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Debates & Proceedings

Monday, February 27, 1978

Speaker: The Honourable Donald Taylor



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

We will proceed at this time with Morning Prayers.

*Prayers***Mr. Speaker:** We will proceed at this time to the Order Paper. Are there any Documents for Tabling? The Honourable Member from Hootalinqua.**ROUTINE PROCEEDINGS****TABLING OF DOCUMENTS****Mr. Fleming:** Yes, Mr. Speaker, I have for tabling this morning, a brief, entitled "Harvesting of Grizzly Bear, Dall Sheep and Goat in the Yukon Territory", by the Yukon Outfitters Association, January, 1978.**Mr. Speaker:** The Honourable Member from Ogilvie.**Ms Millard:** Mr. Speaker, I have for tabling papers dealing with the new Federal policy of National Wilderness Parks.**Mr. Speaker:** Are there any further Documents for Tabling?

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

The Honourable Member from Kluane.

NOTICES OF MOTION**Mrs. Watson:** Yes, Mr. Speaker, I would give Notice of Motion, seconded by the Honourable Member from Ogilvie, that the Government table its organizational chart, defining:

1. the various departments and branches;
2. the director or deputy head of each department and branch, and
3. the departmental responsibility of each member of the Executive Committee.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? The Honourable Member from Ogilvie.**Ms Millard:** Mr. Speaker, Notice of Motion for the Production of Papers: moved by myself, seconded by the Honourable Member from Kluane, that the Science Council of Canada Report Number 26, of August, 1977, "Northward Looking-A Strategy and a Science Policy for Northern Development", be tabled in the House.**Mr. Speaker:** The Honourable Member from Kluane.**Mrs. Watson:** Yes, Mr. Speaker, I would give Notice of Motion, seconded by the Honourable Member from Hootalinqua, that the Government of Yukon table the selection process and land selection criteria adopted by the Planning Council of the Yukon Indian Claim, for the selection of Yukons land by the Yukon Indian Claim Beneficiaries.**Mr. Speaker:** Are there any further Notices of Motion for the Production of Papers?

Are there any Notices of Motion or Resolution? The Honourable Member from Hootalinqua.

NOTICES OF MOTION**Mr. Fleming:** Yes, Mr. Speaker, I give Notice of Motion this morning, seconded by the Honourable Member from Kluane, that the Yukon Outfitters brief, 1978, pertaining to the "Harvesting of Grizzly Bear, Dall Sheep, and Goat", be moved into Committee of the Whole for discussion.**Mr. Speaker:** Are there any further Notices of Motion or Resolution? Are there any Statements by Ministers? The Honourable Minister of Highways and Public Works?**STATEMENTS BY MINISTERS****Hon. Mr. McKinnon:** Mr. Speaker, I would like to inform the House that the City of Whitehorse Assessment Notices for the 1978 taxation year were mailed on Friday, February 24th, and that the people of Whitehorse will be receiving them over the next few days.

Mr. Speaker, property last assessed at 1969 fair market value has now been assessed as per the Ordinance and the law at 1976 fair market value. Understandably, Mr. Speaker, as we all know, this new assessment will reflect a dramatic increase in the assessed value of property within the City of Whitehorse.

It is important to note, Mr. Speaker, that this value was placed on all properties in Whitehorse before the end of 1976. Before the recent speculative upsurge sparked by pipeline planning, particularly on commercial and industrial property.

The Assessment Rolls in Whitehorse were old, inaccurate and contained values grossly out of date and a new assessment was necessary because the value of property throughout the Yukon must be assessed on a realistic, equitable basis, removed from any political influence at either the municipal or the territorial level.

The political role then, Mr. Speaker, is to strike a fair mill rate on an equitable and uniform assessment base. Mr. Speaker, it is not this government's intention, nor is it their policy, to use the new assessment rates in Whitehorse as a windfall bonanza to the Territorial Treasury in the form of increased property taxes for educational purposes.

Whitehorse ratepayers, presently, Mr. Speaker, contribute none of the capital costs and about 20 per cent towards the operation and maintenance costs of Whitehorse schools. However, this government feels at this time it would not be acceptable to raise the level of that contribution.

In examining the effects of the Whitehorse assessment changes, we found that while the property tax revenue needs of the City of Whitehorse, as indicated in their provisional budget, would produce a lower mill rate because of the higher assessment. Our fixed mill rate for school taxes, based on 16 mills, would produce a revenue increase of 55 per cent over 1977 revenue.

This is an amount that might subject this Government to charges that we were stimulating inflation.

Therefore, we gave immediate consideration to a revision of the school tax levy system, using fixed mill rates.

It was also evident, Mr. Speaker, from the provisional budgets submitted by Yukon municipalities, that they were facing the necessity of obtaining property tax increases to enable them to continue providing existing levels of services during this period of high cost and inflation.

We are likewise facing sharply increasing costs for operation and maintenance of existing services and facilities and a number of expanded or new services are being provided in several communities. Our proposed solution to these problems involves reducing the school tax mill rate and introducing additional measures specifically designed to assist residential taxpayers.

We will be proposing, for the House approval, at the Budget Session, the following changes in mill rates and homeowner grants:

1. 1978 tax mill rates are recommended to change as follows: school taxes - 10 mills, a drop of six mills on all property

taxable for this purpose; territorial general mill rate - 28 mills. Two changes combined will leave the Territorial taxpayers with the same mill rate combined as in 1977, no increase in the mill rate throughout the Yukon.

2. The *Homeowners' Grant Ordinance* be amended to provide that the grant shall be the lessor of the sum of \$300 or one-half of the taxes levied in respect of the eligible resident, or, where the taxes are less than \$200, the difference between the taxable taxes payable and \$100.

This means, Mr. Speaker, an increase in the maximum from \$250 to \$300 in the Homeowners' Grants.

3. There is an enhanced payment to senior citizens, to those qualified applicants who provide evidence of being in receipt of a benefit under the *Old Age Security Act*. The amount of the grant shall be the lessor of:

- a) the sum of \$300, or
- b) 75 per cent of the taxes levied in respect of the eligible residents in the year of application.

The \$100 tax minimum will not apply in such cases. This means homeowners 65 and over will be eligible for grants up to 75 per cent, instead of 50 per cent of their taxes on their residences up to \$300 with the minimum tax not taken into consideration, no floor on this grant, Mr. Speaker.

We believe, Mr. Speaker, that the changes proposed are a responsible method of ensuring that the majority of Whitehorse homeowners will not be facing major property tax increases and tax revenues required for school purposes will be equitably distributed.

The following resolution will be proposed for your approval as required by the *Taxation Ordinance*: THAT the Commissioner of the Yukon Territory be authorized to levy the following mill rates in 1978 for real property taxation purposes: school taxes - 10 mills; general property taxes - 28 mills. Amendments to the homeowners' grant will also be introduced at the budget session to bring our proposed changes into effect for the 1978 taxation year.

Mr. Speaker, these amendments will answer many of the questions from the outlying members last year that the person with the smaller home in the outlying residential areas, whose taxes were between \$100 and \$200 were not benefitting at all from the *Homeowners' Grant Ordinance*. We agreed with the statements that the Honourable Members made and where those taxes were between \$100 and \$200, anything over \$100, if the tax is \$180, \$80 of that tax will be coming back to that homeowner rate payer through the amendments to the *Homeowners' Grant Ordinance*.

Mr. Speaker, there will always be exceptions to the general application of any tax measures, but the suggestions I am making will benefit the great majority of Yukon taxpaying homeowners. Outside of the municipality, where the Territory is the sole taxing authority, every homeowner rate payer will be better off financially through an enhanced homeowner grant program and no increase in the mill rate than he was in 1977.

Mr. Speaker, where the Territorial Government is the taxing authority for school purposes, and the municipality for general purposes, taking the enhanced homeowner grant into consideration, only in very exceptional circumstances will the homeowner rate payer in the municipality pay more to the Territorial taxing authority than he did in 1977.

Indeed, Mr. Speaker, with the reduction in the school mill rate, the enhanced homeowner grant programme and an expected reduction in the municipal general purpose mill rate, many residential property owners in the City of Whitehorse will be in a better financial position in 1978 than they were in 1977.

Mr. Speaker, the Territorial assessor will be holding open house between March 15th and the 21st, at the YWCA building in Whitehorse, to answer any questions concerning individual assessment which property owners wish to ask of them.

It is our hope, Mr. Speaker, that these consultations will help to reduce the number of assessment appeals to be dealt with by the Court of Revision.

Finally, Mr. Speaker, I feel that our assessors have done a commendable job in bringing a hopelessly out-moded and out-dated assessment roll up to standard in the City of Whitehorse. It is now our responsibility to make sure that a mill rate is struck to reflect that new assessment roll equitably and with a minimum of hardship to Yukon taxpayers. We feel, Mr. Speaker, that the proposals outlined today will fulfill that obligation.

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

This then brings us to the Question Period. Have you any questions? The Honourable Member from Klondike.

QUESTION PERIOD

Question re: Taxation

Mr. Berger: Yes, Mr. Speaker, referring to the speech of the statement of the Minister of Local Government just made, I mean, he's referring to, often, to Yukon taxpayers. How much is this statement going to affect taxpayers in Dawson City and Faro? I mean, they are outside the taxation structure of the Territorial Government.

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

Hon. Mr. McKinnon: Mr. Speaker, we are the taxing authority in the municipalities for the education mill rate only. The cities set their own general purpose property tax mill rate, throughout the Yukon Territory. There will be, in the educational mill rate, a drop from 16 mills to 10 mills, applying in the municipality and throughout the Yukon. The taxing authority for the general purpose mill rate still remain in the municipal authority, the City of Dawson Council, the City of Faro Council and the City of Whitehorse Council.

Mr. Speaker: The Honourable Member from Klondike.

Mr. Berger: Supplementary, Mr. Speaker, then the Territorial Government, in other words, in the City of Dawson and the City of Faro, where no new assessment has been made, up to date, the Territorial Government is going to take a loss in the school taxation then.

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

Hon. Mr. McKinnon: Mr. Speaker, for this year only. Both the municipality of Faro and the Municipality of Dawson are slated for assessment next year and would be in exactly the same position of rapidly escalating assessment when the assessment is completed. We felt that that is why this is such an opportune time, with the three municipalities all for assessment at the same time, within a year, all facing the same problems within the same time period, a period of twelve months, that it would be an opportune time to take into consideration those problems in the three municipalities. For the purpose of this taxation year only, the cities of Faro and Dawson, which, with their taxable assessment, does not make great changes to the Territorial Assessment Roll, will be in a more beneficial position, because their assessment will not be until next year, when the City of Whitehorse, whose assessment is now completed.

Mr. Speaker: The Honourable Member from Klauene?

Mrs. Watson: Yes, Mr. Speaker, another supplementary

question regarding the announcement: Am I correct, then, in interpreting the announcement that in the areas outside of the municipalities, within the Yukon Territory, the school mill rate will be reduced by 6 mills, but the property mill rate will be increased by 6 mills?

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

Hon. Mr. McKinnon: Mr. Speaker, that is correct. The combined mill rate will remain exactly as the year previous.

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

Mr. Lengerke: Yes, supplementary to that, I am just wondering if the Minister could tell me how the new assessment announced or the results of the new assessment, coupled with the measures that he has announced, how that will affect businesses as well as the small acreage owners within say the City of Whitehorse?

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

Hon. Mr. McKinnon: Well, Mr. Speaker, once again we are getting into the problem where there is a shared tax basis. In our area of taxation dropping from 16 to 10 will, in some instances, benefit a business. In other areas, depending upon, and I am speaking totally from the Territorial taxing authority, in other areas where there has been a very marked increased land value, I am speaking of highway, commercial properties, areas of that nature, there may be exceptional circumstances because of the new assessment, where even a lowering of the mill rate from 16 to 10 will not beneficially help a business, but in many areas, downtown businesses from the Territorial taxing authority, they will benefit from a drop in the area where we have taxing authority in the municipality.

I cannot speak for the municipality because that is their prerogative, it will be their decision to reflect a mill rate that will meet their provisional budget. I might say that I have every reason to believe that all the municipal authority is looking for, as in the Territorial Government, is an application of a mill rate that will give them the amount that they ask for in the provisional budget, not looking either for a bonanza windfall because of the new assessment. In many areas where a new assessment comes about, the tax mill rate is not lowered, so even though the same mill rate remains, there is a vast increase to the taxing authority from this increased assessment.

We have made the decision as related this morning, that we are not going to use that increased assessment as a tax bonanza to the Territorial Treasury. I have been given every indication from the members of the City Council and from Her Worship, and I think that she will have something to announce in this respect today, also, that they follow the same general principle that they are not looking at the increased assessment as a bonanza to the City of Whitehorse Municipal Treasury either, Mr. Speaker.

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Mr. Speaker, a further supplementary on the 16 mill school taxes and the proposed lowering to 10 mills. In Dawson, there hasn't been a proper assessment done there for a number of years, and I could foresee a possible doubling, tripling, even quadrupling of assessment. Would the Minister possibly look into the possibility of further lowering the school taxes, if this is going to be the case? If, for example, the assessment in Dawson will be tripled, because the population of Dawson is going to have a much greater hardship to face than the people in Whitehorse?

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

Hon. Mr. McKinnon: Mr. Speaker, this will be another time and another place. However, it is the philosophy of this Government and it follows the philosophy generally throughout this country, that it is wrong for the senior government, it is an inequitable tax and I agree with this philosophy for the senior government to be using property taxes in the field of financing education.

There is a strong lobby and a strong movement in all provincial jurisdictions for the senior government to get out of the property taxing field and leave it to the municipal governments, the reason being that the municipal taxpayers can relate to the goods and services being provided to them, through property taxes, by the municipality. It is very difficult for anybody in the Yukon to relate the costs and the operation and capital costs of schools with the educational school mill rate, which has not been changed in 13 years. And it is infinitesimal the amount of monies which is raised by that tax mill rate of 16 mills, now 10, throughout the Yukon Territory, to the overall capital and operation and maintenance of the school system in the Yukon.

Yes, Mr. Speaker, if this philosophy is followed, which is general throughout the country, there will be a movement away from the property tax used for educational purposes. Another reason that is obvious is the cities are demanding constantly, more per capita grants. If the senior government gives further per capita grants, the only way they have of renewing the territorial treasury is by increasing property taxes so that those larger capital contributions of per capita grants can be given.

It seems reasonable, Mr. Speaker, to vacate that field so that the municipalities can realistically charge for the goods and services which they provide for the people, which they can't do when they say that you, as a taxing authority, are also into the property tax field. Vacate that field and leave it to the municipalities so that they can realistically reflect the goods and services that they provide to their community through being the sole taxing authority on property taxes, within that municipality.

Mr. Speaker: Order, please. I wonder if we could make the replies just a bit shorter. We seem to be getting almost into the stage of a debate.

Hon. Mr. McKinnon: On a point of order.

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

Hon. Mr. McKinnon: This is obviously going to be a matter of long debate, I would think, during the budget and the reason why we presented the facts as we did today was simply because the assessment notices are in the mail now, and we aren't even attempting to try to push the resolution through until the total picture is seen through the budget, Mr. Speaker.

Mr. Speaker: The Honourable Member from Klwane.

Mrs. Watson: Mr. Speaker, just one more cursory question, not on the specifics of this, isn't it correct then that the communities outside of Whitehorse are not having any accommodation made for an increase in assessment, since their total mill rate will stay the same. The Minister has indicated that there will be some adjustment in the Homeowner Grant, but the small businesses in the areas outside of municipalities, who are having a very hard time at the present time, will not face any relief at all, as a result of a new assessment.

Mr. Speaker: Order, please. Will the Honourable Member kindly state her question, please.

Mrs. Watson: Am I not correct?

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

Hon. Mr. McKinnon: Mr. Speaker, Faro and Dawson,

which we are trying to take care of in this new program, there are no assessments planned for the smaller communities outside of Whitehorse in the next fiscal year. Mr. Speaker, I find it remarkable that for three years the tax mill rate outside of the municipalities has remained constant and with an enhanced homeowner grant, all of those people under the sole prerogative of the Territorial taxing authority are to be in a better financial position than they were over the last three years. I don't think there is another jurisdiction in this country that can claim that type of record in the face of rising costs and inflation. I think that the Honourable Member should be commending, which I am sure she will when she sees the picture, this government, for that attitude to territorial taxes. Mr. Speaker.

Mr. Speaker: The Honourable Member from Kluane?

Mrs. Watson: Point of Order, Mr. Speaker, the Honourable Member is talking about the base rate. He forgets that local improvements, that the city includes in their overall mill rate—

Mr. Speaker: Order please.

Mrs. Watson: —are separate and above the mill rate that he is talking about.

Mr. Speaker: Order please. The Honourable Member has no Point of Order and I think that we are getting into an argumentative position here. Perhaps we could continue with some other questioning. The Honourable Member from Whitehorse Riverdale?

Question re: Minister of IAND's Visit

Mr. Lengerke: Yes, Mr. Speaker, a question for any member of the Executive Committee. I understand the Minister of Indian Affairs is visiting the City, I believe on March 2nd. I understand further that he is to meet with Members of the Executive Committee, I don't know if I am correct on that or not, but I am wondering would they consider asking the Minister to meet with Members of the entire Assembly? I think it would be an opportune time to discuss various matters that are quite critical in the eyes of Members of this Assembly, and I am just wondering, could that consideration be given, would they undertake to do that, Mr. Speaker?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, it is my understanding that the Minister is due here on Thursday. There are some rumours going around that he may not be coming. Now whether or not that is true, I don't know, maybe the Commissioner could speak to that. But it is my understanding that he is due here Thursday and that he will be meeting with the Executive Committee Thursday afternoon, and I am sure that if Members in this House want to take some time to meet with the Minister, that we would see whether or not we could get some time for all Members in the House to meet with him to discuss the pressing matters that are before us today in Yukon.

With those remarks, Mr. Speaker, I will see what can be done and bring a reply back to this House whether or not a time frame can be slotted for all Members to meet with him.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question re: Indian Act superseding Ordinances

Mr. Fleming: Yes, Mr. Speaker, a question to Mr. Commissioner, this morning. I would ask if the *Indian Act* does, or does not, supersede our Ordinances in many ways?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I don't know how to respond to that, but to be more specific, as in what ways, I will certainly try to get the answers. As of course the Honourable

Member recognizes we have to get a legal position on it and it will take some time. We must know in what ways the Honourable Member is concerned, or where he concerned.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: A question to the Minister of Human Resources in this regard, in regard to a question that I asked before on December 15 that status Indian workers are employees and are not required to pay health care premiums. That was a simple question.

I got back an answer which I am not satisfied with, Mr. Speaker. Just a section out of our Ordinance and I would ask the Minister at this time, because I think it was a very foolish answer to me, and was never researched, as to where she actually got that authority when she did not quote the *Indian Act*.

Mr. Speaker: The Minister of Human Resources.

Hon. Mrs. Whyard: Mr. Speaker, the question is not clear. I would have to have it in writing, Mr. Speaker, I don't understand what the Honourable Member is getting at.

Mr. Speaker: The Honourable Member from Ogilvie.

Question re: Native Needs in Education

Ms Millard: Mr. Speaker, a question for the Minister of Education: some time ago we were promised an assessment of native needs in education, which would be tabled in this House. How far along has this gone and when can we expect the report?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, we have been attempting to get a meeting together with some of the people involved in the native organizations, and we have a meeting slated for the first week in March, depending on what type. We are trying to get them involved so that we can get an accurate picture of exactly what they're talking about.

After that meeting, then we will, hopefully, be able to bring a report before the House, before the end of the Session. It depends on the timing and the ability of the Department to come up with a position in this particular area.

Mr. Speaker: The Honourable Member from Kluane.

Question re: School Ordinance - Amending of

Mrs. Watson: Yes, Mr. Speaker, my question is for the Minister of Education. During my recent trip through my riding, approximately two weeks ago, Indians, some of the Indian people expressed a desire to have their own school system and non-Indian people also expressed dissatisfaction with our existing school system and were interested in a private school structure. My question is: is it the intention of this Government to amend the *School Ordinance* to define the role of private schools in the Territory and to provide a per capita grant structure for students attending a private school?

Mr. Speaker: The Honourable Minister of Education.

Hon. Mr. Lang: Mr. Speaker, this comes as a surprise to me. No one has approached me in this particular area and, at the present time, there are no amendments to the *School Ordinance* being contemplated.

Mr. Speaker: The Honourable Member from Kluane.

Question re: Haines Junction L.I.D. Land Disposal Freeze

Mrs. Watson: Yes, Mr. Speaker, I have another question for the Minister of Local Government. He can take it as a written question if he wishes.

Has the Planning Council of the Yukon Indian Claim approved the freezing of the disposal of land within the Haines Junction L.I.D. until the claim beneficiaries have completed a land selection in that community?

Mr. Speaker: That is a written question?

Mrs. Watson: It could be taken as a written question.

Mr. Speaker: Well, order, please.

Hon. Mr. McKinnon: No, Mr. Speaker.

Mr. Speaker: The Chair could use some direction as to whether it is to be a written question or not, so that we might deal with it in the House here. The Honourable Member from Kluane.

Mrs. Watson: Mr. Speaker, since he has answered it, maybe I can ask a supplementary?

Mr. Speaker: Proceed.

Mrs. Watson: Have the CYI requested that a freeze be placed on the disposal of all land in the Haines Junction, until they have completed a land selection for that community?

Hon. Mr. McKinnon: I don't know, Mr. Speaker, and would have to take that question as notice and see if there are any public statements from the CYI that have made that point.

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

Question re: Health Services Take-over

Mr. Fleming: Yes, Mr. Speaker, a question regarding the Health Services take over and the agreement that has, of course, not been signed yet. It was a draft given to us the other day.

It says, "prior to the date of the takeover that the Yukon will be responsible for properties" and such, and also it states, as far as I can understand that those properties may not be taken over at the time that the agreement is signed and will possibly, therefore, be—. I am just wondering what that implies and how long it will apply?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, I don't have the draft agreement before me, but it is the understanding of this government that on the effective date of the turnover of responsibility of Health Care in the Yukon from the Federal Government to this Government, the properties and equipment and inventories come with that turnover. In fact, that is one of the reasons why it involved a great deal of preparatory work on the part of Treasury and Health Branches in this government, doing an inventory and a financial assessment of the values of all these buildings and equipment, property, taxes, insurance and the whole business. It is all part and parcel of the agreement that this becomes the property of the Yukon Territorial Government.

This was a recommendation presented to the Federal Minister in the report prepared by his co-ordinator and the transferer, Mr. Fleming.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Supplementary then, Mr. Speaker, I was wondering in Section 13, "in the event of loss or damage by fire or other cause to the property, real or personal, comprised or contained in various facilities after the effective date, and prior to the date of transfer of titles". The effective date I would take would be the implementation of this document here, and prior to the date of transfer of titles, which I understand might be later. I am wondering how long in between do we not really own the properties? That is the question, Mr. Speaker.

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Well, Mr. Speaker, I wouldn't venture to give a legal opinion on this, but it would be my understand-

ing that it might be a matter of a few days until the documents had the proper signatures and had been passed back and forth from Ottawa to this government.

Mr. Speaker: The Honourable Member from Ogilvie?

Question re: Yukon Teacher Education Program

Ms Millard: Mr. Speaker, a question to the Minister of Education on the Yukon Teacher Education Program: when we passed this idea here, there was some hope that there would be implementation of a policy so that native people with less than qualification to the University of BC would be allowable into the program, and the recent ad in the paper simply says applicants must have two or more years of accredited university course work or a Bachelor's Degree. How long do we have to wait before the promise of being more flexible will come about and we can have people go into the program who have less than grade twelve?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, if the Honourable Member had been following the program, we have already brought that into effect in the concept of mature students entering into an accredited Teacher Training Program that is being run by the University of British Columbia, has started in January, and as you know, anybody that has grade twelve and below would have to apply to the University of British Columbia and it goes through a senate committee there to be eligible, and to enter it through the program, it is a case of testing. Subsequently, Mr. Speaker, the answer to the question the Honourable Member has raised, the program is already in effect.

Mr. Speaker: The Honourable Member from Ogilvie?

Ms Millard: Supplementary to that, Mr. Speaker. Then could the Honourable Minister bring to us the statistics on how many of those students have less than grade twelve qualification and how many of those are native?

Mr. Speaker: The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, there is no problem bringing statistics forth. I don't know why she wants to divide it by white and Indian, but I guess I could do that for the Honourable Member as long as the participants are agreeable.

Mr. Speaker: The Honourable Member from Kluane.

Question re: CYI Planning Council/Minister of IAND

Mrs. Watson: Mr. Speaker, one more question for the Minister of Local Government, regarding the lines of action between the Minister of Indian Affairs and the Planning Council. And my question is: does the Minister of Indian Affairs action recommendations of the Planning Council or does he action recommendations of one component of a planning council, the CYI?

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

Hon. Mr. McKinnon: As far as I know, he actions the recommendations of his bosses, the Prime Minister and the Cabinet of Canada, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Question re: Pipeline Path Chart

Mr. Lengerke: Mr. Speaker, a question for the Minister of Pipelines, a number of weeks ago it was announce that the Minister of Local Government and, I believe, the Director of the Economic Research and Planning Unit were expected to come up with some kind of a, I think the phrase was used, a time chart. In my estimation, it would be something like a critical path chart, with respect to the pipeline project.

I'm wondering, has that chart been prepared and are you now actively monitoring the situation with respect to the

pipeline project and can you tell us, at a glance, what the situation is?

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

Hon. Mr. McKinnon: Mr. Speaker, we continue to actively monitor every aspect of pipeline activity that the YTG is involved in through weekly meetings of our task force on the pipeline and the critical path chart, which I think is *de rigueur* in the form and substance of things of this nature, is presently under preparation, Mr. Speaker. So, not only the Members involved in the Government planning, but the members of the public or the media can see where the Government is standing in any pipeline related activity, at any time and what still has to be to get to the point where we want to get or what external forces over which we have no control are holding us up from getting there, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale.

Mr. Lengerke: Supplementary to that, when do you expect, then, that that chart will be in place in the system, operating?

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

Hon. Mr. McKinnon: In a month, Mr. Speaker, I think that the preparation of the chart will be available.

Mr. Speaker: The Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, this is to the Minister of Local Government, since the Minister is a member of the Territorial delegation on the Planning Council, does he mean to say that the Planning Council makes recommendations directly to the Prime Minister for action?

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

Hon. Mr. McKinnon: Mr. Speaker, each jurisdiction, the CYI, Federal government and the Territorial Government, brings any decision of the Planning Council back to their executives for their approval. It's a Planning Council document, the CYI go to their executive for their approval, the YTG goes to our executive for their approval, and, if it is not within the mandate of the Cabinet, as instructed, the Federal negotiator, then they must go back to the Minister, who must go back to Cabinet for approval.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question re: Health Care Services Take-over

Mr. Fleming: Yes, Mr. Speaker, one more question on the Health Care Services and the Government of Canada take-over. Section 4: Canada will obtain responsibility for the health of Indians in the Yukon Territory and in order to discharge part of that responsibility, as entered into agreement with the Yukon Indians in the Yukon Territory and the Native Brotherhood", and so on.

I would ask the Minister at this time, what part of that responsibility of Canada do they intend to discharge to us, at this time?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, since there is no new agreement and no new contract for our payment for our special Health Services to the native people of the Yukon, this government continues to operate as it has for many years in the past with the reimbursement to the Yukon Territorial Health Branch of the costs of hospital and medical services delivered to the status Indian people of the Yukon.

Mr. Speaker: the Federal Government, in effect pays approximately 30 per cent of the costs of delivering health care to

Yukoners, based on that percentage of population in the Yukon, being of native origin.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, supplementary to that: that is what I am worried about, is the 70-30 split of costs. When they speak of discharging part of that responsibility, I wonder if the Minister did check into it and see who was paying for what when they decided to do this, and whether that 30 per cent that the government is going to pay now will cover what part of the responsibility is left with Canada?

Mr. Speaker: The Honourable Minister of Human Resources?

Hon. Mrs. Whyard: Mr. Speaker, the Federal Government had negotiated with the Yukon Native Brotherhood, a contract for special services to status native people in the Yukon over and above the repayment to this Government for Public Health Services delivered to those people. In other words, Mr. Speaker, the special contract for the Native Brotherhood would have given them services over and above and beyond doctor care, hospital care, and the normal health care that anyone receives. That repayment from the Federal Government is still in place, but the special contract for special services was turned down by the Yukon Native Brotherhood. It amounted to some \$830,000 to be negotiated annually, Mr. Speaker, for training of Health Workers, a Health Services Review Board, and all the additional and enriched services that the native people receive which are paid for by the Health and Welfare Branch in Ottawa.

Mr. Speaker: I must advise the House that at this time, 40 minutes having transpired, that the Question Period has now come to an end.

May we proceed to Orders of the Day?

ORDERS OF THE DAY

Madam Clerk: Item Number 1, adjourned debate, Mr. McIntyre?

Mr. McIntyre: Stand.

Mr. Speaker: So ordered.

Madam Clerk: Item Number 2, adjourned debate, Mr. Lengerke?

Mr. Lengerke: Stand.

Mr. Speaker: So ordered.

Mr. Speaker: We will proceed to Public Bills.

PUBLIC BILLS

Madam Clerk: Third reading, Bill 3, *An Ordinance to Amend the Municipal Ordinance*, Mr. McKinnon.

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

Hon. Mr. McKinnon: Mr. Speaker, I would like to proceed with Bill Number 3 on the day following.

Madam Clerk: Bill Number 4, *An Ordinance to Amend the Local Improvement District Ordinance*, Mr. McKinnon?

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

Hon. Mr. McKinnon: Mr. Speaker, I would like to proceed with Bill Number 4 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 the House resolve into Committee of the Whole.

Mr. Fleming: I second that.

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: Committee of the Whole will come to order.

After a brief recess, we will consider the *Elections Ordinance*. I now declare a brief recess.

Recess

Mr. Chairman: Come to order, please.

Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, we have before you amendments prepared for the *Elections Act*. I should point out that, if I could get Committee's concurrence, there was three. I believe it was three sections that were set over, at last Session, and I would like to maybe discuss those at the end of the amendments that you have before you now, because there has been no changes and I will explain why we, when we looked at them, why we didn't propose any changes in the amendments, as they are outlined in the *Elections Ordinance*.

I should also point out, Mr. Chairman, that I had a conversation with our Member of Parliament, Erik Nielson, and, through him, as well as the efforts of the Minister, there has been a four-party agreement to put the necessary amendment through the *Canada Elections Act*, on a day to be set later on in the Session, in the House of Commons. It would appear that it would be on a Friday and it would be a case that it would just go through the three stages and there wouldn't be any discussion, in respect to the minor amendment that has to be put to the *Canada Elections Act*, in order to make our *Elections Act* workable here in the Yukon.

With those few remarks, Mr. Chairman, I guess we could proceed, with the amendments, as they appear before Members.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, I wonder if I could ask the Minister of Education, regarding the amendments to the *Canada Elections Act*, that he's speaking of, the amendments would have to be completed, would they not, before the end of May, in order to let us know which option we are going to have to go for, because if the amendments aren't completed, then we're not sure that, because we need six months lead time, under the *Canada Elections Act*, and we might, if it's left too late and the amendments aren't put through—say they go to an election, a federal election, now, then we could easily expire the requirement under the *Yukon Act* to have an election every four years.

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, point number one, in the *Canada Elections Act*, it says it requires six months, if the necessary administration isn't brought into place. That, under the *Canada Elections Act*, is the prerogative of the Chief Electoral Officer. He can bring back that time if he feels that he is prepared and ready to run an election.

So, therefore, it is to the discretion of the Chief Electoral Officer, of Canada, if it's run under the *Canada Elections Act*.

As far as the timing is concerned, it's one that we are going to have to monitor very closely. If it does get three-party, or goes through the three stages within the next week or two

weeks, there should be no problem, with respect to setting up the necessary administration for running our own elections, under the *Elections Act*, which you have before you today, as far as the timing is concerned.

And you will note, as we go through the amendments, we have put a clause in there, a six month clause, with the responsibility with the board, on the proviso that if the administration can be put into place prior to the six month allotment, they can just go and present it in the newspapers and, subsequently, bring that time frame back. And I'll explain that once we get into those amendments.

Mrs. Watson: Mr. Chairman, one more question for anyone from the government. None of this mechanism can roll and begin to operate unless this Council. I guess I had better say, Council has been prorogued, isn't that the word, has sat for the last time, until this Council is sort of taken out of office, they can't set up the mechanism, can they?

Hon. Mr. Lang: Mr. Chairman, it is my understanding that the mechanism and the administration of the *Canada Elections Ordinance* can be worked on as soon as the House of Commons Assent, so that once the House has prorogued, the necessary mechanisms are in place and they can go and start doing the necessary work that is necessary in order to get the election under way.

As far as the timing is concerned, a lot could be done during the prorogation of this House, if that is what you mean. The Member is getting at, because a lot of it is just administrative work that has to be done, for example, and all sorts of things that have to be accomplished and can be done without, while this House is in session on that matter, Mr. Chairman.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, they cannot be done if the election has to be operated under the *Canada Elections Act*. If in fact they don't get the amendments through, you know if a Federal election is called within the next short time, they probably wouldn't get the amendments through, then they couldn't start anything until we are prorogued, am I correct on that?

Hon. Mr. Lang: Mr. Chairman, yes you are correct, and I can't speak for the House of Commons. All I can say is that it would appear that we do have the necessary consent by the various parties in the House of Commons to get this amendment through, it is up to the government to introduce the Bill and I am hopeful that it will be either the Friday coming, or possibly a week Friday so that that amendment can go through the House of Commons and subsequently our Bill would come into effect.

Mr. Chairman: The first amendment is a general amendment, which applies throughout the Bill. Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977* be amended: (a) by striking out the words "Legislative Assembly" wherever they appear throughout the said Bill and substituting the words "Territorial Council" therefor; (b) by striking out the word "Assembly" wherever it appears throughout the said Bill and substituting the word "Council" therefor; (c) by striking out the words "the *Legislative Assembly Ordinance*" wherever they appear throughout the said Bill, and substituting the words "any other Ordinance" therefor; (d) by striking out the word "Legislature" wherever it appears throughout the said Bill, and substituting the word "Council" therefor.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, this is necessary because the *Legislative Assembly Ordinance* hasn't been fully discussed and passed through this House. Subsequently this amendment is necessary.

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

Mrs. Watson: Has the Bill been reviewed so that any other Ordinance will completely cover the requirements that are defined for the *Legislative Assembly Ordinance*, because that is pretty significant, that amendment there?

Hon. Mr. Lang: Mr. Chairman, it's my understanding, I should point out that we had the option of bringing up the expertise that has worked on this Bill, from Alberta, Mr. Clegg and Mr. Macdonald, and it was our feeling that the amendments that you have before you could be discussed in the House without the expertise necessary, because it would just be that much more cost to bring an individual up for two or three days, as a witness.

And possibly, I could refer the question to Mr. Cosman, but it is my understanding that it's been thoroughly reviewed by two or three people to insure that the necessary deletions are made in the Bill to make it come into effect. Is that not correct, Mr. Cosman?

Mr. Chairman: Mr. Cosman.

Mr. Cosman: Mr. Chairman, yes, I have reviewed the Bill personally, twice, to insure that this wording will be correct. In fact, I'm the person who prepared this particular amendment, not Mr. Clegg. Mr. Clegg has a copy of it and I'm sure he has pursued it as well.

If the Committee would like to have specific references, I could return to my office for a short moment, if I could be excused, and give you the exact section references, where these words occur. They do occur throughout the Ordinance and it will be a time consuming thing, but I can give specific examples of where each of these words or terminology appear in the Bill, if the Members would like them in context.

Hon. Mr. Lang: Mr. Chairman?

Mrs. Watson: Mr. Chairman, I certainly don't want to go through that deal. I just want to be reassured that it has been reviewed.

Mr. Cosman: Yes, it has.

Amendment agreed to

Mr. Chairman: The next amendment is in subsection 2 at page 1.

Moved by D. Lang, seconded by F. Whyard, that Bill No. 10, entitled *Elections Ordinance, 1977*, be amended as follows: In subsection 2(1) at page 1, by adding immediately after the definition "electorate" therein the following definition:

"general election" means the several elections for which writs are issued simultaneously for all electoral districts;.

Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, it was felt that this definition should be brought into the Ordinance, as these words are used throughout the Act and they haven't been defined. Therefore we felt that it was important to have a definition so one could refer back to it in the Definition section.

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

Mrs. Watson: Mr. Chairman, again I would like to be reassured that in fact the Bill has been reviewed so that when you are talking about elections you specify whether it's general election or by-election, because now you have defined both terms and you're going to have to use the word "election" very carefully.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: All I can say is it's, the expertise has gone through the Bill here, as well as in the people who were working from Alberta, on the Bill, and if you note in the Definition Section, "by-election" is defined as well.

So, I think it differentiates the two and therefore it will make a reference for us to go back on that, in defining both areas of concern.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Well, then, Mr. Chairman, I would submit, should you not change the definition for "elector". It means "any person qualified to vote in an election under the provisions of this Ordinance". Should you not be saying any person qualified to vote at a general election and-or a by-election, under this Ordinance?

Hon. Mr. Lang: Well, Mr. Chairman.

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, it is my understanding that the qualifications for an electorate would remain the same for a by-election as well as a general election, so therefore you don't have to, I would not think, have to divide the two as far as the definition of an electorate is concerned. Is that not correct, Mr. Cosman?

Mr. Chairman: Mr. Cosman?

Mr. Cosman: Yes, Mr. Chairman, the word "election" has a commonly understood meaning, and it is not defined in this Ordinance, however, by-election is a special type of election and it is defined and where the term "general election" is used, in the Ordinance, it was thought that that term should be defined to differentiate it from by-election, however, the word "election" itself will appear through the definitions and throughout the Ordinance several times over, I am sure, and it is not specifically defined. It is felt that the Ordinance itself and the word "election" has a commonly understood meaning and nothing different is meant from that.

Amendment agreed to

Clause 2 agreed to

Mr. Chairman: The next amendment is on page 2, Clause 3.(1), page 2. Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended in subsection 3.(1) thereof at page 2, by deleting the words "*Legislative Assembly Ordinance*" and substituting therefor the following words: "*Electoral District Boundaries Ordinance*".

Mr. Lang:

Hon. Mr. Lang: Mr. Chairman, this is straight forward, in Section 3.(1) in view of the fact that the *Legislative Assembly Ordinance* has not been passed through this House, we have to refer back to the *Electoral District Boundaries Ordinance* in order to conform with the present legislation that is in place.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, just going back to the first amendment, we strike out "Legislative Assembly" or the "*Legislative Assembly Ordinance*", "the Yukon Legislative Assembly", and striking it out here, just for clarification, I would like that Section, while we are on it now, which is very small, to read as it would after it has been amended by both these amendments.

Hon. Mr. Lang: Mr. Chairman, this particular Section, the amendment before you only applies to Section 3.(1) and that is in respect to the electoral areas as designated through the *Electoral District Boundaries Commission*. If you recall, we increased the size from 12 to 16 in that particular piece of legislation, so subsequently this particular application of the Ordinance applies to the electoral areas as defined in the *Electoral District Boundaries Ordinance*. That is where the areas are defined, so subsequently it has to specifically refer to the complementary piece of legislation which accompanies this Ordinance, which has passed this House.

Mr. Chairman: Yes, Mr. Fleming?

Mr. Fleming: Yes, I understand the Honourable Minister, but what I would like to see is that the Ordinance applies to the election of the Members of the Yukon Legislative Assembly. Now they are proposing to just delete that. That will have to be deleted. The last part of this amendment: *Electoral District Boundaries Ordinance*. I can understand that, but what do they put in under "Yukon Legislative Assembly", just the word "Assembly", or "Legislative Assembly"? Just how is the whole section worded?

Hon. Mr. Lang: Mr. Chairman, when referring back to the first amendment that has already been passed by the House here, I think it is clearly laid out in the amendment, where it refers to Legislative Assembly it is Territorial Council, Assembly is referred to as Council, and going through that amendment. Therefore, we are reverting back to the name as under the *Yukon Act* because the *Yukon Legislative Assembly Ordinance* has not gone through here and the various provisions that were in that particular piece of legislation which would pertain to the *Elections Ordinance*, if it were to pass this House. Subsequently, we are going with the legislation that has passed here, the *Electoral District Boundaries Commission Ordinance* and we have to refer back to it.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Mr. Chairman, I will take it that it would read "This Ordinance applies to the electors of members of the Yukon", I would presume that would be left in. "Territorial Council to represent the electoral district established by *Electoral District Boundaries Ordinance*. Would I be correct in reading it that way.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: That's the way it will be, okay.

Mr. Chairman: Any further discussion?

Amendment agreed to

Clause 3 agreed to

Mr. Chairman: The next amendment is 6, at page 3.

Yes, Mr. Berger.

Mr. Berger: Just a question, Mr. Chairman, did we carry Clause 4 and 5?

Mr. Chairman: They were carried at our previous sitting. Clause 4 was carried, but Clause 5 wasn't. It was stood over, so we'll have to consider Clause 5, at this time.

Are you ready for the question?

Mrs. Watson: On Clause 6?

Mr. Chairman: Clause 5.

Clause 5 agreed to

Mr. Chairman: Clause 6(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:

Hon. Mr. Lang: There seems to be a typing error. It should be Mr. Lang.

Hon. Mrs. Whyard: No, it's the wrong Bill.

Hon. Mr. McKinnon: It's the *Elections Ordinance*, not the *Municipal Ordinance*.

Mr. Chairman: Moved by D. Lang, seconded by F. Whyard, that Bill Number 3, entitled *An Ordinance to Amend the Elections Ordinance*, Bill Number 10, deleting subsection 6(1) at page 3 and substituting therefor the following:

6(1) The Commissioner shall, in accordance with the *Public Service Commission Ordinance*, authorize the employment of such officer and employees as the Board deems necessary for the carrying out of the duties and responsibilities assigned to

or undertaken by the Board or the Administrator under this Ordinance.

Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, this was in answer to some of the questions that were posed by Members for this particular section. I think it's been taken care of. It clearly outlines that the responsibility for employment belongs to the Board and not to the Commissioner and, therefore, I feel that it has met the questions that were raised by Members during the initial discussion on the particular section.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, the administrator then will be a member of the Public Service of the Yukon Territory? Is that correct?

Hon. Mr. Lang: Mr. Chairman.

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, you have to refer to Section 5(1), "and the Board shall employ a person as administrator of elections, as and when required by the Board to assist in the administration of elections."

It is my understanding that the Board will employ individuals. They will be directed by the Board, and not by the Government, but they will have to follow the rules as set out through the *Public Service Commission Ordinance*. Is that not correct, Mr. Cosman?

Mr. Cosman: Yes, my interpretation would substantiate what you are saying.

Mr. Chairman: Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, all sections of the *Public Service Commission Ordinance* or are you planning on deleting the sections where you say that the Commissioner has the authority of all Public Servants under the *Public Service Commission Ordinance*?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, as I said earlier, it is my understanding that the Board will give these people direction and they will not be coming under the auspices of the Commissioner. As far as direction is concerned, they will have to follow the general rules outlined in the *Public Service Commission Ordinance*. If that is necessary, then I would imagine that step would be taken in that particular section.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. According to the interpretation section here on the "elections officer" the Administrator is an officer and therefore he would come under the *Public Service Commission Ordinance*.

Hon. Mr. Lang: Mr. Chairman, I am just giving you the general idea that I have from this particular section. Possibly Mr. Cosman can elaborate a little further?

Mr. Chairman: Mr. Cosman?

Mr. Cosman: Mr. Chairman, I don't understand the question the Honourable Member from Pelly has given, could you repeat it again please?

Mr. McCall: Mr. Chairman, it wasn't a question, it was a statement of fact. Under the interpretation section of this Ordinance, "election officer" means the Administrator, the returning officer, assistant returning officer, deputy returning officer, enumerator, revising officer, poll clerk, interpreter or constable;" that is under the interpretation. That means that under Section 6. (1) the Administrator will come under the *Public Service Commission Ordinance*, that is the way I read it. It expresses itself in 5. (1), Mr. Chairman.

Mr. Cosman: If I may answer, Mr. Chairman, the overall intent of the Bill, pursuant to Section 5. (1) is that the Adminis-

trator would be an employee of the Board and would not come under the *Public Service Commission Ordinance*. The interpretation of the word "officers" and "employees" as used in Section 6.(1) is not influenced, I would suggest, by the definition of "election officer" because that is not the term that is defined. The word "officers" is not defined and coupled with the Section 5.(1), I would say that it is the clear intent of the legislation that the Administrator not be under the *Public Service Commission Ordinance*.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the idea of the Administrator with Section 5 is so that it would allow for the Board to enter into a contract for an individual for a certain time frame, as opposed to coming under all the sections of the *Public Service Commission Ordinance*. As there is an election every four years, it would appear to me to be logical to at least approach the elections from this viewpoint until which time as Alberta, at the present time, apparently has somebody on full time now. But at one time it was a contract position and I think that is the way we should be pursuing this area.

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

Mrs. Watson: Mr. Chairman, this is the understanding that we all had was that the Administrator was to be employed by the Board, and would not be a public servant, and yet we are saying in 6.(1) The Commissioner shall, "in accordance with the *Public Service Commission Ordinance*, authorize the employment of such". Now, he is not authorizing the appointment of the Administrator in Section 5, but in Section 6 you are giving the Commissioner the authority to authorize the employment of officers and employees as the Board deems necessary.

You're sort of wondering if the Commissioner has to, under the *Public Service Ordinance*, agree on the officers and employees as the Board deems necessary. Surely, it will also happen as far as the administrator is concerned and I don't think the intent of the Government on these two areas, administrator and employees and election officers, is clear. If it is clear, the intent of the Government is not clearly stated in the legislation.

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I have to disagree with the Member. Section 5(1) specifically points out that the Administrator is an employee of the Board.

As far as the other officers and employees, that do the administrative work, that is subject to the Board, but, at the same time, it has to relate to the *Public Service Commission Ordinance* so there is some guidelines in respect to the employment of these individuals, for whatever period of time, whether it be by contract or whatever, but it is the Board that will be giving the direction, the way that section reads. Is that not correct, Mr. Cosman?

Mr. Cosman: Correct.

Mr. Chairman: Mr. Berger.

Mr. Berger: Mr. Chairman, I think that the concern of the Honourable Member is completely in the wrong direction. Our concern should have been voiced on Section 4.(2), where the Commissioner appoints the Board. I have to agree with the Honourable Member from Porter Creek, that it's the Board and the Administrator are going to issue the duties of the officers and the employees and it has nothing to do with the Administrator, what we're talking about in 6.(1).

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

Mrs. Watson: With respect, I agree with the Honourable Member, Section 4.(1), 4 and 5. Section 4 is really the key one, the concerns that we have on the Elections Board and Section 5

says "The Administrator of the Elections" is hired by the Board.

Why, now, when you say "officers" under 6.(1), you're talking about returning officers, is that who you're talking about returning officers, enumerators, the whole bit, does their hiring have to go through the Public Service Commission? Does their hiring have to be approved by the Commissioner?

Hon. Mr. Lang: Mr. Chairman, the way this section reads is that they would have to be approved by the Board and it would be a formality as far as going through the Public Service Commission, if it's a contract position or whatever position that is, but what we're trying to do is to put some guidelines down and we do have those guidelines in the *Public Service Commission Ordinance* so the Board has something to follow.

I think it's fair to say that the concerns of the Members is stated in section 5. The Administrator is an employee of the board, and, as I said, we would envisage it as a contract position for a certain time period.

Mrs. Watson: Mr. Chairman, why aren't the guidelines required for the Administrator, then, for under the Public Service Commission? Why, for the grassroots employees, that's the last place where we want them to be members of the Public Service of the Yukon Territory?

Hon. Mr. Lang: Mr. Chairman.

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I can't add that much more to the debate. I was following the debate from last Session and the main point that was put across and I think is accepted, is that the Administrator will be getting his or her direction from the Board and the Administrator will be in charge of the employees on the administrative level.

Subsequently, what we're doing is attempting to give some guidelines for them to follow in respect to the employees of the election, other than for the administrator. I think it answers all the questions that have been raised, Mr. Chairman, and I think at the same time it points out, it states, "authorize the employment of such officers and employees as the Board deems necessary".

So, it's up to the Board to decide who they need and where they need them. Yes, it is. Mr. Chairman, I refer the question to Mr. Cosman. Is that not correct?

Mr. Chairman: Well, I think there is are two people here who have decided a certain interpretation and I think it is time we had a vote on it, because there is nothing further to be brought out. As far as I am concerned, as Chairman, the thing is perfectly clear to me.

Yes, Mrs. Watson?

Mrs. Watson: Mr. Chairman, then I would certainly like an interpretation, a legal interpretation. It says the Commissioner shall authorize. He shall authorize, and he authorizes as the Board deems. And it says "in accordance with the *Public Service Commission Ordinance*", this is the part that bothers me.

Mr. Chairman: Are you ready for the question?

Mrs. Watson: Mr. Chairman, I have asked for a legal opinion on this and I would like to get it.

Mr. Chairman: I don't think we need a legal opinion, we have had several upon this subject.

Amendment agreed to

Clause 6 agreed to

On Clause 7

Mr. Chairman: This was not amended, but was not carried. Clause 7 on page 3. Any discussion on Clause 7?

Clause 7 agreed to
On Clause 8

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

Mrs. Watson: Mr. Chairman, it is quite obvious my interpretation of that Section was absolutely correct by number 8.(1).

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I don't know whether the Honourable Member was just making a comment on the previous section that has been cleared or whether you wish to have any further comments on it, but the employees referred to in the earlier instance were employees under A-7's shop who will be actually handling the mechanics, and not the people out doing the returning officers jobs.

Mrs. Watson: Mr. Chairman, I am referring specifically to election officials and it is very obvious in 8.(1) and the amendments as proposed later on that this is the intent and I am expressing my concern, we were supposed to be having the Board do these things and now we have changed it. I am concerned, I want an impartial type of an election, it must appear completely impartial, outside of government. This is the thing I am concerned about. I don't think government wants to be in the position where they could be criticized for appointments of people and this type of thing. Government should not want that, and I would hope that government would not want that, but apparently you are not looking at it in that way. I want everyone in the whole Yukon satisfied that it is an impartial election.

Hon. Mr. Lang: Mr. Chairman, the innuendos that are being placed here this morning are not correct. The government quite obviously wants a Board and a Board that is impartial for running this election, and quite obviously I think it is tied in with the Board for the running of the election and I take offence to that because the point is that we, as a government, don't want to preempt the Board, and at the same time, it is a case where you have various other elements in government that are affected. I think the way the legislation is drafted, I think that the Clerk of the Assembly has to take a lot of credit as well as our expertise from Alberta and we have done everything we possibly can to make the Board impartial. At the same time drawing everything towards the Board so it is a decision making body.

I think that you will find that it's going to be a very operative piece of legislation and one that will speak well for the Yukon in the next election.

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

Mrs. Watson: Mr. Chairman, there were no innuendos intended whatsoever, in my remarks. You must not only be impartial, but you must completely appear impartial and if anybody is criticizing, if anybody in the public is criticizing how a returning officer operates, and this sometimes does happen, immediately, they can go to 8.(1), and that's the last thing that Government would want. But you say, 8.(1) also, "shall appoint a returning officer who shall hold office during pleasure", pleasure of whom? "...and be removable for cause".

Mr. Chairman: Any further discussion? Ready for the question?

Mrs. Watson: I'd like the answer to pleasure of whom?

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, quite obviously it's in pleasure of the Board, who will refer back to the Commissioner if they are dissatisfied with the returning officer that has been appointed. I think it's clearly specified there, that the Board appoint a returning officer, shall hold office during pleasure and be removed for cause.

Mr. Chairman: Shall Clause 8 carry?

Some Members: Agreed.

Mrs. Watson: I would be quite prepared to have that accepted as a typographical error. "Shall hold office during pleasure of the Board".

Clause 8 agreed to

Mrs. Watson: Mr. Chairman, number 2 says "suspended for cause by the Board". No, it doesn't.

Mr. Chairman: This section is an amendment, subsection 10.(4) at page 5.

Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: In subsection 10.(4) at page 5, by deleting the words "by the Board" where they occur in line 39 thereof and substituting therefor the following words:

"by the Commissioner on the advice of the Board, in the case of a returning officer, and by the Board in the case of an assistant returning officer."

Mr. Chairman: Discussion? Yes, Mrs. Whyard

Hon. Mrs. Whyard: Mr. Chairman, this comes through the same policy referred to in the earlier section, which are the Honourable Member opposite some provisions, and these are on the advice of our consultants, who assist in the preparation of this Ordinance, that the returning officer and the assistant returning officer are handled in different ways throughout this Bill. The assistant returning officer, the Board gives the advice on that one and enacts its own wishes. The returning officer is carried through by the Commissioner on the advice of the Board. It's exactly the same principle as in the earlier section.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, I would like to know what is the reasoning behind it?

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, the way I understand it, it was to attempt to divide the responsibilities of the assisting returning officer, as opposed to the returning officer. This was the concept, to make that division and all I can do is rely on the expertise that Mr. MacDonald and Mr. Clegg have afforded this House and this is their recommendation.

If you refer back, once again, it all refers back to the Board in the final analysis and if a returning officer were to be removed, it would take a Commissioner's Order or whatever, upon the advice of the Board.

So, I can't see that there's going to be any intrusion, in respect to the everyday operation of the Board, by Government. I think it's fairly clear and forthright.

Mr. Chairman: Yes, Mr. McCall?

Mr. McCall: I have a little element of confusion here, Mr. Chairman, in this particular amendment, although I am not really hung up on it. I make reference to the returning officer and assistant returning officer. The ironic thing is we also have a deputy returning officer and where does he actually fit into the picture, when we make reference to the assistant returning officer? Wouldn't that be a deputy returning officer, according to the *Elections Ordinance*?

Hon. Mr. Lang: I would just like to make one point, and I think it clarifies the Member's concern with Section 10.(4) as the amendment is written. It states "by the Commissioner, on the advice of the Board", in the case of a returning officer, if there is to be a termination, so it is the Board that will give the advice to the Commissioner and I think it is clearly stipulated and the Board makes the individual decision on the assistant returning officer. I think that answers the problems that were raised earlier in the other sections that were discussed this morning.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I find the proposed amended section a little confusing, because in 9.(3) you have already determined that the Board has the right to dismiss an assistant returning officer. Why does it have to be in there again in 10.(4)? I think the last two lines, "and by the Board in the case of an assistant returning officer" completely unnecessary.

Hon. Mr. Lang: Mr. Chairman, I think this further clarifies the section as it relates back to Section 9, and it goes up to Section 10.(1) and shall reside, and in (b) "shall, during his appointment, refrain from any active or public support or criticism of any candidate or any political party endorsing a candidate." I think it clarifies more the authority of the Board as well as clarifying that to terminate a returning officer, the Commissioner must have the advice of the Board.

Mr. Chairman: Yes, Mr. Berger?

Mr. Berger: Mr. Chairman, under Section 9 we are strictly talking about the assisting returning officers, and why mix up the returning officer under Section 10.(4) with the assistant returning officers. I mean this is what the confusion is all about. The returning officer is a different person altogether. He is going to be dismissed by the advice of the Board to the Commissioner. In the other case, it is the Board that dismisses the assistant returning officer.

Mr. Chairman: Yes, Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I think it is fairly clear that the reason we are amending Section 10.(4), as people have gone through the Bill since it was in the House and they noticed an error, because the returning officer is appointed by the Commissioner, so therefore he has to be terminated by the Commissioner and it has to be written in accordingly. It states "by the Commissioner on the advice of the Board", which I think answers the Honourable Member from Klondike's concerns that if there is a termination, it is on the advice of the Board through the Commissioner.

Mr. Chairman: Mr. McCall?

Mr. McCall: With all due respect, Mr. Chairman, I am a little confused and I think the average person on the street would be. What seems to be quite a justified amendment, is adding confusion because when we relate to the section where the amendment is made reference to, and you look at the interpretation, what we are actually doing is isolating the deputy returning officer, because when we look through Section 10, it makes reference to any or every returning officer, and then when you bring forward the amendment with just a reference to the returning officer and assistant returning officer, we may never have an assistant returning officer, where I am sure we are going to have a deputy returning officer. There is a substantial element of confusion in the language there. I have some reservations with it, although I don't object to the amendment, I am just objecting to the reference in the amendment, because we make reference to the assistant soul, what about the deputy returning officer? He is out in limbo the way the language is reading.

Mr. Chairman: Mr. McCall, I believe that a deputy returning officer is a person who can take the place of the returning officer in his absence, but an assistant returning officer cannot. So they are two different people.

Yes, Mr. Cosman.

Mr. Cosman: I would refer Committee to Section 41 of the Bill, and it clearly delineates deputy returning officers and their powers and duties.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, by the same token, under Section 41, I haven't had an opportunity, is the deputy returning officer appointed by the returning officer. You see, a de-

puty returning officer is appointed for each polling station, right? A deputy returning officer and not the interpretation, I don't think, that Mr. Chairman was putting to it.

The returning officer appoints them. Does it say in here that the returning officer can suspend or remove them from that position?

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: The Honourable Member should read further in Section 6 of Section 41, it states "A returning officer may, at any time, relieve any deputy returning officer appointed by him of his duties and appoint another person to perform those duties."

Mrs. Watson: Well, there is provision made for it.

Hon. Mr. Lang: Well, there is provision.

Hon. Mrs. Whyard: Mr. Chairman, we're not...

Clause 10 agreed to

Mr. Chairman: Section 15 on page 7, Section 15(2) was to be reviewed to determine whether the date of the return of the writ should be more definite.

Hon. Mr. Lang: Mr. Chairman, it's my understanding that this section is adequate and it leaves the flexibility for the timing of the election, because we have X amount of certain days that a writ is issued until the election. So, it leaves the flexibility in the legislation to determine a date. I don't think you would want to specify a day in the legislation, because then you're bound by that as far as calling an election is concerned.

Possibly Mr. Cosman can add something on that.

Mr. Chairman: Mr. Cosman.

Mr. Cosman: Yes, Mr. Chairman, I would refer you as well to Section 30, dealing with the writs for a general election. It specifies a minimum time, for which the polling day may be named, after the issue of the writ. So there is some control over the apparently arbitrary date the Commissioner would chose.

Mr. Chairman: Thank you.

Mr. Chairman: Yes, Mr. Lengerke?

Mr. Lengerke: I know there was some discussion with respect to 15.(4): "A writ of election shall be transmitted by the Board to the person" and one of the questions was how that writ would be transmitted, because this had some tie in as to the time frame. I don't know if that was answered or not, I believe it is answered further on.

Mr. Chairman: Any further discussion?

Clause 15 agreed to

Mr. Chairman: We will recess now until 1:30.

Recess

Mr. Chairman: Would Committee please come to order.

The amendment we're considering is in section 22, page 14.

Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: In section 22,

a) by adding the words " , unless otherwise authorized by the Board pursuant to subsection (1.1)," immediately after the words "every returning officer shall" where they occur in subsection (1) at line 26 of page 14;

(b) by deleting the words "one or" where they occur in subsection (1) at line 27 of page 14,

(c) by adding immediately after subsection (1) at page 14 the following subsection:

(1.1) The Board may authorize the returning officer of any electoral district to appoint only one person in any polling division to enumerate the electors therein.

(d) by deleting subsection (8) at page 16 and substituting therefor the following subsection:

(8) Every enumerator visiting a house shall advise every person present whose name he enters on the list of electors of the right to cast a vote by proxy in accordance with this Ordinance and, if requested, leave an application for a proxy certificate in the prescribed form for each person who requests it or for whom it is requested.

(e) by deleting the words "where feasible" where they occur in subsection (17) at line 29 of page 17 and substituting therefor the following words:

"wherever the residence of the elector is so identified";

(f) by deleting the word "Saturdays," where it occurs in subsection (23) at line 32 of page 18.

Hon. Mr. Lang: Mr. Chairman, the first amendment in section 22(a), is put in to align the section with the subsection (1.1) and (b) is of a similar nature, to align it with the section in total in the numbering, and in (c), the reason for that amendment is to provide for the appointment of enumerators.

This was on the behest, we understand of Mr. Hamel. I think there should be a comment made here that Mr. Hamel has had the opportunity of going through the legislation once again and him and Mr. MacDonald did get together to discuss possible changes, recommended changes, and we have agreed to go along with some of the changes that are fairly minor and technical on Mr. Hamel's recommendations because it is important so that we can get his blessing for the amendment to go through the House of Commons.

After a year, after the first election is run under this Legislation, I think then we can look at it and see whether or not the time frame is too long or whatever and the proper amendments can be put into the legislation. But it is important that from the government's position here that we attempt to obtain Mr. Hamel's blessing on this particular piece of legislation so that the Government of Canada is prepared to put it through the House of Commons.

Section (d) I think is a very good section, Mr. Chairman, because as you know we are changing of the concept of proxy voting for the Yukon and this way everybody will be informed, if it is in Legislation, that they have to be informed that this method is available for electors when they vote, then there is that much more chance of it being successful. I think it is a very positive move to put this type of section in the Ordinance.

In (e), where feasible, it was a request of the Chief Electoral Officer to delete that phraseology and insert wherever the residents and electors so identified in order to clarify and tighten the requirements for the section.

At the same time, in (f), Mr. Chairman, the reason for deleting the word "Saturdays" is to give more time for revisions, excluding the Sundays and public holidays. The point is, the way Mr. MacDonald has put it to us, is that the revision period may fall around a public holiday and they don't want the requirement of the staff working on Saturdays. With the deletion of "Saturdays" that would allow their timing in such a way that it would be on a work day rather than running into Saturdays.

If you note in the Legislation further on, we have extended the time period from 42 days to 45 days. It is all brought in, tied in, through the Legislation as far as the timing is concerned.

Mr. Chairman: Yes, Mr. Fleming.

Mr. Fleming: Yes, Mr. Chairman, I have no hang-up on this whatsoever, other than that I am just wondering where they say in (8) "Every enumerator visiting a house", and I am just wondering why they specify only house, when, normally, you specify a person, you know, a resident or residence, where

he is. It doesn't normally have to be a house. I think it can still be a voter and be a resident in a hotel, in a tent or wherever he might be. I'm wondering why they don't use "residence" in there, if I could just have a little clarification as to why they just use "house"?

Hon. Mr. Lang: Mr. Chairman, I'll have to direct that question to the Legal Advisor. It is my understanding that, further on in the section, it states very specifically the enumerator must advise every person present whose name he enters on the list of electors, so I would interpret that that would be anybody he enumerates, wherever that enumeration takes place. Is that not correct, Mr. Cosman?

Mr. Cosman: Yes, Mr. Chairman. I believe the term "house" is used because there is reference to the enumerator making a house-to-house canvassing of people as well so it is to maintain a consistent wording, but I'm sure that wherever any person resides, that person is to be enumerated, if we read section 22 carefully.

Mrs. Watson: You delete "residence" in subsections Page 15 700.

Mr. Chairman: What Mr. Watson?

Mrs. Watson: Mr. Chairman, they use the word "house" but they also use "residence" in the word "leave at the residence of every person" in the house-to-house call and then they "leave" every person, and then they say "every person" a house".

So, it should be consistent, should it not?

Hon. Mr. Lang: Mr. Chairman.

Mr. Chairman: Yes.

Hon. Mr. Lang: I'll put this to the Legal Advisor, but "residence" is more applicable, we have no problem changing "house" to "residence", if it's going to resolve the problem.

Mr. Cosman: Mr. Chairman, I really find no problem with that. I suspect that the floor amendment proposed goes to something wider than dealing with whether it's a house or residence, I think probably that's a drafting point which we can work on.

Mr. Chairman: Is that agreeable to everyone, we can consider that the "residence", rather than "house". Yes, Mrs. Watson.

Mrs. Watson: Mr. Chairman, I have another question. You're approaching this advising people about the ability to vote by proxy and you're putting it in where "every enumerator, when they're visiting at a house shall advise every person present whose name he enters on the list of electors".

Well, if you're enumerating people in some other way, as you are in 7 (a), is there a requirement to advise them that they have the ability to vote by proxy?

Mr. Chairman: Mr. Cosman?

Mr. Cosman: Mr. Chairman, the statement under paragraph 7(a) is really a general direction to the enumerator after taking his oath of office to proceed to enumerate every person who is entitled to be enumerated or who is entitled to vote.

I think subsection (8) is a specific direction. Perhaps I missed the significance of what you were saying here, but I think the essence of what the direction to the enumerator is is to advise all persons he is enumerating that they may vote by proxy.

Mrs. Watson: That's right, (7) is the general section and then (8) is when they are doing their house to house visits to get the names and addresses of people, they must advise them the

ability to vote by proxy. But also, your method of enumerating people is defined in (7)(b): "obtain the information that he may require by house-to-house visit and from such other sources of information a may be available to him". My question is, are you just insisting that this information be passed on when you are doing the house-to-house visits, or if you are using any other method to get information from people? You are being so specific that on this visit you must tell them.

Mr. Cosman: Mr. Chairman, yes, I think you are right in this, Mrs. Watson, that subsection (8) does apply only to house-to-house visits, and therefore the informing of persons resident in that house of the right to vote by proxy is all that is contemplated by this. The "other sources of information as may be available" to the enumerator could include such things as jury lists and what have you, I would suspect, municipal tax rolls, whatever, and you are right, there is no specific direction to inform any person as may be determined through some of these other methods that has a right to vote, there is no direction to inform that person of his right to vote by proxy.

Mrs. Watson: Mr. Chairman, wouldn't it be possible then, to leave out, combine the amendment in the old (8) and the old (8) said: "every enumerator shall advise every person whose name he enters on the list of electors or a person at the house where the electors reside", "every enumerator shall advise every person whose name he enters on the list" of his right to cast a vote by proxy, but then of course that would be difficult if you are getting it from bad lists or you are getting it from taxation rolls and this type of thing. It appears to me that we are sort of only making it necessary for the enumerator to advise people the right to vote by proxy is when they make house to house visits. If there is some way we could get it in that the enumerator should try to advise all people that he comes in contact with, he might not make house-to-house visits. A lot of people do their enumerations by telephone to make sure that this is a general type of instruction. You have it specific, maybe you could make a general one.

Hon. Mr. Lang: Mr. Chairman?

Mr. Chairman: Yes.

Hon. Mr. Lang: I see what the Honourable Member is getting at. I'm just looking at it from a drafting point of view. Is it not fair to say, Mr. Chairman, and I'll direct this question to the Legal Advisor, that this could be a policy incorporated by the Board, that in other areas where it's not a house-to-house call visit, but where it's telephone calls and this kind of a thing, that they could give the direction to the enumerators, because what I would envisage with this new concept coming into force, with the Board being established, I would imagine that the Board would be doing a very concentrated public relations campaign to insure that everybody is aware of the provisions of the *Elections Act* and what is available.

Also, at the same time, the Board would have the ability of making some administrative policies just similar to what the Honourable Member is referring to, and possibly it could be handled in that way.

I'm not too sure, Mr. Chairman, whether it could be drafted in such a way that it would take in all cases. Mr. Cosman?

Mr. Cosman: Mr. Chairman, we no doubt can draft it. I'm concerned that there might have been something in Mr. MacDonald's or Mr. Clegg's minds, going specifically only to the house-to-house visits. I don't know whether we would be legislating an impossible task. The addresses of these persons may not be known and so on, if we were to advise every person who is enumerated, whether they are enumerated by house-to-house visit or enumerated from a jury list, for example, it may be a difficult and onerous task.

I would suggest that the very best we can do would be to attempt to insure that the enumerator gives his best effort to

so inform every person he enumerates, that they have a right to vote by proxy.

Mrs. Watson: Well, Mr. Chairman, I would prefer the wording that you use over section 8, because I can see someone saying the enumerator came and he didn't tell me that I had the right to vote by proxy. And what you're saying there, "every enumerator shall advise". They're obliged to advise every person in that house, or every person whose name they put down, that they can in fact vote by proxy and I think you're tying yourself down really, really tightly. I would like possibly, have it stood aside so that you could check with Mr. MacDonald whether there was a specific reason why the word "shall" should be in there and why should it apply just to house-to-house. Whether it would be better to have a general clause, as Mr. Cosman said, where it is feasible, the enumerator should advise people their right to vote by proxy.

Because you're saying "he shall". You could throw out elections because the enumerator did not tell you that you could vote by proxy.

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, on the direction of our experts in this field, they feel that it should give direction, at least some firm direction, rather than going where feasible or using some language which is not giving firm direction to the enumerators. If this is written into legislation, then they're going to have to, this is one of the terms and conditions of their jobs, that this has to be done.

I think that, it's my understanding, that Mr. MacDonald and Mr. Clegg both feel very strongly that it should be a "shall", rather than "where feasible" or "may" written into the legislation so that the direction is given through the legislation to these people that this has to be done and the Board then, who is responsible in this legislation, will ensure that all enumerators are aware of their responsibilities and it will be carried out.

I don't think that we want to leave it to discretion. The only thing that I can say, and, Mr. Chairman, on the other aspect that the Honourable Member raised, whether it's going through jury lists or whether it's going through telephone calls and this kind of a thing, I still haven't had my question answered, from the Legal Advisor, would it not be possible, the way the legislation is drafted, that that would be an administrative policy that could be directed from the Board?

Because there are other areas as well and to try to write that into legislation, you may well be missing something, rather than leaving it to the discretion of the Board over and above what we have in here. Mr. Cosman?

Mr. Cosman: Yes, Mr. Chairman, I feel that all employees of the Board would be subject to any general policy or administrative ruling of the Board, and therefore that could be accomplished through administrative measures.

Mr. Chairman: Yes, Mr. Fleming?

Mr. Fleming: Mr. Chairman, I might be wrong, but I think that part of the problem right here with me right now, I read it as every enumerator so advised every persons name he enters on the list of electors or a person at the house where the elector resides. This is where I think that Mrs. Watson just brought up the point that if it was made by phone call or something, anything could happen. I would suggest possibly that every enumerator shall advise every person whose name he enters on the list of electors, or a person at the house where the enumerator visits. I think that would solve the problem. He can't do it if he doesn't visit, but he must do it if he does visit. To me that section could be just that plain.

As the Minister has said, he wants to definitely lay down something and I think that would be laying it down without taking a chance of anybody saying he didn't give me anything, and naturally he wouldn't if he wasn't there.

Mr. Chairman: Yes, Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, we have still got a couple of days until prorogation. I would be prepared to set this aside and we could get some information this afternoon and maybe bring it in tomorrow.

Mr. Chairman: You mean stand the amendment to Section 22 over.

Hon. Mr. Lang: Just a minute, Mr. Chairman, prior to setting the whole Section over, I would like to know if there is any other areas in this particular Section that people want to look at. If you will note, there are several amendments to Section 22, which I think are fairly straight forward, I don't think there should be any problems with them, but if there is I would like to hear them now.

Mrs. Watson: Mr. Chairman, other than using the word "residence" and you are going to look at this "residence" and "house-to-house" whether there is any need for anything further clarification on that. Otherwise I have no problems.

Mr. Chairman: There are a couple of amendments to Section 24. One that was submitted in December and the one today. I will read both of them.

Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977* be amended as follows: In subclause 24.(1) at page 20 by striking out "electoral division" and substituting "electoral district" and by striking out "polling division" and substituting "electoral district".

The other amendment is moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977* be amended as follows: In Section 24

(a) by adding immediately after subsection (1) at page 20 the following subsection: (1.1) Every revising officer shall be appointed in the prescribed manner and upon his appointment shall take an oath in the prescribed form.

(b) by adding immediately after subsection (4) at page 20 the following subsection: (4.1) Where the name of a person is removed from a list pursuant to subsection (4), the revising officer or returning officer who removed it shall forthwith give that person notice thereof, either in person or by sending written notice by registered mail to the address shown on the list and to any other address at which the officer believes the person may be found.

Hon. Mr. Lang: Mr. Chairman?

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, the first amendment that was put forth, during the last Session, and there was some discussion in this particular area and I did get clarification from Mr. MacDonald and Mr. Clegg, in this particular area and they have informed us that there is no compulsion for a revising officer to be posted at each polling division in order to allow the returning officer of the electoral district the discretion to make such appointments as he deems necessary and reasonable.

So, therefore, the argument at that time, I think, is answered, and the intention of that particular clause is not to deny a revising officer in the polling divisions the right to go and do their duties where it is necessary in that particular area.

While I am on my feet, Mr. Chairman, since last Session, we've reviewed the Bill once more and, in section 24, this particular section (a), (1.1), was omitted and it's necessary to have it in the Legislation that every revising officer take the oath and be appointed in a proper manner. That's just clarifying that situation that had been omitted in the drafting.

The second section was at the request of the House, to look at the possibilities of notification of an individual or an elector

who had been struck from the list for whatever reasons. I think that that amendment before you today has answered that question, as well.

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

Mrs. Watson: In the light of the amendment that was made last time, I'm really getting a little confused on polling division, electoral district and so on. Is polling division correct, in 4, on page 20, in section 24(4)? Is the terminology "polling division" correct?

Mr. Cosman: Mr. Chairman, yes, polling division in subsection (4), 24, is clearly correct in my mind. The reason for the amendment to 24(1) was that the terminology "electoral division" and "polling division" had been intertwined and a matter of, wherever we see "polling division", we should not be using "polling district", we should be using "polling division", we should be using "electoral district".

Now, in subsection 4, the word is "polling division" and I'm sure that that is what the original draftsman intended, because he's been very thorough in going through the Bill, for these kind of errors.

Mrs. Watson: Mr. Chairman—

Mr. Chairman: Yes.

Mrs. Watson: —the right to strike a name from a polling division is not up to the deputy returning officer who is in charge of that polling division, but it is up to the returning officer of the whole electoral district to strike a name from a list.

That is very important.

Hon. Mr. Lang: Mr. Chairman, either the revising officer, or the returning officer who has the right to do that. At the same time, in answer, I believe it was to a question from the Member from Kluane, that if a name is struck from the list, that individual is notified. That is the amendment that is brought in.

Mrs. Watson: Mr. Chairman, but it must be on the authority of the returning officer of the whole electoral district or his residing officer. I cannot be on the authority of the deputy returning officer who is in charge of that specific polling division within the electoral district. That is what I want to get clear.

Mr. Chairman: Any further discussion?

Amendments agreed to

Clause 24 agreed to

Mr. Chairman: Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977* be amended as follows: In subclause 25.(4) at page 21 by adding at the end "and the decision of the returning officer is final".

Hon. Mr. Lang: Mr. Chairman, there was some discussion in the Chambers when we were considering this amendment that there should be some sort of a line of appeal to the returning officer. I have, since that time, discussed this area with Mr. MacDonald and Mr. Clegg, they feel that the returning officer should be allowed to make the decisions. They do not feel that there should be any appeal because it demeans the returning officer's position of authority with respect to the conduct of the election in that area or that district. They feel very strongly that the returning officer who is appointed should have the final decision.

Mr. Chairman: Any further discussion?

Amendment agreed to

Clause 25 agreed to

Mr. Chairman: The next amendment is subparagraph 27.(1)(c.1) at page 23. Moved by D. Lang, seconded by F.

Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977* be amended as follows: In subparagraph 27.(1)(c.1) at page 23, by deleting the words "appointed by him" and substituting therefor the words "appointed by the Board".

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the reason for the amendment is simply to ensure that it's clarified that it is the Board that makes the appointment. Where it says "appointed by him", this clarifies appointed by the Board.

I just would like to refer a question to Mr. Cosman. I see in the numbering we have 27.(1)(c.1)?

Mr. Cosman: Yes, Mr. Chairman, if I may.

Mr. Chairman: Yes, (c.1) was a previous amendment.

Mr. Cosman: That's correct.

Mr. Chairman: The previous amendment that was carried before Christmas was the names of any assistant returning officers appointed by him and the clarification is that they're changing "him" to "appointed by the Board".

Mrs. Watson: Mr. Chairman, I think there's also a typographical error in (c) "the number and fully described boundaries of polling divisions of the electoral division". It should be "district".

Mr. Chairman: Where is that?

Mrs. Watson: Section 27.(1)(c), "electoral district".

Mr. Chairman: "District", that's been corrected.

Mrs. Watson: Has it been corrected?

Mr. Chairman: Yes.

Any further discussion on the amendment?

Amendment agreed to

Clause 27 agreed to

Mr. Chairman: Clause 29(1) on page 24.

Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: In subsection 29(1)

(a) by deleting the words "polling day" when they occur at line 22 of page 24 and substituting therefor the words "his election";

(b) by deleting the word and figure "Form 3" where they occur at line 24 of page 24 and substituting therefor the words "the prescribed form".

Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, this is just more clarification for the section. The candidates are not officially elected on polling day. They are officially elected when the returning officer announces the fact that they have been elected.

So, it's clarification and in (b) of that amendment, "Form 3" are nominating papers. And the "prescribed form" is a statement or a document which is an appendix to Form 3, of the Legislation. It's just more clarification for the section.

Mr. Chairman: Any further discussion.

Amendment agreed to

Clause 29 agreed to

Mr. Chairman: The next amendment is subsection 30(1) at page 25.

Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: In section 30(1) at page 25, by deleting the word "forty-second" where it occurs in line 14 thereof and substituting therefor the word "forty-fifth".

Hon. Mr. Lang: Mr. Chairman.

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, this was agreed to with Mr. Hamel, the Chief Electoral Officer, to change the 42 to 45 days and, as I said earlier, we're attempting to comply where Mr. Hamel feels that there should be times lengthened in this kind of a thing, in order to get his blessing for the Legislation.

After we hold the next election, I think that the people of the day can decide whether or not the time was too long and the legislation could be amended.

Mr. Chairman: Any discussion?

Amendment agreed to

Clause 30 agreed to

Mr. Chairman: Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977* be amended as follows: In subsection 41.(14) at page 35, by adding immediately after the words "shall appoint" at line 11 thereof the words "", by writing in the prescribed form."

Yes, Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, this is just further clarification for this section. The reason for including this qualifier in the section is to ensure that an interpreter who may be queried to his eligibility as an interpreter to ensure that his appointment will have to be made in writing, so therefore there can be no possibility of any argument or discussion of whether or not the individual is capable. The appointment is formally made and it would be done in the prescribed form.

Mr. Chairman: Any discussion?

Amendment agreed to

Clause 41 agreed to

Mr. Chairman: We will go on to Clause 43 which had not been carried previously, at the bottom of page 35 and continuing on page 36. It has been amended, but the clause, as amended, has been carried.

Yes, Mr. Fleming?

Mr. Fleming: I think there was some discussion as to whose name should be marked first and as to how they should come to this conclusion as to whose name should be first on the ballot paper.

Hon. Mr. Lang: Mr. Chairman, I think the amendment was put forward last session to it, and as far as I knew it had been agreed to and the only thing is that we had forgotten to carry it at that time.

Mr. Chairman: That was proposed and I understand the amendment was carried, but the Clause wasn't carried. The amendment was in paragraph 43.(2)(b) at page 36 by deleting the words "the political affiliation or interest of each candidate" and substituting the words "the name of the registered political party endorsing the candidate or his political interest" in line 11 and that amendment was carried.

All we are really asking now, shall that Clause, as amended carry?

Clause 43 agreed to

Mr. Chairman: The next amendment is in Section 52 at page 44. Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977* be amended as follows: In Section 52 at page 44, by deleting subsection (2) thereof.

Hon. Mr. Lang: Mr. Chairman, it is my understanding that this particular section is strictly a duplication of the description given in section 2. So, it's redundant and they're just cleaning up the legislation.

Mr. Chairman: Any further discussion?

Amendment agreed to

Clause 52 agreed to

Mr. Chairman: Clause 54(19) at page 49

Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: In Subsection 54(19) at page 49, by adding immediately after the words "that officer shall" in line 15 thereof the following words:

.. in accordance with subsections 41(14) and (15),".

Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, it was felt by Mr. MacDonald that this was an omission in the Legislation and it should be clarified, referring back to sections 41 (14) and (15), in the final review of the legislation, perhaps Mr. Cosman could elaborate.

Mr. Cosman: Yes, Mr. Chairman, 41(14) and (15) dealt with the appointment of an interpreter and this subsection (19), 54(19), again deals with the appointment of an interpreter and it was felt that a reference to the earlier section should be made, to make them consistent.

Mr. Chairman: Any further discussion?

Amendment agreed to

Clause 54 agreed to

Mr. Chairman: The next amendment is Clause 55(4) at page 50.

Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: In paragraph 55(4)(a) at page 50, by adding immediately after the words "completed proxy application" in line 20 thereof the words "and consent".

Yes, Mr. Lang.

Hon. Mr. Lang: Excuse me, Mr. Chairman, the reason for this amendment is that there are two separate documents and it is not one document and it was felt that it should be clarified.

Mr. Chairman: Any further discussion?

Amendment agreed to

Clause 55 agreed to

Mr. Chairman: To Clause 56 on page 52. This clause was not carried at our previous sitting.

Hon. Mr. Lang: Mr. Chairman, it was my understanding that this Section here was a case of having to go back for more clarification and was amended last session, but due to circumstances, I gather, the Clause hadn't been carried, but the amendment has been.

Mr. Chairman: The amendment that was carried was in subclause 56.(5) at page 53 by deleting the subclause and substituting (5) "every employer who directly, or indirectly, refuses to grant to any elector in his employ, or by intimidation, undue influence or in any other way interferes with the granting to any elector in his employ, of whatever additional time may be necessary to allow the elector to have three consecutive hours for voting as provided in this section, is guilty of an offence." That was the amendment that was carried, but the Clause wasn't carried. The amendment was carried, but not the Clause. Any further discussion?

Clause 56 agreed to

Mr. Chairman: The situation is the same there. Subclause 58.(3) at page 56 was amended by deleting the subclause and substituting (3) "No person shall engage actively in the issue or promotion of political propaganda within one kilometre of a polling station during the hours that the polls are open." That amendment was carried, but the Clause was not carried.

Amendment agreed to

Clause 58 agreed to

Mr. Chairman: Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977* be amended as follows: In Section 59

(a) by adding the words "in the prescribed form" immediately after the words "a tally sheet" when they occur in subsection (2) at line 11 of page 57;

(b) by deleting the word "preliminary" where it occurs in paragraph (19)(a) at line 31 of page 60;

(c) by adding the words "in the prescribed form" immediately after the words "polling station account" where they occur in paragraph (19)(b) at line 33 of page 60.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the first amendment is strictly to qualify the wording "tally sheet" in the prescribed form. It has to be a form that accompanies the basic principle of a tally sheet and that would be by regulation.

At the same time, Mr. Chairman, in (b) the word "preliminary" on our last review of the legislation was picked up by Mr. MacDonald and he said that there is no reason for that particular word to be in the section, so we are asking to have that deleted.

The (c) is similar to the first amendment of the Bill. It just provides for a form so that the polling station accounts can have a prescribed format and form that has to be followed.

Mr. Chairman: Any discussion?

Amendment agreed to

Clause 59 agreed to

Mr. Chairman: Section 61 at page 61.

Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: In subsection 61(2) at page 61, by deleting the word "official" where it occurs at line 38 thereof.

Hon. Mr. Lang: Mr. Chairman, in going through the legislation, we found that the adjective "official" was not necessary, it was redundant. So, it's more or less a typographical error.

Mr. Chairman: Any discussion?

Amendment agreed to

Clause 61 agreed to

Mr. Chairman: Section 64.

Yes, Mr. Lengerke.

Mr. Lengerke: Just a clarification, there's a problem with the typing on mine and it's back on 61(5) on page 62. Has it been amended, the (5)(a), "declare and cause to be published the name of the candidates"? Is that the way it reads?

Mr. Chairman: Yes.

Mr. Lengerke: Okay, thank you.

Mr. Chairman: Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: In section 64

(a) be deleting word "tenth" where it occurs in paragraph (1)(b) at line 24 of page 64 and substituting therefor the word "sixth";

(b) by deleting the words "made to" where they occur in paragraph (2)(a) at line 2 of page 65 and substituting therefor the words "received by";

(c) by adding immediately after subsection (2) at page 65 the following subsection:

(2.1) A judge who receives an application pursuant to paragraph (1)(b) shall forthwith notify the returning officer.

Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, the reasons for these amendments is that the returning officer must make official announcements within ten days after the official count and, therefore, an application for recount made to a judge, after the official count, must be limited to six days to provide time for the judge to notify the returning officer, because it's got to be done within that ten day frame. So, it's clarifying that area.

In (b), a judge cannot do anything until he receives the application, so, therefore, it's upon receipt of the application by the judge. It's clarifying with the proceeding section.

In (c), the reason for that amendment is the, this is a question, if my memory serves me correctly, it came up in the House and the judge, this is going to ensure that the judge keeps a returning officer informed of what is taking place, otherwise there could be some problems if there is no communication.

Mr. Chairman: Any further discussion?

Amendment agreed to

Clause 64 agreed to

Mr. Chairman: Clause 71 on page 76 was amended, and the amendment passed, but the Clause as amended was not carried. The amendment was in Clause 76 at page 78 delete the words "when a document referred to in subsection 71. (aa) as posted up" and substitute "where an election officer posted up or causes to be posted up a document referred to in Section 75 in line 3". No, I am wrong. I went too far over. I have been informed that 71 was carried and it is 75 we should be looking at.

Hon. Mr. Lang: Mr. Chairman, I think Section 75 refers to the telephone poles and if I recall correctly, that we are going to get some clarification of the proclamation of posters on telephone poles. I have been informed that the telephone poles belong to a utility company and therefore are private property and the company could take civil action, if necessary, if they felt that they were defacing their property. From our viewpoint, we should just leave the Legislation the way it is written at the present time.

Mr. Chairman: Any discussion?

Clause 75 agreed to

Mr. Chairman: Clause 76 on page 78 wasn't carried. Any discussions?

Clause 76 agreed to

Mr. Chairman: There was an amendment to this carried, where "Board constituted" was substituted for "Commissioner", and what we are interested in now is passing the Clause as amended. The amendment carried.

Clause 79 agreed to

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, if I recall correctly, this Section was left over or held over because there was some concern expressed here about the implications of the *Summary Convictions Ordinance* on this Section. The legal draftsman has reviewed this area and has reported back to tell us that it presents no problem. The fines imposed are quite within the capacity of the *Summary Convictions Ordinance*, is that not correct, Mr. Cosman?

Mr. Cosman: Yes.

Mr. Chairman: Any discussion on clause 80?

Clause 80 agreed to

Mr. Chairman: The next amendment 100.1(1) at page 86.

Moved by D. Lang, seconded by F. Whyard, that Bill

Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: by adding immediately after section 100 at page 86, the following new section:

100.1(1) No amendments to this Ordinance or to the *Electoral District Boundaries Ordinance* applies in any election for which the writ is issued within six months from the coming into force of that amendment unless, before the issue of the writ, the Board has published in the "Yukon Gazette", a notice to the effect that the necessary preparations for the bringing into operation of the amendment have been made.

Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, earlier in debate, I referred to the fact that Mr. Hamel had had the opportunity of going through the legislation again and he felt that it was important that this section be put in so that the Board has some discretion if the electoral district boundaries are changed and they cannot get their administrative machinery in operation.

Subsequently, we have accepted this. I should point out that it is not mandatory that it be a six month waiting period. It's up to the Board to assess their administrative capabilities and then decide when, how much time they actually need and they will publish it in the "Yukon Gazette" to let the public know what their situation is as far as getting their administrative machinery in order.

Mr. Chairman: Yes, Mrs. Watson.

Mrs. Watson: This section bothers me a little bit, because the amendment doesn't apply "for which the writ is issued within six months from the coming into force of the amendment, unless, before the issue of the writ, the Board has published in the 'Yukon Gazette'..." Does the Board have the authority, under that section, to refuse to publish it in the "Yukon Gazette", the details of the amendment?

Mr. Chairman: Yes, Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, Mr. Cosman can correct me if I'm wrong, but it's my understanding that they would, if there was an amendment to the Ordinance, after this legislation comes in, which is very unlikely would happen, is that they would have to publish that, would they not, Mr. Cosman?

Mr. Cosman: If I may, Mr. Chairman, any amendment made to this Ordinance, which the Assembly is considering today, would not apply for a six month period after the amendment came into force, which means the amendment would be public knowledge, because it would be passed through this House again, unless either six months expires from the time of the coming into force of the amendment, or, at some prior time, the Board has published in the "Yukon Gazette", a notice to the effect that all necessary preparations for the bringing into operation of the amendment have been made.

Mrs. Watson: Mr. Chairman, the Board would have the opportunity of not publishing them, if they didn't want to use the amendment and the issue of the writs would be before the six months expired, so the Board would then have the opportunity of making the decision of whether in fact they wanted to use the amendments or not. You are giving them the opportunity to play around.

Mr. Cosman: That is correct, Mr. Chairman. That is precisely the intention of the legislation. If they can't get their machinery into operation, then they can, in effect, waive those amendments because they haven't had enough time to get the machinery geared up.

Mr. Chairman: Yes, Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I should point out that this particular amendment gave us a lot of problems as well, but it, is also one that is in the *Canada Elections Act* at the present time. It is to the discretion of the Chief Electoral Officer and it

is written almost verbatim except for the deletion of Chief Electoral Officer with the word Board put into this Section. I can't see anyway how it is going to interfere with our election coming up. Once this legislation comes into effect, I would imagine there would be no amendments, subsequently would not apply. Is that not correct, Mr. Cosman?

Mr. Cosman: That is correct. There undoubtedly will be no amendment to this before the next election, I am sure.

Mrs. Watson: Mr. Chairman, I am not thinking about now, I am thinking about future elections. What if the government or this House amended the *Elections Ordinance* to provide for a different make-up of the Board and the Board thought that they should stay in office, and if before the six months were up, they called an election, they wouldn't have to publish it, and they could operate for another election, right?

Hon. Mr. Lang: Mr. Chairman, the Honourable Member raised a very good point, but they would have to amend the Legislation, and therefore, this particular section would be reviewed at the same time. I don't think that we should be here trying to out-guess somebody that would be sitting here three or four years down the road. All I am saying to you is this particular section is brought in here on the request of Mr. Hamel, Mr. MacDonald has agreed to it because he can see no problem with it, and we are attempting to get his blessing so that we can get the necessary Legislation through the House of Commons with that amendment to the *Canada Elections Act* and I should point out that this particular section, once again, is in the *Canada Elections Act* as it is written today.

Mrs. Watson: Mr. Chairman, you will certainly have to have your Board structured very soon after this legislation is passed, or else it is useless.

Mr. Chairman, may I ask how the Executive Committee or the government plans on appointing the Board? Will it be a decision of the Executive Committee, or will it be a decision of the Chairman of the Executive Committee?

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, actually I was thinking of myself. I am sure that if any Members of the House could think of a few names, we would be prepared to consider them.

Hon. Mrs. Whyard: Not today, Mr. Chairman.

Clause 100 agreed to

Mr. Chairman: The next section 101, which is at the bottom of page 86 and the top of page 87.

The amendment was that the words "the Government of Canada providing", were deleted. The amendment was carried, but the clause was not.

Yes?

Hon. Mr. Lang: Well, it's a little bit of an aside to this amendment. I think it should be pointed out that this gives us the ability to go into an agreement with the Chief Electoral Officer of Canada, but it would appear now, from the information that I have, is that with the passage of this Legislation, the amendment to the *Canada Elections Act*, in Ottawa, it would appear that the responsibility of running the next election will be ours and it will not be in an agreement with Canada, because it would appear that the Chief Electoral Officer will not have the time to run our elections, under the legislation that we have before you here today.

So, it would appear that it is going to be our responsibility, providing everything goes to plan.

Clause 101 agreed to

Mr. Chairman: Clause 102. It is another clause that was amended and the amendment carried, but the main clause, the clause as amended wasn't carried. And the amendment

merely added "unless the context otherwise requires" to the clause, at the end of the clause.

Any discussion?

Clause 102 agreed to

Mr. Chairman: Clause 104. This is another one that was amended. In Clause 104 at page 87, by deleting the clause and substituting Sections 1 to 3 and Sections 5 to 14 of the *Elections Ordinance* are repealed.

Any discussion?

Clause 104 agreed to

Mr. Chairman: Clause 105.

Clause 105 agreed to

Mr. Chairman: Form 3. Moved by D. Lang, seconded by F. Whyard, that Bill Number 10, entitled *Elections Ordinance, 1977*, be amended as follows: In Form 3 by relocating the words "signature of candidate" immediately after the words "as if under oath".

Yes, Mr. Lang.

Hon. Mr. Lang: Possibly we could get Mr. Cosman to explain this. All the necessary paperwork is here but there was a mix-up in the compilation of the Bill for the prescribed forms here. Possibly Mr. Cosman could elaborate on that.

Mr. Cosman: If I may, Mr. Chairman, yes, there was a confusion with respect to the forms last December because page 2 to Form 3 was in actual fact attached as page 2 to Form 2. There is a page out of order, it is a collation problem. If any of the members presently have a page 2 to Form 2, it should in fact be page 2 to Form 3 and now the amendments become somewhat clearer. I have, as Law Clerk, looked through these amendments and located exactly where the words are to be located. It is a form in format type of thing. There is no policy involved.

Mr. Chairman: Another amendment to the Form, in Form 3 by adding the words "Notary Public, the returning officer" the words "or assistant returning officer", wherever they occur.

Any discussion?

The further amendment is in Form 3, by adding at the end thereof the following: "declared before me this....day of....., 19...

Returning Officer or Assistant Returning Officer."

Amendments agreed to

Forms 1, 2, 3, and 4 agreed to

Hon. Mr. Lang: Mr. Chairman, for clarification, that one amendment has gone through, has it not, to Form 3 by relocating the words "signature of candidate" immediately after the words "as if under oath"? It has gone through?

Mr. Chairman: Yes.

We have one clause stood over. The Clause that was stood over was Section 22.

Hon. Mr. Lang: Mr. Chairman, I see that we are almost approaching 3 o'clock. I am just wondering if we could break for recess and I can see if I can get the necessary information to see whether or not we have to amend that Clause in Section 22.

Mr. Chairman: That is a splendid idea. I will now declare a recess.

Recess

Mr. Chairman: I call the Committee to order.

We will revert to Section 22 on page 14.

We had stood this over until such time as Mr. Lang could get

further information. Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, we have, over the break, discussed the situation with the expertise of the drafters of the Legislation before us. It is their recommendation that no changes be made to the amendment, as presented before you.

There are two reasons. Number one, they don't want to change the terminology from "house" to "residence" because "house" can be taken into the context of a motel or wherever one is enumerated.

Residence is the broad, encompassing definition of a person that is in the Yukon, as far as their residency is concerned.

At the same time, they want to retain the house-to-house section of the Bill, because if one looks earlier, I believe it is section 7(b), it is mandatory for an enumerator to go from house to house enumerating and the situation that the Member from Kluane and Hootalinqua alluded to is just a back-up, but initially, it is mandatory for an enumerator to go house to house to make the necessary contact with the people to enumerate them on a face-to-face basis.

So, they feel that, with the section the way it's written, it gives them direction in one particular case where they are actually going to the individual's dwelling and getting on an informal face-to-face basis and providing that proxy vote, because they feel that if it's wider, if the Legislation is written in a broader scope, that the task would be that much more onerous for the enumerators.

They feel that with the publicity that would be generated by the Board, and this kind of thing, that, through one way or another, people will be aware that this proxy vote is available to them.

So, they feel particularly strongly that the section should say "shall" so that it gives direction that this has to be done when they are going house-to-house. After that, then it's an administrative procedure by the Board to inform people, whether it be by Anik or whatever, that these means are available to anybody that fits the qualifications for, as far as voting in an election.

Perhaps Mr. Cosman has something else to offer. I think that pretty well covers it.

Mr. Chairman: Discussion anyone? Yes, Mr. Fleming?

Mr. Fleming: I agree with the Minister. When I spoke before, I think that I was in doubt between the two. Instead of actually getting the amendment as it is here and deleting the other one, I was still feeling that the words in the other one were still there.

Mr. Chairman: Thank you.

Amendment agreed to

Clause 22 agreed to

Mr. Chairman: We will now go to page 1. The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: *Elections Ordinance, 1977*. Shall the preamble carry?

Some Members: Agreed.

Mr. Chairman: I declare the preamble carried.

Section 1.(1) This Ordinance may be cited as the *Elections Ordinance, 1977*. Shall the title carry?

Some Members: Agreed.

Mr. Chairman: I declare the title carried.

That concludes our review of the Ordinance. Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, I would move that Bill Number 10, entitled *Elections Ordinance, 1977* be moved out of Committee, as amended.

Hon. Mrs. Whyard: I second that.

Mr. Chairman: It has been moved by Mr. Lang, seconded by Mrs. Whyard, that Bill Number 10 be moved out of Committee, as amended. Are you ready for the question?

Some Members: Agreed.

Mr. Chairman: I declare Bill Number 10 moved out of Committee with amendments.

Mr. McCall?

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

Mr. Fleming: I second that.

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

Some Members: Agreed.

Mr. Speaker resumes Chair

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

May we have a report from the Chairman of Committees?

Mr. McIntyre: Mr. Speaker, the Committee of the Whole has considered Bill Number 10, *Elections Ordinance, 1977*, and has ordered me to report the same, with amendment.

The Committee also begs leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

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

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

Ms Millard: I second that.

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

Motion agreed to

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

Adjourned

**The following Sessional Papers were Tabled
(February 27, 1978)**

77-2-44

Yukon Outfitters' Association Harvesting of Grizzly Bear, Dall Sheep & Goat in the Y.T.

77-2-45

National Wilderness Parks

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