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The Yukon Legislative Assembly

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8th Session

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Debates & Proceedings

Thursday, April 21, 1977

Speaker: The Honourable Donald Taylor

Whitehorse, Yukon Territory
April 21st, 1977

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

(Prayers)

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

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any Documents for tabling this morning?
Reports of Committees?
Are there any Petitions?
Introduction of Bills?
Are there any Notices of Motion for the Production of Papers?
Notices of Motion or Resolution?
Are there any Statements by Ministers?
This then brings us to the Question Period.
Are there any questions?

QUESTION PERIOD

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Pipeline Inquiry Visiting Interior Communities

Ms. Millard: Mr. Speaker, I have a question for Mr. Commissioner.

Since there is now a report from Foothills to the National Energy Board concerning the possible Dempster lateral to the pipeline, does this mean that the Yukon Pipeline Inquiry will now be going to the interior communities?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, if I could have some clarification. What report of Foothills about a Dempster lateral? Is this a newspaper report, or is there an official report of Foothills?

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Yes, Mr. Speaker. I saw the report this morning, it was requested by the National Energy Board of Foothills to look into the possibility of a Dempster lateral and they have now officially given it to the National Energy Board.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Yes, Mr. Speaker, alright I'm clear now. The Foothills, in my understanding, will not revise their application to include either an alternate route to the Alaska Highway route, or a lateral to the Delta. The National Energy Board wanted some very superficial information and that is all there is to it. The Foothills application is still strictly for a route to follow

the Alaska Highway.

My understanding is that the Chairman of the Socio-Economic Inquiry responding to the Minister has latitude to have hearings in other areas other than those directly affected by that pipeline and I can't speak for him, but I'm sure that he will be open to suggestions from Members of this House and members of the Yukon public when he comes to Yukon in his preliminary visit.

Mr. Speaker: Are there any further --?
The Honourable Member from Kluane?

Question re: Pipeline Inquiry Funding to Y.T.G.

Mrs. Watson: Yes, Mr. Speaker, I have a question for the Commissioner this morning and it's also regarding the pipeline. It is not a supplementary question. It's regarding the press release by the Minister of Indian Affairs on the establishment of the Board of Inquiry.

Mr. Commissioner, it states that funding in the amount of \$119,000.00 was provided for the Council of Yukon Indians, in February. It also states that funding has also been provided to the Yukon Territorial Government.

My question, what amount of funding, other than the \$35,000.00 that was referred to in the discussion of the Estimates, is the Minister referring to in his press release?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, he's referring only to the \$35,000.00 in his press release, although we have assurance that we will have additional funds coming to us for, certainly for handling the requirements of our pipeline coordinator. I believe the press release also states that there will be funds available for public interest groups to carry out their own independent studies and prepare their own briefs for the hearings over this summer.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Supplementary to that, Mr. Speaker, in other words the small communities would they also come under this, as you say, public interest groups if they were wishing to present a brief to the Commission?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, that would be my understanding of it. I'm not sure that the policy has been totally formulated between the Minister and the chairman of his inquiry, but certainly in discussions I have had leading up to the formation of the inquiry, it was the understanding that interest groups such as communities, such as conservation interests and native interests and other public groups would have funding available to assist them in preparing a logical and responsible brief for presentation before the inquiry.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, further to the Pipeline

Inquiry, is the Commissioner himself of the opinion that the Dempster may be a possibility and if he is, then is he of the opinion that some inquiry should be held in Dawson and in the interior communities?

Mr. Speaker: It is not normally allowable in a Question Period to ask a question asking for an opinion.

Perhaps the Member may wish to rephrase the question.

Ms. Millard: Mr. Speaker, then I will ask, is the Commissioner's office considering the possibility of the Inquiry going to the interior communities?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I have not discussed this matter with Dean Lysyk and we haven't given it too much thought but I am certainly in favour of the Inquiry obtaining as much information and as extensive information as it can regarding the socio-economic impact of any pipeline in Yukon. I would be prepared to suggest that it would be logical for them to hold hearings throughout other areas other than along the actual Alaska Highway.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Number of Children and Staff at Wolf Creek

Ms. Millard: A question, Mr. Speaker, for the Minister of Health, Welfare and Rehabilitation. What are the number of children at Wolf Creek presently and what is the number of staff?

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, I just received a monthly report from the juvenile training home but I do not have the figures for this day. I will have to obtain them.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: A supplementary to that, Mr. Speaker. Why are the statistics not listed in our monthly report -- the statistics of the number of children at Wold Creek?

Mr. Speaker: The Honourable Minister of Health and Welfare?

Hon. Mrs. Whyard: Mr. Speaker, I don't know why except that there is a form that has been used for many years from that particular institution and if it requires changing, I will ask to have it changed.

Mr. Speaker: Are there any further questions?
We will then proceed to Orders of the Day -- Oh, I am sorry. Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I have a response to a question made on April the 8th by the Honourable

Member for Hootalinqua and he asked, "In a report, Foothills Pipelines amended their application from a 42 inch to a 48 inch line. Their report also stated the possibility of deleting three compressor stations. Where will the remaining seven compressor stations be located?"

The answer is that the tentative locations of the seven compressor stations on Foothills' 48 inch line are at the following pipeline mileages, assuming Mile 0 to be at the Alaska-Yukon border. Number one at Mile 40.8, which is slightly east of the White River. Number two at Mile 122.6, which is very close to Destruction Bay. Number three, Mile 209.5, west of the Aishihik Road turn-off. Number four at Mile 260.8, southwest of Whitehorse in the Ibex River area. Number five, Mile 358.8, an area close to Fox Point. Number six, Mile 423.8 between Swan Lake and Swift River. Number seven, Mile 493.7, close to the Little Rancheria River.

Under Foothills' current application, there will be 512.6 miles of pipe in Yukon.

Mr. Speaker: The Honourable Minister of Local Government?

Hon. Mr. McKinnon: Mr. Speaker, I'd like to table Legislative Returns in answer to Mr. Fleming's question of April 13th, concerning the survey in the Tagish area and Mr. Lengerke's question of April 18th, concerning the reassessment of commercial properties in the Whitehorse area.

Mr. Speaker: Are there any further questions?
We will then proceed to the Order Paper and to Motions.

ORDERS OF THE DAY

MOTIONS

Item No. 1

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

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

Mr. Lengerke: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Mayo, that the First Report of the Standing Committee on Constitutional Development for Yukon, presented April 20, 1977 be concurred in.

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I don't intend to make too many remarks about this motion, or on this motion. Yesterday we had the privilege of tabling the first report on the Standing Committee on Constitutional Development.

Certainly your Committee could have provided a very massive report with a lot of verbiage, and a lot of things in it that possibly would have been debatable and controversial, however, we wanted to get down to the nuts

and bolts of the issue of Constitutional Development.

As you can well understand, Mr. Speaker, constitutional development is a very tough question to deal with.

It's one that probably doesn't turn the man on the street on in any shape or fashion. The man on the street cannot understand what benefits would be derived from further constitutional development unless he really thinks about it. Certainly in Yukon, Mr. Speaker, today, we see an economic problem. We see it slow down in the economics of Yukon, and not only in Yukon, but across this country. We say that in Yukon we are lacking leadership. The story today is that the Yukon requires a strong leader in these times of troubled economic development and land claims going on and what have you.

We feel, Mr. Speaker, that constitutional development, the first step has to be taken in order to provide these elements, the first step, Mr. Speaker, that we have suggested in the first report on the Standing Committee on Constitutional Development. We've heard every one of the recommendations in this House many times, many times before, however, I think that in total, the recommendations put forth have never truly been debated in this House at one time. I feel that the direction the Committee has taken, has recommended, will allow that to happen. Mr. Speaker, I'm very happy to see on the Order Paper a number of Resolutions that would in fact allow this kind of debate to take place.

I would hope that Members have had time to look over the report and will concur in what we are trying to provide.

Mr. Speaker: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I wish to congratulate the members of this Constitutional Development Committee. I know they have spent a great deal of time in study of the subject. I am assuming, correctly I believe, Mr. Speaker, that this is the first of several reports which we will be receiving. I'm also going to assume, Mr. Speaker, that they will be presented to the Minister of Indian Affairs and Northern Development as part of the constitutional input toward his Northern Policy Paper which is being held over us like an atomic bomb at this moment, or the sort of Damocles, I'm not sure which.

Mr. Speaker, I would hope that this Committee would raise their sights a little higher in succeeding reports and deal with constitutional matters on a higher plane than this Legislative Assembly, if that is possible, Mr. Speaker, because it is my opinion that we must make changes at the federal level before we can possibly institute changes which will be meaningful here.

I would hope that one of the future reports will certainly be a recommendation for a division of portfolios, which we have been clamouring for from the Yukon for at least 15 to 20 years to my personal knowledge, and that is that the matter of Indian Affairs should be the responsibility of one federal Cabinet Minister for Indians throughout Canada and that there should be another federal Minister responsible for Northern Development. Never the twain shall meet, Mr. Speaker, and it is being made eminently clear to us that they will not.

I would also hope, Mr. Speaker, that this Committee will study the possibility of cutting away some of the

golden cords which have been strangling us for years, from the Department responsible for this northern part of Canada. We have no longer any excuses for allowing the Department of Indian Affairs to handle a number of matters which are legally our own responsibilities.

Mr. Speaker, just to take one small example of the kind of thing I'm talking about, we get a grant-in-lieu of provincial income tax here in the Yukon, because we have not imposed territorial income tax as a province does. We have no control over how that grant is arrived at. It is a very complex financial formula which is administered by federal officials and we receive what they say we will receive. I have tried on a number of occasions recently to have explained to me how the formula is worked out and in last week's discussions with federal officials here to discuss health cost-sharing, I had another whack at it. Mr. Speaker, I found two federal departmental officials arguing with each other about how this is actually done. They had to admit to us in that meeting that they do not really know and they also had to admit that it may be a little less than we might be getting and, Mr. Speaker, that is not good enough.

Furthermore, I see no reason at all why that grant-in-lieu of tax should not come direct to this government, rather than having to go through Indian Affairs. That grant should be worked out by the Department of Revenue and us. There is no longer any justification, Mr. Speaker, for this intervention at every level of every department by the Department of Indian Affairs.

Now, Mr. Speaker, I know that when the Department of Indian Affairs and Northern Development was first charged with its responsibilities in the north, there was some justification for making the Minister of Indian Affairs the one communication channel for all other federal departments working in the north. This has now become a barrier between our development and our negotiations with all these other federal departments.

Mr. Speaker, every time I turn around, as an elected political Executive Committee Member of this government, dealing with my rightful responsibilities in that department, with another federal department, I have to wait for months and sometimes over a year for decisions we two directly involved departments have made, to be approved through the back alley by someone in Indian Affairs, who has no responsibility for our health services but is holding it up because they have control in the Yukon.

Mr. Speaker, these are daily frustrations and I'm sure they apply to more than my department, and I would certainly hope that this Committee on Constitutional Development would look at some of these ties which bind. If you need any further suggestions, Mr. Speaker, I'm available.

Mr. Speaker: Is there any further debate?
The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, when the Constitutional Committee was formed, I had a few misgivings. I was very worried, I thought maybe they would go out on some grand scheme and make some grand, sweeping recommendations. I must congratulate them on the fact that they have recognized the need that we have to put our own House in order before we go on to the next step, which the Minister of Health so well described as the ties that bind.

In the recommendations, almost conclusions that they arrived at in their report, I think that they've touched on the actual pulse of this government, of the elected arm of the government, the things that are wrong, the things that need to be corrected, and the things that we can take positive steps to do.

I was very pleased to see that they have a recommendation that the membership on the Legislative Assembly be increased, a very vital step. I was very pleased to see that they recognized the need for political groups or parties within this structure. I don't have to hide the fact that this topic has been extremely dear to my heart over the last two years, because every day that we sit, every day that we address problems, we can see the need for this type of structure.

I'm sure that the Members who are sitting on the government side, recognize it, and that the time that is spent in coming to some conclusion, or making some decision, or providing some direction for this government, because of the fact that there is not the support on group lines, or party lines, or philosophy lines within this House.

Also, the fact, because we do not have groups of parties, we as individuals are not accountable to the public on our basic philosophies and policies. And for too long, I think, the public of the Territory has suffered as a result of that.

So, I'm very happy to see that they've recognized this need and that the expansion of the Legislature will, to some degree, accommodate this need. Mind you, the people of the Territory themselves must recognize that need and, unless they do, the politicians I do not think can do anything about it. It has to come from the people.

I was also very pleased to see that they were talking about expansion of the elected Members on the Executive Committee and they were quite specific. They were general in one area and specific in the other, so I am assuming you meant four and the fact that they were referring to local control of land, game parks, tourism, economic planning, and it's so very important that we do have control over these vital, vital parts of our everyday living. If we can get this and then start cutting those ties that bind, we'll probably be able to serve the people of the Yukon Territory.

Your expansion on the Executive Committee referred to also having responsibility for having the native people of the Yukon represented through this, or responsible for this one Member on the Executive Committee. I, myself, am not sure whether that is the best route to accommodate the situation that we have, whether it would be a polarization, but at least it would be a recognition that there is a need to accommodate the situation and that we are prepared to make this accommodation after, I'm sure, after, if this becomes a reality, then over a period of time we'll be able to judge whether that was the right decision. Once we have that fourth Member in the Executive Committee, the necessary adaptations can be made within the structure to accommodate this special situation of these people.

So, Mr. Speaker, I am certainly going to vote concurrence of this report. I'm glad that it was simple, direct, and attacked the problems that we have today and that we can accommodate in this House.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate?

The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, I won't speak very long because I think that most of the points have been covered by other Members, but I would point out that the general thrust of what the Committee has been doing is well delineated in the Report, in very direct and simple terms. But, it was felt in the Committee that there were two basic issues that were just simply too important to be left to the report of a Committee and it is for that reason, Mr. Speaker, that these two basic issues, given direction from that Committee, have been brought forth separately by resolution, so that all Members of the House may have opportunity to debate on those issues as separate issues.

Mr. Speaker: Any further debate?
The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Chairman, I won't speak very long either; it's only on the matter of the extra Member on the Government side, that, to me of course, I've spoken many times on and I feel that the Committee has not actually decided that this would be done as the House presently is. I think the Minister made that quite clear, too, that it wouldn't be and I'm quite sure that their intention is to see this Council expanded at that time, and there is another motion on the floor, so I will be concurring in it too.

Mr. Berger: Yes, Mr. Speaker, I have no problem with the report of Committee but I do have a problem with the statement made to us in this House by the Chairman of this Committee that the common man of the street does not understand certain developments, and I was wondering, Mr. Speaker, if the Chairman of this Committee could possibly explain himself, what he meant in his statement, or possibly retract his statement, because I think the common man does know where he wants to go in this Territory. I think everybody in this Territory knows where they want to go.

Mr. Speaker: Any further debate?
The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, there's one area that was not touched on in this Report, and I feel it's very important and should be brought up. That is the third recommendation which specifically states: "the instructions given by the Minister of Indian Affairs and Northern Development to the Commissioner respecting the Executive Committee be amended to read as follows: in all matters pertaining to the areas in which the Yukon Act gives legislative authority to the Yukon Legislative Assembly, the Commissioner must seek the advice of the Executive Committee and be bound by that advice."

Mr. Speaker, I think it's one of the most important points in this particular report and I would like to think that the present incumbent in the portfolio of Minister of Indian Affairs and Northern Development will look favourably on changing that particular directive. I think, at the present time, in my estimation Mr. Speaker, that the Commissioner for the Yukon Territory is in an untenable position; he's walking a very thin

line in relation to federal responsibility as versus territorial responsibility.

I think at the time that that particular directive is changed, Mr. Speaker, I think it'll be a major stepping stone in relation to the elected people in the Territory taking full responsibility of their actions in relation to making decisions on behalf of the Territory and their responsibilities.

Mr. Speaker: Is there any further debate?

The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, the points made by my colleague, the Honourable Member from Whitehorse West, are very well taken by Members of the Committee, and also the remarks by the Honourable Member from Kluane. They have hit the work of the Constitutional Committee right on. We thought before we tackled those very fine constitutional questions, on changes in the Yukon Act and in Northern Policy, that our first effort should be to get on with the job of what we were capable of performing under the Yukon Act and get, as the Honourable Member from Kluane so aptly coined, our House in order before we go on to the finer constitutional issues. That is the attempt that we have made in the first report to the House.

I'm also concerned that perhaps the Honourable Chairman's remarks may have been misunderstood because, as I understand it, we've recognized that, going into the finer constitutional areas, that perhaps it is difficult to relate those to our constituents in the constitutional areas that we have presented. I don't think there's any difficulty at all in presenting those types of advances in an area that is completely understandable by the people who we represent.

I only know, Mr. Speaker, that you have to bring it down to the level that, in the area of Education, Health and Welfare and Local Government, that all of us who are elected Members on the Executive Committee have seen the files and files of correspondence on particular problems that our constituents did have problems with and the bureaucratic answers that they received. That's no longer possible. The public gets answers. They might not always like them, but they get them, and they know who's responsible for setting the policy and giving the answer, and that's what having elected Members with control over line departments means to the public of the Yukon. It is important, and it's extremely important that, at this time in our evolution, that other areas which are extremely important to the public of the Yukon, such as game, parks, tourism, land, economic planning, transportation, also come under the aegis of elected Members so our constituents can get some answers in those areas also. I have to disagree with the Honourable Member from Hootalinqua because any time that you are making advances in that direction, then it is a benefit to the people that we were all elected to represent and want to do as good a job as we possibly can, representing.

Mr. Speaker, I think that this Report allows the House to move in those areas that we can move in, and I think that, so often in the Yukon, we can stand accused, and justly accused, of just doing a little too much crying and belly-aching without going with all the areas under the present terms and conditions of the Yukon Act, as it now

stands, to do a few more things for ourselves and, with the Minister's concurrence, which I'm sure will be forthcoming, Mr. Speaker, that is exactly what we are prepared to do at this time.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Thank you, Mr. Speaker, I just want to respond to the Member from Klondike and certainly, if I infer that the man on the street doesn't know where he's going, that is not the case. What I'm saying is that constitutional development, constitutional reform, when you take a look at discussions and the mounds of reference material and writings that have been made about it and the history of our country, that when you start going through that, you really have some difficulty in finding out just what was happening. I was referring to this.

Certainly the Member, the Honourable Minister from Local Government, I think, hit on it, that the man on the street certainly can understand when we have control of those elements, such as tourism, land, resources and transportation. These are the kind of things that he understands and he knows that he can come to the elected person and put the heat on him, if you like, and get some answers. This is the kind of thing that we're striving for.

That's why the report, Mr. Speaker, came in so simply, that we are able to focus on that. We could have provided you wish many inputs with respect to land claims, the financial income tax part of it, the resource revenue sharing, and so on and so on and so on. These are for other reports to come, Mr. Speaker.

I think the end of constitutional reform really is a better life for the people of Yukon and it's a better life for them in the here and now and we shouldn't be talking of things that are not tangible right at this point in time. We have to move in a simple but positive direction.

Mr. Speaker: Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

(Motion carried)

Item Number 2

Madam Clerk: Item 2, standing in the name of the Honourable Member, Mr. Hibberd.

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

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Watson Lake, THAT WHEREAS the Standing Committee on Constitu-

tional Development has recommended to this House that the Assembly be expanded for the 1978 election,

BE IT RESOLVED that this House recommends that the Government bring forward, during this Spring Sitting, amendments to the Electoral District Boundaries Commission Ordinance to allow a Commission to make recommendations to this Assembly on the Electoral Boundaries to accommodate 16 constituencies.

The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, many of the things that have been said this morning allude to this resolution, particularly the features of native participation, party politics and the expansion of the Executive Committee. In this resolution, Mr. Speaker, there are two basic issues that I think bear considerable debate. One of them is the size that we think this Assembly should be to function most effectively, and the other, Mr. Speaker, is the method by which this expansion in size is achieved.

Mr. Speaker, these are very important issues and I would very much like to have a good debate on this from all Members of the Assembly and, to that purpose, I would very much prefer if it were moved into Committee of the Whole.

Mr. Speaker: The Honourable Member from Mayo?

Mr. McIntyre: Mr. Speaker, I move that this Resolution, Number 20, be moved into Committee of the Whole for discussion.

Mr. Fleming: I second it.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Hootalinqua, that Item 20, Resolution Number 20, be referred to Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

(Motion carried)

Item Number 3

Madam Clerk: Item 3, standing in the name of the Honourable Member, Mr. Hibberd.

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

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Ogilvie, THAT

WHEREAS the Standing Committee on Constitutional Development has recommended an increase in elected representation on the Executive Committee,

AND WHEREAS the Constitutional Development Committee recognizes the need for native involvement in the administration of the Yukon Government,

BE IT RESOLVED that a Member of this Assembly be appointed to the Executive Committee who has a primary responsibility to provide that all native people of Yukon participate as residents of Yukon with equal rights, privileges and obligations.

The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, for the reasons just given previously, I would also prefer that this Resolution be moved into Committee of the Whole.

Mr. Speaker: The Honourable Member from Mayo.

Mr. McIntyre: Mr. Speaker, I move that Resolution Number 21 be moved into the Committee of the Whole for discussion.

Mr. Fleming: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Hootalinqua, that Item 3, Resolution Number 21, be referred to Committee of the Whole.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

(Motion carried)

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

PUBLIC BILLS

Madam Clerk: Second reading, Bill 16, an Ordinance to amend the Elections' Ordinance.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Bill Number 16 — Second Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 16 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 16 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

(Motion carried)

Mr. Speaker: Shall the Bill be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: So ordered.

Madam Clerk: Second reading, Bill 17, "Second Appropriation Ordinance, 1977-78".

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Bill Number 17 — Second Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 17 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 17 be now read a second time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

(Motion carried)

Mr. Speaker: Shall the Bill be referred to Committee of the Whole?

Some Members: Agreed.

Mr. Speaker: So ordered.

We will now proceed to Private Members' Public Bills.

Madam Clerk: Second Reading, Private Member's Public Bill 104, an Ordinance respecting the Legislative Assembly.

Mr. Speaker: The Honourable Member from Whitehorse South Centre?

Bill Number 104 — Second Reading

Mr. Hibberd: Mr. Speaker, I move, seconded by the Honourable Member from Pelly River, that Private Member's Public Bill Number 104 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by

the Honourable Member from Pelly River, that Private Member's Public Bill Number 104 be now read a second time.

The Honourable Member from Mayo?

The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, the purpose of this Bill is to set down the existing constitution of the Legislative Assembly of the Yukon, to update and expand the qualifications and disqualifications for its Members and provide for resignation and replacement of vacancies.

The offices of Speaker and Deputy Speaker are defined; the prohibitions, powers, privileges and immunities which previously existed are re-enacted and the provisions for indemnities and allowances previously contained in the Elections Ordinance are now provided for in this Ordinance. The further principles of the Bill, Mr. Speaker, were outlined in the fourth report of the Standing Committee on Rules, Elections and Privileges. At that time it was also reported, Mr. Speaker, that we did not wish to consider detailed consideration of this Bill.

Mr. Speaker: Is there any debate on principle on this Bill?

The Honourable Member from Mayo?

Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Kluane that this debate be adjourned.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Kluane, that the debate be adjourned.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

(Motion carried)

Mr. Speaker: This brings us to the end of the Order Paper for today, may I have your further pleasure?

The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and the House resolve into the Committee of the Whole.

Mr. Fleming: I second that.

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

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

(Motion carried)

(Mr Speaker leaves Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I call this Committee to order, and declare a recess.

(Recess)

Mr. Chairman: I now call this Committee to order.

This morning we will continue with the consideration of Bill Number 15, an Ordinance to Amend the Local Improvement District Ordinance.

For the Members' information, we will be proceeding with the motions passed into Committee this morning on Monday morning next.

We are at present considering Clause Number 5, pages 2 and 3.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, you said we were considering Clause 5?

Mr. Chairman: Yes.

Mrs. Watson: Mr. Chairman, I believe we haven't cleared Clause 4.

Mr. Chairman: Yes, we have not cleared it. It will be back for reconsideration, Mrs. Watson? Is there any further consideration of Clause 5?

Some Members: Clear.

Mrs. Watson: Clause 6, isn't it?

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, it was Clause 5 that I was interested in and I'm sorry that I was looking at the sub, so Mr. Chairman, I do have something I would like to bring up with Clause 5.

Mr. Chairman: Carry on.

Mrs. Watson: Thank you, Mr. Chairman, I'm sorry for the confusion on my part.

I'm more concerned, and as I spoke about it the other day, on sub 4(5), on page 3, the powers of the Chairman. I recognize that this has been lifted exactly from the Municipal Ordinance. I have great misgivings with the section, because as I stated the other day, we have a Municipal Ordinance, we have a municipality with an administrative structure put in place and there are the various chains of command within the various levels of government, with your chairman, with your mayor at the top of it.

Now we don't have, in L.I.D.'s, an administrative structure, a sophisticated administrative structure such as this, in place, so it is often necessary to accommodate the workload by the various members of the board and we're not making it possible by this section.

I have great, great difficulty with accepting (b), I think it's too loose. "Communicate from time to time..." that might be at the beginning of the term of office and at the last term of office. "...to the board all such information." There's no -- just from time to time. And this is information, betterment, prosperity and good government of the district. And again, I question that wording.

The other day, it said it was a motherhood issue, well, as far as I'm concerned, I don't think it is a motherhood issue. It's implying, it's implying that the L.I.D.'s have something to do with the prosperity of the district itself. I can see the good government of the district, but the prosperity of the district, really, are we going to let these people get involved in economic policies for the district? This is what it's implying.

And Number (c), just read it. "Direct all administrative officers and employees of the district." Now, L.I.D.'s have a secretary-treasurer, most of them have. I think one of them will be getting an administrator, and it's quite natural for the chairman to direct the administrative officer and yet we haven't defined administrative officers and they are in the Municipal Ordinance, we haven't defined it so, you know, we're leaving that pretty loosey-goosey.

It's quite -- but direct employees of the district in the conduct of their work and direct the management of the business affairs of the district. "Direct employees...". Now in order to distribute the workload, one member of the L.I.D. might be in charge of the fire halls, another one in charge of the water haul, another one in charge of the maintenance of the streets and this type of thing.

I can just see a member of the board of trustees trying to direct the employees that are involved with street maintenance. Some employee is going to say, you know, tough, I take my direction under the legislation from the chairman.

That's exactly what would happen, it could well happen that way, so some provision has to be made so that there is some flexibility. I am amazed at (d), that it hasn't been brought up. The chairman has the right to suspend where necessary. Now, who determines when it's necessary? Who determines when it's necessary? You know, it could be a silly thing such as signing a petition, who you support in political office, or something like that. "Where necessary", it's who determines what is necessary and you're leaving that to one person with no route for any appeal. Suspend where necessary, an administrative officer, or employee of the district, and may cause administrative officers and employees to be prosecuted. One person you're giving that authority to, to be prosecuted or disciplined for any negligence, carelessness, or violation of duty on their part. One person can do that and it doesn't have to go before the board at all.

At least in the municipal legislation when a suspension is made, or something like that, it has to then be placed before the Council to get their concurrence, but this makes no provision whatsoever for that.

Mr. Chairman, I would hope that subsection 4 be taken back and try to take away this complete and absolute, almost dictatorial power, you're giving to one per-

son. It is a danger.

On the other hand, because you are giving that many responsibilities, direct responsibilities to the chairman, how many people are going to be willing to assume office and assume all those responsibilities, because most of the people who will be running for these positions are working people and I was going to say, like you and I. They are working people who have eight hours a day to work, usually. They are going to be -- themselves directly are going to -- having to do all of that and I would hope that the administration would be prepared --

It can't be as loosey-goosey as it used to be but I don't think you can go the distance that you have gone here.

I hope Mr. Chairman, that the rest of the Members agree that there should be a little extra thought given to this subsection.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, as I am sure Members of Committee will recall, when last we discussed this outfit, pardon me, this item, I felt differently and in speaking of the experience we have had with L.I.D.'s, I think it is noted that we have always asked for more autonomy at the local level and I feel that sub 4 of section 5 of this Bill offers that autonomy.

I would like to think that the people in the outlying communities are a little more mature, at least sufficiently mature, to be able to conduct their own affairs and handle, on an autonomous basis, the affairs of their district and the conduct of their boards and the administration of their affairs.

Certainly someone has to take the lead. It is obvious that the chairman would not normally act in a manner contrary to a majority of the wishes of the board. I can find nothing wrong with this section. I think that subsection 4 offers just that little more edge of autonomy to mature Local Improvement District boards.

I would on the other hand, conversely like to see subsection 4 remain as stated.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I rise to disagree with the Honourable Member from Watson Lake.

I don't know just why we have all this large section in here. It says, "the chairman shall be active in causing the laws governing the district to be duly executed." I don't know where we're going from there, because all of these other things that are in here actually, are just in turn giving him another power to fire, to do whatever at any time he wishes. It does very plainly state that that's the case.

Now, I haven't seen anybody here in the House or heard from Mr. Legal Advisor saying that this is not the case, so therefore I'm taking it that it is. He can do just anything he wishes, more or less, and I don't think the chairman of any district really would appreciate that type of power myself. I'm just wondering if he would at that office level that he's working at. I think that is the only place we'll probably ever get the exact answers is from some of the chairmen, but I don't think that they would appreciate having that type of power.

I see no need for any further than (b) actually, in this section at all. In 4(b), he'll get that far and I think he should communicate all, I don't know how you would

word it, but instead of from time to time, he would communicate any business or anything with the board. Other than that, as I say, (c) and (d), I see absolutely no reason for it being in there at all.

I would like -- if Mr. Legal Advisor could give me a reason for it actually being in there right now, those two sections (c) and (d)?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, it is hard to give a specific reason. They're in there primarily because the duties set out here are those of the senior official, senior electoral official of a municipality such as Whitehorse, Faro or Dawson. They have worked there and given the mayor of these places the power which is compiled by him, so we have taken them, holis bolis and inserted them here. There's no special reason for (c) and (d) other than that general purpose.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I think with proposed amendments dealing with the election of the chairman at large, which the House didn't seem to think would be appropriate in the L.I.D.'s at this time, that probably this section could be mellowed and tempered a bit to reflect that thinking, the other thinking of the House.

I think we can revert this section and come up with one that everybody is satisfied with.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, thank you, Mr. Chairman, I accept the thoughts of the Minister on that particular subsection, section 4. I have a lot of concern with subsection (d). I think it's giving substantially far sweeping powers to an L.I.D. board, when it comes down to governing of the conduct of an employee. I have some very strong reservations in the way it is explained in subsection (d) of section 4. It can be covered in two words, that would be 'just cause' and the rest could be deleted. They mean the same thing.

Mr. Chairman: We'll stand Clause 5.

(Reads Clause 6)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder whether we could have an explanation of "entitled to vote".

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, I would presume that a person who is not subject to a conflict, you lose your entitlement to vote if you're the subject of a conflict.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, alright, entitled to vote, but is there a requirement to vote? I think this is something that the Honourable Member from Hootalin-

qua brought up the other day. I think that it's a very real issue within local government structure. Some of the comments around the House were what do the L.I.D.'s want? I really don't think it should be up to the L.I.D.'s, I think it should be up to the people of the Territory, and we're their representatives. What kind of local structure do we want? Do we want the people who are serving at a local capacity to vote, to make it a requirement that they do in fact vote on questions that are placed before the L.I.D. board? Or are we going to make it -- if they don't have a conflict of course, or are we going to make it possible for someone to sit back and not take a position or make a decision on some of the matters that they're being faced with.

If we are going to make it a requirement for Members of the Board to vote, then I believe this is the section where it should be inserted. I am inclined in that way to agree with the Honourable Member from Hootalinqua that I would like to see it a requirement for the members of the board, including the chairman, to exercise their voting powers and to, in fact, vote.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, there are sections in the existing Ordinance dealing with this question. So far as I'm aware, there's a requirement to vote, but also so far as I'm aware, during the preparation of this Bill there was no specific decision by the Government to change the sections which deal with the entitlement. So, if the Minister would agree, perhaps the House could indicate that, if we are going to change some of these sections and come back with a fresh draft, what would the wishes of the House be in respect of this particular matter. I shouldn't ask this but, with the Minister's consent, perhaps it might be helpful.

Mrs. Watson: Mr. Chairman ...

Mr. Chairman: Mrs. Watson?

Mrs. Watson: ... what section is the right to -- where -- I know there's a section in here and it's really quite ambiguous; what section is it?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Subject to correction, Mr. Chairman, I think it is Section 10.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Yes, Mr. Chairman, I think the section the Honourable Member is referring to is perhaps Section, subsection 5 of 10, which talks about the Chairman's voting. It says that "the Chairman shall vote on any matter coming before the Board of Trustees and any question upon which there is an equality of vote shall be deemed to be defeated", and perhaps that's the section the Honourable Member was looking for.

I don't think that -- I can't get very hard-bound on the question of demanding a person vote or not vote. I think, again, we have provided in the Ordinance the right to the Board to decide how they're going to conduct their own affairs and what procedures they're going to follow in the conduct of their meetings. I think, again, you

know, I don't like to see these people's hands tied. I think they're mature enough people that they can decide upon these things themselves.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I might ask the Minister of Local Government though, this is going to be the new Ordinance, is it not? This one will be scrapped am I not right? The old -- just some of it. That section will remain?

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, there'll be a new Section 10 which will not require that the Chairman vote and the reason for it is that, if my memory serves me correctly, I brought amendments to the Municipal Ordinance and it's my feeling that the guy should vote and in the amendments to the Municipal Ordinance I demanded that -- or the Legislation demanded that the Mayor vote. The majority decision of the House said that, no, we're not going to make the Mayor vote because the Association of Yukon Municipalities doesn't want it and took it out of the Municipal Ordinance.

I didn't put it in this Ordinance because it was removed the other time in the Municipal Ordinance when I tried to put it in, but should we be consistent or inconsistent with that principle and philosophy? I don't know, I prefer to have the Chairman voting on any issue in the L.I.D.s as it is now, and if that's the feeling of the majority of the House, which has changed since the amendments to the Municipal Ordinance went in, I'm prepared to accept that and put it in.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I might ask the Minister, don't you feel that the same should apply for the Trustees and the Chairman, though, in that sense? In the old Ordinance, we just had the Chairman included in it. The rest of the Board is not included; they do what they wish. Is it not the same thing, we be inconsistent -- we stay with one thing for all of them?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, if we, if we just go along with the amended Section 6 in the draft that's before us, that's amendments to 10, sub 2, 3, 4, 5 and 6, we would leave sub 5 in place because you are not amending the whole Section 10.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: Mr. Chairman, I would be prepared to leave it that way rather than change it, but I do think that, quite often, that equality of votes -- it became, it could become an extremely difficult problem when you have three people and if there's an equality of votes and one person is absent, which often happens, you just couldn't get any work done.

Mr. Legal Advisor: This would happen, so far as understand it, the prime reason for these sections is to deal with the question of what happens when three peo-

ple constitute the group and it is being extended to five. It still can happen with five, but less often.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I can agree to leave the five in there if the Honourable Member from Hootalinqua is ...

Mr. Chairman: Shall Clause six carry?

Some Members: Agreed.

Mr. Chairman: Clause 7.

(Reads Clause 7)

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, this is actually the details of the Bill that are in 13(1) where we establish a very distinct and sophisticated procedure for holding elections. I can understand why the government is bringing the section in, all of these sections in. I can understand why, but I might add that I do have some great misgivings and I think that the Honourable Members who represent the City of Dawson could recall, before they had a City Manager, the City Council of Dawson used to complain about the expense and the provision that constantly had to be made months ahead of time in order to keep that election operating within the law of the Municipal Elections Ordinance.

Now we are looking at small L.I.D.s — some of them are not that small, and if they have an administrative officer and have an administrative structure in place it mightn't be that bad to follow this route. You are talking about L.I.D.s that represent two or three hundred people and you think of the procedure, as we read this, that these people have to go through in order to hold an election -- all they have is the secretary-treasurer. Ballot papers have to be printed in Whitehorse. You have to get all of this done. This is a tremendous expense too. You have to do your advertising in your papers and all of this, so it becomes a major undertaking. I'm just wondering whether we should go this far.

I think there are bylaws that the local government had that the various L.I.D.s could adopt as the procedure they would use for elections. I don't know whether they looked at upgrading their bylaws or not, in order to not have to go this far. And, I might add, that L.I.D.s -- a lot of people in the L.I.D.s are looking towards the future and they know full well that, somewhere along the line, the administrative structure that is being built up around them and that is being funded now by the Territorial Government, eventually they will have to assume a portion of that funding.

They realize this, the people in those L.I.D.s, and they are beginning to say "Whoa, what are we building, because we know this can't go on for too much longer until we're going to have to assume, directly, some of that cost." To them, this type of thing is big government. When you read Board of Revision, the Appeals, the whole thing they have to -- it is big government and that's what it is. They don't like big government, and we don't either.

I often think, if people are saying, "Look, you know,

the less of this as possible, we know it's costly", why should we inflict it on them? This is my concern with going this route at this time. Your secretary is going to be busy all the year of the election, trying to get everything in place. They're going to have to.

Mr. Chairman, I have some great misgivings about the route that we've chosen to go.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, I'd like to ask the Minister if he's discussed this with the L.I.D.s and what was their reaction to the new election procedures?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, it's been totally impossible for me to discuss these amendments with the L.I.D.s at this time. That's why there was a Green Paper put out calling for changes in the election procedure and I would have had this summer to discuss it. Because of the emergency of the Haines Junction situation, these had to be brought in immediately.

We agonized over looking at the bylaws and upgrading them, and the local government advisors told me some very interesting and rather humorous stories about some of the elections that have been conducted in the L.I.D.s. They don't believe that there is one that has been held under the old bylaws that couldn't have been controverted if somebody wanted to do it. Nobody wanted to do it because that's the way that the L.I.D.s are or were. I'm just stating, Mr. Chairman, that that's no longer the case. There was a recent election in the L.I.D. and I have my officers investigating complaints

This is going to come about on a frequent basis, just the same as it does in municipal elections and the same as it does in Territorial elections. I don't like it, you don't like it, but do we protect ourselves and do we protect the people of the L.I.D.s, or do we protect the people who are running? I say we have that responsibility. With the L.I.D.s who will have administrative officers under the proposals that were mentioned in the budget, this will not provide difficulties, because they'll have the ability and they'll be acting as a City Manager who has had the capabilities of running these elections.

Our local government advisors, who, I believe, have the confidence and have this trust of the L.I.D. Board, will be instrumental in conducting the elections in the L.I.D. Boards until the L.I.D.s come to the point where they all have administrative officers.

The Clerk of our House will also be available to the L.I.D. Boards to answer questions and to be able to help them along with any matters that may prove difficult in the conducting of the elections.

We looked at the bylaws, we looked at ways of not having to go to all the safeguards in the Municipal Ordinance, and I'm sorry, Mr. Chairman, we would just not feel that we were doing our job properly at this time, knowing what is happening and what has happened and what is going to happen in Yukon by not having a pretty positive policy of running elections on a proven basis, which it has in the municipalities in the Local Improvement Districts.

I'm sorry that I didn't have the ability, because of the emergency of the situation, to be able to travel to the L.I.D.s and get their comments on it. I think all Mem-

bers at least had the opportunity, who have L.I.D.s in their districts, of discussing the proposed amendments to the Ordinance over the weekend in the L.I.D.s. I'm going to have to count on their help in this matter. Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, there is a great duplication here, isn't there, if all of the L.I.D.s, and they'll be having elections all at the same time when everybody gets on track again, and the amount of money will be expended, all the administrative work will be done four times. And this may -- and I don't think this is a retrograde step. Would it be possible for the Territorial Government, local government advisors to be responsible for, so that you have one person in Whitehorse who is, you know, working and getting the administrative structure rolling and putting into place for out there, and to act as returning officers and stuff, because, as the things that have happened, I don't think you're going to get people who are going to put themselves for returning officer any more or to run for office, that's true, but even returning officer.

So, maybe this is where we should be looking. Maybe the Government could be the administrative body that does the administrative work and you would be saving -- we would be saving the Territory money, because then you could clearly, definitely, every step would be exactly outlined so that people there would know what has to -- what steps are being taken, so that your government advisors would know exactly what steps are being -- have to be taken. And then you wouldn't be facing this constant uneasiness that I know that people have that, you know, something was not quite legally done and what happens?

I would certainly wonder whether this might be one consideration that we could give to this L.I.D. Ordinance at this time.

Hon. Mr. McKinnon: Mr. Chairman, I fully ...

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: ... expected that the local government advisors would be acting as the returning officers, at least in the first elections until either administrative officers were in a Local Improvement District and knew the procedure and have been taught the procedure, until the Local Improvement Districts felt comfortable enough, as the Territorial Government does now, with elections and are saying to the Chief Returning Officer of Canada that we're big boys now and we can do it in the Territory.

We had to do it under your guidance before. The Municipalities have said that, now we don't need you. We're there to help, but we don't need you; we can conduct our elections. And I don't think the L.I.D.s, and I agree with the Honourable Member in the first instance, should be the responsible body for doing this and until they feel comfortable with it, that's what our Local Government advisors are getting paid for.

Mr. Chairman: Shall Clause 7 carry?

Some Members: Agreed.

Mr. Chairman: Clause 8.

(Reads Clause 8)

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I'd just like to -- it's probably a funny question, but there still are -- I find so many of these things... "establish a polling place in a hospital, a home for the aged or in a similar institution" and I'm wondering what a similar institution might be in some of the little small Local Improvement Districts and so forth, where there was no hospital and there was no home for the aged, and I'd like a little clarification on that.

Mr. Legal Advisor: Mr. Chairman, if there's no similar institution, then there's no similar institution. I think you've got to take it place by place and see what the other institutions are, but, Mr. Chairman, I don't know what course the Member wishes to take but the whole of Clause 9, which runs, added Section 21 to 127, is taken intact from the Municipal Elections Ordinance with the single exception of changing a word here or there to effect the fact that it's a chairman rather than a mayor.

Now, as I say, I don't want to anticipate any course that the Chair may suggest to the Members, but in the course of looking through what amendments we will require, the only two sections which would require amendment to meet any of the suggestions or requests which were made by Members up to now would require consideration are Sections 99 and 100. They may have to be touched but, on the debate so far, all of the other sections would be intact.

Mr. Chairman: Thank you, Mr. Legal Advisor.

I think I'd like to draw the Members' attention -- there is approximately 130 sections of Clause 9 and if it is the concurrence of the Committee I would read them in sections of ten at a time and then stop, and is that the concurrence of Committee?

Mr. Taylor?

Hon. Mr. Taylor: Yes, 2(1) is, Mr. Chairman, is that perhaps, rather than reading the clauses, we could, to be easier on the Chair, could take them clause-by-clause rather than -- to save all the reading of the future clauses, if that be agreeable to Committee.

The other question I just wanted to ask for clarification was that, in sub (b) of sub (1) of 22, "establish a polling place in a hospital, a home for the aged or any similar institution" -- this, just for clarification, would include, then, a nursing station, is this correct?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Mr. Taylor, we cannot carry the clause because there is only one clause we're referring to. They're all sections and, as I said a moment ago, in order to process it a little speedier, I think going by ten sections at a time and then stopping for debate -- I'm seeking advice from the Committee on this particular there's one hundred and thirty sections. Agreed?

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: I'll ask a question. Are you going to read the ten sections through?

Mr. Chairman: Unless the Committee just wishes me to clear the sections through?

Mr. Lengerke: Just clear the sections, I would think, Mr. Chairman.

Mr. Chairman: Very well. We are now on Section 23, sub 1. Shall 23(1) carry?

Some Members: Agreed.

Mr. Chairman: Sections 21 and 22, which I've already read; shall those sections carry?

Some Members: Agreed.

Mr. Chairman: Section 24, one and two. Mrs. Watson?

Mrs. Watson: Mr. Chairman, I read Section 24(1), that a referendum or a submission, it is not a requirement to follow the normal procedures for voting that are outlined in the legislation that the Board can, by bylaw, set their own procedures. Now, is that correct?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman. What this is intended to do is to point the way towards having a referendum at the same time as the election is held, in conjunction with the election, so they get two ballot sheets.

Mrs. Watson: Mr. Chairman, but it does leave it possible for them to have one outside of a normal election or by-election.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: On their own rules?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Shall Section 24 carry?

Some Members: Agreed.

Mr. Chairman: Section 25. Shall Section 25 carry?

Some Members: Agreed.

Mr. Chairman: Section 26. Section 26 carry?

Some Members: Agreed.

Mr. Chairman: Section 27. Section 27 carry?

Some Members: Agreed.

Mr. Chairman: Section 28. Section 28 carry?

Some Members: Agreed.

Mr. Chairman: Section 29. Section 29 carry?

Some Members: Agreed.

Mrs. Watson: No.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: There's a difference here now. We've got the Returning Officer and now we're going into the Deputy Returning Officer. I wonder why?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: There is provision for a Deputy Returning Officer, Mr. Chairman. There may be two polling places.

Mrs. Watson: Well, Mr. Chairman, can the Returning Officer keep the prescribed forms?

Mr. Legal Advisor: Which section are we talking about, Mr. Chairman?

Mrs. Watson: Twenty-nine, sub (1).

Mr. Legal Advisor: The Deputy Returning Officer will sign his own Declaration, Mr. Chairman.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I don't think that, Mr. Chairman. I'm sorry, I don't think that answers the question that the Member has asked. I think the Member asked if the Returning Officer also and the Deputy Returning Officer...

Mr. Legal Advisor: I don't know until I read this through. I've read it through before, but I just forget, Mr. Chairman.

Mr. Chairman: Shall Section 29 carry?

Mrs. Watson: Mr. Chairman, I would suggest we stand it aside until we get that Returning Officer/Deputy Returning Officer clarified.

Mr. Chairman: Very well. Section 30. I would suggest Committee consider standing Section 30 over. It makes reference to Section 29, if that has concurrence with Committee?

Some Members: Agreed.

Mr. Chairman: Section 31. Will Section 31 carry? Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm prepared to let it go through, but I think we'd better be careful. We're looking at, you know, we're looking at pretty small elections and we're looking at Returning Officers, Deputy Returning Officers, and now we're looking at Poll Clerks.

I think, somewhere along the line, we're going to have to get these straightened out in our mind and also straightened out whether there is a requirement for this

many officials.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, if we look forward to Section 34(2), we'll see that the basic scheme is that it may be divided into polling divisions. If it's divided into polling divisions, each polling division would be headed by a Deputy Returning Officer. Where it's not divided into divisions, the Returning Officer does all the work, and that section says that, where it's not, then he is the Deputy as well as himself. You will see it when you read the next page.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: That's cleared up the question.

Mr. Chairman: Very well. Shall Section 31 carry?

Some Members: Clear.

Mr. Chairman: Section 32. Shall Section 32 carry?

Mr. McIntyre: There's a typographical error. Carried.

Mr. Chairman: Section 33. Shall Section 33 carry?

Some Members: Agreed.

Mr. Chairman: The Committee will recess until one thirty.

(Recess)

Mr. Chairman: I call this Committee to order. Prior to recess we just completed reading Section 33.

Mrs. Watson: Mr. Chairman, are we continuing on the L.I.D. Ordinance?

Mr. Chairman: Yes we are, Local Improvement District Ordinance, yes.
We will continue. Section 34. Is Section 34 carried?

Some Members: Agreed.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, there's no requirement that a Returning Officer must be a qualified voter in that L.I.D.?

Mr. Legal Advisor: No, Mr. Chairman, not to my knowledge.

Mrs. Watson: So, Mr. Chairman, it would be possible to designate, in certain L.I.D.'s, a Returning Officer as a local government advisor?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman it would.

Mr. Chairman: Shall Section 34 carry?

Some Members: Agreed.

Mr. Chairman: Section 35.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, in 36 when we're referring to a Deputy Returning Officer, it could also be a Returning Officer, could it not?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Shall Section 35 carry?

Some Members: Clear.

Mr. Chairman: Section 36.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, could the Deputy Returning Officer, could the Returning Officer assume the responsibilities of a Deputy Returning Officer as outlined in 36?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman. The scheme, as I think I said this morning, that where there's no divisions, the Returning Officer does everything; where there are divisions, the Deputy does it for his division, but the Returning Officer has all the powers of a Deputy.

Mr. Chairman: Shall Section 36 carry?

Some Members: Agreed.

Mr. Chairman: Section 37.
Mrs. Whyard?

Hon. Mrs. Whyard: I think you're leaving yourself open to misinterpretation to the point where if the poll clerk dies, he refuses to lay down. This could be a serious threat, we're all familiar with the historic incident of the former Liberal Prime Minister who ran even though stuffed.

(Laughter)

Mr. Chairman: Does 37 carry?

Some Members: Clear.

Mr. Chairman: Section 38.
Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I wonder if this could be just more or less of a letter of authority, is it not on a prescribed form or anything like that?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: An informal authority would do, Mr. Chairman.

Mr. Chairman: Section 38, carry?

Some Members: Clear.

Mr. Chairman: Section 39. Section 39 carry?

Some Members: Agreed.

Mr. Chairman: Section 40. Does Section 40 carry?

Some Members: Agreed.

Mr. Chairman: Section 41. Section 41 carry?

Some Members: Agreed.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Can we be assured that some of the typographical errors will be corrected in the printing of this? Because there are a number of them that I haven't brought to the attention of the House and there's one in this one, too.

Mr. Chairman: I think we can have that assurance from the Legal Advisor.

Mr. Legal Advisor?

Mr. Legal Advisor: But only the ones that I spot can I guarantee, Mr. Chairman, but it will be proof-read again.

Mr. Chairman: Shall Section 41 carry?

Some Members: Agreed.

Mr. Chairman: Section 42. Shall Section 42 carry?

Some Members: Clear.

Mr. Chairman: Section 43. Section 43 carry?

Some Members: Agreed.

Mr. Chairman: Section 44. Does Section 44 carry?

Some Members: Clear.

Mr. Chairman: Section 45. Mr. Legal Advisor, what would you consider four conspicuous places in a district?

Mr. Legal Advisor: Usually, Mr. Chairman, the post office, a telegraph pole, the community club main notice board in the area and such places like that; the liquor store, I should say. The post office, the liquor store, the community club would for sure see lists of electors because list of electors is slightly different from a notice, it needs to be examined by the person from the notice board.

Mr. Chairman: Shall Section 45 carry?

Some Members: Clear.

Mr. Chairman: Section 46.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, that was a very good question on conspicuous place because I know that post offices often are quite reluctant to have notices posted in them. I know of conspicuous places, a telephone pole being regarded as a conspicuous place for a voters' list, I sort of wonder.

Mr. Legal Advisor: I mentioned that Mr. Chairman, because a telephone pole or a telegraph pole is a good place for a notice that an election is about to be held because casual people will see it, but for a list of electors, it needs to be in a sheltered place so that it is not damaged by weather and a person can, at some leisure, stand and read it under proper illumination.

Mr. Chairman: I thought it was always my understanding, Mr. Legal Advisor, that nobody was allowed to put any notices on a power pole because of their restricted use.

Mr. Legal Advisor: A telegraph pole, Mr. Chairman, is not a power pole.

Mr. Chairman: I am sorry. Shall Section 46 carry?

Some Members: Clear.

Mr. Chairman: Section 47.
Shall Section 47 carry?

Some Members: Clear.

Mr. Chairman: Section 48.
Mrs. Watson?

Mrs. Watson: In 48, is the list delivered before the Board of Revision sits?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: Forty-eight hours before they sit, that isn't clear there, is it?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: The date of revision, Mr. Chairman, is it sits on the last Wednesday in October, so forty-eight hours before that day, or at least that time, to get the preliminary list to study through.

Mr. Chairman: How do you arrive at 48 hours, Mr. Legal Advisor?

Mr. Legal Advisor: I didn't, Mr. Chairman, I just inherited it from my betters. It is just chance. They could have said before the last Monday in October, but the last Monday in October might be a different day in October from the last Wednesday in October, or occurs in a different week.

Mr. Chairman: Shall Section 48 carry?

Some Members: Agreed.

Mr. Chairman: Section 49. Shall Section 49 carry?

Some Members: Agreed.

Mr. Chairman: Section 50.

Mr. Legal Advisor, in Section 48 you make reference as to hours and in Section 50 you make reference to days. Is there any importance to that?

Mr. Legal Advisor: It's hour restrictions in 48 and days in which place, Mr. Chairman?

Mr. Chairman: I made reference to the -- before the last Wednesday of October in Section 50, and I'm just curious as to the inconsistency of your language.

Mr. Legal Advisor: I'm lost, Mr. Chairman. We say at least 48 hours before the day fixed, which is two days I guess, in Section 48.

Section 50, subsection 1, there's no reference to either days or hours.

Mr. Chairman: "...any such application in person to a Board of Revision while the Board is sitting or may, before the last Wednesday of October..."

Mr. Legal Advisor: Yes, Mr. Chairman this is the same phrase which is used elsewhere, the last line in that one.

Mr. Chairman: I just was curious as to the inconsistency of your language as to Section 48 and Section 50, that's all.

Mr. Legal Advisor: True, Mr. Chairman, but what they're saying is, that they can go after the last Wednesday in October, if the Board is still sitting then, but if it's to be a written application to the Clerk, he does it beforehand.

Mr. Chairman: Shall Section 50 carry?

Some Members: Agreed.

Mr. Chairman: Section 51. Shall Section -- Mrs. Watson?

Mrs. Watson: Mr. Chairman, October, the last Wednesday in October, is the first day that the Board of Revision sits, is that correct?

Mr. Legal Advisor: Yes.

Mrs. Watson: Mr. Chairman, then the Board of Revision could sit for some time, because if a written application comes in after October, 51 requires the ten days notice, written notice being given if there's a written application.

Mr. Legal Advisor: Yes, Mr. Chairman, written notices are contemplated as being left with a clerk prior to the last Wednesday in October.

Mrs. Watson: It doesn't say that.

Mr. Legal Advisor: Yes, Mr. Chairman, it does.

Mrs. Watson: Where?

Mr. Legal Advisor: In Section 50, subsection 1. He make application in person while the Board is sitting or, if he does it in writing, he's got to leave it with the clerk before the last Wednesday in October.

Mrs. Watson: It doesn't say so.

Mr. Legal Advisor: Yes, Mr. Chairman. 50, subsection 1. The second last section on page 10, Mr. Chairman.

Mrs. Watson: Okay, now --

Mr. Chairman: Mrs. Watson?

Mrs. Watson: So then you go to three, then the clerk gives "written notice to every person who has given notice of his intention to make an application to the Board of Revision." She gives written notice to every person who has given notice of his intention to make an application to the Board of Revision and to the person in respect of whom the notice of application is made. Well, who is the person to every person who has given notice of his intention to make an application?

He applies, so she writes back and says we've got your application, is that what that means?

Mr. Legal Advisor: Yes, Mr. Chairman, it says if you want to make it in person appear before the Board on -- it would then be, I suppose, the last Friday, sorry, not necessarily the last Friday but the Friday of the week after the last Wednesday in October would be the last day.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Then in 51 we say then she has to send notices to the person who made application and to the person who might be affected. Those notices have to go out ten days ahead of time, they have to have ten days notice. No, but the time and place fixed for the sitting of the Board to hear those applications will have to be ten days before the day fixed for the sitting of the Board.

Now, why do we have that published in a newspaper circulating in the district? I don't think any L.I.D. has a newspaper circulating in the district, and you're not going to get your notice into the newspaper for ten days, so you're tying yourself up there. I would suggest that's left out.

Mr. Legal Advisor: We can look at that, Mr. Chairman. I didn't realize there were no newspapers in the L.I.D.'s.

Mr. Chairman: Is it Committee's wish we stand Section 51 over?

Some Members: Yes.

Mr. Chairman: Section 52.
Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, there are two newspapers published in the Yukon which are distributed throughout the Yukon, which would be available in those districts.

Mr. Chairman: Mrs. Whyard, if they are living in a municipality, the newspapers you are referring to, we usually get them four or five days late continuously and as far as reliability, there would be difficulty, I would think.

Mrs. Watson: Well, Mr. Berger is supposed to say that it would be an added expense, it would be a delaying factor, and there's no requirement for it, so I would suggest that Section be reviewed and with consideration to dropping it.

Mr. Chairman: The Section 51 is stood over for the consideration.
Section 52.
Mr. Legal Advisor?

Mr. Legal Advisor: Does the Post Office work in an L.I.D., Mr. Chairman, so that when a person posts a letter in Haines Junction it is delivered to a person in Haines Junction without the necessity of going to Edmonton or Vancouver for sorting or Whitehorse?

Mr. Chairman: That's an unfair question, but if Mrs. Watson, you feel like being corrected?

Mrs. Watson: Mr. Chairman, if you so request, but it could easily go into the mail bag and come into Whitehorse and come back out again, you know, but if you so request it. I don't know whether I'm even supposed to say that.

Mr. Chairman: Maybe that's why the price in postage has gone up.
Did you get your answer?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Thank you.
Shall Section 52 carry?

Some Members: Agreed.

Mr. Chairman: Section 53.
Mr. Legal Advisor, why red ink?

Mr. Legal Advisor: So they can see the corrections, Mr. Chairman.

Mr. Chairman: I see.

Mr. Legal Advisor: They do that with court orders as well, Mr. Chairman.

Mr. Chairman: Shall Section 53 carry?

Some Members: Agreed.

Mr. Chairman: Section 54.
Mrs. Watson?

Mrs. Watson: The clerk that we're referring to in Sections 54 and 55, what clerk is that now? Is it the poll clerk or is it the clerk of the Board of Revision?

Mr. Legal Advisor: The clerk of the Board of Revision,

Mr. Chairman.

Mr. Chairman: Shall Section 54 carry?
Mrs. Watson.

Mrs. Watson: Mr. Chairman, well, why would the Board of Revision, a clerk is their secretary, is the Board of Revision's clerk and why would the Board of Revision - certified by the Board to the clerk, to their own secretary?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: It would be the secretary-treasurer, Mr. Chairman. We can look at it and change it back to secretary-treasurer.

Mr. Chairman: You want to look at Section 54?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: And 55?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Sections 54 and 55 are stood over. Section 56. Shall Section 56 carry?

Some Members: Clear.

Mr. Chairman: Section 57.

Mr. Legal Advisor: Mr. Chairman, if we could stand 57 over, because I see that Chairman is mentioned in that section.

Mr. Chairman: Very well.
Section 58. Section 58 carry?

Mr. Chairman: Section 59. I see again, Mr. Legal Advisor, you are making reference to a newspaper.

Mr. Legal Advisor: Yes, we'll re-examine the necessity of this, Mr. Chairman.

Mr. Chairman: Very well. Section 59 is stood over. Section 60.
Ms. Millard?

Ms. Millard: Mr. Chairman, I'm just wondering, the elections are held every two years, who does it in several places say on or before the first Monday in November in each year. Do they each year have to post electors?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I'll check it, Mr. Chairman.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: I was wondering if there was any possibility that twelve o'clock noon might be confusing. Do we say someplace else that it will be -- the times will be Yukon Standard Time or whatever time is in effect? We have different times here.

Mr. Legal Advisor: No, Mr. Chairman, the assumption is that they will use whatever the legal time in the area is, but we thought that they knew the time in Local Improvement Districts.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I think you're doing the -- now here you have your nomination papers, they have to be subscribed by three people -- Secretary-Treasurer, and the Notary Public, or a Notary Public in the prescribed form.

Mr. Legal Advisor: No, either, Mr. Chairman.

Mrs. Watson: But what's the relationship between the Secretary-Treasurer and Notary Public?

Mr. Legal Advisor: Well, the Secretary-Treasurer may not always be present and a Notary Public is some solemn form. It could be a -- we could ease it by saying the Commissioner for Oaths.

It's a solemn declaration of the person who intends to be a candidate saying he is a qualified person, so it has some force to it. I believe that Notary Publics may be scarce in L.I.D.s, so perhaps we could look at that and put in -- a police officer is entitled to administer oaths as well, so we could put a person entitled to administer an oath.

Mr. Chairman: Shall Section 60 carry?

Mr. Legal Advisor: It is to be re-examined, Mr. Chairman.

Mr. Chairman: I'm sorry, we'll stand it over. Section 61.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, back to 60 very briefly. Also examine it, if you're looking at the possibility of having a local government advisor acting as a Returning Officer, then there would be a requirement and it could be administered by the Deputy Returning Officer, someone out there?

Mr. Legal Advisor: No, Mr. Chairman, the Deputy Returning Officer is not intended to be such kind of a person. The Deputy Returning Officer is the Returning Officer for a division, and under normal circumstances there would be no Deputy Returning Officers.

Mr. Chairman: Shall Section 61 carry?

Some Members: Agreed.

Mr. Chairman: Section 62. Shall Section 62 carry?

Some Members: Agreed.

Mr. Chairman: Section 63.

Mr. Legal Advisor: Let 63 stand over, because I see the Chairman is mentioned.

Mr. Chairman: Very well.

Section 64. You make reference to newspapers here, Mr. Legal Advisor.

Mr. Legal Advisor: Yes, and it can be examined, Mr. Chairman, but I think in this case the notice of a poll should be published in a newspaper.

Mr. Chairman: Yes, very well. Shall Section 64 carry?

Some Members: Clear.

Mr. Chairman: Section 65. Shall Section 65 carry?

Some Members: Clear.

Mr. Chairman: Section 66. Section 66 carry?

Some Members: Agreed.

Mr. Chairman: Section 67. Section 67 carry?
Mrs. Watson?

Mrs. Watson: Mr. Chairman, with 67 and 68 I do have a concern of whether people can get the ballot papers prepared and ready on time, because your nominations could go on for quite some time and you have to have your ballot papers three days before and your ballot papers at least two days before. Now, they can't be printed until they know who's nominated.

You must remember that you, you know, the -- you have to, you have the one printing almost, structure, and that's in Whitehorse and that's the thing that, I know that Dawson City used to complain about, that the requirements, the time limits that are in this Legislation, are fine in Whitehorse but you have to be right on the ball when you're in an outlying area to sit exactly within the law, within those time limits.

Mr. Legal Advisor: It's what the ...

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: What the Honourable Member is suggesting is the three-day and two-day limit should be struck out. We will consider this, Mr. Chairman, to give them the two or three days extra in case of a foul-up in transport.

Mr. Chairman: You're suggesting we stand 67 over?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Very well.
Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I was just going to concur that, having had some experience with that in some other northern communities, that that has been a problem really, and other jurisdictions have changed that and have allowed more time and I'm sure the government would look at that.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, just a question. What

would happen if you just didn't get your ballot papers in time for polling day?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I don't really know, Mr. Chairman. I suppose he'd hide in Whitehorse. He'd disappear, I suppose.

Mr. Chairman: Section 68.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, would it be, and I don't know who I'm asking this of because the Minister isn't here — would it be the policy of the Government to get standard poll books and all this type of thing prepared so that they could just be used on an on-going basis so that the L.I.D.s wouldn't have to have all the -- like the poll books and the various forms, the application forms and this type of thing. Couldn't they do this type of thing?

Mr. Legal Advisor: All of the documents which can be standardized will be standardized, but the list of candidates, although the form will be there, cannot be standardized because it has to be gotten ready for a particular meeting.

I would expect that a single officer in the Department of Local Government will be charged with the duty of running the elections all over and they would act through deputies on election day for the first one or two elections.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, should we not then say the poll book, prescribed poll book?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I don't know, Mr. Chairman; if you leave us power to make regulations, we can deal with it. I would hate to just prescribe one item and pick it out rather than just give the power to make regulations.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I'm not just meaning poll books; there are all sorts of forms through here; now, if they could just be prescribed forms so that you use a standard type of form all through, wouldn't that be better?

Mr. Legal Advisor: That's clearly the best, Mr. Chairman.

Mr. Chairman: There is reference made to a time limit, Mr. Legal Advisor, in Section 68.

Mr. Legal Advisor: Yes, we ask you, Mr. Chairman, to hold those so that we can consider the time and eliminate the time if necessary.

Mr. Chairman: How about Section 67.

Mr. Legal Advisor: Sections 67 and 68.

Mr. Chairman: Very well. Section 69.
Mr. Lengerke?

Mr. Lengerke: On 69, in that case would the government then also supply the ballot box, as there is a standard ballot box?

Mr. Legal Advisor: I presume so, Mr. Chairman. And I see in Section 70 coming up that the poll book shall be in the prescribed form.

Mrs. Watson: Mr. Chairman, who wrote this thing?

Mr. Chairman: The language looks rather odd, Mr. Legal Advisor: "The ballot papers may be introduced therein and not withdrawn therefrom unless the ballot box is unlocked and open."

Mr. Legal Advisor: It's simple, straightforward English, Mr. Chairman. It comes from a difficult section we had. This is about the third or fourth time with this section. We had a lot of trouble with this section in the last Municipal Ordinance and the Municipal Ordinance before that and also the Municipal Elections Ordinance. It led to quite a debate during the last Council and during the previous Council and during the Council before that, Mr. Chairman. It's a polished work of art, Mr. Chairman.

Mr. Chairman: I noticed.
Shall Section 69 carry?

Some Members: Agreed.

Mr. Legal Advisor: I don't claim the copyright on it, Mr. Chairman. It's shared by at least twenty people.

Mr. Chairman: You mean the drafting, Mr. Legal Advisor?

Mr. Legal Advisor: There's no copyrighting in drafting, and I don't claim copyright of this section, that is Section 69, Mr. Chairman.

Mr. Chairman: Section 70. Shall Section 70 carry?

Some Members: Agreed.

Mr. Chairman: Section 71. Shall Section 71 carry?

Some Members: Agreed.

Mr. Chairman: Section 72. Shall Section 72 carry?

Some Members: Agreed.

Mr. Chairman: Section 73. Shall Section 73 carry?
I'm sorry, Ms. Millard?

Ms. Millard: Just in passing on that, there has been some argument in Dawson on the subject of posters being -- that they should be taken down preceeding the day before election. I'm just wondering if I could have a comment from the Legal Advisor on that, just how illegal is it to keep up posters to the polling day?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I wouldn't say, Mr. Chairman, but leaving a poster up would be campaigning. It's hard to find what campaigning means, Mr. Chairman. We'd have to get the dictionary changed in order to reflect the meaning.

Mr. Chairman: I don't think that was the question, Mr. Legal Advisor?

Mr. Legal Advisor: It's hard to say what campaigning means, Mr. Chairman.

Mr. Chairman: I see.

Mr. Legal Advisor: Because it's not in the Oxford English Dictionary, and we had to get it put into supplement so that we could have a meaning for it.

Ms. Millard: So, Mr. Chairman, Mr. Legal Advisor isn't aware of cases where it's been decided so that it's still an undecided matter.

Mr. Legal Advisor: No, it's a new word, Mr. Chairman. It comes from military campaigning, Mr. Chairman, which has a definition from the rural countryside of southern Italy. It's a very difficult word to find a meaning for in Canada, Mr. Chairman.

Ms. Millard: Well, Mr. Chairman, in that case would an advertisement appearing in a paper be campaigning as opposed to putting a poster on a fence or something?

Mr. Legal Advisor: I don't know, Mr. Chairman. I've already said I don't really know what it means. Everybody is at liberty to put what meaning they like on it and only a court, when it gets to court, would be able to give some definition, but so far as I know there have been no court cases decided on it and, since it's not given in normal dictionaries, it's very hard to give a meaning on it.

We're creating new literature, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: So someone could challenge a candidate on that and take it to court? Their election could be challenged on the basis of campaigning and it would have to be decided by the court, is that correct?

Mr. Legal Advisor: No, Mr. Chairman, it's just that it's an offence to campaign on the day preceding or the day of an election. It's not going to invalidate the election, Mr. Chairman.

Ms. Millard: But, Mr. Chairman, if campaigning can be defined by the court as an advertisement in a paper, or a poster on a wall that still remains, then there could be a challenge to it.

Mr. Legal Advisor: No, Mr. Chairman, I wouldn't think so. It's merely an election offence.

Ms. Millard: Well, if it ever happens, I'll just bring a

copy of this Hansard and argue it.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, if the Honourable Members wants the p's and q's and dot the t's and cross the i's at election time on these matters, the best source of information is your local newspaper printing office where they have all these sections before them and must abide by them when they are printing all these official documents and they also have to know which side of the law they're on when they accept advertisements from candidates and the general ruling is that, if your ad is in print, there is no way you can control when someone reads that ad, whether it's before or after election day. The paper could be kicking around, wrapping the fish in the garbage six months later, but there are specific rules about whether or not you can put it on the air to be heard within 48 hours of polls opening and so on. There are specific regulations regarding these very points in the Elections Act.

Mr. Chairman: Shall Section 73 carry?

Some Members: Agreed.

Mr. Chairman: Section 74. Does 74 carry?

Some Members: Agreed.

Mr. Chairman: Section 75. Does 75 carry? Section 75 carry?

Some Members: Agreed.

Mr. Chairman: Section 76. Section 76 carry?

Some Members: Clear.

Mr. Chairman: Section 77. Section 77 carry?

Some Members: Clear.

Mr. Chairman: Shall Section 78 carry?

Some Members: Clear.

Mr. Chairman: Section 79. Shall Section 79 carry?

Some Members: Agreed.

Mr. Chairman: Section 80. Shall Section 80 carry?

Some Members: Clear.

Mr. Chairman: Section 81. Shall Section 81 carry?

Some Members: Clear.

Mr. Chairman: Section 82. Section 82 carry?

Some Members: Clear.

Mr. Chairman: Shall Section 83 carry?

Some Members: Clear.

Mr. Chairman: Section 84. Section 84 carry?

Hon. Mrs. Whyard: Mr. Chairman, who defines reasonable?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: The court, Mr. Chairman.

Mr. Chairman: Shall Section 84 carry?

Some Members: Agreed.

Mr. Chairman: Section 85. Section 85 carry? Section 85 carry?

Some Members: Clear.

Mr. Chairman: Section 86. Section 86 carry?

Some Members: Clear.

Mr. Chairman: Section 87.

Mr. Legal Advisor, in the sub (e) of Section 87, why do you make reference to eight separate packets. Do you not expect any increase in population in the L.I.D. areas?

Mr. Legal Advisor: The packet that puts on them, Mr. Chairman, are listed out below. There are various divisions of the ballots.

Mr. Chairman: I see.
Mr. Lengerke.

Mr. Lengerke: In 87(1)(a), what's to prevent the returning officer from not putting his initials on the back of ballot when he's ...

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: He has a duty to put his initials on in earlier sections.

Mr. Chairman: Shall Section 87 carry — oh, I'm sorry, Mr. Lengerke.

Mr. Lengerke: There have been cases, Mr. Chairman, where it was contended that the returning officer put his initials on the ballot when he was checking them and he found one or two and he put it on. Who is there to prevent that from happening?

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: The interested candidates are there, Mr. Chairman.

Mr. Chairman: The scrutineers are around, I believe, at that time.
Shall Section 87 carry?

Some Members: Clear.

Mr. Chairman: Section 88. Section 88 carry?

Mr. Legal Advisor: Mr. Chairman, would you let that stand because I see "Chairman" is mentioned, Mr. Chairman.

Mr. Chairman: Very well. Section 89. Shall 89 carry?

Some Members: Clear.

Mr. Chairman: Section 90. Shall section 90 carry?

Some Members: Agreed.

Mr. Chairman: Section 91. Mrs. Whyard?

Hon. Mrs. Whyard: I see we have allowed here for the procedure followed if there is a tie vote--

Mr. Legal Advisor: Yes, Mr. Chairman.

Hon. Mrs. Whyard: --and the tie vote, the breaking tie vote is often cast in the presence of people who are not listed here. In fact, the media have been present taking photographs.

Mr. Legal Advisor: There is an earlier section where the returning officer breaks the tie by casting a lot.

Hon. Mrs. Whyard: So these restrictions do not apply at that time, Mr. Chairman.

Mr. Legal Advisor: No, Mr. Chairman, he is casting the vote in accordance with the lot.

Mr. Chairman: Shall Section 91 carry?

Some Members: Agreed.

Mr. Chairman: Section 92. Shall Section 92 carry?

Some Members: Clear.

Mr. Chairman: Section 93. Shall Section 93 carry?

Some Members: Agreed.

Mr. Chairman: Section 94. Shall Section 94 carry?

Some Members: Agreed.

Mr. Chairman: Ninety-five. Shall Section 95 carry?

Some Members: Agreed.

Mr. Chairman: Section 96. Shall Section 96 carry?

Some Members: Agreed.

Mr. Chairman: Ninety-seven. Shall 97 carry?

Some Members: Agreed.

Mr. Chairman: Ninety-eight. Ninety-eight carry?

Some Members: Agreed.

Mr. Chairman: Ninety-nine?

Mr. Legal Advisor: Leave 99 and 100 stand over. If the other changes are made, changes will be required in these two sections.

Some Members: Agreed.

Mr. Chairman: Ninety-nine is stood over. One hundred?

Mr. Legal Advisor: Same, Mr. Chairman.

Mr. Chairman: One oh one.

Mr. McIntyre: Mr. Chairman, is Subsection (g) intended to do away with the horrible practice of candidates having coffee parties given for them?

Mr. Legal Advisor: Not primarily, Mr. Chairman. It looks to me like the drafting was done before coffee was invented.

Mr. Chairman: Does 101 carry?

Some Members: Agreed.

Mr. Chairman: Section 102. Does 102 carry? Penalties, 103. Does 103 carry?

Mrs. Watson: In 103 sub 2, we are saying, if they are guilty, shall be disqualified from being a candidate or an elector at any election in the next succeeding three years and their term of office are only two. Why don't you say two or four years?

Mr. Legal Advisor: Which, Mr. Chairman?

I am sorry, we can't just say either two or four. We must say one or the other.

Mrs. Watson: It should be a multiple of two.

Mr. Legal Advisor: Yes, Mr. Chairman.

Two means three, Mr. Chairman, because the conviction would occur after the election so disqualification for two years would capture the first election and part of the second.

Mrs. Watson: That would be better than to disqualify them from running at the next election. Isn't that what you are attempting to do?

Mr. Legal Advisor: No, Mr. Chairman, we don't know what the next election is, it might be a by-election.

"Next" is a dicey word in that connection. With five trustees now, Mr. Chairman, there might be a by-election every six months.

Mrs. Watson: Mr. Chairman, they can't afford it now.

Mr. Chairman: Ms. Millard?

Ms. Millard: Does disqualified from being a candidate or elector at any election mean any Territorial and Federal election as well?

Mr. Legal Advisor: I wouldn't think it would be interpreted, Mr. Chairman. I think it would be interpreted in

the light of the Ordinance we are speaking about.

Mrs. Watson: Mr. Chairman, that is just the point.

Mr. Legal Advisor: It is a point, Mr. Chairman.

Mrs. Watson: I would like to see it clarified.

Mr. Legal Advisor: Very good, Mr. Chairman.

Mr. Chairman: We'll stand 103. Section 104. Shall 104 carry?

Some Members: Clear.

Mr. Chairman: Section 105.

Hon. Mrs. Whyard: Mr. Chairman, I don't see the necessity for having a special book to write the names of all the guilty parties.

Mrs. Watson: Mr. Chairman, is that under the requirements of the Municipal Elections Ordinance.

Mr. Legal Advisor: I presume so, Mr. Chairman. It could be a very small book.

Mrs. Watson: In prescribed form, no less.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I'm a little bit confused possibly, because I go back to 103(2) and read it, and then read 105(3), in seven years he can't vote and yet he could run for election but he's got to be a voter before he could run for election. Could you clarify that please?

Mr. Legal Advisor: I can't Mr. Chairman, unless we look at it. What was the reference again, Mr. Chairman?

Mr. Fleming: I don't know whether it goes back any further, but 103(2) "every member of a board who is adjudged guilty of a corrupt practice shall forfeit his seat from the board and shall be disqualified from being a candidate or an elector at any election for the next succeeding three years."

Mr. Legal Advisor: Yes, I have that, Mr. Chairman, he was contrasting it with a different subsection.

Mr. Fleming: Section 105(3), "every person who has been found guilty of a corrupt practice is disqualified from voting at any district election for a period of seven years."

Mr. Legal Advisor: Well, I can't explain it. We'll look at it Mr. Chairman, but it's obvious that you want a higher standard of voter than you have of a trustee.

(Laughter)

Mr. Chairman: Section 105 will be stood over. Controverted Elections Petition and Security, 106. Shall this carry?

Some Members: Agreed.

Mr. Chairman: Section 107. Shall Section 107 carry?

Some Members: Agreed.

Mr. Chairman: Section 108.
Mrs. Whyard?

Hon. Mrs. Whyard: Section 108(2), am I to understand that these two people would stand trial jointly together, simultaneously in a court?

Mr. Legal Advisor: Separately, but at the same time, Mr. Chairman. Two cases are heard at the same time, but they are separate cases, to save repetition.

Mr. chairman: Section 108, clear?

Some Members: Clear.

Mr. Chairman: Section 109. Is 109 clear?

Some Members: Clear.

Mr. Chairman: Section 110. Is 110 clear?

Hon. Mrs. Whyard: Mr. Chairman, why would any candidate who has been elected make a promise of money after being elected?

Mr. Legal Advisor: He might deliver in furtherance of a contract.

Hon. Mrs. Whyard: Say again?

Mr. Legal Advisor: Ahead of time, a contract may be made to do something fraudulent and the contract might be carried out some six months later.

Hon. Mrs. Whyard: It doesn't say that.

Mr. Chairman: Section 111.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, in 108(1), Mr. Chairman, the election petition is served against a respondent and if the petition is claiming offences committed at the election or inefficiencies, or negligence committed at the election by the election officials, the respondents then are the election officials.

Mr. Legal Advisor: Yes, Mr. Chairman.

Mrs. Watson: What about the person who's election is being questioned, who was the successful candidate. Do they receive--

Mr. Legal Advisor: Yes, he's the respondent also, Mr. Chairman.

Mrs. Watson: You're not saying that.

Mr. Legal Advisor: Yes, Mr. Chairman, we're assuming this because this is what an election petition sets out.

Mrs. Watson: Mr. Chairman.

Mr. Legal Advisor: And it says under Section 106, "any election in a District or the right of a person to sit on the Board may be questioned in an election petition on the ground that..." and it's done by an election petition.

And then Section 108 goes on to say, "A person who's election is questioned and any returning officer may be made respondent."

Mrs. Watson: Well, Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, if your successful candidate is the respondent only by the fact that you're questioning their right to sit on the Board of Trustees because there were irregularities in the election and you are saying the irregularities were caused by the election officials, why should the successful candidate then be a respondent?

Mr. Legal Advisor: Because he has an interest in the election, Mr. Chairman. He need not appear if he does not wish, but he must be given notice of the fact that the action has commenced, in order to defend it if he so wishes. He's a third party because if the election is overturned, he loses his seat.

It would be unfair, Mr. Chairman, it could go on without him.

Hon. Mrs. Whyard: Mr. Chairman, that would apply to all candidates who are elected if the allegation was made against the returning officer.

Mr. Legal Advisor: Yes, Mr. Chairman, if it was, if the allegation was that the particular election was void because of misconduct by an election officer which voided the election, every successful candidate would be at risk.

Mrs. Watson: Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, if your petition said that certain people voted illegally, there were certain names on the voters' list that shouldn't have been, this type of thing in the petition, why should the successful candidate or any candidate be the respondent of that petition and believe me this is very dear to my heart.

Mr. Legal Advisor: Mr. Chairman, I can understand that, Mr. Chairman, but.....

Mrs. Watson: Mr. Chairman, and I'm going to make sure it doesn't happen to anyone else again, because it seems if some of these petitions for elections, controverting elections are always filed at the candidate who wins the election and that candidate is responsible to fight the thing when that person had absolutely nothing to do with it and that's what you're saying here.

Now, if the candidate, if the petition was there because the candidate themselves acted incorrectly, fine, slap it to them, but not when it was for some other

reason and a petition files up in court and the respondent is the one who is defending that petition.

Mr. Legal Advisor: It's a hard case, Mr. Chairman,....

Mrs. Watson: You bet it is.

Mr. Legal Advisor: ...the converse is worse. If an allegation is made that there's something wrong with an election and one or more people have been elected at that particular election, then they must be given a chance to defend against the allegation and so say, no, my election was perfectly proper. The only way they can be given that chance is to allow them to go into court and defend.

Hon. Mrs. Whyard: Mr. Chairman...

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, if the petition has been filed on the grounds that the returning officer was negligent, why should the candidates who were elected be involved in any way? Yes, they do by this section.

Mr. Legal Advisor: Mr. Chairman, there's an assumption being made, Mr. Chairman, that by being made a respondent, the candidates then have to do something. This is not so. The candidate who is made a respondent can just put it in her purse and walk away, walk away from it and say, let the court decide. They don't have to defend, but they must be given a fair chance to defend if they wish to do so.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, under our Controverted Elections Ordinance, there is a requirement for a respondent who has petition filed against them, they must reply, they are involved. There is no putting it in your purse and walking away from it.

Mr. Legal Advisor: Well, perhaps...

Mrs. Watson: And this is doing exactly the same thing and I think it is a most unfair mechanism. If there was—if a candidate—if there is some charges laid against the candidate themselves, absolutely, but when it is because of an incorrect voters' list, incorrect practices at the poll, the candidate and agent maybe weren't even there, and yet the candidate is being filed with a petition and may have to defend it and that is wrong.

Mr. Legal Advisor: Mr. Chairman, there is no obligation to defend.

Hon. Mrs. Whyard: Mr. Chairman, for clarification, 108 (2), "having been served with the petition, as a respondent, within ten days," then your case is tried as a respondent.

Mr. Legal Advisor: Yes, Mr. Chairman, but you do not have to say anything, you just say, do what you wish, I do not wish to oppose the petition.

Let it go through. It's a matter between the applicant and the court and the defendant, if any, who in the cases we're talking about, is a Returning Officer.

I have no objection to thinking to making legal history in the whole of Canada, by putting in that where a candidate is judged to have been improperly elected, but no fault is attributed personally to that candidate, that no order for costs shall be made against them.

Hon. Mrs. Whyard: Well, Mr. Chairman, I would certainly hope that this Section can be reviewed, if not in that specific way, at least to imply that where the allegation is made against the Returning Officer who conducted the election, there shall be no involvement of the candidate.

Mr. Legal Advisor: Mr. Chairman, there must be an involvement of the candidate because the candidate must be given a chance to defend. But that is not to say it can go beyond that. If it's nothing to do with the candidate, and if they do not defend and cause unnecessary costs in the court, then they can walk away.

Mrs. Watson: Mr. Chairman, why should the winning candidate defend any more than the other candidates? If it wasn't a properly conducted election, why should the respondents of those petitions just be the winning candidate? Why not the losing candidates?

Mr. Legal Advisor: Mr. Chairman, I've just said somewhat repetitiously, I think about six times, that the winning candidate does not have to defend.

Hon. Mrs. Whyard: Who is the respondent?

Mr. Legal Advisor: The fact that a person is a respondent merely means that the person who receives an application and who is permitted to respond. What incurs the cost is if they respond and say, "I am fighting this one, take it to court." If they give in at the first breath, they're not responsible for any costs.

Mr. Chairman: What if they don't?

Mr. Legal Advisor: If they don't well then, if they haven't got a good lawyer, they better watch out, because it's going to cost them money.

If you fight, you've got to win, Mr. Chairman, in any court case.

Hon. Mrs. Whyard: Legally, okay.

Mr. Chairman: Well, Mr. Legal Advisor, I think there is considerable apprehension on the part of Committee Members regarding this and I would like to stand it over for your consideration.

Mr. Legal Advisor: Yes, Mr. Chairman. We make a bit of history. But more than that, Mr. Chairman, the whole question of current practices on elections in the L.I.D. is taking the thing slightly out of scale. A committee of three judges from Vancouver, especially trying a case of an extra vote in Carmacks boggles the imagination.

Mr. Chairman: Democracy must be upheld, Mr. Legal Advisor.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, I heard that echoing in these Chambers only a few days ago. Mr. Chairman, if that is how ludicrous it seems, why are we going through all this then? If it is just absolutely peanuts, well then why subject the peanuts to all this distress by going through all of this?

Mr. Legal Advisor: Mr. Chairman, this is a sort of a handbook, how to run a good election, but Mr. Chairman, it must contain provisions for, if there's a personal fight between the candidates or between the candidate and the Returning Officer, there must be a way of letting them to go to court, rather than go out in the field and have a duel with two pistols. It's a law abiding country we're in, Mr. Chairman, and it must provide for peaceful resolution of disputes.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, the Minister responsible for this Bill, when referring to all these Sections which are lifted holis bolis out of the Municipal Elections Ordinance, explained to us in the Legislative Programming Committee that they could be burdensome at this time at this level of development, but they will be in place as these districts grow and as the elections occur, and they will be the same procedures as in the other Ordinance, so that there will be no confusion at each level. We will all be going by the book, and it will be the same book, and it may seem overdone at this stage, but that was the reason for it.

Mr. Chairman: Section 111 clear?

Some Members: Clear.

Mr. Chairman: Section 112. Section 112 clear?

Some Members: Clear.

Mr. Chairman: Section 113.

Mrs. Watson: Mr. Chairman, I think 113 is beautiful.
Mr. Chairman, where's the Member from Watson Lake?

Mr. Chairman: Yes, I am concerned that the Member from Watson Lake should be involved in this debate.

Mrs. Watson: Stand it over.

Mr. Chairman: Section 113 clear?

Some Members: Clear.

Mr. Chairman: Section 114.
Does 114 carry?

Some Members: Clear.

Mr. Chairman: Clause 115. Shall 115 carry?

Some Members: Agreed.

Mr. Chairman: Clause 116. Clarification, Mr. Legal Advisor.

Mr. Legal Advisor: I don't understand it either, Mr. Chairman.

Mr. Chairman: We will stand that, will we?

Mr. Legal Advisor: I think it's where a contest between two people running for election are successful, if one makes an allegation against b, b can make an allegation against a.

Mr. Chairman: Say what it means.

Mr. Legal Advisor: There be a word or something missing which damages the sense of it.

Mr. Chairman: Clause 116, we'll stand.
Clause 117.
Mr. Lang?

Hon. Mr. Lang: Clarification for Number 117.

Mr. Legal Advisor: I guess, Mr. Chairman, a trustee only holds office for two years and if a trustee drifts off into its third year, you have to make provision for it. It takes a long time, Mr. Chairman. Don't carry the section, Mr. Chairman. It's okay as a section, Mr. Chairman, it's very clear to me.

Mr. Chairman: Well, if it's clear to you then we'll clear it.

Mr. Legal Advisor: What it means, Mr. Chairman, if the trustee drifts on for year after year, they still finish it even though the election was three or four beforehand. It gives authority, it says what they shall do.

Mr. Chairman: Committee will recess to the Tapestry Room.

(RECESS)

Mr. Chairman: I call this Committee to order.
Judgment. Clause 118.
Mrs. Watson?

Mrs. Watson: Mr. Chairman, 118(1)(a) seems a little ambiguous. I wonder whether the Legal Advisor could comment?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, it appears to me that what the judge is trying to say is, was the person who was first elected, that's the person whose election was complained of, elected, was another person elected, or was the total election void? Usually a petition will be saying, "that person should not have been elected, I should have been elected." The judge will decide that question, or else have a rerun.

Mrs. Watson: Okay, agreed.

Mr. Chairman: Clause 118, clear?

Some Members: Clear.

Mr. Chairman: Section 119.
Mr. Lengerke?

Mr. Lengerke: Does every District have a Secretary-Treasurer as such?

Mr. Legal Advisor: I understand so, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Why would they be advising the Secretary-Treasurer? Why not the Chairman?

Mr. Legal Advisor: Because that's the permanent official, Mr. Chairman, who's in the office. It could equally be the Chairman.

Mrs. Watson: Mr. Chairman, I guess if it was the Chairman's seat in question -- no you wouldn't have a Chairman.

Mr. Legal Advisor: You wouldn't have a Chairman.

Mrs. Watson: No.

Mr. Legal Advisor: I think it's better to have them go to the permanent official, Mr. Chairman, because it's during a period of hiatus between one group and the next.

Mrs. Watson: Agreed.

Mr. Chairman: Clause 119 clear?

Some Members: Clear.

Mr. Chairman: Clause 120. Clause 120 clear?

Some Members: Agreed.

Mr. Chairman: Withdrawal Petition, 121. Clause 121 clear?

Some Members: Agreed.

Mr. Chairman: Clause 122. Clause 122 clear? Is 122 carried?

Some Members: Agreed.

Hon. Mrs. Whyard: There's a typo in sub 2, Mr. Chairman.

Mr. Chairman: Where, Mrs. Whyard?

Mr. Legal Advisor: It should be "be" instead of "by".

Mr. Chairman: Clause 123. Clause 123 carry?

Some Members: Clear.

Mr. Chairman: Amendment of Petition, 124. Clause 124 carry?

Some Members: Agreed.

Mr. Chairman: Clause 125. Clause 125 carry?

Some Members: Clear.

Mr. Chairman: Clause 126. Clause 126 carry?

Some Members: Agreed.

Mr. Chairman: Clause 127.

Mr. Legal Advisor: Clause 127 is standard, Mr. Chairman. It may be a correct section to put in a change as asked for by one of the Members.

Mr. Chairman: Yes. Clause 128. Does 128 carry?

Some Members: Clear.

Mr. Chairman: Clause 129. Does 129 carry?

Some Members: Clear.

Mr. Chairman: Clause 130. Does Clause 130 carry?
Mrs. Watson?

Mrs. Watson: Mr. Chairman, we're talking about prescribed forms, is there a necessity to give the authority to make regulations to prescribe forms or just by the fact that we're saying prescribed forms, that's authority enough?

Mr. Legal Advisor: I think, Mr. Chairman, that the regulation-making power is in the main statute itself. I can't tell for sure, Mr. Chairman, because I ran out of paper at page 40.

Ms. Millard: Mr. Chairman, I move that Mr. Speaker do now resume the Chair.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I second that.

Mr. Chairman: It has been moved by Ms. Millard, seconded by Mr. Fleming that Mr. Speaker do now resume the Chair.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: The Motion is carried.

(Motion carried)

(Mr. Speaker resumes Chair)

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

May we have a report from the Chairman of Committees.

Mr. Hibberd: Mr. Speaker, the Committee of the Whole have considered Bill Number 15, an Ordinance to Amend the Local Improvement District Ordinance, and directed me to report progress on same. The Committee have also directed me to ask leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted. May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I move that we do now call it five o'clock.

Ms. Millard: Mr. Speaker, I second that Motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie that we do now call it five o'clock.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

(Motion carried)

Mr. Speaker: This House now stands adjourned until ten a.m. Monday next.

(ADJOURNED)

LEGISLATIVE RETURN #37
(1977 First Session)

LEGISLATIVE RETURN #28
1977 First Session

Mr. Speaker,
Members of the Assembly

Mr. Speaker,
Members of the Assembly

On April 13th 1977, Mr. Fleming asked the following question:

On April 13th 1977, Mr. Fleming asked the following question:

In the Capital Assistance Program, recovery frontage rate in 1974 - maximum 905 for sewer maintenance. Does the Government now have a figure for 1977 that would be the recovery rates, for instance the Teslin sewage if it goes in?

Is there to be a survey of properties (costing approximately \$5,000.) in the Tagish Area?

The answer to the above question is as follows:

The answer to the above question is as follows:

Property owners in Teslin have been assured that the frontage rate of \$13.04 (1976 rates) per front foot will be levied to recover the capital cost of installation of mains only. This guaranteed figure will not be altered by cost changes and may be financed over 25 years at 9 7/8% interest or a yearly payment of \$1.42 per front foot of property fronting or benefitting from the system. This only pays for the capital cost of mains and the owner will be responsible for all charges relevant to his individual connection to the mains. The installation of sewer mains under 1977 rates will cost other community property owners \$13.55 per foot frontage.

The survey is a Community Development Plan for the future development of the area and will examine present land uses as well as recommend future land uses. The Planning Study, after full consultation with the community residents, will be adopted by Area Development Regulations.

The monthly user charges are determined by the L.I.D. and will be set by a by-law passed by the Board.

The Plan is required since the Federal Lands Branch have been disposing of land in the area without a prepared Land Use Plan. In order to prevent uneconomic and incompatible land uses including strip development, the Yukon Territorial Government will include the Tagish Community Area in the Carcross-Tagish Regional Study proposed for this year.

2014 1977
DATE

J. H. Williams
SIGNATURE

April 19 1977
Date

J. H. Williams
Signature

LEGISLATIVE RETURN # 77
(1977 First Session)

Mr. Speaker,
Members of the Assembly

on April 18th 19 77 Mr. Lengerke asked the following question:

I'm just wondering if, in carrying out the property assessments, if the Y.T.G. Assessors have provided for the implementation, if the City of Whitehorse require it, the implementation of a business tax in conducting the reassessment of commercial properties? Has this been done?

The answer to the above question is as follows:

In gathering information for the production of a new Assessment Roll for the City of Whitehorse, raw data required to produce a business tax assessment roll is basically available. To establish an actual roll, this material must be extracted from the cards, premises examined for continued use for business purposes and the Assessment rate then calculated. Sufficient lead time must be given the Assessment Branch to produce this information by a given date since the Branch staff is fully committed to existing programs.

20/4
Date

19 77

J. K. Wilkinson
Signature

