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Debates & Proceedings

Monday, November 21, 1977

Speaker: The Honourable Donald Taylor

Whitehorse, Yukon Territory
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Mr. Speaker: I now call the House to order.

We will proceed at this time with Morning Prayers.

Prayers

Mr. Speaker: At this time, we will proceed with the Order Paper.

Are there any Documents for tabling?

Reports of Committees? Petitions? Introduction of Bills?
Notices of Motion for the Production of Papers?

Notices of Motion or Resolution?

The Honourable Member from Hootalinqua.

NOTICES OF MOTION

Mr. Fleming: Yes, Mr. Speaker, I have a motion, this morning, moved by myself, seconded by Mr. Berger, re: the Agreement between Canada and the United States, on the Pipeline and also the release by the Honourable J. MacEachen, on September 9th, 1977.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

Are there any Statements by Ministers?

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

QUESTION PERIOD

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: Teacher Request for Leave

Mr. Lengerke: Mr. Speaker, a question for the Minister of Education: the media has referred to a situation with respect to a teacher looking for some time off, in the name of a Mr. Harrison. I was just wondering if the Minister could enlighten us on that situation, this morning.

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, I notice on the first part of the question, the Honourable Member referred to the news media that ran the story. I must initially voice my disappointment that none of my departmental officials or myself were approached by the media prior to running that particular story.

At the same time, I think it is important, Mr. Speaker, that all members are aware that we have a collective agreement with the Yukon Teachers Association. I think it is important that members' attention be drawn to article 20 of the collective agreement where it states: "where operational requirements permit, the Superintendent may grant to an employee, a leave of absence without pay." This area of the collective agreement is of very great concern to the department and they feel very strongly that only special circumstances should dictate such a leave occurring. In fact, numerous requests from teaching staff have been refused over the past year in this particular area of the agreement.

The major reason for refusal is that teachers are employed to provide instruction to students for 190 days as provided under the *School Ordinance*, and the department feels that there is ample opportunity for promotion of personal endeavors in the holiday periods that teachers have.

At the same time, I think it should be noted, Mr. Speaker, that in this particular case, a leave without pay was granted in September of four days to the particular teacher in question to show his art work at major art exhibitions in Montreal. This

leave that was granted in the department, has recognized Mr. Harrison's dual role as an artist and an art teacher, believing that this recognition for his work would serve as a motivation for his pupils. At the same time, in respect to leave being granted once again for another five days, and they were to be granted, the total days for this semester for this particular individual to be away from a classroom would total in the area of nine days, which, as I am sure all members are aware, would equate to 18 days in a regular school year.

I would also say, Mr. Speaker, that I must take exception to Mrs. Cutler's comments in her radio interview as she did not have the courtesy to contact either Mr. Harrison or the department prior to scheduling the proposed promotional tour.

In my view, she has put the Department and the teacher in question, in a very embarrassing position, yet, at the same time, you must understand the Department's position, because they have to take the children's education into consideration, above all things, after they have been taken into account.

At the same time, Mr. Speaker, I think that I would be remiss in my duty, as the political person put in charge of that Department, to become involved in interpreting the Collective Agreement. In my view, if I did, or anybody in this position did, then, in my view, I would ask you, there wouldn't be that much purpose to a Collective Agreement, when you have the Public Service Commissioner, as well as the Departmental Staff, within the Department of Education.

The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, on a Point of personal Privilege, I would like to comment on some of the things that the Honourable Member said.

I find it quite disturbing, that a spokesman for public relations...

Mr. Speaker: Order, please. I do not believe that this is the proper place...

Mrs. Watson: It is a Point of personal Privilege, Mr. Speaker. I think there was rather an insult directed to our Government, and I would like to take exception to this by bringing up a Point of personal Privilege, in the House.

Mr. Speaker: Would the Member explain her point of privilege then, and then we will continue with the Question period.

Mrs. Watson: Thank you, Mr. Speaker.

When a representative of a public relations company, for a publishing company, has the audacity to publically denounce the regulations of this Government, when they, themselves, when the publishing company can only gain monetarily, I find most objectionable.

Mr. Speaker: All right, may we now proceed with the Question Period?

The Honourable Member from Hootalinqua.

Question re: Medicare Payments to Students

Mr. Fleming: Yes, Mr. Speaker. I have a question, this morning, Mr. Speaker, for the Minister of Human Resources, on Medicare payments to students and such, that are being hired in the summer time, on casual labour, for possibly two or three months. My question is, what criteria has the Government, or, what system has the Government, in this case, to take care of these things, that they are not being paid for, possibly, by their parents, and, also, being deducted, again, on the payroll they are on?

One more question, as to how you go about putting them back on when they are finished the casual employment, back into the system they were on before, for the rates of pay?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, I thought that we had covered this in conversation the other day, but I will take it upon myself today to provide the definite information the Honourable Member requires and perhaps he would accompany me to the office of the Health Administrator in order to have these forms provided.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Pelly River?

Question re: Hiring for Pipeline Construction

Mr. McCall: Thank you, Mr. Speaker, I have a written question here addressed to the Minister of Local Government. Could the Minister advise this House the answers to the following: Has your office or any department of the Government of the Yukon received any representation from any part of the private business sector at large with the view of asking the administration of this government to introduce legislation or regulations which would in effect restrict movement of any person already working from hiring on any part of the pipeline construction project?

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Consumer Association, Request for Grant

Ms Millard: Mr. Speaker, a question for any member of the Executive Committee. The Consumer Association of Canada has requested a \$500 grant from the Territorial Government. I am wondering if any action has been taken on that request?

Mr. Speaker: The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, there is no monies provided for that sum in this year's budget, and I think an opinion resolution of this House might prove an interesting debate and perhaps we could see some monies provided in next year's budget for this purpose if such a debate did take place and a resolution were forthcoming from this House.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: NCPD 34.5 kv Line

Mr. Lengerke: Yes, Mr. Speaker, a question directed to the Minister of Local Government. It has been prompted by my review of the NCPD 29th Annual Review, and he can take the question as a written question if he likes or he can answer it orally. My question is: what is the status of the Whitehorse fringe area franchise agreement between YTG and Yukon Electrical with respect to the energizing or use of the 34.5 kv line that runs between Carcross Cut-off and the NCPD Marsh Lake control Dam.

The other parts to my question are: when will the agreement be finalized, when will the line be in use, and will NCPD or Yukon Electrical be authorized to distribute power beyond the NCPD Control Dam to the Marsh Lake Subdivision?

Mr. Speaker: Perhaps, in view of the length of the question, the Honourable Member would permit notice to be given, at this time?

The Honourable Member from Kluane.

Question re: Recreation Per Capita Grant

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Education and Recreation. What population statistics will the Yukon Territorial Government use for the communities of Haines Junction, Burwash, Destruction Bay and Beaver Creek, in order to determine the amount of the recreation per capita grant available to each of the communities?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, if my memory services correctly, I believe that is stated in the Legislation, and it is 1976 census figures that would be used.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Supplementary, I want the Honourable Minister to tell me what the 1976 census are.

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, I will have to take notice on that, on the specifics that she is requesting.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: YWCA Financial Assessment

Mr. Lengerke: Mr. Speaker, a question for the Minister of Education: on November 17th, the Minister, in reply to a question from myself about the Y, said that they were doing a financial assessment, in respect to the particular facility. My question, this morning, of the Minister is: who is involved in doing that financial assessment? What does it consist of and can we have a copy of the work done to date, with respect to that assessment, provided to this House in the very near future?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, it is the Yukon Housing Corporation that is doing the financial assessment. They are attempting to get the figures, to date, in respect to the amount of monies that are owing on that particular facility. I know that they are making the necessary inquiries, once that assessment has been done, the information will be given to the House.

Mr. Speaker: The Honourable Member from Klondike.

Question re: YHC Rent Structure in Dawson City

Mr. Berger: Yes, Mr. Speaker. I have a question for the Minister in charge of Yukon Housing Corporation. On Thursday, he replied to a question of mine and I am not really satisfied with the answer, Mr. Speaker, and I would like, if it is possible for the Minister to give me a breakdown and supply this House with a breakdown of each individual house, the rents charged in Dawson City.

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, I would like more clarification, for the reasons for that information. I think it is fair to say that some of this should be classed as confidential in respect to the tenant and the Yukon Housing Corporation. If the Member has a problem in that particular area, I would prefer if he would come to my office and we could discuss it.

I do not really think that names should be brought forward to the Assembly.

Mr. Speaker: The Honourable Member from Klondike.

Mr. Berger: Yes, Mr. Speaker, I am not asking for names, I am just asking, in the public interest, of the breakdown of the current rent structures in Dawson City, because, to me, they are completely unfair, and I think this should be of public knowledge, what people pay in different housing, in Dawson City.

Mr. Speaker: The Honourable Minister for Education.

Hon. Mr. Lang: Mr. Speaker, in the Regulations, it is outlined exactly what a person pays. It is as in the answer given on Thursday. It is figured in a person's income, and then it is subsequently charged. I would refer the Honourable Member to the breakdown in respect to the Regulations.

Mr. Speaker: The Honourable Member from Pelly River?

Question re: Faro, Residential and Commercial Lots

Mr. McCall: Thank you, Mr. Speaker, I have a couple of

questions directed to the Minister for Local Government. At the last Session of this House, the Minister, for the record, made a commitment that in Faro, we would have lots surveyed, residential and commercial. I am just wondering if the Minister could give us a progress report on this commitment that he made at the last session?

Mr. Speaker: The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Yes, Mr. Speaker, proceeding well with the commercial, not so well with the residential.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Optometric Examinations

Ms Millard: Mr. Speaker, a question for the Minister of Health. Will optometric examinations be included in the Yukon Health Care Insurance Plan in the near future?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, we have received a submission from optometrists who operate locally on this subject. I have asked for additional information regarding the possible cost of including annual eye tests as part of our insured services, and so far, it looks pretty high. We are looking at it, Mr. Speaker, but unless members are willing to raise additional funds to pay for it in some way in the coming year's budget, the answer is the same as for all the other additional requests.

I have asked particularly whether the cost of annual eye examinations is a burden on people who are on fixed income or the elderly and I am still waiting for that information, Mr. Speaker.

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Thank you, Mr. Speaker, supplementary to the main question I addressed myself to the Minister again. Why are we not proceeding well on the residential lots when we seemingly are moving quite well on the commercial lots?

Mr. Speaker: The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, there are real problems in the area of Faro on proceeding with commercial lots. One, we all know that it is in a tremendous state of flux that they have just had a new town plan which, dependent on certain things happening, or certain things not happening, will of course, make Faro a different place than it is presently.

The other aspect is that so far, my officials have not been convinced, and I am not convinced that there is a real demand for residential lots on a private basis available at the present in the Faro area.

Now, the concept that we always have to go by is that there is an awful lot of money being tied up if we do residential development, and of course the interest rates apply there as they do everywhere else. At this point, because of the state of flux that Faro finds itself in, and two, the lack of proven interest in the purchase of residential lots to really do any kind of a scale development, where there will be an economy of scale, because of the number that we can legitimately use and tie up taxpayers money for, there are problems concerning the development of residential land in the Faro area at the present time.

Mr. Speaker: The Honourable Member from Pelly River.

Mr. McCall: Supplementary to that, Mr. Speaker, I was wondering if, am I to assume from the statements from the Minister, that the Government planning is basing their planning concepts for the Town of Faro on the basis of speculation, or am I to assume that they are going to wait for another private industry to build the lots for the Government?

Mr. Speaker: The Honourable Minister of Highways and Public Works.

Hon. Mr. McKinnon: Mr. Speaker, if the Honourable Member could ensure me, and I would take his word for it, that there were in the area of 10, 15, 20, 25 people who were interested in the purchase of single family residential lots on a private basis in Faro, I would direct all my efforts towards that type of development commencing immediately.

My planners and my officials say that they cannot prove that type of interest. If we want to speculate on their word, we cannot do it. If we want to speculate on the Honourable Member's word, then we can do it.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: Federal Government Request for Housing

Mr. Lengerke: Mr. Speaker, I have a question that can be directed to the Minister responsible for housing, or, it certainly could be directed to the Commissioner, but he is not in the House this morning.

I understand the Federal Government have indicated that they may require 50 multi-family units and 50 single family units, of government housing, within the next year or two. My question is:

- what effect will this have on the present use of approximately 25 government units by YTG?
- does this request or indication by the Federal Government, mean a build-up of Federal department forces, in connection with pipeline activity? If so, what specific departments?

Mr. Speaker: Are there any further questions?

The Honourable Member from Pelly River.

Question re: Expansion of Nursing Station in Faro

Mr. McCall: Yes, Mr. Speaker, I have a question for the Minister of Human Resources and Health.

As the Minister already knows, Mr. Speaker, there was a survey completed for the expansion of the Nursing Station in Faro. I wonder if the Minister is preparing, or, perhaps, considering that the expansion go through next year, through our up-and-coming budget? I was wondering if the Minister has taken under consideration that the presentation that has been made by the Faro Board of Health, to consider the expansion in next year's budget?

Mr. Speaker: The Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, the answer is yes. As Members are well aware, our share of the costs of planning this expansion were in this current year's budget and our share for the capital costs of construction are in the coming year's budget.

Mr. Speaker: The Honourable Member from Kluane.

Question re: Customs Facility in Beaver Creek

Mrs. Watson: Yes, Mr. Speaker, I have a question and the Minister of Education can provide the answer. The Commissioner made a statement in the House the other day that the Regional Office of Customs and Immigration has requested that the existing Customs building, at Beaver Creek, be replaced in the fiscal year of 1978-79. My question to the Minister is: has the inter-governmental department of the Government of the Territory, been instructed to indicate the support of the Territorial Government, for the expansion of this facility in that fiscal year, to our Minister of Indian Affairs, and, also, to the Minister of National Revenue?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, I know that the Commissioner is very concerned about this particular facility, and how far it has gone in respect to the intergovernmental com-

mittee, I am not sure, so I will have to take notice and bring back the reply.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Question Regarding Pipeline Fund

Mr. Lengerke: Mr. Speaker, a question to any of the Ministers. I am wondering when I can expect an answer to the question that I put to the government on November 7th, question number one, with respect to the \$200 million pipeline fund? When can I expect an answer to that question?

Mr. Speaker: The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, we would be happy to see where that answer stands at the present time and let the Honourable Member know.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Questions on Order Paper

Mrs. Watson: Mr. Speaker, I have a similar question, when are they going to answer some of the questions I have on the Order Paper so I can bring in some more questions?

Mr. Speaker: I am sure the Honourable Minister will take notice of this as well.

Mrs. Watson: I think this is deliberate, Mr. Speaker.

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, in respect to the Honourable Member's request, I do have for tabling a Legislative Return in answer to Written Question Number 8.

Mr. Speaker: Yes, perhaps it would be better if prior to the question period, or early in the question period some of these answers could be given and then it would give the member a little more latitude in asking questions.

Are there any further answers to be tabled today?

The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling a legislative Return in answer to a question from Mr. Lengerke concerning Kaiser Aluminum.

While I am on my feet, Mr. Speaker, in my absence, I understand that Mr. Fleming asked the Commissioner what is the status of the Teslin franchise with Yukon Electrical, when will it expire if it hasn't already done so. The answer, Mr. Speaker, is that the Teslin franchise is a twenty year agreement entered into on April 21st, 1964 and therefore will expire on April 21st, 1984.

On November 10th, Mr. Speaker, the Honourable Member from Riverdale asked whether any discussions had taken place between Alaska and the Yukon concerning the year round maintenance of the Carcorss-Skagway Road and if so what progress has been made. Mr. Speaker, information respecting costs of winter maintenance were passed to the State of Alaska at a meeting of the BC-Alaska-Yukon co-ordinating Committee at its meetings of May 19th, 1977.

The matter was left with the Alaskan representative to arrange a meeting between the Alaskan Department of Transportation and the Department of Highways and Public Works. There has been no contact by the State of Alaska as yet, so the matter is being pursued by the Yukon representative on the Co-ordinating Committee, Mr. Speaker.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Science Council of Canada Report

Ms Millard: A question for the Minister of Local Government, I believe. Has any action been taken by the new Resource Planning Branch on the recommendations of the Science Council of Canada Report, suggesting methods and of

encouraging development of renewable resources such as timber and fur?

Mr. Speaker: The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, I have to take that question as notice. I think that Honourable Members will realize that I have not, to this date, assumed the portfolio responsibility for renewable resources. I find that I cannot give proper attention to those portfolios responsibilities I already have properly without accepting more at this time.

Mr. Speaker: Are there any further questions?

We will then proceed on the Order Paper to Public Bills.

Madam Clerk: Second Reading, Bill Number 6, *Labour Standards Ordinance*, standing in the name of the Honourable Mr. Lang.

Hon. Mr. Lang: Next sitting day, Mr. Speaker.

Madam Clerk: Second reading, Bill Number 10, *Elections Ordinance, 1977*, standing in the name of the Honourable Mr. Lang.

Hon. Mr. Lang: Next sitting day, Mr. Speaker.

Madam Clerk: Second reading, Bill 11, *An Ordinance to Amend the Interpretation Ordinance*, standing in the name of the Honourable Mr. Lang.

Hon. Mr. Lang: Next sitting day, Mr. Speaker.

Mr. Speaker: Under Private Members Public Bills.

PRIVATE MEMBERS PUBLIC BILLS

Madam Clerk: Bill 101, *An Ordinance Respecting the Legislative Assembly*, standing in the name of the Honourable Member, Mr. Hibberd.

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

Mr. Hibberd: Next sitting, Mr. Speaker.

Mr. Speaker: The Honourable Member from Pelly River.

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

Motion agreed to

Mr. Speaker leaves Chair

COMMITTEE OF THE WHOLE

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

Recess

Mr. Chairman: I call Committee to order.

Before proceeding with further consideration of Bills Number 2 and 3, I would like to give recognition to Councillor Jeff Evans from Australia, who is here representing his city of Echuca, which is projected to be the sister city of the City of Whitehorse.

As witness, we have appearing before us today, Mrs. Ione Christensen, who is President of the Association of Yukon Municipalities.

I think Mrs. Christensen has several comments to make on various clauses of the Bill, and I would suggest that we deal with each clause individually and ask for her comments, and

then if Committee would like to ask the witness questions, that would be the time to do so.

Mrs. Watson?

Mrs. Watson: Mr. Chairman, I was just wondering whether Her Worship, the Mayor, was aware that in the Province of BC, the last year the President of the Association of Municipalities was defeated and this year, again, the President of the Association was defeated from the recent Municipal Elections. I would hope that this doesn't sort of spill over to the Yukon Territory.

Mrs. Christensen: They say everything happens in threes.

Mr. Chairman: Mrs. Christensen, we are dealing with Bill Number 3, *An Ordinance to Amend the Municipal Ordinance*. Do you have any comments as far as clause 1 is concerned?

Mrs. Christensen: Yes, thank you very much, Mr. Chairman. Perhaps I could just, before we enter on Section 1, make a comment that I have quite a number of areas that I would like to bring to the attention of the Assembly. It seems a little after the fact, perhaps the Assembly could give some consideration to striking some type of committee that could meet on an ongoing basis, especially with the *Municipal* and perhaps the *L.I.D. Ordinances* so that they are constantly being updated. Some of the recommendations or amendments that are being put forward have been in the works for approximately three years, and as you are all aware, such legislation very often requires constant updating, and I would suggest that if you would take this under consideration, certainly we would appreciate it.

We have certainly had, you know, very close and good connections with the Minister of Local Government, there are no problems there, but, if there was a Committee meeting, on an on-going basis, and constantly reviewing and up-dating, we feel that it would be certainly to our advantage, and, I think an advantage to the House, as well.

Mr. Chairman: You are suggesting a Committee of this Legislature, rather than the Government alone?

Mrs. Christensen: Yes, this could be a meeting with the Yukon Association of Municipalities, on an on-going basis.

On Section 1, Mr. Chairman, this is the section dealing with council indemnities, just to bring to your attention one small change in the Legislation. It mentions "alderman", the mayor and one, or alderman, and, perhaps, that wording should be changed to "aldermen", in the plural.

Mrs. Watson: What? Not alderperson?

Mrs. Christensen: I would like to see "alderman". It has been used for a good number of years and, I see no reason for person.

Certainly, if person is in harmony with other types of legislation, I have no objections, but I also have no objections to alderman.

Hon. Mr. McKinnon: Debate?

Mrs. Christensen: As long as they all get paid, Mr. Chairman, we really do not mind.

Mr. Chairman: Point made.

Mrs. Christensen: There are no questions Section One?

On Section 2, the Duties of the Mayor and the Manager, Section 40, (1)(1), after subsection (b), there should be a provision for appeal, similar to Section 43(b)(6) and (7), with the word "employer", substituted for "an administrative officer".

An alternate would be that, in Section 43(b)(6) and (7), reference could be made to administrative officers, as well as employees. As it reads now, there is no provision for appeal for administrative officers.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I had asked Committee for legal advice to be here, for exactly these points.

Mr. Chairman: He is.

Hon. Mr. McKinnon: And, as I understood it, there is always the appeal, following the appeal to the council, that there is no way, that we can, with any way, within this Legislation, limit the right of appeal to the court, following the council making the decision, through the normal process. I do not know, under the municipal process, what other appeal procedures could be instituted.

I use the Members of the Council, through the municipal process, as the ultimate appeal section dealing with the municipalities then it goes to the normal court function.

Mrs. Christensen: Certainly, Mr. Chairman, there is no problem with appealing to the courts. It is basically appealing to council. It says "where an employee has been suspended pursuant to this Section", this Section is specifically referring to the manager and his powers of suspension, other than in 43(4), "The manager may suspend any employee of the municipality, other than a municipal officer and shall for the suspension", et cetera, so that it is specifically other than, and then it goes on to refer to employee.

Certainly this is a technical matter and I merely bring it to your attention and I am sure if the Honourable Minister of Local Government has consulted legal opinion on this, there is no problem. I'll leave it to your discretion. The changes certainly clarify the matter very well. We are happy with it, but prior to this, there was a conflict in Section 40 and 43 in that you had two people who were both responsible for administering and supervising the same people and it did create conflict. This clarifies it very well and we are very pleased to see it.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I am trying to get to the point. Is the point that Her Worship is making, that if a normal employee has the ability, after being suspended by an administrative officer the right to appeal before council, should an administrative officer have that right also within a period of time to appeal directly to members of the City Council?

Mrs. Christensen: Yes, Mr. Chairman, the question is yes, that person should have the right. It gives the Mayor the right to suspend that person, if that person does not agree with the Mayor's decision and certainly that happens infrequently, the person could then appeal to Council for the decision of the Mayor. The Mayor does not have to have Council's sanction to dismiss that person. This person then has the option to appeal to Council.

Mr. Chairman: Mr. Cosman has now joined us as witness for his legal advice.

Mr. Lengerke: I have a question that may be considered. Does 56.(1), of the old Act, still apply, then, in both those cases, or the old Ordinance, I should say?

Mr. Chairman: Section 56.(1), refers to, "except as provided by subsection 2, the engagement of an administrative officer of the municipality".

Mr. Lengerke: My question, Mr. Chairman, is does that apply in the case of the mayor being the one to dismiss an administrative officer, or in the case of a manager dismissing an administrative officer?

Mr. Chairman: Mr. Cosman.

Mr. Cosman: Yes, I would think that Section 56.(1), would apply in any case, where an administrative officer has been dismissed.

Mr. Lengerke: Okay.

Mrs. Christensen: I would suggest, then, Mr. Chairman, that perhaps there is a conflict here. It says "The mayor of a municipality shall suspend, where necessary, an administrative officer". We are not talking about dismissal, we are merely talking about a suspension.

If he is suspended for five days for misconduct, or whatever, he should have the right to appeal that suspension, because it certainly appears on his employment record.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, that is the point that I was going to bring up, that we are talking about suspension in (d), and, again, in 41(d), and again in 1.(1)(1)(b). We are only talking about suspension of an administrative officer.

Again in Section 43, in subsection (3)(a), we are talking about suspension. What about dismissal of an employees? You see, (a) only refers to the suspension, and then (b) refers to an employee who is suspended or dismissed may appeal.

Does the manager or any person authorized by the manager, does he also have the authority to dismiss an employees?

Then in (b), again you refer to the suspension or dismissal, and the appeal to the council for either one. So I think we need a little bit of clarification on where the dismissal flows in for the employee.

We have it clarified with 56.(2), for the administrative officers.

Hon. Mr. McKinnon: Mr. Chairman, there is a long section, dealing with the duties of the manager and the mayor, and we were not trying to change any of those normal type relationships, which have proved well in the conduct of the municipal legislation, since the Bill was passed, when the Honourable Member was a member of this Executive Committee, some five years ago, or longer than that.

The point is, that was put out in this amendment, was that the City Manager had the ability to suspend a person for any amount of time, a month, two months, any amount of time, effectively terminate his employer, he had no appeal provision. So, we were not trying to effect all of the normal duties, relationships, which had been proper, over the years. The only thing that was pointed out to us, by the City, was that there was no right of the employee to have an appeal if he were terminated for a long period. They wanted a period that could be put in, where the employee could appeal to Members of Council.

We were not asked for, nor did we address ourselves to all of the other problems, which are being raised in Committee, this morning. The ability of the sections to work, have proved well, except with this Section, over the course of the past years.

This was the area which was brought to our concern for amendment, which we did. If we are looking at the total drafting of all of that Section, then we are into a completely different ball game, Mr. Chairman.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, this is very true, really, (3) subsection (b) on page 2, was that dismissal put in there inadvertently or was it by design? You deal only with suspension in the rest of it, and do you want just the right for an employee who has been suspended for too long a time or he has been wronged, or he feels that he has been wronged by a long suspension to appeal to the Council, or do you want also the dismissal?

Mr. Chairman: Mrs. Christensen?

Mrs. Christensen: Mr. Chairman, yes, I would say that both the appeal of a suspension or a dismissal should be in there.

With all respect Mr. Chairman, it is my understanding when requests are made for changes that anything that is affected by these changes would also be reflected in the legislation. Certainly it is not the Association's intent to write legislation for this House. We see problems and we do bring them forward and again, I reflect back to my first initial remarks that this perhaps could be overcome if we did have this type of a committee that was working in conjunction and we were able to deal with this type of change prior to it coming before the House.

Mr. Chairman: Any further debate on 2?

Mrs. Christensen: Number 3, we have no problem there. We thank you for bring this legislation forward.

Number 4, I am pleased to say no problems.

Number 5, ticketing. I would like to bring to your attention, under 69.(1) subsections (1) and (2), "every violation or failure to comply with this provisions of this Ordinance", I do not think it is the intent that every provision of this Ordinance should be in a position to be ticketed. I can see problems with Mayor in Council who are also mentioned in the Ordinance. I don't think ticketing is intended in that area, "every violation or failure to comply with the provisions of this Ordinance".

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: In respect of which, no penalty is specified.

Mrs. Christensen: Our legal counsel felt there was some problem with that and asked that we bring it to your attention. I might add that we have had quite extensive work done on this by both our legal counsel, our treasurer, and our manager, and observing areas where they feel that there were some problems, and we have worked on it quite extensively and, as I say, the wording is, in some cases, was questioned. Now if the legal counsel for the Assembly feels that these are adequate, then perhaps we are in error.

Mr. Chairman: Mr. Cosman?

Mr. Cosman: Yes, Mr. Chairman, I would like to point out that subsection (1) of the section we are dealing with does preface itself as being subject to subsection (2). Subsection (2) deals with the fact that unless the Commissioner has approved the use of the tickets with respect to those by-laws and what have you. In other words, it is not every by-law or every violation of the by-law or provision of this Ordinance to which the ticketing procedure is to apply, but only those which have received the approval of the Commissioner so that is the limiting factor written in. Whether that is sufficient for the municipality, I don't know but it isn't a blanket provision with respect to all violations.

Mrs. Christensen: With respect, Mr. Chairman, I would suggest, if the Commissioner so chose, it does give a provision for a blanket coverage of the total Ordinance, but, certainly, under his discretion, but it is wide open. That was the point we wished to raise. We do not wish to argue it or suggest the changes, we merely bring it to your attention as an area which, perhaps, could be changed or, but it is basically brought to your attention.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, we had a bit of a dilemma when we came to this Section, what would be the neat and proper way would be have a decision made in this area, that area, that area, we wanted to have the ticketing procedure, have it neatly outlined in the Legislation.

We thought that would hardly be flexible enough for the City to be able to, when they decided that new types of ticketing provisions should be provided for, that it would have to be a change, again in the Ordinance, to put this specific area where

they wanted to be able to use the ticketing provision in the Ordinance. We found that that was not really flexible enough. The compromise would be that we knew that the City wouldn't be going overboard, except in those areas which would be much more practical to have ticketing provisions, and we would leave the safeguard in that the senior government would have the ability of not accepting the ticketing provision in certain areas.

So that was the compromise we arrived at, to leave the ticketing provisions as flexible as we possibly could, with the responsibilities of both the senior government and the municipality relatively in tact. We rather think that we came up with a pretty sensible and a good solution to the problem, without making the Legislation so rigid that every time that the municipalities wanted to, say, we want to go into the ticketing procedure in this area, that they had to come to the senior government and ask for a change in the *Municipal Ordinance* to do that.

So, we are kind of pleased with the compromise situation that we have arrived at and those were the reasons for that decision.

Mrs. Christensen: Mr. Chairman, I thank the Minister and I also thank him for the reference to, and the recognition of the responsible manner in which the municipalities operate.

(b) Section 69.(1)(1) and (4), subsections (1) and (4). There is reference to offences in a code, in respect of which no penalty is specified and which provides for a magistrate to set the fine.

Again, I draw this to your attention, as we see, there is a problem, first, in that it is not, in our eyes, clear. Second, if it is taken literally, that, under the Animal Control By-laws, for example, we do, at the present time, specify a penalty, which must be imposed for impoundment fees. We would want to set that same penalty for prosecution under a ticketing process.

However, by specifying the penalty in the by-law, it would seem that under this amendment, we could not use that ticketing process. We would suggest that the intent could be accomplished by requiring every by-law authorizing ticketing and setting a fine, to be shown on the ticket and to be approved by the Commissioner, prior to the third reading.

Hon. Mr. McKinnon: I will need a legal opinion on that, Mr. Chairman.

Mr. Cosman: Well the provision presently contemplates the fixing of fines by a magistrate prior to the use of such tickets, and I think it was implicit in that that the magistrate would be fair and reasonable in fixing the fines, and no doubt would look to the matters that Mrs. Christensen referred to, where they have a poundage fee, for example, but not as a fine in the by-law. I would take it that it's open to the magistrate to look at what would be a reasonable fine, but the legislation is wide open on that point. He could work with much larger figures.

Mrs. Christensen: I think the point, Mr. Chairman, that bothers us is where it says with any by-law, this is in subsection (1); 69.1 subsection (1) "every violation or failure to comply with the provisions of this Ordinance or with any by-law made hereunder, in respect of which no penalty is specified, may be proceeded on through the laying of an information and issuing of a summons". It spells out where no penalty is specified, then you may proceed with the ticketing. We do have by-laws that do specify penalties where we interpret it, that if we do spell out the penalties in by-law then we are not allowed to ticket. This was not the intent.

In talking about impoundment fees, this would allow a person to reclaim their dog, receive a ticket, they would still have to pay the fees, but their dog wouldn't have to go through the trauma of being in a pound.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, I have a better problem with subsection (7). My interpretation of violation or failure to comply with the provisions of this Ordinance; complying with the provisions of this Ordinance or the exercising of powers and authority that we give the municipalities under this Ordinance, and they exercise those powers usually by by-law or resolution. But now what we are saying in (7) subsection (b), "The council may, by resolution, (b) authorize the use on tickets of any word or expression to designate an offence under this Ordinance".

Now are we delegating, this is a Yukon Territorial Government Ordinance, and any offence under this Ordinance is our responsibility to enforce.

Now when we have given delegated powers to municipalities, they enforce their powers by by-law. That's fine, they should be able to enforce their powers, their by-laws, but I don't think I want the municipality enforcing our legislation, and that's what we are saying.

Mr. Chairman: Mr. Cosman?

Mr. Cosman: Mr. Chairman, I would like to answer that, if I may. I don't believe that was the intent of paragraph (7)(b) to delegate enforcement of Territorial Ordinances. I think it goes to the idea that they may authorize the use of particular words which summarize the type of offence that may occur on the ticket.

It is a thing that is required, such that the offence, as spelled out on the ticket, before a court of law, will be taken to relate back to the offence as it is more fully spelled out in the legislation, either in an Ordinance or under by-law. In other words, they want it to be able to summarize in two, three or four words, a one-liner type of thing, the offence that may in fact be spelled out in a five or six line paragraph of a by-law. It is simply intended to authorize the use of a precis of these words on tickets.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: I cannot completely agree. I can understand what you are trying to do, but, actually, by 7(b), it does concern me, because we are designating, we are handing over the authority to a municipality to authorize to use tickets, and on those tickets they can designate an offence under this Ordinance.

They can go to the magistrate to have a penalty established for that offence. Now, that is our responsibility, it is not the municipality's.

Mr. Chairman: Mr. Cosman.

Mr. Cosman: Mr. Chairman, then I might suggest, then, that the entire ticketing provision, if this is the interpretation that is to be given to the Section, and it is a reasonable interpretation, I see it differently, but, it is subject to interpretation and there can be other points of view on it, might I suggest, then, that the provision 69.(1) apply only to a violation of municipal by-laws, and not Ordinances, as well.

This is something that I would not like to strike out on the spur of the moment. There would have to be some thought involved with this, but, what I am saying is that if we make an amendment to 7, paragraph (b), with respect to Ordinances, I think the overall purview of all of Section 69 will have to be looked at.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Yes, Mr. Chairman, I suggest that, instead of using this difficult word "designate", we use the word "describe".

Mr. Chairman: You are referring to 7(b)?

Mr. McIntyre: Well, that is what we are discussing, is

7(b), and it was the use of the word "designate" that is causing the problem. Changing it to "describe", changes the interpretation and it works very well.

Mr. Chairman: Comment, Mr. Cosman?

Mr. Cosman: I do not think that there would be any problem in a court of law, of deciding that the word "describe" means what was intended by this Section.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I certainly agree with the Honourable Member from Mayo, that would certainly clarify the intent of it, but I am not prepared to just..., and I would like to see our government do some work on it.

I think if Her Worship brought it us, where she said to comply with the provisions of this Ordinance, made and I do have some concern, "on which no penalty is specified", and I think someone in Local Government should be doing a review of the *Municipal Ordinance*, and seeing just what areas are we looking at.

It is fine to say that we would like to leave it open-ended to that the City could come with their requests and then the Commissioner can make a decision, but I am not in favour of that kind of open-ended type of legislation. We do not know exactly what we are going into, and neither does the City, and neither does the Territory.

I would like to see someone from Local Government, what is involved in this? You are talking about by-laws, well, why do you need the words, "comply with the provisions of this Ordinance"? Why do you need them? How is it going to apply?

You must have put it in there for some definitive reason, what areas are we looking at? That is the thing that I would like to know.

I would have no problem if I had some assurance on this and, actually, I suppose, I will probably sit down and go through the *Municipal Ordinance* myself, and find out how ridiculous this section might be, if it were applied.

So, I would really like the Government to take it back and review what they are actually saying and then I could be convinced.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, there seems to be some thought that the YTG acts as a policing or an enforcing agency under the terms and conditions of the *Municipal Ordinance*. We do not. We have nobody on our staff who has the status of a by-law enforcement officer, or the status of a police officer under the definition of the peace officer, sections of the *Municipal Ordinance*.

The only reason we get involved in the municipal enforcing is where the municipal authority has asked to act as an agent for them, but then they act as the enforcing authority, not the YTG.

Mr. Chairman, I can't see, under the terms of the *Municipal Ordinance*, which is the blanket which provides the municipalities with the power and the ability to act as the enforcing authority in that Ordinance and under that legislation; the only question is, are we giving the municipalities too much power under the present terms of the *Municipal Ordinance*? I say that we are not, and in those areas where they have the ability to act in a responsible manner, that they should have the ability to enforce the terms of that Ordinance. It's the *Municipal Ordinance* we are talking about. The powers that we give them. We give them the powers so they have the powers to enforce it.

I say, yes they do under present legislation, and this is no change. All it allows them to do is to do a ticketing procedure, rather than go through the process of summons, which they do

now under the terms of the *Municipal Ordinance*, and it gives them no greater or less powers. It allows them to use a different, more sensible, more practical method than the summons situation to be able to enforce the provisions of the *Municipal Ordinance*, which they are now capable of enforcing under the present system. I can't see how this section gives them any more power in any way, shape or form, than the present *Municipal Ordinance* does.

I will certainly ask for the Honourable Member, for a legal opinion of my understanding of it, but that is my understanding of it.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, it is most unfortunate the Minister of Local Government doesn't understand the *Municipal Ordinance*, and Her Worship, the Mayor, brought up the question, their people reviewing the legislation brought up the question, failure to comply with the provisions of this Ordinance. Nobody is implying that the Territorial Government is doing any enforcing of by-laws, or authority that has been given to the City, and heaven forbid, why should you? They are quite capable of doing it. But there are other terms of the *Municipal Ordinance* and what you are saying here, you are saying that you are giving the City the right to enforce compliance to all terms of the *Municipal Ordinance*, the Mayor brought it up, I'm bringing it up now, and saying review the Ordinance, and see how this section could be interpreted in light of the whole piece of legislation, which is our legislation and which requires enforcement by our government, not when you have delegated power, but there are things there that our government must be doing. And I would certainly ask the Minister of Local Government to have his department review it.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, always, always we get into the problem of two laymen giving legal interpretations. I will tell you that we will give you the legal interpretation of it as we see it. I daresay, that if you go out and buy some other legal advice, you will probably get a different legal opinion.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I am not giving a legal opinion, I am just using my common sense.

Hon. Mr. McKinnon: Mr. Chairman, common sense and legal opinions aren't synonymous.

Mr. Chairman: I think that is what she is getting at.

Mr. Fleming.

Mr. Fleming: Mr. Chairman, I would have to agree with that one.

I am concerned, I have been concerned over the same one I spoke on the other day, and I have got it very strongly underlined here, I don't agree with it. I have the same problems as Mrs. Watson.

I am also a little concerned where, at any time, you know, a magistrate may at any time, prior to the use of such tickets, and subject, of course, to the the provisions of this Ordinance, decide that a fine will be so much on any ticket for any by-law, according to this. I think that that is just going a little too far, when they do it prior to the fact that the person has been brought to court because he has violated a by-law or any such thing.

I think that this takes away the right of people that are put in a council, as such, in a municipality, and, if that municipality is issuing tickets, and so forth, to people, that is fine. To summons, I agree with that, to go to court but I do not agree with putting that, the penalty on there beforehand, because, Mr. Chairman, all judges are not equal, and, once that is laid on-

there, from some hard, hanging judge, it will be on that ticket forever, that type of ticket.

That is where I am a little concerned, because, if you read, 69.(1), and read all of it, and go down and read 5, then you will see that it covers it.

I am concerned with the whole issue of it, myself.

Mrs. Christensen: Mr. Chairman, it is our understanding that the magistrate would, in consultation, I presume, with the Commissioner who has to approve them, set specific fines that would be, in fact, printed on the tickets. They would be set prior to the tickets being issued.

Certainly, if a person did not agree with that fine, they could then appear in court without paying it and argue their appeal to the court to have the fine reduced.

It is a piece of legislation, certainly, that we are very happy to see brought forward, and it would be a shame if it was not passed by this House, at this time, because it creates, certainly for the public, this is an advantage. It means that they do not have to go through the process of appearing in court, taking time off, on a relatively minor infraction of the law. It certainly cuts down on court dockets, which we all know are already too full.

As far as we of the City are concerned, it frees our by-law enforcement officers to be enforcing by-laws, instead of paper pushers, so that it has some very definite advantages, to everyone concerned.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: There is a possibility that I misunderstood part of this Section. Is the ticket, once the magistrate has made his decision to put a price on tickets for a by-law concerning whatever, garbage spilled in the street or whatever, does that just mean one ticket to that person at that time or does that carry through for any act of the same nature?

Mrs. Christensen: Mr. Chairman, as I understand it, we will take littering as an example, that if you were caught littering you could be issued with a ticket for littering, and the fine that would be set for a first offence for littering would be say, \$10. Now if you chose to pay the \$10 on the ticket in City Hall, that would be fine. If you chose to appeal it or take it to the court and plead not guilty, it would be up to the courts. But \$10 would be the fee that would be set prior to—, you would know that on your first offence, your ticket would say \$10, and it would always say \$10.

That is my understanding, Mr. Chairman.

Mr. Fleming: That's my concern.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I think we are getting down to what we are trying to do now. Under the motor vehicles section of the *Municipal Ordinance*, the municipality has the right to set a by-law enforcement officer out with a ticket which has been prescribed by a magistrate with it his advice saying now you were parked here and you did this, and you have got a \$2 ticket, a \$5 ticket, and put it on your windshield, and if you agree with it and you are mad at your stupidity for not putting the penny in the parking meter or parking in the wrong place, you go down to City Hall and pay it.

If you are wrong, you say I am going to fight the by-law enforcement, you go to court and do it. I come under pressure, and I know that the Mayor and the Members of Council come under pressure, because the same type of ticketing provisions are not applied, whether they are zoning or litter type of offences, under different by-laws that the City has. They say, look, I did not abide by a zoning regulation and the by-law enforcement caught me, and I have got to go to court, I have to take half a day off from work, I have to do this, and I have to do

that, why don't you use the ticketing procedure, and the Mayor says I can't use the ticketing procedure under that by-law because we are not allowed to under the *Municipal Ordinance*, so they said would you change the *Municipal Ordinance* so that we are able to do it, and I said right, that sounds sensible, the guy wants to fight it, he has a beef against the City that he didn't commit the offence and he goes through the normal procedure. If he is guilty of the offence, wants to accept the fine, which is earmarked on the ticket, and go down to City Hall and pay it, then he can go down and pay it or mail it, and he doesn't have to take a half day off work, he doesn't have to be summonsed, and he doesn't have to go to court.

It is providing the same procedure as presently under the motor vehicle provisions of the municipal by-laws to other areas such as zoning, such as litter, and those sections. All we are trying to do is make it easier for a guy when he wants to plead guilty, to not have to go to court. All we instructed the legal people to do is to make that same type of provision under this Ordinance, which is now available to the City under the terms of the ticketing ability and the motor vehicle sections of the *Municipal Ordinance* and they told us that that is what they did in this section.

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I just would like to ask the witness a question. Section 69 is not a new section. It has been in the *Municipal Ordinance* for a number of years now. My question would be: did this section ever give any problems in the relationship between the Territorial Government and the municipalities?

Mrs. Christensen: On the ticketing of parking tickets, no it has not.

Hon. Mr. McKinnon: One of the few areas.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I think my question was answered just now, it has been asked by Mr. Berger, but, I would make a comment while I am standing, Mr. Chairman, that I hope, in this case, that the municipalities do play really, really fair with people, because I understand this being a very simple method, I agree. I wonder if I am not right when I am saying is that it is, and going to be much simpler to just put out small fines for small offences and, as one traffic cop, can hand out thousands of tickets very simply, whereas with the, trying to make area by-laws other ways, it is quite a problem.

Mrs. Christensen: Mr. Chairman, I would hope the Honourable Member is not suggesting we should not be enforcing our by-laws.

Mr. Fleming: No, no.

Mrs. Christensen: We certainly won't, Mr. Chairman, authorizing or issuing tickets for persons who are not, that are not creating an offence under a by-law.

Mr. Fleming: No, Mr. Chairman.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I merely meant that this system, I think, is going to be much simpler and I would say that people will be caught by the hundreds, very easily, under this system, whereas they could have violated these small by-laws before without, possibly, getting caught.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, the Honourable Member from Teslin is making an extremely good point. When you are enforcing by-laws and you can do it by just handing out tickets, you are going to hand out an awful lot more tickets than if you have to go through the court process.

What he is saying is very true. Let us hope that they just do not go overboard in handing out tickets for every little infrac-

tion contravening the by-law.

Of course, we are not in a position to tell the municipalities how they run their business, but he at least is expressing some concern, and I think it is certainly valid.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I think there is a very important area and that is in respect to what my colleague, Mr. McKinnon, stated a little earlier, in respect to people having to take time off work for a \$10 fine or a \$20 fine, you lose maybe \$30 or \$40 in respect to wages of your job.

So, I mean, this all has to be equated together.

Mrs. Watson: Do not argue about the advantages.

Mr. Chairman: Mrs. Watson, are you satisfied, or do you want this to be reviewed by the department?

Mrs. Watson: Mr. Chairman, I still want them to look at the *Municipal Ordinance* and tie it into what they are saying. I am not objecting, Mr. Chairman, to the ticket, delegating the authority for the tickets, not at all. I am concerned about what we are absolutely saying in here, to apply to the *Municipal Ordinance*.

Mr. Chairman: Mr. Cosman.

Mr. Cosman: Yes, I am concerned, a bit, by this, in the sense that what we were attempting to do with this new 69.(1), was create an exception to the existing Section 69 and it is for this reason that we have 69.(1) apply with respect to ordinance, failure to comply to ordinance, as well as by-laws, because that is what the present Section 69 states.

I might also point out, we find, in the present 69, the words "in respect of which no penalty is specified". Now, if, as a policy matter, we are to remove the application of the 69.(1) from Ordinances or from those by-laws, in respect of which no penalty is specified, then we will have to, in effect, amend that Section 69, as well, which would be changing the application of the present Section 69, which was not our intention. We were simply creating an exception to the existing procedure, respecting infractions of by-laws in the existing section 69 so I would point out that the Department of Local Government would have to review the whole policy behind this and I don't think that was the intent of this amendment in Section 69.(1). It is simply an exception.

Mr. Chairman: Well, the suggestion is, Mr. Cosman, that perhaps 69 should be reviewed, and the thing has been opened up, even though you are dealing with one facet of it.

Mr. Cosman: The only reason Section 69 itself was opened up, was to put a place in the words, subject to Section 69.(1).

Mr. Chairman: But it has been opened up, and there has been an application by members that perhaps the philosophy should be looked into.

Mr. Cosman: Yes, I'm only expressing the reason why, what we were trying to do with 69.(1) and the reason why we opened 69 for that purpose.

Mr. Chairman: Your Worship, would you like to carry on?

Mrs. Christensen: Thank you, Mr. Chairman. Section 6, Federal monies. I note in reading the Votes & Proceedings that Section 82 caused a number of problems, it also caused us a number of problems, and we didn't find it either.

This Section infers the approval would be required from the Commissioner for the City to receive any Federal funds. The intent was to allow such funds to be received and this is basically the sewage treatment, so that it would not affect the cost-sharing provided for in the *Community Assistance Ordinance*.

This amendment, we feel, rather broad, and that it could cover grants in lieu of taxes, utility charges, local improve-

ment charges, Canada Works programs, and such simple things as parking permits that we have to issue to the Federal Government and receive funds from. I know this was not the intent, and we basically just bring it forward for your consideration. Is it that broad? We interpret it as being quite broad, and although we probably would continue to receive funds in lieu of taxes and that, but would this not preclude that without the Commissioner's consent?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, this is exactly the problem that we faced in the other section of trying to leave us both with our control intact and yet leaving it as flexible as possible, because there are so many funds that one can think of if one wanted to sit down. We would start on an appendix of about two or three pages to begin with, and we would be changing it every week or every month, either by Commissioner's Order, or if it was in the legislation, by legislation, and we just couldn't conceive of even trying this exercise and we know what we were both attempting to do, and we thought that we could probably do it through this type of amendment, and if that doesn't work, we will have to attempt another method.

I know that we know what we are attempting to do, I know that you know that we know what we are attempting to do, and this was the only method that we could see that would be sensible and flexible at the same time.

We approached it from the method that Her Worship says of trying to delineate all of these types of funding and we just gave up after about two pages of it, and I know that it just would not be practical.

Mrs. Christensen: Yes, Mr. Chairman, our legal advisor also said he really did not know how you could specify exactly, but, it was felt that you could, perhaps, run into problems and that you cannot, as spelled out in the Ordinance, receive any of these funds.

Common sense, I would presume, will prevail in all cases, but, that does not necessarily always run true.

May I proceed to Section 7, Mr. Chairman?

Mr. Chairman: Please do.

Just a moment. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I am very concerned, also, if I may go back to 5, for just a moment, on a Section that nobody spoke on, in part 5 of 5, where "a ticket may, without the swearing of information delivered by a peace officer and by registered mail to a person charged with an offence therein, and such delivery shall be deemed to be the personal service of the ticketing person", I have no problem with that.

I do have a little concern as to just, again, where the magistrate is going to decide and the counsellor, or whatever, to lay on that ticket, that charge of \$10 if you appear today, as our tickets are now, in the City of Whitehorse, or the tickets here in the municipality, \$3, or \$1, or whatever, for a parking fine, if you appear within 24 hours and pay it, you pay a dollar. If you appear next week, and you do not make it that day, you will pay \$3 or \$4.

I am quite concerned. There are many by-laws that people are going to come from the country and be fined on and I would certainly hope that on no case, would a ticket be made out with a fine that says that you can pay \$5 today, and \$10 next week, because there is just no place to pay that ticket in many towns, such as there is here now.

I can see maybe many instances where they may have tickets, on certain by-laws, that do, you know, that the people from the outlying communities, will have problems with and get into trouble over them and they are supposed to pay them. I hope that, would have hoped that maybe the might be some-

thing in that Section, that they couldn't double up on the fine.

Hon. Mr. McKinnon: Mr. Chairman, with the House's reflection, I do not have the time to go down to City Hall and pay my parking ticket, I put it in an envelope which is a really nice envelope which they have, that you can just slip the money or the cheque in and lick it and throw it in the mail, and they take the date of the time that it is stamped on the envelope, as far as I understand, because, regardless of the mail service, I have never had any coming back, saying that you didn't meet the deadline, so you have to pay more.

So, the individual is given the ability of paying through that method, without having to go to the City Hall and paying to the teller. If you do not do it within a certain time, or it is not postmarked within a certain time, yes, you pay more. So, it is up to the individual to do it as quickly as he possibly can.

You know, people do have some responsibility and if they want to accept that responsibility they get off lighter than others.

Mr. Chairman, just further, it seems that we are worried about the magistrate setting the fine, we were worried about what we know would have happened if we had brought this legislation in here saying that the City Council could set the fine, or the Commissioner could set the fines. So where else did we have to go? We couldn't go to the City Council, and we couldn't go to the Commissioner, where do we go? To the courts, and if we can't go to the courts to set the fine, then we are really in trouble, I don't know where we go.

Mr. Chairman: Perhaps we could carry on with 7.

Mrs. Christensen: Thank you, Mr. Chairman. Certainly from the City of Whitehorse, this is a very important Section, and we would urge the members to give it serious consideration and it is their pleasure to see that it is passed by the City. This is the Public Transit Board.

We would suggest that the term Commission be used, rather than Board, and the reasoning is that we have a provision for Boards in the *Municipal Ordinance* and they are advisory in nature only. In section 102 of the *Municipal Ordinance* there is a provision for a Parks and Recreation Commission which has similar duties to what we are suggesting in the Transit Board, and perhaps to keep the Boards, Commissions, and Committees clear in the Ordinance and in our by-laws and the persons working on those three levels of service within the City, that would be a clarification calling it a Public Transit Commission, rather than a Board.

Again it is only a suggestion for the consideration of the members.

Ninety-two, subsection (2), there is at least, and I quote "at least once annually", this is referring to the election of a Chairman. We feel that at least once annually is rather to be very frank, muddy wording, and we would suggest that it be annually and as otherwise required. We would assume that it would be an annual appointment, but if a person, for any reason, left the Board, it would allow for another appointment to be made.

Ninety-two, one, subsection (1)(e). This has been questioned by the Honourable Members. We would suggest that an addition at the end of the subsection which would read, "and with the amounts included therefore in the amount annually budgeted in the municipality".

Mr. Chairman: Could you repeat that?

Mrs. Christensen: and cause the Board to incur liabilities.

Mr. Chairman: Could you repeat that, you were referring to 92.(1)(1)(e)?

Mrs. Christensen: Yes. Our suggested change to that subsection would be "within the amounts included therefore, in the annual budget of the municipality".

Mr. Chairman: How does that read then?

Mrs. Christensen: Well, this is just wording that could be set in there. We didn't try to reword the whole section, but at the moment there is no provision for them to come under the budgeting of the municipality and this is really imperative that the municipality will set in their budget funds that will be allocated to the Transit Commission to live within the terms of that budget. There is no provision at the present time for them to come under the Municipal budget.

I believe the Honourable Member from Kluane has already raised this question.

Mr. Chairman: Yes.

Mrs. Christensen: The same Section is, it would be exactly the same as in Section 102, subsection (1)(f), of the Park Commission.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, my understanding is that under (3)(c), you have preparing and submitting annually, your budget. Doesn't that clarify the section that Her Worship is referring to?

Mrs. Christensen: This says requires, Mr. Chairman, this requires the commission to submit a budget for council's review and approval, but this is, actually, having money budgeted in the Municipal Annual Budget, that would cover this, so that, although they will submit a budget to us, prior to our provisional budget, which we would have to approve, we would then incorporate it in our budget and that is what (e) would do, is reflect that.

Certainly, (c) is required. They have to submit a budget to us, but then we have to approve it and have it as part of our budget. That is not provided for.

Mr. Chairman: That would take care of that difficulty, wouldn't it?

Mrs. Christensen: I have no further questions on Section 7, Mr. Chairman.

Section 8, Highway Closures. We are very pleased to see it, however, it falls a little short of what we had in mind. However, I guess what we can do, when we are repairing streets is we can put a sign up and call it a city parade, or something, and there would be no problem.

But it does not provide for closures for maintenance or, without the Commissioner's approval.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, there has to be some tying in with the present amendments, to the *Motor Vehicles Ordinance*, with this Section, because what I would like to see is the present sections, in the draft of the *Motor Vehicles Ordinance*, if that is accepted, be exactly the same in the *Municipal Ordinance*, so that everybody knows where they stand. As it is presently, it empowers the sections in the *Motor Vehicles Ordinance*, presently, and then what the City is allowed to do, under the *Municipal Ordinance* is said in different terminology.

It seems to me that we should try and be consistent with the two of them in the amendments to the *Motor Vehicles Ordinance* and the *Municipal Ordinance*.

Whether that is possible, at this time, I do not know, but it is what we are going to, at least attempt to do in trying to bring the two of them and melding them together.

So, whether a person goes to the *Motor Vehicles* or whether he goes to the *Municipal*, the powers and duties of the municipality is spelled out similarly in both of those Ordinances, which I think would be an improvement to what it is now.

Mrs. Christensen: Thank you, Mr. Chairman. As I say, we

just find it was a little ironic that we can close, have the authority as the Council, to close it for parades and celebrations, but for maintenance in digging up a street, we have to, in theory, make the application. In practice, I am sure we are all aware that you can close a street and take necessary safeguards.

Hon. Mr. McKinnon: Mr. Chairman, this ability is present under the amendments to the *Motor Vehicles Ordinance* and what I am saying is let's tie them in so they are one and the same in both of these Ordinances.

Mr. Chairman: Mrs. Christensen, perhaps we could defer further consideration until 1:30 this afternoon.

Mrs. Christensen: Thank you, Mr. Chairman.

Mr. Chairman: Committee will recess until 1:30.

Recess

Mr. Chairman: I call Committee to order.

Were we still considering Section 7? Was there any more discussion regarding Section 7?

Could we go on to Section 8?

Mrs. Christensen: Mr. Chairman, I believe we covered that, that is Highway Closures.

Mr. Chairman: Pardon?

Mrs. Christensen: Mr. Chairman, I believe that we covered that section prior to recess, Highway Closures.

Mr. Chairman: Oh, yes.

Section 9.

Mrs. Christensen: Section 9, Mr. Chairman, the Planning Board, again, we are pleased to see this amendment, as it legitimizes the City of Whitehorse Planning Board.

We note and we merely bring it to our attention, I do not know that it is necessary that it be spelled out, but a Board of Variances is not mentioned. It is one of the duties that we have of our City Planning Board.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Is the Board of Variance not the same thing as the Zoning Appeals Board now?

Mrs. Christensen: Mr. Chairman, no. Your Zoning Appeals Board is basically persons appealing a specific zoning. The Board of Variance deals with minor variances, which appear under a zone, in a particular zone, where a building is being constructed and because of the shape of the lot, the type of use that is being made of it, they perhaps wish to have, instead of five feet side allowance, they wish to have four feet. So, they apply to the Board of Variance and ask that this be waived to this particular case. It would be on a specific thing.

So, it is slightly different, different, but not slightly, different than the zoning appeals.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Just further to that, for some clarification, does not the Planning Board now then act as a Zoning Appeals Board? Is that still the three separate functions?

Mrs. Christensen: The Planning Board acts as the Board of Variance, and we then have a Zoning Appeals Board.

Mr. Lengerke: Okay, I just wanted to get that squared away, thank you.

Hon. Mr. McKinnon: Mr. Chairman, we didn't believe in the Planning Board acting as a Variance Board that there was a necessity of creating a third board at this time. As you will see, it is broad enough to give that Planning Board such necessary authority as the City wishes to give it. I could get into a disagreement right now on the nature of the authority that a Planning Board should have as a Board of Variance with Her

Worship. I don't want to get into that argument, that is the responsibility of the elected people on the City Council.

Mr. Chairman: We will go on to Section 10.

Mrs. Christensen: Section 10, Mr. Chairman, this was is quite an extensive piece of legislation, certainly one that we have requested and are very pleased to see being brought forward. 100.1(4), we have a question of this Section. It appears to suggest the terms of a land development agreement would apply in perpetuity, irrespective of any by-laws of the municipality might pass in the future.

It would seem that a Council could not pass a by-law authorizing some derivation to these terms of the land development agreement, regardless of whether the two parties, there would be the City or the parties that have entered into it would like to have this changed, so we suggest that perhaps there should be some provision that such an agreement could be changed with the agreement of both parties, similar to the zoning by-law, which means it would have to go through first, second reading, a public hearing, approval by the Commissioner.

There is no provision in here for changes to that.

It is the type of legislation that, certainly, some people are looking for when zoning is created. They sort of say, is that it, is that the way it is going to be for the rest, forever, and, of course, it is subject to change on a continuing basis.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, it is an interesting point, but I wouldn't see that the development agreements in most cases, being a thing that wouldn't have a terminal date in them. If certain things are done, then the development agreement will be considered to have been met and the agreement will normally terminate.

I have problems in that a development agreement could be an extensive agreement with the City Council and a developer, and, if it is open-ended and allows changes all the way along, you could sell it to me, as a taxpayer, saying, you know, this is the firm agreement, this is the definite date of it and this is what is going to be done. I could say, I go along with you, I support you, the taxpayer.

I think that is the development of city, and any number of things, then, could happen, once you have agreement, to be able to change that development agreement, if there is not some pretty tight regulations. That this is the agreement, and that is the agreement, and the agreement is going to be lived up to, in order for this to happen.

So, boy, I can see all kinds of dangers with a flexible and a loose type of development agreement, where pressure could be brought, after the agreement is signed, and, I know that pressure will be brought after the agreement is signed to change terms and conditions in many instances. Whether the city fathers want to be under that type of pressure, after having made an agreement and sold it to the taxpayers of the city, that it is in their best interests, without some kind of a corresponding ability for the public to say, "We do not want it changed", presents a few problems to me.

Mrs. Christensen: Mr. Chairman, I think we did suggest that it would not be an easy, it should not be easy to amend or change. It would have to go through the same public hearing process.

It is basically an area where we did question. It could be that it is covered adequately here.

It was brought to our attention by the legal advisor, and there was the question on it. Certainly the development agreement itself, perhaps, would spell out areas of how it could be changed and amended.

Because certainly there is no requirement in here of exactly how that development agreement will be set out, and once it has been passed and signed by the two parties it would then be controlling. Perhaps the Legal Advisor could clarify that area.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, under normal circumstances I would suggest in subsection (6) that perhaps what we would be looking for is the Council should not enter a change, a land development agreement, until it has a public hearing, but I think with the reaction of the general public towards public hearings just about this time whether or not that would be acceptable. I have listened with interest on the news this morning that they gave a public hearing in Watson Lake last night and nobody came at all. I really don't blame them.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Again, just a general question. Has the City worked out, or have they in effect worked out a formula for a land development agreement, have they a copy of such?

Mrs. Christensen: Mr. Chairman, at this time, no, we have not. Once the legislation is there, we will certainly have to come up with a form type of development agreement that everyone would have to enter into.

Further 100.(1)(7), reference to where that owner did not enter into a land development agreement, it would seem that because the areas where such an agreement is required, are limited at the moment, and probably would be in the future, that it should read where that owner is not required to enter into a land development agreement. It is the third to last line in subsection (7).

Mr. Chairman: Right.

Mrs. Christensen: Where that owner does not enter, where he is not required to enter into an agreement. Requirements to enter into a land development agreement would be spelled out in the zoning by-law. At the present time, land development agreements would apply to areas of 1.5 acres or 65,000 square feet, or areas that are being developed under a planned unit development as provided for in the zoning by-law.

This is not to say that in the future it could be broadened to meet specific needs. Something such as the Qwanlin Mall development could certainly come under a development agreement. The Ketz Court area would be an excellent example of an area that should be developed in that manner.

Mr. Lengerke: What is the difficulty in (7) then, Mr. Chairman, in relation to what the Mayor is saying?

Mrs. Christensen: Mr. Chairman, the only difficulty is that where an owner did not enter into a land development agreement should read where an owner is not required to enter into a land development agreement.

That is the only questions or recommendations, Mr. Chairman.

Section 11, dealing with access and unpaid taxes in subdivisions, 103.(7), this is basically a simple requirement and one which is required that every parcel of land in a proposed subdivision must have a provision for legal access, and I think the legal access is very important rather than just access. It must have legal access, not a provision for access.

Provision for access would require that a person could put a road on his property. Whereas legal access requires that a road be provided for, apart from on the private piece of property.

Mr. Cosman: Mr. Chairman, if I may, I am wondering if, by inserting the word "legal", if we might not be meeting the requirements of the provision by having an easement across

another property and so on. Legal access may be something less than physically providing frontage.

Perhaps I missed the statement.

The intention of subsection 7, as it presently reads, was to give an actual, physical frontage, being access to the land.

Mrs. Christensen: Mr. Chairman, this problem did come up on a piece of land that was being subdivided as country residential. It was two pieces of property, one behind the other and it was requested that a provision be made for access on the property, on the front piece of the property that was fronting onto a highway.

This provision for access allowed a road to run along the side of the person's property, but on their property. There would be nothing to prevent that person from closing that road at a later date, if it wasn't provided as legal access and set aside as a road right-of-way.

This is the problem that we want to guard against happening another time.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, in connection with access, any subdivision of land in the Territory, at the present time, has to be approved by the Commissioner, who first submits the proposed subdivision to the Surveyor General of Canada and he certainly wouldn't approve the subdivision plan that didn't provide access for every parcel thereon.

The Registrar of Land Titles wouldn't register a plan unless it had been previously approved by the Surveyor General of Canada. So the protection really doesn't lie in this particular piece of legislation at all. It lies somewhere else.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, my understanding of this was for a different reason. As 103.(7) now stands, that one-tenth of the perimeter had to be given as frontage on a lot and in irregularly shaped lots, then this meant that a large piece of the frontage could be tied up in access, according to this formula, where all that was required was to make sure that access was to the property.

So, I think Her Worship heard a different explanation for the reason of this than the one that I got for the reason for it. I can understand the problem of the irregular shaped lot, where a person was told that by the formula, one-tenth of that had to be tied up as access and he might want to do many other things with that property. Whereas just making sure that access was provided would relieve the problem of the formula calculation.

I believe the Honourable Member from Mayo is correct, where there are other statutes far beyond the competence of the municipality or this Territory to deal with, that provide for the legal type of access that Her Worship is looking for in this Ordinance.

Mrs. Christensen: To go on to the second point, Mr. Chairman, 103.(8), the unpaid taxes portion of it. This section is again not as clear as perhaps it could be. It refers to unpaid balance of taxes that are already levied against. It does not clearly include the balance of local improvement charges owing on a property.

The definition of taxes in the *Municipal Ordinance* clearly includes the current local improvement levy, but it may not include the balance owing. The argument arises as to where the local improvement taxes are levied. We would suggest that a slight amendment to this would clarify it and by adding "for the purpose of this subsection, taxes already levied shall include all local improvement charges assessed or levied against the land."

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, the definition for taxes under the *Taxation Ordinance* includes that. It includes arrears for user fees also, as taxes. This is where I had an argument previously with the Territorial Government, but this is the definition of taxes, all of that is included.

Mrs. Christensen: Apparently, Mr. Chairman, any taxes in arrears, but there still appears to be some question of frontage taxes which are paid yearly for the life of the project, such as local improvement charges under the *Taxation Ordinance*.

Mr. Chairman: The definition of taxes under the *Taxation Ordinance*, taxes means: "taxes imposed pursuant to this Ordinance or the *Municipal Ordinance* and includes any interest or penalties payable in respect of unpaid taxes and also includes any service charges imposed in respect of local improvements on any property pursuant to the *Municipal Ordinance*, the *Local Improvement District Ordinance*, and the *Financial Administration Ordinance*.

Mrs. Christensen: It should cover it. Our legal advisor seemed to feel that there was a problem with that.

Section 12, taxi cabs. Mr. Chairman, this is one that we do not feel is clear enough, 116(c)(4). We have always argued that these amendments should be, or this legislation should in fact appear in the *Motor Vehicles Ordinance*, however it appears that other jurisdictions are given the responsibility for supervising this. Certainly jurisdictions we have looked at usually have their own police force as such, and in those cases those police forces have the ability to request the records that we require.

However, we do feel that there is a great need for this type of legislation, and we are willing to enforce it, providing we are given clear legislation with which we can work. We are convinced that the amendment does not give that authority. We must have the clear authority from the RCMP in writing, relating to criminal record. There is no reference in here to criminal record, only to character, and there is a difference. In the past we have run into problems of getting information from the RCMP. You can get it, not in writing, you can be aware of the criminal record but not being able to enforce it or use it as evidence.

If we could not obtain this in writing, we would find ourselves, I think, refusing applications or cancelling permits on the basis of hearsay evidence, which would be useless if an appeal is made to the City Council on a cancellation or a refusal of a permit.

The information which we have received from the RCMP indicates that they are willing, if the proper legislation is in place, to supply this information, but we question, and certainly we stand to be advised by your legal counsel, if they feel that the reference to character here only is sufficient.

Mr. Chairman: Mr. Cosman.

Mr. Cosman: Yes, I feel the intent was to go as wide as Her Worship has suggested. I find no difficulty in adding any words that might help, but that would be a policy matter. Perhaps, if Mr. McKinnon...?

Mr. Chairman: And you are suggesting that the words "criminal record" be added, in addition to "character".

-Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, just a question of Her Worship: by this legislation, it appears that Council would then be delegating any person, one individual, peace officer or whatever, to be able to issue licences or revoke them or, as I say, the power would rest with one person. Has Council thought of setting up a taxi cab board, or a number of people, say, comprising of three or four people that would do this very thing? This appears to me, as I say, to put quite a bit of onus on one

individual, who is, you know, I just do not know if it has really been thought through.

Mrs. Christensen: Certainly consideration has been given to it. It comes under our by-laws enforcement and jurisdictions that we have looked at, it has been just basically the persons issuing licences would deal with it, and if the finger prints are taken, the records are kept in that area, and, again, as provided for in here, anyone that has a dispute can make the appeal to council.

Perhaps this is certainly an area that can be looked into. That certainly has a great deal of merit.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, just further to that, I know of a number of municipalities that do, in fact, operate with a taxi cab board, and on that board, there is a representative of the RCMP, who does then, in fact, is able to supply the kinds of information that the Mayor was saying is essential in making decisions.

Mrs. Christensen: Mr. Chairman, regardless of who is sitting on that board, we still must be in the position, and the RCMP must be in the position to give us written confirmation that can be used in the case of an appeal.

Also, if it was appealed from Council, say, to the courts, you would have to be able to have this evidence that you could enter and without the authority to gain that evidence, it just would not be enforceable and we would not try to enforce it, because it is a very difficult area to deal with. It is one, I am sure, that we all not have to deal with, but the protection of the public, is certainly at stake here and it is necessary, unfortunately. There is a lot of people that, you know, are put in question because of this, and there is many very excellent people that are driving the cabs in the City, and others, but, there is also problems.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Thank you, Mr. Chairman. I am just wondering if Section 116(e) regulating the transfer of licences relating to vehicles described. Would this not, do we not make reference to this in our *Motor Vehicles Ordinance* if you go back, and if the *Motor Vehicles Ordinance* by chance didn't go through or something, then this section would not be able to run into effect, then would it?

Mr. Chairman, it is regularly a transfer of a licence, and we don't have transfer of licences actually. Now they are speaking of licences when you go back to (a), 116, of licensing of vehicles that are not Territorial or Federal Government. In other words, they are private vehicles, such as taxi cabs and this type.

Mr. Chairman, maybe Mr. Legal Advisor could clear me up on that. If he means something else. But it says regulating the transfer of licences relating to vehicles.

Mr. Cosman: Yes, I would just like to say that whatever is meant by those words, they presently exist in the legislation 116.1(e) regulating the transfer of licences relating to vehicles. I don't quite follow the difficulty that you are having with this.

Mr. Fleming: Mr. Chairman, the only difficulty I am having is that it is saying that it is in the *Motor Vehicles Ordinance* now under our Ordinance today, we cannot transfer licences I don't think.

Mr. Cosman: Yes, in the present *Motor Vehicles Ordinance*.

Mr. Fleming: Yes, and we have not passed the other Ordinance yet. You know, I realize it is here, and hopefully it will be passed, but it is not passed to date. If it wasn't passed, by chance, then this section would be redundant then.

Mr. Cosman: But I am simply pointing out that this provision currently exists in respect to the current *Motor Vehicles Ordinance*, so if there is a conflict, then the conflict already is enacted in legislation at this point in time.

Mr. Fleming: It could be there.

Mr. Cosman: I am wondering then if Council could be suggesting some way that we can amend this?

I would suggest, Mr. Chairman, that we simply leave it at this time. It would be something we would have to study in the future.

Some Members: Agreed.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I do have some concern, and I share the concern with Her Worship, the Mayor, of subsection (c) that it is fine to say that they can issue a driving permit to certain people whose driving record, character, and state of health are acceptable, but they have to get those records and state of health in itself, the driving record, I believe is available under the new *Motor Vehicles Ordinance* from the Registrar, but even his state of health of an individual would require—maybe you are going to have to get his consent, and I am sure no medical practitioner would give the City the authority without having the authority to come to them and give a record and so on, so that has to be much more specific, or take it out altogether. Because really what they are doing there is just getting the city into trouble.

You are getting the City into trouble if they tried to exercise the right that is given to them there. It does not give them any mechanism that they could use to exercise their right, without getting into trouble.

Mrs. Christensen: Mr. Chairman, the state of health assumes that that referred to, I believe, the amendments that are being made to the *Motor Vehicles Ordinance* where drivers' licences, in some cases, must be preceded by a medical examination. This would not show on the licence. It is certainly not our intention, Mr. Chairman, to set up medical requirements.

Mr. Chairman: You couldn't.

Mrs. Watson: Mr. Chairman, I think we discussed this and I think this is not correctly, the state of a person's health is not on their driving record. The state of the health may put terms and conditions onto their driving record, but, I think, that the Registrar emphatically said here, that any medical record that the Department, that the Government receives regarding a person, is not available to anyone else, but the terms and conditions, as a result of it, are.

So, you couldn't get that information from there.

Mr. Chairman: It would be difficult to do otherwise, though.

Obviously the person would have to okay it.

Mrs. Watson: It does not say so.

Mr. Chairman: It is the same of any transaction. You cannot, that is privy information that is never available, and the City could not demand it, either.

Mr. McKinnon:

Hon. Mr. McKinnon: Mr. Chairman, the normal manner in which this is handled is that there is a form and the person applying makes a statutory declaration.

I do not know, people seem to think that statutory declarations are nothing any longer, swearing and swearing falsehoods is just a piece of the way that things are done, these days. I do not consider it to be that way and I think that the concept is that there is basic questions asked, if your health is capable of handling this and you sign the form. The forms, as I

have seen them, say, "Is there any objection to us looking at your criminal record", and able to maintain a permit. That weeds out the ones who know they have a criminal record. There is enough who come to, they think it is the true North strong and free, and that the computer is not hooked up anymore, to the Canadian computer, that has it all on record, well, it unfortunately has. When it does come back, saying that this is the information that we have, that is generally the end of the problem right there.

You are dealing on a one on one situation, where the by-law enforcement officer looks at the form, gets the information from the RCMP and says, look it, this has come back from the RCMP computer and we have this and this and this, and the guy says good-bye and he is out the door and you never hear from anymore.

Certainly, that should not go. What you are trying to do is keep this type of embarrassing situation away from a broad spectrum or as many people as you can keep them away from. You do not want a board, in the first instance, to have to deal with it.

The second instance, if the person says, that is all a bunch of, that is all a crock and it is not true, then why shouldn't his ability and why shouldn't the Board of Appeal be the municipal council.

It is my understanding, on talking to the RCMP and other areas that have this, that 99.9 per cent of the problems are solved on a one on one situation, as soon as the RCMP say, if the guy has filed a false statutory declaration or anything, that he is found out immediately, and he doesn't want to pursue it any further because he knows that he has not got the criminal record that would allow the municipality to give him a permit to drive a taxi.

That is all that I think that everybody is looking for, is the protection of the public and as little a basis where the fewer people are involved with the appeal procedure to the City Council.

To me, it is the best way out of a dicey affair, all around, and not a pleasant affair, which these things never are. Somebody has to take the responsibility for it. In most areas it is the municipality and we have had many differences of opinion of whether it should be the municipality or the Territorial Government, over the years, and I think that this method can work and work in a very sensible and a very efficient manner, Mr. Chairman.

Mrs. Christensen: Mr. Chairman, I would just like to clarify what the Honourable Member has said. Is he implying that we don't need this written information from the RCMP because 99 per cent of the persons are not going to pursue it any further?

I think that there certainly are some types of criminal records that would not affect a person's ability to be a very good cab driver, and he may in fact on his form, fill it out correctly and say yes, I have had a criminal record, and that record comes back. At that point, the judgment has to be made, the type of record he has, and it is at that point the decision would have to be made.

His Statutory Declaration would not necessarily be a false one. He could be turned down at that point and he would probably, if it was a serious record, as the Honourable Member has said, just go away. But he might say no, I feel I should be able to drive. At that point, it would have to come to Council, and we didn't have this in the written form from the RCMP we would not be able to hear it.

He would then be able to get his licence and I would suggest that that would open up the door to others, to say, "Well gosh, if I challenge this, I will get away with it, because nobody can prove, they don't have the information to prove that what has

been said is correct."

Mr. Chairman: I think what you are saying, Mr. McKinnon, is that a Statutory Declaration would never be filled out if a person is afraid they wouldn't be approved, and that is eliminating most people. Is that what you are saying?

Hon. Mr. McKinnon: No, I agree with Her Worship, that if it is necessary to go the step further, then the written information should be made available. You don't want to bother yourself with the written information if it's the one in one situation when the guy says, "Hold it, I'm caught, I didn't know the computer was up here, good-bye, you'll never see me again." But, if the guy is making a case of it and wants to appeal to Council then the decision has to be made on the information in writing from the RCMP of the person's criminal record. I would say, yes, in 99.9 per cent of the cases, you don't want to know it, you don't care, you don't want to see it. At least that would be my opinion, but if the issue was there and if it was going to be pushed, yes, I don't see how you could go along saying well we don't have any information, we just turned it down in that instance and in that instance only, that you would have to have that information from the RCMP.

Mrs. Christensen: Thank you, Mr. Chairman.

We don't have it now. I am presuming that what has been said that this information will be looked at, and the authority will be put into it.

Mrs. Watson: Mr. Chairman, I believe the Legal Advisor said there would be no problem writing it in?

Hon. Mr. McKinnon: Mr. Chairman, I thought we had the assurance in writing, I'm sorry.

Mr. Chairman: No.

Mrs. Christensen: No.

Mr. Chairman: No.

Mrs. Watson: Mr. Chairman, I thought the Law Clerk signified that there would be no problem in giving that authority. I believe, Mr. Cosman, wasn't that your comment?

Mr. Cosman: I believe my comments were directed to adding of the words criminal record, along with the driving record, character. In other words, expanding on the word "character". It would be a question of interpretation as to what the word "record" now means. If record means written record.

Mrs. Christensen: Mr. Chairman, may I ask the Legal Advisor, if in fact by just adding the words "criminal record", if that does in fact give the City Council the authority to request the RCMP to present to us, in writing, that criminal record?

That is all we are asking for. If that does it, great. If it does not, then I would respectfully request that something be done that does.

Mr. Chairman: Well, this, in itself, does not, does it?

Mr. Cosman: No, these are only grounds of criteria for refusing to issue permits. There is nothing requiring the RCMP directly to give written comments.

Mrs. Christensen: Then, please, may we have that type of legislation, or amendment, Mr. Chairman?

Mr. Chairman: What you are requesting is that, perhaps, another subclause might be required to fulfill that requirement and that is what, I think, the Legal Advisor was willing to look at.

Mrs. Christensen: That is what I am requesting, Mr. Chairman.

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I think we are all trying to place the onus on the wrong person. I do not think that the onus

is on the by-law enforcement officer to obtain this information. The onus is on the applicant to provide it and he can provide his driving record, he can provide all kinds of statements of character, he can provide his birth certificate, he can provide an up-to-date physical examination, and he can also sign a release of his criminal record for the RCMP. You are putting the whole onus on yourselves.

Just by adding the words "criminal record" in here, does not mean that the RCMP are going to have to give it, by your request, but they may give it at his request.

In other words, the onus should be on the applicant to provide this stuff, not for you people to investigate it.

Mrs. Watson: Mr. Chairman, but we are not putting the onus on the applicant in the way this was worded.

Mr. McIntyre: I am saying that we should.

Mrs. Watson: Yes.

Mr. McIntyre: This is where the onus is.

Mrs. Watson: Right.

Mr. Chairman: But that is the undertaking that the Legal Advisor is now giving us, is that he will look at another clause with that in mind. It is not included in this, obviously.

Mrs. Christensen: Section 13, Mr. Chairman, 134.(2) basically a cleaning-up of the wording, rather than the council or any person authorized by council, the municipality may apply to the courts for an injunction ordering any person to cease". A suggested word change.

Further, in that same section, it refers only to construction and maintenance of buildings, zoning, fire provision, subdivisions of land, public health and the nuisance and abandoned vehicles. It certainly would be desirable to also include other by-laws, such as the business licence by-law, taxi cab by-law, just to name some others that certainly should fall under that category.

The injunction that we are referring to here is basically a restraining injunction and when we get into the area of squatters and persons that have built and are continuing to build under violations of a building code or a zoning by-law, it is our recommendation that there be, also, a requirement for a mandatory injunction that would add to this, that they must cease and remove.

In the case of a person that is building a structure, as a squatter, an injunction, a mandatory injunction could be issued, rather than a restraining one, which this refers to.

Please, Mr. Chairman, don't ask me to explain it. The Legal Advisor explained it to me and I am doing the best I can for you.

Hon. Mr. McKinnon: Perhaps maybe we should get our Legal Advisor together with yours, because I understood that (b) did just that. The court has to issue an injunction if the officer of the municipality has ordered any person carrying on any work or doing any contrary to the provisions, such by-law to cease carrying on such work, or doing such thing, and letting any person who has failed to obey that order, the court shall issue the injunction ordering that person to cease carrying on such work or doing such things together with any ancillary orders necessary thereto. I thought that was the one thing I did understand legally was that "shall" was mandatory upon the court to do something.

Mrs. Christensen: My understanding, Mr. Chairman, as the Honourable Member ably pointed out before, two Legal Advisors never give you the same advice. It basically is restraining, you cease. That is as far as it goes. If you apparently write in something else here, you can get a mandatory which, not only do you cease but you must do something after you cease. I mean you just can't stop, if you built a structure on a

piece of land as the person would, a squatter, they can be required under a mandatory injunction to remove that structure, as well as just stop building it.

Mr. Chairman: Would that not be covered by ancillary orders necessary there too?

Mrs. Christensen: Mr. Chairman, I have perhaps suggested there are two legal advisors and perhaps they could get together on it.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: Mr. Chairman, the provisions of Section 26 of the *Lands Ordinance* deals particularly with squatters and gives the Commissioner all the authority that is required to remove them from the property. You don't need that power in the *Municipal Ordinance* particularly. It is already in a Territorial Ordinance.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, that is the only success where we have had, where we have acted as agents for the municipality, but that still doesn't get to the problem of when the by-law enforcement orders catches at the moment of putting one stick there upon the other that we can say stop. By the time it gets around to the normal court procedure and to the Commissioner acting, then you have got a completely different situation, because you have got the building built and the person living in it.

Mr. Chairman: Mr. McIntyre?

Mr. McIntyre: The by-law enforcement officer can report directly to the Commissioner, the Commissioner may serve, without an injunction of any kind, may serve that person with a notice requiring him to cease forthwith the unauthorized use or occupation and to restore the lands to a condition satisfactory to the Commissioner, or to pay the cost of having land so restored. It is all in this Ordinance.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, we recognize the authority of the Commissioner in that instance, and we still feel that particularly in the next few years that the best method of getting the project terminated immediately is for immediately upon the by-law enforcement officer, which is much closer to the scene of being able to go immediately and seek a court injunction to stop. Now, the other one, Mr. Chairman, because of many circumstances, just has not worked to the type that the municipality would like to see it work, and hasn't worked to the extent that we would like to see it working within the municipalities also. All we are saying is that one method of aiding the situation, particularly with the problems that we all know we are going to face is the one where the by-law enforcement officer can also seek an injunction through the court immediately upon finding a new squatting situation. That is a double barrelled approach, Mr. Chairman.

Mrs. Christensen: Thank you, Mr. Chairman. If we proceed, on Section 13, to 134.(3). We feel that this subsection possesses excessive rights of entry and was not the intent when the request was made.

We would suggest that amendment after inspection, that the following wording would replace the present wording in that section.

Halfway down subsection 3:

Mr. Chairman: Line 15.

Mrs. Christensen: Right, lines 15, at the semi-colon: "that such officers shall not enter a premise used as a dwelling place or otherwise occupied, without the consent of the owner or occupant or without a warrant issued by a magistrate".

We find no problem with a by-law enforcement or building inspection officer being able to enter a premise that is being

constructed, but, certainly, it is not our intent to have them authorized to enter a dwelling or person's private residence without a warrant.

Mr. Chairman: That was the difficulty we had, going through this.

Mrs. Christensen: Well, yes, it certainly was not our intent that the by-law enforcement officer should have that authority.

Section 14, Budget Dates and Budgeting. Section 139.(6). Again we see a problem that the Commissioner shall approve the annual budget, on or before the last day of February, and we must levy a tax for that year, on or before the first day of March.

We need not adopt the budget until the fifteenth day of February. The general practice that we have been following is to levy the taxes and to adopt the budget on the same council meeting.

Now, we agree on the date of March 1st, for the Commissioner to give an approval to the budget, but we would suggest that Section 141, of the *Municipal Ordinance*, be changed to read the fifteenth, rather than the first, for council to make the necessary adoption.

With these changes, it would not create a problem for us, certainly, to meet the 31st deadline of the mailing of the notices. There is a very tight problem there with the Commissioner being able to give it back to us on the 28th and we have to have a meeting on the next day to meet that, first, where the 15th creates no problems at all. It is already set for the budget to be adopted.

So, if we could levy taxes and adopt the budget on or before the 15th of March, it would give us a little more flexibility than now exists.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, we only wish that it would be that easy. I think that if you get into it, you find you get into, through the whole amendment, the whole process of the dates in the *Taxation Ordinance*. My understanding, unless I have been misled, that that is exactly what would happen. We would have to get into the *Taxation Ordinance* to amend that date to the 15th also, and then the whole succession of dates would once again have to be realigned.

I say that was the advise I had, because I thought that that would be an easy method of just while we were amending the *Municipal Ordinance*, amend subsection 7 to the 15th, and I was told we would get into the whole problem of amendments, once again, to the *Taxation Ordinance*, and the whole schedule of dates, which are closely intertwined and we have got to be careful, as all honourable Member know, when we start that type of date change without looking at the total and overall picture.

So, I will check again. If it is that easy, that all we have to do is this change in the *Municipal Ordinance*, but it is my understanding that that is not the case.

Mrs. Christensen: Thank you, Mr. Chairman. In Section 139.(8) there appears that one major problem could exist in this area, and that is that if a major expenditure were to occur because of an emergency or a disaster situation, it would result in a deficit. It would appear at the end of the year. I am not just sure what legislation could be put in there to meet that eventuality, whether it would be dealt with through an EMO Ordinance, or there were certainly no suggestions. It was our Treasurer who looked at this one and was rather upset.

Section 14, we have no problem, and Section 15 we have no problem.

Thank you very much for hearing me on Bill Number 3.

Mr. Chairman, do you have any questions on the Ordinance respecting Assessment?

Mr. Chairman: Bill Number 2, perhaps we could look at that now while we have the witness here.

Mrs. Christensen: The city has no difficulty accepting this Ordinance. I am sure that we regret that it has to be done as much as you people regret having to pass such legislation. It is certainly not the most desirable legislation to have to be putting forward, however, it is a necessity. Without it, the City of Whitehorse cannot raise any taxes for the coming year, and I suggest that if that is the case, this House will have to be in a position to take over the administration of the City of Whitehorse. We won't have the money.

I am not sure, Mr Chairman, if the House has gone over the schedule of events that has been proposed. Has that been done?

Mr. Chairman: No, they haven't but go ahead.

Mrs. Christensen: I am just wondering if the Honourable Minister of Local Government, if he wishes this to be brought forward or if this is to be discussed with the Minister?

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Well, Mr. Chairman, is this a proposed schedule by the City, or is it proposed to the Government of the Yukon Territory?

Mrs. Christensen: No, it has been proposed by the Territorial Government to the City as dates which the Government is going to endeavor to meet to get the roll out and so that we can, in fact, have persons paying their taxes on the thirtieth day of June as they do under normal circumstances.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Well, Mr. Chairman, with all respect, I think it is up to the Government of the Territory to make that schedule available to us, is it not, rather than the City of Whitehorse make available to us a schedule that they have received from the Government of the Yukon Territory.

Hon. Mr. McKinnon: Mr. Chairman, I don't quite understand the procedure that we are following. I always understood that we went through the Bill in committee first, then decided whether we wanted witnesses or not. Of course all of the information that is available and has been made available to the City will be given upon request, and in fact is ready to be handed out to Honourable Members when we discussed the Bill in Committee and those questions are normally asked. So I am at a loss to understand the procedure that we are going through at this moment.

Mr. Chairman: The situation is very simple. We have a witness here who is concerned with this, so she won't have to come back at another time, we thought that if she had any problems that she wanted to present to us with regard to Bill 2, we would do it at this time.

If there is information that you do have for Committee Members, perhaps now would be the time to distribute it before we deal with this.

Mrs. Watson.

Mrs. Watson: Mr. Chairman, I think you are putting your witness in a very awkward position and I do not think we should be doing that. We have not discussed the Bill in the House and the information that they have, she does not feel free to discuss, because we have not got the information and, with all respect to our witness, we should be getting the information discussing the Bill, and then asking the witness to come back, how the information applies to the City of Whitehorse.

Mr. Chairman: The only reason we are doing it this way is there was one point that the Mayor wanted to bring up, just one

simple point to leave with us, before she left, that is all.

Am I right?

Mrs. Christensen: Mr. Chairman, I am certainly willing to come back and appear before this Committee at a later date, if that is the wish of the House.

Mr. Chairman: Okay. Committee will recess.

Recess

Mr. Chairman: I call Committee to order.

Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would move that Mr. Speaker do now resume the Chair.

Mr. Fleming: I second the motion.

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

Motion agreed to

Speaker resumes the Chair

Mr. Speaker: I will now call the House to order. May we have a report from the Chairman of Committees?

Mr. Hibberd: Mr. Speaker, the Committee of the Whole have considered Bill Number 3, *An Ordinance to Amend the Municipal Ordinance* and directed me to report progress on same, and asked 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.

At this time we are prepared to receive Mr. Commissioner in his role as Lieutenant-Governor to give assent to certain Bills, which have passed this House.

This House now stands in recess.

Recess

SERGEANT AT-ARMS ANNOUNCES THE COMMISSIONER

Mr. Speaker: Mr. Commissioner, the Assembly has passed a number of Bills to which in the name, and on behalf of the Assembly, I respectively request your assent.

Madam Clerk: Bill 5, *An Ordinance to Amend the Society of Industrial Accountants Ordinance*; Bill 7, *Metric Information Agreement Ordinance*; Bill 8, *An Ordinance to Amend the Partnership Ordinance*, Private Member's Public Bill 102, *An Ordinance to Amend the Public Inquiries Ordinance*.

Mr. Commissioner: Mr. Speaker, I hereby give Royal Assent to Bill Number 5, Number 7, and Number 8.

However, on the instructions from the Minister of Indian and Northern Affairs that the proposed amendment to the *Public Inquiries Ordinance* constitutes an erosion of the Commissioner's power, contrary to the intent and wording of Section 4 of the *Yukon Act*. I have been instructed to refuse or withhold assent to Private Member's Public Bill 102.

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

May I have your further pleasure at this time?

The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I move we call it 5 o'clock.

Mr. Fleming: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Hootalinqua, that we do now call it

5 o'clock.

Motion agreed to

Mr. Speaker: This House now stands adjourned until 10 a.m. tomorrow.

Adjourned

LEGISLATIVE RETURN # //
1977 (Second) Session

Mr. Speaker
Members of the Assembly

On November 14 1977, Hon. Member from Klukane asked the following question:

How many Man years are now on staff in each of the Departments listed in the summary on page 8 of the Man Year Estimates.

The answer to the above question is as follows:

ESTABLISHMENT	MAN YEARS
01	48
02	64.3
03	474.77
04	57
05	184.55
06	47
07	113.5
08	21
09	233
18	19
TOTAL	1314.12

The following Legislative Returns were Tabled
(November 21, 1977)

77-2-11

Man Years
(Written Question No. 8)

77-2-12

Aluminum Smelter in Yukon
(Oral Question - p.57 - November 9, 1977).

Nov 17 1977
Date

[Signature]
Signature

LEGISLATIVE RETURN
1977 (Second) Session

Mr. Speaker
Members of the Assembly

On November 14 1977, Hon Member from Klukane asked the following question:
How many man years and what man years have been transferred from one department to another. From what Department to what Department.

The answer to the above question is as follows:

- A. The Keller Inspector Man Year has been transferred from the Department of the Territorial Secretary to Local Government.
- B. One Clerk IV has been transferred from Education to the Department of the Territorial Secretary.
- C. One Clerk I has been transferred from the Library Services Branch to the Department of the Territorial Secretary.
- D. One Research Assistant has been transferred from the Economic Research and Planning Unit to the Department of Education.
- E. One Clerk Steno III has been transferred from Legal Affairs to the Office of the Clerk of the Legislative Assembly.
- F. 1 1/2 Clerk Typist Man Years has been transferred from Corrections to Human Resources.
- G. 5 Youth Service Worker II's have been transferred from Corrections to Human Resources.
- H. 15 Youth Service Worker I's have been transferred from Corrections to Human Resources.
- I. 1 Cook I has been transferred from Corrections to Human Resources.
- J. 1 Supervisor of the Youth Services Centre has been transferred from Corrections to Human Resources.
- K. 1 Probation Officer has been transferred from Corrections to Human Resources.
- L. 1 Corrections Officer I, later reclassified to a Social Worker II has been transferred from Corrections to Human Resources.

SUMMARY - 30.5 Man Years have been transferred between Departments and Branches.

Nov 17 1977
Date

[Signature]
Signature

LEGISLATIVE RETURN

1977 (Second) Session

Mr. Speaker
Members of the Assembly

On November 14, 1977, Hon. Member from Kluzne asked the following question:

What new positions other than those submitted and approved in the main estimates have been created and in what departments.

The answer to the above question is as follows:

DEPARTMENT	POSITION
Health Services	1 Harvard Tutor (Function previously performed under contract)
	1 Clerk Typist III (This was a casual Man Year conversion. Funds for which were approved in a Supplementary Budget)
	1 Native Co-ordinator
	1 Clerk Typist II (This was a casual Man Year conversion)
Health Services Commission	1 Personnel Officer III
Treasury Department	1 Computer Operator II
	1 Key punch Operator II
Education	2 Regional Superintendents of Schools
	1 Assistant Regional Superintendent of Schools
	1 Clerk Typist II
	(All of the above were created from Teacher Man Years and represent no increase in staff establishment)
	1 Clerk Typist III
	1 Rehabilitation Counsellor
	1 Health Transfer Co-ordinator
	1 Director of Health Services
Resource Planning	1 Director of Resource Planning
	1 Clerk Typist III
	1 Research Assistant
Highways & Public Works	1 Civil Engineer II
Corrections	1 Corrections Matron (This is a P/T position and was created from the conversion of a 1/2 casual man year.)

TOTAL 26 Positions

Nov 17 1977
Date

William Lengerke
Signature

LEGISLATIVE RETURN

1977 (Second) Session

Mr. Speaker
Members of the Assembly

On November 14, 1977, Hon. Member from Kluzne asked the following question:

How many positions are presently not filled or used by each of the departments.

The answer to the above question is as follows:

DEPARTMENT	VACANT POSITIONS
Administrative Services	1
Treasury	2
Education	5
Territorial Secretary	9
Resource Planning	0
Health	6
Human Resources	3
Corrections	0
Local Government	2
Yukon Housing	1
Traffic & Immigration	2
Home Branch	1
Local Affairs	2
Library	0
Highways	25
TOTAL	67

This represents 6.6 of the total positions excluding Teachers within the Government Service.

Nov 17 1977
Date

William Lengerke
Signature

LEGISLATIVE RETURN #12
(1977 Second Session)

Mr. Speaker,
Members of the Assembly

On November 9, 1977, Mr. Lengerke asked the following oral question to the Minister of Local Government:

"Has Y.T.G., either through the Commissioner or the Economic Development Branch, been in touch with Kaiser Aluminum regarding the building of a smelter in the Yukon? Has any encouragement been offered by the Y.T.G. concerning this matter? Has there been any thought of offering incentives under the General Development Plan for Kaiser Aluminum to build a smelter in the Yukon?"

The answer to the question above is as follows:

There have been no formal discussions between either the Commissioner or the Economic Research and Planning Unit with Kaiser Aluminum regarding the building of a smelter in the Yukon. The Y.T.G. has not been in a position to offer any encouragement to this proposal at this time because Kaiser has yet to approach us with specific requests in support of their project. While there has been some thought towards providing industrial incentive programs under subsidiary agreements under the General Development Agreement, it is our feeling at present that such incentive programs would be for general application, rather than for any specific company, industry or product.

Nov 17 1977
Date

William Lengerke
Signature

