



The Yukon Legislative Assembly

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Debates & Proceedings

Thursday, February 23, 1978

Speaker: The Honourable Donald Taylor

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

We will proceed at this time with Morning Prayers.

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper. Are there any Documents for Tabling?

The Honourable Minister of Human Resources.

TABLING OF DOCUMENTS

Hon. Mrs. Whyard: Mr. Speaker, I have for tabling the draft agreement between the Government of Canada and the Government of the Yukon Territory covering the transfer of Health Services.

Mr. Speaker: Are there any further Documents or correspondence for tabling?

Are there any Reports of Committees? Petitions? Introduction of Bills? Notices of Motion or Resolution?

Are there any Notices of Motion for the Production of Papers? Statements by Ministers?

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

The Honourable Member from Ogilvie.

QUESTION PERIOD

Question re: Learchs Report - Tabling of

Ms Millard: Mr. Speaker, I have a question for any Member of the Government. On November 8th, last, the Motion for the Production of Papers was passed in this House asking for the Learchs Report on the Clinton Creek closure. I'm just wondering if that's available and when is it going to be tabled?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, yesterday there was some questions and answers in respect to the Clinton Creek, and its closure. It will be discussed tomorrow, and whatever information we have will be brought forth later on next week.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Question re: Social Welfare Ministers' Conference

Mr. Lengerke: Yes, Mr. Speaker, I have a question for the Minister of Human Resources this morning. I am just wondering if there is any plan for the Minister to attend the provincial Ministers' meeting, I believe, to be held in Ottawa in March, or is it the intent of our Minister to be there?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, we would be very pleased to attend the meeting of provincial ministers of social welfare, which has been called by the Federal Minister, the Honourable Monique Begin, for March 6th and 7th, however, we are not invited.

Mr. Speaker, we have received a message from the Deputy Minister of Indian Affairs and Northern Development informing us that we have a choice of either attending as a member of the Federal departmental delegation to that meeting, or of sending one of our officials to sit as an observer, and Mr. Speaker, I am afraid that doesn't quite come up to our standards of participating. We have attending all the meet-

ings at official levels, our officials have gone to them. My staff have been familiarized with the financial arrangements, which are the reason for this meeting, and their advice to me today is that there is nothing to be gained by going to hear the same financial arrangements described once more, because they would have no opportunity to comment, and no opportunity for additional input into the discussions.

I am very distressed, Mr. Speaker. These are the same provincial ministers with whom we sat in September in Edmonton, welcomed as equals by the provincial ministers. We took part in the conference representing this Government, and now the same people, Mr. Speaker, are going to sit around a table to discuss the same problems, but because the meeting is in Ottawa, not Edmonton, suddenly the Yukon and the NWT are not welcome.

Mr. Speaker, is not good enough.

Mr. Speaker: The Honourable Member from Kluane.

Question re: Electrical Public Utilities Board Report

Mrs. Watson: Mr. Speaker, I have a question for the Minister of Consumer Affairs, I believe, is the Minister in charge of this now. My question is, has the Government received a copy of the report that was commissioned by the Electrical Public Utilities Board on the feasibility of electric rate equalization throughout the Territory?

Mr. Speaker: The Honourable Minister of Consumer and Corporate Affairs.

Hon. Mr. Hibberd: Mr. Speaker, that report has just been received and it has not yet been reviewed by the Executive Committee.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, a supplementary question: will that report be made available to the Members of this Assembly?

Mr. Speaker: The Honourable Minister of Consumer and Corporate Affairs.

Hon. Mr. Hibberd: I would expect it would, Mr. Speaker.

Mr. Speaker: I'll allow one further supplementary only. The Honourable Member from Kluane?

Mrs. Watson: When?

Mr. Speaker: The Honourable Minister of Consumer and Corporate Affairs.

Hon. Mr. Hibberd: Next week, Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Contracting in Yukon

Mr. Fleming: Yes, Mr. Speaker, a question for the Minister of Local Government this morning, pertaining to contracting in the Yukon Territory. As I understand it, there is a ten per cent bid, usually, with the bid, ten per cent cash or cheque or so forth, then a performance bond and, in some cases of large contracts, another ten per cent hold-back later on.

In any of these areas, does the Yukon Territorial Government accept Canadian securities?

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

Hon. Mr. McKinnon: Mr. Speaker, I found, in dealing with any contract regulations, that it's far better to get a legal opinion before I put my foot in my mouth and I will do so in this instance, also, Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua.

Mr. Fleming: Supplementary, Mr. Speaker, I'm not quite sure, I think the Minister did say he would get the legal opinion?

Hon. Mr. McKinnon: Yes.

Mr. Fleming: Thank you.

Mr. Speaker: The Honourable Member from Ogilvie.

Ms Millard: Mr. Speaker, supplementary to the question from the Member from Kluane, about the feasibility study from the Electrical Public Utilities Board.

Last Session, or the beginning of this Session last fall, we passed a motion in this House that that report be tabled immediately that it was on receipt of the Executive Committee and what's happened to that motion? Are we not going to be responded to?

Mr. Speaker: The Honourable Minister of Consumer and Corporate Affairs?

Hon. Mr. Hibberd: Exactly as the procedure is outlined will be followed when Executive Committee has received it.

Mr. Speaker: Are there any further questions? The Honourable Member from Whitehorse Riverdale?

Question re: YWCA-Financial Assessment

Mr. Lengerke: I have a question for the Minister of Education. Earlier this Session I had asked a question, and it is one that is a little closer to home with respect to the YWCA. I am just wondering, the Minister promised that there was going to be a financial assessment done of that and he said that this would be made available. Has it been done, and is it available?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, at the present time, within the next week or two weeks, there will be discussions with the City of Whitehorse to look at the various uses that the building could or might be made of. At the same time, Mr. Speaker, at that time we will have received an appraisal of the building and will be reviewing it and will be discussed at a later date with the City in the next couple of weeks, and then subsequently we may, if the City and the Territorial Government can come to a common agreement on the use of the building, we will be going into some hard negotiations with CMHC.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Supplementary to that: I was led to believe that the discussions with the City have already taken place, have been concluded and that there are certain recommendations been made.

Mr. Speaker: Order please. Would the Honourable Member please state his question?

Mr. Lengerke: Is that correct, Mr. Minister?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, there was just preliminary discussions. We are getting down on to firmer ground now and hopefully we will have some resolution of the problem here within the next month.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Sunset Home in Dawson

Ms Millard: A question, Mr. Speaker, for the Minister of Human Resources. On January 11th the Klondike Senior Citizen's Society sent a letter to all of us requesting that the building known as the Sunset Home in Dawson City be transferred to them for a period of ten years. Has any action been taken on this?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, I received that letter only this weekend, when a representative from the association in Dawson was here at a meeting, which I attended. It is now on my desk. The group who are supporting this proposal have

my whole-hearted support and they know it. I am now investigating ways and means of activating it.

Mr. Speaker: The Honourable Member from Kluane?

Question re: Haines Junction Refinery-Land Use Application

Mrs. Watson: Yes, Mr. Speaker, my question is for any member of the Government who is able to answer it. Has a land use application been made for the reactivation of the refinery at Haines Junction?

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

Hon. Mr. McKinnon: I would be pleased to take that question as notice, Mr. Speaker. I do not know of a land use application at this point in time.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: National Northern Park

Ms Millard: Mr. Speaker, a question for any member of the Government. What discussion, if any, has taken place with the Territorial Government on the subject of the proposed National northern park on the northern coast of the Yukon?

Mr. Speaker: To whom is the question addressed?

The Honourable Minister of Renewable Resources?

Hon. Mr. Hibberd: Mr. Speaker, the basic proposal that went into a northern park was done by the Federal Government without consultation with this Government. When this Government finally became aware that such plans were in the works, they made direct representation to have some input into that. As a result a task force was formed and the Territorial Government participated in their meetings.

Unfortunately, none of the suggestions that have been offered by this Government for the formation of how that land is to be used, those suggestions have not been acted on, they have not even really been considered when one reads the minutes of the meetings that have gone forward.

So we are continuing to try to have in-put into that plan, to change it to what would be best for Yukoners all round, instead of nearly creating a northern park.

Our concern is more along the lines of management for the caribou herd, wherever it might be. So, it involves a good deal more land than just a northern park. It involves a good deal more management than just one area, or just one species. This is the kind of in-put an overall land management policy is what we're trying to get in place now.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, my question can be answered by any Member of the Executive Committee, did our Government point out to the federal people that, under the Territorial Lands Act, there is a requirement before land is taken for national park purposes, there should be consultation with Members of the Territorial Council? It's in the Act.

Mr. Speaker: The Honourable Minister of Renewable Resources.

Hon. Mr. Hibberd: Mr. Speaker, we have considerably more problems than that. The Dempster Highway, under the *Yukon Act*, the highways of this Territory are under the jurisdiction of this Government and we're having considerable difficulty in convincing the Federal government that we should have the responsibility for managing the Dempster Highway. So far, they are drawing up plans, they are presumably changing their own legislation to fit management of that Highway, with no in-put from this Government.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Teslin Subdivision

Mr. Fleming: Yes, Mr. Speaker, a question for the, Mr. Commissioner or his assistant, this morning. On what the Federal Government call the Teslin subdivision lots, or so, last summer, and lease, they were not sold, they were lease lots. From all reports today and from some of the people that bought those lots, I have heard that there is a problem because of the pipeline corridor. It is too close to that area and on the fringes of that area, or one that I definitely know of, that the Federal Government have been trying to take back the lot from them, even though he has already got the building partially built on it and I am wondering at this time, if the Commissioner would consider looking into the matter and if the Commissioner would consider backing that person or persons that have that problem, a little bit, in retaining what rightfully is theirs.

Mr. Speaker: Mr. Administrator.

Mr. Deputy Commissioner: Mr. Speaker, I will take it upon myself to do what I can to find out the information for the Honourable Member.

Mr. Speaker: Are there any further questions? The Honourable Member from Ogilvie.

Question re: ERPU-Questions Regarding

Ms Millard: Mr. Speaker, a question for Mr. Administrator: I have on the Order Paper two written questions which have now been on for two and a half months, both concerning the Economic Research and Planning Unit, which is the Commissioner's Office's responsibility. I'm wondering if I can have some comment on when I might expect an answer.

Mr. Speaker: Mr. Administrator.

Mr. Deputy Commissioner: Mr. Speaker, I cannot give you an answer today, so I'll promise you something next week, on Monday.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: Arctic Resources Conference

Mr. Lengerke: Yes, Mr. Speaker, the Member from Kluane asked the question I wanted to ask, however, I have one for the Member from Ogilvie, this morning. I'm just wondering, the Member just returned from, I believe, the Arctic Resources Conference, and I wonder if she could just comment, very briefly, as to how it went?

Mr. Speaker: This would have to be very brief. The Honourable Member from Ogilvie?

Ms Millard: Yes, Mr. Speaker, it will have to be very brief. It took us two and a half days, so it is a very lengthy and complicated thing that happened. The Canadian Arctic Resources Committee is normed of people who work in universities, business people, and native organizations: all concerned with what is happening North of 60. As usual, I found a lot of them have never been north and a lot of them don't know what is happening. I was particularly disturbed to find that the section that I was in, the political development section didn't have any information on the Yukon. Unfortunately I had the prescience to take a whole bunch of stuff with me, which I copied, and everyone was grabbing up like mad, because they finally were informed about what is happening in the Yukon.

Also, another negative observation was that I am afraid that southerners really presume that the Northwest Territories is all that consists of the North. They want to apply what is happening in the Northwest Territories to what is happening in the Yukon and of course that is not true and I tried to make that clear, especially in the political development section.

Mr. Speaker: Order please. Was the Honourable Member attending as a representative of the House, or a representa-

tive of the Committee of the House?

Ms Millard: Mr. Speaker, I was attending, I understand the mandate I was given was as an individual MLA, but as a member of the Standing Committee on Constitutional Development, I of course, presented the views of that Committee which have been unanimously passed here. I made certain that our two reports were clearly enunciated, I read them into the record, and also everyone has a copy of it. In fact there weren't enough copies and I have lists of people to send things to.

However, I made it clear that I was there as an individual member so that I did not commit this House to anything.

On the more positive side, I found that we have taken a fairly responsible attitude towards constitutional development and people were supportive of what has happened with the Constitutional Committee, and certainly gave us a lot of moral support in attempting to prove that the wise men in the East aren't really the ones who should be making the decisions for us.

Mr. Speaker: Order please, I think there has been a sufficient response to the question by the Honourable Member.

Ms Millard: One more item, Mr. Speaker, if I could?

Mr. Speaker: Yes.

Ms Millard: There was unanimous support, I think, from all sections in the conference to reject the idea of the Drury Commission and I am very proud to say that our Committee rejected the idea after about five minutes consideration that we are so tired of having Ottawa decide things for us, and of course the Northwest Territories has the Drury Commission running around. He is also on another commission, a Federal Commission, he is not in the Territories, and he is holding private consultations. He will come out with recommendations, which will then be commented on and so we can see that the Federal policy has been carried out in regard to constitutional development and I think we have made a good, responsible, and aggressive stand in constitutional development.

Mr. Speaker: Order please, I think the question has been more than sufficiently answered. Are there any further questions?

We will then proceed, the Honourable Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, I have today the answer to written question number 39 concerning Health Services for status Indians, and Mr. Speaker, since the Honourable Member from Hootalinqua read the question into the record yesterday, could I have the permission of the House to read the reply?

Mr. Speaker: If the reply is not too lengthy. If the reply is lengthy, I think we should file it and table it in the normal manner.

Hon. Mrs. Whyard: It is just one page, Mr. Speaker.

Some Members: Agreed.

Hon. Mrs. Whyard: The Government of Canada has been responsible for the health care costs of persons of registered Indian status. This is the particular issue which is presently delaying the transfer of the delivery of health services from Canada to YTG.

Section 25.5, Yukon Health Care Insurance Plan Regulations reads: "Every employer shall, each month, deduct from the remuneration of each of his employees, the amount of the required premium and shall remit the amount deducted to the Administrator not later than the tenth day of the following month."

There are no separate arrangements or legislation to exempt persons of registered Indian status from this regulation.

It is the policy of the Department of Indian Affairs and Northern Development to pay premiums only for persons of registered Indian status who are not currently employed.

Premiums for persons of registered Indian status who are currently employed would be remitted to the Plan in compliance with Section 24 of the YHCIP Regulations.

b) The *Workers Compensation Ordinance* provides for all employers to cover their workers for any injury or death by accident, arising out of and in the course of employment, with the exception of

(1) employed in employment of a casual nature otherwise than for the purposes of the employers' industry,

(2) an outworker,

(3) a domestic servant -- I didn't know there still were any, and

(4) every person who is a duly or appointed clergyman, member of a religious order or a lay reader.

Therefore, all employers who employ status Indians have to pay the assessment the same as other employers in their industry, as they are not exempt.

(c) Band lists are compiled and issued by Indian and Eskimo Affairs Branch, DIAND, normally in June and December, with interim amendments issued periodically.

(d) A close liaison is maintained between YTG and the Local regional office of Indian and Eskimo Affairs Branch, to ensure that the most current list is in use.

(e) There are no contracts in existence at this time, concerning services rendered to Indians by YTG on behalf of Canada. Normally the contract itself would contain provisions for audit by both parties to ensure that verification and maximization of payments would occur. Normally YTG would not attempt to obtain payment from an individual, when another agency or party has the responsibility.

In cases where payment has been obtained in error from the individual, corrective action would be taken to obtain payment from the proper source, as soon as the error was discovered and the individual reimbursed.

Mr. Speaker: Just, perhaps, before we leave the Question Period, I had erred in permitting the question this morning, as raised by the Honourable Member from Whitehorse Riverdale, or the question asked by the Honourable Member of the Honourable Member from Ogilvie, and the strict rule is that no question could be put by one private member to another, except on the orders of the day, and, so perhaps Honourable Members could be guided by this rule in future.

We will now proceed to Orders of the Day, under Motions and Resolution.

ORDERS OF THE DAY

MOTIONS

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

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

Mrs. Watson: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Pelly River, THAT it is the opinion of this House that the Honourable Hugh Faulkner, the Minister of Indian Affairs and Northern Development relieve Dr. Arthur Pearson of his duties as Commissioner of the Yukon Territory and appoint an acting Commissioner who has had experience in and is familiar with the administering of the Yukon Territory, pursuant to

Section 4 of the *Yukon Act*, and:

THAT the relief of Dr. Pearson as Commissioner of Yukon continue until the Stratton Inquiry has completed its investigation into the role of the Commissioner and other persons leading to the discontinuance of proceedings in the Supreme Court concerning the alleged professional misconduct of Allen Lueck, a barrister and solicitor of the Court; and its decision rendered, and until the investigation by the RCMP regarding possible forgery and falsification of affidavits in which the Commissioner may have been involved is concluded.

The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker. I certainly find it difficult to speak to the motion. I find it even more difficult to bring the motion before the House. It wasn't done hastily and a lot of decision and a lot of thought was given to it.

I know that some Members of the House sitting here today resent the motion, not because they think there is no grounds for the motion, but simply because they would rather not make the decision. After all, we are all compassionate human beings, and we don't like to see someone else hurt, but we have to remember that we are in a unique position here in this House and we don't have the privilege of speaking for ourselves, and we don't have the privilege of side-stepping an issue, overlooking something because we can't bear to make a decision.

With public office goes responsibility to ensure that our Government has the confidence of the people it serves. Even more important, to ensure that the people and the various components of that Government have the confidence in the integrity of their leader, their Chief Executive Officer.

How can we have confidence, Mr. Speaker, in the integrity on a day to day basis at the present time, when the Legislative Return, which was tabled in this House in answer to a question which was put forward by the Honourable Minister of Consumer and Corporate Affairs? The question read: "Would the Commissioner advise this House on the circumstances surrounding the withdrawal of the charges of professional misconduct against the local lawyer and of the Commissioner's role in the matter?"

When one reads the Legislative Return and compares it to some of the statements that have been made in evidence given by the Commissioner, there is quite a variance from his role in this Legislative Return and his role in the evidence that was given before the Stratton Inquiry.

Mr. Speaker, I would point out that the Legislative Return is concluded in this matter. These are the plain, unvarnished facts. "I believe they show that the Deputy Commissioner and I have acted throughout in a responsible, proper and honourable way".

In the evidence, there was no mention of a personal investigation, with the lawyer who is being charged, by the Commissioner. There was no mention of the illegal opinion which was sought by the Commissioner from the solicitor of the Government of the Territory.

Mr. Speaker, I find it extremely disturbing in the Legislative Return, when the Commissioner refers to the new *Legal Professions Ordinance*, with a new Yukon Discipline Committee, thereby removing the responsibility for policing the legal profession from this Government, when the *Legal Professions Ordinance*, at that time, was to be enforced by the Legal Advisor to this Assembly and the presumption that because a member of the public service of the Yukon Territory wore two hats, that the Government had control of that person while they were wearing the hat of Legal Advisor to this Legislature.

And, Mr. Speaker, we have several positions of a very sensitive nature, where people are supposed to perform a function with allegiance, complete allegiance to another body other

than the Government of the Territory, and yet they might be Government employees. Two of the officers of this House are in that position, in very sensitive positions. I would hope very much that the Commissioner of the Yukon does not feel they are acting as Government employees or on behalf of the Government, when they are serving this House, or that they can and must be or should be accountable to the Commissioner for the actions they take as officers of this House.

I sometimes feel in a very, very sympathetic position to these people. They are walking a very narrow line and when the Chief Executive Officer presumes—

Mr. Speaker: Order, please.

Mrs. Watson: —to automatically—

Mr. Speaker: Order, please. I would just interrupt the Member long enough to remind the Honourable Member that it is not competent for any Member to cast any reflections whatsoever on the Chair or the officers of the House. Would you kindly continue?

Mrs. Watson: Mr. Speaker, with respect, it certainly was not my intention to cast any reflection. I was expressing my sympathy for the almost undesirable position they must find themselves in.

Mr. Speaker, people have said in the House that by bringing the motion in it was prejudging, and this motion does not attempt to prejudge at all, it faces the facts as they are. Because of the nature of this Legislative Return, I am sure that every member of this House, when they receive a Legislative Return, now so signed, will wonder if in fact those are the true unvarnished facts. I have a great deal of sympathy for the Members of the Executive Committee and have had all during this time, because I realize, Mr. Speaker, there must be some common allegiance with a Committee if it is going to operate. Yet, on the other hand, when they are being bypassed, and surely they must realize the times they are being bypassed, it puts them in a very difficult situation. What actually is the role of the Executive Committee, and what obligation does the Commissioner in fact have to them?

In Mr. Chretien's directive to the Commissioner of the day, in 1970, he states: "I would support giving advice of Committee and especially elected members the fullest possible consideration in determining the course of action to be followed by you in any given situation."

The Government, the Commissioner of the day and the Government of that day, acting on that directive prepared a Sessional Paper outlining the duties and the functions of the Executive Committee and the Government of the Territory, and the relationship of the Government of the Territory to the Commissioner.

I quote from Sessional Paper dated October 28th, 1970: "The Executive Committee is to be consulted by the Commissioner in the exercise of his responsibilities and the advice of the Committee will be given full consideration in determining the course of action to be followed in any given situation." Yet, Mr. Speaker, in this situation, which has caused the whole Inquiry, the Executive Committee were bypassed and were not consulted. It also came out at the Inquiry that even though there are matters of grave concern, it does not necessarily mean those matters will be taken before the Executive Committee.

Mr. Speaker, I am sure that the Executive Committee, in their day to day functions, must wonder what actions are being taken that the Commissioner feels should not be taken to the Executive Committee. Apparently there have been no guidelines set for the Executive Committee or even for himself of what things to take to the Executive Committee, and yet this Sessional Paper said "in any given situation". It does not say the advice has to be accepted, has to be adhered to, but it

certainly does say the advice should be sought.

My question is how can the Executive Committee continue to function with confidence in this type of situation? Mr. Speaker, when I ask the Executive Committee questions about, particularly, why the Territorial Government has not been consulted by Ottawa before certain decisions are made, and quite a few of them recently, and they say, well, we haven't been consulted and I'm sure everybody wonders whether in fact we were consulted, but we don't know we were consulted.

Then of course, Mr. Speaker, yesterday, when the Honourable Member refused to answer the question that I put forward, and I can understand why he refused, but, on the other hand, I don't think he has the privilege, as an elected person, to refuse in these instances. I think the Government must, the Executive Committee Members must come forward and make some statement in this regard. There have been seven instances cited where a discreet, private investigation was carried on in areas of Members' responsibility. Three of them, the individuals were friends of the Commissioner. We don't want to know the names. We don't want to know the instances. We want to know that our Executive Committee is, in fact, looking at these things to see if wrongs have been done, particularly to members of the public, to see if some wrong has been done, so that corrective action could be taken.

Satisfy yourselves that nothing can be done. Maybe there's been an advantage by someone that shouldn't have had the advantage, but at least we should have the assurance, and the public should have the assurance, that you people are looking into it and you're going to take corrective action if necessary and that you have them in hand. Sitting there and saying, I'm not going to answer questions makes me wonder, and I know many other people wonder, well, what are these guys doing.

Hon. Mr. McKinnon: Well, Mr. Speaker...

Hon. Mrs. Whyard: How long is this going on?

Mr. Speaker: Order, please. Would the Honourable Member kindly address the Chair? Proceed.

Mrs. Watson: With respect, Mr. Speaker.

Mr. Speaker, my motion, and as I have stated before, does not prejudice the results of any inquiry and of any investigation. My motion, Mr. Speaker, bases the facts as they are today and whether the Government of the Territory can function with the credibility that it needs to function with and if it can function with the confidence of the people of the Territory, as the situation exists today.

Mr. Speaker, my motion also suggests that, on a temporary basis, until all of this is resolved, that an administrative person be appointed as an acting Commissioner.

Why do I specifically say that? I think it is very important to have someone who is aware of the administrative procedures and mechanics of the Territory. Mr. Speaker, we have political people within our Government, within our Executive Committee now, who are quite able to take over the leadership in the political areas of the Territory that we probably would be requiring the assistance to perform the administrative functions that are required to be performed under the Yukon Act.

Mr. Speaker, I am not going to be asking for support from the Members of this House. I have put this motion forward because I feel that the people of the Territory should have consideration given to this motion, and it is going to be a decision that each individual has to make on behalf of the Territory how they want to vote on this motion.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Mayo?

Mr. McIntyre: Mr. Speaker, I am sure that the Honourable Members who proposed this resolution are sincere. Nevertheless, I would consider its approval by this House to be contrary to the principles of justice and fairness in that it tends to prejudge one matter that is the subject of a public inquiry, and another that is merely being investigated.

I therefore move, seconded by the Honourable Member from Riverdale, that this debate be now adjourned.

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

Are you prepared for the question?

Some Members: Agreed

Some Members: Disagreed.

Mr. Speaker: Division has been called.

Madam Clerk, would you kindly pole the House?

Hon. Mr. McKinnon: Agreed.

Hon. Mrs. Whyard: Agreed.

Hon. Mr. Lang: Agreed.

Hon. Mr. Hibberd: Agreed.

Mr. McIntyre: Agreed.

Mr. Berger: Disagree.

Mr. Fleming: Disagree.

Ms Millard: Disagree.

Mr. McCall: Disagree.

Mrs. Watson: Disagree.

Mr. Lengerke: Agree.

Madam Clerk: Mr. Speaker, the results of division are: 6 yea, 5 nay.

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, I certainly am.

Mr. Speaker: Order please.

It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Hootalinqua, WHEREAS the Commissioner of the Yukon and the Administrator of the Yukon are appointed by the Governor in Council and administer the Yukon under instructions given by the Governor in Council or the Minister of Indian Affairs and Northern Development.

WHEREAS an inquiry was necessitated by certain actions taken by the Commissioner and the Administrator leading to the discontinuance of proceedings in the Supreme Court concerning the alleged professional misconduct of Allen Lueck, a barrister and solicitor of the Court,

WHEREAS the Commissioner in establishing the Inquiry expanding the Terms of Reference which had been adopted by Members of the Legislative Assembly to include an investigation into the initiation of the aforementioned proceedings, a matter which could have been determined by the Supreme Court.

THEREFORE it is the opinion of this House that the costs of this Inquiry should be borne by the Department of Indian Affairs and Northern Development rather than the people of the Yukon.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker. I am fully aware that the inquiry is expensive, inquiries always are expensive. I was aware of that when I brought in the motion for the inquiry, that it would cost the people of the Territory money.

I think if the inquiry would have been permitted to proceed under the resolution that passed through this House, it probably would have cost half as much as it is going to cost today.

Unfortunately, the terms of reference that were adopted by this House were not used in the terms of reference that were, which established, by Commissioner's Order, the Inquiry. I am referring specifically to the inclusion of and inquiry into what factual circumstances were the proceedings initiated and discontinued and who were the public officials involved, and I refer to the word "initiated".

This was left out of our terms of reference, because I think every Member in this House felt that the circumstances surrounding the initiation of the charges before the courts could well have been brought out and would have been brought out, had the case been allowed to go to the Supreme Court. Why, then, should we, as the taxpayers, pay for what we have a court system established for what something the courts can determine?

This action, this decision was made by, not a member, an employee of the Territorial Government, not an elected official of the Territorial Government, but an official who was appointed by the Governor-in-Council of Canada and two of the people who played a very important role, or a very role in the Inquiry, have their appointments in the Yukon Government by Governor-in-Council of Canada.

Mr. Speaker, I firmly believe that since the decision by federal employees was made to enlarge the Inquiry, that, in fact, the Government of Canada should be prepared to at least fund part of the Inquiry, at least determine what extra costs were added to the Inquiry by the unilateral decision that was taken by the Commissioner to extend the terms of reference.

Mr. Speaker, I found one of the most unfortunate things that happened in the changing of the terms of reference was the deletion of the third section of the terms of reference that we had all agreed upon, what measures should be taken to resolve this matter and to prevent similar matters from occurring in the future. And, to me, that is the key. It is not so much who is, who actually did something wrong. If a wrong was done, how can we prevent it from happening again. That's why you have an inquiry.

Instead, Mr. Speaker, that was dropped completely from the terms of reference and I am afraid that I think the fear was there that it could possibly have been a recommendation that there should be some changes to the position of the federal person within our Government and the suggestion could well have been for some constitutional changes. Unfortunately, that was not left in there and the Inquiry will not be reporting to the public on that.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Mr. Speaker, I would like to reply to that or speak to the motion. I have listened to the Member from Kluane, and I can certainly appreciate the intent of this motion, however, I can't really agree with it in its total with what the costs are at this time. I recognize that we have a responsibility certainly for a portion of the costs. We asked for the inquiry, and I also believe and I know, I am pretty well aware and this is the key, as the Member said, that the Executive Committee were also party to the expanded Terms of Reference, so I think that has a bearing. I would suggest that maybe we will be more successful in our efforts of getting back some

of the dollars and recovering some of the costs once we find out by the results of the Inquiry that possibly the Federal Minister had been involved in advising the Commissioner.

I would therefore move, Mr. Speaker, seconded by the Member from Mayo, that the debate be now adjourned.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Mayo, that the debate be now adjourned. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Speaker: Division has been called.

Madam Clerk, would you kindly poll the House?

Hon. Mr. McKinnon: Agreed.

Hon. Mrs. Whyard: Agreed.

Hon. Mr. Lang: Agreed.

Hon. Mr. Hibberd: Agreed.

Mr. McIntyre: Agreed.

Mr. Berger: Disagree.

Mr. Fleming: Disagree.

Ms Millard: Disagree.

Mr. McCall: Disagree.

Mrs. Watson: Disagree.

Mr. Lengerke: Agree.

Madam Clerk: Mr. Speaker, the results of division are: 6 yea, 5 nay.

Mr. Speaker: I must therefore declare that the motion has carried.

Motion agreed to

We will now proceed to Public Bills.

PUBLIC BILLS

Madam Clerk: Third reading, Bill 1, *Motor Vehicles Ordinance* standing in the name of the Honourable Mrs. Whyard.

Mr. Speaker: The Honourable Minister of Human Resources?

Amendments to Bill Number 1: First and Second Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek that the amendments to Bill Number 1 be now read a first and second time.

Mr. Speaker: It has been moved by the Honourable Minister of Human Resources, seconded by the Honourable Minister of Education, that the amendments to Bill Number 1 be now read a first and second time.

Motion agreed to

Mr. Speaker: When shall the Bill be read for a third time?

Bill Number 1: Third Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 1 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Human Resources, seconded by the Honourable Minister of Education, that Bill Number 1 be read a third time.

The Honourable Member from Kluane?

Mrs. Watson: Yes, Mr. Speaker, I am certainly going to be voting against this Bill for one very, very specific reason.

I pointed it out in the discussions in Committee, that a contravention, that the registration licence could be removed for a contravention of the *Motor Vehicles Ordinance*, a contravention of the *Fuel Oil Ordinance*, a contravention of the *Transport Public Utilities Ordinance*, and a contravention of the *Highways Ordinance*.

I could never vote for a piece of legislation which, in a very underhanded way, inflicts the penalty on three other pieces of legislation, through the *Motor Vehicles Ordinance*, and I brought it up and spoke on it when the Bill went through the first time and when the amendments went through. Mr. Speaker, unfortunately, it has fallen on deaf ears.

Mr. Speaker, I would also like to say that I do feel that this Bill was not given the time that it warranted. I am going to hear oh's and ah's from across the floor, but it is a very lengthy and a very complex Bill. Mr. Speaker, when you think that we went through it the first time in November, there were 90-some amendments brought back, the amendments were only made available to us the first day, at that time, to review. Some of them were very minor, but some of them were very, very important and, Mr. Speaker, in many instances, the debates on the amendments were cut off. In fact we had almost a closure for awhile there, on every amendment that came forward.

Mr. Speaker, it's for this reason that I hope that the party in power, and I mean power, reassesses their position when they are handling legislation. No one here wants to delay legislation. Our time is important, it is expensive to the taxpayers of the Territory, but I don't think the taxpayers of the Territory want us to pass legislation, laws that they have to live by, that we're not understanding ourselves or know very much about.

So, Mr. Speaker, I will certainly be voting against Bill Number 1.

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

Mr. Fleming: Yes, Mr. Speaker, I also will be voting against Bill Number 1, because there are many things, and I have in front of me at least five or six, that were very, very bad. It is very, very bad legislation in the amendments and the one is 16.1, there is no question about that one.

"Any person who is making an application for an operator's licence to disclose to the Registrar any disease or disability which may be expected to interfere with his safety..." "Expected" and the principle of a bill is to make a good bill. If this is a Bill for the people, I would like the Members across the House who pushed this through, to maybe check it over and read it again and just see what they actually voted for.

I'm speaking on the principle of this Bill now, when I say that when I ran for a Territorial councillor's position here, in this Assembly, I ran for the people and I declare today, and I think all members in this House declared that day, in those days, that he was running for the people but I see from some actions this morning, Mr. Speaker, that that is not always the case and in this Bill especially, it is not the case.

I am not going to stand up and quote any more, I know which way the Bill is going and I know what is going to happen. I happen to be a person that lives with the facts of life, so I will just sit down and see what happens.

Mr. Speaker: The Honourable Member from Pelly River?

Mr. McCall: Thank you, Mr. Speaker, I will be voting against this Bill for many reasons.

Speaking on the principle of this Bill, I see again, the irresponsibility of people that were elected by the public to represent them in a fashion that I am very disturbed with, Mr. Speaker.

Prior to our adjournment at Christmastime, we dealt with this Bill, along with other bills. The Executive Committee, Mr.

Speaker, made a commitment to bring amendments back that the various Members of the House or Committee requested. When we came back after the adjournment, Mr. Speaker, what happened? It seems that we are supposed to be running a deadline here and it was quite obvious starting Monday morning—

Mrs. Watson: Running is right.

Mr. McCall: —that by hook or by crook, the representatives on behalf of the rest of the Members of this House are going to jam it through no matter what.

I don't think, Mr. Speaker, that is responsible. They did the same with the fiasco on Workmen's Compensation. They messed that up like they messed the *Motor Vehicles Ordinance* up, because of irresponsibility. Yes, Mr. Speaker, we are going to be answerable for it, we are all members of this House, and we are going to be more answerable, Mr. Speaker, a little later on this year. I think some of the Members of this House are going to have the last laugh, believe me.

I think it is deplorable, I asked one of the Ministers, Mr. Speaker, during debate, what criteria is the Medical Review Board going to use as to the determining of diseases which would restrict a person's driving ability. He couldn't answer properly. He still hasn't provided that information.

But the Bill is being jammed through, irrespective. A further point was brought up, Mr. Speaker, dealing with the Driver Control Board. It was suggested in a sub-amendment, Mr. Speaker, that this Legislative Assembly have some form of input. It was defeated, typical. Jammed through, typical. Irresponsible, typical. I think the public is going to lose, Mr. Speaker, and I just hope they run into problems a little later on under the *Motor Vehicles Ordinance*, and then watch the same people, who are jamming it through, squeal.

Thank you, Mr. Speaker.

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

Hon. Mr. Lang: Mr. Speaker, I'd just like to make a few comments on the Bill, as it is now before us for third reading. I personally feel that, overall, it is very good legislation. Needless to say, that there will probably have to be minor revisions in a year or two years from now.

If we are all as intelligent as the Honourable Member from Klwane and the Honourable Member from Pelly, one only has to look back two or three years ago, when the *Motor Vehicles Ordinance* was amended at that time, and if they had that much foresight, we wouldn't have had to bring it forward to this House.

I think that there are a couple of things, Mr. Speaker, and I would like to point out to the Members in this House, as well as to the public, that allegations have been made to the Chairman of the Committee, who runs the Committee of the Whole, that he evoked closure. This is not true, Mr. Speaker, and I think that the Honourable Member from Klwane should give that Member an apology for the statement that she intimated and she made to this House this morning. I think it's totally and absolutely irresponsible, when, in view of the fact, Mr. Speaker, she did not even have the courtesy of attending the caucus to chose the Chairman for the Committee of the Whole for this Legislature. I think that it's an insult and I think that the Member deserves an apology.

At the same time, Mr. Speaker, I think I should refresh the Honourable Member from Pelly's recollection of what happened in the Committee of the Whole when, during debate, we needed unanimous consent to go back to a section to reconsider amending it and the Honourable Member wasn't in the House until unanimous consent was sought and he disagreed, Mr. Speaker, and the irony of the situation was that we were

going to amend a section on the request of the Honourable Member earlier in the Session.

I think that that demonstrates the obstructionist attitude that the Members have been taking towards legislation and I think, furthermore, Mr. Speaker—

Mr. Speaker: Order, please.

Hon. Mr. Lang: ...the public if finally decided—

Mr. Speaker: Order, please, order.

Hon. Mr. Lang: ...and finally going to agree that it's time our legislation be put through this House in a responsible manner.

Mr. Speaker: Order, please. The Honourable Member from Pelly River.

Mr. McCall: Mr. Speaker, I did not personally request that amendment, dealing with Section 7, or whatever—

Mr. Speaker: Order, please. I do not—

Mr. McCall: The Minister has made a remark that I—

Mr. Speaker: Order, please. I do not find that there is a point of order or, indeed, I cannot find that there is a point of privilege, because, as many Honourable Members may not know, allegations between Members as to facts or something said are not considered points of privilege.

Will the Honourable Minister of Education continue?

Is there any further debate? The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Yes, Mr. Speaker, I just wanted to rise and say that I have no problem with passing this Bill. I think I am a responsible enough person to be able to assess such a Bill as this and know if it is, I would think, in the best interests of the people, in the most part. I think it's a good Bill. Certainly I had objections to parts of it and I think I have voiced them. I think others did, as well.

I was just interested that the Member from Hootalinqua just a minute ago, voicing some objection to a clause and if he would just take a look, that clause was amended, amended to his satisfaction, I believe.

Some of the cornball statements that the Member from Pelly makes, I just don't agree with. I just don't.

And we've had a number of amendments and I realize that there was quite a number of them, but if you take a look at those amendments, they are very simple and a lot of them that were just typographical.

I think we've had some in-put. Certainly I've discussed the Bill with many people in the industry and who are going to be affected by it and I am satisfied that, certainly, it's not too bad.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker, I find it very curious that last speaker making statements that he objected to the Bill. Yes, he objected to the Bill prior to Christmas and the adjournment of this House, because he did not, at this particular time, belong to the so-called government side and the responsible side of the House.

Up to that time, Mr. Speaker, this particular member was sitting on the fence, and sometimes he was just about falling off his fence because he didn't know which side he should go on to. Should he be on the people's side of the fence or the government's side of the fence. I find it very curious those people standing up right now and saying they are responsible.

I think this Bill shows how irresponsible this Government and the Member who is saying they are irresponsible was, because it was a hodge-podge. Nobody knew where it came from, who set it up, nobody could explain anything. Every-

body was blaming everybody else for what was in the Bill and what was not in the Bill. To me this is a very irresponsible manner of creating a Bill.

The other thing, Mr. Speaker, as I said before and I say again, if we have responsible government, Bills like this would never reach the floor of this House because they would be proof read before so we wouldn't have to proof read and straighten out language that shouldn't be in the Bills. I mean, if we have a government side of the House, which obviously it seems to be that way, well you guys better do a better job before you present a bill to this House so we don't have to go waste months of taxpayers' time to proofread bills to straighten things so we have a meaningful bill. If this is what is going to happen from now on, Mr. Speaker, we are going to get presented bills which part are from Alberta and most actually are from Alberta. Again I find it curious, the Member from Riverdale stating yesterday he does not care about defeat, but Alberta is all right, because it is Conservative.

Mr. Speaker: The Honourable Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker I am sorry, I was going to rise earlier to thank the Honourable Members of the House for their cooperation and assistance in the past three days in clearing 94 amendments to this very large and involved piece of Legislation, most of which, I might say were at the request of the members, many of which, I might add Mr. Speaker, had to be moved into the Ordinance at the request of the Standing Committee on Statutory Instruments of which Mr. McCall and Mr. Fleming all are members. Mr. Speaker, I was going to thank the members for their assistance in clearing 94 amendments through this House in three days, which I think was most commendable, in view of the fact that they know the weighty load of legislation awaiting their very serious and intelligent consideration in the days to come. However, Mr. Speaker, it is impossible for me to extend my thanks for that cooperation because of the remarks which have now been made.

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

Some Members: Agreed.

Some Members: Disagreed.

Mr. Speaker: Division has been called.

Madam Clerk would you kindly poll the House.

Hon. Mr. McKinnon: Agreed.

Hon. Mrs. Whyard: Agreed.

Hon. Mr. Lang: Agreed.

Hon. Mr. Hibberd: Agreed.

Mr. McIntyre: Agreed.

Mr. Berger: Disagree.

Mr. Fleming: Disagree.

Ms Millard: Disagree.

Mr. McCall: Disagree.

Mrs. Watson: Disagree.

Mr. Lengerke: Gee now...I agree.

Madam Clerk: Mr. Speaker, the results of the division are: 6 yea, 5 nay.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the Bill? The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: I move, seconded by the Honourable Member from Whitehorse Porter Creek, that Bill Number 1 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Human Resources, seconded by the Honourable Minister of Education, that Bill Number 1 do now pass and that the title be as on the Order Paper.

Motion agreed to

Madam Clerk: Bill 4. *An Ordinance to Amend the Local Improvement District Ordinance*, standing in the name of the Honourable Mr. McKinnon.

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

Hon. Mr. McKinnon: Mr. Speaker, I have given a commitment to some of the Honourable Members to provide some further information to them. I would like to present them with this information and proceed with the third reading of the Bill on the day following.

Mr. Speaker: So ordered.

The Honourable Member from Pelly River.

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

Mr. Fleming: I second that.

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

Motion agreed to

Mr. Speaker leaves Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: This Committee will now come to order.

We will be considering Bill Number 3, *An Ordinance to Amend the Municipal Ordinance*, which was inadvertently omitted from the Order Paper, after a brief recess.

Recess

Mr. Chairman: Will Committee come to order, please.

We are now dealing with *An Ordinance to Amend the Municipal Ordinance*. We have read this thing, or reviewed it, twice, without passing any sections. So, this will really be the clause by clause consideration and we'll approve them section by section.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In Clause 1 at page 1, by deleting the word "alderman", where it occurs in line 7 and 9 of subsection 30(1) therein, and substituting therefore the word "aldermen".

Any discussion of this amendment?

Amendment agreed to

Clause 1 agreed to

Mrs. Watson: Mr. Chairman, that still leaves 30(2) in place, though? Okay.

Mr. Chairman: We go on to the next clause. There's an amendment in Clause 2 at page 1. Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 2 at page 1, by adding the word "other" immediately after the words "administrative officers and", where they occur in line 23 of paragraph 40.1(c) therein.

Hon. Mr. McKinnon: The phrase "other employees" is used throughout most of the Ordinance and this is simply, provides consistency in terminology throughout the Ordinance, Mr. Chairman.

Mr. Chairman: There's a second amendment to this clause. Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 2 at page 1, by adding the word "other" immediately after the words "officer or", where they occur in line 29 of paragraph 40(1)(d) therein.

Is there discussion.

Hon. Mr. McKinnon: There are further amendment, Mr. Chairman, to the same section.

Mr. Chairman: Shall the amendment to the Bill carry?

Hon. Mr. McKinnon: Mr. Chairman, there is a further amendment to Clause 2.

Mr. Chairman: Pardon me, there is another amendment to the clause 2 at page 2.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In clause 2 at page 2, by adding immediately after subsection (1.1) therein the following paragraph:

(c) by repealing subsection (2) thereof and substituting therefor the following: (a) An administrative officer or other employee who has been suspended pursuant to this section may appeal in writing to the council within five working days of his suspension, and the council may, after hearing, in committee or otherwise, an administrative officer or other employee who has appealed his suspension pursuant to this section, (a) extend, reduce or confirm the suspension of the officer or employee, (b) reinstate the officer or employee, or (c) otherwise vary any penalty imposed on the officer or employee.

Hon. Mr. McKinnon: One more, Mr. Chairman, and it all ties together, hopefully.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Just a comment on there. In other sections where they appeal, this is a question to the government, they say a committee of the council, and yet in this section you are proceeding with the youth in writing to the council.

Hon. Mr. McKinnon: Mr. Chairman, there was no provision as you remember in our original going through the Ordinance for appeals by an administrative officer. The administrative officer is just defined in the Ordinance as, I believe, the manager, the treasurer and the engineer. This now provides in this section, Mr. Chairman, the city administration suggested that the council should only consider appeals in Committee if you remember the presentation of Her Worship, the Mayor of the City of Whitehorse. The words "committee or otherwise" leaves the option flexible, depending upon the circumstances, and we will leave that option, Mr. Chairman, to the members of the council.

Mrs. Watson: Mr. Chairman, are you not leaving the option, you are not putting the option in the amendment. You are saying "in writing to the council".

Hon. Mr. McKinnon: "The council may, after hearing in committee or otherwise", an administrative officer or other employ who has appealed his suspension pursuant to this section.

Mr. Chairman: Yes, Mr. Cosman?

Mr. Cosman: On a point of a typographical error, the full paragraph (a) shouldn't be subsection (2). If you read "by repealing subsection (2) thereof and substituting therefor the following: (2) An administrative officer, et cetera. The letter '(a)' is there and it should be '(2)'.

Mr. Chairman: Any further discussion?

Amendments agreed to

Clause 2 agreed to

Mr. Chairman: Clause 3. Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In Clause 3 at page 2, by relettering subclauses (a) and (b) as subclauses (b) and (c) respectively, and adding thereto a new subclause (a) as follows:

(a) by repealing paragraph (2)(b) thereof and substituting therefor the following:

(b) appoint or dismiss an administrative officer.

Hon. Mr. McKinnon: Mr. Chairman, presently, the Ordinance reads in part that a manager shall not have the power to appoint or dismiss an officer of the Council and this amendment, Mr. Chairman, clarifies that that officer means only administrative officer and not the by-law enforcement officer or the dog control officer. This was another point that was brought up in our original discussions and we promised an amendment.

Mr. Chairman: There is another amendment to the same clause. Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 3 at page 2, by adding the words "a committee meeting of" immediately after the words "reprt the suspension to" where they occur in line 21 of subsection (4) therein.

And another amendment. Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 3 at page 2, by adding the words "in committee or otherwise" immediately after the words "the Council may, after hearing" where they occur in line 29 of subsection (7) therein.

Any discussions?

Hon. Mr. McKinnon: Mr. Chairman, in explanation, this was all part of the discussions that came out on the section and in discussions with Her Worship, the Mayor of the City of Whitehorse and the feelings that we got from Committee and hopefully, drafted accordingly, was that the manager or the authorized person may suspend employees other than the administrative officers and the changes are to provide for the manager to report that suspension where it exceeds five days, to a committee meeting of the Council. The clause deals with the manager reporting procedures and responsibilities in clause 3 at page 2, and not the method of handling appeal.

The clause 3 at page, by adding the words "in committee or otherwise", this amendment deals then with appeals by employees and similar to the administrative employee appeal section, the Council could hear that appeal, Mr. Chairman, in committee or otherwise.

Mr. Chairman: Any further discussion?

Amendments agreed to

Clause 3, Section 43 agreed to

Mr. Chairman: Clause 4, moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In clause 4 at pages 2 and 3, by deleting the clause.

Any discussion?

Hon. Mr. McKinnon: Mr. Chairman, I wonder, before we get into general discussion, if I could have Mr. Cosman explain the necessity for the deletion of this clause.

Mr. Chairman: Mr. Cosman?

Mr. Cosman: Yes, Mr. Chairman, the reason we were amending Section 69 of the Ordinance as it exists, was simply to add the words "subject to Section 69.(1)" which is the subject matter of a further amendment. In reviewing both the existing Section 69 and the proposed 69.(1) which will follow

shortly. I have come to the conclusion that we are not dealing with an exception to 69 and in fact Section 69 is a penalty section providing penalties where no other penalties are provided specifically.

Section 69.(1), which we will be looking at, is a procedure situation dealing with tickets as summons, therefore 69.(1) is not an exception to 69, thus I don't see, as the draftsman, the need for having the words "subject to Section 69.(1) inserted in Section 69 and therefore we are deleting the clause.

Mr. Chairman: Thank you, Mrs. Watson?

Mrs. Watson: Mr. Chairman, then the original 69 still remains in effect?

Mr. Cosman: That's right.

Mrs. Watson: May I ask a question about the original 69? Is it every person who violates the bill to comply with the provisions of this Ordinance or with any by-law made thereunder, and I think I asked it before, that means that if a member, an alderman, or any of the members of the City Council, are in violation of any of the things they can and cannot do under this Ordinance, then this section would apply to them and so would 69.(1).

Mr. Cosman: Mr. Chairman, I believe there will be an amendment to 69.(1) which deals with that argument, however, 69 will remain as it presently is, which would then, in effect, give it the meaning that you give to it now, yes.

Mrs. Watson: Mr. Chairman, is that the intent then to leave 69 and is that the intention to be able to put that interpretation to 69? I know that 69.(1) leaves out "Ordinance" and only uses "by-laws". But 69, that is the section where if aldermen, or the whole Council violates and goes beyond their authority, then 69 applies.

Mr. Cosman: Yes, Mr. Chairman. Section 69 is intended to be an all-encompassing blanket penalty clause to operate where there are no specific penalties specified, with respect to any requirement of the Ordinance or any by-law.

Therefore, the wording is very, very general. It goes both to the Ordinance or any by-law made under the Ordinance. It includes everybody and anybody who might violate or commit an infraction of the Ordinance or a by-law, under the Ordinance and, so by its very nature that it's a blanket clause. I would suggest that it's proper to leave it as it is, without striking out the word "ordinance".

Mrs. Watson: Okay, fine.

Mr. Chairman: Any further discussion?

Mrs. Watson: This is on 69(1), now, the amendment that we—

Mr. Chairman: Yes--

Mr. Cosman: Clause 4.

Mr. Chairman: Clause 4.

Amendment agreed to

Clause 4 agreed to

Mr. Chairman: There are a number of amendments to in clause 5, and I'll read them all and then have the Minister of Local Government comment on them.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In clause 5 at page 3, by deleting the words "this Ordinance or with any by-law made thereunder in respect of which no penalty is specified," where they occur in subsection 69.1(1) at lines 10, 11 and 12 therein and substituting therefor the words "any by-law made under this Ordinance".

Moved by K. McKinnon, seconded by F. Whyard that Bill

Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 5 at page 3, by deleting the words "this Ordinance or with any by-law made thereunder" where they occur in lines 21 and 22 of subsection (2) therein and substituting therefor the words "any by-law made under this Ordinance".

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 5 at page 3, by deleting the words "this Ordinance or with any by-law made thereunder" where they occur in lines 25 and 26 of subsection (2) therein and substituting therefor the words "such by-law".

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 5 at page 3, by deleting the reference to "subsection (4)" where it occurs in the line 36 of subsection (3) therein and substituting therefor the reference "subsection (7)".

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 5 at page 4, by deleting subsection (4) therein and by renumbering subsections (5) and (6) as subsections (4) and (5) respectively.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 5 at page 4, by inserting immediately before subsection (7) therein the following new subsection:

(6) Where a person to whom a ticket has been served (a) fails to cause to be delivered pursuant to subsection (3) the payment of the fine specified on the ticket, and

(b) fails to appear before a magistrate to defend the charge at the time and place specified in the ticket, the matter may be proceeded on by way of summary conviction under the *Criminal Code*.

Mr. Chairman: Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In clause 5 at page 4, by deleting the word "resolution" where it occurs in line 24 of subsection (7) therein and substituting therefor the word "by-law".

Moved by K. McKinnon, and seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In Clause 5 at page 4 by deleting the words "this Ordinance or any municipal by-law made thereunder," and where they occur in lines 29 and 30 of paragraph (7)(b) therein and substituting therefor the words "any by-law made under this Ordinance".

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In clause 5 at page 4, by relettering paragraph (7)(c) therein as paragraph (7)(d) and by adding immediately after paragraph (7)(b) therein, the following new paragraph:

(c) fix fines, to be indicated on tickets, with respect to any violation or failure to comply with the provisions of any by-law made under this Ordinance, and.

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, this was one of the most widely debated sections of the changes to the *Municipal Ordinance*. I think the discussions were fruitful and with the amendments, we end up with a stronger section for them that will satisfy the members and the arguments they put forward in Committee and by Her Worship. The most contentious area I think was the one raised by the Honourable Member from

Kluane where it was much too broad and too general and that there could be a ticketing procedure under any sections of the Ordinance. The effect of the changes, Mr. Chairman, is that the ticketing procedure could only be used for failure to comply with a municipal by-law made under the Ordinance, and not to infractions of the Ordinance itself. So three of these sections are to put that concept and suggestion into place, Mr. Chairman.

Then other sections make it clear how the case will proceed should the person fail to pay the fine or appear in court. The second to last amendment it is felt that the council should be authorizing the use of tickets and forms to be used by by-law as opposed to by resolution, which was another point made, because resolutions are not usually as explicit as a by-law and are not usually as permanent.

The last amendment, Mr. Chairman, is replacing the intent of subsection (4) which we have previously repealed by a prior amendment. The fines then have to be indicated on the ticket and that must now be provided by the by-law, Mr. Chairman.

Mr. Chairman: Any discussions? Yes, Mr. Fleming?

Mr. Fleming: Mr. Chairman, I was inclined in this section, when it came before, I was very concerned about it. I still am concerned about it. As the Minister has said, he has tried to bring it back a little so it would be within the Ordinance, but the *Municipal Ordinance* does give say the City of Whitehorse or any other municipality a chance to make many, many, many by-laws. When we consider some of the things that are here, I could be wrong on these and that's why I would like to get a legal interpretation, if I could. In the case of using a by-law, such as a garbage by-law, any by-law, and a ticket is issued. What I am looking at is that this is under the *Criminal Code*.

My understanding has always been that anything under the *Criminal Code* is you have a record and it is not, really, too good a thing to have, and for some minor thing, this person may have, all of a sudden, one monstrous criminal record, is really not, I don't consider them criminals, in case, and I'm wondering if a ticket is issued and the person actually pays a ticket and didn't argue at all. It was \$20 for having his garbage lid off his can, will that go down on his criminal record?

Mr. Cosman: No, it won't. In actual fact none of the offences against a by-law would be a criminal offence. There is, however, summary conviction procedure that is enumerated or detailed under the *Criminal Code*, with respect to Magistrate's Court procedure and so on, that is used in the enforcement of by-laws, when the matter comes to court, if it must.

It's not a criminal record or a criminal enfraction that is taking place. It's merely a procedure that is laid out in the *Criminal Code* and adopted by our courts, as the procedure that they use, with respect to enforcement of ordinances, municipal by-laws, L.I.D. by-laws, what have you. It's not a criminal record.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Thank you, Mr. Chairman. If the person, on the other hand, did not pay it and he did go to the court and it went completely through the court and he was found guilty of having his garbage lid off, then would it become a criminal offence? Would it be in the record?

Mr. Cosman: I believe so, but to bring in the problem of contempt of court, where a person fails to appear. I believe that would be under the *Adjudicator Ordinance*, the contempt of court, not a criminal offence.

Mr. Fleming: Yes, Mr. Chairman, that is very fine, but, as some of the members pointed out yesterday, I am not satisfied with the answer of "I believe", or "I think", or "It may be",

"It might happen", not in this sense. Not in this section, because I had this problem before and I am no lawyer so I have no idea, but, if the Government wishes to bring forth the Bill then they should know what the law is and what's going to happen to that person under any terms. And I can't, I cannot go for a section like this one here, until I absolutely know whether we are taking the rights away from people, whether we are stomping on them, whether we are giving them a criminal record for doing some little, minor thing or not. I would suggest that the Government, on this section, find that answer and bring it to us.

I think people, the House deserves that and the Members here.

Hon. Mr. McKinnon: Yes, Mr. Chairman, we know exactly where we stand on this issue. All our legal draftsman was doing was saying that he couldn't prejudge what a judge or a magistrate would do if the person showed contempt of court when he got up on the charge that he should have been there, under the infraction.

Under the *Municipal Ordinance*, we'll take the example of the guy won't clean up his garbage. He gets a ticket, with a fine on it. He won't pay the ticket. He says, I'm going to fight it. He fails to appear before the Magistrate to defend the charge at the time and place specified on the ticket. Then, and only then, do the proceedings, not the charge, there is no charge under the *Criminal Code*, the charge is still under the infraction of the municipal by-law, and the proceedings of the *Criminal Code* apply to get that guy to finally go to court to appear on the charge, under the garbage by-law, which is not a charge under the *Criminal Code*.

You can't say that the judge won't say because of these things, because of your failure to appear in court ten times, because of your complete disregard of the summons and everything else, he won't give him a charge that will appear in his record, under the municipal by-law for the garbage, but he may give him a charge under the *Criminal Code* for contempt of court by not appearing in court. But there is no way under any of the municipal by-laws will there ever be a conviction that will appear on a criminal record, Mr. Chairman.

Mr. Chairman: Yes, Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I appreciate the answer. That is the answer I wanted to hear, if that is right and I hope it is, very good.

Mr. Chairman: Having been a Justice of the Peace for a great many years, I can assure you that the convictions under municipal by-laws are not part of a criminal record.

We will now recess until 1:30.

Recess

Mr. Chairman: I call this Committee to order. Any further discussion on clause 5, the amendments to clause 5?

Amendments agreed to

Clause 5 agreed to

Mr. Chairman: Yes, Mr. Fleming?

Mr. Fleming: Maybe I am out of order, too, but I am see shaking of heads because I disagree on a clause. I think I have a right to disagree on the clause, because I don't like that clause, and I have never liked the idea of ticketing people in a municipality or the L.I.D.'s, all these people, we are going to ticket people. I think we are just regulating ourselves to death, and I am sorry, that's the way it is.

Mr. Chairman: We will go on to clause 6, with one amendment to clause 6. Moved by K. McKinnon, seconded by F. Whyard that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In clause 6 at

page 4, by deleting the clause and substituting therefor the following: 6. The said Ordinance is further amended by adding immediately after Section 73 thereof the following section: 73.1(1) No council shall, without the approval of the Commissioner, receive funds from the Government of Canada, or any corporation or agency thereof, that would, either directly or indirectly, create an obligation or liability, financial or otherwise, on the part of the Government of Yukon.

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, we had run into some difficulty with funding such from neighbourhood improvement programs and various and sundry programs under the CMHC that could fund directly to municipalities. Municipalities could receive of the advantage with these funds, however, there was some problem with the city going out and soliciting from any one of the senior government organizations without government's approval of funds for public works or for different reasons and the Yukon Territorial Government then, by that funding, becoming responsible in the future for the operation or some financial implication of the funds that had been received, and this seems to be a way around the situation where funds can be received from acceptable government programs by the City and yet without putting financial obligations upon the Territory in the future.

Amendment agreed to

Mr. Chairman: Any further discussion?

Mrs. Watson, we're on Clause 6, on page 4, the amendment to clause 6 has been read. We haven't called question.

Clause 7. Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In clause 7 at page 5, by deleting section 92.1 and the heading immediately preceding section 92.1 therein and substituting therefor the following:

PUBLIC TRANSIT COMMISSION

92.1(1) The council of a municipality may, by by-law:

(a) establish a Public Transit Commission having not less than five nor more than seven members, two of whom shall be chosen from among the members of council;

(b) prescribe the qualifications and terms of office of the members of the Commission, and provide for payment of an annual indemnity to those members;

(c) prescribe the manner in which the chairman and members of the Commission and their successors are to be appointed and the manner in which the chairman and members of the Commission are to conduct meetings and vote on any matter;

(d) empower the Commission to organize, operate or maintain a public transit system;

(e) empower the Commission to incur liabilities for the purposes of the organization, operation or maintenance of a public transit system within the amounts included therefor in the annual budget of the operations of the Commission as approved by the council;

(f) provide for the expenditure of funds of the municipality with respect to the organization, operation or maintenance of a public transit system, and

(g) prescribe such other powers or duties of the Commission as are necessary for organization, operation or maintenance of a public transit system.

2. Where a Public Transit Commission is established under subsection (1), the Commission shall, in addition to any duties imposed by by-law,

(a) establish and monitor the general operating policies of any public transit system organized, operated or maintained by the Commission,

(b) hire a manager and such staff as may be necessary to assist the manager in the execution of his duties,

(c) on or before the fifteenth day of March in each year, prepare and submit an operating and capital budget of the operations of the Commission for council's review and approval, and

(d) prepare and submit annually, and as requested by council, a report of the operations of the Commission for council's review.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, it seems universal, for what reason I can't remember at this point in time, that everybody wanted it changed from a PTB to a PTC and we have done that. And also, there was discussions on tightening up the financial aspects of the board, which we have taken into consideration, in the amendments and so provided for, Mr. Chairman.

Mr. Chairman: Yes, Mr. Lengerke?

Mr. Lengerke: Yes, Mr. Chairman, I am glad to see those changes. Certainly the ones where it reflects that there will be an annual budget and it will be so decided upon. I think those are the controls that we are looking for.

Mr. Chairman: Ms Millard?

Ms Millard: Mr. Chairman, since across the way they are wondering why we changed it from "Board" to "Commissioner", I happen to have a note that says that we would like it to be a Commissioner, rather than a Board, because a Board is advisory in the by-laws of the City. This gives it more strength. I guess.

Mr. Chairman: Any other discussion? Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman, we are going into the commission concept, and I see where you are going to be providing indemnity to the members of the commission. We are saying that the commission should have not less than five members. I wonder just what responsibilities, specific responsibilities, the commission will have. Now generally, they are outlined in the legislation, but are they an autonomous body only reporting on the matter of budget to the municipal council?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, we went as far as we thought that we should with the delineation in the *Municipal Ordinance* of the duties and powers of the PTC, and left the nitty-gritty and the actual running of the commission down to powers that would be given to it by the municipality under section (g), which we added, which would allow the municipality to prescribe such other powers or duties of the commission as are necessary for organization, operation or maintenance of a public transit system. That wasn't in the original ordinance and we thought that we would lay out the broad parameters of what we would see in a commission and leave the nitty-gritty of the detail of the organization for the members of the municipality who the commission will be responsible to allow them to set out those type of details, and that was the reason for the addition of subsection (g) in Section 92.1(1), Mr. Chairman.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: I am not looking really for any more detail in the amendment, I was just looking for an answer to the extent of the powers of the commission, whether they would in fact be autonomous other than the restrictions on the liabilities that they can incur.

Hon. Mr. McKinnon: Mr. Chairman, I am sorry, I am not going to be able to offer the Honourable Member any more than the broad outline. The organization, the operation and the maintenance of a public transit system, the commission can incur liabilities for the purpose of that organization, operation or maintenance of that public transit system within the amounts included therefore, the annual budget of the operations of the commission which has to be approved by the municipality and provide for the expenditure of the funds of the municipality which had been improved, remember, by the council, with respect to the organization, operation and maintenance of a public transit system, and our protection, of course, is in the terms of the C.A.P. with our funding to the municipality is only allowed up to a maximum amount of dollars in percentage of a deficit which we all know that it is going to incur.

So, I think that all of the protections of the municipality and of the senior government have been looked after in the sections which go up in the organization of the Public Transit Commission and I think that we've done the right thing in providing the broad guidelines for the Commission and then leaving it to the municipality to go into the actual details of the running of the Commission, Mr. Chairman.

Mr. Chairman: Any further discussion?

Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, therefore the extension, and this is the type of things that I'm wondering about, the extension of, say, the transit system, the expansion of it where they add more buses, where they take in more routes, where they expand the hours of operation, these are decisions that can be made by the Commission? These are their responsibilities, within the limitations of the financial ability that's allowed to them by the municipalities, is that it?

Hon. Mr. McKinnon: Yes.

Mrs. Watson: Okay, thank you.

Mr. Chairman: Any further discussion?

Amendment agreed to

Clause 7 agreed to

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Just one check, does the fifteenth day of March, for their budget, the submission of their budget, tie in with the municipality's budget preparations?

Hon. Mr. McKinnon: I'm just about positive that that's the, it's either the first or the fifteenth of March for the municipality budget.

Mr. Lengerke: Either the first or the fifteenth. I can't remember.

Mr. Chairman: We might as well go on to Clause 8. There are no amendments to Clause 8.

The said Ordinance is further amended by adding immediately after Section 96 thereof the following section 96.1(1), notwithstanding Sections 92, 94 and 96, a council may, by resolution, close a highway for the purposes of a celebration, parade or other special event, for any period of time not exceeding three days.

Is there any discussion?

Hon. Mr. McKinnon: Sourdough Rendezvous, Mr. Chairman, just for this time.

Clause 8 agreed to

Mr. Chairman: Clause 9. Yes, Mr. Berger.

Mr. Berger: Just a question of interest, like, in Dawson City, where Front Street is actually owned and operated by the Territorial Government, would the city also have the power to close a highway of this nature.

Hon. Mr. McKinnon: Mr. Chairman, we're in a great, or we were, I guess we have found out that we went on one of those beautiful searches of all the records, because the municipality asked the question, eventually, who own the streets and lanes. I think it took us about six or eight months of correspondence and checking to find out that we actually did still have control of the streets and lanes in the City of Dawson. I would imagine that if we do, then it would be the municipality requesting the Territorial Government to close a street or a lane, within that municipality and, for any valid reason, I couldn't see why we wouldn't say yes.

Mr. Chairman: Clause 9, paragraphs 100.1(1) and (m) of the said Ordinance are repeated and the following substituted therefor: (1) providing for a zoning appeals board and giving such board any necessary authority; (m) providing for the establishment of a municipal planning board and giving such board any necessary authority.

I have a note here, board of variance, is that supposed to be there? I guess that is what is in the Ordinance itself.

Any discussion?

Mrs. Watson: Mr. Chairman, where are we?

Mr. Chairman: Clause 9.

Mrs. Watson: Clause 9, not an amendment?

Mr. Chairman: No, there are no amendments to 9.

Mrs. Watson: Okay, Mr. Chairman, is there already authority for a recreation board in the Ordinance? I don't see recreation board, I am asking whether in the *Municipal Ordinance*, there is authority for a recreation board in order to tie in with the recreation board, pursuant to our *Recreation Ordinance*. If there isn't this should be where it would go.

Mr. Chairman: Yes, Mrs. Watson. Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I have no idea. I know there is a recreation board in the City of Whitehorse and whether they have the authority to form one, I don't know. There also was a planning board and a board of variance, and we know that there was no authority specifically in the *Municipal Ordinance* for a board of variance, and this section creates the ability to do be able to do that. There is a very large discussion between different legal advisors whether we have to be putting the specific board ability and responsibilities in the Ordinance, or whether, under the broad terms of the *Municipal Ordinance* the municipality already has the right to be able to do so.

We feel, at least our legal advice has been that they do, the City wants it specifically spelled out, so we have followed their requests by doing it when they request in any specific areas, such as the board of variance. Whether the specific responsibility, or the specific permission for the board of recreation is presently in the *Municipal Ordinance*, I would, and I think we would have to check the *Municipal Ordinance* to find out, Mr. Chairman.

Mr. Chairman: Mrs. Watson, this section we are dealing with comes under zoning, so there wouldn't be the right place to put in a recreation board anyway.

Any further discussion?

Clause 9 agreed to

Mr. Chairman: Clause 10 has four amendments and I will read them.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 10 at page 6, by deleting the word "or" where it occurs in paragraph (3)(f) at line 43 therein.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal*

Ordinance, be amended as follows: In clause 10 at page 7 be deleting paragraph (3)(g) at lines 1 and 2 therein and substituting therefor the following paragraphs:

(g) the provisions of recreational or other amenities, or, where such amenities are not provided, the levying of fees in lieu thereof; or

(h) the establishment of such other conditions as the Council may consider reasonable under the circumstance.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 10 at page 7, by deleting subsection (5) therein and substituting therefor the following:

(5) The council may require any land development agreement entered into pursuant to subsection (2) to be registered in the Land Registry Office, and any such agreement as registered shall have the force and effect of a restrictive covenant running with the land.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 10 at page 7, by deleting the words "did not" where they occur in subsection (7) at line 21 therein and substituting therefor the words "is not required to".

Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, Section 10 deals with the municipality entering into a development agreement. The first series of amendments provides for the ability of the council to impose fees in lieu of the proponent providing such things as recreational amenities and also, Mr. Chairman, it was considered that it would be appropriate to add a section to leave it flexible and knowing that each development agreement will seek terms and conditions different from other terms and conditions to put in a general section, which is 8, which provides for the flexibility under any development agreement for the council to put in such conditions as it may consider reasonable for them, to the developer.

The section at Clause 10 at page 7, by deleting section (5) and the substitution, is a clarification at the City's request, Mr. Chairman, to precisely give the council the authority to require that a land development agreement be registered.

In clause 10 at page 7, by deleting the words "did not" where they occurred in subsection (7) at line 21, is simply, Mr. Chairman, to clarify terminology.

Mr. Chairman: Discussion?

Amendment agreed to

Clause 10 agreed to

Mr. Chairman: There is an amendment to Clause 11, in fact there are two.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In Clause 11 at page 7, by deleting subsection (7) where it occurs in subclause (a) at lines 29 and 30 therein and substituting therefor the following: (7) Every parcel of land in any proposed subdivision shall have some portion of its perimeter fronting on a highway sufficient to allow motor vehicle access thereto.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In Clause 11 at page 7, by deleting subsection (8) where it occurs and subclause (b) at lines 32 through 37 therein and substituting therefor the following: (8) The Commissioner or the council may refuse to approve a subdivision plan where there is an unpaid balance of taxes already levied against part or all of the land included

within the subdivision plan, and for the purposes of this subsection "taxes" shall include the full amount of any outstanding local improvement charges assessed or charged against the land, whether levied or not.

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, the first amendment is one of those areas where everybody knows what you want to do, but it seems to be very difficult to get the proper wording to do it. We were trying to solve two distinctly different problems. The first one was that the present Ordinance requires 10 per cent of the lots perimeter in any subdivision to front a road. We are violating that requirement in many of the new conventional subdivisions, because of the irregular shape of the lots, the pie-shaped lots comes to my mind as one of those where that would be impossible to meet.

The second problem, is that some of the rural acreage residential subdivisions of existing title property located back off a highway, it is undesirable to provide a legally surveyed access road. The city zoning permits the subdivision of these lots under the country residential zoning category. The definition of highway under our Ordinance includes any way open to use by the public. We believe, Mr. Chairman, that the revised section will be sufficient to regulate both of these problems and the city had no more suitable alternatives after we all had a crack at the wording over and over again, Mr. Chairman.

The second part of the amendment, this Clause, Mr. Chairman, (8) is to allow the municipalities to require the payout of local improvement charges as a condition of approving the subdivision of the lot. This is necessary because the formula can vary in determining the frontage for local improvement purposes, such as corner lots or irregularly shaped lots again. Subdivision in some cases can regularize the lot shape, thus the standard lineal foot frontage should apply. This then distorts the expected and budgeted revenues to the municipality and the city has requested this amendment to clarify that taxes include local improvement charges, Mr. Chairman.

Amendment agreed to

Clause 11 agreed to

Mr. Chairman: We will go on to Clause 12. There are three amendments to clause 12.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 12 at page 8, by inserting the word "the" between the words "to vehicles" where they occur in paragraph (1)(e) of sub-clause (a) at line 5.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 12 at page 8, by inserting the words "criminal record" immediately after the word "record" where it occurs in subsection (4) of subclause (c) at line 17.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: In clause 12 at page 8, by renumbering sections (5) and (6) of sub-clause (c) as subsection (6) and (7) respectively, and by adding immediately after subsection (4) thereof, the following new subsection (5), as follows;

(5) For the purposes of determining the driving record, criminal record, character, age or state of health of any person applying for the issue or renewal of a permit to drive taxi cabs within the municipality, the council or any person authorized by council, in accordance with subsection (6) may

(a) request in writing any such information from any person, or organization, including any law enforcement agency,

whether located within Yukon or not, or

(b) require that any such information be provided by the applicant before a permit is issued.

There was a typographical error there some place. It was just in the preliminary to the actual amendment, where it says "any by", it should be "and by".

Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, this is the taxi cab clause section. As all Members know, it is an attempt by everyone concerned, our legal advisor, their legal advisor, our political people, their political people, of attempting to meld the protection of the public with the persons protection who wants to make a livelihood driving a cab.

We've been around it now for a number of years and I know that we've discussed it at length in this House and with the members of council and this is by far the best and the closest we've been to a compatible resolution of a very sensitive and very grave problem area, which is going to be even more sensitive and graver in the future. We think that we've got the proper mix here of protection for the people within a municipality, and also the protection of the individual who is applying and wants to earn a livelihood driving a cab within a municipality, Mr. Chairman.

Mr. Chairman: Any discussion?

Amendments agreed to

Clause 12 agreed to

On Clause 13

Mr. Chairman: There are three amendments to Clause 13. Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In Clause 13 at page 9, by deleting the word "officer" where it occurs in paragraph (2)(a) at line 1 thereof and substituting the word "employee" therefor.

Moved by K. McKinnon, and seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In Clause 13 at page 9, by deleting the words "officer" where it occurs in subsection (3) at lines 10 and 17 thereof and substituting the word "employee" therefor.

Moved by K. McKinnon, and seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In Clause 13 at page 9, by deleting the words "between the hours of 9:00 p.m. through 9:00 a.m." where they occur in subsection (3) at lines 19 and 20 thereof.

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, we have changed the word "officer" with "employee" because there is a definition in the *Municipal Ordinance* of employee and administrative officer, but there is no real definition of officer, and tightened up Clause 13 at page 9 by deleting the words "between the hours of 9:00 p.m. through 9:00 a.m.". This change means an employee for inspection purposes cannot enter a dwelling at all without either the owner's consent or a warrant, Mr. Chairman.

Mr. Chairman: Any discussion? Yes, Mr. Berger?

Mr. Berger: Mr. Chairman, I am somewhat bewildered that any employee of a municipality, why shouldn't it read any designated employee of a municipality. I mean I can't see just anybody in the municipality, there are all sorts of people hired to do odd labour jobs and actually we are giving them the power to inspect anything really, under this Section here. He may have no idea what he is looking for, but he may just have fun inspecting things. I think this should read designated employee.

Mr. Chairman: Shall the amendments to Clause 13 carry?

Mr. Berger: Mr. Chairman, I didn't hear an answer to this or anything. It is quite serious, Mr. Chairman.

Hon. Mr. McKinnon: Mr. Chairman, this whole section would read, and I wonder if Mr. Cosman would follow me, where any employee of a municipality has reason to believe that any person is carrying out any work or doing anything contrary to the provisions of any by-law mentioned in subsection (1) on any premises within the municipality, so Mr. Chairman, there has to be a belief that something is being done contrary to the provisions of the by-law before that employee can enter and he can only enter with the consent of the owner or with a warrant. So he has to have two things, he has to believe that something is going on, which is in contravention of that by-law, and he also has to have the consent of the owner to go in.

Or, he has to have a warrant. To get the warrant he has to go to the Magistrate, or whoever, and satisfy that person giving a warrant that that reason to enter the premise is there because something is being done contrary to a by-law.

So, I can't see how it could get out of hand, Mr. Chairman, with that double protection. One, it has to be the belief that something contrary to by-laws is taking place. Two, he has to have the owner's consent, or he has to go and get a warrant. And to get, if he's got the warrant, consent of the owner, we agree that, then, nothing is being forced upon anybody. And if he has to go the warrant route, he has to satisfy the person giving the warrant that something is going on contrary to the by-law that he should investigate.

Mr. Berger: I disagree, Mr. Chairman, because we're not saying, I'm thinking in particular of a business place. In a place of business he does not have to have the consent of the owner. He does not need a warrant. The only time he needs a warrant or the permission of the owner is in a dwelling, but not at a place of business.

I mean, I object to this particular thing that any employee of the city or municipality can walk in any business place and say you're doing things wrong here. I would like to see a designated employee doing that, a building inspector or a licence inspector, designated by the municipality.

Hon. Mr. McKinnon: I have no problem with that if we can define a designated employee. I don't want, I just thought that there was that protection in this section. If we make it stronger, through a terminology which can be defined and we know what we're talking about, I have no objection whatsoever, Mr. Chairman.

Mr. Chairman: Mr. Cosman.

Mr. Cosman: Yes, Mr. Chairman, I would suggest that we realize we're adding two new subsections to an existing section. We should also read section 134.(1), which already exists and it does provide for the power in the council to authorize any officer to do certain things. And, in this sense, the city is designating particular people, in subsection 1. If in subsections (2) and (3), which we are considering in this Bill would continue on. The three subsections have to be read as one unit.

Mr. Chairman: Yes, Ms Millard.

Ms Millard: That brings up the question, why was it changed then, from "any officer", to "employee", because we could just not agree with that amendment and we'd come back to officer, which makes it a designated employee as an officer, someone who is supposed to inspect things. I can just envision in Dawson, people who deliver water going into a garage and saying, you know, this has to be straightened out and I can see them doing it, too.

Hon. Mr. McKinnon: I agree, Mr. Chairman. I think there should be a further consideration of (a) and (b), as it applies.

No, that's changed to "employee" in each of those other subsections, so I think that we're all right.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, in one place you're saying they designate employees and then in (3), you're giving any employee, not a designated employee for a specific inspection.

But, also, if you read it, in going into a residence and that's, this is how I read it. I could be reading incorrectly. The only time you have to get the permission of the owner or get a warrant, is when you want to go into a residence between the hours of 9 p.m. and 9 a.m. The rest of the time you don't need it.

Hon. Mr. McKinnon: No, that has been eliminated. All the time you have to have consent or a warrant.

Mr. Chairman: I think there has to be some reference in (3) to sections (a) and (b) that that employee is that designated employee as in (a) or (b). The other concern is taken care of, we have eliminated the hours, so if a guy, an inspector, he should be an employee who is designated in (a) or (b) wants to go into your premises, he has to have your consent or a warrant any time.

Mr. Chairman: May I suggest that if the word is changed to "the" designated employee, then it would refer back properly to the preceding sections. Yes, Ms Millard?

Ms Millard: Don't the former sections refer to an officer?

Hon. Mr. McKinnon: They have been changed to employee now, there is no definition of an officer in the *Municipal Ordinance* or they were meaningless as they stood.

Ms Millard: There is no definition at all of officer in the Ordinance? Because that could easily be corrected.

Hon. Mr. McKinnon: Mr. Chairman, all we have to do, and we will undertake to do it at the coffee break if we can and when we can is to positively be satisfied that section (3), that that employee will refer back to the employee or enforcement officer that it has been authorized by the municipality. We will make sure that it does.

Mr. Chairman: Is that satisfactory to the Committee?

Some Members: Agreed.

Mr. Chairman: We will go on then to Clause 14.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In Clause 14 at page 9, by deleting the reference to subsection (7) and by deleting subsection (7) where they occur in subclause (a) thereof.

Hon. Mr. McKinnon: Mr. Chairman, this is the question of the timing of the budget and the levying of taxes. As it is now, the budget must be adopted by March 15th and the taxes must be levied by March 1st, which of course is a conflicting time schedule for adopting the budget and levying of taxes. The levying of the tax provision is duplicated in the *Taxation Ordinance* and is felt that these dates should not be altered until both Ordinances are open at the same time. This amendment will have the effect of leaving things as they are at the present time, Mr. Chairman.

Mr. Chairman: Any discussion?

Amendment agreed to

Mr. Chairman: Shall Clause 14 carry? Mrs. Watson?

Mrs. Watson: I believe, Mr. Chairman, I wanted to speak to subsection (8) in 14. None of these sections have been carried yet, have they?

Mr. Chairman: No, we are dealing with the whole clause. We have got the amendment carried, and now you want to discuss (8).

Mrs. Watson: When the Bill originally came before the House, I did express some concern in this because there doesn't seem to be any checks there at all, "Any expenditure made in excess of the sum shown for any classification" and I just can't help but feel that it leaves for manipulation of the budget. I can understand the intent of the Territorial Government, I can understand why a City might request the ability to do that, but I also can understand the ability for a great deal of manipulation of the budget.

It can be sent to the Commissioner and approved and then very well planned so you can manipulate and move these sums of money back and forth. That could be a game plan, when you prepare your original budget.

I know the Honourable Member is going to stand up and say, well, there are elected people and they are answerable to their constituents. Well, I don't agree with that. There has to be checks, financial checks in these things and I just, I would have hoped they would have come forward in this, with this section and had some type of a check that it has to be approved by somebody.

Hon. Mr. McKinnon: Mr. Chairman, we went around and around on this in trying to meet that argument and we couldn't find the proper phrase, particularly in consideration that now the check which is in there seems to us to be ludicrous. The check is that they cannot do any switching of the budget until October. So, the very same thing applies, that they do, if they want to play fast and loose with budget, all they have to do is wait until the October 1st magic deadline is reached and then they don't have to go to the Commissioner to get the approval any longer.

So, that is supposedly the type of thing that is keeping a municipality in check. Well, that type of a deadline, to say before this date you can't do this, but after this date the gates are open, you can do anything, just doesn't seem to be any kind of a sensible check of any way, shape or form.

So, we thought that, rather than having what we consider to be rather a ridiculous clause in the *Municipal Ordinance*, that we would leave, because it hasn't happened in the past, we have no knowledge, or we can't give you any instances where people have been attempting to play fast and loose with the budget and waiting until that October 1st day to start switching monies from the pots back and forth.

The other thing that is there and remains as any of these switches that will be done by making an equal reduction of an expenditure in respect of the sum shown for another classification of items has to be done by resolution of council. We just can't, for the life of us, think where a total council would be in cahoots and try to swing monies in the budget from one area to another.

And, of course, that's the check that it has to be done by resolution of the council in open council, Mr. Chairman. So the check that we did have in there was unforceable. It wasn't being used by the councils to manipulate the budgets, and the true saving of the section and of the council's fiscal responsibility is still that there business has to be done in open council and any changes of this nature have to be done by resolution.

Mr. Chairman: if the total council is in cahoots, one with the other, and wants to play loosey goosey with the budget, it still has to be done open and certainly the Government of Yukon or certainly the press, and particularly in this day and age, Mr. Chairman, are going to pick it up if anybody tried to do that to the taxpayers funds.

Mr. Chairman: Any further discussion? Yes, Mrs. Watson.

Mrs. Watson: And so this, I take it, applies to O and M and capital expenditure.

Hon. Mr. McKinnon: Any expenditure, Mr. Chairman.

Mr. Chairman: Any further discussion?

Mrs. Watson: Mr. Chairman, I really must voice my disapproval of this section. I just don't like it. I can see why there's a need for it, possibly, when you're budgeting for snow removal and you don't have any snow one year, so you're able to use the money for something else. This is the type of thing where you're being faced with.

But, on the other hand, you know, you could be using this as a hefty, hefty way of padding your budget in certain areas.

When the Honourable Member says it has to be done by resolution and open council and this is fine, but often the only people who know about it are some of the people who pass the budgets, you know, they agree what's it for we are transferring this to that and until it takes a pattern has to be established before people click to it and they might do it two or three times and pass it by, and all of a sudden they are going to say my God, how much money did we have in snow removal last year type of thing. But okay, see how it works.

Hon. Mr. McKinnon: Mr. Chairman, I can't let that pass because all of the L.I.D.s and the municipal budgets have to be approved by the Commissioner. Now, Mr. Chairman, with respect, the Honourable Member knows full well that they go to this Treasury Department and to the Local Government advisors, and I have got more faith in the people in the Department of Local Government and in the Treasury Department than not to know when these dodges are trying to be pulled in the provisional and the budgets and the recommendations. Those budgets are changed, if any attempt is trying to be made to play fast with the taxpayers money before that budget is approved by the Commissioner.

We have just had I think, tremendous co-operation and responsibility on the part of both the L.I.D.s and the municipalities and with the protection of both the provisional and the actual budgets, have to be approved by the Commissioner before they are, this check is put on those budgets and then, even after that if there is loose money which is being padded, and I don't think there is, but because of other circumstances that there are monies available to move from one side of the budget to the other in snow removal is a very good item if there is no snow one year, they are going to have money left in that budget, or if there is an extreme snowfall, which there has been in historical times in a place like Whitehorse where much more of the budget has to be used for snow removal, that is the type of thing that we are asking for in this section and to have to wait until a certain date then its magic and you can transfer just seems to me a little patronizing to the municipalities and I can't see any harm when it has to be done after the budgets have been checked by resolution in open council how the fears of the Honourable Member has expressed are really ever going to come about.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: I can't completely agree with the Minister of Local Government. I am not that much of a Polly Ann, I am not a scourge either, but I am not a Polly Ann and neither is he.

Mr. Chairman: Are you ready for the question, oh, Mr. Berger, you had something to say, pardon me.

Mr. Berger: Yes, Mr. Chairman, I don't fully agree with the statement the Minister made either, because when we talk only of budget items here approved by the Commissioner. Last year it happened there was a windfall profit to the municipalities of \$27,000, what has happened to those type of things. On the windfall profit of \$27,000 which was handed out by the government to the municipalities, what have they shown for it.

The other thing I disagree with, the press does not pick

everything up, the press only picks items that they like to pick up. They are not always seeking the items. I disagree with the Minister completely on that.

Clause 14 agreed to

Mr. Chairman: There is an amendment to the Bill, which was dealt with on November 9th, and it was the amendment to the amendment were approved and we now have to approve the clause as amended.

I'll read the clause, as amended. It was moved by Member for Whitehorse North Centre, seconded by the Member for Whitehorse Porter Creek, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be amended as follows: By adding immediately after clause 14 at page 9 thereof, the following clause:

14.1 Section 14. (1) of the said Ordinance is amended by adding immediately after subsection (1) thereof, the following subsection:

(2) The council may, by by-law, approve by the Commissioner, cancel any arrears of taxes appearing on the tax roll, where such taxes are not secured against land in the municipality and, in the opinion of the council, are no longer collectable from the person liable to pay the same.

Hon. Mr. McKinnon: Mr. Chairman, there was no provision in the *Municipal Ordinance* to write-off bad debts. So, unrealistically, a municipal council had to carry debts which were obviously uncollectable year after year after year after year on their books. And this just gives a normal procedure where accounting methods say that that is no longer collectable to at least eliminate it from the books of the municipality, Mr. Chairman.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, there is provision in our *Financial Administration Ordinance*, is there not, for this type of thing. And is there limitation, a time limitation?

I mean, you cannot write them off within so many years of the time the debt was incurred, I believe. We're just saying they just can write them off. You're not saying that they have to go for so long on the books?

Hon. Mr. McKinnon: Mr. Chairman, I just thought there was a normal accounting procedure that says when a debt is uncollectable and whether it's in business or in government, that you can write this debt off.

I know that we have some procedure in Treasury that, after a certain procedure, that the debts are written off the books of the Yukon and I can find out what the procedures that would be followed by a municipality were. I just thought that there was a normal accounting procedure that is followed in the removal of these debts from the books.

Mr. Chairman: Mrs. Watson, from the Chair, I think part of the key to this section is that the taxes are not secured against land and they are uncollectable anyway. They're not secured against land, there's not very much of a way that it can be collected.

Mrs. Watson: If you exhume that the first year, aren't you sort of encouraging people not to pay?

It is bad enough that there are not security gates and this makes them very difficult to collect. I understand it, but if we add this where they can be written off as a bad debt, there is no length of time that they have to be changed and an effort made with their procedure.

Ms Millard: I think there is a procedure, there is a democratic procedure. If I elected a councilman who was going to allow his friends, after six months, to write off their debts, I would be pretty angry, and I think we have to rely on that city council to, we have to have their approval to do it, so I think when they can do it responsibly.

Hon. Mr. McKinnon: Mr. Chairman, the city wants every bit of tax dollars they can collect, and the methods that they use, if we used them, if a private business used them you would probably run out of customers, things like if over sixty days you are sewer and water bill isn't paid, they are put on your tax roll and secured against your property that you have. I mean they use every method imaginable to make sure that every last nickel of tax dollar is collected to the city coffers! Just knowing the accounting methods and what the powers that they do have and use to collect taxes, it is going to have to be a bad debt before they give up on the ability to collect that tax. With the knowledge that they are stringent collectors of public funds and rightfully so, because it depends on their budget that they collect these funds. I know that there isn't a municipality worth their salt that isn't only going to write off that debt after they are positive that they can no longer collect it and put it in as money to run the city's business.

Mr. Chairman: Any further discussion?

Clause 14.1 agreed to

On Clause 15

Mr. Chairman: Is there any discussion?

Clause 15 agreed to

Mr. Chairman: Now, we will have a brief recess so that the Minister of Local Affairs can make the necessary change and we will discuss that when we return.

Recess

Mr. Chairman: I call Committee to order.

We were going to reconsider Clause 13. Mr. McKinnon.

Clause 13. Are you ready to proceed.

Hon. Mr. McKinnon: Yes, Mr. Chairman. I am informed by our legal draftsman, that if we do two things we'll have everything in exactly the position where we want it, even though, from looking at the amendments, it wouldn't appear that way, but it will, I'm convinced it will.

By adding immediately after clause 12, the following clause, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance*, be further amended, moved by myself, seconded by Mrs. Whyard:

12.1 Subsection 134(1) of the said Ordinance is amended by deleting the words "authorize any officer" where they occur in paragraph (c) thereof and substituting therefor the words "authorize any employee".

So then it would be authorizing any employee or enforcement officer and both of those words are defined and then further amending clause 13 at page 9 be adding immediately after the words "for any officer", which is now been amended to read "any employee" where the occur in subsection 134.(3) therein at line 10, the words "authorized by council under subsection 1", Mr. Chairman.

Oh, I thought they were distributed. I'm sorry, Mr. Chairman. I thought they had been distributed.

Mr. Chairman: Mr. Berger.

Mr. Berger: Yes, Mr. Chairman. I just want to say I'm satisfied with the change because now it spells it out that employees have to be authorized by the city council and there's no way that any other employees can function as a sort of inspection service. And I have no more objection to it, Mr. Chairman.

Mr. Chairman: We'll go to the next one in order, and it would be the amendment 12.1. I'll read it.

Moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: by adding immediately after clause 12 thereof the following clause:

12.1 Subsection 134(1) of the said Ordinance is amended by deleting the words "authorize any officer" where they occur in paragraph (c) thereof and substituting therefor the words "authorize any employee".

Any discussions? Yes.

Mr. Cosman: Mr. Chairman, I fail to have a copy of that, but did you say paragraph (c), it should be paragraph (a), 134.(1), paragraph (a).

Mr. Chairman: Paragraph (a).

Mr. Cosman: Yes, there is no paragraph (c), in 134.1.

Mr. Chairman: Any discussion

Amendment agreed to

Mr. Chairman: The subsequent amendment which hasn't been read is moved by K. McKinnon, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be amended as follows: In Clause 13 at page 9, by adding immediately after the words "where any officer" where they occur in subsection 134(3) therein at line 10 the words "authorized by the council under subsection (1)"

Mr. Chairman: Any discussion? Yes?

Mr. Cosman: Mr. Chairman, I believe that is subsection (1) and you read it as (1).

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I do have a little concern, although maybe a very minor one, but subsection (a) just authorizes them to cease and desist doing certain things to make people stop doing certain things, doesn't it that are contrary to the provisions of the by-law? That is all that says, (a)?

Mr. Chairman: Mr. Cosman?

Mr. Cosman: Mr. Chairman, may I respond to that?

Mr. Chairman: Yes.

Mr. Cosman: Which (a) are we speaking of?

Mrs. Watson: Subsection 134(a), that is all, it authorizes the employee, with the amendment, to order any person carrying out any work or doing anything contrary to the provisions of the by-law to cease carrying out such work, from doing such things. That is all that that authorizes them to do?

Mr. Cosman: That is right.

Mrs. Watson: So then, in the new Section, in (3), if he has reason to believe, and what we are saying there, that an authorized employee can go in and stop it, that's all we are saying.

Mr. Cosman: Stop those things which were under paragraph 134.(1)(a), the employee is authorized or ordered to go in and deal with, limited to those things.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, but we say he may enter on to such premises for the purposes of making an inspection. You see, we are not authorizing him in (a) to go and make an inspection to see how they are progressing in the building or changing renovations or maintenance of the building, we are not authorizing them to make an inspection in (a); we are giving them the authority to stop, that's all we are doing.

Here in (3) we are saying that if that person, who can stop something being done, that official employee can enter into premises for the purpose of making an inspection.

Mr. Cosman: Yes in response, Mr. Chairman, to Mrs. Watson, yes, subsection (3) deals with the entry for purposes of inspection. Subsection (1)(a) deals with the council authorizing an employee or an enforcement officer to order any person to stop doing certain things, contrary to the provisions

of the particular types of by-laws that are enumerated in 134.(1).

The effect of the two now is that the enforcement officer is authorized to order the cessation of the carrying on of work and he now, under subsection (3) that is proposed, may enter to make inspections with respect to those particular things, under subsection (1), because he must believe that a person is carrying out any work contrary to those by-laws mentioned in subsection (1).

So, he is limited by the types of things that are enumerated in the general words of 134.(1). That is his limitation.

Mrs. Watson: That's clear, Mr. Chairman, thank you very much, because it's reference back to subsection (1) and does not include subsection (1)(a).

Mr. Cosman: If I may, Mr. Chairman, anything that is included in subsection (1), a to z, is subsection (1).

Paragraphs (a) and (b) are part of subsection (1). They are not separate entities from subsection (1).

Amendment agreed to

Clause 13 agreed to

Mr. Chairman: The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: *An Ordinance to Amend the Municipal Ordinance.*

Mr. Chairman: Shall the preamble carry?

Some Members: Agreed.

Mr. Chairman: Shall the title carry?

Some Members: Agreed.

Mr. Chairman: I declare that *An Ordinance to Amend the Municipal Ordinance* has been approved as amended.

That concludes the work we have laid out this afternoon.

Hon. Mr. McKinnon: Mr. Chairman, I would move that Bill Number 3, entitled *An Ordinance to Amend the Municipal Ordinance* be reported out of Committee as amended.

Hon. Mr. Lang: I second that.

Motion agreed to

Mr. Chairman: That concludes the work we've laid out for this afternoon.

On Monday, we'll deal with the amendments to the *Elections Act*, and it is suggested that the green papers that we were probably going to have considered today, be moved into Committee of the Whole Monday morning, so that we can discuss them Monday afternoon.

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

Mr. Chairman: The witness is excused.

Hon. Mr. Lang: I second the motion.

Motion agreed to

Mr. Speaker resumes the Chair

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

Mr. Speaker: May we have a report from the Chairman of Committees?

Mr. McIntyre: Mr. Speaker, the Committee of the Whole have considered Bill Number 3, *An Ordinance to Amend the Municipal Ordinance* and directed me to report the same, with amendment. The Committee also asks leave to sit again.

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

Some Members: Agreed.

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

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

Ms Millard: I second that, Mr. Speaker.

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., Monday morning.

Adjourned

**The following Legislative Return was tabled
(February 23, 1978)**

77-2-61
Health Care Premiums
(Written Question No.39)

**The following Sessional Paper was Tabled
(February 23, 1978)**

77-2-43
Health Transfer Agreement

LEGISLATIVE RETURN # 41
1977 (Second) Session

Mr. Speaker,
Members of the Assembly

On December 15th, 1977, Mr. Fleming asked the following question:

Since the Government of Canada is responsible for the health care costs of status Indians, will the Commissioner state what arrangements are made by the Government of the Territory to ensure:

- (a) that status Indian workers (or their employers on their behalf) are not required to pay health care premiums
 - (b) that employers of status Indians do not have to pay workers compensation assessment (or the portion of the assessment relating to health care of workers) pursuant to the Worker's Compensation Ordinance;
- and also state,
- (c) whether the Territorial Government has any arrangements with the Department of Indian and Northern Affairs to verify and up-date the lists or rolls of status Indians.
 - (d) whether the lists of status Indians kept by the different Federal and Territorial Departments and Branches are regularly compared for accuracy.
 - (e) what procedures are used by the Government of the Territory
 - (i) to verify and maximize payments due by Canada to the Territory in respect of contractual services rendered to Indians by the Territory on behalf of Canada, and
 - (ii) to ensure that individuals are not required to make payments to the Territory in cases where payments are or would be made by Canada on their behalf.

The answers to the questions above are as follows:

General

The Government of Canada has been responsible for the health care costs of persons of Registered Indian Status. This is the particular issue which is presently delaying the transfer of the delivery of health services from Canada to YTG.

- (a) Section 25(5) Yukon Health Care Insurance Plan Regulations reads:

"Every employer shall each month deduct from the remuneration of each of his employees, the amount of the required premium and shall remit the amount deducted to the Administrator not later than the 10th day of the following month."

There are no separate arrangements or legislation to exempt persons of Registered Indian Status from this regulation. It is the policy of the Department of Indian Affairs and Northern Development to pay premiums only for persons of Registered Indian Status who are not currently employed. Premiums for persons of Registered Indian Status who are currently employed would be remitted to the Plan in compliance with Section 25(5) of the YHCIP Regulations.

- (b) The Workers' Compensation Ordinance provides for all employers to cover their workers for any injury or death by accident arising out of and in the course of employment with the exception of:
 - (i) employed in employment of a casual nature otherwise than for the purposes of the employer's industry;
 - (ii) an outworker;
 - (iii) a domestic servant; and
 - (iv) every person who is a duly or appointed clergyman, member of a religious order or a lay reader.

Therefore all employers who employ Status Indians have to pay the assessment the same as other employers in their industry as they are not exempt.

- (c) Band lists are compiled and issued by Indian and Eskimo Affairs Branch, DIAND, normally in June and December with interim amendments issued periodically.
- (d) A close liaison is maintained between YTG and the local regional office of Indian and Eskimo Affairs Branch, to ensure that the most current list is in use.
- (e) (i) There are no contracts in existence at this time concerning services rendered to Indians by YTG on behalf of Canada. Normally the contract itself would contain provisions for audit by both parties to ensure that verification and maximization of payments would occur.

(11) Normally YTG would not attempt to obtain payment from an individual when another agency or party has the responsibility. In cases where payment has been obtained in error from the individual, corrective action would be taken to obtain payment from the proper source as soon as the error was discovered and the individual reimbursed.

Feb. 22nd, 1978.
Date

[Handwritten Signature]
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