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Speaker: The Honourable Donald Taylor

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

Prayers

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

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any documents or correspondence for tabling this morning? The Honourable Member from Whitehorse North Centre?

TABLING OF DOCUMENTS

Hon. Mr. McKinnon: Mr. Speaker, pursuant to Section 18.(1) of the *Electrical Public Utilities Ordinance*, I have for tabling the annual report of the Electrical Public Utilities Board, for the year ending March 31st, 1977.

Mr. Speaker: Are there any Reports of Committees?
Petitions?

Introduction of Bills?

Are there any Notices of Motion for the Production of Papers? The Honourable Member from Ogilvie?

NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS

Ms Millard: Mr. Speaker, a Notice of Motion, moved by myself, seconded by the Honourable Member from Whitehorse South Centre that the contract for Health Services to native people negotiated between the Yukon Native Brotherhood and the Yukon Territorial Government be tabled in this House.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers?

Are there any Notices of Motion or Resolution? The Honourable Member from Whitehorse Riverdale?

NOTICES OF MOTION

Mr. Lengerke: Mr. Speaker, a Notice of Motion moved by myself, seconded by the Member from Pelly, that whereas a Petition was presented to this Assembly on March 7th, 1977 and whereas on many occasions in the past, and on many occasions since the presentation of the petition, representation and requests have been made to the Government of Yukon to enact forceful legislation establishing animal control laws or associated control measures.

BE IT RESOLVED that the Government of Yukon now do something about this matter and not continue to be neglect in its responsibilities in providing realistic measures to control the keeping of domestic animals, mainly cattle and horses, by taking action with respect to signing and traffic regulation along Yukon highways and thoroughfares where cattle and horses have been known to frequent and by providing or aiding owners of such livestock in an opportunity to lease or purchase appropriate land tracts or by encouraging the establishment of a system of community pastures in appropriate areas of Yukon.

Mr. Speaker: Perhaps the Chair will have to review that as to its legality, in respect of the expenditure of public funds. However, we will look it over.

Are there any further Notices of Motion or Resolution? The

Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, I would like to give a Notice of Motion, regarding grants in lieu of taxes to community organizations in L.I.D.'s and unorganized areas.

Mr. Speaker: Are there any Statements by Ministers?

This then brings us to the Question Period.

The Honourable Minister of Education.

QUESTION PERIOD

Hon. Mr. Lang: Mr. Speaker, I have for tabling the answers to the following written questions: Number 3, relating to special needs of Indian students, and Number 22, relating to the \$200 million line of credit to finance pipeline impact costs.

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

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling a legislative return in answer to written question Number 16, concerning employment on the pipeline construction project.

Mr. Speaker: The Honourable Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling a legislative return in answer to written question 23, concerning the *Established Program Financing Act*.

Mr. Speaker: Have you any questions?

The Honourable Member from Kluane.

Question re: Description of Blocks of Land

Mrs. Watson: Yes, Mr. Speaker, I have a written question for the Minister of Local Government. Would the Minister provide descriptions of blocks of land which are required for the development of established communities that the Territorial Government has formally applied to the Federal Government to have transferred from the administration and controls of the Federal Government, to the administration and control of the Territorial Government?

Mr. Speaker: Are there any further questions?

We will then proceed to Orders of the Day, under Motions.

ORDERS OF THE DAY

MOTIONS

Madam Clerk: Item Number 1, standing in the name of the Honourable Member Mrs. Watson.

Mr. Speaker: Is the Honourable Member prepared to discuss Item Number 1?

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, that the White Papers on Arctic Winter Games and on Heating Fuel Equalization be referred to Committee of the Whole.

Motion agreed to

Mr. Speaker: We will now proceed to Private Member's Public Bills.

PRIVATE MEMBER'S PUBLIC BILLS

Madam Clerk: Second Reading, 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 the House resolve into Committee of the Whole.

Ms Millard: I second that.

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I call this Committee to order, and we will be dealing with the *Elections Ordinance* after recess. Mr. McCall?

Mr. McCall: Yes, Mr. Chairman, I have for tabling in the Committee, the amendments as I promised last week for the Committee's perusal, in dealing with the *Workmen's Compensation Ordinance*.

Mr. Chairman: Thank you, Mr. McCall, we will be dealing also with the *Electoral District Boundaries Ordinance*. I will declare a recess.

Recess

Mr. Chairman: I call Committee to order.

We will begin, first, with consideration of Bill Number 12, *Electoral District Boundaries Ordinance*.

Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, is the...

Mr. Chairman: He is on his way.

Hon. Mr. Lang: ...draftman here.

Mr. Chairman: It is not my intention to read out all the details of each constituency, I will merely call out the names.

Clause 1, "The following are the electoral districts in the Yukon Territory".

Perhaps, at this time, we could have general debate if there is any?

Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in respect to the Bill before us, I know that we have all considered the report, submitted by the Electoral District Boundary Commission, and, subsequently, we have the necessary legislation before us.

I would just like to make a couple of points. In my estimation it is, with the increase of the membership in the Legislature, after the next election, it is going to be a turning point, in respect to the Yukon...

Mr. Chairman: Order, please. Order, please, Mr. Lang. I think we have sound difficulties. We will hang on for a minute.

I am sorry, carry on, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in respect to the expansion in the size of the Legislature, I think that we have reached a turning point for Yukon.

I think that it is fair to say that the next Legislature that sits here is going to be along the lines of party lines. It is my understanding that all three parties are committed to the concept of party lines, in respect to the size of the Legislature once it achieves the size of 15 or more.

With the present legislation before us, you can see that we are expanding to sixteen. I think it is important, Mr. Chair-

man, to note that with the political sophistication that will be reached after the next election, it is quite obvious that the party that comes in here with the majority is going to form the government, and there will be an acknowledged leader.

From that point on, Mr. Chairman, what I would envisage happening is a decline or a withdrawal of the Commissioner's role in respect to territorial matters and territorial legislation in Yukon as we see it today.

I think at the same time, Mr. Chairman, that it is very important that the people have an elected, acknowledged leader, speaking on behalf of the Yukon when it comes to dealing with the other provinces as well as the Federal Government, because that leader and that party that is going to form the government side in this House, will have a mandate from the people when they have gone to the electorate, and that mandate, they will have to attempt to fulfill, no matter how tough the hurdles are, no matter what the position of the Federal Government is, but it is going to be up to that leader and that party that forms the executive wing of the government to make the necessary policies as it relates to the territory in totality.

I think it is fair to say, also, Mr. Chairman, if the system were to go as it continues now without the concept of party politics, all we would have is sixteen individuals and at the same time, I think probably that much more paper which I refer to as the "Votes & Proceedings".

I think it is very important, Mr. Chairman, that with the induction of the party system, it is going to be very crucial that the parties have substantial platforms to run on across the territory in an attempt to get that majority from the people of the Yukon. With the advent of that, then I think that we have the legislative and executive arm of government in order, and then I think from there, we can proceed a lot more quickly than what we have in the past three years.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, just speaking briefly on this Bill: as you know, prior to its introduction by government, a resolution accepting the recommendations of the Electoral Boundaries Commission was debated in the House and at that time I raised some fairly strong protests and proposed an amendment to the boundary between the Watson Lake and the Campbell Districts. I feel very strongly on this question, and I have had some difficulty in determining my position in voting for this Bill, inasmuch as that repugnant section remains.

However, I think, along the lines that have been stated by the Honourable Minister of Education, it seems to me that there has got to be some getting together in this House. There has to be some support of Government, in this House, at least by sufficient numbers in this House, to affect some solidarity and to give some direction and leadership to the Government and to the people of the Territory.

So, rather than voting against the Bill for the principle which I hold dear, I will be voting for the Bill, but severely protesting that establishment of that boundary, that exists between Campbell and Watson Lake.

These are my brief remarks on this, Mr. Chairman. Normally, I would not vote in favour of the Bill because of the one section, but I think the balance of the Bill is good and the decision having been made by this House, I will abide by it.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I agree wholeheartedly with what the Minister of Education said, and I will be voting for the Bill, but I think he left one major thing out.

I think it is very important to this House, in the present set-up of this House, at the present time, we are criticizing

more the drafting of bills, as they come before us, than as we should be doing, criticizing the principle of bills. I am hoping that this will be changed with bringing party politics into this House.

At the present time, I consider this a waste of time, a waste of taxpayers' money, what we are doing right now. We are criticizing bad drafted legislation, which, on a political set-up, should never come into this House.

A political party system, I hope, would eliminate all of those things and we could go on with the matters concerning the people in reality, which the people are really concerned about.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Yes, Mr. Chairman, I certainly will be supporting the Bill. I think it is quite a highlight in our future, the fact that we are going to have an Assembly of 16 members.

I would certainly commend the Honourable Member from Watson Lake, even though the disappointment he has suffered because of the boundaries, he is accepting the general principle of the 16 members in the fact that he will be supporting the Bill.

I agree with the comments that have been made, regarding the party structure, which must prevail in this House in the future, the fact that you must have a majority in the Government side, and so that the policies of the Government reflect the majority of the members in the House.

It would be the greatest tragedy that the Yukon could ever suffer, I think, if we had 16 independents elected into the next Legislature.

I think we all realize the fact that we ran as independents, most of us, we realize the position that our Assembly and our executive is in, and if we continue to promote this independence, no common philosophy with different spectors, we are only defeating our own purpose and we can blame the Federal Government all we like, but the blame really rests with us here in the Territory, and I think that every member of this House is going to have to try to sell the concept of the party politics within the next six to eight months. It gives me great pleasure, Mr. Chairman, to support this Bill which will give us sixteen members in the House.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Thank you, Mr. Chairman, I am not going to add to much more to what Honourable Members have already said, because certainly we agree with them.

I think we are certainly all aware of the difficulties that we encounter in this House as independent members, it is a situation that as we get into more difficult legislation, as the problems of Yukon become more complex, we well realize that there has to be some leadership, there has to be certainly a consensus of opinion and I will certainly be in support of this Bill.

When I spoke on it before, I commented on the excellent work the Commission did, and I would like to just re-emphasize that, and I think they presented an excellent report, which is a result of this Ordinance. I think if we have done nothing else as this Assembly, that the providing of sixteen members will be something very good for the future of the Yukon.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I will be supporting the Bill. I also had a problem with the one area the same as the member from Watson Lake, however, you lose some and you win some, and I commend the Boundaries Commission on the job they did do. I think that the enlargement of members in the House will definitely give us a better spectrum and better government, no matter how they win.

I was never one for politics, but it looks as if that is the only

way that we are going to be able to go to get that control and have a majority doing the job that we were actually put in here to do. I think you all know the concept of this House today, and no disrespect to the Members that are on the Executive Committee, because they are doing the very best they can, and as far as I am concerned, have been, but the concept is just not there. Until such time as I see a majority sitting across the House, or I am in that majority that has been put there by the people of this Territory, doing the job that they were put here to do, I won't be happy, even with one more elected member over there. I will not be happy with that, really.

I want to see this House run by a majority of the people, that has been put there by a majority of the people.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I thank all Honourable Members for their contributions to the debate, the general debate on the Bill Number 12, and the far-reaching aspects it will have for the people of the Yukon and, of course, for the advancement of democratic institutions in this Yukon and in the Yukon Legislative Assembly.

I found the remarks of the Honourable Member from Hootalinqua to be very interesting at this point in time. I can recall back to the days of the Executive Committee concept, which was introduced as an off-shoot of the Budget Programming Committee by the former Commissioner, Mr. Smith.

I think we all realize, the first members on that Executive Committee, the imperfect structure of it, but the principle was to be, for the first time, the elected members were to get their feet wet in the administrative processes of Government, so that the legislative and the executive arms were linked, as the first step in the evolution of a Cabinet-type system of Government.

I think all Members have recognized from that very first day, the imperfections of the system. I think you see the frustrations and some of the problems that come about because of the lack of decent discipline and cohesiveness and of a majority group in the House.

Be that as it may, I would suggest to Honourable Members at this time, that, even with the imperfections of that embryo cabinet system of Government in the Executive Committee system of Government, there were times in former years, when other members had the ability of throwing the baby out with the bath water, or shooting the messenger. At that time, the principle of the concept of Executive Committee was so important in its normal evolution, which is coming about now, that the concept, of course, was not destroyed and remained.

I think that that is a very important point, at this time, in the development of Yukon's history, because I think, I just think, that with the things that have happened in the Yukon, and the development that has happened in the Yukon, and the feeling of the people of the Yukon, that they should have more say in their affairs, that, if the Federal Government had to do it all over again, perhaps they wouldn't like the concept of the Executive Committee system of Government and an embryo cabinet structure being formalized.

I think, probably, they would like nothing better to see that experiment in responsible government, perhaps, go by the board at this point in time.

So there are problems, there are growing pains, and I think that, with the remarks of the Honourable Members, that the normal growth of that cabinet system in Executive system of Government, can take place following the next election, providing, as I say, the baby has not been thrown out in the bath water, for that point in time.

Thank you, Mr. Chairman.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman, I would like to just go on record to say that I will not be supporting Bill Number 12 for obvious reasons. The opportunity is before us now, Mr. Chairman, where we could, what you might say have a last kick at the cat before we set into place something which was imposed upon the twelve members here today prior to us becoming elected in 1974. We are doing the same thing as we did to the elected members, and that is set something into place without taking into consideration the consequences.

As I said a moment ago, Mr. Chairman, I do not support this particular piece of legislation for obvious reasons. One, I certainly find myself with no riding or name, because the name has been changed from Pelly River to Faro. The reasons have not been explained to me. I also have had my particular riding reduced beyond reason, which has not been properly explained to me.

As I stated when the report was tabled by the Executive Members, that we had public meeting throughout the Territory, which I like to see. I am a believer of this. I explained then that I was not in a position to attend those public meetings because I was doing committee work.

I had proposed amendments, Mr. Chairman. I see no point or any reason whatsoever to bring them forward at this time. I would just like to say that I will not be supporting this Bill.

Mr. Chairman: Any further general debate? Ms Millard?

Ms Millard: Mr. Chairman, I have been waiting for some of the Honourable Members to mention what I feel is the most important principle of this Bill, and that is native representation. In debate on the motion which formed the Electoral District Boundaries Commission, several members stood in support of the concept of greater native representation in this Assembly so I feel it my duty to mention that and to emphasize the fact that I feel it is the most important part of this Bill.

I am really proud that after the next election Old Crow will be its own constituency. I am very pleased to see that the principle of representation by population was virtually ignored to establish Old Crow as its own constituency, because I feel we should recognize the input that the native people have had in the Yukon Territory, and this is one of the ways, and particularly in Old Crow, because Old Crow has shown a tremendous positive response to the idea of a one government system, and we must recognize that response and welcome native representation in this Assembly.

That is about all I want to say. I am really happy to see that party politics are a possibility, but, to me, the principle of native representation in here is far more important.

On Clause 1

Mr. Cosman: There is a typographical error in the penultimate line, "Whitehorse co-ordinated survey area".

Whitehorse, halfway down, intersection.

Any amendments to Clause 1?

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

Mrs. Watson: Mr. Chairman.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, is the proclaiming of this Ordinance rather important, the timing of it, in order to have it done to tie in with when this existing Legislative Assembly is dissolved before the next election? Is it a very crucial type of timing?

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, there is an importance, in respect to the timing of this particular Bill, and this is why you find it before you during this Session.

I do not have a breakdown in front of me, in respect to it, but the proclamation and the timing, in respect to the writs for the election and all this type of thing, do go in a sequence so it is very important.

I would imagine proclamation would come as soon as possible and, subsequently, the wheels could come into motion.

Mr. Chairman: The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: *Electoral District Boundaries Ordinance*.

Shall the title carry?

Some Members: Agreed.

Mr. Chairman: Shall I have a motion?

Hon. Mr. Lang: Mr. Chairman, I would move that Bill Number 12 be reported out of Committee, without amendment.

Hon. Mrs. Whyard: I second it.

Mr. Chairman: It has been moved by Mr. Lang, seconded by Mrs. Whyard, that Bill Number 12 be moved out of Committee without amendment.

Motion agreed to

Mr. Chairman: We will continue with Bill Number 10, *Elections Ordinance*, 1977.

Mr. McCall.

Mr. McCall: I would like my vote to be recorded that I disagree.

Mr. Chairman: There is no division in Committee, Mr. McCall.

Mr. Cosman, this I gather was not your Bill. Thank you very much.

On Clause 1

Mr. Chairman: Is there any general debate?

Hon. Mr. Lang: Mr. Chairman, before we go into general debate, would it be all right to invite the witnesses in?

Mr. Chairman: I thought that perhaps we could continue with general debate, and if the witnesses were necessary, we could certainly have them in. We will need them in the clause by clause.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, for the purposes of general debate on this particular Bill, I would like to make a couple of comments, and I would like to first of all state the work that the Clerk of the Assembly has done in respect to this Bill. I think she has worked very hard and has done an excellent job in respect to co-ordinating and getting the necessary people involved and working on the Bill herself, and I think she should be commended for it.

Applause

Hon. Mr. Lang: At the same time, Mr. Chairman, you will recall that I did speak to the principle of the Bill when it was given second reading. There are a couple more comments that I think should be made, and number one is that in the Bill, it is incorporated into the Bill to recognize political parties, which is a first for the Yukon.

At the same time, Mr. Chairman, we have left the legislation open, in respect to the actual running of the elections. The Chief Electoral Officer cannot or is not prepared to run the election. We have left it open so that we can contract maybe

some other individual to run the next Territorial election. As you know, we will probably be coming across some problems, possibly, in respect to the next election, as we may be looking at a Federal election at the same time there is a Territorial election, which could be a very difficult problem, if the Chief Electoral Officer of Canada were to run our election as well as the Federal election with it being the two pieces of legislation: the *Canada Elections Act* as opposed to the *Elections Ordinance* which is before you today, and if it is passed.

At the same time, Mr. Chairman, I don't think that I can stress the importance of this particular piece of legislation and how it relates to the Federal Act. As you know, in the *Yukon Act*, we do have the ability to run our own elections, but also at the same time there is another piece of Federal legislation that does provide for elections in Yukon, which is the *Canada Elections Act*, and it is very, very necessary, and I have got to stress that it is very necessary that that piece, that the Section 113, pertaining to the Yukon, be repealed. If it doesn't, it is my understanding that there is a very grey area whether or not our piece of legislation would be the ordinance that would have the power vested in it, or the authority vested in it to administer elections.

The present piece of legislation, the *Canada Elections Act*, I understand, is in Committee, in Ottawa, at the present time in the committee stages. There are amendments being made. It is my understanding that the necessary amendment that we requested and that furthermore we have had commitments by the Federal Government that they would repeal that particular section has not been done up to now.

As I said in the opening, when I was speaking to the principle of the Bill, we had sent another dex to the present Minister explaining the urgency of that particular amendment, and up to now, as far as I know, we have not had a reply but I think it is very important, Mr. Chairman, that everybody be fully aware that this has to be done or otherwise it would be, in my estimation, it would be wasting our time considering this Bill.

At the same time, I do not think that we can accept the reply that they are prepared to amend the legislation at another time, because, as we all know, as I stated earlier, it would appear that we would be looking at a Spring or Fall Federal Election, and the possibilities of that piece of legislation being re-introduced into Parliament would be very, very slim.

So, from the Government's viewpoint, we are doing all the necessary work and contacting the necessary people in Ottawa to express to them the urgency of the situation in respect to this piece of legislation.

I think the legislation, in totality, we have done everything we can to try to have it conform to the unique problems that we have in Yukon, and I think that, with the advent of the *Elections Ordinance* being administered in Yukon, it is another step for responsibility as far as the Legislature is concerned, as well as the executive arm of Government.

Mr. Chairman: Is there any further general debate.

Are there any amendments to Clause 1?

Clause 1 agreed to

On Clause 2

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, there is a typing error in Section 2.(1)(iii). It should be "donations".

At the same time, Mr. Chairman, it would be my recommendation that the witnesses be invited.

Mr. Chairman: They are coming, they are on their way.

Any debate on Clause 2?

Clause 2 agreed to

On Clause 3

Mr. Chairman: Shall Clause 3 carry?

Hon. Mr. Lang: Mr. Chairman, I think that this is a section that we will have to look at with our legal draftsman, in respect to the present piece of legislation that just cleared Committee.

Mr. Chairman: At this time, I would like to welcome our two witnesses, Mr. Michael Clegg, and Mr. Bill MacDonald who are very well known to most Members here. They have done a great deal of work on our behalf in preparing this and other ordinances. We are indeed pleased to have you here to help us in going through of this Bill.

On Clause 4

Mr. Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I have a concern about this giving the power to the Commissioner. Could we receive an explanation to separate the administrative side from the political piece of the electorate. My concern is Mr. Chairman, we all know the Commissioner's appointment is a political appointment, and this is where I have real great concern about it, that this could be used by the political party in power in Ottawa to influence the appointments of Board members. There is nothing in here that gives me the assurance that this will not happen. I would like to hear the members of the committee's view on it, because I have great concern over this section.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, first of all, this is a new concept in respect to elections being run in the Yukon. As you know, in Section 4, it does provide for continuity or continuity of terms of office so that all the terms of office don't expire at the same time so that there is some experience in respect to the Board.

At the same time, Mr. Chairman, in this particular section, what would take place is that there would be an appointment of a Elections Board for the next election, but to all intents and purposes, the elections board would be in the process of learning the elections procedures, and the authority for running the election would lie vested with the officer that had been employed, or the administrator who had been employed to run the election. He would be working with the elections board. It would be after that election, in other words, two elections from now, where the elections board would take the full responsibility as outlined in this piece of legislation.

At the same time, appointments to this board would be made through the Executive Committee, and I am sure that as a member of the Executive Committee and my two colleagues would be more than happy to hear nominations of names that could possibly serve on this particular board, because it is going to be very, very important in respect to even this forthcoming election, and more so for elections coming after that time.

At the same time, I think it is fair to say, Mr. Chairman, that in respect to the elections board, I think it is noteworthy to see that we have not provided for the political parties or the opposition in government appointing the various officers in respect to the polling divisions and this kind of thing. We have left that with the board and the administrator as one of their responsibilities.

I think it is very important that when running elections that this type of thing stay non political. It is an administrative task that should be done, it should be done from strictly an administrative task rather than bringing in the political arm of government in respect to the running of elections. So I think in respect, I think the Honourable Member has raised a point, but at the same time, I think in respect to the structuring of the Board and this kind of thing, I am sure that the Executive Committee is prepared to listen to nominations for the particular board, and would be given all due consideration.

Possibly the witnesses have a few comments to make as well, Mr. Chairman.

Mr. Chairman: Mr. MacDonald.

It is fine, if you wish to sit down, it is fine to remain seated.

Mr. MacDonald: Yes, thank you.

The basic idea, as the Minister has said, Mr. Lang has said, the basic idea of a board is to provide for, firstly, for the extraordinary degree of neutrality that a Chief Electoral Officer requires.

Now, as you know, in many jurisdictions, notably Ottawa, the one which, perhaps, you are most familiar, the Chief Electoral Officer is the single person with quite extraordinary powers. I suspect that Ottawa is used to that kind of bureaucratic and, in some cases, autocratic power vested in one man, but it is very difficult in a place like, say, Yukon Territory, to find a person in whom that much trust can be imposed at one time. It is far simpler to recommend a board and deal with a board composed of not less than three people, where the biases or prejudices of a single person, are not imposed on the election procedure.

The Chief Electoral Officer in other jurisdictions, also, is otherwise, placed in, sometimes, very invidious positions. The critics, during an election procedure, are numerous, people who feel they should be entitled to vote and are otherwise disqualified, people who feel that someone has shown prejudice where they should not have shown, and so forth and so on.

It is my feeling, and was so recommended, originally, to your sub-committee, that the board would relieve one person of this responsibility, because of its weight in numbers, the position it occupies, being three, instead of one person.

To get back to the Honourable Member's question here concerning the appointment by the Commissioner, I think it is for you to decide among yourselves as to how the appointment is made. I presume that most appointments for these matters are made over the signature of the Commissioner. Whether it would be made with the Commissioner in Council or not, I don't know. That I leave entirely open to you.

We made the simple recommendation that the Commissioner appoint. Any decision beyond that would have to be yours and I have no further recommendation on it.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I wonder if I could go back to 3.(1) for just a minute. This concerns me, and probably I should know the answer and my concern should not be there. I want to ask the Legal Advisor, Mr. Clegg, what would be the effect of that particular section if the *Legislative Assembly Ordinance* was not assented to? Is there any affect there at all?

Mr. Clegg: The effect on Section 3.(1)? If the *Legislative Assembly Ordinance* is not passed at this session, there will have to be considerable adjustments made to this Ordinance, if it is to pass and be effective, not only will the electoral districts have to be defined in this, not only will they have to be inserted into this Ordinance, but they will also, the provision for members' salaries and allowance will have to be inserted in this Ordinance, so in fact, it is true to say that if the *Legislative Assembly Ordinance* is not passed, we will have to devise substantive amendments to this Ordinance to bring in those matters.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, I would just like to comment on the remarks that the Honourable Member from Klondike made when he expressed his concern regarding the appointment of the Board by the Commissioner, and it ap-

pears as though the Ordinance completely delegates this authority to the Commissioner. Actually, in fact, what it is doing is delegating the authority to the Commissioner and the Executive Committee. However, because the Executive Committee operates under a ministerial directive, not under a law, but a ministerial directive to the Commissioner, and which advises the Commissioner he must consult with the elected members of the Executive Committee on all matters regarding the administration of government within the Yukon Territory. He must consult with them.

However, there is one deficiency in that ministerial directive, and this is the thing that the Constitutional Committee has been working on, and it is something that is most important to us, that even if he consults, the ministerial directive does not say he has to take their advice. We can change all the legislation we like, but the best way is to get that ministerial directive changed so that he must consult and he must accept their advice.

I would sooner see that type of thing, see the Commissioner and the Executive Committee, because after all, if we do have a party system, surely your Executive Committee would be consulting with the rest of the members of their party in that House for leave. We wouldn't be wrong if we wrote Commissioner in Council, because really it should be Commissioner with the body in power, that is what it should be. I would support Commissioner in Council, but I think in this instance I would just as soon leave it and work on getting that ministerial directive changed.

Mr. Chairman: I am wondering, with regard to this Clause 3, it refers to the *Legislative Assembly Ordinance*, but we have a separate Ordinance which is before Committee, the *Electoral District Boundaries Ordinance*. Shouldn't Clause 3 refer to that, rather than *Legislative Assembly Ordinance*?

Mr. Lang:

Hon. Mr. Lang: Mr. Chairman, I do not know if the witnesses are fully aware of the amendments to the *Electoral District Boundaries Ordinance*. What I would suggest right now, is that that particular section be just left for now, and then I will bring in the necessary amendment, if it is necessary.

Mr. Chairman: It has been stood over.

Hon. Mr. Lang: Yes.

Mr. Chairman: I am just pointing out that, if this is necessary, it should be taken up.

Ms Millard:

Ms Millard: Mr. Chairman, just on the elections board. I might have missed it, but I did not hear the witnesses mention anything about the provinces, whether or not they have an elections board or a chief electoral officer. Is it the same as this?

Mr. MacDonald: No, the common procedure is for the province to have a Chief Electoral Officer. In some situations, it has been in more, notably, in the past, where a neutral person, such as a Clerk of Assembly, was also appointed Chief Electoral Officer, on the basis of the fact that their neutrality was well known and therefore, their prejudices weren't, if any, weren't very apparent.

More recently, provinces are going to appointing their own Chief Electoral Officer, who is appointed by the Government, an Order-in-Council being, probably, by the Government in power, now has to prove his worth, I suppose, as he goes along.

B.C. has had that situation for many years. They have a complicated, as you know, a complicated registration system, that their registration does not occur just at election time as it does in most other jurisdictions. So, their Chief Electoral Officer is busy with continuing registration of voters, which is one of the ways they justify his employment.

The other problem with appointing a Chief Electoral Officer, is, in ordinary circumstances, with an election held every four years, what do you do with the rascal for three years? You know, he works for one, and the rest of the time he is getting into trouble.

Hon. Mr. Lang: Yes, Mr. Chairman, the witness has just mentioned that one area, in respect to the election officer, and my understanding is that there is, some of the provinces do have a Chief Electoral Officer full-time, but, here in the Yukon, it was our feeling that we should be looking at an election board for continuity, which is done with Section 4.(4), outlining the terms of office so that there is always some experienced individual on that particular board.

At the same time, it allows us to contract an individual to come in and run the election, as an administrator. In other words, perhaps, second somebody from the neighbouring provincial jurisdictions coming up to do the necessary administrative work during the election, prior to the election and during, rather than having an individual on staff for four years, which really, in my estimation, is not necessary in respect to the evolution that we are presently in.

Clause 4 agreed to

Mr. Chairman: Administrator of Elections.

On Clause 5

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I am not finished with 4 of the *Elections Ordinance*, because I think that this is too important to let go like we are doing right now. I can see a lot of arguments and a lot of fights coming up in the next election and the elections thereafter, because we are handling it too lightly.

I would like to maybe get the explanation from the witness if this wouldn't be possible to get the Clerk of the Assembly to be the Chief Electoral Officer, like in the provinces like he explained to us. Why not go this route?

I say again, the Commissioner is a very political appointment. Every member in this Committee should know what happened during the appointment of the Commissioner and the outrage it created in the Yukon. We are leaving the power to the Commissioner, not the Executive Committee people. Because as the Honourable Member from Kluane pointed out correctly, the Commissioner does not need to take the advice of the Executive Committee people. All he needs to do is to take the advice from his Minister, who is a political person, a political animal sitting in Ottawa. I am not going to let this go by that one political party in power in Ottawa, 3,000 miles away from here, can run this election. This is exactly what we are doing here by giving the Commissioner the power of appointing the board.

So, Mr. Chairman, I would like to go a little deeper and maybe get more information on the Clerk of the Assembly, like they did in the other provinces sometimes.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I think that we all know that we are in a state of change in respect to the Executive arm of government. Number one, when I was speaking to the principle of the *Electoral Boundaries Commission Ordinance*, I stated that there would be an acknowledged leader, or in other words, a party that would come in and be in power, and would be the government. The Honourable Member from Kluane touched on that particular issue. So in other words, I would envisage the Commissioner's authority declining. In other words, the leader and the government would be taking on the responsibility and standing up and protecting, defending government policy just like any other area of Canada. At the same time, Mr. Chairman, you have to look at the responsibilities of the present Clerk of the Assembly.

She has two responsibilities at the present time. That particular area of responsibility has not been split. She is responsible to the executive wing of government, also to the legislative wing of government. So the neutrality that the witness spoke of is not there as of yet. I am sure that it will change, but it is going to take time to change. At the same time, in respect to the running of an election, I think it is fair to say that we should have somebody contracted from another neighbouring jurisdiction that does have the necessary experience.

I question whether or not that particular responsibility should be delegated to the Clerk of the Assembly even if the position was delegated. It is not a full-time position, it is a position that would be contracted for a certain timeframe. You have the board in respect to giving it the necessary direction and making decisions when problems do occur in the unique situation in Yukon, which undoubtedly it would happen.

At the same time, in respect to the board, I would suggest that for the next election, that the appointment will be made by the Executive Committee. As I said, we are prepared to listen to names in respect to that particular board, because you have no idea in this day and age, it is fine to talk about a committee, it is fine to talk about a board. At the same time, it is very, very difficult to find people who, number one, have the capability and, number two, have the time to serve on boards. So, we will be looking for names, in respect to that particular board.

At the same time, I am sure that, after the next election, and during the time frame of that particular legislature sitting, that this Bill will probably come up for amendment. At that time, a decision can be made, in respect to what changes have to be made.

But, I am sure, in respect to the situation that exists today and, as my colleague Mr. McKinnon stated, it is imperfect, we all realize it is imperfect, but it is going to change. I am sure it is going to change after the next election. I think that we have to live with the situation as it exists today, and, after the next election, it will be scrutinized once again, and subsequently, obvious change would have to be made.

So, I cannot see any problem in respect to the way the particular section is written. Furthermore, Mr. Chairman, it was my understanding that the Section had been cleared.

On Clause 5

On Clause 6

On Clause 7

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, there is a typing error in Section 6.(1), "in accordance", in the first line.

Mr. Chairman, this outlines the, in broad terms, the responsibility of the board and also at the same time, allows for the hiring of an administrator.

As you note, this goes along with the *Public Service Commission Ordinance*, and, rightfully so it should.

Mr. Chairman: Mr. MacDonald.

Mr. MacDonald: I would like to comment on that, if I might, Mr. Chairman, on the administrative, the aspect of an administrator.

A board, for reasons I stated earlier, is an important office in election procedure, but a board cannot make the kind of decisions that are required to be made, during the course of an election, therefore, it has always seemed to me to be highly important that the board have some person in its employ, a senior officer in its employ, who can make those rather rapid decisions that must be made.

As you know, procedures during election are always

crowded and time is a problem to everyone, particularly to the administrators, and a returning officer must have someone to whom he can turn who can say, yes, we will do this or, no, we won't do that, and take responsibility for so saying.

That is one of the reasons why, in respect to the Honourable Member's comments up there, that the existence of a Chief Electoral Officer is often not unreasonable, because he can make those kinds of decisions.

Having been a chief electoral officer for something like ten years, I can tell you that it is a situation in which sometimes a single person finds himself very alone. By single person, I mean a single decision maker finds himself very alone. However, notwithstanding that, the introduction of an administrator to the board in this Bill to me is a very important consideration and should not be taken lightly as all of you will find out if you run in a subsequent election and there is an administrator there.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, just a question of Mr. MacDonald. Is it the intention that the administrator of the next territorial election would then be the Chief Electoral Officer of Canada. Is that the type of arrangement that we are looking at at the present time?

Mr. MacDonald: Basically, the administrator would have as much power as the board would like to give him, I believe. If the board is wise, it will determine early on what decisions it wants its administrator to make and what decisions it wants referred back to it. The board will have to learn and know that certain decisions must be made quickly and responsibly, and in those situations the administrator is acting for the board, acting for the Chief Electoral Officer, and if you wish, acting as a Chief Electoral Officer, Mr. McKinnon.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, in the synopsis that we have on the *Elections Ordinance*, it states on page one, "The Commissioner has received the agreement of the Chief Electoral Officer to administer the next forthcoming general election of members in 1978 that the legislation met certain requirements that the Chief Electoral Officer deemed necessary."

Now, the question that I am trying to get clarification from, if the legislation met certain requirements, if the Chief Electoral Officer were willing to serve in the forthcoming general election would he or his agents then be that administrator for that next territorial election, is that the type of process we are looking at for the next general election?

Mr. MacDonald: No, the assumption is that he would replace the board.

Hon. Mr. McKinnon: He would replace the board.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, Section 101 provides for that occurrence if it does take place. The question is, is the Chief Electoral Officer prepared to assume that responsibility and to my knowledge, we are not yet sure whether or not he is prepared to take on that responsibility.

As I said in my opening remarks, we would like to see the board in place so they could learn from the experience of that first election run under this particular piece of legislation. So it does provide for it, but is not mandatory. If you note Section 101, if you want to refer, it says "may conclude an agreement". There is not "shall" in there. So in other words, it leaves the door open to contracting someone else, other than the Chief Electoral Officer to run the forthcoming election if he is not prepared to run under this present piece of legislation we have before you.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, that is the question I was trying to lead up to, if all of these things cannot come about, if the Chief Electoral Officer does not like the legislation, if there is a federal election and we all the perfectionism of the elections procedure in the federal sphere, that if these things couldn't come about, where the Chief Electoral Officer were going to act as the overseer of the next Territorial election, does the legislation allow the possibility, with the appointment of the board and the administrator of the board for the Yukon Territory, so that there will not be a hiatus between members being elected to this Assembly because of things that happened somewhere else, will it be possible for the Government of Yukon, if all these conditions cannot be met, for the Chief Electoral Officer to run their own elections in the next Territorial election?

Mr. MacDonald: If you are asking me for a comment, I think it is possible, on the basis of the recommendations I made to you, otherwise I wouldn't have made them.

The alternatives provided by agreement between, as far as I know, the Commissioner and the Minister responsible for Territorial affairs, has existed for some time, in that one, you would become responsible, or Yukon would become personally responsible for running its own Assembly elections, and, two, that, having supplied the proper Ordinance, the Chief Electoral Officer for Canada, with all of his experience and the manpower that he has, would run the first election for the Yukon Territory. That would be the 1978 election.

If he chooses not to do so, and if you come to the point where you have to decide whether or not you are going to accept what the Chief Electoral Officer of Canada wants to do or what you want to do, you have to decide then if you can run your own election. I think you can.

Is that what you want to know, Mr. McKinnon?

Hon. Mr. McKinnon: Yes, Mr. Chairman, thank you.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Yes, Mr. Chairman, clarification Section 5.(1), "The Board shall employ". They employ the administrator.

In Section 6.(1), "The Commissioner, in accordance with the *Public Service Commission Ordinance*, authorizes the employment of such officers and employees as are necessary for the carrying out of the duties and responsibilities assigned to or undertaken by the board or the administrator".

Now, that does give me a little bit of concern. Is the administrator going to be a member of the Public Service of the Yukon, or are some of the officers, the election officers going to be members of the Public Service of the Yukon?

I would like clarification on this one.

Mr. MacDonald: It is my understanding that, in our discussions with the Subcommittee on Legislation, it is not envisaged that the administrator would be a public servant. He would be contracted for as needed by the board, which continues to exist, perhaps on a small fee basis of some kind.

He will be contracted, or his services will be contracted for at the time of an election or just prior to it, to get ready for it and run the show for them.

The employees that are referred to here, officers and employees, are those other than the returning officer, the deputy returning officer, and so on, whose appointment is dealt with further on in the legislation. These are clerical, stenographic and other employees that would be required by a board or an administrator to get the paper work done and so forth and so on for an election. That is how I understand this section.

Mrs. Watson: Mr. Chairman, I would like to consider that. I just don't see how any election officers, clerks, stenographers, anybody, should be tied to the Yukon Public Service Commission.

at all. They should be independent, completely, the board should have the authority to contract services, clerical services, stenographic services, contract the administrator, when they want to get some assistance from the Public Service Commission in writing of the job description and this type of thing, but there is no way that the Public Service Commission, or any person who works within the government of this Territory should even type for the election officers, or the administrator, or the board. They have to be completely and absolutely independent of government.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the reason the *Public Service Commission Ordinance* was put in this particular section was in order to determine the wage rate and this kind of thing. This was specifically why it was put in.

At the same time in respect to working with the board, you could see the time that maybe some people within the government could be seconded to the board and this kind of thing to do the necessary work. It is a short timeframe that is involved, and this possibility does exist, so we are trying to tie it in with the government staff that we have, to a certain extent, in order to cut down in respect to maybe some of the expenses involved in the election.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, really, if somebody is working for the government and they are not busy enough so the board can use them, well then the government has no business hiring them.

Mr. Chairman, I can see using a gauge for contracting the administrator, his functions he would have as far as the salary, Mr. Chairman, but you don't have to write in Public Service Commission. What you actually have written in there, you read that. "The Commissioner may, in accordance with the Public Service Commission, authorize", he authorizes, not the board, "authorize the employment of such officers". My goodness, is that returning officers? "And employees as are necessary for the carrying on of the duties and responsibilities assigned to or undertaken by the board." There is no way you need that in there, or should you have it in there. The board does this, they are an independent board. Government shouldn't want them to have anything to do with them. The farther they can get away from government, the better for government and for the election.

I just do not like that section at all.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, we are prepared to take another look at this Section.

Mr. Chairman: It is always the easy way out, Mr. Lang. Committee will recess until 1:30.

Recess

Mr. Chairman: I call Committee to order.

We will go on with Clause 8. Mrs. Watson?

Mrs. Watson: Mr. Chairman, have you read 8, may we question Section 8 now?

Mr. Chairman: I haven't read it, but I hadn't intended to read the whole thing.

Mrs. Watson: Are you going to read it?

Mr. Chairman: No, I am not, so if you wish to question it, please do.

Mrs. Watson: All right, Section 8 refers to returning officers and Section 8, the Commissioner appoints the returning officer. In Section 9, the assistant returning officers, the board appoints the assistant returning officer. Was this by design?

Mr. MacDonald: Mr. Chairman, yes, in response to Mrs.

Watson. It is by design. The returning officer, his position is that important that I believe that the appointment should be in the same way as an Order-in-Council appointment. Also, the appointment may be for a continuing term, a returning officer is believed that it is best to have them continue in office from election to election because of their experience, whereas an assistant returning officer's appointment would not be for a continuing term; it would expire the following election.

Mrs. Watson: Well, the one further question, Mr. Chairman, that's what I was wondering, whether it was a continuing appointment, but Section 10.(4), the termination is by the Board.

Mr. MacDonald: Mr. Chairman, that is a very valid point, and it is incorrect, it will require an amendment.

Mrs. Watson: "Upon the board's recommendation", would that be what they suggest? A determination would be by the Commissioner, would it be upon the board's recommendation?

Mr. MacDonald: Well, it says, one termination. Since people who appoint can normally terminate that, in the case of a returning officer, then the termination would be by the Commissioner. In the case of assistant returning officer, termination could be by the board or on suspension.

If we simply ended this clause, "shall forthwith be terminated", but not say who, as Mr. Clegg has said, I think would satisfy us, Mr. Chairman.

Mrs. Watson: Mr. Chairman, I would add, "by the Commissioner", just to make sure the board doesn't undertake...

Mr. Chairman: Pardon, Mrs. Watson.

Mrs. Watson: Mr. Chairman, I would say "terminated by the Commissioner", rather than just leave it "terminated", because, I think that that would clarify it so that the board were aware that they could not, in fact, terminate a returning officer's appointment.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in referring to Section 10.(1), I think the Honourable Member has raised a good point, but, at the same time, that particular section refers to assistant returning officer, as well. So, it is going to have to be done in two sections, that the board can terminate an assistant returning officer and the Commissioner can— but that can be looked at.

Mr. Chairman: Mr. Clegg.

Mr. Clegg: It is true that the two terminations should be done by different bodies, but, I think it would be just as good to leave it as terminated, because I don't think that it is appropriate that one should put words in legislation to explain and to bring people's attention to things that are already imported by the legislation.

If you wish, we can include the person that can terminate them, but it is certainly implied by law that the person that appoints is the person who terminates.

If you want to have a termination specified, that point is really being, it is really a reconfirmation of something which would be implied by law, anyway.

Certainly, we should make separate provisions for the termination of the assistant returning officer and the returning officer.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: I do think, though, there is, with all respect, I know that if a power is given, then it is implied that they terminate, but I do feel that there is a little bit of, maybe some confusion caused in this, because, Section 9.(4), this goes on to the assistant returning officers, they may be suspended by the administrator and the board.

So you are adding the administrator into the suspension process, but not into the termination process of the assistant returning officer, whether that was done by design or not.

Mr. Clegg: That was done by design to provide suspension, as something that could be done very quickly. For example, if the administrator found somebody who was incapable of fulfilling his duties for some unfortunate reason, and he could be suspended immediately, without having to call a meeting of the Board to do it. I take your point and maybe it would be clearer if we did specify the terminating authority in each case.

Mrs. Watson: Mr. Chairman, in the pecking order of this, the administrator is above the returning officer and then we have the assistant returning officer. Is that how it operates?

Mr. MacDonald: Mr. Chairman, Mrs. Watson is correct.

Mrs. Watson: Well, Mr. Chairman, would not the administrator possibly require the power to suspend a returning officer?

If there is a glaring thing and you have got—

Mr. MacDonald: Excuse me, Mr. Chairman, the board has the power to suspend a returning officer, the board having been consulted by the Commissioner in his appointment of returning officers, has he not?

Mrs. Watson: Right.

Mr. MacDonald: The Commissioner, of course, having appointed the returning officer is the only one who can dismiss him, and the board can suspend him, or do away with him temporarily, get him out of the way. The administrative officer would undoubtedly be the one to bring this to the attention of the board, you may have a point in the fact that the administrative officer may have to act more quickly, as Mr. Clegg points out. The Honourable Member may have a point in the possibility of a delay.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, wouldn't that be up between the board and the administrator to arrange just exactly what authority is going to be vested with the administrator. For the example that you have just cited, if he does find a returning officer is not capable or doing something wrong in respect to the function that he is supposed to be carrying out, the administrator could possibly forthwith suspend that individual, bring that suspension back to the board and say we need a reappointment right now, or even with the board's consent saying, "Look, we are tired of giving boards—I am going to reappoint somebody for this interim time. Is that not correct, Mr. MacDonald?"

Mr. MacDonald: Well, basically as I had visualized the relationship between the board and the administrator Mr. Chairman, if I may, it's all very well to try and be precise about such matters in a statute that sets out job by job processes, and the best evidence I have of this is the *Canada Elections Act* which practically tells the returning officer where to go to the bathroom, but I think it should be made plain that when you create a system with a board working with an administrator, to try and tell them in statute how they should precisely function, I think is taking away from their responsibilities and taking away from their effectiveness.

As the Minister has indicated, I am sure that when something happened where an administrative officer, the senior officer of the Board, was required to get rid of a man, he would do so without any question, and then he would go to the board and say, now, I want your sanction, and if the board didn't give it to him, if his reasons weren't responsible and proper and he had done it and the board didn't give it to him, he should be leaving on the next plane, or the board should see that he does, one or the other.

They just have to work together on it, Mr. Chairman.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, there is one section that is bothering me, Section 8.(1), it states, "for every electoral district, the Commissioner shall, after consultation with the board, appoint a returning officer".

What would be the difference between that and, say, upon the recommendation of the board, for the appointments of these returning officers?

Does that Section presently read, "give the Commissioner the latitude of not taking the advice of the board, or—

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: As written, the Commissioner receives the advice of the board, but is not bound to follow it.

If it is the Committee's wish to change that to render him bound by the board, then it would have to be changed.

At the moment, he is free to accept or not to accept their advice, after consultation.

Another alternate would be to provide that the Commissioner appoint somebody from a recommendation made by the board, and in that case, if the Commissioner did not like the first person who was proposed, he would not appoint that person, and the board would then be obliged to recommend somebody else. But at least with that system, the person would ultimately, whoever was appointed, would ultimately have been recommended by the board and appointed by the Commissioner.

That is kind of a middle of the road approach, but that is rather akin to the same situation as legislation. It has to be in accordance with both people's wishes. They both have to agree.

The way that we have it now, he has to consult, and then he makes a decision.

Hon. Mr. Lang: Mr. Chairman.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Since there are areas that we are obviously going to have to look at, I would like to leave Section 9 and not clear it at the present time. I would like another look at it.

Mr. Deputy Chairman: Very well.

Hon. Mr. Lang: Or, Section 8, excuse me.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, just to carry that a little further, though, I was just wondering, the Commissioner is responsible for the board in the first place, he appoints the board, and can do away with the board at any time he wants to, and I am wondering if you change it so that the board is the power and he has to go along with the recommendations of the board, you are merely just setting up a conflict there, whereas, in the first place, the board says no, the Commissioner says yes, and then he can say well, we don't need the board anymore. We are not gaining anything out of it.

Hon. Mr. Lang: Mr. Chairman, then, if the Member looks, in respect to Section 4, and the delineation of appointments to the board, it states very specifically a member may be removed for cause by the Commissioner. It has to be by cause and it has to be substantiated, so it would be a very important decision if any revocation of an appointment were to be made. So, it is not a case of just strictly getting rid of the board, it is a case of there has to be cause and it has to be substantiated, in the public forum.

Mr. Deputy Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, just one question. Who is going to conduct the inquiry?

Mr. Deputy Chairman: Mr. MacDonald?

Mr. MacDonald: I wonder if to clarify, I might read out to you just to refresh your memory from my original notes. I spent considerable time on this matter, as you know, in my original submission to you. Would the Committee accept this one page of notes?

Some Members: Agreed.

Mr. MacDonald: I recall a suitable vehicle appears to lie in the appointment of an elections board by the Commissioner, acting on the advice of the Executive Commission, with powers similar to those of a Chief Elections Officer, federal staff, and freedom from the restraints of either government policy or council influence.

The following description taken from the *Canada Elections Act* seems appropriate and this is the board to exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all elections and officers, fairness, impartiality and compliance with the *Elections Ordinance*.

Recommendations as to details of authority are set out previously in the following comments: if appointment of an elections board is envisioned, then the selection of a board administrator or director becomes necessary for earlier stated reasons. That is the reasons for getting things done quickly. Furthermore, to avoid any reflection of government self interest, it seems proper that the board be empowered to appoint or designate its administrator in much the same manner as it appoints or engages clerical and secretarial assistants. Perhaps the only substantial difference in board recruitment practices would be a statutory requirement for an administrative officer. Again, a duty description from the *Canada Elections Act* elaborated seems to suit the administrative officer, to exercise direct supervision of election officers and to issue such instructions as from time to time may be deemed necessary to ensure effective execution of the provisions of the *Elections Ordinance* under guidance and general direction of the elections board.

Now, I don't know if that helps. That is how I see this system, or saw the system last fall when I sent this report in, last spring, I beg your pardon.

Mr. Deputy Chairman: Thank you, Mr. MacDonald.

I take it Mr. Lang, that all of Section 8 is now held over for further review?

Hon. Mr. Lang: Yes, Mr. Chairman, there is no point in clearing this Section until we get this resolved.

On Clause 9

Clause 9 agreed to

On Clause 10

Mr. Deputy Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, I would like to just clarify what the intent of the committee has been. What I suggest, if I understand your wishes correctly, is that subsection (4) of Section 10 should be reworded in the last line, "his appointment shall forthwith be terminated by the Commissioner on the advice of the Board in the case of returning officer, and by the Board in the case of an assistant returning officer". Is that what Committee wished?

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, as far as I am concerned, yes.

Mr. Clegg: I just wanted to make certain that that is what was requested.

Mrs. Watson: Fine.

Mrs. Watson: Mr. Chairman.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: But I would also hope that when you are reviewing this section, to see whether there is adequate direction within the existing legislation, to empower somebody to suspend a returning officer, if it is needed. You may have to add something if there isn't enough in there.

Not the returning officer, there is a suspension for the assistant returning officer.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, if the Honourable Member looks at Section 8.(2), it states, 'A returning officer may, at any time, be suspended for cause by the board, for a period not to exceed 30 days.'

Mr. Deputy Chairman: Order, please. Order.

You are not suggesting, Mrs. Watson, this Section 10 be held over? You are not suggesting we hold only Section 10?

Mrs. Watson: No, Mr. Chairman.

Mr. Deputy Chairman: Very well.

Hon. Mr. Lang: Mr. Chairman, I am not clear on Section 10. Section 10.(4) would be held over so that we could bring in the necessary amendment? Is that not correct?

Mrs. Watson: Mr. Chairman, I thought we had just agreed to the wording that the witness has just read, for the amendment, for the idea, the concept behind it.

Yes.

Mr. Deputy Chairman: I think what the Minister has pointed out that Section 8 has relevance on Section 10.(4).

Mr. Clegg: Mr. Chairman.

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: I was just seeking direction from the Committee as to how I should prepare that the amendment, I wasn't attempting to move the amendment at this time.

I think, perhaps, the amendments, which will be quite numerous, will have to be moved at a later stage.

So, I think we will have to leave this open for amendment.

Mr. Deputy Chairman: Thank you, Mr. Clegg.

On Section 11

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Should we, is the board going to be "in a prescribed manner"? These forms will all be prescribed by regulations by the Commissioner, will they, because we refer to quite a few forms and they will all be prescribed by the Commissioner.

Hon. Mr. Lang: This is correct, Mr. Chairman.

Mr. Deputy Chairman: I think there is a typo, Mr. Lang, in Section 11, should it not be "prescribed", instead of "subscribed"?

Hon. Mr. Lang: Clear.

Section 11 agreed to

On Section 12

Mrs. Watson: Mr. Chairman.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, "the board shall cause to be published", if you are prescribing these in Commissioner's Order, the various officers, the administrator will be appointed by the Commissioner, right? Employed by the board, but appointed by the Commissioner, by Commissioner's Order?

The returning officers are being appointed by the Commissioner, but the assistant returning officers are being appointed by the board, but will that be done by Commissioner's

Order. You are saying it will be here pursuant to the authority.

Mr. Deputy Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, that is not the intended meaning of Section 11. Section 11 is there to provide the publication of the names of people who are appointed in whatever manner they are supposed to be appointed to them. It does not intend that this section provide the way in which they are appointed, the assistant returning officers are appointed by the board and this doesn't affect that.

These people are appointed in different ways.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, depending on the appropriate sections in the Ordinance in respect to, for an example the appointing of an assistant returning officer under the Section 9, that would be the pursuant section to which those people would be appointed, and in respect to forms and this kind of thing, you would look to Section 100, subsection (1) for Commissioner's Orders.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, that's what I wanted clarified, Mr. Clegg hit it right on the head. "The Board shall be caused to be published in the prescribed manner." Are you going to have a form in the regulations, because when you say prescribing a matter you are going to have a form which they will use to publish. So that is what you are meaning.

Mr. Clegg: That was the intention, it would also give him the authority to prescribe the extent of the publication. Three weeks in the newspaper or one week on a billboard outside the building.

Mr. Deputy Chairman: Thank you, Mr. Clegg.

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Yes, Section 13 does make provision for the administrator's reimbursement or salary to be set by regulations, so really, there is no necessity then to necessarily use the *Public Service Ordinance* as we mentioned in that previous section. In here, all of the salaries and expenses are prescribed by Commissioner's Orders.

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, may I ask a question of 15, subsection (2)? What do you mean by the phrase: "and at a general election, shall be made returnable on a date determined by the Commissioner". This is the writ. What do we mean there? The writ shall be dated, shall specify the day of nomination and polling day, "shall be made returnable on a date determined by the Commissioner". We return the writs, don't we?

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: It is my understanding that the, when the election is called, there is a sequence of time involved, and that time is decided in what sequence these events are going to take place in including returning of the writs. Is that not correct, Mr. Clegg?

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, the return of the writs refers to

the completion of the writ and the official return of the candidate after the election. This is just one of the deadline dates established by the Commissioner.

This does not provide that the Commissioner, by this order or in the writ, can determine polling day, because polling day is determined by a fixed number of days after the issue of the writ.

Mr. Deputy Chairman: Clear on Section 15?

Mrs. Watson.

Mrs. Watson: May I ask just one more question?

Who determines these dates? Does the board, or does the Commissioner, that we refer to in 15.(2)?

Mr. MacDonald: Every writ of election, excuse me, Mr. Chairman.

Your question is, every date of election shall be dated?

Mrs. Watson: That is right.

Mr. MacDonald: Is that what you are...?

Mrs. Watson: Yes, Mr. Chairman, the Commissioner originally determines the date of the election, correct?

But, the rest of the dates after that, who determines them? Under this Ordinance or by the board.

Mr. MacDonald: They are determined by the Ordinance.

Mrs. Watson: By the Ordinance.

But, Mr. Chairman, you are not, then, you see, then your nomination day is so many days after the return of the writs, right? The polling day is so many days after the issuing of the writs, but then why do we return the return open for the Commissioner to determine? Why are we not determining these under this Ordinance?

Mr. MacDonald: The date of return of the writ.

Mrs. Watson: Yes.

Mr. MacDonald: It could be provided in the Ordinance. The return of the writ, Mr. Chairman, if I may, the return of the writ is really the official identification, by the returning officer, of the result of the election.

Mrs. Watson: Of the election, right.

Mr. MacDonald: And, that, in fact, is his response to, in this case, the Commissioner, or, as may be, the Clerk of an executive council, who then is required to respond to the Speaker of the Assembly, and advise the Speaker what has happened.

The return of the writ is the instrument by which this is done.

Why the return is left flexible, I am sorry, I cannot say, Mr. Chairman. It is a standard format, and I believe, even in the *Canada Elections Act*, that the date will be determined, in effect, in the *Canada Elections Act*, probably by the Chief Electoral Officer or somebody like that.

Mr. Clegg: It could be set out in the act, Mr. Chairman, the return date is not necessarily the same as the date on which the official result is announced by the returning officer, and therefore there is no way in which the returning officer could delay announcing an official result, purely because the Commissioner had set a late return date for the writs.

It is a procedural matter to make sure all the writs are returned to the Commissioner with a declaration by the returning officer that he has fulfilled the duties commanded of him in the writ and that this was the result, that by the time the writs are returned, everybody has received notification of the result, and this is perhaps the reason that it is only written in formal confirmation of a previous announcement. Maybe this is the reason why it is not normally provided as a fixed number of days after issue, traditionally.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, there is one reason, and I haven't looked it up, I must confess. I will look it up after. I believe the salaries of members of this Legislature who run for re-election are somehow or other tied to the date the writ is issued and the return of the writ, so it could make it quite appropriate for some people.

I think those salaries are tied to that, I am not sure. I think there is something tied to it.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I think the point has been raised, and we will have another look at it to see if we can maybe tie it down. Does Mr. MacDonald have anything else to add?

Mr. MacDonald: Mr. Chairman, Section 65,(2) covers in detail the requirements of the returning officer at that time, on page 69 of your Bill, I believe.

Apologies to my colleague, here. You know they use like "forthwith" and so on, that means like yesterday I suppose you return everything you should.

Mr. Deputy Chairman: I would like your clarification, if I can have it, Mr. Clegg, if you go to subsection (7) of 15, there is reference in (b) "a notice of the withdrawal of the writ shall be published in the same manner as the publication of the writ pursuant to subsection (1)". My question for clarification is, should that not be subsection (3)? That is of Section 15.

Mr. Clegg: You are correct there, it should be subsection (3).

Mr. Deputy Chairman: Should it be (3)?

Mr. Clegg: Yes. Originally the draft said "issued pursuant to subsection (1)", but the word "issued" seems to have disappeared and how it is referring to publication rather than issuance, and it should be subject to subsection (3).

Mr. Deputy Chairman: Subsection (3). Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, with respect, if this is going to be as a result of a natural disaster or a civil disorder or extreme weather, there is certainly going to be a need for great haste in notifying all concerned that there is not going to be an election. I would hate to see it tied down to the same method of publication used in the normal way.

Mr. Clegg: Mr. Chairman.

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: I agree, it will have to be done very urgently and I think, in fact, that there will, in practice, there would be some informal notification.

But, I think, also, they should be just as extensive a formality in publishing a withdrawal as there was in issuing the writ, in the first place. As I say, in practice, that formal publication of withdrawal will probably follow by some days after the radio announcements and other announcements, to make sure that everybody knew that it was going to be put off and there was going to be a formal withdrawal.

Mr. MacDonald: If I might, Mr. Chairman, many of the traditional expressions of a statute, an elections statute in particular, still assume that the media is composed of the written media. In many cases in the past, I personally have taken that to mean publication by whatever media I found most convenient and most necessary.

It is just a simple wisdom to do so.

Mr. Deputy Chairman: I take it Section 15 is held over.

Hon. Mr. Lang: That is right, Mr. Chairman.

On Clause 16

Clause 16 agreed to

On Clause 17

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Section 17.(2), where we refer to the office being opened during the hours that the polls are open, does that mean the polls on polling day?

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, yes, that is the meaning is. It was thought that it was probably impractical to try to define in the Ordinance, the hours that the office should remain open on the days leading up to polling day, because otherwise you might find that you were imposing restrictions on somebody which may make it very difficult to accept the job of returning officer and it might, also, in some cases, be quite unnecessary.

But, at least it has been felt necessary and has been provided in most elections acts, that that office is open all the time on polling day during the hours of the poll.

Clause 17 agreed to

On Clause 18

Mr. Deputy Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, a question in 18.(1)(b), "on polling day a Canadian citizen". Did the Federal Government, the parliament, passed a new immigration laws now that English or Commonwealth citizens are no longer Canadian citizens?

Mr. MacDonald: Right. July of 1976, I think their Commonwealth recognition expired under the *Federal Act*.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I have a little bit of doubt with 18, subsection (1). It says: "Except as otherwise provided ..., every person who is or becomes resident in a polling division between the issue of the writ and the end of revision of that list..." I have a lot of concern because there is an ability for the boundaries of polling divisions to be altered as soon as an election is called or even before.

It isn't clear, when should those polling divisions boundaries be altered. You have to apply to the board but you can still do it. So, you see, and here we have to say you have to be an elector in a certain polling division, you have to be a resident there between the issue of the writ and the end of the revision of the list. What if your polling division boundaries are changed? When can they change them, after the writ is issued?

Mr. MacDonald: Polling division boundaries, Mr. Chairman, as seen earlier in the context of the Ordinance, is the responsibility of the returning officer to specify and possibly on the request of the board. It is a wise returning officer, of course, who, knowing an election is imminent, has all his polling boundary work done.

It is true, as the Honourable Member has indicated that there is a possibility that he may not be doing it until the election is called, but it has to be done before he issues a proclamation, because the polling division boundaries are defined in a proclamation. Now if you check the date at which he has to issue a proclamation, the time which he has to issue his proclamation, after the issue of the writ, that determines the time at which the polling division boundaries must be defined. It is prior to a nomination day.

Mrs. Watson: Prior to nomination?

Mr. MacDonald: Definitely.

Mrs. Watson: This does give me a little concern, because the first time, if this is used in the '78 election, this piece of legislation, there will certainly, in some districts, have to be extensive revisions to polling provisions because there are whole districts that have been changed. This is why I am asking this question, because of Section 18, and that other

section on the revisions, could there be a foul-up on residents being enumerated or claiming residency in the correct polling division, because that is how the electoral lists are done by polling division, not by polling district? Right? That is giving me a little bit of concern.

Mr. MacDonald: Mr. Chairman, if I may clarify it. They are done by polling divisions, not by electoral districts.

Mrs. Watson: Right.

Mr. MacDonald: Yes, you said polling districts. They are done by polling divisions.

Mrs. Watson: These are ones whose boundaries could well be changed, because the district boundaries have already been changed for the next election.

Mr. MacDonald: District boundaries change, polling division boundaries or changes in district boundaries require changes in polling division boundaries, of course, where these are co-terminus or in effect come together. Within the large ambit of an electoral district, of course, most of the polling divisions will stay the same except you take it out of this one and put it in this one. If I may be pardoned for gesturing in your committee.

The changes are not as manifold following a redistribution as you might think, because the population has not moved, just some lines between electoral districts.

Mrs. Watson: And the polling. Particularly, wouldn't it be quite significant say, in Whitehorse, where they have had five constituencies and now they will have seven?

Mr. MacDonald: Let me respond, Mr. Chairman. Certainly, the City of Whitehorse will be divided up on a somewhat different basis. I do not what your division proposals will be or what they will be accepted, but it will be divided up on a somewhat different basis, but block by block, street by street, the people remain in roughly the same place. There won't be that much difference in the changes of boundaries that will preoccupy a new returning officer or a returning officer to a new constituency a great deal, except to make sure that he has, as he defines the polling divisions on the boundaries of his new district, to align them to comply with certain requirements of 50 or more electors, and so forth.

It won't be a great upsetting feature. I appreciate your point, and the Federal Act goes to considerable length to require time given to the Chief Electoral Officer and, I believe, he asks for six months after any change in boundaries in which to accomplish this realignment. He is extraordinarily cautious.

Mrs. Watson: Why?

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Just to pursue this a little further then, for an example, if an individual in Whitehorse were to move from one electoral district to another prior to the proclamation, would that individual be voting in the new area he had moved into? Then, if he had moved after the day of proclamation, he would have to vote in a polling division of the riding that he was originally in?

Mr. Clegg: No, he can still apply...

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, he can still apply to vote in his new district if he wishes to as provided in the Ordinance. So the option is there.

I would just like to respond a little further to Mrs. Watson's question, Mr. Chairman, to say that the test of whether a person is enumerated as an elector in a polling district comes during the enumeration process.

The enumeration process depends on the appointment of enumerators and the definition of polling divisions, which they

are going to go out and enumerate.

The returning officer cannot instruct his enumerators to start work until his polling divisions are complete and redefined. Those will be the polling divisions which are defined in the proclamation he issues, so in practice, even if he does re-organize his polling divisions after the issuance of the writ, he cannot commence the enumeration process until he has completed that.

Therefore, a person will not be visited by an enumerator, until the polling division has been fixed, and at that time, they will know. They will be enumerated as a resident of that polling division. So, there can be quite some busy activity, but I do not think there will be any trouble because there will be no way in which a polling division can be restructured after a person has been enumerated.

Mr. Deputy Chairman: I think if members check Section 40 when we come to it, you will find some explanation dealing with polling stations.

Clause 18 agreed to

On Clause 19

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I had a query on 18.(2), I am sorry, regarding persons not qualified to vote, and that includes people undergoing punishment as an inmate. It is not a serious question, Mr. Chairman, and I hope it won't be judged facetious, but I am just wondering if the witnesses have given consideration to the present trend in many courts to give diversionary sentences or to give week-end sentences, and how we are going to get around this? Are they considered to be undergoing punishment as an inmate, even though they only come up for the week-end, or does that mean they can or cannot vote?

Mr. Deputy Chairman: Mr. MacDonald, or Mr. Clegg?

Mr. MacDonald: It has always been my personal stand on the matter which is as simple as this, if the man was incarcerated and could not attend at a poll, he couldn't vote and that was all there was to it. This person undergoing punishment as an inmate in any prison or lock-up for the commission of an offence, I would have to say that if, for example, it was a young man who was out on a week-end pass, and his mother had during the registration period had his name put on the list, and he was otherwise eligible and qualified, that if he was out and free to go and vote on Monday, he would go and vote, whether he was deprived of his liberty otherwise or not.

Mr. Clegg: Mr. Chairman, if I may add, in amplification to Mr. MacDonald's statement, I entirely agree, although on such an occasion that person would still be undergoing punishment but he would not be an inmate on that day.

Mr. MacDonald: And he wouldn't be deprived of his liberty.

Mr. Clegg: So, I think he could vote. If he hadn't been permitted to be out, he wouldn't be—

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Clegg: If you feel that is improper, I feel that we should suggest tighter wording. That is what I am coming around to. If you feel it is wrong that a person in prison out on a day pass could vote, I think we should tighten this wording. It was something I had not considered.

Mr. Deputy Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, there are a few problems, because it does verge on a bit of a discriminatory basis. You know the system of *jurisprudence*, if you are accused of a defence and you go to court and you plead not guilty and at any rate you are either on remand or the judge sets bail and you are in a financial predicament, or you don't know anybody,

you are not a solid member of the community though you are an elector and you are not allowed bail money, so you are incarcerated for that time while you plead not guilty while the time comes up. Another person because he is known in the community can go out on his own recognizance who can put a thousand dollars bail down or get out until the appeal section is heard.

I thought that the single overall principle that our rule of law was based on was that you are innocent until you plead guilty and if that person does plead not guilty and hasn't got the financial wherewithall to get out on bail or to get out on his own recognizance, that that person should definitely as having plead not guilty, and because of the circumstances is incarcerated, should he be denied the right because of those circumstances to vote? I think that we are making some discriminatory principles with this legislation and I hope that all Members are aware of this because I don't see how it cannot maybe be helped but we should be aware that that is what we are doing with this legislation. Or would you agree?

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, I do agree that, in fact, it does discriminate against a person who finds himself in jail awaiting trial, but, the traditional system has already given the judge the power to deprive that person of his liberty, and, therefore, he was already deprived maybe because of the fact that he is not well known or he is relatively impoverished, he is already deprived of his major liberty, that of freedom of movement. The other consequences, he may not vote on voting day, is, perhaps,...

Hon. Mr. McKinnon: Kind of like poking him when you are down.

Mr. Clegg: ...not too serious.

But, I think, in fact, that flows from the judge's authority to deprive him of his liberty and I believe that Mr. MacDonald agrees and has taken the position that it is administratively unacceptable to take the responsibility of holding polls in prisons and to visit every lock-up and prison to administer the poll to people who are only there because they not have been convicted, but because of the judge's discretion lawfully given.

I think this is a discrimination, but it has been justified in the administration of justice.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: That is the point I was leading up to, because the man who is in there in the remand cell, may or may not be found guilty of any crime.

The man who is serving his sentence on weekends will be free to go and vote if it does not happen to be those days.

Mr. MacDonald: Mr. Chairman, if I might.

Mr. Deputy Chairman: Mr. MacDonald.

Mr. MacDonald: If the Members of the Committee feel strongly enough about it, there is a simple solution to it. He can vote by proxy, perhaps, and the disqualification can be handled in the same manner that other people who are incapacitated in movement.

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, I would be in favour of opening a polling station up in the jug. I think everybody should have a chance to vote.

Mr. Chairman: I don't think it is quite possible.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Deputy Chairman: Mrs. Whyard, you have a question?

Hon. Mrs. Whyard: I didn't hear your comment?

Mr. Deputy Chairman: I said I don't think it was quite possible.

Hon. Mrs. Whyard: Anything is possible, Mr. Chairman.

Some Members: Clear.

Hon. Mrs. Whyard: I don't know if it is clear.

Mr. Deputy Chairman: Is it Committee's wish that we hold Section 18 over for further review? Or do you wish to clear it through?

Clause 18 agreed to

On Clause 19

Clause 19 agreed to

On Clause 20

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, this is a very important section and, if it is Committee's wish, maybe the Chairman could read it out loud and go through each section by section because it is very important.

Mr. Deputy Chairman: Very well, will do.

Mr. Fleming?

Mr. Fleming: I need possibly a little clarification on (7): "continuous residence for at least five days immediate preceding his enumeration", in other words that person could be possibly from Whitehorse or this area here in a polling division, and he would maybe be a hundred miles from here in a hotel, if he was there five days before, regardless of his occupation or anything else, would he then be entitled to vote?

Mr. Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, subsection (7) is restrictive, not permissive. In other words, it doesn't permit the person to apply to vote in a certain area. What it says is that if a person had a right to apply because he is covered by another provision of the Ordinance, for example, if he is a worker temporarily working at a difference place, he is limited by subsection (7). Subsection (7) does not stand by itself giving the right to a person to be enumerated in a new area. It limits the application.

The purpose of subsection (7) is to prevent a candidate trucking in supporters into a marginal district, and putting them up in the Y for one night and giving them a temporary job and saying okay, he's come here, five bucks, and I have got another vote.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, on subsection (7) in respect to the proxy vote, also if a person were to move in say for example Teslin four days prior to the enumeration, he wouldn't be eligible to vote there but he could vote by proxy vote in his own riding as long as he fulfilled the qualifications as outlined in Section 18.(1).

Mr. Chairman: I have a question for the witnesses, for clarification. For an example the very general statements and I know the difficulty we had in drafting this, but for example in 21.(c) say if a person leaves Yukon with the intention of making his residence elsewhere, he therefore loses his residence in Yukon, how would he ever be able to prove that. I guess you couldn't.

Mr. Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, many of these tests are subjective to the elector himself, and this is the situation with the law on residence and on domicile which applies to other matters in family law, and in fact, in many cases, the person whoever is determining this issue will have to say to the person, when you left was it your intention to live elsewhere? If the person says no, it was my intention to return here, I left my possessions.

here and I never formed intention to live anywhere else, then they would have to admit he has not lost his residence. It is a personal thing, in many ways.

Some of the tests are factual, there has to be an actual move coupled with an actual intention. The actual move is physical, the actual intention to relocate is subjective and is something on which really only the person himself can finally say.

Mr. Deputy Chairman: Clear on Section 20?

Clause 20 agreed to

On Clause 21

Mr. Chairman: Mr. Lang, do you wish me to read 21 as well?

Hon. Mr. Lang: Mr. Chairman, I must say you are doing very well, but unless it was Committee's wish, I would just as soon not.

Mr. Deputy Chairman: Thank you.

Clause 21 agreed to

On Clause 22

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I am very gratified to see that this piece of legislation is giving the importance that it is to the process of enumeration. I think the *Canada Elections Act* has been, is really quite deficient in that area, and also the pay that they pay to enumerators is extremely deficient when they pay them for so much a name, when in a place like the Yukon Territory, where you drive 25 miles to get a name, you just don't get enumerators.

So, I am pleased that, and there is a lot of detail and there is a lot of time devoted to the process of enumeration, because that is, in my estimation, a very, very important part of the election process.

I do, I am a little concerned with subsection 15, of 22, and it is on page 17.

This, with that, are you going to get anyone to take the job, with Section 15 in there?

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, this provision does exist in the *Canada Elections Act* and in every provincial act which I have looked at. It is really necessary, it does restrict the offense to a person who willfully and without reasonable cause. It doesn't make it an offense if it is my neglect or inadvertence.

I think a potential enumerator, who is concerned that he might get into trouble if he deliberately drops somebody, is probably not an appropriate person to have anyway.

Mr. Deputy Chairman: Mr. MacDonald.

Mr. MacDonald: Mr. Chairman, there is an error in subsection 16, for the sake of your Members. "Not later than the 26th day", it should be, rather than the "29th day".

Mr. Deputy Chairman: A typo error, Mr. MacDonald?

Mr. MacDonald: Yes.

Mr. Deputy Chairman: Thank you.

Section 22 agreed to

Mr. Deputy Chairman: Mr. MacDonald, subsection 23, of 22, there is a typo error there where it makes reference, again, to that previous typo error you made us aware of. It should be 26 instead of 29.

Mr. MacDonald: Wait a minute, that has to do with revision date, that doesn't have to do with the transmission of the lists of electors. This is the revision date which commences on the 29th, after nomination day, which is the 26th.

You see, the lists have to be in by the 26th, Mr. Chairman, because nomination day comes on the 26th.

Mr. MacDonald: This list would have to be given to those people who were nominated, then on the 29th, they sit for revision of that list. So that is 29th to the 36th day.

Mr. Chairman: Okay.

Mr. MacDonald: I might add something here while we are at 23.

Mr. Chairman: Yes, Mr. MacDonald?

Mr. MacDonald: It has become a rather important time concern in some other people's minds, not mine particularly and, even with this draft, I would personally like the Committee to consider the possibility of striking out the word Saturday from the exclusions, giving one more day in which revisions to the list and proxy certificates can be issued when these are all done at the same time in this act. It says from the 29th day to the 36th day after the issuance of the writ, excluding Saturdays, Sundays and public holidays. It is my personal feeling that Saturdays should be open.

Hon. Mrs. Whyard: Mr. Chairman, I would think that would be a very practical suggestion.

Hon. Mr. Lang: Mr. Chairman, we will have a look at that particular section then.

Mr. MacDonald: Thank you, Mr. Chairman.

Clause 23 agreed to

On Clause 24

Mr. Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, in Section 24, subsection (3), there is a word on line five, "credible", and which should read credible. The two things are not necessarily the same.

Mr. Chairman: Thank you, Mr. Clegg.

Clause 24 agreed to

On Clause 25

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, on 25.(4): "The decision of a revising officer may be appealed to the returning officer." and yet on 24.(2) we say: "A returning officer may himself act as a revising officer..". What kind of other courses of appeal would there be then? When you are actually appealing the same person.

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, normally, the revising officers are appointed separately from other election officers, but recognizing the difficulty which may well be incurred in finding suitable people to act here, we made as much flexibility as possible in allowing people to take duplicate roles.

This situation, in fact, would be a difficult one if it happened to be the decision of the revising officer. We haven't made any provision, it would be possible, if the Committee wished, for an amendment to provide that where the decision appealed is from the returning officer acting as revising officer, then the appeal should be to another revising officer.

Generally, this appeal is just, more or less, at the same level, but it is, I think, in practice, what would happen would be that if a revising officer found that one of his own revision appeals, his own revision decisions was being appealed, he would ask the decision to be taken again by a different revising officer.

I think that is a practical solution with the present wording.

Mr. Deputy Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I would like the witnesses— first, it is much better that we spell it out in the Ordinance, and make provision for it.

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, if you wish, I will prepare an amendment for your consideration.

Hon. Mr. Lang: What section is that again, Mr. Chairman.

Mr. Deputy Chairman: Section 25, isn't it? What section are you referring to?

Mr. Berger: Section 25.(4), Mr. Chairman.

Mr. Deputy Chairman: Mr. MacDonald.

Mr. MacDonald: If I might, Mr. Chairman, I have some, from experience, questions in my own mind about going anywhere beyond the ruling of a returning officer. The provision here to authorize a returning officer to act as a revising officer is purely an emergency situation. In almost all cases, he will want to appoint someone, if he has them, to do the revision work. It may be that he could, his revising officer took sick or something like that, in the middle of affairs, he had to jump in and fill in.

But, any appeal beyond the returning officer in the matter of this kind I don't think should ever be recommended, because it becomes a dog's breakfast. A returning officer, his decision should be final.

I impress on you, if I can, that a returning officer, the electors must have pretty complete faith in their returning officer. If they don't, get another one for the next time around, because he is the key to the successful operation of the whole thing.

I even debated the recommendation of an appeal to him from a revising officer's decision, however, there are some points on this matter of proposing revisions by deletion or addition of names that are a bit touchy and it seemed appropriate to provide for an appeal but only to the returning officer.

In the case where he made the decision, as far as I would recommend to you, it would be final and no revision to anyone else.

Hon. Mrs. Whyard: Mr. Chairman, in the normal course, the revising officer would consult if there was a question of some interpretation and if he was to constitute that as an appeal. Normally, it is done in the presence of the person who is appealing or asking for further information, and it removes the necessity to go any further.

Mr. MacDonald: I might add Mr. Chairman, there has been a question raised outside of your Committee here that we have neglected to provide for advice to the elector on the list against whom the question was raised, Mr. Minister, and I believe that it is quite reasonable that somewhere in here we also consider an amendment requiring the revising officer to advise the elector, whose name is either being removed or added to the list after sufficient evidence has been provided. I think it is very necessary.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, in respect to what the witness has just said, do you have any idea what the appropriate section that should be brought up in? Should that be brought up in 25.(1) or should it be further along in the legislation, because we are clearing these sections.

Mr. MacDonald: If I might, Mr. Chairman, it should be set out in the the clauses that detail the operation of revision, doo this, do this, do this. That takes us to Section 26, I believe.

Mr. Chairman, in response to the Minister's question, I think Mr. Clegg can find the place for us, if you think it is reasonable.

Mr. Deputy Chairman: Mr. Clegg?

Mr. Clegg: In 24, subsection (4), it states that if the revising officer is satisfied that a person is on the list who is not

qualified, that he shall remove the name. That might be an appropriate place, because it is a removal where notice is critical, because it is a person who has lost a right. Where a person's name is added, he doesn't have any complaint really, but I think I would suggest that if you wish to provide for notice to be given to the person, that his name is being removed, then that is the appropriate place.

Mr. Deputy Chairman: You are suggesting that Section 24.(4) be taken back for further review to take into account that question?

Mr. Clegg: Yes, I would propose adding a further subsection immediately after that to provide for notice.

Mr. Deputy Chairman: Is that Committee's wish?

Some Members: Agreed.

Mr. Deputy Chairman: Very well, I will declare a brief recess.

Recess

Mr. Chairman: I call this Committee to order.

Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, as we are going through the Bill, we are clearing a lot of these sections and it has come to my attention that we have had some comments, in respect to this Ordinance, from the Chief Electoral Officer of Canada, Mr. Hamel.

It is my understanding that Mr. MacDonald, this evening, will be going through it and there is a couple of areas there could be some valid criticism, in respect to some of the sections we may clear.

So, I would just like consent of Committee, if we do find areas that could possibly be improved, could I get consent from Committee the possibility of going through various sections that have already been cleared, if we find that there are discrepancies, due to his critique.

Mr. Chairman: I am sure that would be no problem, Mr. Lang.

Hon. Mr. Lang: Also, Mr. Chairman, in respect to Section 25.(4), that we were discussing, I would like to hear Committee's comments, in respect to Section 4. Mr. MacDonald, I think, brought up some valid areas of concern for an appeal procedure and this kind of thing, especially when you are right in the midst of an election. I would just like to hear what Members have to say.

It is my own personal opinion it should be, maybe, left the way it is.

Mr. Chairman: I do not think we have much comment, one way or the other, Mr. Lang.

Clause 25 agreed to

On Clause 26

Mrs. Watson: Mr. Chairman, when you are referring to a deputy returning officer, there, that is the first time.

Mr. Chairman: No, it is included.

Mr. MacDonald.

Mr. MacDonald: I am sorry, Mr. Chairman, I didn't hear the Member's question

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, Section 26.(1), refers to a deputy returning officer. I believe it is the first time in the Ordinance. We talked about assistant returning officers, but we have a deputy there, Section 26.(1).

Mr. MacDonald: Mr. Chairman, if I may, they are two entirely different people. The deputy returning officer is the person who runs the polls. The assistant returning officer is

formerly, I think, called an election clerk, is the assistant to the returning officer, who assists him in operating the whole electoral district and, who also, normally acts as the revising officer.

The D.R.O., as you probably know him as, is the poll operator.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, is this a special breed of constable?

Mr. MacDonald: Mr. Chairman, if the question is directed to me, I assume the Member means as different from a peace officer, a normal peace officer; yes, it is a person who may be appointed by the deputy returning officer to help keep peace at the polls.

Hon. Mrs. Whyard: Mr. Chairman, a bouncer?

Mr. MacDonald: Mr. Chairman, if you will permit, it is a judgment call. We found that the very best constables were good looking young ladies who effectively quelled most disturbances.

Hon. Mrs. Whyard: Right on, thank you, Mr. Chairman.

Mr. Chairman: That seems to be the most effective way to control the bars around Whitehorse too.

Mr. MacDonald: It controls a lot of things, doesn't it.

Clause 26 agreed to

On Clause 27

Clause 27 agreed to

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: In (6), I may be missing the point here, but why is this proclamation sent to every person who was a candidate at the last election, they may not even be around any more?

Mr. MacDonald: At the risk of exposing my colleague, I will respond. It is taken directly from the Federal Act, the precise wording used in the *Federal Act* and Mr. Clegg in his drafting, with my full agreement, relied heavily on some of the sections of the Federal Act to do this sort of thing. I wasn't looking at it too closely, I couldn't agree with the Member more, Mr. Chairman. I can't understand why either, and I don't know what Mr. Clegg's thoughts on it are.

Mr. Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, this provision appears in some of the provincial acts as well, and it seems to me, and I left it in deliberately, it seems to me that it has been generally recognized that people who stood for election on a previous occasion as well as those who have already declared themselves as candidates, and this is before nominations are closed, so that the candidates are not yet fixed, the people who have been candidates in previous elections probably have a particular interest in the forthcoming election, and it seems that this has been accepted as a reasonable thing to do, to give them notice of the election in case it by some terrible chance escapes their notice. You might well feel that this is in the present age of very superior communications that this is so unlikely that it is unnecessary to remind them and that they should not be a privileged people. I left that in because it seemed to be a general practice in Canada that they did in fact receive a notice of that proclamation.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, the 27.(2), I can see a problem arising, in that, where candidates, like in a riding like Campbell, you have Ross River on one end, you have Upper Liard on the other end, and Teslin on the other side. It is sort of a triangle, and wouldn't it be possible to have the deputy returning officer there to file the nomination papers also, or does it

have to be the returning officer, to be filed in one place only, because there are three different communities, approximately with the same amount of people there?

Mr. Clegg: Mr. Chairman.

Mr. Chairman: Mr. Clegg.

Mr. Clegg: The Ordinance does provide, elsewhere, and I can't recall the exact section, that the returning officer may delegate to his assistant returning officer, and, if you will recall, he may appoint more than one assistant returning officer.

He may delegate to him or to them the power to receive nominations, and this was pursuant to recommendations, in Mr. MacDonald's report, that there were some constituencies in Yukon, which did have a very wide population, with several centres, so that this could be arranged, that nominations could be received in, maybe, two or three different cities.

So, I think you will find, as we get through this, it is provided for.

Clause 27 agreed to

On Clause 28

Mr. Fleming: Just a typographical error, I think Mr. Chairman, in the second line, is that not "is", not "in"?

Mr. Chairman: Yes.

Clause 28 agreed to

On Clause 29

Mr. MacDonald: Mr. Chairman, I must admit that 29.(1) is a pretty serious part of this Ordinance, to all of the Members assembled in Committee, and I should hope that they clearly understand it. I think they have gone over it with Mr. Clegg before.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: As I understand it here, he would have 30 days in which to file a statement by himself, and then, if, becoming elected, he would have another 30 days. Is that the understanding in that section?

Mr. Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, the intent of subsection (1) is that he filed the statement upon nomination and he must then divest himself within thirty days of his election. The statement of his disqualifications must be filed upon his nomination.

Mr. MacDonald: That would be, in my mind, thirty days following the official declaration of his election, that is the return of the writ or the official declaration by the returning officer; not polling day necessarily, so he is not declared elected until—I think we had better look at that. It would be my understanding that it should be on the official—

Mr. Clegg: Yes, it should be. Mr. Chairman, in line six of 29.(1) the words polling day should read his election, as you will see in the end of that subsection it refers to the fact that he must divest himself within thirty days of his election.

I would like to make a comment about the correction of errors, I think that we can only leave as typographical errors those items which the law clerk could change of his own authority, and I think there are a number of these things which are in fact typographical errors, but we will have to propose amendments to change them although they are very minor things. I am keeping a note of them on that basis.

Clause 29 agreed to

On Clause 30

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, in 29.(3): "A candidate who has filed a statement.....and who is subsequently elected and who fails within thirty days ...to divest himself of

the grounds", do we say anywhere whose responsibility it is to pin that down for each elected candidate? Who follows through?

Mr. Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, the administrator of elections and the board have the authority to enforce the provisions of the Ordinance, and it would be their duty to follow these through. The statements are filed with the returning officer, they are published, and they become part of the public record, and therefore not only must the board follow this part of their administrative duties, but any member of the public will know what disqualification that person has because the fact that the statement has been filed, it will be publicized. So any of the members of the public can also track this down. But it is primarily, I think Mr. MacDonald will agree, it is the responsibility of the board or somebody delegated by them to check that these things are followed through.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: I think this is rather important nitty gritty, because if for example your elections board, checking, found that this candidate had not, as yet, reported that he had divested himself, how long do you give him? Is there a period of grace, what if he is in the process of trying to unload whatever it is he owns that would be a conflict and he hasn't been able to? You don't just put it in a blind trust in five minutes either, Mr. Chairman.

We have given him 30 days, after the election. On that 30th day, does the board say, yea or nay, that's it?

Mr. Clegg: Mr. Chairman, that is the intention of the section, as drafted now, that there is no grace period and that a member who seeks election and knows that he has a disqualification, has to prepare his affairs so that he can treat a diversion in time.

He will in fact have, from the time he decides to run, which will be sometime between the issuance of the writ and nomination day, until 30 days after he is elected.

Mr. Chairman: What is the practice in other jurisdictions, Mr. Clegg?

Mr. Clegg: The practice varies, but, generally speaking, this subject is not well covered in any precedent I found and, generally speaking, a person in other jurisdictions has to divest himself before he can become a candidate.

This could become extremely difficult for a person who has some particular office, which would disqualify himself. He has to resign, he may not be in a position to get his office back again, or may own some property or some contractual interests which he has to dispose of.

Under the *Canada Elections Act*, a member who is a MLA in a provincial assembly, and this often happens, cannot be nominated as a candidate. This means that if a provincial MLA wishes to become a candidate in a federal election, as many do, he has to resign before nomination day, in the election. Of course, as you all well know, there is no such thing as a conditional resignation from an assembly. Once he has resigned, he is finished.

So, if he is not elected, then he is out, with the game.

In the Territory, where a small number of people take a very active part in a large number of public offices, it seemed to us to be particularly important to enable people to leave one foot on the bank before they jump for the rock. This is a unique and novel provision, as far as I am aware, where a member may, in fact, seek nomination while he is disqualified, providing that he does, in fact, file this statement, which is to be followed through.

Hon. Mrs. Whyard: Mr. Chairman.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Then, Mr. Chairman, since we do live in the Yukon, this candidate has been elected, but before he has divested himself, there is a contest, a controversion, or whatever, is put in motion, he has to still divest himself of all these interests within 30 days of his election, and he could still be dumped.

Mr. Clegg: He won't be declared officially elected while there is a recount.

Hon. Mrs. Whyard: So, he doesn't have to?

Mr. Clegg: So, the time doesn't run until the recount is finished, but, if there was a controverted election issue, then he might, in fact, find himself in a very unfortunate situation.

But, in any event, he would be better off than he would be anywhere else, because, in any other place, he would have had to have resigned before nomination day.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I just find it difficult. In normal situations I could see the thirty day period, but there should be all kinds of circumstances, and you only think of a couple of them. If a person has obviously been doing business with a person who he really trusts and confides in who happens to be his legal advisor and that person is on holidays or is not available for a period of time to be able, for him, to put his affairs in that type of order within the thirty days, the notice that he has to file. I think that could be an area.

I could see an area where a person had an apartment block situation that was renting on a guaranteed rate of occupancy, to the Territorial Government, you just don't go about selling an apartment block in thirty days under normal reasons, but I think if the person is making an attempt to do these things, that there should be some further period of grace allowed, just a cut-off day, thirty days, if a person's legal advisor falls sick, is ill or any of these things happen, then and whack, because of these extenuating circumstances over which you have no control, you are ineligible any longer to be considered as elected to the Assembly.

I just can't understand if the person is in the process of divesting himself of these interests and for any number of reasons the thirty day period doesn't hold true, then I think that we are just wasting the taxpayers time and money going to a further election by making him ineligible to be a candidate to this Assembly when he is doing everything in his power to divest himself of his interest.

It just seems that there is no period of grace at all because of certain extenuating circumstances that could arise.

Mr. Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, there is one provision in the Act which could be activated to save a situation, if it was a truly unforeseen or emergency situation, such as the member does describe, and that is provision of 7.(1) which empowers the board in an emergency or unusual or unforeseen circumstances where the provisions of the Ordinance do not accord the exigency of the situation to extent the time for doing any act.

Now I don't think that this could be used to apply just to an extension if a person needed more time to get a reasonable price for his investments, but if he was placed in unusual circumstances because of some emergency, maybe illness or some particular circumstance which is unforeseen, the Board would have the power to extend that time. But the member could not become sworn in as a Member of the Assembly until he had divested himself. One of the reasons why we advised a short time period was that we felt that the Assembly is entitled to the attendance of a Member as soon as reasonably possible after an election.

It won't cover all circumstances but it would cover emergency situations.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, at the same time, when we were discussing it, it was my understanding that the timeframe in respect to when the individual decides to run has to be taken into account as well which is in the area of twenty to maybe even sixty days, and so subsequently you have a period of two to three months if you are serious about running, and these things can be done at the same time.

Hon. Mrs. Whyard: You have to get elected first.

Hon. Mr. Lang: Well, I realize you have to be elected, but at the same time you approach the people you have to in respect to divesting yourself because you know you have to do this. Obviously, I do think the time is available.

Mr. Chairman: Mr. MacDonald.

Mr. MacDonald: I don't know whether it is worth anything to add, Mr. Chairman, that appropos of this particular situation, there are very strong schools of thought existing, certainly, in other jurisdictions, and possibly in the Yukon Territory, that says that anyone who ever had anything to do with the affairs of government and spending government money and so on, should not be eligible.

You know, it is because, in the Yukon, so much of the work is done with government money, contracting and so forth and so on, we decided to try this particular avenue to encourage competent people to run as candidates in elections to the Assembly. But, we can't forget the fact that in some areas, that is a very hard no-no. If you even smelled like you had anything to do with government, they won't touch you.

On the other hand, at the same time, the man who is in that position, albeit he is simply earning a decent living, under circumstances that are perhaps not of his making, is going to hear about it on the hustings from his opponents, no matter whom he might be. They are going to point to the candidate who is working with, say, government contracts, and say to the voters, I am purer than he is, et cetera. It all washes in the same suds.

Hon. Mr. McKinnon: Mr. Chairman, I won't give up on it on one point, because I think that there should be some period of grace in this Section here, not having to go to the emergency section of the Bill, and it just seems to me that when you are trying to attract candidates for political office, when you mention the pay, the working conditions and the pension plan, that is not very attractive to them, in the original type of instance, and then you get down to the point where you are trying to attract those very people who are capable of running the biggest business in the Yukon, which is the business of the people of the Yukon, the Government of the Yukon, and those are the very ones who are affected most by this type of provision, in the Ordinance, where there is a 30 day clause, and even if you are trying to divest yourself of your interests, buddy, if you have not made it, that is tough luck, without going to an emergency section of the board.

I am telling you, when you go and try to ask candidates to apply or take out nomination papers and they look at what has to be done to be eligible to run as a candidate, and what they are getting into, those type of people make the decision, who are successful business and successful at running business in the Yukon, say, it is just too much to give up and I just can't afford to do it at this time.

I say to you, Mr. Chairman, that those are the people more and more and more that this Government has to attract into this Chamber, to be able to run, as I say, the biggest business in the Yukon, which is the people's business, in the Government of the Yukon Territory.

I just can't see why it has to be so adamant that the 30 day period, without any period of grace considering exceptional circumstances, except to go the emergency provisions, are pretty unattractive for a person who is seriously attempting, after having been elected, to divest himself of his business interests.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I just have to get up and agree with the Member for Local Government, absolutely. If a person has been elected, I am certainly sure that a little more grace would not hurt for the simple reason that in the final analysis if he does not divest himself of all those interests, he is going to be guilty of an offence and liable to quite a fine. Therefore, I think there is not much doubt that if the person has signed the papers and says he will do such a thing, that there is no doubt that he is going to be trying very hard to do it. I see no reason to not give him a little more grace than what we have in the thirty days here. It is a very short time to turn over a business or anything in that manner. I would certainly like to see at least another thirty days or sixty days, sixty to ninety days at least, because what are you going to hurt? The longer he stays the more his penalty will be, if he doesn't get rid of it finally.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I am a little short of patience today when I hear the kind of debate that is going on now. It makes my fuse just a little bit shorter.

When I think what we have already done in the legislation, we have let somebody who has a conflict of interest situation, put their name up to run for an election. We let them not have to make any personal commitments as far as their financial conflict of interest whatsoever. They can run for an election, they can win, and they still have thirty days to divest themselves of that conflict of interest, and they are still profiting, probably, that thirty days from government funds.

Even taking members of the Public Service if they want to run for an election, they are not going to let them stay on and collect their salary thirty days after they are elected, and that salary might mean just as much to them as the conflict of interest of a businessman, and if he is such a good businessman that we really need in this House, then he should be able to plan well enough ahead. He has got anywhere from sixty to ninety days to know what he is going to do if he wins. I would hope that we don't elect somebody who needs more than sixty to ninety days to divest himself of all of his interest because it may be too expensive and too rich for this humble Assembly.

Mr. Chairman: Ms Millard?

Ms Millard: Yes, Mr. Chairman, I can only hartily agree. I can't see allowing anyone sitting in this House more than thirty days without divesting.

At any rate, my question is, isn't there a certain amount of time between the time he knows he is elected before the writ is returned to him. It seems to me mine was an awful long time coming, at least two weeks if not a month, so that it adds to the thirty days in that period of time.

What would be the average sort of time between the public announcement of his election and the official return of the writ?

Mr. Chairman: You mean the polling day?

Mr. Clegg: Mr. Chairman, the time difference which the member will have actually extra, is the difference between the unofficial announcement on which will probably be later on polling day, and the day on which the official announcement of the election is made. It will be before the return of the writ. That is the thirty days runs from the official announcement, and that will be a period of ten days, so he will have forty

days after polling day.

The other consideration is—

Mr. MacDonald: It is also two days from the issue of the writ.

Mr. Clegg: Yes.

Mr. Clegg: Yes, so he will have up to 82 days, in issue of the writ.

The other consideration is that some members run not expecting to win, and not, perhaps, preparing themselves or being prepared to put themselves in a position to stand if they do win and therefore such a person wouldn't be preparing his affairs and those might be the people who have got into a problematical situation, a person who ran a determined campaign and expected to win, would inevitably be preparing himself for this.

There are other savings in the disqualification section, which would, perhaps, accrue to the benefit of big a businessman and those are the fact that, if his interests are those of a company in which he is a shareholder, he is not disqualified if his shareholding is below, I think, 10 per cent. That is the proposal in the new *Legislative Assembly Ordinance*, whether or not we get that passed is another question for another time, but that, if that was, if we do have that provision governing disqualification, then a businessman with substantial interests would have to transfer his shares, down to a level where he had an interest in the company which wasn't deemed to be a conflict.

He wouldn't necessarily have to sell the company's assets.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I just want to draw all Members again to the witnesses remarks, in respect to Section 7.(1), as well.

That section does exist in there and if there is an emergency situation, I am sure that it could be taken into account, but I would like to think that 82 days, or whatever, should be substantial for people to get their own house in order.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I am just a little bit interested and I think this is the place to ask the question, I think, as we are speaking of shares and so forth and so on, and I am wondering just how many people in the Yukon Territory would be really eligible to run as a candidate for this House, or going to be in the next election, and in the case of shares of a company, incorporated company, does this not include all shares that you would buy in mining shares, any type of shares, I would say? Is that not true?

Mr. Clegg: Mr. Chairman, the proposal that is contained in the *Legislative Assembly Ordinance* is that a member who is a shareholder in a company or a partner in a partnership, say, to the extent of less than 10 per cent of the total equity, is not fixed with the conflicts which a company has. I would imagine that a large number of members in this Assembly will have shares in public companies, which do business with the Government, but I would doubt whether many of them have 10 per cent of the shares of any such public companies.

Therefore, if they are less than ten per cent, they don't have to concern themselves with whether the company itself is dealing with the government.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I can't add any more to what some of the members have said, I think it is a have your cake and eat it too situation. If we allow any more than thirty days, I think we are being quite liberal on that.

My question to Mr. Clegg would be, it seems to me I recall in

Alberta a situation where one of the members was elected and certainly divesting themselves of interests, and then he was challenged, and it was proven beyond, I guess, doubt, that he had certainly initiate the action to divest himself of all interests, but some of this was still proceeding, and there was some sort of appeal on that basis, but it was held that he in fact was doing what was required and his candidacy was valid.

Mr. Clegg: Mr. Chairman, I don't recall the instance which the Member mentions.

Mr. Lengerke: Around 1952 I think.

Mr. Clegg: But, I have to admit that under the wording that we have proposed in this Ordinance, if a Member elect was in the middle of divesting his interests, which would disqualify him, this would mean that he had not completed divesting them and therefore he still owned them, and he would still be disqualified.

You either own something or you do not own it, and there is an instantaneous change. The difficulty in allowing a grace period, where a person is apparently making an attempt to divest himself, is that there is no way of determining whether he really is making an attempt or whether he is merely holding out for a better offer. This would involve a judgmental decision, the person's internal objectives in not having yet, at that stage, concluded an agreement. A practical solution is always to commence negotiations well before an election and make the final conclusion of the agreement, for example, if one has decided you have to sell an interest in a company which was doing a service for the government or a building which is leasing its space to them, is to make the ultimate transfer dependant upon your election or put it off until a date after that.

Any deal can be cancelled at the last minute, but I would find it difficult to make any suggestion as to how we could draft something which would say that if a person is in the middle of doing something, he is deemed to have done it, because he might never complete doing it.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, I wasn't trying to suggest that that's the kind of drafting that is needed. I was merely asking the question if they are aware, and it is too bad that I can't recall all of the details with it, it was a fellow in southern Alberta and, as I say, he certainly demonstrated through the actions that he had divested himself of 90 per cent of the problems, and there was one particular area that I guess was still hanging on, and I guess by power of attorney or whatever, he had put it into the hands of a third party. But he was being challenged on that, and it was proven that he had certainly made the intention. The action was taking place to divest himself and that's the way it was ruled. I will find the case for you.

Mr. Chairman: Is the Alberta legislation similar to this?

Mr. MacDonald: Pardon?

Mr. Chairman: Is the Alberta Legislation similar to this?

Mr. MacDonald: No, they have drafted conflict of interest legislation, subsequent to those times. I haven't kept pace with this, but it is a fairly recent thing, Mr. Clegg would be more familiar with it than I am.

Mr. Clegg: Mr. Chairman, the present situation in Alberta is that you can't be nominated unless you are eligible to be elected and to be a member and, therefore, while you hold the disqualification, you can't be nominated.

This is the same in the *Canada Elections Act*.

Mr. Chairman: There seems to be a consensus to leave Section 29, as it now stands.

On Clause 30

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, just a question with respect to clearing Section 29 and Section 30 is the same thing. We are referring to the *Legislative Assembly Ordinance*.

Mr. Chairman: Could you start again, Mr. Berger?

Mr. Berger: We are clearing Section 29 and 30, but we haven't got a *Legislative Assembly Ordinance*, so shouldn't we leave Section 29 and 30, without clearing it.

Mr. Chairman: Well, in clearing it, we never limit our ability to go back to it and Mr. Lang earlier asked for permission to reopen such sections, and we said, yes, that it was all right. It is merely to give some direction.

Clause 30 agreed to

On Clause 31

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, there is an interesting subsection in this particular, in this Section 31 and I refer you to subsection 15, and, rather than by going by alphabetical order of candidates, we are proposing that it should be drawn out of a hat.

Apparently, through experience, the way I understand it, they have found that the initial individual on the ballot, sometimes has an edge in respect to the electorate. So, we have gone ahead and have decided that it should be a casting of ballots to decide what the order should be on the ballot box.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Mr. Chairman, just a question of real general interest. Probably Mr. MacDonald will answer this with his experience, but, I have often wondered why, or how they arrived at the figure of 25, at least 25 persons qualifying, that must be on the list. How did they come up with that figure?

I often think it should be more. It should be 100 or something.

Mr. MacDonald: You have asked me a question I can't answer. The Member has asked me a question I can't answer, Mr. Chairman. At the outset I lost a few battles along the line with your legislative subcommittee on these matters, and one of them I was at, I was recommending ten names on the paper and no fees. Don't let anybody in there, but 25 is similar to the *Canada Elections Act* which you are familiar with, and so is the \$200 fee.

I don't know whether it is a ballpark figure or what, Mr. Chairman.

Mr. Lengerke: It is a good measure anyway.

Mr. Chairman: Ms Millard?

Ms Millard: Well, Mr. Chairman, we certainly can't consider making it \$100 when there are places like Old Crow with 115 voters, and if they have four candidates running, they are going to run out of nominations.

Mr. Chairman: Instead of \$200, can they have 25 beaver pelts?

I draw your attention to subsection (9) on page 27, line 18, "nomination paper" is a typographical error.

Why was the figure 25 per cent of the total votes received, instead of the 50 per cent that now exists? I am referring to subsection (18)?

Mr. Lang?

Hon. Mr. Lang: You are referring to the *Canada Elections Act* I gather, and we looked at it and we just felt that maybe this was a little bit more equitable in respect to the deposit that had to be put down. It demonstrated to the public at large that the candidate in question who had not be successful at least had some public support and subsequently should be recognized.

Mr. Chairman: Mr. Berger?

Mr. Berger: Subsection (15), I can see problems there also. If you have again I cite the example of Campbell, if you have three different places where the candidates are filing their nomination papers and so on, how are you going to get all three candidates together to pull the piece of paper out of a hat? I think the most sensible thing to consider which is considered everywhere else, is the alphabetical orders. Why come up with a drawing like a lottery system?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Well, Mr. Chairman, the section states very specifically the candidates official agents and electors who are present, in other words, they do not have to be there, but the returning officer will make it be known that this is going to happen, if they want to be there fine, if they are not, and then he will do it probably in front of other witnesses and pull the names out of the hat and then subsequently that will be the list for the ballot box.

Mr. Chairman: Mr. Berger.

Mr. Berger: With all due respect, why go through all that hassle and trouble? Why don't we go, like most intelligent people would do, in alphabetical order?

Mr. Chairman: Mr. McIntyre.

Mr. McIntyre: I was going to point that the gentleman's initial was a B.

Mr. Chairman: He is obviously much better off than anyone else here.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: I was just going to say that I don't really care for the section myself. I would sooner see it definitely laid out that it is one way or the other, rather than drawing out of a hat. I can see a lot of hassle over this, because, regardless of whether you think it is a very fair way, and everything, there will be the time come when somebody won't be able to make it that day and he will hit up a big fuss for nothing, because he wasn't there and he should have been there, and all the rest of it. If it is laid out that it will be alphabetical, that is the end of it and there is no argument. No room for argument.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in respect to being a candidate for an election, it is each and everyone's, individual responsibility to be fully aware what the *Elections Ordinance* consists of, whether it be the *Canada Elections Act*, or whether it be this Act.

Between yourself and your official agent, you should be fully aware of this and they will be notified. We just thought it was the most non-partisan and fairest way to go about it.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I don't want to hang on to this subject, but the thing is, I can see there is a real problem arising, just temperature wise and weather-wise, and when we are having an election when the temperature can fall down to 50 and 60 below, and the thing is it is quite possible people can't travel at that particular time. We are talking sometimes a distance of up to 200 miles and more.

I think this is completely unnecessary, this section in there.

Mr. Chairman: Mr. McCall.

Mr. McCall: I would like to go back to that other point that Mr. Berger brought up, dealing with the principle of using the alphabet. I don't really accept that suggestion, because, if I recall, Mr. Chairman, there was a famous soup company in this country that adopted the alphabet as well, and look at the mess they created.

Mr. Berger: But it is edible, Mr. Chairman.

Mr. Chairman: Mr. McCall.

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

Mr. Fleming: I second it.

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

Motion agreed to

Mr. Chairman: The witnesses are excused for today. Thank you very much.

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Hibberd: Mr. Speaker, the Committee of the Whole considered Bill Number 12, the *Electoral District Boundaries Ordinance*, and directed me to report the same without amendment. The Committee has also considered Bill Number 10, the *Elections Ordinance, 1977*, 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. The Honourable Member from Whitehorse Porter Creek?

Bill 12: Third Reading

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 12 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 12 be now read a third time.

The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker, I rise in objection to this third reading of Bill Number 12. I stated my objections in the Committee today, and prior to the Electoral Boundaries Commission Report being tabled. I would like that to be recorded as my objections.

Mr. Speaker: Is there any further debate?
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. McCall: Disagreed.

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

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

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 12 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 12 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: May I have your further pleasure? The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I move that we do now call it 5 o'clock.

Ms Millard: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie that we do now call it 5 o'clock.

Motion agreed to

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

Adjourned

**The following Legislative Returns were Tabled
(November 28, 1977)**

77-2-24

Special Education Needs for Indian Students
(Written Question No. 3)

77-2-25

Extra Pipeline Related Costs
(Written Question No. 22)

77-2-26

Private Business Restricting Employment on Pipeline
(Written Question No. 16)

77-2-27

Program Financing Act/Health Services
(Written Question No. 23)

**The following Sessional Paper was Tabled
(November 28, 1977)**

77-2-26

Electrical Public Utilities Board Report

LEGISLATIVE RETURN #24
1977 (Second) Session

Mr. Speaker,
Members of the Assembly

On November 7, 1977, Mrs. H. Watson, the Honourable Member for Klwane, asked the following question:

Would the Department of Education identify the special needs of Indian students which need to be accommodated or allowances made for in integrated school system in the Yukon.

The answer to the above question is as follows:

The Department of Education is presently compiling a special needs assessment related to the native students attending our schools. Once the assessment is completed, it will be tabled in this legislature for the information of the members.

28 November, 1977


Dan Lang

LEGISLATIVE RETURN # 25
1977 (Second) Session

Mr. Speaker,
Members of the Assembly

On November 23, 1977, the Honourable Member from Whitehorse Riverdale asked the following question:

"In reply to my question of November 7, 1977 with respect to the \$200 million line of credit to finance pipeline impact costs I was advised that 'there has been considerable planning and projecting of possible extraordinary pipeline related costs by Departments.'

My question is:

1. Specifically what Federal and Territorial Departments are involved?
2. What specific 'possible extraordinary pipeline related costs' have been identified to date?"

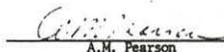
The answers to the above questions are as follows:

1. During May/June, 1977 all YTG Departments were asked to identify anticipated incremental costs due to pipeline impact for inclusion in the YTG Report to the Lysyk Inquiry. In September, 1977 all YTG Departments reviewed their previous submissions, and updated them as required. This review and updating of anticipated pipeline related requirements is a continuing process to the point where programs are developed and included in the normal budgetary process for review and approval by this Assembly.

I am advised that Federal Departments have been asked to conduct similar planning exercises so that the Federal Treasury Board anticipate demands on the Federal budgetary processes before they arise. As Members have been advised, however, Federal pipeline related costs will not be chargeable to Yukon tax revenues or funded from the proposed \$200 million advance on taxes.

2. Many incremental pipeline related costs are possible and some of these were tentatively identified in the YTG Report to the Lysyk Inquiry. As specific programs are developed to a firm costing point they will be included in our Main or Supplemental Estimates for this House to review and approve.

November 24, 1977


A.M. Pearson

LEGISLATIVE RETURN #26
(1977 Second Session)

Mr. Speaker,
Members of The Assembly

On November 21st, 1977, Mr. S. McCall asked the following question:

"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 seeking employment on any part of the pipeline construction project?"

The answer to the question above is as follows:

I submitted the question to each Executive Committee Member and each one of them replied in the negative.

Nov. 23/77
Date


Signature

LEGISLATIVE RETURN # 27
(1977 Second Session)

Mr. Speaker,
Members of the Assembly

On November 23, 1977 Mrs. Watson asked the following written question:

Would the Minister of Human Resources provide this House with synopsis of the details of Established Program Financing Act as it applies to Health Services in Yukon.

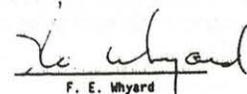
The answer to the above question is as follows:

Established Programs Financing is a transfer of federal funds to provinces/territories for Hospital Insurance, Medical Care and Post Secondary Education. Basically EPF is funded by the transfer of income tax points in the form of increased grant-in-lieu of Income Taxes and a transfer of cash. The fiscal arrangements legislation provides for the allocation between the three programs of the total EPF cash grant on the basis of 1975-76 percentage share of the total federal contributions for each of the three programs-- Hospital Insurance 49.9%, Medicare 17.7% and Post Secondary Education 32.4%. This percentage breakout however, is largely academic as the contributions are unconditional.

Each year the per capita cash contribution grows in the same proportion as the growth in GNP coupled with the average annual population growth rate.

In addition to EPF the federal government makes unconditional payments of \$20.00 per capita in 1977/78 to Yukon for Extended Health Care. This amount is escalated each year by the growth rate in GNP also.

November 24, 1977


F. E. Whyard

