAX AGAINST THE DEALER AND WHY CAN'T IT BE A DIRECT TAX AGAINST THE WHOLESALE? WHY MUST IT BE A DIRECT TAX AGAINST THE CONSUMER?

MR. LEGAL ADVISOR: BECAUSE IT WAS DECIDED BY SEVERAL COURT CASES THAT YOU CANNOT TAX IN THAT WAY BECAUSE THEN IT CAN BE ARGUED THAT IT IS AN INDIRECT TAX, AND THE JUDGES GO BACK TO JOHN STUART MILL AND THESE PEOPLE AS TO WHAT DIRECT TAXES WERE IN THE MIDDLE OF THE LAST CENTURY WHEN THE B.N.A. ACT WAS BEING CONSTRUCTED AS TO WHAT WERE DIRECT TAX AND INDIRECT TAX. AND THE COURTS HAVE DECIDED THAT THE DIFFERENCE NOWADAYS BETWEEN A DIRECT TAX AND AN INDIRECT TAX IS NONSENSE BUT THE RULES ARE STILL THERE AND THE B.N.A. ACT HAS NOT BEEN AMENDED, SO WE ARE FORCED INTO THIS BY THE B.N.A. ACT.

MR. CHAMBERLIST: WE CAN'T ACCEPT THAT WE ARE FORCED BY THE RULES OF THE B.N.A. ACT BECAUSE THERE'S AN ATTEMPT TO PROVIDE A CATCH HOLE FOR EVERYBODY IN THIS SECTION. I DON'T KNOW WHY WE WANT TO EVEN MAKE ANY REFERENCE TO THE CONSUMER AT ALL. WHY CAN'T WE SAY THAT THE TAX IS ON THE TOBACCO SOLD WITHIN THE TERRITORY, WHETHER IT IS BROUGHT IN FOR SALE INTO THE TERRITORY, OR WHETHER IT IS DISTRIBUTED FOR SALE IN THE TERRITORY. DO WE HAVE TO GIVE SUCH A BREAKDOWN OF CONSUMER TO INCLUDE THESE PARTICULAR AREAS, ESPECIALLY IN SUB 2 OF 2(1)?

MR. LEGAL ADVISOR: MR. CHAIRMAN, BECAUSE IF YOU IMPOSE A TAX OR LEVY ON GOODS CROSSING THE BORDER AS SUCH, YOU THEN ARE IMPOSING AN INTERNAL CUSTOMS OR EXCISE TAX. AND AS THE HONOURABLE MEMBER KNOWS, THE DEFINITION OF AN EXCISE TAX IN THE DICTIONARY IS A HATEFUL TAX LEVIED BY THE

SAME WRETCHES TO WHOM IT IS PAID AND THIS IS NOT ALLOWED BY THE COURTS.

MR. CHAMBERLIST: WELL, MR. CHAIRMAN, I DON'T KNOW WHAT OTHER MEMBERS, AS I'VE ALREADY INDICATED THAT I'M GOING TO VOTE AGAINST THIS ON THE GENERAL PRINCIPLES ANYWAY, BUT I THINK IF MEMBERS DON'T TAKE A REAL LOOK AND OBJECT VERY STRONGLY TO THAT PARTICULAR SECTION WE'RE NOT PERFORMING OUR DUTY FOR OUR CONSTITUENTS.

MR. TANNER: MR. CHAIRMAN, THERE IS JUST ONE THING THAT OCCURS TO ME, AND I THINK ITS ALREADY BEEN POINTED OUT, THE WORDING IN BOTH THE B.C. AND ALBERTA TAX IS EXACTLY THE SAME AND IF ITS -

MR. LEGAL ADVISOR: IT'S NOT EXACTLY BUT ITS NEAR.

MR. TANNER: WELL, AS NEAR AS NEED BE. IF WE GO DOWN AS RESIDENTS OF YUKON GO DOWN TO B.C., I SUPPOSE, TECHNICALLY SPEAKING, IF WE TOOK CIGARETTES WITH US, THEY COULD IMPOSE A TAX WHEN WE LANDED AT A B.C. AIRPORT TOO. SO THE SAME PROBLEM EXISTS THERE, TOO.

MR. CHAMBERLIST: WELL, I HAVE NEVER HAD CAUSE TO LOOK AT THE TOBACCO TAX DOWN THERE AND OVER THE WEEKEND, COULD I BORROW THIS OVER AGAIN. YOU KNOW, I'M GOING TO TAKE A LOOK AT THIS BECAUSE, AGAIN I SAY THAT IF THERE IS THIS TYPE OF STRINGENT DEFINITION OF THE CONSUMER, AND THAT EXISTS ELSEWHERE, DOES IT MEAN THAT WHEN WE HAVE THIS TYPE OF SITUATION IN OTHER AREAS, WE HAVE TO DO THE SAME? IN SOME LEGISLATION, WE HAVE READ OTHERS. WE HAVE THE OTHER PROVINCES AND I THINK THAT IT WOULD BE SOMETHING THAT COULD, WHERE SOMEBODY COULD SPEAK WELL OF OUR LEGAL ADVISOR BY SAYING THAT HE HAS BEEN ABLE TO ASCERTAIN THAT A MEANS WHEREBY THE CONSUMER IS NOT LIABLE TO A PENALTY FOR BEING HUMAN. BECAUSE CERTAINLY ITS HUMAN TO BRING IN A FEW CIGARETTES AND A FEW CIGARS FOR A MEMBER OF HIS FAMILY FROM ANOTHER COUNTRY OR FROM A, OR EVEN FOR HIS OWN USE WHEN HE'S CROSSING THE BORDER. YOU KNOW, WHAT'S WRONG WITH THAT?

MR. TANNER: MR. CHAIRMAN, ONE OF THE PROBLEMS WITH THE WAY WE READ LEGISLATION HERE, AND I'VE ALWAYS THOUGHT IT WAS A PROBLEM, FOR THE THREE AND HALF YEARS THAT WE HAVE BEEN HERE, IS THE FACT THAT WE READ THE DEFINITIONS FIRST, AND I'VE ALWAYS THOUGHT WE SHOULD READ

THE ORDINANCE FIRST, THEN COME BACK THE DEFINITIONS, BECAUSE QUITE FREQUENTLY THE DEFINITIONS BECOME MORE MEANINGFUL AS TO WHY THEY ARE THERE IN THE FIRST PLACE. THE SECOND THING WHEN THE HONOURABLE MEMBER IS READING THOSE TWO PIECES OF LEGISLATION THIS WEEKEND I WOULD ASK HIM TO TAKE PARTICULAR NOTE OF THE PENALTY CLAUSES AND THE POWERS OF THE MINISTER THERE. THEY ARE JUST INCREDIBLE. THIS IS NOT NEARLY SO STRONG AS THE POWER THEY HAVE THERE. THEY HAVE THE POWER TO DO ABSOLUTELY ANYTHING, GO ANYWHERE, AND SEIZE ANYTHING, DO ANYTHING THEY PLEASE VIRTUALLY WITH VERY LITTLE CURTAILMENT ON THE POWERS OF THE INSPECTORS, AND WE HAVE TRIED TO GET AWAY FROM THAT HERE. SOMETIMES WHEN THE MEMBER TALKS ABOUT THE LEGISLATION IN OTHER AREAS NOT BEING NEEDED HERE, WE FELT WE COULD GET AWAY WITH A LOT LESS STRINGENT PENALTIES THAN THEY HAVE THERE.

Mr. McKinnon: THIS DOESN'T ALTER THE FACT, Mr. CHAIRMAN, THAT THE ABSOLUTE ROTTENEST THING BAR NONE, THAT A GOVERNMENT AND A LEGISLATIVE BODY CAN DO IS TO PASS LEGISLATION WHERE ALL THE CITIZENS OF THE YUKON WILL THINK THAT THEY HAVE DONE THEIR DUTY UNDER SOMETHING THAT THEY HATE TO DO, BUYING A PACKAGE OF CIGARETTES, AND GIVING UP THEIR EIGHT CENTS A PACKAGE OR TWENTY OR TEN CENTS, OR TWENTY-FIVE. YOU KNOW, THEY WILL THINK THAT THEY HAVE DONE WHAT THE LEGISLATION HAS ASKED THEM TO DO WHEN THEY HAVE BOUGHT THAT PACKAGE OF CIGARETTES FROM THE RETAILER. AND IT'S HAPPENED OVER AND OVER AGAIN, BECAUSE OF POOR DRAFTING OF LEGISLATION BECAUSE LEGISLATION HAD TO BE DRAFTED IN A CERTAIN WAY TO MAKE IT. THE FACT THAT ALL OF A SUDDEN WE MADE A CRIMINAL OUT OF A PERSON THAT HAD NO MORE INTENTION OF BREAKING THE LAW, NO MORE INTENTION OF DOING SOMETHING AGAINST THE LAW AND IS ALL OF A SUDDEN FACED WITH THE PROSPECT OF GOING TO COURT FOR SOMETHING THAT HE JUST IS INCREDULOUS ABOUT, SOMETHING HE HAS DONE IN COMPLETE AND ABSOLUTE GOOD FAITH AND NOW HE IS MADE TO GO TO COURT FOR A DAY, AND Mr. LEGAL ADVISER, IF THERE IS ANYTHING THAT MAKES THE PUBLIC FOREIGN TO THE LAW COURTS AND MAKES THE PUBLIC THINK THE LAW IS AN ABSOLUTE ASS, IT'S THIS TYPE OF AN ARRANGEMENT. AND NOTHING GETS AROUND THE COUNTRY FASTER THAN THE STUPID LAWS HAVE MADE A CRIMINAL OUT OF A LAW ABIDING PERSON WHO IS JUST TRYING TO GET THROUGH HIS EIGHT HOURS OF WORK A DAY AND HIS SIXTEEN OTHER HOURS THAT HE HAS GOT TO HIMSELF, AND A LEGISLATURE CAN'T IN CONSCIENCE LEGISLATE TO PROVIDE AN INSTANCE WHERE THEY HAVE KNOWLEDGE THAT THIS COULD HAPPEN AND IF

THEY DO THAT, THEY'RE IRRESPONSIBLE. Mr. CHAIRMAN, I DON'T MIND GOING ALONG WITH THE LEGISLATION IF A DRAFT SET OF REGULATIONS IS INTRODUCED AT THE SAME TIME WHICH WILL PROVE TO ME THAT THE AREAS IN WHICH WE'RE SPEAKING, IN THE AREA OF GIFT TOBACCOS, IN THE AREA OF TOBACCOS BEING BROUGHT INTO THE COUNTRY LEGITIMATELY, UNDER A FEDERAL STATUTE, THAT THEN A TERRITORY INSPECTOR OR A TERRITORY CONSTABULARY WILL NOT PENALIZE A LAW ABIDING CITIZEN THAT HAS THOUGHT THAT HE HAS FULFILLED ALL OF THE THINGS THAT HE SHOULD DO IN IMPORTING THAT TOBACCO, AND TO BRING OUT THE TOTAL RIDICULOUS CONCEPT THAT UPON MY RETURN FROM A FOREIGN JURISDICTION THAT I BRING OUT MY FIVE PACKS OF MARK FOUR WINDSORS TO THE TERRITORIAL TREASURER AND SAY, GO AHEAD AND FILL OUT THE FORM BECAUSE I'M HERE TO PAY MY DUTY ON THAT FIVE PACK OF CIGARS. SO, IN SAYING THAT I AGREE WITH THE HONOURABLE MEMBER THAT IF THAT ISN'T SPECIFIED IN REGULATIONS NOW THEN HOW IN GOD'S NAME CAN ANY RESPONSIBLE MEMBER OF GOVERNMENT ACCEPT THE LEGISLATION. BECAUSE IT IS THE WORST, THE ABSOLUTE WORST, THE ROTTENEST THING YOU CAN DO IS BY LEGISLATION OF THIS NATURE MAKE A CRIMINAL OF A LAW ABIDING CITIZEN. AND I COULDN'T HAVE ANY PART IN DOING THAT BECAUSE I'VE SEEN IT HAPPEN. I'VE SEEN PEOPLE TERRORIZED THAT THEY HAVE TO GO TO COURT AND FACE THE COURT FOR A SOLID DAY, LOSE THEIR TIME, LOSE THEIR PAY, HIRE LEGAL ADVICE BECAUSE OF LEGISLATION LIKE THIS AND DON'T LAUGH, IT HAPPENS AND IT HAPPENS OVER AND OVER AGAIN, AND HOW ANY OF US CAN HAVE ANY PART OF DOING SOMETHING LIKE THIS. I'M NOT GOING TO HAVE ANY PART OF THIS, I CAN TELL YOU THAT.

Mr. TANNER: Mr. CHAIRMAN, IN THAT RESPECT IT IS WORSE THAN THE HONOURABLE MEMBER SAYS, BECAUSE LATER ON IN THE LEGISLATION YOU'LL FIND THAT YOU ARE GUILTY UNTIL YOU PROVE YOURSELF INNOCENT.

Mr. CHAMBERLIST: THAT'S RIGHT, I REMEMBER THAT SECTION.

Mr. TANNER: ALL TAXATION LAWS NOW ARE WRITTEN LIKE THAT BUT FEDERAL TAXATION LAWS ARE WRITTEN EXACTLY THE SAME WAY.

Mrs. WATSON: Mr. CHAIRMAN, YOU CAN MAKE YOUR EXCEPTIONS BY REGULATIONS BUT I'D LIKE TO POINT OUT ONE THING, TOO. WE'RE ALWAYS HEARING ABOUT CASES LIKE THE HONOURABLE MEMBER MENTIONED AND THIS IS TRUE. THERE IS, ALWAYS, THE EXCEPTION THAT COMES

UP WHERE SOMEONE IS REALLY HIT, AN INNOCENT CITIZEN. BUT ON THE OTHER HAND, I THINK THAT WE SHOULD HAVE A RESPONSIBILITY TOO, TO SEE THAT WE HAVE LEGISLATION THAT CAN BE ENFORCED, AND THE THING THAT I'M THINKING ABOUT, I BUY MY CIGARETTES AND I PAY MY TAX AND I WANT TO MAKE SURE THAT THE TAX MONEY THAT I PAY WHEN I BUY THOSE CIGARETTES GOES TO THE GOVERNMENT FOR GOVERNMENT REVENUE AND THIS IS THE THING THE CONCERNS ME. THERE ARE SO MANY PEOPLE, LAW ABIDING CITIZENS, WHO ABIDE BY THE LAW AND ALL THE ENFORCEMENT ALWAYS HAS TO BE WRITTEN FOR THE PEOPLE WHO DO NOT ABIDE BY THE LAW. AND I'M ALSO THINKING I DON'T, I THINK IT WOULD BE FINE FOR SOMEONE TO BRING IN CIGARETTES IF THEY ARE COMING BACK FROM SOMEWHERE. BY THE SAME TOKEN DON'T LEAVE THE GATE OPEN SO THAT YOU CAN LET A BUNCH OF CIGARETTES COME IN AND YOU START YOURSELF A TYPE OF BLACK MARKETING OR THIS TYPE OF THING. THIS IS THE THING THAT WE'RE ALWAYS HAVING TO GUARD AGAINST. THE PEOPLE WHO ARE NOT PREPARED TO ABIDE BY THE LAW, AND THERE ARE TWO INSTANCES, TWO THINGS THAT WE HAVE TO BE CAREFUL OF. WHEN I PAY MY TAXES FOR CIGARETTES I WANT IT TO GO TO THE GOVERNMENT AND I WANT TO MAKE SURE THAT EVERY CENT THAT I PAY GOES TO THE GOVERNMENT. I THINK THIS HAS TO BE MADE SURE OF IN THIS LEGISLATION TOO.

MR. CHAMBERLIST: WELL, MR. CHAIRMAN, YOU KNOW, THE HONOURABLE MEMBER JUST SPOKE, PERHAPS SHE HAS BEEN HERE LONG ENOUGH TO RECALL WHEN PEOPLE WOULD BE OUT IN ATLIN, FOR INSTANCE, AND THEY'D BUY A BOTTLE OF WHISKEY OUT THERE. AND THERE ARE A COUPLE OF VERY OVER-ZEALOUS POLICEMEN WHO USED TO SPEND THEIR TIME STOPPING THEM, YOU KNOW, JUST AS THEY GOT INSIDE THE BORDER FROM ATLIN, SEARCHING THEIR VEHICLES, SAYING WHERE DID YOU BUY THIS LIQUOR, EVEN IF IT WAS IN THEIR SUITCASE. WHERE DID YOU BUY THIS LIQUOR AND THEN CHARGED THEM WITH BRINGING IN LIQUOR INTO THE TERRITORY WHICH WAS NOT PURCHASED IN A GOVERNMENT LIQUOR STORE.

I WOULD RATHER, MUCH RATHER, HAVE SOMEBODY CHEAT THE GOVERNMENT OUT OF A COUPLE DOLLARS OF TAX THAN HAVE THE LIBERTY OF THAT INDIVIDUAL INTERFERRED WITH IN THE MANNER THAT THEY COULD BE INTERFERRED WITH AS A RESULT OF THIS TYPE OF STRINGENT LEGISLATION. THIS IS WHY I FEEL FOR PEOPLE, THAT THEY MUST BE CONSIDERED FIRST IN MAKING LAWS OF THE TERRITORY, BECAUSE LAWS ARE MADE FOR PEOPLE. IT'S LIKE THE OLD SAYING, YOU

KNOW, LET NINE GUILTY MEN NOT BE HUNG AS LONG AS WE MAKE SURE THAT SOMEBODY WHO IS NOT GUILTY ... AND THE VICE VERSA. AND, THESE ARE THE THINGS THAT WE'VE GOT TO WORRY ABOUT. MR. CHAIRMAN, AS WE GO THROUGH THE REST OF THIS LEGISLATION, AND I'VE MARKED SOME AREAS AS WELL, I THINK IT'S BAD LEGISLATION. THIS IS AN AREA WHERE WE HAVE TO DEAL WITH IT RIGHT NOW BECAUSE I KNOW THAT THERE ISN'T AN HONOURABLE MEMBER HERE THAT DOESN'T RECOGNIZE THAT THIS SECTION DEALING WITH CONSUMER IS SOMETHING THAT REALLY DEEPLY NONE OF US FEEL SHOULD BE IN THERE.

MRS. WATSON: MR. CHAIRMAN, THE HONOURABLE MEMBER MADE A GOOD POINT WHEN HE REFERRED TO ATLIN, AND THIS IS FINE WHEN PEOPLE ARE BRINGING IN A BOTTLE OR TWO. THIS IS FINE, BUT WHEN THEY START HAULING IT IN BY TRUCK, THIS IS THE TYPE OF THING, AND YOU KNOW VERY WELL...

MR. LEGAL ADVISER: I WOULDN'T LIKE, ON THINKING IT OVER, JUST TO LEAVE THE REGULATION-MAKING PART AS IT IS AND PUT THE EXEMPTIONS IN THAT BECAUSE IT WOULDN'T ... IF I WAS ASKED THE QUESTION, DID THE COMMISSIONER HAVE THE POWER AS THE REGULATIONS ARE DRAFTED, TO PUT IN EXEMPTIONS, AS THE REGULATION-MAKING POWER IS DRAFTED, I DON'T THINK HE WOULD, BECAUSE IT'S TO CARRY OUT THE PROVISIONS OF THE ORDINANCE AND TO PUT IN EXEMPTIONS WOULD IN FACT NOT BE CARRYING OUT THE PROVISIONS OF THE ORDINANCE. SO, I THINK THAT WHEN WE COME TO SECTION 20, SOMEONE SHOULD PROPOSE AN AMENDMENT TO THE EFFECT THAT HE CAN BY REGULATION MAKE REGULATIONS PROVIDING FOR EXEMPTIONS. THEN HE WOULD HAVE THE POWER.

MR. CHAMBERLIST: WITH RESPECT, MR. CHAIRMAN, WHY CAN'T WE BREAK DOWN THIS INTERPRETATION SO THAT IT ONLY MEANS THE CONSUMER WHEN ACTUALLY THE TOBACCO IS BEING PURCHASED WITHIN THE YUKON.

MR. LEGAL ADVISER: MR. CHAIRMAN, I ASK YOU, NOTWITHSTANDING WHAT THE HONOURABLE MEMBER SAID, TO LEAVE THE WIDE DEFINITION AND THE BIG CATCH-ALL, LEAVE THAT AS IT IS, AND THEN PROVIDE AND GIVE THE SPECIFIC POWER TO THE COMMISSIONER TO MAKE A SET OF REGULATIONS EXEMPTING PEOPLE WHO ARE GENUINELY TRAVELLING WITH REASONABLE QUANTITIES OR COMING FROM OUTSIDE OF CANADA, WHATEVER QUANTITIES ARE ALLOWED BY THE APPLICABLE CANADIAN REGULATIONS AND CUSTOMS ACT, THEY CAN BRING THOSE ALSO. I THINK THEN YOU HAVE IT MADE.

MR. CHAMBERLIST: WHY GIVE THE COMMISSIONER, MR. CHAIRMAN, REGULATORY POWER ON SOMETHING WE CAN

HAVE CLEARLY SPELLED OUT IN THE LEGISLATION. NOW, WE'RE GOING BACK AGAIN, WE'RE GIVING POWER TO THE COMMISSIONER TO REGULATE.

MRS. WATSON: MR. CHAIRMAN, MR. LEGAL ADVISER, COULD WE HAVE SOME TYPE OF DRAFT REGULATIONS THAT COULD BE REVIEWED.

MR. LEGAL ADVISER: I COULD GET TOGETHER WITH MR. HUBERDEAU AND SET UP A SIMPLE DRAFT REGULATION EVEN THOUGH IT WOULDN'T BE ENACTED, DRAFT REGULATIONS, BUT I THINK WE NEED A SECTION WHICH ENABLES THE COMMISSIONER TO DO IT BECAUSE OTHERWISE I THINK IT WOULD BE RULED TO BE INVALID.

MR. CHAMBERLIST: ALRIGHT, LET'S GET THE DRAFT REGULATIONS. NOW, LET'S GO OVER TO THE NEXT AREA I WANT TO TALK ABOUT. WHEN DOES THE TAX ... OH, ACTUALLY I SHOULD WAIT, YES, LET'S WAIT AND WE'LL GET TO THE REST.

MR. MCKINNON: MR. CHAIRMAN, I WOULD LIKE TO ASK MR. LEGAL ADVISER IF MARIJUANA WERE LEGALIZED AND THE SALE PUT OVER THE COUNTER, WOULD THIS DEFINITION OF TOBACCO, WOULD IT INCLUDE ...

MR. LEGAL ADVISER: NO, MR. CHAIRMAN, IT WOULDN'T BE TOBACCO. EVERYTHING THAT BURNS IS NOT TOBACCO.

MR. MCKINNON: THEN WE WOULD NEED AN AMENDMENT TO THE ORDINANCE.

MR. LEGAL ADVISER: IT DOES INCLUDE SNUFF.

MR. TANNER: MR. CHAIRMAN, THIS MUST BE ON A PERSONAL POINT TO TELL THE HOUSE OF MY LITTLE PROBLEM AS FAR AS THIS ORDINANCE IS CONCERNED, BECAUSE I DON'T THINK, UNLESS MEMBERS WOULD AGREE, THAT I CAN VOTE ON IT. IT'S FOR THE SAME REASON, THAT MY WIFE HAS AN INTEREST IN A BUSINESS WHICH IS VERY MUCH INVOLVED IN TOBACCO, AND UNLESS MEMBERS AGREE, I DON'T INTEND TO VOTE ON IT UNLESS THEY WANT ME TO. IF I DID VOTE, QUITE HONESTLY, I WOULD VOTE FOR THE ORDINANCE AS I THINK WE NEED A TOBACCO TAX. BUT, AS FAR AS I'M CONCERNED, I BELIEVE I HAVE AN INTEREST, OR AT LEAST MY WIFE HAS AN INTEREST, SO I THINK IT'S UP TO MEMBERS TO ... BUT, IF MEMBERS DON'T DISAGREE, I WOULD LIKE TO DISCUSS IT.

MR. CHAMBERLIST: OH YES, YOU CAN SAY WHATEVER YOU WANT.

MR. CHAIRMAN: IT'S QUITE PROPER FOR THE MEMBER TO DISCUSS ANY PART OF THESE THINGS NOTWITHSTANDING THE INTEREST THAT HE HAS IN THEM. THE

ONLY PROBLEM COMES AT VOTING. WELL, I UNDERSTAND THEN THAT SECTION 2 IS UP FOR REVISION?

MR. CHAMBERLIST: THERE IS ONE POINT I WOULD NOT LIKE. IN THE INTERPRETATION OF "DEALER", THE "DEALER MEANS THE PERSON WHO IN THE TERRITORY SELLS OR OFFERS TO SELL TOBACCO OR KEEPS TOBACCO FOR SALE EITHER AT WHOLESALE OR AT RETAIL." NOW, IF A DEALER HAS TO PAY TAX, THEY COULD BE WHOLESALESALE OR RETAILERS. NOW, THE POINT IS, DOES THE DEALER PAY THE TAX?

MR. LEGAL ADVISER: NO, IF THE DEALER PAID THE TAX, IT WOULD BE AN INDIRECT TAX, AND THEN IT WOULD BE BANNED BY THE B.N.A. ACT.

MR. CHAMBERLIST: WITH RESPECT, I WAS INTERRUPTED AND I DIDN'T REALIZE THAT WAS IT. WHEN THE WHOLESALE SELLER SELLS TO THE RETAILER, IT IS A DEALER SELLING TO A DEALER. SO, CONSEQUENTLY, DOES THE DEALER WHO IS THE WHOLESALE HAVEN'T TO COLLECT THE TAX FROM THE RETAILER, AND THEN THE DEALER WHO IS THE RETAILER, HAVE TO COLLECT THE TAX AGAIN FROM THE CONSUMER? SO THEN, IT IS DOUBLE TAXATION ON THE SAME QUANTITY.

MR. LEGAL ADVISER: AS I EXPLAINED TO THE MEMBER, NEITHER THE RETAILER NOR THE WHOLESALE PAY THE TAX. THEY ACT AS A COMMISSION AGENT, IN A SENSE, THEY JUST COLLECT THE TAX FROM THE CONSUMER AND PASS IT DOWN THE LINE, THE SAME AMOUNT OF MONEY.

MR. CHAMBERLIST: IS IT THE WHOLESALE WHO PAYS THE TERRITORIAL GOVERNMENT?

MR. LEGAL ADVISER: YES, IF THERE IS A WHOLESALE, HE PAYS THE TAX. IF THERE IS NO WHOLESALE, THERE IS ONLY A RETAILER, HE PAYS THE TAX.

MR. CHAMBERLIST: SO, THE RETAILER IS PLACED IN THE POSITION THAT IF SOME OF HIS TOBACCO IS BOUGHT FROM A WHOLESALE IN BRITISH COLUMBIA, HE HAS TO PAY THE TAX TO THE TERRITORIAL GOVERNMENT. JUST LET ME GET THIS PICTURE. A WHOLESALE WHO IS IN BRITISH COLUMBIA IS NOT UNDER THE JURISDICTION OF THE YUKON TERRITORIAL GOVERNMENT. NOW, SO THAT THE ONLY PEOPLE UNDER THE JURISDICTION ... PERHAPS THE LEGAL ADVISER DOESN'T GET WHAT I MEAN.

MR. LEGAL ADVISER: I DON'T AGREE WITH THAT, MR. CHAIRMAN. HE IS UNDER THE JURISDICTION OF THE TERRITORIAL GOVERNMENT AS LONG AS HE IS SELLING IN THE YUKON TERRITORY.

MR. CHAMBERLIST: I DIDN'T SAY THAT. HE'S NOT SELLING IN THE TERRITORY; HE'S SHIPPING FROM OUT-

SIDE. THERE IS NO PROVISION IN HERE AS I SEE IT. HE SHIPS FROM VANCOUVER DIRECTLY TO A RETAILER AND THEN THE RETAILER BECOMES THE DEALER, AND HE WOULD BE SELLING AND ADDING THE TAX ON HIS TOBACCO. HE WOULD THEN HAVE TO PAY THE TERRITORIAL GOVERNMENT. I THINK PERHAPS WE OUGHT TO GET THE TREASURER IN ON THIS ONE BECAUSE THIS IS SOMETHING THAT HAPPENS WITH OIL. NOW, THE WHOLESALER WHO IS OPERATING AS A WHOLESALER, LIKE KELLY DOUGLAS, PAYS THE TAX IN THE FIRST PLACE, AND I TAKE IT THAT THE MONEY HE COLLECTS FROM THE DEALER, BASED ON THE NUMBER OF CIGARETTES OR CARTONS, HE KEEPS IT BECAUSE HE'S ALREADY PAID THE TERRITORIAL GOVERNMENT. IS THAT HOW IT WORKS?

MR. LEGAL ADVISER: THE WAY IT WORKS IS IN REVERSE. THE CONSUMER PAYS AN EXTRA FEW CENTS. THAT FEW CENTS ARE PASSED ON TO THE RETAILER FROM THE WHOLESALER, IF THERE IS A WHOLESALER, AND THE WHOLESALER, WHETHER OR NOT HE IS RESIDENT IN B.C. OR HERE, WILL IN FACT PAY THE TERRITORIAL GOVERNMENT TAX, AND HE WILL ACCOUNT FOR THE TAX TO THE TERRITORIAL GOVERNMENT.

MR. TANNER: IN ACTUAL FACT WHAT IS HAPPENING NOW IN ALBERTA AND B.C., PARTICULARLY IN ALBERTA AS IT MOST RECENTLY IMPOSED THE TAX. THE WHOLESALER DEBITS THE RETAILER AS PART OF THE INVOICING, THE COST OF THE TAX, AND THEY SEND THE MONEY TO THE ALBERTA GOVERNMENT, ALTHOUGH MOST OF THE TOBACCO IN ALBERTA IS COMING AGAIN FROM OUTSIDE THE PROVINCE, FROM ONTARIO AND SOMETIMES QUEBEC. THE RETAILER IS INVOICED FOR THE COST OF THE GOODS PLUS THE TAX, AND THE TAX IS SENT TO THE ALBERTA GOVERNMENT BY THE WHOLESALER. AS YOU READ THROUGH THIS ORDINANCE, THIS SAME PATTERN WILL EVOLVE HERE, BUT I THINK YOU WOULD HAVE TO READ THROUGH THE ORDINANCE TO SEE WHERE THERE IS A RESPONSIBILITY ON THE CONSUMER TO PAY, THERE IS A RESPONSIBILITY ON THE RETAILER TO COLLECT, AND THEN THE RESPONSIBILITY EVENTUALLY COMES BACK TO THE WHOLESALER TO PAY THE VARIOUS GOVERNMENTS.

MRS. WATSON: COLLECT AND REMIT.

MR. TANNER: MR. CHAIRMAN, IT DOESN'T REALLY BECOME CLEAR UNTIL YOU GO THROUGH THE ORDINANCE. IT FOLLOWS ON SORT OF A PATTERN.

MR. MCKINNON: MR. CHAIRMAN, I JUST WANT TO BRING THE ATTENTION OF COMMITTEE TO ONE THING WHERE WE RAN INTO THIS PROBLEM WE'RE TALKING ABOUT EARLIER IN THE LIQUOR ORDINANCE. WE PUT IT IN SPECIFICALLY, IN THE ORDINANCE, NOT IN THE REGULATIONS, SO IT WAS PERFECTLY CLEAR. IN

SECTION 70, IT OUTLINES EXACTLY WHAT A PERSON MAY ... IF I READ 71, "A PERSON WHO IS ENTITLED TO POSSESS OR CONSUME LIQUOR MAY LAWFULLY HAVE OR KEEP (A) NOT MORE THAN FORTY OUNCES OF LIQUOR IF THE LIQUOR WAS IMPORTED INTO CANADA UNDER AN AUTHORITY ISSUED BY OR WITH THE PERMISSION OF THE CANADIAN CUSTOMS OFFICER, OR (B) NOT MORE THAN TWENTY-FIVE OUNCES OF SPIRITS OR THIRTY-ONE OUNCES OF WINE, OR NOT MORE THAN TWELVE PINTS OF BEER IF THE LIQUOR WAS PURCHASED FROM A LIQUOR BOARD, COMMISSION, OR SIMILAR BODY IN ANOTHER PART OF CANADA". I WOULD LIKE TO SEE THAT KIND OF SECTION IN THE LEGISLATION ITSELF SO WE'RE CRYSTAL CLEAR ON WHAT IS CONSIDERED TO BE AN OFFENCE UNDER THE ORDINANCE AND WHAT IS NOT. ISN'T IT POSSIBLE, RATHER THAN COMMISSIONER REGULATION, WE DRAFT THE SAME TYPE OF CLAUSE INTO THE TOBACCO ORDINANCE AS WE DID IN THE LIQUOR ORDINANCE TO GET AROUND THIS VERY SAME PROBLEM THAT WE'RE HAVING?

MR. LEGAL ADVISER: I PERSONALLY HAVE NO DIFFICULTY IN DRAFTING IT PROVIDING WE GET CLEAR INSTRUCTIONS ON AMOUNTS.

MR. MCKINNON: SURE. THAT'S NOT DIFFICULT. IT IS SO EASY, OFF THE TOP OF YOUR HEAD, IT'S A BOX OF FIFTY CIGARS AND A CARTON OF CIGARETTES AND WHATEVER PIPE POUCHES OR CANS OF SNUFF, AND THAT'S IT IN A NUTSHELL, AND THAT'S THE END OF IT. ALL YOU HAVE TO FIGURE OUT IS FIFTY CIGARS AND A CARTON, TWO CANS OF SNUFF, PROBABLY, AS A MAXIMUM, OR TWO PIPE POUCHES OF TOBACCO, AND THAT'S IT. THAT'S THE EXEMPTION RIGHT THERE. THAT'S WHAT YOU'RE ALLOWED TO HAVE.

MR. CHAMBERLIST: YOU CAN USE THE CANADIAN CUSTOMS RESTRICTIONS.

MR. MCKINNON: THAT'S SIMPLE.

MRS. WATSON: THERE'S NO PROBLEM IN GETTING THAT INTO THE LEGISLATION.

MR. CHAMBERLIST: THAT'S IT. THAT WOULD SATISFY ME.

MR. CHAIRMAN: ORDER, PLEASE. ALRIGHT, SECTION 2 IS MARKED FOR REFERRAL. (READS SECTIONS 3 AND 4 THROUGH 4(H)).

MR. CHAMBERLIST: MR. CHAIRMAN, I WONDER, BECAUSE THIS IS A LONG ONE, CAN WE DEAL WITH EACH SUBSECTION AS WE GO ALONG?

MR. CHAIRMAN: I SEE, I AGREE.

MR. CHAMBERLIST: MR. CHAIRMAN, I RAISED THE QUESTION BEFORE, IN THE INTERPRETATION SECTION, AS TO WHAT A DEALER IS. NOW, HERE WE SAY IN THE INTERPRETATION SECTION THAT A DEALER MEANS A PERSON, EITHER WHOLESALER OR RETAILER; EITHER ONE OR THE OTHER. NOW, RIGHT IN THE BEGINNING OF THIS SECTION 4, IT SAYS THAT EVERY DEALER SHALL COLLECT, SO THAT THERE IS A COMPULSION UPON BOTH DEALERS TO COLLECT, AND THIS IS WHAT I'M CONCERNED ABOUT THERE. IT'S SOMETHING LIKE THIS OIL THING THAT WE HAVE.

MR. LEGAL ADVISER: YOU MUST COLLECT FROM EACH OTHER. THE FIRST DEALER COLLECTS FROM THE CUSTOMER, THE SECOND COLLECTS FROM THE DEALER, THE THIRD COLLECTS FROM THE DEALER, AND SO ON. SO, EVERY DEALER DOES IN FACT COLLECT.

MRS. WATSON: MR. CHAIRMAN, IT IS EXACTLY ON THE SAME PRINCIPLE AS THE FUEL OIL TAXATION ORDINANCE WHERE THE DISTRIBUTOR PAYS DIRECTLY TO THE TERRITORIAL GOVERNMENT. THE GARAGE COLLECTS FROM THE CONSUMER AND THEY PASS IT ON.

MR. CHAMBERLIST: YES, MR. CHAIRMAN, AND THAT IS WHAT I WANT TO MAKE SURE THAT IT FOLLOWS BUT HERE IT SEEMS TO BE A DIFFERENT AREA. AS I SAY, SOMETIMES, AND I'M BOTHERED ABOUT THIS WHOLESALE DEALER OUT IN ANOTHER JURISDICTION BECAUSE SUPPOSING ... LET'S USE THE HONOURABLE MEMBER FROM WHITEHORSE NORTH FAMILY BUSINESS ... IT BUYS ITS CIGARS FROM CUBA. YOU SEE, THE WHOLESALE CIGAR PEOPLE THERE SELLS TO HIM, AND THEN HE BECOMES THE DEALER, HIS BUSINESS BECOMES THE DEALER, AND THEREFORE, HE IS THEN IN THE POSITION OF HAVING TO NOT ONLY COLLECT AND PAY TO THE TERRITORIAL GOVERNMENT. HE ALSO COLLECTS AND PAYS TO THE WHOLESALE WHERE HE BUYS SOME OF HIS OTHER PRODUCTS IN THE TERRITORY, AND HE ALSO COLLECTS AND PAYS TO ANOTHER AREA WHEN HE BUYS FROM A SUPPLIER IN B.C. OR ALBERTA. THAT'S WHY I'M A LITTLE BIT CONFUSED AS TO WHETHER OR NOT WE'RE NOT PUTTING THE RETAIL DEALER INTO AN AWFUL ADMINISTRATIVE POSITION OF HAVING TO KEEP SETS OF BOOKS FOR THREE DIFFERENT AREAS FOR PAYMENT OF THE TAX.

MR. TANNER: IN ACTUAL FACT, I DON'T THINK THERE'S AN OBLIGATION ON THOSE WHOLESALERS WORKING OUTSIDE OF THE JURISDICTION. IN ACTUAL FACT THEY ALL HAVE AGREED, AND THEY ALL DO. FOR EXAMPLE, IN THE CASE OF ALBERTA, ALL THE INVOICING FROM THE ONTARIO MANUFACTURERS AND DISTRIBUTORS ARE ALL IN SUCH A FASHION THAT THE RETAILER, WHEN HE RECEIVES THE MERCHANDISE, OR EVEN THE WHOLESALER IN ALBERTA, KNOWS EXACTLY

HOW MUCH TAX HE HAS TO PAY. SO, THERE IS NO PROBLEM EXCEPT IN THE ONE CASE THAT THE HONOURABLE MEMBER MENTIONED, AND THAT'S IN CUBA. IN THE CUBAN CASE, WHICH INCIDENTLY, I DON'T THINK YOU CAN BUY DIRECTLY FROM ANYWAY, BUT EVEN IF YOU COULD, THEN IN THAT CASE THE RETAILER WOULD BECOME THE WHOLESALER AS WELL AND HE WOULD PROBABLY BOTH HAVE A RETAIL AND WHOLESALE PERMIT. THERE ARE ONE OR TWO ODD SITUATIONS LIKE THAT BUT I THINK IT IS COVERED BECAUSE THE RETAILER IN ACTUAL FACT BECOMES THE WHOLESALER.

MR. CHAIRMAN: (READS SECTION 4.1 THROUGH 4.4)

MR. CHAMBERLIST: IF IT'S COMPUTED ON THE BASIS OF WHAT IS SOLD RETAIL, HOW CAN THE WHOLESALER KNOW ON THE RETAIL PRICE BECAUSE THE DEALER IS COMPETITIVE AND HE MIGHT HAVE THREE STORES WITH THREE DIFFERENT RETAIL PRICES. ISN'T THIS POSSIBLE?

MR. LEGAL ADVISER: YES, MR. CHAIRMAN, THIS IS POSSIBLE, AND HE CAN'T KNOW WITH ABSOLUTE CERTAINTY AS THERE MAY BE A CUT PRICE DEAL GOING ON OVER THE WEEKEND. BUT, IN ACTUAL FACT, THEY COMPUTE THE PRICES ON THE STANDARD PRICE.

MR. TANNER: MR. CHAIRMAN, ACTUALLY WHAT HAPPENS IS THAT THE RETAILER ABSORBS ANY DIFFERENCE. IF HE IS CUTTING THE PRICE, THE NORMAL ACCEPTED PRICE, REGARDLESS OF WHAT FORM IT MAY HAVE, THE RETAILER ABSORBS THE DIFFERENCE AS HE STILL HAS TO PAY THE TAX.

MR. CHAIRMAN: (READS SECTION 4.5(A) AND (B)).

MR. TANNER: MR. CHAIRMAN, THAT'S EXACTLY HOW IT IS WRITTEN IN THE B.C. AND ALBERTA ACT BECAUSE IN EFFECT YOU CAN'T WORK FOR THE TERRITORIAL GOVERNMENT AND BE A MEMBER OF COUNCIL. AND IN EFFECT, YOU'RE MAKING THESE PEOPLE AGENTS FOR THE GOVERNMENT AND CONSEQUENTLY THEY CAN'T ALSO, AS THEY ARE AGENTS FOR THE COMMISSIONER, BE A MEMBER OF COUNCIL. THIS IS THE EXCEPTION SO THAT THEY CAN BE. OTHERWISE, YOU WOULD WRITE OFF A LOT OF GOOD PEOPLE, MR. CHAIRMAN.

MR. CHAMBERLIST: ANOTHER POINT HAS COME UP. IF THE DEALER HAPPENS TO BE A CORPORATION, DOES THIS BECOME A CORPORATION TAX?

Mr. Legal Adviser: No, Mr. Chairman, the tax is on the consumer, but it is a corporation tax if the consumer happens to be a company, but I haven't heard of a company smoking yet.

Mr. Chamberlist: I've seen a couple on fire from time to time.

Mr. Chairman: Clear? (Reads 4.6)

Mr. Chamberlist: Mr. Chairman, if we let this go through and once John Q. Public hears about it, we will be the laughing stock of this territory. How can anybody even consider allowing a subsection like that in there.

Mr. Legal Adviser: It's a fine section.

Mr. Chamberlist: It's a fine section, yes. This is the trouble. There are fines available in here for anybody and everybody. It's a fine section all right.

Mr. Tanner: Mr. Chairman, just as a matter of interest, it is again exactly the same way as it is written in the provinces.

Mr. Chairman: That doesn't make it right.

Mr. Chamberlist: That doesn't make it right.

Mr. Tanner: But it's an accepted principle of law. That's the only way that they have found that they can possibly cover everybody, Mr. Chairman. I'm not saying that I like it but that's the only way you can do it.

Mrs. Watson: But, Mr. Chairman, the exception that we have said we are going to bring in the same as the liquor ordinance would certainly take care of that, wouldn't it?

Mr. Chairman: Yes.

Mr. Chairman: Are you clear? (Reads 5.1)

Mr. Chamberlist: Question? Why shouldn't the dealer say that he is prepared to pay the tax as long as the tax is paid?

Mr. Legal Adviser: Mr. Chairman, I don't know the answer to that question.

Mr. Chamberlist: You know, what's the difference, as long as the tax is paid.

Mr. Tanner: Mr. Chairman, I did know the answer to that, but I've forgotten, but there is a good reason.

Mrs. Watson: The consumer has to pay for it.

Mr. Tanner: No, there is another reason, too, Mr. Chairman, would you leave that one with me. I've heard the question before and I couldn't remember. There is a good reason for it.

Mr. Stutter: Because the consumer has to pay. That is the answer.

Mrs. Watson: That's right, the consumer has to pay.

Mr. Chamberlist: But if the dealer wants to pay on behalf of the consumer, what's to stop him?

Mr. Stutter: No, the reason why he...

Mrs. Watson: The tax is on the consumer.

Mr. McKinnon: Mr. Chairman, when the exceptions are being included in the ordinance would it be a sensible area to bring them right under subsection 6, so that we've got it all in a neat package.

Mr. Legal Adviser: It should go in as a subsection to that particular section, ... 7.

Mr. Chairman: All right, apparently there is more information coming on 5. (Reads 6.1)

Mr. Chamberlist: Well, that's ridiculous.

Mr. Tanner: Mr. Chairman, before everybody gets excited there is no charge for the permits in either retail or wholesale. It's just the only way you can keep track of the business itself.

Mr. Chamberlist: No, but that isn't the point. Look, supposing I bring in a couple of packets of cigarettes or a couple of cigars and I want to sell you a couple of cigars or a couple of packets of cigarettes I have to have a permit for it. Well, that's the type of exclusion that that must be taken

INTO CONSIDERATION AS WELL. THIS IS GETTING RIDICULOUS THIS IS REALLY GETTING RIDICULOUS. YOU KNOW, IT'S JUST...

Mr. McKinnon: Yes, but it's only you who's THINKING OF SELLING ONE CIGAR.

Mr. Chamberlist: But, no, I'd give them away. But, it's just like somebody sitting outside the liquor store in his car and he's got a bad leg so he can't go into the liquor store to buy himself a bottle of liquor so he asks someone to go in and buy it for him. You remember, this has happened a couple of times... That was another couple of years ago, a guy could carry a bottle from the liquor store to his car and he's in possession of liquor in a public place and there were charges laid against him at one time.

Mr. Legal Adviser: This has happened, Mr. Chairman. There is no question that it's happened but this is a tobacco tax not a liquor tax.

Mr. Chairman: Mr. Legal Adviser, this is, this section though is really rather ridiculous. Why is it so necessary?

Mr. Legal Adviser: Mr. Chairman, it needs to be here unless one is going to be writing out a dozen sections to deal with it. Nobody can sell unless they be granted a permit because we need, the Government needs to know, the Administration needs to know who are the dealers with whom they are dealing. This is it, now, there doesn't appear to me to be any other way short of complicated sections. All over Europe, everyone has to have a license to sell tobacco, in every country in Europe, and sometimes the charges for getting a tobacco license are extremely high and the penalty in England for failing to, for not having your tobacco license when you sell as little as one cigarette, it's a felony punishable by something like up to fifteen years.

Mr. Chairman: Reads Section 6(2).

Mr. Chamberlist: Now, consumer has to hold a retail dealer's permit.

(Laughter)

Mr. Chamberlist: No, but, just read the way it is. You know, you need some commas in there. No person shall sell or offer for sale in the Territory, tobacco, to a consumer unless he holds a retail dealer's permit.

Mr. Tanner: Who's the guy doing the selling?

Mr. Legal Adviser: Mr. Chairman, it's quite clear to me I can understand...

Mr. Chamberlist: All right, I beg your pardon. I was reading. Now just a minute.

Mr. Chairman: Just from the chair, you know, already the people of the Territory are so buried in permits and renewal of permits and everything else and certainly the Administration must find this frustrating as well because this puts a big cost on the Administration to produce these things and why indeed must there be permits involved in this ordinance. I find it personally quite ridiculous.

Mr. Tanner: Mr. Chairman, unless you have permits, and as I've said before, there is no charge for them, unless you have permits you can't keep control of who's buying and selling tobacco, both wholesaler and retailer.

Mr. Legal Adviser: Mr. Chairman, you can do either of two things. You can keep a register and you can have the people register and be registered and then you know who they are. But that's not quite sufficient because what you ought to do is give them some evidence of the fact that they are registered. That they can put on the wall in case of inspection or in case some person wants to know whether or not this person is licensed to or is going to pass on, as Mrs. Watson said, the money to the Government. It's only a system. If Council can think of a better way of doing it the Treasurer would be only too delighted.

Mr. Chamberlist: Well, without the Treasurer being too delighted, I know for instance the City of Whitehorse, they issue licenses now for the sale of tobacco. Sure, they charge a license now for people that sell tobacco and other things. They can separate these licenses and they do. It's a separate

ITEM IN THEIR BUSINESS LICENSE A STORE THAT SELLS TOBACCO OR OR, I HAVEN'T GOT THE EXACT WORDS BUT IT'S THERE. IF I REMEMBER CORRECTLY, THAT WE HAVE, AND THERE ARE BUSINESS LICENSES, TERRITORIAL BUSINESS LICENSES A CATEGORY CALLED SELLING TOBACCO.

Mrs. Watson: Mr. Chairman, it wouldn't cover the restaurant where they sell tobacco, or the restaurant or this type of thing, necessarily, or the bars, or all of these areas that would be selling tobacco.

Mr. Chamberlist: Fine, the city do. They break it down for a hundred things.

Mr. Tanner: Mr. Chairman, I think the honourable member is incorrect. As I recall, and it's been a year or two since I've bought one, but if the city business license does have some specifics, for example, in the establishment that I'm associated with, because it's a main part of the business they identify the tobacco part of the license. But as the honourable member from Carmacks-Kluane said every restaurant that's selling cigarettes wouldn't bother to get a tobacco license. Whereas, they'd have to now, with this one, because they'd have to get a permit so we would know they were selling it.

Mrs. Watson: Mr. Legal Adviser; just for clarification, these machines, the person who would have to get the permit is the person who owns the cigarette machines?

Mr. Legal Adviser: Not necessarily.

Mrs. Watson: Or the establishment in which it is found.

Mr. Legal Adviser: The person who's, the machine is said to sell, but of course, it does not sell, it delivers on behalf of somebody who puts cigarettes in. The person who puts cigarettes in and collects the money is the person who sells. He's the retailer.

Mrs. Watson: He would have to have a permit.

Mr. Legal Adviser: Yes, now. He may place his machine in say a club and the machine sells away twenty-four hours a day for him but he is to have the permit.

Mrs. Watson: But that club would not have to have the permit?

Mr. Legal Adviser: No. Not in that instance, no.

Mr. Chairman reads section 6(3), 6(4), 6(5)

Mr. Stutter: Mr. Chairman, I wonder if I could get a little explanation here from the legal adviser. It says in here "Subject to the approval of the Commissioner, the Treasurer may cancel or suspend a permit where a person commits an offence against this Ordinance or has failed to post a security required under section 14". Then in section 14, if you don't mind me jumping ahead, Mr. Chairman, but in section 14 the person is only required to post that where a dealer has failed to collect. Now if that dealer hasn't made any violation, then he isn't required to have, to post a security, and if he isn't required to post a security until he has failed to collect, then why should there be the right to cancel or suspend his permit?

Mr. Legal Adviser: He would commit a second offence if he fails to post the security required and sells. Now if he fails to post security, he shouldn't be allowed to sell at all. So, automatically, his license would be withdrawn or cancelled.

Mr. Stutter: But that, Mr. Chairman, isn't what the Ordinance says. It says that the Treasurer may cancel or suspend the permit where, and it mentions one thing, or has failed to post a security, as required under section 14. But he's only required to post security under section 14 if he had already violated. So in the normal circumstance, if he's an honest Joe, he isn't required to post security in any event, but when you come back to section 5, it says that if he hasn't posted that security he could have his licence cancelled.

Mr. Legal Adviser: The situation that could arise would be a person may commit some offence in dealing with the Ordinance and be given a second chance and told O.K., that's fine, but to cover the situation post security. He doesn't post security, well then, that's it, you've got to enforce the order to post security by cancelling his permit and preventing him selling.

Mr. STUTTER: THAT'S NOT THE WAY I READ IT, MR. CHAIRMAN.

Mr. CHAIRMAN READS SECTION 7(1) OF THE TOBACCO TAX ORDINANCE.

Mr. CHAMBERLIST: NOW, SUPPOSE THE DEALER HAPPENS TO BE A RETAIL DEALER. NOW, WHY SHOULD HE HAVE TO GET A CERTIFICATE FROM THE TREASURER BECAUSE, IF HE CAN'T CONSUME IT, HE CAN'T COLLECT THE MONEY FROM THE CONSUMER BECAUSE HE HASN'T SOLD IT, ALTHOUGH HE HAS ALREADY PAID FOR IT.

Mr. LEGAL ADVISER: PERHAPS, AS WE READ THE NEXT SUBSECTION, IT WILL BECOME CLEAR, MR. CHAIRMAN.

Mr. CHAIRMAN READS SECTION 7(2) OF THE TOBACCO TAX ORDINANCE.

Mr. CHAMBERLIST: IT DOESN'T MAKE IT ANY CLEARER AT ALL, IT JUST ENLARGES THE SITUATION. A RETAIL DEALER HAS DECIDED TO GO OUT OF BUSINESS. HE HAS A STOCK OF TOBACCO. NOW, HOW CAN HE GET A CERTIFICATE THAT HE HAS PAID FOR THAT TOBACCO. SOME OF THAT TOBACCO MIGHT HAVE BEEN THERE FOR A NUMBER OF MONTHS BECAUSE HE PURCHASED IT THROUGH A, OVER A PERIOD OF TIME THROUGH A NUMBER OF DIFFERENT WHOLESALE DEALERS. WHERE DOES HE GET THE CERTIFICATE FROM TO GIVE TO THE TREASURER.

Mr. LEGAL ADVISER: MR. CHAIRMAN, THERE IS NOTHING IN IT ABOUT WHAT HE IS HOLDING IN STOCK ALTHOUGH IN PRACTICE, THIS IS WHAT WOULD BE CONCERNED. WHAT YOU ARE DOING, YOU ARE TRANSFERRING TO THE PURCHASER OF THE BUSINESS THE DUTY TO PAY TAX FROM THE FORMER BUSINESSMAN, UNLESS HE GETS A CERTIFICATE THAT HE'S EXEMPT, BECAUSE THE OTHER MAN HAS PAID IT ALREADY. SO, IN A BUSINESS, IF YOU KEEP UP TO DATE WITH YOUR TAX, THEN YOU GET YOUR CERTIFICATE. IF YOU DON'T, YOU FIND IT DIFFICULT TO GET A PURCHASER FOR THAT BUSINESS BECAUSE THE PURCHASER IS RISKING THE UNPAID TAX FROM THE NEW BUSINESS.

Mr. CHAMBERLIST: BUT ISN'T HE, HASN'T THE NEW PURCHASER ALREADY PAID THE TAX ONCE HE BUYS THAT TOBACCO BECAUSE HE'S BUYING THE TOBACCO TAX PAID, ISN'T THIS RIGHT?

Mr. LEGAL ADVISER: YES, BUT FROM A TECHNICAL POINT OF VIEW, IT HASN'T YET REACHED THE CONSUMER. ALTHOUGH IN FACT IT HAS BEEN PAID RIGHT BACK AT BASE BY THE SYSTEM OF TRANSFERRING THE DEBT FROM POINT TO POINT.

Mrs. WATSON: MR. LEGAL ADVISER, ISN'T THAT WHY YOU WANT THE CERTIFICATE. TO SHOW THAT IT HAS BEEN PAID, OR THAT IT HASN'T? THAT'S TO PROTECT THE PERSON WHO IS PURCHASING THE STOCK.

Mr. LEGAL ADVISER: YES, IT'S TO PROTECT THE INCOMING PURCHASER.

Mr. CHAMBERLIST: BUT IF IT SHOWS THAT IT HAS BEEN PAID, THEN THE NEW PURCHASER THEN WOULD BE SELLING THE TOBACCO WITH THE TAX ON IT, SO THAT HE WOULD KEEP THAT MONEY THEN. HE WOULDN'T HAVE TO GIVE IT AGAIN FOR THE SECOND TIME.

Mr. TANNER: THE MEMBER IS ABSOLUTELY CORRECT BUT OF COURSE, THAT WOULD BE EMPOWERED IN NEGOTIATIONS WHEN THE BULK SALE TAKES PLACE BETWEEN THE TWO PROPRIETERS.

Mrs. WATSON: PRICE OF THE STOCK.

Mr. TANNER: THAT WOULD BE ADDED IN TO THE PRICE THAT THE PURCHASER WOULD BE PAYING AND THE PURCHASER WOULD ALSO BE PROTECTED IN SAYING THE TAX HAS BEEN PAID, SO HERE'S THE MONEY FOR IT AND THEN HE COLLECTS AGAIN FROM THE PUBLIC. IT'S JUST AN ONGOING SYSTEM, AND THAT'S TO PROTECT HIM. IT WOULDN'T BE TWO LOTS OF TAX PAYMENTS.

Mr. CHAMBERLIST: NO, IT WOULDN'T BE, ALL RIGHT.

Mr. CHAIRMAN READS SECTION 8(1) OF THE TOBACCO TAX ORDINANCE.

Mr. CHAMBERLIST: WHAT'S THE PURPOSE OF THIS?

Mr. TANNER: MR. CHAIRMAN, THAT'S TO PROTECT THE RETAILER AGAINST PEOPLE IN THE GOVERNMENT TELLING OTHER PEOPLE IN THE RETAIL BUSINESS THE SORT OF VOLUME THE VARIOUS RETAILERS ARE DOING.

Mr. CHAIRMAN READS SECTION 8(2) OF THE TOBACCO TAX ORDINANCE.

Mr. TANNER: YES, THIS A REAL, THIS A SNEAKY ONE, MR. CHAIRMAN. YOU CAN'T DO IT AMONGST YOUR OWN GOVERNMENT YOU CAN'T DO IT OUTSIDE BUT YOU CAN DO IT BETWEEN GOVERNMENTS, SO THEY WON'T HELP EACH OTHER ON THEIR TAXES.

Mr. LEGAL ADVISER: THIS IS NOW, MR. CHAIRMAN. THE COLLECTORS OF CUSTOMS, THE COLLECTORS OF TAXES FROM ALL OVER CANADA

MEET TOGETHER AND THINK UP NEW DEVILRIES AS TO WHAT TO DO ON THE PUBLIC THE FOLLOWING YEAR AND...

MR. TANNER: MR. CHAIRMAN, IN MY OPINION, ESTIMATION, THIS IS DIRTY POOL BUT IT'S COMMON PROCEDURE AND I DON'T THINK THERE IS VERY MUCH WE CAN DO ABOUT IT UNLESS YOU WANT TO TAKE IT OUT. BUT IF YOU DO IT'S GOING TO BE COMPLETELY CONTRARY TO EVERYTHING ELSE IN CANADA. THEY'RE LOOKING AFTER THEMSELVES

MR. LEGAL ADVISOR: IT IS AN OLD BOY NETWORK.

MR. CHAIRMAN READS SECTION 9-1 OF BILL 21.

MR. CHAMBERLIST: PRESCRIBED BY WHO?

MR. LEGAL ADVISOR: MR. CHAIRMAN, THE HONOURABLE MEMBER IS ONE OF THE PEOPLE WHO PROPOSED, I THINK ...

MR. CHAMBERLIST: THE AMENDMENTS.

MR. LEGAL ADVISOR: THE AMENDMENTS TO THE INTERPRETATION ORDINANCE WAS TO DEFINE THE WORDS DESCRIBING THINGS PRESCRIBED BY THE COMMISSIONER BY REGULATION.

MR. CHAMBERLIST: ALRIGHT, IF THIS IS PRESCRIBED BY THE COMMISSIONER BY REGULATION HOW LONG FOR ARE THESE BOOKS GOING TO BE HELD?

MR. TANNER: MR. CHAIRMAN, I THINK IT IS THREE YEARS ON THE FIRST CASE, THERE IS NO TERM AS FAR AS FRAUD IS CONCERNED BUT THREE YEARS AS FAR AS EVERYTHING ELSE IS CONCERNED.

MR. CHAIRMAN: CLEAR?

SEVERAL HONOURABLE MEMBERS: CLEAR.

MR. CHAIRMAN READS SECTION 10-1 OF THE BILL

MR. CHAMBERLIST: HERE IS A QUESTION, MR. CHAIRMAN. WHAT IS A REASONABLE TIME, BECAUSE HERE ANY PERSON SO AUTHORIZED BY THE COMMISSIONER MAY ENTER AT ANY REASONABLE TIME THAT THERE IS DISCREPANCY. IS A REASONABLE TIME WHAT IS CONSIDERED BY THE COMMISSIONER OR WHAT IS CONSIDERED BY THE PERSON?

MR. LEGAL ADVISOR: MR. CHAIRMAN, BY NEITHER. IT IS WHAT A REASONABLE MAN WOULD CONSIDER A REASONABLE TIME. WHAT THIS MYTHICAL REASONABLE MAN WHO IS CONSTANTLY REFERRED TO IN LAW CASES. THIS IS A BALANCED, REASONABLY INTELLIGENT MAN AND WHAT HE WOULD DO AT A NORMAL TIME. THE COURTS KNOW WHAT IT MEANS.

MR. CHAMBERLIST: WHAT IS USUALLY WHAT A REASONABLE MAN CONSIDERS TO BE THE TIME?

MR. LEGAL ADVISOR: IF YOU SAY DURING BUSINESS HOURS YOU ARE LOCKING YOURSELF IN. IT IS QUITE COMMON TO COME BEFORE BUSINESS HOURS BY APPOINTMENT OR AFTER BUSINESS HOURS SO AS TO ALLOW THE CUSTOMERS TO GO AWAY. IT MIGHT BE OCCASIONALLY BY APPOINTMENT, ON A SUNDAY. IT HAS TO BE GIVEN A WIDE INTERPRETATION.

MR. CHAMBERLIST: THIS IS WHAT I AM ASKING. DOES IT MEAN BY APPOINTMENT OR DOES IT MEAN THAT SOMEBODY CAN BARGE IN AND SAY, "I CONSIDER THIS TO BE A REASONABLE TIME." IF BY APPOINTMENT, I AGREE.

MR. LEGAL ADVISOR: MR. CHAIRMAN, IF I COULD DEFINE IT I WOULD DEFINE IT BUT ALL WE CAN SAY IS REASONABLE. IF A BUSINESS CLOSING AT SAY 5:30 THE INSPECTOR MIGHT WAIT UNTIL JUST AFTER 5:30 AND WISH TO ENTER. THAT WOULD BE A REASONABLE TIME IF THERE WERE PEOPLE STILL INSIDE BUT IF THERE IS NOBODY THERE THEN IT IS NOT A REASONABLE TIME BECAUSE HE CAN'T BREAK OPEN THE DOOR.

MR. CHAMBERLIST: WELL, IF THE BUSINESS CLOSING AS 5:30 IT IS NOT A REASONABLE TIME FOR ANYBODY TO GO AND MAKE HIS EXAMINATION. IT IS OUTSIDE OF BUSINESS HOURS AND PERHAPS THE ORDER OF THE BUSINESS MIGHT CONSIDER THAT IT IS NOT A REASONABLE TIME. IT DOESN'T CLARIFY THE POINT THAT I AM MAKING. IS THE REASONABLE TIME BY APPOINTMENT? THAT IS WHAT I WANT TO KNOW.

MR. LEGAL ADVISOR: NO, MR. CHAIRMAN, IT IS NOT. IT CAN'T BE JUST DURING BUSINESS HOURS BECAUSE WE HAD UNDER THE OLD LIQUOR ORDINANCE A PRACTISE DEVELOPED OF THE PREMISES CLOSING IN STAGES UP THE HIGHWAY AS THE INSPECTOR FLEW UP THE HIGHWAY IN HIS CAR. THE PHONE RANG AND 15 MINUTES BEFORE HE GOT THERE THE PREMISES CLOSED AND EVERYONE WENT HOME AND THEY DIDN'T OPEN UNTIL HE HAD DRIVEN UP THE HIGHWAY AND YOU DIDN'T GET ANY INSPECTIONS DONE. YOU JUST CAN'T SAY DURING BUSINESS HOURS.

Mr. TANNER: Mr. Chairman, I think reasonable time works both ways. In effect what happens now is that when people come to inspect the books they normally do phone and say what time is suitable to both of us. Of course if there is an occasion where they do want to break down the door, which incidentally they can not only do that but an awful lot more in Alberta, they can't do it here. You've got a case in court which I think you would have a very easy case to win. If they were being unreasonable. Incidentally, the powers they have in Alberta are incredible. They can do absolutely anything and they can call other people to help them.

Mr. STUTTER: Mr. Chairman, the point I have objection to under 10-1 is the word 'any'. When it says that, "any person so authorized by the Commissioner may enter at any reasonable time the business premises occupied by any person or the premises where his records are kept." It does seem to me that you have already under Section 6-2 protected yourself. Section 6-2 says, "no person shall sell or offer for sale in this Territory tobacco to a consumer unless he holds a retail dealers permit."

SURELY TO GOSH YOU MUST HAVE REASON TO GO INTO A PREMISES. THIS SECTION HERE JUST SAYS THAT YOU CAN GO INTO ANY PREMISES. HE COULD BE A CARPENTER, HE COULD BE A CONTRACTOR THAT HAD NOTHING TO DO WITH THE SALE OF LIQUOR. I AM NOT SUGGESTING THAT THIS WILL HAPPEN BUT UNDER 6-2 YOU HAVE THAT PROTECTION. THERE IS AN INDICATION THAT SOMEBODY IS SELLING CIGARETTES WITHOUT A PERMIT HE HAS ALREADY VIOLATED THAT SECTION OF THE ORDINANCE. WHY REALLY IS 10-1, THAT PART OF IT, NECESSARY?

Mr. LEGAL ADVISOR: Mr. Chairman, they may have to enter the premises to see.... He may be a bootlegger. He may not have a permit therefore you can't operate under the other section. This is a person to check up, among other things that is not the only one, to check up, "is he selling tobacco without a permit and without paying duty." This happens.

Mr. TANNER: Mr. Chairman, another example might be that retailer (A) on the street has got his permit and is selling tobacco. He knows that retailer (B) down the road has

NOT GOT A PERMIT AND IS SELLING TOBACCO. HE MIGHT HIMSELF BRING IT TO THE ATTENTION OF THE DEPARTMENT, "WOULD YOU GO IN THERE. THEY HAVEN'T GOT A PERMIT, THEY SHOULDN'T BE SELLING TOBACCO." WHAT IS FAIR FOR ONE SHOULD BE FAIR FOR BOTH. AND SECTION 6 DOESN'T COVER THEM. THIS MIGHT BE A CASE WHERE THEY HAVEN'T GOT A PERMIT AND THEY WANT TO FIND OUT WHAT THIS GUY IS UP TO.

Mr. CHAMBERLIST: Would a person then, who buys a package of cigarettes from a person who hasn't got a permit be committing an offence?

Mr. LEGAL ADVISOR: ONLY IF HE DOES IT KNOWINGLY.
Mr. CHAIRMAN.

Mrs. WATSON: Mr. Chairman, in all likelihood he would be paying the tax but it wouldn't be going to the Government.

Mr. CHAMBERLIST: Mr. Chairman, at this time I would move that Mr. Speaker do now resume the chair.

Mr. CHAIRMAN: SECONDER?

Mr. TANNER: I WILL SECOND THAT.

Mr. CHAIRMAN: IT HAS BEEN MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR TANNER THAT Mr. SPEAKER DO NOW RESUME THE CHAIR. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

Mr. CHAIRMAN: ARE YOU AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

Mr. CHAIRMAN: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

Mr. SPEAKER: COUNCIL WILL NOW COME TO ORDER. MAY WE HAVE A REPORT FROM THE CHAIRMAN OF COMMITTEES?

Mr. TAYLOR: Mr. SPEAKER, COMMITTEE CONVENED AT 10:55 A.M. TO DISCUSS BILLS, SESSIONAL PAPERS AND MOTIONS. IT WAS MOVED BY COUNCILLOR MCKINNON SECONDED BY COUNCILLOR CHAMBERLIST THAT THE PRINCIPLE OF SESSIONAL PAPER No. 22 BE ACCEPTED BY THE COUNCIL AND THAT THE YUKON SPORTS COMMITTEE BE APPROACHED BY COUNCIL REPRESENTATIVES TO BECOME THE LICENSING AND

DISTRIBUTING AGENCY FOR THE WESTERN CANADA LOTTERY FOR THE YUKON TERRITORIAL GOVERNMENT. THIS MOTION CARRIED.

COMMITTEE RECESSED AT TWELVE NOON AND RECONVENED AT 2:05 P.M. IT WAS MOVED BY COUNCILLOR TAYLOR SECONDED BY COUNCILLOR CHAMBERLIST THAT COUNCILLORS MCKINNON AND STUTTER BE APPOINTED AS A SUB-COMMITTEE OF TWO TO LOOK INTO ALL ASPECTS OF THE WESTERN CANADA LOTTERY PROPOSALS INCLUDING DISCUSSIONS WITH THE YUKON SPORTS COMMITTEE AND REPORT BACK TO COUNCIL AT THEIR EARLIEST CONVENIENCE. THIS MOTION WAS CARRIED.

IT WAS MOVED BY COUNCILLOR TANNER SECONDED BY COUNCILLOR WATSON THAT BILL NO. 10 BE REPORTED OUT OF COMMITTEE WITHOUT AMENDMENTS. THIS MOTION WAS CARRIED.

I CAN REPORT PROGRESS ON BILLS NO 9 AND 21.

IT WAS MOVED BY COUNCILLOR CHAMBERLIST SECONDED BY COUNCILLOR TANNER THAT MR. SPEAKER DO NOW RESUME THE CHAIR AND THIS MOTION CARRIED.

MR. SPEAKER: WE HAVE HEARD THE REPORT OF THE CHAIRMAN OF COMMITTEES ARE WE AGREED?

SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TAYLOR: I BELIEVE IT IS THE INTENTION OF COMMITTEE TO DEAL FURTHER WITH BILL 21 AND, I BELIEVE, THE MATTER OF LEGAL AID WAS MENTIONED IN COMMITTEE SOMETIME ON MONDAY.

MR. SPEAKER: MAY I HAVE YOUR FURTHER PLEASURE?

MR. TANNER: MR. SPEAKER, A CORRECTION. I DON'T THINK THERE WAS ANY MENTION OF LEGAL AID.

MR. TAYLOR: I'M SORRY, I WAS REFERRING TO THE FISHER-FLEMING MATTER.

MR. TANNER: MR. SPEAKER, I MOVE WE CALL IT FIVE O'CLOCK.

MR. SPEAKER: IS THERE A SECONDER?

MR. STUTTER: SECOND THAT MOTION, MR. SPEAKER.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FOR WHITEHORSE NORTH SECONDED BY THE HONOURABLE MEMBER FOR DAWSON THAT WE NOW CALL IT FIVE O'CLOCK. ARE YOU PREPARED FOR THE QUESTION?

SEVERAL HONOURABLE MEMBERS: QUESTION.

MR. SPEAKER: AGREED?

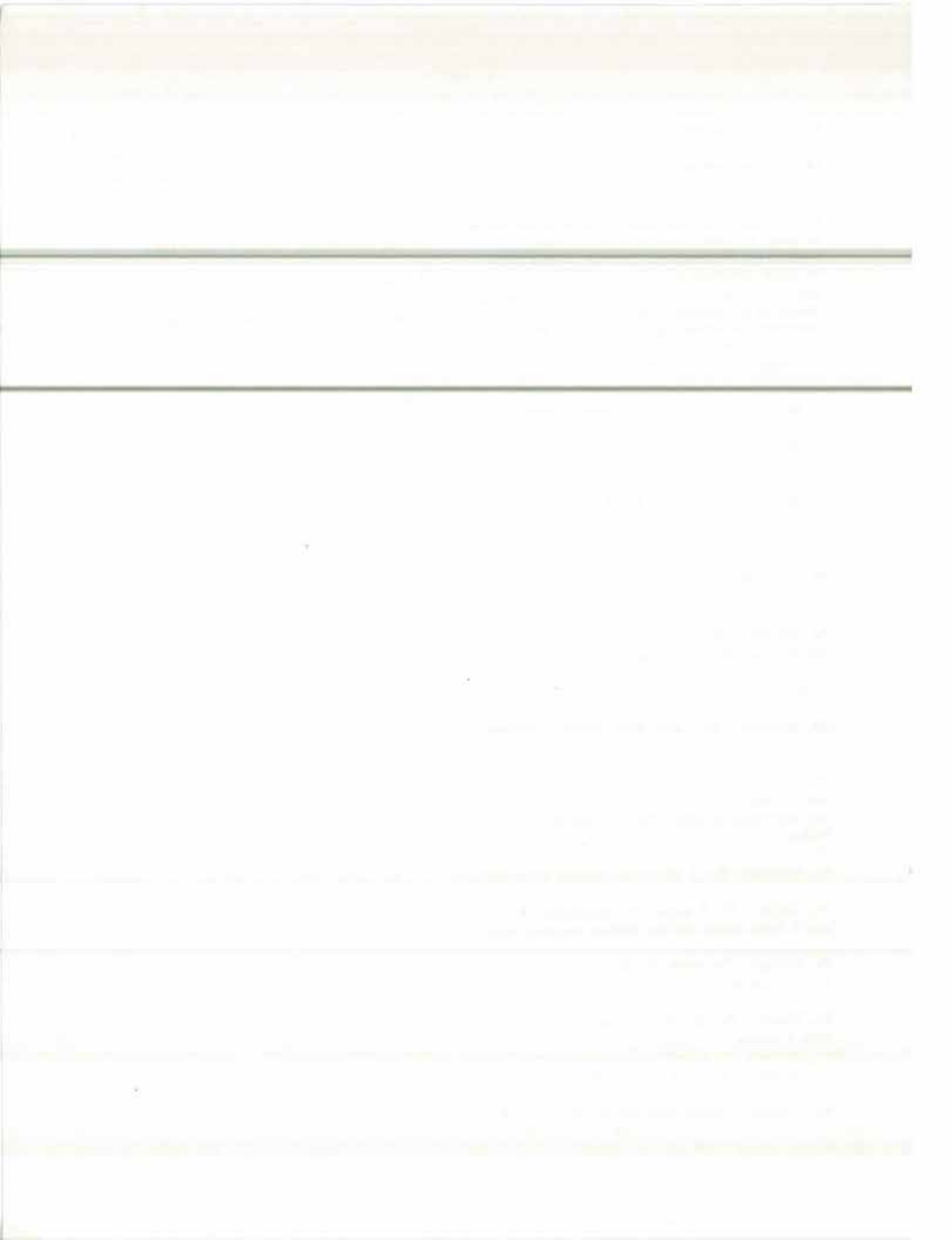
SEVERAL HONOURABLE MEMBERS: AGREED.

MR. SPEAKER: I DECLARE THE MOTION CARRIED.

MOTION CARRIED

MR. SPEAKER: THIS HOUSE STANDS ADJOURNED UNTIL 10:00 A. M. MONDAY MORNING.

ADJOURNED



Mr. TAYLOR: THIS WOULD BE QUITE ACCEPTABLE Mr. SPEAKER. I WOULD ALSO LIKE TO KNOW IN VIEW OF THE GREAT LENGTH OF TIME THAT HAS TRANSPIRED SINCE THE ACQUIRING OF A REPORT ON THE LOCAL IMPROVEMENT DISTRICT AT HAINES JUNCTION TO THIS DATE, CERTAINLY BY NOW THE ADMINISTRATION MUST BE ABLE TO TABLE THIS REPORT IN ITS ENTIRETY TO COUNCIL AS PER THE REQUEST. WHEN INDEED WILL THIS TAKE PLACE?

Mr. ADMINISTRATOR: Mr. SPEAKER, I'M STILL NOT IN A POSITION UNFORTUNATELY TO GIVE A FIRM TIME WHEN THIS CAN BE MADE AVAILABLE. I CAN ASSURE THE HONOURABLE MEMBER THAT WE ARE MAKING PROGRESS ON IT, BUT IT IS VERY SLOW AND VERY REGRETABLE THAT WE HAVEN'T BEEN ABLE TO MOVE MORE QUICKLY. BUT I CAN'T SAY JUST AT THIS PARTICULAR POINT EXACTLY WHEN IT WILL BE AVAILABLE.

Mr. CHAMBERLIST: SUPPLEMENTARY, Mr. SPEAKER, WOULD THE ADMINISTRATOR INDICATE WHETHER OR NOT THE INTENTION TO EXPAND THE BOUNDARIES OF HAINES JUNCTION IS TO TAKE PLACE?

Mr. ADMINISTRATOR: YES, Mr. SPEAKER, IT IS OUR INTENTION TO EXPAND THE BOUNDARIES.

Mr. CHAMBERLIST: Mr. SPEAKER A SUPPLEMENTARY QUESTION. IS IT THE INTENTION OF THE ADMINISTRATION TO DO THIS WITHOUT AMENDING THE LEGISLATION TO PROVIDE THAT THIS CAN TAKE PLACE?

Mr. ADMINISTRATOR: Mr. SPEAKER, MY UNDERSTANDING IS THAT THERE ARE LEGAL TECHNICALITIES INVOLVED BUT I HAVE NOT EXAMINED THESE LEGAL TECHNICALITIES MYSELF AS YET. BUT THESE WILL BE PART AND PARCEL OF OUR TOTAL EXAMINATION OF THIS PARTICULAR PROBLEM.

QUESTION RE: SESSIONAL PAPER NO. 21

Mr. McKINNON: Mr. SPEAKER, THE COUNCIL HAS UNANIMOUSLY ASKED THAT WE BE KEPT INFORMED AS TO THE PROGRESS OF LAND CLAIMS DISCUSSIONS AND WE WERE ALL LOOKING FORWARD TO A SESSIONAL PAPER DEALING WITH THE PROGRESS. AND Mr. SPEAKER, WHAT AN INSULT TO EACH AND EVERY MEMBER WHEN YOU SEE SESSIONAL PAPER No. 21. "THE GOVERNMENT OF THE YUKON TERRITORY HAS EXPRESSED ITSELF CLEARLY ON ALL ISSUES DISCUSSED AND HAS MADE IMPORTANT CONTRIBUTIONS IN BOTH THE GOVERNMENT MEETINGS AND THE NEGOTIATING SESSIONS."

Mr. SPEAKER, WHAT THE MEMBERS OF THE YUKON COUNCIL WANTED AND WHAT THE PUBLIC OF THE YUKON TERRITORY

WANTED TO KNOW WAS HOW THE YUKON GOVERNMENT EXPRESSED ITSELF CLEARLY ON ALL THE ISSUES DISCUSSED. WHAT WERE THE ISSUES DISCUSSED? THE YUKON TERRITORIAL GOVERNMENT HAS MADE IMPORTANT CONTRIBUTIONS IN BOTH THE GOVERNMENT MEETINGS. WHAT WERE THE IMPORTANT CONTRIBUTIONS MADE BY THE YUKON TERRITORY IN BOTH THE GOVERNMENT MEETINGS AND THE NEGOTIATING SESSIONS?

Mr. SPEAKER, I WONDER IF I COULD ASK Mr. ADMINISTRATOR IF HE'D TAKE SESSIONAL PAPER No. 21 BACK. HE KNOWS WHAT HE CAN DO WITH IT. AND PREPARE A SESSIONAL PAPER THAT WILL EXPLAIN TO THE MEMBERS OF THIS LEGISLATIVE COUNCIL AND TO THE PEOPLE OF THE YUKON EXACTLY WHAT IS TAKING PLACE IN THE LAND CLAIMS NEGOTIATIONS.

Mr. ADMINISTRATOR: Mr. SPEAKER, I'M SYMPATHETIC AS I CAN POSSIBLY BE WITH THE POSITION OF THE HONOURABLE MEMBER AND I CAN CERTAINLY UNDERSTAND WHY HE WOULD THINK IT QUITE REASONABLE THAT FURTHER INFORMATION SHOULD BE MADE AVAILABLE. THE FACT OF THE MATTER IS THAT WE ARE INVOLVED IN NEGOTIATIONS. THIS IS AN ON GOING PROCESS AND THERE HAVE BEEN MUTUAL UNDERTAKINGS THAT THE NEGOTIATIONS THEMSELVES WILL BE KEPT WITHIN THE CIRCLE OF THE NEGOTIATORS UNTIL SUCH TIME AS IT IS APPROPRIATE FOR THE PARTIES INVOLVED IN THE NEGOTIATIONS TO PROVIDE ADDITIONAL INFORMATION AND AS MUCH AS I REGRET IT, THIS IS AS FAR AS I CAN GO AT THE PRESENT TIME.

Mr. CHAMBERLIST: Mr. SPEAKER, SUPPLEMENTARY, Mr. ADMINISTRATOR, THE COMMISSIONER MADE IT CLEAR THAT HE HAS NO OBJECTION TO PROVIDING MEMBERS OF COUNCIL WITH THE INFORMATION THAT I HAD REQUESTED WITH REFERENCE TO THE NATIVE LAND CLAIMS. WHY IS IT THAT YOU NOW HAVE SUPERSEDED WHAT THE COMMISSIONER HAS INDICATED HE WOULD DO? IS IT ON THE INSTRUCTIONS OF YOUR DEPARTMENT BECAUSE YOU ACT IN THAT CAPACITY RECEIVING INSTRUCTION FROM THEM? NOW IS THAT THE REASON?

Mr. ADMINISTRATOR: Mr. SPEAKER, THE TERMS OF REFERENCE UNDER WHICH I HAVE AUTHORITY TO SIGN THAT PAPER ARE AS I UNDERSTAND IT, WHAT HAS BEEN AGREED UPON AMONG THE NEGOTIATING PARTIES INVOLVED IN THIS PARTICULAR SITUATION AND THAT PAPER IS ALL THE AUTHORITY THAT I HAVE TO DISCLOSE AT THIS PARTICULAR TIME.

