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Speaker: The Honourable Donald Taylor

Whitehorse, Yukon Territory
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Mr. Speaker: I will now call the House to order.
We will proceed with prayers.

Prayers

Mr. Speaker: Before proceeding with the Order Paper, this morning, on Wednesday, November 23rd, the Honourable Member from Mayo rose on a Point of Privilege concerning the refusal of royal assent for Bill 102.

The Honourable Member noted that Mr. Commissioner had been instructed by the Minister of Indian Affairs and Northern Development to refuse assent to Bill 102 and that this refusal had been confirmed in writing by a message from Mr. Commissioner.

The Honourable Member asked, "Would the Chair advise me when Mr. Commissioner will now attend this House to actually, in his own proper person, refuse assent to the Bill in question".

I had, at that time, replied that the direction was indeed unclear, and that the Chair would communicate with Mr. Commissioner to determine his disposition in this regard.

I have now received the following communication from Mr. Commissioner, addressed to the Speaker of Yukon Legislative Assembly, Whitehorse, Yukon.

"Dear Mr. Speaker: This will acknowledge your letter of November 23rd, 1977, requesting a further message from me, indicating again that I am refusing royal assent to Private Member's Public Bill 102.

I would ask that you pass the following message to the Members of the Legislative Assembly on my behalf. I hereby refuse royal assent to Private Member's Public Bill 102, *An Ordinance to Amend the Public Inquiries Ordinance*.

Yours sincerely, A.M. Pearson, Commissioner".

We will now proceed to the Order Paper. Are there any documents for tabling? The Honourable Member from Whitehorse West.

ROUTINE PROCEEDINGS

TABLING OF DOCUMENTS

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling, a Green Paper on the Establishment of a Yukon Pipeline Impact Information Centre.

Mr. Speaker: Are there any further documents for tabling?

Reports of Committees? The Honourable Member from Whitehorse South Centre?

REPORTS OF COMMITTEES

Mr. Hibberd: Mr. Speaker, I have for tabling this morning, a special report from the Standing Committee on Rules, Elections, and Privileges regarding the refusal of royal assent.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, this morning I have the honour to present the fourth report of the Standing Committee on Statutory Instruments.

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

Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion or Resolution? The Honourable Member from Hootalinqua?

NOTICES OF MOTION

Mr. Fleming: Yes, Mr. Speaker, a Notice of Motion, that the fourth report of the Standing Committee on Statutory Instruments presented November 29th be concurred in.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker, I would give a Notice of Motion that the Green Paper on Gambling in the Yukon be moved into the Committee of the Whole.

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

Mr. Hibberd: Mr. Speaker, I give Notice of Motion, moved by myself, seconded by the Member from Mayo that the special report on the refusal of royal assent by the Standing Committee on Rules, Elections and Privileges be concurred in.

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

Are there any Statements by Ministers? The Honourable Minister of Highways and Public Works?

STATEMENTS BY MINISTERS

Hon. Mr. McKinnon: Mr. Speaker, I am pleased to announce to the House today, the Department of Local Government of the Yukon Territorial Government and the Northern Affairs program of the Department of Indian Affairs and Northern Development are initiating a jointly funded regional planning study for the area north and west of the City of Whitehorse boundaries.

The purpose of the planning program, Mr. Speaker, is to identify the suitability of lands within the study area for a variety of different land uses: low density residential, industrial, agricultural and grazing, recreational, wildlife and waterfowl protection areas, heritage resources.

It is foreseen the policies related to the above mentioned topics will be developed and the necessary land use regulations will be prepared to guide any development as well as protect resource sensitive areas.

The need for the proposed plan is fourfold.

One, increasing population and major projects create competing demands for the same land base. The inherent characteristics of which may not be suitable for a variety of uses, but limited to only a few.

Secondly, the private sector requires a greater knowledge of what opportunities will be available to them, based upon the developed policies, the land use plan and its regulating by-laws.

Three, the avoidance of haphazard development, a potential for avoiding adjacent incompatible uses is increased.

Four, identification of principal areas of development and or protection that will enable other Government departments or agencies to plan their programs and will enable Government to evaluate future proposals from the private or public centre within the same framework.

The process, Mr. Speaker, that will be developed, is as follows:

- 1). The preparation of an adequate base map, on a scale of 1 to 20,000, that includes the existing settled areas along the Alaskan-Klondike Highways, and the Takhini Hot Springs Road. On it will be shown all alienated and leased lots.
- 2). The assembling of relevant information in graphic and textual form, that can be used for public presentation and for analysis of conflict areas and land use options.
- 3). The preparation of alternative land use management strategies that can be presented to the public so that responses can be evaluated.

It is at this stage that additional detailed information can be obtained from residents within the study area, which can augment resource inventory data.

The importance of this information is that it compliments resource inventory information gathered at a small scale.

Furthermore, public response will clearly identify local concerns regarding future form and scale of development that would be compatible with the perceived expectations of the existing residents.

- 4). The recommendation of a land use plan that would attempt to incorporate the perceived and announced needs of the area in which it is to be implemented while upholding existing government legislation and policies.
- 5). The preparation of zoning, subdivision and building regulations for the area, to insure adequately controlled development.

It is estimated, Mr. Speaker, that public information meetings will begin in January, to solicit response from residents in that area.

Project management is a responsibility of DIAND and the Project Manager is guided by a steering committee of representatives of YTG, DIAND, and the City of Whitehorse. Approval of the plan will be by YTG and implementation will be the responsibility of YTG.

Completion date of the project is slated for March-April of 1978.

Mr. Speaker, this marks the first time that such a program has been conducted on an in-house, local level, with the full co-operation and involvement of all of the agencies involved, with the successful completion of this study, we then intend to turn our attention immediately to another major problem area, namely the Tagish-Carcross-Annie Lake region.

Mr. Speaker, I have copies of the statements, plus maps of the area for the normal distribution. Thank you, Mr. Speaker.

Mr. Speaker: Are there any further Statements by Ministers?

We will then proceed to the Question Period. The Honourable Member from Whitehorse Riverdale?

QUESTION PERIOD

Question re: Study Financing

Mr. Lengerke: Yes, Mr. Speaker, just in response to the Statement by the Minister of Local Government, I have a question. Is this study going to be done and be funded under the General Development Agreement? Is this where we are acquiring the dollars to do it, or is this as you mentioned, an in-house and comes out of our present budget?

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

Hon. Mr. McKinnon: Mr. Speaker, we had hoped that this type of funding would come from any subsidiary agreement made under the GDA. I have stated in this House previously that when we went to find funds under subsidiary agreements under the umbrella agreement of GDA they were not availa-

ble. Time is of such importance and of the essence in these areas on the periphery of Whitehorse that we couldn't wait, but we were able to get monies from the Federal Government who have appointed their own land use planner for the Yukon. His availability, expertise and funds that were available from the Federal Government for their planning in the Yukon will be shared in this study.

It will be a 50-50 joint venture, with monies from YTG, which we already had in our planning resources, and also from the Federal Government who had monies available. I think that is the importance of it, that the expertise here is local, that the monies are here, and that it can be done without having to go to the consultants and experts which all members know the time and money involved in that type of a process.

We are pleased that we think that we have the capabilities locally and the monies locally to do it, more efficiently and more economically, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Supplementary to that, Mr. Speaker. I am certainly glad to hear this and I welcome it, it is long overdue. Perhaps the Minister could also advise what the cost estimate to do this particular study is? Are there any figures on it?

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

Hon. Mr. McKinnon: Mr. Speaker, I can't give firm cost estimates at this time because there is going to be a certain amount of expertise involved by contract in getting the overlay and mapping done. But as soon as there can be a firm estimate price when the expertise that has to be contracted out comes in, that information will be available to members.

Mr. Speaker: The Honourable Member from Pelly River?

Question re: Whitehorse Subdivisions

Mr. McCall: Yes, Mr. Speaker, I have a written question for the Minister for Local Government.

Could the Minister advise me as to how many subdivisions has the Government of the Yukon surveyed and constructed in the Whitehorse area, since January 1st, 1975 and how many future subdivisions are planned for the Whitehorse area, within the next five years?

Mr. Speaker: The Honourable Member from Ogilvie.

Question re: Director of Corrections

Ms Millard: Mr. Speaker, a question for the Minister of Health and Human Resources: when will we be expecting a new Director of Corrections, to replace the one who left several months ago?

Mr. Speaker: The Honourable Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, we have been expecting for some time. I am happy to announce the delivery.

As the Honourable Member knows, there have been a number of delays in recruiting a replacement in this Deputy Head position and we began by studying the Corrections system at the local level, to see which way we were going in future, in order to know what kind of a director we wished to attract and what special qualifications he would need in order to lead programs in the Corrections area and initiate training in a number of other areas.

We have been conducting interviews across Canada, Mr. Speaker, and I am very happy to say to Honourable Members, at this time, that the opportunity to work in the Yukon Government in this area had attracted some top people from coast to coast, a number of them at the head of provincial organizations. I don't know whether it is because we look attractive, or whether the heat is on in some of the federal penitentiaries,

Mr. Speaker, but, apparently, we do look very attractive.

We have been able to interview some very high calibre people and the position has been offered to the successful candidate. I am not able, at this time, Mr. Speaker, to announce his name until all our staff have been notified, but I would expect an announcement within the next few days.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Proposed Planning Program

Mr. Fleming: Yes, Mr. Speaker, I have a question for the Minister of Local Government, on the public announcement proposed planning program.

The area that has been picked, has there been more applications or more pressure from this area, for this type of use for land than other areas in the Yukon to date?

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

Hon. Mr. McKinnon: Yes, Mr. Speaker, that is one, the area on the periphery of Whitehorse is the largest single pressure area presently for land development that all Government agencies face.

I think the Honourable Member realizes that not all of the land in question is under the control of the Commissioner, that the Federal Government, the Territorial Government and the Municipal Government face, within the city boundaries and on the periphery of the city boundaries of Whitehorse, probably the greatest pressure for some type of land planning, rather than other areas which there is considerable pressure for, but this is the largest problem area at the present time.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, just further to the announcement of this morning by the Minister, I am wondering if the Minister can tell us at this time who the project manager is going to be? I see it is under the responsibility of the Department of Indian Affairs and Northern Development. Do they know who the manager is?

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

Hon. Mr. McKinnon: Mr. Speaker, it will be under the direction of the Department of Indian Affairs and Northern Development, Land Use Planner, resident in Whitehorse by the name of Mr. Bruce Chambers.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Answers to Previous Questions

Ms Millard: Mr. Speaker, just a question to the Minister of Health and Human Resources about the two questions I asked two weeks ago. One concerning dental treatment, and one concerning dust level problems in Clinton Creek. When can I expect answers to these since it has been two weeks, and they really just question general policy?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, the first question dealing with dental care had to be referred, of course, to the federal side, which is administering that program in the Yukon at this time. We have obtained background information from them and it is being rewritten with additional information from our side of the government, and the reply to the question will be tabled tomorrow morning.

Regarding the other question, we had to inquire into several areas in order to obtain the information for the Honourable Member and it has not yet been forthcoming.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Tender on Industrial Lots

Mr. Lengerke: Mr. Speaker, a question for the Minister of Local Government, and it is with respect to invitation to tender on lots. This refers to industrial lots. It is an ad that was in the paper, and it is just a question of clarification. I think I know the answer, but you never know.

It is with respect to this particular paragraph: "The Commissioner need not accept the highest or any tender and reserves the right to reject or accept any and all tenders without further explanation and to restrict the sale of lots from any individual holding an Agreement for Sale for undeveloped lots." My question is in the reference to an Agreement for Sale for undeveloped lots, does that refer, or does that mean any type of lot that a person has, residential, industrial or whatever if he has got an agreement, or does it just refer in this case to the industrial lots?

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

Hon. Mr. McKinnon: Mr. Speaker, could I seek direction and reply to the Honourable Member as soon as possible.

Mr. Speaker: The Honourable Member from Pelly River?

Question re: Legislative Return Number 26

Mr. McCall: Yes, Mr. Speaker, I have a further question to the Minister of Local Government in respect to the Legislative Return dealing with question 16 dated November 21, 1977. When you submitted your question to each Executive Committee member, did you receive a negative response from the Commissioner and the department heads of this Government?

Mr. Speaker: Are there any further questions?

The Honourable Minister of Highways and Public Works?

Hon. Mr. McKinnon: Mr. Speaker, I know this is of such import, that I think it should be answered today, a question which was asked last Wednesday by the Honourable Member, Mr. Hibberd, on the plants in the Territorial Building. He asked how much the plants originally cost.

The answer is the plants originally cost \$18,459. The second question is what arrangements had been made for their upkeep and how much does this cost. Mr. Speaker, the answer is that the plants were maintained for first year by the original contractor at a cost of \$7,800 and the plants are presently maintained by day custodial staff trained in plant care and maintenance. The third question is what is the reason for the recent deterioration of the plants? Mr. Speaker, I am told that an investigation, a thorough investigation of every plant in the building has revealed that the major reasons for plant deterioration are 1). poor lighting; 2). poor soil; 3). plant infestation and pests, and I might say, Mr. Speaker, there is absolutely no truth to the ugly rumor sweeping the building that there has been an importation of saw-toothed beetles from Faro that are infesting the plants.

4). It is poor plant and poor leaf cleaning that is part of the deterioration and it has been suggested in this area, that perhaps Members of the Assembly could be trained to assist in such maintenance at their breaks, Mr. Speaker.

Mr. Speaker, as a result of the aforementioned investigation, a program is presently underway to eliminate these conditions causing deterioration of the plants.

Mr. Speaker, just personally, I have heard via the rumour mill, that a custodian has been sent outside for a week to attend a course on plants and plant area experts in this area that I have consulted, that is namely the secretaries in the Executive Committee wing, think that a little water might help the problem considerably, Mr. Speaker.

Mr. McCall: On a Point of Privilege, Mr. Speaker. if the

Minister finds himself concerned with the saw-toothed beetles, I can provide expert opinions.

Mr. Speaker: All right, we will proceed now, on the Order Paper, under Orders of the Day, to Motions for the Production of Papers.

ORDERS OF THE DAY

MOTIONS FOR THE PRODUCTION OF PAPERS

Madam Clerk: Item Number 1, standing in the name of the Honourable Member, Ms Millard.

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

Ms Millard: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, 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.

Motion agreed to

Mr. Speaker: We will now proceed to Motions.

MOTIONS

Madam Clerk: Item Number 1, standing in the name of the Honourable Member, Mr. Lengerke.

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

Mr. Lengerke: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Riverdale, seconded by the Honourable Member from Pelly River, 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 at forcible legislation establishing Animal Control Laws or associated control measures;

Be it resolved that the Government of Yukon now do something about this matter in providing realistic measures to control the keeping of domestic animals, mainly cattle and horses.

The Honourable Member from Riverdale.

Mr. Lengerke: Thank you, Mr. Speaker.

It is, in my view, it is pathetic that a motion like this has to come before this House, because we have it, we have had this matter before us, I don't know on how many occasions, that I have been a Member and I think something has to be done.

This is a situation that is becoming rather critical, mainly the running at large of cattle and horses on some of our main highways, our main roads and especially in the areas where traffic is rather heavy. I am talking mainly of the Mayo Road. We have a fairly large transportation company that operates quite a number of trucks along there on a daily basis.

I think it is rather important that we give a little attention to the situation that is occurring there, Mr. Speaker.

The motion, certainly as I read it yesterday, indicates that I feel that the government is neglect in its duties and it should be taking some action there even if we could see some evidence of some signing along that section, and not just one sign, Mr. Speaker. I think that we could certainly have more than that. I think some attention could be given to it. I understand the director of Public Works, or the director of Highways wasn't

even really aware, and this man who is a very capable person and I am sure would react if he was even given a hint, has apparently indicated that he didn't even know there were some problems there. This is what bothers me. I just don't believe that of him. I think that something could be done.

I am suggesting that the Minister give some firm direction and say okay come on, let's get some signs out at this place and look after it that way, at least make the people aware what the situation is in an area like that where we do have known cattle and horses running at large.

The other thing, Mr. Speaker, that I suggest that wouldn't cost very much money, or could be a certain part of regulation as they do in Alaska where they have an open range system, they make people that run cattle and horses buy a scotch-lite type collar for them when they are frequenting around the highways.

I think this is something that could be done. I am not looking for any great expenditures here, I have gone through that, I don't want to belabour the issue. We have talked of community pastures, we have talked of fencing, we have talked of making available land on a better basis for people like this and this is certainly an area and a point that should be considered and followed up and possibly now with this new planning approach, maybe we will end up with some recommendations with respect to zoning and land use will become a little more aware of the kind of potential we do have in the cattle and horse field as far as potential to Yukon, so maybe something will come out of that.

In the meantime, Mr. Speaker, I would hope that we could take some practical steps and that is all I am asking for at this time is that we see this afternoon that there is a crew going out there and there are some more signs being put up and there is a directive issued to possibly change some regulations with respect to how these animals are managed.

I don't think that is very hard to do, and I would hope that kind of direction can be given. Thank you.

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

Hon. Mr. McKinnon: Mr. Speaker, it would be nice to pretend that this is an extremely simple issue to resolve. It is not. It is a complex, difficult, and I think it is going to be a rather expensive issue to see the final solution to it.

As Honourable Members know, and as the Honourable Member who raised the motion knows, the government has not been sitting idle on this matter. Last year because of the motion introduced in this House, people from the Prairie Farm Rehabilitation Act, who are experts in community pastures came up to the Yukon to examine the situation of the open range and have sent a report by letter which I hope to attach to an answer that the Honourable Member asked concerning this matter on November 23rd of this week.

I am lead to believe, Mr. Speaker, for some reasons, that they did not want to get involved in the normal assistance which the Prairie Farm Rehabilitation Act would assist in other provinces, because of reasons that will be attached in the answer which is prepared.

It would be nice to think that all one had to do is go out and put signs on the Mayo Road and all of a sudden there would be no cows or horses wandering on to the Highway any longer.

I think it is obvious that the scotch-lite suggestion may provide a temporary solution, but there are two solutions. That is either to fence or to have a community pastures system. Both of those are extremely difficult situations to get into practice and expensive for both the government or the person who keeps the cows and the horses.

I might also say that one of the other areas in which Gov-

ernment was very active in this, and the Honourable Member knows, was in attempting, in those problem areas, and which we know are once again adjacent to the City of Whitehorse, particularly, that we had a soil survey done over the last two summers, to see what land and what grazing potential was there for the ability of a community pasture type of system.

The results of those surveys have been available, to the Department of Renewable Resources, as of last week. I have not had time to examine them, and we haven't had time to analyze them, but I understand that our worst fears are confirmed, that it is just damn hard and difficult to find good grazing land of the nature that can support community pastures in Yukon.

So, this presents another difficulty, because, with community pastures, you are going to have to supplement the feed.

So, all of these problems are in the process and in the flux of being examined and being determined. There is going to be difficult decisions to see an eventual solution to this problem, that are going to have to be made by Members of this House.

I sure wish that I could stand up here and say, if we put signs up the cows and horse are going to read them and they won't go on the road any longer, or if we put scotch-lite around their necks, that, you know, that that is going to solve the problem.

It isn't going to solve the problem. The eventual solution to the problem are community pasture systems or a fencing and the end of the open range policies. Both of those are going to be difficult and I would say, Mr. Speaker, with the evidence that we have at hand, an expensive solution.

I might also say that it is another one, and I am not going to pass the buck on, I am not going to attempt to, but it is a problem inherited by a lease, grazing land alienation policy that the Territorial Government had nothing to do with, but we are responsible under the *Yukon Act*, to live with the results of it.

We have to accept that responsibility, which we will, and I only wish that it was the simple matter that we all hoped it was, because it just isn't.

If you make closed range laws in the periphery surrounding Whitehorse, then what about all the other people that have the open range policy? Do you make it general throughout the entire Yukon, or just make it specific in areas.

As I say, these are all hard decisions, which we hope we have the information, at this time, to be able to bring factual information to the House, so that they are able to make these decisions and it has to be done at the earliest opportunity because the problem with the greater number of people, the greater traffic and the greater number of domestic animals being kept, just increases year by year.

We have been working at this, we have been doing our homework. We think that we have the information at hand now, and I know that the Director of Renewable Resources is actively at work with the information that we have received to date, in trying to present a sensible policy for the eventual solution of this problem to the House.

If the interim measures that the Honourable Member has suggested could have some help in allaying the situation on a temporary basis, then we are happy to receive such suggestions and try to implement them at the earliest opportunity.

Mr. Speaker: Is there any further debate?

The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, this topic is of great interest to me and to the people who live in my riding, pro and con. There are the people who, the extremists who want to go completely for a herd law and then there are people who realize that a herd law would be disastrous as far as their industry is concerned. I don't take the Honourable Member

from Riverdale, when he brought the motion up, felt that it was an easy problem to solve. We know only too well how complex it is.

I do think though that he had one very good suggestion, and I have had several members of my riding constantly say to me what about these scotch-lites. It sounds, you know, people will sit around here and laugh about it, but it does work. It does work. If the animals have them on the collar, and you are driving along at night, you do see the reflection of the light on the collar, and it does make a difference.

Mr. Speaker, I appreciate the Minister of Local Government's problems too, however, we did have the Peak Report on Agriculture. Now this came out, I believe, in 1975, and it addressed itself to pastures and to the leases that are given for pastures in the Yukon Territory. It addressed itself to the availability of agricultural lands, it addressed itself to the viability of agriculture in the Yukon Territory.

We have been taking soil samples for a long time, and we still don't seem to be any closer to get this all gathered together to bring it before us so that we can make a decision and it is going to be a very, very tough decision, we know. But every one of us, and this is all tied in with the land question, what every one of us when we ran almost four years ago said that land was a priority item, and yet we have not dealt with it in this House.

I was pleased to see that at least this morning that we are going to have some means or some effort being made to determine the use of the land in the areas around the City of Whitehorse. This whole thing of pastures is tied up with land.

Mr. Speaker, the easy thing for us to do when it is so close to another election is to say you know, it is going to take a long time to get this all together so we can deal with it. That would be the easy thing, because it is going to be one of the most controversial and toughest decisions we are going to have to make. But I would like to see it come before this House, so we begin to deal with some of the problems, and if the indications from the Minister are correct, as he stated this morning, there is some co-operation between the Department of Indian Affairs and the Territorial Government in determining land use and doing soil testing. To me this is a very favourable indication. Even if we don't have the control of the land, if we have the co-operation of Indian Affairs, and their willingness to go along with some of the things that we would like to do, I think we have it licked. Mr. Speaker, even though it is a difficult situation and a very difficult problem, I say get the material before us. Get as much information as you can before us and give us some alternatives and let us start making a few decisions. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua.

Mr. Fleming: Yes, Mr. Speaker, this motion concerns me very much, too.

I realize that there are many people who have horses, cattle and animals in the Yukon, and there will be more and there will also be more traffic in the Yukon. So, there is no doubt that something, sooner or later, must be done, and not too long from now. If we wait too long, it is the same old problem. We are going to have somebody lying along side of the road.

I don't really believe that we are actually doing as much as we could be doing.

I am a little concerned as to where the onus lies now, on the people that own the animals or on the people that are driving the highway and paying insurance and so forth, to drive that highway.

I find that, usually, due to the fact that we do not have the laws and the range is open, that the onus is completely and entirely on the individual driving and I certainly don't want to impose too much of a hardship on our game guides and so

forth, but, there is a responsibility if they own those animals.

I find that in this type of industry, which is game guiding, hunting and so forth, where you find most the animals, that these people are not always at home, much more so than people running a small business or something. They have a seasonal occupation and they are then, usually, gone to some other area or possibly somewhere else to make a little more money to help their cause or so forth.

So, therefore, many times there are animals that are completely loose and there is nobody even, in the Yukon Territory, looking after them. This, I do resent. I have no animosity towards game guides, in any way, and don't wish to hurt them in any way, but this is a responsibility that I think people should be looking after.

I know game guides and I have them in my own area and they are very good, and there isn't very many accidents because of the fact that they do take some responsibility.

I also know of some, that I won't mention, that don't seem to have any responsibility and don't care and are in the habit of hobbling horses and so forth, on the road, which is a real hazard, because the horse can't even protect himself if he wants to get out of the way.

So, this is the type of thing I think they should be looking into, possibly put the onus a little on the owner, too, not enough to hurt him, but see that he has a little more responsibility than he has, right at the moment.

Hopefully, out of this motion, something will come forth that will be a help to both the motorist and the people that own the animals.

I will be supporting it, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Thank you, Mr. Speaker. I appreciate the comments by the Honourable Members, and as I said earlier, it is too bad that we have to present this many motions and this kind of a discussion at this level to always try and bring about some action, but it was just at the prompting of this House that we did even investigate the possibilities of community pastures and look at some of the other aspects.

I am being critical of the government. I think it should have never come to that. They should have been looking at this quite some time ago because certainly if you take a look back at history and take a look at the "Votes & Proceedings" of the Assemblies even before this one, this subject was brought forward many times. It is getting more complex every day and certainly with the kind of development we envision in Yukon and the increase in population and the livestock numbers that will probably occur as well, certainly we are going to have to do something about it.

I was encouraged by the Minister's remarks that he will look at and initiate some action. I realize, I know it is not the answer. I didn't say it was at all. As you know, I have been up here standing in front of you people many times asking that other things, more strict measures be looked at. We should be looking at the *Brands Ordinance*, the *Pounds Ordinance*, a herd law Ordinance, there are many areas that we should look at, but I am asking today, today, and I am getting some assurance from the Minister, and as I said I am encouraged by it.

You know, regardless if there are 500 signs on that highway, that is fine, put them out there, at least somebody will know, maybe even the cattle and the livestock will learn to read, I don't know, but let's get something going, and as I said, I am really encouraged by the announcement of the proposed planning program, because I am quite confident as a result of the land use investigations and the zoning and the soil testing, that we will see that there is an area, there is a viable area for this

type of activity in Yukon, and I am confident that that is what the conclusion will be.

I did meet with the people from PFRA myself that came in and I was encouraged by some of the things they said and I am looking forward to seeing the report and the answer to my question the other day. If it comes in the negative, there are other approaches we will use. But again, I thank you very much for the attention, and I look forward to seeing some action out on that highway.

Motion agreed to

Madam Clerk: Item Number 2, standing in the name of the Honourable Member, Mrs. Watson.

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

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Hootalinqua, that this House recommends that the Recreation Grants Regulations be amended to provide that the Commissioner may pay a grant in lieu of taxes to a community organization which is in receipt of a grant pursuant to Section 8 of the Regulations in respect of any facility set out in subsection 45(1) of the *Community Assistance Ordinance*.

The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, this motion is tied up with, and as I said last time, with a tradition within the Yukon Territory. It is a tradition, I think, almost unique to the Yukon and that is the role that the community club organizations have played in the small communities outside of Whitehorse, in providing recreation for the people of their community.

When we were going through the *Recreation Development Ordinance*, I very strongly recommended that we make it possible, whether it be in an L.I.D., that the recreation authority need not be the L.I.D., or that the L.I.D. does not have the power to direct who should be a recreation authority.

We have, as a consequence, the most ludicrous situation you ever did see. In one community where the people who live in the Indian community are not members of the L.I.D., and yet the Board of Trustees of the L.I.D., appoint some of them as members of a recreation authority, when they have absolutely no control over them whatsoever.

Be as it may, my arguments fell on deaf ears, when we went through this and this last six months, I have spent a great deal of time with some of the community organizations, trying to resolve what they can do in the future.

They are being faced with higher costs of fuel and maintenance. They are being faced with higher taxes and they are being faced with the phasing out of the operational grants that they used to be eligible for, and still will be until 1980.

These community clubs have provided all of the recreation in these communities. They have provided the hall, they have provided the skating rink, the curling rink, the swimming pool, you name it. They have been the centre of it and there has been hours and hours of volunteer work put into the operation, raising enough money so that they can operate a hall or a rink, and raising enough money so that they can help the hockey team or they can help the curlers or they can help the cross country skiers, many hours of volunteer work, that Government could never begin to buy.

So, Mr. Speaker, now we have situations where these community organizations are having to ask themselves a question, can we continue, continue to own our own hall or our own skating rink and continue to own the land on which it is situated and still continue to operate it? Or are we in default, going to have to turn it over to the local improvement district,

or to the Territorial Government?

In some instances, they have no choice, there is no local improvement district, it will go to the Territorial Government, but, in areas where there is a local improvement district, if they don't see their way clear to continue to operate it, they are turning over, and of some instances, 100,000, almost a quarter of a million dollar investment in a facility and they are going to give it away and get nothing out of it.

Some of them feel a little bitter and they say to themselves we could operate this thing, we know we could, if we didn't have to face the taxes. That is one of the big things that they are being faced with, particularly when getting into the local improvements, such as sewer and water and paved streets. This is one of the biggest blocks that they have, the biggest chunk of expenditure. They say we can still retain our pride and still own that building, still own that community hall, that skating rink or that curling rink if the government saw fit to give us a grant in lieu of the property taxes that we have to pay every year.

Mr. Speaker, if we look at it the other way, what if the government does not see fit to go along with this recommendation, or what if the members of the House don't see fit to go along with this recommendation, and the people are just up against it, they can't afford to pay all the operation and maintenance costs, and the taxes, and they eventually turn the whole thing over to the L.I.D.

There is no place in the *Taxation Ordinance* where the L.I.D. is exempt from paying property taxes, so that the L.I.D. is going to get a tax notice for that hall, they are going to get a tax notice for that rink, they are going to get a tax notice for that curling rink. Now the L.I.D. does not have any money of its own, per se. It is not the taxing authority. It operates on grants from the Territorial Government.

Every year the L.I.D. prepares their estimates of expenditures, so if they get stuck with that hall or that rink, with the operation of it, they are going to, as part of their expenditure, have to list the taxes on that hall or that rink, and the Territorial Government, in granting the L.I.D. their operational grant, are going to actually in fact be giving the L.I.D. a grant in lieu of the taxes for that hall or that rink or that swimming pool.

What I am saying, why not give the people who own that hall the right to keep it? The right to continue to be proud of the fact that they are their recreation authority. The right, Mr. Speaker, to continue to provide the volunteer work that they have for years and years. Because once that community complex or that hall, or so on, is turned over to the L.I.D., a government agency, people are not going to do the volunteer work that they did in the past. In fact they are saying now, a lot of people are just throwing their arms and saying, oh, give it the L.I.D., then we have got somebody to blame, or they say, give us the L.I.D. then we can get a recreation director, we can do this, this, and this and this. There will be a never ending demand as soon as the government agency takes over, but while they, as responsible citizens for that community, have that hall and operate it, that facility, they are going to volunteer their efforts and they are going to be very careful before they embark on something new.

Mr. Speaker, with those words, I would urge your support on this motion.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek.

Hon. Mr. Lang: Yes, Mr. Speaker, this is an area of concern to the Department of Local Government, as well as the Department of Recreation in respect to those facilities and the taxes accruing from those facilities.

I must say, Mr. Speaker, I haven't had the opportunity to

really go through the resolution or have my people have a look at it in respect to just exactly what this is going to do. I feel that I should have some time to look at it and get some advice in respect to this particular area of concern.

So, with those few remarks, Mr. Speaker, I would move that Resolution Number 7 be moved into Committee of the Whole for further discussion.

Mr. McIntyre: I second it.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Mayo, that Item Number 2 be referred to Committee of the Whole for discussion.

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: We will proceed, Mr. Speaker.

Mr. Speaker: Proceed.

Bill 101: Second Reading

Mr. Hibberd: It is moved by myself, seconded by the Honourable Member from Riverdale, that Bill Number 101, *An Ordinance Respecting the Legislative Assembly* be read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse Riverdale, that Bill Number 101 be now read a second time.

The Honourable Member from Whitehorse South Centre.

Mr. Hibberd: Mr. Speaker, this Yukon Legislative Assembly Act, was developed by the Committee on Rules, Elections and Privileges, in compliance with the mandate given that Committee by this Legislature, on November 2nd, 1976.

In general terms, the objectives of the legislation were seen to be:

- 1) to prepare a suitable legislative foundation for the future of constitutional development of the Territory;
- 2) to clarify procedural matters and the powers of privileges and immunities of Members and their qualification and disqualifications.

At present, these are not specifically defined or are included elsewhere, such as in the old *Elections Ordinance*, or in the *Immunity of Members Ordinance*, or in a variety of standing orders and regulations.

These are to be included in a single ordinance, respecting the Assembly.

- 3) to legislate appropriate powers and privileges similar to those previously enjoyed by the Council;

- 4) to give legislative recognition of the title, which the Legislative Assembly of the Yukon Territory has adopted by resolution;

- 5) to avoid any conflict or incompatibility with the *Yukon Act*, which would render this legislation *ultra vires*.

- 6) To legislative the conflict of interest rules formulated by the committee.

It was agreed, Mr. Speaker, that the Bill must remain within the competence of the Legislative Assembly of the Yukon Territory, and it must not conflict with the *Yukon Act*. It was

also agreed that the present structure and procedures of the Assembly should be reflected in this Bill, and it was agreed the Bill should be compatible with the intended *Elections Ordinance*, and also agreed that the Bill should be compatible with the Standing Orders of this Assembly.

Mr. Speaker, for a number of years now, the Legislative Assembly of Yukon has operated without the existence of an Ordinance to regulate its constitution and its affairs. The Yukon is the only jurisdiction in Canada that does not have such an Ordinance.

Since 1950, Mr. Speaker, there has been a very significant development and increase in the level of activity of the Assembly. It now takes a much more active role in the consideration of legislation, both here in the Assembly, as well as in Committee.

In recent years there has been a very significant involvement of this Assembly in the administration of the Territory through the elected members who serve on the Executive Committee. Since the beginning of this Session, there has been considerable criticism levelled at the Executive Committee. I would submit Mr. Speaker, that this is inevitable in the period of transition that we are now in, in that the Executive Committee is not a truly elected and representative body throughout and until it is, we can expect to have the difficulties that we are now encountering. We must keep in mind, Mr. Speaker, that it is a considerable advance over what existed or did not exist before.

When the Territorial Council was first created in 1898 under the *Yukon Act*, it would not have been appropriate to call it a Legislative Assembly, as the expression Legislative Assembly has come to mean a fully elected body which gives its advice and consent on matters within its jurisdiction.

The Council was not, at that time, an elected body at all, but it now is. It has acquired during its development the main characteristics exhibited by bodies in Canada, which are called Legislative Assemblies.

To wit, by giving advice upon consent to the legislation made in the name of the Crown, by being an elected and representative body, and by having its jurisdiction to legislate limited by exterior legislation, in the cases of provinces by the *British North America Act* and the provincial acts, in the case of the territory, in the *Yukon Act*.

There is no doubt, Mr. Speaker, that in the next few years there will be constitutional development for Yukon towards provincial status and both in recognition of the present function and status of the Assembly, and in preparation for the role it will assume in the 1980's, it is appropriate at this time that we bring together in one Ordinance, all those provisions which properly relate to our Assembly.

Mr. Speaker, the *Yukon Act* is a piece of legislation that was conceived many years ago, and it is not always easy to prove positively one way or another, exactly whether a matter is within the competence of the *Yukon Act* or not.

Whatever matter is put into legislation, here in Yukon, except where it is very clearly within the Yukon's power, has always the possibility for Ottawa to generate some argument concerning the content of the legislation, if they are determined to disallow or disuade the legislation for political reasons.

One of these points is that if a Yukon Ordinance purports to re-enact something which is already provided for in the *Yukon Act*, the argument can be made that either that re-enactment is redundant, or that it is beyond the legislative power of the Territory.

We have decided to strike out several sections in the *Legislative Assembly Ordinance* which were in the Bill as it was presented in the Spring, and which, in fact, were re-

enactments of provisions of the *Yukon Act*.

This was done in order to minimize the risk that Ottawa would bring any objection to the Bill, and not because such a re-enactment would be grounds for disallowance or would make the Bill illegal.

There is ample precedent in provincial law, in the constitutional field, for provincial statutes repealing the content of federal statutes which already applied to them.

If Ottawa wished the Yukon to progress constitutionally and was willing to co-operate to allow this to happen, they would make the necessary changes in federal legislation to reflect our reasonable aspirations and the legislative provisions, which we wish to make to contain these.

If, on the other hand, Ottawa is determined to defer or obstruct Yukon's constitutional development, if we use tactics of dissuasion, legal argument as to detail, and the grey areas of conflict of law to avoid a confrontation.

Mr. Speaker, we have avoided obvious areas where we have no power to legislate, and we have covered those matter which we wish to be covered, where we feel we have the power.

As the powers of this Assembly are derived from the *Yukon Act* and can only be altered or increased by an Act of Parliament, the *Legislative Assembly Ordinance*, does not of itself bring out any constitutional development. However, it is a vital foundation stone in the constitution of the Assembly and will enable us to function in a more controlled and more appropriate manner in preparation for the evolution of legislative and administrative power, equivalent to those of a province.

There are five general provisions in the Bill, Mr. Speaker. Firstly, the Bill provides for the constitution of the Assembly as laid down in the *Yukon Act*, for the council of the Yukon Territory. The Bill recognizes the style and title which the Assembly has adopted by resolution, which is a recognition of the fact that in its operations with regard to legislation, the Assembly is indeed a Legislative body and does not, in that regard, differ very greatly from that of a provincial assembly.

The differences between the Yukon and the Provinces of Canada, lie in the degree of administrative power, rather the degree of legislative power. With a few exceptions, our legislative powers are very similar to those of a province, and the more precise organization of our Assembly under this Ordinance will enable us to develop and take greater advantage of the powers we have actually possessed for a number of years.

Secondly, the Ordinance provides for rules of qualification and disqualification of members and provision for resignation and replacement.

These sections contain provisions relating to conflict of interest which have been developed by study in Committee, and reflect the special nature of the Yukon and also reflect the current and legitimate expectations of the electorate regarding the independence of their members and freedom from conflict of interest.

Thirdly, the Ordinance provides for the constitution and appointment of the offices of Speaker and Deputy Speaker. As we develop our committee work to facilitate our more critical and constructive scrutiny of government legislative proposals, the position of Deputy Speaker and Chairman of Committees will become increasingly important.

Fourthly, the Bill reconstitutes the powers and privileges of the Assembly which were held for the first half of this century by the Council of the Yukon Territory, and as we move continuously to a more active participation, and tend towards an operation similar to that of a provincial assembly, it becomes again important to have these powers and privileges confirmed and laid out in legislation.

This section also includes the provisions of immunity of

members presently included in the *Immunity of Members Ordinance*. Research has shown that it has been rare for any provincial legislative assembly to have to use or enforce any of the powers and privileges which it holds. However, there is no doubt the existence of those powers and privileges has been most important in maintaining the integrity of assemblies throughout this country.

It is not proper in a democratic country that the legislative function has to rely on the judiciary for the makings of its independence and its freedom of speech.

Without these powers and privileges confirmed, the Assembly would have to rely upon the Common Law relating to parliamentary privileges and the intervention of the courts to maintain a fully independent status, which, of course, in itself is a contradictory situation.

Fifthly, Mr. Speaker, the Bill includes those provisions relating to indemnities, allowances, and expenses for members, and these are currently contained in the old *Elections Ordinance*.

Mr. Speaker: Is there any further debate?

Motion agreed to

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

Some Members: Agreed.

Mr. Speaker: So ordered. The Honourable Member from Pelly River?

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

Mr. Fleming: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and 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 declare a recess.

Recess

Mr. Chairman: I call Committee to order.

Continuing with debate on the *Elections Ordinance*, at recess, last night, we were on Section 31, page 28.

On Clause 31

Clause 31 agreed to

On Clause 32

Clause 32 agreed to

On Clause 33

Clause 33 agreed to

On Clause 34

Clause 34 agreed to

On Clause 35

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Just a question, we are on 35, I think?

Mr. Chairman: Yes.

Mr. Fleming: At the close for the time of receiving nominations, if there is only one candidate at that time, is there a provision for where he is noted when, when would he, you know, notified that he is, well he is automatically there...

Mr. Chairman: Order, please, Mr. Fleming, I am sorry,

the sound system isn't turned on.

Okay, carry on.

Mr. Fleming: At the time of the nominations, if there is only one candidate for a riding, at what time, or is there a provision in the Ordinance, what time is he actually notified? At the same time as the other candidates, after the election?

Mr. MacDonald: Mr. Chairman, if there is only one candidate, there are no other candidates.

Mr. Fleming: Yes, but, Mr. Chairman, he would still be notified that he had received the position, would he not?

Mr. MacDonald: Yes.

Mr. Fleming: I was just wondering at what time that would be done?

Mr. MacDonald: Yes, Mr. Chairman, I think 34 deals with it pretty thoroughly. The returning officer, at the time, shall forthwith declare the candidate elected. There is no ifs, ands or buts.

Mr. Fleming: Thank you.

Mr. MacDonald: At two o'clock.

On Clause 36

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I take it that in some jurisdictions, there is separate legislation dealing with political party election responsibilities. I was wondering how our witnesses see this system evolving in Yukon, whether it is necessary, whether it will be necessary with the evolution of party politics, or whether the simple declaration of a candidate along a political line is acceptable in some jurisdictions? What I am saying, do you really need a formal type of legal formulation of the advent of a party system in different jurisdictions or in Yukon?

Mr. Chairman: Mr. MacDonald?

Mr. MacDonald: Perhaps I could respond, Mr. Chairman. As this Bill envisages it, the nominee would declare his party affiliation, and if he declared it in the name of a recognized political party or a registered political party in some other jurisdiction, not necessarily registered in the Yukon Territory, he would have to have some form of approval from a leader or representative of such party to use that political party name. If he simply indicated that he was in fact a Liberal, not representing the Liberal party or if he was Conservative, not Progressive Conservative, or not proclaiming the Progressive Conservative party, it would simply be accepted on his own declaration at the time of the nomination.

The nomination paper form would provide for such a declaration.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, it is interesting to note that in some of the other areas in Canada in respect to political parties, some areas do have legislation, the way I understand it, outlining political parties and their registration and this kind of thing, at the same time in other areas of Canada, they have left it to registration by say for example the *Societies Acts*, in the particular provincial jurisdictions. It just depends in respect to the various provincial authorities whether they have gone to the concept of putting legislation through, governing the running of political parties or whether they have left it to strictly societies. This time, I think we would simply have to leave it to the concept of application through the *Societies Act* and their registration and thereby, the way I understand it, they can make up their own constitution and this kind of thing. Is that not correct, Mr. Clegg?

Mr. Chairman: Mr. Clegg.

Mr. Clegg: That is correct.

Mr. MacDonald: I might add, Mr. Chairman, that the problem is not so much a problem to an administrator of elections or a returning officer as it is a problem of a political party that may be officially represented in some region, and not wish to be associated with this person, who intends to use its name. Political parties are pretty alert to that sort of thing wherever I have seen them in operation.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, so that all that is required, as far as our Legislation is concerned, is the candidate must signify what political party affiliation he wants printed on the ballot. Is that correct?

Mr. MacDonald: That is as I understand the legislation, Mr. Chairman. He makes an indication, if you wish, or a declaration that will probably be in the form of the nomination paper, and if it is well known name, it seems reasonable to say, if he says, I am a Liberal, to call him Independent Liberal or Liberal Independent, whichever ever you wish, implying that he is independent of a party that calls itself the Liberal Party.

That is, I think, set out quite well in the Ordinance.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, so it wouldn't be inconceivable at all, in our elections, under this Ordinance to have two or three Liberal candidates, two or three Conservative candidates, with their names on the ballot. The Ordinance would not require any clarification who, in fact, represents the Liberal philosophy, on that ballot? That isn't, under the legislation, isn't the responsibility of the Bill?

Mr. MacDonald: I can see it is quite possible for several people, if you wish, to contest an election under the name Independent Liberal, who will not have the endorsement of the Liberal Party.

I am sure the Liberal Party, if it was active at all in the Yukon Territory, at that time, would make sure the public found out that he didn't, or they didn't have its endorsement. There is not much we can do about that unless names are copyrighted, or, under the *Societies Act*, as the Minister says, or some other way.

Mr. Chairman: Mr. Fleming.

Mr. Clegg: Mr. Chairman, may I add a comment that where a person does not have the endorsement of a political party, evidenced by the signature of the leader of the party at the time he is nominated, the ballot paper will show him as an Independent Conservative, or Independent Liberal and the ballot paper will not show Liberal Party or Yukon Liberal Party. Only the candidate whose nomination is endorsed by the party leader will have the words Yukon Liberal Party, or whatever party he represents, on the ballot paper.

Therefore, the ballot paper will indicate, to a voter, which person is the party Liberal candidate and which persons are Independent Liberals, if they are described that way. That is the way in which it will be evident to the voter, which is the party representative, Liberal and which ones are independents.

Mr. Chairman: Ms Millard?

Ms Millard: It is not necessary then to have any party put down, the person could just put independent, period, or even nothing? Is it possible to have nothing at all?

Mr. Clegg: Mr. Chairman, the Ordinance provides that in Section 31.(13) that if no statement of affiliation is provided, the candidate shall be described by the word independent. That would appear on the ballot paper.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, as Mr. Clegg has pointed out, Section 31.(12) and (13) outline what has to be done in

respect to political parties. At the same time, I think it should be noted that if a political party is active in the Yukon, and is registered under the *Societies Act* with their own constitution, from my information, if the constitution is drawn up correctly, that party would have the copyright of that name, and an individual that would want to run under small 'l' liberal, say, would have to get the consent, the way I understand it, of the Yukon Liberal Party to use that name. If he did not get that consent, he could quite conceivably be looking at a law suit in respect to using that particular name.

So it is a case of the parties themselves being alert and ensuring that their name is copyrighted, and at the same time is being used properly.

Mrs. Watson: Mr. Chairman, is this the procedure that is followed under the *Canada Elections Act*?

Mr. MacDonald: If I might respond to that, Mr. Chairman, and perhaps I could preface it with a few comments. It is certainly envisaged that political party activities in the Yukon will grow as time goes on, and I have already made an informal proposal to, in discussing this, to the Subcommittee on Legislation, that the registration of political parties is a recent and a very fine new condition of election procedures. I would envisage such registration eventually coming to the Yukon Territory and being part of the election procedures.

My proposal is, that when it is ready and when Yukon Territory political situation is ready for that sort of thing, that such registration, things like donations to candidates, fees, all that sort of thing, be dealt with in a separate Ordinance completely.

Alberta has just done that quite recently. The *Federal Act* of course, as you know, has a very comprehensive party registration scheme in dealing with this that protects both the candidates and the parties very well, and of course the electorate, as the case might be, at least makes disclosures by which the electorate knows who spends money and how much and where it comes from and that sort of thing.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I just wanted to bring the attention to Members, to Section 36. I don't think that it is possible to prepare legislation before the fact, but I think that there is going to be some extremely interesting periods of transition as the Yukon, it seems inevitably gets into the party system of politics.

I think the Honourable Member from Kluane made some of the points that could arise, because of the transition period and I just think that all Members should be aware that there could be some very interesting, and perhaps, some complicated situations arising, because it is a new type of air. People aren't used to the party discipline, they are not used to the new type of system. I can see what the Honourable Member from Kluane suggested happening, somebody gets a little angry because they lost the nominating convention in a certain area.

So, it is there and I don't think that there is anything that Committee can do at the present time, because we are going into a new area, which isn't a fact of life yet, we are just suggesting that all signs point that that will come, and perhaps, at some time in the very near future, whoever forms the Government will be back with legislation dealing the political party, dealing with political parties and their election responsibilities in this House, which, once again, will be extremely interesting legislation, I would submit for all Members.

Mr. Chairman: Mr. Clegg.

Mr. Clegg: I would just like to respond and amplify on a question raised by the Honourable Mr. Lang and by the Member for Kluane.

The question of the use of the party name, the party would

not have to rely on copyright law to protect the use of their name because the Ordinance does provide, in Section 31.(13), that a candidate who is not sponsored by a political party evidenced by the signature of the leader of the party, will be described by the word "independent", followed by another word or words, requested in writing by the candidate, et cetera, indicating his political interest, but which shall not include the full name of any political party.

So, he may not, without the consent of the party, have those words, Yukon Liberal Party, to pick an example, inserted after the word "independent". Therefore, the party will not have to take civil action to prevent him using their name, although, of course, I would agree entirely that that would also be possible.

As, to the question, as to what the procedure in the *Canada Elections Act* is, it is substantially the same, that a member may only have the name of a political party, following his name on the nomination paper and the ballot, if he has the approval in writing of the leader of the party, otherwise he has the name independent, or he does have the right to have the word independent removed, and have nothing afterwards. But, there is no provision in the *Canada Elections Act* for him putting words to indicate his political leanings in.

We felt that it would be appropriate and useful in Yukon to allow a candidate to indicate his political leanings as long as he did not use the name of a party. My feeling was, and still is, that no party has the exclusive right to the use of such words as socialist, or liberal with a small 'l', or conservative, and I think that a member should have the right to describe himself as an independent liberal, with a small 'l', and that is the intention and the effect of the legislation, as drafted. But, he cannot put the words "Yukon Liberal Party", unless he has the consent of the party.

When we were drafting this legislation, we tried to cover what would happen during the phase of transition into party structure as far as possible. As Mr. MacDonald has said, we would certainly recommend that registration be introduced in the appropriate stage, but we feel that this provision for nomination and align political description will carry Yukon into a political structure in elections without too many problems. As has been said, you can't cover all problems in advance but this should cover you as far as we can reasonably do at this stage.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, there is no limitation on the number of political parties that we can have, because there is no provision for registration, there is no obligation even to be registered under the *Societies Ordinance*, so you could have XYZ party springing up and as long as the self-appointed leader signs the nomination papers, everybody who was running under that party name, so we could have a very interesting election.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I am just wondering whether any question was given to who distinguishes who as the bonafide leader of the party, signs the statements. We might have as much trouble with people expressing themselves as bonafide leaders of a party as people trying to put the same party affiliations behind their names, and as the Honourable Member says, it sure is going to be interesting.

Mr. Clegg: That is a very compelling reason for registration.

Clause 36 agreed to

On Clause 37

Clause 37 agreed to

On Clause 38

Mr. Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, there is a correction in the third line of 38, in that the words thirty-third day should read twenty-ninth day.

Mrs. Watson: Thirty-eight?

Mr. Clegg: In 38, line 3, it should read: twenty-ninth day after the issue of the writ.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, the nomination day is twenty-six days after the issue of the writ so you are given three days extra in which to withdraw your name as a candidate, and then you are making provision where if the writ is withdrawn after the ballots are printed, and then you are making provision where the ballots can have "withdrawn" written or stamped over the name of the candidate who was withdrawn. Are ballots, I am not sure on this, are ballots not sealed after they are printed so that you can't really get to them or you shouldn't be able to get to them before they are actually used at the polling day.

Mr. Clegg: Mr. Chairman, that is correct. They will be in the custody of the deputy returning officer, that he will be prepared to stamp those ballots when he opens them. He has to initial them in the presence of the agents before the opening of the poll, and at that time if he is aware that a candidate is withdrawn, he will have had a stamp prepared and will just go through and stamp them.

Mrs. Watson: On polling day?

Mr. Clegg: Yes, it isn't provided, it just says that it shall be done, but they are in his custody during that time, and that would seem, in practice, to be an appropriate stage to do that.

Would you agree, Mr. MacDonald?

Mr. MacDonald: That is right, Mr. Chairman. This has been very carefully set out, in the Ordinance, and for very good reason.

As you know, the immediate concern of a returning officer, following nomination, is to get his ballots printed and get them out. I am sure you will agree with me that there are few places in the Yukon Territory where getting them out to the depot in time for polling day has some risk involved.

So, that is why the provision of only three days for withdrawal, rather than, say, five, six or eight days, because if someone withdraws after the three day, or if someone withdraws after the ballots are printed, and the returning officer may have to start that printing the day after nomination day, say day 27, the returning officer is still going to have to instruct his D.R.O. at the polls, about stamping the ballot additionally to have signs up at the polls advising the electors that so and so is no longer a candidate and that sort of thing.

I have got to say, I have yet to see it happen in all my experience in elections, so I don't know whether all this preparation is very worthy. I have never seen a candidate withdraw. I have seen one or two succumb.

Clause 38 agreed to

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

Recess

Mr. Chairman: I call Committee to order.

The Elections Ordinance, Clause 39.

Ms Millard?

On Clause 39

Ms Millard: Mr. Chairman, I know it is not this Section, but before lunch, we were discussing what was going to be put on ballots and the more I think about it, the less I like the system, although I can see some real advantages in the Yukon to allow a sort of brief description of the person's political leanings without actually committing them to belonging to a

party. It seems to me it leaves open some question on whether or not someone could put in a few things and call themselves a party in a kind of way, advertising right on the ballots simply by some name that they have made up.

I wonder why it hasn't been considered to have a registration system. Is it far too complex?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, in respect to the debate that took place before lunch, I was just talking to the witnesses about that prior to lunch and I think we are going to take another look at it, and maybe insert something to the effect that they should be registered or something so that there is a basic guideline there or something.

Ms Millard: Mr. Chairman, also on that subject, if it would be considered to sort of restrict what the words are that won't indicate a party, but will indicate a political leaning, if you had a choice of five words or something like that, rather than saying something in particular.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the ballot isn't all that big. It is going to have to be short and terse whatever is going to be put into that respective area for the political leanings, so I don't think we have to worry about an essay or anything being involved in the ballots.

Mrs. Watson: All you need is a vote for me, candidate, that is all.

Hon. Mr. Lang: That's right. I would suggest "smile".

Mr. Chairman: Mr. MacDonald?

Mr. MacDonald: I just wanted to elaborate on what the Minister had to say to the Honourable Member, that the more words you put after your name on the ballot, the smaller they are going to be. It might get so that they couldn't even read them.

Ms Millard: Mr. Chairman.

Mr. Chairman: Ms Millard.

Ms Millard: Also, I understand, the address is going to be on the ballot, is it? If that is the case, we could eliminate the address.

Mr. Chairman: No.

Ms Millard: No.

Clause 39 agreed to

On Clause 40

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, Clause 40.(2)(a), does that mean be fixed and provided for in a nearby city, town or village, which is outside the polling division?

Mr. MacDonald: It is outside the polling division.

Mrs. Watson: So,

Mr. MacDonald: If I may, Mr. Chairman, to respond for the record, it could be outside the polling division, with the prior approval of the board.

This is not uncommon, particularly in cities where boundaries of polling divisions are such that there is a very adequate shopping centre with facilities for a poll just across the line from another polling division.

We, in fact, did it at one time, in Alberta, illegally, and it has always stayed in my mind as a flexibility that every election act should have. Sometimes it is just impossible for the returning officer to find a place that serves the public, the voting public properly. That is the intent of it.

Just the polling division, mind you, not outside the electoral division.

Mrs. Watson: No, no, the polling division.

Mr. Chairman:

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Even if it was outside the electoral district.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I wonder if you have even considered letting them do it outside the electoral district. I can give you a very good example here, in the area that is surrounding Whitehorse proper, on the Mayo Road and the Takhini Hot Springs Road, there are absolutely no public buildings whatsoever and you have to use a person's home, you know, go through the whole rigamorole. Most of the people who reside in that polling division in that electoral district work and take their children to school in Whitehorse and the question is always asked, why don't they establish a polling station in Whitehorse to accommodate that area which is a separate electoral district?

Mr. Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, the present wording of that subsection would permit the station to be established outside the electoral district because the word "nearby" does not imply that it is anyplace, except that it is near to the polling district. It does imply that it is not in it, that it can imply that it is near to the polling division but not in the polling division, and not even necessarily in the electoral district, with the board's approval. I believe that could be a worthwhile flexibility.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: In order to pursue the question the Honourable Member has raised, has that happened in respect to your experience, Mr. MacDonald, in Alberta. For example the area that I am from is being divided right down the middle, but there is only one school or one public facility in that particular area. Could that be divided off into say two polls, one for one electoral area and the other for another?

Mr. MacDonald: Yes, indeed, it has.

Clause 40 agreed to

On Clause 41

Clause 41 agreed to

On Clause 42

Clause 42 agreed to

On Clause 43

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Again, (b) and (c), I wonder if we could have a little clarification. One is the political affiliation and the other is the registered party. I wonder if we could have the clarification of the difference, on (2)(b) and (c)?

Mr. Clegg: Mr. Chairman, in the section dealing with nomination and political affiliation is discussed as being a relationship which arises out of a person being sponsored by a political party. So this does imply a political party, and if the committee adopts an amendment which requires the parties to be registered, either under the *Societies Ordinance* or by some other procedure, this term "affiliation" will relate back to Section 30 which ties a candidate to a party by an official recognition from the leader. The affiliation is intended to mean that, and the word "interest" means a declared interest other than a recognition by the leader that he is supported by that party.

Mrs. Watson: That, Mr. Chairman, that is the part that concerns me, is that interest bit. I can see where, if you bring an amendment in where there is a requirement to have it registered under the *Societies Ordinance*, so you could have several political parties in the Yukon Territory as long as they are registered under the *Societies Ordinance*, and then, if the-

leader of the party signs the nomination paper saying this person is affiliated with that party and will be carrying the banner of that party, that is fine.

But, I do have some concern about the interest, the political affiliation or interest of each candidate. Are you still going to, even though they have an opportunity to join registered political parties, are you going to let them say, you know, I am not affiliated with any party but my political philosophy is right-wing so and such? Are you still going to do that?

Mr. Clegg: Mr. Chairman, that was the intention of the drafting.

Mrs. Watson: Oh, Mr. Chairman, no.

Mr. Chairman, that is almost like advertising, isn't it?

Mr. Clegg: Mr. Chairman, I think that stating that you are supported by and sponsored by a registered political party, is, in fact, advertising your platform, as well. I think every candidate tries to advertise and, in fact, I would think it would be without question that if a candidate who is sponsored by an existing party will have his interests and his platform better advertised than an independent, in any event, because the platform of his party will be well known on a Territory-wide basis.

The intention here, perhaps, is to allow some balance to be achieved so that members who are standing for a party, who do have substantial understanding of that platform as a result of being affiliated to a party whose platform is known don't have too much total ascendance here an where independent who wants to get the message across that he is, has an inclination in a particular direction.

That was the rationale behind our suggestion here.

Mrs. Watson: Mr. Chairman, is this permitted in provincial elections, this interest or affiliation with a non, or sort of a political philosophy affiliation? Is that permitted in provincial elections?

Mr. MacDonald: If I may respond, Mr. Chairman, yes, an indication of that liberal period or even the word conservative period, does appear on the ballot. Very rarely where you have, in a province, party organization on a fairly large scale. Of course, the chances of that are, to a great degree, lessened because somebody who says, "I am not a member of the Liberal Party, but I am liberal or I am small 'c' conservative", something to that effect, and one's that have it so stated on the ballot, is going to have his opponents, or the candidate representing the registered Liberal or Conservative Party, Progressive Conservative Party, taking him to cast over it and pointing out his deficiencies in this way.

The normal procedure, or the normal pattern that occurs in provincial elections is for the candidates to appear as representing a registered political party, the New Democratic Party or whatever it might be, and an independent candidate, or two or three.

They don't readily borrow those tags when they are opposed on the platform by legitimate representatives of a political party.

Mr. Chairman, apropos of the member's comment about advertising, isn't that what an election is really all about, a system whereby the candidate is permitted to advertise his virtues and the electorate is given every opportunity to look at it.

Mr. Chairman: Ms Millard?

Ms Millard: Well, Mr. Chairman, not on the ballot. There are so many restrictions even to posters on polling day and all kinds of things, so why should it be right on the ballot, any kind of semi-advertising.

Mr. Clegg: Mr. Chairman, if the Member is saying that no

party affiliation or interest should be mentioned on the ballot, that is a different issue. I understood that the question being raised was that it was admitted that a member sponsored by a party should have his party identified on the ballot, but an independent should not have his interests specified on the ballot. If you take the latter view and say that you may only have your political leanings advertised on the ballot paper if you are a member of the registered party, then you are definitely giving a powerful advantage to members of registered parties which is a political decision which we leave it to you.

We have recommended that there should be some political indication permitted for everybody on the ballot paper on the principle that when the person is casting his vote, he shouldn't make a mistake, and if he is wanting to vote for an individual rather than for a political party, we should do everything possible to avoid the situation that he votes for Watkins, Independent, when he meant to vote for Watkins, Conservative. Sometimes, not so much out of Quebec, but particularly in Quebec, it is not uncommon to have a large number of people on the ballot paper with the same name. In fact in Quebec it has been used as a deliberate ploy to confuse the voter by a party who is sponsoring Messr. LaPointe against Messr. Beauchand to have twenty Messr. Beauchand's put their names down as candidates as independents, and thereby split the vote. This was done in the last election in Quebec in several places. It was quite effective.

Mr. Chairman: In the Clause 43.(9), should that not read, "in the name of Her Majesty", "property in the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in Her Majesty".

Clause 43.(9).

Mr. Clegg: All the, the *Canada Elections Act*, and provincial legislation stipulate that ballot boxes are Crown property and this is the normal way of stipulating that something is Crown property.

Mr. Chairman: By being in Her Majesty, or being in the name of Her Majesty.

Mr. Clegg: The property is in Her Majesty, that is what it says. This is the rather archaic legal way of putting this.

It means the legal ownership in the property.

We could use a more modern form but we are just following the precedent here.

Mr. Chairman: I think it would be more comprehensible to us.

Mr. Clegg: If the Committee wishes, we could rephrase this to say that the ballot box shall be the property of the Crown or the property of the Territory.

Mr. Chairman: I think that would be preferable.

Mr. MacDonald: Excuse me, but if I might, Mr. Chairman, on that, I would like, I am sorry I missed this earlier, perhaps, from experience, I should point out to your Committee that ballot boxes have been interchanged between provinces, cities, Federal Government of Canada, Province of Alberta and British Columbia from time immemorial, we use the same boxes quite often. We interchange them.

Boxes are, as you perhaps know, an awful thing to store and look after, so I would prefer the property of the Crown, rather than the property of the Yukon Territory. It might be that you might want to use, at one time, ballot boxes belonging to the Government of Canada.

Mr. Chairman: No problem, that is fine.

There is one other, Clause 43.(2)(a).

"...the names of the candidates arranged in the order established pursuant to subsection 31.(15) with given or nicknames...". Should name be in there?

Mr. Clegg: Yes, Mr. Chairman, it would be better to say, given names or nicknames.

Also, there was a typographical error in that paragraph. It is in (a), line two, it should, pursuant is misspelled.

Mr. Chairman: Right.

Mr. Chairman: Ms Millard.

Ms Millard: In that same section, 2(c), this is the one place where a registered party is mentioned, and I know that the Minister has said that they are going to be taking that back and thinking about it.

I am just wondering if that means registered in the Yukon? Is there such a thing. Do they have to register as a society in the Yukon, or are they registered in Canada, as a federal political party?

In this case, what does registered party mean?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, it is my understanding that there are two ways that one can go, either register through the *Societies Act* or one could register with the federal authorities, is that not correct, Mr. MacDonald?

Mr. MacDonald: Yes, under the *Federal Act*.

Hon. Mr. Lang: But this is the area that we are going to have to look at in respect to the registration.

Mr. Clegg: Mr. Chairman, the reference in (2)(c) to the word registered party means registered under some legal provision, and in this case it would mean registered under the *Federal Act*.

Mr. Chairman: Ms Millard?

Ms Millard: Mr. Chairman, just out of curiosity, all we need, it seems, is the okay of the leader of the party to have your name on the ballot as representing that party. Is it possible for the leader to okay two candidates? I don't see the real advantage, but if they didn't go through a nomination system within the party and just decided they wanted a couple of people would that be possible?

Mr. Clegg: Mr. Chairman, that would be possible under the provisions of this Ordinance. I think that any party has the right to chose, if they wish, to allow two candidates to run against each other. I think it is probably almost without precedent, but it seems to be their concern and if they wish to adopt a suicidal approach like that.

Mr. MacDonald: It is commonly termed political suicide.

On Clause 44

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: It may be a bit of a crazy question, but 44.(1) says: "Every returning officer shall furnish to every deputy ... at least two days before polling day". What is the consequence if this isn't done at least two days before polling day, because I am sure it might take a day or a day and a half. Is there any consequence to not doing it two days before?

Mr. MacDonald: If I may respond, Mr. Chairman, the pattern is one that has been adopted because it is precedential, it exists that way in a number of acts. I should like to assure the Committee Member that I couldn't count the times when the ballots reached the deputy returning officer the night before the polling day, in spite of what was in the— This is often done to try and encourage the returning officer to be as precise as possible about his times.

Mr. Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, that was my point. Could somebody challenge this on that basis, because it is contrary to the Ordinance—

Mr. MacDonald: No.

Mr. Lengerke: —it says it shall be done.

Mr. MacDonald: No, every *Election Ordinance*, and I am sure this one does, carries a provision that protects the returning officer in cases of this nature of minor adjustments in the procedure and documentation of the election. I have forgotten the particular Ordinance Number. Mr. Clegg can perhaps enlighten you.

Mr. Clegg: I don't know it offhand at the moment. If I find it, I will pass a note to them.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Just reviewing the procedure here, Mr. Chairman, I am just curious, does the ballot box come separate and the ballots come separately from the returning officer? Or do they...

Mr. MacDonald: We are getting into sort of administrative details in the matter, Mr. Chairman, but, actually what normally happens, and I don't know of too many areas where it is any different, is that the ballot box becomes the container for all the material that goes to the D.R.O. just prior to polling day and the ballot box is a very handy container. It can be locked or sealed and put away, wrapped up in such a way, they drop them from aircraft, as you know, parachute them and all sorts of things.

So, actually what happens, is the material is all put in the ballot box and sent out that way.

Clause 44 agreed to

On Clause 45

Mr. Chairman: I bring your attention to a typographical error in Line 23. "As prepared by the revising officer".

Clause 45 agreed to

On Clause 46

Mr. Fleming: Just a clarification on 6. Is a candidate, they speak of a candidate or his official agent of the candidate writing in the prescribed form, to represent the candidate at a polling place", and I am wondering, does that, it doesn't infer that it is that candidate and not just, more or less, just any candidate.

I am not quite clear on this.

Mr. MacDonald: Well, Mr. Chairman, if I may respond, as I read that, it is to represent the candidate, meaning that candidate. He wouldn't appoint anyone to represent anyone else. But, I think, as the statutory section reads, it is quite all right to me. Mr. Clegg might have a different opinion.

Mr. Clegg: I agree with Mr. MacDonald. I think if it said "a" candidate, it should be changed to "the", but I think the candidate, in line 3, is sufficiently precise.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, I wonder, in 46.(1), whether we should have specified no more than two agents. I am just thinking, if worse came to worst, and I have heard an awful of parties and an awful lot of candidates and every candidate was able to appoint as many agents as he wanted, there could be an absolute zoo.

Mr. Clegg: Mr. Chairman, in response, I would like to mention that there is a provision in the Ordinance that only two agents at a time are permitted in the polling station, and the provision to permit the appointment of more than two agents is to provide for the possibility that the agents wish to take a break and take it in turn. The polling day is quite a long day, and if you wish to have continuous representation, it wouldn't be unreasonable to have four, or maybe even six agents so that they could take turns to be in and about the polling station, two at a time in the polling station. There is also a provision in the Ordinance, that where the deputy re-

turning officer considers that the room in which the vote is taken is getting too crowded, he can limit the number of agents to one per candidate present in the room at any one time.

For this reason, we didn't feel it was necessary to restrict the number of agents appointed.

Mr. Chairman: In (2)(e): "two agents for each candidate, or in the absence of agents, two electors to represent each candidate," what is the difference between an agent and an elector representing a candidate?

Mr. Clegg: An elector representing a candidate is a person who may be allowed to represent the candidate on the authority of the deputy returning officer and who hasn't necessarily been appointed, because where the candidate has not appointed an agent or there is no agent present, any elector may say I will represent him and the deputy returning officer has the discretion to accept that person as representing that candidate for that purpose to witness that procedure which is supposed to be witnessed by agents.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I still feel that two agents per candidate per poll is sufficient. If you have four or six that are named, it is going to be up to the D.R.O. to keep the scoreboard of which ones are in the place at any given time for any given candidate. If there are half a dozen candidates and each one of them has half a dozen agents, I am just saying that you are putting almost impossibility on the D.R.O. to police all of these comings and goings and happenings.

An election day is how many hours will it be? Twelve, you know, two candidates, six hours, two agents, six hours each. I am just saying that I don't think that there would really, I don't think that usually candidates do have more than two agents at any one poll, and I just believe that there should be a limit, rather than getting into problems that could be got into to the detriment of the D.R.O. trying to conduct the proper poll with all kinds of happenings taking place.

I haven't heard really any strong arguments, other than maybe people want to go for a coffee break or have relief, and I think that with two agents per candidate, per poll, all of those arguments are met without getting into some very real difficulties that I could perceive.

Mr. MacDonald: If I might respond, Mr. Chairman, I am aware that the Honourable Member has attended many elections. In my experience though, we have found that there is very little policing of the number of agents in a poll required of a deputy returning officer or the scrutineers if you wish to tag them that way, because the other scrutineers present do a certain amount of police work for the deputy returning officer. In fact, it has always been my procedure to instruct the R.O.'s through their returning officer to work as closely as possible with scrutineers during the poll. They can be of the greatest help that the D.R.O. can have.

The only problem we have ever been confronted with is the one of crowding where two agents per poll, in a multiple polling station, sometimes created a large crowd.

I think, with greatest respect to the Honourable Member, Mr. Chairman, that political parties find it very advantageous to have contact between agents in the poll and agents outside of the poll, for the provision of certain people that they think favour their party to get them to and from the polls and record the fact that they have or have not voted. That is what their job is. It is a perfectly legitimate one.

With the greatest respect to the Honourable Member, I have not seen any problem with the D.R.O. having to determine that there are more than two agents or not, of a particular party in the poll. He may have seen them.

Mr. Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, if I might add a comment and further to what Mr. MacDonald has said, subsection 9, of this section, provides and recognizes that agents have this right to take information from the poll book, and they will also wish to witness the proceedings of the poll, so it is not inconceivable that you would have one agent observing the poll being taken, one agent taking information from the poll book to other agents outside the polling room, who would then, perhaps, telephone Mr. Smith, and say, Mr. Smith, are you going to come down and vote. We see you are not ticked off yet.

That would involve three people and, to allow some relief between those people, an agent, a candidate who wished to be very active in promoting, in making certain that his supporters voted at a polling station, might find it necessary to have four or five agents so that this information being carried in and out could be carried out without putting undue strain on any one person.

There is one other point that I would like to raise, and that is there is provision in the Ordinance for badges to be issued to agents, so they can be identified and known as such, both to the Deputy Returning Officer and to other scrutineers and to members of the public. One way of controlling this would be to issue only two badges, so that when the agents wished to come into the polling room, they take a badge from one of the other agents and that they are only allowed in the polling room when they are wearing a badge.

This means that every person in the polling room, who is not a voter coming into vote, is wearing a badge and it will enable the returning officer to keep control and make sure that no member of the public is loitering in there without a right.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, I don't have any serious problem with that concern because it seems to me that subsection 3 gives clear instruction to kick them all out but one, if they want to.

My problem is with number 5, subsection 5, because I cannot visualize a situation where any agent would be seeing how an elector is marking the ballot paper.

Mr. Clegg: Mr. Chairman, there is a very simple answer to that. There is provision for an elector who is incapacitated to vote, to have his vote marked for him, by the deputy returning officer, in the booth, in the presence of candidate's agents, who are there to witness that the deputy returning officer casts that vote in accordance with the incapacitated voter's instruction.

A person might come to the poll who is blind, goes to the deputy returning officer and says, will you cast my vote for me, and the deputy returning officer then asks the agents to accompany him to the booth, and they witness this impartial exercise of the incapacitated voter's rights. That is the way in which they know that person had voted.

The other possibility of course is an inadvertence where a person doesn't fold his ballot paper, which quite often happens, and the person will hand the ballot paper over to the poll clerk open and not folded.

Clause 46 agreed to

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I am a little slow, but still I would like to go back to that Section. I have been thinking, how many agents would a candidate be able to have—

Hon. Mr. McKinnon: No more than two in the place at any one time, but you can have as many as you want.

Mr. Chairman: If you want to speak Mr. Fleming, get on your feet.

Mr. Fleming: Thank you. No, I am also worried about that

section because I just don't feel that that is quite—, it should be possibly, but it isn't maybe going to be quite in the democratic process I don't think. There are all sorts of ways for parties to influence people and so forth and so on. A party can have as many agents as they want and of course nobody says you have got to pay them under the table or anything else, but the fact is there that these things can be. I myself would sooner see two agents, or two electors, and that would be the end of it, or say three, put it where it is necessary. But just to turn it wide open, I don't know, I don't really like it.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, you have got to remember that, maybe it wasn't impressed upon the Members enough, is the fact that the polling day is twelve hours and the point is you need, if you are serious about running, you want to have scrutineers there. The point is, I don't think that the Honourable Member across from me would be prepared to sit in a polling division for twelve hours for some candidate that is running for him, because I am sure that he has got something to do during the day. Maybe he will be able to donate two hours or three hours, so subsequently, somebody has to come and replace you. That's the major reason for the flexibility.

At the same time, Mr. Clegg has pointed out that there is provisions for badges for agents to be within the polls. Obviously they are going to be recognized and there shouldn't be any confusion in respect to the D.R.O. I can't see any problem with it, because I am sure that, you know, it is difficult enough to get people to—

Hon. Mr. McKinnon: You have problems?

Hon. Mrs. Whyard: I had no problem.

Hon. Mr. Lang: —to donate a full day. You know, I don't think you couldn't expect to ask somebody to donate a full day. This is the major reason the flexibility is there.

Mr. Chairman: Shall we carry on with Clause 47?

On Clause 47

Hon. Mr. McKinnon: Mr. Chairman, I can only say that if the Yukon is going to maintain its average as the most controversial... (Unintelligible)... after any election, with the greatest respect to Mr. MacDonald, I have been through quite a few Yukon elections.

Mr. Chairman: You can't legislate that, Mr. McKinnon.

Hon. Mr. McKinnon: No, but you can try and prevent it as much as you can, and, you know, really, when you get into some of the polls that I have seen, in the Yukon, not in Whitehorse in particular, but in other areas around the Yukon, with some of the shenanigans that have gone on, that have brought about controversies and thinking of that number of agents, with the new political party system, I can see some interesting facets around here, I really can.

Mr. Chairman: Mr. Lengerke.

Mr. Lengerke: Yes, Mr. Chairman, just further to that, I was just checking back to see what notes I had made on that, and oddly enough, I think I had to agree with Mr. McKinnon on that one, because I had put in here, I said something, the candidate or his official agent may appoint in writing any number of agents in the prescribed form, but not more than two agents to represent the candidate at a polling place at any one time, is what I had written down.

After hearing some of the explanations, I guess I was quite happy with it. But I just took a look back and that is what my concern was, at first, so, you know, there is some concern there, there is no doubt.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I wish the members of this House would have shown the same concern to Section 4, where

the real shenanigan could go on. It is not to the appointment of agents, because as the witness explained, there is only going to be two agents at a time and the agents themselves policing themselves.

But the real shenanigan could go on with the appointment of the board, with what really goes on with the appointment of the board. The appointment of returning officers, the assistant deputy returning officers and things like this.

This is where the real problem lies and yesterday, when I brought the subject up, the members just sat here and never said boo.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, just out of curiosity, is this the same procedure that is followed in Alberta and many of the other provinces?

Mr. MacDonald: Yes, Mr. Chairman.

Mr. Chairman: It is the same procedure for the federal elections, as well, is it not.

Mr. MacDonald: I am not too clear on the federal, I think it is. It certainly is provincially.

Agents move in and out of the poll from time to time for things like lunch breaks and, depending on the condition of their kidneys and that sort of thing.

I hadn't been aware of the proposal that Mr. Clegg made about badges, but it sounds to me like a very good one, from an administrator's view of the thing. They always maintain the badges in the poll.

I was interested in what the Honourable Member, the Honourable Mr. McKinnon had to say. I should think some of the, perhaps more rural oriented polls in the Yukon Territory might be very much like some of those in Northern Alberta, and there are some rather horrendous things that go on, around polls during an election. But I still have to maintain that the presence of agents is an extraordinary benefit to the operation of the poll.

Apropos of what the Honourable Mrs. Whyard was saying yesterday about policing and bouncers, quite commonly, the scrutineers become the bouncers for the D.R.O. to remove the obstreperous voter or the drunken voter and so on.

Mr. Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, to answer the Member's question, the *Federal Act* provides no limit on the number of agents that may be appointed and provides that only two may be present in the poll.

Hon. Mrs. Whyard: Mr. Chairman, in 47.(2), as I read this: "A candidate may himself undertake the duties of any agent" which I am not sure is a new section, but it is new to me. I have never heard of a candidate doing this. I am visualizing a candidate going from poll to poll during the day, sitting in in as an agent for an hour or so. Is this what is the intent of this section?

Mr. Clegg: Yes, Mr. Chairman, it is the intent that a candidate may do anything that an agent may do, and this follows the precedent set by the *Federal Act* in Section 37.(2) which says exactly what this says said. This enables a candidate to come into a polling station and take the place of one of his agents, put the agent's badge on and do those things that an agent may do. He will, as you say, in practice, tour around the polling stations in his electoral district during the day.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, there is nothing stopping a candidate from remaining at the polling station all day while the polls are open, is there?

Mr. Deputy Chairman: Mr. Clegg?

Mr. Clegg: That is correct.

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, if a member or some people running for office can't get agents, they could stay there all day.

Hon. Mrs. Whyard: You can sit there all day, no problem.

Clause 47 agreed to

On Clause 48

Mr. Deputy Chairman: Mr. Clegg, I wonder if you could give us clarification on subsection (7) of 48 please?

Mr. Clegg: It is the intent of this section to fix the returning officer with responsibility and authority to make certain that no person is prevented from casting his vote and gives him authority to appoint constables to make certain that nobody is being impeded or molested in or about the polling station.

Clause 48 agreed to

On Clause 49

Clause 49 agreed to

On Clause 50

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: I was just looking at Section 50.(1), there. When will it come that an elector would have to take an oath of this nature, because you have the proxy vote, you have the ability for transfer if you come under certain qualifications, and either that, or, you have been enumerated.

Mr. Clegg: Mr. Chairman, the reason for this is not establish a person's name to be put on to the list. A person cannot take an oath and have his name inserted on a list on polling day, because we felt this is not necessary.

The purpose of this is where a person's identity is challenged, where his name is already on the list and he comes along and says I am William Jones, and somebody says, that is not William Jones or they just chose to check and ask him to swear that he is William Jones and he is the William Jones who lives there. Because you might find that somebody who is not bothered to take a proxy, sends his brother or son down to vote for him because he is out of town, and gets away with it because he is not challenged. This is enabled, to—I think this is probably the more normal situation, where somebody imagines that he, perhaps, has the right to cast a vote for his father or his brother, without having the proper proxy documents.

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, just to go back to 48.(7), I think the correct word that was causing some problem, "admission" should be "admittance". If you see a sign that says "No Admission", it means that you get in free. If you see a sign that says "No Admittance", you don't get in at all.

So, it is obvious that the word is an incorrect one. It should be admittance.

Mr. Clegg: Mr. Chairman, I think the use of the word "admission", to mean charge for admission, is a form of slang and I think that the word "admission" is correct in this context. I think it means exactly the same as admittance.

Mr. Deputy Chairman: In subsection 3, of 50, Mr. Clegg, the last line, should that read, "according to this Ordinance is guilty of an offense". Deletion of that word "he"?

Mr. Clegg: That is correct, Mr. Chairman, that is a typographical error.

Mr. Deputy Chairman: Thank you.

Mrs. Watson.

Mrs. Watson: Yes, Mr. Chairman, several things. Is there

any provision, in this legislation, and I don't recall for a person needs to be sworn in if his name is not on the voter's list, to be sworn in.

Mr. Clegg: Mr. Chairman, there is no such provision.

Mrs. Watson: Mr. Chairman, in the *Canada Elections Act*, there is a provision for this. Why did you not provide, in the urban areas, I don't believe, in the urban polls, were they permitted to be sworn in, but in the rural polls they were, why you are departing from that method of getting a person's name on the voter's list?

Mr. MacDonald: Mr. Chairman, I will have to plead guilty before the Honourable Member, to having made a very firm recommendation to you in my original report on this matter. I am sorry to take a little of your time to discuss it.

Basically, our experience has been that the swearing in on polling day, is, to be quite frank, an horrendous problem, particularly as our people get more lethargic about their attention to elections, until the day they want to go down and register their vote.

Part of the idea of the proxy system is to take care of this problem, to relieve the polling station of that extraordinary pressure that occurs when a person has to stand up, sign a form, take an oath and have everything done in this way, before they can have their name now entered on the polling book, or in the list, and cast their ballot.

If they have neglected to do so, we feel that it is not, I should say it was my recommendation, it was not reasonable to do so on the last day. Of course, that is a recommendation only, and the act was drafted on the basis of that recommendation. If the Committee sees fit to change it, that's certainly the Committee's *Election Ordinance*.

Mr. Deputy Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I am certainly not too much a follower of being sworn in at the polls concept at all. It would be rather expensive.

However, I do have a couple of questions. The oath, 50, subsection (1): "An elector, if required by the deputy returning officer," that is, if somebody challenges a person's right to vote, either by proxy, by transfer or even if their name is on the voter's list, right, then they are asked to take an oath which says in fact that they are a qualified voter.

I have been in a quite a few elections and this is one of the things that bothers, the poll clerk or the D.R.O. stands up there and blah, blah, blah, blah, blah, and that's the oath. Half the time people don't know what they are swearing to. I often think that if people were taking an oath and were handed it and said sign your name, they wouldn't be so eager and so willing to take an oath. I have stood there and known perfectly well that people are lying, because I just don't think that they understand the oath or the fact that it's an oral thing, and I think it would be so much more effective, and I know it takes time, I know it takes reading, but an oath is an oath and is a very important thing. They are swearing to something. I don't think people who take an oath, often if they are challenged take it seriously, enough.

Mr. Deputy Chairman: Mr. MacDonald?

Mr. MacDonald: If I might respond, Mr. Chairman, I have dealt with those types of oaths taken at polling stations and I have never dealt with any that were not written oaths. A written form is prescribed and provided, stacks of it provided to the deputy returning officer to use. The person must sign, and a witness must sign. Taking oaths at a polling station is always a bit of a problem, but any that I have had to deal with, I am sure, I should say, perhaps, I am sure that what you have described has taken place in Alberta polls under my jurisdiction as well in the past, but it is not the intention of the *Ordi-*

nance to have merely delivered oral oaths. A designed, prescribed form is required.

Mrs. Watson: I know, Mr. Chairman, there is a prescribed form in the *Canada Elections Act*, it is there, the oath is there, the prescribed forms for everything. They just didn't have copies of them, or they just had one copy and read it out. Also, in the poll clerk's book, right, what do they call it, the poll book? Is it noted when somebody's name is challenged and then an oath administered?

Mr. MacDonald: An oath administered? Indeed, indeed.

Mrs. Watson: Well I have sometimes seen this not done too. Then, if there is a controverted election, who has the authority to see the poll book? After once it goes in there, only the judge, right?

Mr. MacDonald: We might wait until we get to that part, Mr. Chairman.

Mr. Deputy Chairman: Very well.

Mrs. Watson: Mr. Chairman.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: No, that is okay, Mr. Chairman.

Mr. Deputy Chairman: Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, concerning the same problem, actually, am I to understand now, that if a person, his name is not on the list, and yet he comes to a polling booth and has somehow been missed by the enumerator, which could possibly happen especially in this Territory, even though he or she has put out ever effort in the world to find them and they haven't been able to find them, but on the polling day they are in the Territory and they are an elector, if they come to the polling station, am I to understand they cannot have a vote and they cannot be sworn in? Is that...?

Mr. Chairman, I don't know exactly the Section, but I think you could refer back to the duties of the enumerator and, if that person has not been enumerated, they are at fault, and, I think, guilty of some offense, and of course, the person would just be denied of his vote and, in this case, I think the enumerator would be, could be, possibly, found at fault.

Mr. Clegg: Mr. Chairman, the enumerator only commits an offense under the Ordinance, if he willfully omits a name and therefore, it has to be shown to be deliberate.

I think where there will be some difficulty in getting enumerators to volunteer, if they could be held liable for an offense, under the Act, because they inadvertently missed somebody, but that is a different issue.

Mr. MacDonald: I might add, Mr. Chairman, on behalf of what the Member has to say, and the Honourable Member from Kluane, also, that all elections are rife with errors of this kind, missed names on the list, people claiming disfranchisement. Everything is done, though, we feel, at least we have tried to do, in this particular statute, everything we could to provide, for example, a rather long revision period, longer than the federal act provides presently.

That revision period is intended to take care of those people whose interest in election allows them to go see that their name is on the list, or have it put on the list.

Together with the long revision period, the proxy, issuance of proxies, which takes place during the revision period, is intended to help that as well. The absentee voter, the student in college or university and so on, or the incapacitated one.

So, I know that these things happen and errors are made and people are left off the list and these are administrative things and I know, as people who have contested elections, you are all very aware of them, but, there really, and Mr. Clegg, I am sure, will bear me out, are limits to which you can protect the people from administrative errors in an election statute. You

lay it out and then you hope you get administrative excellence. You don't always get it.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I don't think, and from what the Honourable Member from Hootalinqua is saying, I don't think that people realize the importance of the process of enumeration and I don't think that people realize when they are getting election officers, that by far the most important, in my estimation, the most important election officers are the enumerators and, as I said yesterday, they have been paid a mere pittance, so they don't get anybody who is interested in carrying out the function of being an enumerator

You can tell the standard of the enumerator by just looking at most of the lists, and you don't even have to know the area. But I have a question: you can have a name put on a voter's list at the revision, or can you challenge and have a name removed from the list? All right now, if you have an opportunity to challenge a person's name on the list at the revision, or several people's names, you can challenge that person's right at the poll. Can you challenge that person's right after the election?

Mr. Deputy Chairman: Mr. MacDonald?

Mr. MacDonald: It would be my understanding, Mr. Chairman, that the election would not be invalid by reason of an omission to challenge during an election.

Mrs. Watson: Mr. Chairman, there are two processes aren't there, where you can challenge? Either somebody's name on the list, or somebody; that is at the poll and at the revision. If you don't take advantage of that, is it usually upheld in court that you can, on the basis of those people voting, you can try and turn over an election?

Mr. Deputy Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, if I may respond further, I believe this is a matter which is covered by your *Controverted Elections Ordinance* and the provision of that, if I recall correctly, is that if a judge is satisfied that persons were denied the right to vote who should have been allowed to vote, or the persons voted who should not have been allowed to vote, and as a result whereby the result of an election might have been different, he can overturn the election. But if there is a difference between the winning candidate and the next nearest candidate of 100 votes, and there is only a suggestion that maybe five or six people were disenfranchised, then that would not in any way void the election.

Mrs. Watson: But Mr. Chairman, doesn't that have an effect. They are bringing this up from the *Controverted Elections*, doesn't that throw out all this process? Yes, this throws out all the process. You have your two times, you have your enumeration, you have your revision, you have your challenging at the polls and still if a judge can turn over an election because he feels somebody's name should have been or should not have been on the list, what is the point in going through this whole process? Mr. Chairman, it means you could deliberately put people's names on the list, and if you won, fine, you wouldn't challenge them, but if you lost, you could challenge them and that's what our *Controverted Elections* is actually doing.

Mr. Deputy Chairman: Mr. MacDonald?

Mr. MacDonald: Well, if I could respond, Mr. Chairman, it is my understanding that the provision of the challenge opportunities during the course of an election is to prevent, if at all possible, the introduction of any challenge under the *Controverted Elections Act*. The challenge under the *Controverted Elections Act* is last resort. That's the way I have to view it.

Mrs. Watson: Mr. Chairman, if there is no advantage taken of the ability to challenge at the revision and at the poll,

should they then be allowed the opportunity to challenge after the fact through the courts. This is my question, why bother going through all of this when you can sit back and plug your list with people that are just, you know, whether they can or whether they can't. Rather than have it resolved, leave them on there and sit back, and if you lose the election then challenge, and that's exactly what our *Controverted Elections Ordinance* do. Why bother?

Mr. Clegg: Mr. Chairman, I don't believe this is a question that relates to this Ordinance, but which relates to the *Controverted Elections Ordinance*.

Mrs. Watson: Mr. Chairman, I couldn't agree more, but I wonder why they are so careful, when you can throw the whole thing out?

Mr. MacDonald: I am sure, Mr. Chairman, if my proposals had been less than careful, I would have been clubbed unmercifully.

Mr. Deputy Chairman: I must caution members not to enter into debate with the witnesses, just merely ask questions.

Mr. Lang.

Hon. Mr. Lang: Well, the only comment that I wanted to make, Mr. Chairman, in respect to what the Honourable Member raised, it was my understanding that, if after the election, something had come to light that procedures hadn't been followed, then there was a recourse left in respect to the credibility of that particular election.

That was my understanding of it and I think the Honourable Member is getting into another Ordinance.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, there is no doubt in my mind that I am in the *Controverted Elections Ordinance*.

However, I would like to get back to page 43, subsection 3, 50.(3). I wonder if the witness could give us an explanation of subsection 3. Mention, you know, while administering any oath or affirmation, mentions as a disqualification any fact or circumstance that is not a disqualification according to this Ordinance he is guilty of an offense.

That would be the D.R.O. or the poll clerk. What do you actually mean by that?

Mr. Clegg: Mr. Chairman, if I may respond on this one, the poll clerk and the deputy returning officer will know a great deal more about the qualifications than a number of the electors and they may, either deliberately or inadvertently, say to an elector that, if you are so and so or so and so, you may not vote. They might say, for example, you may not vote if you are a government employee, or they might say, for example, you may not vote if you have not resided here for three years. Or, they might say, you may not vote if you haven't been a Canadian citizen since the time, the day of issuance of the writ, which is incorrect, because the time at which you have to have your citizenship is polling day.

This is to make the deputy returning officer and the poll clerk extremely careful about what they say to potential electors and not to mention anything which would disqualify them, which they are not certain about.

It is sometimes possible for persons in authority to become advisors to somebody and to mention information which they have not been asked, and thereby put somebody off and make them think they are not allowed to vote.

This is to discourage that.

Mrs. Watson: Thank you, Mr. Chairman.

Mr. Deputy Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, Clause 50.(1), "An

elector, if required by the deputy returning officer, the poll clerk, one of the candidates, an agent of a candidate...". I can see all those people challenging an elector, but I find it difficult for any elector present in that room, to challenge any other elector.

You know, all of those people, the D.R.O., the poll clerk, one of the candidates' agent, they all have a responsibility, or a line of responsibility to someone in that election that that elector can take his wrath out on, but any other elector in a Yukon election, and I say once again, Yukon elections are a bit different than, I think, from perhaps Alberta elections, where I can see a person challenging another person because he knows who that person is going to vote for and the person getting so mad at being challenged that he would just walk out of that poll and not exercise his franchise and nobody has the responsibility to anybody for that challenge. It is just any elector who is there say, "I challenge you" and that person has to go up and swear that he is that person that the other person says he is not or he is struck off the book and not given a vote, if he doesn't want to.

There are a lot of ornery, cantankerous, old-time Yukoners around here that if they were challenged by any candidate or official agent would go get sworn and make sure the wrath of that candidate was taken out on, but by any other elector, I think that they just get so mad at being challenged that they would walk out of the room and not exercise their franchise, and nobody is responsible except another elector. Why should it be the prerogative of any other elector to challenge any person in that room ready to vote, as to whether—the only challenge is whether he is actually the person that he claims to be, as I understand it. That is the only challenge he can be making. I can understand the responsibility of that returning officer, poll clerk, one of the candidates, the agent of a candidate making that challenge, but I do have a little problem seeing what is to be gained by any elector who is present in that room challenging any person who is about to cast his ballot as to whether or not he is that person.

Mr. Deputy Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, the purpose which I see in having an elector given the right to challenge is that he is just as likely to have a local knowledge of the other elector that he sees in there, whose identity he is challenging. He may even have a closer knowledge of that person than the poll clerk or D.R.O. and I would say that local knowledge and knowledge of the person is the reason. As to the attitude of the person that was challenged, I feel that a person should be prepared to assert his right and show his right to be his civic duty, and if he takes offence on being challenged, that is his prerogative, and if he refuses to assert his right to his civic duty, then he takes it upon himself to lose that right.

Mr. Deputy Chairman: Mr. MacDonald?

Mr. MacDonald: I might add, Mr. Chairman, that Yukon elections run under the aegis of the *Canada Elections Act* have contained that provision for quite some time in the past. So if you are a previous, you know if Yukon previous elections didn't erupt in challenges, I don't suppose they are likely to in the future.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Thank you, it has been answered, although I don't agree, even if it is in the *Canada Elections Act*, I still don't agree. I have to side with the Minister of Local Government on this one definitely. I just don't agree in this Territory, I can see the same problems that he sees, and I would think it could do much better. Every person has the right to go to the agents concerned and so forth and so on. There are all sorts of ways to get about it if they feel there is something going wrong without deliberately getting into the fray themselves. I see no reason for it at all.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, it is a self-policing type of legislation and, if you will note, most of the time it refers to electors there, they are electors or agents of a candidate.

Often they are there serving a purpose on behalf of a candidate, and they are going to challenge some other person's right to vote. I see nothing wrong, why should the election officials be the ones that police the people who vote, when I walk in there and see somebody that I know who is not qualified to vote, and if I, as a citizen, am prepared to shut up and expect some John to do it or let "them" do it for me, while then, let them vote.

You know, we have to accept some of these responsibilities ourselves. I know he isn't qualified, make him take an oath.

I don't see anything wrong with it and it has been done, it is used. It was discovered at one of the polling divisions, last election, and they used it extensively.

Hon. Mr. McKinnon: We should find out whether the Member from Kluane has been legally elected or not?

Clause 50 agreed to

On Clause 51

Mr. Deputy Chairman: Mr. MacDonald, clarification on subsection 2, 51, how long is the poll book kept for the record, after election has been completed?

Mr. MacDonald: Toward the end of the Act, there will be a list of the duration of time for the keeping of these documents, if you would like to wait until then, Mr. Chairman.

Mr. Deputy Chairman: Yes, yes, no problems.

Mr. MacDonald: Certain documents are kept for certain periods of time, because of their vulnerability or not.

Clause 51 agreed to

On Clause 52

Clause 52 agreed to

On Clause 53

Clause 53 agreed to

On Clause 54

Hon. Mrs. Whyard: Mr. Chairman, in subsection 3, where we are describing people who require assistance from the returning officer, how far do you go with physical incapacity, Mr. Chairman, does that include alcoholics?

Mr. Deputy Chairman: That would be half the Yukon.

Hon. Mrs. Whyard: Mr. Chairman, I am serious, I find no other section barring someone who is incapacitated from voting.

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

Mr. MacDonald: I have got to beg off answering that question, Mr. Chairman, I have never had the experience and I don't think I have ever had the question raised by a returning officer or D.R.O. It is a judgment call, isn't it, by the D.R.O.

I suppose a D.R.O. who has a nip before going to bed every night says they are incapacitated and let's them vote would help. I submit that the scrutineers may raise quite a ruckus over the matter, I don't know.

There are all sorts of situations like that that you can't cover unless the legal people who are helping in some drafting can find another term which would be more explicit without going into details.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I believe that there is no other reference in the Ordinance except in this section where returning officer can have somebody ejected for being disorderly. I haven't found a section which refers to a drunk

coming into the poll to vote.

Mr. Clegg: Mr. Chairman, that is correct, disorderly conduct is a test, and not the degree of drunkenness. It is difficult to go any further. It allows the deputy returning officer a judgmental decision, and it is decided on the effect of the person's condition, rather than the actual nature of that condition. As to whether he is given assistance to vote, if he is not disorderly and is apparently capable of indicating the man on which he wishes to vote, that because of his drunkenness, he may in fact have had only two or three drinks, but might have a shaking hand, maybe he can't write. The returning officer certainly has the power to say that he will mark his paper for him. I would submit for the member's consideration that if a person is drunk, but not disorderly, he is not necessarily to be refused to be in the polling station.

Mr. Deputy Chairman: I think reference in (7) of 48 covers that occurrence if it should take place at a polling station. Conduct I would say, of individuals, wouldn't it?

Mr. Clegg: Mr. Chairman, are you referring to 48 (7)?

Mr. Deputy Chairman: Yes.

Mr. Clegg: I don't think that that governs the conduct of an elector. It governs the conduct of other persons about the polling station that might be impeding another elector, but I don't think that would affect the situation of an elector who is drunk about the polling station. The deputy returning officer does have the authority to maintain order in the polling station, and he does have the ability to remove somebody if he is drunk.

Mr. Deputy Chairman: That is the reference I am making, Mr. Clegg.

Mr. Clegg: Yes, only if he is impeding or molesting other voters, yes, I see your point.

Mr. Deputy Chairman: Thank you.

Mr. MacDonald: I would have to reinforce on behalf of the Honourable Mrs. Whyard's query on what Mr. Clegg had to say that the test is how the person behaves within the poll and whether they interfere with other people's voting, whether they block access or are so disagreeable as to be nauseating, and things like that, it is a judgment call. I am sure we wouldn't want to get into breathalyzer tests at the poll door.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: No, Mr. Chairman, I have no problem in that area. What I am seeking advice on is at what stage does the returning officer refuse to assist somebody in recording his vote, because he is so drunk that he doesn't know what he is doing. Where do you draw the line? It is a time honoured custom in the Yukon. I am just wondering how far you go with it?

Mr. Clegg: Mr. Chairman, I think that the interpretation of the section would indicate that the deputy returning officer can't assist somebody unless that person instructs him, clearly, how he wishes his vote taken.

If a person is so drunk that he can't indicate, the deputy returning officer will not necessarily be too patient with him, he says, can you indicate clearly how you wish to vote, and, if he doesn't get a clear answer, then he can't be helped, and that is it.

Mr. Deputy Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Then you are going to have somebody saying, they wouldn't let me vote.

Mr. Chairman, what authority do you have here to say, you know?

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: Mr. Chairman, physical incapacity has nothing to do with alcohol consumption. That is ability being

impaired, according to the *Criminal Code* definition.

Physical incapacity has nothing to do with drinking.

Mr. Clegg: Mr. Chairman, this provision for physical incapacity was not, of course, intended to cover, primarily, drunkenness, but it is used in the general sense here and it is intended to cover people who can't write, for some physical reason, either because of blindness or because they don't have proper control of their hands.

I can only say, as I said before, I can imagine a rather unusual situation, where a person had three or four drinks and was not apparently intoxicated but nevertheless couldn't control his hand.

But, it isn't really designed to cover the person who is staggering around and not in physical control.

If he can neither cast his vote personally, nor instruct the returning officer then, of course, he can't claim a right to vote at all.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, aren't they obligated to give them the ballot if he staggers in and says he wants to vote, that if he doesn't ask for assistance, you give him the ballot and wish him luck and push him in. Isn't that what you do?

Mr. Clegg: If he spoils his ballot or is unable to mark it, that is his concern. If he doesn't claim the right as an incapacitated voter or, having claimed it, can't instruct you, then, again, that is his problem.

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

On Clause 55

Hon. Mr. Lang: I just want to refer back to 54.(6), in respect to the question that the Honourable Member from Kluane raised. It stated, it talks about an oral oath in that particular subsection, 54.(6).

Mr. Clegg: Mr. Chairman, Mr. MacDonald and I agreed that it would be a recommendation to the Committee that this word "oral" be struck and it was not my intention that word should be there and that the oath or affirmation should be in the prescribed form and be a document, which is signed and retained.

Mr. Deputy Chairman: You are suggesting 54 be held over for further review?

Thank you, Mr. Clegg.

Clause 54 stood over

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, Section 55 is a fairly important section. This is the section authorizing the proxy vote and broadening the concept of proxy voting in the Yukon, which in turn does away with the concept of advance polls and I think maybe for the record it should be read so everybody is fully aware of what the intent of that particular section is. I would suggest maybe we should recess for coffee and come back to Section 55.

Mr. Deputy Chairman: Are you suggesting, Mr. Lang, that 55 be read, or are you suggesting that we recess for coffee?

Hon. Mr. Lang: I will leave that to the Chairman's discretion.

Mr. Deputy Chairman: We will recess for coffee.

Recess

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

Before recess, Mr. Lang, I believe it was your wish that I read Section 55 because of its importance.

Hon. Mr. Lang: Yes, Mr. Chairman, coherently.

Mr. Deputy Chairman: Very well. Concurrence of Committee?

Some Members: Agreed.

On Clause 55

Mr. Deputy Chairman: Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, when the person is physically incapacitated, he has for example in an accident broken both his arms, he is in cast, he cannot use his hands to fill in an application form, is there any other way or means that this person could appoint a proxy voter?

Mr. Deputy Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, there is a provision, a general provision in law that a person may have a document signed for him by somebody else by verbal appointment of a proxy before witnesses, and this is similar to a situation where a person who is preparing their Will when they are extremely ill and cannot write, normally they give him some, they mark the document in some way themselves, either with a hand, or even with a pen in the mouth, I have seen a Will witnessed with a mark and then the person who witnesses that says that document was marked by the person in my presence, and there is a general provision to do it in this way, and this is how it will be done here.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in respect to this Section, we will be the first area of Canada, the way I understand it, to introduce such a lenient or a wide-open method of proxy voting, in doing away with the concept of advanced polls.

I think, at the same time, in respect to the system of communications that we have developed over the last ten years, I think it is, with making use of that communications system, by the Chief Electoral Officer and electoral board, when this *Elections Ordinance* will be used for running the next election, we will have the ability of notifying the public just exactly what the procedures are available and what they have to do in respect to this concept.

I think it should be very interesting to see how it does work and just to see exactly how the situation develops.

At the same time, I think, it should be pointed out that we do have proxy voting to a limited classes of people, in respect to students and this kind of thing, that are outside the Territory, but I think it is an innovative idea and I think it is one we should try.

Mr. MacDonald: If I might comment further, Mr. Chairman, I am sure your Committee is well aware that the proposal was introduced by me, originally, in my submission to the Clerk.

It had always puzzled me, as an administrator, why, from time to time, certain groups were favoured in this respect. Why, for example, should a university student have an opportunity to vote by proxy, when someone else who was deprived from attendance at the poll for an equally legitimate reason, did not. Why for example, I think it was in Ontario, fishermen were given, and, I believe, railway workers, when some other workers, forestry workers on lookouts, could not attend, during a bad fire season, at a poll, and things like that.

It always puzzled me and I think, if you think over past experiences at advanced polls, they never really satisfy the question of the really incapacitated voter or the person who is going to be absent for quite some period of time at polling day. An advance poll has to be fairly close to polling day because you must have ballots printed and advance poll, then you try to bring it away from polling day in order to cover the greatest span of time, to let a person vote at one day and not at the regular polling day. That sort of thing.

So, in effect, as the Minister has kindly pointed out, the

Yukon Territory is plowing somewhat new ground, if it accepts this feature, and, it will indeed be interesting to see how it works out.

There is no doubt, and some opinions have been expressed to me by experts on the matter, that we may be considering abuses that have not occurred, in other electoral systems in Canada. However, if you think it is worth a try, I think, I really do think it is, or I would not have proposed it.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I think we covered this before, but I don't think it was ever resolved, whether a prisoner can vote by proxy.

Mr. MacDonald: Whether what?

Ms Millard: Whether a prisoner can vote by proxy.

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

Hon. Mr. Lang: Mr. Chairman, I thought it had been resolved, and it is in an earlier section if someone is deprived of their liberty, then obviously they wouldn't be able to vote.

Mr. Deputy Chairman: Mr. Clegg?

Mr. Clegg: Mr. Chairman, I agree with what was just said, that a person may only appoint a proxy if he is eligible to vote, but is unable to vote only because of his absence or incapacity, physical incapacity. A person who is disqualified from voting because of being a prisoner is not eligible to vote and therefore cannot nominate a proxy.

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Well, Mr. Chairman, that's where I wasn't quite clear. I didn't know whether it was just because he was physically apart from where the polling station may be or whether it was because we were taking away civil rights from him. So it is that we are taking away civil rights from prisoners. I would like to register my complaint on that score, as I have done before, that I don't think prisoners should have the vote taken away from them, and I don't see any harm in them voting. Mr. Chairman, is there any legal basis or maybe moral basis for doing this, that they might be able to enlighten me and change my mind?

Mr. Deputy Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I really don't think that somebody that is in jail or in a correctional institute should have the ability to swing a vote one way or the other. I do think that they have obviously gone against the law and so obviously are going to be deprived of some of the freedoms that we enjoy as citizens. They have obviously done something wrong, so I have to say that I disagree with the Honourable Member.

Mr. Deputy Chairman: Are you referring to everybody in jail, Mr. Lang?

What about the corrections officers, Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, there is obviously provisions for them to vote here.

Mr. Deputy Chairman: Thank you. Ms Millard?

Ms Millard: Mr. Chairman, I would really like to know, because the witnesses are more informed on this, whether or not, there must be civil rights movements towards allowing prisoners to vote, and I am wondering whether they are having any success and whether or not any of the provinces allow voting or is there any indication in the future that this might be?

Mr. Deputy Chairman: Mr. Clegg could you lend us some assistance on this?

Mr. Clegg: I can't advise you specifically as to what the development is in this area. You did ask, the first question you asked was whether there was any legal impediment towards

granting him the vote, and my opinion is there is no legal impediment. It is within your jurisdiction to grant them the vote. As we have pointed out, it would create some considerable administrative problems, and in recognition of those administrative problems, but mainly in recognition of the fact that we felt that it would be regarded as part of the consequence of their punishment that they would not only lose their physical liberty, but also some of their civil liberties, that they would not be allowed to vote.

I think that the civil rights issues for prisoners are focusing on a number of rights which prisoners may lose including the right to legal advice while they are incarcerated. I think the right to vote is rather low down on the list as I understand it as a priority item.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: So, Mr. Chairman, the real problem in the Territory, then is the administrative, rather than moral, and yet, we can do away from, I am sorry, it is the other way around. My problem with it is that since we are allowing proxy voting, we are doing away with the administrative problems, so, it seems to me that the problem in the Territory is the moral problem of whether or not a prisoner should have rights. There are no administrative problems, are there? Because, he should be able to vote by proxy, according to the Ordinance.

Mr. Clegg: Mr. Chairman, that is true. It would seem to me that the proxy system would work for a prisoner, if the Committee were to be of the opinion that prisoners should have the vote.

Ms Millard: I move, the motion.

Mr. Berger: Thank you, Mr. Chairman, to get away from prisons, for example, Mr. Chairman, a seriously ill person fills out the prescribed form, appoints a proxy voter, and before the person, the proxy voter delivers the ballot to the polling station, the person dies. Is that ballot still valid?

Mr. Deputy Chairman: Good point, Mr. Berger.

Mr. Clegg.

Mr. Clegg: Mr. Chairman, it would be my opinion that any proxy which is granted, for any purpose, expires with the decease of the grantor, and this applies to proxies for voting shares in companies, it applies to authorizations to a person solicited to sign a transfer for land, and I believe it would also apply to a grant of a proxy to the proxy voter.

It is always possible that the voter might not know that the person had died, but that is a practical problem. The answer is, it would expire, in my view.

Excuse me, Mr. Chairman, it would also be my opinion, it would expire if the person became disqualified before it was exercised, because if a right is given by proxy, and if a right to exercise a power is granted by proxy, if that power expires, whatever the power is, before the proxy is exercised, then the proxy itself expires. So, if a person granted a proxy and then left the province or ceased to become a Canadian citizen on polling day, then it would also expire.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Mr. Chairman, mainly because I think this is a system that we haven't used very much, but also because I am interested in civil liberties and prisoners, I would like to make a suggestion for amendments to the Bill.

Proposed by myself that Bill Number 10 be amended in Clauses, and I have left that blank, to reflect the following suggestion: that prisoners in the Yukon be allowed to vote by proxy in Territorial elections.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, in respect to the introduc-

tion of a motion of that kind, it is my understanding that we have forms—, well, oh, a suggestion for amendment to the government?

Mr. Deputy Chairman: Are you suggesting this be taken into consideration, Ms Millard?

Ms Millard: Yes, Mr. Chairman, I would point out to Committee, it is not a motion for amendment, it is just a suggestion.

Mr. Deputy Chairman: Very well.

Please take note of this, Mr. Lang.

Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I would like to go back once more to the question I asked, and I can see that there could be some serious implication coming out in a close election outcome, where the death certificate is quite important, especially in proxy voters.

I think this could be quite serious, the whole thing.

Mr. MacDonald: If I may respond to that, of course there are all sorts of things that become serious in a very close election, a difference of a few votes. As I am sure you aware, the act contains a provision that in a case where the difference in ballots cast between the winning candidate and the next candidate is, I believe ten or less, there is an automatic recount, a judicial recount. I am sure at that time, the court would be apprised of the proxy condition if proxy votes were involved. You will recall that when we studied at the act of a proxy vote is recorded in the poll book. Poll books become part of the revision of the judicial recount process. I am quite sure that any judge conducting the recount would quite probably invalidate, on the strength of the information Mr. Clegg gave us, the proxy vote in that case. There would be an effect, in close votes, probably occurring at judicial recounts.

That would be my opinion anyway, Mr. Chairman.

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

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I am a little confused by the suggestion for an amendment made by the Honourable Member from Ogilvie. I thought that I was acting as the great civil libertarian the other day when I was saying that people who were on remand, on appeal, who had pleaded not guilty, whose rights were taken away from them because they couldn't raise the bail money or weren't allowed to be out on their own recognisance, these people who have had their physical liberties taken away from them, through really no fault of their own, have their civil liberties denied them also. It didn't seem to me that I could get support for that stand at this time, and this is going quite a step further. It would allow people who have had the trial procedure and everything to be allowed their civil liberties of being allowed to vote while still rejecting the liberties of those people who had pleaded not guilty, but were in remand or on appeal until such time as they could come before the courts. There is no possible way I could ever accept the principle of giving a person duly incarcerated in a prison, after the due processes have gone through, the right to proxy voting, and the right to civil liberties while denying those civil liberties to those people who really I don't feel should be denied their civil liberties, that it is just an administrative procedure that does not allow them to vote at this time. Certainly it cries out far more for the first instance if we are looking at trying to be civil libertarians, rather than the second one. It seems to me that in this area that we certainly would have the cart before the horse if we look at the other suggestion that the member has made before dealing with the first one, which we haven't been capable of dealing with to this point in time.

Mr. Deputy Chairman: Ms Millard.

Ms Millard: Well, Mr. Chairman, I am afraid the Minister has made me give away my political tactics, because I would be very happy with halfway measures on this, and that is why I made it a suggestion for amendment, rather than a motion, because I knew a motion like that is not going to be passed by this House, and I would be very pleased to see amendments coming from the Government suggesting what the Honourable Member is speaking of.

Mr. Deputy Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: It certainly won't be by the Government, Mr. Chairman, because, it seems to me that the suggestions that I was making yesterday did not come up with the consensus of this House, and I would have to be instructed differently.

If I have any political intuition it was at all that the majority of Members were not interested in even going that far, at this time.

Mr. Deputy Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I think it is fair to say that we won't be considering that.

Mr. Deputy Chairman: Is it Committee's concurrence we hold on Section 55?

Mr. Fleming.

Mr. Fleming: No, I, myself will hopefully not hear anything from the Government in this respect, either, because I just hope that they don't take that type of advice, because once it gets here, anything can happen to it.

Mr. Deputy Chairman: You are prepared to take 55 under further review, Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, no, I think that the debate is wandering. I think we are discussing a section that we have already cleared the day, yesterday, we were discussing the concept of proxy voting here.

Mr. Deputy Chairman: You are not suggesting that you take under consideration the suggested amendment?

Hon. Mr. Lang: I have made it very clear, Mr. Chairman, that we weren't prepared to consider it.

Ms Millard: Mr. Chairman, I just have to comment. I am so glad to see so many civil libertarians in the Yukon. It is just fantastic, especially on the Government side.

Mr. Deputy Chairman: Order, order.

We do have our problems, Ms Millard.

Clause 55 agreed to

On Clause 56

Mr. Deputy Chairman: Mr. McIntyre.

Mr. McIntyre: The 56.(1) isn't really that clear. To me, just reading that would indicate that this gives the elector the right to spend three hours in the polling booth deciding who he is going to vote for. It doesn't indicate at all that this is time off from work.

Mr. Clegg: Mr. Chairman, my submission as to the drafting of 56.(1), is that it says for the purpose of casting his vote and there are number of things which he has to do to achieve that purpose, including considering his position, travelling to and from the polls and casting his vote.

There are other provisions, in this Ordinance, which prevent him from remaining in the poll for more than is necessary to cast his vote. The way in which the time is granted is covered more specifically, further in the section.

Only those hours necessary to make up a total of three available hours are given off work.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, one of the easements is

the extension of hours to 8 p.m.

Mr. Deputy Chairman: I would like, if I may with Committee's concurrence, read out Section 56.(4), we are having difficulty here.

On Clause 56

Mr. Clegg: Mr. Chairman, I believe it expresses the draftsman's intention. It may be a little heavy in its wording. The intention is that an employer who refuses or interferes with the granting of the time provided in this section is guilty of an offence. For example, if he says he will not give it, he is guilty of an offence. If he says fine, you can have the time off, but don't expect any overtime work from me for the next six months, that would be intimidation, or don't expect any promotion if you are going to be leaving to vote, that would be intimidation. That is the purpose of this section.

Mr. Deputy Chairman: Would it be more appropriate if it were broken down into further subsections, Mr. Clegg, on subsection (5).

Mr. Clegg: It could be broken down.

Mr. Deputy Chairman: There is difficulty in reading that section and it's intent.

Mr. Clegg: I could break it into two subsections and just cover the situation for an employer who refuses, and have another subsection which provides where the employer, by intimidation interferes with; or I could break it into paragraphs, which might make it read more easily, and without actually changing any of the words, if that is the Committee's wish.

Mr. Deputy Chairman: Does Committee concur in that suggestion to be further clarified.

Some Members: Agreed.

On Clause 57

Mr. Deputy Chairman: Ms Millard?

Ms Millard: Mr. Chairman, I believe in the federal legislation somewhere, it states that a person can have the right to vote taken away for certain reasons. There aren't many people who have that. I am just wondering if this has been considered in this Ordinance at all or is it even reasonable to consider it in the Yukon?

Mr. Deputy Chairman: Mr. MacDonald?

Mr. MacDonald: I don't follow the question, Mr. Chairman. There are several items in here which appear to disenfranchise voters. Is the Member referring to some specific removal of the right to vote, with cause?

Ms Millard: Yes, Mr. Chairman, from my understanding of it, I believe someone has to lay a charge and the court decides, and the person is therefore not allowed to vote, mostly for reasons of, for instance, committing offences against the Ordinance or against the act, or disrupting too much at elections.

Mr. MacDonald: No, if I may respond, I think, perhaps, what the Member is referring to is the adjudication on an appeal of some kind whereby somebody found guilty of corrupt practice may be barred by an order of the court from participating in any future elections, that is voting and it can be for a period, I believe it is up to five or seven years.

Mr. Clegg has worked out a section dealing with that, in this Act particularly, and I think when we come to it—, is that what you were referring to?

Ms Millard: Yes, I am sorry, Mr. Chairman, I hadn't noticed it in my first reading of the Bill.

Mr. MacDonald: Any other disfranchisement is the responsibility of people dealing with the qualifications, the normal qualifications as set out in the Ordinance, of a person's right to vote or not.

Clause 57 agreed to

On Clause 58

Mr. Fleming: On 58.(1), "No person shall arm himself during any part of polling day with any offensive weapon, and, thus armed, approach within half a mile of a polling station unless called upon so to do by lawful authority".

Now, I just wonder how far they go with an offensive weapon and whether that, if it is an actual offensive weapon, in my sense of a gun or whatever, if it is loaded, unloaded, or what, you know. Just how far can they go with an offensive weapon?

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, this section is the same as is the provision in the *Canada Elections Act* and, to define what is an offensive weapon, I think that a court interpreting this would have to take a reasonable and normal view, but there is not definition of an offensive weapon. The definition in the *Criminal Code* refer to restricted weapons and prohibited weapons, but the word offensive weapon isn't defined, as a general term here.

As to whether a weapon is offensive, if it is not loaded, is an open question and I wouldn't know quite how it would be answered. The purpose of this Section, of course, is to give the deputy returning officer the power to prevent any intimidation by show of arms anywhere near a polling place.

Hopefully, this is, in normal circumstances, a virtual redundant provision and, hopefully, we are past the kind of situation where this would become important, but in time of severe political turmoil, this might become something significant. There are countries in the world which you will be aware of that the presence of offensive weapons around polling places is almost a requirement for the running of an election.

Mr. Deputy Chairman: Mr. Lengerke.

Mr. Lengerke: Thank you, Mr. Chairman. Yes, I would hope that this is a redundant section, because, certainly today, in Yukon, and certainly in, I think, just about in every part of the country, we have people who like to put a rifle in the back of their truck, on a rack, or carry weapons, and, certainly, they don't take them down just when they are going to vote, for instance.

So, you know, if you are looking at the law, as it is written, that person could be charged, very easily.

I think this is something as I say, I hope is a redundant section and that common sense prevails.

Mr. Clegg: Mr. Chairman, I wasn't suggesting it was my opinion that this section should be taken out. What I was suggesting was that hopefully it will never be needed, but I would like to mention that there is a purpose in preventing weapons being around a polling place, even if they are brought there innocently by a hunter, that is, in the circumstance where there is unrest and elections are always a circumstance where there is a potential for civil disturbance that a person may take a weapon which is not his own from a vehicle which is not locked and use it around a polling station. I would suggest that there is a purpose in allowing a deputy returning officer to prevent anybody, even innocently, bringing an offensive weapon anywhere near a polling station, in case it may be used by somebody without the owner's consent.

Mr. Deputy Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, this section though does make it lawful for the returning officer or deputy returning officer to actually have delivered to him any offensive weapons in the hands or person possession of that person within a half a mile, and I would say that in the small town where I myself, in Teslin, that every weapon in that town could be, as for that day. I can understand that if we were going to

have a big problem, but I just can't quite see that being wide open as it is here.

As one of the member's have said, there are many instances where people do carry their rifles and so forth in their vehicles, but they are not to be loaded in that vehicle, and that is the vehicle that they use in their everyday work. Naturally going to the poll, they would be using the same vehicle, and I would consider that they would all be in the position to be guilty of an offence, and probably a pretty bad one, for just almost any reason.

I don't really see the good of the section. I think the returning officer or the deputy returning officer is going to be in the building that day, and I am sure that just at that moment that he isn't going to be able to control every weapon in town or in that area, so I don't really see this section doing much good.

If a person is running around with a weapon and he looks very dangerous, the RCMP could probably take care of this situation, but for the returning officer, when would he do this? He would have to do this before the election.

Mr. Clegg: Mr. Chairman, the purpose of this section is not to require the returning officer to confiscate weapons within a mile, but would give him the power to do so in his role as a preserver of the peace. I would agree with the Honourable Member that this is normally, and would normally be done by the police, but it is normal in elections legislation to give the deputy returning officer powers to enable him to accept the responsibility for maintaining peace and order at a polling station and this is the purpose for which this power has been provided.

There are other provisions in this Ordinance which are unusual and are restrictive on polling day, and that is the sale of liquor, for example, which is also to prevent disorderly conduct in public during election day. Members might consider whether or not weapons should not be carried around on polling day at all. If its normally considered reasonable to carry weapons around in a vehicle, it might be considered on polling day, a person might reconsider this.

But, you know, that is, maybe I shouldn't be making these comments.

Mr. Deputy Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman, I think there is an important question and I don't think it has been asked yet. What is an offensive weapon, what do we consider an offensive weapon? A person could go down the street with a two by four, it would be just as dangerous as a person with a rifle.

I mean, what are we really talking about with an offensive weapon here?

Mr. Deputy Chairman: Mr. Clegg.

Mr. Clegg: Mr. Chairman, there isn't a definition of an offensive weapon and any such definition would have to be very exhaustive and, maybe by its completeness, might restrict a returning officer. In very many phases of his operation, he is given discretion to use his judgment and this is seen to be desirable to run the polling station, and this is another instance where he is given discretion to decide what is offensive.

I think, in certain circumstances, a two by four would, indeed, be offensive. He could deem it to be offensive, or consider it offensive, if, in the circumstances, it was giving offense or threatening offense. He might, in fact, deem a hunting rifle, which was in a car, not to be an offensive weapon, if, by the way it was kept under control and kept away from ammunition it was not in anyway offensive.

For example, if it was locked in the vehicle or locked in the rack. The circumstances have to be taken into consideration. This is why the words have been left in a very general way,

which do leave him the discretion.

Quite a lot of responsibility is placed on his shoulders and the general tender of these provisions is to give him enough authority to carry out that responsibility.

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

Mr. McKinnon.

Hon. Mr. McKinnon: Mr Chairman, in 58.(3)(4), are they the only restrictions on advertising in the new *Elections Ordinance*?

Mr. Clegg: Yes, that is correct, apart from the restriction on publicizing the result of an election before it has been announced.

Hon. Mr. McKinnon: So, Mr. Chairman, there is no longer any conflict with the *Canada Elections Act*, if television and radio and newspaper advertising can even be continued on the day that the poll is held itself?

Mr. MacDonald: Well, if I might point out, Mr. Chairman, those conditions are set by the Board of Broadcast Governors, not by election acts. They control themselves, to a degree, in that respect. There never has been any restriction placed, in provincial statutes, preventing any such thing happening. A television station may, inadvertently, keep a thing on a tape that appeared on polling day, but it was up to them to police themselves in the matter and that was always my understanding.

Mr. Deputy Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman

Hon. Mr. McKinnon: Mr. Chairman, so this was only because we were following the *Canada Elections Act* rather than our own election that we are running into these difficulties where newspapers can do one thing, radio stations could do one thing, television stations could do another thing and really nobody ever exactly knew where they stood at any given moment. I remember in just about every election that there was a separate edict that came out from the CRTC regarding the elections and what could be done and what could not be done. Would this *Elections Ordinance*, all of those restrictions which came from running the election under the *Canada Elections Act* will be removed.

Mr. Clegg: Mr. Chairman, I think that there is a difficulty in interpreting the jurisdiction here. This Assembly does not have any power to say whether or not the CRTC will issue directives to the broadcast media, the broadcast media is not within the jurisdiction of this Assembly.

My understanding is that the situation will remain unchanged by the passage of this Ordinance. The self-policing in the broadcast media will continue and whatever the newspapers have done will continue unchanged. This Ordinance in the same way as the *Canada Elections Act* does not seek to enter into this field and govern the activities of the media, with the sole exception, as I mentioned, that nobody may broadcast the result of an election or of the purported results before the close of the polls. The purpose of that is that if they did so, they might dissuade people from voting, thinking that the issue was finished.

Mr. Deputy Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, it is my understanding that the CRTC does not involve itself in advertising restrictions in provincial elections. It only bothers itself in the Federal election, so if the CRTC, under the terms of the *Broadcasting Act*, chose to interfere in broadcasting restrictions or advertising restrictions in the Territory, then it would be treating the Territorial election different from its treatment of provincial elections. Is that correct?

Mr. Deputy Chairman: Mr. MacDonald?

Mr. MacDonald: Mr. Chairman, I am sorry, it was always my understanding in my experience in Alberta that the CRTC did in fact exercise authority over its agencies, the various stations and so on in Alberta during past elections in that matter. We never took any part in it. But I was advised by the media personnel that they were controlled by their own people.

Hon. Mr. McKinnon: Mr. Chairman, it is not a point that we should leave because I think it is an extremely interesting point to find out just whether a federal *Broadcasting Act* not involved in elections per se in any way shape, or form, does have the jurisdiction and does in fact put restrictions on provincial elections which is clearly in their authority under the BNA and clearly under our authority under the *Yukon Act*. I know, as it is now, there is all kinds of inconsistencies being, an election being run under the *Canada Elections Act*. The way I understand it, there is nothing in the print media which prohibits a candidate from advertising even on the polling day in a newspaper, although there is a 24 hour ban on advertising on both radio and television.

And I would be appreciative if one of the witnesses could let me know what restrictions are provided in Alberta, during a provincial election or jurisdiction which they are familiar in, under the *Broadcast Act* in the terms of advertising.

Mr. MacDonald: Well, Mr. Chairman, I would like to assure the Honourable Minister that I would be tickled to death to look into this, because it is a feature that has always puzzled me, in the election process. I could care less, as a personal opinion, whether people kept advertising right through polling day. I have never really understood the reason for restricting it.

However, if it would answer his query, I would certainly like to carry it forward on behalf of the Committee, and let him know what my answer is.

Mr. Deputy Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: The other interesting point, under the Section that we are dealing with now, subsection 3 and 4, that I find is that no person shall carry, wear or use on any vehicle, any loudspeaker, bunting... and banner, standard or set of colours, any other flag as political propaganda on polling day. No person shall use, wear or display any flag, ribbon, lapel badge, in a polling station on polling day, the party badge to distinguish where..."

Now, is there any prohibition at all, against active political campaigning by a candidate within any distance of a polling station on election day? Can a candidate effectively be standing at the door with his political propaganda, handing it out at five feet or 10, 15 feet.

I think the *Canada Elections Act* addresses itself to this problem and I think, possibly, some of the provincial elections acts, direct themselves to this also, but, I see no direction at all in this *Elections Ordinance* and I am just wondering if we can understand that candidates could be standing beside the polls, passing out or campaigning to the very last minute, as people are approaching to enter the polling place to cast their ballot.

Mr. Deputy Chairman: Is it Committee's wish that we stand over 58?

Mr. Clegg.

Mr. Clegg: Mr. Chairman, with regard to the question just asked by the Honourable Minister, there is nothing in this Ordinance which prevents campaigning on polling day, on or about the polling station, providing that the provisions which say voters may not be impeded or molested are not infringed, and providing the subsections of this particular section are not infringed.

The reason why we drafted this in this way was that we felt

there were, perhaps, unreasonably restrictive approaches in the *Canada Elections Act* and we felt that by limiting the most powerful and noisy or loudly displayed forms of advertising, which are generally loudspeakers on vehicles, we would remove the problem of a level of propaganda and promotion on election day, which would interfere with a person's making his decision to vote.

If one permits loudspeakers, high-powered loudspeakers on vehicles outside polling stations, then the person who is actually standing in the polling booth will be able to hear the propaganda material while he is in there, saying, vote for me, vote for me, and this is, I think something which would be offensive and unnecessary.

I don't see any reason why a candidate shouldn't stand outside and say may I have your support and shake somebody's hand as they come in. These were the feelings which we discussed between us and which resulted in this rather lighter level of control than under the *Canada Elections Act*.

Mr. Deputy Chairman: Mr. MacDonald?

Mr. MacDonald: If I might just add to that, it has always been my feeling that in judging the worth of these various limitations or allowances, that the principle objective is to maintain the dignity of the polling operation. I agree with some comments that I have heard here today from the Honourable Members that sometimes the dignity is rather questionable. But I think any statute or ordinance involved should at least support the idea that dignity, if at all possible, should be maintained at a polling station. It is a dignified process and should so be designated.

Mr. Deputy Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I just can't think of anything noisier or less dignified than half a dozen politicians on election day, each standing outside the polling place, giving their last fling at political campaigning and trying to outdo the other candidate before the poor elector gets into the polls. I am just wondering, is this the only jurisdiction and the only *Elections Ordinance* that will not provide for at least a buffer zone of relative peace and quiet around the polling place, as the *Canada Elections Act* and some of the provincial jurisdictions do.

I was just thinking wouldn't it be nice of the guy at least a 100 yards or some place where he wasn't going to have to worry about running the gauntlet of the political candidates trying their last kick at the can before he went into the polling place.

Mr. Deputy Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, not only that, they run on ahead and become one of the agents while the guy is voting.

Mr. Deputy Chairman: Do you suggest we hold over on 58?

Hon. Mr. McKinnon: Mr. Chairman, I would just like to get some wish of other members of Committee. I have been strongly against some of the very restrictive features of advertising and campaigning. I just don't think it any longer holds true in this day and age. They are impossible to administer, they are impossible to enforce, in this age of communication and technology that we have now. But I am just wondering if we couldn't be going just a little too far if we don't at least have a buffer zone around the polling place where active political campaigning is not going on while the person is going into the polling place to cast his ballot. I would just like to know if Committee would see that an attempt should be made to try and put some area around the polling place and the place that is off limits to the politician on polling day to actively campaign?

Mr. Deputy Chairman: Mr. Lengerke?

Mr. Lengerke: Mr. Chairman, just in reaction, I will make this comment, that I personally would have no objection to the

displaying or use of banners and this kind of thing. But I have objection to the use of loud speakers and loud hailers, and I would have objection certainly to the use of TV and radio. I like the idea of the 24 hour ban. That's my position on this. As far as the use of flags and ribbons and this kind of thing goes, if that wants to prevail, fine. I don't particularly like the loud hailer system and any of the media. I like the 24 hour ban, I think that gives everybody some peace and quiet to give them time to think about it. There is one opinion.

Mr. Deputy Chairman: What you are saying, Mr. Lengerke, is that you have no objection to the Midnight Sun Band going by handing out sheet music.

Mr. Lengerke: Handing out sheets of music, no. It depends when they go by, Mr. Chairman.

Mr. Fleming: Yes, Mr. Chairman, very interesting. However, I have the same feeling. The problem of coming to an election, for instance, with a sticker on your car, you weren't able to do this and I think that is a very foolish say, if you have got that stuck on for a month and you are running all over and then you have got to go and peel it off and everything and it means nothing. It doesn't bother anybody.

However, I do agree with the noise making, anything that does. It is very interesting that when I was running for election, in the meeting, in the little town of Teslin, this little subject was brought up as to how long I could campaign and I said, well, you know, the law says I cannot campaign for the last 24 hours, and asked, how do you feel? Do you think that I should be able to do that.

I tell you the answer that I got was, no, even though I did get those votes, I think, pretty well, but they still said, no, we have seen enough of you in the last month or two, we want 24 hours. I still feel that way about this section.

Mr. Deputy Chairman: Mrs. Watson.

Mrs. Watson: Yes, Mr. Chairman, I would agree with some of the speakers, that the flags and the bunting and the stickers on the cars and so on, really, are quite harmless and I can't see any need for not being able to have them on your car on voting day, but I do, with the loudspeakers and I do, really, with the politicians being able to be at the polling station, is really quite alarming. It could become quite alarming, because some of our politicians can be very, very loud. They don't need a loudspeaker and I would like to, I would like to see some restrictions, and also in the time. I think everyone who has talked about it has said people, after a good campaign, are tired of it. They really are tired of it and a lot of people think that 24 hours is a good idea. A lot of politicians think it is just a great idea. They can relax and rest and get ready for the last day.

So, I wouldn't mind at all if that was written back into this *Elections Ordinance*.

Hon. Mr. McKinnon: You will have to rest up for the last day so you can go to the polls.

Mr. Deputy Chairman: I wonder what the medical opinion would be for that 24 hours, for the candidates, the medical opinion for that 24 hours for the candidates?

What is the Committee's wish on Section 58? Is it Committee's wish that we hold it over for further review.

Some Members: Agreed.

Clause 58 stood over

Mr. Deputy Chairman: Very well.

On Clause 59

Mr. Chairman: Any debate on 69?

Clause 69 agreed to

Mr. Chairman: Mr. McCall?

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

Mr. Fleming: I second that.

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: Thank you to our witnesses.

Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Hibberd: Mr. Speaker, the Committee of the Whole have considered Bill Number 10, the *Elections Ordinance, 1977*, and directed me to report progress on same and ask leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted, and 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 Sessional Papers were Tabled
(November 24, 1977)**

77-2-27

Correspondence from the Commissioner re: refusal of assent to Bill No. 102 *missing.*

77-2-28

Green Paper on the Establishment of a Yukon Pipeline Impact Information Centre



GREEN PAPER ON
The Establishment of a
YUKON PIPELINE IMPACT INFORMATION CENTRE

1977 (Second) Session

Mr. Speaker
Members of the Assembly

Recognizing the unique level of public interest in the proposed Alaska Highway natural gas pipeline, the potential that project has for impacting the lives and businesses of Yukoners and the need for broad access to socio-economic information regarding those impacts, the Government of the Yukon Territory has indicated its intention to create a Yukon Pipeline Impact Information Centre.

From various quarters before, during and since the Alaska Highway Pipeline Inquiry, there have been many differing suggestions as to the role of such a centre, the resources and responsibilities it would have and the relationship which should obtain between the centre and government. These suggestions have been put forward with such vigour and diversity that, notwithstanding a general desire for early action on an information centre, your government felt it should seek the views of the Assembly before proceeding. Accordingly, this paper will present a range of options for the consideration of the Assembly. Further executive action awaits your direction.

The three basic questions with respect to an Impact Information Centre are:

- 1) What should it do?
- 2) What should its relationships be to government?
- 3) What will it cost/who will pay for it?

Costs and Funding

The last of these questions is probably the easiest to answer. If it is this Assembly's wish that the Government of the Yukon Territory cause to be established an impact information centre, according to terms and conditions of its own choosing, then presumably your government will be responsible for its funding. These funds will be payable from present or future revenues of this government. The cost of the information centre will vary according to decisions taken by this Assembly on the first two questions.

Roles and Responsibilities

Members are undoubtedly aware of and/or will seek public views on the wide variety of proposals that have been made as to what an impact information centre should do. There are those who argue that an impact centre should have social and economic research capabilities and responsibilities ranging beyond the pipeline both in terms of time and scope of interest. The responsibilities of such a centre would also go beyond the collection and publishing of data of all socio-economic issues affecting Yukon to include policy research and the development of policy options for government's consideration. Such a broad role would, of course, require commensurate resources in money and man years indefinitely.

At the other extreme on the continuum of proposals is the view that an impact information centre should be largely a physical distribution point for pipeline information generated from a number of other sources e.g. government, industry, associations, academics. Such a centre obviously would require little by way of staff or plant and would endure only for the period of pipeline construction.

Between these two extremes lie a virtually limitless number of options for which favour can be found in some quarter and scorn in another. The Fairbanks Northstar Borough Compact Centre (Appendix "E") can be described as falling somewhere in between. Its role was limited to acquiring and publishing factual data relating to pipeline impacts. In fulfilling this role it sought out information from various existing sources but also had some resources to do original research when information was not otherwise available. The Fairbanks Northstar Impact Centre published monthly data reports on various socio-economic indicators, convened community meetings, provided a "drop-in" information centre for the public and media and met periodically with the Borough government to exchange views.

Members of the Legislative Assembly may wish to replicate this model in Yukon or to add or subtract responsibilities to a Yukon information centre as they see fit. In the subsequent presentation of models in this paper, however, responsibilities analogous to the Fairbanks model have been assumed in arriving at cost projections. These

cost projections have been increased over the Fairbanks experience to compensate for a wider geographic area of responsibility and perceived staff shortages in the Fairbanks Centre which inhibited their fulfilling their proclaimed role.

Relationship to Government

There has been a rough consensus of those outside government that the impact information centre should be entirely independent of government. The alternatives would be to develop an in-house government information centre or to achieve some blend of government and community participation. These three options are developed more fully in Appendices "A", "B" and "C".

In summary, the advantage of a completely independent centre lies in the credibility its information would have in the community and in the opportunity it presents for community participation.

The advantage of an in-house government centre is the credibility of the information for government and the opportunity the centre provides to bolster government's policy research and information capabilities.

The middle option has the potential of recognizing both advantages or of being perceived as offering neither.

From a point of view of costs, there will be a tendency for the information centre to be more expensive the more independent it is of government. This simply reflects the lost opportunity to utilize government personnel, plant and services.

Geographic Coverage

While undoubtedly the most visible impacts of the pipeline will be apparent in and around the city of Whitehorse, the smaller rural communities will experience socio-economic changes which, for them, are just as profound. In the Alaska experience, an essentially separate, late and inadequate information agency was established for rural areas.

Members will want to ensure that the information needs of Yukoners outside Whitehorse are attended to. In this regard, three basic options present themselves:

- 1) A single, separate rural impact information centre;
- 2) Individual centres for each community;
- 3) Provision in a single Yukon centre for rural participation.

From a point of view of economy and performance, the latter option would seem to be the most efficient.

Resources Required

As indicated earlier, the cost of an impact information centre will vary according to the resources required. This in turn depends almost entirely on the number and nature of responsibilities assigned to it. For purposes of illustration and comparison in the options described in the Appendices, responsibilities similar to the Fairbanks model have been assumed. Specifically:

- gather, research and present factual information and data relating to the socio-economic impact of pipeline construction activity;
- issue periodic reports to the public on specific indicators;
- provide a drop-in information function to the public and media;
- convene public information meetings on topics of interest.

The responsibilities will require a core staff of four to five people, part-time community workers, travel, office, publishing, publicity expenditures. Costs related to public participation/management are in addition to those operating expenditures.

Summary

This Assembly has before it options with respect to the role of an impact information centre, its relationship to government, its geographic scope, the process by which it will be established and the amount of funding it should receive from the Yukon Government.

The federal government has indicated it considers the establishment of this impact information centre to be a responsibility of Yukon. Members of this Assembly have indicated their desire to participate in this and other pipeline related matters. Accordingly, the Executive Committee awaits your views with respect to the options cited above.

While it is recognized that there is some urgency about the formation of the Pipeline Impact Information Centre, we should record the action that has been taken that will help when the centre is formed.

We have a pipeline co-ordinator's office which has, for approximately one year, been compiling data and pipeline impact information.

We have a qualified staff person in Archives, working under the Pipeline Co-ordinator, who is collecting, co-ordinating and cataloguing pipeline information and data.

We have Mr. A. Wright presently representing YTG at any pipeline meetings here, and in Ottawa, and providing data from those sources.

We have a network of community libraries competent to establish rural community data centres for dissemination of pipeline information, if needed.

The YTG Information Branch is available to mount information campaigns or to assist in the distribution of information.

Nov 24/72
Date

[Signature]
Signature

APPENDIX "A"

YUKON PIPELINE IMPACT INFORMATION CENTRE

"Government In-Pouse Model"

This paper considers how and why a pipeline impact information group could be integrated within the existing YTG government structure.

The reasons why such a centre might be located within YTG are as follows:

1. Government has a responsibility to identify the impact of industrial development, for it is they who can take mitigative measures if that impact is determined to be negative.
2. The measurement of socio-economic impact of industrial development requires data related to prices, rents, labour force, wages, population, business activity, housing and social-cultural change. The YTG is the only organization in the territory that is capable of entering into an agreement with Statistics Canada to obtain the data required while protecting the confidentiality of the respondent.
3. The YTG, as a member of all federal-territorial government committees, would be able to co-ordinate activities to avoid needless duplication.
4. A long-term program for monitoring the socio-economic-cultural change is presently being developed by the Economic Research and Planning Unit. In addition, an efficient and territory-wide information gathering and dissemination network exists through the combined efforts of the YTG departments of Tourism and Information Services and the Library Services Branch. Within the Library Services Branch they have already established a pipeline librarian to establish and maintain a Yukon-wide index of pipeline-related publications and records.
5. YTG already possesses the necessary technical apparatus and expertise and the administrative capability to incorporate a pipeline impact information group with a minimum of additional staff and hence a minimum of incremental cost.

For the above reasons, the responsibility of measuring the socio-economic impact of the pipeline and disseminating the information could lie within YTG. This could be done in either of two ways. First, by increasing the staff of the existing departments involved in these areas, namely the Economic Research and Planning Unit, Tourism and Information Services, and Library Services, or alternatively, to assemble the required resources together as a unit but reporting through either the Pipeline Co-ordinator, a member of the Executive Committee or to the chairman of a special standing committee of the legislature on pipeline.

A pipeline impact information centre within YTG would require two officers and one clerical support position, a budget for contract research, some provision for augmentating field staff, and incremental costs for space, expenses and equipment.

Salaries *

1 researcher @ \$25,000	\$25,000	
1 information officer	20,000	
1 clerical support	15,000	
	60,000	
+9% benefits	7,700	
	67,700	\$67,700

Professional Services

A budget item to contract for research, surveys and statistical analysis beyond capacity of the staff. The amount is discretionary and can be altered to fit needs or budget constraints, and therefore the same amount is used in all estimated budgets.

20,000

Part-Time Field Staff

By training and utilizing field library staff and additional community hired part-time workers to gather and disperse information and arrange meetings could be limited to approximately 6.

6 x 5,000

30,000

(This provision is so that each Yukon community could have a part-time pipeline field worker.)

Operating Costs

Rent of office space, office machines, data processing, publishing and printing, advertising, public meeting expenses

Telephone and travel

15,000

132,700

In this model it is assumed the Centre could be plugged into an existing management structure, thereby saving the man/year and salary of a Director.

It is assumed that if government staff were seconded to the Centre, they would have to be backfilled.

APPENDIX "B"

YUKON PIPELINE IMPACT INFORMATION CENTRE

Independent Model

This paper considers how and why an Impact Information Centre independent of government would be established.

The Lysyk Inquiry, University of Canada North, various other Yukon organizations and the Federal Government have indicated their preference for such a centre being independent of government. While the reasons for their view obviously vary, one common theme is clear. This is the need for an impact information centre to be, and to be seen to be, objective, unbiased and removed from the responsibility for policies seeking to mitigate or maximize impacts of the pipeline.

There is also in some quarters, the hope that an independent information centre established for or because of the pipeline could provide the nucleus for a permanent, independent policy research institute for Yukon.

In this model the government would co-opt or create a public organization with broad area and interest representation, task them with the responsibility of designing and staffing an impact information centre and provide them funds to operate it and cover some of their own expenses. The public organization, in being granted the funds, could be bound within broad or narrow constraints with respect to the type of centre to be created or the manner in which the funds were to be extended. The challenge here is to balance the need to capitalize on and protect the independence of the body against the need to ensure that public funds are used in accord with the government's and this Assembly's wishes. This balance would be struck in the terms and conditions attached to the grant to the public organization.

In pursuing this model, the first and most difficult task is not the creation of the information centre but the creation of that representative public board which will establish and manage the centre. This process need not be lengthy, but given the divergence of views on pipelines, impacts, and information centres, it promises to be prickly. This Assembly might wish to establish the public board directly themselves as well as to advise the government on the question of honoraria and expenses for board members if this model is chosen.

Such a public board would clearly require representation from the following sectors:

- Native organizations
- Business Associations
- Consumer Associations
- Environmentalists
- Labour Organizations

and, if a single Yukon-wide model were to be selected,

- representatives from each Yukon Community

and, to facilitate co-ordination and act as a resource in the accumulation of data,

- representatives of the Governments of Yukon, Canada and Whitehorse.

Since the principal advantage in an independent information centre is its objectivity and the credibility of its information, extreme care would have to be taken in the creation of the public board and the definition of the mandate it would be given so as to prevent the centre from being or been perceived to be co-opted by any particular interest group.

The basic resources of an independent information centre would be similar to those of an "in-house government centre" except for some provisions for: the board's expenses; managerial staff because the centre won't tie into an existing management structure; and additional operating costs since the centre would not have the same access to existing governmental clerical, publishing or data handling facilities.

Salaries

Co-ordination	\$30,000	
1 researcher @ 25,000	25,000	
1 information officer	20,000	
1 clerical support	15,000	
(Includes 9% fringe benefits)	90,000	\$90,000

Board Fees and Expenses

Assumes 12 monthly meetings at a cost of \$1,000 each for travel for out-of-town members plus honoraria to defray loss of salary plus meeting expenses	12,000
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Professional Services

See Appendix "A"	20,000
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Part-Time Field Staff

Assumes a minimum of nine part-time field staff to provide area representation. Even with nine some doubling-up would be required.	45,000
9 x \$5,000	
Includes training if needed.	

Operating Costs

See Appendix "A" but increase by \$10,000 in view of in-house savings on data processing, printing, clerical overload, etc.	25,000
	192,000

APPENDIX "C"

YUKON PIPELINE IMPACT INFORMATION CENTRE

Joint Government - Public Model

This paper considers how and why an information centre might be established which would attempt to capitalize on the strengths of the previous two models.

In summary, those strengths were, for the government "in-house" model:

- attaching the resource to body normally responsible for monitoring socio-economic changes and for developing policies and programs in response;
- taking full advantage of existing governmental expertise, services and facilities

and, for the independent model:

- achieving the appearance and reality of objectivity.

The proposal which seeks to capitalize on both strengths suggests the creation of an information centre by the Yukon Government staffed by Yukon public servants seconded or hired for the purpose. The centre and its staff would receive day-to-day supervision from government as well as functional advice and assistance, but would receive general policy and operating direction from a public board constituted as in Appendix "E".

In this role, the public board would act in a quasi-managerial function and would, among other tasks, act as an editorial board ensuring and approving publication of data it had directed the staff to produce.

The weaknesses of this model are, of course, the obverse of its strengths. Because the centre's staff would be government employees, the credibility of the centre may be suspect by some. Additionally, having the staff report to two masters could be the source of some friction or confusion.

In terms of resources, this model would have access to government facilities and services but would require budget for its public management.

Salaries *

Co-ordinator/Information	\$25,000	
Information Assistant	15,000	
1 Researcher	25,000	
1 clerical support	15,000	
(Includes 9% fringe benefits)	80,000	\$80,000

Board Fees and Expenses

See Appendix "B"	12,000
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Professional Services

See Appendix "A"	20,000
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Part-Time Field Staff

See Appendix "A"	35,000
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Operating Costs

See Appendix "A"	25,000
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172,000

* Because this model is more detached from an existing management structure than the model in Appendix "A", the need for some co-ordination was presumed, albeit at a lower level and combined with the information function.

APPENDIX "D"

Fairbanks Rural Impact Information Program

Cost was about \$60,000 per year. That included a full-time Co-Ordinator at \$1500 per month, a part-time secretary at \$7.00 per hour - also included travel and printing.

Fairbanks Northstar Borough Pipeline Impact Information Centre

Cost in 1976/77 - \$65,116.00
Cost in 1977/78 - \$70,554.00

Included Program Analyst at \$27,000 per year. Research Assistant at \$17,000 per year. Temporary clerical and printing costs. Also included travel.

In both of these cases the cost of the space and long distance telephone costs not included.

BUDGET COMPARISON SHEET

	Govt. In-House Model	Independent Model	Joint Govt-Public Model	Fairbanks Rural and Fairbanks Centre Model
Salaries	\$67,700 Staff of 3	\$80,000 Staff of 4	\$80,000 Staff of 4	\$75,000 Staff of 5
Board Fees	n/a	12,000	12,000	
Professional Services	20,000	20,000	20,000	55,000
Part Time Field Staff	30,000	15,000	35,000	
Operating Costs	15,000	25,000	25,000	20,000 (est.)
TOTAL	\$132,000	\$192,000	\$172,000	\$150,000

Notes: a) Staff was kept as close as possible to Fairbanks, for example - to allow direct comparison.

1) The professional services costs should be the same regardless of method. This figure is pure guesstimating, and will depend on the information demands placed on the center by users.

c) Appendix "F" would indicate that the costs for the Fairbanks model could be low since the photographer, the studies funded by the State and a second Information Assistant for one year may not be included.

ACKNOWLEDGEMENTS

We would like to thank the readers of Impact Center Reports who returned questionnaires which were used for our final evaluation. Questionnaires received by March 4, 1977 were used to compile the evaluation; however, we have received a number of questionnaires since that time and appreciate hearing from our readers.

We would like to thank Wendy Harris for her assistance in the preparation of this special report. Additionally we would like to acknowledge the assistance of Wendy, Jan Wiggins, and Trish Walker who have spent many hours working on our newspaper clipping files of Fairbanks developments and have assisted with distribution and mailing of our reports. We also give a special thanks to all those who have served on the Impact Advisory Committee.

It has been an exciting challenge to have observed and reported the changes which have occurred in Fairbanks over the course of the pipeline construction period. We hope that our efforts will contribute to making our community and others better prepared for the challenges which are ahead.

Chapter I

HISTORY OF THE IMPACT INFORMATION CENTER

Passage of the federal Trans-Alaska Pipeline Authorization Act of 1974 paved the way for constructing a pipeline to carry oil from the oil fields of Prudhoe Bay on Alaska's northern coast to the port of Valdez on Alaska's southern coast, the largest private construction project in history. The pipeline construction project began in April 1974 with Fairbanks North Star Borough as the principal administrative, supply, and transportation center for construction activities.

Just prior to the inauguration of pipeline construction activities in February of 1974, the Social Concerns Committee of the Fairbanks Council of Churches held a community meeting. Representatives of the oil industry were invited to describe the ways in which the communities in the Fairbanks North Star Borough would be affected by the construction activities. This meeting provided a forum for public discussion in which there was an expression of need for additional and on-going information about the effects of pipeline activities on the local communities. The Social Concerns Committee, along with other concerned individuals, organized support for an Impact Information Center as part of the Fairbanks North Star Borough government services.

Charles Parr, who was then presiding officer of the Borough Assembly, developed a schematic for such an office. He envisioned a center whose purpose would be to collect and disseminate information, but would not "forecast, predict, project, extrapolate, or otherwise attempt to indicate the shape of the future." Parr explained:

The sole measures of success of the Impact Information Center will be how well it serves the whole community: the businessman deciding whether to expand his operations, the man who builds three houses and sells them each summer, the senior citizen on a fixed income who must decide whether or not to leave for the Lower 48 because of prices, the school authorities wanting to know how many teachers to hire, hospital administrators with staffing problems, Goldpanners who may need additional seating in the ball park, and welfare recipients whose incomes always lag behind the rising cost of living.

FAIRBANKS NORTH STAR BOROUGH

Box 262, Fairbanks, Alaska 99707

IMPACT INFORMATION CENTER - SPECIAL REPORT NO. 6

April 1977

HISTORY AND EVALUATION OF THE IMPACT INFORMATION CENTER
1974 - 1977

by

Sue Fison, Cindy Quisenberry and Nim Dixon

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BOROUGH MAYOR
John A. Carlson

IMPACT INFORMATION CENTER Mailing Address

Sue Fison, Infor. Officer Box 1267
Cindy Quisenberry, Infor. Assistant Fairbanks, Ak. 99707

IMPACT ADVISORY COMMITTEE
Larry Carpenter James C. Thomas
David Crockett Jeanne Wilson
Sue Gamache George Wise
Leslye Korvola Chairperson
Charles Parr Phil Younker

Phone: 452-4761

Location:
510 Fifth Avenue

* * Chapters III and IV available on request

Borough Mayor John A. Carlson supported the idea in a memorandum to the Borough Assembly in which he further refined the concept of an Impact Information Center. He defined three basic purposes for such a center:

- 1) to provide the general public with information relevant to pipeline activity which "could or will affect their personal, occupational, business, financial and recreational affairs";
- 2) to provide the Borough Assembly and administration with "factual data to aid them in conceiving and formulating public policy designed to cope with pipeline impact"; and
- 3) to present information as rationale to support requests for state, and possibly federal, impact funds or services.

The mayor also recommended that a broadly-based steering committee be appointed to guide the proposed information center.

On April 25, 1974, the Fairbanks North Star Borough Assembly appropriated \$13,450 from the general fund to the Mayor's Office for the purpose of establishing an Impact Information Center and operating it for the remainder of the fiscal year. The Borough Assembly later decided to use a portion of the impact funds received from the State of Alaska to support the Impact Information Center, and thereby appropriated an additional \$49,198 to operate the Impact Information Center during FY 1974-75.

The original Impact Advisory Committee, appointed by the mayor to guide the Impact Information Center, represented a cross section of the community, including Gene Straatmeyer, chairman of the Social Concerns Committee of the Fairbanks Council of Churches; Tom Packer, President of the Fairbanks Chamber of Commerce; Larry Carpenter, Community Relations Representative for the Alyeska Pipeline Service Company; Sam Kito, Vice President of Doyon, Ltd., the regional Native corporation; and Charles Parr, Presiding Officer of the Borough Assembly. Later the committee was expanded to include Leslye Korvola as a consumer representative; Georgina Herron to represent the Black community; and George Wise to represent the Joint Labor Council.

Since the original committee was formed, there have been several changes in membership, but the broad representation of various parts of the Fairbanks community has been maintained. Others who have served in the Impact Advisory Committee are David Crockett, Claude Dementieff, Sue Gamache, J.C. Thomas, Jeanne Wilson, and Phil Younker. For the first year, Gene Straatmeyer served as chairperson of the Impact Advisory Committee. Subsequently, George Wise has chaired the committee. At its inception the committee met with the Impact Information Center staff, the press, and the public two times each month. Later the public meetings were held once a month.

The Impact Information Center began with a two-person staff, an Information Officer assisted by a secretary. Joe LaRocca, a veteran political journalist, was the first Information Officer. Shortly after the office began, Mim Dixon, an applied anthropologist, joined the staff through the use of CETA funds. Eight months later, the Impact Information Center had proved itself and it was decided that there was a need for a rural impact information project for the Interior of Alaska outside the Fairbanks North Star Borough. By contractual arrangement, Ms. Dixon also served as a consultant to the rural program, which was managed by the Fairbanks Town and Village Association for Economic Development, Inc.

At the end of the first fiscal year of the Impact Information Center, the state impact funds lapsed and the Borough Assembly decided to appropriate the funds out of general revenues to continue the program. The State of Alaska ascertained that the Impact Information Center was providing valuable information to state agencies and therefore added \$10,000 to the Impact Center budget. Additional funds were secured through contractual services with the Rural Impact Information Project. During the second fiscal year of operation Mim Dixon served as Information Officer for the Impact Information Center. The secretarial position was changed to an Information Assistant position with responsibilities for working with the public and assisting in research, as well as clerical duties. Cindy Quisenberry served as Information Assistant for the duration of the project.

As the 1976-77 fiscal year approached, the Borough Assembly again debated the future of the Impact Information Center. While the Impact Center was intended to be a program of limited duration to meet specific needs created by pipeline construction, there was some question about the appropriate time to terminate the project. The Borough Assembly decided to fund the Impact Information Center for a third year because it was felt that an important aspect of the impact of the Trans-Alaska Oil Pipeline was what happened to Fairbanks after the construction efforts peaked. Sue Fison, who had formerly worked for the University of Alaska Institute of Social, Economic, and Government Research, served as Information Officer for the Impact Information Center's third and final year.

During the three years of Impact Information Center activity, the program produced 34 regular reports covering a variety of topics (see index in Chapter IV) which were distributed to a mailing list which included more than 900 persons by the end of the project. In addition, the Impact Center produced 5 special reports which considered specific impact problems in greater depth. The special reports focused on minority hire and Alaska hire on the pipeline, the effects of pipeline construction on senior citizens, the cost of living in Fairbanks, mobile homes, and energy. In its final year the Impact Information Center received a grant from the State of Alaska to compile a final summary report of pipeline impact.

In addition to researching, writing, producing, and distributing reports, Impact Information Center staff have assisted countless persons seeking information: local citizens, journalists, businesspersons, state and federal agency representatives, researchers and other interested people. Other activities of the Impact Information Center have included

speaking to meetings of various organizations, compiling extensive files about Fairbanks and the pipeline, and serving local government informational needs.

In its brief history, the Fairbanks North Star Borough Impact Information Center has become a model for similar programs in Alaska and in other areas which are experiencing dramatic changes resulting from rapid, capital-and-labor-intensive, resource development. In 1976, the Fairbanks North Star Borough received a New County Achievement Award from the National Association of Counties for the Impact Information Center. Although the Impact Information Center program ends on June 30, 1977, it is anticipated that the information collected by the center will continue to be used to assist planning efforts both locally and in other areas.

Chapter II

IMPACT INFORMATION CENTER EVALUATION

Each year recipients of the Impact Information Center reports have been asked to participate in an evaluation of the Impact Information Center. This survey of readers has provided direction and the kind of feedback which is necessary to improve both the reports and the overall program. For the past three years questionnaires were enclosed in the January Impact Information Center reports and recipients were encouraged to complete the forms and return them in envelopes provided for that purpose. While the response rate has declined each year - 53 percent in 1975, 25 percent in 1976, 19 percent in 1977 - the response has nevertheless been significant.

The survey forms used each year's evaluation have been slightly different; however, many of the same questions were asked to provide comparisons from year to year. (A copy of the January 1977 evaluation questionnaire is reprinted at the end of this chapter.) This chapter contains an analysis of trends in the three years and a final evaluation based upon the most recent questionnaire. In addition, the questionnaire which was distributed to readers in January, 1977, asked about their personal experiences and attitudes toward pipeline impact and a summary of readers' responses is included in Chapter III of this report.

Evaluation Comparisons 1975-1977

Some of the results of the three evaluations are given in Figure 1. This comparison suggests several trends which are explained below.

Distribution and readership of reports has increased. Since the Impact Information Center began producing reports, the mailing list has increased steadily, from 203 in 1975 to 906 in 1977. Evaluation questionnaires indicate that the number of persons reading each copy of each report has averaged between three and four. This means that the total readership of the reports has increased from 670 in 1975 to 3,352 in 1977, a five-fold increase.

Most people request reports themselves. The percentage of report recipients who requested that their names be placed on the mailing list has remained high (77-90 percent), indicating that the growth in the mailing list may be attributed to increased interest in the Impact Information Center and growing demand for the reports.

Ways of learning about the Impact Information Center Reports have changed over time. When the Impact Information Center was in its infancy, most people learned about the program through the outreach efforts of the Impact Information Center staff and the news media. After the first year, word of mouth became the predominant way in which persons learned about the Impact Information Center. By the third year, Impact Information Center reports were being cited regularly and people were more likely to see copies of the reports. The rise in the "other" category as a source of information about the Impact Information Center in 1977 may be attributed to this factor, as 7 percent of the respondents indicated that they had first learned about the Impact Information Center when they saw a copy of the IIC report.

Geographic distribution of reports has remained relatively stable. Although information about the geographic distribution of the reports is not available for 1975, information from the following two years indicate that, while the readership increased, the geographic distribution of readers remained relatively stable. The greatest number of reports recipients reside in the Fairbanks North Star Borough, with proportionate fewer in other parts of Alaska, and still fewer outside Alaska.

Few people who receive reports attend the Impact Advisory Committee meetings. The Impact Advisory Committee meets each month to review and comment on the reports. Most of the report recipients are content to receive the reports and do not attend the Impact Advisory Committee meetings. Less than 15 percent of the respondents in any year said that they had ever attended an Impact Advisory Committee meeting.

Information in the Impact Information Center reports was actually used more in the beginning and at the end of the pipeline impact period. Evaluation questionnaire respondents in 1975 indicated that 77 percent of the report recipients were actually using the information in the reports. This percentage fell to 52 percent in 1976 and rose to 81 percent in 1977. These figures may indicate that more decisions were being made at the beginning and the end of the pipeline construction period.

Information in the reports was used for more diversified purposes over time. As the report readership expanded over time, the manner in which the information in the reports was used became more diverse. The following is a list of some of the ways in which information in the Impact Information Center reports was used: program planning (schools, state and federal agencies, businesses, churches, social service agencies); preparation and support of budgets (both private and public concerns); determining cost of living allowance adjustments and pay scales; sent to prospective employees for use in recruitment; news reporting; research

on effects of energy development; writing environmental impact statements; planning for energy development in other areas; personal education (voting on bond issues, testimony at hearings, letters to the editor); used by teachers in preparing lectures; investment decisions (particularly with regard to real estate); economic analysis and projections; land use planning.

Figure 1
IMPACT INFORMATION CENTER EVALUATION COMPARISONS
1975-1977

	January 1975	January 1976	January 1977
Number of Report Recipients	203	655	906
Percent of Recipients Responding to Questionnaire	53%	25%	19%
Average Number of Readers of Each Copy of Each Report	3.3	3.2	3.7
Total Readership (number of recipients X number of readers per copy)	607	2,089	3,352
Percentage of Report Recipients Who Requested to be on Mailing List	77%	90%	80%
Source of Information About Impact Center			
Friend or Associate	17%	39%	34%
Contact with IIC staff	42%	33%	30%
News Media	34%	21%	21%
Other	7%	7%	15%
Geographic Distribution of Readers			
Fairbanks North Star Borough	-	55%	62%
Other Places in Alaska	-	27%	24%
Outside Alaska	-	13%	15%
Percent of Report Recipients Who Have Attended an Impact Advisory Committee Meeting	10%	15%	15%
Percent of Respondents Who Have Used Information in the Reports	77%	52%	81%
Ranking of Most Popular Topics			
Cost of Living, Inflation	3	1	1
Housing	1	3	2
Population Estimates	2	3	3
Food Prices	4	4	4
Employment, Income, Wages	3	2	5
Fuel & Heating Prices	5	5	6
Percent of Respondents Who Evaluated Aspects of the Reports as Good or Excellent			
Topics Selected	86%	89%	96%
Writing Style	74%	77%	90%
Presentation of Information	68%	76%	92%
Format	58%	73%	89%
Length	74%	72%	89%
Timing	64%	71%	84%

Topics which interest more than half the readers are consistent over time, but their rankings vary. Each year, the evaluation questionnaire asked readers to indicate which topics interested them the most. While the list of topics varied slightly from year to year, the top five topics remained the same: cost of living, housing, population estimates, food prices, employment, and fuel and heating prices. Each of these topics was of major interest to more than 50 percent of the questionnaire respondents each year. In 1975 those five topics interested 65 percent or more of the readers and three additional topics also interested more than half of the respondents - transportation, school impacts and public utilities.

Readers think that the quality of reports have improved over time. Each year readers have been asked to evaluate various aspects of the report: topics selected, writing style, presentation of information, format, length, and timing. And respondents have provided comments which have facilitated improvements in those aspects of the reports. While every aspect of the reports has been given a positive evaluation by the majority of respondents each year, the percentage of positive evaluations has increased each year. In the most recent survey, an excellent category was added to the evaluations which previously only used "good", "fair", and "poor". The additional category may have created an upward bias when "excellent" and "good" were combined for comparative purposes in Figure 1, but it also provides some differentiation in readers evaluations.

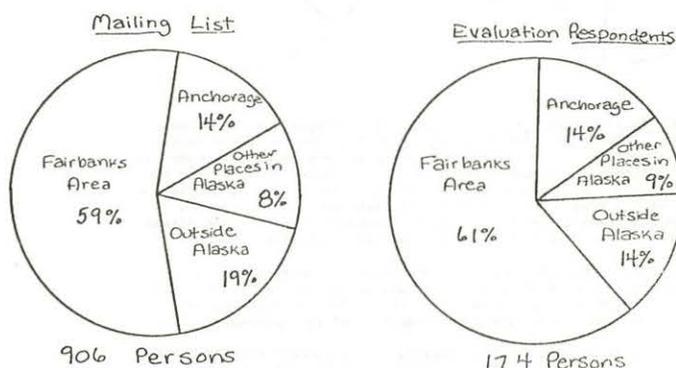
Summary of trends. The three annual evaluations suggest that over time the Impact Information Center has both improved and expanded its program. Furthermore, the evaluations suggest that the need for this type of information program is greatest at the beginning and the end of the construction project, the times at which the most changes are taking place and the most decisions are being made which require specialized information about the community. Throughout the tenure of the Impact Information Center, the type of information which appears to be most useful and interesting to the readers of the IIC reports has been economic information about the community (cost of living, inflation, housing, food prices, employment, wage rates, income, fuel and heating costs) and demographic information (population estimates). This is the type of information which is most often used for planning, contract negotiations, and supporting proposed budgets.

Final Evaluation - January 1977

Results of the evaluation questionnaires distributed in 1977 are not only applicable to the preceding year, but also represent an accumulation of Impact Information Center activities. Each year readers were asked if they wanted to remain on the mailing list and few ever requested discontinuation. Since the Impact Information Center ceases on June 30, 1977, the evaluation conducted in January, 1977, is the final attempt to evaluate the program. The following information was derived from the most recent survey of Impact Information Center report recipients.

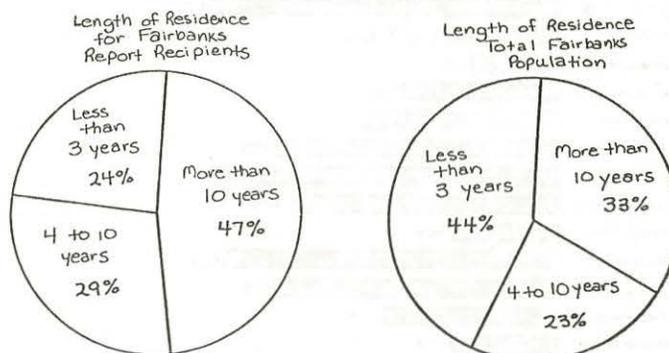
Geographic Distribution of Report Recipients. The geographic distribution of report recipients, both for the entire mailing list and for those responding to the evaluation questionnaire is given in Figure 2. Nearly 60 percent of the report recipients live in the Fairbanks area and less than 20 percent live outside Alaska.

Figure 2
GEOGRAPHIC DISTRIBUTION OF READERS
Impact Information Center Reports
January 1977



Length of Residence in Fairbanks. Most of the Fairbanks residents who received the Impact Information Center reports had lived in Fairbanks before pipeline construction began. The largest group, 47 percent, had lived in Fairbanks 10 years or more. Those living in Fairbanks four to nine years comprised 29 percent of the Fairbanks mailing list. The remaining 24 percent of the report recipients in Fairbanks had resided here less than three years. Recipients of Impact Information Center reports in Fairbanks tend to be "oldtimers" or "permanent residents" when compared to the total population of Fairbanks, as represented in the Fairbanks Community Survey conducted by Jack Kruse, Institute for Social and Economic Research, University of Alaska. A comparison is given in Figure 3.

Figure 3
LENGTH OF RESIDENCE IN FAIRBANKS
Comparison of Report Recipients and Total Population

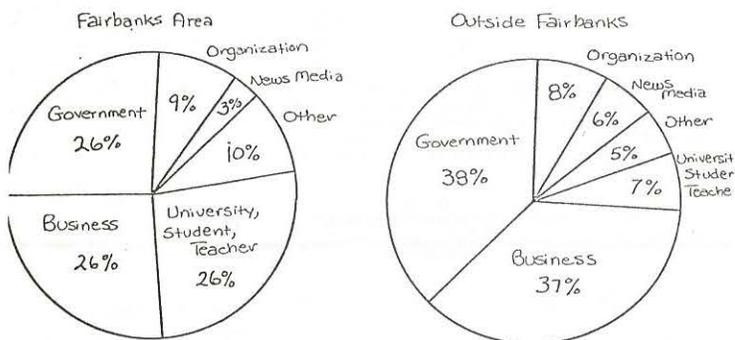


Sources: Impact Information Center survey of report recipients, January 1977. Research Notes: Fairbanks Community Survey, by Jack Kruse, Institute for Social and Economic Research, University of Alaska, Fairbanks, December 1976.

Occupations of report recipients. Approximately one-third of the recipients are businesspersons and another third are government personnel. Three-fourths of the report recipients residing outside the Fairbanks area are employed in business or government. The next largest

category of recipients by occupation is university employees, which comprise 10 percent of the mailing list. Altogether university employees, teachers and students account for nearly 20 percent of the mailing list. A comparison of occupations of report recipients are given in Figure 4.

Figure 4
OCCUPATION OF REPORT RECIPIENTS
January 1977 Evaluation



Topics of interest to report readers. A comparison of the major topics of interest for the three annual evaluations was given in the previous section. Figure 5 summarizes the percentage of responses given by the January 1977 respondents to the 25 impact topics listed in the questionnaire. Although economic topics clearly dominated, at least a fourth of the respondents also expressed interest in air quality, attitudes to impact, crime, education, insurance, minority and Alaska hire, mobile homes, public utilities and transportation.

Quality of Report. A summary of reader responses to the January 1977 questionnaire on the quality of various aspects of Impact Information Center Reports is given in Figure 6. The reports were rated highest for topics selected and presentation of the information.

Report recipients felt the program was of value. When asked, "Do you feel that the Impact Information Center has been a worthwhile program?", 99 percent of the people answering that question said "yes." None of the respondents checked the box for "no," although one commented that the program could have been more worthwhile if it were more future-oriented and another questioned the cost effectiveness. Readers were not asked specifically about cost effectiveness of the program, but several commented positively on this aspect of the Impact Information Center. "The center has paid for itself many times over," wrote one Fairbanksan.

Figure 5
TOPICS WHICH INTERESTED READERS
January 1977 Evaluation

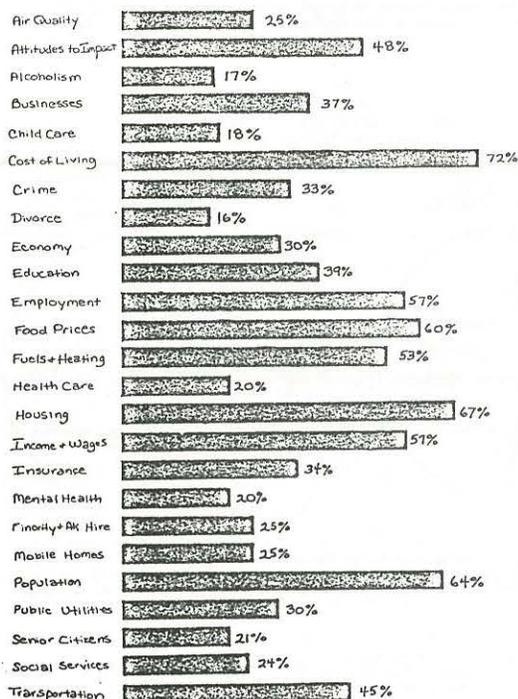


Figure 6
QUALITY OF IMPACT CENTER REPORTS
January 1977 Evaluation

Aspect of Reports	Ratings By Percent of Respondents				Total Responses (Used to Compute Percentages)
	Excellent	Good	Fair	Poor	
Topics selected	55%	44%	2%	0	170
Writing style	41%	53%	6%	0	167
Presentation of Information	46%	50%	4%	0	167
Format	36%	57%	6%	1%	165
Length	34%	60%	5%	1%	164
Timing	39%	53%	8%	0	160

Reports kept readers better informed. Readers were asked, "Have the Impact Information Center Reports kept you informed about developments in Fairbanks which you would not have known about otherwise?" While a few news media personnel responded negatively to that question, 98 percent of the responses were affirmative. One respondent wrote, "The Center reports filled an important void in providing important business, social and demographic information used for planning in both the private and public sectors." This opinion was stated more colorfully by a Fairbanks businessman:

The Impact Information Center Report's are the first intelligent, up-to-date, substantiated publications I have seen this town generate. As far as I'm concerned they are the only data locally available that are trustworthy for making an economic decision. The News-Miner is hopelessly complacent and partial, the University is never relevant unless you're talking about 5-10 years in the past, and consulting firms and their analyses have never been much more than yes-men to their clients' interests.

At last this pitiful, desperate little backwater community has an impartial, nonpartisan reporter. With the scarce facilities provided, your office has done nothing less than superior work with each report, all the constraints upon your data gathering capabilities notwithstanding. Rarely have I encountered a socio-economic publication that could purport to other than narrow academic relevance, and rarer still one that answered the question, "What's that got to do with the price of rice in China?"

Well at least - while you survived - Fairbanks could see that the pipeline had to do with the price of bread in Interior Alaska.

Some readers expressed a need for information after the pipeline. The evaluation Questionnaires received many unsolicited comments in favor of continuing the Impact Information Center, or some variation of the program. Some of these comments are following:

You have not asked whether your readers agreed that the IIC should close on June 30, 1977. I, for one, believe it should be continued for at least one more year because the most negative aspects of impact are still to come.

I feel your office should be continued for several more years to adequately catalog the final stages of the impact - to cut you off in June somewhat wastes all the initial efforts by your office.

Some similar sort of socio-economic reporting should be retained in order to track the cycle as Fairbanks moves toward the gas pipeline project. The information that has been developed has been invaluable to business and government planners.

I would like the Impact Reports to continue if monies could be appropriated. This was one of the good things to come from the pipeline impact. If the reports could not be done on a monthly basis, then perhaps every quarter during the year.

Impact Information Center reports seem to have altered readers' attitudes about the impact of the trans Alaska oil pipeline. People develop their attitudes about pipeline impact from their expectations, their experiences, and the information they receive, including the Impact Information Center reports. A total of 83 percent of the respondents indicated that they had personally experienced pipeline impact. Respondents who indicated that they had experienced impact were asked if their experiences were mostly positive, mostly negative, or fairly equal positive and negative. Only 10 percent of the people answering that question said that their experiences had been mostly positive, while 48 percent said that their experiences had been mostly negative and 42 percent had mixed experiences. These results may be compared to a survey of a representative sample of the entire Fairbanks population which showed that 25 percent of the residents felt that they had benefited from the pipeline and 46 percent felt they had borne the costs. People receiving the Impact Information Center reports tended to have fewer positive experiences than the population as a whole. This may be attributed in part to the length of residence of Impact Information Center report recipients, since a survey of a sample of persons who had lived in Fairbanks more than 10 years shows that only 17 percent felt that they had benefited from the pipeline. A comparison of these surveys is given in Figure 7.

In spite of the fact that only 10 percent said that they had had positive personal experiences with pipeline impact, 20 percent of the respondents said that pipeline impact in Fairbanks was better than they had anticipated prior to construction of the pipeline. And, although 48 percent said that they had had mostly negative personal experiences, only 36 percent said that pipeline impact was worse than they had anticipated. This suggests that the readers of the Impact Information Center reports had a more positive perception of pipeline impacts than their own experiences would have generated. Perhaps even more significant one person living outside of Alaska felt that the Impact Information Center reports seemed to provide a perspective on Fairbanks different from the news media:

Has helped us in Seattle to better understand many of the problems faced by Alaska citizens. Thanks.

In general, it seems that the Impact Information Center reports served to broaden the types of information upon which people developed their attitudes toward pipeline impact.

Fairbanks Town & Village Association
For Development, Inc.
Gerald Smetzer
Executive Director

Figure 7
QUALITY OF PIPELINE IMPACT EXPERIENCES
Impact Information Center Report Recipients and Fairbanks Residents

Quality of Experiences	IIC Report Recipients	Fairbanks Residents Total Population	10 yrs. or More
Highly positive, received benefits	10%	35%	17%
Highly negative, borne the costs	48%	46%	57%
Both positive and negative, both or neither receiving benefits and/or bearing costs	42%	29%	26%

Sources: Impact Information Center survey of report recipients, January 1977. Research Notes: Fairbanks Community Survey, by Jack Kruse, Institute of Social and Economic Research, University of Alaska, Fairbanks, December, 1976.

It is that 42 percent of the Impact Center evaluation questionnaire respondents felt that they had had both positive and negative impact experiences, as compared to 29 percent of the population at large.

Impact Information Center Reports seem to have helped people put their own impact experiences into perspective. "You aided greatly in my ability to comprehend and deal with the boom," one reader wrote. Some gained a perspective on their own personal experiences:

We tend to exaggerate the adverse impacts we expect from a new development and find it difficult to identify what "impact" consists of after the event occurs. Even though I work for the government, my job was probably easier to get because of the pipeline. But I'm one of the lucky ones. Neither my husband or myself were lured by big money. As a result, we spent the time together rather than separated for 8 weeks at a time.

Others gained a perspective on the community and their relationship to it:

It has brought Fairbanks into the modern era in one great unrelenting experience instead of gradually, as in most U.S. towns. This dynamism has encouraged me to stay and be both a participant and an observer in its future growth.

These problems didn't affect me personally to any great extent but did make me question the actions, veracity and attitudes of our local governing bodies.

... satisfaction of knowing our service was a real asset to the community.

Appendix 9

THE IMPACT OF THE TRANS-ALASKA
OIL PIPELINE
ON RURAL COMMUNITIES IN ALASKA'S INTERIOR

Final Report

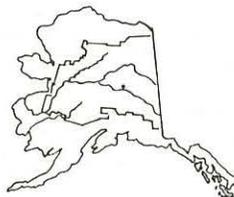
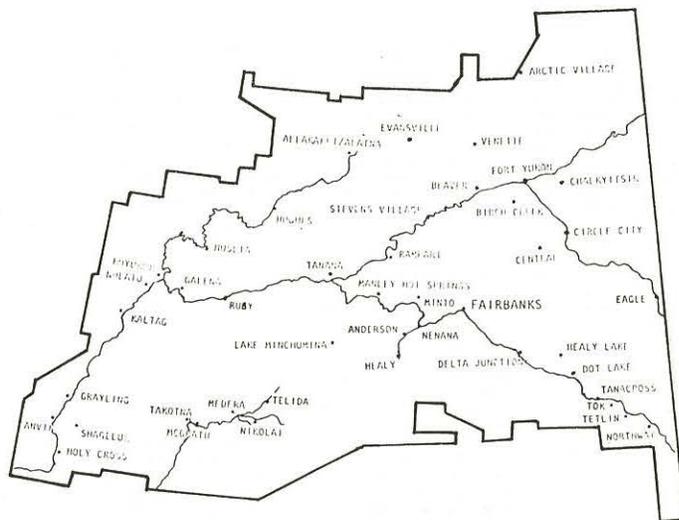
JUNE 1977

RURAL IMPACT INFORMATION PROGRAM

Judy Vick
Project Coordinator
March 1975-March 1976

Christina Kowalczewski
Project Coordinator
November 1976-June 1977

INTERIOR COMMUNITIES



100 MILES
Scale

INTRODUCTION

The Rural Impact Information Program was established in March of 1975 to monitor the impact of the construction of the trans-Alaska oil pipeline on the people and communities of rural Interior Alaska. The results of that monitoring effort have been reported in a series of publications issued by the Program. This final report contains several new studies, some updated versions of earlier studies, and a few reports taken directly from earlier publications. Together they provide a picture of the impact of the pipeline on the rural areas of the Interior.

The available information has led to the following conclusions regarding pipeline impact.

Pipeline Employment: Over 5,700 Alaska Natives were employed in the construction of the trans-Alaska oil pipeline; they comprised almost 10% of the total workforce on the project. Natives in the Interior did particularly well, filling a total of 4,817 jobs.

A comparison of results of surveys of the rural Interior workforce before and after the pipeline shows an increase in job skills and union membership because of pipeline work experience. However, unemployment rates in rural areas currently appear to be reaching pre-pipeline levels.

Cost of Living: Food and housing costs generally rose in the rural areas of the Interior but not as rapidly as Fairbanks' costs. There was a wide variation in food price increases in villages because of changes in amounts purchased and transportation costs.

Government Services: In 1971 the state began an ambitious program of facilities construction and increased services with revenues provided by the oil lease sales. Rural areas appear to have shared in the benefits of that program. However, per capita state expenditures decreased during the actual construction of the pipeline because of the large increase in the state's population. Specially appropriated impact funds were directed towards communities experiencing population growth as a direct result of pipeline construction.

Population Changes: Highway communities in the Interior grew rapidly during the pipeline period. Population increases of several hundred percent were not uncommon. Hub communities in non-highway areas also grew but not to the same degree. Most non-highway villages maintained stable populations.

Loss of Community Manpower: All Interior communities experienced manpower shortages to some extent. The most severe impact was felt by the smaller villages where few people were qualified to take over for essential personnel who left for pipeline jobs.

Communications: Poor communication facilities in the bush hindered the employment of rural residents since they could not always be contacted in time to take advantage of available jobs. The facilities have recently been improved but not until the pipeline project was almost complete.

Transportation: Both scheduled and chartered flights to rural communities increased during the pipeline period. Smaller aircraft were in use because Wien subcontracted most of its bush flights in the Interior to smaller air carriers. This led to problems with village freight deliveries, particularly large items such as automobiles.

RILP's efforts to document pipeline impact were frequently hindered by a lack of available information on changing conditions in the villages. Not only was little known about conditions prior to the pipeline but state agencies often kept records in such a way as to make it difficult, or impossible, to determine what was happening currently. The Program staff found it necessary to devote much of their time to researching the availability of services and facilities in each of the communities in the Interior. Although this research resulted in the publication of a valuable reference document (Community Facilities Surmaries, October 1975; revised, June 1977), the time expended on that effort reduced the Program's ability to thoroughly investigate pipeline impact. Out of necessity, the Rural Impact Information Program became more of a "rural" than an "Impact" information program.

Perhaps the major conclusion to be drawn from the Program's findings is that studies of rural Alaska must not be limited to times of exceptional circumstances. If "Impact" studies of rural areas are to have any validity they must be based on a knowledge of social and economic conditions during "ordinary" times.

RECOMMENDATIONS TO THE STATE FOR PREPARING FOR FUTURE "IMPACT" SITUATIONS IN RURAL AREAS

- Recommendation #1:** Data on conditions in rural communities should be gathered and published on a regular basis, not just during impact periods. Adequate planning for impact situations is not possible without an understanding of existing conditions. A meaningful analysis of impact is impossible without baseline data with which to make comparisons.
- Recommendation #2:** State record-keeping should allow retrieval of information relating specifically to rural areas. Most state departments currently divide the state into regions containing at least one urban area, and regional reports make it impossible to differentiate between statistics for rural and urban areas.
- Recommendation #3:** State departments should monitor the demands made upon their services as a result of impact and should evaluate the adequacy of their response to those demands. The monitoring effort should continue throughout the impact period and should not be limited to providing justification for increased budgets.
- Recommendation #4:** Impact assistance in the form of grants or loans should be provided to communities early enough to allow for adequate planning and preparation. Funding should be continued throughout the impact period so that an evaluation process can be maintained and the accuracy of projected impacts can be confirmed or denied.
- Recommendation #5:** Increase in population should not be the only criterion for determining a community's need for impact assistance. Some communities that do not experience population growth nonetheless experience indirect impacts such as loss of valuable manpower. Assistance to these communities might take the form of training of additional members of the community in vital skills so that the loss of one resident does not endanger the delivery of a community service.
- Recommendation #6:** Planning for vocational training programs should be based upon a manpower skill survey of the resident population and an accurate assessment of manpower needs on the project. Training should begin early enough to allow completion of a course before actual work on the project begins, and the skills taught should be transferable to other jobs.
- Recommendation #7:** A special effort should be made to provide rural communities with information on jobs and business opportunities resulting from the new development. Of particular importance are procedural manuals for joining unions and obtaining training and employment assistance.
- Recommendation #8:** Employment and training assistance programs should be coordinated to avoid duplication of effort and to make maximum use of existing services and facilities.
- Recommendation #9:** State regulated services such as transportation and communications should be monitored to ensure that services to rural areas are not curtailed because of new commitments to large industrial development projects.

The Rural Impact Information Program was implemented in March, 1975, as a joint effort of the Fairbanks Town & Village Association for Development, the Fairbanks North Star Borough Impact Information Center and the Tanana Chiefs Health Authority. During its first year the program operated under a contractual agreement between the Department of Community and Regional Affairs on the one hand and the Fairbanks Town & Village Association, the North Star Borough Impact Information Center and the Tanana Chiefs Health Authority on the other hand. The first contract, signed in February, 1975, provided for \$15,600 state funds and \$1,800 in-kind services over a period of four months. A second contract that extended the program's funding by eight months was signed in June, 1975. The second contract provided for \$17,300 state funds and \$8,700 in-kind services.

In June of 1976 the state legislature made a special appropriation of \$30,000 to the Fairbanks Town & Village Association for continuation of the program during FY '77. The appropriation was administered by the Department of Community and Regional Affairs. Because of delays in the hiring of a new project coordinator, a contract with Community and Regional Affairs was not signed until November, 1976. The Rural Impact Information Program operated for a total of 20 months during the period of March, 1975 to June, 1977.

The program has had a full-time staff of one project coordinator and intermittently a part-time secretary. During the first year, guidance for the program came from a Steering Committee composed of the sub-regional directors of the Tanana Chiefs Health Authority and several other persons with experience in the Interior communities. The committee only met twice, primarily because of the cost and scheduling problems involved.

The initial goal of the program was "to document what is happening in rural Interior communities as a result of pipeline construction." Geographically the project has included the 46 communities that lie within the co-terminus boundaries of the Tanana Chiefs Conference and the Fairbanks Town & Village Association, an area as large as the State of Texas. Initially the goal was only further defined as "gathering, analyzing, and distributing information concerning the rural communities of Interior Alaska."

The lack of parameters allowed for maximum flexibility which in turn resulted in the identification of four types of informational needs, each of which could have been a project in itself. Only by trying to respond to each of these needs was the project able to identify them and realize their magnitude:

1. Gather and disseminate general and specific information needed by persons living in outlying communities in order to take advantage of programs and opportunities during pipeline construction.
2. Gather and disseminate data analyses relating to socio-economic change in outlying communities during pipeline construction.
3. Gather and disseminate general information about rural towns and villages.

APPENDIX "H"

ALASKAN IMPACT CENTRE INFORMATION

YTG RESUME

The founding of the Fairbanks Northstar Borough Impact Centre followed the Borough Assembly's recognition of a growing demand for such information required by the public bodies concerned with examining social changes taking place in that area. The need was also recognized by the State Government of Alaska and funding was provided the Borough to establish the service.

The Fairbanks Northstar Borough Impact Centre was financed by the state up to the end of 1976 and the Borough funded its continued operation to June of 1977. The impact program has now been discontinued and the former project co-ordinator is now heading a Community Information Program which, with limited budget resources, is providing basic information on an "as needed" basis. The agency is also trying to maintain continuity coverage on the original baseline information. The Fairbanks area has not started consideration of the gas pipeline construction impact studies. Funding for the Community Information Program is being provided by the Borough.

The Borough's impact centre had an advisory committee appointed from representative community groups by the Borough mayor with the concurrence of the assembly. Groups represented were University of Alaska, Borough Assembly, Blacks, Natives, Minister (church), Pipeline Company, Chamber of Commerce, Environmental Protection and Unions. Meetings were held monthly, however, it was recommended that quarterly meetings would have been sufficient providing the board members were individually available to discuss their interest areas whenever required. It was also recommended that an eleven member board would provide a better majority attendance record for meetings. All Advisory Committee meetings were open for public attendance with varying public interest.

The staffing for the centre consisted of a Project Co-ordinator, an Information Assistant and a Secretary. A second Information Assistant was hired under a state funded staff training program for approximately one year.

The co-ordinator has repeatedly stated that their staffing was inadequate for the number of study areas required to be covered. No study funding was provided the centre, consultants did not provide any services to the centre and the only related study was carried out by J. Kruse of the University of Alaska using funding from the "Men in the Arctic" program. Information from native villages and smaller communities was either unavailable, collected sporadically or difficult to obtain due to lack of staffing. The federal and state governments, while showing interest in the community impact problems, only collected information to support their standard reporting system. Federal and state collected data was considered as being of minor assistance to the impact centre staff in their collection of data.

Report publication was contracted out to commercial printers since the centre's staff found that too much of their limited time was being used up in the collation and gathering of in-house printed reports.

The reports were primarily distributed by a monthly newsletter circulated to a mailing circulation list of users. In addition the news media disseminated the agency information to the general public as news reports and interviews. Specific information requests were met from existing information available or supplied as the requested subject was completed by the agency.

The Fairbanks Northstar Borough Impact Centre gathered information covering the Fairbanks area and the immediately surrounding communities. A second information gathering agency, the Rural Impact Information Centre was operated through the Fairbanks Town and Village Association for Development, Inc. and funded by the State of Alaska. This centre had a separate advisory board which included the Tanana Chiefs and representatives of such outside communities as Galena.

The Rural Centre was staffed by a Co-ordinator, one research worker and a secretary. A photographer was provided on a service contract to gather pictorial information. Baseline information was gathered through questionnaire surveys distributed and gathered by Tanana Chiefs, as well as information gathered or provided by community representatives who were not paid staff members of the agency.

Two other impact studies for pipeline affected communities were funded by the State of Alaska for varying periods of time. The City of Valdez carried out some studies using a consultant for approximately one year ending in 1976. No pipeline completion information is available for that community.

The Copper River Native Association Incorporated was funded for the state for a two month research project using one Research Co-ordinator and a board of directors consisting of three persons.

The State of Alaska did not try to formulate a statewide impact information monitoring agency and reports are not available for the other state communities who received state pipeline impact grants during the construction of the Trans Alaska Pipeline System. The result is a very indistinct picture of the extent of the over-all impact on the state communities.

Post construction discussions with community leaders, impact agency staff, state officers, etc., offers a consensus that a statewide agency continuously monitoring the effects of the project throughout construction would have produced a valuable aid to future study of a large development project's over-all effects in greater perspective. In addition it was recommended that an in-depth examination of all baseline data would be valuable at three specific points of time:

1. prior to construction;
2. at the height of project construction;
3. following construction completion.

The system used in the Fairbanks Rural Impact Study of Rural Communities, of using community observers to compile information, provide comment on local situations, and gather local questionnaires provided positive community input and community resident access to the information gathering process.

W. Bilawich,
Special Projects

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