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HANSARD

Wednesday, November 7, 1979 — 7:30 p.m.

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

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

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

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive, Council office, Public Service Commission, Finance and Pipeline.
Hon. Doug Graham	Whitehorse Porter Creek West	Minister responsible for Education, Justice, Information Resources, Government Services
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation, and Yukon Liquor Corporation.
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources and Workers' Compensation Board.
Hon. Peter Hanson	Mayo	Minister responsible for Renewable Resources, Consumer & Corporate Affairs, Tourism & Economic Development.

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(Progressive Conservative)

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

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
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Clerk Of Assembly
Clerk Assistant (Legislative)
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Patrick L. Michael
Missy Parnell
Jane Steele
G.I. Cameron
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ERRATUM

Reference Page 629 - November 7, 1979

Left Column, fourth line from bottom of page:

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

November 7, 1979 - 7:30 p.m.

Mr. Chairman: I shall call Committee of the Whole to order. When we recessed, I said that I would bring in a ruling. I will bring the ruling in later. In the meantime we will consider Bill Number 12, Medical Profession Ordinance. I will anticipate general debate on Clause 1.

On Clause 1

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

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

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

Mr. MacKay: He is not the present Minister.

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

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

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

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

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

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

Indeed, Mr. Chairman, this piece of legislation is an expression of confidence by the Yukon Government that it is able to order its own affairs and in an expression of confidence that the medical profession, with help and a certain amount of guidance, can also order its own affairs. Any negation of this fundamental premise is a vote of non-confidence in the people of the Territory. It goes without saying that this principle also applies to other professions and callings in public life in the Yukon.

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

It is for this reason, Mr. Chairman, that it is neither possible nor yet practical to organize a college of physicians and surgeons, as a

body, to administer a Medical Ordinance, together with a registrar, as a Physician Administrator. Logistics and finance do not permit this solution.

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

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

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

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

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

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

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

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

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

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

The basic requirements for specialists in Yukon will be the possession of the Certificate of Fellowship Examination of the Royal College of Physicians or the Royal College of Surgeons of Canada. Flexibility is allowed to permit the registration of those specialists who do not have the LMCC nor yet have served a rotating internship. In doing so, those specialists who have no general practice background will confine their activities to their chosen specialty.

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

The standard of care will be that which is optimum in the Yukon

Territory. This is not to say that the quality or standard will be less than the rest of Canada, but must be measured against the facilities and measures available in the Yukon Territory. Thank you, Mr. Chairman.

Mr. MacKay: I have a couple of Points of Order, Mr. Chairman. Mr. Graham is sponsoring this Ordinance. I am wondering which portfolios he is doing that under.

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

Mr. MacKay: Am I not to understand that this Ordinance is being presented by the Department of Consumer and Corporate Affairs? I would like to have an answer because I would like to know what the thrust of this legislation is. Is it a Bill that the Consumer and Corporate Affairs Department is sponsoring and do they feel that this is something that comes under that Department? Surely, I can ask that question and get an answer.

Hon. Mr. Graham: Mr. Chairman, he has risen on a Point of Order and I would like to have you rule on it.

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

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

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

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

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

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

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

On strictly technical grounds, Mr. Chairman, I think that the sponsor of any bill that we have ought to be the Minister of the responsible department then whoever defends it when we come to the committee is a matter of greatest irrelevance to me.

It is a small technical point, I submit, Mr. Chairman, but it is an important because a former Minister of the Department is not accountable for what happened once he changed his portfolio in that department, nor is the incumbent Minister accountable for what may have happened in that department prior to his taking office. I think Dr. Hibberd will confirm that.

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

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

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

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

My next Point of Order is in respect to two Members of the opposite side, whom I think may have a conflict of interest on this

bill. I would like the Chairman to rule on two things with respect to these members.

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

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

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

"Section 231. (1) The personal interest of a Member in a subject before the House must be a direct pecuniary interest and separately belonging to the persons whose votes were questioned, not in common with the rest of Her Majesty's subjects or on a matter of state policy.

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

"232. (1) A Member's right to vote on questions in which he is personally interested is one of those matters that must be decided by the House and not by the Speaker.

"(2) An objection to the vote on the grounds of personal interest must be taken by a substantive motion that the vote given be disallowed; it may not be raised as a point of order.

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

"(4) An objection on the ground of personal interest raised in a Committee of the Whole must be determined by the Committee upon a motion made therein that the vote be disallowed.

"(5) The principle of the rule which disqualifies an interested member from voting must always have been intended to apply as well to Committee as to the House."

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

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

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

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

Mr. Chairman: We will conclude with that ruling.

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

Mr. Chairman: Well a ruling or the advice.

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

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

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

It was, perhaps, in a sense, a happy accident that we had this

intervening period to think about the legislation.

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

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

I think that suggests something serious about the principle of this legislation. When we get into clause by clause discussion, I might like to raise some of those questions.

I did consult one person outside the Territory; someone who is a fairly senior member of the profession; someone who has been involved in the fairly high ranks of the medical profession in the province in which he resides; a person who is an MB, PhD, FRCS, LRCP, MRCP, Member of the College of Pathologists, Director of the Laboratory of Public Health for Southern Alberta, Foothills Hospital, and Professor of Medicine at the University of Calgary. The person also happened to have practiced medicine in the rural Yukon. He sent me a letter on the Bill which began, "Dear Son," I would like to read what he said because it is not....

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

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

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

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

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

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

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

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

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

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

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

Now, as a layman, it seems to me in any kind of quasi-judicial process, then there is an element of that if you want to be talking about the operation of the council, it seems to me that two princi-

ples must be observed. It seems to me the people making judgment on any other person have to be objective, and disinterested.

It seems to me that would be the criteria for any judge and any jury. I do not think that in the British legal system you would ever have a person be allowed to sit on a jury, for example, who had intimate knowledge, positive or negative, of a person being judged. I think in the British judicial system, a judge would almost certainly disqualify himself if he had any acquaintanceship at all with the person being judged.

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

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

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

I have some problems believing, even at their professional best, that human beings can, when they are in business with or in business competition against someone else, people who may, because they have frequent and pretty intimate knowledge of them in this community, achieve the kind of disinterested pose and objectivity in judging their colleagues that I think would be desirable in any body which is going to have disciplinary power.

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

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

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

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

Mr. Chairman, I have not gone into a number of other broad areas of this legislation which I think are difficult whether it is designed for the doctors or designed for the consumers or whether it is possible to have a perfect piece of legislation which is suitable for both. But, I would like to, I hope in a fairly reserved and serious way, raise the question of scale if whoever is going to speak from the other side would deal with it. I think it is a serious problem and one that bears more consideration.

In our desire, our march towards more responsible government it is just and proper that we should be looking to gain the kind of responsibilities and the controls and the legislative instruments which give us the control over aspects of the community which are enjoyed in other parts of Canada. I think we have to be realistic about the size of our community and the nature of our community. Maybe there are times when what we should be doing rather than simply saying, "Let's take a look at what everybody else does and try to improve and plagiarize on it and adopt it here," we should be simply saying, "Well, let's start down that road, but let's agree that there are some areas here where we cannot achieve the kind of

objectivity and distance and professional detachment that is possible, I would guess, almost every other place in Canada, with the possible exception of Prince Edward Island and the Northwest Territories, let's recognize that; let's look at the possibility of saying, on questions of discipline, perhaps we ought to, while establishing an Ordinance such as this, contract out of the disciplinary power or defer the disciplinary power to another senior body to the south."

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

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

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

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

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

So, some mechanism had to be developed whereby it was removed from that political influence, removed from the Government itself, but, on the other hand, it certainly would not be felt appropriate to leave the licensing with the profession itself. Indeed, the delivery of health care in the Yukon is the concern and the prerogative of every member of that community and so they should, indeed, be involved. So there had to be some mechanism developed whereby it was not left in the hands of the politicians or in the profession itself. This is, to a certain extent, the result of those primary considerations.

We have many instances in the past years where we have had considerable difficulty with licensing, primarily with licensing but also with discipline, of doctors in the past and, inevitably, it has come under a great deal of political pressures. It is no pleasant task for a politician to be involved in such a professional judgment. I think all Members would agree they would not want to find themselves in that position in making that kind of a judgment so, indeed, it had to be removed from this area.

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

They can offer advice; they can go that far, but they cannot be involved in the actual saying of whether somebody can practise medicine in the Yukon Territory, the same as we cannot be saying that someone can be practising medicine in British Columbia. It is just not appropriate and they do not feel competent and they would refrain from becoming involved in doing so.

I know that this is not quite what the Member was referring to but I always get very concerned when I hear the refutation of the evolution of responsibilities in the Yukon, in various areas, when the fact is referred to that we are small and we do not have the competence to do so.

I sincerely take issue with that, Mr. Chairman. I think we do have

the competence to do it as much as any other area, and we should be exercising that prerogative. The same way that this House functions is the same thing that we are concerned about in all those other areas. I just cannot accept the fact that, because we are small, we are incompetent. Because we are small, in many instances we have a better ability to be making judgments because we are much closer to the situation. We have a much better understanding of what the situation is.

Most of the work of this Medical Council will be involved with pretty routine matters of registration and of discipline. If this were to fall on an outside body, they would simply not have the ability to, every time someone wrote a letter asking to be registered in the Yukon Territory and we, in turn, referred it out, they would write back for the various documents, and it would just become a bureaucratic maze which is entirely inappropriate. No one would want to accept that kind of responsibility.

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

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

Mr. MacKay: Is that the point he was making?

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

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

Mr. Penikett: I just would like to reiterate for the Member one thing, a general point. The duty of the Opposition is to, hopefully, try and expose flaws in a bill and unfortunately we did not have second reading. My remarks were directed towards what I thought was a flaw. I was not trying to cover the whole bill in my remarks.

Most of Dr. Hibberd's remarks dealt with the council, in fact, registration. I may have some concerns about that but that was not my major concern. Nor did I make, and I want to say this with respect, the arguments that small size produces incompetence. If there is any relationship between size and ability, far be it from me to make such an argument.

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

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

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

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

The point about discipline though, and perhaps, Mr. Chairman, we will no doubt get more into this when we get into the clause by clause stage, is one that concerns me quite a lot because to say, again, my point was not that the Council would be incompetent, I certainly am not making that judgment at all. I am sure that person for person they would be as competent as any six people you might find in Ontario, British Columbia or Alberta. My point was that they would fail, by my lights, on the grounds of objectivity and disinterest in this, if there is such a word, Mr. Chairman.

Now, Dr. Hibberd talked about removing the question from politics. Now, I do not know, but I have heard it alleged that medical politics are among the most lively theatres in the country and to suggest that simply because something was in the boundaries of the profession that somehow there would be no political process going on, I think, is something I am sure the doctor would not want to suggest to us, because, you know, politics is life. I think any professional person will tell you that there is an awful lot of politics inside their professions and inside their professional associations. So I do not think you are ever going to free the thing totally of politics.

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

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

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

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

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

I might mention, the last point that Mr. Penikett raised, indeed, the council has the ability to appoint a board to inquire into a circumstance whereby they might be disciplining a doctor and they can be appointed experts in that field, not necessarily from within the Yukon itself.

Now, Mr. Chairman, when I spoke earlier about the creation of the council, I referred to the political difficulties. I would like to make it very clear. What I was referring to was the fact that if the government itself becomes involved in this type of a decision, it is very difficult for a political person in the government to be involved. They should simply not be there when that kind of decision is being made. It should be removed from government. That kind of decision should be separate from it. Similarly it should be separate directly from the Yukon Medical Association. It should be an independent hearing and that enhances the creation of the council as an independent body.

Mr. Mackay: Thank you, Mr. Chairman. I hate to disturb the tranquillity of this debate. It seems to have been conducted in a very civilized manner and I would hope that I can restrain some fairly strong feelings I have about this to the extent of not arousing unnecessary ire from the Members opposite because to do so might well torpedo what I see as faint hope from the remarks of the good Doctor that he recognizes the importance, the significance, the justice, of my colleague from Whitehorse West's remarks respecting the problem, which I think is a major problem of the Bill, of major disciplinary measures being handled by people who, I would say, would have a most difficult time truly being objective, truly being disinterested in the case.

I think that that is the centre of the objections and of the negative feelings I have towards this bill.

I come by these feelings, I think, fairly honestly, Mr. Chairman. I too, am a self-disciplining professional. I too, was instrumental, actually, in putting together, and having passed by a previous Council, the Ordinance which governs my behavior. When that Ordinance was initially thought of and drafted, the major problem that the government of the day then had, which was 1977-76, the major problem that government had, and specified was: for the protection of the public how are you, as chartered accountants who deal with the public's money and who are relied upon to be ethical and relied upon to be professionals, how are you possibly going to be able to discipline yourselves because of the small numbers you have?

Now we agreed readily that that was a problem. Some of us were in competition with each other for business. Some of us were in different types of work, working for the Government or working for major companies but, by and large, there were not enough of us to be separated from the issues and secondly, from the personalities, because personalities in the Yukon-- all of you have public personalities over there so you know what I am talking about-- tend to often overshadow the issues and, indeed, overshadow the objectivities of the Members involved.

I worry a little bit about me speaking to this Bill even, because I think my particular personality, and the way I approach this subject, may well be counterproductive to any changes that I am seeking.

If you recognize these as realities that is the way the Yukon works because it is a small place. Having recognized that and all of the accountants involved in this thing have said, yes, that is right, we have to find a way of removing this disciplinary procedure from our midst for two reasons. One is that we did not want to deal with it ourselves because we did not feel we could ever be objective and disinterested. Secondly, that the public's protection could only really be seen to be there, we felt, if there was a Court of Appeal, a peers disciplinary situation which could obviously be disinterested and could obviously be professional about it. So, that Ordinance that was passed in this House, we set up a Council, we had all the things that the medical profession has in this Bill except for the one thing that was that we contracted out of major disciplinary procedures. We have a mechanism whereby the BC Institute of Chartered Accountants disciplines the members in the Yukon.

That was a precedent that I felt was fair. I have to talk very personally about this, but I feel that, as the leading partner of the largest firm in the town, that I could have controlled that council by virtue of having on my payroll the majority of the chartered accountants in town, which made it even more crucial to me to remove the disciplinary problems from within the Territory.

That may sound as if I am being self-laudatory, but I think that I am also being honest because I know that is the way a professional thinks.

When I came to this Ordinance, I, too, tried to look at it objectively. I tried to see what was being attempted and I think that the Ordinance we have here sets up a structure which is good. It sets the framework and the groundwork for this profession to be able to handle more and more of its own affairs.

There are a number of areas that I am going to criticise in an attempt to convert my friends over there with respect to various areas which they want to handle.

I think registration can be improved. I think that that aspect of it, though, should be handled in the Yukon because I think that you have to be flexible in the Yukon to ensure you are not going to ban competent doctors from practising in areas which have a very difficult time getting doctors, but you are not going to do it by having some kind of artificial rule that exists somewhere else.

I think that registration, I do not have a lot of problem with it. I think that it is an improvement in this Bill over the previous one.

The Yukon Medical Council, I think the Members opposite should not feel it is a unique departure to have lay members involved in a professional board. This is the trend across Canada, many professions are doing this now in order to be able to show the public that they have, in fact, a direct say in that profession. This is being done more and more by professions, one of the reasons being that in Quebec, they have a bill there which has been passed which is now controlling professions because the Quebec Government decided that they were going to undertake to do that because they did not feel that professions were controlling themselves well enough. Many professions have recognized that they do not want to see that happening in their jurisdiction and therefore are appointing lay people to the board.

I think that is fine. I agree that that should be in here. It is not a

unique Yukon thing. Let us not try and say that.

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

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

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

We have isolated doctors in rural communities who feel, I must say the ones that I have talked to by and large, somewhat negative towards this Ordinance. The Member from Mayo is looking askance; however, that is a different story from what he has been telling me.

There are problems in this Ordinance among the doctors themselves. I do not want to get down to personalities because we are back in the same Yukon boat. It is very easy. We can all sit here and think of the personalities that we are talking about, all of us.

You are proving, by your knowledge, that this objectivity cannot exist in such a small number. It has nothing to do with competency, nothing to do with the ethics of the individuals involved. It has nothing to do with the motives of the individuals involved. It is a sheer fact that you have such a small number, and in a community like this there are bound to be heavy differences which are bound to colour that doctor's perception.

I have had discussions with members of the profession, both those for the Bill and those against. Every one of these doctors has to say that he has an opinion formed already about every other doctor in the Territory. Each one of them have an opinion. That, in itself, makes it very difficult. I say, for him to sit in judgment of a particular colleague on a particular charge. The prior knowledge may well produce an exoneration for something that really perhaps should not be an exoneration.

I worry about that more than I do about the other one where you have a doctor apparently persecuted by others. I do not think that is particularly going to happen, but I do worry about the public protection aspect where you work with a fellow for ten years, you know that he has a progressively worsening problem, it can be alcohol; it could be anything. Suddenly you are the ones, his fellow colleagues, who have to put the bite on him. I think that is a very difficult thing that is being undertaken and I ask the Members to seriously consider whether they want to put the public interest to that test.

There has been a mention, by the previous speaker, that there have in fact been frequent problems in registration and discipline. I think that we should not treat this as one isolated thing that happens every couple of years. There have been a number of problems over the years so it is not a Bill that will not be put into use very quickly.

I think the discussion of political influence is probably best left alone because it can be so easily misinterpreted. The Government surely does not want to be involved in adjudicating disciplinary matters. I agree. Obviously, they are not qualified or competent to do so. We are not suggesting that they do so. We are suggesting that they contract that part out to fellow professionals. We are not saying that the Government should remain in that field at all.

Going back a long way, this Government probably inherited this Bill from the previous administration. Rather than to do it all over again, I would suspect we might want to bring it in as a private member's Bill, but because of the way it works with the last Council, where there were no political parties apparently, this Ordinance kind of stumbled into this Session under the cloak of being a Government Bill.

I really think that we are faced next week with dealing with

another profession who have exactly the same disciplinary problems that we are talking about here. We are dealing with another profession whom we are told have to bring in their Ordinance as a private Bill. I think that would have been a more appropriate treatment for this. We could then have a much more disinterested debate on it, because I suspect that many of the Members over there already have their minds made up. I know that the good Doctor has his mind made up because it is impossible for him to separate himself from the very particular provisions of this Bill. I am sorry that he is leaving right now, but I will leave that alone right now.

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

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

To summarize: the structure of the Bill, what is being attempted, has very little objection. We could offer lots of suggestions for small improvements, things that could make it better. And, we now come back to the central problem, which I really entreat the other Members not to ram down our throats because I suspect that would be a temptation, but to look at it very carefully before proceeding beyond that section, as to whether or not we want to leave that one area in the hands of the local profession or whether it should be contracted out, as it is with just about every other profession that operates in the Territory.

The doctors may feel they are breaking new ground. I feel that it is premature to do that while we still have the small numbers.

I am trying to be a dispassionate as I can about this. No doubt the argument will heat up later but I think that our point of view should be listened to. The doctor, I thought almost conceded the point that, indeed, there were problems in the major sides. I think that the rest of the Caucus should now consider it.

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

Recess

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

We are still considering the Medical Profession Ordinance.

Mr. Fleming: Thank you, Mr. Chairman.

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

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

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

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

I would just caution the Government that maybe bringing in this

Ordinance and allowing three doctors in this country to more or less completely control the situation, that it may come back to haunt them if it was decided by the doctors that they did not want to go along with Medicare and wanted to operate on their own somewhere. Some of them may say yes; some of them may say no; and, the Board may say that it is best you go along with us or else. There is a possibility there that that might happen. I am a little worried about that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion agreed to

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

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

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered Bill Number 15 Day Care Ordinance and directed me to report the same without amendments.

November 7, 1979 YUKON HANSARD

The Committee has also considered Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance and Bill Number 12, The Medical Professional Ordinance and directed me to report progress on same and beg leave to sit again.

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

Are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

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

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

Motion agreed to

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

The House adjourned at 9:18 o'clock p.m.

Whitehorse, Yukon**Thursday, November 8, 1979****Mr. Speaker:** I will now call the House to order.

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper.**DAILY ROUTINE****Mr. Speaker:** Are there any Returns or Documents to Tabling?

Reports of Standing or Special Committees?

Presentation of Petitions?

Reading or Receiving of Petitions?

Introduction of Bills?

INTRODUCTION OF BILLS**Mr. Penikett:** Thank you, Mr. Speaker.

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

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

Motion agreed to

Hon. Mr. Hanson: Mr. Speaker, I have the honour to communicate to the House the reception of a Money Message, recommending certain amendments to An Ordinance to Amend the Yukon Council Ordinance.**Mr. Speaker:** So tabled.

Are there any further Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

This then brings us to the Question Period. Have you any questions?

QUESTION PERIOD**Question re: White Pass Inquiry****Mr. MacKay:** I have some questions, Mr. Speaker.

My first question is to the Honourable Government Leader, respecting the CTC inquiry that is under way, into the White Pass and Yukon Route.

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

Hon. Mr. Pearson: Mr. Speaker, the deadline for submissions is tomorrow and we have indicated to the CTC that we intend to make a submission and that the deadline for our submission is not necessarily tomorrow but as soon as we can get it to them. I will be advising the House of our submission, Mr. Speaker.**Mr. MacKay:** Could I ask the Government Leader to clarify if he will be advising if the submission has been made or will he be advising the House of the contents of that submission?**Hon. Mr. Pearson:** Mr. Speaker, I will attempt to advise the House of the contents of the submission but I think we are going to have to use some care in respect to that. I want all Honourable Members to be apprised of exactly what we are doing in this respect and will undertake to ensure that that is done.**Mr. MacKay:** Has the Government Leader and his Department come to any firm decision with respect to whether or not they would support the request for subsidies by White Pass?**Hon. Mr. Pearson:** No, Mr. Speaker, we have not come to any other decisions. We indicated earlier that we agree with the findings of the previous Government in respect to a subsidy to White Pass. We

have not addressed that question once again.

Question re: Alexander Street Senior Citizen Home Staff**Mr. Penikett:** Thank you, Mr. Speaker. I have a question for the Minister of Municipal Affairs. In the case of the Alexander Street Senior Citizens' Home, does the Yukon Housing Corporation employ contract as opposed to permanent managers as a matter of policy?**Hon. Mr. Lang:** Mr. Speaker, I would have to take that question under notice. I do not know what the arrangements are for the individual who is in charge of the home at the present time.**Mr. Penikett:** Thank you, Mr. Speaker. When the Minister is obtaining his answer, I would like to ask him if he would also find out if, in the absence of the contract manager or managers for reasons of work or illness, Yukon Housing Corporation has a practice of supplying an interim manager?**Hon. Mr. Lang:** Mr. Speaker, I can answer that. It is my understanding that, yes, in respect to that particular home the Member is referring to, I understand there is an illness on behalf of one of the employees. Depending on the case, I would have to check that aspect of it, but my understanding is that there is somebody else who is also employed, I would imagine on a contractual basis, to review and to look at the home as well in view of the illness and the situation that the Member speaks of.**Mr. Penikett:** Thank you, Mr. Speaker. Would the Minister also, if he can now or if not now, later, advise the House if the Yukon Housing Corporation has a policy that permits contract managers of senior citizens homes to operate other businesses from the premises?**Hon. Mr. Lang:** Mr. Speaker, I would suggest that is policy to my knowledge, and I go back once again in respect to the home which the Honourable Member speaks of. The way I understand it, it is a husband and wife team who take care of the home and subsequently the individual involved also; at the same time, does take the odd contract during the summer. That is my understanding, so I would suggest that that has been an ongoing policy of the Yukon Housing Corporation.**Question re: First Ministers' Conference on Energy Pricing****Mr. MacKay:** Thank you, Mr. Speaker. My question is to the Honourable Government Leader.

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

Hon. Mr. Pearson: No, Mr. Speaker.**Mr. MacKay:** Since the Honourable Government Leader has not received such an invitation and has previously indicated that it appears that no one from this Government will be attending this conference, will he be making any submission to the conference, through the Minister of Indian Affairs, with respect to Yukon's position on energy pricing?**Hon. Mr. Pearson:** Mr. Speaker, we have not addressed the question directly at all.**Mr. MacKay:** Since the Government Leader admits that he has no policy on this very important area, would he be prepared to adopt the policy of our incumbent MP, Mr. Speaker, who presently has been on record as suggesting that the North should share in the oil import fund, as do the Maritime Provinces?**Hon. Mr. Pearson:** Mr. Speaker, the Honourable Member is asking me for a personal opinion that I am not prepared to give him at this time.**Mr. Speaker:** This is quite correct.**Question re: Dental Hygienists****Mr. Penikett:** Thank you, Mr. Speaker. I have a question for the Minister of Economic Development, for which I have given him notice.

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

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

advisement.

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

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

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

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

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

Question re: Crossroads

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

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

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

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

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

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

Question re: Dawson City Sewer and Water System

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

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

Mr. Speaker, it is a concern of the Department. I know my Department is working very closely with the City of Dawson to ensure that there are not major inconveniences over the course of the winter.

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

Mr. Penikett: Thank you, Mr. Speaker.

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

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

Mr. Penikett: Thank you, Mr. Speaker.

When the Minister is seeking advice on that question, would he also be prepared to return to the House an estimate, if one is

available, of the annual projected Operation and Maintenance costs of the new sewer and water system in Dawson?

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

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

Question re: Tourists coming to Yukon

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

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

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

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

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

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

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

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

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

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

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

Question re: Snowmobile Club Raffle

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

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

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

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

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

Hon. Mr. Hanson: I would sure like to refund the money. I am not in the lottery business, myself and I would like to give the money back, as soon as I have all that I can get out of it.

Mr. Penikett: Mr. Speaker, I am sure the Minister would like to repeat that or rephrase that last assertion, otherwise he might have to rewrite his release.

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

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

Question re: Lead Sample for Capital Building

Mr. Byblow: I have an action question for the Minister of Economic Affairs.

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

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

Question re: Land Claims/YTG Policy Statement

Mr. Penikett: Thank you, Mr. Speaker. I just have one brief question for the Government Leader.

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

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

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

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

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

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

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

Hon. Mr. Pearson: Mr. Speaker, the one and only thing that I can say, and the only parameter that our negotiator did receive was that we were very anxious to see a fair and equitable settlement of Land Claims at the earliest possible date. I cannot say any more than that. We are a member of the Federal team involved in negotiations.

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

GOVERNMENT BILLS AND ORDERS

Bill Number 15: Third Reading

Mr. Clerk: Third Reading, Bill Number 15, standing in the name of the Honourable Mrs. McCall.

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

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

Motion agreed to.

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

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

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

Motion agreed to.

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

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

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

Motion agreed to.

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

Recess

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

On Clause 1

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

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

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

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

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

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

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

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

I do not believe, in Canadian Parliamentary tradition, any Minister can bring a money message to the House, independent of the support of his other colleagues. I think the only way that can be done is with a private bill. I am not even sure it can be done with a private bill.

It seems to me, and it is important that that point be clear, because I want to understand what we are doing here, if I may, Mr. Chairman, just for a minute, I would like to review what I think the situation we are in.

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

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

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

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

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

For my own mind, this morning, in attempting to clarify what is meant by the Money Message and so forth, the Government amendments, historically, what that means is, in fact, the Cabinet, the Crown, if you like, the Queen's Ministers, in fact, in our case the Minister's Ministers, are bringing in a recommendation which seems to me, even though there may be a vote, the Cabinet or the Ministry, at least, is sponsoring.

It seems to me that it is not possible under our system to have a Minister sponsor something which other Ministers oppose unless they are prepared to resign their portfolios.

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

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

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

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

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

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

subtly behind these amendments or whether just the Ministry is the sponsor of the money things or in fact committed to them, even though it is a free vote. Presumably, in any event, it is a free vote on this side. There is a kind of arithmetic here, Mr. Chairman, without the aid of my calculator I am probably not competent to completely work out.

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

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

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

I would feel, at this time, that if that Committee voted on any one of these amendments at this time, they certainly should resign.

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

I possibly do not agree with some of the amendments anyway and I possibly did not agree entirely before, with the Report, but I said so and only because of an area or two that was a little, I thought, maybe too much and I intended to speak of it when we came to the Bill and I still intend to.

However, I do not expect to be supporting these amendments, unless they may be in that area and they have to be very slight.

Mrs. McGuire: Thank you, Mr. Chairman.

I, too, will be voting against the amendments, by reason of the principle of how the whole thing was handled.

I sit on the Committee of Rules, Elections and Privileges and, at one time, I accused certain members of the Committee I sat on that the Committee was a farce.

Hon. Mr. Graham: On a Point of Order, Mr. Chairman.

I think we can discuss the Report, we can discuss the Bill in front of us, but what was said in that Committee is not discussable in this House.

Mrs. McGuire: My whole speech here is built up around what has developed now and I have to use it.

I accused certain people there that the whole Committee was a farce because all the decisions were made for us within the Conservative Caucus.

Hon. Mr. Graham: I must, I must--

Mr. Chairman: Order, please.

Hon. Mr. Graham: On the same Point of Order, what was discussed in that Committee, I do not think should be discussed in this House.

The Report can be discussed. The Report was submitted by our Committee. I did not hear any debate, besides myself, on that Bill. I stated, I believe, when I presented that Report from our Standing Committee, that I personally did not agree with it in total, but that it was a decision of the majority of the members on that Committee.

I feel perfectly willing to discuss that Report or this Bill, or the amendments here in front of us, but I do not feel, Mr. Chairman, that we should be discussing what was said by individual members in that Committee.

Mrs. McGuire: Mr. Chairman, I am discussing the amendments, not the Bill.

I agree with the Bill as it is. Anyway, I was assured that, at the time of my accusation, that we could make our own decisions and we did make our own decisions, contained in this Bill.

But now, I discover, that this Government is coming forth with amendments by way of a Private Member's Bill.

So I am now making another accusation that the Committee is indeed a farce if it is carries on like that. It is an insult to our intelligence really, by the presentation of these amendments that are coming forth now. If you are not satisfied with this Bill in the first place then you should have sent it back to the drawing board. If these things continue to happen in this matter I will be seriously considering resigning.

Mr. Byblow: Mr. Chairman, I am not going to add to the confusions surrounding the "procedural pickle", as it might be called. I

think there is just one observation that I feel I am compelled to make and that is the principle under which this Report came into this House.

The Standing Committee of this House, from my position here in Opposition, I am confident and assured with the representation of at least two members on that Committee that what has resulted is a fair assessment of a point of view from this side. I think the House is obligated to accept that.

I agree that it would be a test of confidence in that Committee to allow any amendments to this Report. I think that the Minister who introduced the Report made it clear when he said he objected to portions of the Report, but he presented it as a Committee report which is what is now the obligation of this House to accept.

Hon. Mr. Lang: Mr. Chairman, I think we had better get a few things straight here. Because a report was submitted to the House, and that is why you have various stages forged through the legislative procedures, to ensure that it is done, and the majority of Members agreed with it.

Whether this Bill or any other Bill, you know, you have legislation, it is before you, you just do not close your eyes because two other members or three other members were on a Committee and said it is okay, I mean, if you take a look at any other Parliament in Canada, that is not the case at all, I mean, there are various stages that you have the ability to reassess your positions or anything else.

I think, there are some valid things that have come up and I have to, probably draw from my own experience if I could for a minute, Mr. Chairman, in respect to the changes that have occurred and they have occurred rapidly here in the Territory, the responsibility plus the time and effort that Members are putting into their positions in the Legislature here and not just when we sit here. I think this is where the public gets a preconceived idea that, "Well, they are only actually working five hours, or six hours."

Even the Members opposite, I know that they have to put in time to do their research, to do their background for Question Period, things of this nature. It all takes time, and it takes a lot of effort. More and more, as we become involved in "the partisan politics" we have evolved to, it has become more and more evident to me, especially in the last month since we began to sit, the time and the effort that is being requested of Members.

I think it is fair to say, Mr. Chairman, I think one of the questions that has been raised by Members from this side and I think from the other side as well, the premise in the initial Report that was initially accepted and gone through very quickly in the House, I might add, was not on the Order Paper that long, and I think that some Members really did not get a chance to study it to the extent that they should have.

But, the point that I think is being made is that with the presentation of the report, but more so with the experience that we have had in the past four weeks, and probably another couple weeks, though we do not really know how much longer in respect to the Sitting, is the time that Members have to put in. I think that it is a little bit more than, for my position and I accepted this during the initial discussions of a part-time situation for Members, I think that in fairness to the job, and I am not looking now, I am looking four years down the road, that even more so, it is going to become more of a full-time job than what it is now.

I would suggest that we are getting into a situation Mr. Chairman, where even now with the limited experience we have had in the last month, and I think we are becoming more established than what we were prior, that Members are being forced to spend, I would suggest on the average when we are sitting here at least from this side of the House, and I am talking about backbenchers, a minimum of ten hours. I am including the time we are sitting here and the caucuses and the various other responsibilities that go along with it.

I would suggest, Mr. Chairman, at the same time that it is making it difficult for some Members in respect to, whether they be in business, it is easy to be in business and one can put the responsibility on to somebody else and accrue the benefits through it, but Members that may not be in that position, it makes it difficult for them in respect to meeting the bills at the end of the month.

That supposition has been put forward, and I am sure that it will be put forward further into debate when we are getting into the amendments. I could detect from my experience and I have to go from my experience, definitely in the last month it really has come home to me, Mr. Chairman, that the responsibilities are a lot more than what they used to be. Subsequently I can understand why some Members would like to perhaps reconsider some of the remuneration in there.

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

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

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

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

Mr. Penkett: Thank you, Mr. Chairman.

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

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

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

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

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

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

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

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

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

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

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

But the House, with its majority, could have properly ruled that

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

They have not done that.

This side of the House has expressed its support for the Committee report. What it seems now is that the Government side of the House, protestations about free vote notwithstanding, is that they lack confidence in the Committee, because they have not referred it back. They lack confidence in the Committee on the second count because they are, in fact, rejecting their recommendations on, I submit, Mr. Chairman, the most sensitive and difficult areas that we had to deal with.

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

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

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

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

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

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

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

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

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

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

By allowing this Message to come forward, which took, as my friend here has explained, Cabinet consent by allowing that Message to come forward, they have said, "We do not care what embarrassment it causes us in public because we know that we have to abide by the wishes of the backbenchers. We are prepared to suffer all of this embarrassment", because, I submit, it is a great embarrassment to them.

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

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

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

There were a number of different and divergent views. I am not a member of the Committee, but I did sit in on a number of meetings,

and though I do not want to discuss what went on in Committee, let me just say that the final report is a result of many different points of view being moulded into one final report.

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

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

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

I think that, when we get to the actual amendments, that we will hear repeated in public, for all those who want to hear, and I am sure that the public is very well aware of this debate. I am sure that the numbers that have been going forth into the newspapers have opened a number of people's eyes as to what we are doing here.

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

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

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

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

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

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

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

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

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

I declare a recess.

Recess

Mr. Chairman: I shall call the Committee of the Whole to order. Bill Number 33. Is there any further general discussion?

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

Clause 1 agreed to

On Clause 2(1)

Clause 2(1) agreed to

On Clause 3(1)

Mr. MacKay: I am just a little unclear, are we discussing 40.1(1) as amended?

Mr. Chairman: We are discussing 40.1(1). The Chair is not aware of any amendments. There are no amendments before the Chair.

Mr. Fleming: Can we just slow down slightly so that we do not pass a vote on something they are shooting at us, please, just a wee bit?

Mr. Chairman: You had no objection to the last one we cleared, though, Mr. Fleming?

Mr. Fleming: No, no objection, Mr. Chairman.

Mr. Chairman: I will try to go a little slower.

Hon. Mr. Graham: I would like this subsection 40(2)(2) set aside, if I may, Mr. Chairman. There is a small drafting problem.

Mr. Penikett: Mr. Chairman, on a purely procedural point, could the Minister advise us of the exact problem?

Hon. Mr. Graham: Yes, Mr. Chairman, the Speaker and Deputy Speaker are dealt with here in one section as one and the same, and I believe they should be separate sections, where we deal with the Speaker and the Deputy Speaker.

Subsection 40(2)(2) of Clause 3(1) stood over

Mr. Chairman: In subsection 40.3(3), it has been pointed out to me that, on line 5, the "on" should not be there and we will consider it a typographical error, the second "on". The last "on" after the word "Committee", that "on" should be deleted.

Mr. Fleming: On subsection 40.4(1), this is, of course, an addition, as I take it, for the Government Leader in his position as the Leader of that group. I have no bone to pick at all with that principle of him being the Leader and being paid certain amounts of money.

I do not know just how things may go from here on. I am not too sure just how this works, but that salary, to me, as they call it salary here, is fine now, but if we start to raise our pay sometimes by the old method of 10 per cent here, and 10 per cent to the little fellow too, and of course, the rich get richer and the poor get poorer, I would have some problem.

I would hope that \$5,000 is the pay for what we call Constitutional Development and more responsibility. You can use all sorts of words and that is what we are paying for really, that responsibility. That responsibility though, Mr. Chairman, does not get any larger as this Government gets bigger. That responsibility will never get any larger than it is for any Member of this House as far as I am concerned. When you step in here the first day, you have a responsibility to the people of the Yukon; it remains so.

I realize that there is more work attached to it; if there are more shovelfuls of dirt out of the hole, he should get paid a little more, but I am not so sure that in the last while, what I have seen here through the political process that we went through, that we have really, any of us, done any more work. I am including those over there and over here, that we have really had any more work to do than ever in this House.

I know that the Honourable Member for the Government on the right will not agree. I realize this. He has not agreed many times on this same principle. However, I see that in my way, and that is the way it is going to stand. I will be voting, of course, at another time and if I change that principle I would have to be voting against it. I am not going to vote against this; I am not going to vote against the Bill. I accepted what the report was from the Committee at that time with these reservations that I am stating now.

Mr. Njootli: I would just like to express my opinion on this particular section.

I have served on the Executive Committee before in this Government, regardless of the size of the Government. I also have experienced the amount of work to run the government.

I know the Honourable Member who spoke, from Campbell, does not realize just exactly how much work it involves to be in the Executive Committee.

Not to forget the Leader, he does double the work. There is a continuous paper flow. He is on call 24 hours a day for four years and I do not see any difficulties in having this increase in this particular section.

I have to inform the House, Mr. Chairman, from my experience, that it is logical for a Government Leader to have an increase in the amount of work to have an effective government, to have a strong government and to have an effective one, for the interest of people

in the Yukon Territory.

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

I do not think the Member opposite expressed any great concern over the fact that the Government Leader was going to get an additional \$5,000. He was talking about the Government Leader's salary being incremented.

I think if he would have read the report and if he would have read this legislation, Section 40.6(2) indicates that only salaries and indemnities are pegged, nothing else.

Mr. Fleming: I do not disagree and I do not disagree that the work is a lot more when you get on the Government side and get into the House as a Minister. I am not quite that dumb yet. Perhaps a little bit, but not that dumb yet.

I realize that there is more work there and a lot more work than we have to do on this side. We have a lot more free time. That is one reason why I said we were overpaid, because of that free time that we have, more or less, if we wish to use it.

However, I will not let anybody stand up and say, without a rebuttal, that I do not know what the work is. I think I know what the work is on that side of the House and I also think that I know pretty well when it is being done and when it is not, too.

Mr. Penikett: Mr. Chairman, just so that this section does not pass and the record containing any confusing commentary about this proposal, I think that I should make it clear that I think this extra increment, if you like, is perfectly in order and thoroughly acceptable. To put it in the proper context, I would just remind Members that the latest recommendation of the Independent Salary Commission in the Province of Alberta has recommended a similar amount, simply for clothing the Premier of the Province of Alberta.

Mr. Fleming: On subsection 40.4(2), Mr. Chairman, same view as the section before.

Hon. Mr. Graham: Mr. Chairman, maybe I am misunderstanding the Member opposite. What you have to realize, Mr. Fleming, is that that \$5,000 will stay the same, year after year after year. The increment that is presently applied, applies only to the salaries and indemnity. It does not apply to the Executive Council's salaries or the Government Leader's additional salary.

Mr. Fleming: I am happy to hear that, they are the best words I have heard today. Thank you.

Hon. Mr. Graham: Well, read the legislation.

Mr. Fleming: I do have a right to ask the odd question or make the odd comment. I am quite happy with what the Member said.

Hon. Mr. Lang: Mr. Chairman, I would just like to make one comment, and it may sound facetious, but I think that it is fair to say that, from my perspective and the Members in this House, I believe they do earn their salaries, regardless what the Honourable Member says. The only point that I would like to make, you know it is fine to stand up and make the political points in a public forum, but it is interesting to see what happens when an individual collects their pay cheque.

Mr. Fleming: Mr. Chairman, you know, I realize that the Members earn their salary, and I hope that the Member who misunderstands me so badly does earn his salary, I hope so, just for the taxpayers' benefit. I will put it that way.

Mr. MacKay: On this subsection 40.5(1), I had hoped to spare anybody else the trouble of rising to say what a great job the Leader of the Opposition was doing, but apparently, nobody will do it so...

Mr. Fleming: On subsection 40.5(2), Mr. Chairman, the same comments. I would hope that being recognized and paid as the Leader of a Party, in the Opposition or anywhere else, that this Member also earned his pay.

Mr. MacKay: I would just like to rise in support of section 40.6(2) because I think it may be somewhat misunderstood and it is probably worthwhile putting on the record what it actually says.

It is a provision to allow the Members' salaries to be maintained at a level to help offset what has become a fact of life these days, and that is inflation. Hopefully, with this section, we will not have to refer Members' salaries back to Committee for a long time and this will help keep things up.

The section, in fact, puts a ceiling of 7 per cent on the individual Member's salary; it excludes all Executive Committee salaries and Leader's salary. It is just applied to the Members' salaries and indemnity. It is based on the lower of seven per cent or the average of the previous two years' composite average weekly wages published by Statistics Canada. I think it is a fair section, and I rise in

support of it.

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

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

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

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

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

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

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

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

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

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

Mr. Chairman: Thank you, Mr. Graham.

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

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

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

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

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

Motion agreed to

Clause 3(1) agreed to

On Clause 4(1).

Clause 4(1) agreed to

On Clause 5(1)

Clause 5(1) agreed to

On Clause 6(1)

Clause 6(1) agreed to

Preamble and Title agreed to

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

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

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

Motion agreed to

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

Recess

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

Hon. Mr. Graham: Mr. Chairman, I move that you report progress on Bill Number 12, Medical Profession Ordinance, and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham that we report progress on Bill Number 12, Medical Professions Ordinance, and beg leave to sit again.

Motion agreed to

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

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

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Lattin: Mr. Speaker, the Committee of the Whole have considered Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance, and directed me to report the same, with amendments.

Further, the Committee has considered Bill Number 12, Medical Profession Ordinance, and directed me to report progress on same, and beg leave to sit again.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that we do now call it 5:30.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that we do now call it 5:30.

Motion agreed to

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

The House adjourned at 4:13 p.m.