



The Yukon Legislative Assembly

Number 27

3rd Session

24th Legislature

HANSARD

Wednesday, October 29, 1980 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake
DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

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, Consumer & Corporate Affairs, Information Resources, Government Services and Workers' Compensation Board
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development
Hon. Geoffrey Lattin	Whitehorse North Centre	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

Government Members

(Progressive Conservative)

Al Falle	Hootalinqua
Jack Hibberd	Whitehorse South Centre
Peter Hanson	Mayo
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake
Howard Tracy	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
Robert Fleming	Campbell

Clerk Of Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Editor of Hansard

Patrick L. Michael
Missy Parnell
Jane Steele
G.I. Cameron
Lois Cameron

Whitehorse, Yukon**Wednesday, October 29, 1980 — 1:30**

Mr. Speaker: I 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 Documents or Returns for tabling? Presentation of Reports of Standing or Special Committees? Petitions?

Reading and Receiving of Petitions?

Introduction of Bills?

BILLS: INTRODUCTION AND FIRST READING

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Old Crow, that a bill entitled *Personal Property Security Ordinance* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Old Crow, that a bill entitled *Personal Property Security Ordinance* be now introduced and read a first time.

Motion agreed to

Mr. MacKay: I move, seconded by the Honourable Member for Kluane, that a bill entitled *The Children's Advocacy Ordinance* be introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Leader of the Opposition, seconded by the Honourable Member for Kluane, that a bill entitled *The Children's Advocacy Ordinance* be now introduced and read a first time.

Motion agreed to

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that a bill entitled *An Ordinance to Amend the Matrimonial Property Ordinance* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Hootalinqua, that a bill entitled *An Ordinance to Amend the Matrimonial Property Ordinance* be now introduced and read a first time.

Motion agreed to

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that a bill entitled *Third Appropriation Ordinance, 1979-80* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Hootalinqua, that a bill entitled *Third Appropriation Ordinance, 1979-80* be now introduced and read a first time.

Motion agreed to

Are there any Notices of Motion for the Production of Papers? Notices of Motion?

Statements by Ministers?

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

QUESTION PERIOD

Question re: Electrical Rate Equalization

Mr. MacKay: My question today is to the Government Leader, with respect to the recent federal budget, and the higher energy costs that Yukon can be expected to see in the near future.

In view of this, Mr. Speaker, and the fact that the rural areas of Yukon will be the most-hard hit with respect to higher energy costs, will the government be accelerating its efforts to introduce an equalization for electrical rates?

Hon. Mr. Pearson: Mr. Speaker, I do not know that we can accelerate our efforts to institute equalization throughout Yukon. It is a priority item with us; we are working very, very hard at it and we will continue our efforts.

Mr. MacKay: In view of the soaring costs of oil, will the Yukon Government be making urgent representations to NCPCC to reconsider the costs of coal fire generation, particularly in the Watson Lake area and the Bonnet Plume deposits, and also in small hydro developments?

Hon. Mr. Pearson: Mr. Speaker, once again, I met only two days ago with the Chairman of Northern Canada Power Commission. The very topic that the Honourable Member has raised was discussed. I am quite confident, Mr. Speaker, that the Chairman of the Northern Canada Power Commission recognizes full well our very, very serious concern with the amount of oil that must be burnt in this Territory to produce electricity.

Mr. MacKay: Does the Territorial Government have any other plans or alternatives to offer to try and reduce the very high cost of energy that we face in the near future?

Hon. Mr. Pearson: No, Mr. Speaker, it is quite difficult for us to have any plans to reduce, when in fact the senior Government seems to be doing nothing but increasing them.

Question re: Dawson City Day Care

Mr. Penikett: I have a question for the Minister of Health and Human Resources. I would like to know if the Minister can confirm that on June 12 of this year, at a public meeting held by Cabinet in the Dawson School Library, she stated that there would definitely be help coming from YTG for the Dawson Day Care.

Hon. Mrs. McCall: Mr. Speaker, I do not recall giving any such definite answer.

Mr. Penikett: Can the Minister confirm that, on the evening of the Governor General's appearance at Diamond Tooth Gertie's, in the presence of the Mayor of Dawson, she outlined three conditions for a \$7,000 grant to the Dawson Day Care, one of those conditions being that nothing be said about the grant, publicly, to the press, or to other day care centres in Yukon?

Hon. Mrs. McCall: Yes, Mr. Speaker, I can confirm that. What we had in mind was a pilot project. We were not ready to say anything very much about it, we just hoped it would fly. It has not, and it is just as well more was not said about it.

Mr. Penikett: Before the Minister made such a commitment of public funds with the conditions which she outlined, did she seek any advice as to the advisability of making such a commitment with those conditions?

Hon. Mrs. McCall: Mr. Speaker, no such actual commitment was made. It was hoped that something could be done for the Dawson Day Care Centre. It is still hoped that something can be done, but we have not come up with any answers.

Question re: Whitehorse Credit Union Building

Mr. MacKay: My question is to the Minister of Consumer Affairs. Yesterday in an answer to myself, the Minister of Consumer Affairs indicated that had the Yukon Territorial Government not bought the Credit Union Building, the loss following the closure of the Credit Union would have been higher by \$450,000. Can he tell the House then if this means that this purchase was made in order to conceal the full extent of the loss from the public?

Hon. Mr. Graham: Mr. Speaker, I do not have any idea what the Honourable Member opposite is talking about. Obviously he is trying to make an issue of something that was done last year. We disclosed fully everything that was done about the Credit Union at that time. We were not attempting to conceal anything and any allegation by the Member opposite to that effect is, in my opinion, entirely improper. I would like to see an apology from him.

Mr. MacKay: No such apology will be forthcoming since the Minister's own words are in *Hansard*. In view of the half-million dollar additional cost to make this building usable for Government employees would the Minister now consider simply selling off the whole building, rather than carrying this massive expenditure of public funds?

Hon. Mr. Graham: Of course we will, Mr. Speaker. We are considering all options available. If the Honourable Member opposite is making us an offer, I am sure we would be only too prepared to consider it.

Mr. MacKay: The Minister is taking this too personally, Mr. Speaker. I would like to ask him if, since there are no funds in the Capital Budget, either this year or next, we can expect this building to remain empty for a year and a half until this Government

Hon. Mr. Graham: Mr. Speaker, I do not believe it is totally empty at the present time, and yes, I always do take ridiculous questions personally. We will be looking at the problem as we continue on, and I am sure that we are going to be able to resolve the situation in the very near future. I will only be too happy to tell him about it when we do.

Question re: Land Availability

Mr. Penikett: I have a question for the Minister of Municipal Affairs. I hope the Minister has had a chance, overnight, to look at the Whitehorse North Boundary Report, because his answers to my question yesterday may have been in error. He stated then that he was waiting to receive land from the federal government before opening up large rural acreage parcels, when in fact the report makes it quite clear that there is presently land under YTG control; it recommended that some of this land be opened up by YTG.

Can the Minister now state what specifically is the cause of the delay, given last year's promise by the Government, and the statement in the report that there is land under YTG control available?

Hon. Mr. Lattin: Mr. Speaker, I think I will take that one under advisement until I have a chance to look further into it.

Question re: Dawson City Hotel Grants

Mr. Fleming: My question this afternoon is, I hope, for the Minister of Economic Development. Is the Minister aware the Sheffield Hotels, I think of Anchorage, has taken over or bought the Gold City Motor Inn in Dawson City?

Hon. Mr. Lang: Yes, Mr. Speaker, it is my understanding they are in the process of purchasing the hotel in Dawson City.

Mr. Fleming: In view of the take-over, and the faith of private enterprise to gamble on the prospects of tourism activities in Dawson, would this in any way change the Minister's proposal that was put forth, to give or to make money available for the rooming situation in Dawson City?

Hon. Mr. Lang: Mr. Speaker, no. The acquisition of the hotel was one thing. I thought I explained very adequately to the Member here, when we were debating that portion of the budget, that the idea was to get more rooms other than the rooms that are already built in the Dawson area, so that we could meet the expanding needs of our tourism industry. Largely, that is what the decision was based on, to try to give an incentive for people to come forward for that particular industry in the Dawson City area.

It is also my understanding, Mr. Speaker, and I must say it is relatively second-hand, that there were not many people actually negotiating for that particular hotel in the first place.

So, if the Honourable Member is indicating that there was a gold rush to purchase the hotel in question, my understanding is that there was not. There were a number of reputable people in interested, but one did finally purchase, which I am very glad to see, Mr. Speaker, because I think it bodes well for Dawson City and the tourism industry; any indications that we have had or experiences with that particular company have been that they have provided good service. This is an area that obviously must stand them in good stead.

Mr. Fleming: A final supplementary: in this case of people from a different country purchasing and a company from a different place than Canada purchasing, would that program also be available to these companies?

Hon. Mr. Lang: Mr. Speaker, I would suggest that they would be given consideration, but that is one aspect that would have to be taken into account as far as any proposal taken into consideration.

Hon. Mr. Pearson: I am sure the Honourable Member will be happy that I got up before her.

Mr. Speaker, a few days ago in reply to a question from the Honourable Member for Kluane, I indicated that it was our best information that the new Beaver Creek Customs Station was in the B-budget of the Department of Public Works, and, as such, I could not really say when they might get started with construction.

I have since, Mr. Speaker, received a telex from the Regional Accommodations Officer of the Customs, Pacific Region, in which he advises me that he has now been advised by the DPW Region in Vancouver that the status of the Beaver Creek Customs Station is that the contract will be awarded in April, 1981, with completion September of 1982.

I thought, Mr. Speaker, that the Member would be happy to hear that.

Question re: Continuing Education Grants

Mr. Penikett: I have a question for the Minister of Education. In 1978 the then Minister of Education brought in an amendment to the *Students' Financial Assistance Ordinance* which re-defined an independent student as one who has completed two years of secondary education in the Yukon School System. Can the Minister state whether whether this definition of students would also apply to those who have two years of the Yukon Teacher Education Program, and whether they are eligible for grants to continue their education?

Hon. Mr. Graham: No, they are not, Mr. Speaker.

Mr. Penikett: *Hansard* says that the previous Minister's answer to a similar question when this bill was being debated was, "In respect to the people eligible under this ordinance and the criteria established, those eligible under the criteria determined by the legislation would be eligible for financial assistance from this Government, except for air fare, if you read later on in this ordinance." My question is, Mr. Speaker, will the Minister be introducing amendments to the ordinance to allow those enrolled in YTEP to be eligible for assistance?

Hon. Mr. Graham: Mr. Speaker, I think the Member opposite misinterpreted my answer. My answer was they were not eligible for financial assistance by virtue of the fact that they had only attended two years of the Yukon Teacher Education Program. If people enrolled in the Yukon Teacher Education Program meet the qualifications under the *Students' Financial Assistance Ordinance* in that they have attended two years high school in the Yukon Territory, then they are eligible for assistance. There are at this time a number of students attending the Yukon Teacher Education Program with full grants from the Government of Yukon.

Mr. Penikett: I appreciate the Minister's answer and I understand it. My concern is with those bona fide Yukoners who may not have gone to high school here but are obviously permanent residents. The Minister, in an earlier letter to me, stated that the ordinance was under review to eliminate any sections that prevent Yukon students from receiving financial aid from the Government. I would like to ask the Minister if he can say whether people who complete the YTEP program can be defined in this context as Yukon students?

Hon. Mr. Graham: Mr. Speaker, I am not exactly certain what the Honourable Member opposite is asking, but I definitely hope that the changes promised to that ordinance will be available for the legislation in this session.

Question re: Pipeline Impact

Mrs. McGuire: I have a question for the Government Leader. I ask the Government Leader if he will please advise this House whether he and his Pipeline department will be setting in place a government policy of compensation, for Yukon people directly affected by the Foothills Pipe Line Project or any other such project — for the loss of lifestyle and livelihood?

Hon. Mr. Pearson: Mr. Speaker, I honestly do not understand what the Honourable Member is getting at.

But, Mr. Speaker, we are very concerned about what this pipeline will do to people in the Yukon Territory. As I have said a number of times in the House during this Session, we have been studying this for three years, and we think we are on top of the situation. If there is somebody that has got a concern we are more than happy to hear from them.

Question re: Yukon Population Increase

Mr. Penikett: I have a question for the Government Leader. The Government Leader had the singular honour last week of being interviewed on the Jack Webster Program, and one of the comments he made was that, within fifteen years, Yukon's population would increase to four times its current amount, about 100,000 people.

Could the Government Leader explain the basis for this estimate, if it is based on some government studies or reports?

Hon. Mr. Pearson: No, Mr. Speaker, it is not based on any current government studies, but, Mr. Speaker, I know that I said 15 years ago that the population of Yukon was going to be 50,000 by 1980. I am, and I guess I always will be, an optimist, and very optimistic about Yukon Territory.

I think that is what is going to happen. Mr. Webster asked me what I thought was going to happen and I told him what I thought was going to happen, and that is all it was based on, Mr. Speaker.

Question re: Junior Secondary Schools

Mr. MacKay: I hope the Government Leader is correct in this.

Mr. Speaker, my question is to the Minister of Education. In view of questions raised in the House during the Capital Budget debate concerning the effectiveness of junior secondary school, and in view of the substantial expenditures planned for a junior secondary school in the Whitehorse area, can the Minister tell the House if his department is still convinced that the junior secondary school is the most effective way to education of grades eight and nine?

Hon. Mr. Graham: It does not only educate Grades 8 and 9, Mr. Speaker. It educates Grades 7, 8 and 9. And, yes, we are convinced it is the best method.

Mr. MacKay: I thank the Minister for his extra piece of information. Can the Minister tell us if his department has done any research with respect to having two secondary schools teaching Grades 8 to 12 in the Whitehorse area?

Hon. Mr. Graham: No, Mr. Speaker, we have not done any research in that area.

Mr. MacKay: Can the Minister tell the House if the preliminary design of the planned school is sufficiently flexible to allow conversion to such a secondary school, teaching Grades 8 to 12, at some point in the future?

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

Mr. Speaker: There being no further questions, we will proceed to the Order Paper, to Orders of the Day, under Motions other than Government Motions.

ORDERS OF THE DAY

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Mr. Clerk: Item number 1, standing in the name of Mr. Fleming.

Mr. Speaker: Is the Honourable Member prepared to deal with item number 1 today?

Mr. Fleming: Yes, Mr. Speaker.

Motion Number 17

Mr. Speaker: It has been moved by the Honourable Member for Campbell, seconded by the Honourable Member for Faro, that this House urges the Government to introduce legislation which would require the Government of Yukon to pay to its creditors interest based on the then current prime rate, on all accounts due for a period exceeding thirty days.

Mr. Fleming: I am bringing this motion forward this afternoon, hoping to alleviate the problem arising in the area of administration. It is a problem that has been brought to my attention many times: the case of bills which are overdue causing some people to suffer the consequences.

It seems that many times, due to unforeseen problems somewhere in the financial administration, the debts that occur have been taking considerable time to be paid, sometimes over the thirty days that is normally given by any firm or government, or anyone else who receives a bill. I think bills should be paid within that time, before they become overdue.

I feel, Mr. Speaker, that the Government also should see that their bills are paid within those 30 days, and if not, then the people who are entitled, and who are unfortunate enough to be hurt by this, should be compensated. Mr. Speaker, it is my contention that fairness in all matters of this type should be the slogan of any Government, and especially a Conservative one. I would suspect that this Government would welcome the opportunity to play the game fairly with all peoples in Yukon.

I realize that in many areas there is no interest charged on some activities that go on in government in some bills; however, if the taxpayer is overdue, he certainly is taken for a ride, or whatever we may call it at that time.

I feel, Mr. Speaker, that this motion, if passed, would not cause the Government administration any great hardships. I am looking with anticipation to the Minister of Finance's answer to this, because on November 20, he did not answer a question from the Honourable Member for Kluane. In a portion of his answer, he said, "Mr. Speaker I do not want it thought for a moment by anyone in this Territory that most bills take three months to be paid by this Government. Since we have been elected, Mr. Speaker, we have made a conscious effort to ensure that did not happen."

Now, Mr. Speaker, I would like to commend the Government for that answer and also for that effort in trying to see that this is done. The attitude of the Government is very welcome, I think, to the

people of the Territory. But there is, as the Government Leader has said, "sometimes something slips under the chair", I think were his remarks, and the unfortunate people then must suffer the consequences. I think that these are the people who this motion is going to affect, if it is passed in this House.

I would hope that I would have concurrence and support for this motion from all Members in this House.

I think you could sum it all up in these words, Mr. Speaker: do unto others as you would have done to yourself. I think that is about all I have to say. I would hope that I do get some concurrence in the House and I look forward to hearing from all of the Members in the House on the subject.

Hon. Mr. Pearson: Mr. Speaker, I want to commend the Honourable Member for raising the issue this way, once again, because it does have tremendous impact when it is raised this way. I am afraid, Mr. Speaker, I am going to have to vote against the motion because I do not think it is a practical solution to what we are trying to do.

I would like to give you one bit of information. I instructed the Finance Department, on October 23rd — I picked a random day — and said on that day that I wanted to know how many invoices this Government had in its possession in the Department of Finance, and how many of them on that particular day were overdue.

This, Mr. Speaker, was October 23rd. There were exactly 600 invoices in the Department of Finance that day. Twenty of them were over 30 days. Mr. Speaker, the one piece of information that I do not have is how many of those were over 60 days or over 90 days, but I would not think right now that very many of them were.

I honestly think, Mr. Speaker, that that is where the problem lies. We do have, every once in a while, an invoice for one reason or another that does fall between the cracks in this government, and boy, there are a lot of them to fall between. The flow of paper is very, very complicated. We cannot seem to do anything about that paper flow, other than speed it up and try to make sure that invoices do get to Finance for payment as quickly as possible.

Now, Mr. Speaker, I do not think it takes any change to legislation, because I am sure that if we amend legislation to make this Government pay interest on overdue accounts that they owe, then we should also be saying that the government should charge on overdue accounts due it. Mr. Speaker, I submit that what we are doing in that case is building a new bureaucracy, because it is just going to increase. I do not care what anybody says; it will increase the manpower of the Department of Finance. They will first have to have somebody to collect the interest and then somebody else to calculate the interest they are going to pay out.

I agree with the Honourable Member that we should be fair, and it is a case of "do unto others as you would have them do unto you". In that case, I can see no alternative but to put forward legislation that says "This Government is going to pay interest, but this Government is also going to collect interest". Now that would be a significant factor. I am leaving taxes out of this because it is not a decision of the Government per se, or of the administration, whether there is interest paid on taxes. It is a decision of this House. So that has nothing to do with what we are talking about now.

Mr. Speaker, I would like to make a commitment to the House that I will undertake to have a policy established that will take cognizance of these long overdue accounts, because, Mr. Speaker, I honestly believe that is where the problem is. But I would also ask that everyone in the Territory be very, very aware of the fact that there are sixteen MLAs. They represent every constituency of the Yukon Territory, and if they have got a problem with the payment from this Government, they should be contacting their MLA immediately, and letting him or her know. That MLA, and it does not matter which side of the House they are on, Mr. Speaker, can make the wheels go round very, very quickly. And if something has fallen between the cracks, at least we can find it at that point. I am told that there are accounts outstanding for three months, and I have no place to look. If I have got some specifics, we can find them.

As we said last November, it was a concern. It was a personal concern of mine when I was in business in this Territory, at the length of time it sometimes took YTG to pay its accounts, because I did a fair amount of business with the Government and it was important that they pay.

I honestly think, Mr. Speaker, that we have been able to speed up Territorial payments. We have got most of the accounts down to 30 days, but with the number of accounts that we have in the Territory there is no way that that we will ever avoid the one, every once in a

while, falling between the cracks.

I am confident, Mr. Speaker, that there should be a method whereby we can implement some sort of a policy that will look after those particular accounts, where they do get extraordinarily long overdue. On the basis of the motion being that we pass legislation, Mr. Speaker, not on the principle of the motion but on just what the motion says, I am sorry, Mr. Speaker, but I am going to have to vote against it.

Mr. MacKay: I am pleased to hear the Government Leader's sympathetic approach to this problem and I think that by his own statistics, his own words, it is apparently not a very large problem for the mass of invoices that go through here and, in the Government's view, I suppose that reduces the size of the problem.

I think from the point of view of the creditor, he does not care if there are 600 others going through in time; if his one bill is late he views that as a real problem. I think that a policy which would recognize the kind of hardship that does exist in small businesses when they do have to wait for money, by compensating them for interest costs, would be an excellent idea.

I hope that the Member behind me feels the same way, because I believe that the mere introduction of this policy would ensure that there would be a great decline in any such delays, and there would be great expedition on the part of Treasury to make sure that no bills went over 30 days.

Mr. Byblow: I think the intent of the motion has probably already achieved its full effect. I think the Government Leader has presented a very reasonable approach to what amounts to a problem of some significance. I know I have been approached on at least several occasions with respect to the period of time required to wait for a Government bill to be paid, and in each instance, I made contact with Government; in a couple of them, it was very expeditiously handled, and in a couple of others there was some time before the actual bill was sort of traced down, sent through Finance, and remitted.

So it probably is not a problem that cannot be resolved through the kind of attention that the Government Leader has presented. I certainly do respect the problems that would come about if we started charging interest and collecting interest. I certainly would not want to see this additional creation of bureaucracy, as the Government Leader has said.

I think it probably remains to be emphasized that the Honourable Member who introduced the motion, with very sincere intent of bringing this to our attention, and discussion and debate in the House, has probably already achieved what he originally set out to do. Certainly I regret to hear the Government is not able to endorse it as it stands but I can understand their position. I would leave it there, Mr. Speaker.

Mr. Speaker: If Honourable Members wish to speak in debate, I would ask them to rise because it makes it very, very difficult for the Chair to pre-guess what any Member may do. On this one occasion I will allow the Honourable Member for Campbell to speak, this being in closing the debate.

Mr. Fleming: I was waiting for some more comments from the floor so I was probably a little slow. I beg your permission to go ahead.

I am not one to squabble over something that I know I am going to lose; however, I have listened to the Honourable Leader of the Government and I see his problems. I, of course, will still be voting for my motion because I feel it is good. Hopefully it will bring forth fruit even though it will not pass, as I can plainly see, in this House.

I am prepared to accept that because I feel that the Government is going to follow their Leader; I am pretty sure the geese will follow the gander and that is it.

So, without too many more speeches and so forth, we should, I think, Mr. Speaker, just leave it, and I hope the government does what they have more or less committed themselves to do, in trying to alleviate the situation, without causing the administration too many problems, without charging more interest to other people, too—the very people we are trying to save. Well, I might say that is commendable, too.

So, I think without wasting any more wind, we will just wait, and maybe come back to fight another day if things do not go the way we want them.

Thank you, Mr. Speaker.

Mr. Speaker: Are you prepared for the question?

Some Members: Agreed.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Fleming: Division.

Mr. Speaker: Division has been called.

Mr. Clerk: would you kindly poll the House?

Hon. Mr. Pearson: Disagree.

Hon. Mr. Lang: Disagree.

Hon. Mrs. McCall: Disagree.

Hon. Mr. Lattin: Disagree.

Hon. Mr. Graham: Disagree.

Mr. Njootli: Disagree.

Mr. Hibberd: Disagree.

Mr. Hanson: Disagree.

Mr. Falle: Disagree

Mr. Tracey: Disagree.

Mr. MacKay: Agree.

Mrs. McGuire: Agreed.

Mr. Penikett: Agreed

Mr. Fleming: Agreed.

Mr. Byblow: Agreed.

Mr. Clerk: Mr. Speaker, the results are five yea, ten nay.

Motion Negatived

Mr. Clerk: Item Number 2, standing in the name of Mr. Penikett.

Motion Number 18

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

It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Tatchun, that the Report of the Special Committee on Privileges be concurred on.

Mr. Penikett: As all Members know, the Special Committee on Privileges was established by this Legislature on April 15 of this year, following the interception of the telephone in the precincts of the Minister of Justice, the MLA for Porter Creek West.

Specifically the Committee was charged with two responsibilities:

It was asked to consider the matter of the interception of the Member's communications brought to the attention of the House on April 10 and report its findings to the House. That Committee was to have the power to call for persons, papers, and records, and to sit during intersessional periods. The work of this Committee was carried on during the period between Spring Session and this Session.

At the time the Committee was established, all three Members of the House, the Government Leader, the Leader of the Opposition, and myself, all contributed to the debate, and most particularly commented on the work before the Committee. At the time, I had occasion to observe that there were three issues proposed by the original case: the first was the question of privilege given to the Committee to consider; the second might be some issue surrounding the performance and conduct of the Minister whose phone was intercepted; finally, the question of the policy of wiretapping in general.

At the time I said, and I believe most Members agreed, that the latter two questions were beyond the terms of reference of the Committee. They were subjects that the House might wish to take issue with, or to adopt resolutions on, at some point in the future. They were not the business of the Committee.

There were four questions before the Committee:

Was the interception of the Member's telephone a breach of that Member's privileges?

Was that action a contempt of this House?

Was the failure to advise the Speaker of this Assembly of that telephone interception, a contempt of this House?

And, finally, the difficult question of the Speaker's responsibilities in this kind of difficult circumstance.

The process the Committee adopted is one, I believe, that was entirely appropriate for a Legislature of this youth. This House, even though it has sat for most of this Century, is only now coming into full flower as a parliamentary institution. It has not had a long record of experience with some of the difficult challenges and threats to it as an institution, that some of the other legislatures have seen, suffered and survived. This Legislature is young. It is

emerging. It is not yet complete in its final shape: traditions, formalities, and so forth.

It is therefore, I believe, especially important, and I speak for myself in this respect, that the Legislature work very aggressively at the job of finding itself: establishing its character and proving its rights in the Community of Yukon and the Country of Canada.

However, we did not have a wide body of experience and knowledge and precedents to guide us in this matter. The Committee therefore contacted, by mail, most of those people who we could establish were authorities on this kind of question: the question of the privileges of a legislature, and the rights of members of those legislatures — rights which they enjoy not for themselves but on behalf of the citizens they represent.

There is an onerous and burden-some duty to be placed upon the Speaker, I am sure we all agree, but I think it is worth noting that there is no other Member of the Assembly capable of, or able to, carry out this duty. Mr. Speaker is not, as are Members of the Cabinet, or Leader of the Opposition, an Officer of the Crown in the same sense that they are. Mr. Speaker is first and foremost a servant, and the representative of this House, in the same way that we are all the servants and representatives of our electors at large in the community. Mr. Speaker protects the rights and freedoms of the Members of this House, so that we are able to protect the same freedoms so hard-won for such a long period of time, for all citizens in the community.

The Committee made nine recommendations, which are a matter of record. I will not read them into the record now because I am sure other Members will want to comment on them in particular, but they are part of the body and substance of this report.

I want to conclude my remarks by saying that this was a very, very important matter before us. It was not simply a question of one telephone interception, of one Member, in the year 1980, but a process for us of defining the status and the dimension and the authority of this deliberative body. The one freedom that is undeniably at the root of all Members' privileges in this House is the freedom of speech. Our duties nowadays require us to express in this House the wishes and aspirations of our constituents, whether they are in our geographical constituency or our party. It is necessary to obtain those views and to advance those freedoms and those rights and those views, in order for us to communicate freely and openly with those constituents by way of the telephone.

To have that freedom, that right, that communication, obstructed without good cause, undermines the authority and the basis of this democratic institution, and by extension, of all parliamentary institutions in the land.

Mr. Speaker, the issue is very, very profound. We found in our report that, had a Member been under criminal investigation, his privileges as a Member would fall away; that it would be appropriate for the police, in such a case, to be able to tap his telephone, with one condition: that a proper courtesy be shown to this Assembly; to this democracy; to the servants of the people of this democracy, by requiring the police, the people conducting the tap, to advise Mr. Speaker. To advise Mr. Speaker so that no contempt of this House would be shown by any officer of the Crown: an ancient principle going back to the days when Parliament, in reinforcing its rights, had to create and arm the office of the Sergeant-At-Arms, so that the King's soldiers could never enter the precincts of the House and lock up Members, so that the King's will could be done in some arbitrary, undemocratic way; that no messenger of the House could be intercepted in their duty.

Mr. Speaker is the person that we have chosen to protect those rights, because the Speaker, from time immemorial, has always gone reluctantly to that office, to that Chair. The ritual that you observe in the House of Commons where the Speaker must be dragged to his Chair by the Government Leader and the Leader of the Opposition is not an empty ritual but a ceremony with deep roots. It is a ceremony that recognizes the Speaker. At one time, in conveying messages from the Parliament to the King, from the King to Parliament, he took his very life in his hands; recognized the duty; accepted the duty, and performed it unwillingly.

One last thing, Mr. Speaker. In a small community such as this community, where we all know each other, on occasion perhaps too well, an event such as transpired earlier this year in the intercepting of the Member's telephone can be an object of much discourse and gossip in the community, and perhaps even amusement in some quarters. It is perhaps not surprising that we, as human beings, should find ourselves party to some of these entertainments, but it is our responsibility as Members of this House — not

just for this Assembly, not just for this Legislature, but for all future Members, for the very future of this institution — to guard very seriously, protect very seriously, those rights and freedoms which are called perhaps inappropriately privileges, not only for ourselves and our constituents today, but for the society in which we live.

Thank you, Mr. Speaker.

Mr. MacKay: We have just heard the address of the Chairman of our Committee, for whom I have the highest respect as a parliamentarian, as one who feels deeply about the House and about his privileges.

The Committee, Mr. Speaker, was struck this spring, partly at my urgings, to look into the wiretapping of the Minister of Justice's phone. In addressing that motion in the House to establish the Committee, I stated what I regarded as a mission of the Committee. It was echoed in fair measure by the Government Leader and the Leader of the NDP. I would like to repeat it: "The intent is to investigate a breach of privilege as a constitutional issue, not to go back and find out why, or if, there was any reason specified for the wiretap, but just as a matter of whether or not that particular law of the land violates in any way, in the way it was handled, the privileges of this House and the Members in it."

Mr. Speaker, I stand by that statement and I did not feel in any way in the Committee that we should change that position. When we got into the study of the incident, Mr. Speaker, we became, as the Member spoke previously, very much aware that the findings and recommendations of this committee would set a precedent for Yukon and for other parts of Canada.

We have to look at the consequences of our report, Mr. Speaker, its effect upon the future operations of this House, and also its effect upon the operations of our law enforcement agencies. In my view, our report should be a guideline for the future. Because of that, Mr. Speaker, the recommendations Numbers 2 to 9, have my full support. I do believe, as the Member so eloquently said, that we can entrust, in the office of the Speaker, that confidence which will place our faith, in some instances, in that Speaker's hands. We are prepared to be judged, I feel, by that Member, because we have placed great confidence in the first place in putting him in the Speaker's Chair. We also have respect, above and beyond the individual who sits there, for the Office of the Speaker. I feel it is a suitable place to repose the kind of trust that the recommendations of this Committee is making.

I cannot, however, Mr. Speaker, support the first recommendation of the Committee. To do so, I would submit, Mr. Speaker, undermines the other recommendations in the report. To understand my objections, Mr. Speaker, I suppose it should be admitted that I am what you might call a law-and-order man. I regard our police forces as friendly, well-trained, and highly disciplined individuals, who, as a rule, try to enforce and uphold the laws passed by Parliaments and Assemblies. One of these laws, Mr. Speaker, is the one which permits the wiretap of phones in the pursuit of bringing criminals to justice. This is the law of the land, Mr. Speaker, passed by our Canadian Parliament, who did not write in any special privileges for MPs or MLAs. Parliament did, however, write in special procedures to be followed in the case of a wiretap, in their requirement of judicial consent for a wiretap, and these procedures were followed in this case.

Let me address the position the committee has stated on page 13, which I believe is a key statement, and out of which flows Recommendation One: "It must also find that any wiretapping of a Member's telephone constitutes a breach of privilege."

Mr. Speaker, that is the crux of the problem, and I do not agree that any wiretapping is a breach of privilege, nor did I think the Member to my left agreed with that. The point at issue is that if, in future, the law enforcement agencies come to the Speaker and give him their reasons for a wiretap, and that wiretap is then not approved by the Speaker, but at least not opposed, or not brought to the House's attention, the Speaker has said there will be no breach of privilege if a Member's telephone is tapped.

That is why I believe that to generalize from that statement is not a fair conclusion for this Committee to reach. I emphasize again that we are setting precedents here and I do believe that I am not alone in the House with this view. I hope the Minister of Justice will not mind if I quote his remarks, because I think they were courageous at the time he said them and I do agree with them.

He said, "The RCMP not only had every right, they had a responsibility to tap my phone, if they thought that it would either resolve a criminal case or help them in their investigation."

Mr. Speaker, I am very concerned that the public should not perceive us as putting ourselves above the law, particularly those laws with which some of us profoundly disagree. The way to fight laws that we do not agree with is in the political arena, Mr. Speaker, and I do not think that we should ever invoke privilege to fight such a fight.

I firmly believe that our protection lies in the Speaker's being informed in advance. That is our safeguard; having to conform to that alone will ensure, I believe, that there will be no frivolous or unnecessary wiretapping.

I believe that to agree with recommendation number 1 would be to second-guess future Speakers, and make rather meaningless the rest of the report. I therefore, regretfully, will not be concurring with the report.

Mr. Tracey: Mr. Speaker, as a Member of the Committee and also as the seconder of the motion, I feel I must stand in support. The Chairman of the Committee was much more eloquent than I could ever be. He has done an excellent job of putting our position forward. He says we are a young legislature, which we are, and inexperienced. We have had to draw on the experience of the legislatures and the Parliament of Canada, which we did, to reach a conclusion.

There is only one thing that I would like to dwell on, and that is the rights and freedoms that we carry for the citizens of the Yukon Territory. The Member who just finished speaking said that he felt that MLAs and MPs should not have special privileges. I contend, Mr. Speaker, that it is not the MLAs and MPs that we say have the special privileges, it is the people whom we represent. And for that reason alone we have the problem of privilege for the Members.

We have to recognize, as Mr. Penikett stated, that we represent those people. We are speaking on their behalf and they have to be able to contact us. Therefore, if they cannot talk to us, especially if the Member who is under investigation is not only being investigated for suspected criminal activities of his own, but for somebody else's as well, it could be considered a great invasion of privacy of the individuals in the Territory.

Therefore, Mr. Speaker, I contend that we are not here seeking special privileges for ourselves; we are here to protect the people of the Territory. I do not think I can stress that enough. I got the feeling, from talking with people throughout the Territory, that we are looking for something special for ourselves. It is not for ourselves, I cannot stress that enough.

As far as the rest of the report, Mr. Speaker, I have to bow to my friend across the floor there, who said it much better than I can.

Thank you, Mr. Speaker.

Hon. Mr. Lang: Mr. Speaker, I would just like to add to what the previous speaker has said. I think it is important that the public recognize that it is not, as he has said, so much for the Members in this House; it is the privilege for the public: the right and the privilege to contact somebody who is elected to know that they can speak of personal matters or otherwise, without an invasion of their privacy or that of that Member's. It is a very important function that an elected Member does have. It is a lot of responsibility, and he or she has to be able to carry out that responsibility on behalf of the electorate of the Territory, in a manner wherein they do not believe they are suffering, as is quoted in the criminal code, "invasion of privacy".

As our colleague from Whitehorse West has said so eloquently with respect to the position of the Speaker, I agree totally that the Speaker should be consulted and informed if something of this type is to take place. I think it is of paramount importance in our system today that there be a check and a balance.

I would like to go further, Mr. Speaker. The part that concerns me so much is when I see, and read, and hear, over the past number of years, the number of incidents that have taken place with respect to Members that have been elected to various offices — whether it be at the municipal, Territorial, provincial level, or whether it be right in Canada's House of Parliament.

The thing that makes me wonder, Mr. Speaker, is that people that are elected, in most cases, have the ability, more so than the general public, to stand up and speak, and let their concerns be known. What concerns me, Mr. Speaker, is the number of people who have had an invasion of their privacy, many cases winding up where there has been no real merit for the invasion of that privacy, but are afraid to speak up to let people know that the laws of this land are affecting them directly, and that there is a direct invasion of their privacy.

I fear, Mr. Speaker, and I will be very honest and I recognize that I am perhaps going beyond the principles that are espoused in this Committee report; I fear, as a Canadian of the freedoms that my forefathers fought for, the country that they helped make, when today I see the House of Parliament itself passing laws wherein the *Criminal Code* in this particular is referred to as the "Invasion of Privacy".

I think, Mr. Speaker, that we, as Canadians, have a tendency to be apathetic, because we are generally relatively affluent, and we say that it does not really matter, but when it directly affects you in freedom — and freedom is a very fundamental thing, and this may sound like a cliché — it does not have a price tag. When you see the House of Parliament passing laws with the broadest parameters, and asking our law enforcement, the RCMP, whom I have the utmost respect for, to carry these out, I think the laws themselves have to be looked at. I do not think that the RCMP, or for that matter the bureaucracy in some cases, should be chastized. It is the law-makers themselves. As the Leader of the Opposition says, this has to be sorted out in the political arena.

When I see our authority or freedoms being usurped by laws passed in the political arena, and the effects coming in maybe a year, two years, three years down the road, these freedoms being affected that our forefathers fought for, I think it is important, Mr. Speaker, that people recognize it, and start talking to their Members of Parliament, expressing their belief that these laws are against the Canadian Constitution, or against the Canadian custom, and that they should be looked at in that light.

I recognize that such laws have to be passed, to do certain things so that the RCMP can function. As I said earlier, I have the utmost respect for them, but I think that in some cases those laws are so broad that they can be interpreted in so many different ways that eventually it encroaches right on the very freedoms, the fundamental nature of this country.

I for one, Mr. Speaker, feel very strongly that we have seen the wiretapping situation, the wiretapping laws coming into effect over the last number of years. We have seen gun control coming in over the last number of years. All I can say, once again, Mr. Speaker, is that I fear for this country because I see the various laws being designed to fit a certain circumstance without consideration of the broad principle of what is being done, and I think, Mr. Speaker, that if we, as Canadians, continue to allow it to go on, without contacting our Member of Parliament, without making our voices known, whether we are elected or whether we are a private citizen, I personally think we are going to be in a lot of trouble. 1984 is not that far away, Mr. Speaker; let us make sure it does not happen.

Mr. Byblow: Mr. Speaker, I have just a few short points to make on the subject of the report, in very specific terms. The object of the Committee was the matter of the interception of a Member's communication. Within that parameter, Mr. Speaker, I feel that the Committee has adequately addressed the concerns that were expected of it.

It seems to me that the contentious issue appears to be whether or not any Member should be entitled to have a privilege, with respect to his constituents, in terms of a wiretap. I think the Committee examined this very carefully, and because of the special circumstance surrounding this particular case that was being addressed, because of the nature of telephone interception that can be made on a Member's telephone, it is clearly a situation where a breach of privilege occurs by the institution of a wiretap.

The findings that were made by the Committee are very articulate. There is an impediment made to the Member's freedom of speech, and therefore a breach of his privilege if this is permitted to occur. As repeated by the Members previous, and particularly the Chairman, this is a tradition, in the precincts of parliament, that this Committee, in my judgment, believed in and felt obligated to protect.

There appears to be no question, with regard to contempt of the House. The Speaker is our guardian of the rights established in this parliamentary forum. Based on the circumstances, Mr. Speaker, on the nature, on the evidence, this report, in my judgment, properly summarizes the concern that was given to us when the Committee was struck. I would concur with it.

Mr. Fleming: Just a few words, I suppose in support of the work that the Committee has done. I feel they have taken a very, very, very hard look at it, to come to the conclusions they have, and stand behind those conclusions.

I have a couple of things to say in the matter of the Member's

privilege being breached by the RCMP in this case. It is my contention that no Member of this House, whether he represents people or not — he is in this House and he does represent his constituent — has any special right for himself. I think that, as the Member opposite and the Member in front have said, the Speaker is the master of this House. The Speaker is the one who should handle any affair such as this, and be able to say, even to the RCMP or anyone else: you may, or you may not, or I will take it to the House, or I will not take it to the House. In this case, I do not think that happened. The Member was "bugged", as we call it, and whether we take it in a lighter vein or we take it very seriously, which I think we should, it is not a good thing.

However, there is the point that if any member of this House was thought by the RCMP to have some criminal intent, or some intent to defraud, or anything like that, that that right should be there, even so they should come forward first to Mr. Speaker. That is the whole crux of the situation. He is the master of this House; he is the one who should have the say as to what is being done. He is responsible, and he should know what is being done. The member is also responsible to him, and he is responsible to all of us here.

That is my contention. I will vote for the report.

Motion agreed to

Mr. Clerk: Item Number 3, standing in the name of the Mr. MacKay.

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

Mr. MacKay: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

Mr. Clerk: Item Number 4, standing in the name of Mr. Penikett.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 4?

Mr. Penikett: Yes, Mr. Speaker.

Motion Number 22

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Minister of Justice, that the Special Committee on Constitutional Development be empowered:

(1) to review any public documents relating to constitutional development in Yukon;

(2) to table in the Assembly such transcripts or documents from its meetings as it may deem advisable; and

(3) to report to the Assembly any findings, conclusions or recommendations it may determine or reach on the subject of constitutional development in Yukon.

Mr. Penikett: I am sure all Members will be grateful; I shall be brief.

Mr. Speaker, I am sure that everybody has noticed that the constitution is still an issue in this country. It is still a concern to the people of the Territory; our future will remain a concern to the people in the Territory.

The Committee that we struck last year has, I think, worked long and hard and constructively this past summer. I think, as I have mentioned before, that I was particularly proud of all Members of that Committee at the time of its meeting with its sister committee from Ontario.

The Government Leader has recently offered to refer to the Committee certain documents prepared by his officials on the subject of the Constitution and the development of Yukon's role in Confederation.

The Committee, at present, I notice, has somewhat limited and restrictive terms of reference. It seems to me that all Members of the Committee would like to see those terms of reference expanded. It seems to me that in order to do as we have been requested by the Government Leader to do — that is, to consider the advisability and the wisdom of the documents that he has had prepared — we need this expanded authority. This is not simply a procedural motion, Mr. Speaker, but it is a routine business motion: a request from the Member of the Committee to the Members of the House, for the authority to do what I think all Members of the Committee think we ought to be doing.

Hon. Mr. Graham: Mr. Speaker, I seconded this motion because, as Chairman of that Committee, I also believe that it is very important that the committee consider all documents which are available anywhere in the country. I wish, on behalf of the Commit-

tee, to thank the Government Leader for making the documents available to us that he has. We look forward to reviewing these documents and submitting to the House a report, based on the deliberations that we have conducted over the last six months.

Motion agreed to

Mr. Clerk: Item Number 5, standing in the name of Mr. Hibberd.

Motion Number 20

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse South Centre, seconded by the Honourable Member for Campbell, that the Standing Committee on Rules, Elections and Privileges review the Standing Orders and procedures of the Yukon Legislative Assembly, and report any recommendations for amendment to the Assembly.

Mr. Hibberd: Mr. Speaker, the changes that have gone on in this Assembly over the last several years have been considerable. It is not that many years ago when there were only five Members here; then it progressed to seven, later to twelve, and now to sixteen. In addition to that, Mr. Speaker, there have been considerably increased responsibilities that have been bestowed on the Assembly, as it has matured.

More particularly, we have seen the evolution of a party system function in this Assembly. During all these changes, Mr. Speaker, it has obviously been necessary that changes to the Standing Orders, which are, after all, the rules by which we govern our behaviour here, had been necessarily subject to review and alteration. Two years ago, when they were last reviewed, it was recognized at the time that the changes that were then occurring in this Assembly were of a greater magnitude than had been going on before, particularly with the advent of the party system. It had been agreed at that time that in two years' time, the Standing Orders that were then introduced should be reviewed after two years' experience with them. This motion, Mr. Speaker, is merely going along with that recommendation of the Committee at that time.

Mr. Fleming: Mr. Speaker, I will take but a moment. I think that this motion is long overdue; as the Member has said, there are many changes that need to be looked at in the House. That is why I seconded the motion for him.

Motion agreed to

Mr. Clerk: Item number 6, standing in the name of Mr. Hibberd.

Mr. Speaker: Is the Honourable Member prepared to deal with item 6?

Mr. Hibberd: Next Sitting Day, Mr. Speaker.

Mr. Speaker: So ordered.

We will now proceed to Public Bills and Orders other than Government Bills and Orders.

PUBLIC BILLS AND ORDERS OTHER THAN GOVERNMENT

Mr. Clerk: Second reading, Bill Number 101, standing in the name of Mr. Penikett.

Mr. Speaker: Is the Honourable Member prepared to deal with item 101?

Mr. Penikett: Yes, Mr. Speaker.

Bill Number 101: Second Reading

Mr. Penikett: Thank you, Mr. Speaker. Bill 101, *Fair Weather Friends Ordinance*

Mr. Speaker: Order, please. Could I have the Honourable Member's intentions concerning what he wishes to do with Bill Number 101, which is now up for second reading?

Mr. Penikett: Mr. Speaker, I would move that Bill Number 101 be given second reading.

Mr. MacKay: I second that motion, Mr. Speaker.

Mr. Speaker: It has been moved the Honourable Member for Whitehorse West, seconded by the Honourable Leader of the Opposition, that Bill Number 101 be now read a second time.

Mr. Penikett: Mr. Speaker, it seems I find myself in a procedural fog after all the discussion we have had this afternoon.

We all know, Mr. Speaker, I think, what I am talking about when I refer to Fair Weather Friends. These are people who come to Yukon year in and year out. Many of us think that they take more out of the Territory than they bring in. They take advantage of our hospitality and the generosity of our employers here. They come

here to work in the springtime and sometimes leave late in the fall. They take advantage of government programs, but contribute little to their upkeep. They are, as the bill calls them, Fair Weather Friends.

The intent of this bill, Mr. Speaker, is not to see it through to adoption and to have the Government Leader leap up and support it with enthusiasm; it is perhaps a fantasy of mine, but not realistic. I do not expect to see Mr. Commissioner, on the last day of this Session, giving it Royal Assent, but I do hope to be sufficiently provocative on this subject that the Government may rush to their officials with an urgent plea to rectify the question it addresses.

This is by way of a contest in that connection, Mr. Speaker, and if I cannot persuade the Government to do something about it fast, perhaps this bill will work its way slowly through the House.

I could tell you very easily a lot of true stories about people I know, good people, who come here and work every year, go down south every winter, and are resident in British Columbia, Alberta, or some other warm southern place on December 31st, and therefore do not pay income taxes to this Territory, but who, having earned money in this Territory, contribute taxes to another jurisdiction: people who earn money here, receive the benefits of living here, obtain services here, but do not contribute, in an adequate way, to the upkeep of those services.

Yesterday a number of us were speculating sentimentally about a poll tax which used to operate in Yukon. Perhaps that is another viable option in terms of dealing with this problem; the resurrection of such a tax. But it seems to me that without my even giving you actual instances, it is quite easy to see the possibilities of the kind of problem we have. If income taxes were based on your residency on July 1 every year, or June 30, I think the revenue position of this Government would be considerably more healthy than it presently is.

The expenses would not necessarily be any different. Our costs would not necessarily be any different, but our revenue position would be a lot better. It seems to me we could have a person who could come here right now, and decide to come up here, do a little fishing, catch a few dozen fish which they paid the huge sum of \$10 to the Government for the privilege of. They could stay for awhile and they could stay long enough for the kids to go into school. They could even, perhaps have registered in a vocational school course and taken a course at our vocational school at our expense. They might even be able to go to the Government — and in the old days line up or join a lottery, but now they just walk right into the Lands Office and buy a country residential lot — and not pay us a profit for having sold them a lot: something that we are selling to them at development cost for the benefit of our communities. They could perhaps put a trailer on it, and after they have all the plumbing, health, electrical inspections, which were all done at our cost, they might be able to obtain title to the lot. They might be able to then put it on the market, they might even be able to sell it at a healthy profit.

Winter comes though, the ducks fly south; Fair Weather Friends load themselves up on CP Air and they are back in Vancouver, say, for Christmas. Cold dark winters prove too much for them. They are in Vancouver, we have housed them, we have employed them, we have inspected them, we inspected their health, we have inspected their electricity, we have inspected their plumbing, we have educated their kids a little bit, we have given them land — which we do not have a lot of available — we have helped house them; but they have not paid their share of the cost of doing any of those things, because our wonderful friends to the south in British Columbia, if they are resident in British Columbia at the end of the year, are going to benefit from the income taxes they paid on income earned in this Territory.

Let us consider an even worse possibility. They spend a lovely Christmas in Vancouver, luxuriating in the wealth that they have acquired in Yukon. Spring rolls around again, and they discover that a daughter who has gone to Vocational School, say, has suffered an accident which requires expensive medical costs, perhaps including emergency flights south, and the parents come back to Whitehorse and take over the apartment here.

Soon, because of the nature of the daughter's injury, let us speculate, she has to return for further retraining and takes a different course at the Vocational School. Now the parents are interested in learning more about the Territory, and they spend a lot of time in the Government's library and the Government's archives, and after awhile they have forgotten to return all the books they have borrowed, and the replacement costs to the YTG have amounted

up to several hundred dollars. Perhaps by this time they have moved into another apartment so the library folks could not trace them, or perhaps they have even moved into YTG social housing, if their income is low enough at this point.

One of the things they have learned at the library, and in their talks with personnel at YTG, is that not only could they fish, but after a year they could be eligible for a hunting license. They have their rent receipts, and a copy of the receipt of the purchase of land the year previous, to prove that they have been here a year.

So, our Fair Weather Friend goes down and gets himself a gun, and goes out and wounds a couple of moose, maybe even kills a good one. Again, we may not be charging him very much for this privilege, maybe not enough at all, because hunting licences are pretty modestly priced in terms of the kind of costs of properly managing that resource. One day our Fair Weather Friend perhaps even tries to help a policeman prevent a crime he sees occurring, someone trying to punch him in the face of something. He tries to help the policeman and — he did get punched in the face and hurt himself, so he applies for compensation under the *Victims of Crime Ordinance* and he can get lots of money under that one, too.

But in pursuing this matter and some other legal problems he has got, he is running out of money, so he applies for legal aid to sue the individual who punched him in the face, perhaps, and YTG comes to his help again, especially if the courts have not provided him with the satisfaction he sought.

Now, by this time the Fair Weather Friends are falling down on their luck a little bit, and they decide that they want to go to the department run by the Minister of Human Resources and see if it will help them out a little bit. We are generous, open-hearted, good-natured people here, and perhaps we will. We do not give them a ticket south, but we might allow them to help subsidize our local groceries stores here for a while, as subsidized consumers for our grocery stores.

The following year perhaps there is a Territorial election. These people might even, under the previous rules of residency, be able to get themselves a vote. They might have been able to get themselves educated here; housed here; landed here; employed here; inspected here; hospitalized here; insured here; compensated here; welfareed here. But they may still never have paid very much money towards the cost of providing all those services.

Obviously this is a bit of a fantasy I am stringing here: a bit of a web. And it may be an exaggeration of the exact circumstances.

The point I am trying to make, Mr. Speaker — and I hope it will be taken as a serious one — is that there are people, I am sure, who come back here year after year after year, and live off the fruits of this land in good times, when the weather is good, and when the living is easy, but who do not contribute to the support and the provision of services of which they avail themselves when they are here. I do not know with any degree of absolute certainty — because I do not have the resources available to the Government Members opposite — if the solution that I have proposed is even workable. I do hope that it is challenging enough that the Government will, in all seriousness, see if there is a way, either of reconciling what I see as some apparent conflicts between various ordinances in the definition of "resident" — I think that would be a useful goal in any case — or of seeing if there is any legal, practical way that we could tie the legal definition of "residency" somehow to that date of December 31st, so that people would only be residents, and only be able to benefit from programs that cost us a lot of money, if they had, in the previous year, contributed to our tax coffers by paying the provincial portion of the income tax to this Territory.

I hope I have not exhausted Members with this little tale of woe I have told them, but I think the story behind it is still a very serious one, from the point of view of the financial health of this territory.

Thank you, Mr. Speaker.

Mr. MacKay: I am very pleased to second the motion for second reading of this bill, on such short notice. I do not doubt that my standing up here may be regarded as somewhat of a provocation. I would like to assure the Members opposite that in future I will be a Fair Weather Friend, but also a Foul Weather Friend.

However, it may give me a unique perspective to look at this bill, because I can look at it somewhat objectively, and I think that because of that I can fully support the Member's contentions.

I think I can also, perhaps, offer a little practical advice, on ways to achieve the objective that he is seeking. First of all, he should know that any business that presently operates in the Territory is

required, by law, to file information to the Government of Canada which will divide up the income into the jurisdictions in which it was earned, and these jurisdictions then levy tax on it. So, the Members opposite can rest assured that, in the future, I will be a taxpayer of Yukon, doing business here, even though I will not be able to avail myself of some of the privileges that have been outlined by the previous Member. However, I would like to say, though, that our problem is perhaps not as large as the Member has put it.

The next step to be able to get a complete picture would be to have the individual T-4 slips which a taxpayer receives from his employer in some way be divided up among the jurisdictions in which he earned the money. This is already actually halfway in place. All of us here receive T-4s, all of us know that there is a little box in the right hand corner that indicates the province or Territory in which the money was earned. So the information is all there, and I suspect that it would just take a flip of a computer button in Ottawa, in a practical way, to make the change. The biggest difficulty is to persuade Ottawa — and I suspect more than Ottawa, the other jurisdictions involved, such as sunny Vancouver, BC — that that they should go to this more fair system.

I think that while this bill may not reach Royal Assent, I think there is a lesson to be learned from it, and perhaps the action to be taken is for this Government to make some representations to Ottawa with respect to this kind of refinement of the allocation of income taxes, because, if we do it for businesses, the limited companies, and the unincorporated businesses, it seems to me that it would be a very small extension to also include the T-4s.

The machinery should all be there and it should not be too hard to do. I would be happy to be paying income taxes to any jurisdiction which offered hospitality such as we have seen in this Territory.

Mr. Fleming: I must rise also, Mr. Speaker, to apologize to the Member in front of me, because I did promise at one time that I wished that. At that time I was thinking of something else, Mr. Speaker, and I did not realize that you were asking the question, so I apologize.

However, the bill may sound a bit frivolous, but when you think of the implications of this bill, if it were to be put forward, it is not so frivolous. When you think, and this is what I am speaking of, that not all of the things that the Members have spoken on are not only true, but moneywise, the bill would be something very, very worthwhile in the income tax field. As the Honourable Leader of the Opposition has said, it should not take much to put it in place, due to the fact that the writing is on the wall, if they really wanted to do it. I would give you a few statistics of my own; 100 people working in the Yukon Territory paying a tax on \$10,000 a piece, that is a couple of thousand dollars, each going somewhere. It runs in the neighbourhood of \$200,000 when you add it all up; you wonder about these figures and where they are all going because we supposedly should get 43 per cent of some of the Territorial tax or the provincial tax or whatever you can call it. We are losing out, moneywise, in many ways. There are many transients up here. The Member thinks some of them are on Welfare, but many of them are working on pretty high-paying jobs.

I would like to see the bill go through this House; I do not know how far it will go from there, but I think there might be a possibility.

Hon. Mr. Pearson: This is a lot of fun, Mr. Speaker. In this Territory it is just about like speaking against motherhood, speaking against a bill with the implications of this one. But I am afraid, Mr. Speaker, I am going to have to, on general practicalities. I would not suggest to you that this bill should in fact go any further than this discussion today.

It would be very nice, Mr. Speaker, if we could do something about our Fair Weather Friends in the Territory. They have been around for a lot of years.

Mr. Speaker, I was party to an attempt by this Government to impose a payroll tax a number of years ago, that we felt would accomplish just about what the Honourable Member for Whitehorse West feels that he would accomplish with this legislation. We were told in no uncertain terms at that point in time that it was illegal, immoral, and everything else. We are part of Canada; other Canadians have got a right to come here, to work here, to take advantage of whatever benefits that we might have here, and to go back to wherever they come from when the cold weather hits. Of course the argument that was used, Mr. Speaker, was that we had the power to do the same, to go somewhere else.

So, Mr. Speaker, I must tell the Honourable Members opposite

that this matter has been a serious one in this Territory for a number of years. It is one for the Honourable Member for Riverdale South, Leader of the Opposition; it is an issue that held up the *Income Tax Ordinance* in this Territory for two years. One issue, this one basic issue; trying to get a change to that. It just simply could not be done. The federal government will not consider any discriminatory — and that is what they call it, Mr. Speaker — discriminatory type of legislation or rules being imposed by this House upon anyone else in Canada.

So, Mr. Speaker, on the basis of that, I want to assure the Honourable Members that we, on this side, are sympathetic with what is being said. We are very cognizant of the problem, probably even more so than they are, because we eventually have to end up finding the dollars to make this place go around, and we would like very much to have something like this in place, but it just is not practical.

Motion negated

Mr. Clerk: Second reading, Bill Number 102, standing in the name of Mr. MacKay.

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

Mr. MacKay: Next Sitting Day, Mr. Speaker.

Mr. Speaker: So ordered. We will deal with Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Second reading, Bill Number 54, standing in the name of the Honourable Mr. Graham.

Bill Number 54: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that Bill Number 54, *Petty Trespass Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that Bill Number 54 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, the object of this proposed ordinance is to create a governing ordinance which will enable the owner of a premises to obtain the assistance of the RCMP, in cases of flagrant trespass on certain kinds of property, accessible mainly to the general public. This would include such property as shops, shopping malls, schools, and other occupied government property.

The typical school situation in which we have experienced this problem — and we have received representations from several school committees in the Territory — involves a former student or dropout, who hangs around the halls and the cafeteria and gym areas in the highschools; who refuses to leave when requested to do so by the principal of the school or by a teacher in that school. These are the people whom we hope to deal with in this ordinance. The individuals who disturb the peace in shops, liquor stores and other shopping malls in smaller areas, also often refuse to leave the premises when requested to do so by the owner.

The ordinance we have presented here today closely follows the New Brunswick Act, which makes it lawful for a trespasser to be removed, and it also requires him to give his name and address to the officer who requests that removal. If he does not leave when required, or refuses to provide his name and address, he can be arrested, but he also, Mr. Speaker, must be released immediately after he is charged, once his name and address are obtained. Repeated offences do incur other penalties.

The new proposed *Petty Trespass Ordinance* has also certain precautions listed in it against abuses of power. These provisions include that an individual ought not to be charged for an offence unless he has been notified to cease his trespass; arrest may be authorized but the offender should be released as soon as name and address has been determined.

The provision is contained in the bill that trespass by motor vehicles and snowmobiles is also an offence. The bill only covers occupied property and is not to be extended to cover unoccupied Crown land. The bill is also not designed to capture squatters, or deal with any problems that may occur with squatters in the Yukon Territory.

Mr. Speaker, we have brought forward this bill in response to a number of requests from public property owners and from school committees around the Territory, and I trust that it will be acceptable to all Members of the Legislature. Thank you, Mr. Speaker.

Mr. Penikett: I had hoped the Minister would persuade me that

this was a necessary piece of legislation. I hoped that, Mr. Speaker, because I had become increasingly persuaded, in our time in this House, of the essentially liberal qualities, small 'l', that is, Mr. Speaker, in the Minister of Justice of the Territory, and have come to expect great things from him.

I must tell you that from my point of view I think this is a horrible bill. The requirement to give name and address to an officer, as the Minister mentioned in his speech, is a fairly routine, innocuous kind of thing. But I understand it is a fairly new provision in most laws. In fact there was a case that went to the Supreme Court in the last couple of years, starting with a complaint about a traffic violation in Victoria; someone rode their bicycle across the country to fight it to the Supreme Court, about the requirement to give names and addresses when challenged. I gather the court's decision was that the person with the bicycle was required to give the name and address simply because it was administratively inconvenient for the police not to. Now I have some problem with laws that are simply created as an administrative convenience to public servants, whatever their stripe.

Now I am glad the Minister explained that the school committees had asked that they wanted to have some of the dropouts and thereabouts and loiterers and lurkers removed from the premises. I am glad I knew there was some big demand for this.

I have noticed myself, in travelling around the territory, these little signs which say "Nobody without t-shirts or shoes will be allowed on the premises". It seems to me nobody has any reasonable objection to those kinds of rules governing conduct on premises.

But I must say that I would guess that this law would come to be applied to that class of citizens who are known affectionately by all of us as either the "dirty hippie", "drunken Indian", or people of that class who are obviously not employed; obviously not with a lot of money, but with a lot of time on their hands.

I am particularly concerned, even though the Minister mentioned that there are arbitrary powers in here, because of the penalties. I notice in this bill that the penalty for a second subsequent conviction in relation to it is imprisonment for a term of not less than 30 days and no more than six months.

Now, let us be realistic. In a time of unemployment the way it is now, whether we like it or not, there are an awful lot of people hanging around stores and schools and shopping malls and stuff, and especially in the winter there are a lot of people doing that, some of whom who may be superficially long-haired and not awfully clean, but may not only be gainfully employed and waiting for their wife, but may be perfectly legitimate, respectable citizens with every reason to be in the place.

Now, the Minister has suggested that they will not be moved along unless challenged, but I would be really worried, really worried about this bill, from a civil libertarian point of view.

Now the other thing that this bill seems to make legal is a pet peeve of mine, and that is the towing away of vehicles from private and public property. Now I have had some personal experience with this, Mr. Speaker, and I want to tell you that if it was not legal before, I want my money back. If it was legal before, why do we need this law?

A few weeks ago, I was coming back from Ottawa, where a lot of us, because of the nature of things in this country, have to go once in a while, and because of the generally inferior state of public transportation in this community on weekends, I had made a very acceptable arrangement with my wife, I thought, who was also going to Ottawa on the day I was coming back; she was to leave my truck at the airport so that I could get off the plane and get in my truck and go pick up the kid and have supper.

Unfortunately, for reasons totally beyond my control, my plane was late. When I got off the plane, the truck was not there. I was a little mad.

Mr. Speaker, I called the guy who was listed in the telephone book as the Manager of the airport and I asked him what he had done with my truck. He said he was not sure, but he thought they had towed it away. He then told me that I could call this telephone number which he gave me and get it back. So I phoned this telephone number but there was no answer.

Now all Members know me here, Mr. Speaker, as a placid, even-tempered, fair-minded gentle sort of person, but at this point in time I was getting just a little irritated. I wanted to know who had done what with my truck. So I phoned the RCMP and I told him the airport manager had said he had taken my truck and I wanted him arrested for stealing my truck. Now, the RCMP seemed some-

what amused at this request but were quite polite. I will give them that, they were quite polite.

Five minutes later they phoned me back and said they could not arrest the guy for taking my truck and that it was probably at such and such a place. They gave me the same number as the airport manager had already given me. I phoned it again, still no answer. Now you will forgive me, Mr. Speaker, let me be perfectly honest, I was getting very, very angry. Not knowing where else to turn, I decided to phone the guy who was in charge of all the airports in Canada, the Minister of Transport, a man called Jean-Luc Pepin. I called him up and the lady on the phone asked me if I was from the provinces. I explained that, not exactly, I was not from the provinces. She asked me where I was from and I tried to explain to her that Yukon had ambitions in that direction but we did not quite qualify yet.

So I got to talk to the second assistant departmental assistant for matters concerning trucks being towed away from airports. Unfortunately, she did not speak English, so I talked to her for a few minutes, then got to speak to another lady. This lady was very efficient; having heard my problem, very loudly — I am sure she had the telephone some distance from her ear — she got on the matter right away and about ten minutes later, I had another phone call from the airport manager who was, by this time, beginning to get a little irritated with me, who gave me another telephone number I could call to find out where my truck was.

I called this number and my truck was at this place and I went down in a growly mood, at great expense in a taxi, and bailed my truck out of the truck jail, which is down there on the Industrial Road.

Having recovered, Mr. Speaker, from this indignity, a few days later I went to dinner at a friend's house in an apartment in Riverdale. Now I know some of the Liberals and Conservatives in this House will be surprised that I have friends in Riverdale, but believe me, it is the case. It was a very nice apartment, a very nice dinner, wonderful hosts. The trouble was it was raining as I arrived. I cannot see a thing, it is dark, it is raining, Mr. Speaker. I drive my truck up, I park it outside the apartment, I go in and have dinner, really a good dinner, over dessert, while we are having dessert there is a knock on the door. I hear a whispered conversation in the doorway and it apparently has something to do with the landlady now introducing some new rules about where tenants can park and where visitors can park, and people who do not comply are going to have their vehicles towed away.

We chatted about this, I told my airport experience and we all agreed this was a new provision the landlady was obviously introducing, and it would take a while to work out the wrinkles and it probably was not going to go into effect right away.

Well, Mr. Speaker, imagine my surprise when at eleven o'clock that night I go down to the parking lot in the pouring rain, and my truck is not there. Now, I did not have that much to drink that night, Mr. Speaker and while these apartment blocks all look much the same, I was absolutely certain I came out the same door I went in and that that truck had been there when I arrived and that now it was not.

I made a phone call and I could not get my truck that night, because they do not let trucks out of the truck jail at that time of night, you have got to get hold of them in the morning. What was worse, I did not have any money for a cab. So after crashing around in the rain trying to find my truck or some means of transport home, I had to go wake up my host, who had already suffered several hours of me and could have reasons to be a little irritated himself, to get a ride home and then get another cab ride in the morning to go get the truck out of the truck jail.

Mr. Speaker, I do not believe that such a provision is necessary here, but even if it was necessary, even if it was absolutely essential, you will understand me, Mr. Speaker, that I was just a little annoyed that this had happened to me twice within the space of a few days. But imagine my amazement, Mr. Speaker, when I pick up this bill and find out that this, the towing away of my truck, is about to become legal.

Imagine the terms to which my mind now goes, Mr. Speaker, when I realize that this towing away of my truck, once by the Government of Canada and once by some otherwise nice landlord in Riverdale was perhaps done illegally. And now, Mr. Speaker, I want to know if I can get my money back. Or I want to know from the Minister of Justice, if it was not illegal before, why is he making it legal now? And has he had a call from the airport manager or that landlady in Riverdale? Those are the kinds of questions I am

going to be asking him when we get into Committee on this bill.

So, Mr. Speaker, having concern for the civil liberties of some of our less than fortunate citizens in this Territory — those who may not be employed, gainfully or otherwise — I want to serve notice of an amendment that I am going to present to this bill. I am not going to present it now, but I think that, because I believe that bills should be titled what they are, there should be a proper description in the title of the legislation and its purposes. I am going to move, when we get into Committee, Mr. Speaker, that this bill be amended to read, *The Dropout, Dirty Hippy, Drunken Indian, and Don't Park Your Pickup Truck at the Airport Ordinance*.

Mr. Hibberd: I, with other Members here, have listened with considerable entertainment to the plight that the Member for Whitehorse West found himself in. But I do not think he should be berating the House on the issues that have faced him over his parking episodes. He should realize that it is through the good graces of the House, in their efforts which originated from the Minister of Education, who, and we all, contributed another mode of transportation that would have absolved you of those difficulties.

Hon. Mr. Graham: Mr. Speaker, I cannot allow some of the things that the Honourable Member has said to go unanswered. In the first place, Mr. Speaker, he has totally misinterpreted the bill.

This ordinance does not change what the common law already says. The common law already states that you have the power to remove from your premises people who are trespassing on the premises which you own. However, unfortunately, many people do not wish to leave the premises when you so request, and so violence usually occurs.

The RCMP, quite correctly so, has shown a certain reluctance to assist in removing people from private property without clear legal authority. This ordinance should give the RCMP the clear legal authority which they need and which they have requested, to remove unwanted people from private premises. At the present time, Mr. Speaker, no one in this legislature has the ability to remove by any means other than personal force, a person who has driven his car on your front lawn. You can phone the RCMP, but I will guarantee you that it will not do a whole lot of good. Because under the present law, they do not have a whole lot of authority to remove that person. This ordinance will change that.

I can remember, last year, Mr. Speaker, some of the Members opposite requested from the Minister of Justice, myself, why the RCMP would not prevent a young fellow from smashing pop bottles on the front steps of the local supermarket. The answer is quite simple; the RCMP did not feel at that time that they had the authority to do so. This ordinance will give them that ability.

Another thing that this ordinance will do is give school principals, school teachers, preferably principals, the power to remove from school properties people who they believe are disrupting the normal day's routine of the schools.

In some areas, as I understand it, we have a problem with drop-outs and other students of an advanced age shall we say, who are no longer attending school in the Yukon, selling unwanted drugs on school premises. At the present time, school principals do not have any authority to throw those people off the premises. With this ordinance, they will.

As for the Member's problem at the airport, I am sure that, being an avid reader such as he is, he read the little sign as he entered the airport which said that under certain circumstances your car will be towed away. After reading that and then not complying with the regulations set out on that sign, you can logically expect that your car or pickup truck will be towed away.

I am sorry there is nothing we can do about that and there is nothing this ordinance can do about that. However, when it comes time to park in somebody else's parking spot at an apartment building, I am afraid I do not have a whole lot of sympathy for the Member opposite at all. I know if that was my parking spot you were talked about I would be sure to call the local towing company to take you away. I am afraid there is no sympathy there at all there. But there is nothing in this ordinance that will change that. I will also still have the power to have your vehicle towed out of my parking spot at the apartment building.

So Mr. Speaker basically this ordinance is to ensure that we have the power already spelled out in common law, to effect the removal of unwanted persons from the areas listed in this bill. I think, Mr. Speaker, that that covers everything that I would like to say. I only hope that I have explained things a little more clearly to Members opposite.

Motion agreed to

Mr. Clerk: Second reading, Bill Number 55, standing in the name of the Honourable Mr. Graham.

Second Reading: Bill Number 55

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that Bill Number 55, *An Ordinance to Amend the Cooperative Associations Ordinance* be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that Bill Number 55 be now read a second time.

Hon. Mr. Graham: This ordinance, Mr. Speaker, basically deals with the ability of the Registrar of Companies to properly provide consistency in the corporate name approval policies of this Government. It also more clearly sets out the consequences of a company who fails to file returns with the Registrar. We have also given the Registrar the power to refuse registrations for adequate cause. Also, Mr. Speaker, in keeping with other pieces of legislation recently passed by this Legislature, we have provided cooperative associations with the power to waive the appointment of an auditor. Thank you, Mr. Speaker.

Motion agreed to

Mr. Clerk: Third reading, Bill Number 40, standing in the name of the Honourable Mr. Graham.

Bill Number 40: Third Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun that Bill Number 40, *An Ordinance to Amend the Compensation for Victims of Crime Ordinance* be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Tatchun, that Bill Number 40 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 40 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Tatchun, that Bill Number 40 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 40 has passed this House.

Mr. Speaker: May I have your further pleasure?

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

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

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call Committee of the Whole to Order and declare a brief recess.

Recess

Mr. Chairman: I call the Committee of the Whole to order. I would like to refer the Committee to page 20, clause 32(1), to continue discussion.

I would, also, at this time like to welcome the witnesses, Mr. McWilliam and Mr. Livingston.

On Clause 32(1)

Mr. MacKay: I suspect that much of what we have said already covers most of the topics, or most of the pros and cons. I would like to make one last suggestion to the Members opposite with respect to this section, which denies the tenants the right to vote in matters respecting financial concerns of a municipality.

The problem I hear from the other side is basically a pre-judgment on their part as to how a tenant will vote. I think they do the non-land owners of the Territory a great disservice when they

make the assumption that the tenant would vote irresponsibly in their election. I think that is the basic problem that we have been unable to overcome thus far, in making the Government understand that tenants can be just as responsible or as irresponsible as property owners, and that they have, as I have demonstrated, very much identical things at risk in terms of voting for higher taxes. I think that to disenfranchise them is a very, very serious matter of principle.

I ask the government to look again for the reasons for denying it, and I do feel that we have made the case quite logically that there is money being paid by tenants to municipalities in various forms. The only way they do not do it directly is they do not make a cheque out payable to a municipality for property taxes. They do it in many other ways.

So, I do not see the logic of denying them on the case of the money. The only possible argument I have heard that I can agree with from the other side is that there may be a circumstance arise in a small town, where there are a few taxpayers and many non-taxpayers, where they might get the bit between their teeth and run off and then do something that would be irresponsible.

I understand that is really the only reason the members opposite are denying tenants the right to vote. I do not think it is a good enough reason, Mr. Chairman, that is what it comes down to. I do not think it is a good enough reason, and I think that there are safeguards in the bill in respect to municipalities that have always been hanging around in the background there, and if he sees things getting out of sight, he can come in and correct the balance.

I think the other thing that we are denying, especially when it comes to towns like Faro, is the vote; also, if I can speak for a moment on my own riding, which I very, very seldom do; — and I trust that the Member for Porter Creek East will not berate me for that, I think I have many tenants in that area who have lived there for a considerable length of time who would dearly love to have a greater say in their own community of Whitehorse.

So, I do not think it is a good enough reason to suppose the tenants in some community will up and vote for something completely irresponsible. That is not a good enough reason to deny the vote and I would ask the Government to reconsider this position.

Hon. Mr. Pearson: Mr. Chairman, the Honourable Leader of the Opposition's statements in respect to this matter have tended, all the way through, to leave the implication that we are going to take away something that these people now have.

Mr. Chairman, I want it very well recorded that we are not taking away a right, we are not denying them a right that they have ever had before. We are not disenfranchising them. They have never ever had that franchise. That just has to be made clear.

Mr. Chairman, Yukon is comprised of a number of communities. I would respectfully submit to the Member from Riverdale South that the only community in Yukon where you could safely give such a right to vote on money matters to non-taxpayers is the municipality of Whitehorse. I would think that probably in this day and age, the municipality of Whitehorse might be large enough. There are enough taxpayers that could, in any plebiscite, any money bill, "protect" their right. The factor in relation to other communities is just exactly the opposite. We would, I believe, be doing the whole Territory a disservice if we changed that basic principle at this point in time in the Yukon Territory — that basic principle being that if you wish to have the right to vote on money matters in a community, you must be a taxpayer, because it is the people who pay the taxes who are going to end up paying for whichever way that vote goes.

Mr. Penikett: Mr. Chairman I got my two-bits in on this subject yesterday. The Minister of Justice was kind enough to say that my contribution is worth 50 cents. All I wanted to say is, perhaps enough has been said on this subject; we do have still have the definition from the definition section left over, the question of corporate orders. We heard a lot of discussion yesterday about the contribution, the commitment to the community based on someone who had property. Someone who had a home, let us recognize now, has made a pretty significant investment. For most people, that is the largest investment they will make in their lives, and properly entitles them to vote money matters affecting their rates.

However, as I understand it, as proposed in this law, we are still going to have the circumstance where someone may be able to have an incorporated company, some kind of business entity, and the investment in it may not be very great — in fact it might be quite small; it might be much smaller than someone who has bought a house, or it might be less in terms of their financial

contribution than someone who has paid rent in the area for a long time. And I must say I do remain slightly concerned that some of these — we will discuss it later — but someone who has got a shell of a corporation or something without much real property might be able to vote in these things. I would think their entitlement to do so is pretty marginal as compared with a tenant of long standing.

I am not objecting to the clause at this point, Mr. Chairman, I am just adding that two-bits, if you like.

Mr. Fleming: I will not take much time. I think we have thrashed it enough. I have one little bit of a problem concerning where you are saying to the people of a proposed municipality, or people who are in the L.I.D. now and are trustees there, that they can be elected — and correct me if I wrong — to a responsible position even though they are not a taxpayer, in that sense. Then you give them that committee, to spend a certain amount of monies and to vote on certain money matters — which may not be as big as the one that may have to come through a submission — but you have given them that right. Then that is as far as the representation would go. When the submission comes up for a larger amount of money, they are not allowed to vote. I just do not quite understand the differential in that area.

Hon. Mr. Graham: Mr. Chairman, I have possibly one alternative that many Members opposite would be willing to look at. Perhaps we should permit the government or the municipalities to impose some kind of an occupancy tax which could be imposed on the tenants of these buildings, perhaps — if the Opposition is willing to go for that type of an arrangement — enabling these tenants to vote on money matters.

The other thing is, and I think it is a point which you are all missing, that the council of these municipalities have to first of all approve these matters and they are responsive to a majority of the voters. I think all of you have to recognize, because you are all politicians the same as we are, that if you do not respond to the wishes of the majority, then you will not be here. Let us face it, the tenants are part of that majority.

Mr. Byblow: Just two cents' worth, Mr. Chairman. It seems that the concern is whether tenants, regardless of what form of rent they pay their landlords, in whatever community of the Territory, should be, by virtue of their tenancy, allowed to have some say in the economic affairs of their municipality.

I think we discussed this fairly thoroughly yesterday that, regardless of how you look at it, whether it is through a form of income tax or different amenities or packages, the tenant does have a contribution to that economy.

I just want to extend it a little further. I think what we are really having a difficult time about is this whole level of service. There are essential services and then there are services of a second order. Perhaps this is where a distinction should be made. I have no problem with a property taxpayer paying for a service which directly affects that property. That is the system that has been in place and I think the Government Leader is very correct in making it a clear point that you do not have a disenfranchising of people, you are just not extending it in this particular bill.

Perhaps that is the point that we should spend some time on. I know we have the green paper that is going to take a look at the different forms of fiscal aid and I think I would just bring attention to the fact that those tenants do have a contribution to those certain services. There is a trend in the country of a user/pay philosophy so that the facility that is put in place is paid for, O&M-wise, by the people who use that. It does not necessarily come out of taxation, but somebody has to build the facility first.

That is perhaps where the senior government comes in and if the senior government is doing that, then in effect he is getting that revenue from the income tax of the tenants. So, I am not opposed to the property taxation concept, but perhaps there is a certain level of service or type of service that the tenants and all the residents of that municipality are actually going to be bearing, a portion of the burden of running that place, and perhaps they should have a further say.

I know Faro has been brought into this a number of times and I do not wish to bring it in again. But I think we have a very unique situation presently, under the existing *Municipal Ordinance*, where there is a special tax levy on certain property to pay for a certain facility that everybody uses. If we can have that kind of latitude in an old ordinance, and if I understand all the debates correctly to this point about this ordinance, then we have the flexibility to give certain franchise privileges to certain groups. If you are going to leave to the municipality the choice of allowing tenants in fact to

make a choice on a fiscal matter that is going to affect them, and they are going to help pay for, then let us qualify it. Does this bill provide that? I guess I just leave it there.

Clause 32(1) agreed to

On Clause 32(2)

Mr. MacKay: We seem to be proceeding awfully slowly, but a question arose from the previous debate with respect to definitions, and perhaps the Minister has had time now to clarify what the definition of corporation is.

Hon. Mr. Lattin: Well, Mr. Chairman, we stood over that section on definitions. At this particular time I am not quite sure how we are going to address it, but no matter how we address it, I would submit, it will not have any difference on the uses of the term "corporation" throughout this thing. It is the definition that we had problems with, and whenever we come to a conclusion on that definition, it will carry right on through.

Mr. Penikett: Just let me make sure that I understand the Minister's intentions. We stood over the definition, I thought, because we thought it was an unresolved question as to whether corporations should be taxpayers for this purpose. Could I ask if it is the Minister's intention to stand over this clause too, or are we now going to fight now about whether corporations should be taxpayers.

Hon. Mr. Lattin: Mr. Chairman, I think when we get the term "corporation" accepted by everybody and what it will be, will have no bearing on this word we are using here. It is a term that will continue on. The problem we have is what does it mean. I think that will be solved when we bring it back when we do that particular section.

Mr. MacKay: I wish the Minister luck in being able to resolve the issue of what a corporation is, if he is going to try and include all businesses, whether they are incorporated or not, onto this section. I think that is the government's intention; I cannot see how they are going to do it.

But I am not going to dwell on this. I would be happy to see, at worst, this section passed with a minimum number of new voters being added to the roll.

I want to make two or three points, I think. A corporation is allowed one vote if it owns property in the municipality and is a taxpayer. Any individual owning more than one corporation, or owning a corporation and perhaps even more than one, will therefore be able to extend his or her influence considerably. In the City of Whitehorse that may not be a very significant proportion of the vote, but, as we have heard, in some of the other communities where there are few taxpayers, this may indeed lead to quite an extension of one person's influence or one group of people's influence on that community's affairs.

So, I worry about it from that point of view that the same kind of concerns that were being voiced earlier about the small communities apply equally when it comes to spreading the vote around.

I feel that when you take it in conjunction, and again I will concede to the Government Leader's position, then this is not taking anything away or giving additional power. This is in the existing Legislation and I think I made it clear yesterday in my opening remarks, that I appreciate the reiteration of it, of seeking new rights or to take away rights.

I think when we take these two sections, (1) and (2) together, I have just got the very uneasy feeling that we are going back to the golden days of the early 19th Century of British democracy, when we had rotten boroughs which could elect members of parliament by virtue of the land-owning power of certain dukes and earls. I am not suggesting there are any dukes or earls by that name in this Territory, but it is not inconceivable that certain small towns could fall under the influence of one large taxpayer. I would hate to see the thing becoming a rotten borough in that sense.

That combined with not giving the tenants a vote, I think, creates an odious situation, and I would be very happy to strike this section entirely, and to save the Minister the terrible trouble of trying to define what a corporation really is.

Mr. Byblow: Well, I suppose all I want to know, Mr. Chairman, is what are the full implications of this section on my particular riding? Is it correct to assume that Cyprus Anvil has one vote and the 39 other taxpayers have equally one? I would like to know this just for the record to clarify the full meaning of this.

Hon. Mr. Lattin: Yes, Mr. Chairman, I am glad to inform the Member that Cyprus Anvil, in his particular riding, would have one vote for the corporation.

Mr. Penikett: Am I correct in saying that previously, under the law that this is intended to replace, notwithstanding the fact that there might be a few other taxpayers besides Cyprus Anvil, that there was a clear recognition of the fact that that one corporate entity might own 99.9 per cent of the taxable assessment — 82 per cent, whatever it is — in the community and therefore may have only had one vote in law. Certainly their consent would be required, directly or indirectly, before anything could proceed; that now is not going to be the case? Because, if that is not going to be the case, you could have some very interesting dialogues between the owner of most of the property there, and the council. If that were to happen, I am sure I could repeat Mr. Tracey's arguments from yesterday right back to him. I can see some very interesting discussions between Mr. Bruk and Rennie Mitchell, telling Rennie and his council that, "Well, the taxpayers might've approved something, but the one taxpayer who is going to have to pay for most of it doesn't like it." Very interesting situation.

Mr. Byblow: Just one additional point to that debate: could one of the witnesses perhaps inform me whether or not the provisions under the existing ordinance, requiring Cyprus Anvil approval on matters over and above \$10,000 of a capital expenditure, would be required?

Mr. Livingston: Mr. Chairman, with respect to Mr. Byblow's concern, I think that is exactly why special provisions could be included in the incorporation order with respect to Faro in order to deal with procedures on approval of money by-laws, as an example.

Mr. Byblow: Mr. Chairman, I gather from what the witness is saying, that while this Section 32(2) may exist in terms of voting on a fiscal matter, that could be overridden by a special provision if the existing ordinance is applied.

Hon. Mr. Pearson: Mr. Chairman, the Honourable Member has got to recognize one point. This legislation is written for the Yukon Territory, for all of the communities in the Territory. If there are special provisions required for Faro because it is a different place, we have tried to write the legislation with enough latitude so that we can recognize those special provisions.

But the legislation, per se, is written for all of the communities in the Territory.

Mr. Byblow: Mr. Chairman, I fully and totally understand what the Government Leader is saying. In fact those were my very words on a number of occasions in this debate prior to this. I was merely raising a specific instance with relation to the implications of this clause.

Hon. Mr. Pearson: What I am trying to say to the Honourable Member is that special provisions might have implications in any number of clauses, this one included, in the legislation.

Clause 32(2) agreed to

Mr. Hibberd: Mr. Chairman, I wonder if I could have your attention for a minute to digress from the immediate business at hand just to point out something.

Mr. Chairman: Are you talking on Section 2 - you would have to have the unanimous consent of the House. Does the Honourable Member have unanimous consent of the House to re-open Number 2? Proceed.

Mr. Hibberd: Thank you, Mr. Chairman, that was not my intent. I merely wished to point out to the Committee that I have been doing some figuring over here and seeing how we are progressing. We have now been involved in Committee one week in consideration of the *Municipal Ordinance* and we have considered exactly 6 per cent of the bill. Now far be it for me to suggest that there should be any muzzling of the voices of democracy here before us, but at this extrapolation, Mr. Chairman, it will take us another 4½ months to deal with the *Municipal Ordinance*, in Committee only, and that would include some amendments coming in at that rate. We have several other bills here, another one which is half as long so I can see, Mr. Chairman, that our Session now is approaching a year. I just wanted to inform Members of that.

Mr. Chairman: The point is well taken by the Chair.

Mr. MacKay: I am not one to take a hint easily, Mr. Chairman. This is a matter of interest and I am wondering if our witness could give us any idea of how many corporations actually, having spoken at length on the matter of principle, have ever taken advantage of the entitlement to vote?

Mr. Livingston: Mr. Chairman, I do not have any numbers at all, but I certainly do know that some have. Under the existing ordinance, however, you had to register prior to the general elec-

tion or the vote on the money by-law by September 30th prior and, therefore, of course, many people did not register and it created a real problem. So, under this provision, I assume more will.

Mr. Tracey: Mr. Chairman, I would just like to question why a corporation who is considered a person is treated differently than a person would be. You have to register. Why could it not just be a director or officer of the company?

Hon. Mr. Lattin: Mr. Chairman, I do not have any answer for that. I think it has been something that has been brought forth in—

Mr. Livingston: Simply because the corporation has to appoint a person. You could have 15 partners in a firm and they have to designate one person so that the returning officer has the record of the person who is representing the corporation.

Mr. Tracey: I realize that, Mr. Chairman, but one director or one officer of the company could just as easily be considered a person as long as he declares that he is representing the corporation.

Hon. Mr. Lattin: Mr. Chairman, I do not have anything to say about it. I think it probably points both ways. I think the way it is now I have no problem with it myself.

Clause 32(3) agreed to

On Clause 32(4)

Clause 32(4) agreed to

On Clause 32(5)

Hon. Mr. Lattin: Mr. Chairman, this does away with a former cumbersome requirement that a person had to have a property tax of at least \$25 annually. I think this is more straightforward.

Clause 32(5) agreed to

Clause 32 agreed to

On Clause 33(1)

Hon. Mr. Lattin: Mr. Chairman, 33(1) clarifies the fact that any candidate must ensure that his name is on the list of electors on nominating day.

It places the responsibility on the candidates to ensure that they have been placed on the list of electors, and eliminates individuals who are not serious enough about being elected to even — if they are not serious enough — it is their responsibility to check that they are on the preliminary list.

Mr. Penikett: Yes, Mr. Chairman, with your consent, I would like to say to the Minister at the beginning of this Division II, on Clause 33, may I ask a couple of general questions which he can answer now or later.

Yesterday Mr. Livingston was good enough to advise us that, in his opinion, the provisions or qualifications of electors and candidates were, perhaps, better than the proposed ones for the Territorial ordinance — well, I think he said "might be an improvement", qualified it at that. Most of us would agree that it would be useful to have some conformity between the two. Without jumping ahead or going specifically to the sections now, it seems to me there has been a problem in terms of qualifications which we obviously would not want to be tougher for a municipal office than we would require for a Territorial office. We should, for the record, get assurances on that score because we are dealing with fairly small municipal corporations, I think. Mr. Fleming has talked, on a number of occasions, about the possibility of a small community of 300 people.

We have also talked about the demographics of this community on a number of occasions in this House; the transient nature of the community; people with conflicts; people who are employees, and so forth, who may have difficulty. You do not have to do very much of that kind of splitting of a community of 300 before you have a very small electorate. Just consider, for example, of 300 people you might have in a community, half of them might be kids. It is not unreasonable to expect that you might have another dozen or so who have conflicts or who are employees or who are ineligible for one reason or another. You might find that you have another hundred or so, conceivably, given the turnover here, who are transients and have not been resident for a year.

I make this point just as a general observation because out of a community of 300 it is not unlikely that you could have down to a couple of dozen electors electing five people. That may be a perfectly legal and perfectly correct. I notice there are other communities in the country where you do not have to be a resident for a year, but you do have to be a resident for six months, or something, for municipal elections.

I would like to ask the Minister if any consideration has been

given to that and whether he has had a chance to look at the question of the conformity of these standards with those that we are proposing for electors and candidates at the Territorial level?

Hon. Mr. Lattin: Mr. Chairman, I have not looked deeply into it, but I certainly will take that into consideration.

Mrs. McGuire: I just want to know: are all submission matters, money matters that concern the overall community, like the day-to-day funds that are evolving, do they take in all money matters of the community?

Mr. Livingston: The submission, as determined, only deals with borrowing by-laws and capital expenditure by-laws over a certain level.

Clause 33(1) agreed to

On Clause 33(2)(a)

Mr. Fleming: Yes, on (2)(a), where, "...is an employee or salaried officer of the municipality"; that "...person is not eligible to become an alderman or mayor of a municipality..."

I feel that in many cases that, in these small towns especially, there are so many people who are employed, and some of them are the people who might wish to try to be mayor or alderman and who the people may wish for them to try. I feel that this one area is stopping that.

I am sure that he does not want to be mayor because of the big salary or anything like that, but the fact that he may be doing some small job for the municipality that just happens once in a while, he is still an employee of that municipality, he will not be able to run.

I am wondering if that should not be that he cannot qualify if he remains in that job but his opportunity should be there to run for that job first.

Mr. Livingston: I believe, Mr. Chairman, that is exactly what it says here: you not eligible to become an alderman or mayor if you are an employee. You have not become an alderman or mayor until such time as you are elected or sworn into office.

Mr. MacKay: I take it, Mr. Chairman, we are dealing with 33(2). Can I discuss a,b,c,d,e,f,g in general?

Mr. Chairman: Is it the opinion of the House that the whole of Section 33(2) be considered at this time?

Some Members: Agreed.

Mr. MacKay: In the interest of trying to get a little further than 6 per cent on this thing, I have a number of problems with this. In (d), I have great difficulty understanding the purpose of this section. It says, "has, directly or indirectly, any contract or any interest in any contract with the municipality". This disqualifies them apparently from being an alderman or mayor, and then we go to the next section and it says he is not disqualified if he is a shareholder, officer or director of a company that has dealings or contracts with the municipality. I would like to hear from the Minister, first of all, why people who happen to operate an incorporated firm have some special dispensation.

Secondly, if the meaning of "company" here is the same as that was put forward before, that a company actually includes the firm, the partners and may indeed just be a man who is in business in an unincorporated way. If the latter is the case, then it seems to me that 2(d) is completely redundant or at best redundant and perhaps a bit misleading in terms of what are the qualifications for people to run.

Mr. McWilliam: In Section 2(d), what we are dealing with is someone who has direct interest in a contract where you are dealing in (3) with a person who might be a shareholder or a director. We have indicated that those individuals who may not be able to directly influence that company, as long as they do not vote on any decision that affects the company, have no conflict as far as sitting on council. Again what we are attempting to do is to ensure that as many people are eligible as is possible.

Mr. MacKay: Section 2(d) says "directly or indirectly". It does not say "directly" only, it says "or indirectly". It seems to me that "or indirectly" means if you are a shareholder in the company, you have an indirect interest, so I see quite a contradiction between these two sections. I do not think it has been explained satisfactorily yet.

Mr. McWilliam: Mr. Chairman, I can try. Subsection (3) provides exemptions from subsection (2). I do not think that you have a conflict there.

Mr. MacKay: My question is, why is (2)(d) necessary if you are going to put it in in one case and take it out by qualifier the next. One cancels out the other, so why have it in in the first place?

Hon. Mr. Graham: Mr. Chairman, I do not really see any problem. I see it as a qualifier. We have eliminated a number of people in subsection (2) and, notwithstanding these, where they are very general, we then get more specific in subsection (3) and say that these people are not disqualified simply for the reason that they do that, whereas they might be included in the general group in subsection (2). Subsection (3) becomes a little more specific. That is basically the intent.

Mr. Penikett: Let me say, Mr. Chairman, I think that I would be correct in saying that the disqualifications proposed in the whole subsection (2) are tougher than current wisdom in this House would want to have apply for Members of this Legislature. I want to make that point.

I want to draw attention particularly to clause (a). I have made the point before, in connection with smaller villages, that I think that this arbitrary, unnecessary and purely theoretical distinction between executive and administrative authority in a community of only 300, of the government of it, is unrealistic.

It seems to me, having lived in small communities, that we admit to the possibility that there is one person, maybe the town foreman, the best person who is best able to supervise the town, who would also, because you do not need to put the responsibility in a perfectly adequate mayor or chief executive of the town, given the kind of money involved and given the responsibilities involved and given the lack of necessities to split the jobs, it seems to me that that would be something that is unnecessary here.

Hon. Mr. Graham: Mr. Chairman, I would like to request that subsections (2) and (3) be held over. They go together.

Mr. MacKay: I do not want to get into a procedural hassle. I would like to address a couple more comments before we dispose of this completely.

I think that section (e), when you are looking at it, is much too low a number, \$50 of debt to a municipality. It seems to me to be awfully low. In the ordinary course of business a contractor could easily, if we are allowing companies and so forth, so if you could consider that.

The other one is, I suppose, of special interest to me and I am sure that the Members opposite already thought of it, but the old *Municipal Ordinance* did not let the auditor run and I see that the new one seems to allow the auditor to run, and I appreciate the invitation I am sure is being offered there for me to go do something else. I would appreciate you looking at that one again because I do not think the auditor should run.

Clause 33(2) and (3) stood over

On Clause 34(1)(a)

Hon. Mr. Lattin: Mr. Chairman, this particular section provides that a member of the council must not participate in any consideration that concerns him financially and, if he does, then he is automatically disqualified.

Mr. MacKay: It seems to be sort of intertwined here. It may well be that you would want something different when you finish with the previous two sections.

Let me give an example, if I can. I wonder if the net is broad enough to catch all the kinds of people you are going to let run, if you really loosen up all of the previous section. Consider, "being a member, officer or employee of a society or association that has dealings" You see, originally you have disqualified an unincorporated contractor from running. That is my understanding of the wording in the previous sections. Here we may well have a contractor who is not qualified to run, based on changes you are going to make, who would not be disqualified from voting in these issues. So I think there is a connection between them.

Mr. Penikett: If I could just join that point and emphasize again, I raise the question that a double standard, a tougher standard, exists at the municipal level than at the Territorial level. I would just support Mr. MacKay's point that it would be difficult to deal with section 34 without having first found out where we stand on 33(2) and (3). Let me say, Mr. Chairman, with respect, because I think Dr. Hibberd's point is well taken, if the Minister would look at these very carefully, we could probably dispose of them much more quickly if he looked at them in the context of those committees' recommendations as regards our conflicts.

Mrs. McGuire: Since these sections are being stood over, I am not sure what I want to bring up, or where it is going to fit in, but I wonder if the Minister and the witnesses would think about whether some provision should be entered in here for the aldermen and mayors who are not qualified to vote on submissions. Perhaps

some provision could be made for that, because there could be cases where all the aldermen in a town, and the mayor, would not be qualified to vote on submissions if they are not property owners.

Hon. Mr. Lattin: Well, Mr. Chairman, I think, in view of the suggestions of the Members across from me, and since we have settled the other one, and it might expedite things, I have no particular objection to having this section stood over, also.

Mr. Fleming: Mr. Chairman, before you do call the question on whether we should stand it over, I would like to mention the fact, as the Member ahead of me said, that in the smaller districts this ordinance is very, very tough. On (b), "being a member, officer or employee of a society or association that has dealings or contracts with the municipality, he participates in the consideration by council or any matter affecting the society or association," I would be afraid that sooner or later we are going to find ourselves without anybody to be an alderman or a mayor.

In many areas a person may be a director or something of a community club, even in a little town, and he cannot take one of these jobs here. You are getting so strict with it that I doubt that we will be getting anybody to run in those small towns.

Clause 34(1) stood over

On Clause 34(2)

Mr. MacKay: When I first read the wording, it seemed sort of fuzzy but I think I agree with the intent of it, and I hope that when we look at doing the *Yukon Council Ordinance* that we can arrive at something like that. I would not mind seeing perhaps a dollar limit put on that on an annual basis of some sort, just to make sure it does not reach the magnitude that is half the council's expenditures that are being spent at this one alderman's place of business. I think some dollar figure might be considered when this is reviewed.

Hon. Mr. Lattin: Mr. Chairman, we did consider a dollar value at one time but after much discussion we could see it would serve no particular point so we eliminated it.

Mr. MacKay: I do not understand why it does not serve the point. The concept of materiality is something that has to be weighed and it seems to me very material if half the expenditures of the council were spent in a small community at the place of business of one of the alderman. I do not know how to avoid it when you get into these very small situations, it is difficult.

It seems to me that a member should not have to worry about being in any problem if he knows what the dollar limit is; if it is going to be more than that then he has other ways of disqualifying himself and making sure that it is all there. I do not like the thought of an alderman not really knowing where he stands, and that is often the case in these conflict of interest things, you do not really know where you stand. Even though it is an arbitrary dollar figure, it is not without precedent to have arbitrary dollar figures in ordinances that we have seen go through here. I see nothing wrong with putting down \$25,000 per year and if that becomes impractical, then a year or two from now, you can make an amendment. At least let a guy know where he stands.

Hon. Mr. Graham: Mr. Chairman, I must disagree with the Member opposite because of the fact that we have a problem determining what is an applicable number. What might be applicable in Teslin, a sum that would probably be half of their annual budget, would be only one day's spending in one department in the City of Whitehorse, therefore I have a problem with that. If there was an emergency in the City of Whitehorse and you needed to get a piece of machinery to resolve that emergency, then possibly you would not be able to get that piece of machinery, because it would go over that member's dollar limit. I have a great deal of problem with that.

We had a long discussion among ourselves, and we finally decided that with the diverse conditions that we have in the Territory, this was the best possible alternative.

Mr. Byblow: I was just going to comment that setting a dollar figure may increase a restriction that you do not want. In a small community you may have a particular tradesman, a plumber, who might supply not only plumbing supplies, but he might do a big contract job, and then he turns around and also brings in some completely different type of supply. I think you would probably be restricting yourselves, tying it down to a dollar figure. If this person is already not going to be voting on those matters, and if he is the only person who is available in a community to provide that service, you are actually imposing an increased debt to the municipality if you have to go outside because you have reached your limit. I am not sure that you would achieve anything by setting a dollar limit.

Clause 34(2) agreed to

Clause 34 stood over

On Clause 35

Clause 35 agreed to

On Clause 36

Mr. Hibberd: Perhaps I could have some clarification from the Minister, Mr. Chairman, but in 36(1)(c), are placing the obligation of the council to put a polling station in what might be a two-person senior citizen facility, or something of that nature. I think the essential thing is that you are trying to get to people who are not able to go to a normal polling station. It may well be these people in a very small situation like this may be able to.

So, I would like to see it re-worded to the extent, "hospital, old-age home or similar institution, where the tenants or where the residents are unable to attend at a normal polling station." Otherwise, it could be quite a difficult thing for a smaller community to handle.

Mr. McWilliam: I would draw the Member's attention to the wording of the section; it is discretionary. Council may establish by by-law polling places for these various institutions.

Mr. Penikett: Mr. Chairman, let me mention a practical concern. In previous sections, it seems to me we were busy disenfranchising all sorts of people; consciously by not having a section, as Dr. Hibberd has proposed, you may be unconsciously disenfranchising another group. I know that I requested, and did not get, in the last two civic elections in this Territory, some polling place where wheel chair people were able to vote. In fact there was no polling station where people in wheel chairs could vote, because there was no polling station where those people had access. This not be a very big problem for people — they point out that there is very low turnout of people in municipal elections in Whitehorse — but still, I submit, that is no excuse. It seems to me that it is a perfectly reasonable proposition that anybody of sound mind ought to be able to vote. There are a number of people like that, certainly enough to determine the outcome of an election in this town, who cannot get to vote.

Mr. Hibberd: For clarification, I totally agree with the Member who has just spoken. My primary concern is what is written here, the "may by by-law". I would like to see the obligation put on the council to do so if necessary, if they are unable to be mobilized to a normal polling station.

Clause 36(1) stood over

On Clause 37(1)

Clause 37(1) agreed to

On Clause 37(2)

Clause 37(2) agreed to

Clause 37 agreed to

On Clause 38

Mr. MacKay: I like this section. I think it is a good section, but I may wonder a little bit into 39(1) but it is something we can address together in these sections. It seems to be an example of flexibility. I am concerned that there is so much flexibility there that it might cause some problems; by not having a basis of defined areas that are contiguous, I think I know what it is getting at. So it is not necessarily a geographic area and that raises, in my mind, the question of what are the criteria that will be put in place here?

Is it possible to have twice as many voters in one ward voting for one alderman, as it is in another ward voting for another. Are you effectively going to be weighting votes? The term is, "gerrymandering", I think, from the Northern Ireland situation. I agree with the concept, but how about putting a little more guidance into how a ward system should work. There should be roughly an equality of votes, it seems to me, to elect the same number of aldermen.

Hon. Mr. Lattin: Mr. Chairman, I submit that it would be by by-law first, and I would also bring to the Members' attention that the final approval is in the hands of the Commissioner. I would think that that would be the check that we would want in this particular section.

Mr. Penikett: Mr. Chairman, just let me say, unreservedly, I think I support this clause, as long as we do not have any unsatisfactory change in Minister, because that is just going to be approving it. Let us be honest about what this could mean. It could mean that you could have two wards in the City of Whitehorse, as I read it. You could have one, say, for the Whitehorse Indian Village and another one for the rest of the City. You could have five aldermen in one ward and one alderman in another ward, or you could split the

ward any different way you wanted.

It seems to me you could have wards that resembled the Territorial constituencies. I do not know, but, presumably, if you ever had a separate school board and a municipal school board, you could have wards based a Catholic ward and a Protestant ward.

But it does seem to me that, at some point, the Minister, because we are not talking about the Commissioner, we are talking about the Minister, will be open to questions in the House about the basis that he is going to be permitting these kinds of wards, once they are established, and I do not doubt that, from time to time, there will be some heated debate about that, but I am sure the Minister is more than happy to join in.

Clause 38 agreed to

On Clause 39

Mr. Fleming: Just one question, for the purpose of Clause 38: in a single area or a ward, this is completely within the municipality, is it not?

Hon. Mr. Lattin: Yes, Mr. Chairman.

Clause 39 agreed to

On Clause 40

Clause 40 agreed to

On Clause 41(1)(2)

Mr. MacKay: Again, this is a discretionary clause for the council. Was any consideration given to making it mandatory, Mr. Chairman?

Hon. Mr. Lattin: No, Mr. Chairman, this is just a standard enabling section to provide for an advanced poll, and that is all it is.

Clause 41(1) and 41(2) agreed to

Clause 41 agreed to

On Clause 42(1)

Clause 42(1) agreed to

Clause 42 agreed to

On Clause 43(1)

Clause 43(1) agreed to

On Clause 43(2)

Clause 43(2) agreed to

Clause 43 agreed to

On Clause 44(1)

Hon. Mr. Lattin: Mr. Chairman, on these sections 44 to 47, they are the standard provisions for directing the returning officer in how to conduct an advanced poll. It is similar to presently existing provisions.

Clause 44(1) agreed to

Clause 44 agreed to

On Clause 45(1)

Clause 45(1) agreed to

Clause 45 agreed to

On Clause 46(1)

Clause 46(1) agreed to

Clause 46 agreed to

On Clause 47(1)

Clause 47(1) agreed to

Clause 47 agreed to

On Clause 48(1)

Hon. Mr. Lattin: Mr. Chairman, in section 48(1), the provisions for the list of electors have been revised to require that only surnames and initials be used. This is to protect the privacy of certain voters.

Mr. Penikett: Mr. Chairman, we are going to be shortly taking a recess for supper but what I want to do is ask the Minister if that pertains to this section 48. It may not have much to do with this clause, but if he cannot answer me now, I would appreciate if over the supper hour, he may be able to answer me.

From my experience, there existed in the last couple of Whitehorse City elections, as I know it, a problem in regards to the lists. Problems as follows: if you were not on a list, the procedure for swearing you in was fairly straight-forward and quite acceptable. However, if you were on a list and had moved to another part of town you had a real problem. If you were on a list in Porter Creek but subsequently moved to Riverdale, you went to the poll near you and you said, "I want to vote." They asked, "Are you on the list?" You said, "Yes." They checked and they found you in Porter

Creek. The practice has been to require people to go all the way out to Porter Creek in order to vote. It seemed to me somewhat silly although it was a proper reading of the law as it was written. I am not sure if that has been improved or not because unfortunately unlike the President of the Association of Yukon Communities I am not infallible. Even though I have read this thing several times, I am just a normal MLA and have not been privileged to have the kind of intimate relationship with it that he has enjoyed.

I will have to repeat that tonight; sorry, Mr. Chairman.

The question is a serious one to the Minister and if he cannot answer it now I would appreciate it if he would get back to us.

Mr. Livingston: I believe under this legislation the Returning Officer, or the Deputy Returning Officer as the case may be, may swear that person in at the proper polling division.

Mr. MacKay: Just a practical question, I am just wondering how the clerk is going to do that? Is he going to set out round the district and knock on doors to be certain who the electors are. What provisions are in here, I do not recall seeing them, to set up that list up. Is it an old list, updated by advertising for people to come in and put their name on the list or are people going out, knocking on doors and enumerating?

Mr. Livingston: Mr. Chairman, there are various ways to prepare a preliminary list. First, you usually start with the old list of electors from the prior election. You can use a form of registration, a form of enumeration, assessment taxation records, utility disconnect and connection notices, various other means.

Clause 48 agreed to

On Clause 49

Clause 49 agreed to

On Clause 50

Clause 50 agreed to

On Clause 51

Hon. Mr. Lattin: Mr. Chairman, this is unchanged from the existing ordinance, except that we have advanced the list by one week.

Clause 51 agreed to

On Clause 52(1)

Clause 52(1) agreed to

On Clause 52(2)

Clause 52(2) agreed to

On Clause 52(3)

Clause 52(3) agreed to

On Clause 52(4)

Clause 52(4) agreed to

Clause 52 agreed to

On Clause 53(1)

Clause 53(1) agreed to

On Clause 53(2)

Clause 53(2) agreed to

On Clause 53(3)

Clause 53(3) agreed to

On Clause 53(4)

Clause 53(4) agreed to

On Clause 53(5)

Clause 53(5) agreed to

Clause 53 agreed to

On Clause 54(1)

Clause 54(1) agreed to

Clause 54 agreed to

On Clause 55(1)

Mr. Penikett: I am just asking for a clarification. I understand how these boards of revision work. The board is proposed to have a power I think we must be careful about. That is the power to strike off a person who is not eligible to vote so that they are not included in there.

The one thing I do want the Minister to tell us about is the circumstances under which, by fraudulent or any other improper reasons, someone tries to have someone else's name struck off the list, how will the board proceed then? Will the board attempt to contact that person before they are removed, or what? It seems to me that you could have — as a practical joke or some other reason — someone come along and claim, for example, that Mr. MacKay

was dead. It would be a terrible thing to have Mr. MacKay struck off the list by the board; and he turn up on voting day and insist that he is alive, but the board or election officers had irrefutable documentary evidence that that was not the case, and then deny him his vote.

Hon. Mr. Lattin: Yes, I believe that is so, Mr. Chairman, but just for clarification, I would check with my witness Mr. Livingston.

Mr. Livingston: Mr. Chairman, I think, if you go on later in Clause 56, I believe, in that case, those persons must be notified.

Mr. MacKay: Perhaps I could direct this to the witnesses. It is a bit of technical question. I am wondering about 55(1), which says "any person", how does that fit with the provision for corporations to vote? Is the person referred to in this the person nominated by the corporation? Or do the corporations appear on this list? When I go back to that section we passed, there is a statement that he files with the clerk not less than ten days before he votes. We are in a different time-frame, it seems, from individuals.

Hon. Mr. Lattin: As I understand the question, a corporation votes through a person who is eligible. So, it would be the case of a person who is eligible who can watch this action.

Mr. MacKay: He did not understand my question, and I did not understand the answer. I will try to rephrase it. Is a person who is nominated by a corporation required to be on this list?

Mr. McWilliam: Yes, Mr. Chairman.

Clause 55 agreed to

On Clause 56(1)

Clause 56(1) agreed to

On Clause 56(2)

Clause 56(2) agreed to

On Clause 56(3)

Clause 56(3) agreed to

Clause 56 agreed to

On Clause 57

Clause 57 agreed to

On Clause 58(1)

Clause 58(1) agreed to

On Clause 58(2)

Clause 58(2) agreed to

On Clause 58(3)

Clause 58(3) agreed to

Clause 58 agreed to

On Clause 59(1)(2)

Mr. Fleming: I will just ask this, it may be a foolish question, but a list of electors should be the list of qualified electors and a qualified elector could be, from what I think I understood the other day, be a company, if "company" happens to mean a person, then I am wondering if a company could have that one run for election.

Hon. Mr. Lattin: No, I do not think so, Mr. Chairman.

Mr. Chairman: The Chair would like to take a recess at this time until 7:30. I would like to ask the witnesses to return at 7:30.

Recess

Mr. Chairman: I call the Committee of the Whole to order. At this time the Committee will consider clause 60(1)

Clause 60(1) agreed to

On Clause 61(1)

Clause 61(1) agreed to

On Clause 62(1)

Mr. MacKay: The question I have is not directly related to this section. There seems to be no provision for swearing in, at all, in a rural type of election. I am wondering whether that aspect was considered by the Government, as people are accustomed to doing in federal elections, to be able to swear in voters at the poll. I am thinking of hamlets and smaller places where perhaps the organization is not quite as good as it might be and you may not be able to get all your electors on that list.

Hon. Mr. Lattin: Yes, we did discuss it; there was some discussion on that. We thought we had everybody covered without going to that, because of the advanced warnings, and so we decided it would not be applicable at this time.

Mr. MacKay: I accept the government's decision, although I have reservations it may cause quite a few problems in the smaller communities.

Clause 62 agreed to
 On Clause 63
 Clause 63 agreed to
 On Clause 64(1)
 Clause 64(1) agreed to
 On Clause 64(2)
 Clause 64(2) agreed to
 Clause 64 agreed to
 On Clause 65
 Clause 65 agreed to
 On Clause 66(1)
 Clause 66(1) agreed to
 On Clause 66(2)
 Clause 66(2) agreed to
 On Clause 66(3)
 Clause 66(3) agreed to
 Clause 66 agreed to
 On Clause 67(1)
 Clause 67(1) agreed to
 On Clause 67(2)
 Clause 67(2) agreed to
 Clause 67 agreed to
 On Clause 68(1)
 Clause 68(1) agreed to

Mr. MacKay: This section may contain some problems, not in the detail, but in the principles involved here. We are talking of the Minister appointing members to council; would he ever put himself in the position of appointing members, when there was nobody who came forward to seek election. In other words, a situation where the municipality was essentially reneging in its responsibilities. I am trying to get some idea of what policy you would pursue in this instance, or would he prefer to go the administrator route and appoint such a person?

Hon. Mr. Lattin: The key to this particular section came from the previous section. If there are fewer candidates than vacancies, the Commissioner is to be informed and he may appoint individuals to council. This avoids the problem where a municipality must hold four nomination meetings which take a week each, for a total of a month's delay before the Commissioner can become involved. This provides the option for the Commissioner to permit one additional nomination meeting, if there were valid reasons for the first nomination failing, but after that the Commissioner appoints. This was inserted at the request of the AYC.

So, Mr. Chairman, what I am saying is if you do not get enough the first time, you can call one more and if we do not then, then the Commissioner can intercede.

Mr. Fleming: I had the same question, I think, as the Honourable Leader of the Opposition. What would happen in this case: who can you nominate, or who can the Commissioner appoint, if there is no one in the municipality that will take that position? Can it be an out-member or something to that effect?

Mr. Livingston: Mr. Chairman, we could appoint an administrator in that case.

Mr. Fleming: You are saying then that in this case the Commissioner would not appoint an outside member to sit with the other members, or anything like that, but that he would have to have a dissolution of the council, and he would just appoint an administrator. Or would he appoint the administrator and keep what council he had there at that time?

Mr. Livingston: The person, Mr. Chairman, would have to be eligible to become a candidate, if he ran.

Mr. MacKay: I would like the Minister, if he might, to address a question of policy. Would he ever allow his department to appoint all the members of a council, in circumstances where nobody ran?

Hon. Mr. Lattin: Mr. Chairman, I think, if we got to such a position, the only route that we could travel would be to appoint an administrator in that particular instance.

Clause 68(2) agreed to
 On Clause 68(3)
 Clause 68(3) agreed to
 Clause 68 agreed to
 On Clause 69(1)

Clause 69(1) agreed to
 On Clause 69(2)
 Clause 69(2) agreed to
 On Clause 69(3)
 Clause 69(3) agreed to
 Clause 69 agreed to
 On Clause 70(1)
 Clause 70(1) agreed to
 Clause 70 agreed to
 On Clause 71(1)
 Clause 71(1) agreed to
 On Clause 71(2)
 Clause 71(2) agreed to
 On Clause 71(3)
 Clause 71(3) agreed to
 Clause 71 agreed to
 On Clause 72
 Clause 72 agreed to
 On Clause 73 (1)(2)(3)
 Clause 73 agreed to
 On Clause 74
 Clause 74 agreed to
 On Clause 75
 Clause 75 agreed to
 On Clause 76
 Clause 76 agreed to
 On Clause 77
 Clause 77 agreed to
 On Clause 78(1)

Mr. Penikett: Might I just ask, while we are passing, Mr. Chairman, if this oath is substantially the same as has previously been administered?

Mr. McWilliam: It is substantially the same, yes, that is correct.

Clause 78(1) agreed to
 On Clause 78(2)
 Clause 78(2) agreed to

Mr. Penikett: Just one small note for the record, Mr. Chairman. I would assume, and I expect the Minister's confirmation, that the normal circumstances where people who were not theists could affirm, rather than swear their oath to the Deity, as is usual in the courts, would be allowed to operate with these oaths, too?

Hon. Mr. Lattin: Yes, Mr. Chairman, that would be so.

Clause 78 agreed to
 On Clause 79

Mr. Penikett: Just so I can be absolutely clear, and I am not jumping ahead, Mr. Chairman. In (2), where there is a notation of "objected to" next to the name, I am not clear if that person has any recourse, in being able to carry out and vote and then have it challenged, or if they simply cannot vote until such time as they have satisfied someone else about their qualifications. Exactly how would that work? Their right "objected to". I know in federal and territorial elections someone might challenge someone's right to vote; they might still vote, but that vote would be challenged and the objection recorded, and then it might come into account in a controverted election.

Mr. McWilliam: Yes, Mr. Chairman, that is the case. Under this legislation, the person could proceed to vote after he has sworn the oath.

Then if there is further legal action to be taken against him the records are there.

Clause 79 agreed to
 On Clause 80
 Clause 80 agreed to
 On Clause 81
 Clause 81 agreed to
 On Clause 82
 Clause 82 agreed to
 On Clause 83

Clause 83 agreed to

On Clause 84(1)

Clause 84(1) agreed to

Mr. Fleming: My question is on "...by making a cross or other mark...". I am wondering, if you do not have your mark just exactly the way it says it is supposed to be —, I wonder what prompted the idea of just having "other mark".

Hon. Mr. Lattin: Well, Mr. Chairman, this has been a contentious issue for some time, and if when it can be clearly recognized that the intent of the person is to vote for a certain person, we have given that flexibility. The only thing that we reserve is that in no way does the mark identify the voter. That would be an infraction under this. If it is the intent, we accept it.

Clause 84(1) agreed to

On Clause 84(2)

Clause 84(2) agreed on

On Clause 84(3)

Clause 84(3) agreed to

Clause 84 agreed to

On Clause 85(1)

Clause 85(1) agreed to

On Clause 85(2)

Clause 85(2) agreed to

On Clause 85(3)

Clause 85(3) agreed to

On Clause 85(4)

Clause 85(4) agreed to

Clause 85 agreed to

On Clause 86(1)

Clause 86(1) agreed to

On Clause 86(2)

Clause 86(2) agreed to

Clause 86 agreed to

On Clause 87(1)

Clause 87 agreed to

On Clause 88(1)

Clause 88(1) agreed to

On Clause 88(2)

Clause 88(2) agreed to

Clause 88 agreed to

On Clause 89

Clause 89 agreed to

On Clause 90

Clause 90 agreed to

On Clause 91(1)

Clause 91(1) agreed to

On Clause 91(2)

Clause 91(2) agreed to

Clause 91 agreed to

On Clause 92(1)

Clause 92(1) agreed to

On Clause 92(2)

Clause 92(2) agreed to

On Clause 92(3)

Clause 92(3) agreed to

Clause 92 agreed to

On Clause 93(1)

Mrs. McGuire: This is just a short question here because I cannot seem to find it anywhere. What happens in the case where a candidate's spouse is a poll clerk or a returning officer?

Mr. McWilliam: Mr. Chairman, I am not sure exactly what the concern is. If you are referring to whether or not the poll clerk could vote at an election where a spouse were nominated, the answer is yes, they could vote.

Perhaps there is something more that you are concerned about.

Mrs. McGuire: Well, I can see where there would be some conflict with either a poll clerk or a returning officer presiding, when the spouse is running as a candidate. At one particular time it did take place at an election; it caused a lot of problems and

nowhere could we find, in regulations, where it dealt with that. As a result, we just made a ruling of our own and tossed out the polling clerk.

Hon. Mr. Lattin: Mr. Chairman, I must confess it is something I never thought of before and I would not know where it could exist.

Mr. MacKay: Would it not be a responsibility of the returning officer to try to avoid that kind of situation? It would just be a practical matter that would be settled by the returning officer?

Hon. Mr. Lattin: I would think, Mr. Chairman, that the returning officer would be the ultimate authority.

Mr. McWilliam: Perhaps I could just add that there is provision in here for the returning officer to swear in another person as poll clerk, if this were a case that were to suddenly develop. If it was recognized in advance that there was such a conflict of interest, I would suggest that the municipality and the returning officer would take steps to avoid such a problem.

Mr. MacKay: I had another question on 93(1). This seems to be very narrow grounds. A poll could be interrupted for other reasons, like a natural disaster, a flood. I am wondering if that section should not be broadened to allow for that kind of circumstance, for example, a storm? There may be such heavy snow at that particular time of year that people cannot get to the polls, or a number of different problems. I am wondering if it should not be broadened to allow for a holding of the poll again.

Hon. Mr. Lattin: Mr. Chairman, I think what we are considering in this particular section is a temporary closure; say there was a fire in the building, you could just close it down temporarily. In the legislation before, we had no provisions for such a temporary closure and this is what we are talking about.

Mr. MacKay: Yes, the Minister is exactly on point, the problem I have is that the section seems to contemplate only a riot or open violence, which are not common occurrences as far as I am aware. Floods and fires might be more common.

Hon. Mr. Lattin: Mr. Chairman, I think the intent is there. I think a fire would be considered in the same context as if it were a riot. I do not see any problem with that.

Mr. MacKay: I know the Minister is a very practical action-oriented man but I do have a problem saying a riot is the same as a fire. Consideration could be given, I am sure, to broaden it just slightly enough to cover these. You could re-word pretty easily to allow for just an interruption, for whatever reason.

Mr. McWilliam: Mr. Chairman, I believe that we want to be very careful about expanding the situations in which you allow a poll to be adjourned. If you get into a situation where you can adjourn the poll for weather, for example, then any election is subject to controversy on the basis of, "Well, it was snowing that day."

This is designed specifically to avoid the two situations that are dealt with there. There are other provisions in this legislation that deal with what happens in the case of civil emergencies; we suggest that that would be the route you would go.

Clause 93(1) agreed to

Clause 93(2) agreed to

On Clause 93(3)

Clause 93(3) agreed to

On Clause 93(4)

Clause 93(4) agreed to

Clause 93 agreed to

On Clause 94(1)

Clause 94(1) agreed to

On Clause 95(1)

Clause 95(1) agreed to

On Clause 96(1)

Clause 96(1) agreed to

On Clause 97(1)

Clause 97(1) agreed to

On Clause 98(1)

Clause 98(1) agreed to

On Clause 99(1)

Clause 99(1) agreed to

On Clause 99(2)

Clause 99(2) agreed to

On Clause 99(3)

Clause 99(3) agreed to
 Clause 99 agreed to
 On Clause 100(1)
 Clause 100(1) agreed to
 On Clause 100(2)
 Clause 100(2) agreed to
 Clause 100 agreed to
 On Clause 101
 Clause 101 agreed to
 On Clause 102
 Clause 102 agreed to
 On Clause 103(1)
 Clause 103(1) agreed to
 On Clause 103(2)
 Clause 103(2) agreed to
 On Clause 103(3)
 Clause 103(3) agreed to
 On Clause 103(4)

Mr. MacKay: I think there is a typo, Mr. Chairman: (4)(c), "...having been dealt with..."

Mr. Chairman: Committee agree that there is a typo?

Some Members: Agreed.

Clause 103(4) agreed to
 On Clause 103(5)
 Clause 103(5) agreed to
 Clause 103 agreed to
 On Clause 104(1)
 Clause 104(1) agreed to
 On Clause 104(2)
 Clause 104(2) agreed to
 On Clause 104(3)
 Clause 104(3) agreed to
 On Clause 104(4)

Mr. MacKay: I would have expected to see somewhere the requirement for him to reconcile the numbers. In sections 2(a) and (b) he notes all the ballots, the numbers, but he does not seem to have to reconcile it to any previous number. I think that is a normal precaution to take in an election: to make sure you do not wind up with 50 more ballots on your list here than you started out with in the morning.

Mr. McWilliam: That is provided for, a little further on. Perhaps when we come to that section we can flag it for your attention.

Clause 104(4) agreed to
 Clause 104 agreed to
 On Clause 105(1)
 Clause 105(1) agreed to
 On Clause 105(2)
 Clause 105(2) agreed to
 Clause 105 agreed to
 On Clause 106(1)
 Clause 106(1) agreed to
 On Clause 106(2)

Mr. MacKay: I wonder what the reason is for this section and why the returning officer would ever be in a position of not counting the ballots.

Mr. McWilliam: In a community with a large number of polls, it is the responsibility of the returning officer who makes the initial count. If there is a very clear margin in favour of one candidate, and no candidate is contesting that count, the returning officer may dispense with the recount of that poll.

Clause 106(2) agreed to
 On Clause 106(3)
 Clause 106(3) agreed to
 On Clause 106(4)
 Clause 106(5)
 Clause 106(5) agreed to
 Clause 106 agreed to
 On Clause 107

Clause 107 agreed to
 On Clause 108
 Clause 108 agreed to
 On Clause 109(1)
 Clause 109(1) agreed to
 On Clause 109(2)
 Clause 109(2) agreed to
 On Clause 109(3)
 Clause 109(3) agreed to
 On Clause 109(4)
 Clause 109(4) agreed to
 On Clause 109(5)
 Clause 109(5) agreed to
 Clause 109 agreed to
 On Clause 110(1)

Mr. Penikett: Mr. Chairman, I think there is a problem in this section, which I have already informally noted to the witnesses. It is in respect to a tie election, where the returning officer shall, as is the tradition, cast the deciding vote. Of course, this is done in the presence of a clerk. In the City of Whitehorse, however, this would be difficult, because the returning officer would not be in the presence of a clerk, since there are a number of polls with returning officers. I just wondered if the Minister could comment on that?

Mr. McWilliam: Mr. Chairman, I do not propose to tell the House how to conduct its business, but there is a valid concern there in the City of Whitehorse, and I believe that is something that may take some further examination.

Hon. Mr. Lattin: Mr. Chairman, at this particular time I have a problem with 110(2), and need a clarification of it. I would request that perhaps we set all of clause 110 aside at this time.

Clause 110 stood over
 On Clause 111(1)
 Clause 111(1) agreed to
 On Clause 111(2)
 Clause 111(2) agreed to

Mr. Penikett: I have just one small question. The Minister may not be able to answer it now, and if he cannot it does not matter, because I do not want to hold up passage of the clause for it. In connection with another matter, we were discussing the problem of defining the meanings of the results of plebiscites and referendums, especially if the question is not clearly worded. Let me put it this way. I wonder, just before we clear this section, if I could ask the Minister or his witnesses if, by way of regulation or other advice, the department provides some guidelines to municipalities who may be presenting a submission or a money vote of this kind to the voters? Because it seems to me that the clarity and the decisiveness of the result would depend a lot on how well it was worded.

Mr. McWilliam: Mr. Chairman, further on in this ordinance, where we deal with financial aspects of the municipalities, there is provision where the Inspector can give instruction to the municipality in the form of the evidence and way that he wants the submission set up.

Mr. Penikett: That is very satisfactory, Mr. Chairman, it is just that I do recall a couple of questions that I think were badly worded, and which I think may have affected the outcome of the vote; the public will was thus not clearly expressed.

Clause 111 agreed to
 On Clause 112(1)
 Clause 112(1) agreed to
 On Clause 112(2)
 Clause 112(2) agreed to
 Clause 112 agreed to
 On Clause 113(1)

Mr. MacKay: This is a funny little clause. I would kind of like to know from the Minister what kind of witness would be "in"-credible to the court. It seems to me that that adjective is kind of redundant. I think that if a witness is believed by the court, he is okay; if he is not believed, he can be charged with perjury.

Mr. McWilliam: Mr. Chairman, I would not presume to take over the role of the lawyers that we have working for this Government. It was felt by them that it was necessary to refer to "credible" witnesses here. I believe it is so that the court can determine if

there is a serious claim being made.

Mr. MacKay: It probably does not mean what it says.

Further down in the section, the number of 50 votes is required, if there is less than 50 votes' difference. I am wondering if that is not a rather wide margin in view of, say, the landslide victory of the MLA from Mayo. When we are talking about 50 votes, it may well be half of the total.

What was the reasoning behind the 50 votes? Was it just so that when you get into a larger area like Whitehorse, 50 votes is — I am concerned that you are going to wind up with some frivolous or unnecessary actions, because 50 votes is an awful lot of votes in the rural areas.

Hon. Mr. Lattin: I think in a case like the Whitehorse election, 50 votes would not seem too large. I do not think we should compare it to the Territorial election because some of those ridings are quite small. Fifty votes is more than is necessary there, but if it is like Whitehorse, we thought that 50 votes would be a reasonable number.

Mr. Fleming: Just give me a moment to understand it: the 50 votes in no way changes the picture of the candidate, or whether he is going to be eligible, so I presume it is just merely to recount the votes. I know in my own area that seven, eleven, sixteen, twenty, was quite a big vote for a successful candidate in the last election. So, as long as it does not interfere with anything, and just merely recounts the votes. Is it just merely to recount the votes, Mr. Minister?

Mr. Livingston: Yes, it does, Mr. Chairman. I should just point out for clarification: this reads "...under 50 votes..."

Mr. Byblow: I have a general question with respect to the ballots themselves. In a previous section it was up to the returning officer to retain all the ballots and now we are in the process of a recount. Perhaps there could be a clarification of what actually, physically happens to those ballots, once they are counted on the election night and in what manner they are retained.

Hon. Mr. Lattin: I think, Mr. Chairman, that they are locked up in the box, but just to be perfectly sure I will ask Mr. McWilliam.

Mr. McWilliam: Yes, Mr. Chairman, that is exactly what happens; they are sealed away in the ballot box. They are kept for a specific period of time, as was already mentioned, in order to provide an opportunity for any legal appeal to be launched. Once a legal appeal is launched, they are then retained for any additional period of time until that appeal has been decided. As we go on through this division dealing with the re-count of ballots, it provides very specifically who is to do the re-count, where the re-count takes place, and has the answers to Mr. Byblow's other concerns.

Clause 113(1) agreed to

On Clause 113(2)

Clause 113(2) agreed to

On Clause 113(3)

Clause 113(3) agreed to

On Clause 113(4)

Clause 113(4) agreed to

Clause 113 agreed to

On Clause 114

Clause 114 agreed to

On Clause 115(1)

Clause 115(1) agreed to

On Clause 115(2)

Clause 115(2) agreed to

On Clause 115(3)

Clause 115(3) agreed to

Clause 115 agreed to

On Clause 116

Clause 116 agreed to

On Clause 117(1)

Clause 117(1) agreed to

On Clause 117(2)

Clause 117(2) agreed to

Clause 117 agreed to

On Clause 118

On Clause 119

Clause 119 agreed to

On Clause 120(1)

Clause 120(1) agreed to

On Clause 120(2)

Clause 120(2) agreed to

On Clause 120(3)

Clause 120(3) agreed to

On Clause 120(4)

Clause 120(4) agreed to

On Clause 120(5)

Clause 120(5) agreed to

Clause 120 agreed to

On Clause 121

Mr. Penikett: I am sorry to do this, Mr. Chairman, but on reflection I have a slight problem with clause 121(1). I am just trying to anticipate the possible grounds for a controverted election and what might have happened at another level. It seems to me that if one can establish that there were a number of people who voted incorrectly or illegally, I know, in the normal course of such things before the courts, the courts would only be interested in the margin. If the margin were six votes, and you could establish that ten people had voted illegally, that might be grounds for recognizing a controvert and ordering a new election.

However, in the case of a municipal election, because you would probably be voting for more than one candidate on your ballot, and voting at large, therefore the arithmetic becomes that much more complicated in determining how the illegal votes would have affected the outcome. A judge, in attempting to decide such a question, might not be interested in how the illegal voters had voted, if they were witnesses before the court, and, more to the point, in whether they had been persuaded to vote a certain way as a result of some improper inducement or something.

Hon. Mr. Lattin: Mr. Chairman, maybe I am remiss here, but on this particular section we are dealing with submissions; therefore there would not be that problem that the Member has brought forward.

Mr. Penikett: Well, I am afraid, Mr. Chairman, that both he and I are perhaps guilty or have a problem that the president of the AYC does not have, because I do not read in here what the Minister just said is here, unfortunately.

Hon. Mr. Lattin: Mr. Chairman, it would appear, on looking it over here, that I have mixed up this section with another section. I apologize. For some thoughts on this problem, I want to refer the question to Mr. McWilliam.

Mr. McWilliam: Mr. Chairman, if we are dealing with 121(1), what we are providing there is to ensure the secrecy of the ballot. This section goes on in subsection (2) to indicate that the court can obtain from that individual any information that he may have, on whether he was approached or in any way intimidated to change his ballot. I would suggest it is immaterial whether he actually changed his vote as a result of that action. The illegal action is the attempt to sway the voter.

Mr. Penikett: I think the witness is right. Let me make a contrary point. I think it is important where the arithmetic is so complicated in elections where you are voting for more than one person. I recognize the sanctity of the secret ballot, but let us assume that the issue at hand before the court is that the person has voted illegally, therefore what they have done is made a false document, which cannot therefore be a ballot. It is not a ballot in the meaning of law because it is not legally entitled to be there. It is not legally a ballot.

It seems to me that the protection, the secrecy of that document, the secrecy of an elector's choice, falls away from that person, because they were not an elector and they were not legally making a choice. They were attempting to subvert the election process. I guess if it can be obtained or if it can be asked, I would think that any evidence along that line might be pertinent in the case. I do not know.

Mr. McWilliam: I would take some exception with what the Member is saying. I believe that you cannot overturn the secrecy of the ballot without bringing the whole election process into question. The fact that the person has voted illegally; the illegal action occurs when he swears that he is eligible to vote, but is not — which can be proved — and for what ever reason, or when he has received some inducement to vote in a certain manner. I could very well take whatever the going price is for a vote and then proceed to vote in a contrary manner. I still accepted money or favours for voting.

Mr. MacKay: Perhaps, as one who has had fairly recent experience in looking at the possibility of controverted elections, it seems to me that all you have to prove is that there were irregularities. You do not have to prove who benefitted from them and I do not think, therefore, that it is necessary to know how somebody voted.

Clause 121 agreed to

Mr. Chairman: The Chair at this time would like to take a short break.

Recess

Mr. Chairman: I call the Committee to order. We will deal with clause 122(1) and 122(2) on page 56.

On Clause 122

Clause 122 agreed to

On Clause 123(1)

Clause 123(1) agreed to

On Clause 124(1)

Clause 124(1) agreed to

On Clause 125(1)

Clause 125(1) agreed to

On Clause 125(2)

Clause 125(2) agreed to

On Clause 125(3)

Clause 125(3) agreed to

On Clause 126(1)

Clause 126(1) agreed to

On Clause 127(1)

Clause 127(1) agreed to

On Clause 128(1)

Clause 128 agreed to

On Clause 129

Clause 129 agreed to

On Clause 130

Mr. MacKay: In subsection (c), I take it that is where the council decides that if they do not want this member on the council anymore they can turf him out and he has the appeal to the court, but it does not necessarily have any particular grounds laid out for this turfing-out procedure?

Mr. McWilliam: Yes, Mr. Chairman, there is provision in here that council may pass such a resolution, where they are aware of the fact that one member has become disqualified from sitting on council. It is not a blanket clause that if they do not happen to like the individual they can turf him out.

There is also provision for appeal against such a resolution.

Mr. MacKay: They can only do it for just cause.

Clause 130 agreed to

On Clause 131(1)

Clause 131(1) agreed to

On Clause 131(2)

Clause 131(2) agreed to

Clause 131 agreed

On Clause 132(1)

Mr. MacKay: I do not agree with this section at all. I am not sure why it is here. Take the example, perhaps, of where the mayor dies in mid-session and you have three very capable aldermen, any one of whom would make a fine mayor. Each one would have to resign his seat in order to run for this position, and I think it impedes the process by having this section requiring him to resign before running for mayor. There have been circumstances in the City where the mayor has resigned in mid-term. It actually worked quite well, because people had the option of leaving that person as an alderman. This way you take away that one choice of leaving that person as an alderman. I think it should be reconsidered.

Hon. Mr. Lattin: Mr. Chairman, what we are doing is letting the alderman declare, and then we can hold the election for alderman at that time. In the case of an alderman running for a mayor, being elected for mayor, then we are faced with another by-election. To simplify the proceedings, I would suggest that this is the better way to go. We eliminate the necessity of having another election by just this provision in this particular clause.

Mr. MacKay: He deposits his resignation to the clerk; it does not become effective unless he becomes the mayor.

Hon. Mr. Lattin: No, Mr. Chairman, when he says that he is running for mayor and resigns his position, it is effective right there. The reason is that it gives the capability to have the election of the mayor and also the capability to replace him. If we do not do that, Mr. Chairman, we have to turn around and have another by-election. That is what we are trying to avoid.

Mr. MacKay: It sounds to me like a case of administrative convenience coming before electoral preferences. I strongly think that it is rather unfair to force — as I say, we are not talking about, perhaps just one member of the council running, there may be three members. You can lose all three on the council by virtue of this section. I think it would be a far better selection process, from the public's point of view, to be able to choose: "Well, if I don't vote for this man, he is still an alderman. That's fine. I want him there". But if you lose all three top-notch aldermen in the process, you have only one mayor, but you lose two aldermen. I think you are removing a choice from the electorate and I cannot see why, for the sake of one by-election more, we should be unduly concerned about that. I think the voter preferences should come first.

Hon. Mr. Lang: Well, Mr. Chairman, I cannot totally agree with the points that the Member is trying to make. Here is what you have, if you follow through with your argument — let us take a hypothetical example. You are an alderman in the City of Whitehorse. You declare you will go for mayor. Subsequently there is no opening for the aldermanic post. You win the mayoralty. Then you have a position vacant for alderman and you have to have another by-election for alderman. So effectively what you have done is cost the taxpayers X amount of dollars because you want to have your cake and eat too. If you get elected mayor, that is fine. But if you do not get elected mayor, you will stay on as alderman. If you win the position of mayor, you have vacated another seat on the council and, obviously, if there is some length of time left in the term of that office, another by-election is necessary. That costs you, I, and everyone more money for another by-election.

How could an accountant like yourself not figure that out?

Mr. MacKay: I have often heard it said by Members on the other side that there is no price tag in democracy, and I am now hearing from the Member opposite that he has just found a price tag for democracy: the cost of one by-election.

The point I was trying to make, and the Minister, with all due respect, tends to jump in with his mind made up before he has heard either the earlier or the latter part of the argument. He hears one thing.

Take the situation of a small community, which has a limited number of able candidates. In mid-term the mayor dies, resigns, commits suicide, or gets tired and goes away. What you want to be able to do is to allow the most able, experienced people to run for that. If three out of your five aldermen go for the post of mayor, only one, possibly even an outsider, is going to win. You are in the meantime going to have lost two of your aldermen, because you have had a simultaneous election for the vacancies of these posts.

That is the point I am getting at, is that you are weakening that council significantly. I do not think it is a big problem in Whitehorse, but I think it is a big problem in the smaller areas. I would like the Minister to consider these points.

Hon. Mr. Lang: Mr. Chairman, I just want to make it very clear for the record that I am not saying there is a price tag on democracy. What I am saying, is with respect to whether a person has a commitment towards the seat that they are running for, and I think that is the question that has to be asked.

I think there is a little bit of merit to what you are saying, especially in a very small community, but when you look at the larger communities there is no question.

I can see what you are driving at in the smaller communities, but in the City of Whitehorse there is no way that I can see that happening, or, for that matter, even in a community the size of Watson Lake or whatever.

Mr. Fleming: As I see it, and I have to agree with the Honourable Leader of the Opposition, in this case where the mayor may pass away, it would make no difference whatsoever, in my opinion, because neither 21 days or the day that they have the election would make any difference, because you are still going to have to have a by-election in any case.

However, the elections in most cases, I believe, and I would like to be corrected by the Minister if I am wrong, are all held at the same time for the number of positions required.

But, as the Honourable Leader of the Opposition has said, I see

the small fault in there that may cause a small community where there are not too many people and in any case only a few that you would wish nominated, to have their opportunity jeopardized, for them to have the mayor of their choice.

Hon. Mr. Lattin: Mr. Chairman, I am touched with the eloquence of the speeches across the floor, and in deep consideration of them, I would request that we stand this particular section over.

Mr. Byblow: Mr. Chairman, before we stand this section over, I have a question of a general nature perhaps related to this. I would like to know if there is a period of time after a general election, where a vacancy occurs, and you can legitimately go back to the results of that previous election to fill that vacancy. Is there a period of time in which you can do that, or does it have to be under the provisions of a disqualified candidate?

Hon. Mr. Lang: Mr. Chairman, you either win or lose.

Clause 132 stood over

On Clause 133

Clause 133 agreed to

On Clause 134(1)

Clause 134(1) agreed to

On Clause 134(2)

Clause 134(2) agreed to

On Clause 134(3)

Clause 134(3) agreed to

On Clause 134(4)

Clause 134(4) agreed to

Clause 134 agreed to

On Clause 135(1)

Clause 135(1) agreed to

On Clause 135(2)

Clause 135(2) agreed to

On Clause 136(1)

Clause 136(1) agreed to

On Clause 137(1)

Clause 137(1) agreed to

On Clause 138(1)

Clause 138(1) agreed to

On Clause 139(1)

Clause 139(1) agreed to

On Clause 140(1)

Clause 140(1) agreed to

On Clause 140(2)

Clause 140(2) agreed to

On Clause 140(3)

Clause 140(3) agreed to

On Clause 141(1)

Clause 141(1) agreed to

On Clause 141(2)

Clause 141(2) agreed to

On Clause 142(1)

Clause 142(1) agreed to

On Clause 142(2)

Clause 142(2) agreed to

On Clause 142(3)

Clause 142(3) agreed to

On Clause 143(1)

Clause 143(1) agreed to

On Clause 143(2)

Clause 143(2) agreed to

On Clause 143(3)

Clause 143(3) agreed to

Clause 143 agreed to

On Clause 144

Clause 144 agreed to

On Clause 145

Clause 145 agreed to

On Clause 146(1)

Clause 146(1) agreed to

On Clause 146(2)

Clause 146(2) agreed to

On Clause 146(3)

Clause 146(3) agreed to

Clause 146 agreed to

On Clause 147

Clause 147 agreed to

On Clause 148

Clause 148 agreed to

On Clause 149(1)

Clause 149(1) agreed to

On Clause 149(2)

Clause 149(2) agreed to

On Clause 149(3)

Clause 149 agreed to

On Clause 150(1)

Clause 150(1) agreed to

On Clause 150(2)

Clause 150(2) agreed to

On Clause 151(1)

Mr. MacKay: Perhaps the Minister could consult his explanatory notes and let us know why these numbers were chosen. Is this the AYC again, or has the Government some specific purpose in trying to increase the number of people on the Whitehorse Council?

Hon. Mr. Lattin: Not particularly, Mr. Chairman. This section provides flexibility in the size of a council, based on municipal status and population. In existing legislation, the size for a council is fixed. So it gives a little more scope on the size of council.

Clause 151(1) agreed to

On Clause 151(2)

Clause 151(2) agreed to

On Clause 151(3)

Clause 151(3) agreed to

On Clause 151(4)

Clause 151(4) agreed to

Clause 151 agreed to

On Clause 152(1)

Clause 152(1) agreed to

On Clause 152(2)

Clause 152(2) agreed to

On Clause 152(3)

Clause 152(3) agreed to

On Clause 152(4)

Clause 152(4) agreed to

On Clause 153(1)

Clause 153 agreed to

On Clause 154

Clause 154 agreed to

On Clause 155

Clause 155 agreed to

On Clause 156

Clause 156 agreed to

On Clause 157

Clause 157 agreed to

On Clause 158

Clause 158 agreed to

On Clause 159

Clause 159 agreed to

On Clause 160

Clause 160 agreed to

On Clause 161

Mrs. McGuire: I just wanted to remark here that on (2), it says "The council shall hold at least one meeting each month" and yet they give 40 days for a candidate to swear in. I was just wondering why 40 days if they require 30 day meetings.

Mr. McWilliam: Mr. Chairman, once a council is sworn in they then would be carrying on with the routine business of that muni-

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pality. In order for the municipality to function in a routine manner, it is necessary for them to at least meet once a month. Normally you would have a payroll, and other items which must be paid.

The swearing in occurs before they actually are the council, so the time periods do not really relate to each other.

Mrs. McGuire: I suppose I should have asked the question previously when we first reached the 40 day thing. It seems like an awful long time for a swearing in period.

Clause 161 agreed to

On Clause 162

Clause 162 agreed to

On Clause 163

Clause 163 agreed to

On Clause 164

Clause 164 agreed to

On Clause 165

Mr. Byblow: Just one question: it seems to me that this is new in that a mayor shall vote. I would be curious to know just a little bit more of the background as to why that is being put in place.

Hon. Mr. Lattin: This is a major change in the legislation. It is a provision that the mayor shall vote and then the electorate would be able to know what the Mayor's position is on any particular question. This is a current municipal practice in the western provinces today and it makes the Yukon operation more consistent. The Association of Yukon Communities has been very supportive of this particular principle.

I might also add, in smaller L.I.D.s now, the Chairman is also voting. So it is just consistent with what is happening in the western provinces. And we believe that on any particular issue, the mayor should stand up and be counted with everybody else.

Clause 165 agreed to

On Clause 166

Mr. MacKay: We are always interested in money matters. This is also a place where this council is going to have to stand up and be counted. Did the Minister consider putting any dollar limits on what they could vote for salary, or did he feel that it is up to the electorate to reward or punish the members for their indiscretions?

Hon. Mr. Lattin: I am sorry, Mr. Chairman, I did not quite get the exact wording of the question.

Mr. MacKay: I guess I just wanted to know the reasoning behind this section 166, in that it has turned over the entire power for setting their own salaries to the L.I.D.s, without any guidance. Perhaps the Department of Municipal Affairs has some guidance to offer, some policy suggestions: some idea of what this government would consider to be reasonable indemnities for aldermen and mayor.

Hon. Mr. Lattin: Well, Mr. Chairman, since the council is empowered to make major financial commitments for the municipality, I would suggest it probably would be ridiculous not to permit them the authority to set the amounts for the expenses for the members. I think if they acted unwisely, the next time around they would not be occupying the same position they were when they made their mistake.

Mr. MacKay: They may not even run. I take it then that the Government has no suggestions to make with respect to what the average indemnity might be at a village level, or a town, or a city?

Hon. Mr. Lattin: That is correct, Mr. Chairman.

Clause 166 agreed to

On Clause 167(1)

Clause 167(1) agreed to

Hon. Mr. Lang: Mr. Chairman, I move that you now report progress on Bill Number 57 and beg leave to sit again.

Mr. Chairman: It has been moved by the Honourable Mr. Lang that the Chairman do now report progress on Bill Number 57 and beg leave to sit again.

Motion agreed to

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

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

Motion agreed to

Mr. Chairman: I will excuse the witnesses at this time.

Mr. Speaker resumes the Chair

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

May we have a report of the Chairman of Committees?

Mr. Njootli: Mr. Speaker, the Committee of the Whole has considered Bill Number 57, *Municipal 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. Lang: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that we do now adjourn.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Mayo, that we do now adjourn.

Motion agreed to

Mr. Speaker: This House now stands adjourned.

The House adjourned at 9:26 o'clock p.m.